

- **APPROVED** -

# STATE OF CALIFORNIA, COUNTY OF EL DORADO

LOCAL AGENCY FORMATION COMMISSION MINUTES OF MARCH 26, 2003

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**1. CALL TO ORDER AND ROLL CALL**

The meeting of the Local Agency Formation Commission held March 26, 2003, was called to order at 5:05 p.m. by Chair Davis in the meeting room, Building C of the Government Center, 2850 Fair Lane, Placerville, California.

**COMMISSIONERS - PRESENT**

Robert Salazar, City  
Tom Davis, City  
Richard C. Paine, County  
Rusty Dupray, County  
Aldon Manard, Public  
Gary Costamagna, District

**COMMISSIONERS - ABSENT**

**ALTERNATE COMMISSIONERS - PRESENT**

Jan McKinsey, Public  
George Wheeldon, District

**ALTERNATE COMMISSIONERS - ABSENT**

Carl Borelli, County  
Kathi Lishman, City

**COMMISSION STAFF - PRESENT**

Roseanne Chamberlain, Executive Officer  
Susan Stahmann, Clerk to the Commission  
Corinne Fratini, LAFCO Policy Analyst  
Ed Knapp, LAFCO Counsel

**COMMISSION STAFF - ABSENT**

Thomas R. Parker, LAFCO Counsel

**ROLL CALL - VOTING MEMBERS: DUPRAY, PAINE, MANARD, COSTAMAGNA, SALAZAR AND CHAIR DAVIS**

Chair Davis called for a moment of silence for our troops, their families and loved ones and Carl Borelli.

**2. SPECIAL DISTRICT ELECTION REPORT**

Ms. Stahmann announced Gary Costamagna for Special District Seat #2 and George Wheeldon as Special District Alternate. A runoff election between Nancy Allen and Tom Mahach will be held for Special District Seat #1.

**3. CLOSED SESSION**

Chair Davis adjourned to closed session at 5:07 p.m. and reconvened at 5:41 p.m.

**4. CONSENT CALENDAR**

**A. ADOPTION OF AGENDA**

**B. DISPOSITION OF MINUTES OF THE LOCAL AGENCY FORMATION COMMISSION MEETING OF FEBRUARY 26, 2003**

**C. APPROVAL OF CLAIMS**

**D. APPROVAL OF CLAIMS (ADDITIONS)**

**E. APPROVAL OF RECOMMENDED CHANGES AND NEW POLICIES INCLUDING COMMISSION & MEETING REQUIREMENTS AND CODE OF ETHICS**

**MOTION**

Commissioner Salazar moved to approve the consent calendar, second by Commissioner Paine.

**ACTION**

**The motion was supported unanimously.**

**APPROVED**

**2. PUBLIC FORUM/PUBLIC COMMENT**

Chair Davis opened the public forum. No one spoke.

**3. SHADOW LANE DISSOLUTION FEE WAIVER REQUEST, LAFCO PROJECT NO. 03-04 -Tape 1 (32)**

Ms. Fratini gave staff report outlining request for a fee waiver. The Commission discussed costs, district fund balance, successor agency, work to process the dissolution.

Ms. Pam Gonzalve, Shadow Lane CSD, spoke regarding her estimate of \$12,000-\$14,000 remaining in budget, District President departure one year ago with no road work since 1992. Last meeting was 3-4 years ago and was not agendized. Auditor's office handles all bookkeeping and bank accounts. All records are kept in a box with no obvious order.

In answer to commission questions, Ms. Chamberlain indicated that this proposal would be subject to a Zone of Benefit (ZOB) and that all assets will transfer to that ZOB upon it's formation. She clarified that action requested is to approve fee waiver only, the dissolution will be brought back for it's full hearing.

**MOTION**

**Commissioner Costamagna moved to approve staff recommendations 1 & 2, second by Commissioner Paine**

**ACTION**

**The motion was supported unanimously.**

**4. 2003-2004 PRELIMINARY BUDGET ADOPTION - Tape 1 (204)**

Ms. Chamberlain and Ms. Stahmann outlining the content of the staff report.

