

# Calaveras Local Agency Formation Commission

## Regular Meeting Agenda

**MONDAY July 15, 2013 – 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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**1. Call to Order/Pledge of Allegiance/Roll Call**

Commissioners

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

Paul Stein, Public Member Alt.  
Debbie Ponte, County Member Alt.  
Stuart Raggio, City Member Alt.  
Don Young, Special Dist. Member Alt.  
*Staff:*  
John Benoit, Executive Officer  
Lucy Thein, LAFCO Clerk  
Michael Colantuono, LAFCO Counsel

**2. CLOSED SESSION 6:00 PM item**

<b>CONFERENCE WITH LEGAL COUNSEL : ANTICIPATED LITIGATION MOKELUMNE HILL FIRE PROTECTION DISTRICT</b>
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A point has been reached where, in the opinion of the Commission on the advice of its legal counsel, based on the below-described existing facts and circumstances, there is a significant exposure to litigation against the Commission: written communication from legal counsel for Mokelumne Hill Fire Protection District threatening litigation (copy available for public inspection by emailing John Benoit, Executive officer at [johnbenoit@surewest.net](mailto:johnbenoit@surewest.net) or LAFCo's webpage [www.calaveraslafco.org](http://www.calaveraslafco.org) ). (Gov. Code § 54956.9 (d)(2) & (e)(3).)

**3. Report from Closed Session**

**4. Approval of Minutes for the June 17, 2013 meeting**

**5. 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 Chairman 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.

**6. Consent Agenda:**

- a. Review and Authorize Claims for June 2013

**7. Election of Chair and Vice-Chair in accordance with LAFCO's Bylaws.**

- a) *The Chair and the Vice Chair shall be elected each year at the May meeting or the next regular meeting thereafter and shall take office immediately. If a vacancy occurs in any Commission office during the year, it shall be filled by election at the next regular meeting following occurrence of the vacancy.*
- b) *The offices of Chair and Vice Chair shall be rotated in the following order: County, Public, District and City.*
- c) *Elect 2012-2013 Chair from the City Member Category and Elect Vice-Chair from the County Category*

**Other Items:**

**8. Executive Officer's report**

- a) *Calaveras River Estates Application*

**10. 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

**11. Adjourn to next regular meeting scheduled for August 19, 2013, if needed**

*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 submitted to the Commission after distribution of the agenda area available for review for public inspection in the Calaveras Co. Administrative office located at the County Administrative Center, 891 Mountain Ranch Road, San Andreas CA. [such documents are also 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

An interpreter for the hearing-impaired may be made available upon request to the Executive Officer 72 hours before a meeting.

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

### MINUTES

June 17, 2013

**Call to Order:** The meeting was called to order by Chair, John Lavaroni, who led the Commission in the pledge of allegiance. In attendance were Stuart Raggio, Jack Lynch, Merita Callaway, Don Young alternate for Tony Tyrrell, John Lavaroni, Paul Stein alternate for Anita Paque and Executive Officer John Benoit.

Absent: Darren Spellman, Bert Sobon and Anita Paque

**Approval of Agenda:** Motion by Callaway/2<sup>nd</sup> by Lynch to approve the agenda as presented. Passes 6-0.

**Approval of Minutes of May 20, 2013.** Motion by Callaway /2<sup>nd</sup> by Lynch, Raggio abstained. Passes 5-0 with one abstention

**Public Comment:** Kyle Krause stated a quorum of the Mokelumne Hill Fire District Board of Directors are present in violation of the Brown Act.

**Consent Agenda:** Motion by Callaway/2<sup>nd</sup> by Stein to approve paying the claims in the amount of \$2449.04. Passes 6-0.

### **Public Hearing regarding the Municipal Service Review for Fire and EMS services:**

The Service Review. supports the Spheres of Influence according to John Benoit. The Resolution adopting the Service Review will include all the fire districts in the county with the exception of Mokelumne Hill Fire who have requested an extension of six months for their portion of the Service Review. It will be added later when they get their issues resolved.

