



LOCAL AGENCY FORMATION COMMISSION OF
SANTA CLARA COUNTY
MINUTES
WEDNESDAY, FEBRUARY 8, 2012

CALL TO ORDER

Chairperson Pete Constant called the meeting to order at 1:15 p.m.

1. ROLL CALL

The following Commissioners were present:

- Chairperson Pete Constant
- Commissioner Margaret Abe-Koga
- Commissioner Mike Wasserman
- Chairperson Liz Kniss (*arrived at 1:19 p.m.*)
- Commissioner Susan Vicklund-Wilson

The following were absent:

- Alternate Commissioner Sam Liccardo
- Alternate Commissioner Al Pinheiro
- Alternate Commissioner George Shirakawa
- Alternate Commissioner Terry Trumbull

The following staff members were present:

- LAFCO Executive Officer Neelima Palacherla
- LAFCO Analyst Dunia Noel
- LAFCO Counsel Mala Subramanian

2. PUBLIC COMMENT

There was no public comment.

3. APPROVE THE MINUTES OF DECEMBER 7, 2011 LAFCO MEETING

The Commission approved the minutes of December 7, 2011 LAFCO meeting, as written.

Motion: Susan Vicklund-Wilson

Second: Margaret Abe-Koga

MOTION PASSED

AYES: Pete Constant, Margaret Abe-Koga, Mike Wasserman, Susan Vicklund-Wilson

NOES: None

ABSTAIN: None

ABSENT: Liz Kniss

4. **CONTINUED FROM DECEMBER 7, 2011: SARATOGA URBAN SERVICE AREA AMENDMENT 2011**

Neelima Palacherla, LAFCO Executive Officer, presented the staff report and directed attention to the supplemental report which elaborated on Condition #6 and corrected information on prime agricultural lands.

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

Chuck Page, Mayor, City of Saratoga, stated that the urban service area (USA) amendment would bring the Garrod Trust properties under the jurisdiction of the City of Saratoga. He stated that Condition #7 is unnecessary because the property owners and the City are committed to keeping the properties under Williamson Act contract. He also noted that Saratoga may not have the resources to comply with Condition #6.

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

In response to an inquiry by **Commissioner Wasserman**, Ms. Palacherla indicated that Condition #7 may be satisfied by an annual letter from the City of Saratoga stating the status of the Williamson Act contract. In response to another inquiry by **Commissioner Wasserman**, Ms. Palacherla indicated that the City could annex STG01, 07 and 02 under the streamlined process and plan for the future annexation of STG05 which does not qualify under the streamlined process. She added that Condition #6 was based on the City's letter to LAFCO. **Commissioner Wasserman** stated that he is not supportive of forced annexations and of making future USA expansions contingent on island annexations. He added that he would support it if the City is in agreement with the condition. Ms. Palacherla directed attention to the City's letter outlining its island annexation plan. She added that LAFCO policy encourages cities to annex their islands before adding more lands. At the request of **Chairperson Constant**, Mayor Page stated that the City plans to annex islands; however, it does not have the resources to do so at this time. **Commissioner Kniss** informed that the County has a long-standing policy of encouraging island annexations. At the request of **Chairperson Constant**, Ms. Palacherla read LAFCO's Island Annexation policy encouraging the cities to annex islands before expanding their boundaries. In response to an inquiry by **Commissioner Abe-Koga**, Ms. Palacherla advised that initiating the island annexation process would satisfy Condition #6. **Commissioner Wilson** expressed support for the staff recommendation and stated that LAFCO's policy requiring annexation of islands prior to approval of a USA expansion had been previously imposed on Morgan Hill. **Commissioner Kniss** expressed support for staff recommendation indicating the consistency between LAFCO policy and the County policy. In response to an inquiry by **Commissioner Wasserman**, Ms. Palacherla stated that Condition #6 would require the City to initiate island annexations prior to seeking USA expansions and that initiation occurs through the City Council adopting annexation resolution. She continued discussion of each of the City's existing islands. **Commissioner Wasserman** stated that he is not in favor of forcing annexations or of prohibiting USA expansions until islands are annexed.

