

MINUTES OF December 6, 2006

STATE OF CALIFORNIA, COUNTY OF EL DORADO

1. CALL TO ORDER AND ROLL CALL

The meeting of the Local Agency Formation Commission held December 6, 2006, was called to order at 5:00 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 Members Ted Long and Carl Hagen, District Member Gary Costamagna, County Members Rusty Dupray and James R. Sweeney and 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, Costamagna, Dupray, Hagen, Larsen, Loftis,
Commissioner Sweeney arrived at the dais at 5:05 pm.

2. CONSENT CALENDAR

- A. ADOPTION OF AGENDA
- B. DISPOSITION OF MINUTES OF THE LOCAL AGENCY FORMATION COMMISSION MEETING SEPTEMBER 27, 2006
- C. APPROVAL OF CLAIMS
- D. CORRECTION TO LAFCO RESOLUTION L-2006-12
- E. RE-EVALUATION OF MSR SCHEDULE
- F. COMMISSIONERS' TERMS OF OFFICE REALIGNMENT
- G. APPROVAL OF 2007 COMMISSION MEETING DATES
- H. REQUEST FOR EXTENSION OF ONE YEAR DEADLINE – CARSON CREEK REORGANIZATION (LAFCO PROJECT 03-03)
- I. REQUEST FOR EXTENSION OF ONE YEAR DEADLINE – POLANCO/SNOLINE MINI STORAGE ANNEXATION (LAFCO PROJECT 02-04)

Messrs. Henríquez and Gibson requested that item 2F be tabled until the next meeting.

MOTION

Commissioner Costamagna moved to adopt consent calendar as modified, second by Commissioner Hagen.

ACTION

Motion Carries.

AYES: Long, Costamagna, Dupray, Hagen, Larsen, Loftis
NOES: None
ABSENT: Sweeney
ABSTAIN: None

3. PUBLIC FORUM/PUBLIC COMMENT

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

4. CONSIDERATION AND ADOPTION OF THE CATEGORICAL EXEMPTION #20 AND SPHERES OF INFLUENCE AMENDMENTS FOR THE EL DORADO COUNTY FIRE PROTECTION DISTRICT AND THE EL DORADO HILLS COUNTY WATER DISTRICT.

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

1. Receive and discuss the proposed amendments to the spheres of influence for El Dorado County Fire Protection District and the El Dorado Hills County Water District for the provision of fire suppression and emergency services in the Marble Valley area;
2. Open the public hearing on this matter;
3. Adopt Categorical Exemption #20 as the appropriate environmental review;
4. Adopt the proposed amendment to the El Dorado County Fire Protection District's sphere of influence;
5. Adopt the proposed amendment to the El Dorado Hills County Water District's sphere of influence; and
6. Direct staff to complete the necessary filings and transmittals as required by law.

After no questions from the Commission, Chair Long opened item to public comment.

MOTION

Commissioner Dupray moved to adopt staff recommendation, second by Commissioner Hagen.

ACTION

The Commission voted unanimously to approve the motion and adopted LAFCO Resolutions L-2006-14 and L-2006-15 amending the spheres of influence for El Dorado County FPD and El Dorado Hills CWD, respectively.

5. PUBLIC HEARING TO CONSIDER TO ENVIRONMENTAL REVIEW AND THE MARBLE VALLEY REORGANIZATION TO THE EL DORADO IRRIGATION DISTRICT, EL DORADO HILLS CSD, EL DORADO COUNTY FPD, AND EL DORADO HILLS CWD (LAFCO PROJECT NO. 05-08)

Commissioner Costamagna excused himself from the dais at 5:10 pm.

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

1. Recognize that El Dorado County, as the lead agency in consultation with LAFCO, has prepared an Environmental Impact Report and CEQA determinations which have been found to be adequate and complete for the purposes of reorganization; and direct staff to prepare a Notice of Determination pursuant to Title 14, Chapter 3, Section 15096 (Responsible Agency) of the California Code of Regulations.
2. Adopt Staff's recommended list of findings and recommendations (as specified in Attachment H), adding any additional conditions the Commission finds appropriate and approving the Marble Valley Reorganization; LAFCO Project No. 05-08.
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.

