



**Local Agency
Formation Commission
of Santa Clara County**

777 North First Street
Suite 410
San Jose, CA 95112

SantaClaraLAFCO.org

Commissioners

Sylvia Arenas
Jim Beall
Rosemary Kamei
Yoriko Kishimoto
Otto Lee
Russ Melton
Terry Trumbull

Alternate Commissioners

Domingo Candelas
Helen Chapman
Cindy Chavez
Teresa O'Neill
Mark Turner

Executive Officer

Neelima Palacherla

REGULAR MEETING

Board of Supervisors' Chambers, 70 West Hedding Street, First Floor, San Jose

June 5, 2024 ▪ 1:15 PM

AGENDA

Chairperson: Russ Melton ▪ Vice-Chairperson: Sylvia Arenas

PUBLIC ACCESS AND PARTICIPATION

This meeting will be held in person at the location listed above. As a courtesy, and technology permitting, members of the public may also attend by virtual teleconference. However, LAFCO cannot guarantee that the public's access to teleconferencing technology will be uninterrupted, and technical difficulties may occur from time to time. Unless required by the Brown Act, the meeting will continue despite technical difficulties for participants using the teleconferencing option. To attend the meeting by virtual teleconference, access the meeting at <https://sccgov-org.zoom.us/j/9414559341> or by dialing **(669) 900-6833** and entering **Meeting ID 990 1426 0730#** when prompted.

PUBLIC COMMENT INSTRUCTIONS

Written Public Comments may be submitted by email to LAFCO@ceo.sccgov.org. Written comments will be distributed to the Commission and posted to the agenda on the LAFCO website as quickly as possible but may take up to 24 hours.

Spoken public comments may be provided in-person at the meeting. Persons who wish to address the Commission on an item are requested to complete a Request to Speak Form and place it in the designated tray near the dais. Request to Speak Forms must be submitted prior to the start of public comment for the desired item. For items on the Consent Calendar or items added to the Consent Calendar, Request to Speak Forms must be submitted prior to the call for public comment on the Consent Calendar. Individual speakers will be called to speak in turn. Speakers are requested to limit their comments to the time limit allotted.

Spoken public comments may also be provided through the teleconference meeting. To address the Commission virtually, click on the link <https://sccgov-org.zoom.us/j/9414559341> to access the meeting and follow the instructions below:

- You will be asked to enter an email address and name. We request that you identify yourself by name as this will be visible online and will be used to notify you when it is your turn to speak.
- When the Chairperson calls for the item on which you wish to speak, click on "raise hand" icon. The Clerk will activate and unmute speakers in turn. Speakers will be notified shortly before they are called to speak. Call-in attendees press *9 to request to speak, and *6 to unmute when prompted.
- When called to speak, please limit your remarks to the time limit allotted.

NOTICE TO THE PUBLIC

- Pursuant to Government Code §84308, no LAFCO commissioner shall accept, solicit, or direct a contribution of more than \$250 from any party, or a party's agent; or any participant or the participant's agent if the commission knows or has reason to know that the participant has a financial interest, while a LAFCO proceeding is pending, and for 12 months following the date a final decision is rendered by LAFCO. Prior to rendering a decision on a LAFCO proceeding, any LAFCO commissioner who received a contribution of more than \$250 within the preceding 12 months from a party or participant shall disclose that fact on the record of the proceeding. If a commissioner receives a contribution which would otherwise require disqualification returns the contribution within 30 days from the time the commissioner knows or should have known, about the contribution and the proceeding, the commissioner shall be permitted to participate in the proceeding. A party to a LAFCO proceeding shall disclose on the record of the proceeding any contribution of more than \$250 within the preceding 12 months by the party, or the party's agent, to a LAFCO commissioner. For forms, visit the LAFCO website at www.santaclaralafco.org. No party, or the party's agent and no participant, or the participant's agent, shall make a contribution of more than \$250 to any LAFCO commissioner during the proceeding or for 12 months following the date a final decision is rendered by LAFCO.
- Pursuant to Government Code Sections 56100.1, 56300, 56700.1, 57009 and 81000 et seq., any person or combination of persons who directly or indirectly contribute(s) a total of \$1,000 or more or expend(s) a total of \$1,000 or more in support of or in opposition to specified LAFCO proposals or proceedings, which generally include proposed reorganizations or changes of organization, may be required to comply with the disclosure requirements of the Political Reform Act (See also, Section 84250 et seq.). These requirements contain provisions for making disclosures of contributions and expenditures at specified intervals. More information on the scope of the required disclosures is available at the web site of the FPPC: www.fppc.ca.gov. Questions regarding FPPC material, including FPPC forms, should be directed to the FPPC's advice line at 1-866-ASK-FPPC (1-866-275- 3772).
- Pursuant to Government Code §56300(c), LAFCO adopted lobbying disclosure requirements which require that any person or entity lobbying the Commission or 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. In addition to submitting a declaration, 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. Additionally, every applicant shall file a declaration under penalty of perjury listing all lobbyists that they have hired to influence the action taken by LAFCO on their application. For forms, visit the LAFCO website at www.santaclaralafco.org.
- Any disclosable public records related to an open session item on the agenda and distributed to all or a majority of the Commissioners less than 72 hours prior to that meeting are available for public inspection at the LAFCO Office, 777 North First Street, Suite 410, San Jose, California, during normal business hours. (Government Code §54957.5.)
- In compliance with the Americans with Disabilities Act, those requiring accommodation for this meeting should notify the LAFCO Clerk 24 hours prior to meeting at (408) 993- 4705.

1. ROLL CALL

2. PUBLIC COMMENTS

This portion of the meeting provides an opportunity for members of the public to address the Commission on matters not on the agenda, provided that the subject matter is within the jurisdiction of the Commission. No action may be taken on off- agenda items unless authorized by law. Speakers are limited to THREE minutes. All statements that require a response will be referred to staff for reply in writing.

3. APPROVE CONSENT CALENDAR

The Consent Calendar includes Agenda Items marked with an asterisk (*). The Commission may add to or remove agenda items from the Consent Calendar.

All items that remain on the Consent Calendar are voted on in one motion. If an item is approved on the Consent Calendar, the specific action recommended by staff is adopted. Members of the public who wish to address the Commission on Consent Calendar items should comment under this item.

***4. APPROVE MINUTES OF APRIL 3, 2024 LAFCO MEETING**

PUBLIC HEARINGS

5. FINAL WORK PLAN AND BUDGET FOR FY 2025

Recommended Action:

1. Adopt the Work Plan for Fiscal Year 2024-2025, as revised by the Commission at its April 3, 2024 meeting.
2. Adopt the Final Budget for Fiscal Year 2024-2025.
3. Find that the Final Budget for Fiscal Year 2025 is expected to be adequate to allow the Commission to fulfill its statutory responsibilities.
4. Authorize staff to transmit the Final Budget adopted by the Commission including the estimated agency costs to the cities, the special districts, the County, the Cities Association of Santa Clara County and the Santa Clara County Special Districts Association.
5. Direct the County Auditor-Controller to apportion LAFCO costs to the cities; to the special districts; and to the County; and to collect payment pursuant to Government Code §56381.

ITEMS FOR ACTION / INFORMATION

***6. WEST VALLEY SANITATION DISTRICT 2024-01 (BIG BASIN)**

Recommended Action:

CEQA Action

1. As Lead Agency under CEQA, determine that the proposal is categorically exempt from the provisions of CEQA pursuant to State CEQA Guidelines §15319 (a) & (b), and §15303(d).

Project Action

2. Approve the annexation of approximately 1.23 acres of land (APN 503-48-029) located within the City of Saratoga, to the West Valley Sanitation District.
3. Waive protest proceedings pursuant to Government Code §56662(a).

***7. WEST VALLEY SANITATION DISTRICT 2024-02 (HIGH STREET)**

Recommended Action:

CEQA Action

1. As Lead Agency under CEQA, determine that the proposal is categorically exempt from the provisions of CEQA pursuant to State CEQA Guidelines §15319 (a) & (b), and §15303(d).

Project Action

2. Approve the annexation of approximately 0.66 acres of land (APN 532-23-034) located within the Town of Los Gatos, to the West Valley Sanitation District.
3. Waive protest proceedings pursuant to Government Code §56662(a).

8. IMPLEMENTATION OF RECOMMENDATIONS FROM LAFCO'S COUNTYWIDE FIRE SERVICE REVIEW

Recommended Action: Accept report and provide direction, as necessary.

9. CALAFCO RELATED ACTIVITIES

9.1 Report on the 2024 CALAFCO Staff Workshop (April 24 – 26, 2024) For Information Only.

9.2 2024 CALAFCO Annual Conference (October 16 – 18, 2024)

Recommended Action: Authorize commissioners and staff to attend the Annual Conference and direct that associated travel expenses be funded by the LAFCO Budget for Fiscal Year 2025.

9.3 Nominations to the CALAFCO Board of Directors

Recommended Action: Nominate interested Commissioners and provide further direction to staff, as necessary.

9.4 Designate Voting Delegate and Alternate for 2024 CALAFCO Board of Directors Election

Recommended Action: Appoint voting delegate and alternate voting delegate.

10. COMMISSIONER REPORTS

11. NEWSPAPER ARTICLES / NEWSLETTERS

11.1 CALAFCO Quarterly Newsletter (May 2024)

11.2 Article from Mercury News, "It's not just skyscrapers and high-density also density — 'builder's remedy' is also bringing sprawl bringing more urban sprawl" (April 22, 2024)

12. WRITTEN CORRESPONDENCE

13. ADJOURN

Adjourn to the regular LAFCO meeting on August 7, 2024 at 1:15 PM in the Board of Supervisors' Chambers, 70 West Hedding Street, San Jose.



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Jim Beall
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Otto Lee
Russ Melton
Terry Trumbull

ITEM # 4

Alternate Commissioners

Domingo Candelas
Helen Chapman
Cindy Chavez
Teresa O'Neill
Mark Turner

Executive Officer

Neelima Palacherla

**LAFCO MEETING MINUTES
WEDNESDAY, APRIL 3, 2024**

CALL TO ORDER

The meeting was called to order at 1:16 p.m.

1. ROLL CALL

Commissioners

- Russ Melton, Chairperson
- Sylvia Arenas, Vice Chairperson
- Jim Beall
- Rosemary Kamei (Arrived at 1:22 p.m.)
- Yoriko Kishimoto
- Otto Lee
- Terry Trumbull

Alternate Commissioners

- Domingo Candelas (Absent)
- Cindy Chavez (Absent)
- Helen Chapman (Arrived at 1:17 p.m.)
- Teresa O'Neill
- Mark Turner

Staff

- Neelima Palacherla, Executive Officer
- Dunia Noel, Assistant Executive Officer
- Emmanuel Abello, Associate Analyst
- Sonia Humphrey, Clerk
- Mala Subramanian, Counsel

2. PUBLIC COMMENTS

There were none.

3. APPROVE CONSENT CALENDAR

MOTION: Beall	SECOND: Arenas	
AYES: Arenas, Beall, Kamei, Kishimoto, Lee, Melton, Trumbull		
NOES: None	ABSTAIN: None	ABSENT: None

Commission Action: Chairperson Melton added Agenda Item #7 to the Consent Calendar and the Commission approved the Consent Calendar, including items #4, #7, #8 and #9.

***4. TAKEN ON CONSENT: APPROVE MINUTES OF FEBRUARY 7, 2024 LAFCO MEETING**

The Commission approved the minutes of the February 7, 2024 meeting.

PUBLIC HEARINGS

5. PROPOSED WORK PLAN AND BUDGET FOR FY 2025

MOTION: Arenas	SECOND: Kamei	
AYES: Arenas, Beall, Kamei, Kishimoto, Lee, Melton, Trumbull		
NOES: None	ABSTAIN: None	ABSENT: None

Commission Action:

1. Directed staff to amend the Proposed Work Plan for Fiscal Year 2024-2025 to include a work item on the development of agricultural worker housing policies.
2. Adopted the Proposed Budget for Fiscal Year 2024-2025.
3. Found that the Proposed Budget for Fiscal Year 2025 is adequate to allow the Commission to fulfill its statutory responsibilities.
4. Authorized staff to transmit the Proposed Budget adopted by the Commission including the estimated agency costs as well as the LAFCO public hearing notice for the adoption of the Fiscal Year 2025 Final Budget to the cities, the special districts, the County, the Cities Association of Santa Clara County, and the Santa Clara County Special Districts Association.

ITEMS FOR ACTION / INFORMATION

6. IMPLEMENTATION OF RECOMMENDATIONS FROM LAFCO'S COUNTYWIDE FIRE SERVICE REVIEW

MOTION: Lee	SECOND: Arenas	
AYES: Arenas, Beall, Kamei, Kishimoto, Lee, Melton, Trumbull		
NOES: None	ABSTAIN: None	ABSENT: None

Commission Action: The Commission accepted the report and directed staff to prepare letters addressed to the mayors of the cities of Santa Clara and Gilroy for LAFCO Chair signature, requesting their written response to the recommendations contained in LAFCO's Countywide Fire Service Review report.

***7. TAKEN ON CONSENT: LEGISLATIVE REPORT – UPDATE AND POSITION LETTERS**

MOTION: Beall	SECOND: Arenas	
AYES: Arenas, Beall, Kamei, Kishimoto, Lee, Melton, Trumbull		
NOES: None	ABSTAIN: None	ABSENT: None

Commission Action: Accepted report, took a support position and authorized staff to send support letters to the appropriate parties on the following bills:

- a. AB 3277 (Assembly Committee on Local Government) Omnibus Bill
- b. SB 1209 (Cortese) Cortese-Knox-Hertzberg Act of 2000: Indemnification

***8. TAKEN ON CONSENT: EXECUTIVE OFFICER'S REPORT**

Commission Action: Accepted the report.

- 8.1 Presentation on LAFCO to County Planning Commission
- 8.2 Presentation on LAFCO to Leadership Morgan Hill
- 8.3 Special Districts Association Meeting
- 8.4 Joint Venture Silicon Valley's 2024 State of the Valley Conference
- 8.5 Santa Clara County Association of Planning Officials Meeting

***9. TAKEN ON CONSENT: LAFCO COMMISSIONER APPOINTMENTS BY CITY SELECTION COMMITTEE**

For Information only.

10. COMMISSIONER REPORTS

11. NEWSPAPER ARTICLES / NEWSLETTERS

Gilroy Dispatch - Letter: Eager to support LAFCO policies

12. WRITTEN CORRESPONDENCE

13. ADJOURN

The Commission adjourned at 2:56 p.m., to the next regular LAFCO meeting on June 5, 2024, at 1:15 p.m., in the Board of Supervisors' Chambers, 70 West Hedding Street, San Jose.

Approved on June 5, 2024.

Russ Melton, Chairperson
Local Agency Formation Commission of Santa Clara County

By: _____
Sonia Humphrey, LAFCO Clerk



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Commissioners

Sylvia Arenas
Jim Beall
Rosemary Kamei
Yoriko Kishimoto
Otto Lee
Russ Melton
Susan Vicklund Wilson

ITEM #5

Alternate Commissioners

Helen Chapman
Domingo Candelas
Cindy Chavez
Terry Trumbull
Mark Turner

Executive Officer

Neelima Palacherla

LAFCO MEETING: June 5, 2024

TO: LAFCO

**FROM: Neelima Palacherla, Executive Officer
Dunia Noel, Asst. Executive Officer**

SUBJECT: FINAL WORK PLAN AND BUDGET FOR FY 2025

FINANCE COMMITTEE / STAFF RECOMMENDATIONS

1. Adopt the Work Plan for Fiscal Year 2024-2025, as revised by the Commission at its April 3, 2024 meeting.
2. Adopt the Final Budget for Fiscal Year 2024-2025.
3. Find that the Final Budget for Fiscal Year 2025 is expected to be adequate to allow the Commission to fulfill its statutory responsibilities.
4. Authorize staff to transmit the Final Budget adopted by the Commission including the estimated agency costs to the cities, the special districts, the County, the Cities Association of Santa Clara County and the Santa Clara County Special Districts Association.
5. Direct the County Auditor-Controller to apportion LAFCO costs to the cities; to the special districts; and to the County; and to collect payment pursuant to Government Code §56381.

REVISIONS TO THE PROPOSED WORKPLAN FOR FY 2025

On April 3, 2024, the Commission directed that staff revise the proposed workplan for Fiscal Year 2024-2025 to include an item related to development of agricultural worker housing policies. Staff has amended the proposed workplan accordingly.

NO CHANGES TO THE DRAFT/PRELIMINARY BUDGET

On April 3, 2024, the Commission adopted its preliminary budget for Fiscal Year 2024-2025 as recommended by the Finance Committee. The preliminary budget adopted by the Commission is available in the report for Agenda Item # 5 of the April 3, 2024 LAFCO Meeting. No further changes are recommended to the preliminary budget adopted by the commission.

LAFCO ANNUAL BUDGET PROCESS REQUIREMENTS

The Cortese Knox Hertzberg Local Government Reorganization Act of 2000 (CKH Act) which became effective on January 1, 2001, requires LAFCO, as an independent agency, to annually adopt a draft budget by May 1 and a final budget by June 15 at noticed public hearings. Both the draft and the final budgets are required to be transmitted to the cities, the special districts and the County. Government Code §56381(a) establishes that at a minimum, the budget must be equal to that of the previous year unless the Commission finds that reduced staffing or program costs will nevertheless allow it to fulfill its statutory responsibilities. Any unspent funds at the end of the year may be rolled over into the next fiscal year budget. After adoption of the final budget by LAFCO, the County Auditor is required to apportion the net operating expenses of the Commission to the agencies represented on LAFCO.

LAFCO and the County of Santa Clara entered into a Memorandum of Understanding (MOU) (effective since July 2001), under the terms of which, the County provides staffing, facilities, and services to LAFCO. The associated costs are reflected in the LAFCO budget. LAFCO is a stand-alone, separate fund within the County's accounting and budget system and the LAFCO budget information is formatted using the County's account descriptions/codes.

COST APPORTIONMENT TO CITIES, DISTRICTS AND THE COUNTY

The CKH Act requires LAFCO costs to be split in proportion to the percentage of an agency's representation (excluding the public member) on the Commission. Santa Clara LAFCO is composed of a public member, two County board members, two city council members, and since January 2013 – two special district members. Government Code §56381(b)(1)(A) provides that when independent special districts are seated on LAFCO, the county, cities and districts must each provide a one-third share of LAFCO's operational budget.

Since the City of San Jose has permanent membership on LAFCO, as required by Government Code §56381.6(b), the City of San Jose's share of LAFCO costs must be in the same proportion as its member bears to the total membership on the commission, excluding the public member. Therefore in Santa Clara County, the City of San Jose pays one sixth and the remaining cities pay one sixth of LAFCO's operational costs. Per the CKH Act, the remaining cities' share must be apportioned in proportion to each city's total revenue, as reported in the most recent edition of the Cities Annual Report published by the Controller, as a percentage of the combined city revenues within a county. Each city's share is therefore based on the 2021/2022 Report – which is the most recent edition available.

Government Code Section 56381 provides that the independent special districts' share shall be apportioned in proportion to each district's total revenues as a percentage of the combined total district revenues within a county. The Santa Clara County Special Districts Association (SDA), at its August 13, 2012 meeting, adopted an alternative formula for distributing the independent special districts' share to

individual districts. The SDA's agreement requires each district's cost to be based on a fixed percentage of the total independent special districts' share.

The estimated apportionment of LAFCO's FY 2025 costs to the individual cities and districts is included as Attachment B. The final costs will be calculated and invoiced to the individual agencies by the County Controller's Office after LAFCO adopts the final budget.

