

Shasta LAFCO

Shasta Local Agency Formation Commission

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DRAFT MINUTES

Regular Meeting – October 1, 2009

(These minutes are not intended to be a verbatim transcription of the proceedings and discussion associated with the business on the Commission's agenda; rather, what follows is a summary of the order of business and general nature of testimony, Commission deliberation, and action taken.)

CALL TO ORDER/ROLL CALL/INTRODUCTIONS

Chairman Gover called the meeting to order at 9:00 am at the Shasta Board of Supervisors Chambers, 1450 Court Street, Suite 263, Redding, CA. Commissioners Baugh, Dickerson, Farr, Gover, Haynes, Kehoe, and Morgan were present. Commissioner Fust was absent. Executive Officer Mickelson and Clerk Smith were present as staff.

PLEDGE OF ALLEGIANCE

Commissioner Haynes led the Pledge of Allegiance.

PUBLIC COMMENT

Johanna Trenerry, a Clear Creek CSD board member, addressed the Commission about the draft budget notification and asked if the letter generated by Clear Creek CSD regarding this had been circulated. Commissioner Gover stated that it had. She then stated that in respect to the August 6, 2009 minutes, page 3, last paragraph, Commissioner Kehoe did not say the letter should be placed on a later agenda if necessary, rather that it needed to be placed on the next agenda.

Char Workman-Flowers of Clear Creek CSD requested to know what steps were taken to remedy the draft budget notification process and requested that this item be put on the next agenda.

David Coxey of Bella Vista Water District (BVWD) stated that in 2004 BVWD's contributions to LAFCO was \$11,000 and it is now over \$20,000. Mr. Coxey stated that BVWD is facing its own financial struggles and suggested LAFCo charge fees based on a fee service type approach.

Ms. Kathy Jalquin stated residents in the Elk Trail area have come to her home and told her that they voted yes on the straw poll since it was not binding but would vote no on the ballot. Ms. Jalquin then requested copies of e-mails to and from Commissioner Haynes, Clerk Smith and Executive Officer Mickelson.

Phil Browning of Centerville CSD requested that the minutes be changed to reflect the fact that the draft budget wasn't circulated to special districts.

MINUTES

The minutes of August 6, 2009, August 24, 2009 and September 3, 2009 were presented. By motion made and seconded (Baugh, Haynes) the Commission approved the August 6, 2009, August 24, 2009 and September 3, 2009 minutes. Commissioner Baugh abstained from the August 6, 2009 minutes.

BUDGET & FISCAL AFFAIRS

Fiscal Year 2008-09 June Transaction Register

The FY 2008-09 June Transaction Register was presented for review and adoption. By motion made and seconded (Haynes, Farr) the Commission approved the FY 2008-09 June Transaction Register.

Fiscal Year 2009-10 1st Quarter Transaction Register

The 1st Quarter Transaction Register was presented for review and adoption. By motion made and seconded (Baugh, Kehoe) the Commission approved the 1st Quarter Transaction Register.

Consideration of Checking Account Statements

Ms. Mickelson presented the following bank statements: US Bank: two statements dated July 31, 2009 and August 31, 2009; Tri Counties Bank: two statements dated July 17, 2009 and August 19, 2009; and LAIF: two statements dated July 2009 and August 2009. Commissioner Baugh asked if the small amount at being held at Tri Counties Bank indicated that that account would soon be closed. Executive Office Mickelson stated that this item will be discussed at the next meeting. By motion made and seconded (Baugh, Kehoe) the Commission approved the bank statements as presented.

SPECIAL STUDIES AND REPORTS

Anderson Fire Protection District: Proposed Final Municipal Services Review

Ms. Mickelson reminded the Commission that the Anderson FPD Draft MSR was adopted in 2007. She proposed to the Commission that they adopt the Proposed Final MSR and bring it back in six months with determinations.

Commissioner Haynes had some grammatical corrections for the MSR.

Commissioner Baugh asked about the responses from Shasta County Fire and Cottonwood FPD. Ms. Mickelson stated that all the items have been addressed as much as they possibly can be at this time. She again recommended bringing back the item in six months with determinations after the newly appointed board has had a chance to review the document.

Commissioner Kehoe expressed his persuasion to hold off on adopting the MSR when considering the letter received from Shasta County Fire.

Commissioner Dickerson asked why it would be helpful for the District to adopt the MSR if there are still some questions unanswered.

Ms. Mickelson reminded the Commission that they previously had decided that they would not allow any type of jurisdictional boundary changes until an MSR is complete. By not having an adopted MSR for Anderson FPD it would but the District in a grievous position should another agency move forward with an application that could potentially affect the District's boundary. She also acknowledged that while the District will have a new board in December, the main portion of the MSR content would not change.

Chief Andy Nichols addressed the Commission and expressed his desire for the Commission to adopt the proposed MSR. He did not feel that the new board would make any changes that would dramatically affect the MSR.

By motion made and seconded (Baugh, Dickerson) the Commission adopted the Anderson Fire Protection District Proposed Final Municipal Services Review, with the grammatical changes proposed by Commissioner Haynes and the condition to review the MSR in six months. Commissioner Kehoe dissented.

Municipal Services Review: Status Report

Ms. Mickelson provided the Commission with the current MSR update. This was an information item only. No action was taken.

CHANGES OF ORGANIZATION AND/OR REORGANIZATION

Cottonwood Fire Protection District: Proposed Sphere of Influence Amendment

Executive Officer Mickelson presented the proposal to add territory to the Cottonwood Fire Protection District's Sphere of Influence. The Cottonwood Fire Protection District (the District) submitted an application to LAFCO requesting initiation of proceedings for a Sphere Amendment, proposing to add just over 25,000 acres to the current Sphere (approximately 24,000 acres), which presently shares the same boundary as the District.

