



Local Agency Formation Commission
of Santa Clara County

MINUTES

WEDNESDAY, DECEMBER 10, 2003

1. ROLL CALL

The Local Agency Formation Commission (LAFCO) of Santa Clara County convenes this 10th day of December 2003 at 1:17 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 and Susan Vicklund-Wilson. Commissioner Mary Lou Zoglin is absent.

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

Craig Britton, General Manager, Mid-Peninsula Regional Open Space District (MROSD), submits to the Commission a packet containing general information on the District, including a list of cities and counties supporting the proposed annexation of San Mateo coastal lands to that District. He also invites the Commission to visit the District and site being proposed for annexation.

Terry Gossett, Californians for Property Rights (CPR), addresses the Commission to express opposition to the proposed annexation by MROSD of coastal lands in San Mateo County and submits to the Commission correspondence explaining CPR's opposition.

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The Chairperson determines that there are no members of the public who would like to address the Commission.

3. APPROVE MINUTES OF OCTOBER 8, 2003 MEETING

On motion of Commissioner LeZotte, seconded by Commissioner Gage, it is unanimously ordered on a 4-0 vote, with Commissioner Zoglin absent, that the minutes of the October 8, 2003 meeting be approved, as submitted.

4. APPROVAL OF CONSENT CALENDAR

On motion of Commissioner Gage, seconded by Commissioner LeZotte, it is unanimously ordered on a 4-0 vote, with Commissioner Zoglin absent, that the consent calendar be approved.

4.1* CUPERTINO SANITARY DISTRICT ANNEXATION: PIERCE ROAD (LANDS OF WILSON)

On motion of Commissioner Gage, seconded by Commissioner LeZotte, it is ordered on a 4-0 vote, with Commissioner Zoglin absent, that the annexation to Cupertino Sanitary District of a 1.32 acre area (APN 503-68-015), located on the east side of Pierce Road, between Palomino Way and Mt. Eden Road in the City of Saratoga (LAFCO Resolution No. 03-12), be approved and further protest proceedings be waived.

5. INFORMATIONAL WORKSHOP ON DRAFT COUNTYWIDE FIRE PROTECTION SERVICE REVIEW REPORT

Ms. Palacherla advises the Commission that the draft Countywide Fire Protection Service Review Report was released in mid-November 2003 and mailed to all fire protection agencies and published on the website. She indicates that the comments, as well as a written response to all comments received by January 7, 2004 will be presented to the commission at its next meeting. A public hearing on the draft report will be held at the LAFCO meeting on February 11, 2004.

Richard Brady, President, Matrix Consulting Group and LAFCO consultant for the countywide fire protection service review project, presents a

summary of the draft report. He states that the project is being undertaken because it is required by the Cortese-Knox-Hertzberg (CKH) Act prior to Sphere of Influence (SOI) updates, it is an informational tool for decision makers and the public, and it may be used to pursue SOI and boundary changes. He adds that the CKH Act requires that the Commission make determinations on: infrastructure needs or deficiencies, growth and population projections for the affected area, financing constraints and opportunities, cost avoidance opportunities, opportunities for rate restructuring, opportunities for shared facilities, government structure options, including the advantages and disadvantages of the consolidation or reorganization of service providers, evaluation management efficiencies, and local accountability and governance. Mr. Brady continues that the study was conducted with data requests to districts and cities, meetings with fire chiefs, city and county staff, formulation of descriptive profiles of current operations and finances, analysis of identified fire service issues and alternatives, and included several meetings with the Technical Advisory Committee (TAC). He notes that the principal issues include fire protection alternatives for the underserved areas, regional protection alternatives for the South County, regional protection alternatives for the City of Saratoga and surrounding areas, regional approaches to fire service training, emergency communications and other support services, and Los Altos Hills County Fire Protection District.

