

## Agenda

**NOTE THIS MEETING WILL A PHYSICAL MEETING AT  
THE CALAVERAS COUNTY BOARD OF SUPERVISOR'S ROOM  
891 MOUNTAIN RANCH ROAD  
SAN ANDREAS, CA**

### **Calaveras Local Agency Formation Commission**

#### **Regular Meeting Agenda**

**Monday – July 19, 2021 – 6:00 p.m.**

*The complete agenda, including backup materials and materials related to items on this Agenda submitted to the Commission after distribution of the Agenda Packet, is available for public inspection on the Calaveras LAFCo website. Agenda materials are also available on the Calaveras LAFCO website at [www.calaveraslafco.org](http://www.calaveraslafco.org)*

**If you wish to participate via Zoom you may do so.**

**Instructions for joining meeting via Zoom are as follows:**

**Topic: Calaveras LAFCo**

**Time: Jul 19, 2021 06:00 PM Pacific Time (US and Canada)**

**Join Zoom Meeting**

**<https://us02web.zoom.us/j/89183023054?pwd=dnVkdIV3WHJjYlJnYjh6TkloN1FXdz09>**

**Meeting ID: 891 8302 3054**

**Passcode: 692675**

**One tap mobile**

**+16699006833,,89183023054#,,,,\*692675# US (San Jose)**

**+12532158782,,89183023054#,,,,\*692675# US (Tacoma)**

**Dial by your location**

**+1 669 900 6833 US (San Jose)**

**Meeting ID: 891 8302 3054**

**Passcode: 692675**

**Find your local number: <https://us02web.zoom.us/u/kcLVT81zey>**

*(All meeting materials are available on LAFCo's Website: [www.calaveraslafco.org](http://www.calaveraslafco.org))*

**6:00 PM Regular LAFCo Meeting Items:**

**1. Call to Order/Pledge of Allegiance/Roll Call & Introduction of new Special District Members**

Commissioners

Alternate Commissioners

Kirk Smith, Special District Member  
Isabel Moncada, City Member  
Jennifer Herndon, City Member  
Gary Tofanelli, County Member  
Merita Callaway, County Member, Vice-Chair  
Tony Tyrrell, Special District Member  
Anita Paque, Public Member

Roark Weber, Public Member Alt.  
Alvin Broglio, City Member Alt.  
Travis Owens, Special Dist. Member Alt.  
Amanda Folendorf, County Member Alt

**Staff:**

John Benoit, Executive Officer  
Nancy Mees, LAFCO Clerk  
Michael Colantuono, LAFCO Counsel

**2. Approval of Agenda (Deletions/Additions)**

**3. Consider minutes of May 17, 2021**

a. *Approve May 17, 2021 LAFCo Minutes*

**4. Consent Agenda:**

a. *Review and Authorize Claims for May and June 2021*

**5. Correspondence:**

**Public Hearing:**

**6. San Andreas Sanitary District Service Review and Sphere of Influence (MSR and SOI)**

a. *Receive report from the Executive Officer and continue hearing until September 20, 2021 at 6:00 PM*

**Other Business:**

**7. CALAFCo Executive Board Nomination for Anita Paque for Calafco Executive Board Public Member – Central Region**

a) *Nominate Anita Paque for the Public Member representing the Calafco Central Region.*

**8. Nominations for Calafco Achievement Awards**

LAFCO Office Located at: 891 Mountain Ranch Road, San Andreas, California 95249  
Telephone: 209 754-6303 or 707 592-7528 ... Fax: 916 797-7631

Email [lafco@co.calaveras.ca.us](mailto:lafco@co.calaveras.ca.us)

a) *Nomination for an Achievement Award*

**9. Calafco Conference Registrations for the October 6-8 Calafco Conference in Newport Beach**

a) *Authorize attendance for LAFCo Commissioners*

**10. Designate Voting Members to vote on behalf of Calaveras LAFCo at the Calafco Annual Conference in Newport Beach.**

a) *Designate Voting Member*

b) *Designate Voting Member Alternate*

**11. LAFCo 101 All about LAFCo Part 1**

**Other Business:**

**12. Executive Officer' s report**

a. *Community Services District MSR and SOI*

b. *Union Public Utility District MSR and SOI*

c. *Murphy Annex to the CPUD completed*

**13. Commissioners Reports**

This item is placed on the agenda for Commissioners to discuss items and issues of concern to their constituency, LAFCO, and legislative matters

**14. Public Comment**

This is the time set aside for citizens to address the Commission on any item of interest to the public that is within the subject matter jurisdiction of the Commission. For items that were on the agenda, public comment was heard when the item is discussed. If your comments concern an item that is noted as a public hearing, please address the Commission after the public hearing is opened for public testimony. The Chair reserves the right to limit each speaker to three (3) minutes. Please understand that by law, the Commission cannot make decisions on matters not on the agenda.

