

Modoc Local Agency Formation Commission

REGULAR MEETING AGENDA

Website: www.modoclafco.org

TUESDAY

December 8, 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
Marie Neer, Public Member
Mark Steffek, Vice-Chair City Member
Kathie Rhoads, County Member
LAFCO Staff
John Benoit, Executive Officer
Scott Browne, LAFCO Counsel
Macey Binning, Clerk

_____, Public Member Alt.
Geri Byrne, County Member Alt.
Yolanda Lewis, City Member Alt

2. Approval of the Agenda (Additions and Deletions)

3. Correspondence: Calafco Roundtable Meeting December 9th

4. Consider Minutes for the August 11th , 2020 LAFCo meeting

a. *Approve minutes from the October 13th , 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 October 2020 and November 2020*

7. Daphnedale CSD - Discussion with Board Members

- a) *Hold discussion with District Board Members, review district status, regulations and possible alternatives going forward and provide direction to staff, as necessary.*

8. Executive Officer's Report:

- a) *California Special Districts Membership*
- b) *Results of Calafco Elections: Josh Susman Nevada and Blake Inscore, Del Norte*
- c) *Fire Distirct Consolidation update*
- d) *Surprise Valley Healthcare District MSR*
- e) *Bylaws update*
- f) *Fee updates - 2007*
- g) *Application Forms – 2014*
- h) *Records Retention Policy - 2014*

9. 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.

10. 2021 LAFCo Meeting Schedule

- a) **Adopt 2021 LAFCo meeting schedule**

11. Adjourn to the next regular meeting on February 9, 2021

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]

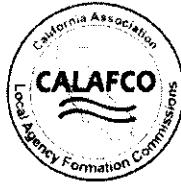
Accessibility

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



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**CALAFCO 2020 Virtual Regional Roundtable
Northern Region Agenda Guideline**
Wednesday, December 9, 2020
9:00 a.m. – 10:30 a.m.

<https://us02web.zoom.us/j/87294178834?pwd=T1Z2eG03NnRlVlloeDBmVFZZazM2dz09>

Meeting ID: 872 9417 8834

Passcode: 967732

Phone: 669-900-6833

Everyone in attendance will be asked by the host to identify themselves upon entry into the meeting from the waiting room. This is to preserve the integrity of the region's meeting.

1. Welcome and introductions in large group

Self-introductions with identification of LAFCo, position and tenure (ie: Commissioner, EO, Clerk, etc.)

2. CALAFCO update from Board Member and EO regional representative in large group

3. Breakout groups discussions

1. *What are the 3 biggest challenges your LAFCo faced the past 9 months and how were they overcome?*
2. *What are 2 positive things that have resulted from the last 9 months for your LAFCo?*
3. *How has your LAFCo budget been impacted in the current FY and what do you anticipate for the next FY because of the economic downturn?*
4. *How might you use a "shared services" model with other LAFCos in your region to gain fiscal and human resources efficiencies?*
5. *Do you have any cities or districts that are in severe fiscal distress as a result of the Pandemic and/or fires and if so, are you reaching out to them?*

4. Report out by breakout rooms in large group

5. Large group discussion:

In this new world of inter-related and regional challenges and even crisis, does LAFCo have a new and evolving role to play as political boundaries are increasingly less useful and natural boundaries (watersheds, air quality basins, fire terrain, SGMA basins, flood plains, etc) become more so?

6. Other comments by individual LAFCos

7. Feedback for CALAFCO

8. Wrap up and thank you

#4

Modoc Local Agency Formation Commission
Meeting Minutes
October 13, 2020

1. Call to order / Pledge of Allegiance

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

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

Pledge of Allegiance.

2. Approval of the Agenda (Additions and Deletions)

Commissioner Steffek made the motion to approve the agenda as presented; seconded by Commissioner Rhoads. In favor were Commissioners Rhoads, Lewis, Steffek, and Chair Coe. Motion passed unanimous

3. Appoint Public Member and Public Member Alternate to serve for a term ending in May 2024

Executive Officer Benoit reports to the Commissioners that he published a notice in the paper to fill the Public Member and Public Member alternate. Mr. Benoit only received one letter of interest from Marie Neer. Mr. Benoit is still looking for an alternate and advises the Commissioners if they know of a person that may be interested to contact Mr. Benoit.

