**Local Agency Formation Commission of Modoc County**

**Meeting Minutes**

**August 10, 2021**

1. **Call to order / Pledge of Allegiance**

Vice Chair Mark Steffek called the meeting to order at 4:00 p.m. in City Council Chambers at 200 W. North Street in Alturas, CA. Commissioner Rhoads, Commissioner Nelson, Commissioner Neer, Commissioner Byrne and Commissioner Steffek were present. Commissioner Lewis, and Chair Coe were absent. Public attending 0.

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

1. **Approval of the Agenda (Additions and Deletions)**

Commissioner Rhoads made the motion to approve the agenda as presented; seconded by Commissioner Nelson. In favor were Commissioners Rhoads, Nelson, Neer, Byrne and Vice Chair Steffek.

Motion passed unanimous.

**3. Election of Chair and Vice-Chair for Fiscal Year 2021-2022**

Commissioner Byrne nominated Mark Steffek for Chairperson. There were no other nominations. Seconded by Commissioner Rhoads. Motion passed unanimous.

Commissioner Rhoads nominated Cheryl Nelson for Vice Chairperson. There were no other nominations. Seconded by Commissioner Byrne. Motion passed unanimous.

**4. Correspondence: None**

**5. Consider Minutes for the June 8th, 2021 LAFCO meeting**

Clerk Macey Binning asks the Commissioners if the name Nick Bennett was recorded correctly. Commissioner Rhoads informed Ms. Binning it should be Nathan Bennett.

Commissioner Rhoads made the motion to approve the June 8, 2021 LAFCO meeting minutes with the amendment to reflect the correct name; seconded by Commissioner Nelson. In favor were Commissioners Rhoads, Nelson, and Chair Steffek. Commissioner Byrne and Commissioner Neer abstained.

Motion passed.

**6. Public Comment – None**

**7. Authorize payment of Claims**

Commissioner Rhoads made the motion to authorize the payment of claims for June, 2021 and July, 2021; seconded by Commissioner Neer. In favor were Commissioners Rhoads, Nelson, Neer, Byrne and Chair Steffek.

Motion passed unanimous.

**8.** **Resolution affirming result of the June 30, 2021 protest hearing regarding the dissolution of the Daphnedale Community Services District and concurrent Formation of the City of Alturas Municipal Sewer District.**

Executive Officer Benoit explained that the presented Resolution 2021-0005 was to record LAFCo holding a protest proceeding on July 30, 2021 and received no written protests or objections from either landowners or registered voters within the City of Alturas and Daphnedale CSD. Mr. Benoit explained the next step is to record the Certificate of Completion which will complete the process. The City will need to meet with the County Clerk to obtain the assets of the Daphnedale CSD.

Commissioner Byrne made the motion to adopt **Resolution #2021-0005** recording the insufficient protests received and authorizing the formation of the City of Alturas Municipal Sewer District**;** seconded by Commissioner Rhoads. In favor were Commissioners Rhoads, Nelson, Neer, Byrne and Chair Steffek.

Motion passed unanimous.

**9. Policy Amendments regarding** **Voluntary Indemnification Agreements and timelines for** **processing LAFCo Applications**

Executive Officer Benoit explains there are two items. The first item Indemnification Agreements. It was found that LAFCo cannot require Indemnification Agreements after San Louis Obispo Vs. The City of Pismo. The City prevailed in this lawsuit. The agreement was that LAFCo didn’t have the authority to require an indemnification. This was due to two reasons: it’s not an agreement nor a contract. It is a condition on applying. The second reason is LAFCo doesn’t have statutory authority. However, City and Counties can require indemnification agreements in their planning and zoning requirements. LAFCo filed an appeal to the California Supreme Court. However, the Supreme Court of California denied review. Mr. Benoit recommends implementing a voluntary indemnification agreement to protect the City, County and LAFCo.

The second item to consider is expiration of applications. Currently if an application is submitted and never completed it can linger for years. A policy saying incomplete applications that are not completed in two years will expire.

Commissioners agree these two items are important and would like to implement them for protection. The Commissioners request Mr. Benoit to prepare and present the Voluntary Indemnification Agreement and a policy for a timeline for processing LAFCo Applications.

**10. Authorize Commissioners to attend the Calafco Annual Conference October 6-8, 2021 at the John Wayne Airport in Newport Beach**

Executive Officer Benoit informs the Commissioners that the CALAFCo annual conference will be hosted in Santa Anna not in Newport Beach October 6-8, 2021. Modoc LAFCo has budgeted for one person to attend the conference. Mr. Benoit will not be able to attend. However, if a Commissioner is interested Mr. Benoit asks them to inform him.

Chair Steffek attended an annual conference and encourages the Commissioners to take advantage of the experience.

**11. Executive Officer’s Report**

Executive Officer Benoit mentions that he would like the Modoc LAFCo’s voting delegate to be the Chair for the CALAFCo annual conference and the alternate to be the Vice Chair. This can be done remotely. Mr. Benoit informed the Commissioners that he would like to make changes to the phone communications. Instead of a land line with call forwarding he is going to add another line to his cell phone which will cut costs for Modoc LAFCo.

**12. Commissioner Reports – None**

**13. Adjourn to the next regular meeting on October 11, 2021 and consider alternative meeting date.**

Executive Officer Benoit proposed changing the next LAFCo Meeting to October 19, 2021.

Chair Steffek informs Mr. Benoit that is the same day as the City Council Meeting. If it is changed it would need to be at 5:00 pm to allow the City Council adequate time for their meeting.

There being no further business to come before the Commission. Motion made by Commissioner Nelson to adjourn at 4:46 p.m.; seconded by Commissioner Neer. In favor were Commissioners Rhoads, Nelson, Neer, Byrne and Chair Steffek.

Motion passed unanimous.