ATTACHMENTS

- Attachment A: LAFCO Workplan for FY 2025
- Attachment B: Final LAFCO Budget for Fiscal Year 2025
- Attachment C: Costs to Agencies Based on the Final Budget

PROPOSED WORK PLAN FOR FISCAL YEAR 2025

PRIORITY* H - High Priority (essential activities: state mandate, Commission directive, requirements)
M - Medium Priority (important, provided resources allow or time permits)
L - Low Priority (desirable provided resources allow or time permits, not urgent)

	PROJECT DESCRIPTION	ACTIVITIES / TIMELINE	RESOURCES	PRIORITY*
LAFCO APPLICATIONS	Process applicant-initiated LAFCO proposals	Encourage pre-application meetings prior to application submittal Conduct pre-agenda meetings with County Depts. to obtain Assessor & Surveyor reports, as needed Process applications per CKH Act requirements: issue Notice of Application, Certificate of Filing / Sufficiency, Public Hearing Notice, staff report, conduct protest proceedings, as needed	Staff	H
	Comment on potential LAFCO applications, relevant projects & development proposals, city General Plan updates and/ or related environmental documents	Ongoing, as needed	Staff	H
	Comprehensive review and update of LAFCO policies for context, clarity and consistency with State law	In progress	Staff /Ad Hoc Committee	H
	Prepare flowcharts for LAFCO processes and update application packets and application fee schedules for current requirements and ease of public use	Upon completion of policies update	Staff	L
	Develop policies regarding agricultural worker housing	Review studies and plans on subject and research how others are addressing the issue Follow the County's implementation of its workplan re. Agricultural Worker Housing and provide periodic updates to LAFCO Prepare policies to address agricultural worker housing through the Ad Hoc Committee / LAFCO Policies Comprehensive Review and Update process	Staff/ Ad Hoc Committee	H

PROPOSED WORK PLAN FOR FISCAL YEAR 2025

	PROJECT DESCRIPTION	ACTIVITIES / TIMELINE	RESOURCES	PRIORITY*
ISLAND ANNEXATIONS	Conduct outreach to cities with islands, follow up on responses including review/research of city limits/ USA boundaries, and provide assistance with annexations or necessary USA amendments	Prepare and distribute island maps to cities	Staff	L
	Review and finalize city-conducted island annexations	Ongoing, as needed	Staff	H
OUTREACH, GOVERNMENT / COMMUNITY RELATIONS & CUSTOMER SERVICE	Conduct outreach to increase awareness of LAFCO's role	Presentations on LAFCO to cities, other agencies or organizations, focus on south county communities, as relevant	Staff	M
		Distribute LAFCO communications material to elected officials and staff of cities, special districts and the County		M
		Seek exhibit opportunities at public spaces / events		L
		Maintain website as the primary information resource on LAFCO		H
		Increase social media presence (Twitter)		L
Engage and establish relationships with local (cities, districts, county), regional (ABAG/MTC), state (SGC, OPR, DoC, SWRCB) agencies, organizations such as SDA, SCCAPO, CALAFCO, other stakeholder groups	Attend regular meetings of SDA (quarterly), SCCAPO (monthly), and County Planning Dept. (quarterly)	Staff	M	
	Small water systems issues / legislation		M	
	Collaborate with agencies and entities with goals common to LAFCO		M	
Track LAFCO related legislation	EO attends CALAFCO Legislative Committee meetings	Staff	L	
	Commission takes positions and submits letters on proposed legislation		M	

PROPOSED WORK PLAN FOR FISCAL YEAR 2025

	PROJECT DESCRIPTION	ACTIVITIES / TIMELINE	RESOURCES	PRIORITY*
	Respond to public enquiries re. LAFCO policies, procedures and application filing requirements	Timely response to public inquiries Update the PRA form for the website Document research on complex inquiries Report to Commission on complex inquiries	Staff	H L L H
SERVICE REVIEWS, SPECIAL STUDIES & SPHERE OF INFLUENCE UPDATES	Countywide Fire Service Review	Follow up with agencies on implementation of recommendations and report back to the commission Work with interested agencies on implementing recommendations requiring LAFCO action	Staff	H H
	Countywide Water and Wastewater Service Review	Develop water/wastewater service review workplan and identify method for consultant selection	Staff	M
	Continue to monitor implementation of recommendations from previous service reviews and conduct special studies, as necessary	RRRPD study – city took action to delay decision on consolidation	Staff	L
	Map Mutual Water companies	Initial maps complete, further through service review	Staff	L
	Engage in or support grant / partnership opportunities on issues related to enhancing viability of agriculture, and climate smart growth	As needed, and as opportunities arise	Staff	L
	Compile and post JPA filings on the LAFCO website	Notice provided, gather JPA information through service review process	Staff	L

PROPOSED WORK PLAN FOR FISCAL YEAR 2025

	PROJECT DESCRIPTION	ACTIVITIES / TIMELINE	RESOURCES	PRIORITY*
COMMISSION SUPPORT	Provide ongoing support to the 12 commissioners for regularly scheduled Commission meetings, special meetings and Committee meetings (Finance Committee, and the Ad-Hoc Committee)	Prepare and distribute public hearing notices and agenda packets, provide staff support during the meetings, record minutes, broadcast meetings Hold pre-agenda review meeting with Chair Hold pre-meeting calls with individual commissioners to address agenda item questions and prepare meeting script for Chair Process commissioner per diems for attendance at LAFCO meetings	Staff	H
	Keep the Commission informed	EO report Off-agenda emails, as needed Provide ongoing educational opportunities/events, including presentations from local agencies	Staff	H
	Onboarding new Commissioners	Facilitate filing / completion of Form 700, commissioner pledge, ethics training Update LAFCO letterhead, directory, and website Set up vendor accounts, provide parking permits Conduct new Commissioner orientation Recognize outgoing commissioners for LAFCO service	Staff	H
	Commissioners Selection Process	Inform appointing bodies of any upcoming vacancies and provide information on appointment criteria Convene ISDSC committee meeting, as necessary Coordinate public member selection process, as necessary	Staff	H
	Conduct a Strategic Planning Workshop	Most recent workshop in 2018 re. LAFCO Communications and Outreach Plan	Staff / Consultant	L
	Commissioner participation in CALAFCO	Support commissioner participation in CALAFCO activities / or election to the CALAFCO Board	Staff	L

PROPOSED WORK PLAN FOR FISCAL YEAR 2025

	PROJECT DESCRIPTION	ACTIVITIES / TIMELINE	RESOURCES	PRIORITY*
ADMINISTRATIVE PROJECTS	Prepare LAFCO annual work plan	March – June 2025	Staff/Finance Committee	H
	Prepare LAFCO annual budget	March – June 2025	Staff/Finance Committee	H
	Prepare LAFCO Annual Report	August 2024	Staff	H
	Prepare LAFCO Annual Financial Audit	October 2024 (Contract with Chavan Associates extended for FY 2024 thru FY 2027)	Consultant / Staff	H
	Office / facility management	Coordinate with Building Manager on facilities issues Coordinate with County re. computers/network, phone, printers, office security, procurement, installation & maintenance Order and manage office supplies Make travel arrangements and process expense reimbursements. Process mileage reimbursements Office space lease extended (lease extended through April 30, 2027)	Staff	H
	Records management	Organize scan of LAFCO records to Electronic Document Management System (Laserfiche) Maintain LAFCO's hard copy records Maintain and enhance the LAFCO Website Maintain LAFCO database	Staff/ Consultant Staff	H H H
	Contracts and payments & receivables	Track consultant contracts and approve invoices Approve vendor invoices / process annual payments for various services/ memberships Coordinate with County Controller's Office and track annual collection of payments from member agencies	Staff	H

PROPOSED WORK PLAN FOR FISCAL YEAR 2025

	PROJECT DESCRIPTION	ACTIVITIES / TIMELINE	RESOURCES	PRIORITY*
ADMINISTRATIVE PROJECTS	Review and update LAFCO bylaws / administrative policies and procedures	Ongoing, as needed	Staff	H
	Staff training and development	CALAFCO workshops, conferences, relevant courses	Staff	H
		Training of new LAFCO Clerk		H
		Implementation of the work plan for staff professional development		H
	Coordinate with County on administrative issues	Attend monthly meetings with the Deputy County Executive	Staff	H
Staff performance evaluation	April - December 2024	Staff/Commission	H	
Other administrative functions mandated of a public agency (Form 806, maintaining liability/workers comp insurance, etc.)	Ongoing	Staff	H	

FINAL LAFCO BUDGET FISCAL YEAR 2024- 2025

ITEM #	TITLE	APPROVED BUDGET FY 2024	ACTUALS Year to Date 3/11/2024	PROJECTIONS Year End FY 2024	FINAL BUDGET FY 2025
EXPENDITURES					
Object 1:	Salary and Benefits	\$882,121	\$548,092	\$831,222	\$862,484
Object 2:	Services and Supplies				
5255100	Intra-County Professional	\$10,000	\$0	\$10,000	\$10,000
5255800	Legal Counsel	\$82,780	\$54,425	\$82,000	\$85,780
5255500	Consultant Services	\$150,000	\$55,742	\$70,000	\$150,000
5285700	Meal Claims	\$750	\$139	\$600	\$750
5220100	Insurance	\$8,335	\$8,125	\$8,335	\$6,737
5250100	Office Expenses	\$5,000	\$1,887	\$4,000	\$5,000
5270100	Rent & Lease	\$54,766	\$40,869	\$54,766	\$56,416
5255650	Data Processing Services	\$27,520	\$16,832	\$27,000	\$22,517
5225500	Commissioners' Fee	\$10,000	\$4,400	\$10,000	\$10,000
5260100	Publications and Legal Notices	\$1,000	\$44	\$500	\$1,000
5245100	Membership Dues	\$13,870	\$13,936	\$13,936	\$14,509
5250750	Printing and Reproduction	\$1,500	\$416	\$1,500	\$1,500
5285800	Business Travel	\$15,900	\$8,557	\$15,000	\$21,000
5285300	Private Automobile Mileage	\$1,000	\$403	\$750	\$1,000
5285200	Transportation&Travel (County Car Usage)	\$600	\$0	\$200	\$600
5281600	Overhead	\$20,358	\$10,173	\$20,358	\$21,119
5275200	Computer Hardware	\$4,000	\$0	\$3,000	\$4,000
5250800	Computer Software	\$4,000	\$1,203	\$4,000	\$4,000
5250250	Postage	\$500	\$26	\$300	\$500
5252100	Staff/Commissioner Training Programs	\$2,000	\$0	\$1,000	\$2,000
5701000	Reserves	\$0	\$0	\$0	\$0
TOTAL EXPENDITURES		\$1,296,000	\$765,269	\$1,158,467	\$1,280,912
REVENUES					
4103400	Application Fees	\$30,000	\$11,323	\$15,000	\$25,000
4301100	Interest: Deposits and Investments	\$6,000	\$14,562	\$15,000	\$6,000
TOTAL REVENUE		\$36,000	\$25,885	\$30,000	\$31,000
3400150	FUND BALANCE FROM PREVIOUS FY	\$366,814	\$407,582	\$407,582	\$172,301
NET LAFCO OPERATING EXPENSES		\$893,186	\$331,802	\$720,885	\$1,077,611
3400800	RESERVES Available	\$200,000	\$200,000	\$200,000	\$200,000
COSTS TO AGENCIES					
5440200	County	\$297,729	\$297,729	\$297,729	\$359,204
4600100	Cities (San Jose 50% + Other Cities 50%)	\$297,729	\$297,729	\$297,729	\$359,204
4600100	Special Districts	\$297,729	\$297,729	\$297,729	\$359,204

LAFCO COST APPORTIONMENT: COUNTY, CITIES, SPECIAL DISTRICTS
Estimated Costs to Agencies Based on the Final FY 2025 LAFCO Budget

Net Operating Expenses for FY 2025				\$1,077,611
JURISDICTION	REVENUE PER 2021/2022 REPORT	PERCENTAGE OF TOTAL REVENUE	ALLOCATION PERCENTAGES	ALLOCATED COSTS
County	N/A	N/A	33.3333333%	\$359,203.67
Cities Total Share			33.3333333%	\$359,203.67
San Jose	N/A	N/A	50.0000000%	\$179,601.84
Other cities share			50.0000000%	\$179,601.83
Campbell	\$75,467,809	1.9125415%		\$3,434.96
Cupertino	\$129,437,941	3.2802785%		\$5,891.44
Gilroy	\$155,661,855	3.9448575%		\$7,085.04
Los Altos	\$68,948,492	1.7473258%		\$3,138.23
Los Altos Hills	\$21,241,527	0.5383130%		\$966.82
Los Gatos	\$68,358,558	1.7323754%		\$3,111.38
Milpitas	\$184,621,280	4.6787612%		\$8,403.14
Monte Sereno	\$5,176,569	0.1311871%		\$235.61
Morgan Hill	\$118,001,078	2.9904400%		\$5,370.88
Mountain View	\$457,001,226	11.5815447%		\$20,800.67
Palo Alto	\$658,551,528	16.6893293%		\$29,974.34
Santa Clara	\$1,248,643,286	31.6437181%		\$56,832.70
Saratoga	\$43,208,940	1.0950217%		\$1,966.68
Sunnyvale	\$711,623,561	18.0343062%		\$32,389.94
Total Cities (excluding San Jose)	\$3,945,943,650	100.0000000%		\$179,601.83
Total Cities (including San Jose)				\$359,203.67
Special Districts Total Share		(Fixed %)	33.3333333%	\$359,203.66
Aldercroft Heights County Water District		0.06233%		\$223.89
Burbank Sanitary District		0.15593%		\$560.11
Cupertino Sanitary District		2.64110%		\$9,486.93
El Camino Healthcare District		4.90738%		\$17,627.49
Guadalupe Coyote Resource Conservation District		0.04860%		\$174.57
Lake Canyon Community Services District		0.02206%		\$79.24
Lion's Gate Community Services District		0.22053%		\$792.15
Loma Prieta Resource Conservation District		0.02020%		\$72.56
Midpeninsula Regional Open Space District		5.76378%		\$20,703.71
Purissima Hills Water District		1.35427%		\$4,864.59
Rancho Rinconada Recreation and Park District		0.15988%		\$574.29
San Martin County Water District		0.04431%		\$159.16
Santa Clara Valley Open Space Authority		1.27051%		\$4,563.72
Santa Clara Valley Water District		81.44126%		\$292,539.99
Saratoga Cemetery District		0.32078%		\$1,152.25
Saratoga Fire Protection District		1.52956%		\$5,494.24
South Santa Clara Valley Memorial District		0.03752%		\$134.77
Total Special Districts		100.00000%		\$359,203.66
Total Allocated Costs				\$1,077,611.00



**Local Agency
Formation Commission
of Santa Clara County**
777 North First Street
Suite 410
San Jose, CA 95112
SantaClaraLAFCO.org

Commissioners
Sylvia Arenas
Jim Beall
Rosemary Kamei
Yoriko Kishimoto
Otto Lee
Russ Melton
Terry Trumbull

ITEM # 6

Alternate Commissioners
Domingo Candelas
Helen Chapman
Cindy Chavez
Teresa O'Neill
Mark Turner
Executive Officer
Neelima Palacherla

LAFCO MEETING: June 5, 2024

TO: LAFCO

**FROM: Neelima Palacherla, Executive Officer
Dunia Noel, Asst. Executive Officer
Emmanuel Abello, Associate Analyst**

**SUBJECT: WEST VALLEY SANITATION DISTRICT 2024-01
(Big Basin)**

STAFF RECOMMENDATION

CEQA Action

1. As Lead Agency under CEQA, determine that the proposal is categorically exempt from the provisions of CEQA pursuant to State CEQA Guidelines §15319(a) & (b), and §15303(d).

Project Action

2. Approve the annexation of approximately 1.23 acres of land (APN 503-48-029) located within the City of Saratoga, to the West Valley Sanitation District.
3. Waive protest proceedings pursuant to Government Code §56662(a).

PROJECT DESCRIPTION

LAFCO of Santa Clara County received an application, by landowner petition, to annex a privately-owned parcel (APN 503-48-029) into the West Valley Sanitation District (WVSD) in order to allow WVSD to provide sanitary sewer services. Please see **Attachment A** for an overview map depicting the current WVSD and the City of Saratoga boundaries in relationship to the annexation proposal.

The annexation proposal includes one parcel (APN 503-48-029) of approximately 1.23 acres in area, located at 21170 Big Basin Way in the City of Saratoga. The subject property is located within the city boundary and its Urban Service Area (USA). The subject parcel is currently developed with a single-family residence that is served by an onsite septic system. The City of Saratoga’s Municipal Code (Article 7-10-070, Section B11.13.2) requires a property to connect to a public sanitary sewer when there is a change of more than 50 percent in ownership interest of a real property and that property is located within 200 feet of a public sanitary sewer.

The applicants acquired APN: 503-48-029 in 2022, which changed the ownership interest of the property by 100 percent. Per WVSD staff the property is within 200 feet of WVSD's sewer main. Therefore, the new property owners are seeking a sewer service connection from WVSD in order to comply with the above cited section of the City of Saratoga's Municipal Code. In order to receive sewer service from WVSD, the property must first be annexed to the District.

On April 10, 2024, WVSD adopted Resolution No. 24.04.02 indicating that it supports the requested annexation of APN 503-48-029 and WVSD staff has indicated that it has the ability to provide sewer service to the subject parcel which is currently developed with a single-family residence.

Attachment B (Exhibits "A" and "B") describes and depicts the boundaries of the proposed annexation.

WAIVER OF PROTEST PROCEEDINGS

The annexation territory is uninhabited, i.e., fewer than 12 registered voters reside within the territory. The annexation proposal has consent from all landowners of the property proposed for annexation. LAFCO has not received a request from the WVSD or from any other affected local agency, for notice, hearing or protest proceeding on the proposal. Therefore, pursuant to GC §56662(a), LAFCO is considering this proposal without notice or hearing and may waive protest proceedings.

ENVIRONMENTAL ASSESSMENT

Categorical Exemption

LAFCO of Santa Clara County is the Lead Agency under the California Environmental Quality Act (CEQA) for the proposed annexation of APN: 503-48-029 to the West Valley Sanitation District. The proposed annexation is exempt under State CEQA Guidelines §15319(a) & (b) and §15303(d).

§15319: Class 19 consists of only the following annexations:

(a) Annexation to a city or special district of areas containing existing public or private structures developed to the density allowed by the current zoning or pre-zoning of either the gaining or losing governmental agency whichever is more restrictive, provided, however, that the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities.

(b) Annexation of individual small parcels of the minimum size for facilities exempted by §15303, New Construction or Conversion of Small Structures.

§15303: Class 3 consists of construction and location of limited numbers of new, small facilities or structures, installation of small new equipment and facilities in small structures from one use to another where only minor modifications are made in the exterior of the structure. The number of structures described in this

section are the maximum allowable on any legal parcel. Examples of this exemption include but are not limited to:

(c) (d) Water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction.

CONSISTENCY WITH LAFCO FACTORS AND POLICIES

Impacts to Agricultural Lands and Open Space

The subject parcel is not under a Williamson Act Contract and does not contain open space or agricultural lands as defined in the Cortese Knox Hertzberg Act. The proposed annexation does not impact agricultural or open space lands.

Logical & Orderly Boundaries

The subject parcel is within WVSD's Sphere of Influence and is contiguous to its boundary on the north and west. The subject parcel is located in the City of Saratoga and within the City's USA. Please see **Attachment A** for Overview Map.

The County Surveyor has reviewed the application and has found that the annexation boundaries are definite and certain. The Surveyor has also determined that the project conforms to LAFCO's policies regarding the annexation of roads. The proposal will not create an island, corridor, or strip. The County Assessor has reviewed the proposal and found that the proposal conforms to lines of assessment.

Growth Inducing Impacts

The subject parcel (APN: 503-48-029) is currently developed with a single-family residence and no further development is proposed on the property.

WVSD's annexation policy generally restricts annexation of lands outside a city's USA boundary consistent with LAFCO's goal of promoting orderly growth and development.

Properties in the vicinity of the subject territory, which are outside WVSD's boundary but within its Sphere of Influence (SOI), are mostly developed and served by onsite septic systems. These properties are located either within the City of Saratoga and/or within the City's USA. Therefore, the City and LAFCO have anticipated that the subject parcel and the surrounding parcels will eventually be provided with urban services and developed consistent with the City's rules and regulations.

Annexation of any additional lands to the WVSD would require LAFCO approval and LAFCO would conduct the required environmental analysis, including the consideration of the growth inducing impacts of such a proposal at that time.

Ability of District to Provide Services

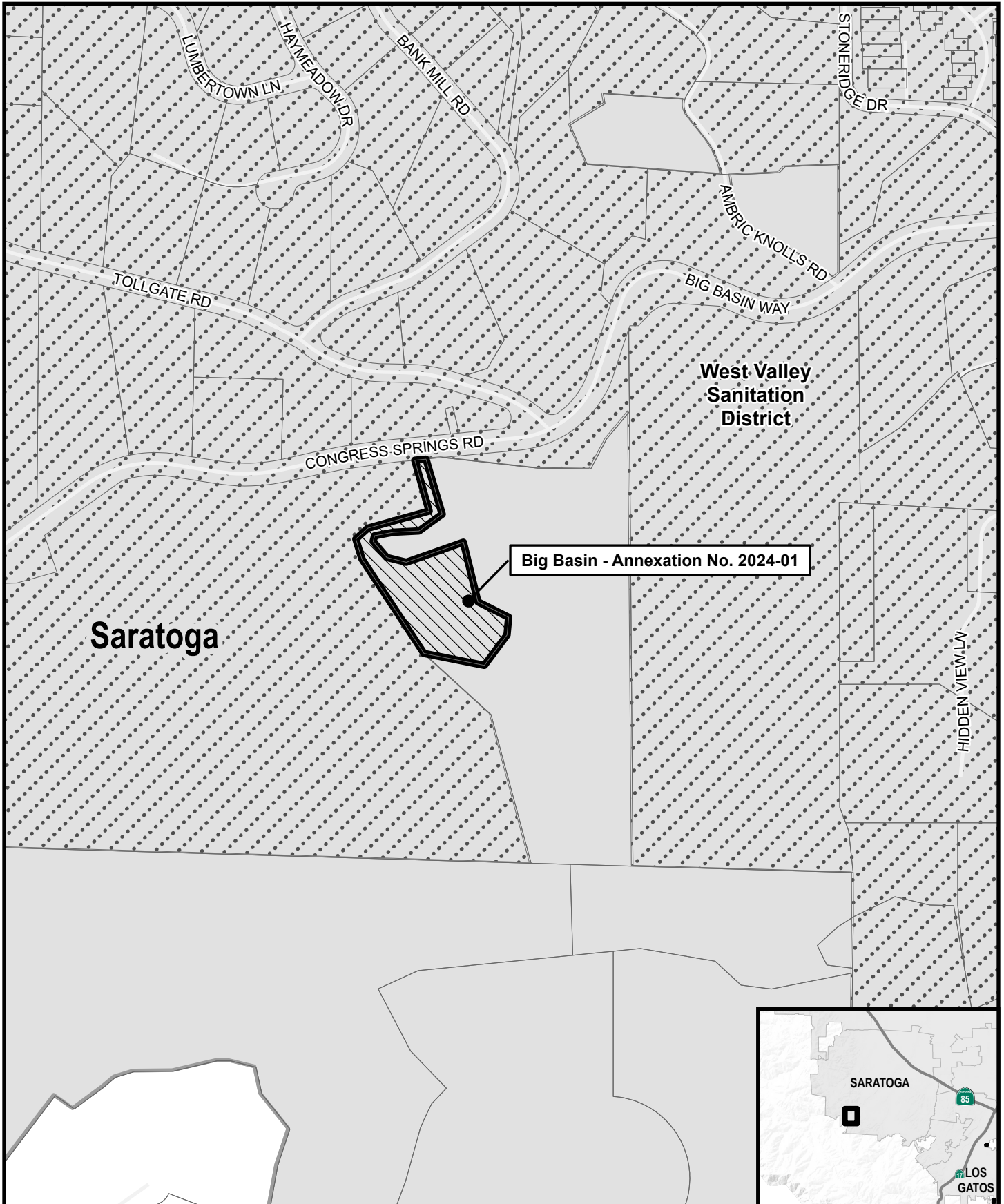
WVSD has indicated that it has adequate sewer capacity to provide sanitary sewer services to the single-family residence located on the subject property without detracting from the existing service levels within its existing boundaries.

