Call to Order/Flag Salute/Roll Call

Chair Weston called the meeting to order and lead the Commissioners and audience in the Pledge of Allegiance. After extending thanks to the Town of Truckee for its hospitality, he asked the Commission Clerk to call roll. Following roll call, the Clerk noted a quorum was present.

Public Comment

Chair Weston announced this as the time for any members of the public to address the Commission on any matter not on the agenda. Testimony related to an item on the agenda is to be presented at the time designated on the agenda. No comments were received.

Consent Calendar

Chair Weston announced the items listed on the Consent Calendar, which included the minutes of the Commission’s May 17, 2018 meeting and recognition of outgoing Commissioner Evans Phelps. Although Ms. Phelps was not in attendance, Chair Weston thanked her for her service.

Chair Weston stated any member of the public or commissioners could pull any item from Consent for further discussion. The Chair then called for a voice vote, and the Commissioners voted in favor of approving the Consent Calendar.

Public Hearing

- Bylaws Amendments

Chair Weston introduced Item 4.1 on the agenda, which consisted of a Public Hearing to consider amendments to the Commission’s Bylaws prepared by the Policy Committee. He asked Policy Committee Chair Susman to summarize the Committee’s recommendations.
Committee Chair Susman reported that the Commission first considered the proposed amendments to Sections 4.6 and 9.0 of the Bylaws at its regular meeting in May. He described the two proposed amendments:

- Amend Section 4.6 authorizing the Commission Chair to sign time-sensitive letters of legislative support or opposition. This addition to the bylaws is proposed to support the statewide organization, CALAFCO, in their efforts to effect certain changes to proposed legislation. These actions are often necessary, with very little notice.
- Amend Section 9.0 deleting the requirement to publish a hearing notice in the newspaper; an unnecessary expense considering the Commission’s agendas (and all its associated materials) are available for public review on the Commission’s website at least five days in advance of the meeting.

Susman explained that following the Public Hearing, the Commission can finalize the amendments by adopting Resolution 18-03, a draft of which was provided in the agenda materials for the item.

Chair Weston opened the Public Hearing, calling for any member of the public to provide comments on the proposed amendments. No comments having been provided, the Chair called for a motion on Resolution 18-03.

MOTION was made by Commissioner Susman to approve the adoption of Resolution 18-03, approving amendments to the Commission’s Bylaws. MOTION was seconded by Commissioner Anderson, and approved unanimously.

**Workshop - East County Wastewater Municipal Service Review**

Chairman Weston introduced agenda item 5.1; a workshop for the presentation of the public review draft of the Eastern County Wastewater Municipal Service Review (MSR). He introduced the Commission’s consultant for this project, Ms. Kateri Harrison of SWALE, Inc.

Ms. Harrison explained that wastewater service responsibilities for eastern Nevada County are handled by three separate agencies: the Truckee Sanitary District (TSD), the Tahoe Truckee Sanitation Agency (TTSA) and the Donner Summit Public Utility District (DSPUD). She added that TSD and TTSA work in partnership as TSD is responsible for sewer collection and conveyance while TTSD handles treatment and disposal.

Ms. Harrison also noted that the Donner Summit Public Utility District provides service to the Soda Springs community, which is an area recognized by Nevada County as a Disadvantaged Unincorporated Community. She added LAFCo law calls for the Commission to be cognizant of the provision of water, wastewater and structural fire protection services to Disadvantaged Unincorporated Communities.

Following Ms. Harrison’s presentation (which is available on the Commission’s website), Commissioner Wilcox remarked that the document was a good summary of the facts, and that he appreciated all the work done by the consultant and LAFCo staff.
Commissioner Anderson noted he had several comments that he would forward to LAFCo staff and Ms. Harrison. He made a comment regarding Appendix 1, which outlined several sphere of influence options to be considered for the TSD sphere update. Specifically, Commissioner Anderson noted that one of the areas proposed for inclusion in the TSD sphere (Area 10, as shown on the Figure 3.3) is a parcel owned by USFS that is not within the Town of Truckee boundaries. He noted that the County had recently re-zoned the property to reduce the potential for development and wondered whether the Town of Truckee’s General Plan designation for the property was consistent (the property is within the Town’s sphere of influence).

Ms. Harrison assured the Commission comments received during the Public Review period, would be included in the final version of the MSR.

Following a prompt from Chair Weston, the Executive Officer asked the Commissioners to provide comments on the preliminary draft before July 27, 2018. Jones stated that LAFCo will endeavor to have the public review draft posted and circulated to the public for the month of August, and schedule a public hearing on the final draft for September 20, 2018.

**Amendments to Commission Policies**

Chairman Weston introduced Item 5.2 on the agenda, which consisted of several amendments to the Commission’s Policies. He asked Policy Committee Chair Susman to present the Committee’s recommendations.

Susman reported that the Policy Committee has recommended three changes to the Commission’s Policies:

- Correct the citation to the statutory definition of the term “Sphere of Influence” to Government Code Section 56076.
- Add “Disadvantaged Unincorporated Communities” (DUCs) as a factor for written determinations.
- Clarify language in the section addressing sphere amendments, open space and prime agricultural lands.

