

Les Baugh  
County Member

Irwin Fust  
Special District Alternate

Larry Farr  
City Member

Pam Giacomini  
County Member Alternate

James Yarbrough  
City Member Alternate

Brenda Haynes  
Special District Member



Brent Weaver  
City Member

David Kehoe  
County Member

Stephen Morgan  
Special District Member

Dick Fyten  
Public Member

Bob Richardson  
Public Member Alternate

Jan Lopez  
Executive Officer

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## MINUTES Commission Meeting February 19<sup>th</sup>, 2015 Shasta County Board of Supervisors' 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. Chairman Morgan called the meeting to order at 9:01 a.m. at the City of Shasta Lake Council Chambers, 4488 Red Bluff Street, Shasta Lake City, California.  
**Present:** Chairman Morgan, Vice-Chairman Farr, Commissioners, Fyten, Haynes, Kehoe, Alternate Commissioner Yarbrough. Alternate Commissioner Richardson was in the audience.  
**Staff Present:** Executive Officer Jan Lopez, Attorney Jim Underwood, Manager Kathy Bull, Clerk Linda Romig.  
**Absent:** Commissioners Baugh, Weaver
- b. Commissioner Kehoe led the Pledge of Allegiance.

Commissioner Kehoe had questions regarding a change in the location of the meeting and asked if the legal requirements for noticing were met pursuant to the terms of the Brown Act. Mr. Underwood stated the Brown Act requires posting of the agenda at the physical location and on a website if available, no less than 72 hours in advance, and stated this was a properly noticed meeting. Ms. Lopez read an e-mail which explained the agenda was posted on the website on February 14<sup>th</sup>, and posted the agenda at Shasta Lake City Council Chambers on Monday, February 16<sup>th</sup> at 8:23 a.m. The website has a meeting schedule page which was for a February 5<sup>th</sup> meeting, and had the webmaster make the correct change.

Commissioner Kehoe stated there was a difference of fact but was willing to proceed pursuant to Mr. Underwood's counsel. Mr. Underwood stated if there was any concern by the Commission of the accuracy of notice, public hearings and actions can be continued to a future meeting. Ms. Lopez said LAFCO had received some calls regarding the meeting location, and posted an agenda with a note reading that the meeting was being held in Shasta Lake City. Ms. Lopez apologized for any confusion.

**Motion** to continue the meeting was presented by Commissioner Farr, seconded by Commissioner Haynes and passed by the following votes:

**Ayes:** Farr, Fyten, Haynes, Morgan, Yarbrough

**Noes:** Kehoe

**Abstain:** None

**Absent:** Baugh, Weaver

### 2. PUBLIC COMMENT

Amy Mickelson, noted that the meeting had been noticed as a regular meeting, but according to LAFCO standards, it is a special meeting. Ms. Mickelson asked that a W-9 sent to her be corrected, and that she and her attorney was still willing to meet regarding PTO payout. The Commission was

asked to circulate a copy of the signed separation agreement to all Commissioners referencing that the separation agreement was not a termination. Also mentioned was a public records act request regarding finances that she had not been provided.

Jacob Swindle, via phone shared his concern regarding comments made by Commissioner Baugh on a social media outlet regarding comments made by Mr. Swindle at an earlier time.

Jerry Monath, from Fall River Valley CSD stated Jan Lopez was a true professional and suggested the Commission continue with Ms. Lopez working for the Commission.

Edie Baltzer, a Cassel resident shared her opinion regarding a long range plan by Jan Lopez for Eastern Shasta County to control certain fire service areas.

Jeff Kiser, City Manager, City of Anderson shared appreciation for the recording of the Deschutes Annexation and stated that the Roseburg property is now a part of the City of Anderson.

