

Local Agency Formation Commission of Modoc County
Meeting Minutes
August 9, 2022

1. Call to order / Pledge of Allegiance

Vice Chair Cheryl Nelson called the meeting to order at 4:00 p.m. at the City Council Chambers located at 200 W. North Street in Alturas, CA and via Zoom. Commissioner Rhoads, Commissioner Coe, Commissioner Neer, Commissioner Minchella, Commissioner Crosby, and Vice Chair Nelson were present. Commissioner Byrne was absent. Public attending 2.

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

2. Election of the Chair and Vice-Chair for FY 2022-2023

Commissioner Coe made the motion to elect Kathie Rhoads as Chair; seconded by Commissioner Minchella. In favor were Commissioners Rhoads, Neer, Coe, Minchella and Vice Chair Nelson.

Motion passed unanimous.

Commissioner Coe made the motion to elect Marie Neer as Vice Chair; seconded by Commissioner Minchella. In favor were Commissioners Nelson, Neer, Coe, Minchella and Chair Rhoads.

Motion passed unanimous.

3. Approval of the Agenda (Additions and Deletions)

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

Motion passed unanimous.

4. Correspondence

Executive Officer Benoit reports he has a few items to pass to Commissioner Minchella regarding the CALAFCo annual conference that Commissioner Minchella will be attending in October.

5. Consider Minutes for the June 14, 2022 LAFCO meeting

Commissioner Nelson made the motion to approve the June 14, 2022 LAFCO minutes; seconded by Commissioner Neer. In favor were Commissioners Nelson, Neer, Coe, Minchella and Chair Rhoads.

Motion passed unanimous.

6. Public Comment – None

7. Consent Agenda

Commissioner Coe made the motion to adopt the consent agenda as follows: a.) Authorize the payment claims for June 2022 and July 2022; b.) Approve **Resolution #2022-0009** authorizing a remote teleconference meeting; seconded by Commissioner Nelson. In favor were Commissioners Nelson, Neer, Coe, Minchella and Chair Rhoads.

Motion passed unanimous.

8. Workshop regarding LAFCo Bylaws review and update

Executive Officer Benoit stated the LAFCo bylaws have not been updated in fifteen years. Mr. Benoit reviewed the LAFCo bylaws and has made changes to update accordingly. Mr. Benoit reviewed the changes with the Commissioners to ensure the Commissioners agreed with the changes and asked if the Commissioners had any suggestions.

Commissioner Coe suggests instead of having the reimbursement for travel per diem amounts in the bylaws to adopt through a policy so it can be amended annually if needed.

Commissioner Neer informed Mr. Benoit of a typographical error on page 32. Indefinitely was misspelled in the records retention chart.

9. Executive Officer's Report

Executive Officer Benoit informs the Commissioners he is currently working with Modoc County Assistant County Administrative Officer Tiffany Martinez on the Likely Water District. Mr. Benoit was under the impression that this District was dissolved. During their research they discovered the Likely Water District is still active and in the past they requested dissolution. However, the Commissioners denied this request. The Likely Water District is not active, but Mr. Benoit was approached by the Railroad requesting to dispose of the current water system.

Modoc County Administrative Officer Chester Robertson asked Mr. Benoit if the Likely Fire District inquired about annexation.

Mr. Benoit replied that they did. However, Mr. Benoit has not responded and wanted to bring this to the Commissioners attention first.

Modoc County Administrative Officer Chester Robertson informed the Commissioner he was recently made aware of a dispute regarding the existing water tank located in Likely, CA. Lassen Railroad Trust was maintaining and treating the water for consumption. However, a majority of this tank is used for fire protection. Lassen Railroad Trust has initiated litigation requesting backpay for the years of treating the water tank. They claim there isn't a legal agreement stating Lassen Railroad Trust is responsible for maintaining the tank. Currently, only three residential properties and one commercial property are connected to the water tank. A few of the property owners are willing to walk away from their properties because the cost of a lawsuit is more than the value of the property. Likely Fire District is interested in the tank for fire protection but not maintaining the water system. This issue will come before the Modoc LAFCo once a solution has been determined to satisfy all parties involved. However, Mr. Robertson is researching all his options before proposing any solutions. Mr. Robertson would like to see all Likely Districts merge into one district.

Executive Officer Benoit believes a solution is possible. The Likely Fire District could assume the water tower but it can only be for fire protection not a drinking water system. However, Mr. Benoit would like to resolve the Likely Water District. It might be beneficial for Likely Water District to become an association and provide the services. The disadvantage would be as an association they could not apply for grants. Mr. Benoit will add this to next meetings agenda to discuss further.

Commissioner Coe would like to see a representative from the Likely Fire District attend the LAFCo meeting when they discuss the options.

Executive Officer Benoit reports the Canby Community Service District and Canby Fire District are going to meet regarding consolidation. Executive Officer Benoit informs the Commissioners the Senate Bill 938 Hertzberg has been signed by the Governor and is changing the LAFCo protest process. The past protest threshold was 10% and now will increase to 25%. This takes effect January 1, 2023.

10. Commissioners Reports – Discussion

Commissioner Coe notifies Mr. Benoit Modoc County has a new Board of Supervisor Shane Starr for District 2. Mr. Starr will be assuming the County alternate position on the Modoc County LAFCo Board replacing Gyri Byrne. Commissioner Coe was approached by an individual from Tionesta, CA regarding expansion of the Tulelake Fire District Boundaries. Mr. Coe asks Mr. Benoit if he can research and inform Mr. Coe of the procedures.

11. Adjourn to the next regular meeting on October 11, 2022

There being no further business to come before the Commission. Motion made by Commissioner Coe to adjourn at 5:29 p.m.; seconded by Commissioner Nelson. In favor were Commissioners Nelson, Neer, Coe, Minchella and Chair Rhoads. Motion passed unanimous.

Respectfully,

Macey Binning
LAFCO Clerk