

Calaveras Local Agency Formation Commission

Regular Meeting Agenda

Monday – November 19, 2018 – 6:00 p.m.

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

Linda Hermann, City Member

Amanda Folendorf, City Member

Gary Tofanelli, County Member

Michael Oliveira, County Member

Tony Tyrrell, Vice-Chair Special District Member

John Lavaroni, Special District Member

Roark Weber, Public Member Alt.

Dennis Mills, County Member Alt.

Joseph Oliveira, City Member Alt.

Jon Dashner, Special Dist. Member Alt.

Staff:

John Benoit, Executive Officer

Nancy Mees, LAFCO Clerk

Michael Colantuono, LAFCO Counsel

2. Approval of Agenda (Deletions/Additions)

3. *Consider minutes of September 17, 2018*

a. *Approve September 17, 2018 LAFCo Minutes*

4. Consent Agenda:

a. *Review and Authorize Claims for September and October 2018*

PUBLIC HEARING

- 5. Sphere of Influence Amendment for the Union Public Utility District – Padou and Metzger**
 - a. *Receive Executive Officer's report, Conduct Public Hearing and Consider Resolution 2018-0005 approving a Sphere of Influence Amendment to include 83.07 acres more or less to the Union Public Utility district consisting of 79.5-acres (Padou) and 3.57 acres (Metzger).*

OTHER ITEMS:

- 6. Padou Annexation to the Union Public Utility District - Padou property consisting of 79.5 acres.**
 - a. *Receive Executive Officer's report and conduct public meeting and consider LAFCo Resolution 2018-0006 approving the Padou annexation of 79.5 acres to the Union Public Utility District subject to terms and conditions.*
- 7. Hold General Discussion regarding LAFCo's Jurisdiction and Districts subject to LAFCo's review - "definition of a district" and "change of organization"**
- 8. Hold Discussion regarding the CALAFCo Annual Conference – Oct 2-5, 2018**
- 9. Executive Officer's report**

San Andreas Sanitary District MSR and SOI
Murphys Sanitary District MSR and SOI
Valley Springs Public Utility District MSR and SOI
Calaveras Public Utility District MSR and SOI
Union Public Utility District MSR and SOI
- 10. Meeting Schedule for Calendar Year 2019**
 - a) **Set regular meeting schedule for Calendar Year 2019**
- 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. 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.

13. NEXT LAFCO MEETING IS JANUARY 28TH, 2018 DUE TO JANUARY 21ST BEING MARTIN LUTHER KING JR. 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 Local Agency Formation Commission
Regular Meeting Minutes – Monday, September 17, 2018**

1. **Call to Order/Pledge of Allegiance/Roll Call** – Order was called by Chair Paque at 6:02 p.m., on Monday, September 17, 2018, in the Calaveras County Board of Supervisors Chambers, County Administrative Center, San Andreas, California.

Commissioners Present

Anita Paque, Chair, Public Member
Tony Tyrrell, Vice Chair, Special Dist. Mem.
Amanda Folendorf, City Member
Linda Hermann, City Member
John Lavaroni, Special Dist. Member
Dennis Mills, County Member Alt.
Roark Weber, Public Member Alt.
John Dashner, Special Dist. Mem. Alt.

Commissioners Absent

Michael Oliveira, County Member
Gary Tofanelli, County Member
Joseph Oliveira, City Member Alt.

Staff Present

John Benoit, Executive Officer
Nancy Mees, LAFCO Clerk

Others Present

2. **Approval of Agenda:**

MOTION by Commissioner Tyrrell to approve the Agenda, second by Commissioner Folendorf. Motion passed 6 yes, 0 no, 1 absent, 0 abstention.

3. **Consider Minutes from the July 16, 2018, LAFCo meeting:**

MOTION by Commissioner Tyrrell to approve the Minutes as presented, second by Commissioner Lavaroni. Motion passed 5 yes, 0 no, 1 absent, 1 abstention.

