

Local Agency Formation Commission  
Of Modoc County  
Regular Meeting

Minutes of February 9, 2010

**1. Call to Order:**

Chairman Macsay called the meeting to order at 5:05 pm, in the City Council Chambers, Alturas City Hall. Commissioners Neer, Dederick, Schreiber, Bradshaw and Macsay were present. Commissioner Alternate Public Member Jerry Shea is also present.

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

Pledge of Allegiance

**2. Approval of Agenda:**

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

**3. Correspondence:**

Executive Officer Benoit received a letter from the Board of Supervisors and reminds everyone that the true applicant for the Hospital District is the Board of Supervisors not the Save Our Hospital Committee. He states that issue needs to be cleared up.

**4. Approval of Minutes:** December 15, 2009

Commissioner Bradshaw made the motion to approve the minutes of December 15, 2009 as corrected; seconded by Commissioner Dederick. 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.

**6. Conduct Public Hearing on the California Pines CSD MSR/SOI**

- a. *Review Hearing Draft Municipal Service Review and Sphere of Influence Documents for the California Pines CSD, conduct Public Hearing and Consider*

*Resolution 2010-0001 adopting the Municipal Service Review and Resolution 2010-0002 adopting the Sphere of Influence Update for the California Pines CSD.*

Chairman opens the public hearing at 5:09 p.m. Staff Report: Executive Officer Benoit states they didn't have any further comments, but what he did receive he added to the Service Reviews. There were some changes made in the MSR. In the Sphere of Influence the government code was changed a few years ago that requires them to specify what services to provide. Any other service would require them have to come back to LAFCo, under CSD law. A CSD can perform about 26 different services and they currently provide about 8 or 9. Commissioner Schreiber asks about waste management, and if they pick up the garbage there. Waste Management picks it up, but they have a contract with them to provide that service.

Executive Officer Benoit states that the intent of CSD law was that they would ultimately become a city. He states they obviously won't become a city until they get more development out there. Commissioner Schreiber states if they filled it, they would have a pretty good city, about 34,000. Commissioner Schreiber asks if the county bills them for the taxes. Commissioner Alternate Shea states they do get a billing for sewer and solid waste through the CSD. Commissioner Macsay states he doesn't know what they are charged individually. Executive Officer Benoit states they are charged a little over ten dollars, and they pay a little extra to the county to dispose of that at the landfill. Commissioner Schreiber states they get charged the same as we do than, a service fee and a fee to haul it off. Commissioner Macsay states they pick up the garbage around the county bring it to Alturas and Walt Sphar has a contract to truck the garbage to Laughlin. Chairman closes the public hearing at 5:18 p.m.

Commissioner Dederick made the motion to approve Resolution 2010-0001 adopting the Municipal Service Review and Resolution 2010-0002 adopting the Sphere of Influence Update for the California Pines CSD; seconded by Commissioner Neer. In favor: Unanimous.

Commissioner Alternate Bullock joins the meeting.

**7. Conduct Public Hearing on the Municipal Service Review for Fire and EMS services.**

*a. Review staff memo, open hearing and receive comment and continue public hearing until LAFCO's April 13, 2010 meeting.*

Chairman opens the public hearing at 5:20 p.m. Staff Report: Executive Officer Benoit sent the MSR to various agencies and ask that they respond by January 15<sup>th</sup>. He received comments from Alturas Rural, Likely, California Pines, Adin, Fort Bidwell, Lake City, Eagleville and Cedarville but nothing from the others. Commissioner Bradshaw states the Tulelake Chief said he sent it in. Executive Officer Benoit says we need Davis Creek, Canby, Lookout, Tulelake, and Willow Ranch. He states the equipment is usually what needs to be updated. Commissioner Macsay says that and the Commissioners and Chiefs need to be updated as well. Commissioner Alternate Bullock had talked to Davis Creek and they were supposed to get back to him. Executive Officer Benoit suggests we get a hold of the rest of these people and then we can redo the public hearing at the April 13<sup>th</sup> meeting. He will send a letter to those he hasn't heard from

but asks that the Commissioners remind them as well. Chairman closes the public hearing at 5:24 p.m.

## **8. Adopt Regular Meeting Schedule for 2010**

*a. Discuss and approve regular meeting schedule.*

Executive Officer Benoit states they can always make changes as we go. Commissioner Alternate Bullock states that the June date might be an election day. Executive Officer Benoit states we can change that date in June to a different date. Motion made by Commissioner Dederick to approve the regular meeting schedule for 2010; seconded by Commissioner Schreiber. In favor: Unanimous.

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

*a. Ratify payment of claims for Dec. 2009 and authorize payment of claims for Jan. 2010.*

Commissioner Macsary asks about Watermaster/Commissioner of Agriculture. Executive Officer Benoit hasn't heard from him since so he's not sure what he needs to do. If they want to go to an independent district they should do something like Lassen had, so it doesn't have to go through LAFCo. If they form it under the LAFCo process it could be more cumbersome.

Motion made by Commissioner Neer to ratify payment of claims for December 2009 and authorize payment of claims for January 2010; seconded by Commissioner Bradshaw. In favor: Unanimous.

## **10. Consider letter in Opposition to AB419 (Caballero) regarding changes of organization and election requirements.**

Executive Officer Benoit says this is the current bill. He checked today to see if there were any changes. He found out about his about a month ago, when he received a call from the Calafco Director.

