



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

777 North First Street
Suite 410
San Jose, CA 95112

SantaClaraLAFCO.org

Commissioners

Sylvia Arenas
Jim Beall
Rosemary Kamei
Yoriko Kishimoto
Otto Lee
Susan Vicklund Wilson
Vacant

Alternate Commissioners

Helen Chapman
Cindy Chavez
Russ Melton
Terry Trumbull
Vacant

Executive Officer
Neelima Palacherla

**LAFCO MEETING MINUTES
WEDNESDAY, DECEMBER 7, 2022**

CALL TO ORDER

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

Pursuant to the provisions of Government Code section 54953(e), this meeting was held by teleconference only.

1. ROLL CALL

The following commissioners were present:

- Chairperson Rich Constantine
- Commissioner Ellenberg
- Commissioner Yoriko Kishimoto
- Commissioner Mike Wasserman
- Commissioner Susan Vicklund Wilson
- Alternate Commissioner Helen Chapman (voting in place of Linda J. LeZotte whose term has ended)
- Alternate Commissioner Russ Melton
- Alternate Commissioner Terry Trumbull

The following commissioners were absent:

- Commissioner Sergio Jimenez
- Alternate Commissioner Cindy Chavez
- Alternate Commissioner Matt Mahan

The following staff members were present:

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

2. PUBLIC COMMENTS

There were none.

3. APPROVE CONSENT CALENDAR

Chairperson Constantine proposed to add Item #12.1 to the consent calendar and to take #13.2 out of order. **Commissioner Ellenberg** likewise proposed to add #10, #11.2, #11.3, #11.4, #14, #15 and #16 to the consent calendar.

Chairperson Constantine determined that there are no members of the public who would like to speak on the item.

The Commission approved agenda items #4, #5, #9, #10, #11.2, #11.3, #11.4, #12.1, #14, #15 and #16 on consent.

Motion: Ellenberg

Second: Wasserman

AYES: Chapman, Constantine, Ellenberg, Kishimoto, Wasserman,
Vicklund Wilson

NOES: None

ABSTAIN: None

ABSENT: Jimenez

MOTION PASSED

***4. CONSENT ITEM: APPROVE MINUTES OF JUNE 1, 2022 LAFCO MEETING**

The Commission approved the minutes of June 1, 2022 meeting.

***5. CONSENT ITEM: RESOLUTION 2022-010 ALLOWING FOR VIDEO AND TELECONFERENCE MEETINGS DURING COVID-19 STATE OF EMERGENCY UNDER GC §54953(e)**

The Commission adopted Resolution No. 2022-10 allowing for video and teleconferencing meetings during COVID-19 State of Emergency under GC §54953(e).

***13.2 TAKEN OUT OF ORDER: RESOLUTION OF COMMENDATION FOR OUTGOING LAFCO COMMISSIONER LINDA J. LEZOTTE**

Chairperson Constantine read the Resolution of Commendation for outgoing Commissioner Linda J. LeZotte whose term of office ended in November 2022.

Commissioner Ellenberg thanked outgoing Commissioner LeZotte for mentoring her on LAFCO, sustainability and energy issues, and expressed appreciation to her for her service on LAFCO and for her impactful leadership and commitment to public service and sustainability. **Commissioner Vicklund Wilson** stated that she worked with former Commissioner LeZotte on the environmental committee for the County Bar Association in the 1990s and thanked her for her work in various areas of public service. **Commissioner Kishimoto** expressed appreciation to Ms. LeZotte for being a mentor to many and for being an environmental leader in San Jose and Santa Clara County. **Alternate Commissioner Chapman** indicated that Ms. LeZotte has been a leader in the environmental community for decades, and she expressed appreciation to Ms. LeZotte for her service. **Alternate Commissioner Melton** stated that he worked with Ms. LeZotte on various LAFCO committees, and he noted that she is an

exemplary public servant who knows her responsibilities on LAFCO. **Commissioner Wasserman** thanked Ms. LeZotte for her decades of service to diverse local government committees in the County. **Chairperson Constantine** expressed appreciation to Ms. LeZotte for her guidance and friendship starting when they worked at the City of San Jose.

Former Commissioner LeZotte expressed appreciation to the commissioners and to staff.

6. WEST VALLEY SANITATION DISTRICT SOI AMENDMENT AND ANNEXATION 2022-01 (LINDA VISTA AVENUE)

Dunia Noel, Senior Analyst, presented a brief report.

This being the time and place for the public hearing, **Chairperson Constantine** declared the public hearing open, noted that there are no speakers from the public, and closed the public hearing.

The Commission accepted:

CEQA Action

1. As Lead Agency under CEQA, determined that the proposal is categorically exempt from the provisions of CEQA pursuant to State CEQA Guidelines §15319 (a) & (b), and §15303(d).

Project Action

1. Approved amendment of the West Valley Sanitation District's sphere of influence (SOI) to include approximately 1.1 acres of land, Assessor Parcel Number 510-34-022, located at 19131 Linda Vista Avenue, as shown in Attachment A, and adopt SOI determinations.
2. Approved the annexation of approximately 1.1 acres of land, Assessor Parcel Number 510-34-022, located at 19131 Linda Vista Avenue, to the West Valley Sanitation District, as depicted in Attachment B (Exhibits A & B).
3. Waived protest proceedings pursuant to Government Code §56662(a).

Motion: Wasserman

Second: Ellenberg

AYES: Chapman, Constantine, Ellenberg, Kishimoto, Wasserman,
Vicklund Wilson

NOES: None

ABSTAIN: None

ABSENT: Jimenez

MOTION PASSED

7. ANNUAL FINANCIAL AUDIT REPORT

Sheldon Chavan, Chavan & Associates, LLP, presented LAFCO's Annual Financial Audit Report (June 30,2022).

