



**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  
June 2, 2021 ▪ 1:15 PM  
AGENDA**

Chairperson: Susan Ellenberg ▪ Vice-Chairperson: Rich Constantine

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

Pursuant to the provisions of California Governor’s Executive Order N-29-20, issued on March 17, 2020, this meeting will be held by teleconference only. 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/91784245455>. Alternately, the public may listen in to the meeting by dialing (669) 900-6833 and entering **Meeting ID 91784245455#** when prompted.

**WRITTEN PUBLIC COMMENTS** may be submitted by email to [LAFCO@ceo.sccgov.org](mailto: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/91784245455> 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.

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## NOTICE TO THE PUBLIC

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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](http://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](http://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](http://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 APRIL 7, 2021 LAFCO MEETING**

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**PUBLIC HEARING**

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**5. MORGAN HILL OUT OF AGENCY CONTRACT FOR WATER SERVICE (METTA TAM TU BUDDHIST TEMPLE)**

City of Morgan Hill’s proposal to extend water service outside city limits to serve the proposed Metta Tam Tu Buddhist Temple located at 610 Fisher Road in the unincorporated area.

**Staff Recommended Action:**

- 1a. Project Action: Approve the request by the City of Morgan Hill to extend water service outside the City’s jurisdictional boundaries to the proposed Metta Tam Tu Buddhist Temple located at 610 Fisher Avenue (APN 817-07-024) in the unincorporated area. Inform the County, the City of Morgan Hill and the State Water Resource Control Board that this approval is not a precedent and that in the future, the provision of water in these type of situations should be addressed early on and determined prior to issuance of any land use approvals and permits.
- 1b. CEQA Action: As a Responsible Agency under CEQA, determine that the proposal is categorically exempt from the provisions of CEQA pursuant to State CEQA Guidelines §15303(d).

**Other Possible Action:**

- 2a. Project Action: Deny the request by the City of Morgan Hill to extend water service outside the City’s jurisdictional boundaries to the proposed Metta Tam Tu Buddhist Temple located at 610 Fisher Avenue (APN 817-07-024) in the unincorporated area.
- 2b. CEQA Action: Denial of the project does not require a CEQA Action.

**6. FINAL BUDGET FOR FY 2022**

**Finance Committee and Staff Recommendation**

- 1. Adopt the Final Budget for Fiscal Year 2021-2022.
- 2. Find that the Final Budget for Fiscal Year 2022 is expected to be adequate to allow the Commission to fulfill its statutory responsibilities.
- 3. Authorize staff to transmit the Final Budget adopted by the Commission including the estimated agency costs to the cities, the special districts, the County, the Cities Association of Santa Clara County and the Santa Clara County Special Districts Association.
- 4. Direct the County Auditor-Controller to apportion LAFCO costs to the cities; to the special districts; and to the County; and to collect payment pursuant to Government Code §56381.

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**ITEMS FOR ACTION / INFORMATION**

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

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

**8. PENDING APPLICATIONS / UPCOMING PROJECTS**

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

**9. COMMISSIONER REPORTS**

**10. NEWSPAPER ARTICLES / NEWSLETTERS**

- 10.1 CALAFCO Quarterly Report, May 2021

**11. WRITTEN CORRESPONDENCE**

**12. ADJOURN**

Adjourn to the regular LAFCO meeting on August 4, 2021 at 1:15 PM in the Board of Supervisors’ Chambers, 70 West Hedding Street, San Jose.



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

**ITEM # 4**

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

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

### **CALL TO ORDER**

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

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

### **1. ROLL CALL**

**The following commissioners were present:**

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

**The following commissioners were absent:**

- Alternate Commissioner Cindy Chavez
- Alternate Commissioner Russ Melton

**The following staff members were present:**

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

Ms. Palacherla informed that Commissioner Jimenez is present. **Commissioner Jimenez** indicated that he did not plan to be at the meeting but later decided to attend.

2. **WELCOME NEW COMMISSIONER**

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

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

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

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

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

Motion: Jimenez

Second: Vicklund Wilson

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

NOES: None

ABSTAIN: None

ABSENT: None

**MOTION PASSED**

4. **PUBLIC COMMENTS**

There were none.

5. **APPROVE CONSENT CALENDAR**

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

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

The Commission approved Agenda Items 6, 9, 10, 12.4 through 12.8, 13, 17 and 18 on a consent.

Motion: Ellenberg

Second: Wasserman

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

NOES: None

ABSTAIN: Kremen

ABSENT: None

**MOTION PASSED**

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

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

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

Ms. Palacherla provided a brief report.

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

In response to an inquiry by **Commissioner Constantine** on staffing, Ms. Palacherla informed that the County still is working on a classification study based on the recommendations from the Comprehensive Organizational Assessment Study, and when the County completes that study the ad hoc committee will meet to discuss its implementation and report back to the full Commission. In response to his inquiry regarding LAFCO's office space, Ms. Palacherla informed that the lease will end in mid-2021 and that, following the direction from the Finance Committee, she has requested the landlord for rent a reduction based on the prevalent market situation and staff is waiting for a response. **Commissioner Constantine** proposed consideration in a future meeting the possibility of moving the LAFCO office back to a County building to reduce cost.

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

**Chairperson Ellenberg** indicated that the detailed work plan helps in understanding the work being done by a small staff and those to be done by the consultant. In response to her additional inquiries, Ms. Palacherla informed that there was office space issue in the County about three years ago that the LAFCO office was relocated several times, and when the LAFCO office was relocated to Charcot where it is inconvenient for LAFCO functions, the Commission directed staff to look for a private office space. Ms. Palacherla indicated that the cost for the County office space was included in the cost allocation plan, and that Attachment B illustrates that rental cost were incurred starting in FY 2018. She expressed that staff has no preference whether the LAFCO office is located in a County building or leased office if the space and location are adequate for LAFCO functions.

The Commission:

1. Adopted the Proposed Work Plan for Fiscal Year 2021-2022.
2. Adopted the Proposed Budget for Fiscal Year 2021-2022.
3. Found that the Proposed Budget for Fiscal Year 2022 is expected to be adequate to allow the Commission to fulfill its statutory responsibilities.
4. Authorized staff to transmit the Proposed Budget adopted by the Commission including the estimated agency costs as well as the LAFCO public hearing notice



Project Action

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

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

The Commission:

CEQA Action

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

Project Action

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

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

Ms. Noel presented the staff report.

In response to inquiry by **Chairperson Ellenberg**, Ms. Noel advised that there will be overlaps since the two countywide studies on fire agencies are very similar but indicated that LAFCO's study will focus on determinations required by the Cortese-Knox-Hertzberg Act of 2000 and look at focus areas and issues from the 2010 service reviews that are still relevant. She indicated that staff has reached out to the County as the two agencies could coordinate in order to improve efficiency even if the two studies are independent of each other. Ms. Palacherla informed that she periodically checks with the County and indicated that she would reach out once again when the two agencies have hired consultants to determine opportunities for working together on areas like data collection. In response to follow-up inquiry by **Chairperson Ellenberg**, Ms. Palacherla advised that the state mandates LAFCOs to conduct the fire service review and make certain findings before updating the spheres of influence of the fire districts, and this study will be similar in the scope with two prior LAFCO fire studies. **Chairperson Ellenberg** acknowledged that LAFCO's fire service review is a statutory requirement and it is directed to make specific findings.

**12. EXECUTIVE OFFICER'S REPORT**

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

The Commission accepted the report.

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

The Commission accepted the report.

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

The Commission accepted the report.

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

The Commission accepted the report.

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

The Commission accepted the report.

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

The Commission accepted the report.

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

The Commission accepted the report.

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

The Commission accepted the report.

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

The Commission accepted the report.

**14. LEGISLATIVE REPORT**

In response to inquiry by **Chairperson Ellenberg**, Ms. Palacherla welcomed the possibility of members promoting LAFCO's position on bills in the state legislature, and she indicated that AB 1581 is an annual omnibus bill at the State Assembly Local Government Committee which includes non-controversial and non-substantive changes to the CKH Act. **Chairperson Ellenberg** encouraged staff to reach out to members on LAFCO-related bills when necessary since their agencies may have delegations to the state legislature.

The Commission:

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

Motion: Kishimoto

Second: Wilson

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

NOES: None

ABSTAIN: None

ABSENT: None

**MOTION PASSED**

**15. PENDING APPLICATIONS / UPCOMING PROJECTS**

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

**16. COMMISSIONER REPORTS**

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

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

There were none.

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

There were none.

**19. ADJOURN**

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

Approved on June 2, 2021.

\_\_\_\_\_  
Susan Ellenberg, Chairperson  
Local Agency Formation Commission of Santa Clara County

By: \_\_\_\_\_  
Emmanuel Abello, LAFCO Clerk





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Neelima Palacherla

**ITEM # 5**

**LAFCO MEETING: June 2, 2021**

**TO: LAFCO**

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

**SUBJECT: Morgan Hill Out of Agency Contract for Water Service –  
Metta Tam Tu Buddhist Temple**

**STAFF RECOMMENDATION**

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**OPTION 1**

**Project Action**

1a. Approve the request by the City of Morgan Hill to extend water service outside the City’s jurisdictional boundaries to the proposed Metta Tam Tu Buddhist Temple located at 610 Fisher Avenue (APN 817-07-024) in the unincorporated area. Inform the County, the City of Morgan Hill and the State Water Resource Control Board that this approval is not a precedent and that in the future, the provision of water in these type of situations should be addressed early on and determined prior to issuance of any land use approvals and permits.

**CEQA (California Environmental Quality Act) Action**

1b. As a Responsible Agency under CEQA, determine that the proposal is categorically exempt from the provisions of CEQA pursuant to State CEQA Guidelines §15303(d).

**OTHER OPTION FOR COMMISSION CONSIDERATION**

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**OPTION 2**

**Project Action**

2a. Deny the request by the City of Morgan Hill to extend water service outside the City’s jurisdictional boundaries to the proposed Metta Tam Tu Buddhist Temple located at 610 Fisher Avenue (APN 817-07-024) in the unincorporated area.

**CEQA Action**

2b. Denial of the project does not require a CEQA Action.

## **PROJECT DESCRIPTION**

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LAFCO of Santa Clara County received a request from the City of Morgan Hill to extend water service to a property (APN 817-07-024) located at 610 Fisher Avenue in the unincorporated area outside the city limits of Morgan Hill. The property is the site of a proposed religious institutional use referred to as the Metta Tam Tu Buddhist Temple (Temple).

Approval of the City's request to extend City water service to the subject parcel would allow for the construction of a 7,000 sq. ft. hall conditionally approved by the County of Santa Clara to serve as a meditation hall and as a multipurpose room for events at the Temple.

An onsite well currently serves the subject parcel. However, due to the 2017 legislation discouraging the creation of new public water systems, the State Water Resource Control Board (SWRCB) recommended that the Temple seek water service connection from the City of Morgan Hill's nearby public water system instead of a permit for a new public water system using the onsite well.

Government Code §56133 requires cities and special districts to seek and obtain LAFCO approval prior to extending services outside their boundaries.

## **EXISTING AND PROPOSED LAND USES AND DESIGNATIONS**

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The subject parcel is approximately 9.4 acres of land located off the intersection of Fisher Avenue and Butterfield Blvd. in a rural unincorporated area of the County adjacent to the Morgan Hill city limits and outside the City's Urban Service Area (USA). See **Attachment A** for maps of subject parcel and adjacent city boundaries.

The subject parcel has a County General Plan designation of Agriculture Medium Scale and a County Zoning designation of A-20 Acre (Agriculture, 20 acres minimum lot size).

Currently, the site includes an approximately 4,000 sq. ft. duplex residential structure and recreation room with an additional approximately 2,000 sq. ft. attached exterior patio; a courtyard; two 35 foot Buddha statues; four approximately 144 sq ft. accessory structures containing stupas; four stone columns gate; and associated landscaping. See **Attachment B** for an aerial map of the project site and existing development.

The Temple proposes construction of a new 7,000 sq. ft. hall to serve as a meditation hall and as a multipurpose room for events. Other proposed site improvements include a parking lot to accommodate 53 parking spaces, a detention basin, driveway access, new septic system, and landscaping.

An onsite well provides water to the existing residential structure/duplex and recreation room, and sanitary service is currently provided by an onsite wastewater treatment system.

The Temple is proposed to operate 7 days a week with a maximum occupancy of 150 attendees on weekends, and 50 attendees on weekdays. Twelve special events

are proposed to be held onsite per year to accommodate up to 199 attendees on weekends.

## **ADJACENT AND SURROUNDING LAND USES AND DESIGNATIONS**

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As seen in **Attachment A**, adjacent and surrounding land uses include a mix of agricultural properties, vacant lands, and rural residential homes. Immediately west of the subject parcel are city-owned lands which consist of vacant land, Butterfield Blvd., and a community garden. Lands to the north and south of the subject parcel consist of agricultural uses and rural residential development. Lands to the east of the subject parcel consist of fallow agricultural lands and rural residential development.

## **SUMMARY OF DEVELOPMENT ACTIVITY & LAND USE / BUILDING PERMITS ON PROPERTY**

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The following chronological summary is based on research of various local agency staff reports and records, meetings/discussions with the staff of various local agencies, and meetings/discussions with the Temple's representatives. This information is complex and covers a long time period. LAFCO staff has done its level best to verify and report this information, as we understand it. However, this is not a complete list of County permits / approvals for the proposed Temple.

### **1983**

#### **Original Residential Development**

It is our understanding that the subject parcel was originally developed with a duplex (two-family residence) approved by the County in June 1983. The permit called for the structures to be used for residential and residential support purposes.

### **2010 – 2013**

#### **Potential Code Violations on Subject Site**

Sometime between 2010 and 2013 the County began receiving some complaints/allegations about potential code violations relating to existing structures and areas of the subject parcel being used for religious institutional purposes, without the required County approval and permits. Subsequently, the owner of the subject parcel began seeking the requisite approvals and permits for locating a religious institutional use on the site.

#### **Application to Establish the Proposed Religious Institutional Use**

On June 14, 2013, the County received a Pre-Application from the Temple's representative for a Use Permit to establish a new religious institutional use on the subject parcel. On July 23, 2013, the County received an application from the Temple's representative for a Use Permit/ASA/Grading application for the same.

## **2016 – 2020**

### **Various County Permits/Approvals Related to Development of the Proposed Religious Institutional Use**

On January 28, 2016, the County Planning Commission approved with conditions, a Concurrent Land Use Approval, consisting of a Use Permit, Architecture and Site Approval, and Grading Approval to establish the proposed religious institutional use. In accordance with the County's Zoning Ordinance, the approval was for a period of 5 years and the deadline to obtain building and grading permits and establish the use was January 28, 2021.

On March 9, 2018, the County issued a permit for grading work associated with the proposed construction of the temple and associated improvements. On December 15, 2020, grading work on the site was completed.

On May 2, 2018, the County issued a permit for the construction and placement of two 35 ft Buddha Statues on the subject parcel, and the construction was completed on November 25, 2020.

On December 11, 2018, the Temple submitted a Building Permit Application to the County for the construction of the 7,000 sq ft hall and associated improvements. However, the County's issuance of a Building Permit for the hall was placed on hold, until the Temple can obtain the required water clearance/ permit.

It was determined that a public water system was necessary to serve the proposed hall given its size and anticipated use. A public water system is defined as a system that provides water for human consumption to 15 or more connections or regularly serves 25 or more people daily for at least 60-days out of the year. Such public water systems are under the primary permitting authority of the SWRCB.

On June 20, 2019, the County issued a permit for the construction of accessory structures and placement of 4 stupas, and the construction was completed on October 21, 2020.

On September 4, 2020 the County issued a permit for construction of 4 stone columns gate, and the construction was completed on October 8, 2020.

## **2019**

### **Interagency Discussions Re. Water System for the Proposed Temple**

As directed by the County Department of Environmental Health (DEH), on March 7, 2019, the Temple's representative contacted the SWRCB to obtain a permit for a new onsite public water system to serve the proposed use. The SWRCB informed the Temple's representative about SB 1263- new legislation that became effective on January 1, 2017. In accordance with SB 1263's intent to prevent the establishment of new small public water systems, the SWRCB staff recommended that the Temple connect to the City of Morgan Hill's nearby larger public water system instead of requesting a permit from the SWRCB for the creation of a new public water system for the Temple that would rely on an onsite well. Please see **Attachment E** for more information and prior staff reports on SB 1263 and SB 200.

In March 2019, the SWRCB staff contacted LAFCO staff to discuss the potential for water extension from the City of Morgan Hill to the proposed Temple. LAFCO Staff explained LAFCO's concerns with service extensions outside city boundaries into unincorporated areas and informed SWRCB staff that such extensions are not consistent with County General Plan Policies, LAFCO Policies, and the longstanding Countywide Urban Development Policies, as they facilitate leapfrog development and sprawl.

LAFCO staff also informed County Planning staff and County Department of Environmental Health staff of the SWRCB's position and requested that they provide their input, as the proposed project is going through the County's development review process.

### **Temple's Request for Connection to Morgan Hill's Water System**

On June 17, 2019, per the SWRCB's recommendation, the Temple submitted a request to the City of Morgan Hill for water service connection to serve the proposed 7,000 sq. ft. hall conditionally approved by the County of Santa Clara.

The Temple's representative contacted LAFCO staff in late August 2019 and discussed their situation. In early September 2019, LAFCO staff, the Temple representative, and City of Morgan Hill Planning staff had a joint conference call wherein LAFCO staff explained LAFCO's policies on service extensions outside of jurisdictional boundaries, and the requirements and process for applying to LAFCO for such extensions.

On November 13, 2019, the SWRCB sent a letter to the Morgan Hill City Council supporting and encouraging the City to extend water service to the proposed Temple. The SWRCB said that the operation and maintenance of a public water system is challenging, "particularly for small water systems that lack the financial resources to fund basic, capital costs and ongoing costs of maintenance, energy, and treatment. Furthermore, small public water systems are often less resilient to natural disasters, such as drought and fire, and have more difficulty adjusting to regulatory changes due to insufficient technical and managerial capacity. Connecting to the City's water supply will ensure a safe, affordable and potable supply of water to the Temple."

On November 20, 2019, the County and LAFCO sent a joint letter to the Morgan Hill City Council requesting that their consideration of the water service extension be continued for a minimum of 30 days to allow the County and LAFCO the ability to review the proposal and provide feedback to the City. The County is the land use planning, development review, and permitting agency for the proposed development. LAFCO is the review and approval agency for service extensions outside of city boundaries. In the letter, the County notes that: "Based on an initial review of the proposal, it appears that the proposed water connection would necessitate a modification to the Use Permit the County has approved for the temple, which should occur prior to Morgan Hill's consideration of the water service connection. The County Administration would thus appreciate consult with the

applicants (Metta Tam) and the State Water Board regarding the proposal before it is considered by the City”.

On November 20, 2019, the Morgan Hill City Council considered and approved the Temple’s request by Resolution No. 19-059, (**Attachment C**) and directed City staff to file an Out of Agency Contract for Service application with LAFCO upon the Temple’s execution of an annexation and water service agreement with the City of Morgan Hill.

## **2020- 2021**

### **County Extends Use Permit for the Temple by Two Years and Anticipates Further Changes to Use Permit Conditions**

On September 24, 2020, the Temple filed with the County for an extension of time for an approved Concurrent Land Use application (Use Permit, Architecture and Site Approval, and Grading Approval) for the proposed temple. On January 28, 2021, the County Planning Commission approved the Temple’s request for an extension of time for the approved Concurrent Land Use application for the proposed temple. The extension changed the expiration date from January 28, 2021 to January 28, 2023, lengthening it by two years.

The County anticipates further modification of Temple’s use permit conditions following LAFCO action.

### **2021 City of Morgan Hill Submits an Out of Agency Contract for Water Service Application to LAFCO**

On January 17, 2021, the Temple’s representative signed the City’s annexation and water services agreement.

On February 18, 2021, the City of Morgan Hill signed and executed the annexation and water service agreement with the Temple. (See **Attachment D**)

On March 9, 2021, LAFCO received an Out of Agency Service Contract application from the City of Morgan Hill to provide water service to the proposed Metta Tam Tu Buddhist Temple.

## **SB 1263 AND SB 200**

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The Legislature passed the following two bills with the intent of preventing the establishment of new, unsustainable public water systems. SB 1263 became effective on January 1, 2017 and SB 200 became effective on July 24, 2019. The SWRCB is responsible for administering both laws.

At the October 10, 2019 and December 12, 2019 LAFCO meeting, staff provided reports on SB 1263 and SB 200 and discussed the potential impacts and unintended consequences of these laws on orderly growth and development in Santa Clara County. Please see **Attachment E** for the staff reports.

## **ENVIRONMENTAL ASSESSMENT**

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### **Mitigated Negative Declaration**

On January 28, 2016, the Santa Clara County Planning Commission, as the Lead Agency under the California Environmental Quality Act (CEQA), adopted a Mitigated Negative Declaration (MND) and Mitigation Monitoring and Report Program (MMRP) in order to approve a Use Permit with Architectural and Site Approval and Grading Approval to allow for construction of a religious institutional use (Metta Tam Tu Buddhist Temple) in the unincorporated area. However, the project analyzed in the MND did not include the City of Morgan Hill extending water service to the unincorporated property outside the city limits of Morgan Hill. Instead, the project called for the proposed development to receive drinking water and landscape irrigation water from an onsite well, consistent with long-standing County General Plan policies. Therefore, LAFCO cannot rely on the County's adopted MND and MMRP for its consideration of the City of Morgan Hill's request.

### **Categorical Exemption**

LAFCO is a Responsible Agency under CEQA for the City of Morgan Hill's proposed request to extend water service to a property (APN 817-07-024) located at 610 Fisher Avenue in the unincorporated area outside the city limits of Morgan Hill. The request is exempt under State CEQA Guidelines §15303(d).

*§15303(d): Class 3 consists of construction and location of limited numbers of new, small facilities or structures, installation of small new equipment and facilities in small structures from one use to another where only minor modifications are made in the exterior of the structure. The number of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include but are not limited to:*

*(d) Water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction.*

The City of Morgan Hill's proposed extension of water service to the subject property outside the city limits of Morgan Hill would not necessarily allow for a different type of development or development density beyond what was analyzed in the County Planning Commission's adopted MND. Per the City's water service agreement with the Temple, "the water service provided is temporary and only for the specific land use for the operation of the Metta Tam Tu Buddhist Temple and terminates when the use is eliminated."

## **CONSISTENCY WITH LAFCO POLICIES**

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### **Annexation as an Alternative to Service Extension Outside Jurisdictional Boundaries**

Where feasible and within LAFCO policy, annexation to the city or the special district that would provide the service is generally preferred to service extension outside jurisdictional boundaries. The subject parcel is located outside of the City of

Morgan Hill's Urban Service Area (USA). In Santa Clara County, USA boundaries delineate and differentiate those areas intended to be urbanized from those areas not intended to be urbanized. USAs include land currently urbanized and annexed to cities and provided with urban services, as well as unincorporated lands that a city intended to annex in order to develop those lands and provide them with urban services within five years. As such, annexation of the subject parcel to the City is not a readily available alternative to the City's proposed water service extension.

The subject parcel is not contiguous to the City's USA boundary. There are some intervening vacant, rural residential, and agricultural properties located between the subject parcel and the City's USA. In order to annex the subject parcel, the City would first need to request and receive approval from LAFCO to amend its USA to include the subject parcel and to include these intervening parcels to achieve a logical and orderly boundary. However, amending the City's USA boundary to include these intervening parcels would be premature, given that there are no immediate plans to urbanize these lands.

Additionally, the City and LAFCO entered into a Settlement Agreement on February 1, 2017. Per the agreement, the City's environmental review for an USA amendment and/or annexation shall not rely on or tier from the City's General Plan EIR, and the City shall prepare an Annexation EIR which shall include specific analysis of environmental impacts. The City has recently indicated that it does not anticipate seeking any USA amendments in the next two years and therefore does not see the need to prepare an annexation EIR at this time.

Therefore in this instance, annexation does not appear to be an immediate or logical alternative to extending water services.

### **Service Extension Within Sphere of Influence (SOI) and in Anticipation of Future Annexation**

Pursuant to GC §56133 (b), LAFCO may authorize a city or district to provide new or extended services outside its jurisdictional boundaries but within its sphere of influence, in anticipation of a later annexation.

The subject parcel is located within the City of Morgan Hill's Sphere of Influence.

While the subject parcel cannot be readily annexed by the City, the City and the Temple have jointly entered in a water service and deferred annexation agreement **(Attachment D)**, which requires the subject parcel to be annexed to the City whenever the City determines that annexation of the subject parcel is feasible and desirable. Per the agreement, the "Temple shall fully cooperate in the initiation and conduct of such annexation proceedings and waives any rights of protest under any law governing such proceedings." The agreement has been recorded against the property and binds successive owners of the subject property to the terms of the agreement.

However, because the subject parcel is located outside the City's USA, the City must first seek LAFCO approval for inclusion of the subject parcel in the City's USA prior to annexation. At which time, LAFCO will evaluate the City's USA Amendment

request in light of LAFCO policies and make a decision on whether to approve, deny or conditionally approve the USA amendment.

### **Premature Conversion of Agricultural Land**

The subject parcel does not include agricultural lands and is currently developed with a 6,000 sq ft residential structure/duplex and recreation room, several religious structures (i.e. statues and stupas), and associated landscaping. However, the subject parcel is in an agricultural area of the County.

The subject parcel has a County General Plan designation of Agriculture Medium Scale and a County Zoning designation of A-20 Acre (Agriculture, 20 acres minimum lot size). The unincorporated lands surrounding the subject parcel are similarly designated and zoned. The subject parcel and the surrounding area are located within the County's Agricultural Resource Area as identified in the County's Agricultural Plan.

Furthermore, the unincorporated lands to the north and south of the subject parcel qualify as prime agricultural lands as defined in the Cortese Knox Hertzberg Act (Government Code §56064). Based on aerial imagery it appears that lands to the northeast, southeast and south of the subject parcel are currently being farmed. The land to the east appears to be fallow farmland.

The City's 2013 extension of a water line into this area enabled the current request for water connection to the subject parcel. Similarly, the proposed water extension to the subject parcel, if approved, could set a precedent for requests from adjacent agricultural lands resulting in the premature conversion of adjacent and surrounding agricultural lands. Furthermore, the extension of city water lines and the water service to the subject parcel could place undue development pressure on the surrounding farmlands and could encourage land speculation and make farming less sustainable.

### **Growth Inducing and Precedent Setting Impacts**

As described above, the proposed water extension to the subject parcel, if approved, could contribute to premature development of the unincorporated fringe areas surrounding the city and induce urbanization into unincorporated areas of the county designated for non-urban uses.

### **Consistency with the Countywide Urban Development Policies and the County General Plan re. Urban Service Extension into Unincorporated Areas**

In order to promote orderly development, curb sprawl, and protect natural resource lands, the Countywide Urban Development Policies and the County General Plan policies prohibit urban development and the provision of urban services to unincorporated rural areas outside city USAs; and limit development in the unincorporated areas to uses that can be adequately supported by on-site services. Furthermore, the County General Plan policies discourage urban service extensions that are intended to support new development in the unincorporated county.

The proposed extension of water services to support new development/uses at the Temple is therefore inconsistent with the County General Plan and the Countywide Urban Development Policies.

### **Consistency with the City General Plan**

The City has adopted policies regarding provision of water and sewer service outside city limits in order to promote centralization of city limits and the water and sewer service area of the city so that services can be delivered efficiently and in the most cost efficient manner. The City's policies do not allow provision of city water or sewer services outside city limits except (1.) to address a documented health and safety issue, (2.) where there are unique circumstances, such that the public benefits of the project outweigh the negative aspects of continued decentralization, (3.) when a legally binding previously approved water /sewer agreements exists.

Please see the City's resolution (**Attachment C**) for how the City has addressed the above policies.

The Temple has an existing well onsite that is sufficient for their current use. LAFCO has not received any documentation regarding an existing public health and safety issue for the well. The change in State law related to creation of public water systems is a unique circumstance. However, LAFCO's evaluation of public benefits focus on promoting orderly growth and development and good governance. There is no previously approved agreement for water service to the subject parcel.

### **Health and Safety/Public Benefit Issues**

The subject parcel has an existing on-site well that is sufficient for the current use. There is no documented public health and safety issue with the onsite well. Due to a former chemical release that resulted in a contaminant plume, the onsite well, similar to other wells in the area, is being treated locally by a filtration system to remove the contaminant, perchlorate, from its drinking water.

### **Ability of the City to Provide Services**

The City of Morgan Hill has indicated that it has the existing and planned capacity to provide water service to the proposed development on the subject parcel. The City has indicated that the anticipated increase in water demand would not detract from the City's current service levels within its existing service area.

In 2013, the City of Morgan Hill extended Butterfield Blvd, from Tennant Avenue to Monterey Road, and created an intersection with Fisher Avenue on the east side of Butterfield Blvd. As part of that project, the City extended a 12-inch water line from Watsonville Road through a portion of Fisher Avenue then north along Butterfield Blvd. tying the new waterline into an existing 12-inch line on Tennant Avenue. As a result, there is an existing City water line approximately 68 feet northwest of the subject parcel.

In order to provide the requested water service, the City will extend an existing 12-inch water line within the Fisher Avenue right-of-way approximately 68 feet east to the subject parcel.

The extension will connect to a new private (6-inch) fire service lateral and to a new private (1-2 inch) domestic water service lateral that will extend 500 feet south onto the subject parcel.

The Temple will pay all costs involved in extending the City's water line to the property and the City will maintain the new portion of the line at its own cost. The Temple will also pay an impact fee to support future infrastructure related to the City's growth (new wells, water reservoirs, etc.) and will pay a water bill just like other city's water users. The City's impact fees are one time fees and are meant to help pay for the infrastructure needed to support new development in the city. The City's impact fees for commercial and industrial projects are based on site acreage, building square footage and type of proposed usage and will be assessed at the time of connection.

### **Conformance with Service Reviews**

As part of LAFCO's Cities Service Review which was adopted on December 2, 2015, LAFCO conducted a service review and a sphere of influence update of the City of Morgan Hill. The City's request does not conflict with service review determinations or recommendations for the City, as adopted by LAFCO.

### **Written Public Comments Received to Date**

LAFCO has received several comments letters regarding the proposal. Please see **Attachment F**. Any additional letters received after the publication of the staff report will be included in a supplemental packet to the Commission and posted on the LAFCO website.

