

Local Agency Formation Commission Of
Colusa County

July 5, 2007 Minutes

The Local Agency Formation Commission of Colusa County meets in Regular Session this 5th day of July 2007 at the hour of 3:00 PM. Commissioners Present: Brandon Ash, Chairman, Don Barker, Angie Fulcher, Gary Evans, and Dan Yerxa. Commissioners Absent: Kay Hosmer (Entered meeting at 3:08 pm).

Present: John Benoit, Executive Officer.
P. Scott Browne, Legal Counsel.
Mary Winters, Public Member, Alternate.
Alicia Draves, Commission Clerk.

Chairman Ash calls the meeting to order at 3:00 PM.

Chairman Ash declares time for the election of a new Chair and Vice Chair for Fiscal Year 2007-2008.

Chairman Ash hands over the gavel to Mr. Benoit.

Mr. Benoit calls for a nomination for the position of Chairman.

Commissioner Yerxa nominates Commissioner Ash for the position of Chair.

Hearing no other nominations, Mr. Benoit closes the nominations.

It is moved by Commissioner Yerxa, seconded by Commissioner Evans to nominate Commissioner Ash to the position of Chair for the Fiscal Year 2007-2008. Motion carried. All yes. Absent: Commissioner Hosmer.

Chairman Ash calls for a nomination for the position of Vice Chair.

Commissioner Yerxa nominates Commissioner Barker to the position of Vice Chair.

Hearing no other nominations, Chairman Ash closes the nominations.

It is moved by Commissioner Yerxa, seconded by Commissioner Fulcher to nominate Commissioner Barker to the position of Vice Chair for the Fiscal Year 2007-2008. Motion carried. All yes. Absent: Commissioner Hosmer.

Chairman Ash declares time for approval of the Minutes of June 7, 2007.

It is moved by Commissioner Evans, seconded by Commissioner Yerxa to approve the Minutes of June 7, 2007. Motion carried. All yes. Absent: Commissioner Hosmer.

Chairman Ash declares time for a period of public comment.

No comment being heard, Chairman Ash closes the period of public comment.

Chairman Ash declares time for approval of the Consent Agenda.

Mr. Benoit states that he has handed out a revised claim form, due to the fact that the CALAFCo dues were not included.

Consent Agenda: It is moved by Commissioner Yerxa, seconded by Commissioner Evans to approve payment of claims for June 2007 as corrected. Motion carried. All yes. Absent: Commissioner Hosmer.

Chairman Ash declares time for a public hearing on policy amendments to LAFCo's adopted policies regarding municipal service reviews and sphere of influence studies for non-growth inducing municipal services and districts solely providing non-growth inducing municipal services.

Mr. Benoit states that this is a first reading of the policy amendment, noting that it is essentially a change to the policy standards and procedures. He further states that this copy does include changes requested by the Commission, given to him by Mr. Browne. He notes that this policy does not include MSRs for the cities, fire districts, domestic water, wastewater or roads.

Commissioner Hosmer is now present at 3:08 PM.

Hearing no further comment Chairman Ash closes the public hearing and requests that Mr. Benoit read the title of the amendment out loud.

It is moved by Commissioner Barker, seconded by Commissioner Yerxa to waive the first reading of the full document, and read the title only. Motion carried by the following vote:

AYES: Commissioners Yerxa, Evans, Barker, and Ash.

NOES: None.

ABSTAIN: Commissioner Hosmer.

ABSENT: None.

Chairman Ash declares time for a workshop regarding Fire and EMS municipal services reviews.

Mr. Benoit states that he has included comments in this form from

Arbuckle/College City Fire Protection Agency, Williams Fire Protection Authority, and Princeton.

Lengthy discussion is held regarding procedure for completing Municipal Services Reviews for the various Fire Authorities.

Chairman Ash directs staff to set a date and publish the public hearing.

Chairman Ash declares time for discussion and approval of an amendment to the contract between the Colusa Local Agency Formation Commission and P. Scott Browne, Attorney at Law dated July 3, 2003 thereby amending Section II paragraph A "compensation".

It is moved by Commissioner Yerxa, seconded by Commissioner Hosmer to approve a contract between the Colusa Local Agency Formation Commission and P. Scott Browne, Attorney at Law dated July 3, 2003 effective July 1, 2007, thereby amending Section II paragraph A "compensation". Motion carried. All yes. Absent: None.

Chairman Ash declares time for discussion and approval of an amendment to the contract between the Colusa Local Agency Formation Commission and John Benoit dated March 6, 2003 amending section 2.2.1 (a) "Clerk Costs and Other Expenses".

It is moved by Commissioner Barker, seconded by Commissioner Hosmer to approve a contract between the Colusa Local Agency Formation Commission and John Benoit dated March 6, 2003, amending section 2.2.1 (a) "Clerk Costs and Other Expenses" effective July 1, 2007. Motion carried. All yes. Absent: None.

Chairman Ash declares time for discussion and consideration of a funding agreement between the Colusa Local Agency Formation Commission and Gerry N. Kamilos, LLC for funding for the preparation of the City of Colusa MSR/SOI.

Mr. Benoit states that Mr. Kamilos wishes to enter into an agreement for reimbursement with the LAFCo Commission. He further states that having the money right now would be great, however he must make it clear if approval is given, no work will be completed until the Master Utility Studies are finished. He further notes that the General Plan and the EIR must also be completed.

Chairman Ash opens the public hearing.

Mr. Kerr speaking on behalf of Brookins Ranch speaks in support of the agreement stating they are only attempting to facilitate a funding source for LAFCo to being the process. He further states they are willing to extend the funds without expectation of the funds being returned to them.

Commissioner Barker requests that Mr. Kerr put that promise in writing.

Mr. Kerr states that he would be willing to provide that.

Mr. Guynn speaks against the agreement, noting that is in the best interest for all if the process stays in sequence with what the City of Colusa has developed in their four part funding agreement, which is already in place.

Commissioner Barker states that if work is began now, without the completion of the General Plan, it will create CEQA problems down the road.

Mr. Toft speaks against the agreement, stating that he does not believe that it is appropriate at this time. He further states that when the timing is appropriate his company is more than willing to pay their fair share.

Commissioner Hosmer states that she has concerns regarding this developer having funds in place in advance of the other developers, making it seem that this developer has a "leg up" on the other developers.

Lengthy discussion is held regarding the approval of the agreement all commissioners agreeing that that the City of Colusa must be allowed to complete all of their work before funds are accepted.

It is moved by Commissioner Barker, second by Commissioner Hosmer to deny to the agreement and accept no funds until the General Pan, EIR and Master Facility Plans have been completed by the City of Colusa. Motion carried. All yes. Absent: None.

EXECUTIVE OFFICER'S MONTHLY REPORT:

Mr. Benoit updates the Commission on the progress being made regarding GIS mapping within the County. He notes that he will be contacting several different County departments for use of maps already completed, and then working from there to see what still needs to be done. He speaks to the need for LAFCO Commissioners to look into Workman's Compensation. He notes that this is something that has be handled by the County Board of Supervisors.

COMMISSIONER'S REPORTS:

Nothing to report.

Chairman Ash adjourns the meeting at 4:31 PM to reconvene in Regular Session on Thursday, August 2, 2007 at the hour of 3:00 PM.

Approved: _____
, Chairman

Attest: _____
Alicia Draves, Commission Clerk