

MINUTES OF APRIL 7, 2004

The Sacramento Local Agency Formation Commission met this seventh day of April, 2004, at 5:30 P.M. in Board Chambers, Sacramento County Administration Center, 700 H Street, Sacramento, California.

PRESENT: Illa Collin, Chair; Lauren Hammond, Vice Chair; Commissioners: Chuck Rose, Elliot Mulberg, Christopher Tooker, Muriel Johnson; Alternate Commissioners: Don Nottoli, John Jachens.

ABSENT: Roberta MacGlashan.

STAFF: Peter Brundage, Executive Officer; Donald Lockhart, Assistant Executive Officer; Nancy Miller, Commission Counsel; Marilyn Ann Flemmer, Commission Clerk.

Chair Collin called the meeting to order at 5:40 P.M. and asked the Clerk to call the roll.

CONSENT CALENDAR

Commissioner Mulberg corrected the Minutes of March 3, 2004 stating that the Special Districts Advisory Committee meeting took place on February 10, 2004 [rather than March 12, 2004]. On a motion by Commissioner Hammond, seconded by Commissioner Tooker, the Minutes of the Meeting of March 3, 2004 and Claims dated April 1, 2004 were unanimously approved.

**REQUEST FOR RECONSIDERATION:
FLORIN RESOURCE CONSERVATION DISTRICT
ANNEXATION OF ELK GROVE WATER SERVICE TERRITORY (10-03)
[CEQA: Exemption]**

Executive Officer Peter Brundage reported that the Florin Resource Conservation District has requested a continuance of their **Request for Reconsideration** of the Annexation of Elk Grove Water Service Territory as well as the **Conducting Authority Hearing** of the cited Annexation. Mr. Brundage stated the District requests the matter be moved to the Agenda of May 5, 2004. On a motion by Commissioner Muriel Johnson, seconded by Commissioner Tooker, the Commission unanimously approved a continuance of these two items to the date of May 5, 2004.

**FLORIN-ELDER CREEK CEMETERY DISTRICT REORGANIZATION (02-04)
[CEQA: Exempt]**

The Executive Officer reviewed the staff report and recommended approval of the proposed reorganization: Dissolution of the Florin-Elder Creek Cemetery District and Annexation of said territory and the single parcel Elder Creek Cemetery to the Elk Grove-Cosumnes Cemetery District. On a motion made by Commissioner Muriel Johnson, seconded by Commissioner

Tooker, the Commission unanimously passed the Florin-Elder Creek Cemetery District Reorganization.

CITY OF ELK GROVE: Incorporation Mitigation Measures

Mr. Brundage stated the City of Elk Grove has requested a continuance of the Incorporation Mitigation Measures to the meeting of May 5, 2004. Mr. Brundage also stated that Sacramento Regional Transit District has requested that the Commission obtain a legal opinion from outside counsel regarding whether or not the mitigation measure for the Elk Grove Incorporation that requires annexation to the District is, in fact, an enforceable mitigation measure. Mr. Brundage stated he believed outside counsel might be able to have an opinion ready by May 5, 2004. On a motion made by Commissioner Tooker, seconded by Commissioner Rose, the item was continued to the date of May 5, 2004. On a motion made by Commissioner Tooker, seconded by Commissioner Hammond, the Commission voted unanimously to seek outside counsel opinion regarding the enforceability of annexation to Sacramento Regional Transit District mitigation measure.

MUNICIPAL SERVICE REVIEW AND SPHERE OF INFLUENCE UPDATE OF CEMETERY DISTRICTS IN SACRAMENTO COUNTY

The Executive Officer reviewed the Municipal Service Review of the Cemetery Districts in Sacramento County. There was Commission discussion.

Mr. Robert Hunt, Counsel for Cemetery Districts, addressed the Commission. Mr. Hunt recommended adoption of staff's recommendation for the Cemetery Municipal Service Review.

James Purcell, Chairman, Fair Oaks Cemetery District, stated Fair Oaks Cemetery District supports LAFCo staff's position; he urged the Commission to adopt the MSR with no amendments.

Marilyn Blansett, Manager, Galt-Arno Cemetery District, addressed the Commission. Ms. Blansett stated the Galt-Arno Cemetery District concurs with staff's position; she urged the Commission to adopt staff's findings.

On a motion made by Commissioner Rose, seconded by Commissioner Johnson, the Commission unanimously adopted the findings stated in Municipal Service Review and Sphere of Influence Update of Cemetery Districts in Sacramento dated April 7, 2004.

