

Calaveras Local Agency Formation Commission
Meeting Minutes – Monday, November 16, 2020

11. **Call to Order/Roll Call** – Order was called by Chair Broglio at 6:01 p.m., on Monday, November 16, 2020, via video conference.

Commissioners Present

Alvin Broglio, City Member, Chair
Merita Callaway, County Member, Vice Chair
Joseph Oliveira, City Member
Tony Tyrrell, Special Dist. Member
Anita Paque, Public Member (arrived 6:36pm)
Jon Dashner, Special Dist. Mem. Alt.(arrived 6:17pm)

Commissioners Absent

John Lavaroni, Special Dist. Mem.
Dennis Mills, County Member Alt.
Roark Weber, Public Member Alt.
Amanda Folendorf, City Member Alt.
Gary Tofanelli, County Member

Staff Present

John Benoit, Executive Officer
Nancy Mees, LAFCO Clerk

Others Present

2. **Approval of Agenda:**

MOTION by Commissioner Callaway to approve the Agenda, second by Commissioner Tyrrell. Motion passed 4 yes, 0 no, 0 abstention, 3 absent.

3. **Consider Minutes of the September 21, 2020, LAFCo meeting:**

MOTION by Commissioner Tyrrell to approve the Minutes as presented, second by Commissioner Oliveira. Motion passed 4 yes, 0 no, 0 abstention, 3 absent.

4. **Consent Agenda:**

Review and authorize claims for September and October 2020.

MOTION by Commissioner Tyrrell to approve the Consent Agenda and Claims for September and October 2020 as presented, second by Commissioner Oliveira. Motion passed 4 yes, 0 no, 0 abstention, 3 absent.

5. **Correspondence:**

Executive Officer Benoit reported that he had received information from CALAFCO regarding a virtual roundtable for the Central Region on December 2, as well as two webinars. He will forward the information to the Commissioners.

Mr. Benoit stated that he had also received a letter from the State Controller's office saying Calaveras LAFCo had not yet dissolved the districts the State had placed on their inactive list. Mr. Benoit forwarded information to them to prove that those districts had in fact been dissolved.

6. Public Hearing regarding the Valley Springs PUD Service Review and Sphere of Influence (MSR and SOI):

a) Conduct public hearing regarding the Valley Springs PUD MSR and SOI.

Executive Officer Benoit reported that he had received a few comments from VSPUD and had therefore made some updates to the MSR. One change was an update to the list of board members on page 14. Another update, on page 19, was the result of previous Commission questions as to additional connection capacity. The total available connections is 114, but as 60 of those have already been committed to the Charboneau Estates project, there are only 54 available connections remaining. This was added into the Determinations, along with an update stating the District had adopted a Community Plan. In addition, the District has an agreement with CCWD for both water and wastewater emergencies.

Commissioner Callaway asked, if the District did not want to expand, could the County force them to. Mr. Benoit responded that he had never heard of that being done, and that the District has the final say.

Commissioner Oliveira queried whether, if expansion were required, could the District put pressure on the developer to pay the costs. Mr. Benoit replied that it could, although many districts do not have adequate developer fees. He added that he does not believe VSPUD is anti-growth, but that a lot also depends on any new growth policies or legislation imposed by the state.

Chair Broglio opened the Public Hearing. There was no public comment, so the Chair closed the Hearing.

Commissioner Oliveira commented that since statements in the MSR indicate that the District's system is in poor shape and that there is no Capital Improvement Plan, shouldn't that be pointed out. Mr. Benoit said that one of the Determinations is that the District should have a Master Plan, adding that many grants require a Capital Improvement plan. Chair Broglio said it didn't appear that the District was in violation of anything, but that it just has an aging system, and Mr. Benoit affirmed that.

b) Consider LAFCo Resolution 2020-0006 adopting a Municipal Service Review for services provided by the Valley Springs Public Utility District.

MOTION by Commissioner Callaway to approve Resolution 2020-0006 adopting the Municipal Service Review for Valley Springs PUD as presented, second by Commissioner Tyrrell. Motion passed 5 yes, 0 no, 0 abstention, 2 absent.

c) Consider LAFCo Resolution 2020-0007 adopting a Sphere of Influence for the Valley Springs Public Utility District.