Mr. Ed Knapp, County Counsel confirmed the 150 hours of free legal services would be honored by the county.

There was detailed discussion regarding relocation of LAFCO offices.

The commission discussed the requirement of the county for LAFCO to move, General Services estimate of \$1.20 per square foot, including any architectural changes required for building. Commissioner Davis asked staff to investigate CAM charges that may be applied to the lease payment. There was consensus that the move should be done as economical as possible and that every effort should be made to make a good faith effort to comply with AB2838 requirements as a budget priority.

Ms. Chamberlain indicated that the 10% operating contingency already built into the budget would help with unexpected moving expenses and any moving cost over-runs.

The Commission also discussed the need for a \$42,000 (10% of budget) reserve to cover any unforeseen expenses such as changes in employee health insurance benefits, legal fees beyond the 150 hours, water service review and any shortfall in project application fees received.

Ms. Chamberlain clarified that the proposed action tonight was to adopt the proposed budget for distribution to the agencies, indicating that a workshop will be held at the April meeting, allowing the agencies to comment, and the final budget would adopted at the May LAFCO meeting.

**MOTION**

**Commissioner Paine moved to approve recommendation 1, 2 and 3**

Ms. Chamberlain asked that the following language be added to Recommendation No. 1: Designate an intent by the commission to retain a 10% reserve of \$42,000, recognizing that this amount may need to be reduced somewhat in order to retain the proposed budget agency contribution.

**Commissioner Paine amended his motion with added language from staff on Recommendation No. 1, second by Commissioner Costamagna.**

Commissioner Salazar complimented Ms. Chamberlain on the thorough and complete detail of this year's budget preparation. Chair Davis asked that a press release be done after the approval of the final budget.

**APPROVED**

**ACTION**

Motion carried.

**AYES: Manard, Wheeldon, Paine, Salazar, Costamagna, Davis**  
**NOES: Dupray**  
**ABSENT: Wheeldon**  
**ABSTAIN: None**

**5. DESIGNATION OF EXECUTIVE OFFICER AS PURCHASING OFFICER**

Ms. Chamberlain gave staff report. Mr. Ed Knapp clarified that the Executive Officer does, by statute, have the authority to carry out the day to day business. This item will clarify her as Purchasing Officer, specifically for dealing with the county.

**MOTION**

**Commissioner Salazar moved staff recommendations 1, 2 and 3, second by Commissioner Costamagna**

**ACTION**

**The motion was supported unanimously.**

**6. SEATING ARRANGEMENT FOR LAFCO ALTERNATES**

Ms. Chamberlain gave staff report noting two main issues: the appropriate level of participation for non voting alternate members, and technical issues of space and recording.

Commissioner Wheeldon left the meeting at 6:45 p.m.

Mr. Knapp gave an outline of the Attorney General's opinion, concluding the commission authority to define the role of alternate members by local policy.

The commission discussed alternate locations, Board of Supervisors meeting room, table and dias arrangements.

Mr. Scott Browne, Special Counsel explained the room and seating arrangements used by Nevada LAFCO, seating non voting alternates over to the side dias.

**MOTION**

**Commissioner Costamagna moved that while LAFCO staff is still in this building, that we continue to use this meeting room and that we sit the alternates on one side of the dias and the voting members at the other. At the beginning of the meeting, when roll call is taken, and voting members are announced, then a shift could be made if they are not correctly seated. Some form of identification on the name tags just for voting members. When staff moves to a new location the commission would look at the Board of Supervisors Chambers.**

**Commissioner Costamagna clarified his motion to read:**

- Point 1 - Use this building while staff is still located here, using these facilities.**
- Point 2 - Set a seating arrangement known to all members that is established when the meeting is opened and voting members are announced.**
- Point 3 - Designation of voting members on their name tag.**
- Point 4 - When staff moves, look into using the Board of Supervisors Chambers.**

**Second by Commissioner Salazar**

**ACTION**

Motion carried:

**AYES: Manard, Paine, Salazar, Costamagna, Davis**  
**NOES: Dupray**  
**ABSTAIN: None**  
**ABSENT: Wheeldon**

Ms. Chamberlain asked to defer to the clerk after a period of time to see if this procedure is working. Chair Davis asked for staff to look into obtaining more microphones.