**15. NEXT LAFCO MEETING will be: September 20, 2021 - 6:00 PM in San Andreas**

*The Commission may take action upon any item listed on the agenda. Unless otherwise noted, items may be taken up at any time during the meeting.*

**Any member appointed on behalf of local government shall represent the interests of the public as a whole and not solely the interest of the appointing authority Government Code Section 56325.1**

Public Comment

Members of the public may address the Commission on items not appearing on the agenda, as well as any item that does appear on the agenda, subject to the following restrictions:

- Items not appearing on the agenda must be of interest to the public and within the Commission's subject matter jurisdiction.
- No action shall be taken on items not appearing on the agenda unless otherwise authorized by Government Code Section 54954.2 (known as the Brown Act, or California Open Meeting Law).

Public Hearings

Members of the public may address the Commission on any item appearing on the agenda as a Public Hearing. The Commission may limit any person's input to a specified time. Written statements may be submitted in lieu of or to supplement oral statements made during a public hearing.

Agenda Materials

Materials related to an item on this agenda will be available on the Calaveras LAFCO website as noted below to the extent practicable and subject to staff's ability to post the documents prior to the meeting.

Accessibility

The location of this meeting is wheelchair-accessible.

Disclosure & Disqualification Requirements

Any person or group of persons acting in concert who directly or indirectly contribute \$1,000 or more in support of or in opposition to a change of organization or reorganization that has been submitted to Calaveras LAFCO must comply with the disclosure requirements of the Political Reform Act of 1974 applicable to local initiative measures to be submitted to the electorate. These requirements contain provisions for making disclosures of contributions and expenditures at specified intervals; they may be reviewed at Government Code §§56700.1 and 81000 *et seq.* Additional information about the requirements pertaining to local initiative measures to be presented to the electorate can be obtained by calling the Fair Political Practices Commission at (916) 322-5660. A LAFCO Commissioner must disqualify herself or himself from voting on an application involving an "entitlement for use" (such as an annexation or sphere amendment) if, within the last twelve months, the Commissioner has received \$250 or more in campaign contributions from the applicant, any financially interested person who actively supports or opposes the application, or an agency (such as an attorney, engineer, or planning consultant) representing the applicant or an interested party. The law (Government Code Section 84308) also requires any applicant or other participant in a LAFCO proceeding to disclose the contribution amount and name of the recipient Commissioner on the official record of the proceeding.

Contact LAFCO Staff at (209) 754-6511

LAFCO Webpage: [www.calaveraslafco.org](http://www.calaveraslafco.org)

Email LAFCO at: [j.benoit4@icloud.com](mailto:j.benoit4@icloud.com)

Calaveras Local Agency Formation Commission  
Meeting Minutes – Monday, May 17, 2021

- 11. **Call to Order/Roll Call** – Order was called by Vice-Chair Callaway at 6:11 p.m. on Monday, May 17, 2021.

**Commissioners Present**

Merita Callaway, County Member, Chair  
Gary Tofanelli, County Member  
Isabel Moncada, City Member  
Tony Tyrrell, Special Dist. Member  
Anita Paque, Public Member, Vice-Chair  
Kirk Smith, Special Dist. Mem.

**Commissioners Absent**

Jennifer Herndon, City Member  
Amanda Folendorf, County Member Alt.  
Alvin Broglio, City Member Alt.  
Travis Owens, Special Dist. Mem. Alt.  
Roark Weber, Public Member Alt.

**Staff Present**

John Benoit, Executive Officer  
Nancy Mees, LAFCO Clerk

**Others Present**

Executive Officer Benoit introduced newly elected Special District Member Kirk Smith.

- 2. **Approval of Agenda:**

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

- 3. **Election of Chair and Vice-Chair for FY 2021-2022:**

a) **Election of Chair for FY 2021-2022:** *LAFCo Bylaw section 4.6(a) requires a County Member be elected Chair.*

**MOTION** by Commissioner Tyrrell to nominate Commissioner Callaway for the position of Chair, second by Commissioner Paque. Motion passed 6 yes, 0 no, 1 absent.

b) **Election of Vice-Chair for FY 2021-2022:** *LAFCo Bylaw section 4.6(a) requires a Public Member be elected Vice-Chair.*

As there is only one Commissioner eligible for this position, Chair Callaway, with consensus from the Commission, pronounced Commissioner Paque as the new Vice-Chair.

- 4. **Consider Minutes of the March 15, 2021, LAFCo meeting:**

**MOTION** by Commissioner Tofanelli to approve the minutes of the March 15, 2021, LAFCo meeting as presented, second by Commissioner Tyrrell. Motion passed 6 yes, 0 no, 1 absent.

**5. Consent Agenda:**

*Review and authorize claims for March and April 2021.*

**MOTION** by Commissioner Tofanelli to approve the Consent Agenda and Claims for March and April 2021 as presented, second by Commissioner Tyrrell. Motion passed 6 yes, 0 no, 1 absent.

**6. Correspondence:**

*Support for AB 1581 Local Government Omnibus Bill.*

Executive Officer Benoit explained that there are four items on AB 1581 and that they are all non-controversial changes to the LAFCo law, as is required for the annual Omnibus Bill. Due to time limitations, a letter of support had already been sent to the Legislature.

**MOTION** by Commissioner Tofanelli to support AB 1581 Local Government Omnibus Bill, second by Commissioner Tyrrell. Motion passed 6 yes, 0 no, 1 absent.

