

Modoc Local Agency Formation Commission

REGULAR MEETING AGENDA

Website: www.modoclafco.org

TUESDAY
December 13th, 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: Dec 13, 2022 04:00 PM Pacific Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/82740507188?pwd=OHYwZ1QyYU5Bb0hucDBTSXlxUUQrdz09>

Meeting ID: 827 4050 7188

Passcode: 781329

One tap mobile

*+16694449171,,82740507188#,,,,*781329# US*

*+16699006833,,82740507188#,,,,*781329# US (San Jose)*

Dial by your location

+1 669 444 9171 US

+1 669 900 6833 US (San Jose)

Meeting ID: 827 4050 7188

Passcode: 781329

Find your local number: <https://us02web.zoom.us/u/kelfKslcwM>

1. Call to order / Pledge of Allegiance

Commissioners

Alternate Members

Cheryl Nelson, Vice-Chair, City Member
Ned Coe, County Member
Marie Neer, Vice Chair Public Member
Paul Minchella, City Member
Kathie Rhoads, Chair, County Member

_____, Public Member Alt.
Shane Starr, County Member Alt.
Kelly Crosby, City Member Alt

LAFCO Staff

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 October 11, 2022 LAFCo meeting

a. *Approve LAFCo minutes for the October 11, 2022 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. Consent Agenda

- a. *Authorize payment of claims for October 2022 and November 2022*
- b. *Consider LAFCo Resolution 2022-0013 authorizing a remote teleconferencing meeting.*
- c. *LAFCo's regular meeting calendar for 2023*
- d. *Facility Use Agreement for use of City Council Chambers for 2023*

7. Lookout Pest Abatement District – Discussion regarding questions posed by the Lookout Pest Abatement District and the possible formation of a CSA

a. *Review and discuss questions posed by the Lookout Pest Abatement District*

b. Possible Required LAFCo Action

8. LAFCo's workplan and the upcoming Alturas City MSR and SOI - Discussion

9. CALAFCO's White paper Planning for a Sustainable and Predictable Future – Clarifying LAFCo's authority to determine Government Code Section 56133 e Exemption Eligibility

a) Discuss LAFCo's White Paper

10. Discussion regarding the Calafco Annual Conference in Orange County

a) Hold general discussion

11. Executive Officer's Report

- a) Canby CSD and Canby Fire*
- b) REAP Grant*

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.

13. Adjourn to the next regular meeting on February 14, 2023

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
October 11, 2022

1. Call to order / Pledge of Allegiance

Chair Kathie Rhoads 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 Coe, Commissioner Neer, Commissioner Minchella, Commissioner Crosby, and Chair Rhoads were present. Commissioner Starr and Commissioner Nelson were absent. Public attending 2.

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

2. Approval of the Agenda (Additions and Deletions)

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

Motion passed unanimous.

3. Correspondence – None

4. Consider Minutes for the August 9, 2022 LAFCo meeting

Commissioner Minchella made the motion to approve the August 9, 2022 LAFCo minutes; seconded by Commissioner Coe. In favor were Commissioners Neer, Coe, Minchella, Crosby and Chair Rhoads.

Motion passed unanimous.

5. Public Comment – None

6. Consent Agenda

Commissioner Minchella made the motion to adopt the consent agenda as follows: a.) Authorize payment of claims for August 2022 and September 2022; b.) Adopt LAFCo **Resolution #2022-0010** authorizing a remote teleconferencing meeting; seconded by Commissioner Coe. In favor were Commissioners Neer, Coe, Minchella, Crosby and Chair Rhoads.

Motion passed unanimous.

7. LAFCo Bylaws review and update

Executive Officer Benoit made the requested changes and corrections that were presented during the August 9, 2022 LAFCo meeting.

Commissioner Crosby made the motion to approve **Resolution #2022-0011** thereby updating LAFCo's Bylaws; seconded by Commissioner Coe. In favor were Commissioners Neer, Coe, Minchella, Crosby and Chair Rhoads.

Motion passed unanimous.

8. LAFCo Per Diem rates for meals for Modoc LAFCo

Commissioner Minchella made the motion to approve **Resolution # 2022-0012** adopting per diem meal allowances during official LAFCo Business; seconded by Commissioner Neer. In favor were Commissioners Neer, Coe, Minchella, Crosby and Chair Rhoads.

Motion passed unanimous.

9. Biennial Review of LAFCo's Conflict of Interest Code

Executive Officer Benoit explained to the Commissioners they are to review the Conflict of Interest Code biennially. During this review they may find changes that need to be made. However, after review of the Conflict of Interest Code Mr. Benoit recommends authorizing the Chair to sign and transmit the 2022 Local Agency Biennial Notice to the County Clerk declaring LAFCo has reviewed its Conflict of Interest code and no amendment is required at this time.

