

**CALAVERAS LAFCO**

**Calaveras Local Agency Formation Commission**

**Agenda**

**NOTE THIS MEETING WILL A PHYSICAL MEETING**

**AT**

**THE CALAVERAS COUNTY BOARD OF SUPERVISOR'S ROOM  
891 MOUNTAIN RANCH ROAD  
SAN ANDREAS, CA**

**Regular Meeting Agenda**

**Monday – MAY 16, 2022 – 6:00 p.m.**

**In person meeting:** Required for all Commissioners. The Calaveras LAFCO meeting will be open to in-person attendance. To remain in compliance with the state's public health guidance and CalOSHA COVID-19 Emergency Temporary Regulations [8 CCR §3205], masks will be encouraged to be worn by individuals who are not fully vaccinated while inside the Government Center and while in the Board Chambers.

**Zoom meeting:** The Commission proceedings are available via Zoom and you may participate. Members of the public are encouraged to observe and participate in the teleconference.

Oral public comments will be subject to a three-minute time limitation indicated below.

*The complete agenda, including backup materials and materials related to items on this Agenda submitted to the Commission after distribution of the Agenda Packet, is available for public inspection on the Calaveras LAFCo website. Agenda materials are also available on the Calaveras LAFCO website at [www.calaveraslafco.org](http://www.calaveraslafco.org)*

If you wish to participate via Zoom you may do so.

**Topic: Calaveras LAFCo**

**Time: May 16, 2022 06:00 PM Pacific Time (US and Canada)**

**Join Zoom Meeting**

*Topic: Calaveras LAFCo*

*Time: May 16, 2022 06:00 PM Pacific Time (US and Canada)*

<https://us02web.zoom.us/j/86907636986?pwd=eXNyYzhXTmQ4elludXE1MVQrUjZTUT09>

Meeting ID: 869 0763 6986  
Passcode: 906432

Dial by your location  
+1 669 900 6833 US (San Jose)  
Meeting ID: 869 0763 6986  
Passcode: 906432

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

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

Commissioners

Alternate Commissioners

Kirk Smith, Special District Member  
Isabel Moncada, City Member  
Jennifer Herndon, City Member  
Gary Tofanelli, County Member  
Merita Callaway, County Member, Chair  
Tony Tyrrell, Special District Member  
Anita Paque, Vice-Chair Public Member

Ralph Copeland, Public Member Alt.  
Alvin Broglio, City Member Alt.  
Vacant, Special Dist. Member Alt.  
Amanda Folendorf, County Member Alt

**Staff:**

John Benoit, Executive Officer  
Nancy Mees, LAFCO Clerk  
Michael Colantuono, LAFCO Counsel

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

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

**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.

3. **Consider minutes of March 21, 2022**
  - a. *Approve March 21, 2022 LAFCo Minutes*
4. **Consent Agenda:**
  - a. Review and Authorize Claims for March and April 2022
  - b. Resolution 2022-0006 authorizing teleconferencing for the May 16, 2022 meeting.
5. **Correspondence:**

**Public Hearings:**

6. **Public Hearing regarding the Service Review (MSR) for Road Community Services Districts in Calaveras County including the 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*
  - b. *Conduct Hearing and consider Resolution 2022-0005 adopting a Service Review of Road Services for Road Community /services Districts.*
7. **Conduct Public Hearing regarding the final 2022-2023 LAFCo Budget**
  - a) *Receive Executive Officer's Report and Consider Resolution 2022-0007 adopting a proposed 2022-2023 LAFCo Budget*
  - 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.*
8. **Discussion of Mobile Workshop Options in Calaveras County for the Calafco Annual Staff Workshop in Murphy's on April 26<sup>th</sup> through April 28<sup>th</sup> 2023.**
9. **Executive Officer' s report**
  - a) *Special District Alternate Recruitment – Due May 20<sup>th</sup>*
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. NEXT LAFCO MEETING will be: July 18, 2022 - 6:00 PM in San Andreas**

*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: [j.benoit4@icloud.com](mailto:j.benoit4@icloud.com)

# Calaveras Local Agency Formation Commission

## Meeting Minutes – Monday, March 21, 2022

1. **Call to Order/Roll Call** – Order was called by Chair Callaway at 6:15 p.m. on Monday, March 21, 2022.

