

Local Agency Formation Commission
Of Modoc County
Regular Meeting

Minutes of December 15, 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 Neer, Schreiber, Bradshaw and Macsay were present. Commissioner Alternate Public Member Jerry Shea and Commissioner Alternate County Member Jeff Bullock were also present. Commissioner Dederick is absent.

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

Pledge of Allegiance

2. Approval of Agenda:

Commissioner Macsay states that the Save Our Hospital Committee would like to remove agenda item #7. Commissioner Neer made the motion to approve the agenda as amended; seconded by Commissioner Bradshaw. In favor: Commissioners Macsay, Neer & Bradshaw. Abstain: Commissioner Schreiber. Absent: Commissioner Dederick. Motion carries.

3. Correspondence:

None.

4. Approval of Minutes: October 13, 2009

Commissioner Schreiber made the motion to approve the minutes of October 13, 2009 as submitted; seconded by Commissioner Bradshaw. In favor: Commissioners Macsay, Neer, Schreiber & Bradshaw. Absent: Commissioner Dederick. Motion carries.

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.

Doug Knox, speaking as member of Patriots Tea Party, reports they are in town and active. The meetings will be the second Sunday of every month at the Veteran's Hall from 4-6 p.m. They will be looking at local, state and federal legislators. He invites all to attend and states this is not a specific party group.

6. Conduct Workshop on Cal Pines CSD MSR/SOI

a. Review Draft Municipal Service Review and Sphere of Influence Documents for Cal Pines CSD, provide comments and direct staff to set hearing for adoption at LAFCO's February 2010 meeting.

Executive Officer Benoit sent this to Cal Pines CSD and asked if anyone is present in the audience. There are none from Cal Pines CSD. He wanted to give them an opportunity to speak on this prior to approval. The recommendation is that the district boundaries remain the same. The last MSR was done in the 1980s. Once completed, updating this shouldn't be too much work. If the Commissioners have any comments he will take them now to input in the draft. He has had problems with no response from anyone. They provide a lot of services out there for such a small CSD and apparently it is working, so we don't want to make many changes. He did receive original comments and they are incorporated into the document.

Commissioner Schreiber questions an item in Section 4 regarding enforcement authority and asks what the Commissioners have to do with this. Executive Officer Benoit states they have authority to make changes to the CSD through Service Review and Sphere of Influence. We control boundaries, we don't enforce administratively.

Doug Knox asks if LAFCO determines if a district has enough finances to support a district. Executive Officer Benoit states they do require a financial analysis to make sure the district will be viable. Mr. Knox then asks the viability of the county funds? Commissioner Macsay states this item only deals with the Cal Pines CSD. Mr. Knox states the people in Cal Pines, if the district is voted in, will be affected by this new district. Executive Officer Benoit states this isn't a new district this is just a review of the existing district.

Executive Officer Benoit states the hearing will be scheduled on February 9th along with Fire MSR.

Commissioner Bradshaw made the motion to schedule the hearing on February 9th; seconded by Commissioner Neer.

Executive Officer Benoit states if they have any questions call him between then and now.

Commissioner Schreiber states if we don't have a big crowd they either don't care or they're not well informed. Executive Officer Benoit states there will be a notice in the Modoc Record. If they send notice to everyone individually it will cost lots of money and we will need to budget for that as we don't have the funds. He states we could send them an agenda or we could have the February meeting in their meeting hall.

Commissioner Bradshaw states the CSD should notify their members of the hearing. Executive Officer Benoit states our only requirement is to publish a notice. He could call their office though.

Commissioner Alternate Shea states when their board meets, which he believes is in the first of the year, maybe they don't get the notice out very well, and this could be posted at lodge. Planning Director Hunter states this is not the Property Association but the Community Service District.

Executive Officer Benoit states the CSD isn't going to grow and it probably could be downsized. Commissioner Schreiber states he wasn't accusing Executive Officer Benoit of doing a bad job he was just curious of ideas to get more people involved.

Executive Officer Benoit states if he could get some responses from the Fire MSR he would be real happy.

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

7. Review request from the Save Our Hospital Committee regarding administrative changes to the application to form a Hospital District requiring a change to Exhibit D of LAFCO's adopted resolution from \$195.00 per annum per landowner to \$130 per annum per landowner.

a. Review request and consider request to change the dollar amount from \$195.00 per annum per landowner to \$130 per annum per landowner on "Exhibit D" of Resolution 2008-0008 adopted on November 13, 2009.

