

# STANISLAUS LOCAL AGENCY FORMATION COMMISSION

## AGENDA

OCTOBER 25, 2006

6:00 P.M.

JOINT CHAMBERS – BASEMENT LEVEL  
TENTH STREET PLACE  
1010 10<sup>th</sup> STREET, MODESTO

Pursuant to California Constitution Article III, Section IV, establishing English as the official language for the State of California, and in accordance with California Code of Civil Procedure Section 185 which requires proceedings before any State Court to be in English, notice is hereby given that all proceedings before the Local Agency Formation Commission shall be in English and anyone wishing to address the Commission is required to have a translator present who will take an oath to make an accurate translation from any language not English into the English language.

Any member of the public may speak on any item, which is on the agenda. Comments by members of the public on an item on the agenda will only be allowed during consideration of the item by the Commission. When the item is called, please raise your hand or approach the podium if you desire to address the Commission.

**AMERICANS WITH DISABILITIES ACT:** Hearing devices are available for public use. If hearing devices are needed, please contact the LAFCO Clerk at 525-7660. Notification 24 hours prior to the meeting will enable the Clerk to make arrangements.

No correspondence addressed to the Commission, individual Commissioners or staff will be accepted and/or considered unless it has been signed by the author, or sufficiently identifies the person or persons responsible for its creation and submittal.

### I. CALL TO ORDER

- A. Pledge of Allegiance to the Flag.
- B. Introduction of Commissioners and Staff.

### II. APPROVAL OF MINUTES

- A. Minutes of the September 27, 2006 Meeting.

### III. CORRESPONDENCE

- A. Specific Correspondence.
  - 1. Letter from Neal Costanzo, Hargrove & Costanzo, Professional Law Corporation, dated October 16, 2006 regarding the Request for Reconsideration by the Oakdale Rural Fire Protection District - Agenda Item No. VII.A.
  - 2. Letter from Kristina D. Lawson, Miller, Starr & Reglia, a Professional Law Corporation, dated October 17, 2006, Regarding Oakdale Rural Fire Protection District Request for Reconsideration of Commission Resolutions 2006-15 and 200616 – Approving Annexation to the City of Oakdale – Agenda Item No. VII.A.

- B. Informational Correspondence.
  - 1. 2007 LAFCO Calendar
- C. "In the News".

#### IV. DECLARATION OF CONFLICTS AND DISQUALIFICATIONS

#### V. CONSENT ITEMS

The following consent items are expected to be routine and non-controversial and will be acted upon by the Commission at one time without discussion, unless a request has been received prior to the discussion of the matter.

- A. **OUT-OF-BOUNDARY SERVICE APPLICATION – CITY OF MODESTO – 406 BROADWAY AVENUE (SHACKELFORD NEIGHBORHOOD)**. A request by the City of Modesto to provide sewer service outside its existing boundaries, but within its sphere of influence, to accommodate new residential development located at 406 Broadway Avenue, Modesto (Shackelford Neighborhood). Staff Recommends Resolution No. 2006-25.
- B. **OUT-OF-BOUNDARY SERVICE APPLICATION – CITY OF MODESTO – 1028 SANTA FE AVENUE (SHACKELFORD NEIGHBORHOOD)**. A request by the City of Modesto to provide sewer service outside its existing boundaries, but within its sphere of influence, to accommodate new residential development located at 1028 Santa Fe Avenue, Modesto (Shackelford Neighborhood). Staff Recommends Resolution No. 2006-26.

#### VI. ACTION ITEMS

- A. **LAFCO APPLICATION NO. 2006-10 – FORMATION OF COUNTY SERVICE AREA (CSA) NO. 23 – HILLSBOROUGH-SCHUTZ (EAST OAKDALE) – CONTINUED FROM SEPTEMBER 27, 2006**. A request for the Formation of County Service Area (CSA) No. 23 – Hillsborough-Schutz, located in the East Oakdale area. The purpose of the CSA is to create a funding mechanism to provide extended County Services for a storm drain system including a river outfall facility the CSA boundaries will affect approximately 52.44 acres. Staff Recommends Resolution No. 2006-27.
- B. **LAFCO APPLICATION NO. 2006-11 – FORMATION OF COUNTY SERVICE AREA (CSA) 25 – SUNCREST II (DENAIR)**. A request for the Formation of County Service Area (CSA) No. 25 – Suncrest II, located in the Denair area. The purpose of the CSA is to create a funding mechanism to provide extended County Services for a storm drain system, and landscaping at the storm drain basin. The CSA boundaries will affect approximately 4.37 acres. Staff Recommends Resolution No. 2006-28.
- C. **CONSIDERATION TO AMEND POLICY 15 – OUT-OF-BOUNDARY SERVICE CONTRACTS OR AGREEMENTS**. The Commission has directed Staff to amend Commission Policy 15 of the LAFCO Policies and Procedures Out-of-Boundary Service Contracts and Agreements to allow the Executive Officer to approve Out-of-Boundary Service Extension for new development under specific circumstances. Staff Recommends Resolution No. 2006-29.

**VII. PUBLIC HEARING**

- A. **PUBLIC HEARING – REQUESTS FOR RECONSIDERATION - LAFCO RESOLUTIONS: NO. 2006-15 – EAST “F” STREET CORRIDOR SPECIFIC PLAN REORGANIZATION TO THE CITY OF OAKDALE; NO. 2006-16 – CITY OF OAKDALE MUNICIPAL SERVICE REVIEW (MSR) AND SPHERE OF INFLUENCE (SOI) MODIFICATION; AND NO. 2006-17 – SOUTH OAKDALE INDUSTRIAL SPECIFIC PLAN REORGANIZATION TO THE CITY OF OAKDALE.** A request by William D. Ross, representing the Oakdale Rural Fire Protection District, for Reconsideration of the above resolutions approved by the Commission on August 23, 2006.

**VIII. OTHER BUSINESS**

**IX. ADDITIONAL MATTERS AT THE DISCRETION OF THE CHAIRPERSON**

**X. EXECUTIVE OFFICER'S REPORT**

- A. On the Horizon.

**XI. PUBLIC COMMENT**

**XII. ADJOURNMENT**

- A. Set the next meeting date of the Commission for December 6, 2006 at 6:00 p.m.
- B. Adjourn.

**Campaign Contributions**

State law (Government Code Section 84308) requires that a LAFCO Commissioner disqualify herself or himself from voting on an application involving an "entitlement for use" (such as an annexation or sphere amendment) if, within the last twelve months, the Commissioner has received \$250 or more in campaign contributions from an applicant, any financially interested person who actively supports or opposes an application, or an agency (such as an attorney, engineer, or planning consultant) representing an applicant or interested participant. The law also requires any applicant or other participant in a LAFCO proceeding to disclose the amount and name of the recipient Commissioner on the official record of the proceeding. Written or oral disclosure can be made at the beginning of the hearing. The law also prohibits an applicant or other participant from making a contribution of \$250 or more to a LAFCO Commissioner while a proceeding is pending or for three months afterward.

Also pursuant to Government Code Sections 56700.0 and 81000 et seq. any person or combination of persons who directly or indirectly contributes \$1000 or more or expends \$1000 or more in support of or opposition to a change of organization or reorganization that has been submitted to the Commission and will require an election must comply with the reporting and disclosure requirements of the Political Reform Act of 1974.