

MINUTES OF DECEMBER 17, 2008

STATE OF CALIFORNIA, COUNTY OF EL DORADO

1. CALL TO ORDER AND ROLL CALL

The meeting of the Local Agency Formation Commission held December 17, 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: City Member Carl Hagen, District Members Ken Humphreys and Harry Norris, County Members Ron Briggs and James Sweeney, and Public Member Francesca Loftis. Others present were: Alternate District Member Michael Cooper, Alternate Public Member Norm Rowett, Executive Officer José C. Henríquez and LAFCO Counsel Andrew Morris.

ROLL CALL - VOTING MEMBERS:

Briggs, Hagen, Humphreys, Loftis, Norris, and Sweeney

2. CONSENT CALENDAR

- A. ADOPTION OF AGENDA
- B. MINUTES OF THE REGULAR MEETING OF SEPTEMBER 24, 2008
- C. APPROVAL OF CLAIMS
- D. APPROVAL OF LAFCO POSITION DESCRIPTIONS
- E. RATIFY RESOLUTION L-2008-31; RESOLUTION OF APPRECIATION FOR TED LONG
- F. SET THE MEETING CALENDAR FOR 2009

MOTION

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

ACTION

The motion was approved by the following vote:

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

3. PUBLIC FORUM/PUBLIC COMMENT

Commissioner Sweeney stated his concerns about the ability of counties to provide for public works when the State has postponed payment of its share of capital improvement project expenses.

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

4. PUBLIC HEARING TO CONSIDER AND AMEND THE PROJECT PLAN FOR THE SCOPE OF THE MUNICIPAL SERVICE REVIEWS SCHEDULED FOR 2008-09

Mr. Henríquez reviewed the staff report with the recommendation that the Commission approve the submitted revision to the MSR project plan and to the 2008-09 Budget Workplan.

The Commission deliberated on whether the scope of the MSR should be altered and, if so, what the review should cover, what process should be followed and what groups should be invited to participate.

Chair Loftis opened the public forum.

Chief Robert Gill, representing Pioneer Fire Protection District, stated the Chiefs Association is trying to get a plan together for a study of where the districts are currently with fire protection, which direction do they want to go, and be within the parameters of being fiscally responsible. He represents one of the eight districts that get the augmentation funds. Their budget is balanced, everything is accounted for, and they are doing the best that they can with the funding that they have and they are trying to protect it. Chief Gill was skeptical that outside testimony would provide greater insight into service provision. He appreciates the Commission taking the time to listen to the chiefs and he wants to let everyone know that they are doing the best they can with their resources.

Chief Todd Cunningham, representing Diamond Springs/El Dorado Fire Protection District, stated he has concerns about the MSR process, commenting that they just finished an MSR; it does occupy his staff time; creates an impact for his district; and he is not able to assess or see a tangible benefit from the last report, which he believes was flawed, other than it is a bureaucratic, redundant process that they go through to meet a requirement of the law. He generally objects to another MSR because the timing is premature and, while he knows the information in it is stale, it is still premature. He also objects to the underlying assumption that consolidation is the answer. Chief Cunningham also stated that a good MSR, better than the one they did last time, with fresher data, data that they can refresh frequently, that they can use as an "ethical" reference source is of more value than trying to rush to a suggestion of a solution before they even know what the problem is and before they can even convince the constituency that it exists. He is asking for the Commission to back up a little bit and let them build a really strong ethical MSR that LAFCO can easily update frequently with very little expense that the Commission can stand by ethically and testify to.

Mr. Sedgwick, representing the Grand Jury, stated he was a current member of the Grand Jury and also a member of last year's jury that did the work on the report that came out. This year's Grand Jury is very interested in the subject and they would be more than happy to participate, if asked.

Chief Brian Veerkamp, representing El Dorado Hills County Water District, stated now is the perfect opportunity to create a system that looks ahead of the problem and that LAFCO County and fire districts owe it to the taxpayers to make the effort.

1st MOTION

Commissioner Briggs moved to approve to amend the project plan for the scope of the Municipal Service Reviews for the fiscal year of 2008-09, second by Commissioner Humphreys.

ACTION

The motion was withdrawn by Commissioner Briggs.

2nd MOTION

Commission Briggs moved to direct staff to coordinate meeting with the chiefs and grand jurors to ask questions to address suggestions on life after augmentation funds are removed. In addition, the Ad Hoc Committee is to include Commissioner Briggs, Commissioner Humphreys and Chair Loftis.

ACTION

The motion was approved by the following vote:

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

5. CONSIDERATION AND DESIGNATION OF CSA LATENT POWERS

Mr. Henriquez reviewed the staff report and recommended that the Commission adopt the submitted matrix designating the authorized powers of the six county service areas in El Dorado County. Any power listed in Government Code §25210.4 or §25210.4a (to be renumbered GC §25213 effective January 1, 2008) that is not on the inventory becomes a "latent service."

The Commission deliberated the merits of approving the list of CSA authorized powers prior to January 1, 2009 and the potential ramifications of that action.

MOTION

Commissioner Humphreys moved to approve the list as a preliminary list subject to amendment later after County review, second by Chair Loftis.

ACTION

The motion was approved by the following vote:

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

6. OTHER BUSINESS

A. LEGISLATION

B. COMMISSIONER ANNOUNCEMENTS

1. Designation of Ad Hoc Budget Committee to Draft and Present a Budget for Fiscal Year 2009-10 to the Commission and Create a Work Plan For Staff. Commissioners Humphreys and Norris and Chair Loftis were designated as the members of the committee.

C. COUNSEL REPORT

D. EXECUTIVE OFFICER REPORT

7. CLOSED SESSION

Chair Loftis adjourned to Closed Session.

Public Employee Performance Evaluation:

Position Title: Executive Officer

Chair Loftis re-adjourned to Open Session. There was nothing to report from closed session.

8. AMENDMENT TO EXECUTIVE OFFICER CONTRACT—SET CONTRACT TERM

The Commission was asked to consider the results of the Executive Officer's performance evaluation and take such action with regard to the proposed contract amendment as deemed appropriate.

MOTION

Commissioner Norris moved to extend the Executive Officer's contract for two years until December 31, 2010, and directed staff counsel to recommend changes to Section 2F, 3D and 4A of the contract, second by Commissioner Hagen.

ACTION

The motion was approved by the following vote:

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

NOES: None

ABSTAIN: None

ABSENT: Acuna

9. ADJOURNMENT

Chair Loftis adjourned the meeting at 8:45 pm.

MOTION


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

ACTION

The motion was unanimously approved by the Commission.

The next regularly scheduled LAFCO meeting will be January 28, 2009.

**APPROVED BY THE COMMISSION
AUTHENTICATED AND CERTIFIED**



Interim Clerk to the Commission



Chairperson