

Local Agency Formation Commission
Of Modoc County
Regular Meeting

Minutes of August 11, 2009

1. Call to Order:

Chairman Dederick called the meeting to order at 5:03 pm, in the City Council Chambers, Alturas City Hall. Commissioners Dederick, Neer, Schreiber, Bradshaw and Macsay were present. Commissioner Alternate Public Member Jerry Shea were also present.

Staff Present: John Benoit, Executive Officer and Stephanie Northrup, Clerk

Pledge of Allegiance

2. Approval of Agenda:

Commissioner Macsay made the motion to approve the agenda as submitted; seconded by Commissioner Bradshaw. In favor: Unanimous.

3. Election of Chair and Vice-Chair for FY 2009-2010

a) Election of Chair

Executive Officer Benoit takes the gavel and opens up nominations for Chairman. Commissioner Neer nominates Commissioner Macsay as Chairman for FY 2009-2010; seconded by Commissioner Dederick. In favor: Unanimous.

b) Election of Vice-Chair

Chairman Macsay then takes the gavel and opens up nominations for Vice-Chairman. Commissioner Dederick nominates Commissioner Schreiber as Vice-Chairman for FY 2009-2010; seconded by Commissioner Bradshaw. In favor: Unanimous.

4. Correspondence:

John Benoit: He received notification for a Swine Flu Conference. He doesn't know what that had to do with LAFCO, but that was it for correspondence.

5. Approval of Minutes: June 9, 2009

Commissioner Dederick made the motion to approve the minutes of June 9, 2009 with a correction to show that Commissioner Schreiber was present; seconded by Commissioner Neer. In favor: Commissioners Macsay, Neer, Schreiber and Dederick. Abstain: Commissioner Bradshaw.

6. 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.

Action Items:

7. Consider request of the Save Our Hospital Committee to modify term and condition #27 of Resolution 2008-0006 approved by LAFCO on November 13, 2008.

a. Consider request to modify term and condition #27 of Resolution 2008-0006.

John Benoit reports that the Commissioners should have the letter in the packet from Save Our Hospital Committee (SOHC) requesting an extension. They could have a two year extension, which would expire on November 13, 2011. If it is not completed by that date, than they would have to start the process over.

Commissioner Macsay reads the letter from SOHC.

Jerry Shea states the extension is proper and necessary considering they are facing an immediate deadline down the road for the seismic retrofit.

Pat Mason states he saw that they would not be able to reach the 2013 deadline and it hadn't been changed.

Commissioner Dederick states the deadline hasn't been changed, but hospitals could request an extension and MMC did do that.

Commissioner Neer feels the request is legitimate and necessary.

Commissioner Neer made the motion to approve of SOHC's request to modify term and condition #27 of Resolution 2008-0006; seconded by Commissioner Bradshaw.

Commissioner Bradshaw states there has been a lot of work put into this by the community and they should leave that avenue open for the public to make a decision.

In favor: Unanimous.

8. Commissioner Meeting Stipends – Reconsideration Request

a. Consider reconsideration of LAFCO Resolution 2009-0003 request from Jerry Shea.

John Benoit reports that on June 9th they had approved the \$100 stipend for attendance to meetings. He received a request for reconsideration by Jerry Shea, and the LAFCO act does allow for reconsideration of a LAFCO Resolution and was done so in a timely matter. They may approve or disapprove the request. If they disapprove of the stipend, a new resolution will need to be submitted. He states should they could also modify the Resolution or approve of the stipend as is. It is up to the board on how they want to deal with this.

Commissioner Macsay states if a motion isn't made the item will die.

Commissioner Schreiber is concerned that it states commissioners and alternates will receive this, but it should be clear that they only receive it if they are filling in for a commissioner.

Jerry Shea states that with two council members and two board members, every little bit adds up; and with both entities, the County of Modoc and the City of Alturas, struggling with their

budgets. He states he's a fiscal conservative and could use the money, but feels it is unnecessary as they have been doing without it.