Commissioner Callaway commented that since there is no Master Plan, adopting the proposed sphere seems a little shaky. Executive Officer Benoit agreed, but stated that the District would not be able to do any development until it had a Master Plan. Chair Broglio asked who follows up on ensuring that the District does write such a plan. Mr.

Benoit responded that any annexation would have to come to LAFCo, which can refuse to approve it until a Master Plan is done. He added that it could be added as a condition in the SOI Determinations by referencing SOI Determination 3-4 of the VSPUD MSR/SOI.

Commissioner Oliveira then suggested that the sphere be restricted to the District's current boundaries. Mr. Benoit stated the sphere could be made coterminous with current boundaries for the time being, and that the District can return to LAFCo and request a sphere amendment at any time once it has completed its Master Plan. Commissioners Callaway and Broglio both agreed with that suggestion.

MOTION by Commissioner Callaway to approve Resolution 2020-0007 adopting the Sphere of Influence for Valley Springs PUD, with the amendment that the sphere be made coterminous to current District boundaries, second by Commissioner Dashner. Motion passed 5 yes, 0 no, 0 abstention, 2 absent.

7. Regular LAFCo meeting schedule for 2021:

Executive Officer Benoit reported that the schedule is the same every-other-month schedule LAFCo has been following the past few years and as provided for in its bylaws.

MOTION by Commissioner Tyrrell to approve the Regular LAFCo meeting schedule for 2021 as presented, second by Commissioner Oliveira. Motion passed 5 yes, 0 no, 0 abstention, 2 absent.

8. Executive Officer's Report

a) Recruitment for Special District Members and Alternate.

Executive Officer Benoit stated that the ballots for the election of Special District Members had been sent out. There are six applicants, and the two persons receiving the most votes will be the Members, with the person having the third highest number becoming the Alternate.

b) CSDA Membership.

Mr. Benoit reported that small districts have been unable to join CSDA due to the cost of membership, and therefore, CSDA has instituted a new program in which smaller districts that meet certain criteria can pay a lesser amount to join. He added that he will forward the information to all of the special districts. Commissioner Callaway requested a list of the smaller Calaveras special districts so that the Commissioners can call and encourage those districts to join. Commissioner Oliveira asked how many districts are unable to afford the cost, and Mr. Benoit replied that it was probably about half of them, but added that CSAs are not eligible for this program.

*c) CALAFCO Elections: County representative is **Daron McDaniel** of Merced LAFCo and District representative is **Gay Jones** of Sacramento LAFCo..*

Mr. Benoit commented that the elections were uncontested.

d) *CALAFCo Activities:*

CALAFCo Virtual Regional Roundtable – Central Region, Wednesday, December 2, 2020, 11:00 am to 12:30 pm.

Mr. Benoit stated he would send the Commissioners a link for joining the roundtable.

Proactively Navigating Economic and Service Crisis Realities. Date: Thursday, November 19 – 1:30 pm-3:00 pm.

LAFCo's Critical Role in Moving Forward in the Crisis Realities of 2020 and Beyond. Date: Monday, December 7 from 1:30pm-3:00 pm.

Both of the above two webinars are free.

10. Commissioner Reports

Commissioner Oliveira reported that he is leaving office at the end of December, and therefore this was his last LAFCo meeting. Commissioner Callaway said she has truly enjoyed working with him. Commissioner Paque added that she is sorry to see him leave, and that it has been good working with him.

Commissioner Dashner stated that he is running to again be on the LAFCo Commission. Chair Broglio reported that Angels Camp is doing some sidewalk work, and that he, too, will miss working with Commissioner Oliveira.

11. Public Comment:

There was no public comment.

12. Adjournment

MOTION by Commissioner Oliveira to adjourn the meeting, second by Commissioner Callaway. Motion passed 6 yes, 0 no, 0 abstention, 1 absent.

Meeting was adjourned at 6:44 p.m. Due to the Martin Luther King holiday, the next regular meeting will be Monday, January 25, 2020, at 6:00 p.m.

Minutes submitted by Nancy Mees.

DATED:

APPROVED:

Alvin Broglio, Chair, or Merita Callaway,
Vice Chair, Calaveras Local Agency
Formation