

MINUTES
REGULAR MEETING
Del Norte Local Agency Formation Commission
January 26, 2009
4:00 pm

Present: Commissioners Leslie McNamer, Gerry Hemmingsen, Donna Westfall, Kathryn Murray and Sparky Countess

Others Present: George Williamson, Executive Officer, Karen Phillips, Recording Secretary and Judith Ann Dobbs.

1. Call to Order/Roll Call

Chairman McNamer called the meeting to order at 4:00 p.m.

2. Appointment of Public Member

George Williamson reported on the applications received from Sparky Countess and Judith Ann Dobbs for the vacant public member seat on the Commission. The Commission was asked to consider the applications and make a selection. The opening of the vacancy was noticed as required by the Cortese-Knox Act. Both applicants were present at the meeting. Sparky Countess addressed the commission and reported that he currently serves as the alternate public member on the Local Agency Formation Commission. He listed the committees and boards that he has served on over the years, including being a licensed real estate broker and appraiser. Commissioner Westfall asked about how he felt about windmills, solar energy and other services. Mr. Countess indicated that he was in favor of the use of solar and wind power. He also stated, when asked, that he is no longer on the Smith River Community Service District board of directors. Judith Dobbs indicated that she and her husband are active in the community and are the developers of Spyglass. She was formerly a school teacher, is the past-president of the Del Norte Board of Realtors, and serves on the Chetco/Brookings Library Board. She listed a number of other boards and charter boards she has served on over the years. She is interested in serving on the Local Agency Formation Commission because of her involvement with the Local Agency Formation Commission applications for the Spyglass subdivision and because she likes to know what is going on. Commissioner Westfall wanted to know three things that disturbed her about the community. Mrs. Dobbs indicated that the empty buildings, state-wide septic bill and large number homeless people were disturbing. She does like to see the change, such as Walgreens and Home Depot; however, it will affect the economics of the area also. Mrs. Dobbs also indicated that she loves the fact that there is no traffic and not many people. She stated that "We have real people."

On a motion by Commissioner Hemmingsen, seconded by Commissioner McNamer, and unanimously carried, the Local Agency Formation Commission appointed Sparky Countess as the new public member on the Local Agency Formation Commission due to the fact that they felt there needed to be someone with previous experience in the Local Agency

Formation Commission process and history in light of the two new board members appointed from the City.

Commissioners asked Judy Dobbs if she had an objection to serving as the alternate public member, to which she indicated that she did not. George Williamson indicated that the alternate public member would need to be appointed; however, he would like some time to research the appointment. No other action was taken at this time.

3. Public comment on Closed Session Matters

No public comments were received regarding the closed session matters listed below.

4. Closed Session Conference with legal Counsel [Government Code Section 54957(b)(1)] one Matter:

- A. Pacific Shores Subdivision California Water District v. Del Norte LAFCO, Del Norte Superior Court # CVPT08-138

Chairman McNamer indicated that there would be no closed session held. No action was taken.

5. Report on Any Actions taken in Closed Session

- A. Report on Pacific Shores Litigation

No closed session was held. No report was necessary or given.

6. Public Hearing (ATTACHMENT)

- A. Municipal Service Review and Sphere of Influence update hearings and resolutions for the following districts:

Special Districts	MSR Services	Sphere of Influence
Del Norte Resource Conservation District	Resource Management	No Change
Gasquet Fire Protection District	Fire & Emergency Response	No Change
Smith River Community Services District	Water, Streetlights	No Change

Executive Officer George Williamson reported on the MSR's and the sphere of influence updates for the above-listed special districts. The public hearing was opened at 4:19 p.m. Staff from each of the districts has been very helpful in putting the updates together according to Mr. Williamson. They have provided information and operations data for inclusion in the reports. There are no changes in the sphere of influence for any of the three districts listed, although there are some growth issues in Smith River that will be tracked. The Resource Conservation District will be expanded over time, according to Mr. Williamson, due to the good work that they are doing to support resource management in the area. No comments have been received back from the districts at this time. Commissioner Westfall asked about the Westbrooks and how they were related to the members listed in the director of the Del Norte Resource Conservation District. Commissioner Hemmingsen and Countess explained that the Westbrook families listed were second cousins. The Del Norte Resource

Conservation District has no executive officer, although they do have an administrator and another part-time position. The public hearing was closed at 4: 24 p.m.