## **CONCLUSION**

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Staff recommends that the Commission approve the request by the City of Morgan Hill to extend water service outside the city limits of Morgan Hill to the proposed Metta Tam Tu Buddhist Temple located at 610 Fisher Avenue (APN 817-07-024) in the unincorporated area. In order to avoid such circumstances in the future, LAFCO should inform the County, the City of Morgan Hill and the State Water Resource Control Board that this approval is not a precedent and that in the future, the provision of water in these type of situations should be addressed early on and determined prior to issuance of any land use approvals and permits.

### **Reasons for Staff Recommendation**

The proposed water extension by the City of Morgan Hill to the subject parcel would allow for the construction of a 7,000 sq ft hall at the proposed Metta Tam Tu Buddhist Temple. On January 28, 2016, the County conditionally approved a Use Permit for the proposed religious institutional use with a 5-year deadline to establish the use. It was later determined that the increased size and use of the proposed project requires a public water system to serve the project, which is under the SWRCB's permitting authority. On January 1, 2017, SB 1263 was enacted to discourage the creation of new public water systems, pursuant to which the SWRCB recommended that the Temple connect to the City of Morgan Hill's nearby larger

public water system instead of seeking a permit to create a new public water system that would rely on an onsite well. Furthermore, in July 2019, SB 200 went into effect. This law allows SWRCB to deny the permit for a new public water system within 3 miles of a city. The subject parcel is within 68 feet of the City of Morgan Hill’s water lines.

Implementation of these laws while well intentioned could have unintended consequences that adversely impact orderly growth and development in Santa Clara County. The City’s proposed water service extension is inconsistent with the County General Plan which (1.) prohibits provision of urban services to the unincorporated rural areas outside city USAs and (2.)limits development in the unincorporated areas to uses that can only be supported by onsite services. Furthermore, as discussed in this report, the proposed water extension could lead to land speculation and increased pressure to urbanize adjacent lands, and ultimately lead to the unnecessary conversion of nearby agricultural lands.

Although there are serious concerns and policy conflicts for the proposed service extension, staff’s recommendation recognizes the unique circumstances present in this situation that are due to the unforeseen change in State law and the resultant lack of water service options for the Temple midway through its entitlement process.

## **ATTACHMENTS**

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- |               |   |
|---------------|---|
| Attachment A: | Maps of the subject parcel and adjacent city boundaries   |
| Attachment B: | Map of the project site and existing development  |
| Attachment C: | City of Morgan Hill Resolution No. 19-059 Approving a Request for Water Service to Support the Expansion of Metta Tam Tu Buddhist Temple at 610 Fisher Avenue in the unincorporated area of Santa Clara County (APN 817-07-024) |
| Attachment D: | Water Service and Deferred Annexation Agreement between the City of Morgan Hill and Metta Tam Tu Buddhist Temple  |
| Attachment E: | SB 1263 and SB 200 Staff Reports  |
| Attachment F: | Written public comments received to date  |

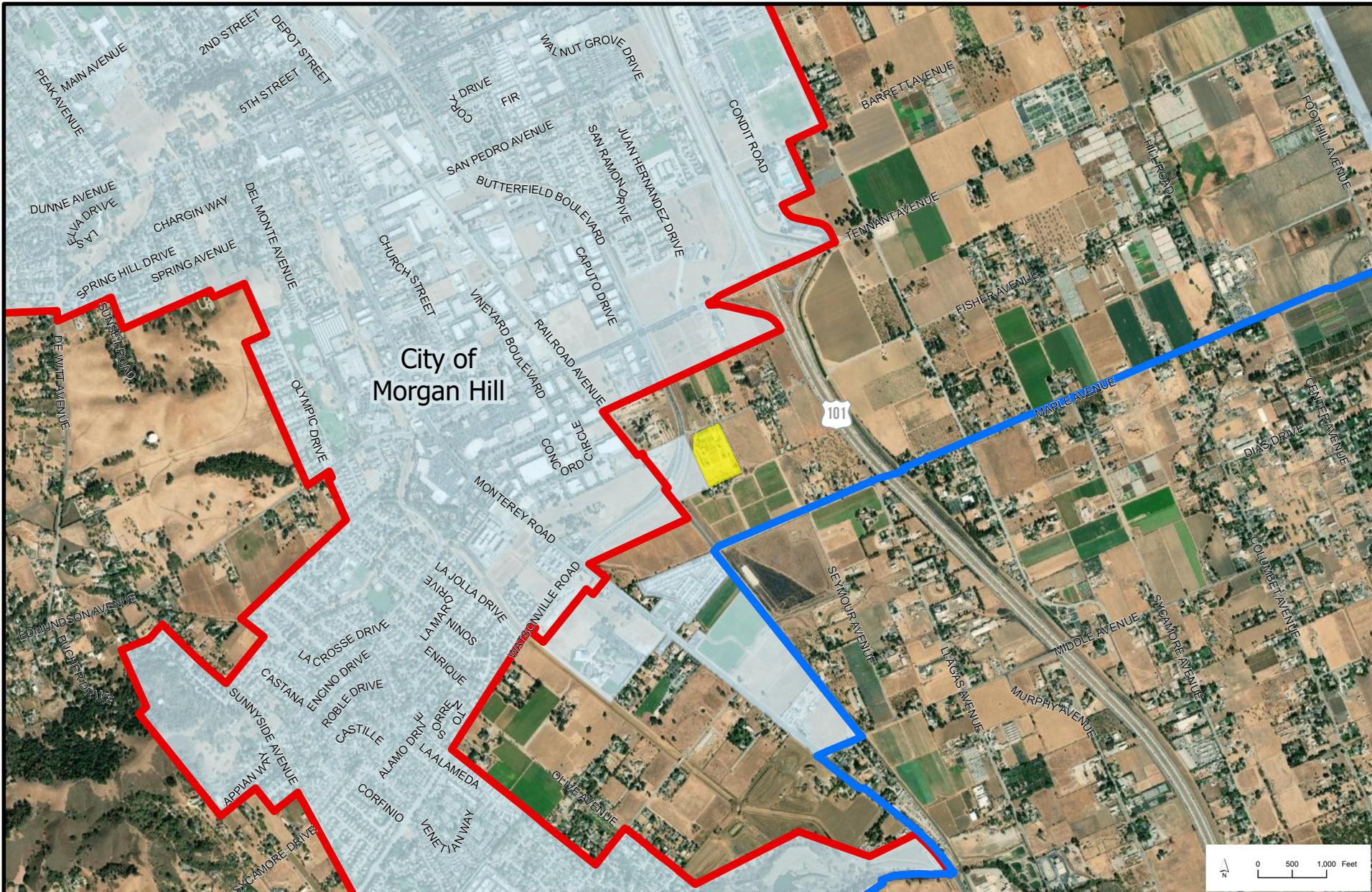


County of Santa Clara  
 Department of Planning and Development  
 Office of the County Surveyor  
 County Government Center, East Wing  
 70 West Hedding Street, 7th Floor  
 San Jose, California 95110

**Morgan Hill Out of Agency Water Service  
 Metta Tam Tu Buddhist Temple  
 9.4 Acres ±**

Prepared by the County Planning Department  
 May 24, 2021

- ▭ Existing Urban Service Area (USA)
- ▭ Existing Sphere of Influence (SOI)
- Proposed Out of Agency Water Service
- City of Morgan Hill



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 Department of Planning and Development  
 Office of the County Surveyor  
 County Government Center, East Wing  
 70 West Hedding Street, 7th Floor  
 San Jose, California 95110

**Morgan Hill Out of Agency Water Service**  
**Metta Tam Tu Buddhist Temple**

9.4 Acres ±

Prepared by the County Planning Department  
 May 24, 2021

- Existing Sphere of Influence (SOI)
- Existing Urban Service Area (USA)
- Proposed Out of Agency Water Service
- City of Morgan Hill



County of Santa Clara  
Department of Planning and Development  
Office of the County Surveyor  
County Government Center, East Wing  
70 West Hedding Street, 7th Floor  
San Jose, California 95110

**Morgan Hill Out of Agency Water Service  
Metta Tam Tu Buddhist Temple**

9.4 Acres ±

Prepared by the County Planning Department  
May 25, 2021

-  Existing Urban Service Area (USA)
-  City of Morgan Hill
-  Subject Parcel APN 817-07-024



**RESOLUTION NO. 19-059**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING A REQUEST FOR CITY WATER SERVICE TO SUPPORT THE EXPANSION OF THE METTA TAM TU BUDDHIST TEMPLE AT 610 FISHER AVENUE IN THE UNINCORPORATED AREA OF SANTA CLARA COUNTY (APN 817-07-024)**

**WHEREAS**, in August 2013, the City of Morgan Hill in completion of the Butterfield Boulevard extension between Tennant Avenue and Monterey Road, extended a 12-inch waterline to the intersection of Fisher Avenue and Butterfield Boulevard, 68 feet north of the Metta Tam Tu Buddhist Temple property at 610 Fisher Avenue.

**WHEREAS**, in January 2016, the Metta Tam Tu Buddhist Temple received Conditional Use Permit, Grading and Design Permit approval from the Santa Clara County Planning Commission to construct a 7,000 sq. ft. temple, parking lot and accessory structures at 610 Fisher Avenue.

**WHEREAS**, in September 2016, Senate Bill (SB) No. 1263 (Section Id) was passed declaring that it is the policy of the state of California to discourage the establishment of new, unsustainable public water systems when there is a feasible alternative such as a municipal water system.

**WHEREAS**, in January 2017, the provision of Senate Bill 1263 took effect requiring any new or expanded public water systems to seek permit approval from the State Water Resources Board.

**WHEREAS**, in December 2018, as part of the building permit application review, the County Office of Environmental Health directed the Temple to seek permission from the State Water Resources Board to expand their existing water system, prior to the issuance of a building permit; and

**WHEREAS**, the State Water Resources Board application filing requirements for a public water system requires documentation of the negotiations with the City of Morgan Hill as the local jurisdiction and the Santa Clara County Local Agency Formation Commission.

**WHEREAS**, in July 2019, the provisions of SB200 went into effect allowing the State Water Resources Board to deny an application for a public water system regardless of the outcome of negotiations, if a City water system is adjacent to the project site.

**WHEREAS**, the City Council finds that the establishment of the Metta Tam Tu Buddhist Temple is a faith based asset for residents of Morgan Hill and the Santa Clara County.

**WHEREAS**, the City Council finds that water service connection request is consistent with Council policy CP 96-03 and LAFCO policy by recognizing there is an existing health and

safety problem with the establishment of public water systems as documented by the State Legislature in its passage of SB 1263.

**WHEREAS**, such request was considered by the City Council at its regular meeting of November 20, 2019, at which time the City Council approved Out of Agency Service Request: OA 2019-0001: Fisher Ave.-Buddhist Temple; and

**WHEREAS**, testimony received at a duly-noticed public hearing, along with exhibits and drawings and other materials have been considered in the review process.

**NOW, THEREFORE, THE MORGAN HILL CITY COUNCIL DOES RESOLVE AS FOLLOWS:**

**SECTION 1.** The City Council finds the subject property is 620 feet to the east of the City's Urban Service Area Boundary and thus is unavailable for annexation.

**SECTION 2.** The City Council concurs with the State's finding that the number of failing, contaminated unmonitored wells has created a public health hazard. To maintain and improve public health and safety the Council approves of the Temple's connection to the City water system.

**SECTION 3.** The City Council finds unique circumstances exist, with the 2013 installation of a City water line outside of the Urban Service Area (68 feet from the property boundary), the timing of the Temple's project approvals with the County, and the subsequent passages of SB 1263.

**SECTION 4.** The public benefit of the proposed project as a faith based institution that is open to the public outweighs the negative aspects of the decentralization of the City service area.

**SECTION 5.** The City Council directs an Out of Agency Service application be filed with the Santa Clara County Local Agency Formation Commission upon the Temple's execution of an annexation and water service agreement with the City of Morgan Hill.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Morgan Hill at a regular meeting held on the 20<sup>th</sup> day of November 2019.

**AYES:**           **COUNCIL MEMBERS:**   **Larry Carr, Rene Spring, John McKay,  
Rich Constantine**  
**NOES:**           **COUNCIL MEMBERS:**   **None**  
**ABSTAIN:**      **COUNCIL MEMBERS:**   **None**  
**ABSENT:**       **COUNCIL MEMBERS:**   **Yvonne Martinez Beltran**

**APPROVED:**

  
\_\_\_\_\_  
**RICH CONSTANTINE, Mayor**

**ATTEST:**

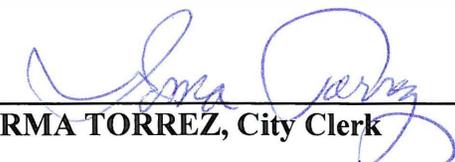
  
\_\_\_\_\_  
**IRMA TORREZ, City Clerk**

**CERTIFICATION** cg

I, **Irma Torrez, City Clerk of the City of Morgan Hill, California**, do hereby certify that the foregoing is a true and correct copy of Resolution No. 19-059, adopted by the City Council at a regular meeting held on November 20, 2019.

**WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.**

**DATE:**   OJ;O  

  
\_\_\_\_\_  
**IRMA TORREZ, City Clerk**



**ITEM #5**  
**Attachment D**

**WATER SERVICE AND  
DEFERRED ANNEXATION AGREEMENT**

RECORDING REQUESTED BY  
AND WHEN RECORDED RETURN TO:

CITY OF MORGAN HILL  
17575 PEAK AVENUE  
MORGAN HILL, CA 95037

(RECORD AT NO FEE PURSUANT TO GOVERNMENT  
CODE SECTION 27383)

THE AREA ABOVE IS RESERVED FOR RECORDER'S USE

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### DEFERRED ANNEXATION AGREEMENT

This agreement is made and entered into on January 17, 2021 between the CITY OF MORGAN HILL, a California municipal corporation ("City") and Metta Tam Tu Buddhist Temple ("Temple" or "Owner"), relating to the provision of water service by City to Temple and the potential annexation to City of certain real property in the unincorporated territory of County and within City's sphere of influence.

#### RECITALS

The following Recitals are a substantive part of this Agreement:

- A. Temple desires to develop property it owns described in Exhibits A and B, attached hereto and incorporated herein by this reference (referred to herein as the "Subject Property" or "Property"). The Property is located at 610 Fisher Avenue (APN 817-07-024) in the unincorporated area of County and within the sphere of influence of City.
- B. In January 2016, a Mitigated Negative Declaration, Use Permit, Architectural and Site Approval, and Grading approval were granted by the Santa Clara County Planning Commission to allow for the construction of the Metta Tam Tu Buddhist Temple including the construction of a 7,000 sq. ft. temple/multi-purpose event room, four accessory structures containing stupas, 53-stall parking lot, on-site detention basin, new septic system, and landscaping on the Property.
- C. The State Water Resources Control Board (SWRCB) determined that the size of the proposed hall requires a public water system and required the Temple to apply to the City of Morgan Hill as a local agency adjacent public water system for a water service connection.
- D. On June 17, 2019, the City of Morgan Hill received an Out of Agency service request from the Metta Tam Tu Buddhist Temple to connect the Property to the City water line located 68 feet from the northwest corner of the Property.
- E. City has adopted policies for the purpose of assuring that urban development occurs in the City to facilitate more efficient use of public resources and to prevent urban sprawl. Pursuant to City Council Policy CP-96-03, it is the policy of the City Council of the City of Morgan Hill that city water and /or sewer services will not be provided outside of the city limits prior to annexation except when certain specified circumstances exist, including documented public health and safety problems.
- F. On November 20, 2019, the City Council considered the Out of Agency service request, concurring with the State's finding that the number of failing, contaminated unmonitored wells has created a

public health hazard.

- G. To maintain and improve public health and safety, the Council adopted Resolution Number 19-059 approving the Temple's connection to the City water system subject to an Out of Agency Service application being filed with the Santa Clara County Local Agency Formation Commission upon the Temple's execution of an annexation and water service agreement with the City of Morgan Hill.
- H. At the present time, annexation of the Subject Property to City is not viable due to its distance from a City boundary, as well as the need to complete an update to the General Plan environmental impact report .
- I. To provide for the orderly expansion of City boundaries consistent with the ability of City to extend urban services to the proposed development on the subject property and the surrounding area, it is necessary that the subject property be annexed to City whenever City determines this is feasible and desirable.
- J. To obtain a water service connection from the City, Temple has agreed to enter into this agreement to provide for the future annexation of the property to City.
- K. The parties intend that all of the covenants contained herein shall run with the land and shall bind the successive owners of the subject property and shall inure to the benefit of all the lands within City's sphere of influence.

**THE PARTIES MUTUALLY AGREE AS FOLLOWS:**

- 1. Temporary Water Service  
Temple agrees that the water service provided is temporary and only for the specific land use for operation of the Metta Tam Tu Buddhist Temple and terminates when the use is eliminated.
- 2. Owner Cooperation.  
Temple agrees that annexation of the subject property to City is desirable and consents to such proceedings at such time as they may be commenced by City. Temple shall fully cooperate in the initiation and conduct of such annexation proceedings and waives any rights of protest under any law governing such proceedings.
- 3. City Initiation.  
City agrees to initiate annexation proceedings for subject property at such time as City so elects after City has determined that annexation is feasible.
- 4. Payment of Taxes and Assessments.  
Temple agrees to pay all property taxes and assessments levied on the subject property following annexation, subject to whatever right of administrative appeal and judicial review as be provided by law.

5. Agreement Binding Upon Successors InInterest.

This agreement and the covenants contained herein shall run with the land and shall bind the successive owners of the Subject Property and shall inure to the benefit of all the lands within City's sphere of influence. For the purposes of this agreement, City's sphere of influence is that geographical area which extends outward from the City's incorporated territory and which represents the probable ultimate future physical boundary and service area of City as most recently determined by the Local Agency Formation Commission prior to the execution of this agreement.

In the event the subject property is divided and sold, the terms of this agreement shall apply separately to each new parcel and the owner of each parcel shall succeed to the obligations imposed on Temple by this agreement.

6. Contingent on LAFCO Approval.

The parties acknowledge that the provision of water service by City to Temple is contingent on Local Agency Formation Commission (LAFCO) approval.

7. Notices.

All notices shall be personally delivered or mailed, via first class mail to the below listed addresses. These addresses shall be used for delivery of service of process. Notices shall be effective five (5) days after date of mailing, or upon date of personal delivery.

a. Address of Owner is as follows:

Lien Quan Buddhist Cultural Center  
610 Fisher Avenue  
Morgan Hill, CA 95037

b. Address of City is as follows:

City Clerk  
City of Morgan Hill  
17575 Peak Avenue  
Morgan Hill, CA 95037

8. Authority to Execute.

The persons executing this Agreement on behalf of the parties warrant that they are duly authorized to execute this Agreement.

9. Counterparts.

This Agreement may be executed in several counterparts, each of which shall be deemed an original, and all such counterparts shall together constitute one and the same instrument.

10. California Law.

This Agreement shall be construed in accordance with the laws of the State of California. Any action commenced about this Agreement shall be filed in the Santa Clara County Superior Court.

11. Interpretation.

This Agreement shall be interpreted as though prepared by both parties.

12. Preservation of Agreement.

Should any provision of this Agreement be found invalid or unenforceable, the decision shall affect only the provision interpreted, and all remaining provisions shall remain enforceable.

13. Agreement Runs With the Land.

This Agreement shall inure to the benefit of, and be binding upon, the successors and assigns of the parties. It shall be recorded in the Office of the Recorder of Santa Clara County and shall constitute a covenant running with the land and an equitable servitude upon the SubjectProperty.

IN WITNESS THEREOF, these parties have executed this Agreement on the day and year shown below.

ATTEST:

Michelle Bigelow  
Michelle Bigelow, City Clerk  
Date: 2/18/21

THE CITY OF MORGAN HILL

Christina J. Turner  
Christina J. Turner, City Manager  
Date: 2/18/2021

APPROVED AS TO FORM:

Donald A. Larkin  
Donald A. Larkin, City Attorney  
Date: 2/21/2021

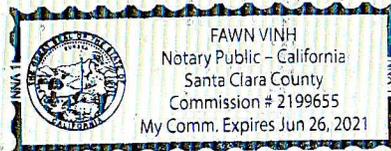
“PROPERTY OWNER”

Phap Chon Nguyen  
By: Phap Chon Nguyen  
Title: President  
Date: 1/17/2021

By: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

State of California County of Santa Clara  
Subscribed and sworn to (or affirmed)  
Before me on this 17th day of Jan, 2021, by  
Phap Chon Nguyen  
personally known to me or proved to me on  
the basis of satisfactory evidence to be the  
person(s) who appeared before me.

Signature Younis  
(Seal)



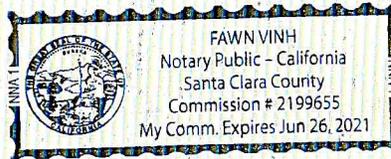
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of **California**  
County of **Santa Clara**

On January 17 2021, before me, Fawn Vinh a Notary Public in and for said County and State, personally appeared Phap Chon Nguyen proved to me on the basis of satisfactory evidence to be the person whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Fawn Vinh  
SIGNATURE OF NOTARY PUBLIC

(ABOVE AREA FOR NOTARY SEAL)

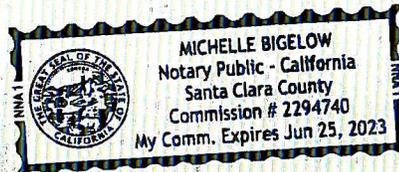
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of **California**  
County of **Santa Clara**

On February 18 2021, before me, Michelle Bigelow a Notary Public in and for said County and State, personally appeared Christina Turner proved to me on the basis of satisfactory evidence to be the person whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Michelle Bigelow  
SIGNATURE OF NOTARY PUBLIC

(ABOVE AREA FOR NOTARY SEAL)

**"EXHIBIT A"**

Water Service Extension from the City of Morgan Hill

610 Fisher Ave.  
Morgan Hill, CA 95037

**Legal Description**

The land referred to is situated in the unincorporated area of the County of Santa Clara, State of California, and is described as follows:

All of Lot 94, as delineated upon that certain Map entitled "Catherine Dunne Ranch Map No. 7", filed for record in the Office of the Recorder of the County of Santa Clara, State of California, on March 5, 1906, in Book "L" of Maps, at Page 26.

EXCEPTING THEREFROM an undivided 1/2 interest in the following described parcel of land:

Being a portion of Lot 94, as shown upon that certain Map entitled, "Catherine Dunne Ranch Map Number 7", which Map was filed for record in the Office of the Recorder of the County of Santa Clara, State of California, on March 5, 1906, in Book "L" of Maps, at Page 26, and more particularly described as follows:

Beginning at the Southeast corner of said Lot 94; thence along the Easterly line thereof North 23° 42' 00" West 175.50 feet; thence South 66° 18' 00" West 65.93 feet to the true point of

beginning; thence South 23° 42' 00" East 5.00 feet; thence South 66° 18' 00" West 10.00 feet;

thence North 23° 42' 00" West 10.00 feet; thence North 66° 18' 00" East 10.00 feet; thence South 23° 42' 00" East 5.00 feet to the true point of beginning.

FURTHER EXCEPTING THEREFROM that portion condemned to the City of Morgan Hill pursuant to that certain Final Order of Condemnation recorded February 16, 2012 in Official Records under Recorder's Serial Number 21540279 and described as follows:

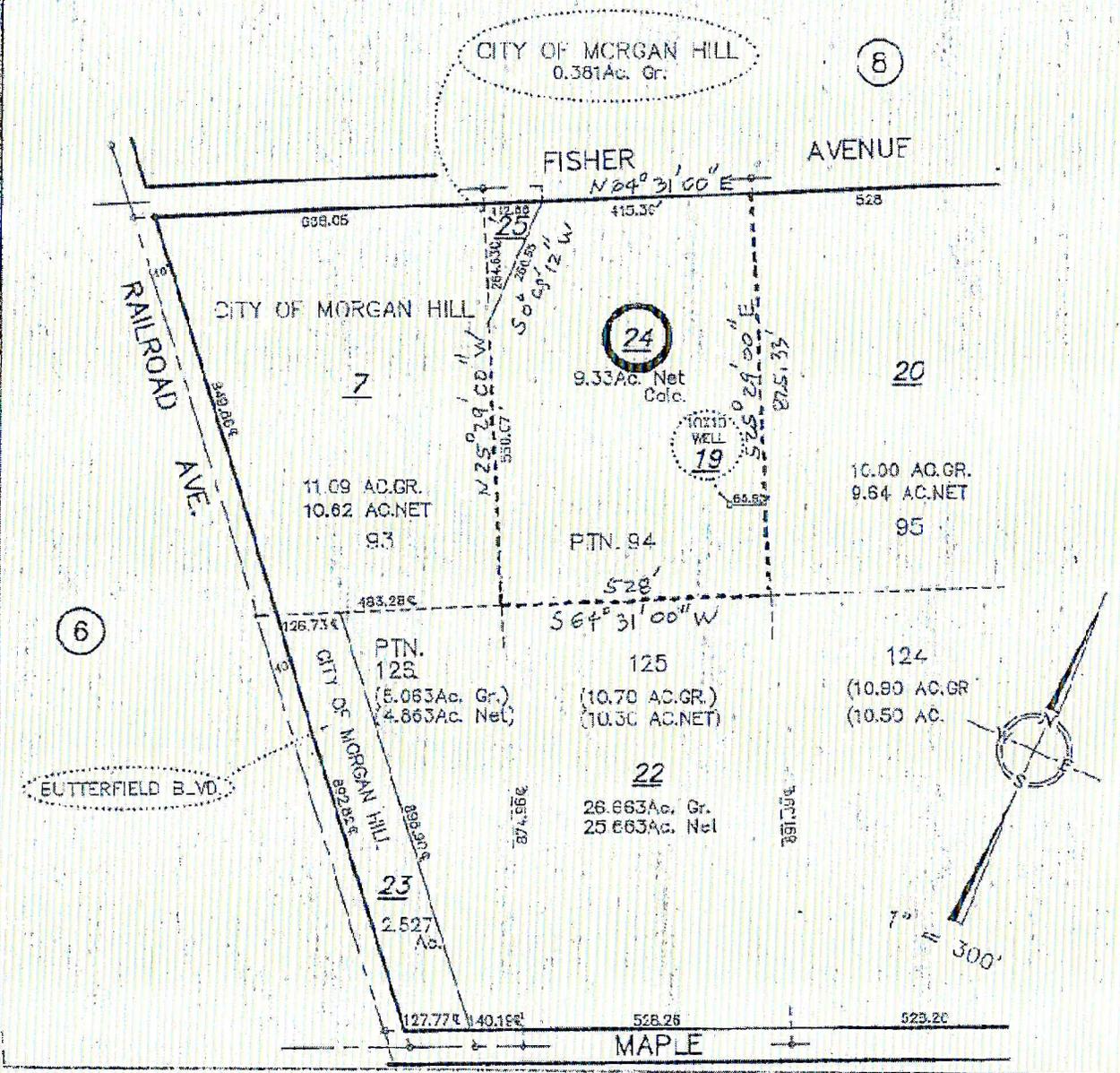
All that certain real property situated in the County of Santa Clara, State of California and being a portion of Lot 94, as shown on that certain Map entitled, "Catherine Dunne Ranch Map No.7", filed for record in Book "L" of Maps, at Page 26, at the Office of the Recorder of Santa Clara County, and being more particularly described as follows:

Commencing at the most Westerly corner of the lands described in that certain Grant Deed, filed for record on September 23, 2010, Document No. 20881231, at said County Records, lying in the centerline of Fisher Avenue; thence N 64° 31' 00" E, a distance of 112.66 feet along the centerline of Fisher Avenue; thence S 25° 29' 00" E, a distance of 29.70 feet; thence S 00° 08' 12" W, a distance of 260.55 feet; thence N 25° 29' 00" W, a distance of 264.63 feet along the Southwesterly line of said lands to the point of beginning.

APN: 817-07-024 (previously 817-07-021) and 817-07-019

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CATHERINE DUNNE RANCH MA  
L-M-26



"EXHIBIT B"

610 Fisher Ave  
Morgan Hill, CA 95037

APN : 817-07-024

PROPOSED WATER SERVICE EXTENSION  
FROM THE CITY OF MORGAN HILL

Prepare by :  
Jan 11, 2021

TND2 Engineering  
3716 Segovia Ct  
San Ramon, CA 94583  
925-837-0520





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

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

**ITEM # 5**  
**Attachment E**  
**Alternate Commissioners**  
Cindy Chavez  
Maya Esparza  
Yoriko Kishimoto  
Russ Melton  
Terry Trumbull  
**Executive Officer**  
Neelima Palacherla

**LAFCO MEETING: October 2, 2019**

**TO: LAFCO**

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

**SUBJECT: WATER SERVICE EXTENSIONS INTO THE  
UNINCORPORATED AREA**

**STAFF RECOMMENDATION**

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Accept report and provide direction, as necessary.

**BACKGROUND**

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Recently LAFCO staff has received some inquiries about public water systems in the unincorporated area and extensions of water service to proposed development in the unincorporated area. The purpose of this staff report is to provide background information on the applicable state laws and local policies, explain the unintended consequences of these laws on local land use planning in Santa Clara County, and note staff’s efforts to coordinate with other affected agencies on this issue.

**New State Laws Seek to Limit the Creation of New Public Water Systems in order to Ensure Safe Drinking Water Quality**

In September 2016, the Legislature passed Senate Bill 1263 with the intent of preventing the establishment of new, unsustainable public water systems. The bill’s preamble states that “it is the policy of the state to discourage the establishment of new, unsustainable public water systems where there is a feasible alternative.” A “public water system” is a system for the provision of water for human consumption through pipes or other constructed conveyances that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year.”

Over the years, public water systems have been created to serve various types of development. Some of the communities served by these small water systems, most notably in the Central Valley and Salinas Valley, are now struggling with acute drinking water quality issues and are unable to meet the public water system requirements. In Santa Clara County too, such systems approved in the unincorporated area over the years to support development such as a school,

laboratories, a recreational vehicle park, and a community college, are now struggling to meet the public water system requirements.

The State Water Resource Control Board (SWRCB) is responsible for implementing SB 1263 and has indicated that they will not grant a permit to any new public water system, or new owner of a previously existing public water system, that does not demonstrate adequate technical, managerial, and financial capability to ensure the delivery of pure, wholesome, and potable drinking water.

The SWRCB recommends proponents of development proposals that would require the permitting of a new public water system to instead seek water service from an existing public water system, such as a nearby city. This preference is further supported by the Legislature's recent passing of SB 200 on July 24, 2019.

According to SWRCB staff, SB 200 which would become effective on January 1, 2020, would allow the SWRCB to deny a domestic water supply permit without having to determine that it is reasonably foreseeable that the proposed new public water system will be unable to provide affordable, safe drinking water in the foreseeable future, if there is a nearby viable public water system such as a city that can serve the proposed new development.

