

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 13th.*

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