Susman noted that the amendments had been discussed by the Commission at its May meeting, and had been circulated for comment to the County, cities and districts. No comments have been received. He noted that the Commission could conclude the process by adopting of Resolution 18-04, a draft of which had been provided with the agenda materials.

**MOTION** was made by Commissioner Aguilar to approve the adoption of Resolution 18-04; amending the Commission Policies as outlined in the staff report. **MOTION** was seconded by Commissioner Anderson, and approved unanimously.

**Nevada City Sphere Update EIR – Selection of Consultant**

The Chair introduced Item 5.3, a recommendation by the Commission’s ad hoc committee on Municipal Service Reviews and Spheres of Influence for approval of a contract with consulting firm Kimley Horn to prepare an Environmental Impact Report for the update of the Nevada City Sphere of Influence. He noted that the ad hoc committee was comprised of Commissioners Anderson, Wilcox and himself. Chair Weston explained that consultant Kimley-Horn had revised their original proposal by refining the scope of work to incorporate the suggestions of the committee as well as City staff.
The cost of the contract is a not-to-exceed amount of $77,935 (representing a savings of approximately $24,000 over the original proposal). The Commission’s FYE 2019 budget provides $50,000 for this project, and Chair Weston explained that funds from the Commission’s undesignated and fund balance reserves are available to fill the funding gap of $27,935.

Commissioner Susman commented on the success related to past negotiations with the city of Nevada City and resulting agreements. He thanked the city for their participation and their support with the EIR preparation.

Commissioner Grundel also commented on the improved relations with Nevada City staff. Commissioner Aguilar also commented favorably on improved communications between Nevada City and LAFCo staff.

Commissioner Susman added that the use of funds from LAFCo reserve accounts was necessary, and that these are precisely the types of situations the Budget Committee predicted when developing reserves.

**MOTION** was made by Commissioner Aguilar approving execution of the contract with Kimley-Horn for the completion of the Nevada City Sphere Update EIR. **MOTION** was seconded by Commissioner Grundel; and passed unanimously.

**Presentation on CEQA Exemptions**

At their last regularly scheduled meeting, the Commission requested a presentation from Counsel, Scott Browne, regarding use of CEQA (California Environmental Quality Act) Categorical and Statutory exemptions. Mr. Browne’s presentation is available on the Commission’s website.

Mr. Browne set the context for the presentation by explaining the types of projects for which environmental review is required by CEQA. He then explained that some types of projects have been determined by the Legislature to be exempt from environmental review, for example:

- The project may be exempt by statute as explained in Article 18 of CEQA Law
- The project may be exempt pursuant to a categorical exemption as explained in Article 19 of CEQA Law
- The proposed activity may be covered by the General Rule: meaning, a determination is made that there is no possibility the activity will have a significant effect on the environment.

Mr. Browne also gave a few examples of court cases in which a government agency had determined an exemption was appropriate, and during a lawsuit, had been asked to make a fact-based finding to support the use of a categorical exemption.

A brief discussion ensued regarding the roles of the Lead Agency (who is responsible for preparation of an environmental review) and Responsible Agencies (who participate in the process). Mr. Browne explained that LAFCo is generally in a position of Responsible Agency for most projects; however, for some LAFCo-initiated projects (e.g., sphere of influence actions), LAFCo sometimes acts as Lead Agency.

Chairman Weston thanked Mr. Browne for the informative presentation.
Election of Officers

Citing the fact that only one City Commissioner was present at the meeting, Chairman Weston suggested postponing the election of a new chair and a new vice chair until the September 20, 2018 meeting. The Commissioners agreed to continue this item.

CALAFCO Matters

Executive Officer, SR Jones, asked for a final head-count on Commissioners planning to attend the CALAFCO Conference this year. Commissioners Aguilar, Anderson, Miller, Susman, Wilcox and the new city member were approved to attend. The Chair suggested LAFCo staff distribute the CALAFCO Conference announcement to County, City and District staff in case any are interested in attending the event.

Commissioner Susman gave a brief report of legislation pending in Sacramento. He also restated concerns of the CALAFCo Board regarding the financial challenges faced by the association and assured the Commission that the Board will be developing a strategy to meet it.

The Executive Officer reminded the Commission the deadline is approaching to nominate candidates for CALAFCO Board members; this year, the Northern California region will be electing board members for the Public and a City positions.

Chairman Weston asked if there were any Commissioners interested in being nominated for the open city representing Northern Region cities on the CALAFCO Board. Commissioner Aguilar asked about the time commitment, and commented that at some point in the future he might be interested in serving on the CALAFCO Board, but was not able to currently.

The Commission then unanimously nominated Commissioner Josh Susman to continue in his current service on the CALAFCO Board of Directors representing the Northern Region.

**MOTION** was made by Commissioner Anderson recognizing the nomination, and seconded by Commissioner Aguilar. The **MOTION** passed by unanimous voice vote.

Announcements

Chair Weston announced the next scheduled meeting will be held on September 20, 2018.

Executive Officer’s Activity Report

Chair Weston asked the Executive Officer if there were any additions or changes to her written activity report. The EO reported no changes would be added to the original report as it had been distributed.

Adjournment

Chair Weston adjoumed the meeting at approximately 11:30 a.m.