Jennifer Stevenson and Oxana Wolfson helped John prepare the Service Review. They presented a power point presentation for the Commission explaining how they went about their work on the Service Review. They have received 108 comments from the public and all have been documented in the comment log. They have reviewed 11 fire districts and conducted interviews with several agencies. Jack Lynch asked for accurate maps and questioned the fire districts splitting Hwy 49 properties with each district protecting one side of the highway. The following members of the public spoke to the Commission: Michael DelOrto, Diane Kindermann, Bill Wennhold, Ray Behrbaum, Jeff Stone and David Spitzer. Public hearing was closed at 7:20. The Commissioners voted to adopt Resolution 2013-0005 making determinations and approving a Service Review for the Fire Protection and Medical Services for all Fire Service Providers in Calaveras County with the exception of the Mokelumne Hill Fire Protection District.. Paul Stein made the motion to adopt the resolution without the Mokelumne Hill Fire Protection District for six months, as requested 2<sup>nd</sup> by Jack Lynch. Passes on a roll call vote of 6-0 with Darren Spellman absent.

**Nomination for Calafco Board of Director's:** Julie Allen from Tulare LAFCo will be running so no nomination was made from Calaveras LAFCo.



**Designate voting member and alternate voting member at the Calafco Conference.** Jack Lynch was asked to be the voting member and Anita Paque will be the alternate.

**Executive Officer's Report:** Calaveras River Estates will be submitting an application to LAFCO.

**Commissioner's Reports:** None

Meeting adjourned

Respectfully submitted  
Lucy Thein, Clerk

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John Lavaroni, Chair

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John Benoit, Executive Director

**CALAVERAS LAFCO**  
**LAFCO CLAIM AUTHORIZATION FORM**

for

June 2013

Authorize payment of the following claims:

<u>Date of Claim</u>	<u>Description</u>	<u>Amount</u>
<b>FY 2012-2013 Expenses:</b>		
July 1, 2013	Staff Svcs & Expenses –June 2013	\$ 4,931.99
July 1 2013	Fire MSR	\$ 3,749.16
July 1, 2013	Colantuono and Levin	\$ 886.60
July 3, 3013	Calav Enterprise-Fire Service Rev Notice	\$ 30.40
June 21, 2013	City of Angels Camp 4 <sup>th</sup> Qtr fy12-13	\$ 900.00
TOTAL:		\$10,498.05

FY 2013-2014 Expenses

Calafco Registrations for annual Conference	\$ 2,835.00
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DATED: July 15, 2013

APPROVED: July 15, 2013

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John Lavaroni, Chair or Jack Lynch, Vice-Chair  
Calaveras Local Agency Formation

Attest:

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



Item	Account Number	Comm Stipends	Insurance	Communications	Memberships	GenOfficeExp	Postage	copies	Fire&EMS	MSR	W & WWSO1	EX. OFF. Svcs	City Fin Chrgs	Lgl Notices
		62001	62050	62051	62052	62053	62054	62055	62057	62058	62059	62060	62061	
<b>Total Budgeted</b>		\$ 6,600.00	\$ 1,700.00	\$ 1,200.00	\$ 741.00	\$ 750.00	\$ 1,000.00	\$ 2,500.00	\$ 33,000.00	\$ 25,000.00	\$ 42,500.00	\$ 3,600.00	\$ 700.00	
Calafco Dues 2012-2013														
Comm Stipend 7.16.12		\$ (300.00)	\$ (1,716.04)											
SDRMA Ins fy 2012-2013														
Conf Registrations - 4														
Lodging Spellman & Lynch														
Conf Regis - Paul Stein														
Lodging Stein Calafco 2012														
JB Claim July 2012 Staff														
JB Claim Aug 2012 Staff														
WCSD Legal Notice #21700														
Stein Conf. Reimbursement														
Tyrrell Conf. Reimbw/ lodging														
AnitaPaque Conf. Reimbursement														
Lynch Conf. Reimbursement														
JB Claim Sept 2012 and fire MSR														
Comm Stipend 9.17.12		\$ (350.00)												
Conf Reimbursement D Spellman														
JB Claim October 2012														
SR Center not approved for \$250.00														
Colantuono and Leven Lgl CSDs														
Comm Stipend Nov 19, 2012		\$ (350.00)												
JB Claim November 12 Staff Svcs														
JB Claim December 12 Staff Svcs														
mapping for MSR SOI 2012														
Fire MSR for Nov and Dec 2012														
Comm Stipend 1.28.13		\$ (350.00)												
JB claim 2.25.12														
Fire MSR - Jan 2013														
Comm Stipend 2.25.13		\$ (350.00)												
JB claim February 2013 Services														
Comm Stipend 3.18.13		\$ (400.00)												
City Finance Dept Charge 5 quarters														
Staff Services March 2013 #13-36														
Fire MSR March 2013														
Comm Payroll 4.15.13		\$ (350.00)												
Staff Svcs April 2013														
2013-01 and 13-14 Fin Budget														
Staff Services May 2013														
Colantuono and Leven Lgl MokeHillPRA														
Deposit for PRA request Moke Hill														
Deposit Cl 1417 CalavRivest.13-0002														
Deposit JLFPD and Foothill 13-0001														
JB Claim June 2013														
Angels Camp finances 4th Qtr-12-13 #0109														
Colantuono and Levin#25479 7.2.13														
Calav Enterprise #25535 Fire MSR5.31.13														
Comm payroll 6.17.13		\$ (350.00)												
<b>TOTAL EXPENDED</b>		\$ (2,800.00)	\$ (1,716.04)	\$ (497.45)	\$ (741.00)	\$ (82.90)	\$ (215.98)	\$ (1,240.74)	\$ (57,284.16)	\$ (3,500.00)	\$ (36,511.60)	\$ (4,500.00)	\$ (158.70)	
<b>TOTAL REMAINING</b>		\$ 4,150.00	\$ (16.04)	\$ 702.55	\$ -	\$ 667.10	\$ 748.20	\$ 1,259.26	\$ (24,284.16)	\$ 21,500.00	\$ 1,450.90	\$ (900.00)	\$ 541.30	

