

Modoc Local Agency Formation Commission

REGULAR MEETING AGENDA

Website: www.modoclafco.org

TUESDAY

February 13, 2024

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

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

Time: Feb 13, 2024 04:00 PM Pacific Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/81832616004?pwd=OVdraHk4cmxhS2p0VGx5WkN6Q2w5UT09>

Meeting ID: 818 3261 6004

Passcode: 021085

One tap mobile

+16694449171,,81832616004#,,,,*021085# US

+16699006833,,81832616004#,,,,*021085# US (San Jose)

Find your local number: <https://us02web.zoom.us/j/81832616004?pwd=OVdraHk4cmxhS2p0VGx5WkN6Q2w5UT09>

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

Commissioners

Cheryl Nelson, City Member

Ned Coe, Vice Chair, County Member

Laurie Pearce Price, Public Member

Paul Minchella, Chair, City Member

Kathie Rhoads, County Member

LAFCO Staff

John Benoit, Executive Officer

Alternate Members

_____, Public Member Alt.

Shane Starr, County Member Alt.

Kelly Crosby, City Member Alt

Scott Browne, LAFCO Counsel
Tacie Wheeler, Clerk

- 2. **Approval of the Agenda (Additions and Deletions)**
- 3. **Correspondence:**
- 4. **Consider appointment of a Public Member alternate for LAFCo**

- a. *Discussion with Nikki French, applicant for Public Member Alternate*
- b. *Consider Appointment of Public Member Alternate*

- 5. **Consider Minutes for the December 12, 2023 LAFCo meeting**

- a. *Approve LAFCo minutes of the December 12, 2023 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 December 2023 and January 2024*

PUBLIC HEARINGS:

- 8. **Public Hearing regarding the dissolution of the Canby CSD and Canby Fire Protection District and Concurrent Formation of the Canby Area CSD providing the same services as the successor agency.**

- a) *Receive Executive Officer's Report and conduct public hearing.*
- b) *Consider LAFCo Resolution 2024-0001 dissolving the Canby CSD and the Canby FPD and forming the Canby Area CSD.*

- 9. **Public Hearing regarding the Alturas Service Review and Sphere of Influence Update**

- a. *Presentation of the Alturas Service Review and Sphere of Influence Update.*
- b. *Consider Resolution 2024-0002 adopting a Service Review for the City of Alturas*

- c. Consider Resolution 2024-0003 adopting an updated Sphere of Influence for the City of Alturas.

10. Executive Officer Retirement and Replacement

- a. Discussion regarding Jennifer Stephenson as the replacement Executive Officer and an agreement for Services at the next regular LAFCo meeting to be effective July 1, 2024.

11. Executive Officer's Report

- a. Surprise Valley Healthcare ongoing
- b. Ethics Training April 10, 2024
- c. 700 forms due April 2, 2024
- d. LAFCo Budget 2024-2025 April 9th and June 11th

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 April 9, 2024

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

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REGULAR MEETING MINUTES

Modoc Local Agency Formation Commission

TUESDAY

December 12, 2023

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

1. **The Meeting was called to order at 4:00 pm by Chair Minchella. A pledge of Allegiance was recited.**

Commissioners Present

Ned Coe

Paul Minchella

Kathie Rhoads

Kelly Crosby

LAFCO Staff

John Benoit, Executive Officer

2. **Approval of the Agenda (Additions and Deletions)**

A motion was made by Ned Coe and seconded by Kathie Rhoads. The minutes were unanimously approved by those members present.

3. **Correspondence:**

There was no correspondence

4. **Consider appointment of a Public Member alternate for LAFCo**

This item was deleted from the agenda and will take place on February 13, 2024

5. **Consider Minutes for the October 10, 2023 LAFCo meeting**

The Minutes from the October 10th, 2023 meeting were approved by the members present.

6. Public Comment

There was no public comment

7. Consent Agenda

Upon motion of Ned Coe and seconded by Kathie Rhoads the payment of claims for October 2023 and November 2023 were approved by a unanimous vote of the members present.

8. Presentation: Alturas Service Review and Sphere of Influence Update

There was a Presentation and Introduction of the Alturas Service Review and Sphere of Influence Update by Jennifer Stephenson which included a discussion of the preliminary determinations for the MSR and SOI. Major concerns addressed were wastewater and the slow rate of growth. Other services such as Fire, Domestic Water exceptional for the existing population

9. 2024 Modoc LAFCo Regular Meeting Schedule

A motion by Ned Coe and seconded by Kathie Rhoads was made to adopt the 2024 LAFCo Regular Meeting Schedule.

10. Canby CSD and Canby Fire Merger

A Discussion was held and the Merger will be on the February 13th 2024 regular meeting agenda.

11. Discussion regarding the Calafco Annual Conference

A discussion was held regarding the various sessions presented at the Calafco Annual Conference in Monterey. Meeting others at the Conference provided valuable insight into issues confronting LAFCo's such as Modoc LAFCo.

12. Retirement of the Executive Officer effective June 30, 2024

Options were discussed on how to procure a successor Executive Officer. Further discussion will occur at LAFCo's February meeting.

