

Modoc Local Agency Formation Commission

REGULAR MEETING AGENDA

Website: www.modoclafco.org

TUESDAY
October 11th, 2022

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

This will be a Physical Meeting
at the City Council Chambers in Alturas
(A Zoom option is available for the public)

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

In person meeting: Required for all Commissioners. The Modoc LAFCO meeting will be open to in-person attendance. To remain in compliance with the state's public health guidance and CalOSHA COVID-19 Emergency Temporary Regulations [8 CCR §3205].

Topic: MODOC LAFCo

Time: Oct 11, 2022 04:00 PM Pacific Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/86571856094?pwd=YWozeFZRkxtSFByRzdJeUFyVVBVCUT09>

Meeting ID: 865 7185 6094

Passcode: 621368

One tap mobile

*+16694449171,,86571856094#,,,,*621368# US*

*+16699006833,,86571856094#,,,,*621368# US (San Jose)*

Dial by your location

+1 669 444 9171 US

+1 669 900 6833 US (San Jose)

Meeting ID: 865 7185 6094

Passcode: 621368

Find your local number: <https://us02web.zoom.us/u/kbATSZgfCX>

1. Call to order / Pledge of Allegiance

Commissioners

Alternate Members

Cheryl Nelson, Vice-Chair, City Member
Ned Coe, County Member
Marie Neer, Vice Chair Public Member
Paul Minchella, City Member
Kathie Rhoads, Chair, County Member

_____, Public Member Alt.
Shane Starr, County Member Alt.
Kelly Crosby, City Member Alt

LAFCO Staff

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

2. Approval of the Agenda (Additions and Deletions)

3. Correspondence:

4. Consider Minutes for the August 9, 2022 LAFCo meeting

a. Approve LAFCo minutes for the August 9, 2022 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. Consent Agenda

- a. Authorize payment of claims for August 2022 and September 2022*
- b. Consider LAFCo Resolution 2022-0010 authorizing a remote teleconferencing meeting.*

7. LAFCo Bylaws review and update

a) Review updated bylaws and consider Resolution 2022-0011 thereby updating LAFCo's Bylaws

8. LAFCo Per Diem rates for meals for Modoc LAFCo

- a) Consider resolution 2022-0012 adopting per diem meal allowances during official LAFCo Business

9. Biennial Review of LAFCo's Conflict of Interest Code.

- a) Review LAFCo's Conflict of Interest Code
- b) Authorize the Executive Officer to sign the Biennial Conflict of Interest Code review form and transmit to the Code Reviewing Body.

10. Executive Officer's Report

- a) Likely County Water - Update
- b) Canby CSD and Canby Fire
- c) SB 938 – Protest Proceedings

11. 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.

12. Adjourn to the next regular meeting on December 13th, 2022

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 gthe LAFCO webpage at: www.modoclafco.or

Local Agency Formation Commission of Modoc County
Meeting Minutes
August 9, 2022

1. Call to order / Pledge of Allegiance

Vice Chair Cheryl Nelson called the meeting to order at 4:00 p.m. at the City Council Chambers located at 200 W. North Street in Alturas, CA and via Zoom. Commissioner Rhoads, Commissioner Coe, Commissioner Neer, Commissioner Minchella, Commissioner Crosby, and Vice Chair Nelson were present. Commissioner Byrne was absent. Public attending 2.

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

2. Election of the Chair and Vice-Chair for FY 2022-2023

Commissioner Coe made the motion to elect Kathie Rhoads as Chair; seconded by Commissioner Minchella. In favor were Commissioners Rhoads, Neer, Coe, Minchella and Vice Chair Nelson.

Motion passed unanimous.

Commissioner Coe made the motion to elect Marie Neer as Vice Chair; seconded by Commissioner Minchella. In favor were Commissioners Nelson, Neer, Coe, Minchella and Chair Rhoads.

Motion passed unanimous.

3. Approval of the Agenda (Additions and Deletions)

Commissioner Coe made the motion to approve the agenda as presented; seconded by Commissioner Nelson. In favor were Commissioners Nelson, Neer, Coe, Minchella and Chair Rhoads.

Motion passed unanimous.

4. Correspondence

Executive Officer Benoit reports he has a few items to pass to Commissioner Minchella regarding the CALAFCo annual conference that Commissioner Minchella will be attending in October.

