

CALAVERAS LAFCO

Calaveras Local Agency Formation Commission

Agenda

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

Regular Meeting Agenda

Monday – January 23, 2023 – 6:00 p.m.

Zoom meeting: Available to the public

Agenda materials are also available on the Calaveras LAFCO website at www.calaveraslafco.org

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

Topic: Calaveras LAFCo

Time: Jan 23, 2023 06:00 PM Pacific Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/88954614245?pwd=ZmxJMXllc1ZQdWRubmd3bFFzNkhFdz09>

Meeting ID: 889 5461 4245

Passcode: 752350

One tap mobile

+16699006833,,88954614245#,,,,*752350# US (San Jose)

+16694449171,,88954614245#,,,,*752350# US

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Find your local number: <https://us02web.zoom.us/u/kStW3xJRw>

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

Telephone: 707 592-7528

Email 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
_____, 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
Paige Hensley, 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 November 21, 2022

a. *Approve November 21, 2022 LAFCo Minutes*

4. Consent Agenda:

a. Review and Authorize Claims for November and December 2022

5. Correspondence: CALAFCo White Paper: Planning for a Sustainable and Predictable Future

Workshop:

6. Sphere of Influence update for Road Community Services Districts in Calaveras County including the Appaloosa Road (ARCSD), Circle XX (CXXCSD), Copper

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Cove Rocky Road (CCRRCSD), Lynn Park Acres (LPACSD), Middle River (MRCSD), Mountain Ranch Subdivision (MRSCSD), Three Cent Flat (TCFCSD), and Wallace (WCSD) –

- a. *Conduct workshop with Districts*
- b. *Schedule Public Hearing for adoption on March 20, 2023.*

Workshop

7. Review Bylaws Update

- a) *Review workshop draft bylaws update*
- b) *Schedule for adoption on March 20, 2023*

8. Review of AB 2449: Commissioner remote teleconferencing

- a) *Review new requirements with LAFCo Staff*

9. Executive Officer' s report

- a) *UPUD and RCD MSR status update*
- b) *700 forms due April 1st*
- c) *Bylaws template*
- d) *Calafco Staff Workshop in Murphys*
- e) *Paige Hensley as new LAFCo Clerk.*

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. NEXT LAFCO MEETING will be: March 20, 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

Email LAFCO at: j.benoit4@icloud.com

Calaveras Local Agency Formation Commission Meeting Minutes – Monday, November 21, 2022

1. **Call to Order/Roll Call** – Order was called by Vice Chair Smith at 6:03 p.m. on Monday, November 21, 2022.

Commissioners Present

Kirk Smith, Spec. Dist. Mem., Vice Chair
Merita Callaway, County Member
Amanda Folendorf, County Mem. Alt
Isabel Moncado, City Member
Jennifer Herndon, City Member (arrived late)
Tony Tyrrell, Special District Member
Ralph Copeland, Public Member Alt.

Commissioners Absent

Anita Paque, Public Member, Chair
Gary Tofanelli, County Member
Alvin Broglio, City Member Alt.
Jon Dashner, Special District Mem. 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 September 19, 2022, LAFCo meeting:**

MOTION by Commissioner Folendorf to approve the minutes of the September 19, 2022, LAFCo meeting as presented, second by Commissioner Callaway. Motion passed 5 yes, 0 no, 1 absent, 1 abstention.

4. **Consent Agenda:**

- a. *Review and authorize claims for September and October 2022.*
- b. *Resolution 2022-0010 authorizing teleconference for the November 21, 2022, meeting.*

MOTION by Commissioner Callaway to approve the Consent Agenda and Claims for September and October 2022 as presented, and Resolution 2022-0010 authorizing teleconference for the November 21, 2022, meeting, second by Commissioner Tyrrell. Motion passed 7 yes, 0 no, 0 absent.

5. Correspondence:

There was no correspondence.

Workshop

6. Sphere of Influence update 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):

Receive Executive Officer's report.

Executive Officer Benoit reported that there were numerous deficiencies with the districts, however many are improving. He met with Copper Cove Rocky Road CSD in Copperopolis and was surprised by the number of people in attendance. One of the districts (Three Cent Flat) does not have a board anymore as all members had quit.

Mr. Benoit's initial recommendation is that Wallace CSD would have an annexable sphere, while the other seven districts would have coterminous spheres of influence. Because Three Cent Flat CSD does not have a board of directors, perhaps the recommendation for that district should be a zero SOI in order to send them a message that they should dissolve. Commissioner Smith recommended looking at Section 845 of the Civil Code as an alternative for providing services if Three Cent Flat does not wish to continue as a special district.

Mr. Benoit suggested a bylaws template for use by the districts, and will share it initially with Commissioner Folendorf and the Commission. He concluded by stating that there will be a workshop with the districts at the January 2023 LAFCo meeting.

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

Executive Officer Benoit explained that SB 938 will change the way LAFCOs will operate with respect to protest proceedings. There was discussion about fire district consolidations. Mr. Benoit stated that there will be an effort to use email rather than postal mail when commenting on legislation. There is also a proposal out regarding indemnity agreements.

