



## LAFCO MEETING AGENDA

Board Meeting Chambers, 70 West Hedding Street, First Floor  
San Jose, CA 95110

June 3, 2015

1:00 PM

**PLEASE NOTE  
CHANGE IN TIME**

**CHAIRPERSON: Linda J. LeZotte • VICE-CHAIRPERSON: Cat Tucker**

**COMMISSIONERS: Cindy Chavez, Sequoia Hall, Johnny Khamis, Mike Wasserman, Susan Vicklund Wilson**

**ALTERNATES: Ash Kalra, Yoriko Kishimoto, Tara Martin-Milius, Terry Trumbull, Ken Yeager**

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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, 70 W. Hedding Street, 11th Floor, 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)299-6415.

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70 West Hedding Street • 11th Floor, East Wing • San Jose, CA 95110 • (408) 299-5127 • [www.santaclaralafco.org](http://www.santaclaralafco.org)

COMMISSIONERS: Cindy Chavez, Sequoia Hall, Johnny Khamis, Linda J. LeZotte, Cat Tucker, Mike Wasserman, Susan Vicklund Wilson

ALTERNATE COMMISSIONERS: Ash Kalra, Yoriko Kishimoto, Tara Martin-Milius, Terry Trumbull, Ken Yeager

EXECUTIVE OFFICER: Neelima Palacherla

**1. ROLL CALL**

**2. PUBLIC COMMENTS**

This portion of the meeting is reserved for persons desiring to address the Commission on any matter not on this agenda. Speakers are limited to THREE minutes. All statements that require a response will be referred to staff for reply in writing.

**3. APPROVE MINUTES OF APRIL 1, 2015 LAFCO MEETING**

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**CONSENT ITEM**

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**4. CUPERTINO SANITARY DISTRICT 2015-01 (LANDS OF RUPILIUS)**

**Recommended Action:**

CEQA Action

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

Project Action

2. Approve the annexation of Assessor Parcel Number 503-10-003 located at 22541 Mt. Eden Road in the City of Saratoga, to the Cupertino Sanitary District, as described and depicted in Attachment B (Exhibits "A" and "B") and subject to the terms and conditions in Attachment C (Exhibit "C").
3. Waive protest proceedings pursuant to Government Code §56662(a).

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**PUBLIC HEARING**

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**5. FINAL LAFCO BUDGET FOR FISCAL YEAR 2016**

**Recommended Action:**

1. Adopt the Final LAFCO Budget for Fiscal Year 2015-2016.
2. Find that the Final LAFCO Budget for Fiscal Year 2016 is expected to be adequate to allow the Commission to fulfill its statutory responsibilities.
3. Authorize staff to transmit the Final LAFCO Budget adopted by the Commission including the estimated agency costs to the cities, the special districts, the County, the Cities Association and the 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 / DISCUSSION**

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**6. CURRENT PRACTICE FOR RESPONDING TO PUBLIC COMMENTS AND INQUIRIES**

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

**7. UPDATE ON LAFCO'S CITIES SERVICE REVIEW**

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

**8. EXECUTIVE OFFICER'S REPORT****8.1 LAFCO's 2015 COUNTYWIDE MAP OF CITIES BOUNDARIES**

**Recommended Action:** Delegate authority to the LAFCO Executive Officer to enter into an agreement with Eureka Cartography for the preparation and printing of LAFCO's 2015 Map of Cities Boundaries, in an amount not to exceed \$6,500, and to execute any necessary amendments subject to LAFCO Counsel's review and approval.

**8.2 NOTICE FROM COUNTY TO RELOCATE LAFCO OFFICE TO CHARCOT ROAD**

**Recommended Action:** Provide further direction to staff, as necessary.

**8.3 TOUR OF CHIALA PROPERTY LOCATED IN THE SOUTH EAST QUADRANT**

For information only.

**8.4 INQUIRY FROM GUADALUPE-COYOTE RESOURCE CONSERVATION DISTRICT ON WHETHER PROPOSED DISTRICT PARTNERSHIP WITH SCVWD REQUIRES LAFCO APPROVAL**

For information only.

**8.5 MEETING WITH CUPERTINO SANITARY DISTRICT AND COUNTY SANITATION DISTRICT NO. 2-3**

For information only.

**8.6 MEETING WITH MEMBERS OF SAN ANTONIO HILLS HOMEOWNERS ASSOCIATION**

For information only.

**8.7 UPDATE ON PACHECO PASS WATER DISTRICT**

For information only.

**8.8 DISCUSSIONS WITH CITY OF SUNNYVALE CONCERNING PROPOSED ANNEXATION OF BUTCHER'S CORNER**

For information only.

- 8.9 **BAY AREA LAFCO CLERKS MEETING**  
For information only.
- 8.10 **SANTA CLARA COUNTY ASSOCIATION OF PLANNING OFFICIALS (SCCAPO) MEETING**  
For information only.
- 8.11 **INTER-JURISDICTIONAL GIS WORKING GROUP MEETINGS**  
For information only.
- 9. **CALAFCO RELATED ACTIVITIES**
  - 9.1 **2015 CALAFCO ANNUAL CONFERENCE ON SEPTEMBER 2-4**  
**Recommended Action:** Authorize commissioners and staff to attend the Annual Conference and direct that associated travel expenses be funded by the LAFCO Budget for Fiscal Year 2016.
  - 9.2 **NOMINATIONS TO THE 2015/2016 CALAFCO BOARD OF DIRECTORS**  
**Recommended Action:** Nominate interested Commissioners and provide further direction to staff, as necessary.
  - 9.3 **DESIGNATE VOTING DELEGATE AND ALTERNATE FOR SANTA CLARA LAFCO**  
**Recommended Action:** Appoint voting delegate and alternate voting delegate.
  - 9.4 **REPORT ON THE 2015 CALAFCO STAFF WORKSHOP (APRIL 15-17)**  
For information only.
- 10. **LEGISLATIVE REPORT**
  - 10.1 **AB 1532 (ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT) LOCAL GOVERNMENT OMNIBUS BILL**  
**Recommended Action:** Take a support position on AB 1532 and authorize staff to send a letter of support.
  - 10.2 **OTHER BILLS OF INTEREST TO SANTA CLARA LAFCO**  
**Recommended Action:** Accept report and provide direction to staff, as necessary.
- 11. **PENDING APPLICATIONS / UPCOMING PROJECTS**
- 12. **COMMISSIONER REPORTS**
- 13. **NEWSPAPER ARTICLES / NEWSLETTERS**
- 14. **WRITTEN CORRESPONDENCE**

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**CLOSED SESSION**

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**15. CLOSED SESSION**

Public Employee Performance Evaluation (Government Code §54957)  
Title: LAFCO Executive Officer

**16. ADJOURN**

Adjourn to the regular LAFCO meeting on Wednesday, August 5, 2015, at 1:00 PM in the Board Meeting Chambers, 70 West Hedding Street, San Jose.





This being the time and place for the public hearing, **Chairperson LeZotte** declared the public hearing open. The Chairperson determined that there are no members of the public who wish to speak on the item and ordered the public hearing closed.

The Commission approved the proposed amendment to the LAFCO Bylaws to state that regular LAFCO meetings will be held at 1:00 P.M.

Motion: Wasserman

Second: Chavez

AYES: Chavez, Hall, Khamis, LeZotte, Tucker, Wasserman, Wilson

NOES: None

ABSTAIN: None

ABSENT: None

**MOTION PASSED**

**5. PROPOSED LAFCO BUDGET FOR FISCAL YEAR 2016**

This being the time and place for the public hearing, **Chairperson LeZotte** declared the public hearing open.

Doug Muirhead, a resident of Morgan Hill, requested that the budget posted on the website include detailed discussion of each line item; he questioned why there are five separate IT-related items in the budget; and, requested that adequate public notice be provided prior to Finance Committee meetings.

The Chairperson determined that there are no members of the public who wished to speak on the item and the public hearing was ordered closed.

Ms. Palacherla, in response, noted that detailed information on costs is included in the staff reports posted on the website, and advised that the Finance Committee only requires 24-hour notice since it is a special meeting. **Chairperson LeZotte** and **Commissioner Wasserman** agreed that the dates of future committee meetings, whether regular or special, should be posted on the website as soon as they are known. **Commissioner Wilson** expressed agreement and noted that the preparation of staff reports takes time. In response to an inquiry by **Commissioner Chavez**, Ms. Palacherla advised that Finance Committee meeting agendas are posted 24 hours before the meetings. **Commissioner Chavez** expressed concern that commission members and the public may find it difficult to prepare if the materials are received too close to the meeting date. She proposed that staff adopt an internal practice to ensure that meeting materials are distributed early.

Upon the request of the **Chairperson**, Ms. Palacherla, in reference to another inquiry by Mr. Muirhead, indicated that the staff report contains discussion on each of IT-related item.

**Commissioner Wasserman** expressed concern about Government Code §56381 which states that LAFCO budget could not be reduced from the previous year's if the reduction does not allow LAFCO to meet its statutory mandate. In response to an inquiry by **Commissioner Tucker**, Ms. Palacherla reported that the proposed budget was posted on the website along with a staff report which includes information on each line item.

The **Chairperson** determined that there are no members of the public who wished to speak on the item and ordered the public hearing closed.



The Commission:

1. Adopted the Proposed LAFCO Budget for Fiscal Year 2015-2016.
2. Found that the Proposed LAFCO Budget for Fiscal Year 2016 is expected to be adequate to allow the Commission to fulfill its statutory responsibilities.
3. Authorized staff to transmit the Proposed LAFCO Budget adopted by the Commission, including the estimated agency costs as well as the LAFCO public hearing notice on the adoption of the Fiscal Year 2016 Final Budget to the cities, the special districts, the County, the Cities Association and the Special Districts Association.
4. The Commission directed staff to announce the dates of future committee meetings as soon as they are known.

Motion: Wilson

Second: Chavez

AYES: Chavez, Hall, Khamis, LeZotte, Tucker, Wasserman, Wilson

NOES: None

ABSTAIN: None

ABSENT: None

**MOTION PASSED**

**6. APPOINTMENT OF LAFCO PUBLIC MEMBER AND ALTERNATE PUBLIC MEMBER**

The Commission reappointed Susan Vicklund Wilson as Public Member and Terry Trumbull as Alternate Public Member to new four-year terms, for the period from May 2015 to May 2019.

Motion: Tucker

Second: Wasserman

AYES: Chavez, Hall, Khamis, LeZotte, Tucker, Wasserman

NOES: None

ABSTAIN: Wilson

ABSENT: None

**MOTION PASSED**

**7. UPDATE ON LAFCO'S CITIES SERVICE REVIEW**

Mr. Muirhead requested advance notice for the Cities Service Review Technical Advisory Committee (TAC) meetings and requested that the service review report provide periodic updates on the project in public forums like the Cities Association of Santa Clara County and discuss water conservation and recycling issues. Mr. Muirhead suggested that the Morgan Hill section include discussion on annexation of Holiday Lake Estates. He also suggested that the report assess open government measures among the cities and their efforts above and beyond minimum legal requirements, such as availability of online videos of council and commission meetings.

In response to an inquiry by **Chairperson LeZotte**, Ms. Palacherla reported that public input to service reviews is considered; however, since fire and water service reviews have been completed, the current study may only discuss fire and water services in the context of shared services. **Chairperson LeZotte** gave examples of collaborative efforts among the Santa Clara Valley Water District and some of the cities to improve water treatment plants and distribute recycled water. **Commissioner Tucker** observed that the

current drought would make a water service review timely. Ms. Palacherla informed that a work plan for the next round of service reviews will be prepared after the cities service review is completed.

