

MINUTES OF MEETING OF OCTOBER 4, 2006

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

PRESENT: Chris Tooker, Chair; Commissioners Elliot Mulberg, Charles Rose, Susan Peters, Robert King Fong, Sophia Scherman. Also Present: Gay Jones.

ABSENT: Illa Collin.

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

CONSENT CALENDAR

The meeting was called to order by Chairman Tooker at 5:40 P.M. Commissioner Fong led the Pledge of Allegiance. A motion to approve the Consent Calendar was moved by Commissioner Scherman, seconded by Commissioner Fong, and unanimously passed.

KAPALUA COMMONS REORGANIZATION (09-06)

[CEQA: Addendum to Negative Declaration]

Commissioner Scherman recused herself from this matter and left chambers. Mr. Lockhart briefly reviewed the staff report; he advocated adoption of staff's recommendation for approval. On a motion made by Commissioner Rose, seconded by Commissioner Fong, the Commission unanimously passed the Kapalua Commons Reorganization. Commissioner Scherman returned to Chambers.

BROWNWOOD ESTATES REORGANIZATION (08-06)

[CEQA: Addendum to Negative Declaration]

Mr. Lockhart briefly reviewed the staff report and advocated adoption of staff's recommendation for approval. On a motion made by Commissioner Scherman, seconded by Commissioner Fong, the Commission unanimously approved the Brownwood Estates Reorganization.

ELK GROVE COMMUNITY SERVICES DISTRICT -
GALT FIRE PROTECTION DISTRICT REORGANIZATION (04-06)
[CEQA: Exemption]

Mr. Brundage reviewed the staff report and recommended approval of the proposed Reorganization of the Elk Grove C.S.D. and the Galt Fire Protection District. The Executive Officer stated he recommended that the Commission condition approval of the proposal upon the District placing the question of whether or not District representatives should be elected by district or at-large on the November 2008 General Election ballot.

Commission Counsel then addressed the Commission. Ms. Miller stated the City of Elk Grove has stated its concerns regarding governance of the reorganized Cosumnes Community Services District. "It is not a fatal legal problem that in the reorganized District there might be one Board member elected from a fire zone only." (The new Cosumnes C.S.D. will not provide park service within the Galt Fire Zone.) "Board members represent the constituency as a whole," stated Ms. Miller. Commission Counsel further stated that "the Commission can amend or condition the proposal; it cannot deny the proposal. I do not believe we need to study the issue or address in any way the park service of the proposed new C.S.D., as requested by the City of Elk Grove," concluded Ms. Miller. There was Commission discussion; Ms. Miller answered questions from the Commission.

Ms. Donna Hansen, General Manager, Elk Grove Community Services District, addressed the Commission. Ms. Hansen stated, "The proposal for reorganization is an application for good government. The proposal is the result of a long, open and honest process. Both Boards adopted resolutions proposing the reorganization. The C.S.D. has a proud history. The proposal has overwhelming support in the community. We are a very successful model for parks and fire departments; we have healthy budgets, \$19 M in reserve; a strong government with strong principles; we have won numerous awards. We are unique and that is the secret of our success," concluded Ms. Hansen.

Steve Foster, Fire Chief, Elk Grove Community Services District, addressed the Commission. Chief Foster stated "The C.S.D. has one of the finest fire departments in the U.S.; we began studying this proposal over a year ago. I never dreamed someone would want to carve out parks. The main benefit of this proposal is to strengthen fire service in the South County by sharing training, mutual aid, equipment, staffing, administration, and fire prevention techniques. A stronger Galt reduces the strain on all safety public service agencies. The District, and this proposed reorganization, enjoy the overwhelming support of the community. The District has interdependent services; we are healthy, thriving; we work as a team."

John O'Farrell, Consultant to the Elk Grove Community Services District, addressed the Commission. Mr. O'Farrell stated he began to work with the District on the proposal about one year ago. "It is a good proposal; it makes a lot of sense. Improved health and safety is the end result. As Executive Officer of LAFCo in 1985, I recommended the merger of the park and fire district. At that time, it was an experiment. What a success

story it has been! ...this difference, and uniqueness is its success. I recommended during the four separate proposals for the incorporation of Elk Grove that the new City not provide park and fire services. Your Commission has in the past made many highly controversial decisions; you have prevailed because staff has given good information; law and process has been satisfied. You cannot deny the application before you; there is process to follow. The City has chosen to derail the proposal and requests denial or delay. I urge your Commission to move the reorganization forward because it is a good plan and will bring forward good services," concluded Mr. O'Farrell.