7/8/2013



June 21, 2013

**VIA EMAIL (MCobden@CLLAW.US) AND U.S. MAIL**

Michael R. Cobden, Esq.  
Colantuono & Levin, PC  
11364 Pleasant Valley Road  
Penn Valley, CA 95946-9000

**Re: Response to Public Records Act Request of Mokelumne Hill Fire Protection  
District Dated 4/18/13 and Supplemental Public Records Act Request**

Dear Mr. Cobden:

This office represents Mokelumne Hill Fire Protection District ("District") in matters pertaining to the Public Records Act Request that the District submitted to the Calaveras Local Agency Formation Commission ("LAFCO") on April 18, 2013 ("PRA Request"). This letter responds to LAFCO's response to the PRA Request dated May 30, 2013.

LAFCO's response states that responsive documents have been redacted and withheld. It states: "Note that we have redacted some documents to protect privileged and confidential information, as permitted or required by law. In addition, where necessary, we have withheld a few documents entirely as privileged or confidential." Indeed, there are numerous documents included in LAFCO's response in which the identity of the person or persons who communicated with LAFCO's officer(s) and consultant(s) have been repeatedly redacted. First, we are unaware of any exemption in the Public Records Act that allows LAFCO to redact such information. Second, there is no legal basis for withholding such identities on the basis of privilege or confidentiality. Third, LAFCO has failed to provide a log of the documents that are being withheld, or the legal grounds under which LAFCO is withholding those documents. Finally, we note that LAFCO has withheld the identity of selected public comments on the Municipal Services Review ("MSR") Public Review Comments Log provided at the MSR public hearing on June 17, 2013. We also are unaware of the legal authority to support the omission of those names as well.

Accordingly, please immediately provide to this office all documents that are responsive to the PRA Request, without any redactions, as well as the omitted names of members of the public commenting on the MSR. If LAFCO continues to insist on such redactions or withholding of documents, please immediately provide this office with (1) the legal basis upon which LAFCO makes each and every redaction; and (2) a log of all documents that are being

Michael R. Cobden, Esq.

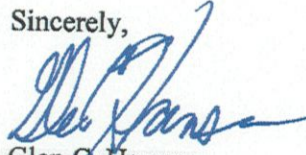
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withheld and the legal basis for withholding each and every document. LAFCO's failure to provide such documents or information will leave the District with no alternative but to file a civil action and to seek attorneys' fees incurred in such action under Government Code sections 6258-6259.

Thank you for your prompt attention to this matter. Please respond to this supplemental PRA within ten (10) days of the date of this letter.

Sincerely,



Glen C. Hansen

GCH/sb

cc: Suzanne Coe

John Benoit, Executive Officer, Calaveras LAFCO