

MINUTES OF APRIL 25, 2007

STATE OF CALIFORNIA, COUNTY OF EL DORADO

1. CALL TO ORDER AND ROLL CALL

The meeting of the Local Agency Formation Commission held April 25, 2007, was called to order at 5:30 p.m. by Chair Long in the meeting room, Building C of the Government Center, 2850 Fair Lane, Placerville, California. Regular Members present were: City Member Ted Long, County Members James R. Sweeney and Ron Briggs, Public Member Francesca Loftis. Others present were: Alternate Public Member Norm Rowett, Alternate District Member Robert Larsen, Executive Officer José C. Henríquez, Policy Analyst Erica Sanchez, Commission Clerk Allison Parsons and LAFCO Counsel Tom Gibson.

ROLL CALL - VOTING MEMBERS:

Long, Loftis, Briggs, Larsen and Sweeney

2. CONSENT CALENDAR

- A. ADOPTION OF AGENDA
- B. MINUTES OF THE MEETING OF MARCH 28, 2007
- C. APPROVAL OF CLAIMS
- D. CORRECTION OF RESOLUTION L-05-13 APPROVING THE SILVER SPRINGS REORGANIZATION
- E. APPROVAL OF THE FIRST AMENDMENT TO THE LAFCO LEASE AGREEMENT WITH THE CASO TRUST

MOTION

Commissioner Sweeney made the motion to adopt the consent calendar, second by Commissioner Loftis.

ACTION

The motion was approved by the following vote.

AYES: Long, Loftis, Briggs, Larsen, Sweeney

NOES: None

ABSTAIN: None

ABSENT: Hagen

3. PUBLIC FORUM/PUBLIC COMMENT

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

4. CONSIDERATION AND APPROVAL OF THE CONTRACT WITH PMC FOR THE COMPLETION OF THE GENERAL SERVICES I MUNICIPAL SERVICES REVIEW

Mr. Henríquez reviewed the staff report with the following recommendations:

1. Approve the contract with PMC to prepare and present the General Government Services I Municipal Service Review at a cost of \$22,000.
2. Authorize the Chair to sign the final document. There are sufficient funds in the Professional Services – MSR Outsourcing account of the EI Dorado LAFCO 2006-2007 Budget to fund this contract.

Commissioner Sweeney asked Mr. Henriquez if it was possible to get a listing of which MSRs have been completed. He also asked if the General Government Services I MSR would complete LAFCO's requirement to have all SOIs updated by January 1, 2008. Mr. Henriquez replied that two of the MSRs have been outsourced and one is being done by staff. He said that after the Government Services I MSR is outsourced, there will be two additional MSRs that still need to be completed.

Mr. Sweeney stated that he would like to have a chart so that the Commission would know what the status of completion is at any time. Mr. Henriquez replied that he has already created an internal project plan to show the status and the correlation between Spheres of Influence and MSRs. He said he could circulate the plan to the Commissioners.

Commissioner Larsen asked if the Commission will meet the January 1, 2008 deadline with the completion of the MSRs. Mr. Henriquez replied that is unknown at the time, but that staff is making its best effort.

Commissioner Rowett asked Mr. Henriquez if staff will do a report on the districts that are failing to comply with State requirements. Mr. Henriquez replied that information will be included with the sphere updates when they are brought before the Commission. Commissioner Rowett asked what will be the course of action when the Commission decides to move forward with the districts that have zero spheres of influence. Mr. Henriquez replied that the Commission's authority to move forward is very limited. The best course of action is to designate the district as having a zero sphere of influence. However, there is no action that comes from this designation. At that point, it will be up to the citizens or the governing board to initiate a petition to dissolve the district. Commissioner Rowett asked if there would be a charge to the party that initiated the petition. Mr. Henriquez replied that there would be a charge, but that it is an option of the Commission to waive those fees.

Commissioner Briggs wanted clarification as to what the results of the General Government Services I MSR would be providing to the Commission. Mr. Henriquez replied that the result would be one report that would review enough agencies to give the Commission an additional 15 spheres of influence updates. Commissioner Briggs clarified that the purpose of a Municipal Service Review is to review how well a district is providing services. Once that is established, the choice that the Commission has is to vote on the "inadequate" districts to be designated as a zero sphere. Mr. Henriquez confirmed that an MSR is a review of how well a district is currently providing services. That information assists the Commission in determining how much a district should grow over time, which is considered the sphere of influence.

