

# Calaveras Local Agency Formation Commission

## Regular Meeting Agenda

**MONDAY – May 16, 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, Chair, Public Member

Bert Sobon, City Member

Amanda Folendorf, City Member

Cliff Edson, County Member

Michael Oliveira, County Member

Tony Tyrrell, Vice Chair, Special District Member

John Lavaroni, Special District Member

Roark Weber, Public Member Alt.

Debbie Ponte, County Member Alt.

Scott Behiel, City Member Alt.

Don Young, Special Dist. Member Alt.

##### *Staff:*

John Benoit, Executive Officer

Nancy Mees, LAFCO Clerk

Michael Colantuono, LAFCO Counsel

#### **2. Election of Chair and Vice-Chair. Bylaw Section 4.6(a) calls for the election of the Chair and Vice-Chair at the May meeting.**

*a) Elect a Chair from the Special District Category*

*b) Elect a Vice-Chair from the City Category*

#### **3. Approval of Agenda (Deletions/Additions)**

#### **4. Consider minutes of April 18, 2016**

*a. Approve April 18, 2016 Minutes*

**5. Consent Agenda:**

- a. Review and Authorize Claims for April 2016*

**PUBLIC HEARING**

**6. Public Hearing regarding the 2016-2017 Final Calaveras LAFCo Budget.**

- a. Review, Discuss and consider LAFCo Resolution 2016-0005 adopting a final 2016-2017 budget for Calaveras LAFCo.*

**Bylaw Amendment**

**7. Consider LAFCo Bylaw amendment thereby adding Section 5.11- Legislative Process Participation to the Calaveras LAFCo Bylaws.**

- a) Consider Resolution 2016-0006 adopting a Bylaw Amendment to include a Legislative Process Participation policy.*

**8. Review Records Retention Policy Adopted on November 18, 2013**

- a. Review proposed CSDA agreement and authorize staff to expend budgeted funds for this purpose and perform the tasks outlined in the agreement.*

**9. Review letter regarding the Draft Circulation and Conservation and Open Space Elements and authorize the Chair to sign.**

- a. Review the letter regarding the Draft Circulation and Conservation and Open Space Elements and authorize the Chair to sign.*

**10. Review letter mailed to Senate Committee on Environmental Quality regarding opposition to SB 1318 (Wolk)**

- a) Review and Discuss letter*

**11. Executive Officer's report**

- a) Special District Member Recruitment - Process*

**12. 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

**13. 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.

#### **14. Adjourn to next regular meeting of June 20<sup>th</sup> , 2016**

*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)

# 4

**Calaveras Local Agency Formation Commission  
Regular Meeting Minutes - Monday April 18, 2016**

1. **Call to Order/Pledge of Allegiance/Roll Call** – Order was called by Chair Paque at 6:00pm on Monday April 18, 2016 in the Calaveras County Board of Supervisors Chambers, County Administrative Center, San Andreas California.

**Commissioners Present**

Anita Paque, Chair, Public Member  
Amanda Folendorf, City Member  
Bert Sobon, City Member  
Debbie Ponte, County Member Alt.  
Tony Tyrell, Vice Chair, Special Dist. Member

**Staff Present**

John Benoit, Executive Officer

**Commissioners Absent**

Cliff Edson, County Member  
John Lavaroni, Special District Member  
Michael Oliviera, County Member

**Others Present**

Sign Interpreters  
Roark Weber, Public Member Alt.

There is a quorum present.

2. **Approval of Agenda:** Chair Paque would like to add to the Agenda a discussion on SB1318. **MOTION** by Commissioner Ponte to approve the Agenda as amended, second by Commissioner Sobon. Motion passed 5 yes, 0 no, 2 absent, 0 abstention.
3. **Consider Minutes from the February 22, 2016 LAFCo meeting.** **MOTION** by Commissioner Tyrell to approve the Minutes as presented, second by Commissioner Folendorf. Motion passed 4 yes, 0 no, 2 absent, 1 abstention.
4. **Consent Agenda: Review and Authorize Claims for February and March 2016.** **MOTION** by Commissioner Sobon to approve Claims for February and March 2016 as presented, second by Commissioner Tyrell. Motion passed 5 yes, 0 no, 2 absent, 0 abstentions.

**PUBLIC HEARING**

5. **Public Hearing regarding the 2016-2017 Proposed Calaveras LAFCo Budget.**

Executive Officer Benoit reviewed some of the budget's line items and commented that going forward there is a plan to scan and retain all previous documentation so that it can be indexed and found easily on the website.

**Public Comment:** No public comments.

**MOTION** by Commissioner Tyrell to approve the Calaveras LAFCo budget for 2016 - 2017 and adopting LAFCo Resolution 2016-0004 as presented, second by Commissioner Ponte. Motion passed 5 yes, 0 no, 2 absent, 0 abstentions.

## Bylaw Amendment

6. **Introduction of a LAFCo Bylaw amendment thereby adding Section 5.11- Legislative Process Participation to the Calaveras LAFCo Bylaws.** The proposed Bylaw would allow for the Executive Officer to send a letter to the Legislation without bringing it before the full Board for a vote, allowing for notices to reach the Legislators much faster.

Commissioner Ponte suggested that the LAFCo Chair review the document and in the Chair's absence that the Vice Chair have the authority to approve the document. In those cases where legal counsel is appropriate, counsel's approval will also be obtained. The document would then be presented to the full Board at the next regular LAFCo meeting.

