

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

Minutes of December 10, 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, Irvin, Neer, and Dederick were present. Commissioner Alternate Shea is also present.

Staff Present: John Benoit, Executive Officer. Clerk Wellemeyer is absent.

Pledge of Allegiance

2. Approval of Agenda

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

3. Approval of Minutes

Executive Benoit reports there are no minutes available in the packet so they will be deferred to the next meeting.

4. Correspondence

Executive Officer Benoit reports on some correspondence received from Kenny, Snowden and Norene pointing out change in legislation affecting the Brown Act which requires that a governing body shall publicly report action taken and the vote taken by each member on that action. We already do that here, but he does know of other agencies that do not.

He also received notification of some ethics training in Nevada County on February 13th. 2014 will be the year that they will need to renew their ethics training. The attorney that had done that training is leaving the firm, so he will be contacting them after the first of the year to see what is available. Commissioner Neer asks about training online. Yes, there is a training available on the FPPC's website which provides an alternative.

5. Public Comment: None.

6. Big Valley Ambulance Committee Presentation and LAFCo Fee Deposit Waiver Request

- a. *Receive Presentation from the Big Valley Ambulance Committee regarding the status of Ambulance service in Big Valley*
- b. *Consider waiver of LAFCo Fee Deposit for an application to form a new Community Services District to provide Ambulance Services in the Big Valley area.*

Valerie Endicott, Big Valley Working Group, reports they are moving along with the plans to create a Community Services District with the goal to provide ambulance services to the Big

Valley area. They have completed a Resolution for Modoc and Lassen counties not knowing who will be the lead county at this time. They need to get landowner information from both the Modoc and Lassen County Assessors now that they have completed the boundaries map. Today they are hoping that the Commission will grant the fee waiver.

Executive Officer Benoit states they are working on an agreement between the Likely and Madeline Fire Districts and the boundary of the CSA would cover that section for ambulance services. Ms. Endicott clarifies that they wouldn't be sending First Responders, it would just be for ambulance service.

Dan Bouse reports that they added a red dotted line to the map which shows the Mayers Memorial Healthcare boundary, and another line is drawn showing the Last Frontier Healthcare boundary so to make sure no one would be double taxed they just butted up against those boundaries

Commissioner Dederick asks if they would need to file with both counties. Executive Officer Benoit states it is usually filed with only one county, and the principal county is the one with the greater of the assessed values. Ms. Endicott believes that will end up being Lassen County, but they don't have the Modoc County numbers at this time. They drafted both Resolution and are running out of time to get onto the June ballot. Executive Officer Benoit states we would need to hold a hearing on this at the February meeting, so this is kind of fast tracked but he has a draft Resolution that can be submitted to the County which he has already discussed with Lassen County. Once LAFCo would approve this, then the County Board of Supervisors from both counties would then need to call for the election and there is a deadline to get this on the June ballot.

Commissioner Dederick asks if Lassen is the lead agency would they need to approve this or do they both need to. Executive Officer Benoit reports that Lassen had discussed doing a joint meeting, but the logistics of that would be extremely difficult. Someone will need to have the hearing in February whether it's Lassen or Modoc and we won't know which county is the lead agency until we get the numbers from Assessor Budmark. Lassen LAFCo approved the fee waiver for this yesterday, and like he told them he feels that this will be a very easy formation to deal with so it shouldn't require a whole lot of work.

Commissioner Allan is pleased with all the earnest effort that has been put into this and he feels that this is going to come together in a timely matter to make it on the June ballot. Ms. Endicott reports they have become more optimistic about this and have been receiving lots of support from the community. Commissioner Allan asks if they can give them an idea of how the district tax will be implemented. Ms. Endicott states at this time they do not have a firm plan set for taxation and have been looking at seven different ideas. They are waiting to get the assessment information from Modoc County to plug into these ideas and then decide which will be the better option for the community. She reports that Mr. Bouse has been working on the budget for this

district including the costs involved in starting the district as well as the costs involved in maintaining the district. They also have sub-groups within the committee, and one is working specifically on funding which includes researching grants.

Commissioner Neer made the motion to approve of a waiver of the LAFCo fee for an application to form a new Community Services District to provide Ambulance Services in the Big Valley area; seconded by Commissioner Allan. In favor: Unanimous.

