

# Calaveras Local Agency Formation Commission

## Regular Meeting Minutes – Monday, January 27, 2020

1. **Call to Order/Pledge of Allegiance/Roll Call** – Order was called by Chair Lavaroni at 5:58 p.m., on Monday, January 20, 2020, in the Calaveras County Board of Supervisors Chambers, County Administrative Center, San Andreas, California.

### Commissioners Present

John Lavaroni, Chair, Special Dist. Mem.  
Gary Tofanelli, County Member  
Merita Callaway, County Member  
Tony Tyrrell, Special Dist. Member  
Anita Paque, Public Member  
Jon Dashner, Special Dist. Mem. Alt.

### Commissioners Absent

Roark Weber, Public Member Alt.  
Alvin Broglio, Vice Chair, City Member  
Amanda Folendorf, City Member Alt.  
Joseph Oliveira, City Member  
Dennis Mills, County 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 Tofanelli. Motion passed 5 yes, 0 no, 0 abstention, 1 absent.

3. **Consider Minutes of the November 18, 2019, LAFCo meeting:**

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

4. **Consent Agenda:**

*Review and authorize claims for November and December 2019.*

**MOTION** by Commissioner Paque to approve the Consent Agenda and Claims for November and December 2019 as presented, second by Commissioner Tofanelli. Motion passed 5 yes, 0 no, 0 abstention, 1 absent.

5. **Correspondence:**

Executive Officer Benoit reported that the only correspondence was a notice of a lawsuit, which is under Agenda Item 11a.

**6. Public Hearing regarding the detachment and Sphere of Influence amendment consisting of 81.58 acres, more or less, on four lots from Appaloosa Road Community Services District (LAFCo File 2019-0002):**

- a. *Receive Executive Officer's report and conduct public hearing regarding the detachment and SOI amendment for the Appaloosa Road CSD.*

Executive Officer Benoit reported that an application for detachment had been received from the CSD board, which had already passed its own resolution regarding the detachment. The District wishes to remove four parcels from its SOI because they have never received services from the District as they access Highway 4 directly and do not use the CSD-maintained roads. They have also never been charged an assessment by the District. Currently, however, as members of the District, they are allowed to vote on CSD matters.

Chair Lavaroni opened the public hearing. From the audience, Paul Westerman, asked whether the proposed realignment of Highway 4, which included a frontage road along the four parcels in question, could cause the parcels to have to be re-annexed into the District if the frontage road ends up being maintained by the District. Commissioner Tofanelli stated he believed a dirt road that currently fronts those properties is what will become the frontage road. Commissioner Paque asked if these parcels had any encroachment permits for Highway 4. Commissioner Callaway asked about who would maintain the frontage road, and Commissioner Tofanelli said he believed the county would, but that as he hasn't seen the final drawings, he can't state that definitively.

Chair Lavaroni closed the public hearing.

- b. *Consider LAFCo Resolution 2020-0001 adopting a Sphere of Influence amendment for the Appaloosa Road Community Services District.*

**MOTION** by Commissioner Tofanelli to approve Resolution 2020-0001 adopting the amended Sphere of Influence for Appaloosa Road CSD as presented, second by Commissioner Tyrrell. Motion passed 5 yes, 0 no, 0 abstention, 1 absent.

- c. *Consider LAFCo Resolution 2020-0002 approving the 81.58-acre detachment from the Appaloosa Road Community Services District.*

Commissioner Tofanelli asked if the owners of all four parcels had been notified, and Executive Officer Benoit replied that they had all been notified by mail.

**MOTION** by Commissioner Tofanelli to approve Resolution 2020-0002 approving the 81.58-acre detachment for the Appaloosa Road Community Services District as presented, second by Commissioner Tyrrell. Motion passed 5 yes, 0 no, 0 abstention, 1 absent.

**7. Workshop #3 regarding draft updated Policies, Standards and Procedures:**

*Continue workshop regarding revised Policies, Standards and Procedures and conduct third workshop.*

By consensus, the Commission decided to continue this item until the next meeting when the city members could be present.

**8. Continued discussion of proposed encroachment onto Hallas Road and whether or not annexation to CSA 12 (Golden Hills) would be required:**

*Provide Determination and Direction to staff.*

Executive Officer Benoit pointed out that this parcel was not part of the original Golden Hills subdivision, and that when CSAs are formed, they usually include all the parcels within a subdivision. He did believe, however, that this parcel should pay its fair share for use of the CSA's road even if the parcel is not annexed into the CSA. Moreover, the request for an annexation should come from the County, as it is the CSA board.

Commissioner Callaway stated that she recalled from the last meeting that the owners of the parcel were willing to pay an assessment. She wanted to know whether, if they began paying an assessment without being annexed, would that agreement become a recorded document attached to the property, and who would draft and file that document. Executive Officer Benoit responded that the County would, and Commissioner Tofanelli added that the agreement would be recorded as an attachment to the deed on the property.

