



**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

**REGULAR MEETING
February 2, 2022 ▪ 1:15 PM
AGENDA**

Chairperson: Rich Constantine ▪ Vice-Chairperson: Mike Wasserman

***** BY VIRTUAL TELECONFERENCE ONLY *****

Pursuant to AB 361, Government Code section 54953(e)(1)(A), this meeting will be held by teleconference only because the Governor has issued a state of emergency due to COVID-19 and the County Health Officer recommends public bodies continue to meet remotely. No physical location will be available for this meeting. However, members of the public will be able to access and participate in the meeting.

PUBLIC ACCESS AND PUBLIC COMMENT INSTRUCTIONS

PUBLIC ACCESS

Members of the public may access and watch a livestream of the meeting on Zoom at <https://sccgov-org.zoom.us/j/99321107318>. Alternately, the public may listen in to the meeting by dialing (669) 219-2599 and entering **Meeting ID 99321107318#** when prompted.

WRITTEN PUBLIC COMMENTS may be submitted by email to LAFCO@ceo.sccgov.org. Written comments will be distributed to the Commission as quickly as possible. Please note that documents may take up to 24 hours to be posted to the agenda on the LAFCO website.

SPOKEN PUBLIC COMMENTS will be accepted through the teleconference meeting. To address the Commission, click on the link <https://sccgov-org.zoom.us/j/99321107318> to access the Zoom-based meeting.

1. You will be asked to enter an email address and name. We request that you identify yourself by name as this will be visible online and will be used to notify you that it is your turn to speak.
2. When the Chairperson calls for the item on which you wish to speak, click on “raise hand” icon. The Clerk will activate and unmute speakers in turn. Speakers will be notified shortly before they are called to speak. (Call in attendees press *9 to request to speak, and *6 to unmute when prompted.)
3. When called, please limit your remarks to the time limit allotted.

NOTICE TO THE PUBLIC

1. Pursuant to Government Code §84308, no LAFCO commissioner shall accept, solicit, or direct a contribution of more than \$250 from any party, or his/her agent; or any participant or his /or her agent, while a LAFCO proceeding is pending, and for three months following the date a final decision is rendered by LAFCO. Prior to rendering a decision on a LAFCO proceeding, any LAFCO commissioner who received a contribution of more than \$250 within the preceding 12 months from a party or participant shall disclose that fact on the record of the proceeding. If a commissioner receives a contribution which would otherwise require disqualification returns the contribution within 30 days of knowing about the contribution and the proceeding, the commissioner shall be permitted to participate in the proceeding. A party to a LAFCO proceeding shall disclose on the record of the proceeding any contribution of more than \$250 within the preceding 12 months by the party, or his or her agent, to a LAFCO commissioner. For forms, visit the LAFCO website at www.santaclaralafco.org. No party, or his or her agent and no participant, or his or her agent, shall make a contribution of more than \$250 to any LAFCO commissioner during the proceeding or for 3 months following the date a final decision is rendered by LAFCO.
2. Pursuant to Government Code Sections 56100.1, 56300, 56700.1, 57009 and 81000 et seq., any person or combination of persons who directly or indirectly contribute(s) a total of \$1,000 or more or expend(s) a total of \$1,000 or more in support of or in opposition to specified LAFCO proposals or proceedings, which generally include proposed reorganizations or changes of organization, may be required to comply with the disclosure requirements of the Political Reform Act (See also, Section 84250 et seq.). These requirements contain provisions for making disclosures of contributions and expenditures at specified intervals. More information on the scope of the required disclosures is available at the web site of the FPPC: www.fppc.ca.gov. Questions regarding FPPC material, including FPPC forms, should be directed to the FPPC's advice line at 1-866-ASK-FPPC (1-866-275-3772).
3. Pursuant to Government Code §56300(c), LAFCO adopted lobbying disclosure requirements which require that any person or entity lobbying the Commission or Executive Officer in regard to an application before LAFCO must file a declaration prior to the hearing on the LAFCO application or at the time of the hearing if that is the initial contact. In addition to submitting a declaration, any lobbyist speaking at the LAFCO hearing must so identify themselves as lobbyists and identify on the record the name of the person or entity making payment to them. Additionally, every applicant shall file a declaration under penalty of perjury listing all lobbyists that they have hired to influence the action taken by LAFCO on their application. For forms, visit the LAFCO website at www.santaclaralafco.org.
4. Any disclosable public records related to an open session item on the agenda and distributed to all or a majority of the Commissioners less than 72 hours prior to that meeting are available for public inspection at the LAFCO Office, 777 North First Street, Suite 410, San Jose, California, during normal business hours. (Government Code §54957.5.)
5. In compliance with the Americans with Disabilities Act, those requiring accommodation for this meeting should notify the LAFCO Clerk 24 hours prior to the meeting at (408) 993-4705.

1. ROLL CALL

2. PUBLIC COMMENTS

This portion of the meeting provides an opportunity for members of the public to address the Commission on matters not on the agenda, provided that the subject matter is within the jurisdiction of the Commission. No action may be taken on off-agenda items unless authorized by law. Speakers are limited to THREE minutes. All statements that require a response will be referred to staff for reply in writing.

3. APPROVE CONSENT CALENDAR

The Consent Calendar includes Agenda Items marked with an asterisk (*). The Commission may add to or remove agenda items from the Consent Calendar. All items that remain on the Consent Calendar are voted on in one motion. If an item is approved on the Consent Calendar, the specific action recommended by staff is adopted. Members of the public who wish to address the Commission on Consent Calendar items should comment under this item.

***4. APPROVE MINUTES OF DECEMBER 1, 2021 LAFCO MEETING**

ITEMS FOR ACTION / INFORMATION

***5. RESOLUTION 2022-01 ALLOWING FOR VIDEO AND TELECONFERENCE MEETINGS DURING COVID-19 STATE OF EMERGENCY UNDER AB 361**

Recommended Action: Adopt Resolution No. 2022-01 allowing for video and teleconferencing meetings during COVID-19 State of Emergency under AB 361.

6. INITIATE DISSOLUTION OF INACTIVE SPECIAL DISTRICT – COUNTY SERVICE AREA FOR LIBRARY SERVICES (CSA-1)

CEQA Action

1. As Lead Agency under CEQA, determine that the proposed dissolution of County Service Area for Library Services (CSA-1) is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15061(b)(3).

Project Action

2. Adopt Resolution No. 2022-02 initiating dissolution of County Service Area for Library Services (CSA-1).

7. LAFCO BYLAWS CHANGES & NEW LEGISLATIVE POLICIES

Recommended Action:

1. Amend the LAFCO Bylaws to include new policies for:
 - a. Communicating Positions on Proposed Legislation of Relevance to LAFCO
 - b. Providing Written Comments on Documents or Projects of Relevance to LAFCO
2. Adopt new Legislative Policies to guide LAFCO's actions related to legislative matters.

8. LAFCO OFFICE SPACE LEASE EXTENSION

Recommended Action:

1. Authorize the LAFCO Chairperson to execute a lease extension agreement for office space at 777 North First Street for a five-year lease term not to exceed a total cost of \$280,908 and subject to review and approval by the LAFCO Counsel.
2. Direct staff to work closely with the County, one to two years prior to LAFCO's lease extension expiration date in 2027 in order to explore whether the County can meet LAFCO's long-term office space needs.

9. UPDATE ON LAFCO'S COUNTYWIDE FIRE SERVICE REVIEW

Recommended Action: Accept report and provide direction, as necessary.

10. FINANCE COMMITTEE FOR FISCAL YEAR 2022-2023

Recommended Action: Establish a committee composed of three commissioners to work with staff to develop and recommend the proposed FY 2022-2023 LAFCO work plan and budget for consideration by the full commission.

11. PROPOSED USA AMENDMENT (GILROY) FOR KERLEY RANCH DEVELOPMENT

Recommended Action: Accept report and provide direction, as necessary.

12. EXECUTIVE OFFICER'S REPORT

12.1 County Commendation to LAFCO for the 50th Anniversary of Its "Countywide Urban Development Policies"

Recommended Action: Accept report and provide direction, as necessary.

12.2 Meeting with Proponents Regarding Proposed Incorporation of Almaden Valley Area (San Jose)

Recommended Action: Accept report and provide direction, as necessary.

12.3 Presentation on LAFCO to Leadership Sunnyvale

Recommended Action: Accept report and provide direction, as necessary.

12.4 Bay Area LAFCOs Meeting

Recommended Action: Accept report and provide direction, as necessary.

12.5 Inter-Jurisdictional GIS Working Group Meeting

Recommended Action: Accept report and provide direction, as necessary.

12.6 Public Records Act Requests

Recommended Action: Accept report and provide direction, as necessary.

13. PENDING APPLICATIONS / UPCOMING PROJECTS

- 13.1 Gilroy Urban Service Area Amendment 2021 – Wren Investors and Hewell

14. COMMISSIONER REPORTS

15. NEWSPAPER ARTICLES / NEWSLETTERS

- CALAFCO Quarterly – December 2021

16. WRITTEN CORRESPONDENCE

17. ADJOURN

Adjourn to the regular LAFCO meeting on April 6, 2022 at 1:15 PM in the Board of Supervisors' Chambers, 70 West Hedding Street, San Jose.



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ITEM # 4

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

LAFCO MEETING MINUTES WEDNESDAY, DECEMBER 1, 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:

- Vice Chairperson Rich Constantine
- Commissioner Sergio Jimenez
- Commissioner Yoriko Kishimoto
- Commissioner Gary Kremen (left at 1:51 p.m.)
- Commissioner Mike Wasserman
- Commissioner Susan Vicklund Wilson
- Alternate Commissioner Helen Chapman (voted in place of Commissioner Kremen)

The following commissioners were absent:

- Chairperson Susan Ellenberg
- Alternate Commissioner Cindy Chavez
- Alternate Commissioner Matt Mahan
- Alternate Commissioner Russ Melton
- Alternate Commissioner Terry Trumbull

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. PUBLIC COMMENTS

There were none.

3. APPROVE CONSENT CALENDAR

Commissioner Wasserman proposed to add agenda items 7 and 9 on the consent calendar for approval in one motion, without discussion if there is no objection.

The Commission approved Agenda Items 4, 5, 7 and 9 on consent.

Motion: Wasserman

Second: Kishimoto

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

NOES: None

ABSTAIN: None

ABSENT: Ellenberg

MOTION PASSED

***4. CONSENT ITEM: APPROVE MINUTES OF OCTOBER 13, 2021 LAFCO MEETING**

The Commission approved the minutes of October 13, 2021 meeting.

***5. CONSENT ITEM: RESOLUTION 2021-08 ALLOWING FOR VIDEO AND TELECONFERENCE MEETINGS DURING COVID-19 STATE OF EMERGENCY UNDER AB 361**

The Commission adopted Resolution No. 2021-08 allowing for video and teleconferencing meetings during COVID-19 State of Emergency under AB 361.

6. ANNUAL FINANCIAL AUDIT REPORT

Ms. Palacherla introduced Sheldon Chavan, Principal, Chavan & Associates, LLP, LAFCO's independent auditor, to present the Audit Report.

Mr. Chavan made a brief presentation.

Commissioner Kishimoto inquired how LAFCO's perfect audit compared with other public agencies and requested that Mr. Chavan provide some context for the audit results. Mr. Chavan indicated that the LAFCO audit is much simpler compared to larger local government agencies where, in some cases, his audit firm has had to issue multiple opinion letters. He added that even agencies of similar size have various accounting, closing or journal entry errors and compliance issues, which were not a concern here. **Commissioner Kishimoto** commended LAFCO.

Commissioner Wasserman moved for approval of the staff recommendation and indicated that the two-year extension of the Independent Professional Auditing Services Agreement between LAFCO and Chavan & Associates has been approved on consent. Mr. Chavan expressed his appreciation to the Commission for extending the services agreement. **Commissioner Wasserman** noted that LAFCO has always had a perfect audit and commended staff.

In response to **Vice Chairperson Constantine's** enquiry, Ms. Subramanian advised that a vote is not required for the file and accept action on this item.

Paul Soto, a member of the public from Horseshoe, addressed the Commission and suggested that an audit report must be written in a way that is easy to understand by ordinary citizens.

On Commission consensus, there being no objection, the Commission received and filed the Annual Financial Audit Report prepared for Santa Clara LAFCO by Chavan & Associates, LLP.

