

MINUTES

Del Norte Local Agency Formation Commission February 24, 2014 4:00 pm

Members present: Chairman Roger Gitlin, Gerry Hemmingsen, Kathryn Murray and Public Member Sparky Countess

Members absent: Ron Gastineau

Others present: George Williamson, Executive Officer, Deputy Counsel Elizabeth Cable, Del Norte County Fair Manager Randy Hatfield, and Karen Phillips, PS Business Services

1. Call to Order/Roll Call

Chairman Roger Gitlin called the meeting to order at 4:01 p.m.

2. Public Hearings

A. None

No public comment.

3. Regular Business

A. Approval of **January 27**, 2014 Draft Minutes (ATTACHMENT 3A)

On a motion by Commissioner Countess, seconded by Commissioner Hemmingsen, and unanimously carried on a polled vote, with Commissioner Gastineau absent, the Local Agency Formation Commission approved and adopted the minutes of the January 27, 2014 meeting as presented.

B. Del Norte County Fairgrounds Recreation and Park Special District Formation Draft Initial Study and Negative Declaration - (ATTACHMENT 3B)

Executive Officer Williamson reviewed the draft initial study and negative declaration with the Commission. The filing has been made and the notice of filing was distributed to any special district or entity to allow public comments. This filing puts the Commission on record as having received the application. A present and proposed service provider list was also provided with the notice of filing. February 21, 2014 was the end of the notice period and no comments or responses were received. The initial study/negative declaration is in draft form for the Commission's consideration and it will, with the Commission's approval today, go out for a 30 day review/comment period. Next the MSR will come before the Commission for review.

On a motion by Commissioner Hemmingsen, seconded by Commissioner Countess, and unanimously carried on a polled vote, with Commissioner Gastineau absent, the Local Agency Formation Commission authorized the release of the Del Norte County Fairgrounds Recreation and Park Special District Formation Initial Study and Negative Declaration and it's posting for 30 day review.

Staff noted that the document will go out this week and be noticed for a public hearing before the LAFCO Commission. Commissioner Countess asked about the capital improvements and asked why the State has not stepped up to the plate and provided the funds for the fair to do the improvements. Manager Randy Hatfield explained the capital improvement funding and the process by which the State has cut off funding over a period of years. Commissioner Countess also wanted to know if the capital improvements would be grant funds or paid by the taxpayer. The funds raised by this initiative will be used partly for capital improvements and the fair will be looking to private partnerships and grants to help pay for other improvements. Commissioner Kathryn Murray asked if other fairs had taken this same action to form special districts. Mr. Hatfield noted that other fairs have formed joint powers authorities with cities and counties, but this is the first special district that he knows of in the State. It was noted that discussion of the State turning over the property to the fair is a longstanding conversation that has not been resolved. Chair Gitlin noted the cost of the capital improvements and asked why they were so high. Mr. Hatfield stated that the list is a "wish list" of projects and does not represent the core work that will be done with funding. Commissioner Gitlin noted that there is money to close down fairs, \$280 million statewide, and asked if it could be used to improvements. Mr. Hatfield stated that the "close down" funds cannot be used for capital improvements and they have not been awarded either. Several fairs have chosen at this time to not hold annual fairs, but to continue with some smaller shows throughout the year. The parks and recreation district initiative has to go before the voters for a 2/3 vote.

C. Appointment of Special Counsel for R&P Special District Formation
Application Review - (ATTACHMENT 3C)

Commissioner Hemmingsen recused himself from this item, due to a conflict, and left the room. Executive Officer Williamson discussed the appointment of special counsel, including that he was not able to find a local attorney that has direct experience with LAFCO. The two firms that staff found, Mitchell Brisso Delaney & Vrieze, and Nancy Diamond, both have experience in this area, however, they are from Humboldt County. Staff will solicit advice where appropriate from the attorney, but unless the Commission wants them present to discuss matters at meetings, the attorneys will be kept apprised by staff in order to keep legal costs to a minimum. Discussion of the two firms was held and a review of the hourly fees of \$185 per hour versus \$155 per hour were discussed. Consensus of the Commission was to hire Mitchell Brisso Delaney & Vrieze, after some discussion. The special counsel agreement will come back for approval at the next meeting.

D. Budget Amendment/ Filing Fees Transfer Request (ATTACHMENT 3D)

Mr. Williamson requested that the Commission approve a budget amendment in the amount of \$11,000 for the proposed Fairgrounds Parks and Recreation District Formation Plan for Services, application processing, CEQA review, MSR preparation and public hearing process. Pursuant to the County Auditor's direction the budget

transfer is necessary in order to expend the revenues and allocate funds in the line item.

On a motion by Commissioner Countess, seconded by Commissioner Hemmingsen, and unanimously carried on a polled vote, with Commissioner Gastineau absent, the Local Agency Formation Commission approved the budget amendment in the amount of \$11,000 as presented.

4. Inquiries, Correspondence, Application Status and Referrals

A. Staff - The Executive Officer will provide a report of current projects, issues of interest, and pending legislation.

Report on Commission Inquiry into Big Rock CSD activities

Report on Cemetery District options

Mr. Williamson reported on the above listed matters, including the Big Rock Jefferson State issue. Mr. Williamson reported that he could not find anything in the legislation that spoke to sending out correspondence regarding political initiatives. No district funds were expended, according to the District representative, they timed the question to go out with the water bills and paid for the paper and printing of the information personally, not with district funds. Discussion of forming a cemetery district, which could include a petition, the filing of an application, source of revenue for the district, etc., in order to establish, was held. Commissioner Countess noted that staff should be directed to look into creating a special district to maintain the cemetery, it is a disgrace. Commissioner Hemmingsen noted that the formation of a district needs to have a champion or entity willing to bring forward the application and he feels it should be one of the groups that owns property at the cemetery (Odd Fellow, Veterans or Catholic). Commissioner Murray noted the importance of maintaining the area and using public awareness to bring attention to the issue of cemetery maintenance. Chair Gitlin noted that there were 23 volunteers at the cemetery working in the Odd Fellows area last weekend. They were only able to complete 2/3's of the area. He feels that it would be prudent to find out the cost of maintaining the cemetery and he would like to have staff find out the cost of having one and half maintenance employees. Commissioner Gitlin offered to invite the representatives of the clean up group, including Mr. Sherman (employed as groundskeeper), to discuss taking on this project. By consensus staff was directed to bring together cemetery maintenance cost information for presentation and discussion at the next meeting, including having the County Auditor address the revenues for the Veteran's Cemetery, one and a half employees, and having a permanent restroom facility at the site.

B. Commission - On their own initiative, Commission members may make brief announcements or reports on their own activities. They may ask questions for clarification, make a referral to staff or request a business matter for a future agenda per Government Code Section 54954.2 (a).

The following Commissioners made comments, reports and requests: Commissioner Gitlin reported on all the beautification work that the volunteer group did at the cemetery and the concern people have regarding the continued maintenance. Discussion was

held regarding moving the next meeting to March 17th, which is a City Council meeting date. After discussion it was decided that the March meeting would be cancelled.

- C. Public - Public comment on items of interest within LAFCo subject matter jurisdiction, and not otherwise appearing on the agenda. No action may be taken on any item not appearing on the agenda.

The following person(s) addressed the Commission: none.

5. Adjournment

There being no further business to come before the Commission, Chairman Gitlin adjourned the meeting at p.m. until the next regularly scheduled meeting on April 28th, 2014 at 4:00 p.m.

Respectfully submitted,

Karen Phillips, Recording Secretary