

EL DORADO LAFCO  
LOCAL AGENCY FORMATION COMMISSION

APPROVED

MINUTES OF DECEMBER 5, 2012

STATE OF CALIFORNIA, COUNTY OF EL DORADO

1. **CALL TO ORDER AND ROLL CALL**

The meeting of the Local Agency Formation Commission held December 5, 2012, was called to order at 5:30 p.m. by Chair Briggs in the Board of Supervisors Chambers, Building A of the Government Center, 330 Fair Lane, Placerville, California and at the South Lake Tahoe City Council Chambers, 1901 Airport Road, South Lake Tahoe, California. Regular Members present were: City Members Bruce Grego and Wendy Mattson, District Member Ken Humphreys, County Members Ron Briggs and James R. Sweeney, and Public Member Don Mette. Others present were: Alternate District Member Shiva Frentzen, Alternate Public Member Niles J. Fleege, Executive Officer José C. Henríquez, Policy Analyst Erica Sanchez, and LAFCO Counsel Kara Ueda.

**VOTING MEMBERS:**

Briggs, Frentzen, Grego, Humphreys, Mattson, Mette, Sweeney

Pursuant to California Government Code Section 54953, Chair Briggs made clear for the record of the meeting that one member of the Commission would be participating in the meeting by speaker phone. In accordance with the Brown Act, the teleconference location had been identified in the public notice and agenda for the meeting.

Chair Briggs briefly went through some special procedures required by the Brown Act. Commissioner Grego made the following statements:

- (1) Commissioner Grego confirmed he could hear Chair Briggs.
- (2) Commissioner Grego confirmed he could hear the proceedings occurring on the Placerville site.
- (3) Commissioner Grego confirmed he had a copy of the agenda.
- (4) Commissioner Grego confirmed the LAFCO agenda was posted at his location.
- (5) Commissioner Grego confirmed that his location was reasonably accessible to the public, such that any member of the public could participate in the teleconference from his location if he or she wished to do so.
- (6) Commissioner Grego indicated that there were no members of the public who wanted to participate in the public comment portion of the meeting, or otherwise address any agenda item for the meeting.

After confirming with the members in the Placerville location, Chair Briggs stated that the record should reflect that all Commissioners present had indicated that they were able to hear Commissioner Grego clearly.

2. **ADJOURNMENT TO CLOSED SESSION**

Chair Briggs moved the meeting to Closed Session.

- A. Significant exposure to litigation pursuant to Government Code Section 54956.9(b): One case
- B. Conference with labor negotiators pursuant to Government Code Section 54957.6.

**3. RECONVENE TO OPEN SESSION AND CLOSED SESSION REPORT**

Counsel indicated there was nothing to report out of closed session. Chair Briggs reconvened the meeting to Open Session.

**4. PLEDGE OF ALLEGIANCE TO THE FLAG**

**5. ADOPTION OF AGENDA**

**MOTION**

Commissioner Mattson moved to adopt the Agenda, second by Chair Briggs.

**ACTION**

The motion was approved by the following vote:

AYES: Frentzen, Grego, Humphreys, Mattson, Mette, Sweeney, Briggs

NOES: None

ABSTAIN: None

ABSENT: None

**6. CONSENT CALENDAR**

A. MINUTES OF THE REGULAR MEETING OF OCTOBER 24, 2012

B. REVIEW OF CLAIMS

C. ADOPTION OF RESOLUTION L-2012-11 – LAFCO SALARY SCHEDULE

D. CONTINUE THE PUBLIC COMMENT PERIOD FOR THE SOUTH TAHOE PUBLIC UTILITY DISTRICT MUNICIPAL SERVICE REVIEW AND SPHERE OF INFLUENCE STUDY (LAFCO PROJECT NO. 2012-01)

E. SET THE MEETING CALENDAR FOR 2013

**MOTION**

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

**ACTION**

The motion was approved by the following vote:

AYES: Frentzen, Grego, Humphreys, Mattson, Mette, Sweeney, Briggs

NOES: None

ABSTAIN: None

ABSENT: None

**7. PUBLIC FORUM/PUBLIC COMMENT**

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

**8. PUBLIC HEARING TO CONSIDER AND ADOPT THE ENVIRONMENTAL REVIEW AND THE SHINGLE SPRINGS RANCHERIA REORGANIZATION TO THE EL DORADO IRRIGATION DISTRICT (LAFCO PROJECT NO. 2012-04).**

Mr. Henríquez reviewed the events surrounding the Shingle Springs Rancheria from 1998 to present. Mrs. Sanchez reviewed the staff report with the recommendation that the Commission:

1. Accept the Environmental Impact Report prepared and certified by EID as the appropriate environmental document for the proposal and direct staff to file the Notice of Determination with the County Clerk-Recorder in compliance with CEQA and local ordinances implementing the same.



