

**LOCAL AGENCY FORMATION COMMISSION OF
SANTA CLARA COUNTY
MINUTES
WEDNESDAY, APRIL 20, 2011**

CALL TO ORDER

Acting Chairperson Pete Constant called the meeting to order at 1:15 p.m.

1. ROLL CALL

The following Commissioners and Alternate Commissioners were present:

- **Acting Chairperson Pete Constant**
- **Commissioner Susan Vicklund-Wilson**
- **Alternate Commissioner Al Pinheiro** (Acting in place of Commissioner Abe-Koga)
- **Alternate Commissioner Terry Trumbull**

The following Commissioners and Alternate Commissioners were absent:

- **Chairperson Liz Kniss**
- **Commissioner Mike Wasserman**
- **Commissioner Margaret Abe-Koga**
- **Alternate Commissioner George Shirakawa**
- **Alternate Commissioner Sam Liccardo**

The following staff members were present:

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

2. PUBLIC COMMENT

Julie Hutcheson, Committee for Green Foothills, provided information and flyers on events in the South County, including the South County Earth Day on April 23, 2011 and Community Design Day on May 14, 2011.

3. APPROVE THE MINUTES OF FEBRUARY 2, 2011 LAFCO MEETING

The Commission approved the minutes of February 20, 2011 LAFCO meeting, as submitted.

Motion: Susan Vicklund-Wilson

Second: Al Pinheiro

MOTION PASSED

AYES: Pete Constant, Al Pinheiro, Susan Vicklund-Wilson

NOES: None

4. PROPOSED LAFCO BUDGET FOR FISCAL YEAR 2012

Ms. Palacherla presented the staff report.

Acting Chairperson Constant, co-member of Budget Subcommittee, reported that in order to make the proposed budget more transparent, the \$100,000 in Reserves will be listed separately instead of as an expense item, and the amount for the website update will be included under Data Processing Services rather than under Consultant Services.

In response to an inquiry by Commissioner Wilson, Acting Chairperson Constant and Ms. Palacherla informed that the \$10,000 increase in Salaries and Benefits is because of the County's calculation of employee benefits and that there is no change to staff salaries.

Acting Chairperson Constant declared the public hearing open, determined that there were no members of the public who would like to speak on the item, and declared the public hearing closed.

Commissioner Wilson stated that the \$100,000 allocated as Reserves maybe inadequate in the event of a lawsuit.

The Commission adopted the Proposed LAFCO Budget for Fiscal Year 2012.

The Commission found that the Proposed LAFCO Budget for Fiscal Year 2012 is expected to be adequate to allow the Commission to fulfill its statutory responsibilities.

The Commission authorized staff to transmit the Proposed LAFCO Budget adopted by the Commission, including the estimated agency costs as well as the notice for public hearing on the adoption of the Final Fiscal Year 2012 LAFCO Budget, to the County, to the Cities Association and to each of the cities.

Motion: Susan Vicklund-Wilson **Second:** Al Pinheiro

MOTION PASSED

AYES: Pete Constant, Al Pinheiro, Susan Vicklund-Wilson

NOES: None

**5. EL CAMINO HOSPITAL DISTRICT AND SERVICES OUTSIDE ITS BOUNDARY
Continued from February 2, 2011**

Acting Chairperson Constant stated that Commissioner Wasserman requested deferral of the item to the next Commission meeting on June 1, 2011, and determined that there are no members of the public who would like to speak about the deferral of the item.

In response to an inquiry by Commissioner Wilson, Ms. Palacherla informed that the item is not time sensitive.

The Commission deferred the item to the next LAFCO meeting on June 1, 2011.

Motion: Susan Vicklund-Wilson **Second:** Al Pinheiro

MOTION PASSED

AYES: Pete Constant, Al Pinheiro, Susan Vicklund-Wilson

NOES: None

6. APPOINT PUBLIC MEMBER AND ALTERNATE PUBLIC MEMBER

Acting Chairperson Constant proposed deferral of the item to the next LAFCO meeting on June 1, 2011 in order to allow the other members to participate in making the decision.

Acting Chairperson Constant determined that there are no members of the public who would like to speak on the item.

The Commission deferred the item to the next LAFCO meeting on June 1, 2011.

Motion: Al Pinheiro

Second: Pete Constant

MOTION PASSED

AYES: Pete Constant, Al Pinheiro, Susan Vicklund-Wilson

NOES: None

7. UPDATE ON LEGISLATION RELEVANT TO LAFCO

Ms. Palacherla presented the staff report.

In response to the inquiry by Acting Chairperson Constant, Ms. Palacherla read the definition of mutual water company under AB 54 (Solorio) and stated that mutual water companies are formed under the regulations of the State Department of Corporation and are not under the Public Utilities Commission oversight.

Acting Chairperson Constant determined that there are no members of the public who would like to speak on the item.

The Commission accepted the staff report.