According to WVSD staff, the applicant can connect to an existing 10-inch WVSD sanitary sewer main located near the property and across Caltrans maintained State Route 9 Big Basin Way. The owner of APN: 503-48-029 will need to construct a new sewer lateral across Big Basin Way to connect to the sewer main. The property owners will apply to Caltrans for an encroachment permit to install a sewer lateral, once LAFCO has approved the annexation proposal and WVSD has issued the connection permit. The existing 10-inch sanitary sewer main has adequate capacity to accommodate the flow from the proposed annexation.

There is adequate treatment capacity in WVSD's agreement with the Regional Wastewater Facility (RWF) to accommodate this annexation. WVSD's treatment capacity allocation with the RWF is 11.697 million gallons per day. The actual flow to the RWF in FY 2023 was 9.52 million gallons per day. The average flow from a single-family home is 186 gallons per day. Per WVSD staff, the proposed annexation will not trigger any sewer related public capital improvements.

ATTACHMENTS

- | | |
|---------------|--|
| Attachment A: | Overview Map depicting the proposed annexation in relation to the West Valley Sanitation District and the City of Saratoga boundaries |
| Attachment B: | Legal Description (Exhibit "A") and Map (Exhibit "B") of the proposed Annexation West Valley Sanitation District No. 2024-01 (Big Basin) |



Saratoga

West Valley
Sanitation
District



Big Basin - Annexation No. 2024-01



County of Santa Clara
Department of Planning and Development
County Government Center, East Wing
70 West Hedding St., 7th Floor
San Jose, California 95110

EXHIBIT A
Annexation No. 2024-01 (Big Basin)
1.23 acres +/-

Prepared for the Office of the County Surveyor
May 3, 2024
August Hanks, County Surveyor

-  Area of Annexation
-  West Valley Sanitation District

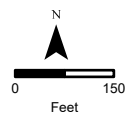


EXHIBIT "A"

ANNEXATION NO. 2024-01(BIG BASIN)

ANNEXATION TO WEST VALLEY SANITATION DISTRICT

GEOGRAPHIC DESCRIPTION

BEING ALL THAT CERTAIN PARCEL OF LAND LYING WITHIN THE NORTHEAST QUARTER OF SECTION 11, T.8S., R. 2 W., M.D.B. & M., SITUATED IN THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING ALL OF THE LAND DESCRIBED IN THAT CERTAIN GRANT DEED FILED AS DOCUMENT NUMBER 25461547 IN THE SANTA CLARA COUNTY RECORDER'S OFFICE ON APRIL 12, 2023, AND IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST EASTERLY CORNER OF THAT CERTAIN 0.30 ACRE TRACT DESCRIBED AS PARCEL 2 IN DEED FROM COUNTY OF SANTA CLARA TO GILBERT C. MAY AND MARJORIE G. MAY, RECORDED IN BOOK 6206, PAGE 678, OFFICIAL RECORDS OF SANTA CLARA COUNTY, ALSO BEING THE EXISTING WEST VALLEY SANITATION DISTRICT BOUNDARY, AS ANNEXED BY ANNEXATION NUMBER 1977-2; THENCE ALONG SAID BOUNDARY

1. NORTH 18°00'00" WEST 116.82 FEET; TO THAT EXISTING WEST VALLEY SANITATION DISTRICT BOUNDARY, AS ANNEXED BY ANNEXATION NUMBER 1959-3; THENCE ALONG SAID BOUNDARY
2. NORTH 82°45'00" EAST 20.36 FEET; THENCE LEAVING SAID BOUNDARY ALONG THE FOLLOWING THIRTEEN (13) COURSES:
 3. SOUTH 18°00'00" EAST 136.01 FEET
 4. SOUTH 57°27'20" WEST 63.55 FEET
 5. SOUTH 82°38'30" WEST 57.70 FEET
 6. SOUTH 64°23'40" WEST 37.86 FEET
 7. SOUTH 19°00'40" WEST 9.13 FEET
 8. SOUTH 46°31'40" EAST 49.00 FEET
 9. SOUTH 87°27'20" EAST 47.95 FEET
 10. NORTH 68°40'00" EAST 124.23 FEET

11. SOUTH 17°14'30" EAST 147.31 FEET
12. SOUTH 67°41'50" EAST 75.08 FEET
13. SOUTH 18°05'30" WEST 38.48 FEET
14. SOUTH 33°24'00" WEST 81.30 FEET
15. NORTH 77°38'00" WEST 140.81 FEET TO A POINT ON THE AFOREMENTIONED EXISTING WEST VALLEY SANITATION DISTRICT BOUNDARY, AS ANNEXED BY ANNEXATION NUMBER 1977-2; THENCE ALONG SAID BOUNDARY THE FOLLOWING FOUR (4) COURSES:
 16. NORTH 33°06'18" WEST 239.55 FEET
 17. NORTH 17°37'00" WEST 42.24 FEET
 18. NORTH 39°13'00" EAST 34.71 FEET
 19. NORTH 70°40'30" EAST 134.63 FEET TO **THE POINT OF BEGINNING.**

DESCRIBED LANDS CONTAIN 1.23 ACRES, MORE OFR LESS.

THIS GEOGRAPHICAL DESCRIPTION IS FOR ANNEXATION AND ASSESSMENT PURPOSES ONLY, AND IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED PER THE SUBDIVISION MAP ACT. THEREFORE THIS DESCRIPTION MAY NOT BE USED AS THE BASIS FOR AN OFFER OF SALE OR TRANSFER LAND OR TITLE.

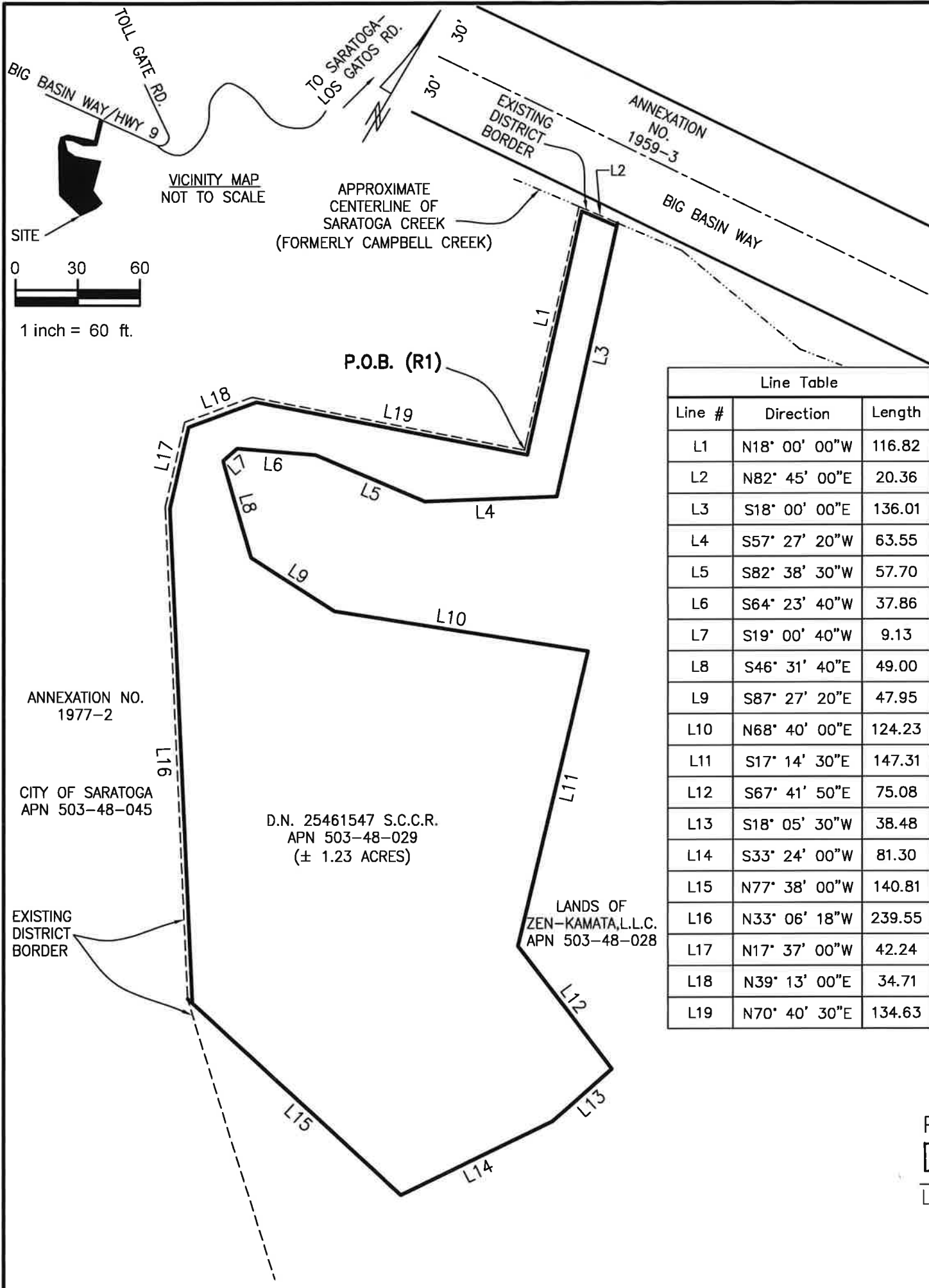


4-30-2024

EXHIBIT "B"
 WEST VALLEY SANITATION DISTRICT
 ANNEXATION NO. 2024-01(BIG BASIN)
 BEING A PORTION OF THE SOUTH 1/2 OF
 THE NORTHEAST 1/4 OF SECTION 11
 T. 8 S., R. 2 W., M.D.B.& M.
 DATE: 4/30/2024

LEGEND:

--- EXISTING SANITATION DISTRICT BOUNDARY
 — PROPOSED ANNEXATION TO SANITATION DISTRICT BOUNDARY
 P.O.B. POINT OF BEGINNING
 D.N. DOCUMENT NUMBER
 S.C.C.R. SANTA CLARA COUNTY RECORDS
 R1 D.N. 25461547 S.C.C.R.



Line Table		
Line #	Direction	Length
L1	N18° 00' 00"W	116.82
L2	N82° 45' 00"E	20.36
L3	S18° 00' 00"E	136.01
L4	S57° 27' 20"W	63.55
L5	S82° 38' 30"W	57.70
L6	S64° 23' 40"W	37.86
L7	S19° 00' 40"W	9.13
L8	S46° 31' 40"E	49.00
L9	S87° 27' 20"E	47.95
L10	N68° 40' 00"E	124.23
L11	S17° 14' 30"E	147.31
L12	S67° 41' 50"E	75.08
L13	S18° 05' 30"W	38.48
L14	S33° 24' 00"W	81.30
L15	N77° 38' 00"W	140.81
L16	N33° 06' 18"W	239.55
L17	N17° 37' 00"W	42.24
L18	N39° 13' 00"E	34.71
L19	N70° 40' 30"E	134.63

THIS GEOGRAPHICAL DESCRIPTION IS FOR ANNEXATION AND ASSESSMENT PURPOSES ONLY, AND IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED PER THE SUBDIVISION MAP ACT. THEREFORE THIS DESCRIPTION MAY NOT BE USED AS THE BASIS FOR AN OFFER OF SALE OR TRANSFER LAND OR TITLE.



4-30-2024

PREPARED BY:
D.B. Wilton
 LAND SURVEYING

PO BOX 435 LODI CA 95241-0435
 (209) 747-0169 dbwsurvey@yahoo.com



**Local Agency
Formation Commission
of Santa Clara County**
777 North First Street
Suite 410
San Jose, CA 95112
SantaClaraLAFCO.org

Commissioners
Sylvia Arenas
Jim Beall
Rosemary Kamei
Yoriko Kishimoto
Otto Lee
Russ Melton
Terry Trumbull

ITEM # 7

Alternate Commissioners
Domingo Candelas
Helen Chapman
Cindy Chavez
Teresa O'Neill
Mark Turner
Executive Officer
Neelima Palacherla

LAFCO MEETING: June 5, 2024

TO: LAFCO

**FROM: Neelima Palacherla, Executive Officer
Dunia Noel, Asst. Executive Officer
Emmanuel Abello, Associate Analyst**

**SUBJECT: WEST VALLEY SANITATION DISTRICT 2024-02
(High Street)**

STAFF RECOMMENDATION

CEQA Action

1. As Lead Agency under CEQA, determine that the proposal is categorically exempt from the provisions of CEQA pursuant to State CEQA Guidelines §15319(a) & (b), and §15303(d).

Project Action

2. Approve the annexation of approximately 0.66 acres of land (APN 532-23-034) located within the Town of Los Gatos, to the West Valley Sanitation District.
3. Waive protest proceedings pursuant to Government Code §56662(a).

PROJECT DESCRIPTION

LAFCO of Santa Clara County received an application, by landowner petition, to annex a privately-owned parcel (APN 532-23-034) into the West Valley Sanitation District (WVSD) in order to allow it to provide sanitary sewer services. Please see **Attachment A** for an overview map depicting the current WVSD and the Town of Los Gatos boundaries in relationship to the annexation proposal.

The annexation proposal includes one parcel (APN 532-23-034) and portion of road totaling approximately 0.66 acres in area, located at 17460 High Street in the Town of Los Gatos. The subject property is located within the Town boundary and its Urban Service Area (USA). The subject parcel is currently developed with a single-family residence that is served by an onsite septic system and the property owners plan to build an accessory dwelling unit (ADU). The current septic system is unable to manage the wastewater anticipated to be generated by the planned ADU. Therefore, the property owners are seeking to connect to the WVSD's sewer system

nearby. In order to receive sewer service from WVSD, the property must first be annexed to WVSD.

On May 8, 2024, WVSD adopted Resolution No. 24.05.04 indicating that it supports the requested annexation for APN 532-23-034 and has the ability to provide sewer service to the subject parcel which is currently developed with a single-family residence and will include an ADU in the future.

Attachment B (Exhibits “A” and “B”) describes and depicts the boundaries of the proposed annexation.

WAIVER OF PROTEST PROCEEDINGS

The annexation territory is uninhabited, i.e., fewer than 12 registered voters reside within the territory. The annexation proposal has consent from all landowners of the property proposed for annexation. LAFCO has not received a request from the WVSD or from any other affected local agency, for notice, hearing or protest proceeding on the proposal. Therefore, pursuant to GC §56662(a), LAFCO is considering this proposal without notice or hearing and may waive protest proceedings.

ENVIRONMENTAL ASSESSMENT

Categorical Exemption

LAFCO of Santa Clara County is the Lead Agency under the California Environmental Quality Act (CEQA) for the proposed annexation of APN: 532-23-034 to the West Valley Sanitation District. The proposed annexation is exempt under State CEQA Guidelines §15319(a) & (b) and §15303(d).

§15319: Class 19 consists of only the following annexations:

- (a) Annexation to a city or special district of areas containing existing public or private structures developed to the density allowed by the current zoning or pre-zoning of either the gaining or losing governmental agency whichever is more restrictive, provided, however, that the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities.*
- (b) Annexation of individual small parcels of the minimum size for facilities exempted by §15303, New Construction or Conversion of Small Structures.*

§15303: Class 3 consists of construction and location of limited numbers of new, small facilities or structures, installation of small new equipment and facilities in small structures from one use to another where only minor modifications are made in the exterior of the structure. The number of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include but are not limited to:

(c) (d) Water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction.

CONSISTENCY WITH LAFCO FACTORS AND POLICIES

Impacts to Agricultural Lands and Open Space

The subject parcel is not under a Williamson Act Contract and does not contain open space or agricultural lands as defined in the Cortese Knox Hertzberg Act. The proposed annexation does not impact agricultural or open space lands.

Logical & Orderly Boundaries

The subject parcel is within WVSD's Sphere of Influence and is contiguous to its boundary. The subject parcel is located in the Town of Los Gatos and within the Town's USA. Please see **Attachment A** for Overview Map.

The County Surveyor has reviewed the application and has found that the annexation boundaries are definite and certain. The Surveyor has also determined that the project conforms to LAFCO's policies regarding the annexation of roads. The proposal will not create an island, corridor, or strip. The County Assessor has reviewed the proposal and found that the proposal conforms to lines of assessment.

Growth Inducing Impacts

The subject parcel (APN: 532-23-034) is currently developed with a single-family residence and the property owners plan to construct an ADU on the parcel.

WVSD's annexation policy generally restricts annexation of lands outside a city's Urban Service Area boundary consistent with LAFCO's goal of promoting orderly growth and development.

Properties in the vicinity of the subject territory, which are outside WVSD's boundary but within the District's Sphere of Influence, are mostly developed and served by onsite septic systems. These properties are located either within the Town of Los Gatos and/or within the Town's USA. Therefore, the Town and LAFCO have anticipated that the subject parcel and the surrounding parcels will eventually be provided with urban services and developed consistent with the Town's rules and regulations.

Annexation of any additional lands to the WVSD would require LAFCO approval and LAFCO would conduct the required environmental analysis, including the consideration of the growth inducing impacts of such a proposal at that time.

Ability of District to Provide Services

WVSD has indicated that it has adequate sewer capacity to provide sanitary sewer services to the single-family residence located on the subject property without detracting from the existing service levels within its existing boundaries.

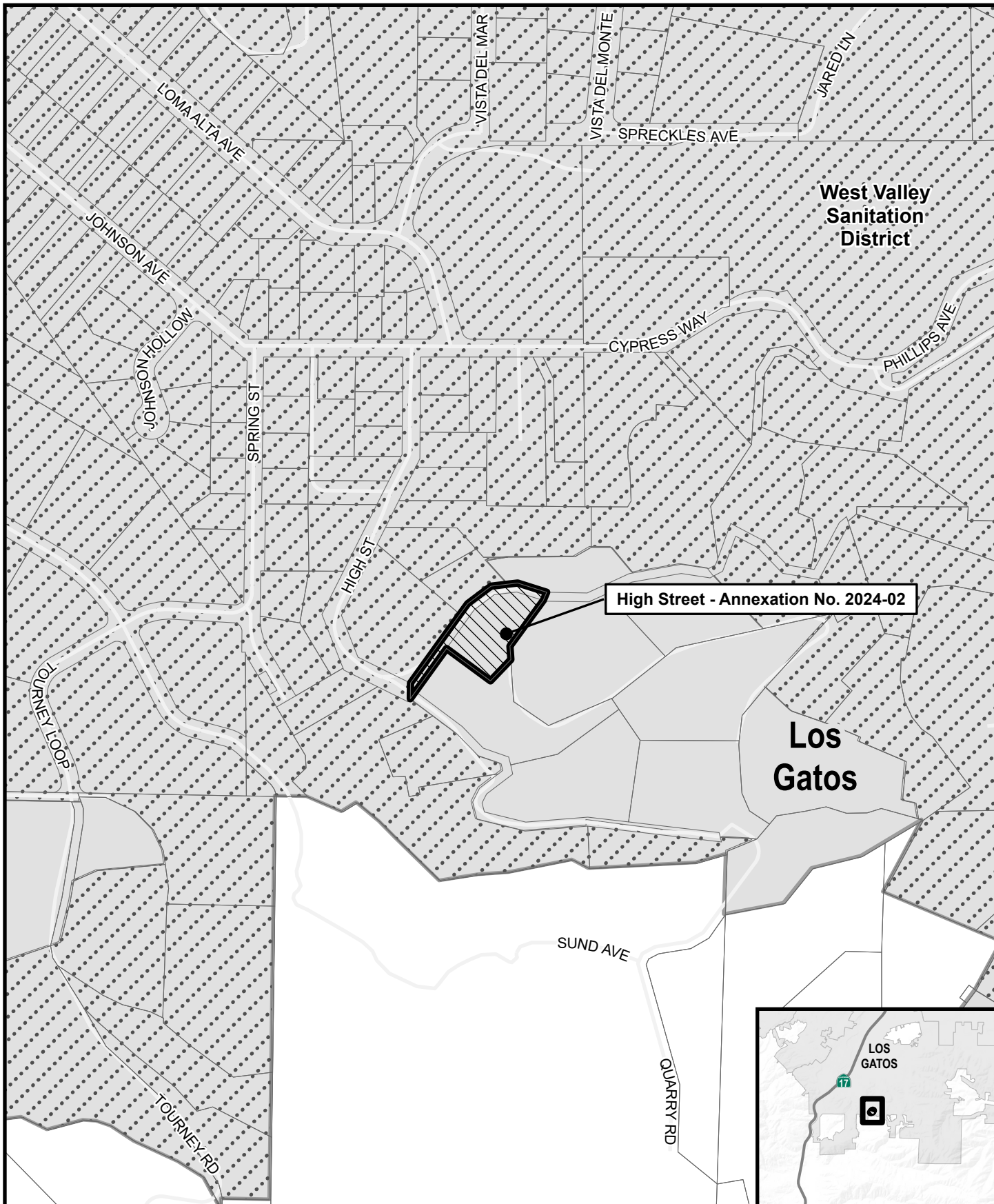
According to WVSD staff, there is an existing 8-inch WVSD sanitary sewer main located on High Street, approximately 600 feet northwest of the subject parcel. The

property owners have agreed to extend the public sewer main line by approximately 600 feet to reach the subject parcel and to pay for the associated construction costs.

