

Calaveras Local Agency Formation Commission
Meeting Minutes – Monday, May 16, 2022

1. **Call to Order/Roll Call** – Order was called by Chair Callaway at 6:06 p.m. on Monday, May 16, 2022.

Commissioners Present

Merita Callaway, County Member, Chair
Amanda Folendorf, County Member Alt.
Jennifer Herndon, City Member
Isabel Moncada, City Member (arrived late)
Kirk Smith, Special Dist. Member
Anita Paque, Public Member, Vice-Chair
Ralph Copeland, Public Member Alt.

Commissioners Absent

Tony Tyrrell, Special Dist. Member
Gary Tofanelli, County Member
Alvin Broglio, City Member Alt.

Staff Present

John Benoit, Executive Officer
Nancy Mees, LAFCO Clerk

Others Present

Jim Lamb, Mountain Ranch CSD

2. **Election of Chair and Vice-Chair**

- a. *Election of Chair – Must be a Public Member*

Chair Callaway commented that these positions are always chosen at the last meeting of a fiscal year, which is this meeting.

As Commissioner Paque is the only Public Member, Chair Callaway confirmed that she is the new Chair.

- b. *Election of Vice-Chair – Must be a Special District Member*

MOTION by Chair Callaway as a white paper nomination for Commissioner Smith to become Vice-Chair. Motion passed 5 yes, 0 no, 2 absent.

Commissioner Paque took over as Chair of the meeting.

3. **Public Comment:**

There was no public comment.

4. **Consider Minutes of March 21, 2022, LAFCo meeting:**

MOTION by Commissioner Smith to approve the minutes of the March 21, 2022, LAFCo meeting as presented, second by Commissioner Callaway. Motion passed 5 yes, 0 no, 2 absent.

5. Consent Agenda:

- a. *Review and authorize claims for March and April 2022.*
- b. *Resolution 2022-0006 authorizing teleconference for the May 16, 2022, meeting.*

MOTION by Commissioner Smith to approve the Consent Agenda and Claims for March and April 2022 as presented, and Resolution 2022-0006 authorizing teleconference for the May 16, 2022, meeting, second by Commissioner Herndon. Motion passed 5 yes, 0 no, 2 absent.

6. Correspondence:

There was no correspondence.

Public Hearings:

7. Public Hearing Regarding the Service Review (MSR) for Road Community Services Districts in Calaveras County including Appaloosa Road (ARCSD), Circle XX (CXXCSD), Copper Cove Rocky Road (CCRRCSD), Lynn Park Acres (LPACSD), Middle River (MRCSD), Mountain Ranch Subdivision (MRSCSD), Three Cent Flat (TCFCSD), and Wallace (WCSD):

- a. *Receive Executive Officer's report.*

Executive Officer Benoit explained that the Commission had decided to form a committee comprising Commissioners Tofanelli, Paque and Copeland to meet with the districts to provide them training on required filings, budget matters, websites, the Brown Act, etc. At this LAFCo meeting, the Commission can approve the MSR with findings on which this committee will work with the districts to help them resolve their issues. LAFCo will also be helping the districts form a Special Districts Association so they can assist one another, much as the Fire Districts Association does for the fire districts. The next step in the process will be to define Spheres of Influence for each district, most of which were formed from subdivisions. The MSR can be update as needed at that time.

- b. *Conduct Hearing and consider Resolution 2022-0005 adopting a Service Review of Road Services for Road Community/Services Districts.*

Commissioner Callaway asked what the advantages would be in turning the CSDs into CSAs. Executive Officer Benoit responded that it would mean less work for the districts, but would cost the county money, and voters do not like approving tax increases. In addition, some districts want to remain districts because it means local control of their roads.

Commissioner Herndon asked if there is an item coming up on the Board of Supervisors' agenda regarding CSAs. Commissioner Folendorf replied that there is. Commissioner Herndon then stated that she believed a lot of the public does not understand the various types of governance that exist for handling roads, e.g., CSDs, CSAs, road maintenance agreements, etc.

Commissioner Folendorf commented that she believed one of the topics the Board will be discussing is CSAs versus CSDs. Commissioner Callaway added that people do get confused as to which taxes pay for what things, so public education is needed.

Commissioner Smith commented that, in his experience in planning, 90 percent of the groups who come to the county requesting to become CSAs are denied because it does not make economic sense for small areas. He added that some non-functioning districts should be dissolved and become private, although that creates fee payment enforcement issues. Chair Paque added that one of the things the LAFCo committee will do when they meet with the districts is to explain the various governance options to them, and that the functionality of these districts can be re-examined in a year.