**PUBLIC HEARING**

**7. Calaveras LAFCo's Final Budget for FY 2021-22:**

*Review Executive Officer's report and final budget and consider final budget for fiscal year 2021-2022 and adopt Resolution 2021-0005.*

Executive Officer Benoit stated that he had received a final letter on insurance costs for the coming year and they will not be increasing, and therefore he did not propose a change in the amount budgeted for insurance this year as compared to last year.

In response to a comment from Commissioner Smith on the large reserve fund LAFCo has, Mr. Benoit explained the lawsuit that is currently in the appeals process regarding LAFCo responsibility for attorney fees when it wins against a suit brought by an applicant. There was also discussion of the various ways of avoiding having to pay attorney fees in future lawsuits in the event the Supreme Court decides to uphold the lower court's ruling in this current case. In the meantime, and in case of possible future need, the large amount of reserves would help to cover the cost of any attorney fees incurred.

Mr. Benoit stated that he felt it would be good for some of the new Commissioners to attend the annual CALAFCO conference in October. He added that Commissioners Paque (who will become President of the CALAFCO board at that time) and Tyrrell were already planning to attend. The proposed budget would cover the costs of four Commissioners attending, but if more than four wish to go, there is money available in the Contingency Fund.

**MOTION** by Commissioner Smith to approve Resolution 2021-0005 approving the FY 2021-2022 Final Budget as presented, second by Commissioner Paque. Motion passed 6 yes, 0 no, 1 absent.

**WORKSHOP**

**8. San Andreas Sanitary District Service Review and Sphere of Influence (MSR and SOI):**

*Review Draft Service Review and Sphere of Influence Report for wastewater services being provided by the San Andreas Sanitary District.*

Executive Officer Benoit commented that he believes citing the 2010 census figures is no longer useful and they should be updated. He also stated that as housing prices increase, it is causing the demographics of the area to change. For example, Murphys is currently a disadvantaged community, but as prices go up and new people move into the area, that may change. Chair Callaway asked if an addendum could be added later to discuss changes. Mr. Benoit responded that could be done, but that he will be receiving some more information in the next month or two and would like to update the demographics for this MSR if possible.

Commissioner Tofanelli commented he believed the information on page 20 regarding system overview is probably not current because the District received over a million dollars to upgrade facilities due to a new jail that was built, and therefore, their capacity should be much more than what is stated. Mr. Benoit said he had sent the draft MSR to the District for their comments and edits, but had received no response, so will have to follow up with them.

Commissioner Paque asked whether the numbers on page 21 regarding Treatment Plant Operators were all referring to one person. Commissioner Tofanelli responded that he believes they now have three operators. He suggested Mr. Benoit talk to Fire Chief Young, who is on the District's board.

Mr. Benoit stated he would check the NPDS permit for the District and go through the MSR some more to see what he can update.

Commissioner Paque also questioned the fact that it appears the District's revenues are less than its expenses. Mr. Benoit said he would see if he could get an explanation from the District regarding that issue. He then added that the Sphere for this District is coterminous with its boundaries.

Commissioner Tofanelli commented that the District seems to be fairly well-run because he does not receive complaints about its operations.

**9. Executive Officer's Report**

*a) Community Services District MSR and SOI.*

Executive Officer Benoit explained that there are several smaller, older CSDs (mostly road and cemetery) that have very small populations and budgets which makes it hard for them to comply with all the required CSD laws. When their MSRs are done, he will have to look at the financials of each district to see whether it is still a viable CSD.

Chair Callaway asked if CALAFCO is looking at this issue with respect to small CSDs in rural counties. Commissioner Paque replied that the issue of laws relating to CSDs is really in the jurisdiction of CSDA as LAFCo's responsibility toward them is just to monitor and report on their operations. She did add that CALAFCO is trying to streamline the process of dissolving smaller districts that can no longer operate effectively.

*b) CSDA Special District Laws Guide.*

Executive Officer Benoit reported that it is on the Calaveras LAFCo website.

*c) Union Public Utility District MSR and SOI.*

Executive Officer Benoit stated that the District is trying to resolve some issues regarding either obtaining information from their engineer or hiring a new one.

*d) Schedule LAFCo 101 for next meeting.*

Executive Officer Benoit commented that, since there are several new Commissioners, it is time to hold another LAFCo 101 over two (or three) meetings.

**9. Commissioner Reports**

Chair Callaway stated that she would prefer that Public Comment be at the beginning of the meeting so that members of the public who have comments or requests on non-agenda items do not have to sit through the whole meeting before they can speak. Executive Officer Benoit responded that the location of this item is at the discretion of the chair, and therefore he will move it to the beginning of the agenda for future meetings.

**10. Public Comment:**

There was no public comment.

**11. Adjournment**

Meeting was adjourned at 7:06 p.m. The next regular meeting will be Monday, July 19, 2021, at 6:00 p.m.

Minutes submitted by Nancy Mees.

