

Isabel Moncada, City Member, Chair  
Jennifer Herndon, City Member  
Amanda Folendorf, County Member  
Gary Tofanelli, County Member, Vice-Chair  
Tony Tyrrell, Special District Member  
Anita Paque, Public Member

Ralph Copeland, Public Member Alt.  
Michael Chimente, City Member Alt.  
Jon Dashner, Special Dist. Member Alt.  
Jack Garamendi, County Member Alt

Staff:

John Benoit, Executive Officer  
Diane Severud, LAFCO Clerk  
Michael Colantuono, LAFCO Counsel

**2. 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 were on the agenda, public comment was 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.

**3. Consider minutes of July 15, 2024**

- a. *Approve July 15, 2024 LAFCo Minutes*

**4. Consent Agenda:**

- a. *Review and Authorize Claims for July and August 2024*

**5. Correspondence: Support Letter for SB 1209 Indemnification**

**6. Bylaw Amendment amending section 4.6(a) regarding changing the month for the election of the Chair and Vice Chair from the May meeting to the January LAFCo meeting.**

- a. *Consider Resolution 2024-0007 amending bylaw Section 4.6(a) regarding changing the month for the annual election of the LAFCo Chair and Vice-Chair*

**7. Biennial Review of Calaveras LAFCo's Conflict of Interest Code**

- a. *Review LAFCo's Conflict of Interest Code*
- b. *Authorize Chair or Vice-Chair to sign the Calaveras LAFCo Conflict of Interest Code Biennial Notice*

**8. Calafco Conference Items**

- a. Calafco Annual Conference Tenaya Lodge Fish Camp Oct 16-18, 2024. Review Reservations and Lodging
- b. Discussion regarding presentation regarding service provision to districts not subject to LAFCo's jurisdiction

**9. Executive Officer' s report**

- a. *Status of upcoming Service Reviews*

**10. Commissioners Reports**

This item is placed on the agenda for Commissioners to discuss items and issues of concern to their constituency, LAFCO, and legislative matters

**11. NEXT LAFCO MEETING will be: November 18, 2024 - 6:00 PM in San Andreas**

*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.*

**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**

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 will be available on the Calaveras LAFCO website as noted below to the extent practicable and subject to staff's ability to post the documents prior to the meeting.

Accessibility

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 Calaveras 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 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 at (209) 754-6511

LAFCO Webpage: [www.calaveraslafco.org](http://www.calaveraslafco.org)

Email LAFCO at: [j.benoit4@icloud.com](mailto:j.benoit4@icloud.com)

CALAVERAS COUNTY  
LOCAL AGENCY FORMATION COMMISSION  
MINUTES  
JULY 15, 2024

Commissioners Present:

Gary Tofanelli, County Member, Vice Chair  
Jennifer Herndon, City Member  
Michael Chimente, City Member Alternate  
Tony Tyrrell, Special District Member  
Kirk Smith, Special District Member  
Anita Paque, Public Member  
Ralph Copeland, Special District Alternate Member (via Zoom)

Commissioners Absent:

Amanda Folendorf, County Member  
Isabel Moncada, City Member, Chair  
Jon Dashner, Special District Member Alternate

Staff Present:

John Benoit, Executive Officer  
Diane Severud, LAFCo Clerk

Vice Chair Tofanelli opened the meeting at 6:00 PM

1. Roll Call and Pledge of Allegiance.
2. Public Comment.  
There were no comments.
3. Approval of May 20, 2024 Minutes.

Motion: Smith  
Second: Paque  
Ayes: Tofanelli, Herndon, Smith, Paque  
Nays: None  
Abstain: Tyrrell and Chimente

**THE MINUTES OF THE MAY 20, 2024 MEETING WERE APPROVED.**

4. Consent Agenda: Authorize Claims for May and June 2024.

Motion: Smith

Second: Paque

Ayes: Tofanelli, Herndon, Tyrrell, Chimente, Smith, Paque

Nayes: None

Abstain: None

**THE CONSENT AGENDA WAS APPROVED.**

5. Correspondence. No correspondence was received.

6. Discussion regarding Bylaw Amendment for months the Election of the Chair and Vice Chair will be elected.

- a. Provide direction to staff. The Commission directed Mr. Benoit to bring a By-Law revision specifying the election of the Chair and Vice Chair in January at the September meeting.

