

**CALAVERAS LAFCO**

**Calaveras Local Agency Formation Commission**

**Agenda**

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

**Regular Meeting Agenda**

**Monday – May 15, 2023 – 6:00 p.m.**

**Topic: Calaveras LAFCo**

**Time: May 15, 2023 06:00 PM Pacific Time (US and Canada)**

**Join Zoom Meeting**

**<https://us02web.zoom.us/j/84511550675?pwd=ajdVR2JpVFZoUkduMm9ZSIVNR3BXZz09>**

**Meeting ID: 845 1155 0675**

**Passcode: 377569**

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

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

**Commissioners**

**Alternate Commissioners**

Anita Paque, Public Member, Chair

Kirk Smith, Special District Member, Vice Chair

Isabel Moncada, City Member

Jennifer Herndon, City Member

Jack Garamendi, County Member

Amanda Folendorf, County Member

Ralph Copeland, Public Member Alt.

Alvin Broglio, City Member Alt.

Jon Dashner, Special Dist. Member Alt.

Gary Tofanelli, County Member Alt

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

Tony Tyrrell, Special District Member

**Staff:**

John Benoit, Executive Officer

Diane Severud, LAFCO Clerk

Michael Colantuono, LAFCO Counsel

**2. Election of Chair and Vice-Chair for FY2023/2024**

a. *LAFCo's Bylaws (Section 4.6) calls for the Chair to be elected from the Special District Category and the Vice-Chair to be elected from the City Category*

1. *Election of Chair (Special District Member)*

2. *Election of Vice-Chair ( City Member)*

**3. 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.

**4. Consider minutes of March 20, 2023**

a. *March 20, 2023 LAFCo Minutes will be considered at the next LAFCo Meeting*

**5. Consent Agenda:**

a. Review and Authorize Claims for March and April 2023

**Public Hearings:**

**6. Public Hearing regarding the final 2023-2024 LAFCo Budget**

a) *Conduct Public Hearing*

b) *Consider Resolution 2023-0003 adopting a final LAFCo budget for 2023-2024*

7. **Discussion and possible action regarding underperforming districts in Calaveras County**
  - a. Review Executive Officer's Alternatives Memo
  - b. Provide Direction to staff for further Action (per the purview of LAFCo)
8. **Consider nomination for the Calafco Central Section City and (or) Public Member for the Calafco Board of Directors**
  - a. Consider Nomination for the City and (or) Public member for the Central Region Board Member to run for a two-year term of office
9. **Consider Calafco Achievement Award Nominations**
  - a) Review Categories and Consider Calafco Achievement Award Nomination for 2024
10. **Executive Officer' s report**
  - a) UPUD and RCD MSR status update
  - b) Calafco Staff Workshop in Murphys
  - c) City of Angels Proposed Annexations

**11. 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

**12. NEXT LAFCO MEETING will take place on: July 17, 2023 - 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 LAFCO

## LAFCO CLAIM AUTHORIZATION FORM

for

**March and April 2023**

Authorize payment of the following claims:

**FY 2022-2023 Expenses:**

<u>Date of Claim</u>	<u>Description</u>	<u>Amount</u>
March 20, 2023	Commission meeting stipends	\$ 800.00
Feb 1, 2023	Staff Svcs and Expenses Jan 2023	\$ 7,304.19
May 1, 2023	Staff Svcs and Exp April 2023	\$ 5,417.07
Apr 30, 2023	Valley springs news Final -Budget	\$ 19.50
	TOTAL:	\$ 13,540.76

DATED: May 15, 2023

APPROVED: May 15, 2023

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Anita Paque, Chair or Kirk Smith, Vice-Chair  
Calaveras Local Agency Formation Commission

Attest:

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John Benoit  
Executive Officer

