

Calaveras Local Agency Formation Commission

Regular Meeting Minutes – Monday, July 16, 2018

1. **Call to Order/Pledge of Allegiance/Roll Call** – Order was called by Chair Paque at 6:02 p.m., on Monday, July 16, 2018, in the Calaveras County Board of Supervisors Chambers, County Administrative Center, San Andreas, California.

Commissioners Present

Anita Paque, Chair, Public Member
Tony Tyrrell, Vice Chair, Special Dist. Mem.
Amanda Folendorf, City Member
Gary Tofanelli, County Member
John Lavaroni, Special Dist. Member
Roark Weber, Public Member Alt
Dennis Mills, County Member Alt.
John Dashner, Special Dist. Mem. Alt.

Commissioners Absent

Michael Oliveira, County Member
Linda Hermann, City Member
Joseph Oliveira, City Member Alt.

Staff Present

John Benoit, Executive Officer
Nancy Mees, LAFCO Clerk

Others Present

2. **Approval of Agenda:**

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

3. **Consider Minutes from the May 21, 2018, LAFCo meeting:**

MOTION by Commissioner Tofanelli to approve the Minutes as presented, second by Commissioner Tyrrell. Motion passed 4 yes, 0 no, 1 absent, 2 abstention.

4. **Consent Agenda:**

a. *Review and Authorize Claims for May and June 2018.*

MOTION by Commissioner Mills to approve the Consent Agenda and Claims for May and June 2018 as presented, second by Commissioner Tofanelli. Motion passed 6 yes, 0 no, 1 absent, 0 abstention.

5. **Discussion regarding Calaveras County Draft General Plan EIR:**

Executive Officer Benoit reported that he had written a letter of response to the County Draft General Plan EIR. He stated that a year or so ago he had made many of these same comments in response to the County Draft General Plan, but apparently those comments had not been considered, and therefore the comments are being repeated in this letter.

The letter states that LAFCO intends to use the County's General Plan EIR as its environmental document for upcoming Spheres of Influence adoptions as much as possible to avoid having to prepare new environmental documents. There are also other agencies that would likewise use the County EIR. Therefore, LAFCo would like language to that effect in the "Purposes of the EIR" section of the county document.

Mr. Benoit also requested the addition of possible mitigation measures to the section of the Draft EIR relating to the conversion of Prime Farmland which stated "and no mitigation measures are found feasible." Mr. Benoit emphasized that there *are* mitigation measures available.

Mr. Benoit also commented that the provisions in the Draft EIR regarding coordinated planning between the City of Angels Camp and the County with respect to development proposals and the City's Sphere of Influence were insufficient. As written, Mr. Benoit commented, neither policy is sufficient to prohibit inefficient and unorderly growth. He proposed language that would require any development within the City's SOI to first go to the City for possible annexation.

Finally, Mr. Benoit's letter stated that LAFCO has been in the process of updating Municipal Service Reviews for water and wastewater since the Adoption of the MSR in 2012, as well as the MSRs for County Service Areas, Community Service Districts, and the Mark Twain Healthcare District. His purpose in making this statement was to remind the County that it can use the existing MSRs and EIR documentation, but that they need to realize some of those are now old and not necessarily accurate any longer.

Mr. Benoit concluded by saying that, when the second Draft General Plan comes out, LAFCO may want to review it again.

Chair Paque advised that there needs to be care taken if a parcel division outside of the Angels Camp city boundary is allowed to be first governed by the City as to an annexation. There could be concern on the part of property owners that the city council, for whose members they cannot vote, is deciding what happens to their property. Mr. Benoit replied that his concern really was about the parcel maps being processed by the city. Ms. Paque stated that there is a fine line between the two, but thought Mr. Benoit had addressed it well.

There was further discussion among the Commissioners regarding the issues of annexation, the efficiency problems of providing services to and between larger parcels, and the need for better communication between the City and County.

