



**Local Agency
Formation Commission
of Santa Clara County**
777 North First Street
Suite 410
San Jose, CA 95112
SantaClaraLAFCO.org

Commissioners
Susan Ellenberg
Sequoia Hall
Sergio Jimenez
Linda J. LeZotte
Rob Rennie
Mike Wasserman
Susan Vicklund Wilson

Alternate Commissioners
Cindy Chavez
Maya Esparza
Yoriko Kishimoto
Russ Melton
Terry Trumbull
Executive Officer
Neelima Palacherla

LAFCO MEETING MINUTES WEDNESDAY, OCTOBER 17, 2018

CALL TO ORDER

The meeting was called to order at 10:03 a.m.

1. ROLL CALL

The following commissioners were present:

- Chairperson Ken Yeager
- Vice Chairperson Susan Vicklund Wilson
- Commissioner Sequoia Hall
- Commissioner Sergio Jimenez
- Commissioner Rob Rennie
- Commissioner John L. Varela
- Commissioner Mike Wasserman
- Alternate Commissioner Yoriko Kishimoto (arrived at 10:54 a.m.)
- Alternate Commissioner Russ Melton

The following commissioners were absent:

- Alternate Commissioner Sylvia Arenas
- Alternate Commissioner Cindy Chavez
- Alternate Commissioner Terry Trumbull

The following staff members were present:

- LAFCO Executive Officer Neelima Palacherla
- LAFCO Assistant Executive Officer Dunia Noel
- LAFCO Analyst Lakshmi Rajagopalan
- LAFCO Clerk Emmanuel Abello
- LAFCO Counsel Malathy Subramanian

2. PUBLIC COMMENTS

Chairperson Yeager moved to add agenda items 3, 7, 8, 9 and 12 to the consent calendar, and **Commissioner Wasserman** seconded. **Commissioner Wilson** requested discussion on Item 8.14.

Chairperson Yeager requested an Order of the Day item on the future agenda. The Commission added items 3, 7, 8, 9 and 12 to the consent calendar, with the exception of Item 8.14, and approved the consent calendar.

Motion: Yeager

Second: Wasserman

AYES: Yeager, Hall, Jimenez, Rennie, Varela, Wasserman, Vicklund Wilson

NOES: None

ABSTAIN: None

ABSENT: None

MOTION PASSED

3. MINUTES OF JUNE 6, 2018 LAFCO MEETING

The Commission approved on consent the minutes of the June 6, 2018 LAFCO meeting.

Motion: Yeager

Second: Wasserman

AYES: Yeager, Hall, Jimenez, Rennie, Varela, Wasserman, Vicklund Wilson

NOES: None

ABSTAIN: None

ABSENT: None

MOTION PASSED

4. PROPOSED REVISION OF LAFCO BYLAWS TO INCLUDE POLICIES FOR DISCLOSURE OF EX PARTE COMMUNICATION & POLICIES FOR RECONSIDERATION

Ms. Noel presented the staff report.

This being the time and place for the public hearing, **Chairperson Yeager** declared the public hearing open, determined that there are no speakers from the public, and closed the public hearing.

In response to inquiries by **Commissioners Jimenez** and **Wasserman**, Ms. Subramanian clarified that the Commission may ask questions of staff after the public hearing is closed and explained that the proposed policy would require commissioners to disclose text or email messages that they receive and read during the meeting. In response to an inquiry by **Commissioner Rennie**, Ms. Subramanian advised that if the public hearing on a proposal is closed but continued to another date, the policy would require members to disclose their ex parte communications between the two meetings. **Commissioner Wilson** noted that if the public hearing is continued, LAFCO could receive more information from staff and the public at the next meeting. In response to comments by **Commissioner Wasserman**, Ms. Palacherla proposed to delete #4 and several commissioners expressed agreement. **Commissioner Hall** informed that texting and communicating after the closure of public hearing is a real issue since the public can reach members electronically and it is incumbent upon the members to disclose such correspondence to ensure transparency. **Commissioner Wilson** proposed to revise #4 to indicate that

members shall disclose texts and emails received between the time the public hearing is closed and the final decision is made. **Commissioners Wasserman and Hall** restated #4 to indicate that following the closure of the public hearing and prior to a final decision, commissioners shall disclose any electronic or personal communications that may have taken place during that time.

The Commission amended the LAFCO Bylaws to include: (a) Ex Partee Communication Disclosure Policies, as revised, and (b) Reconsideration Policies.