A brief discussion ensued on how to respond to public comments or suggestions. **Chairperson LeZotte** suggested that staff acknowledge receipt of public comment and indicate that it will be considered by LAFCO. In response to an inquiry by **Commissioner Wasserman**, Ms. Subramanian advised there is no Brown Act violation when LAFCO members are provided with email copies of staff's response to public inquiries. **Commissioner Wilson** suggested that the public may be directed to TAC minutes; however, Ms. Palacherla informed that staff does not prepare minutes for TAC meetings. **Commissioner Wilson** proposed that staff may prepare one response to the same or similar comments and requested that staff report back on their current practice for responding to public comments. **Chairperson LeZotte** noted that the public may be directed to the website for responses to common comments or suggestions. Ms. Palacherla advised that two types of public comments are received, namely, those that are in response to LAFCO's request for public comments on draft reports or documents, and those that are general and not specifically solicited. She informed that responses to comments related to a draft report or document are made part of the agenda packets, while staff provides either written or verbal response to others. **Commissioner Wasserman** discussed how his office immediately acknowledges receipt of comments by automated email, and follows-up with additional information at a later date. **Commissioner Chavez** stated that members of the public want to know that their comments were actually received. Ms. Palacherla informed that LAFCO staff acknowledges receipt of the comments. **Commissioner Chavez** agreed that there is no need to complicate the process and noted that responsiveness is one way to promote positive public awareness of LAFCO. **Commissioner Hall** opined that being responsive to public comments engages the community and that emails are a more efficient way to respond.

The Commission accepted the report.

Motion: Wilson

Second: Khamis

AYES: Chavez, Hall, Khamis, LeZotte, Tucker, Wasserman, Wilson

NOES: None

ABSTAIN: None

ABSENT: None

**MOTION PASSED**

**8. REVIEW OF COMPENSATION AND CLASSIFICATION FOR LAFCO CLERK POSITION**

The Commission requested the County review and consider appropriate compensation and classification for the LAFCO Clerk position.

Motion: Tucker

Second: Wasserman

AYES: Chavez, Hall, Khamis, LeZotte, Tucker, Wasserman, Wilson

NOES: None

ABSTAIN: None

ABSENT: None

**MOTION PASSED**

**9. EXECUTIVE OFFICER'S REPORT**

**9.1 LAFCO SUPPORT LETTER FOR THE COUNTY'S APPLICATION TO THE SUSTAINABLE GROWTH COUNCIL FOR A SUSTAINABLE AGRICULTURAL LAND STRATEGY GRANT**

The Commission noted the report.

**9.2 GILROY DISPATCH ARTICLE ON LAFCO**

The Commission noted the report.

**9.3 ANNUAL MEETING OF SAN ANTONIO HILLS HOMEOWNERS ASSOCIATION**

The Commission noted the report.

**9.4 MEETING WITH CITY OF MORGAN HILL STAFF, LANDOWNER, AND DEVELOPER CONCERNING PROPOSED SOUTHEAST QUADRANT PROJECT**

The Commission noted the report.

**9.5 MEETING WITH MORGAN HILL COUNCILMEMBER CONSTANTINE, OPEN SPACE AUTHORITY STAFF AND COUNTY PLANNING OFFICE STAFF**

The Commission noted the report.

**9.6 SANTA CLARA COUNTY ASSOCIATION OF PLANNING OFFICIALS MEETING**

The Commission noted the report.

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

The Commission noted the report.

**9.8 INTER-JURISDICTIONAL GIS WORKING GROUP MEETINGS**

The Commission noted the report.

**10. PENDING APPLICATIONS / UPCOMING PROJECTS**

Ms. Palacherla noted a pending application for annexation to the Cupertino Sanitary District.

**11. COMMISSIONER REPORT**

There were none.

**12. NEWSPAPER ARTICLES / NEWSLETTERS**

Chairperson LeZotte noted the Gilroy Dispatch article under Agenda Item 9.2

**13. WRITTEN CORRESPONDENCE**

There were none.

**14. CLOSED SESSION**

The Commission adjourned to closed session at 1:36 P.M.

The meeting was reconvened at 2:14 P.M. with no report from the closed session.

**15. ADJOURN**

The Commission adjourned the meeting at 2:15 p.m., in memory of Cezar Chavez and San Jose Police Department Officer Michael Johnson.

The next regular meeting will be on June 3, 2015 at **1:00 p.m.**, in the Board Meeting Chambers, County Government Center, 70 West Hedding Street, San Jose, California.

Approved:

\_\_\_\_\_  
Linda J. LeZotte, Chairperson  
Local Agency Formation Commission of Santa Clara County

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

**LAFCO MEETING:** June 3, 2015  
**TO:** LAFCO  
**FROM:** Neelima Palacherla, Executive Officer  
Dunia Noel, Analyst  
**SUBJECT:** CUPERTINO SANITARY DISTRICT 2015-01 (Lands of Rupilius)

### **STAFF RECOMMENDATION**

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#### **CEQA ACTION**

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

#### **PROJECT ACTION**

2. Approve the annexation of Assessor Parcel Number 503-10-003 located at 22541 Mt. Eden Road in the City of Saratoga, to the Cupertino Sanitary District, as described and depicted in **Attachment B (Exhibits "A" and "B")** and subject to the terms and conditions in **Attachment C (Exhibit "C")**.
3. Waive protest proceedings pursuant to Government Code §56662(a).

### **PROJECT DESCRIPTION AND BACKGROUND**

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LAFCO of Santa Clara County received an application, by landowner petition, to annex Assessor Parcel Number 503-10-003 into the Cupertino Sanitary District (CSD) in order to allow the District to provide sanitary sewer services to the property. The property consists of approximately 0.43 acres, located at 22541 Mt. Eden Road in the City of Saratoga. The property is developed with a single family residence that is served by a leach field system which is located on the adjacent property (i.e. Assessor Parcel Number 503-10-044). As part of a land purchase agreement, the owners of APN: 503-10-003 will be removing the existing leach field from the adjacent property and are proposing to install a new private sewer line that would connect to the main sewer line that is located in Mt. Eden Road. In order to receive sewer service from CSD, the APN 503-10-003 must first be annexed to the District.

On April 8, 2015, CSD adopted Resolution No. 1267 indicating that the District supports the requested annexation and has the ability to provide sewer service to the subject parcel.

**Attachment B (Exhibits "A" and "B")** describes and depicts the boundaries of the proposed annexation.

## **ENVIRONMENTAL ASSESSMENT**

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### **Categorical Exemption**

LAFCO of Santa Clara County is the Lead Agency under the California Environmental Quality Act (CEQA) for the proposed annexation.

The proposed project is exempt under State CEQA Guidelines Section 15319(a) & (b) and Section 15303(d).

Section 15319: Class 19 consists of only the following annexations:

- (a) Annexation to a city or special district of areas containing existing public or private structures developed to the density allowed by the current zoning or pre-zoning of either the gaining or losing governmental agency whichever is more restrictive, provided, however, that the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities.
- (b) Annexation of individual small parcels of the minimum size for facilities exempted by Section 15303, New Construction or Conversion of Small Structures.

Section 15303: 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...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.

## **CONSISTENCY WITH LAFCO FACTORS AND POLICIES**

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### **Impacts to Prime Agricultural Lands and Open Space**

The subject parcel is not under a Williamson Act Contract and does not contain open space or prime agricultural lands as defined in the Cortese Knox Hertzberg Act. Therefore the proposed annexation will not impact agricultural or open space lands.

### **Logical & Orderly Boundaries**

The subject parcel is within the CSD's Sphere of Influence and is contiguous to the District's boundary. The subject parcel is located in the City of Saratoga and within the City's Urban Service Area (USA). **Please see Attachment A for Overview Map.**

The County Surveyor has reviewed the application and has found that the boundaries are definite and certain. The Surveyor has also determined that the project conforms to LAFCO's policies regarding the annexation of roads. The proposal will not create an island, corridor, or strip. The County Assessor has reviewed the proposal and found that the proposal conforms to lines of assessment.

### **Public Health and Safety Issues**

The County's Department of Environmental Health (DEH) issues septic system permits and oversees system installations and repairs for properties in Santa Clara County, including within cities. DEH staff indicated that they are not aware of any existing public health and safety issues associated with APN 503-10-003.

### **Growth Inducing Impacts**

The parcel is developed with a single family residence and no further development is proposed. Cupertino Sanitary District has an existing 8-inch sewer main along Mt. Eden Road which is available to serve the subject parcel and as such the proposal would not result in the extension of the District's sewer main.

The subject parcel has a City of Saratoga land use designation of Hillside Conservation Single Family (RHC) and is zoned Hillside Residential (HR) which requires a minimum land area of 2 acres for each dwelling unit in any subdivision as determined by the City's slope density formula. Therefore, the subject parcel would not be eligible for further subdivision.

Properties in the vicinity that are outside the CSD's boundary are primarily developed and served by onsite septic systems, and are unlikely to be eligible for subdivision, even if they were to seek a sewer connection. Annexation of additional lands to the District would require LAFCO's approval and LAFCO would conduct the required environmental analysis, including the consideration of the growth inducing impacts of such a proposal.

### **Ability of District to Provide Services**

CSD has indicated that it has adequate sewer capacity to provide sanitary sewer services to the subject parcel without detracting from the existing service levels within the District.

According to CSD staff, sanitary sewer service for the subject parcel is available from the District's existing 8-inch sewer main along Mt. Eden Road. The owner of the subject parcel will have to install a new sewer lateral which will connect their existing single family residence to the District's sewer main. The new lateral will be located in a 5 foot wide easement that runs through the middle of the adjacent neighboring property (i.e. APN 503-10-044) which will be reviewed and approved by the City of Saratoga. The remaining portion of the new sewer lateral that is located within the road will be reviewed and approved by the CSD.

According to the District, the new lateral must be 4-inches in diameter, include a property line clean-out and be installed to CSD's standards by a District registered

contractor. The owner of the subject parcel will be responsible for the maintenance of the sewer lateral within the easement that is located on the adjacent property. The District will maintain the portion of the lateral between the property-line clean-out and sewer main.

### **WAIVER OF PROTEST PROCEEDINGS**

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The annexation territory is uninhabited, i.e., fewer than 12 registered voters reside within the territory. The annexation proposal has consent from all landowners of the properties proposed for annexation. LAFCO has not received a request from the CSD, the affected agency, for notice, hearing or protest proceeding on the proposal. Therefore, pursuant to GC §56662(a), LAFCO is considering this proposal without notice or hearing and may waive protest proceedings.

### **ATTACHMENTS**

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- Attachment A: Overview Map of Cupertino Sanitary District’s Existing Boundaries and the subject parcel proposed for annexation
- Attachment B: Legal Description (Exhibit “A”) and Map (Exhibit “B”) of Proposed Annexation to the Cupertino Sanitary District
- Attachment C: Terms and Conditions for Annexation to Cupertino Sanitary District



Cupertino Sanitary District 2015-1 (Lands of Rupilius)

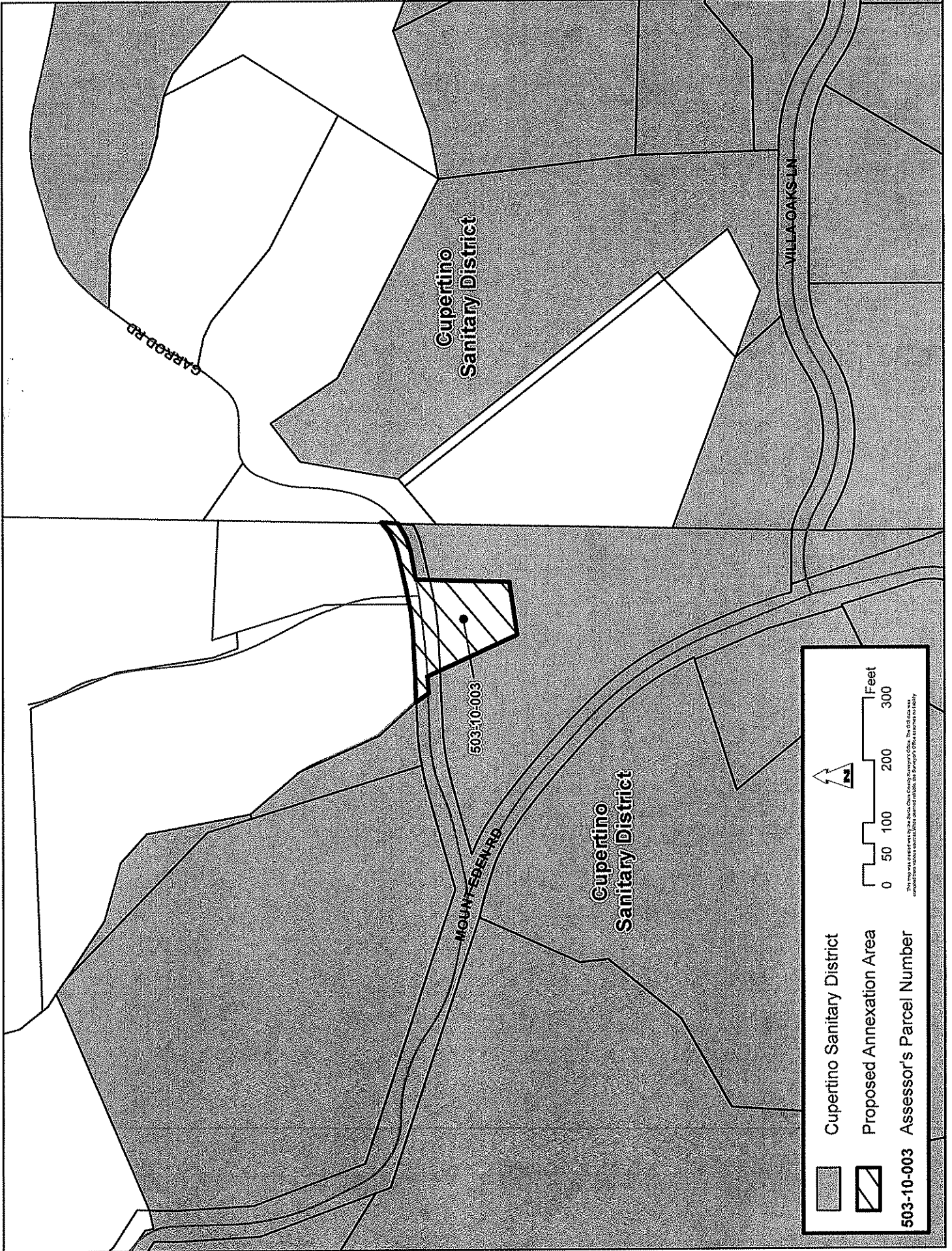




EXHIBIT "A"

