

Modoc Local Agency Formation Commission

REGULAR MEETING AGENDA

Website: www.modoclafco.org

Tuesday February 14, 2017 – 4:00 PM

**City Council Chambers
Alturas City Hall
200 North Street, Alturas, CA 96101**

1. Call to order / Pledge of Allegiance

Commissioners

Alternate Members

David Allan, County Member
Jim Irvin, City Member,
T.J. Jerry Shea, Public Member
John Dederick, City Member, Vice Chair
Kathie Rhoads, County Member, Chair

Richard Read, Public Member Alt.
Geri Byrne, County Member Alt.
Cheryl Nelson, City Member Alt.

LAFCO Staff

John Benoit, Executive Officer
Scott Browne, LAFCO Counsel
Kim Hunter, Clerk

2. Approval of the Agenda (Additions and Deletions)

3. Correspondance

4. Consider Minutes for December 13th , 2016

a. *Approve minutes from the December 13th , 2016 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. Ratify Claims for December 2016 and Authorize Payment of Claims for January 2017

- a. *Approve payment of expenses for December 2016 and January 2017.*

Action Items

7. Discuss and Develop Work Program for fiscal year 2017-2018

- a. *Review MSR- SOI completion sheet for 2017-2018*
b. *Develop Work Program for FY 2017-2018*
c. *Consider undertaking a Service Review and Sphere of Influence update for the Lassen Modoc County Flood Control District in a Joint effort with Lassen County.*

8. Update to Fire and EMS Service Review & Sphere of Influence update

- a. *Progress Report and Mapping*

9. Authorize staff to attend the Calafco staff workshop in Fresno March 4-7, 2017

- a. *Authorize staff to attend the Calafco Staff workshop in Fresno.*

10. Meeting with State Water Resources Control Board / Division of Drinking water staff

- a. *Legislation affecting water systems SB 88, SB 552 and SB 1263*

11. Correspondence:

12. Executive Officer's Report:

- a. *700 Forms Due April 1, 2017*

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 11, 2017

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 lafco@modoc.lafco.ca.gov 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 of December 13, 2016

1. Call to Order/Pledge of Allegiance

Chair Rhoads called the meeting to order at 4:00 p.m., in the City Council Chambers, Alturas City Hall. Commissioners David Allan, John Dederick, Jim Irvin, Jerry Shea, and Kathie Rhoads, were present. Public Member Alternate Richard Read was also present.

Staff Present: John Benoit, Executive Officer

Pledge of Allegiance

2. Approval of Agenda (Additions and Deletions)

Commissioner Irvin made the motion to approve the agenda; seconded by Commissioner Dederick. All in favor.

3. Correspondence

Each Commissioner was provided a copy of October 2016 Calafco journal publication of *The Sphere* that includes the 2016 Annual Report to the Membership.

4. Consider Minutes for October 4, 2016

Commissioner Shea made the motion to approve the minutes; seconded by Commissioner Allan. All in favor: Allan, Irvin, Shea, Rhoads; abstain: Dederick.

5. Public Comment

No public comment.

6. Ratify Claims for October 2016 and Authorize Payment of Claims for November 2016

Commissioner Shea made the motion to approve; seconded by Commissioner Allan. All in favor.

Public Hearing:

7. Service Review and Sphere of Influence Update for Lighting Districts in Modoc County: Adin, Canby, Cedarville, Fort Bidwell and Eagleville Lighting Districts

- a. *Review service review and sphere of influence update report and conduct public hearing.*

Chair Rhoads called the Public Hearing to order at 4:02 p.m. Executive Officer Benoit provided the staff report. A draft Municipal Service Review/Sphere of Influence (MSR/SOI) Update was reviewed at the August 9, 2016 meeting during a workshop. has declined since the District formed in 1963.

Chair Rhoads asked if there was any further discussion. Commissioner Shea asked Executive Officer Benoit if he had any further concerns or comments. Executive Officer Benoit stated that he had a few questions, but nothing that would warrant holding up approval.

b. Consider Resolution 2016-0008 adopting a service review for services provided by the Adin, Canby, Cedarville, Fort Bidwell and Eagleville Lighting Districts.