**Public Comment:** No public comments.

The reason for this Bylaw Amendment is in response to SB 1318, which is requiring disadvantaged and unincorporated communities that do not have safe drinking water or adequate wastewater services to be provided those services by a district within the county. LAFCo cannot make SOI or boundary changes until this Bill is passed or defeated. California LAFCo has asked all the LAFCo Executive Officers to author a letter in opposition to SB 1318. Due to the urgent nature, Executive Officer Benoit drafted the Bylaw Amendment so that he could send the letter without waiting for the full LAFCo Board to convene next month.

**MOTION** by Commissioner Tyrell, second by Commissioner Ponte to direct Executive Officer Benoit to amend the wording of the proposed Bylaw and add it to the Agenda for the next regular meeting. He will also draft a letter in response to SB 1318, send it to Chair Paque for signature and then send it to the Legislative body and send copies to the Calaveras LAFCo Board. Motion passed 5 yes, 0 no, 2 absent, 0 abstentions.

Commissioner Ponte also requested that Special Districts be notified so they would have the opportunity to respond if they choose to.

7. **Authorize Staff to enter into an agreement with the California Special District's Association (CSDA) regarding an agency training workshop to be conducted sometime this summer regarding "The Board's Role in Finance and Fiscal Responsibility".** There was discussion about the number of people to expect and where the best venue would be to hold the training. There is money in the budget to host the training. **MOTION** by Commissioner Ponte to direct Executive Officer Benoit to move forward with planning the training for late summer. The second was made by Commissioner Tyrell. Motion passed 5 yes, 0 no, 2 absent, 0 abstentions.
8. **Review Draft Circulation and Conservation and Open Space Elements and Provide Direction to Staff.** There was discussion regarding the Draft Circulation and Conservation and Open Space Element and direction given to Executive Officer Benoit to draft a letter outlining suggestions for the Draft Circulation and Conservation and Open Space Element and present it at the next meeting.
9. **Report Regarding the CALAFCo Annual Staff workshop (March 30<sup>th</sup> - April 1<sup>st</sup>).** Executive Officer Benoit expressed concern about the way legislature seems to be going SB 1318 and SB 88, and healthcare district issues specifically. Focus was also on making procedures, archives, packets and reports less paper dependent and more electronically accessible.

10. **Commissioners Reports** Commissioner Ponte reported that Commissioner Tyrell was honored for all the time and effort he has put into the sports complex, which was just named after him. Chair Paque reported that the CALAFCo Legislative Committee is having an in-person meeting Friday to review the bills and most recent legislative changes.
11. **Public Comment:** Ann Radford reported that there will be 3 Town Hall Meetings held by the Calaveras Healthcare District and Dignity Health to discuss healthcare issues and the upcoming lease renewal for Dignity Health.
- Chair Paque asked if there would be audios available on the website after the meetings. Ms.Radford said she would contact the coordinator to see if they can make that happen.
- Ms. Radford suggested taking advantage of Damon Doss' experience and having him be involved with the meetings.
12. **Executive Officer's Report:**
- a) *LAFCo Clerk resignation* – The Calaveras LAFCo clerk has resigned and the clerk that works for Amador County will be taking over for her.
  - b) *Special District Member Recruitment* – The ballots will be going out next week to the Special Districts. There are 6 applicants.
  - c) *Resource Conservation District formation* - RCD will be on the ballot in June.
  - d) *CCWD SOI status* – Still waiting for maps
13. **Adjournment:** Meeting was adjourned at 7:16p.m. The next scheduled LAFCo meeting will be held Monday May 16, 2016.

Minutes submitted by Karon Knuist.

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

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

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Anita Paque, Chair or, Tony Tyrell, Vice Chair  
Calaveras Local Agency Formation

# CALAVERAS LAFCO

## LAFCO CLAIM AUTHORIZATION FORM

for

April 2016

Authorize payment of the following claims:

| <u>Date of Claim</u>          | <u>Description</u>                        | <u>Amount</u> |
|-------------------------------|---|---------------|
| <b>FY 2015-2016 Expenses:</b> |   |               |
| May 4, 2016                   | Staff SVCS and CCWD Mapping               | \$ 5,178.20   |
| Apr 18, 2016                  | Comm Payroll Apr 18, 2016                 | \$ 300.00     |
| May 4, 2016                   | Calaveras Ent. 16-17 Prop & Final Budgets | \$ 92.85      |
| TOTAL April 2016              |   | \$ 5,571.05   |

DATED: May 16, 2016

APPROVED: May 16, 2016

\_\_\_\_\_  
Anita Paque, Chair or, Tony Tyrrell, Vice-Chair  
Calaveras Local Agency Formation Commission

Attest:

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

5/6/16



5/6/16

**CALAVERAS LAFCO****EXECUTIVE OFFICER'S REPORT**

May 16, 2016

TO: Local Agency Formation Commission

FROM: John Benoit, Executive Officer

RE: Final Budget for FY 2016-2017

A "recommended" budget was presented at the April 18, 2016 meeting along with a justification report, which was adopted. Please refer to the Budget Justification Report from the April LAFCo meeting and the proposed budget report for the April 2016 meeting for detail on each of the items below.

**SUMMARY OF EXPENSES:**

Commission Clerk This item is budgeted in the Professional Services Category again this year.

Insurance The Commission recommended \$1,623.60 for liability Insurance, which includes a membership to the California Special Districts Association. This will cover the cost of this item for the year.

Commission Stipend The Commission recommended a stipend of \$6,600.00. This is adequate to cover Commissioner Stipends for the year, assuming full attendance at meetings.

Memberships The Commission recommended in its proposed budget \$785 for Calafco dues. This item has gone up 2.0 percent this year.

Communications Communications is budgeted at \$800.00 this year.