Commissioner Kremen requested that items 11.3 and 11.5 be taken up ahead so he can leave for another meeting. **Vice Chairperson Constantine**, there being no objection, agreed to take up items 11.3 and 11.5 out of order.

***7. CONSENT ITEM: AMENDMENT TO EXTEND CONTRACT FOR INDEPENDENT PROFESSIONAL AUDITING SERVICES**

The Commission authorized the LAFCO Executive Officer to amend the Chavan & Associates, LLP service agreement, subject to LAFCO Counsel's review and approval, in order to (a) extend the agreement term to January 1, 2024, and (b) include an additional \$25,500 in the contract, for a total contract amount not to exceed \$65,500.

8. UPDATE ON LAFCO'S COUNTYWIDE FIRE SERVICE REVIEW

Ms. Noel presented the staff report.

The Commission accepted the report.

11.3 TAKEN OUT OF ORDER: Comment Letter on San Jose Staff Recommendations on the Long-Term Future of Coyote Valley – North, Mid-, and South Coyote Valley

11.5 TAKEN OUT OF ORDER: Meeting and Letter Regarding Proposed USA Amendment (Gilroy) for Kerley Ranch Development

The Commission considered agenda items 11.3 and 11.5 out of order.

Ms. Palacherla presented the staff reports on the two items.

Regarding Item 11.3, **Commissioner Kremen** stated that at the Santa Clara Valley Water District, such policy letters are first brought to the Board for discussion. He suggested that LAFCO discuss developing a policy for sending letters, especially those related to legislation. He noted that in this case, the Commission has not had a chance to discuss the letter and there has been no associated public comment. He suggested that the Commission discuss setting a policy in the future and noted that he does not have an issue with the letter other than it should have been a board action and the letter should have come from the Chair or Vice Chair.

In response to an inquiry by **Vice Chairperson Constantine**, LAFCO Clerk indicated that the meeting will still have a quorum even if Commissioner Kremen leaves. Ms. Subramanian advised that a majority vote will be required to act on Commissioner Kremen's request to add an item to a future LAFCO meeting agenda.

Paul Soto, a member of the public from Horseshoe, addressed the Commission and expressed his support for the preservation of the Coyote Valley, as well as the opportunity for the public to comment on LAFCO's letters relating to the subject.

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

Commissioner Kishimoto indicated her interest on the item related to Rancho Rinconada Recreation and Park District Special Study as she represents special districts. Regarding Item 11.3, she stated that LAFCO may have previously taken a position on preservation of Coyote Valley or given general authorization, and that comment letters must be timely. She stated that she is a strong supporter of preservation of Coyote Valley, and expressed understanding of Commissioner Kremen's concern.

Commissioner Wasserman expressed support for Commissioner Kremen's proposal to bring back items 11.3 and 11.5 for future discussion. He clarified that Commissioner Kremen's request is that letters come from the Chairperson or Vice Chairperson, rather than from staff, after discussion and vote by the Commission.

Commissioner Wilson expressed support for having a future discussion on the item and agreed with Commissioner Kishimoto that comment letters must be timely. She expressed support for the LAFCO Executive Officer or for the Chairperson to sign the letters when the content is supported by existing LAFCO policies if time does not warrant discussion by the Commission.

Commissioner Kremen agreed that authorizing the Chairperson to sign may be a workaround in an emergency and indicated that the Santa Clara Valley Water District does so. However, he stated that he was not on LAFCO when it adopted policies on preservation of Coyote Valley and noted that the votes regarding the matter may change over time. He indicated that while he supports the preservation of Coyote Valley, things change and government agencies cannot lock themselves in their past decisions.

The Commission directed staff to agenda for a future meeting, item 11.5 and another item to discuss policy for issuing LAFCO comment or legislative position letters.

Motion: Kremen

Second: Wasserman

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

NOES: None

ABSTAIN: None

ABSENT: Ellenberg

MOTION PASSED

9. ADOPTION OF SCHEDULE OF 2022 LAFCO MEETINGS

Ms. Noel presented the staff report.

The Commission adopted the schedule of LAFCO meetings and application filing deadlines for 2022.

Motion: Wasserman

Second: Kishimoto

AYES: Chapman, Constantine, Jimenez, Kishimoto, Wasserman, Vicklund Wilson

NOES: None

ABSTAIN: None

ABSENT: Ellenberg, Kremen

MOTION PASSED

10. APPOINTMENT OF 2022 LAFCO CHAIRPERSON AND VICE-CHAIRPERSON

Ms. Noel presented the staff report.

Commissioner Wasserman made a motion to appoint Commissioner Constantine as the Chairperson for 2022. He also proposed that he serve as the Vice-Chairperson for 2022, in order to normalize the rotation schedule according to the LAFCO by-laws. He indicated that he will be termed out as a member of the County Board of Supervisors and would not serve as a chairperson in the succeeding year.

Vice Chairperson Constantine clarified that he is a Vice-Chairperson in 2021 and will be the Chairperson only in 2022.

Paul Soto, a member of the public from Horseshoe, addressed the Commission.

The Commission appointed Vice-Chairperson Constantine to serve as Chairperson for 2022 and appointed Commissioner Wasserman to serve as Vice-Chairperson for 2022.

Motion: Wasserman

Second: Vicklund Wilson

AYES: Chapman, Constantine, Jimenez, Kishimoto, Wasserman, Vicklund Wilson

NOES: None

ABSTAIN: None

ABSENT: Ellenberg, Kremen

MOTION PASSED

11. EXECUTIVE OFFICER'S REPORT

11.1 Update on County's Classification Study for LAFCO

The Commission accepted report.

11.2 Update on Rancho Rinconada Recreation and Park District Special Study

The Commission accepted the report.

11.4 Meeting with Sunnyvale Regarding Sewer Service Extension to Moffett Field/NASA Ames

The Commission accepted the report.

11.6 LAFCO Orientation Session for County Staff

The Commission accepted the report.

12. PENDING APPLICATIONS / UPCOMING PROJECT

The Commission noted the pending application: Gilroy Urban Service Area Amendment 2021 – Wren Investors and Hewell.

13. COMMISSIONER REPORTS

Commissioner Wasserman informed that 90 percent of Santa Clara County residents 12 years and older have been vaccinated, compared to national average of 59 percent.

Alternate Commissioner Chapman, as a Santa Clara Valley Open Space Authority Board Member, expressed her appreciation for the preservation of Coyote Valley.

14. NEWSPAPER ARTICLES / NEWSLETTERS

There were none.

15. WRITTEN CORRESPONDENCE

There were none.

16. PERFORMANCE EVALUATION

The Commission adjourned to closed session at 2:08 p.m., and reconvened to open meeting at 2:16 p.m. There was no report out of closed session.

17. ADJOURN

The Commission adjourned at 2:18 p.m., to the next regular LAFCO meeting on February 2, 2022, at 1:15 p.m., in the Board of Supervisors' Chambers, 70 West Hedding Street, San Jose.

Approved on February 2, 2022.

Rich Constantine, Chairperson
Local Agency Formation Commission of Santa Clara County

By: _____
Emmanuel Abello, LAFCO Clerk

RESOLUTION NO. 2022-01

**RESOLUTION ALLOWING FOR VIDEO AND
TELECONFERENCE MEETINGS DURING THE
COVID-19 STATE OF EMERGENCY UNDER AB 361**

WHEREAS, on March 4, 2020, the Governor of the State of California proclaimed a State of Emergency for COVID-19; and

WHEREAS, AB 361 was recently passed by the State Legislature and signed by Governor Newsom and went into effect immediately and allows the Commission to continue to meet virtually until such time as the Governor declares the State of Emergency due to COVID-19 over and measures to promote social distancing are no longer recommended; and

WHEREAS, on September 21, 2021, the Santa Clara County Health Officer recommended that public bodies continue to meet remotely to enhance safety at public meetings; and

WHEREAS, in light of this recommendation, the Commission desires for itself and for all other Commission legislative bodies that are subject to the Brown Act to continue to meet via video and/or teleconference; and

WHEREAS, pursuant to AB 361 the Commission will review the findings required to be made every 30 days or thereafter and shall not meet without making those continued findings.

NOW THEREFORE, the Commission does hereby resolve and finds on behalf of itself and all other Commission legislative bodies: (1) a state of emergency has been proclaimed by the Governor; (2) the state of emergency continues to directly impact the ability of the Commission's legislative bodies to meet safely in person; and (3) local officials continue to recommend measures to promote social distancing.

PASSED AND ADOPTED by the Local Agency Formation Commission of Santa Clara County, on February 2, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Rich Constantine, Chairperson
LAFCO of Santa Clara County

ATTEST:

APPROVED AS TO FORM:

Emmanuel Abello, LAFCO Clerk

Malathy Subramanian, LAFCO Counsel



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ITEM # 6

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

LAFCO MEETING: February 2, 2022

TO: LAFCO

**FROM: Neelima Palacherla, Executive Officer
Dunia Noel, Asst. Executive Officer**

**SUBJECT: INITIATE DISSOLUTION OF INACTIVE SPECIAL DISTRICT
– COUNTY SERVICE AREA FOR LIBRARY SERVICES
(CSA-1)**

STAFF RECOMMENDATION

CEQA Action

1. As Lead Agency under CEQA, determine that the proposed dissolution of County Service Area for Library Services (CSA-1) is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15061(b)(3).

Project Action

2. Adopt Resolution No. 2022-02 initiating dissolution of County Service Area for Library Services (CSA-1).

COUNTY SERVICE AREA FOR LIBRARY SERVICES (CSA-1)

On November 4, 2021 Santa Clara LAFCO received a Notification of Inactive Special Districts in the County (**Attachment A**) from the California State Controller's Office (SCO) which identified the County Service Area for Library Services (CSA-1) as "inactive."

On December 17, 2021, LAFCO staff met with Chuck Griffin, Financial & Administrative Services Manager for the Santa Clara County Library District, who agreed that the County Service Area for Library Services (CSA-1) is inactive and can be dissolved.

LAFCO staff then reached out to the Santa Clara County Controller Treasurer Department to confirm the "inactive" designation. On December 20, 2021, the County Controller Treasurer Department provided a letter (**Attachment B**) confirming County Service Area for Library Services (CSA-1) met the criteria for an inactive special district as per Government Code Section 56042 and that they have

no concerns related to the dissolution of County Service Area for Library Services (CSA-1).

LAFCO's South Central Santa Clara County Service Review adopted in August 2006, recommended that the County Service Area for Library Services (CSA-1) be dissolved because the district no longer served a function. As noted in the Service Review Report, the County Service Area for Library Services (CSA-1) has been inactive since 2005. In 1994, the County Board of Supervisors established the County Service Area for Library Services (CSA-1) to levy a benefit assessment for library services. The benefit assessment began in 1995 and expired in 2005.

In 1994, the County Board of Supervisors initiated the establishment of a Library Joint Powers Authority (JPA) to share governance of the County Library with the city members. The services provided by the Library JPA are now funded through a community facilities district approved by the voters in 2005 which expires June 30, 2034. The role of the County Service Area for Library Services (CSA-1) was simply to provide financing through the levy of benefit assessments. Due to the implementation of Proposition 218 and because the voter-approved assessment expired in June 2005, the County Service Area for Library Services (CSA-1) no longer has legal authority to levy benefit assessments, has no function, and meets the criteria for an inactive district.

SB 448 REQUIRES DISSOLUTION OF INACTIVE SPECIAL DISTRICTS

SB 448 which became effective on January 1, 2018, established a streamlined process for LAFCOs to dissolve inactive districts. It included provisions in the Cortese Knox Hertzberg Local Government Reorganization Act of 2000 (CKH Act) regarding the identification and dissolution of inactive districts.

Government Code Section 56042 (**Attachment C**) defines "inactive district," as a special district that meets the following criteria:

- a. The special district is as defined in Section 56036.
- b. The special district has had no financial transactions in the previous fiscal year.
- c. The special district has no assets and liabilities.
- d. The special district has no outstanding debts, judgements, litigation, contracts, liens, or claims.

Government Code Section 56879 (**Attachment C**) requires the State Controller's Office (SCO) to create a list of inactive districts annually, on or before November 1, and to notify applicable LAFCOs of inactive special districts in their county.

