



# STANISLAUS LOCAL AGENCY FORMATION COMMISSION

## MINUTES

Wednesday, December 5, 2012

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

### 1. CALL TO ORDER

Chair Goeken called the meeting to order at 6:02 p.m.

- A. Pledge of Allegiance to Flag. Chair Goeken led in the pledge of allegiance to the flag.
- B. Introduction of Commissioners and Staff. Chair Goeken led in the introduction of the Commissioners and Staff.

Commissioners Present: Charlie Goeken, Chair, City Member  
William O'Brien, Vice Chair, County Member  
Amy Bublak, City Member  
Jim DeMartini, County Member  
Tia Saletta, Public Member (arrived at 6:03 pm)  
Matt Beekman, Alternate City Member  
Vito Chiesa, Alternate County Member  
Ron Freitas, Alternate Public Member

Staff Present: Marjorie Blom, Executive Officer  
Thomas E. Boze, Alternate LAFCO Counsel  
Sara Lytle-Pinhey, Assistant Executive Officer

### 2. PUBLIC COMMENT

None.

### 3. APPROVAL OF THE MINUTES

- A. Minutes of September 26, 2012. Motion by Commissioner Bublak, seconded by Commissioner O'Brien, and carried with a 5-0 vote, (Commissioners Beekman and Chiesa were ineligible) to approve the Minutes of the September 26, 2012 meeting.

Commissioner Saletta arrived at 6:03 p.m.

#### 4. CORRESPONDENCE

- A. Specific Correspondence.
- B. Informational Correspondence.
  - 1. 2013 LAFCO Calendar (Revised)
  - 2. CALAFCO Quarterly, October 2012
  - 3. C&L Bulletin, Update on Public Law, Featuring an Article entitled "Legislative DUC Walk Continues", Colantuono & Levin, PC, Fall 2012
  - 4. C&L Bulletin, Update on Public Law, Featuring an Article entitled "Prop. 218 Does Not Apply to Annexations", Colantuono & Levin, PC, October 2012
- C. "In the News."
  - 1. Miscellaneous News Articles were distributed to the Commission.

#### 5. DECLARATION OF CONFLICTS AND DISQUALIFICATIONS

Chair Goeken announced he would recuse himself from Agenda Item 6A; he then handed the gavel to Vice Chair O'Brien and left the Chambers at 6:04 p.m.

#### 6. PUBLIC HEARING

- A. **OUT-OF-BOUNDARY SERVICE APPLICATION – CITY OF CERES (BEAVER ELEMENTARY SCHOOL)** – Sara Lytle-Pinhey, Assistant Executive Officer presented the staff report with a recommendation for approval.

Vice Chair O'Brien opened the Public Hearing at 6:08 p.m.

FAVOR: Tom Westbrook, City of Ceres Planning Division; and Jay Simmonds, Ceres Unified School District.

OPPOSITION: None.

Vice Chair O'Brien closed the Public Hearing at 6:09 p.m.

Motion by Commissioner Bublak, seconded by Commissioner Saletta and carried with a 5-0 vote (Commissioners Chiesa and Freitas were ineligible) to adopt Resolution No. 2012-14, approving the Out- of-Boundary Service Application for the City of Ceres.

Chair Goeken returned to the Dais at 6:14 p.m.

- B. **ADOPTION OF REVISED LAFCO POLICIES AND PROCEDURES FOR CONSISTENCY WITH STATE LAW REGARDING SB 244 –DISADVANTAGED UNINCORPORATED COMMUNITIES** – Marjorie Blom, Executive Officer presented the staff report with a recommendation for approval.

Chair Goeken opened the Public Hearing at 6:18 p.m.

FAVOR: No one spoke.

OPPOSITION: No one spoke

Chair Goeken closed the Public Hearing at 6:19 p.m.

Motion by Commissioner O'Brien, seconded by Commissioner DeMartini and carried with a 5-0 vote (Commissioners Beekman, Chiesa and Freitas were ineligible) to adopt Resolution No. 2012-15, approving the adoption of revised LAFCO Policies and Procedures for consistency with State law regarding SB 244- Disadvantaged Unincorporated Communities.

## **7. OTHER BUSINESS**

- A. Discussion and Direction Regarding Commission Policy 15 – Out-of-Boundary Service Contracts or Agreements.

Sara Lytle-Pinhey, Assistant Executive Officer provided a staff report regarding the City of Modesto's request for an amendment to Commission Policy 15 and outlined three options for the Commission to consider.

Following staff's presentation, Chair Goeken asked if anyone in the audience would like to speak on the matter.

Brent Sinclair, Director of Community and Economic Development with the City of Modesto indicated to the Commission his support for Option 2. John Anderson with JB Anderson Planning Associates, representing the Beard Land Improvement and Modesto Traction Companies, also spoke in favor of Option 2.

Motion by Commissioner DeMartini, seconded by Commissioner Bublak and carried with a 5-0 vote (Commissioners Beekman, Chiesa, and Freitas were ineligible), approving Option 2, directing staff to prepare a proposed policy amendment specifically exempting the Beard Industrial Area from the consent-to-annex requirement in Policy 15, and to bring back the item at the January 23, 2013 meeting.

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

None.

## **9. EXECUTIVE OFFICER'S REPORT**

- A. On the Horizon. The Executive Officer informed the Commission of the following:
1. January 23, 2013 Meeting:
    - a. Election of Officers – Based on the Commission's Rotation Schedule, the Chair would be a County member and the Vice Chair would be a City member.
    - b. LAFCO Policies and Procedures Update: Policy 15 (Out-of-

- Boundary Service Extensions) and Rule 30 (Participation of Alternate Members in Closed Sessions).
  - c. Mid-Year Budget Report
  - d. Annual Annexation Summary
2. Upcoming Projects:
- a. City of Patterson proposal – MSR, Sphere of Influence Expansion, and Reorganization to accommodate commercial and industrial development adjacent to the City’s existing West Patterson Business Park. (Materials provided to the Commission should be retained for future reference.)
  - b. MSR, Sphere expansion and annexation of territory to the Oakdale Irrigation District (Trinitas).
3. Of note to the Commission – Tenth Street Place will be closed for the Winter Holidays and mandatory furloughs, December 24<sup>th</sup> through January 1<sup>st</sup>. Staff will return to the office on January 2, 2013.

**10. ADJOURNMENT**

The meeting was adjourned at 6:49 p.m. Chair Goeken announced the meeting date and time for January 23, 2013 at 6:00 p.m.

**SIGNED COPY ON FILE**

Marjorie Blom, Executive Officer