



**LAFCO MEETING MINUTES
WEDNESDAY, AUGUST 3, 2016**

CALL TO ORDER

The meeting was called to order at 1:00 p.m.

1. ROLL CALL

The following commissioners were present:

- **Chairperson Mike Wasserman**
- **Commissioner Sequoia Hall**
- **Commissioner Ash Kalra** (arrived at 1:01 p.m.)
- **Commissioner Linda J. LeZotte**
- **Commissioner Tara Martin-Milius**
- **Commissioner Susan Vicklund Wilson**
- **Commissioner Ken Yeager**
- **Alternate Commissioner Rob Rennie**
- **Alternate Commissioner Terry Trumbull** (left at 2:02 p.m.)

The following staff members were present:

- **LAFCO Executive Officer Neelima Palacherla**
- **LAFCO Assistant Executive Officer Dunia Noel**
- **LAFCO Counsel Malathy Subramanian**

2. PUBLIC COMMENTS

There were no public comments.

3. APPROVE MINUTES OF APRIL 6, 2016 LAFCO MEETING

The Commission approved the minutes of April 6, 2016 meeting.

Motion: Yeager

Second: Hall

AYES: Hall, Kalra, LeZotte, Milius, Wasserman, Wilson, Yeager

NOES: None

ABSTAIN: None

ABSENT: None

MOTION PASSED

4. APPROVE MINUTES OF JUNE 1, 2016 LAFCO MEETING

Ms. Palacherla proposed corrections to the minutes on the following pages: correct the name of "Julie Driscoll" to "Julie Borina Driscoll" and add a reference to Borina Enterprises, LLP on page 3; and, correct the spelling for Bishop Patrick McGrath on page 5.

The Commission approved the minutes of June 1, 2016 meeting, as corrected.

Motion: Hall

Second: Yeager

AYES: Hall, Kalra, LeZotte, Milius, Wasserman, Wilson, Yeager

NOES: None

ABSTAIN: None

ABSENT: None

MOTION PASSED

Upon the order of the Chairperson, there being no objection, the Commission adjourned to Closed Session at 1:05 p.m., and considered the following items:

5. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Conference with Legal Counsel - Initiation of litigation pursuant to Government Code 54956.9(d)(4) (1 case)

6. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Real Property: 675 North First Street, Suite 645, San Jose, CA 95112

Agency Negotiator: Neelima Palacherla

Negotiating Parties: Michael Joseph

Under Negotiation: Price and terms of payment

7. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Real Property: 777 North First Street, Suite 400, 410, and 415, San Jose, CA 95112

Agency Negotiator: Neelima Palacherla

Negotiating Parties: Steve Botto

Under Negotiation: Price and terms of payment

8. PERFORMANCE EVALUATION

Public Employee Performance Evaluation (Government Code §54957)

Title: LAFCO Executive Officer

The Commission reconvened to an open meeting at 2:02 p.m., to consider the remainder of the agenda.

9. REPORT FROM THE CLOSED SESSION

Ms. Subramanian reported that on Item No. 5, the Commission voted 6-1 to initiate litigation, with Chairperson Wasserman opposed. She informed that the details of the litigation will be made public after it is filed.

10. LAFCO OFFICE SPACE: AUTHORIZATION TO LEASE PRIVATE OFFICE SPACE

Commissioner LeZotte moved for approval of a modified recommended action item "a," and of action items "b" and "c," as written. **Commissioner Hall** seconded.

The Commission:

- a. Authorized the Executive Officer to execute lease agreement for office space at either 675 North First Street or 777 North First Street for a total cost not to exceed \$213,000, after coordinating with the Ad Hoc Office Space Committee and subject

to review and approval by LAFCO Counsel. The executed lease agreement will be placed on the next LAFCO agenda.

- b. Authorized the expenditure of an amount not to exceed \$45,000, to fund moving costs; and the purchase of necessary furniture, and information technology/ telephone services for the new office space.
- c. Authorized the use of reserves to fund all of the expenses described above in (a.) and (b.), associated with leasing and furnishing private space for the LAFCO office.

Motion: LeZotte

Second: Hall

AYES: Hall, Kalra, LeZotte, Milius, Wasserman, Wilson, Yeager

NOES: None

ABSTAIN: None

ABSENT: None

MOTION PASSED

In response to an inquiry by **Commissioner Wilson, Chairperson Wasserman and Commissioner Hall** confirmed that the motion included action items “b” and “c,” as written.

