

Calaveras Local Agency Formation Commission

Regular Meeting Agenda

MONDAY – December 15, 2014 – 6:00 p.m.
at the

**Calaveras County Board of Supervisors Chambers
County Administrative Center
San Andreas**

6:00 PM Regular LAFCo Meeting Items:

1. Call to Order/Pledge of Allegiance/Roll Call

Commissioners

Bert Sobon, City Member
Jack Lynch, City Member
Merita Callaway, Chair County Member
Darren Spellman, County Member
Tony Tyrrell, Special District Member
John Lavaroni, Special District Member
Anita Paque, Vice-Chair Public Member

Paul Stein, Public Member Alt.
Debbie Ponte, County Member Alt.
Scott Kelly, City Member Alt.
Don Young, Special Dist. Member Alt.
Staff:
John Benoit, Executive Officer
Karon Knuist, LAFCO Clerk
Michael Colantuono, LAFCO Counsel

2. Approval of Agenda (Deletions/Additions)

3. Approval of Minutes for September 15, 2014 & October 20, 2014

4. Public Comment

This is the time set aside for citizens to address the Commission on any item of interest to the public that is within the subject matter jurisdiction of the Commission. For items that are on the agenda, public comment will be heard when the item is discussed. If your comments concern an item that is noted as a public hearing, please address the Commission after the public hearing is opened for public testimony.

The Chair reserves the right to limit each speaker to three (3) minutes. Please understand that by law, the Commission cannot make decisions on matters not on the agenda.

5. Consent Agenda:

- a. *Review and Authorize Claims for October and November 2014*

PUBLIC HEARING:

6. Mokelumne Hill Sphere of Influence

- a. *Discuss and conduct Public Hearing regarding the Mokelumne Hill Sanitary District Sphere of Influence update and consider LAFCo Resolution 2014-0005.*

Action Items:

7. Executive Officer's report - discussion

- a) *Ethics Training from November 21st 2014*
- b) *UPUD Sphere of Influence update*
- c) *CSA's Sphere of Influence*
- d) *Road CSD's Sphere of Influence*
- e) *County's General Plan*

8. Commissioners Reports

This item is placed on the agenda for Commissioners to discuss items and issues of concern to their constituency, LAFCO, and legislative matters

9. Adjourn to next regular meeting of January 19, 2015

The Commission may take action upon any item listed on the agenda. Unless otherwise noted, items may be taken up at any time during the meeting.

Any member appointed on behalf of local government shall represent the interests of the public as a whole and not solely the interest of the appointing authority Government Code Section 56325.1

Public Comment

Members of the public may address the Commission on items not appearing on the agenda, as well as any item that does appear on the agenda, subject to the following restrictions:

- Items not appearing on the agenda must be of interest to the public and within the Commission's subject matter jurisdiction.
- No action shall be taken on items not appearing on the agenda unless otherwise authorized by Government Code Section 54954.2 (known as the Brown Act, or California Open Meeting Law).

Public Hearings

Members of the public may address the Commission on any item appearing on the agenda as a Public Hearing. The Commission may limit any person's input to a specified time. Written statements may be submitted in lieu of or to supplement oral statements made during a public hearing.

Agenda Materials

Materials related to an item on this agenda will be available on the Calaveras LAFCO website as noted below to the extent practicable and subject to staff's ability to post the documents prior to the meeting.

Accessibility

The location of this meeting is wheelchair-accessible.

Disclosure & Disqualification Requirements

Any person or group of persons acting in concert who directly or indirectly contribute \$1,000 or more in support of or in opposition to a change of organization or reorganization that has been submitted to Calaveras LAFCO must comply with the disclosure requirements of the Political Reform Act of 1974 applicable to local initiative measures to be submitted to the electorate. These requirements contain provisions for making disclosures of contributions and expenditures at specified intervals; they may be reviewed at Government Code §§56700.1 and 81000 *et seq.* Additional information about the requirements pertaining to local initiative measures to be presented to the electorate can be obtained by calling the Fair Political Practices Commission at (916) 322-5660. A LAFCO Commissioner must disqualify herself or himself from voting on an application involving an "entitlement for use" (such as an annexation or sphere amendment) if, within the last twelve months, the Commissioner has received \$250 or more in campaign contributions from the applicant, any financially interested person who actively supports or opposes the application, or an agency (such as an attorney, engineer, or planning consultant) representing the applicant or an interested party. The law (Government Code Section 84308) also requires any applicant or other participant in a LAFCO proceeding to disclose the contribution amount and name of the recipient Commissioner on the official record of the proceeding.

