

Les Baugh
County Member

Irwin Fust
Special District Alternate



Rick Bosetti
City Member Alternate

Dick Fyten
Public Member

Larry Farr
City Member

Pam Giacomini
County Member Alternate

David Kehoe
County Member

Bob Richardson
Public Member Alternate

James Yarbrough
City Member

Brenda Haynes
Special District Member

Stephen Morgan
Special District Member

Jan Lopez
Executive Officer

MINUTES

Commission Meeting November 20th, 2014

Shasta County Board of Supervisor Chambers

(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.)

1. CALL TO ORDER

a. Presiding as Chairman, Vice Chairman Farr called the meeting to order at 9:01 a.m. at the Anderson City Council Chambers, 1877 Howard Street, Anderson, California.

Present: Vice-Chairman Farr, Commissioners Baugh, Fyten, Haynes, Kehoe, Yarbrough, Alternate Commissioner Fust. Alternate Commissioner Richardson was present in the audience.

Staff Present: Executive Officer Jan Lopez, Attorney Jim Underwood, Officer Manager Kathy Bull, Clerk Linda Romig.

Absent: Chairman Morgan.

b. Alternate Commissioner Fust led the Pledge of Allegiance.

2. PUBLIC COMMENT

Public comments were not offered.

3. ADOPTION OF AGENDA

a. Additions/Changes to the Agenda – No changes were presented.

b. Business/Campaign Conflict Disclosures – No conflicts were disclosed.

4. SPECIAL PRESENTATIONS

None provided.

5. CONSENT CALENDAR

a. Approval of Minutes – None provided.

b. Financial Status Reports – None provided.

c. Notification/Status of pending and/or new applications

Provided as informational only:

- 1) #2012-03 – Mayers Memorial HD/Annexation #1 – under review
- 2) #2013-03 – Mountain Gate CSD/Union School Road Reorganization – awaiting completion of Property Tax Exchange agreement
- 3) #2013-04 – Deschutes Reorganization – applicant requested LAFCO delay filing notice of completion; project in abeyance, waiting submittal of final documents and fees
- 4) #2014-01 – Shasta CSD/Foxwood #2 Reorganization – awaiting Property Tax Exchange agreement
- 5) #2014-02 – Burney WD/Highmark Annexation – awaiting Property Tax Exchange agreement

6. PAYMENT OF CLAIMS FY 2013-2014

None provided.

7. CORRESPONDENCE

a. Bella Vista Water District

Ms. Lopez read aloud the letter provided by David Coxey, General Manager of the Bella Vista Water District dated November 13, 2014 requesting to have the hearing continued to December 4, 2014 because they had not received a proposed draft MSR and still needed to resolve several SOI boundary map clarifications. However, Ms. Lopez recommended continuing the hearing to December 18, 2014. Commissioner Kehoe asked if the sentence in the letter *“however, we have not yet received a copy of the proposed draft”* was correct. Ms. Lopez responded no, not at that time because the CEQA notice had been circulated while the draft was being prepared.

8. SCHEDULED PUBLIC HEARINGS

a. Executive Officer report re scheduled hearings

Ms. Lopez stated there were four hearings that had been advertised and listed for November 20, 2014 meeting. Clear Creek Community Services District was ready to move forward. It was recommended with Bella Vista Water District to open the public hearing to allow anyone to comment and continue the hearing to a future date. The City of Redding and Buckeye Fire Protection District had some boundary clarification issues, and recommended to have the public hearing opened, take testimony and then continue the hearing to December 18, 2014.

Commissioner Baugh asked how Bella Vista Water District could make comments for any correction or changes to be incorporated if the draft reports are not received in a timely manner. Ms. Lopez responded saying the CEQA notice was mailed out 21 days before. With no response from the Bella Vista Water District, LAFCO while working on the report, contacted the District to find out if they had any questions, and they indicated the need for more time to review and responded with the letter. Mr. Baugh asked again how they could have enough time to review the documents given the November 13, 2014 date of the letter. Ms. Lopez said that most agencies after being sent a notice of CEQA review asking for comments will respond right away. Bella Vista did not, so LAFCO made contact and they issued the letter a couple of days after contact was made. Ms. Lopez also stated she had been in contact with them regarding the map

boundaries. Ms. Lopez clarified the report was being prepared but not completed on November 13, 2014.