Commissioner Tofanelli then stated that he felt he ought to recuse himself as he is also a member of the Board of Supervisors. He thought there might be a conflict in his signing his name to this letter when it would then come before him as a Supervisor. Chair Paque said, unless he has a personal conflict, she saw no problem with him remaining and discussing the letter. Commissioner Tofanelli then added that he also had some disagreements with the letter. There was some discussion as to the fact that when members sit on the LAFCO Commission, they are acting independently from their other roles in the city or county. However, it can be hard to make those distinctions on some issues, and the public doesn't necessarily see them either. The Commission commented that he should then just abstain on the vote.

One of Commissioner Tofanelli's issues was the wording regarding the requirement of buffer zones in the section on Prime Farmland Mitigations. Mr. Benoit said he could add in words to the effect that the suggested mitigation measures were "possible" mitigations. He added that this is a programmatic EIR document, and other environmental documents would be necessary for specific projects.

There was no public comment.

MOTION by Commissioner Tyrrell to direct Executive Officer Benoit to send the letter to the county with the changes in wording discussed, second by Commissioner Lavaroni. Motion passed 4 yes, 0 no, 1 absent, 2 abstention.

6. Authorize Staff and Commissioners to attend the CALAFCo annual conference at the Tenaya Lodge near Yosemite, October 3-5, 2018:

Executive Officer Benoit stated that he had put Commissioners Tofanelli and Folendorf down as alternates. It was also noted that Chair Paque will be the conference chair, and that she and Mr. Benoit will be running one of the general sessions on the topic of natural disaster preparedness. Commissioner Tofanelli commented that some changes regarding the handling of drought situations will be coming from the state in 2020 and beyond, and that they might want to include some discussion of that in their session.

MOTION by Commissioner Mills to direct Commissioners Dashner, Tyrrell and Paque to attend the conference, with Commissioner Tyrrell as the voting member, second by Commissioner Tofanelli. Motion passed 6 yes, 0 no, 1 absent, 0 abstention.

7. CALAFCo Achievement Awards 2018 (due August 1, 2018):

No action was taken.

**8. Consider nomination for the CALAFCo Board of Directors (due Sept. 4, 2018),
County Member or District Member:**

In response to a Commissioner question, it was stated that a CALAFCo board member must attend four quarterly meetings, a biannual two-day meeting, and must be on at least one committee, which would entail additional meetings.

No action was taken.

**9. Designate LAFCo member or staff to vote on behalf of Calaveras LAFCo at the
CALAFCo Annual Conference:**

This item was voted on under Agenda item 6.

10. Executive Officer's report:

Current and Anticipated Projects

Executive Officer Benoit reported that he is still waiting on documentation from Murphys Sanitation District regarding an annexation. Commissioner Folendorf stated she had talked to them about that fact and told them they need to file the application.

Water and Wastewater Service Reviews and Spheres of Influence – ongoing

Executive Officer Benoit is working on several of these and hopes to have one ready for the September meeting.

Community Services District Service Reviews and Spheres of Influence – ongoing

RCD MSR and SOI

Commissioner Mills commented that county counsel has some information on CSDs regarding some recurring issues that Mr. Benoit might like to look at.

Executive Officer Benoit reported that he met with RCD regarding their MSR and SOI, and sent them a questionnaire, but has not received a response. Their sphere needs to be set, however, since it has been over a year and they do not have a sphere.

11. Commissioners Reports:

Commissioner Folendorf reported that the City of Angels Camp has a new Finance Officer, Emily Orr.

Chair Paque updated the Commission on the status of AB2258 which would provide grant money for the dissolution of inactive districts. The CSDA had opposed the bill because they believed the protest threshold was too low. CSDA proposed a change which would follow the same thresholds as for elections: 30% if under 1,000 people in the district; 10% if more than 1,000 people. With that change, CSDA withdrew its opposition.

Chair Paque also commented that this year the emphasis of the sessions at the CALAFCo Annual State Conference will be on providing information useful to Commissioners rather to Executive Officers and other staff.

12. Adjournment:

Meeting was adjourned at 6:58 p.m. The next regular meeting will be Monday, September 17, 2018, 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