



**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, FEBRUARY 6, 2019**

### **CALL TO ORDER**

The meeting was called to order at 1:18 p.m.

### **1. ROLL CALL**

#### **The following commissioners were present:**

- Commissioner Susan Ellenberg
- Commissioner Sequoia Hall
- Commissioner Sergio Jimenez
- Commissioner Linda J. LeZotte
- Commissioner Rob Rennie
- Commissioner Mike Wasserman
- Commissioner Susan Vicklund Wilson
- Alternate Commissioner Russ Melton
- Alternate Commissioner Terry Trumbull (left at 2:22 p.m.)

#### **The following commissioners were absent:**

- Alternate Commissioner Cindy Chavez
- Alternate Commissioner Maya Esparza
- Alternate Commissioner Yoriko Kishimoto

#### **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. APPOINTMENT OF 2019 LAFCO CHAIRPERSON AND VICE CHAIRPERSON**

Ms. Palacherla presented the staff report.

In response to an inquiry by **Commissioner LeZotte**, Ms. Palacherla informed that the cities member served as vice chairperson in 2015 and as chairperson in 2016 for

a while but the City of San Jose member has not served in a leadership role for several years. **Commissioner Jimenez** expressed his willingness to serve.

A brief discussion ensued between **Commissioner Wasserman** and staff regarding changes in the representation from San Jose and the other cities in recent years that resulted in the irregular rotation of the chairperson position.

**Commissioner Wasserman** expressed support for the appointment of Commissioner Wilson as the chairperson in 2019 but indicated that he would discuss term limits and public member recruitment process under Agenda Item #10.

**Commissioner Hall** informed that San Jose was skipped when he, a special districts member, was appointed as chairperson.

The Commission appointed Commissioner Susan Vicklund Wilson as Chairperson for 2019 and Commissioner Sergio Jimenez as Vice Chairperson.

Motion: Hall

Second: LeZotte

AYES: Ellenberg, Hall, Jimenez, LeZotte, Rennie, Wasserman, Vicklund Wilson

NOES: None

ABSTAIN: None

ABSENT: None

**MOTION PASSED**

### **3. WELCOME NEW COMMISSIONERS**

**Chairperson Wilson** welcomed Commissioners Susan Ellenberg and Linda LeZotte to LAFCO.

**Commissioner LeZotte** thanked outgoing Commissioners John Varela and Ken Yeager, and she expressed her pleasure to be back on LAFCO. **Commissioner Ellenberg** stated that she had requested appointment to LAFCO and that LAFCO's mission aligns with her vision for preservation of open space in Santa Clara County.

### **4. RESOLUTION OF COMMENDATION FOR OUTGOING COMMISSIONER JOHN VARELA**

The Commission unanimously adopted and presented the Resolution of Commendation to former LAFCO Commissioner John Varela.

### **5. RESOLUTION OF COMMENDATION FOR OUTGOING COMMISSIONER KEN YEAGER**

The Commission unanimously adopted and presented the Resolution of Commendation to former LAFCO Commissioner Ken Yeager.

### **6. APPROVE MINUTES OF DECEMBER 5, 2018 LAFCO MEETING**

The Commission approved the minutes of the December 5, 2018 LAFCO meeting.

Motion: Wasserman

Second: Jimenez

AYES: Ellenberg, Hall, Jimenez, Rennie, Wasserman, Vicklund Wilson

NOES: None

ABSTAIN: LeZotte

ABSENT: None

**MOTION PASSED**

**7. PUBLIC COMMENTS**

Public Comments.

Sandra Yeaton requested that the Commission conduct a review of Rancho Rinconada Recreation and Park District (RRRPD). She described various concerns, including the Board's lack of oversight over its management and its disregard of the public's requests for programs, inflated staff salaries, allowing a private business, Oasis Swimming School, to operate and post signs within the district's premises, the lack of public outreach about the District's functions, vacant Board seats that remain unfilled, staff's use of expensive hotels during their business travel, the discrepancy between the hours of operations and staff salaries, among other concerns. She provided the Commission with a letter describing her concerns.

**Commissioner Hall** indicated that these types of issues may be brought up during the service review and he noted that the previous service review for RRRPD considered absorption of the district into the City of Cupertino but that the City was not eager to pursue that option at that time.

