

Mono County Local Agency Formation Commission

PO Box 347
Mammoth Lakes, CA 93546
760.924.1800, fax 924.1801
commdev@mono.ca.gov

PO Box 8
Bridgeport, CA 93517
760.932.5420, fax 932.5431
www.monocounty.ca.gov

SPECIAL MEETING AGENDA

May 28, 2020 – 4:00 pm

As authorized by Gov. Newsom's Executive Orders, N-25-20 and N-29-20, the meeting will be accessible remotely by live cast with Commissioners attending from separate remote locations. There is no physical meeting location. This altered format is in observance of recent recommendations by local officials that certain precautions be taken, including social distancing, to address the threat of COVID-19.

The meeting may be joined by video at <https://monocounty.zoom.us/j/98730961372> and by telephone at: 669-900-6833 (Meeting ID# is 987 3096 1372) where members of the public shall have the right to observe and offer public comment. If you are unable to join the Zoom webinar and wish to make a public comment prior to the meeting, please submit your comment, limited to 250 words or less, to cddcomments@mono.ca.gov by 5:00 PM on Wednesday, May 28, 2020. Comments longer than 250 words may be summarized, due to time limitations. All comments will be made a part of the record.

An alternate method to access the video meeting is <https://zoom.us/join> and enter Meeting ID: 987 3096 1372

1. **CALL TO ORDER/PLEDGE OF ALLEGIANCE**
2. **PUBLIC COMMENT**
3. **ELECTION OF CHAIR & VICE-CHAIR p.1**
4. **MINUTES:** Review and approve minutes of June 26, 2019 **p.3**
5. **REVIEW** and consider Preliminary Budget 2020-21, public comments, and provide any desired direction to staff **p.6**
6. **APPOINTMENT OF PUBLIC MEMBER:** Consider appointment of Bruce Woodworth as a public member **p. 9**
7. **MEMBERSHIP**
 - A. Current Membership **p.12**
 - B. Alternate Public Member and Alternate Special District Member recruitment
8. **ADJOURN** to next meeting: June 25, 2020, at 5 p.m.
Agenda item: review and approve LAFCO 2020/21 Budget

LAFCO COMMISSIONERS

Hank Brown, Tom Cage, Cleland Hoff, Lynda Salcido, John Peters, Fred Stump, Bruce Woodworth

Staff Report

May 28, 2020

To: Mono County LAFCO

From: Gerry Le Francois, Executive Director

ELECTION OF OFFICERS

RECOMMENDATION

- 1) Nominate and Elect a Chair and Vice-Chair for 2020/21
- 2) Thank you to Commissioner Hank Brown for serving multiple terms as Chair

BACKGROUND

The LAFCO Commission Handbook section II. BYLAWS FOR THE MONO COUNTY LOCAL AGENCY FORMATION COMMISSION

A. ARTICLE I – TITLE

This commission shall be entitled and known as the MONO LOCAL AGENCY FORMATION COMMISSION.

B. ARTICLE II – MEETINGS

Section 1 – Date and Place

Regular Meetings

The Bylaws specify regular meetings shall be held on the first Wednesday of each month. Scheduled meetings falling on holidays are held on the next regular business day or are rescheduled.

Special Meetings

Special meetings may be called as needed, provided there is at least 24 hours public notice given to each member of Mono LAFCO, newspaper and radio stations. The notice must specify the items of business, and only those items can be considered.

Notices, Agendas, and Staff Reports

Notices, agendas, and staff reports for each meeting are prepared by the Executive Officer based upon matters of business scheduled to come before the Commission.

Notices of hearings are mailed approximately 15 days prior to each meeting

A packet consisting of the agenda and all staff reports is distributed approximately five days prior to the meeting.

Section 2 – Chair

A chair shall be selected by the members. It is the intent that the office of Chair be rotated among the members. A member shall serve as Chair for one year or until a successor is selected, unless the Commission by unanimous vote elects to retain the same Chair for a second year. The Chair's term of office shall begin on the first Monday in May.

Section 3 – Vice-Chair

A Vice-Chair shall be selected by the members to serve for one year or until a successor is selected. The Vice-Chair shall serve as Chair in the absence of the Chair. The Vice-Chair's term of office shall begin on the first Monday in May.

Section 4 – Quorum

A majority of the Commission's members shall constitute a quorum for the transaction of business.

