

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, AUGUST 3, 2022

## CALL TO ORDER

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

Pursuant to the provisions of Government Code section 54953(e), this meeting was held by teleconference only.

## 1. ROLL CALL

#### The following commissioners were present:

- Chairperson Rich Constantine
- Commissioner Ellenberg
- Commissioner Yoriko Kishimoto
- Commissioner Linda J. LeZotte
- Commissioner Mike Wasserman
- Commissioner Susan Vicklund Wilson
- Alternate Commissioner Helen Chapman
- Alternate Commissioner Russ Melton
- Alternate Commissioner Terry Trumbull

#### The following commissioners were absent:

- Commissioner Sergio Jimenez
- 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, Associate Analyst
- Mala Subramanian, LAFCO Counsel

#### 2. PUBLIC COMMENTS

There were none.

# 3. APPROVE CONSENT CALENDAR

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

The Commission approved agenda items #4, #5, #8, #9, #11, #12, #13 and #14 on consent.

Motion: KishimotoSecond: WassermanAYES: Constantine, Ellenberg, Kishimoto, LeZotte, Wasserman,<br/>Vicklund WilsonNOES: NoneNOES: NoneABSTAIN: NoneABSENT: JimenezMOTION PASSED

## \*4. CONSENT ITEM: APPROVE MINUTES OF JUNE 1, 2022 LAFCO MEETING

The Commission approved the minutes of June 1, 2022 meeting.

## \*5. CONSENT ITEM: RESOLUTION 2022-09 ALLOWING FOR VIDEO AND TELECONFERENCE MEETINGS DURING COVID-19 STATE OF EMERGENCY UNDER GC §54953(e)

The Commission adopted Resolution No. 2022-09 allowing for video and teleconferencing meetings during COVID-19 State of Emergency under GC §54953(e).

# 6. UPDATE ON COUNTYWIDE FIRE SERVICE REVIEW

Dunia Noel, Senior Analyst, presented a brief report.

In response to an inquiry by **Commissioner Ellenberg**, Ms. Noel informed that Ms. Palacherla had reached out to Matrix Consulting Group on the County fire study. She stated that the new consultant, AP Triton, has restarted the data collection and wants to make sure that they are confident in the data used in the study. She noted that LAFCO's study is independent and separate from the County's and it is uncertain how data sharing with the County would occur. Ms. Palacherla indicated that the County maybe close to publishing its report. She indicated that AP Triton is trying to ensure that the fire agencies studied will have the confidence in the accuracy of the data and have committed to work with fire agencies and offer assistance as needed to get the correct data in a methodical way.

**Commissioner Ellenberg** agreed that if the County is close to completing its study there would be no opportunity for coordination and suggested that the County study be used as a resource for the LAFCO study. In response to another inquiry from Commissioner Ellenberg, **Chairperson Constantine** noted that the information obtained by the previous consultant was in some cases old, inaccurate, or plagiarized and was one of the reasons for letting them go. In response to her follow-up inquiry regarding why LAFCO hired such a consultant, **Chairperson Constantine** stated that LAFCO went through an RFP process and did its due diligence by checking the previous consultant's prior work and references, but there was no indication about their poor performance on prior projects. He stated that there was only a limited pool of consultants at that time since the County had also initiated its fire study at the same time. He noted that there was no way to foresee and avoid this. In response to another inquiry by **Commissioner Ellenberg**, Ms. Palacherla indicated that to ensure quality data, the request for information is now detailed and specifies the format and date range, and that AP Triton is in the process of obtaining data from the fire chiefs and their designated lead persons for the project. Ms. Noel added that AP Triton's team includes a consultant who had worked on LAFCO's previous service reviews and is familiar with the County, so it will be a different approach this time with better results expected.

**Chairperson Constantine** observed that staff did an excellent job and has maintained control over the process, recognized the issues with the prior consultant early, and quickly halted work before incurring further costs, rather than proceeding with the project and producing a poor report. **Commissioner Kishimoto** stated that she and Commissioner Wilson are on the Technical Advisory Committee (TAC), along with other representatives from the Santa Clara County City Managers Association and the Santa Clara County Fire Chiefs Association. She informed that at the August 1<sup>st</sup> TAC meeting, AP Triton introduced a large team of consultants who will work on the various aspects of the project. She stated that the TAC is impressed with the new consultant and their approach to data collection. She noted that data collection is a major challenge for the project given that cities and fire agencies vary in scope of services and have different standards, formats and timelines.