Commissioner Wasserman indicated that all LAFCO audit reports have always been clean during the 12 years that he was on the Commission. He expressed appreciation to staff for keeping and producing the financial records that were used for the audit.

In response to **Chairperson Constantine**, Ms. Subramanian advised that LAFCO is not required to take action.

The Commission took no action.

8. UPDATE ON COUNTYWIDE FIRE SERVICE REVIEW

Dunia Noel, Senior Analyst, presented a brief report.

Commissioner Kishimoto indicated she is looking forward to the next Countywide Fire Service Review Technical Advisory Committee (TAC) meeting early next year and she noted the difficulty of working with different agencies across different systems and gathering data. She also indicated that as a Midpeninsula Regional Open Space District Board member, she is interested in the report's discussion on wildfire management and a regional approach to fire protection.

Commissioner Wasserman moved to accept the report.

The Commission accepted the report.

Motion: Wasserman

Second: Chapman

AYES: Chapman, Constantine, Ellenberg, Kishimoto, Wasserman,
Vicklund Wilson

NOES: None

ABSTAIN: None

ABSENT: Jimenez

MOTION PASSED

***9. CONSENT ITEM: ADOPTION OF AMENDMENT CONFLICT OF INTEREST CODE**

The Commission approved and adopted Resolution No. 2022-11 adopting LAFCO's amended Conflict of Interest Code.

***10. CONSENT ITEM: ADOPTION OF SCHEDULE OF 2023 LAFCO MEETINGS**

The Commission adopted the schedule of LAFCO meetings and application filing deadlines for 2023.

11. EXECUTIVE OFFICER'S REPORT

The Commission noted the report.

11.1 Update on LAFCO Clerk Recruitment

Ms. Noel reported that LAFCO had to request the County to add back into the Salary Ordinance the LAFCO Clerk position that was unintentionally deleted. She informed

that County staff is assisting in preparing the request which would go to the County Board of Supervisors in late January 2023.

In response to an inquiry by **Commissioner Ellenberg**, Ms. Noel informed the staff would have taken action to prevent the unintentional deletion of that position had the County informed staff that changes to the other positions would lead to deletion of another position. She added that since the deletion could not be undone, the Board of Supervisors would have to take action to add back that position. **Commissioner Ellenberg** stated that she would look into the matter as a County supervisor as she is concerned about the process and since it impacts LAFCO's ability to hire promptly.

***11.2 CONSENT ITEM: Letter on Notice of Preparation for County of Santa Clara Housing Element EIR**

***11.3 CONSENT ITEM: Santa Clara County Association of Planning Officials Meeting**

***11.4 CONSENT ITEM: Inter-Jurisdictional GIS Working Group**

***12. CONSENT ITEM: CALAFCO RELATED ACTIVITIES**

The Commission noted the report.

13. RESOLUTIONS OF COMMENDATION FOR OUTGOING LAFCO COMMISSIONERS

13.1 Chairperson Rich Constantine

Commissioner Wasserman read the Resolution of Commendation for Chairperson Constantine.

13.2 Taken Out-of-Order: Commission Linda J. LeZotte

13.3 Commissioner Mike Wasserman

Chairperson Constantine read the Resolution of Commendation for Commissioner Wasserman.

Commissioner Wasserman informed that it is refreshing to hear Chairperson Constantine's comments and thoughts at the LAFCO meetings as they provide a different perspective. **Chairperson Constantine** stated that he appreciates comments of Commissioner Wasserman and will miss the thoughtful and healthy debates. **Alternate Commissioner Chapman** acknowledged Chairperson Constantine's ability to run LAFCO meetings efficiently, and Commissioner Wasserman's uplifting sense of humor and attitude. **Commissioner Kishimoto** noted that Chairperson Constantine and Commissioner Wasserman brought a lot of energy to LAFCO and have worked for effective governance. **Alternate Commissioner Melton** agreed that Chairperson Constantine effectively managed LAFCO meetings, and he noted how he learned so much about the South County perspective from Commissioner Wasserman at one of LAFCO's workshops.

Commissioner Ellenberg likewise thanked Chairperson Constantine for his excellent chairmanship.

Chairperson Constantine and **Commissioner Wasserman** expressed their appreciation for the comments. **Chairperson Constantine** added that his success on LAFCO would not be possible had it not been for the staff.

***14. CONSENT ITEM: WRITTEN CORRESPONDENCE**

There were none.

15. COMMISSIONER REPORTS

Alternate Commissioner Chapman announced that the Santa Clara Valley Open Space Authority will celebrate its 30th Anniversary in 2023.

Commissioner Wasserman informed the that the County Board of Supervisors, with Commissioner Ellenberg as the Board President, will meet in-person at the Board of Supervisors Chambers in January 2023, and that LAFCO may also do the same in February.

15. CLOSED SESSION

The Commission adjourned to Closed Session at 2:06 p.m.

16. REPORT OUT OF CLOSED SESSION

Chairperson Constantine reconvened the meeting at 2:20 p.m. and stated that there is no reportable action from the Closed Session.

17. ADJOURN

The Commission adjourned at 2:23 p.m., to the next regular LAFCO meeting on February 1, 2023, at 1:15 p.m., in the Board of Supervisors' Chambers, 70 West Hedding Street, San Jose.

Approved on February 1, 2023.

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Susan Vicklund Wilson

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Susan Vicklund Wilson, Chairperson
Local Agency Formation Commission of Santa Clara County

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Emmanuel Abello

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By: Emmanuel Abello, LAFCO Clerk