

**CALAVERAS LAFCO**

**Calaveras Local Agency Formation Commission**

**Agenda**

**NOTE THIS MEETING WILL A PHYSICAL MEETING**

**AT**

**THE CALAVERAS COUNTY BOARD OF SUPERVISOR'S ROOM  
891 MOUNTAIN RANCH ROAD  
SAN ANDREAS, CA**

**Regular Meeting Agenda**

**Monday – November 21, 2022 – 6:00 p.m.**

**In person meeting:** Required for all Commissioners. The Calaveras LAFCO meeting will be open to in-person attendance. To remain in compliance with the state's public health guidance and CalOSHA COVID-19 Emergency Temporary Regulations [8 CCR §3205], masks will be encouraged to be worn by individuals who are not fully vaccinated while inside the Government Center and while in the Board Chambers.

**Zoom meeting:** The Commission proceedings are available via Zoom and you may participate. Members of the public are encouraged to observe and participate in the teleconference. *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.

**Time: Nov 21, 2022 06:00 PM Pacific Time (US and Canada)**

**Join Zoom Meeting**

**<https://us02web.zoom.us/j/89279193279?pwd=TmEzN1cxUFJSQk1XSzVCeTRoYXRZRz09>**

**Meeting ID: 892 7919 3279**

**Passcode: 841050**

**One tap mobile**

**+16699006833,,89279193279#,,,,\*841050# US (San Jose)**

**+16694449171,,89279193279#,,,,\*841050# US**

**Dial by your location**

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

**+1 669 444 9171 US**

**Meeting ID: 892 7919 3279**

**Passcode: 841050**

**Find your local number: <https://us02web.zoom.us/j/89279193279?pwd=TmEzN1cxUFJSQk1XSzVCeTRoYXRZRz09>**

*LAFCO Office Located at: P.O. Box 2694 Granite Bay, CA 95746*

*Telephone: 707 592-7528*

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

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

**1. Call to Order/Pledge of Allegiance/Roll Call**

Commissioners

Alternate Commissioners

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

Ralph Copeland, Public Member Alt.  
Alvin Broglio, City Member Alt.  
Jon Dashner, Special Dist. Member Alt.  
Amanda Folendorf, County Member Alt

**Staff:**

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

**2. 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.

**3. Consider minutes of September 19, 2022**

*a. Approve September 19, 2022 LAFCo Minutes*

**4. Consent Agenda:**

- a. Review and Authorize Claims for September and October 2022
- b. Resolution 2022-0010 authorizing teleconferencing for the Nov 21, 2022 meeting.
- c. 2023 LAFCo Regular meeting schedule

**5. Correspondence:**

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Telephone: 707 592-7528

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

**Workshop:**

6. ***Sphere of Influence*** update for Road Community Services Districts in Calaveras County including the Appaloosa Road (ARCSD), Circle XX (CXXCSD), Copper Cove Rocky Road (CCRRCSD), Lynn Park Acres (LPACSD), Middle River (MRCSD), Mountain Ranch Subdivision (MRSCSD), Three Cent Flat (TCFCSD), and Wallace (WCSD) –

a. *Receive Executive Officer's report*

7. **Review of the Calafco Annual Conference in Orange County**

8. **Executive Officer' s report**

a) *Bylaws update*

b) *UPUD MSR*

c) *Report: Meeting with Copper Cove Rocky Road CSD October 13<sup>th</sup>*

d) *SB-938 LAFCO protest proceedings*

e) *Nancy's last day as Clerk. New Clerk to be Paige Hensley*

9. **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

10. **NEXT LAFCO MEETING will be: January 23, 2023 - 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, September 19, 2022

1. **Call to Order/Roll Call** – Order was called by Chair Paque at 6:15 p.m. on Monday, September 19, 2022.

### Commissioners Present

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

### Commissioners Absent

Amanda Folendorf, County Mem. Alt  
Alvin Broglio, City Member Alt.  
Vacant, Special District Member Alt.

### Staff Present

John Benoit, Executive Officer  
Nancy Mees, LAFCO Clerk

### Others Present

2. **Public Comment:**

There was no public comment.