The District defines the purpose of the proposed Sphere expansion to "help the District define and narrow the area to begin proper planning for future fire protection service. This would clarify which agency will likely be responsible for ensuring adequate emergency response for this underserved area . . . this would allow the District to focus its efforts on ensuring future fire protection services for an area that can be considered likely to be within the District's future service area."

This was an inhabited, non-100% consent application with many affected agencies. Comments received from affected agencies are attached and incorporated herein. This proposal was made by the District, with contractors and District staff working to prepare the application at the bequest of the FPD Board. This was not a collaborative proposal made with LAFCO Staff. No alternatives to the proposal were indicated by the District.

Although the Cottonwood Fire Protection District should be commended for their goals of future planning, this application process was limited in scope due to the lack of discussion and cooperation with other fire protection agencies, including those which currently provide services to the affected areas. Only the proposed Sphere Amendment was considered by the Cottonwood Fire Protection District as a feasible alternative. Given the conservative annexation history of the District (three annexations within the past thirty years), an addition of over 100% of territory to the Sphere seems to be unnecessary or premature at best. LAFCO staff welcomes this proposal as a starting place for a discussion regarding future growth projections and likely service providers, but feels strongly that approving such an expansive alteration to future service provision without the collaborative effort of other and current service providers (Cal Fire) in the affected area does not meet the mandates of the LAFCO mission.

Ms. Mickelson recommended a continuance of this proposal until a regional discussion can be held regarding fire protection in the Southern County.

Staff recommends hosting a series of meetings and workshops, with the inclusion of GIS services to provide modeling and feasibility of options, and for LAFCO staff to act in a facilitating role to best serve the process of regional collaboration. It is the recommendation of staff that Anderson Fire Protection District, Cal Fire, Cottonwood Fire Protection District, Happy Valley Fire Protection District, Millville Fire Protection District and County representatives meet to discuss regional impacts and work together to propose Spheres and fire protection boundary modifications that will best serve and protect Southern County residents.

Commissioner Baugh asked if LAFCO Commissioners should be included in these discussions and expressed his concern about the potential cost of these meetings. Ms. Mickelson stated that LAFCO would absorb the cost incurred; however there are some monies budgeted for GIS for this type of situation.

By motion made and seconded (Dickerson, Haynes) the Commission moved for a continuance of the Cottonwood Sphere Amendment proposal until a regional discussion can be held regarding fire protection in the Southern County.

Rodney Chadbon with the Cottonwood Fire Protection District apologized to the Commission for not collaborating with the agencies previously mentioned and that they were willing to do so. Mr. Chadbon explained that the District hired a consultant to give them direction on the proposal and was disappointed how things have worked out.

John Stokes with the City of Anderson stated that since there is a slight overlap between the Anderson FPD and Cottonwood FPD he feels it's imperative to engage in conversations regarding this proposal.

Mike Chuchel asked that Cal Fire be included in discussions submitted to Shasta County Fire. He stated that he supported the Executive Officer's recommendation of a continuance of this proposal until a regional discussion can be held regarding fire protection in the Southern County.

The motion for continuance was passed via voice vote.

Commissioner Baugh expressed his desire to participate as a LAFCO representative during these discussions.

Commissioner Dickerson made a motion for Commissioner Baugh to be a LAFCO representative. Being that the item was not agendaized Commissioner Dickerson withdrew the motion.

Report on Upcoming or Potential Proposals

The Executive Officer provided a brief summary to the Commissioners regarding upcoming and expected proposals. Discussion followed. No action was taken.

OPERATIONS & ADMINISTRATION

Consider Responses to Legal Request for Proposals

Commissioner Dickerson questioned whether or not LAFCO should have an attorney present at every meeting.

Commissioner Baugh explained that not having an attorney at every meeting came from the direction of the Commission during the budget process. This was due to limited funds and the Commission's desire to keep expenses down.

Discussion followed about what capacity the attorneys would be available and any charges that would be billed to LAFCO for being on-call.

By motion made and seconded (Kehoe, Baugh) the Commission directed staff to prepare a letter to the Law Offices of Wilkins & Johnson and Kenny, Snowden & Norine for specific costs and availability for on-call legal services. Commissioner Haynes dissented.

Ms. Mickelson asked if the Commission would like the firms to address the Commission's questions at the meeting or if a letter would suffice.

The Commission agreed that a letter would be sufficient.

Consider CALAFCO Regional Structure

Commissioner Haynes asked to hear from staff about this matter.

Ms. Mickelson stated that the goal of this Regional Structure would be to allow structure member LAFcos in geographic regions to encourage communication among LAFco commissioners and staff, increase involvement in Association activities and policies, collaborate on inter-LAFco policies and issues, share resources, and provide regional input to the Board on legislative issues and regional policy issues.

The Commission had concerns about any potential costs associated with this. Discussion followed.

By motion made and seconded (Kehoe, Baugh) the Commission directed staff to listen to the discussion at the upcoming CALAFco conference regarding this matter, take into consideration the Commission's thoughts from today's meeting and vote accordingly.

COMMISSIONER ANNOUNCEMENTS

There were no Commissioner Announcements given.

STAFF ANNOUNCEMENTS

The next special LAFco meeting will be at 9:00 am on November 5, 2009 at the City of Redding Council Chambers.

ADJOURNMENT

There being no further business, Chairman Gover adjourned the meeting at 10:40 am.

Respectfully submitted,

Jessica Smith
Clerk to the Commission

Date