AGENDA ITEM # 4  
Attachment B  
Exhibit A

GEOGRAPHIC DESCRIPTION

CUPERTINO SANITARY DISTRICT 2015-1 (LANDS OF RUPILIUS)

**All that certain real property situated in the County of Santa Clara, State of California, being a portion of Southeast ¼ of Section 34, Township 7 South, Range 2 West, M.D.B.M., more particularly described as follows:**

Beginning at the most Northeasterly corner of annexation to the Cupertino Sanitary District entitled "Mount Eden Road, Lands of Garrod Annexation", recorded as a Document Number 13983655 Santa Clara County Records; said point being on a section line between Section 34 and 35, Township 7 South, Range 2 West, M.D.B.M.;

Thence (1) leaving said section line and along limits of said annexation South 83 Degrees 51 Minutes 53 Seconds West a length of 40.24 feet;

Thence (2) South 00 Degrees 07 Minutes 00 Seconds West a length of 150.06 feet;

Thence (3) South 80 Degrees 07 Minutes 00 Seconds West a length 92.00 feet;

Thence (4) North 21 Degrees 55 Minutes 00 Seconds West a length 161.26 feet;

Thence (5) South 83 Degrees 51 Minutes 53 Seconds West a length 63.64 feet;

Thence (6) North 48 Degrees 15 Minutes 00 Seconds West a length 26.96 feet;

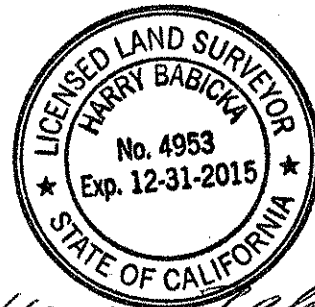
Thence leaving said annexation (7) North 83 Degrees 51 minutes 53 Seconds East a length 276.20 feet to said section line between Sections 34 and 35;

Thence (8) South 00 Degrees 15 Minutes 00 Seconds West a length 20.12 feet along said section line to the point of beginning.

Containing 0.55 acres more or less.

Disclaimer:

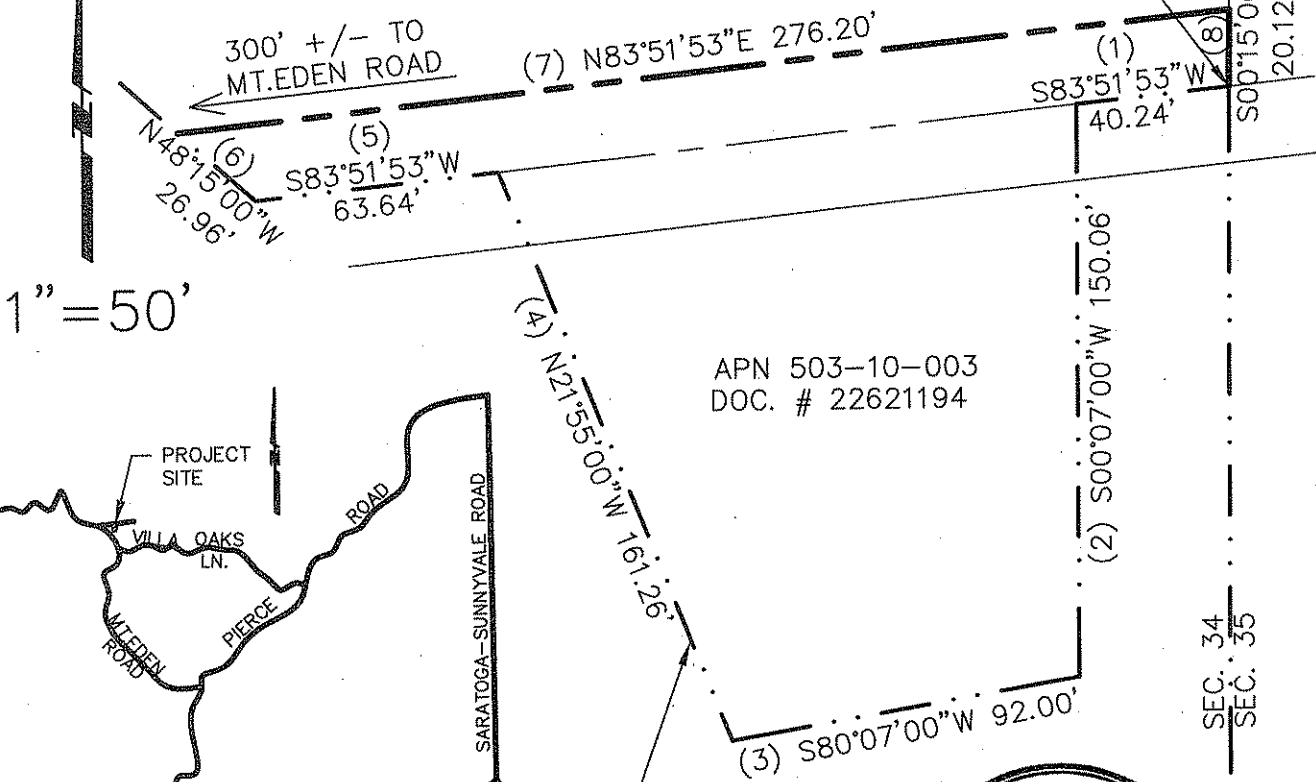
"For assessment purposes only.  
This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described"



*Harry Babicka*

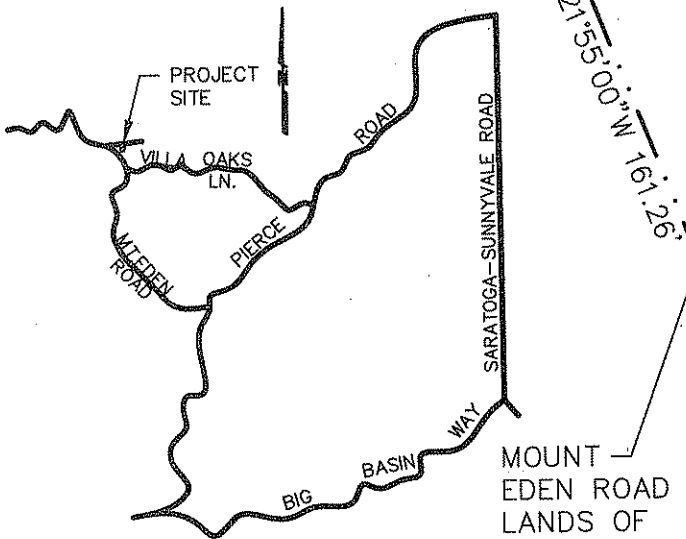


**AGENDA ITEM # 4** P.O.B.  
**Attachment B**  
**Exhibit B**



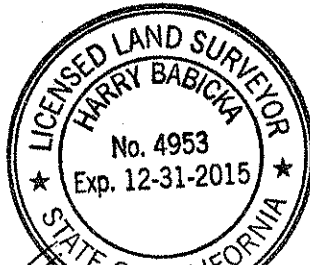
1" = 50'

APN 503-10-003  
 DOC. # 22621194



VICINITY MAP  
 NOT TO SCALE

MOUNT EDEN ROAD  
 LANDS OF GARROD  
 ANNEXATION



*Harry Babicka*

Disclaimer:  
 "For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described."

AREA WITHIN ANNEXATION 0.55 ACRES.  
 BEING A PORTION OF S/E 1/4 OF SECTION 34,  
 T.7 S., R.2 W., M.D.B.M.

- LEGEND**
- PROPERTY LINE
  - CENTERLINE
  - EXISTING BOUNDARY OF THE CUPERTINO SANITARY DISTRICT
  - PROPOSED ANNEXATION BOUNDARY
  - POINT OF BEGINNING  P.O.B.

**EXHIBIT B**  
 CUPERTINO SANITARY DISTRICT  
 2015-1  
 (LANDS OF RUPILIUS)

DATE: March 2015	JOB. NO. 2015-013
BY: HARRY BABICKA	REVISED: 4-20-2015
SHEET 1 OF 1	
WESTFALL ENGINEERS, INC. SARATOGA, CALIFORNIA	



**EXHIBIT "A"**

**TERMS AND CONDITIONS FOR ANNEXATION  
TO CUPERTINO SANITARY DISTRICT**

**The annexation shall be subject to the following terms and conditions:**

1. In the event that pursuant to rules, regulations or ordinances of the District, as now or hereafter amended, the District shall require any payment of a fixed or determinable amount of money, either as a lump sum or in installments, for the acquisition, transfer, use or right of use of all or any part of the existing property, real or personal, of the District, such payment will be made to the District in the manner and at the time as provided by the rules, regulations or ordinances of the District as now or hereafter amended.
  
2. Upon and after the effective date of said annexation, the Property, all inhabitants within such Property, and all persons entitled to vote by reason of residing or owning land within the Property shall be subject to the jurisdiction of the District, shall have the same rights and duties as if the Property had been a part of the District upon its original formation, shall be liable for the payment of principal, interest and any other amounts which shall become due on account of any outstanding or then authorized but thereafter issued bonds, including revenue bonds, or other contracts or obligations of the District and shall be subject to the levying or fixing and collection of any and all taxes, assessments, service charges, rentals or rates as may be necessary to provide for such payment; and shall be subject to all of the rates, rules, regulations and ordinances of the District, as now or hereafter amended.





**LAFCO MEETING: June 3, 2015**  
**TO: LAFCO**  
**FROM: Neelima Palacherla, Executive Officer**  
**SUBJECT: FINAL LAFCO BUDGET FOR FISCAL YEAR 2016**

**STAFF RECOMMENDATION**

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1. Adopt the Final LAFCO Budget for Fiscal Year 2015-2016. (Attachment A)
2. Find that the Final LAFCO Budget for Fiscal Year 2016 is expected to be adequate to allow the Commission to fulfill its statutory responsibilities.
3. Authorize staff to transmit the Final LAFCO Budget adopted by the Commission including the estimated agency costs to the cities, the special districts, the County, the Cities Association and the 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.

**REVISIONS TO THE DRAFT / PRELIMINARY BUDGET**

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The Commission on April 1, 2015, adopted LAFCO’s preliminary budget for Fiscal Year 2015-2016. The preliminary budget was prepared using the best information available at that time. Since then, the County has provided updated information on its cost plan allocations (overhead) and IT costs. The proposed final budget has been refined to reflect this latest available information: the Overhead item has been increased by \$2,042 and the Data Processing Services cost estimate has been increased by \$2,105.

