

Modoc Local Agency Formation Commission

Note: Meeting Date, Time and Location Change for this special meeting

SPECIAL MEETING AGENDA

Website: www.modoclafco.org

TUESDAY December 10, 2019 – 4:00 PM

***Modoc County Board of Supervisor's Room
204 S. Court Street Room #203, Alturas, CA 90101***

1. Call to order / Pledge of Allegiance

Commissioners

Jim Irvin, City Member
Ned Coe, Vice-Chair, County Member
Richard Read, Chair Public Member
Mark Steffek, City Member
Kathie Rhoads, County Member
LAFCO Staff
John Benoit, Executive Officer
Scott Browne, LAFCO Counsel
Macey Binning, Clerk

Alternate Members

Marie Neer, Public Member Alt.
Geri Byrne, County Member Alt.
Cheryl Nelson, City Member Alt

2. Approval of the Agenda (Additions and Deletions)

3. Correspondence:

4. Consider Minutes for the October 22, 2019 LAFCo meeting

- a. *Approve minutes from the October 22, , 2019 LAFCo Meeting*

5. Public Comment

This is the time set aside for citizens to address the Commission on any item of interest to the public that is within the subject matter jurisdiction of the Commission. For items that are on the agenda, public comment will be heard when the item is discussed. If your comments concern an item that is noted as a public hearing, please address the Commission after the public hearing is opened for public testimony. The Chair reserves the right to limit each speaker to three (3) minutes. Please understand that by law, the Commission cannot make decisions on matters not on the agenda.

6. Authorize payment of Claims for October 2019 and November 2019

- a. *Authorize payment of claims for October 2019 and November 2019.*

7. Continued Discussion with Daphnedale CSD Board Members and status of the Daphnedale CSD dissolution and consider the repeal of LAFCo Resolution 2018-0001 and opportunities to help Daphnedale function as a CSD going forward.

- a. *Continued Discussion with Daphnedale CSD Board Members and consider repeal of LAFCo initiated resolution 2018-0001 calling for LAFCo to initiate proceedings for the dissolution of the Daphnedale CSD and opportunities to help the CSD function going forward.*

8. Determine LAFCo meeting time, day and location for future LAFCo meetings

- a. *Provide direction to staff regarding any meeting time, location and day changes for future LAFCo meetings*
- b. *Set meeting schedule for 2020*

9. Report from the Calafco Annual Conference in Sacramento October 30- November 1, 2019

- a. *Receive Report*

10. General Discussion regarding LAFCo fees and explore methods to make consolidations feasible for small districts with limited budget. Provide direction to staff.

11. WORKSHOP #2: Policies, Standards and Procedures Update

(Please bring your copy of the policies previously distributed)

- a) *Conduct workshop regarding LAFCo's updated Policies*

12. Executive Officer's Report:

- a) *Canby CSD*

13. Commissioner Reports - Discussion

This item is placed on the agenda for Commissioners to discuss items and issues of concern to their constituency, LAFCO, and legislative matters.

14. Adjourn to the next regular meeting on February 11, 2020

*Any member appointed on behalf of local government shall represent the interests of the public as a whole and not solely the interest of the appointing authority
Government Code Section 56325.1*

The Commission may take action upon any item listed on the agenda. Unless otherwise noted, items may be taken up at any time during the meeting.

Public Comment

Members of the public may address the Commission on items not appearing on the agenda, as well as any item that does appear on the agenda, subject to the following restrictions:

- Items not appearing on the agenda must be of interest to the public and within the Commission's subject matter jurisdiction.
- No action shall be taken on items not appearing on the agenda unless otherwise authorized by Government Code Section 54954.2 (known as the Brown Act, or California Open Meeting Law).

Public Hearings

Members of the public may address the Commission on any item appearing on the agenda as a Public Hearing. The Commission may limit any person's input to a specified time. Written statements may be submitted in lieu of or to supplement oral statements made during a public hearing.

Agenda Materials

Materials related to an item on this agenda submitted to the Commission after distribution of the agenda are available for review for public inspection in the Modoc County Planning Department office located at 203 W. 4th Street, Alturas CA. [such documents are also available on the Modoc LAFCO website (www.modoc.lafco.ca.gov) to the extent practicable and subject to staff's ability to post the documents prior to the meeting]

Accessibility

An interpreter for the hearing-impaired may be made available upon request to the Executive Officer 72 hours before a meeting.

The location of this meeting is wheelchair-accessible.

