



**Local Agency  
Formation Commission  
of Santa Clara County**

777 North First Street  
Suite 410  
San Jose, CA 95112

[SantaClaraLAFCO.org](http://SantaClaraLAFCO.org)

**Commissioners**

Rich Constantine  
Susan Ellenberg  
Sergio Jimenez  
Yoriko Kishimoto  
Gary Kremen  
Mike Wasserman  
Susan Vicklund Wilson

**Alternate Commissioners**

Helen Chapman  
Cindy Chavez  
Matt Mahan  
Russ Melton  
Terry Trumbull

**Executive Officer**  
Neelima Palacherla

**REGULAR MEETING**

**October 13, 2021 ▪ 1:15 PM**

**AGENDA**

Chairperson: Susan Ellenberg ▪ Vice-Chairperson: Rich Constantine

**\*\*\* BY VIRTUAL TELECONFERENCE ONLY \*\*\***

Pursuant to AB 361, Government Code section 54953(e)(1)(A), this meeting will be held by teleconference only because the Governor has issued a state of emergency due to COVID-19 and the County Health Officer recommends public bodies continue to meet remotely. No physical location will be available for this meeting. However, members of the public will be able to access and participate in the meeting.

**PUBLIC ACCESS AND PUBLIC COMMENT INSTRUCTIONS**

**PUBLIC ACCESS**

Members of the public may access and watch a livestream of the meeting on Zoom at <https://sccgov-org.zoom.us/j/96826046507>. Alternately, the public may listen in to the meeting by dialing **(669) 900-6833** and entering **Meeting ID 96826046507#** when prompted.

**WRITTEN PUBLIC COMMENTS** may be submitted by email to [LAFCO@ceo.sccgov.org](mailto:LAFCO@ceo.sccgov.org). Written comments will be distributed to the Commission as quickly as possible. Please note that documents may take up to 24 hours to be posted to the agenda on the LAFCO website.

**SPOKEN PUBLIC COMMENTS** will be accepted through the teleconference meeting. To address the Commission, click on the link <https://sccgovorg.zoom.us/j/-96826046507> to access the Zoom-based meeting.

1. You will be asked to enter an email address and name. We request that you identify yourself by name as this will be visible online and will be used to notify you that it is your turn to speak.
2. When the Chairperson calls for the item on which you wish to speak, click on “raise hand” icon. The Clerk will activate and unmute speakers in turn. Speakers will be notified shortly before they are called to speak. (Call in attendees press \*9 to request to speak, and \*6 to unmute when prompted.)
3. When called, please limit your remarks to the time limit allotted.

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## NOTICE TO THE PUBLIC

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1. Pursuant to Government Code §84308, no LAFCO commissioner shall accept, solicit, or direct a contribution of more than \$250 from any party, or his/her agent; or any participant or his /or her agent, while a LAFCO proceeding is pending, and for three months following the date a final decision is rendered by LAFCO. Prior to rendering a decision on a LAFCO proceeding, any LAFCO commissioner who received a contribution of more than \$250 within the preceding 12 months from a party or participant shall disclose that fact on the record of the proceeding. If a commissioner receives a contribution which would otherwise require disqualification returns the contribution within 30 days of knowing about the contribution and the proceeding, the commissioner shall be permitted to participate in the proceeding. A party to a LAFCO proceeding shall disclose on the record of the proceeding any contribution of more than \$250 within the preceding 12 months by the party, or his or her agent, to a LAFCO commissioner. For forms, visit the LAFCO website at [www.santaclaralafco.org](http://www.santaclaralafco.org). No party, or his or her agent and no participant, or his or her agent, shall make a contribution of more than \$250 to any LAFCO commissioner during the proceeding or for 3 months following the date a final decision is rendered by LAFCO.
2. Pursuant to Government Code Sections 56100.1, 56300, 56700.1, 57009 and 81000 et seq., any person or combination of persons who directly or indirectly contribute(s) a total of \$1,000 or more or expend(s) a total of \$1,000 or more in support of or in opposition to specified LAFCO proposals or proceedings, which generally include proposed reorganizations or changes of organization, may be required to comply with the disclosure requirements of the Political Reform Act (See also, Section 84250 et seq.). These requirements contain provisions for making disclosures of contributions and expenditures at specified intervals. More information on the scope of the required disclosures is available at the web site of the FPPC: [www.fppc.ca.gov](http://www.fppc.ca.gov). Questions regarding FPPC material, including FPPC forms, should be directed to the FPPC's advice line at 1-866-ASK-FPPC (1-866-275-3772).
3. Pursuant to Government Code §56300(c), LAFCO adopted lobbying disclosure requirements which require that any person or entity lobbying the Commission or Executive Officer in regard to an application before LAFCO must file a declaration prior to the hearing on the LAFCO application or at the time of the hearing if that is the initial contact. In addition to submitting a declaration, any lobbyist speaking at the LAFCO hearing must so identify themselves as lobbyists and identify on the record the name of the person or entity making payment to them. Additionally, every applicant shall file a declaration under penalty of perjury listing all lobbyists that they have hired to influence the action taken by LAFCO on their application. For forms, visit the LAFCO website at [www.santaclaralafco.org](http://www.santaclaralafco.org).
4. Any disclosable public records related to an open session item on the agenda and distributed to all or a majority of the Commissioners less than 72 hours prior to that meeting are available for public inspection at the LAFCO Office, 777 North First Street, Suite 410, San Jose, California, during normal business hours. (Government Code §54957.5.)
5. In compliance with the Americans with Disabilities Act, those requiring accommodation for this meeting should notify the LAFCO Clerk 24 hours prior to the meeting at (408) 993-4705.

**1. ROLL CALL**

**2. PUBLIC COMMENTS**

This portion of the meeting provides an opportunity for members of the public to address the Commission on matters not on the agenda, provided that the subject matter is within the jurisdiction of the Commission. No action may be taken on off- agenda items unless authorized by law. Speakers are limited to THREE minutes. All statements that require a response will be referred to staff for reply in writing.

**3. APPROVE CONSENT CALENDAR**

The Consent Calendar includes Agenda Items marked with an asterisk (\*). The Commission may add to or remove agenda items from the Consent Calendar. All items that remain on the Consent Calendar are voted on in one motion. If an item is approved on the Consent Calendar, the specific action recommended by staff is adopted. Members of the public who wish to address the Commission on Consent Calendar items should comment under this item.

**\*4. APPROVE MINUTES OF JUNE 2, 2021 LAFCO MEETING**

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**ITEMS FOR ACTION / INFORMATION**

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**\*5. RESOLUTION 2021-07 ALLOWING FOR VIDEO AND TELECONFERENCE MEETINGS DURING COVID-19 STATE OF EMERGENCY UNDER AB 361**

**Recommended Action:** Adopt Resolution No. 2021-07 allowing for video and teleconferencing meetings during COVID-19 State of Emergency under AB 361.

**6. UPDATE ON LAFCO'S COUNTYWIDE FIRE SERVICE REVIEW**

**Recommended Action:** Accept report and provide direction, as necessary.

**7. FY 2020-2021 ANNUAL REPORT**

**Recommended Action:** Accept the FY 2020-2021 Annual Report.

**8. EXECUTIVE OFFICER'S REPORT**

**8.1 Support Letter for County of Santa Clara's Appeal of its RHNA Allocation**

**Recommended Action:** Accept report and provide direction, as necessary.

**8.2 Inquiries Regarding Santa Clara Valley Transportation Authority and LAFCO's Service Reviews**

**Recommended Action:** Accept report and provide direction, as necessary.

**8.3 Presentation to the Santa Clara County Civil Grand Jury**

**Recommended Action:** Accept report and provide direction, as necessary.

- 8.4 Meeting with Cupertino and San Jose on Potential Changes in Shared Boundaries**  
**Recommended Action:** Accept report and provide direction, as necessary.
- 8.5 Meeting with Milpitas and San Jose on Potential Changes in Shared Boundaries**  
**Recommended Action:** Accept report and provide direction, as necessary.
- 8.6 Meeting with Representatives of Kerley Ranch/Integral Communities on Potential USA Amendment (Gilroy)**  
**Recommended Action:** Accept report and provide direction, as necessary.
- 8.7 Meetings with Town of Los Gatos on Island Annexations**  
**Recommended Action:** Accept report and provide direction, as necessary.
- 8.8 Santa Clara County Special Districts Association Meetings**  
**Recommended Action:** Accept report and provide direction, as necessary.
- 8.9 Santa Clara County Association of Planning Officials Meeting**  
**Recommended Action:** Accept report and provide direction, as necessary.
- 8.10 CALAFCO Legislative Committee Meetings**  
**Recommended Action:** Accept report and provide direction, as necessary.

**9. PENDING APPLICATIONS / UPCOMING PROJECTS**

- 9.1 Gilroy Urban Service Area Amendment 2021 – Wren Investors and Hewell

**10. COMMISSIONER REPORTS**

**11. NEWSPAPER ARTICLES / NEWSLETTERS**

**12. WRITTEN CORRESPONDENCE**

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**CLOSED SESSION**

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**13. PERFORMANCE EVALUATION**

Public Employee Performance Evaluation (Government Code §54957)

Title: LAFCO Executive Officer

**14. ADJOURN**

Adjourn to the regular LAFCO meeting on December 1, 2021 at 1:15 PM in the Board of Supervisors’ Chambers, 70 West Hedding Street, San Jose.



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**Commissioners**  
Rich Constantine  
Susan Ellenberg  
Sergio Jimenez  
Yoriko Kishimoto  
Gary Kremen  
Mike Wasserman  
Susan Vicklund Wilson

**ITEM # 4**

**Alternate Commissioners**  
Helen Chapman  
Cindy Chavez  
Matt Mahan  
Russ Melton  
Terry Trumbull  
**Executive Officer**  
Neelima Palacherla

## **LAFCO MEETING MINUTES WEDNESDAY, JUNE 2, 2021**

### **CALL TO ORDER**

The meeting was called to order at 1:15 p.m.

Pursuant to the provisions of California Governor’s Executive Order N-29-20 issued on March 17, 2020, this meeting was held by teleconference only.

### **1. ROLL CALL**

**The following commissioners were present:**

- Chairperson Susan Ellenberg
- Commissioner Rich Constantine
- Commissioner Sergio Jimenez
- Commissioner Yoriko Kishimoto
- Commissioner Gary Kremen (arrived at 1:22 p.m.)
- Commissioner Mike Wasserman
- Alternate Commissioner Helen Chapman
- Alternate Commissioner Terry Trumbull (voted in place of Commissioner Susan Vicklund Wilson)

**The following commissioners were absent:**

- Commissioner Susan Vicklund Wilson
- Alternate Commissioner Cindy Chavez
- Alternate Commissioner Matt Mahan
- Alternate Commissioner Russ Melton

**The following staff members were present:**

- Neelima Palacherla, LAFCO Executive Officer
- Dunia Noel, LAFCO Assistant Executive Officer
- Emmanuel Abello, LAFCO Clerk
- Mala Subramanian, LAFCO Counsel

### **2. PUBLIC COMMENTS**

There were none.

**3. APPROVE CONSENT CALENDAR**

**Chairperson Ellenberg** proposed inclusion of Agenda Items 4, 10 and 11 on the consent calendar for approval in one motion, without discussion if there is no objection.

The Commission approved Agenda Items 4, 10 and 11 on consent.

Motion: Wasserman

Second: Jimenez

AYES: Constantine, Ellenberg, Jimenez, Kishimoto, Trumbull, Wasserman

NOES: None

ABSTAIN: None

ABSENT: Kremen

**MOTION PASSED**

**\*4. CONSENT ITEM: MINUTES OF APRIL 7, 2021 LAFCO MEETING**

The Commission approved the minutes of April 7, 2021 meeting.