Item	Account Number	Comm Stipends	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		\$ 6,600.00	\$ 2,847.00	\$ 800.00	\$ 2,197.00	\$ 350.00	\$ 500.00	\$ 1,500.00	\$ 25,000.00	\$ 20,000.00	\$ 47,000.00	\$ 3,600.00	\$ 500.00	\$ 4,000.00
Calafco dues 22-23					\$ (1,696.00)									
SDRMA Insurance 22-23			\$ (2,824.92)											
Payroll 7.18.22		\$ (700.00)												
Staff Svcs July 2022				\$ (67.19)	\$ (33.35)	\$ (1.00)	\$ (15.00)				\$ (4,894.40)			\$ (3,570.00)
Calafco Conf Regis 2022				\$ (80.64)	\$ (13.99)			\$ (4,394.80)			\$ (3,000.00)			
September 2022 staff services		\$ (800.00)												
Payroll 9.19.22				\$ (67.80)	\$ (11.94)			\$ (20.00)		\$ (2,000.00)	\$ (2,415.60)			\$ (354.92)
Staff Svcs October 2022														
Kirk Smith Conf. Reimbursement														
Gary Tofanelli Conf Reimbursement					\$ (500.00)									
CSDA dues 2023				\$ (80.64)	\$ (13.99)				\$ (3,000.00)		\$ (4,394.80)			
Staff Svcs August 2022														
Anita Paque Conf Reimb 2022				\$ (74.49)					\$ (3,650.00)		\$ (3,000.00)			
Reimb Calafco config IlMoncada		\$ (700.00)												
Staff Svcs November 2022				\$ (74.49)		\$ (0.60)				\$ (2,192.32)	\$ (3,000.00)			
Payroll 11.21.2022				\$ (74.45)										
Staff Svcs December 22		\$ (900.00)												
Payroll 1.23.23				\$ (74.45)					\$ (1,596.00)		\$ (3,670.80)			
Staff Svcs January 2023(23-33)				\$ (74.45)										
Valley Spgs news 23-24 Budget				\$ (74.45)					\$ (1,883.80)		\$ (2,000.00)		\$ (21.00)	
Staff Svcs February 2023		\$ (800.00)												
Payroll 3.20.2023				\$ (68.29)	\$ (67.90)			\$ (53.90)	\$ (1,489.60)		\$ (5,532.80)			
Staff SVCS March 2023				\$ (67.83)	\$ (11.44)				\$ (2,000.00)		\$ (2,947.60)			
Staff Svcs April 2023														
Valley Spgs news 23-24 Final Budget														
<b>TOTAL EXPENDED</b>		\$ 2,700.00	\$ 2,824.92	\$ 730.27	\$ 2,197.00	\$ 352.63	\$ 1,600	\$ 1,633.00	\$ 24,801.80	\$ 20,192.32	\$ 47,456.00	\$ 3,600.00	\$ 459.50	\$ 3,924.92
<b>TOTAL REMAINING</b>		\$ 2,700.00	\$ 22.08	\$ 69.73	\$ 1.00	\$ 197.39	\$ 498.40	\$ 1,336.10	\$ 6,985.80	\$ 15,807.68	\$ 12,144.00	\$ 3,600.00	\$ 459.50	\$ 75.08



#6

CALAVERAS LAFCO

EXECUTIVE OFFICER'S REPORT

May 15, 2023

TO: Local Agency Formation Commission  
FROM: John Benoit, Executive Officer  
RE: Final Budget for FY 2023-2024

A "recommended" budget was presented at the March 20, 2023 meeting along with a justification report, which was adopted. Please refer to the Budget Justification Report from the March 20<sup>th</sup> LAFCo meeting and the proposed budget report for the March 20<sup>th</sup>, 2023 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 \$2,919 for liability Insurance, which is reflected in the Final Budget.

Memberships The Commission recommended in its proposed budget \$2,336.60 1,836for 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 \$47,000.00, 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 2023-2024.

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 \$10,000 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 Monterey from October 18<sup>th</sup> through October 20<sup>th</sup>. It is anticipated to cost approximately \$2,000 per person including transportation, lodging, and conference registration. The annual staff workshop had not been determined at this time. This budget is adequate to send 5 persons to the Conference as well as a portion of the Executive Officer's attendance.

Personal Mileage Reimbursement This category is for reimbursement for mileage incurred in the course of business (\$2,000.00).

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

Special District (Agency) Training This year, the Commission allocated \$5,000 for agency training. Next year no funds are allocated.

Contingency/Reserve The contingency/reserve funds are proposed to total \$113,160.35 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 \$100,366.16 next year or \$33,455.39 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 20, 2023.
- b. Adopt LAFCO Resolution 2023-0003 approving the final LAFCo budget.