Chairperson Constant noted that Condition #6 requires the annexation of islands prior to an USA expansion while the Island Annexation policy only encourages annexation of islands and stated that he would not support Condition #6.

At the request of **Commissioner Wasserman**, **Commissioners Wilson** and **Kniss** agreed to separate Condition #6 from the motion. **Commissioner Wilson** commented on the purpose of streamlined island annexations and discussed the difficulty of providing city services to islands.

In response to an inquiry by **Chairperson Constant**, Ms. Subramanian advised that the Commission may separate Condition #6; however, the final vote may be 3-2 in favor or against the motion. She added that bifurcating the motion would show in the minutes that the Commission is unanimous in approving the Garrod application but not in requiring Condition #6.

The Commission approved the staff recommendations, without Condition #6.

Motion: Susan Vicklund-Wilson **Second:** Liz Kniss

MOTION PASSED

AYES: Pete Constant, Liz Kniss, Margaret Abe-Koga, Mike Wasserman, Susan Vicklund-Wilson

NOES: None ABSTAIN: None ABSENT: None

The Commission approved Condition #6. The Commission adopted **Resolution No. 2012-01**. Said Resolution, by reference hereto, is made part of these minutes.

Motion: Susan Vicklund-Wilson **Second:** Liz Kniss

MOTION PASSED

AYES: Liz Kniss, Margaret Abe-Koga, Susan Vicklund-Wilson

NOES: Pete Constant, Mike Wasserman ABSTAIN: None ABSENT: None

5. IMPLEMENTATION OF THE RECOMMENDATIONS OF LAFCO'S 2011 COUNTYWIDE WATER SERVICE REVIEW REPORT

Dunia Noel, LAFCO Analyst, provided a staff report.

The Commission accepted the staff report.

Motion: Margaret Abe-Koga **Second:** Susan Vicklund-Wilson

MOTION PASSED

AYES: Pete Constant, Margaret Abe-Koga, Liz Kniss, Mike Wasserman, Susan Vicklund-Wilson

NOES: None ABSTAIN: None ABSENT: None

6. STATUS REPORT ON ISLAND ANNEXATIONS IN SANTA CLARA COUNTY

Ms. Noel presented the staff report stating that the report was revised to correct information on the islands in the City of Saratoga.

In response to an inquiry by **Commissioner Kniss**, Ms. Noel informed that State law was amended to increase the size of islands eligible for streamlined island annexations from 75 to 150 acres and to extend the sunset date to January 1, 2014. **Chairperson Constant** announced that he would provide staff with a list of San Jose islands which may have mapping errors. In response to an inquiry by **Chairperson Constant**, Ms. Noel advised that LAFCO and San Jose staff met to resolve potential mapping errors; however, there still remain some issues that cannot be handled administratively as they involve private properties.

Chairperson Constant determined that there are no members of the public who wished to speak on the item.

The Commission accepted the staff report.

Motion: Mike Wasserman

Second: Susan Vicklund-Wilson

MOTION PASSED

AYES: Pete Constant, Margaret Abe-Koga, Liz Kniss, Mike Wasserman, Susan Vicklund-Wilson

NOES: None

ABSTAIN: None

ABSENT: None

7. EXECUTIVE OFFICER'S REPORT

7.1 UPDATE ON 2012 AUDIT AND SERVICE REVIEW OF EL CAMINO HOSPITAL DISTRICT

Ms. Palacherla presented the staff report.

7.2 AD-HOC COMMITTEE FOR FISCAL YEAR 2012-2013 LAFCO BUDGET

Ms. Palacherla presented the staff report.

Chairperson Constant and **Commissioner Wasserman** expressed interest in serving on the FY2013 Finance Committee. Ms. Subramanian recommended that the budget committee be considered as a standing committee stating that it would therefore require a 24-hour notice and agenda.