**5. MORGAN HILL OUT OF AGENCY CONTRACT FOR WATER SERVICES (METTA TAM TU BUDDHIST TEMPLE)**

Ms. Noel provided the staff report.

Adam Paszkowski, Principal Planner, City of Morgan Hill, provided a PowerPoint presentation describing the proposal and requesting Commission approval.

**Commissioner Kremen** inquired whether the LAFCO policies that were mentioned by Mr. Paszkowski refer to state law or those established by LAFCO. Mr. Paszkowski indicated that his understanding was that they are LAFCO policies but deferred to LAFCO staff. Ms. Noel informed that state law has provisions discouraging extension of services outside of agency boundaries and provides some exceptions as to when LAFCO could allow such extensions and that similarly, local LAFCO policies also discourage service extensions given the long standing countywide policies, the County General Plan etc. She noted several cities in the County, including Morgan Hill, also have policies to discourage service extensions but may include exceptions.

Do Tran, project engineer representing the Metta Tam Tu Buddhist Temple, presented a brief video illustrating how the property was cleaned, and was transformed with various improvements. He explained how SB 1263 had suddenly changed the rules on how water will be provided to the project. He requested LAFCO to approve the extension of water service from Morgan Hill so the County can issue the necessary permits to allow the construction of the Buddha Hall.

Quyen Vhong, Executive Director of the International Children Assistance Network (ICAN), a nonprofit organization serving Vietnamese children and families in Santa Clara County, and a member of the Temple's congregation, requested LAFCO to approve the proposal. She informed that she met Master Phap Chon, spiritual leader and teacher of the group, at a refugee camp in Hong Kong in 1989 and that in 2000, they co-founded a community organization serving families in San Jose. She requested approval of the proposal so the Temple can go forward with its mental

health program, bring communities together and create peace and harmony in the county.

Kim Tran, member of the Metta Tam Temple, requested LAFCO to approve the request water extension stating that the cost of construction has gone up and that the process has already taken a long time.

Master Phap Chon, spiritual leader and teacher of the congregation, indicated that the Temple, which was built on a garbage dumpsite, is a gift to the community and the American people. He indicated that he would accept whatever the Commission's decision is, but he expressed hope for approval as that will allow his community to share its culture with the residents of the county.

Brian Schmidt, Legislative Advocacy Director, Green Foothills, stated that he agreed with staff analysis that the proposal is inconsistent with LAFCO policies and that this is a special case because of the change in state law. He directed attention to the letter that he sent to LAFCO expressing support for approval due to the unfortunate situation of this specific proposal, and recommended that LAFCO advise Morgan Hill, the County and the California State Water Resources Control Board (SWRCB) for the need to ensure that water service issues of future applications be addressed early on in the process.

Hung Nguyen indicated that he and his family members have been longtime members of the temple and have benefited from its teachings, and he requested approval of the application.

**Chairperson Ellenberg** determined that there are no other speakers from the public who would like to speak on the item.

In response to an inquiry by **Commissioner Kishimoto**, Ms. Noel indicated that she is not aware of a grandfather clause in SB 1263 but stated that the law defers to the SWRCB to decide whether or not to allow creation of a new public water system. In response to another inquiry by Commissioner Kishimoto, Ms. Noel indicated that there was no analysis conducted on whether the existing well would have been sufficient to serve the needs of the Temple prior to SB 1263. She stated that the SWRCB recommended that the Temple get a connection from Morgan Hill.

**Commissioner Kishimoto** acknowledged the heartfelt statements by the proponents about the time it took to complete the temple that was caught midstream by the changes in the law. She explained that it is LAFCO's role to ensure urban uses in the urban areas where roads and water exist in order to protect the environment and farmlands. She expressed confidence that the temple also supports that goal. She then moved for approval of the staff recommendation. **Commissioner Jimenez** seconded.

In response to **Chairperson Ellenberg's** inquiry, Ms. Noel advised that in addition to LAFCO staff's ongoing conversation with SWRCB, City of Morgan Hill and the County, a letter will be sent informing these agencies that approval of this proposal is not a precedent and that service provision in these types of situations should be addressed early on and determined prior to issuance of any land use approvals and permits.

**Chairperson Ellenberg** expressed the need for the agencies involved to ensure that

developers are made aware about the water service issue up front and not years into their project.

**Commissioner Jimenez** inquired whether the statement that this approval is not precedent-setting will preclude future applicants from citing this project as a precedent. In response, Ms. Subramanian indicated that the reason the specific language is recommended is to make it clear to future applicants this is really a unique situation. She confirmed **Commissioner Jimenez's** understanding that while it may not preclude applicants from using this as a precedent, making it explicit in the motion may deter them. In response to his follow-up inquiry, Ms. Noel stated that this is the first time that this statement is included in a motion. Ms. Subramanian stated that she recommended language on precedent if the Commission desires to be explicit in the motion. **Commissioner Jimenez** expressed appreciation to speakers from the community and acknowledged their work to ensure a better community.

**Commissioner Wasserman** expressed support for the approval and indicated how the project was caught up in the change of state law. He expressed his intention to bifurcate vote on Staff Recommendation into two parts, the approval of the proposal being the first part and the second part being notice to the County, Morgan Hill and SWRCB that approval is not a precedent and water issues should be addressed prior to any approval or permitting, as he would have proposed the deletion of that clause. However, he indicated that anyone can use this approval as a precedent because it has occurred and that future governing board can decide whether or not to draw similarities from this, although now the law is in place so this approval will not serve as a precedent. He then expressed his support for the motion and indicated that the other public agencies are independent and are entitled to their opinion.

**Commissioner Kremen** stated that disadvantaged communities face many issues. He indicated that the SWRCB has regulations for social justice reasons as small community wells may not have the technical wherewithal to ensure safe water or the resources to manage their own water service utility. He indicated that he would not support preventing residents from hooking up to nearby water lines. He informed that he is against the sentence in the motion about the letter to agencies but will vote for it as it does not matter if it is a precedent or not.

The Commission:

#### Project Action

1. Approved the request by the City of Morgan Hill to extend water service outside the City's jurisdictional boundaries to the proposed Metta Tam Tu Buddhist Temple located at 610 Fisher Avenue (APN 817-07-024) in the unincorporated area. Informed the County, the City of Morgan Hill and the State Water Resource Control Board that this approval is not a precedent and that in the future, the provision of water in these type of situations should be addressed early on and determined prior to issuance of any land use approvals and permits.



CEQA Action

2. As a Responsible Agency under CEQA, determined that the proposal is categorically exempt from the provisions of CEQA pursuant to State CEQA Guidelines §15303(d).

Motion: Yoriko

Second: Sergio

AYES: Constantine, Ellenberg, Jimenez, Kishimoto, Kremen, Trumbull, Wasserman

NOES: None

ABSTAIN: None

ABSENT: None

**MOTION PASSED**

**6. FINAL BUDGET FOR FY 2022**

**Chairperson Ellenberg** opened the public hearing, determined that there are no speakers from the public who would like to speak on the item.

The Commission:

1. Adopted the Final Budget for Fiscal Year 2021-2022.
2. Found that the Final Budget for Fiscal Year 2022 is expected to be adequate to allow the Commission to fulfill its statutory responsibilities.
3. Authorized staff to transmit the Final Budget adopted by the Commission including the estimated agency costs to the cities, the special districts, the County, the Cities Association of Santa Clara County and the Santa Clara County Special Districts Association.
4. Directed the County Auditor-Controller to apportion LAFCO costs to the cities; to the special districts; and to the County; and to collect payment pursuant to Government Code §56381.

Motion: Wasserman

Second: Constantine

AYES: Constantine, Ellenberg, Jimenez, Kishimoto, Kremen, Trumbull, Wasserman

NOES: None

ABSTAIN: None

ABSENT: None

**MOTION PASSED**

**7. UPDATE ON THE COUNTYWIDE FIRE SERVICE REVIEW**

Ms. Palacherla presented the staff report.

**Commissioner Kishimoto** noted that she chairs the Countywide Fire Service Review Technical Advisory Committee and reported that the Santa Clara County City Managers Association and Fire Chiefs Association actively participate on the Committee and expressed appreciation for their support.

The Commission accepted the staff report.

Motion: Wasserman

Second: Kishimoto

AYES: Constantine, Ellenberg, Jimenez, Kishimoto, Kremen, Trumbull, Wasserman

NOES: None

ABSTAIN: None

ABSENT: None

**MOTION PASSED**

**8. PENDING APPLICATIONS / UPCOMING PROJECT**

Ms. Palacherla reported that LAFCO has received an application designated as Gilroy Urban Service Area Amendment 2021 – Wren Investors and Hewell, which if complete, may be heard at the August meeting.

**9. COMMISSIONER REPORTS**

There were none.

**\*10. CONSENT ITEM: NEWSPAPER ARTICLES / NEWSLETTERS**

10.1 CALAFCO Quarterly Report, May 2021

**\*11. CONSENT ITEM: WRITTEN CORRESPONDENCE**

There were none.

**12. ADJOURN**

The Commission adjourned at 2:17 p.m., to the next regular LAFCO meeting on August 4, 2021 at 1:15 p.m., in the Board of Supervisors' Chambers, 70 West Hedding Street, San Jose.

Approved on October 13, 2021.

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Rich Constantine, Acting Chairperson  
Local Agency Formation Commission of Santa Clara County

By: \_\_\_\_\_  
Emmanuel Abello, LAFCO Clerk



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**Commissioners**  
Rich Constantine  
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Mike Wasserman  
Susan Vicklund Wilson

**ITEM # 5**

**Alternate Commissioners**  
Helen Chapman  
Cindy Chavez  
Matt Mahan  
Russ Melton  
Terry Trumbull  
**Executive Officer**  
Neelima Palacherla

**LAFCO MEETING: October 13, 2021**

**TO: LAFCO**

**FROM: Neelima Palacherla, Executive Officer  
Mala Subramanian, Legal Counsel**

**SUBJECT: RESOLUTION 2021-07 ALLOWING FOR VIDEO AND  
TELECONFERENCE MEETINGS DURING COVID-19 STATE  
OF EMERGENCY UNDER AB 361**

**STAFF RECOMMENDATION**

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Adopt Resolution No. 2021-07 allowing for video and teleconferencing meetings during COVID-19 State of Emergency under AB 361.

**BACKGROUND AND DISCUSSION**

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AB 361 was recently passed by the State Legislature and signed by Governor Newsom and went into effect immediately. AB 361 continues many of the provisions related to the Brown Act that were in place under Executive Orders, which expired September 30, 2021 that allowed for video and teleconferencing during the state of emergency. Since AB 361 has been signed into law, the Commission can continue to meet virtually until such time as the Governor declares the State of Emergency due to COVID-19 over and measures to promote social distancing are no longer recommended, or could return to in-person meetings sooner, if desired.

On September 21, 2021, the Santa Clara County Health Officer recommended that public agencies continue to meet remotely to enhance safety at public meetings. The proposed resolution provides the Commission and all subsidiary Commission committees with the option to continue to hold video and teleconference meetings while the state of emergency is still in effect and social distancing is recommended.

In order to continue to hold video and teleconference meetings, the Commission will need to review and make findings every thirty days or thereafter that the state of emergency continues to directly impact the ability of the members to meet safely in person and that state or local officials continue to impose or recommend measures to promote social distancing.

**ATTACHMENT**

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Attachment A: Resolution No. 2021-07 Allowing for Video and Teleconference Meetings during the COVID-19 State of Emergency Under AB 361.

