

Modoc Local Agency Formation Commission

REGULAR MEETING AGENDA

Website: www.modoclafco.org

TUESDAY
August 9th, 2022

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

This will be a Physical Meeting
at the City Council Chambers in Alturas
(A Zoom option is available for the public)

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

In person meeting: Required for all Commissioners. The Modoc LAFCO meeting will be open to in-person attendance. To remain in compliance with the state's public health guidance and CalOSHA COVID-19 Emergency Temporary Regulations [8 CCR §3205].

Topic: Modoc LAFCo

Time: Aug 9, 2022 04:00 PM Pacific Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/87670767148?pwd=TnRUMFlvNTNYRmg1Y3liR1llbUtPQT09>

Meeting ID: 876 7076 7148

Passcode: 908315

Dial by your location

+1 669 444 9171 US

+1 669 900 6833 US (San Jose)

Meeting ID: 876 7076 7148

Passcode: 908315

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

Commissioners

Alternate Members

Cheryl Nelson, Vice-Chair, City Member

_____, Public Member Alt.
Geri Byrne, County Member Alt.

Ned Coe, County Member
Marie Neer, Public Member
Paul Minchella, City Member
Kathie Rhoads, County Member
LAFCO Staff
John Benoit, Executive Officer
Scott Browne, LAFCO Counsel
Macey Binning, Clerk

Kelly Crosby, City Member Alt

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

- a) *Election of the Chair*
- b) *Election of the Vice-Chair*

3. Approval of the Agenda (Additions and Deletions)

4. Correspondence:

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

- a. *Approve LAFCo minutes for the June 14, 2022 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 June 2022 and July 2022*
- b. *Consider LAFCo Resolution 2022-0009 authorizing a remote teleconferencing meeting.*

8. Workshop regarding LAFCo Bylaws review and update

- a) *Review draft amended bylaws and provide comments*

9. Executive Officer's Report

- a) *Likely County Water*
- b) *Canby CSD and Canby Fire*
- c) *SB 938 – Protest Proceedings*

10. 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.

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

*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) 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

Local Agency Formation Commission of Modoc County
Meeting Minutes
June 14, 2022

1. Call to order / Pledge of Allegiance

Chair Mark Steffek 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 and Chair Steffek were present. Commissioner Lewis, Commissioner Nelson and Commissioner Byrne were absent. Public attending 2.

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

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 Rhoads, Neer, Coe and Chair Steffek. Motion passed unanimously.

3. Correspondence - None

4. Consider Minutes for the April 12, 2022 LAFCO meeting

Commissioner Coe has reviewed the minutes of April 12, 2022 and would like to amend the minutes on item #7 Public Hearing regarding the proposed 2022-2023 LAFCo Budget to state CALAFCo instead of LAFCo when referring to the due increase.

Commissioner Coe made the motion to approve the April 12, 2022 LAFCo meeting minutes with the amendment; seconded by Commissioner Rhoads. In favor were Commissioners Rhoads, Neer, Coe, and Chair Steffek. Motion passed.

5. Public Comment – None

6. Consent Agenda

Commissioner Coe made the motion to adopt the consent agenda as follows: a.) Authorize the payment claims for April 2022 and May 2022; b.) Approve **Resolution #2022-0008** authorizing a remote teleconference meeting; seconded by Commissioner Rhoads. In favor were Commissioners Rhoads, Neer, Coe and Chair Steffek. Motion passed unanimously.

7. Public Hearing regarding the proposed 2022-2023 LAFCo Budget

Commissioner Neer made the motion to open the public hearing regarding the proposed 2022-2023 LAFCo budget at 4:06 p.m.; seconded by Commissioner Coe. In favor were Commissioners Rhoads, Neer, Coe and Chair Steffek. Motion passed unanimously.

Executive Officer Benoit provided the Commissioners with a report on the changes to the budget. After discussion at the April 12, 2022 LAFCo meeting Mr. Benoit added a new budget line item for reimbursement for mileage for the Executive Officer to attend meetings as discussed.

With no further comments Commissioner Coe made a motion to close the public hearing at 4:08 p.m.; seconded by Commissioner Rhoads. In favor were Commissioners Rhoads, Neer, Coe and Chair Steffek.

Motion passed unanimous.

Commissioner Rhoads made a motion to adopt **Resolution #2022-0007** adopting the final budget for Fiscal Year 2022-2023; seconded by Commissioner Neer. In favor were Commissioners Rhoads, Neer, Coe and Chair Steffek.

Motion passed unanimous.

8. Consider First Contract Amendment with John Benoit for mileage reimbursement

Commissioner Coe made a motion to approve the first contract amendment with John Benoit for mileage reimbursement effective July 1, 2022; seconded by Commissioner Rhoads. In favor were Commissioners Rhoads, Neer, Coe and Chair Steffek.

Motion passed unanimous.

9. CALAFCo Conference Matters

Executive Officer Benoit considers nominations for a City Member or a Public Member for the CALAFCo Board of Directors. At this time there are no nominations.

