

Local Agency Formation Commission  
Of Modoc County  
Regular Meeting

Minutes of June 15, 2010

**1. Call to Order**

Chairman Macsay called the meeting to order at 5:00 p.m., in the City Council Chambers, Alturas City Hall. Commissioners Dederick, Neer, Schreiber, Bradshaw and Macsay were present. Commissioner Alternates Jerry Shea and Jeff Bullock 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 Bradshaw. In favor: Unanimous.

**3. Correspondence:** Executive Officer Benoit states he has correspondence dealing with MSRs which he will go over during the reports.

**Approval of Minutes:** April 13, 2010

Commissioner Dederick made the motion to approve the minutes of April 13, 2010 as submitted, seconded by Commissioner Bradshaw. Commissioner Neer asks for an explanation in the minutes regarding AB8. Executive Director Benoit explains what was discussed during that meeting regarding the Assembly Bill. In favor: Commissioners Dederick, Schreiber, Macsay and Bradshaw; Abstained: Commissioner Neer. Motion carries.

**5. Public Comment:** None.

**6. Conduct Workshop on the Municipal Service Review and Sphere of Influence for Cemetery Districts.**

*a. Review staff memo, Conduct Cemetery District Workshop provide discussion and direction to staff to schedule a public hearing at the August 10, 2010 LAFCO meeting.*

Executive Officer Benoit states he is introducing the Cemetery District's Service Review and Sphere of Influence. It was sent to all the cemetery districts for review. Those that have not provided comments are Ft Bidwell, Davis Creek and Lookout. He has the draft service reviews for the commissioners. He states he wasn't happy with the maps because they had spelled cemetery wrong among other things. He will discuss mapping further when they go over the fire districts. He states obviously no one has looked at these maps. Commissioner Neer states she did and told them, but obviously it wasn't changed.

Executive Officer Benoit states there is a problem with property lines in the county but that can be reconciled easily enough. He asks if the commissioners have any comments at this time, otherwise he will schedule a hearing for the next meeting. Usually with the cemetery districts you get people here, but maybe that will happen when the notice of the hearing goes out. He will follow up with the districts that haven't responded. Commissioner Dederick states that Willow Ranch looks like the place to be buried since they don't charge anything. He asks about cash balances with some of the districts. Commissioner Neer states there seems to be a difference in degree of the responses. Executive Officer Benoit states that just depends on the information that the different districts have available.

Commissioner Macsaj states one states how much a plot is and others do not. Executive Officer Benoit states some don't have rates, some have endowment fees. Some don't charge people outside of the district, which is good because they need to provide services for those in the district. Commissioner Macsaj states that people come in from the outside to be buried in these smaller districts because it is so much cheaper.

Commissioner Neer asks if the information they provided is adequate or do they need to provide more. Executive Officer Benoit states he's more concerned with the information being correct, and we can add on to it later. Researching the different inadequacies, Commissioner Neer states she was more concerned about the detail in the report. He states if he can't get the information he might have to put something in the MSR stating that there was no response. Executive Officer Benoit states another thing to look at, is what an adequate fee is. You can't compare it to outside areas because it's apples and oranges. He could try looking at Lassen County, it might be more comparable.

Commissioner Dederick asks about the Pioneer Cemetery and asks if that is maintained by the Alturas Cemetery. Commissioner Schreiber states the only thing written is that it sits on City property, so it might be their responsibility. Commissioner Alternate Shea states when he worked for the city he would clean it up, but was told that the Indians did that. Chester Robertson, City Public Works Director, states it is on property of record belonging to the city, but it is not being serviced at this time. He feels that this should be the responsibility of the Alturas Cemetery and should be in their Sphere of Influence.

Commissioners concur with public hearing on the 10<sup>th</sup> of August.

Commissioner Alternate Shea states in 1997 he took a mower into the Pioneer Cemetery and the Fire Marshall told him the Indians were responsible for that. Commissioner Dederick states that sounds like it might not be the case.

## **7. Conduct Public Hearing on the Final 2010-2011 Budget for Modoc LAFCO.**

*a. Review Executive Officer's Report and adopt Resolution 2011-0005 approving a final budget for fiscal year 2010-2011.*

Chairman Macsaj opens the public hearing at 5:22 p.m. Executive Officer Benoit states he did a report that outlines all of the expenditure categories. He states sometimes we'll get dramatic changes, but that wasn't the case. The items remained the same down through the budget. One

thing on the agenda is transportation and travel which they can discuss then regarding the Calafco Conference, but everything else is the same as the proposed budget. He reports that LAFCo is financially solvent. Chairman closes the public hearing at 5:24 p.m. Commissioner Schreiber made the motion to adopt Resolution 2011-0005 approving a final budget for fiscal year 2010-2011, seconded by Commissioner Neer. In favor: Unanimous.

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

*Ratify payment of claims for April 2010 and authorize payment of claims for May 2010.*

Commissioner Dederick made the motion to ratify payment of claims for April 2010 and authorize payment of claims for May 2010, seconded by Commissioner Neer. In favor: Unanimous.