Contact LAFCO Staff at (209) 754-6511

LAFCO Webpage: www.calaveraslafco.org

Email LAFCO at: johnbenoit@surewest.net

Calaveras Local Agency Formation Commission

Regular Meeting Minutes - Monday September 15, 2014

1. **Call to Order/Pledge of Allegiance/Roll Call** – Order was called by Chair Callaway at 6:02pm on Monday September 15, 2014 in the Calaveras County Board of Supervisors Chambers, County Administrative Center, San Andreas California.

Commissioners Present

Merita Callaway, Chair County Member
Anita Paque, Vice-Chair Public Member
Bert Sobon, City Member
Jack Lynch, City Member

Commissioners Absent

Darren Spellman, County Member
Tony Tyrrell, Special District Member
John Lavaroni, Special District Member

Staff Present

John Benoit, Executive Officer
Karon Knuist, LAFCO Clerk

2. **Approval of Agenda:** Item #7 - *Workshop regarding the Mokelumne Hill Sanitary District Sphere of Influence Update* will be continued to a later date. **MOTION** by Commissioner Lynch to approve the Agenda as amended, second by Commissioner Sobon. Motion passed 4 yes, 0 no, 3 absent.
3. **Approval of Minutes for July 21, 2014:** **MOTION** by Commissioner Lynch to approve the Minutes for July 21, 2014 as presented, second by Vice-Chair Paque. Motion passed 4 yes, 0 no, 3 absent.
4. **Public Comment:** No Public Comment.
5. **Consent Agenda:** **MOTION** by Commissioner Lynch to Authorize Claims for July and August 2014, second by Commissioner Sobon. Motion passed 4 yes, 0 no, 3 absent.

Continued PUBLIC HEARING:

6. **Valley Springs PUD Sphere of Influence:** This item was continued from the July 21, 2014 LAFCo meeting because of discrepancies on the Sphere of Influence map. The current map is a combination of

several different options and confirms the existing Sphere of Influence, taking into account the Service Areas in CCWD and Valley Springs PUD.

Floor was opened for Public Comment. No Public Comment.

MOTION by Commissioner Lynch to Adopt Resolution 2014-003 updating the Valley Springs Public Utility District Sphere of Influence, second by Vice-Chair Paque. Motion passed 4 yes, 0 no, 3 absent.

Action Items:

7. **Workshop regarding the Mokelumne Hill Sanitary District Sphere of Influence Update.**
Continued to a later date.
8. **Executive Officer's report**
 - a. **Groundwater Management:** Continued.
 - b. **UPUD Sphere of Influence update:** Vice-Chair Paque and Executive Officer Benoit will be meeting with UPUD to discuss Sphere of Influence.
 - c. **CSA's Sphere of Influence:** Beginning service reviews.
 - d. **CaLAFCo Conference:** October in Orange County just before the October meeting. Commissioner Tyrell and Vice-Chair Paque are also planning to attend.
9. **Commissioners Reports:** Commissioner Sobon commented on the fact that Governor Brown had signed Assembly Bill 2156, updating the existing Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, allowing "Joint Powers Agencies" to interface with LAFCo's. Executive Officer Benoit that at this point, JPA's have to provide information if a LAFCo requests it.
10. **Adjourn to LAFCo's next regular meeting:** The meeting was adjourned at 6:49 p.m. The next regular meeting will be held on October 20, 2014 at 6:00p.m. in the Calaveras County Board of Supervisors Chambers.

Minutes submitted by Karon Knuist.

DATED:

APPROVED:

Merita Callaway, Chair or, Anita Paque, Vice Chair
Calaveras Local Agency Formation

Calaveras Local Agency Formation Commission

Regular Meeting Minutes - Monday October 20, 2014

1. **Call to Order/Pledge of Allegiance/Roll Call** – Order was called by Chair Callaway at 6:02 p.m. on Monday September 15, 2014 in the Calaveras County Board of Supervisors Chambers, County Administrative Center, and San Andreas California.