As a result of the above changes, the net FY 2016 operating expense in the proposed Final Budget is increased from \$657,862 to \$662,004.

**BACKGROUND**

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The Cortese Knox Hertzberg Local Government Reorganization Act of 2000 (CKH Act) requires LAFCO 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, to the special districts and to 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. Government Code §56381(c) requires the County Auditor to request payment from the cities, special districts and the County no later than July 1 of each year for the amount each agency owes based on the net operating expenses of the Commission and the actual administrative costs incurred by the Auditor in apportioning costs and requesting payment.

### **COST APPORTIONMENT TO CITIES, DISTRICTS AND 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. The LAFCO of Santa Clara County is composed of a public member, two County board members, two city council members, and since January 2013 – of 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 2012/2013 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.

LAFCO's net operating expenses for Fiscal Year 2016 is \$662,004. The estimated apportionment of LAFCO's FY 2016 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: Proposed Final LAFCO Budget for Fiscal Year 2016
- Attachment B: Costs to Agencies Based on the Proposed Final Budget

**FINAL LAFCO BUDGET  
FISCAL YEAR 2015 - 2016**

**AGENDA ITEM # 5  
Attachment A**

<b>ITEM # TITLE</b>	<b>APPROVED BUDGET FY 2015</b>	<b>ACTUALS Year to Date 3/3/2015</b>	<b>PROJECTIONS Year End 2015</b>	<b>FINAL FY 2016 BUDGET</b>
<b>EXPENDITURES</b>				
Object 1: Salary and Benefits	\$465,700	\$303,173	\$466,643	\$499,823
Object 2: Services and Supplies				
5255100 Intra-County Professional	\$45,000	\$3,682	\$5,000	\$45,000
5255800 Legal Counsel	\$58,000	\$33,766	\$57,300	\$59,000
5255500 Consultant Services	\$100,000	\$0	\$85,000	\$100,000
5285700 Meal Claims	\$750	\$130	\$500	\$750
5220100 Insurance	\$5,600	\$4,162	\$5,600	\$5,600
5250100 Office Expenses	\$2,000	\$720	\$2,000	\$2,000
5255650 Data Processing Services	\$4,000	\$1,617	\$2,700	\$7,100
5225500 Commissioners' Fee	\$10,000	\$3,000	\$7,000	\$10,000
5260100 Publications and Legal Notices	\$2,500	\$2,404	\$3,000	\$2,500
5245100 Membership Dues	\$7,428	\$7,428	\$7,428	\$7,577
5250750 Printing and Reproduction	\$1,500	\$85	\$100	\$1,500
5285800 Business Travel	\$15,000	\$1,817	\$8,000	\$15,000
5285300 Private Automobile Mileage	\$2,000	\$344	\$1,000	\$2,000
5285200 Transportation&Travel (County Car Usage)	\$1,000	\$140	\$1,000	\$1,000
5281600 Overhead	\$36,065	\$17,378	\$36,065	\$49,993
5275200 Computer Hardware	\$3,000	\$2,492	\$2,500	\$3,000
5250800 Computer Software	\$4,000	\$1,832	\$3,500	\$4,000
5250250 Postage	\$2,000	\$557	\$1,000	\$2,000
5252100 Staff/Commissioner Training Programs	\$2,000	\$1,281	\$1,500	\$2,000
5701000 Reserves	\$0	\$0	\$0	\$0
<b>TOTAL EXPENDITURES</b>	<b>\$767,543</b>	<b>\$386,008</b>	<b>\$696,836</b>	<b>\$819,843</b>
<b>REVENUES</b>				
4103400 Application Fees	\$30,000	\$18,010	\$30,000	\$30,000
4301100 Interest: Deposits and Investments	\$3,000	\$1,517	\$3,000	\$3,000
<b>TOTAL REVENUE</b>	<b>\$33,000</b>	<b>\$19,527</b>	<b>\$33,000</b>	<b>\$33,000</b>
3400150 FUND BALANCE FROM PREVIOUS FY	\$171,979	\$226,111	\$226,111	\$124,839
<b>NET LAFCO OPERATING EXPENSES</b>	<b>\$562,564</b>	<b>\$140,370</b>	<b>\$437,725</b>	<b>\$662,004</b>
3400800 RESERVES	\$150,000	\$150,000	\$150,000	\$150,000
<b>COSTS TO AGENCIES</b>				
5440200 County	\$187,521	\$187,521	\$187,521	\$220,668
4600100 Cities (San Jose 50% + Other Cities 50%)	\$187,521	\$187,521	\$187,521	\$220,668
Special Districts	\$187,521	\$187,521	\$187,521	\$220,668



**AGENDA ITEM # 5, Attachment B**

**LAFCO COST APPORTIONMENT: County, Cities, Special Districts**  
**Estimated Costs to Agencies Based on the Final 2016 LAFCO Budget**

Proposed LAFCO Net Operating Expenses for 2016				<b>\$662,004</b>
Jurisdictions	Revenue per 2012/2013 Report*	Percentage of Total Revenue	Allocation Percentages	Allocated Costs
<b>County</b>	N/A	N/A	33.3333333%	<b>\$220,668.00</b>
<b>Cities Total Share</b>			<b>33.3333333%</b>	<b>\$220,668.00</b>
San Jose	N/A	N/A	50.0000000%	\$110,334.00
Other cities share			50.0000000%	\$110,334.00
Campbell	\$45,748,435	2.2424301%		\$2,474.16
Cupertino	\$67,464,803	3.3068914%		\$3,648.63
Gilroy	\$69,772,278	3.4199959%		\$3,773.42
Los Altos	\$43,811,921	2.1475089%		\$2,369.43
Los Altos Hills	\$10,119,375	0.4960168%		\$547.28
Los Gatos	\$41,851,063	2.0513944%		\$2,263.39
Milpitas	\$114,364,889	5.6057715%		\$6,185.07
Monte Sereno	\$2,536,991	0.1243545%		\$137.21
Morgan Hill	\$73,750,274	3.6149835%		\$3,988.56
Mountain View	\$193,117,780	9.4659660%		\$10,444.18
Palo Alto	\$471,680,558	23.1201504%		\$25,509.39
Santa Clara	\$572,714,606	28.0724902%		\$30,973.48
Saratoga	\$21,788,228	1.0679836%		\$1,178.35
Sunnyvale	\$311,406,350	15.2640628%		\$16,841.45
<b>Total Cities (excluding San Jose)</b>	<b>\$2,040,127,551</b>	<b>100.0000000%</b>		<b>\$110,334.00</b>
<b>Total Cities (including San Jose)</b>				<b>\$220,668.00</b>
<b>Special Districts Total Share</b>			<b>33.3333333%</b>	<b>\$220,668.00</b>
Aldercroft Heights County Water District		0.06233%		\$137.54
Burbank Sanitary District		0.15593%		\$344.09
Cupertino Sanitary District		2.64110%		\$5,828.06
El Camino Healthcare District		4.90738%		\$10,829.02
Guadalupe Coyote Resource Conservation District		0.04860%		\$107.24
Lake Canyon Community Services District		0.02206%		\$48.68
Lion's Gate Community Services District		0.22053%		\$486.64
Loma Prieta Resource Conservation District		0.02020%		\$44.57
Midpeninsula Regional Open Space District		5.76378%		\$12,718.82
Purissima Hills Water District		1.35427%		\$2,988.44
Rancho Rinconada Recreation and Park District		0.15988%		\$352.80
San Martin County Water District		0.04431%		\$97.78
Santa Clara County Open Space Authority		1.27051%		\$2,803.61
Santa Clara Valley Water District		81.44126%		\$179,714.81
Saratoga Cemetery District		0.32078%		\$707.86
Saratoga Fire Protection District		1.52956%		\$3,375.25
South Santa Clara Valley Memorial District		0.03752%		\$82.79
<b>Total Special Districts</b>		<b>100.00000%</b>		<b>\$220,668.00</b>
<b>Total Allocated Costs</b>				<b>\$662,004.00</b>



**LAFCO MEETING:** June 3, 2015  
**TO:** LAFCO  
**FROM:** Neelima Palacherla, Executive Officer  
Dunia Noel, Analyst  
Emmanuel Abello, Clerk  
**SUBJECT:** CURRENT PRACTICE FOR RESPONDING TO PUBLIC COMMENTS  
AND INQUIRIES

### **STAFF RECOMMENDATION**

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Accept report and provide direction, as necessary.

### **BACKGROUND**

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At the April 1, 2015 LAFCO meeting, the Commission requested that staff provide a report back on its current practice for responding to public comments and inquiries. Please see the attached summary of staff's current practice (**Attachment A**). Staff acknowledges receipt of public comments and inquiries, strives to provide complete and timely responses to inquirers, and informs the Commission of such responses, as appropriate.

The Commission also directed staff to contact the Bay Area Air Quality Management District (BAAQMD) and Santa Clara Valley Water District (SCVWD) in order to obtain information on how each agency responds to public comments and inquiries.

The BAAQMD published a Public Participation Plan in December 2013 which recommended several implementation actions for the District, including developing a process for "following-up on comments delivered verbally at public meetings" and developing "a standard template for response to comments." According to BAAQMD staff, the District plans to implement these recommendations in 2016.

The SCVWD has a formal written policy and procedures that enable District staff to prepare a response to correspondence addressed to the Board. The process is coordinated by staff in the District's Office of the Clerk of the Board and involves logging and tracking all correspondence in a specially developed and maintained database, electronically assigning staff to provide a draft response, sending a final

response to the constituent, and providing copies to the Board and assigned staff off-agenda. The SCVWD is a very large government agency with commensurate staff to support the District's complex process for responding to Board correspondence.

LAFCO's work plan for Fiscal Year 2016 includes the development of a public information/communications strategy. If directed by the Commission, a further review of staff's current practice for responding to public comments and inquiries can be incorporated into the development of a comprehensive public information/communications strategy.

## **ATTACHMENT**

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Attachment A: Current Practice for Responding to Public Comments and Inquiries



## CURRENT PRACTICE FOR RESPONDING TO PUBLIC COMMENTS & INQUIRIES

### 1. General Inquiries & Comments

EXAMPLES OF INQUIRIES	FROM WHOM	STAFF ACTION	COMMISSION INFORMED?
<p><i>"What jurisdiction is my property located in?"</i></p> <p><i>"When was this property annexed?"</i></p> <p><i>"Who provides sewer service to my property?"</i></p> <p><i>"Why do I receive two property tax bills when I only have one property?"</i></p>	<p>Phone call or email from, or office visit by:</p> <ul style="list-style-type: none"> <li>• General public</li> <li>• Property owners</li> <li>• Developers</li> <li>• Real estate agents</li> <li>• Cities/County</li> <li>• Special districts</li> <li>• Other interested parties</li> </ul>	<p>Staff responds right away, by either answering the question or informing the inquirer that further research must be conducted before a response can be provided.</p> <p>In the latter situation, staff provides an estimate as to when they expect to have an answer. If the actual time-frame is longer than anticipated, staff provides and update on the status of the research.</p>	<p>Commission is not informed due to the non-controversial nature of these types of inquiries.</p>

### 2. Inquiries About the LAFCO Application Process

EXAMPLES OF INQUIRIES	FROM WHOM	STAFF ACTION	COMMISSION INFORMED?
<p><i>"How do I apply for an annexation to City X?"</i></p> <p><i>"What are LAFCO's agricultural preservation policies?"</i></p> <p><i>"What is the application filing fee and deadline for applying for an urban service area amendment?"</i></p>	<p>Phone call or email from, or office visit by:</p> <ul style="list-style-type: none"> <li>• Potential applicants</li> <li>• Developers</li> <li>• Real estate agents</li> <li>• Cities/County</li> <li>• Special districts</li> <li>• Other interested parties</li> </ul>	<p>Staff responds right away, by either answering the question or informing the inquirer that further research must be conducted before a response can be provided.</p> <p>In the latter situation, staff provides an estimate as to when they expect to have an answer. If the actual time-frame is longer than anticipated, staff provides and update on the status of the research.</p>	<p>Commission is informed of staff's meetings/discussions about potentially controversial or major applications (e.g., SEQ, north Gilroy) through the Executive Officer's Report that is included on each LAFCO meeting agenda.</p> <p>Meetings and discussions on more minor or routine potential applications are not reported to the Commission.</p>

