

MINUTES OF OCTOBER 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 October 27, 2010 was called to order at 5:30 p.m. by Chair Humphreys 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 Harry Norris and Ken Humphreys, County Members Ron Briggs and James Sweeney, and Public Member Don Mette. Others present were: Alternate Public Member Norm Rowett, Executive Officer José C. Henríquez, Policy Analyst Erica Sanchez, and LAFCO Counsel Andrew Morris.

ROLL CALL - VOTING MEMBERS:

Briggs, Hagen, Humphreys, Mette, Norris, Sweeney

2. CONSENT CALENDAR

- A. ADOPTION OF AGENDA
- B. MINUTES OF THE REGULAR MEETING OF AUGUST 25, 2010
- C. REVIEW OF CLAIMS
- D. CORRECTION OF REVIEW OF CLAIMS FOR AUGUST 25, 2010
- E. APPROVAL OF CONTACT WITH INCREMENTUM FOR THE CREATION OF AN ELECTRONIC DOCUMENT MANAGEMENT SYSTEM

MOTION

Commissioner Hagen moved to adopt the consent calendar, second by Commissioner Norris.

ACTION

The motion was approved by the following vote:

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

NOES: None

ABSTAIN: None

ABSENT: Birdwell

3. PUBLIC FORUM/PUBLIC COMMENT

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

4. PUBLIC HEARING TO CONSIDER AND ADOPT THE ENVIRONMENTAL REVIEW AND THE EL DORADO UNION HIGH SCHOOL DISTRICT ANNEXATION TO THE EL DORADO IRRIGATION DISTRICT (LAFCO PROJECT NO. 2009-09)

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

1. Recognize that the El Dorado Union High School District (EDUHSD), as the lead agency for this project, has prepared an Environmental Impact Report, a Mitigated Negative Declaration and CEQA determinations which have been found to be adequate for the purposes of the

reorganization and direct staff to file the Notices of Determination in compliance with CEQA and local ordinances implementing the same.

2. Adopt LAFCO Resolution L-2010-14 (Attachment F), adding any additional conditions the Commission finds appropriate and approve the El Dorado Union High School District Latrobe Road Property Annexation into the El Dorado Irrigation District.
3. Waive the Conducting Authority Proceedings subject to Government Code §56663 and local policies.
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.

Commissioner Rowett questioned why this project is not a candidate for annexation into the El Dorado Hills Community Service District (EDHCSD), as Oak Ridge High School currently has joint usage agreements with EDHCSD.

Mrs. Sanchez replied that the High School District staff had no objections to annexing into the CSD, if the District were interested in annexing EDUHSD's property into the CSD. EDHCSD was notified and requested to provide any comments or input they had for the project; however, no comment was received. Mr. Henríquez added that staff also spoke with EDHCSD staff verbally and the district did not indicate they were interested in annexation.

Commissioner Mette asked if EDUHSD would pay any additional LAFCO fees if they were to be annexed into EDHCSD.

Mr. Henríquez replied that there would be no additional fees from LAFCO.

Chair Humphreys opened the public forum.

Mr. Bill Wright, representing El Dorado Union High School District, commented on the CSD issue that they would not oppose it, but would support it, as the schools actively support joint usage agreements. They are trying to get ahead of development; the project had been started a long time ago with the thought of being proactive, instead of reactive.

MOTION

Commissioner Sweeney moved to approve the annexation, adopt the Environmental Review and LAFCO Resolution, L-2010-14, second by Commissioner Briggs.

ACTION

The motion was approved by the following vote:

AYES: Briggs, Hagen, Mette, Norris, Sweeney, Humphreys
 NOES: None
 ABSTAIN: None
 ABSENT: Birdwell

5. PUBLIC HEARING TO CONSIDER AND ADOPT THE ENVIRONMENTAL REVIEW AND THE DIAMOND SPRINGS/EL DORADO FIRE PROTECTION DISTRICT DETACHMENT OF THE SHINGLE SPRINGS RANCHERIA (LAFCO PROJECT NO. 2010-05)

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

1. Find that the project is exempt from provisions of the California Environmental Quality Act under Categorical Exemption §15320 and direct staff to file the Notice of Exemption in compliance with CEQA and local ordinances implementing the same.

2. Find that the project is exempt from provisions of the California Environmental Quality Act under Categorical Exemption §15320 and direct staff to file the Notice of Exemption in compliance with CEQA and local ordinances implementing the same.
3. Adopt LAFCO Resolution L-2010-15 (Attachment F), adding any additional conditions the Commission finds appropriate and approve the Diamond Springs/El Dorado Fire Protection District Detachment of the Shingle Springs Rancheria.
4. Set the Conducting Authority proceedings for this proposal on December 1, 2010 and direct the Executive Officer to open the protest period and notify the appropriate parties pursuant to Government Code §57000 and local policies.
5. Direct the Executive Officer to complete the necessary filings and transmittals as required by law.
6. 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 Humphreys opened the public forum.