Jim Lamb, Treasurer of Mountain Ranch Subdivision CSD, spoke from the audience, stating that their district is trying to catch up. One of the problems they have, however, is that one of their roads has become more of a public thoroughfare than a private subdivision road, and that a new planned subdivision on this road will make it even busier. He wanted to know to whom they could talk with at the county concerning this issue. He added that another problem in their district was damage done to some of their roads by PG&E during the Butte Fire, for which PG&E has not compensated them. Commissioner Callaway asked Mr. Lamb if MRSCSD wanted to make comments on the proposed MSR, and Mr. Lamb said they would. Chair Paque explained that Mr. Lamb could write a response to the MSR as a member of the public, or the CSD board could write a response. She then asked Executive Officer Benoit if MRSCSD could be excluded from the MSR if the Commission voted on approving the MSR. Mr. Benoit responded that the Commission could postpone approval of the MSR to give MRSCSD time to respond. He added that he would like to learn more about the new subdivision Mr. Lamb had mentioned.

MOTION by Commissioner Smith to postpone consideration and approval of Resolution 2022-0005 adopting a Municipal Service Review for Road Community Service Districts to the July 18, 2022, LAFCo Commission meeting, second by Commissioner Folendorf. Motion passed 5 yes, 0 no, 2 absent.

8. Conduct Public Hearing Regarding the Final 2022-2023 LAFCo Budget:

- a. *Receive Executive Officer's report and consider Resolution 2022-007 adopting a proposed 2022-2023 LAFCo Budget.*

Executive Officer Benoit explained that the only change from the proposed budget presented at the March LAFCo meeting involved liability insurance. At the time of the March meeting, SDRMA had sent out a proposed increase in insurance cost, but since then they sent out a final letter stating the

increase would not be as great as previously quoted. Therefore, the total budget amount has decreased slightly.

Commissioner Callaway proposed that the mileage reimbursement be increased to \$2,000 due to recent increases in driving costs.

Chair Paque then asked if the proposed pay increase in agenda item b was included in the current budget total for Professional Services. Mr. Benoit stated that it was not, but that item b could be handled by increasing the budgeted amount from \$45,000 to \$47,000. At this point the Commission decided to consider item b, then come back to this item.

After approving item b, the Commission returned to consideration of item a. Commissioner Smith asked if Commissioners were allowed to be reimbursed for their mileage in attending LAFCo Commission meetings. Mr. Benoit replied that Commissioners used to receive mileage, but that at some point, the stipend had been increased to cover mileage, and that if the Commissioners wanted to account for increased travel costs, they could again increase their stipend. Chair Paque added that Commissioners do get mileage when driving to LAFCo conferences. She then said consideration of the Commissioner's stipends was not on this agenda. Mr. Benoit said the Commission could increase the amount of total Commissioners Stipend in the budget now, however.

MOTION by Commissioner Callaway to approve the LAFCo budget for 2022-2023 with an increase in proposed mileage reimbursement from \$1,000 to \$2,000, and with an increase in proposed Commissioners Stipend from \$3,300 to \$6,600, second by Commissioner Foleendorf. Motion passed 6 yes, 0 no, 1 absent.

- b. *Consider a 6.4% increase in compensation for LAFCo Clerk and Executive Officer and approve Amendment #2 to the Agreement for Executive Officer Services.*

MOTION by Commissioner Smith to approve a 6.4% increase in compensation for the LAFCo Clerk and Executive Officer and approve Amendment #2 to the Agreement for Executive Officer Services as presented, second by Commissioner Callaway. Motion passed 6 yes, 0 no, 1 absent.

9. Discussion of Mobile Workshop Options in Calaveras County for the CALAFCO Annual Staff Workshop in Murphy's on April 26th Through April 28th, 2023:

Executive Officer Benoit stated that he is working with the new CALAFCO Executive Director to plan the Annual Staff Workshop for 2023, which will be in Calaveras County. He requested ideas from the Commission on a mobile workshop that would showcase Calaveras County. Commissioner Foleendorf suggested a workshop on the fuel reduction

being done along Highway 4.

Commissioner Callaway suggested having a frog jumping contest and a tour of the Angels Camp Frog Museum. Chair Paque mentioned that there is a distillery in the county. Mr. Benoit said these would be good “fun” events rather than the mobile workshop.

Commissioner Herndon suggested a party boat on the New Melones Reservoir, tying in with the economic impact of reservoirs and their effect on the water supply.

10. Executive Officer’s Report:

a. Special District Alternate Recruitment – Due May 20th.

Executive Officer Benoit reported that he has received one application so far and the deadline is Friday, May 20.

Mr. Benoit also reported that SB 938 is moving through the legislature. Chair Paque added that Hertzberg is working on getting this bill through.

11. Commissioner Reports:

Commissioner Moncada reported that she is hosting the Miss Calaveras contest for the fair this year, and invited everyone to attend. It is on Thursday at 8 p.m. Chair Paque stated that the fair starts on Thursday with Locals Day.

12. Adjournment

Meeting was adjourned at 7:14 p.m. The next regular meeting will be Monday, July 18, 2022, at 6:00 p.m. in San Andreas.

Minutes submitted by Nancy Mees.

DATED:

APPROVED:

Anita Paque, Chair,
Calaveras Local Agency Formation