### **State Law, LAFCO Policies, and County General Plan Policies Discourage the Extension of Urban Services Outside of City Boundaries in order to Prevent Leapfrog Development and Sprawl**

The Cortese Knox Hertzberg (CKH) Act requires cities and special districts to seek and obtain LAFCO approval prior to extending services outside their boundaries. LAFCO may approve requests for extra-territorial service extensions in anticipation of a later annexation.

The CKH Act and LAFCO policies discourage extra-territorial service extensions because city and special district boundaries indicate where a city or district provides service and service extensions diminish the meaning or purpose for having boundaries and blur the line for who has responsibility for land use planning, service provision, development and growth management in an area. There is a direct link between land use planning and infrastructure planning within a jurisdiction, and boundaries allow a jurisdiction to rationally plan for services, knowing where services are to be provided, over what timeframe and for what type of land uses.

In Santa Clara County, extension of urban services such as sewer and water by cities or districts into unincorporated areas is particularly problematic given the County General Plan and the Countywide Urban Development policies which prohibit provision of urban services in the rural unincorporated areas and limit development in the unincorporated areas to uses that can only be supported by onsite services.

Extending urban services into unincorporated areas facilitates leapfrog development and sprawl. Such extensions can promote premature unplanned growth and can introduce new urban uses into unincorporated rural areas likely

leading to greater land speculation and ultimately placing increased development pressure on adjacent land to urbanize.

Santa Clara LAFCO has approved extra-territorial service extensions as a way to address public health and safety concerns for existing development, where immediate annexation to a city is not feasible. Such instances are rare. In approving these requests, LAFCO seeks to balance its mandate to curb sprawl, encourage efficient delivery of services, and preserve agricultural lands and open space with the need to protect public health and safety.

### **Need for Coordination Amongst Affected Agencies to Reach a Mutually Acceptable Solution**

Over the past year, LAFCO staff has facilitated inter-jurisdictional discussions with County Planning Department staff, County Department of Environmental Health staff, SWRCB staff, and Santa Clara Valley Water District staff concerning small water systems in the unincorporated area that are struggling to meet the SWRCB's technical, managerial, and financial requirements. We believe these agencies have overlapping interests and there may be a way to meet our mandates.

However, because of the far reaching implications for the whole county, further understanding of this issue and discussions amongst the affected local agencies, including LAFCO, SWRCB, County Planning Department and Department of Environmental Health staff, Santa Clara Valley Water District staff, and cities staff, are required in order to see if a mutually acceptable solution can be found.



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

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

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

**LAFCO MEETING: December 4, 2019**

**TO: LAFCO**

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

**SUBJECT: RECENT LEGISLATION RELATED TO NEW PUBLIC  
 WATER SYSTEMS AND POTENTIAL IMPACTS ON  
 ORDERLY GROWTH AND DEVELOPMENT**

**STAFF RECOMMENDATION**

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Accept report and provide direction, as necessary.

**BACKGROUND**

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At the October 2, 2019 LAFCO meeting, LAFCO staff provided an initial report on water service extensions into the unincorporated area. At that meeting, the Commission requested more information on recent legislation concerning new public water systems (i.e. SB 1263 and SB 200) and the potential impact of these laws on land use planning and development in the county.

The purpose of this report is to provide the Commission with a brief summary of the provisions within SB 1263 and SB 200 that are most likely to pertain to LAFCO and land use planning and development. This report is a high-level overview of a complex and evolving issue and is not intended to address any proposed/pending development proposals or anticipated applications to LAFCO.

**SB 1263 AND SB 200**

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SB 1263 (**Attachment A**) and SB 200 (**Attachment B**) were passed by the Legislature with the intent of preventing the establishment of new, unsustainable public water systems. The State Water Resource Control Board (SWRCB) is responsible for administering both laws.

A “public water system” is a system for the provision of water for human consumption through pipes or other constructed conveyance that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year.

**SB 1263, effective January 1, 2017**, among other things, does the following:

- Prohibits a person from operating a public water system unless he or she first submits an application, including a technical report, to the SWRCB and receives a permit.
- Requires an applicant for such a permit to first submit a preliminary technical report to the SWRCB at least 6 months before initiating construction of any water-related improvement.
- Allows the SWRCB to direct the applicant to undertake additional discussion and negotiation with existing public water systems that the SWRCB determines have the technical, managerial, and financial (TMF) capability to provide adequate and reliable supply of domestic water to the service area of the proposed new public water system.
- Authorizes the SWRCB to deny the permit of a proposed new public water system if it determines that it is feasible for the service area of the public water system addressed to be serviced by one or more currently permitted public water systems and determines that it is reasonably foreseeable that the proposed new public water system will be unable to provide affordable, safe drinking water in the reasonably foreseeable future.

**SB 200, effective July 24, 2019**, among other things, does the following:

- Authorizes the SWRCB to deny the permit of a proposed new public water system if it determines that it is feasible for the service area of the public water system to be serviced by one or more currently permitted public water systems that are within 3 miles as measured through existing public rights of way of any boundary of the applicant's proposed public water systems service area.

Several key terms and standards in these laws are undefined, such as "feasible" and "reasonably foreseeable." SWRCB staff indicated that such terms are likely to remain undefined and that staff will administer these laws on a case-by-case manner.

**Thus, the SWRCB in its implementation of SB 1263 and SB 200 could deny the permit for a new public water system and direct the applicant to instead seek extra territorial service extensions from nearby cities.**

The Cortese-Knox-Hertzberg (CKH) Act and LAFCO policies discourage extra-territorial service extensions because city and special district boundaries indicate where a city or special district provides service, and such service extensions diminish the meaning or purpose for having boundaries. There is a direct link between land use planning and infrastructure planning within a jurisdiction, and boundaries allow a jurisdiction to rationally plan for services, knowing where services are to be provided, over what timeframe and for what type of land uses. Extra territorial service extensions create a disconnect between services and

boundaries and blur the lines of responsibility for land use planning, service provision, development and growth management in an area.

Implementation of SB 1263 and SB 200 could result in significant unintended consequences for land use and services planning /provision, and ultimately for orderly growth and development – particularly in Santa Clara County – where the County General Plan prohibits urban development and the provision of urban services in the unincorporated rural areas outside city Urban Service Areas, and limits development in those areas to uses that can only be supported by onsite services.

Extending urban services into unincorporated areas facilitates leapfrog development and urban sprawl, leading to land speculation and increased pressure on adjacent land to urbanize, and ultimately to the unnecessary conversion of agricultural and open space lands. Additionally, the ad hoc extension of services is inefficient and could have cost implications for cities and taxpayers.

However, there may be ways to work with SWRCB staff to implement these laws in a way that is consistent with LAFCO policies and County policies. Further understanding of this issue and discussions amongst affected local agencies, including LAFCO, SWRCB, County Planning Department and County Office of Environmental Health staff, Santa Clara Valley Water District staff, and cities staff are required in order to see if a mutually acceptable solution can be found.

## **ONGOING DISCUSSIONS ON NEW PUBLIC WATER SYSTEMS**

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### **November 14, 2019 Interagency Meeting**

Since the October 2, 2019 LAFCO meeting, LAFCO staff, County Planning Department and County Environmental Health staff, and SWRCB staff have met and discussed implementation of SB 1263 and SB 200 and its potential adverse impacts on land use planning, development, and growth management efforts in the county.

The group discussed how to incorporate determination of availability of a long-term water source early in the County’s planning and development review process. The current process allows for this determination to be made as late as after the County conditionally approves a use permit. The group agreed that going forward, such a determination should be made as early as possible in the review process, well before the County issues any conditional approval/approval of a use permit.

The group discussed the need to map and gather information on current public water systems and to identify areas where there are known water quality issues. LAFCO, SWRCB and the County each have data that can assist in this mapping effort.

The group requested that SWRCB staff advise them on best practices for sustainable public water systems and provide examples of systems that have been particularly successful in the technical, managerial, and financial (TMF) capability of their system to deliver safe drinking water. Lastly, the group discussed additional ways in which the TMF capability of systems can be strengthened, such as:

- Identifying and requiring qualified operators for small water systems
- Requiring bonds or escrow type accounts to provide financial resources to address long-term maintenance and anticipated upgrading of the small water systems infrastructure
- Identifying feasible small water system consolidation opportunities that are consistent with County policies and LAFCO policies

SWRCB staff indicated that they do not want to risk permitting new public water systems in the unincorporated county that are likely to struggle or fail in the future, but also recognized that implementation of SB 1263 and SB 200 poses serious challenges for LAFCO and the County. **The group agreed that this is a very complex issue without a simple solution and that further research and interagency discussions should continue to occur in hopes of finding a mutually acceptable local solution.**

Until more is known, and specific local solutions are identified, revising or developing new LAFCO policies on this issue is premature.

#### **CALAFCO Annual Conference Session**

This issue is not unique to Santa Clara County. Several LAFCOs including Sonoma, Stanislaus, and Merced have reported their serious concerns. The recent CALAFCO Annual Conference provided a forum for LAFCOs to learn more about SB 1263 and SB 200 and to discuss local unintended adverse consequences. At the conference, LAFCO staff attended a session that included a presentation from SWRCB staff on these laws. Later that evening, staff met with SWRCB staff about our local concerns.

#### **CALAFCO Legislative Committee Meeting**

Chairperson Vicklund Wilson requested that the CALAFCO Legislative Committee's Agenda for November 15, 2019 include a discussion on how the legislation (SB 1263 and SB 200) is impacting LAFCOs. Staff provided information on our experience with the implementation of this legislation in Santa Clara County. The Committee discussed the issue and agreed that in the future CALAFCO must be more proactive in raising concerns about proposed legislation that would undermine LAFCO's mission and authority.

Staff will continue to update the Commission on this very important issue.

#### **ATTACHMENTS**

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Attachment A: SB 1263 (2016, Wieckowski)

Attachment B: SB 200 (2019, Monning)

**Senate Bill No. 1263**

CHAPTER 843

An act to amend Section 116540 of, and to add Section 116527 to, the Health and Safety Code, and to add Section 106.4 to the Water Code, relating to drinking water.

[Approved by Governor September 29, 2016. Filed with  
Secretary of State September 29, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1263, Wieckowski. Public water system: permits.

(1) Existing law, the California Safe Drinking Water Act, imposes on the State Water Resources Control Board various responsibilities and duties relating to providing a dependable, safe supply of drinking water. The act prohibits a person from operating a public water system unless he or she first submits an application, including a technical report, to the state board and receives a permit, as specified. The act requires the state board, upon determination that the application is complete, to make a specified investigation, and allows the state board to impose permit conditions, requirements for system improvements, and time schedules as the state board deems necessary to ensure an affordable, reliable, and adequate supply of water at all times that is pure, wholesome, and potable. The act provides that a person who knowingly makes a false statement or representation in a report submitted, maintained, or used for purposes of compliance with the act may be punished as a misdemeanor.

This bill would require a person submitting an application for a permit for a proposed new public water system to first submit a preliminary technical report to the state board at least 6 months before initiating construction of any water-related improvement, as defined. Because a misstatement in the report could be a crime under the provision described above, this bill would impose a state-mandated local program by expanding the scope of a crime. The bill would allow the state board to direct the applicant to undertake additional discussion and negotiation with certain existing public water systems the state board determines have the technical, managerial, and financial capacity to provide an adequate and reliable supply of domestic water to the service area of the proposed new public water system, as specified, and would require an applicant to comply before submitting an application for a permit to operate a system and would prohibit the application from being deemed complete unless the applicant has complied. The bill would, if the state board determines that it is feasible for the service area of the public water system addressed by the application to be served by one or more currently permitted public water systems, authorize the state board to deny the permit of a proposed new public water system

if it determines that it is reasonably foreseeable that the proposed new public water system will be unable to provide affordable, safe drinking water in the reasonably foreseeable future, as prescribed.

(2) Existing law allows the state board to delegate primary responsibility for the administration and enforcement of the act within a county to a local health officer if certain criteria are met. Existing law requires that the local primacy agency be empowered with all of the authority granted to the state board over the specified public water systems.

This bill would prohibit a local primacy agency from issuing a permit to operate a public water system without the concurrence of the state board. The bill would require, for a proposed new public water system that would be regulated by a local primacy agency, the applicant to also submit a copy of the preliminary technical report to the state board.

(3) Existing law declares the established policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. Existing law requires a city or county that determines a project, as defined, is subject to the California Environmental Quality Act to identify certain water systems that may supply water for the project and to request those public water systems to prepare and approve a specified water supply assessment. Under existing law, if no public water system is identified, the city or county is required to prepare and approve the water supply assessment. Existing law provides that if, as a result of its assessment, the public water system or city or county concludes that its water supplies are, or will be, insufficient, the public water system or city or county is required to provide its plans for acquiring additional water supplies, as prescribed.

This bill would prohibit a city, including a charter city, or a county from issuing a building permit for the construction of a new residential development where a source of the water supply is water transported by a water hauler, bottled water, a water-vending machine, or a retail water facility, as specified. By imposing new duties on a city or county in connection with the issuance of a building permit, the bill would impose a state-mandated local program.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for specified reasons.

*The people of the State of California do enact as follows:*

SECTION 1. The Legislature finds and declares all of the following:

(a) There are over 7,500 public water systems in California. The vast majority of these systems provide a reliable supply of safe drinking water. However, there are hundreds of smaller public water systems that consistently fail to provide a reliable supply of safe drinking water to their

customers. Many failing public water systems were created without the necessary technical, managerial, or financial capacity to be sustainable in the long term in view of water supply uncertainties. These uncertainties can be created by effects on water quality and quantity, global climate change, migration of groundwater contamination, the establishment of new drinking water standards, and other factors that are known to significantly erode a system's capacity.

(b) Failing public water systems disproportionately affect disadvantaged communities who are least able to afford to address the conditions that led to the failure.

(c) The proliferation of new, unsustainable public water systems also may undermine the state's human right to water policy.

(d) Therefore, it is the policy of the state to discourage the establishment of new, unsustainable public water systems when there is a feasible alternative.

SEC. 2. Section 116527 is added to the Health and Safety Code, to read:

116527. (a) As used in this section, "water-related improvement" includes, but is not limited to, a water pipe, a water pump, or drinking water infrastructure.

(b) (1) Before a person submits an application for a permit for a proposed new public water system, the person shall first submit a preliminary technical report to the state board at least six months before initiating construction of any water-related improvement.

(2) In order to assist in expediting the permitting process, a person that is considering submitting an application for a permit for a proposed new public water system is encouraged, but is not required, to submit the preliminary technical report no later than seven days after submission of an application to the city or county for a building permit for any water-related improvement.

(3) For a proposed new public water system that would be regulated by a local primacy agency, the applicant shall also submit a copy of the preliminary technical report to the state board.

(c) The preliminary technical report shall include all of the following:

(1) The name of each public water system for which any service area boundary is within three miles, as measured through existing public rights-of-way, of any boundary of the applicant's proposed public water system's service area.

(2) A discussion of the feasibility of each of the adjacent public water systems identified pursuant to paragraph (1) annexing, connecting, or otherwise supplying domestic water to the applicant's proposed new public water system's service area. The applicant shall consult with each adjacent public water system in preparing the report and shall include in the report any information provided by each adjacent public water system regarding the feasibility of annexing, connecting, or otherwise supplying domestic water to that service area.

(3) A discussion of all actions taken by the applicant to secure a supply of domestic water from an existing public water system for the proposed new public water system's service area.

(4) All sources of domestic water supply for the proposed new public water system.

(5) The estimated cost to construct, operate, and maintain the proposed new public water system, including long-term operation and maintenance costs and a potential rate structure.

(6) A comparison of the costs associated with the construction, operation and maintenance, and long-term sustainability of the proposed new public water system to the costs associated with providing water to the proposed new public water system's service area through annexation by, consolidation with, or connection to an existing public water system.

(7) A discussion of all actions taken by the applicant to pursue a contract for managerial or operational oversight from an existing public water system.

(8) An analysis of whether a proposed new public water system's total projected water supplies available during normal, single dry, or multiple dry water years during a 20-year projection will meet the projected water demand for the service area.

(9) Any information provided by the local agency formation commission. The applicant shall consult with the local agency formation commission if any adjacent public water system identified pursuant to paragraph (1) is a local agency as defined by Section 56054 of the Government Code.

(d) (1) If documents prepared to comply with Division 13 (commencing with Section 21000) of the Public Resources Code or any other application for public agency approval concerning providing drinking water to the proposed new public water system's service area include the information required by subdivision (c), including documentation of the consultation with each adjacent public water system and the local agency formation commission, the applicant may submit those documents to the state board in lieu of the preliminary technical report and the documents shall be considered the functional equivalent of the preliminary technical report.

(2) If documents prepared to comply with Division 13 (commencing with Section 21000) of the Public Resources Code or any other application for public agency approval concerning providing drinking water to the proposed new public water system's service area include some, but not all, of the information required by subdivision (c), including documentation of the consultation with an adjacent public water system and the local agency formation commission, the applicant shall submit those documents and the preliminary technical report to the state board and together those documents and the preliminary technical report shall be considered the functional equivalent of the preliminary technical report requirements of this section. A preliminary technical report submitted pursuant to this paragraph shall only be required to include information that is not otherwise addressed by the other submitted documents.

(e) Upon review of a preliminary technical report submitted pursuant to this section, the state board may do all of the following actions:

(1) If an existing public water system has not already sought annexation of the service area of a proposed new public water system from the local agency formation commission or the applicant has not already sought an extension of services agreement from an existing public water system, direct the applicant to undertake additional discussion and negotiation with the local agency formation commission and any existing public water system meeting the requirements of paragraph (1) of subdivision (c) that the state board determines has the technical, managerial, and financial capacity to provide an adequate and reliable supply of domestic water to the service area of the proposed new public water system. The state board shall not direct the applicant to undertake additional discussion and negotiation if documentation submitted to the state board demonstrates that additional discussion and negotiation is unlikely to be successful, including, but not limited to, documentation that the local agency formation commission has previously denied the application for an extension of service or annexation, or that the existing public water system has declined to apply to the local agency formation commission for approval of an extension of services to, or annexation of, the service area of the proposed new public water system.

(2) Direct the applicant to report on the results of discussion and negotiations conducted pursuant to paragraph (1) to the state board.

(3) Establish a time schedule for the applicant's performance of directives issued pursuant to this subdivision.

(f) (1) An applicant shall comply with the state board's directives as assigned in and consistent with subdivision (e) before submitting an application for a permit for a proposed new public water system under this chapter.

(2) An application for a permit for a proposed new public water system under this chapter shall not be deemed complete unless the applicant has complied with the requirements of this section.

(g) The state board's review of a preliminary technical report pursuant to this section shall not be deemed a project or approval of a permit application submitted under this chapter.

(h) The requirements of this section do not apply to either of the following:

(1) An application for a permit for a new public water system that was deemed complete prior to January 1, 2017, pursuant to the statutory permit application requirements effective at the date of the permit submission.

(2) An extension of, or annexation to, an existing public water system.

(i) (1) The requirements of this section do not apply to a service area where an applicant certifies in writing to the state board that the applicant will not rely on the establishment of a new public water system for its water supply. The state board shall acknowledge receipt of the applicant's certification in a timely manner.

(2) An applicant who certifies that the service area will not rely on the establishment of a new public water system and later seeks a permit for a new public water system shall comply with the provisions of this section

and shall assume all risk of delay or rejection related to the permit application.

(j) (1) The provisions of this subdivision apply to a proposed new public water system that achieves either or both of the following:

(A) Consolidates two or more existing public water systems, existing state small water systems, or other existing water systems, which results in the creation of a new public water system.

(B) Provides water service in lieu of individual domestic wells.

(2) At least six months before the construction of any water-related improvements, an applicant for a new public water system that meets the criteria in paragraph (1) shall provide a written notice to the state board that does both of the following:

(A) Clearly describes the proposed new public water system and how it meets the criteria in paragraph (1).

(B) Requests an exemption from the requirements of this section.

(3) The state board shall promptly acknowledge receipt of a written notice described in paragraph (2). The state board shall have 30 days from the acknowledgment of receipt of the written notice to issue a written notice to the applicant that compliance with the requirements of this section is necessary and that an application for a permit of a new public water system under this chapter is not complete until the applicant has complied with the requirements of this section. A determination by the state board that compliance with the requirements of this section is necessary shall be final and is not subject to review by the state board. A determination by the state board pursuant to this subdivision is not considered a project subject to Division 13 (commencing with Section 21000) of the Public Resources Code.

(4) If the state board receives a written notice from a project applicant that satisfies the requirements of paragraph (2), the project described in the notice is deemed exempt from the requirements of this section on the 35th day following the date of the state board's acknowledgment of receipt of the written notice, unless the state board has issued a notice to comply pursuant to paragraph (3).

SEC. 3. Section 116540 of the Health and Safety Code is amended to read:

116540. (a) Following completion of the investigation and satisfaction of the requirements of paragraphs (1) and (2), the state board shall issue or deny the permit. The state board may impose permit conditions, requirements for system improvements, technical, financial, or managerial requirements, and time schedules as it deems necessary to ensure a reliable and adequate supply of water at all times that is pure, wholesome, potable, and does not endanger the health of consumers.

(1) A public water system that was not in existence on January 1, 1998, shall not be granted a permit unless the public water system demonstrates to the state board that the water supplier possesses adequate financial, managerial, and technical capability to ensure the delivery of pure,

wholesome, and potable drinking water. This section shall also apply to any change of ownership of a public water system.

(2) A permit under this chapter shall not be issued to an association organized under Title 3 (commencing with Section 18000) of the Corporations Code. This section shall not apply to unincorporated associations that, as of December 31, 1990, are holders of a permit issued under this chapter.

(b) Notwithstanding Section 116330, a local primacy agency shall not issue a permit under this article without the concurrence of the state board.

(c) In considering whether to approve a proposed new public water system, the state board shall consider the sustainability of the proposed new public water system and its water supply in the reasonably foreseeable future, in view of global climate change, potential migration of groundwater contamination and other potential treatment needs, and other factors that can significantly erode a system's capacity.

(d) If the state board determines that it is feasible for the service area of the public water system addressed by an application under this article to be served by one or more permitted public water systems identified pursuant to paragraph (1) of subdivision (c) of Section 116527, the state board may deny the permit of a proposed new public water system if it determines, based on its assessment of the preliminary technical report submitted pursuant to Section 116527, the permit application, and other relevant, substantial evidence submitted, that it is reasonably foreseeable that the proposed new public water system will be unable to provide affordable, safe drinking water in the reasonably foreseeable future.

(e) An applicant may appeal decisions and actions of the deputy director taken pursuant to this section to the state board.

SEC. 4. Section 106.4 is added to the Water Code, to read:

106.4. (a) For the purposes of this section:

(1) "Bottled water" has the same meaning as defined in Section 111070 of the Health and Safety Code.

(2) "Residential development" has the same meaning as defined in Section 65008 of the Government Code.

(3) "Retail water facility" has the same meaning as defined in Section 111070 of the Health and Safety Code.

(4) "Water-vending machine" has the same meaning as defined in Section 111070 of the Health and Safety Code.

(5) "Water hauler" has the same meaning as defined in Section 111070 of the Health and Safety Code.

(b) A city, including a charter city, or a county shall not issue a building permit for the construction of a new residential development where a source of water supply is water transported by a water hauler, bottled water, a water-vending machine, or a retail water facility.

(c) This section does not apply to a residence that will be rebuilt because of a natural disaster.

(d) The Legislature finds and declares that this section addresses a matter of statewide concern and not a municipal affair, as that term is used in Section 5 of Article XI of the California Constitution.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act or because costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

## Senate Bill No. 200

### CHAPTER 120

An act to add Section 53082.6 to the Government Code, to amend Sections 39719, 100827, 116275, 116385, 116530, 116540, and 116686 of, and to add Chapter 4.6 (commencing with Section 116765) to Part 12 of Division 104 of, the Health and Safety Code, and to add Chapter 7 (commencing with Section 8390) to Division 4.1 of the Public Utilities Code, relating to drinking water, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 24, 2019. Filed with Secretary of  
State July 24, 2019.]

#### LEGISLATIVE COUNSEL'S DIGEST

SB 200, Monning. Drinking water.

(1) Existing law, the California Safe Drinking Water Act, requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health. Existing law declares it to be the established policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes.

This bill would establish the Safe and Affordable Drinking Water Fund in the State Treasury to help water systems provide an adequate and affordable supply of safe drinking water in both the near and long terms. The bill would authorize the state board to provide for the deposit into the fund of certain moneys and would continuously appropriate the moneys in the fund to the state board for grants, loans, contracts, or services to assist eligible recipients. The bill would require the state board, in consultation with the Department of Finance, to adopt a fund expenditure plan with specified contents and would require, on and after July 1, 2020, expenditures of the fund to be consistent with the plan. The bill would require, by January 1, 2021, the state board, in consultation with local health officers and other relevant stakeholders, to make publicly available, as specified, a map of aquifers that are used or likely to be used as a source of drinking water that are at high risk of containing contaminants that exceed safe drinking water standards. For purposes of the map, the bill would require local health officers and other relevant local agencies to provide all results of, and data associated with, water quality testing performed by certified laboratories to the state board, as specified. By imposing additional duties on local health officers and local agencies, the bill would impose a state-mandated local program.

The act provides for the operation of public water systems and authorizes the state board to contract with, or provide a grant to, an administrator to

provide administrative, technical, operational, or managerial services, or any combination of those services, to a designated water system to assist with the provision of an adequate supply of affordable, safe drinking water. The act defines an administrator as a person whom the state board has determined is competent to perform the administrative, technical, operational, or managerial services required, as specified, and authorizes a privately owned public utility to serve as an administrator.

This bill would, among other things, authorize an administrator to additionally provide legal services pursuant to those provisions and to act, where the administrator is authorized to act on behalf of a designated public water system, on behalf of a voluntary participant, as defined. The bill would recast the authorization for a local agency or a privately owned public utility to serve as an administrator for these purposes.

The act prohibits a person from operating a public water system unless the person first submits an application to the state board and receives a permit to operate the system, as specified. The act authorizes the state board, if the state board determines that it is feasible for the service area of the public water system addressed by the application to be served by one or more currently permitted public water systems, to deny the permit of a proposed new public water system if it determines that it is reasonably foreseeable that the proposed new public water system will be unable to provide affordable, safe drinking water in the reasonably foreseeable future, as prescribed.

This bill would eliminate the requirement that the state board determine that it is reasonably foreseeable that the proposed new public water system will be unable to provide affordable, safe drinking water in the reasonably foreseeable future in order to deny the permit of a proposed new public water system.

The act defines a disadvantaged community for its purposes as an area, as specified, in which the median household income is less than 80% of the statewide average.

This bill would revise that definition to apply to specified areas with a median household income of less than 80% of the statewide annual median household income level.

The act requires a public water system to submit a technical report to the state board as a part of the permit application or when otherwise required by the state board, as specified.

This bill would require a public water system to submit the report in the form and format and at intervals specified by the state board.

(2) Existing law requires a laboratory that performs analyses for regulatory purposes of drinking water, wastewater, hazardous waste, and contaminated soils or sediments to obtain certification or accreditation, as specified. Existing law requires, when a person or entity submits material to the laboratory for testing, the laboratory to report the results of all detected contaminants and pollutants to that person or entity.

This bill would require a laboratory accredited by the State Water Resources Control Board to also report the results of each drinking water

analysis to the state board in the form or format and at intervals specified by the state board.

(3) The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The act authorizes the state board to include the use of market-based compliance mechanisms. Existing law requires all moneys, except for fines and penalties, collected by the state board as part of a market-based compliance mechanism to be deposited in the Greenhouse Gas Reduction Fund and to be available upon appropriation. Existing law continuously appropriates 35% of the annual proceeds of the fund for transit, affordable housing, and sustainable communities programs and 25% of the annual proceeds of the fund for certain components of a specified high-speed rail project.

This bill, beginning in the 2020–21 fiscal year, would require 5% of the annual proceeds of the Greenhouse Gas Reduction Fund, up to the sum of \$130,000,000, to be deposited into the Safe and Affordable Drinking Water Fund for the purposes of the Safe and Affordable Drinking Water Fund, subject to specified restrictions. The bill would require the Director of Finance, beginning in the 2023–24 fiscal year and until June 30, 2030, to calculate the sum to be transferred by the Controller from the General Fund to the Safe and Affordable Drinking Water Fund if the annual transfer from the annual proceeds of the Greenhouse Gas Reduction Fund is less than \$130,000,000 to equal a total transfer into the Safe and Affordable Drinking Water Fund of \$130,000,000, as specified.

(4) The Budget Act of 2019 appropriates \$100,000,000 from the Greenhouse Gas Reduction Fund and \$30,000,000 from the General Fund to the State Water Resources Control Board for support or local assistance to fund grants, loans, contracts, or services to help water systems provide safe and affordable drinking water.

This bill would require these moneys to be available for the purposes of the Safe and Affordable Drinking Water Fund, subject to specified restrictions.

(5) This bill would provide that its provisions are severable.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

(7) This bill would declare that it is to take effect immediately as an urgency statute.

Appropriation: yes.

*The people of the State of California do enact as follows:*

SECTION 1. Section 53082.6 is added to the Government Code, to read: 53082.6. A local agency may serve as an administrator for the purposes of Section 116686 of the Health and Safety Code.

SEC. 2. Section 39719 of the Health and Safety Code is amended to read:

39719. (a) The Legislature shall appropriate the annual proceeds of the fund for the purpose of reducing greenhouse gas emissions in this state in accordance with the requirements of Section 39712.

(b) To carry out a portion of the requirements of subdivision (a), the annual proceeds of the fund are continuously appropriated for the following:

(1) Beginning in the 2015–16 fiscal year, and notwithstanding Section 13340 of the Government Code, 35 percent of the annual proceeds of the fund are continuously appropriated, without regard to fiscal years, for transit, affordable housing, and sustainable communities programs as follows:

(A) Ten percent of the annual proceeds of the fund is hereby continuously appropriated to the Transportation Agency for the Transit and Intercity Rail Capital Program created by Part 2 (commencing with Section 75220) of Division 44 of the Public Resources Code.

(B) Five percent of the annual proceeds of the fund is hereby continuously appropriated to the Low Carbon Transit Operations Program created by Part 3 (commencing with Section 75230) of Division 44 of the Public Resources Code. Moneys shall be allocated by the Controller, according to requirements of the program, and pursuant to the distribution formula in subdivision (b) or (c) of Section 99312 of, and Sections 99313 and 99314 of, the Public Utilities Code.

