

Local Agency Formation Commission  
Of Modoc County  
Regular Meeting

Minutes of October 13, 2009

**1. Call to Order:**

Chairman Macsay called the meeting to order at 5:00 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 Dederick made the motion to approve the agenda as submitted; seconded by Commissioner Neer. In favor: Unanimous.

**3. Correspondence:**

None.

**4. Approval of Minutes:** August 11, 2009

Commissioner Neer points out an error on page three of the minutes. Commissioner Dederick made the motion to approve the minutes of August 11, 2009 as amended; seconded by Commissioner Bradshaw. 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.

**Action Items:**

**6. Conduct Workshop on Fire District Municipal Service Reviews**

*a. Review Draft Fire District Municipal Service Review Document, provide comments and direct staff to send the Draft to the Fire Districts for their review and set hearing for adoption at LAFCo's December 2009 meeting.*

Executive Officer Benoit states that what is stated there and what is there in reality are two different things. For instance Surprise Valley has four fire districts. You may think it only needs one, but that wouldn't be practical and they are separate entities and provide service for their local areas. One other step may be to have some centralized administration. They want to fight fires and not do the book work associated with it. Instead of consolidating them, maybe find someone to do some of the paperwork for all of them. He suggests the county but states he knows they don't have the resources at the time. He states some do better than others but they might not all be familiar with the Brown Act, etc. They might

not consolidate but they could do JPA's. That way when districts annex the JPA would cover it. He states in some situations this works but he's not sure of the politics involved here. He states this is done in Williams and this has been working for them. He states this could be beneficial for the Madeline and Likely Fire Departments or for Likely to take over the Madeline hall. He did speak to Mike Maxwell about this and he didn't think it was a good idea. He states that's about all he has in terms of the Fire MSR. He has put together a closer look of these districts without going into too much depth. He asks for the commissioners comments on this. He knows Modoc LAFCO has been trying to do this for about 8 years or so.

Commissioner Macsay points out a correction on pg. 6 under section 2.5.3 saying that there are six points listed, but it shows five. Alternate Public Member Shea states that all fire districts with the exception of Lookout state they are under the Auditor Office. Commissioner Bradshaw states that they are all under the Auditor's office. Commissioner Macsay states on pg. 30 under section 9.1.2 the contact information has changed and Ray Gorzell is in charge.

Executive Officer Benoit states that most of the legislature came from Southern California and that works for larger counties, but he doesn't think they thought of rural counties.

Commissioner Macsay states that on pg. 37 there needs to be a spelling correction for Jesse Harris. Executive Officer Benoit states if anyone has any other correction they can email them to him so he can get this to the fire districts for their input as well. He was also informed that some Fire Chiefs are also on the Board of Directors and he thinks that isn't compatible. Commissioner Bradshaw states it always comes down to too few people to do the job.

Executive Officer Benoit states if he can get them to look at this and report any changes that would be good. He also has the Cal Fire information in there as well and reports that all dispatch is done by the Sheriff's Office.

Commissioner Neer states that some of these email addresses might not work as she heard that High Desert Online is going out of business.

City Public Works Director Chester Robertson asks about Lake City on pg. 43 stating that they are nine times in debt their annual revenue to the County. Commissioner Macsay states they don't get enough revenue to cover fuel and insurance alone so they have been going into debt slowly. He states that none of the other districts pay for these things out of their own pocket because they have enough money, but Lake City doesn't have enough tax revenue coming in. Their insurance alone was \$4000 and that didn't include worker's comp. Executive Officer Benoit states that leads to a problem with consolidation because who would take on that debt. Commissioner Schreiber states that Cal Fire wants to get rid of the districts. Executive Officer Benoit states he doesn't see that happening. Commissioner Macsay states you have to look at the distance between these districts as well, it's a long ways. Plus, you need to have someone come in and do the paperwork and who would volunteer to do that; you would have to pay them. Executive Officer Benoit states you can have elections for these kinds of things changing district boundaries, but who's going to pay for an election it could be very expensive. Commissioner Bradshaw states that Lookout would be in the same situation as Lake City if they didn't rent out their equipment. Executive Officer Benoit states to add taxes for these districts it has to pass a vote of the people by a 2/3 vote and that's just not going to happen right now.

