



**STANISLAUS LAFCO
LOCAL AGENCY FORMATION COMMISSION**

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Chair William O'Brien, County Member
Vice Chair Amy Bublak, City Member
Jim DeMartini, County Member Commissioner
Charlie Goeken, City Member Commissioner
Brad Hawn, Public Member Commissioner
Matthew Beekman, Alternate City Member Commissioner
Vito Chiesa, Alternate County Member Commissioner
Annabel Gammon, Alternate Public Member Commissioner

**AGENDA
Wednesday, December 4, 2013
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 September 25, 2013 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.

- 1. Letter from Frank Zumwalt from the Zumwalt Law Firm, dated November 22, 2013, regarding Agenda Item 6.B.
- 2. Letter from Jason Quintel, Seefried Industrial Properties, Inc., dated November 25, 2013, regarding Agenda Item 6.B.

B. Informational Correspondence.

1. C&L Newsletter – Update on Public Law, Colantuono & Levin, PC; Fall 2013.
2. CALAFCO/UC Davis Extension Flyer “Establishing Boundaries, Shaping the Future: A LAFCO Symposium” to be held December 9, 2013 in Sacramento.
3. CALAFCO Quarterly Newsletter, November 2013.
4. Revised LAFCO 2014 Meeting Calendar and CALAFCO 2014 Events Calendar (reflecting the CALAFCO Annual Conference to be held in Ontario, October 15-17, 2013).

C. “In the News”.

5. **DECLARATION OF CONFLICTS AND DISQUALIFICATIONS**

6. **PUBLIC HEARINGS**

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. **CONTINUED FROM SEPTEMBER 25, 2013 MEETING - LAFCO APPLICATION NO. 2013-03 – WOODGLEN SPECIFIC PLAN CHANGE OF ORGANIZATION (ANNEXATION) TO THE CITY OF MODESTO.** A request to annex approximately 83.85 acres to the City of Modesto. The area is located adjacent to the northern Modesto City Limits, within the City’s Sphere of Influence, and is bounded by Pelandale Avenue on the south, Carver Road on the west, Bangs Avenue on the north and Tully Road on the east. Pursuant to the California Environmental Quality Act (CEQA), the Commission, as a Responsible Agency, will also review and consider the Environmental Impact Report (EIR) prepared by the City of Modesto, as Lead Agency. (Staff Recommendation: Approve Resolution No. 2013-16)

B. **MUNICIPAL SERVICE REVIEW NO. 13-05, SPHERE OF INFLUENCE MODIFICATION NO. 2013-05, AND LAFCO APPLICATION NO. 2013-04 ARAMBEL/KDN BUSINESS PARK REORGANIZATION TO THE CITY OF PATTERSON** - The Commission will consider the City of Patterson’s request for the following: 1) Municipal Service Review update, 2) Sphere of Influence modification to include additional territory of approximately 1,119 acres and to include this area in the Primary Area designation; and 3) annexation of the 1,119 acres to the City and the simultaneous detachment of the territory from the Del Puerto Water District. The Commission, as a Responsible Agency, will also consider the Final Environmental Impact Report, as prepared by the City of Patterson, as Lead Agency under the California Environmental Quality Act. (Staff Recommendation: Adopt Resolution 2013-19, Option 1 -Denial)

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

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. ADJOURNMENT

A. Set the next meeting date of the Commission.

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.