(C) Twenty percent of the annual proceeds of the fund is hereby continuously appropriated to the Strategic Growth Council for the Affordable Housing and Sustainable Communities Program created by Part 1 (commencing with Section 75200) of Division 44 of the Public Resources Code. Of the amount appropriated in this subparagraph, no less than 10 percent of the annual proceeds of the fund shall be expended for affordable housing, consistent with the provisions of that program.

(2) Beginning in the 2015–16 fiscal year, notwithstanding Section 13340 of the Government Code, 25 percent of the annual proceeds of the fund is hereby continuously appropriated to the High-Speed Rail Authority for the following components of the initial operating segment and Phase I Blended System as described in the 2012 business plan adopted pursuant to Section 185033 of the Public Utilities Code:

(A) Acquisition and construction costs of the project.

(B) Environmental review and design costs of the project.

(C) Other capital costs of the project.

(D) Repayment of any loans made to the authority to fund the project.

(3) (A) Beginning in the 2020–21 fiscal year, and until June 30, 2030, 5 percent of the annual proceeds of the fund, up to the sum of one hundred thirty million dollars (\$130,000,000), is hereby annually transferred to the

Safe and Affordable Drinking Water Fund established pursuant to Section 116766 for the purposes of Chapter 4.6 (commencing with Section 116765) of Part 12 of Division 104.

(B) Moneys transferred under this paragraph shall be used for the purpose of facilitating the achievement of reductions of greenhouse gas emissions in this state in accordance with the requirements of Section 39712 or to improve climate change adaptation and resiliency of disadvantaged communities or low-income households or communities, consistent with Division 25.5 (commencing with Section 38500). For purposes of the moneys transferred under this paragraph, a state agency may also comply with the requirements of paragraphs (2) and (3) of subdivision (a) of Section 16428.9 of the Government Code by describing how each proposed expenditure will improve climate change adaptation and resiliency of disadvantaged communities or low-income households or communities.

(c) In determining the amount of annual proceeds of the fund for purposes of the calculation in subdivision (b), the funds subject to Section 39719.1 shall not be included.

SEC. 3. Section 100827 of the Health and Safety Code is amended to read:

100827. (a) A laboratory accredited by the state board shall report, in a timely fashion and in accordance with the request for analysis, the full and complete results of all detected contaminants and pollutants to the person or entity that submitted the material for testing. The state board may adopt regulations to establish reporting requirements for this section.

(b) A laboratory accredited by the state board shall report the results of each drinking water analysis the laboratory conducts to the state board in the form or format and at intervals specified by the state board.

SEC. 4. Section 116275 of the Health and Safety Code is amended to read:

116275. As used in this chapter:

(a) “Contaminant” means any physical, chemical, biological, or radiological substance or matter in water.

(b) “Department” means the state board.

(c) “Primary drinking water standards” means:

(1) Maximum levels of contaminants that, in the judgment of the state board, may have an adverse effect on the health of persons.

(2) Specific treatment techniques adopted by the state board in lieu of maximum contaminant levels pursuant to subdivision (j) of Section 116365.

(3) The monitoring and reporting requirements as specified in regulations adopted by the state board that pertain to maximum contaminant levels.

(d) “Secondary drinking water standards” means standards that specify maximum contaminant levels that, in the judgment of the state board, are necessary to protect the public welfare. Secondary drinking water standards may apply to any contaminant in drinking water that may adversely affect the odor or appearance of the water and may cause a substantial number of persons served by the public water system to discontinue its use, or that may otherwise adversely affect the public welfare. Regulations establishing

secondary drinking water standards may vary according to geographic and other circumstances and may apply to any contaminant in drinking water that adversely affects the taste, odor, or appearance of the water when the standards are necessary to ensure a supply of pure, wholesome, and potable water.

(e) “Human consumption” means the use of water for drinking, bathing or showering, hand washing, oral hygiene, or cooking, including, but not limited to, preparing food and washing dishes.

(f) “Maximum contaminant level” means the maximum permissible level of a contaminant in water.

(g) “Person” means an individual, corporation, company, association, partnership, limited liability company, municipality, public utility, or other public body or institution.

(h) “Public water system” means a system for the provision of water for human consumption through pipes or other constructed conveyances that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year. A public water system includes the following:

(1) Any collection, treatment, storage, and distribution facilities under control of the operator of the system that are used primarily in connection with the system.

(2) Any collection or pretreatment storage facilities not under the control of the operator that are used primarily in connection with the system.

(3) Any water system that treats water on behalf of one or more public water systems for the purpose of rendering it safe for human consumption.

(i) “Community water system” means a public water system that serves at least 15 service connections used by yearlong residents or regularly serves at least 25 yearlong residents of the area served by the system.

(j) “Noncommunity water system” means a public water system that is not a community water system.

(k) “Nontransient noncommunity water system” means a public water system that is not a community water system and that regularly serves at least 25 of the same persons over six months per year.

(l) “Local health officer” means a local health officer appointed pursuant to Section 101000 or a local comprehensive health agency designated by the board of supervisors pursuant to Section 101275 to carry out the drinking water program.

(m) “Significant rise in the bacterial count of water” means a rise in the bacterial count of water that the state board determines, by regulation, represents an immediate danger to the health of water users.

(n) “State small water system” means a system for the provision of piped water to the public for human consumption that serves at least five, but not more than 14, service connections and does not regularly serve drinking water to more than an average of 25 individuals daily for more than 60 days out of the year.

(o) “Transient noncommunity water system” means a noncommunity water system that does not regularly serve at least 25 of the same persons over six months per year.

(p) “User” means a person using water for domestic purposes. User does not include a person processing, selling, or serving water or operating a public water system.

(q) “Waterworks standards” means regulations adopted by the state board entitled “California Waterworks Standards” (Chapter 16 (commencing with Section 64551) of Division 4 of Title 22 of the California Code of Regulations).

(r) “Local primacy agency” means a local health officer that has applied for and received primacy delegation pursuant to Section 116330.

(s) “Service connection” means the point of connection between the customer’s piping or constructed conveyance, and the water system’s meter, service pipe, or constructed conveyance. A connection to a system that delivers water by a constructed conveyance other than a pipe shall not be considered a connection in determining if the system is a public water system if any of the following apply:

(1) The water is used exclusively for purposes other than residential uses, consisting of drinking, bathing, and cooking, or other similar uses.

(2) The state board determines that alternative water to achieve the equivalent level of public health protection provided by the applicable primary drinking water regulation is provided for residential or similar uses for drinking and cooking.

(3) The state board determines that the water provided for residential or similar uses for drinking, cooking, and bathing is centrally treated or treated at the point of entry by the provider, a passthrough entity, or the user to achieve the equivalent level of protection provided by the applicable primary drinking water regulations.

(t) “Resident” means a person who physically occupies, whether by ownership, rental, lease, or other means, the same dwelling for at least 60 days of the year.

(u) “Water treatment operator” means a person who has met the requirements for a specific water treatment operator grade pursuant to Section 106875.

(v) “Water distribution operator” means a person who has met the requirements for a specific water distribution operator grade pursuant to Section 106875.

(w) “Water treatment plant” means a group or assemblage of structures, equipment, and processes that treats, blends, or conditions the water supply of a public water system.

(x) “Water distribution system” means any combination of pipes, tanks, pumps, and other physical features that deliver water from the source or water treatment plant to the consumer.

(y) “Public health goal” means a goal established by the Office of Environmental Health Hazard Assessment pursuant to subdivision (c) of Section 116365.

(z) “Small community water system” means a community water system that serves no more than 3,300 service connections or a yearlong population of no more than 10,000 persons.

(aa) “Disadvantaged community” means the entire service area of a community water system, or a community therein, in which the median household income is less than 80 percent of the statewide annual median household income level.

(ab) “State board” means the State Water Resources Control Board.

(ac) “Deputy director” means the deputy director appointed by the state board pursuant to subdivision (k) of Section 116271.

SEC. 5. Section 116385 of the Health and Safety Code is amended to read:

116385. Any person operating a public water system shall obtain and provide at that person’s expense an analysis of the water to the state board, in the form, covering those matters, and at intervals as the state board by regulation may prescribe. The analysis shall be performed by a laboratory duly certified by the state board.

SEC. 6. Section 116530 of the Health and Safety Code is amended to read:

116530. (a) A public water system shall submit a technical report to the state board as part of the permit application or when otherwise required by the state board. This report may include, but not be limited to, detailed plans and specifications, water quality information, physical descriptions of the existing or proposed system, information related to technical, managerial, and financial capacity and sustainability, and information related to achieving the goals of Section 106.3 of the Water Code, including affordability and accessibility.

(b) A public water system shall submit the report in the form and format and at intervals specified by the state board.

SEC. 7. Section 116540 of the Health and Safety Code is amended to read:

116540. (a) Following completion of the investigation and satisfaction of the requirements of paragraphs (1) and (2), the state board shall issue or deny the permit. The state board may impose permit conditions, requirements for system improvements, technical, financial, or managerial requirements, and time schedules as it deems necessary to ensure a reliable and adequate supply of water at all times that is pure, wholesome, potable, and does not endanger the health of consumers.

(1) A public water system that was not in existence on January 1, 1998, shall not be granted a permit unless the public water system demonstrates to the state board that the water supplier possesses adequate financial, managerial, and technical capability to ensure the delivery of pure, wholesome, and potable drinking water. This section shall also apply to any change of ownership of a public water system.

(2) A permit under this chapter shall not be issued to an association organized under Title 3 (commencing with Section 18000) of the Corporations Code. This section shall not apply to unincorporated

associations that, as of December 31, 1990, are holders of a permit issued under this chapter.

(b) Notwithstanding Section 116330, a local primacy agency shall not issue a permit under this article without the concurrence of the state board.

(c) In considering whether to approve a proposed new public water system, the state board shall consider the sustainability of the proposed new public water system and its water supply in the reasonably foreseeable future, in view of global climate change, potential migration of groundwater contamination and other potential treatment needs, and other factors that can significantly erode a system's capacity.

(d) If the state board determines that it is feasible for the service area of the public water system addressed by an application under this article to be served by one or more permitted public water systems identified pursuant to paragraph (1) of subdivision (c) of Section 116527, the state board may deny the permit of a proposed new public water system.

(e) An applicant may petition the state board for reconsideration of a decision of action of the deputy director taken pursuant to this section.

SEC. 8. Section 116686 of the Health and Safety Code is amended to read:

116686. (a) (1) To provide an adequate supply of affordable, safe drinking water to disadvantaged communities, voluntary participants, and public water systems that have demonstrated difficulty in maintaining technical, managerial, and financial capacity and to prevent fraud, waste, and abuse, the state board may do any of the following, if sufficient funding is available:

(A) (i) Contract with, or provide a grant to, an administrator to provide administrative, technical, operational, legal, or managerial services, or any combination of those services, to a designated water system to assist the designated water system with the provision of an adequate supply of affordable, safe drinking water, which may include steps necessary to enable consolidation.

(ii) To fulfill the requirements of this section, the state board may contract with more than one administrator, but only one administrator may be assigned to provide services to a given designated water system.

(iii) An administrator may provide services to more than one designated water system.

(B) Order the designated water system to accept administrative, technical, operational, legal, or managerial services, including full management and control of all aspects of the designated water system, from an administrator selected by the state board.

(C) Order the designated water system to accept administrative, technical, operational, legal, or managerial services from an administrator appointed by the state board for full oversight of construction or development projects related to a consolidation or extension of service, including, but not limited to, accepting loans and grants issued by the state board and entering into contracts on behalf of the designated water system.

(2) In performing its duties pursuant to paragraph (1), the state board may use criteria from the handbook adopted pursuant to subdivision (g).

(b) Unless the state board has already held a public meeting pursuant to subdivision (b) of Section 116682, the state board shall do all of the following to determine that a public water system or state small water system is a designated water system:

(1) Provide the public water system or state small water system with notice and an opportunity to show either of the following:

(A) That the public water system or state small water system has not consistently failed to provide an adequate supply of affordable, safe drinking water.

(B) That the public water system or state small water system has taken steps to timely address its failure to provide an adequate supply of affordable, safe drinking water.

(2) (A) Conduct a public meeting in a location as close as feasible to the affected community.

(B) The state board shall make reasonable efforts to provide a 30-day notice of the meeting to affected ratepayers, renters, and property owners.

(C) Representatives of the public water system or state small water system, affected ratepayers, renters, and property owners shall be provided an opportunity to present oral and written comments at the meeting.

(D) The meeting shall provide an opportunity for public comment.

(3) Provide an opportunity to submit comments by mail or electronically during the 30-day notice period and for at least one week after the public meeting described in paragraph (2).

(4) If the public water system is operated by a local educational agency, obtain the local educational agency's agreement, in writing, to the appointment of an administrator.

(c) The state board shall make financial assistance available to an administrator for a designated water system, as appropriate and to the extent that funding is available.

(d) The authority granted to an administrator by the state board pursuant to subdivision (a) may include, but shall not be limited to, the authority to do all of the following:

(1) Expend available moneys for capital infrastructure improvements that the designated water system needs to provide an adequate supply of affordable, safe drinking water or to execute a consolidation ordered pursuant to Section 116682.

(2) Set and collect user water rates and fees, subject to approval by the state board. The state board shall consider affordability when approving water rates and fees. The provisions of this section are subject to all applicable constitutional requirements, including Article XIII D of the California Constitution.

(3) Expend available moneys for operation and maintenance costs of the designated water system.

(4) Expend available moneys necessary to achieve consolidation, including conducting feasibility or planning studies, or addressing outstanding technical or legal issues.

(e) The state board shall work with the administrator of a designated water system and the communities served by that designated water system to develop, within the shortest practicable timeframe, adequate technical, managerial, and financial capacity to deliver an adequate supply of affordable, safe drinking water so that the services of the administrator are no longer necessary.

(f) A designated water system shall not be responsible for any costs associated with an administrator that are higher than the costs necessary to maintain the designated water system and provide an adequate supply of affordable, safe drinking water.

(g) Before ordering a designated water system to accept administrative, technical, operational, legal, or managerial services from an administrator pursuant to subdivision (a), the state board shall develop standards, terms, and procedures in a handbook adopted consistent with the process provided for in subdivision (a) of Section 116760.43 for all of the following:

(1) Ensuring compliance with subdivision (f).

(2) Providing opportunity for public comment on selection of an administrator and the services to be provided.

(3) Providing public access to budgets, ownership and financial information, and other documents and records related to the provision of water service to the designated water system or affected residences and to the management of the designated water system by the administrator.

(4) Providing regular public meetings, notifications, opportunities for public comment, and other forms of engagement with customers of the designated water system for significant decisions or actions made on behalf of the designated water system, including, but not limited to, establishing operating budgets, altering water rates, adopting system policies, entering into long-term contracts or financing commitments, and developing system projects or plans.

(5) Formal requests to the state board to reverse or modify a decision of an administrator or to request substitution of an administrator.

(6) Ensuring an administrator acts in the best interests of the community served.

(7) Development and approval of a post-administrator drinking water service plan to ensure compliance with subdivision (e). Development of the plan shall include, but is not limited to, an evaluation of long-term public governance or community ownership options.

(h) Administrative and managerial contracts pursuant to this section shall be exempt from Chapter 2 (commencing with Section 10290) of Part 2 of Division 2 of the Public Contract Code and may be awarded on a noncompetitive bid basis as necessary to implement the purposes of this section.

(i) For purposes of this section, a local government, as defined in Article XIII C of the California Constitution, that sets water rates in accordance

with Article XIII D of the California Constitution shall be deemed to be providing affordable water.

(j) This section does not apply to a charter city, charter county, or charter city and county.

(k) (1) For purposes of this section, an administrator is authorized to act on behalf of an affected residence to the same extent, and in the same manner, as a designated water system with the consent of the affected residence.

(2) For purposes of this section, where an administrator is authorized to act on behalf of a designated public water system, it may also act on behalf of a voluntary participant.

(l) The Legislature finds and declares that the funding provided to a state small water system, affected residence, public water system, voluntary participant, or administrator for purposes of this section serves a public purpose and does not constitute a gift of public funds within the meaning of Section 6 of Article XVI of the California Constitution.

(m) For purposes of this section, the following terms have the following meanings:

(1) “Administrator” means a person whom the state board has determined is competent to perform the administrative, technical, operational, legal, or managerial services required for purposes of this section, pursuant to criteria set forth in the handbook adopted pursuant to subdivision (g). Notwithstanding any other law, a privately owned public utility may serve as an administrator for purposes of this section.

(2) “Designated water system” means a public water system or state small water system that has been ordered to consolidate pursuant to Section 116682 or that serves a disadvantaged community, and that the state board finds consistently fails to provide an adequate supply of affordable, safe drinking water.

(3) “Domestic well” has the same meaning as defined in Section 116767.

(4) “Voluntary participant” means the owner of a domestic well or state small water system who has agreed to accept financial assistance pursuant to Chapter 4.6 (commencing with Section 116765) for the provision of an adequate and affordable supply of safe drinking water.

SEC. 9. Chapter 4.6 (commencing with Section 116765) is added to Part 12 of Division 104 of the Health and Safety Code, to read:

#### CHAPTER 4.6. SAFE AND AFFORDABLE DRINKING WATER

##### Article 1. Findings and Declarations

116765. The Legislature finds and declares all of the following:

(a) Every Californian should enjoy the same degree of protection from environmental and health hazards. Every community should be a healthy environment in which to live, work, play, and learn.

(b) No single group of people should bear a disproportionate share of the negative environmental consequences and adverse health impacts arising from industrial, governmental, or commercial operations or policies.

(c) Concentrated environmental contamination in water creates cumulative health burdens resulting in communities with higher rates of disease such as asthma, heart disease, cancer, neurological and reproductive health effects, birth defects, and obesity.

(d) Despite significant improvements in environmental protection over the past several decades, millions of Californians continue to live, work, play, and go to school in unhealthy environments.

(e) California was one of the first states in the nation to put environmental justice considerations into law and defines environmental justice as the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.

(f) California law also declares that it is the established policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes.

(g) Yet, still more than 1,000,000 Californians do not have access to safe drinking water. In communities where the sole water supply is contaminated with substances like arsenic, manganese, nitrates, or hexavalent chromium, families are often left without safe water. The central valley and central coast regions, where more than 90% of the communities rely on groundwater as a primary source of drinking water, are particularly at risk, but other communities around the state are also at risk. More than 250,000 people in the central valley alone lack access to a consistent source of safe, affordable water.

(h) The Safe Drinking Water and Toxic Enforcement Act of 1986 lists lead, arsenic, and hexavalent chromium as substances that can cause cancer and reproductive toxicity.

(i) Established state environmental justice law and policies are only effective insofar as they result in true parity.

(j) It is the intent of the Legislature that the State of California bring true environmental justice to our state and begin to address the continuing disproportionate environmental burdens in the state by creating a fund to provide safe drinking water in every California community, for every Californian.

(k) Climate change is exacerbating the water impacts on disadvantaged and environmentally burdened communities by reducing surface water flows, accelerating declining groundwater basins, and contributing to increasing concentrations of environmental contamination.

(l) Enhancing the long-term sustainability of drinking water systems in disadvantaged and environmentally burdened communities increases those communities' resilience to climate change.

(m) Funding for safe and affordable drinking water under this chapter promotes investments in disadvantaged communities, provides important contributions to those communities in adapting to climate change, and is an

appropriate expenditure from the Greenhouse Gas Reduction Fund created pursuant to Section 16428.8 of the Government Code.

(n) It is the intent of the Legislature that the state board, in developing the fund expenditure plan pursuant to Article 4 (commencing with Section 116768), strive to ensure all regions of the state receive the same level of consideration for funding pursuant to this chapter, to the extent practicable.

#### Article 2. Safe and Affordable Drinking Water Fund

116766. (a) The Safe and Affordable Drinking Water Fund is hereby established in the State Treasury to help water systems provide an adequate and affordable supply of safe drinking water in both the near and long terms. Notwithstanding Section 13340 of the Government Code, all moneys deposited in the fund are continuously appropriated to the board to fund the following:

(1) Operation and maintenance costs to help deliver an adequate supply of safe drinking water in both the near and long terms.

(2) Consolidating water systems, or extending drinking water services to other public water systems, domestic wells, and state small water systems.

(3) The provision of replacement water, as needed, to ensure immediate protection of health and safety as a short-term solution.

(4) The provision of services under Section 116686 for purposes of helping the systems become self-sufficient in the long term.

(5) The development, implementation, and sustainability of long-term drinking water solutions.

(6) Board costs associated with the implementation and administration of programs pursuant to this chapter.

(b) Consistent with subdivision (a), the board shall expend moneys in the fund for grants, loans, contracts, or services to assist eligible recipients.

(c) (1) Eligible recipients of funding under this chapter are public agencies, nonprofit organizations, public utilities, mutual water companies, federally recognized California Native American tribes, nonfederally recognized Native American tribes on the contact list maintained by the Native American Heritage Commission for the purposes of Chapter 905 of the Statutes of 2004, administrators, and groundwater sustainability agencies.

(2) To be eligible for funding under this chapter, grants, loans, contracts, or services provided to a public utility that is regulated by the Public Utilities Commission or a mutual water company shall have a clear and definite public purpose and shall benefit the customers of the water system and not the investors.

(d) On and after July 1, 2020, an expenditure from the fund shall be consistent with the fund expenditure plan.

(e) The board may expend moneys from the fund for reasonable costs associated with the administration of this chapter, not to exceed 5 percent of the annual deposits into the fund.

(f) In administering the fund, the board shall make reasonable efforts to ensure that funds are used to secure the long-term sustainability of drinking water service and infrastructure, including, but not limited to, requiring adequate technical, managerial, and financial capacity of eligible applicants as part of funding agreement outcomes.

(g) Beginning in the 2023–24 fiscal year, and each fiscal year thereafter until June 30, 2030, if the annual transfer to the fund pursuant to paragraph (3) of subdivision (b) of Section 39719 is less than one hundred thirty million dollars (\$130,000,000), on an annual basis the Director of Finance shall calculate a sum equivalent to the difference, up to one hundred thirty million dollars (\$130,000,000), and the Controller shall transfer that sum from the General Fund to the Safe and Affordable Drinking Water Fund. This subdivision is operative only while a market-based compliance mechanism adopted pursuant to Section 38562 is operative.

### Article 3. Definitions

116767. For the purposes of this chapter:

(a) “Adequate supply” has the same meaning as defined in Section 116681.

(b) “Administrator” has the same meaning as defined in Section 116686.

(c) “Board” means the State Water Resources Control Board.

(d) “Community water system” has the same meaning as defined in Section 116275.

(e) “Consistently fails” has the same meaning as defined in Section 116681.

(f) “Disadvantaged community” has the same meaning as defined in Section 79505.5 of the Water Code.

(g) “Domestic well” has the same meaning as defined in Section 116681.

(h) “Fund” means the Safe and Affordable Drinking Water Fund established pursuant to Section 116766.

(i) “Fund expenditure plan” means the fund expenditure plan adopted pursuant to Article 4 (commencing with Section 116768).

(j) “Groundwater sustainability agency” has the same meaning as defined in Section 10721 of the Water Code.

(k) “Low-income household” means a single household with an income that is less than 200 percent of the federal poverty level, as updated periodically in the Federal Register by the United States Department of Health and Human Services under authority of subsection (2) of Section 9902 of Title 42 of the United States Code.

(l) “Mutual water company” means a mutual water company, as defined in Section 14300 of the Corporations Code, that operates a public water system or a state small water system.

(m) “Nonprofit organization” means an organization qualified to do business in California and qualified under Section 501(c)(3) of Title 26 of the United States Code.

(n) “Public agency” means a state agency or department, special district, joint powers authority, city, county, city and county, or other political subdivision of the state.

(o) “Public utility” has the same meaning as defined in Section 216 of the Public Utilities Code.

(p) “Public water system” has the same meaning as defined in Section 116275.

(q) “Replacement water” includes, but is not limited to, bottled water, vended water, point-of-use, or point-of-entry treatment units.

(r) “Safe drinking water” has the same meaning as defined in Section 116681.

(s) “Service connection” has the same meaning as defined in Section 116275.

(t) “State small water system” has the same meaning as defined in Section 116275.

(u) “Vended water” has the same meaning as defined in Section 111070.

#### Article 4. Fund Expenditure Plan

116768. The purposes of the fund expenditure plan are as follows:

(a) To identify public water systems, community water systems, and state small water systems that consistently fail to provide an adequate supply of safe drinking water, including the cause or causes of the failure and appropriate measures to remedy the failure.

(b) To determine the amount and type of funding necessary to implement appropriate measures to remedy a failure to provide an adequate supply of safe drinking water.

(c) To identify public water systems, community water systems, and state small water systems that are at significant risk of failing to provide an adequate supply of safe drinking water, including the source or sources of the risk and appropriate measures to eliminate the risk.

(d) To determine the amount and type of funding necessary to implement appropriate measures to eliminate the risk of failing to provide an adequate supply of safe drinking water.

(e) To identify gaps in the provision of safe drinking water, in furtherance of Section 106.3 of the Water Code, and to determine the amount and type of funding necessary to minimize or eliminate those gaps.

116768.5. (a) On or before July 1, 2020, the board shall develop and adopt a policy for developing the fund expenditure plan that includes all of the following elements:

(1) A requirement that the board consult with an advisory group to aid in meeting the purposes of the fund expenditure plan as established in Section 116768. The advisory group shall include representatives of the following:

- (A) Public water systems.
- (B) Technical assistance providers.
- (C) Local agencies.

- (D) Nongovernmental organizations.
  - (E) Residents served by community water systems in disadvantaged communities, state small water systems, and domestic wells.
  - (F) The public.
  - (2) Identification of key terms, criteria, and metrics, and their definitions.
  - (3) A description of how proposed remedies will be identified, evaluated, prioritized, and included in the fund expenditure plan.
  - (4) The establishment of a process by which members of a disadvantaged community may petition the board to consider ordering consolidation.
  - (5) A requirement that the board hold at least one public hearing before adopting a fund expenditure plan.
  - (b) The board, in consultation with the Department of Finance, shall annually adopt a fund expenditure plan. The board shall adopt a handbook and may update it at least once every three years.
  - (c) On or before March 1, 2021, and every March 1 thereafter, the board shall provide to the Joint Legislative Budget Committee and the chairpersons of the fiscal committees in each house of the Legislature the most recently adopted fund expenditure plan. The board may submit the fund expenditure plan as required by this subdivision either in the Governor’s Budget documents or as a separate report.
116769. (a) The fund expenditure plan shall contain the following:
- (1) A report of expenditures from the fund for the prior fiscal year and planned expenditures for the current fiscal year.
  - (2) A list of systems that consistently fail to provide an adequate supply of safe drinking water. The list shall include, but is not limited to, all of the following:
    - (A) Any public water system that consistently fails to provide an adequate supply of safe drinking water.
    - (B) Any community water system that serves a disadvantaged community that must charge fees that exceed the affordability threshold established by the board in order to supply, treat, and distribute potable water that complies with federal and state drinking water standards.
    - (C) Any state small water system that consistently fails to provide an adequate supply of safe drinking water.
  - (3) A list of public water systems, community water systems, and state small water systems that may be at risk of failing to provide an adequate supply of safe drinking water.
  - (4) An estimate of the number of households that are served by domestic wells or state small water systems in high-risk areas identified pursuant to Article 6 (commencing with Section 116772). The estimate shall identify approximate locations of households, without identifying exact addresses or other personal information, in order to identify potential target areas for outreach and assistance programs.
  - (5) An estimate of the funding needed for the next fiscal year based on the amount available in the fund, anticipated funding needs, other existing funding sources, and other relevant data and information.

(6) A list of programs to be funded that assist or will assist households supplied by a domestic well that consistently fails to provide an adequate supply of safe drinking water. This list shall include the number and approximate location of households served by each program without identifying exact addresses or other personal information.

(7) A list of programs to be funded that assist or will assist households and schools whose tap water contains contaminants, such as lead or secondary contaminants, at levels that exceed recommended standards.

(b) The fund expenditure plan shall be based on data and analysis drawn from the drinking water needs assessment funded by Chapter 449 of the Statutes of 2018 as that assessment may be updated and as information is developed pursuant to Article 6 (commencing with Section 116772).

(c) The fund expenditure plan shall prioritize funding for all of the following:

(1) Assisting disadvantaged communities served by a public water system, and low-income households served by a state small water system or a domestic well.

(2) The consolidation or extension of service, when feasible, and administrative and managerial contracts or grants entered into pursuant to Section 116686 where applicable.

(3) Funding costs other than those related to capital construction costs, except for capital construction costs associated with consolidation and service extension to reduce the ongoing unit cost of service and to increase sustainability of drinking water infrastructure and service delivery.

116770. The fund expenditure plan may include expenditures for the following:

(a) The provision of replacement water, as needed, to ensure immediate protection of health and safety as a short-term solution.

(b) The development, implementation, and sustainability of long-term drinking water solutions, including, but not limited to, the following:

(1) (A) Technical assistance, planning, construction, repair, and operation and maintenance costs associated with any of the following:

(i) Replacing, blending, or treating contaminated drinking water.

(ii) Repairing or replacing failing water system equipment, pipes, or fixtures.

(iii) Operation and maintenance costs associated with consolidated water systems, extended drinking water services, or reliance on a substituted drinking water source.

(B) Technical assistance and planning costs may include, but are not limited to, analyses to identify and efforts to further opportunities to reduce the unit cost of providing drinking water through organizational and operational efficiency improvements, and other options and approaches to reduce costs.

(2) Creating and maintaining natural means and green infrastructure solutions that contribute to sustainable drinking water.

(3) Consolidating water systems.

(4) Extending drinking water services to other public water systems, community water systems, and state small water systems, or domestic wells.

(5) Satisfying outstanding long-term debt obligations of public water systems, community water systems, and state small water systems where the board determines that a system's lack of access to capital markets renders this solution the most cost effective for removing a financial barrier to the system's sustainable, long-term provision of drinking water.

(c) Identifying and providing outreach to persons who are eligible to receive assistance from the fund.

(d) Testing the drinking water quality of domestic wells serving low-income households, prioritizing those in high-risk areas identified pursuant to Article 6 (commencing with Section 116772).

(e) Providing services under Section 116686.

#### Article 5. Miscellaneous Provisions

116771. (a) The board may undertake any of the following actions to implement the fund:

(1) Provide for the deposit of any of the following moneys into the fund:

(A) Federal contributions.

(B) Voluntary contributions, gifts, grants, or bequests.

(C) Financial participation by a public agency in an activity authorized for funding from the fund.

(2) Enter into agreements for contributions to the fund from the federal government, local or state agencies, and private corporations or nonprofit organizations.

(3) Direct portions of the fund to a subset of eligible applicants as required or appropriate based on funding source and consistent with the annual fund expenditure plan.

(4) Direct moneys described in subparagraph (B) of paragraph (1) towards a specific project, program, or study.

