

**Local Agency Formation Commission
Of Modoc County
Regular Meeting**

Minutes of February 12, 2013

1. Call to Order:

Chairman Dederick called the meeting to order at 5:00 pm, in the City Council Chambers, Alturas City Hall. Commissioners Allan, Alves, Neer, and Dederick were present. Commissioner Alternates Jerry Shea and Cheryl Nelson were also present. Commissioner Irvin was absent.

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

Pledge of Allegiance

2. Approval of Agenda

Commissioner Allan made the motion to approve the agenda as amended; seconded by Commissioner Alves. In favor: Unanimous

3. Update relating to the provision of ambulance services in the Northwestern area of Lassen County and the Southwestern area of Modoc County.

Executive Officer Benoit attended a couple of meetings since we last met. There are three fire districts up there and they suggested the way to get ambulance services is to do a Joint Powers Authority (JPA) instead of forming another district. A special tax could be used to keep ambulance service in the valley. LFHD is moving its ambulances over here and will cease services there by July 1st. It was interesting and most of the people there understand that they need to have ambulance service there. There is a splinter group that is convinced that annexing to Mayers is the solution, but he doesn't agree with that, and they need to get the groups to agree. The two agencies that are mostly in Modoc agree that we should have a JPA while the one in Lassen thinks they should annex. He has seen some numbers from Mayers but he doesn't think they are real decipherable. They have certain people convinced up there that they can provide ambulance service for less, but the amount of tax would be \$50 dollars per \$100,000 assessed value. This doesn't include ambulance service though and could end up being quite expensive, while a JPA would be a lot less.

He provided a letter in their packet from Shasta LAFCo that stated that Modoc County hadn't rescinded the tax agreement resolution, but he got a copy of that resolution and provided it to them. They also weren't going to have a public hearing and he doesn't agree with that. They were proposing to waive an MSR requirement which is illegal. He drafted a letter and provided that to the commission for review that he sent to the Shasta LAFCo regarding the MSR requirement for healthcare districts. The reason the MSR is so important is because there is a financial component in it and we will demand that information because it needs to be fully

analyzed. We want to make sure the MSR meets certain standards and both Modoc and Lassen would like to be notified of any changes. He thinks we need to keep the heat up and send another letter. They have got to adopt a policy that is in compliance with the law.

Commissioner Neer asks is it will help, because the Shasta Executive Officer seems to do what she wants. Executive Officer Benoit isn't sure because the commissioners seem to think that everything she says is correct. He explains that they have the staffing and funding to do an MSR but have said that they don't have the time. He doesn't feel that they should ever have accepted the application to begin with.

Commissioner Allan discusses the cost of the tax and how that money is to be used for a new hospital, on top of that they would have to add another amount for the ambulance service and that could really add up. If the JPA is formed it could be around \$150 straight across the board.

Commissioner Alternate Shea discusses the two letters and feels that Shasta's letter was a don't rock the boat letter, while Executive Officer Benoit's letter quoted section numbers. If the commissioners got a hold of that he thinks they would have to ask the Executive Director what these are and discuss them further.

Commissioner Dederick thinks her letter is all across the board. If Lassen has rejected this then we should be prepared to reject this as well. Executive Officer Benoit reports that Modoc County did rescind their resolution but he does think that the commission should draft a letter in regards to this as well. He isn't sure when their next meeting is but we need to get this to them before then.

4. Correspondence

- a. Letters to Shasta LAFCo regarding the Meyers Healthcare District Annexations*
- b. Orange, San Benito and Fresno LAFCo Executive Officer Recruitments*

Executive Officer Benoit states for some reason they are dropping like flies. The only one that is attractive to him is Orange, but he isn't going to apply for any of them.

5. Approval of Minutes – No minutes to be approved at this meeting.

Clerk Wellemeier explains that the file might have been lost when her laptop crashed but she will have IT look into possibly recovering that file.

6. Public Comment

None.

7. Sphere of Influence for the Hot Springs Valley Water District.

- a. Receive Executive Officer's Report and conduct public hearing on the Sphere of Influence for the Hot Springs Valley Water District.*

Commissioner Dederick opens the public hearing at 5:27 p.m. Executive Officer Benoit states they had asked if they needed to attend tonight but they are completely aligned with their thought process so he will just explain that they are changing boundaries and will be providing an application to him soon. The map is showing the area that will be within the district and he will provide a better map. The sphere will not be doing a lot of significant changes.

