

**Local Agency Formation Commission
Of Modoc County
Regular Meeting**

Minutes of August 12, 2014

1. Call to Order:

Chairman Dederick called the meeting to order at 4:00 pm, in the City Council Chambers, Alturas City Hall. Commissioners Allan, Alves, Shea, Irvin, and Dederick were present. Commissioner Alternate Davis is also present.

Staff Present: John Benoit, Executive Officer. Clerk Wellemeyer is absent.

Pledge of Allegiance

2. Approval of Agenda

Commissioner Shea made the motion to approve the agenda as submitted; seconded by Commissioner Alves. In favor: Unanimous

3. Election of LAFCo Chair and Vice-Chair for Fiscal Year 2014-2015

Election of LAFCo Chair

Election of LAFCo Vice-Chair

Commissioner Allan made the motion approve of retaining the current Chair and Vice-Chair for Fiscal Year 2014-2015, seconded by Commissioner Alves. In favor: Unanimous.

4. Approval of Minutes

Commissioner Alves made the motion to approve the agenda as submitted; seconded by Commissioner Allan. Commissioner Shea points out a clarification in the minutes. In favor: Unanimous.

5. Correspondence

Executive Officer Benoit reports he has our certificate of insurance through the CSAC EIA.

6. Public Comment

None.

PUBLIC HEARING:

7. Public Hearing regarding a Service Review and Sphere of Influence Update for the Central Modoc, Surprise Valley, Goose Lake, Lava Beds-Butte Valley and the Pit Resource Conservation Districts

- a) Conduct Public Hearing, Consider Executive Officer's Report, and Consider Resolution 2014-0006 adopting a Service Review for RCD Services.*
- b) Conduct Public Hearing, Consider Executive Officer's Report, and Consider Resolution 2014-0007 adopting a Sphere of Influence for the Goose Lake, Lava Beds-Butte Valley and the Pit Resource Conservation Districts and the combined Central Modoc and Surprise Valley RCD's (the Modoc RCD)*

Chairman Dederick opens the public hearing.

Executive Officer Benoit drafted a service review and sent it to the five RCDs to solicit comments. Four of them replied with various comments, but he heard nothing from Goose Lake. He drafted a Sphere map of the RCDs in the county with a consolidation of Central Modoc and Surprise Valley. The recommendation would be to adopt the MSR and the Sphere of Influence. He did also provide some history on the RCD stating they started in the 1930s due to the Great Depression and the Dust Bowl. They worked with the Soil Conservation Service and work on things like range management, though they do work on different issues and are not identical.

Dick Mackey reports that RCDs are the connection between the private and the public sector that is really critical. Bryon Hadwick states that they are the local sounding boards to the federal agencies. Commissioner Allan asks about the members on Surprise Valley. Mr. Mackey states the plan is to consolidate Central Modoc with Surprise Valley and have representatives from that area so it would make Surprise Valley active again. They have met with the members and have a consolidation agreement to proceed with the consolidation.

Commissioner Shea asks about the consolidation and asks if there is some concern about the lack of activity with Goose Lake RCD. Mr. Hadwick states they used to be very active and they did talk to them about coming into the consolidation at the same time. However, they are at this point planning to stay as an individual RCD but the discussion may come again down the road. Surprise Valley has not been active for at least three years and has not had a meeting so they are looking at another way to do business through this consolidation.

Executive Officer Benoit states that the recommendation is to approve the two Resolutions as drafted on the agenda.

Opponents: None.

Chairman Dederick closes the public hearing.

Commissioner Shea made the motion to adopt Resolution 2014-0006, adopting a Service Review for RCD Services; seconded by Commissioner Irvin. In favor: Unanimous.

Commissioner Alves made the motion to adopt Resolution 2014-0007, adopting a Sphere of Influence for the Goose Lake, Lava Beds-Butte Valley and the Pit Resource Conservation Districts and the combined Central Modoc and Surprise Valley RCD's (the Modoc RCD); seconded by Commissioner Shea. In favor: Unanimous.