Section 5 – Voting

A majority of the Commission's members is required to approve, disapprove, or otherwise act on any proposal or other item. A tie vote shall constitute a denial.

Section 6 – Order of Business

The order of business for regular meetings of the Mono Local Agency Formation Commission shall be:

Roll Call

Reading, if necessary, and approval of the minutes of the previous meeting

Agenda of the Commission:

Extraordinary Items

Consent Matters

Set Matters

Separate Matters

Off-Agenda Items

Adjournment

Section 7 – Additions to the Agenda

Items may be added to the Agenda at any time at the discretion of the Chair.

DRAFT SPECIAL MEETING MINUTES

June 26, 2019

COMMISSIONERS PRESENT: Fred Stump & Bob Gardner, Mono County; Cleland Hoff, Town of Mammoth Lakes; Hank Brown & Tom Cage, special districts; Bruce Woodworth, public member; Stephen Kalish, public member alternate. **ABSENT:** Lynda Salcido, Town of Mammoth Lakes

STAFF PRESENT: Gerry Le Francois, executive director; Kelly Karl, assistant planner; CD Ritter, secretary

PUBLIC PRESENT: Glenn Inouye

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE: Chair Hank Brown called the meeting to order at 2:32 p.m. at the Town/County Conference Room, Minaret Village Mall, Mammoth Lakes, and attendees recited the pledge of allegiance.

2. PUBLIC COMMENT

3. MINUTES: Review and approve minutes of May 15, 2019 – *p. 1*

4. PUBLIC HEARING 1: Consider Resolution R19-01 that would annex five vacant undeveloped parcels (APNs 064-240-001, -002, -003, -004 & -005) into the Wheeler Crest Community Service District. Project is located within the Rimrock Ranch Specific Plan area in the community of Wheeler Crest. A prior Final Environmental Impact Report has been prepared.

Gerry Le Francois presented a PowerPoint on the subject parcels. Owner withdrew TTM (Tentative Tract Map) from Rimrock Ranch SP (Specific Plan) in year 2000. Infrastructure installed; easements dedicated in 2010. Project never identified as needing annexation into CSD (Community Services District) boundaries.

--- Commissioner Gardner arrived at 2:26 p.m. ---

Tax collector didn't bill. TTM approved in 2014. Two options: contract for service or annex. Subject to CEQA (California Environmental Quality Act), with LAFCO as responsible agency that influences development patterns. Land use decision lies with BOS (Board of Supervisors).

Stump: Applicant delayed items needed.

Cage: Owner paying taxes to County? *Le Francois: Assessor looks at where are in process. If map drags on, maybe tax improvements or additional assessments in 2018.*

Cage: Effects on adjacent properties? *Le Francois: Future growth needs precise boundaries for infrastructure.*

Stump: Owner lives at bottom of five parcels. CDFW (California Department of Fish & Wildlife) working on deer corridor.

Kalish: Mostly public land in area.

Le Francois: No property tax revenue. Individual property assessments. Rural FPDs get general fund revenue.

Stump: Parcel fees once built.

Le Francois: Population five SFR (Single-Family Residential) + ADU (Accessory Dwelling Unit). Existing services, so extension. 10-acre parcel. New: Mono's hazard mitigation plan with Town recommends secondary access road.

Woodworth: Affordable housing? *Le Francois: Mono required to provide housing, allow ADUs, cannot prohibit ADUs in certain locations.*

Kalish: State law override CC&Rs? *Le Francois: Yes. Build up to 640-square-foot home with building permit. For parcels > one acre, could be larger. Not need discretionary permit.*

Brown: No kitchen? *Le Francois: ADUs are full habitable space. Guest rooms do not have kitchen.*

Cage: LAFCO has authority to not recommend this? *Le Francois: Yes. Alternative would be a contract for water service with CSD.*

Stump: Unknown at 2018 approval till tax collector discovered discrepancy. This is cleanup action. Long discussion between developer and CSD. Personally supportive, would make operations simpler.

