

# Calaveras Local Agency Formation Commission

## Regular Meeting Agenda

**MONDAY – September 19, 2016 – 6:00 p.m.**  
at the

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

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### **6:00 PM Regular LAFCo Meeting Items:**

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

Commissioners

Anita Paque, Public Member  
Bert Sobon, City Member  
Amanda Folendorf, Chair, City Member  
Cliff Edson, County Member  
Michael Oliveira, Vice Chair County Member  
Tony Tyrrell, Special District Member  
John Lavaroni, Special District Member

Roark Weber, Public Member Alt.  
Debbie Ponte, County Member Alt.  
Scott Behiel, City Member Alt.  
Jon Dashner, Special Dist. Member Alt.  
*Staff:*  
John Benoit, Executive Officer  
Nancy Mees, LAFCO Clerk  
Michael Colantuono, LAFCO Counsel

**2. Approval of Agenda (Deletions/Additions)**

**3. Consider minutes of August 15, 2016**

*a. Approve August 15, 2016 Minutes*

**4. Consent Agenda:**

*a. Review and Authorize Claims for August 2016*

**5. Review Calaveras LAFCo's conflict of interest code and authorize Executive Officer to sign and file the 2016 Local Agency Biennial Notice.**

*a. Review Calaveras LAFCo's Conflict of Interest and authorize chair to sign the 2016 Biennial Notice for filing.*

**6. Workshop regarding the Draft Community Planning and Safety Elements to the Calaveras Co. General Plan.**

*a. Review & Discuss the Draft Community Planning and Safety Elements and authorize the Chair to compose a comment letter to be reviewed at the next available LAFCo meeting.*

**7. Executive Officer's report**

- a) CSDA Financial (Budgeting, Financial Planning and CIP Training) Friday September 30<sup>th</sup>, 2016 - 6 hour workshop at the BOS Room in San Andreas*
- b) 2016 Ethics Training - Friday October 14<sup>th</sup>, 2016 - 2 hour workshop at the BOS Room in San Andreas*
- c) Calafco Conference October 25-28, 2016*
- d) Saddle Creek MSR-SOI*
- e) Healthcare SOI*
- f) CCWD SOI*

**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. 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 were on the agenda, public comment was 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.

**10. Adjourn to next regular meeting of Oct 17, 2016, if determined necessary**

*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](http://www.calaveraslafco.org)

Email LAFCO at: [johnbenoit@surewest.net](mailto:johnbenoit@surewest.net)

## Calaveras Local Agency Formation Commission

### Regular Meeting Minutes - Monday August 15, 2016

1. **Call to Order/Pledge of Allegiance/Roll Call** – Order was called by Chair Folendorf at 6:04 p.m. on Monday, August 15, 2016, in the Calaveras County Board of Supervisors Chambers, County Administrative Center, San Andreas, California.

#### Commissioners Present

Amanda Folendorf, Chair, City Member  
 Michael Oliveira, Vice Chair, County Member  
 Anita Paque, Public Member  
 Bert Sobon, City Member  
 Tony Tyrrell, Special District Member  
 Jon Dashner, Special District Member Alt.  
 Roark Weber, Public Member Alt.

#### Commissioners Absent

Cliff Edson, County Member  
 Debbie Ponte, County Member Alt.  
 Scott Behiel, City Member Alt.  
 John Lavaroni, Special Dist. Member

