

Calaveras Local Agency Formation Commission

Meeting Minutes – Monday, March 21, 2022

1. **Call to Order/Roll Call** – Order was called by Chair Callaway at 6:15 p.m. on Monday, March 21, 2022.

Commissioners Present

Merita Callaway, County Member, Chair
Gary Tofanelli, County Member
Jennifer Herndon, City Member
Isabel Moncada, City Member
Kirk Smith, Special Dist. Member
Anita Paque, Public Member, Vice-Chair
Tony Tyrrell, Special Dist. Member
Ralph Copeland, Public Member Alt.

Commissioners Absent

Amanda Folendorf, County Member Alt.
Alvin Broglio, City Member Alt.
Travis Owens, Special Dist. Mem. Alt.

Staff Present

John Benoit, Executive Officer
Nancy Mees, LAFCO Clerk

Others Present

Ken Cox, Copper Cove Rocky Road CSD
Sheldon Toso, CCRR CSD

2. **Public Comment:**

There was no public comment.

3. **Consider Minutes of January 24, 2022, LAFCo meeting:**

MOTION by Commissioner Tofanelli to approve the minutes of the January 24, 2022, LAFCo meeting as presented, second by Commissioner Tyrrell. Motion passed 7 yes, 0 no, 0 absent.

4. **Consent Agenda:**

- a. *Review and authorize claims for January and February 2022*
- b. *Resolution 2022-0002 authorizing teleconference for the March 21, 2022, meeting*

MOTION by Commissioner Paque to approve the Consent Agenda and Claims for January and February 2022 as presented, and Resolution 2022-0002 authorizing teleconference for the March 21, 2022, meeting, second by Commissioner Moncada. Motion passed 7 yes, 0 no, 0 absent.

5. Correspondence:

There was no correspondence.

Workshop:

6. Workshop Regarding Road Community Services Districts in Calaveras County – Review and Discuss and Set Date for a Public Hearing Regarding Municipal Services Reviews for Community Services Districts on May 16, 2022:

Executive Officer Benoit reported that, after attending the last Board of Supervisors meeting, he learned that the condition of the CSAs is not much better than that of the CSDs, so converting CSDs to CSAs would not result in any improvements to the CSAs. Therefore, it would be best to try to work with CSDs to help them correct their problems. He is still gathering information on some of the CSDs, but stated that Rocky Road CSD is now getting itself in better order thanks to some help from Commissioner Folendorf.

Mr. Benoit added that two common problems for the CSD boards is finding volunteers to sit on them, and raising funds to carry out the CSDs required work due to the fact that Prop 218 makes collecting the required number of yes votes on rate increases difficult. Consequently, one of the primary recommendations in the MSR is to find ways to help the CSDs become more viable.

Chair Callaway asked what would happen if LAFCo tells a CSD that they no longer exist. Mr. Benoit responded that there is a formal dissolution process required and that a successor organization must be designated. In addition, since the services of the CSDs are needed, it would be difficult to say they should be dissolved. He added that part of the problem is that some of the districts are not even aware of what they need to do, and therefore must be educated.

Mr. Benoit stated that he needs to call some of the districts to fill in gaps in the data, but that the first thing many of the districts need to accomplish is getting their boards in working order. Commissioner Folendorf is working with the CSDs in her district, and perhaps other Supervisors could do the same with the CSDs in their districts. Commissioner Tofanelli mentioned that the CSD in his district is already doing well.

Chair Callaway summed up the discussion, saying that essentially things still stand where they did at the January meeting. She then asked whether the Commission would just be reviewing the MSR at the public hearing. Mr. Benoit responded in the affirmative, adding that all he can recommend for some districts is that they need help in complying with all the CSD requirements since converting them to CSAs does not appear to be a viable option.

Commissioner Copeland asked whether any of the districts had thought about consolidating the bid packages for the work they need to do. He suggested that they might have a joint contract for required maintenance, which would help to make it less expensive for the smaller districts. Mr. Benoit added that they could consider creating an association similar to that of the fire districts. Commissioner Paque suggested LAFCo facilitate creating such an association as it did in the past for the wastewater districts. Mr. Benoit stated that he could add that as one of his recommendations in the MSR.

Ken Cox from Copper Cove Rocky Road CSD, who was in the audience, commented that he thought coordination among the districts would be good. Each district could pay their portion, but they would get overall better pricing as a group. This would require the districts to jointly meet occasionally to plan their work for each year, and LAFCo could help facilitate such joint meetings. He added that it did add another level of complexity, which would require the districts to be up and running. Commissioner Paque commented that, once an association was in place, it might actually decrease the complexity for each district.

