

Chairman:
Robert Meacher
Commissioners:
Rose Comstock
Jim Krantz
Curt McBride
Chuck Spencer
Executive Officer:
John M. Gullixson
Commission Clerk:



LAFCo

*The Local Agency Formation Commission
Serving Plumas County*

**AGENDA ITEM:
6. A CONSENT CALENDAR
APPROVAL OF MINUTES**

PLUMAS LOCAL AGENCY FORMATION COMMISSION COMMISSION MEETING MINUTES August 25th, 2008

1. CALL TO ORDER

The scheduled and noticed meeting of the Plumas Local Agency Formation Commission was called to order by Chairman Meacher at 10:00 a.m. on Monday, August 25th, 2008, in the Board of Supervisors Room of the Plumas County Courthouse, located in Quincy, California.

2. ROLL CALL

Chairman Meacher, noting that a quorum was present, asked the Clerk to call the roll and Ms. Duenas recorded the following:

PRESENT: Commissioners: Rose Comstock Jim Krantz, City Member Alternate: William Weaver, Robert Meacher, and Chuck Spencer.

ABSENT: Commissioner Curt McBride.

ALSO PRESENT: Supervisor Member Alternate: Sherri Thrall, Public Member Alternate: Linda Blum, Executive Officer: John M. Gullixson, Clerk: Melissa Duenas

3. CLOSED SESSION- IF REQUIRED

Receipt of Performance Labor Management Committee Report & Recommendation, Government Code §54957

There was nothing to report out from the closed session.

4. INTRODUCTIONS AND PRESENTATIONS

None

5. PUBLIC COMMENTS

None

6. CONSENT CALENDAR

6.A) Consideration of the Minutes of the 7-14-2008 regular meeting of Plumas LAFCo.

MSC: Weaver / Comstock(5-0): To approve the Minutes of the 7-14-2008 regular meeting of Plumas LAFCo with the removal of any reference to Commissioner Comstock to be replaced with reference to her alternate; Commissioner Thrall.

7. MATTERS PRESENTED BY COMMISSIONERS

Chairman Meacher noted that he would like to work with Commissioner Weaver and staff to draft a letter of invitation to representatives of Feather River Publishing to attend the Plumas LAFCo meetings. Commissioner Weaver noted that he had personally invited Mike Taborski to attend the meeting and written a letter of invitation to Feather River Publishing. The press has not attended any of the Plumas LAFCo meetings in the recent past.

8. PUBLIC HEARINGS

9.A) Study Session Re: Study Session Re Plumas LAFCo File No. 2006-Annx-001, The Ridges To Eastern Plumas Rural Fire Protection District Environmental Review. Make Determination Re Environmental Review, Negative Declaration Number 567 for The Pine Ridge Tentative Subdivision Map, Prepared By The Plumas County Planning Department For Adequacy And Completeness on Plumas LAFCo File No. 2006-ANNEX-001, The Ridges To Eastern Plumas Rural Fire Protection District

The Commission received and reviewed the Environmental Review in advance of the meeting. Commissioners Comstock and Krantz noted that the Development as proposed offered no secondary egress from the property in the event of an emergency. The Executive Officer noted that this would be addressed by the fire department in the "Plan for Providing Services". Mr. Gullixson further noted that this review was completed without notice to LAFCo in the year prior to the actual filing of an annexation application.

The Executive Officer noted that If the Commission believes at the end of this study session that the Negative Declaration prepared by the Plumas County Planning Department is not fully "adequate" and that the review should be added to by way of supplement or mitigation language in any way, comment or direction in that regard during this study session will allow the County, the "Lead Agency" herein, to analyze and incorporate these comments into the file.

Mr. Gullixson further reported that the California Environmental Quality Act requires that Plumas LAFCo do an environmental review for an annexation because an annexation is defined as a "project" under CEQA guidelines §15378. Plumas LAFCo is the "Responsible Agency" and the County is the "Lead Agency". Here, the County of Plumas as the Lead Agency has the responsibility for preparing and the responsibility for the adequacy of the environmental review document (Negative Declaration in this

case) under Public Resources Code §21067. Plumas LAFCo, as the Responsible Agency, must actively participate in the Lead Agency's CEQA process; review the Lead Agency's CEQA document and use that document when making a decision on the project under Public Resources Code §21069. A Responsible Agency must consider the Lead Agency's document legally adequate, subject only to limited exceptions under Public Resources Code §21167.3. Further, the Executive Officer reported that when the Commission reviews the Lead Agency's document it must consider the document adequacy and completeness. However, if the Commission seeks further supplemental information to be included in the environmental document, the County is again the Lead Agency and it shall secure and supplement and/or expand the document as reasonably requested. If the County fails to provide the further review the Commission has the right to become the lead agency.

