

# Agenda

**NOTE THIS MEETING WILL BE A ZOOM MEETING**

**Calaveras Local Agency Formation Commission**

## **Special Meeting Agenda**

**Monday – SEPTEMBER 21, 2020 – 6:00 p.m.**

Welcome to the CALAVERAS LAFCo special meeting. This meeting will be via Zoom (conference call) only due to the COVID-19 virus. A roll call vote is required for all items on the agenda.

You may use your phone for this meeting and no computer is required. There will be video if you choose to use it.

*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)*

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

**Topic: Calaveras LAFCo Meeting**

**Time: Sep 21, 2020 06:00 PM Pacific Time (US and Canada)**

**Join Zoom Meeting**

**<https://us02web.zoom.us/j/81941847998?pwd=Wm9XcVZuU1haSmg0S3l4S05yOVE4QT09>**

**Meeting ID: 819 4184 7998**

**Passcode: 769715**

**Dial by your location**

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

**Meeting ID: 819 4184 7998**

**Passcode: 769715**

*If you have any problems dialing in call LAFCo at (209)754-6511 or cell at (707) 592-7528*

*Items may be considered at any time during the meeting. All items are listed in accordance with the Ralph M. Brown Act. Members of the public are encouraged to participate in this teleconference meeting either by email prior to the meeting at [j.benoit4@icloud.com](mailto:j.benoit4@icloud.com) or by phone by dialing the number above. You may listen to the meeting by dialing the teleconference number.*

*This meeting is being agendized to allow staff and the public to participate via teleconference, pursuant to the Governor's Executive Orders N-25-20 & N-29-20 and dated March 12, 2020 & March 17, 2020. These Executive Orders authorizes local legislative bodies to hold a public meeting via teleconference or other electronic means and to make public meetings accessible to telephonically to all members of the public and staff in effort to observe Social Distancing Recommendations in effect for the entire country.*

*(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**

Commissioners

John Lavaroni, Special District Member

Alvin Broglio, City Member, Chair

Joseph Oliveira, 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.

Dennis Mills, County Member Alt.

Jon Dashner, Special Dist. Member Alt.

Amanda Folendorf, City 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 July 20, 2020**

a. Approve July 20, 2020 LAFCo Minutes

**4. Consent Agenda:**

a. Review and Authorize Claims for July and August 2020

**5. Correspondence:**

**Workshop:**

**6. Continued Workshop regarding the Valley Springs PUD Service Review and Sphere of Influence (MSR and SOI)**

- a. Conduct workshop regarding the Valley Springs PUD MSR and SOI
- b. Schedule MSR and SOI hearing for November 16, 2020

**7. Discussion regarding physical meetings vs. Zoom meetings in the future**

- a) Hold discussion and provide direction regarding having Zoom meetings vs. In person meetings in the future

**8. Authorize Chair to vote on behalf of Calaveras LAFCo for nominees for the 2020-2021 Calafco Board of Directors**

- a) Authorize the Chair to vote on behalf of Calaveras LAFCo for nominees for the Calafco Board of Directors.

**9. Executive Officer' s report**

- a) SB 414 (Caballero) failed to pass Assm. Appropriations Committee. This bill will most likely show up again next year.
- b) Recruitment for Special District Members and Alternate
- c) Ethics Training cancelled for 2020. Go to fppc Website

**10. 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

**11. 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.

**12. NEXT LAFCO MEETING will be: November 16<sup>th</sup> , 2020 - 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 Special Meeting Minutes – Monday, July 20, 2020

1. **Call to Order/Roll Call** – Order was called by Chair Broglio at 6:04 p.m., on Monday, July 20, 2020, via video conference.

## Commissioners Present

Alvin Broglio, City Member, Chair  
Merita Callaway, County Member, Vice Chair  
Gary Tofanelli, County Member  
Tony Tyrrell, Special Dist. Member  
Anita Paque, Public Member  
Jon Dashner, Special Dist. Mem. Alt.

## Commissioners Absent

John Lavaroni, Special Dist. Mem.  
Joseph Oliveira, City Member  
Roark Weber, Public Member Alt.  
Dennis Mills, County Member Alt.  
Amanda Folendorf, 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 Tofanelli. Motion passed 6 yes, 0 no, 0 abstention, 1 absent.