**Resolution 2023-0003**

**of the**

**Calaveras Local Agency Formation Commission**

*Resolution of the Calaveras Local Agency Formation Commission Adopting a Final Budget for  
2023-2024*

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 20, 2023; 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 2023-2024 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 2023-2024 budget service and supplies appropriation of \$131,065.60 as shown in Exhibit "A"
2. That Calaveras LAFCO hereby establishes a contingency fund of \$13,160.56 for FY 2023-2024.
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 \$100,366.16 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 15<sup>th</sup>, 2023 by the following roll call vote:

AYES: -

NOES: -

ABSTAINS: -

ABSENT: -

Signed and approved by me after its passage this 15th day of May 2023.

\_\_\_\_\_  
Anita Paque, Chair or Kirk Smith, Vice Chair Calaveras LAFCO

Attest:

\_\_\_\_\_  
John Benoit, Executive Officer  
Calaveras LAFCO

	2020-2021 Final Budget	2021-2022 FINAL Budget	2022-2023 Final Budget Adopted	2023-2024 Proposed Budget	2023-2024 Final Budget
<b>EXPENDITURES</b>					
SERVICES AND SUPPLIES					
62001 Extra Hire - Commissioners Stipend	\$3,300.00	\$3,300.00	\$5,600.00	\$6,600.00	\$6,600.00
62050 Insurance	\$3,000.00	\$2,500.00	\$2,847.00	\$2,919.00	\$2,919.00
62051 Communications	\$800.00	\$800.00	\$800.00	\$800.00	\$800.00
62052 Memberships - Calafco CSDA	\$2,120.00	\$2,117.00	\$2,197.00	\$2,336.60	\$2,336.60
62053 Office Expense - General	\$350.00	\$350.00	\$350.00	\$350.00	\$350.00
62054 Office Expense - Postage	\$500.00	\$500.00	\$500.00	\$500.00	\$500.00
62055 Office Expense - Copics	\$1,500.00	\$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	\$25,000.00
62057 Spheres of Influence	\$20,000.00	\$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	\$6,000.00
62059 Professional Services-Exec. Officer/Clerk	\$45,000.00	\$45,000.00	\$47,000.00	\$47,000.00	\$47,000.00
62060 City Finance Charges (formerly A-87)	\$3,600.00	\$3,600.00	\$3,600.00	\$3,600.00	\$3,600.00
62061 Legal Notices	\$500.00	\$500.00	\$500.00	\$500.00	\$500.00
62062 Training	\$4,000.00	\$4,000.00	\$4,000.00	\$8,000.00	\$8,000.00
489.6 Personal Mileage Reimb	\$1,500.00	\$1,500.00	\$2,000.00	\$2,000.00	\$2,000.00
62064 Travel Expense	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00
62065 Legal Counsel Services and misc Legal Expenses	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00
62067 Special Dist. Training	\$0.00	\$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>\$127,394.00</b>	<b>\$131,605.60</b>	<b>\$131,605.60</b>
62066 Contingency Fund	\$12,167.00	\$12,116.70	\$12,739.40	\$13,160.56	\$13,160.56
General Reserve Fund	\$100,000.00	\$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>\$240,133.40</b>	<b>\$244,766.16</b>	<b>\$244,766.16</b>
<b>REVENUE AND CARRYOVERS</b>					
Est. Carryover from prior year	\$140,000.00	\$140,000.00	\$142,000.00	\$142,000.00	\$142,000.00
Anticipated Project Revenue	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00
Anticipated Interest	\$400.00	\$400.00	\$400.00	\$400.00	\$400.00
TOTAL Revenue and Carryover	\$142,400.00	\$142,400.00	\$144,400.00	\$144,400.00	\$144,400.00
Difference between Total Rev and carryover and budget	\$90,883.70	\$90,883.70	\$95,733.40	\$100,366.16	\$100,366.16
Contributions from Governments	\$91,437.00	\$90,883.70	\$95,733.40	\$100,366.16	\$100,366.16
TOTAL REVENUES AND CARRYOVERS	\$142,400.00	\$142,400.00	\$144,400.00	\$144,400.00	\$144,400.00
<b>AMOUNT TO BE APPORTIONED</b>	<b>\$91,437.00</b>	<b>\$90,883.70</b>	<b>\$95,733.40</b>	<b>\$100,366.16</b>	<b>\$100,366.16</b>
City of Angels Camp	\$30,294.57	\$30,294.57	\$31,911.13	\$33,455.39	\$33,455.39
County of Calaveras	\$30,294.57	\$30,294.57	\$31,911.13	\$33,455.39	\$33,455.39
Independent Spec. Districts	\$30,294.57	\$30,294.57	\$31,911.13	\$33,455.39	\$33,455.39

