

## ***MINUTES OF THE MEETING FEBRUARY 1, 2006***

The Sacramento Local Agency Formation Commission met this first day of February 2006 at 5:30 P.M. in Board Chambers of the Sacramento County Administration Center, 700 H Street, Sacramento, California.

**PRESENT:** Robert King Fong, Chair; Christopher Tooker, Vice Chair; Commissioners Charles Rose, Elliot Mulberg, Roberta MacGlashan, Sophia Scherman; Gay Jones, John Jachens.

**ABSENT:** Illa Collin, Susan Peters, Kevin McCarty, and Steve Miklos.

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

The meeting was called to order by Robert King Fong at 5:35 P.M. Commissioner Rose led the Pledge of Allegiance. The Clerk called the roll.

### **CONSENT CALENDAR**

A motion to approve the Minutes of December 7, 2005 and Claims dated January 27, 2006 was made by Commissioner Tooker, seconded by Commissioner Rose and unanimously passed.

### **SUNDANCE ANNEXATION TO CITRUS HEIGHTS WATER DISTRICT (10-04)** [CEQA: Addendum to Negative Declaration]

Donald Lockhart reviewed the staff report and recommended approval of the proposal. On a motion made by Commissioner Tooker, seconded by Commissioner Scherman, the motion was unanimously approved.

### **UPDATE: Open Space-Agricultural Preservation Draft Policies** **Workshop Status**

Donald Lockhart reported that staff continues "stakeholder outreach." Mr. Lockhart stated he anticipates there will be a variety of presentations at the upcoming Open Space Workshop.

### **UPDATE: Monthly Budget Report**

Peter Brundage stated the report is for your Commission to receive and file.

**UPDATE: LAFCo Work Plan**

Donald Lockhart stated the report is for your Commission to receive and file.

**Commission Chair/ Vice Chairmanship**

The Executive Officer stated traditionally the chair is rotated among Commissioners at the first meeting of the year. Commissioner Scherman nominated Christopher Tooker as Chair; the motion was seconded by Commissioner Rose and unanimously passed.

Commissioner Tooker nominated Commissioner Rose as Vice Chair. The motion was seconded by Commissioner MacGlashan and unanimously passed.

Christopher Tooker moved into the position of Chair and continued the meeting.

**Commission Terms of Office - Public Member/ Appointment Process**

There was Commission discussion concerning the Public Member and Alternate Public Member process, both members' terms of office end on the first Monday in May, 2006. Commissioner Rose moved to delay beginning the nomination process for a period of two months; Commissioner Scherman seconded the motion which was unanimously passed.

**LEGAL COUNSEL REPORT in Open Session**

Commission Counsel reported that in the case of Citrus Heights Infrastructure Pay-As-You-Go v. City of Citrus Heights, Sacramento Local Agency Formation Commission and Does 1-20, Sacramento County Superior Court Case No. 05CS01721, your Commission has an indemnity agreement, thus, all Commission expenses will be paid. "We held a settlement meeting that was not successful," stated Ms. Miller; "I will keep you updated."

[Commissioner Robert King Fong reclused himself from the meeting and left the room at 5:58 P.M. Before leaving, Mr. Fong stated, "At some point in the future it might be necessary for us to hold a special meeting to discuss issues connected with the Greenbriar Project." Commissioner Elliot Mulberg arrived late and was seated at 5:58 PM; Alternate Commissioner Gay Jones stepped down.]

Commission Counsel reported that in the case of Pacific Gas and Electric Company v. Sacramento Municipal Utility District and Sacramento Local Agency Formation Commission, Sacramento County Superior Court Case No. 05GS01582, "Judge Connelly denied the motion without leave to amend; the litigation is over."

**Public Comment on Draft Environmental Impact Report for  
SMUD SPHERE OF INFLUENCE AMENDMENT AND  
ANNEXATION OF TERRITORY IN YOLO COUNTY (05-05)**

The Executive Officer gave a broad overview of the history of the project and reviewed the draft Environmental Impact Report with a power point presentation, attached hereto and made a part hereof. Mr. Brundage reported that staff and its consultants from URS Corporation conducted four meetings in Yolo County to receive public comment on the Draft EIR.

Mr. Tom Bailey, URS Corporation, then addressed the Commission. Mr. Bailey summarized the significant environmental impacts and briefly defined and discussed each of them: Aesthetics, Air Quality, Noise, Growth Inducement, Cumulative. Mr. Bailey answered Commission questions. There was Commission discussion.

Chairman Tooker opened the Public Hearing on the Draft EIR for (05-05).

Ms. Odene Mitchell, Davis resident, addressed the Commission. Ms. Mitchell stated she has long been an advocate of regulated monopolies. Through economy of scale and the advantages of a large corporation, P.G. & E. can give better service. Commissioner Tooker interrupted Ms. Mitchell and stated this is a hearing on the Draft EIR. Ms. Mitchell stated she would return at a later hearing with her comments.

Mr. Joe Louis Moore, Sacramento African American Historical and Cultural Society, addressed the Commission. Mr. Moore stated he did not realize the hearing was on the EIR only. He stated he was concerned that "we are not being allowed to have input on the process. I would like to see the EIR presented to the ratepayers of Sacramento County. I do not see that happening although the SMUD Board seems to demand a joint vote of Sacramento County as well as Yolo County ratepayers."

Mr. Peter Defty, Davis resident, addressed the Commission. Mr. Defty stated, "An annexation is going to have significant impact on the environment." Mr. Defty then asked about further EIRs that must be prepared for this project. Commissioner Tooker stated that this issue will not be addressed until a vote is taken.

Ms. Lynnel Pollock, Yolo resident, addressed the Commission. Ms. Pollock stated that "SMUD proposes to place the transmission line across the Yolo Bypass. That is one to two miles wide. The impacts on these biological resources are significant. It is used for agriculture as well as the Pacific Coast Flyway for migratory birds. The route of the proposed transmission line will have long range impacts to agriculture, for example aerial application of fertilizers, etc. The general fund monies that come to local government from franchise fees are very important. As a P.G. & E. customer who has received excellent service, I am concerned with dispatch coming from Sacramento. I do not favor annexation of Yolo County to SMUD," concluded Ms. Pollock.

The Chairman closed the public hearing on the Draft EIR for the SMUD project at 6:38 P.M. There was Commission discussion. Mr. Tom Bailey and Commission Counsel answered Commission questions.

**Executive Officer's Report**

Nancy Miller introduced Glenn Walker, Principal, G.E.S. Consulting, Newington, New Hampshire, to the Commission. Mr. Walker stated G.E.S. Consulting specializes in energy and utility issues; "I have been retained to review the application before you. I have been meeting with the various parties and after additional review, I will report to your Commission regarding the evaluation of cost of service and reliability of service surrounding the impact of the proposal on SMUD customers as well as those in the annexation area." Mr. Walker answered Commission questions.

Commissioner Rose announced the Special District Advisory Committee has extended the deadline for submitting applications for appointment to the Committee to the date of April 1, 2006. There was no further business. The meeting was adjourned at 7:08 P.M.

Respectfully submitted,

***SACRAMENTO LOCAL AGENCY FORMATION COMMISSION***

Marilyn Ann Flemmer  
Commission Clerk

**MAF**  
(Minutes February 1, 2006)