

**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 – Sept 18, 2023 – 6:00 p.m.**

**In person meeting:** Required for all Commissioners.

*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.

**Topic: Calaveras LAFCo**

**Time: Sep 18, 2023 06:00 PM Pacific Time (US and Canada)**

**Join Zoom Meeting**

**<https://us02web.zoom.us/j/88230924188?pwd=bGtjbE1HdWJJOOFRLbHNUZXA5Z2hrZz09>**

**Meeting ID: 882 3092 4188**

**Passcode: 994847**

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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:**

Commissioners

Alternate Commissioners

Kirk Smith, Special District Member, Chair  
Isabel Moncada, City Member, Vice Chair

Ralph Copeland, Public Member Alt.

Jennifer Herndon, City Member  
Amanda Folendorf, County Member  
Jack Garamendi, County Member  
Tony Tyrrell, Special District Member  
Anita Paque, Public Member

Alvin Broglio, City Member Alt.  
Jon Dashner, Special Dist. Member Alt.  
Gary Tofenalli, County Member Alt

**Staff:**

John Benoit, Executive Officer  
Diane Severud, LAFCO Clerk  
Michael Colantuono, LAFCO Counsel

**1. 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.

**2. Consider minutes of July 17, 2023**

*a. Approve July 17, 2023 LAFCo Minutes*

**3. Consent Agenda:**

*a. Review and Authorize Claims for July and August 2023*

**4. Correspondence:**

**Public Hearing:**

**5. Public Hearing regarding the Service Review (MSR) and Sphere of Influence (SOI) for the Union Public Utility District**

*a. Receive Executive Officer's report*

*b. Conduct Public Hearing*

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- c. Consider LAFCo Resolution 2023-0004 adopting a Service Review for services provided by the Union Public Utility District.
- d. Consider LAFCo Resolution 2023-0005 adopting a Sphere of Influence Update for the Union Public Utility District.

**6. New LAFCo Website**

**7. Executive Officer' s report**

- a. Upcoming Projects
- b. Calafco Conference October 17-20

**8. 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

**9. NEXT LAFCO MEETING will be: November 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](http://www.calaveraslafco.org)

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

CALAVERAS COUNTY  
LOCAL AGENCY FORMATION COMMISSION  
MINUTES  
JULY 17, 2023

Commissioners Present:

- Kirk Smith, Special District Member, Chair
- Jennifer Herndon, City Member
- Tony Tyrell, Special District Member
- Jack Garamendi, County Member
- Anita Paque, Public Member
- Jon Dashner, Special District Member Alternate

Staff Present:

- John Benoit, Executive Officer
- Diane Severud, LAFCo Clerk

Public Present:

- Jessica Self, General Manager, Union Public Utility District

Chair Smith opened the meeting at 6:02 PM

1. Public Comment.  
There were no comments.
2. Approval of May 15, 2023 Minutes.

Motion: Tyrell  
 Second: Paque  
 Ayes: Smith, Herndon, Tyrell, Garamendi, Paque  
 Nays: None

**THE MINUTES OF THE MAY 15, 2023 MEETING WERE APPROVED.**

3. Consent Agenda: Authorize Claims for May and June 2023.

Motion: Tyrell  
 Second: Herndon  
 Ayes: Smith, Herndon, Tyrell, Garamendi, Paque  
 Nays: None

**THE CONSENT AGENDA WAS APPROVED.**

4. Correspondence.

Mr. Benoit reported that a letter from SDRMA had been received regarding Liability Insurance

5. Workshop regarding the Municipal Service Review (MSR) and Sphere of Influence (SOI) for the Union Public Utility District (UPUD).

Mr. Benoit reported that the District has no adverse findings. They have a website and follow the Brown Act. He recommends the SOI remain the same as the existing boundaries. There is one small area to the North that should be included. Jessica Self, UPUD General Manager, responded that they will be working with the owners of the three parcels regarding annexation into the District. It was determined that the District has adequate capacity to serve the additional parcels. Fee updates were approved in December 2022 and Prop 218 requirements will be reviewed in the next year. Chair Smith directed that a public hearing be set for the September 18, 2023 meeting.

