

# Calaveras Local Agency Formation Commission

## Regular Meeting Minutes - Monday January 23, 2017

1. **Call to Order/Pledge of Allegiance/Roll Call** – Order was called by Chair Folendorf at 6:03 p.m. on Monday, January 23, 2017, in the Calaveras County Board of Supervisors Chambers, County Administrative Center, San Andreas, California.

### Commissioners Present

Amanda Folendorf, Chair, City Member  
Michael Oliveira, Vice Chair, Cnty Mem.  
Anita Paque, Public Member  
John Lavaroni, Special District Member  
Tony Tyrrell, Special District Member  
Jon Dashner, Special District Member Alt.  
Roark Weber, Public Member Alt.

### Commissioners Absent

\_\_\_\_\_, County Member  
Linda Hermann, City Member  
Susan Rudolph, City Member Alt.  
\_\_\_\_\_, County Member Alt.

### Staff Present

John Benoit, Executive Officer

### Others Present

Sign Interpreters

2. **Approval of Agenda: MOTION** by Commissioner Tyrrell to approve the Agenda as presented, second by Commissioner Paque. Motion passed 5 yes, 0 no, 2 absent, 0 abstention.
3. **Consider Minutes from the November 21, 2016, LAFCo meeting. MOTION** by Commissioner Oliveira to approve the Minutes as presented, second by Commissioner Tyrrell. Motion passed 4 yes, 0 no, 2 absent, 1 abstention.
4. **Consent Agenda: Review and Authorize Claims for November & December 2016. MOTION** by Commissioner Tyrrell to approve Claims for November & December 2016 as presented, second by Commissioner Lavaroni. Motion passed 5 yes, 0 no, 2 absent, 0 abstention.
5. **Workshop regarding the Mark Twain Healthcare District Service Review and Sphere of Influence.**  
Executive Officer Benoit reported that LAFCo is required to perform a Service Review and determine Spheres of Influence for all districts that are within Calaveras County that fall under LAFCO jurisdiction. He then reviewed what was in his report to the Commissioners.

Mark Twain Healthcare District (MTHCD) has a five-member Board of Directors. They are currently in negotiations regarding a new lease contract. The district is financially solid, and its Sphere of Influence should be coterminous with the boundaries of Calaveras County. There does not appear to be any need for dissolution of, or changes in, the district at this time.

Larry Blitz introduced himself as the new Executive Director of MTHCD. Commissioner Paque asked him whether the district has considered making a lease for less than 30 years. Mr. Blitz responded that, although entities coming in with capital prefer longer leases, all options are currently on the table.

**6. Authorize staff to attend the CALAFCO staff workshops in Fresno on March 4-7, 2017.**

Executive Officer Benoit stated that, as routine business, this item is placed on the agenda so that the Commission is aware of when and where he may be travelling.

**MOTION** by Commissioner Tyrrell to authorize Executive Officer Benoit to attend the CALAFCO staff workshop in Fresno on March 4-7, second by Commissioner Paque. Motion passed 5 yes, 0 no, 2 absent, 0 abstention.

**7. Meeting with State Water Resources Control Board/Division of Drinking Water staff.**

*a. Legislation affecting water systems, SB 88, SB 552, and SB 1263.*

Executive Officer Benoit reported that SB 88, which is a few years old, authorizes the Water Resources Control Board to order consolidation of failing water systems. Since a water system is any system with 15 or more connections, this is happening frequently. The state has been notifying failing water systems to tell them that if they do not annex to an adjacent system, the state will commence that process. Many of these failing systems are often Disadvantaged Unincorporated Communities (DUCs), so they can get state funding to help in the cost of annexation, although the annexation does often result in higher water rates to the consumers. In these forced annexations, if the community uses the normal LAFCo protest procedures to protest the annexation, the state will override their vote of refusal to annex.

SB 522 orders consolidation of small water systems if they are DUCs. Again, funds are available for this.

SB 1263 changes the requirements for the application for a new water system in order to discourage the creation of a new unsustainable water system where there are alternatives. Those alternatives must now be explored. Also, sustainability must now be considered in light of climate change issues. In addition, permits for water hauling as a source of water may no longer be issued.

