

Calaveras Local Agency Formation Commission

Regular Meeting Minutes – Monday, September 16, 2019

1. **Call to Order/Pledge of Allegiance/Roll Call** – Order was called by Chair Lavaroni at 6:01 p.m., on Monday, September 16, 2019, in the Calaveras County Board of Supervisors Chambers, County Administrative Center, San Andreas, California.

Commissioners Present

John Lavaroni, Chair, Special Dist. Mem.
Alvin Broglio, Vice Chair, City Member
Anita Paque, Chair, Public Member
Gary Tofanelli, County Member
Joseph Oliveira, City Member
Dennis Mills, County Member Alt.
Jon Dashner, Special Dist. Mem. Alt.
Roark Weber, Public Member Alt.

Commissioners Absent

Merita Callaway, County Member
Amanda Folendorf, City Member Alt.
Tony Tyrrell, Special Dist. Member

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 Broglio. Motion passed 7 yes, 0 no, 0 abstention, 0 absent.

3. **Item 3 inadvertently left off Agenda.**

4. **Consider Minutes from the July 15, 2019, LAFCo meeting:**

Clerk Mees pointed out two typographical errors in the July Minutes: (1) in Agenda Item 7 the words “to be deleted from page 3 of the letter” should be added to the end of sentence three of the first paragraph; and (2) in Agenda Item 15 the word “be” should be inserted between the words “will” and “approving” in sentence two.

MOTION by Commissioner Oliveira to approve the Minutes as amended, second by Commissioner Paque. Motion passed 6 yes, 0 no, 1 abstention, 0 absent.

5. Consent Agenda:

MOTION by Commissioner Paque to approve the Consent Agenda and Claims for July and August 2019 as presented, second by Commissioner Broglio. Motion passed 7 yes, 0 no, 0 abstention, 0 absent.

6. Correspondence:

Executive Officer Benoit stated that there was no correspondence other than the letter from CALAFCO which will be discussed under Item 10.

7. Item 7 inadvertently left off Agenda.

WORKSHOPS:

8. Workshop regarding the Service Review and Sphere update for the Calaveras Public Utility District (CPUD)

Receive Executive Officer's report and conduct workshop regarding the CPUD.

Executive Officer Benoit reported that he had received some additional documents on Friday from CPUD that will require some edits to the Draft MSR. In addition, based on census data, CPUD did not qualify as a Disadvantaged Community, but current survey information shows that there are actually enough people in the District who are under the Disadvantaged income threshold, that CPUD does in fact qualify as a Disadvantaged Community. This designation will allow them to apply for certain grant moneys, and the DUC section of the MSR will also have to be amended. Another item that will have to be edited is the statement that there is a birthing unit in the District.

Mr. Benoit stated that the District has adequate water supply and infrastructure, has a capital improvement plan, performs annual audits, cooperates and communicates with other agencies, has a sound investment program, has no problem recruiting and maintaining a five-member board, and does have a website. Therefore, overall CPUD is doing well as a District. He added that its sphere would remain unchanged.

Commissioner Mills asked what the definition of vacant is in the phrase "vacant housing." Donna Leatherman, District Manager, responded from the audience that it just means that the residence, for various reasons, is not currently occupied. In response to a further question from Commissioner Mills, she reported they have received a new water rate rating.

Executive Benoit concluded by saying he would have a revised version of the MSR for the next meeting, but it would just be updating information in the MSR and would not result in any different findings.

9. Workshop #1 regarding draft updated Policies, Standards and Procedures

Introduction of revised Policies, Standards and Procedures and conduct first workshop.

Executive Officer Benoit stated that every LAFCo is required to adopt Policies and Procedures, and then follow them. Calaveras LAFCo adopted its current Policies in 2009, so it is time to revisit them as there have been many changes due to legislation passed since that time. He then reviewed sections 1.1-2.13 of the Draft Policies, Standards and Procedures, explaining, giving examples, and making comments. Mr. Benoit said he will start with section 2.14, which begins a long section on ag land, at the November meeting.