This item was removed from the agenda.

8. Consider second request of Calafco review proposed Calafco Bylaw changes regarding Calafco Organization.

Executive Officer Benoit states that Calafco needs to decide if they want to go to regions or not. He doesn't believe going to regions will help us and doesn't believe we are ready. It will also cost money and he wants to know how much. Other LAFCOs have thought that if they have regions they will placate the Southern California LAFCOs. Los Angeles, Orange and San Bernardino are balking.

Executive Officer Benoit states CSAC has caucuses; Urban, Rural and Suburban and he thinks that is something to look at. It doesn't mean the formalization of a region. He doesn't think we need to go to more conferences which will end up costing us more money. He doesn't think anything is broken, so why fix it. He feels this is a waste of time and he would like to send out another letter on the Commissioners behalf. They used to have Rural and Urban conferences and the Rural Conferences were really good and very well attended. Commissioner Macsay asks what the consensus of the board is; do they want Executive Officer Benoit to send a letter or not. The consensus of the Commission is that Executive Officer Benoit sends a letter with his concerns on behalf of the Commissioners.

9. Review and Authorize payment of claims.

Ratify payment of claims for October 2009 and authorize payment of claims for November 2009.

Commissioner Alternate Shea asks if Executive Officer Benoit has had any difficulty getting warrants paid. Executive Officer Benoit states they are getting paid but at a slower pace. They were paying them almost daily but know they are doing them about twice a month which is the norm for most counties. He did receive a letter from the county regarding the finances and that they are paying bills just not as quickly as before.

Commissioner Neer made the motion to approve of payment of claims for October 2009 and authorize payment of claims for November 2009; seconded by Commissioner Schreiber. In favor: Commissioners Macsay, Neer, Schreiber & Bradshaw. Absent: Commissioner Dederick. Motion carries.

10. Executive Officer's Monthly Report – General Discussion

a. Calafco Conference Discussion

Executive Officer Benoit states Commissioner Macsay and he attended the Calafco Conference and he provided each of them a copy of the Legislative Briefing and newsletter.

He wrote a five page report on the conference and summarized the highlights of the conference. He reads over points of his summary including Climate Change and Water, Rural LAFCO Roundtables, Coping with Fiscal Stress, Judicial Review of LAFCO Decisions, Annexations of Open Space Lands, Increasing Service Demands and Falling Revenues, CEQA Review, Terms and Conditions, and Legislative Briefing.

Commissioner Bradshaw asks if they discussed water rights at all. Executive Officer Benoit states they don't discuss those types of things. Commissioner Schreiber states it has always been the plan to take the water to Southern California. Commissioner Alternate Shea asks if they discussed weather changes affecting the water changes.

Doug Knox asks if they discussed dams. Executive Officer Benoit states not at this time, and reports you wouldn't know there was a drought going on if you were in Southern California.

Executive Officer Benoit continues to read over his report. He states if the Commissioners have any questions about this report, or would like copies of materials presented at the conference, to let him know.

b. Possible Projects

Executive Officer Benoit reports that Hot Springs Valley Irrigation District has to redo some of their boundaries as they have been doing some things without changing other things. They will have to do a Service Review and Sphere of Influence.

Also, in regards to the Fire MSR, he met with Tony Richno from OES and he is going to help out with some of these comments. We're not changing boundaries, he just wants to get the correct information. He has sent the materials to the Fire Districts and is waiting for them to send it

back. Commissioner Macsary states there was quite a bit of resistance from districts from a previous information request.

11. Commissioner Reports – Discussion

Commissioner Alternate Shea asks about the Lake City Fire District and if it will disband or fold up due to financial constraints. He asks if they can consolidate with Ft. Bidwell or Cedarville and would they have to change boundaries through LAFCO. Executive Officer Benoit says yes they would.

Commissioner Macsary states that is not on the table right now. Neither Cedarville nor Ft. Bidwell could make it to a fire in Lake City fast enough and would probably have to let a fire burn. He states the Fire Chiefs will be meeting in Cedarville to discuss the problem and possibly issue support in January.

Executive Officer Benoit states he did talk to Tony Richno and Jack Hanson regarding the Likely and Madeline Fire Districts. Likely responds to dispatches in Madeline, but Tony didn't think they would want to combine services. Executive Officer Benoit thinks maybe they can come up with a service agreement between the two and Likely would get compensated for their services. An agreement would need to be set up and approved through LAFCO.

The next meeting will be held February 9, 2010 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 6:09 pm.