

# EL DORADO LAFCO

LOCAL AGENCY FORMATION COMMISSION

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## *AGENDA OF FEBRUARY 24, 2010*

### *REGULAR MEETING*

**TO:** Ken Humphreys, Chair, and  
Members of the El Dorado County Local Agency Formation  
Commission

**FROM:** José C. Henríquez, Executive Officer

**PREPARED BY:** Erica Sanchez, Policy Analyst

**AGENDA ITEM #5:** CONTINUED PUBLIC HEARING TO CONSIDER THE  
ENVIRONMENTAL REVIEW, MUNICIPAL SERVICE REVIEW  
AND SPHERE OF INFLUENCE UPDATE FOR THE  
GREENSTONE COUNTRY COMMUNITY SERVICES  
DISTRICT

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### **RECOMMENDATION**

Staff recommends that the Commission:

1. Receive and discuss the information related to the municipal services review and sphere of influence update for the Greenstone Country Community Services District;
2. Accept the statutory exemption as the appropriate environmental review and adopt the municipal service review and sphere of influence update for the Greenstone Country Community Services District.

If the Commission adopts the municipal service review and accompanying resolution with the staff recommended changes, it would designate security services as an active power and law enforcement services as a latent power for the Greenstone Country CSD.

### **REASON FOR RECOMMENDED ACTION**

The provision of funds to provide staffing for a security gate is more accurately defined as a security service than as a law enforcement service.

### **BACKGROUND**

At the January 27, 2010 public hearing to consider adoption of the Final MSR/SOI for Greenstone Country CSD, concerns were brought forth by the Commission regarding "law enforcement" services as an active power provided by the District. Specifically, Commissioners questioned whether the CSD could provide funding to the Greenstone Country Homeowner's Association for staffing of the security gate under the

authorization of law enforcement services. The Commission voted to continue the item to the February 24, 2010 meeting so that staff could address this concern.

Research into the Greenstone Country's formation records found that the District was originally authorized to provide both law enforcement and security services, based on the classification of authorized services in the Government Code at the time. In 1982, CSD Law defined, "*The equipment and maintenance of a police department or other police protection to protect and safeguard life and property,*" as a single service that could be provided by a community services district. Government Code §61100 has since been updated to separate the two powers into law enforcement functions and security functions as follows:

- (i) *Provide police protection and law enforcement services by establishing and operating a police department that employs peace officers pursuant to Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code.*
- (j) *Provide security services, including, but not limited to, burglar and fire alarm services, to protect lives and property.*

Given the separation of the two powers, the provision of funding for a security gate guard should be classified as a security service, not a law enforcement service. Therefore, staff recommends that the Commission establish security services as an active power and designate law enforcement as a latent power. This would allow Greenstone Country to continue to provide funding for staffing of the security gate under the security services authorization, while removing the ability for the District to provide any type of police protection and law enforcement services without prior LAFCO approval. Appropriate changes to this effect have been made within the attached MSR (most notably within the District summary on page 8 and under the description of services provided on page 10) and within the draft resolution recitals and determinations establishing active and latent powers for the District.

Attachments:

Attachment A: Greenstone Country CSD Municipal Service Review and Sphere of Influence Update (LAFCO Project #2009-06)

Attachment B: Notice of Exemption

Attachment C: LAFCO Draft Resolution L-2010-03

Attachment C, Exhibit A: Proposed Greenstone Country CSD SOI Map