



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

**Commissioners**  
Rich Constantine  
Susan Ellenberg  
Sergio Jimenez  
Yoriko Kishimoto  
Gary Kremen  
Mike Wasserman  
Susan Vicklund Wilson

**Alternate Commissioners**  
Helen Chapman  
Cindy Chavez  
Matt Mahan  
Russ Melton  
Terry Trumbull  
**Executive Officer**  
Neelima Palacherla

## **LAFCO MEETING MINUTES WEDNESDAY, APRIL 7, 2021**

### **CALL TO ORDER**

The meeting was called to order at 1:15 p.m.

Pursuant to the provisions of California Governor's Executive Order N-29-20 issued on March 17, 2020, this meeting was held by teleconference only.

### **1. ROLL CALL**

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

- Chairperson Susan Ellenberg
- Commissioner Rich Constantine
- Commissioner Sergio Jimenez
- Commissioner Yoriko Kishimoto
- Commissioner Gary Kremen
- Commissioner Mike Wasserman
- Commissioner Susan Vicklund Wilson
- Alternate Commissioner Helen Chapman
- Alternate Commissioner Matt Mahan (left at 1:19 p.m.)
- Alternate Commissioner Terry Trumbull

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

- Alternate Commissioner Cindy Chavez
- Alternate Commissioner Russ Melton

#### **The following staff members were present:**

- Neelima Palacherla, LAFCO Executive Officer
- Dunia Noel, LAFCO Assistant Executive Officer
- Emmanuel Abello, LAFCO Clerk
- Mala Subramanian, LAFCO Counsel

### **2. WELCOME NEW COMMISSIONER**

**Chairperson Ellenberg** welcomed Alternate Commissioner Matt Mahan from the City of San Jose. Mr. Mahan expressed his desire to serve on LAFCO and indicated his willingness to work with the other members.

**3. APPOINTMENT OF 2021 LAFCO VICE-CHAIRPERSON**

**Commissioner Jimenez** nominated Commissioner Constantine to serve as Vice-Chairperson. **Commissioner Vicklund Wilson** seconded.

**Chairperson Ellenberg** determined that there are no speakers from the public who would like to speak on the item.

**Commissioner Wasserman** noted that the appointment of Commissioner Constantine as Vice Chairperson, who is representing the cities, will return the LAFCO chair/vice-chair rotation back to its normal schedule.

Motion: Jimenez

Second: Vicklund Wilson

AYES: Constantine, Ellenberg, Jimenez, Kishimoto, Kremen, Wasserman, Vicklund Wilson

NOES: None

ABSTAIN: None

ABSENT: None

**MOTION PASSED**

**4. PUBLIC COMMENTS**

There were none.

**5. APPROVE CONSENT CALENDAR**

**Chairperson Ellenberg** proposed inclusion of Agenda Items 6, 9, 10, 12.4, 12.5, 12.6, 12.7, 12.8, 13, 17 and 18 on the consent calendar for approval in one motion, without discussion if there is no objection.

**Chairperson Ellenberg** determined that there are no speakers from the public who would like to speak on the items.

The Commission approved Agenda Items 6, 9, 10, 12.4, 12.5, 12.6, 12.7, 12.8, 13, 17 and 18 on consent.

Motion: Ellenberg

Second: Wasserman

AYES: Constantine, Ellenberg, Jimenez, Kishimoto, Kremen, Wasserman, Vicklund Wilson

NOES: None

ABSTAIN: Kremen

ABSENT: None

**MOTION PASSED**

**\*6. CONSENT ITEM: MINUTES OF FEBRUARY 3, 2021 LAFCO MEETING**

The Commission approved the minutes of February 3, 2021 meeting.

**7. PROPOSED WORK PLAN AND BUDGET FOR FY 2022**

Ms. Palacherla provided a brief report.

