

Modoc Local Agency Formation Commission

REGULAR MEETING AGENDA

Website: www.modoclafco.org

TUESDAY August 11, 2020 – 4:00 PM

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

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

1. Call to order / Pledge of Allegiance

Commissioners

Alternate Members

Cheryl Nelson, City Member
Ned Coe, Chair, County Member
_____, Public Member
Mark Steffek, Vice-Chair City Member
Kathie Rhoads, County Member
LAFCO Staff

Marie Neer, Public Member Alt.
Geri Byrne, County Member Alt.
_____, City Member Alt

John Benoit, Executive Officer
Scott Browne, LAFCO Counsel
Macey Binning, Clerk

2. Approval of the Agenda (Additions and Deletions)

3. Correspondence:

4. Consider Minutes for the June 9th , 2020 LAFCo meeting

a. *Approve minutes from the June 9th , 2020 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

- a. *Authorize payment of claims for June 2020 and July 2020*

7. Daphnedale CSD

- a) *Hold discussion, provide direction to LAFCo staff, update the MSR for the Daphnedale CSD and (or) take probable action regarding the future of the Daphnedale CSD.*

8. Biennial Conflict of Interest Code Review

- a) *Review LAFCO's conflict of interest code and authorize the Executive Officer to sign and transmit the 2020 Annual Biennial notice to the Clerk to the Board.*

9. Letters of Opposition to SB 414

- a) *Authorize Chair to sign letters opposing SB 414 to the Chair of the Assembly Appropriations Committee and Senate Member Anna Caballero.*

10. Election for the 2020-2021 Calafco Board of Directors

- a) *Consider a nomination for a Public Member and a City Member from Modoc LAFCo to represent Calafco's Northern District*
b) *Authorize the Chair to vote for Calafco Northern District members on behalf of Modoc LAFCo.*

11. Executive Officer's Report:

12. 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 October 13, 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 area 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) 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

CERTIFICATE NO.

ISSUE DATE

GL1-4069

CO

CERTIFICATE OF COVERAGE

06/25/2020

Public Risk Innovation, Solutions and Management

C/O ALLIANT INSURANCE SERVICES, INC.
PO BOX 6450
NEWPORT BEACH, CA 92658-6450

PHONE (949) 756-0271 / FAX (619) 699-0901
LICENSE #0C36861

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BELOW. THIS CERTIFICATE OF COVERAGE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED and/or requesting a WAIVER OF SUBROGATION, the Memorandums of Coverage must be endorsed. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

COVERAGE AFFORDED **A- Public Risk Innovation, Solutions and Management**

Member:

MODOC COUNTY
ATTN: PAM RANDALL
204 SOUTH COURT ST. ROOM 100
ALTURAS, CA 96101

COVERAGE AFFORDED **B**

COVERAGE AFFORDED **C**

COVERAGE AFFORDED **D**

Coverages

THIS IS TO CERTIFY THAT THE MEMORANDUMS OF COVERAGE LISTED BELOW HAVE BEEN ISSUED TO THE MEMBER NAMED ABOVE FOR THE PERIOD INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN. THE COVERAGE AFFORDED BY THE MEMORANDUMS DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS, AND CONDITIONS OF SUCH MEMORANDUMS. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

CO LTR	TYPE OF COVERAGE	MEMORANDUM NUMBER	COVERAGE EFFECTIVE DATE	COVERAGE EXPIRATION DATE	LIABILITY LIMITS
A	<input checked="" type="checkbox"/> Excess General Liability	PRISM 20 EL-43	07/01/2020	07/01/2021	\$1,000,000 Limits inclusive of the Member's Self-Insured Retention of \$250,000

Description of Operations/Locations/Vehicles/Special Items:

AS RESPECTS EVIDENCE OF COVERAGE ONLY.