Motion: Wasserman Second: Varela

AYES: Yeager, Hall, Jimenez, Rennie, Varela, Wasserman, Vicklund Wilson

NOES: None ABSTAIN: None ABSENT: None

MOTION PASSED

5. ANNUAL FINANCIAL AUDIT REPORT (JUNE 30, 2018)

Sheldon Chavan of Chavan & Associates, LLP, presented the Audit Report.

Ms. Palacherla expressed appreciation to Commissioner Jimenez for his participation in the consultant selection process, and to the staff of various County departments, including the Controller's Office, County Executive's Fiscal Unit, and the Employees Services Agency for their assistance with preparation for the audit.

Chairperson Yeager congratulated staff on the audit report.

The Commission received and filed the Annual Financial Audit Report (June 30, 2018) prepared for Santa Clara LAFCO by Chavan & Associates, LLP.

Motion: Jimenez Second: Wasserman

AYES: Yeager, Hall, Jimenez, Rennie, Varela, Wasserman, Vicklund Wilson

NOES: None ABSTAIN: None ABSENT: None

MOTION PASSED

6. LAFCO COMMUNICATIONS AND OUTREACH PLAN

Ms. Palacherla introduced the project and LAFCO's consultant team. Marianna Leuschel, Michael Meehan and Chad Upham presented the Draft LAFCO Communications and Outreach Plan and the Identity Style Guide.

In response to an inquiry by **Commissioner Hall**, Ms. Palacherla informed that there is a need to distinguish LAFCO of Santa Clara County from the other LAFCOs at the state-level. **Commissioner Hall** recommended that the word "County" be included in the design elements. He also suggested that LAFCO consider platforms such as Nextdoor.com that allow government agencies to post community-wide messages without a cost.

Commissioner Varela noted that the work is excellent. He expressed concern with the proposed pledge as it relates to curbing sprawl and protecting agricultural lands, and he inquired what would happen if violations occur.

Commissioner Wasserman agreed with Commissioner Hall that the proposed logo should include the word "County." He acknowledged the hard work put into the Plan which summarizes LAFCO's purpose and mission, and noted that it would benefit new LAFCO members. However, he indicated that there is no need to promote LAFCO because it is the only agency that can do what it does. He expressed concern about the pledge as it relates to conversion of agricultural land and inquired if he would be violating it if he voted in favor of converting 10 acres of agricultural land with 1:1 mitigation. He reiterated that "Santa Clara County" be incorporated into the logo to emphasize the scope of its jurisdiction.

Commissioner Jimenez noted that the proposed logo is an improvement over the existing one and indicated his support for the Plan as it would provide great value for how LAFCO publicizes itself. He expressed his support for the pledge and offered a compromise by deleting the detailed language describing LAFCO's mission under #1 and by removing the signature line. He noted that the pledge expresses the commissioners' commitment to serve the interest of the public as whole and not solely that of their appointing authority. He stated that he always reminds himself that his LAFCO role is to represent the interests of the whole county and not just that of the City of San Jose.

Commissioner Rennie expressed agreement with the communications products such as the map and the messages which help people understand where LAFCO is coming from, how it is creating public value, and how the cities and landowners would better understand what LAFCO could and could not approve. He also expressed agreement with the Plan's targeted audience. He expressed his support for the pledge as it only states what LAFCO's mission is and is intended to help members understand their role.

Commissioner Wilson congratulated staff and the consultants and noted that their work helps new commissioners and with doing public outreach. She stated her support for the pledge because it expresses the commitment of members. She expressed the need to complete the needed public outreach materials and with the suggestion to add "County" on the logo to remove any confusion.

Alternate Commissioner Melton indicated that he enjoyed the materials created by the consultants. He expressed the need for LAFCO to be transparent and reach out because some members of the public have little understanding about the agency. He recalled that at the workshop he noted that the pledge might be controversial. He expressed his willingness to sign the pledge and noted that its text is derived from the LAFCO law.

Alternate Commissioner Kishimoto apologized for being late. She indicated that she participated in consultant selection and complimented the product. She

recommended approval of the logo without any changes and stated that the proposed logo looks clean and fresh. She also informed that the pledge only states that commissioners understand and agree to uphold the LAFCO mission.

Doug Muirhead, resident of Morgan Hill, welcomed the Plan's vision for the county as an interdependent, resilient whole and expressed the need for commissioners to better understand LAFCO's institutional culture. He stated that a written plan is a good first step and expressed hope that LAFCO would use it effectively.

