

**Local Agency Formation Commission
Of Modoc County
Special Meeting**

Minutes of January 13, 2009

1. Call to Order:

Chairman Dederick called the meeting to order at 5:07 pm, in the City Council Chambers, Alturas City Hall. Commissioners Schreiber, Dederick and Macsay were present. Commissioner Alternate Bradshaw was also present. Commissioner Neer arrived at 5:15.

Absent: Commissioner Alternate Nelson

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

Pledge of Allegiance

2. Approval of Agenda:

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

3. Correspondence:

None other than what was included in the staff report packet.

4. Approval of Minutes:

Commissioner Macsay made the motion to approve the minutes of November 13, 2008 as submitted; seconded by Commissioner Schreiber. All in favor: Commissioners Schreiber, Dederick and Macsay. Abstain: Commissioner Bradshaw.

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.

6. Discussion and Review of Proposed Policy Amendment Regarding LAFCO's Adopted Policies:

a. Review Chapters 3, 4, 5, 6 and 7 --- Time permitting

John Benoit reviewed the proposed changes for each chapter, which were included in the staff packet, changes being noted in bold lettering.

Chapter 3 – Spheres of Influence (SOI): this chapter was reviewed a few months ago, so in-depth explanation was not necessary. There are four criteria required for the SOI; an MSR is needed to adopt a SOI; policies need to be kept up-to-date, it's when the Commission is trying to implement them that it becomes apparent how important it is.

Commissioner Neer entered the meeting at this point.

Chapter 4 – Annexations, Detachment and Action: As in Chapter 3, the “Master Services Element” is now a “Municipal Service Review” (MSR), consistency is required.

- 4.1.: b.iii the MSR makes sure there are adequate services for annexation of the territory in question, e.g., water, sewer; d. this section is straight from Government Code, exceptions are possible; e. phased annexation plans are an alternative; h. annexation shouldn't be detrimental to services; j. the need for services must be demonstrated.
- 4.2. "Optimum" changed to "Best" throughout section: a. wording allows for case-by-case evaluation and decisions; b. allows consideration of efficiency advantages to annexation; d.viii. the Government Code changes periodically.
- 4.3. a.i. impacted areas outside the proposed annexation must be considered.
- 4.5.e. Exemptions taken from Government Code.

Chapter 5 – Incorporations, Formations, Provision of New Services by Districts, Consolidations, Dissolutions and Disincorporations

- 5.1.c. allows for incorporation only if the best combination of services will be provided; j. an agreement is encouraged, not required; m. added due to legal action in El Dorado Hills case: applicant is responsible for all associated costs.
- 5.2.f. in case of conflict, which is not allowed, the better service should be allowed, the SOI can be amended if necessary; g. impacts on other service providers must be considered.
- 5.3.b. financial plan should be provided.
- 5.5. LAFCO can initiate district formations.
- 5.6.iv. Government Code.

Chapter 6 – General Procedures

- 6.1. new law last year, all money spent using fee deposit schedule must be accounted for.
- 6.3.b. a notice of intent is required; the agency has 60 days to cancel the application.
- 6.4.d. the person applying must have the authority to do so.
- 6.6.a. normally waived if they meet the requirements; c. Assessor or Clerk must determine if there is sufficient protest for an election or other action.

Chapter 7 – Adoption and Amendment: Keeping policies up to date and consistent is important.

Commissioner Dederick: Does the city adopt the MSR?

John Benoit: No, there are two parts: the background portion provides the info; the actual review is the determinations; so sending it to the city helps with accuracy; sometimes districts will dispute info or a source, that's why studies are done by engineers. There is no legal standard for the MSR, as long as the 5 determinations are made.

7. Set LAFCO Regular Meeting Schedule for 2009:

- a. *Approve LAFCO's Regular Meeting Schedule for 2009:*

Commissioner Schreiber: requested any Tuesday of the month other than the second; to avoid conflict with the next meeting.

Commissioner Bradshaw: any Tuesday but the third.

John Benoit: Generally the meetings don't require more than 1.5 hours; for special meetings more time can be allowed or a different date can be set.

Discussion: the meetings are set to coordinate with John's trip to Lassen.

Commissioner Neer made the motion to approve the regular meeting schedule for 2009 as proposed, unless a special meeting needs to be called in certain circumstances; seconded by Commissioner Macsay. All in favor: Commissioners Dederick, Neer, Bradshaw and Macsay. Against: Commissioner Schreiber.

8. Review and Authorize Payment of Claims:

a. Authorize Payment of Claims for November and December 2008:

Commissioner Macsay made the motion to authorize payment of claims for November and December 2008; seconded by Commissioner Bradshaw. All in favor: Unanimous.

9. Nomination for City Representative to the Calafco Board of Directors: As a result of the November 2008 Election, two City Seats were made available to serve on the Calafco Board of Directors. Kay Hosmer of Colusa LAFCO was appointed to one of the seats. This nomination is to fill the other City Seat for the Calafco Board of Directors.

a. Consider nomination to the Calafco Board of Directors for the second City Seat:

John Benoit explained the requirements for potential nominee: must serve a portion of a term; must be a city representative, not BOS or public. Calafco is dominated by urban representatives. There would be a fiscal impact.

10. Authorize Staff to Attend the Calafco Staff Workshop April 29th through May 1st:

a. Authorize staff to attend the Calafco Staff workshop (Costs to be apportioned):

Commissioner Macsay made the motion to authorize staff to attend the Calafco staff workshop April 29th through May 1st, seconded by Commissioner Neer. All in favor: Unanimous.

11. Executive Officer's Monthly Report – General Discussion:

Calafco Schedule for 2009: a copy of the schedule is in the staff report packet; the conference 10/28-10/30 is expected to be a good one.

Healthcare District Financials: the Healthcare District spent \$5,532.69 to date.

Mid-year Budget Review: in the staff report.

Alturas MSR: still in progress; John is still working on having everyone in the City review it, there are a lot of people affected.

700 Forms due April 2009: Due April 1st, gift limit is \$420.

12. Commissioner Reports – Discussion:

The next regular meeting is scheduled for February; however, depending on the status of the Alturas MSR, it might be postponed until March.

The next meeting will be held February 10, 2009 at 5:00 pm.

There being no further business to come before this Commission, the meeting was adjourned at 6:25 pm.