### **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
  - 1) December 4, 2014
  - 2) December 18, 2014
  - 3) January 8, 2015
  - 4) January 29, 2015
- b. Financial Status Reports
  - 1) Extraordinary Expenses Reports
  - 2) Working Draft Budget 2<sup>nd</sup> Quarter Actuals/Projected
  - 3) Balance Sheet
  - 4) Budget vs Actual 2<sup>nd</sup> Quarter FY 2014/2015
  - 5) Financial Statement 2<sup>nd</sup> Quarter FY 2014/2015
  - 6) Revenue Statement 2<sup>nd</sup> Quarter FY 2014/2015
  - 7) Statement of Disbursement 2<sup>nd</sup> Quarter FY 2014/2015
- c. Notification/Status of pending and/or new applications

Provided as informational only:

- 1) #2012-03 – Mayers Memorial HD/Annexation #1 – awaiting responses
- 2) #2013-03 – Mountain Gate CSD/Union School Road Reorganization – Property Tax Exchange still pending

- 3) #2013-04 – Deschutes Reorganization – agreements reached between city and fire district; final documents and fees pending
- 4) #2014-01 – Shasta CSD/Foxwood #2 Reorganization – Property Tax Exchange agreements reached; awaiting all agency resolutions
- 5) #2014-02 – Burney WD/Highmark Annexation – Property Tax Exchange agreements reached; awaiting all agency resolutions

Items 5.a.3; 5.b.1; 5.b.3 and 5.b.7 were pulled from the Consent Calendar.

Commissioner Fyten presented information regarding the budget that had been discussed with the Fiscal Committee.

Amy Mickelson asked that the minutes for January 8, 2015 have her comments from that meeting attached that were submitted in writing as part of the permanent record. Ms. Mickelson asked that Commissioner Fyten correct the term that Ms. Mickelson as per the separation agreement. She shared her concerns regarding disbursements such as local hotels and restaurant expenses and appear to be in conflict with Ms. Lopez' contract.

Motion to approve Consent Calendar excluding items 5.a.3; 5.b.1; 5.b.3 and 5.b.7 was presented by Commissioner Haynes, seconded by Commissioner Yarbrough and passed by the following votes:

Ayes: Farr, Fyten, Haynes, Morgan, Yarbrough

Noes: Kehoe

Abstain: Haynes only for Items 5.a.1) and 5.a.4) and Yarbrough abstained only for Item 5.a.4)

Absent: Baugh, Weaver

Commissioner Kehoe explained his "No" vote by stating the full Commission should be present when discussing such matters and also said he was concerned about the financial viability of the organization, statements made that there will be delayed payments to vendors and also shared his concern regarding observations made by the previous director.

## **6. PAYMENT OF CLAIMS FY 2013-2014**

- a. Mayers Memorial HD Annexation: 2012-03
- b. Foxwood #2 Reorganization/Shasta CSD: 2014-01
- c. Highmark Annexation/Burney WD: 2014-02
- d. Union School Road Reorganization/Mountain Gate CSD: 2013-03
- e. Deschutes Reorganization/City of Anderson: 2013-04

Included in the agenda packet were five Statement of Services invoices with a summary of project application expenses pertaining to consultant work completed by Ms. Lopez.

Motion to approve claims was presented by Commissioner Haynes, seconded by Commissioner Yarbrough and passed by the following votes:

Ayes: Farr, Fyten, Haynes, Kehoe, Morgan, Yarbrough

Noes: None

Abstain: None

Absent: Baugh, Weaver

## **7. CORRESPONDENCE**

- a. 01/27/2015: Mountain Gate Community Services District
- b. 01/27/2015: Shasta County Administrative Office re PTE Negotiations

- c. 01/30/2015: Centerville Community Services District
- d. 02/03/2015: Les Baugh
- e. 02/10/2015: Mike Hebrard, Shasta County Fire
- f. 02/11/2015: CDA #6 Jones Valley, Community Advisory Board Resolution

Correspondence was supplied for information only.

## **8. SCHEDULED PUBLIC HEARINGS**

- a. Fall River Valley Coordinated Fire Protection District Service Area Sphere of Influence for Fall River Mills FPD, McArthur FPD, and NW Lassen FPD.

