



**Local Agency
Formation Commission
of Santa Clara County**

777 North First Street
Suite 410
San Jose, CA 95112

SantaClaraLAFCO.org

Commissioners

Rich Constantine
Susan Ellenberg
Sergio Jimenez
Yoriko Kishimoto
Linda J. LeZotte
Mike Wasserman
Susan Vicklund Wilson

Alternate Commissioners

Helen Chapman
Cindy Chavez
Matt Mahan
Russ Melton
Terry Trumbull

Executive Officer
Neelima Palacherla

**LAFCO MEETING MINUTES
WEDNESDAY, APRIL 6, 2022**

CALL TO ORDER

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

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

1. ROLL CALL

The following commissioners were present:

- Chairperson Rich Constantine
- Commissioner Ellenberg
- Commissioner Sergio Jimenez
- Commissioner Yoriko Kishimoto
- Commissioner Linda J. LeZotte
- Commissioner Mike Wasserman
- Commissioner Susan Vicklund Wilson
- Alternate Commissioner Helen Chapman (arrived at 1:18 p.m.)
- Alternate Commissioner Russ Melton
- Alternate Commissioner Terry Trumbull

The following commissioners were absent:

- Alternate Commissioner Cindy Chavez
- Alternate Commissioner Matt Mahan

The following staff members were present:

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

2. WELCOME NEW COMMISSIONER

Chairperson Constantine welcomed Commissioner Linda J. LeZotte to LAFCO.

3. PUBLIC COMMENTS

There were none.

Chad Mosley, City Engineer and Assistant Director of Public Works, City of Cupertino, offered to answer questions from the Commission.

Chairperson Constantine determined that there are no other speakers from the public and closed the public hearing.

Commissioner Kishimoto expressed agreement with Commissioner LeZotte.

The Commission:

CEQA Action

As a Responsible Agency under the California Environmental Quality Act (CEQA), determine that the proposal is exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the proposed project may have a significant effect on the environment.

Project Action

1. Approved the urban service area (USA) and sphere of influence (SOI) amendment for the cities of Cupertino and San Jose and adopted the SOI determinations.
2. Approved the detachment of approximately 7.91 acres of land (APNs: 375-21-001 and 375-22-001), located west of Lawrence Expressway, from the City of San Jose; and approved its concurrent annexation to the City of Cupertino, conditioned on receiving the County Surveyor-approved legal description and map for the reorganization.
3. Approved the amendment of the Santa Clara County Central Fire Protection District's sphere of influence to include APNs: 375-21-001 and 375-22-001 and adopted the SOI determinations.
4. Approved the annexation of APNs 375-21-001 and 375-22-001 to the Santa Clara County Central Fire Protection District, conditioned on receiving the County Surveyor-approved legal description and map for the annexation.
5. Waived protest proceedings pursuant to Government Code §56662(a).

Motion: LeZotte

Second: Kishimoto

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

NOES: None

ABSTAIN: None

ABSENT: None

MOTION PASSED

8. WEST BAY SANITARY DISTRICT 2022-01 (ALPINE ROAD)

Dunia Noel, LAFCO Analyst, presented the staff report.

This being the time and place for the public hearing, **Chairperson Constantine** declared the public hearing open, determined that there are no speakers from the public and closed the public hearing.

The Commission:

Forwarded the following recommendation to the San Mateo Local Agency Formation Commission for its consideration:

CEQA Action

As a Responsible Agency under CEQA, LAFCO has taken the following actions regarding the Mitigated Negative Declaration (MND) for this project:

1. Found that the Initial Study and Mitigated Negative Declaration approved by the County of Santa Clara on February 11, 2021 were completed in compliance with CEQA and are an adequate discussion of the environmental impacts of the project.
2. Found that prior to making a decision on this project, LAFCO reviewed and considered the environmental effects of the project as outlined in the Initial Study and MND.
3. Found that a mitigation monitoring program was approved by the County of Santa Clara as Lead Agency and the monitoring program ensures compliance with the mitigation measures identified in the MND that would mitigate or avoid significant impacts associated with the sphere of influence amendment and reorganization, over which LAFCO has responsibility.

Project Action

4. Approved amendment of the West Bay Sanitary District’s sphere of influence (SOI) to include Assessor Parcel Number 142-15-008, as shown in Attachment A, and adopted the SOI determinations.
5. Approved the annexation of approximately 4.15 acres of land (APN 142-15-008), located at 3343 Alpine Road, to the West Bay Sanitary District, as described in Attachment C (Exhibits A & B).
6. Waived protest proceedings pursuant to Government Code §56662(a).

Motion: Wasserman

Second: Jimenez

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

NOES: None

ABSTAIN: None

ABSENT: None

MOTION PASSED

9. PROPOSED WORK PLAN AND BUDGET FOR FY 2023

Ms. Palacherla expressed her appreciation to Commissioner Jimenez and Alternate Commission Melton for their work on the work plan and proposed LAFCO budget for FY 2023. Ms. Palacherla then presented the staff report.

