



STANISLAUS LOCAL AGENCY FORMATION COMMISSION

MINUTES DECEMBER 2, 2009

The Stanislaus Local Agency Formation Commission met in the Joint Chambers at Tenth Street Place, Basement Level, 1010 10th Street, Modesto, California.

1. CALL TO ORDER

- A. Chair Lane called the December 2, 2009 meeting to order at 6:00 p.m.
- B. Pledge of Allegiance to Flag. Chair Lane led in the pledge of allegiance to the flag.
- C. Introduction of Commissioners. Chair Lane led in the introduction of the Commissioners and Staff.

Commissioners Present: Ken Lane, Chair, City Member
Jim DeMartini, Vice-Chair, County Member
Brad Hawn, City Member
William O'Brien, County Member
Tia Saletta, Public Member
Ron Freitas, Alternate Public Member
Vito Chiesa, Alternate County Member

Arrived at 6:05 p.m

Commissioners Absent: Charlie Goeken, Alternate City Member

Staff Present: Marjorie Blom, Executive Officer
Sara Lytle-Pinhey, Assistant Executive Officer
Dean Wright, LAFCO Counsel
Debbie Hamilton, Clerk to the Commission

2. PUBLIC COMMENT

None.

3. APPROVAL OF THE MINUTES

- A. Minutes of September 23, 2009. It was moved by Commissioner Saletta, seconded by Commissioner DeMartini, (Commissioner Lane abstained and Commissioner Freitas was ineligible to vote) to approve the Minutes of the September 23, 2009 meeting. The motion carried with a 4-1 vote of the voting members.

4. CORRESPONDENCE

- A. Specific Correspondence.

None.

B. Informational Correspondence.

1. Publication of the California Special District Association (CSDA) Volume 4, Issue 5, September - October 2009 – Received.
2. “The Sphere”, CALAFCO Newsletter, October 2009 – Received.

C. In the News:

- The Oakdale Leader, September 30, 2009, “Tough Choice For Rural Fire” – Received.
- The Oakdale Leader, September 30, 2009, “OID Centennial Party Draws Large Crowd” – Received.
- The Modesto Bee, October 4, 2009, “Modesto’s biggest growth measures quietly head toward ballot” – Received.
- The Modesto Bee, October 7, 2009, “Modesto firefighters no longer are sent out on nonemergency calls” – Received.
- Ceres Courier, October 14, 2009, “City wins grant to fund two wells” – Received.
- The Modesto Bee, October 16, 2009, “Bigger climate challenges are ahead, water chief says” – Received.
- The Modesto Bee, November 4, 2009, “All 5 Modesto city growth measures voted down” – Received.
- The Modesto Bee, November 5, 2009, “Test finds contaminant in well” - Received.
- The Modesto Bee, November 6, 2009, “Bonzi landfill fires back with countersuit on water” – Received.
- Turlock Journal, November 14, 2009, “The last volunteer” - Received.
- Ceres Courier, November 18, 2009, “City joins animal shelter JPA” – Received.

Other News

- Farmland Working Group Newsletter, Fall 2009 – Received.
- Marin Independent Journal, October 12, 2009, “Schwarzenegger signs bill that could force Southern Marin sewer district merger” – Received.
- Colantuono & Levin (C&L) Newsletter – Update on Public Law, Fall 2009 – Received.

5. DECLARATION OF CONFLICTS AND DISQUALIFICATIONS

None.

6. CONSENT ITEM*

*A. **CONSIDERATION OF MSR NO. 09-05 AND SOI NO. 2009-06 – MUNICIPAL SERVICE REVIEW AND SPHERE OF INFLUENCE UPDATES FOR THE DEL PUERTO AND WESTSIDE COMMUNITY HEALTHCARE DISTRICTS AND OAK VALLEY HOSPITAL DISTRICT.**

Moved by Commissioner DeMartini, seconded by Commissioner Saletta, (Commissioner Freitas was ineligible to vote) and carried with a 5-0 vote that the Commission adopt Resolution Nos. 2009-25, 2009-26 and 2009-27, approving the Municipal Service Review and Sphere of Influence Updates for the Del Puerto and Westside Community Healthcare Districts and Oak Valley Hospital District.

7. PUBLIC HEARING

A. **OUT-OF-BOUNDARY SERVICE APPLICATION – CITY OF CERES (STANISLAUS COUNTY – ANIMAL SHELTER FACILITY).**

Marjorie Blom, Executive Officer, presented the proposal with the recommendation for approval.

Commissioner Chiesa arrived at 6:05 p.m.

Chair Lane opened the Public Hearing at 6:08 p.m.

FAVOR: Tom Westbrook, City Planner, City of Ceres and Patty Hill-Thomas, Assistant Executive Officer/Chief Operation Officer, Stanislaus County Executive Office.

OPPOSITION: No one spoke.

Chair Lane closed the Public Hearing at 6:11 p.m.

Moved by Commissioner Hawn, seconded by Commissioner DeMartini, (Commissioners Chiesa and Freitas were ineligible to vote) and carried with a 5-0 vote that the Commission adopt Resolution No. 2009-28, approving the Out-of-Boundary Service Application for the City of Ceres (Stanislaus County – Animal Shelter Facility).

8. OTHER BUSINESS

A. 2009 CALAFCO Conference Report. By concurrence, the Commission accepted the report.

Vice-Chair DeMartini reported that the workshops he attended were overall informative and many dealt with the regulatory issues, as well as LAFCO's authority to impose certain terms and conditions. He noted that Yolo LAFCO has imposed an Ag Mitigation policy. Additionally, he stated his extreme dissatisfaction regarding the Environmental Justice presentation, which did not fairly represent the City of Modesto or Stanislaus County.

Commissioner Saletta stated that she got the most out this conference, than other conferences she has attended in the past. She also mentioned that other LAFCOs have AG mitigation policies. She also noted that there was much discussion throughout the conference regarding the issue of establishing regional representation on the CALAFCO Board.

- B. Closure of Tenth Street Place During the Winter Holiday Season.

Moved by Commissioner Hawn, seconded by Commissioner Saletta (Commissioners Chiesa and Freitas were ineligible to vote) and carried with a 5-0 vote to authorize the LAFCO Office to close from December 24, 2009 (1/2 day) through January 3, 2010, as a result of the Tenth Street Place Building Closure.

9. ADDITIONAL MATTERS AT THE DISCRETION OF THE CHAIRPERSON

Commissioner Hawn noted the Modesto City Fire Chief informed him that the City and several of the adjacent fire districts are making good progress towards the issue of annexation to the City without detachment (from the fire district).

10. EXECUTIVE OFFICER'S REPORT

- A. On the Horizon. The Executive Officer informed the Commission of the following upcoming matters for the January 27, 2010:

1. Oakdale Irrigation District Presentation.
2. Mid-Year Budget Review.
3. Election of Officers.

- B. Upcoming Matters for the Future Meetings:

1. Two annexation proposals and one formation:
 - a. The City of Patterson Southeast Industrial area and City-owned parcels.
 - b. County Public Works will be submitting an application requesting the formation of a new County Service Area (#27), which would be established to provide for storm drain maintenance and operation for the Empire Area.
2. Staff is continuing to work on the next round of MSRs and SOI updates, including the Modesto and Turlock Irrigation Districts and the existing County Service Areas.

11. ADJOURNMENT

- A. Set the next meeting date of the Commission for January 27, 2010 at 6:00 p.m.
- B. The meeting was adjourned at 6:30 p.m.

SIGNED COPY ON FILE

Marjorie Blom, Executive Officer