3. **Consider Minutes of the May 18, 2020, LAFCo meeting:**

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

4. **Consent Agenda:**

*Review and authorize claims for May and June 2020.*

**MOTION** by Commissioner Callaway to approve the Consent Agenda and Claims for May and June 2020 as presented, second by Commissioner Tyrrell. Motion passed 6 yes, 0 no, 0 abstention, 1 absent.

5. **Correspondence:**

Executive Officer Benoit has received the Certificate of Insurance for this year.

**6. Public Hearing regarding LAFCo's Policies, Standards and Procedures Update:**

- a. *Receive Executive Officer's report and conduct public hearing regarding the final update of LAFCo's Policies, Standards and Procedures.*

Executive Officer Benoit reported that the updated Policies, Standards and Procedures in the packet are the policies he has been reviewing with the Commission for several months. They were last updated in 2009 or 2010, and as there have been a lot of legislative changes since then, this update brings the Policies, Standards and Procedures in line with current law.

Mr. Benoit stated that there was little in the way of substantive changes. The prior Policies included sphere horizons, which Mr. Benoit has determined do not work, so he removed them from the Policies. Revenue neutrality is still included with some grammatical changes. Overall, Mr. Benoit primarily made changes to make the wording more clear and understandable. If, however, state law changes, the Policies, Standards and Procedures will have to be amended again.

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

- b. *Consider LAFCo Resolution 2020-0005 adopting updated Policies, Standards and Procedures for Calaveras LAFCo.*

**MOTION** by Commissioner Tyrrell to approve Resolution 2020-0005 adopting updated Policies, Standards and Procedures for Calaveras LAFCo as presented, second by Commissioner Tofanelli. Motion passed 6 yes, 0 no, 0 abstention, 1 absent.

**7. Workshop regarding the Valley Springs PUD Service Review and Sphere of Influence (MSR and SOI):**

Executive Officer Benoit reported that the last MSR and SOI update for Valley Springs PUD was about six years ago, but that there have not been a lot of changes since then. This MSR is a series of MSRs Mr. Benoit has completed to date, and the next one will be for Murphys Sanitary District.

Mr. Benoit stated that there were no controversial issues in the VSPUD MSR other than the usual issue of viability for small districts. He added that VSPUD is surviving despite being small, and that one of the problems with all small water and wastewater districts is the current cost of permits that are required. VSPUD did have some loans in the past, but as they are a disadvantaged community, they could probably take advantage of the many grants now available to such communities for infrastructure repairs and upgrades.

Commissioner Paque stated that VSPUD has CCWD as its contingency plan for water issues, but that there didn't appear to be any written contingency plan for wastewater. She felt the MSR needed to include discussion of requiring the district to have a capital plan and

contingency plan, whether or not they can afford to do what is in the plan. Commissioner Tofanelli responded that he felt the board should discuss the issue before anything was added to the Findings because the district does have a plan; however, it differs from what the customers believe should occur. The district board would like to move the wastewater facility to a new location, but the customers feel the current facility should be upgraded as there is room at the current site and that would be less expensive than building an entirely new facility. Commissioner Tofanelli requested that this agenda item be continued to the next meeting to give him time to gather some information on the history of this issue and the current plan, which he will send to the Commissioners prior to the September meeting. Mr. Benoit said he would continue the workshop.

#### **8. Discussion regarding the Copper Cove Rocky Road Community Services District**

*Review letter dated July 3, 2020.*

Executive Officer Benoit reported that the letter from Copper Cove Rocky Road CSD had been sent to the Board of Supervisors. Commissioners Tofanelli and Callaway stated that, as members of the BOS, they had not yet received the letter. Mr. Benoit stated the BOS needs to make some decisions regarding districts such as this one. In the 1980s the county formed a number of CSDs and CSAs, while acknowledging that many of those districts would fail. More and more of them are now failing.

This district was set up with its board being elected, but there are now not enough people in the district willing to run. In addition, elections have become expensive. Mr. Benoit said the county could take over Copper Cover Rocky Road CSD and make it a dependent district, but noted that Calaveras County generally does not like to do that. In addition to the lack of board members, the annual assessment was set up in the beginning with no method of automatically increasing it over time, so the assessments are no longer adequate to perform road maintenance. The district could ask County Elections to solicit for board members, or the district could amend their bylaws to allow the BOS to appoint board members, or the county could disband the district and create a road division.