3. **Consider Minutes of July 18, 2022, LAFCo meeting:**

**MOTION** by Commissioner Tyrrell to approve the minutes of the July 18, 2022, LAFCo meeting as presented, second by Commissioner Herndon. Motion passed 7 yes, 0 no, 0 absent.

4. **Consent Agenda:**

- a. *Review and authorize claims for July and August 2022.*
- b. *Resolution 2022-0009 authorizing teleconference for the September 19, 2022, meeting.*

**MOTION** by Commissioner Tyrrell to approve the Consent Agenda and Claims for July and August 2022 as presented, and Resolution 2022-0009 authorizing teleconference for the September 19, 2022, meeting, second by Commissioner Moncada. Motion passed 7 yes, 0 no, 0 absent.

**5. Correspondence:**

There was no correspondence.

**Public Hearing**

**6. Public Hearing Regarding the Service Review (MSR) for Road Community Services Districts in Calaveras County including Appaloosa Road (ARCSD), Circle XX (CXXCSD), Copper Cove Rocky Road (CCRRCSD), Lynn Park Acres (LPACSD), Middle River (MRCSD), Mountain Ranch Subdivision (MRSCSD), Three Cent Flat (TCFCSD), and Wallace (WCSD):**

*a. Receive Executive Officer's report.*

Executive Officer Benoit stated that he had rewritten most of this MSR because he had received a lot of new data from the County Elections and Auditors offices. He added new sections regarding audit requirements and other new requirements set forth in SB 398. Mr. Benoit reported that many of the districts are not in compliance with these requirements. He also added a new section defining the differences between CSAs and CSDs.

Mr. Benoit further reported that Three Cent Flat will have no board beginning in November, so the question is what happens then. The district cannot be dissolved because it still has money in its account, although it could possibly be dissolved via the SB 398 process. Commissioner Tofanelli asked what the agreement with the county had been when the subdivision was formed, and Mr. Benoit replied that they had agreed to form a CSD. Commissioner Tofanelli then stated he would check with County Counsel as to how to proceed, and said he thought the Board of Supervisors might be able to appoint a board for the district. Mr. Benoit reported that the board for the other districts are fine.

Mr. Benoit stated that all the districts have web pages, and one has a Facebook page. Overall, most of the districts are in good shape, with perhaps one item that is inconsistent with the requirements. There was then some discussion among the Commission Members regarding audit periods. Mr. Benoit further stated that one district has not been posting agendas, but most of the districts are complying with the Brown Act. Some districts have bylaws, but ethics training is generally lacking. Most have annual budgets, but need to review their Conflict of Interest Codes. The majority of districts include their capital improvement plans and pavement management systems within their budgets. LAFCo will need to follow up to ensure the districts are completing the items they need to do. Mr. Benoit then recommended the MSR be approved.

Chair Paque commended Executive Officer Benoit on the work he has done on this MSR, and that it was worth waiting to approve it until Mr. Benoit had obtained the

updated information and added the new sections. She then asked what needs to be done to ensure follow-up on the MSR. Mr. Benoit responded that he will send the MSR to each district, pointing out the particular items that each district needs to address.

- b. *Conduct hearing and consider Resolution 2022-0007 adopting a Service Review of Road Services for Road Community Service Districts.*

There was no public comment, so Chair Paque closed the Public Hearing.

**MOTION** by Commissioner Callaway to approve the Municipal Service Review for Road Community Service Districts as presented, second by Commissioner Herndon. Motion passed by roll call vote: 7 yes, 0 no, 0 absent.

Executive Officer Benoit stated that passage of the resolution authorizes him to prepare the SOIs for the districts, so he will proceed with that.

#### **7. Biennial Review of LAFCo's Conflict of Interest Codes**

- a. *Review LAFCo's Conflict of Interest Code.*

Executive Officer Benoit explained that LAFCo is mandated to review its Conflict of Interest Code every two years. He does not recommend any changes.

- b. *Authorize the Executive Officer to sign the Biennial Conflict of Interest Code review form and transmit to the Code Reviewing Body.*

**MOTION** by Commissioner Tyrrell to authorize the Executive Officer to sign the Biennial Conflict of Interest Code review form and to transmit it to the Code Reviewing Body, second by Commissioner Tofanelli. Motion passed 7 yes, 0 no, 0 absent.