**DATED:**

\_\_\_\_\_

**APPROVED:**

\_\_\_\_\_

\_\_\_\_\_  
Merita Callaway, Chair,  
Calaveras Local Agency Formation



# CALAVERAS LAFCO

## LAFCO CLAIM AUTHORIZATION FORM

for

**June 19, 2021**

Item # 4

Authorize payment of the following claims:

<u>Date of Claim</u>	<u>Description</u>	<u>Amount</u>
<b>FY 2020-2021 Expenses:</b>		
May 17, 2021	Commission meeting stipends	\$ 300.00
May 1, 2021	Staff Svcs and Expenses May 2021	\$ 5,282.65
July 1, 2021	CSD MSR preparation - js	\$ 2,300.00
	SASD MSR preparation- cl	\$ 2,200.00
July 1, 2021	Staff Svcs and Exp June 2021	\$ 3,887.56
June 21, 2021	Valley Springs News SASD	\$ 19.50

TOTAL: \$ 14,139.71

**FY 2021-2022 Expenses:**

July 1, 2021	Calafco Dues FY 2021-2022	\$ 1,617.00
July 1, 2022	SDRMA Insurance FY 2021-2022	\$ 2,325.00

TOTAL: \$ 3,942.00

DATED: July 19, 2021

APPROVED: July 19, 2021

\_\_\_\_\_  
Merita Callaway, Chair or Anita Paque, Vice-Chair  
Calaveras Local Agency Formation Commission

Attest:

\_\_\_\_\_  
John Benoit  
Executive Officer

Item	Account Number	Comm Stipends	Insurance	Communication	Memberships	Office Exp	Postage	copies	MSR	SOI	Ex. Off. Svcs	City Fin Charge	Lgi Notices	Training
		62001	62050	62051	62052	62053	62054	62055	62057	62058	62059	62060	62061	62062
Total Budgeted		\$ 3,300.00	\$ 3,000.00	\$ 800.00	\$ 2,120.00	\$ 350.00	\$ 500.00	\$ 1,500.00	\$ 25,000.00	\$ 20,000.00	\$ 43,000.00	\$ 3,600.00	\$ 500.00	\$ 4,000.00
Calafco dues 20-21				\$ (1,620.00)										
SDRMA Insurance 20-21			\$ (2,325.00)											
July 20, 2020 Laico meeting		\$ (300.00)												
Staff Svcs July 2020 Inv 0061				\$ (41.77)			\$ (14.20)	\$ (187.10)	\$ (2,000.00)		\$ (3,550.00)			
Staff Svcs August 2020 Inv 0073				\$ (41.96)			\$ (1.42)	\$ (1.00)			\$ (2,950.00)			
Sept 21, 2020 Payroll Calaveras		\$ (350.00)												
Staff Svcs September 2020				\$ (41.32)			\$ (17.70)	\$ (37.20)	\$ (2,000.00)		\$ (2,700.00)			
Staff SVCS October 2020				\$ (41.96)				\$ (1,000.00)			\$ (1,550.00)			
CSDA Dues 20-21					\$ (500.00)									
Comm Payroll Nov 16, 2020		\$ (300.00)												
Staff Svcs November 2020				\$ (48.99)			\$ (15.60)	\$ (38.60)	\$ (2,000.00)		\$ (2,950.00)			
Staff Svcs December 2020				\$ (44.57)		\$ (64.00)	\$ (0.50)	\$ (10.00)			\$ (3,025.00)			
Payroll 1.25.2021		\$ (350.00)												
Staff Svcs January 2021				\$ (68.77)			\$ (21.45)	\$ (33.90)	\$ (2,650.00)		\$ (2,500.00)			
Project Revenue CUP Annex 2021-01														
Staff Svcs February 2021				\$ (63.77)				\$ (10.00)	\$ (2,400.00)		\$ (3,400.00)			
Valley Spgs News Prop LAFCO Budget and Moke Hill MSR													\$ (28.50)	
Staff Svcs March 2021				\$ (54.76)			\$ (16.32)	\$ (22.30)	\$ (4,325.00)		\$ (4,900.00)			
Payroll 3.15.2021		\$ (250.00)												
Staff Svcs April 2021				\$ (54.76)			\$ (1.70)	\$ (5.00)			\$ (2,900.00)			
Valley Springs news Fnal Budget													\$ (28.50)	
Comm Payroll 5.17.21		\$ (300.00)												
Staff SVCS May 2021				\$ (54.77)			\$ (15.60)	\$ (84.20)			\$ (5,010.00)			
Staff Svcs June 2021				\$ (54.76)		\$ (30.00)	\$ (1.60)	\$ (1.20)		\$ (4,500.00)	\$ (3,800.00)			
Valley Spgs News SASD MSR -SOI													\$ (19.50)	

TOTAL EXPENDED		\$ 1,450.00	\$ 675.00	\$ 187.84	\$ -	\$ 256.00	\$ 393.71	\$ 1,069.50	\$ 8,625.00	\$ 15,500.00	\$ 5,765.00	\$ 3,600.00	\$ 423.50	\$ 4,000.00
TOTAL REMAINING		\$ 1,850.00	\$ 2,325.00	\$ (612.46)	\$ (512.00)	\$ (84.00)	\$ (106.29)	\$ (450.50)	\$ (16,375.00)	\$ (4,500.00)	\$ (19,235.00)	\$ -	\$ (78.50)	\$ -



42) Executive Order N 29 20 Paragraph 3, is withdrawn and replaced by the following text:

Notwithstanding any other provision of state or local law (including, but not limited to, the Bagley-Keene Act or the Brown Act), and subject to the notice and accessibility requirements set forth below, a local legislative body or state body is authorized to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body or state body. All requirements in both the Bagley-Keene Act and the Brown Act expressly or impliedly requiring the physical presence of members, the clerk or other personnel of the body, or of the public as a condition of participation in or quorum for a public meeting are hereby waived.

