

### MINUTES OF JULY 23, 2008

#### STATE OF CALIFORNIA, COUNTY OF EL DORADO

#### 1. CALL TO ORDER AND ROLL CALL

The meeting of the Local Agency Formation Commission held July 23, 2008, was called to order at 5:30 p.m. by Chair Loftis in the meeting room, Building C of the Government Center, 2850 Fair Lane, Placerville, California. Regular Members present were: District Members Ken Humphreys and Harry Norris, County Members Ron Briggs and James R. Sweeney, and Public Member Francesca Loftis. Others present were: Alternate City Member Mark Acuna, Alternate Public Member Norm Rowett, Executive Officer José C. Henriquez, Policy Analyst Erica Sanchez, and LAFCO Counsel Andrew Morris.

#### **ROLL CALL - VOTING MEMBERS:**

Acuna, Briggs, Humphreys, Loftis, Norris, and Sweeney

#### 2. CONSENT CALENDAR

- A. ADOPTION OF AGENDA
- B. MINUTES OF THE REGULAR MEETING OF JUNE 25, 2008
- C. APPROVAL OF CLAIMS

#### MOTION

Commissioner Humphreys moved to adopt the consent calendar, second by Commissioner Briggs.

#### ACTION

The motion was approved by the following vote:

AYES: Acuna, Briggs, Humphreys, Norris, Sweeney, Loftis  
NOES: None  
ABSTAIN: None  
ABSENT: Long

#### 3. PUBLIC FORUM/PUBLIC COMMENT

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

#### 4. PUBLIC HEARING TO CONSIDER AND ADOPT THE ENVIRONMENTAL REVIEW AND THE VISMAN ANNEXATION TO THE EL DORADO IRRIGATION DISTRICT (LAFCO PROJECT NO. 2007-05)

Mrs. Sanchez reviewed the staff report with the following recommendations:

1. Find that the project is exempt from provisions of the California Environmental Quality Act under Sections 15319(a), §15061(b)(3) and 15183(a) of the Public Resources Act and direct staff to file the Notices of Exemption in compliance with CEQA and local ordinances implementing the same.
2. Adopt LAFCO Resolution L-2008-29 (Attachment A), adding any additional conditions the Commission finds appropriate and approve the Visman Annexation to the El Dorado Irrigation District; LAFCO Project No. 2007-05.
3. Waive the Conducting Authority Proceedings subject to Government Code §56663 and local policies.

4. Direct the Executive Officer to complete the necessary filings and transmittals as required by law.
5. Determine the effective date of the approval of this agreement to be five (5) working days after recordation by the County Recorder of the Executive Officer's Certificate of Completion once the imposed conditions are met.

Commissioner Sweeney requested a vicinity map to be included in the staff report for future projects, so that he could determine whether a service island is being created.

Commissioner Loftis stated that her question was whether an island is being created.

The Commission started a discussion on the existence of service area "holes" for EID and fire districts and their implications on service capacity.

Mr. Henriquez suggested that LAFCO could partner with EID to prepare a workshop on island annexations.

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

#### **MOTION**

Commissioner Briggs moved to approve the Visman Annexation to EID and adopt LAFCO Resolution L-2008-29, second by Commissioner Norris.

#### **ACTION**

The motion was approved by the following vote:

AYES: Acuna, Briggs, Humphreys, Norris, Sweeney, Loftis

NOES: None

ABSTAIN: None

ABSENT: Long

5. **CONSIDER THE PREPARATION OF REQUESTS FOR LEGAL OPINIONS FROM THE CALIFORNIA ATTORNEY GENERAL, OFFICE OF THE UNITED STATES SOLICITOR GENERAL AND ANY OTHER OFFICE OR AGENCY AUTHORIZED TO PROVIDE OPINIONS REGARDING THE LEGAL QUESTIONS SURROUNDING THE SHINGLE SPRINGS RANCHERIA ANNEXATION TO THE EL DORADO IRRIGATION DISTRICT (LAFCO PROJECT #87-15) AND CONSIDER NOTIFYING OTHER AGENCIES OF LAFCO'S FINDINGS AS APPROPRIATE**

Commissioner Sweeney stated he did not want LAFCO to engage in any action due to current litigation.

Mr. Henriquez stated the environment has obviously changed from the time this item was requested to be added to the agenda. Mr. Henriquez said that even though LAFCO is not a party to litigation at this time, he thinks LAFCO is caught walking a tight rope, with a need to appear that LAFCO is doing the due-diligence, but at the same time, not being a party to litigation. His recommendation was disengagement from this agenda item.

Chair Loftis opened the public forum.

Ms. Kristen Mackey spoke on behalf of the Shingle Springs Rancheria, El Dorado County Miwok. Ms. Mackey stated that she was at the meeting as a concerned citizen regarding the El Dorado Indians. She stated she had no financial interest concerning the comments she was about to make; she is not of Native American descent. She wanted to make it clear who she was speaking about, the El Dorado Indians, the indigenous people that have for thousands of years been living in what is today established as El Dorado County are not the Indians that are currently on the Shingle

Springs reservation. The El Dorado Indians are Shingle Springs Miwoks. The Indians that are on the Shingle Springs Rancheria currently are the Sacramento Verona Band of Indians from Sutter County who intermarried with the Hawaiian Kanaka during the time of the gold rush.