Office Supplies This is a combined budget (copies (\$1,500.00), general (\$350.00), postage (\$500.00)). The general category as all categories was lowered several years ago.

Professional Services: Professional Services are divided into two categories: Executive Officer and Staff (\$42,500.00) Notwithstanding a very complex reorganization or incorporation project for Calaveras LAFCO, this amount should cover LAFCO administration and non complex project processing.

Service Reviews and Sphere of Influence updates This item is budgeted at \$20,000 to continue Service Reviews for the Community Services Districts and \$19,000 is to be budgeted to initiate and continue work on Spheres of Influence. This is a statutory

mandatory activity in this case and LAFCO must update and maintain its Service Reviews.

City of Angels Finance Charges \$3,600 is to be budgeted for this activity in accordance with LAFCO's agreement with the City of Angels.

File Scanning and Retention \$6,000 is proposed for file scanning and retention of files for FY 2016-2017.

Legal Notices/Publications The Commission recommended in its proposed budget \$1,000.00 for legal notices.

Training The Commission recommended in its proposed budget \$4,000 for this item. This includes conference registrations for items such as CALAFCO Annual Conference (In Santa Barbara, October 28-30, 2016) and Annual Staff Workshop in Spring 2017.

Personal Mileage Reimbursement This category is for reimbursement for mileage incurred in the course of business (\$1,500.00).

Travel Expense Travel Expense includes meals and lodging and other travel expenses in the amount of \$2,000.00.

Legal Counsel LAFCO has been relatively successful in not requiring extensive legal advice in the past several years. LAFCO had a lawsuit in the late 1990's, which has resulted in a substantial costs for LAFCO for legal services. LAFCO has a proposed budget of \$2,500 for this item. It is anticipated additional legal costs will be paid by project proponents, as necessary. If it is a LAFCo initiated action, the districts, the City and the County will ultimately be required to pay the costs.

Special District (Agency) Training This year, the Commission will allocate \$5,000 for agency training as a carry over from fy 2015-2016. This training will most likely take place in September. It has been 6 years since LAFCo sponsored this type of training.

Contingency/Reserve The contingency/reserve funds are proposed to total \$81,931 this year and will be reimbursed in future years depending upon activity and need.

The amount to be apportioned between the City, Districts and the County is proposed to be \$77,844.96.

**Recommendation:**

- a. Review, discuss, amend, and consider the Final Budget. A budget justification report for FY was prepared by staff for the adopted proposed budget on April 18, 2016.
- b. Adopt LAFCO Resolution 2016-0005 approving the final LAFCo budget.

## **Resolution 2016-0005**

**of the**

### **Calaveras Local Agency Formation Commission**

#### *Resolution of the Calaveras Local Agency Formation Commission Adopting a Final Budget for 2016-2017*

WHEREAS, Calaveras LAFCO is required by Government Code Section 56381(a) to adopt annually, following a noticed public hearing, a proposed budget by May 1<sup>st</sup> and a final budget by June 15<sup>th</sup>; and,

WHEREAS, the Commission has prepared a proposed budget for public review which was adopted on April 18, 2016; and,

WHEREAS, the Executive Officer has prepared a final budget including estimated budgeted carryovers; and

WHEREAS, the Executive Officer has given notice of hearing in the form and manner specified by law for adoption of the final budget and upon the date, time and place specified in said notice of hearing, the Commission heard, discussed and considered all oral and written testimony submitted including, but not limited to, the approved budget priorities for Fiscal Year 2016-2017 and the Executive Officer's report and recommendations; and

WHEREAS, the Commission has considered the attached Budget in light of the requirements of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000;

NOW THEREFORE, the Calaveras Local Agency Formation Commission does hereby determine, resolve, and order the following:

1. Notwithstanding item 3 below, that Calaveras LAFCO hereby adopts the attached final 2016-2017 budget appropriation of \$ 119,313.60.
2. That Calaveras LAFCO hereby establishes a contingency fund of \$11,931.36 from its general reserve as well as budget other items from its general reserve.
3. LAFCO hereby allocates \$70,000 for its general reserve fund.
4. The Commission hereby re-budgets \$121,000.00 of its carryover funds to fund the reserve, the contingency and supplement the operations budget from carryover funds into the FY 2016-2017 operational budget.
5. Directs the Executive Officer to transmit the final budget to the County Auditor and all

parties specified in Government Code Section 56381 (a) as promptly as possible.

6. The Commission desires to retain any and all carryover funds to fund future Municipal Service Reviews, special projects, legal expenses and Spheres of Influence projects as provided for in G.C. Code Section 56381.
7. Request the Auditor collect the funds as required in Section 56381 of the government code and apportion \$77,844.96 between the City, the Special Districts and the County for the operational costs of LAFCO. In the event of non payment of LAFCO funds by any entity subject to the LAFCO's apportionment, the Commission hereby requests and authorizes the Auditor to collect the funds from property tax revenues or any other revenue source and deposit the funds into the LAFCO account.

PASSED AND ADOPTED by the Calaveras Local Agency Formation Commission at a regular meeting of said Commission held on May 16<sup>th</sup>, 2016 by the following roll call vote:

AYES: -

NOES: -

ABSTAINS: -

ABSENT: -

Signed and approved by me after its passage this 16<sup>th</sup> day of May 2016.

