

SANTA CLARA COUNTY
Local Agency Formation Commission

MINUTES

WEDNESDAY, APRIL 10, 2002

1. ROLL CALL

The Local Agency Formation Commission (LAFCO) of Santa Clara County convenes this 10th day of April 2002 at 1:16 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: Chairperson Linda J. LeZotte, and Commissioners Blanca Alvarado, Donald Gage, Susan Vicklund-Wilson and Suzanne Jackson.

The LAFCO staff in attendance includes Neelima Palacherla, LAFCO Executive Officer; Kathy Kretchmer, LAFCO Counsel; Dunia Noel, LAFCO Analyst; and, Ginny Millar, LAFCO Surveyor.

The meeting is called to order by Chairperson LeZotte and the following proceedings are had, to wit:

2. PUBLIC PRESENTATIONS

Nat Abrams, a resident in an unincorporated area near Sycamore Drive outside of Morgan Hill, informs the Commission that the area has been determined by the County Fire Marshall as one of the five most severe fire hazard areas. Showing a map, he states that Armby Lane is the only access road from Sycamore Drive to a large number of homes that are served by a water system that cannot sustain fire-fighting efforts. He proposes that the properties be zoned like the nearby properties so that a mainline may be installed to address the fire safety problem. Chairperson LeZotte refers the matter to staff to determine if the Commission has a jurisdiction over it.

3. APPROVE MINUTES OF DECEMBER 12, 2002 MEETING

On motion of Commissioner Wilson, seconded by Commissioner Gage, it is ordered on a vote of 4-0, with Commissioner Jackson abstaining, that the minutes of February 13, 2002 LAFCO meeting be approved, as submitted.

4. APPROVAL OF CONSENT CALENDAR

On motion of Commissioner Alvarado, seconded by Commission Jackson, (a) Resolution No. 02-02, annexation of Verde Vista No. 12 to Cupertino Sanitary District (CSD), and (b) Resolution No. 02-03, annexation of Prospect Road No. 5 to CSD, are unanimously approved and protest proceedings waived for both annexations.

5. PUBLIC HEARINGS

5.1 PROPOSED WORK PLAN FOR CONDUCTING SERVICE REVIEWS

Ms. Palacherla provides an overview on the service reviews and spheres of influence (SOI) revisions. She states that the service review will obtain information about municipal services within the county, evaluate the provision of services in the area, and recommend actions to promote the efficient provision of services within that area. She reports that service reviews are mandated by the Cortese-Knox-Hertzberg Act (CKH Act) and are a result of the recommendations of the Commission on Local Governance for the 21st Century. The CHK Act requires that LAFCO conduct service reviews in conjunction with, and prior to establishment of SOI boundaries. As part of the service reviews, LAFCO is required to make determinations on infrastructure needs or deficiencies; growth projection; financing constraints; cost avoidance; rate restructuring; sharing of facilities; government structure options; management efficiencies; and local accountability and governance.

The service review outputs maybe used by LAFCO, the public, as well as local and state agencies, as information bases for various purposes. She reports that LAFCO has to undertake the service review in order to determine the SOI revisions. SOI, which is established and reviewed by LAFCO every five years, is the ultimate physical boundary and service area for a city or a district.

Ms. Palacherla reports that staff developed a Work Plan to include: information collection and preparation, policies and methodology development, and service review completion and adoption. She briefly explains the activities and tasks involved in each of these stages. Ms. Palacherla states that staff will consult with the stakeholders and obtain their input throughout the process. Ms. Palacherla further advises that staff is requesting information from the Commission relating to whether the Commission would prefer to appoint a subcommittee to review the draft policies before distribution,

or would prefer that staff incorporate comments and prepare a final set of policies for the Commission adoption.

In response to a query by Commissioner Jackson, Ms. Palacherla states that the word "all" will be added to item 6-a on page 9 of the Service Review Work Plan. On a question by Commissioner Wilson, Ms. Palacherla reports that the deadline for completing the SOI updates remains the same even though the final guidelines have not yet been issued by the State of California Office of Planning and Research (OPR).

Commissioner Jackson suggests that the members provide their comments on the working draft that will be circulated through electronic mail. Ms. Kretchmer notes however that staff may not be able to integrate all input from the Members due to the possibility of conflicting comments or positions. Ms. Palacherla explains that input from the Commission and other stakeholders will be obtained in every stage of the Work Plan and will be brought back to the Commission for final approval. Commissioner Alvarado proposes that staff obtain input, incorporate comments and bring the final recommendation to the Commission to avoid delay.

On the motion of Commissioner Jackson, seconded by Commissioner Wilson, it is unanimously ordered that staff be authorized to prepare recommendations on the service review groupings, priorities, scope and policies for conducting service reviews, as well as SOI revision policies, and to bring these recommendations back to the Commission for approval in August 2002.

Ms. Kretchmer recommends that the Commission delegate authority to the Director of Procurement to execute a contract to hire a consultant for Stage 2 of the Work Plan. In response to an inquiry by Commissioner Jackson, Ms. Palacherla responds that the budget includes an allocation for a consultant. On motion of Commissioner Wilson, seconded by Commissioner Jackson, and on Commission consensus, it is unanimously ordered that the Director of Procurement is authorized to execute a contract to hire a consultant for Stage 2 of the Work Plan.

5.2 PROPOSED LAFCO FEE SCHEDULE REVISION

On motion of Commissioner Alvarado, seconded by Commissioner Wilson, it is unanimously ordered that Resolution No. 02-04, a resolution increasing LAFCO fees, be approved to become effective on June 1, 2002.

Chairperson LeZotte announces that she and two commissioners need to leave at 2:00 PM to attend other meetings.

5.3 PROPOSED LAFCO BUDGET FOR FISCAL YEAR 2003

Commissioner Wilson informs the Commission that there is a revised staff report that includes the reserves from the last fiscal year. In response to an inquiry by Commissioner Gage, Ms. Palacherla states that the total budget is more than last fiscal year's budget. She continues by noting that a projected increase in revenue is due to the rollover of last year's savings and states that the proposed net operating expenses are lower than that of last year.

On motion of Commissioner Wilson, seconded by Commissioner Jackson, it is unanimously ordered that the proposed LAFCO Budget for Fiscal Year 2002-2003 be approved.

6. EXECUTIVE OFFICER'S REPORT

6.1 LEGISLATIVE REPORT

Ms. Palacherla states that the legislative report requires no action. Commissioner Jackson inquires whether LAFCO has a taken position on Senate Bill 910, and Ms. Kretchmer responds that the Commission did not take a position.

6.2 LAFCO ACTIVITY DATABASE

There is no report.

7. PENDING APPLICATIONS

Ms. Palacherla reports that there are two pending applications. One is on urban service area (USA) amendment from the City of Morgan Hill, and the other is a 100 percent consent annexation to West Valley Sanitary District of a residential property.

8. WRITTEN CORRESPONDENCE

Ms. Palacherla announces that she distributed newspaper articles relating to the 660-acre inclusion into Gilroy's 20-year boundary, and the failed Buenavista Annexation by the City of San Jose.

9. ADJOURNMENT

On the order of the Chairperson, there being no objection, the meeting is adjourned at 1:47 p.m. to the next regular meeting to be held on Thursday, June 13, 2002 at 1:15 p.m. in the Chambers of the Board of Supervisors, County Government Center, 70 West Hedding Street, San Jose, California.

Linda J. LeZotte, Chairperson
Local Agency Formation Commission

ATTEST:

Emmanuel Abello, LAFCO Clerk