**RESOLUTION NO. 2021-07**

**RESOLUTION ALLOWING FOR VIDEO AND  
TELECONFERENCE MEETINGS DURING THE  
COVID-19 STATE OF EMERGENCY UNDER AB 361**

**WHEREAS**, on March 4, 2020, the Governor of the State of California proclaimed a State of Emergency for COVID-19; and

**WHEREAS**, AB 361 was recently passed by the State Legislature and signed by Governor Newsom and went into effect immediately and allows the Commission to continue to meet virtually until such time as the Governor declares the State of Emergency due to COVID-19 over and measures to promote social distancing are no longer recommended; and

**WHEREAS**, on September 21, 2021, the Santa Clara County Health Officer recommended that public bodies continue to meet remotely to enhance safety at public meetings; and

**WHEREAS**, in light of this recommendation, the Commission desires for itself and for all other Commission legislative bodies that are subject to the Brown Act to continue to meet via video and/or teleconference; and

**WHEREAS**, pursuant to AB 361 the Commission will review the findings required to be made every 30 days or thereafter and shall not meet without making those continued findings.

**NOW THEREFORE**, the Commission does hereby resolve and finds on behalf of itself and all other Commission legislative bodies: (1) a state of emergency has been proclaimed by the Governor; (2) the state of emergency continues to directly impact the ability of the Commission's legislative bodies to meet safely in person; and (3) local officials continue to recommend measures to promote social distancing.

**PASSED AND ADOPTED** by the Local Agency Formation Commission of Santa Clara County, on October 13, 2021 by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_  
Rich Constantine, Acting Chairperson  
LAFCO of Santa Clara County

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Emmanuel Abello, LAFCO Clerk

\_\_\_\_\_  
Malathy Subramanian, LAFCO Counsel





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**Executive Officer**

Neelima Palacherla

**LAFCO MEETING: October 13, 2021**

**TO: LAFCO**

**FROM: Neelima Palacherla, Executive Officer  
Dunia Noel, Asst. Executive Officer**

**SUBJECT: UPDATE ON LAFCO'S COUNTYWIDE FIRE SERVICE  
REVIEW**

**STAFF RECOMMENDATION**

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Accept report and provide direction, as necessary.

**COUNTYWIDE FIRE SERVICE REVIEW**

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This report provides a summary of the service review related work, including public engagement and outreach activities, that has been completed since the June 2, 2021 LAFCO meeting and the anticipated next steps.

**SERVICE REVIEW DETERMINATIONS CRITERIA DEVELOPED**

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At the May 24, 2021 Technical Advisory Committee meeting, CPSM, LAFCO's consultant for the Countywide Fire Service Review, presented draft Service Review Determinations Criteria for TAC review. The TAC discussed the criteria and recommended certain changes.

On June 16, 2021, LAFCO staff provided the revised Draft Service Review Determinations Criteria to the TAC for their final review. We received no further comments from the TAC.

**DATA COLLECTION AND AGENCY DATA VERIFICATION NEARLY COMPLETE & ANALYSIS UNDERWAY**

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In early June 2021, CPSM contacted fire/emergency medical service (EMS) providers to collect the requisite data and to schedule interviews with fire chiefs, City Managers, and other key fire/EMS service providers in the county. In mid-June 2021, CPSM began conducting those interviews, and LAFCO staff participated in them as the schedule permitted. CPSM then compiled key data that they had collected for each service provider and requested that each provider review and verify the accuracy of that data. The data collection and data verification process has taken longer than anticipated due to certain complexities. LAFCO staff has followed

up directly with many agencies concerning CPSM's data verification request to encourage a timely response.

CPSM are now in the process of analyzing all the data and preparing a Draft Report.

### **POPULATION ESTIMATES AND PROJECTIONS, FIRE SERVICE PROVIDER BOUNDARIES/STATIONS MAPS, AND IDENTIFICATION OF ANY DISADVANTAGED COMMUNITIES**

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In July-September 2021, LAFCO staff worked closely with County Planning GIS staff in order to compile population estimates and projections for fire service providers, to prepare boundary and station location maps of fire service providers, and to conduct the required analysis to identify and map any disadvantaged unincorporated communities in the county. This information was provided to CPSM for their use in the analysis and development of the Report. The fire service provider maps were then reviewed and verified by the respective provider.

### **FACTSHEET DISTRIBUTED**

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In late May 2021, LAFCO staff prepared and emailed to all affected agencies a Fact Sheet announcing that LAFCO has begun its Countywide Fire Service Review and providing details on the project. The [Fact Sheet](#) is available on the LAFCO website.

### **PROJECT WEBPAGE LIVE**

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In June 2021, LAFCO staff designed and launched a [Project Webpage](#) to serve as a one-stop source for information on LAFCO's Countywide Fire Service Review and on the many opportunities available for the public and local agencies to participate in this project. LAFCO staff continues to add new content to the webpage as the project progresses. The website currently includes the following:

- Information on the Technical Advisory Committee (TAC) and links to TAC meeting agendas and materials
- Link to sign up to receive updates from LAFCO on the Service Review
- Links to the online Community Survey on Fire Service (in English and Spanish)
- Invitations/Postcards for the 3 Community Meetings on Fire Service (in English and Spanish)
- Countywide Fire Service Review Factsheet
- Introduction to Service Reviews PowerPoint Presentation
- Links to LAFCO's past Countywide Fire Service Reviews (2004 and 2010)
- Information on how to contact LAFCO staff about the Service Review or other matters



## **THREE COMMUNITY MEETINGS HELD**

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### **Meeting Announcements and Getting the Word Out to the Community**

In July 2021, LAFCO staff designed the invitations/postcards for the three community meetings. As recommended by partner agencies, these invitations/postcards were provided in [English](#) and in [Spanish](#) to encourage broader community participation, consistent with LAFCO's public education and outreach goals. In early August 2021, LAFCO staff emailed the invitations/postcards to the affected agencies and interested parties on the project email list, and posted them on the LAFCO website, to LAFCO's Twitter account, and in certain local newspapers (i.e. Gilroy Dispatch and Morgan Hill Times). Other local newspapers featured information on the Community Meetings in their local coverage, including Los Altos Town Crier and Patch (Los Gatos).

In early August 2021, LAFCO staff also requested and received a great deal of help from TAC members, LAFCO Commissioners, partner agencies, and other local agencies in getting the word out about these meetings to their constituents and local communities. Meeting information was distributed through multiple agencies' websites, press releases, social media feeds (i.e. Nextdoor, Facebook, Instagram, Twitter), direct email blasts and reminders to various subscriber lists, weekly newsletters, and community web calendars. Additionally, the Town of Los Altos Hills mailed the postcard for Community Meeting #3 (north & west Santa Clara County) to all residents within the Los Altos Hills County Fire District.

### **Successful Community Meetings**

In mid and late August 2021, LAFCO staff organized and held three virtual Community Meetings on Fire Service which were co-hosted by and/or in partnership with other local fire service providers. Each meeting included similar content but was targeted to communities in a different part of the county:

- [Community Meeting #1](#) (communities in south Santa Clara County)
- [Community Meeting #2](#) (communities in central and east Santa Clara County)
- [Community Meeting #3](#) (communities in north and west Santa Clara County)

The meetings were an opportunity for the public and local agencies to learn more about the Countywide Fire Service Review, provide input on fire service and emergency medical service in their community, and hear from local fire service providers about fire safety and wildfire preparedness. At each meeting, attendees received a brief presentation on LAFCO and its service review program and a brief presentation on the Countywide Service Review, the project timeline/process and how community members may provide feedback and comment on the project. Attendees were then given an opportunity to ask questions and share their thoughts. The meetings concluded with a brief message from local fire service providers. Spanish interpretation services were provided at each meeting to allow for broader community participation.

All three meetings were well attended, with forty-five (45) individuals attending Meeting #1, twenty-two (22) individuals attending Meeting #2, and one hundred and thirty-one (131) individuals attending Meeting #3. This tally does not include LAFCO staff, CPSM staff, TAC members, and partner agencies' staff who were also present at the meetings.

We thank TAC members for their community and agency outreach efforts, active participation, and attendance at the meetings which contributed to their success. CPSM will take the input received at the meetings into consideration as they prepare the service review and a summary of the input received will be included in Service Review Report.

### **Community Survey on Fire Service Released and Results In**

In early August 2021, CPSM and LAFCO staff finalized and released the online community survey on fire service on the LAFCO website. The purpose of the survey is to evaluate fire services and determine the community's level of wildfire preparedness. The invitations/postcards for the three community meetings included information on how to take the survey, including a direct link to the survey. The survey, which is now closed, was provided in both English and Spanish to engage a broader section of the community.

The survey was open from early August 2021 to mid-September 2021. We received nearly 450 responses to the survey. CPSM will take the results of the survey into consideration as they prepare the service review. A summary of the survey results will be included in the Service Review Report.

### **NEXT STEPS**

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It is anticipated that LAFCO staff will hold a meeting of the TAC (Technical Advisory Committee) in October (date to be determined) in order to update the TAC on the status of the project, discuss the consultant's recommended refinements to the service review determinations criteria, and discuss their preliminary findings.

It is anticipated that LAFCO will release the Countywide Fire Service Review Draft Report for public review and comment in December 2021 and hold community workshops on the Draft Report in January 2022. LAFCO would then hold a public hearing on the Draft Report in February 2022. After, CPSM would revise the Draft Report as necessary. LAFCO would then release the Revised Draft Report for public review and comment in late February 2022 and hold a public hearing to adopt the Final Report in April 2022

ANNUAL REPORT 2020-2021

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SANTA  
CLARA  
LAFCO



## MISSION

The Local Agency Formation Commission (LAFCO) is a state mandated local agency established to oversee the boundaries of cities and special districts.

The mission of LAFCO is to promote sustainable growth and good governance in Santa Clara County by:

- » preserving agricultural lands and open space,
- » curbing urban sprawl,
- » encouraging efficient delivery of services,
- » exploring and facilitating regional opportunities for fiscal sustainability, and
- » promoting accountability and transparency of local agencies.

LAFCO will be proactive in raising awareness and building partnerships to accomplish this through its special studies, programs and actions.

## COMMISSIONERS

Susan Ellenberg, Chairperson  
Rich Constantine, Vice-Chairperson  
Sergio Jimenez  
Yoriko Kishimoto  
Gary Kremen  
Susan Vicklund Wilson  
Mike Wasserman

## ALTERNATE COMMISSIONERS

Helen Chapman  
Cindy Chavez  
Matt Mahan  
Russ Melton  
Terry Trumbull

## STAFF

Emmanuel Abello  
Dunia Noel  
Neelima Palacherla

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# ACCOMPLISHMENTS & PROGRAM HIGHLIGHTS


## LAFCO'S COUNTYWIDE FIRE SERVICE REVIEW BEGINS

In February 2021, LAFCO authorized staff to issue a Request for Proposal for a professional service firm to prepare a Countywide Fire Service Review. In April 2021, LAFCO retained a consultant to conduct the Service Review which is scheduled to be completed by April 2022. The Service Review will provide an overview of all the agencies that provide fire service and/or emergency medical services in the County, evaluate the provision of these services, and recommend actions to promote efficient service delivery. The study will review and/or provide an analysis of options for addressing many current and emerging issues identified by LAFCO.

The Service Review will also include an analysis and written statement of determinations regarding certain categories, as specified in State law. Lastly, the Service Review will include recommendations for any changes to fire district spheres of influence, as necessary.

In December 2020, LAFCO established a Technical Advisory Committee (TAC) composed of two LAFCO Commissioners, and representatives from the Santa Clara County/Cities Managers' Association and the Santa Clara County Fire Chiefs' Association, to serve as a liaison between LAFCO and the affected agencies and to provide technical expertise/advice throughout the service review process.

Public engagement and outreach are very important to LAFCO and are an important part of the Countywide Fire Service Review. Please visit the **project webpage** for more comprehensive information on the service review and how to get involved.