There is adequate treatment capacity in WVSD's agreement with the Regional Wastewater Facility (RWF) to accommodate this annexation. WVSD's treatment capacity allocation with the RWF is 11.697 million gallons per day. The actual flow to the RWF in FY 2022-23 was 9.53 million gallons per day. The average flow from a single-family home and an ADU is 302 gallons per day. Per WVSD staff, the proposed annexation will not trigger any sewer related public capital improvements on the part of the District, as the property owners will be responsible for the construction costs associated with the extension of the sewer main line and the new sewer lateral.

ATTACHMENTS




- | | |
|---------------|--|
| Attachment A: | Overview Map depicting the proposed annexation in relation to the West Valley Sanitation District and the Town of Los Gatos boundaries |
| Attachment B: | Legal Description (Exhibit "A") and Map (Exhibit "B") of the proposed Annexation West Valley Sanitation District No. 2024-02 (High Street) |



County of Santa Clara
Department of Planning and Development
County Government Center, East Wing
70 West Hedding St., 7th Floor
San Jose, California 95110

EXHIBIT A
Annexation No. 2024-02 (High Street)
0.66 acres +/-

Prepared for the Office of the County Surveyor
May 3, 2024
August Hanks, County Surveyor

-  Area of Annexation
-  Incorporated Lands
-  West Valley Sanitation District

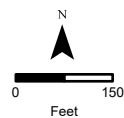


EXHIBIT A

**ANNEXATION NO. 2024-02 (HIGH STREET)
ANNEXATION TO WEST VALLEY SANITATION DISTRICT
GEOGRAPHIC DESCRIPTION**

ALL THAT CERTAIN REAL PROPERTY SITUATE IN SECTION 22, TOWNSHIP 8 SOUTH, RANGE 1 WEST, MOUNT DIABLO BASE AND MERIDIAN, IN THE TOWN OF LOS GATOS, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE CENTER LINE OF SOUTH QUARRY ROAD AND THE NORTHERN LINE OF HIGH STREET (FORMERLY NORTH QUARRY ROAD) ON THE EXISTING BOUNDARY OF WEST VALLEY SANITATION DISTRICT ANNEXATION 1962-2; THENCE NORTHEASTERLY ALONG THE NORTHERN LINE OF HIGH STREET AND SAID DISTRICT BOUNDARY AND THE BOUNDARY OF WEST VALLEY SANITATION DISTRICT ANNEXATION 1960-2

- 1) NORTH 42° 12' EAST 239.42 FEET, MORE OR LESS, TO AN ANGLE POINT ON THE NORTHERN LINE OF HIGH STREET; THENCE
- 2) NORTH 57° 59' EAST 64.25 FEET; THENCE
- 3) NORTH 79° 05' EAST 37.82 FEET, MORE OR LESS, TO AN ANGLE POINT IN THE BOUNDARY OF SAID SANITATION DISTRICT; THENCE LEAVING SAID DISTRICT BOUNDARY CONTINUING ALONG SAID NORTHERN LINE OF HIGH STREET
- 4) NORTH 79° 05' EAST 21.74 FEET; THENCE
- 5) SOUTH 75° 05' EAST 69.38 FEET; THENCE
- 6) SOUTH 84° 24' EAST 5.41 FEET TO A POINT WHICH BEARS NORTH 37° 31' EAST 11.78 FEET FROM THE EASTERNMOST CORNER OF LANDS OF HOWARD, AS DESCRIBED IN THE GRANT DEED RECORDED APRIL 7, 2016 AS INSTRUMENT NUMBER 23269333, OFFICIAL RECORDS OF SANTA CLARA COUNTY; THENCE ALONG THE CENTER LINE OF HIGH STREET
- 7) SOUTH 37° 31' WEST 148.92 FEET; THENCE
- 8) SOUTH 2° 23' EAST 17.90 FEET; THENCE LEAVING THE CENTER LINE OF HIGH STREET
- 9) SOUTH 43° 20" WEST 74.26 FEET, MORE OR LESS, TO THE SOUTHERN MOST CORNER OF SAID GRANT DEED; THENCE
- 10) NORTH 47° 48' WEST 122.70 FEET TO THE SOUTHERN LINE OF HIGH STREET; THENCE ALONG SAID SOUTHERN LINE
- 11) SOUTH 42° 12' WEST 135.94 FEET, MORE OR LESS, TO A POINT ON THE EXISTING SANITATION DISTRICT BOUNDARY ON THE CENTER LINE OF SOUTH QUARRY ROAD; THENCE ALONG LAST SAID CENTER LINE AND DISTRICT BOUNDARY
- 12) NORTH 51° 40' WEST 10.02 FEET, MORE OR LESS, TO THE INTERSECTION OF CENTER LINES OF SOUTH QUARRY ROAD AND HIGH STREET; THENCE
- 13) NORTH 60° 12' WEST 10.24 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

Disclaimer:

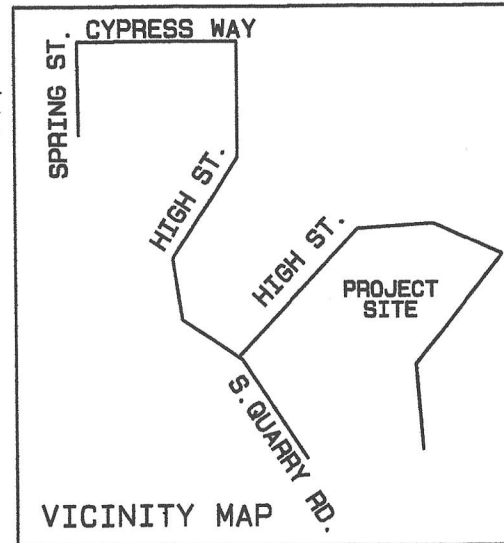
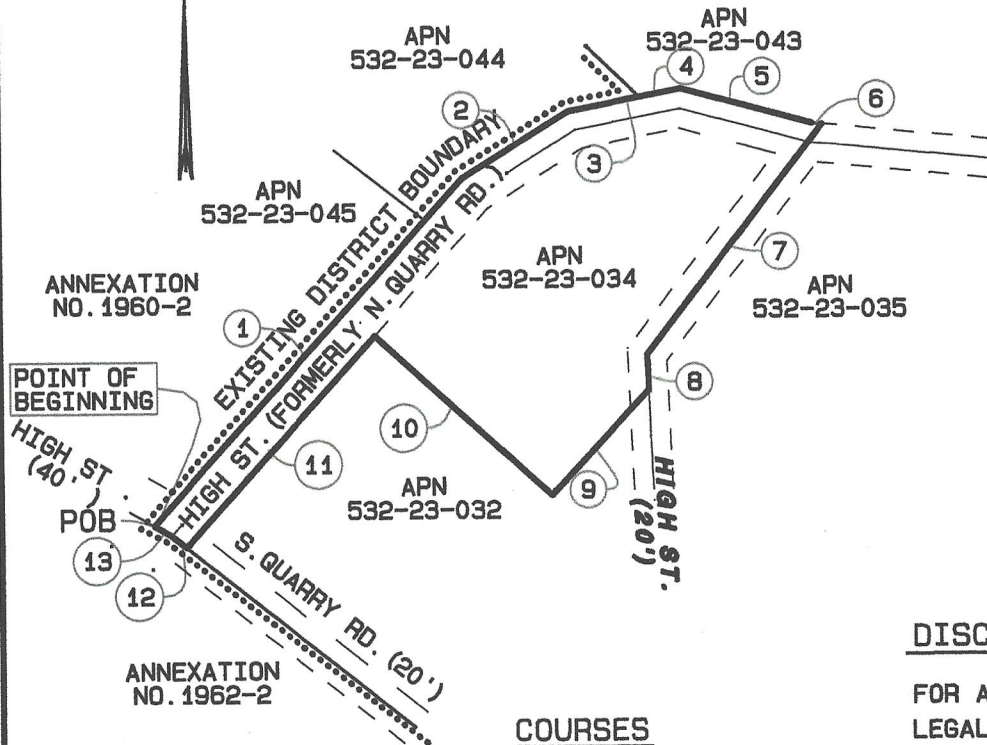
For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as a basis for an offer of sale of the land described.



EXHIBIT B

LEGEND

- EXISTING WEST VALLEY SANITATION DISTRICT BOUNDARY
- PROPOSED WEST VALLEY SANITATION DISTRICT BOUNDARY



DISCLAIMER

FOR ASSESSMENT PURPOSES ONLY. THIS DESCRIPTION OF LAND IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP ACT AND MAY NOT BE USED AS THE BASIS FOR AN OFFER FOR SALE OF THE LAND DESCRIBED.

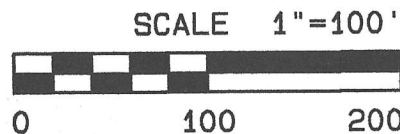
WEST VALLEY SANITATION DISTRICT
ANNEXATION NO. 2024-02 (HIGH STREET)

COURSES

1. N42°12'E 239.42', +/-
2. N57°59'E 64.25', +/-
3. N79°05'E 37.82', +/-
4. N79°05'E 21.74', +/-
5. S75°05'E 69.38', +/-
6. S84°24'E 5.41', +/-
7. S37°31'W 148.92', +/-
8. S02°23'E 17.90', +/-
9. S43°20'W 74.26', +/-
10. N47°48'W 122.70', +/-
11. S42°12'W 135.94', +/-
12. N51°40'W 10.02', +/-
13. N60°12'W 10.24', +/-

0.66 ACRES

SITUATE IN SECTION 22,
TOWNSHIP 8, SOUTH
RANGE 1, WEST
MOUNT DIABLO BASE AND
MERIDIAN



ROBERT J. CRAIG LICENSED LAND SURVEYOR 831-359-1750	ANNEXATION MAP
	LOS GATOS CALIFORNIA
SCALE 1"=100'	DATE: MAY 2, 2024
APN 532-23-034	FILE: C=24009



Local Agency
Formation Commission
of Santa Clara County

777 North First Street
Suite 410
San Jose, CA 95112

SantaClaraLAFCO.org

Commissioners

Sylvia Arenas
Jim Beall
Rosemary Kamei
Yoriko Kishimoto
Otto Lee
Russ Melton
Terry Trumbull

ITEM # 8

Alternate Commissioners

Domingo Candelas
Helen Chapman
Cindy Chavez
Teresa O'Neill
Mark Turner

Executive Officer

Neelima Palacherla

LAFCO MEETING: June 5, 2024

TO: LAFCO

**FROM: Neelima Palacherla, Executive Officer
Dunia Noel, Asst. Executive Officer**

**SUBJECT: IMPLEMENTATION OF RECOMMENDATIONS FROM
LAFCO'S COUNTYWIDE FIRE SERVICE REVIEW**

STAFF RECOMMENDATION

Accept report and provide direction, as necessary.

**RECEIVED RESPONSES FROM THE CITY OF SANTA CLARA AND CITY OF
GILROY**

At the April 3, 2024 LAFCO meeting, staff reported on the responses that it had received from agencies/organizations concerning implementation of recommendations from LAFCO's Countywide Fire Service Review Report. The report noted that the City of Santa Clara had not provided a response and that the City of Gilroy's response lacked detail. The Commission accepted the report and directed staff to prepare letters to the Mayors of the Cities of Santa Clara and Gilroy, for LAFCO Chair signature, requesting their written response to the Report's recommendations.

LAFCO staff received a response from the City of Santa Clara on April 12, 2024, and a supplemental response from the City of Gilroy on April 22, 2024. Please see **Attachment A** for a copy of both letters. A summary of these responses, along with LAFCO staff comments, is provided in **Attachment B**.

**SARATOGA RESIDENTS' CONCERNS ABOUT SPEED BUMPS ON
MENDELSON LANE**

At the April 3, 2024, LAFCO meeting, several Saratoga residents expressed concerns about the installation of speed bumps on Mendelsohn Lane. In response, the Commission directed staff to contact and request that the County clarify and address these concerns, as necessary. The Commission also asked to be informed of any action taken to resolve this matter.

On April 8, 2024, staff contacted Deputy County Executive Mills and Santa Clara County Fire Protection District Chief Kerdkaew on this matter. Subsequently, staff learned that the City of Saratoga has sole authority with regards to the installation

of speed bumps on Mendelsohn Lane, a roadway which is located within Saratoga's city limits. LAFCO staff has informed the City of Saratoga of this matter.

MEETING WITH SANTA CLARA COUNTY CENTRAL FIRE PROTECTION DISTRICT ON ADDRESSING AREAS THAT LACK AN IDENTIFIED LOCAL FIRE SERVICE PROVIDER

On May 28, 2024, LAFCO staff held an initial meeting with Chief Kerdkaew and Assistant Chief Glass of the Santa Clara County Central Fire Protection District (CCFD) to discuss potential boundary changes to the CCFD as recommended in LAFCO's Countywide Fire Service Review Report. At the meeting, the group reviewed the recommendations for each of the areas. LAFCO staff provided a brief overview of the sphere of influence amendment and annexation application process and typical timeline.

The group will meet in mid-June, allowing CCFD staff to closely examine these areas, hold any discussions with the other service providers, and review documents from CCFD's last major SOI amendment and annexation proposal which was completed back in 2010.

LAFCO staff will hold similar meetings with the South Santa Clara County Fire Protection District and Los Altos Hills County Fire District in the upcoming weeks. LAFCO staff will continue to keep the Commission informed as implementation efforts progress.

ATTACHMENTS

Attachment A: Response from City of Santa Clara and Supplemental Response from the City of Gilroy

Attachment B: Summary of Responses to Table A: Recommendations for City of Santa Clara & Recommendations for the City of Gilroy



**City of
Santa Clara**
The Center of What's Possible

City Manager's Office

April 12, 2024

Honorable Russ Melton, Chairperson
LAFCO of Santa Clara County
777 North First Street, Suite 410
San Jose, CA 95112
Email: lafco@ceo.sccgov.org

CITY OF SANTA CLARA RESPONSE TO THE COUNTYWIDE FIRE SERVICE REVIEW
REPORT RECOMMENDATIONS

Dear Chairperson Melton,

The City of Santa Clara appreciates the thorough and insightful review of countywide fire services conducted by LAFCO. The Santa Clara Fire Department is committed to providing exceptional emergency services in our community, and to partnering with our neighboring agencies to enhance regional emergency response. Please find below the City of Santa Clara's response to the recommendations contained in the LAFCO Countywide Fire Service Review Report.

Recommendation #8 Facility Replacement and Maintenance Planning: "Establish a comprehensive facility replacement plan and a maintenance plan for fire stations."

The City agrees with this recommendation. The City of Santa Clara Department of Public Works provides repair and maintenance services for City buildings, including fire stations. The Fire Department works collaboratively with Public Works to plan for and schedule repairs and ongoing maintenance, using a software application that allows end users to directly input repair requests. All repair requests for Fire Department facilities are then reviewed and tracked by Fire Administration. Routine maintenance is also tracked and scheduled through the same application. However, the Fire Department lacks a comprehensive facility replacement plan and, as noted in Recommendation 8G below, some fire stations have significant needs. Since 2020, the Fire Department, in coordination with Public Works, has sought funding through the City's Capital Improvement Program budget process, for a comprehensive needs assessment and study of Fire Department facilities. Unfortunately, the City has significant unfunded Capital needs, and this assessment has not been funded. The City has analyzed capital needs citywide and assigned a cost to each facility, including fire facilities, and is evaluating the potential for a capital facilities bond on the November 2024 ballot.

Recommendation #8G Santa Clara: "With five of Santa Clara Fire Department's nine stations being over forty years old, there should be a facility replacement plan in place."

The City agrees with this recommendation with corrections. Fire Station 8, listed as 47 years old, underwent a significant remodel and addition in 2020, which enlarged and modernized the station, including bringing it up to current building code and accessibility standards. The City also believes that corrections are needed to Figure 192 on page 386 of the report. This chart lists the "General Condition" of all fire stations. Only Fire Station 4 received a rating of

The Honorable Russ Melton, Chairperson

Re: City of Santa Clara Response to the Countywide Fire Service Review Report Recommendations

April 12, 2024

Page 2 of 2

“Excellent,” and the City believes this to be in error. As noted above, Fire Station 8 has been renovated and is now in excellent condition. Fire Station 3 is identical to Station 4 and both were built between the years 2006-2008 from the same architectural plans and by the same contractor. They are in essentially identical condition and deserving of a rating of “Excellent.” The City would argue that Fire Station 6 is also in excellent condition. That leaves four fire stations in need of significant renovation or replacement. In 2017, the City commissioned an assessment of Fire Station 5 (1961), which resulted in a recommendation for replacement and included a comprehensive architectural design for a new 10,658 SF station at a projected cost of \$9.3 million (2017 dollars). As noted in the report, the City’s Capital Improvement Program has significant unfunded Capital needs. The City is currently exploring possible revenue strategies for funding the approximately \$577 million in infrastructure needs in the Capital Improvement Program.

Recommendation #31 Mountain View, Palo Alto, Santa Clara, and CCFD: “Exploring options for alternative structures, such as joint powers authorities combining two or more neighboring agencies could potentially bring efficiencies and value-added services to Mountain View and other smaller fire service providers in Santa Clara County.”

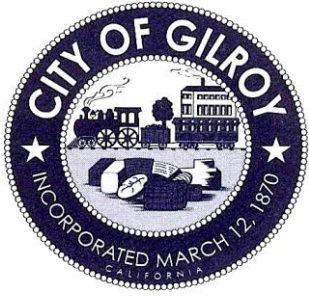
This recommendation for alternative structures seems primarily intended to benefit the smaller agencies and the county as a whole. It should be noted that under a consolidation model, Santa Clara would be sending aid to other agencies far more often than we receive aid. The Department has already documented that Santa Clara provides mutual aid to other jurisdictions more than we receive it under the current mutual aid structure. Further consolidation could be better for the county but might not be as effective for Santa Clara taxpayers as their Fire Department would respond out of the city more often. Santa Clara residents are quite happy with the service they receive from the Fire Department, as evidenced by our consistent 98% approval ratings. However, there are specialty areas, like HazMat response or confined space rescue, that benefit from greater regionalization and interagency cooperation in order to more efficiently mitigate these high risk, low frequency incidents.

In conclusion, the City of Santa Clara would like to thank the LAFCO Commissioners, LAFCO staff, AP Triton staff, the Countywide Fire Protection Service Review Technical Advisory Committee, and the local fire chiefs. Thank you for your efforts toward improving fire service in our region.

Respectfully,



Jovan D. Grogan
City Manager



City of Gilroy

7351 Rosanna Street
GILROY, CALIFORNIA
95020

Telephone (408) 846-0202
FAX: (408) 846-0500
<http://www.ci.gilroy.ca.us>

Jimmy Forbis
City Administrator

April 22, 2024

Santa Clara County LAFCO
777 N. First Street #410
San Jose, CA 95112
lafco@ceo.sccgov.org

Re: Countywide Fire Service Review Report Responses

Dear LAFCO Commissioners and Neelima Palacherla,

Thank you for the opportunity to respond to the Countywide Fire Service Review Recommendations. We have the following responses:

Table A

2C Gilroy Units:

The Chestnut Station has two units cross-staffed with three personnel assigned to the station, and the crew has an UHU of 10.9%. The Station 47/Chestnut Station crew has an UHU of 10.9%, specifically Sta.47 Cross Staffed (2.1%) + E47 (8.8%).