Commissioner Coe made the motion to authorize the Chair to sign and transmit the 2022 Local Agency Biennial Notice to the County Clerk declaring LAFCo has reviewed its Conflict of Interest code and no amendment is required at this time; seconded by Commissioner Minchella. In favor were Commissioners Neer, Coe, Minchella, Crosby and Chair Rhoads. Motion passed unanimous.

10. Executive Officer's Report

Executive Officer Benoit gave a brief update on the Likely Water District. At this time this district is still active. The Likely Water District and Modoc County Administrative Officer Chester Robertson will need to collaborate and determine the direction they would like to proceed before presenting to Modoc County LAFCo.

Executive Officer Benoit reports the Canby Community Service District and Canby Fire District agreed on consolidating the districts. The next step will be the LAFCo's merging process. Mr. Benoit predicts that this merge will be simple and they will just need to update the boundaries on a map. Mr. Benoit informs the Commissioners Modoc County Planning Director Sean Curtis has a grant opportunity to conduct a feasibility for a water system and Canby is one of the candidates.

Modoc County Planning Director Sean Curtis explained the grant funding must be allocated by Fall of 2023. This grant is a total of \$160,000.00. \$100,000.00 will be used to conduct a feasibility study for a new water system for either Canby or Adin. At this time, they have not selected a location and are looking at various factors to select the best candidate. \$26,000.00 will be used to conduct the Sphere of Influence and Municipal Service review for the City of Alturas.

Commissioner Coe asked Mr. Benoit what to expect with the Canby Community Service District and Canby Fire District merge process.

Executive Officer Benoit explained the first step is each district must adopt a resolution stating they are in favor of the consolidation. Then, they need to reach out to Modoc County LAFCo and obtain an application. Once that application is received and fees are collected by Modoc County LAFCo, the process will commence. This process will include a public hearing.

Executive Officer Benoit informs the Commissioners the Senate Bill 938 takes effect January 1, 2023. This will change how service reviews are conducted. If deficiencies are found LAFCo will hold a public hearing stating the district's deficiencies then the district has 12 months to correct the issue. After the 12 months, LAFCo will hold another public hearing stating the existing deficiencies. Mr. Benoit will be on a panel to discuss Senate Bill 938 at the Annual Conference.

Chair Rhoads asked Mr. Benoit if he could discuss what happens if a district can not afford an audit.

Mr. Benoit would be happy to bring that to discussion. In cases were a district can not afford an audit, it may be appropriate for the board to do a financial review. However, Mr. Benoit will obtain clarification.

Mr. Benoit informs the Commissioner he plans on meeting with the Surprise Valley Healthcare District regarding their service review. Mr. Benoit announces he is semi-retiring. He will continue with Modoc County LAFCo but has retired from other areas.

11. Commissioners Reports – Discussion

Commissioner Crosby asked Executive Officer Benoit if her being on the Modoc County LAFCo Board would cause a conflict of interest with her husband being employed with Modoc County.

Executive Officer Benoit responded that it shouldn't be an issue, and reminded the Commissioners they can recuse themselves from matters if they believe it can be portrayed as a conflict.

12. Adjourn to the next regular meeting on December 13, 2022

There being no further business to come before the Commission. Motion made by Commissioner Coe to adjourn at 4:47 p.m.; seconded by Commissioner Neer. In favor were Commissioners Neer, Coe, Minchella, Crosby and Chair Rhoads. Motion passed unanimous.

Respectfully,

Macey Binning
LAFCO Clerk

Modoc Local Agency Formation Commission

Item 6 a

CLAIMS

for

October 2022 – November 2022

Authorize Claims for FY 2022-2023

November 1, 2022	Staff Svcs and Expenses October 2022	\$ 4,722.34
August 9, 2022	Meeting stipend Oct 11, 2022	\$ 500.00
Dec 1, 2022	Staff Svcs and Expenses November 2022	\$ 2,624.49
Nov 1, 2022	Calafco Conf. Reimb Paul Minchella	\$ 1,038.07
	TOTAL:	\$ 8,884.90

DATED: December 13, 2022

APPROVED: December 13, 2022

**Kathie Rhoads Chair or Marie Neer, Vice-Chair
Modoc Local Agency Formation Commission**

Attest:

**John Benoit
Executive Officer**

RESOLUTION NO. 2022-0013

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 13th day of December 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Kathie Rhoads, Chair or Marie Neer, Vice-Chair
Modoc Local Agency Formation Commission

ATTEST:

John Benoit, Executive Officer

MODOC LOCAL AGENCY FORMATION COMMISSION,

ITEM 6c

MODOC LAFCO

2023 Regular Meeting Schedule

February 14, 2023

April 11, 2023

June 13, 2023

August 8, 2023

October 10, 2023

December 12, 2023

Regular meetings of the Commission are scheduled for the second Tuesday of every other month at 4:00 p.m. in the City Council Chambers, 200 North Street, Alturas, California. The Commission may, at its own discretion, meet at a different time or place from time to time, provided that public notice of such time and place is given in accordance with the Ralph M. Brown Act, Government Code Section 54954 et. seq. and applicable provisions of the LAFCO Act.