**Alternatives to CSA road maintenance governance and options for LAFCo to encourage efficient road maintenance.  
May 15, 2023**

LAFCO recently adopted a Service Review and Sphere of Influence for Road Community Services Districts (CSD's) in Calaveras County. Some of the districts are underperforming. The purpose of this memo is to discover alternatives to CSD governance for CSD's failing to comply with the CSD Law and other relevant sections of the government code.

Other than the formation of Community Services Districts, there are several tools that may be used within a County to provide for road maintenance governance in previously subdivided areas as noted below.

1. **A Community Services District (CSD)** is independent of the County. In most cases, the Board of Directors is either elected or appointed by the Board of Supervisors, however, recent changes in the CSD law provide for the Board of Supervisors to be the initial Board of Directors and continue as such until certain circumstances occur. Although the Board of Supervisors may initiate LAFCO proceedings, a group of registered voters may petition LAFCO to form a CSD. LAFCO will require a financing plan to provide for road maintenance. A CSD is typically the first step towards cityhood. The revised CSD Law now enables a district to provide 31 authorized services and facilities. The new CSD Law took effect on January 1, 2005. A concern with the formation of a CSD for one purpose (i.e. roads) is the cost of formation and operation may be much higher than a CSA due to the inability to share insurance, administrative and regulatory costs with other CSD's. In the 1980's and 1990's CSD's were formed for subdivision since residents had a desire to self govern.
2. **Permanent Road Divisions pursuant to Section 1160 et. seq.** of the Streets and Highways code (this method does not need LAFCO approval) A Permanent Road Division enables counties to provide a guaranteed level of service where requested by property owners. A PRD allows any neighborhood within the County to establish a "Division" to obtain increased services to that neighborhood. Each division includes properties directly benefited by the service rendered. The level of service is usually one agreed upon by the affected property owners, with input from Public Works Staff to assure that a minimum of safety and liability requirements are met. The level of service in a PRD is determined by the revenue derived from a special tax approved by 2/3rds of those eligible to vote within the Division boundaries. A PRD is not subject to LAFCO's approval.
3. **The formation of County Service Areas (CSA's)** pursuant to 25210.1 of the Government code. A CSA may also be used to improve deteriorating road conditions. Operational revenue is derived from a special tax approved by 2/3rds of those eligible to vote within the CSA boundaries.
4. As an alternative to forming CSA's within each subdivision. The County may form a **Countywide CSA** and establish benefit areas. A special tax approved by 2/3rds of those eligible to vote within the special benefit boundaries will be required.

After the initial CSA formation, a request to establish a "Zone of Benefit" will be filed with the Department of Public Works along with an application fee. This would include an application, a petition summary, a petition to form the zone, a proposed parcel list, a map

and boundary description, a title report, deposit and engineers report and perhaps, if required, an offer of dedication.

Proceedings to form the zone are conducted by the Board of Supervisors. In addition to petitions from landowners within pre-existing subdivisions, the County may require establishment of zones of benefit as a condition of approval that newly constructed non-county maintained roads will provide a mechanism to fund necessary maintenance or to provide enhanced road maintenance services for existing public roads.

