

**Calaveras Local Agency Formation Commission
Meeting Minutes – Monday, May 17, 2021**

- 11. Call to Order/Roll Call** – Order was called by Vice-Chair Callaway at 6:11 p.m. on Monday, May 17, 2021.

Commissioners Present

Merita Callaway, County Member, Chair
Gary Tofanelli, County Member
Isabel Moncada, City Member
Tony Tyrrell, Special Dist. Member
Anita Paque, Public Member, Vice-Chair
Kirk Smith, Special Dist. Mem.

Commissioners Absent

Jennifer Herndon, City Member
Amanda Folendorf, County Member Alt.
Alvin Broglio, City Member Alt.
Travis Owens, Special Dist. Mem. Alt.
Roark Weber, Public Member Alt.

Staff Present

John Benoit, Executive Officer
Nancy Mees, LAFCO Clerk

Others Present

Executive Officer Benoit introduced newly elected Special District Member Kirk Smith.

2. Approval of Agenda:

As there were no additions or changes to the Agenda, Vice-Chair Callaway stated the Agenda was approved as submitted.

3. Election of Chair and Vice-Chair for FY 2021-2022:

- a) **Election of Chair for FY 2021-2022:** *LAFCo Bylaw section 4.6(a) requires a County Member be elected Chair.*

MOTION by Commissioner Tyrrell to nominate Commissioner Callaway for the position of Chair, second by Commissioner Paque. Motion passed 6 yes, 0 no, 1 absent.

- b) **Election of Vice-Chair for FY 2021-2022:** *LAFCo Bylaw section 4.6(a) requires a Public Member be elected Vice-Chair.*

As there is only one Commissioner eligible for this position, Chair Callaway, with consensus from the Commission, pronounced Commissioner Paque as the new Vice-Chair.

4. Consider Minutes of the March 15, 2021, LAFCo meeting:

MOTION by Commissioner Tofanelli to approve the minutes of the March 15, 2021, LAFCo meeting as presented, second by Commissioner Tyrrell. Motion passed 6 yes, 0 no, 1 absent.

5. Consent Agenda:

Review and authorize claims for March and April 2021.

MOTION by Commissioner Tofanelli to approve the Consent Agenda and Claims for March and April 2021 as presented, second by Commissioner Tyrrell. Motion passed 6 yes, 0 no, 1 absent.

6. Correspondence:

Support for AB 1581 Local Government Omnibus Bill.

Executive Officer Benoit explained that there are four items on AB 1581 and that they are all non-controversial changes to the LAFCo law, as is required for the annual Omnibus Bill. Due to time limitations, a letter of support had already been sent to the Legislature.

MOTION by Commissioner Tofanelli to support AB 1581 Local Government Omnibus Bill, second by Commissioner Tyrrell. Motion passed 6 yes, 0 no, 1 absent.

PUBLIC HEARING

7. Calaveras LAFCo's Final Budget for FY 2021-22:

Review Executive Officer's report and final budget and consider final budget for fiscal year 2021-2022 and adopt Resolution 2021-0005.

Executive Officer Benoit stated that he had received a final letter on insurance costs for the coming year and they will not be increasing, and therefore he did not propose a change in the amount budgeted for insurance this year as compared to last year.

In response to a comment from Commissioner Smith on the large reserve fund LAFCo has, Mr. Benoit explained the lawsuit that is currently in the appeals process regarding LAFCo responsibility for attorney fees when it wins against a suit brought by an applicant. There was also discussion of the various ways of avoiding having to pay attorney fees in future lawsuits in the event the Supreme Court decides to uphold the lower court's ruling in this current case. In the meantime, and in case of possible future need, the large amount of reserves would help to cover the cost of any attorney fees incurred.