Certificate Holder

JOHN BENOIT
EXECUTIVE OFFICER
LOCAL AGENCY FORMATION COMMISSION (LAFCO)
P.O. BOX 2694
GRANITE BAY, CA 95746

Cancellation

SHOULD ANY OF THE ABOVE DESCRIBED MEMORANDUMS OF COVERAGES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE MEMORANDUMS OF COVERAGE PROVISIONS

AUTHORIZED REPRESENTATIVE

Gina Dean
Public Risk Innovation, Solutions and Management

**Local Agency Formation Commission of Modoc County
Meeting Minutes
June 9, 2020**

1. Call to order / Pledge of Allegiance

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

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 Steffek. In favor were Commissioners Byrne, Rhoads, Steffek and Read.

Motion passed unanimous

3. Election of Chair and Vice Chair for Fiscal Year 2020-2021

Motion by Commissioner Rhoads to nominate Commissioner Ned Coe as 2020-2021 Chair; seconded by Commissioner Byrne. In favor were Commissioners Byrne, Rhoads, Steffek and Read.

Motion passed unanimous

Motion by Commissioner Byrne to nominate Commissioner Mark Steffek as 2020-2021 Vice Chair; seconded by Commissioner Read. In favor were Commissioners Byrne, Rhoads, Steffek and Read.

Motion passed unanimous

4. Correspondence

Executive Officer Benoit received a formal notice of resignation from Richard Read a Public Member Representative of the Modoc County LAFCO. Resignation will be effective June 30, 2020.

5. Consider Minutes from the April 14, 2020 LAFCo meeting

Motion made by Commissioner Rhoads to approve the April 14, 2020 minutes; seconded by Commissioner Steffek. In favor were Commissioners Byrne, Rhoads, Steffek and Read.

Motion passed unanimous

6. Public Comment – None

7. Authorize payment of Claims for April 2020 and May 2020

Motion made by Commissioner Rhoads to authorize the payment claims for April 2020 and May 2020; seconded by Commissioner Steffek. In favor were Commissioners Byrne, Rhoads, Steffek and Read.

Motion passed unanimous

8. Public Hearing: 2020-2021 Final LAFCo Budget

Public Hearing was opened by Chair Read at 4:09 P.M.

No comments were presented to Commissioners.

Public Hearing was closed at 4:09 P.M.

Motion made by Commissioner Steffek to adopt **Resolution #2020-0002** adopting the final budget for 2020-2021; seconded by Commissioner Rhoads. In favor were Commissioners Byrne, Rhoads, Steffek and Read.

Motion passed unanimous

9. Public Hearing: Pest Abatement Districts MSR and SOI (Lookout and Stronghold)

Public Hearing was opened by Chair Read at 4:11 P.M. to review the Service Review for Lookout and Stronghold Pest Abatement Districts.

No comments were presented to Commissioners.

Public Hearing was closed at 4:11 P.M.

Motion made by Commissioner Rhoads to adopt **Resolution #2020-0003** adopting a Service Review for the Lookout and Stronghold Pest Abatement Districts; seconded by Commissioner Byrne. In favor were Commissioners Byrne, Rhoads, Steffek and Read.

Motion passed unanimous

Public Hearing was opened by Chair Read at 4:12 P.M. to review the Sphere of Influence for Lookout and Stronghold Pest Abatement Districts.

No comments were presented to Commissioners.

Public Hearing was closed at 4:13 P.M.

Motion made by Commissioner Rhoads to adopt **Resolution #2020-0004** adopting a Sphere of Influence for the Lookout and Stronghold Pest Abatement Districts; seconded by Commissioner Steffek. In favor were Commissioners Byrne, Rhoads, Steffek and Read.

Motion passed unanimous

10. Public Hearing: Policy, Standards and Procedures Update

Public Hearing was opened by Chair Read at 4:21 P.M.

No comments were presented to Commissioners.

Public Hearing was closed at 4:21 P.M.