5. **Independent Property or Homeowner's Associations.** Homeowner's Associations (HOA's) are not subject to LAFCO or County management. These involve landowners managing road maintenance activities. Homeowners may raise dues to pay for services.
6. **Civil Code Section 845** provides that when there is a private roadway for the benefit of multiple owners the cost of the maintaining the road proportionately to the use made by the easement. The statute also provides a remedy for an action for contribution which allows the paying owners to recover a proportionate share from the non-paying owners. Specifically, if any owner refuses to perform, or fails after a demand in writing to pay their share of the cost, the other owner or owners may bring an action against the defaulting owner to force them to comply by suing for specific performance or contribution. A servient tenement can also bring a claim against the defaulting dominant tenement for contribution or specific performance. The lawsuit to enforce maintenance duties may occur before, during or after the work is performed. In the absence of any agreement addressing the maintenance of the easement, the owner seeking contribution or specific performance should file the lawsuit in a court located in the same county in which the easement is located.
7. **SB 938:** SB 938 empowers the Commission to hold poorly performing special districts accountable by making it easier to initiate dissolution proceedings. Senate Bill No. 938 ("SB 938") makes it easier for a local agency formation commission ("Commission") to initiate district dissolution by raising the protest threshold from 10 percent to 25 percent. If the Commission has difficulty with persistently underperforming special districts, it may consider using its expanded powers to compel the district to correct its conduct or face dissolution under SB 938.

Under CKH, the Commission has the authority to initiate the following proceedings:

- dissolution of a district
- Consolidation of a district
- Merger
- Establishment of a subsidiary district
- Reorganizations; and
- Dissolutions of inactive districts

56375.1 to the Government Code, which applies the higher 25 percent protest threshold to Commission-initiated proceedings under the following circumstances:

- I) The Commission adopts a municipal service review at a noticed public hearing that includes a finding, based on a preponderance of the evidence, that at least one of these conditions is met:

- a. The district has one or more documented chronic service provision deficiencies that substantially deviate from industry or trade association standards or other government regulations and its board or management is not actively engaged in efforts to remediate the documented service deficiencies;
- b. The district spent public funds in an unlawful or reckless manner inconsistent with the principal act or other statute governing the district and has taken no action to prevent similar future spending;
- c. The district has shown willful neglect by failing to consistently adhere to the California Public Records Act and other public disclosure laws to which the agency is subject;
- d. The district has failed to meet the minimum number of times required in its principal act in the prior calendar year and has taken no action to remediate the failures to ensure future meetings are conducted timely;
- e. The district has consistently failed to perform timely audits in the prior three years, or failed to meet minimum financial review requirements allowed as an alternative to performing an audit over the prior five years; and
- f. The district's recent annual audits show chronic issues with the district's fiscal controls and the district has taken no action to remediate the issues.

II. The Commission adopts a resolution of intent to initiate dissolution based on one or more of the required findings above at a noticed public hearing. The resolution must provide a remediation period of at least 12 months ("Remediation Period") during which the district should identify remediation steps and a date by which to provide a mid-point report at a regularly scheduled Commission meeting. At the conclusion of the Remediation Period, the Commission must hold a public hearing and take one of the following actions:

III. If the district remedied the deficiencies, the Commission will rescind the notice of intent to initiate dissolution and no further action is required;

VI. If the district did not remedy the deficiencies, the Commission may adopt a resolution to dissolve the district finding:

- a. One of the identified deficiencies continues to exist;
- b. Public service costs of dissolution are likely to be less than or substantially similar to the costs of alternative means of providing the service; and
- c. Dissolution promotes public access and accountability of community service needs and financial resources.

May 5, 2023

**CALAFCO  
2023  
ELECTIONS**

**To:** Local Agency Formation Commission  
Members and Alternate Members

**From:** Wendy Root Askew, Committee Chair  
CALAFCO Board Election Committee  
CALAFCO Board of Directors

**RE: Nomination Period Now Open for 2023/2024 CALAFCO Board of Directors**

Nominations are now open for the fall elections of the CALAFCO Board of Directors for the following seats:

CENTRAL REGION	COASTAL REGION	NORTHERN REGION	SOUTHERN REGION
City Member Public Member	City Member Public Member	County Member District Member	County Member District Member

Please inform your Commission that the CALAFCO Election Committee will be accepting nominations for the above-cited seats until:

**MONDAY, SEPTEMBER 18, 2023 at 5:00 PM**

Serving on the CALAFCO Board is a unique opportunity to work with other commissioners throughout the state on legislative, fiscal, and operational issues that affect us all. The Board meets four to five times each year, with half of the meetings currently held virtually and the rest being held at alternate sites around the state.

