

Calaveras Local Agency Formation Commission

Regular Meeting Agenda

MONDAY – November 16, 2015 – 6:00 p.m.
at the

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

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

Vacant, Public Member Alt.

Debbie Ponte, County Member Alt.

Scott Behiel, City Member Alt.

Don Young, Special Dist. Member Alt.

Staff:

John Benoit, Executive Officer

Karon Knuist, LAFCO Clerk

Michael Colantuono, LAFCO Counsel

2. Approval of Agenda (Deletions/Additions)

3. Selection of a public member alternate to serve a four-year term ending in May 2019 *(continued: Please bring previously distributed materials to the meeting see additional information submitted by Michael Minkler).*

- a. *Interview and Select Public Member Alternate for a term ending in May 2019 Those applying are : Michael Minkler, George Fry, Robert Dean and Jack Lynch)*

4. ***Consider Minutes of September 21, 2015***

a. *Approve September 21, 2015 Minutes*

5. **Consent Agenda:**

a. *Review and Authorize Claims for September and October 2015*

6. **PUBLIC HEARING: *Formation of the Calaveras RCD:***

a. *Receive Executive Officer's report, conduct Public Hearing and Consider Public Comment and Consider LAFCo Resolution 2015-0005 thereby forming the Calaveras RCD subject to Terms and Conditions included.*

7. **PRESENTATION regarding Service Reviews and Sphere Updates for County Service Areas (CSAs) within Calaveras County including the following:**

- ☐ Rancho Calaveras CSA No. 1
- ☐ Bar XX CSA No. 2
- ☐ Diamond XX CSA No. 4
- ☐ Springs Hills CSA No 8
- ☐ Golden Hills CSA No 12

And the Inactive County Service Areas:

- ☐ Campo Seco Estates CSA No. 5
- ☐ Forest Meadows CSA No. 7
- ☐ El Rancho Loma Sera CSA No. 10

a. *Receive Presentation*

b. *Schedule workshop and (or) public hearing regarding the Service Review and Sphere Update for CSA's within Calaveras County*

OTHER ITEMS:

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

a) *County General Plan – Schedule discussion at the next available LAFCo meeting*

9. **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

10. **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.

- 11. Adjourn to next regular meeting of December 21st, 2015 or set a special meeting time since the January 18th LAFCO meeting will take place on January 18th, which is Martin Luther King day.**

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

Email LAFCO at: johnbenoit@surewest.net

CALAVERAS LAFCO**LAFCO CLAIM AUTHORIZATION FORM**

for

September and October 2015

Authorize payment of the following claims:

<u>Date of Claim</u>	<u>Description</u>	<u>Amount</u>
FY 2015-2016 Expenses:		
Oct 1, 2015	Staff SVCS & Expenses – Sept 2015	\$ 4,428.57
Sept 21, 2015	Comm Payroll Sept 21, 2015	\$ 300.00
Oct 1 2015	CSA MSR Report and research Sept 2015	\$ 3,056.25
	TOTAL Sept 2015	\$ 7,784.82
Nov 1, 2015	Staff Svcs & CSA-CSD MSR Oct 2015	\$ 4,771.16
Oct 5, 2015	Colantuono Highsmith and Whatley, PC	\$ 420.00
	TOTAL October 2015:	\$ 5,191.16

DATED: Nov 16, 2015

APPROVED: Nov 16, 2015

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

Attest:

John Benoit
Executive Officer

Item	Account Number	Comm Stipends	Insurance	Communications	Memberships	Gen Office Exp	Postage	copies	Fire & EMS	W & WWSOI	Ex. OFF. Svcs	City Fin Chrg
		62001	62050	62051	62052	62053	62054	62055	62057	62058	62059	62060
	Total Budget	\$ 6,050.00	\$ 39.00	\$ 643.60	\$ 765.00	\$ 350.00	\$ 458.36	\$ 1,864.56	\$ 14,718.75	\$ 20,000.00	\$ 27,697.50	\$ 3,600.00
Calafco dues 14-15												
SDRMA Insurance 14-15			\$ (1,623.60)									
Calafco Conf. Regis Sept 2-4												
JB Invoice July 15 Svcs, Mapping, MSR				\$ (39.71)			\$ (19.68)	\$ (56.25)	\$ (6,306.25)		\$ (3,620.00)	
JB Invoice August Mapping MSR misc				\$ (39.86)				\$ (10.00)			\$ (3,150.00)	
Tyrrell Conference 2015												
Paque Conference Costs												
Refund Sobon and Oliveira Calafco												
Comm Payroll July 20, 2015	\$ (250.00)			\$ (39.86)			\$ (19.02)	\$ (44.19)	\$ (3,056.25)		\$ (4,245.00)	
Comm Payroll Sept 21, 2015	\$ (300.00)			\$ (36.97)			\$ (2.94)	\$ (25.00)	\$ (918.75)		\$ (3,787.50)	
Staff Svcs Sept 2015												
Staff Svcs October 2015												
Colantuono Highsmith and Whatley												
TOTAL EXPENDED		\$ (550.00)	\$ (1,623.60)	\$ (156.40)	\$ (765.00)	\$ 350.00	\$ (419.04)	\$ (138.44)	\$ (10,281.25)	\$ 20,000.00	\$ 27,697.50	\$ 3,600.00
TOTAL REMAINING		\$ 6,050.00	\$ 39.00	\$ 643.60	\$ -	\$ 350.00	\$ 458.36	\$ 1,864.56	\$ 14,718.75	\$ 20,000.00	\$ 27,697.50	\$ 3,600.00

11/2/15



Michael J. Minkler

Michael Minkler advises clients on land use entitlements, contracts, real estate transactions, and business disputes. He also advises public agencies and private sector clients on complex land use and planning law, compliance with the Brown Act, the Cortese-Knox-Hertzberg Local Government Reorganization Act, the California Environmental Quality Act (CEQA), the National Environmental Policy Act, the Subdivision Map Act, and other land use and environmental issues. He has served as Assistant City Attorney for the cities of Rancho Cordova, Livingston, and Atwater. He currently serves as General Counsel to the Utica Water and Power Authority, the Blue Lakes Springs Mutual Water Company, and the Cameron Estates Community Services District.

Prior to moving to Arnold in the summer of 2013, Michael specialized in land use litigation and processing and implementing large mixed-use development projects. Michael negotiated, drafted, and implemented development agreements for several real estate developments in the Sacramento area. He represented public agency and private sector clients through all phases of the land use entitlement process, including administrative approvals and litigation. Michael's work included representing the Metropolitan Transportation Commission on the environmental review of, and subsequent legal challenges to, Plan Bay Area, the sustainable communities strategy and regional transportation plan for the nine-county San Francisco Bay Area region.

Michael's practice is now focused on his general counsel clients, as well as on real estate transactions, land use, and contract negotiations for various individuals and business clients. He also represents clients in civil litigation cases involving land use, real estate, and business disputes.

Michael has conducted various trainings and guest lectures on CEQA, land use and planning law, and public agency law. From 2011 to 2013 he was a contributing author and editor of the California Land Use Practice treatise, published by Continuing Education of the Bar.

Michael is originally from Oakhurst, California. He is a veteran, having served four years in the U.S. Coast Guard, and currently serves as volunteer member and Vice President of the Calaveras County Search and Rescue Team. He earned a Bachelor's Degree in International Relations and a Master's Degree in International Environmental Policy from the Monterey Institute of International Studies before earning his J.D. from King Hall, at the University of California, Davis. He lived and worked in Sacramento prior to moving to Arnold.



Michael J. Minkler

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Experience

Park Minkler, Attorneys at Law, *Arnold, California*
Partner

2013 – present

- Serve as General Counsel for the Utica Water and Power Authority, the Blue Lake Springs Mutual Water Company, and the Cameron Estates Community Services District. Advise clients on a broad range of issues, including water law, local government law, environmental law, CEQA, contract and property disputes, real estate transactions, litigation and arbitration, and regulatory compliance.
- Represent private sector clients in real estate transactions and property disputes, land use, zoning, and planning issues, as well as contract negotiations, disputes, and civil litigation.

The Thomas Law Group, *Sacramento, California*
Associate / Of Counsel

2013 – 2014

- Represented clients in processing complex land use projects and in land use litigation.
- Advised the Metropolitan Transportation Commission regarding environmental review and project approval Regional Transportation Plan and Sustainable Community Strategy for the nine-county San Francisco Bay Area region. Project responsibilities included advising MTC on all aspects of environmental review, Brown Act compliance, and litigation avoidance strategies.

