

MINUTES OF MEETING OF NOVEMBER 1, 2006

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

PRESENT: Christopher Tooker, Chair; Commissioners Elliot Mulberg, Charles Rose, Susan Peters, Robert King Fong; Alternate Commissioner Gay Jones.

ABSENT: Commissioners Illa Collin and Sophia Scherman.

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

CONSENT CALENDAR

Dr. Tooker called the meeting to order at 5:30 P.M.; Elliot Mulberg led the Pledge of Allegiance; the Clerk called the roll. On a motion made by Commissioner Fong, seconded by Commissioner Peters, the Minutes of the Meeting of October 4, 2006 and Claims dated October 27, 2006 were unanimously approved.

AGRICULTURE - OPEN SPACE PRESERVATION POLICY WORKSHOP

Mr. Brundage stated "Commission staff had intended to proceed with presentations and Commission discussion, although staff had not intended to ask for action tonight. However, within the last two weeks," reported Mr. Brundage, "staff has received numerous letters from attorneys including the Office of County Counsel, and various cities in which they raise legal issues regarding LAFCo's purview over the preservation of agriculture and open space lands."

"Therefore, it is my recommendation that your Commission drop the Agriculture - Open Space Preservation Policy Workshop at this time," continued Mr. Brundage. "I further recommend that your Commission direct Counsel to review the various legal opinions recently provided on the proposed policy; direct Counsel to meet with the interested parties to discuss their legal concerns; direct Counsel to write an opinion on the kind of CEQA document that would be required for this policy; direct Counsel to review and revise the proposed policy; direct staff to re-circulate the revised draft policy; and direct staff to schedule a new Workshop on the Revised Agriculture - Open Space Preservation

Policy." Mr. Brundage concluded stating, "We do not have an estimated completion date at this time."

Commission Counsel stated, "Even though this information has been on our website since January, and we have continued the item a number of times, we have recently received numerous letters raising questions regarding LAFCo's purview of the proposed policy." Ms. Miller continued stating she wanted the opportunity to meet with the commenting attorneys before the Commission proceeds.

There was Commission discussion; Counsel answered questions from the Commission. In response to Commission discussion regarding taking testimony on this evening, Commission Counsel reiterated, "I recommend that you do not proceed, given the issues." Ms. Miller further stated, "The Commission has existing Sphere of Influence, annexation and agricultural protection policies which are the statutory responsibility of LAFCo's. They are generic. It is the level of detail in the proposed policy which has brought forth these legal issues."

Motion to Approve Staff Recommendation

There was additional Commission discussion. Commissioner Mulberg then moved that the Commission take testimony but not vote on the policy tonight. The motion died for the lack of a second. Commissioner Fong then moved to approve staff's recommendation, as stated by Mr. Brundage at the beginning of the meeting. The motion was seconded by Commissioner Peters. The motion passed [Commissioner Tooker voted no].

Public Comment Allowed

Mr. Jim Pahl, Friends of the Swainson's Hawk, addressed the Commission. Mr. Pahl stated he had not had a chance "to review the correspondence from the law offices of Gregory Thatch, however, your staff has conducted many staff level workshops in the communities of Galt, Rancho Cordova, Sacramento, Folsom and Elk Grove. These cities have known for several months that this has been coming up; they have had plenty of time to bring up any issues before this date. I strongly object to the deliberate sand-bagging of this workshop by the cities and the BIA. It will make it more difficult to adopt a policy. I recommend you ask the California Attorney General to get involved; to write an opinion on this matter, that would be one way of resolving the issues and it would take the pressure off of your staff. I further recommend that your Commission not approve new annexations unless there is infill as part of a mitigation. There are thousands of acres in the cities and city staff are all focused on the green field development because it is easier and cheaper," concluded Mr. Pahl.

There was additional Commission discussion. Commissioner Rose requested that staff explore the possibility of creating a discussion group of the stakeholders and LAFCo.

Ms. Cynthia Garcia, Save Our Sandhill Cranes, addressed the Commission. Ms. Garcia stated that her group would like to be included in any future stakeholder meetings.

Pay Differential for Commission Clerk Position

Mr. Brundage requested a five percent increase in pay for the Commission Clerk, effective January 1, 2007. On a motion made by Commissioner Fong, seconded by Commissioner Rose, the motion was unanimously passed.

Commissioner Fong recognized Commissioner Mulberg for his contribution to LAFCo and the Commission wished him well in his future endeavors. Commissioner Mulberg stated, "Now that I am on a LAFCo staff, I have learned it is a lot easier to read these staff reports than it is to write them." Commissioner Tooker recognized staff for their work in preparing for the August 2007 CALAFCo Conference in Sacramento. There was no further business; the meeting was adjourned at 6:15 P.M.

Respectfully submitted,

SACRAMENTO LOCAL AGENCY FORMATION COMMISSION

Marilyn Ann Flemmer
Commission Clerk

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