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Anita Paque, Chair, Calaveras LAFCO

Attest:

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John Benoit, Executive Officer  
Calaveras LAFCO

Calaveras LAFCo  
FINAL Budget 2016-2017

|  | 2013-2014<br>Final Budget | 2014-2015<br>Final Budget | 2015-2016<br>Final Budget | 2016-2017<br>PROPOSED Budget | 2016-2017<br>FINAL Budget |
|--|---------------------------|---------------------------|---------------------------|------------------------------|---------------------------|
| <b>EXPENDITURES</b>                                  |                           |                           |                           |                              |                           |
| <b>SERVICES AND SUPPLIES</b>                         |                           |                           |                           |                              |                           |
| 62001 Extra Hire - Commissioners Stipend             | \$6,600.00                | \$6,600.00                | \$6,600.00                | \$6,600.00                   | \$6,600.00                |
| 62030 Insurance                                      | \$1,716.04                | \$1,691.04                | \$1,662.60                | \$1,623.60                   | \$1,623.60                |
| 62051 Communications                                 | \$800.00                  | \$800.00                  | \$800.00                  | \$800.00                     | \$800.00                  |
| 62052 Memberships - Calafco                          | \$758.00                  | \$769.00                  | \$785.00                  | \$840.00                     | \$840.00                  |
| 62053 Office Expense - General                       | \$500.00                  | \$350.00                  | \$350.00                  | \$350.00                     | \$350.00                  |
| 62054 Office Expense - Postage                       | \$500.00                  | \$500.00                  | \$500.00                  | \$500.00                     | \$500.00                  |
| 62055 Office Expense - Copies                        | \$2,000.00                | \$2,000.00                | \$2,000.00                | \$1,500.00                   | \$1,500.00                |
| 62056 Fire and EMS MSR (SOI y13-14)& CSD-CSA MSR     | \$18,000.00               | \$25,000.00               | \$25,000.00               | \$20,000.00                  | \$20,000.00               |
| 62057 Prof Services-(CSD-CSA SOI)                    | 25000                     | \$20,000.00               | \$20,000.00               | \$19,000.00                  | \$19,000.00               |
| 62058 File Scanning and Retention                    | \$0.00                    | \$0.00                    | \$0.00                    | \$6,000.00                   | \$6,000.00                |
| 62059 Professional Services-Exec. Officer/Clerk      | \$42,500.00               | \$42,500.00               | \$42,500.00               | \$42,500.00                  | \$42,500.00               |
| 62060 City Finance Charges (formerly A-87)           | \$3,600.00                | \$3,600.00                | \$3,600.00                | \$3,600.00                   | \$3,600.00                |
| 62061 Legal Notices                                  | \$500.00                  | \$500.00                  | \$500.00                  | \$1,000.00                   | \$1,000.00                |
| 62062 Training                                       | \$4,000.00                | \$4,000.00                | \$4,000.00                | \$4,000.00                   | \$4,000.00                |
| 489.6 Personal Mileage Reimb                         | \$1,500.00                | \$1,500.00                | \$1,500.00                | \$1,500.00                   | \$1,500.00                |
| 62064 Travel Expense                                 | \$2,000.00                | \$2,000.00                | \$2,000.00                | \$2,000.00                   | \$2,000.00                |
| 62065 Legal Counsel Services and misc Legal Expenses | \$2,500.00                | \$2,500.00                | \$2,500.00                | \$2,500.00                   | \$2,500.00                |
| 62067 Special Dist. Training                         | \$0.00                    | \$5,000.00                | \$5,000.00                | \$5,000.00                   | \$5,000.00                |
| <b>TOTAL SERVICES AND SUPPLIES</b>                   | <b>\$105,874.04</b>       | <b>\$112,710.04</b>       | <b>\$119,297.60</b>       | <b>\$119,313.60</b>          | <b>\$119,313.60</b>       |
| 62066 Contingency Fund                               | \$10,587.40               | \$11,271.00               | \$11,929.76               | \$11,931.36                  | \$11,931.36               |
| General Reserve Fund                                 | \$70,000.00               | \$70,000.00               | \$70,000.00               | \$70,000.00                  | \$70,000.00               |
| <b>Services, Contingency and Reserve Total</b>       | <b>\$186,461.44</b>       | <b>\$193,981.04</b>       | <b>\$201,227.36</b>       | <b>\$201,244.96</b>          | <b>\$201,244.96</b>       |
| Carryover from prior year                            | \$113,383.06              | \$120,909.00              | \$120,909.00              | \$121,000.00                 | \$121,000.00              |
| Anticipated Project Revenue                          | \$2,000.00                | \$2,000.00                | \$2,000.00                | \$2,000.00                   | \$2,000.00                |
| Anticipated Interest                                 | \$400.00                  | \$400.00                  | \$400.00                  | \$400.00                     | \$400.00                  |
| Contributions from Governments                       | \$70,678.38               | \$70,672.04               | \$77,918.36               | \$77,844.96                  | \$77,844.96               |
| <b>AMOUNT TO BE APPORTIONED</b>                      | <b>\$70,678.38</b>        | <b>\$70,672.04</b>        | <b>\$77,918.36</b>        | <b>\$77,844.96</b>           | <b>\$77,844.96</b>        |

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**BEFORE THE CALAVERAS LOCAL AGENCY FORMATION COMMISSION  
COUNTY OF CALAVERAS, STATE OF CALIFORNIA**

**IN RE:**

**RESOLUTION AMENDING BYLAWS )  
TO ADOPT A POLICY FOR )  
LEGISLATIVE PROCESS )  
PARTICIPATION )**

**RESOLUTION NO. 2016-0006**

**WHEREAS**, the Calaveras Local Agency Formation Commission has determined that it is in the best interest of the public for the Commission to operate in accordance with approved Bylaws and therefore has adopted Bylaws on September 19, 2005 by adopting Resolution 2005-0013 and has subsequently amended its Bylaws on November 18, 2013 and adopted Resolution 2013-0008 to include adopting Rosenberg's Rules of Order as a guide and Resolution 2013-0009 to include a Records Retention Policy.