5. Consider Minutes for the June 14, 2022 LAFCO meeting

Commissioner Nelson made the motion to approve the June 14, 2022 LAFCo minutes; seconded by Commissioner Neer. In favor were Commissioners Nelson, Neer, Coe, Minchella and Chair Rhoads.

Motion passed unanimous.

6. Public Comment – None

7. Consent Agenda

Commissioner Coe made the motion to adopt the consent agenda as follows: a.) Authorize the payment claims for June 2022 and July 2022; b.) Approve **Resolution #2022-0009** authorizing a remote teleconference meeting; seconded by Commissioner Nelson. In favor were Commissioners Nelson, Neer, Coe, Minchella and Chair Rhoads.

Motion passed unanimous.

8. Workshop regarding LAFCo Bylaws review and update

Executive Officer Benoit stated the LAFCo bylaws have not been updated in fifteen years. Mr. Benoit reviewed the LAFCo bylaws and has made changes to update accordingly. Mr. Benoit reviewed the changes with the Commissioners to ensure the Commissioners agreed with the changes and asked if the Commissioners had any suggestions.

Commissioner Coe suggests instead of having the reimbursement for travel per diem amounts in the bylaws to adopt through a policy so it can be amended annually if needed.

Commissioner Neer informed Mr. Benoit of a typographical error on page 32. Indefinitely was misspelled in the records retention chart.

9. Executive Officer's Report

Executive Officer Benoit informs the Commissioners he is currently working with Modoc County Assistant County Administrative Officer Tiffany Martinez on the Likely Water District. Mr. Benoit was under the impression that this District was dissolved. During their research they discovered the Likely Water District is still active and in the past they requested dissolution. However, the Commissioners denied this request. The Likely Water District is not active, but Mr. Benoit was approached by the Railroad requesting to dispose of the current water system.

Modoc County Administrative Officer Chester Robertson asked Mr. Benoit if the Likely Fire District inquired about annexation.

Mr. Benoit replied that they did. However, Mr. Benoit has not responded and wanted to bring this to the Commissioners attention first.

Modoc County Administrative Officer Chester Robertson informed the Commissioner he was recently made aware of a dispute regarding the existing water tank located in Likely, CA. Lassen Railroad Trust was maintaining and treating the water for consumption. However, a majority of this tank is used for fire protection. Lassen Railroad Trust has initiated litigation requesting backpay for the years of treating the water tank. They claim there isn't a legal agreement stating Lassen Railroad Trust is responsible for maintaining the tank. Currently, only three residential properties and one commercial property are connected to the water tank. A few of the property owners are willing to walk away from their properties because the cost of a lawsuit is more than the value of the property. Likely Fire District is interested in the tank for fire protection but not maintaining the water system. This issue will come before the Modoc LAFCo once a solution has been determined to satisfy all parties involved. However, Mr. Robertson is researching all his options before proposing any solutions. Mr. Robertson would like to see all Likely Districts merge into one district.

Executive Officer Benoit believes a solution is possible. The Likely Fire District could assume the water tower but it can only be for fire protection not a drinking water system. However, Mr. Benoit would like to resolve the Likely Water District. It might be beneficial for Likely Water District to become an association and provide the services. The disadvantage would be as an association they could not apply for grants. Mr. Benoit will add this to next meetings agenda to discuss further.

Commissioner Coe would like to see a representative from the Likely Fire District attend the LAFCo meeting when they discuss the options.

Executive Officer Benoit reports the Canby Community Service District and Canby Fire District are going to meet regarding consolidation. Executive Officer Benoit informs the Commissioners the Senate Bill 938 Hertzberg has been signed by the Governor and is changing the LAFCo protest process. The past protest threshold was 10% and now will increase to 25%. This takes effect January 1, 2023.

10. Commissioners Reports – Discussion

Commissioner Coe notifies Mr. Benoit Modoc County has a new Board of Supervisor Shane Starr for District 2. Mr. Starr will be assuming the County alternate position on the Modoc County LAFCo Board replacing Gyri Byrne. Commissioner Coe was approached by an individual from Tionesta, CA regarding expansion of the Tulelake Fire District Boundaries. Mr. Coe asks Mr. Benoit if he can research and inform Mr. Coe of the procedures.