Meyers Nave Riback Silver & Wilson, *Sacramento, California*
Associate Attorney

2011 – 2013

- Served as assistant to the City Attorney in the cities of Rancho Cordova, Livingston, and Atwater.
- Provided legal counsel to public agencies on land use, planning, and environmental issues, including processing of complex land use projects, negotiation and drafting of development agreements, compliance with CEQA and other land use laws.
- Represented public agency clients in all aspects of land use and CEQA litigation.

The Law Office of Michael J. Minkler, *Sacramento, California*
Sole Proprietor

2010 – 2011

- Lead counsel for a private sector client through trial in CEQA litigation. Successfully negotiated a settlement while appeal was pending.

Remy Thomas Moose and Manley LLP, *Sacramento, California*
Associate Attorney

2009 – 2010

- Provided legal counsel to public and private sector clients on issues related to land use, planning, and local governance.

United States Coast Guard, *various duty stations*
Second Class Petty Officer (E-5)

1997 – 2001

Education

University of California, Davis, School of Law, *Davis, California*
Juris Doctor, 2009

Monterey Institute of International Studies, *Monterey, California*
Master of Arts in International Environmental Policy, 2006
Bachelor of Arts in International Relations, magna cum laude, 2005

Licenses and Admissions

Admitted to practice law in the State of California and the Federal District Court of California, Eastern District

Community Involvement and Recognitions

- Contributing author and editor of “California Land Use Practice” published by Continuing Education of the Bar
- Selected as a “Rising Star” by Northern California Super Lawyers Magazine in 2012, 2013, and 2014
- Calaveras County Search and Rescue, Vice President
- Greater Arnold Business Association, Board Member

Nancy Park Minkler

Park Minkler

ATTORNEYS AT LAW

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September 18, 2015

Calaveras LAFCo
c/o John Benoit, Executive Officer
PO Box 2694
Granite Bay, CA 95746

Re: Public Member Alternate on Calaveras LAFCo

Dear Mr. Benoit,

I write to apply for the vacant public member position on the Calaveras LAFCo. I have been practicing public agency and land use law since my graduation from UC Davis law school in 2009. In the summer of 2013, after being retained as general counsel for the Utica Water and Power Authority (UWPA), my wife and I moved to Arnold and established our law firm. I have since been retained as general counsel by the Blue Lake Springs Mutual Water Company and the Cameron Estates Community Services District. I also represent private sector clients in real estate, land use, contract law, and civil litigation.

Practicing land use law inherently involves knowledge of the Cortese-Knox-Hertzberg Local Government Reorganization Act. While working for the law firm Remy, Thomas, Moose, and Manley, the Meyers Nave law firm, and the Thomas Law Group in Sacramento, I represented public agencies and private sector clients on several large development projects that included changes in organization or reorganizations. As a member of the public agency and land use practice groups at Meyers Nave, I was part of a litigation team that represented the City of Fresno in a case involving a large new development that expanded the City's limits and sphere of influence. In that case, the City brought a petition for a writ of mandate and a validation proceeding against the Fresno County LAFCo over a dispute regarding pre-zoning procedures. Litigating these issues deepened my understanding of the legal and procedural challenges that each LAFCo faces.

Since moving to Calaveras County, I have seen first hand the importance of accurate and detailed municipal service reviews. While UWPA is not required to participate in the MSR process, it has done so in the past in an attempt to supplement the information available to Calaveras LAFCo. As a member of LAFCo, I would make similar efforts to ensure its decisions are informed and in the best interests of the communities we serve.

I appreciate your consideration. Please contact me if you need additional information or to schedule a meeting.

Sincerely,

Michael J. Minkler

Calaveras Local Agency Formation Commission

Regular Meeting Minutes - Monday September 21, 2015

1. **Call to Order/Pledge of Allegiance/Roll Call** – Order was called by Chair Paque at 6:00pm on Monday September 21, 2015 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
 Cliff Edson, County Member
 Debbie Ponte, County Member Alt.
 Don Young, Special Dist. Member Alt.

Staff Present

John Benoit, Executive Officer
 Karon Knuist, LAFCO Clerk

Commissioners Absent

Tony Tyrell, Vice Chair, Special Dist. Member
 Michael Oliveria, County Member
 John Lavaroni, Special District Member

Others Present

Sign Interpreters

2. **Approval of Agenda: MOTION** by Commissioner Sobon to approve the Agenda as presented, second by Commissioner Alternate Young. Motion passed 6 yes, 0 no, 1 absent.
3. **Interview and select a Public Member Alternate for a 4-year term ending in May 2019.** The Commission has received 4 letters of interest for the position. George Fry, Bob Dean, Jack Lynch and Michael Minkler have all submitted a letter of interest. Chair Paque reported that the selection of a Public Member Alternate has been tabled at the last two LAFCO meetings because all of the previous motions have failed. Chair Paque asked each applicant to make a statement.