8. Executive Officer's Report:

a. Bylaws update.

Executive Officer Benoit reported that there will be a bylaws update ready for the January 2023 meeting.

b. UPUD MSR.

Executive Officer Benoit explained that he met with the General Manager for UPUD, Summer Nicotero, and that he will send the district a list of items needed by

LAFCo and the district will respond.

c. *Report: Meeting with Copper Cove Rocky Road CSD October 13.*

Mr. Benoit reported on the meeting with Rocky Road CSD on October 13.

d. *SB 938, LAFCo Protest Proceedings.*

Executive Officer Benoit stated that this had already been discussed under Agenda Item 7.

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

The Commission thanked Clerk Mees for her years of service to the Commission, and she responded that she had enjoyed working with Calaveras LAFCo.

9. Commissioner Reports:

Commissioner Callaway presented Executive Officer Benoit with a small gift in appreciation for all the work he has done for her as a Commissioner, as well as for the Commission.

10. Adjournment:

Meeting was adjourned at 6:45 p.m. The next regular meeting will be Monday, January 31, 2023, at 6:00 p.m. in San Andreas.

Minutes submitted by Nancy Mees.

DATED:

APPROVED:

Anita Paque, Chair,
Calaveras Local Agency Formation

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CALAVERAS LAFCO

LAFCO CLAIM AUTHORIZATION FORM

for

November and December 2022

Authorize payment of the following claims:

FY 2022-2023 Expenses:

<u>Date of Claim</u>	<u>Description</u>	<u>Amount</u>
Nov 21, 2022	Commission meeting stipends	\$ 700.00
Dec 1, 2022	Staff Svcs and Expenses Nov 2022	\$ 6,864.49
Jan 1, 2023	Staff Svcs and Exp Dec 2022	\$ 5,247.41
	TOTAL:	\$ 12,831.90

DATED: January 23, 2023

APPROVED: January 23, 2023

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	Office Ext	Postage	copies	MSR	SOI	Ex. OFF. Svcs	City Fin Change Lgl Notices	Training
		62001	62050	62051	62052	62053	62054	62055	62057	62058	62059	62060	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	\$ 4,000.00
Calafco dues 22-23					\$ (1,696.00)								
SDRMA Insurance 22-23			\$ (2,824.92)										
Payroll 7.18.22		\$ (700.00)											
Staff Svcs July 2022				\$ (67.19)		\$ (33.35)	\$ (1.00)	\$ (15.00)			\$ (4,894.40)		
Calafco Conf Regis 2022													\$ (3,570.00)
September 2022 staff services						\$ (13.99)			\$ (4,394.80)		\$ (3,000.00)		
Payroll 9.19.22		\$ (800.00)											
Staff Svcs October 2022				\$ (67.80)		\$ (11.94)		\$ (20.00)		\$ (2,000.00)	\$ (2,415.60)		\$ (354.92)
Kirk Smith Conf. Reimbursement													
Gary Tofanelli Conf Reimbursement					\$ (500.00)								
CSDA dues 2023				\$ (80.64)		\$ (13.99)			\$ (3,000.00)		\$ (4,394.80)		
Staff Svcs August 2022													
Anita Paque Conf Reimb 2022													
Reimb Calafco confg IlMoncada													
Staff Svcs November 2022				\$ (74.49)				\$ (40.00)	\$ (3,650.00)		\$ (3,000.00)		
payroll 11.21.2022		\$ (700.00)											
Staff Svcs December 22				\$ (74.49)		\$ (0.60)				\$ (2,192.32)	\$ (3,000.00)		

TOTAL EXPENDED		\$ 4,400.00	\$ 22.08	\$ 354.75	\$ 1.00	\$ 276.73	\$ 498.40	\$ 1,425.00	\$ 13,955.20	\$ 15,807.68	\$ 26,295.20	\$ 3,600.00	\$ 3,924.92
TOTAL REMAINING		\$ 2,200.00	\$ 2,824.92	\$ 445.25	\$ 506.00	\$ 73.27	\$ 1.60	\$ 75.00	\$ 11,044.80	\$ 4,192.32	\$ 20,704.80	\$ 500.00	\$ 4,000.00

MEMMORANDUM
January 23, 2023

Item # 8

TO: Calaveras LAFCo Commissioners

FROM: John Benoit, Executive Officer:

SUBJECT: AB 2449 Summary and explanation of new requirements

On September 13, 2022, Governor Newsom signed Assembly Bill No. 2449 (Rubio) ("AB 2449"), effective January 1, 2023. The bill amends the Brown Act to authorize teleconferencing when a Commissioner can demonstrate "just cause" or an "emergency circumstance."

Beginning January 1, 2023, AB 2449 will provide agencies with an additional method to organize teleconferenced meetings. LAFCO Commissioners should familiarize themselves with these Brown Act provisions to make use of them when appropriate.

Further, AB 2449 requires the Commission to "implement a procedure for receiving and swiftly resolving requests for reasonable accommodations for individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990.

