

**Calaveras Local Agency Formation Commission  
Regular Meeting Minutes – Monday, May 20, 2019**

1. **Call to Order/Pledge of Allegiance/Roll Call** – Order was called by Chair Paque at 6:03 p.m., on Monday, May 20, 2019, in the Calaveras County Board of Supervisors Chambers, County Administrative Center, San Andreas, California.

**Commissioners Present**

Anita Paque, Chair, Public Member  
Gary Tofanelli, County Member.  
Merita Callaway, County Member  
Joseph Oliveira, City Member  
Dennis Mills, County Member Alt.  
Jon Dashner, Special Dist. Mem. Alt.  
Veronica Metildi, City Member Alt.  
Roark Weber, Public Member Alt.

**Commissioners Absent**

John Lavaroni, Special Dist. Member  
Tony Tyrrell, Vice Chair, Sp. Dist. Mem.  
Amanda Folendorf, City Member Alt.  
Alvin Broglio, City Member

**Staff Present**

John Benoit, Executive Officer  
Nancy Mees, LAFCO Clerk

**Others Present**

2. **Election of Chair and Vice Chair per Section 4.6 of LAFCo Bylaws:**

**MOTION** by Commissioner Callaway to postpone the election till the next meeting due to the absence of a City Member and the Special District Members, second by Commissioner Dashner. Motion passed 6 yes, 0 no, 0 abstention, 1 absent.

3. **Approval of Agenda:**

**MOTION** by Commissioner Tofanelli to approve the Agenda, second by Commissioner Dashner. Motion passed 6 yes, 0 no, 0 abstention, 1 absent.

4. **Consider Minutes from the May 18, 2019, LAFCo meeting:**

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

5. **Consent Agenda:**

**MOTION** by Commissioner Oliveira to approve the Consent Agenda and Claims for March and April 2019 as presented, second by Commissioner Dashner. Motion passed 6 yes, 0 no, 0 abstention, 1 absent.

**6. Correspondence:**

Executive Officer Benoit stated that there were Special District magazines available for whomever wanted them. He also reported that he had received a notice from SDRMA, LAFCo's insurance carrier, that they are holding an election of officers in August. Mr. Benoit asked the Commissioners to review the candidates in the notice as he will put the vote for SDRMA officers on the July agenda.

**7. Consent for LAFCo General Counsel to represent County of Calaveras in a lawsuit, Greer et. al v. Calaveras County et. al.**

*Action; Review memorandum from Colantuono, Highsmith and Whatley, PC, dated March 18, 2019, and consider request.*

Executive Officer Benoit explained that the letter is a typical attorney letter intending to avoid any conflict of interest by obtaining LAFCo's approval for the law firm to represent the County in this lawsuit as they are also legal counsel for Calaveras LAFCo. He added that he sees no conflict in their representing the County. Commissioner Tofanelli asked if this letter had to be signed now as he would like to talk to County Counsel first. Chair Paque stated she saw no problem with the representation of the County, but wanted the closing language to be edited to remove the words "and in other matters," thus limiting the effect of signing the letter to the current lawsuit only. Mr. Benoit said he believed the letter could be postponed to the next agenda as the lawsuit would probably not be progressing that quickly. By consensus the Commission agreed to move this item to the July agenda.

**PUBLIC HEARING:**

**8. Public hearing – Final Fiscal Year 2019-2020 Budget**

*Receive Executive Officer's report and open public hearing regarding the final 2019-2020 fiscal year budget and consider Resolution 2019-0005 adopting a final budget for fiscal year 2019-2020.*

Executive Officer Benoit explained that he took what was adopted at the March meeting and put it into the final spreadsheet, and that there was nothing new since the March meeting. The total budget is \$119,435.35 plus a \$11,943.51 reserve fund of which \$91,778.56 is to be apportioned from the agencies subject to LAFCo's jurisdiction.

Chair Paque opened the Public Hearing. As there was no comment, she then closed it.

**MOTION** by Commissioner Dashner to adopt resolution 2019-0005 adopting the final 2019-2020 fiscal year budget, second by Commissioner Oliveira. Motion passed 5 yes, 0 no, 1 abstention, 1 absent.

**9. Public hearing – Contract Amendment thereby amending a February 22, 2005, contract between Calavera LAFCo and John Benoit, Contractor, for LAFCo Staff Services.**

*Consider first amended contract between Calaveras LAFCo and John Benoit, Contractor, for LAFCo Staff Services per direction given at the March 18, 2019, LAFCo meeting, and authorize the Chair to sign amended contract.*

Executive Officer Benoit stated that his contract amendment had been discussed at the March meeting, at which he had reported that he had been receiving \$75 per hour for the past 14 years. The Commission had voted that his contract should be amended to pay him \$100 per hour.

Chair Paque opened the Public Hearing. Commissioner Roark spoke from the audience, saying he thought \$100 per hour for Mr. Benoit's services was a bargain. There were no further comments, and Chair Paque closed the Hearing.