**Commissioners Present**

Merita Callaway, County Member, Chair  
 Gary Tofanelli, County Member  
 Jennifer Herndon, City Member  
 Isabel Moncada, City Member  
 Kirk Smith, Special Dist. Member  
 Anita Paque, Public Member, Vice-Chair  
 Tony Tyrrell, Special Dist. Member  
 Ralph Copeland, Public Member Alt.

**Commissioners Absent**

Amanda Folendorf, County Member Alt.  
 Alvin Broglio, City Member Alt.  
 Travis Owens, Special Dist. Mem. Alt.

**Staff Present**

John Benoit, Executive Officer  
 Nancy Mees, LAFCO Clerk

**Others Present**

Ken Cox, Copper Cove Rocky Road CSD  
 Sheldon Toso, CCRR CSD

2. **Public Comment:**

There was no public comment.

3. **Consider Minutes of January 24, 2022, LAFCo meeting:**

**MOTION** by Commissioner Tofanelli to approve the minutes of the January 24, 2022, LAFCo meeting as presented, second by Commissioner Tyrrell. Motion passed 7 yes, 0 no, 0 absent.

4. **Consent Agenda:**

- a. *Review and authorize claims for January and February 2022*  
 b. *Resolution 2022-0002 authorizing teleconference for the March 21, 2022, meeting*

**MOTION** by Commissioner Paque to approve the Consent Agenda and Claims for January and February 2022 as presented, and Resolution 2022-0002 authorizing teleconference for the March 21, 2022, meeting, second by Commissioner Moncada. Motion passed 7 yes, 0 no, 0 absent.

**5. Correspondence:**

There was no correspondence.

**Workshop:**

**6. Workshop Regarding Road Community Services Districts in Calaveras County – Review and Discuss and Set Date for a Public Hearing Regarding Municipal Services Reviews for Community Services Districts on May 16, 2022:**

Executive Officer Benoit reported that, after attending the last Board of Supervisors meeting, he learned that the condition of the CSAs is not much better than that of the CSDs, so converting CSDs to CSAs would not result in any improvements to the CSAs. Therefore, it would be best to try to work with CSDs to help them correct their problems. He is still gathering information on some of the CSDs, but stated that Rocky Road CSD is now getting itself in better order thanks to some help from Commissioner Folendorf.

Mr. Benoit added that two common problems for the CSD boards is finding volunteers to sit on them, and raising funds to carry out the CSDs required work due to the fact that Prop 218 makes collecting the required number of yes votes on rate increases difficult. Consequently, one of the primary recommendations in the MSR is to find ways to help the CSDs become more viable.

Chair Callaway asked what would happen if LAFCo tells a CSD that they no longer exist. Mr. Benoit responded that there is a formal dissolution process required and that a successor organization must be designated. In addition, since the services of the CSDs are needed, it would be difficult to say they should be dissolved. He added that part of the problem is that some of the districts are not even aware of what they need to do, and therefore must be educated.

Mr. Benoit stated that he needs to call some of the districts to fill in gaps in the data, but that the first thing many of the districts need to accomplish is getting their boards in working order. Commissioner Folendorf is working with the CSDs in her district, and perhaps other Supervisors could do the same with the CSDs in their districts. Commissioner Tofanelli mentioned that the CSD in his district is already doing well.

Chair Callaway summed up the discussion, saying that essentially things still stand where they did at the January meeting. She then asked whether the Commission would just be reviewing the MSR at the public hearing. Mr. Benoit responded in the affirmative, adding that all he can recommend for some districts is that they need help in complying with all the CSD requirements since converting them to CSAs does not appear to be a viable option.

Commissioner Copeland asked whether any of the districts had thought about consolidating the bid packages for the work they need to do. He suggested that they might have a joint contract for required maintenance, which would help to make it less expensive for the smaller districts. Mr. Benoit added that they could consider creating an association similar to that of the fire districts. Commissioner Paque suggested LAFCo facilitate creating such an association as it did in the past for the wastewater districts. Mr. Benoit stated that he could add that as one of his recommendations in the MSR.

Ken Cox from Copper Cove Rocky Road CSD, who was in the audience, commented that he thought coordination among the districts would be good. Each district could pay their portion, but they would get overall better pricing as a group. This would require the districts to jointly meet occasionally to plan their work for each year, and LAFCo could help facilitate such joint meetings. He added that it did add another level of complexity, which would require the districts to be up and running. Commissioner Paque commented that, once an association was in place, it might actually decrease the complexity for each district.