**Chairperson Ellenberg** determined that there are no speakers from the public who would like to speak on the item.

In response to an inquiry by **Commissioner Constantine** on staffing, Ms. Palacherla informed that the County still is working on a classification study based on the recommendations from the Comprehensive Organizational Assessment Study, and when the County completes that study the ad hoc committee will meet to discuss its implementation and report back to the full Commission. In response to his inquiry regarding LAFCO's office space, Ms. Palacherla informed that the lease will end in mid-2022 and that, following the direction from the Finance Committee, she has requested the landlord for rent reduction based on the market situation and staff is waiting for a response. **Commissioner Constantine** proposed consideration in a future meeting the possibility of relocating the LAFCO office back at a County facility in order to reduce cost.

**Commissioner Wasserman** moved for approval of the proposed budget, expressing support for filling the vacant analyst position in consideration of the LAFCO workload but not for adding more staff. In response to his inquiry, Ms. Palacherla advised that an RFP for consultant services has been issued for the Countywide Fire Service Review. **Commissioner Kremen** seconded.

**Chairperson Ellenberg** indicated that the detailed work plan helps in understanding the work being done by a small staff and that to be done by the consultant. In response to her additional inquiries, Ms. Palacherla informed that there was an office space issue at the County, the LAFCO office was relocated several times, and when the LAFCO office was relocated to Charcot which did not meet LAFCO business needs, the Commission directed staff to lease private office space. Ms. Palacherla indicated that the any cost for the County office space was included in the cost allocation plan, and that Attachment B illustrates that rental costs incurred starting in FY 2018. She stated that staff has no preference whether the LAFCO office is located in a County building or leased office if the space and location are adequate for LAFCO functions.

The Commission:

1. Adopted the Proposed Work Plan for Fiscal Year 2021-2022.
2. Adopted the Proposed Budget for Fiscal Year 2021-2022.
3. Found that the Proposed Budget for Fiscal Year 2022 is expected to be adequate to allow the Commission to fulfill its statutory responsibilities.
4. Authorized staff to transmit the Proposed Budget adopted by the Commission including the estimated agency costs as well as the LAFCO public hearing notice for the adoption of the Fiscal Year 2022 Final Budget to the cities, the special districts, the County, the Cities Association of Santa Clara County and the Santa Clara County Special Districts Association.

Motion: Wasserman

Second: Kremen

AYES: Constantine, Ellenberg, Jimenez, Kishimoto, Kremen, Wasserman, Vicklund  
Wilson

NOES: None

ABSTAIN: None

ABSENT: None

**MOTION PASSED**

**8. DISSOLUTION OF INACTIVE SPECIAL DISTRICT - RECLAMATION DISTRICT NO. 1663**

Ms. Noel presented the staff report.

**Chairperson Ellenberg** opened the public hearing, determined that there are no speakers from the public who would like to speak on the item.

The Commission:

CEQA Action

1. As Lead Agency under CEQA, determined that the proposed dissolution of Reclamation District No. 1663 is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines §15061(b)(3).

Project Action

2. Adopted Resolution No. 2021-03 approving dissolution of Reclamation District No. 1663.

Motion: Wasserman

Second: Kishimoto

AYES: Constantine, Ellenberg, Jimenez, Kishimoto, Kremen, Wasserman, Vicklund  
Wilson

NOES: None

ABSTAIN: None

ABSENT: None

**MOTION PASSED**

**\*9. CONSENT ITEM: WEST VALLEY SANITATION DISTRICT 2020-01 (SUVIEW DRIVE)**

The Commission:

CEQA Action

1. As Lead Agency under CEQA, 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

2. Approved the annexation of approximately 6.56 acres of land (APNs 537-24-023 and 537-24-024) located within the Town of Los Gatos, to the West Valley Sanitation District.
3. Waived protest proceedings pursuant to Government Code §56662(a).

**\*10. CONSENT ITEM: WEST VALLEY SANITATION DISTRICT 2020-02 (HIGH STREET)**

The Commission:

CEQA Action

1. As Lead Agency under CEQA, 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

2. Approved the annexation of approximately 1.154 acres of land (APN 532-23-095) located within the Town of Los Gatos, to the West Valley Sanitation District.
3. Waived protest proceedings pursuant to Government Code §56662(a).

**11. UPDATE ON THE COUNTYWIDE FIRE SERVICE REVIEW**

Ms. Noel presented the staff report.