Renee Henderson, a resident of Cupertino, stated that the RRRPD must establish human resources policies in order to set reasonable performance-based salaries for its staff. She questioned the basis for the staff salaries set by RRRPD board and suggested that the District hire a consultant to establish various processes which will help establish public trust in the district. She likewise provided the Commission with a letter expressing these concerns.

**Commissioner Wasserman** proposed to add items 12, 13, 14 and 18 to the consent calendar. **Chairperson Wilson** stated that Item 13.1 requires action and that staff has a comment on Item 14.

**8. WEST BAY SANITARY DISTRICT 2018-01 (ARASTRADERO ROAD)**

The Commission approved the item on consent and forwarded the following recommendation to LAFCO of San Mateo County for its consideration:

CEQA Action

1. Determined that the proposal is categorically exempt from the provisions of CEQA pursuant to State CEQA Guidelines §15319 (a) & (b), and §15303(d).

Project Action



Doug Muirhead, a resident of Morgan Hill, directed attention to his letter expressing support for reappointing Commissioner Wilson to another four-year term. He informed that Morgan Hill City Council wants all seven LAFCO commissioners to approve its unilateral actions that are contrary to the LAFCO mission. He questioned the Mayor's use of the 2017 Civil Grand Jury Report as the basis for requesting term limits as the Report was effectively disputed by LAFCO and others. He also noted how Mayor Constantine dismissed the benefits of long-term service on LAFCO but credited the longevity of former Morgan Hill Mayor Tate's service on the Library JPA as the reason for improvements in Morgan Hill libraries.

**Commissioner Wasserman** noted that Commissioner Wilson has extensive knowledge of LAFCO as she has demonstrated at the LAFCO meetings. He also noted her multiple years of service on the CALAFCO Board. He stated that in general there should be term limits to bring in fresh perspectives and representing different backgrounds like education, ethnicities, sex, and city of origin among others. He stated that Mayor Constantine's letter has brought up term limits for discussion. He expressed appreciation for Mr. Muirhead's comments in support of the incumbents, but he indicated that the Commission should set term limits. He noted that his suggestion is about the public member appointment process and is not meant to be personal.

**Commissioner Wasserman** moved to direct staff to bring back recommendations on term limits for the Commission's consideration. **Vice Chairperson Jimenez** inquired if the motion includes either option 1 or 2, and **Commissioner Wasserman** indicated that he voted to appoint Commissioner Wilson as chairperson in 2019 but stated that the motion is only direction to staff and does not include either option 1 or 2 of the staff report. In response to **Vice Chairperson Jimenez**, Ms. Subramanian advised that as the item on the agenda is whether to reappoint the incumbents or to conduct a public recruitment process, the discussion must focus on term limits for the public member and noted that term limits for all commissioners maybe brought back for discussion on a future agenda. **Vice Chairperson Jimenez** noted that the motion has no second. He stated that he supports term limits as it is vital to democracy and indicated that this discussion has nothing against the incumbents who are well-qualified.

**Commissioner Wasserman** amended his motion to approve Option #1 of the staff report and to direct staff to report back on term-limits. **Commissioner Ellenberg** seconded.

**Commissioner Hall** stated that LAFCO should be distressed to receive such a letter from Morgan Hill which references the Grand Jury Report as the basis for requesting term limits. He agreed with Mr. Muirhead that the Grand Jury report was tainted as it was not disclosed that the foreperson of the Grand Jury was an advocate for the project that LAFCO denied. He expressed general support for term limits and suggested that it also apply to the County positions. He informed that the Supervisor from District 1 has a permanent appointment to LAFCO even though LAFCO



**Vice Chairperson Jimenez** called attention to the second motion. **Commissioner Ellenberg** inquired if the motion includes public outreach. **Commissioner Wasserman** informed that the motion is to direct staff to agendise a discussion on term limits at a future date and develop a public outreach process for advertising the public member position and promoting the vacancy. He noted that this applies only to public and alternate public member positions since the other commissioners are appointed by other bodies.

Ms. Subramanian advised against discussing the details of the term limits at this time since it is not on the agenda. In response to the inquiry by **Commissioner Hall**, Ms. Subramanian advised that the discussion is only to provide direction and not to have a discussion in full at this meeting. **Commissioner Hall** reiterated that the term limit conversation must include Supervisorial District 1 because that representation has been permanently appointed to LAFCO even though LAFCO takes actions affecting other parts of the county. He noted that resources needed for the proposed outreach must also be considered.

