

Local Agency Formation Commission
of Santa Clara County

MINUTES

WEDNESDAY, AUGUST 13, 2003

1. ROLL CALL

The Local Agency Formation Commission (LAFCO) of Santa Clara County convenes this 13th day of August 2003 at 1:22 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 Blanca Alvarado and Commissioners Donald Gage, Linda LeZotte, Susan Vicklund-Wilson and Mary Lou Zoglin.

The LAFCO staff in attendance include 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 Alvarado and the following proceedings are had, to wit:

2. PUBLIC PRESENTATION

There are no public presentations.

3. APPROVE MINUTES OF JUNE 11, 2003 MEETING

On motion of Commissioner Gage, seconded by Commissioner LeZotte, with Commissioner Zoglin abstaining, it is ordered on a 4-0 vote that the minutes of the June 11, 2003 meeting be approved, as submitted.

4. APPROVAL OF CONSENT CALENDAR

On motion of Commissioner Gage, seconded by Commissioner Wilson it is unanimously ordered that the consent calendar be approved.

4.1¹ WEST VALLEY SANITATION DISTRICT ANNEXATION 2003-02
(SHANNON ROAD: SHANNON VALLEY RANCH)

On motion of Commissioner Gage, seconded by Commissioner Wilson, it is unanimously ordered that the annexation to the West Valley Sanitation District of three parcels (APNs 537-18-001, 567-23-041 and 567-24-008) with a total area of 80.3 acres, located on the northwest side of Hicks Road, between Shannon Road and Camden Avenue in Los Gatos, designated as West Valley Sanitation District Annexation 2003-02 (Shannon Road: Shannon Valley Ranch), be approved (LAFCO Resolution No. 03-10) and the protest proceedings be waived.

5. UPDATE ON COUNTYWIDE FIRE SERVICE REVIEW

Chris Carlson, Matrix Consulting Group, LAFCO Consultant for the countywide fire service review project, presents an overview of the fire services in Santa Clara County. He briefly provides information on the various fire agencies that serve the County and the costs of the services. He also provides general information on regional ambulance, emergency medical services and communication infrastructure. He then discusses some fire protection issues in the County that have been initially identified through the service review process. Finally, on the status of the project, Mr. Carlson advises the Commission that at this point, they have collected and completed the profiles of the fire agencies. Based on these and on the various discussions and meetings, they have identified issues on fire services. The next step is for the consultant to develop options to address the identified issues.

In response to a request by Commissioner Gage, Mr. Carlson states that they are able to provide information on whether the emergency calls are medical or fire ion nature. Commissioner Gage requests that the consultants also explore means by which fire agencies service the unprotected 613 square miles in the County be compensated for their services. He further requests that the

¹ Consent Item

breakdown on emergency calls also include dollar costs to both the fire and medical portions.

In response to an inquiry by the Chairperson, Ms. Palacherla advises that the draft report will be presented to the Commission in October 2003 and that the final report will be completed in December 2003. That report will be published on the LAFCO website and sent out to the stakeholders. In response to an inquiry by Commissioner LeZotte, Ms. Palacherla advises that the initial fire service review report will be sent out to the fire chiefs, the Fire Chiefs Association and the City Managers Association. She adds that the Fire Chiefs Association and the City Managers Association have appointed liaisons to work with LAFCO staff on the service review. Ben Lopes from the Santa Clara Central Fire Protection District, Jeff Clet from Gilroy Fire Department, and Kevin Duggan, City Manager from Mountain View, along with LAFCO staff, are part of the Technical Advisory Committee. In response to an inquiry by Commissioner Wilson, Ms. Palacherla states that the main purpose of the service reviews is to update the spheres of influence and to provide a comprehensive overview of the services and needs. The Chairperson notes that the County needs this review to improve coordination, fast track certain areas for disaster preparedness and to stimulate discussion and dialogue. Commissioner Zoglin proposes that staff solicit input from stakeholders with cut-off date for submitting such input when the draft report is presented in October and explain once more why LAFCO is undertaking the service review. The Chairperson agrees with Commissioner Zoglin, saying that some people see the service review as an unnecessary intrusion by LAFCO.

The Chairperson determines that there are no members of the public who would like to speak on this subject.

6. COUNTYWIDE WATER SERVICE REVIEW

Ms. Palacherla reports that staff is preparing for a Countywide Water

WEDNESDAY, AUGUST 13, 2003

Service Review and proposes that it will be completed in two parts (i.e., South County and North County). Staff has circulated the draft of request for proposal (RFP) and scope of services to the cities and water agencies for review and comment. Additionally, staff will hold a workshop with the water agencies on August 27, 2003 to get input. She advises that staff will revise these documents based on the input received and send them out to prospective consultants. She proposes that the process for selecting a consultant would be similar to what was done for the fire service review.