**WHEREAS**, the Calaveras Local Agency Formation Commission believes it is important to develop and implement a policy for participating in the legislative process.

**NOW, THEREFORE, IT IS HEREBY RESOLVED, DETERMINED AND ORDERED** by the Calaveras Local Agency Formation Commission as follows:

1. The Calaveras Local Agency Formation Commission hereby amends its Bylaws to adopt a new policy regarding legislative process participation.
2. Section 5.11, in LAFCo's Bylaws is hereby added to include a policy to participate in the legislative process to read as follows:

*Section 5.11 Legislative Process Participation*

- a. In situations when a legislative bill affecting LAFCO cannot be considered by the full Commission due to timing, the Executive Officer, in consultation with the Chair and Vice-Chair, is authorized to provide written or email comments communicating the Commission's position.*
- b. The Chair and Vice-Chair would review the letter or email prior to it being submitted for consideration.*
- c. The Executive Officer will forward the email or letter to the Commissioners as soon as possible.*
- d. The item will be discussed at the Commission's next regular meeting.*

3. The Calaveras Local Agency Formation Commission finds this action exempt based on the General Rule exemption 15061 (b) 3 and 15308 activities for the protection of the environment since these bylaws are for internal management purposes only so LAFCo may carry out its functions.
4. Any previously adopted conflicting Bylaws are hereby repealed in favor of this amendment.
5. This bylaw amendment is hereby adopted.

PASSED AND ADOPTED at a regular meeting of the Calaveras Local Agency Formation Commission in the County of Calaveras, State of California, on May 16, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Anita Paque, Chair  
CALAVERAS LOCAL AGENCY  
FORMATION COMMISSION

ATTEST:

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John Benoit  
LAFCO Executive Officer



## CALAVERAS LAFCO RECORDS RETENTION POLICY BYLAW AMENDMENT

### Section 5.10 (c) Amended Records Retention Policy:

Records must be kept indefinitely in original, photographic, or electronic form pursuant to Government Code section 56382.

The Commission authorizes the destruction of original records more than two years old, if a photographic or electronic copy of the original record is made and preserved in compliance with Government Code section 56382, which shall be considered permanently retained pursuant to the Records Retention Schedule. Documents that are not herein defined as “records” are not “records” pursuant to Government Code section 56382 and will be retained and disposed of according to the Records Retention Schedule in Exhibit A.

For purposes of compliance with Government Code §56382 and implementation of the Commission’s Records Retention Schedule as set forth in pages 2-5 of this Exhibit A, “records” include the following:

- LAFCO Meeting Minutes
- LAFCO Resolutions
- Documents related to LAFCO proposals such as the:
  - Application, petition or other initiating documents
  - Assessor’s Statement of Property Valuation
  - Agreement to Pay / Indemnification
  - Certificate of Completion
  - Certificate of Filing
  - Environmental Review/CEQA documents such as Initial Study, Exemptions, Notices of Completion and Determination, Comments and Response to Comments, Negative Declaration, mitigation monitoring, Statements of Overriding Consideration
  - Map and Legal Description
  - Notices
  - Order for Change of Organization
  - Staff Reports
  - Statement of Boundary Change
  - Statement of Tax Rate Area

**\* After 2 years, records may be imaged for permanent preservation and original destroyed.**

CCP    Code of Civil Procedure (CA)  
GC    Government Code (CA)  
CFR    Code of Federal Regulations

## RECORDS RETENTION SCHEDULE

| Type of Record/<br>Document                      | Description or Example of<br>Record/Document  | Legal Authority  | Minimum Legal<br>Retention Period  |
|--|---|--|--|
| <b>Administrative Documents</b>                  |   |  |  |
| Accounts Payable                                 | Invoices and back-up documents, purchase orders, travel expense reimbursements, petty cash, postage, check requests, receipt books, etc.  | CCP 337<br>26 CFR 31.6001-1(e)(2); Sec. of State Guidelines recommendation | Until audited + 4 years  |
| Accounts Receivable                              | Invoices, checks, reports, investments, receipt books   | 26 CFR 31.6001-1(e)(2)   | 4 years  |
| Agreements/<br>Contract                          | Original contracts and agreements and back-up materials, including leases, rentals and any amendments   | CCP 337<br>CCP 337.2   | 4 years after termination/<br>completion   |
| Annual Reports                                   |   |  | 2 years  |
| Audit Reports                                    | Financial services; internal and/or external reports; independent auditor analyses  |  | 2 years  |
| Brochures/<br>Publications                       |   |  | 2 years or longer for historical value   |
| Budget, Annual                                   | Adjustments, journal entries, account transfers, budget preparation documents including adopted budgets.  |  | Until audited + 2 years  |
| Claims Against the Commission                    | Paid/denied   |  | Until settled + 2 years  |
| Correspondence (General)                         | General correspondence, including letters, and; various files not otherwise specifically covered by the retention schedule; compliments, complaints and inquiries; transmittal letters; requests for comments and responses |  | 90 days, recommended longer if useful. (complaints and inquiries should be kept until matter resolves) |
| Economic Interest Statements - Form 700 (copies) | Copies of statements forwarded to Fair Political Practices Commission   | GC 81009(f), (g)   | 4 years (can image after 2 years)  |

\* After 2 years, records may be imaged for permanent preservation and original destroyed.