## CURRENT PRACTICE FOR RESPONDING TO PUBLIC COMMENTS & INQUIRIES

### 3. Written Comments in Response to a Public Hearing Notice or Staff Report/Document

EXAMPLES OF INQUIRIES	FROM WHOM	STAFF ACTION	COMMISSION INFORMED?
<p><i>"Urge the Commission to approve/deny the urban service area amendment request."</i></p> <p><i>"Please update page X of the service review report to reflect that the agency has policies on ...."</i></p>	<ul style="list-style-type: none"> <li>• Property owners</li> <li>• Neighbors</li> <li>• Affected agencies</li> <li>• Interested parties</li> <li>• General public</li> </ul>	<p>Written comments and staff's response to these comments are included in the LAFCO staff report on the specific item.</p>	<p>Written comments and staff's response to these comments are included in the LAFCO meeting packet which is provided to the Commission and the public in advance of the LAFCO meeting.</p>

### 4. Public Comments Received at LAFCO Meetings

EXAMPLES OF INQUIRIES	FROM WHOM	STAFF ACTION	COMMISSION INFORMED?
<p><i>"My city does not need to annex additional lands and should focus on in-fill development instead."</i></p> <p><i>"The City of X has plans to annex my neighborhood, but we want to be annexed to the City of Y. Can LAFCO help us?"</i></p>	<p>Written or verbal comments from:</p> <ul style="list-style-type: none"> <li>• Property owners</li> <li>• General public</li> <li>• Affected agencies</li> <li>• Other interested parties</li> </ul>	<p>Comments received at a LAFCO meeting are documented in the meeting minutes.</p> <p>The Commission may direct staff to provide a written response to the comments, as appropriate.</p>	<p>Staff's response to such comments is provided to the Commission, if requested by the Commission.</p>

## CURRENT PRACTICE FOR RESPONDING TO PUBLIC COMMENTS & INQUIRIES

### 5. Complex Inquiries or Comments that come to Staff directly or are forwarded to Staff by an Individual Commissioner

EXAMPLES OF INQUIRIES	FROM WHOM	STAFF ACTION	COMMISSION INFORMED?
<p><i>"I live in City X and I believe that the facilities of special district Z are being used in an illegal manner. Can LAFCO investigate this issue?"</i></p>	<p>Written or verbal comments from:</p> <ul style="list-style-type: none"> <li>• Property owners</li> <li>• General public</li> <li>• Affected agencies</li> <li>• Other interested parties</li> </ul>	<p>Staff works with the inquirer and other involved parties to help address the issue.</p>	<p>Staff's response to the inquirer is forwarded to the individual Commissioner.</p> <p>If addressing the issue involves a significant amount of staff time or is potentially controversial or complex, the Commission is informed.</p>



**LAFCO MEETING: June 3, 2015**  
**TO: LAFCO**  
**FROM: Neelima Palacherla, Executive Officer**  
**Dunia Noel, Analyst**  
**SUBJECT: UPDATE ON LAFCO's CITIES SERVICE REVIEW**

### **STAFF RECOMMENDATION**

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Accept report and provide direction, as necessary.

### **CITIES SERVICE REVIEW**

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In April and May, LAFCO's consultant (Management Partners), with LAFCO staff in attendance, interviewed key staff from the cities, Stanford University and NASA/Moffet Field in order to supplement their data gathering efforts for the Cities Service Review. The interviews also provided LAFCO staff with an opportunity to meet collectively with key city staff and to hear firsthand about any service challenges a city may be experiencing, how they plan to address these challenges, and the city's long-term growth and development plans.

Management Partners is in the process of developing draft profiles of the affected agencies/entities which will be provided to each city for their internal review and comment in order to ensure factual accuracy. This information will then be used to complete the required analysis and to develop findings and recommendations, as appropriate.

The Cities Service Review Technical Advisory Committee (TAC) met on May 27<sup>th</sup> and received a status report on the project and discussed the preliminary observations and themes from the research and interviews. It is anticipated that the Draft Cities Service Review Report will be released for public review and comment in late August and LAFCO will hold a public hearing to accept comments on the Draft Report on October 7, 2015.



**LAFCO MEETING:** June 3, 2015  
**TO:** LAFCO  
**FROM:** Neelima Palacherla, Executive Officer  
Dunia Noel, Analyst  
**SUBJECT:** EXECUTIVE OFFICER'S REPORT

## **8.1 LAFCO's 2015 COUNTYWIDE MAP OF CITIES BOUNDARIES**

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### **Recommendation**

Delegate authority to the LAFCO Executive Officer to enter into an agreement with Eureka Cartography for the preparation and printing of LAFCO's 2015 Map of Cities Boundaries, in an amount not to exceed \$6,500, and to execute any necessary amendments subject to LAFCO Counsel's review and approval.

### **Background**

In 2001, LAFCO published a map of Santa Clara County and Cities Boundaries (i.e. city limits, urban service areas, and spheres of influence; and county line). The map also includes additional geographic information in order to help orient the viewer. Over the years, staff has used the map as a key educational tool when meeting with affected agencies, interested parties, and the general public. The map has also been an important part of staff's new commissioner orientation sessions.

Various boundary changes have occurred over the last fourteen years (e.g. city annexations, including many island annexations; and several urban service area amendments) and the map is no longer current. The map serves as an important education and outreach tool, and an update of the map is included in the LAFCO work plan. Staff proposes to update the map with current boundary information and include additional key information on LAFCO and its mission.

Eureka Cartography, the company that prepared/printed the 2001 map for LAFCO has maintained a digital archive of the map which will enable more efficient revision and reprint of the map. An initial estimate provided by the company for printing and delivering 3,000 copies of the map is \$4,830, excluding taxes.

## **8.2 NOTICE FROM COUNTY TO RELOCATE LAFCO OFFICE TO CHARCOT ROAD**

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### **Recommendation**

Provide further direction to staff, as necessary.

### **Background**

Last week, Executive Officer Palacherla was informed by the County that the LAFCO Office will be moved to a facility located on Charcot Road and that the move is tentatively planned for the week of June 29<sup>th</sup>.

As you are aware, LAFCO contracts with the County for its facilities. The MOU between the County and LAFCO requires that the County “provide space suitable for LAFCO offices.” The LAFCO Office and its three staff are currently located on the 11<sup>th</sup> floor of the County Government Center, at 70 W. Hedding Street in San Jose; and LAFCO meetings are held in the Board Meeting Chambers.

The current location has allowed the LAFCO Office’s small staff (three persons) to conduct LAFCO’s business efficiently and effectively due to its close proximity to the various County departments that LAFCO staff must coordinate and/or interact with on a regular basis. The current location also has allowed the public and other County staff to easily access LAFCO staff on matters that impact boundaries, services, taxes, and the potential development of property.

The daily operations and functions of the LAFCO Office require that LAFCO staff coordinate with staff from various County departments (e.g. Planning, Surveyor, Clerk Recorder, Assessor, Controller, and Tax Collector) which are all located at the County Government Center. For example, staff regularly records official LAFCO documents with the Clerk Recorder, meets with the County Surveyor on LAFCO applications and boundary discrepancies, requests and receives documents from the Tax Collector that are only available in-person, and meets with County Planning Staff on planning and boundary issues of mutual concern. This coordination requires LAFCO staff to meet in-person and discuss maps and documents, rather than confer by email or phone. Such interactions occur multiple times in a week depending on the issues that LAFCO is working on or inquiries made by members of the public.

LAFCO relies on the County Planning Office for critical GIS services and for printing large maps. This requires a high level of interaction between staff as it involves design and layout of maps; verification of map data; and hands-on-training.

Both LAFCO and the County Planning Office refer members of the public to each other’s offices in order to resolve planning and land development issues. Sometimes it may require members of the public to travel multiple times between the two offices in order to resolve their issues. The relocation of the LAFCO Office away from the County Government Center will make such interaction more difficult and impact public service.



LAFCO has limited staff/resources and the proposed relocation to Charcot Road will increase the time it takes to complete many tasks due to the additional travel time and advance scheduling that will need to occur.

**Given these concerns, the County has agreed to explore other alternate locations within the County Government Center and inform LAFCO within the next week. However, the County has also indicated that the Government Center is impacted and therefore there is no guarantee that an alternative location can be found.**

### **8.3 TOUR OF CHIALA PROPERTY LOCATED IN THE SOUTH EAST QUADRANT**

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#### **For Information Only.**

Mr. Bill Chiala invited LAFCO staff to attend a tour of his property located in the southeast quadrant (SEQ). On May 15<sup>th</sup>, LAFCO staff, along with other attendees– Kirk Girard, Director, Santa Clara County Planning and Development Services; Steve Rymer, City Manager, City of Morgan Hill; Andrew Crabtree, Planning Director, City of Morgan Hill; and Roland Velasco, Policy Aide to County Board of Supervisor Mike Wasserman; toured the Chiala’s farm/ranch and adjacent lands in the SEQ.

The tour included stops at the upper ridge of the Chiala’s ranch which provided an expansive view of the agricultural lands in the southeast quadrant, George Chiala’s agricultural processing plant, the proposed site for a community center, a rural residential development underway in the unincorporated area, and a tour of family’s historic property. The tour concluded with staff and the other attendees meeting with Mr. Chiala’s siblings over a lunch provided by the Chiala family. The family expressed their desire to preserve their historic ranch/estate and farmlands.

As part of the tour, Mr. Chiala and Gordon Jacoby (developer with lands within SEQ area) provided information on a preservation / development plan for Chiala properties that included various elements, such as rezoning, annexation, subdivision, clustering, transfer of development rights, and easements; and expressed an interest in working with the City, County, and LAFCO to achieve their vision.

The tour was very informative and provided a ground level view of the agricultural preservation opportunities and challenges that may exist in the SEQ.

### **8.4 INQUIRY FROM GUADALUPE-COYOTE RESOURCE CONSERVATION DISTRICT ON WHETHER PROPOSED DISTRICT PARTNERSHIP WITH SCVWD REQUIRES LAFCO APPROVAL**

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#### **For Information Only.**

In April, Stephanie Moreno, Executive Director for the Guadalupe-Coyote Resource Conservation District (GCRCD) reported to LAFCO staff that the Santa Clara Valley Water District (SCVWD) would like to develop a pilot Partnership Agreement with GCRCD to coordinate as well as augment volunteer participation in creek cleanups within the right-of-way of SCVWD. Ms. Moreno reported that the two areas being

considered for the pilot partnership are located outside of GCRCD's boundaries and inquired as to whether the proposed agreement would require LAFCO approval in order for GCRCD to provide services outside its boundaries.

Executive Officer Palacherla informed Ms. Moreno that based on the information provided, LAFCO approval would not be required because pursuant to State law, contracts between two public agencies (SCVWD and GCRCD, in this case) are exempt from LAFCO approval where the identified services were previously provided in the area by a public provider. In this case, the service was previously provided by the SCVWD in the area.

## **8.5 MEETING WITH CUPERTINO SANITARY DISTRICT AND COUNTY SANITATION DISTRICT NO. 2-3**

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### **For Information Only.**

On April 2<sup>nd</sup>, LAFCO staff met with Richard Tanaka, District Manager and Thanh Nguyen, Project Manager, who staff both Cupertino Sanitary District and County Sanitation District No. 2-3, concerning various pending or potential annexation requests.

Staff provided an overview of the annexation process and discussed the key steps that require coordination between LAFCO staff and the Districts' staff. Staff also discussed potential options for resolving a newly discovered incomplete annexation proposal involving the Cupertino Sanitary District. Lastly, staff discussed the key LAFCO policies that discourage the provision of urban services, such as sanitary/sanitation services outside of cities and cities' urban service areas. This discussion was important because LAFCO staff and Districts' staff have recently received inquiries about annexations that would conflict with these policies and it is important that LAFCO staff and the Districts' staff provide an accurate and consistent response.

## **8.6 MEETING WITH MEMBERS OF SAN ANTONIO HILLS HOMEOWNERS ASSOCIATION**

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### **For Information Only.**

On May 21<sup>st</sup>, at the request of Santa Clara County Supervisor Joe Simitian's office, Executive Officer Palacherla met with members of the San Antonio Hills Homeowners Association in order to explain the process for an urban service area (USA) and sphere of influence (SOI) amendment. Properties within the Association are currently located within Los Altos' Sphere of Influence and Urban Service Area. However, some homeowners in the Association would like for their properties to be within Los Altos Hills' SOI/USA.