Board seats span a two-year term, with no term limits, and any LAFCo commissioner or alternate commissioner is eligible to run for a Board seat. Elections are conducted during Regional Caucuses at the CALAFCO Annual Conference prior to the Annual Membership Meeting on Thursday, October 19, 2023 at the Hyatt Regency Hotel in Monterey, California.

*Should your Commission nominate a candidate, please return a completed Nomination Form and Candidate's Résumé Form by the deadline.*



**Please note that completed nomination forms and all materials must be RECEIVED by the CALAFCO Executive Director no later than Monday, September 18, 2023 at 5:00 p.m.**

Returning the completed nomination and resume forms prior to the deadline ensures your nominee is placed on the ballot. Names will be listed in the order nominations were received.

Electronic filing of nomination forms is **highly encouraged** to facilitate the recruitment process (please email to [info@calafco.org](mailto:info@calafco.org)). However, hard copy forms and materials may also be mailed to:

CALAFCO Election Committee c/o Executive Director  
California Association of Local Agency Formation Commissions  
1129 Firehouse Alley  
Sacramento, CA 95814



Nominations received by the September 18th deadline will be included in the Election Committee's Report and will be on the ballot. The Report will be distributed to LAFCo members no later than October 5, 2023, with ballots made available to Voting Delegates at the Annual Conference.

Nominations received after the deadline will be returned; however, nominations may be made from the floor during the Regional Caucuses or during at-large elections, if required, at the Annual Membership Meeting.

For those member LAFCos who cannot send a representative to the Annual Meeting, an electronic ballot will be made available *if requested in advance*. **Ballot requests must also be received no later than 5:00 pm on Monday, September 18, 2023, with completed absentee ballots returned by 5:00 p.m. on Thursday, October 12, 2023.**

**NOMINATION/ELECTION PROCESS DEADLINES AND TIMELINES**

- May 5 – Nomination Announcement and packet sent to LAFCo membership and posted on the CALAFCO website.
- September 18 – Completed Nomination packet due
- September 18 – Request for an absentee/electronic ballot due
- September 18 – Voting delegate name due to CALAFCO
- October 5 – Distribution of the Election Committee Report (includes all completed/submitted nomination papers)
- October 5 – Distribution of requested absentee/electronic ballots.
- October 12 – Absentee ballots due to CALAFCO
- October 19 – Elections

If you have any questions about the election process, please contact CALAFCO Executive Director René LaRoche at rlaroche@calafco.org or by calling 916-442-6536.

Members of the 2023/2024 CALAFCO Election Committee are:

Wendy Root Askew, Chair  
district4@co.monterey.ca.us

Monterey LAFCo (Coastal Region)  
831-883-7570

Rodrigo Espinosa  
Rodrigo.Espinosa@countyofmerced.com

Merced LAFCo (Central Region)  
209-398-4340

Derek McGregor  
dmcgregor@dmceng.com

Orange Co. LAFCo (Southern Region)  
530-538-6834

Josh Susman  
jsusman@calafco.org

Nevada LAFCo (Northern Region)  
530-559-1725

Additionally, you will also find attached for your reference a copy of the CALAFCO Board of Directors Nomination and Election Procedures, as well as the current listing of Board Members and corresponding terms of office.

*I sincerely hope that you will consider joining us!*

Enclosures

## **Board of Directors Nomination and Election Procedures and Forms**

The procedures for nominations and election of the CALAFCO Board of Directors [Board] are designed to assure full, fair and open consideration of all candidates, provide confidential balloting for contested positions and avoid excessive demands on the time of those participating in the CALAFCO Annual Conference.

The Board nomination and election procedures shall be:

### **1. APPOINTMENT OF AN ELECTION COMMITTEE:**

- a. Following the Annual Membership Meeting the Board shall appoint an Election Committee of four members of the Board. The Election Committee shall consist of one member from each region whose term is not ending.
- b. The Board Chair shall appoint one of the members of the Election Committee to serve as Committee Chair. The CALAFCO Executive Director shall either serve as staff to the Election Committee or appoint a CALAFCO regional officer to serve as staff in cooperation with the Executive Director.
- c. Each regional officer shall serve as staff liaison to the Election Committee specifically to assist in conducting the election as directed by the Executive Director and Committee.
- d. Goals of the Committee are to encourage and solicit candidates by region who represent member LAFCoS across the spectrum of geography, size, and urban-suburban-rural population, and to provide oversight of the elections process.