Commissioner Dederick states that as a legislative body and filing an economic interest report they do have responsibilities and should be compensated for that.

Commissioner Neer states this money comes out of the LAFCO budget, not directly from the county and/or city; and asks to what extent would not receiving the stipends and shifting money, what would happen to those monies and what extent would that go back to county and/or city.

John Benoit states that what he has done is have a general reserve and use it for MSRs and things like that. As long as we are able to work within our budget we are able to do that. He doesn't feel that this will affect our budget, but if money gets tighter in LAFCO they would then have to look at cuts. He would like to keep a reserve and build on it every year. He states we are doing okay right now; they currently have \$56,183 carry over. After bills he will have \$48,000 which he feels is pretty good. He also lowered the amount that the county and city pay as well.

Commissioner Schreiber states he has a problem with not being reimbursed because it does help to be reimbursed for your time and travel. He states this is a hardship on people whether you believe it or not. He thinks this does make people produce better work when they are getting paid for it and they want to make sure to do a good job when they are being paid. People that donate their time don't always perform as well as those getting paid.

Commissioner Bradshaw states the county doesn't allow the alternates to get paid unless they are filling in for someone and thinks that is a little over the top.

John Benoit states that other LAFCOs pay the alternates but it is this board's decision.

Commissioner Macsay states he voted against it before, but he is now neither for it nor against it. Since John Benoit has been here more has been accomplished and they have lowered the budget and increased the reserve and he has to agree with what everyone has said here. He does state when he was an alternate for LAFCO he didn't attend as much as he should have because it was a long ways, but that they should come to make sure they know what is going on.

Commissioner Neer states they seldom have alternates come in here so they don't really know what is going on all the time.

Mike Mason, states they had the availability to donate the stipend back if they so choose when he was on boards.

John Benoit states you just don't expect the check if you so choose, or you can donate what you would like to charities.

Commissioner Macsay asks if Mr. Benoit fills out warrants after the meetings.

John Benoit says yes, but if someone isn't going to accept then he won't send the warrant in for them.

Doug Knox states the only difference he sees between the two is that the alternate doesn't talk as much, they still come to the meeting and still use gas to get here.

Commissioner Neer states as far as putting in your time and gas, they are all obligated to do that to some extent as they have chosen to be here. She states that's just one statement on the other side as she is struggling with this. She asks the people in the room what they think the public would think of LAFCO members receiving a stipend at this time. Doug Knox doesn't think it would go over well, as there are people that have been laid off. Commissioner Neer states the stipend wouldn't affect those people but that is the perception.

Mike Mason states if you let the individual decide whether they want that money or they want to donate it, they could even set up a community fund if someone chooses to donate back. He doesn't think the community will be up in arms about this. They are all qualified people and some of them are traveling many miles to get here. He doesn't feel it is a large sum of money.

Pat Mason states that the stipend might help bring forward alternates to come in, as he doesn't think they have a big pool to choose from.

Commissioner Schreiber states he had talked to Mr. Shea about being an alternate and it isn't easy to find people to do this.

Commissioner Macsay reminds everyone they have three options: vote the option down, change the resolution or take no action.

No action taken, so the stipend stands as stated.

9. Consider Nomination of Calafco Board of Directors

a. Consider nomination of a Commissioner to run for the Calafco Board of Directors

John Benoit states this is the annual item on the board of directors. If they are interested they will have to wage a campaign. It does have a fiscal impact on LAFCO, but he feels rural LAFCOs should participate. He does believe they can still conference call on this but they would need to attend some board meetings.

Commissioner Macsay asks if any board member is interested. Commissioner Dederick states he may be interested if he is re-elected to City Council next year, but not at this time.

No action is taken.

10. 2009 Calafco Achievement Awards Nomination

a. Consider nomination for a Calafco Achievement Award

John Benoit states there are achievement awards to various categories.

Jerry Shea asks if there is one for Executive Directors because he thinks Mr. Benoit has done a great job.