Executive Officer Palacherla explained the amendment process and noted that such a change must have the support of both the City of Los Altos and the Town of Los Altos Hills and would require LAFCO approval. As part of the process, an analysis of Los

Altos Hill's ability to annex and provide services to the area would also need to be conducted.

## **8.7 UPDATE ON PACHECO PASS WATER DISTRICT**

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### **For Information Only.**

On May 21<sup>st</sup>, Executive Officer Palacherla participated in a conference call with staff from the Santa Clara Valley Water District (SCVWD), San Benito County Water District (SBCWD), and San Benito LAFCO to discuss the potential dissolution of Pacheco Pass Water District (PPWD). Staff from the two water districts reported that a draft report from their consultant will be available in June. The report is expected to include information on the feasibility of one or both of the districts acquiring the PPWD's assets and taking over its service responsibilities. San Benito LAFCO Executive Officer reported that he will recommend that San Benito LAFCO's May 28<sup>th</sup> hearing on the PPWD dissolution be continued once again to July 23<sup>rd</sup>.

Santa Clara LAFCO's 2011 Countywide Water Service Review identified several governance options for the PPWD, as a way to address various concerns regarding the district's finances, operation and management. Since July 2014, LAFCO staff has been in discussions with staff from the SCVWD, SBCWD and San Benito LAFCO on the potential dissolution or consolidation of the PPWD and how best to manage the PPWD's physical assets and services.

Given the lack of a functioning Board or staff for the PPWD, in October 2014, San Benito LAFCO initiated the dissolution of the PPWD and has since continued its hearings to allow the SBCWD and SCVWD to study PPWD's services, assets, liabilities and revenues and evaluate whether it is feasible for either one or both of the districts to become successor agencies to the PPWD. San Benito LAFCO is the principal LAFCO for the PPWD.

## **8.8 DISCUSSIONS WITH CITY OF SUNNYVALE CONCERNING PROPOSED ANNEXATION OF BUTCHER'S CORNER**

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### **For Information Only.**

In April and May 2015, LAFCO staff and Sunnyvale's City Attorney and Planning staff discussed the city's various options and legal requirements for annexing the unincorporated island identified as "Butcher's Corner," which is located on El Camino Real. The City is processing a development application that would include annexation of this island. According to City staff, the proposed annexation and development of the island is controversial due to residents' and neighboring property owners' opposition to the type and scale of the proposed development.

## **8.9 BAY AREA LAFCO CLERKS MEETING**

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### **For Information Only.**

On March 24<sup>th</sup>, Clerk Abello attended the quarterly meeting of the Bay Area LAFCO Clerks which was hosted by LAFCO of San Mateo County. Attendees exchanged information on electronic document management systems, website maintenance, and the use of bulk mailing services for public notices involving large populated territories. The group also discussed the practice of swearing in new commissioners in some counties and ways in which the group can support CALAFCO's efforts to prepare a generic manual of procedures for LAFCO Clerks.

## **8.10 SANTA CLARA COUNTY ASSOCIATION OF PLANNING OFFICIALS (SCCAPO) MEETING**

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### **For Information Only.**

On May 6<sup>th</sup>, LAFCO staff attended the SCCAPO meeting that was hosted by the City of Santa Clara and held at the city's new Northside Library. Executive Officer Palacherla provided an update on LAFCO's Cities Service Review and thanked staff from the affected agencies for meeting with LAFCO's consultants and LAFCO staff as part of LAFCO's service review process.

The SCCAPO meeting featured a presentation from the Metropolitan Transportation Commission (MTC) staff and consultant on MTC's plans to update its assessment of the readiness of Priority Development Areas (PDAs) to accommodate housing projected in 2040, the horizon year of Plan Bay Area. The proposed update will be available in summer 2015 and will evaluate a larger sample of PDAs offering a more complete picture of opportunities and challenges for future residential growth within PDAs, as well as the policy, financial and legislative changes to facilitate that growth.

## **8.11 INTER-JURISDICTIONAL GIS WORKING GROUP MEETINGS**

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### **For Information Only.**

Analyst Noel attended the April 8<sup>th</sup> and May 13<sup>th</sup> meetings of the Inter-Jurisdictional GIS Working Group that includes staff from various county departments that use and maintain GIS data, particularly LAFCO related data. At the meeting, participants shared updates on current GIS and boundary change activities within their department or agency.

**LAFCO MEETING:** June 3, 2015  
**TO:** LAFCO  
**FROM:** Neelima Palacherla, Executive Officer  
Dunia Noel, LAFCO Analyst  
Emmanuel Abello, LAFCO Clerk  
**SUBJECT:** CALAFCO RELATED ACTIVITIES

### **9.1 2015 CALAFCO ANNUAL CONFERENCE ON SEPTEMBER 2-4**

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#### **Recommendation**

Authorize commissioners and staff to attend the Annual Conference and direct that associated travel expenses be funded by the LAFCO Budget for Fiscal Year 2016.

#### **Discussion**

The upcoming CALAFCO Annual Conference will be held in Sacramento, California from Wednesday, September 2<sup>nd</sup> to Friday, September 4<sup>th</sup>. Please see **Attachment A** for further information. The conference provides an annual opportunity for commissioners and staff to gain additional knowledge about changes in LAFCO legislation, LAFCO policies and practices, and issues facing LAFCOs, cities and special districts across the state. The LAFCO Budget for Fiscal Year 2016 includes funds for staff and commissioners to attend the Conference.

### **9.2 NOMINATIONS TO THE 2015/2016 CALAFCO BOARD OF DIRECTORS**

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#### **Recommendation**

Nominate interested Commissioners and provide further direction to staff, as necessary.

#### **Discussion**

Nominations for the 2015/2016 CALAFCO Board of Directors are now open. Please see **Attachment B**. LAFCO of Santa Clara County is part of the Coastal Region. Within the Coastal Region, nominations are being accepted for "City Member" and "Public Member." The deadline for LAFCO to submit nominations is Monday, August 3<sup>rd</sup>. Serving on the CALAFCO Board is a unique opportunity to work with other LAFCO commissioners throughout the state on legislative, fiscal and operations issues that affect LAFCOs, counties, cities, and special districts. The Board meets four times each year at

various sites around the state. Any LAFCO Commissioner or Alternate Commissioner is eligible to run for a CALAFCO Board seat.

### **9.3 DESIGNATE VOTING DELEGATE AND ALTERNATE FOR SANTA CLARA LAFCO**

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#### **Recommendation**

Appoint voting delegate and alternate voting delegate.

#### **Discussion**

Elections for the 2015/2016 CALAFCO Board of Directors will occur on Thursday, September 3, 2015, at CALAFCO's Annual Conference in Sacramento, CA. Each LAFCO must designate a voting delegate and alternate who is authorized to vote on behalf of their LAFCO.

### **9.4 REPORT ON THE 2015 CALAFCO STAFF WORKSHOP (APRIL 15-17)**

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#### **For Information only.**

LAFCO staff attended the 2015 Annual CALAFCO Staff Workshop in Grass Valley (April 15-17), hosted by the Nevada County LAFCO. The workshop was attended by approximately 77 participants representing 37 of the 58 LAFCOs.

The workshop theme was *After the Gold Rush: Forging the Future, Preserving the Past*, and provided various practical and hands-on courses, as well as roundtable discussions and professional development sessions. Executive Officer Palacherla was a panelist on a session entitled "Performance Measures Part II – Accountability and Transparency." Analyst Noel was a panelist on a session entitled "How LAFCOs Utilize Outside Consultants." Other sessions included:

- Governor Brown's Plans for Forging California's Future
- Spheres and CEQA – To EIR or Not to EIR – That is the Question
- Fiscal Health of Fire Protection Districts
- Fostering Meaningful Public Input in the LAFCO Process
- Service Provisions and Financial Adequacy
- Getting to the Nitty Gritty of Consolidation Options
- How Websites are Managed Throughout the State
- Reading and Understanding Public Agency Audits
- Improving Your Presentation Skills
- Effectively Dealing with Difficult Behaviors
- Processing Applications, Start to Finish
- Legislative Collaboration
- CALAFCO Organizational and Legislative Update.

CALAFCO has posted workshop handouts on its website at [www.calafco.org](http://www.calafco.org). Lastly, please see the attached letter (**Attachment C**) from CALAFCO thanking the Commission for allowing staff the opportunity to attend the 2015 CALAFCO Staff Workshop.

## **ATTACHMENTS**

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Attachment A: Save the Date Flier Announcing the 2015 CALAFCO Annual Conference (September 2-4)

Attachment B: Memo from CALAFCO re: Nominations for 2015/2016 CALAFCO Board of Directors dated May 5, 2015

Attachment C: CALAFCO letter dated April 20, 2015







# Announcing The 2015 CALAFCO Annual Conference



Hosted by Sacramento LAFCo

**September 2 – 4, 2015**

Downtown Sacramento, California  
at the Hyatt Regency



## Value-Added General and Breakout Session Topics

- Sustainable Groundwater Management Act Implementation – Where Do We Go From Here?
- Planning, Agriculture and Natural Resources – a Confluence of Ideas for LAFCo Solutions
- Urban Growth Boundaries and SOIs
- Leadership Practices in an Era of VUCA (volatility, uncertainty, complexity, ambiguity)
- The Impact of Climate Change on Land Use Planning
- Community Services Districts 101
- Fiscal Tools to Sustain Services
- LAFCo Technology for the 21<sup>st</sup> Century
- Exploring the New World of Broadband
- LAFCo Staff: The Magic Behind the Curtain

*Plus many others!*

*Note: The Program is still being put together. The topics noted above represent only a portion of the program to be offered. All sessions are subject to change.*

### Special Highlights

**Mobile Workshop**  
A special look at the physical confluence of the Sacramento & American rivers, followed by a tour of the largest and most progressive inland Waste Water Treatment Plant west of the Mississippi, and close with a tour of the Delta levy & habitat. Lunch at the historic Old Sugar Mill included.

*Wednesday from  
8:00 a.m. to 12:30 p.m.  
(times approx..)*

#### LAFCo 101

An introduction to LAFCo and LAFCo law for commissioners, staff, and anyone interested in learning more about LAFCo

*Wednesday from  
10: 00 a.m. to Noon*

#### Luncheon Keynote

Featuring *Ted Gaebler*,  
co-author of the *National best-seller Reinventing Government*

*Thursday Luncheon*

## Invaluable Networking Opportunities

- Commissioner Roundtable discussions on current issues
- Roundtable discussions for LAFCo staff, LAFCo counsel, and Associate members
- 9<sup>th</sup> CALAFCO Beer & Wine Competition and Reception
- Networking breakfasts
- Receptions

### Hyatt Regency Downtown



Make your reservations now at the Hyatt Regency at the CALAFCO special rate of \$126. Find the link at [www.calafco.org](http://www.calafco.org).

Mark your calendar and  
plan to attend!

Registration is now open!  
Visit [www.calafco.org](http://www.calafco.org)



**2014-2015  
Board of Directors**

**Chair**

JOHN LEOPOLD  
Santa Cruz LAFCo

**Secretary**

GAY JONES  
Sacramento LAFCo

**Treasurer**

JOSH SUSMAN  
Nevada LAFCo

JULIE ALLEN  
Tulare LAFCo

CHERYL BROTHERS  
Orange LAFCo

JAMES CURATALO  
San Bernardino LAFCo

LARRY R. DUNCAN  
Butte LAFCo

MARY JANE GRIEGO  
Yuba LAFCo

JULIANA INMAN  
Napa LAFCo

MICHAEL KELLEY  
Imperial LAFCo

DR. WILLIAM KIRBY  
Placer LAFCo

MICHAEL R. MCGILL  
Contra Costa LAFCo

RICKY SAMAYOA  
Yuba LAFCo

ROGER WELT, PHD  
Santa Barbara LAFCo

**Staff**

PAMELA MILLER  
Executive Director

MARJORIE BLOM  
Executive Officer

CLARK ALSOP  
Legal Counsel

STEPHEN LUCAS  
Deputy Executive Officer

DAVID CHURCH  
Deputy Executive Officer

PAUL NOVAK  
Deputy Executive Officer

JENI TICKLER  
Executive Assistant

5 May 2015

**To:** Local Agency Formation Commission  
Members and Alternate Members

**From:** Elliot Mulberg, Committee Chair  
Board Recruitment Committee  
CALAFCO Board of Directors

**RE: Nominations for 2015/2016 CALAFCO Board of Directors**



Nominations are now open for the fall elections of the CALAFCO Board of Directors. Serving on the CALAFCO Board is a unique opportunity to work with other commissioners throughout the state on legislative, fiscal and operational issues that affect us all. The Board meets four to five times each year at alternate sites around the state. Any LAFCo commissioner or alternate commissioner is eligible to run for a Board seat.