**Santa Clara LAFCO Begins its Countywide Fire Service Review**

May 2021

Santa Clara LAFCO's Countywide Fire Service Review will involve a comprehensive review of fire service and emergency medical service (EMS) provision in Santa Clara County. This Countywide Fire Service Review is part of LAFCO's third round of service reviews. LAFCO has previously conducted two Countywide Fire Service Reviews, one in 2004 and another in 2010.

**LAFCO's Service Review Responsibilities**

The Countywide Fire Service Review will provide an overview of all the agencies that provide fire service and/or emergency medical services in the County, evaluate the provision of these services and recommend actions to promote efficient service delivery. State law mandates that LAFCO's service review include an analysis and written statement of determinations regarding:

- Growth and population projections for the affected area
- Location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere of influence
- Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including infrastructure needs or deficiencies related to structural fire protection in any disadvantaged unincorporated communities with or contiguous to the sphere of influence
- Financial ability of agencies to provide services
- Status of, and opportunities for, shared facilities
- Accountability for community service needs, including governmental structure and operational efficiencies

The service review will include recommendations for any changes to fire district spheres of influence, as necessary.

**Agencies that will be Studied**

**FIRE DISTRICTS**

- Los Alamos Hills County Fire District
- Santa Clara County Central Fire Protection District (CCFD)
- Saratoga Fire Protection District
- South Santa Clara County Fire Protection District

**CITY FIRE DEPARTMENTS**

- City of Gilroy Fire Department
- City of Menlo Park Fire Department
- City of Mountain View Fire Department
- City of Palo Alto Fire Department
- City of Santa Clara Fire Department
- City of San Jose Fire Department
- City of Sunnyvale Fire Department

**CITIES THAT CONTRACT FOR FIRE SERVICES**

- City of Campbell (contracts with CCFD)
- City of Los Alamos (contracts with CCFD)
- City of Morgan Hill (contracts with CAL FIRE)

**OTHER PROVIDERS**

- CA Dept. of Forestry & Fire Protection (CAL FIRE)
- County of Santa Clara (EMS, Office of Emergency Services, Commission)
- NAPA Area Fire Department
- Osaka Loma Volunteer Fire Association
- Spring Valley Volunteer Fire Department
- Brewers Creek Volunteer Fire Company
- Uma Volunteer Fire Department
- Santa Clara County FireSafe Council

**Technical Advisory Committee**

A TAC has been established to serve as a liaison between LAFCO and the affected agencies during the service review process. The TAC will meet periodically to review updates and provide expertise and advice on the project. TAC meeting dates and agenda packets are available on the LAFCO website. TAC membership includes:

Appointed by LAFCO:

- Tyler Edwards, LAFCO Commissioner
- Scott Ingham, LAFCO Commissioner

Appointed by County Fire Chiefs:

- Chief Tom Bowen, CCFD
- Chief Robert Torres, City of Santa Clara
- Chief Jim Wyatt, City of Gilroy

Appointed by County/Cities Managers:

- Carl Chen, Los Alamos Hills Town Manager
- James Lindsay, Saratoga Town Manager
- Christina Turner, Morgan Hill Town Manager
- Ed Shields, Palo Alto Town Manager & Alternate

The study will review and/or provide an analysis of options for addressing the following current and emerging issues identified by LAFCO:

- Options for funding and providing fire service and emergency medical services to the underserved areas of the County
- Regional models for more efficiently providing fire service and EMS countywide
- Frequency of use, benefits/burdens of mutual aid and automatic aid on individual agencies and the countywide fire service and EMS system
- Climate change and the increased risk of wildfires
- Wildland Urban Interface (WUI) in Santa Clara County and agencies' plans/programs to prevent or reduce fire risks in the WUI and strengthen their community's resilience to withstand and recover from wildfires
- Interagency communication and coordination for fire prevention planning and suppression along shared borders, and on private/public lands and rights of way
- Best practices for roles and oversight of volunteer fire companies
- Extent to which private fire protection service is used in the county and whether it conflicts with public providers
- New provision in state law that requires LAFCO to consider fire risks and the location of very high fire hazard zones when reviewing proposals (CG 5660882)
- Applicability of new law requiring LAFCO to review certain fire service contracts. CG 568324 requires LAFCO approval of a fire protection contract that provides fire or extended fire protection services outside a public agency's jurisdictional boundaries and meets either of the following thresholds: (1) transfers responsibility for providing services in more than 25 percent of the area within the jurisdictional boundaries of any public agency affected by the contract; or (2) changes the employment status of more than 25 percent of the employees of any public agency affected by the contract.

**Intended Use of the Service Review Report**

The Service Review Report will serve as an information resource for LAFCO, local agencies, and the public on fire service and EMS in Santa Clara County. Service providers may use the Report to pursue service delivery changes or to further assess the options identified in the Report for providing more efficient services. LAFCO may use the information in the Report when reviewing future proposals for jurisdictional boundary changes. LAFCO, local agencies or the public may use the Report together with additional analysis where necessary, to pursue changes in governance, and/or changes in jurisdictional boundaries or spheres of influence.

**Service Review Key Steps & Timeline**

LAFCO starts project, establishes TAC, selects consultant	March April 2021
Consultant collects data from service providers	May - June 2022
Public outreach and engagement through weblogs, community workshops, and surveys	June - July 2022
Service providers validate data compiled by consultant	July 2022
Consultant prepares findings and Draft Service Review Report	July - November 2022
LAFCO releases Draft Report for public review and comment	December 2022
Community workshops on Draft Report	January 2023
LAFCO public hearing on Draft Report	February 2023
LAFCO releases Revised Draft Report for public review and comment	Late February 2023
LAFCO public hearing to adopt final Report	April 2023
Publication of Adopted Final Report	April 2023

**Data Collection Begins Soon**

LAFCO's consultant for the Fire Service Review, the Center for Public Safety Management (CPSM), will begin contacting service providers soon to start data collection and to set up interviews.

**How to get involved?**

Public engagement and outreach are very important to Santa Clara LAFCO. LAFCO will make every effort to engage the public and local communities in the Countywide Fire Service Review. A project webpage that will contain comprehensive information on the Service Review is under development and will be available soon on the LAFCO website. Throughout the Service Review process there will be many opportunities for the public to engage and provide input on the study through timely community workshops, an online community survey and multiple public meetings. Stay tuned for more information!

**Are you signed up to receive updates?**

We encourage you to [sign-up here](http://bit.ly/29z8z8z) to receive email updates and notices from LAFCO on this Service Review.

**Questions?**

Contact LAFCO staff at: [LAFCO@scsa.gov](mailto:LAFCO@scsa.gov)

**Thank You!**

Santa Clara LAFCO thanks all the participants for their cooperation and involvement in this important study.



# ACCOMPLISHMENTS & PROGRAM HIGHLIGHTS

## LAFCO RECEIVES THE 2020 APA CALIFORNIA COMMUNICATIONS INITIATIVE AWARD OF EXCELLENCE



Santa Clara LAFCO’s Communications & Outreach Plan received the 2020 American Planning Association (APA) California Communications Initiative Award of Excellence. LAFCO and its consultants were recognized as award winners in the 2020 APA California virtual award ceremony held in September 2020.

The first ever communications initiative by any LAFCO in the state, the Communications and Outreach Plan is a comprehensive and proactive strategy for outreach and communications to help Santa Clara LAFCO better fulfill its role and address the common unfamiliarity with and misperception of LAFCO’s purpose.

## REVISION OF SERVICE REVIEW WORK PLAN

In December 2020, LAFCO revised its work plan for conducting its third round of service reviews as follows (listed from highest priority to lowest priority):

- Countywide Fire Service Review
- Countywide Water and Wastewater Service Review
- Special Districts Service Review
- Cities Service Review

State law mandates that LAFCO conduct service reviews prior to or in conjunction with sphere of influence updates and requires that LAFCO review and update the sphere of influence of each city and special district, every five years, as necessary.

# ACCOMPLISHMENTS & PROGRAM HIGHLIGHTS

## REVIEW AND PROCESSING OF APPLICATIONS

The number of applications LAFCO processes varies each year.

LAFCO staff processed three city-conducted annexations. They include one annexation to the Town of Los Gatos totaling 0.19 acres, and two annexations to the City of San Jose totaling 31.89 acres.

LAFCO staff worked with the Town of Los Altos Hills to help facilitate and process the annexation of one unincorporated island totaling 23.06 acres.

LAFCO reviewed and approved two annexations to the West Valley Sanitation District.

In April 2021, LAFCO approved the dissolution of Reclamation District No. 1663, an inactive special district.

In June 2021, LAFCO considered and approved an Out-of-Agency Water Service request by the City of Morgan Hill to the proposed Metta Tam Tu Buddhist Temple and directed staff to inform the County of Santa Clara, the City of Morgan Hill, and the State Water Resources Control Board that this approval is not a precedent and that in the future, the provision of water in these types of situations should be addressed early on and determined prior to issuance of any land use approvals and permits.

LAFCO's Application Processing Record for the period July 1, 2020 to June 30, 2021 is included in the Appendix.

## POLICY REVISIONS

The Commission periodically amends LAFCO's Bylaws to provide further clarity on the Commission's practices and procedures. LAFCO amended its Bylaws in October 2020 to include new policies related to "Public Comment at the LAFCO Meeting."

The Commission also conducted its biennial review of LAFCO's Conflict of Interest Code (COIC) and adopted a resolution amending its COIC in February 2021, as required in State law and as directed by the County Board of Supervisors, LAFCO's code reviewing body.

# ACCOMPLISHMENTS & PROGRAM HIGHLIGHTS

## RANCHO RINCONADA RECREATION AND PARK DISTRICT SPECIAL STUDY



In July 2019, LAFCO retained a consultant to conduct the **Rancho Rinconada Recreation and Park District (RRRPD) Special Study** in order to identify the reorganization process and evaluate the potential fiscal impacts of alternate governance structure options for the District. The consultant’s report was released for public review and comment in late January 2020 and is available on the LAFCO website. The consultant presented the report to LAFCO, the Cupertino Parks and Recreation Commission, and the Cupertino City Council.

In March 2020, the project was temporarily suspended as a result of the COVID-19 Shelter in Place order. The project was resumed in August 2020.

In March 2021, the Cupertino City Council discussed the RRRPD Special Study and voted to delay consideration of the merger of RRRPD with the City to allow for engagement in long-term planning for aquatic facilities

in the City and to allow the RRRPD Board to complete their strategic visioning and outreach processes and make a recommendation on the merger. LAFCO staff remain available to answer questions or to respond to any proposals from the City or District.

## PUBLIC INFORMATION AND CUSTOMER SERVICE

Staff routinely responds to numerous inquiries from the general public, property owners, developers, real estate agents, and attorneys about a variety of topics, including location of boundaries, annexation date and records, property tax bills and special assessments, nearest or appropriate service providers, LAFCO policies and procedures, etc.