Commissioner Baugh made the observation that reports are not prepared in a timely fashion for the agencies to be able to review, and suggested the commission back off of the current schedule of completing MSR/SOI studies. He also stated not spending money to notice a public hearing unless reports are almost finalized. Commissioner Kehoe agreed with the observations of Commissioner Baugh.

Commissioner Yarbrough wanted clarification on who keeps LAFCO information needed for the studies. Ms. Lopez stated LAFCO is responsible, however, files don't exist for a lot of things, and has to find information from the agencies, county surveyor, or the state board of equalization. It is LAFCO's responsibility to maintain those files, either hard copy or electronically.

Acting Chairman Farr clarified that even though documents were kept up to date, LAFCO would still have to go to the agency for new information to provide updates since the last MSR/SOI study was completed. The new information would not be in LAFCO files yet, and would have to wait for the agency to respond.

Commissioner Kehoe asked Mr. Underwood if the commission could act on the suggestions by Commissioner Baugh. Attorney Underwood stated, once a hearing is noticed there is a public expectation of discussion, so when a meeting is continued, it should be continued to a date certain. In an ideal world, everything would be complete at the date of publication of the notice of hearing, and this is extraordinary with the compaction a schedule that was adopted a year ago. The commission can indicate to staff that no hearings will be scheduled until draft documents have been prepared with comments having been received.

Commissioner Kehoe stated the credibility of the commission is undermined when there is an advertisement to do something and it isn't done. He then made a **Motion** to accept the two recommendations Mr. Baugh made (1) reconsider schedule of accomplishments when these things are going to be brought to commission (2) not advertise or give public notice if not prepared to do so. Commissioner Baugh said he would be willing to second the motion, however, it was not an agenda item. Mr. Underwood agreed this was not agenda item and was willing to work with the executive officer. Commissioner Kehoe withdrew his motion. Commissioner Baugh requested an update from Mr. Underwood and Ms. Lopez as to whether or not the current schedule was too aggressive, with the lack of time to complete it.

Commissioner Haynes agreed with the discussion, but did not want to undermine or discredit the role of LAFCO by rushing the MSR/SOI's through. The commission has been a target of litigation and shared concerns about compromising the litigation by any action taken at the next meeting. Commissioner Fust stated the office under Jan Lopez was responding to a calendar that the commission adopted and the commission would have to make changes if needed and said this is a situation the commission would have to be flexible on.

Commissioner Fyten mentioned the previous executive officer had created a lot of bad habits in the districts and the current executive officer has to deal with the bad habits that this commission allowed. He further stated if a finger is pointed, there are three fingers pointing back. Commissioner Baugh clarified that there was no pointing of fingers, and was trying to eliminate the pressure on Ms. Lopez by alleviating the scheduled responsibility, and stated his goal was to eliminate the aggressive schedule the board had adopted.

Acting Chairman Farr moved forward with the meeting forward to the SOI/MSR hearings.

- b. Continued SOI/MSR Update Hearings – No continue hearings were scheduled.
- c. SOI/SR Update Hearings

1) Bella Vista Water District

Public meeting was open, there being no comments from the public, and public hearing was continued to December 18, 2014.

2) Clear Creek Community Services District

Public hearing was open to the public. Kurt Born, General Manager for Clear Creek Community Services District mentioned he worked closely with Ms. Lopez and there were a few wording changes and stated his satisfaction with Ms. Lopez’s report.

The commission had a few minor questions for Mr. Born before the public hearing was closed. The commission then discussed corrections to be made to the report.