6. CaLAFCo Conference Matters – Selection of Voting Delegate and an Alternate Voting Delegate. Commissioner Paque volunteered to be the voting delegate and Commissioner Tyrell agreed to be the alternate.

Motion: Tyrell

Second: Herndon

Ayes: Smith, Herndon, Tyrell, Garamendi, Paque

Nays: None

**COMMISSIONER PAQUE WAS ELECTED TO SERVE AS THE VOTING DELEGATE AND COMMISSIONER TYRELL AS THE ALTERNATE.**

7. Executive Officer's Report. Mr. Benoit reported that the Resource Conservation District (RCD) MSR will be the next to be reviewed and the City of Angels will be upcoming, as well. Rebecca Callen commented via Zoom that no one is currently at the City that was there 10 years ago for the previous review.

8. Commissioner Reports.

Chair Smith may not be present at the next meeting and asked Alternate Commissioner Dashner to take his seat at that meeting.

Chair Smith adjourned the meeting at 6:22 PM.

Next Meeting: September 18, 2023 at 6:00 PM.

# CALAVERAS LAFCO

## LAFCO CLAIM AUTHORIZATION FORM

for

**July and August 2023**

Authorize payment of the following claims:

**FY 2023-2024 Expenses**

July 17, 2023	Commissioner Stipends 7.17.23	\$ 600.00
August 1, 2023	Staff Svcs July 2023	\$ 5,040.74
Sept 1, 2023	Staff Svcs August 2023	\$ 4,608.37
Aug 1, 2023	Website Streamline	\$ 756.00
	<b>TOTAL</b>	<b>\$ 13,465.11</b>

DATED: September 18, 2023

APPROVED: September 18, 2023

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Kirk Smith, Chair or Isabel Moncada, Vice-Chair  
Calaveras Local Agency Formation Commission

Attest:

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John Benoit  
Executive Officer





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**Resolution 2023-0004**

**of the**

**Calaveras Local Agency Formation Commission**

*Approving a Service Review of Domestic and Irrigation Water Services Provided by the Union Public Utility District and Adopting Written Determinations Thereon*

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WHEREAS, California Government Code Section 56425 requires that the Local Agency Formation Commission (“LAFCO”) adopt and periodically review Sphere of Influence Plans for all agencies in its jurisdiction; and,

WHEREAS, California Government Code Section 56430 requires that LAFCO conduct a review of the municipal services provided by and within an agency prior to updating or adopting its Sphere of Influence Plan; and,

WHEREAS, the Sphere of Influence Plan is the primary planning tool for LAFCO and defines the probable physical boundaries and service area of a local agency as determined by LAFCO; and,

WHEREAS, the Commission adopted guidelines for conducting Municipal Service Reviews (MSRs) included in its Policies, Standards and Procedures adopted on August 17, 2009, which applies to this MSR for water services provided by the Union Public Utility District; and,

WHEREAS, at the time and in the manner provided by law, the Executive Officer gave notice of the date, time, and place of a public hearing by the Commission for the MSR, including approval of the report and adoption of the written determinations contained therein; and,

WHEREAS, the Commission hereby determines that the Service Review for both domestic and irrigation water services provided by the Union Public Utility District and written determinations contained therein will provide information for updating the Sphere of Influence for the District, and is otherwise consistent with the purposes and responsibility of the Commission for planning the logical and orderly development and coordination of local governmental agencies so as to advantageously provide for the present and future needs of the county and its communities; and,

WHEREAS, the Commission has heard all interested parties desiring to be heard and has considered the report by the Executive Officer and all other relevant evidence and information presented at said hearing;

NOW, THEREFORE, the Calaveras Local Agency Formation Commission hereby resolves, orders and determines the following:

- 1) The Municipal Service Review for services provided by the Union Public Utility District, attached hereto as Exhibit A, is approved and the written determinations presented in the Municipal Service Review report are hereby adopted.
- 2) LAFCO staff is further ordered to forward copies of this resolution containing the adopted Municipal Service Review to the Union Public Utility District.