8. Consider a waiver of LAFCo fees for the Consolidation of the Surprise Valley and the Central Modoc Resource Conservation Districts.

a) Consider a waiver or partial waiver of the required fee deposit of \$2,000.00

Executive Officer Benoit reports they have a joint Resolution from both districts to combine and that does allow LAFCo to proceed without a notice and hearing. He has been trying to get a copy of the original boundary descriptions of these districts. He doesn't see this as a very controversial consolidation.

Commissioner Dederick asks what the cost would be for LAFCo to do the consolidation. Executive Officer Benoit thinks this would be a fairly easy consolidation so he would say about \$1000, but our normal fee is \$2000. They would like to consolidate the two and call it the Modoc RCD and he doesn't anticipate this being controversial.

Commissioner Allan reports we know this is the smart and prudent thing to do. How does it factor in that we know Surprise Valley doesn't have any money. Executive Officer Benoit reports that they don't have a lot of money which is another factor to consider. RCDs are funded in two separate ways. One of which is tax based, but theirs is fees for service and other contracted work. So, right now the funding they have is money left over from grants.

Commissioner Dederick asks how they will decide who will be the Directors. Mr. Mackey reports Directors are appointed by the Board of Supervisors. They usually send a recommendation to the Board and they appoint. Mr. Hadwick reports they currently have seven members but they have one vacancy and they felt that Darrell DePaul could be appointed to fill that vacancy.

Commissioner Shea made the motion to waive the fee for this consolidation; seconded by Commissioner Allan. In favor: Unanimous.

9. Ratify Claims for June 2014 and Authorize Payment of Claims for July 2014.

a. Approve payment of expenses for June 2014 and July 2014

Commissioner Alves made the motion to approve payment of expenses for April 2014 and May 2014; seconded by Commissioner Allan. In favor: Unanimous.

10. 2014 Biennial Conflict of Interest Code Review.

a. Review Conflict of Interest Code for Modoc LAFCo and authorize Executive Officer to sign the 2014 Local Agency Biennial Notice and return to the County Clerk.

Executive Officer Benoit reports that we adopted a code about six or seven years ago. We have had a couple of biennial reviews but there have been no changes to it so we would just file the notice of no updates.

Commissioner Alves made the motion to authorize Executive Officer to sign the 2014 Local Agency Biennial Notice and return to the County Clerk; seconded by Commissioner Shea. In

favor: Unanimous.

11. Calafco Achievement Awards Nominations

a. Consider a Calafco Achievement Award Nomination

Executive Officer Benoit reports Calafco has its annual conference and every year they have numerous awards that they offer. He doesn't think we have ever done one though we are not obligated to do so and he doesn't have any recommendations.

Commissioner Allan would nominate Executive Officer Benoit. He states he would have to decline. Commissioner Shea would nominate Commissioner Dederick for outstanding Commissioner. Commissioner Dederick doesn't know if he has done anything outstanding though he has been here for a long time. He will decline as well, though he appreciates the sentiment.

12. Nominations for Calafco Board of Directors

a. Consider a nomination of a City or Public Member to the Calafco Board

Executive Officer Benoit states there is more importance to this and you would need to get elected to the Northern Region and would then serve on the Calafco Board for two years. We have never had anyone run for this.

Commissioner Dederick asks how often they meet. Executive Officer Benoit states they meet four times a year but it can be done by conference call and the local LAFCo would pay for expenses.

13. Authorize Commissioners and Staff to attend the Calafco Annual Conference in Ontario on October 15-17, 2014

a. Authorize Commission and Staff to attend the Calafco Annual Conference in Ontario on October 15-17.

Executive Officer Benoit is attending this conference though his heart really isn't in it this year. It is a good idea to go, maybe not this particular one, though next year it is in Sacramento. They will be discussing water which he has already given his two cents on. He doesn't have an agenda but if anyone is interested he can provide that to them.