2. Adopt LAFCO Resolution L-2012-12, detaching the affected territory with a concurrent re-annexation for the provision of water service, adding any additional conditions the Commission finds appropriate and approve the Shingle Springs Rancheria Reorganization to the El Dorado Irrigation District.
3. Waive the Conducting Authority proceedings subject to Government Code §56663 and local policies for this proposal.
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.

Chair Briggs opened the public forum.

Kristen Mackey, representing herself, asked the Commission if they had checked tribal IDs to see if the people LAFCO is working with are recognized by the Bureau of Indian Affairs (BIA) and have actual tribal identification. She asked if the group of people that claim to be Indians that are residing on the Rancheria have official BIA tribal identification. She commented that if they do not, then they are not Indians, LAFCO should not be doing business with them and should be asking for identification, which has not been done. If they are purporting to be Shingle Springs Band of Miwok Indians, that identification should say Miwok. She added that their BIA tribal identification should say Miwok on it, especially tribal council members and chairmen. She stressed that they should not be acting as though they are Miwok, claiming they are Miwok and proclaiming that they are Miwok unless they have that identification from the BIA. She also asked where the documentation from the BIA was that shows they are the Shingle Springs Band of Miwok Indians. She asserted that they are the Sacramento Verona Band of Homeless Indians from Sutter County. She claimed that their census records and their genealogy show that and, for their own benefit, they have changed their name so that they could build a casino. She emphasized that they are not Miwoks and every contract that they enter into is fraudulent; and asserted that they have entered into many contracts that are fraudulent with the state of California, with the County, and with the Board of Supervisors, who knowingly entered into contracts with them knowing they were not Miwoks. She claimed that the identification documents need to be shown or else the Board members are all responsible for fraudulent contracts.

Commissioner Grego asked if the passage of the EIR would permit the Red Hawk casino to expand its facilities.

Mr. Henriquez stated the 2008 Memorandum of Understanding (MOU) between the Tribe and EID spoke to that question and read the MOU's Section E. He added that EID does have sufficient water to provide service to the Rancheria and it will not negatively impact the existing customers or surrounding area.

#### **MOTION**

Commissioner Humphreys moved to adopt the Environmental Review, the Shingle Springs Rancheria Reorganization and LAFCO Resolution L-2012-12, second by Commissioner Sweeney.

#### **ACTION**

The motion was approved by the following vote:

AYES: Frentzen, Humphreys, Mattson, Mette, Sweeney, Briggs  
NOES: Grego  
ABSTAIN: None  
ABSENT: None

**9. PUBLIC HEARING TO CONSIDER AND ADOPT THE CONTRACT BETWEEN EL DORADO LAFCO AND THE CALIFORNIA PUBLIC RETIREMENT SYSTEM**

Mr. Henríquez reviewed the staff report with the recommendations that the Commission approve Resolution L-2012-13, which signifies LAFCO's consent to enter into a contract with the California Public Employees Retirement System and authorize the Chair to sign the contract with CalPERS and the Reallocation Agreement between the County, CalPERS and LAFCO.

Chair Briggs opened the public forum.

**MOTION**

Commissioner Sweeney moved to adopt the contract between El Dorado LAFCO and the California Public Retirement System, second by Commissioner Humphreys.

**ACTION**

The motion was approved by the following vote:

AYES: Frentzen, Grego, Humphreys, Mattson, Mette, Sweeney, Briggs  
NOES: None  
ABSTAIN: None  
ABSENT: None

**10. OTHER BUSINESS**

- A. LEGISLATION
- B. COMMISSIONER ANNOUNCEMENTS  
Commissioners Mette and Frentzen volunteered to be on the Budget Ad Hoc committee.
- C. COUNSEL REPORT
- D. EXECUTIVE OFFICER REPORT

**11. ADJOURNMENT TO CLOSED SESSION**

Public Employee Performance Evaluation:

Position Title: Executive Officer

**12. RECONVENE TO OPEN SESSION AND CLOSED SESSION REPORT**

Counsel indicated there was nothing to report out of closed session. Chair Briggs reconvened the meeting to Open Session.

**13. CONSIDER AMENDMENT TO THE EXECUTIVE OFFICER'S CONTRACT**

Mr. Henríquez reviewed the staff report with the recommendation that the Commission consider the results of the Executive Officer's performance evaluation and take any action regarding the proposed contract amendment as deemed appropriate.

**MOTION**

Commissioner Sweeney moved to increase the Executive Officer to the 5<sup>th</sup> step and extend the contract to December 31, 2014, second by Commissioner Humphreys.

**ACTION**

The motion was approved by the following vote:

AYES: Frentzen, Grego, Humphreys, Mattson, Mette, Sweeney, Briggs  
NOES: None  
ABSTAIN: None  
ABSENT: None

**14. ADJOURNMENT**

Chair Briggs adjourned the meeting at 6:45 pm.

The next regularly scheduled LAFCO meeting will be January 23, 2013.

**APPROVED BY THE COMMISSION  
AUTHENTICATED AND CERTIFIED**

  
Interim Clerk to the Commission

  
Chairperson