



STANISLAUS LOCAL AGENCY FORMATION COMMISSION

MINUTES AUGUST 25, 2010

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 DeMartini called the August 25, 2010 meeting to order at 6:00 p.m.
- B. Pledge of Allegiance to Flag. Chair DeMartini led in the pledge of allegiance to the flag.
- C. Introduction of Commissioners. Chair DeMartini led in the introduction of the Commissioners and Staff.

Commissioners Present: Jim DeMartini, Chair, County Member
Tia Saletta, Vice-Chair, Public Member
Charlie Goeken, City Member
William O'Brien, County Member
Amy Bublak, City Member

Commissioners Absent: Vito Chiesa, Alternate County Member
Ken Lane, Alternate City Member
Ron Freitas, Alternate Public 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 June 23, 2010 It was moved by Commissioner Goeken, seconded by Commissioner O'Brien (Commissioners Bublak and Saletta abstained), and carried with a 3-0 vote to approve the Minutes of the June 23, 2010 meeting.

4. CORRESPONDENCE

A. Specific Correspondence.

None.

B. Informational Correspondence.

1. "The Sphere", CALAFCO Newsletter, July, 2010 – Received.

Commissioner O'Brien commented on the "Attorney General Supports Solano LAFCo Revenue Protection Policy" article, page 1. He would like to see a formal policy for Stanislaus LAFCO. He directed LAFCO Counsel to get a copy of the Attorney General Opinion and to bring a draft policy to the next meeting.

2. CALAFCO 2010 Annual Conference "Preliminary Program" - Received.
3. Publication of the California Special District Association (CSDA) Volume 5, Issue 3, May – June 2010 – Received.
4. Publication of the California Special District Association (CSDA) Volume 5, Issue 4, July – August 2010 – Received.
5. San Joaquin Valley Regional Planning Agencies' Fall Policy Conference Flyer for October 6-7, 2010 – Received.
6. Pamphlet from Oakdale Irrigation District, "A Century of Service" – Received.

C. In the News:

- Turlock Journal, June 29, 2010, "Turlock to partner with other cities in water plan" – Received.
- Turlock Journal, July 2, 2010, "Grand jury finds money misuse at Turlock Rural Fire" – Received.
- The Modesto Bee, July 4, 2010, "Merced's anti-sprawl initiative echoes SOS" – Received.
- The Modesto Bee, July 6, 2010, "Modesto's Parklawn residents want vote on sewer extension" – Received.
- The Modesto Bee, July 12, 2010, "Modesto looks to annex distant waste-water site" – Received.
- The Modesto Bee, July 14, 2010, "Modesto sewer extension put on fall ballot" – Received.
- The Modesto Bee, August 12, 2010, "Vote to raze dam at Hetch Hetchy put on hold in SF" – Received.

- Patterson Irrigator, August 12, 2010, "General plan draft EIR available for public comment" – Received.

Other News

- Contra Costa Times, July 7, 2010, "Lack of fire protection stuns, frustrates Delta island property owners" – Received.
- Hanford Sentinel, July 8, 2010, "Grand jury: Kings County should have stopped water sale" – Received.
- Manteca Bulletin, July 19, 2010, "3 months of free electricity" – Received.
- Lassen County News, July 20, 2010, "Cal Fire will assume OES responsibilities" – Received.
- Merced Sun Star, July 28, 2010, "Merced board says 'Save Farmland' needs clarification" – Received.

5. DECLARATION OF CONFLICTS AND DISQUALIFICATIONS

None.

6. CONSENT ITEM*

- *A. **CONSIDERATION OF MSR NO. 10-04 AND SOI NO. 2010-05: MUNICIPAL SERVICE REVIEW AND SPHERE OF INFLUENCE UPDATE FOR THE OAKDALE IRRIGATION DISTRICT.**

Staff Recommended Approval of Resolution No. 2010-13.

Moved by Commissioner O'Brien, seconded by Commissioner Bublak, and carried with a 5-0 vote, approving the Municipal Service Review and the Sphere of Influence Update for the Oakdale Irrigation District.