Commissioner Alternate Nelson asks if it has been addressed that this runs through a lot of tribal property. Executive Officer Benoit reports they are a customer. She is curious if the BIA was contacted. No, but he is sure they will be should any issues arise. Another thing with these tribal lands is that you need to negotiate with the correct person which can change frequently. It is really complicated and he hopes that we never have to do it.

Commissioner Alternate Shea states on the overview of the SOI, he notices that this is a coterminous sphere. Executive Officer Benoit states that was taken out so it needs to be deleted. Commissioner Alternate Shea asks if it should state that it is an annexable sphere. No because this is referenced in the resolution as attachment a. Commissioner Dederick closes the public hearing at 5:39 p.m.

- b. Consider Resolution 2013-0001 approving a Sphere of Influence for the Hot Springs Valley Water District.*

Commissioner Neer made the motion to adopt Resolution 2013-0001 approving a Sphere of Influence for the Hot Springs Valley Water District as amended; seconded by Commissioner Allan. In favor: Unanimous

8. Review Staff Report from Shasta LAFCo regarding Municipal Service Reviews

- a. Discuss and Review and provide direction to staff.*

Executive Officer Benoit reports there was a lot of other things in the staff report that he didn't take issue with because he really wanted to focus on the MSR issue. The public needs to be notified when changes are to be proposed and/or changed. We also need to watch the quality of the MSR to make sure it provides adequate information.

Commissioner Neer made the motion to approve of drafting a letter on behalf of the Commission to Shasta LAFCo to discuss our concerns and objections; seconded by Commissioner Allan. In favor: Unanimous

9. Ratify Claims for December 2012 and Authorize Payment of Claims for January 2013.

- a. Approve payment of expenses for December 2012 and ratification of the January 2013 expenses.*

Commissioner Allan made the motion to approve payment of expenses for December 2012 and ratification of the January 2013 expenses; seconded by Commissioner Alves. In favor: Unanimous.

10. Authorization for Staff to attend the Calafco Staff Workshop in Davis, CA on April 10, 11, and 12th.

Executive Officer Benoit reports he would like to look at the agenda for this workshop before he decides if he will go or not. Most likely he will only go for a day, but needs approval first.

Commissioner Allan made the motion to authorize staff to attend the Calafco Staff Workshop in Davis, CA on April 10, 11, and 12th; seconded by Commissioner Nelson. In favor: Unanimous.

Executive Officer Benoit reports that the annual conference is in August and he would recommend that all new commissioners attend this year as it is very informational. It will be held in Squaw Valley and when we discuss the budget next time we can discuss who we will send this year.

11. 2013-2014 LAFCo Work Program

Executive Officer Benoit wanted to bring this up briefly as it will be on the next agenda. We will hold a public hearing on the proposed budget along with a work program. We usually have a progressive program and schedule service reviews. We need to get them all done and in some cases there is no need to do a new service review, but we should at least do some maintenance on some of them. We did finish the Sphere and MSR for the City so that is good. The fire districts were done a couple years ago, so we shouldn't have to work on them until probably the following year. We haven't done the RCD's either. Commissioner Alternate Shea asks about prioritizing them. Yes, we could do that, but we need to get caught up with some of these first because we haven't done them.

(Commissioner Neer exits the meeting.)

If you know of anything else that could be in the work program send him an email.

12. Executive Officer's Monthly Report

Hot Springs Valley WD application

South Fork Irrigation District

New Commissioner training.

Executive Officer Benoit reports the HSVWD will be filing an application and he will be working on an MSR for the South Fork Irrigation District. We have done some new commissioner training in the past and he explains that it is good for some of the older ones as a refresher course as well. We can do that during a LAFCo meeting, but he wouldn't suggest the next meeting; or we can do it at 4 o'clock before a LAFCo meeting and those that would like to attend can show up.

Commissioner Alves asks if there is a list of the acronyms that are used. He will provide her with a list. He also discusses the next change in legislation which sounds like more empowerment to LAFCOs which he doesn't know what the means exactly. There will also be changes to the disadvantaged unincorporated areas as well. This is the time when bills are introduced and he hasn't seen those yet. They may also consider seating special districts as well.

13. Commissioner Reports - Discussion

Commissioner Allan feels that the Adin situation is continuing in a positive direction.

Commissioner Dederick wanted to discuss annexing areas into the city and he spoke with the Public Works Director and they would like to move forward with the sewer plant, mill, and the airport. Executive Officer Benoit suggest forming a JPA with the fire districts as well so they can determine response areas with the annexations.

There being no further business to come before this Commission; Commissioner Alternate Shea made the motion to adjourn the meeting; seconded by Commissioner Allan. In favor: Unanimous

Meeting adjourned at 6:04 p.m.