In response to the suggestions by Commissioners Wasserman and Yeager that Santa Clara County be included in the logo, Ms. Palacherla proposed that rather than revise the logo, an option would be to add "Local Agency Formation Commission of Santa Clara County" underneath the logo. A discussion ensued among commissioners, staff and the consultant on how to incorporate the name of the County, and a consensus was reached to revise the logo and include "LAFCO of Santa Clara County" in smaller font below or near the logo.

Chairperson Yeager noted that he is generally not in favor of pledges and that he had never had to make a pledge to the mission of an organization. **Commissioner Wasserman** observed that the only oath he took is to defend the Constitution. **Commissioner Jimenez** noted that a pledge may be appropriate since LAFCO is uniquely different from other local agencies and suggested that the Commission work out a compromise.

Commissioner Wasserman noted that his definition for urban sprawl or agricultural lands preservation could be different and that his interpretation of the LAFCO mission maybe entirely different.

Commissioner Varela indicated that his oath of office for his elected position sufficiently allows him to exercise authority on any committee or commission, and he expressed his understanding of LAFCO's mission which he would follow but that he sees no need to sign a pledge.

Commissioner Hall explained that LAFCO is uniquely different from the other agencies as its members must suspend their elected roles as South County or San Jose, or Open Space Authority representatives and represent the entire county and what is best for the entirety of the county. He acknowledged the suggestion of Alternate Commissioner Kishimoto and stated that the most important part of the pledge is suspending the other roles when on LAFCO.

Commissioner Wilson informed that as a teacher of the CALAFCO 101 class, she believes that explaining to commissioners the need to take off their other hats when they are on LAFCOs is one of the most important things. She indicated that LAFCO commissioners should not have a problem signing the pledge since it only states what is in LAFCO law.

A brief discussion ensued among the commissioners and it was agreed that the motion be amended to delete the repeated "I pledge" subitems under paragraph #1.

Commissioner Rennie stated that a signed pledge is a reminder of the LAFCO mission and indicated that he would vote in support of that. **Commissioner Wilson** agreed, and suggested that both current and new commissioners sign the pledge and expressed her support for deletion of the “I pledge” subitems under paragraph #1 if that creates consensus.

The Commission:

1. Determined that the Communications and Outreach Plan and the recommendations of this staff report are exempt from the requirements of the California Environmental Quality Act (CEQA) under §15061(b)(3) of the CEQA Guidelines.
2. Adopted the Communications and Outreach Plan.
3. Amended the LAFCO Bylaws to include policies for Commissioner Pledge.

Motion: Jimenez

Second: Vicklund Wilson

AYES: Yeager, Hall, Jimenez, Rennie, Varela, Wasserman, Vicklund Wilson

NOES: None

ABSTAIN: None

ABSENT: None

MOTION PASSED

Chairperson Yeager and **Commissioner Wasserman** agreed that the Plan has met the Commission’s objectives for communications and outreach and will be useful in informing the public and new members about LAFCO.

Commissioner Wilson moved to approve Item No. 5 of the staff recommendation, and **Commissioner Hall** seconded.

The Commission authorized the LAFCO Executive Officer to amend the L Studio service agreement, subject to LAFCO Counsel’s review and approval, in order to (a) extend the agreement term to December 31, 2019, and (b) include an additional amount not to exceed \$48,500 for building a new LAFCO website, creating a professional PowerPoint presentation, and designing public exhibits.

Motion: Vicklund Wilson

Second: Hall

AYES: Yeager, Hall, Jimenez, Rennie, Varela, Wasserman, Vicklund Wilson

NOES: None

ABSTAIN: None

ABSENT: None

MOTION PASSED

Chairperson Yeager clarified that the action adopting the Plan included direction to spell out LAFCO of Santa Clara County along with the logo.

7. 2017-2018 LAFCO ANNUAL REPORT

Ms. Palacherla presented the staff report.

The Commission accepted on consent the 2017-2018 Annual Report.

Motion: Yeager

Second: Wasserman

AYES: Yeager, Hall, Jimenez, Rennie, Varela, Wasserman, Vicklund Wilson

NOES: None

ABSTAIN: None

ABSENT: None

MOTION PASSED

8. EXECUTIVE OFFICER'S REPORT

8.1 PARTICIPATION IN GLOBAL CLIMATE ACTION SUMMIT AFFILIATE EVENT: A TALE OF THREE VALLEYS

The Commission noted the report.

8.2 UPDATE ON THE LAFCO COMMUNICATIONS AND OUTREACH PLAN

The Commission noted the report.