Executive Officer Benoit states he will be sending this out to the departments with these updates. He states this is the way to do an MSR and that is by doing them all at once instead of separately.

Commissioner Neer states when he makes contact with these groups, he might experience some anxiety because they had a situation with LAFCO a couple years ago and states he might want to be prepared to lessen that anxiety.

Commissioner Schreiber questions pg. 6 and pg. 46 and asks why that is that way stating they offer BLS. Commissioner Macsay states that is an EMT on their crew. Commissioner Dederick states they have mutual aid to help with the ambulance crews. First responders, etc all qualifies under that sentence. Commissioner Schreiber states maybe there should be something in the first part of this to explain that better, to clarify it a little more. Commissioner Neer asks about the fire equipment at the casino, does that fall under this. Commissioner Dederick states that is under the Rancheria.

Commissioner Bradshaw thanks Executive Officer Benoit on working on this document.

Commissioner Neer clarifies her question stating that the Alturas Rancheria and the casino are separate. She states the casino has a building under construction and she believes they have a fire truck, would that need to be included in this as well. Executive Officer Benoit states when this is completed he would like to move into the sphere part of this. Commissioner Macsay asks if he wants to put Ft. Bidwell on that as far as the tribe goes. Executive Officer Benoit states he made a note of that. Commissioner Schreiber asks why the City Fire Department doesn't have a board of directors. Executive Officer Benoit states they fall under City Council, but he may want to make a note of that in the documentation. Commissioner Macsay reminds everyone to contact Executive Officer Benoit if they have any more changes to be made.

## **7. Review Government Code Section 56425 and 56425.5**

*a. A meeting is required to be conducted prior to establishment of a Sphere of Influence by the City of Alturas, the purpose of this item is to discuss the requirements.*

Executive Officer Benoit asks if the City has a Redevelopment Agency. Commissioner Dederick says no. Executive Officer Benoit reads over the government code sections. He states we need to get the two entities, City and County, to talk and that the sphere has to be updated every five years. Once they both adopt this and LAFCO approves the Sphere, the City and County need to make their zoning and development standards consistent within that area. He's not sure if the City and County standards are similar or vary. The property tax agreement is another subject as well, in regards to the tax share of which entity is getting what revenue.

Commissioner Dederick asks if that is in regards to an annex. Executive Officer Benoit says yes. Alternate Public Member Shea thought he had heard something about this recently in Central California. Executive Officer Benoit is unsure of that.

Commissioner Dederick asks about annexing property that lies out of the city limits. If they did that would they then fall under the City so they wouldn't have to pay taxes on that property to the County? Executive Officer Benoit states you would negotiate those taxes. Commissioner Dederick states it should be exempt from taxes. Executive Officer Benoit states in LAFCO laws you would need to state that there won't be any taxes. City Public Works Director Robertson explains that if the property was sold you would have to negotiate the taxes then. Executive Officer Benoit states you would want an agreement to spell everything in case of these scenarios.

Executive Officer Benoit states this is the process and the City and County can discuss this. He states we need to have consistent standards for annexation.

City Public Works Director Robertson states when he says concurrent, does that mean it needs to come before the Council and the Board before it goes through LAFCO. Executive Officer Benoit states they could form a committee to work on this. If they can't come to an agreement it will come to LAFCO.

