

MINUTES
REGULAR MEETING
Del Norte Local Agency Formation Commission
February 23, 2009
4:00 pm

Present: Commissioners Leslie McNamer, Gerry Hemmingsen, Donna Westfall, Charles Slert,

Absent: Kathryn Murray and Public Member Sparky Countess

Others Present: George Williamson, Executive Officer, Karen Phillips, Recording Secretary and Robert Black

1. Call to Order/Roll Call

Chairman McNamer called the meeting to order at 4:03 p.m. in regular session.

2. Appointment of Alternate Public Member

At the January 26th meeting, Del Norte LAFCo took action to appoint Duane "Sparky" Countess to the Public Member position, leaving an Alternate Public Member vacancy. LAFCo staff recommends that the commission appoint Judith Dobbs, the only other Public Member nominee, as the new Alternate Public Member.

Discussion was held regarding the alternate public member of the Local Agency Formation Commission.

On a motion by Commissioner Hemmingsen, seconded by Commissioner Westfall, and unanimously carried the Local Agency Formation Commission nominated and appointed Judith A. Dobbs as the Alternate Public Member of Del Norte LAFCO.

3. Disclosure by County Legal Counsel of Potential Conflict of Interest Related to Pacific Shores Litigation and Dissolution (ATTACHMENT)

A. Dohn Henion, legal counsel for LAFCo and the County, submitted a letter to LAFCo and the County on February 10, disclosing a potential conflict of interest regarding the Pacific Shores litigation and dissolution. Mr. Henion's letter states that if a conflict of interest arises in the future, regarding the Pacific Shores litigation, he will represent the County. The letter is included as an attachment.

Discussion was held regarding the letter from County Counsel Dohn Henion regarding the latest Pacific Shores litigation and a potential conflict. The agreement has been taken care of in order to waive the conflict. No action is necessary.

4. 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
Redwood Park Community Services District	Water, Wastewater	No Change
Hunter Valley Community Services District	Water	No Change
Klamath Fire Protection District	Fire & Emergency Response	No Change

Discussion was held regarding the Redwood Park Community Services District, Hunter Valley Community Services District and the Klamath Fire Protection District MSR's. The Klamath Fire Protection District MSR is being pulled at this time for more information. Mr. Wormsbaker, who appeared in the audience, presented information to the Executive Officer, which will be included in the Klamath Fire Protection District MSR and brought back at the March meeting.

On a motion by Commissioner Hemmingsen, seconded by Commissioner Westfall, and unanimously carried on a polled vote, the Local Agency Formation Commission approved and adopted Resolution No. 09-04, entitled a Resolution of the Del Norte Local Agency Formation Commission Approving a Municipal Services Review for the Hunter Valley Community Services District.

On a motion by Commissioner Hemmingsen, seconded by Commissioner Westfall, and unanimously carried on a polled vote, the Local Agency Formation Commission approved and adopted Resolution No. 09-05, entitled, a Resolution of the Del Norte Local Agency Formation Commission Approving a Municipal Services Review for the Redwood Park Community Services District.

5. Regular Business

A. Approval of January 26, 2009 minutes (ATTACHMENT)

On a motion by Commissioner Hemmingsen, seconded by Commissioner Westfall, and unanimously carried the Local Agency Formation Commission approved and

adopted the minutes of the Local Area Formation Commission January 26, 2009 regular session.

B. Budget Status and Proposed Revision (ATTACHMENT)

Executive Officer Williamson reported on the budget status and proposed revision. Several things have come to light in the last few months regarding the MSR's and the budget reflects the professional services for Mr. Williamson's time as well as the outstanding legal counsel bill. He feels that there will be need of additional funding to pay the cost of the new Pacific Shores litigation. There is no bottom line change to the budget.

On a motion by Commissioner Hemmingsen, seconded by Commissioner Westfall, and unanimously carried on a polled vote, the Local Agency Formation Commission approved and adopted Resolution No. 09-06, entitled, Fiscal Year 2008-2009 Budget Augment, dated February 23, 2009, totaling \$82,950.00, as presented.

C. Municipal Services Review Compliance Status (ATTACHMENT)

Executive Officer Williamson reported on the MSR compliance status. Staff will be keeping a record to show compliance with MSR regulations. No action was necessary.

6. Reports

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

No matters to report.

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 comments: Commissioner Hemmingsen asked whether or not the other members received information regarding the Pacific Shores litigation. It appears that the adverse condemnation suit was dropped. The appointment of new officers and a closed session will be placed on the next agenda.

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.

7. Adjournment

There being no further business to come before the Commission, Chairman McNamer adjourned the meeting at 4:16 p.m. until the next regularly scheduled meeting on March 23, 2009. The meeting in April was cancelled at the request of the Executive Officer.

Respectfully submitted,

Karen L. Phillips, Recording Secretary