Within 90 days of receiving the notice from the SCO, LAFCOs are required to initiate dissolution of inactive districts unless LAFCO determines that the district does not meet the criteria for "inactive district," in which case LAFCO must inform the SCO. The Commission is required to hold one public hearing and dissolve the inactive

district. Per Government Code Section 56879(c), the dissolution of the inactive district shall not be subject to protest proceedings.

ENVIRONMENTAL ASSESSMENT

LAFCO of Santa Clara County is the Lead Agency under the California Environmental Quality Act (CEQA) for the proposed dissolution of the inactive special district - County Service Area for Library Services (CSA-1). Pursuant to State CEQA Guidelines Section 15061(b)(3), this action is exempt from CEQA.

§ 15061. REVIEW FOR EXEMPTION

(b) A project is exempt from CEQA if:

(a) (3) The activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

NEXT STEPS

As required by Government Code Section 56879, staff have drafted a resolution of application initiating dissolution of County Service Area for Library Services (CSA-1) (**Attachment D**) for the Commission's consideration and adoption. A public hearing will be held at the April 6, 2022 meeting to dissolve the inactive district.

ATTACHMENTS

- Attachment A: California State Controller's Office Notification of Inactive Special Districts in County (November 4, 2021)
- Attachment B: Santa Clara County Controller Treasurer Department Letter Confirming Inactive Status of County Service Area for Library Services (CSA-1) (December 20, 2021)
- Attachment C: Government Code Excerpts – Inactive Special Districts (Government Code §56042 and Government Code §56879)
- Attachment D: Draft Resolution No. 2022-02 – Resolution of Application initiating dissolution of County Service Area for Library Services (CSA-1)



ITEM #6
Attachment A

BETTY T. YEE
California State Controller

November 4, 2021

Neelima Palacherla
Santa Clara LAFCO
777 North First Street, Suite 410
San Jose, CA, 95112

SUBJECT: Notification of Inactive Special Districts in County

Dear Neelima Palacherla:

Chapter 334, Statutes of 2017, also known as Senate Bill (SB) 448, added various provisions to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 regarding special districts that are inactive. It requires the State Controller's Office (SCO) to create a list of inactive special districts based on information in the special district's Financial Transactions Report (FTR), to publish the list of inactive special districts on its website annually, and to notify the local agency formation commission in the county or counties in which the inactive special district is located.

Pursuant to Government Code (GC) section 56042, an "inactive special district" must:

- Meet the definition set forth in GC section 56036;
- Have no financial transactions in the previous fiscal year; and
- Have no assets, liabilities, outstanding debts, judgments, litigation, contracts, liens, or claims.

Pursuant to GC 56879, within 90 days of receiving this notice, the Commission is required to initiate dissolution of inactive special districts by resolution, unless the Commission determines that a district does not meet the criteria set forth in GC 56042. Additionally, the Commission is required to notify SCO if it determines that district does not meet the dissolution criteria in GC 56042. Once the dissolution process is complete, please inform SCO using the contact information on page 2.

Enclosed is a copy of the list of inactive California special districts. The list is determined by financial data in each special district's fiscal year 2019-20 FTR. The list of inactive California special districts may also be found at: https://www.sco.ca.gov/ard_local_rep_freq_requested.html.

Neelima Palacherla
November 4, 2021
Page 2

If you have any questions or need to notify us of a special district's status, please contact Derek Miller by telephone at (916) 322-5579, or by email at dmiller@sco.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Phillip Pangilinan". The signature is fluid and cursive, with the first name "Phillip" and last name "Pangilinan" clearly distinguishable.

PHILLIP PANGILINAN
Manager
Local Government Reporting Section

Enclosure

California State Controller's Office

List of Inactive Districts per Chapter 334, Statutes of 2017 (SB 448)

Source: Special Districts Financial Transactions Reports, Fiscal Year 2019-20

#	District Name	City	County
1	Willow Springs Water District	Plymouth	Amador
2	County Service Area No. 5 (Calaveras)	San Andreas	Calaveras
3	County Service Area No. 6 (Calaveras)	San Andreas	Calaveras
4	County Service Area No. 7 (Calaveras)	San Andreas	Calaveras
5	County Service Area No. 10 (Calaveras)	San Andreas	Calaveras
6	County Service Area No. 11 (Calaveras)	San Andreas	Calaveras
7	County Service Area No. 3 (Colusa)	Colusa	Colusa
8	Century Ranch Water District	Colusa	Colusa
9	Hazel Court County Service Area (Colusa)	Colusa	Colusa
10	Kern Valley Resource Conservation District	Bakersfield	Kern
11	County Service Area No. 3 (Mendocino)	Ukiah	Mendocino
12	Canby Community Services District	Canby	Modoc
13	County Service Area No. 32 (Santa Barbara)	Santa Barbara	Santa Barbara
14	County Service Area for Library Services (CSA-1)	San Jose	Santa Clara
15	Fall River Valley Irrigation District	Redding	Shasta
16	Reclamation District No. 2034	San Ramon	Solano
17	Reclamation District No. 2043	Fairfield	Solano
18	Meridian Cemetery District	Yuba City	Sutter
19	County Service Area No. 60 (Tuolumne)	Sonora	Tuolumne
20	County Service Area No. 56 (Yuba)	Marysville	Yuba
21	County Service Area No. 57 (Yuba)	Marysville	Yuba
22	County Service Area No. 58 (Yuba)	Marysville	Yuba
23	River Highlands Community Service District	Marysville	Yuba
24	Royal Pines County Service Area (Yuba)	Marysville	Yuba

Proof of Service by Mail

I declare: I am a citizen of the United States, over the age of 18 years, and not a party to this action. My business address is State Controller's Office, 3301 C Street, Suite 740, Sacramento, California 95816.

On the date set forth below, I served the following entitled document:

Notification of Inactive Special Districts in County

by placing a true copy thereof in a sealed envelope addressed to the person(s) named below at the address(es) shown and by placing said envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

Name: Neelima Palacherla
Santa Clara Local Agency Formation Commission

Address: Santa Clara LAFCO
777 North First Street, Suite 410
San Jose, CA 95112

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on November 04, 2021, at Sacramento, California.

Signature: Derek Miller

Printed Name: Derek Miller

County of Santa Clara

Finance Agency
Controller-Treasurer

County Government Center
70 West Hedding Street, East Wing 2nd floor
San Jose, California 95110-1705
(408) 299-5205 FAX 287-7629



December 20, 2021

Neelima Palacherla
LAFCO Executive Officer
777 North First Street, Suite 410
San Jose, CA 95112

Dear Ms. Palacherla:

In regard to the State Controller's letter dated November 4, 2021 on Notification of Inactive Special Districts, and an email inquiry from Dunia Noel on December 13, 2021, I am writing to confirm to you that the County Service Area for Library Services (CSA-1) met the criteria for an inactive special district in Government Code 56042. The District had no financial transactions in the previous year, no assets and liabilities, and no outstanding debts, judgements, litigation, contracts, liens or claims.

The Controller-Treasurer Department has no concerns or comments related to the dissolution of the County Service Area for Library Services (CSA-1).

Sincerely,

DocuSigned by:
Mark R. Rasiah
E5C1530E45814D0...

Mark R. Rasiah
Controller-Treasurer, County of Santa Clara

CALIFORNIA GOVERNMENT CODE EXCERPTS

INACTIVE SPECIAL DISTRICTS

"Inactive district"

56042. "Inactive district" means a special district that meets all of the following:

- (a) The special district is as defined in Section 56036.
- (b) The special district has had no financial transactions in the previous fiscal year.
- (c) The special district has no assets and liabilities.
- (d) The special district has no outstanding debts, judgements, litigation, contracts, liens, or claims.

"District" or "special district"

56036. (a) "District" or "special district" are synonymous and mean an agency of the state, formed pursuant to general law or special act, for the local performance of governmental or proprietary functions within limited boundaries and in areas outside district boundaries when authorized by the commission pursuant to Section 56133.

(b) "District" or "special district" includes a county service area,

but excludes all of the following:

- (1) The state.
- (2) A county.
- (3) A city.
- (4) A school district or a community college district.
- (5) An assessment district or special assessment district.
- (6) An improvement district.
- (7) A community facilities district formed pursuant to the Mello-Roos Community Facilities Act of 1982, (Chapter 2.5 (commencing with Section 53311) of Part 1 of Division 2 of Title 5).
- (8) A permanent road division formed pursuant to Article 3 (commencing with Section 1160) of Chapter 4 of Division 2 of the Streets and Highways Code.
- (9) An air pollution control district or an air quality maintenance district.
- (10) A zone of any special district.

Inactive special district list

56879. (a) On or before November 1, 2018, and every year thereafter, the Controller shall create a list of special districts that are inactive, as defined in Section 56042, based upon the financial reports received by the Controller pursuant to Section 53891. The Controller shall publish the list of inactive districts on the Controller's Internet Web site. The Controller shall also notify the commission in the county or counties in which the district is located if the Controller has included the district in this list.

**Inactive special district:
dissolution**

(b) The commission shall initiate dissolution of inactive districts by resolution within 90 days of receiving notification from the Controller pursuant to subdivision (a), unless the commission determines that the district does not meet the criteria set forth in Section 56042. The commission shall notify the Controller if the commission determines that a district does not meet the criteria set forth in Section 56042.

(c) The commission shall dissolve inactive districts. The commission shall hold one public hearing on the dissolution of an inactive district pursuant to this section no more than 90 days following the adoption of the resolution initiating dissolution. The dissolution of an inactive district shall not be subject to any of the following:

- (1) Chapter 1 (commencing with Section 57000) to Chapter 7 (commencing with Section 57176), inclusive, of Part 4.
- (2) Determinations pursuant to subdivision (b) of Section 56881.
- (3) Requirements for commission-initiated changes of organization described in paragraph (3) of subdivision (a) of Section 56375.

56879.5. This article shall not apply to a special district formed by special legislation that is required by its enabling statute to obtain funding within a specified period of time or be dissolved. That district shall not be subject to this article during that specified period of time.

**RESOLUTION OF APPLICATION OF THE
LOCAL AGENCY FORMATION COMMISSION OF SANTA CLARA COUNTY
INITIATING PROCEEDINGS FOR THE DISSOLUTION OF
SANTA CLARA COUNTY SERVICE AREA FOR LIBRARY SERVICES (CSA-1)
AS IDENTIFIED BY THE STATE CONTROLLER'S OFFICE**

WHEREAS, the Local Agency Formation Commission of Santa Clara County (LAFCO) hereinafter referred to as the "Commission," is responsible for regulating boundary changes affecting cities and special districts under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

WHEREAS, in accordance with Senate Bill 448, the State Controller's Office, on November 4, 2021, notified LAFCO that the County Service Area for Library Services (CSA-1) is an inactive special district; and

WHEREAS, the Santa Clara County Controller-Treasurer's Office, on December 20, 2021, confirmed that the County's Service Area for Library Services (CSA-1) met the criteria for an inactive special district as defined in Government Code Section 56042 and that the District had no financial transactions in the previous year, no assets and liabilities, and no outstanding debts, judgements, litigation, contracts, liens or claims; and

WHEREAS, the Commission pursuant to Government Code Section 56879 shall initiate the dissolution of County Service Area for Library Services (CSA-1) within 90 days of the receipt of the notice from the State Controller's Office unless the Commission finds that the district is not inactive as defined in Government Code Section 56042; and

WHEREAS, the Commission considered all factors required by law under Government Code Section 56042 and its adopted local policies and procedures; and

WHEREAS, the Executive Officer's report and recommendations on the proposal have been presented to the Commission in the manner provided by law;

NOW, THEREFORE, the Commission, does hereby resolve, determine and order as follows:

SECTION 1:

The Commission serves as the lead agency under the California Environmental Quality Act (CEQA) in considering the impacts of the proposal and the Commission independently finds the action is exempt from CEQA pursuant to State CEQA Guidelines Section 15061(b)(3) as "it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment."

SECTION 2:

The Commission finds that County Service Area for Library Services (CSA-1) is an inactive district as defined in Government Code Section 56042, and hereby initiates the District pursuant to Government Code Section 56879(b).

RESOLUTION NO. 2022-02

SECTION 3:

Pursuant to Government Code Section 56879(c), the Commission shall hold one public hearing no more than 90 days following the initiation of the dissolution.