Mr. Jim Cooper, City Councilman, City of Elk Grove, addressed the Commission. Mr. Cooper stated, "The City supports the merger of fire districts on record; the issue is parks. Make sure there are no fatal flaws. If there are any issues, make sure before you approve. My concern is if there is a mistake, we won't find it out til later. Take some time; I can't see any hurry. Make sure the governance is right," concluded Mr. Cooper.

Dr. Robert Waste, Robert Waste & Associates and Consultant for the City of Elk Grove, addressed the Commission. Dr. Waste stated, "The Cities of Elk Grove and Galt look forward to a fire suppression unit that would join two good ones and increase training staff and resources in Galt. We support that. We do have some questions though. It is not entirely clear. Let us check and make sure it is roadworthy. The Galt territory will have only fire. Out of the five board members now, they all deal with parks and fire. When you mix in a person or more who represents only fire, it is competing, dueling interests." Dr. Waste then addressed at-large or district-wide elections. "I am not sure that solves the problem," he concluded.

Ms. Elaine Wright, Board President, Elk Grove Community Services District, addressed the Commission. Ms. Wright briefly stated, "We have been very careful in following process; after one year's study, it is clear that this merger is the best thing we can do for the people of Galt and the people of Elk Grove."

Guy Rutter, Chairman, Board of Directors, Galt Fire Protection District, addressed the Commission. Mr. Rutter stated, "In Galt, we have struggled for years with Proposition 13 and trying to keep running. The Board proceeded with hearings; there was very little opposition expressed against this proposal in Galt. Tonight we ask for your support. We want to move on in a positive manner."

Walter Hernandez, Elk Grove resident, addressed the Commission. Mr. Hernandez stated he is a retired safety officer who has been deeply involved with emergency service agencies. He has worked with the Department of Homeland Security, Federal Bureau of Investigation, California Highway Patrol and Sacramento-Yolo Sheriffs Departments. Mr. Hernandez stated, "I strongly urge you to support this reorganization; I feel it will benefit both communities. Each District reports to accidents within its own district as well as that of its neighboring district. It can only benefit both communities to have the same high standards. The Elk Grove C.S.D. fire training program is one of the best in the area," concluded Mr. Hernandez.

Richard Haas, Vice Chair, Board of Directors, Galt Fire Protection District, addressed the Commission. Mr. Haas read a letter into the record from Guy Rutter, Chair of the Galt Fire Protection District Board, to Commission Counsel Nancy Miller, stating no additional governance issues need to be addressed prior to approval. "This reorganization has been carefully studied; there are no unanswered governance issues; there will be an increased level of service in both districts; Galt Fire Protection District strongly supports this proposal."

John Duecker, Paramedic, Galt Fire Protection District, addressed the Commission. Mr. Duecker stated, "There are benefits that have already occurred in Galt and Elk Grove--- in the training program and the phenomenal leadership coming out is wonderful. This reorganization of park and fire looks outside the box. This merger will help citizens in these communities."

Brian Rice, President, Sacramento Area Firefighters, Local 522, addressed the Commission. Mr. Rice stated, "Local 522 supports the proposal; our desire is to move forward into the new Cosumnes C.S.D. The Elk Grove C.S.D. has functioned very well during the last 21 years; we are one of a kind, a shining star. Nothing will change-- except-- it will be improved. I urge your support."

Ron Gangl, Sacramento Area Firefighters, Local 522 Unit Representative, addressed the Commission. Mr. Gangl stated, "I am very proud to be a member of the Elk Grove C.S.D., soon to be Cosumnes C.S.D. I have attended many meetings; the endorsement from Elk Grove Firefighters came only after all the information was given to us. We had meetings in our units and we voted to support the proposal. Elk Grove and Galt already share, and we are looking at how we control growth. This is the best model; I resent Dr. Waste's "fatal flaw" accusation. This is a buzz word. I am very confident we can solve this."

Jeff Ramos, Chief Operating Officer, Elk Grove Community Services District, addressed the Commission. Mr. Ramos briefly stated, "The Elk Grove C.S.D. spent many hours analyzing this proposal; there are no fiscal issues regarding this reorganization."

