

Modoc Local Agency Formation Commission

REGULAR MEETING AGENDA

Website: www.modoclafco.org

TUESDAY

December 12, 2023

**City Council Chambers
Alturas City Hall
200 North Street, Alturas, CA 96101
4: 00 PM**

(All meeting materials are available on LAFCo's Website: www.modoclafco.org)

John Benoit is inviting you to a scheduled Zoom meeting.

Topic: Modoc LAFCo

Time: Dec 12, 2023 04:00 PM Pacific Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/83566515957?pwd=UVdsczllejZDYVd0bmhESFdWempWZz09>

Meeting ID: 835 6651 5957

Passcode: 831520

One tap mobile

+16699006833,,83566515957#,,,,*831520# US (San Jose)

+16694449171,,83566515957#,,,,*831520# US

Dial by your location

• +1 669 900 6833 US (San Jose)

Meeting ID: 835 6651 5957

Passcode: 831520

Find your local number: <https://us02web.zoom.us/u/ku6SqYPNf>

1. Call to order / Pledge of Allegiance

Commissioners

Cheryl Nelson, City Member
Ned Coe, Vice Chair, County Member
Laurie Pearce Price, Public Member
Paul Minchella, Chair, City Member
Kathie Rhoads, County Member

LAFCO Staff

John Benoit, Executive Officer
Scott Browne, LAFCO Counsel
Tacie Wheeler, Clerk

Alternate Members

_____, Public Member Alt.
Shane Starr, County Member Alt.
Kelly Crosby, City Member Alt

2. Approval of the Agenda (Additions and Deletions)

3. Correspondence:

4. Consider appointment of a Public Member alternate for LAFCo

- a. *Discussion with Nikki French, applicant for Public Member Alternate*
- b. *Consider Appointment of Public Member Alternate*

5. Consider Minutes for the October 10, 2023 LAFCo meeting

- a. *Approve LAFCo minutes of the October 10, 2023 meeting*

6. 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.

7. Consent Agenda

- a. *Authorize payment of claims for October 2023 and November 2023*

8. Presentation: Alturas Service Review and Sphere of Influence Update

- a. *Presentation and Introduction of the Alturas Service Review and Sphere of Influence Update by Jennifer Stephenson.*

9. 2024 Modoc LAFCo Regular Meeting Schedule

a. Adopt 2024 LAFCo Regular Meeting Schedule

10. Canby CSD and Canby Fire Merger

a. Continuing Discussion

11. Discussion regarding the Calafco Annual Conference

12. Retirement of the Executive Officer effective June 30, 2024

a) Discuss Options to procure a successor Executive Officer

13. Executive Officer's Report

a. Surprise Valley Healthcare

b. Ethics Training

c. CALAFCO Conf.

d. Finalize Lookout Pest Abatement District Dissolution with the State Board of Equalization

14. 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.

15. Adjourn to the next regular meeting on February 13, 2024

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 on 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) 619.5128 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

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Modoc Local Agency Formation Commission

MINUTES

TUESDAY OCTOBER 10, 2023

City Council Chambers
Alturas City Hall
200 North Street, Alturas, CA 96101

1. Chair Minchella called to order at 4:00 pm and the Commission made a Pledge of Allegiance
Commissioners Present: Cheryl Nelson, Ned Coe, Paul Minchella and Shane Starr for Kathie Rhoads

LAFCO Staff Present: John Benoit, Executive Officer

2. Approval of the Agenda (Additions and Deletions)

The August 8th minutes were reviewed by the members present and a motion was made by Commissioner Nelson and seconded by Commissioner Coe. The Minutes were unanimously approved.

3. Correspondence: No correspondence was presented

4. Appointment of a Public Member and Public Member alternate for LAFCo

The Commission considered appointment of a public member. Laurie Pearce Price was introduced and gave the Commission her background. Ned Coe asked Laurie if she was an employee or officer of any local government in Modoc County. Laurie responded no longer employed by any public entity. Commissioner Nelson made the motion and Commissioner Minchella seconded and unanimously approved. John Benoit explained how the elections for a public member are conducted. Laurie Pearce Price was appointed by a unanimous vote of the Commission.