Ms. Lopez provided a brief description of the Sphere of Influence.

Jerry Monath stated he was in favor the MSR. The following individuals shared their concerns with the current information provided in the Sphere of Influence and/or the map: Chief Covea, Gene, Greg Myer, Joe Bruce, Burt Tessi, Don Stanberg, Larry Russell and Edie Baltzer.

Motion to not accept the staff recommendation was presented by Commissioner Kehoe, seconded by Vice-Chairman Farr and failed by the following votes:

Ayes: Farr, Kehoe  
Noes: Fyten, Haynes, Morgan  
Abstain: None  
Absent: Baugh, Weaver

After discussion another motion was presented.

Motion to continue the Fall River Valley Coordinated Fire Protection District Service Area SOI to the March, 5, 2015 meeting was presented by Vice-Chairman Farr, seconded by Commissioner Kehoe and passed by the following votes:

Ayes: Farr, Fyten, Haynes, Kehoe, Morgan  
Noes: None  
Abstain: None  
Absent: Baugh, Weaver

- b. Buckeye Fire Protection District Sphere of Influence Update

Motion to approve the Buckeye Fire Protection District Service Area was presented by Commissioner Kehoe, seconded by Commissioner Haynes and passed by the following votes:

Ayes: Farr, Fyten, Haynes, Kehoe, Morgan  
Noes: None  
Abstain: None  
Absent: Baugh, Weaver

## **9. NEW BUSINESS**

- a. Fall Consider reconsideration requests of approval for CSA #6 – Jones Valley SOI/MSR

Public comments were received from Roy Vincent, Burt Stead, Steve Boyd and Nancy Wallin.

Motion for a reconsideration of CSA #6 was presented by Vice-Chairman Farr, seconded by Commissioner Haynes and passed by the following votes:

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

b. Proposal for rental agreement between Vickie Wolf (Lessor) and Shasta LAFCO (Lessee)

Motion to approve the rental agreement was presented by Vice-Chairman Farr, seconded by Commissioner Haynes and passed by the following votes:

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

c. Proposal for agreement between Jan Lopez and Shasta LAFCO for an 18 month agreement to provide Executive Officer services as an Independent Contractor.

Commissioner Fyten made a motion to accept the contract agreement with two minor adjustments, Vice-Chairman Farr seconded and after discussion Commissioner Fyten withdrew his motion.

Motion to extend the contract between Ms. Lopez and Shasta LAFCO through April 2, 2015 was presented by Commissioner Yarbrough, seconded by Commissioner Kehoe and passed by the following votes:

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

**10. OLD BUSINESS**

No old business was presented.

**11. EXECUTIVE OFFICER REPORT**

- a. Operations & Administration
- b. Policies & Procedures

Ms. Lopez provided a brief update on fiscal operations as well as stating staff will begin to work on the budget in March.

**12. CLOSED SESSION**

- a. Consider the Appointment, Employment, or Evaluation of Performance of Executive Officer Pursuant to Govt. Code Section 54957(b).

The Closed Session item was removed from the agenda.

**13. COMMISSIONER ANNOUNCEMENTS**

No announcements were provided.

**14. STAFF ANNOUNCEMENTS**

- a. Next Special Meeting: March 5th, 9:00 a.m.: location to be announced
- b. Next Regular Meeting: April 2nd 9:00 a.m.: the Anderson City Council Chambers
- c. Future proposed agenda items: Anticipated hearings for April 2, 2015:
  - 1) Draft Budget Hearing for Fiscal Year 2015/2016
  - 2) #2014-01 – Shasta CSD/Foxwood #2 Reorganization
  - 3) #2014-02 – Burney WD/Highmark Annexation

**15. ADJOURNMENT OF MEETING**

There being no further business, Chairman Morgan adjourned the meeting at 12:45 p.m.

ATTEST:

APPROVED:

\_\_\_\_\_  
Kathy Bull  
Acting Clerk to the Commission

\_\_\_\_\_  
Stephen Morgan  
Chairman

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_