

STATE OF CALIFORNIA, COUNTY OF EL DORADO

LOCAL AGENCY FORMATION COMMISSION MINUTES OF JULY 11, 2005

CALL TO ORDER AND ROLL CALL

The meeting of the Local Agency Formation Commission held on July 11, 2005, was called to order at 5:34 p.m. by Chair Manard in the Board of Supervisors' Chambers, Building A of the Government Center, 330 Fair Lane, Placerville, California.

COMMISSIONERS - PRESENT

Nancy Allen, District
Ted Long, City
Richard C. Paine, County
Rusty Dupray, County
Aldon Manard, Public

COMMISSIONERS - ABSENT

Roberta Colvin, City
Gary Costamagna, District

ALTERNATE COMMISSIONERS - PRESENT

Francesca Loftis, Public

ALTERNATE COMMISSIONERS - ABSENT

George Wheeldon, District
Carl Hagen, City
James R. Sweeney, County

COMMISSION STAFF - PRESENT

Corinne Fratini, LAFCO Policy Analyst
Scott Browne, Incorporation Counsel
Nat Taylor, Consultant

COMMISSION STAFF - ABSENT

Susan Stahmann, Clerk to the Commission
Roseanne Chamberlain, Executive Officer

ROLL CALL - VOTING MEMBERS: Dupray, Paine, Allen, Manard, Long

1. RECONSIDERATION OF RESOLUTION L-05-09; LAFCO PROJECT NO. 03-10

The Chair called for a break at 5:35 p.m., to review documents provided at the meeting. The meeting resumed at 5:45 p.m.

Nat Taylor gave a staff report and reviewed project history, including issues related to the Lakehills area near Salmon Falls Rd. He reviewed materials submitted by applicants for reconsideration, noting that the concerns raised by them appeared to be the same issues previously identified during the hearing process. Mr. Taylor also reviewed the two-step reconsideration process.

The Chair opened the hearing.

Theodore Goodwin, representing landowners, suggested that the meeting be continued because notice for this meeting may have been inadequate. He stated that no notice was provided to Lakehills residents for including the area.

Staff confirmed that 21-day notice had been provided and noted the exemption from individual mailed notice when 1,000 or more notices would have to be sent. Scott Browne suggested the Commission hear the full request before considering notice issues.

Mr. Goodwin continued his presentation, providing a full copy of the Lakehills CC&R's for the record and reviewing his written materials in detail. He provided his view of the CEQA documentation and his understanding of what had transpired at prior meetings, including discussions following closed session. Commissioner Long, Chair Manard and Mr. Goodwin engaged in a detailed discussion of the issues raised by Mr. Goodwin, including the possibility and merits of various lawsuits.

Commissioner Long noted that the points raised in the reconsideration request had all been discussed carefully in prior meetings, and he discussed his previous analysis of the CC&R concerns expressed by the Lakehills residents. Mr. Goodwin stated that the landowners were providing a new legal perspective on the same issues and this was new information justifying reconsideration.

Commissioner Long emphasized that the Commission cannot always decide based on people's preferences, that the CC&R's were just as likely to change in the County as in the new city, and that he felt sure the residents would benefit in the long term from being in the city. He also expressed a desire to avoid undue delay of the project and emphasized again that there were no new or different facts presented.

Chair Manard explained the pending reconsideration action and his decision to allow Mr. Goodwin to exceed the usual speaker time limits.

Art Marinaccio urged the Commission to deny the request for reconsideration because there is no new information. He noted that the CEQA documents did not address the potential effects on the proposed city and did not address the potential effects on the Lakehills residents of excluding the 175 acre area from the boundary. He noted the commission had no studies or information on which to base a decision to exclude the area.

Justin Masters, El Dorado Hills Community Services District Board Member and resident of El Dorado Hills, noted that reasons presented by Lakehills residents as new information warranting reconsideration are not new and include several points he himself made into the record in previous hearings. He said road access to the area is inside the city, exclusion of Lakehills would violate LAFCO policy, and that there are service level issues.

John Hidahl, Incorporation Committee, stated support for staff recommendation to deny the request, emphasizing that there is nothing new since June 1.

Norm Rowett, Incorporation Committee, affirmed that these are the same issues and same concerns and asked the Commission to deny the request.

The hearing closed at 6:47 p.m.

Commissioner Paine returned to the question from the beginning of the meeting and asked about the adequacy of notice and 21 day notice requirements if the request was granted. Counsel explained that adequate legal notice had been given. Chair Manard asked and Counsel confirmed the meeting could be continued to the following week, if the reconsideration request was granted.

MOTION

Long moved to deny the request for reconsideration.

Commissioner Dupray stated he wanted to be clear that he did not want to jeopardize the election. Counsel explained that contingency language was included in the draft Board of Supervisors' resolution in the event the Commission holds a reconsideration hearing.

The motion was seconded by Paine.

Counsel asked if the intent of the motion was to include the staff recommendations and recommended findings. Long agreed that was part of the motion. Paine concurred.

The Chair asked if the motion was clear. Commissioners nodded agreement.

Commissioner Dupray indicated he wanted to help the "little guy."

ACTION

Motion Carried.	AYES:	Allen, Manard, Long, Paine
NOES:	Dupray	
ABSTAIN:	None	
ABSENT:	Colvin, Costamagna	

2. CONDUCTING AUTHORITY PROCEEDINGS; LAFCO PROJECT NO. 03-10

Corinne Fratini reviewed the materials in the packet.

MOTION

Dupray moved the staff recommendations (to adopt Resolution L-05-12).

Nat Taylor summarized the project and explained the protest proceedings. Mr. Taylor noted no protests had yet been filed.

Chair Manard opened the public hearing.

No protests were submitted.

Chair Manard closed the public hearing.

Mr. Taylor stated that two measures would appear on the ballot, Measures P and Q. He noted item 10 of Resolution L-05-12 would be corrected and recorded with the wording "at large" first, then the

wording "by district."

ACTION

The motion was supported unanimously.

3. ADJOURNMENT

There was a motion and a second to adjourn; Chair Manard adjourned the meeting at 7:00 p.m.

**APPROVED BY THE COMMISSION
AUTHENTICATED AND CERTIFIED**

Executive Officer

Chairperson

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