In particular, any otherwise-applicable requirements that:

- (i) state and local bodies notice each teleconference location from which a member will be participating in a public meeting;
- (ii) each teleconference location be accessible to the public;
- (iii) members of the public may address the body at each teleconference conference location;
- (iv) state and local bodies post agendas at all teleconference locations;
- (v) at least one member of the state body be physically present at the location specified in the notice of the meeting; and
- (vi) during teleconference meetings, at least a quorum of the members of the local body participate from locations within the boundaries of the territory over which the local body exercises jurisdiction.

are hereby suspended.

A local legislative body or state body that holds a meeting via teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, consistent with the notice and accessibility requirements set forth below, shall have satisfied any requirement that the body allow members of the public to attend the meeting and offer public comment. Such a body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

Accessibility Requirements: If a local legislative body or state body holds a meeting via teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the body shall also:

- (i) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the Americans with Disabilities Act and resolving any doubt whatsoever in favor of accessibility; and
- (ii) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to subparagraph (ii) of the Notice Requirements below.

Notice Requirements: Except to the extent this Order expressly provides otherwise, each local legislative body and state body shall:

- (i) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by the Bagley-Keene Act or the Brown Act, and using the means otherwise prescribed by the Bagley-Keene Act or the Brown Act, as applicable; and
- (ii) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in such means of public observation and comment, or any instance prior to the issuance of this Order in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of such means, a body may satisfy this requirement by advertising such means using "the most rapid means of communication available at the time" within the meaning of Government Code, section 54954, subdivision (e); this shall include, but need not be limited to, posting such means on the body's internet website.

All of the foregoing provisions concerning the conduct of public meetings shall apply through September 30, 2021.

43) Executive Order N-32-20:

- a. Paragraph 1;
- b. Paragraph 2; and
- c. Paragraph 3.

44) Executive Order N-35-20:

- a. Paragraph 2, and
- b. Paragraph 12.

45) Executive Order N-39-20:

- a. Paragraph 2;
- b. Paragraph 3; and
- c. Paragraph 6.

CALIFORNIA ASSOCIATION OF  
LOCAL AGENCY FORMATION  
COMMISSIONS



# Board of Directors 2021/2022 Nominations Form

## *Nomination to the CALAFCO Board of Directors*

In accordance with the Nominations and Election Procedures of CALAFCO,

Calaveras LAFCo of the Central Region

Nominates Anita Pague

for the (check one)     City     County     Special District     Public

Position on the CALAFCO Board of Directors to be filled by election at the next Annual Membership Meeting of the Association.

\_\_\_\_\_  
LAFCo Chair

\_\_\_\_\_  
**July 19, 2021**  
Date

**NOTICE OF DEADLINE**

Nominations must be received by September 7, 2021 at 5:00 p.m. to be considered by the Election Committee.  
Send completed nominations to:  
CALAFCO Election Committee  
CALAFCO  
1020 12<sup>th</sup> Street, Suite 222  
Sacramento, CA 95814

## Board of Directors 2021-2022 Candidate Resume Form

Nominated By: Calaveras LAFCo

Date: July 19, 2021

Region (please check one):  Northern  Coastal  Central  Southern

Category (please check one):  City  County  Special District  Public

Candidate Name Anita Pague

Address P.O. Box 739, Mountain Ranch, CA 95246

Phone Office 209-754-6511 Mobile 209-754-3088

e-mail apague@yahoo.com

### Personal and Professional Background:

**Attorney licensed in California for over 30 years specializing in Corporate and Tax law. Have worked for several high-tech corporations in the San Francisco Bay Area including start up and established companies.**

**Has been active in several Calaveras County organizations such as the Friends of the Fair (director); has sat on School Boards of Directors; the Mark Twain Hospital Foundation as a director and treasurer and vice-president; and the Calaveras County Arts Council. She is also director of Oakendell, Inc.**

**Has a JD from McGeorge School of Law and a Masters of Law in International Business and Tax from McGeorge School of Law and the university of Salzberg, Austria.**

### LAFCo Experience:

**Has sat on the Calaveras LAFCo Service Review Committee for LAFCo for 2-years and in 2011 was selected at the Public Member LAFCo Commissioner and has held that position for ten years.**

**Has served as LAFCo chair for four one-year terms and is currently the Vice-Chair.**

**Has been active in working with LAFCo on Calaveras County's General Plan Update and as Chair has participated with the LAFCo Executive Officer in the resolution of disputes between water agencies and the City of Angels Camp.**

