

# Calaveras Local Agency Formation Commission

## Regular Meeting Minutes – Wednesday, January 10, 2018

1. **Call to Order/Pledge of Allegiance/Roll Call** – Chair M. Oliveira called Order at 5:59 p.m., on Wednesday, January 10, 2018, 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  
Linda Hermann, City Member  
John Dashner, Special Dist. Mem. Alt.  
Roark Weber, Public Member Alt.

### Commissioners Absent

Joseph Oliveira, City Member Alt.  
Dennis Mills, County Member Alt.  
John Lavaroni, Special Dist. Member  
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 as presented, second by Commissioner Hermann. Motion passed 6 yes, 0 no, 1 absent, 0 abstention.

3. **Consider Minutes from the November 20, 2017, LAFCo meeting:**

**MOTION** by Commissioner Tofanelli to approve the Minutes as presented, second by Commissioner Folendorf. Motion passed 6 yes, 0 no, 1 absent, 0 abstention.

4. **Consent Agenda:**

*a. Review and Authorize Claims for November and December 2017.*

Executive Officer Benoit reported that he still needed some of the Commissioners' expense reports from the CALAFCO State Conference. Commissioner Tofanelli asked about the refund for Commissioner Tyrrell that is on the Claims Form. Mr. Benoit explained that due to how the refund check for Commissioner Tyrrell had been written, it could not be cashed. Rather than write a new check, CALAFCO has given Calaveras a

credit in the amount of the refund toward a future CALAFCO conference.

**MOTION** by Commissioner Tofanelli to approve the Consent Agenda and Claims for November and December 2017 as presented, second by Commissioner Paque. Motion passed 6 yes, 0 no, 1 absent, 0 abstention.

**5. Public Hearing – Saddle Creek CSD Service Review (MSR) and Sphere of Influence (SOI):**

- a. *Receive Executive Officer’s report and open public hearing regarding the Saddle Creek CSD Service Review and Sphere of Influence (the Draft Report and resolutions are posted on the LAFCo website: [www.calaveraslafco.org](http://www.calaveraslafco.org)).*

Commissioner Oliveira opened the Public Hearing. Executive Officer Benoit reviewed the rules regarding updating SOIs and MSRs, the purposes of Saddle Creek CSD, the factors examined in determining the recommendations, and the findings and determinations in the MSR and SOI (including the financial soundness of the CSD). He pointed out that, unlike many Special Districts, Saddle Creek does have a capital improvement plan. Mr. Benoit recommended that the sphere remain coterminous with the boundaries, and that the SOI and MSR be adopted through Resolutions 2018-0001 and 2018-0002.

Peter Kampa, General Manager of Saddle Creek CSD, was introduced from the audience. He thanked Executive Officer Benoit and his staff for taking the time to verify that procedures were being followed correctly in the CSD.

- b. *Close public hearing and consider resolution 2018-0001 adopting an MSR for services provided by the Saddle Creek CSD and consider resolution 2018-0002 adopting an SOI for the Saddle Creek CSD.*

Commissioner Oliveira closed the public hearing.

**MOTION** by Commissioner Dashner to approve resolution 2018-0001 adopting an MSR for services provided by Saddle Creek CSD, second by Commissioner Folendorf. Motion passed 6 yes, 0 no, 1 absent, 0 abstention.

**MOTION** by Commissioner Hermann to approve resolution 2018-0002 adopting an SOI for the Saddle Creek CSD, second by Commissioner Dashner. Motion passed 6 yes, 0 no, 1 absent, 0 abstention.

**6. Consider LAFCo regular meeting schedule for calendar year 2018.**

Executive Officer Benoit stated that at the November meeting the Commissioners had decided to have a six-month meeting schedule, with regular meeting months being July, September, November, January, March and May, still on the third Monday. Mr. Benoit added that meetings could still be changed as needed throughout the year.

Commissioner Oliveira asked if the new schedule could be sent to all the agencies in the county and Mr. Benoit responded in the affirmative.

**MOTION** by Commissioner Tofanelli to approve the proposed meeting schedule for 2018, second by Commissioner Folendorf. Motion passed 6 yes, 0 no, 1 absent, 0 abstention.

**7. Authorize staff to attend the CALAFCO Annual Staff Workshop April 10-13, 2018, in Marin County.**

Executive Officer Benoit reported that this cost is included in the budget, and the costs will be shared with other counties. Commissioner Tofanelli asked who staff is, and Mr. Benoit answered that it is himself and Clerk Mees.