Brown: P. 19, exhibit B, 1B: Guest house shall not contain kitchen or cooking facilities. *Le Francois: Mono can't enforce that, so revised to comply with State law.*

Woodworth: Secondary access? *Stump: Hazard mitigation plan would require secondary access if proposed today. No funding for idea to connect Quail Run to Swall Meadows Rd.*

Le Francois: Hazard mitigation plan has short time frame (one to two years). Town Council approve also? *Hoff: Didn't recall.*

Cage: Conditions for development and relationship with Mono? *Le Francois: EIR approved those conditions.*

Cage: What Brown found not applicable to annexation? *Le Francois: State law likely would prevail.*

Kalish: Five lots in SP (Specific Plan? *Le Francois: Yes.*

Glenn Inouye: Here to answer questions. Supports annexation application he submitted.

Stump: CSD no issues? *Inouye: Correct. Laterals in, water delivery system in, just matter of separate billing. Less overhead for accounting division.*

Kalish, speaking as private citizen, lives at SE corner lot, in water district. Be sure conditions apply. Is there water? Hydrology study done 20 years ago. Mono could stop construction if no water. Should have most current well monitoring that there is water, continue till 80% buildout, not even close. Pinon Ranch was first zone of benefit. Add sentence that subject to same as Rimrock Ranch (item 35, p. 27). Years since heard status of water monitoring.

Cage: Mono or water district call moratorium? *Kalish: Maybe Mono, but unclear.*

Inouye: Concern when map was adjusted on lots. Developer agreed to all original EIRs. Stipulated in process before Mono approved map readjustment. It did come up. Well monitoring done by Mono Environmental Health's Louis Molina. Wells independent of water district that monitors its own wells quarterly. Hydraulics of area monitored by Mono, not water district.

Brown: Subject to Mono oversight in subdivision document.

Stump: Recalled discussions to force compliance. Comfortable to revise resolution to mention possible moratorium.

Brown: Staff report p 6 item 12: water company have adequate supply?

Inouye: Absolutely; 220,000 gallons more than adequate.

Le Francois: TTM 10-001. Safest way is to reference condition 35 of original as part of adoption.

Brown: Rather see reference to Exhibit B to include everything, not just item 35. **CLOSE PUBLIC HEARING.**

MOTION: WHEREAS, Exhibit B (Conditions of Approval and Mitigation Monitoring Program SP Rimrock Ranch) applies to annexed parcels.
(*Stump/Cage. Ayes: 5-0.*)

--- Commissioner Hoff departed at 2:55 pm ---

5. PUBLIC HEARING 2: 2019-20 Budget

Budget increased due to higher membership dues, otherwise status quo. Starting on MSRs/SOIs (Municipal Service Reviews/Spheres of Influence) reviews. Start on FPDs (Fire Protection Districts) after July to consider at fall or winter workshop. Fiscal status, consolidation possibilities.

Brown: No way to consolidate FPDs. Don't go by Mono, but by Education reserve fund by State or post-Prop 13. Net apportionment is minus ERAF. Percentages vary by districts. Not GF law, not fund public education, allow diversion to ERAF. Not apply to school districts allocation, Prop 172 allocation, sales tax increment dedicated to emergency services. Brown: To chiefs, not districts.

Stump: Poorest districts get greatest amount. Mammoth Lakes FPD kept certain specialized equipment that requires replaceable items. Special projects in six smaller districts (\$100k or less in revenue) including Wheeler Crest. Brown's point: Taken gross amount, not recognize money deducted and receive less. Almost all special districts. *Le Francois: Will consult with Stump.*

Woodworth: Antelope Valley FPD could use some adjustments. **CLOSE PUBLIC HEARING.**

Cage requested invoice to MCWD for its portion of LAFCO funding.

6. APPOINTMENT OF PUBLIC MEMBER: Must continue item because every member entity needs affirmative vote. No Town commissioner present. Existing public member remains until new appointment.

7. BYLAWS

A. County Counsel determination on LAFCO questions at May 15 meeting:

Statement on quorum. Tie is denial. Ask County Counsel best way to eliminate confusion. No conflict with Tri-Valley Groundwater Management District's evening meeting. Clarify budget: Sometimes % of fee to run LAFCO. Town 1/3, Mono 1/3, two largest districts 1/3.

Brown: Few years ago, property in Bridgeport annexed into MCWD. Short-sighted on development, LAFCO, Mono, Town? *Le Francois: MCWD annexation missed negotiation on property taxes. Allows master agreement. Better to negotiate before annexation. Not within district boundaries should have been caught by Mono in earlier stages. Bridgeport PUD: Tax collector noted discrepancy, a cleanup item.*

Stump: Its own facility was outside boundary.

