

Modoc Local Agency Formation Commission

REGULAR MEETING AGENDA

Website: www.modoclafco.org

TUESDAY FEBRUARY 11, 2020 – 4:00 PM

City Council Chambers, 200 North Street, Alturas, California.

1. Call to order / Pledge of Allegiance

Commissioners

Jim Irvin, City Member
Ned Coe, Vice-Chair, County Member
Richard Read, Chair Public Member
Mark Steffek, City Member
Kathie Rhoads, County Member

LAFCO Staff

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

Alternate Members

Marie Neer, Public Member Alt.
Geri Byrne, County Member Alt.
Cheryl Nelson, City Member Alt

2. Approval of the Agenda (Additions and Deletions)

3. Correspondence:

4 Consider Minutes for the December 10, 2019 LAFCo meeting

a. *Approve minutes from the December 10, 2019 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 for December 2019 and January 2020

a. *Authorize payment of claims for December 2019 and January 2020.*

7. Update and Discussion with the District Manager regarding the Surprise Valley Hospital District

8. Discussion regarding non-contiguous city annexations of land used for municipal purposes – the LAFCo process.

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

10. WORKSHOP #3: Policies, Standards and Procedures Update

(Please bring your copy of the policies previously distributed)

a) *Conduct workshop regarding LAFCo's updated Policies*

11. Authorize Staff to attend the Calafco Annual Staff Workshop on March 24-27 in Orange County

a) *Authorize Staff to attend the Calafco Annual Staff Workshop*

12. Executive Officer's Report:

a) *Application forms*

b) *700 forms due April 1st*

13. 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 April 14, 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

Local Agency Formation Commission of Modoc County
Meeting Minutes
December 10, 2019

1. Call to order / Pledge of Allegiance

Chair Read called the meeting to order at 4:00 p.m. in the Board of Supervisor's Room at 204 S. Court St., Room 203 in Alturas, CA. Commissioner Rhoads, Commissioner Irvin, and Commissioner Steffek were present. Commissioner Coe, Commissioner Neer, Commissioner Nelson, and Commissioner Byrne were absent. Public attending 4.

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 postpone agenda item #11 Workshop #2 Polices, Standards and Procedures Update to the next LAFCo Meeting. Seconded by Commissioner Steffek. In favor were Commissioners Irvin, Rhoads, Steffek, and Read.

Motion passed unanimous

Motion made by Commissioner Steffek to approve the agenda with the amendment; seconded by Commissioner Irvin. In favor were Commissioners Irvin, Rhoads, Steffek, and Read.

Motion passed unanimous

3. Correspondence

Executive Officer Benoit received a letter from Calafco thanking Mr. Benoit and Commissioner Steffek for attending the Calafco Annual Conference. The letter also contained an achievement award for Executive Officer Benoit. Mr. Benoit also received a letter regarding Canby's CSD which Mr. Benoit will review under the Executive Officer's Report.

4. Consider Minutes from the October 22, 2019 LAFCo meeting

Motion made by Commissioner Rhoads to approve the minutes from the October 22, 2019 LAFCo meeting; seconded by Commissioner Steffek. Commissioner Irvin abstained. In favor were Commissioners Rhoads, Steffek, and Read.

Motion passed unanimous

5. Public Comment

Executive Officer Benoit received an email from Jeanne Goldman with several attachments regarding the Surprise Valley Health Care District. Mr. Benoit will distribute the email with attachments to the Commissioners.

6. Authorize payment of Claims for October 2019 and November 2019

Commissioner Rhoads made the motion to authorize payment of claims for October 2019 and November 2019; seconded by Commissioner Irvin. In favor were Commissioners Irvin, Rhoads, Steffek, and Read.

Motion passed unanimous.

7. **Continued discussion with Daphnedale CSD Board Members and status of the Daphnedale CSD dissolution and consider repeal of LAFCo Resolution 2018-0001 and opportunities to help Daphnedale function as a CSD going forward.**

Executive Officer Benoit presented background of the issue regarding Daphnedale. Mr. Benoit believes this item is now obsolete because the Daphnedale Board Members have been established and are now active. Mr. Benoit would like to repeal Resolution 2018-0001 which was to dissolve the district. Now that Daphnedale has been constituted, Modoc County will no longer be responsible for the district. However, Modoc County will provide assistance when needed.

Steve Riley, Monty White, and Joann White are current Board members of Daphnedale present at the LAFCo meeting. The Board also consists of De Funk and possibly Janie Erkiaga.

Commissioner Irvin expresses that this is positive that the board now has active members. Mr. Irvin request that the Daphnedale Board keeps the City updated as they progress. The outstanding payment to the City will still need to be repaid.

Commissioner Steffek concurs with Commissioner Irvin.

Mr. Riley expresses his concern even with payment after taxes have been collected the District will still be far behind in payment to the City.

Commissioner Irvin looks forward to working with the board and finding a solution to cure current debt and future debt. Mr. Irvin does realize that expenses need to be updated to show actual cost and not past costs.

