



**STANISLAUS LAFCO
LOCAL AGENCY FORMATION COMMISSION**

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Charlie Goeken, Chairman
William O'Brien, Vice Chairman
Amy Bublak, City Member Commissioner
Jim DeMartini, County Member Commissioner
Tia Saletta, Public Member Commissioner
Matthew Beekman, Alternate City Member Commissioner
Vito Chiesa, Alternate County Member Commissioner
Ron E. Freitas, Alternate Public Member Commissioner

**AGENDA
Wednesday, September 26, 2012
6:00 P.M.
Joint Chambers—Basement Level
1010 10th Street, Modesto, California 95354**

The Stanislaus Local Agency Formation Commission welcomes you to its meetings. As a courtesy, please silence your cell phones during the meeting. If you want to submit documents at this meeting, please bring 15 copies for distribution. Agendas and staff reports are available on our website at least 72 hours before each meeting. Materials related to an item on this Agenda, submitted to the Commission or prepared after distribution of the agenda packet, will be available for public inspection in the LAFCO Office at 1010 10th Street, 3rd Floor, Modesto, during normal business hours.

1. CALL TO ORDER

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

2. PUBLIC COMMENT PERIOD

This is the period in which persons may speak on items that are not on the regular agenda. All persons wishing to speak during this public comment portion of the meeting are asked to fill out a "Speaker's Card" and provide it to the Commission Clerk. Each speaker will be limited to a three-minute presentation. No action will be taken by the Commission as a result of any item presented during the public comment period.

3. APPROVAL OF MINUTES

- A. Minutes of the July 25, 2012 Meeting

4. CORRESPONDENCE

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.

- A. Specific Correspondence.
- B. Informational Correspondence.
 - 1. CALAFCO Quarterly, July 2012.

2. California Special District Association (CSDA) Publication, Volume 7, Issue 4, July – August 2012.
3. C & L Newsletter Update on Public Law, Colantuono & Levin, PC, July 2012.
4. A Practical Guide to the California Environmental Quality Act, 2012, by the Planning Center/DC&E.
5. StanCOG “On the Move” Newsletter, 2nd Quarter 2012.
6. Farmland Working Group Newsletter, Fall 2012.
7. California Special District Publication, Volume 7, Issue 5, Sept-Oct 2012.

C. “In the News”.

5. DECLARATION OF CONFLICTS AND DISQUALIFICATIONS

6. CONSENT ITEMS*

Consent item(s) denoted with an asterisk (*) are considered routine and non-controversial and will be enacted by the Commission under one motion. There will be no separate discussion of these items prior to Commission action, unless members of the Commission, staff, or the public request specific items to be removed from the Consent Agenda or unless a request has been received prior to the discussion of the matter.

*A. **ACCEPTANCE OF THE PROPOSED 2013 LAFCO MEETING CALENDAR.** (Staff Recommendation: Accept the 2013 LAFCO Meeting Calendar.)

*B. **OUT-OF-BOUNDARY SERVICE APPLICATION – CITY OF MODESTO – 4249 McHENRY AVENUE.** A request by the City of Modesto to provide water service outside its boundaries to serve a proposed new automobile dealership, located just north of Pelendale/Claratina Avenues, within the Sphere of Influence of the City of Modesto. (Staff Recommendation: Approve Resolution No. 2012-12.)

7. PUBLIC HEARING

Any member of the public may address the Commission with respect to a scheduled public hearing item. Comments should be limited to no more than three (3) minutes, unless additional time is permitted by the Chair. All persons wishing to speak during this public hearing portion of the meeting are asked to fill out a “Speaker’s Card” and provide it to the Commission Clerk prior to speaking.

A. **CONSIDER ADOPTION OF AN AGRICULTURAL PRESERVATION POLICY -**
(Staff Recommendation: Consider Adoption of Resolution No. 2012-10.)

8. ADDITIONAL MATTERS AT THE DISCRETION OF THE CHAIRPERSON

A. Results of Executive Officer’s Performance Review.

9. EXECUTIVE OFFICER’S REPORT

The Commission will receive a verbal report from the Executive Officer regarding current staff activities.

A. On the Horizon.

10. CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL
The Commission will adjourn to closed session.

- A. Conference With Legal Counsel Regarding Existing Litigation (Government Code Section 54956.9(a)): *Protect Agricultural Land vs. Stanislaus Local Agency Formation Commission, Stanislaus Superior Court Case No. 673680.*

11. REPORT FROM CLOSED SESSION

- A. The Commission will reconvene in the Basement Chambers in open session and announce any reportable actions taken in closed session.

12. ADJOURNMENT

- A. Set the next meeting date of the Commission for October 24, 2012 at 6:00 p.m.
- B. Adjourn.

LAFCO Disclosure Requirements

Disclosure of Campaign Contributions: If you wish to participate in a LAFCO proceeding, you are prohibited from making a campaign contribution of more than \$250 to any commissioner or alternate. This prohibition begins on the date you begin to actively support or oppose an application before LAFCO and continues until three months after a final decision is rendered by LAFCO. No commissioner or alternate may solicit or accept a campaign contribution of more than \$250 from you or your agent during this period if the commissioner or alternate knows, or has reason to know, that you will participate in the proceedings. If you or your agent have made a contribution of more than \$250 to any commissioner or alternate during the twelve (12) months preceding the decision, that commissioner or alternate must disqualify himself or herself from the decision. However, disqualification is not required if the commissioner or alternate returns the campaign contribution within thirty (30) days of learning both about the contribution and the fact that you are a participant in the proceedings.

Lobbying Disclosure: Any person or group lobbying the Commission or the Executive Officer in regard to an application before LAFCO must file a declaration prior to the hearing on the LAFCO application or at the time of the hearing if that is the initial contact. Any lobbyist speaking at the LAFCO hearing must so identify themselves as lobbyists and identify on the record the name of the person or entity making payment to them.

Disclosure of Political Expenditures and Contributions Regarding LAFCO Proceedings: If the proponents or opponents of a LAFCO proposal spend \$1,000 with respect to that proposal, they must report their contributions of \$100 or more and all of their expenditures under the rules of the Political Reform Act for local initiative measures to the LAFCO Office.

LAFCO Action in Court: All persons are invited to testify and submit written comments to the Commission. If you challenge a LAFCO action in court, you may be limited to issues raised at the public hearing or submitted as written comments prior to the close of the public hearing. All written materials received by staff 24 hours before the hearing will be distributed to the Commission.

Reasonable Accommodations: In compliance with the 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.

Alternative Formats: If requested, the agenda will be made available in alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 USC 12132) and the Federal rules and regulations adopted in implementation thereof.

Notice Regarding Non-English Speakers: 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.