

Calaveras Local Agency Formation Commission

Meeting Minutes – Monday, September 20, 2021

1. **Call to Order/Roll Call** – Order was called by Chair Callaway at 6:11 p.m. on Monday, September 20, 2021.

Commissioners Present

Merita Callaway, County Member, Chair
Jennifer Herndon, City Member
Tony Tyrrell, Special Dist. Member
Kirk Smith, Special Dist. Member
Anita Paque, Public Member, Vice-Chair

Commissioners Absent

Roark Weber, Public Member Alt.
Gary Tofanelli, County Member
Isabel Moncada, City Member
Amanda Folendorf, County Member Alt.
Alvin Broglio, City Member Alt.
Travis Owens, Special Dist. Mem. Alt.

Staff Present

John Benoit, Executive Officer
Nancy Mees, LAFCO Clerk

Others Present

2. **Public Comment:**

There was no public comment.

3. **Approval of Agenda:**

As there were no additions or changes to the agenda, Chair Callaway stated the agenda was approved as submitted.

4. **Consider Minutes of the July 19, 2021, LAFCo meeting:**

MOTION by Commissioner Smith to approve the minutes of the July 19, 2021, LAFCo meeting as presented, second by Commissioner Paque. Motion passed 5 yes, 0 no, 2 absent.

5. **Consent Agenda:**

Review and authorize claims for July and August 2021.

MOTION by Commissioner Smith to approve the Consent Agenda and Claims for July and August 2021 as presented, second by Commissioner Tyrrell. Motion passed 5 yes, 0 no, 2 absent.

6. Correspondence:

a. Calafco letter re conference cancellation and conference related issues

Executive Officer Benoit reported that CALAFCO has determined that it is not fiscally sound to hold an in-person conference this year. The letter also listed some upcoming events and activities, including next year's annual conference which will be October 19-21 in the same location as this year's conference was supposed to have been held. Commissioner Paque added that CALAFCO board elections will still take place and that four educational sessions will still be held over the coming months.

b. Executive Officer Recruitment for Fresno LAFCo

c. Executive Officer Recruitment for Amador LAFCo

d. Roark Weber resignation as LAFCo's Public Member Alternate

Mr. Benoit stated that LAFCO will need to recruit a replacement. Chair Callaway asked Mr. Benoit to draft a letter of appreciation on behalf of the board to Commissioner Roark, and he replied that he would draft one for Chair Callaway's signature.

e. Insurance from SDRMA

Mr. Benoit explained that the insurance has both liability and E&O coverage, and believed the cost for it was approximately \$1,500-2,000 per year.

Public Hearing:

7. San Andreas Sanitary District Service Review and Sphere of Influence (MSR and SOD):

a. Receive Service Review and Sphere of Influence report from the Executive Officer and consider the two resolutions

Chair Callaway opened the public hearing.

Executive Officer Benoit stated that these resolutions had been brought up several months ago, but that Commissioner Tofanelli had thought there was new information that was not reflected in the MSR. Mr. Benoit then met with Hugh Logan, SASD's manager, and received a new technical memo from him that contained updated information. This information was incorporated into the edited version of the MSR now under consideration, and Mr. Logan has reviewed it and saw no issues. Mr. Benoit added that the district is well-run.

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

b. *Resolution 2021-0006 adopting a service review for services provided by the San Andreas Sanitary District*

MOTION by Commissioner Smith to approve resolution 2021-0006 adopting the service review for San Andreas Sanitary District, second by Commissioner Tyrrell. Motion passed 5 yes, 0 no, 2 absent.

c. *Resolution 2021-0007 updating the Sphere of Influence for the San Andreas Sanitary District*

MOTION by Commissioner Smith to approve resolution 2021-0007 updating the Sphere of Influence for San Andreas Sanitary District, second by Commissioner Tyrrell. Motion passed 5 yes, 0 no, 2 absent.

Other Business:

8. CALAFCo White Paper – “The Metamorphosis of Special Districts: Current Methods for Consolidations, Dissolutions, Subsidiary District Formations and Mergers” (aka LAFCo 201A):

Executive Officer Benoit explained that this is an update incorporating the current laws for consolidations, dissolutions, and subsidiary district formations and mergers, and that CALAFCO periodically writes such white papers as laws change. They could be considered as primers on the topics covered.

He then briefly discussed the fact that both annexations and consolidations have their own issues, and that the protest provisions for some procedures make it difficult for LAFCo to accomplish them. Commissioner Paque noted that CALAFCO is working on proposed legislation that would consolidate all the various protest provisions for various actions in one area of the CKH laws so that they are easier to find. In addition, they are trying to make some changes to the rules involving special districts voting on whether they want to be part of the county LAFCO so that all districts vote at the same time, making it easier for them to get a consensus, although this has resulted in some disagreements with CSDA.

9. Executive Officer’s Report:

a. *Community Services District MSR and SOI*

Executive Officer Benoit reported that a couple managers from different districts are being difficult and not providing information. He is therefore writing the drafts with a zero sphere of influence, which would mean the districts would have to come to LAFCo for an annexation to do anything new, and therefore, once those managers see the draft with a zero sphere, they will most likely then provide the requested information or, at the least, show up at a meeting. Mr. Benoit believes a number of these districts are dysfunctional and should have been CSAs to begin with.

b. Union Public Utility District MSR and SOI

Mr. Benoit met with the district recently and the district is working with him on their MSR and SOI.

Mr. Benoit also reported that AB361 was signed into law and will allow agencies to continue meeting remotely through January 2024 unless otherwise changed. Mr. Benoit likes the Zoom option on meetings because it more easily allows members of the public to attend meetings.

10. Commissioner Reports:

Chair Callaway reported that the fire chief from Ebbots Pass had asked her about what LAFCo was able to do regarding fire districts, and she had sent him a white paper. There was then some discussion among the Commissioners regarding fire districts, their financial issues, the territorial disputes among them, the wish of smaller districts to retain their local identities, consolidations, local and county-wide fire taxes, and what LAFCo can do to help. Chair Callaway mentioned a citizens' initiative for a 1% sales tax that is being circulated for signature, and stated she would send the proponent's letter explaining it to the rest of the Commissioners.

11. Adjournment

Meeting was adjourned at 7:05 p.m. The next regular meeting will be Monday, November 15, 2021, at 6:00 p.m. in San Andreas.

Minutes submitted by Nancy Mees.

DATED:

APPROVED:

Merita Callaway, Chair,
Calaveras Local Agency Formation