The foregoing resolution was duly passed by the Calaveras Local Agency Formation Commission at a regular meeting held on September 18, 2023 by the following roll call vote:

Ayes:

Noes:

Abstain:

Absent:

Signed and approved by me after its passage this 18<sup>th</sup> day of September 2023.

\_\_\_\_\_  
Kirk Smith, Chair or Isabel Moncada, Vice Chair  
Calaveras LAFCO

Attest:

\_\_\_\_\_  
John Benoit, Executive Officer  
CALAVERAS LOCAL AGENCY FORMATION COMMISSION

**Resolution No. 2023-0005**

**CALAVERAS LOCAL AGENCY FORMATION COMMISSION**

*A Resolution Making Determinations and Approving a Sphere<sup>[1]</sup> of Influence Update for the Union Public Utility District*

**WHEREAS**, Government Code Section 56425 requires each Local Agency Formation Commission to adopt and periodically review and update a sphere of influence for each local governmental agency within its jurisdiction; and

**WHEREAS**, the Calaveras Local Agency Formation Commission, in compliance with the aforementioned requirement, is providing a “plan for the probable physical boundaries and service area” for the Union Public Utility District; and

**WHEREAS**, the Commission has set the hearing date of September 18, 2023 for the update of the sphere of influence for the Union Public Utility District and has noticed this hearing at the times and as otherwise prescribed by Government Code Section 56150, *et seq.*; and

**WHEREAS**, the Commission has heard and adopted a Municipal Services Review of services provided by the Union Public Utility District in accordance with Gov. Code section 56430; and

**WHEREAS**, the Commission has reviewed and considered the proposed Sphere of Influence update report including the proposed Sphere of Influence Update Map which is attached hereto and incorporated herein; and

**WHEREAS**, Calaveras LAFCO prepared a notice of exemption for such action since the sphere of influence reflects no change in the territory currently being served by the district; and

**WHEREAS**, the Commission has considered those factors determined by it to be relevant to this sphere of influence update, including, but not limited to, those factors specified in Government Code Section 56425, *et seq.*, and has heard from interested parties and considered requests for amendment and/or revision of the proposed updated sphere boundary, if any;

**NOW, THEREFORE, BE IT RESOLVED** that the Calaveras Local Agency Formation Commission does hereby find and determine as follows:

1. That the proposed sphere of influence update with respect to the Union Public Utility District complies with the provisions of Government Code Section 56000, *et seq.*
2. That no significant protests have been received regarding the establishment of this Sphere of Influence update.
3. The Union Public Utility District is authorized to provide domestic and irrigation water services within its boundaries.
4. That, pursuant to Government Code Section 56425, the Commission makes and adopts those determinations set forth in the Sphere of Influence Study attached hereto and incorporated herein as set forth in *Attachment A*.

5. That pursuant to the California Environmental Quality Act, the Commission adopts a Notice of Exemption (*Exhibit B*) under Class 20 since the proposed project involves a sphere of influence update where the Sphere of Influence of the Union Public Utility District will not change as a result of this update.
6. That the Sphere of Influence Update Report, Executive Officer's Report, and Map for the Union Public Utility District are hereby adopted and approved as set forth in *Exhibit "A"*.

**PASSED AND ADOPTED** at a regular meeting of the Calaveras Local Agency Formation Commission, State of California, on the 18th day of September 2023, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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Kirk Smith, Chair or Isabel Moncada, Vice  
Chair Calaveras Local Agency Formation  
Commission

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Attest:

John Benoit, Executive Officer, Calaveras LAFCO