Sheldon Toso, a board member of Copper Cove Rocky Road CSD who was in the audience, stated that CRRS was behind in the work they needed to do, so an association with a joint bid would have to be put off for a couple years.

The Commission agreed that an association is a good idea and should be one of the recommendations in the MSR. Commissioners Paque and Tofanelli said they would be willing to work on getting the districts together, but that they would need other Supervisors also involved. Mr. Benoit stated that he would send Commissioners Paque and Tofanelli his master contact list. It was suggested that Commissioner Copeland also attend any joint CSD meetings.

## **7. Policies, Standards and Procedures Amendment Regarding Municipal Services Review Follow-up:**

### *a. Receive Executive Officer's Report*

Executive Officer Benoit stated that he had talked about this policy at the January meeting. There is nothing in the LAFCo statutes that requires any LAFCo follow-up on MRs, but he believes follow-up would make the MSRs more valuable.

Commissioner Paque added that legislators do look at MSRs when working on relevant legislation. Commissioner Tofanelli asked how this policy would be implemented. Mr. Benoit replied that if LAFCo thought a district was having a problem, they could be asked to come to a Commission meeting. Commissioner Tofanelli commented that his only thought was that this will require more work for LAFCo staff. Mr. Benoit agreed it would.

b. Consider Resolution 2022-0004 regarding a Municipal Service Review follow-up policy for Calaveras LAFCo.

**MOTION** by Commissioner Paque to approve Resolution 2022-0004 adopting a Municipal Service Review follow-up policy as presented, second by Commissioner Tyrrell. Motion passed 7 yes, 0 no, 0 absent.

**8. Authorize Chair to Sign Letter of Support for SB938 Regarding Protest Proceedings: Procedural Consolidations:**

Executive Officer Benoit explained that currently LAFCo-initiated projects are hard to undertake due to protest hearing requirements. This legislation would raise the protest threshold from 10 percent to 25 percent. Commissioner Paque added that there has been a lot of back and forth with CSDA on the wording of this proposed amendment. An additional benefit of the proposed legislation is that it would place all the protest provisions for various LAFCo actions in one place.

**MOTION** by Commissioner Tyrrell to authorize the Chair to sign a letter of support for SB 938 to Senator Robert Hertzberg, second by Commissioner Moncado. Motion passed 7 yes, 0 no, 0 absent.

**9. Conduct Public Hearing Regarding the Proposed 2022-2023 LAFCo Budget:**

Executive Officer Benoit reported that the only real increase in the proposed budget for the upcoming year is for CALFACO dues. He also advised the Commission that he is retiring from several of the counties for which he is Executive Officer in the coming year, but he will continue as EO for Calaveras LAFCo for at least this next year.

Mr. Benoit commented that budgetary items have remained stable for quite a while, but now that we are in an inflationary period, the Commission needs to be mindful that the fairly constant LAFCo budget may have to change as it becomes more costly to operate LAFCo. This year, however, due to LAFCo's savings, the proposed cost share contributions will be less than last year.

Chair Callaway opened the Public Hearing. She then asked about the Clerk's salary. Mr. Benoit replied that it comes out of the Professional Services line item. There was no public comment, so Chair Callaway closed the Public Hearing.

**MOTION** by Commissioner Tyrrell to approve Resolution 2022-0003 adopting a proposed LAFCo budget for 2022-2023 as presented, second by Commissioner Tofanelli. Motion passed 7 yes, 0 no, 0 absent.

**10. Executive Officer's Report:**

a. 700 Forms due April 1, 2022.

Executive Officer Benoit reported that he still needs a Form 700 from some



of the Commissioners, and Chair Callaway requested that the Commissioners please turn in their forms.

Mr. Benoit stated that, since Commissioner Owens is no longer a member of his district's board, LAFCo will have to recruit a new Special District Alternate Member. Nominations will be required, followed by a Special Districts election.

**11. Commissioner Reports:**

Commissioner Paque reported that CALAFCO has a new Executive Director, Rene LaRoche.

Commissioner Tyrrell stated that he will not be at the next LAFCo meeting.

**12. Adjournment**

Meeting was adjourned at 7:08 p.m. The next regular meeting will be Monday, May 16, 2022, at 6:00 p.m. in San Andreas.

Minutes submitted by Nancy Mees.