Commissioner Shea made the motion to approve Resolution 2016-0008; seconded by Commissioner Dederick. All in favor.

c. Consider Resolution 2016-0009 adopting a sphere of influence update for the Adin, Canby, Cedarville, Fort Bidwell and Eagleville Lighting Districts.

Commissioner Allan made the motion to approve Resolution 2016-0009; seconded by Commissioner Irvin. All in favor.

Other Items:

8. Adopt Regular Meeting Schedule for 2017

The regular meeting schedule for 2017 was contained in the meeting packet and was reviewed by the Commissioners.

Commissioner Shea made the motion to adopt; seconded by Commissioner Dederick. All in favor.

9. Review of the 2016 Annual Calafco Conference

Executive Officer Benoit gave a brief overview of the Calafco Conference which was held October 26th-28th in Santa Barbara with the theme of "Orchards to Oceans". The legislative review was included in the meeting packet for review by the Commissioners. One piece of legislation, introduced by Senator Louis Wolk, would force cities to annex identified disadvantaged communities with any other annexation. Senator Wolk ended up withdrawing the bill, but the issue will likely stick around.

Discussion regarding Daphnedale took place. Concern was expressed about the many issues including the lack of the functioning of the District's Board and identifying a solution.

Generally, it was a good conference with the typical presentation given on "nuts and bolts" type of topics such as Geographic Information Systems (GIS), city annexations and incorporations. One example of a recent proposal for a failed city incorporations was Squaw Valley which failed because it couldn't pencil out. The three top issues focused on in presentations were: water, disadvantaged communities, and environmental justice. Overall it was a good conference. A very interesting keynote speech was given by Jean-Michel Cousteau, son of Jacques Cousteau. The representation of the North State was strong which is a positive sign since the conference can be very Southern California oriented at times.

10. Correspondence

Repeat of Item #3.

11. Executive Officer's Monthly Report

The certificates for the November 3, ethics training should be sent out for those who attended. certificates should be being sent out but will be checking in on those. Commissioner Shea stated that they were supposed to be sent to the e-mail addresses of those who attended but that they hadn't been received yet.

- a. *Newell County Water District*. Executive Officer Benoit received a recent call from a concerned water user that the Board of Directors is not doing their job. Unfortunately, there is no overall oversight agency of special districts. In the case of the Newell County Water District, they seemed to be making progress a few meetings ago but have a lot of issues to take care of which will take time.

Also, another issue has come up with the Shasta Cascade Ambulance District because the residents of the Day Bench were with the mapping of the District. These residents may want to separate from the District which could cause future problems for the new District's fees.

Executive Officer Benoit expressed concern about the date of the February meeting with the holidays that month. He would like to sync the meeting date with some other meetings he has in other nearby counties. He is looking at February 28th but will send out an e-mail in a few weeks about the meeting date.

Discussion took place regarding topics and issues for future meeting agendas. The Daphnedale Community Service District water system was specifically discussed. County Auditor Stephanie Wellemeier has conveyed to Executive Officer Benoit several times that there are ongoing fiscal issues with Daphnedale. Commissioner Dederick noted that Daphnedale water system is definitely a problem for the City, especially with missed payments. The City has no enforcement mechanism to collect missed payments. A few potential solutions were discussed. Executive Officer Benoit suggested that a "Subsidiary District" might be one of the better options where the City Council would act as the Directors but the district would be separate from the City. However, the Daphnedale homeowners would have to vote on it the creation of a Subsidiary District.

12. Commissioner Reports - Discussion

No commissioner reports.

13. Adjourn to next regular meeting – February 14, 2017

The meeting date for the February meeting was previously discussed during Item #11.

There being no further business to come before this Commission; Commissioner Dederick made the motion to adjourn the meeting; seconded by Commissioner Allan. All in favor.

With no further business the meeting adjourned at 4:32 p.m.