In response to an inquiry by **Chairperson Ellenberg**, Ms. Noel advised that the two countywide studies on fire are very similar and there will be some overlap. She indicated that LAFCO's study will focus on determinations required under state law and will look at issues from the 2010 service review that are still relevant. She indicated that staff has reached out to the County as the two agencies could coordinate in order to improve efficiency even if the two studies are independent of each other. Ms. Palacherla informed that the County is in the process of negotiating a contract with their consultant and indicated that there may be coordination opportunities. In response to a follow-up inquiry by **Chairperson Ellenberg**, Ms. Palacherla advised that State law mandates LAFCO to conduct service reviews and make findings on certain criteria. She stated that LAFCO has conducted two such countywide fire service reviews in the past and that this study will be similar in scope to them and will be conducted at a high level. She noted that she is not sure if the county's study will focus more on operational issues. **Chairperson Ellenberg** acknowledged that LAFCO has a statutory requirement.

**12. EXECUTIVE OFFICER'S REPORT**

**12.1 Update on Rancho Rinconada and Park Recreation District Special Study**

The Commission accepted the report.

**12.2 Pre-Application Meeting with City of Gilroy on Wren Investors & Hewell USA Amendment**

The Commission accepted the report.

**12.3 Meetings Related to Property Owner Requests for Sewer Service Outside the Town of Los Altos Hills**

The Commission accepted the report.

**\*12.4 Consent Item: Santa Clara County Special Districts Association Meeting**

The Commission accepted the report.

**\*12.5 Consent Item: Santa Clara County Association of Planning Officials Meeting**

The Commission accepted the report.

**\*12.6 Consent Item: Inter-Jurisdictional GIS Working Group Meeting**

The Commission accepted the report.

**\*12.7 Consent Item: Joint Venture Silicon Valley's 2021 State of the Valley Conference**

The Commission accepted the report.

**\*12.8 Consent Item: 2021 AEP Intermediate CEQA Workshop**

The Commission accepted the report.

**\*13. CONSENT ITEM: CALAFCO RELATED ACTIVITIES**

The Commission accepted the report.

**14. LEGISLATIVE REPORT**

In response to inquiry by **Chairperson Ellenberg**, Ms. Palacherla welcomed the possibility of member agencies supporting LAFCO's position on bills in the state legislature, and she indicated that AB 1581 is the annual omnibus bill which includes only non-controversial and non-substantive changes to the CKH Act. **Chairperson Ellenberg** encouraged staff to reach out to member agencies as necessary.

The Commission:

1. Accepted report and provide direction to staff, as necessary.
2. Took a support position on AB 1581 and authorized staff to send a letter of support.

Motion: Kishimoto

Second: Wilson

AYES: Constantine, Ellenberg, Jimenez, Kishimoto, Kremen, Wasserman, Vicklund  
Wilson

NOES: None

ABSTAIN: None

ABSENT: None

**MOTION PASSED**

**15. PENDING APPLICATIONS / UPCOMING PROJECTS**

Ms. Palacherla reported the receipt of an application from the City of Morgan Hill for a water service extension outside its boundary. She also stated that an application is expected from the City of Gilroy for the expansion of its urban service area boundary.

**16. COMMISSIONER REPORTS**

**Commissioner Wasserman** enjoined those present to get vaccinated for Covid-19 as additional vaccine supply is now available.

**\*17. CONSENT ITEM: NEWSPAPER ARTICLES / NEWSLETTERS**

There were none.

**\*18. CONSENT ITEM: WRITTEN CORRESPONDENCE**

There were none.

**19. ADJOURN**

The Commission adjourned at 1:53 p.m., to the next regular LAFCO meeting on June 2, 2021 at 1:15 p.m., by teleconference.

Approved on June 2, 2021.

DocuSigned by:

*Susan Ellenberg*

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Susan Ellenberg, Chairperson

Local Agency Formation Commission of Santa Clara County

DocuSigned by:

*Emmanuel Abello*

By: 43C41738CE194CA

Emmanuel Abello, LAFCO Clerk