(5) Take additional action as may be appropriate for adequate administration and operation of the fund.

(b) The board may set appropriate requirements as a condition of funding, including, but not limited to, the following:

(1) A system technical, managerial, or financial capacity audit.

(2) Improvements to reduce costs and increase efficiencies.

(3) An evaluation of alternative treatment technologies.

(4) A consolidation or service extension feasibility study.

(5) Requirements for a domestic well with nitrate contamination where ongoing septic system failure may be causing or contributing to contamination of a drinking water source to have conducted an investigation and project to address the septic system failure, if adequate funding sources are identified and accessible.

(c) Actions taken to implement, interpret, or make specific this chapter, including, but not limited to, the adoption or development of any plan,

handbook, or map, are not subject to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

116771.5. (a) This chapter does not expand any obligation of the state to provide resources for the provisions of this article or to require the expenditure of additional resources beyond the amount of moneys deposited in the fund.

(b) The Legislature finds and declares that participation in an activity authorized for funding from the fund or a contribution to the fund by a federal, state, or local agency serves a public purpose and does not constitute a gift of public funds within the meaning of Section 6 of Article XVI of the California Constitution.

#### Article 6. Information on High-Risk Areas

116772. (a) (1) By January 1, 2021, the board, in consultation with local health officers and other relevant stakeholders, shall use available data to make available a map of aquifers that are at high risk of containing contaminants that exceed safe drinking water standards that are used or likely to be used as a source of drinking water for a state small water system or a domestic well. The board shall update the map annually based on new and relevant data.

(2) The board shall make the map of high-risk areas, as well as the data used to make the map, publicly accessible on its internet website in a manner that complies with the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code). The board shall notify local health officers and county planning agencies of high-risk areas within their jurisdictions.

(b) (1) By January 1, 2021, a local health officer or other relevant local agency shall provide to the board all results of, and data associated with, water quality testing performed by a laboratory that has accreditation or certification pursuant to Article 3 (commencing with Section 100825) of Chapter 4 of Part 1 of Division 101 for a state small water system or domestic well that was collected after January 1, 2014, and that is in the possession of the local health officer or other relevant local agency.

(2) By January 1, 2022, and by January 1 of each year thereafter, all results of, and data associated with, water quality testing performed by a laboratory that has accreditation or certification pursuant to Article 3 (commencing with Section 100825) of Chapter 4 of Part 1 of Division 101 for a state small water system or domestic well that is submitted to a local health officer or other relevant local agency shall also be submitted directly to the board in electronic format.

SEC. 10. Chapter 7 (commencing with Section 8390) is added to Division 4.1 of the Public Utilities Code, to read:

CHAPTER 7. DESIGNATED WATER SYSTEM ADMINISTRATION

8390. A privately owned public utility may serve as an administrator for purposes of Section 116686 of the Health and Safety Code.

SEC. 11. (a) The amounts appropriated by Item 3940-102-0001 and Item 3940-102-3228 in the Budget Act of 2019 shall be available for purposes outlined in Chapter 4.6 (commencing with Section 116765) of Part 12 of Division 104 of the Health and Safety Code.

(b) Funds made available pursuant to subdivision (a) shall be used for the purpose of facilitating the achievement of reductions of greenhouse gas emissions in this state in accordance with the requirements of Section 39712 of the Health and Safety Code or to improve climate change adaptation and resiliency of disadvantaged communities, as defined in Section 39711 of the Health and Safety Code, or low-income households or communities, as defined in Section 39713 of the Health and Safety Code, consistent with Division 25.5 (commencing with Section 38500) of the Health and Safety Code. For purposes of the funds made available pursuant to subdivision (a), a state agency may also comply with the requirements of paragraphs (2) and (3) of subdivision (a) of Section 16428.9 of the Government Code by describing how each proposed expenditure will improve climate change adaptation and resiliency of disadvantaged communities or low-income households or communities.

SEC. 12. This act does not impose a levy, charge, or exaction of any kind, such as a tax or fee.

SEC. 13. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 14. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

SEC. 15. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to address the immediate need to provide safe and affordable drinking water to all Californians, it is necessary for this act to take effect immediately.

**ITEM #5**  
**Attachment F**

**From:** Bichlan Do <bichlan.do@gmail.com>  
**Sent:** Friday, May 28, 2021 6:22 AM  
**To:** LAFCO  
**Subject:** [EXTERNAL] Public Hearing June 2nd, 2021

**Re: LAFCO Public Hearing**  
**- Morgan Hill Out-of-Agency Water Service (Metta Tam Tu Buddhist Temple)**

To Whom It May Concern:

I hope this email finds you well and safe.

I am a Buddhist practitioner living in Santa Clara County for the past 35 years. I am writing this email to respectfully request the commissioners of Santa Clara LAFCO to approve the connection of water from the city of Morgan Hill to the main future Buddha Hall of Metta Tam Tu Buddhist Temple located at 610 Fisher Ave, Morgan Hill, CA. This crucial step of getting city water connection has become a new criteria and a hindering factor to project development for over the past 3-4 years. The planned construction of this gorgeous Buddha Hall is therefore pending this so crucial and timely approval from the commissioners at this upcoming meeting on June 2nd, 2021.

Together with many congregation members and countless acquaintances of Metta Tam Tu Buddhist Temple, we have donated our time and money for over 10 years to help build Metta Tam Tu Temple representing the Vietnamese Buddhist culture in the Bay Area. But the temple is not for our ethnic community to enjoy alone. All Buddhist scriptures and sutras written in stone throughout the garden have English translations so that our Vietnamese American children and all patrons to the facility can read and learn more of Buddha's teachings. With beautiful landscaping and breathtaking architectural additions, the garden has become a very famous attraction worldwide for the past 5 years. Metta Tam Tu Buddhist Temple has become the ideal site for each Lunar New Year celebration, hosting up to thousands of visitors each day during those weeks, as well as other major annual Buddhist events like Vesak and Ullambana Festivals. A larger Buddha Hall will be important to better accommodate for these gatherings. Meanwhile, the temple is also a regular location for our community and families to come for meditation to relieve daily stress and to practice the teaching of Buddha. Together we learn to incorporate kindness, compassion, and hope into our daily routines.

As an older generation Vietnamese American, I wish to contribute something meaningful to the beautiful Bay Area and to pay back generous Americans who helped our people build new lives in the United States full of freedom and opportunities. The congregation also hope for our future generations to have a place to go back to their root, appreciating the culture and traditions of our motherland. We hope to introduce and facilitate more understanding of Buddhist teachings, because these lessons are so much more a way of friendly peaceful living than just a religion.

I am very certain that the approval of the Morgan Hill city water connection to the main Buddha Hall of Metta Tam Tu Temple will be of great benefit to the community of Santa Clara County. I sincerely hope that the commissioners will not hesitate to grant this request on June 2nd, 2021. Should you have any questions or concerns regarding this email, please feel free to contact me. Thank you for your time and attention to this matter.

May Buddha bless you and your loved ones with great health and happiness.

Best Regards,

Bichlan Do, MD  
Bichlan.do@gmail.com  
408-823-8811

**From:** Brenda Le <brenda.le@acronics.com>  
**Sent:** Friday, May 28, 2021 2:33 PM  
**To:** LAFCO  
**Subject:** [EXTERNAL] LAFCO Public Hearing - Morgan Hill Out-of-Agency Water Service (Metta Tam Tu Buddhist Temple)

Re: LAFCO Public Hearing - Morgan Hill Out-of-Agency Water Service (Metta Tam Tu Buddhist Temple)

To Whom It May Concern:

Hope this email finds you well and safe.

I am a Buddhist practitioner, writing this email to respectfully request the commissioners of Santa Clara LAFCO to approve the connection of water from the city of Morgan Hill to the main Buddha Hall to be constructed at Metta Tam Tu Buddhist Temple located at 610 Fisher Ave, Morgan Hill, CA pending on this important approval from the commissioners. Without this approval we cannot build the Buddha Hall which is the heart of the temple to serve the community. Together with many congregation members and acquaintances of Metta Tam Tu Buddhist Temple we put our time and savings little by little over 10 years to build the Temple representing the Vietnamese Buddhist culture with the wish to contribute something meaningful to this beautiful country and to pay back generous Americans who helped us to have the new life with lots of freedom and opportunities. Metta Tam Tu Buddhist Temple is very important for our community and families to come to meditate to relieve daily stress and to learn and practice the Buddha teaching of compassion, and for future generations to have a place to go back to their root.

The approval of the connection of water from the city of Morgan Hill to the main Buddha Hall of the Temple is greatly beneficial to the community of the County of Santa Clara.

May Buddha bless you and your loved ones with great health and happiness.

Best Regards,

--

Best regards,

Brenda Le

**acronics**

**w:** 408.432.0888 x826 | **f:** 408.884.2418  
**a:** 2102 Commerce Dr., San Jose, CA

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Confidentiality Statement: This message is intended for the sole use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If you are not the intended addressee, nor authorized to receive for the intended addressee, you are hereby notified that you may not use, copy, disclose or distribute to anyone the message or any information contained in the message. If you have received this message in error, please immediately advise the sender by reply email and delete the message.

**From:** Heide Pham <heidehoangpham@yahoo.com>  
**Sent:** Friday, May 28, 2021 12:48 AM  
**To:** LAFCO  
**Subject:** [EXTERNAL] LAFCO Public Hearing - Morgan Hill Out-of-Agency Water Service (Metta Tam Tu Buddhist Temple)

To Whom It May Concern: Hope this email finds you well and safe. I am a Buddhist practitioner, writing this email to respectfully request the commissioners of Santa Clara LAFCO to approve the connection of water from the city of Morgan Hill to the main Buddha Hall to be constructed at Metta Tam Tu Buddhist Temple located at 610 Fisher Ave, Morgan Hill, CA pending on this important approval from the commissioners. Without this approval we cannot build the Buddha Hall which is the heart of the temple to serve the community. Together with many congregation members and acquaintances of Metta Tam Tu Buddhist Temple we put our time and savings little by little over 10 years to build the Temple representing the Vietnamese Buddhist culture with the wish to contribute something meaningful to this beautiful country and to pay back generous Americans who helped us to have the new life with lots of freedom and opportunities. Metta Tam Tu Buddhist Temple is very important for our community and families to come to meditate to relieve daily stress and to learn and practice the Buddha teaching of compassion, and for future generations to have a place to go back to their root. The approval of the connection of water from the city of Morgan Hill to the main Buddha Hall of the Temple is greatly beneficial to the community of the County of Santa Clara. May Buddha bless you and your loved ones with great health and happiness.

Best Regards,  
Heide Pham  
3391 Kuykendall Place  
San Jose, CA.95148

**From:** ken\_bic <kenbic@yahoo.com>  
**Sent:** Friday, May 28, 2021 8:47 AM  
**To:** LAFCO  
**Subject:** [EXTERNAL] LAFCO Public Hearing - Morgan Hill Out-of-Agency Water Service (Metta Tam Tu Buddhist Temple)

To Whom It May Concern:

Hope this email finds you well and safe.

We, Khanh Trieu and Bic Nguyen, are Buddhist practitioners, writing this email to respectfully request the commissioners of Santa Clara LAFCO to approve the connection of water from the city of Morgan Hill to the main Buddha Hall to be constructed at Metta Tam Tu Buddhist Temple located at 610 Fisher Ave, Morgan Hill, CA pending on this important approval from the commissioners.

Without this approval we cannot build the Buddha Hall which is the heart of the temple to serve the community. Together with many congregation members and acquaintances of Metta Tam Tu Buddhist Temple we put our time and savings little by little over 10 years to build the Temple representing the Vietnamese Buddhist culture with the wish to contribute something meaningful to this beautiful country and to pay back generous Americans who helped us to have the new life with lots of freedom and opportunities.

Metta Tam Tu Buddhist Temple is very important for our community and families to come to meditate to relieve daily stress and to learn and practice the Buddha teaching of compassion, and for future generations to have a place to go back to their root.

The approval of the connection of water from the city of Morgan Hill to the main Buddha Hall of the Temple is greatly beneficial to the community of the County of Santa Clara.

May Buddha bless you and your loved ones with great health and happiness.  
Best Regards,

KT and BN  
2554 Glen Dundee Way, San Jose, CA 95148

**From:** Melanie Nguyen <melanie\_nguyen@sbcglobal.net>  
**Sent:** Friday, May 28, 2021 8:27 AM  
**To:** LAFCO  
**Subject:** [EXTERNAL] LAFCO Public Hearing - Morgan Hill Out-of-Agency Water Service (Metta Tam Tu Buddhist Temple)

To Whom It May Concern,

Hope this email finds you well and safe.

I am a Buddhist practitioner, writing this email to respectfully request the commissioners of Santa Clara LAFCO to approve the connection of water from the city of Morgan Hill to the main Buddha Hall to be constructed at Metta Tam Tu Buddhist Temple located at 610 Fisher Ave, Morgan Hill, CA pending on this important approval from the commissioners. Without this approval we cannot build the Buddha Hall which is the heart of the temple to serve the community. Together with many congregation members and acquaintances of Metta Tam Tu Buddhist Temple we put our time and savings little by little over 10 years to build the Temple representing the Vietnamese Buddhist culture with the wish to contribute something meaningful to this beautiful country and to pay back generous Americans who helped us to have the new life with lots of freedom and opportunities. Metta Tam Tu Buddhist Temple is very important for our community and families to come to meditate to relieve daily stress and to learn and practice the Buddha teaching of compassion, and for future generations to have a place to go back to their root.

The approval of the connection of water from the city of Morgan Hill to the main Buddha Hall of the Temple is greatly beneficial to the community of the County of Santa Clara.  
May Buddha bless you and your loved ones with great health and happiness.

Warmest regards,

Melanie Nguyen  
408-204-7101

[Sent from AT&T Yahoo Mail for iPhone](#)

**From:** Minh Huynh <minh.huynh@menlo.edu>  
**Sent:** Friday, May 28, 2021 9:50 AM  
**To:** LAFCO  
**Subject:** [EXTERNAL] LAFCO Public Hearing - Morgan Hill Out-of-Agency Water Service (Metta Tam Tu Buddhist Temple)

To Whom It May Concern:

Hope this email finds you well and safe.

I am a Buddhist practitioner, writing this email to respectfully request the commissioners of Santa Clara LAFCO to approve the connection of water from the city of Morgan Hill to the main Buddha Hall to be constructed at Metta Tam Tu Buddhist Temple located at 610 Fisher Ave, Morgan Hill, CA pending on this important approval from the commissioners. Without this approval, we cannot build the Buddha Hall which is the heart of the temple to serve the community. Together with many congregation members and acquaintances of Metta Tam Tu Buddhist Temple, we put our time and savings little by little over 10 years to build the Temple representing the Vietnamese Buddhist culture with the wish to contribute something meaningful to this beautiful country and to pay back generous Americans who helped us to have the new life with lots of freedom and opportunities. Metta Tam Tu Buddhist Temple is very important for our community and families to come to meditate to relieve daily stress and to learn and practice the Buddha teaching of compassion, and for future generations to have a place to go back to their roots.

The approval of the connection of water from the city of Morgan Hill to the main Buddha Hall of the Temple is greatly beneficial to the community of the County of Santa Clara.

May Buddha bless you and your loved ones with great health and happiness.

Best regards,

Minh Huynh  
Menlo College  
CIO  
1000 El Camino Real, Atherton, CA 94027  
Office: (650) 543 3768      650-543-3830 (Helpdesk)

**From:** Oanh Hoang <oanhquochoang@gmail.com>  
**Sent:** Friday, May 28, 2021 8:26 AM  
**To:** LAFCO  
**Subject:** [EXTERNAL] Re: LAFCO Public Hearing - Morgan Hill Out-of-Agency Water Service (Metta Tam Tu Buddhist Temple)

To Whom It May Concern

Hope this email finds you well and safe. I am a Buddhist practitioner, writing this email to respectfully request the commissioners of Santa Clara LAFCO to approve the connection of water from the city of Morgan Hill to the main Buddha Hall to be constructed at Metta Tam Tu Buddhist Temple located at 610 Fisher Ave, Morgan Hill, CA pending on this important approval from the commissioners.

Without this approval we cannot build the Buddha Hall which is the heart of the temple to serve the community. Together with many congregation members and acquaintances of Metta Tam Tu Buddhist Temple we put our time and savings little by little over 10 years to build the Temple representing the Vietnamese Buddhist culture with the wish to contribute something meaningful to this beautiful country and to pay back generous Americans who helped us to have the new life with lots of freedom and opportunities. Metta Tam Tu Buddhist Temple is very important for our community and families to come to meditate to relieve daily stress and to learn and practice the Buddha teaching of compassion, and for future generations to have a place to go back to their root. The approval of the connection of water from the city of Morgan Hill to the main Buddha Hall of the Temple is greatly beneficial to the community of the County of Santa Clara.

May Buddha bless you and your loved ones with great health and happiness.

Best Regards,

--

*Oanh Hoang*

**From:** Cong, Quynhdao <qcong@ebay.com>  
**Sent:** Friday, May 28, 2021 1:04 PM  
**To:** LAFCO  
**Cc:** Cong, Quynhdao; Thay Chon  
**Subject:** [EXTERNAL] Re: LAFCO Public Hearing - Morgan Hill Out-of-Agency Water Service (Metta Tam Tu Buddhist Temple)

To Whom It May Concern:

Hope this email finds you well and safe.

I am a Buddhist practitioner, writing this email to respectfully request the commissioners of Santa Clara LAFCO to approve the connection of water from the city of Morgan Hill to the main Buddha Hall to be constructed at Metta Tam Tu Buddhist Temple located at 610 Fisher Ave, Morgan Hill, CA pending on this important approval from the commissioners. Without this approval we cannot build the Buddha Hall which is the heart of the temple to serve the community. Together with many congregation members and acquaintances of Metta Tam Tu Buddhist Temple we put our time and savings little by little over 10 years to build the Temple representing the Vietnamese Buddhist culture with the wish to contribute something meaningful to this beautiful country and to pay back generous Americans who helped us to have the new life with lots of freedom and opportunities. Metta Tam Tu Buddhist Temple is very important for our community and families to come to meditate to relieve daily stress and to learn and practice the Buddha teaching of compassion, and for future generations to have a place to go back to their root.

The approval of the connection of water from the city of Morgan Hill to the main Buddha Hall of the Temple is greatly beneficial to the community of the County of Santa Clara.

May Buddha bless you and your loved ones with great health and happiness.

Best Regards,

QuynhDao Cong

**From:** Sylvia Mai <sylviamai@gmail.com>  
**Sent:** Friday, May 28, 2021 10:43 AM  
**To:** LAFCO  
**Subject:** [EXTERNAL] LAFCO Public Hearing - Morgan Hill Out-of-Agency Water Service (Metta Tam Tu Buddhist Temple)

To Whom It May Concern:

I am a Buddhist practitioner, writing this email to respectfully request the commissioners of Santa Clara LAFCO to approve the connection of water from the city of Morgan Hill to the main Buddha Hall to be constructed at Metta Tam Tu Buddhist Temple located at 610 Fisher Ave, Morgan Hill, CA pending on this important approval from the commissioners. Without this approval, we cannot build the Buddha Hall which is the heart of the temple to serve the community. Together with many congregation members and acquaintances of Metta Tam Tu Buddhist Temple, we put our time and savings little by little over 10 years to build the Temple representing the Vietnamese Buddhist culture with the wish to contribute something meaningful to this beautiful country and to pay back generous Americans who helped us to have the new life with lots of freedom and opportunities.

Metta Tam Tu Buddhist Temple is very important for our community and families to come to meditate to relieve daily stress and to learn and practice the Buddha teaching of compassion and wisdom, and for future generations to have a place to go back to their roots.

The approval of the connection of water from the city of Morgan Hill to the main Buddha Hall of the Temple is greatly beneficial to the community of the County of Santa Clara.

May Buddha bless you and your loved ones with great health and happiness!

Best Regards,

Sylvia Mai, Buddhist Practitioner

**From:** Truong Huynh <truonghuynh95127@gmail.com>  
**Sent:** Friday, May 28, 2021 12:52 AM  
**To:** LAFCO  
**Subject:** [EXTERNAL] LAFCO Public Hearing - Morgan Hill Out-of-Agency Water Service (Metta Tam Tu Buddhist Temple)

To Whom It May Concern: Hope this email finds you well and safe. I am a Buddhist practitioner, writing this email to respectfully request the commissioners of Santa Clara LAFCO to approve the connection of water from the city of Morgan Hill to the main Buddha Hall to be constructed at Metta Tam Tu Buddhist Temple located at 610 Fisher Ave, Morgan Hill, CA pending on this important approval from the commissioners. Without this approval we cannot build the Buddha Hall which is the heart of the temple to serve the community. Together with many congregation members and acquaintances of Metta Tam Tu Buddhist Temple we put our time and savings little by little over 10 years to build the Temple representing the Vietnamese Buddhist culture with the wish to contribute something meaningful to this beautiful country and to pay back generous Americans who helped us to have the new life with lots of freedom and opportunities. Metta Tam Tu Buddhist Temple is very important for our community and families to come to meditate to relieve daily stress and to learn and practice the Buddha teaching of compassion, and for future generations to have a place to go back to their root. The approval of the connection of water from the city of Morgan Hill to the main Buddha Hall of the Temple is greatly beneficial to the community of the County of Santa Clara. May Buddha bless you and your loved ones with great health and happiness.

Best Regards,  
Truong Huynh  
2881 Granite Creek Place  
San Jose, CA.95127



May 31, 2021

## Supplemental Information No. 1 Item # 5

LAFCO Commissioners  
[LAFCO@ceo.sccgov.org](mailto:LAFCO@ceo.sccgov.org)

Re: LAFCO Public Hearing 6/2/2021 - Morgan Hill Out-of-Agency Water Service (Metta Tam Tu Buddhist Temple)

Dear Santa Clara LAFCO Commissioners,

I am writing to urge the commissioners of Santa Clara LAFCO to approve the water connection from the city of Morgan Hill to the main Buddha Hall to be constructed at Metta Tam Tu Buddhist Temple located at 610 Fisher Ave, Morgan Hill, CA 95037. The Buddha Hall, the heart of Tam Tu Temple, once completed, will bring lasting impacts to the peace and harmony in our county, and the mental health and well-being of all county residents, especially residents in the immediately surrounding areas.

Since 2000, ICAN has worked with many other community-based agencies, including Lieu Quan and Metta Tam Tu Buddhist Cultural Center, in serving the Vietnamese community, especially families and children. ICAN has earned the trust of the Vietnamese community as well as the trust of city and county government officials. Our programs include community education, awareness and engagement activities, ranging from weekly radio, online forum, parent café, family engagement activities to parenting workshop, women support group, all aiming at bringing families and community together. We have received many comments from community members wishing that they could go back to their church/temple to pray, and to help others so together we all can heal and recover from the pandemic.

In 2000, Ven. Thich Phap Chon ("Thay"), Abbott of Tam Tu Temple, co-founded ICAN with the vision to help the Vietnamese community, families and children raise the next generations of caring leaders with strong cultural roots. Although his official capacity as Chairman of ICAN Board of Directors ended in 2015, Thay continues to be our spiritual leader, encouraging us to practice compassion and help people from all walks of life with humility and respect for their cultural background, journey and achievements. Metta Tam Tu Buddhist Temple is Thay's vision to contribute Vietnamese Buddhist culture to make America, our new home, a culturally richer, safer and better place for us all - to live with one another in peace and harmony. Thay and the Tam Tu congregation (myself included) have been working very hard in the past 10 years to realize our lifelong dream and vision of enriching the county's cultural diversity through the building of Tam Tu Temple, especially the Buddha Hall. We have transformed the abandoned land at this location into a safe, beautiful and serene place that nurtures healing, understanding, compassion, peace and harmony in the hearts of patrons and visitors.

We believe that Metta Tam Tu Buddhist Temple plays a critical role in helping to reduce the anxiety, fear, depression, confusion brought by the pandemic and Covid-19 vaccines and further exacerbated by the ensuing racial discrimination and anti-Asian crimes, the rising tension/violence in the community as evidenced by the recent mass shooting at the San Jose VTA office. Under the grip of the Coronavirus, many of our residents are left isolated, struggling alone with so much fear, confusion, and despair. Tension and conflicts are running high while people's patience and tolerance diminish to dangerous levels. Their mental health is seriously at risk; suicidal thoughts/attempts are rising. Our residents need a place where they can pray, feel safe, share their feelings, be at peace with themselves and the world around them, feel connected with the community and especially feel well supported by the city and county officials and government offices.

Please approve this request because without being connected to the clean water from the City of Morgan Hill, the main Buddha Hall (the heart of the temple) cannot be built, and that would be a big loss for the ongoing efforts to serve the spiritual needs of our residents in general, and the long-term recovery from the pandemic for residents in particular. Your approval would greatly benefit all Santa Clara County residents, especially those who live in the local areas near Tam Tu temple who can visit the temple more frequently, learn to meditate and practice compassion or simply enjoy the beautiful scenery of Tam Tu Temple. This is especially important for the younger generations in strengthening their cultural identity, nurturing their passion and compassion, and developing them into future caring leaders.

We fully support Tam Tu Temple's efforts to enrich our lives and promote peace and harmony, and urge you to approve the connection of water from the city of Morgan Hill to the Buddha Hall at Metta Tam Tu Buddhist Temple. Please let us know if you have any questions or need additional information.

Thank you for your consideration.

Gratefully yours,



Quyen Vuong  
Executive Director

**From:** thangvo1975@yahoo.com  
**Sent:** Friday, May 28, 2021 9:11 PM  
**To:** LAFCO  
**Subject:** [EXTERNAL] LAFCO Public Hearing - Morgan Hill Out-of-Agency Water Service (Metta Tam Tu Buddhist Temple)

To Whom It May Concern,

Hope this email finds you well and safe. I am a Buddhist practitioner, writing this email to respectfully request the commissioners of Santa Clara LAFCO to approve the connection of water from the city of Morgan Hill to the main Buddha Hall to be constructed at Metta Tam Tu Buddhist Temple located at 610 Fisher Ave, Morgan Hill, CA pending on this important approval from the commissioners. Without this approval we cannot build the Buddha Hall which is the heart of the temple to serve the community. Together with many congregation members and acquaintances of Metta Tam Tu Buddhist Temple we put our time and savings little by little over 10 years to build the Temple representing the Vietnamese Buddhist culture with the wish to contribute something meaningful to this beautiful country and to pay back generous Americans who helped us to have the new life with lots of freedom and opportunities. Metta Tam Tu Buddhist Temple is very important for our community and families to come to meditate to relieve daily stress and to learn and practice the Buddha teaching of compassion, and for future generations to have a place to go back to their root.

The approval of the connection of water from the city of Morgan Hill to the main Buddha Hall of the Temple is greatly beneficial to the community of the County of Santa Clara.

May Buddha bless you and your loved ones with great health and happiness.

Best Regards,  
Thang Vo

**From:** Khanh Ngo <khanhngo08@yahoo.com>  
**Sent:** Friday, May 28, 2021 10:18 PM  
**To:** LAFCO  
**Cc:** khanhngo@amazon.com  
**Subject:** [EXTERNAL] LAFCO Public Hearing - Morgan Hill Out-of-Agency Water Service (Metta Tam Tu Buddhist Temple)

Dear LAFCO,

Hope this email finds you well and safe.

I am a Buddhist practitioner, writing this email to respectfully request the commissioners of Santa Clara LAFCO to approve the connection of water from the city of Morgan Hill to the main Buddha Hall to be constructed at Metta Tam Tu Buddhist Temple located at 610 Fisher Ave, Morgan Hill, CA pending on this important approval from the commissioners. Without this approval we cannot build the Buddha Hall which is the heart of the temple to serve the community. Together with many congregation members and acquaintances of Metta Tam Tu Buddhist Temple we put our time and savings little by little over 10 years to build the Temple representing the Vietnamese Buddhist culture with the wish to contribute something meaningful to this beautiful country and to pay back generous Americans who helped us to have the new life with lots of freedom and opportunities. Metta Tam Tu Buddhist Temple is very important for our community and families to come to meditate to relieve daily stress and to learn and practice the Buddha teaching of compassion, and for future generations to have a place to go back to their root.

The approval of the connection of water from the city of Morgan Hill to the main Buddha Hall of the Temple is greatly beneficial to the community of the County of Santa Clara.

May Buddha bless you and your loved ones with great health and happiness.

Best Regards,

Khanh Ngo.

2600 Senter Road #53

San Jose CA 95111

Sent from my iPhone

**From:** Brenda Le <brenda.le@acronics.com>  
**Sent:** Friday, May 28, 2021 2:33 PM  
**To:** LAFCO  
**Subject:** [EXTERNAL] LAFCO Public Hearing - Morgan Hill Out-of-Agency Water Service (Metta Tam Tu Buddhist Temple)

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Re: LAFCO Public Hearing - Morgan Hill Out-of-Agency Water Service (Metta Tam Tu Buddhist Temple)

To Whom It May Concern:

Hope this email finds you well and safe.

I am a Buddhist practitioner, writing this email to respectfully request the commissioners of Santa Clara LAFCO to approve the connection of water from the city of Morgan Hill to the main Buddha Hall to be constructed at Metta Tam Tu Buddhist Temple located at 610 Fisher Ave, Morgan Hill, CA pending on this important approval from the commissioners. Without this approval we cannot build the Buddha Hall which is the heart of the temple to serve the community. Together with many congregation members and acquaintances of Metta Tam Tu Buddhist Temple we put our time and savings little by little over 10 years to build the Temple representing the Vietnamese Buddhist culture with the wish to contribute something meaningful to this beautiful country and to pay back generous Americans who helped us to have the new life with lots of freedom and opportunities. Metta Tam Tu Buddhist Temple is very important for our community and families to come to meditate to relieve daily stress and to learn and practice the Buddha teaching of compassion, and for future generations to have a place to go back to their root.

The approval of the connection of water from the city of Morgan Hill to the main Buddha Hall of the Temple is greatly beneficial to the community of the County of Santa Clara.

May Buddha bless you and your loved ones with great health and happiness.

Best Regards,

--

Best regards,  
Brenda Le

**acronics**

**w:** 408.432.0888 x826 | **f:** 408.884.2418  
**a:** 2102 Commerce Dr., San Jose, CA

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Confidentiality Statement: This message is intended for the sole use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If you are not the intended addressee, nor authorized to receive for the intended addressee, you are hereby notified that you may not use, copy, disclose or distribute to anyone the message or any information contained in the message. If you have received this message in error, please immediately advise the sender by reply email and delete the message.