**Has served as a neutral party in the deliberations of several contentious issues**

**such as a water and wastewater service review whereby she was able obtain consensus allowing LAFCo to adopt the service review.**

CALAFCO or State-level Experience:

**Anita has been a member of the Calafco Executive Board and Legislative Committee for 6 years. Anita has been a speaker at the Calafco Staff workshop regarding LAFCo Initiated Actions and the Success Calaveras LAFCo had with the City of Angels Camp Sphere of Influence Update by engaging members of the public, city and district staff and the LAFCo Commission to work together to resolve several issues including water supply, politics and economic feasibility issues.**

**Anita was the Calafco host for the 2018 Calafco Conference in Yosemite and the 2019 Calafco Conference in Sacramento as well as a moderator for the panel regarding natural disasters, this panel was the first general session of the Yosemite Conference.**

**Anita has served on the Calafco Awards and Legislative committees and serves as a member of the Calafco Legislative committee. She is also a member of Calafco's finance committee**

Availability:

**Anita is available to serve as a public member for CALAFCO**

Other Related Activities and Comments:

**Anita has been able to achieve consensus and agreement regarding numerous administrative matters before LAFCo as well as the LAFCo policies under which Calaveras LAFCo operates.**





**2021 Achievement Award Nominations**  
**Due by Friday, August 13, 2021 at 3:00 p.m.**

**Achievement Award Nomination Form**

**NOMINEE - Person or Agency Being Nominated**

Name:

Organization:

Address:

Phone:

E-mail:

**NOMINATION CATEGORY** (check one – see category criteria on attached sheet)

- Outstanding CALAFCO Volunteer
- Outstanding CALAFCO Associate Member
- Outstanding Commissioner
- Outstanding LAFCo Professional
- Mike Gotch Excellence in Public Service (choose one category below)
  - Protection of agricultural and open space lands and prevention of sprawl*
  - Innovation, collaboration, outreach and effective support of the evolution and viability of local agencies, promotion of efficient and effective delivery of municipal services*
- Legislator of the Year (must be approved by the full CALAFCO Board)
- Lifetime Achievement Award

**NOMINATION SUBMITTED BY:**

Name:

Organization:

Address:

Phone:

E-mail:



## **PREVIOUS CALAFCO ACHIEVEMENT AWARD RECIPIENTS**

### **2019**

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Distinguished Service Award	Charley Wilson, Orange LAFCo
Most Effective Commission	Contra Costa LAFCo
Outstanding Commissioner	Jim DeMartini, Stanislaus LAFCo
Outstanding LAFCo Professional	David Church, San Luis Obispo LAFCo
Project of the Year	Orange LAFCo, for San Juan Capistrano Utilities MSR
Government Leadership Award	CA State Water Resources Control Board, Los Angeles County and Los Angeles LAFCo, for Sativa Water District Butte LAFCo
Mike Gotch Courage & Innovation in Local Government Leadership Award	
Legislator of the Year	Assembly Member Mike Gipson
Lifetime Achievement Award	John Benoit, various LAFCos. Jurg Heuberger, Imperial LAFCo

### **2018**

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Distinguished Service Award	John Withers, Orange LAFCo
Most Effective Commission	Santa Clara LAFCo
Outstanding Commissioner	Margie Mohler, Napa LAFCo
Outstanding LAFCo Professional	George Williamson, Del Norte LAFCo
Outstanding LAFCo Clerk	Elizabeth Valdez, Riverside LAFCo
Outstanding CALAFCO Associate Member	Best Best & Krieger
Project of the Year	Lake LAFCo, water services consolidation
Government Leadership Award	City of Porterville, County of Tulare, Dept. of Water Resources, State Water Resources Control Board, Governor's Office of Emergency Services, Self Help Enterprises, Community Water Center for East Porterville water supply project
Mike Gotch Courage & Innovation in Local Government Leadership Award	Mike Ott, San Diego LAFCo
Legislator of the Year	Assembly Member Anna Caballero
Lifetime Achievement Award	Pat McCormick, Santa Cruz LAFCo, George Spillotis, Riverside LAFCo

### **2017**

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Most Effective Commission	Los Angeles LAFCo
Outstanding CALAFCO Member	Sblend Sblendorio, Alameda LAFCo
Outstanding Commissioner	John Marchand, Alameda LAFCo
Outstanding LAFCo Professional	Paul Novak, Los Angeles LAFCo
Outstanding LAFCo Clerk	Richelle Beltran, Ventura LAFCo
Outstanding CALAFCO Associate Member	Policy Consulting Associates
Project of the Year	County Services MSR, Butte LAFCo, and Santa Rosa Annexation, Sonoma LAFCo



**2021 ANNUAL CONFERENCE  
OCTOBER 6 - 8 IN NEWPORT BEACH  
REGISTRATION FORM**

For Registration by Check  
To pay with credit cards please visit [www.calafco.org](http://www.calafco.org)  
REGISTRATION DEADLINE IS SEPTEMBER 17, 2021

