



# LOCAL AGENCY FORMATION COMMISSION

Dave Braun, Executive Officer

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## MEETING MINUTES

Madera County Government Center  
Board of Supervisors' Chamber  
205 West 4th Street  
Madera, CA 93637

LAFCO Meeting  
Wednesday, October 27, 2021  
11:00 A.M.

### 1. CALL TO ORDER AND ROLL CALL

Chair Pro Tem Waseem Ahmed called the meeting to order at 11:07 a.m. and roll call was given.

Commissioners Present: Tom Wheeler, County Member (arrived at 11:15 a.m.)  
Waseem Ahmed, City Member (Chowchilla)  
Robert Poythress, County Member  
Laura Young, Public Member At-Large  
Steve Montes, City Member (Madera)  
Mark Stamas, Alternate Public Member At-Large

Commissioners Absent: None

Others Present: Dave Braun, LAFCO Executive Officer  
Joann Zuniga, LAFCO Clerk  
Laurie Averdisian Favini, Attorney at Law, LAFCO Legal Counsel  
Wally Nishimoto, Business Systems Analyst, Tech Assistance

### 2. PLEDGE OF ALLEGIANCE

Chair Pro Tem Waseem Ahmed led recitation of the Pledge of Allegiance.

**3. PUBLIC COMMENTS**

Chair Pro Tem Waseem Ahmed called for public comment. There were no comments from the public. Chair Pro Tem Ahmed closed the Public Comments period.

**4. CONSENT CALENDAR**

**A. Review and Approve Meeting Minutes of July 28, 2021.**

Alternate Commissioner Mark Stamas noted that he was present at the July 28, 2021, meeting, however, in the minutes his name was not shown as present. Commissioner Robert Poythress amended the minutes to reflect that Alternate Commissioner Mark Stamas was present at the July 28, 2021, meeting and moved approval of the amended minutes. Motion seconded by Commissioner Laura Young. Motion passed by a vote of 4 to 0, with 1 Commissioner absent.

Vote: Yes - Poythress, Young, Ahmed, Montes  
No - None  
Absent - Wheeler  
Abstain - None

The Consent Calendar was approved. The July 28, 2021, meeting minutes were approved as amended and filed.

*(Chair Wheeler arrived to the meeting at 11:15 a.m.)*

**5. ITEMS FOR DISCUSSION**

**A. LAFCO Conflict of Interest**

Dave Braun stated the subject of LAFCO Conflict of Interest Code was placed on the agenda for discussion at the request of Alternate Commissioner Mark Stamas. Braun stated LAFCO was required by the Political Reform Act to have a Conflict of Interest Code; stated the LAFCO Conflict of Interest Code was part of the *Policies, Guidelines, and Procedures Manual* as Appendix 7.7, which was on file in the Madera LAFCO office.

Dave Braun stated the Conflict of Interest Code was reviewed in-house every two years (odd numbered years) to determine if any changes were needed. Braun stated the LAFCO Code needed to be updated to reflect the names and titles of those required to file the annual Statement of Economic Interests (Form 700) and show the Disclosure Category of each filer.

Alternate Commissioner Mark Stamas stated he had questions about the Conflict of Interest Code compliance and submitted documentation from the State; stated the LAFCO Code was not specific enough; recommended seeking County Counsel opinion and provide more information to the public; recommended amending the LAFCO policy and procedures for more clarity on the LAFCO Conflict of Interest Code.

Dave Braun stated the LAFCO Conflict of Interest Code update would identify the designated employees, position titles, and Category 1 filing; stated all Commissioners and LAFCO Executive Officer would be filing in Disclosure Category No. 1 of the Conflict of Interest Code; stated Form 700 would need to be filed each year by April 1.

Alternate Commissioner Mark Stamas stated in terms of members of the public, rarely do they avail themselves of these transparency procedures, and the public would not have a clue as to who was on the Commission or what potential conflicts there could be. Mark Stamas concurred with Dave Braun that clarifying the positions and disclosure category would be good.

Alternate Commissioner Mark Stamas cited the Santa Clara County Code as an example that had more information the public could understand such as what the disclosure requirements were for compliance with the conflict of interest code. Stamas stated he sent documentation via email regarding this information and code compliance.

Chair Pro Tem Waseem Ahmed asked for clarification: asked was the Form 700 from the State of California, and did the Commission follow the State FPPC regulations. Dave Braun stated yes, the Commission followed the Political Reform Act that was overseen by the Fair Political Practices Commission (FPPC). Braun stated it was a State requirement that agencies file conflict of interest and Madera LAFCO was meeting the State requirement.

