

EL DORADO LAFCO

LOCAL AGENCY FORMATION COMMISSION

APPROVED

MINUTES OF SEPTEMBER 22, 2021

STATE OF CALIFORNIA, COUNTY OF EL DORADO

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The meeting of the Local Agency Formation Commission held September 22, 2021 was called to order at 5:30 p.m. by Chair Hidahl in the Board of Supervisors Chambers, Building A of the Government Center, 330 Fair Lane, Placerville, California. The following Regular Members present were: City Member Jackie Neau, County Members John Hidahl and Wendy Thomas, District Member Brian Veerkamp and Public Member Michael Powell. Others present were: Alternate District Member Michael Saunders, Alternate Public Member Holly Morrison, Interim Executive Officer Erica Sanchez, Administrative Assistant Kelly Witt, and LAFCO Counsel Malathy Subramanian.

2. ROLL CALL

VOTING MEMBERS:

Neau, Powell, Saunders, Thomas, Veerkamp, and Hidahl.

3. ADOPTION OF AGENDA

MOTION

Commissioner Veerkamp moved to adopt the Agenda, second by Commissioner Neau.

ACTION

The motion was approved by the following vote:

AYES: Neau, Powell, Saunders, Thomas, Veerkamp, and Hidahl.

NOES: None

ABSTAIN: None

ABSENT: Bass

4. CONSENT CALENDAR

A. MINUTES OF THE MEETING OF AUGUST 25, 2021

B. REVIEW OF CLAIMS

MOTION

Commissioner Thomas moved to adopt the consent calendar, second by Commissioner Veerkamp.

ACTION

The motion was approved by the following vote:

AYES: Neau, Powell, Saunders, Thomas, Veerkamp, and Hidahl.

NOES: None

NOES: None

ABSTAIN: None

ABSENT: Bass

5. PUBLIC FORUM/PUBLIC COMMENT

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

6. 2021 CALAFCO BOARD OF DIRECTORS ELECTIONS

Ms. Sanchez reviewed the staff memo with the recommendation that the Commission receive the information regarding the 2021 CALAFCO Board of Directors elections and provide direction to Chair Hidahl, as El Dorado LAFCO's voting delegate.

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

MOTION

Commissioner Saunders moved to direct Chair Hidahl to vote for the two incumbents on the ballot, second by Commissioner Thomas.

ACTION

The motion was approved by the following vote:

AYES: Neau, Powell, Saunders, Thomas, Veerkamp, and Hidahl.

NOES: None

ABSTAIN: None

ABSENT: Bass

7. CONSIDER ADOPTION OF RECOMMENDATIONS FROM EXECUTIVE OFFICER AD HOC COMMITTEE REGARDING RECRUITMENT PROCESS OF EXECUTIVE OFFICER, ISSUANCE OF RECRUITMENT BROCHURE INCLUDING EXECUTIVE OFFICER DESCRIPTION, SALARY AND BENEFITS, AND AUTHORIZATION TO CONTRACT WITH A RECRUITMENT FIRM FOR THE EXECUTIVE OFFICER

Chair Hidahl updated the Commission on the work of the Executive Officer ad hoc committee to pursue a professional recruiting firm to assist in the recruitment for the Executive Officer position. Chair Hidahl requested that staff set up a meeting for members of the ad hoc committee to discuss recruitment agency options and costs.

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

8. CONSIDER EXECUTING A CONTRACT WITH CAL INTERNET SERVICES TO PROVIDE SUPPORT SERVICES WHEN NEEDED/REQUESTED TO ENSURE THE EFFECTIVE AND TIMELY CONTINUITY OF LAFCO OPERATIONS UNTIL ADDITIONAL STAFF HAVE BEEN SUCCESSFULLY RECRUITED AND TRAINED

Ms. Sanchez reviewed the staff memo summarizing emergency backup duties and moving forward duties and recommended the Commission consider the information in regards to contract staff support services.

Chair Hidahl updated the Commission on discussions with Shiva Frentzen, owner of CAL Internet Services, and the Interim EO regarding a limited-term contract for emergency backup and other staff support services. Chair Hidahl also updated the Commission on an email quotation submitted by Ms. Frentzen for a not to exceed amount of \$10,000 at an hourly rate of \$175, through December 31, 2021, which would allow for approximately 57 hours of work. The rest of the Commission provided input and discussion on the matter, including clarification that the temporary contract is a stopgap measure until the end of the year, with the scope of the contract focusing on preparation of the FY

2022-23 budget and emergency backup duties, with other duties to be determined as needed by the Interim EO in consultation with the Chair. LAFCO Legal Counsel clarified that the contract would be subject to CalPERS contributions, with LAFCO and Ms. Frentzen responsible for paying the respective employer and employee contributions.