7. PUBLIC HEARING

- A. **OUT-OF-BOUNDARY SERVICE APPLICATION – CITY OF MODESTO (RIZO-LOPEZ FOODS).**

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

Chair DeMartini opened the Public Hearing at 6:13 p.m.

FAVOR: No one spoke.

OPPOSITION: No one spoke.

Chair DeMartini closed the Public Hearing at 6:14 p.m.

Moved by Commissioner Goeken, seconded by Commissioner Bublak, and carried with a 5-0 vote to adopt Resolution No. 2010-14, approving the Out-of-Boundary Service Application for the City of Modesto (Rizo-Lopez Foods).

8. OTHER BUSINESS

- A. CALAFCO Nominations for Board of Directors, Designation of Annual Conference Voting Delegates, and Achievement Award Nominations.

It was moved by Commissioner O'Brien, seconded by Commissioner Goeken, and carried with 5-0 vote that the Commission appoint Commissioner DeMartini as the Voting Delegate and Commissioner Saletta as the Alternate Voting Delegate to represent Stanislaus LAFCO at the 2010 CALAFCO Conference on October 7, 2010.

- B. Considered Letter of Opposition to AB 853 (Arambula).

It was moved by Commissioner Goeken, seconded by Commissioner Bublak, and carried with a 5-0 vote, approving to authorize the Chair to communicate its opposition to AB 853 (Arambula) to the Governor and CALAFCO.

- C. Request for Waiver of LAFCO Processing Fee and/or Service Charges From the City of Modesto for a Proposed Sphere of Influence Amendment and Annexation Application (Jennings Road Wastewater Treatment Plant).

Marjorie Blom, Executive Officer, presented a proposal with the recommendation to approve Option 2, "reduction of the LAFCO processing deposit in the amount of \$5,000".

Dennis Turner, Director of Public Works, City of Modesto requested waiver of fees with the understanding of Policy 12.

It was moved by Commissioner Goeken, seconded by Commissioner Saletta, and carried with a 5-0 vote, approving Option 3, denying the City of Modesto's request for any fee waiver or reduction.

9. ADDITIONAL MATTERS AT THE DISCRETION OF THE CHAIRPERSON

- A. Results of the Executive Officer Performance Review.

Commissioner DeMartini reported that he and Vice-Chair Saletta met with Marjorie Blom, Executive Officer, and reported that her annual review was a positive evaluation.

10. EXECUTIVE OFFICER'S REPORT

- A. On the Horizon. The Executive Officer informed the Commission of the following:

1. Upcoming matters for the September 22, 2010 Meeting:

- a. Application from the Patterson Irrigation District requesting to detach approximately 65.42 acres from the district. The territory is located within the City of Patterson and is bounded by Ward Avenue, Ninth Street, and Sperry Avenue.

- b. A request from the Ceres Fire Protection District regarding a boundary discrepancy. There are six parcels involved.
 - 2. Upcoming matters for the October 27, 2010 Meeting:
 - a. Municipal Service Review and Sphere of Influence Update for the Modesto Irrigation District.
 - b. A request from Bright Development to annex approximately 9.51 acres to the Salida Sanitary District for a proposed county-approved commercial development.
- B. Other Matters:
 - 1. LAFCO has received two Draft EIRs: 1) City of Patterson 2010 General Plan and, 2) City of Ceres' West Landing Specific Plan. Staff is preparing their responses and will provide copies to the Commission upon completion.
 - 2. On Friday, November 5th from 9:00 a.m. to 3:00 p.m., CALAFCO U will present a Fire Service Course at the MJC Regional Fire Training Center.
 - 3. LAFCO Office will be closed September 3rd and September 6th due to a scheduled furlough and the Labor Day holiday.

11. ADJOURNMENT

- A. Set the next meeting date of the Commissioner for September 22, 2010 at 6:00 p.m.
- B. The meeting was adjourned at 6:40 p.m.

SIGNED COPY ON FILE

Marjorie Blom, Executive Officer