

EL DORADO LAFCO
LOCAL AGENCY FORMATION COMMISSION

APPROVED

MINUTES OF DECEMBER 2, 2009

STATE OF CALIFORNIA, COUNTY OF EL DORADO

1. CALL TO ORDER AND ROLL CALL

The meeting of the Local Agency Formation Commission held December 2, 2009 was called to order at 5:30 p.m. by Vice-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 Member Ken Humphreys, and County Members Ron Briggs and James Sweeney. 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.

Prior to roll call, pursuant to California Government Code Section 54953, Vice-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.

ROLL CALL - VOTING MEMBERS:

Birdwell, Briggs, Cooper, Hagen, Humphreys, Rowett, Sweeney

Vice-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 Vice-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, Vice-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, Vice-Chair Humphreys stated that the record should reflect that no Commissioner had expressed doubt that Commissioner Birdwell was the party participating by teleconference.

2. CONSENT CALENDAR

- A. ADOPTION OF AGENDA
- B. MINUTES OF THE REGULAR MEETING OF SEPTEMBER 23, 2009
- C. APPROVAL OF CLAIMS
- D. SET THE MEETING CALENDAR FOR 2010
- E. OPEN THE PUBLIC COMMENT PERIOD FOR THE DRAFT MUNICIPAL SERVICES REVIEW AND SPHERE OF INFLUENCE STUDY FOR AUDUBON HILLS COMMUNITY SERVICES DISTRICT
- F. OPEN THE PUBLIC COMMENT PERIOD FOR THE DRAFT MUNICIPAL SERVICES REVIEW AND SPHERE OF INFLUENCE STUDY FOR GREENSTONE COUNTRY COMMUNITY SERVICES DISTRICT
- G. OPEN THE PUBLIC COMMENT PERIOD FOR THE DRAFT MUNICIPAL SERVICES REVIEW AND SPHERE OF INFLUENCE STUDY FOR WEST EL LARGO COMMUNITY SERVICES DISTRICT

MOTION

Commissioner Hagen moved to adopt the consent calendar, second by Commissioner Cooper.

ACTION

The motion was approved by the following vote:

AYES: Briggs, Cooper, Hagen, Rowett, Sweeney, Humphreys

NOES: None

ABSTAIN: None

ABSENT: Birdwell

3. PUBLIC FORUM/PUBLIC COMMENT

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

4. DISCUSS AND CONSIDER LAFCO POLICY 1.9.2

Commissioner Birdwell joined the meeting at 5:35 pm via teleconference.

Mr. Henríquez reviewed the staff report with the recommendation that the Commission discuss and consider the adequacy of Section 1.9.2 of the Policies and Guidelines as it relates to tie votes.

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

MOTION

Commissioner Sweeney moved to direct Staff, in consultation with Counsel, to bring back an amendment to Policy 1.9.2 to comply with Government Code 56880, second by Commissioner Briggs.

ACTION

The motion was unanimously approved by the Commission.

5. PUBLIC HEARING TO RECONSIDER THE ENVIRONMENTAL REVIEW AND THE SUMMER BROOK ANNEXATION TO THE EL DORADO IRRIGATION DISTRICT (LAFCO PROJECT #2008-03)

Mr. Henríquez noted that the applicant submitted a letter for reconsideration. After the Agenda and packet had been mailed out, the applicant requested the item to be continued until the next Commission hearing. He noted that the Government Code §56895 requires that a continued reconsideration item must be heard within 35 days of the noticed hearing; which in this specific

case is December 2, 2009. Therefore, 35 days would be January 6, 2010 and the Commission would have to have a special meeting between now and January 6 to be in compliance with the law. The first step in this process was to decide whether to grant the continuance if the applicant does not withdraw said request.

Craig Sandberg, representing the applicant, indicated that the request for continuance was withdrawn.

Mr. Henríquez addressed the Commission and explained the reconsideration process. The Commission would first have to decide whether to grant the reconsideration. If not, the September tie remains. If reconsideration is granted, then the Commission can decide the matter anew.

Mr. Morris, LAFCO Counsel, suggested that the Commission grant the motion for reconsideration and then make a decision.

