

Local Agency Formation Commission of Modoc County

Meeting Minutes of October 4, 2016

1. Call to Order/Pledge of Allegiance

Chair Rhoads called the meeting to order at 4:01 p.m., in the City Council Chambers, Alturas City Hall. Commissioners David Allan, Jim Irvin, Jerry Shea, and Kathie Rhoads, were present. Public Member Alternate Richard Read was also present. Absent: John Dederick.

Staff Present: John Benoit, Executive Officer

Pledge of Allegiance

2. Approval of Agenda (Additions and Deletions)

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

3. Correspondence

Executive Officer Benoit presented a letter received by the Little Hoover Commission the letter is regarding LAFCo and special districts. This correspondence will be posted on the Modoc LAFCo website. (It was noted that the item of "Correspondence" was on the agenda twice also item #10.)

4. Consider Minutes for August 9, 2012

Chair Rhoads identified a minor edit to remove duplicate language under agenda item #2. No other changes or edits were noted. Commissioner Shea made the motion to approve the agenda; seconded by Commissioner Irvin. All in favor.

5. Public Comment

No public comment.

6. Ratify Claims for August 2016 and Authorize Payment of Claims for September 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 the Newell County Water District

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

Chair Rhoads called the Public Hearing to order at 4:05 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. At that time, the Newell County Water District (District) had not been responsive. Since that time, the District has sent a response and information complying with Modoc LAFCo's requests. This is a positive step in trying to obtain grants to replace water and sewer infrastructure. However, Executive Officer Benoit still has two outstanding questions: 1) what is the number of gallons used during the

peak of summer; and 2) what is the average wet weather flow for the sewer system. This is data that would primarily be used for comparisons.

Commissioner Irvin asked if there was an error regarding the name being “Community” rather than “County”. Executive Officer Benoit explained that this District is indeed a “County Water District” that is formed under a specific section of the California State Water Code. There are also County Water Works Districts and California Water Districts with each type being formed under a specific section of code. Commissioner Irvin stated that this was confusing. Executive Officer concurred that the matter is very confusing and can offer different services under state law. Commissioner Allan asked the population of Newell. It was discussed that the population has declined since the District formed in 1963.

During the review process, Executive Officer Benoit had spoken with staff at the North Coast Regional Water Quality Control Board and the State Water Board for the water and sewer systems. Their opinions had been that these systems are old but they are working. An unnamed member of the public, representing the District, noted that this was only half true since the water lines have been replaced recently. There are other problems with the water system such as draw down in the groundwater table due to agricultural uses.

The District has tried to take on one major project at a time. Right now the District is trying to complete the environmental review (California Environmental Quality Act) but there’s been a delay at the state level. There’s been questions about how no comments or objections to the project were received by the public, especially special interest groups. Further discussion took place regarding the issues in trying to get the grant funding secured for the sewer system upgraded. During this discussion, it was noted that there were some questions and concerns about different types of pipes that were historically used in the system that are now being regulated by the state. There was further discussion on this matter.

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 2016-0006 adopting a service review for services provided by the Newell County Water District.

Commissioner Irvin made the motion to approve Resolution 2016-0006; seconded by Commissioner Allan. All in favor (roll call vote): Commissioners Allan, Irvin, Rhoads and Shea. Absent: Commissioner Dederick.

c. Consider Resolution 2016-0007 adopting a sphere of influence update for the Newell County Water District.

Commissioner Allan made the motion to approve Resolution 2016-0007; seconded by Commissioner Irvin. All in favor (roll call vote): Commissioners Allan, Irvin, Rhoads and Shea. Absent: Commissioner Dederick.

Other Items:

8. Review Modoc LAFCo’s conflict of interest code and authorize the Chair to sign and file the 2016 Local Agency Biennial Notice for filing

Executive Officer Benoit explained that the conflict of interest code must be reviewed per the Fair Political Practices Commission every two years. Staff does not recommend any changes at this time. Once approved, the conflict of interest code is then filed with the County Clerk.

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

9. Authorize the Executive Officer to vote on behalf of the Modoc LAFCo at the 2016 Annual Calafco Conference

Commissioner Allan made the motion to authorize; seconded by Commissioner Irvin. All in favor.

10. Correspondence: Report from Calafco to the Little Hoover Commission regarding Special Districts

Presented and discussed under agenda item #3. Executive Officer Benoit gave a little more background on the history and intent of the Little Hoover Commission.

11. Executive Officer's Monthly Report

- a. *Lighting Districts Service Review and Sphere of Influence*: This item will hopefully be on the next meeting agenda in December for a workshop and review of the draft report.
- b. *Ethics training November 3rd, 2016 Veterans Hall 3:00 PM to 5:00 PM*: This is required training every two years for LAFCo Commissioners and others. This is very important to attend but it can also be completed online. Notices about this training are in the Commissioners' packets. Notices were also sent out to special districts and the City of Alturas.
- c. *Calafco Conference October 25th to 28th*: This was discussed at August's meeting and will be further discussed at the next meeting in December. The conference is in Santa Barbara which is a very difficult place to get to.

12. Commissioner Reports - Discussion

No commissioner reports.

13. Adjourn to next regular meeting – December 13, 2016

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

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