### **2. ANNOUNCEMENT TO ALL MEMBER LAFCoS:**

- a. No later than four months prior to the Annual Membership Meeting, the Election Committee Chair shall send an announcement to each LAFCo for distribution to each commissioner and alternate. The announcement shall include the following:
  - i. A statement clearly indicating which offices are subject to the election.
  - ii. A regional map including LAFCoS listed by region.
  - iii. The specific date by which all nominations must be received by the Election Committee. The deadline shall be no later than 30 days prior to the opening of the Annual Conference. Nominations received after the closing date shall be returned to the proposing LAFCo marked "Received too late for Election Committee action."
  - iv. The names of the Election Committee members and the name of their LAFCo, regional representation, email address and phone number. The name, email address and phone number of the Executive Director shall also be included.
  - v. The email address and physical address to send the nominations forms.
  - vi. A form for a Commission to use to nominate a candidate and a candidate resume form of no more than one page each to be completed for each nominee.
  - vii. The specific date by which all voting delegate names are due.
  - viii. The specific date by which absentee ballots must be requested, the date CALAFCO will

#### **Key Timeframes for Nominations Process**

<b>Days*</b>	
120	Nomination announcement
30	Nomination deadline
14	Committee report released

*\*Days prior to annual membership meeting*

distribute the absentee ballots, and the date by which they must be received by the Executive Director.

- b. A copy of these procedures shall be posted on the web site.

### 3. THE ELECTION COMMITTEE:

- a. The Election Committee and the Executive Director have the responsibility to monitor nominations and help assure that there are adequate nominations from each region for each seat up for election. No later than two weeks prior to the Annual Conference, the Election Committee Chair shall distribute to the members the Committee Report organized by regions, including copies of all nominations and resumes, which are received prior to the end of the nomination period.
- b. At the close of the nomination period, the Election Committee shall prepare regional ballots. Each region will receive a ballot specific to that region. Each region shall conduct a caucus at the Annual Conference for the purpose of electing their designated representatives. Caucus elections must be held prior to the annual membership meeting at the Conference. The assigned regional officers along with a member of the Election Committee shall tally ballots at each caucus and provide the Election Committee the names of the elected Board members and any open seats. In the event of a tie, the regional officer and Election Committee member shall immediately conduct a run-off ballot of the tied candidates.
- c. Make available sufficient copies of the Committee Report for each Voting Delegate by the beginning of the Annual Conference. Only the designated Voting Delegate, or the designated Alternate Voting Delegate shall be allowed to pick up the ballot packet at the Annual Conference.
- d. Make available blank copies of the nomination forms and resume forms to accommodate nominations from the floor at either the caucuses or the annual meeting (if an at-large election is required).
- e. Advise the Executive Director to provide "CANDIDATE" ribbons to all candidates attending the Annual Conference.
- f. Advise the Executive Director to provide "VOTING DELEGATE" ribbons to all voting delegates attending the Annual Conference.
- g. Post the candidate statements/resumes organized by region on a bulletin board or other easily accessible location near the registration desk.
- h. Regional elections shall be conducted as described in Section 4 below. The representative from the Election Committee shall serve as the Presiding Officer for the purpose of the caucus election and shall be assisted by a regional officer from a region other than their own, as assigned by the Executive Director
- i. Following the regional elections, in the event that there are open seats for any offices subject to the election, the Election Committee Chair shall notify the Chair of the Board of Directors that an at-large election will be required at the annual membership meeting and to provide a list of the number and category of seats requiring an at-large election.

### 4. ELECTRONIC BALLOT FOR LAFCO IN GOOD STANDING NOT ATTENDING ANNUAL MEETING

Limited to the elections of the Board of Directors

- a. Any LAFCo in good standing shall have the option to request an electronic ballot if there will be no representative attending the annual meeting.
- b. LAFCos requesting an electronic ballot shall do so in writing to the Executive Director no later than 30 days prior to the annual meeting.