

EL DORADO LAFCO
LOCAL AGENCY FORMATION COMMISSION

APPROVED

MINUTES OF MARCH 24, 2010

STATE OF CALIFORNIA, COUNTY OF EL DORADO

1. CALL TO ORDER AND ROLL CALL

The meeting of the Local Agency Formation Commission held March 24, 2010 was called to order at 5:30 p.m. by Chair Humphreys in the meeting room, Building C of the Government Center, 2850 Fair Lane, Placerville, California and at the South Lake Tahoe City Council Chambers, 1901 Airport Road, South Lake Tahoe, California. Regular Members present were: City Members Jerry Birdwell and Carl Hagen, District Members Harry Norris and Ken Humphreys, County Members Ron Briggs and James Sweeney, and Public Member Francesca Loftis. Others present were: Alternate District Member Michael Cooper, Alternate Public Member Norm Rowett, Executive Officer José C. *Henríquez*, Policy Analyst Erica Sanchez, and LAFCO Counsel Andrew Morris.

ROLL CALL - VOTING MEMBERS:

Birdwell, Briggs, Hagen, Humphreys, Loftis, Norris, Sweeney

2. CONSENT CALENDAR

- A. ADOPTION OF AGENDA
- B. MINUTES OF THE REGULAR MEETING OF FEBRUARY 24, 2010
- C. APPROVAL OF CLAIMS

MOTION

Commissioner Norris moved to adopt the consent calendar, second by Commissioner Loftis.

ACTION

The motion was approved by the following vote:

AYES: Briggs, Hagen, Loftis, Norris, Humphreys
NOES: None
ABSTAIN: None
ABSENT: Birdwell, Sweeney

3. PUBLIC FORUM/PUBLIC COMMENT

Chair Humphreys opened the public forum. No member of the public addressed the Commission.

Commissioners Sweeney and Birdwell arrived at the dais at 5:35 pm and 5:37 pm, respectively.

Upon the arrival of Commissioner Birdwell, pursuant to California Government Code Section 54953, Chair Humphreys made clear for the record of the meeting that one member of the Commission would be participating in the meeting by speaker phone. In accordance with the Brown Act, the teleconference location had been identified in the public notice and agenda for the meeting.

Chair Humphreys briefly went through some special procedures required by the Brown Act. Commissioner Birdwell made the following statements:

- (1) Commissioner Birdwell confirmed he could hear Chair Humphreys.

- (2) Commissioner Birdwell confirmed he could hear the proceedings occurring on the Placerville site.
- (3) Commissioner Birdwell confirmed he had a copy of the agenda.
- (4) Commissioner Birdwell confirmed the LAFCO agenda was posted at his location.
- (5) Commissioner Birdwell confirmed that his location was reasonably accessible to the public, such that any member of the public could participate in the teleconference from his location if he or she wished to do so.
- (6) Commissioner Birdwell indicated that there were no members of the public who wanted to participate in the public comment portion of the meeting, or otherwise address any agenda item for the meeting.

After confirming with the members in the Placerville location, Chair Humphreys stated that the record should reflect that all Commissioners present had indicated that they were able to hear Commissioner Birdwell clearly.

After confirming with the members present at the Placerville location, Chair Humphreys stated that the record should reflect that no Commissioner had expressed doubt that Commissioner Birdwell was the party participating by teleconference.

4. **CONTINUED PUBLIC HEARING TO CONSIDER AND ADOPT THE ENVIRONMENTAL REVIEW AND THE CLARKSVILLE PROFESSIONAL BUSINESS PARK ANNEXATION T THE EL DORADO IRRIGATION DISTRICT**

Mrs. Sanchez reviewed the staff report with the recommendation that the Commission consider and take action on the following three items:

1. Review and consider all information relating to this proposal, adopt the Mitigated Negative Declaration and Categorical Exemption under CEQA Guidelines §15183(a) and approve with or without amendment, wholly, partially, or conditionally the Clarksville Professional Business Park annexation to the El Dorado Irrigation District (EID); and

If the annexation is approved, that the Commission consider and approve the inclusion of the Clarksville Cemetery with the annexing territory; and if the Clarksville Cemetery is included in the annexation, the Commission should set the Conducting Authority Proceedings for this proposal on April 28, 2010 and direct the Executive Officer to open the protest period and notify the appropriate parties, pursuant to Government Code §57000 and local policies.

2. The Commission was also asked to consider the addition of the following condition on the annexation:

The Certificate of Completion shall be issued and recorded subsequent to receipt of documentation by El Dorado Irrigation District, deemed satisfactory by the Executive Officer, verifying that necessary and adequate expansions have been completed in the El Dorado Hills Water Treatment Plant that will allow sufficient infrastructure capacity to provide water service to the Clarksville Professional Business Park, along with all of the existing contractual commitments within El Dorado Irrigation District's El Dorado Hills Service Region.