**MOTION** by Commissioner Folendorf to authorize staff to attend the Staff Workshop on April 10-13, 2018, second by Commissioner Paque. Motion passed 6 yes, 0 no, 1 absent, 0 abstention.

**8. Review of SB 448 (district dissolutions) and its impact on Calaveras LAFCo.**

Executive Officer Benoit reported that special districts must now provide a copy of their annual audits to LAFCo, although he felt the dates specified in the legislation should be reversed. The legislation specifies that a list of special districts be compiled by the State Controller's Office (SCO) by July 1, 2019, but a list of districts considered to be inactive must be compiled by the SCO by November 1, 2018. How can the SCO determine inactive districts before there is a listing of the districts? The legislation also specifies that the SCO determine whether a district is inactive.

Mr. Benoit then reviewed the definitions that determine whether a district is inactive. Other than two CSAs, Mr. Benoit does not believe the definitions will fit any districts in Calaveras. If the state notifies Calaveras LAFCo that they believe a district is inactive, all Mr. Benoit need do is show them the facts that would keep that district from falling within their definition of inactive.

Executive Officer Benoit went on to say that the problem with providing annual audits is that many districts don't do them annually because they are expensive. RCDs don't even have budgets, so how would they be handled? Commissioner Oliveira stated that districts will have to be informed of this new rule. Mr. Benoit added that LAFCo generally receives an audit during the MSR process.

Commissioner Paque explained that this legislation came about because the Little Hoover Commission had initially thought there were too many special districts, although subsequent study had disproved this. However, they still thought that if a district existed in name only, it should be dissolved, and they wanted to provide an easier, less expensive way for that to

occur. During negotiations on wording of the bill, the reference to idle districts had been dropped.

There was discussion as to who would take over the duties of a district if it were dissolved, and Commissioner Paque explained that if a district truly fell within the definition of inactive under this legislation, there should be no duties that would have to be assumed. If there were, however, they would have to be assumed by the larger entity within whose boundaries the special district fell. Commissioner Paque added that under the law, a district has 90 days to show that it is not inactive.

#### **9. Executive Officer's Report.**

Executive Officer Benoit reported that he was expecting CSA 1 to apply for a change to CSD 1. Commissioner Tofanelli added that, at this point, nothing further has progressed with respect to that. Mr. Benoit also reported that the Union PUD wants to add some land. He also mentioned he had talked to Appaloosa Road CSD about an annexation they wanted to do, but he had advised them against it because there would be a protest from a particular landowner, and therefore the annexation would probably never happen.

Mr. Benoit reminded the commissioners that their Form 700s, with an original signature, are due April 1<sup>st</sup>, and that the form is available at [www.fppc.ca.gov](http://www.fppc.ca.gov).

#### **10. Commissioners' Reports.**

Commissioner Folendorf reported that a new City Manager had been hired for Angels Camp. Commissioner Oliveira reported that the Board of Supervisors had made committee assignments, and that Commissioners Tofanelli and Oliveira had been reappointed to LAFCO, with Commissioner Mills again the alternate.

#### **11. Public Comment.**

Jeff Stone introduced himself as Fire Chief for Central Calaveras Fire. He reported that there are some unprotected properties, mostly in the Sheep Ranch area, that are being provided fire service through contract with the county. He stated that the last service review for Central Calaveras Fire had recommended that those properties be brought into the district. As a result, a special tax had been put on the ballot to provide for coverage of those properties, but it had been voted down by a small margin. Therefore, he wished direction from the Commission as to what should be done next. Executive Officer Benoit replied that they should file for an annexation of those properties, adding that LAFCO would recommend the annexation as those properties are within Central Calaveras Fire's sphere of influence. The Commissioners recommended that PR be done ahead of any public hearing to ensure that all voters understood they would not be paying the tax for those added properties. In response to a question from Mr. Stone, Mr. Benoit explained the circumstances that would determine whether or not a public hearing would be required.

**12. Adjournment.**

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

Meeting was adjourned at 6:59 p.m. The next regular meeting will be Monday, March 19, 2018, at 6:00 p.m., in San Andreas.

Minutes submitted by Nancy Mees.

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

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

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Michael Oliveira, Chair, or Anita Paque, Vice  
Chair, Calaveras Local Agency Formation