City's Response

The City of Gilroy has diligently worked to hire and train fire personnel to staff a fourth fire station to provide an effective citywide fire response force, to reduce the response times within the Santa Teresa Response (STR) district, and to reduce overall response times throughout the City. Within the past year, the City has hired a total of (6) firefighters to bring the current staffing level to 39-line personnel. Numerous industrial work-related injuries have delayed full implementation of staffing the STR Station. Once the STR Station is fully staffed, it is anticipated to reduce the Unit Hour Utilization currently exceeding 10% at the Chestnut Station.

8A Gilroy:

With two of Gilroy Fire Department's three stations being over forty years old, there should be a facility replacement plan in place. (Chestnut - 51 years) and (Las Animas - 45 years). In reviewing the city's current capital improvement budget, there were no fire facilities identified.

Page 2 - Re: Countywide Fire Service Review Report Responses

City's Response

The Gilroy City Council recently approved funding for upgrades and improvements to the Chestnut and Las Animas Fire Stations. Additionally, a sales tax ballot initiative is being developed for proposal to the City's voters for approval in 2024. If approved, funding will become available for seismic retrofit, remodel, station upgrades, and completion of a fourth station.

20 AVL Dispatch of Resources:

Gilroy, Morgan Hill, San Jose, Sunnyvale, CCFD, and SCFD are not currently utilizing Automatic Vehicle Location (AVL) technology to dispatch the closest available resource for emergencies. By integrating AVL into the CAD system through GIS mapping, the system can identify and dispatch the nearest unit to the incident. AVL Dispatch can help improve overall response times, potentially making a significant difference in critical calls. Each of these agencies should implement AVL dispatch in their dispatch center.

City's Response

Gilroy has recently purchased the technology and equipment to provide AVL capabilities for all frontline and reserve apparatus. Software integration with the City's CAD system will aid in dispatching the closest Gilroy fire engine to the emergency incident. However, these advantages of full integration of the City's CAD and AVL systems will be limited to City-owned resources only. Mutual-aid/auto-aid responses using AVL will be unavailable until similar capabilities are purchased and implemented by adjacent agencies.

30 Gilroy, Morgan Hill and SCFD:

Exploring options for alternative service structures, such as joint powers authorities combining operations of two or more neighboring agencies, could potentially bring efficiencies and value-added services to Morgan Hill, Gilroy, and SCFD. While CAL FIRE provides contractual service of a large-scale fire agency to Morgan Hill and SCFD, creating a larger local entity consisting of Morgan Hill, Gilroy, and SCFD with a unified structure could offer benefits such as increased accountability, improved efficiency, and enhanced effectiveness in delivering fire services to the community. While reorganization, consolidation, and other shared service structures will likely have efficiencies from which agencies can benefit, if they are facing service related constraints, these structure alternatives do not provide a singular solution to all constraints to services and must be combined with other strategies. It is recommended that SCFD and the cities of Morgan Hill and Gilroy enter into a Memorandum of Understanding, in coordination with CAL FIRE, outlining the agencies' commitment to providing long-term cooperative fire services and establishing a joint strategic planning team to assess potential cooperative service elements for implementation.

City's Response

Regionalization and consolidation of the South County area has been considered repeatedly over the past 20 years. Recently, the City Administrator sought and was given permission by the Gilroy City Council to initiate the exploration of this concept once again, to determine fiscal feasibility, validate efficiencies and value-added services, and recommend the best course of action. In the meantime, the GFD continues to work with the MHFD and South Santa Clara County Fire District through existing Boundary Drop Agreements, Mutual Aid Agreements, and Auto Aid Agreements.

30A Gilroy:

Considering the staffing and facility constraints specific to the City of Gilroy, collaborating with the City of Morgan Hill and SCFD to establish a larger entity may hold particular value.

Page 3 - Re: Countywide Fire Service Review Report Responses

City's Response

The GFD agrees with and appreciates the potential advantages of combining service for the South County region through participation with a single larger entity that would address increasing costs and needed efficiencies. Contracting out also brings the potential for one or more alternative service models to the GFD. The City is currently in negotiations to finalize and receive funding to build a permanent fourth fire station, the completion of which was contemplated as part of and necessary for the response time goals adopted by the Gilroy City Council in 2019. With the completion of the fourth fire station and recent City Council approval to initiate the exploration of combined service for South County, we believe there are many opportunities underway for significant improvements to GFD services to the Community and our residents.

Please reach out to jimmy.forbis@cityofgilroy.org or jim.wyatt@cityofgilroy.org if you have any questions.

Respectfully Submitted,

DocuSigned by:
Jimmy Forbis
CC6456EF9B054DC...

Jimmy Forbis, Administrator
City of Gilroy

DocuSigned by:
Jim Wyatt
69A10C064674420...

Jim Wyatt, Fire Chief
City of Gilroy

SUMMARY OF RESPONSES TO TABLE A: RECOMMENDATIONS FOR THE CITY OF SANTA CLARA TO ENHANCE FIRE SERVICE DELIVERY AND RESPONSE CAPABILITIES

RECOMMENDATIONS	PAGE # IN THE REPORT	POTENTIAL IMPLEMENTING AGENCIES	AGENCY RESPONSE	LAFCO STAFF COMMENTS
FACILITY REPLACEMENT & MAINTENANCE PLANNING RECOMMENDATIONS				
<p>8 Facility Replacement & Maintenance Planning: Establish a comprehensive facility replacement plan and a maintenance plan for fire stations. Please see specifics below.</p>		<p>Gilroy, Milpitas, Morgan Hill, Mountain View, Palo Alto, San Jose, Santa Clara, Sunnyvale and LAHCFD</p>	<p>The City of Santa Clara agrees with this recommendation. The City of Santa Clara Department of Public Works provides repair and maintenance services for City buildings, including fire stations. The Fire Department works collaboratively with Public Works to plan for and schedule repairs and ongoing maintenance, using a software application that allows end users to directly input repair requests. All repair requests for Fire Department facilities are then reviewed and tracked by Fire Administration. Routine maintenance is also tracked and scheduled through the same application. However, the Fire Department lacks a comprehensive facility replacement plan and, as noted in Recommendation 8G below, some fire stations have significant needs. Since 2020, the Fire Department, in coordination with Public Works, has sought funding through the City’s Capital Improvement Program budget process, for a comprehensive needs assessment and study of Fire Department facilities. Unfortunately, the City has significant unfunded Capital needs, and this assessment has not been funded. The City has analyzed capital needs citywide and assigned a cost to each facility, including fire facilities, and is evaluating the potential for a capital facilities bond on the November 2024 ballot.</p>	<p>Noted.</p>
<p>8G Santa Clara: With five of Santa Clara Fire Department’s nine stations being over forty years old, there should be a facility replacement plan in place. (Station 1 - 57 years), (Station 5 - 61 years), (Station 7 - 51 years), (Station 8 - 47 years), (Station 9 - 40 years). The Fire Department’s Capital Improvement Plan has identified a major gap in not having a funding source for major infrastructure needs for stations 1, 5, 7, and 9.</p>	<p>Pages 384-385, 389</p>	<p>Santa Clara</p>	<p>The City of Santa Clara agrees with this recommendation with corrections. Fire Station 8, listed as 47 years old, underwent a significant remodel and addition in 2020, which enlarged and modernized the station, including bringing it up to current building code and accessibility standards. The City also believes that corrections are needed to Figure 192 on page 386 of the report. This chart lists the “General Condition” of all fire stations. Only Fire Station 4 received a rating of “Excellent,” and the City believes this to be in error. As noted above, Fire Station 8 has been renovated and is now in excellent condition. Fire Station 3 is identical to Station 4 and both were built between the years 2006-2008 from the same architectural plans and by the same contractor. They are in essentially identical condition and deserving of a rating of “Excellent.” The City would argue that Fire Station 6 is also in excellent condition. That leaves four fire stations in need of significant renovation or replacement. In 2017, the City</p>	<p>City believes that Fire Stations 8, 3, and 6 should have been listed as “Excellent” in the Report, in terms of their “General Condition.”</p> <p>It should be noted that the fire station ratings in the Report came directly from the City at that time, using a criterion established by AP Triton, LAFCO’s consultant. Although it is too late to make changes to the Report which was adopted in October 2023, all responses received from agencies</p>

SUMMARY OF RESPONSES TO TABLE A: RECOMMENDATIONS FOR THE CITY OF SANTA CLARA TO ENHANCE FIRE SERVICE DELIVERY AND RESPONSE CAPABILITIES

RECOMMENDATIONS	PAGE # IN THE REPORT	POTENTIAL IMPLEMENTING AGENCIES	AGENCY RESPONSE	LAFCO STAFF COMMENTS
			<p>commissioned an assessment of Fire Station 5 (1961), which resulted in a recommendation for replacement and included a comprehensive architectural design for a new 10,658 SF station at a projected cost of \$9.3 million (2017 dollars). As noted in the report, the City’s Capital Improvement Program has significant unfunded Capital needs. The City is currently exploring possible revenue strategies for funding the approximately \$577 million in infrastructure needs in the Capital Improvement Program.</p>	<p>are part of the project record.</p>
GOVERNANCE STRUCTURE ALTERNATIVE RECOMMENDATIONS				
<p>31 Mountain View, Palo Alto, Sunnyvale, Santa Clara, and CCFD: Exploring options for alternative structures, such as joint powers authorities combining two or more neighboring agencies (Mountain View, Palo Alto, Sunnyvale, Santa Clara, and CCFD), could potentially bring efficiencies and value-added services to Mountain View and other smaller fire service providers in Santa Clara County. Creating a larger entity with a unified structure can offer benefits such as increased accountability, improved efficiency, and enhanced effectiveness in delivering fire services to the community. While Mountain View’s services are satisfactory and appear to be sustainable, there could be opportunities to pool resources, share expertise, and optimize operations, leading to improved service delivery.</p>	<p>Page 237 (Mountain View); Page 279 (Palo Alto); Page 391 (Santa Clara); Page 426 (Sunnyvale); and Page 537 (CCFD)</p>	<p>Santa Clara</p>	<p>This recommendation for alternative structures seems primarily intended to benefit the smaller agencies and the county as a whole. It should be noted that under a consolidation model, Santa Clara would be sending aid to other agencies far more often than we receive aid. The Department has already documented that Santa Clara provides mutual aid to other jurisdictions more than we receive it under the current mutual aid structure. Further consolidation could be better for the county but might not be as effective for Santa Clara taxpayers as their Fire Department would respond out of the city more often. Santa Clara residents are quite happy with the service they receive from the Fire Department, as evidenced by our consistent 98% approval ratings. However, there are specialty areas, like HazMat response or confined space rescue, that benefit from greater regionalization and interagency cooperation in order to more efficiently mitigate these high risk, low frequency incidents.</p>	<p>Noted.</p>

SUMMARY OF RESPONSES TO TABLE A: RECOMMENDATIONS FOR THE CITY OF GILROY TO ENHANCE FIRE SERVICE DELIVERY AND RESPONSE CAPABILITIES

RECOMMENDATIONS	PAGE # IN THE REPORT	POTENTIAL IMPLEMENTING AGENCIES	AGENCY RESPONSE	LAFCO STAFF COMMENTS	
FIRE AND EMERGENCY SERVICES OVERVIEW RECOMMENDATIONS					
2	Unit Utilization Hours: San Jose, Palo Alto, Gilroy, and CCFD all have units with UHUs of over 10%. These agencies should add additional resources to effectively manage the call volume and improve response time performance.	Pages xiii, 25	Gilroy, Palo Alto, San Jose and CCFD	The City of Gilroy has diligently worked to hire and train fire personnel to staff a fourth fire station to provide an effective citywide fire response force, to reduce the response times within the Santa Teresa Response (STR) district, and to reduce overall response times throughout the City. Within the past year, the City has hired a total of (6) firefighters to bring the current staffing level to 39-line personnel. Numerous industrial work-related injuries have delayed full implementation of staffing the STR Station. Once the STR Station is fully staffed, it is anticipated to reduce the Unit Hour Utilization currently exceeding 10% at the Chestnut Station.	Noted.
2C	Gilroy Units: The Chestnut Station has two units cross-staffed with three personnel assigned to the station, and the crew has an UHU of 10.9%. The Station 47/Chestnut Station crew has an UHU of 10.9%, specifically Sta.47 Cross Staffed (2.1%) + E47 (8.8%).	Page 123	Gilroy		
FACILITY REPLACEMENT & MAINTENANCE PLANNING RECOMMENDATIONS					
8	Facility Replacement & Maintenance Planning: Establish a comprehensive facility replacement plan and a maintenance plan for fire stations. Please see specifics below.		Gilroy, Milpitas, Morgan Hill, Mountain View, Palo Alto, San Jose, Santa Clara, Sunnyvale and LAHCFD	The Gilroy City Council recently approved funding for upgrades and improvements to the Chestnut and Las Animas Fire Stations. Additionally, a sales tax ballot initiative is being developed for proposal to the City’s voters for approval in 2024. If approved, funding will become available for seismic retrofit, remodel, station upgrades, and completion of a fourth station.	Noted.
8A	Gilroy: With two of Gilroy Fire Department’s three stations being over forty years old, there should be a facility replacement plan in place. (Chestnut - 51 years) and (Las Animas - 45 years). In reviewing the city's current capital improvement budget, there were no fire facilities identified.	Pages 128-129, 133	Gilroy		

SUMMARY OF RESPONSES TO TABLE A: RECOMMENDATIONS FOR THE CITY OF GILROY TO ENHANCE FIRE SERVICE DELIVERY AND RESPONSE CAPABILITIES

RECOMMENDATIONS	PAGE # IN THE REPORT	POTENTIAL IMPLEMENTING AGENCIES	AGENCY RESPONSE	LAFCO STAFF COMMENTS	
EMERGENCY COMMUNICATIONS RECOMMENDATIONS					
20	<p>AVL Dispatch of Resources: Gilroy, Morgan Hill, San Jose, Sunnyvale, CCFD, and SCFD are not currently utilizing Automatic Vehicle Location (AVL) technology to dispatch the closest available resource for emergencies. By integrating AVL into the CAD system through GIS mapping, the system can identify and dispatch the nearest unit to the incident. AVL Dispatch can help improve overall response times, potentially making a significant difference in critical calls. Each of these agencies should implement AVL dispatch in their dispatch center.</p>	Pages xvi, 57	Gilroy	<p>Gilroy has recently purchased the technology and equipment to provide AVL capabilities for all frontline and reserve apparatus. Software integration with the City’s CAD system will aid in dispatching the closest Gilroy fire engine to the emergency incident. However, these advantages of full integration of the City’s CAD and AVL systems will be limited to City-owned resources only. Mutual-aid/auto-aid responses using AVL will be unavailable until similar capabilities are purchased and implemented by adjacent agencies.</p>	Noted.
GOVERNANCE STRUCTURE ALTERNATIVE RECOMMENDATIONS					
30	<p>Gilroy, Morgan Hill and SCFD: Exploring options for alternative service structures, such as joint powers authorities combining operations of two or more neighboring agencies, could potentially bring efficiencies and value-added services to Morgan Hill, Gilroy, and SCFD. While CAL FIRE provides contractual service of a large-scale fire agency to Morgan Hill and SCFD, creating a larger local entity consisting of Morgan Hill, Gilroy, and SCFD with a unified structure could offer benefits such as increased accountability, improved efficiency, and enhanced effectiveness in delivering fire services to the community. While reorganization, consolidation, and other shared service structures will likely have efficiencies from which agencies can benefit, if they are facing service-related constraints, these structure alternatives do not provide a singular solution to all constraints to services and must be combined with other strategies. It is recommended that SCFD and the cities of Morgan Hill and Gilroy enter into a Memorandum of Understanding, in coordination with CAL FIRE, outlining the agencies’ commitment to providing long-term cooperative fire services and establishing a</p>	Page xviii, Page 135, Page 201	Gilroy	<p>Regionalization and consolidation of the South County area has been considered repeatedly over the past 20 years. Recently, the City Administrator sought and was given permission by the Gilroy City Council to initiate the exploration of this concept once again, to determine fiscal feasibility, validate efficiencies and value-added services, and recommend the best course of action. In the meantime, the GFD continues to work with the MHFD and South Santa Clara County Fire District through existing Boundary Drop Agreements, Mutual Aid Agreements, and Auto Aid Agreements.</p>	Noted.

SUMMARY OF RESPONSES TO TABLE A: RECOMMENDATIONS FOR THE CITY OF GILROY TO ENHANCE FIRE SERVICE DELIVERY AND RESPONSE CAPABILITIES

RECOMMENDATIONS	PAGE # IN THE REPORT	POTENTIAL IMPLEMENTING AGENCIES	AGENCY RESPONSE	LAFCO STAFF COMMENTS
joint strategic planning team to assess potential cooperative service elements for implementation.				
30A Gilroy: Considering the staffing and facility constraints specific to the City of Gilroy, collaborating with the City of Morgan Hill and SCFD to establish a larger entity may hold particular value.	Page 135	Gilroy	The GFD agrees with and appreciates the potential advantages of combining service for the South County region through participation with a single larger entity that would address increasing costs and needed efficiencies. Contracting out also brings the potential for one or more alternative service models to the GFD. The City is currently in negotiations to finalize and receive funding to build a permanent fourth fire station, the completion of which was contemplated as part of and necessary for the response time goals adopted by the Gilroy City Council in 2019. With the completion of the fourth fire station and recent City Council approval to initiate the exploration of combined service for South County, we believe there are many opportunities underway for significant improvements to GFD services to the Community and our residents.	Noted.

ITEM #8
Supplemental Information No. 2

RE: Communications Relating to Saratoga Residents' Concerns About Speed Bumps on Mendelsohn Lane

1. Daniel Miranda, Saratoga resident, dated 06/03/2024, providing the following:
 - Email correspondence with Saratoga Mayor Yan Zhao dated 02/07/2024
 - Santa Clara County Central Fire Standard Details and Specifications on Speed Humps and Speed Tables
2. James Lindsay, Saratoga City Manager, email correspondence with LAFCO staff, dated 6/4/2024
3. Suwanna Kerdkaew, Fire Chief, Santa Clara County Central Fire Protection District, email dated 06/4/2024

#1

From: [Noel, Dunia](#)
To: [Abello, Emmanuel](#)
Subject: FW: [EXTERNAL] Re: LAFCO written response to residents concerns raised at April Meeting
Date: Tuesday, June 4, 2024 3:46:30 PM
Attachments: [Saratoga Mayor email thread.pdf](#)
[Screenshot 2024-06-03 at 9:57:48 AM.png](#)
[SDS_A-2.pdf](#)
[LAFCO_Item#8.pdf](#)

From: Dan Miranda <danmiranda@comcast.net>
Sent: Monday, June 3, 2024 12:13 PM
To: Humphrey, Sonia <sonia.humphrey@ceo.sccgov.org>; Noel, Dunia <Dunia.Noel@ceo.sccgov.org>
Cc: Palacherla, Neelima <Neelima.Palacherla@ceo.sccgov.org>
Subject: [EXTERNAL] Re: LAFCO written response to residents concerns raised at April Meeting

Ms. Duina Noel, LAFCO Assistant Executive Officer

Thank you for your phone conversation with me today discussing what must be corrected in LAFCO Item#8. It does not accurately represent Saratoga Residents concerns and inaccurately concludes that "the City of Saratoga has sole authority with regards to the installation speed humps on Mendelsohn Lane", as you explicitly write in Item#8.

As evidence, I have attached as a PDF document the full email thread of my communications with Saratoga Mayor Yan Zhao and Saratoga City Manager James Linsey, who both state that it is Santa Clara County Fire who has the authority and APPROVED the installation of speed bumps.

Kindly, reply back and confirm receipt of this information from me.

Sincerely,
Daniel Miranda
Saratoga resident

On Jun 3, 2024, at 10:27 AM, Dan Miranda <danmiranda@comcast.net> wrote:

Ms. Sonia Humphrey,

Thank you for taking my call this morning and promising to have Dunia Noel call me directly about Item #8 on the June 5th LAFCO Meeting Agenda.

Ms Dunia Noel,

I look forward to speaking with you.

In advance let me share with you a screenshot of an email response I received from Yan Zhao, Mayor of Saratoga (pasted below). The Mayor's response is 100% counter to what is stated in LAFCO's Item #8, with respect to who has sole authority for the approval and installation of speed bumps in the WUI (high fire zones) within Saratoga's City Limits.

I respectfully ask that you raise this issue with LAFCO at the next meeting and clarify who has responsibility to enforce Fire Code [SD&S-A-2](#).

Thank you in advance.

