



**LOCAL AGENCY FORMATION COMMISSION OF  
SANTA CLARA COUNTY  
MINUTES  
WEDNESDAY, DECEMBER 9, 2009**

**CALL TO ORDER**

**Chairperson John Howe** calls the meeting to order at 1:22 p.m.

**1. ROLL CALL**

The following Commissioners and Alternates are present:

- **Chairperson John Howe**
- **Vice-Chairperson Susan Vicklund-Wilson**
- **Commissioner Pete Constant**
- **Commissioner Donald F. Gage**
- **Commissioner Liz Kniss**
- **Alternate Commissioner Al Pinheiro**

The following staff members are present:

- **LAFCO Executive Officer Neelima Palacherla**
- **LAFCO Analyst Dunia Noel**
- **LAFCO Counsel Melanie Donnelly**

**2. PUBLIC PRESENTATION**

There was none.

**3. APPROVE THE MINUTES OF OCTOBER 9, 2009 MEETING**

**MOTION:** Approve the minutes of October 9, 2009 meeting, as submitted. (Pete Constant)

**SECOND:** Don Gage

**MOTION PASSED**

**AYES:** Pete Constant, John Howe, Don Gage, Liz Kniss, Susan Vicklund-Wilson

**NOES:** None

**ABSTAIN:** None

**ABSENT:** None

**4. LAFCO ANNUAL REPORT (HELD FROM OCTOBER 14, 2009 LAFCO MEETING)**

**MOTION:** Accept LAFCO Annual Report for the period July 1, 2008 to June 30, 2009.  
(Pete Constant)

**SECOND:** Don Gage

**MOTION PASSED**

**AYES:** Pete Constant, Don Gage, John Howe, Liz Kniss, Susan Vicklund-Wilson

**NOES:** None

**ABSTAIN:** None

**ABSENT:** None

**5. COUNTYWIDE FIRE SERVICE REVIEW**

Ms. Noel reports on the status of Countywide Fire Service Review and hiring a consultant. She advises that the draft request for proposals (RFP) has been reviewed by the affected agencies. Ms. Noel proposes that upon approval by the Commission, the RFP will be issued immediately with the deadline set for January 11, 2010. The Fire Service Review Technical Advisory Committee will then interview the proponents and select a consultant.

**MOTION:** Authorize staff to issue a RFP for consultant to prepare a countywide fire service review and delegate authority to the LAFCO Executive Officer to enter into an agreement with a qualified consultant in an amount not to exceed \$70,000 and to execute any necessary amendments subject to LAFCO Counsel's review and approval. (Don Gage)

**SECOND:** Liz Kniss

**MOTION PASSED**

**AYES:** Pete Constant, Don Gage, John Howe, Liz Kniss, Susan Vicklund-Wilson

**NOES:** None

**ABSTAIN:** None

**ABSENT:** None

**Commissioner Gage** requests LAFCO Counsel to review the RFP to ensure that the Commission and staff are adequately protected.

**6. COMMENTS ON PROPOSED REGIONAL STRUCTURE FOR CALAFCO**

Ms. Palacherla reports that CALAFCO is requesting input on the proposal to create regions to encourage more participation among the LAFCOs. Staff is recommending being part of a region that includes the nine Bay Area LAFCOs, plus the LAFCOs of Santa Cruz and San Benito.

**Commissioner Wilson** informs that the CALAFCO subcommittee has discussed this proposal and found that there is value in regional meetings among commissioners and staff. She adds that the State legislature values input from CALAFCO because CALAFCO has a broad spectrum of representation from the counties, cities, and special districts. She requests that the Commission support this concept to facilitate regular regional meetings among LAFCO commissioners and staff.

**MOTION:** Direct staff to provide comments to the CALAFCO Board and Executive Director, indicating Santa Clara LAFCO's preference for a region that includes the nine-county Bay Area region, plus Santa Cruz and San Benito. (Don Gage)

**SECOND:** Susan Vicklund-Wilson

**MOTION PASSED**

**AYES:** Pete Constant, Don Gage, John Howe, Liz Kniss, Susan Vicklund-Wilson

**NOES:** None

**ABSTAIN:** None

**ABSENT:** None

In response to an inquiry by **Commissioner Kniss**, **Commissioner Wilson** states that input from Santa Clara LAFCO, as well as that from other LAFCOs, will be considered by the CALAFCO subcommittee establishing regions. She states that the CALAFCO Board hopes to establish regional forums by the end of 2010, starting at the CALAFCO Annual Conference in October 2010.