CONDUCTING AUTHORITY PROCEEDING: AIRGAS NCN. INC., REORGANIZATION (05-02)

Chair Collin opened the Public Hearing; no person came forward to speak on the issue; the Chair closed the Public Hearing. On a motion made by Commissioner Hammond, seconded by Commissioner Tooker, the Commission unanimously adopted insufficient protest as findings for the conducting authority proceeding approving **AIRGAS NCN, INC., REORGANIZATION (05-02)** [Annexation to City of Sacramento; Detachment from CSA #1, Southgate Recreation

and Park District, Sacramento Metropolitan Fire District, County Water Zones 12, 13, 40, 41, and Florin County Water District.]

FORMATION OF COUNTY SERVICE AREA NO. 11 (04-04)

The Executive Officer reviewed the staff report and recommended approval of the proposed County Service Area No. 11 for extended police protection, with no latent powers. There was Commission discussion on the issue of latent powers.

Russell Fehr, Office of the County Executive, County of Sacramento, addressed the Commission. Mr. Fehr stated that Sacramento County does not currently know the budget shortfall and in the event it may be extremely severe, has requested the formation of County Service Area No. 11. If subsequently activated by the Board of Supervisors for consideration of the electorate, it will function as a funding mechanism for the provision of police protection, with the latent powers of regional park and recreation services, and animal control.

[Commissioner Muriel Johnson left; Alternate Don Nottoli seated on Commission.]

Mr. Robert Klagge, resident of City of Sacramento, addressed the Commission. Mr. Klagge stated he saw no logic in using the urban services boundary as a boundary for the proposed CSA 11. He proposed the residents should all share, countywide, the issue of funding for extended police protection.

Mr. Bill Davis, resident of Arden-Arcade, addressed the Commission. Mr. Davis stated he supported staff's recommendation; "More information is necessary regarding parks and recreation, you are going to confuse people," concluded Mr. Davis.

Mr. Jack Cornelius, resident of City of Sacramento, addressed the Commission. Mr. Cornelius stated he represented people in the Natomas area, west of El Centro Road by the truck stop. "We are more than willing to pay our fair share of police protection on that property; you should expand beyond the urban service boundary, and include animal control," stated Mr. Cornelius.

Mr. Michael Seaman, resident of Arden-Arcade, addressed the Commission. Mr. Seaman stated the County should focus on limiting the powers of CSA 11 to police powers and not include undefined latent powers. Mr. Seaman stated he supported staff's recommendation.

Ms. Karen Klinger, resident of Arden-Arcade, addressed the Commission. Ms. Klinger stated she does not support the formation of CSA 11; she asked why an environmental impact report was not done for the project; and stated her concern for a new layer of taxation. Ms. Klinger concluded by stating, "Everyone in the County should vote."

There was Commission discussion. Mr. Brundage stated he could recommend that animal control be included as a latent power. Commissioner Tooker then moved approval of the **Formation of County Service Area No. 11** for police protection, with a single latent power for animal control. The motion was seconded by Commissioner Rose and passed unanimously.

ASPEN IV REORGANIZATION (05-04)

[Annexation to Sacramento Regional County Sanitation District and County Sanitation District No. 1] [CEQA: Negative Declaration]

Commissioners Collin and Hammond excused themselves due to FPPC considerations. Donald Lockhart reviewed the staff report and recommended approval of the project. There was Commission discussion. Commissioner Rose expressed concern that sanitary sewer service capacity in the Aspen IV development might curtail future development for the City of Citrus Heights. There was Commission discussion regarding location of the sewer line.

Mr. Michael Smith, Teickert Co., addressed the Commission. Mr. Smith stated the project is to be connected to a line already in existence. Mr. Smith stated he was not aware of any impact to the City of Citrus Heights.

On a motion made by Commissioner Nottoli, seconded by Commissioner Tooker, **Aspen IV Reorganization (05-04)** was unanimously approved [Rose, Mulberg, Tooker, Nottoli] with the condition that prior to the filing of the Certificate of Completion, the Executive Officer would receive written confirmation from the service provider that the connection of this project would not negatively impact the City of Citrus Heights. [Commissioners Collin and Hammond returned to the meeting.]

Proposed LAFCo FY 2004-05 Budget

Mr. Brundage reviewed the Proposed FY 2004-05 Budget and answered Commission questions. On a motion made by Commissioner Mulberg, seconded by Commissioner Tooker, the Proposed FY 2004-05 was unanimously approved for circulation and report back for final consideration on May 5, 2004.

Monthly Budget Report

After the Executive Officer's brief review of his recommendations, on a Motion made by Commissioner Tooker, seconded by Commissioner Collin, the Commission unanimously approved the Executive Officer's request to increase the Legal Services budget by \$15,000 [from \$60,000 to \$75,000] and reduce Contingencies from \$25,000 to \$10,000.

Pending Legislation was briefly reviewed by the Assistant Executive Officer. Several announcements were made. The meeting was adjourned at 9:14 P.M.

Respectfully submitted,

SACRAMENTO LOCAL AGENCY FORMATION COMMISSION

Marilyn Ann Flemmer
Commission Clerk