

Calaveras Local Agency Formation Commission

Regular Meeting Minutes – Monday, November 18, 2019

1. **Call to Order/Pledge of Allegiance/Roll Call** – Order was called by Chair Lavaroni at 6:03 p.m., on Monday, November 18, 2019, in the Calaveras County Board of Supervisors Chambers, County Administrative Center, San Andreas, California.

Commissioners Present

John Lavaroni, Chair, Special Dist. Mem.
Alvin Broglio, Vice Chair, City Member
Merita Callaway, County Member
Joseph Oliveira, City Member
Tony Tyrrell, Special Dist. Member
Anita Paque, Public Member
Jon Dashner, Special Dist. Mem. Alt.
Roark Weber, Public Member Alt.

Commissioners Absent

Gary Tofanelli, County Member
Dennis Mills, County Member Alt.
Amanda Folendorf, City Member Alt.

Staff Present

John Benoit, Executive Officer
Nancy Mees, LAFCO Clerk

Others Present

2. **Approval of Agenda:**

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

3. **Consider Minutes of the September 16, 2019, LAFCo meeting:**

MOTION by Commissioner Tyrrell to approve the Minutes as presented, second by Commissioner Paque. Motion passed 6 yes, 0 no, 0 abstention, 1 absent.

4. **Consent Agenda:**

Review and authorize claims for September and October 2019.

Executive Officer Benoit stated that a revised Claims had been distributed at the dais which now included the charges for the state LAFCo Conference.

MOTION by Commissioner Tyrrell to approve the Consent Agenda and revised Claims for September and October 2019 as presented, second by Commissioner Callaway. Motion passed 6 yes, 0 no, 0 abstention, 1 absent.

5. Correspondence:

Executive Officer Benoit reported that he had received a letter from the State Controller's Office requesting Calaveras LAFCo to dissolve specific inactive districts, but that these districts have already been dissolved.

Mr. Benoit also briefly discussed a letter copied from the *Sacramento Bee* regarding fire taxes that he had included in the packet.

6. Public Hearing regarding the Service Review (MSR) and Sphere of Influence (SOI) update for the Calaveras Public Utility District (CPUD):

- a. *Receive Executive Officer's report and conduct public hearing regarding the MSR and SOI for the CPUD.*

Executive Officer Benoit explained that the final goal of an MSR is to use it to adopt an SOI. He reported that CPUD performed a study and determined that the district is a Disadvantaged Unincorporated Community (DUC), which opens the door for it to be able to receive certain grant funding. The district kept him up to date on all financials, and they look to be in good shape. Mr. Benoit recommended that the Commission adopt the MSR and the Coterminous SOI.

Chair Lavaroni opened the public hearing. There was no public comment, so he closed the hearing.

- b. *Consider LAFCo Resolution 2019-0007 adopting a Municipal Service Review for the Calaveras Public Utility District.*

Commissioner Callaway commented that on page 32 of the MSR it states that the district will be able to supply water to additional customers, and she wished to know how many customers that might be. Donna Leatherman, CPUD Manager, responded from the audience that there is not a lot of growth planned, but that the capacity of their system could possibly serve another 100 parcels.

MOTION by Commissioner Tyrrell to approve Resolution 2019-0007 adopting the Municipal Service Review for CPUD as presented, second by Commissioner Oliveira. Motion passed 6 yes, 0 no, 0 abstention, 1 absent.

- c. *Consider LAFCo Resolution 2019-0008 adopting a Sphere of Influence for the Calaveras Public Utility District.*

MOTION by Commissioner Tyrrell to approved Resolution 2019-0008 adopting the Coterminous Sphere of Influence for CPUD as presented, second by Commissioner Broglio. Motion passed 6 yes, 0 no, 0 abstention, 1 absent.

7. Workshop #2 regarding draft updated Policies, Standards and Procedures:

Continued workshop on revised Policies, Standards and Procedures.