Clerk Binning advises that the City sewer accounts need to be revisited on the number of units that are being billed.

Motion made by Commissioner Irvin to repeal Resolution 2018-0001 Modoc LAFCo to initiate proceedings of dissolution of the Daphnedale Community Service District; Seconded by Commissioner Steffek. In favor were Commissioners Irvin, Rhoads, Steffek, and Read.

Motion passed unanimous

8. **Determine LAFCo meeting time, day and location for future LAFCo meetings**

Commissioners discussed changing the location of the LAFCo meetings to the Board of Supervisor's Room. The Board of Supervisor's Room has capabilities to broadcast live feed which is beneficial to public. Both locations can provide a recording of the LAFCo meeting which can be posted on the Modoc County Board of Supervisors webpage. Due to difficulties of scheduling the Commissioners agreed to keep location at the City Council Chambers and use Board of Supervisor's Room when controversial items are on the agenda.

Motion made by Commissioner Irvin to adopt the meeting schedule for 2020 as presented; Seconded by Commissioner Rhoads. In favor were Commissioners Irvin, Rhoads, Steffek, and Read.

Motion passed unanimous

Executive Officer Benoit requests to move to agenda item #10.

10. General Discussion regarding LAFCo fees and explore methods to make consolidations feasible for small districts with limited budget. Provide direction to staff.

Executive Officer Benoit and Commissioner Coe had a prior discussion regarding consolidating small districts. Modoc County has at least 50 small districts, some of these districts could be interested in consolidating to help with cost and activity within the district. However, what discourages the districts from consolidating is the LAFCo fees. Mr. Benoit has seen grant funding assist with LAFCo fees to consolidate. He reminds Commissioners that the legislature approved the SB200 approving \$140 million dollars for Disadvantaged Communities (DUC's) for water quality projects. \$30 million can be used on planning and the remaining amount for infrastructure and building which would be a great opportunity for Modoc County small districts.

9. Report from the Calafco Annual Conference in Sacramento October 30- November 1, 2019

Commissioner Steffek thanked Modoc LAFCo for the opportunity to attend the Calafco annual Conference in Sacramento October 30th through November 1st, 2019. Mr. Steffek recommends all Commissioners to attend at least once in their LAFCo Commissioner career. Mr. Steffek was able to attend several work sessions, and during the Annual Calafco Conference they discussed the new rate structure for annual dues. Calafco will continue to explore rate structures for annual dues that will be fair. The new rate structure was voted on and passed at the Annual Conference. Mr. Steffek was pleasantly surprised when Executive Officer Benoit received his lifetime achievement award. Mr. Benoit has been dedicated for 37 years.

Executive Officer Benoit discusses funding bills that will go through the legislature. One bill that interests Mr. Benoit is the Safe and Affordable Water Fund. 90% of the violations occur in a water system that has less than 500 connections. With the SB200 the State Water Resource Board has clear authority to collect data on the financial capacity of a district's operation. The State Water Resource Board is now doing data collection and mapping of domestic wells. The Environmental Health Department has also collected this information. However, the State is using their data for projection. The State will have funding authority, and will be able to fund expenditure plans. The State will also have clear authority to prevent new systems which will have an effect on LAFCo. The next Calafco annual Conference will be in Monterey, CA in October of 2020.

12. Executive Officer's Report

Executive Officer Benoit informed Commissioners he received a letter from the State regarding Canby CSD dissolving. However, Mr. Benoit met with Bonnie Sheer earlier and discussed the letter, and created a plan to file appropriate documents with the State Controller's Office. This will help prevent the Canby CSD from dissolving, and will remove Canby CSD off the State's list. Mr. Benoit's observation is that rural counties districts are deteriorating.

13. Commissioner Reports

Commissioner Steffek inquiries about the Lassen- Modoc Flood Control District being combined with the Modoc Ground Water Advisory Committee.

Modoc Flood Control. A majority of the Lassen- Modoc Flood Control boundaries are in Lassen County, which needs to be revisited.

Commissioner Steffek is concerned if the recently established Big Valley Advisory Committee for the Big Valley Basin is a duplication of efforts.

Clerk of the Board Tiffany Martinez does not believe it is a duplication and will serve its purpose in time. Once they move through the GSP process. The Lassen- Modoc Flood Control is made up with both GSAs Modoc County Board of Supervisors and the Lassen County Board Supervisors. Mrs. Martinez believes as they move along the ground water process the district will have an immense role within the Big Valley Ground Water Basin. This new Advisory Committee has also applied for grant funding to assist meaningful activities. They will receive notice if awarded the grant in March of 2020. The beginning of January the Big Valley Ground Water Advisory Committee meetings will commence. Mrs. Martinez believes time and discussion with Lassen County will be effective. This new Advisory Committee can be used for a multitude of things; ground water is just one component.