After no questions from the Commissioners, Chair Long opened the item to public comment.

Kirk Bone with Parker Development Company spoke as the project applicant. He thanked the staff for a comprehensive staff report, voiced his support for the project and offered to answer any questions.

Commissioner Dupray asked Mr. Bone if he could commit to leaving the project at 398 homes. Mr. Bone replied he could not.

Commissioner Loftis expressed her concern over the amount of water needed to service the project area and whether it is sufficient for the homeowners of the project and existing homeowners on the western slope.

Brian Cooper, Senior Engineer with Development Services, spoke on behalf of the El Dorado Irrigation District. He specified the water is on a "first come first service basis" and that EID is currently in the processes of developing additional water rights from Folsom Lake and expanding the water treatment plant in El Dorado Hills. Nevertheless, he said the EDUs for the project are allotments already in possession of EID.

Richard Wilson, Chairman of El Dorado Musical Theater, voiced his support of the project.

Tom Farmer, a resident of El Dorado County and a Board member of the El Dorado Musical Theater, spoke of his support of the project.

Brian Farmer spoke to the Commission and voiced his support of the project.

Jordan Sharp spoke to the Commission and voiced her support of the project.

Carly Speno spoke to the Commission and voiced her support of the project.

Normadene Carpenter, a Board of Directors member of the Marble Valley Regional Center for the Arts, voiced her support for the project.

Wayne Lowery, General Manager for the El Dorado Hills CSD, said he is prepared to service this area and supports the project.

Marc Feldman, Executive Officer of the Sacramento Philharmonic, spoke to the Commission of his support of the project.

Commissioner Hagen pointed out a last minute letter from EID's Board of Directors in support of the project.

MOTION

Commissioner Sweeney moved to adopt staff recommendations, second by Commissioner Hagen.

ACTION

The Commission voted unanimously to approve the motion and adopted LAFCO Resolution L-2006-16.

6. CONSIDERATION AND APPROVAL OF THE CONTRACT WITH DUDEK AND ASSOCIATES, INC. FOR THE COMPLETION OF THE WATER, WASTEWATER AND POWER MUNICIPAL SERVICES REVIEW

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

1. Approve the contract with Dudek & Associates, Inc. to prepare and present the Water, Wastewater and Power Municipal Service Review at a cost of \$85,080.
2. Authorize the Chair to sign the final document.

After no questions from the Commission, Chair Long opened the item to public comment.

MOTION

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

ACTION

The Commission voted unanimously to approve the motion.

Commissioner Sweeney requested staff to add an item next month's agenda to discuss the designation of an agency's powers as latent.

7. CONSIDERATION AND APPROVAL OF THE CONTRACT WITH PMC FOR THE COMPLETION OF THE ROAD AND ROAD MAINTENANCE MUNICIPAL SERVICES REVIEW

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

1. Approve the contract with PMC to prepare and present the Road and Road Maintenance Municipal Service Review at a cost of \$25,985.
2. Authorize the Chair to sign the final document.

After no questions from the Commission, Chair Long opened the item to public comment.

MOTION

Commissioner Dupray moved to adopt staff recommendations, second by Commissioner Costamagna.

ACTION

The Commission voted unanimously to approve the motion.

Commissioner Hagen asked Mr. Henríquez if staff had allocated time in the work schedule for the Municipal Service Reviews to which Mr. Henríquez replied he had.

Commissioner Rowett asked Mr. Henríquez how in-depth the study of the Road and Road Maintenance MSR for the CSDs would be.

8. CONSIDERATION AND ADOPTION OF A NEW EL DORADO LAFCO FEE SCHEDULE

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

1. Receive and adopt the attached fee schedule so that the agency can recover the costs of processing applications;
2. Set an effective date of February 7, 2007 for the new fee schedule;
3. Determine that any project currently being processed by LAFCO is subject to the current Schedule of Fees prior to the effective date of the new fee schedule and subject to the new rates after that date; and
4. Amend Policy and Guideline 2.2.1(a) to set the periodic review of the fee schedule.