Commissioner Rhoads made the motion to appoint Marie Neer as the Public Member to serve through May of 2024 to fill the unexpired term; seconded by Commissioner Lewis. In favor were Commissioners Rhoads, Lewis, Steffek, and Chair Coe.

Motion passed unanimous

4. Correspondence: Calafco Elections 2020

Executive Officer Benoit informs Commissioners that the CALAFCo elections will be taking place this year and it will be a virtual event. The Northern Region only has one candidate running for the City representative and one candidate for the Public Member representative. During the August 11, 2020 LAFCo meeting Commissioners authorized the Chair to vote on behalf of Modoc LAFCo.

5. Consider Minutes for the August 11th, 2020 LAFCo meeting

Commissioner Steffek made the motion to approve the August 11, 2020 LAFCo meeting minutes; seconded by Commissioner Rhoads. In favor were Commissioners Rhoads, Lewis, Steffek, and Chair Coe.

Motion passed unanimous

6. Public Comment- None

7. Authorize payment of Claims for August 2020 and September 2020

Commissioner Rhoads made the motion to authorize the payment claims for August 2020 and September 2020 with the amendment to remove the line item for June 9, 2020 meeting stipends. Total amount of \$6,814.34 was correct; seconded by Commissioner Steffek. In favor were Commissioners Rhoads, Lewis, Steffek, and Chair Coe.

Motion passed unanimous

8. Daphnedale CSD

On September 23, 2020 Executive Officer John Benoit attended a meeting regarding the Daphnedale Service District. Mr. Benoit was asked to provide a letter to review the Municipal Service Review for the Daphnedale Service District. Modoc County Clerk was also asked to provide the district with a letter requesting to review their financial records. Mr. Benoit has provided the letter to the Commissioners for their review. Mr. Benoit advises the Commissioners that the next step should be reaching out to the Daphnedale Service District board and review their current status.

Commissioner Steffek inquires if the board was asked to attend the LAFCo meeting.

Mr. Benoit has reached out in the past but he did not at this meeting. However, he advises Commissioner Steffek the City should be having the meeting with Daphnedale Service District not Modoc LAFCo.

Commissioner Steffek would like to propose changing the letter to ask the service district to respond in 30 days rather than 60 days. If they need to request for an extension they can do so. However, he would like for them to respond within the 30 days.

Chair Coe requests the list of documents that they are requesting could be incorporated into the letter. Mr. Coe is also concerned if the letter is sent via certified to a post office box will the post office return after a certain amount of days.

Commissioner Rhoads wonders if hand delivering the letter to the last known board members instead of sending certified would be more appropriate in this case.

The Commissioners agree that they will send the letter certified to the post office box for Daphnedale Service District along with individual certified copies of the letter to the last known board members.

Commissioner Steffek made the motion to authorize the Modoc LAFCo Chair Ned Coe to sign the Municipal Service Review and Sphere of Influence update letter for the Daphnedale Service District with amendments of incorporation the requested documentation into the letter and the time to respond from 60 days to 30 days; seconded by Commissioner Lewis. In favor were Commissioners Rhoads, Lewis, Steffek, and Chair Coe.

Motion passed unanimous

9. Consolidation of Districts vs. Establishment of a Joint Powers Authority (JPA)

Executive Officer Benoit wanted to discuss the difference between consolidating districts vs. establishing a joint powers authority. If you consolidate the districts there is only one board and one requirement for things like audits and elections. If a joint powers authority is formed each district would have to provide their own separate audits and elections. Mr. Benoit has seen joint powers authority take place before annexation occurs. Other joint powers authority has been formed for districts to still have control over their area. Mr. Benoit informs Commissioners that Wheatland and Williams have both been successful at forming a joint powers authority and can be used for examples. Mr. Benoit also explains joint powers authority can be formed for a single purpose.

Chair Coe explained the reason for this discussion is recently there was a Fire Chiefs meeting for the thirteen fire departments within Modoc County not including the City of Alturas Fire Department. During this meeting it was discussed consolidating the fire districts or forming a joint powers authority to eliminate every district having to comply with district requirements. This would also combine resources.

Executive Officer Benoit mentioned that the districts could combine geographically. For an example all the district is Surprise Valley area could combine and make a single district. Mr. Benoit also advised that a board cannot be made of thirteen board members. Which may discourage the fire districts because they may feel they can't properly represent their district.