4. **Consent Agenda:**

- a. *Review and Authorize Claims for July and August 2018.*

MOTION by Commissioner Lavaroni to approve the Consent Agenda and Claims for July and August 2018 as presented, second by Commissioner Tyrrell. Motion passed 6 yes, 0 no, 1 absent, 0 abstention.

5. **Discussion regarding Water Efficiency Legislation:**

Receive report and discuss SB 606 and AB 1668.

Executive Officer Benoit reported that he had posted copies of this legislation, along with a primer explaining it, on the LAFCo website under "Water Efficiency Legislation."

Joel Metzger of CCWD then gave a brief history of this legislation and why it had been enacted, including the fact that, in 2015, the state had issued a report on the drought planning, the wording of which indicated the state had not taken into account any of the input from local water districts that had been given to them prior to the report. Due to the conflict between the state wanting top-down governmental control of water usage and local water districts wanting local level control, the original legislation died.

This year, the Governor has pushed through a top-down control with the enactment of these two bills. The legislation basically targets three areas: (1) Indoor use of water is directly targeted. (2) Outdoor use is also targeted. The state will be undertaking state-wide drone mapping, followed by the application of various algorithms to those maps, to plot aggregate water usage for all areas within the state. Local districts will then have to decide how to meet those usage limits. Although any cuts do not apply directly to individual consumers, the districts' plans for cutting water usage will necessarily trickle down to those consumers. (3) Water loss is targeted in that the state will set certain maximum percentages of loss that local districts will be allowed.

The legislation applies to "urban water companies", which are agencies providing for a large number of customers or providing a large amount of water; the only agency in Calaveras that fits the definition of "urban" is CCWD. Although Calaveras has some county-wide drought planning already in place, DWR will come up with recommendations for each county regarding drought contingency plans, most likely including them in local hazard mitigation plans. It will probably have to be the County Board of Supervisors and County Planning who take the lead in writing and overseeing these plans, but all water districts in the county will have to be involved.

When it comes time for making comments on the plans or requesting funds for them, Calaveras should be at the table to give its input. There was some discussion among the Commissioners about who in Calaveras should be leading this, and the fact that water issues and this legislation have already been on County BOS agendas. Future development will have to take into account these water restrictions, and, in turn, future development will affect future changes in the restrictions, as the state will re-map and re-evaluate each county's usage every five years. This is an area where LAFCo will play a role.

There was also discussion among the Commissioners regarding various funding mechanisms for fulfilling these new requirements, and whether counties that are already conserving will be more adversely affected than those which are not. Mr. Metzger stated that there are several possible sources for funds, and that he hoped the state would be equitable in its determinations of water usage across the state. If not, the county would have to do its own individual mapping and calculations to rebut the state's figures, but that would involve having to examine the property of each consumer. This is something CCWD does not want to have to do because of the invasiveness on property owners that it would require.

There was no public comment.

6. 2018 Biennial Review of LAFCo's Conflict of Interest Code:

Executive Officer Benoit stated that state law requires each LAFCo Commission to re-examine its Conflict of Interest Code once every two years to see if any changes are required. Mr. Benoit reported that the current code is still in compliance with the law, so no changes are necessary.

MOTION by Commissioner Tyrell to direct Executive Officer Benoit to complete the 2018 Local Agency Biennial Notice and forward it to the Clerk of the BOS, second by Commissioner Hermann. Motion passed 6 yes, 0 no, 1 absent, 0 abstention.

7. 2018 Ethics Training:

Ethics Training (AB1234) to occur on Friday, October 19, at the Board of Supervisor's Room, 2:00 PM to 4:00 PM.

Executive Officer Benoit stated that Calaveras LAFCo has been sponsoring this training for the last few years. No reservations are required, and a Certificate of Completion will be given. Although CSDA has a regional training each spring, this one done by Best, Best & Krieger is the premier program.

8. Legislative Intent of LAFCo:

Executive Officer Benoit reported that his intent in discussing this was that he had discovered that a number of Commissioners on other LAFCo boards did not know what the legislative purpose for LAFCo is. In the Legislative Findings and Declarations for the Cortese-Knox-Hertzberg law, it states that it is the policy of the state to encourage orderly growth and development. It recognizes that the logical formation and determination of local agency boundaries is an important factor in that.