Commissioner Sweeney voiced his concerns about the fees for small annexations and small boundary line adjustments being too excessive.

Mr. Henríquez replied that if the Commission wishes to waive the fees for small annexations or boundary line adjustments, it is up to their discretion. Commissioner Sweeney indicated there was a fee associated with that waiver. Mr. Henríquez replied that the fee for the waiver is nominal for the cost of bringing the project before the Commission. He also mentioned any unearned LAFCO fees will be returned to the project applicant.

Commissioner Sweeney suggested there be a de minimus fee for the small projects or that the project not go through the entire LAFCO process.

Mr. Henríquez stated the law requires that an application go through the same process regardless of size or complexity of the project but that staff has been working to streamline the process, thus making the application time much shorter, reducing staff time and related fees to the applicant.

Commissioner Sweeney asked for support from the LAFCO Commission and Mr. Henríquez to help find a way to modify LAFCO law to make the process shorter and less costly to applicants for small annexations and small boundary line adjustments.

Chair Long asked for clarification of the initial deposit and the fee waiver including the process of approving that request. He commented that the applicant wouldn't know about the waiver unless they were informed at the time of submitting the project. He suggested staff implement a process for notifying the applicant of the waiver.

Commissioner Rowett expressed concern over waiving one applicant's fees over another's and implementing a policy to avoid recourse from the rejected applicant.

Chair Long opened item to Public comment. No one addressed the Commission.

MOTION

Commissioner Dupray moved to approve staff recommendations with the agreement that Mr. Henríquez will meet with Commissioner Sweeney to discuss 1) the process to modify LAFCO laws and 2) a de minimus fee, second by Commissioner Loftis.

ACTION

The Commission voted unanimously to approve the motion.

9. DESIGNATION OF AD HOC BUDGET COMMITTEE TO DRAFT AND PRESENT A BUDGET FOR FISCAL YEAR 2007-08 TO THE COMMISSION AND CREATE A WORK PLAN FOR STAFF

Commissioner Costamagna and Commissioner Loftis volunteered to be on the Ad Hoc Committee to draft a budget for the FY 2007-08.

10. OTHER BUSINESS

A. LEGISLATION None

B. COMMISSIONER ANNOUNCEMENTS

Chair Long asked if there were any meetings coming up including the CALAFCO Board meeting. Mr. Henríquez informed the Commissioners he was not aware of the date the CALAFCO Board would be meeting but the planning committee for the 2007 Commissioners conference will be Dec 13th, 2006.

Commissioner Hagen asked Mr. Henríquez if it was possible to have all affected agencies' forms available at the same place to inform the public of all fees associated with a project. Mr. Henríquez said he believed all active agencies do inform applicants of LAFCO's separate fee schedules.

C. COUNSEL REPORT

Mr. Gibson believes the CALAFCO Board meeting will be the second week in January in the Best, Best & Krieger offices and can distribute the agenda information.

D. EXECUTIVE OFFICER REPORT

Mr. Henríquez informed the Commission of a memo included in the packet regarding status of the Special Districts Election. Staff would like to begin the week of December 11, 2006 for the nomination process. Staff hopes to launch election in mid to late February.

Commissioner Rowett asked Mr. Henríquez if staff will be mailing candidate profiles and information to all districts. Mr. Henríquez replied that LAFCO attaches any background information provided by the candidates with the election ballot.

11. CLOSED SESSION

Chair Long adjourned to closed session. No reportable actions were taken.

12. ADJOURNMENT

Chair Long adjourned the meeting at 6:50 pm.

The next regularly scheduled LAFCO meeting will be January 24, 2007.

**APPROVED BY THE COMMISSION
AUTHENTICATED AND CERTIFIED**


Clerk to the Commission


Chairperson