**DATED:**

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**APPROVED:**

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\_\_\_\_\_  
Merita Callaway, Chair,  
Calaveras Local Agency Formation

ITEM 4a

# CALAVERAS LAFCO

## LAFCO CLAIM AUTHORIZATION FORM

for

**March and April 2022**

Authorize payment of the following claims:

| <u>Date of Claim</u>          | <u>Description</u>                     | <u>Amount</u>      |
|-------------------------------|--|--------------------|
| <b>FY 2021-2022 Expenses:</b> |  |                    |
| March 21, 2022                | Commission meeting stipends            | \$ 400.00          |
| April 1, 2022                 | Staff Svcs and Expenses Mar 2022       | \$ 4,331.99        |
| May 1, 2022                   | Staff Svcs and Exp April 2022          | \$ 3,513.83        |
| April 30, 2022                | Valley Springs News – 22-23 Final Budg | \$ 24.00           |
|                               | <b>TOTAL:</b>                          | <b>\$ 8,269.82</b> |

DATED: May 16, 2022

APPROVED: May 16, 2022

\_\_\_\_\_  
Merita Callaway, Chair  
Calaveras Local Agency Formation Commission

Attest:

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

| Item                                       | Account Number | Comm Stipendi | Insurance     | Communication | Memberships   | SenOfficeExp | Postage    | copies      | MSR           | SOI           | Ex. OFF. Svcs | City Fin Charge | Lgl Notices | Training      |
|--|----------------|---------------|---------------|---------------|---------------|--------------|------------|-------------|---------------|---------------|---------------|-----------------|-------------|---------------|
|  |                | 62001         | 62050         | 62051         | 62052         | 62053        | 62054      | 62055       | 62057         | 62058         | 62059         | 62060           | 62061       | 62062         |
| Total Budgeted                             |                | \$ 3,300.00   | \$ 2,500.00   | \$ 800.00     | \$ 2,117.00   | \$ 350.00    | \$ 500.00  | \$ 1,500.00 | \$ 25,000.00  | \$ 20,000.00  | \$ 45,000.00  | \$ 3,600.00     | \$ 500.00   | \$ 4,000.00   |
| Calafco dues 21-22                         |                |               | \$ (2,325.00) |               | \$ (1,617.00) |              |            |             |               |               |               |                 |             |               |
| SORMA Insurance 21-22                      |                |               |               | \$ (54.76)    |               | \$ (36.88)   | \$ (13.70) | \$ (67.60)  | \$ (1,200.00) |               | \$ (3,250.00) |                 |             | \$ (1,560.00) |
| Staff Svcs July 2021                       |                |               |               |               |               |              |            |             |               |               |               |                 |             |               |
| Conf Registrations smith, paque and tyrell |                |               |               |               |               |              |            |             |               |               |               |                 |             |               |
| July 19, 2021 Comm stipend                 |                | \$ (400.00)   |               |               |               |              |            |             |               |               |               |                 |             |               |
| Staff Svcs August 2021                     |                |               |               | \$ (86.69)    |               |              |            | \$ (5.00)   | \$ (1,000.00) |               | \$ (3,000.00) |                 |             |               |
| Sept 20, 2021 Comm Stipend                 |                | \$ (250.00)   |               |               |               |              |            |             |               |               |               |                 |             |               |
| Staff SVCS September 2021                  |                |               |               | \$ (59.99)    |               | \$ (10.00)   | \$ (3.16)  | \$ (114.98) | \$ (2,450.00) |               | \$ (2,000.00) |                 |             |               |
| Staff SVCS October 2021                    |                |               |               | \$ (60.06)    |               |              |            |             | \$ (2,600.00) |               | \$ (2,000.00) |                 |             |               |
| CSDA Dues for 2022                         |                | \$ (250.00)   |               |               | \$ (500.00)   |              |            |             |               |               |               |                 |             |               |
| Nov 15, 2021 Payroll                       |                |               |               | \$ (61.12)    |               |              |            |             | \$ (2,450.00) |               | \$ (4,595.00) |                 |             |               |
| Staff Svcs Nov 2021                        |                |               |               |               |               |              |            |             |               |               |               |                 |             |               |
| Valley Springs News                        |                |               |               | \$ (66.33)    |               |              |            |             | \$ (3,050.00) |               | \$ (1,550.00) |                 | \$ (36.00)  |               |
| Staff Svcs Dec 2021                        |                |               |               |               |               |              |            |             |               |               |               |                 |             |               |
| Payroll Jan 24, 2022                       |                | \$ (450.00)   |               |               |               |              |            |             |               |               |               |                 |             |               |
| Jan 2022 Staff Svcs 2022-11                |                |               |               | \$ (103.00)   |               | \$ (32.14)   | \$ (1.56)  | \$ (26.50)  | \$ (3,100.00) |               | \$ (3,000.00) |                 |             |               |
| Feb 2022 Staff Svcs 22-22                  |                |               |               | \$ (67.01)    |               |              | \$ (1.76)  |             | \$ (1,500.00) |               | \$ (1,750.00) |                 | \$ (19.50)  |               |
| Valley Springs News Prop Budget            |                |               |               |               |               |              |            |             |               |               |               |                 |             |               |
| March 21, 2022 Calav Payroll               |                | \$ (400.00)   |               |               |               |              |            |             |               |               |               |                 |             |               |
| Staff Svcs March 2022                      |                |               |               | \$ (66.86)    |               | \$ (151.23)  |            | \$ (10.00)  |               | \$ (3,000.00) | \$ (1,050.00) |                 |             |               |
| Valley Springs news final budget           |                |               |               |               |               |              |            |             |               |               |               |                 |             |               |
| Staff Svcs April 2022 (2022-0035)          |                |               |               | \$ (66.91)    |               |              | \$ (1.76)  | \$ (43.58)  |               |               | \$ (3,330.00) |                 | \$ (24.00)  |               |