LAFCo  
Received  
Check #

**CONFERENCE REGISTRATION RATES**

	PAYMENT Received by August 31	PAYMENT Received after August 31	Amount Due
Member - Full Conference	\$520	\$560	
Non-member - Full Conference	\$620	\$660	
Guest/Spouse* - All Meals	\$270	\$300	
Guest/Spouse* - Wed Reception/Thu Banquet Only	\$155	\$200	
Member - One Day ( <input type="checkbox"/> Wed or <input type="checkbox"/> Fri)	\$350	\$370	
Non-Member - One Day ( <input type="checkbox"/> Wed or <input type="checkbox"/> Thu or <input type="checkbox"/> Fri)	\$450	\$470	
LAFCo 101 (no charge for those with full conf. registration, \$40 for those just attending this session.)	\$40	\$40	
<b>TOTAL REGISTRATION RATE DUE</b>			<b>\$</b>

\*Guests at meals must purchase their meal. Conference registration meals are non-transferable to guests.

Payment must accompany registration. **Early registration rate payments MUST be received by August 31 in order for that rate to apply. NO EXCEPTIONS.** Please make checks payable to "CALAFCO."

Mail completed forms and payment to:

**CALAFCO**  
1020 12<sup>th</sup> Street, Suite 222  
Sacramento, CA 95814

Hotel Information: **Hyatt Regency Newport Beach conveniently located at the John Wayne Airport**

ROOMS STARTING AT \$194 PER NIGHT. **CUT-OFF DATE IS SEPTEMBER 6, 2021.** Special rate 3 days pre and post conference based on availability. Rate includes parking and excludes taxes.

**TO MAKE HOTEL RESERVATIONS, PLEASE VISIT:**  
<https://www.hyatt.com/en-US/group-booking/SNARJG-CAL2> or call directly at 949-975-1234 and reference CALAFCO event.



Please submit one form for each person registering

FIRST NAME \_\_\_\_\_ LAST NAME \_\_\_\_\_

NAME ON NAME TAG \_\_\_\_\_

LAFCO/ORGANIZATION \_\_\_\_\_ POSITION \_\_\_\_\_

GUEST NAME (For guest/spouse registration) \_\_\_\_\_

MAILING ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ ZIP \_\_\_\_\_

PHONE # \_\_\_\_\_

E-MAIL ADDRESS \_\_\_\_\_

EMERGENCY CONTACT NAME \_\_\_\_\_

PHONE # \_\_\_\_\_

**CANCELLATION AND REFUND POLICY**

1. Registrations are considered complete upon receipt of fees.
2. Cancellation requests made in writing and received by September 21, 2021 receive a 100% refund less \$25 handling fee and any transaction fees.
3. Credits are not issued for any cancellations.
4. Registration fees are transferable to another person not already registered provided the request is received in writing. Deadline to transfer registrations is September 30, 2021.
5. Registration fees for guests and special events are not transferable and are fully refundable (minus any transaction fees) if requests are made in writing and received by September 21, 2021 or if the special event is cancelled.
6. Cancellation requests must be made by e-mail the CALAFCO office.
7. Cancellation requests made after September 21, 2021 are not eligible for a refund.

**Local Agency Formation Commissions  
Law, Policy and Practice**

**Calaveras Local Agency Formation  
Commission**

July 19, 2021

1

**LAFCO's Function**

**Implement State Policy on Local  
Agency Boundaries**

**LAFCO's Oversee --**

- Creation of New Agencies
- Boundary Changes
- District Services - addition or divestiture of powers
- Extensions of Services Outside Agency Boundaries

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# 11

## Why LAFCOs Came About

Post World War II population and housing boom in California led to:

- Scramble to finance and extend services
- City annexation "wars," and proliferation of limited purpose special districts

In 1959, the Governor's Commission on Metropolitan Area Problems was established and issued a report identifying problems and outlining recommendations.



**ACTION**

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## Lofty Goals -- Legislative Direction

From: California Legislature

To: LAFCO

- Promote Orderly Growth and Development
- Discourage Urban Sprawl
- Preserve Open Space and Prime Agricultural Lands
- Efficient Extension of Government Services

PS -- Also consider Provision of Housing for Persons and Families of All Incomes, as well as environmental justice, adequate water and Regional Transportation Plans, disadvantaged communities, fire hazards

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### What the Courts have said

- LAFCO is engaged in the pursuit of an overriding State purpose
- State laws fully occupy the field. Direction comes from the legislature
- LAFCO is quasi-legislative; limited legal challenge to LAFCO decisions
- LAFCO is independent, not part of County or City Government
- LAFCO is the 'Legislature's watch dog' for governmental efficiency
- Cannot directly regulate land use, but must consider the impacts of land use in its determinations
- LAFCO appoints an Executive Officer to conduct its day to day business

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### What Grand Juries have said....