It is also important to preserve open spaces and prime agricultural land. In addition, providing housing and government services efficiently, regardless of income, is important. In recent years, considerations regarding Disadvantaged Unincorporated Communities and environmental justice have been added to the intent of the law, as has the desire for agencies providing multiple services while recognizing there is sometimes still the need for single-service agencies.

9. MSR and SOI Updates for Water and Wastewater Districts:

Executive Officer Benoit reported that he is looking at these one at a time, and is also still working on the SOIs for the CSDs.

10. Executive Officer's report:

Calafco Conference Schedule

Executive Officer Benoit stated that, pursuant to a request for the Calafco Annual Conference schedule at the last Commission meeting, he had included it in this month's packet.

SOI Amendment and Annexation to the UPUD (PadouMetzger)

Executive Officer Benoit is planning on presenting the SOI at the next meeting, and doing the annexation later.

*Community Services District Service Reviews and Spheres of Influence – ongoing
RCD MSR and SOI*

Executive Officer Benoit has not heard anything recently about RCD and therefore needs to meet with Gordon Long about it.

Mr. Benoit then stated that the addendum to the packet was a letter to the Governor in support of his signing AB 2258, which will provide a mechanism for getting funding for dissolving inactive districts.

MOTION by Commissioner Tyrrell to approve the signing of the letter to the Governor in support of his signing AB 2258, second by Commissioner Folendorf. Motion passed 5 yes, 0 no, 1 absent, 1 abstention.

11. Commissioners Reports:

Commissioner Hermann reported that it appears that the building of a Tractor Supply in Angels Camp will be moving forward.

12. Public Comment

There was no public comment.

13. Adjournment:

Meeting was adjourned at 7:00 p.m. The next regular meeting will be Monday, November 19, 2018, at 6:00 p.m., in San Andreas.

Minutes submitted by Nancy Mees.

DATED:

APPROVED:

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

CALAVERAS LAFCO

LAFCO CLAIM AUTHORIZATION FORM

for

September and October 2018

Authorize payment of the following claims:

<u>Date of Claim</u>	<u>Description</u>	<u>Amount</u>
FY 2018-2019 Expenses:		
Sept 17, 2018	Commission meeting stipends	\$ 500.00
October 1, 2018	Staff Svcs and Expenses	\$ 3,224.16
October 1, 2018	MSr and SOI	\$ 3,225.00
November 1, 2018	Staff Svcs and Expenses	\$ 3,414.36
November 1, 2018	MSR and SOI	\$ 3,000.00
Oct 1, 2018	Pioneer Review – Metzger-Padou	\$ 13.97
Nov 1, 2018	Conf. Reimbursement Anita Paque	\$ 697.58
Nov 1, 2018	Conf. Reimb. Jon Dashner	\$ 545.75
Nov 1, 2018	Conf Reimb. Tony Tyrrell	\$ 990.83
Oct 1, 2018	2019 CSDA Membership Dues	\$ 500.00