In response to an inquiry by **Commissioner Ellenberg**, Ms. Palacherla advised that as part of the Commission’s direction at the February 2022 meeting, staff will work with the County before the current lease expires. In response to **Commissioner Ellenberg**, Ms. Palacherla informed that the County is processing the classification

and staffing study and staff is working through issues, and that it may be completed in the next few months. When completed, staff will report back to the Ad-hoc Committee and the full Commission. In response to a further inquiry by **Commissioner Ellenberg**, Ms. Palacherla informed that LAFCO has no other significant source of revenue aside from the application fees although a few other LAFCOs may have some minor revenue sources. **Commissioner Ellenberg** noted that LAFCO has a solid and responsible budget, and that she is interested on how to build a reserve when needed.

This being the time and place for the public hearing, **Chairperson Constantine** declared the public hearing open, determined that there are no speakers from the public and closed the public hearing.

Commissioner Wasserman moved for approval. **Commissioner Kishimoto** seconded, and she expressed appreciation to Commissioner Jimenez and Alternate Commissioner Melton for their work on the budget. **Chairperson Constantine** expressed agreement.

The Commission:

1. Adopted the Proposed Work Plan for Fiscal Year 2022-2023.
2. Adopted the Proposed Budget for Fiscal Year 2022-2023.
3. Found that the Proposed Budget for Fiscal Year 2023 is expected to be adequate to allow the Commission to fulfill its statutory responsibilities.
4. Authorized staff to transmit the Proposed Budget adopted by the Commission including the estimated agency costs as well as the LAFCO public hearing notice for the adoption of the Fiscal Year 2023 Final Budget to the cities, the special districts, the County, the Cities Association of Santa Clara County and the Santa Clara County Special Districts Association.

Motion: Wasserman

Second: Kishimoto

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

NOES: None

ABSTAIN: None

ABSENT: None

MOTION PASSED

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

Ms. Noel presented the staff report.

This being the time and place for the public hearing, **Chairperson Constantine** declared the public hearing open, determined that there are no speakers from the public and closed the public hearing.

Commissioner Wasserman moved for approval and **Commissioner Kishimoto** seconded.

12. INFORMAL COMPETITIVE PROCUREMENT PROCESS FOR OBTAINING PROFESSIONAL SERVICES TO PREPARE A COUNTYWIDE FIRE SERVICE REVIEW AND BACKGROUND ON TERMINATION OF PREVIOUS CONTRACT

Ms. Palacherla presented the staff report.

Chairperson Constantine indicated that he did not want this item on consent so it is out in the open and the public will understand what is being done for this important study.

Chairperson Constantine determined that there are no speakers from the public on the item.

Commissioner Kishimoto moved for approval of the staff recommendations and **Commissioner Wilson** seconded. **Commissioner Kishimoto** noted that as the Chairperson of the Technical Advisory Committee she was aware of the difficult process with the former consultant. She acknowledged the hard work that EO Palacherla put in to make the study work the first time, and expressed hope for a good product now.

The Commission:

1. Approved the utilization of an Informal Competitive Procurement (ICP) process to seek a proposal from AP Triton Consulting LLC to prepare LAFCO's Countywide Fire Service Review.
2. If the Consultant Interview Panel finds it necessary to seek additional proposals following the consideration of AP Triton's proposal, staff is authorized to issue a Request for Proposals (RFP).
3. Delegated authority to the LAFCO Chair to enter into an agreement with the most qualified consultant, as determined by the Consultant Interview Panel, in an amount not to exceed \$140,000, which may be amended with a contingency amount of up to \$10,000; and to execute any necessary amendments subject to LAFCO Counsel's review and approval.

Motion: Kishimoto

Second: Vicklund Wilson

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

NOES: None

ABSTAIN: None

ABSENT: Ellenberg

MOTION PASSED

***13. CONSENT ITEM: RESOLUTION TO AFFIRM THE COUNTYWIDE URBAN DEVELOPMENT POLICIES**

The Commission adopted Resolution No. 2022-07 to affirm the Countywide Urban Development Policies and comprehensively document their history and ongoing beneficial impacts.

14. PENDING APPLICATIONS / UPCOMING PROJECTS

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

15. COMMISSIONER REPORTS

There were none.

16. NEWSPAPER ARTICLES / NEWSLETTERS

There were none.

17. WRITTEN CORRESPONDENCE

There were none.

18. ADJOURN

The Commission adjourned at 1:52 p.m., to the next regular LAFCO meeting on June 1, 2022, at 1:15 p.m., in the Board of Supervisors' Chambers, 70 West Hedding Street, San Jose.

Approved on June 1, 2022.

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

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Emmanuel Abello
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By: Emmanuel Abello, LAFCO Clerk