The Chairperson requests that staff send out a letter or talk to officials of water agencies to explain the responsibility of the Commission in conducting the water service review. In response to an inquiry by Commissioner Zoglin, Ms. Palacherla reports that \$75,000 will be allocated to hire a consultant to conduct the water service review. She notes this amount is comparable to that for the water service reviews being conducted by other LAFCOs. In response to an inquiry by Commissioner Gage, Ms. Kretchmer states that since the Santa Clara Valley Water District (SCVWD) is a water wholesaler and does not directly sell water to customers, there are portions of the County that rely on their own well water such as some cities. Ms. Kretchmer adds that owners of water wells are required to apply for permits and that SCVWD and the Department of Environmental Health have lists of the wells in the County. In this regard, Commissioner Gage requests staff to include private wells throughout the County in the water service review, including those that have been dug without permits.

In response to an inquiry by the Chairperson, Commissioner Wilson states that she is willing to sit on the Consultant Selection Committee.

On motion of Commissioner Gage, seconded by Commissioner LeZotte, it is unanimously ordered that (a) staff is authorized to issue an RFP for consultant to prepare a countywide water service review; (b) Commissioner Wilson is

designated to represent the Commission on the Consultant Selection Committee; and (c) authority is delegated to the LAFCO Executive Officer to enter into an agreement with the most qualified consultant in an amount not to exceed \$75,000 and to execute necessary amendments subject to LAFCO Counsel's review and approval.

7. LAFCO ANNUAL REPORT (FISCAL YEAR 2002-2003)

Ms. Palacherla refers to the application record in the staff report to highlight increased number of applications in Fiscal Year 2002-03 LAFCO processed as city-conducted annexations, Urban Service Area (USA) amendments and out-of-agency contracts for services (OACS). This increased activity was also reflected in the increased revenues during the year. She adds that LAFCO undertook special studies and projects such as the mapping of special districts, and adopted the boundary and SOI maps in GIS for fire, sewer, water and sanitation districts. She reports that the Commission also revised policies on sphere of influence, USA, OACS and service reviews, along with policies and policies on processing applications affecting more than one county. In that Fiscal Year, LAFCO also adopted the CEQA policies and procedures, and has started the countywide fire service reviews.

8. EXECUTIVE OFFICER'S REPORT

8A. UPDATE ON INITIAL FISCAL ANALYSIS OF SAN MARTIN INCORPORATION

Ms. Palacherla reports that staff received a copy of the initial fiscal impact analysis conducted for the proposed incorporation of San Martin community. The San Martin Neighborhood Association contracted the services of Economic Planning Systems, a consultant company, to conduct the initial feasibility study. She advises that the study has concluded that incorporation is fiscally feasible for the community, however, she states that staff has not reviewed this report in detail, and that an application for incorporation has not been filed with LAFCO.

WEDNESDAY, AUGUST 13, 2003

She reports that staff will meet with neighborhood association on August 18, 2003. She adds that after an application is filed, LAFCO has the lead responsibility to prepare a comprehensive feasibility analysis. She notes that, in the meantime, the initial fiscal report allows the proponents to determine whether it is feasible to continue the incorporation efforts, however, she clarifies that it is not substitute for a comprehensive feasibility analysis.

Commissioner Alvarado directs staff to provide each member of the Commission with a copy of the initial fiscal feasibility.

8B. CALAFCO EXECUTIVE BOARD NOMINATIONS

Ms. Palacherla reports that the California Association of LAFCOs (CALAFCO) is soliciting nominations to its Executive Board. There are two vacancies in each category of the cities, special districts and the counties representation, and one vacancy for the public member representation. The deadline for nominations is on August 25, 2003, and the elections will be held during the CALAFCO conference in September 2003.

The Chairperson invites interested Commissioners to submit their applications to staff. Ms. Palacherla adds that the membership to the CALAFCO Executive Board is a two-year term with quarterly board meetings, with one during the CALAFCO Conference, and the other three in Sacramento.

On motion of Commissioner Gage, seconded by Commissioner Zoglin, it is unanimously ordered, on a vote of 3-0, with Commissioners LeZotte and Wilson abstaining, that Commissioners LeZotte and Wilson be nominated to the CALAFCO Executive Board.

The Commission adjourned on closed session at 2:00 p.m.

9. CLOSED SESSION MEETING ON ONE ITEM OF EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE § 54956.9(a)

Half Moon Bay Coastsides Foundation, et al. V. Mid-Peninsula Regional Open Space District, San Mateo County LAFCO, Santa Clara County LAFCO

WEDNESDAY, AUGUST 13, 2003

The meeting resumed at 2:07 p.m.

Ms. Kretchmer reports that the Commission accepted the report from the LAFCO Counsel and that no specific action was taken.

10. PENDING APPLICATIONS

There are no pending applications.

11. WRITTEN CORRESPONDENCE

CALAFCO Newsletter.

12. ADJOURNMENT

On order of the Chairperson, there being no objection, the meeting is adjourned at 2:08 p.m. to the next regular meeting to be held on Wednesday, October 8, 2003 at 1:15 p.m. in the Chambers of the Board of Supervisors, County Government Center, 70 West Hedding Street, San Jose, California.

Blanca Alvarado, Chairperson
Local Agency Formation Commission

ATTEST:

Emmanuel Abello, LAFCO Clerk