



LOCAL AGENCY FORMATION COMMISSION OF
SANTA CLARA COUNTY
MINUTES
WEDNESDAY, DECEMBER 12, 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 Liz Kniss**
- **Commissioner Mike Wasserman**
- **Commissioner Susan Vicklund-Wilson**
- **Alternate Commissioner Terry Trumbull**
- **Alternate Commissioner Cat Tucker**

The following were absent:

- **Alternate Commissioner George Shirakawa**
- **Alternate Commissioner Sam Liccardo**

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 MINUTES OF AUGUST 1, 2012 LAFCO MEETING

The Commission approved the minutes of August 1, 2012 LAFCO meeting.

Motion: Mike Wasserman

Second: Margaret Abe-Koga

MOTION PASSED

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

NOES: None

ABSTAIN: None

ABSENT: None

4. AMENDMENT OF LAFCO'S CONFLICT OF INTEREST CODE

Ms. Palacherla presented the staff report.

The Commission adopted the proposed revisions to LAFCO's Conflict of Interest Code and directed staff to submit LAFCO's Amended Conflict of Interest Code to the County Clerk.

MOTION PASSED

Motion: Mike Wasserman

Second: Liz Kniss

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

NOES: None

ABSTAIN: None

ABSENT: None

5. INDEPENDENT SPECIAL DISTRICTS MEMBERSHIP ON LAFCO

Ms. Palacherla presented the staff report.

In response to an inquiry by **Commissioner Kniss**, Ms. Palacherla informed that staff has provided the Commission with periodic updates and that special districts representation is provided for in the CKH Act. **Commissioner Wilson** expressed support for special districts representation on LAFCO and stated that more than half of the LAFCOs in the state have special district representatives. **Commissioner Wasserman** noted that one of the two special districts commissioners will be appointed by the Santa Clara Valley Water District and inquired how the other commissioner would be selected. In response, Ms. Palacherla informed that the second commissioner and an alternate commissioner would be appointed by the Independent Special Districts Selection Committee (ISDSC) which is composed of presiding officers from the 17 independent special districts in the County, including the nine that adopted resolutions in support of representation on LAFCO. In response to an inquiry by **Commissioner Abe-Koga**, Ms. Palacherla advised that all independent special districts would be required to pay a share of the LAFCO cost, including those that did not adopt resolutions in support of representation. In response to an inquiry by **Commissioner Abe-Koga**, Ms. Palacherla explained that the law empowers the appointing authority to disqualify members from taking action on proposals submitted by their agency. In response to a follow-up inquiry by **Commissioner Abe-Koga**, Ms. Palacherla informed that each of the special districts will have one vote at the ISDSC.

A brief discussion ensued regarding whether a small district paying a small portion of the LAFCO cost should have the same ability to have a member on LAFCO as a larger district or a city. Ms. Palacherla advised that the Commission does not have the discretion over which districts may serve on LAFCO and that the CKH Act requires all commissioners, regardless of their appointing authority, to exercise independent judgment and uphold the interest of LAFCO.

Commissioner Constant noted that, nonetheless, commissioners feel that it would be preferable that a member from one of the larger districts be appointed to LAFCO because they represent more people. **Commissioner Wilson** explained that her perspective as a public member is to leave the appointment to the special districts and

allow them to choose the best representative based on the candidate's experience and not necessarily on the portion of their payment.

The Commission: (1) adopted a Resolution of Intention to seat independent special districts on LAFCO of Santa Clara County; (2) directed the LAFCO Executive Officer to call and give notice of a meeting of the Independent Special District Selection Committee to select independent special district members to serve on the Commission; and, (3) directed that the independent special districts' pro-rated costs for the current fiscal year be added to the districts' costs for the next fiscal year and the corresponding amount for the cities and the County be reduced from their payments in the next fiscal year.

Motion: Liz Kniss

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. **APPROVAL OF RESPONSE TO THE 2011-2012 CIVIL GRAND JURY REPORT ENTITLED, "THE SOUTH SANTA CLARA VALLEY MEMORIAL SPECIAL DISTRICT CONTINUES TO FALL SHORT OF GOOD GOVERNANCE"**

Ms. Noel presented the staff report.

Commissioner Wasserman expressed his appreciation to the Santa Clara Valley Memorial District board member who raised this issue, to LAFCO staff, to the Civil Grand Jury and to the various County agencies. He added that LAFCO has a major responsibility in its review of special districts.

The Commission: (1) considered and approved, with revisions as necessary, the attached response to the 2011-2012 Santa Clara County Civil Grand Jury Report of June 20, 2012 entitled "The South Santa Clara Valley Memorial Special District Continues to Fall Short of Good Governance;" and, (2) directed staff to forward the response to the Presiding Judge of the Santa Clara County Superior Court and the Foreperson of the Civil Grand Jury.

Motion: Mike Wasserman

Second: Margaret Abe-Koga

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**

Ms. Noel presented the staff report.

With regard to Item 7.2, **Commissioner Wasserman** noted that LAFCO provides a very important oversight role through its service reviews. He stated that the 50th Anniversary Celebration would be an opportunity for LAFCO to inform the community about its mandate and the work it does.

The Commission noted items 7.1 through 7.6.

Motion: Mike Wasserman

Second: Liz Kniss

MOTION PASSED

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

NOES: None

ABSTAIN: None

ABSENT: None

8. RESOLUTION COMMENDING COMMISSIONER LIZ KNISS

Commissioner Kniss stated that LAFCO's mandate is diverse and interesting, and proposed that LAFCO should do more to educate the public on the work it does.

The Commission adopted and presented a Resolution commending Commissioner Liz Kniss for her services to LAFCO.

Motion: Mike Wasserman

Second: Susan Vicklund Wilson

MOTION PASSED

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

NOES: None

ABSTAIN: Liz Kniss

ABSENT: None

9. 2013 SCHEDULE OF LAFCO MEETINGS

Commissioner Kniss encouraged LAFCO commissioners to attend the CALAFCO annual conference since it has very good speakers and informative sessions. Ms. Palacherla advised that staff would provide additional information, when it becomes available, on the next CALAFCO annual conference scheduled for August 2013.

The Commission adopted the schedule of LAFCO meetings and application filing deadlines for 2013.

Motion: Susan Vicklund Wilson

Second: Margaret Abe-Koga

MOTION PASSED

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

NOES: None

ABSTAIN: None

ABSENT: None

10. APPOINTMENT OF CHAIRPERSON AND VICE-CHAIRPERSON FOR 2013

The Commission appointed Mike Wasserman as Chairperson for 2013 and Susan Vicklund Wilson as Vice-Chairperson.

Motion: Margaret Abe-Koga

Second: Susan Vicklund-Wilson

MOTION PASSED

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

NOES: None

ABSTAIN: None

ABSENT: Liz Kniss

11. PENDING APPLICATIONS / UPCOMING PROJECTS

The Commission noted the upcoming projects.

12. COMMISSIONER REPORTS

There were none.

13. NEWSPAPER ARTICLES / NEWSLETTERS

CALAFCO Newsletter: The Sphere

14. WRITTEN CORRESPONDENCE

There were none.

15. ADJOURN

The meeting was adjourned at 2:09 p.m. to the next meeting on Wednesday, February 6, 2013 in Board Meeting Chambers, 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