**Commissioner Wasserman** expressed appreciation to Commissioner Ellenberg for raising questions about the service review. He stated that it is important to gather information relevant to the study and noted that there will be some duplication between LAFCO's service review and the County's study. In response to his inquiry, Ms. Palacherla stated that the data obtained from the County's consultants has been shared with AP Triton. **Commissioner Wasserman** recalled his proposal at the start of the service review process to hire the same consultant for the LAFCO and the County studies so there would be no duplication of work or conflicting findings and recalled that it was explained that the County's study is different from LAFCO's mandated service review. He proposed that AP Triton consider the County's report as an information resource.

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

The Commission accepted the report.

Motion: Constantine

Second: Kishimoto

AYES: Constantine, Ellenberg, Kishimoto, LeZotte, Wasserman, Vicklund Wilson 7.

\*8.

NOES: None	ABSTAIN: None	ABSENT: Jimenez
MOTION PASSED		
UPDATE ON COUNT	Y'S CLASSIFICATION S	TUDY FOR LAFCO
Ms. Palacherla presente	ed a brief report.	
<b>Chairperson Constant</b> would like to speak on t		are no members of the public who
The Commission direct vacant LAFCO Clerk pos		h County to recruit for and fill the
Motion: Ellenberg	Second: Vicklund Wilson	
AYES: Constantine, Elle Vicklund Wilson	enberg, Kishimoto, LeZotte	, Wasserman,
NOES: None	ABSTAIN: None	ABSENT: Jimenez
MOTION PASSED		
CONSENT ITEM: FY	2021-2022 ANNUAL REP	PORT
Ms. Palacherla presente	ed a brief report.	
The Commission accept	ted the Annual Report for F	FY 2021-2022.
Motion: Constantine	Second: Vicklund Wilson	
AYES: Chapman, Const Vicklund Wilson	antine, Ellenberg, Jimenez,	LeZotte, Wasserman,
NOES: None	ABSTAIN: None	ABSENT: Jimenez

#### **MOTION PASSED**

## \*9. CONSENT ITEM: EXECUTIVE OFFICER'S REPORT

The Commission noted the report.

- \*9.1 Community Workshops on County's 2023-2031 Housing Element Update
- **\*9.2** Presentations to Santa Clara County Civil Grand Jury
- \*9.3 First Amendment to the Website Hosting and Maintenance Agreement between LAFCO and Covive
- **\*9.4** Special Districts Association Meeting

## 10. CALAFCO RELATED ACTIVITIES

### **10.1** Nominations to the CALAFCO Board of Directors

Ms. Noel presented the staff report.

# **10.2** Designate Voting Delegate and Alternate

Ms. Noel presented a brief report.

**Chairperson Constantine** informed that he is also attending the Conference and offered to serve as the Alternate Voting Delegate.

The Commission appointed Commissioner Sergio Jimenez as the voting delegate and Chairperson Constantine as the alternate voting delegate.

Motion: Vicklund Wilson Second: Wasserman

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

NOES: None ABSTAIN: None ABSENT: Jimenez

### **MOTION PASSED**

# 10.3 Additional Information on the Upcoming CALAFCO Annual Conference (October 19 – 21)

Ms. Noel presented a brief report.

**Chairperson Constantine** requested that members planning to attend the Conference inform staff as soon as possible.

The Commission noted the report.

## \*11. CONSENT ITEM: PENDING APPLICATIONS / UPCOMING PROJECTS

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

#### \*12. CONSENT ITEM: COMMISSIONER REPORTS

There were none.

#### \*13. CONSENT ITEM: NEWSPAPER ARTICLES / NEWSLETTERS

There were none.

## \*14. CONSENT ITEM: WRITTEN CORRESPONDENCE

There were none.

#### 15. CLOSED SESSION

The Commission adjourned to Closed Session at 1:50 p.m.

## 16. REPORT OUT OF CLOSED SESSION

Chairperson Constantine reconvened the meeting at 1:59 p.m. and stated that there is no reportable action from the Closed Session.

## 17. ADJOURN

The Commission adjourned at 2:00 p.m., to the next regular LAFCO meeting on October 5, 2022, at 1:15 p.m., in the Board of Supervisors' Chambers, 70 West Hedding Street, San Jose.

Approved on December 7, 2022.

-DocuSigned by: Rich Constantine

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

DocuSigned by: Emmanuel Abello 43C41738CE194CA... Bv: Emmanuel Abello, LAFCO Clerk