7. CALAFCo Conference Items

- a. CALAFCo Annual Conference Tenaya Lodge at Fish Camp, October 16-18, 2024; finalizing which Commissioners and staff will be attending. Commissioners Smith, Herndon, Tyrrell, Paque and Dashner and Mr. Benoit will attend.

- b. Nomination for the CALAFCo Board of Directors; County Member and Special District Member. There were no Commissioners interested in being nominated.

- c. Nomination of the Voting Delegate to vote on behalf the Calaveras LAFCo on matters at the CALAFCo Conference. Kirk Smith was nominated as the Delegate and Anita Paque was nominated as the Alternate

Motion: Chimente

Second: Tyrrell

Ayes: Tofanelli, Herndon, Tyrrell, Chimente, Smith, Paque

Nayes: None

Abstain: None

**KIRK SMITH WAS ELECTED AS THE VOTING DELEGATE AND ANITA PAQUE WAS ELECTED AS THE ALTERNATE DELEGATE FOR CALAVERAS LAFCO AT THE CALAFCO 2024 CONFERENCE.**

- d. Nomination for CALAFCo Achievement Awards. No nomination was made.

8. Executive Officer's Report: Mr. Benoit reported that he met with the City Manager and Planner last year and is anxious to have the MSR adopted. Commissioner Herndon informed the Commission that Rebecca Callen is no longer the City Administrator, and the Interim is Steve Williams. Also needed is the current MSR information for the Lighting Districts from Public Works and the Cemetery Districts.

9. Commissioners Reports:

- Commissioner Herndon reported that the play structure will be installed in the coming weeks. There is a new parking lot in Angels Camp near the Pickled Porch. Habitat for Humanity will be breaking ground in the coming months.
- Vice Chair Tofanelli reported about the special meeting tomorrow regarding the rezoning of parcels throughout the county.

Vice Chair Tofanelli adjourned the meeting at 6:50 PM.

NEXT LAFCo MEETING: September 16, 2024 - 6:00 PM in San Andreas.

DATE APPROVED:

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Gary Tofanelli, Vice Chair

# CALAVERAS LAFCO

## LAFCO CLAIM AUTHORIZATION FORM

for

**July and August 2024**

Authorize payment of the following claims:

**FY 2024-2025 Expenses**

July 15, 2024	Commissioner Stipends	\$ 500.00
June 1, 2024	Staff Svcs July 2024	\$ 5,444.96
July 1, 2024	Staff Svcs August 2024	\$ 2,894.28
July 1, 2024	Streamline Webpage	\$ 912.00
	<b>TOTAL</b>	<b>\$ 9,751.24</b>

DATED: September 16, 2024

APPROVED: September 16, 2024

\_\_\_\_\_  
Isabel Moncada, Chair or Gary Tofanelli, Vice-Chair  
Calaveras Local Agency Formation Commission

Attest:

\_\_\_\_\_  
John Benoit  
Executive Officer

Account Number	Item	Comm Stipendi	Insurance	Communication	Memberships	GenOfficeExp	Postage	copies	MSR	SOI	Ex. OFF. Svcs	City Fin Charge	Lgl Notices
		62001	62050	62051	62052	62053	62054	62055	62057	62058	62059	62060	62061
Total Budgeted		\$ 6,600.00	\$ 2,919.00	\$ 800.00	\$ 2,386.40	\$ 350.00	\$ 500.00	\$ 1,500.00	\$ 25,000.00	\$ 20,000.00	\$ 72,000.00	\$ 3,600.00	\$ 500.00
Calafco dues 2024-2025			\$ (2,794.86)										
SDRMA Insurance 2024-2025													
CALAFCo Registration 2024 (6)		\$ (500.00)											
Payroll July 15, 2024				\$ (74.68)		\$ (155.88)							
Staff Svcs July 2024				\$ (74.68)									
Staff Svcs Aug 2024													
Streamline 24-25											\$ (3,000.80)		
											\$ (2,819.60)		