A week or so later he received a call from Mary at RCRC in regards to this bill being potentially harmful to Modoc County. When this is all said and done it won't affect the hospital district, but those done after January 1, 2011.

Executive Director Benoit states he ran into Senator Aanestad's aid and talked to her about this. It's really out of class for an Assemblywoman to sponsor a bill that is happening in someone else's district. He asked what position they are taking on this, and she said they're not opposed to it. When a democrat does a bill the republicans have a committee to review it and in this case they support the bill. He doesn't think Caballero should be initiating bills that affect Modoc County. He talked to an individual from CSAC today, and she indicated that CSAC is taking a watch position on the bill. He states he can't get his teeth into anything to oppose this so he feels taking a watch position is the way to go.

Executive Officer Benoit reads a section of bill to the Commissioners. He states that LAFCo code doesn't refer to Election codes and it should. Commissioner Bradshaw states RCRC doesn't have a position on this either, they are watching. Commissioner Macsary asks if he has talked to Senator Cox yet. Executive Officer Benoit says no he hasn't yet because it was an Assembly Bill. He states we do need to take a position on this and send a letter out. What he can do is draft a letter and email it to the Commissioners for a consensus vote.

Commissioner Macsary states if we go out with a letter of opposition where do we stand. Executive Officer Benoit states that he's been looking for a good reason to oppose this, but hasn't done that yet. He states that the Resolution should be relooked at by the BOS so the power isn't all given to SOHC. He also states there's the financing plan to look at and maybe we can adjust that at another meeting. Commissioner Macsary asks what he recommends at this time regarding the bill. Executive Officer Benoit states we should take a watch position, and if something changes he will draft a letter quick and send it to the Commissioners for review.

Commissioner Alternate Shea asks if a motion is needed to take a watch position and then authorize Executive Officer Benoit to write a letter when needed. Executive Officer Benoit says yes.

Commissioner Dederick says he would like to take a watch position and if we oppose it he would like to know why and doesn't think anything will happen before the April meeting, but we could take an emergency stand if needed. Executive Officer Benoit states little does anyone know that this really empowers LAFCos. Commissioner Neer states isn't this a lot to do in 45 days. Executive Officer Benoit states that's what he thinks and maybe it would be better at 60 days. He also states there is nothing in here that shows consequence if you don't do that, except someone would just say that you failed to follow the code. He also is curious if the 45 days is suggestive or required. Commissioner Schreiber thinks it should be 90 days. Commissioner Alternate Shea states you have County Counsel to review, than meetings which requires sufficient notice and 90 days might be more appropriate. Commissioner Schreiber asks if we can send a letter asking for 90 days. Commissioner Bradshaw states we might not be happy with that either and maybe we should watch to see what happens. Commissioner Dederick states he doesn't see a problem with the 45 days. Commissioner Neer says if that's the case then elections could be politically manipulated if a Board wants to have the election in a general election rather than a primary election or a special election which could influence the results of the election. Executive Officer Benoit states that part is already in the law. Commissioners decide to keep a watch position on this and table it until the next meeting.

**11. Authorize staff to attend the Calafco Staff workshop (April 14-16, 2010) and authorize payment of a portion of the workshop costs.**

Executive Officer Benoit can't attend the whole workshop because he has a conflict and has to be up here. He's thinking about going Thursday but isn't sure yet, so there might not be a cost. He has looked at the agendas and is on the fence about spending his time going. Unless he sees an improvement on the agenda he probably won't go, but needs permission from the

Commission in case he does. Motion made by Commissioner Bradshaw to authorize staff to attend the Calafco Staff workshop (April 14-16, 2010) and authorize payment of a portion of the workshop costs; seconded by Commissioner Neer. In favor: Unanimous.

## **12. Executive Officer's Monthly Report – General Discussion**

- a. *Calafco Reorganization Discussion*
- b. *700 Forms are due Thursday April 1, 2010*

Executive Officer Benoit states they have received the 700 forms, so they just need to get those turned in prior to the due date.

In regards to the Calafco Reorganization, he reports that a movement started between Southern California LAFCos in regards to not having representation on Calafco, so they wouldn't join Calafco if they didn't have four votes on the board. If this was passed Calafco wouldn't run efficiently. He states he remembers in the 80's they had seven or eight representatives from those counties and it worked just fine. What they are doing is locking themselves into having four representatives and the northern counties would have four representatives, and then there will be coastal and foothill counties. He says that Calafco has always been more of an urban organization. He thinks if having 12 representatives from the other counties and four from the southern counties could be a good thing and they will probably regret it later. He thinks we should vote on this, otherwise Calafco could be split up.

He states they used to have urban and rural conferences, and everyone was going to the rural conference so they abandoned the urban conferences. Commissioner Neer states the letter sounded nearly apologetic in tone. Executive Officer Benoit states he thinks she's right and that's the impression he got. He states we will get more information before we vote. If they do pull out, we'll have a Northern California group and Southern California group in which case they would just fight each other. If that happens he believes they will come back together especially after some people retire. Commissioner Neer asks if the general consensus is to support this or to make the best of a bad situation. Executive Officer Benoit states he sees it that way, but he's enthusiastic about it because he thinks the southern counties are just hurting themselves in the long run. He states there would be 16 open seats and maybe someone from here should consider being on Calafco.

## **13. Commissioner Reports - Discussion**

None.

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 6:10 p.m.

The next meeting will be held April 13, 2010 at 5:00 p.m.