## PRE-APPLICATION & OTHER MEETINGS

Staff held pre-application meetings and discussions with:

- City of Mountain View staff and NASA Ames staff, regarding the City’s plans to provide recycled water to the NASA Ames area at Moffett Field, which is largely outside of Mountain View’s city limits and USA, but within Mountain View’s Sphere of Influence (August 2020 and September 2020)
- Town of Los Altos Hills Public Works staff, West Bay Sanitary District (WBSD) staff, and San Mateo LAFCO staff regarding potential annexation of the Town into the WBSD for sewer service (October 2020)
- City of Cupertino staff and City of San Jose staff, regarding a proposed boundary



# ACCOMPLISHMENTS & PROGRAM HIGHLIGHTS

- adjustment (SOI/USA/city limits) along Cupertino’s northeastern border with San Jose (May 2021)
- County of Santa Clara Planning Office staff, San Mateo LAFCO staff, West Bay Sanitary District (WBSD) staff, Woodside Fire Protection District staff, and property owner representatives regarding a proposed SOI Amendment and Annexation to WBSD (October 2020 through June 2021)
- Town of Los Altos Hills staff, regarding property owner request for sewer service outside of Town limits (February 2021 and March 2021)
- City of Gilroy staff regarding proposed Wren Investors & Hewell USA Amendment (March 2021)
- City of Milpitas staff and City of San Jose staff, regarding two proposed boundary adjustments (SOI/USA/city limits) along Milpitas’ southern border with San Jose (June 2021)

## COMMENT LETTERS

Staff also provides written comments on various proposed projects to ensure that LAFCO’s concerns are known and considered early in an agency’s project review process. LAFCO submitted comment letters on the following:

- Plan Bay Area 2050 Blueprint Strategies (MTC August 2020)
- Gilroy 2040 General Plan Draft Environmental Impact Report (EIR) and the Final EIR (City of Gilroy, August 10, 2020, August 12, 2020, and October 2020)
- San Jose Planning Staff Recommendation on the Future of Coyote Valley (City of San Jose, October 2020)

- County Update to Definitions Used for State-level Mapping of Farmland in Unincorporated Santa Clara County (County of Santa Clara, December 2020)
- Draft RHNA Methodology - Concern Regarding Overalllocation to Unincorporated Santa Clara County (ABAG, January 2021)
- Initial Study and Mitigated Negative Declaration for a new single-family residence at 3343 Alpine Road (County of Santa Clara, February 2021)

## COLLABORATIONS AND PARTNERSHIPS

### INTERJURISDICTIONAL MEETINGS ON RHNA ALLOCATION FOR UNINCORPORATED SANTA CLARA COUNTY



Over the last year, EO Palacherla, County Planning staff, and City of San Jose staff met multiple times with ABAG staff to proactively discuss concerns about ABAG’s Regional Housing Needs Assessment (RHNA) allocation for the unincorporated Santa Clara County and to identify potential options to address those concerns.

# ACCOMPLISHMENTS & PROGRAM HIGHLIGHTS

## INTERJURISDICTIONAL MEETINGS ON RHNA (CONTINUED)

Both the original proposed RHNA allocation of 4,700 housing units and the revised allocation of 3,125 housing units for the unincorporated Santa Clara County inappropriately direct growth into rural areas designated for preservation and would force the County to upend decades of successful policies that enable cities to plan for future growth in the urban unincorporated areas within their Urban Service Areas.

Furthermore, the revised allocation does not consider availability of services in the rural areas and ignores the fact that the County, consistent with its longstanding cooperative agreement with the cities and LAFCO, does not provide urban services such as sewers within the unincorporated rural areas. This allocation could catalyze greenfield development in Santa Clara County, resulting in a development pattern that is contrary to the local and regional efforts being made to reduce vehicle miles traveled (VMT) and create sustainable and resilient communities.

LAFCO staff has submitted multiple letters to ABAG on this matter. As part of the formal appeal process for the 2023-2031 RHNA Cycle Allocation, LAFCO staff recently sent a letter to ABAG supporting the County's appeal of its RHNA allocation.

Additionally, EO Palacherla attended meetings of a coalition of partner agencies and entities concerned about ABAG's overallocation of RHNA to unincorporated counties in the Bay

Area. The purpose of these meetings was to discuss and strategize on how best to address this critical issue and to explore potential legislation to resolve the issue.

## COUNTYWIDE ASSOCIATIONS AND WORKING GROUPS

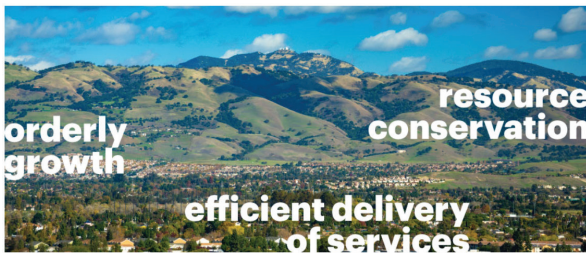
Staff attends the meetings of pertinent countywide associations to provide updates on LAFCO activities that are of interest to local agencies, including special districts, cities and the County. Staff regularly attend and participate in the following:

- Santa Clara County Special Districts Association Quarterly Meetings
- Santa Clara County Association of Planning Officials Monthly Meetings
- Quarterly Meetings with County Planning Office
- County Sustainability Working Group
- Interjurisdictional GIS Working Group

# ACCOMPLISHMENTS & PROGRAM HIGHLIGHTS

## OUTREACH AND EDUCATION EFFORTS

### PRESENTATIONS ON LAFCO



As part of LAFCO’s ongoing outreach efforts, staff conducts presentations on LAFCO in order to increase awareness about LAFCO’s goals and actions. Staff made presentations providing an overview of LAFCO, to the following entities / individuals:

- Santa Clara Valley Water District’s Director of Government Relations (July 2020)
- El Camino Healthcare District’s Director of Government & Community Relations (August 2020)
- County Planning Commission, at a special study session, to provide a comprehensive overview of LAFCO with a focus on the overlap between the two agencies’ goals and policies (September 2020)
- Guadalupe-Coyote Resource Conservation District Board, to provide a comprehensive overview of LAFCO and LAFCO’s process and considerations for consolidating two resource conservation districts (November 2020)
- Leadership Sunnyvale, as part of their program curriculum on special districts and LAFCO (December 2020)
- Santa Clara County Civil Grand Jury (June 2021)

## CALAFCO ACTIVITIES

### CALAFCO LEGISLATIVE COMMITTEE & LAFCO LEGISLATIVE POSITIONS

Executive Officer Palacherla serves on the CALAFCO Legislative Committee which meets regularly during the legislative session to propose new legislation to help clarify LAFCO procedures, address LAFCO issues, and to discuss and take positions on proposed legislation affecting LAFCOs.

In Fiscal Year 2020-2021, Santa Clara LAFCO took a position on the following bills:

- Oppose: SB 414 (Caballero) Small System Water Authority Act of 2020
- Support: AB 1581 (Assembly Local Government Committee) CALAFCO Omnibus Bill

The Commission also provided conceptual support for San Diego LAFCO’s legislative effort to clarify that LAFCOs determine whether an “out of agency service by contract” is exempt from LAFCO approval under Government Code §56133(e).

## ADMINISTRATIVE ACTIVITIES

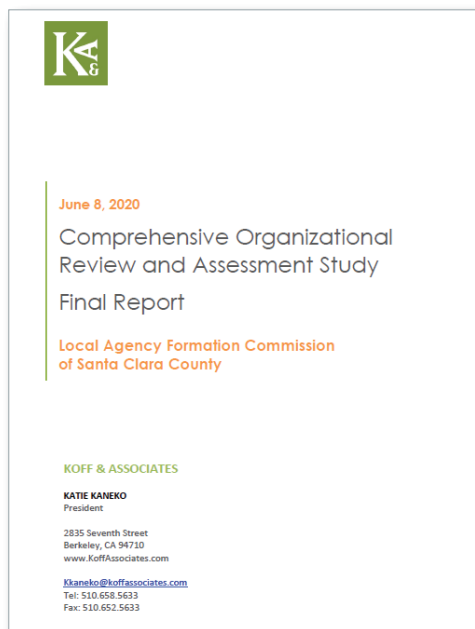
### COMPREHENSIVE ORGANIZATIONAL ASSESSMENT STUDY COMPLETED: IMPLEMENTATION IN PROGRESS

In order to address various organizational issues, and to support performance management, employee development and succession planning efforts, LAFCO

# ACCOMPLISHMENTS & PROGRAM HIGHLIGHTS

## COMPREHENSIVE ORGANIZATIONAL ASSESSMENT STUDY (CONTINUED)

retained Koff & Associates to conduct a Comprehensive Organizational Review and Assessment Study of LAFCO.



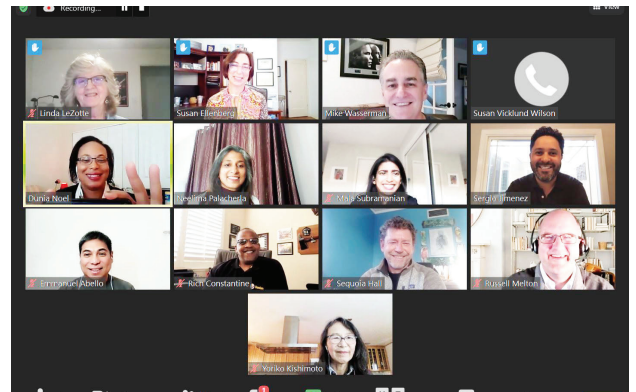
In August 2020, LAFCO voted unanimously to receive the consultant’s report, and to pursue certain recommendations relative to LAFCO staff positions, classification, and compensation. LAFCO also appointed an Ad Hoc Committee composed of LAFCO Chair Sergio Jimenez, Vice-Chair Susan Ellenberg, and Finance Committee Chair Russ Melton, to work with the County.

The Ad-Hoc Committee met several times to discuss appropriate next steps and available options. In October 2020, the Ad-Hoc Committee requested that the County consider and evaluate LAFCO’s

recommendations through the Executive Management Initiated Classification Study process. The County accepted the request and assigned the study to County Employee Service Agency (ESA) staff. LAFCO awaits the County’s report.

## CHANGES IN LAFCO MEMBERSHIP

This year saw several changes in LAFCO membership.



In January 2021, the City of San Jose appointed Matt Mahan (Councilmember, City of San Jose) as the alternate LAFCO member. Alternate Commissioner Mahan replaced Alternate Commissioner Maya Esparza (Councilmember, City of San Jose). Alternate Commissioner Mahan’s term on LAFCO expires on May 31, 2024.

In January 2021, LAFCO staff convened the meeting of the Independent Special Districts Selection Committee (ISDSC).

# ACCOMPLISHMENTS & PROGRAM HIGHLIGHTS

## CHANGES IN LAFCO MEMBERSHIP

(CONTINUED)

At that meeting, the ISDSC appointed Yoriko Kishimoto (Board Member, Midpeninsula Regional Open Space District and LAFCO Alternate Commissioner) as the regular member to complete the current term vacated by outgoing Commissioner Sequoia Hall and to serve a new 4-year term from June 2021 to May 2025. The ISDSC also appointed Helen Chapman (Board Member, Santa Clara Valley Open Space Authority) as an alternate member to complete the remainder of the current term vacated by Alternate Commissioner Kishimoto and to serve a new 4-year term from June 2021 to May 2025.

In February 2021, the Santa Clara Valley Water District appointed Board Member Gary Kremen as the regular LAFCO member. Commissioner Kremen replaced Commissioner Linda J. LeZotte. Commissioner Kremen's term on LAFCO expires on May 31, 2023.

Staff conducted orientation sessions for new Commissioner Kremen and for the new Alternate Commissioners Mahan and Chapman.

## STAFFING CHANGES

At the end of January 2021, Analyst Rajagopalan left LAFCO. LAFCO is currently operating with a staff of three, which is a 25% reduction in terms of total staff resources. Until staff levels can return to normal, LAFCO operations will be significantly impacted.

## LAFCO'S OPERATIONS DURING COVID-19

### REMOTE WORK & VIRTUAL LAFCO MEETINGS

In light of COVID-19 response measures from the Governor of the State of California and the Santa Clara County Public Health Department, LAFCO staff have successfully adopted remote work practices since March 16, 2020. Since that date, LAFCO has held all of its regular and special meetings by virtual teleconference using Zoom. This has brought an increase in public and local agency attendance and participation.