|                 |               |             |           |           |      |           |           |             |             |              |              |             |           |             |
|-----------------|---------------|-------------|-----------|-----------|------|-----------|-----------|-------------|-------------|--------------|--------------|-------------|-----------|-------------|
| TOTAL EXPENDED  | \$ (1,750.00) | \$ 1,550.00 | \$ 175.00 | \$ 107.27 | \$ - | \$ 119.75 | \$ 474.90 | \$ 1,150.04 | \$ 7,650.00 | \$ 17,000.00 | \$ 19,475.00 | \$ 3,600.00 | \$ 420.50 | \$ 2,440.00 |
| TOTAL REMAINING | \$ (1,750.00) | \$ 1,550.00 | \$ 175.00 | \$ 107.27 | \$ - | \$ 119.75 | \$ 474.90 | \$ 1,150.04 | \$ 7,650.00 | \$ 17,000.00 | \$ 19,475.00 | \$ 3,600.00 | \$ 420.50 | \$ 2,440.00 |



**RESOLUTION NO. 2022-0006**

**A RESOLUTION OF THE CALAVERAS LAFCO OF THE AUTHORIZING A REMOTE TELECONFERENCE MEETING OF THE COMMISSION PURSUANT TO GOVERNMENT CODE SECTION 54953(e)**

WHEREAS, Government Code section 54953(e), as amended by Assembly Bill No. 361, allows legislative bodies to hold open meetings by teleconference without reference to otherwise applicable requirements in Government Code section 54953(b)(3), so long as the legislative body complies with certain requirements, there exists a declared state of emergency, and one of the following circumstances is met:

1. State or local officials have imposed or recommended measures to promote social distancing.
2. The legislative body is holding the meeting for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.
3. The legislative body has determined, by majority vote, pursuant to option 2, that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

WHEREAS, the Governor of California proclaimed a state of emergency pursuant to Government Code section 8625 on March 4, 2020; and

WHEREAS, the CALAVERAS LAFCO desires to hold its public meetings by teleconference consistent with Government Code section 54953(e).

NOW, THEREFORE, THE CALAVERAS LAFCO DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Conditions are met. The CALAVERAS LAFCO hereby finds and declares the following, as required by Government Code section 54953(e)(3):

1. The Governor of California proclaimed a state of emergency on March 4, 2020, pursuant to Government Code section 8625, which remains in effect.
2. The reasons for adopting this resolution are one or more of the following:
  - a. State or local officials have imposed or recommended measures to promote social distancing.
  - b. The legislative body is holding the meeting for the purpose of determining whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

- c. The legislative body has determined that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

PASSED AND ADOPTED by the Calaveras LAFCo, this 16th day of May 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Merita Callaway, Chair

Calaveras Local Agency Formation Commission

ATTEST:

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John Benoit, Executive Officer

CALAVERAS LOCAL AGENCY FORMATION COMMISSION,

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Resolution 2022-0005

of the

Calaveras Local Agency Formation Commission approving a Service Review of Road Services provided by the 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). And adopting written determinations thereon

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WHEREAS, California Government Code Section 56425 requires that the Local Agency Formation Commission ("LAFCO") adopt and periodically review Sphere of Influence Plans for all agencies in its jurisdiction; and,