Mr. Benoit stated that he felt it would be good for some of the new Commissioners to attend the annual CALAFCO conference in October. He added that Commissioners Paque (who will become President of the CALAFCO board at that time) and Tyrrell were already planning to attend. The proposed budget would cover the costs of four Commissioners attending, but if more than four wish to go, there is money available in the Contingency Fund.

MOTION by Commissioner Smith to approve Resolution 2021-0005 approving the FY 2021-2022 Final Budget as presented, second by Commissioner Paque. Motion passed 6 yes, 0 no, 1 absent.

WORKSHOP

8. San Andreas Sanitary District Service Review and Sphere of Influence (MSR and SOI):

Review Draft Service Review and Sphere of Influence Report for wastewater services being provided by the San Andreas Sanitary District.

Executive Officer Benoit commented that he believes citing the 2010 census figures is no longer useful and they should be updated. He also stated that as housing prices increase, it is causing the demographics of the area to change. For example, Murphys is currently a disadvantaged community, but as prices go up and new people move into the area, that may change. Chair Callaway asked if an addendum could be added later to discuss changes. Mr. Benoit responded that could be done, but that he will be receiving some more information in the next month or two and would like to update the demographics for this MSR if possible.

Commissioner Tofanelli commented he believed the information on page 20 regarding system overview is probably not current because the District received over a million dollars to upgrade facilities due to a new jail that was built, and therefore, their capacity should be much more than what is stated. Mr. Benoit said he had sent the draft MSR to the District for their comments and edits, but had received no response, so will have to follow up with them.

Commissioner Paque asked whether the numbers on page 21 regarding Treatment Plant Operators were all referring to one person. Commissioner Tofanelli responded that he believes they now have three operators. He suggested Mr. Benoit talk to Fire Chief Young, who is on the District's board.

Mr. Benoit stated he would check the NPDS permit for the District and go through the MSR some more to see what he can update.

Commissioner Paque also questioned the fact that it appears the District's revenues are less than its expenses. Mr. Benoit said he would see if he could get an explanation from the District regarding that issue. He then added that the Sphere for this District is coterminous with its boundaries.

Commissioner Tofanelli commented that the District seems to be fairly well-run because he does not receive complaints about its operations.

9. Executive Officer's Report

a) Community Services District MSR and SOI.

Executive Officer Benoit explained that there are several smaller, older CSDs (mostly road and cemetery) that have very small populations and budgets which makes it hard for them to comply with all the required CSD laws. When their MSRs are done, he will have to look at the financials of each district to see whether it is still a viable CSD.

Chair Callaway asked if CALAFCO is looking at this issue with respect to small CSDs in rural counties. Commissioner Paque replied that the issue of laws relating to CSDs is really in the jurisdiction of CSDA as LAFCo's responsibility toward them is just to monitor and report on their operations. She did add that CALAFCO is trying to streamline the process of dissolving smaller districts that can no longer operate effectively.

b) CSDA Special District Laws Guide.

Executive Officer Benoit reported that it is on the Calaveras LAFCo website.

c) Union Public Utility District MSR and SOI.

Executive Officer Benoit stated that the District is trying to resolve some issues regarding either obtaining information from their engineer or hiring a new one.

d) Schedule LAFCo 101 for next meeting.

Executive Officer Benoit commented that, since there are several new Commissioners, it is time to hold another LAFCo 101 over two (or three) meetings.

9. Commissioner Reports

Chair Callaway stated that she would prefer that Public Comment be at the beginning of the meeting so that members of the public who have comments or requests on non-agenda items do not have to sit through the whole meeting before they can speak. Executive Officer Benoit responded that the location of this item is at the discretion of the chair, and therefore he will move it to the beginning of the agenda for future meetings.

10. Public Comment:

There was no public comment.

11. Adjournment

Meeting was adjourned at 7:06 p.m. The next regular meeting will be Monday, July 19, 2021, at 6:00 p.m.

Minutes submitted by Nancy Mees.

DATED:

APPROVED:

Merita Callaway, Chair,
Calaveras Local Agency Formation