TOTAL: \$ 15,611.65

DATED: November 19, 2018

APPROVED: November 19, 2018

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	GenOfficeExp	Postage	copies	MSR	SOI	Ex. OFF. Svcs	City Fin Charge
	Total Budgeted	62001	62050	62051	62052	62053	62054	62055	62057	62058	62059	62060
Calafco dues 18-19		\$ 3,300.00	\$ 1,721.00	\$ 800.00	\$ 925.00	\$ 350.00	\$ 500.00	\$ 1,500.00	\$ 25,000.00	\$ 20,000.00	\$ 42,500.00	\$ 3,600.00
SDRMA Insurance 18-19			\$ (1,198.00)		\$ (925.00)							
reimb JD one night conf. lodging												
Clafco Conf. reg TT, JD and AP												
Commission Stipends 7.16.18		\$ (400.00)		\$ (44.36)			\$ (7.97)	\$ (20.60)	\$ (1,050.00)		\$ (3,956.25)	
JB claim staff Svcs July 18 2018-0068												
Revenue for Metzger and Padou				\$ (43.27)			\$ (1.00)	\$ (10.00)	\$ (1,650.00)		\$ (2,062.50)	
JB Claim MSR and Svcs Aug 2018		\$ (400.00)		\$ (43.80)			\$ (10.26)	\$ (50.50)	\$ (3,000.00)		\$ (3,225.00)	
Sept 17, 2018 Payroll				\$ (64.96)				\$ (11.00)	\$ (3,000.00)		\$ (3,000.00)	
JB Claim MSR and Services Sept 2018												
JB Claim MSR and SOI Svcs Oct 2018												
Pioneer Review Padou Metzger SOI												
Conf ReimbAnita Paque												
Conf Reimb - Jon Dashner												
Conf Reimb - Tony Tyrrell												
CSDA 2019 Memb renewal					\$ (500.00)							

TOTAL EXPENDED	\$ (800.00)	\$ (1,198.00)	\$ (196.39)	\$ (1,425.00)	\$ 350.00	\$ (19.23)	\$ (92.10)	\$ (8,700.00)	\$ (12,243.75)	\$ -	\$ (12,243.75)	\$ -
TOTAL REMAINING	\$ 2,500.00	\$ 523.00	\$ 603.61	\$ (500.00)	\$ 350.00	\$ 480.77	\$ 1,407.90	\$ 16,300.00	\$ 20,000.00	\$ 30,256.25	\$ 3,600.00	\$ 3,600.00

11/6/18

terminated because of a majority written protest, rejection by voters in an election, or the expiration of time prior to completion of proceedings pursuant to Section 57001 or a court order.



"Change of organization"

56021. "Change of organization" means any of the following:

- (a) A city incorporation.
- (b) A district formation.
- (c) An annexation to a city.
- (d) An annexation to a district.
- (e) A detachment from a city.
- (f) A detachment from a district.
- (g) A disincorporation of a city.
- (h) A district dissolution.
- (i) A consolidation of cities.
- (j) A consolidation of special districts.
- (k) A merger of a city and a district.
- (l) Establishment of a subsidiary district.
- (m) The exercise of new or different functions or classes of services, or divestiture of the power to provide particular functions or classes of services, within all or part of the jurisdictional boundaries of a special district as provided in Article 1.5 (commencing with Section 56824.10) of Chapter 5 of Part 3 of this division).

"City"

56023. "City" means any incorporated chartered or general law city, including any city the name of which includes the word "town."

"City council"

56024. "City council" means the legislative body or governing board of a city.

"City officer"

56025. "City officer" means the mayor or a member of the city council.

"Clerk"

56026. "Clerk" means the clerk or secretary of a commission, county, city, or district, or the clerk or secretary of the legislative body of a county, city, or district. Where the office of county clerk is separate from the office of the clerk of the board of supervisors, "clerk" means the clerk of the board of supervisors. Where the office of county clerk is separate from the office of the registrar of voters, "clerk" means the registrar of voters with respect to all duties pertaining to the conduct of elections and the county clerk with respect to all other duties.

"Disincorporation"

56034. "Disincorporation" means the dissolution, extinguishment, or termination of the existence of a city and the cessation of its corporate powers, except for the purpose of winding up the affairs of the city.

"Dissolution"

56035. "Dissolution" means the disincorporation, extinguishment, or termination of the existence of a district and the cessation of all its corporate powers, except as the commission may otherwise provide pursuant to Section 56886 or for the purpose of winding up the affairs of the district.

✓ **"District" or "special district"**

56036. (a) "District" or "special district" are synonymous and mean an agency of the state, formed pursuant to general law or special act, for the local performance of governmental or proprietary functions within limited boundaries and in areas outside district boundaries when authorized by the commission pursuant to Section 56133.

