

Calaveras Local Agency Formation Commission

Meeting Minutes – Monday, March 15, 2021

11. **Call to Order/Roll Call** – Order was called by Vice-Chair Callaway at 6:05 p.m. on Monday, March 15, 2021, via video conference.

Commissioners Present

Merita Callaway, County Member, Vice-Chair
Isabel Moncada, City Member
Jennifer Herndon, City Member
Tony Tyrrell, Special Dist. Member
Anita Paque, Public Member

Commissioners Absent

Gary Tofanelli, County Member
Amanda Folendorf, County Member Alt.
Alvin Broglio, City Member Alt.
Jon Dashner, Special Dist. Mem. Alt.
Roark Weber, Public Member Alt.
John Lavaroni, Special Dist. Mem.

Staff Present

John Benoit, Executive Officer
Nancy Mees, LAFCO Clerk

Others Present

2. **Approval of Agenda:**

Vice-Chair Callaway asked why this item is on the Agenda as it seems unnecessary and there are never any additions or deletions. Executive Officer Benoit responded that he agreed, and that nothing substantive can be added to the agenda at this point anyway. Vice-Chair Callaway then requested that this item be removed from future agendas.

3. **Consider Minutes of the January 25, 2021, LAFCo meeting:**

MOTION by Commissioner Tyrrell to approve the Minutes as presented, second by Commissioner Moncada. Motion passed 5 yes, 0 no, 0 abstention, 2 absent.

4. **Consent Agenda:**

Review and authorize claims for January and February 2021.

MOTION by Commissioner Paque to approve the Consent Agenda and Claims for January and February 2021 as presented, second by Commissioner Tyrrell. Motion passed 5 yes, 0 no, 0 abstention, 2 absent.

5. Correspondence:

Appeals Court Decision – LAFCo Indemnity Agreements and post proceeding costs.

Executive Officer Benoit explained that a recent appellate decision ruled that applicants to LAFCo whose projects are denied are not required to pay LAFCo's attorney fees if the applicant appeals LAFCo's decision. This ruling is currently being appealed to the California Supreme Court by SDRMA, and if the ruling stands, Mr. Benoit believes CALAFCO may seek legislation regarding this issue as it is currently not addressed in the codes.

Vice-Chair Callaway asked whether there is any insurance LAFCOs can get to cover these attorney fees, and Executive Officer Benoit responded that there is no type of mutual insurance for such circumstances. He added that Calaveras LAFCo has a large reserve fund that could pay those fees, but that if Calaveras LAFCo were forced to pay attorney fees, it would be the city, county and special districts that would have to make up that loss in reserves as they are the entities that fund LAFCo.

6. LAFCO 2021-0001 – A request by Chester Murphy to annex one parcel of land, APN 044-009-097 (79.87 acres), into the Calaveras Public Utility District in the San Andreas area of Calaveras County for the purpose of receiving one domestic water connection:

Commissioner Paque advised that she would be abstaining from discussion and voting on this agenda item because she owns interest in a property that is in San Andreas.

Executive Officer Benoit stated that the parcel in question is on West Murphy Creek Road, and that the County Surveyor provided comments that will be dealt with in preparing the final map for this project. He added that County Planning had some concerns that this annexation might be growth-inducing, however Mr. Benoit disagrees. CPUD would like to also annex an adjacent large parcel that already has a water connection, but Mr. Benoit explained that annexing that parcel would create an island. Therefore, his recommendation was to annex just the smaller parcel as set forth in the proposed resolution. He also stated that there had been no application from the owner of that property to annex, and due to the process and fees it would involve, it would delay Mr. Murphy's requested annexation. Mr. Benoit then added that the Murphy parcel is within CPUD's SOI.

Vice-Chair Callaway asked why CPUD thought this annexation would be growth-inducing. Executive Officer Benoit responded that because of the size of this parcel, CPUD felt there was a possibility it could be subdivided into several lots. Mr. Benoit explained that this is not in Mr. Murphy's plans and he is only asking for one water connection. If at any point in the future, a request for subdividing should occur, it would have to go through County Planning first anyway.

Vice-Chair Callaway then asked whether Mr. Murphy would have to go to CPUD if he ever wanted a second water connection for a new building on the property. Executive Officer Benoit replied that he would, as well as to the county if a new building beyond a certain size were to be built.

Commissioner Herndon asked if there were any other special districts that would be affected by this annexation, and Mr. Benoit said there were not.

Chester Murphy, who was in attendance, explained that this parcel had at one time already had a connection from CPUD, and that the previous owner of the property had put in the waterline and constructed the buildings currently on the property. That owner then lost the property and had the connection transferred to property he owned next door. Therefore, the line had already been approved; Mr. Murphy just wants to reconnect it. Vice-Chair Callaway asked if there is a connection on the adjacent property, and Mr. Murphy responded in the affirmative.