11. EXECUTIVE OFFICER’S REPORT

11.1 UPDATE ON THE SANTA CLARA VALLEY CLIMATE & AGRICULTURE PROTECTION PROGRAM (CAPP)

In response to an inquiry by Commissioner LeZotte, Ms. Noel indicated that staff is not aware of the participation of the Santa Clara Valley Habitat Agency (SCVHA) in CAPP advisory committees, and noted that the intent was to use the Habitat Conservation Program (HCP) as a model for CAPP. Chairperson Wasserman noted the amount of work that has gone to HCP and expressed support for SCVHA participation.

11.2 COMMENT LETTER ON FINAL ENVIRONMENTAL IMPACT REPORT FOR CITY OF MORGAN HILL’S GENERAL PLAN UPDATE (MORGAN HILL 2035)

Doug Muirhead, a resident of Morgan Hill, observed the need for LAFCO to engage in public relations efforts in view of how South County jurisdictions receive LAFCO’s comments to their environmental documents. As an example, he referenced Don Weden’s presentation from a few years ago and suggested that LAFCO explain what the County would look like had LAFCO not existed. He explained that the public is only hearing from developers and South County officials who blame LAFCO for preventing them from creating jobs and housing. He informed that he attends LAFCO meetings to learn how to counter Morgan Hill’s City Council. He questioned the logic and analysis in Morgan Hill’s EIR. He reiterated his appreciation for LAFCO’s work and requested that LAFCO do more to educate and change public opinion in the South County.

11.3 LAFCO ORIENTATION SESSION FOR ALTERNATE COMMISSIONER PERALEZ

The Commission noted the report.

11.4 COMPLIANCE WITH ENTERPRISE SYSTEM CATALOG (SB 272)

The Commission noted the report.

11.5 UPDATE ON REQUEST FOR SEWER SERVICE TO 3262 WEST VIEW DRIVE

The Commission noted the report.

11.6 UPDATE ON REQUEST FOR SEWER SERVICE TO 23310 MORA GLEN DRIVE

The Commission noted the report.

**11.7 UPDATE ON REQUEST TO ANNEX 3343 ALPINE ROAD TO WEST BAY
SANITARY DISTRICT**

The Commission noted the report.

11.8 SANTA CLARA COUNTY SPECIAL DISTRICTS ASSOCIATION MEETING

The Commission noted the report.

Commissioner Hall requested staff to provide information to special districts about the cost of leased office space as change in costs are important to smaller special districts.

**11.9 SANTA CLARA COUNTY ASSOCIATION OF PLANNING OFFICIALS (SCCAPO)
MEETING**

The Commission noted the report.

12. CALAFCO RELATED ACTIVITIES

12.1 NOMINATIONS TO THE 2016/2017 CALAFCO BOARD OF DIRECTORS

The Commission took no action.

12.2 DESIGNATE VOTING DELEGATE AND ALTERNATE

After a brief discussion, Alternate Commissioner Rennie was designated as the voting delegate and Commissioner Wilson as the alternate.

The Commission appointed Alternate Commissioner Rob Rennie as the voting delegate and Commissioner Vicklund Wilson as the alternate voting delegate to the CALAFCO Board of Directors election.

Motion: Wilson

Second: LeZotte

AYES: Hall, Kalra, LeZotte, Milius, Wasserman, Wilson, Yeager

NOES: None

ABSTAIN: None

ABSENT: None

MOTION PASSED

13. PENDING APPLICATIONS / UPCOMING PROJECTS

Ms. Palacherla informed that the Monte Sereno Urban Service Area/Sphere of Influence Amendment 2016 will be heard at the October meeting. She also noted that various revisions to the Bylaws will be considered at that meeting, along with the FY 2015-16 Annual Report.

14. COMMISSIONER REPORTS

There was none.

15. NEWSPAPER ARTICLES / NEWSLETTERS

There was none.

16. WRITTEN CORRESPONDENCE

There was none.

17. ADJOURN

The Commission adjourned at 2:15 PM to the regular LAFCO meeting on October 5, 2016 at 1:00 PM in the Board Meeting Chambers, 70 West Hedding Street, San Jose.

Approved on _____.

Mike Wasserman, Chairperson
Local Agency Formation Commission of Santa Clara County

By: _____
Emmanuel Abello, LAFCO Clerk

