

Calaveras Local Agency Formation Commission

Regular Meeting Minutes – Monday, July 17, 2017

1. **Call to Order/Pledge of Allegiance/Roll Call** – Order was called by Chair M. Oliveira at 6:00 p.m., on Monday, July 17, 2017, 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
Tony Tyrrell, Special District Member
Jon Dashnet, Special Dist Alt,
Joseph Oliveira, City Member Alt.

Commissioners Absent

Linda Hermann, City Member
Dennis Mills, County Member Alt.
Roark Weber, Public Member Alt.

Staff Present

John Benoit, Executive Officer
Nancy Mees, LAFCO Clerk

Others Present

2. **Approval of Agenda:**

Executive Officer Benoit said he wanted to add discussion of a letter of opposition written to Assembly Member Garcia regarding AB 1361. Chair M. Oliveira added that he had authorized the letter. Mr. Benoit stated the letter was important because this bill allows extension of water service through legislation, thereby circumventing the LAFCO process normally required. Commissioner Paque added that leaving LAFCO out of the process has created many problems: no CEQA evaluation has been done; it could be detrimental to customers already within the water district's boundaries; there has been no evaluation of possible disadvantaged communities; it could lead to future development that is outside of the county's General Plan; it could cause increased future development of the area involved; etc. Mr. Benoit said he urges Calaveras County and City of Angels to also send letters of opposition.

3. **Consider Minutes from the May 15, 2017, LAFCo meeting:**

MOTION by Commissioner Paque to approve the Minutes as presented, second by

Commissioner Folendorf. Commissioners Tofanelli, M. Oliveira, and J. Oliveira abstained. Motion passed 4 yes, 0 no, 0 absent, 3 abstentions.

4. Consent Agenda: Review and Authorize Claims for May and June 2017:

MOTION by Commissioner Folendorf to approve Claims for May and June 2017 as presented, second by Commissioner Tyrell. Motion passed 7 yes, 0 no, 0 absent, 0 abstention.

5. Public Hearing Regarding the Sphere of Influence Update for the Calaveras County Water District.

- a. *Receive Executive Officer's memo and report (report handed out at the April 17, 2017, meeting and posted on the LAFCo website: www.calaveraslafco.org.)*

Executive Officer Benoit reiterated that the Boundaries of this district are countywide, and that there are actually four Spheres of Influence: Planning (countywide), Domestic Water and Wastewater (do not include other water and wastewater districts within the county), and Agricultural Water (does not include incorporated areas).

Commissioner Tofanelli said he has heard talk of possible partnerships between some of the districts. Mr. Benoit responded that they are able to form partnerships, and such partnerships are not subject to LAFCo oversight.

Mr. Benoit also pointed out the letter from CCWD which was part of the meeting packet. In addition to requesting a few small amendments to the SOI, which Mr. Benoit included in his memo, the letter also reviewed the history of how the tax assessment payments to CCWD were developed.

- b. *Conduct Public Hearing and consider Resolution 2017-0005 adopting a Sphere of Influence update for the Calaveras County Water District.*

Chair M. Oliveira opened the Public Hearing. Dave Eggerton, General Manager of CCWD, thanked the Commission for the additional time they had given him to provide the information on how the property tax assessments are used. He added that the sharing of information and discussions with the City of Angels has improved, and hopes it will continue.

Dave Hanham, City Planner for City of Angels, stated that he would like to tighten up what he sees as a duplication of effort between CCWD and some of the districts within the City. He added that there needs to be more clarity to ensure that that the City is receiving the benefits for which it is paying through their property tax money that goes to CCWD. He also wondered if there might be water rights the City has of which it is unaware. Mr. Eggerton replied that when he used the term "county" when referring to rights, he wasn't meaning to exclude the City, and that he also wants to keep communications between the two open and continuing.

Russ Thompson, a director on the CCWD board, said he was worried about the downstream ramifications of the City not believing CCWD represented them well. What would happen if

other water and wastewater districts made the same claim? Would CCWD lose all its tax money?

Chair M. Oliveira closed the Public Hearing. Commissioner Folendorf then commented that she, too, would like some clarity as to the benefits being received by the City in exchange for the tax money being paid, and wants to make sure all the districts are working together to protect everyone's water rights. She agreed keeping communication open is important.

Commissioner Paque commented that some of the issues being discussed even go beyond the City districts to also include well users. All groups seem to have a concern that their tax money is going to fund CCWD operating costs. She told Mr. Eggerton, that, being a new manager, he has the opportunity to clear up many of these issues. Mr. Eggerton responded that there is a question of transparency, and he does want to follow up on the various water rights questions. He added that all groups involved also needed to keep advocacy of water rights mutual as there are out-of-county entities who are also interested in obtaining Calaveras's water.

MOTION by Commissioner Tofanelli to approve Resolution 2017-0005 as presented, second by Commissioner Dashner. Motion passed 7 yes, 0 no, 0 absent, 0 abstention.

