



**MINUTES OF MEETING**  
***Approved***  
**Wednesday, October 1, 2008**

**COMMISSIONERS**

**ALTERNATE COMMISSIONERS**

**STAFF**

Present Paul Kelley, Chair  
Present Mike Kerns  
Present Jean Kapolchok  
Present Steve Allen  
Absent Lisa Schaffner  
Present Mark Bramfitt  
Absent Ray Brunton

Absent Valerie Brown  
Present Mark Ihde  
Present Teresa Barrett  
Present Albert Giordano

Present Richard Bottarini  
Present Carole Cooper  
Present Present David Hurst  
Cynthia Olson, Clerk

1. **CALL TO ORDER BY THE CHAIR:** The meeting was called to order at 2:02 p.m.
2. **APPROVAL OF MINUTES OF MEETING:** The minutes of the August 6, 2008, meeting were unanimously approved.
3. **GENERAL ANNOUNCEMENTS:** none
4. **GENERAL PUBLIC COMMENT:** none
5. **REGULAR CALENDAR:**
  - 5.1. Financial Audit: 2005-2006 and 2006-2007 – Staff summarized the staff report and recommended that the Commission accept the Audit Report for fiscal years 2005-06 and 2006-07 and direct staff to send a response to the Auditor by October 11, 2008.

**Action:** Approved as recommended by staff

Schaffner: absent    Allen: aye    Kerns: aye    Giordano: aye    Bramfitt: aye    Kapolchok: aye    Kelley: aye  
Ayes:        Noes: 0        Absent/Abstain: 1

- 5.2. Policy: Spheres of Influence for Independent and Dependent Special Districts – Staff reviewed the staff report and proposed policy and recommended that the Commission approve the proposed *Sphere of Influence Policy for All Independent and Dependent Special Districts*.

**Action:** Approved as recommended by staff

Schaffner: absent    Allen: aye    Kerns: aye    Giordano: aye    Bramfitt: aye    Kapolchok: aye    Kelley: aye  
Ayes:        Noes: 0        Absent/Abstain: 1

- 5.3. Policy: Schedule for Sphere of Influence and Municipal Service Review Updates – Staff reviewed the staff report and results of the discussion by the Policy Committee. The Committee recommended that the Commission adopt a schedule to confirm existing spheres, prepare Municipal Service Reviews upon request by an agency or in conjunction with sphere amendments and direct staff to work with agencies to increase efficiency and effectiveness through consolidation, reorganization or cooperation.

Commissioner Kapolchok stated the Policy Committee believed that Commission’s resources would be better spent on projects other than MSRs.

Commissioner Kelley stated the original MSRs were completed to meet legal requirements and to establish a base from which future reviews could be made; he stated that he agreed with the recommendation of the Committee.

**Action:** Approved as recommended by staff

Schaffner: absent Allen: aye Kerns: aye Giordano: aye Bramfitt: aye Kapolchok: aye Kelley: aye

Ayes: Noes: 0 Absent/Abstain: 1

**5.4. Policy: Outside Service Area Agreements for Individual Parcels Within a City USB And SOI -**

Staff reviewed the staff report, which described a situation in which the City of Cloverdale wanted to provide services to a parcel within its sphere of influence and contiguous to City boundaries, via an Outside Service Area Agreement instead of annexation. Staff recommended that the Commission direct staff to (1) notify the City of Cloverdale that LAFCO policy requires annexation for a parcel within a city's sphere of influence and contiguous to the city boundaries rather than service by an OSAA and (2) prepare a written policy regarding this matter to the Commission for review and approval at its next meeting.

Commissioner Kapolchok stated that the Policy Committee recommends that, in a situation in which a parcel is contiguous to city boundaries and within the city's sphere of influence, an OSAA should be extended only if an emergency exists and with the requirement that an application be submitted, with payment, to LAFCO at the time of the issuance of the OSAA. Commissioner Kelly stated that he believed this to be the past practice of the Commission and supported the recommendation of the Committee.

David Hurst stated that some cities include a covenant in their OSAs whereby the owners agree not to contest annexation in the future.

Commissioner Kerns stated he wanted LAFCO policy to force a city to annex the territory when emergency OSAs are extended to parcels within the USB and SOI. He expressed concern that, otherwise, cities could choose to annex only those parcels they deem desirable.

Commissioner Barrett stated her concern that a policy forcing annexation would put a city in the position of providing any number of services that the city may or may not be willing or capable of providing.

Commissioner Kapolchok stated this would be part of the discussion and comment process by the cities.

Commissioner Kelly reiterated Commissioner Kapolchok's recommendation that the Commission adopt an interim policy allowing an emergency OSAA to a property within a city's USB and SOI only if an application for annexation, with payment, is submitted to LAFCO within a specified period. He directed staff to draft this policy, distribute to all cities for comment and bring the matter back to the Policy Committee for review and recommendation to the Commission.

**Action:** Approved as recommended by Commissioner Kapolchok.

Schaffner: absent Allen: aye Kerns: aye Giordano: aye Bramfitt: aye Kapolchok: aye Kelley: aye

Ayes: Noes: 0 Absent/Abstain: 1

**6. INFORMATION/DISCUSSION/REPORT:**

**6.1.** Report on 2008 CALAFCO Annual Conference – Commissioners and staff commented on their experiences at the conference.

**6.2.** Policy Committee Report – Commissioner Kapolchok summarized the discussions of the Committee.

**7. CONFIRM MEETINGS:**

Commission Meeting: Wednesday, November 5, 2008, at 2:00 p.m.

**8. ADJOURNMENT:** The meeting was adjourned at 2:57 p.m.