On a motion by Commissioner Hemmingsen, seconded by Commissioner Countess and unanimously carried on a polled vote, the Local Agency Formation Commission approved and adopted the MSR and Sphere of Influence updates and Resolution No 09-03 for the Del Norte Resource Conservation District

On a motion by Commissioner Hemmingsen, seconded by Commissioner Countess and unanimously carried on a polled vote, the Local Agency Formation Commission approved and adopted the MSR and Sphere of Influence updates and Resolution No. 09-02 for the Gasquet Fire Protection District.

On a motion by Commissioner Hemmingsen, seconded by Commissioner Countess and unanimously carried on a polled vote, the Local Agency Formation Commission approved and adopted the MSR and Sphere of Influence updates and Resolution No. 09-01 for the Smith River Community Services District.

7. Regular Business

A. Approval of November 24, 2008 minutes (ATTACHMENT)

Executive Officer Williamson requested approval of the minutes of the November 24, 2008 meeting.

On a motion by Commissioner Countess, seconded by Commissioner Hemmingsen and unanimously carried, the Local Agency Formation Commission approved and adopted the minutes for the meeting of November 24, 2008 as presented.

B. Budget Status (Attachment)

Executive Officer Williamson reported on Local Agency Formation Commission budget status. The budget was approved for the fiscal year in previous action of the Commission; this is an update on where the current budget stands. The budget appears to be within the budgeted amounts. Executive Officer Williamson indicated that a portion of Mr. Bakker's (special counsel for the Pacific Shores dissolution) bill has been paid; however, some of it is still pending in the Auditor's office. Staff was asked to negotiate the bill and talk to Mr. Bakker. The Executive Officer was directed by consensus to pay a portion of the Bakker bill this year and a portion next fiscal year to keep from overdrawing the budget line item. The Commission will get a monthly expenditure reports from Mr. Williamson so they always know where the budget stands. Commissioner Westfall indicated that she had issues with approving a budget without seeing any financials. Commissioners and staff explained that this is a status report only. No action was necessary.

C. Municipal Services Review Compliance Status (ATTACHMENT)

Executive Officer Williamson reported on Local Agency Formation Commission MSR compliance status, which acknowledges the action taken earlier today. There are three MSR's completed and about ten left to complete. There was discussion about MSR's that have never come before the Commission. Now it appears that there are only five MSR's that need to be approved and staff is aware of no record of them having been previously been approved. No action was necessary.

8. Reports

- A. Staff - The Executive Officer will provide a report of current projects, budget and issues of interest to the Commission.

The Executive Officer had matters to report at this time.

- B. Commission - On their own initiative, Commission members may make brief announcements or reports on their own activities. They may ask questions for clarification, make a referral to staff or take action to have staff place a matter of business on a future agenda pursuant to Government Code Section 54954.2 (a).

The following commissioners made reports/comments: Commissioner Westfall announced that she is very pro alternative energy and that if there is any business to do with these matters, it be placed on the agenda as soon as possible. Staff will research this and report back

- C. Public - Public comment on items of interest to the public within the subject matter jurisdiction of the Local Agency Formation Commission, and not otherwise appearing on the agenda. No action may be taken on any item not appearing on the agenda.

No public comments were made.

9. Adjournment

There being no further business to come before the Commission, Chairman McNamer adjourned the meeting at 4:39 p.m. until the next regularly scheduled meeting on February 23, 2009 at 4:00 p.m.

Respectfully submitted,

Karen L. Phillips, Recording Secretary