#### **9. Calafco Bylaw Amendment.**

*a. Consider Bylaw amendment for Calafco regarding composition of the Calafco Board of Directors.*

Executive Officer Benoit states this is becoming a long history. They have a 15 member Board of Directors, which represents members at large. In recent years, they have become Northern California dominated. Some of the personalities in Southern California have elected to pull out. They floated a proposal that they would have 4 representatives from various areas. Board of Directors would resign at the conference and elect the new members which would make a 16 member board. They are asking for the commissioners to vote in favor or against this. He suggests they vote in favor so we have a guaranteed four votes on the board. The earlier proposal was they would have these four areas and have individual conferences in those areas. That was opposed due to the added time and money that would be involved. Commissioner Bradshaw made the motion to support the Bylaw amendment for Calafco regarding composition of the Calafco Board of Directors, seconded by Commissioner Dederick. In favor: Unanimous.

#### **10. Staff Services Contract for FY 2010-2011.**

*a. Consider Contract for Staff Services for FY 2010-2011 subject to Counsel's signature.*

Executive Officer Benoit states he has counsel's signature on the original, as he talked to John Kenny last week. He states he doesn't think there are any differences from last year's contract. Commissioner Dederick asks about travel charges, and Executive Officer Benoit states he doesn't charge that flat rate if he works in his office he charges the normal hourly rate. Commissioner Neer made the motion to approve the contract for Staff Services for FY 2010-2011, seconded by Commissioner Bradshaw. In favor: Unanimous.

#### **11. Authorize Staff and Commissioners to attend Calafco's Annual Conference in Riverside County.**

*a. Approve minute order to authorize the payment of registration and lodging for Commissioners and staff to attend the Calafco Conference.*

Executive Officer Benoit states he would like to get this process in motion. If there are any of the commissioners that would like to attend the conference than we should get that moving. He

thinks we should have at least one to two commissioners, maybe one due to cost. He also suggests flying instead of driving because of the distance. Executive Officer Benoit states it will be in Palm Springs. Commissioner Dederick states he will make the motion to authorize regardless of who attends. Executive Officer Benoit states he didn't attend the last one, but he has been asked to be a speaker for this one. Commissioner Alternate Shea asks when it will be. Executive Officer Benoit states it is scheduled for October 6<sup>th</sup> – 8<sup>th</sup>. Commissioner Neer seconds the motion. In favor: Unanimous. Executive Officer Benoit asks if anyone wants to go to let him know within a month.

## **12. Monthly Report – General Discussion.**

Executive Officer Benoit states one thing that came up was the Fire MSR, and he had some issues with the mapping. What happened was the mapping was done, but not verified. He sent the district boundaries to the fire districts and of course none of them agree to what their boundaries are. He spoke to Tony Richno and he is sending him the GIS boundaries that he has, including the service areas that they serve. Some of the service areas overlap each other. He states he received some comments from two of the fire districts and they didn't agree with the maps he had, so he's waiting to see what Tony's maps look like. He is going to take a look and the inconsistencies will come out. Another issue is what is the SRA and LRA areas. We don't have the issue of having SRA within city limits.

He also gives the board a legislative report. AB419 gives a deadline for the board to call an election within 45 days. What happened was, the current law doesn't specify the number of days the board has to call an election once LAFCo sends them the information. There will be an added requirement and LAFCo must also notify the county election official, who will be required to act if the board doesn't. He states that bill is going through. It is on the senate floor right now and will go to the Governor and will most likely pass.

The next bill is the Arambula bill, which provides residence outside a fringe community who can go to the board asking the board to approve a resolution for an annexation. Executive Officer Benoit state there are numerous issues with this and they thought it had been put to bed, but it has been brought back. Calafco is opposed to this and he thinks the league will be also as well as CSAC.

There are some other bills that are coming up, such as city council vacancy requirements . The omnibus bill has some legal clarification on when you can repeal a LAFCo action. This will put in the 90 day statute of limitations, which is good.

Another bill, AB155, regarding bankruptcy states that a public entity can only file bankruptcy with state approval. He states this is now at the Governor's desk and hopefully he will veto it.

If SB1174 is signed, new mandates will be in place for the city and county. The concern is that the passage of the bill would mean LAFCo would need substantial detail in the sphere that is not required now. If this bill passes than there could be more work for LAFCo's to do. Every year LAFCo's have been empowered to do more, which is a concern when the financial impact increases. RDA's are not under the purview of LAFCo's along with some service areas. He

will be doing some research over the next couple of months on this since he will be discussing this at the conference.

Executive Officer Benoit wants to finalize the Sphere of Influence for the City, so LAFCo can get that approved.

Chester Robertson states the County Planning Commission tentatively approved a subdivision outside of Cedarville. What do they need to do. Executive Officer Benoit states the sub divider can apply directly to him. He states he would go to the district to file against the annexation. Is this area within the sphere of influence. Mr. Robertson states there is problem with the property lines, such that the line ends right after the hospital but leech lines are located on the property behind the hospital, so that property might have to be donated to the hospital.

### **13. Commissioner Reports – Discussion**

Commissioner Dederick asks Benoit about it getting closer to the vote on the hospital district. He heard if they reduced the rate it would have a better chance of passing, can that happen. Executive Officer Benoit states we would have to change the election and the BOS would have to amend their resolution as well. Commissioner Dederick states that would be pretty difficult though. Executive Officer Benoit states that it would to make sure everything was complete before the election.

Executive Officer Benoit states he will bring up LAFCo finances at the next meeting.

There being no further business to come before this Commission; Commissioner Dederick made the motion to adjourn the meeting, seconded by Commissioner Neer, and the meeting was adjourned at 6:00 p.m.

The next meeting will be held August 10, 2010 at 5:00 p.m.