**From:** Andy Tai Tang <andrewtang3124@gmail.com>  
**Sent:** Friday, May 28, 2021 1:58 PM  
**To:** LAFCO  
**Subject:** [EXTERNAL] LAFCO Public Hearing - Morgan Hill Out-of-Agency Water Service (Metta Tam Tu Buddhist Temple)

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

To Whom It May Concern:

Hope this email finds you well and safe.

I am a Buddhist practitioner, writing this email to respectfully request the commissioners of Santa Clara LAFCO to approve the connection of water from the city of Morgan Hill to the main Buddha Hall to be constructed at Metta Tam Tu Buddhist Temple located at 610 Fisher Ave, Morgan Hill, CA pending on this important approval from the commissioners. Without this approval we cannot build the Buddha Hall which is the heart of the temple to serve the community. Together with many congregation members and acquaintances of Metta Tam Tu Buddhist Temple we put our time and savings little by little over 10 years to build the Temple representing the Vietnamese Buddhist culture with the wish to contribute something meaningful to this beautiful country and to pay back generous Americans who helped us to have the new life with lots of freedom and opportunities. Metta Tam Tu Buddhist Temple is very important for our community and families to come to meditate to relieve daily stress and to learn and practice the Buddha teaching of compassion, and for future generations to have a place to go back to their root.

The approval of the connection of water from the city of Morgan Hill to the main Buddha Hall of the Temple is greatly beneficial to the community of the County of Santa Clara.

May Buddha bless you and your loved ones with great health and happiness.

Best Regards,

Andy Tang

**From:** Thao Ngo <thaoandyngo@yahoo.com>  
**Sent:** Friday, May 28, 2021 9:02 PM  
**To:** LAFCO  
**Subject:** [EXTERNAL] LAFCO Public Hearing - Morgan Hill Out-of-Agency Water Service (Metta Tam Tu Buddhist Temple)

To Whom It May Concern,

Hope this email finds you well and safe.

I am a Buddhist practitioner, writing this email to respectfully request the commissioners of Santa Clara LAFCO to approve the connection of water from the city of Morgan Hill to the main Buddha Hall to be constructed at Metta Tam Tu Buddhist Temple located at 610 Fisher Ave, Morgan Hill, CA pending on this important approval from the commissioners. Without this approval we cannot build the Buddha Hall which is the heart of the temple to serve the community. Together with many congregation members and acquaintances of Metta Tam Tu Buddhist Temple we put our time and savings little by little over 10 years to build the Temple representing the Vietnamese Buddhist culture with the wish to contribute something meaningful to this beautiful country and to pay back generous Americans who helped us to have the new life with lots of freedom and opportunities. Metta Tam Tu Buddhist Temple is very important for our community and families to come to meditate to relieve daily stress and to learn and practice the Buddha teaching of compassion, and for future generations to have a place to go back to their root.

The approval of the connection of water from the city of Morgan Hill to the main Buddha Hall of the Temple is greatly beneficial to the community of the County of Santa Clara. May Buddha bless you and your loved ones with great health and happiness.

Best Regards,

Thao Ngo

**From:** Tony Nguyen <tonychinhn@gmail.com>  
**Sent:** Friday, May 28, 2021 3:42 PM  
**To:** LAFCO  
**Subject:** [EXTERNAL] Re: LAFCO Public Hearing - Morgan Hill Out-of-Agency Water Service (Metta Tam Tu Buddhist Temple)

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

To Whom It May Concern:

Hope this email finds you well and safe.

I am a Buddhist practitioner, writing this email to respectfully request the commissioners of Santa Clara LAFCO to approve the connection of water from the city of Morgan Hill to the main Buddha Hall to be constructed at Metta Tam Tu Buddhist Temple located at 610 Fisher Ave, Morgan Hill, CA pending on this important approval from the commissioners. Without this approval we cannot build the Buddha Hall which is the heart of the temple to serve the community. Together with many congregation members and acquaintances of Metta Tam Tu Buddhist Temple we put our time and savings little by little over 10 years to build the Temple representing the Vietnamese Buddhist culture with the wish to contribute something meaningful to this beautiful country and to pay back generous Americans who helped us to have the new life with lots of freedom and opportunities. Metta Tam Tu Buddhist Temple is very important for our community and families to come to meditate to relieve daily stress and to learn and practice the Buddha teaching of compassion, and for future generations to have a place to go back to their root.

The approval of the connection of water from the city of Morgan Hill to the main Buddha Hall of the Temple is greatly beneficial to the community of the County of Santa Clara.

May Buddha bless you and your loved ones with great health and happiness.

Best Regards,

Tony Chinh Nguyen

**From:** ai pham <aiheald2001@yahoo.com>  
**Sent:** Monday, May 31, 2021 10:58 PM  
**To:** LAFCO  
**Subject:** [EXTERNAL] Petition re. Extend Water Service to Metta Tam Tu Buddhist Temple in Morgan Hill (APN 817-07-024)

To Santa Clara LAFCO,

I Hope this email finds you well and safe. Happy Memorial Day holiday.

I am a Buddhist practitioner, writing this email to respectfully request the commissioners of Santa Clara LAFCO to approve the connection of water Service from the city of Morgan Hill to Metta Tam Tu Buddhist Temple, Property APN 817-07- 024 located at 610 Fisher Ave, Morgan Hill, CA.

This approval from the commissioners is a very important for the project, as without this approval, we cannot build the main Buddha Hall which is the heart of the temple to serve the community.

Together with many congregation members and acquaintances of Metta Tam Tu Buddhist Temple we put our time and savings little by little over the last 10 years to build the Temple. It is representing the Vietnamese Buddhist culture with the wish to contribute something meaningful to this beautiful country and to pay back generous Americans who helped us to have a new life with lots of opportunities and freedom.

Metta Tam Tu Buddhist Temple is a very important for our community and families to come to meditate to relieve daily stress and to learn and practice the Buddha teaching of compassion. It is a place for future generations to have a place to go back to their roots.

The approval of the connection of water from the city of Morgan Hill to the main Buddha Hall of the Temple is greatly beneficial to the community of the County of Santa Clara. I thank you in advance for your time and consideration. May Buddha bless you and your loved ones.

Respectfully,  
Ai Pham

**From:** Celina Dang <celina\_dang@yahoo.com>  
**Sent:** Monday, May 31, 2021 10:30 PM  
**To:** LAFCO  
**Subject:** [EXTERNAL] Fw: Petition letter to LAFCO Public Hearing - Morgan Hill Out-of-Agency Water Service (Metta Tam Tu Buddhist Temple)  
**Attachments:** 1621582648403547.pdf; Petition\_to\_LAFCO.docx

Re: LAFCO Public Hearing -  
Morgan Hill Out-of-Agency  
Water Service  
(Metta Tam Tu Buddhist  
Temple)

To Whom It May Concern:

Hope this email finds you well and safe.

I am a Buddhist practitioner, writing this email to respectfully request the commissioners of Santa Clara LAFCO to approve the connection of water from the city of Morgan Hill to the main Buddha Hall to be constructed at Metta Tam Tu Buddhist Temple located at 610 Fisher Ave, Morgan Hill, CA pending on this important approval from the commissioners. Without this approval we cannot build the Buddha Hall which is the heart of the temple to serve the community.

Together with many congregation members and acquaintances of Metta Tam Tu Buddhist Temple we put our time and savings little by little over 10 years to build the Temple representing the Vietnamese Buddhist culture with the wish to contribute something meaningful to this beautiful country and to pay back generous Americans who helped us to have the new life with lots of freedom and opportunities. Metta Tam Tu Buddhist Temple is very important for our community and families to come to meditate to relieve daily stress and to learn and practice the Buddha teaching of compassion, and for future generations to have a place to go back to their root.

The approval of the connection of water from the city of Morgan Hill to the main Buddha Hall of the Temple is greatly beneficial to the community of the County of Santa Clara.

May Buddha bless you and your loved ones with great health and happiness.

Best Regards,  
Celina Dang

**From:** Cindy D <pcindy@yahoo.com>  
**Sent:** Monday, May 31, 2021 9:46 PM  
**To:** LAFCO  
**Subject:** [EXTERNAL] LAFCO Public Hearing

Re: LAFCO Public Hearing - Morgan Hill Out-of-Agency Water Service (Metta Tam Tu Buddhist Temple)

To Whom It May Concern:

Hope this email finds you well and safe.

I am a Buddhist practitioner, writing this email to respectfully request the commissioners of Santa Clara LAFCO to approve the connection of water from the city of Morgan Hill to the main Buddha Hall to be constructed at Metta Tam Tu Buddhist Temple located at 610 Fisher Ave, Morgan Hill, CA pending on this important approval from the commissioners. Without this approval we cannot build the Buddha Hall which is the heart of the temple to serve the community. Together with many congregation members and acquaintances of Metta Tam Tu Buddhist Temple we put our time and savings little by little over 10 years to build the Temple representing the Vietnamese Buddhist culture with the wish to contribute something meaningful to this beautiful country and to pay back generous Americans who helped us to have the new life with lots of freedom and opportunities. Metta Tam Tu Buddhist Temple is very important for our community and families to come to meditate to relieve daily stress and to learn and practice the Buddha teaching of compassion, and for future generations to have a place to go back to their root.

The approval of the connection of water from the city of Morgan Hill to the main Buddha Hall of the Temple is greatly beneficial to the community of the County of Santa Clara.

May Buddha bless you and your loved ones with great health and happiness.

Regards,  
Cindy

**From:** Duong Khong <duong\_khong@yahoo.com>  
**Sent:** Friday, May 28, 2021 9:15 PM  
**To:** LAFCO  
**Subject:** [EXTERNAL] LAFCO Public Hearing - Morgan Hill Out-of-Agency Water Service (Metta Tam Tu Buddhist Temple)

To Whom It May Concern,

Hope this email finds you well and safe. I am a Buddhist practitioner, writing this email to respectfully request the commissioners of Santa Clara LAFCO to approve the connection of water from the city of Morgan Hill to the main Buddha Hall to be constructed at Metta Tam Tu Buddhist Temple located at 610 Fisher Ave, Morgan Hill, CA pending on this important approval from the commissioners. Without this approval we cannot build the Buddha Hall which is the heart of the temple to serve the community. Together with many congregation members and acquaintances of Metta Tam Tu Buddhist Temple we put our time and savings little by little over 10 years to build the Temple representing the Vietnamese Buddhist culture with the wish to contribute something meaningful to this beautiful country and to pay back generous Americans who helped us to have the new life with lots of freedom and opportunities. Metta Tam Tu Buddhist Temple is very important for our community and families to come to meditate to relieve daily stress and to learn and practice the Buddha teaching of compassion, and for future generations to have a place to go back to their root.

The approval of the connection of water from the city of Morgan Hill to the main Buddha Hall of the Temple is greatly beneficial to the community of the County of Santa Clara.

May Buddha bless you and your loved ones with great health and happiness.

Best Regards,  
Duong Khong

**From:** Henry Nguy <henry88nguy@gmail.com>  
**Sent:** Monday, May 31, 2021 8:37 PM  
**To:** LAFCO  
**Cc:** Henry Nguy  
**Subject:** [EXTERNAL] Petition re. Extend Water Service to Metta Tam Tu Buddhist Temple in Morgan Hill (APN 817-07-024)

To Santa Clara LAFCO,

I Hope this email finds you well and safe. Happy Memorial Day holiday. I am a Buddhist practitioner, writing this email to respectfully request the commissioners of Santa Clara LAFCO to approve the connection of water Service from the city of Morgan Hill to Metta Tam Tu Buddhist Temple, Property APN 817-07- 024 located at 610 Fisher Ave, Morgan Hill, CA.

This approval from the commissioners is a very important for the project, as without this approval, we cannot build the main Buddha Hall which is the heart of the temple to serve the community.

Together with many congregation members and acquaintances of Metta Tam Tu Buddhist Temple we put our time and savings little by little over the last 10 years to build the Temple. It is representing the Vietnamese Buddhist culture with the wish to contribute something meaningful to this beautiful country and to pay back generous Americans who helped us to have a new life with lots of opportunities and freedom.

Metta Tam Tu Buddhist Temple is a very important for our community and families to come to meditate to relieve daily stress and to learn and practice the Buddha teaching of compassion. It is a place for future generations to have a place to go back to their roots.

The approval of the connection of water from the city of Morgan Hill to the main Buddha Hall of the Temple is greatly beneficial to the community of the County of Santa Clara. I thank you in advance for your time and consideration. May Buddha bless you and your loved ones.

Respectfully,

Henry Nguy

**From:** Jenny Nguy <jnguy8@gmail.com>  
**Sent:** Monday, May 31, 2021 11:16 PM  
**To:** LAFCO  
**Subject:** [EXTERNAL] Petition: Extend Water Service to Metta Tam Tu Buddhist Temple inn Morgan Hill (APN 817-07-024)

Dear Santa Clara LAFCO,

I'm writing this email to request the commissioners of Santa Clara LAFCO to approve the connection of water service from the city of Morgan Hill to Metta Tam Tu Buddhist Temple, Property APN 817-07- 024 located at 610 Fisher Ave, Morgan Hill, CA.

This approval from the commissioners is very important for the project, as without this approval, we cannot build the main Buddha Hall, which is the heart of the temple to serve the community.

Together with many congregation members and buddhist followers of Metta Tam Tu Buddhist Temple, we have put our time, energy, and contributions over the last 10 years to build the temple. It represents the Vietnamese Buddhist culture with the wish to contribute something meaningful to this beautiful country. We would like to pay it forward by giving back to allow all Americans to have a place they can go to for assistance.

Metta Tam Tu Buddhist Temple is influential to our community and families as it allows us to come to meditate, to relieve daily stress, and to learn and practice the Buddha's teaching of compassion. It is a place for our future generations to have a place to go back to learn about their culture and Buddhism.

The approval of the connection of water from the city of Morgan Hill

to the main Buddha Hall of the Temple is greatly beneficial to the community of the County of Santa Clara. I thank you in advance for your time and consideration. May Buddha bless you and your loved ones.

Yours respectfully,

Jenny Nguy

**From:** Kim Tran <kim.tran@acronics.com>  
**Sent:** Monday, May 31, 2021 10:43 PM  
**To:** LAFCO  
**Subject:** [EXTERNAL] LAFCO Public Hearing - Morgan Hill Out-of-Agency Water Service (Metta Tam Tu Buddhist Temple)

Dear LAFCO Board Members:

Hope this email finds you well and safe.

I am a Buddhist practitioner since birth and have been a member of Metta Tam Tu Buddhist Temple over many years

I am writing this email to respectfully request the commissioners of Santa Clara LAFCO to approve the connection of water from the city of Morgan Hill to the main Buddha Hall to be constructed at Metta Tam Tu Buddhist Temple located at 610 Fisher Ave, Morgan Hill, CA ( pending on this important approval from the commissioners). Without this approval we cannot build the Buddha Hall, which is the heart of the temple to serve the community. Together with many congregation members and acquaintances of Metta Tam Tu Buddhist Temple, we have donated our precious time and savings little by little over many years to build the Temple, representing the Vietnamese Buddhist culture with the simple wish to contribute something meaningful to this diverse country and to pay back the generous Americans, who helped us to have the new life with lots of freedom and opportunities. Metta Tam Tu Buddhist Temple is very important for our community and families to come to meditate to relieve daily stress and to learn and practice the Buddha teaching of compassion, and also provides a peaceful place for our children and grand children to go back to their root.

Your approval of the connection of water from the city of Morgan Hill to the main Buddha Hall of the Temple is a priceless decision that will bring a huge return benefiting the communities in the County of Santa Clara and other surrounding counties once the project to build the Buddha hall at Metta Tam Tu Buddhist Temple is completed.

May Buddha bless you and your loved ones with great health and happiness.

Best regards,  
Kim Tran

**acronics**

**w:** 408.432.0888 x824 | **f:** 408.884.2418  
**a:** 2102 Commerce Dr., San Jose, CA

---

Confidentiality Statement: This message is intended for the sole use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If you are not the intended addressee, nor authorized to receive for the intended addressee, you are hereby notified that you may not use, copy, disclose or distribute to anyone the message or any information contained in the message. If you have received this message in error, please immediately advise the sender by reply email and delete the message.

**From:** Khanh 02 <Snguyen4560@sbcglobal.net>  
**Sent:** Friday, May 28, 2021 10:24 PM  
**To:** LAFCO  
**Cc:** Khanh Ngo  
**Subject:** [EXTERNAL] LAFCO Public Hearing - Morgan Hill Out-of-Agency Water Service (Metta Tam Tu Buddhist Temple)

Dear LAFCO,

Hope this email finds you well and safe.

I am a Buddhist practitioner, writing this email to respectfully request the commissioners of Santa Clara LAFCO to approve the connection of water from the city of Morgan Hill to the main Buddha Hall to be constructed at Metta Tam Tu Buddhist Temple located at 610 Fisher Ave, Morgan Hill, CA pending on this important approval from the commissioners. Without this approval we cannot build the Buddha Hall which is the heart of the temple to serve the community. Together with many congregation members and acquaintances of Metta Tam Tu Buddhist Temple we put our time and savings little by little over 10 years to build the Temple representing the Vietnamese Buddhist culture with the wish to contribute something meaningful to this beautiful country and to pay back generous Americans who helped us to have the new life with lots of freedom and opportunities. Metta Tam Tu Buddhist Temple is very important for our community and families to come to meditate to relieve daily stress and to learn and practice the Buddha teaching of compassion, and for future generations to have a place to go back to their root.

The approval of the connection of water from the city of Morgan Hill to the main Buddha Hall of the Temple is greatly beneficial to the community of the County of Santa Clara.

May Buddha bless you and your loved ones with great health and happiness.

Best Regards,

Sang Nguyen.

2600 Senter Road #53

San Jose CA 95111

Sent from my iPhone

Sent from my iPhone

**From:** Khanh Hang <lockhanh@yahoo.com>  
**Sent:** Monday, May 31, 2021 6:29 PM  
**To:** LAFCO  
**Subject:** [EXTERNAL] Petition letter to LAFCO Public Hearing - Morgan Hill Out-of Agency Water Service (Metta Tam Tu Buddhist Temple)

Honorable Commissioners of Santa Clara LAFCO:

I am a buddhist practitioner, writing this email to respectfully request the Commissioners of Santa Clara LAFCO to approve the connection of water from the city of Morgan Hill to the main Buddha Hall to be constructed at Metta Tam Tu Buddhist Temple located at 610 Fisher Ave., Morgan Hill, CA. pending on the important approval from the commissioners. Without this approval we can not build the Buddha Hall which is the heart of the temple to serve the community. Together with many congregation members and acquaintances of Metta Tam Tu Buddhist Temple, we put our time and savings little by little over 10 years to build the Temple representing our Vietnamese Buddhist culture with the wish to contribute something meaningful to this beautiful country and to pay back to our generous Americans who help us to have our new life in this country, with lots of freedom and opportunities. Metta Tam Tu Temple is very important for our community and families, where we can meditate to relieve the daily stresses, to learn, and to practice the Buddha teaching of compassion, also for our future generations to have a place to go back to their root.

The approval of the connection of water from the city of Morgan Hill to the main Buddha Hall of the Temple is greatly beneficial to the community of the county of Santa Clara.

May Buddha bless you and your loved ones with great health and happiness.

Respectfully,

Khanh Hang  
3302 Mira Vista Circle,  
San Jose, CA. 95132

Sent from my iPad

**From:** Katherine Truong <kat0y02@live.com>  
**Sent:** Monday, May 31, 2021 2:56 PM  
**To:** LAFCO  
**Subject:** [EXTERNAL] LAFCO Public Hearing - Morgan Hill Out-of-Agency Water Service (Metta Tam Tu Buddhist Temple)

To Whom It May Concern:

I hope this email finds you and your family well and safe.

I am a Buddhist practitioner at Metta Tam Tu Buddhist Temple located at [610 Fisher Ave, Morgan Hill, CA](#).

I am writing this email to respectfully request the commissioners of Santa Clara LAFCO to approve the water connection from the city of Morgan Hill to the main Buddha Hall to be constructed at Metta Tam Tu Buddhist Temple located at [610 Fisher Ave, Morgan Hill, CA](#) is pending on this important approval from the commissioners. Without this approval we cannot build the Buddha Hall which is the heart of the temple that serves the community. With the community support, together with many congregation members and acquaintances of Metta Tam Tu Buddhist Temple we put our time and savings little by little over the past 10 years to build the Temple that representing the Vietnamese Buddhist culture with the wish to contribute something meaningful to this beautiful country we call home and to pay back generous Americans who helped us to have the new life with freedom and abundance opportunities. Metta Tam Tu Buddhist Temple is part of our culture that keeps us whole, part of very important for our community and families to come to meditate, to relieve daily stress, to learn and practice the Buddha teaching of compassion, and for future generations to have a place to go back to their root.

The approval of the water connection from the city of Morgan Hill to the main Buddha Hall of the Temple is greatly beneficial to the community of the County of Santa Clara. I hope the commissioners of Santa Clara LAFCO consider its approved!

May Buddha bless you and your loved ones with great health and happiness.

Best Regards,

Katherine Truong  
date 5/31/2021

**From:** Ly Tran <lytran1952@yahoo.com>  
**Sent:** Monday, May 31, 2021 5:05 PM  
**To:** LAFCO  
**Cc:** Thay Phap Chon Thich; Do (Tam Tu) Tran; Kim Tran  
**Subject:** [EXTERNAL] Written Comments for Tam Tu Temple

• ***Dear LAFCO Board Members:***

We are writing this letter to you to express our concern about multiple delays for the water connection so our main Buddha hall can be built.

Here are the compilation chronology of the overall situation and progress for your insight and consideration:

- The property at 610 Fisher Avenue is located in an unincorporated area of south Santa Clara County. The current parcel size is 9.3 acres.
- The existing site had been developed and used for greenhouse propagation and has been abandoned and completely non-functioning since 2005.
- Currently, there is an existing 4000 sq ft duplex residential with a 2000 square feet media room on-site with landscaping and garden courtyard at the front and rear of the residence.
- A use permit with architecture and site approval was granted to allow the construction of a religious institution. The religious institution would include the Main Buddha Hall serving as a temple and multipurpose for events (approximately 7000 sq ft), and four 4 accessory structures (Stupa 4 x 144 sq ft).
- During the process of obtaining the building permit for the Buddha Hall, the Department of Environmental Health of Santa Clara County Water Program, Nicole Jorgensen, advised our congregation to contact The State Water Resources Control Board to determine whether the existing well for the proposed Buddha Hall is to be permitted, as a Public Water System with the State since the Buddha Hall will have multiple public events.
- The State Water Resources Control Board district Engineer, Mr. Eric Lacy, required us to pursue a water connection with the city of Morgan Hill due to the new Senate Bill 1263 section 1(d) that is in effect since January of 2017. Senate Bill 1263 Section 1(d) stated "It is the policy of the state to discourage the establishment of new, unsustainable public water systems when there is a feasible alternative." The State considers that the subject lot is located adjacent to the City of Morgan Hill boundary and there is an existing and active fire hydrant/water line located across the street from the subject lot so that the water connection/service extension to the subject lot is a feasible alternative.
- Based on the above recommendation, therefore we applied for a water service extension from the City of Morgan Hill on June 17, 2019. The Mayor and City Council Members of the City of Morgan Hill have all unanimously approved the water service extension on Nov. 20, 2019.
- On November 21, 2019, we received a letter from Santa Clara LAFCO signed by Jacqueline Onciano and Neelima Palacherla asking the Morgan Hill City Council hearing agenda to be continued for a minimum of 30 days to allow the County and LAFCO the ability to review the proposed water service extension.
- On November 22, 2020, we received a confirmation email from Santa Clara County Planning Manager, Mr. Rob Eastwood, to move forward with the Resolution adopted by the Morgan Hill City Council as described in Section 5. Section 5 stated, "The city council directs an Out of Agency Service application

be filed with the Santa Clara County Local Agency Formation Commission (LAFCO) upon the Temple's execution of an annexation and water service agreement with the City of Morgan Hill."

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- On March 01 2021 the LAFCO application was filed and is confirmed for June 02 2021 hearing.
- 

As you can see we have been delayed more than four years since Jan 2017 to get the permit to build the Main Buddha Hall, our congregation members are frustrated and some have passed away one by one due to old age. While we understand some of this delay has been contributed due to the past year's pandemic, we are seeking support for your approval of a water service connection to the City of Morgan Hill so our Main Buddha Hall construction can proceed the earnest.

Your support and experience in this matter are greatly appreciated!

Sincerely,

Ly Tran & Mai Duong  
5733 Poppy Hills Pl  
San Jose, CA 95138  
(408) 504-6100

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**From:** Mai Dang <mai68dang@yahoo.com>  
**Sent:** Monday, May 31, 2021 8:44 PM  
**To:** LAFCO  
**Cc:** Cttb Stay (鄧少梅)  
**Subject:** [EXTERNAL] Re Approval of Provider water service to Metta Buddhist Temple in Morgan Hill

To Santa Clara LAFCO,

I Hope this email finds you well and safe. Happy Memorial Day holiday. I am a Buddhist practitioner, writing this email to respectfully request the commissioners of Santa Clara LAFCO to approve the connection of water Service from the city of Morgan Hill to Metta Tam Tu Buddhist Temple, Property APN 817-07- 024 located at 610 Fisher Ave, Morgan Hill, CA.

This approval from the commissioners is a very important for the project, as without this approval, we cannot build the main Buddha Hall which is the heart of the temple to serve the community.

Together with many congregation members and acquaintances of Metta Tam Tu Buddhist Temple we put our time and savings little by little over the last 10 years to build the Temple. It is representing the Vietnamese Buddhist culture with the wish to contribute something meaningful to this beautiful country and to pay back generous Americans who helped us to have a new life with lots of opportunities and freedom.

Metta Tam Tu Buddhist Temple is a very important for our community and families to come to meditate to relieve daily stress and to learn and practice the Buddha teaching of compassion. It is a place for future generations to have a place to go back to their roots.

The approval of the connection of water from the city of Morgan Hill to the main Buddha Hall of the Temple is greatly beneficial to the community of the County of Santa Clara. I thank you in advance for your time and consideration. May Buddha bless you and your loved ones.

Respectfully,

Mai Dang Nguy

Send from my iPhone

**From:** Mindy Nguy <mnguy408@yahoo.com>  
**Sent:** Monday, May 31, 2021 9:41 PM  
**To:** LAFCO; Mindy Nguy  
**Subject:** [EXTERNAL] Petition re. Extend Water Service to Metta Tam Tu Buddhist Temple in Morgan Hill (APN 817-07-024)

Hello, Santa Clara LAFCO,

This email is to request the Santa Clara LAFCO to grant the approval to extend the water connection service from the city of Morgan Hill to Metta Tam Tu Buddhist Temple, located at: 610 Fisher Ave. Morgan Hill, CA 95037.

This approval is critical for this project as, without it, the main Buddha Hall cannot be built.

This Buddhist Mediation Center is located in Morgan Hill, California, where many families from the Bay Area visit to practice meditation. In addition to meditation, they offer Buddhist teachings on good morals, ethics, and being an overall peaceful and mindful person.

Please grant the approval as this is a center that provides positive teachings to the community. It helps parents provide guidance to their young children. With so much going on in the world and community, we need more resources such as these that provide positive teachings.

My family and I have been going to this Center and it is an escape from the daily stresses we experience.

Without water, it can never be.

Thank you for your consideration.

Kind regards,  
Mindy Nguy

---

**From:** Richard Nguy <rkguy@gmail.com>  
**Sent:** Monday, May 31, 2021 10:35 PM  
**To:** LAFCO  
**Subject:** [EXTERNAL] Petition to extend Water Service to Metta Tam Tu Buddhist Temple in Morgan Hill (APN 817-07-024)

Dear Commissioners,

I would like to respectfully request that the commissioners of Santa Clara LAFCO please approve the connection of the water line from the city of Morgan Hill to the main Buddha Hall to be constructed at Metta Tam Tu Buddhist Temple located at 610 Fisher Ave, Morgan Hill, CA. The approval of this water line is of pivotal importance because without it, we would not be able to build the Buddha Hall which is the heart of the temple that serves the Buddhist community. Together with many congregation members and acquaintances of Metta Tam Tu Buddhist Temple we have put our time and savings of over 10 years to build the Temple representing the Vietnamese Buddhist culture. The Metta Tam Tu Buddhist Temple is very important to our community and many families come here to meditate, relieve their daily stress, and to practice the Buddha's teachings. It is also important for future generations to have this place learn and connect with their roots.

Your approval of the connection of the water line from the city of Morgan Hill to the main Buddha Hall of the Temple would be greatly beneficial to the community, as well as the County of Santa Clara.

Thank you for your time and may Buddha bless you and your loved ones with great health and happiness.

Regards,  
Richard

**From:** Thanh Nguy <thanhhonnguy@yahoo.com>  
**Sent:** Monday, May 31, 2021 8:48 PM  
**To:** LAFCO  
**Cc:** 711 HP Thanh 8 Nguy (127 Truong) HP Laundry  
**Subject:** [EXTERNAL] Approval of provide water service to Metta Buddhist Temple in Morgan Hill (APN 817-07-024)

To Santa Clara LAFCO,

I Hope this email finds you well and safe. Happy Memorial Day holiday. I am a Buddhist practitioner, writing this email to respectfully request the commissioners of Santa Clara LAFCO to approve the connection of water Service from the city of Morgan Hill to Metta Tam Tu Buddhist Temple, Property APN 817-07- 024 located at 610 Fisher Ave, Morgan Hill, CA.

This approval from the commissioners is a very important for the project, as without this approval, we cannot build the main Buddha Hall which is the heart of the temple to serve the community.

Together with many congregation members and acquaintances of Metta Tam Tu Buddhist Temple we put our time and savings little by little over the last 10 years to build the Temple. It is representing the Vietnamese Buddhist culture with the wish to contribute something meaningful to this beautiful country and to pay back generous Americans who helped us to have a new life with lots of opportunities and freedom.

Metta Tam Tu Buddhist Temple is a very important for our community and families to come to meditate to relieve daily stress and to learn and practice the Buddha teaching of compassion.

It is a place for future generations to have a place to go back to their roots.

The approval of the connection of water from the city of Morgan Hill to the main Buddha Hall of the Temple is greatly beneficial to the community of the County of Santa Clara. I thank you in advance for your time and consideration. May Buddha bless you and your loved ones.

Respectfully,

Thanh Nguy

Sent from my iPhone

**From:** Peace N <peacen3520@gmail.com>  
**Sent:** Tuesday, June 1, 2021 10:59 AM  
**To:** LAFCO  
**Subject:** [EXTERNAL] Re: LAFCO Public Hearing - Morgan Hill Out-of-Agency Water Service (Metta Tam Tu Buddhist Temple)

Re: LAFCO Public Hearing - Morgan Hill Out-of-Agency Water Service (Metta Tam Tu Buddhist Temple)

To Whom It May Concern:

Hope this email finds you well and safe.

