

Local Agency Formation Commission
Of Modoc County
Regular Meeting

Minutes of October 14, 2008

1. Call to Order:

Chairman Dederick called the meeting to order at 5:05 pm, in the City Council Chambers, Alturas City Hall. Commissioners Schreiber, Dederick, Dunn and Macsaw were present. Commissioner Alternate Public Member Jerry Shea was also present and participated on behalf of Commissioner Neer.

Absent: Commissioner Neer, Commissioner Alternate Nelson and Commissioner Alternate Bradshaw

Staff Present: John Benoit, Executive Officer and Stephanie Roddy, Interim Clerk

Pledge of Allegiance

2. Approval of Agenda:

Commissioner Macsaw made the motion to approve the agenda as submitted; seconded by Commissioner Dunn. All in favor: Unanimous.

3. Correspondence:

None; The CALAFCO Newsletter was given to the Commissioners.

4. Approval of Minutes:

Commissioner Dunn made the motion to approve the minutes of August 12, 2008 as submitted; seconded by Commissioner Macsaw. All in favor: Unanimous.

5. Public Comment: Members of the public may address the Commission on matters under its jurisdiction that are not on the agenda. The Commission may limit the public comment to three minutes. The Commission may not render any decisions other than those items that are contained on the agenda; the public may request an item to be placed on a subsequent agenda.

None; Commissioner Macsaw informed the Commission that he would be leaving at 5:30 to attend a different meeting.

6. Discussion and review of proposed policy amendment regarding Spheres of Influence and Municipal Service Reviews:

a. Review Chapter 3 of Sphere of Influence

John Benoit: explained that the changes shown are all necessary to comply with new requirements in state law; went through each change individually:

- 3.1. the SOI must be reviewed at least every five years, only needs to be updated when necessary; second paragraph change is for clarification of action required; h) change from Master Service Element to Municipal Service Review;

- 3.2. Major Changes in this section:

a)i) What will realistically grow in 5 years (near-term sphere) and 20 years (long-term sphere)? The long-term sphere must protect the City area from County

encroachment of service areas; sphere amendments can be done on an individual basis when necessary;

b)ii) Government Code requires that the City and County have a formal meeting to discuss the SOI for the City, however no agreement must be reached; the meeting is meant to aid in common development standards in the City and County;

b)iii) If there is a lot of agricultural land that will need to be developed (non-prime land), there should be an inventory and absorption study to determine if annexation should take place

c)ii) different services may have different SOI's if necessary;

- 3.3. Master Service Element terminology changed to Municipal Service Review; requirements for MSR's reviewed;

- 3.4. SOI's are subject to CEQA, however most changes would be exempt, some would require Negative Declarations, an EIR would not necessarily be required; an amendment of the SOI is related to a focused area or service; an update is related to the entire SOI; change in language to allow amendments and annexations to occur at the same time, as it is not practical to require amendments first.

7. Set Special Public Hearing Date in November for Hearing regarding the Formation of the proposed Last Frontier Health Care District:

Meeting was proposed to be set for Thursday, November 13 at 6:00 PM, to be held in the City Council Chambers, Alturas City Hall. This would allow proper meeting noticing (21 days) by John Benoit.

Commissioner Schreiber made the motion to set the Special Public Hearing Date for the date and time proposed; seconded by Commissioner Shea. All in favor: Unanimous.

Commissioner Macsay left the meeting at this point.

8. Alturas MSR and SOI - Status:

John Benoit gave a report, explaining that he has met with Chester and more work needs to be done; city departments need to see it to ensure technical accuracy; tentative maps have been reviewed by the Council; should be finalized within the next few months; it will probably take more than one meeting to finalize; the City will have to meet with the County before it can be approved.

9. Review and Authorize payment of claims:

a. Ratify and authorize Payment of Claims for August 2008 and September 2008.

Commissioner Dunn made the motion to authorize payment of claims for August and September 2008; seconded by Commissioner Shea. All in favor: Unanimous.

10. Executive Officer's Monthly Report - General Discussion:

Legislative Update

John Benoit reviewed important changes in LAFCO law; a handout was given of passed legislation; all LAFCO bills were approved:

- Ethics training is required every two years for all elected officials
- AB1263: The fee deposit system is now legal
- AB2484: Latent Power Change is now Change of Organization and new requirements are included in the change

- SB301: City annexations include VLF allocations
- SB1117: Hot Springs Irrigation District title change - passed - affects who votes for the Board of Directors, LAFCO review was circumvented, result of litigation
- CSA law revised
- SB375: transportation bill, Greenhouse Reduction Act of 2008; affects housing elements and CEQA; implements SB32; requires local transportation agencies to do a sustainable community strategy; affects SOI determinations
- the statute of limitations on a MSR is 3 years; would like to see this changed

CALAFCO Conference

The conference was oriented towards urban areas; John recommends attendance every other year; requesting more rural sessions; next year conference will be held at Yosemite.

11. Commissioner Reports - Discussion:

Question regarding how to satisfy the ethics training requirement: fppc.ca.gov

The next meeting will be November 13, 2008 at 6:00 PM.

There being no further business to come before this Commission, the meeting was adjourned.