Daniel Miranda
Saratoga Resident
408-835-9300

From: Yan Zhao <yzhao@saratoga.ca.us>
Subject: Re: Follow-up regarding Mendelsohn Speed Hump Appeal Hearing
Date: February 7, 2024 at 9:53:47 PM PST
To: Dan Miranda <danmiranda@comcast.net>
Cc: Tina Walia <twalia@saratoga.ca.us>, Marc Hynes <hynes.marc@gmail.com>, Trina Whitley <twhitley@saratogafire.org>, Yan Zhao <yzhao@saratoga.ca.us>, Ernest Kraule <ekraule@saratogafire.org>, Tom Lerone <thomaslerone@gmail.com>, David Adamson MD <gdadamson@arcfertility.com>, Hobey Birmingham <hmckb@sbcglobal.net>, Peter Rutti <p.rutti@comcast.net>, Hassan Jalalian <Hjalalian55@gmail.com>, Mark Weisler <mark@weisler-saratoga-ca.us>, Leslie Arroyo <larroyo@saratoga.ca.us>, Charles Aring <charles.aring@gmail.com>, James Lindsay <jlindsay@saratoga.ca.us>, Leslie Arroyo <larroyo@saratoga.ca.us>

Hi Daniel,

Thank you again for stopping by to speak with me. I've had a chance to speak with City staff to confirm my understanding that the speed hump planned for Mendelsohn Lane was approved by the Santa Clara County Fire Department. The City relies on County Fire's work and approval as they are the Fire Department that serves the City of Saratoga.

Sincerely,

Yan Zhao, Mayor

City of Saratoga

Begin forwarded message:

From: Dan Miranda <danmiranda@comcast.net>
Subject: LAFCO written response to residents concerns raised at April Meeting
Date: June 1, 2024 at 2:14:32 PM PDT
To: Ernie Kraule <ekraule@aol.com>, Marc Hynes <hynes.marc@gmail.com>, Trina Whitley <twhitley@saratogafire.org>, sonia.humphrey@ceo.sccgov.org
Cc: Tom Lerone <thomaslerone@gmail.com>, Peter Rutti <p.rutti@comcast.net>, Charles Aring <charles.aring@gmail.com>, Mark Weisler <mark@weisler-saratoga-ca.us>, Hassan Jalalian <Hjalalian55@gmail.com>, David Adamson MD <gdadamson@arcfertility.com>, Rosemary Adamson <equal3@cloud.com>, Hobey Birmingham <hmckb@sbcglobal.net>, JoAnne Birmingham <jmbirmingham@gmail.com>, Eva R Freund Miranda <evamiranda@comcast.net>, laurel.weisler@gmail.com, Chris Rutti <c.rutti@comcast.net>, aring.kh@gmail.com, Christine Lerone <christinelerone@gmail.com>

Hi Ernie, Marc, and Trina,

Today I received an email from Sonia Humphrey, LAFCO Clerk, cc'd, with a link to a copy of the staff report from their meeting on 4/3/2024, at which you and several of us attended and commented publicly.

In case you have not yet seen it, attached is a copy of LAFCO Item #8 - IMPLEMENTATION OF RECOMMENDATIONS FROM LAFCO'S COUNTYWIDE FIRE SERVICE REVIEW.

Do you agree with the statement pasted below from this document, indicating that SCCFD has no authority over the implementation of Speed Bumps in Saratoga? Isn't this in direct conflict with the SCCFD regulation SD&S A-2 (also attached)?


SARATOGA RESIDENTS' CONCERNS ABOUT SPEED BUMPS ON MENDELSONH LANE

At the April 3, 2024, LAFCO meeting, several Saratoga residents expressed concerns about the installation of speed bumps on Mendelsohn Lane. In response, the Commission directed staff to contact and request that the County clarify and address these concerns, as necessary. The Commission also asked to be informed of any action taken to resolve this matter.

On April 8, 2024, staff contacted Deputy County Executive Mills and Santa Clara County Fire Protection District Chief Kerdkaew on this matter. Subsequently, staff learned that the City of Saratoga has sole authority with regards to the installation of speed bumps on Mendelsohn Lane, a roadway which is located within Saratoga's city limits. LAFCO staff has informed the City of Saratoga of this matter.

Thanks in advance for help clarifying this important issue. I hope the record will be set straight at the next LAFCO meeting on June 5th.

Sincerely,
Daniel Miranda
Saratoga resident

From: Dan danmiranda@comcast.net 
Subject: Fwd: Follow-up regarding Mendelsohn Speed Hump Appeal Hearing
Date: February 21, 2024 at 10:11 PM
To: Peter Rutti p.rutti@comcast.net



From: Yan Zhao <yzhao@saratoga.ca.us>
Date: February 7, 2024 at 9:55:53 PM PST
To: Dan Miranda <danmiranda@comcast.net>
Cc: Tina Walia <twalia@saratoga.ca.us>, Marc Hynes <hynes.marc@gmail.com>, Trina Whitley <twhitley@saratogafire.org>, Yan Zhao <yzhao@saratoga.ca.us>, Ernest Kraule <ekraule@saratogafire.org>, Tom Lerone <thomaslerone@gmail.com>, David Adamson MD <gdadamson@arcfertility.com>, Hobey Birmingham <hmckb@sbcglobal.net>, Peter Rutti <p.rutti@comcast.net>, Hassan Jalalian <Hjalalian55@gmail.com>, Mark Weisler <mark@weisler-saratoga-ca.us>, Leslie Arroyo <larroyo@saratoga.ca.us>, Charles Aring <charles.aring@gmail.com>, James Lindsay <jlindsay@saratoga.ca.us>, Leslie Arroyo <larroyo@saratoga.ca.us>
Subject: Re: Follow-up regarding Mendelsohn Speed Hump Appeal Hearing

Hi Daniel,

Thank you again for stopping by to speak with me. I've had a chance to speak with City staff to confirm my understanding that the speed hump planned for Mendelsohn Lane was approved by the Santa Clara County Fire Department. The City relies on County Fire's work and approval as they are the Fire Department that serves the City of Saratoga.

Sincerely,

Yan Zhao, Mayor
City of Saratoga

From: Yan Zhao <yzhao@saratoga.ca.us>
Sent: Monday, February 5, 2024 5:01 PM
To: Dan Miranda <danmiranda@comcast.net>
Cc: Tina Walia <twalia@saratoga.ca.us>; Marc Hynes <hynes.marc@gmail.com>; Trina Whitley <twhitley@saratogafire.org>; Ernest Kraule <ekraule@saratogafire.org>; Tom Lerone <thomaslerone@gmail.com>; David Adamson MD <gdadamson@arcfertility.com>; Hobey Birmingham <hmckb@sbcglobal.net>; Peter Rutti <p.rutti@comcast.net>; Hassan Jalalian <Hjalalian55@gmail.com>; Mark Weisler <mark@weisler-saratoga-ca.us>; Charles Aring <charles.aring@gmail.com>; James Lindsay <jlindsay@saratoga.ca.us>; Leslie Arroyo <larroyo@saratoga.ca.us>; Yan Zhao <yzhao@saratoga.ca.us>
Subject: Re: Follow-up regarding Mendelsohn Speed Hump Appeal Hearing

Hi Daniel,
Thank you for stopping by my booth to speak with me on Saturday.

I have received a copy of the letter from Saratoga Fire District and the email you sent to James and former mayor Kookie.

I will need some time to do a little bit more research and get back to you.

Best regards,

Yan Zhao, Mayor
City of Saratoga

From: Dan Miranda <danmiranda@comcast.net>
Sent: Saturday, February 3, 2024 3:02 PM
To: Yan Zhao <yzhao@saratoga.ca.us>
Cc: Tina Walia <twalia@saratoga.ca.us>; Marc Hynes <hynes.marc@gmail.com>; Trina Whitley <twhitley@saratogafire.org>; Ernest Kraule <ekraule@saratogafire.org>; Tom Lerone <thomaslerone@gmail.com>; David Adamson MD <gdadamson@arcfertility.com>; Hobey Birmingham <hmckb@sbcglobal.net>; Peter Rutti <p.rutti@comcast.net>; Hassan Jalalian <Hjalalian55@gmail.com>; Mark Weisler <mark@weisler-saratoga-ca.us>; Charles Aring <charles.aring@gmail.com>
Subject: Follow-up regarding Mendelsohn Speed Hump Appeal Hearing

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Mayor Zhao,

It was nice to see you at the Saratoga Farmers' Market this morning holding "office hours" to provide updates and hear questions from Saratoga residents.

As promised, I have attached a copy of a letter sent to last December by the Saratoga Fire District (SFD), which you claim you had not seen before. As specifically stated, the purpose of the letter was to request that the city delay taking any further action towards installation of traffic control devices on Mendelsohn Lane. I look forward to hearing back from you on the status of this request by the SFD.

In addition, I am forwarding you a previous email thread that I sent to Mr. James Lindsay (and cc'd the Mayor) last November outlining several concerns with the TSC and the subsequent Appeal Hearing on their approval of speed humps on Mendelsohn Lane. Mr. Lindsay was essentially non-responsive, but hopefully you can directly respond to the issues raised.

Most importantly, I believe that your vote Against the Appeal, may have been different if you had been presented with correct facts at the

hearing. Specifically, that code SD&S A-2 PAGE 1-3<https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.sccfd.org%2fwp-content%2fuploads%2fdocuments%2ffire_prevention%2fstandards%2fSDS_A-2-SpeedHumpsSpeed_ables.pdf&c=E,1_p0a16yxYUTN2-prLV2TRpYJYi22ePFs4854VYD-OmrbLmNicYSpufD5j3REfODtNTlclf95xVI7quDP783nxt7NhhfwibKMAq8cZUQeW-gT&typo=1> applies directly to all Saratoga streets. In fact, it applies all of Santa Clara County, both incorporated and unincorporated areas. This key point was asked by Council Member Tina Walia and misrepresented by the TSC, Ms. Emma Burkhalter, at the Appeal Hearing.

I look forward to your response to all the above.

Thank you,

Daniel Miranda
20151 Rancho Bella Vista
Saratoga, CA 95070

Begin forwarded message:

From: Dan Miranda <danmiranda@comcast.net>
Subject: Follow-up regarding TSC interactions and Appeal Hearing
Date: November 7, 2023 at 12:18:17 PM PST
To: jlindsay@saratoga.ca.us
Cc: kookie@saratoga.ca.us, Ernest Kraule <ekraule@saratogafire.org>, Tom Lerone <thomaslerone@gmail.com>, David Adamson MD <gdamson@arcfertility.com>, Hobart Birmingham <hmckb@sbcglobal.net>

Mr. James Lindsay
City Manager
City of Saratoga
13777 Fruitvale Avenue
Saratoga, CA 95070

November 7, 2023

Dear Mr. Lindsay,

I am following up on our meeting at your office a week ago on October 31st regarding Traffic and Safety Commission ("TSC") interactions, which are summarized in my note below that was sent to you the same day. Have you had the opportunity to investigate those concerns, as you indicated?

In addition, the Public Appeal Hearing on TSC's approval of Mendelsohn Lane speed humps has raised two new, important concerns, that are shared by many of us living in the Mendelsohn Lane area.

1. First, can you please fact check the following:

The TSC presented a 1-page document titled Attachment L - County Fire Approval of Speed Table Plans<https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/2250419/Attachment_L_-_County_Fire_Approval_of_Speed_Table_Plans.pdf>. This document clearly states, "Plans are APPROVED with the following conditions (emphasis added)." The second paragraph of these conditions states that "installation shall be in accordance with CFC Sec. 503 and SD&S A-2 PAGE 1-3<https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.sccfd.org%2fwp-content%2fuploads%2fdocuments%2ffire_prevention%2fstandards%2fSDS_A-2-SpeedHumpsSpeed_ables.pdf&c=E,1,-Qj0oGd1L8hh3CivoKVK1A46hD8IO9Yiue4qPfKgRCJCFNTkDAdOQ0kRAUKCImuyTkz2FFJh52OZ7RoozhG0CiO5o_5yBnvViAgLJtF&typo=1>."

On the bottom of page 1 of this 3-page document, it clearly states:

"II. LOCATIONS

A. Speed Humps/Speed Tables shall not be installed along primary emergency response routes, as determined by the SCCFD (Emphasis added)."

It is my understanding that Mendelsohn Lane is in fact a primary emergency response route as determined by the SCCFD. If this is correct, this means the SCCFD has in fact disapproved installing speed humps on Mendelsohn Lane.

2. Second:

The agenda stated that the Appeal Hearing would be a de novo review. We were all disappointed that this appeared not to be the case.

This is especially the case with Councilman Belal Aftab. He previously was the TSC chairman and had voted in favor of speed humps on Mendelsohn in that capacity. Councilman Aftab did not show up at the site visit with all the other City Council members on 11/1/2023, because he said he was so familiar with the issue from his experience on the TSC and therefore heard nothing from those of us who live on and near Mendelsohn Lane. After the Appeal hearing Councilman Aftab came down from the stage to talk with a group of us in the audience. When I asked him if he had made up his mind on this appeal before the night's hearing based on his prior experience, he answered "yes" directly to me. It seems clear that Councilman Aftab's view was that of a TSC member and chair, not an unbiased council member, something to which, I believe, we as appellants were entitled. As an ethical matter, would it have not been appropriate for him to recuse himself from voting on this issue?

Thank you in advance for your attention to these issues. We can only have public trust between residents and local government, if we get the facts correct and have for Saratoga's citizens an open and transparent process, without real or apparent conflicts of interest.

We look forward to your response on these issues and those previously raised – something to which, I am sure you will agree, members of our community are entitled.

Sincerely,

Daniel Miranda
20151 Rancho Bella Vista
Saratoga, CA 95070

cc: Kookie Hitzsimmons, Mayor, City of Saratoga
Ernest Kraule, Saratoga Fire District Commissioner

On Oct 31, 2023, at 5:17 PM, Dan Miranda <danmiranda@comcast.net<mailto:danmiranda@comcast.net>> wrote:

Mr. James Lindsay
City Manager
City of Saratoga
13777 Fruitvale Avenue
Saratoga, CA 95070

October 31, 2023

Dear Mr. Lindsay,

I appreciate you allowing me to meet with you in person today to discuss and provide you with documented evidence of interactions between Mr. Henry Cole and the TSC. We both agree that these interactions are very concerning from a public trust and ethical point of view, and have damaged the public trust between the City and the Residents, which we both hope to repair. Any potential material or financial conflicts of interest still need to be investigated and cleared by you, as you promised you would do within the next week.

Specifically, together we reviewed the timeline of the TSC Special Meeting on 8/22/2023 and the fact that Mr. Cole was able to submit his recommendations and comments to be incorporated into the agenda before the meeting announcement and agenda was even posted to the public. No other resident was given this inside advance notice of the meeting or the opportunity to submit input before the Agenda was posted and distributed to the TSC Commissioners for consideration.

Secondly, we both reviewed Mr. Cole's written point-by-point rebuttal to Mr. Lerone's Appeal Application of the TSC approval for speed humps on Mendelsohn. Mr. Cole submitted his written rebuttal on 10/24/2023, two days before the Appeal Agenda and TSC Staff rebuttal was official posted to the public on 10/26/2023. Comments submitted by Mr. Cole concerning TSC communications with the Fire District before they were made official indicate his inside connection and direct ongoing communications within the TSC.

I have cc'd fellow residents, Mr. Tom Lerone, and Dr. David Adamson, since I also shared hard copies of their written letters to the City with you. We, as well as all the residents in our community deserve an explanation of how and why any individual completely unaffected by proposed speed humps appears to have so much influence over committee actions and decisions. What are the relationships between this individual not in the Area of Influence with the consultant engineer for Saratoga, with the Saratoga staff, and with the TSC? Disclosures of these relationships are essential to avoid the current appearance of potentially multiple conflicts of interest. The relationship(s) are opaque yet of much concern regarding potential undue influence.

Sincerely,

Daniel Miranda
20151 Rancho Bella Vista
Saratoga, CA 95070

winmail.dat





STANDARD DETAILS & SPECIFICATIONS

SUBJECT: Speed Humps and Speed Tables

Spec No	<u>A-2</u>
Rev. Date	<u>07/01/20</u>
Eff. Date	<u>12/12/18</u>
Approved By	<u>[Signature]</u>
Page <u>1</u>	of <u>3</u>

SCOPE

This Standard applies to the design and installation of Speed Humps and/or Speed Tables where approved by the Fire Code Official.

DEFINITIONS

SCCFD: Shall refer to the Santa Clara County Fire Department.

Speed Hump: A Speed Hump is a raised traffic calming device placed across a roadway to reduce vehicle speed and volume.

Speed Table: A Speed Table is a variation of a Speed Hump. It is similar to a Speed Hump except that it is flat-topped between ramped sections so as to raise the entire wheelbase of a vehicle to reduce traffic speed and/or to accommodate a crosswalk.

REQUIREMENTS

I. GENERAL

- A. Speed Humps/Speed Tables shall be approved by the SCCFD prior to installation.
- B. For public streets, Speed Humps/Speed Tables must be approved for installation by the local City/Town prior to obtaining the Fire Department approval.

II. LOCATIONS

- A. Speed Humps/Speed Tables shall not be installed along primary emergency response routes, as determined by the SCCFD.

From: [Noel, Dunia](#)
To: [Abello, Emmanuel](#)
Subject: FW: [EXTERNAL] Fwd: LAFCO written response to residents concerns raised at April Meeting
Date: Tuesday, June 4, 2024 3:47:38 PM
Attachments: [image001.png](#)
[image002.png](#)
[RE: Saratoga Speed Bumps \(Mendelsohn Lane\) Questions: Request from County Supervisor LAFCO Commissioner Otto Lee.mso](#)

From: James Lindsay <jlindsay@saratoga.ca.us>
Sent: Tuesday, June 4, 2024 11:44 AM
To: Noel, Dunia <Dunia.Noel@ceo.sccgov.org>
Subject: RE: [EXTERNAL] Fwd: LAFCO written response to residents concerns raised at April Meeting

Hello Dunia,

I don't have anything to add to my earlier email (attached) except links documenting County Fire and City Council approval.

[November 1, 2023 Saratoga City Council Meeting Agenda - Item 2.1 Mendelsohn Speed Table Appeal](#)
[Attachment L - County Fire approval letter](#)

Take care,
James Lindsay

From: Noel, Dunia <Dunia.Noel@ceo.sccgov.org>
Sent: Monday, June 3, 2024 11:37 AM
To: James Lindsay <jlindsay@saratoga.ca.us>
Subject: FW: [EXTERNAL] Fwd: LAFCO written response to residents concerns raised at April Meeting

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi James,

Trying to get some final clarity on this issue. Please see email thread below from the Saratoga City property owner who mentions message from Saratoga Mayor saying speed bumps are District decision, but District says it is a City's responsibility/decision. What is the City's current position on this? Thanks.

-Dunia

If you have an inquiry, we encourage you to contact us by email at LAFCO@ceo.sccgov.org

Dunia Noel
 Assistant Executive Officer, Santa Clara LAFCO
 777 North First Street, Suite 410, San Jose, CA 95112
 (408) 993-4704 | Twitter: [@SantaClaraLAFCO](#) | www.SantaClaraLAFCO.org



From: Dan Miranda <danmiranda@comcast.net>
Sent: Monday, June 3, 2024 10:27 AM
To: Humphrey, Sonia <sonia.humphrey@ceo.sccgov.org>; Noel, Dunia <Dunia.Noel@ceo.sccgov.org>
Subject: [EXTERNAL] Fwd: LAFCO written response to residents concerns raised at April Meeting

Ms. Sonia Humphrey,

Thank you for taking my call this morning and promising to have Dunia Noel call me directly about Item #8 on the June 5th LAFCO Meeting Agenda.

Ms Dunia Noel,

I look forward to speaking with you.

In advance let me share with you a screenshot of an email response I received from Yan Zhao, Mayor of Saratoga (pasted below). The Mayor's response is 100% counter to what is stated in LAFCO's Item #8, with respect to who has sole authority for the approval and installation of speed bumps in the WUI (high fire zones) within Saratoga's City Limits.

I respectfully ask that you raise this issue with LAFCO at the next meeting and clarify who has responsibility to enforce Fire Code [SD&S A-2](#).

Thank you in advance.

Daniel Miranda
 Saratoga Resident
 408-835-9300

From: Yan Zhao <yzhao@saratoga.ca.us>
Subject: Re: Follow-up regarding Mendelsohn Speed Hump Appeal Hearing
Date: February 7, 2024 at 9:53:47 PM PST
To: Dan Miranda <danmiranda@comcast.net>
Cc: Tina Walia <twalia@saratoga.ca.us>, Marc Hynes <hynes.marc@gmail.com>, Trina Whitley <twhitley@saratogafire.org>, Yan Zhao <yzhao@saratoga.ca.us>, Ernest Kraule <ekraule@saratogafire.org>, Tom Lerone <thomaslerone@gmail.com>, David Adamson MD <gdadamson@arcfertility.com>, Hobey Birmingham <hmckb@sbcglobal.net>, Peter Rutti <p.rutti@comcast.net>, Hassan Jalalian <Hjalalian55@gmail.com>, Mark Weisler <mark@weisler-saratoga-ca.us>, Leslie Arroyo <larroyo@saratoga.ca.us>, Charles Aring <charles.aring@gmail.com>, James Lindsay <jlindsay@saratoga.ca.us>, Leslie Arroyo <larroyo@saratoga.ca.us>

Hi Daniel,

Thank you again for stopping by to speak with me. I've had a chance to speak with City staff to confirm my understanding that the speed hump planned for Mendelsohn Lane was approved by the Santa Clara County Fire Department. The City relies on County Fire's work and approval as they are the Fire Department that serves the City of Saratoga.

