

**Local Agency Formation Commission of Modoc County
Meeting Minutes
October 9, 2018**

1. Call to Order/Pledge of Allegiance

Chair Irvin called the meeting to order at 4:00 p.m., in the City Council Chambers, Alturas City Hall. Commissioner Irvin, Commissioner Rhoads, Commissioner Coe, and Commissioner Read were present. Commissioner Steffek was absent.

Staff Present: John Benoit, Executive Officer (EO) and Jackie Froeming, Clerk.

Pledge of Allegiance

2. Approval of Agenda (Additions and Deletions)

Commissioner Rhoads made the motion to approve the agenda as presented; seconded by Commissioner Coe. In favor were Commissioners Rhoads, Irvin, and Coe.
Motion passed Unanimous.

3. Selection of the Public Member and Public Member Alternate for a term expiring in May 2022

Motion made by Commissioner Rhoads and Seconded by Commissioner Coe to select Richard Read as the new Public Member and Marie Neer as the Public Member, Alt.
In favor were Commissioners Rhoads, Irvin, and Coe.
Motion passed Unanimous.

4. Correspondence - None

5. Consider Minutes for August 14 , 2018

Commissioner Rhoads made the motion to approve the minutes; seconded by Commissioner Read.
In favor were Commissioners Rhoads, Irvin, Read, and Coe.
Motion passed Unanimous.

6. Public Comment –

Doreen Smith Powers commented on concerns that water districts are not following the Brown Act. She commented that in her opinion, notices are not going out, and people are not being properly informed and/or notified about what is happening in their districts and when meetings are being held. Ms. Powers wants to be sure proper notifications are completed and that people who want to be involved have that opportunity.

Executive Officer Benoit commented that there are only certain districts that are subject to LAFCo jurisdiction due to her concern about the Brown Act not being followed. He commented that the Integrated Regional Water Management Plan is a consortium and run by a committee.

7. Authorize Payment of Claims for August 2018 and September 2018

Commissioner Rhoads made the motion to approve authorization of claims; seconded by Commissioner Read.

In favor were Commissioners Rhoads, Irvin, Read, and Coe.

Motion passed Unanimous.

Public Hearing

8. Public Hearing regarding an update to LAFCo's Conflict of Interest Code and consider Resolution 2018-0004.

Executive Officer Benoit introduced the public hearing and provided a background. Since a Deputy Executive Officer was appointed last year, the Conflict of Interest Code needs to be updated. He provided to the Commission a copy of Resolution 2018-004 to adopt the updated conflict of interest code.

The Public Hearing was opened at 4:15pm.

The Public Hearing was closed at 4:20pm.

There was no public comment from attendees.

Commissioner Coe made the motion to approve Resolution 2018-004; seconded by Commissioner Read. The Clerk initiated a Roll Call Vote.

In favor were Commissioners Coe, Rhoads, Read, and Irvin. Commissioner Steffek was absent.

Motion passed Unanimous.

Action Items:

9. Status of Daphnedale CSD dissolution and consider the repeal of LAFCo Resolution 2018-001.

Commissioner Irvin requested that this item be tabled until the December 11, 2018 meeting. He would like to have the County provide a status report.

Commissioner Rhoads asked Executive Officer Benoit if he would be contacting Stephanie Wellemeyer.

Executive Officer Benoit responded that he would try to contact Stephanie regarding the request from the Commission to get a status update and report on this special district.

10. Continued discussion, update regarding the Surprise Valley Health Care District and consider directing staff to prepare a MSR for services provided by the Surprise Valley Hospital (Healthcare) District as well as a Sphere of Influence update.

Executive Officer Benoit clarified that LAFCo's role is providing service reviews to districts under their jurisdictions. Part of the service reviews is to determine the Sphere of Influence. If you want to dissolve or expand a district, it has to be supported by the findings in the Sphere of Influence (SOI). He reported that is very hard to dissolve a district with outstanding debt and obligations to a community. Usually in these types of a situation, a successor agency would have to be appointed. Once a service review is completed LAFCo takes the information obtained and

determine whom the best service provider. If they are under performing, the recommendation may be to merge with another district or dissolution.

Executive Officer Benoit would like to reach out to the district and request information. If they do not provide the requested information, LAFCo will need to move ahead to the next level.

Commissioner Read would like to see the initial contact made and see if the district will provide the requested information.

Executive Officer Benoit said the other option would be for LAFCo to complete a MSR special study. It is up to the Commission to decide what actions they would like taken.

The Commission would like to initiate the contact to request information and have Executive Officer Benoit update them at the next meeting.

11. Update regarding the Lassen Modoc Flood Control and Water Conservation District (LMCFCWCD – Service Review (MSR) and Sphere of Influence (SOI))

Executive Officer Benoit provided a copy of a memo that will be presented to Lassen LAFCo at their next meeting. This memo discusses the changes to the LMCFCWCD MSR and SOI since August. Executive Officer Benoit reviewed information on the memo and discussed the contents.

12. Discussion regarding the Calafco Annual Conference October 2-5, 2018.

Executive Officer Benoit reported on this conference, which was held in Yosemite. He attended sessions on Service Reviews He reported that the original intent of these reviews are morphing into something else in other Counties. Currently in the law, it says a service review should be done every five (5) years “as necessary”. At this conference, there was discussion on changing these reviews to every eight (8) years “as necessary”. Additional discussion talked about removing the “as necessary”. If this were to happen, LAFCo’s budget would drastically increase. In Modoc County with the exception of SVHCD, there has not been much change over the last five (5) years.

Executive Officer Benoit reported he led a session on Natural Disasters. He discussed his project that included dealing with getting people from Southern CA and Northern CA together for a panel on fires and flooding. Using some of these Natural Disasters to provide a role for LAFCo. He had a project in Cog Mountain in Lake County. This project consisted of consolidating nine water districts into one due to a fire. Customers were reduced to a third so LAFCo completed this change of organization. This was project of the year at Calafco.

All Calafco presentations are posted online and Executive Officer Benoit will send out a copy of the agenda to the Commissioners. He also provided a copy of The Sphere, which is Calafco’s quarterly report.

13. Hold discussion and review LAFCo’s legislative intent (Gov Code Section 56001)

Executive Officer Benoit handed out two pages of the legislative intent explaining what the legislative findings and declarations are for LAFCo. He gave a brief background and reported why it was formed, the purpose, mandates, and importance of its role in community service needs and assistance in establishing priorities.

14. Executive Officer’s Report:

Executive Officer Benoit reported on the Ethic’s Training scheduled on November 9, 2018. This training is required every two years for local elected officials and some public agency employees in California.

He reported to the Commission about a conversation with a representative of Willow Ranch in Davis Creek. They are interested in merging the cemetery and fire districts into a Community Service District. The districts alone are functioning but not financially viable. This needs to be discussed in more depth as they have different boundaries.

An update was provided to the Commissioners on the legislation. The Governor vetoed AB2258 that dealt with providing funding to LAFCo. SB606 and AB1668 deal with water conservation. There are some provisions in these bills that would apply to smaller water districts such as Cedarville or City of Alturas. They have several flaws and it is very concerning how involved the State would become with water conservation and in essence try to make the water districts become enforcement agencies. AB2019 imposes additional mandates on how healthcare districts operate and SB929 is requiring websites for districts.

15. Commissioner Reports – None

16. Adjourn to the next regular meeting 4:00 PM on December 11, 2018

There being no further business to come before the Commission. The meeting adjourned at 5:12PM.