7. Ratify Claims for October 2013 and Authorize Payment of Claims for November 2013.

- a. Approve payment of expenses for October 2013 and November 2013*

Commissioner Dederick asks about the costs for Counsel and where we are on that issue. Executive Officer Benoit is hoping to get a quote from Andrew Morris, but can't until the first of the year after he is no longer with Best, Best & Krieger.

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

8. Public Hearing regarding establishing a policy as mandated by SB-244 – Disadvantaged Unincorporated Communities

- a. Review Executives Officer's report, consider Resolution 2013-0007 adopting a policy regarding adding a new section entitled Disadvantaged Unincorporated Communities to LAFCo Policies, Standards and Procedures.*

Chairman Dederick opens the public hearing. Executive Officer Benoit reports that the State passed this law and in mandates some of things that LAFCOs have to do. He would like to soften the blow somewhat by adopting a policy in regards to this. He's not sure we will ever have to implement this provision, but would like to address this in case. They will also have to look at these for districts when they do Service Reviews and Spheres of Influence. Chairman closes the public hearing.

Commissioner Neer made the motion to adopt Resolution 2013-0007 which will adopt a policy regarding adding a new section entitled Disadvantaged Unincorporated Communities to LAFCo Policies, Standards and Procedures; seconded by Commissioner Allan. In favor: Unanimous.

9. Bylaw Amendment – Records Retention Policy

- a. Consider Resolution 2013-0008 adopting a Detailed Records Retention Policy for Modoc LAFCo*

Executive Officer Benoit reports that this is a bylaw that we really should have as he gets many questions on this. He wants to have one as detailed as possible for that purpose. This would outline in detail what they consider a record and what they do not. He knows that the County has done this with some of their older Resolutions. He is also going to be working on getting all of the LAFCo files located in one location.

Commissioner Allan made the motion to adopt Resolution 2013-0008 which will adopt a Detailed Records Retention Policy for Modoc LAFCo; seconded by Commissioner Neer. In favor: Unanimous.

10. Bylaw Amendment – Rosenberg’s Rules of Order

- a. *Review and Discuss Rosenberg’s Rules of Order*
- b. *Consider Resolution 2013-0009 adopting Rosenberg’s Rules of Order for Modoc LAFCo’s Rules of Procedure*

Executive Officer Benoit reports that Robert’s Rules of Order is made for parliament and larger organizations which is really isn’t geared toward us. Our current bylaws state they will use Robert’s Rules of Order, but he is presenting Rosenberg’s Rules of Order which is much more streamlined and simplified. The basic format would be that the Chair basically what we do now by running the meeting, inviting comments and/or motions. You won’t get sued over rules of procedure, you would get sued for violations of the Brown Act. Three motions can be up before the committee at one time, but he doesn’t think we will ever have that here. Essentially this would establish order and be user friendly.

Commissioner Alternate Shea states the two things he say that were the most different was that a second was not required and the multiple motions on the floor. According to this then the last motion on the floor would be the first to be voted on. If it passes, then the previous motions are voided. If it doesn’t pass it goes to the next to last motion on the floor.

Executive Officer Benoit reports many other organizations have adopted these rules of order.

Commissioner Irvin made the motion to adopt Resolution 2013-0009 which will adopt Rosenberg’s Rules of Order for Modoc LAFCo’s Rules of Procedure; seconded by Commissioner Neer. In favor: Unanimous.

11. Executive Officer’s Monthly Report

- Alturas City Annexation Request*
- Agreement between Likely and Madeline Fire Depts.*
- Resource Conservation Districts Service Review*

Executive Officer Benoit reports that he is working with Joe Picotte on the City’s Annexation request and going through the preliminary stuff he has found some issues that need to be worked on. The non-contiguous annexation for the wastewater treatment plant is mostly city property, but the county owns a small enclave there. He would suggest that they see if the County would release that to the City. Another option is to amend the map, but he isn’t sure that would meet the goals of the annexation. There are some problems with the mapping that they will get corrected.

There is an agreement between the Likely and Madeline Fire Districts and we want to move that ahead. He has talked to Tom Hammond, the new Lassen County Board member, and he is just getting involved in the issues within his district.

He is working on a Resource Conservation District Service Review and there is potential for some consolidation of some districts. He has been working with the Conservationist here Brian Hadwick who has been providing him with information.

13. Commissioner Reports – Discussion

Commissioner Allan states he is duly impressed with the energy on the Big Valley ambulance issue, and he thinks there is light at the end of the tunnel.

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

Meeting adjourned at 5:54 p.m.