



**LOCAL AGENCY FORMATION COMMISSION OF  
SANTA CLARA COUNTY  
MINUTES  
WEDNESDAY, DECEMBER 15, 2010**

**CALL TO ORDER**

Chairperson **Susan Vicklund-Wilson** calls the meeting to order at 1:16 p.m.

**1. ROLL CALL**

The following Commissioners and Alternate Commissioners are present:

- **Chairperson Susan Vicklund-Wilson**
- **Commissioner Pete Constant**
- **Commissioner Liz Kniss** (*Arrives at 1:32 p.m.*)
- **Commissioner Margaret Abe-Koga**
- **Commissioner Mike Wasserman**
- **Alternate Commissioner Terry Trumbull**

The following staff members are present:

- **LAFCO Executive Officer Neelima Palacherla**
- **LAFCO Analyst Dunia Noel**
- **LAFCO Counsel Mala Subramanian**

**2. WELCOME NEW LAFCO COMMISSIONER: MIKE WASSERMAN**

Chairperson **Wilson** welcomes Commissioner **Mike Wasserman**.

**3. PUBLIC PRESENTATIONS**

None.

**4. APPROVE THE MINUTES OF OCTOBER 20, 2010 LAFCO MEETING**

**MOTION:** Approve the minutes of October 20, 2010 meeting, as submitted. (Pete Constant)

**SECOND:** Margaret Abe-Koga

**MOTION PASSED**

**AYES:** Pete Constant, Margaret Abe-Koga and Susan Vicklund-Wilson

**NOES:** None

**ABSTAIN:** Mike Wasserman

**ABSENT:** Liz Kniss

5. **2010 COUNTYWIDE FIRE SERVICE REVIEW FINAL REPORT AND SPHERE OF INFLUENCE UPDATES FOR FIRE DISTRICTS**

Neelima Palacherla discusses the purpose of the public hearing and informs that the report includes a presentation by the project consultant that will be followed by more information about specific options identified in the report.

Andrew S. Belknap, Management Partners, provides a brief overview on the service review process and the fire and emergency medical services in the County. He then discusses the highlights of the mandated determinations and the four issues relating to fire service in the County, namely, providing service to underserved area, regionalization of fire services in South County, evaluating governance options for Saratoga Fire and Los Altos Hills fire districts and improving efficiency and effectiveness of fire service provider agencies. Ms. Palacherla explains the options identified in the report to address each of the following four issues and then discusses the next steps necessary to address the issues identified in the report. She informs that LAFCO may initiate certain actions but that more detailed information is necessary before proceeding further.

On Commission consensus, there being no objection, the Chairperson declares the public hearing open.

Owen Halliday, President, Los Altos Hills County Fire District, recommends that the Commission maintain the Los Altos Hills County Fire District because the cost savings would be only in the range of \$50,000 a year and because the district provides various special programs such as water mains upgrade, additional fire hydrants, fuel break reduction and dead pine removal.

**Chairperson Wilson** notes that there are no other members of the public who would like to speak on the item and declares the public hearing closed.

**Commissioner Constant** expresses appreciation to staff, the consultant and members of TAC. He states that it is important in these economic times to look at maximizing services and minimizing overhead costs to provide those services. He states that the report provides a good foundation for issues such as regionalization and consolidation of services and agrees with staff recommendation that more information is necessary to move forward.

**MOTION:** Adopt Resolution No. 2010-10 approving the 2010 Countywide Fire Service Review report, adopting service review determinations, and adopting Sphere of Influence updates and determinations for Los Altos Hills County Fire District, Santa Clara County Central Fire Protection District, Saratoga Fire Protection District, and South Santa Clara County

Fire Protection District. Said Resolution, by reference hereto, is made part of these minutes. Direct staff to prepare the Final Report and distribute it to all the affected agencies, and to pursue further research / analysis of specific options identified in the Report, as necessary, and report back to the commission. (Pete Constant)

In response to an inquiry by **Commissioner Kniss**, **Commissioner Constant** states that the report identifies possible options. Ms. Palacherla advises that the staff report identifies areas where more information is needed before any actions can be taken. In response to an inquiry by **Commissioner Wasserman**, Ms. Palacherla advises that staff will bring back a report at the April 20, 2011 meeting. In response to an inquiry by **Commissioner Abe-Koga**, Ms. Palacherla advises that the staff report indicates that LAFCO can initiate governance changes to Saratoga and Los Altos Hills fire districts, and that staff has identified many questions that need to be answered before taking any action. Ms. Palacherla also states that the County may initiate action with regard to the underserved areas. In response to another inquiry by **Commissioner Abe-Koga**, Ms. Palacherla advises that staff recommends that the Commission adopt the report as presented because all the comments received have been addressed. At the request of **Commissioner Abe-Koga** and the **Chairperson**, **Commissioner Constant** informs that his motion includes the recommended action items 1 through 6, as well as the CEQA action.

In response to inquiries by **Commissioners Abe-Koga** and **Kniss**, **Commissioner Constant** informs that the fire departments were involved throughout the process; however, since every fire agency accounts for certain expenditures differently, he states that the report includes different metrics (e.g., cost per personnel, cost per apparatus, etc.) to provide multiple viewpoints in the evaluation.

**SECOND:** Margaret Abe-Koga

**MOTION PASSED**

AYES: Pete Constant, Liz Kniss, Margaret Abe-Koga, Mike Wasserman  
and Susan Vicklund-Wilson

NOES: None

ABSTAIN: None

ABSENT: None

**Chairperson Wilson** expresses appreciation to Commissioner Constant, the staff and all the fire agencies for their participation.