TOTAL EXPENDED		\$ (500.00)	\$ (2,794.86)	\$ (149.36)	\$ (1,837.00)	\$ (155.88)	\$ -	\$ (26.00)	\$ (2,000.00)	\$ -	\$ (5,820.40)	\$ -	\$ -
TOTAL REMAINING		\$ 6,100.00	\$ 124.14	\$ 650.64	\$ 549.40	\$ 194.12	\$ 500.00	\$ 1,474.00	\$ 23,000.00	\$ 20,000.00	\$ 66,179.60	\$ 3,600.00	\$ 500.00





**CALAVERAS LAFCO**  
**P.O. Box 2694**  
**Granite Bay, CA 95746**

September 6, 2024

The Honorable Gavin Newsom  
Governor, State of California  
1021 O Street, Suite 9000  
Sacramento, CA 95814

**Re: SB 1209 (Cortese): Local agency formation commission: indemnification -  
REQUEST FOR SIGNATURE**

Dear Governor Newsom,

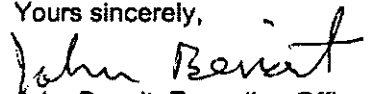
The Calaveras Local Agency Formation Commission (LAFCO) respectfully requests your signature on **SB 1209**, which would authorize a Local Agency Formation Commission (LAFCO) to require an applicant to indemnify the LAFCO, its agents, officers, and employees from and against any claim, action, or proceeding that may stem from a LAFCO decision to approve an application.

Specifically, SB 1209 adds new language to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (The Act) that authorizes LAFCOs to enter into indemnification agreements with applicants. Counties and cities are already empowered to enter into, and require, indemnification and routinely do so with respect to discretionary land-use approvals. SB 1209 will provide LAFCOs with a similar authority in this situation.

This bill is in response to a 2022 decision of the Second District Court of Appeals, which found that existing State law does not provide LAFCOs with the explicit authority needed to require indemnification. Absent an indemnification authority - and because LAFCO funding is statutorily required from the county, cities, and special districts within a county - any costs to defend litigation end up being absorbed by a LAFCO's funding agencies. Consequently, SB 1209 will allow LAFCOs to use indemnification agreements which, in turn, will ensure they can meet their statutory obligations and make decisions without being hindered by the potential costs of defending lawsuits.

Thus, for the above reasons, Calaveras LAFCO respectfully requests that you sign SB 1209.

Yours sincerely,



John Benoit, Executive Officer  
Calaveras Local Agency Formation Commission

cc: Honorable Dave Cortese, California State Senate  
Brady Borcharding, Deputy Legislative Secretary to the Governor

**Resolution 2024-0007**

**of the**

**Calaveras Local Agency Formation Commission**

*A Resolution of Calaveras Local Agency Formation Commission Approving a Bylaw Amendment Regarding the Month for the LAFCo Election of the Chair and Vice Chair*

RESOLVED, the Calaveras Local Agency Formation Commission, that

WHEREAS, the attached Bylaw Amendment is necessary to guide the Calaveras Local Agency Formation Commission in its operation; and

WHEREAS, the attached Bylaw Amendment contain an element that is required by Government Code Section 56000 *et. Seq.* of the California Government Code; and

WHEREAS, this Commission called for and held a Public Meeting regarding amending Section 4.6 (a) of its bylaws to change the meeting in which the LAFCo Chair and Vice-Chair are elected from May of Each Year to January of each year.

WHEREAS, 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 this proposed Bylaw Amendment.

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

1. Section 4.6 (a) of LAFCo’s Bylaws is amended to read as follows:
  - 4.6 (a) The Chair and the Vice Chair shall be elected each year at the **January** meeting or the next regular meeting thereafter and shall take office immediately. If a vacancy occurs in any Commission office during the year, it shall be filled by election at the next regular meeting following occurrence of the vacancy.
2. All remaining Calaveras LAFCo Bylaws shall remain in effect and operational.
3. That this Bylaw Amendment is attached as Exhibit “A” and is hereby adopted.