Modoc Local Agency Formation Commission

CLAIMS

for

December 2016 & January 2017

Authorize the following Claims for FY 2016-2017

Jan 1, 2017	Staff Services December 2016	\$ 4,460.18
Feb 1, 2017	Staff Svcs January 2017	\$ 1,486.43
Dec 13, 2016	Commission Stipend Dec 13, 2016	\$ 600.00

TOTAL: \$ 6,546.61

DATED: February 14, 2017

APPROVED: February 14, 2017

**Kathie Rhoads, Chair or John Dederick, Vice-Chair
Modoc Local Agency Formation Commission**

Attest:

**John Benoit
Executive Officer**

Modoc LAFCo
Expenditures and Revenue
FY 2016-2017

Item	Account Number	Insurance 4140	Memberships 4420	copies 4210	postage 4211	Communications 4221	Office Exp 4210	Counsel 4008	staff Svcs 4004	Clerk Costs 4006	Notices and Public 4380
Total Budgeted 2015-2016		\$ 1,000.00	\$ 840.00	\$ 1,500.00	\$ 500.00	\$ 1,000.00	\$ 400.00	\$ 3,200.00	\$ 36,000.00	\$ 900.00	\$ 600.00
Staff Svcs July 2016			\$ (840.00)	\$ (71.97)		\$ (67.98)	\$ (10.00)		\$ (2,082.50)		
Modoc Record Public Member Recruit				\$ (49.83)	\$ (21.27)	\$ (65.76)			\$ (1,835.00)	\$ (120.00)	\$ (93.00)
Staff Svcs Aug 2016				\$ (15.00)		\$ (64.76)	\$ (19.50)		\$ (1,000.00)		
Comm Stipend Aug 9, 2016											
Staff Svcs September 2016											
Modoc Record Newell CWD MSR-Sol				\$ (95.84)	\$ (18.00)	\$ (65.11)	\$ (77.90)		\$ (2,000.00)	\$ (120.00)	\$ (66.00)
Staff Svcs Oct 2016						\$ (74.76)			\$ (1,232.50)		
Modoc Record MSR and SOI Lighting Dist											
Staff Svcs Nov 2016											
Comm Stipend Oct 4, 2016				\$ (54.00)	\$ (16.38)	\$ (64.80)	\$ (30.00)		\$ (3,000.00)	\$ (120.00)	
Comm Stipend December 13, 2016					\$ (0.48)	\$ (68.45)	\$ (15.00)		\$ (1,402.50)		
Staff Svcs & Exp December 2016											
Staff Svcs & Exp January 2017											

Total Expenditures to date		\$ -	\$ (840.00)	\$ (290.64)	\$ (56.13)	\$ (471.62)	\$ (152.40)	\$ -	\$ (12,552.50)	\$ (360.00)	\$ (228.00)
Total Budget Remaining		\$ 1,000.00	\$ -	\$ 1,209.36	\$ 443.87	\$ 528.38	\$ 247.60	\$ 3,200.00	\$ 23,447.50	\$ 540.00	\$ 372.00

Audited	July 1, 2016 City Fund Carryover
	\$ 29,905.15
16-17 Actual City/Co. Contributions	
FY 2014-2015 City Anticipated Funds Transf	\$40,714.00
2016-2017 County-City Funds Anticipated	
Funds received	
REVENUE FOR PROJECTS	
Interest	
Anticipated Funds received	
Less Expenditures	\$ (26,633.20)
Actual Cash Balance	\$ 43,985.95

Trans & Travel	MSR/SOI/Updates	Commissioner Stipends	Commissioner	TOTAL
\$ 2,000.00	\$ 21,500.00	\$ 4,800.00		\$ 74,240.00
	\$ (2,677.50)			\$ (840.00)
	\$ (2,000.00)			\$ (4,909.95)
				\$ (93.00)
				\$ (4,091.86)
		\$ (600.00)		\$ (600.00)
				\$ (3,499.26)
				\$ (66.00)
\$ (276.91)	\$ (1,452.50)			\$ (4,110.26)
				\$ (1,307.26)
				\$ (69.00)
		\$ (500.00)		\$ (500.00)
	\$ (1,175.00)	\$ (600.00)		\$ (600.00)
				\$ (4,460.18)
				\$ (1,486.43)