Motion made by Commissioner Steffek to adopt **Resolution #2020-0005** adopting the updated Policies and Procedures for Modoc LAFCo; seconded by Commissioner Byrne. In favor were Commissioners Byrne, Rhoads, Steffek and Read.

Motion passed unanimous

11. Executive Officer's Report

Executive Officer Benoit reported he attended a class with the Drinking Water Quality Program. Mr. Benoit would like to reach out to them and provide LAFCo meeting dates, more information on LAFCo, and LAFCo procedures. Mr. Benoit senses a lack of knowledge of the LAFCo resources that could be provided to the Drinking Water Quality Program. The State Water Resource Control Board Drinking Water Quality Program offers a lot of funding opportunities for rural disadvantaged water systems and feels it would be beneficial for Modoc County.

12. Commissioner Reports

Commissioner Steffek inquires if there have been any communications with the Daphnedale district regarding sewer services. The City of Alturas has not received a payment since June, 2019.

Executive Officer Benoit recommends reaching out to Modoc County to inquire if Stephanie Wellemeyer, Auditor/Clerk or Chester Robertson, County Administrative Officer have received any communications regarding Daphnedale.

There being no further business to come before the Commission. Motion made by Commissioner Rhoads to adjourn at 4:34 p.m.; seconded by Commissioner Steffek. In favor were Commissioners Byrne, Rhoads, Steffek and Read.

Motion passed unanimous

Modoc Local Agency Formation Commission

CLAIMS

for

June 2020 - July 2020

Authorize the following Claims for FY 2019-2020

July 1, 2020	Staff Svcs and Expenses June 2020	\$ 4,238.24
June 9, 2020	Meeting stipend 6.9.20	\$ 500.00
	TOTAL:	\$ 4,738.24

Authorize Claims for FY 2020-2021

August 1, 2020	Staff Svcs and Expenses July 2020	\$ 2,639.95
July 31, 2020	Calafco Dues for FY 2020-2021	\$ 1,130.00
	TOTAL:	\$ 3,769.95

DATED: August 11, 2020

APPROVED: August 11, 2020

Ned Coe, Chair Modoc Local Agency Formation Commission

Attest:

**John Benoit
Executive Officer**

Mdoc LAFco
Expenditures and Revenue
FY 2020-2021

Item Account Number	File Scanning 4470	Memberships 4470	copies 4470	postage 4237	Communications 4227	Office Exp. 4210	Outsist 4008	soft Svcs 4054	Client Costs 4100
Total Budgeted 2020-2021	\$ 3,000.00	\$ 1,130.00	\$ 1,200.00	\$ 300.00	\$ 1,000.00	\$ 421.00	\$ 2,000.00	\$ 36,000.00	\$ 720.00
Cialaco Dues 20-21		\$ (1,730.00)		\$ (10.00)					
JB staff exp July 2021				\$ (0.50)	\$ (79.45)			\$ (2,550.00)	

Total Expenditures to date	\$ (1,530.00)	\$ 1,190.00	\$ 1,190.00	\$ 299.50	\$ 920.55	\$ (79.45)	\$ 2,000.00	\$ 33,450.00	\$ 720.00
Total Budget Remaining	\$ 1,470.00	\$ 1,130.00	\$ 1,200.00	\$ 300.50	\$ 79.55	\$ 500.45	\$ 2,000.00	\$ 33,450.00	\$ 720.00

unaudited	July 1, 2020 City Fund Carryover	\$ 21,378.94	\$ 24,387.99
	20-21 Actual City/Co. Contributions		
	FY 2020-21 City Anticipated Funds Transf	\$ 24,897.50	\$ 24,897.50
	2020-21 County-City Funds anticipated	\$ 24,897.50	\$ 24,897.50
	Funds received		46,866.70
	REVENUE FOR PROJECTS		
	Interest		
	Anticipated Funds received		(3,769.95)
	Less Expenditures		20,817.64
	Actual Cash Balance		

Modoc Local Agency Formation Commission

Memorandum

August 11, 2020

TO: LAFCo Commissioners

FROM: John Benoit, Executive Officer

SUBJECT: Conflict of Interest Code Review.