PASSED AND ADOPTED by the Local Agency Formation Commission of Santa Clara County, on February 2, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Rich Constantine, Chairperson
LAFCO of Santa Clara County

ATTEST:

APPROVED AS TO FORM:

Emmanuel Abello, LAFCO Clerk

Malathy Subramanian, LAFCO Counsel



**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: February 2, 2022

TO: LAFCO

**FROM: Neelima Palacherla, Executive Officer
Dunia Noel, Asst. Executive Officer**

SUBJECT: LAFCO Bylaws Changes & New Legislative Policies

STAFF RECOMMENDATION

1. Amend the LAFCO Bylaws to include new policies for:
 - a. Communicating Positions on Proposed Legislation of Relevance to LAFCO
 - b. Providing Written Comments on Documents or Projects of Relevance to LAFCO
2. Adopt new Legislative Policies to guide LAFCO's actions related to legislative matters.

BACKGROUND

At the December 1, 2021 meeting, the Commission directed staff to place on a future meeting agenda an item to discuss policy for issuing legislative position or comment letters.

Proposed Policies for Communicating Positions on Proposed Legislation of Relevance to LAFCO

In current practice (but not codified in policy), LAFCO periodically sends position letters on proposed legislation of relevance to LAFCO, most often as part of its participation in the California Association of Local Agency Formation Commissions (CALAFCO). This occurs only after the full Commission has considered and acted on the proposed legislation, and the Chair (or Vice-Chair if the Chair is unavailable) has signed the position letter. Occasionally, timing and scheduling do not allow this process to happen, and LAFCO misses an opportunity to directly influence legislative outcomes.

LAFCO's current Bylaws do not include policies for sending position letters on proposed legislation of relevance to LAFCO. Staff has prepared draft policies (**Attachment A**) for the Commission's consideration and adoption, in order to document the current practice, to provide a path for LAFCO to send position letters when timing does not allow for full Commission consideration and action, and to

provide greater overall transparency. The proposed policies also require that LAFCO adopt Legislative Policies to guide its actions related to legislative matters.

Proposed Legislative Policies

CALAFCO's Board of Directors annually adopts Legislative Policies that guide the actions of the CALAFCO Legislative Committee (consisting of a selection of Board members and LAFCO staff) to support LAFCOs' authority to implement the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH or LAFCO law).

The CALAFCO 2022 Legislative Policies, adopted by the CALAFCO Board of Directors on November 12, 2021 are included as **Attachment B**. These Legislative Policies are organized into categories that include: (1) LAFCO Purpose and Authority, (2) LAFCO Organization, (3) Agricultural and Open Space Protection, (4) Orderly Growth, and (5) Service Delivery and Local Agency Effectiveness. In addition, they include "Primary Issues" (i.e., Authority of LAFCO, Agricultural and Open Space Protection, Water Availability, and Viability of Local Services) and "Issues of Interest" (i.e., Housing, Transportation, Flood Control, Adequate Municipal Services in Inhabited Territory, and Climate Adaptation).

As reflected through its local policies, application of LAFCO law, CALAFCO membership, and participation for many years on the CALAFCO Legislative Committee, Santa Clara LAFCO is generally supportive of CALAFCO's Legislative Policies. Therefore, rather than establish its own set of parallel legislative policies, staff recommends that the Commission adopt the CALAFCO 2022 Legislative Policies as its own legislative policies for the upcoming year and annually review CALAFCO's Legislative Policies and LAFCO's Legislative Policies, as needed. Alternatively, the Commission may direct staff to return to the Commission with legislative policies that are separate and distinct from the CALAFCO 2022 Legislative Policies.

Proposed Policies for Providing Written Comments on Documents or Projects

Executive Officer Palacherla periodically sends comment letters on documents or projects of relevance to LAFCO, such as on CEQA documents and local/regional/state agency plans, policies, and programs. The comment letters may discuss any concerns, conflicts and/or alignment of such documents with LAFCO's currently adopted policies and State Law. These letters are generally technical in nature and require timely submission in order to meet statutory or public hearing deadlines.

LAFCO's current Bylaws do not include policies for providing written comments on documents or projects of relevance to LAFCO. In order to document current practice and provide greater transparency, staff has prepared draft policies (**Attachment A**) for the Commission's consideration and adoption.

NEXT STEPS

Upon the Commission's adoption of the proposed "Policies for Communicating Positions on Proposed Legislation of Relevance to LAFCO" and "Policies for

Providing Written Comments on Documents or Projects”, staff will amend the LAFCO Bylaws to include them. Upon the Commission’s adoption of the proposed Legislative Policies, staff will include these Policies as a new and separate set of Policies under LAFCO’s Administrative Policies. Lastly, the updated Bylaws and new Legislative Policies will be posted on the LAFCO website.

ATTACHMENTS

- Attachment A: Proposed Policies for Communicating Positions on Proposed Legislation of Relevance to LAFCO and Proposed Policies for Providing Written Comments on Documents or Projects
- Attachment B: Proposed Legislative Policies based on the CALAFCO 2022 Legislative policies

The following proposed policies will be included as new sections in the LAFCO Bylaws:

6. POLICY FOR COMMUNICATING A POSITION ON PROPOSED LEGISLATION

- a. The Commission shall adopt legislative policies to guide its actions related to legislative matters. Following adoption of the legislative policies, the Commission shall, at a minimum, annually review the legislative policies of the California Association of LAFCOs (CALAFCO) and its own legislative policies, and revise its own policies, as needed.
- b. The Executive Officer shall provide to the full Commission for its consideration and action, any proposed legislation of relevance to LAFCO including a recommended position, as appropriate.
- c. In situations when proposed legislation of relevance to LAFCO cannot be considered by the full Commission due to timing:
 - i. The Executive Officer shall consult with LAFCO Counsel and LAFCO Chair (or Vice-Chair if the Chair is unavailable) and prepare a position letter, consistent with current adopted legislative policies of LAFCO.
 - ii. The Chair (or Vice-Chair if the Chair is unavailable) may sign the position letter on behalf of LAFCO, prior to submittal by the Executive Officer.
 - iii. The Executive Officer shall provide a copy of the written comments to the full Commission.
 - iv. The next regular LAFCO meeting agenda shall include an item that allows the Commission to discuss the proposed legislation and submitted comments.

7. POLICY FOR PROVIDING WRITTEN COMMENTS ON DOCUMENTS OR PROJECTS OF RELEVANCE TO LAFCO

- a. The Executive Officer is authorized to provide written comments on documents or projects of relevance to LAFCO including but not limited to CEQA documents and local/regional/state agency plans, policies, and programs. Such comments shall refer to, and be consistent with, currently adopted LAFCO policies and State law.
- b. The Executive Officer shall provide a copy of the submitted written comments to the full Commission and include them in the next regular LAFCO meeting agenda.



CALAFCO 2022 Legislative Policies

As adopted by the Board of Directors on November 12, 2021

1. LAFCo Purpose and Authority

- 1.1. Support legislation that enhances LAFCo authority and powers to carry out the legislative findings and authority in Government Code §56000 et seq. Oppose legislation that diminishes LAFCo authority.
- 1.2. Support authority for each LAFCo to establish local policies to apply Government Code §56000 et seq. based on local needs and conditions. Oppose any limitations to that authority.
- 1.3. Oppose additional LAFCo responsibilities that require expansion of current local funding sources. Oppose unrelated responsibilities that dilute LAFCo ability to meet its primary mission.
- 1.4. Support alignment of responsibilities and authority of LAFCo and regional agencies that may have overlapping responsibilities in orderly growth, agricultural and open space preservation, and municipal service delivery. Oppose legislation or policies that create conflicts or hamper those responsibilities.
- 1.5. Oppose grants of special status to any individual agency or proposal to circumvent the LAFCo process.
- 1.6. Support individual commissioner responsibility that allows each commissioner to independently vote his or her conscience on issues affecting his or her own jurisdiction.

2. LAFCo Organization

- 2.1. Support LAFCo independence from local agencies.
- 2.2. Oppose the re-composition of any LAFCo to create special seats and recognize the importance of balanced representation provided by cities, the county, the public, and special districts in advancing the public interest.
- 2.3. Support representation of special districts on all LAFCos in counties with independent districts and oppose removal of special districts from any LAFCo.
- 2.4. Support communication and collaborative decision-making among neighboring LAFCos when growth pressures and multicounty agencies extend beyond an individual LAFCo's boundaries.

3. Agricultural and Open Space Protection

- 3.1. Support legislation that clarifies LAFCo authority to identify, encourage and ensure the preservation of agricultural and open space lands.
- 3.2. Encourage a consistent definition of agricultural and open space lands.
- 3.3. Support policies that encourage cities, counties and special districts to discourage development on all types of agricultural lands, including prime agricultural lands and open space lands.
- 3.4. Support policies and tools that protect all types of agricultural lands, including prime agricultural lands and open space lands.
- 3.5. Support the continuance of the Williamson Act and restoration of program funding through State subvention payments.

4. Orderly Growth

- 4.1. Support the recognition and use of spheres of influence as a planning tool pertaining to growth and development, and the preservation of agricultural and open space lands.
- 4.2. Support recognition of LAFCo spheres of influence by other agencies involved in determining and developing long-term growth and infrastructure plans.
- 4.3. Support orderly boundaries of local agencies and the elimination of islands within the sphere of influence and boundaries of agencies.
- 4.4. Support communication among cities, counties, special districts, stakeholders and affected parties through a collaborative process that resolves service, infrastructure, housing, land use, and fiscal issues, prior to application to LAFCo.
- 4.5. Support cooperation between counties and cities on decisions related to development within a city's designated sphere of influence.
- 4.6. Support cooperation between cities and special districts on decisions related to development within city and district spheres of influence that overlap.
- 4.7. Support the recognition of extreme natural disasters and disaster preparedness when considering growth and service delivery issues.

5. Service Delivery and Local Agency Effectiveness

- 5.1. Support the use of LAFCo resources to review Regional Transportation Plans, with a focus on sustainable communities strategies and other growth plans to ensure reliable services, orderly growth, and conformity with LAFCo's legislative mandates. Support efforts that enhance meaningful collaboration between LAFCos and regional planning agencies.
- 5.2. Support LAFCo authority as the preferred method of local governance. Support the availability of LAFCo tools that provide options for local governance and efficient service delivery, including the authority to impose conditions that assure a proposal's conformity with LAFCo's legislative mandates.
- 5.3. Support a deliberative and open process for the creation or reorganization of local governments that evaluates the proposed new or successor agency's long-term financial viability, governance structure and ability to efficiently deliver proposed services.
- 5.4. Support the availability of tools for LAFCo to insure equitable distribution of revenues to local government agencies consistent with their service delivery responsibilities.
- 5.5. Support legislation and collaborative efforts among agencies and LAFCos that encourage opportunities for sharing of services, staff and facilities to provide more efficient and cost-effective services.

2022 Legislative Priorities

Primary Issues

Authority of LAFCo

Support legislation that maintains or enhances LAFCo's authority to condition proposals in order to address any or all financial, growth, service delivery, and agricultural and open space preservation issues. Support legislation that maintains or enhances LAFCo's ability to make decisions regarding boundaries and formations, and to enact recommendations related to the delivery of services and the agencies providing them, including changes of organization and reorganizations.

Agriculture and Open Space Protection

Support policies, programs and legislation that recognize LAFCo's mission to protect and mitigate the loss of all types of agricultural lands, including prime agricultural lands and open space lands and that encourage other agencies to coordinate with local LAFCos on land preservation and orderly growth. Support efforts that encourage the creation of habitat conservation plans.

Water Availability

Support policies, programs and legislation that promote an integrated approach to water availability and management. Promote adequate water supplies and infrastructure planning for current and planned growth and disadvantaged communities, and that support the sustainability of all types of agricultural lands, including prime agricultural lands and open space lands. Support policies that assist LAFCo in obtaining accurate and reliable water supply information in order to evaluate current and cumulative water demands for service expansions and boundary changes. Such policies should include the impacts of expanding water company service areas on orderly growth, and the impacts of consolidation or dissolution of water companies providing services.

Viability of Local Services

Support policies, programs and legislation that maintain or enhance LAFCo's ability to review and act to determine the efficient and sustainable delivery of local services and the financial viability of agencies providing those services to meet current and future needs including those identified in regional planning efforts such as sustainable communities strategies. Support legislation that provides LAFCo and local communities with options for local governance that ensures efficient, effective, and quality service delivery. Support efforts that provide tools to local agencies to address aging infrastructure, fiscal challenges, declining levels of services, and inadequate services to disadvantaged communities.