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| Type of Record/<br>Document                                     | Description or Example of<br>Record/Document  | Legal Authority  | Minimum Legal<br>Retention Period   |
|---|---|--|---|
| Economic<br>Interest<br>Statements -<br>Form 700<br>(originals) | Originals of statements of designated<br>employees  | GC 81009(c), (g)   | 7 years (can image<br>after 2 years)  |
| Email   | General correspondence  |  | 90 days,<br>recommended longer<br>if useful. (complaints<br>and inquiries should<br>be kept until matter<br>resolves) |
| Ethics Training<br>Compliance                                   | Note: records should contain date of<br>training and name of training provider  | GC 53235.2   | 5 years after receipt<br>of training  |
| Forms   | Administrative - blank  |  | Until superseded  |
| General Ledgers   | All annual financial summaries  | CCP 337<br>Sec. of State<br>Local Gov't.<br>Records<br>Retention<br>Guidelines | Permanent   |
| Gifts/Bequests  | Receipts or other documentation   |  | Until completed + 2<br>years  |
| Grants<br>Federal, State, or<br>other grants                    | Grants documents and all supporting<br>documents: applications, reports,<br>contracts, project files, proposals,<br>statements, sub-recipient dockets,<br>environmental review, grant documents,<br>inventory, consolidated<br>plan, etc. | 24 CFR 570.502<br>24 CFR 85.42   | Until completed + 4<br>years  |
| Grants –<br>Unsuccessful  | Applications not entitled   |  | 2 years   |
| Newsletters   | May wish to retain permanently for<br>historic reference  |  | 2 years   |
| Political Support<br>or Opposition                              | Related to legislation  |  | 2 years   |
| Press Releases  | Related to Commission<br>actions/activities   |  | 2 years   |
| Procedure<br>Manuals  | Administrative  |  | Current + 2 years   |
| Public Records<br>Request                                       | Requests from the public to inspect or<br>copy public documents   |  | 2 years   |

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| Type of Record/<br>Document  | Description or Example of<br>Record/Document   | Legal Authority | Minimum Legal<br>Retention Period  |
|--|--|-----------------|--|
| Purchasing,<br>Requisitions,<br>Purchase Orders                                  | Original documents   | CCP 337         | Until audited + 4<br>years   |
| Recruitments<br>and Selection  | Records relating to hiring, promotion,<br>selection for training   | 29 CFR 1627.3   | 3 years  |
| Requests for<br>Qualifications<br>(RFQs) and<br>Requests for<br>Proposals (RFPs) | Requests for Qualifications, Requests for<br>Proposals, and related responses  |                 | Current + 2 years  |
|  |  |                 |  |
| Records relating to LAFCO Meetings or Applications                               |  |                 |  |
| Affidavits of<br>Publication/Post<br>ing   | Proof of publication of legal notices for<br>public hearings   |                 | 2 years  |
| Agenda / Agenda<br>Packets   | Agendas, agenda packets, staff reports and<br>related attachments, supplemental items and<br>documentation submitted by staff/public in<br>relation to agenda items. |                 | 2 years  |
| Audio<br>Recording of<br>LAFCO<br>Meetings                                       |  |                 | 30 days after the<br>LAFCO meeting<br>minutes are<br>approved                              |
| Elections  | Impartial analysis   |                 | 2 years  |
| Environmental<br>Review (for<br>projects without a<br>LAFCO<br>application)      | Correspondence, consultants, issues,<br>comments and responses.  |                 | Completion + 2<br>years  |
| Mailing Lists for<br>Public Hearing<br>Notices                                   | Owners/voter   |                 | 1 year after filing<br>Notice of Completion<br>or Commission action,<br>whichever is later |
| Minutes  | Meeting minutes  |                 | *Permanent   |
| Notices<br>/Agenda   | Regular and Special meetings   |                 | 2 years  |
| Policies &<br>Procedures   | All policies and procedures adopted by the<br>Commission   |                 | Current + 2 years  |

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| Type of Record/<br>Document  | Description or Example of<br>Record/Document  | Legal Authority   | Minimum Legal<br>Retention Period  |
|--|---|---|--|
| LAFCO<br>Proposals-<br>Annexations,<br>Reorganizations,<br>or other proposals  | Application, petition or other initiating documents, Assessor's Statement of Property Valuation, Agreement to Pay / indemnification, Certificate of Completion, Environmental Review / CEQA documents (such as Initial Study, Exemptions, Notices of Completion and Determination, Comments and Response to Comments, Negative Declaration, mitigation monitoring, Statements of Overriding Consideration), Map and Legal Description, Notices, Order for Change of Organization, Staff Reports, Statement of Boundary Change, Statement of Tax Rate Area |   | *Permanent   |
| Resolutions  |   |   | *Permanent   |
| <b>Other Misc. Records / Documents</b>   |   |   |  |
| Demographic/<br>Statistical Data   |   |   | Current + 2 years  |
| Legal Opinions   | Confidential - not for public disclosure (attorney-client privilege)  |   | Until superseded + 2 years   |
| Litigation   | Case files, including matters in mediation and/or arbitration   |   | Until settled or adjudicated + 2 years and the time for appeal has expired |
| Reference Files  | reports, procedures, research, pre-application research and correspondence  |   | 2 years minimum, recommended longer if useful                              |
| <b>Exempt Records: Documents and writings that are not public records because they are exempt from disclosure under the Public Records Act shall be subject to special Retention rules as follows.</b> |   |   |  |
| Deliberative Process Documents   | GC 6254(a)  | Documents, including documents solely in electronic format such as emails which come within the scope of G.C. 6254(a) "Preliminary drafts, notes, or interagency or intra agency memoranda" shall be deleted or destroyed as soon as they are no longer needed in the deliberative process. |  |