The Commission established the Finance Committee composed of Chairperson Constant and Commissioner Wasserman to work with staff to develop and recommend the proposed FY 2013 budget to the full Commission.

Motion: Susan Vicklund-Wilson

Second: Mike Wasserman

MOTION PASSED

AYES: Pete Constant, Margaret Abe-Koga, Liz Kniss, Mike Wasserman, Susan Vicklund-Wilson

NOES: None

ABSTAIN: None

ABSENT: None

7.3 LAFCO STRATEGIC PLANNING WORKSHOP

Ms. Palacherla presented the staff report and invited input from Commissioners on topics that they would like to discuss.

The Commission delegated authority to LAFCO Executive Officer to enter into an agreement with Bill Chiat, Alta Mesa Group, in an amount not to exceed \$1,500 and to execute any necessary amendments, subject to LAFCO Counsel's review and approval.

Motion: Mike Wasserman

Second: Susan Vicklund-Wilson

MOTION PASSED

AYES: Pete Constant, Margaret Abe-Koga, Liz Kniss, Mike Wasserman, Susan Vicklund-Wilson

NOES: None

ABSTAIN: None

ABSENT: None

7.4 LAFCO STAFF'S PARTICIPATION IN GREENBELT ALLIANCE'S "CHANGEMAKER TRAINING"

Ms. Palacherla presented the staff report.

7.5 2012 CALAFCO STAFF WORKSHOP

Ms. Palacherla presented the staff report. **Chairperson Constant** stated that funds for this purpose are included in the current budget.

The Commission authorized staff to attend the 2012 CALAFCO Staff Workshop and authorized travel expenses funded by the LAFCO budget.

Motion: Susan Vicklund-Wilson

Second: Mike Wasserman

MOTION PASSED

AYES: Pete Constant, Margaret Abe-Koga, Liz Kniss, Mike Wasserman, Susan Vicklund-Wilson

NOES: None

ABSTAIN: None

ABSENT: None

7.6 LEGISLATIVE ANALYST'S OFFICE REPORT ON SPECIAL DISTRICTS AND LAFCOs

Ms. Palacherla presented the staff report.

8. PENDING APPLICATIONS/UPCOMING PROJECTS

8.1 CAMPBELL 2012 URBAN SERVICE AREA/SPHERE OF INFLUENCE AMENDMENT AND REORGANIZATION

Lisa Harmer, Treasurer, Campbell Village Neighborhood Association, requested Commission support for the annexation of Cambrian No. 36 and Central Park neighborhoods to the City of Campbell.

9. COMMISSIONER REPORTS

Chairperson Constant and **Commissioner Kniss** announced that they attended the CALAFCO University course entitled *Understanding Health Care Districts and the Role of LAFCOs* held in San Jose on February 3, 2012.

10. NEWSPAPER ARTICLES / NEWSLETTERS

None.

11. WRITTEN CORRESPONDENCE

11.1 LETTER FROM RAYMOND SANCHEZ RELATING TO SOUTH SANTA CLARA VALLEY MEMORIAL DISTRICT

Commissioner Wasserman requested staff to recommend action in response to the letter by Mr. Sanchez. In response to an inquiry by **Chairperson Constant**, Ms. Subramanian advised that matters on removal from office and Brown Act violation should be referred to the Civil Grand Jury and the District Attorney. In response to an inquiry by **Commissioner Wilson**, Ms. Palacherla informed that staff will present a work plan for the service review of remaining special districts at the April 4, 2012 meeting.

Commissioner Wilson requested that staff report to the Commission at the next meeting on the status of actions that were taken. **Commissioner Wasserman** requested that the Commission prioritize this matter.

12. ADJOURN

The meeting was adjourned at 2:40 p.m. to the next meeting on Wednesday, April 4, 2012 in Isaac Senter Auditorium, County Government Center, 70 West Hedding Street, San Jose, California.

Approved:

Pete Constant, Chairperson
Local Agency Formation Commission of Santa Clara County

By: _____
Emmanuel Abello, LAFCO Clerk