Issues of Interest

Housing

Provision of territory and services to support housing plans consistent with State affordable housing mandates, regional land use plans and local LAFCo policies.

Transportation

Effects of Regional Transportation Plans and expansion of transportation systems on future urban growth and service delivery needs, and the ability of local agencies to provide those services.

Flood Control

The ability and effectiveness of local agencies to maintain and improve levees and protect current infrastructure. Carefully consider the value of uninhabited territory, and the impact to public safety of proposed annexation to urban areas of uninhabited territory at risk of flooding. Support legislation that includes assessment of agency viability in decisions involving new funds for levee repair and maintenance. Support efforts that encourage the creation of habitat conservation plans.

Adequate Municipal Services in Inhabited Territory

Consistency of expedited processes for inhabited annexations with LAFCo law that include fiscal viability. Promote environmental justice for underserved inhabited communities, funding sources should be identified for extension of municipal services, including options for annexation of contiguous disadvantaged unincorporated communities. Support policies, programs, and legislation that would provide adequate municipal services to disadvantaged communities. Promote the delivery of adequate, sustainable, efficient, and effective levels of municipal services through periodic updates and reviews of Municipal Service Reviews, Spheres of Influence, and related studies prepared by LAFCOs.

Climate Adaptation

The ability and effectiveness of local agencies to proactively and effectively address issues that impact municipal service infrastructure and service delivery that include sea level rise, sand erosion, and levee protection. Adequate resources for local agencies to prepare for and appropriately respond to extreme disasters related to climate change. Ensure local agencies are considering climate resiliency when considering future development.



**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
Linda J. LeZotte
Mike Wasserman
Susan Vicklund Wilson

Alternate Commissioners

Helen Chapman
Cindy Chavez
Maya Esparza
Russ Melton
Terry Trumbull

Executive Officer

Neelima Palacherla

LAFCO MEETING: February 2, 2022

TO: LAFCO

**FROM: Neelima Palacherla, Executive Officer
Dunia Noel, Asst. Executive Officer**

SUBJECT: LAFCO OFFICE SPACE LEASE EXTENSION

STAFF RECOMMENDATION

1. Authorize the LAFCO Chairperson to execute a lease extension agreement for office space at 777 North First Street for a five-year lease term not to exceed a total cost of \$280,908 and subject to review and approval by the LAFCO Counsel.
2. Direct staff to work closely with the County, one to two years prior to LAFCO's lease extension expiration date in 2027 in order to explore whether the County can meet LAFCO's long-term office space needs.

EXTENSION OF LEASE AGREEMENT FOR OFFICE SPACE

Lease Agreement for Office Space ends on May 5, 2022

Since March 6, 2017, LAFCO has leased private office space at 777 North First Street by an executed lease agreement. Under the terms of that agreement, LAFCO's lease will end on May 5, 2022. Therefore, it is timely for LAFCO to consider and determine how it will meet its office space needs going forward.

Proposal to Extend Lease at 777 North First Street

In early November 2021, the asset manager for 777 North First Street property provided a lease extension proposal (Attachment A) summarizing the terms for extending LAFCO's lease. The proposal includes a renewal term of Five (5) years plus 25 days, commencing on May 5, 2022 and expiring on May 30, 2027. LAFCO's cost to lease this space is estimated to be an average of \$56,181 per year over the next 5 years.

Because this is a lease extension as opposed to a new lease, the proposed rent of \$2.65/sf/month is lower than the rent for the two new leases executed (since the pandemic began) within the building for equivalent office space. As noted in the proposal, this discounted rental rate represents a savings of \$10,000 over the 5-year lease period.

Furthermore, the proposed rental rate of \$2.65/sf/month appears to be a reasonable rate for the area. LAFCO staff recently researched office space availability and costs at the nearby 675 North First Street property where there is also space available for lease. The asking rate for leasing similar space is much higher at \$2.95 sf/month for a 5-year lease, with an annual fixed 3% adjustment each year.

For these reasons and for those discussed below, staff recommends that LAFCO extend its lease at 777 North First Street in San Jose.

Option for Office Space in County Facilities

LAFCO staff also contacted the County to see if there is surplus office space within County facilities that might meet LAFCO's office space needs. The County identified available space at 140 Asbury Street in San Jose, a property that the County currently leases in the vicinity of the Government Center. We thank the County for their assistance in identifying this available office space, particularly on such a short notice.

The County's lease for this property expires in May 2026. As the end of the lease nears, the County would discuss and determine whether to renew its lease. According to the County, it is constantly re-evaluating its space efficiency usages, particularly for leased space. It is impossible to predict at this time, whether the County will renew its lease come May 2026 and if so, what the lease term would be. It is possible LAFCO could again experience disruptive relocations of unpredictable frequency outside LAFCO's control, as the County reorganizes its lease/space needs.

While the location of 140 Asbury Street is within walking distance to the County Government Center, the available space is not ideal. The available 739 sq. ft. of offices and storage area are spread out across the floor of the building, and co-located with other County departments, without separation. The space arrangement does not present an appearance of an independent agency.

LAFCO's cost to rent this space is estimated to be an average of \$33,263 per year over the next 4 years and 1 month not including relocation costs. While this represents a reduced cost for LAFCO, the Commission and staff have learned through prior LAFCO office relocations (three relocations over a three-year period), constantly relocating the LAFCO office is disruptive to LAFCO's operations. Each relocation has required months of preparation and set-up on the part of LAFCO staff, resulting in the suspension/delay of other LAFCO work. One of the reasons that LAFCO decided to lease private office space in 2017 was to have a space more suitable for its business needs, and the ability to exercise greater control on the frequency and number of relocations it may experience. The Commission spent nearly \$50,000 in moving costs, furniture costs, and installation of infrastructure to allow for information technology/telephone services for its current office space at 777 North First Street. These expenditures were necessary and seen as a long-term investment in LAFCO's office space.

Any future relocation of the LAFCO office should at a minimum maintain the current centralization and independence of LAFCO (i.e., allow staff to function as a cohesive team with separation from other County departments), provide long-term stability in terms of location and office space, and include reduced costs to LAFCO. With sufficient advance planning, preparation, and coordination with the County, it may be possible in the future to work and reach agreement with the County for a space that meets LAFCO's long-term needs. This will require significant lead time for all parties.

BACKGROUND ON LAFCO'S ORIGINAL DECISION TO LEASE PRIVATE SPACE

In June 2016, after having to move the LAFCO Office several times due to increased demand for space at the County Government Center and at other County facilities, LAFCO formed an Ad Hoc Office Space Committee to review LAFCO's office space needs, identify feasible office space options, and provide a recommendation to the full Commission for its consideration.

In July 2016, the Committee recommended that LAFCO staff pursue a lease agreement with either 777 North First Street or 675 North First Street due to their proximity to the County Government Center and their costs. On August 3, 2016, LAFCO authorized staff to pursue such an agreement.

On October 5, 2016, the Commission authorized EO Palacherla to execute a lease agreement, under certain terms, for office space at 675 North First Street in San Jose. However, LAFCO staff was unable to reach agreement on certain terms and conditions in the lease. Following the failure of lease negotiations for 675 North First Street, LAFCO staff contacted the agent for 777 North First Street about potentially leasing available office space in the building and received a favorable response. On December 7, 2016, the Commission authorized EO Palacherla to execute a lease agreement for office space at 777 North First Street in San Jose.

In January 2017, EO Palacherla executed a lease agreement for office space at 777 North First Street in San Jose. The original term of the lease agreement was 62 months, commencing on February 1, 2017 and ending on March 31, 2022, with two free months of rent. On April 4, 2017, the agreement was amended due to construction delays, to commence on March 6, 2017 and end on May 5, 2022.

NEXT STEPS

Upon the Chair's execution of the lease extension agreement, staff will place the agreement on the next LAFCO agenda for information purposes.

ATTACHMENT

Attachment A: Proposed terms of the lease extension 777 North First Street (dated January 19, 2022 and November 3, 2021)



January 19, 2022

Dunia Noel
LAFCO of Santa Clara County
777 North First Street, suite 410
San Jose, CA 95112

RE: Correction of Typographical Error
Lease Renewal - 777 North First Street

Dear Dunia,

In my letter dated November 3, 2021 there was a typographical error. Under the heading "RENT" the date range for year 1 ended before it started, and should have read as follows (correction highlighted yellow);

Year 1 (5/6/2022 – 4/30/2023) \$ 4,409 (\$2.65/sf/mo)

Please accept my apologies for this error, and feel free to contact me at (408) 288–3416 extension if there are any additional comments or questions.

Best Regards,

MCM Diversified
as manager for La Familia LP



Tom Lewis
Asset Manager



Commercial Real Estate Services
and Investment Management

November 3, 2020

Neelima Palacherla
Executive Officer
LAFCO of Santa Clara County
777 North First Street, suite 410
San Jose, CA 95112

RE: Lease Renewal - 777 North First Street

Dear Neelima,

Below is a summary of lease terms under which the lessor for your offices at 777 North First Street would be willing to extend the lease term.

PREMISES: Suite 410 approximately 1,664 rentable SF, as shown on the attached floor plan. No changes to the premises are contemplated under this lease renewal.

IMPROVEMENTS: No improvements are called for in this 5-year extension, however the Lessor pledges to have the HVAC ductwork cleaned, thermostat serviced for better temperature control and hand sanitizer dispensers installed within the premises.

TERM: A renewal term of Five (5) years plus 25 days, commencing May 5th, 2022 and expiring May 30, 2027.

RENT: Beginning at a rental rate of \$2.65/sf/month*, fully serviced, with annual fixed 3% adjustments as per the below schedule.

Year 1 (5/6/2022 – 4/30/2022)	\$ 4,409 (\$2.65/sf/mo)
Year 2	\$ 4,541
Year 3	\$ 4,678
Year 4	\$ 4,818
Year 5	\$ 4,963

**Note: Since the Covid 19 pandemic began, two new leases have been executed within the building for office space on the more desirable east side of the building's*

central corridor (equivalent to the LAFCO premises) at an average monthly rental rate of \$2.75 per square foot. Additionally, the City of San Jose has recently agreed to renewal rate of \$2.50/sf/month for the less desirable west side of the building, which has traditionally leased for \$0.25/sf less. The above discounted rental rate above represents a savings of approximately \$10,000 over the renewal term.

This summary of lease terms is intended only to further leaser renewal discussions and does not constitute an agreement binding on either party. Any binding agreement must be documented in a Lease Amendment and fully executed by both parties.

Please contact me at (408) 288-3416 extension if there are any questions we need to discuss.