In response to a follow-up inquiry by **Commissioner Kniss**, **Commissioner Wilson** states that CALAFCO regional forums will only take up LAFCO issues; and that the regions have not yet been created. **Commissioner Kniss** expresses concern with CALAFCO's proposal to create regions in view of recent political and economic developments, such as the State's redistricting process, and the new requirements of SB 375, among others, as well as the conflicting regional interests. In response to this, **Commissioner Wilson** informs that CALAFCO regions are not meant to be decision-making bodies based on representation; rather, they are meant to be forums to gather input from the various regions. With regard to regional interests, **Commissioner Wilson** states that compositions of CALAFCO regions maybe changed depending on how regional interests change over time. **Commissioner Kniss** requests Commissioner Wilson to monitor this proposal because there are already existing regional groupings in the State. **Commissioner Wilson** states that all proposals will come back to the various LAFCOs before CALAFCO finalizes the regional groupings. **Commissioner Gage** expresses confidence in Commissioner Wilson's representation on the CALAFCO Board as she has done an outstanding job for many years.

**7. ADOPTION AND PRESENTATION OF RESOLUTION COMMENDING  
CHAIRPERSON JOHN HOWE FOR HIS SERVICE TO LAFCO**

**Vice-Chairperson Wilson** presents a resolution commending Chairperson John Howe for his service on LAFCO from May 2004 to December 2009.

**MOTION:** Adopt and present a Resolution of Commendation to Chairperson John Howe. (Susan Vicklund-Wilson)

**SECOND:** Don Gage

**MOTION PASSED**

**AYES:** Pete Constant, Don Gage, Liz Kniss, Susan Vicklund-Wilson

**NOES:** None

**ABSTAIN:** John Howe

**ABSENT:** None

**8. 2009 ACHIEVEMENT CALAFCO AWARD**

**Chairperson Howe** announces that Commissioner Wilson was reelected to another term on the CALAFCO Board of Directors and was recognized by CALAFCO as the Outstanding CALAFCO Member of the Year. He expresses appreciation to Commissioner Wilson for participating on CALAFCO. **Commissioner Gage** expresses appreciation to Commissioner Wilson for doing an excellent job on CALAFCO and serving on her own time not only on behalf of the Commission but also for all of the people of Santa Clara County.

**Chairperson Howe** announces that Emmanuel Abello, LAFCO Clerk, has been recognized by CALAFCO as the Outstanding LAFCO Clerk of the Year, for his skilled clerical and administrative support in using technology to automate various processes, his support to LAFCO's records management system, for managing the website, and for conducting an online survey for CALAFCO. Chairperson Howe continues by stating that Emmanuel was also recognized as the Employee of the Month in December 2009 by the Office of the County Executive.

**9. 2010 SCHEDULE OF LAFCO MEETINGS**

**MOTION:** Adopt the 2010 Schedule of LAFCO meetings. (Don Gage)

**SECOND:** Pete Constant

**MOTION PASSED**

**AYES:** Pete Constant, Don Gage, John Howe, Liz Kniss, Susan Vicklund-Wilson

**NOES:** None

**ABSTAIN:** None

**ABSENT:** None

**10. APPOINTMENT OF CHAIRPERSON AND VICE-CHAIRPERSON FOR 2010**

**Chairperson Howe** expresses appreciation to Commissioner Wilson for allowing him to serve as the Chairperson in 2009 as under the normal rotation schedule, Commissioner Wilson was to serve as chairperson during that year.

Ms. Palacherla recommends that based on the rotation schedule, Commissioner Wilson would serve as Chairperson for 2010 and Commissioner Gage as Vice-Chairperson.

**Commissioner Gage** proposes that since his term on the County Board of Supervisors will expire next year, Commissioner Kniss be the Vice-Chairperson for 2010.