The foregoing resolution was offered at a Regular Meeting of the Calaveras LOCAL AGENCY FORMATION COMMISSION on the 16th day of September 2024, and was adopted by the following vote of the Commission:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Isabel Moncada, Chair or Gary Tofanelli,  
Vice-Chair Calaveras  
Local Agency Formation Commission

ATTEST:

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John Benoit, Executive Officer  
Calaveras LOCAL AGENCY FORMATION COMMISSION,

Exhibit "A"

Section 4.6 (a) of Calaveras LAFCo's bylaws is amended to read as follows:

**5.1 Regular Meetings**

- 4.6 (a) The Chair and the Vice Chair shall be elected each year at the **January** meeting or the next regular meeting thereafter and shall take office immediately. If a vacancy occurs in any Commission office during the year, it shall be filled by election at the next regular meeting following occurrence of the vacancy.

## Calaveras Local Agency Formation Commission

### Memorandum September 16, 2024

TO: LAFCo Commissioners  
FROM: John Benoit, Executive Officer  
SUBJECT: 2024 Biennial Review of the Conflict of Interest Code.

Attachments:

1. Resolution 2014-0005 adopting LAFCO's Conflict of Interest Code
2. 2024 Local Agency Biennial Notice

Government code section 87300 et. seq. (the Political Reform Act) requires each local government agency to maintain a conflict of interest code and update it to reflect changes occurring in the organization of an entity. The Local Agency Formation Commission (as well as other local agencies) is required adopt, review and amend its Conflict of Interest code during even-numbered years. The County Clerk normally sends out a biennial notice 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.

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. In 2014 Calaveras County adopted Resolution 2014-0093 stating it will no longer be the filing agency and the designated filing officer. In 2014 after review or approval of the Conflict of Interest Code (see Attachment #1), LAFCO adopted Resolution 2014-0005 on July 21, 2014 and was required to submit the proposed changes to the Board of Supervisors acting as the code reviewing body for approval.

Attachment #2, is the 2024 Biennial Notice stating after review, LAFCo's Conflict of Interest code is not in need of any revisions for 2024.

Recommendation:

Authorize the Chair or Vice-Chair to sign and transmit the 2024 Biennial Local Agency Notice (Attachment #2) to the Code Reviewing Body's Clerk to the Board.

1 Calaveras Local Agency Formation Commission, COUNTY OF CALAVERAS  
2 STATE OF CALIFORNIA  
3 July 21, 2014

4 **RESOLUTION NO.2014-0005**      **RESOLUTION ADOPTING A CONFLICT OF INTEREST CODE AND**  
5 **APPENDIX OF DESIGNATED POSITIONS**

6           **WHEREAS**, pursuant to the provisions of the Political Reform Act (Govt. Code § 81000, *et*  
7 *seq.*), the Calaveras Local Agency Formation Commission (LAFCo) is required to adopt a Conflict of  
8 Interest Code and Appendix of designated positions; and

9           **WHEREAS**, biennial review of the Appendix to the Conflict of Interest Code is required by  
10 state law and changes to the designated positions and disclosure categories and thereafter adopt  
11 necessary amendments.

12           **NOW, THEREFORE, BE IT RESOLVED** that the Conflict of Interest Code (Exhibit A) and  
13 list of designated positions and disclosure categories as set forth in the Appendix to the Conflict of  
14 Interest Code attached hereto is hereby adopted.


15           **ON A MOTION** by Commissioner Lynch, seconded by Commissioner  
16 Tyrrell, the foregoing Resolution was duly passed and adopted by the Calaveras Local  
17 Agency Formation Commission (LAFCo) of the County of Calaveras, State of California this 21st day  
18 of July, 2014, by the following vote:

19           **AYES:** Lynch, Tyrrell, Paque, Lavaroni, Sobon and Callaway

20           **NOES:**

21           **ABSENT:** Spellman

22           **ABSTAINED:**

23  
24  
25   
26 Merita Callaway, Chair  
Calaveras LAFCo

27 **ATTEST:**

28   
John Benoit, Executive Officer

**EXHIBIT A**

**CALAVERAS LOCAL AGENCY FORMATION COMMISSION (LAFCo)**

**CONFLICT-OF-INTEREST CODE**

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict-of-interest codes. The Fair Political Practices Commission has adopted a regulation (2 California Code of Regulations Section 18730) that contains the terms of a standard conflict-of-interest code, which can be incorporated by reference in an agency's code. After public notice and hearing, the standard code may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendices, designating positions and establishing disclosure categories, shall constitute the conflict-of-interest code of the **Calaveras Local Agency Formation Commission**

Individuals holding designated positions shall file their statements of economic interests with the **Calaveras Local Agency Formation Commission's Executive Officer**, which will make the statements available for public inspection and reproduction. (Gov. Code Sec. 81008.) All statements will be retained by the **Calaveras Local Agency Formation Commission**.



CONFLICT-OF-INTEREST CODE (Calaveras LAFCo)

APPENDIX A-DESIGNATED POSITIONS

<u>Designated Positions</u>	<u>Disclosure Category</u>
Members of the Commission**	1, 2
Executive Officer	1, 2
LAFCo Counsel	1, 2
Consultants*	*

\*Consultants shall be included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code subject 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 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 (Gov. Code Section 81008).

**CONFLICT-OF-INTEREST CODE (Calaveras LAFCo)**

**APPENDIX B-DISCLOSURE CATEGORIES**

**Disclosure Category 1**

Designated positions assigned to this category shall report:

Interests in real property located within or not more than two miles outside the boundaries of LAFCo's jurisdiction or within two miles of the County Boundary.

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

**Disclosure Category 2**

Designated positions assigned to this category shall report:

Investments and business positions in business entities, and sources of income, including loans, gifts, and travel payments, from sources of the type that provide services, supplies, materials, machinery, or equipment to LAFCo. Such sources include but are not limited to architects, engineering and construction firms.

## 2024 Local Agency Biennial Notice

Name of Agency: Calaveras LAFCo  
Mailing Address: P.O. Box 2694 Granite Bay, CA 95746  
Contact Person: John Benoit Phone No. 707.592.7528  
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*

\_\_\_\_\_  
*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 1, 2024**, or by the date specified by your agency, if earlier, to:

*(PLACE RETURN ADDRESS OF CODE REVIEWING BODY HERE)*

**PLEASE DO NOT RETURN THIS FORM TO THE FPPC.**

**CALAVERAS LAFCO**

**Calaveras Local Agency Formation Commission**

**Regular Meeting Agenda**

**THE CALAVERAS COUNTY BOARD OF SUPERVISOR'S ROOM  
891 MOUNTAIN RANCH ROAD  
SAN ANDREAS, CA**

**Monday – September 16, 2024 – 6:00 p.m.**

**In person meeting:** Required for all Commissioners.

*The complete agenda, including backup materials related to items on this Agenda submitted to the Commission after distribution of the Agenda Packet, is available for public inspection on the Calaveras LAFCo website. Agenda materials are also available on the Calaveras LAFCO website at [www.calaveraslafco.org](http://www.calaveraslafco.org)*

If members of the public wish to participate via Zoom you may do so.

Calaveras LAFCo is inviting you to a scheduled Zoom meeting.

Topic: Calaveras LAFCo

Time: Sep 16, 2024 06:00 PM Pacific Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/82107071463?pwd=ea9xaAUKJUYiTsIpp3aSVONpyndj4B.1>

Meeting ID: 821 0707 1463

Passcode: 913465

One tap mobile

+16699006833,,82107071463#,,,,\*913465# US (San Jose)

+16694449171,,82107071463#,,,,\*913465# US

**6:00 PM Regular LAFCo Meeting Items:**

**1. Roll Call and Pledge of Allegiance:**

Commissioners

Alternate Commissioners

Kirk Smith, Special District Member

LAFCO Office Located at: P.O. Box 2694 Granite Bay, CA 95746

Telephone: 707 592-7528

Email [j.benoit4@icloud.com](mailto:j.benoit4@icloud.com)