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|  |  |  |
|--|--|--|
| Attorney Client Privileged<br>Communication. Documents |  | Includes documents solely in electronic format such as emails from or to LAFCo counsel shall be retained or destroyed as determined by the Executive Officer in consultation with LAFCo legal counsel. |
|--|--|--|

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## CALAVERAS LAFCO

May 16, 2016

Mr. Peter Maurer, Planning Director  
c/o Calaveras County Planning Department  
891 Mountain Ranch Road  
San Andreas, CA 95249

Re: General Plan Comments: Conservation & Open Space and Circulation Elements

Dear Mr. Maurer:

The LAFCo Commission is writing you regarding the Draft Calaveras County General Plan Conservation Open Space Element (March 10, 2016 version) and the Circulation Element (February 2, 2016 version). It is our understanding these two elements have been approved by the Planning Commission and are now being recommended to the Board of Supervisors.

As stated in our review of the Land Use and Resource Production elements, the County General Plan contains several "encourages" and "shalls" as well as several phrases such as "shall encourage", "shall require", "shall maintain", "shall prevent", "shall actively support", "shall continue", "shall coordinate", "should be considered", "should contain". The Board of Supervisors needs to be aware of these phrases to ensure interpretation of the general plan policies is what the Board actually intends. The Board should be aware of unintended consequences that could result from ambiguity resulting from the use of such phrases.

With the number of elements being adopted we became concerned about how the County would maintain internal consistency. For Example, normally a Conservation/Open Space Element would address agricultural lands, forestry, water and watershed resources, scenic resources, etc. Dividing these items into different elements could make it difficult in achieving internal consistency.

### **Conservation & Open Space Element**

Under Recreational Resources (page COS-7) the City of Angels Camp should be mentioned under Public and Quasi-Public Park and Recreational facilities and trails as the City provides many recreational opportunities that are regional in nature and many County residents use City of Angels Camp recreation facilities.

"Conservation Easements (Policy COS 3.6, Page COS -12) may be acceptable means to mitigation the impacts to protect wildlife habitat.....from new development" The word "may" should be replaced with "are". Albeit both unpublished and dealing with agricultural land conversions, an appellate case of *Friends of Kangaroo Rat v. California Department of Conservation* (2003) 111 Cal.App.4<sup>th</sup> 1400 and another appellate case (*South County Citizens For Responsible Growth Et Al., v. City Of Elk Grove* (2004 WL 219789 (Cal.App. 3 Dist.) confirm the position that a Conservation Easement is and acceptable mitigation tool to mitigate the loss of agricultural resources. The same could be said for wildlife habitat, wetlands and oak woodlands.

Policy COS 6.1, Page COS-14. It would appear since a high number of County Residents utilize recreational resources within the City Limits of Angels Camp that any county development, both within and adjacent to the City's Sphere of Influence, should pay its fair share to the City to maintain and development of regional park facilities.

COS 2-A page 15. If the formation is approved by the voters, the new Calaveras RCD should be included as a partner to implement watershed management.

Page C-3 page C 3. Regional and Local Planning – While LAFCo does not play a direct role in regional or local planning LAFCo's are empowered to regulate the timing of development where services are needed.

Page C 4 Correlation with Land Use Map. As amendments to the Land Use Plan are considered the County needs to also consider the impacts upon its circulation system resulting in possible changes to the Circulation Plan to maintain internal consistency.

Policy C 2.1, Page C-12 The minimum level of service resulting by new development in community areas should be LOS C as with rural areas. LOS D is unacceptable under any circumstances and most likely incompatible with the County's vision for the future and Goals C-1, C-2, C-3 and C-5.

Please involve LAFCo in the CEQA process for the County's General Plan update. Please provide LAFCo with all the CEQA required notices so LAFCo could use the County's adopted Environmental Document (EIR) and Statement of Overriding Determinations as a responsible agency.

On behalf of the Local Agency Formation Commission we thank you for the opportunity to provide these preliminary comments on the draft. If LAFCo can provide further advice or assistance on any of these points, please do not hesitate to contact John Benoit, LAFCo Executive Officer at (209) 754-6511 or by email at [johnbenoit@surewest.net](mailto:johnbenoit@surewest.net).

Sincerely,

Anita Paque  
Chair, Calaveras LAFCo



Calaveras Local Agency Formation Commission

April 19, 2016

Honorable Bob Wieckowski, Chair  
Senate Committee on Environmental Quality  
California State Senate  
State Capitol, Room 3086  
Sacramento, CA 95814

**RE: OPPOSITION to SB 1318 (Wolk) as amended April 12, 2016**

Dear Chair Wieckowski:

The Calaveras Local Agency Formation Commission (LAFCo) has been tracking SB 1318 (Wolk), and based on the amendments of April 12, 2016, we remain opposed to the bill. The California Association of Local Agency Formation Commissions (CALAFCO) and LAFCOs are aware of and concerned about the disparity of local public services, especially for residents and properties located within disadvantaged unincorporated communities (DUCs). All Californians deserve adequate and safe drinking water and wastewater facilities. While we support the author's intent, we strongly believe this bill does not address the source of the problem, and in fact creates a host of additional problems and unintended consequences.

One of our primary concerns is that the outcome of this legislation does not address the root causes of the lack of acceptable drinking water and wastewater facilities to the DUCs, which are infrastructure deficiencies and a lack of operational and maintenance funding. Instead, the bill and its subsequent amendments, all of which were hastily drafted and without the collective input of all stakeholders affected, propose unworkable solutions. The bill has a highly misplaced focus on the overall role of LAFCOs rather than on solving the root issues of the problem.