I am a Buddhist practitioner, writing this email to respectfully request the commissioners of Santa Clara LAFCO to approve the connection of water from the city of Morgan Hill to the main Buddha Hall to be constructed at Metta Tam Tu Buddhist Temple located at 610 Fisher Ave, Morgan Hill, CA pending on this important approval from the commissioners. Without this approval we cannot build the Buddha Hall which is the heart of the temple to serve the community. Together with many congregation members and acquaintances of Metta Tam Tu Buddhist Temple we put our time and savings little by little over 10 years to build the Temple representing the Vietnamese Buddhist culture with the wish to contribute something meaningful to this beautiful country and to pay back generous Americans who helped us to have the new life with lots of freedom and opportunities. Metta Tam Tu Buddhist Temple is very important for our community and families to come to meditate to relieve daily stress and to learn and practice the Buddha teaching of compassion, and for future generations to have a place to go back to their root.

The approval of the connection of water from the city of Morgan Hill to the main Buddha Hall of the Temple is greatly beneficial to the community of the County of Santa Clara.

May Buddha bless you and your loved ones with great health and happiness.

Best Regards,

*Tuan Nguyen*

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**From:** Albert <albertn408@gmail.com>  
**Sent:** Tuesday, June 1, 2021 10:55 AM  
**To:** LAFCO  
**Subject:** [EXTERNAL] Re: LAFCO Public Hearing - Morgan Hill Out-of-Agency Water Service (Metta Tam Tu Buddhist Temple)

Re: LAFCO Public Hearing - Morgan Hill Out-of-Agency Water Service (Metta Tam Tu Buddhist Temple)

To Whom It May Concern:

Hope this email finds you well and safe.

I am a Buddhist practitioner, writing this email to respectfully request the commissioners of Santa Clara LAFCO to approve the connection of water from the city of Morgan Hill to the main Buddha Hall to be constructed at Metta Tam Tu Buddhist Temple located at 610 Fisher Ave, Morgan Hill, CA pending on this important approval from the commissioners. Without this approval we cannot build the Buddha Hall which is the heart of the temple to serve the community. Together with many congregation members and acquaintances of Metta Tam Tu Buddhist Temple we put our time and savings little by little over 10 years to build the Temple representing the Vietnamese Buddhist culture with the wish to contribute something meaningful to this beautiful country and to pay back generous Americans who helped us to have the new life with lots of freedom and opportunities. Metta Tam Tu Buddhist Temple is very important for our community and families to come to meditate to relieve daily stress and to learn and practice the Buddha teaching of compassion, and for future generations to have a place to go back to their root.

The approval of the connection of water from the city of Morgan Hill to the main Buddha Hall of the Temple is greatly beneficial to the community of the County of Santa Clara.

May Buddha bless you and your loved ones with great health and happiness.

Best Regards,

Albert Nguyen

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IMPORTANT NOTICE: This message and any attachments may contain confidential or privileged information and not intended to be sent to unauthorized persons. If you are not the intended recipient, any distribution, copying or use of the contents of this message is prohibited. If you receive this message in error, please do not read it. Please reply to the sender that you have received it in error, destroy it and delete and remove it from your computer system. Thank you.

**From:** Brandon Nguyen <bien\_dong@yahoo.com>  
**Sent:** Tuesday, June 1, 2021 10:36 AM  
**To:** LAFCO  
**Subject:** [EXTERNAL] LAFCO Public Hearing - Morgan Hill Out-of-Agency Water Service (Metta Tam Tu Buddhist Temple)

To Whom It May Concern:

Hope this email finds you well and safe.

I am a Buddhist practitioner, writing this email to respectfully request the commissioners of Santa Clara LAFCO to approve the connection of water from the city of Morgan Hill to the main Buddha Hall to be constructed at Metta Tam Tu Buddhist Temple located at 610 Fisher Ave, Morgan Hill, CA pending on this important approval from the commissioners. Without this approval we cannot build the Buddha Hall which is the heart of the temple to serve the community. Together with many congregation members and acquaintances of Metta Tam Tu Buddhist Temple we put our time and savings little by little over 10 years to build the Temple representing the Vietnamese Buddhist culture with the wish to contribute something meaningful to this beautiful country and to pay back generous Americans who helped us to have the new life with lots of freedom and opportunities. Metta Tam Tu Buddhist Temple is very important for our community and families to come to meditate to relieve daily stress and to learn and practice the Buddha teaching of compassion, and for future generations to have a place to go back to their root.

The approval of the connection of water from the city of Morgan Hill to the main Buddha Hall of the Temple is greatly beneficial to the community of the County of Santa Clara.

May Buddha bless you and your loved ones with great health and happiness.

Best Regards,  
Brandon Nguyen

**From:** Peace N <peacen3520@gmail.com>  
**Sent:** Tuesday, June 1, 2021 10:59 AM  
**To:** LAFCO  
**Subject:** [EXTERNAL] Re: LAFCO Public Hearing - Morgan Hill Out-of-Agency Water Service (Metta Tam Tu Buddhist Temple)

Re: LAFCO Public Hearing - Morgan Hill Out-of-Agency Water Service (Metta Tam Tu Buddhist Temple)

To Whom It May Concern:

Hope this email finds you well and safe.

I am a Buddhist practitioner, writing this email to respectfully request the commissioners of Santa Clara LAFCO to approve the connection of water from the city of Morgan Hill to the main Buddha Hall to be constructed at Metta Tam Tu Buddhist Temple located at 610 Fisher Ave, Morgan Hill, CA pending on this important approval from the commissioners. Without this approval we cannot build the Buddha Hall which is the heart of the temple to serve the community. Together with many congregation members and acquaintances of Metta Tam Tu Buddhist Temple we put our time and savings little by little over 10 years to build the Temple representing the Vietnamese Buddhist culture with the wish to contribute something meaningful to this beautiful country and to pay back generous Americans who helped us to have the new life with lots of freedom and opportunities. Metta Tam Tu Buddhist Temple is very important for our community and families to come to meditate to relieve daily stress and to learn and practice the Buddha teaching of compassion, and for future generations to have a place to go back to their root.

The approval of the connection of water from the city of Morgan Hill to the main Buddha Hall of the Temple is greatly beneficial to the community of the County of Santa Clara.

May Buddha bless you and your loved ones with great health and happiness.

Best Regards,

*Tuan Nguyen*

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**IMPORTANT NOTICE:** This message and any attachments may contain confidential or privileged information and not intended to be sent to unauthorized persons. If you are not the intended recipient, any distribution, copying or use of the contents of this message is prohibited. If you receive this message in error, please do not read it. Please reply to the sender that you have received it in error, destroy it and delete and remove it from your computer system. Thank you.



**Supplemental Information No. 2**  
**Item # 5**

**From:** DO TRAN <dotran@comcast.net>  
**Sent:** Tuesday, June 1, 2021 5:47 PM  
**To:** LAFCO  
**Subject:** [EXTERNAL] June 2 2021 hearing  
**Attachments:** 20210527 Metta Tam Tu Buddhist Temple - Service Extension.pdf

please see attached letter

Regards



GAVIN NEWSOM  
GOVERNOR



JARED BLUMENFELD  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

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## State Water Resources Control Board

### Division of Drinking Water

May 27, 2021

Mr. Do Tran  
TND<sup>2</sup> Engineering  
3716 Segovia Court  
San Ramon, CA 94583

Dear Mr. Tran:

#### **METTA TAM TU BUDDHIST TEMPLE – WATER SERVICE EXTENSION**

This letter is in support of the water service extension for the Metta Tam Tu Buddhist Temple (Temple) that will be considered by the Local Agency Formation Commission (LAFCO) of Santa Clara County during the June 2, 2021 public hearing. The Temple, located at 610 Fisher Avenue, is outside of the City of Morgan Hill's (City) urban service area, but is only approximately 60 feet from an existing City distribution system water main. The Temple inquired about pursuing a Domestic Water Supply Permit from the State Water Resources Control Board Division of Drinking Water (Division) to operate a public water system to supply domestic water service to as many as 200 people during events at the facility. The Division notified the Temple that it was required to evaluate the feasibility of annexation, consolidation or other measures to secure a supply of domestic water from an existing community water system for the proposed new public water system's service area pursuant to Section 116527 of the California Health and Safety. As part of that effort, a connection to the City's public water supply system was identified.

The Division fully supports and encourages extending water service from the City to the Temple. Operation and maintenance of a public water system is challenging, particularly for small water systems that lack the financial resources to fund basic capital cost and ongoing costs of maintenance, energy and treatment. Furthermore, small public water systems are often less resilient to natural disasters, such as drought and fire, and have more difficulty adjusting to regulatory changes due to insufficient technical and managerial capacity. Connecting to the City's water supply will ensure a safe, affordable and potable supply of water to the Temple.

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

If you have any questions regarding this letter, please contact Ms. Van Tsang at (510) 620-3602.

Sincerely,

A handwritten signature in blue ink that reads "Eric Lacy". The signature is fluid and cursive, with the first name "Eric" and the last name "Lacy" clearly legible.

Eric Lacy, P.E.  
District Engineer  
Santa Clara District  
Division of Drinking Water  
State Water Resources Control Board

Cc: Santa Clara County Environmental Health

**From:** amy pham <amyle\_pham@yahoo.com>  
**Sent:** Tuesday, June 1, 2021 8:25 PM  
**To:** LAFCO  
**Subject:** [EXTERNAL] Re: LAFCO Public Hearing - Morgan Hill Out- of Agency Water service( Metta Tam Tu Buddhist Temple

To Whom It May Concern:

Hope this email finds you well and safe.

I am a Buddhist practitioner, writing this email to respectfully request the commissioners of Santa Clara LAFCO to approve the connection of water from the city of Morgan Hill to the main Buddha Hall to be constructed at Metta Tam Tu Buddhist Temple located at 610 Fisher Ave, Morgan Hill, CA pending on this important approval from the commissioners. Without this approval we cannot build the Buddha Hall which is the heart of the temple to serve the community. Together with many congregation members and acquaintances of Metta Tam Tu Buddhist Temple we put our time and savings little by little over 10 years to build the Temple representing the Vietnamese Buddhist culture with the wish to contribute something meaningful to this beautiful country and to pay back generous Americans who helped us to have the new life with lots of freedom and opportunities. Metta Tam Tu Buddhist Temple is very important for our community and families to come to meditate to relieve daily stress and to learn and practice the Buddha teaching of compassion, and for future generations to have a place to go back to their root.

The approval of the connection of water from the city of Morgan Hill to the main Buddha Hall of the Temple is greatly beneficial to the community of the County of Santa Clara.

May Buddha bless you and your loved ones with great health and happiness.

Best regards,

**From:** Hung Nguyen <ghmd47a@gmail.com>  
**Sent:** Tuesday, June 1, 2021 10:05 PM  
**To:** LAFCO  
**Subject:** [EXTERNAL] LAFCO Public Hearing - Morgan Hill Out-of-Agency Water Service (Metta Tam Tu Buddhist Temple)

To Whom It May Concern:

Hope this email finds you well and safe.

I am a Buddhist practitioner, writing this email to respectfully request the commissioners of Santa Clara LAFCO to approve the connection of water from the city of Morgan Hill to the main Buddha Hall to be constructed at Metta Tam Tu Buddhist Temple located at 610 Fisher Ave, Morgan Hill, CA pending on this important approval from the commissioners. Without this approval we cannot build the Buddha Hall which is the heart of the temple to serve the community. Together with many congregation members and acquaintances of Metta Tam Tu Buddhist Temple we put our time and savings little by little over 10 years to build the Temple representing the Vietnamese Buddhist culture with the wish to contribute something meaningful to this beautiful country and to pay back generous Americans who helped us to have the new life with lots of freedom and opportunities. Metta Tam Tu Buddhist Temple is very important for our community and families to come to meditate to relieve daily stress and to learn and practice the Buddha teaching of compassion, and for future generations to have a place to go back to their root.

The approval of the connection of water from the city of Morgan Hill to the main Buddha Hall of the Temple is greatly beneficial to the community of the County of Santa Clara.

May Buddha bless you and your loved ones with great health and happiness.

Best Regards,

Hung Nguyen

**From:** Ivy Vuong <ivy.vuong@ican2.org>  
**Sent:** Tuesday, June 1, 2021 9:32 PM  
**To:** LAFCO  
**Subject:** [EXTERNAL] LAFCO Public Hearing - Morgan Hill - Water service for Metta Temple

To whom it may concern,

I am a Buddhist practitioner, grandma, mom, and community member. I am writing this email to urge your consideration of Metta Tam Tu Buddhist Temple's application to construct the Buddha Hall. The construction of this hall is significant to our community and to our future generations. The temple the heart of our community and an important place for kids to practice mindfulness and peacefulness -- these lessons are powerful antidotes to the rise in violence, discrimination, and hate in our society.

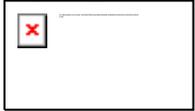
We sincerely request the commissioners of Santa Clara LAFCO to approve the connection of water from the city of Morgan Hill to the main Buddha Hall to be constructed at Metta Tam Tu Buddhist Temple located at 610 Fisher Ave, Morgan Hill, CA. The approval of the connection of water from the city of Morgan Hill to the main Buddha Hall of the Temple will be an invaluable addition to our community and the County of Santa Clara.

In peace and gratitude,

Ivy Vuong

--

*Ivy Nga Vuong*



*Board of Directors*

**International Children Assistance Network (ICAN) - Headquarter**

*Sobrato Center for Nonprofits*

*532 Valley Way Milpitas CA 95035*

**ICAN - Family Resource Center (FRC)**

*(located inside Vietnamese American Cultural Center)*

*2072 Lucretia Ave, San Jose, CA 95122*

C. 408.993.8280 | [My email](#) | [Website](#) | [Facebook](#)

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**From:** Maudon Nguyen <ghmd47@yahoo.com>  
**Sent:** Tuesday, June 1, 2021 10:00 PM  
**To:** LAFCO  
**Subject:** [EXTERNAL] LAFCO Public Hearing - Morgan Hill Out-of-Agency Water Service (Metta Tam Tu Buddhist Temple)

To Whom It May Concern:

Hope this email finds you well and safe.

I am a Buddhist practitioner, writing this email to respectfully request the commissioners of Santa Clara LAFCO to approve the connection of water from the city of Morgan Hill to the main Buddha Hall to be constructed at Metta Tam Tu Buddhist Temple located at 610 Fisher Ave, Morgan Hill, CA pending on this important approval from the commissioners. Without this approval we cannot build the Buddha Hall which is the heart of the temple to serve the community. Together with many congregation members and acquaintances of Metta Tam Tu Buddhist Temple we put our time and savings little by little over 10 years to build the Temple representing the Vietnamese Buddhist culture with the wish to contribute something meaningful to this beautiful country and to pay back generous Americans who helped us to have the new life with lots of freedom and opportunities. Metta Tam Tu Buddhist Temple is very important for our community and families to come to meditate to relieve daily stress and to learn and practice the Buddha teaching of compassion, and for future generations to have a place to go back to their root.

The approval of the connection of water from the city of Morgan Hill to the main Buddha Hall of the Temple is greatly beneficial to the community of the County of Santa Clara.

May Buddha bless you and your loved ones with great health and happiness.

Best Regards,

Maudon Nguyen

**From:** NgocRachel <ngocrachel@gmail.com>  
**Sent:** Tuesday, June 1, 2021 6:35 PM  
**To:** LAFCO  
**Subject:** [EXTERNAL] LAFCO Public Hearing - Morgan Hill Out-of-Agency Water Service (Metta Tam Tu Buddhist Temple)

To whom this may concern,

My name is Rachel Nguyen, I'm writing this email with the hope that the trustees of Santa Clara LAFCO will approve the water connection from the city of Morgan Hill to the main Buddhist Hall built at the Metta Tam Tu Buddhist Temple, located at 610 Fisher Ave, Morgan Hill, CA.

I am a resident of the city, although my family is not a Buddhist but to us, this temple is our second home to come to find peace and relieve our daily stress. Therefore, this temple is very important to us, and to many others.

We sincerely hope you will grant the permit for the water connection from the city of Morgan hill to the temple.

Your approval will go a long way in helping our and our children practice compassion and manage stress in life

We appreciate your time and consideration.

Best regards,

--

#### HIPAA Confidentiality Notice

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**From:** thao bui <bui1160@yahoo.com>  
**Sent:** Tuesday, June 1, 2021 2:08 PM  
**To:** LAFCO  
**Subject:** [EXTERNAL] Fwd: Petition re. Extend Water Service to Metta Tam Tu Buddhist Temple in Morgan Hill (APN 817-07-024)

Dear officials,

I, Tom Bui as a resident of city of Morgan Hill. I support the RE extend water service to Metta Tam Tu Buddhist Temple in Morgan Hill CA (APN 817-07-024).

Please see the email enclosed as forwarding.

Thank you very much.

Sincerely,  
Tom Bui

Sent from my iPhone

Begin forwarded message:

**From:** Henry Nguy <henry88nguy@gmail.com>  
**Date:** May 31, 2021 at 8:36:56 PM PDT  
**To:** LAFCO@ceo.sccgov.org  
**Cc:** Henry Nguy <henry88nguy@gmail.com>  
**Subject:** **Petition re. Extend Water Service to Metta Tam Tu Buddhist Temple in Morgan Hill (APN 817-07-024)**

To Santa Clara LAFCO,

I Hope this email finds you well and safe. Happy Memorial Day holiday.

I am a Buddhist practitioner, writing this email to respectfully request the commissioners of Santa Clara LAFCO to approve the connection of water Service from the city of Morgan Hill to Metta Tam Tu Buddhist Temple, Property APN 817-07- 024 located at 610 Fisher Ave, Morgan Hill, CA.

This approval from the commissioners is a very important for

the project, as without this approval, we cannot build the main Buddha Hall which is the heart of the temple to serve the community.

Together with many congregation members and acquaintances of Metta Tam Tu Buddhist Temple we put our time and savings little by little over the last 10 years to build the Temple. It is representing the Vietnamese Buddhist culture with the wish to contribute something meaningful to this beautiful country and to pay back generous Americans who helped us to have a new life with lots of opportunities and freedom.

Metta Tam Tu Buddhist Temple is a very important for our community and families to come to meditate to relieve daily stress and to learn and practice the Buddha teaching of compassion. It is a place for future generations to have a place to go back to their roots.

The approval of the connection of water from the city of Morgan Hill to the main Buddha Hall of the Temple is greatly beneficial to the community of the County of Santa Clara. I thank you in advance for your time and consideration. May Buddha bless you and your loved ones.

Respectfully,

Henry Nguy

**From:** yvonne phung <yvonnephung@yahoo.com>  
**Sent:** Tuesday, June 1, 2021 10:20 PM  
**To:** LAFCO  
**Subject:** [EXTERNAL] Re: LAFCO Public Hearing - Morgan Hill Out-of-Agency Water Service (Metta Tam Tu Buddhist Temple)

To Whom It May Concern:

Hope this email finds you well and safe.

I am a Buddhist practitioner, writing this email to respectfully request the commissioners of Santa Clara LAFCO to approve the connection of water from the city of Morgan Hill to the main Buddha Hall to be constructed at Metta Tam Tu Buddhist Temple located at 610 Fisher Ave, Morgan Hill, CA pending on this important approval from the commissioners. Without this approval we cannot build the Buddha Hall which is the heart of the temple to serve the community. Together with many congregation members and acquaintances of Metta Tam Tu Buddhist Temple we put our time and savings little by little over 10 years to build the Temple representing the Vietnamese Buddhist culture with the wish to contribute something meaningful to this beautiful country and to pay back generous Americans who helped us to have the new life with lots of freedom and opportunities. Metta Tam Tu Buddhist Temple is very important for our community and families to come to meditate to relieve daily stress and to learn and practice the Buddha teaching of compassion, and for future generations to have a place to go back to their root.

The approval of the connection of water from the city of Morgan Hill to the main Buddha Hall of the Temple is greatly beneficial to the community of the County of Santa Clara.

May Buddha bless you and your loved ones with great health and happiness.

Best Regards,

Yvonne Phung

[Sent from Yahoo Mail for iPhone](#)

June 2, 2021

Santa Clara County LAFCO

**Re: Item 5 – Unique Circumstances for the Metta Tam Tu Water Service Extension**

Dear Chair Ellenberg and LAFCO Commissioners,

Due to the unique circumstances surrounding Metta Tam Tu Buddhist Temple's request for water service extension, including state law discouraging new public water systems, Green Foothills has no objection to the staff recommendation for Item 5. Specifically, we support that any approval includes the staff recommendation to "inform the County, the City of Morgan Hill and the State Water Resource Control Board that this approval is not a precedent and that in the future, the provision of water in these type of situations should be addressed early on and determined prior to issuance of any land use approvals and permits."

Since 1962, we at Green Foothills have worked to protect the open spaces, farmlands, and natural resources of San Mateo and Santa Clara Counties for the benefit of all through advocacy, education, and grassroots action. We have been especially supportive of LAFCO's similar mission that urban expansion and urban service expansion should not occur unless needed. We agree with staff's analysis that the request for out-of-service extension is inconsistent w/ LAFCO policies, the County General Plan, and the City of Morgan Hill's General Plan. This would normally argue against approval of water service extension, but we recognize this is a special case where the Use Permit/approvals were provided prior to the changes in state law (SB 1263 and SB 200).

If LAFCO does approve the extension, the communication to the County, Morgan Hill, and SWRCB, which are now aware of the law and what it could mean for other approvals requiring a public water system or connections – should advise them thneeds to ensure that it is diligent early on in the process of identifying this potential issue in its permitting process.

Please contact us with any questions.

Sincerely,



Brian Schmidt  
Legislative Advocacy Director





**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: June 2, 2021**

**TO: LAFCO**

**FROM: Neelima Palacherla, Executive Officer**

**SUBJECT: FINAL BUDGET FOR FY 2022**

**FINANCE COMMITTEE / STAFF RECOMMENDATIONS**

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1. Adopt the Final Budget for Fiscal Year 2021-2022.
2. Find that the Final Budget for Fiscal Year 2022 is expected to be adequate to allow the Commission to fulfill its statutory responsibilities.
3. Authorize staff to transmit the Final Budget adopted by the Commission including the estimated agency costs to the cities, the special districts, the County, the Cities Association of Santa Clara County and the Santa Clara County Special Districts Association.
4. Direct the County Auditor-Controller to apportion LAFCO costs to the cities; to the special districts; and to the County; and to collect payment pursuant to Government Code §56381.

**NO CHANGES TO THE DRAFT/PRELIMINARY BUDGET**

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On April 7, 2021, the Commission adopted its preliminary budget for Fiscal Year 2021-2022. No changes are recommended to the preliminary budget adopted by the commission.

**LAFCO ANNUAL BUDGET PROCESS REQUIREMENTS**

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The Cortese Knox Hertzberg Local Government Reorganization Act of 2000 (CKH Act) which became effective on January 1, 2001, 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. Both the draft and the final budgets are required to be transmitted to the cities, the special districts and the County. Government Code §56381(a) establishes that at a minimum, the budget must be equal to that of the previous year unless the Commission finds that reduced staffing or program costs will nevertheless allow it to fulfill its statutory responsibilities. Any unspent funds at the end of the year may be rolled over into the next fiscal year budget. After adoption of the final budget by LAFCO, the County Auditor is required to apportion

the net operating expenses of the Commission to the agencies represented on LAFCO.

LAFCO and the County of Santa Clara entered into a Memorandum of Understanding (MOU) (effective since July 2001), under the terms of which, the County provides staffing, facilities, and services to LAFCO. The associated costs are reflected in the LAFCO budget. LAFCO is a stand-alone, separate fund within the County's accounting and budget system and the LAFCO budget information is formatted using the County's account descriptions/codes.

## **COST APPORTIONMENT TO CITIES, DISTRICTS AND THE COUNTY**

The CKH Act requires LAFCO costs to be split in proportion to the percentage of an agency's representation (excluding the public member) on the Commission. Santa Clara LAFCO is composed of a public member, two County board members, two city council members, and since January 2013 – two special district members. Government Code §56381(b)(1)(A) provides that when independent special districts are seated on LAFCO, the county, cities and districts must each provide a one-third share of LAFCO's operational budget.

Since the City of San Jose has permanent membership on LAFCO, as required by Government Code §56381.6(b), the City of San Jose's share of LAFCO costs must be in the same proportion as its member bears to the total membership on the commission, excluding the public member. Therefore in Santa Clara County, the City of San Jose pays one sixth and the remaining cities pay one sixth of LAFCO's operational costs. Per the CKH Act, the remaining cities' share must be apportioned in proportion to each city's total revenue, as reported in the most recent edition of the Cities Annual Report published by the Controller, as a percentage of the combined city revenues within a county. Each city's share is therefore based on the 2018/2019 Report – which is the most recent edition available.

Government Code Section 56381 provides that the independent special districts' share shall be apportioned in proportion to each district's total revenues as a percentage of the combined total district revenues within a county. The Santa Clara County Special Districts Association (SDA), at its August 13, 2012 meeting, adopted an alternative formula for distributing the independent special districts' share to individual districts. The SDA's agreement requires each district's cost to be based on a fixed percentage of the total independent special districts' share.

The estimated apportionment of LAFCO's FY 2022 costs to the individual cities and districts is included as Attachment B. The final costs will be calculated and invoiced to the individual agencies by the County Controller's Office after LAFCO adopts the final budget.

## **ATTACHMENTS**

- Attachment A: Final LAFCO Budget for Fiscal Year 2022
- Attachment B: Costs to Agencies Based on the Final Budget

**FINAL LAFCO BUDGET  
FISCAL YEAR 2021- 2022**

**ITEM # 6  
Attachment A**

<b>ITEM # TITLE</b>	<b>APPROVED BUDGET FY 2021</b>	<b>ACTUALS Year to Date 2/19/2021</b>	<b>PROJECTIONS Fiscal Year End 2021</b>	<b>FINAL BUDGET FY 2022</b>
<b>EXPENDITURES</b>				
Object 1: Salary and Benefits	\$806,845	\$491,543	\$747,214	\$844,239
Object 2: Services and Supplies				
5255100 Intra-County Professional	\$45,000	\$0	\$5,000	\$10,000
5255800 Legal Counsel	\$74,622	\$41,867	\$74,000	\$75,896
5255500 Consultant Services	\$110,000	\$14,654	\$110,000	\$150,000
5285700 Meal Claims	\$750	\$0	\$100	\$750
5220100 Insurance	\$10,452	\$10,452	\$10,452	\$8,500
5250100 Office Expenses	\$10,000	\$549	\$5,000	\$5,000
5270100 Rent & Lease	\$46,254	\$22,914	\$46,254	\$47,784
5255650 Data Processing Services	\$20,267	\$11,755	\$20,267	\$22,048
5225500 Commissioners' Fee	\$10,000	\$2,800	\$7,000	\$10,000
5260100 Publications and Legal Notices	\$2,500	\$0	\$200	\$1,000
5245100 Membership Dues	\$12,000	\$12,144	\$12,144	\$12,500
5250750 Printing and Reproduction	\$1,500	\$0	\$1,000	\$1,500
5285800 Business Travel	\$12,000	\$0	\$0	\$10,000
5285300 Private Automobile Mileage	\$2,000	\$7	\$100	\$1,000
5285200 Transportation&Travel (County Car Usage)	\$605	\$0	\$100	\$600
5281600 Overhead	\$30,917	\$15,459	\$30,917	\$49,173
5275200 Computer Hardware	\$3,000	\$0	\$1,000	\$3,000
5250800 Computer Software	\$5,000	\$3,508	\$5,000	\$5,000
5250250 Postage	\$2,000	\$109	\$500	\$1,000
5252100 Staff/Commissioner Training Programs	\$2,000	\$0	\$1,000	\$2,000
5701000 Reserves	\$0	\$0	\$0	-\$50,000
<b>TOTAL EXPENDITURES</b>	<b>\$1,207,712</b>	<b>\$627,761</b>	<b>\$1,077,248</b>	<b>\$1,210,990</b>
<b>REVENUES</b>				
4103400 Application Fees	\$30,000	\$1,367	\$20,000	\$30,000
4301100 Interest: Deposits and Investments	\$6,000	\$6,168	\$10,000	\$6,000
<b>TOTAL REVENUE</b>	<b>\$36,000</b>	<b>\$7,535</b>	<b>\$30,000</b>	<b>\$36,000</b>
3400150 FUND BALANCE FROM PREVIOUS FY	\$187,927	\$352,123	\$352,123	\$288,660
<b>NET LAFCO OPERATING EXPENSES</b>	<b>\$983,785</b>	<b>\$268,103</b>	<b>\$695,125</b>	<b>\$886,330</b>
3400800 RESERVES Available	\$250,000	\$250,000	\$250,000	\$200,000
<b>COSTS TO AGENCIES</b>				
5440200 County	\$327,928	\$327,928	\$327,928	\$295,443
4600100 Cities (San Jose 50% + Other Cities 50%)	\$327,928	\$327,928	\$327,928	\$295,443
4600100 Special Districts	\$327,928	\$327,928	\$327,928	\$295,443



**LAFCO COST APPORTIONMENT: COUNTY, CITIES, SPECIAL DISTRICTS**  
**Estimated Costs to Agencies Based on the Final FY 2022 LAFCO Budget**

<b>Net Operating Expenses for FY 2022</b>				<b>\$886,330</b>
<b>JURISDICTION</b>	<b>REVENUE PER 2018/2019 REPORT</b>	<b>PERCENTAGE OF TOTAL REVENUE</b>	<b>ALLOCATION PERCENTAGES</b>	<b>ALLOCATED COSTS</b>
<b>County</b>	<b>N/A</b>	<b>N/A</b>	<b>33.33333333%</b>	<b>\$295,443.33</b>
<b>Cities Total Share</b>			<b>33.33333333%</b>	<b>\$295,443.33</b>
San Jose	N/A	N/A	50.00000000%	\$147,721.67
Other cities share			50.00000000%	\$147,721.66
Campbell	\$64,536,222	1.7980522%		\$2,656.11
Cupertino	\$108,060,680	3.0106928%		\$4,447.45
Gilroy	\$125,345,516	3.4922679%		\$5,158.84
Los Altos	\$57,463,937	1.6010103%		\$2,365.04
Los Altos Hills	\$16,800,340	0.4680765%		\$691.45
Los Gatos	\$51,214,203	1.4268856%		\$2,107.82
Milpitas	\$216,026,300	6.0187372%		\$8,890.98
Monte Sereno	\$3,758,600	0.1047188%		\$154.69
Morgan Hill	\$110,550,245	3.0800549%		\$4,549.91
Mountain View	\$407,506,157	11.3535827%		\$16,771.70
Palo Alto	\$701,560,301	19.5462638%		\$28,874.07
Santa Clara	\$1,078,173,133	30.0391235%		\$44,374.28
Saratoga	\$34,095,585	0.9499416%		\$1,403.27
Sunnyvale	\$614,138,449	17.1105921%		\$25,276.05
<b>Total Cities (excluding San Jose)</b>	<b>\$3,589,229,668</b>	<b>100.0000000%</b>		<b>\$147,721.66</b>
<b>Total Cities (including San Jose)</b>				<b>\$295,443.33</b>
<b>Special Districts Total Share</b>		<b>(Fixed %)</b>	<b>33.33333333%</b>	<b>\$295,443.34</b>
Aldercroft Heights County Water District		0.06233%		\$184.15
Burbank Sanitary District		0.15593%		\$460.68
Cupertino Sanitary District		2.64110%		\$7,802.95
El Camino Healthcare District		4.90738%		\$14,498.53
Guadalupe Coyote Resource Conservation District		0.04860%		\$143.59
Lake Canyon Community Services District		0.02206%		\$65.17
Lion's Gate Community Services District		0.22053%		\$651.54
Loma Prieta Resource Conservation District		0.02020%		\$59.68
Midpeninsula Regional Open Space District		5.76378%		\$17,028.70
Purissima Hills Water District		1.35427%		\$4,001.10
Rancho Rinconada Recreation and Park District		0.15988%		\$472.35
San Martin County Water District		0.04431%		\$130.91
Santa Clara Valley Open Space Authority		1.27051%		\$3,753.64
Santa Clara Valley Water District		81.44126%		\$240,612.80
Saratoga Cemetery District		0.32078%		\$947.72
Saratoga Fire Protection District		1.52956%		\$4,518.98
South Santa Clara Valley Memorial District		0.03752%		\$110.85
<b>Total Special Districts</b>		<b>100.00000%</b>		<b>\$295,443.34</b>
<b>Total Allocated Costs</b>				<b>\$886,330.00</b>





**Local Agency  
Formation Commission  
of Santa Clara County**

777 North First Street  
Suite 410  
San Jose, CA 95112

[SantaClaraLAFCO.org](http://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: June 2, 2021**

**TO: LAFCO**

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

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

**STAFF RECOMMENDATION**

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Accept report and provide direction, as necessary.