11. Adjourn to the next regular meeting on October 11, 2022

There being no further business to come before the Commission. Motion made by Commissioner Coe to adjourn at 5:29 p.m.; seconded by Commissioner Nelson. In favor were Commissioners Nelson, Neer, Coe, Minchella and Chair Rhoads. Motion passed unanimous.

Respectfully,

Macey Binning
LAFCO Clerk

Modoc Local Agency Formation Commission

CLAIMS

for

August 2022 – September 2022

Authorize Claims for FY 2022-2023

September 1, 2022	Staff Svcs and Expenses August 2022	\$ 4,224.63
August 9, 2022	Meeting stipend June 14, 2022	\$ 600.00
Oct 1, 2022	Staff Svcs and Expenses September 2022	\$ 2,900.63
	TOTAL:	\$ 7,725.26

DATED: October 11, 2022

APPROVED: October 11, 2022

Kathie Rhoads Chair or Marie Neer, Vice-Chair
Modoc Local Agency Formation Commission

Attest:

John Benoit
Executive Officer

RESOLUTION NO. 2022-0010

A RESOLUTION OF MODOC LAFCO AUTHORIZING A REMOTE TELECONFERENCE MEETING OF THE COMMISSION PURSUANT TO GOVERNMENT CODE SECTION 54953(e)

WHEREAS, Government Code section 54953(e), as amended by Assembly Bill No. 361, allows legislative bodies to hold open meetings by teleconference without reference to otherwise applicable requirements in Government Code section 54953(b)(3), so long as the legislative body complies with certain requirements, there exists a declared state of emergency, and one of the following circumstances is met:

1. State or local officials have imposed or recommended measures to promote social distancing.
2. The legislative body is holding the meeting for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.
3. The legislative body has determined, by majority vote, pursuant to reason two below, that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

WHEREAS, the Governor of California proclaimed a state of emergency pursuant to Government Code section 8625 on March 4, 2020; and

WHEREAS, the MODOC LAFCO desires to hold its public meetings by teleconference consistent with Government Code section 54953(e).

NOW, THEREFORE, MODOC LAFCO DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Conditions are Met. The MODOC LAFCO hereby finds and declares the following, as required by Government Code section 54953(e)(3):

1. The Governor of California proclaimed a state of emergency on March 4, 2020, pursuant to Government Code section 8625, which remains in effect.
2. The reasons for adopting this resolution are one or more of the following:
 - a. State or local officials have imposed or recommended measures to promote social distancing.

- b. The legislative body is holding the meeting for the purpose of determining whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.
- c. The legislative body has determined that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

PASSED AND ADOPTED by the Modoc LAFCo, this 11th day of October 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Kathie Rhoads, Chair or Marie Neer, Vice-Chair
Modoc Local Agency Formation Commission

ATTEST:

John Benoit, Executive Officer

MODOC LOCAL AGENCY FORMATION COMMISSION,

Resolution 2022-0011

of the

Modoc Local Agency Formation Commission

*Resolution of Modoc Local Agency Formation Commission
Approving Updated Bylaws*

RESOLVED, the Modoc Local Agency Formation Commission, that

WHEREAS, the attached Bylaws are necessary to guide the Modoc Local Agency Formation Commission in its operation; and

WHEREAS, the attached Bylaws contain elements that are required by Section 56000 *et. Seq.* of the California Government Code; and

WHEREAS, this Commission called for and held a Public meeting on the proposed bylaws on October 11, 2022 and at the meeting this Commission heard and received all oral and written protests, objections and evidence which were made, presented or filed, and all persons present were given an opportunity to hear and be heard with respect to the proposed Bylaws and the Report of the Executive Officer.

NOW, THEREFORE, the Modoc Local Agency Formation Commission DOES HEREBY RESOLVE, DETERMINE AND ORDER as follows:

1. All previously adopted approved by the Local Agency Formation Commission of Modoc County are hereby repealed in favor of this update.
2. The updated bylaws attached hereto and incorporated herein by this reference are hereby adopted.