Commissioner Allan made the motion to authorize Executive Officer Benoit to attend the Calafco Annual Conference in Ontario on October 15-17, 2014; seconded by Commissioner Alves. In favor: Unanimous.

14. Appoint Voting Member and Alternate Voting Member to vote on behalf of Modoc LAFCo at the 2014 Annual CALAFCo Conference in Ontario.

Commissioner Shea made the motion to appoint Executive Officer Benoit as the voting member to vote on behalf of Modoc LAFCo at the 2014 Annual Calafco Conference in Ontario; seconded

by Commissioner Allan. In favor: Unanimous.

15. Executive Officer's Monthly Report

Agreement between Likely and Madeline Fire Depts.

City of Alturas Annexation Request – Status

Southern Cascades CSD - Status

Meyers Healthcare District Annexation

Ethics Training

Executive Officer Benoit states he always puts on the agreement between Likely and Madeline but he hasn't heard anything. Commissioner Alves reports she has spoken to County Counsel on this but it keeps getting put aside as more important issues keep coming up. She has also spoken to Allan Albaugh and has sent out twelve letters and agreements but there seems to be a lack of interest. Likely had signed the agreement but since then Lassen had wanted one item changed so they would have to start all over again. Executive Officer Benoit reports that Lassen has a new County Counsel so maybe we can have someone talk to him.

Next on the list is the City of Alturas annexation request and he understands there are some delays there as well. Everyone seems to know what they want; it just needs to get done. Commissioner Dederick states they have had a meeting but there was some confusion on the AB8 rates and he doesn't believe they received some clarification on that. Executive Officer Benoit states he has to go to the Auditor's Office tomorrow so he may ask about that as well.

The Southern Cascades CSD is hoping to go to a mail ballot. They had misquoted the LAFCo term and condition in a previous Resolution which is a dual commitment to form the district as long as the tax passes because they need a financing source. They had hoped to get on the November ballot, but he suggested a mail ballot.

The Mayers Healthcare District annexation would annex portions of Modoc and Shasta into the district to help with the bond indebtedness. The Board of Supervisors here is the only one that has a real hammer here by refusing to negotiate the tax agreement unless they say the people have the opportunity to vote on this. He will work with the Board and Chester Robertson on this when it comes up. There is a meeting next week and he has invited a few people from Big Valley to attend as well so they can hear from them first hand.

Finally he discusses Ethics Training. We had it two years ago and had a firm come up here to do the training. He has spoken to them again and they are willing to do it again. He will speak with Stephanie Wellemeyer on this as she helped coordinate the event and can do so again.

16. Commissioner Reports – Discussion

Commissioner Allan states that the hospital in Surprise Valley has been borrowing money to make payroll. He believes that Kevin Kramer has been very candid with them and he implored

him and one very strong board member to get to the point and work through the issues. Some of the staff over there had been making significant amounts of money in comparison to Modoc Medical Center. We'll see how it goes because meetings can get pretty ugly over there with the public and staff trying to take over.

Executive Officer Benoit asks if Kevin is helping them out. Commissioner Allan reports he is going over there one day a week and they are paying a portion of his salary. There is also a woman helping out with financials as well.

17. Consider changing meeting date from October 14, 2014 to October 7, 2014 at 4:00 PM CITY HALL, CITY OF ALTURAS

Executive Officer Benoit would like to change the meeting date for October. He will also have Counsel here that day so they should prepare any legal questions for him that day.

Commissioner Allan made the motion to change the meeting date from October 14, 2014 to October 7, 2014; seconded by Commissioner Irvin. In favor: Unanimous.

There being no further business to come before this Commission; Commissioner Alves made the motion to adjourn the meeting; seconded by Commissioner Allan. In favor: Unanimous

Meeting adjourned at 5:10 p.m.