**7. OTHER BUSINESS**

**APPROVED**

**A. LEGISLATION**

Ms. Fratini reviewed legislation affecting LAFCOs, and a bill summary by NAPA LAFCO.

Commissioner Dupray noted he would not endorse opposition to SB 282, but agrees with the support and watch positions on the other bills.

**MOTION**

**Commissioner Costamagna moved to support the three bills listed in the support column, watch the bills in the watch column and oppose position on SB 282, second by Commissioner Paine.**

**ACTION**

The motion carried:           **AYES:       Manard, Paine, Salazar, Costamagna, Davis**  
   **NOES:       None**  
   **ABSTAIN:   Dupray**  
   **ABSENT:    Wheeldon**

**B. GOVERNORS' BUDGET - OPPOSITION TO PROPOSED ELIMINATION OF STATE SUBVENTIONS FOR WILLIAMSON ACT CONTRACT AND OPEN SPACE PRESERVATION**

Ms. Chamberlain asked the commission to approve the letter in the packet for this opposition and authorize the chair to sign. The clerk noted the correction made in the draft letter.

Commissioner Paine explained the Williamson Act subvention program.

**MOTION**

**Commissioner Paine moved to submit letter for chair signature as submitted, second by Commissioner Manard.**

**ACTION**

The motion was supported unanimously.

**C. DESIGNATION OF COMMISSION SPOKESPERSON FOR OPPOSITION TO SB282**

**MOTION**

**Commissioner Paine moved to designate Commissioner Salazar as spokesperson, second by Commissioner Costamagna.**

**ACTION**

The motion carried.           **AYES:       Manard, Paine, Salazar, Costamagna, Davis**  
   **NOES:       Dupray**  
   **ABSTAIN:   None**  
   **ABSENT:    Wheeldon**

**D. COMMISSIONER ANNOUNCEMENTS**

Chair Davis read into the record the resignation of Alternate Jan McKinsey effective this date. Alternate McKinsey stated she would be moving and thanked the commission for the opportunity to serve.

**E. COUNSEL REPORT**

Mr. Ed Knapp suggested that they adjourn to closed session for the Hidahl Litigation with Mr. Scott Browne, LAFCO Special Counsel. He also suggested to the Chairman to amend Agenda Item No. 3 Employee Negotiations to add himself as a negotiator for the Executive Officer negotiations and that the commission also adjourn to closed session to address a technical issue.

**MOTION**

Commissioner Salazar moved to add Mr. Ed Knapp's name as negotiator for Agenda Item No. 3, second by Commissioner Paine.

**ACTION**

The motion was supported unanimously.

**APPROVED**

**F. EXECUTIVE OFFICER REPORT**

Ms. Chamberlain announced the appeal had been withdrawn on the Bass Lake Hills Litigation lawsuit. Decision is final.

She called attention to the LAFCO Web Page improvements.

Chair Davis adjourned the meeting to continue with closed session at 7:56 p.m. and reconvened at 8:34 p.m.

**Closed Session Reports:**

Mr. Ed Knapp - Commission met in closed session with Negotiator Roseanne Chamberlain and gave direction with no reportable action.

Commission met with negotiator Ed Knapp with instructions and no reportable action.

Mr. Scott Browne - Existing litigation Hidahl vs. LAFCO - staff instructed to proceed with direction given and no reportable action.

**11. ADJOURNMENT**

Chair Davis adjourned the meeting at 8:36 p.m.  
The next regularly scheduled LAFCO meeting will be April 23, 2003.

**APPROVED BY THE COMMISSION  
AUTHENTICATED AND CERTIFIED**

  
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Clerk to the Commission

  
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Chairperson

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