Executive Officer Benoit informed the Commissioners that the annual CALAFCo conference will be October 19th – 21st in Santa Ana, CA. If anyone is interested in attending, Modoc County LAFCo has the funds available in the budget. Modoc County LAFCo will need to designate a voting delegate. This could be a LAFCo member or they can designate Mr. Benoit to vote on behalf of Modoc County LAFCo.

The Commissioner would like to revisit designating a voting delegate during the August 9th, 2022 LAFCo meeting when new members are participating.

10. Discussion of 2022-2023 work program including the use of Grant Funds to prepare Service Reviews and Sphere updates

Executive Officer Benoit would like to visit Modoc County regarding the progress of the REAP Grant. The funds for this grant will be used to update Service Reviews and Sphere of Influences for City of Alturas, Adin, and Canby. They will need to follow Modoc County's procurement process.

Mr. Benoit believes district consolidation needs to occur in Modoc County to be in compliance.

Commissioners warn Mr. Benoit the Fire Districts are not in agreement to consolidate at this time.

Commissioner Rhoads is aware of a Fire District and Cemetery District that are willing to consolidate.

Executive Officer Benoit plans to visit with Modoc County Clerk Stephanie Wellemeyer regarding the districts. Mr. Benoit received an inquiry for the Southfork Irrigation District. This District consist of a five-member Board of Directors that are landowners. These Board of Directors only need to own property within the district, and are not required to live within the district. Members of the Southfork Irrigation would like for this to change and have the Board of Directors live within the district. Mr. Benoit advised them that would need to file an application with the Modoc County LAFCo. Then Modoc County LAFCo can change the operating act of the Southfork District by resolution.

11. Executive Officer's Report

Executive Officer Benoit reports the proposed Senate Bill 938 Hertzberg would change the LAFCo protest process. Currently there is a 10% threshold. This new Senate Bill would raise the threshold to 25%. Mr. Benoit would recommend at the Commissioners' pleasure to send a letter of support for Senate Bill 938 Hertzberg once it has reached the Governor.

12. Commissioners Reports – Discussion

Chair Steffek announced at the next City Council meeting, which will be held June 21, 2022, the City Council will hold a public hearing regarding proposing a sewer rate increase. Mr. Steffek informed the Commissioners that the City Council has voted to close the Municipal Swimming Pool for the 2022 season. While traveling Mr. Steffek came across another City that is struggling with the same issues.

13. Adjourn to the next regular meeting on August 9, 2022

There being no further business to come before the Commission. Motion made by Commissioner Rhoads to adjourn at 4:41 p.m.; seconded by Commissioner Coe. In favor were Commissioners Rhoads, Neer, Coe and Chair Steffek.
Motion passed unanimous.

Modoc Local Agency Formation Commission

CLAIMS

for

June 2022 – July 2022

Authorize Claims for FY 2021-2022

July 1, 2022	Staff Svcs and Expenses June 2022	\$ 4,446.28
June 14, 2022	Meeting stipend June 14, 2022	\$ 400.00
	Total:	\$4,846.28

Authorize Claims for FY 2022-2023

July 1, 2022	Calafco dues for FY 2022-2023	\$ 1,186.00
July 25, 2022	Calafco Registration – Paul Minchella	\$ 565.00
Aug 1, 2022	Staff Svcs and Expenses July 2022	\$ 2,703.19
	TOTAL:	\$ 4,454.19

DATED: August 9, 2022

APPROVED: August 9, 2022

**Chair or Vice-Chair Modoc Local Agency
Formation Commission**

Attest:

**John Benoit
Executive Officer**

RESOLUTION NO. 2022-0009

A RESOLUTION OF MODOC LAFCO AUTHORIZING A REMOTE TELECONFERENCE MEETING OF THE COMMISSION PURSUANT TO GOVERNMENT CODE SECTION 54953(e)

WHEREAS, Government Code section 54953(e), as amended by Assembly Bill No. 361, allows legislative bodies to hold open meetings by teleconference without reference to otherwise applicable requirements in Government Code section 54953(b)(3), so long as the legislative body complies with certain requirements, there exists a declared state of emergency, and one of the following circumstances is met:

1. State or local officials have imposed or recommended measures to promote social distancing.
2. The legislative body is holding the meeting for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.
3. The legislative body has determined, by majority vote, pursuant to reason two below, that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

WHEREAS, the Governor of California proclaimed a state of emergency pursuant to Government Code section 8625 on March 4, 2020; and

WHEREAS, the MODOC LAFCO desires to hold its public meetings by teleconference consistent with Government Code section 54953(e).

NOW, THEREFORE, MODOC LAFCO DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Conditions are Met. The MODOC LAFCO hereby finds and declares the following, as required by Government Code section 54953(e)(3):

1. The Governor of California proclaimed a state of emergency on March 4, 2020, pursuant to Government Code section 8625, which remains in effect.
2. The reasons for adopting this resolution are one or more of the following:
 - a. State or local officials have imposed or recommended measures to promote social distancing.

- b. The legislative body is holding the meeting for the purpose of determining whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.
- c. The legislative body has determined that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

PASSED AND ADOPTED by the Modoc LAFCo, this 9th day of August 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chair or Vice-Chair

Modoc Local Agency Formation Commission

ATTEST:

John Benoit, Executive Officer

MODOC LOCAL AGENCY FORMATION COMMISSION,