**Vice Chairperson Jimenez** expressed agreement that outreach is important since the public is unaware about LAFCO. In response to an inquiry by **Vice Chairperson Jimenez**, **Commissioner Wasserman** stated that this agenda item included a letter from Mayor Constantine requesting that LAFCO consider term limits. He noted that there are existing processes for appointing the other LAFCO commissioners but there is a need for outreach to recruit public member candidates similar to how city planning commissioners are recruited. He noted that the current public member is wonderful and that this is not personal. He stated that the current workplan calls for presentations on LAFCO to various bodies and suggested that such presentations may include information when there is an opening for the public member position. **Commissioner Rennie** seconded.

The Commission directed staff to prepare a report and agendise for a future meeting, a discussion on term limits for LAFCO commissioners and a public outreach process for appointing public members.

Motion: Wasserman

Second: Rennie

AYES: Ellenberg, Hall, Jimenez, LeZotte, Rennie, Wasserman

NOES: None

ABSTAIN: Vicklund Wilson

ABSENT: None

### **MOTION PASSED**

**Alternate Commissioner Trumbull** informed that he is taking his class to the Santa Clara County Superior Court. **Chairperson Wilson** presided at the meeting.

## **11. FINANCE COMMITTEE FOR FISCAL YEAR 2019-2020**

**Chairperson Wilson** noted that Commissioners Hall, Jimenez and Rennie served on the Finance Committee last year.





**12.10 QUARTERLY MEETING WITH SANTA CLARA COUNTY DEPARTMENT PLANNING STAFF**

The Commission noted the report.

**12.11 SANTA CLARA COUNTY SPECIAL DISTRICTS ASSOCIATION MEETING**

The Commission noted the report.

**12.12 SANTA CLARA COUNTY ASSOCIATION OF PLANNING OFFICIALS MEETINGS**

The Commission noted the report.

**12.13 INTER-JURISDICTIONAL GIS WORKING GROUP MEETING**

The Commission noted the report.

**13. CALAFCO RELATED ACTIVITIES**

**13.1 2019 CALAFCO STAFF WORKSHOP**

Ms. Noel presented the staff report.

The Commission authorized staff to attend the 2019 CALAFCO Staff Workshop and authorized travel expenses funded by the LAFCO budget.

Motion: LeZotte

Second: Hall

AYES: Ellenberg, Hall, Jimenez, LeZotte, Rennie, Wasserman, Vicklund Wilson

NOES: None

ABSTAIN: None

ABSENT: None

**MOTION PASSED**

**13.2 CALAFCO BOARD OF DIRECTORS MEETINGS**

The Commission noted the report.

**14. LEGISLATIVE REPORT**

Ms. Palacherla announced that LAFCOs are now eligible to apply for grants under the State's Sustainable Agricultural Lands Conservation Program which is distributed by the Strategic Growth Council. She informed that it is the grant that the County and the Open Space Authority used for the preparation of the Santa Clara Valley Agricultural Plan.

**15. PENDING APPLICATIONS / UPCOMING PROJECTS**

The Commission noted the report.

**16. COMMISSIONER REPORTS**

**Commissioner Rennie** announced that on February 5<sup>th</sup>, the Los Gatos Town Council voted to move ahead with streamlined annexation of 23 of its 32 urban pockets. He noted that he had initiated this discussion with Town staff nearly two years ago and is excited to see it move forward now. **Chairperson Wilson** congratulated Commissioner Rennie.

**17. NEWSPAPER ARTICLES / NEWSLETTERS**

The Commission noted the report.

**18. WRITTEN CORRESPONDENCE**

The Commission noted the following correspondence:

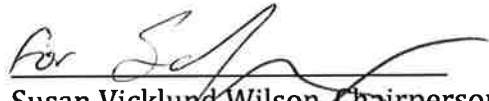
18.1 El Camino Hospital Corporation – Notice of Intent to Purchase of Real Property

18.2 Notification of Nominations – SDRMA Board of Directors 2019 Election

**19. ADJOURN**

The Commission adjourned at 2:27 p.m., to the regular LAFCO meeting on April 3, 2019 at 1:15 p.m., in the Board Meeting Chambers, 70 West Hedding Street, San Jose.

Approved on 4/3/2019.

*For Susan*  


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

By:   
Emmanuel Abello, LAFCO Clerk