AmyAnn Taylor, General Legal Counsel representing the Shingle Springs Band of Miwok Indians, stated they had not been properly noticed. She stated that although the Bureau of Indian Affairs (BIA) is the landowner, it is the Tribe that owns this property. The Tribe wants the opportunity to comment; they do not want to be turned into an island. Additionally, there is litigation revolving around the Tribe's contract with the El Dorado County Fire District, so the Tribe requests that any action be held off until that litigation is resolved.

Marilyn Delgado, Tribal Administrator representing the Shingle Springs Rancheria, asked the Commission to refrain from any detachment until after the litigation and other service provision matters are resolved.

Tim Cremin, Attorney representing El Dorado County FPD, summarized for the Commission the status of the lawsuit between the two districts. The Tribe is not a party to the lawsuit. He thinks intertwining the process with the lawsuit does present some timing issue and how it affects the Commission's process. From his perspective, he is not sure if the Commission needs to tie the notice issue with the litigation issue.

Robert Combs, Assistant Chief Fire Marshal representing Diamond Springs-El Dorado Fire Protection District, stated that he was not as familiar with the aspects of the lawsuit. He provided a history of fire suppression in the Rancheria and stated that the premise of the action is to resolve the lawsuit by stating DSP will no longer have any responsibility for that area because El Dorado County Fire will have responsibility for fire protection through their contractual agreement with the Tribe.

The Commission deliberated their options available to them, including altering the proposal to involve a concurrent annexation so that their action is not solely of detaching the Rancheria from a fire district. The Commission also deliberated their ability to postpone taking action.

Mr. Cremin added that he thought continuing the detachment would give the parties an opportunity to talk, further evaluate the proposal and return to the Commission with possible alternatives that are different from those currently available to LAFCO.

MOTION

Commissioner Mette moved to continue the Diamond Springs/El Dorado Fire Protection District Detachment to the January meeting, second by Commissioner Sweeney.

ACTION

The motion was approved by the following vote:

AYES: Briggs, Hagen, Mette, Norris, Sweeney, Humphreys
NOES: None
ABSTAIN: None
ABSENT: Birdwell

6. PUBLIC HEARING TO CONSIDER AND ADOPT THE ENVIRONMENTAL REVIEW AND THE MUNICIPAL SERVICES REVIEW AND SPHERE OF INFLUENCE UPDATE FOR THE CAMERON PARK AIRPORT DISTRICT (LAFCO PROJECT NO. 2009-11)

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

1. Receive and discuss the information related to the municipal services review and sphere of influence update for Cameron Park Airport District;
2. Open the public hearing on the matter;
3. Accept statutory exemption §15061(b)(3) from environmental review as the appropriate environmental review;
4. Adopt Resolution L-2010-16, adopting the municipal service review and sphere of influence update for the Cameron Park Airport District; and
5. Direct staff to complete the necessary filings and transmittals as required by law.

MOTION

Commissioner Norris moved to adopt the Cameron Park Airport District Municipal Service Review and the Sphere of Influence, and approve LAFCO Resolution L-2010-16, second by Commissioner Mette.

ACTION

The motion was approved by the following vote:

AYES: Briggs, Hagen, Mette, Norris, Sweeney, Humphreys
NOES: None
ABSTAIN: None
ABSENT: Birdwell

7. DISCUSSION ON ISSUES TO ADDRESS IN THE INFORMATIONAL HEARING FOR THE MEEKS BAY FIRE PROTECTION DISTRICT REORGANIZATION (LAFCO PROJECT NO. 2010-04)

Staff recommended that the Commission postpone the informational hearing for the Meeks Bay Fire Protection District Reorganization until the December 1, 2010 meeting per a request made by the District, and inform staff of any specific issues they would like to see covered at the informational hearing, beyond what is covered in the letter from Commissioner Sweeney, included in the report as Attachment A.

After the discussion, the Commission directed staff to address all items in Commissioner Sweeney's letter in addition to the following:

1. Whether LAFCO should develop a policy that specifies how these types of petitions will be treated, specifying an exemption to any policy that discourages the creation of service islands;
2. Whether any structures on public lands generate any revenue that could be captured by a local agency to offset the cost of providing service, how that revenue is distributed, and whether local benefit assessments and special taxes could be extended to them;
3. How other LAFCOs treat these types of situations and whether they only annex the leased lands but not the surrounding public land.

8. OTHER BUSINESS

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

9. ADJOURNMENT

MOTION

Commissioner Briggs moved to adjourn the meeting, second by Commissioner Mette.

ACTION


The motion was approved by the following vote:

- AYES: Briggs, Hagen, Mette, Norris, Sweeney, Humphreys
- NOES: None
- ABSTAIN: None
- ABSENT: Birdwell

Chair Humphreys adjourned the meeting at 7:00 pm.

The next regularly scheduled LAFCO meeting will be December 1, 2010.

**APPROVED BY THE COMMISSION
AUTHENTICATED AND CERTIFIED**



Interim Clerk to the Commission



Chairperson