#### Staff Present

John Benoit, Executive Officer  
 Nancy Mees, LAFCO Clerk

2. **Approval of Agenda: MOTION** by Commissioner Tyrrell to approve the Agenda as presented, second by Commissioner Sobon. Motion passed 6 yes, 0 no, 1 absent, 0 abstention.
3. **Consider Minutes from the July 18, 2016, LAFCo meeting. MOTION** by Commissioner Tyrrell to approve the Minutes as presented, second by Commissioner Oliveira. Motion passed 5 yes, 0 no, 1 absent, 1 abstention.
4. **Consent Agenda: Review and Authorize Claims for July 2016. MOTION** by Commissioner Tyrrell to approve Claims for July 2016 as presented, second by Commissioner Paque. Motion passed 6 yes, 0 no, 1 absent, 0 abstention.
5. **Presentation by Damon Doss, Mark Twain Healthcare District Executive Director, regarding the Mark Twain Healthcare District in Calaveras County.**  
 Mr. Doss gave a brief history of the Mark Twain Healthcare District (MTHD), and introduced four of its five board members who were in attendance. He stated that MTHD is unique in several ways: 1) it is the only healthcare district that still owns its own hospital,

but does not participate in its day-to-day operations; 2) it is the only healthcare district that covers an entire county; and 3) it is the only district which receives a share of the profits of its lessee.

There are still approximately three years remaining on its operational lease of the hospital to Mark Twain Medical Center Corporation (MTMCC). The current board is looking at several options for after the lease ends, including renewing the lease, finding a new lessee, or running the hospital independently. Whichever route the board recommends, the proposal will have to go to the public for a vote.

There is only one building project currently in development – the construction of a new medical center in Valley Springs. Mr. Doss went over the scope of the project, and said that a loan from USDA has been obtained.

In response to a question from Commissioner Sobon, Mr. Doss said there has been a lot of public attendance at their recent board meetings regarding the future of MTHD, and that the district is very open about putting up all information on its website. So far the major input from the public has been to request that the district not decide on any particular option too quickly.

Commissioner Oliveira asked a question about the seemingly large surplus on the MTHD's financial statement. Mr. Doss explained that much of what is listed as net assets is not in the control of MTHD, and that it operates on an almost breakeven basis, with only a slight surplus.

In response to a question from Commissioner Paque about the relationship between MTHD and MTMCC, and about public input in that relationship, Mr. Doss responded that three of the seven members of the MTMCC are either also members of the MTHD board or from the public. So while the MTMCC board is not a public board, the MTHD and public do have some influence on it. All employees of Mark Twain Hospital, except the CEO and CFO (who are employed by Dignity Health of Stockton), are employed by MTMCC.

There was one comment from the public commending MTHD for working so openly with the public. Executive Officer Benoit then added that LAFCo is in the process of a new service review of MTHD.

## **WORKSHOP**

### **6. Workshop regarding the Draft Public Facilities & Services Element to the Calaveras County General Plan**

Executive Officer Benoit stated that he had received some recent comments regarding the Draft Public Facilities and Services Element from Commissioner Sobon. He said that

LAFCo would be able to revisit this particular element again when it receives the county's Draft General Plan, and at that time we will see if the county took any of LAFCo's suggestions. He reiterated that this document is based on the 2012 MSR, and that MSRs become dated quickly. LAFCo will be starting a new MSR this coming year,

**Public Comment:** No public comments.

**MOTION** by Commissioner Paque to approve the response letter to the county with the minor edits suggested by Commissioner Sobon, second by Commissioner Tyrrell. Motion passed 6 yes, 0 no, 1 absent, 0 abstention.

**7. Designate a Voting Member to represent Calaveras LAFCo at the CALAFCO Annual Conference in Santa Barbara on October 26-28, 2016.**

Commissioner Tyrrell nominated Commissioner Folendorf. **MOTION** by Commissioner Oliveira to designate Commissioner Folendorf as Voting Member to represent Calaveras LAFCo at the Annual Conference, second by Commissioner Dashner. Motion passed 5 yes, 0 no, 1 absent, 1 abstention.

