

Calaveras Local Agency Formation Commission

Regular Meeting Minutes – Monday, May 21, 2018

1. **Call to Order/Pledge of Allegiance/Roll Call** – Order was called by Chair M. Oliveira at 6:04 p.m., on Monday, May 21, 2018, in the Calaveras County Board of Supervisors Chambers, County Administrative Center, San Andreas, California.

Commissioners Present

Michael Oliveira, Chair, County Member
Anita Paque, Vice Chair, Public Member
Amanda Folendorf, City Member
Gary Tofanelli, County Member
Linda Hermann, City Member
John Dashner, Special Dist. Mem. Alt.

Commissioners Absent

John Lavaroni, Special Dist. Member
Dennis Mills, County Member Alt.
Roark Weber, Public Member Alt.
Tony Tyrrell, Special Dist. Member
Joseph Oliveira, City Member Alt.

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's Bylaws:**

- a. *Election of Chair (public member)*

MOTION by Commissioner Tofanelli to elect Anita Paque as Chair, second by Commissioner Folendorf. Motion passed 6 yes, 0 no, 1 absent, 0 abstention.

Commissioner Paque took the gavel from Chair M. Oliveira.

- b. *Election of Vice-Chair (Special District)*

Commissioner Tofanelli thanked Commissioner M. Oliveira for his leadership this past year.

MOTION by Commissioner Tofanelli to elect Tony Tyrrell as Vice-Chair, second by Commissioner M. Oliveira. Motion passed 6 yes, 0 no, 1 absent, 0 abstention.

Commissioner Tofanelli suggested that Chair Paque notify Commissioner Tyrrell of his election.

3. **Approval of Agenda:**

Executive Officer Benoit stated that he had one item regarding support letters for pending legislation. Commissioner Tofanelli responded that under the Brown Act, the Commission may not vote on anything added to the agenda without prior notice unless it was an

emergency. Mr. Benoit could, however, present the information for direction from the Commission, with the Commission ratifying any letters at the next meeting.

MOTION by Commissioner Tofanelli to approve the Agenda with the one addition, second by Commissioner Folendorf. Motion passed 6 yes, 0 no, 1 absent, 0 abstention.

4. Consider Minutes from the March 19, 2018, LAFCo meeting:

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

5. Consent Agenda:

a. Review and Authorize Claims for March and April 2018.

MOTION by Commissioner Folendorf to approve the Consent Agenda and Claims for March and April 2018 as presented, second by Commissioner Hermann. Motion passed 6 yes, 0 no, 1 absent, 0 abstention.

6. Public Hearing – Final Fiscal Year 2018-2019 LAFCo Budget:

Executive Officer Benoit briefly reviewed the EO Memo and Budget spreadsheet contained in the packet, noting that it was exactly the same as the Proposed Budget that was approved at the previous Commission meeting.

Mr. Benoit reported that the annual CALAFCO conference will be held October 3-5 at the Tenaya Lodge, and that he would appreciate a straw poll by July of who would like to attend. Mr. Benoit estimates that it will cost approximately \$1,500 per person to attend. Commissioner Tofanelli asked whether CALAFCO would pay for Chair Paque's attendance as she will be the conference chair. Mr. Benoit replied in the negative, explaining that it was not CALAFCO's policy to pay for anyone's attendance.

Chair Paque opened the Public Hearing. There being no comment from the audience, she closed the Hearing.

MOTION by Commissioner Dashner to approve Resolution 2018-0004 adopting the 2018-2019 Final Budget as presented, second by Commissioner M. Oliveira. Motion passed 6 yes, 0 no, 1 absent, 0 abstention.

7. Letters of Support for AB 3254 and AB 2258

a. AB 3254 CALAFCO Omnibus Bill

b. AB 2258 Special Funding for LAFCos

Executive Officer Benoit reported that this bill would institute a five-year program of funding, and Mr. Benoit wants to ensure that Calaveras gets a share if a major consolidation or reorganization is needed during that period. So far, 30 LAFCos have sent letters of support, but CALAFCO is seeking more. Mr. Benoit stated that

he feels Calaveras LAFCo should be more involved in supporting or protesting legislation that affects LAFCOs.