Disclosure & Disqualification Requirements

Any person or group of persons acting in concert who directly or indirectly contribute \$1,000 or more in support of or in opposition to a change of organization or reorganization that has been submitted to Modoc LAFCO must comply with the disclosure requirements of the Political Reform Act of 1974 applicable to local initiative measures to be submitted to the electorate. These requirements contain provisions for making disclosures of contributions and expenditures at specified intervals; they may be reviewed at Government Code §§56700.1 and 81000 *et seq.* Additional information about the requirements pertaining to local initiative measures to be presented to the electorate can be obtained by calling the Fair Political Practices Commission at (916) 322-5660. A LAFCO Commissioner must disqualify herself or himself from voting on an application involving an "entitlement for use" (such as an annexation or sphere amendment) if, within the last twelve months, the Commissioner has received \$250 or more in campaign contributions from the applicant, any financially interested person who actively supports or opposes the application, or an agency (such as an attorney, engineer, or planning consultant) representing the applicant or an interested party. The law (Government Code Section 84308) also requires any applicant or other participant in a LAFCO proceeding to disclose the contribution amount and name of the recipient Commissioner on the official record of the proceeding. Contact LAFCO Staff LAFCO staff may be contacted at (530) 233-9625 or by email at j.benoit4@icloud.com. Copies of reports to the extent feasible are located on the LAFCO webpage at: www.modoclafco.org

Local Agency Formation Commission of Modoc County
Meeting Minutes
October 22, 2019

1. Call to order / Pledge of Allegiance

Chair Read called the meeting to order at 3:02 p.m. in the Board of Supervisor’s Room at 204 S. Court St., Room 203 in Alturas, CA. Commissioner Coe, Commissioner Rhoads, Commissioner Nelson, and Commissioner Neer were present. Commissioner Irvin and Commissioner Byrne were absent. Commissioner Steffek attended at 3:48 p.m.

Staff Present: John Benoit, Executive Officer and Macey Binning, Clerk.

Pledge of Allegiance.

2. Approval of the Agenda (Additions and Deletions)

Commissioner Rhoads made the motion to approve the agenda as presented; seconded by Commissioner Coe. In favor were Commissioners Coe, Rhoads, Nelson, and Read.

Motion passed unanimous

3. Correspondence - Calafco Dues update Information

Executive Officer Benoit requests this item to be discussed later in the meeting when Commissioner Steffek arrives, since Commissioner Steffek will be attending the Calafco Annual Conference on the behalf of Modoc LAFCo.

4. Consider Minutes from the August 27, 2019 LAFCo meeting

Commissioner Coe recommended amending the minutes on Item 8 Healthcare Service Review and Sphere of Influence – Discussion and Public Workshop. Commissioner Coe requests amending the following sentence “Executive Officer Benoit agreed and reported that he will separate the 2 districts and each will have their own service review.” Commissioner Coe recommends adding “With both service reviews remaining active.”

Motion made by Commissioner Coe to approve the minutes with the amendment; seconded by Commissioner Rhoads. In favor were Commissioners Coe, Rhoads, Nelson, and Read.

Motion passed unanimous

5. Public Comment – Jeanne Goldman notified the LAFCo Board that in the back of the Board of Supervisor’s Room they are unable to hear. She is grateful they are recording the Meeting so she can revisit. Ms. Goldman is with the Surprise Valley Health Care District. Ms. Goldman is concerned that a recent survey was sent out and no information on this survey has been provided. Ms. Goldman attended the February 2018 meeting, which was the same time LAFCo began reviewing the Surprise Valley Health Care District. Ms. Goldman brought a few concerns she had regarding the Surprise Valley Health Care District. Ms. Goldman’s first concern was items added after an agenda was posted. She noticed on February 27, 2019 a contract for a new doctor, and an item regarding a Plumas Bank loan of \$350,000 was added to the agenda the day of the meeting and had action taken. July 17, 2019 during public comment the Surprise Valley Health Care District President allowed 6 minutes of disparaging remarks regarding a public member. The public member was accused of inaccurate records to the LAFCo MSR and included an accusation of LAFCo Executive Director working together. The board President did not intervene. August

14, 2019 Ms. Goldman attempted three requests to schedule a public meeting to inform district members the status of the Surprise Valley Health Care District. February 2019 Surprise Valley Health Care District filed bankruptcy and claims were being submitted. Ms. Goldman helped another individual file a claim. During that time, it was discovered after the Hospital failed an inspection report that the Hospital had a new loan in the amount of \$214,000. However, no record was found regarding the loan in public records or financial reports. The \$214,000 loan was provided by the individual Ms. Goldman helped file a claim. Ms. Goldman believes even though the Surprise Valley Health Care District does not follow process properly, the Surprise Valley Health Care District does a great job providing care for patients.

Executive Officer Benoit introduced Don Brandon who is the new Administrator for Surprise Valley Health Care District.

Don Brandon Administrator for Surprise Valley Health Care District gave a background on his work history and offered to answer any questions.

6. Authorize payment of Claims for August 2019 and September 2019

Commissioner Rhoads made the motion to authorize payment of claims for August and September 2019; seconded by Commissioner Nelson. In favor were Commissioners Coe, Rhoads, Nelson, and Read.