(b) "District" or "special district" includes a county service area, but excludes all of the following:

- (1) The state.
- (2) A county.
- (3) A city.
- (4) A school district or a community college district.
- (5) An assessment district or special assessment district.
- (6) An improvement district.
- (7) A community facilities district formed pursuant to the Mello-Roos Community Facilities Act of 1982, (Chapter 2.5 (commencing with Section 53311) of Part 1 of Division 2 of Title 5).
- (8) A permanent road division formed pursuant to Article 3 (commencing with Section 1160) of Chapter 4 of Division 2 of the Streets and Highways Code.
- (9) An air pollution control district or an air quality maintenance district.
- (10) A zone of any special district.

✓ **Change of organization;
principal act**

56036.5. (a) For the purposes of Chapter 1 (commencing with Section 57000) to Chapter 7 (commencing with Section 57176), inclusive, of Part 4 or Part 5 (commencing with Section 57300), for each of the following entities proceedings for a change of organization shall be conducted pursuant to the principal act authorizing the establishment of that district:

- (1) A unified or union high school library district.
- (2) A bridge and highway district.
- (3) A joint highway district.
- (4) A transit or rapid transit district.

- (5) A metropolitan water district.
- (6) A separation of grade district.
- (7) For other districts, where the principal act provides, the procedures in the principal act shall supersede the procedures set forth in this division.



Non-districts

56036.6. (a) For the purposes of Chapter 1 (commencing with Section 57000) to Chapter 7 (commencing with Section 57176), inclusive, of Part 4 or Part 5 (commencing with Section 57300), none of the following entities is a "district" or "special district" if the commission of the principal county determines, in accordance with Section 56127 and 56128, that the entity is not a "district" or "special district":

- (1) A flood control district.
- (2) A flood control and floodwater conservation district.
- (3) A flood control and water conservation district.
- (4) A conservation district.
- (5) A water conservation district.
- (6) A water replenishment district.
- (7) The Orange County Water District.
- (8) A California water storage district.
- (9) A water agency.
- (10) A county water authority or a water authority.

(b) If the commission determines that an entity described in this section is not a "district" or "special district," any proceedings pursuant to Part 4 (commencing with Section 57000) for a change of organization involving the entity shall be conducted pursuant to the principal act authorizing the establishment of that entity.

56037. [Repealed by Stats. 2011, Ch. 300]

"Divestiture of power"

56037.2. "Divestiture of power" means the termination of the power and authority to provide particular functions or classes of services within all or part of the jurisdictional boundaries of a special district.

"Elections official"

56037.5. "Elections official" shall have the same meaning as in Section 320 of the Elections Code.

"Executive officer"

56038. "Executive officer" means the person appointed by a commission pursuant to Section 56384.

"Feasible"

56038.5. "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, legal, social, and technological factors.

CALAVERAS LAFCO**2019 Commission Regular Meeting Schedule**

6:00 p.m.

**Board of Supervisors Chambers, Government Center
891 Mountain Ranch Road
San Andreas, California**

January 28th

*(note: Wednesday, January 21st
is Martin Luther King Day)*

July 17th**March 18th****September 16th****May 20th****November 18th**

Unless otherwise provided by resolution of the Commission, regular meetings of the Commission are scheduled for the **third Monday** of every other month at 6:00 p.m. in the Board of Supervisors' Chambers, 891 Mountain Ranch Road, Government Center, San Andreas, California. ***Regular meetings are scheduled during the months of January, March, May, July, September, and November. Alternate meeting months in which a LAFCo meeting may be scheduled are: February, April, June, August, October, and December.*** In the event of a scheduled holiday, the regular meeting shall be held at the same place upon the first succeeding Monday which is not a holiday, commencing at the same hour, in which event all hearings, applications, petitions and other matters before the Commission are continued to the same hour of the next succeeding day which is not a holiday. The Commission may, at its own discretion, meet at a different time or place from time to time, provided that public notice of such time and place is given in accordance with the Ralph M. Brown Act, Government Code Section 54954 et seq. and applicable provisions of the LAFCo Act.