Best Regards,

MCM Diversified
as manager for La Familia LP

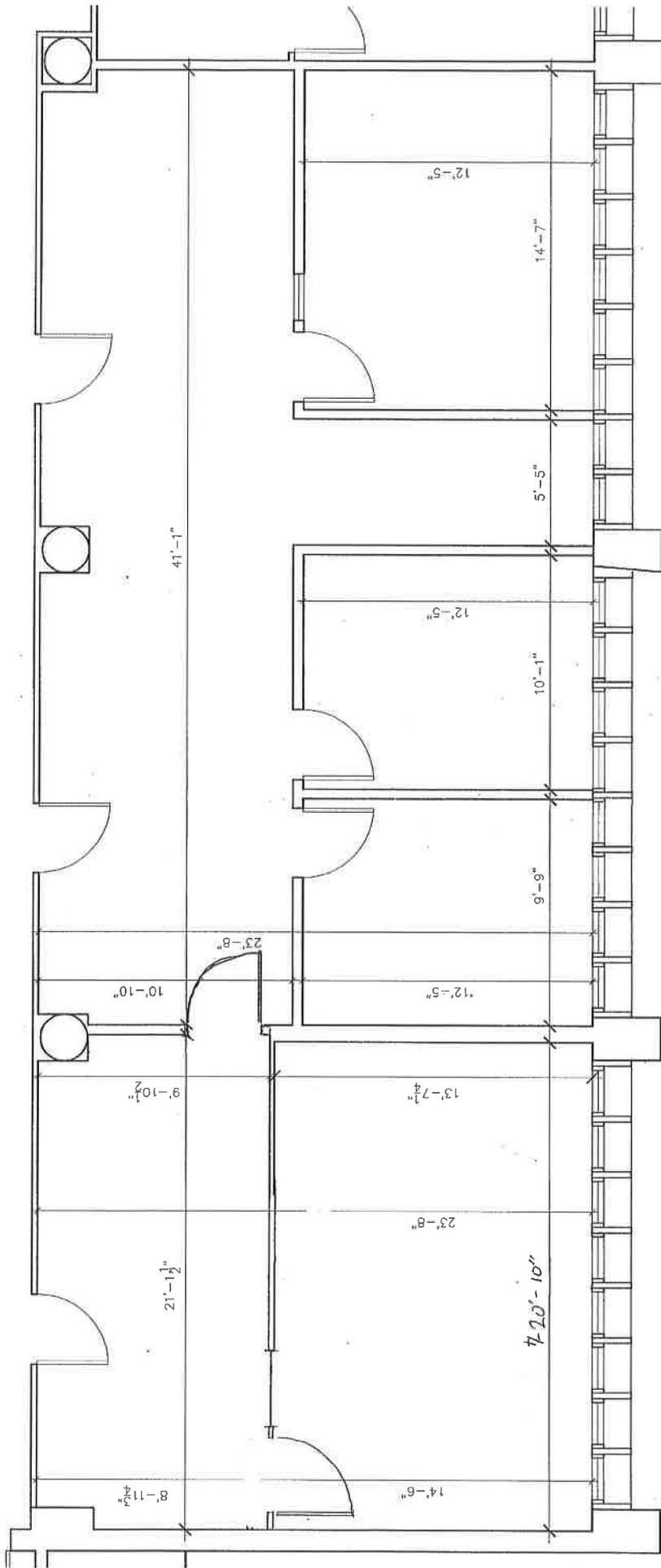


Tom Lewis
Asset Manager

11/3/2024

777 N First, Suite 410

LAFCO





**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

ITEM # 9

LAFCO MEETING: February 2, 2022

TO: LAFCO

**FROM: Neelima Palacherla, Executive Officer
Dunia Noel, Asst. Executive Officer**

**SUBJECT: UPDATE ON LAFCO'S COUNTYWIDE FIRE SERVICE
REVIEW**

STAFF RECOMMENDATION

Accept report and provide direction, as necessary.

COUNTYWIDE FIRE SERVICE REVIEW

The Center for Public Safety Management (CPSM), through a Request for Proposals (RFP) process, was selected to prepare LAFCO's Countywide Fire Service Review. However, upon mutual consent the contract between CPSM and LAFCO was terminated without cause on January 26, 2022.

Staff will bring back, at the next LAFCO meeting, proposed next steps for how to move forward the Countywide Fire Service Review. Staff will inform the Technical Advisory Committee and affected agencies of this recent development.



**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

ITEM # 10

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

LAFCO MEETING: February 2, 2022

TO: LAFCO

**FROM: Neelima Palacherla, Executive Officer
Dunia Noel, Asst. Executive Officer
Emmanuel Abello, LAFCO Clerk**

SUBJECT: FINANCE COMMITTEE FOR FISCAL YEAR 2022-2023

STAFF RECOMMENDATION

Establish a committee composed of three commissioners to work with staff to develop and recommend the proposed FY 2022-2023 LAFCO work plan and budget for consideration by the full commission.

BACKGROUND

The LAFCO Finance Committee will discuss budget related issues and work with staff to develop the FY 2022-2023 work plan and budget for the full Commission’s consideration and adoption. The time commitment for commissioners serving on this committee would be limited to 2 or 3 meetings, between the months of February and May.

In February 2021, LAFCO appointed Commissioner Sergio Jimenez, Commissioner Gary Kremen, and Alternate Commissioner Russ Melton to serve on the FY 2022 Finance Committee. Additionally, Commissioner Jimenez and Alternate Commissioner Melton serve on the Ad-Hoc Committee on LAFCO Organizational Assessment, which includes Commissioner Ellenberg.

The Cortese Knox Hertzberg Local Government Reorganization Act of 2000 (CKH Act) requires LAFCO, as an independent agency, to annually adopt a draft budget by May 1 and a final budget by June 15 at noticed public hearings.



Local Agency
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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

ITEM # 11

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

LAFCO MEETING: February 2, 2022

TO: LAFCO

**FROM: Neelima Palacherla, Executive Officer
Dunia Noel, Asst. Executive Officer**

**SUBJECT: PROPOSED USA AMENDMENT (GILROY) FOR KERLEY
RANCH DEVELOPMENT**

STAFF RECOMMENDATION

Accept report and provide direction, as necessary.

BACKGROUND

This item was part of the December 2021 Executive Officer’s Report (Item #11.5: Meeting and Letter Regarding Proposed USA Amendment (Gilroy) for Kerley Ranch Development). At the December 1, 2021 meeting, the Commission did not discuss the item, but directed staff to agendize for a future LAFCO meeting a discussion of the item. Please see **Attachment A** for the December 2021 staff report on the topic.

ATTACHMENT

Attachment A: December 2021 Executive Officer’s Report (Item # 11.5: Meeting and Letter Regarding Proposed USA Amendment (Gilroy) for Kerley Ranch Development)

Excerpted from the December 1, 2021 LAFCO Executive Officer's Report

**11.5 MEETING AND LETTER REGARDING PROPOSED USA AMENDMENT (GILROY)
FOR KERLEY RANCH DEVELOPMENT**

On October 21, 2021 LAFCO received correspondence (**Attachment B**) from a member of the Gilroy City Council regarding Kerley Ranch, a proposed Urban Service Area (USA) Amendment application received by Gilroy.

On November 18, 2021, LAFCO staff had a follow-up meeting with representatives of Kerley Ranch/Integral Communities (KR/IC). At that meeting, KR/IC sought LAFCO staff support for the proposed USA Amendment in advance of submitting an application and expressed that they would not be comfortable moving forward with an application without LAFCO staff support. EO Palacherla explained that at this early stage, LAFCO staff can best assist by informing the applicant of known and potential issues or policy conflicts and assist with the application process. The applicant and city can then consider these issues and address them prior to applying to LAFCO. The decision on whether to proceed with the application lies with the applicant and the city.

LAFCO staff is unable to provide support for or against the project at this early stage without an application for staff to review and consider; and staff is unable to take a position prior to carefully evaluating specific information in an application, particularly for a potentially complex and major project such as this. We also explained that ultimately, the Commission makes the final decision on a project.

As was reported in October, LAFCO staff met with representatives of KR/IC on August 30, 2021. At that meeting, LAFCO staff discussed the various factors that LAFCO must consider when reviewing a USA amendment application, such as the amount of existing vacant lands in the city and the need for the expansion, impacts on agricultural land, fiscal impacts on the city, and city's ability to provide services and finance services without adversely impacting areas it currently serves.

Abello, Emmanuel

From: Council Member Zachary Hilton <Zachary.Hilton@ci.gilroy.ca.us>
Sent: Thursday, October 21, 2021 6:53 AM
Subject: [EXTERNAL] Kerley Ranch Gilroy
Attachments: Kerley Ranch in Gilroy.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Santa Clara LAFCO Chairperson Ellenberg & Board Members,

I write on behalf of my Gilroy City Council Member Office in support of the proposed annexation of Kerley Ranch in Gilroy, which is currently zoned as our only Neighborhood District High on the southern portion of Gilroy. It's not an island on its own when you look at it on a map and drive by. It has off-street bike/walk paths that connect to the surrounding areas, VTA bus line runs right in front, and Gavilan College is within walking distance. It is located just outside the current Urban Service Area and within our Urban Growth Boundary. 15% of the project units will be deeded affordable housing to help meet our RHNA goals.

<https://www.cityofgilroy.org/DocumentCenter/View/11368/Gilroy-2040-Land-Use-Map>

I'd be happy to meet and talk about the policies that we have in place to be better stewards of our land than in the past. We are not the same City Admin or City Council of the past.

Please see attached letter and thank you for your time.

Zach Hilton
Gilroy City Council Member
www.zachhilton.com
#HiltonForCouncil @zachhilton_ca



October 21, 2021

The Honorable Santa Clara LAFCO Chairperson Ellenberg & Board Members
777 North First Street, Suite 410
San Jose, CA, 95112

Re: Kerley Ranch in Gilroy

Dear Santa Clara LAFCO Chairperson Ellenberg & Board Members,

I write on behalf of my Gilroy City Council Member Office in support of the proposed annexation of Kerley Ranch in Gilroy, which is currently zoned as our only Neighborhood District High on the southern portion of Gilroy. It's not an island on its own when you look at it on a map and drive by. It has off-street bike/walk paths that connect to the surrounding areas, VTA bus line runs right in front, and Gavilan College is within walking distance. It is located just outside the current Urban Service Area and within our Urban Growth Boundary.

<https://www.cityofgilroy.org/DocumentCenter/View/11368/Gilroy-2040-Land-Use-Map>

Our needs to build more high-density housing is here now, will be a part of the future housing needs of our community, and especially needed when built around transit. When 75% of our land is zoned for single family homes, we don't have many options but to build at a higher density. With the recent adoption of our City's General Plan 2040, we as a community called for bold actions that include providing high density housing options, affordable housing for all, and continuing to promote cleaner modes of transportation. We encourage existing and proposed development to incorporate Transportation Demand Management measures such as car-sharing, transit passes, and unbundling of parking (requiring separate purchase or lease of a parking space) where such measures will result in a reduction in vehicle miles traveled, reduction of required amount of parking or an increase in the use of alternate transportation modes. We have planned for projects like this and have the resources in 2021 to make them successful.

Kerley Ranch concept will build duets and other modest, affordable "missing middle" housing types. Required by our Neighborhood District Policy, 15% of the total units built will be deeded affordable units. City of Gilroy has many examples of properties where we used to do this many decades ago before a majority of our city became zoned for single family homes. California has a housing supply and affordability crisis of historic proportions. The consequences of failing to effectively and aggressively confront this crisis are hurting millions of Californians, robbing future generations of the chance to call California home, stifling economic opportunities for workers and businesses, worsening poverty and homelessness, and undermining the state's environmental and climate objectives.

California has a statewide housing shortage of nearly 3.5 million homes. Low and middle-income households face historic rent burden in California, and the problem worsens by the day as middle-income households move into naturally affordable housing previously occupied by low-income renters forcing these households to move further away from their jobs, and in some cases, onto the streets. Undersupply of “missing middle” housing, or medium density housing near jobs and transit, is one of the key factors contributing to the displacement and rent burden of Californians across the state. This sort of housing is banned in over 70 percent of the state. In Gilroy we have 75.3% of our land zoned for single family homes, 10.2% were small multifamily (2-4 units), and 12.6% were medium or large multifamily (5+ units).

According to recent data provided by ABAG, 59.1% of Gilroy’s population in 2020 was Latinx, 28.0% was White, 9.1% was Asian, and 1.1% was African American. In Gilroy, 21.0% of households are considered extremely low-income, making less than 30% of AMI. Furthermore, 24.3% of Gilroy households are large households with five or more people, with 20.0% of large family households experiencing a cost burden of 30%-50%, and 16.9% of households spending more than half of their income on housing. Some 20.1% of all other households have a cost burden of 30%-50%, with 21.1% of households spending more than 50% of their income on housing.

As we prepare for the next Housing Element, we will need to examine the ways at which the 75.3% zoning can be the limiting factor as we work towards affordability, equity, and not continue to have communities that are segregated based on incomes and race.

The City Council has made a bold statement in our strategic goals that we are committed to safe and affordable housing for all Gilroy residents and followed that up with a multi-year contract with HouseKeys to manage our below market rate housing units. HouseKeys will play a key role in advising city hall on programs and policies that we can implement to further strengthen our below market housing portfolio. HouseKeys will be working with all of our BMR projects to ensure lease compliance, safety for the residents, management responsibilities and more. The city can back all that up with code enforcement and adding conditions of approval. We can no longer just build and then walk away; we have to play an active role and we just committed ourselves to that.

Lastly, we are actively embracing, advancing ideas, and projects that promote the concept of free-range people in the City of Gilroy. We advocate for building and planning that considers future generations as well as current residents who don’t own cars. Advancing mobility options reflects what we are teaching the youth in our community through Safe Routes to School and why we are nationally recognized as a Bicycle Friendly Community from the League of American Bicyclists, as well as recognized by the World Health Organization as an Age-Friendly Community.