Motion to approve Clear Creek Community Services District SOI/MSR with corrections was presented by Commissioner Baugh, seconded by Commissioner Yarbrough and passed unanimously by the following votes:

- Ayes:** Baugh, Farr, Fust, Fyten, Haynes, Kehoe, Yarbrough
- Noes:** None
- Abstain:** None
- Absent:** Morgan

3) City of Redding

Hearing was open to the public. Kent Manuel, Planning Manager, City of Redding asked to continue the hearing until December 18, 2014, and shared some confusion of history regarding Buckeye.

Commissioner Haynes mentioned in the fiscal section of the report there was no information regarding the unfunded pension liabilities and had heard it was a major issue and would like to see more details and comprehensive summary of where the City of Redding finances are in relation to the pension liabilities. Ms. Lopez said it could be added to the report. Commissioner Baugh stated the report does mention city budget and contained within the budget are detailed information on pension liabilities as well as other and didn’t understand why one obligation should be listed over other obligations.

The commissioners discussed this issue with Mr. Underwood stating the information is pertinent, but is a policy determination as to whether how much detail or information should be included. Commissioner Yarbrough asked if this will be required of others. Commissioner Baugh stated if the commission makes this decision, it should be followed up with the other agencies.

Motion to have the City of Redding include the unfunded liability of the City for the financial part of the SOI/MSR was presented by Commissioner Fyten, seconded by Commissioner Haynes and failed 5 to 2 by the following votes:

- Ayes:** Fyten, Haynes
- Noes:** Baugh, Farr, Fust, Kehoe, Yarbrough
- Abstain:** None
- Absent:** Morgan

Public hearing was continued to December 18, 2014.

4) Buckeye Fire Protection District

Hearing was open to the public, and there being no comments, the hearing was continued to December 18, 2014.

9. NEW BUSINESS

There was no new business.

10. OLD BUSINESS

- a. Continued, non-hearing related matters - None provided.
- b. Commission Committee Reports
 - 1) Executive Committee Report – Acting Chairman Farr reported back for the Executive Committee meeting, the LAFCO Commission meeting agenda is the result of the meeting.
 - 2) Next Committee Meetings
The next Fiscal Committee meeting is scheduled for Monday, November 24, 2014 at the Shasta LAFCO office at 10:00 a.m., with the Executive Committee meeting being held at 3:00 p.m. and again on December 8, 2014 at 3:00 p.m.

11. EXECUTIVE OFFICER REPORT

- a. Administrative & Operations
Ms. Lopez reported no changes except switching to Charter and have better service.
- b. Master MSR/SOI Study Update
The next two meetings will take care of any outstanding studies.

12. CLOSED SESSION

None scheduled.

13. COMMISSIONER ANNOUNCEMENTS

Commissioner Haynes will not be attending the meeting on December 4, 2014 and Alternate Commissioner Fust will attend in her place.

Commissioner Baugh said Happy Thanksgiving to the community.

14. STAFF ANNOUNCEMENTS

- a. Conferences, meetings, and events of interest to Commissioners – No information provided.
- b. Next Meeting – December 4, 2014 at 9:00 a.m. in the Shasta Lake City Council Chambers.
- c. Future Proposed Agenda Items
 - 1) Continuation of MSR/SOI reviews – No information provided.
 - 2) Presentation of applications as they mature to hearing stage – None provided.

15. ADJOURNMENT OF MEETING

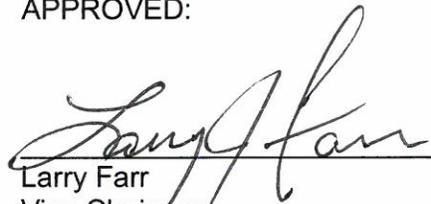
There being no further business, Vice Chairman Farr adjourned the meeting at 10:19 a.m.

ATTEST:

Kathy Bull
Acting Clerk to the Commission

DATE: _____

APPROVED:



Larry Farr
Vice Chairman

DATE: 12/18/14