### LAFCO CLERK DEPLOYED AS DISASTER SERVICE WORKER

LAFCO staff are County employees and are required to perform duties as Disaster Service Workers, as directed by the County, and assist in disaster service during a proclaimed emergency. In April 2021, Clerk Abello was deployed as a Disaster Service Worker to aid the County's COVID response and vaccination efforts and served in this capacity for a two-week period.

## INDEPENDENT ANNUAL FINANCIAL AUDIT

LAFCO completed its third **Annual Financial Audit for FY 2020** ending on June 30, 2020. The audit was conducted in accordance with the generally accepted auditing standards as specified in the report. The auditors found LAFCO's financial statements present fairly, in all material aspects, the financial position of LAFCO.

# ACCOMPLISHMENTS & PROGRAM HIGHLIGHTS

## AGREEMENT FOR WEBCASTING OF LAFCO MEETINGS

In February 2021, LAFCO approved a draft Memorandum of Understanding (MOU) between LAFCO and the County of Santa Clara regarding the County's provision of webcasting services for LAFCO meetings held in the County Board Chambers.

The arrangement will allow the public, local agencies, and others to watch webcasts of LAFCO meetings on the internet, providing greater transparency and public engagement.

Since April 2020, LAFCO has held its meetings remotely by virtual teleconference using Zoom in response to COVID-19 concerns. Webcasting services are anticipated to begin once LAFCO meetings return to the County Board Chambers.

# UPCOMING PROJECTS

## **GILROY URBAN SERVICE AREA AMENDMENT 2021**

In April 2021, LAFCO received an urban service area amendment request from the City of Gilroy. The proposal, titled Gilroy Urban Service Area Amendment 2021 (Wren Investors & Hewell), consists of two areas located north of the city limits that together total approximately 55+ acres in size. LAFCO staff is working with City staff to clarify the proposal and supporting application materials, including City/consultant-prepared analytical documents. LAFCO's future consideration of the proposal is pending completion of this clarification process.

and to better align and clarify consistency of the policies with the Cortese Knox Hertzberg Local Government Reorganization Act. This project was placed on hold due to reduced staffing and changes in work plan priorities.

## **THIRD ROUND SERVICE REVIEWS**

It is anticipated that LAFCO's Countywide Fire Service Review will be completed by the end of April 2022. Per LAFCO's revised work plan for conducting its third round of service reviews, LAFCO would begin a countywide water and wastewater service review in spring/summer 2022.

## **COMPREHENSIVE REVIEW AND UPDATE OF LAFCO POLICIES**

LAFCO staff and its consultant have begun to review and update LAFCO policies which are all very interconnected. The purpose of the comprehensive review and update is to strengthen the policies in order to enable LAFCO to better meets its legislative mandate

# LAFCO APPLICATION PROCESSING RECORD

JULY 1, 2020 TO JUNE 30, 2021

## ISLAND ANNEXATION

CITY	PROPOSAL NAME	DATE RECORDED	DOCUMENT #	APPROVED
Los Altos Hills	Los Altos Hills Pocket 04 Ravensbury Island	12/03/20	24734402	23.06
			<i>City Total</i>	23.06
<i>Total Island Annexation Acreage</i>				<b>23.06</b>

## CITY-CONDUCTED ANNEXATION

CITY	PROPOSAL NAME	DATE RECORDED	DOCUMENT #	ACREAGE
Los Gatos	El Gato Lane No. 4	08/03/20	24562679	0.19
			<i>City Total</i>	0.19
San Jose	Snell No. 31	08/03/20	24562678	30.90
	Story No. 69	05/07/21	24953516	0.99
	<i>City Total</i>			31.89
<i>Total City-Conducted Annexation Acreage</i>				<b>32.08</b>

## ANNEXATION TO SPECIAL DISTRICTS

AGENCY	PROPOSAL NAME	LAFCO ACTION	DOCUMENT # DATE RECORDED	ACREAGE
West Valley Sanitation District	West Valley Sanitation District 2020-01 (Suviev Drive)	Approved	24953515	6.56
		04/07/21	05/07/21	
	West Valley Sanitation District 2020-02 (High Street)	Approved	24953514	1.15
			<i>District Total</i>	7.71
<i>Total Special District Annexations Acreage</i>				<b>7.71</b>



## OUT-OF-AGENCY CONTRACT FOR SERVICES

AGENCY	PROPOSAL NAME	LAFCO ACTION
Morgan Hill	Out-of-Agency Water Service by Morgan Hill to Metta Tam Tu Buddhist Temple	Approved 06/02/21

## DISSOLUTION OF INACTIVE SPECIAL DISTRICT

AGENCY	PROPOSAL NAME	LAFCO ACTION	DOCUMENT # DATE RECORDED
Reclamation District No. 1663	Dissolution of Inactive Special District - Reclamation District No. 1663	Approved 04/07/21	25017519 07/02/2021

An aerial photograph of a city, likely San Jose, California, with a dense residential area in the foreground and rolling hills in the background. The sky is clear and light-colored.

# SANTA CLARA LAFCO

FOR THE GOOD OF THE WHOLE

Local Agency Formation Commission  
of Santa Clara County

777 North First Street, Suite 410  
San Jose, CA 95112

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[lafco@ceo.sccgov.org](mailto:lafco@ceo.sccgov.org)

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**Local Agency  
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**SantaClaraLAFCO.org**

**Commissioners**  
Rich Constantine  
Susan Ellenberg  
Sergio Jimenez  
Yoriko Kishimoto  
Gary Kremen  
Mike Wasserman  
Susan Vicklund Wilson

**ITEM # 8**

**Alternate Commissioners**  
Helen Chapman  
Cindy Chavez  
Matt Mahan  
Russ Melton  
Terry Trumbull  
**Executive Officer**  
Neelima Palacherla

**LAFCO MEETING: October 13, 2021**

**TO: LAFCO**

**FROM: Neelima Palacherla, Executive Officer  
Dunia Noel, Asst. Executive Officer**

**SUBJECT: EXECUTIVE OFFICER’S REPORT**

**STAFF RECOMMENDATION**

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Accept reports and provide direction, as necessary.

**8.1 SUPPORT LETTER FOR COUNTY OF SANTA CLARA’S APPEAL OF ITS  
RHNA ALLOCATION**

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On August 30, 2021, LAFCO staff sent a letter to ABAG’s President and Administrative Committee in support of the County of Santa Clara’s appeal of the 2023-2031 RHNA Cycle Allocation. LAFCO has been participating in discussions regarding the RHNA for unincorporated County over the last year and has submitted comment letters to ABAG expressing concerns about the RHNA allocation for unincorporated Santa Clara County. LAFCO staff have also discussed these concerns with ABAG staff at joint meetings that included staff from County of Santa Clara and some cities in Santa Clara County. LAFCO’s letter respectfully requests that ABAG reduce the County’s allocation and reallocate the County’s assigned housing units, accordingly. Santa Clara County’s Appeal Hearing with ABAG is scheduled for October 22, 2021. Please see **Attachment A** for a copy of the letter.

**8.2 INQUIRIES REGARDING SANTA CLARA VALLEY TRANSPORTATION  
AUTHORITY AND LAFCO’S SERVICE REVIEWS**

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In July and September of 2021, LAFCO staff received inquiries from the public concerning the Santa Clara Valley Transportation Authority (VTA) and LAFCO’s plans for conducting a service review of VTA.

In mid-July 2021, LAFCO staff received several inquiries via email from a member of the public first seeking the most recent Service Review Report on VTA, then asking why there has not been a more recent service review, and later expressing multiple concerns about VTA and its service. Please see **Attachment B** for a copy of these inquiries and LAFCO staff’s email responses to them.

On September 7, 2021, LAFCO staff received another inquiry via email from the founder/chief executive officer of the Silicon Valley Transit Users, a public transit advocacy and watchdog group, requesting that LAFCO “please perform an immediate, comprehensive service review of the VTA” and asking why such a review was not performed in 2018. The writer of the email expressed multiple concerns about VTA and its service. Please see **Attachment C** for a copy of the inquiry and LAFCO staff’s response to it.

As explained in LAFCO staff’s responses to these inquiries,

the Cortese Knox Hertzberg Local Government Reorganization Act (CKH Act) mandates that LAFCO conduct service reviews prior to or in conjunction with sphere of influence updates and requires that LAFCO review and update the sphere of influence of each city and special district, every five years, as necessary. [Government Code § 56425 and §56430].

Santa Clara LAFCO seeks to complete its service reviews in a timely manner and in conjunction with its other required activities. In December 2020, the Commission approved a revised work plan and schedule for completing its third round of service reviews. Per the work plan, we are currently working on a Countywide Fire Service Review which is anticipated to conclude in April 2022. The work plan then calls for the completion of a Countywide Water and Wastewater Service Review, followed by a Special Districts Service Review, and then a Cities Service Review. A VTA service review would be addressed in the Special Districts Service Review. However, the Commission can revise the work plan if they find that circumstances warrant.

Additionally, because the inquiries raised complex personnel questions which LAFCO cannot investigate or address through a service review, LAFCO staff forwarded the inquiries to VTA staff and met virtually with VTA staff on September 17, 2021. LAFCO staff requested that VTA staff follow-up directly with the individuals given the nature of the inquiries.

LAFCO staff consulted with LAFCO Legal Counsel on the inquiries and staff responses.

### **8.3 PRESENTATION TO THE SANTA CLARA COUNTY CIVIL GRAND JURY**

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On June 10, 2021, EO Palacherla gave an educational presentation on LAFCO to the Santa Clara County Civil Grand Jury (CGJ) at their request. The virtual presentation included information on the history and purpose of LAFCO, its State mandate, the role of commissioners and staff, and key planning boundaries, Santa Clara LAFCO’s regulatory and planning tools, application review process, service reviews program, decision-making process, policies and procedures, outreach and collaboration efforts, and current/upcoming projects. EO Palacherla then responded to various questions from CGJ members. Following the presentation, an electronic copy of the presentation and hard copies of LAFCO’s County and Cities Boundaries wall map and the What is LAFCO? Brochure were provided to the CGJ for distribution to its members.

#### **8.4 MEETING WITH CUPERTINO AND SAN JOSE ON POTENTIAL CHANGES IN SHARED BOUNDARIES**

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On May 19, 2021, EO Palacherla met virtually with City of Cupertino staff and San Jose staff about a proposed change in the boundaries that the two cities share, namely the detachment of lands from San Jose and annexation of these lands to Cupertino. The lands are located along the westerly boundary of Lawrence Expressway (Lawrence-Mitty Properties) and are owned by the City of Cupertino. According to Cupertino staff, the proposed boundary change would incorporate city-owned lands into Cupertino's jurisdiction and provide more orderly and consistent public services (including parks and recreation), emergency, and utilities to the properties.

EO Palacherla discussed the city detachment and annexation process, issues unique to the proposal, and the various factors that LAFCO must consider for such an application. Since then, EO Palacherla has responded to further questions, as each city considers this information and their next steps.

#### **8.5 MEETING WITH MILPITAS AND SAN JOSE ON POTENTIAL CHANGES IN SHARED BOUNDARIES**

---

On June 14, 2021, LAFCO staff met virtually with staff from the City of Milpitas and the City of San Jose to discuss potential changes in the boundaries that the two cities share, namely detachment of lands from San Jose and annexation of these lands to Milpitas.

At the preliminary meeting, LAFCO staff discussed the city detachment and annexation process and the various factors that LAFCO must consider for such applications. EO Palacherla also identified issues that the two cities must first consider, including ensuring that the proposed boundaries are logical and do not create areas that are difficult to serve and coordinating with property owners/developers. City of San Jose staff said that they would initiate an internal discussion on this matter before considering any next steps.