Staff recommended that the Commission review the material presented, discuss the Environmental document, make determination of adequacy and completeness and direct Staff and/or the representatives from the Plumas County Planning Department to secure further environmental information if desired and/or provide affirmation on the level of review already provided in the Negative Declaration.

Upon further discussion by the Commission it was determined that no formal action would be taken at this time and that following Staff review of this agenda item and discussions with the developer and District, staff would bring this issue to the Commission at its next meeting, along with the annexation recommendations.

9.B) Staff Report Re: Review of the letter by the Peninsula Fire Protection District re the initiation of a Municipal Service Review and Sphere of Influence Amendment by the Plumas Local Agency Formation Commission.

Mr. Gullixson presented the Commission with a letter dated July 16, 2008 from the Peninsula Fire Protection District in response to Plumas LAFCo Resolution No. 2008-SOI-007, A RESOLUTION OF THE PLUMAS LOCAL AGENCY FORMATION COMMISSION INITIATING A MUNICIPAL SERVICE REVIEW AND SPHERE OF INFLUENCE UPDATE OF THE PENINSULA FIRE PROTECTION DISTRICT, presented to the Commission at its meeting of March 10, 2008. The letter stated that the District does not feel that Plumas LAFCo needs to conduct a Municipal Service Review and Sphere of Influence Amendment as mandated by Government Code §56425 and §56430. The District also provided staff with a copy of the, "Lake Almanor, Peninsula Fire Protection District, Property Annexation and Fire Capital Facilities Mitigation Analysis". This report was prepared by the Abby Group Consultants, November of 1993 and was commissioned directly by the District. Further, the report was supplemented in 2003.

The Executive Officer reported that Plumas LAFCo has been directed by the State of California Legislature to complete a Municipal Service Review and Sphere of Influence Amendment for every District in Plumas County once every five years. This analysis is intended to be an independent review of the District's operations and capacities as they relate to its actual and potential service territory.

Staff presented the Commission with the following guidelines prepared by the Govenors Office of Planning and Research which outline the following nine areas of inquiry each LAFCo needs to address during this review process:

As part of its review of municipal services, LAFCO must prepare a written statement of its determinations with respect to each of the following (GC §56430):

1. Infrastructure needs or deficiencies.
2. Growth and population projections for the affected area.
3. Financing constraints and opportunities.
4. Cost avoidance opportunities.
5. Opportunities for rate restructuring.
6. Opportunities for shared facilities.
7. Government structure options, including advantages and disadvantages of consolidation or reorganization of service providers.
8. Evaluation of management efficiencies.
9. Local accountability and governance.

The Commission discussed how the documentation provided by Peninsula Fire Protection District is deficient in several respects. First, it is not current; data collected in 1993 & 2003 has relevance but is not sufficient to complete the review as required today. Secondly, the document provided is not an independent review as required by statute. Third, the document provided may provide useful background information, but does not completely address the nine areas of inquiry as outlined by the Office of Planning and Research Guidelines.

The Executive Officer noted that Plumas LAFCo and Staff must address the nine areas of inquiry as outlined by the OPR. Staff has been completing this task in house and at a minimum cost as compared to studies completed by other LAFCo's. Staff recommended that the Commission review the material presented discuss the options available to the District and the Commission and direct Staff to respond to the District according to the Commission's direction.

The Commission further reviewed the staff report and the letter from the District and Chairman Meacher suggested that if a District does not want to comply with the law as it relates to Plumas LAFCo's duties to complete MSR/SOI's then the District should write pass a resolution which takes the position that the District refuses to comply with Government Code §56425 & §56430. Upon receipt of such a District resolution with a conveying letter to the Executive Officer, that staff be directed to send the District documents to the Secretary of State and the Attorney General stating that it appears to be the intent of this District to ignore Plumas LAFCo obligations under Government Code §56425 & §56430. No action was otherwise taken on this agenda item.

9.C) Staff Report Re: Review of 2007-2008 Plumas County Grand Jury Report

The Executive Officer presented the Commission with a copy of the Grand Jury report on Plumas LAFCo, a copy of correspondence to the Grand Jury and a copy of the Grand Jury Foreman response refusing to comply with a request for a copy of the Grand Jury Guidelines/Instruction Manual. Mr. Gullixson noted that he asked the Grand Jury for a copy of their procedural manual and that request was denied. Mr. Gullixson also noted that there were several incorrect facts and omissions from the Grand Jury report and noted that the Commission had 90 days to respond. The Commission noted that they found the Grand Jury report erroneous in several respects, politically

motivated and encouraged the Executive Officer to respond. Members of the Commission further noted that they would forward any additional comments to staff for inclusion into the response. Commission Alternate Blum noted that she feels the response should speak directly to the Grand Juries complaints as they relate to State law.