13. Executive Officer's Report

The following were discussed:

- a. Surprise Valley Healthcare – This is ongoing*
- b. Ethics Training – Ethics Training will Occur in August*

c. A report was given stating the Lookout Pest Abatement District Dissolution and the State Board of Equalization filing were completed

14. Commissioner Reports - Discussion

No reports were given

15. Adjourn to the next regular meeting on February 13, 2024

On motion of Kathie Rhoads and seconded by Commissioner Crosby the meeting was adjourned until February 13th 2024

Modoc Local Agency Formation Commission

Item 7

CLAIMS

for

December 2023 –January 2024

Authorize Claims for FY 2023-2024

Jan 1, 2024	Staff Svcs and Expenses December 2023	\$ 3,504.44
Feb 1, 2024	Staff Svcs and Expenses January 2024	\$ 3,571.56
Oct 10, 2023	Meeting stipend Dec 12, 2023	\$ 400.00
Oct 20, 2023	Modoc Rec Hearing canby and Alturas MSR	\$ 139.50
TOTAL FY 23-24:		\$ 7,615.50

DATED: Feb 13, 2024

APPROVED: Feb 13, 2024

Paul Minchella, Chair or Ned Coe, Vice-Chair
Modoc Local Agency Formation Commission

Attest:

John Benoit
Executive Officer

136.01		File Scanning	Memberships	copies	postage	Communications	Office Exp.	Counsel	staff Svcs	Clerk Costs	Notices and	Trans & Travel	MSR/SOI Updates	Commissioner	TOTAL
		4225	4420	4210	4211	4221	4210	4008	4004	4006	Public 3380	4430	4454	Stipends-6003	
		\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Total Budgeted 2023-2024		\$ 3,000.00	\$ 1,254.00	\$ 1,200.00	\$ 300.00	\$ 1,000.00	\$ 4210	\$ 2,000.00	\$ 36,000.00	\$ 720.00	\$ 600.00	\$ 4,000.00	\$ 12,500.00	\$ 4,800.00	\$ 67,804.00
Catalico Dues 23-24		\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Catalico Registration Peui Minichella		\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
	Staff Svcs July 2023		\$ (5.00)			\$ (71.42)	\$ (32.20)	\$	\$ (1,742.50)			\$ (615.00)		\$	\$ (1,285.00)
	Commissioner Payroll August 8th, 23		\$	\$ (15.00)	\$	\$ (71.42)	\$	\$	\$ (3,962.50)		\$ (396.27)	\$	\$	\$ (400.00)	\$ (4,000.00)
	Staff Svcs August 2023 (03-74		\$	\$ (7.50)	\$	\$ (72.66)	\$	\$	\$ (1,180.00)		\$	\$	\$	\$	\$ (4,445.19)
	Staff Svcs Sept 2023 (24-0010)		\$	\$	\$	\$	\$	\$	\$		\$	\$	\$	\$	\$ (1,270.16)
	Comm Stipend Oct 10, 2023		\$	\$ (20.00)	\$	\$ (76.66)	\$	\$	\$ (3,707.50)		\$ (1,252.11)	\$	\$	\$ (400.00)	\$ (4,000.00)
	Peui Minichella LAFCO Conf. reimb 2023		\$	\$	\$	\$ (76.66)	\$	\$	\$ (2,796.00)		\$ (620.50)	\$	\$	\$	\$ (4,262.11)
	Staff Svcs Oct 2023		\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$ (4,424.56)
	Staff Svcs Nov 2023		\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$ (2,872.56)
	Comm Stipend Dec 12, 2023		\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$ (400.00)
	Modoc Record Canby and Ahuras MSR		\$	\$ (10.00)	\$	\$ (76.66)	\$	\$	\$ (3,027.50)	\$	\$ (139.50)	\$ (380.36)	\$	\$	\$ (3,504.44)
	Staff Svcs December 2023		\$	\$ (10.00)	\$	\$ (76.66)	\$	\$	\$	\$	\$	\$	\$	\$	\$ (139.50)
	Staff Svcs January 2024		\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$ (3,371.56)
Total Expenditures to date		\$ -	\$ (1,285.00)	\$ (67.50)	\$ -	\$ (521.74)	\$ (32.20)	\$ -	\$ (19,911.00)	\$ -	\$ (139.50)	\$ (5,274.26)	\$ -	\$ (1,200.00)	\$ (26,431.20)
Total Budget Remaining		\$ (1.00)	\$ 1,132.50	\$ 1,132.50	\$ 300.00	\$ 478.26	\$ (32.20)	\$ 2,000.00	\$ 16,089.00	\$ 720.00	\$ 460.50	\$ 1,125.74	\$ 12,500.00	\$ 3,600.00	\$ 41,372.80

	unaudited	July 1, 2023 City Fund Carryover	\$	36,105.12
	Actual	23-24 Actual City/Co Contributions	\$	54,584.40
FY 2023-24 City Anticipated Funds Transf				
2023-24 County Funds anticipated				
	Funds received	REVENUE FOR PROJECTS		
	Interest			
	Anticipated Funds received		\$ (26,431.20)	
	Less Expenditures		\$ 9,673.92	
	Actual Cash Balance			