In addition to the reasons noted above, other reasons for our opposition of the April 12, 2016 version of the bill include:

1. The new requirements found in Government Code Section (GCS) 56430(e)(2), requiring LAFCo to, every five years, conduct service reviews sufficient to have reviewed the entire county, extends LAFCo authority far beyond our current level. This precedent setting requirement means LAFCOs will be reviewing entities who do not have a sphere of influence (SOI) adopted by LAFCo and whose boundaries and service areas are established by the California Public Utilities Commission. While legislative statute allows LAFCo to request information from certain private entities providing drinking water and private utilities, there is no statutory requirement for the entities to respond. Further, there is no statutory authority for LAFCo to recommend or make adjustments to these entities' SOI.
2. The requirement for the Commission to adopt a plan regarding all identified DUCs in the County that lack safe drinking water or adequate wastewater services under proposed GCS 56340(g), places expectations on LAFCo that exceed our legislative and legal authority. Specifically, the requirement in section 56340(g)(1) that within two years of the plan's adoption, LAFCo is to "take any actions necessary to implement the plan, including sphere of influence updates, extensions of service, or changes of organization", could only currently apply to public agencies subject to LAFCo's legislative authority. Yet in many cases,

inadequate services are provided by private companies or mutual water companies whom are not overseen by LAFCo. Further, LAFCo lacks the authority to direct cities, counties and

special districts to implement a plan created by LAFCo. In addition, this requirement presumes LAFCos have the expertise to create plans for infrastructure design, buildout and cost.

3. The distinct lack of funding to fulfill these legislative mandates is a significant hurdle. First, the cost to LAFCo to conduct county-wide studies every five years is significant. Additionally, these studies require significant resources to complete. Next, the resources for LAFCo to complete the required "plan" go unmentioned. Finally, the resources needed for entities to implement the plan are also unidentified.

LAFCos are funded by their member agencies who are cities, counties and in 30 of the 58 LAFCos, independent special districts. These unfunded mandates will need to be paid for in some way, and since the bill does not identify funding sources, all 58 LAFCos will be forced to pass along these additional costs to their member agencies. The requirements under section 56340(e)(2) for LAFCos to conduct service reviews sufficient to have reviewed the entire territory of the county goes well beyond the city and independent special district focus of the existing service review requirements, and would constitute an expensive unfunded mandate upon the Commission with little added benefit to the citizens of the respective county.

To the degree LAFCo has adopted the plan required in section 56340(g), LAFCo is not in a position to seek infrastructure grants or sell bonds to install infrastructure improvements which actually lead to the provision of water and wastewater services. The bill fails to identify funding sources available to cities, independent special districts and private companies that construct and operate these critical public utilities.

4. The bill fails to identify the contents of the required plan referenced in GCS 56430(g)(1).
5. Proposed GCS 56430(g)(2) creates an inconsistent exception for protest proceedings which takes away property rights that have been long-established in governmental reorganizations in California. The residents of the DUC are afforded the right to file protests for Commission initiated boundary changes, but other residents living within a larger annexation boundary that are not part of the DUC would lose their right to protest being included in the annexation or reorganization.

Clearly, this legislation is attempting to address serious problems for DUCs, similar to the measures adopted through SB 244. However, there are obviously a substantial number of unintended consequences to the proposed bill. Again – the bill is not addressing the root cause of the lack of drinking water and waste water services - but instead applies a misguided and misinformed focus on LAFCos, who are only one cog in a very large wheel.

The passage of Budget Trailer Bill SB 88 last year granted the State Water Resources Control Board (SWRCB) the authority to mandate consolidation of water systems. They have been hard at work the past nine months focusing on those areas that lack safe drinking water due to poor water quality. CALAFCO encourages the author and sponsor of SB 1318 to allow time for the process created less than a year ago to work before layering additional and highly unworkable requirements on top of that process.

We Join CALAFCO in encouraging the author and sponsor to establish a collective dialogue with all affected stakeholders to discuss more reasonable and workable solutions. Further, we encourage

Honorable Bob Wieckowski

RE: SB 1318 OPPOSE

April 19, 2016

Page 3

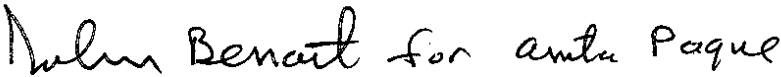
them to establish dialogue between the SWRCB, existing service providers, DUCs and the local LAFCOs in those areas in which specific problems have been identified, to discuss the unique circumstances and conditions that exist for that DUC and to determine if annexation or service extensions are a viable alternative.

We support CALAFCO's commitment to help find solutions to the disparities in service delivery to disadvantaged communities and their efforts to be a conversation partner to Senator Wolk, her staff, and the sponsor.

For all of the reasons noted above, the Calaveras LAFCo remains opposed to SB 1318, and we thank you and your committee for considering our concerns. I am happy to answer any questions you may have.

Please feel free to contact myself at [apaque@yahoo.com](mailto:apaque@yahoo.com) or our Executive Officer at [johnbenoit@surewest.net](mailto:johnbenoit@surewest.net) or by phone at 209.754.6511.

Yours sincerely,

A handwritten signature in black ink that reads "John Benoit for Anita Paque". The signature is written in a cursive, flowing style.

Anita Paque  
Chair, Calaveras LAFCo

cc: Members, Senate Environmental Quality Committee  
Honorable Senator Lois Wolk  
Rachel Machi Wagoner, Chief Consultant, Senate Environmental Quality Committee  
Morgan Branch, Senate Republican Caucus Consultant  
Pamela Miller, Executive Director, CALAFCO