Mr. Benoit commented that if the property owners requested water from the CSA in the future, then at that time they should definitely be annexed. Commissioner Lavaroni added that the owners are willing to pay an assessment, but do not wish to be part of the CSA.

Commissioner Paque stated that, so far, only the CSA Advisory Board had approved this arrangement, and that the County has not yet been notified of it. Therefore, until the County reviews it and makes a decision, LAFCo should not take any action. Commissioner Tofanelli agreed, stating that the Advisory Board can make recommendations to the County, but that the County does not have to follow them.

Mr. Benoit asked who would collect the CSA fee from the owners if the property was not part of the CSA, and Commissioner Tofanelli replied that it would still be collected with property taxes, and that the fee would go into the separate account set up for those assessments.

A member of the Advisory Board spoke from the audience, saying that, although the property owners claim they have deeded access to the Golden Hills road, he has been unable to find such a document. Commissioner Tofanelli suggested he do some research at the County Recorder's Office. The Advisory Board member also suggested that the Commission should consider what might happen if that property were ever to be subdivided,

thus increasing usage of the road. In addition, they should consider that when the water lines were put in, they were sized to accommodate the properties within Golden Hills only. Commissioner Lavaroni stated that there should be no problem in that respect as all the lots within Golden Hills have not been developed yet anyway and the parcel in question is too steep to be developed.

Commissioner Callaway then asked who would initiate a request on this issue to Public Works. Commissioner Tofanelli replied that it should be the property owners. The audience member then asked whether the Advisory Board should discuss this matter and vote on how they wanted it to proceed so that their chair could respond when this came up for a hearing before the Board of Supervisors. The Commission agreed with that idea, and suggested that the Advisory Board could also contact their Supervisor about this beforehand.

By consensus, the Commission decided to let this proceed through the County first before it took any action regarding recommending or not recommending annexation.

**9. Authorize Staff to attend the annual CALAFCo Staff Workshop in Orange County on March 24-27:**

**MOTION** by Commissioner Tyrrell to authorize staff to attend the CALAFCo Staff Workshop on March 24-27, second by Commissioner Callaway. Motion passed 5 yes, 0 no, 0 abstention, 1 absent.

**10. Discussion regarding contents of LAFCo Application Forms – notification of landowners and registered voters:**

Executive Officer Benoit reported that he has had two recent projects in which the District had not given notice to the property owners prior to bringing the matter to LAFCo. His thought was to add a requirement in the project application form that requires an applicant to give notice to property owners as a prerequisite to bringing the matter to LAFCo. Commissioner Tofanelli suggested the application also require that proof of such notification be submitted along with the application.

**11. Executive Officer's Report:**

*a. Lawsuit notice: Calaveras Planning Coalition v. Calaveras Co. Board of Supervisors.*

Executive Officer Benoit explained that this item is included because notice of such lawsuits is required to be given to LAFCo. No discussion is required.

*b. 700 Forms due April 1, 2020.*

Executive Officer Benoit informed the Commissioners that they could file their forms with him, and that they could find the form on the FPPC website.

*c. 2020-2021 LAFCo Budget Process.*

Executive Officer Benoit stated that he will have the proposed budget ready for the next meeting.

*d. Valley Springs PUD MSR and SOI Update.*

Executive Officer Benoit reported that the Valley Springs PUD MSR, as well as the MSR for Mokelumne Hill Sanitary District, will be coming to the Commission in the near future.

**12. Commissioner Reports**

Commissioner Callaway thanked Clerk Mees for her minutes from the prior meeting, and also reported that, now that the General Plan has been approved, the Board of Supervisors is moving on to zoning codes and setting priorities for the Planning Department regarding zoning. She then asked why LAFCo puts public comment at the end of the meeting rather than the beginning, which is where she feels it should be. Executive Officer Benoit responded that in the past it had been at the beginning, and the Commission had changed it to the end, but that it can be changed again if the Commission so wishes. Commissioner Tofanelli suggested the Commissioners be polled on the issue at a meeting where all Commissioners are present.

Commissioner Paque announced that she is now Secretary of the CALAFCO Board.

**13. Public Comment:**

Commissioner Dashner commented from the audience that public comment can be moved to the beginning of any meeting if one of the Commissioners recommends it.

**14. Adjournment:**

Meeting was adjourned at 6:51 p.m. The next regular meeting will be Monday, March 16, 2020, at 6:00 p.m., in San Andreas.

Minutes submitted by Nancy Mees.

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

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

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John Lavaroni, Chair, or Alvin Broglio,  
Vice Chair, Calaveras Local Agency  
Formation