CALAFCO's Recruitment Committee is accepting nominations for the following seats on the CALAFCO Board of Directors:

<u>Northern Region</u>	<u>Central Region</u>	<u>Coastal Region</u>	<u>Southern Region</u>
District Member	City Member	City Member	District Member
County Member	Public Member	Public Member	County Member

The election will be conducted during regional caucuses at the CALAFCO annual conference prior to the Annual Membership Meeting on Thursday, September 3, 2015 at the Hyatt Regency in Sacramento, CA.

**Please inform your Commission that the CALAFCO Recruitment Committee is accepting nominations for the above-cited seats until *Monday, August 3, 2015.***

Incumbents are eligible to run for another term. Nominations received by August 3 will be included in the Recruitment Committee's Report and on the ballot, copies of which will be distributed to LAFCo members August 19 and made available at the Annual Conference. Nominations received after this date will be returned; however, nominations will be permitted from the floor during the Regional Caucuses or during at-large elections, if required, at the Annual Membership Meeting.

For those member LAFCos who cannot send a representative to the Annual Meeting an electronic ballot will be made available if requested in advance. The ballot request must be made no later than Monday, August 3, 2015. Completed absentee ballots must be returned by August 28, 2015.

Should your Commission nominate a candidate, the Chair of your Commission must complete the attached Nomination Form and the Candidate's Resume Form, or provide the specified information in another format other than a resume. Commissions may also include a letter of recommendation or resolution in support of their nominee.

**The nomination forms and materials must be received by the CALAFCO Executive Director no later than Monday, August 3, 2015.**

Here is a summary of the deadlines for this year's nomination process:

- **May 5** – Nomination Announcement and packet sent to LAFCo membership and posted on the CALAFCO website.
- **August 3** – Completed Nomination packet due
- **August 3** – Request for an absentee/electronic ballot
- **August 3** – Voting delegate name due to CALAFCO
- **August 19** – Distribution of the Recruitment Committee Report (includes all completed/submitted nomination papers)
- **August 19** – Distribution of requested absentee/electronic ballots.
- **August 28** – Absentee ballots due to CALAFCO
- **September 3** - Elections

Returning the nomination form prior to the deadline ensures your nominee is placed on the ballot. Please forward nominations to:

CALAFCO Recruitment Committee c/o Executive Director  
California Association of Local Agency Formation Commissions  
1215 K Street, Suite 1650  
Sacramento, California 95814  
FAX: 916-442-6535

Electronic filing of nomination forms and materials is encouraged to facilitate the recruitment process. Please send e-mails with forms and materials to [info@calafco.org](mailto:info@calafco.org). Alternatively, nomination forms and materials can be mailed or faxed to the above address.

Former CALAFCO Board Member and Associate Member Elliot Mulberg has agreed to once again assist CALAFCO with the election process. We appreciate and value his expertise. Questions about the election process can be directed to him at [elliott@emulberg.com](mailto:elliott@emulberg.com) or 916-217-8393.

Members of the 2015/2016 CALAFCO Recruitment Committee are:

Chair – Elliot Mulberg <a href="mailto:elliott@emulberg.com">elliott@emulberg.com</a>	Associate Member and former CALAFCO Board member 916-217-8393
Josh Susman <a href="mailto:jsusman@calafco.org">jsusman@calafco.org</a>	Nevada LAFCo (Northern Region) 530-559-1725
Gay Jones <a href="mailto:gjones@calafco.org">gjones@calafco.org</a>	Sacramento LAFCo (Central Region) 916-208-0736
Michael McGill <a href="mailto:mmcgill@calafco.org">mmcgill@calafco.org</a>	Contra Costa LAFCo (Coastal Region) 925-383-9750
Cheryl Brothers <a href="mailto:cbrothers@calafco.org">cbrothers@calafco.org</a>	Orange LAFCo (Southern Region) 714-315-1403

Attached please find a copy of the CALAFCO Board of Directors Nomination and Election Procedures.

*Please consider joining us!*  
Enclosures

## **Board of Directors Nomination and Election Procedures and Forms**

The procedures for nominations and election of the CALAFCO Board of Directors [Board] are designed to assure full, fair and open consideration of all candidates, provide confidential balloting for contested positions and avoid excessive demands on the time of those participating in the CALAFCO Annual Conference.

The Board nomination and election procedures shall be:

### **1. APPOINTMENT OF A RECRUITMENT COMMITTEE**

- a. Following the Annual Membership Meeting the Board shall appoint a Committee of four members of the Board. The Recruitment Committee shall consist of one member from each region whose term is not ending.
- b. The Board shall appoint one of the members of the Recruitment Committee to serve as Chairman. The CALAFCO Executive Officer shall appoint a CALAFCO staff member to serve as staff for the Recruitment Committee in cooperation with the CALAFCO Executive Director.
- c. Each region shall designate a regional representative to serve as staff liaison to the Recruitment Committee.
- d. Goals of the Committee are to encourage and solicit candidates by region who represent member LAFCoS across the spectrum of geography, size, and urban-suburban-rural population, and to provide oversight of the elections process.

### **2. ANNOUNCEMENT TO ALL MEMBER LAFCoS**

- a. No later than three months prior to the Annual Membership Meeting, the Recruitment Committee Chair shall send an announcement to each LAFCo for distribution to each commissioner and alternate. The announcement shall include the following:
  - i. A statement clearly indicating which offices are subject to the election.
  - ii. A regional map including LAFCoS listed by region.
  - iii. The dates by which all nominations must be received by the Recruitment Committee. The deadline shall be no later than 30 days prior to the opening of the Annual Conference. Nominations received after the closing date shall be returned to the proposing LAFCo marked "Received too late for Nominations Committee action."
  - iv. The names of the Recruitment Committee members with the Committee Chair's LAFCo address and phone number, and the names and contact information for each of the regional representatives.
  - v. The address to send the nominations forms.
  - vi. A form for a Commission to use to nominate a candidate and a candidate resume form of no more than one page each to be completed for each nominee.
- b. No later than four months before the annual membership meeting, the Recruitment Committee Chair shall send an announcement to the Executive Director for distribution to each member LAFCo and for publication in the newsletter and on the website. The announcement shall include the following:

**Key Timeframes for  
Nominations Process**

<u>Days*</u>	
90	Nomination announcement
30	Nomination deadline
14	Committee report released

*\*Days prior to annual membership meeting*

- i. A statement clearly indicating which offices are subject to the election.
  - ii. The specific date by which all nominations must be received by the Recruitment Committee. Nominations received after the closing dates shall be returned to the proposing LAFCo marked "Received too late for Recruitment Committee action."
  - iii. The names of the Recruitment Committee members with the Committee Chair's LAFCo address and phone number, and the names and contact information for each of the regional representatives.
  - iv. Requirement that nominated individual must be a commissioner or alternate commissioner from a member in good standing within the region.
- c. A copy of these procedures shall be posted on the web site.

### **3. THE RECRUITMENT COMMITTEE**

- a. The Recruitment Committee and the regional representatives have the responsibility to monitor nominations and help assure that there are adequate nominations from each region for each seat up for election. No later than two weeks prior to the Annual Conference, the Recruitment Committee Chair shall distribute to the members the Committee Report organized by regions, including copies of all nominations and resumes, which are received prior to the end of the nomination period.
- b. At the close of the nominations the Recruitment Committee shall prepare regional ballots. Each region will receive a ballot specific to that region. Each region shall conduct a caucus at the Annual Conference for the purpose of electing their designated seats. Caucus elections must be held prior to the annual membership meeting at the conference. The Executive Director or assigned staff along with a member of the Recruitment committee shall tally ballots at each caucus and provide the Recruitment Committee the names of the elected Board members and any open seats. In the event of a tie, the staff and Recruitment Committee member shall immediately conduct a run-off ballot of the tied candidates.
- c. Make available sufficient copies of the Committee Report for each Voting Member by the beginning of the Annual Conference.
- d. Make available blank copies of the nomination forms and resume forms to accommodate nominations from the floor at either the caucuses or the annual meeting (if an at-large election is required).
- e. Advise the Annual Conference Planning Committee to provide "CANDIDATE" ribbons to all candidates attending the Annual Conference.
- f. Post the candidate statements/resumes organized by region on a bulletin board near the registration desk.
- g. Regional elections shall be conducted as described in Section 4 below. The representative from the Recruitment Committee shall serve as the Presiding Officer for the purpose of the caucus election.
- h. Following the regional elections, in the event that there are open seats for any offices subject to the election, the Recruitment Committee Chair shall notify the Chair of the Board of Directors that an at-large election will be required at the annual membership meeting and to provide a list of the number and category of seats requiring an at-large election.

**4. ELECTRONIC BALLOT FOR LAFCO IN GOOD STANDING NOT ATTENDING ANNUAL MEETING**

Limited to the elections of the Board of Directors

- a. Any LAFCo in good standing shall have the option to request an electronic ballot if there will be no representative attending the annual meeting.
- b. LAFCos requesting an electronic ballot shall do so in writing no later than 30 days prior to the annual meeting.
- c. The Executive Director shall distribute the electronic ballot no later than two weeks prior to the annual meeting.
- d. LAFCo must return the ballot electronically to the executive director no later than three days prior to the annual meeting.
- e. LAFCos voting under this provision may discard their electronic ballot if a representative is able to attend the annual meeting.
- f. LAFCos voting under this provision may only vote for the candidates nominated by the Recruitment Committee.

**5. AT THE TIME FOR ELECTIONS DURING THE REGIONAL CAUCUSES OR ANNUAL MEMBERSHIP MEETING**

- a. The Recruitment Committee Chairman, another member of the Recruitment Committee, or the Chair's designee (hereafter called the Presiding Officer) shall:
  - i. Review the election procedure with the membership.
  - ii. Present the Recruitment Committee Report (previously distributed).
  - iii. Call for nominations from the floor by category for those seats subject to this election:
    1. For city member.
    2. For county member.
    3. For public member.
    4. For special district member.
- b. To make a nomination from the floor, a LAFCo, which is in good standing, shall identify itself and then name the category of vacancy and individual being nominated. The nominator may make a presentation not to exceed two minutes in support of the nomination.
- c. When there are no further nominations for a category, the Presiding Officer shall close the nominations for that category.
- d. The Presiding Officer shall conduct a "Candidates Forum". Each candidate shall be given time to make a brief statement for their candidacy.
- e. The Presiding Officer shall then conduct the election:
  - i. For categories where there are the same number of candidates as vacancies, the Presiding Officer shall:
    1. Name the nominees and offices for which they are nominated.
    2. Call for a voice vote on all nominees and thereafter declare those unopposed candidates duly elected.

- ii. For categories where there are more candidates than vacancies, the Presiding Officer shall:
  - 1. Poll the LAFCoS in good standing by written ballot.
  - 2. Each LAFCo in good standing may cast its vote for as many nominees as there are vacancies to be filled. The vote shall be recorded on a tally sheet.
  - 3. With assistance from CALAFCO staff, tally the votes cast and announce the results.
- iii. Election to the Board shall occur as follows:
  - 1. The nominee receiving the majority of votes cast is elected.
  - 2. In the case of no majority, the two nominees receiving the two highest number of votes cast shall face each other in a run-off election.
  - 3. In case of tie votes:
    - a. A second run-off election shall be held with the same two nominees.
    - b. If there remains a tie after the second run-off, the winner shall be determined by a draw of lots.
  - 4. In the case of two vacancies, any candidate receiving a majority of votes cast is elected.
    - a. In the case of no majority for either vacancy, the three nominees receiving the three highest number of votes cast shall face each other in a run-off election.
    - b. In the case of no majority for one vacancy, the two nominees receiving the second and third highest number of votes cast shall face each other in a run-off election.
    - c. In the event of a tie, a second run-off election shall be held with the tied nominees. If there remains a tie after the second run-off election the winner shall be determined by a draw of lots.

