

MINUTES OF DECEMBER 1, 2010

STATE OF CALIFORNIA, COUNTY OF EL DORADO

1. CALL TO ORDER AND ROLL CALL

The meeting of the Local Agency Formation Commission held December 1, 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 Member Ken Humphreys, County Members Ron Briggs, James R. Sweeney, and Public Member Don Mette. Others present were: Alternate District Member Michael Cooper, Alternate Public Member Norm Rowett, Executive Officer José C. Henríquez and Policy Analyst Erica Sanchez.

ROLL CALL - VOTING MEMBERS:

Briggs, Cooper, Hagen, Humphreys, Mette, Sweeney

2. CONSENT CALENDAR

- A. ADOPTION OF AGENDA
- B. MINUTES OF THE REGULAR MEETING OF OCTOBER 27, 2010
- C. REVIEW OF CLAIMS
- D. SET THE MEETING CALENDAR FOR 2011

MOTION

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

ACTION

The motion was approved by the following vote:

AYES: Briggs, Cooper, Hagen, Mette, 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 CAMPOBELLO ANNEXATION TO THE EL DORADO IRRIGATION DISTRICT (LAFCO PROJECT NO. 2010-01)

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

1. Recognize that El Dorado County, as the lead agency, has prepared a Mitigated Negative Declaration and CEQA determinations which have been found to be adequate and complete for the purposes of this annexation and direct staff to file a Notice of Determination in compliance with CEQA and local ordinances implementing the same.
2. Adopt LAFCO Resolution L-2010-17 (Attachment F), adding any additional conditions the Commission finds appropriate and approve the Campobello Annexation to 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.

In addition to the prepared report, staff also presented the requests from Cameron Park Community Services District (CPCSD) and El Dorado Hills CSD (EDHCSD) received earlier on December 1st, both requesting that the Commission use its authority to amend proposals to include the annexation of the Campobello territory into their respective district. Mrs. Sanchez explained the location of the Campobello parcel relative to CPCSD and EDHCSD. In addition, staff indicated that if the Commission was inclined to grant either request, it would have to continue the item until January, at the earliest, since the project was not noticed to include such an action.

The Commission deliberated on the timeliness and appropriateness of amending the proposal to satisfy either request. The Commission also discussed which district's facilities the future residents of Campobello would most likely use.

Mr. Dave Crosariol, CTA Engineering, representing the landowners of the parcel, replied that he was a little surprised to see the two letters show up on the day of the Commission meeting. Mr. Crosariol stated the project was approved as a tentative map. The conditions of approval on the tentative map were that EID annexation was required. However, he indicated that because the Cameron Park community boundary was the closest to the project, it was applicant's preference to annex into Cameron Park CSD. Mr. Crosariol pointed out the additional consideration that the property is in the El Dorado County Fire Protection District and they have been very adamant about keeping the area in their district.

Ms. Sandi Kukkola, representing the El Dorado Hills CSD, stated they did have plenty of notice; however, they had a changeover in their management and she heard about the annexation one day before the Commission meeting from Commissioner Rowett. She said due to the proximity of the Marble Valley sub-division that is being planned, the Campobello parcel would fit right in with the Parks and Recreation facilities. She added that several of the Cameron Park residents come down to El Dorado Hills; they have a database that will show how many Cameron Park residents are participating in El Dorado Hills programs.

Commissioner Sweeney proposed that the Commission should better define the future boundaries of not just Cameron Park and El Dorado Hills CSDs, but also all local agencies experiencing high growth or a high demand for their services.

The Commissioners indicated they were inclined to approve the project without amendment. The Commission instructed staff to notify both districts that they may apply to annex Campobello at a later date if they are so inclined. In addition, the Commission directed staff to present the Municipal Service Review and Sphere of Influence Studies for EDHCSD and CPCSD together so that they can resolve some of the outstanding issues related to boundary disputes through the designation of each district's SOIs.

MOTION

Commissioner Sweeney moved to approve the annexation without amendment, adopt the Environmental Review and LAFCO Resolution, L-2010-17, second by Commissioner Cooper.

ACTION

The motion was approved by the following vote:

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

5. INFORMATIONAL HEARING FOR THE MEEKS BAY FIRE PROTECTION DISTRICT REORGANIZATION (LAFCO PROJECT NO. 2010-04)

Mrs. Sanchez reviewed the staff report with the following recommendations:

1. Receive information regarding the project and take no action.
2. Under the Brown Act, allow any member of the public to speak on the agenda item.
3. Direct staff either to set the proposal for hearing not sooner than 60 days or to terminate the project if District requests termination.

The Commission deliberated on the probability that the parcels in the Rubicon section could be developed, on Meeks Bay FPD's financial stability to provide services because of its current financial state and given the little or no significant improvement on the parcels, and how revenue is currently generated and allocated in the annexing area.

Chair Humphreys opened the public forum.

Chief Pang stated that they have been discussing the project for about 12 or 13 years. They have discussed it numerous times with the homeowners and Board members. They are concerned about stretching the district further south to cover an area that, in theory, should not be part of the Meeks Bay's district, unless the people want to be part. The district has fees that have been passed (two benefit assessments and a special tax) prior to Prop 218 and expect to attach those fees to the annexation. There was only one homeowner against it out of 27 homeowners in the Emerald Bay tract and none of the people in the Rubicon area opposed it at all. The legality of annexing legal lands is based on the Commission's staff and the Health and Safety code.

The Commission directed staff to combine the January and February Commission meetings.

The Commission specified that at the time of the approval hearing the following additional items should be presented for its consideration: written consent from the leaseholders that they agree to the annexation, the distribution of the tax assessment and the authority in which agencies are extending Prop 218 assessments through annexations, either to be found in the Health and Safety code for fire districts or an attorney general's opinion post Proposition 218.

6. DESIGNATION OF BUDGET AD HOC COMMITTEE

Mr. Henriquez recommended that the Commission appoint a budget ad hoc committee and provide direction to the committee and staff on its priorities.

The Commission appointed Chair Humphreys and Commissioner Mette to the committee.

7. OTHER BUSINESS

- A. LEGISLATION
- B. COMMISSIONER ANNOUNCEMENTS

Mr. Henriquez informed the Commission that in January staff would start the process of electing a new Special District Alternate representative, since Commissioner Cooper's position at Georgetown PUD was ending in one week.

- C. COUNSEL REPORT
- D. EXECUTIVE OFFICER REPORT

Mr. Henríquez stated that staff notified all the affected districts and interested parties of Diamond Springs' withdrawal of their application.

8. CLOSED SESSION

Chair Humphreys adjourned to Closed Session.

Public Employee Performance Evaluation:
Position Title: Executive Officer

Chair Humphreys re-adjourned to Open Session. He stated there was a positive rating overall and he hoped Mr. Henríquez would stay with LAFCO.

9. CONSIDER AMENDMENT TO THE EXECUTIVE OFFICER'S CONTRACT—SET CONTRACT TERM

Staff's recommendation was 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 Briggs moved to extend the Executive Officer's contract for two years until December 31, 2012, second by Commissioner Hagen.

ACTION

The motion was approved by the following vote:

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

10. ADJOURNMENT

MOTION

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

ACTION

The motion was approved by the following vote:

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

Chair Humphreys adjourned the meeting at 7:15 pm.

The next regularly scheduled LAFCO meeting will be February 2, 2011.

**APPROVED BY THE COMMISSION
AUTHENTICATED AND CERTIFIED**



Interim Clerk to the Commission



Chairperson