Chair Hidahl opened the public forum.

Chief Maurice "Mo" Johnson, Fire Chief of the El Dorado Hills County Water District and Rescue Fire Protection District, addressed the Commission on the topic of transparency and the optics of pre-selecting an individual.

Tim White, President of the El Dorado Hills County Water District, addressed the Commission on the importance of the consultant's ability to switch roles from providing direction as a former LAFCO Commissioner, to taking direction from the Interim EO as contracted support staff.

MOTION

Chair Hidahl moved to proceed with a contract with Shiva Frentzen, doing business as CAL Internet Services, to provide emerging backup and staff support services, as needed through December 31, 2021, with a not to exceed amount of \$10,000, second by Commissioner Veerkamp.

ACTION

The motion was approved by the following vote:

AYES: Neau, Powell, Saunders, Thomas, Veerkamp, and Hidahl.

NOES: None

ABSTAIN: None

ABSENT: Bass

9. CONSIDER REQUEST FROM COMMISSIONERS THOMAS AND NEAU TO REMOVE PUBLIC MEMBER COMMISSIONER POWELL FROM THE COMMISSION, ALTERNATIVELY, AT THE REQUEST OF THE CHAIR CONSIDER WHETHER COMMISSIONER POWELL'S CONDUCT IS IN VIOLATION OF THE CODE OF CONDUCT AND DECORUM POLICY AND WHETHER TO IMPOSE REMEDIAL ACTIONS

LAFCO Counsel Mala Subramanian reviewed the staff report and recommended the Commission discuss and consider the requests from Commissioners Thomas and Neau and Chair Hidahl. On July 28, 2021, the Commission received correspondence from Commissioners Thomas and Neau that was read into the record of the meeting that requested the Commission to consider a discussion on the removal of Public Member Commissioner Powell, included as Attachment A. In response to this letter, Commissioner Powell submitted two letters, included as Attachments B and C. Chair Hidahl also requested that the Commission consider whether Commissioner Powell's conduct is in violation of Sections 1.8.1.6 and 1.8.1.8 of the Code of Conduct and Decorum Policy and whether the Commission should impose remedial actions rather than removal. Ms. Subramanian covered the procedural steps for removal and censure. Options for the Commission included:

- 1) Remove Commissioner Powell from the Commission.
- 2) By super-majority vote, impose remedial actions as described below, if the Commission finds that Commissioner Powell violated the Code of Conduct and Decorum Policy.
 - a) Issue a letter of warning from the Commission;
 - b) Adopt a resolution expressing disapproval of the conduct of the commissioner and censure by the Commission;

- c) Remove the Commissioner from their position on any LAFCO committees;
- d) Deny or reduce payment of stipend and/or expense reimbursements for meetings of outside organization, if applicable; or
- e) Deny or reduce payment of stipend and/or expense reimbursement for the LAFCO meetings at which the violation(s) occurred.

3) Take no action.

Commissioners Thomas and Neau received ten minutes to summarize their request to remove Public Member Commissioner Powell from the Commission. Next, Commissioner Powell received ten minutes to respond to this request, during which time he also submitted and summarized a letter addressed to the Commission, labeled HANDOUT 1. The rest of the Commission provided input and discussion on the matter.

Chair Hidahl opened the public forum.

Tim White, President of the El Dorado Hills County Water District, addressed the Commission on the topic of technical issues experienced during the teleconferenced LAFCO meetings, and stated this discussion may be sufficient to address the issue, followed by future action, if needed.

Commissioners Thomas and Neau received five minutes to provide their rebuttal and final statements; Commissioner Powell also received five minutes to provide his rebuttal and final statement.

MOTION

Commissioner Thomas motioned to take remedial action Option A, in order to move forward with the intent of being a more productive Commission, to issue a letter of warning to Commissioner Powell from the Commission, signed by Chair Hidahl, notifying Commissioner Powell that his conduct has not been appropriate and is in violation of the Commission's Policies and Guidelines, and to require Commissioner Powell to participate in good governance training. Commissioner Veerkamp seconded the motion.

ACTION

The motion was approved by the following super-majority vote:

AYES: Neau, Powell, Saunders, Thomas, Veerkamp, and Hidahl.
NOES: None
ABSTAIN: None
ABSENT: Bass

10. OTHER BUSINESS

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

Alternate Public Member Holly Morrison addressed the Commission regarding her letter of resignation, submitted under Item 10B.

11. ADJOURMENT

Chair Hidahl adjourned the meeting at 8:06 pm.

The next regularly scheduled LAFCO meeting will be October 27, 2021.

**APPROVED BY THE COMMISSION
AUTHENTICATED AND CERTIFIED**



Interim Executive Officer



Chairperson

