

RESOLUTION NO. 2013-06

**RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION
OF SANTA CLARA COUNTY ADOPTING THE SPECIAL DISTRICTS SERVICE REVIEW:
PHASE 2 REPORT, ADOPTING SERVICE REVIEW DETERMINATIONS, AND ADOPTING
SPHERE OF INFLUENCE UPDATES AND DETERMINATIONS FOR BURBANK SANITARY
DISTRICT, COUNTY SANITATION DISTRICT 2-3, LAKE CANYON COMMUNITY
SERVICES DISTRICT, LION'S GATE COMMUNITY SERVICES DISTRICT,
MIDPENINSULA REGIONAL OPEN SPACE DISTRICT,
SANTA CLARA COUNTY OPEN SPACE AUTHORITY, CUPERTINO SANITARY
DISTRICT, AND WEST VALLEY SANITATION DISTRICT**

RESOLVED by the Local Agency Formation Commission of Santa Clara County, State of California, that

WHEREAS, Government Code Section 56430 requires the Commission to conduct service reviews in order to prepare and update spheres of influence in accordance with Government Code Section 56425; and

WHEREAS, the Commission previously authorized the Special Districts Service Review: Phase 2 and Sphere of Influence Updates to be prepared; and

WHEREAS, the Executive Officer set October 2, 2013 and December 4, 2013 as public hearing dates for the Special Districts Service Review: Phase 2 and Sphere of Influence Updates; and

WHEREAS, the Commission considered the report of the Executive Officer; and the attachments thereto, the comments received in writing and comments presented at the October 2, 2013 and December 4, 2013 public hearings;

WHEREAS, the Commission, as Lead Agency has complied with the California Environmental Quality Act (CEQA), as described below;

NOW THEREFORE, the Local Agency Formation Commission of Santa Clara County (LAFCO) does hereby resolve, determine, and order as follows:

SECTION 1:

1. As Lead Agency under CEQA, LAFCO finds that the Special Districts Service Review: Phase 2 and the updates to the Sphere of Influence (SOI) of the eight special districts are categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15306 Class 6; Section 15061(b)(3) General Rule; Section 15378(b)(5); and Section 15320 Class 20 of the State CEQA Guidelines.

SECTION 2:

1. LAFCO hereby adopts the Special Districts Service Review: Phase 2 Report.

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SECTION 3:

1. LAFCO hereby adopts the Service Review determinations as included in the Special Districts Service Review: Phase 2 Report for the eight special districts where LAFCO of Santa Clara County is the principal LAFCO, incorporated herein by reference.

SECTION 4:

1. LAFCO hereby adopts the Sphere of Influence (SOI) determinations as included in the Special Districts Service Review: Phase 2 Report, incorporated herein by reference, and adopts updates to the SOI boundary for the eight special districts as follows:
 - a. Reaffirm the existing zero SOI for the Burbank Sanitary District.
 - b. Reaffirm the existing zero SOI for the County Sanitation District 2-3.
 - c. Reaffirm the existing coterminous SOI for the Lake Canyon Community Services District.
 - d. Reaffirm the existing coterminous SOI for the Lion's Gate Community Services District.
 - e. Reaffirm the existing SOI for the Midpeninsula Regional Open Space District.
 - f. Reaffirm the existing SOI for the Santa Clara County Open Space Authority.
 - g. Retract the existing SOI for the Cupertino Sanitary District to include only territory within each city's Urban Service Area and lands outside of the Urban Service Areas that are already within the District's bounds. Additionally, expand the existing SOI to include Area A and retract the existing SOI to exclude Areas B, E, and K, as described in the Service Review Report and depicted in Figure 3-10 of the Service Review Report.
 - h. Retract the existing SOI for the West Valley Sanitation District to include only territory within each city's Urban Service Area and lands outside of the Urban Service Areas that are already within the District's bounds. Additionally, expand the existing SOI to include Areas G, J, K, M, and N and retract the existing SOI to exclude Areas H, I, and L, as described in the Service Review Report and depicted in Figure 9-10 of the Service Review Report.

SECTION 5:

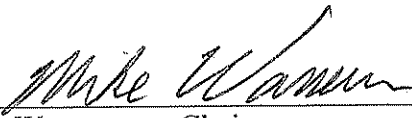
1. LAFCO hereby directs staff to:
 - a. Prepare the Final Report for the Special Districts Service Review: Phase 2 with necessary revisions and distribute the Final Report to all the affected agencies.
 - b. Contact each affected agency and request a written response on how and when the agency plans to address the findings and/or implement the recommendations presented in the Final Report and to provide an explanation if the agency disagrees with a finding or does not plan to implement a recommendation.

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- c. Facilitate a meeting between the Burbank Sanitary District and the City of San Jose to discuss the service and governance structure alternatives identified in the Service Review Report, identify a preferred alternative, and outline how to proceed. LAFCO staff is also directed to report back to LAFCO on the outcome of this discussion.

PASSED AND ADOPTED by the Local Agency Formation Commission of Santa Clara County, State of California, on December 4, 2013 by the following vote:


AYES: CHAVEZ, HALL, KHAMIS, ABE-KOGA, LEZOTTE, VICKLUND WILSON,
WASSERMAN
NOES: None
ABSENT: None
ABSTAIN: None



Mike Wasserman, Chairperson
LAFCO of Santa Clara County

ATTEST:

APPROVED AS TO FORM:



Emanuel Abello, LAFCO Clerk



Malathy Subramanian, LAFCO Counsel