Resolution 2024-0002 of the

Modoc Local Agency Formation Commission

Approving a Municipal Service Review of Services Provided by and within the City of Alturas and Adopting Written Determinations Thereon

WHEREAS, California Government Code Section 56425 requires a Local Agency Formation Commission ("LAFCO") to adopt and periodically review Sphere of Influence Plans for all agencies in its jurisdiction; and,

WHEREAS, California Government Code Section 56430 requires that a LAFCO conduct a review of the municipal services provided by and within an agency prior to updating or adopting its Sphere of Influence Plan; and,

WHEREAS, the Sphere of Influence Plan is the primary planning tool for LAFCO and defines the probable physical boundaries and service area of a local agency as determined by LAFCO; and,

WHEREAS, the Commission adopted its Policies, Standards and Procedures including policies related to Municipal Service Reviews (MSRs) and Spheres of Influence and updated these policies on February 9, 2022; and,

WHEREAS, at the time and in the manner provided by law, the Executive Officer gave notice of the date, time, and place of a public hearing by the Commission for the services provided by the City of Alturas, including approval of the report and adoption of the written determinations contained therein; and,

WHEREAS, the Commission hereby determines that the final draft of the Municipal Service Review for services provided by the City of Alturas and written determinations contained therein will provide information for updating the sphere of influence for the District, and is otherwise consistent with the purposes and responsibility of the Commission for planning the logical and orderly development and coordination of local governmental agencies so as to advantageously provide for the present and future needs of the county and its communities; and,

WHEREAS, in making this determination, the Commission has considered the documentation on file in this matter; and,

WHEREAS, the Commission has heard all interested parties desiring to be heard and has considered the proposal and report by the Executive Officer and all other relevant evidence and information presented at said hearing;

NOW, THEREFORE, the Local Agency Formation Commission of Modoc County hereby resolves, orders and determines the following:

- 1) The Municipal Service Review of Services provided by the City of Alturas, attached hereto as Exhibit A, is approved and the written determinations presented in the Municipal Service Review report are hereby adopted.
- 2) LAFCO staff is further ordered to proceed as appropriate with update to the Sphere of Influence Plan for the City of Alturas.
- 3) LAFCO staff is further ordered to forward copies of this resolution containing the adopted Municipal Service Review to the City of Alturas.

The foregoing resolution was duly passed by the Local Agency Formation Commission of Modoc County at a regular meeting held on February 13, 2024 by the following roll call vote:

Ayes:

Noes:

Abstentions:

Absent:

Signed and approved by me after its passage this 13th day of February, 2024.

Paul Minchella, Chair or Ned Coe, Vice Chair
Modoc LAFCO

Attest:

John Benoit, Executive Officer
MODOC LOCAL AGENCY FORMATION COMMISSION,

Resolution No. 2024-0003

MODOC LOCAL AGENCY FORMATION COMMISSION

A Resolution Making Determinations and Approving A Sphere of Influence Update for the City of Alturas

WHEREAS, Government Code Section 56425 requires each Local Agency Formation Commission to adopt and periodically review and update a Sphere of Influence for each local governmental agency within its jurisdiction; and

WHEREAS, the Modoc Local Agency Formation Commission, in compliance with the aforementioned requirement, is providing a “plan for the probable physical boundaries and service area” for the City of Alturas; and

WHEREAS, the Commission has set the hearing date of February 13, 2024 for the update of the Sphere of Influence for the City of Alturas and has noticed this hearing at the times and as otherwise prescribed by Government Code Section 56427, *et seq.*; and

WHEREAS, the Commission has heard and adopted a Municipal Services Review of services provided by the City of Alturas in accordance with Gov. Code section 56430; and

WHEREAS, the Commission has reviewed and considered the proposed Sphere of Influence update report and the proposed Sphere of Influence Update Map, which are attached hereto and incorporated herein; and

WHEREAS, the Commission has considered those factors determined by it to be relevant to the proposed Sphere of Influence update, including, but not limited to, those factors specified in Government Code Section 56425(e), and has heard from interested parties and considered requests for amendment and/or revision of the proposed updated sphere boundary, if any;

NOW, THEREFORE, BE IT RESOLVED that the Modoc Local Agency Formation Commission does hereby find and determine as follows:

1. That the proposed sphere of influence update with respect to City of Alturas complies with the provisions of Government Code Section 56000, *et seq.*
2. That no significant objections have been received regarding the establishment of this Sphere of Influence update.
3. That, pursuant to Government Code Section 56425, the Commission makes and adopts those determinations set forth in the Sphere of Influence Study are attached hereto and incorporated herein.
4. That the Sphere of Influence Update Report and Map for the City of Alturas’s updated Sphere of Influence is hereby adopted and approved as set forth in Attachments “A” and “B”.

PASSED AND ADOPTED at a regular meeting of the Modoc Local Agency Formation Commission, State of California, on the 13th day of February 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Paul Minchella, Chair or Ned Coe,
Vice Chair, Modoc Local Agency
Formation Commission

Attest:

John Benoit, Executive Officer
Modoc LAFCO