Motion: Al Pinheiro

Second: Susan Vicklund-Wilson

MOTION PASSED

AYES: Pete Constant, Al Pinheiro, Susan Vicklund-Wilson

NOES: None

8. EXECUTIVE OFFICER'S REPORT

8.1 UPDATE ON THE 2011 COUNTYWIDE WATER SERVICE REVIEW

Ms. Noel presented the staff report.

Acting Chairperson Constant determined that there are no members of the public who would like to speak on the item.

8.2 REPORT ON THE 2011 CALAFCO STAFF WORKSHOP

Ms. Noel presented the staff report.

Acting Chairperson Constant determined that there are no members of the public who would like to speak on the item.

8.3 COMMENT LETTER TO THE CALIFORNIA HIGH SPEED RAIL AUTHORITY REGARDING EAST GILROY STATION

Ms. Noel presented the staff report.

Julie Hutcheson, Committee for Green Foothills, informed that her organization is opposed to the potential Gilroy High Speed Rail station east of US 101 for various reasons, particularly its impact to fertile farmlands. She then provided a copy of their policy to the Commission.

Acting Chairperson Constant determined that there are no other members of the public who would like to speak on the item.

In response to an inquiry by Alternate Commissioner Pinheiro, Ms. Palacherla informed that staff sent a letter to the California High Speed Rail Authority in response to a letter forwarded by the Californians Advocating for Responsible Rail Design (CARRD) to LAFCO commissioners and staff regarding potential station locations in Gilroy. She added that the CARRD letter made references to LAFCO policies and the 1996 Strategies to Balance Planned Growth and Agricultural Viability document and it appeared that there was confusion as to how LAFCO policies would apply to the proposed station location east of US 101. She stated that staff also received inquiries from Commissioners Wasserman and Abe-Koga on the issue. She continued that staff, therefore, sent a letter to the California High Speed Rail Authority clarifying LAFCO's potential role, explaining the potential conflicts with LAFCO policies, and encouraging consideration of alternate station locations.

In response to a follow-up inquiry by Alternate Commissioner Pinheiro, Ms. Palacherla informed that she contacted Gilroy Community Development Director David Bischoff prior to sending out the comment letter but that she did not receive a response.

Alternate Commissioner Pinheiro indicated that the City of Gilroy would conduct a process that would allow the community to provide input on the alternate station locations in an open and transparent manner and that process should not be tainted with premature comments. He informed that the City Council's initial preference is for a downtown station location but that there are several issues that must first be worked out. He indicated that LAFCO and Gilroy staff must ensure more open communication.

Acting Chairperson Constant stated that the LAFCO letter only provided information about relevant LAFCO policies and that it was clear from the letter that LAFCO had not yet taken a position on this. He noted that LAFCO Commissioners may not advocate for the jurisdictions they represent.

Commissioner Wilson stated that there has always been open communication with the City of Gilroy and directed staff to continue to have open communication with the City of Gilroy.

8.4 UPDATE ON CONDUCTING FURTHER ANALYSIS OF OPPORTUNITIES FOR FIRE SERVICE EFFICIENCIES INCLUDING CHANGES IN GOVERNANCE STRUCTURE OF FIRE DISTRICTS

Ms. Noel presented the staff report.

Acting Chairperson Constant requested that staff provide information to the Commission regarding any discussions for potential regional fire services in areas other than the South County. He also requested staff to closely watch AB 912 (Gordon) in case the Commission decides to go forward with options discussed in the 2010 Countywide Fire Service Review.

In response to an inquiry by Commissioner Wilson, Alternate Commissioner Pinheiro informed that a summary of the South County Working Group meeting would be available soon. He stated that the committee was disbanded and Morgan Hill would work to address its fire service needs individually.

Acting Chairperson Constant reported that the 2010 Countywide Fire Service Review report was discussed extensively by the City of San Jose and used in negotiating staffing changes on the City's fire apparatus. Acting Chairperson Constant determined that there are no members of the public who would like to speak on the item.

9. PENDING APPLICATIONS

Ms. Palacherla reported on the status of pending applications and clarified that the El Camino Hospital District Annexation 2011 application is separate from the item on El Camino Hospital District's provision of services outside its boundary.

10. COMMISSIONER REPORTS

There were no Commissioner reports.

In response to an inquiry by Acting Chairperson Constant, Ms. Palacherla advised that a Commissioner should notify staff if he/she is unable to attend a LAFCO meeting and staff would then notify the alternate member.

11. NEWSPAPER ARTICLES / NEWSLETTERS

The Commission noted a newspaper article and the CALAFCO newsletter.

12. WRITTEN CORRESPONDENCE

There was no written correspondence.

13. ADJOURN

Adjourned at 2:06 p.m. to the next meeting on Wednesday, June 1, 2011 in Isaac Newton Senter Auditorium, County Government Center, 70 West Hedding Street, San Jose, California.

Approved:

Pete Constant, Acting-Chairperson
Local Agency Formation Commission of Santa Clara County

By: _____
Emmanuel Abello, LAFCO Clerk