#### **8.6 MEETING WITH REPRESENTATIVES OF KERLEY RANCH/INTEGRAL COMMUNITIES ON POTENTIAL USA AMENDMENT (GILROY)**

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On August 30, 2021, LAFCO staff met virtually with representatives of Kerley Ranch/Integral Communities (KR/IC) to discuss a potential Urban Service Amendment application for lands west of the Gilroy Sports Park. At the meeting, LAFCO staff discussed the various factors that LAFCO must consider when reviewing a USA amendment application, such as the amount of existing vacant lands in the city and the need for the expansion, impacts on agricultural land, fiscal impacts on the city, and city's ability to provide services and finance services without adversely impacting areas it currently serves.

Staff was also informed that KR/IC have discussed their proposal with multiple LAFCO Commissioners. To date, the City has not contacted LAFCO staff about this proposed application.

## **8.7 MEETINGS WITH TOWN OF LOS GATOS ON ISLAND ANNEXATIONS**

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On September 10, 2021, EO Palacherla met virtually with Town of Los Gatos staff to discuss the Town's potential plans for annexing its unincorporated islands in the future. At the meeting, Los Gatos staff inquired about various provisions in State law and how they might apply. EO Palacherla then sought and received clarification from LAFCO Counsel Subramanian on those provisions and at a follow-up meeting held on September 21, 2021, relayed that information to Los Gatos staff for their consideration.

## **8.8 SANTA CLARA COUNTY SPECIAL DISTRICTS ASSOCIATION MEETINGS**

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Commissioner Kishimoto, Alternate Commissioner Chapman, and EO Palacherla attended the June 7, 2021 and the September 13, 2021 quarterly meetings of the Santa Clara County Special Districts Association (SDA) which were both held by video conference.

At the June 7<sup>th</sup> meeting, EO Palacherla provided updates on LAFCO activities, including LAFCO's recently adopted budget for Fiscal Year 2022 and LAFCO's Countywide Fire Service Review. Commissioner Kishimoto and EO Palacherla thanked affected local agencies for their participation in the Service Review. EO Palacherla informed attendees about LAFCO's consultant for the Fire Service Review, the establishment and composition of the Technical Advisory Committee for the service review, creation and distribution of the project fact sheet, development of a project webpage, upcoming virtual community workshops on fire service, and the online community survey on fire service.

At the September 13<sup>th</sup> meeting, Commissioner Kishimoto, as the special districts representative on LAFCO, gave a biannual report on LAFCO activities to the Association. EO Palacherla reported on the three virtual Community Meetings that LAFCO recently held in partnership with other local agencies on the Countywide Fire Service Review, and next steps in the service review process.

At both meetings, attendees, including various district staff and board members, field staff for various state legislators, and a representative of the California Special Districts Association provided reports and shared information on current projects or issues of interest.

The next meeting of the SDA is scheduled for December 6, 2021.

## **8.9 SANTA CLARA COUNTY ASSOCIATION OF PLANNING OFFICIALS MEETING**

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EO Palacherla attended the September 1, 2021 virtual meeting of the Santa Clara County Association of Planning Officials (SCCAPO).

The meeting included a discussion on two Planning Collaborative Topics (Let's Talk Housing and ADU Survey Status), a check-in with cities on their Housing Element work, best practices for continuing parklets, and best practices for a hybrid return to office. Additionally, the City of Palo Alto's Chief Planning Official discussed the City's regulatory efforts to promote housing production and facilitated a discussion on what other cities are doing and considering in terms of planning and regulations that address this issue. The meeting also included an update on the status of housing related legislation, including SB 9. Lastly, attendees provided updates on planning and development-related issues in their individual jurisdictions.

## **8.10 CALAFCO LEGISLATIVE COMMITTEE MEETINGS**

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EO Palacherla is a member of the CALAFCO Legislative Committee and participated in its June 18, 2021, and July 23, 2021 virtual meetings. At the June and July meetings, members received updates on the 2021 CALAFCO Omnibus Bill, discussed and considered potential action on legislation affecting LAFCOs, and discussed legislation that CALAFCO is tracking. Members also received an update from the Protest Provisions Rewrite Working Group.

EO Palacherla will not serve on the 2022 CALAFCO Legislative Committee due to the current reduced staffing situation and competing work plan priorities, however, she will attend the Committee Meetings as time and schedule permit.

## **ATTACHMENTS**

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- Attachment A: Support Letter for County of Santa Clara's Appeal of its RHNS Allocation (dated August 30, 2021)
- Attachment B: Inquiry #1 re: Santa Clara Valley Transportation Authority and LAFCO's Service Review & LAFCO Staff's Response (dated July 30, 2021)
- Attachment C: Inquiry #2 re: Santa Clara Valley Transportation Authority and LAFCO's Service Review & LAFCO Staff's Response (dated September 20, 2021)







**Local Agency  
Formation Commission  
of Santa Clara County**

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Susan Vicklund Wilson

**Alternate Commissioners**

Cindy Chavez  
Maya Esparza  
Yoriko Kishimoto  
Russ Melton  
Terry Trumbull

**Executive Officer**  
Neelima Palacherla

August 30, 2021

VIA EMAIL: [RHNA@bayareametro.gov](mailto:RHNA@bayareametro.gov)

The Administrative Committee  
Association of Bay Area Governments ("ABAG")

**RE: SUPPORT FOR COUNTY OF SANTA CLARA'S APPEAL OF THE 2023-2031 RHNA CYCLE ALLOCATION**

Dear President and ABAG Administrative Committee:

Please accept this letter in support of the County of Santa Clara's appeal of the 2023-2031 RHNA Cycle Allocation.

Santa Clara LAFCO concurs with the very significant concerns outlined in the County's appeal, the supporting information provided by the County regarding the unique facts on the ground and material limitations, and the existence and importance of the longstanding County General Plan policies that focus growth within urban areas to combat sprawl and preserve farmlands in the unincorporated area.

The County of Santa Clara's allocation of 3,125 housing units inappropriately directs growth into rural areas designated for preservation and would force the County to upend decades of successful policies that enable cities to plan for future growth in the urban unincorporated areas within their Urban Service Areas. This allocation does not consider availability of services in the rural areas and ignores the fact that the County, consistent with its longstanding cooperative agreement with the cities and LAFCO, does not provide urban services such as sewers within the unincorporated rural areas. This allocation could catalyze greenfield development in Santa Clara County, resulting in a development pattern that is contrary to the local and regional efforts being made to reduce vehicle miles traveled (VMT) and create sustainable and resilient communities. Therefore, Santa Clara LAFCO strongly supports the County's request for reduction of the County's assigned housing units.

As noted in the appeal, the County of Santa Clara has long been a leader in funding and building affordable housing within the incorporated and urbanized areas of the county. With the passage of Measure A – a \$950 million housing bond in November 2016, thousands of new affordable housing units have been and will be built within Santa Clara County cities. Furthermore, the County continues to purchase parcels in cities and repurpose existing County-owned sites to build affordable housing to address the regional shortage. Again, all of these affordable housing units will be counted towards the individual cities' RHNA requirements.

Santa Clara LAFCO's mission is to curb urban sprawl, preserve farmland and open space, and encourage efficient delivery of services. We have been participating in the RHNA process over the last year and have provided comment letters to ABAG expressing concerns about the RHNA allocation for unincorporated Santa Clara County. We have also discussed these concerns with ABAG staff at joint meetings that included staff from County of Santa Clara and some cities in Santa Clara County.

Santa Clara LAFCO respectfully requests that ABAG reduce the County's allocation and reallocate the County's assigned housing units, accordingly.

Thank you.

Sincerely,



Neelima Palacherla  
Executive Officer

CC: LAFCO Members  
Jacqueline Onciano, Santa Clara County Planning Director

**ITEM # 8**  
**Attachment B**

**From:** [Noel, Dunia](#)  
**To:** [M. Cohen-Zakai](#)  
**Cc:** [LAFCO](#)  
**Subject:** RE: [EXTERNAL] Re: Santa Clara LAFCO Service Review on Valley Transportation Authority (CPRA)  
**Date:** Friday, July 30, 2021 11:50:00 AM

---

Hello Ms. Cohen-Zakai,

Thank you for sharing these concerns with LAFCO staff. In order to assist you in a timely manner, we have forwarded your inquiry/concerns to our contacts at VTA and requested that they follow-up with you directly.

At which time LAFCO begins developing a scope for its Special Districts Service Review (which would include VTA), we hope that you will share your concerns with us so that we may consider them in the scope.

Best,

-Dunia Noel

*NOTE: If you have an inquiry, we encourage you to contact us by email at [LAFCO@ceo.sccgov.org](mailto:LAFCO@ceo.sccgov.org).\*\**

**Dunia Noel, AICP**

**Assistant Executive Officer**

Local Agency Formation Commission of Santa Clara County (LAFCO)

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---

**From:** M. Cohen-Zakai [REDACTED]  
**Sent:** Tuesday, July 27, 2021 7:57 AM  
**To:** Abello, Emmanuel <Emmanuel.Abello@ceo.sccgov.org>  
**Cc:** LAFCO <LAFCO@ceo.sccgov.org>  
**Subject:** Re: [EXTERNAL] Re: Santa Clara LAFCO Service Review on Valley Transportation Authority (CPRA)

Hello Emmanuel Abello,

Here are a few of my concerns:

- Health and Safety: Cal/OSHA cited and fined VTA following a 6-month investigation of its IIPP and the deaths of 2 veteran employees
- Serious, unresolved disagreements between the VTA and the Transit Union affecting employees and riders; see John Courtney's

statements at the recent memorial for VTA employees

- Light Rail Service: Current lack of all light rail service (or a bus alternative) causing daily hardship to thousands of riders with no affordable options
- Governance: Lack of governance reform despite the 2018-19 Civil Grand Jury's investigation and findings
- Bus Service: Bus routes and stops cut from major county destinations such as the MLK Library in San Jose beginning 12/28/19
- Safety: Lack of funds to remove the fall/trip hazard on the downtown light rail platforms

Sincerely,  
Marcia Cohen Zakai

On Thu, Jul 22, 2021 at 5:09 PM Abello, Emmanuel <[Emmanuel.Abello@ceo.sccgov.org](mailto:Emmanuel.Abello@ceo.sccgov.org)> wrote:

Dear Ms. Cohen-Zakai:

LAFCO does not believe it is legally tardy. Again, is there specific information that you are seeking on VTA or a specific concern/issue you want to share with us? This may help inform a future service review.

Thank you.

*NOTE: In light of COVID-19 response measures from the Governor of the State of California and the Santa Clara County Public Health Department, commencing March 17, all staff of Santa Clara LAFCO are under a "Shelter in Place" directive, working remotely from home. If you have an inquiry, we encourage you to contact us by email at [LAFCO@ceo.sccgov.org](mailto:LAFCO@ceo.sccgov.org).*

Thank you,

**Emmanuel Abello**

Commission Clerk

LAFCO of Santa Clara County

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---

**From:** M. Cohen-Zakai [REDACTED]

**Sent:** Wednesday, July 21, 2021 2:14 PM

**To:** Abello, Emmanuel <[Emmanuel.Abello@ceo.sccgov.org](mailto:Emmanuel.Abello@ceo.sccgov.org)>

**Cc:** LAFCO <[LAFCO@ceo.sccgov.org](mailto:LAFCO@ceo.sccgov.org)>

**Subject:** [EXTERNAL] Re: Santa Clara LAFCO Service Review on Valley Transportation Authority (CPRA)

Dear Emmanuel Abello,

Does LAFCO consider itself legally tardy in its obligation to timely conduct a service review of the Santa Clara Valley Transportation Authority?

