

household SANTA CLARA COUNTY
Local Agency Formation Commission

MINUTES

WEDNESDAY, JUNE 13, 2001

1. ROLL CALL

The Local Agency Formation Commission (LAFCO) of Santa Clara County convenes this 13th day of June, 2001 at 1:20 p.m. in the Chambers of the Board of Supervisors, County Government Center, 70 West Hedding Street, San Jose, California, with the following members present: Commissioners Blanca Alvarado, Donald Gage, Suzanne Jackson, and Susan Vickland Wilson. LAFCO staff in attendance include Neelima Palacherla, LAFCO Executive Director; Kathy Berry, LAFCO Counsel; Kathy Kretchmer, LAFCO Counsel; Ginny Millar, LAFCO Surveyor; and, Colleen Oda, LAFCO Planner. Commissioner Linda LeZotte arrives at 2:05 p.m. The meeting is called to order by Chairperson Gage and the following proceedings are had, to wit:

2. PUBLIC PRESENTATIONS

There are no public presentations.

3. APPROVE MINUTES OF FEBRUARY 14 AND APRIL 11, 2001

On motion of Commissioner Alvarado, seconded by Commissioner Wilson, it is unanimously ordered that the minutes of February 14, and April 11, 2001 be approved as submitted.

4. PUBLIC HEARINGS

4.1 OUT-OF-AGENCY EXTENSION OF WATER SERVICE BY THE SAN MARTIN COUNTY WATER DISTRICT AND SPHERE OF INFLUENCE AMENDMENT

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This being the time and place set for public hearing to consider a request for Out-of-Agency Extension of Water Service to the Household Hazardous Waste Collection Facility (HHWCF) by the San Martin County Water District (SMCWD) and Sphere of Influence Amendment, Chairperson Gage declares the hearing open.

Neelima Palacherla, LAFCO Executive Director, advises that Kathy Kretchmer, LAFCO Counsel, has a conflict of interest on the proposal because she is representing the County of Santa Clara, Department of Environmental Health. She further advises that Kathy Berry, County Counsel, will be representing LAFCO in considering the proposal. The Commission considers the staff report from Ms. Palacherla, dated May 29, 2001, recommending that the Commission approve the extension of water service to SMCWD and approve the SOI amendment.

Ms. Palacherla refers to the map displayed on the wall and advises which parcels are currently being served by SMCWD and further advises which parcels are located outside the SMCWD boundary. She points out that the District Board met in June and took action to annex all parcels that are currently being served by the district and/or requesting service by the district. Ms. Palacherla provides an overview of the LAFCO policies as they relate to the proposal and notes that HHWCF is taking preliminary action to handle the health and safety/public benefit issues by providing a safe and reliable method to dispose of hazardous household waste. She further notes that it is unlikely that extension of water service to a HHWCF would have any growth inducing impacts in the area. Ms. Palacherla refers to Sphere of Influence Finding No. 1 in her report and notes that the zoning designation should be corrected to indicate A-20 (Agriculture) instead of rural residential.

Ms. Palacherla concludes by advising that the County Department of Environmental Health is requesting a fee waiver from LAFCO for processing the application.

In response to an inquiry by Commissioner Jackson, Ms. Palacherla advises that the project deadline is September 30, 2001.

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Chairperson Gage comments that currently there is no place to dump hazardous materials in the South County area and there will be significant improvement with the construction and operation of HHWCF.

Ben Gale, Director, Department of Environmental Health, advises that the core of the project is to serve the community in the South County. He encourages the Commission to support staff's recommendation relating to the water service connection to the HHWCF.

Receiving no further requests from the public to speak, the Chairperson orders that the hearing be closed.

On motion of Chairperson Gage, seconded by Commissioner Alvarado, it is unanimously ordered that Resolution No. 01-8, approving extension of water service by SMCWD to HHWCF, be adopted; amending the SOI of SMCWD to include the subject parcel within its sphere and adopt required findings; finding that the project is categorically exempt from the requirements of California Environmental Quality Act (CEQA); and waiving the LAFCO fee of \$5,000.

In response to an inquiry by Commissioner Jackson, Rob D'Arcy, Hazardous Materials Program Manager, Department of Environmental Health, advises that the Household Hazardous Waste (HHW) Program is a collaborative effort of 13 cities and the County to protect the environment and public from risks related to hazardous materials. He further advises that the construction project is funded by the grant awarded by the California Integrated Waste Management Board. Mr. D'Arcy points out that the project must be completed by September 30, 2001 or the County risks losing over \$600,000 in State grant funds. He notes that in addition to the grant funds, the cities and the County are committing other funding sources to the project.

5. CONDUCTING AUTHORITY PROCEEDINGS

Ms. Palacherla advises that at the April 11, 2001 LAFCO meeting, the Commission directed staff to prepare a delegation resolution that delegates all of the functions and responsibilities of conducting authority to the Executive Officer . She

references the report dated June 1, 2001, and provides a brief overview of the Cortese Knox Hertzberg Act and Government Code Section 56300(e) as they relate to the conducting authority and protest proceedings. Ms. Palacherla recommends that the Commission adopt the delegation resolution and adopt the procedural guidelines for the conduct of protest proceedings.

