

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

Minutes of October 22, 2013

1. Call to Order:

Chairman Dederick called the meeting to order at 4:00 pm, in the City Council Chambers, Alturas City Hall. Commissioners Allan, Alves, Irvin, Neer, and Dederick were present. Commissioner Alternate Jerry Shea was also present.

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 submitted; seconded by Commissioner Irvin. In favor: Unanimous

3. Approval of Minutes for August 13, 2013.

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

4. Correspondence

Executive Officer Benoit received a letter from Calafco thanking us for our participation in the Annual Conference. He also has a newsletter for the Commissioners.

6. Public Comment:

Dan Bouse thought he would come by since they haven't been here in a while. He is a member of the Big Valley EMS Group. They have spoken to the other LAFCo Commission and have been meeting once a week for the last five months. They are moving towards applying for a Multi-County Community Service District. They hope to have the application to Executive Officer Benoit before the next meeting in December. They have a group that is in the process of creating the maps and hope to get that digitized to get to the two Assessors' Offices. They don't want to lap over the Healthcare District boundaries either. CAO Robertson was talking about some of the issues with the Madeline Fire Department and maybe that is something they could look at in determining how they would run that boundary to the east. They have looked at the ambulance response areas that were Adin's responsibility up until June 30th and have come up with some good geographic lines. He does have the maps as tentative drawings if anyone would care to look at them today.

Commissioner Dederick asks what the timeline will be if they have the application in by next meeting. Mr. Bouse reports that Supervisors Geri Byrne and Aaron Albaugh have been a part of the group and they are hoping for a Resolution adopted by the Boards of Supervisors and to have on this on the June ballot, which they hope is a realistic goal. Commissioner Dederick asks if

that will require a 2/3rd vote. Yes for the tax it would; to approve the district it requires 50% plus 1 vote. If they don't both pass then the district will not be formed.

Commissioner Allan asks about taxation for parcels with residents and vacant parcels. Mr. Bouse reports that they have discussed numerous options but nothing has been decided at this time. They want to get the boundaries drawn so they can then have the parcel information and go from there as to what seems realistic and fair for this district. He believes it will look different than what was proposed for the JPA between the three fire department districts as they are looking at a larger area. Commissioner Allan suggests that they should have a difference between parcels with residents and those without to make it fairer and to cushion the blow a little. Mr. Bouse agrees totally and states there have been rumors out there regarding this that have caused people to be concerned. Mr. Bouse suggests a parcel tax, but to put a cap on the number of parcels; somehow they have to find a happy medium. Commissioner Allan reports once they get the boundaries figured out it he will offer up his services from what he has learned while dealing with the healthcare district.

6. Agreement for Legal Counsel

a. Receive Report from the Executive Officer

Executive Officer Benoit would like to put that on hold until January. He contacted Andy Morris and he is resigning from Best, Best and Krieger and should be able to cut us a much better deal once he is on his own, so he would like to hold off until that happens. He is competent in LAFCo and Municipal Law. Commissioner Allan asks when he resigns. At the end of December.

7. Ratify Claims for August 2013 and Authorize Payment of Claims for September 2013.

a. Approve payment of expenses for Aug 2013 and September 2013

Commissioner Allan made the motion to approve payment of expenses for August 2013 and September 2013; seconded by Commissioner Alves. In favor: Unanimous.

8. Discussion and possible direction regarding establishing a policy as mandated by SB-244 – Disadvantaged Unincorporated Communities

a. Review the requirements of SB-244 and provide direction to staff to add a policy to the LAFCo Policies, Standards and Procedures.

Executive Officer Benoit reports that in looking at the law and it might not affect us much, but maybe the county. He would like to minimize LAFCOs work and what we do with this. We should establish a policy that mirrors the law. In most of the rural counties, the districts already include everyone around them, what this effects is annexations into the City. He reads over the item 8 attachment within the agenda packet. There is a fiscal affect to this as well. Why would the City want to annex a bunch of new people and not get the VLF revenue? He feels that this whole law is ridiculous, but now we are dealing with it. He discusses the definition of a disadvantaged unincorporated community. He states that item #3b on the attachment is discretionary and if it isn't 25 parcels then they won't deal with it, and he questions whether we

really have any areas that meet the definition under #3c. He feels that they should have a policy that states contiguous land as that is what the law states. The legislature passed a bill that doesn't allow newly annexed areas to receive VLF funds and no city would want to annex if funds won't be acquired. He probably will not do income surveys, we could have someone do that for us should that be the case. This law was one of those one size fits all and that is why he would like to have a policy in place. He doubts we will ever force an annexation to the City of Alturas. He asks if 25 parcels is reasonable or if it should be 25 residentially occupied parcels. Commission concurs. There are other things in SB244 that the County is required to acknowledge, but he will leave that up to the County. Commissioner Allan states it is mandated that we come up with a policy, so let's just put something together.

Commissioner Neer made the motion to direct Executive Officer Benoit to draft an initial policy; seconded by Commissioner Allan. In favor: Unanimous.

10. Review 2013 Annual Calafco Conference – Marie Neer and John Benoit

Commissioner Neer attended a few different sessions. One of which was "History of LAFCo" which was created in the 1950's and thought it would be a state governed entity but instead became regional and by county. They weren't sure what LAFCo would do but they created MSRs and SOI which has given LAFCos an important task. She also attended the "Use of Water" which is mostly used in Southern California coming from Northern California. The concern is the Delta area as they are losing a lot of the natural area. In some areas the salt water is moving into the fresh water areas so they are losing water usage. They are considering creating canal tunnels. She also attended "Hospital and Healthcare Districts". There were several presenters but one who was probably the best that she has ever heard was the Healthcare Director of the Beach City Healthcare District which is essentially the primary healthcare district. They have the complete support of the community for this district and have found that 75% of problems are preventable. This includes child obesity, smoking, etc. The Healthcare Director proved that a healthcare district can be very valuable to a community. The lady who spoke after her was in a Bay Area Hospital District and was quite contrasting from the other speaker.

