

Agenda Item No. 1

MINUTES OF THE MEETING OF APRIL 4, 2007

The Sacramento Local Agency Formation Commission met this fourth day of April, 2007, at 5:30 P.M. in Board Chambers of the Sacramento County Administration Center, 700 H Street, Sacramento, California.

PRESENT: Commissioners: Chair Charles Rose, Vice-Chair - Vacant; Susan Peters, Christopher Tooker, Jimmie Yee, Gay Jones, Robert King Fong, Steve Miklos, Leo Fassler

ABSENT: None.

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

Commissioner Charles Rose called the meeting to order at 5:35 P.M.; Leo Fassler led the Pledge of Allegiance; the Assistant Executive Officer assumed the duties of the Clerk, and called the roll.

ANNOUNCEMENTS

Peter Brundage announced the retirement of Commission Clerk Marilyn Flemmer, effective March 23, 2007. Marilyn provided nearly thirty years of service to the County of Sacramento and LAFCo. Peter then introduced newly appointed Commissioner Steve Miklos. Commissioner Miklos apprised the Commission that the City Selection Committee recently convened, and the Committee selected the City of Folsom (Miklos) as the City Commissioner and the City of Rancho Cordova as the Alternate.

CONSENT CALENDAR

Commissioner Tooker moved approval of the Minutes of March 7, 2007 and Claims dated February 28, 2007. The motion was seconded by Commissioner Peters and passed 6-0. (Commissioner Miklos abstained.)

PUBLIC HEARINGS AND ACTION ITEMS

None.

SEPARATE ACTION ITEMS

3. Proposed Arden-Arcade Incorporation Status Report (03-07)

Peter Brundage reviewed the staff report giving the status of the project. There was Commission discussion. The matter was not an action matter.

4. Proposed FY 2007-08 Budget

Peter Brundage reviewed the staff report giving the status of the project. There was Commission discussion. The Commission directed the Executive Officer to distribute the proposed budget to affected agencies for review and comment, and to set a Public Hearing on the FY 2007-08 Proposed Budget for May 2, 2007.

5. Incorporation Fee Policy

Peter Brundage reviewed the staff report giving the status of the project. There was Commission discussion. The Commission amended its incorporation fee policy previously adopted on November 3, 2005. The amended fee policy requires incorporation proponents to pay the entire cost of incorporation proceedings prior to issuance of the Executive Officer's Report and Public Hearings.

The Commission unanimously passed an Intent Motion to:

1. Require the Arden Arcade Incorporation Proponents to pay all of the costs to complete the necessary incorporation studies and pay legal costs incurred by Commission Counsel related to the incorporation.
2. Payments will be made prior to commencement and continuation of work. The proponents shall make deposits in advance of all work.
3. Payment schedule is to be determined based on contracts between the consultants and LAFCo.
4. Proponents shall make a \$5,000 deposit for future legal expenses plus all costs incurred to date.
5. Proponents will be billed actual legal expenditures monthly.
6. All work will stop if deposits are not sufficient to cover the invoices submitted by LAFCo's consultants and legal counsel.
7. LAFCo staff time will be absorbed. However, if Arden Arcade incorporates, the new city will reimburse LAFCo for staff costs incurred to process the Arden Arcade Incorporation proposal.

In consideration of LAFCo budgetary constraints, yet to be flexible to the Arden-Arcade Incorporation Proponents, the Intent Motion also directed the Executive Officer to meet with the Arden-Arcade Incorporation Proponents to discuss the LAFCo Incorporation Fee Policy adopted April 4, 2007, as set forth above.

6. Sacramento LAFCo Policies, Standards and Procedures Update to reflect Changes in Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000

The item was continued.

7. Confirmation of New Members on Special District Advisory Committee

Chairman Rose recommended confirmation of all six applicants to the Committee. The Commission voted unanimously to confirm the appointments.

OTHER INFORMATION [ACTION] ITEMS

8. Update: Legislation

9. Update: Work Plan

Both of these items were briefly reviewed; no action was taken.

**10. CLOSED SESSION:
CONFERENCE WITH LEGAL COUNSEL - Existing Litigation
(Subdivision (a) of Government Code Section 54956.9)**

Name of Case: City of Rancho Cordova; Evelyn Richardson, a Taxpayer, Petitioners and Plaintiffs, vs. Sacramento Local Agency Formation Commission; Peter Brundage, in His Official Capacity as Executive Officer, Sacramento Local Agency Formation Commission; County of Sacramento; Dave Irish, in His Official Capacity as Director of Finance, Sacramento County; and Does 1 through 100, Respondents and Defendants. Complaint and Petition for Writ of Mandamus. Superior Court Case Number 06AS02723 filed June 27, 2006.

At the end of the Closed Session, Commission Counsel reported "A settlement agreement has been reached regarding the pending litigation."

There were no further reports. The meeting was adjourned at 7:30 P.M.

Respectfully submitted,

SACRAMENTO LOCAL AGENCY FORMATION COMMISSION


Peter Brundage
Executive Officer

DL:PB (Minutes April 4, 2007)