County Administrative Officer Chester Robertson informs Commissioners he is currently concerned with not having fire departments in the rural areas that can meet the demands because they are limited on resources and made up of volunteers. This last fire season proved the concern when multiple fires occurred and additional resources were needed. His other concern is fire hazards are not being enforced which all these can increase the insurance cost to the residents in the rural area. Mr. Robertson believes if the districts combine together, or even have a County Fire Marshal that can provide enforcement to out of compliance areas this could resolve some of the issue Modoc County will be facing in the near future. Especially since Modoc County just received notice the Devil's Garden Conservation Camp will be closing.

10. Executive Officer's Report

Executive Officer Benoit reports that he will be reviewing and updating the fee schedule, application forms and the records retention policy. Once he has reviewed and updated these items, he will present them to the Commissioners for approval.

11. Commissioner Reports – None

There being no further business to come before the Commission. Motion made by Commissioner Rhoads to adjourn at 5:08 p.m.; seconded by Commissioner Lewis. In favor were Commissioners Rhoads, Lewis, Steffek, and Chair Coe.

Motion passed unanimous

Modoc Local Agency Formation Commission

#6

CLAIMS

for

October 2020 - November 2020

Authorize Claims for FY 2020-2021

Nov 1, 2020	Staff Svcs and Expenses October 2020	\$ 3,630.16
Oct 13, 2020	Meeting stipend 10.13.20	\$ 400.00
December 1, 2020	Staff Svcs and Expenses Nov 2020	\$ 1,971.72
	TOTAL:	\$ 6,001.88

DATED: December 8, 2020

APPROVED: December 8, 2020

**Ned Coe, Chair Modoc Local Agency Formation
Commission**

Attest:

**John Benoit
Executive Officer**

Modoc LAFCo
Expenditures and Revenue
FY 2020-2021

Item	Account Number	File Scanning mgmt	Memberships	Copies	Postage	Communications	Office Exp	Contract	Staff Svcs	Client Costs
		420	421	421	421	421	421	409	409	406
		\$	\$	\$	\$	\$	\$	\$	\$	\$
Total Budgeted 2020-2021										
Calafco Dues 20-21		\$ 3,000.00	\$ 1,130.00	\$ 1,200.00	\$ 300.00	\$ 1,000.00		\$ 2,000.00	\$ 36,000.00	\$ 720.00
JB staff exp July 2020			\$ (1,130.00)							
JB Staff exp August 2020				\$ (10.00)	\$ (0.50)	\$ (79.45)			\$ (2,550.00)	
JB Staff exp September 2020				\$ (15.00)		\$ (79.97)			\$ (3,410.00)	\$ (120.00)
Modoc Record Pub Mem recruitment 9, 2020				\$ (10.00)		\$ (83.07)			\$ (2,422.50)	
Comm Payroll Aug 11, 2020										
Comm Payroll October 13, 2020				\$ (20.00)		\$ (88.76)			\$ (3,367.50)	\$ (120.00)
JB staff Exp October 2020				\$ (15.00)		\$ (86.72)			\$ (1,870.00)	
JB Staff exp for November										
Total Expenditures to date										
		\$ -	\$ (1,130.00)	\$ 1,130.00	\$ 299.50	\$ (417.97)	\$ -	\$ 2,000.00	\$ (13,620.00)	\$ (240.00)
Total Budget Remaining										
		\$ 3,000.00	\$ -	\$ -	\$ -	\$ 582.03	\$ -	\$ -	\$ 22,380.00	\$ 480.00
unaudited										
July 1, 2020 City Fund Carryover \$ 21,378.94 \$ 24,387.59										
20-21 Actual City/Co Contributions										
FY 2020-21 City Anticipated Funds Transf \$ 24,897.50										
2020-21 County-City Funds anticipated \$24,897.50 \$ 46,966.70										
Funds received										
REVENUE FOR PROJECTS										
Interest										
Anticipated Funds received \$ (16,586.17)										
Less Expenditures \$ 7,801.42										
Actual Cash Balance										

#10

MODOC LAFCO

2021 Regular Meeting Schedule

February 9, 2021

April 13, 2021

June 8, 2021

August 10, 2021

October 12, 2021

December 14, 2021

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.