- 9.D) Staff Report Re: Plumas LAFCo File No. 2005-ANNX-004, Beckwourth Fire Protection District Annexation of Industrial Way Properties. Executive Officer Report on Intention to Close File on Failure of District notice to timely and reasonably provide a Plan for Providing Services and reasonable conditions of annexation.

The Executive Officer presented the Commission with a copy of a letter dated August 6, 2008 wherein staff notified the Beckwourth Fire Protection District and Landowner Applicants of Staff intent to close Plumas LAFCo File No. 2005-ANNX-004, Annexation of the Industrial Way Properties to the Beckwourth Fire Protection District (BFPD). Mr. Gullixson reported that this application was originally filed April 8th, 2005 for the annexation of several properties into BFPD (see Attachment A). Since that date the property owners have entered into an Out of Agency Service Agreement with the District, which was contingent upon annexation. This agreement expires in 2010. Staff intends to notify the Landowners and the District that the agreement will not be extended. Staff has worked extensively with the District to obtain a Plan for Providing Services and reasonable Conditions of Annexation. Staff has been told several times by District representatives that the District will respond to any incidents along Industrial Way, even if the property in question is not annexed into the District Boundaries and an agreement for services is not in place. The Executive Officer noted that in late 2005 the District had an unsuccessful tax exchange negotiation with the County of Plumas and District representative Martin Shaeffer walked away from the discussions with a 0% tax exchange agreement for the annexation territory. Since that date Plumas LAFCo staff has attended several District Board meetings and met with the District Fire Chief on numerous occasions regarding this application.

Further, the Executive Officer reported that the District has only recently submitted to staff a Plan for Providing Services. The plan calls for the landowner applicants to install an entire fire hydrant system and water supply along the entire length of the road known as Industrial Way from Highway 70. Staff has analyzed this proposal and finds that it is an unrealistic financial obligation to expect the property owners to install such a system and they cannot justify the expense. These standards are above and beyond the capacity of the property owners to comply with and are unrealistic in relation to other County Policies. They also exceed requirements the District has previously accepted from other property owners.

Mr. Gullixson suggested that this file be closed without further action unless the Commission has objections and/or wants to entertain an alternative course of action. The District and the landowners have been notified of Staff's recommendation. Mr. Gullixson reported that should this file remain open the next step would be to hold a public hearing, followed by a protest hearing, wherein the landowners would not agree to annex due to the unreasonableness of the Plan for Providing Services and the application would fail.

The Commission discussed application procedures and the consequences of closing this file. Commissioner Comstock noted that she believes the property should be

annexed and that closing this file was not the correct course of action. Chairman Meacher asked for a role call vote and motion regarding staff recommendation to close the application without Commission action.

MSC: Spencer / Weaver (4-1, Commissioner Comstock-NAY): To close and notify the District of the closing of Plumas LAFCo File No. 2005-ANNX-004, Annexation of the Industrial Way Properties to the Beckwourth Fire Protection District.

9.E) Staff Report Re: Plumas LAFCo File No, 2008-CSOL-001, Chester Public Utilities District and Chester Fire Protection District Consolidation. Application approaches and timeline.

The Executive Officer reported that the above annexation had been noticed and that he has a meeting scheduled with Supervisor Thrall and representatives of the District to discuss the processing of this application on August 27, 2008. Mr. Gullixson reported that there are several approaches that can be taken with regard to this application and that staff is working to research relevant law and procedure. Staff will keep the Commission informed of the status of this application. Mr. Gullixson also noted that there are two annexation applications pending for these Districts and that they will be processed prior to the consolidation. Staff is recommending to the District that an ad hoc committee be established to assist staff in the timely processing of this application.

10. OTHER BUSINESS

10.A) Status Report Re: Plumas LAFCo File No. 2007-ANNX-004, Quincy Lighting District Annexation of East Quincy CSD Territory.

The Executive Officer reported that the above application had been noticed to affected agencies including the Plumas County Auditor. The Auditor's staff has not yet noticed the tax exchange period but is expected to do so soon. Staff will continue to update the Commission on the status of this application

11. ADJOURNMENT

Finding no further business on the agenda, Chairman Meacher adjourned the meeting at 12:30 p.m. to the next regular meeting of Plumas LAFCo scheduled and noticed to be held at 1:00 p.m. on Monday, September 29th, 2008 in the Board of Supervisors Room, Plumas County Courthouse, Quincy, California.