Sincerely,

Yan Zhao, Mayor

City of Saratoga

Begin forwarded message:

From: Dan Miranda <danmiranda@comcast.net>
Subject: LAFCO written response to residents concerns raised at April Meeting
Date: June 1, 2024 at 2:14:32 PM PDT
To: Ernie Kraule <ekraule@aol.com>, Marc Hynes <hynes.marc@gmail.com>, Trina Whitley <twhitley@saratogafire.org>, sonia.humphrey@ceo.sccgov.org
Cc: Tom Lerone <thomaslerone@gmail.com>, Peter Rutti <p.rutti@comcast.net>, Charles Aring <charles.aring@gmail.com>, Mark Weisler <mark@weisler-saratoga-ca.us>, Hassan Jalalian <Hjalalian55@gmail.com>, David Adamson MD <gdadamson@arcfertility.com>, Rosemary Adamson <equal3@icloud.com>, Hobey Birmingham <hmckb@sbcglobal.net>, JoAnne Birmingham <jmbirmingham@gmail.com>, Eva R Freund Miranda <evamiranda@comcast.net>, laurel.weisler@gmail.com, Chris Rutti <c.rutti@comcast.net>, aring.kh@gmail.com, Christine Lerone <christinelerone@gmail.com>

Hi Ernie, Marc, and Trina,

Today I received an email from Sonia Humphrey, LAFCO Clerk, cc'd, with a link to a copy of the staff report from their meeting on 4/3/2024, at which you and several of us attended and commented publicly.

In case you have not yet seen it, attached is a copy of LAFCO Item #8 - IMPLEMENTATION OF RECOMMENDATIONS FROM LAFCO'S COUNTYWIDE FIRE SERVICE REVIEW.

Do you agree with the statement pasted below from this document, indicating that SCCFD has no authority over the implementation of Speed Bumps in Saratoga? Isn't this in direct conflict with the SCCFD regulation SD&S A-2 (also attached)?

SARATOGA RESIDENTS' CONCERNS ABOUT SPEED BUMPS ON MENDELSONN LANE

At the April 3, 2024, LAFCO meeting, several Saratoga residents expressed concerns about the installation of speed bumps on Mendelsohn Lane. In response, the Commission directed staff to contact and request that the County clarify and address these concerns, as necessary. The Commission also asked to be informed of any action taken to resolve this matter.

On April 8, 2024, staff contacted Deputy County Executive Mills and Santa Clara County Fire Protection District Chief Kerdkaew on this matter. Subsequently, staff learned that the City of Saratoga has sole authority with regards to the installation of speed bumps on Mendelsohn Lane, a roadway which is located within Saratoga's city limits. LAFCO staff has informed the City of Saratoga of this matter.

Thanks in advance for help clarifying this important issue. I hope the record will be set straight at the next LAFCO meeting on June 5th.

Sincerely,
Daniel Miranda
Saratoga resident

From: [James Lindsay](#)
To: [Noel, Dunia](#)
Cc: [Palacherla, Neelima](#); [John Cherbone](#); [Leslie Arroyo](#)
Subject: RE: Saratoga Speed Bumps (Mendelsohn Lane) Questions- Request from County Supervisor/ LAFCO Commissioner Otto Lee
Attachments: [image001.png](#)

Hello Dunia,

Thank you for the referral. County Fire, Saratoga Fire District, and the City are all very familiar with Dan and Peter's concerns. They lost an appeal before the City Council last year and the installation of the speed humps was recently completed.

Sincerely,

James Lindsay

From: Noel, Dunia <Dunia.Noel@ceo.sccgov.org>
Sent: Tuesday, May 28, 2024 4:54 PM
To: James Lindsay <jlindsay@saratoga.ca.us>
Cc: Palacherla, Neelima <Neelima.Palacherla@ceo.sccgov.org>
Subject: Saratoga Speed Bumps (Mendelsohn Lane) Questions- Request from County Supervisor/ LAFCO Commissioner Otto Lee

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello James:

We would like to refer, for your consideration, the concerns raised by Saratoga residents (Peter Rutti, Daniel Miranda, others) at the April 3, 2024 LAFCO Meeting under Item #6, regarding the installation of speed bumps on Mendelsohn Lane in the City of Saratoga. *Video:* <https://youtube.com/live/zsCRd7wOut0?feature=share> (see speakers starting at 55:05, and particularly Daniel Miranda starting at 1:03:50 who discusses the confusion quite extensively and Peter Rutti at 1:07:16 who also raises concerns)

They indicated that the street is designated as an evacuation route and is in a Very High Fire Hazard wildland-urban interface area. There appears to be some confusion about whether the speed bumps are allowed, what the process was for approving them, and who permits and enforces such requirements on that street.

County Supervisor/LAFCO Commissioner Otto Lee requested that

the appropriate party address these residents' concerns, as necessary. It is now our understanding that the City has authority on this matter, as the road in question is located within the city limits.

If you want to contact the property owners, here is the information that we have for them:

-Daniel Miranda (danmiranda@comcast.net) at 20151 Rancho Bella Vista

-Peter Rutti (no email provided, has lived on Mendelsohn Lane for 38 years)

Thanks.

-Dunia

If you have an inquiry, we encourage you to contact us by email at LAFCO@ceo.sccgov.org.

Dunia Noel

Assistant Executive Officer, Santa Clara LAFCO

777 North First Street, Suite 410, San Jose, CA 95112

(408) 993-4704 | Twitter: [@SantaClaraLAFCO](https://twitter.com/SantaClaraLAFCO) | www.SantaClaraLAFCO.org



From: Noel Dunia
To: Abello, Emmanuel
Subject: FW: [EXTERNAL] Fwd: LAFCO written response to residents concerns raised at April Meeting
Date: Tuesday, June 4, 2024 4:17:36 PM
Attachments: image001.png
image002.png
signature.png

From: Suwanna Kerdkaew <suwanna.kerdkaew@sccfd.org>
Sent: Tuesday, June 4, 2024 4:10 PM
To: Noel, Dunia <Dunia.Noel@ceo.sccgov.org>
Cc: Brian Glass <brian.glass@sccfd.org>; Palacherla, Neelima <Neelima.Palacherla@ceo.sccgov.org>
Subject: Re: [EXTERNAL] Fwd: LAFCO written response to residents concerns raised at April Meeting

Good afternoon Dunia,

I appreciate the additional information from the City Manager. This is a complex situation, as written codes, intent and authority may seem very straight forward, but in essence, definitions of emergency routes is intended to be directed towards usage regarding our emergency vehicles and the challenges they may have due to traffic calming measures the cities/towns implement.

Please see this information below:

Code

CFC 503.4.1 Traffic calming devices. Traffic calming devices shall be prohibited unless approved by the fire code official.

Intent

This response references the 2021 IFC Code and Commentary, Volume 1 for clarification of intent. Significant portions of this reference are taken directly from the IFC Code and Commentary. *It is not the intent of CFC Section 503.4.1 for the fire code official to prohibit all traffic calming devices in all locations.*

Section 503.4.1 prohibits installation of traffic calming device on fire apparatus access roads **unless approved by the fire code official**, but it does not specify how this will be achieved for various jurisdictions. Each jurisdiction had its own traffic pattern emergency response challenges. **The purpose of this requirement is to ensure that the fire department is part of the decision-making process.**

In most jurisdictions, the design and construction or review and approval of traffic calming devices is the responsibility of the municipal public works, transportation or engineering department. The fire code official and the appropriate governmental engineering staff must work closely with one another to ensure that traffic calming devices, where approved, meet traffic engineering needs and have the least impact on response times to emergencies. **Traffic official and fire code officials share the responsibly to ensure that all public interests are properly considered in their decision-making process since both sets of officials have detailed regulations to provide for those interests.**

The section of Mendelsohn in question is not a recognized primary route and it was evaluated by County Fire's GIS analyst at the time of project submission. It has also been evaluated after installation for access/egress limitations and operational challenges. No operational concerns exist related to the installations on Mendelsohn.

I will be at the County Bldg in interviews for the duration of the day tomorrow. I believe that the response City Manager Lindsey provided and the response directly above is the "meat and potatoes" of County Fire's response with the calming measure in question in Saratoga.

Suwanna L. Kerdkaew
Fire Chief
14700 Winchester Blvd. Los Gatos, CA 95032
408.341.4411 - office



Proudly serving the communities of Campbell, Cupertino, Los Altos, Los Altos Hills, Los Gatos, Monte Sereno and Saratoga

From: "Dunia Noel" <Dunia.Noel@ceo.sccgov.org>
To: "Suwanna Kerdkaew" <Suwanna.Kerdkaew@sccfd.org>
Cc: "Brian Glass" <brian.glass@sccfd.org>, "Neelima Palacherla" <Neelima.Palacherla@ceo.sccgov.org>
Sent: Tuesday, June 4, 2024 12:10:53 PM
Subject: FW: [EXTERNAL] Fwd: LAFCO written response to residents concerns raised at April Meeting

Hello Chief Kerdkaew,
Just letting you know that we received the following email (see below) this morning from Saratoga's City Manager. Thanks.
-Dunia

From: James Lindsay <jlindsay@saratoga.ca.us>
Sent: Tuesday, June 4, 2024 11:44 AM
To: Noel, Dunia <Dunia.Noel@ceo.sccgov.org>
Subject: RE: [EXTERNAL] Fwd: LAFCO written response to residents concerns raised at April Meeting

Hello Dunia,

I don't have anything to add to my earlier email (attached) except links documenting County Fire and City Council approval.

[November 1, 2023 Saratoga City Council Meeting Agenda - Item 2.1 Mendelsohn Speed Table Appeal Attachment L - County Fire approval letter](#)

Take care,
James Lindsay

From: Noel, Dunia <Dunia.Noel@ceo.sccgov.org>
Sent: Monday, June 3, 2024 11:37 AM
To: James Lindsay <jlindsay@saratoga.ca.us>
Subject: FW: [EXTERNAL] Fwd: LAFCO written response to residents concerns raised at April Meeting

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi James,

Trying to get some final clarity on this issue. Please see email thread below from the Saratoga City property owner who mentions message from Saratoga Mayor saying speed bumps are District decision, but District says it is a City's responsibility/decision. What is the City's current position on this? Thanks.

-Dunia

****If you have an inquiry, we encourage you to contact us by email at LAFCO@ceo.sccgov.org****

Dunia Noel

Assistant Executive Officer, Santa Clara LAFCO
777 North First Street, Suite 410, San Jose, CA 95112
(408) 993-4704 | Twitter: [@SantaClaraLAFCO](https://twitter.com/SantaClaraLAFCO) | www.SantaClaraLAFCO.org



From: Dan Miranda <danmiranda@comcast.net>
Sent: Monday, June 3, 2024 10:27 AM
To: Humphrey, Sonia <sonia.humphrey@ceo.sccgov.org>; Noel, Dunia <Dunia.Noel@ceo.sccgov.org>
Subject: [EXTERNAL] Fwd: LAFCO written response to residents concerns raised at April Meeting

Ms. Sonia Humphrey,

Thank you for taking my call this morning and promising to have Dunia Noel call me directly about Item #8 on the June 5th LAFCO Meeting Agenda.

Ms Dunia Noel,

I look forward to speaking with you.

In advance let me share with you a screenshot of an email response I received from Yan Zhao, Mayor of Saratoga (pasted below). The Mayor's response is 100% counter to what is stated in LAFCO's Item #8, with respect to who has sole authority for the approval and installation of speed bumps in the WUI (high fire zones) within Saratoga's City Limits.

I respectfully ask that you raise this issue with LAFCO at the next meeting and clarify who has responsibility to enforce Fire Code [SD&S A-2](#).

Thank you in advance.

Daniel Miranda
Saratoga Resident
408-835-9300

From: Yan Zhao <yzhao@saratoga.ca.us>
Subject: **Re: Follow-up regarding Mendelsohn Speed Hump Appeal Hearing**
Date: February 7, 2024 at 9:53:47 PM PST
To: Dan Miranda <danmiranda@comcast.net>
Cc: Tina Walia <twalia@saratoga.ca.us>, Marc Hynes <hynes.marc@gmail.com>, Trina Whitley <twhitley@saratogafire.org>, Yan Zhao <yzhao@saratoga.ca.us>, Ernest Kraule <ekraule@saratogafire.org>, Tom Lerone <thomaslerone@gmail.com>, David Adamson MD <[gdadamson@arcfertility.com](mailto:gdamson@arcfertility.com)>, Hobey Birmingham <hmckb@sbcglobal.net>, Peter Rutti <p.rutti@comcast.net>, Hassan Jalalian <Hjalalian55@gmail.com>, Mark Weisler <mark@weisler-saratoga-ca.us>, Leslie Arroyo <larroyo@saratoga.ca.us>, Charles Aring <charles.aring@gmail.com>, James Lindsay <jlindsay@saratoga.ca.us>, Leslie Arroyo <larroyo@saratoga.ca.us>

Hi Daniel,

Thank you again for stopping by to speak with me. I've had a chance to speak with City staff to confirm my understanding that the speed hump planned for Mendelsohn Lane was approved by the Santa Clara County Fire Department. The City relies on County Fire's work and approval as they are the Fire Department that serves the City of Saratoga.

Sincerely,

Yan Zhao, Mayor

City of Saratoga

Begin forwarded message:

From: Dan Miranda <danmiranda@comcast.net>

Subject: LAFCO written response to residents concerns raised at April Meeting

Date: June 1, 2024 at 2:14:32 PM PDT

To: Ernie Kraule <ekraule@aol.com>, Marc Hynes <hynes.marc@gmail.com>, Trina Whitley <twhitley@saratogafire.org>, sonia.humphrey@ceosccgov.org
Cc: Tom Lerone <thomaslerone@gmail.com>, Peter Rutti <p.rutti@comcast.net>, Charles Aring <charles.aring@gmail.com>, Mark Weisler <mark@weisler-saratoga-ca.us>, Hassan Jalalian <Hjalalian55@gmail.com>, David Adamson MD <gdadamson@arcfertility.com>, Rosemary Adamson <equal3@icloud.com>, Hobey Birmingham <hmckb@sbcglobal.net>, JoAnne Birmingham <jmbirmingham@gmail.com>, Eva R Freund Miranda <evamiranda@comcast.net>, laurel.weisler@gmail.com, Chris Rutti <c.rutti@comcast.net>, aring.kh@gmail.com, Christine Lerone <christinelerone@gmail.com>

Hi Ernie, Marc, and Trina,

Today I received an email from Sonia Humphrey, LAFCO Clerk, cc'd, with a link to a copy of the staff report from their meeting on 4/3/2024, at which you and several of us attended and commented publicly.

In case you have not yet seen it, attached is a copy of LAFCO Item #8 - IMPLEMENTATION OF RECOMMENDATIONS FROM LAFCO'S COUNTYWIDE FIRE SERVICE REVIEW.

Do you agree with the statement pasted below from this document, indicating that SCCFD has no authority over the implementation of Speed Bumps in Saratoga? Isn't this in direct conflict with the SCCFD regulation SD&S A-2 (also attached)?

SARATOGA RESIDENTS' CONCERNS ABOUT SPEED BUMPS ON MENDELSON LANE

At the April 3, 2024, LAFCO meeting, several Saratoga residents expressed concerns about the installation of speed bumps on Mendelsohn Lane. In response, the Commission directed staff to contact and request that the County clarify and address these concerns, as necessary. The Commission also asked to be informed of any action taken to resolve this matter.

On April 8, 2024, staff contacted Deputy County Executive Mills and Santa Clara County Fire Protection District Chief Kerdkaew on this matter. Subsequently, staff learned that the City of Saratoga has sole authority with regards to the installation of speed bumps on Mendelsohn Lane, a roadway which is located within Saratoga's city limits. LAFCO staff has informed the City of Saratoga of this matter.

Thanks in advance for help clarifying this important issue. I hope the record will be set straight at the next LAFCO meeting on June 5th.

Sincerely,
Daniel Miranda
Saratoga resident



**Local Agency
Formation Commission
of Santa Clara County**

777 North First Street
Suite 410
San Jose, CA 95112

SantaClaraLAFCO.org

Commissioners

Sylvia Arenas
Jim Beall
Rosemary Kamei
Yoriko Kishimoto
Otto Lee
Russ Melton
Terry Trumbull

ITEM # 9

Alternate Commissioners

Domingo Candelas
Helen Chapman
Cindy Chavez
Teresa O'Neill
Mark Turner

Executive Officer

Neelima Palacherla

LAFCO MEETING: June 5, 2024

TO: LAFCO

**FROM: Neelima Palacherla, Executive Officer
Dunia Noel, Asst. Executive Officer
Emmanuel Abello, Associate Analyst**

SUBJECT: CALAFCO RELATED ACTIVITIES

9.1 REPORT ON THE 2024 CALAFCO STAFF WORKSHOP (APRIL 24 – 26, 2024)

For Information Only.

LAFCO staff attended the 2024 Annual CALAFCO Staff Workshop in Pleasanton (April 24 - April 26), hosted by Alameda LAFCO. The workshop was attended by approximately 103 participants representing LAFCOs across the state, and provided various practical and hands-on courses, as well as roundtable discussions and professional development sessions. Sessions included:

- A mobile workshop on Sustainable Growth: From Grounds to Grapes with Public Wastewater
- LAFCO Trivia (covering a wide range of topics specific to LAFCO for LAFCO staff with differing levels of knowledge and experience)
- “Trust Me” – What’s the Big Deal? Presenting case studies on trust as a component for positive change and outcomes
- Write it Like You Mean It: Using Precise Language to Accurately Inform Your Stakeholders
- Making Sausage: The Recipe for Changing the Law
- Going Back to the Basics of Your Staff Report Map with GIS
- Successful District Reorganization: A Whole That is Greater Than the Sum of Its Parts
- A Picture is Worth 1,000 Numbers: Modernizing Fiscal Indicators
- Clerks’ 101: “It’s a Career, Not a Pitstop”
- Are You Sure Your Website and Online Documents are ADA Compliant?

- Lessons Learned: Detachment of Two Water Districts From the San Diego County Water Authority

CALAFCO has posted workshop handouts on its website at www.calafco.org.

Attending the annual CALAFCO Workshop is included in LAFCO's work plan for staff professional development.

9.2 2024 CALAFCO ANNUAL CONFERENCE (OCTOBER 16 – 18, 2024)

Recommendation

Authorize commissioners and staff to attend the Annual Conference and direct that associated travel expenses be funded by the LAFCO Budget for Fiscal Year 2025.

Discussion

The upcoming CALAFCO Annual Conference will be held at the Tenaya Lodge in Fish Camp, CA from Wednesday, October 16th to Friday, October 18th. The Conference provides an annual opportunity for commissioners and staff to gain additional knowledge about changes in LAFCO legislation, LAFCO policies and practices, and the latest issues facing LAFCOs, counties, cities, and special districts across the state. The Conference brings together approximately 250 LAFCO Commissioners and staff from around the state to discuss the latest issues and share knowledge and best practices. Further details will be made available late summer.

9.3 NOMINATIONS TO THE CALAFCO BOARD OF DIRECTORS

Recommendation

Nominate interested Commissioners and provide further direction to staff, as necessary.

Discussion

Nominations for the 2024/2025 CALAFCO Board of Directors are now open. Santa Clara LAFCO is part of the Coastal Region. Within the Coastal Region, nominations are being accepted for **"County Member" and "District Member."** The deadline for LAFCO to submit nominations is Monday, September 16th. Please see **Attachment A** for details.

Serving on the CALAFCO Board is a unique opportunity to work with other LAFCO commissioners throughout the state on legislative, fiscal and operational issues that affect LAFCOs, counties, cities, and special districts. The Board meets four to five times each year, with half of the meetings currently held virtually and rest being held at alternate sites around the state. Any LAFCO commissioner or alternate commissioner is eligible to run for a CALAFCO Board seat.

9.4 DESIGNATE VOTING DELEGATE AND ALTERNATE FOR 2024 CALAFCO BOARD OF DIRECTORS ELECTION

Recommendation

Appoint voting delegate and alternate voting delegate for 2024 CALAFCO Board of Directors Election.

Discussion

Elections for the 2024/2025 CALAFCO Board of Directors will occur on Thursday, October 17, 2024, at CALAFCO's Annual Conference at the Tenaya Lodge in Fish Camp. Each LAFCO must designate a voting delegate and alternate who is authorized to vote on behalf of their LAFCO. The nomination form for the voting delegate and alternate is included in **Attachment A**.