Commissioner Roark asked what is meant by “environmental justice.” Commissioner Paque responded that there is new legislation being written which will be redefining that term. Mr. Benoit added that he would try to find the wording of that legislation for the November meeting. (Later in this meeting, Commissioner Paque noted that she had found it is in AB 1628 and that it is on its way to the Governor’s desk for signing.)

10. Review CALAFCO Memo regarding CALAFCO Membership Dues and provide direction to LAFCo’s voting delegate.

Executive Officer Benoit reported that CALAFCO has been struggling to keep up with other similar organizations with respect to its dues structure. Prior to this, they have been using a three-tier structure: rural, suburban and urban counties. He then reviewed the current proposed structure.

Mr. Benoit explained that CALAFCO has been largely dependent on its income from conferences, which is not reliable. Therefore, they want to shift to being able to rely on membership dues for a more stable source of income. He added that CALAFCO does provide a lot of assistance in obtaining favorable legislation for LAFCOs and helping to kill or amend unfavorable legislation, as a result having saved local LAFCOs a lot of money.

Since every LAFCO benefits, they decided each LAFCO should pay a base amount of \$1,000. This, however, only totals \$80,000 of the \$300,000 in expenses budgeted for this next year. Therefore, each LAFCO is being charged an additional per capita amount up to a maximum population threshold of 700,000. CALAFCO wishes to retain all 58 counties as members if possible (without putting an inordinate cost burden on any one county) because it gives them substantial credibility of support when they approach the state on legislation.

Commissioner Oliveira asked what will happen if CALAFCO later needs more than \$300,00 in income. Commissioner Paque responded that the CALAFCO board has left themselves the discretion to adjust the base rate, per capita percentage, or population threshold upward if necessary. In answer to the question of what the larger counties think of this plan, she replied that four of the large southern California counties are on the board and they voted in agreement with the new structure.

Commissioner Tofanelli asked how dues are collected, and Executive Officer Benoit said each LAFCO receives an invoice every January. Chair Lavaroni added that the membership dues are included in the budget each year.

An informal vote was taken one by one of each Commissioner and all voted yes to the proposed dues structure. The Commission directed voting delegate Commissioner Tyrrell to vote yes at the conference.

11. Executive Officer's Report

California Cemetery Alliance

Executive Officer Benoit reported that he was a speaker at the Alliance's most recent conference, which consisted mostly of people from northern California. He explained to them what LAFCO is and what its authority is with respect to cemetery districts. As a side note, Mr. Benoit added that there is also a Cemetery Association in the State.

State Water Resources Control Board and SB 200

Executive Officer Benoit reported that he also spoke at a State Water Resources Control Board's meeting. He explained that the primary initiative of the Board is to insure safe reliable drinking water to everyone in the state. SB 200 will provide \$130 million in grants to DUCs to enable them to provide safe water. Chair Lavaroni commented that that amount of money won't even touch the problem of providing safe water to every DUC that needs it. Mr. Benoit replied that money will only go to districts that actually apply for the money, and the problem is that there are many small, poor districts that need better water but who won't even be able to put a grant request together.

County Service Areas

Executive Officer Benoit stated that there is a landowner who wants to use a portion of CSA 8's roads even though his property is not in the CSA. Mr. Benoit believes he should annex into the CSA, but there are others who don't believe that is necessary. He added that his personal opinion is the county road CSAs should convert to PRDs so that LAFCo does not need to be involved in these issues. Besides, LAFCo can't enforce road encroachment situations. Commissioner Mills said the problem is getting enough people to sit on the boards if they were districts. Commissioner Roark added that, in this particular situation, many people believe the roads in question are public roads so don't think there is an issue. Mr. Benoit concluded by saying the various parties are going to have get together to discuss what is going to happen.

12. Commissioner Reports

There were no Commissioner reports.

13. Public Comment:

There was no public comment.

14. Adjournment:

Meeting was adjourned at 7:35 p.m. The next regular meeting will be Monday, November 18, 2019, at 6:00 p.m., in San Andreas.

Minutes submitted by Nancy Mees.

DATED:

APPROVED:

John Lavaroni, Chair, or Alvin Broglio,
Vice Chair, Calaveras Local Agency
Formation