On motion of Commissioner Gage, seconded by Commissioner Alvarado, it is unanimously ordered that Resolution 01-7 delegating authority to the Executive Officer for all functions and responsibilities of conducting authority be adopted; and further that the procedural guidelines for the conduct of protest proceedings be adopted.

6. SARATOGA FIRE PROTECTION DISTRICT: REORGANIZATION ISSUES

Ms. Palacherla references the report from LAFCO Counsel dated June 6, 2001, and provides an overview of LAFCO's role regarding reorganization issues relative to the Saratoga Fire Protection District (SFPD). She discusses the various ways in which a proposal involving a reorganization of SFPD and Central Fire District (CFD) may be considered by LAFCO. Ms. Palacherla advises that the State guidelines for LAFCOs to conduct service reviews will be available in August 2001. She further advises that the SFPD has prepared a formal Request for Proposals, and is considering contracting out for fire protection, emergency, and communications services.

Chairperson Gage requests public comment on this item.

Bill Souza, Firefighters and Citizens Task Force (FACT), requests direction from LAFCO in resolving fire service in Saratoga and requests some direction from LAFCO.

John Keenan, FACT, requests assistance from LAFCO in providing direction regarding SFPD fire service.

Hugh Hexamer, Commissioner, Saratoga Fire District (SFD), references his letter to the Commission, dated June 13, 2001, and advises that the SFD Commissioners met June 12, 2001 and there was a consensus to establish a joint "boundary drop" program with Santa Clara County Fire. He distributes to the Commission documents including

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Fire and Emergency Medical Services Needs, SFPD, dated November 2000; Saratoga Public Safety Commission Study Committee on Fire Protection Delivery, dated March 8, 2001; Saratoga Fire District Joint Session Meeting Report, dated April 24, 2001; and the Saratoga City Council Staff Report, dated June 6, 2001.

Art Marshal, President, Santa Clara County Firefighters, notes that he attended the SFD meeting on June 12, 2001 and advises that six people spoke in support of contracting with County Central Fire District. He further advises that the target date for implementation of the joint “boundary drop” program is August 1, 2001.

David Dolloff, Chairperson, FACT, expresses opposition to the “boundary drop” program proposal.

Kevin Schott, member of the audience, notes that on May 13, 2001, the fire department was not able to provide an adequate level of fire service in the City of Saratoga.

In response to an inquiry by Commissioner Jackson, Kathy Kretchmer, advises that the City of Saratoga is monitoring the status of the proposed Request for Proposal (RFP) that was submitted to County Fire for review.

Chairperson Gage initiates discussion regarding LAFCO’s position on the fire service issue in the City of Saratoga. Ms. Kretchmer advises that LAFCO has the authority to review and approve or disapprove proposals for changes of organization or reorganization, consistent with state law and LAFCO’s written policies and guidelines. Ms. Palacherla notes that the fee for a change of reorganization is \$2,900 which does not include the Environmental Impact Report (EIR) and service review fees.

(Commissioner Alvarado leaves at 1:55 p.m.)

In response to an inquiry by Chairperson Gage, Ms. Kretchmer advises that proposals typically come before LAFCO either by petition or by resolution of the governing body of any affected local agency. She further advises that a proposal for a dissolution of the SFPD and annexation of the entire area to Central Fire Protection District could be submitted by resolution. Ms. Palacherla points out that there are so many variations on how the issue of the provision of service may be addressed and

advises that she will provide information to any potential applicant based on the approach they wish to pursue.

7. EXECUTIVE DIRECTOR'S REPORT

A. Report on the status of Memorandum of Understanding (MOU) between LAFCO and the County for County to Provide staffing and services to LAFCO

Ms. Palacherla provides a brief overview relating to the MOU between LAFCO and the County for County to provide staffing and services to LAFCO. She advises that the MOU between LAFCO and County has been approved by the Board of Supervisors.

B. Mora Drive Sewer Project: Report on the status of application for pre-zoning to the Town of Los Altos Hills

Ms. Palacherla reports that the Town of Los Altos Hills has hired a consultant to assist with the pre-zoning application. She further reports that the pre-zoning application will go before the Council in August.

On order of the Chairperson, there being no objection, the meeting is adjourned to a Closed Session.

(Commissioner LeZotte arrives at 2:05 p.m.)

8. CLOSED SESSION

The Commission meets in closed session at 2:05 p.m., with Commissioners Donal Gage, Suzanne Jackson, Linda LeZotte, and Susan Vickland Wilson present, pursuant to Government Code Section 54957, to discuss one personnel item, appointment of LAFCO Executive Officer. The closed session is adjourned at 2:10 p.m. The regular session reconvenes at 2:10 p.m., with Commissioners Donal Gage, Suzanne Jackson, Linda LeZotte, and Susan Vickland Wilson present.

9. REPORT OUT OF CLOSED SESSION

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Chairperson Gage reports that there was a unanimous decision of the Commission to appoint Neelima Palacherla as the LAFCO Executive Officer, and to approve a ten percent increase in the salary for her position.

10. ADJOURNMENT

On order of the Chairperson, there being no objection, the meeting is adjourned at 2:12 p.m. to the next regular meeting to be held on Wednesday, August 8, 2001 at 1:15 p.m. in the Chambers of the Board of Supervisors, County Government Center, 70 West Hedding Street, San Jose, California.

Donald F. Gage, Chairperson
Local Agency Formation Commission

ATTEST:

Ruth Marston, LAFCO Clerk