Sincerely,



Zach Hilton

Gilroy City Council Member

www.zachhilton.com

#HiltonForCouncil @zachhilton_ca



**Local Agency
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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

ITEM # 12

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

LAFCO MEETING: February 2, 2022

TO: LAFCO

**FROM: Neelima Palacherla, Executive Officer
Dunia Noel, Asst. Executive Officer**

SUBJECT: EXECUTIVE OFFICER'S REPORT

STAFF RECOMMENDATION

Accept reports and provide direction, as necessary.

12.1 COUNTY COMMENDATION TO LAFCO FOR THE 50TH ANNIVERSARY OF ITS "COUNTYWIDE URBAN DEVELOPMENT POLICIES"

The Board of Supervisors of the County of Santa Clara, at its On December 14, 2021 meeting, presented Santa Clara LAFCO with a commendation (**Attachment A**) for the 50th Anniversary of its "Countywide Urban Development Policies." LAFCO thanks Commissioner Ellenberg, for bringing forward this commendation which recognizes a countywide milestone.

These fundamental growth management policies were jointly adopted by LAFCO, the County, and the 15 cities in the early 1970s and remain the foundation of all LAFCO polices, and of the cities' and County general plans.

In brief, the fundamental Countywide CUDPs are stated as follows:

1. Urban development should occur, and urban services should be provided only on lands annexed to cities – and not within unincorporated areas, urban or rural.
2. Urban expansion should occur in an orderly, and planned manner – with cities responsible for planning and providing services to urban development within explicitly adopted "Urban Service Areas" whose location and expansion is subject to LAFCO approval authority.
3. Urban unincorporated islands within USAs should eventually be annexed into their surrounding cities, so that cities have the responsibility for urban services and land use authority over all lands within their USA boundaries.

LAFCO's communication materials ("Map of Santa Clara County and Cities Boundaries" and "What is LAFCO" Brochure) highlight these fundamental policies.

LAFCO will also highlight the history and current relevancy of these policies as part of its Comprehensive Policies Update.

12.2 MEETING WITH PROPONENTS REGARDING PROPOSED INCORPORATION OF ALMADEN VALLEY AREA (SAN JOSE)

In late November, LAFCO staff received a general inquiry from an individual about the process for forming a new city in the Almaden Valley area (including lands in the City of San Jose and lands in the unincorporated county). LAFCO staff contacted the individual to clarify their information needs and provided general information and resources on the incorporation process.

On December 16, 2021, EO Palacherla and Assistant EO Noel met with the individual and a group of residents via video conference to discuss the proposed incorporation in greater detail. The group explained their motivations and provided context for their request. The group also requested and received information from LAFCO staff on the application process, petition requirements, determining feasibility, determining revenue neutrality, and voting requirements for the incorporation.

Given that the incorporation process is very complex and costly, one of the initial steps would be for the group to conduct an analysis of alternatives to incorporation and present their findings in writing, as well as to conduct an initial comprehensive fiscal analysis of the proposed incorporation. Should the group decide to move forward, LAFCO staff would work closely with the proponents on each step of the incorporation process.

12.3 PRESENTATION ON LAFCO TO LEADERSHIP SUNNYVALE

At the invitation of Tara Martin-Milius (Executive Director of Leadership Sunnyvale and former LAFCO Commissioner), EO Palacherla and Asst. EO Noel gave a presentation on Santa Clara LAFCO to Leadership Sunnyvale on December 10, 2021, as part of their program curriculum on special districts and LAFCO. The 30-minute presentation included an overview of LAFCO and a discussion on how LAFCO's work to steer growth to areas where urban services can be delivered efficiently and to protect farmland and open space benefits the whole county. See **Attachment B** for letter of appreciation from Leadership Sunnyvale.

12.4 BAY AREA LAFCOS MEETING

The Executive Officers and Analysts from the nine Bay Area LAFCOs meet periodically to discuss issues of common concern and share best practices. On December 16, 2021, EO Palacherla and Asst. EO Noel attended the Bay Area LAFCOs meeting via video conference. The group discussed various current and upcoming projects at each LAFCO, experience with the community services district formation process, Napa LAFCO's Fire Service Review, recent LAFCO staff recruitment efforts, and experience in transferring services from a city to a special district; and gave a

fond farewell and well wishes to the San Mateo LAFCO Executive Officer who is retiring after nearly 30 years of service to LAFCO.

12.5 INTER-JURISDICTIONAL GIS WORKING GROUP MEETING

On January 12, 2022, Asst. EO Noel attended the Inter-Jurisdictional GIS Working Group Meeting via video conference that includes various County departments that use and maintain GIS data, particularly LAFCO related data. The group discussed the upcoming release of the new County Supervisorial District Boundaries, including maps and associated census data. The group also discussed the recent update of the County's zoning district layer in the Coyote Valley Area to reflect the new Coyote Valley Climate Resilience Overlay District. Lastly, participants shared updates on current GIS and boundary changes activities with their department or agency of interest to the group. The next meeting is scheduled for April 2022.

12.6 PUBLIC RECORDS ACT REQUESTS

LAFCO staff has received an unusually high number of Public Records Act (PRA) Requests since late December 2021. These requests have required a significant amount of research and records gathering from staff. The following is a list of the requests, to date:

- December 17, 2021 request from Adams Broadwell Joseph & Cardoso (on behalf of Silicon Valley Residents for Responsible Development) for records referring or related to the Cambrian Park Mixed-Use Village Project located at 14200 and 14420 Union Avenue and related annexation from the County of Santa Clara to the City of San Jose.
- January 11, 2022 request from Adams Broadwell Joseph & Cardoso (on behalf of Silicon Valley Residents for Responsible Development) for any and all records related to the adoption of the City of San Jose's Urban Service Area (USA) by Santa Clara LAFCO and any and all records related to amendment(s) to the City of San Jose's USA by LAFCO.
- January 26, 2022 request from Adams Broadwell Joseph & Cardoso (on behalf of Silicon Valley Residents for Responsible Development) for record(s) showing when Santa Clara LAFCO last adopted the City of San Jose's Urban Service Area (USA).
- January 27, 2022 request from Colantuono Highsmith Whatley, PC – for records of: (1) Annexation of unincorporated county area by the Town of Los Gatos from 2015 – 2018; (2) Annexations of Shannon Road by the Town of Los Gatos from 2015 – 2018; and (3) Communications from 2015 to 2022 occurring between LAFCO employees or officials and any other persons concerning the duties of the Town of Los Gatos or the County of Santa Clara regarding obligations relating to annexations by the Town of Gatos occurring between 2015 and 2019.

ATTACHMENTS

Attachment A: County Board of Supervisors' Commendation to LAFCO on the 50th Anniversary of the Countywide Urban Development Policies Adoption

Attachment B: Letter from Leadership Sunnyvale re. Leadership Sunnyvale Special Districts Day (December 31, 2021)

COUNTY OF SANTA CLARA



Board of Supervisors
C O M M E N D A T I O N

WHEREAS, the Santa Clara County Local Agency Formation Commission adopted its landmark countywide "Urban Development Policies for Santa Clara County" in 1971;

WHEREAS, LAFCO's Urban Development Policies have been a major cornerstone of our county's growth and development over these past five decades;

WHEREAS, LAFCO's Urban Development Policies serve as a foundation for the urban development and rural area land use policies of the County's General Plan;

WHEREAS, LAFCO's Urban Development Policies have played major roles in helping to protect our county's scenic hillsides, farmlands, and other open space lands, promote efficiency in the delivery of local government services and infrastructure - resulting in savings to taxpayers, and make possible the growth and development of our county's outstanding regional parks and public open space lands systems; and

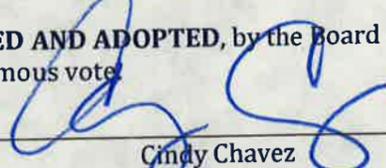
WHEREAS, LAFCO's Urban Development Policies remain important and relevant today in helping to: prevent additional urban sprawl, protect our remaining farmlands from loss to urban development, mitigate the impacts of climate change by preventing automobile-dependent urban sprawl which increases greenhouse gas emissions that contribute to climate change, and support the array of environmental services that natural areas provide to our county's residents.

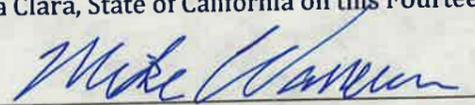
NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Santa Clara commends the

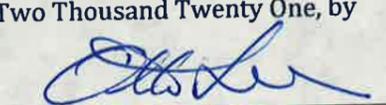
SANTA CLARA COUNTY LOCAL AGENCY FORMATION COMMISSION (LAFCO)

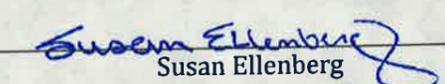
on the 50th anniversary of its "Countywide Urban Development Policies."

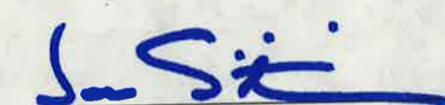
PASSED AND ADOPTED, by the Board of Supervisors, County of Santa Clara, State of California on this Fourteenth Day of December, Two Thousand Twenty One, by unanimous vote

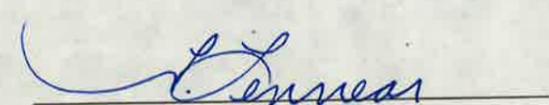

Cindy Chavez
Supervisor, District Two


Mike Wasserman
President, Board of Supervisors


Otto Lee
Supervisor, District Three


Susan Ellenberg
Supervisor, District Four


S. Joseph Simitian
Supervisor, District Five


Attest: Tiffany Lennear
Acting Clerk, Board of Supervisors





ITEM # 12
Attachment B

December 31, 2021

Neelima Palacherla, Executive Officer
Dunia Noel, Assistant Executive Officer
Santa Clara County LAFCO

Re: Leadership Sunnyvale Special Districts Day

Dear Neelima and Dunia,

Thank you so much for kicking off our Leadership Sunnyvale Special Districts Day. Your joint presentation of LAFCO and its purposes and history were even better this year than last! Not only was the presentation informative, but you also made it make good, practical, sense to our cohort. You laid a great foundation for us all to better understand both LAFCO and the other special districts represented that day.

Many thanks for your time and contribution to the participant's knowledge of government structures and responsibilities. Leadership Sunnyvale is committed to building capacity for principled, effective leadership in our communities. Understanding regional land-use issues and management is a great help.

Our Board of Directors, our 2022 cohort, and I, are all deeply appreciative of the ideas and information you shared, and your expertise.

With gratitude for all you do,

Tara Martin-Milius
Executive Director
408-733-5778 Home Office
408-691-9894 Cell
www.LeadershipSunnyvale.org



**A
message
from the
Executive
Director**

Greetings from your CALAFCO Board of Directors and Executive Director. As we wind down 2021, the holidays and year-end are a great time to reflect on where we've been and look to the future. We wish you and your families all the best in the coming year.

This Fourth Quarterly Report of 2021 will begin by highlighting the news in our CALAFCO family first, followed by Association updates. It's been a very busy 4th quarter so there's lots of news to report. Happy reading!

LAFcos in the News

Congratulations on these retirements

This year we've seen a lot of retirements, and this quarter is no different. We want to congratulate two long-time LAFCo leaders on their retirements. Their contributions to CALAFCO and to LAFCos statewide are far too numerous to list here. Needless to say, they both leave huge shoes to fill and will be greatly missed. We wish them both all the best in their retirement!

After a 35-year LAFCo career, **Roseanne Chamberlain**,



Amador LAFCo Executive Officer (EO), is retiring. Roseanne began her LAFCo career as a public member Commissioner for Sacramento LAFCo. She served on the CALAFCO Board for 6 years with 2 of those years as Chair of the Board. Her distinguished career also includes work as

EO and Interim EO for several LAFCos. In 2013, Roseanne was the recipient of CALAFCO's Distinguished Service Award.

Also calling it time to retire this month is San Mateo LAFCo Executive Officer (EO) **Martha Poyatos**. Her LAFCo career began 28 years ago in San Mateo and she's done it all there from commission clerk to analyst and EO. In 2008, Martha received CALAFCO's Outstanding LAFCo Professional Award. Martha also served two terms as CALAFCO Deputy Executive Officer for the coastal region from 2018-2021.