**MOTION** by Commissioner Tofanelli to accept the amended contract as presented and direct Chair Paque to sign it, , second by Commissioner Oliveira. Motion passed 6 yes, 0 no, 0 abstention, 1 absent.

## **WORKSHOP**

### **10. Review Service Review requirements and conduct a goal setting workshop for Calaveras LAFCo with regard to Calaveras LAFCo's role in orderly growth in Calaveras County and discuss the need and methods of achieving reorganization of various services.**

*Review March 18, 2019, minutes (item #9) and provide any additional input if desired.*

Executive Officer Benoit commented that there are many issues with special districts not being fiscally solvent, and that these are usually identified in the MSR's. He added that many districts also do not follow all of the many laws governing districts, e.g., regarding staffing, and have poor fiscal management. Mr. Benoit then said that perhaps prior to doing MSR's for a certain district type (water, fire, wastewater, etc.), LAFCo should meet with all the districts of that type to discuss their various issues.

Mr. Benoit explained that this issue has become more important because there is currently so much talk about consolidations, but that consolidation is not always the best answer to the problem. Sometimes a JPA or sharing services might work better. Commissioner Tofanelli commented that there was only one recent consolidation that he could recall, and that it had been successful. Mr. Benoit responded that when the districts come to LAFCo requesting consolidation, they can work, but if LAFCo initiates the consolidation, it probably won't happen. He added that consolidations can also be expensive. Chair Paque reported that LAFCos often ask to be indemnified against any lawsuit that may arise, but that a court case in California recently ruled that such indemnification is unconscionable. She added that the Commission will have to wait to see if any other court rules similarly. Mr. Benoit responded that it might lead to having to amend LAFCo policies and/or application wording, or asking for more money up front.

### **11. Legislation: Oppose AB-600, a repeat of SB 1318 which CALAFCo opposed in 2016 re Disadvantaged Communities and water and wastewater facilities.**

*Authorize the Chair to sign a letter in opposition to the proposed AB-600.*

Executive Officer Benoit reported that the problem with this bill is its method of providing water and wastewater services to disadvantaged communities. Commissioner Callaway

stated that she couldn't see that this bill would affect Calaveras County. Chair Paque responded that the bill was changing the protest requirement from residents to registered owners, so now absentee landlords could be making the decision. There then followed some discussion regarding this issue.

Commissioner Oliveira asked how many other LAFCoS have opposed this bill, and commented that the Commission needed to look at how this bill would affect LAFCoS in general, not just in Calaveras County. Mr. Benoit replied that most LAFCoS have already written letters of opposition. Chair Paque added that it is true that this bill would affect more densely populated areas.

**MOTION** by Commissioner Callaway to approve the signing of the proposed letter of opposition regarding AB-600, second by Commissioner Tofanelli. Motion passed 6 yes, 0 no, 0 abstention, 1 absent.

**12. Consider being the host for the spring 2021 CALAFCo Staff Workshop to be held in Murphys.**

Executive Officer Benoit stated that the Staff Workshop had been held in Murphys about ten years ago, and had been well received. Commissioner Metildi asked how many people usually attended the Workshop, and Mr. Benoit responded that it was about 100. He added that CALAFCo would handle everything, and commented that he would like to see a frog jumping contest at the Workshop. Commissioner Metildi said LAFCo should find out whether the man who portrays Mark Twain would be willing to speak at the Workshop. Chair Paque stated that speakers at CALAFCo events are never paid, so must be willing to volunteer their time.

**MOTION** by Commissioner Tofanelli to approve volunteering to host the 2021 Staff Workshop in Murphys, second by Commissioner Dashner. Motion passed 6 yes, 0 no, 0 abstention, 1 absent.

**13. Executive Officer's Report**

*Discussion of the CALAFCo Annual Staff Workshop in San Jose.*

Executive Officer Benoit reported that the Workshop in April had been a worthwhile conference. He stated that there had been sessions on topics such as MSR's, resolutions (co-presented by Clerk Mees and attorney Gary Bell), and ethics, as well as other topics. He added that the biggest benefit of the Workshop, however, is always the networking opportunities it provides, and that he had seen a number of new faces this year. Mr. Benoit said he was requested to add himself to the CALAFCo list serve due to his experience, which he did. He stated that a number of the Executive Officers and LAFCo attorneys who have been around for a long time are retiring.

**14. LAFCo 101 presentation by LAFCo staff – Part 1 (a general overview of LAFCo).**

Executive Officer Benoit presented a PowerPoint presentation on the history of LAFCo, what its purposes are, and what actions it can and cannot take.

**15. Commissioners Reports**

Several of the Commissioners discussed the recently held County Fair.

**16. Public Comment:**

There was no public comment.

**17. Adjournment:**

Meeting was adjourned at 7:37 p.m. The next regular meeting will be Monday, July 15, 2019, 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