John Benoit reads the topics: Outstanding Achievement Award, Outstanding LAFCO Clerk, Outstanding Calafco Member, Distinguished Service Award, Most Effective Commission, Outstanding Commissioner, Outstanding LAFCO Professional, Project of the Year, Government

Leadership Award, Legislator of the Year, and the Mike Gotch Courage and Innovation in Local Government Award.

Commissioner Neer asks if his category would be under LAFCO Professional. He states yes.

Commissioner Neer made the motion to nominate John Benoit for the Calafco Achievement Award Outstanding LAFCO Professional; seconded by Commissioner Dederick.

Commissioner Schreiber states the letter of recommendation should be signed by all members.

In favor: Unanimous.

Commissioner Neer and Planning Director Hunter will work on the letter together.

John Benoit states that eleven and twelve are out of order, and asks that the Board consider item twelve first.

12. Authorize Staff and Commissioners to attend the Calafco Annual Conference on October 28th, 29th and 30th.

John Benoit asks if anyone is interested. Commissioner Macsay volunteers.

Commissioner Schreiber made the motion to authorize Staff and Commissioner Macsay to attend the Calafco Annual Conference on October 28th, 29th and 30th; seconded by Commissioner Dederick.

In favor: Unanimous.

Commissioner Dederick asks if he can be excused from the meeting. Chairman Macsay states yes. Commissioner Dederick is absent.

11. Designate voting member to represent Modoc LAFCO at the Calafco Annual Conference

Commissioner Bradshaw made the motion to designate Commissioner Macsay to represent Modoc LAFCO at the Calafco Annual Conference; seconded by Commissioner Neer.

In favor: Commissioners Bradshaw, Macsay, Neer & Schreiber. Commissioner Dederick is absent. Motion carries.

13. Review and Authorize payment of claims

John Benoit asks to amend the claims for July as a result of sending Commissioner Macsay to the conference he would like to include the lodging for the \$462.87 for the room and \$390 for registration as he will need to process that immediately.

Commissioner Neer made the motion to authorize payment of claims for July and to include the conference costs for Commissioner Macsay; seconded by Commissioner Schreiber.

In favor: Commissioners Bradshaw, Macsay, Neer, & Schreiber. Commissioner Dederick is absent.

Commissioner Macsay asks about the claim for \$45 to John Kenny. John Benoit states he had sent him a resolution to look over.

Discussion Items:

14. Executive Officer's Monthly Report – General Discussion

John Benoit states he is working on the MSR for Fire and Cal Pines CSD. He is having problems with the maps as they don't follow the lot lines. He has an example of Cal Pines CSD, and states if you look at the lot lines they don't match up. He would like to get these nailed down in GIS. The Fire MSR and Cal Pines CSD MSR are coming up. Those are the immediate items right now and we will get into others later. He states when you do these maps they do need to be checked.

Jerry Shea asks if the maps of the CSD would be identical to what the Property Owners Association would have.

John Benoit states he has contacted Ron Sherer to look into that.

Kim Hunter asks if it can be modified, if it doesn't follow the lot lines.

John Benoit states it would fall on the land owner to fix the discrepancy. He would like to find a map of the fire districts within the county that is credible.

Kim Hunter offers Forest Service maps and Commissioner Bradshaw suggests CDF maps.

15. Commissioner Reports – Discussion:

No reports.

Commissioner Neer welcomes Stephanie Northrup as the new Clerk to this Board.

16. Closed Session – Subject: Employee Performance Evaluation

6: 09 p.m. Board enters closed session. 6:23 p.m. Board reconvenes in open session.

Chairman Macsay reports they did a Performance Evaluation on John Benoit, and the board took action on his evaluation.

The next meeting will be held October 13, 2009 at 5:00 pm.

There being no further business to come before this Commission; Commissioner Schreiber made the motion to adjourn the meeting, seconded by Commissioner Bradshaw, and the meeting was adjourned at 6:24 pm.