Los Angeles LAFCo Commissioner Retires

Long-time **LA LAFCo** commissioner **Richard Close**, the San Fernando Valley public member, retired after 25 years of service. Commissioner Close was re-appointed to consecutive four-year terms for more than two decades. He served with distinction, even surviving a challenge to his position on the Commission, given that he was a long-standing proponent of the proposed secession of the San Fernando Valley from the City of Los Angeles. Fellow commissioners lauded Commissioner Close's intellect, integrity, and independence in representing the San Fernando Valley.

Amador LAFCo Announces New Executive Officer

Amador LAFCo announced the hiring of **Kris Berry** as the new Executive Officer (EO). Kris retired earlier this year as the EO of Placer LAFCo.

San Mateo LAFCo Announces Interim Executive Officer

Rob Bartoli will transition to the Interim EO position for San Mateo LAFCo effective January 1, with the departure of Martha.

Napa LAFCo Announces New Quarterly Newsletter

Napa LAFCo began a Quarterly Newsletter earlier this year. The newsletter features local LAFCo news of note and what's on the horizon. You can find it on their website.

San Diego LAFCo Welcomes New Analyst

Carolanne Ieromnimon recently joined the San Diego LAFCo team. She started with San Diego LAFCo earlier this year as an intern and is now a full-time Analyst.



CALAFCO Educational Events

MARK YOUR CALENDARS FOR THESE UPCOMING CALAFCO EDUCATIONAL EVENTS!

CALAFCO 2022 STAFF WORKSHOP

Join us **March 23- 25** at the **Hyatt Regency Newport Beach John Wayne Airport** when we FINALLY get LAFCo staff together for the Workshop. It's been so long since we've gathered in person and the time is finally here! All Workshop details including info about the program, registration and hotel reservations will be posted on the CALAFCO website the first week of January.



Deadline to register for the Workshop is March 9 and hotel reservation cutoff date is February 22.

CALAFCO UNIVERSITY

We are pleased to continue offering webinars at no cost to our members. We have two **CALAFCO U webinars** scheduled for the first quarter 2022, so *mark your calendars!*



First up on **January 10** is *The Property Tax Elements of Jurisdictional Changes and Fiscal Reviews*. Our property tax expert will share resource reports such as trends of value change, revenue calculations, and budget forecast tools that are useful resources for LAFcos when conducting MSR. Other panelists will share case studies and perspectives on budget forecasting. Registration for this session closes January 5.

Scheduled for **February 23** is a session on *Best Practices for Hiring in the New World (Post-Pandemic)*. We will feature a labor/employment law attorney, recruiting firm executive, and an Executive Officer, all of whom will share the myriad of things we need to know as we navigate the new (and wild) labor market seeking the best candidates in this post-pandemic world.

Details for all CALAFCO University courses are on the CALAFCO website.

2021 CALAFCO Achievement Award Recipients

CALAFCO Congratulates the 2021 Annual Achievement Award Recipients

We wish to congratulate all of this year's nominees, and especially those who received a 2021 Achievement Award.

- ❖ **Outstanding Commissioner** – *Olin Woods* (Yolo LAFCo)
- ❖ **Outstanding LAFCo Professional** – *Crystal Craig* (Riverside LAFCo)
- ❖ **Outstanding CALAFCO Associate Member** – *Planwest Partners*
- ❖ **Mike Gotch Excellence in Public Service** (protection of ag/open space land & urban sprawl prevention) – *Napa LAFCo, City and County of Napa and Senator Bill Dodd*
- ❖ **Mike Gotch Excellence in Public Service** (innovation, collaboration, outreach) – *Yolo LAFCo*
- ❖ **Lifetime Achievement** – *Jerry Gladbach* (LA LAFCo)



CALAFCO Board of Directors

CALAFCO Board and Regional Officer Changes

Results of the October CALAFCO Board of Directors elections netted several new Board members for 2022. Earlier this month, Board member **David West** (Imperial LAFCo) who held the southern region public member seat, resigned from the Board. With a term set to expire October 2022, at their January 21 meeting the Board will appoint a replacement to fill that unexpired term.

Current Board members include:

Northern: *Bill Connelly* (Butte), *Blake Inscore* (Del Norte), *Debra Lake* (Humboldt) and *Josh Susman* (Nevada).
Southern: *Mike Kelley* (Imperial), *Jo MacKenzie* (San Diego) and *Acquanetta Warren* (San Bernardino).
Coastal: *Chris Lopez* (Monterey), *Mike McGill* (Contra Costa), *Margie Mohler* (Napa) and *Shane Stark* (Santa Barbara).
Central: *Gay Jones* (Sacramento), *Daron McDaniel* (Merced), *Anita Paque* (Calaveras) and *Daniel Parra* (Fresno).

In October the Board said goodbye to **David Couch** (Humboldt) and **Tom Murray** (San Luis Obispo). We thank them for their service and many contributions to CALAFCO.

Additionally, at their November meeting the Board approved the new Coastal and Central region DEO appointments. We welcome **Dawn Mittleman Longoria** (Napa) and **José Henríquez** (Sacramento) to the team. We thank outgoing DEOs **Christine Crawford** (Yolo) and **Martha Poyatos** (San Mateo) for their service.

CALAFCO Board 2022 Officers and Committees

At the October 8 meeting, the CALAFCO Board elected their officers for 2022 as follows:

Chair – **Anita Paque** (Calaveras - central)
Vice Chair – **Bill Connelly** (Butte - northern)
Treasurer – **Margie Mohler** (Napa - coastal)
Secretary – **Acquanetta Warren** (San Bernardino - southern)

They also appointed members to the 2022 standing committees as follows:

Legislative Committee

Bill Connelly (North)
Anita Paque (Central)
Jo MacKenzie (South)
Mike McGill (Coastal)
Gay Jones (At-Large)
Margie Mohler (a) (At-Large)
Michael Kelley (a) (South)
Chris Lopez (a) (Coastal)
Daron McDaniel (a) (Central)
Josh Susman (a) (North)

Elections Committee

Bill Connelly
Jo MacKenzie (Chair)
Margie Mohler
Daniel Parra

Awards Committee

Blake Inscore (Chair)
Debra Lake
Daniel Parra
Shane Stark
Acquanetta Warren



2022 Annual Conference

Gay Jones
Daron McDaniel
Mike McGill
Josh Susman

CALAFCO BOARD ACTIONS

The Board met virtually on October 8 and appointed the staff members of the 2022 Legislative and Advisory Committees. In addition to the actions noted on page 2 of this Report, they also adopted their 2022 annual meeting calendar and approved the FY 2020-21 annual tax filings.



They met virtually on November 12 with a full agenda. Under the leadership of **Chair Anita Paque**, the Board took a number of actions.

- ✓ **The FY 2021-22 quarterly financial reports were received.** Revenues for the first quarter were mostly on track and expenses were far below the 24% point.
- ✓ **Received the annual Administrative and Operational Report.** This is an annual item as part of corporation best practice.
- ✓ **Approved amendments/updates to the CALAFCO Legislative Policies, Priorities and Issues of Interest.** All recommended changes by the Legislative Committee were approved and adopted.
- ✓ **Considered and reaffirmed legislative priorities for 2022.** The Board considered an additional proposal received from San Diego LAFCo to sponsor a bill making changes to Gov. Code Sec. 56430, requiring all LAFCos to consider Municipal Service Reviews (MSRs) in a 21-day noticed public hearing and all affected service providers to place the MSR on their meeting agenda for discussion. Given the Board previously approved the sponsorship of three (3) bills for 2022, this proposal was tabled for reconsideration again next year.

The Board's direction to staff in terms of 2022 legislative priorities include sponsoring the annual Omnibus bill, co-sponsoring changes to §56133 with San Diego LAFCo (an item tabled in 2021), and to proceed with wrapping up the work of the protest provision rewrite working group.

- ✓ **Closed session held to approve 2-month contract for Pamela Miller as Executive Director.** In closed session the Board approved a contract for Pamela Miller for Jan-Feb 2022 as a contract Executive Director (transitioning from employee), with limited hours of approx. 20 per week. There was also discussion about priorities during this critical transition period.

All Board meeting documents are on the CALAFCO website.

CALAFCO Administrative Update

The **2021 CKH Guides** are now available. You can download an electronic copy from the CALAFCO website. Pre-orders for printed hard copies are now being accepted. You will find all the details on the CALAFCO website at www.calafco.org.



We will be updating the **CALAFCO Member Directory** in the next two months, so watch for an email from us requesting your changes.

CALAFCO Legislative Update

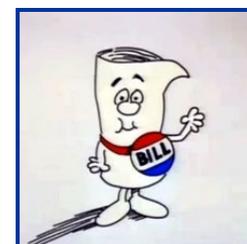


January 3, 2022 marks the start of the second year in the 2-year legislative cycle. Once again the year is expected to be wild and unpredictable. The State has a large budget surplus which is creating all kinds of early budget negotiating, as is the influx of Federal money.

Legislators will hit the ground running trying to move the large number of left-over 2-year bills through committee in January to meet deadlines. That action, along with introduction of new bills for the year, sets the table for a very busy January.

All bills being tracked by CALAFCO can be found on the CALAFCO website inside the Legislation section of the site (log in with your member id first to access this section). CALAFCO's position on all bills is reflected there, and any letters issued by CALAFCO are posted. The CALAFCO Legislative Committee meets regularly and all meeting materials are located in the Legislation section of the CALAFCO website.

Watch for the two Local Government Committee and OPR year-end legislative reports coming soon!





CALAFCO Associate Members' Corner



This section is dedicated to highlighting our Associate Members. The information below is provided to CALAFCO by the Associate member upon joining the Association. All Associate member information can be found in the CALAFCO Member Directory.

We are pleased to acknowledge our **Gold Associate Members** in this edition and thank all our Associate Members for their support and partnership.



Best Best & Krieger



BEST BEST & KRIEGER
ATTORNEYS AT LAW

In meeting the needs of public and private sector clients, **BB&K** offers unique experiences in handling complex, multi-disciplinary issues and providing solutions of common interest to leaders of both business and government, including LAFCo law. **BB&K** has been CALAFCO's legal counsel since 1982. Visit www.bbklaw.com to learn more about the expert legal services provided by BBK.

Colantuono, Highsmith & Whatley, PC

Colantuono, Highsmith & Whatley, PC's attorneys are among just a few in California with deep expertise in the Cortese-Knox-Hertzberg Act. The firm currently serves as general counsel to Calaveras, San Diego and Yuba LAFCos and as alternate counsel to several other LAFCos on matters as to which their general counsels have conflicts of interest. The Firm's attorneys also serve as special counsel to LAFCos throughout the state and have deep litigation expertise representing LAFCos in court. **Colantuono, Highsmith & Whatley, PC** has been a Gold Associate member since July 2008. Learn more about them at www.chwlaw.us.



CV Strategies

CV Strategies is a dedicated team helping companies with strategic planning, communications and training. **CV Strategies** joined the CALAFCO team as a Gold Associate Member in the fall of 2016. To learn more about their team and the services they offer, visit them at www.cvstrategies.com or contact Erin Kaiman at erin@cvstrat.com.



CALAFCO wishes to thank all of our Associate Members for your ongoing support and partnership. We look forward to continuing to highlight you in future Quarterly Reports.

Did You Know??



CALAFCO Webinars & Courses Archived

Did you know that all **CALAFCO Webinar recordings** on archived on the **CALAFCO website** and available at no cost for on-demand viewing? Visit the CALAFCO website in the CALAFCO Webinars section (log in as a member first). **There are now 49 CALAFCO U courses archived and 15 webinars are archived and available for on-demand viewing!**

Meeting Documents Online

Did you know that all **CALAFCO Board of Directors and Legislative Committee meeting documents** are online? Visit the Boards & Committees pages in the Members Section of the site. Board documents cover 2008 to present and Legislative Committee documents span 2007 to present.

Mark Your Calendars For These Upcoming CALAFCO Events

- ❖ CALAFCO U webinar on Rev & Tax Sharing - 1/10
- ❖ CALAFCO Board meeting - 1/21 (Sacto)
- ❖ CALAFCO Leg meeting - 1/28 (virtual)
- ❖ CALAFCO U webinar on Best Hiring Practices - 2/23
- ❖ CALAFCO Leg meeting - 3/11 (virtual)
- ❖ CALAFCO Staff Workshop - 3/23 - 3/25 (Newport Beach)



The **CALAFCO 2022 Calendar of Events** can be found on the CALAFCO website.