Motion passed unanimous.

7. PUBLIC HEARING – Last Frontier Health District Service Review and Sphere of Influence update

Executive Officer Benoit provided an errata sheet for the Last Frontier Health District Service Review and Sphere of Influence. After his review he had no findings for the Last Frontier Health District. The Sphere of Influence is coterminous. Mr. Benoit recommends adoption of the Last Frontier Health District Service Review and Sphere of Influence, and is pleased with the progress this district made in the last 10 years.

Public Hearing was opened by Chair Read at 3:17 P.M.

No comments were presented to Commissioners.

Public Hearing was closed at 3:18 P.M.

Commissioner Coe made the motion to approve the Service Review and Sphere of Influence for the Last Frontier Health District; seconded by Commissioner Nelson. In favor were Commissioners Coe, Rhoads, Nelson, and Read.

Motion passed unanimous.

9. Report from Lassen- Modoc Flood Control Lassen LAFCo Meeting of October 21, 2019

Executive Officer Benoit informed Commissioners that Lassen County LAFCo adopted the Service Review at the October 21, 2019 meeting. He will provide a copy to Modoc LAFCo for review. Currently this district is barley active, Mr. Benoit recommends the District Board of the Lassen- Modoc Flood Control to arrange a meeting and discuss the direction and mission for the Lassen- Modoc Flood Control. He also recommends holding a public hearing to solicit public comments. Sphere of Influence and boundaries for district will remain the same. However, Mr. Benoit suggests revisiting boundaries in the future.

10. **Continued discussion with Daphnedale CSD Board Members and status of the Daphnedale CSD dissolution and consider repeal of LAFCo Resolution 2018-0001 and opportunities to help Daphnedale function as a CSD going forward.**

There were no Board Members present for Daphnedale at this meeting. Executive Officer Benoit reported he has had no communication with this district. However, Jesse Blair, a Daphnedale Board Member will be relocating. Executive Officer Benoit is concerned with the Boards Quorum.

Chester Robertson (County of Modoc) reported he has not had any communication from this district.

Executive Officer Benoit would like to remove this item from the next LAFCo Meeting.

Commissioners recommend leaving item on Agenda for Commissioner Irvin to receive an update.

11. **Designate voting member to vote on behalf of Modoc LAFCo at the Annual Calafco Conference in Sacramento**

Motion made by Commissioner Coe to authorize Mark Steffek to vote on behalf of Modoc LAFCo at the Calafco Annual Conference; Seconded by Commissioner Nelson. In favor were Commissioners Coe, Rhoads, Nelson, and Read.

Motion passed unanimous

12. **WORKSHOP: Policies, Standards, and Procedures Update** - Executive Officer Benoit discussed the changes on the recently modified LAFCo Policies, Standards and Procedures up to Section 2.14. The last update on the LAFCo Policies, Standards and Procedures was in 2009.

3. **Correspondence - Calafco Dues update Information**

Commissioners revisited item 3, now that Commissioner Steffek is present. Modoc LAFCo approved Commissioner Steffek to represent Modoc County at the Calafco Annual Conference October 31, 2019. Currently Calafco needs \$300,000 to operate. A discussion during the conference is the methodology of calculating the dues. In FY 2018-19 Modoc County LAFCo paid \$1075 for dues, in FY 2019-20 they proposed a 16.25% increase to dues, which resulted in \$1130 for dues. Calafco requires each county to pay a base rate of \$1000. The additional amount is based off population. Each county also has a different Per Capita Rate. Modoc County's Per Capita Rate is .119 vs. Los Angeles Per Capita of .019. Counties can also cap their population amount out at 700,000. At the Calafco Conference each county will have one vote to decide the rate structure.

Commissioner Coe presented his thoughts to Commissioner Steffek. He believes even though the annual rate increased, it would be a better direction rather than the 700,000 cap on population. In the future Commissioner Coe recommends they address the revenue needed, not the rate per resident, and remove the cap entirely.

13. Executive Officer's Report –

Executive Officer Benoit reported he attended the State Water Resource Board meeting. During this meeting the legislator approved the SB200 approving \$140 million dollars for Disadvantaged Communities (DUC's) for water quality projects. \$30 million can be used on planning. This could be a great opportunity for communities such as Canby.

Executive Officer Benoit was recently approached regarding consolidating cemetery districts. Due to lack of funds and more restrictions it is creating a hardship for small districts to remain active. If LAFCo helped consolidate, a fee would occur making it difficult for districts to consolidate. Mr. Benoit suggests exploring waving fees in the future.

14. Commissioner Reports – Commissioner Steffek apologized for his late arrival.

15. Request change in date for the next regularly scheduled LAFCo meeting.

The next meeting scheduled on December 10, 2019 has been tentatively changed to December 11, 2019 at 9:00 a.m. in the Board of Supervisor's Room at 204 S. Court St., Room 203 in Alturas, CA.