LAFCO "was created by State Legislation to provide guidance and a legal check..... and has ultimate authority to approve, condition or deny each project"

"LAFCO has a limited parameter of responsibility, but within that realm, has enormous power"

"We see such authority causing inherent and perhaps necessary resentment, even animosity"

".....we see both institutions are working for a better County"

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## Legislative History

- 1963 – LAFCOs were Created
- 1965 – District Reorganization Act; Knox-Nisbet Act
- 1977 - Municipal Organization Act (MORGA) on city procedures
- 1983 - Deadlines to prepare spheres – LAFCOs must now plan
- 1985 - Cortese-Knox Local Government Reorganization Act
- 1993 - AB 1335 (Gotch) – Several reforms
  - LAFCO can initiate certain types of changes
  - LAFCO can waive conducting authority hearings
  - Easier to seat special districts on LAFCO
- 2000 - AB 2838 (Hertzberg) – More reforms
  - Broaden LAFCO funding – not just the County anymore
  - LAFCO is the conducting authority for boundary changes
  - Require periodic (5-year) sphere of influence updates
  - Require Municipal Service Reviews to update spheres
  - Requires city/county discussion re city sphere expansions
  - Require cities to pre-zone land
  - Add new LAFCO factors – water supply, regional housing

## LAFCO Today ...



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### Balanced Interests – Independent Judgment

- 2 County Supervisors
- 2 City Council Members
- 1 public member
- 2 Special District members (in 30 of the 58 LAFCOs)
- One alternate member in each category



*All commission members shall exercise their independent judgment on behalf of the interests of residents, property owners and the public as a whole ... (Government Code Section 56325.1)*

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### LAFCOs Are Independent

- Commissioners make final decisions
- Adopt local policies reflecting unique local circumstances
- Decisions cannot be appealed to other administrative bodies
- Executive Officer accountable only to Commission and statutes

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### LAFCO is subject to the Political Reform Act

- Annual filing of assets (700 forms) and campaign contributions is required, plus
- Automatic disqualification from decisions related to entitlements for use

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### LAFCO Staffing

- LAFCO provides for its own quarters, equipment, supplies and personnel.
- LAFCO appoints an Executive Officer to conduct the day-to-day business and make recommendations on proposals
- LAFCO appoints a Legal Counsel
- LAFCO may either contract for staff services or have employees directly accountable to LAFCO

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## LAFCO Funding & Budget

- LAFCO must adopt a budget for each fiscal year (proposed budget by May 1st and final budget by June 15th)
- LAFCO is funded by the County, cities and special districts in equal thirds, or the Cities and the County in halves (in some cases)
- Authorized to charge fees to help offset expenses
- To reduce a LAFCO budget from previous fiscal year, The Commission must make a specific finding that it can complete its program with reduced funding

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## LAFCO Authority and Jurisdiction

- LAFCOs have broad authority to conditionally approve any proposal for a change of organization, reorganization, or sphere of influence.
- LAFCOs have this authority so they may effectuate the important policies LAFCOs are charged with protecting.
- LAFCO loses jurisdiction when a Certificate of Completion is recorded.

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## Laws and Procedures

- **State Law:** LAFCO actions are governed by the Cortese Knox Hertzberg Act of 2001.
- Other state laws such as **CEQA**
- **Local Policies:** Calaveras LAFCO adopted additional Policies, Standards and Procedures (last updated in July 2020).

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## As a Planning Agency LAFCO

- Prepares Municipal Service Reviews which examine public services
- Develops and updates Spheres of Influence for cities and districts
- Works cooperatively with public and private agencies and interests on growth, preservation and service delivery

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## As a Regulatory Agency LAFCO

- Considers modification of existing agencies and creation of new ones
- Can approve boundary changes if consistent with Spheres of Influence
- Controls extension of public services
- Is prohibited from directly regulating how land is used, however LAFCO must consider impacts of land use when making its determinations

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## CEQA Applies to LAFCO

- Bozong decision: LAFCO approvals are "projects" under CEQA
- LAFCOs are generally Responsible Agencies (using Lead Agency Environmental Documents) if Environmental Documents are not circulated to LAFCO by a Lead Agency or are inadequate, guideline section 15052 requires the Commission to assume lead agency status and prepare a new environmental document. If the Commission deems a lead agency's document is not adequate for its use, LAFCO may... take the issue to court within 30 days, be deemed to have waived any objection, assume lead agency or prepare a subsequent EIR, if permissible (15061). HOWEVER, if the circumstances of the project has changed...???
- Categorical exemptions are tailored to LAFCO actions
- Classes 19 and 20
- LAFCOs sometimes act as Lead Agencies (e.g., spheres of influence)

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## Spheres of Influence

- Commission shall, as necessary, review and update each agency's sphere every five years.
- A Sphere is defined as the "probable physical boundaries and service area of a local agency, as determined by the Commission".
- Since LAFCO cannot directly initiate most types of reorganizations, LAFCO signals its policy recommendations to local agencies and the public when updating spheres.
- LAFCO considers five factors when determining the sphere of an agency:
  - Present and Planned Land Use
  - Disadvantaged Unincorporated Communities
  - Present and Probable Need for Services and Facilities
  - Service and Facility Capacity
  - Relevant Social and Economic Communities of Interest
- To update a Sphere of Influence, a Service Review is necessary.
- To amend a Sphere of Influence, a Service Review is not necessary.

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