Sheldon Toso, a board member of Copper Cove Rocky Road CSD who was in the audience, stated that CRRS was behind in the work they needed to do, so an association with a joint bid would have to be put off for a couple years.

The Commission agreed that an association is a good idea and should be one of the recommendations in the MSR. Commissioners Paque and Tofanelli said they would be willing to work on getting the districts together, but that they would need other Supervisors also involved. Mr. Benoit stated that he would send Commissioners Paque and Tofanelli his master contact list. It was suggested that Commissioner Copeland also attend any joint CSD meetings.

7. Policies, Standards and Procedures Amendment Regarding Municipal Services Review Follow-up:

a. Receive Executive Officer's Report

Executive Officer Benoit stated that he had talked about this policy at the January meeting. There is nothing in the LAFCo statutes that requires any LAFCo follow-up on MRs, but he believes follow-up would make the MSRs more valuable.

Commissioner Paque added that legislators do look at MSRs when working on relevant legislation. Commissioner Tofanelli asked how this policy would be implemented. Mr. Benoit replied that if LAFCo thought a district was having a problem, they could be asked to come to a Commission meeting. Commissioner Tofanelli commented that his only thought was that this will require more work for LAFCo staff. Mr. Benoit agreed it would.

b. *Consider Resolution 2022-0004 regarding a Municipal Service Review follow-up policy for Calaveras LAFCo.*

MOTION by Commissioner Paque to approve Resolution 2022-0004 adopting a Municipal Service Review follow-up policy as presented, second by Commissioner Tyrrell. Motion passed 7 yes, 0 no, 0 absent.

8. Authorize Chair to Sign Letter of Support for SB938 Regarding Protest Proceedings: Procedural Consolidations:

Executive Officer Benoit explained that currently LAFCo-initiated projects are hard to undertake due to protest hearing requirements. This legislation would raise the protest threshold from 10 percent to 25 percent. Commissioner Paque added that there has been a lot of back and forth with CSDA on the wording of this proposed amendment. An additional benefit of the proposed legislation is that it would place all the protest provisions for various LAFCo actions in one place.

MOTION by Commissioner Tyrrell to authorize the Chair to sign a letter of support for SB 938 to Senator Robert Hertzberg, second by Commissioner Moncado. Motion passed 7 yes, 0 no, 0 absent.

9. Conduct Public Hearing Regarding the Proposed 2022-2023 LAFCo Budget:

Executive Officer Benoit reported that the only real increase in the proposed budget for the upcoming year is for CALFACO dues. He also advised the Commission that he is retiring from several of the counties for which he is Executive Officer in the coming year, but he will continue as EO for Calaveras LAFCo for at least this next year.

Mr. Benoit commented that budgetary items have remained stable for quite a while, but now that we are in an inflationary period, the Commission needs to be mindful that the fairly constant LAFCo budget may have to change as it becomes more costly to operate LAFCo. This year, however, due to LAFCo's savings, the proposed cost share contributions will be less than last year.

Chair Callaway opened the Public Hearing. She then asked about the Clerk's salary. Mr. Benoit replied that it comes out of the Professional Services line item. There was no public comment, so Chair Callaway closed the Public Hearing.

MOTION by Commissioner Tyrrell to approve Resolution 2022-0003 adopting a proposed LAFCo budget for 2022-2023 as presented, second by Commissioner Tofanelli. Motion passed 7 yes, 0 no, 0 absent.

10. Executive Officer's Report:

a. *700 Forms due April 1, 2022.*

Executive Officer Benoit reported that he still needs a Form 700 from some

of the Commissioners, and Chair Callaway requested that the Commissioners please turn in their forms.

Mr. Benoit stated that, since Commissioner Owens is no longer a member of his district's board, LAFCo will have to recruit a new Special District Alternate Member. Nominations will be required, followed by a Special Districts election.

11. Commissioner Reports:

Commissioner Paque reported that CALAFCO has a new Executive Director, Rene LaRoche.

Commissioner Tyrrell stated that he will not be at the next LAFCo meeting.

12. Adjournment

Meeting was adjourned at 7:08 p.m. The next regular meeting will be Monday, May 16, 2022, at 6:00 p.m. in San Andreas.

Minutes submitted by Nancy Mees.

DATED:

APPROVED:

Merita Callaway, Chair,
Calaveras Local Agency Formation