

APPROVED

STATE OF CALIFORNIA, COUNTY OF EL DORADO

LOCAL AGENCY FORMATION COMMISSION MINUTES OF SEPTEMBER 16, 1999

1. CALL TO ORDER AND ROLL CALL

The meeting of the Local Agency Formation Commission held September 16, 1999, was called to order at 6:09 p.m. by Chair Bush in the meeting room, Building C of the Government Center, 2850 Fair Lane, Placerville, California.

The Chair apologized for the delay starting the meeting and announced the report from the closed session performance evaluation finding the executive officer's performance to be outstanding.

COMMISSIONERS PRESENT:	Ken Bush, Chair Aldon Manard, Vice-Chair Penny Humphreys, Commissioner William "Sam" Bradley, Commissioner Robert Salazar, Commissioner Robert Flynn, Commissioner
COMMISSIONERS ABSENT:	Bill Crawford, Commissioner
ALTERNATE COMMISSIONERS PRESENT:	Harriett Segel, Public Member Kathi Lishman, City Janice Platz, Special Districts
ALTERNATE COMMISSIONERS ABSENT:	Raymond J. Nutting, Board of Supervisors
COMMISSION STAFF PRESENT:	Roseanne Chamberlain, Executive Officer Susan Stahmann, Clerk to the Commission Thomas R. Parker, LAFCO Counsel Barbara Graichen, Contract Staff

Commissioner Bradley announced that he had reviewed a potential conflict of interest with the FPPC, and had been advised that he has no conflict of interest relating to the Bass Lake Hills Annexation.

Commissioner Salazar stated he had listened the tapes of the August 5th meeting and the written record of the project and was prepared to participate in this meeting.

Ms. Chamberlain reported that the FPPC staff review of her son's summer employment had concluded that there was no conflict of interest.

Alternate Lishman indicated that she had participated last month as the voting member on behalf of Commissioner Salazar, and would be participating in this meeting on behalf of Commissioner Crawford.

Commissioner Flynn requested that item number 4 be removed from consent and become part of the agenda for public discussion, because some of the information presented at the hearing was factually inaccurate. Commissioner Flynn asked for clarification of Robert's Rules.

Counsel Parker confirmed that any member of the Commission could remove an item from the consent calendar for a separate vote, but the public hearing for item 4 is closed. He stated that it would be up to a majority of the commission whether they would accede to Commissioner Flynn's request to remove item 4 from consent. There was discussion about voting to remove the item from consent. Counsel stated that if a motion was made to approve the entire consent calendar and it carried, all items would be approved. He stated that the item could be discussed by the commission, and that taking it off consent does not make it a public hearing. Taking public comment would be at the discretion of the Commission or the Chair because the public hearing was closed.

Commissioner Flynn stated that the public hearing on the motion made August 5th was closed and an action on the resolution is a different action. Counsel responded that the resolution reflects the motion on August 5th and the record of the August 5th meeting.

Commissioner Flynn discussed reconsideration and Ms. Chamberlain explained reconsideration and stated that a request for reconsideration came in on Sept. 15, but would be deemed received immediately after the commission adopts any resolution on the Bass Lake Hills Annexation.

Counsel then stated that the issue now before the Commission was how they would treat the request of Commissioner Flynn.

Chair Bush stated his own preference is that item 4 be considered separately from the consent calendar. Counsel recommended the chair seek a consensus of the commission to pull the item.

Commissioner Salazar stated that he understood that any commissioner could remove an item from the consent calendar, and it wasn't up to a vote of the commission.

Counsel Parker reviewed the practice of the Planning Commission and Board of Supervisors and stated that the Commission had considerable discretion as to how it would proceed.

2. CONSENT CALENDAR

1. **ADOPTION OF AGENDA**
2. **MINUTES OF THE MEETING OF AUGUST 5, 1999**
3. **APPROVAL OF CLAIMS**
4. **BASS LAKE HILLS ANNEXATION TO EL DORADO IRRIGATION DISTRICT; ADOPT RESOLUTION NO. L-99-02**

MOTION

Commissioner Bradley moved to approve consent calendar as written on agenda, seconded by Commissioner Lishman.

ACTION

The motion carried.	AYES:	Bradley, Salazar, Humphreys, Lishman
	NOES:	Manard, Flynn, Bush
	ABSENT:	Crawford
	ABSTAIN:	None

Commissioner Manard indicated a lack of understanding of the motion. The Executive Officer clarified that the motion included all items on the consent calendar: the agenda, minutes, claims and Resolution #99-02, and she suggested that if any commissioners were unclear on the motion, that the vote be recalled. Commissioner Manard indicated he had been unclear on the motion and the chair requested the vote be called again.

ACTION

The motion carried.	AYES:	Manard, Bradley, Salazar, Humphreys, Lishman
	NOES:	Flynn, Bush
	ABSENT:	Crawford
	ABSTAIN:	None

Along with his vote, Commissioner Manard stated since the August 5th meeting he had reviewed the CEQA documents again and the E.I.D. reports that were presented and as a result he had changed his vote.

3. PUBLIC FORUM/PUBLIC COMMENT

Betty Moore, Bass Lake Hills landowner, reviewed SACOG statistics and stated that she will sue any agency that keeps her from selling her property for development.

Dirk Gilmeister, Vice President EID Board of Directors, expressed concern that he could not speak on the Bass Lake Hills annexation project. He stated that LAFCO must do business differently than the district regarding the consent items. He stated that annexation does not imply service, and LAFCO did not analyze any alternatives to EID providing service.