Commissioners Present

Merita Callaway, Chair County Member
Anita Paque, Vice-Chair Public Member
John Lavaroni, Special District Member
Tony Tyrrell, Special District Member
Bert Sobon, City Member
Jack Lynch, City Member

Commissioners Absent

Darren Spellman, County Member

Staff Present

John Benoit, Executive Officer

2. **Approval of Agenda:** Item #7 - *Workshop regarding the Mokelumne Hill Sanitary District Sphere of Influence Update* will be continued to a later date. **MOTION** by Commissioner Lynch to approve the Agenda as amended, second by Commissioner Sobon. Motion passed 4 yes, 0 no, 3 absent.
3. **Public Comment:** Comment by Joe Pacheli wishing to know whether or not the Valley Springs PUD Sphere of Influence was adopted and the Public was not informed. Benoit explained the requirements for a Sphere of Influence notice distribution.
4. **Consent Agenda:** **MOTION** by Commissioner Paque to Authorize Claims for September and October 2014, second by Commissioner Lunch. Motion passed 6 yes, 0 no, 1 absent.
5. **Brian Moss, Director of the Environmental Management Agency, will present and discuss Groundwater Legislation (AB 1739, SB 1168 and SB 1319) recently signed by the Governor and county activities regarding implementation of the legislation.**

Brian Moss, Director of the Environmental Management Agency, presented the Commission the Groundwater Legislation, which is embodied in AB 1739, SB 1168 and SB 1319 recently signed by the Governor; and, county activities regarding implementation of the legislation known as the Sustainable Groundwater Management Act. These bills provide tools for local agencies to manage groundwater in a sustainable manner.

The Act establishes definitions of sustainability, local agencies (Local Groundwater Sustainability Agencies (GSA's)) to manage and planning, and prioritizes basins with the most problems. Will impact groundwater management in the Central Valley and sets a timeline for implementation. The bill will go into effect on Jan 1, 2015. Groundwater sustainability plans must be prepared in areas of overdraft and areas with seawater intrusion or subsidence or degradation of groundwater quality.

The CVP project (surface water) was designed for agriculture in the Central Valley. Groundwater at present is not regulated excepting in adjudicated basins. Any basin can establish a GSA. Calaveras is part of a large critical water basin (East San Joaquin Water Basin) Can a sub-basin have a GSA? The East San Joaquin sub-basin is in a state of overdraft per DWR Bulletin 118. Will impact part of the Central Valley. It incorporates 70 Square miles of Calaveras County.

Brian showed some slides regarding groundwater levels in primary agricultural areas.

A GSA must consider the interests of a broad range of stakeholders and has new authority to manage groundwater, new tools to determine sustainable yield even though some of this does not work in Calaveras County. In Calaveras County there is a wide diversity of groundwater conditions. The legislation recognizes that rather than a one-size fits all. Each basin can be managed by one plan or multiple plans. These plans are exempt from CEQA requirements. DWR will adopt regulations by 2016 regarding coordination agreements and alternate plans of documentation. Ensures privacy information regarding wells.

A GSA will be required to submit annual reports to DWR.

The Act also provides for financial assistance through grant funding. In Calaveras County is hoping to receive funds for its groundwater management program, if available.

There is a portion of the legislation that the state will do the management if the local GSA does not do it or does not meet established timelines. The SWRCB can assess costs incurred if the locals do not do it.

The Act increases coordination between the GSA and local Planning Agencies. RCRC and CSAC made sure this was included in the legislation not wanting a repeat of what happened with AB 303 and AB 3030 in the past, where there was no local agency eligibility for grant funding. In terms of land use planning, the County or local jurisdiction has to be involved to be successful.

As for Calaveras County over the years. In 1998 Calaveras County adopted the well construction and destruction regulations in 1999 proof of groundwater related to land development, Through a grant program the County created a local agency groundwater protection program began regulating groundwater exports out of the county in 2002, which the County has never been required to enforce. The idea of transfer ordinances is also mentioned in the Legislation, which recognizes this.

Brian explained the concept of "Conjunctive Use". Surface water used for groundwater recharge does not become groundwater and it does not mean the same amount could later be extracted due to factors such as drift and evaporation, for example.

Merita Callaway asked if there were any questions from Commissioners.

John Lavaroni asked who would be the Lead Agency to put this together for Calaveras County being that the only impacted area is around the Campo Seco Area? CCWD or the County? Brian Moss said it is undetermined at this time.

