

**CITY OF CLEARLAKE
RESOLUTION NO. 2025-42**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLEARLAKE
RESCINDING THE DELEGATION OF AUTHORITY TO THE LAKE COUNTY
BOARD OF SUPERVISORS TO SERVE AS THE GOVERNING BOARD OF THE
LAKE COUNTY SANITATION DISTRICT AND ASSERTING THE CITY'S
STATUTORY RIGHT TO DIRECT REPRESENTATION ON THE BOARD OF
DIRECTORS**

WHEREAS, the Lake County Sanitation District ("District" or "LACOSAN") is a County Sanitation District that exists pursuant to the County Sanitation District Act (California Health and Safety Code Section 4700 et seq.); and

WHEREAS, prior to the incorporation of the City of Clearlake, the communities of Clearlake Highlands and Clearlake Park were developed and provided sewer service through the establishment of the Lake County Sanitation District; and

WHEREAS, the District currently includes both a portion of the City of Clearlake and unincorporated territory within Lake County; and

WHEREAS, the City of Clearlake was incorporated as a general law city in 1980, and pursuant to Health and Safety Code Section 4731, this change in the character of the District's territory triggered an automatic change in the membership requirements of the District's Board of Directors; and

WHEREAS, Health and Safety Code Section 4730 provides that when a sanitation district includes unincorporated territory and all or part of one city, the composition of the Board of Directors shall include representation from both the county and the city based on population distribution within the District; and

WHEREAS, on May 23, 1983, the City Council adopted Resolution No. 83-22, which designated the Lake County Board of Supervisors as the governing board of the Lake County Sanitation District pursuant to the eleventh paragraph of Health and Safety Code Section 4730; and

WHEREAS, Resolution No. 83-22 explicitly reserved the City's right to withdraw this designation after notice to the governing board of the District; and

WHEREAS, the City Council adopted Resolution No. 2024-16 on April 4, 2024, requesting engagement in discussions with County officials on a governance model that provides greater City involvement in the maintenance and operations of the District; and

WHEREAS, in the past few years, and particularly in recent months, significant concerns have arisen regarding the maintenance and operation of the sewer system, including infrastructure deterioration, inadequate maintenance practices, and insufficient capital planning; and

WHEREAS, the City's request to meet and discuss the matter of governance have been met with no action from the District, while numerous unaddressed exist; and

WHEREAS, the City Council has determined that direct representation on the District's Board of Directors is necessary to ensure proper oversight, maintenance, and operation of the sewer system serving City residents and businesses; and

WHEREAS, the City Council finds that rescinding the delegation made in Resolution No. 83-22 is in the best interests of the City and its residents to ensure adequate representation in decisions affecting essential sewer services; and

WHEREAS, California Health and Safety Code Section 4730 provides specific requirements for Board composition based on population distribution, with different governance structures depending on whether the city population exceeds fifty percent of the District's total population, which we believe it does; and

WHEREAS, the City intends to work cooperatively with Lake County to ensure an orderly transition of governance responsibilities and continued effective operation of the District during and after this transition.

NOW THEREFORE, the City Council of the City of Clearlake hereby resolves as follows:

Section 1. RECITALS. The above recitals are true and correct and are incorporated herein by this reference.

Section 2. RESCISSION OF DELEGATION. The City Council hereby rescinds Resolution No. 83-22, adopted May 23, 1983, which designated the Lake County Board of Supervisors as the governing board of the Lake County Sanitation District. This rescission is made pursuant to the City's reserved right stated in Resolution No. 83-22.

Section 3. ASSERTION OF STATUTORY RIGHTS. The City Council hereby asserts the City's statutory right to direct representation on the Board of Directors of the Lake County Sanitation District as provided in California Health and Safety Code Section 4730.

Section 4. POPULATION DETERMINATION. The City Manager is directed to work with appropriate County officials and, if necessary, the California Department of Finance, to determine the current population distribution within the District boundaries to establish the proper Board composition under Health and Safety Code Section 4730.

Section 5. TRANSITION PERIOD. This rescission shall become effective thirty (30) days after the date of adoption of this Resolution and delivery of certified copies to the Lake County Board of Supervisors and the current Board of Directors of the Lake County Sanitation District, or such later date as may be mutually agreed upon by the City and County to ensure an orderly transition.

Section 6. COOPERATION. The City Council directs City staff to work cooperatively with Lake County officials to:

- a. Facilitate an orderly transition of Board governance;
- b. Ensure continuity of District operations and services;
- c. Exchange necessary information and documentation;
- d. Develop transition procedures and timelines;
- e. Address any legal or procedural requirements for the governance change.

Section 7. BOARD APPOINTMENTS. Upon the effective date of this rescission, the City Council shall promptly designate its representatives to the District Board of Directors in accordance with the requirements of Health and Safety Code Section 4730, based on the population determination made pursuant to Section 4 of this Resolution.

Section 8. NOTICE. The City Clerk is hereby directed to:

- a. Provide certified copies of this Resolution to the Lake County Board of Supervisors within five (5) business days of adoption;

- b. Provide certified copies to the current Board of Directors of the Lake County Sanitation District;
- d. Provide notice to any other agencies as required by law.

Section 9. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this Resolution is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Resolution.

Section 10. EFFECTIVE DATE. This Resolution shall take effect immediately upon adoption. The rescission of Resolution No. 83-22 shall become effective as specified in Section 5 above.

PASSED AND ADOPTED by the City Council of the City of Clearlake, State of California, at a regular meeting thereof on November 20, 2025, by the following vote:

AYES: Mayor Cremer, Vice Mayor Slooten, Council Members Downey, Hooten and Wilson

NOES: None

ABSENT OR NOT VOTING: None



Mayor Cremer

ATTEST:



Deputy City Clerk