Mr. Benoit stated that the BOS needs to determine what to do with districts that are no longer functioning properly. Commissioner Callaway asked if LAFCO has a role in dealing with these districts. Mr. Benoit responded that it depends. If the district is converted to a CSA, LAFCo must hold a hearing and pass a resolution. If the district is to be dissolved, LAFCo has a role in that, too, but there would have to be some entity to take over management of the roads.

Commissioner Tofanelli stated that the entire board in this district has resigned, and that there are several other districts that are likewise failing. He added that this issue might be on the BOS August agenda. Mr. Benoit requested that he be invited to that meeting if

it is on the agenda, and that he would like to see this issue resolved without having LAFCO involved.

Chair Broglio asked if the county could set the assessments and collect the money. Mr. Benoit responded that it would have to go through an AB218 process, which requires voter approval, and that it is hard to get voters to approve an increased assessment. Commissioner Dashner commented that in the district in which he lives, obligation to pay road fees is included in their property deeds, which makes it easier for collection. Mr. Benoit stated that the county auditor would know how Copper Cover Rocky Road CSD assessments are handled. He believed the district collects about \$200,000 in assessments, but that this is not enough to cover road repairs as there are approximately 550-600 homes in the district.

The consensus of the Commission was to take no more action on this item until after the Board of Supervisors has discussed the issue.

#### **9. Elections for the 2020-2021 Calafco Board of Directors**

*Consider a nomination for a County Member and a District Member*

Commissioner Tofanelli nominated Commissioner Callaway, Commissioner Broglio nominated Commissioner Oliveira, and Commissioner Tyrrell nominated Commissioner Tofanelli. There was some discussion regarding the term endings of current board members. Executive Officer Benoit stated that nominations are not due until September 22, which is after the next board meeting, so suggested this item be continued until then to give Commissioners time to decide whether they want to be a board member.

#### **10. Biennial Conflict of Interest Code Review**

*Review LAFCo's Conflict of Interest Code and authorize the Executive Officer to sign and transmit the 2020 Annual Biennial notice to the Clerk of the Board.*

Executive Officer Benoit reported that the Conflict of Interest Code was updated a few years ago to conform with county procedures on Form 700s. There is no need for any changes at the present.

**MOTION** by Commissioner Callaway to direct the Executive Officer to sign and transmit the 2020 Biennial notice to the Clerk of the Board of Supervisors, second by Commissioner Tofanelli. Motion passed 6 yes, 0 no, 0 abstention, 1 absent.

#### **11. Executive Officer's Report:**

Executive Officer Benoit reported that he is going to again contact Union PUD regarding a request for information needed to prepare their MSR update. He also reiterated his concern regarding small districts being unable to continue, for various reasons, to provide the services for which they were organized, and that there needs to be a better mechanism for either dissolving or changing the structure of these districts when they are in trouble.



**12. Commissioner Reports**

Commissioner Tofanelli reported that he had just received an email stating the first Covid-related death in Calaveras County had been announced. Chair Broglio stated that Angels Camp is just trying to get by through this current situation, as is everyone else, and that they would be having a board meeting the next day.

**13. Public Comment:**

There was no public comment.

**14. Discussion and direction regarding future LAFCo meetings in light of the virus:**

Executive Officer Benoit stated that he believed the next meeting, and probably many to come, would have to again be held via Zoom.

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

Meeting was adjourned at 7:00 p.m. The next regular meeting will be Monday, September 21, 2020, at 6:00 p.m., in San Andreas, unless otherwise notified.

Minutes submitted by Nancy Mees.

**DATED:**

\_\_\_\_\_

**APPROVED:**

\_\_\_\_\_

\_\_\_\_\_  
Alvin Broglio, Chair, or Merita Callaway,  
Vice Chair, Calaveras Local Agency  
Formation

# CALAVERAS LAFCO

## LAFCO CLAIM AUTHORIZATION FORM

for

July and August 2020

Authorize payment of the following claims:

<u>Date of Claim</u>	<u>Description</u>	<u>Amount</u>
<b>FY 2020-2021 Expenses:</b>		
July 20, 2020	Commission meeting stipends	\$ 300.00
June 1, 2020	Staff Svcs and Expenses July 2020	\$ 5,799.97
July 1, 2020	Staff Svcs and Exp August 2020	\$ 2,994.38
	TOTAL:	\$ 9,094.35

DATED: September 21, 2020

APPROVED: September 21, 2020

\_\_\_\_\_  
Alvin Broglio, Chair or Merita Callaway, Vice-Chair  
Calaveras Local Agency Formation Commission

Attest:

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

Calaveras LAFCO

2020-2021 Expenditures

Item	Account Number	Comm Stipends	Insurance	Communications	Memberships	GenOfficeExp	Postage	copies	MSR	SOI	Ex. OFF. Svcs	City Fin Charge
		62001	62050	62051	62052	62053	62054	62055	62057	62058	62059	62060
		\$ 3,300.00	\$ 3,000.00	\$ 800.00	\$ 2,120.00	\$ 350.00	\$ 500.00	\$ 1,500.00	\$ 25,000.00	\$ 20,000.00	\$ 45,000.00	\$ 3,600.00
					\$ (1,620.00)							
Calafco dues 20-21			\$ (2,325.00)									
SDRMA Insurance 20-21		\$ (300.00)										
July 20, 2020 Laifco meeting				\$ (41.77)		\$ (14.20)		\$ (187.10)	\$ (2,000.00)		\$ (3,550.00)	
Staff Svcs July 2020 Inv 0061				\$ (41.96)		\$ (1.42)		\$ (1.00)			\$ (2,950.00)	
Staff Svcs August 2020 Inv 0073												
<b>TOTAL EXPENDED</b>		\$ (300.00)	\$ (2,325.00)	\$ (83.73)	\$ (1,620.00)	\$ 350.00	\$ 484.38	\$ 1,311.90	\$ 23,000.00	\$ 20,000.00	\$ 38,500.00	\$ 3,600.00
<b>TOTAL REMAINING</b>		\$ 3,000.00	\$ 675.00	\$ 716.27	\$ 500.00	\$ 350.00	\$ 484.38	\$ 1,311.90	\$ 23,000.00	\$ 20,000.00	\$ 38,500.00	\$ 3,600.00



## CALAVERAS LOCAL AGENCY FORMATION COMMISSION

**DATE:** August 25, 2020

**TO:** Members of the Special District Board of Directors

**FROM:** John Benoit, LAFCO Executive Officer

**SUBJECT:** Nomination Ballot for Independent Special District Members and Alternate to fill Independent Special District seats on LAFCO

Calaveras LAFCO is in the process of seeking two sitting Independent Special District Board of Director Members to serve on LAFCO (two regular LAFCO members and one Alternate LAFCO member) to represent Independent Special Districts as members of the Calaveras Local Agency Formation Commission. These members will serve four-year terms ending in May 2024.

The Calaveras Local Agency Formation Commission is calling for nominations to seat two Regular Independent Special District Commissioners and one Alternate Independent Special District Commissioner to serve on the Local Agency Formation Commission.

**LAFCO is requesting all nominations be received by LAFCO prior to 5:00 PM Friday, October 30, 2020.**

Not all Independent Special District Boards of Directors will desire or are in any way required to file nominations with LAFCO. Nominations may be made by the presiding officer (chair) of your district or a board member so designated by your board of directors.

Independent Special District representatives on LAFCO may not be an employee of a special district, the City of Angels Camp or the County. This nomination is for sitting Special District Board of Director Members only. The Independent Special District representatives and alternate representative must be able and available to regularly attend Commission meetings and (or) hearings. An Independent Special District member, as are all other Commissioners, is required to file an annual Statement of Economic Interest (700 form).

The LAFCO Commission normally meets the third Monday at 6:00 PM of every other month. There is a meeting stipend of \$50.00 per meeting for both regular and alternate members. The alternate member is encouraged to participate in all LAFCO processes but may only vote when a regular member is not present or otherwise is unable to participate in a given action before LAFCO.

Upon conclusion of this nomination process, a ballot to elect the LAFCO representatives will be mailed to each Independent Special District. The presiding officer of each Independent Special District Board will have one vote. If LAFCo does not receive more than three nominations, the election will be waived and the nominees receiving the highest number of votes will be seated as an Independent Special District's regular member representatives for this term and the nominee receiving the third highest number of votes will be appointed the Independent Special District alternate.

**The nomination period will close on Friday, October 30, 2020. Nomination Ballots must be received by 5:00 PM that day.** If your presiding officer desires to nominate one of your sitting Board of Director members to serve on LAFCO, please submit the attached nomination ballot to John Benoit, Executive Officer, P.O. Box 2694 Granite Bay, CA 95746 or by email [j.benoit4@icloud.com](mailto:j.benoit4@icloud.com) by September 25<sup>th</sup>, 2020. If you have any questions please call (209) 754-6511 or 707.592.7528.