The foregoing resolution was passed and adopted at a Regular Meeting of the Modoc LOCAL AGENCY FORMATION COMMISSION on the 11th day of October 2011, by the following vote of the Commission:

Modoc Local Agency Formation Commission
October 11, 2022 Resolution # 2022-0011 – LAFCO Bylaw Update

AYES:

NOES:

ABSTAIN:

ABSENT:

Kathie Rhoads, Chair or Marie Neer, Vice-Chair
Modoc Local Agency Formation

Attest::

John Benoit, Executive Officer
MODOC LOCAL AGENCY FORMATION COMMISSION,

Resolution 2022-12

of the

**Modoc Local Agency Formation
Commission**

*Resolution of the Modoc Local Agency Formation Commission Adopting Per
Diem Meal allowances during official LAFCo Business.*

RESOLVED, the Modoc Local Agency Formation, that

WHEREAS, Establishing per diem amounts are necessary to guide the Local Agency Formation Commission in its operation; and

WHEREAS, the enclosed per diem amounts will assist the Commission in managing its budget; and

WHEREAS, this Commission called for and held a meeting on the proposed per diem amounts on October 11, 2022 and at the meeting this Commission heard and received all oral and written protests, objections and evidence which were made, presented or filed, and all persons present were given an opportunity to hear and be heard with respect to the proposed per diem amounts.

NOW, THEREFORE, the Modoc Local Agency Formation Commission of the County of Modoc DOES HEREBY RESOLVE, DETERMINE AND ORDER as follows:

1. Per Diem amounts shall be established as follows:

Breakfast \$12.00

Lunch \$18.00

Dinner \$30.00

2. The Bylaws attached hereto and incorporated herein by this reference are hereby adopted.

Modoc Local Agency Formation Commission
October 11, 2022 Resolution # 2022-0012 – Per Diem Amounts

The foregoing resolution was passed and adopted at a Regular Meeting of the MODOC LOCAL AGENCY FORMATION COMMISSION on the 11th day of October 2022 by the following vote of the Commission:

AYES:

NOES:

ABSTAIN:

ABSENT:

Kathie Rhoads, Chair or Marie Neer, Vice
Chair Modoc Local Agency Formation
Commission

Attest:

John Benoit, Executive Officer
Modoc Local Agency Formation Commission

Modoc Local Agency Formation Commission

Memorandum

October 11, 2022

TO: LAFCo Commissioners

FROM: John Benoit, Executive Officer

SUBJECT: Conflict of Interest Code.

Attachments: Modoc LAFCO's Conflict of Interest Code
2022 Local Agency Biennial Notice

Government code section 87300 et. seq. (the Political Reform Act) requires each local government agency to keep a conflict of interest code and update it to reflect changes that occur in the organization of an entity. The Local Agency Formation Commission (as well as other local agencies) is required to review and amend its Conflict of Interest code on even-numbered years. A biennial notice is normally sent out by the County Clerk or other official designated by the Board of Supervisors during the summer of even numbered years to each agency required to review its Conflict of Interest Code. After review or approval of the Conflict of Interest Code LAFCO is required to submit any proposed changes to the Board of Supervisors acting as the code reviewing body.

Government code section 87311 requires review of a conflict of interest code to be carried out under procedures which guarantee to officers, employees, members and consultants of the agency and to residents of the County adequate notice and a fair opportunity to present their views. A notice of Public Hearing was initially published prior to LAFCO adopting its conflict of interest code on December 12, 2006. Prior to 2006 LAFCO's last Conflict of Interest code was adopted in 1995. The Modoc Co. Board of Supervisor's, acting as the Code Reviewing Body, approved LAFCO's conflict of interest code on January 16, 2007 and adopted Resolution 2007-02.

Recommendation:

Authorize the Chair to sign and transmit the 2022 Local Agency Biennial Notice to the County Clerk (or person designated by the Board of Supervisors) declaring LAFCO has reviewed its Conflict of Interest code and no amendment is required at this time.

John Benoit, Executive Officer j.benoit4@icloud.com
P.O. Box 2694 Granite Bay, CA 95746
(530) 619-5128 ph.

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF MODOC
RESOLUTION NUMBER 07-02**

A RESOLUTION OF THE MODOC COUNTY BOARD OF SUPERVISORS TO ADOPT A LOCAL AGENCY FORMATION COMMISSION CONFLICT OF INTEREST CODE AND APPENDIX AS REQUIRED IN ACCORDANCE WITH GOVERNMENT CODE SECTION 81000.