Commissioner Sweeney stated that, in his view, LAFCO is more of an advisory agency than a regulatory agency. He said that LAFCO basically gives advice and sets regulations on who can annex to a district and who can better serve properties. He stated that he would be hesitant to tell another elected body that LAFCO is going to dissolve it. Mr. Henriquez reiterated that a dissolution proposal would have to come before the Commission. The Commission itself could not dissolve a district. Commissioner Sweeney stated that his point was that the purpose of an MSR is to find the information, make it available to the public and the Commission gives it strong consideration when there is an annexation proposal for a district that is not providing adequate services.

Commissioner Rowett commented that he believes the State has charged the LAFCO Commission with the task of reviewing districts and the purpose is to put "ratings" on elected officials and the districts they serve. If the districts are not doing their job, the State through LAFCO, has given the Commission a position to do something about it, although LAFCO's recourse is very limited. He

assumes this Commission looks at the information and decides what appropriate steps should be taken. In addition, he stated he has been made aware of some road districts that do not post public notices for their meetings, or even have meetings, and he believes citizens should be aware of this.

Chair Long stated that, in his view, LAFCO and the MSR is a vehicle to let the people know what their representatives are doing or not doing. Hopefully, after the results, there will be some action taken.

Commissioner Loftis asked how the Commission should get people to read over the MSR, since she believes public involvement is something to take into consideration. She does not believe a person in the general public will read the MSR just to see how his or her district is doing. She stated that if the MSR identifies the districts that are not functioning properly, the public or at least the people in those districts, need to be made aware of it.

Chair Long wondered if a more robust advertising of the MSR could be done. Mr. Henríquez added that the past two MSRs received wide press coverage. He hopes that trend will continue.

Chair Long opened the item to public comment. No member of the public addressed the Commission.

MOTION

Commissioner Briggs moved to adopt staff recommendations, second by Commissioner Loftis.

ACTION

The motion was approved by the following vote.

AYES: Long, Loftis, Briggs, Larsen, Sweeney

NOES: None

ABSTAIN: None

ABSENT: Hagen

5. OTHER BUSINESS

A. LEGISLATION

Mr. Henríquez informed the Commission that staff will include a legislation report in the packet and, starting with the next Commission meeting, there will be a staff report included of the legislation that could affect LAFCO.

B. COMMISSIONER ANNOUNCEMENTS

Chair Long announced that the LAFCO conference will be held in Sacramento at the Hyatt Regency August 28-31, 2007. He told the Commissioners that if they were interested in attending, to notify staff to make arrangements.

Chair Long also announced that SDRMA is accepting nominations to its Board of Directors. Mr. Henriquez reminded the Commission that LAFCO is not a special district, so the Commission could not nominate a candidate. However, the Commissioners that are representing a special district would be eligible.

C. COUNSEL REPORT

None

Commissioner Sweeney stated that he believes there will be an issue coming before the Commission at some point concerning the Shingle Springs Casino. He would like to formally request a copy of the Best, Best & Krieger confidential legal opinion from 2002. The Commission, by unanimous consent, directed staff to distribute that letter to current members.

D. EXECUTIVE OFFICER REPORT

Mr. Henríquez stated that the latest status of the budget is included in the packet. He also advised the Commission on an item coming up on next month's agenda that will affect the current, as well as next year's, budget.

Mr. Henríquez gave an update on the Special District Election and announced the newly elected Commissioners. Ken Humphreys was elected from the Rescue FPD Board of Directors to be a regular member with a full four-year term. Harry Norris from the El Dorado Irrigation District was elected as the second regular member with a two-year term finishing former Commissioner Allen's term. Michael D. Cooper from the Georgetown Divide PUD was elected as the Alternate Member with a full four-year term.

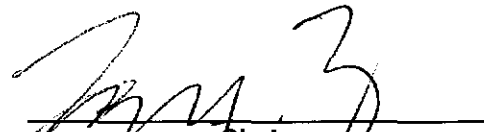
6. ADJOURNMENT

Chair Long adjourned the meeting at 5:55 pm.

The next regularly scheduled LAFCO meeting will be May 23, 2007.

**APPROVED BY THE COMMISSION
AUTHENTICATED AND CERTIFIED**


Clerk to the Commission


Chairperson