

# Calaveras Local Agency Formation Commission

## Special Meeting Minutes – Monday, July 20, 2020

1. **Call to Order/Roll Call** – Order was called by Chair Broglio at 6:04 p.m., on Monday, July 20, 2020, via video conference.

### Commissioners Present

Alvin Broglio, City Member, Chair  
Merita Callaway, County Member, Vice Chair  
Gary Tofanelli, County Member  
Tony Tyrrell, Special Dist. Member  
Anita Paque, Public Member  
Jon Dashner, Special Dist. Mem. Alt.

### Commissioners Absent

John Lavaroni, Special Dist. Mem.  
Joseph Oliveira, City Member  
Roark Weber, Public Member Alt.  
Dennis Mills, County Member Alt.  
Amanda Folendorf, City Member Alt.

### Staff Present

John Benoit, Executive Officer  
Nancy Mees, LAFCO Clerk

### Others Present

2. **Approval of Agenda:**

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

3. **Consider Minutes of the May 18, 2020, LAFCo meeting:**

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

4. **Consent Agenda:**

*Review and authorize claims for May and June 2020.*

**MOTION** by Commissioner Callaway to approve the Consent Agenda and Claims for May and June 2020 as presented, second by Commissioner Tyrrell. Motion passed 6 yes, 0 no, 0 abstention, 1 absent.

5. **Correspondence:**

Executive Officer Benoit has received the Certificate of Insurance for this year.

**6. Public Hearing regarding LAFCo's Policies, Standards and Procedures Update:**

- a. *Receive Executive Officer's report and conduct public hearing regarding the final update of LAFCo's Policies, Standards and Procedures.*

Executive Officer Benoit reported that the updated Policies, Standards and Procedures in the packet are the policies he has been reviewing with the Commission for several months. They were last updated in 2009 or 2010, and as there have been a lot of legislative changes since then, this update brings the Policies, Standards and Procedures in line with current law.

Mr. Benoit stated that there was little in the way of substantive changes. The prior Policies included sphere horizons, which Mr. Benoit has determined do not work, so he removed them from the Policies. Revenue neutrality is still included with some grammatical changes. Overall, Mr. Benoit primarily made changes to make the wording more clear and understandable. If, however, state law changes, the Policies, Standards and Procedures will have to be amended again.

Chair Broglio opened the public hearing. There was no public comment, so the hearing was closed.

- b. *Consider LAFCo Resolution 2020-0005 adopting updated Policies, Standards and Procedures for Calaveras LAFCo..*

**MOTION** by Commissioner Tyrrell to approve Resolution 2020-0005 adopting updated Policies, Standards and Procedures for Calaveras LAFCo as presented, second by Commissioner Tofanelli. Motion passed 6 yes, 0 no, 0 abstention, 1 absent.

**7. Workshop regarding the Valley Springs PUD Service Review and Sphere of Influence (MSR and SOI):**

Executive Officer Benoit reported that the last MSR and SOI update for Valley Springs PUD was about six years ago, but that there have not been a lot of changes since then. This MSR is a series of MSRs Mr. Benoit has completed to date, and the next one will be for Murphys Sanitary District.

Mr. Benoit stated that there were no controversial issues in the VSPUD MSR other than the usual issue of viability for small districts. He added that VSPUD is surviving despite being small, and that one of the problems with all small water and wastewater districts is the current cost of permits that are required. VSPUD did have some loans in the past, but as they are a disadvantaged community, they could probably take advantage of the many grants now available to such communities for infrastructure repairs and upgrades.

Commissioner Paque stated that VSPUD has CCWD as its contingency plan for water issues, but that there didn't appear to be any written contingency plan for wastewater. She felt the MSR needed to include discussion of requiring the district to have a capital plan and

contingency plan, whether or not they can afford to do what is in the plan. Commissioner Tofanelli responded that he felt the board should discuss the issue before anything was added to the Findings because the district does have a plan; however, it differs from what the customers believe should occur. The district board would like to move the wastewater facility to a new location, but the customers feel the current facility should be upgraded as there is room at the current site and that would be less expensive than building an entirely new facility. Commissioner Tofanelli requested that this agenda item be continued to the next meeting to give him time to gather some information on the history of this issue and the current plan, which he will send to the Commissioners prior to the September meeting. Mr. Benoit said he would continue the workshop.

## **8. Discussion regarding the Copper Cove Rocky Road Community Services District**

*Review letter dated July 3, 2020.*

Executive Officer Benoit reported that the letter from Copper Cove Rocky Road CSD had been sent to the Board of Supervisors. Commissioners Tofanelli and Callaway stated that, as members of the BOS, they had not yet received the letter. Mr. Benoit stated the BOS needs to make some decisions regarding districts such as this one. In the 1980s the county formed a number of CSDs and CSAs, while acknowledging that many of those districts would fail. More and more of them are now failing.