WHEREAS, the Fair Political Practices Act, Government Code section 81000, *et seq.*, requires all local agencies to adopt a conflict of interest code and an appendix to the conflict of interest code;

WHEREAS, the Fair Political Practices Commission has promulgated a standard conflict of interest code at Title 2, California Administrative Code §18730 that may be adopted by reference as a local agency's conflict of interest code and is referred to as the "standard conflict of interest code"; and

WHEREAS, the Board of Supervisors serves as the conflict of interest code reviewing body for the County of MODOC; and

WHEREAS, Government Code §87303 requires the Board of Supervisors to approve, revise and approve, or return for revision and resubmission each conflict of interest code adopted by a local agency; and

WHEREAS, the Local Agency Formation Commission of Modoc County adopted a standard conflict of interest code and appendix designating Commission Members to disclose at Categories 1,2,3,4,5, and 6; the Executive Officer to disclose at Categories 1,2,3,4,5, and 6; and Consultants at Categories 1,2,3,4,5, and 6 thereto, a copy of which is attached as Exhibit A;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors adopts the standard Conflict of Interest Code and Appendix thereto adopted by the Local Agency Formation Commission of Modoc County Resolution 2006-0004.

PASSED AND ADOPTED by the Board of Supervisors of the County of Modoc, State of California, on the sixteenth day of January, 2007, by the following vote:

AYES: Supervisors Macsay, Dunn, Cantrall, Bradshaw

NOES: None

ABSENT: None

ABSTAINED: None

BOARD OF SUPERVISORS OF THE COUNTY OF MODOC



ATTEST:

Melina Madison

County Clerk and Ex-Officio Clerk of the
Board of Supervisors

Mike Dunn

By: _____
Mike Dunn, Chairman, Board of Supervisors

**LOCAL AGENCY FORMATION COMMISSION
COUNTY OF MODOC, STATE OF CALIFORNIA**

December 12, 2006

**RESOLUTION
NO.2006-0004**

**A RESOLUTION ADOPTING A CONFLICT OF INTEREST
CODE**

WHEREAS, the Political Reform Act, Government Code section 81000, *et seq.* requires state and local government agencies to adopt conflict of interest codes; and

WHEREAS, the Fair Political Practices Commission has adopted a regulation, Title 2, California Administrative Code, Section 18730, which contains the terms of a standard conflict of interest code; and

WHEREAS, the LOCAL AGENCY FORMATION COMMISSION (LAFCO) can adopt the standard conflict of interest code as LAFCO's Conflict of Interest Code by reference, subject to approval by the Board of Supervisors of the County of Modoc;

NOW, THEREFORE, BE IT RESOLVED the COMMISSION of the LOCAL AGENCY FORMATION COMMISSION of Modoc County hereby adopts the Fair Political Practices Commission's standard Conflict of Interest Code as described in the attached regulations contained in Title 2, California Administrative Code, Section 18730, and the attached appendix in which employees are designated and disclosure categories are set forth, subject to approval by the Board of Supervisors of the County of Modoc.

BE IT FURTHER RESOLVED, that the Conflict of Interest Code and attached appendix shall be submitted to the Board of Supervisors of the County of Modoc for approval and that upon approval, the Conflict of Interest Code and attached appendix shall be deemed adopted and shall be promulgated by the LOCAL AGENCY FORMATION COMMISSION of Modoc County.

BE IT FURTHER RESOLVED that the standard code adopted hereby and subject to approval by the Board of Supervisors of the County of Modoc constitutes the Conflict of Interest Code of the LOCAL AGENCY FORMATION COMMISSION of Modoc County, and pursuant to Section 4(a) of the standard code, designated employees shall file original statements of economic interests with the Modoc County Clerk.

BE IT FURTHER RESOLVED that prior conflict of interest codes previously adopted by the LOCAL AGENCY FORMATION COMMISSION of Modoc County are hereby repealed and replaced by the standard code.

ON A MOTION by Commissioner Dunn, seconded by Commissioner Macsay, the foregoing Resolution was duly passed and adopted by the Commissioners of the LOCAL AGENCY FORMATION COMMISSION of the County of Modoc, State of California, this 12th day of December, 2006, by the following vote:

AYES: 4 GATELY, DUNN, MACSAY AND NEER

NOES: 0

ABSENT: 1 andrusen

ABSTAINED: 0

Marie Neer
Marie Neer, Chair, LOCAL AGENCY FORMATION COMMISSION
of Modoc County

APPROVED AS TO FORM:

John Kenny, Counsel
LOCAL AGENCY FORMATION COMMISSION
Of Modoc County

**LAFCO of Modoc County
Conflict of Interest Code**

Designated Employees	Disclosure Categories
<u>Members of the LAFCO Commission</u>	1, 2, 3, 4, 5, 6
<u>Executive Officer</u>	1, 2, 3, 4, 5, 6
Consultants*	1, 2, 3, 4, 5, 6

*Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the Code subjected to the following limitation:

The Executive Officer may determine in writing that a particular consultant, although a "designated position", is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and based upon that description, a statement of the extent of disclosure requirements. The Executive Officer's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

Category 1

Persons in this category shall disclose all interests in real property within the jurisdiction. Real property shall be deemed to be within the jurisdiction if the property or any part of it is located within or not more than two miles outside the boundaries of the jurisdiction or within two miles of any land owned or used by the local government agency.

Persons shall not be required to disclose property used primarily as their residence or for personal recreational purposes.

Category 2

Persons in this category shall disclose all investments.

"Investment" means any financial interest in or security issued by a business entity, including but not limited to common stock, preferred stock, rights, warrants, options, debt instruments and any partnership or other ownership interest owned directly, indirectly or beneficially by the public official, or other filer, or his or her immediate family, if the business entity or any parent, subsidiary or otherwise related business entity has an interest in real property in the jurisdiction, or does business or plans to do business in the jurisdiction, or has done business within the jurisdiction at any time during the two years prior to the time any statement or other action is required under this title. No asset shall

be deemed an investment unless its fair market value equals or exceeds two thousand dollars (\$2,000). The term "investment" does not include a time or demand deposit in a financial institution, shares in a credit union, any insurance policy, interest in a diversified mutual fund registered with the Securities and Exchange Commission under the Investment Company Act of 1940 or a common trust fund which is created pursuant to Section 1564 of the Financial Code, or any bond or other debt instrument issued by any government or government agency. Investments of an individual includes a pro rata share of investments of any business entity, mutual fund, or trust in which the individual or immediate family owns, directly, indirectly or beneficially, a 10-percent interest or greater. The term "parent, subsidiary or otherwise related business entity" shall be specifically defined by regulations of the commission. (Government Code Section 82034).

Category 3

Persons in this category shall disclose all income received from any source located or doing business within the jurisdiction or expecting to do business within the jurisdiction. Income received from a public agency need not be disclosed.

Category 4

Persons in this category shall disclose all income from and investments in businesses that provide or sell services or supplies of the type associated with job assignment and utilized by the department.

Category 5

Persons in this category shall disclose all business positions held in business entities which are located or doing or expecting to do business within the jurisdiction and which business entities may foreseeably be affected materially by any decision made or participated in by the person by virtue of his or her position. "Business entity" as used herein includes both for-profit and non-profit entities.

Category 6

Persons in this category shall disclose all items (including real property) valued over \$360.00 received as a gift, purchased from, or sold to any person applying for or receiving any services from the Department;

The above Categories 1 through 6 shall comply with the Form 700 disclosure filing requirements.

2022 Local Agency Biennial Notice

Name of Agency: Modoc LAFCo

Mailing Address: P.O. Box 2694, Granite Bay, Ca 95746

Contact Person: John Benoit Phone No. 530.619.5128

Email: J.benoit4@icloud.com Alternate Email: _____

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code includes disclosure by those agency officials who make or participate in making governmental decisions.

This agency has reviewed its conflict of interest code and has determined that (check one BOX):

An amendment is required. The following amendments are necessary:

(Check all that apply.)

- Include new positions
- Revise disclosure categories
- Revise the titles of existing positions
- Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions
- Other (describe) _____

The code is currently under review by the code reviewing body.

No amendment is required. (If your code is over five years old, amendments may be necessary.)

Verification (to be completed if no amendment is required)

This agency's code accurately designates all positions that make or participate in the making of governmental decisions. The disclosure assigned to those positions accurately requires that all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding designated positions are reported. The code includes all other provisions required by Government Code Section 87302.

Signature of Chief Executive Officer

Oct 11, 2022
Date

All agencies must complete and return this notice regardless of how recently your code was approved or amended. Please return this notice no later than October 3, 2022, or by the date specified by your agency, if earlier, to:

Modoc County Board of Supervisors
204 S. Court Street
Alturas, CA 95101

PLEASE DO NOT RETURN THIS FORM TO THE FPPC.