There being no further business to come before the Commission. Motion made by Commissioner Coe to adjourn at 4:40 p.m.; seconded by Commissioner Rhoads. In favor were Commissioners Coe, Rhoads, Nelson, Steffek and Read.

Motion passed unanimous

#6

Modoc Local Agency Formation Commission

CLAIMS

for

October and November 2019

Authorize the following Claims for FY 2019-2020

Nov 1, 2019	Staff Svcs October 2019	\$ 4,313.08
Dec 1, 2019	Staff Svcs Nov 2019	\$ 2,129.28
Nov 1, 2019	Calafco Reimb. M. Steffek	\$ 602.55
Oct 22, 2019	LAFCo mtg. comm payroll	\$ 600.00

TOTAL: \$ 7,644.91

DATED: December 10, 2019

APPROVED: December 10, 2019

Richard Read, Chair Modoc Local Agency
Formation Commission

Attest:

John Benoit
Executive Officer

Modoc LAFCo
Expenditures and Revenue
FY 2019-2020

Item Account Number	File Scanning mgmt	Memberships 4420	copies 4210	postage 4211	Communications 4221	Office Exp. 4210	Counsel 4008	staff Svcs 4004	Clerk Costs 4006
Total Budgeted 2019-2020	\$ 3,000.00	\$ 1,077.00	\$ 1,200.00	\$ 300.00	\$ 1,000.00	\$	\$ 2,000.00	\$ 36,000.00	\$ 720.00
Calafco Dues 19-20	\$ (3,060.00)	\$ (1,075.00)	\$	\$ (0.51)	\$ (82.02)	\$ (10.00)	\$	\$	\$
Staff Svcs July 2019									
Payroll Aug 27, 2019									
Conf Registration M. Steffek									
Staff Svcs August 2019									
Staff Svcs September 2019									
Modoc Record LFHCD MSR and SOI									
PAYROLL Oct 22, 2019									
Staff SVCS October 2019		\$ (45.00)							
Mark Steffek Calafco Conf. Reimb 2019									
Staff Svcs November 2019									
Total Expenditures to date	\$ (3,060.00)	\$ (1,075.00)	\$ (55.00)	\$ (50.51)	\$ (410.76)	\$ (25.00)	\$ 2,000.00	\$ (9,827.50)	\$ (240.00)
Total Budget Remaining	\$ 2.00	\$ 1,145.00	\$ 249.49	\$ 589.24	\$ 589.24	\$ 25.00	\$ 2,000.00	\$ 26,172.50	\$ 480.00

July 1, 2019 City Fund Carryover \$ 21,378.94 \$ 21,378.94

19-20 Actual City/Co Contributions

FY 2019-2020 City Anticipated Funds Transf

2019-2020 County-City Funds anticipated \$23,433.35 \$ 46,866.70

Funds received

REVENUE FOR PROJECTS

Interest

Anticipated Funds received

Less Expenditures \$ (21,150.32)

Actual Cash Balance \$ 47,095.32

Notices and Public 4380	Trans & Travel 4430	MSR/SOI Updates 4454	Commissioner Stipends 4003	TOTAL	Contingency 4922
\$ 600.00	\$ 500.00	\$ 10,500.00	\$ 4,800.00	\$ 61,697.00	\$ 6,169.70
				\$ (1,075.00)	
	\$ (520.00)		\$ (600.00)	\$ (3,152.53)	
	\$	\$ (2,000.00)		\$ (600.00)	
\$ (72.00)				\$ (520.00)	
				\$ (4,923.81)	
				\$ (3,162.07)	
				\$ (72.00)	\$ (8,157.88)
\$ (92.00)	\$ (602.55)	\$ (1,920.00)	\$ (600.00)	\$ (600.00)	
\$				\$ (4,313.08)	
				\$ (602.95)	
				\$ (2,129.28)	\$ (7,644.91)
\$ (72.00)	\$ (1,214.55)	\$ (3,920.00)	\$ (1,200.00)	\$ (21,150.32)	
\$ 528.00	\$ (714.55)	\$ 6,580.00	\$ 3,600.00	\$ 40,546.68	\$ (21,150.32)

MODOC LAFCO**2020 Regular Meeting Schedule****February 11, 2020****April 14, 2020****June 9, 2020****August 11, 2020****October 13, 2020****December 8, 2020**

Regular meetings of the Commission are scheduled for the second Tuesday of every other month at 4:00 p.m. in the City Council Chambers, 200 North Street, Alturas, California. The Commission may, at its own discretion, meet at a different time or place from time to time, provided that public notice of such time and place is given in accordance with the Ralph M. Brown Act, Government Code Section 54954 et. seq. and applicable provisions of the LAFCO Act.