John Benoit explained Nikki French was interested in becoming the public member alternate. The Commission determined it would be appropriate she be invited to the next LAFCo meeting to be considered by the Commission.

5. Consider Minutes for the August 8, 2023 LAFCo meeting

The LAFCo minutes for the August 8, 2023 meeting reviewed. Upon motion of Commissioner Coe and seconded by Commissioner Starr, the minutes were adopted

6. 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.

Bonnie Sherer is waiting for a later item on the agenda.

7. Consent Agenda

Ned Coe had a comment regarding the dark headings on the Spreadsheet. The payment of claims for August 2023 and September 2023 was moved by Commissioner Coe and seconded by Commissioner Shane approved by a unanimous vote of the Commission

8. Progress Report: Alturas Service Review and Sphere of Influence Update

John Benoit gave a brief presentation of the upcoming Alturas Municipal Service Review and Sphere of Influence update. There was a general discussion regarding items of importance to be included in the Municipal Service Review and Sphere of Influence. A workshop will most likely take place at the December 12, 2023 LAFCo meeting. John Benoit explained he had excellent participation from the City departments. He also explained the importance of median Household Income Data being 80% less than the State median Household Income. Also the RWQCB is under new legislation for water storage. He discussed a proposed Taxpayer Protection Act in November 2024 which will have some impact upon city annexations especially those that are inhabited. Commissioner Nelson indicated the population in the city is declining.

9. Canby CSD and Canby Fire Merger

There was a Discussion of basic LAFCo Requirements. Bonnie Sherer gave a status report of the application to be filed with LAFCo and indicated the revised joint resolution would be approved within a few days by both the Canby CSD Board and the Canby Fire Protection District Board.

John Benoit indicated the application would be processed when the signed joint resolution are submitted to LAFCo and if received we could have a December 12th, 2023 public hearing.

The new "Canby Area Community Services District" would have Fire, Domestic Water, Parks and Recreation and lighting. Wastewater may be later and be much more difficult to implement and operate. Can establish "benefit zones" which would include special services areas.

The district will need to prepare a service plan and financial plan in addition to a metes and bounds descriptions.

10. Executive Officer's Report

- a. Canby CSD Engineering Report is in progress and no update yet*
- b. Surprise Valley Healthcare District LAFCo needs cooperation so the MSR and SOI can be prepared.*
- c. Ethics Training John Benoit will discuss with LAFCo Counsel*
- d. CALAFCO Conf. in Monterey: Paul Minchella and John Benoit to attend.*
- e. John Benoit will finalize the Lookout Pest Abatement District Dissolution with the State Board of Equalization.*

11. Commissioner Reports - Discussion

Commissioner Nelson spoke of a pothole problem in the City.

12. The meeting was moved to adjournment at 4:49 to the next regular meeting to take place on December 12, 2023.

Modoc Local Agency Formation Commission

Item 7

CLAIMS

for

October 2023 –November 2023

Authorize Claims for FY 2023-2024

Nov 1, 2023	Staff Svcs and Expenses October 2023	\$ 4,445.19
Dec 1, 2023	Staff Svcs and Expenses December 2023	\$ 1,270.16
Oct 10, 2023	Meeting stipend Oct 10, 2023	\$ 400.00
Oct 20, 2023	Calafco Conf. Exp. P. Minchella	\$ 1,252.11
TOTAL FY 23-24:		\$ 8,949.23

DATED: Dec 12, 2023

APPROVED: Dec 12, 2023

**Paul Minchella, Chair or Ned Coe, Vice-Chair
Modoc Local Agency Formation Commission**

Attest:

**John Benoit
Executive Officer**

MODOC LAFCO

2024 Regular Meeting Schedule

February 13, 2024

April 9, 2024

June 11, 2024

August 13, 2024

October 8, 2024

December 10, 2024

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.