Counsel recommended that public comment not be taken on the Bass Lake Hills Annexation and suggested that comments be taken in general.

Richard Aikin, Director, Division 3, EID echoed Gilmeisters comments on the public comment. He stated that LAFCO overstepped the boundaries of its expected role. He stated that there were a lot of errors made at the August 5th meeting about water law and water rights and the 17,000 acre ft. application. He stated that it is not the prerogative of LAFCO to even discuss these matters and it is now the responsibility of the landowners to take legal action to defend what is rightfully theirs.

Art Marinaccio, of Shingle Springs, stated that trying to use this Commission to circumvent all the planning that has been done is improper and he is very disappointed with this process.

Ken Welch, Educator in El Dorado County, stated that facts stated here are not the truth, and this process makes his job teaching children a lot harder.

4. EL DORADO HILLS COMMUNITY SERVICES DISTRICT SPHERE OF INFLUENCE

A letter from Cameron Park Community Services District was distributed to the commission. Ms. Chamberlain outlined the staff report and at the request of the chair identified the two areas recommended for a sphere amendment on the display map, indicating that the recommended sphere amendment now excludes the "Bell triangle" area because Cameron Park CSD and El Dorado Hills CSD would like additional time to consider the disposition of this area. The areas recommended include properties reviewed in the study, with agreement from the landowners and the agencies with existing CEQA review to support the sphere change. The amendment includes subdivisions of the Green Springs Ranch, approximately 75 parcels averaging about 5 acres each, and the portion of the approved Marble Valley project area which is not currently within the El Dorado Hills Community Services District sphere. Other areas discussed in the study will likely come back to the commission at a later date.

The public hearing on the item was opened.

Art Maranaccio requested that the Commission bring the whole Green Springs area into the sphere.

Gary Forni, Greensprings Ranch Association, stated that the association requires only a majority vote to take an action, and confirmed that a majority of the homeowners have requested this action.

Wayne Lowery, El Dorado Hills Community Services District, requested additional time to develop agreement with Cameron Park on other areas in the study.

Chair Bush closed the public hearing.

Staff reported that Springfield Meadows Community Services District and El Dorado Hills Community Services District have committed to discussions for potential cooperative arrangements for the mutual benefit of both districts.

The commission discussed the sphere and annexation process, signature requirements and the probability of consensus.

MOTION

Commissioner Bradley moved to approve the sphere of influence amendment for Marble Valley and Greensprings Ranch into the El Dorado Hills Community Services District, and the staff recommendation, seconded by Commissioner Lishman.

ACTION

The motion was supported unanimously.

Commissioner Humphreys left the meeting at 7:04 p.m.

5. FEE CAP FOR INCORPORATION

Ms. Chamberlain recommended that the commission retain the existing policies regarding fees.

The commission discussed necessary meetings and how much time would be required to develop the time line and cost estimates.

John Hidahl, Incorporation proponent and chief petitioner, discussed the risk of agencies opposed to incorporation driving up the costs by delaying tactics, and the incorporation committee's desire for accountability.

MOTION

Commissioner Bradley moved to continue this item and have staff bring back to the commission when she feels appropriate, seconded by Commissioner Salazar.

ACTION

The motion was support unanimously.

6. FINAL BUDGET REPORT & TRANSFER OF FUNDS TO COUNTY

Ms. Chamberlain reviewed the budget report.

MOTION

Commissioner Flynn moved to accept staff recommendation, seconded by Commissioner Bradley.

ACTION

The motion was support unanimously.

7. REVIEW OF LAFCO STIPEND

Counsel Parker clarified the difference between a per diem and a stipend for expenses. Based on the information available the stipend originally approved and currently being paid is an approximation of the expenses incurred by commissioners, thus the commission may increase the amount.

MOTION

Commissioner Bradley moved to have the stipend be raised to \$50.00 for both Commissioners and Alternates and adopt staff recommendation, seconded by Commissioner Manard.

ACTION

The motion carried. **AYES:** Salazar, Bradley, Manard, Flynn, Lishman
 NOES: Bush
 ABSENT: Humphreys, Crawford
 ABSTAIN: None

Chair Bush and Alternate Segel commented that they prefer to decline the increase.

8. EXECUTIVE OFFICER COLA & SALARY INCREASE**MOTION**

Commissioner Lishman moved to approve 3% cola increase and place Executive Officer at Step 2 of the current salary scale, seconded by Commissioner Flynn.

ACTION

The motion was supported unanimously.

9. EL DORADO COUNTY AIR POLLUTION CONTROL DISTRICT GRANT**MOTION**

Commissioner Lishman moved to approve the staff recommendation.

ACTION

The motion was supported unanimously.

10. OTHER BUSINESS**A. COMMISSIONER ANNOUNCEMENTS**

Commissioner Salazar asked the Commission to direct staff to develop policies for consent calendar; there was agreement to do so.

B. COUNSEL REPORT

Chair Bush asked staff to prepare material for the reconsideration process for the next meeting and requested counsel opinion to be in the packet also. He stated that he would like to see documentation from counsel and documentation from staff.

Commissioners Lishman, Salazar and Flynn outlined questions they would like addressed and questions regarding the process.

Alternate Platz inquired about fees and costs.

C. EXECUTIVE OFFICER REPORT

There was commission agreement to send the draft letter to the Governor.

11. ADJOURNMENT

Chair Bush adjourned the meeting at 7:52 p.m.
 The next regularly scheduled LAFCO meeting will be October 7, 1999

**APPROVED BY THE COMMISSION
 AUTHENTICATED AND CERTIFIED**


 Clerk to the Commission


 Chairperson