Cage: Clean up tax issue on annexed parcels? *Le Francois: Ask County Counsel, auditor.*

Cage: Consistency good. Mosquito Abatement sharing facility with SAR (Search & Rescue).

B. Possible changes to LAFCO Handbook: Bylaws in 2012 not adopted. Wordy document, ran out of time.

Change meetings to second Wednesday instead of first, and other changes throughout.

Woodworth: Change bylaws at two successive meetings, not single meeting. Most bylaws came out of LAFCO laws.

Cage: Send redline version for perusal.

Kalish: Members can call in to meetings remotely.

Gardner: Only if printed ahead of time on agenda.

Kalish: People from anywhere can call in to meeting. Called LADWP, listened in, did not participate. Likes idea of more public access.

Le Francois: LAFCO subject to Brown Act. LDTAC applicants elsewhere, so zoom allows dial-in to meeting. Explore possibility. Commissioner here, BP, specified location.

Kalish: Maybe several locations where could call in.

8. ADJOURN at 3:40 p.m. to unspecified future meeting

Staff Report

May 28, 2020

To: Mono County LAFCO

From: Gerry Le Francois, Executive Director
Kelly Karl, Assistant Planner

RECOMMENDATION

Provide any desired direction to staff on draft 2020-21 budget.

BACKGROUND

The Budget for fiscal year 2020-21 must be at least equal to the budget adopted for the previous fiscal year unless the Commission finds that reducing staffing or program costs will still allow the LAFCO to fulfill the purposes and requirements of the Act. Employee expenses should be lower given retirement of the prior executive director. The preliminary budget is \$11,019 reflects a status-quo level of funding. Finance Department staff has suggested implementing a time accounting program for all LAFCO activities to increase the accuracy of future operating budgets.

ALTERNATIVE APPORTIONMENT

The CKH Act establishes methods for apportioning LAFCO staffing and program costs among the County, Town and special districts. The law allows alternative apportionment methods, which Mono LAFCO has used in the past to avoid impacting financially constrained special districts. Prior to using an alternative apportionment method, LAFCO costs were fully borne by the Town of Mammoth Lakes and Mono County. In recent years, the Commission applied an alternative apportionment method consisting of a third from Mono County; a third from the Town of Mammoth Lakes; and a third from special districts, with the special district share provided exclusively from the Southern Mono Healthcare District and the Mammoth Community Water District, rather than from all independent special districts.

The proposed preliminary budget reflects this same alternative budget apportionment method, which consists of a third (\$3,673) from Mono County; a third (\$3,673) from the Town of Mammoth Lakes; and a third (\$3,673) from the special districts. Instead of all independent

special districts in Mono County contributing, this alternative apportionment consists of \$1,836.50 from Southern Mono Hospital District and \$1,836.50 from the Mammoth Community Water District.

FY 2020-21 BUDGET

The attached Preliminary Budget for fiscal year 2020-21 maintains a status-quo funding level. This level of funding has been sufficient for LAFCO activity this past year. The main staff activity included:

- Review of the Cortese-Knox-Hertzberg Act;
- Reviewing current Sphere of Influence and Municipal Service Review of all special districts.
- Provided comments to CD4 project revised mitigation measures on LAFCO procedures.

Anticipated work tasks for 2020-21 include:

- Consider LAFCO policies in updating housing policies and mitigation requirements;
- Attend staff training;
- Review LAFCO agriculture preservation policies as a part of a Sustainable Agriculture grant;
- Assess water service providers, including irrigation services, as a part of the Walker River Water Transfer Study and EIR;
- Respond to future application activity, and special district inquiries;
- Update municipal service reviews of fire districts (Planning Division has applied for a grant to fund this) and
- Review plans, projects, and environmental documents for LAFCO concerns.

This expected level of activity, which is similar to last year, is reflected in the attached recommended FY 2020-21 Budget.