MOTION by Commissioner Herndon to approve Resolution 2021-0001 approving the annexation as presented, second by Commissioner Tyrrell. Motion passed 4 yes, 0 no, 1 abstention, 2 absent.

Public Hearings:

7. Mokelumne Hill Sanitary District Service Review and Sphere of Influence (MSR and SOI):

- a) *Review Service Review and Sphere of Influence Report, Conduct Public Hearing and consider LAFCo Resolution 2021-0002 adopting a Municipal Service Review for wastewater services being provided by the Mokelumne Hill Sanitary District.*

Vice-Chair Callaway opened the Public Hearing.

Executive Officer Benoit stated that the MSR had been reviewed at the January meeting. He again explained that the sphere boundary is totally within the District's boundary except for the irrigation field. Mr. Benoit believes the District should consider annexing that property into the District as they are now paying property tax on it. He then added that the District's services are adequate.

Vice-Chair Callaway commented that the District seems to be fairly well managed, and Mr. Benoit agreed that it is. Ms. Callaway then asked whether annexing the irrigation field would create an island, and Mr. Benoit responded that it would not as the property is contiguous.

- b) *Consider LAFCo Resolution 2021-0003 adopting a Sphere of Influence for the Mokelumne Hill Sanitary District.*

MOTION by Commissioner Tyrrell to approve Resolution 2021-0002 adopting the Municipal Service Review for Mokelumne Hill Sanitary District as presented, and to approve Resolution 2021-0003 adopting a Sphere of Influence for Mokelumne Hill Sanitary District as presented, second by Commissioner Moncada. Motion passed 5 yes, 0 no, 0 abstention, 2 absent.

8. 2021-2022 LAFCo Proposed Budget:

Executive Officer Benoit reported that this proposed budget is similar to past years, and that after it has been considered by the Commission, he will send it to the County, City and Special Districts for review. The final proposed budget will then be brought to the May meeting for adoption.

Mr. Benoit commented that CALAFCO dues dropped three dollars this year. He then gave a brief explanation of the budget and how it is funded for the benefit of the new Commissioners. He said LAFCo tries to maintain the Commission's goal of a reserve fund of \$100,000. Lastly, he stated that the Agency Cost Share will be slightly less than it was last year.

Vice-Chair Callaway complimented Executive Officer Benoit on his EO report for this item, saying it was a very good explanation of the proposed budget.

Mr. Benoit added that the proposed budget provides for three Commissioners attending the CALAFCO State Conference. He noted that Commissioner Paque will be the CALAFCO Board President this coming year, and that CALAFCO will probably pay for at least her registration if the conference is held in person. Vice-Chair Callaway congratulated Commissioner Paque.

Mr. Benoit concluded by saying that insurance will be going up due to increased risk management costs, partly resulting from all of the fires.

As there was no public comment, Vice-Chair Callaway closed the Public Hearing.

MOTION by Commissioner Tyrrell to approve the proposed budget as presented for distribution to the applicable agencies for review and comment, second by Commissioner Moncada. Motion passed 5 yes, 0 no, 0 abstention, 2 absent.

9. Executive Officer's Report

b) *San Andreas Sanitary District MSR and SOI.*

Executive Officer Benoit reported that the draft had been sent out to the District for review and this item should be coming before the Commission soon.

b) *Community Services District MSR and SOI.*

Mr. Benoit stated that there have been a lot of changes regarding, and concerns with, road maintenance CSDs. As the laws change and increase in number, it is becoming harder for the small districts to manage themselves accordingly, and many are closing.

c) *CSDA Special District Laws Guide.*

Executive Officer Benoit feels the CSDA's Guide is an important tool for special districts to have and review because there are so many laws special districts must follow, with new laws being added every year.

Mr. Benoit would like to hold a LAFCo 101 once the Commission is meeting in person again regarding the many roles and duties of LAFCo, and that this would be especially helpful to new Commissioners. He added that LAFCo can have a lot of power if it chooses to use it.

There was then some discussion regarding when the Commission can meet in person again, and it was decided that there are several variables which would determine this happening.

9. Commissioner Reports

Vice-Chair Callaway stated that she recalled discussion from the last meeting regarding how long it had been since the Angels Camp SOI had been reviewed. Executive Officer Benoit replied that it has been about ten years, so should be reviewed again soon. He hopes to bring it before the Commission during this next fiscal year.

Vice-Chair Callaway then commented on special districts being able to ask for financial assistance related to Covid, and that so far only San Andreas Parks and Recreation District has done so. She added that any district that has needs, can present them to the Board of Supervisors for consideration. Mr. Benoit added that CSDA currently has a program whereby districts with small budgets can obtain inexpensive membership, which is also a big help for those districts.

10. Public Comment:

There was no public comment.

12. Adjournment

Meeting was adjourned at 7:05 p.m. The next regular meeting will be Monday, May 17, 2021, at 6:00 p.m.

Minutes submitted by Nancy Mees.

DATED:

APPROVED:

Merita Callaway, Vice Chair,
Calaveras Local Agency Formation