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

- a. *Special District Alternate Recruitment.*

Executive Officer Benoit reported that it looks like John Dashman will be the new Special District Alternate as he has the most votes so far.

- b. *Calafco Annual Conference October 19-21.*

Executive Officer Benoit stated that everyone on the Commission is set for the conference, and that Commissioners Moncada and Herndon are signed up for the LAFCo 101 session. He added that he has been asked to be on one of the panels and will talk about service reviews and follow-up. Mr. Benoit also stated that Commissioner Tofanelli will be running for a seat on the Calafco board since the incumbent decided not to run.

c. *Bylaws update.*

Mr. Benoit reported that the changes were mostly correction of grammatical errors. The updates will also take into account the fact that many things are now done electronically.

d. *UPUD MSR.*

Executive Officer Benoit stated that he wants to meet with the district again. He has written a draft, but there is some further information he needs.

e. *CSD's Sphere of Influence.*

f. *Meet with Copper Cove Rocky Road CSD October 13<sup>th</sup>.*

g. *SB 398 LAFCO protest proceedings.*

Executive Officer Benoit stated that the prior threshold for protests had been 10%, but SB 398 changes that to 25%. Local LAFCOs are also now allowed to initiate dissolution of a district for various specified reasons, although he stated that there is still an issue as to who will be the successor.

**9. Commissioner Reports:**

Commissioner Tofanelli reported that the county has received a three million dollar grant

**10. Adjournment:**

Meeting was adjourned at 6:58 p.m. The next regular meeting will be Monday, November 21, 2022, at 6:00 p.m. in San Andreas.

Minutes submitted by Nancy Mees.

**DATED:**

\_\_\_\_\_

**APPROVED:**

\_\_\_\_\_

\_\_\_\_\_  
Anita Paque, Chair,  
Calaveras Local Agency Formation



**CALAVERAS LAFCO**  
**LAFCO CLAIM AUTHORIZATION FORM**

for

**September and October 2022**

Authorize payment of the following claims:

**FY 2022-2023 Expenses:**

<u>Date of Claim</u>	<u>Description</u>	<u>Amount</u>
Sept 19, 2022	Commission meeting stipends	\$ 800.00
Oct 1, 2022	Staff Svcs and Expenses Sept 2022	\$ 7,489.43
Nov 1, 2022	Staff Svcs and Exp Oct 2022	\$ 5,005.26
Nov 1, 2022	Calafco Reimbursement K. Smith	\$ 1,054.76
Nov 1, 2022	Calafco Reimbursement G. Tofanelli	\$ 671.46
Nov 1, 2022	CSDA Dues for 2023	\$ 500.00
	TOTAL:	\$ 15,520.91

DATED: Nov 21, 2022

APPROVED: Nov 21, 2022

\_\_\_\_\_  
 Anita Paque, Chair or Kirk Smith, Vice-Chair  
 Calaveras Local Agency Formation Commission

Attest:

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

Item	Account Number	Comm Stipends	Insurance	Communication	Memberships	SanOfficeExp	Postage	copies	MSR	SOI	Ex. OFF. Svcs	City Fin Charge	Lgl Notices	Training
		62001	62050	62051	62052	62053	62054	62055	62057	62058	62059	62060	62061	62062
Total Budgeted		\$ 6,600.00	\$ 2,847.00	\$ 800.00	\$ 2,197.00	\$ 350.00	\$ 500.00	\$ 1,500.00	\$ 25,000.00	\$ 20,000.00	\$ 47,000.00	\$ 3,600.00	\$ 500.00	\$ 4,000.00
Calafco dues 22-23					\$ (1,696.00)									
SDRMA Insurance 22-23		\$ (700.00)	\$ (2,824.92)											
Payroll 7.18.22				\$ (67.19)		\$ (33.35)	\$ (1.00)	\$ (15.00)			\$ (4,894.40)			\$ (3,570.00)
Staff Svcs July 2022														
Calafco Conf Regis 2022				\$ (80.64)		\$ (13.99)		\$ (4,394.80)			\$ (3,000.00)			
September 2022 staff services		\$ (800.00)												
Payroll 9.19.22				\$ (67.80)		\$ (11.94)		\$ (20.00)		\$ (2,000.00)	\$ (2,415.60)			\$ (354.92)
Staff Svcs October 2022														
Kirk Smith Conf. Reimbursement					\$ (500.00)									
Gary Tofanelli Conf Reimbursement				\$ (80.64)		\$ (13.99)					\$ (4,394.80)			
CSDA dues 2023														
Staff Svcs August 2022														