Executive Officer Benoit began the workshop at Section 2.14 of the Draft Policies, Standards and Procedures. This section deals with Open Space Land Conservation, and Mr. Benoit pointed out that an important task assigned to LAFCOs is to always be mindful of preserving prime agricultural land, the definition of which is fairly strict under LAFCo law. He added that often it is necessary to talk with the county Agricultural Commission to determine whether particular land is prime ag land. When prime ag land is involved, LAFCo can request alternative sites be found, or it can impose mitigation measures on the project. The three types of mitigation generally are (1) requesting “in lieu” land, (2) requesting buffers exterior to the sphere boundary, and/or (3) requesting a right-to-farm ordinance be adopted.

Mr. Benoit briefly discussed Section 2.14(f) regarding Williamson Act Contract Lands and Section (h) regarding exterior buffers. He added that mitigation measures imposed by LAFCo must be followed by the county or city, and that mitigation measures can be imposed either in the CEQA process or through the use of terms and conditions. Commissioner Callaway commented that the County is currently reviewing Williamson Act Contracts and entering into some new ones, and wanted to know whether LAFCo should be involved in that. Executive Officer Benoit said LAFCo should at least be notified so it can review any new contracts, and Commissioner Callaway replied that she would make sure LAFCo received the necessary information. There was then some brief discussion concerning tribal lands.

Executive Officer Benoit then briefly reviewed Sections 2.15-2.18, noting that any policies adopted by LAFCo had to then be followed by the Commission. Mr. Benoit explained that Section 2.19 regarding DUCs had been added into the Policies at a later time as this law came about after the adoption of the initial Policies. He added that a new law has been passed that seems to expand the area of possible DUCs around a city or district which have to be included into any annexation that takes place. He will do some further research to determine whether this section of the Policies may need to be amended.

Commissioner Oliveira asked if there is a time limit on adopting these Draft Policies, and Mr. Benoit replied that there is not, but that the Commission should not take too many meetings to go through them before they vote on adopting the Draft Policies.

Mr. Benoit then moved on to Section 3 regarding Spheres of Influence. There are various factors that must be reviewed and determinations made in determining a sphere, and the purpose of the MSR is, among other things, to review those factors. Thus an updated MSR should precede any sphere update or amendment, and updated plans are encouraged. He added that only LAFCo can set spheres, and that they generally do not include land that is not likely to be developed.

As part of a sphere adoption or update, there must be a sphere map and the sphere plan must be consistent with the MSR. Further, when the sphere involves a city, there must be an agreement between the city and county with respect to the sphere boundaries.

Any district may have more than one sphere if it provides more than one type of service. Finally, while sphere updates are generally comprehensive and follow an updated MSR, a sphere amendment can take place in conjunction with a specific project. There was then some discussion regarding the last sphere update for Angels Camp and when it should be reviewed.

Executive Officer Benoit finished the workshop with Section 3.8 regarding abbreviated MSRs for agencies and districts providing non-growth inducing services. The Commission will continue with the workshop at the next meeting, starting with Section 4.

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

Commissioner Weber spoke from the audience, explaining that the purpose of the encroachment in question is to provide secondary access to a parcel outside the boundary of CSA 12. He introduced Richard Smith, who is representing the Longs (the owners of the parcel). Mr. Smith provided some maps and documents to the Commission and stated that based on these documents, he believes Hallas Road is a public road maintained by CSA 12. Executive Officer Benoit added that he had spoken with public works, and the roads in Unit 1 of Golden Hills are, in fact, public roads.

Ms. Leatherman from CPUD stated that their concern was that they needed proof that the Longs have permission from CSA 12 to cross Hallas Road with a waterline to their property, and are concerned with what future use of this road as a secondary access road would do to its condition and who would pay for the increased wear on it. Commissioner Weber replied that the Longs have stated they are willing to pay the CSA 12 annual assessment fee for road maintenance, but do not want to annex into the district. He added that, as the roads are asphalt and not built to county standards, heavy traffic would deteriorate them, but that the Longs do not intend to use the road that heavily. Executive Officer Benoit added that if that parcel were ever subdivided, annexation would become necessary. Commissioner Weber also added that if CPUD is concerned about the road and crossing it with a waterline, they could request that the Longs enter into a mainline extension agreement as a condition of receiving the waterline.