8.3 TOUR AND MEETING WITH STATE DEPARTMENT OF CONSERVATION STAFF

The Commission noted the report.

8.4 MEETINGS WITH STATE WATER RESOURCES CONTROL BOARD STAFF ON SMALL WATER SYSTEMS

The Commission noted the report.

8.5 MEETING ON THE PROPOSED AGRICULTURAL WORKER HOUSING DEVELOPMENT IN UNINCORPORATED COUNTY OUTSIDE GILROY

The Commission noted the report.

8.6 PHONE CALL REGARDING SANTA CLARA COUNTY'S AUDIT OF THE SOUTH SANTA CLARA COUNTY FIRE PROTECTION DISTRICT

The Commission noted the report.

8.7 MEETING WITH CITY OF GILROY STAFF ON POTENTIAL URBAN SERVICE AREA EXPANSIONS AND ANNEXATIONS

The Commission noted the report.

8.8 MEETING WITH SANTA CLARA COUNTY PLANNING STAFF ON VARIOUS ISSUE

The Commission noted the report.

8.9 INQUIRIES FROM PROPERTY OWNERS ON VARIOUS ISSUES

The Commission noted the report.

8.10 CONFERENCE CALL WITH STATE DEPARTMENT OF CONSERVATION STAFF ON PRIME FARMLAND DEFINITIONS

The Commission noted the report.

8.11 SANTA CLARA COUNTY SPECIAL DISTRICTS ASSOCIATION MEETING

The Commission noted the report.

8.12 SANTA CLARA COUNTY ASSOCIATION OF PLANNING OFFICIALS MEETING

The Commission noted the report.

8.13 INTER-JURISDICTIONAL GIS WORKING GROUP MEETINGS

The Commission noted the report.

8.14 COMMENT LETTER ON CORDOBA CENTER PROJECT DRAFT ENVIRONMENTAL IMPACT REPORT

Dunia Noel presented the staff report.

Commissioner Wilson expressed concern about allowing such development in the unincorporated areas as it may eventually need city services, and with expansion of city services could create urban sprawl. She indicated that leapfrog development threatens the viability of farming. She noted that the Commission must be aware of what the County is doing because even though it currently does not require LAFCO approval it may eventually impact LAFCO.

Commissioner Wasserman informed that the County cannot prohibit religious uses in unincorporated areas but can only regulate its size. He stated that the situation is unique because it is difficult to hold public gatherings of hundreds of people in a facility that is served by well water and a leach field. He indicated that the County is not pushing the project.

Commissioner Wilson expressed her agreement and indicated that the Cordoba Center has to meet certain standards and prepare an environmental impact report.

9. CALAFCO RELATED ACTIVITIES

9.1 SANTA CLARA LAFCO RECEIVES 2018 “MOST EFFECTIVE COMMISSION” AWARD

Commissioner Wilson informed that this is the third time that the Commission has received the award and that Santa Clara LAFCO is highly regarded and respected by the other LAFCOs around the state. She noted that the Commission should be proud as it upholds the CKH Act and makes difficult decisions.

9.2 REPORT ON THE 2018 CALAFCO ANNUAL CONFERENCE

The Commission noted the report.

9.3 CALAFCO WHITE PAPER: CREATING SUSTAINABLE COMMUNITIES AND LANDSCAPES

The Commission noted the report.

9.4 SANTA CLARA LAFCO TO HOST 2019 CALAFCO STAFF WORKSHOP IN SAN JOSE

The Commission noted the report.

10. PENDING APPLICATIONS / UPCOMING PROJECTS

Ms. Palacherla informed that staff has received an application from Morgan Hill for an urban service area amendment. She reported that staff is reviewing the application and has until the end of the month to decide if it is complete. She stated that if the application is not ready to be heard in December, it would be brought forward in February.

11. COMMISSIONER REPORTS

There was none.

12. NEWSPAPER ARTICLES / NEWSLETTERS

The Sphere, October 2018

13. WRITTEN CORRESPONDENCE

The Commission noted the letters from the Special District Risk Management Authority Regarding President's Special Acknowledgement Awards.

14. PERFORMANCE EVALUATION

The Commission adjourned to closed session at 11:50 a.m., and reconvened at 11:54 a.m., with no report.


15. ADJOURN

The Commission adjourned at 11:54 a.m., to the regular LAFCO meeting on December 5, 2018 at 1:15 p.m., in the Board Meeting Chambers, 70 West Hedding Street, San Jose.

Approved on 4/3/2019.



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


By: _____
Emmanuel Abello, LAFCO Clerk