Executive Officer Benoit said Calaveras has not yet received a letter on any of these issues, but believes there are some areas that do fall within the purview of these bills, so expects

that a letter probably will be received in the future.

Mr. Benoit also mentioned that SB 1266, which went into effect this year, requires that new or amended Joint Power Authority agreements (JPAs) regarding municipal services must now be filed with LAFCo. Commissioner Paque added that the reason for this was that cities and districts had been forming JPAs to get around LAFCo, and then not filing them with the state either. Thus, when it was time to do a Municipal Services Review, the process became more difficult because unknown entities were involved in provision of services. Mr. Benoit stated that Calaveras County has many JPAs, possibly around 200.

There was some discussion between Executive Officer Benoit and Commissioner Paque regarding out-of-service-area requests versus annexations. Mr. Benoit stated that he does not allow such out-of-area requests, and insists on annexation.

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

a. *Saddle Creek MSR-SOI.*

Executive Officer Benoit said that he will work on this project after the CCWD SOI.

b. *CCWD SOI.*

Executive Office Benoit reported that he has updated maps and has met with CCWD staff. He will have the SOI ready in the very near future, and then the MSR update.

Mr. Benoit mentioned that Form 700s are due in April. He informed the Commissioners that they can give their forms to him, and he will forward them to the county. A question was asked regarding whether the forms can be filed electronically for LAFCo as they can be for other committees, and Mr. Benoit said he would check on that.

Mr. Benoit then reported that the cost of copying the meeting packets is getting expensive, and said some of the Commissioners receive their packets electronically. He asked if any of the remaining Commissioners would be willing to also receive their packets electronically. Several Commissioners said they would.

**9. Commissioner Reports:** Commissioner Paque reported she had attended a CALAFCO meeting whose purpose was to review the goals of CALAFCO. It was determined that one of its main purposes is to provide education and white papers to local LAFCOs. Among their other goals, CALAFCO is hiring a contractor to map DUCs for the whole state; providing advocacy to the state legislature to help them understand LAFCo's duties and responsibilities so they can recognize when proposed legislation from a city or district is really an attempt to bypass the local LAFCo; reviewing legislation to see if it affects LAFCo, and whether CALAFCO should support, oppose, or be involved with the legislation; changing procedures for how special districts get on local LAFCO boards; and being a resource to Sacramento rather than a lobbying organization. Ms. Paque added that

CALAFCO had testified before the Little Hoover Commission, and that that testimony is on the Calaveras LAFCo website.

Commissioner Oliveira reported that, due to the severity of the last storms, there was \$2.3 million available in emergency funding. If the next storm is equally severe, Calaveras County could have emergency standing. He also reported that the County Board of Supervisors will be assigning committee positions at its next board meeting.

Commissioner Folendorf reported that she had attended a conference of cities where environmental issues were discussed. She noted that the cities had emphasized that they wished to keep as much local control as possible on such issues.

**10. Public Comment:** No public comments.

**11. Consider cancelling meeting of February 27<sup>th</sup> since the March 2017 meeting is within three weeks. Direct staff to meet with new commissioners (once appointed to LAFCo) to discuss LAFCo Law, Policy and Practice.**

Executive Officer Benoit stated that he would like to have a LAFCo 101 for the new commissioners, so requested that the next meeting start at 5:00. Commissioner Paque said the workshop could be at 5:00, but that the regular meeting could still start at 6:00. Therefore, the next meeting will be on March 20 at 6:00 pm, with the workshop starting at 5:00 pm.

A question was asked about whether the calendaring of the meeting could also then place the meeting directly on Commissioners' individual calendars. Executive Officer Benoit replied that he would check on how to get that done.

**12. Adjournment:** Meeting was adjourned at 7:00 p.m.

Minutes submitted by Nancy Mees.

**DATED:** \_\_\_\_\_

**APPROVED:** \_\_\_\_\_

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Amanda Folendorf, Chair, or Michael Oliveira,  
Vice Chair, Calaveras Local Agency Formation