

MINUTES OF JANUARY 27, 2010

STATE OF CALIFORNIA, COUNTY OF EL DORADO

1. CALL TO ORDER AND ROLL CALL

The meeting of the Local Agency Formation Commission held January 27, 2010 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 and at the South Lake Tahoe City Council Chambers, 1901 Airport Road, South Lake Tahoe, California. Regular Members present were: City Member Jerry Birdwell, District Member Ken Humphreys, County Member Ron Briggs, and Public Member Francesca Loftis. Others present were: Alternate City Member Mark Acuna, Alternate District Member Michael Cooper, Alternate Public Member Norm Rowett, Executive Officer José C. Henríquez, Policy Analyst Erica Sanchez, and LAFCO Counsel Andrew Morris.

Prior to roll call, pursuant to California Government Code Section 54953, Chair Loftis 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.

ROLL CALL - VOTING MEMBERS:

Acuna, Birdwell, Briggs, Cooper, Humphreys, Loftis

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

- (1) Commissioner Birdwell stated he could not hear Mr. Henríquez. After Mr. Henríquez repeated his statement, Commissioner Birdwell confirmed to Chair Loftis he could hear.
- (2) Commissioner Birdwell confirmed he could hear the proceedings occurring on the Placerville site.
- (3) Commissioner Birdwell confirmed he had a copy of the agenda.
- (4) Commissioner Birdwell confirmed the LAFCO agenda was posted at his location.
- (5) Commissioner Birdwell 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 Birdwell 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 Loftis stated that the record should reflect that all Commissioners present had indicated that they were able to hear Commissioner Birdwell clearly.

After confirming with the members present at the Placerville location, Chair Loftis stated that the record should reflect that no Commissioner had expressed doubt that Commissioner Birdwell was the party participating by teleconference.

2. CONSENT CALENDAR

- A. ADOPTION OF AGENDA
- B. MINUTES OF THE REGULAR MEETING OF DECEMBER 2, 2009.
- C. APPROVAL OF CLAIMS

MOTION

Commissioner Briggs moved to adopt the consent calendar, second by Commissioner Cooper.

ACTION

The motion was approved by the following vote:

AYES: Acuna, Birdwell, Briggs, Cooper, Humphreys, Loftis
NOES: None
ABSTAIN: None
ABSENT: Sweeney

3. PUBLIC FORUM/PUBLIC COMMENT

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

4. ELECTION OF LAFCO OFFICERS FOR 2010

Mr. Henriquez notified the Commission of the policy to select a Chair and Vice-Chair in the month of January. He added that the Commission should vote for a third signatory for check signing. Also, he reminded the Commission the person selected as chair can only serve two terms, per the Commission's Policies and Guidelines.

1st MOTION

Chair Loftis nominated Commissioner Humphreys for the position of Chair, second by Commissioner Birdwell.

1st ACTION

The motion was approved by the following vote:

AYES: Acuna, Birdwell, Briggs, Cooper, Humphreys, Loftis
NOES: None
ABSTAIN: None
ABSENT: Sweeney

2nd MOTION

Commissioner Cooper nominated Commissioner Norris for the position of Vice-Chair.

2nd ACTION

The motion did not carry due to lack of a second.

3rd MOTION

Commissioner Briggs nominated Chair Loftis for Vice-Chair, second by Commissioner Birdwell.

3rd ACTION

The motion was approved by the following vote:

AYES: Acuna, Birdwell, Briggs, Humphreys, Loftis
NOES: Cooper
ABSTAIN: None
ABSENT: Sweeney

4th MOTION

Commissioner Humphreys nominated Commissioner Briggs for a third signatory, second by Chair Loftis.

4th ACTION

The motion was approved by the following vote:

- AYES: Acuna, Birdwell, Briggs, Cooper, Humphreys, Loftis
- NOES: None
- ABSTAIN: None
- ABSENT: Sweeney

5. PUBLIC HEARING TO CONSIDER AND ADOPT THE ENVIRONMENTAL REVIEW AND THE MUNICIPAL SERVICES REVIEW AND SPHERE OF INFLUENCE UPDATE FOR THE AUDUBON HILLS COMMUNITY SERVICES DISTRICT (LAFCO PROJECT #2009-03)

Mrs. Sanchez reviewed the staff report with the recommendation that the Commission:

1. Receive and discuss the information related to the municipal services review and sphere of influence update for the Audubon Hills Community Services District;
2. Open the public hearing on this matter;
3. Accept the statutory exemption from environmental review as the appropriate environmental review;
4. Adopt the municipal service review and sphere of influence update for the Audubon Hills Community Services District; and
5. Direct staff to complete the necessary filings and transmittals as required by law.

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

MOTION

Commissioner Loftis moved to adopt staff recommendations and approve LAFCO Resolution Number L-2010-02, second by Commissioner Cooper.