Dyric Ramirez, Elk Grove resident, addressed the Commission. Mr. Ramirez stated he was against the fire merger that includes parks. He stated there is a conflict of interest with the C.S.D.'s consultant, M. Zamarippa, because she is a County employee. "Her report is moonlighting, it is illegal," concluded Mr. Ramirez.

Commission Counsel addressed the Commission. Ms. Miller stated, "There is no conflict of interest with Zamarippa Consultants."

Jake Rambo, Elk Grove resident, addressed the Commission. Mr. Rambo stated the C.S.D. has not checked the facts. "A few months ago, they informed the citizens they did not have the money to do a service they later assumed. Galt has no interest in parks."

This is mixing apples and oranges. You need to work out that tension. How will you protect Elk Grove parks?" he concluded.

Fred Bremerman, Elk Grove Community Services District, addressed the Commission. Mr. Bremerman stated he supports the reorganization; he has had seventeen years of service in the department.

Pat Perez, Elk Grove resident, former Elk Grove Community Services District Board Member, addressed the Commission. Mr. Perez stated he was a Board member for twelve years. "The Elk Grove Community Services District co-chaired the 'Get Out the Vote' for the Elk Grove cityhood movement. In selling cityhood, the incorporation proposal made clear that the Elk Grove Community Services District would continue to provide park and fire services after incorporation; there was no proposal to change that. I am puzzled by the City's attempt to obstruct---to grab power. Removing parks from the District would weaken both fire and park services and destroy great efficiencies that have occurred in creating the strong financial position the District enjoys. The merger will strengthen services in the proposal territory. I urge you to support the merger in its entirety. The City's attempts should be viewed as the "fatal flaw" of the citizens' trust in city government. The merger will benefit all residents," concluded Mr. Perez.

Doug McElroy, Board Member, Elk Grove Community Services District, addressed the Commission. Mr. McElroy stated he has served on the Board for fourteen years. He stated the District has community trust and fiduciary responsibility. "We established a new statewide standard; 95% financing for capitol improvement; we are ready to meet the needs of the South County area. We urge your support."

Darryl Clare, Mayor, City of Galt, addressed the Commission. Mayor Clare stated he congratulated both fire Districts; the City of Galt strongly endorses the reorganization. "I have already seen the benefits of the merger in the three person crews on the trucks the District rolls. This park-fire district model is extremely efficient; its expansion is the best thing for the region."

Chairman Tooker closed the public hearing. There was Commission discussion. Commission Council and the Executive Officer answered Commission questions. Commissioner Sophia Scherman spoke against the reorganization because of governance issues.

Motion to Approve

Commissioner Rose moved adoption of staff's recommendation to adopt the CEQA Exemption for the project and approve the Reorganization with the Executive Officer's condition concerning addressing the electorate November 2008 with the question of whether or not Board members should be elected by district or at large. Commissioner Fong amended the motion to remove the condition. Commissioner Rose agreed with the amendment. Commissioner Mulberg seconded the motion amended by Commissioner Fong. The motion passed on a 5-1 vote. [Commissioner Scherman voted no.]

At 8: 09 P.M. the Chair announced at ten minute break.

Proposed Agriculture - Open Space Preservation Policy Workshop

Staff requested a continuation of this item. On a motion made by Commissioner Peters, seconded by Commissioner Mulberg, the motion to continue to November 1, 2006, was unanimously passed.

SACOG Smart Growth/ Infill Presentation

Greg Chew of Sacramento Area Council of Governments gave a power point presentation on the Smart Growth Blueprint and infill.

Karen Klinger, Arden-Arcade Incorporation Proponent, addressed the Commission. Ms. Klinger stated that SACOG will not give her a copy of the SACOG Blueprint. She said "Smart Growth/ Infill means high density housing units will be dumped in Arden-Arcade. Smart Growth is not smart growth when you continue to diminish our quality of life."

City of Sacramento Sphere of Influence Amendment and Reorganization of Greenbriar Property (12-05)

Mr. Lockhart briefly reported that staff is dealing with comments on the DEIR.

Budget

The Executive Officer recommended the Commission receive and file the report in the packet.

Legislation/ Work Plan

Receive and file. Announcements: Sacramento LAFCo received three awards at the CALAFCo Conference in San Diego. Gay Jones was elected to the CALAFCo Board. There was no further business; the meeting was adjourned at 8:55 P.M.

Respectfully submitted,

SACRAMENTO LOCAL AGENCY FORMATION COMMISSION

Marilyn Ann Flemmer
Commission Clerk

MAF
:Minutes October 4, 2006)