1st MOTION

Commission Hagen moved to reconsider the Summer Brook Annexation to the El Dorado Irrigation District, second by Commissioner Cooper.

1st ACTION

The motion was unanimously approved by the Commission.

Mr. Henríquez stated that under the Government Code §56895, the applicant has only one appeal and it was at the present meeting. He added that he could speak to the totality of the Summer Brook annexation into the El Dorado Irrigation District or some of the items that were brought up at the last Commission hearing.

Vice-Chair Humphreys asked whether the Commission could attach a condition to the approval, if approved, based on the island that would be created or whether the Commission could modify the *annexation boundaries to exclude the open space parcels*.

Mr. Henríquez responded that the Commission could amend the resolution of approval to indicate some type of determination or finding of why they are excluding the parcel to the south from the proposal. He added that that particular parcel was not part of the proposal anyway; therefore, addressing it would not hurt or harm it. On the second matter, he stated that the Commission has the discretion to alter the boundaries anywhere that they saw fit.

Commissioner Briggs asked Mr. Henríquez if the resolution to approve excluded the 50 acres.

Mr. Henríquez acknowledged that the resolution of approval spoke only to the two parcels relating to the Summer Brook project.

Vice-Chair Humphreys opened the public forum.

Mr. Sandberg spoke stating that he did not have much to say since things were well-discussed the last hour. He tried to identify what issues the Commission had raised at the last hearing and he would address those items. One is that there were comments regarding the agricultural use of the land and the potential to use it for horticulture. He added that there was very little encroachment on the Summer Brook property and, in fact, the project is surrounded by residential uses. They think the characterization of agricultural is very remote and far-fetched, with all due respect to the Ag Department. A second issue that was brought up a couple of times at the last hearing had to do with septic tanks on the property. The whole property was tested for septic capability and all the lots have been tested to ensure they all sustain a septic system. He added that with respect to a condition being added to the resolution of approval regarding the boundaries, he thought that trying to do those as boundaries for EID's district would be extremely difficult and probably would create some islands, which would further exacerbate the island issue. He did not believe the Commission should try to carve boundaries around the open space, as there are protections built-in that should keep it from being an issue.

2nd MOTION

Commissioner Cooper moved to adopt the Reconsideration of the Summer Brook Annexation to the El Dorado Irrigation District, which includes the Negative Declaration and Addendum. Included in the adoption was the approval of Resolution L-2009-07, amending Item #9 on page 4, by the addition of the verbiage "Board of Supervisors approved the Tentative Map," second by Commissioner Hagen.

2nd ACTION

The motion was unanimously approved by the Commission.

6. DESIGNATION OF TWO AD HOC COMMITTEES

Mr. Henriquez reviewed the staff report with the recommendation that the Commission appoint two ad hoc committees and provide direction to them and staff on its priorities.

The Commission appointed Chair Loftis and Vice-chair Humphreys to both ad hoc committees and report back at the appropriate time.

7. OTHER BUSINESS

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

8. CLOSED SESSION

Vice-Chair Humphreys adjourned to Closed Session.

Public Employee Performance Evaluation:
Position Title: Executive Officer

Vice-Chair Humphreys re-adjourned to Open Session. There was nothing to report from Closed Session.

9. ADJOURNMENT

Commission Birdwell left the meeting at 8:15 pm.

MOTION

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

ACTION

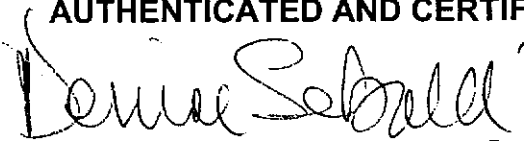
The motion was approved by the following vote:

- AYES: Briggs, Cooper, Hagen, Rowett, Sweeney, Humphreys
- NOES: None
- ABSTAIN: None
- ABSENT: Birdwell

Vice-Chair Humphreys adjourned the meeting at 8:17 pm.

The next regularly scheduled LAFCO meeting will be January 27, 2010.

**APPROVED BY THE COMMISSION
AUTHENTICATED AND CERTIFIED**


Clerk to the Commission


Chairperson