14. Adjourn to the next regular meeting on February 11, 2020

There being no further business to come before the Commission. Motion made by Commissioner Steffek to adjourn at 5:14 p.m.; seconded by Commissioner Irvin. In favor were Commissioners Irvin, Steffek and Read.

Motion passed unanimous

Modoc Local Agency Formation Commission

CLAIMS

for

December 2019 – January 2020

Authorize the following Claims for FY 2019-2020

Nov 1, 2019	Staff Svcs December 2019	\$ 3,540.25
Dec 1, 2019	Staff Svcs Jan 2020	\$ 2,713.21
Nov 1, 2019	Calafco Reimb. M. Steffek	\$ 602.55
Dec 16, 2019	Alturas Council Chambers Facility Usage	\$ 75.00

TOTAL: \$ 6,728.46

DATED: February 11, 2020

APPROVED: February 11, 2020

**Richard Read, Chair Modoc Local Agency
Formation Commission**

Attest:

**John Benoit
Executive Officer**

Modoc LAFCo
Expenditures and Revenue
FY 2019-2020

Item	Account Number	File Scanning mgmt	Memberships 4420	copies 4210	postage 4211	Communications 4221	Office Exp. 4210	Counsel 4008	staff Svcs 4004	Clerk Costs 4006
Total Budgeted 2019-2020										
Catalafco Dues 19-20		\$	\$ (1,075.00)							
Staff Svcs July 2019		\$ 3,000.00	\$ 1,077.00	\$ 1,200.00	\$ 300.00	\$ 1,000.00		\$ 2,000.00	\$ 36,000.00	\$ 720.00
Payroll Aug 27, 2019					\$ (0.51)	\$ (82.02)	\$ (10.00)		\$ (3,060.00)	
Cont Registration M. Steffek										
Staff Svcs August 2019						\$ (76.31)			\$ (2,727.50)	\$ (120.00)
Staff Svcs September 2019						\$ (87.07)	\$ (15.00)		\$ (3,060.00)	
Modoc Record LFHCD MSR and SOI										
PAYROLL Oct 22, 2019										
Staff SVCS October 2019			\$ (45.00)	\$ (50.00)	\$ (86.08)				\$ (2,000.00)	\$ (120.00)
Mark Steffek Catalafco Contf Reimb 2019										
Payroll November 2019			\$ (10.00)		\$ (79.28)				\$ (2,040.00)	
Payroll December 10, 2019										
Staff Svcs December 2019			\$ (15.00)	\$ (1.50)	\$ (78.75)				\$ (3,325.00)	\$ (120.00)
Staff Svcs January 2020					\$ (78.21)				\$ (1,572.50)	

Total Expenditures to date	\$	\$ (1,075.00)	\$ (70.00)	\$ (52.01)	\$ (657.72)	\$ (25.00)	\$ (25.00)	\$ 2,000.00	\$ (17,785.00)	\$ (360.00)
Total Budget Remaining	\$	\$ 2.00	\$ 1,130.00	\$ 247.99	\$ 432.28	\$	\$	\$ 2,000.00	\$ 18,215.00	\$ 360.00

unaudited	July 1, 2019 City Fund Carryover	\$ 21,378.94	\$ 21,378.94	\$ 21,378.94
	19-20 Actual City/Co Contributions			
	FY 2019-2020 City Anticipated Funds Transf			
	2019-2020 County-City Funds anticipated	\$ 23,433.35	\$ 23,433.35	\$ 46,866.70
	Funds received			
	REVENUE FOR PROJECTS			
	Interest			
	Anticipated Funds received			
	Less Expenditures	\$ (27,803.78)	\$ (27,803.78)	
	Actual Cash Balance	\$ 40,441.86	\$ 40,441.86	

Notices and Public 4380	Trans & Travel 4430	MSR/SOI Updates 4454	Commissioner Stipends-4003	TOTAL	Contingency 4922
\$ 600.00	\$ 500.00	\$ 10,500.00	\$ 4,800.00	\$ 61,697.00	\$ 6,169.70
				\$ (1,075.00)	
				\$ (3,152.53)	
	\$ (520.00)		\$ (600.00)	\$ (600.00)	
		\$ (2,000.00)		\$ (520.00)	
				\$ (4,923.81)	
\$ (72.00)				\$ (3,162.07)	
				\$ (72.00)	\$ (8,157.88)
\$ (92.00)		\$ (1,920.00)	\$ (600.00)	\$ (600.00)	
\$ (602.55)				\$ (4,313.08)	
				\$ (602.55)	
			\$ (400.00)	\$ (2,129.28)	\$ (7,644.91)
				\$ (400.00)	
				\$ (3,540.25)	
		\$ (1,062.50)		\$ (2,713.21)	

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\$ (72.00)	\$ (1,214.55)	\$ (4,982.50)	\$ (1,600.00)	\$ (27,803.78)
\$ 528.00	\$ (714.55)	\$ 5,517.50	\$ 3,200.00	\$ 33,893.22
				\$ (27,803.78)