<b>TOTAL EXPENDED</b>		\$ 5,100.00	\$ 22.08	\$ 503.73	\$ 1.00	\$ 276.73	\$ 499.00	\$ 1,465.00	\$ 17,605.20	\$ 18,000.00	\$ 32,295.20	\$ 3,600.00	\$ 500.00	\$ 3,524.88
<b>TOTAL REMAINING</b>														75.08



**RESOLUTION NO. 2022-0010**

**A RESOLUTION OF THE CALAVERAS LAFCO OF THE AUTHORIZING A  
REMOTE TELECONFERENCE MEETING OF THE COMMISSION PURSUANT TO  
GOVERNMENT CODE SECTION 54953(e)**

WHEREAS, Government Code section 54953(e), as amended by Assembly Bill No. 361, allows legislative bodies to hold open meetings by teleconference without reference to otherwise applicable requirements in Government Code section 54953(b)(3), so long as the legislative body complies with certain requirements, there exists a declared state of emergency, and one of the following circumstances is met:

1. State or local officials have imposed or recommended measures to promote social distancing.
2. The legislative body is holding the meeting for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.
3. The legislative body has determined, by majority vote, pursuant to option 2, that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

WHEREAS, the Governor of California proclaimed a state of emergency pursuant to Government Code section 8625 on March 4, 2020; and

WHEREAS, the CALAVERAS LAFCO desires to hold its public meetings by teleconference consistent with Government Code section 54953(e).

NOW, THEREFORE, THE CALAVERAS LAFCO DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Conditions are met. The CALAVERAS LAFCO hereby finds and declares the following, as required by Government Code section 54953(e)(3):

1. The Governor of California proclaimed a state of emergency on March 4, 2020, pursuant to Government Code section 8625, which remains in effect.
2. The reasons for adopting this resolution are one or more of the following:
  - a. State or local officials have imposed or recommended measures to promote social distancing.
  - b. The legislative body is holding the meeting for the purpose of determining whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

- c. The legislative body has determined that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

PASSED AND ADOPTED by the Calaveras LAFCo, this 21st day of November 2022 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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Anita Paque, Chair or Kirk Smith, Vice Chair  
Calaveras Local Agency Formation Commission

ATTEST:

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John Benoit, Executive Officer

CALAVERAS LOCAL AGENCY FORMATION COMMISSION

# CALAVERAS LAFCO

## 2023 Commission Regular Meeting Schedule

6:00 p.m.

Board of Supervisors Chambers, Government Center  
891 Mountain Ranch Road  
San Andreas, California

**January 23rd**

*(note: January 16th  
is Martin Luther King Day)*

**July 17<sup>th</sup>**

**March 20th**

**September 18<sup>th</sup>**

**May 15<sup>th</sup>**

**November 20<sup>th</sup>**

Unless otherwise provided by resolution of the Commission, regular meetings of the Commission are scheduled for the **third Monday** of every other month at 6:00 p.m. in the Board of Supervisors' Chambers, 891 Mountain Ranch Road, Government Center, San Andreas, California. **Regular meetings are scheduled during the months of January, March, May, July, September, and November. Alternate meeting months in which a LAFCo meeting may be scheduled are: February, April, June, August, October, and December.** In the event of a scheduled holiday, the regular meeting shall be held at the same place upon the first succeeding Monday which is not a holiday, commencing at the same hour, in which event all hearings, applications, petitions and other matters before the Commission are continued to the same hour of the next succeeding day which is not a holiday. The Commission may, at its own discretion, meet at a different time or place from time to time, provided that public notice of such time and place is given in accordance with the Ralph M. Brown Act, Government Code Section 54954 et seq. and applicable provisions of the LAFCo Act.