**8. Executive Officer's report.**

- a. *Calaveras County RCD Formation* – Executive Officer Benoit said the formation has been recorded and the Board of Supervisors are in the process of appointing an initial Board of Directors. Currently they are in the applications stage.
- b. *CSDA Financial Workshop (Budgeting, Financial Planning and CIP Training), Friday, September 30, 2016 (6-hour workshop at the BOS Room in San Andreas)*
- c. *2016 Ethics Training, Friday, October 14, 2016 (2-hour workshop at the BOS Room in San Andreas)*
- d. *Biennial Review of Conflict of Interest Code* – Executive Officer Benoit reported that this review will be coming up soon.
- e. *Little Hoover Commission Response Letter from CALAFCO* – This hearing will be on August 25. Executive Officer Benoit said the CALAFCO letter is a good example of what LAFCo does, what are its challenges with respect to special districts, and where it is going in the future. A copy of the letter is on the Calaveras LAFCo website under Notices and Announcements.

**9. Commission Reports:** Commissioner Oliveira reported that the tree mortality meeting recently held in Arnold was attended by 450-500 residents. He said there will be a town hall meeting with the sheriff this Saturday in Arnold to discuss crime issues. Commissioner Sobon added that there will be a similar meeting the following week in Angel's Camp.

**10. Public Comment:** No public comments.

**11. Adjournment:** Meeting was adjourned at 7:20 p.m. The next scheduled LAFCo meeting

will be held Monday, September 19, 2016, although several Commissioners said they would not be able to attend. Executive Officer Benoit said he would check the agenda for that meeting to see if there is a need for a September meeting.

Minutes submitted by Nancy Mees.

**DATED:** \_\_\_\_\_

**APPROVED:** \_\_\_\_\_

\_\_\_\_\_  
Amanda Folendorf, Chair, or Michael Oliveira,  
Vice Chair, Calaveras Local Agency Formation

#4

# CALAVERAS LAFCO

## LAFCO CLAIM AUTHORIZATION FORM

for

August 2016

Authorize payment of the following claims:

<u>Date of Claim</u>	<u>Description</u>	<u>Amount</u>
<b>FY 2016-2017 Expenses:</b>		
Sept 1, 2016	Staff SVCS	\$ 4,457.58
August 15, 2016	Comm Payroll Aug 15, 2016	\$ 350.00
TOTAL August 2016		\$ 4,807.58

DATED: September 19, 2016

APPROVED: September 19, 2016

\_\_\_\_\_  
Amanda Folendorf, Chair or, Michael Oliveira, Vice-Chair  
Calaveras Local Agency Formation Commission

Attest:

\_\_\_\_\_  
John Benoit  
Executive Officer



2016-2017 Expenditures

Calaveras LAFCO

City Fund 405 Dept 9001

Item	Account Number	Comm Stipends	Insurance	Communications	Memberships	GenOfficeExp	Postage	copies	Fire&EMS	W & WWSOI	Ex. OFF. Svcs	City Fin Charge
	62001	\$ 6,600.00	\$ 1,623.60	\$ 800.00	\$ 840.00	\$ 350.00	\$ 500.00	\$ 1,500.00	\$ 20,000.00	\$ 19,000.00	\$ 42,500.00	\$ 3,600.00
Total Budgeted												
Calafco dues 16-17												
SDRMA Insurance 14-15			\$ (1,618.40)		\$ (840.00)							
Calafco Conf. Regis Oct 25-28												
JB Invoice July 16 Svcs Mapping, MSR				\$ (40.97)				\$ (92.00)			\$ (3,645.00)	
Comm Stipends July 18, 2016		\$ (350.00)										
Comm Stipends Aug 15, 2016		\$ (350.00)										
JB Inv#69 Aug 16 staff Svcs				\$ (40.58)			\$ (28.78)	\$ (67.62)	\$ (2,000.00)		\$ (2,245.00)	

TOTAL EXPENDED	\$ (700.00)	\$ (1,618.40)	\$ 5.20	\$ (81.55)	\$ (840.00)	\$ 350.00	\$ (60.87)	\$ (199.62)	\$ 20,000.00	\$ (2,000.00)	\$ (5,890.00)	\$ -
TOTAL REMAINING	\$ 5,900.00	\$ 5,20		\$ 718.45			\$ 449.33	\$ 1,340.38	\$ 17,000.00	\$ 17,000.00	\$ 36,610.00	\$ 3,600.00


9/7/16



## Calaveras Local Agency Formation Commission

**Memorandum**  
September 19, 2016

TO: LAFCo Commissioners

FROM: John Benoit, Executive Officer 

SUBJECT: 2016 Biennial Review of the Conflict of Interest Code.