WHEREAS, California Government Code Section 56430 requires that LAFCO conduct a review of the municipal services provided by and within an agency prior to updating or adopting its Sphere of Influence Plan; and,

WHEREAS, the Sphere of Influence Plan is the primary planning tool for LAFCO and defines the probable physical boundaries and service area of a local agency as determined by LAFCO; and,

WHEREAS, the Commission adopted guidelines for conducting Municipal Service Reviews (MSRs) included in its Policies, Standards and Procedures adopted on August 17, 2009, which applies to this MSR for water services provided by the 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); and,

WHEREAS, at the time and in the manner provided by law, the Executive Officer gave notice of the date, time, and place of a public hearing by the Commission for the MSR, including approval of the report and adoption of the written determinations contained therein; and,

WHEREAS, the Commission hereby determines that the Service Review for road services provided by the 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).and written determinations contained therein will provide information for updating the Sphere of Influence for the District, and is otherwise consistent with the purposes and responsibility of the Commission for planning the logical and orderly development and coordination of local governmental agencies so as to advantageously provide for the present and future needs of the county and its communities; and,

WHEREAS, in its review of the Road Community Services Districts (CSD's) the Commission realizes they need technical assistance and are willing to support a Calaveras CSD Association whereby the Commission will assist the CSD's to the extent feasible.

WHEREAS, the Commission has heard all interested parties desiring to be heard and has considered the report by the Executive Officer and all other relevant evidence and information presented at said hearing;

NOW, THEREFORE, the Calaveras Local Agency Formation Commission hereby resolves, orders and determines the following:

1. The Municipal Service Review for services provided by the 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), attached hereto as Exhibit A, is approved and the written determinations presented in the Municipal Service Review report are hereby adopted.
2. The Commission desires to work with the CSD's and facilitate in forming an association of Road CSDs to assist and facilitate in sharing and providing services with one another. For example, establishing a CSD association and providing miscellaneous assistance in addressing deficiencies, like helping with bids and local government requirements such as websites, memberships in regional or state organizations, statements of facts, Brown Act requirements and miscellaneous record keeping.
3. LAFCO staff is further ordered to forward copies of this resolution containing the adopted Municipal Service Review to the 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).
4. Directs staff to commence work on a Sphere of Influence Update for the Road Maintenance districts (Road CSD's) in Calaveras County.

The foregoing resolution was duly passed by the Calaveras Local Agency Formation Commission at a regular meeting held on May 16, 2022 by the following roll call vote:

Ayes:

Noes:

Abstain:

Absent:

Signed and approved by me after its passage this 16<sup>th</sup> day of May 2022.

\_\_\_\_\_  
Merita Callaway, Chair or Anita Paque, Vice Chair  
Calaveras LAFCO

Attest:

\_\_\_\_\_  
John Benoit, Executive Officer  
CALAVERAS LOCAL AGENCY FORMATION COMMISSION





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

May 16, 2022

TO: Local Agency Formation Commission  
FROM: John Benoit, Executive Officer  
RE: Final Budget for FY 2022-2023

A "recommended" budget was presented at the March 21, 2022 meeting along with a justification report, which was adopted. Please refer to the Budget Justification Report from the March LAFCo meeting and the proposed budget report for the March 2022 meeting for detail on each of the items below.

**SUMMARY OF EXPENSES:**

Commission Stipend The Commission recommended a stipend of \$3,300.00. This is adequate to cover Commissioner Stipends for the year, assuming full attendance at six meetings. This item has been reduced next year since the Commission now only has 6 regular meetings.

Insurance The Commission recommended \$3,144.00 for liability Insurance. This has since been reduced to \$2,847.00, which is reflected in the Final Budget.

Memberships The Commission recommended in its proposed budget \$2197.00 1,697 for Calafco dues as voted upon by the Calafco membership and \$500.00 for CSDA membership.

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)).

Professional Services Commission Clerk and Executive Officer: Professional Services include two categories: Executive Officer and Clerk at \$45,000.00, the same as this year. Notwithstanding a very complex reorganization or incorporation project for Calaveras LAFCO, this amount should cover LAFCO administration and non complex project processing.

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 Camp.

Service Reviews and Sphere of Influence updates This item is budgeted at \$25,000 to continue Service Reviews and \$20,000 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.

File Scanning and Retention \$6,000 is proposed for file scanning and retention of files for FY 2022-2023.