ACTION

The motion was approved by the following vote:

- AYES: Acuna, Birdwell, Briggs, Cooper, Loftis, Humphreys
- NOES: None
- ABSTAIN: None
- ABSENT: Sweeney

6. PUBLIC HEARING TO CONSIDER AND ADOPT THE ENVIRONMENTAL REVIEW AND THE MUNICIPAL SERVICES REVIEW AND SPHERE OF INFLUENCE UPDATE FOR THE GREENSTONE COUNTRY COMMUNITY SERVICES DISTRICT (LAFCO PROJECT #2009-06)

Mrs. Sanchez reviewed the staff report with the recommendation 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. Open the public hearing on this matter;
3. Accept the statutory exemption from environmental review as the appropriate environmental review;
4. Adopt the municipal service review and sphere of influence update for the Greenstone Country Community Services District; and

5. Direct staff to complete the necessary filings and transmittals as required by law.

Commissioner Cooper questioned whether a Homeowners Association employee manning a security gate could be termed a "law enforcement" person and thought it was a misnomer to specify that they are doing law enforcement.

LAFCO Counsel, Andrew Morris, stated he shared Commissioner Cooper's concerns to a point; he was not positive that that would work under the law; they would have to go back and take a look to see whether it does qualify as "law enforcement."

Mr. Henríquez stated if this issue was of sufficient concern to the Commission, the recommendation would be to postpone action on the MSR, give staff adequate time to research and come back with the finding of that research.

Commissioner Cooper further indicated that he wanted it noted in the reports that, if an agency has a latent service, which agency is providing that same service because, later down the road, there may be a conflict over it.

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

MOTION

Commissioner Briggs moved to continue the item to the February 24 meeting and directed staff to fully vet what "law enforcement" expenditures mean within a CSD and to give the Commission a determination of whether or not Greenstone Country CSD is properly accounting for the expenditures, second by Commissioner Cooper.

ACTION

The motion was approved by the following vote:

AYES: Acuna, Birdwell, Briggs, Cooper, Loftis, Humphreys
 NOES: None
 ABSTAIN: None
 ABSENT: Sweeney

7. PUBLIC HEARING TO CONSIDER AND ADOPT THE ENVIRONMENTAL REVIEW AND THE MUNICIPAL SERVICES REVIEW AND SPHERE OF INFLUENCE UPDATE FOR THE WEST EL LARGO COMMUNITY SERVICES DISTRICT (LAFCO PROJECT #2009-07)

Mrs. Sanchez reviewed the staff report with the recommendation that the Commission:

1. Receive and discuss the information related to the municipal services review and sphere of influence update for the West El Largo Community Services District;
2. Open the public hearing on this matter;
3. Accept the statutory exemption from environmental review as the appropriate environmental review;
4. Adopt the municipal service review and sphere of influence update for the West El Largo Community Services District; and
5. Direct staff to complete the necessary filings and transmittals as required by law.

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

MOTION

Commissioner Acuna moved to adopt staff recommendations and approve LAFCO Resolution Number L-2010-04, second by Commissioner Loftis.

ACTION

The motion was approved by the following vote:

AYES: Acuna, Birdwell, Briggs, Cooper, Loftis, Humphreys
NOES: None
ABSTAIN: None
ABSENT: Sweeney

8. OTHER BUSINESS

A. LEGISLATION

B. COMMISSIONER ANNOUNCEMENTS

The Commission received the latest status on the Fire Study from Citygate Associates.

C. COUNSEL REPORT

D. EXECUTIVE OFFICER REPORT

9. CLOSED SESSION**1st MOTION**

Commissioner Loftis moved to have alternates sit in on the Closed Session for the Executive Officer's performance evaluation, second by Chair Humphreys.

1st ACTION

The motion was approved by the following vote:

AYES: Acuna, Birdwell, Cooper, Loftis, Humphreys
NOES: Briggs
ABSTAIN: None
ABSENT: Sweeney

Chair Humphreys adjourned to Closed Session.

Public Employee Performance Evaluation

Position Title: Executive Officer

Chair Humphreys re-adjourned to Open Session. He reported that there was a unanimous vote of the Commission to raise the Executive Officer to Step 5, effective January 3, 2010.

Commissioner Birdwell left the meeting at 7:25 pm.

10. CONSIDER AMENDMENT TO THE EXECUTIVE OFFICER 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 such action with regard to the proposed contract amendment as deemed appropriate.

MOTION

Commissioner Acuna moved to amend the Executive Officer contract to Step 5, second by Commissioner Loftis.

ACTION

The motion was approved by the following vote:

AYES: Acuna, Briggs, Cooper, Loftis, Humphreys
NOES: None
ABSTAIN: None
ABSENT: Birdwell, Sweeney

11. ADJOURNMENT

MOTION

Commissioner Loftis moved to adjourn the meeting, second by Commissioner Cooper.

ACTION

The motion was approved by the following vote:

- AYES: Acuna, Briggs, Cooper, Loftis, Humphreys
- NOES: None
- ABSTAIN: None
- ABSENT: Birdwell, Sweeney

Chair Humphreys adjourned the meeting at 7:30 pm.

The next regularly scheduled LAFCO meeting will be February 24, 2010.

**APPROVED BY THE COMMISSION
AUTHENTICATED AND CERTIFIED**



Interim Clerk to the Commission


Chairperson