Merita Callaway asked how the GSA be developed? Brian Moss believes a meeting needs to take place between CCWD and put together a plan of how this is to occur and then take it to the local agencies. What about the other water agencies if they are in the area of the sub-basin? The reality is this applies to only one sub-basin in Calaveras County but the other agencies would still have an input and should be at the table.

Jack Lynch has a question regarding surface water being put into the groundwater and how is it not groundwater? The answer is because it is in the law.

Merita Callaway asked if there were any adjudicated wells in Calaveras County. Brian said no and explained the types of water in Calaveras County.

Merita Callaway asked if any member of the public wish to spoke.

A member of the public asked the status and flow of groundwater in Calaveras County?

Donna Leatherman, asked to be invited to these discussions and other water agencies be invited. Who is responsible or is in charge of regulating groundwater and the water agencies should be invited to participate in all discussions. Brian explained that the legislation allows for participation of anyone.

Merita Callaway stated, the only basin, which is impacted, is the East San Joaquin Co. Groundwater Sub-Basin.

Anita asked if each County has its own GSA or is there only one GSA per basin. Brian answered saying that several GSA's can come together for example in the East San Joaquin Co Water sub-basin.

Peter Reice asked about issues with the Feds and California Environmental Act requirements and discussed sustainability issues and the upcoming water bond and a limited knowledge base on the subject. There are a lot of unknowns.

Merita Callaway asked if Calaveras County would participate in the Eastern San Joaquin sub-basin and it would be possible that Calaveras County could be part of that GSA.

Brian stated the legislation is still shaking out and not settled at this time. Merita asked how does this look like in terms of zoning and the general plan. Brian responded that zoning and the general plan would have a say.

Donna Leatherman asked if there would be a water element in the General Plan.

Merita replied saying there will be no water element but water will be incorporated elsewhere in the General Plan.

A power point presentation will be posted on the LAFCo website.

6. Executive Officer's report

- a. **CaLAFCo Conference:** October in Orange County was discussed by Commissioners Tyrell and Vice-Chair Paque and Executive Officer Benoit who attended.
- b. **Benoit reminded the Commissioners regarding the November 21st Ethics Training at 2:00 PM at the County Board of Supervisor's chambers.**

7. Commissioners Reports: None

- 8. Adjourn to LAFCo's next regular meeting:** The meeting was adjourned at 7:13 p.m. The next regular meeting will be held on December 15, 2014 at 6:00 p.m. in the Calaveras County Board of Supervisors Chambers.

Minutes submitted by John Benoit.

DATED:

APPROVED:

Merita Callaway, Chair or, Anita Paque, Vice Chair
Calaveras Local Agency Formation

CALAVERAS LAFCO

LAFCO CLAIM AUTHORIZATION FORM

for

October and November 2014

Authorize payment of the following claims:

<u>Date of Claim</u>	<u>Description</u>	<u>Amount</u>
FY 2014-2015 Expenses:		
Nov 1, 2014	Staff Svcs & Expenses – October 2014	\$ 3,042.68
Nov 1, 2014	Calafco Conf. Exp Tony Tyrrell	\$ 555.68
Nov 1, 2014	Calafco Conf. Exp Anita Paque	\$ 638.15
Dec 1, 2014	Staff Services – November 2014	\$ 3,231.00
Oct 20, 2014	Comm Payroll October 15, 2014	\$ 300.00
TOTAL:		\$ 7,767.51

DATED: December 15, 2014

APPROVED: December 15, 2014

Merita Callaway, Chair or Anita Paque, Vice-Chair
Calaveras Local Agency Formation

Attest:

John Benoit
Executive Officer

Item	Account Number	Comm Stipends	Insurance	Communications	Memberships	GenOfficeExp	Postage	copies	Fire&EMS	W & WWSOI	Ex. OFF. Svcs	City Fin Chrgs
		62001	62050	62051	62052	62053	62054	62055	62057	62058	62059	62060
Total Budgeted		\$ 6,600.00	\$ 1,691.04	\$ 800.00	\$ 769.00	\$ 350.00	\$ 500.00	\$ 2,000.00	\$ 25,000.00	\$ 20,000.00	\$ 42,500.00	\$ 3,600.00
Calafco dues 14-15												
SDRMA Insurance 14-15			\$ (1,662.60)									
Lafco Meeting 7.21.14 Stipend		\$ (350.00)										
Jb Claim July 2014				\$ (52.16)		\$ (5.00)	\$ (20.30)	\$ (34.62)		\$ (1,420.00)	\$ (2,000.00)	
Calafco Registration Ann Conf												
Calav Enterprise 6.27.14 VSPUD #30275												
Jb Claim Aug 2014				\$ (53.03)			\$ (3.03)	\$ (2.00)			\$ (1,968.75)	
Comm Payroll 9.15.2014		\$ (200.00)										
Jb Claim September 2014				\$ (54.12)		\$ (10.25)	\$ (25.34)	\$ (60.40)			\$ (3,870.00)	
City of Angels bill July-Sept 2014												
Comm Payroll 10.20.14		\$ (300.00)										\$ (900.00)
Jb Claim Oct 2014				\$ (53.87)			\$ (4.41)	\$ (26.17)			\$ (2,850.00)	
Anita Paque- 2014 Calafco Conf. Reimb												
Tony Tyrrell 2014 Calafco Conf. Reimb												
Jb Claim November 2014				\$ (54.20)				\$ (20.00)		\$ (1,000.00)	\$ (2,000.00)	
TOTAL EXPENDED												
TOTAL REMAINING												
		\$ 5,750.00	\$ 28.44	\$ 532.62	\$ -	\$ 334.75	\$ 446.92	\$ 1,856.81	\$ 25,000.00	\$ 17,580.00	\$ 29,811.25	\$ 2,700.00

12/6/2014

Resolution No. 2014-0005

CALAVERAS LOCAL AGENCY FORMATION COMMISSION

A Resolution Making Determinations and Approving A Sphere of Influence Update for the Mokelumne Hill Sanitary District

WHEREAS, Government Code Section 56425 requires each Local Agency Formation Commission to adopt and periodically review and update a sphere of influence for each local governmental agency within its jurisdiction; and

WHEREAS, the Calaveras Local Agency Formation Commission, in compliance with the aforementioned requirement, is providing a “plan for the probable physical boundaries and service area” for the Mokelumne Hill Sanitary District; and

WHEREAS, the Commission has set the hearing date of December 15, 2014 for the update of the sphere of influence for the Mokelumne Hill Sanitary District and has noticed this hearing at the times and as otherwise prescribed by Government Code Section 56150, *et seq.*; and

WHEREAS, the Commission has heard and adopted a Municipal Services Review of wastewater services provided by the Mokelumne Hill Sanitary District in accordance with Gov. Code section 56430; and

WHEREAS, the Commission has reviewed and considered the proposed Sphere of Influence update report including the proposed Sphere of Influence Update Map which is attached hereto and incorporated herein; and

WHEREAS, Calaveras LAFCO prepared and a notice of exemption for such action since the sphere of influence reflects no change in the territory being served by the district; and

WHEREAS, the Commission has considered those factors determined by it to be relevant to the proposed sphere of influence update, including, but not limited to, those factors specified in Government Code Section 56425, *et seq.*, and has heard from interested parties and considered requests for amendment and/or revision of the proposed updated sphere boundary, if any;

NOW, THEREFORE, BE IT RESOLVED that the Calaveras Local Agency Formation Commission does hereby find and determine as follows:

1. That the proposed sphere of influence update with respect to the Mokelumne Hill Sanitary District complies with the provisions of Government Code Section 56000, *et seq.*
2. That the Mokelumne Hill Sanitary District is authorized to provide wastewater treatment and collection services.
3. That no significant protests have been received regarding the establishment of this Sphere of Influence update.
4. That, pursuant to Government Code Section 56425, the Commission makes and adopts those determinations set forth in the Sphere of Influence Study are attached hereto and incorporated herein as set forth in Attachment A.

5. That pursuant to the California Environmental Quality Act, the Commission adopts a Notice of Exemption (Attachment B) under Class 20 since the proposed project involves a sphere of influence update where the services provided by the Mokelumne Hill Sanitary District will not change as a result of this update.
6. That the Sphere of Influence Update Report, Executive Officer's Report, and Map for the Mokelumne Hill Sanitary District updated Sphere of Influence is hereby adopted and approved as set forth in Attachment "A".

PASSED AND ADOPTED at a regular meeting of the Calaveras Local Agency Formation Commission, State of California, on the 15th day of December 2014, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Merita Callaway, Chair or Anita Paque, Vice-
Chair, Calaveras Local Agency Formation
Commission

Attest:

John Benoit, Executive Officer Calaveras LAFCO