Mr. Brady reports that the underserved area is composed of 627 square miles served by six volunteer fire companies. He adds that it has a population of 6,047 that generate 1.64 calls daily. He adds that there is a growth trend in the area associated with the roadways and the recreation facilities. He advises that the alternatives to address the fire protection needs of the area include the creation of a new fire district or expansion of existing fire protection district to serve the area which, however, may require a new tax assessment, the creation of a joint powers authority to allow a management structure that would consolidate

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functional operations and collect revenues from participating agencies, creation of a county service area which would require a voter-approved special tax, or continuation of the current system. He then describes the advantages and disadvantages of each of the alternatives. In response to an inquiry by the Chairperson, Mr. Brady states that the phrase "coordinate development" means greater participation by the involved agencies and the residents in the area.

Mr. Brady states that second issue relates to the South County, which includes Gilroy, Morgan Hill and unincorporated areas. He advises that this area has a total population of 101,612 served by three fire agencies. He reports that Gilroy has a fire department, Santa Clara County Central Fire Protection District provides service in Morgan Hill, and the South Santa Clara County Fire Protection District protects the unincorporated area. He notes that since the area is starting to grow, it is now an opportune time to decide the characteristics of a future regional fire protection system to avoid duplication and fragmentation of services. Mr. Brady reports that the alternatives are creating a new fire district or expanding the existing district, creating a joint powers authority, creating a county service area, or continuation of the current system. Mr. Brady continues by describing the advantages and disadvantages of the alternatives.

In response to an inquiry by the Chairperson, Mr. Brady advises that the structure of the study is not intended to recommend actions; however, it has strong conclusions on the nature and magnitude of the problems, provides options to address the problems and information on how to implement each of these options. Commissioner LeZotte comments that it is important that planners for the Coyote Valley consider this study so as not to overstretch the police and fire protection resources of San Jose, and opines that the City should not be involved in that area unless it has the capability to provide these services. Mr. Brady observes that this service review could help plan the efficient delivery of services.

Mr. Brady continues his report by stating that the third issue is related to the City of Saratoga. He advises that the Saratoga Fire Protection District (SFPD) serves half of Saratoga, while Central Fire Protection District (CFPD) serves the rest of the City and the surrounding areas. He notes that this situation presents an accountability problem because most of the residents are not aware that there are two levels of services. He then advises that the alternatives are to detach the City from CFPD and annex it to SFPD, withdraw Saratoga from both CFPD and SFPD to allow the City to determine the best fire protection method by either creating its own or contracting with either service provider, expand the boundaries of CFPD to cover the entire City after detaching it from SFPD, or maintain the current system. He notes, however, that the County's fire protection services in the region would be impacted if the City is served by an entity other than CFPD.

Mr. Brady continues to say that the fourth issue is on regional issues which is characterized by independent public safety and emergency answering points among the different jurisdictions, different levels of training infrastructures, different levels of support service capabilities, variance in information systems capabilities, and duplication of support and management services. He notes that an alternative is to share existing services through a joint powers authority concerning regional training programs and facilities.

Finally, he notes that the fifth issue relates to Los Altos Hills County Fire District (LAHCFD). Mr. Brady notes that LAHCFD contracts with CFPD for fire protection services, and provides additional services, such as chipping yard waste and hillside clearance among other services. He continues by informing the Commission that half of LAHCFD's revenue is allotted for fire protection, while the other half is used for these community services. He notes that this arrangement results in a redundant administrative cost of about \$163,000 per year. Mr. Brady notes that one alternative is to dissolve LAHCFD and annex the

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area to CFPD, which would result in savings, allow greater accountability and enable the use all of LAHCFD's revenues to enhance regional fire protection.