**MOTION:** Appoint Commissioner Wilson as Chairperson and Commissioner Kniss as Vice-Chairperson for 2010. (Don Gage)

**SECOND:** Pete Constant

**MOTION PASSED**

**AYES:** Pete Constant, Don Gage, John Howe, Liz Kniss, Susan Vicklund-Wilson

**NOES:** None

**ABSTAIN:** None

**ABSENT:** None

## **11. EXECUTIVE OFFICER'S REPORT**

### **11.1 REPORT ON 2009 CALAFCO ANNUAL CONFERENCE**

Ms. Palacherla reports that the 2009 CALAFCO Annual Conference covered various topics, including "Challenges and Opportunities for Regional Governance," "Infrastructure needs for Casinos on Native American Lands," "Judicial Review of LAFCO Decisions," "Coping with Local Agency Financial Stress," "Environmental Justice," "Is the Williamson Act Sustainable?," and a session on CEQA. Ms. Palacherla further reports that Commissioner Wilson moderated "Annexation as a Means to Preserve Open Space Lands," a session that examined the issues that LAFCOs must consider when reviewing proposals by the cities annexing lands in order to preserve them.

### **11.2 UPDATE ON IMPLEMENTATION OF LAFCO'S ELECTRONIC DOCUMENT MANAGEMENT SYSTEM**

Ms. Palacherla reports that Peelle Technologies, Inc., is scanning the second set of LAFCO records and will soon install the electronic records management software and a scanner.

### **11.3 NEW CITIES REPRESENTATIVE APPOINTED TO LAFCO**

Mr. Palacherla reports that the Santa Clara County Cities Association has selected Mayor Margaret Abe-Koga of Mountain View as the cities' representative to LAFCO for a term starting in January 2010 and ending in May 2012.

In response to an inquiry by Commissioner Gage, Ms. Palacherla informs that Mayor Al Pinheiro of Gilroy will remain as the alternate.

**MOTION:** Accept the Executive Officer's report. (Pete Constant)

**SECOND:** Don Gage

#### **MOTION PASSED**

**AYES:** Pete Constant, Don Gage, John Howe, Liz Kniss, Susan Vicklund-Wilson

**NOES:** None

**ABSTAIN:** None

**ABSENT:** None

## **12. LEGISLATIVE REPORT**

Ms. Noel reports that Senate Bill (SB) 113 and SB 215 are among the bills that are going to take effect on January 1, 2010. She explains that SB 113 makes non-substantive changes to local government laws, including those requested by CALAFCO. She continues by stating that SB 215 adds SB 375 and regional transportation plans to the factors that LAFCO must consider in reviewing applications. Ms. Noel informs that LAFCO staff in the Bay Area will meet with ABAG staff about this issue. She states that AB 528 clarifies the financial disclosure requirements in the CKH Act to conform to the changes brought by AB 1998 on the Political Reform Act. She states that staff and LAFCO Counsel will review the current disclosure policies and may recommend possible revisions for the Commission's consideration and approval.

**Commissioner Wilson** informs that Ms. Palacherla has been appointed to the CALAFCO Legislative Committee.

**MOTION:** Accept the legislative report. (Don Gage)

**SECOND:** Susan Vicklund-Wilson

**MOTION PASSED**

**AYES:** Pete Constant, Don Gage, John Howe, Liz Kniss, Susan Vicklund-Wilson

**NOES:** None

**ABSTAIN:** None

**13. COMMISSIONERS' REPORTS**

There is no report.

**14. NEWSPAPER ARTICLES / NEWSLETTERS**

14.1 The Sphere, a CALAFCO newsletter, was distributed to the commissioners.

**15. WRITTEN CORRESPONDENCE**

There is no written correspondence.

**16. PENDING APPLICATIONS / UPCOMING PROJECTS**

16.1 Annexation to West Valley Sanitation District (17655 Tourney Road, Los Gatos)

**17. ADJOURN**

The meeting is adjourned at 2:11 p.m.

Approved:

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

By: \_\_\_\_\_  
Emmanuel Abello, LAFCO Clerk