This district was set up with its board being elected, but there are now not enough people in the district willing to run. In addition, elections have become expensive. Mr. Benoit said the county could take over Copper Cover Rocky Road CSD and make it a dependent district, but noted that Calaveras County generally does not like to do that. In addition to the lack of board members, the annual assessment was set up in the beginning with no method of automatically increasing it over time, so the assessments are no longer adequate to perform road maintenance. The district could ask County Elections to solicit for board members, or the district could amend their bylaws to allow the BOS to appoint board members, or the county could disband the district and create a road division.

Mr. Benoit stated that the BOS needs to determine what to do with districts that are no longer functioning properly. Commissioner Callaway asked if LAFCO has a role in dealing with these districts. Mr. Benoit responded that it depends. If the district is converted to a CSA, LAFCo must hold a hearing and pass a resolution. If the district is to be dissolved, LAFCo has a role in that, too, but there would have to be some entity to take over management of the roads.

Commissioner Tofanelli stated that the entire board in this district has resigned, and that there are several other districts that are likewise failing. He added that this issue might be on the BOS August agenda. Mr. Benoit requested that he be invited to that meeting if

it is on the agenda, and that he would like to see this issue resolved without having LAFCO involved.

Chair Broglio asked if the county could set the assessments and collect the money. Mr. Benoit responded that it would have to go through an AB218 process, which requires voter approval, and that it is hard to get voters to approve an increased assessment. Commissioner Dashner commented that in the district in which he lives, obligation to pay road fees is included in their property deeds, which makes it easier for collection. Mr. Benoit stated that the county auditor would know how Copper Cover Rocky Road CSD assessments are handled. He believed the district collects about \$200,000 in assessments, but that this is not enough to cover road repairs as there are approximately 550-600 homes in the district.

The consensus of the Commission was to take no more action on this item until after the Board of Supervisors has discussed the issue.

#### **9. Elections for the 2020-2021 Calafco Board of Directors**

*Consider a nomination for a County Member and a District Member*

Commissioner Tofanelli nominated Commissioner Callaway, Commissioner Broglio nominated Commissioner Oliveira, and Commissioner Tyrrell nominated Commissioner Tofanelli. There was some discussion regarding the term endings of current board members. Executive Officer Benoit stated that nominations are not due until September 22, which is after the next board meeting, so suggested this item be continued until then to give Commissioners time to decide whether they want to be a board member.

#### **10. Biennial Conflict of Interest Code Review**

*Review LAFCo's Conflict of Interest Code and authorize the Executive Officer to sign and transmit the 2020 Annual Biennial notice to the Clerk of the Board.*

Executive Officer Benoit reported that the Conflict of Interest Code was updated a few years ago to conform with county procedures on Form 700s. There is no need for any changes at the present.

**MOTION** by Commissioner Callaway to direct the Executive Officer to sign and transmit the 2020 Biennial notice to the Clerk of the Board of Supervisors, second by Commissioner Tofanelli. Motion passed 6 yes, 0 no, 0 abstention, 1 absent.

#### **11. Executive Officer's Report:**

Executive Officer Benoit reported that he is going to again contact Union PUD regarding a request for information needed to prepare their MSR update. He also reiterated his concern regarding small districts being unable to continue, for various reasons, to provide the services for which they were organized, and that there needs to be a better mechanism for either dissolving or changing the structure of these districts when they are in trouble.

**12. Commissioner Reports**

Commissioner Tofanelli reported that he had just received an email stating the first Covid-related death in Calaveras County had been announced. Chair Broglio stated that Angels Camp is just trying to get by through this current situation, as is everyone else, and that they would be having a board meeting the next day.

**13. Public Comment:**

There was no public comment.

**14. Discussion and direction regarding future LAFCo meetings in light of the virus:**

Executive Officer Benoit stated that he believed the next meeting, and probably many to come, would have to again be held via Zoom.

**MOTION** by Commissioner Tyrrell to adjourn the meeting, second by Commissioner Tofanelli. Motion passed 6 yes, 0 no, 0 abstention, 1 absent.

Meeting was adjourned at 7:00 p.m. The next regular meeting will be Monday, September 21, 2020, at 6:00 p.m., in San Andreas, unless otherwise notified.

Minutes submitted by Nancy Mees.

**DATED:** \_\_\_\_\_

**APPROVED:** \_\_\_\_\_

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Alvin Broglio, Chair, or Merita Callaway,  
Vice Chair, Calaveras Local Agency  
Formation