Staff was asked about the requirements for a second hearing.

Mrs. Sanchez replied that the Conducting Authority hearing would be a requirement because LAFCO did not receive all of the landowners' consent.

Chair Humphreys opened the public forum.

Mr. Tom Cumpston, General Counsel for EID, informed the Commission that he and Brian Mueller, Director of Engineering for EID, were not there to make any statements, but they were prepared to answer any questions or provide any information that the Commission might need.

MOTION

Commissioner Norris moved to adopt all three staff recommendations with no additional conditions, second by Commissioner Sweeney.

ACTION

The motion was approved by the following vote:

AYES: Birdwell, Briggs, Hagen, Loftis, Norris, Sweeney, Humphreys

NOES: None

ABSTAIN: None

ABSENT: None

5. **PUBLIC WORKSHOP TO DISCUSS MUNICIPAL SERVICE REVIEWS AND SPHERE OF INFLUENCE STUDIES**

Mr. Henríquez reviewed the staff report with the recommendation that the Commission receive and discuss the information on Municipal Service Reviews and Sphere of Influence updates to guide its decisions on the LAFCO budget.

Mr. Peter Detwiler, representing the Senate Local Government Committee, acknowledged that the state-wide statute allows for a lot of local flexibility and every LAFCO does it differently. He added that there is a lot of room in the statute to adapt the Law and the State requirements to the Commission's needs.

Commissioner Briggs asked Mr. Detwiler if LAFCO has a land use authority.

Mr. Detwiler responded no, not direct land use authority; the statute is quite clear that LAFCO cannot impose conditions on boundary changes that would affect sub-division design or the use of land. LAFCO does have an extremely powerful influence on land use by determining which public services and facilities are provided where and when. A LAFCO that wants to induce growth should have very large spheres of influence and be very generous in granting annexations because that will make it easier to extend public services and facilities, such as public water, sanitary sewers, fire protection and roads. A LAFCO that wants to discourage growth limits would have very tight spheres.

With Commission consent, Chair Humphreys directed staff to go back to the MSR matrix and determine which agencies are necessary at this time for a service review and complete them. If there are others that can be put off and outside the five-year span, then the timeframe should be changed, unless there is some activity which would lead the Commission to go back to them.

Commissioner Sweeney also requested that staff return with information about recent annexations along with the matrix.

6. **PUBLIC HEARING TO CONSIDER AND ADOPT THE FINAL BUDGET FOR FISCAL YEAR 2010-11**

Mr. Henriquez reviewed the staff report and indicated the last outstanding issue for consideration was the \$65,000 allocation for outsourcing the MSR, with the recommendation that the Commission:

1. Receive the information related to the adopted Proposed Budget for Fiscal Year 2010-2011;
2. Receive information related to adjustments in expenditures for in lieu of medical benefits;
3. Open the Public Hearing on the matter;
4. Adopt the Final Budget for Fiscal Year 2010-2011, which reflects the Commission's priorities for the coming fiscal year; and
5. Direct staff to transmit the Final Budget to the funding agencies and others as specified in Government Code §56381.

Chair Humphreys opened the public forum. No member of the public addressed the Commission.

MOTION

Commissioner Sweeney moved to adopt the Final Budget, second by Commissioner Loftis.

ACTION

The motion was approved by the following vote:

AYES: Birdwell, Briggs, Hagen, Loftis, Norris, Sweeney, Humphreys
NOES: None
ABSTAIN: None
ABSENT: None

7. OTHER BUSINESS

- A. LEGISLATION
- B. COMMISSIONER ANNOUNCEMENTS
- C. COUNSEL REPORT
- D. EXECUTIVE OFFICER REPORT

8. CLOSED SESSION—ANTICIPATED LITIGATION

Chair Humphreys adjourned to closed session. No reportable actions were taken.

9. ADJOURNMENT

MOTION

Commissioner Loftis moved to adjourn the meeting, second by Commissioner Hagen.

ACTION

The motion was approved by the following vote:

AYES: Birdwell, Briggs, Hagen, Loftis, Norris, Sweeney, Humphreys
NOES: None
ABSTAIN: None
ABSENT: None

Chair Humphreys adjourned the meeting at 8:00 pm.

The next regularly scheduled LAFCO meeting will be April 28, 2010.

**APPROVED BY THE COMMISSION
AUTHENTICATED AND CERTIFIED**


Interim Clerk to the Commission


Chairperson