Commissioner Callaway stated that she would like a confirmation of what was agreed upon at the meeting between the Longs and CSA 12. She feels that if there is an agreement between the two parties, then it is not a LAFCo matter. Commissioner Oliveira suggested the question of whether or not there should be an annexation be reviewed by legal counsel.

Commissioner Broglio stated that unless the Longs plan to further develop the property or

subdivide it, it does not appear an annexation should be necessary under these circumstances. Commissioner Paque added that she was not prepared to make a decision until she had further time to review the maps and documents just received, and that perhaps Executive Officer Benoit should do some further investigation into the issue. Commissioner Callaway said she would research the meeting that had occurred between the Longs and CSA 12 and would forward that information to Mr. Benoit. No action was taken on this item at this meeting.

9. Discussion and information regarding the CALAFCo Annual Conference in Sacramento (October 29-November 1, 2019):

Commissioner Tyrrell commented that it had been an excellent conference, and he commended Commissioners Paque and Callaway for their session at the conference.

Executive Officer Benoit reported that the new CALAFCo dues schedule had been adopted at the business session by about 80-90%. He added that SB 200 will provide financial aid to ailing water districts.

Commissioner Dashner reported that he found the sessions on affordable housing and on water issues to be very informative. Commissioner Paque commented that the state is putting more impact fees and building requirements on housing, and that makes it more difficult for counties to provide affordable housing. She also added that the SWRB is looking at ways to go around LAFCo with respect to consolidating water districts, so this may need to be something that is addressed when conducting MSRs.

Mr. Benoit reported that the proposed funding for LAFCos to meet new state requirements is still in the works. He finished by saying he won the “Old Timers Award.” Commissioner Paque said it was really a lifetime achievement award, as Mr. Benoit has been Executive Officer for numerous LAFCos for many years, and that, in her opinion, he is as good an EO as those in the larger counties who work fulltime and have a large staff to help them, and that Calaveras LAFCo is fortunate to have him as their EO. In fact, one of the projects Calaveras LAFCo oversaw won an award as Best Project of the Year.

10. Set regular meeting schedule for 2020:

Executive Officer Benoit stated that the meeting schedule for 2020 had been sent out with the packet. It was pointed out that the January meeting is the fourth week rather than the third due to the Martin Luther King holiday.

MOTION by Commissioner Callaway to approve the 2020 LAFCo meeting schedule as presented, second by Commissioner Paque. Motion passed 6 yes, 0 no, 0 abstention, 1 absent.

11. Executive Officer’s Report:

Saddle Creek CSD is now Copper Valley CSD.

12. Commissioner Reports

Commissioner Paque commented that the CALAFCo conference had gone very well, and commended Commissioner Callaway on the session she presented. Commissioner Callaway reported that the County approved the General Plan last Tuesday. Commissioner Oliveira reported that Angels Camp had successfully put their TOT through the ballot process and that their clerk/treasurer position is now appointed rather than elected. Commissioner Tyrrell reported that Commissioner Paque had been re-elected to the CALAFCo board at the conference.

13. Public Comment:

Commissioner Weber complimented the County Board of Supervisors on the General Plan that was approved. He also commented that, in answer to his question at the September meeting, he had received a copy of AB 1628 which defines environmental justice. For the Commission’s information, he read that portion of the bill to them. His understanding of the bill was that LAFCo must keep the public involved in the decisions it makes, and he believes Calaveras LAFCo is already doing a good job of that.

14. Adjournment:

Meeting was adjourned at 8:00 p.m. The next regular meeting will be Monday, January 27, 2020, at 6:00 p.m., in San Andreas.

Minutes submitted by Nancy Mees.

DATED:

APPROVED:

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