Legal Notices/Publications The Commission recommended in its proposed budget \$500.00 for legal notices.

Training and Travel Expense: The Commission recommended in its proposed budget \$6,000 for these items. This includes miscellaneous mileage, the Calafco Annual Conference, Staff training and the annual staff workshop. The Calafco conference this year is in Newport Beach from October 19<sup>th</sup> through October 21<sup>st</sup>. It is anticipated to cost approximately \$1,500 per person including transportation, lodging, and conference registration. As well as the annual staff workshop in April 2021 in Orange County.

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

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 allocated \$5,000 for agency training. Next year no funds are allocated.

Contingency/Reserve The contingency/reserve funds are proposed to total \$112,101.40 this year per Commission Policy. Any carryover funds exceeding \$140,000 will be placed back into the Reserve Fund.

The amount to be apportioned between the City, Districts and the County is proposed to be \$89,353.40 next year or \$29,784.47 each for the City, County and Special Districts.

**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 March 21, 2022.
- b. Adopt LAFCO Resolution 2022-0007 approving the final LAFCo budget.

**Resolution 2022-0007**

**of the**

**Calaveras Local Agency Formation Commission**

*Resolution of the Calaveras Local Agency Formation Commission Adopting a Final Budget for  
2022-2023*

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 March 21, 2022; 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 2022-2023 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 2022-2023 budget service and supplies appropriation of \$121,594.00 as shown in Exhibit "A"
2. That Calaveras LAFCO hereby establishes a contingency fund of \$12,159.40 for FY 2022-2023.
3. LAFCO hereby allocates \$100,000.00 for its general reserve fund plus any unrestricted carryover funds from the previous fiscal year.
4. 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.

5. The Commission desires to retain any and all carryover funds to fund future Municipal Service Reviews, special projects, legal expenses, its reserve fund and Spheres of Influence projects as provided for in G.C. Code Section 56381.
6. Request the Auditor collect the funds as required in Section 56381 of the government code and apportion \$90,883.70 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>, 2022 by the following roll call vote:

AYES: -

NOES: -

ABSTAINS: -

ABSENT: -

Signed and approved by me after its passage this 16th day of May 2022.

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Merita Callaway, Chair Calaveras LAFCO

Attest:

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John Benoit, Executive Officer  
Calaveras LAFCO