\$ (276.91)	\$ (9,705.00)	\$ (1,700.00)	\$ (26,633.20)
\$ 1,723.09	\$ 11,795.00	\$ 3,100.00	\$ 47,606.80

MSR and SOI Status as of Jan 2017

Agency Name	Date MSR Adopted	Date Sphere of Influence Adopted
Agencies that provide Water and Sewer		
Cedarville County Water District	11-Dec-07	11-Dec-07
Canby CSD	22-Oct-13	22-Oct-13
California Pines CSD	9-Feb-10	9-Feb-10
Daphnedale CSD	12-Apr-11	10-Apr-12
Newell County Water District	10.4.16	10.4.16
Likely County Water District		
Adin CSD	10-Apr-12	10-Apr-12
City of Alturas	14-Dec-10	14-Dec-10
Fire and Emergency Medical Services		
Adin FPD	13-Apr-10	11-Oct-11
Alturas Rural Fire	13-Apr-10	11-Oct-11
California Pines CSD fire	13-Apr-10	11-Oct-11
Canby FPD	13-Apr-10	11-Oct-11
Cedarville FPD	13-Apr-10	11-Oct-11
Davis Creek FPD	13-Apr-10	11-Oct-11
Eagleville FPD	13-Apr-10	11-Oct-11
Fort Bidwell FPD	13-Apr-10	11-Oct-11
Lake City FPD	13-Apr-10	11-Oct-11
Likely FPD	13-Apr-10	11-Oct-11
Lookout FPD	13-Apr-10	11-Oct-11
Tule Lake Multi County FPD	13-Apr-10	11-Oct-11
Willow Ranch FPD	13-Apr-10	11-Oct-11
Alturas City Fire	13-Apr-10	11-Oct-11
Cemetery Districts		
Adin Cemetery	10-Aug-10	10-Aug-10
Alturas Cemetery	10-Aug-10	10-Aug-10
Bidwell Cemetery	10-Aug-10	10-Aug-10
Davis Creek Cemetery	10-Aug-10	10-Aug-10
Cedarville Cemetery	10-Aug-10	10-Aug-10
Eagleville Cemetery	10-Aug-10	10-Aug-10
Lake City Cemetery	10-Aug-10	10-Aug-10
Likely Cemetery	10-Aug-10	10-Aug-10
Lookout Cemetery	10-Aug-10	10-Aug-10
Willow Ranch Cemetery	10-Aug-10	10-Aug-10
Healthcare Districts		
Last Frontier Healthcare Dist	10-Apr-12	10-Apr-12
Surprise Valley Healthcare District	10-Apr-12	10-Apr-12
Meyers Healthcare District	Responsibility of Shasta LAFCo	Responsibility of Shasta LAFCo
Agricultural Water and Irrigation Districts		
South Fork ID	15-Apr-14	15-Apr-14
Hot Springs Valley Water Dist	21-Aug-12	12-Feb-13
Tule Lake Irrigation District	6/9/15	6/9/15
Resource Conservation Districts		
Goose Lake RCD	12-Aug-14	12-Aug-14
Surprise Valley RCD	12-Aug-14	12-Aug-14
Lava Beds RCD	12-Aug-14	12-Aug-14
Central Modoc RCD	12-Aug-14	12-Aug-14
Pit River RCD	12-Aug-14	12-Aug-14
Fall River RCD	Responsibility of Shasta LAFCo	Responsibility of Shasta LAFCo
Flood Control and Water Conservation		
Davis Creek Water Conservation Dist		
Lassen-Modoc Flood Control		
Owl Creek Flood Control		
Street Lighting Districts		
Canby Highway Lighting District	12.13.16	12.13.16
Cedarville Highway Lighting District	12.13.16	12.13.16
Eagleville Highway Lighting District	12.13.16	12.13.16
Fort Bidwell Highway Lighting District	12.13.16	12.13.16
County Service Areas		
Hafer Hills (Road Maintenance) CSA	6-Oct-15	6-Oct-15
Park and Recreation Districts		
Modoc Park and Recreation District	11-Dec-12	11-Dec-12
Pest Abatement Districts		
Lookout Pest Abatement District		
Stonghold-Newell Pest Abatement Dist.		