**6. UPDATE ON LAFCO'S CONFLICT OF INTEREST CODE**

Ms. Palacherla informs that the amended LAFCO Conflict of Interest Code was adopted by the Board of Supervisors on November 23, 2010 and took effect on that date. In response to an inquiry by **Commissioner Kniss**, Ms. Subramanian advises that the amendment is non-substantive.

**7. EXECUTIVE OFFICER'S REPORT**

**7.1 UPDATE ON THE 2011 COUNTYWIDE WATER SERVICE REVIEW**

Ms. Noel informs that a RFP for Countywide Water Service Review and SOI updates was issued in October 2010 and consultants have been interviewed. She also states that the project could be delayed to await the availability of the most current water service providers data in June 2011.

**7.2 UPDATE ON ISLAND ANNEXATIONS IN SANTA CLARA COUNTY**

Ms. Noel informs that San Jose annexed four large islands this year, briefly reports on the status of Cambrian No. 36, and informs that staff has completed the inventory of the remaining islands. She states that staff will contact the cities about their plans for these islands and will update the Commission.

In response to an inquiry by **Commissioner Kniss**, Ms. Subramanian advises that the Commission may discuss Cambrian No. 36 for information purposes. In response to an inquiry by **Commissioner Kniss**, Ms. Noel states that Cambrian No. 36 is within the USA boundary of San Jose and an amendment would require LAFCO approval of application from both the cities. **Chairperson Wilson** informs that Santa Clara County is unique among LAFCOs because once the city expands the USA boundary, LAFCO has no control over the annexations. **Commissioner Constant** notes that discussions will take place between San Jose and Campbell regarding the annexation of the area.

**Chairperson Wilson** informs that the CALAFCO Legislative Committee discussed the possible extension of sunset date and increased acreage for the streamlined island annexation provision in State law.

**7.3 LAFCO'S COMMENT LETTER ON MORGAN HILL'S SOUTHEAST QUADRANT PROJECT**

Ms. Noel informs that LAFCO sent a comment letter in response to Morgan Hill's Notice of Preparation of the EIR requesting more specific project description, discussion of environmental facts on each project component, and recommending that the project be undertaken as part of comprehensive General Plan update.

Julie Hutcheson, Committee for Green Foothills, states that the Committee has likewise provided a comment letter to Morgan Hill stating that the project is contrary to the City's land use and General Plan policies, that its fiscal feasibility is questionable in its present form, and that it is ill-conceived, ill-defined and ill-timed.

**8. 2011 SCHEDULE OF LAFCO MEETINGS**

Ms. Palacherla reports that there is a request to move the meeting time from 1:15 p.m. to 1:00 p.m. and to reschedule the December 14, 2011 meeting to December 7, 2011.

Discussion ensues between **Commissioners Kniss** and **Wasserman** relating to a request to move the start of the meeting from 1:15 p.m. to 1:00 p.m. and both agree that the

meeting continue to begin at 1:15 p.m. The **Chairperson** notes that there is no objection to moving the December 14 meeting to December 7, 2011.

**MOTION:** Approve the 2011 Schedule of LAFCO Meetings, as amended. (Pete Constant)

**SECOND:** Margaret Abe-Koga

**MOTION PASSED**

**AYES:** Pete Constant, Liz Kniss, Margaret Abe-Koga, Mike Wasserman and Susan Vicklund-Wilson

**NOES:** None

**ABSTAIN:** None

**ABSENT:** None

**9. APPOINTMENT OF CHAIRPERSON AND VICE-CHAIRPERSON FOR 2011**

Ms. Palacherla reports that based on the rotation schedule, the Chairperson for 2011 is Commissioner Kniss and the Vice Chairperson is Commissioner Constant.

**MOTION:** Appoint Vice-Chairperson Liz Kniss as Chairperson in 2011 and Commissioner Pete Constant as Vice-Chairperson. (Margaret Abe-Koga)

**SECOND:** Mike Wasserman

**MOTION PASSED**

**AYES:** Pete Constant, Liz Kniss, Margaret Abe-Koga, Mike Wasserman and Susan Vicklund-Wilson

**NOES:** None

**ABSTAIN:** None

**ABSENT:** None

**10. COMMISSIONER REPORTS**

None.

**11. NEWSPAPER ARTICLES/NEWSLETTERS**

None.

**12. WRITTEN CORRESPONDENCE**

None.

**13. PENDING APPLICATIONS / UPCOMING PROJECTS**

**13.1 LOS GATOS URBAN SERVICE AREA (USA) AMENDMENT 2010 (LANDS OF MIDPENINSULA REGIONAL OPEN SPACE DISTRICT)**

Ms. Palacherla reports that the application for USA retraction by the Town Los Gatos remains pending because the Indemnification Agreement has not been received.

In response to the inquiry by the **Chairperson**, Ms. Palacherla informs that the delay is partly due to changes in city staffing. **Commissioner Wasserman** states that both Los Gatos and Midpeninsula Regional Open Space District are in agreement about the application and the delay is due to compliance with the application requirements.

**14. ADJOURN**

Commissioners express appreciation to Chairperson Wilson for serving as chairperson in 2011.

On order of the Chairperson, there being no objection, the meeting is adjourned at 2:14 p.m. to the next regular meeting to be held on Wednesday, February 2, 2011, at 1:15 p.m., in the Isaac Newton Senter Auditorium, County Government Center, 70 West Hedding Street, San Jose, California.

Approved:

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

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