Executive Officer Benoit reports on "LAFCo through the Years", stating they provided a handout of the presentation and the chronology of the events of LAFCo and he will create a pdf for them and provide that to them or put it on the website. In regards to the water session, he was on the program committee and they all received a letter from San Joaquin berating that session which he agreed with because it was really biased and one sided. He has heard this over and over again but nothing has happened because it is urban oriented. The problem is the Delta is sinking which is why the salt water is making its way into the fresh water. He didn't really care for the presentation. Commissioner Neer reports she went online and reviewed some information that predicts a ten-day deluge that would flood the entire San Joaquin and Central Valley. According to this report it happens every 150 years so we are due.

Executive Benoit reports on Rosenberg's Rules of Order which he thinks we should consider taking some action on this. Judge Rosenberg drafted some Rules of Order for little public agencies and it is something you could read over and understand. He would suggest that we review this and see if they would rather use it to conduct business as a LAFCo. He will provide everyone with a copy of the document. Robert's Rules of Order is much more complex. Commissioner Alternate Shea reports it has changed so much over the years which has made it so much more complex.

As for a legislature report, before the conference the Governor signed the Calafco Omnibus bill and reports that the one he is most interested in was the ability for LAFCo's to apply for certain grants. There was also a proposed bill that healthcare districts without hospitals would be required to do a community needs assessment and we would have to review. In other words they would be picking on these districts and so that bill died. The Roth bill was another and until they can backfill the VLF it will never happen.

They also had a discussion on Ethics laws and FPPC will be going after the big violators but we still need to file the documents because if there is any idea of propriety than watch out.

11. Public Hearing: Canby Community Services District Service Review and Sphere of Influence.

- a. *Receive Executive Officer's Report and conduct public hearing on the Municipal Service Review and Sphere of Influence for the Canby Community Services District.*
- b. *Adopt Resolution 2013-0005 approving a Municipal Service Review for services provided by the Canby Community Services District.*
- c. *Adopt Resolution 2013-0006 approving a Sphere of Influence Update for the Canby Community Services District.*

Chairman Dederick opens the public hearing at 5:03 p.m. Executive Officer Benoit reports the last time he spoke to them they were working on doing a water system. That never happened but they are hoping to get that done. His recommendation would be to adopt the service review stating that they don't really do any services, but they better by the next time around. It is very expensive to start a district so that is why he wants to keep the district intact at this time.

Commissioner Neer asks about the source of the photograph. That is her photograph and she is curious where it came from, and clarifies that it is the Hot Springs not the junction.

Commissioner Allan thinks they could have gone further on that project if they could have scored some real geothermal water, but they only received a certain amount of funds and after drilling they came up dry. He thinks they were optimistic on getting water, and isn't sure it will happen.

Commissioner Dederick has concerns that there is a statement about a waste water plant but now it is stating a water system. Executive Officer Benoit reports they had wanted to do a waste

water treatment plant, but now they are after a water system. Chairman Dederick closes the hearing at 5:09 p.m.

Commissioner Allan made the motion to adopt Resolution 2013-0005 approving a Municipal Service Review for services provided by the Canby Community Services District as well as Resolution 2013-0006 approving a Sphere of Influence update for the Canby Community Services District; seconded by Commissioner Neer. In favor: Unanimous.

10. Bylaw Amendment – Records Retention Policy

a. Review draft policy, discuss and provide direction to staff

Executive Officer Benoit states he has this on here because we don't have a records retention policy and believes we need to add this to our bylaws. He wants to establish what is consider a public record and what the retention is for those documents. He would also like to work on preserving records electronically and getting rid of paper documents. The document lists the type of records, a description of the record, the legal authority, and the minimum legal retention period. He also discusses keeping the LAFCo records in one location within the county, since they are currently located in two different locations. Commissioner Neer asks if this is a basic template for what other LAFCos are using. Yes, but it has been tweaked.

Commissioner Irvin made the motion to direct Executive Officer Benoit to draft a Records Retention Policy; seconded by Commissioner Allan. In favor: Unanimous.

12. Executive Officer's Monthly Report

Alturas City Annexation Request

Agreement between Likely and Madeline Fire Depts.

Legislation

Resource Conservation Districts

Big Valley Ambulance Services Update

Executive Officer Benoit already talked about the legislation, it was a very light year for LAFCo. He then discusses the Alturas City annexation and asks if that is still in the process.

Commissioner Dederick confirms that and reports they just completed another survey and that this is moving along.

In regards to the Likely and Madeline fire departments, Jack Hanson was recalled so a new guy has been elected and he is trying to get him in the loop on this agreement. He did express to the Lassen County folks that they do envision this including the Madeline district and not the no man's land to the south. As for RCD's he is about to do a service review and is looking for files. He had put the ambulance issue on here before he knew that Mr. Bouse would be here today so he has no further report on that. He discusses that agendas will have to be done and he thinks they could take some time.

13. Commissioner Reports – Discussion

Commissioner Alternate Shea reports that some weeks back he saw in the news, information about the State of Jefferson and asks if there is any information about that. Executive Officer Benoit asks to see the Resolution approved by the County regarding that. There are a lot of upset people in the State and that is how this got started.

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

Meeting adjourned at 5:25 p.m.