

**Calaveras Local Agency Formation Commission**  
**Regular Meeting Minutes – Monday, September 17, 2018**

1. **Call to Order/Pledge of Allegiance/Roll Call** – Order was called by Chair Paque at 6:02 p.m., on Monday, September 17, 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  
Linda Hermann, City Member  
John Lavaroni, Special Dist. Member  
Dennis Mills, County Member Alt.  
Roark Weber, Public Member Alt  
John Dashner, Special Dist. Mem. Alt.

**Commissioners Absent**

Michael Oliveira, County Member  
Gary Tofanelli, County 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 Tyrrell to approve the Agenda, second by Commissioner Folendorf. Motion passed 6 yes, 0 no, 1 absent, 0 abstention.

3. **Consider Minutes from the July 16, 2018, LAFCo meeting:**

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

4. **Consent Agenda:**

a. *Review and Authorize Claims for July and August 2018.*

**MOTION** by Commissioner Lavaroni to approve the Consent Agenda and Claims for July and August 2018 as presented, second by Commissioner Tyrrell. Motion passed 6 yes, 0 no, 1 absent, 0 abstention.

5. **Discussion regarding Water Efficiency Legislation:**

*Receive report and discuss SB 606 and AB 1668.*

Executive Officer Benoit reported that he had posted copies of this legislation, along with a primer explaining it, on the LAFCo website under “Water Efficiency Legislation.

Joel Metzger of CCWD then gave a brief history of this legislation and why it had been enacted, including the fact that, in 2015, the state had issued a report on the drought planning, the wording of which indicated the state had not taken into account any of the input from local water districts that had been give to them prior to the report. Due to the conflict between the state wanting top-down governmental control of water usage and local water districts wanting local level control, the original legislation died.

This year, the Governor has pushed through a top-down control with the enactment of these two bills. The legislation basically targets three areas: (1) Indoor use of water is directly targeted. (2) Outdoor use is also targeted. The state will be undertaking state-wide drone mapping, followed by the application of various algorithms to those maps, to plot aggregate water usage for all areas within the state. Local districts will then have to decide how to meet those usage limits. Although any cuts do not apply directly to individual consumers, the districts' plans for cutting water usage will necessarily trickle down to those consumers. (3) Water loss is targeted in that the state will set certain maximum percentages of loss that local districts will be allowed.

The legislation applies to "urban water companies", which are agencies providing for a large number of customers or providing a large amount of water; the only agency in Calaveras that fits the definition of "urban" is CCWD. Although Calaveras has some county-wide drought planning already in place, DWR will come up with recommendations for each county regarding drought contingency plans, most likely including them in local hazard mitigation plans. It will probably have to be the County Board of Supervisors and County Planning who take the lead in writing and overseeing these plans, but all water districts in the county will have to be involved.

When it comes time for making comments on the plans or requesting funds for them, Calaveras should be at the table to give its input. There was some discussion among the Commissioners about who in Calaveras should be leading this, and the fact that water issues and this legislation have already been on County BOS agendas. Future development will have to take into account these water restrictions, and, in turn, future development will affect future changes in the restrictions, as the state will re-map and re-evaluate each county's usage every five years. This is an area where LAFCo will play a role.

There was also discussion among the Commissioners regarding various funding mechanisms for fulfilling these new requirements, and whether counties that are already conserving will be more adversely affected than those which are not. Mr. Metzger stated that there are several possible sources for funds, and that he hoped the state would be equitable in its determinations of water usage across the state. If not, the county would have to do its own individual mapping and calculations to rebut the state's figures, but that would involve having to examine the property of each consumer. This is something CCWD does not want to have to do because of the invasiveness on property owners that it would require.

There was no public comment.

**6. 2018 Biennial Review of LAFCo's Conflict of Interest Code:**

Executive Officer Benoit stated that state law requires each LAFCo Commission to re-examine its Conflict of Interest Code once every two years to see if any changes are required. Mr. Benoit reported that the current code is still in compliance with the law, so no changes are necessary.

**MOTION** by Commissioner Tyrell to direct Executive Officer Benoit to complete the 2018 Local Agency Biennial Notice and forward it to the Clerk of the BOS, second by Commissioner Hermann. Motion passed 6 yes, 0 no, 1 absent, 0 abstention.

**7. 2018 Ethics Training:**

*Ethics Training (AB1234) to occur on Friday, October 19, at the Board of Supervisor's Room, 2:00 PM to 4:00 PM.*

Executive Officer Benoit stated that Calaveras LAFCo has been sponsoring this training for the last few years. No reservations are required, and a Certificate of Completion will be given. Although CSDA has a regional training each spring, this one done by Best, Best & Krieger is the premier program.

**8. Legislative Intent of LAFCo:**

Executive Officer Benoit reported that his intent in discussing this was that he had discovered that a number of Commissioners on other LAFCo boards did not know what the legislative purpose for LAFCo is. In the Legislative Findings and Declarations for the Cortese-Knox-Hertzberg law, it states that it is the policy of the state to encourage orderly growth and development. It recognizes that the logical formation and determination of local agency boundaries is an important factor in that.

It is also important to preserve open spaces and prime agricultural land. In addition, providing housing and government services efficiently, regardless of income, is important. In recent years, considerations regarding Disadvantaged Unincorporated Communities and environmental justice have been added to the intent of the law, as has the desire for agencies providing multiple services while recognizing there is sometimes still the need for single-service agencies.

**9. MSR and SOI Updates for Water and Wastewater Districts:**

Executive Officer Benoit reported that he is looking at these one at a time, and is also still working on the SOIs for the CSDs.

**10. Executive Officer's report:**

*Calafco Conference Schedule*

Executive Officer Benoit stated that, pursuant to a request for the Calafco Annual Conference schedule at the last Commission meeting, he had included it in this month's packet.

*SOI Amendment and Annexation to the UPUD (PadouMetzger)*

Executive Officer Benoit is planning on presenting the SOI at the next meeting, and doing the annexation later.

*Community Services District Service Reviews and Spheres of Influence – ongoing RCD MSR and SOI*

Executive Officer Benoit has not heard anything recently about RCD and therefore needs to meet with Gordon Long about it.

Mr. Benoit then stated that the addendum to the packet was a letter to the Governor in support of his signing AB 2258, which will provide a mechanism for getting funding for dissolving inactive districts.

**MOTION** by Commissioner Tyrrell to approve the signing of the letter to the Governor in support of his signing AB 2258, second by Commissioner Folendorf. Motion passed 5 yes, 0 no, 1 absent, 1 abstention.

**11. Commissioners Reports:**

Commissioner Hermann reported that it appears that the building of a Tractor Supply in Angels Camp will be moving forward.

**12. Public Comment**

There was no public comment.

**13. Adjournment:**

Meeting was adjourned at 7:00 p.m. The next regular meeting will be Monday, November 19, 2018, at 6:00 p.m., in San Andreas.

Minutes submitted by Nancy Mees.

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

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

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Anita Paque, Chair, or Tony Tyrrell, Vice Chair,  
Calaveras Local Agency Formation