

Agenda

NOTE THIS MEETING WILL BE A ZOOM MEETING

Calaveras Local Agency Formation Commission

Regular Meeting Agenda

Monday – March 15, 2021 – 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

Instructions for joining meeting via Zoom are as follows:

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 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)

6:00 PM Regular LAFCo Meeting Items:

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

Commissioners

John Lavaroni, 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.
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. Approval of Agenda (Deletions/Additions)

3. Consider minutes of January 25, 2021

a. *Approve January 25, 2021 LAFCo Minutes*

4. Consent Agenda:

a. *Review and Authorize Claims for January and February 2021*

5. Correspondence:

Appeals Court Decision – LAFCo Indemnity Agreements and post proceeding costs

6. LAFCO 2021-0001 A request by Chester Murphy to annex one parcel of land APN 044-009-097 (79.87 acres) into the Calaveras Public Utility District in the San Andreas area of Calaveras County for the purpose of receiving one domestic water connection.

a) *Review Executive Officer's report and consider the Chester Murphy annexation and LAFCo Resolution 2021-0001*

Public Hearings:

7. Mokelumne Hill Sanitary District Service Review and Sphere of Influence (MSR and SOI)

a. *Review Service Review and Sphere of Influence Report, Conduct Public Hearing and consider LAFCo Resolution 2021-0002 adopting a Municipal*

Service Review for wastewater services being provided by the Mokelumne Hill Sanitary District

- b. *Consider LAFCo Resolution 2021-0003 adopting a Sphere of Influence for the Mokelumne Hill Sanitary District.*

8. 2021-2021 LAFCo Proposed Annual Budget

- a. *Conduct public hearing, discuss and consider LAFCo's 2021-0004 proposed annual budget.*

Other Business:

9. Executive Officer' s report

- a. *San Andreas Sanitary District MSR and SOI*
- b. *Community Services District MSR and SOI*
- c. *CSDA Special District Laws Guide*

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: May 17, 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

Email LAFCO at: j.benoit4@icloud.com

Calaveras Local Agency Formation Commission

Meeting Minutes – Monday, January 25, 2021

1. **Call to Order/Roll Call** – Order was called by Vice-Chair Callaway at 6:07 p.m. on Monday, January 25, 2021, via video conference.

Commissioners Present

Merita Callaway, County Member, Vice Chair
Gary Tofanelli, County Member
Jennifer Herndon, City Member
Isabel Moncada, City Member
Tony Tyrrell, Special Dist. Member
Anita Paque, Public Member
Amanda Folendorf, County Member Alt.

Commissioners Absent

Alvin Broglio, City Member Alt.
John Lavaroni, Special Dist. Mem.
Jon Dashner, Special Dist. Mem. Alt.
Roark Weber, Public Member Alt.

Staff Present

John Benoit, Executive Officer
Nancy Mees, LAFCO Clerk

Others Present

2. **Approval of Agenda:**

As there were no additions or deletions, Vice-Chair Callaway approved the agenda as presented.

3. **Consider Minutes of the November 16, 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 November and December 2020.

MOTION by Commissioner Tofanelli to approve the Consent Agenda and Claims for November and December 2020 as presented, second by Commissioner Tyrrell. Motion passed 6 yes, 0 no, 0 abstention, 1 absent.

5. **Correspondence:**

CALAFCO Calendar for 2021

Executive Officer Benoit explained that Commissioners attending the State Conference this year will be determined at the meeting in which the budget is discussed.

6. Workshop regarding the Mokelumne Hill Sanitary District Service Review and Sphere of Influence (MSR and SOI):

Executive Officer Benoit gave a brief description of what MSRs and SOIs are for the benefit of the new Commissioners. He then stated that the last MSR/SOI for the Mokelumne Hill Sanitary District was done about ten years ago.

Mr. Benoit reported that this district is a severely disadvantaged district. The district does have an adequate sewer and wastewater system, and is constantly working to fix problems in the collection system. Capacity is adequate. The district is financially solvent. There is no opportunity for sharing facilities, however, as the next closest sanitary district is too far away. The district has a full board which operates efficiently and posts notices timely and publicly.

Mr. Benoit pointed out that an area which is in the sphere, but not in the district's boundary, is where the irrigation field is located. He added that the district should annex that area, but that it is not required. He concluded by saying that the Public Hearing on this MSR/SOI will be held at the next meeting.

Vice-Chair Callaway asked if Mr. Benoit had received any feedback from the district, and he replied that he had received updated figures, board information, and financials.

7. Special District Members and Alternate:

Having not received a quorum of Special Districts voting, discuss staff sending out a second ballot to non-responding districts.

Executive Officer Benoit reported that nine districts responded and 33 did not. According to the codes, those 33 districts will therefore have to be given another 60 days to respond. Mr. Benoit feels that all of the ballots should be mailed this time rather than emailed, and the instructions will be written so that it is clear that only the chair needs to sign the ballot, not the entire board.