## Attachments:

1. Resolution 2014-0005 adopting LAFCO's Conflict of Interest Code
2. 2016 Local Agency Biennial Notice

Government code section 87300 et. seq. (the Political Reform Act) requires each local government agency to maintain a conflict of interest code and update it to reflect changes occurring in the organization of an entity. The Local Agency Formation Commission (as well as other local agencies) is required adopt, review and amend its Conflict of Interest code during even-numbered years. The County Clerk normally sends out a biennial notice or other official designated by the Board of Supervisors during the summer of even numbered years to each agency required to review its Conflict of Interest Code.

In 2014 after review or approval of the Conflict of Interest Code (see Attachment #1), LAFCO was required to submit the proposed changes to the Board of Supervisors acting as the code reviewing body for approval.

Government code section 87311 requires review of a conflict of interest code to be carried out under procedures which guarantee to officers, employees, members and consultants of the agency and to residents of the County adequate notice and a fair opportunity to present their views. LAFCO's conflict of interest code was adopted on April 17, 2006 and the Code Reviewing Body approved LAFCO's Conflict of Interest code on May 31, 2006. On June 16, 2008 an amendment was made by LAFCO in Category 6 changing the amount required for disclosure for gifts from \$320 to \$390 and deletion of the word "department" since LAFCO is not a County department. The Code reviewing body approved that change on October 21, 2008.

In 2014 the County passed Resolution 2014-0093 stating it will no longer be the filing agency and the designated filing officer. LAFCo therefore adopted Resolution 2014-0005 on July 21, 2014 and is shown as Attachment #1. See Attachment #2, the attached 2016 Biennial Notice stating the Conflict of Interest code is not in need of any revisions for 2016

Recommendation:

Authorize the Executive Officer to sign and transmit the 2016 Biennial Local Agency Notice (Attachment #2) to the County Clerk to the Board.

John Benoit, Executive Officer P.O. Box 2694 Granite Bay, CA 95746  
johnbenoit@surewest.net (209) 754-6511 ph. (916) 797-7631 fax.

Calaveras Local Agency Formation Commission, COUNTY OF CALAVERAS  
STATE OF CALIFORNIA  
July 21, 2014

**RESOLUTION NO.2014-0005      RESOLUTION ADOPTING A CONFLICT OF INTEREST CODE AND  
APPENDIX OF DESIGNATED POSITIONS**

WHEREAS, pursuant to the provisions of the Political Reform Act (Govt. Code § 81000, *et seq.*), the Calaveras Local Agency Formation Commission (LAFCo) is required to adopt a Conflict of Interest Code and Appendix of designated positions; and

WHEREAS, biennial review of the Appendix to the Conflict of Interest Code is required by state law and changes to the designated positions and disclosure categories and thereafter adopt necessary amendments.

NOW, THEREFORE, BE IT RESOLVED that the Conflict of Interest Code (Exhibit A) and list of designated positions and disclosure categories as set forth in the Appendix to the Conflict of Interest Code attached hereto is hereby adopted.

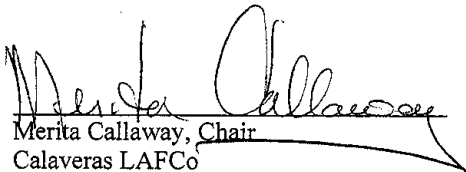
ON A MOTION by Commissioner Lynch, seconded by Commissioner Tyrrell, the foregoing Resolution was duly passed and adopted by the Calaveras Local Agency Formation Commission (LAFCo) of the County of Calaveras, State of California this 21st day of July, 2014, by the following vote:

AYES: Lynch, Tyrrell, Pague, Lavaroni, Sobon and Callaway

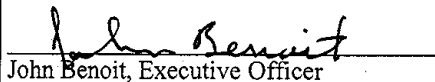
NOES:

ABSENT: Spellman

ABSTAINED:

  
Merita Callaway, Chair  
Calaveras LAFCo

ATTEST:

  
John Benoit, Executive Officer

## EXHIBIT A

### CALAVERAS LOCAL AGENCY FORMATION COMMISSION (LAFCo)

#### CONFLICT-OF-INTEREST CODE

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict-of-interest codes. The Fair Political Practices Commission has adopted a regulation (2 California Code of Regulations Section 18730) that contains the terms of a standard conflict-of-interest code, which can be incorporated by reference in an agency's code. After public notice and hearing, the standard code may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendices, designating positions and establishing disclosure categories, shall constitute the conflict-of-interest code of the **Calaveras Local Agency Formation Commission**

Individuals holding designated positions shall file their statements of economic interests with the **Calaveras Local Agency Formation Commission's Executive Officer**, which will make the statements available for public inspection and reproduction. (Gov. Code Sec. 81008.) All statements will be retained by the **Calaveras Local Agency Formation Commission**.

## CONFLICT-OF-INTEREST CODE (Calaveras LAFCo)

### APPENDIX A-DESIGNATED POSITIONS

<u>Designated Positions</u>	<u>Disclosure Category</u>
Members of the Commission**	1, 2
Executive Officer	1, 2
LAFCo Counsel	1, 2
Consultants*	*

\*Consultants shall be included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:

The Executive Officer may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive Officer's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict-of-interest code (Gov. Code Section 81008).

**CONFLICT-OF-INTEREST CODE (Calaveras LAFCo)**

**APPENDIX B-DISCLOSURE CATEGORIES**

**Disclosure Category 1**

Designated positions assigned to this category shall report:

Interests in real property located within or not more than two miles outside the boundaries of LAFCo's jurisdiction or within two miles of the County Boundary.

Persons shall not be required to disclose property used primarily as their residence or for personal recreational purposes.

**Disclosure Category 2**

Designated positions assigned to this category shall report:

Investments and business positions in business entities, and sources of income, including loans, gifts, and travel payments, from sources of the type that provide services, supplies, materials, machinery, or equipment to LAFCo. Such sources include but are not limited to architects, engineering and construction firms.

## 2016 Local Agency Biennial Notice

Name of Agency: Calaveras LAFCo

Mailing Address: P.O. B. 2694 Granite Bay, CA 95746

Contact Person: John Benoit Phone No. 209.754.6511

Email: johnbenoit@surewest.net Alternate Email: \_\_\_\_\_

**Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code includes disclosure by those agency officials who make or participate in making governmental decisions.**

This agency has reviewed its conflict of interest code and has determined that (check one BOX):

☐ **An amendment is required. The following amendments are necessary:**

(Check all that apply.)

- ☐ Include new positions
- ☐ Revise disclosure categories
- ☐ Revise the titles of existing positions
- ☐ Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions
- ☐ Other (describe) \_\_\_\_\_

☐ **The code is currently under review by the code reviewing body.**

☒ **No amendment is required.** (If your code is over five years old, amendments may be necessary.)

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**Verification (to be completed if no amendment is required)**

*This agency's code accurately designates all positions that make or participate in the making of governmental decisions. The disclosure assigned to those positions accurately requires that all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding designated positions are reported. The code includes all other provisions required by Government Code Section 87302.*

\_\_\_\_\_  
Signature of Chief Executive Officer

9.19.16

\_\_\_\_\_  
Date

All agencies must complete and return this notice regardless of how recently your code was approved or amended. Please return this notice no later than **October 3, 2016**, or by the date specified by your agency, if earlier, to:

(PLACE RETURN ADDRESS OF CODE REVIEWING BODY HERE)

**PLEASE DO NOT RETURN THIS FORM TO THE FPPC.**