In response to an inquiry by Commissioner Gage, Mr. Brady states that in order to pay for the cost of fire protection in the underserved areas over the long term is either to create a service entity such as a special district or county service area, or to expand an existing special district. In response to an inquiry by the Chairperson, Ms. Palacherla explains that the implementing agency would have to decide which alternative to pursue. Commissioner Gage notes that a change in service jurisdictions from district to another may create land use issues because each of these agencies has its own land use policies. He adds that funding may also be a challenge because tax revenues from a small population may not sufficiently cover the entire cost of protecting such a large area. Commissioner LeZotte adds that there could be an issue on the reimbursement formula since the fire protection service provider is not the tax collection agency. Mr. Brady acknowledges Commissioner LeZotte's suggestion to include on Page 121 of the draft report the ongoing Inter-Operability Project, which involves communications and regional training center. Commissioners Gage and Alvarado agree to consider the opportunities for the County. Finally, the Chairperson requests Mr. Brady to synthesize the most urgent deficiencies of the County's fire protection services and present them on the report in a manner that would permit the jurisdictions to formulate action plans.

Harold Toppel, SFPD, advises the Commission that his agency will provide the Commission with a written comment to the draft report by January 7, 2004. He notes that some conclusions are faulty because there are problems with the data.

John Keenan, Firefighters and Citizens Task Force (FACT) of Saratoga, observes that residents of Saratoga pay more money for less fire protection services because of redundant administration and training. He reports that SFPD passed a \$6 million bond issue three years ago for a new fire station even as that

part of the City is completely surrounded by a better trained and equipped CFPD.

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

6. ADMINISTRATIVE APPROVAL OF THE CITY OF MILPITAS' REQUEST TO EXTEND WATER SERVICE TO ONE PARCEL IN SPRING VALLEY HEIGHTS AREA

The Chairperson informs the Commission of the administrative approval (by the Chairperson and the LAFCO Executive Officer) to the request by the City of Milpitas to extend water service to one parcel in the Spring Valley Heights area.

7. 2004 SCHEDULE OF LAFCO MEETINGS

Ms. Palacherla presents the proposed 2004 Schedule of LAFCO meetings. Commissioner Gage notes that the April 14, 2004 LAFCO Meeting is in conflict with the Valley Transportation Authority (VTA) Finance Committee meeting. Commissioners LeZotte and Wilson likewise expressed conflicts with their schedules. In this regard, the Chairperson directs staff to come up with an alternate date.

On motion of Commissioner Gage, seconded by Commissioner LeZotte, it is unanimously ordered on a 4-0 vote, with Commissioner Zoglin absent, that the 2004 Schedule of LAFCO Meetings is approved, subject to a change on the April meeting.

8. UPDATE ON COUNTYWIDE WATER SERVICE REVIEW

Ms. Palacherla reports that staff will send to all water agencies the second draft of the Water Service Review RFP, including the survey questionnaire, by December 17, 2003 for review and comments. She adds that after including all comments, staff will circulate the RFP to prospective consultants and estimates that the selected consultant will be onboard by March 2004. She advises that the Santa Clara Valley Water District has offered to collect basic data on water services in the County. She further advises that a Technical Advisory Committee

composed of Commissioner Wilson, as representative of the Commission, LAFCO staff, and representatives from the City Managers Association, Cities Public Works Officials Association, and two representatives from the water agencies will be established.

9. PENDING APPLICATIONS

9.1 MID-PENINSULA REGIONAL OPEN SPACE DISTRICT ANNEXATION OF COASTAL LANDS IN SAN MATEO COUNTY

Ms. Palacherla, reports that a pending application is the annexation by MROSD of approximately 144,000 acres of coastal lands in San Mateo County. She informs the Commission that Santa Clara LAFCO is the principal LAFCO for MROSD, however, the Commission has vested jurisdiction over this particular proposal to San Mateo LAFCO. She advises that for this reason, San Mateo LAFCO will make the final decision for this annexation. She notes that staff is waiting for San Mateo LAFCO to forward the application from MROSD.

10. WRITTEN CORRESPONDENCE

There is no written correspondence.

11. ADJOURNMENT

On order of the Chairperson, there being no objection, the meeting is adjourned at 2:18 p.m. to the next regular meeting to be held on February 11, 2004 at 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