Prior to Covid-19, the Brown Act authorized teleconferencing under the following:

1. The Commission "shall post agendas at all teleconference locations;
2. "Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding";
3. "Each teleconference location shall be accessible to the public; and
4. "At least a quorum of members of the legislative body shall participate from locations within the boundaries of the ...jurisdiction."

AB 2449 amends the teleconferencing provisions of the Brown Act.

For an agency to use the procedures under AB 2449, there must at least be a quorum of Commissioners participating in person from a singular, physical location identified on the agenda; the location must be accessible to the public; and the meeting location must be within the local agency's jurisdiction.

Local agencies must provide at least one of the following to facilitate a public meeting that equally allows remote participants to interact:

A two-way audio-visual platform (defined to mean an online platform that provides participants with

the ability to participate in a meeting through an interactive video conference and a two-way telephonic function); and/or

Live webcasting of the meeting and a two-way telephonic service (defined to mean a telephone service that does not require internet access, is not provided as part of a two-way audiovisual platform and allows participants to dial a telephone number to listen and verbally participate).

When participating remotely, Commissioners shall participate through both audio and visual technology. Before any official action is taken, the Commissioner must publicly disclose whether any other individuals 18 years or older are in the room at the remote location with the Commissioner, and what the individual's relationship is to the Commissioner.

If a disruption occurs that prevents the Commission from convening the meeting both remotely and in person, the Commission will take no further action on the meeting agenda until public access to the meeting has been restored. This includes situations where the online platform for remote participation has been disrupted and the public may no longer access the meeting remotely when a Commissioner can demonstrate "just cause" or an "emergency circumstance."

"Just cause" means any of the following:

A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely;

A contagious illness that prevents a Commissioner from attending in person;

A need related to a physical or mental disability; or

Travel while on official business of LAFCO or another state or local agency.

"Emergency circumstance" means a physical or family medical emergency that prevents a Commissioner from attending in person.

The procedures for invoking "just cause" or an "emergency circumstance" are different:

	Just Cause	Emergency Circumstance
Reason must be disclosed to the Commission	Yes	Yes
Reason for teleconferencing needs to be approved by the Commission	No	Yes

When such request must be made	At the earliest opportunity	As soon as possible. If there is insufficient time to make the request before the posting of the public agenda, then it may be made at the beginning of the meeting.
Annual limit on use	No more than two meetings per calendar year	

	Just Cause	Emergency Circumstance
	Each individual Commissioner may not use a combination of "just cause" and "emergency circumstances" to participate remotely for more than three months or 20 percent of the regular meetings of the calendar year. If, like Calaveras LAFCO, the legislative body meets fewer than 10 times a year, they cannot participate remotely in more than 2 regular meetings.	

Process and tips for seeking to participate remotely for "just cause"

- Commissioner provides a general description of the just cause at the earliest opportunity possible, including before the agenda publication deadline or at the start of the meeting.
- Commissioner has not requested more than two just cause teleconferencing appearances; more than three months of consecutive teleconferencing appearances or more than 20 percent of meetings within the calendar years under just cause and/or emergency circumstances.
- The Commission publishes the agenda listing the means by which public may access the meeting and offer public comment.
- A quorum of the Commission is physically present within the agency's territorial jurisdiction.
- Teleconferencing Commissioner turns on his or her audio and video (calling in by phone is not permitted).
- Commissioner discloses at the start of the meeting whether any other individuals

- 18 years of age or older are present in the room at the remote location with the Commissioner, and the Commissioner's relationship with the individual(s).
- All votes are taken by roll call.

Process and tips for seeking to participate remotely for “emergency Circumstance’s”

- Commissioner provides a general description of the emergency circumstance at the earliest opportunity possible; if there is insufficient time to place it on the posted agenda, then at the beginning of the meeting. The general description need not exceed 20 words and shall not require the member to disclose any medical diagnosis or disability, or any personal medical information that is already exempt under existing law.
- Commissioner has not requested more than three months of consecutive or more than 20 percent of meeting within a calendar year of teleconferencing appearances under just cause or emergency circumstances; or has not requested more than two teleconference appearances if LAFCO regularly meets for less than 10 meetings per calendar year.
- LAFCO publishes the agenda listing means by which the public may access the meeting and offer public comment.
- A quorum of the Commission is physically present within the agency's territorial jurisdiction.
- The Commission votes to approve teleconference participation due to emergency circumstance. (this is a new exception allowing the Commission to take action without being previously agendized, if not possible).
- Teleconferencing Commissioner turns on his or her audio and video (calling in by phone is not permitted).
- Commissioner discloses at the start of the meeting whether any other individuals
- 18 years of age or older are present in the room at the remote location with the Commissioner, and the Commissioner's relationship with the individual(s).
- All votes are taken by roll call

KEY QUESTIONS:

Does the Commission need to amend its Bylaws to include this process?

Should Commissioners contact LAFCo Counsel before using the “just cause” or “emergency circumstances “ described above.