Sincerely,  
Marcia Cohen Zakai

On Wed, Jul 21, 2021 at 11:56 AM Abello, Emmanuel <[Emmanuel.Abello@ceo.sccgov.org](mailto:Emmanuel.Abello@ceo.sccgov.org)> wrote:

Dear Ms. Cohen-Zakai:

The Cortese Knox Hertzberg Local Government Reorganization Act (CKH Act) mandates that LAFCO conduct service reviews prior to or in conjunction with sphere of influence updates and requires that LAFCO once every five years, as necessary, review and update the sphere of influence of each city and special district [Government Code § 56425 and § 56430].

Santa Clara LAFCO seeks to complete its service reviews in a timely manner and in conjunction with its other required activities. In December 2020, the Commission approved a revised work plan and schedule for completing its third round of service reviews. Per the work plan, we are currently working on a Countywide Fire Service Review which is anticipated to conclude in April 2022. The work plan then calls for the completion of a Countywide Water and Wastewater Service Review, followed by a Special Districts Service Review, and then a Cities Service Review. A VTA service review would be addressed in the Special Districts Service Review. However, the Commission can revise the work plan if they find that circumstances warrant.

Is there specific information you are seeking on VTA or a specific concern/issue you want to share with us? This may help inform a future service review.

*NOTE: In light of COVID-19 response measures from the Governor of the State of California and the Santa Clara County Public Health Department, commencing March 17, all staff of Santa Clara LAFCO are under a "Shelter in Place" directive, working remotely from home. If you have an inquiry, we encourage you to contact us by email at [LAFCO@ceo.sccgov.org](mailto:LAFCO@ceo.sccgov.org).*

Thank you,

**Emmanuel Abello**

Commission Clerk

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---

**From:** M. Cohen-Zakai [REDACTED]  
**Sent:** Tuesday, July 20, 2021 5:39 PM  
**To:** Abello, Emmanuel <[Emmanuel.Abello@ceo.sccgov.org](mailto:Emmanuel.Abello@ceo.sccgov.org)>  
**Cc:** LAFCO <[LAFCO@ceo.sccgov.org](mailto:LAFCO@ceo.sccgov.org)>  
**Subject:** [EXTERNAL] Re: Santa Clara LAFCO Service Review on Valley Transportation Authority (CPRA)

Dear Emmanuel Abello,

Thank you for confirming that the most recent service review of the Santa Clara Valley Transportation Authority was adopted in June 2013. I am puzzled as to why this is the case, in light of the mandate that LAFCO conduct service reviews not less than once every five years.

I look forward to your response, and thank you in advance.

Sincerely,  
Marcia Cohen Zakai

On Tue, Jul 20, 2021 at 11:39 AM Abello, Emmanuel <[Emmanuel.Abello@ceo.sccgov.org](mailto:Emmanuel.Abello@ceo.sccgov.org)> wrote:

Dear Ms. Cohen Zakai:

This responds to your July 19, 2021 request (below) for the latest Service Review Report on the Santa Clara Valley Transportation Authority under the Public Records Act using a form on LAFCO's website.

The most recent Service Review Report on the District is included in the Special Districts Service Review Phase 1, which was adopted on June 5, 2013, and is available as a

downloadable PDF on our website.

\* The section on VTA is at

[https://santaclaralafco.org/sites/default/files/service\\_reviews/7fVTA.pdf](https://santaclaralafco.org/sites/default/files/service_reviews/7fVTA.pdf)

\* The full report is at <https://santaclaralafco.org/cities-and-special-districts/service-reviews/second-round/special-districts-service-review-phase-1>

A prior report, which was adopted on October 3, 2007, is also available at

<https://santaclaralafco.org/cities-and-special-districts/service-reviews/first-round/northwest-santa-clara-county-service-review>.

Thank you for your interest in LAFCO's service reviews. Please let me know if you need anything else or if have questions.

NOTE: In light of COVID-19 response measures from the Governor of the State of California and the Santa Clara County Public Health Department, commencing March 17, all staff of Santa Clara LAFCO are under a "Shelter in Place" directive, working remotely from home. If you have an inquiry, we encourage you to contact us by email at [LAFCO@ceo.sccgov.org](mailto:LAFCO@ceo.sccgov.org).

Thank you,

Emmanuel Abello

Commission Clerk

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-----Original Message-----

From: Santa Clara LAFCO via Santa Clara LAFCO <[lafco@ceo.sccgov.org](mailto:lafco@ceo.sccgov.org)>

Sent: Monday, July 19, 2021 5:37 PM

To: LAFCO <[LAFCO@ceo.sccgov.org](mailto:LAFCO@ceo.sccgov.org)>

Subject: [EXTERNAL] Website Contact Us Form Submission

Submitted on Monday, July 19, 2021 - 5:36pm Submitted by anonymous user:

107.203.253.55 Submitted values are:

First Name: Marcia

Last Name: Cohen Zakai

Email Address: [REDACTED]

Phone Number:

Organization:

Comments or Questions:

Hello,

This is a Public Records Request for the most recent Special District Service Review for the Santa Clara Valley Transportation Authority.

Thank you,  
Marcia Cohen Zakai



**ITEM # 8**  
**Attachment C**

**From:** Noel Dunia  
**To:** [REDACTED]  
**Cc:** emmanuel.abello@ceo.sccgov.org; neelima.palacheria@ceo.sccgov.org  
**Subject:** Requesting Santa Clara LAFCO to perform a comprehensive service review of VTA immediately  
**Date:** Monday, September 20, 2021 12:27:00 PM  
**Importance:** High

---

Dear Mr. Bradley,

Thank you for your email (see thread below) and for sharing your concerns with LAFCO. The issues presented in your email are important and complex personnel questions/concerns, which LAFCO cannot investigate or address through a service review. In order to assist you in a timely manner, we have forwarded your email to our contacts at VTA, who will respond and follow up with you directly.

The Cortese Knox Hertzberg Local Government Reorganization Act (CKH Act) mandates that LAFCO conduct service reviews prior to or in conjunction with sphere of influence updates and requires that LAFCO review and update the sphere of influence of each city and special district, every five years, as necessary. [Government Code § 56425 and § 56430].

Santa Clara LAFCO seeks to complete its service reviews in a timely manner and in conjunction with its other required activities. In December 2020, the Commission approved a revised work plan and schedule for completing its third round of service reviews. Per the work plan, we are currently working on a Countywide Fire Service Review which is anticipated to conclude in April 2022. The work plan then calls for the completion of a Countywide Water and Wastewater Service Review, followed by a Special Districts Service Review, and then a Cities Service Review. A VTA service review would be addressed in the Special Districts Service Review. However, the Commission can revise the work plan if they find that circumstances warrant.

We will inform the Commission about your inquiry at the next LAFCO meeting. Thank you.

Best,

-Dunia Noel

*NOTE:\*\* If you have an inquiry, we encourage you to contact us by email at [LAFCO@ceo.sccgov.org](mailto:LAFCO@ceo.sccgov.org).\*\**

**Dunia Noel, AICP**

**Assistant Executive Officer**

Local Agency Formation Commission of Santa Clara County (LAFCO)

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**From:** Eugene Bradley [REDACTED]  
**Sent:** Tuesday, September 7, 2021 3:19 PM  
**To:** Abello, Emmanuel <[Emmanuel.Abello@ceo.sccgov.org](mailto:Emmanuel.Abello@ceo.sccgov.org)>  
**Subject:** [EXTERNAL] Requesting Santa Clara LAFCO to perform a comprehensive service review of VTA immediately  
**Importance:** High

Dear Mr. Abello:

I am the founder and chief executive officer (CEO) of the Silicon Valley Transit Users. Our

group is a public transit advocacy and watchdog group. Per your website, we understand that the Santa Clara Valley Transportation Authority (VTA) is a "Special District" in Santa Clara County under LAFCO jurisdiction. Specifically, under the "Santa Clara Transit District Act and Public Utilities Code, Sections 100,000-100,500" enabled by the California State Legislature in 1969.

Our group asks that Santa Clara LAFCO please perform an immediate, comprehensive service review of VTA. Per California Government Code Section 56000 et seq., all LAFCOs are required to conduct service reviews of special districts every five years, based on California state guidelines. We noticed that Santa Clara LAFCO last performed a comprehensive service review of VTA in June 2013. We need to know: what prevented Santa Clara LAFCO from performing such a review of VTA in 2018?

Here is some information we have justifying our request for Santa Clara LAFCO to perform an immediate, comprehensive service review of VTA.

For starters: Cal/OSHA investigated, cited and fined the VTA \$16,500 following a 6-month investigation of its COVID-19 Injury and Illness Prevention Plan and the deaths of two veteran employees. Among the findings of Cal/OSHA's inspection (9/2/20 - 2/22/21):

- VTA failed to correct unsafe work practices
- There is evidence that VTA had knowledge of these unsafe practices
- VTA did not provide Personal Protective Equipment (PPE) at the start of the pandemic in March 2020; local Amalgamated Transportation Union (ATU) did

All of this is further documented at <https://calmatters.org/california-divide/2020/10/cal-osh-response-covid-complaints/> for your review.

Also, there are documented reports of a hostile, unsafe work environment for employees at VTA. Here is documentation of what has been identified so far:

San Jose fare inspectors faced hostile work environment, VTA records show <https://sanjosespotlight.com/san-jose-fare-inspectors-faced-hostile-work-environment-vta-records-show/>

San Jose VTA workers demand toxic work culture investigation <https://sanjosespotlight.com/vta-tech-workers-in-san-jose-demand-toxic-work-culture-investigation/>

San Jose VTA records show IT supervisor had prior complaints

<https://sanjosespotlight.com/san-jose-vta-records-show-it-supervisor-had-prior-complaints/>

Further documentation revealed this hostile, unsafe work environment played a key role in the mass shooting at VTA's Guadalupe rail yard on May 26.

<https://sanjosespotlight.com/a-great-worker-san-jose-shooter-praised-by-vta-managers/>

The mass shooting at Guadalupe Rail Yard on May 26th resulted in VTA having to shut down light rail service for over two months. Briefly, VTA ran shuttle buses along the entire light rail system until June 1, when service was withdrawn due to "staffing issues." From June 1- August 2, there was no light rail service and no substitute bus service for that service at all, until we ran a campaign to restore that shuttle bus service. The campaign we ran is documented here:

<https://www.svtransitusers.org/advocacy/help-return-light-rail-shuttle-buses-asap>

As of this writing (September 7), there is still no VTA light rail service serving Campbell or South San Jose. Worse, VTA has not provided substitute shuttle bus service for these areas, who have not had any light rail service since May 26. We find this to be absolutely unacceptable.

As final documentation justifying our request for Santa Clara LAFCO to review VTA immediately: a Santa Clara County Civil Grand Jury report from 2019 further documenting mismanagement, waste, and incompetence at VTA, especially at the level of its Board Of Directors:

[https://www.scscourt.org/court\\_divisions/civil/cgj/2019/CGJ%20VTA%20Final%20Report%20-%2006.18.19.pdf](https://www.scscourt.org/court_divisions/civil/cgj/2019/CGJ%20VTA%20Final%20Report%20-%2006.18.19.pdf)

As of this writing, there is still no effort on VTA's part to correct the mismanagement and incompetence resulting in a dangerous workplace and an inefficient public transportation system. Hence, our request for Santa Clara LAFCO to perform a service review of VTA as soon as possible.

Given the facts and circumstances documented here, a comprehensive service review of VTA by Santa Clara LAFCO is long overdue and needed as soon as possible. If this letter is not the proper means to have Santa Clara LAFCO perform an immediate, comprehensive service review of VTA, please inform us to the procedure(s) we must follow to have such a comprehensive service review of VTA happen as soon as possible.

Your written response to our concerns, and our request for Santa Clara LAFCO to perform a

comprehensive service review of VTA immediately, is appreciated. Thank you, and good day.

Eugene Bradley

Founder & CEO, Silicon Valley Transit Users

<http://www.svtransitusers.org/>

phone/text 