PUBLIC COMMENT: No public comment.

MOTION by Commissioner Sobon to appoint Michael Minkler as the Public Member Alternate, second by Commissioner Alternate Ponte. Motion failed to pass due to lack of the required number of Special District member votes.

MOTION by Commissioner Alternate Young to appoint George Fry as the Public Member Alternate, second by Commissioner Edson. Motion failed to pass due to lack of the required number of City member votes.

MOTION by Commissioner Sobon to appoint Michael Minkler as the Public Member Alternate, second by Commissioner Folendorf. Motion failed to pass due to lack of the required number of Special District member votes.

Chair Paque tabled the selection of the Public Member Alternate until the next scheduled LAFCO meeting.

4. **Consider Minutes of June 20, 2015: MOTION:** by Commissioner Folendorf to approve the Minutes of July 20, 2015 as presented, second by Commissioner Edson. Motion passed 3 yes, 0 no, 1 absent, 3 abstentions.
5. **Public Comment:** Peter Racz Lind commented on the selection of the Public Member Alternate. He felt that the Public Members should represent the Public and not owe loyalty to any Board. He suggested that the position be added to the ballot so the public can vote on it.
6. **Consent Agenda: Review and Authorize Claims for July & August 2015: MOTION** by Commissioner Sobon to Authorize Claims for July and August 2015, second by Commissioner Edson. Motion passed 6 yes, 0 no, 1 absent.
7. **Spheres of Influence and Service Reviews:** Executive Officer Benoit reported that SOI and Service maps have been sent to CCWD and he would like Dennis Mills' help in setting up a meeting so those maps can be compared to the maps included in the County's General Plan.

Executive Officer Benoit also reported that the CSAs and CSDs are upcoming and a meeting needs to be set up with Saddle Creek CSD.

Public Comment: Peter Racz commented that he thought the taxpayers should be making the decisions. He feels that nothing had been done according to previous years' Grand Jury reports.

George Fry was concerned that the water districts will be raising their rates because water usage is going down.

Dennis Mills of CCWD clarified that CCWD does serve private areas.

8. **Discussion of CALAFCO Annual Conference.** Executive Officer reported that Chair Paque was elected as the Public Member to the CALAFCO Board of Directors for the

Central Region. He also reported that the dues paid we pay to CALAFCO will be

increased by 14% to \$114.

9. **Response to the 2014-2015 Grand Jury Report.** Commissioner Sobon suggested strengthening the letter to the Grand Jury by adding some wording along the lines of; “LAFCO has been informed that a Water/Wastewater Committee has been formed for the Highway 4 sector and other areas in Calaveras County”.

PUBLIC COMMENT: Peter Racz commented that each district should be accountable to its customers.

MOTION by Commissioner Alternate Young to amend the letter to the Grand Jury to include wording regarding the Highway 4 Water/Wastewater Committee, second by Commissioner Edson. Motion passed 6 yes, 0 no, 1 absent.

OTHER ITEMS:

10. **Executive Officer’s report.** Executive Officer Benoit reported that The Resource Conservation District will be on the next Board of Supervisors agenda. Work on the County’s General Plan is moving forward. Commissioner Alternate Ponte reported that one of the reasons it is taking so long is that that Planning Commission is going through the General Plan page by page.

11. **Commissioners Reports:**

Commissioner Edson reported that had had spent the last 9 days helping with the Butte fire. He would like to see the Calaveras Resource Conservation District set up as soon as possible and hopefully the County will be better prepared in the face of another event such as the Butte fire.

Commissioner Sobon stated that lessons are always learned from tragic incidents such as the Butte fire.

Chair Paque reported that lack of adequate broadband was another thing mentioned at the CALAFCO Annual Conference. Outlying areas such as Calaveras County are affected as well as pocket areas in larger cities like Sacramento.

12. **Adjournment:** The City members will be unable to attend the October 19, 2015 meeting so the Commission will adjourn to the November 16, 2015 scheduled meeting. Meeting was adjourned at 7:36p.m.

Minutes submitted by Karon Knuist.

DATED:

APPROVED:

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