Vice-Chair Callaway asked whether, if there is still no quorum, could the election be based on the ballots received. Mr. Benoit responded that the rules say there must be a quorum (which would be 21 districts' votes in Calaveras County), and if there is no quorum, the persons who are currently seated would retain their positions. He added that the ballots will be sent out this week or the next.

8. Executive Officer's Report

a) Future Projects.

Executive Officer Benoit stated that there is an annexation that will be coming up soon.

b) *Angels Camp Sphere of Influence.*

Mr. Benoit reported that this should be done soon. There was then some discussion among the Board regarding the last time the Angels Camp SOI was voted on.

c) *San Andreas Sanitary District and UPUD MSR and SOI.*

d) *CSDA Pay What You Can Program.*

Mr. Benoit explained that districts which meet certain criteria can join CSDA at a lower rate, and that there are several districts in Calaveras County that are on that list, mostly cemetery districts and small road maintenance districts. Commissioner Paque stated that it was her understanding that this program was good for two years. Mr. Benoit replied that that was correct, but that districts that have small budgets generally have had to pay less anyway.

e) *CSDA Special District Laws Guide.*

Mr. Benoit reported that the Guide is on the Calaveras LAFCo website. He hopes that it will be helpful because many of the small districts are not in compliance with all of the laws. Vice-Chair Callaway asked about how LAFCo is reaching out to the districts. Mr. Benoit replied that staff could send a notice of this program out when the Special District ballots are mailed. Commissioner Tofanelli requested that Jenny Lind VMD be added to the list of districts qualifying for this program.

9. Commissioner Reports

Commissioner Paque reported that there had just been a CALAFCO Board meeting. Discussion of §56143 regarding extension of services will be coming up this year due to the fact that many Special Districts have been trying to circumvent LAFCO in their service extension projects. CALAFCO would like to see if there is a way of resolving this without having to go through the Legislature. Another issue regards mutual water companies being purchased by private companies, which then raise prices. This generally happens in disadvantaged communities so that there then becomes an issue of being able to provide adequate water and wastewater to that community. Finally, Ms. Paque said the CALAFCO Board had reviewed its dues structure for the coming year, and that Calaveras LAFCo's dues would increase about six dollars.

Executive Officer Benoit reminded the Commissioners that 700 Forms are due April 1 and that they should be sent to him.

10. Public Comment:

There was no public comment.

11. Adjournment

Meeting was adjourned at 6:47 p.m. The next regular meeting will be Monday, March 15, 2021, at 6:00 p.m.

Minutes submitted by Nancy Mees.

DATED:

APPROVED:

Merita Callaway, Vice Chair,
Calaveras Local Agency Formation

CALAVERAS LAFCO

LAFCO CLAIM AUTHORIZATION FORM

for

Item #4

January and February 2021

Authorize payment of the following claims:

<u>Date of Claim</u>	<u>Description</u>	<u>Amount</u>
FY 2020-2021 Expenses:		
Jan 25, 2021	Commission meeting stipends	\$ 350.00
Feb 1, 2021	Staff Svcs and Expenses Jan 2021	\$ 5,280.84
Mar 1, 2021	Staff Svcs and Exp Feb 2021	\$ 5,874.32
Feb 14, 2021	Valley Springs News MHSD MSR And SOI and 2021-2022 Budget	\$ 5,873.77
	TOTAL:	\$ 11,183.11

DATED: March 15, 2021

APPROVED: March 15, 2021

Merita Callaway, Vice-Chair
Calaveras Local Agency Formation Commission

Attest:

John Benoit
Executive Officer

Account Number	Item	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
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	\$ 45,000.00	\$ 3,600.00
Calafco dues 20-21					\$ (1,620.00)							
SDRMA Insurance 20-21			\$ (2,325.00)									
July 20, 2020 Laico meeting		\$ (300.00)					\$ (14.20)	\$ (187.10)	\$ (2,000.00)		\$ (3,550.00)	
Staff Svcs July 2020 Inv 0061				\$ (41.77)								
Staff Svcs August 2020 Inv 0073				\$ (41.96)			\$ (1.42)	\$ (1.00)				
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 CLP 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												
TOTAL EXPENDED		\$ 1,900.00	\$ 2,325.00	\$ 393.13	\$ 2,120.00	\$ 64.00	\$ 70.87	\$ 317.80	\$ 12,050.00	\$ 20,000.00	\$ 22,625.00	\$ 3,600.00
TOTAL REMAINING		\$ 2,000.00	\$ 675.00	\$ 406.89	\$ -	\$ 286.00	\$ 429.13	\$ 1,182.20	\$ 12,950.00	\$ 20,000.00	\$ 22,375.00	\$ 3,600.00