Ms. Mackey went on to suggest that LAFCO must stop any and all negotiations, agreements, and contracts with the Sacramento Verona Band of Homeless Indians. The Indians that are native to El Dorado County had the Shingle Springs Reservation taken from them by the Indian "band" that is occupying the reservation. They are using the El Dorado Indians tribe's status to usurp the rights and privileges and the government-to-government relationship and government recognition that the El Dorado County Indians have the right to hold. The Verona band is not a tribe. They were never recognized by the Bureau of Indian Affairs under their own name.

Chair Loftis asked Ms. Mackey whether legal action is being taken. Ms. Mackey responded that it has always been the position of the Indians of El Dorado County that they want help with the situation. They are in poverty; they have been trying some way to get their ancestral land back through various means, but have been unsuccessful. She is asking the community to help them.

#### **MOTION**

Commissioner Sweeney moved to disengage from any action on this past annexation pending the outcome of the litigation from the courts, second by Commissioner Humphreys.

#### **ACTION**

The motion was approved by the following vote:

AYES: Acuna, Humphreys, Norris, Sweeney, Loftis  
 NOES: Briggs  
 ABSTAIN: None  
 ABSENT: Long

### **6. NOMINATIONS FOR THE CALAFCO GOVERNING BOARD**

Mr. Henríquez reviewed the staff report with the recommendation that the Commission receive the information related to the openings on the CALAFCO Board of Directors and provide direction to staff should the Commission wish to submit nominations in either category. He also indicated that Commissioner Long had privately expressed an interest in serving on the CALAFCO Board.

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

#### **MOTION**

Commissioner Briggs moved to nominate Commissioner Long, contingent upon Commissioner Long's acceptance of the nomination, second by Commissioner Norris.

#### **ACTION**

The motion was approved by the following vote:

AYES: Acuna, Briggs, Humphreys, Norris, Sweeney, Loftis  
 NOES: None  
 ABSTAIN: None  
 ABSENT: Long

### **7. UPDATE ON THE PROPOSED SMITH FLAT ANNEXATION TO THE CITY OF PLACERVILLE AND CONSIDERATION OF WHETHER A RESPONSE IS NEEDED**

Mr. Henríquez summarized his meeting with Mayor Hagen and City Manager Driscoll and forwarded their commitment to provide the Commission with sufficient information as required by LAFCO law.

The Commission took no action on this item.

**8. CONSIDER THE CANCELLATION OF THE AUGUST 27, 2008 MEETING**

Mr. Henriquez requested that the August 27 meeting be cancelled since there were no items on the agenda.

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

**MOTION**

Commissioner Humphreys moved to cancel the August 27 meeting, second by Commissioner Acuna.

**ACTION**

The motion was approved by the following vote:

- AYES: Acuna, Briggs, Humphreys, Norris, Sweeney, Loftis
- NOES: None
- ABSTAIN: None
- ABSENT: Long

**9. OTHER BUSINESS**

**A. LEGISLATION**

Mr. Henriquez provided the Commission with the latest information on the LAFCO-related bills in the Legislature.

**B. COMMISSIONER ANNOUNCEMENTS**

1. Designation of the voting delegate and alternate(s) for the CALAFCO Board of Directors election during the CALAFCO Conference.

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

**MOTION**

Commissioner Norris moved to nominate Commissioner Humphreys as the voting delegate and Commissioner Long as the alternate, second by Commissioner Briggs.

**ACTION**

The motion was approved by the following vote:

- AYES: Acuna, Briggs, Humphreys, Norris, Sweeney, Loftis
- NOES: None
- ABSTAIN: None
- ABSENT: Long

**C. COUNSEL REPORT**

**D. EXECUTIVE OFFICER REPORT**

Commissioner Sweeney requested that the Grassy Run CSD dissolution be considered by the Commission for a waiver of fees.

Mr. Henriquez stated he would discuss it with Mr. Nichols, Grassy Run CSD Representative, before he makes an application.

**10. ADJOURNMENT**

**MOTION**

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

**ACTION**

The motion was approved by the following vote:

AYES: Acuna, Briggs, Humphreys, Norris, Sweeney, Loftis

NOES: None

ABSTAIN: None

ABSENT: Long

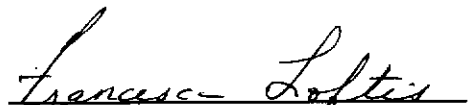
Chair Loftis adjourned the meeting at 6:30 pm.

The next regularly scheduled LAFCO meeting will be September 24, 2008.

**APPROVED BY THE COMMISSION  
AUTHENTICATED AND CERTIFIED**



**Clerk to the Commission**



**Chairperson**