8,069.00	SALARY AND WAGES
0	EMPLOYEE BENEFITS
950	MEMBERSHIP FEES*
200	OFFICE EXPENSE
300	PUBLICATIONS & LEGAL NOTICES
<u>1,500.00</u>	TRAVEL & TRAINING EXPENSE
<u>11,019.00</u>	Total Expenditures
\$ 3,673.00	TOML
\$ 1,836.50	Health district
\$ 1,836.50	Water district
<u>\$ 3,673.00</u>	Mono
11019	LAFCO

STAFF REPORT

May 28, 2020

To: Mono County LAFCO
From: Gerry Le Francois, Executive Director
Kelly Karl, Assistant Planner

RECOMMENDATION

Appoint a public member to the Commission, term to expire May 1, 2023.

BACKGROUND

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 allows for other members of the Commission to appoint a public member (GC 56325 (d)) to represent the general public. The appointment of the public member shall be subject to the affirmative vote of at least one of the members appointed by each of the other appointing authorities.

Whenever a vacancy occurs for a public member, the commission shall cause a notice of vacancy to be posted as provided in Government Code section 56158. A copy of this notice shall be sent to the clerk or secretary of the legislative body of each local agency within the county. Final appointment to fill the vacancy may not be made for at least 21 days after the posting of the notice.

Under Government Code section 56331, no person appointed as a public member or alternate public member pursuant to this chapter shall be an officer or employee of the county or any city or district with territory in the county.

The term of office of each member shall be four years, expiring on the first Monday in May in the year in which the term of the member expires, and/or until the appointment and qualification of his or her successor (GC 56334).

One application was received, and the notice of vacancy was posted according to Govt. Code section 56158. This was a holdover action from June of 2019.

ATTACHMENT

- Public Member Application from Bruce Woodworth

PUBLIC MEMBER APPLICATION

NAME _____ Bruce Woodworth

ADDRESS _____

CITY/STATE/ZIP
 Coleville, CA 96107

TELEPHONE _____

E-MAIL _____@gmail.com _____

OCCUPATION/BUSINESS Licensed Land
 Surveyor _____

PLEASE PROVIDE A BRIEF STATEMENT OF INTEREST/INTRODUCTION:

Current Public Member of the LAFCO board

Director on several non-profit boards in Mono County

Appointed by the Board of Supervisors to the Antelope Valley RPAC in 2004 and been a member since that time.

Professionally familiar with land use, legal matters concerning land and a small business owner for forty years.

Ten years as staff for the Mono County RCD.

Bring the perspective of rural north Mono County, something that has not always been properly represented on the LAFCO board.

MONO COUNTY

LOCAL AGENCY FORMATION COMMISSION

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commdev@mono.ca.gov

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Bridgeport, CA 93517
760.932.5420, fax 932.5431
www.monocounty.ca.gov

MONO COUNTY

John Peters (*Vice-Chair*) (member till 12.31.20)
PO Box 128
Bridgeport, CA 93517
775-671-7126 jpeters@mono.ca.gov

Fred Stump (member till 12.31.20)
PO Box 715
Bridgeport, CA 93517
760-914-1294 fstump@mono.ca.gov

Bob Gardner (alternate till 12.31.20)
PO Box 564
June Lake, CA 93529
760-648-8003 bgardner@mono.ca.gov

MAMMOTH LAKES, TOWN OF

Cleland Hoff (member till 05.03.21)
PO Box 8110
Mammoth Lakes, CA 93546
760-914-2000 choff@townofmammothlakes.ca.gov

Lynda Salcido (member till 05.03.21)
PO Box 8105
Mammoth Lakes, CA 93546
760-965-3733 lsalcido@townofmammothlakes.ca.gov

Kirk Stapp (alternate till 05.03.21)
PO Box 7254
Mammoth Lakes, CA 93546
760-965-3731 kstapp@townofmammothlakes.ca.gov

SPECIAL DISTRICTS

Hank Brown (*Chair*) (member till 05.02.22)
136 Sierra Springs Dr.
Crowley Lake, CA 93546
760-935-4445 hanklvf@gmail.com

Tom Cage (member till 05.02.22)
PO Box 7847
Mammoth Lakes, CA 93546
760-920-4688 tom@kittredge.net

VACANT (alternate till filled)

PUBLIC MEMBER

Stephen Kalish (alternate till 05.04.20)
892 Rimrock Dr.
Swall Meadows, CA 93514
760-387-2782 skalish@mail.com

Bruce Woodworth (member till 05.01.19 – reappointment pending)
824 Burcham Flat Rd.
Coleville, CA 96107
650-387-4996 monocountyrtd@gmail.com