|   | 2020-2021<br>Final Budget | 2021-2022<br>FINAL Budget | 2022-2023<br>Proposed Budget | 2022-2023<br>Final Budget |
|---|---------------------------|---------------------------|------------------------------|---------------------------|
| <b>EXPENDITURES</b>                                   |                           |                           |                              |                           |
| <b>SERVICES AND SUPPLIES</b>                          |                           |                           |                              |                           |
| 62001 Extra Hire - Commissioners Stipend              | \$3,300.00                | \$3,300.00                | \$3,300.00                   | \$3,300.00                |
| 62050 Insurance                                       | \$3,000.00                | \$2,500.00                | \$3,144.00                   | \$2,847.00                |
| 62051 Communications                                  | \$800.00                  | \$800.00                  | \$800.00                     | \$800.00                  |
| 62052 Memberships - Calafco CSDA                      | \$2,120.00                | \$2,117.00                | \$2,197.00                   | \$2,197.00                |
| 62053 Office Expense - General                        | \$350.00                  | \$350.00                  | \$350.00                     | \$350.00                  |
| 62054 Office Expense - Postage                        | \$500.00                  | \$500.00                  | \$500.00                     | \$500.00                  |
| 62055 Office Expense - Copies                         | \$1,500.00                | \$1,500.00                | \$1,500.00                   | \$1,500.00                |
| 62056 Service Reviews                                 | \$25,000.00               | \$25,000.00               | \$25,000.00                  | \$25,000.00               |
| 62057 Spheres of Influence                            | \$20,000.00               | \$20,000.00               | \$20,000.00                  | \$20,000.00               |
| 62058 File Scanning and Retention and Mapping         | \$6,000.00                | \$6,000.00                | \$6,000.00                   | \$6,000.00                |
| 62059 Professional Services-Exec. Officer/Clerk       | \$45,000.00               | \$45,000.00               | \$45,000.00                  | \$45,000.00               |
| 62060 City Finance Charges (formerly A-87)            | \$3,600.00                | \$3,600.00                | \$3,600.00                   | \$3,600.00                |
| 62061 Legal Notices                                   | \$500.00                  | \$500.00                  | \$500.00                     | \$500.00                  |
| 62062 Training  | \$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                |
| 62064 Travel Expense                                  | \$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                |
| 62067 Special Dist. Training                          | \$0.00                    | \$0.00                    | \$0.00                       | \$0.00                    |
| <b>TOTAL SERVICES AND SUPPLIES</b>                    | <b>\$121,670.00</b>       | <b>\$121,167.00</b>       | <b>\$121,891.00</b>          | <b>\$121,594.00</b>       |
| 62066 Contingency Fund                                | \$12,167.00               | \$12,116.70               | \$12,189.10                  | \$12,159.40               |
| General Reserve Fund                                  | \$100,000.00              | \$100,000.00              | \$100,000.00                 | \$100,000.00              |
| <b>Services, Contingency and Reserve Total</b>        | <b>\$233,837.00</b>       | <b>\$233,283.70</b>       | <b>\$234,080.10</b>          | <b>\$233,753.40</b>       |
| <b>REVENUE AND CARRYOVERS</b>                         |                           |                           |                              |                           |
| Est. Carryover from prior year                        | \$140,000.00              | \$140,000.00              | \$142,000.00                 | \$142,000.00              |
| Anticipated Project Revenue                           | \$2,000.00                | \$2,000.00                | \$2,000.00                   | \$2,000.00                |
| Anticipated Interest                                  | \$400.00                  | \$400.00                  | \$400.00                     | \$400.00                  |
| TOTAL Revenue and Carryover                           |                           |                           |                              |                           |
| Difference between Total Rev and carryover and budget | \$91,437.00               | \$90,883.70               | \$89,680.10                  | \$89,353.40               |
| Contributions from Governments                        |                           | \$90,883.70               | \$89,680.10                  | \$89,353.40               |
| TOTAL REVENUES AND CARRYOVERS                         | \$91,437.00               | \$142,400.00              | \$144,400.00                 | \$144,400.00              |
| <b>AMOUNT TO BE APPORTIONED</b>                       |                           |                           |                              |                           |
| City of Angels Camp                                   | \$91,437.00               | \$90,883.70               | \$89,680.10                  | \$89,353.40               |
| County of Calaveras                                   |                           | -\$30,294.57              | \$29,893.37                  | \$29,784.47               |
| Independent Spec. Districts                           |                           | -\$30,294.57              | \$29,893.37                  | \$29,784.47               |
|   |                           | -\$30,294.57              | \$29,893.37                  | \$29,784.47               |

ITEM 7b

AGREEMENT FOR EXECUTIVE OFFICER SERVICES  
FOR THE CALAVERAS LOCAL AGENCY FORMATION COMMISSION  
AMENDMENT #2

1. **Contract Amendment.** This Amendment #2, dated May 16, 2022, hereby amends Exhibit A of the Agreement for Executive Officer Services for the Calaveras Local Agency Formation Commission dated February 22, 2005, for services to be performed by John Benoit in the contract position of Executive Officer.

Hourly Billing Rates  
as of July 1, 2022

John Benoit \$106.40 per hour

**REIMBURSEMENT OF DIRECT EXPENSES**

LAFCO shall reimburse Contractor for the following direct expenses:

|                         |          |
|-------------------------|----------|
| Mileage:                | IRS Rate |
| Photocopies:            | Cost     |
| Office Supplies         | Cost     |
| Postage:                | Cost     |
| Telephone/internet/Fax: | Cost     |

2. **Effective Date of Amendment.** The Contractor's hourly rate as shown in this Amendment #2 shall be effective July 1, 2022, and remain in force until modified or terminated as provided sections III and IV of the Agreement for Executive Officer Services for the Calaveras Local Agency Formation Commission, dated February 22, 2005 and as amended on May 20, 2019.

3. **Other Agreements.** Except as modified here, the Agreement for Executive Officer Services for the Calaveras Local Agency Formation Commission, dated February 22, 2005, remains in full force and effect without modification.

The signatures of the parties below indicate that each has read and understood the Agreement, as amended, and will abide by the terms stated herein.

The parties have executed this Amendment #2 on the date stated below.

*[Signatures on following page]*

CALAVERAS LOCAL AGENCY FORMATION COMMISSION

By: \_\_\_\_\_  
Chair, Calaveras Local Agency Formation Commission

Dated: \_\_\_\_\_

JOHN BENOIT, Contractor

By: \_\_\_\_\_  
John Benoit

Dated: \_\_\_\_\_