Attachments: Modoc LAFCO's Conflict of Interest Code
2020 Local Agency Biennial Notice

Government code section 87300 et. seq. (the Political Reform Act) requires each local government agency to maintain a conflict of interest code and update it to reflect changes that occur in the organization of an entity. The Local Agency Formation Commission (as well as other local agencies) is required to review and possibly amend its Conflict of Interest code on even-numbered years. A biennial notice is normally sent out by the County Clerk or other official designated by the Board of Supervisors during the summer of even numbered years to each agency required to review its Conflict of Interest Code. After review or approval of the Conflict of Interest Code, LAFCO is required to submit any proposed changes to the Board of Supervisors acting as the code reviewing body.

Government code section 87311 requires review of a conflict of interest code to be carried out under procedures which guarantee to officers, employees, members and consultants of the agency and to residents of the County adequate notice and a fair opportunity to present their views. A conflict of interest code was adopted on October 9, 2018. To engage the public, a notice of Public Hearing was published prior to LAFCO adopting amending its conflict of interest code (which was included in LAFCo's Bylaws). Since that time LAFCO has found no amendments to that code necessary.

Recommendation:

Direct the Executive Officer to sign and transmit the 2020 Local Agency Biennial Notice to the Clerk to the Board of Supervisors declaring LAFCO has reviewed its Conflict of Interest code and no amendment is required at this time.

John Benoit, Executive Officer j.benoit4@icloud.com
P.O. Box 2694 Granite Bay, CA 95746
530.233.9625 ph.

EXHIBIT A

MODOC LOCAL AGENCY FORMATION COMMISSION (LAFCo)

CONFLICT-OF-INTEREST CODE

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict-of-interest codes. The Fair Political Practices Commission has adopted a regulation (2 California Code of Regulations Section 18730) that contains the terms of a standard conflict-of-interest code, which can be incorporated by reference in an agency's code. After public notice and hearing, the standard code may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendices, designating positions and establishing disclosure categories, shall constitute the conflict-of-interest code of the **Modoc Local Agency Formation Commission**

Individuals holding designated positions shall file their statements of economic interests with the **Modoc Local Agency Formation Commission's Executive Officer**, which will make the statements available for public inspection and reproduction. (Gov. Code Sec. 81008.) All statements will be retained by the **Modoc Local Agency Formation Commission**.

John Benoit, Executive Officer j.benoit4@icloud.com
P.O. Box 2694 Granite Bay, CA 95746
530.233.9625 ph.

CONFLICT-OF-INTEREST CODE (Modoc LAFCo)

APPENDIX A-DESIGNATED POSITIONS

<u>Designated Positions</u>	<u>Disclosure Category</u>
Members of the Commission**	1, 2
Executive Officer	1, 2
Deputy Executive Officer	1, 2
LAFCo Counsel	1, 2
Consultants*	*

*Consultants shall be included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:

The Executive Officer may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive Officer's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict-of-interest code (Gov. Code Section 81008).

CONFLICT-OF-INTEREST CODE (Modoc LAFCo)

APPENDIX B-DISCLOSURE CATEGORIES

Disclosure Category 1

Designated positions assigned to this category shall report:

Interests in real property located within or not more than two miles outside the boundaries of LAFCo's jurisdiction or within two miles of the County Boundary.

Persons shall not be required to disclose property used primarily as their residence or for personal recreational purposes.

Disclosure Category 2

Designated positions assigned to this category shall report:

Investments and business positions in business entities, and sources of income, including loans, gifts, and travel payments, from sources of the type that provide services, supplies, materials, machinery, or equipment to LAFCo. Such sources include but are not limited to architects, engineering and construction firms.