## **6. ADDITIONAL PROCEDURES**

- a. For categories where there are more candidates than vacancies, names will be listed in the order nominated.
- b. The Recruitment Committee Chair shall announce and introduce all Board Members elected at the Regional Caucuses at the annual business meeting.
- c. In the event that Board seats remain unfilled after a Regional Caucus, an election will be held immediately at the annual business meeting to fill the position at-large. Nominations will be taken from the floor and the election process will follow the procedures described in Section 4 above. Any commissioner or alternate from a member LAFCo may be nominated for at-large seats.
- d. Seats elected at-large become subject to regional election at the expiration of the term. Only representatives from the region may be nominated for the seat.
- e. As required by the Bylaws, the members of the Board shall meet as soon as possible after election of new board members for the purpose of electing officers, determining meeting places and times for the coming year, and conducting any other necessary business.



## 7. LOSS OF ELECTION IN HOME LAFCO

Board Members and candidates who lose elections in their home office shall notify the Executive Director within 15 days of the certification of the election.

## 8. FILLING BOARD VACANCIES

Vacancies on the Board of Directors may be filled by appointment by the Board for the balance of the unexpired term. Appointees must be from the same category as the vacancy, and should be from the same region.

*These policies and procedures were adopted by the CALAFCO Board of Directors on 12 January 2007 and amended on 9 November 2007, 8 February 2008, 13 February 2009, 12 February 2010, 18 February 2011, and 29 April 2011. They supersede all previous versions of the policies.*

## CALAFCO Regions



The counties in each of the four regions consist of the following:

**Northern Region**

Butte  
Colusa  
Del Norte  
Glenn  
Humboldt  
Lake  
Lassen  
Mendocino  
Modoc  
Nevada  
Plumas  
Shasta  
Sierra  
Siskiyou  
Sutter  
Tehama  
Trinity  
Yuba

**CONTACT:** Steve Lucas, Butte LAFCo  
slucas@buttecounty.net

**Southern Region**

Orange  
Los Angeles  
Imperial  
Riverside  
San Bernardino  
San Diego

**CONTACT:** Paul Novak,  
Los Angeles LAFCo  
pnovak@lalafco.org

**Coastal Region**

Alameda  
Contra Costa  
Marin  
Monterey  
Napa  
San Benito  
San Francisco  
San Luis Obispo  
San Mateo  
Santa Barbara  
Santa Clara  
Santa Cruz  
Solano  
Sonoma  
Ventura

**CONTACT:** David Church  
San Luis Obispo LAFCo  
dchurch@slolafco.com

**Central Region**

Alpine  
Amador  
Calaveras  
El Dorado  
Fresno  
Inyo  
Kern  
Kings  
Madera  
Mariposa  
Merced  
Mono  
Placer  
Sacramento  
San Joaquin  
Stanislaus  
Tulare  
Tuolumne  
Yolo

**CONTACT:** Marjorie Blom, Stanislaus LAFCo  
blomm@stancounty.com

## Board of Directors 2015/2016 Nominations Form

### *Nomination to the CALAFCO Board of Directors*

In accordance with the Nominations and Election Procedures of CALAFCO,

\_\_\_\_\_ LAFCo of the \_\_\_\_\_ Region

Nominates \_\_\_\_\_

for the (check one)     City     County     Special District     Public

Position on the CALAFCO Board of Directors to be filled by election at the next Annual  
Membership Meeting of the Association.

\_\_\_\_\_  
LAFCo Chair

\_\_\_\_\_  
Date

#### **NOTICE OF DEADLINE**

Nominations must be received by **August 3, 2015**  
to be considered by the Recruitment Committee. Send  
completed nominations to:  
CALAFCO Recruitment Committee  
CALAFCO  
1215 K Street, Suite 1650  
Sacramento, CA 95814

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## Board of Directors 2015/2016 Candidate Resume Form

Nominated By: \_\_\_\_\_ LAFCo Date: \_\_\_\_\_

Region (please check one):  Northern  Coastal  Central  Southern

Category (please check one):  City  County  Special District  Public

Candidate Name \_\_\_\_\_

Address \_\_\_\_\_

Phone Office \_\_\_\_\_ Mobile \_\_\_\_\_

e-mail \_\_\_\_\_ @ \_\_\_\_\_

Personal and Professional Background:

LAFCo Experience:

CALAFCO or State-level Experience:

Availability:

Other Related Activities and Comments:

**NOTICE OF DEADLINE**

Nominations must be received by **August 3, 2015** to be considered by the Recruitment Committee. Send completed nominations to:  
CALAFCO Recruitment Committee  
CALAFCO  
1215 K Street, Suite 1650  
Sacramento, CA 95814



**2014-2015  
Board of Directors**

**Chair**

JOHN LEOPOLD  
Santa Cruz LAFCo

**Secretary**

GAY JONES  
Sacramento LAFCo

**Treasurer**

JOSH SUSMAN  
Nevada LAFCo

JULIE ALLEN  
Tulare LAFCo

CHERYL BROTHERS  
Orange LAFCo

JAMES CURATALO  
San Bernardino LAFCo

LARRY R. DUNCAN  
Butte LAFCo

MARY JANE GRIEGO  
Yuba LAFCo

JULIANA INMAN  
Napa LAFCo

MICHAEL KELLEY  
Imperial LAFCo

DR. WILLIAM KIRBY  
Placer LAFCo

MICHAEL R. MCGILL  
Contra Costa LAFCo

RICKY SAMAYOA  
Yuba LAFCo

ROGER WELT, PHD  
Santa Barbara LAFCo

**Staff**

PAMELA MILLER  
Executive Director

MARJORIE BLOM  
Executive Officer

CLARK ALSOP  
Legal Counsel

STEPHEN LUCAS  
Deputy Executive Officer

DAVID CHURCH  
Deputy Executive Officer

PAUL NOVAK  
Deputy Executive Officer

JENI TICKLER  
Executive Assistant

April 20, 2015

Santa Clara LAFCo  
70 W. Hedding St., 11th Floor  
San Jose, CA 95110

Dear Chair and Santa Clara LAFCo Commission,

On behalf of the California Association of Local Agency Formation Commissions (CALAFCO), I would like to thank your commission for allowing your staff the opportunity to attend the CALAFCO 2015 annual staff workshop, held in Grass Valley April 15<sup>th</sup> through 17<sup>th</sup>.

We know how lean budgets and resources continue to be, and understand that prioritizing expenditures can be difficult. Ensuring your staff has access to ongoing professional development and specialized educational opportunities allows them the opportunity to better serve your commission and fulfill the mission of LAFCo. The sharing of information and resources among the LAFCo staff statewide serves to strengthen their network and creates opportunities for rich and value-added learning that is applied within each LAFCo.

Thank you again for supporting your staff's participation in the CALAFCO 2015 staff workshop. We truly appreciate your membership and value your involvement in CALAFCO.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Pamela Miller'. The signature is fluid and cursive, written over a white background.

Pamela Miller  
Executive Director





**LAFCO MEETING:** June 3, 2015  
**TO:** LAFCO  
**FROM:** Neelima Palacherla, Executive Officer  
Dunia Noel, Analyst  
**SUBJECT:** LEGISLATIVE REPORT

**10.1 AB 1532 (ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT)  
LOCAL GOVERNMENT OMNIBUS BILL**

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**Recommended Action**

Take a Support position on AB 1532 and authorize staff to send a letter of support (Attachment A).

**Discussion**

AB 1532 is the CALAFCO sponsored, annual CKH Act Omnibus bill. The bill makes several minor technical changes, clarifications, and corrections to the various sections of the Act, which are non-substantive and non-controversial.

One of the clarifications in the bill pertains to Santa Clara LAFCO. Current law establishes the composition of Santa Clara LAFCO. As authorized by current law, Santa Clara LAFCO added two special district members in January 2013. Therefore, the composition of Santa Clara LAFCO is now a seven member commission, including a public member. This bill updates current law which states that the public member is appointed by the other four members of Santa Clara LAFCO to reflect its current composition.

**10.2 OTHER BILLS OF INTEREST TO SANTA CLARA LAFCO**

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**Recommended Action**

Accept report and provide direction to staff, as necessary.

**Discussion**

The following is a brief summary of current bills that are of most interest to LAFCO of Santa Clara County.

**1. AB 402 (Dodd)**  
**Local Agency Service Extensions Outside Boundaries**

Current law allows LAFCO to approve service extensions outside a local agency's sphere of influence only in response to a public health and safety threat.

This bill would amend GC §56133 to establish a 5-year pilot provision that would allow Sonoma, Napa and San Bernardino LAFCOs to authorize cities and districts in those counties to provide service outside their jurisdictional boundaries and spheres of influence if certain criteria are met. Previous versions of this bill were drafted to apply statewide which raise significant concern that there would be potential pressure to utilize this provision regardless of need and in conflict with the LAFCO mandate. CALAFCO is not a sponsor of this bill and has taken no position because its membership is divided on this issue.

Over the years, the CALAFCO Legislative Committee considered various amendments to GC §56133 and the CALAFCO Board decided in 2011 and in 2013 to not pursue those amendments. CALAFCO is following this bill closely as it continues to be amended in the legislature.

**2. SB 239 (Hertzberg)**  
**Local Agency Fire Protection Service Contracts**

Current law requires a local agency to obtain LAFCO approval prior to extending services by contract outside its boundaries. However, contracts between public agencies are exempt from LAFCO approval where the public service to be provided is an alternative to public services already being provided by an existing public service provider and where the level of service to be provided is consistent with the level of service contemplated by the existing service provider.

This bill would require LAFCO approval for fire protection service contracts between public agencies and would prescribe a complex public process for approving a fire service contract, including a requirement that, prior to submitting an application to LAFCO, a public agency must get approval from each affected agency and labor union, and conduct a public hearing.

CALAFCO has taken an Oppose position on the bill and is continuing discussions with the bill author on concerns and potential amendments. Some of the points of discussion include, not limiting such review / approval procedures to fire protection services contracts; precedent setting nature of the bill in requiring labor union pre-approvals for service extension contracts and referencing service extension contracts as reorganizations which involve different LAFCO review procedures.

**3. SB 272 (Hertzberg)**  
**The California Public Records Act (CPRA): Local Agencies Inventory**

SB 272 would expand the CPRA by requiring each local agency including LAFCO, to create a catalog of enterprise systems, post that catalog on the agency's website, and

make the catalog publicly available upon request. The bill defines “enterprise system” as a multi-departmental systems that contains information collected about the public and a system of record that serves as an original source of data within the agency.

CALAFCO has taken a Watch position on this bill.

**Detailed information and complete bill language is available at [www.leginfo.ca.gov](http://www.leginfo.ca.gov).**

## **ATTACHMENTS**

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Attachment A: AB 1532 Support Letter





AGENDA ITEM # 10  
Attachment A

June 3, 2015

**DRAFT**

Honorable Brian Maienschein, Chair  
Assembly Local Government Committee  
California State Assembly  
State Capitol, Room 4139  
Sacramento, CA 95814

**RE: AB 1532 SUPPORT LETTER**

Dear Assembly Member Maienschein:

The Local Agency Formation Commission (LAFCO) of Santa Clara County is pleased to support the Assembly Local Government Committee Bill **AB 1532** which makes technical, non-substantive changes to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (the Act).

This annual bill includes technical changes to the Act which governs the work of LAFCOs. These changes are necessary as commissions implement the Act and small inconsistencies are found or clarifications are needed to make the law as unambiguous as possible. **AB 1532** makes several minor technical changes, corrects obsolete and incorrect code references, and makes minor updates to outdated sections. The California Association of LAFCOs (CALAFCO) Legislative Committee and your Committee staff worked diligently on this language to ensure there are no substantive changes while creating significant increase in the clarity of the Act for all stakeholders.

This legislation helps insure the Act remains a vital and practical law. We appreciate your Committee's authorship and your support of the mission of LAFCOs.

Yours sincerely,

Linda J. LeZotte  
Chairperson

cc: Members, Assembly Local Government Committee  
Misa Lennox, Associate Consultant, Assembly Local Government Committee  
William Weber, Consultant, Assembly Republican Caucus  
Pamela Miller, Executive Director, California Association of LAFCOs