6. Discussion regarding various requirements districts are obligated to follow as a requirement of being a special district.

a. Discuss requirements special districts are obligated to follow.

A publication written by CSDA that discusses the laws and acts that govern special districts has been placed on the LAFCo website

b. Consider courtesy letter to special districts.

Executive Officer Benoit explained that as it would be difficult and time consuming to write letters to each district regarding which rules applied to them, placing the above document on the website for them to refer to was the better way to go. Commissioner Folendorf asked if the document could be linked to the county and city websites also. Mr. Benoit replied that he will work with the county and city to do that.

7. Authorize Commissioners and Staff to attend the Calafco Annual Conference in San Diego between October 25th and 27th.

Executive Officer Benoit commented that the conference flyer was in the packet, and he encouraged the Commission to send several members so that Calaveras would be represented and so those Commissioners could learn more about LAFCo. He stated that \$6,000 was budgeted for conferences, and that this conference would cost approximately \$1,200 per person. He advised carpooling to save money. Commissioners Tyrrell, Folendorf Paque, and Tofanelli indicated they would like to attend. Commissioner Dashner stated he would also like to attend and had his own lodging in San Diego, which would save costs.

MOTION by Commissioner Dashner to authorize Commissioners Tofanelli, Paque, Tyrrell, Dashner, and Folendorf to attend the annual Calafco Conference in San Diego, second by Commissioner Tyrrell. Motion passed 7 yes, 0 no, 0 absent, 0 abstention.

8. Nominations for a Public or City Member to run for the Calafco Executive Board.

MOTION by Commissioner Tyrrell to nominate Commissioner Paque to run for the Calafco Executive Board, second by Commissioner Tofanelli.

MOTION by Commissioner Tyrrell to close the nominations, second by Commissioner J. Oliveira. Both motions jointly passed 7 yes, 0 no, 0 absent, 0 abstention.

In response to a question, Commissioner Paque explained that every two years, a city/public member, then alternating with a special district/county member, could be nominated.

9. Calafco Achievement Award Nominations.

- a. Review Calafco Materials and consider nominations for a Calafco Achievement Award and propose a nomination if desired.*

Executive Officer Benoit said there are various award categories, and Commissioner Paque, who is on the Calafco Awards Committee, explained how the committee determines who wins the awards. Mr. Benoit added that the deadline for nominations is August 31.

10. Designate members to vote on behalf of Calaveras LAFCo at the Calafco Annual Conference in San Diego.

Executive Officer Benoit stated that the Commission needs to delegate one regular member and one alternate member to vote.

MOTION by Commissioner Tyrrell to nominate Commissioner Tofanelli as the regular voting member, second by Commissioner Paque.

MOTION by Commissioner Paque to nominate Commissioner Tyrrell as the alternate voting member, second by Commissioner Tofanelli.

MOTION by Commissioner Dashner to close the nominations, second by Commissioner Folendorf.

Chair M. Oliveira asked for comment from the public. Being none, he declared the two candidates appointed.

11. Executive Officer's Report.

- a. Miscellaneous.*

Executive Officer Benoit said there are several small annexations being considered for various districts, and in each case, he advises the district to consider the economic feasibility of annexing something that will also require them to amend their SOI, an exception to this being the case where the district is annexing facilities it already owns. He also said that he recommends in single parcel annexations, that the district initiate the annexation proceedings rather than the individual owner so the district can control the process.

b. Little Hoover Commission – Potential Recommendations.

Executive Officer Benoit reported that the Little Hoover Commission, in its position paper (in the packet), appears to be supporting LAFCo more than it was originally thought they would. He added that next year the Commission will be looking at healthcare districts, as well as looking at consolidation of districts and dissolving inactive districts. In Mr. Benoit's opinion, LAFCos have generally not been successful at top-down consolidation of districts unless the districts involved already wanted to consolidate.

c. Proof of Insurance for fiscal year 17-18.

The Proof of Insurance letter from SDRMA is in the packet.

12. Commissioner Reports.

Chair M. Oliveira recognized Dr. Randy Smart from the audience who is the new Executive Director of the hospital.

Commissioner Paque reported that the Calafco board is continuing to keep an eye on pending bills as their wording changes, and giving input as needed.

Executive Officer Benoit reported that he is receiving calls from the state regarding inactive districts, but his concern is that it first needs to be determined if the district is actually inactive, and if so, whether or not a successor district is available to take over the services if necessary.

Commissioner Folendorf introduced Commissioner J. Oliveira as the new city alternate.

Commissioner M. Oliveira reported that the fire that was currently burning in the county was 25 percent contained and had reached an area of 59 acres.

13. Public Comment.

There was no public comment.

14. Adjournment.

Meeting was adjourned at 7:14 p.m. The next regular meeting will be August 21, 2017, 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