City Public Works Director Robertson asks about an overlay in regards to the Sphere of Influence. Executive Officer Benoit states that could work for Modoc County. Commissioner Macsay asks if Executive Officer Benoit will bring an example for the December meeting. He states he doesn't know of any around but he will look into it and see what he can find. Commissioner Macsay asks how soon we should get this done. Executive Officer Benoit states in the next couple of months we should get this going. City Public Works Director Robertson states if the Board could appoint two people he will see about getting two people from the City appointed at tonight's meeting. City Public Works Director Robertson states him and two Council members and suggests County Planning Director Hunter and two Board members. Commissioner Macsay asks about doing this at the December meeting when Executive Officer Benoit can be here

#### **8. At the request of Calafco review proposed Calafco Bylaw changes regarding Calafco Organization.**

Executive Officer Benoit states there was a revolt, so to speak, in Calafco, stating that 3-4 counties threatened to leave Calafco. The problem was that the 54 other counties wouldn't ever elect anyone from those other counties to sit on the board because they don't like them and it was a disproportionate representation. He states that a committee was formed and they came up with a draft amendment to the association bylaws regarding classification and qualification of members and discussed having four regions within Calafco. He states we don't need regions to share information with our neighboring LAFCOs, you just ask. There are pros and cons to this. The pros being we could do regional training up here without the expense of going to a conference. You can identify your geographic regions. Calafco needs to be a lobbying group together. In regards to the cons he doesn't really think there is a problem. He states it's a tough decision because if it doesn't get approved those 3-4 LAFCOs will leave Calafco, but he's not sure that's such a bad thing either. He states it's up to the commissioners on this.

Commissioner Macsay states this look like it's up for approval in 2010 and maybe only discussed at the upcoming meeting. Executive Officer Benoit states maybe it was pulled until 2010. Commissioner Macsay states that if they do have this come up for approval how do they want to vote. Commissioner Dederick states he doesn't understand what the authority is of these districts. Commissioner Neer states the makeup of these districts hasn't been made up yet and is concerned that this could make them politically and economically incompatible. She would want to see the regions delineated before she would approve or disapprove. She doesn't think that regions would be to a disadvantage to Northern California. Executive Officer Benoit states that is some issue we may see come up in the discussions. She feels this would complicate things. Alternate Public Member Shea asks about if they will have four regions for sure. Commissioner Macsay states he thinks we can only go to the meeting and see what they have to say. He states we can put this back on the agenda for the next meeting. Executive Officer Benoit states they can report on this yes.

#### **9. Review and Authorize payment of claims.**

- a. Ratify payment of claims for August 2009 and authorize payment of claims for September 2009.*

Commissioner Neer asks if Executive Officer Benoit's rate has changed between August and September. He replies no. She states if she looks at the time card for September there is a difference from the August time card. He states if he's in the county for over eight hours it's calculated different, otherwise it's an hourly rate. He also states that Clerk Northrup's time is included in there as well. Commissioner Schreiber made the motion to ratify payment of claims for August 2009 and authorize payment of claims for September; seconded by Commissioner Dederick. In favor: Unanimous.

**Discussion Items:**

**10. Executive Officer's Monthly Report – General Discussion**

Executive Officer Benoit reports that he is progressing on with the cemetery districts. He also spared them the review of the Cal Pines MSR. He is going to send that to them directly before the Commissioners see it. He states it's best that way.

In regards to the hospital, he spoke to Walt Beck, and there are two groups, anti-funding and the Save Our Hospital Committee. CEO Beck is going to try to get both of those groups to work together. He will be working on that and getting back to Executive Officer Benoit on any changes that may need to be made with an agenda item.

Executive Officer Benoit hasn't received any requests for any new annexations. The city and county may want to look into the mill site. City Public Works Director Chester Robertson states it would need to include a fire district or no industrial entity will want to work in there.

**11. Commissioner Reports – Discussion:**

Commissioner Neer asks Executive Officer Benoit about the letter for his nomination. He sent it to Calafco. Commissioner Macsay states we should hear something at the annual meeting. Commissioner Neer states she sent a draft to County Planning Director Hunter but hasn't heard anything back. He states he sent the nomination in without any letters, and he was supposed to have three. She will look into having the letters forwarded to Calafco.

The next meeting will be held December 8, 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 Neer, and the meeting was adjourned at 6:25 pm.