Commissioner Laura Young stated she had attended Code of Ethics training classes, which covered the conflict of interest code, and asked Mark Stamas was he just referring to the Form 700 or referring to the conflict of interest within the Code of Ethics. Alternate Commissioner Mark Stamas stated he was referencing the LAFCO *Policies, Guidelines, and Procedures Manual* being compliant with State rules where it described the different positions; stated LAFCO was not out of compliance, but wanted to see the conflict of interest code met.

Dave Braun stated the need for more transparency; stated this year's Code update would have more transparency. Tom Wheeler stated he had filled out many of these over the years.

*(Tom Wheeler took over chairing the meeting at 11:20 a.m.)*

## **B. LAFCO Oath of Office Policy**

Dave Braun stated the Oath of Office had not been administered to LAFCO Commissioners because it was reasoned that those who served on the Commission took the Oath of Office when they became elected public officials; stated there was a good argument in support to conduct the Oath of Office for appointed public members of the Commission.

Commissioner Robert Poythress stated he did not see the need for elected officials on the Commission to, again, take the Oath of Office since they had already done so when they were sworn into public office. Chair Tom Wheeler recommended the public members of the Commission take the Oath of Office at a future meeting. Dave Braun concurred.

## **6. NEW MATTERS**

### **A. Amendment to the contract agreement with QK, Inc., for the Bass Lake/North Fork Area Municipal Service Review**

**Recommendation: Approve amendment to increase compensation for consultant services from \$34,991 to \$40,991 to complete the MSR.**

#### Staff Presentation

Dave Braun stated in 2019 QK was awarded a \$34,991 contract to prepare the Municipal Service Review of the North Fork and Bass Lake Areas. Braun stated compensation for QK's consultant services would exceed the agreement amount by \$6,000; stated due to special circumstances involving the COVID-19 pandemic, there was a one-year delay in the completion of the Municipal Service Review.

Dave Braun stated information in the MSR had become outdated and the 2020 Census information had not yet been published and would need to be inserted into the MSR. Braun stated he agreed with QK that updated information was needed in the MSR and recommended the additional compensation be granted.

#### Public Comments

Chair Wheeler called for public comment. There were no comments from the public. Chair Wheeler closed the Public Comments period.

### Commission Action

Commissioner Laura Young stated amending the MSR was needed due to the one-year delay and statistical information in the document becoming outdated; stated there was the need to incorporate the latest 2020 Census information into the document, which still had the 2010 information.

Chair Pro Tem Waseem Ahmed agreed with Commissioner Laura Young. Chair Tom Wheeler stated at the July 28, 2021, workshop new information was presented and incorporating this new information into the MSR document would make it a better document. Chair Pro Tem Waseem Ahmed agreed and stated the 2020 Census information in the document would be very helpful.

Chair Pro Tem Waseem Ahmed moved to increase the contract amount with QK from \$34,991 to \$40,991 to complete the Bass Lake-North Fork Municipal Service Review; and further, to authorize Executive Officer Dave Braun to sign all necessary documents pertaining to this matter. Chair Tom Wheeler seconded the motion.

Vote:     Yes    -   Ahmed, Wheeler, Poythress, Young, Montes  
          No     -   None  
          Absent -   None  
          Abstain - None

The motion passed by a vote of 5 to 0. The Commission directed the Executive Officer to increase the contract amount with QK to \$40,991 to complete the Municipal Service Review, and directed the Executive Officer to sign all necessary documents pertaining to this matter.

### **7. COMMISSIONER REPORTS**

Commissioner Laura Young announced the upcoming tarantula festival in Coarsegold on October 30, 2021.

Commissioner Steve Montes stated Madera City Council recently approved the rezoning for the Links Ranch project.

Chair Tom Wheeler stated the County of Madera was conducting a vaccination clinic in Oakhurst and it would include the booster shot.

Alternate Commissioner Mark Stamas mentioned that the Bass Lake Fall Festival would be held October 29, 30, and 31, 2021.

**8. EXECUTIVE OFFICER REPORTS**

**A. Status report on Municipal Service Reviews**

Dave Braun reported that the Bass Lake-North Fork MSR is moving forward with the inclusion of the updated population and Census information in the document. Braun mentioned the Cascadal Woods foothills neighborhood development conversion to Community Services District. Braun stated the Madera Cemetery District and Chowchilla Cemetery District MSR would be presented to the Commission at a future LAFCO meeting. Braun stated the Municipal Service Review of the Madera County Mosquito and Vector Control District and the Chowchilla Memorial Health Care District was anticipated to be completed in early 2022.

**9. ADJOURNMENT**

Chair Tom Wheeler adjourned the meeting at 11:35 a.m.

Submitted by:

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LAFCO Executive Officer David E. Braun

Approval Date: \_\_\_\_\_