Chair Paque added that, unfortunately, the Special Districts Association is not supporting this bill because of the low percentage required to prevent a dissolution during a protest proceeding. This bill raises the percentage to 25%, but only for the five-year period, so the Special Districts Association is against it. Therefore, if more special districts would support the bill, it would be helpful. The support of counties and cities is also important.

8. Review of CALAFCO Staff Workshop – April 11, 2018-April 13, 2018

Executive Officer Benoit reported that this year's conference was good. During one of the sessions, an annexation of North Richmond was discussed, and Mr. Benoit felt the important lessons from this case study were: (1) when doing an annexation, it is important to feel out the affected community before starting; (2) the citizens need to be informed of how they will be affected fiscally, so a Fiscal Analysis should be done before the action even comes to LAFCo; and (3) the citizens also need to be educated on the annexation process.

Another session dealt with the Board of Equalization. Mr. Benoit reported that they stated that the BOE is trying to relax its mapping standards, but as of yet there are no new rules. In addition, there are conflicting laws on whether the maps need to be drawn by a licensed surveyor. There are also differences of opinion as to whether the documents sent to the BOE should contain a legal or a geographical description.

In a session on CEQA, it was noted that whenever an exemption is used, a finding must be made as to whether or not there are unusual circumstances.

Mr. Benoit also reported briefly on the P3 Water Summit at which he was a speaker. Several case studies were discussed, including the crisis in Flint, Michigan, which is the case which has brought water quality issues to the forefront.

9. Executive Officer's Report:

Executive Officer Benoit handed out three sample letters of support, one for SB 929, one for AB2238, and one for AB 2268. He reported that SB 929 would require special districts to have a website. He believes this provides a very easy way for districts to get information out to the public, and added that there is an exemption for small districts. Chair Paque commented that means of providing hosting for smaller districts is also being looked at.

AB 2238 would add the factors of fire hazard areas and local hazard mitigation plans into the factors to be considered during an annexation proceeding. AB 2268 would restore VLF funding to cities annexing an inhabited area. Some counties, however, are against this bill

because they believe they will lose money to the city doing the annexation. Chair Paque commented that this would not be the case due to how population would be calculated.

Mr. Benoit then asked for a roll call as to whether each Commissioner supported any or all of these bills.

Commissioner Dashner – supports all three.

Commissioner M. Oliveira – supports all three.

Commissioner M. Tofanelli – supports all three.

Commissioner Folendorf – supports all three.

Chair Paque – supports all three.

Commissioner Hermann – supports all three.

Chair Paque will sign the letters, and Chief Executive Officer Benoit will place them on the next agenda for Commission ratification.

700 Forms were due April 2nd:

Water and Wastewater Service Reviews and Spheres of Influence: Executive Officer Benoit is working with several districts.

Community Services District Service Reviews and Sphere of Influence – July meeting, RCD MSR and SOI : Executive Officer Benoit reported that this is in progress, but he needs a response from RCD.

There may also be an annexation to UPUD pending, as well as one to Murphy's Sanitary District.

Mr. Benoit also informed the Commission that CALAFCO is seeking nominations for awards and positions on their Board. Commissioner Alternates are eligible for both. Commissioner Tofanelli requested that a list of the award categories be emailed to the Commissioners, and Mr. Benoit replied that he would do so. The deadline for nominations is August 3.

10. Commissioners Reports:

Commissioner Tofanelli reported that the County is working with OES to set up a program for available resources being designated early on during a fire, and that they are also working with CALFire.

Commissioner M. Oliveira reported that the State Legislature is working on the problem of insurance cancellations in rural areas due to potential fire danger. There are also issues involving legislation regarding buildings being within 30 feet of property lines and building requirements for storage boxes, both of which are causing difficulties that will need to be

addressed.

Commissioner Folendorf reported that Angels Camp is also working with the County and the fire chiefs regarding fire issues. She further stated that a proposed increase in the sales tax will be on the November ballot.

Commissioner Dashner reported that the fire district just purchased a new ambulance.

11. Public Comment:

There was no public comment.

12. Adjournment:

Meeting was adjourned at 7:17 p.m. The next regular meeting will be Monday, July 16, 2018, at 6:00 p.m., in San Andreas.

Minutes submitted by Nancy Mees.

DATED: _____

APPROVED: _____

Michael Oliveira, Chair, or Anita Paque, Vice
Chair, Calaveras Local Agency Formation