**COUNTYWIDE FIRE SERVICE REVIEW**

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**LAFCO Begins Its Countywide Fire Service Review**

LAFCO staff has prepared a Fact Sheet (**Attachment A**), announcing that LAFCO has begun its Countywide Fire Service Review and providing details on the project. The Fact Sheet was emailed to all affected agencies and interested parties on May 24<sup>th</sup> and it is also available on the LAFCO website at: [www.SantaClaraLAFCO](http://www.SantaClaraLAFCO). It encourages individuals to sign-up to receive email updates and notices from LAFCO on the service review. Many people have signed up to receive updates on LAFCO's Service Review since the Fact Sheet was released. The Fact Sheet was designed by Clerk Abello using LAFCO's new communications tools.

In April 2021, LAFCO retained its consultant, Center for Public Safety Management (CPSM) to prepare the Countywide Fire Service Review. Since that time, LAFCO staff and CPSM have had several planning and coordination meetings for key parts of the service review process, including preparations for the Technical Advisory Committee meetings, contact information for key service providers, development of evaluation criteria, data collection and agency verification of their data, and anticipated virtual community meetings and an on-line community survey.

**Technical Advisory Committee Meetings**

LAFCO has established a Technical Advisory Committee (TAC) for the Countywide Fire Service Review to provide technical expertise/advice throughout the service review process.

LAFCO staff convened the first meeting of the TAC on April 28, 2021 where the TAC received a brief presentation from LAFCO staff on LAFCO and its service review program. The TAC also received presentations on and discussed the project scope,

project schedule for completing major tasks, fire and emergency medical response service issues, and community engagement and outreach approaches for the service review.

LAFCO staff convened a second meeting of the TAC on May 24, 2021 during which the TAC reviewed and discussed the draft service review determinations criteria, the list of fire/EMS issues that will be covered in the service review, the data collection process and timeline, and the draft community engagement and outreach plan including the community meetings and online community survey. The next meeting of the TAC is anticipated to occur at the end of June, as necessary.

### **Draft Community Engagement and Outreach Plan**

In an effort to promote broad-based participation in the Countywide Fire Service Review, CPSM and LAFCO staff have developed a draft Community Engagement and Outreach Plan (**Attachment B**) that will increase public awareness of LAFCO and its Countywide Fire Service Review; and provide opportunities for community members, general public, service providers, affected local agencies, and other interested parties to engage in the service review process and provide timely feedback. This Community Outreach effort will utilize three key components:

- A project webpage that will contain comprehensive information on the Service Review is under development and will be available soon on the LAFCO website
- The first set of virtual Community Meetings on LAFCO and its Countywide Fire Service Review are anticipated to occur in July (dates TBD). These meetings will be co-hosted by local agencies, focus on specific geographic areas of the County, and include a fire safety message/presentation from local fire / EMS service providers.
- An Online Community Survey on fire/EMS service issues and level of wildfire preparedness has been developed (release date TBD)

### **NEXT STEPS**

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In late May, CPSM will be contacting fire/EMS providers to collect the requisite data and to schedule interviews with fire chiefs, City Managers, other key fire/EMS service providers in the county. LAFCO staff will participate in these interviews.

CPSM will then compile the collected data into an agency specific profile and each agency will review and validate their profile. CPSM will then analyze the data and prepare preliminary findings. It is anticipated that the preliminary findings will be presented to the TAC at a meeting in August.

LAFCO staff will work with its website consultant to develop a Countywide Fire Service Review webpage in preparation for advertising the community meetings and online community survey. LAFCO staff will also coordinate with TAC members and partner agencies to organize the virtual community meetings.

Staff will continue to provide the Commission with updates on this project as it progresses.

## **ATTACHMENTS**

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- Attachment A: Fact Sheet on LAFCO's Countywide Fire Service Review
- Attachment B: Draft Community Engagement and Outreach Plan for LAFCO's Countywide Fire Service Review

# Santa Clara LAFCO Begins its Countywide Fire Service Review



## Technical Advisory Committee

A TAC has been established to serve as a liaison between LAFCO and the affected agencies during the service review process. The TAC will meet periodically to receive updates and provide expertise and advice on the project. TAC meeting dates and agenda packets are available on the LAFCO website. TAC membership includes:

*Appointed by LAFCO*  
Yoriko Kishimoto, LAFCO Commissioner  
Susan Vicklund Wilson, LAFCO Commissioner

*Appointed by County Fire Chiefs Assn.*  
Chief Tony Bowden, CCFD  
Chief Ruben Torres, City of Santa Clara  
Chief Jim Wyatt, City of Gilroy

*Appointed by County/Cities Managers' Assn.*  
Carl Cahill, Los Altos Hills Town Manager  
James Lindsay, Saratoga Town Manager  
Christina Turner, Morgan Hill Town Manager  
Ed Shikada, Palo Alto Town Manager & Alternate

Santa Clara LAFCO's **Countywide Fire Service Review** will involve a comprehensive review of fire service and emergency medical service (EMS) provision in Santa Clara County. This Countywide Fire Service Review is part of LAFCO's third round of service reviews. LAFCO has previously conducted two Countywide Fire Service Reviews, one in 2004 and another in 2010.

## LAFCO's Service Review Responsibilities

The Countywide Fire Service Review will provide an overview of all the agencies that provide fire service and/or emergency medical services in the County, evaluate the provision of these services, and recommend actions to promote efficient service delivery. State law mandates that LAFCO's service review include an analysis and written statement of determinations regarding:

- Growth and population projections for the affected area
- Location and characteristics of any

disadvantaged unincorporated communities within or contiguous to the sphere of influence

- Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including infrastructure needs or deficiencies related to structural fire protection in any disadvantaged unincorporated communities within or contiguous to the sphere of influence
- Financial ability of agencies to provide services
- Status of, and opportunities for, shared facilities
- Accountability for community service needs, including governmental structure and operational efficiencies

The service review will include recommendations for any changes to fire district spheres of influence, as necessary.

## Service Review Focus Issues

The study will review and/or provide an analysis of options for addressing the following current and emerging issues identified by LAFCO:

- Options for funding and providing fire service and emergency medical services to the underserved areas of the County
- Regional models for more efficiently providing fire service and EMS countywide
- Frequency of use, benefits/burdens of mutual aid and automatic aid on individual agencies and the countywide fire service and EMS system
- Climate change and the increased risk of wildfires
- Wildland Urban Interface (WUI) in Santa Clara County and agencies' plans/programs to prevent or reduce fire risks in the WUI and strengthen their community's resilience to withstand and recover from wildfires
- Interagency communication and coordination for fire prevention planning and suppression along shared borders, and on private/public lands and rights of way
- Best practices for roles and oversight of volunteer fire companies
- Extent to which private fire protection service is used in the county and whether it conflicts with public providers
- New provision in state law that requires LAFCO to consider fire risks and the location of very high fire hazard zones when reviewing proposals [GC §56668(q)]
- Applicability of new law requiring LAFCO to review certain fire service contracts: GC §56134 requires LAFCO approval of a fire protection contract that provides new or extended fire protection services outside a public agency's

jurisdictional boundaries and meets either of the following thresholds: (1) transfers responsibility for providing services in more than 25 percent of the area within the jurisdictional boundaries of any public agency affected by the contract; or (2) changes the employment status of more than 25 percent of the employees of any public agency affected by the contract.

## Intended Use of the Service Review Report

The Service Review Report will serve as an information resource for LAFCO, local agencies, and the public on fire service and EMS in Santa Clara County. Service providers may use the Report to pursue service delivery changes or to further assess the options identified in the Report for providing more efficient services. LAFCO may use the information in the Report, when reviewing future proposals for jurisdictional boundary changes. LAFCO, local agencies or the public may use the Report, together with additional analysis where necessary, to pursue changes in governance, and/or changes in jurisdictional boundaries or spheres of influence.

## Service Review Key Steps & Timeline

LAFCO starts project, establishes TAC, selects consultant	March - April 2021
Consultant collects data from service providers	May - June
Public outreach and engagement through webpage, community workshops and survey	June - July
Service providers validate data compiled by consultant	July
Consultant prepares findings, and Draft Service Review Report	July - November
LAFCO releases Draft Report for public review and comment	December 2021
Community workshops on Draft Report	January 2022
LAFCO public hearing on Draft Report	February
LAFCO releases Revised Draft Report for public review/comment	Late February
LAFCO public hearing to adopt Final Report	April
Publication of Adopted Final Report	April 2022

## Data Collection Begins Soon

LAFCO's consultant for the Fire Service Review, the **Center for Public Safety Management (CPSM)** will begin contacting service providers soon to start data collection and to set up interviews.

## How to get involved?

Public engagement and outreach are very important to Santa Clara LAFCO. LAFCO will make every effort to engage the public and local communities in the Countywide Fire Service Review. A project webpage that will contain comprehensive information on the Service Review is under development and will be available soon on the LAFCO website. Throughout the Service Review process there will be many opportunities for the public to engage and provide input on the study through timely community workshops, an online community survey and multiple public meetings. Stay tuned for more information!

## Are you signed up to receive updates?

We encourage you to [sign-up here](#) to receive email updates and notices from LAFCO on this Service Review.

## Questions?

Contact LAFCO staff at: [LAFCO@ceo.sccgov.org](mailto:LAFCO@ceo.sccgov.org)

## Thank You!

Santa Clara LAFCO thanks all the participants for their cooperation and involvement in this important study.



## Agencies that will be Studied

### FIRE DISTRICTS

Los Altos Hills County Fire District  
Santa Clara County Central Fire Protection District (CCFD)  
Saratoga Fire Protection District  
South Santa Clara County Fire Protection District

### CITY FIRE DEPARTMENTS

City of Gilroy Fire Department  
City of Milpitas Fire Department  
City of Mountain View Fire Department  
City of Palo Alto Fire Department  
City of Santa Clara Fire Department  
City of San Jose Fire Department  
City of Sunnyvale Fire Department

### CITIES THAT CONTRACT FOR FIRE SERVICES

City of Campbell (contracts with CCFD)  
City of Los Altos (contracts with CCFD)  
City of Morgan Hill (contracts with CAL FIRE)

### OTHER PROVIDERS

CA Dept. of Forestry & Fire Protection (CAL FIRE)  
County of Santa Clara (EMS, Office of Emergency Services, Communications)  
NASA Ames Fire Department  
Casa Loma Volunteer Fire Association  
Spring Valley Volunteer Fire Department  
Stevens Creek Volunteer Fire Company  
Uvas Volunteer Fire Department  
Santa Clara County FireSafe Council



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## **LAFCO's Countywide Fire Service Review Draft Community Engagement and Outreach Plan**

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In an effort to promote broad-based participation in the 2021 LAFCO Countywide Fire Service Review, CPSM and LAFCO staff have developed a Community Engagement and Outreach Plan that will increase public awareness of LAFCO and its Countywide Fire Service Review; and provide opportunities for community members, general public, service providers, affected local agencies, and other interested parties to engage in the service review process and provide timely feedback.

This Community Outreach effort will utilize three key components:

- 2021 Fire Service Review Webpage
- Community Meetings (Virtual)
- Resident / Community Survey

### 2021 Fire Service Review Webpage:

LAFCO will launch a project webpage on its website that will serve as the main resource for information on LAFCO's Countywide Fire Service Review and associated activities. The webpage will feature a fact sheet that provides an overview of the project, including information on LAFCO's service review responsibilities/requirements, process and time-line for completing the review, service providers that will be reviewed, LAFCO's fire service review consultant, the Technical Advisory Committee (TAC), and LAFCO's collaborative public engagement and community outreach plans for the project.

The webpage will include information on TAC meetings, anticipated virtual community workshops, and a link to a community survey regarding fire/EMS service issues and level of wildfire preparedness. The webpage will also include links to LAFCO's public hearings on the Countywide Fire Service Review. Public Drafts of the Countywide Service Review Report will

be posted on the webpage for public review and comment when they become available.

The webpage will also include background information, including links to LAFCO's prior Countywide Fire Service Reviews, fire district profiles and maps, and a countywide map of the boundaries of the four fire districts and fire stations. Lastly, the webpage will include information on how local agencies, the public, and others can contact LAFCO staff concerning the Countywide Fire Service Review.

#### Community Meetings:

Three (3) virtual community meetings will be scheduled in June/July of 2021 (specific dates TBD), that will focus on specific geographic areas of Santa Clara County (1. South County, 2. NW Cities and the 3. Central/North Eastern County). It is anticipated that LAFCO will partner with appropriate cities / districts to co-host these meetings. A multi-pronged advertisement effort will be initiated to create an awareness for these meetings.

Information about the meetings will be posted on the LAFCO webpage and emailed to all those on the LAFCO agenda mailing list. In addition, a direct email communication will be initiated to cities and fire districts clerks/ public information officers, requesting a posting on the agency web-pages, twitter feeds and other social media outlets, regarding each of the meetings and how to access these meetings virtually. In addition, cities and districts will be requested to announce these meetings in their various City Council, District meeting updates. The virtual Community Meetings will focus on the following topics:

- Overview of LAFCO (Purpose, Mandate, Commissioners, LAFCO's Role in Oversight of Services and Jurisdictional Boundaries)
- Purpose, Legislative Mandate, and Process for Service Reviews
- Components of the Fire Service Review and issues that will be considered / addressed
- Key steps in the fire service review process and timeline
- Explanation on how data will be collected from service providers
- Explanation on how public / community input will be obtained
- Accessing information and how to stay engaged in the process
- A brief fire safety message/presentation from local providers (TBD)

Resident / Community Survey:

A community survey will be prepared and made available on the LAFCO webpage. The survey will be developed with SurveyMonkey, which is a well-known, on-line cloud-based software, utilizing a sophisticated survey template that allows a customizable format and response analysis. All responses will be confidential. The survey instrument offers clear and concise instruction in assisting participants on how to fill out their survey. The survey is anticipated to include approximately 18 questions that will address the following:

- A brief demographic inquiry regarding who is providing input
- The participant's level of satisfaction regarding the fire and EMS services being provided and perceptions regarding quality, professionalism and courtesy of the personnel providing these services
- Level of preparedness of the participant for fire and EMS emergencies, including wildfire preparedness



# News from the Board of Directors

## CALAFCO QUARTERLY

ITEM #10.1

May 2021



### A message from the Executive Director

Greetings from your CALAFCO Board of Directors and Executive Director. Spring is in the air and things seem to be shifting. Spring is a time of renewal and re-awakening and that is exactly what it feels like this year - in so many ways.

This Second Quarterly Report of 2021 will begin by highlighting the good news in our CALAFCO family first, followed by Association updates. Happy reading!



### LAFCoS in the News

#### **Alameda LAFCo Awarded Sustainable Agricultural Lands Conservation (SALC) Grant**

In our last Quarterly Report we announced SALC grants for San Bernardino and San Diego LAFCos. CALAFCO inadvertently omitted Alameda LAFCos grant award and apologize for the oversight. We are pleased to announce their grant award.

**Alameda LAFCo**, in partnership with the Alameda County Resource Conservation District, was awarded a SALC planning grant for \$250,000. The planning grant project is aimed at collaborative stakeholder planning in Alameda County to ensure the identification and preservation of agricultural and working lands, an infill development focus on healthy and resilient communities for disadvantaged and low-income populations, and a reduction in greenhouse gas emissions.

The Strategic Growth Council (SGC) added LAFCos to the list of eligible entities to apply for SALC grants in January 2019 after many years of CALAFCO trying to get LAFCos eligible for state-level grant funding. We are pleased that to date, three of our member LAFCos have received these grants.

#### **Los Angeles LAFCo Executive Officer Receives State Appointment**

On January 4, 2021, Assembly Speaker Anthony Rendon appointed **Los Angeles LAFCo Executive Officer Paul Novak** to the Board for Professional Engineers, Land Surveyors, and Geologists. The Board regulates the practices of engineering (civil, electrical, structural, geotechnical/soils), land surveying, geology, and geophysics in the State of California to safeguard the life, health, property and welfare of the public. The Board licenses qualified individuals, based on experience and successfully passing examinations; establishes regulations and promotes professional conduct; enforces laws and regulations; and provides information to the public on using professional engineering and land surveying services. Paul's term runs to June 30, 2023.

#### **Marin LAFCo Holds Shared Services Workshop For Agencies**

**Marin LAFCo** held a Shared Services Workshop on April 29, 2021. Partners for the workshop included Marin County Council of Mayors and Councilmembers, Marin County Special Districts Association, and Marin County Office of Education. The workshop had 2 panels, one on successful shared services in Marin, and another exploring how to successfully implement shared services. Marin LAFCo reports the workshop was a success with 78 people attending, including elected officials and staff throughout the County, as well as staff from 2 other LAFCos. If you are curious about this event, a recording is posted on their website at [www.marinlafco.org](http://www.marinlafco.org). Marin LAFCo thanks CALAFCO for offering their Zoom account, noting the webinar function played a large role in the success of this workshop.

#### **Orange LAFCo Welcomes New Assistant EO**

**Orange LAFCo** is pleased to welcome a new member to the Orange LAFCo team. **Raymond Barragan** will serve as Orange LAFCo's Assistant Executive Officer and brings extensive experience in local government to his new role. Before joining Orange LAFCo, he served as the Acting Director of Community Development with the City of Gardena where he was employed since 2012. Raymond holds a bachelor's degree in urban and regional planning and is a master's candidate in Community and Economic Development at Penn State.

#### **San Luis Obispo Announces New Hire and Promotion**

**San Luis Obispo LAFCo** is excited to announce **Robert "Rob" Fitzroy** as its new Executive Officer. Most recently he was the Director of the Community Development Department for the City of Arroyo Grande. Prior to that, Rob was the Asst. Director for the County Planning & Building Department. Rob graduated from Cal Poly San Luis Obispo with a bachelor's degree and has a master's of Natural Resource Management, Environmental Planning & Public Policy. He begins his new role on May 24, 2021.

**Imelda Marquez**, **San Luis Obispo LAFCo** Clerk, was promoted to Analyst late last year. Imelda has been with SLO LAFCo for about 19 months. Her broad range of skills and analytical abilities are numerous. She is a proud Fresno St. Bulldog with a Geography degree and according to Interim EO David Church, "is an absolute delight to work with".



Congratulations!



### Welcome to Our Newest Associate Members

*CALAFCO is pleased to welcome two new Silver Associate Members.*

We welcome the return of **SWALE, Inc.** SWALE's consulting services focus on LAFCo's critical issues including MSRs, SOIs, CEQA compliance, strategic planning, workshops and mapping with GIS. Their northern California office is expanding to bring you the best of consulting services. To learn more about the services provided by SWALE, contact **Kateri Harrison** at [harrison@swaleinc.com](mailto:harrison@swaleinc.com), or visit their website at [www.swaleinc.com](http://www.swaleinc.com).

We also welcome **DTA**. DTA is a national public finance and urban economics consulting firm specializing in infrastructure and public service finance. Their financing programs have utilized a variety of public financing mechanisms such as Ads, CFDs, LLDs and various types of fee programs. To learn more about DTA, contact **Nathan Perez** at [Nate@FinanceDTA.com](mailto:Nate@FinanceDTA.com), or visit their website at [www.FinanceDTA.com](http://www.FinanceDTA.com).

### CALAFCO Educational Events

**MARK YOUR CALENDARS FOR THESE UPCOMING CALAFCO EDUCATIONAL EVENTS!**

#### CALAFCO 2021 ANNUAL CONFERENCE

Join us **October 6-8** at the **Hyatt Regency Newport Beach John Wayne Airport** for the 2021 Annual Conference. It's been so long since we've gathered in person and the time is finally here! The program planning committee is forming and CALAFCO staff is working with the facility on details to keep all of our attendees safe. Watch for Conference registration and hotel reservations to be open soon. Conference registration rates will be at the 2019 rates. We look forward to seeing you in Newport Beach later this year.

#### CALAFCO UNIVERSITY

We are pleased to continue offering webinars at no cost to our membership and are preparing several great sessions for you. Registration is now open for our **June 7** session: **Financial Health Indicators for Cities and Districts**. Registration is open until June 2. You will find all the details on the CALAFCO website at [www.calafco.org](http://www.calafco.org).

We are also working on a very unique 4-part series on **Fire & EMS** services and a session on **Forming a CSD**. Watch for details and registration for these offerings coming soon.



### CALAFCO Board of Directors

#### CALAFCO BOARD ACTIONS

The Board met virtually on April 30 with a full agenda. Under the leadership of **Chair Mike Kelley**, the Board took a number of important actions.



- ✓ **The FY 2021-22 budget was adopted.** For the first time, the Board considered a rolling 2-year budget. The FY 21-22 budget reflects a decrease of 2.1% over the current FY operating budget. The adopted budget can be found on the CALAFCO website.
- ✓ **The 2021-22 Strategic Plan was adopted.** The three primary strategies for the Association are: (1) Serve as an educational resource to member LAFCo Commissioners, LAFCo staff, Associate Members, and stakeholders; (2) Focus efforts on Association member relations, development, recognition and communication. Continue development of a strong and sustainable Association; and (3) Serve as an information resource to all Association members, work as a legislative and policy advocate for LAFCo issues and provide information to the Legislature and other stakeholders. The adopted Strategic Plan can be found on the CALAFCO website.
- ✓ **Updated Policies for Sections I and II of the current CALAFCO Policies were adopted.** One of the goals for 2021 is to conduct a comprehensive review of CALAFCO Policies, considering two sections per quarter. This is the first of a three-phase update process. The updated policies can be found on the CALAFCO website.
- ✓ **The new Annual Achievement Awards program was approved.** As the membership is aware, last year the Board approved consideration of an update to the Achievement Awards program. CALAFCO staff and Regional Officers worked for many months in crafting two options for the Achievement Awards Committee to consider. The Committee unanimously approved one of the options and recommended adoption of that option to the Board, which was unanimously approved. Watch for an announcement on the new program and the opening of the nomination period coming soon!
- ✓ **The Board ratified approval of filing an amicus letter in support of San Luis Obispo (SLO) LAFCo's appeal to the State Supreme Court.** As a follow up to the Superior Court decision in favor of the City of Pismo Beach, and at the request of SLO LAFCo, CALAFCO filed an amicus letter requesting the court review the case. The Court of Appeal opinion in *San Luis Obispo Local Agency Formation Commission v. City of Pismo Beach*



threatens to change operations across of LAFCos throughout the state.

By limiting the ability of LAFCos to require indemnification agreements from annexation applicants, the opinion conflicts with a number of decisions on which LAFCos reasonably relied to require indemnification as part of their implied powers. We thank **BBK** for their work on this amicus letter (which was preceded by an amicus brief). CALAFCO will keep our members posted on the appeal process.

- ✓ **The Board received the 3<sup>rd</sup> quarter financial reports and the projected FY 20-21 year-end fiscal report.**
- ✓ **The Board received several verbal updates from staff.**

All Board meeting documents are on the CALAFCO website.

### CALAFCO Administrative Update

The 2021-22 CALAFCO Membership Directory is out! Each LAFCo received their requested number of hard copy directories and each Associate Member also received a copy. There is an electronic version of the Membership Directory on the CALAFCO website.



### CALAFCO Legislative Update



What an interesting and busy legislative year this is turning out to be! CALAFCO is sponsoring the 2021 Assembly Local Government Committee (ALGC) **Omnibus bill, AB 1581**. This year's Omnibus contains a record number of items, totaling 13. Six of the items came from member LAFCos and seven from the protest provisions rewrite working group (deleting obsolete provisions). CALAFCO is currently tracking 32 bills, has a formal position on 9, and has been actively engaged on amendment negotiations for 10 bills.

This year there seems to be a number of bills addressing the same issue by several different authors, who, at the beginning of the year, did not appear to be talking with each other. The primary topics include COVID relief, wildfire prevention, climate resilience, homelessness and affordable housing, bridging the equity divide and transparency and public participation.

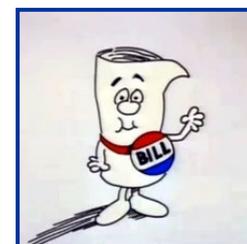
To complicate matters, the Legislature is still meeting under COVID restrictions with the majority of their staff working remotely. There are only a handful of meeting rooms in the Capitol that allow for social distancing, so the number of committee meetings have been reduced and the timeframe condensed.

Here are a few of the bills of importance we are tracking or working on:

- ✓ **AB 339 (Lee) CALAFCO Watch** - Open meetings. Requirements recently drastically amended and narrowed the scope to now apply only to cities and counties with a population over 250,000 with a sunset of 12-31-23 (requirements no longer applies to LAFCo).
- ✓ **AB 1195 (C. Garcia) CALAFCO Watch With Concerns** - Drinking water. Creates the So LA County Human Rights to Water Collaboration Act and gives the Water Board authority to appoint a Commissioner to oversee the Central Basin Municipal Water District.
- ✓ **SB 403 (Gonzalez) CALAFCO Oppose Unless Amended** - Drinking water consolidation. Authorizes the Water Board to order consolidation where a water system serving a disadvantaged community is an at-risk water system, as defined, or where a disadvantaged community is substantially reliant on at-risk domestic wells, as defined. Two of our three requested amendments have been taken (define "at risk" and put a cap on the number of users to be added to the subsuming system). The third request to add GSAs to the list of entities the Board must consult with has not yet been taken.

The last day for all policy committees to pass bills originating in their house was May 14. With one additional week for fiscal committees to pass bills to the respective floors, the Legislature will spend the last several weeks of May focusing on passing bills to the other house and the first part of June negotiating last minute budget deals for the June 15 budget passage deadline.

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.





### 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.

#### Cucamonga Valley Water District

The **Cucamonga Valley Water District** has been a Silver Associate Member since 2014. Formed in 1995, the district provides water and wastewater service to 200,000 customers in a 47 square mile area. The district has a mission of providing high quality, reliable water and wastewater service while practicing good stewardship of natural and financial resources. CVWD's water supply is comprised of two main sources: groundwater and imported water. Supplemented by surface water, recycled water and water conservation, the district's average daily demand is 43 million gallons. For more information on the district, contact **Cindy Cisneros** at [cindyc@cvwdwater.com](mailto:cindyc@cvwdwater.com) or visit their website at [www.cvwdwater.com](http://www.cvwdwater.com).



#### P. Scott Browne

**Scott Browne** has been a Silver Associate member since 2007. Scott provides legal services and staff support to various LAFcos throughout the state. He has served as a member of the CALAFCO Legislative Committee for a number of years. To learn more about the services he provides or to contact him, email him at [scott@scottbrowne.com](mailto:scott@scottbrowne.com) or visit his website at [www.scottbrowne.com](http://www.scottbrowne.com).

#### E Mulberg & Associates

**E Mulberg & Associates** has been a Silver Associate Member since 2011. Services offered include Municipal Service Reviews, Sphere of Influence updates, changes in organization, staff reports, CEQA analysis, and assistance with applications to LAFco. For more information, contact **Elliot Mulberg** at [elliott@emulberg.com](mailto:elliott@emulberg.com) or visit their website at [www.emulberg.com](http://www.emulberg.com).

#### Policy Consulting Associates

A Silver Associate member since 2010, **Policy Consulting Associates** (PCA) prepares interdisciplinary research studies for LAFcos, councils of government, counties, cities, states, elected representatives and candidates, with an emphasis on MSRs and fiscal studies. The PCA team's combined experience covers the spectrum of governance configurations and alternatives, and runs the gamut of services under LAFco jurisdiction. For more information on PCA, contact **Jennifer Stephenson** or **Oxana Wolfson** at [info@pcateam.com](mailto:info@pcateam.com), or visit their website at [www.pcateam.com](http://www.pcateam.com).

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

#### Did You Know??

##### 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.



##### CALAFCO Webinars & Courses Archived

Did you know that all **CALAFCO Webinar recordings are 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).

##### Certificate of Recognition Program

Did you know that CALAFCO has a **Certificate of Recognition Program** and offers it at no cost to our members (both LAFco and Associate members)? The program has been in place several years and while a few of you utilize this service, most of you do not. For details, visit the CALAFCO website in the Member Services Section and upload the program packet or contact the CALAFCO Executive Director.



#### Mark Your Calendars For These Upcoming CALAFCO Events

- ❖ CALAFCO Legislative Committee virtual meeting – 6/18
- ❖ CALAFCO Legislative Committee virtual meeting – 7/23
- ❖ CALAFCO Board of Directors virtual meeting – 7/30



The **CALAFCO 2021 Calendar of Events** can be found on the CALAFCO website.