ATTACHMENT

Attachment A: Memo from CALAFCO re: Nominations Period Now Open for
2024/2025 CALAFCO Board of Directors (dated May 21, 2024)

Date: May 21, 2024	
To: Local Agency Formation Commission Members and Alternate Members	
From: Kenneth Leary, Committee Chair CALAFCO Board Election Committee CALAFCO Board of Directors	
RE: Nomination Period Now Open for 2024/2025 CALAFCO Board of Directors	

The Nomination Period is now open for the fall elections of the CALAFCO Board of Directors for the following seats:

CENTRAL REGION	COASTAL REGION	NORTHERN REGION	SOUTHERN REGION
County Member	County Member	City Member	City Member
District Member	District Member	Public Member	Public Member

Please inform your Commission that the CALAFCO Election Committee will be accepting nominations for the above-cited seats until:

MONDAY, SEPTEMBER 16, 2024

<p><i>Serving on the CALAFCO Board is a unique opportunity to work with other commissioners throughout the state on legislative, fiscal, and operational issues that affect us all. The Board meets four to five times each year, generally virtually. However, strategic plan retreats and other meetings may be scheduled in-person and will alternate around the state. A job description is attached that more fully discusses director responsibilities and time commitment.</i></p>	<p><i>Board terms span a two-year period, with no term limits, and any LAFCO commissioner or alternate commissioner is eligible to run for a Board seat.</i></p> <p><i>Elections will be conducted during Regional Caucuses at the CALAFCO Annual Conference prior to the Annual Membership Meeting on Thursday, October 17, 2024 at the Tenaya Lodge in Fish Camp, California.</i></p>
---	---

Should your Commission nominate a candidate, please return the completed Nomination Form and Candidate’s Résumé Form by the deadline. Completed nomination forms and all materials must be RECEIVED by CALAFCO by the deadline.

Electronic filing of nomination forms is **highly encouraged** to facilitate the recruitment process. Please email to info@calafco.org. However, hard copy forms and materials may also be mailed to:

Election Committee c/o Executive Director
California Association of Local Agency Formation Commissions
1451 River Park Drive, Suite 185
Sacramento, CA 95815

Complete nominations received by the September 16th deadline will be included in the Election Committee's Report that will be distributed to LAFCO members. Candidate names will be listed in the report, and on the ballot, in the order nominations are received. The Election Committee Report will be distributed no later than October 3, 2024, with ballots made available to Voting Delegates at the Annual Conference.

Nominations received after the deadline will be returned; however, nominations may be made from the floor during the Regional Caucuses or during at-large elections, if required, at the Annual Membership Meeting.

For those member LAFCOs who cannot send a representative to the Annual Meeting, an electronic ballot will be made available *if requested in advance*. **Ballot requests must also be received no later than Monday, September 16, 2024, with completed absentee ballots due by no later than Thursday, October 10, 2024.**

NOMINATION/ELECTION PROCESS DEADLINES AND TIMELINES

- **May 21** – Nomination Announcement and packet sent to LAFCO membership and posted on the CALAFCO website.
- **September 16** – Completed Nomination packet due
- **September 16** – Request for an absentee/electronic ballot due
- **September 16** – Voting delegate name due to CALAFCO
- **October 3** – Distribution of the Election Committee Report (includes all completed/submitted nomination papers)
- **October 3** – Distribution of requested absentee/electronic ballots.
- **October 10** – Absentee ballots due to CALAFCO
- **October 17** - Elections

If you have any questions about the election process, please contact CALAFCO Executive Director René LaRoche at rlaroche@calafco.org or by calling 916-442-6536.

Members of the 2024/2025 CALAFCO Election Committee are:

Kenneth Leary, Committee Chair	Napa LAFCO (Coastal Region)
Bill Connelly	Butte LAFCO (Northern Region)
Kimberly Cox	San Bernardino LAFCO (Southern Region)
Anita Paque	Calaveras LAFCO (Central Region)

To assist you in this consideration, you will find attached for your reference a copy of the CALAFCO Board Member Job Description, the CALAFCO Board of Directors Nomination and Election Procedures and Forms, and the current listing of Board Members and corresponding terms of office.

I sincerely hope that you will consider joining us!

Attachments.



Board Member Job Description

California Association of Local Agency Formation Commissions (CALAFCO) Member of the Board of Directors

Mission

As a 501(c)(3) nonprofit organization, CALAFCO supports LAFCOs by *promoting efficient and sustainable government services based on local community values through legislative advocacy and education.*

For more information, please see CALAFCO's website at www.calafco.org.

Values

The underlying values that define our organization are: *dependability, efficiency, honesty, and transparency.*

Duties

Board members have the following legal duties:

1. **Duty of Care:** *Ensuring prudent use of all assets including financial, facility, people, and good will.*
2. **Duty of Loyalty:** *Ensuring that the association's activities and transactions are, first and foremost, advancing its mission; Recognizing and disclosing conflicts of interest; Making decisions that are in the best interest of the association and not in the best interest of an individual board member, or any other individual or entity.*
3. **Duty of Obedience:** *Ensuring that the association obeys applicable laws and regulations; follows its own bylaws and policies; and that it adheres to its stated corporate purposes/mission.*

Position

The Board is a governing body and is expected to support the work of CALAFCO by providing mission-based leadership and strategic governance. While day-to-day operations are led by CALAFCO's Executive Director (ED), the Board-ED relationship is a partnership and the appropriate involvement of the Board is both critical and expected. Board Members are tasked with the Leadership, Governance, and Oversight of the association. Responsibilities include, but are not limited to:

- Representing CALAFCO to stakeholders; acting as an ambassador for the organization to regional members and California legislators.

- Approving policies that provide the appropriate authority and guidance for/to the ED in the administration of the organization.
- Serving as a trusted advisor to the ED.
- Participating in strategic planning retreats.
- Reviewing agenda and supporting materials, and communicating question to the Executive Director, prior to board and committee meetings.
- Weighing the organization's outcomes against strategic plan initiatives.
- Approving CALAFCO's annual budget, financial reports, and business decisions; being informed of, and meeting all, legal and fiduciary responsibilities.
- Assisting the ED and board chair in identifying and recruiting other Board Members to ensure CALAFCO's commitment to a diverse board and staff that recognizes the differing perspectives among LAFCOs.
- Partnering with the ED and other board members to ensure that board resolutions are carried out.
- Serving on committees or task forces and taking on special assignments, as needed.

Board Terms/Expected Participation

CALAFCO's Board Members are elected during regional caucuses held at the association's annual meeting, and serve two-year terms.

Regular board meetings are held quarterly, special meetings are called as needed, strategic planning retreats are held every two years, committee meetings are called at different times during the year, and legislative canvassing in Sacramento may be needed. Two absences, within a calendar year, from any regularly scheduled board meetings constitutes a resignation of the Board member.

Qualifications

Board Members must be seated LAFCO Commissioners at their local level.

This is an extraordinary opportunity for an individual who is passionate about the importance of the role that LAFCOs play in the sustainable growth of a region, and who has a track record of leadership. His/her accomplishments will allow him/her to interface effectively with the state legislature, as well as attract other well-qualified, high-performing Board Members.

Remuneration

Service on CALAFCO's Board of Directors is without remuneration. Administrative support, travel, and accommodation costs are typically provided by a director's home LAFCO.



Board of Directors Nomination and Election Procedures and Forms

The procedures for nominations and election of the CALAFCO Board of Directors [Board] are designed to assure full, fair and open consideration of all candidates, provide confidential balloting for contested positions and avoid excessive demands on the time of those participating in the CALAFCO Annual Conference.

The Board nomination and election procedures shall be:

1. APPOINTMENT OF AN ELECTION COMMITTEE:

- a. Following the Annual Membership Meeting the Board shall appoint an Election Committee of four members of the Board. The Election Committee shall consist of one member from each region whose term is not ending.
- b. The Board Chair shall appoint one of the members of the Election Committee to serve as Committee Chair. The CALAFCO Executive Director shall either serve as staff to the Election Committee or appoint a CALAFCO regional officer to serve as staff in cooperation with the Executive Director.
- c. Each regional officer shall serve as staff liaison to the Election Committee specifically to assist in conducting the election as directed by the Executive Director and Committee.
- d. Goals of the Committee are to encourage and solicit candidates by region who represent member LAFCOs across the spectrum of geography, size, and urban-suburban-rural population, and to provide oversight of the elections process.

2. ANNOUNCEMENT TO ALL MEMBER LAFCOs:

- a. No later than four months prior to the Annual Membership Meeting, the Election Committee Chair shall send an announcement to each LAFCO for distribution to each commissioner and alternate. The announcement shall include the following:
 - i. A statement clearly indicating which offices are subject to the election.
 - ii. A regional map including LAFCOs listed by region.
 - iii. The specific date by which all nominations must be received by the Election Committee. The deadline shall be no later than 30 days prior to the opening of the Annual Conference. Nominations received after the closing date shall be returned to the proposing LAFCO marked "Received too late for Election Committee action."
 - iv. The names of the Election Committee members and the name of their LAFCO, regional representation, email address and phone number. The name, email address and phone number of the Executive Director shall also be included.
 - v. The email address and physical address to send the nominations forms.
 - vi. A form for a Commission to use to nominate a candidate and a candidate resume form of no more than one page each to be completed for each nominee.
 - vii. The specific date by which all voting delegate names are due.
 - viii. The specific date by which absentee ballots must be requested, the date CALAFCO will

Key Timeframes for Nominations Process	
Days*	
120	Nomination announcement
30	Nomination deadline
14	Committee report released
*Days prior to annual membership meeting	

distribute the absentee ballots, and the date by which they must be received by the Executive Director.

- b. A copy of these procedures shall be posted on the web site.

3. THE ELECTION COMMITTEE:

- a. The Election Committee and the Executive Director have the responsibility to monitor nominations and help assure that there are adequate nominations from each region for each seat up for election. No later than two weeks prior to the Annual Conference, the Election Committee Chair shall distribute to the members the Committee Report organized by regions, including copies of all nominations and resumes, which are received prior to the end of the nomination period.
- b. At the close of the nomination period, the Election Committee shall prepare regional ballots. Each region will receive a ballot specific to that region. Each region shall conduct a caucus at the Annual Conference for the purpose of electing their designated representatives. Caucus elections must be held prior to the annual membership meeting at the Conference. The assigned regional officers along with a member of the Election Committee shall tally ballots at each caucus and provide the Election Committee the names of the elected Board members and any open seats. In the event of a tie, the regional officer and Election Committee member shall immediately conduct a run-off ballot of the tied candidates.
- c. Make available sufficient copies of the Committee Report for each Voting Delegate by the beginning of the Annual Conference. Only the designated Voting Delegate, or the designated Alternate Voting Delegate shall be allowed to pick up the ballot packet at the Annual Conference.
- d. Make available blank copies of the nomination forms and resume forms to accommodate nominations from the floor at either the caucuses or the annual meeting (if an at-large election is required).
- e. Advise the Executive Director to provide "CANDIDATE" ribbons to all candidates attending the Annual Conference.
- f. Advise the Executive Director to provide "VOTING DELEGATE" ribbons to all voting delegates attending the Annual Conference.
- g. Post the candidate statements/resumes organized by region on a bulletin board or other easily accessible location near the registration desk.
- h. Regional elections shall be conducted as described in Section 4 below. The representative from the Election Committee shall serve as the Presiding Officer for the purpose of the caucus election and shall be assisted by a regional officer from a region other than their own, as assigned by the Executive Director
- i. Following the regional elections, in the event that there are open seats for any offices subject to the election, the Election Committee Chair shall notify the Chair of the Board of Directors that an at-large election will be required at the annual membership meeting and to provide a list of the number and category of seats requiring an at-large election.

4. ELECTRONIC BALLOT FOR LAFCO IN GOOD STANDING NOT ATTENDING ANNUAL MEETING

Limited to the elections of the Board of Directors

- a. Any LAFCO in good standing shall have the option to request an electronic ballot if there will be no representative attending the annual meeting.
- b. LAFCOs requesting an electronic ballot shall do so in writing to the Executive Director no later than 30 days prior to the annual meeting.
- c. The Executive Director shall distribute the electronic ballot no later than two weeks prior to the

annual meeting.

- d. LAFCO must return the ballot electronically to the Executive Director no later than three working days prior to the annual meeting.
- e. LAFCOs voting by electronic ballot may discard their electronic ballot if a representative is able to attend the annual meeting.
- f. LAFCOs voting under this provision may only vote for the candidates nominated by the Election Committee as noted on the ballot and may not vote in any run-off elections.

5. AT THE TIME FOR ELECTIONS DURING THE REGIONAL CAUCUSES OR ANNUAL MEMBERSHIP MEETING:

- a. The Presiding Officer shall:
 - i. Review the election procedure with the membership of their region.
 - ii. Present the Election Committee Report (previously distributed).
 - iii. Call for nominations from the floor by category for those seats subject to this election:
 - 1. For city member.
 - 2. For county member.
 - 3. For public member.
 - 4. For special district member.
- b. To make a nomination from the floor, a LAFCO, which is in good standing, shall identify itself and then name the category of vacancy and individual being nominated. The nominator may make a presentation not to exceed two minutes in support of the nomination.
- c. When there are no further nominations for a category, the Presiding Officer shall close the nominations for that category.
- d. The Presiding Officer shall conduct a "Candidates Forum". Each candidate shall be given time to make a brief statement for their candidacy. If a candidate is absent from the regional caucus, they may ask someone in their region to make a brief statement on their behalf.
- e. The Presiding Officer shall then conduct the election:
 - i. For categories where there are the same number of candidates as vacancies, the Presiding Officer shall:
 - 1. Name the nominees and offices for which they are nominated.
 - 2. Call for a voice vote on all nominees and thereafter declare those unopposed candidates duly elected.
 - ii. For categories where there are more candidates than vacancies, the Presiding Officer shall:
 - 1. Poll the LAFCOs in good standing by written ballot.
 - 2. Each LAFCO in good standing may cast its vote for as many nominees as there are vacancies to be filled. The vote shall be recorded on a tally sheet.

3. Any ballots submitted electronically for candidates included in the Election Committee Report shall be added to the tally.
 4. With assistance from the regional officer, tally the votes cast and announce the results.
- iii. Election to the Board shall occur as follows:
1. A majority of the total number of LAFCOs in a given region are required for a quorum. Returned absentee ballots shall count towards the total required for a quorum.
 2. The nominee receiving the majority of votes cast is elected.
 3. In the case of no majority, the two nominees receiving the two highest number of votes cast shall face each other in a run-off election. Electronic ballots are not included in the tally for any run-off election(s).
 4. In case of tie votes:
 - a. A second run-off election shall be held with the same two nominees.
 - b. If there remains a tie after the second run-off, the winner shall be determined by a draw of lots.

6. ADDITIONAL PROCEDURES

- a. For categories where there are more candidates than vacancies, names shall be listed on the ballot in the order the nomination was received and deemed complete.
- b. The Election Committee Chair shall announce and introduce all Board Members elected during the Regional Caucuses at the annual business meeting.
- c. In the event that Board seats remain unfilled after a Regional Caucus, an election will be held immediately at the annual business meeting to fill the position at-large. Nominations will be taken from the floor and the election process will follow the procedures described in Section 4 above. Any commissioner or alternate from a member LAFCO may be nominated for at-large seats.
- d. Seats elected at-large become subject to regional election at the expiration of the term. Only representatives from the region may be nominated for the seat.
- e. As required by the Bylaws, the members of the Board shall meet as soon as possible after election of new Board members for the purpose of electing officers, determining meeting places and times for the coming year, and conducting any other necessary business.

7. LOSS OF ELECTION IN HOME LAFCO

Board Members and candidates who lose elections in their home office shall notify the Executive Director within 15 days of the certification of the election.

8. FILLING BOARD VACANCIES

Vacancies on the Board of Directors may be filled by appointment by the Board for the balance of the unexpired term. Appointees must be from the same category as the vacancy, and should be from the same region.

CALAFCO's Four Regions



The counties in each of the four regions consist of the following:

Northern Region

Butte
Colusa
Del Norte
Glenn
Humboldt
Lake
Lassen
Mendocino
Modoc
Nevada
Plumas
Shasta
Sierra
Siskiyou
Sutter
Tehama
Trinity
Yuba

CONTACT: Steve Lucas
Butte LAFCO
slucas@buttecounty.net

Southern Region

Orange
Los Angeles
Imperial
Riverside
San Bernardino
San Diego

CONTACT: Gary Thompson
Riverside LAFCO
gthompson@LAFCO.org

Coastal Region

Alameda
Contra Costa
Marin
Monterey
Napa
San Benito
San Francisco
San Luis Obispo
San Mateo
Santa Barbara
Santa Clara
Santa Cruz
Solano
Sonoma
Ventura

CONTACT: Dawn Longoria
Napa LAFCO
dawn.longoria@napa.lafco.ca.gov

Central Region

Alpine
Amador
Calaveras
El Dorado
Fresno
Inyo
Kings
Madera
Mariposa
Merced
Mono
Placer
Sacramento
San Joaquin
Stanislaus
Tulare
Tuolumne
Yolo

CONTACT: José Henriquez
Sacramento LAFCO
henriquezj@saccounty.net

CURRENT BOARD MEMBERS AND TERMS

NAME	REGION	TYPE & TERM
Bill Connelly	Butte <i>Northern</i>	County (2025)
Kimberly Cox	San Bernardino Southern	District (2025)
Rodrigo Espinosa	Merced <i>Central</i>	County (2024)
Yxstian Gutierrez	Riverside Southern	County (2025)
Blake Inscore, Secretary	Del Norte <i>North</i>	City (2024)
Gay Jones, Treasurer	Sacramento <i>Central</i>	District (2024)
Kenneth Leary	Napa Coastal	Public (2025)
Gordon Mangel	Nevada <i>Northern</i>	District (2025)
Michael McGill	Contra Costa <i>Coastal</i>	District (2024)
Derek McGregor	Orange <i>Southern</i>	Public (2024)
Margie Mohler, Chair	Napa <i>Coastal</i>	City (2025)
Anita Paque	Calaveras <i>Central</i>	Public (2025)
Wendy Root Askew	Monterey <i>Coastal</i>	County (2024)
Josh Susman	Nevada <i>Northern</i>	Public (2024)
Tamara Wallace	El Dorado Central	City (2025)
Acquanetta Warren, Vice-Chair	San Bernardino <i>Southern</i>	City (2024)



Board of Directors

2024/2025 Nomination Form

(Must accompany the Candidate Résumé Form)

Nomination to the CALAFCO Board of Directors

In accordance with the Nominations and Election Procedures of CALAFCO,

_____ LAFCO of the _____ Region

Nominates _____

for the (check one) City County Special District Public

Position on the CALAFCO Board of Directors to be filled by election at the next Annual Membership Meeting of the Association.

LAFCO Chair

Date

NOTICE OF DEADLINE

Nomination Packets must be received by **September 16, 2024** to be considered by the Election Committee.

Send completed nominations to
info@calafco.org

Or, mail to:

CALAFCO Election Committee
CALAFCO
1451 River Park Drive, Ste. 185
Sacramento, CA 95815

Date Received



Board of Directors
2024/2025 Candidate Résumé Form
(Complete both pages)

Nominated By: _____ LAFCO Date: _____

Region (please check one): Northern Coastal Central Southern

Category (please check one): City County Special District Public

Candidate Name _____

Address _____

Phone Office _____ Mobile _____

e-mail _____

Personal and Professional Background:

LAFCO Experience:

CALAFCO or State-level Experience:

Availability:

Other Related Activities and Comments:

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Or, mail to:

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Board of Directors

2024/2025 Nomination Form

(Must accompany the Candidate Résumé Form)

Nomination to the CALAFCO Board of Directors

In accordance with the Nominations and Election Procedures of CALAFCO,

_____ LAFCO of the _____ Region

Nominates _____

for the (check one) City County Special District Public

Position on the CALAFCO Board of Directors to be filled by election at the next Annual Membership Meeting of the Association.

LAFCO Chair

Date

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Board of Directors
2024/2025 Candidate Résumé Form
(Complete both pages)

Nominated By: _____ LAFCO Date: _____

Region (please check one): Northern Coastal Central Southern

Category (please check one): City County Special District Public

Candidate Name _____

Address _____

Phone Office _____ Mobile _____

e-mail _____

Personal and Professional Background:

LAFCO Experience:

CALAFCO or State-level Experience:

Availability:

Other Related Activities and Comments:

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Sacramento, CA 95815



1451 River Park Drive, Ste 185
Sacramento, CA 95815
(916) 442-6536

NOMINATION OF 2024 CALAFCO VOTING DELEGATE

The Local Agency Formation Commission of the below named county, hereby nominates and names the following Commissioners as its duly authorized voting delegate and alternate for purposes of the 2024 CALAFCO Board of Directors election to be held on Thursday, October 17, 2024, during the CALAFCO Regional Caucus and Annual Meeting in Fish Camp, California.

County Name:

Delegate:

Alternate:

Appointment Authorized by:

Name of individual completing form on behalf of the LAFCo:

Will your delegate or alternate be attending the CALAFCO Annual Conference?

Yes:

No:

PLEASE RETURN COMPLETED FORM BY **SEPTEMBER 16, 2024 TO:**

René LaRoche via email to: rlaroche@calafco.org

Late submissions will NOT be accepted.

In this issue

- [Save the Date! \(content.php?page=newsletter#Save_the_Date_\)](content.php?page=newsletter#Save_the_Date_)
- [Welcome! \(content.php?page=newsletter#Welcome_\)](content.php?page=newsletter#Welcome_)
- [Service Accolades \(content.php?page=newsletter#Service_Accolades\)](content.php?page=newsletter#Service_Accolades)
- [Photo Contest Results \(content.php?page=newsletter#Photo_Contest_Results\)](content.php?page=newsletter#Photo_Contest_Results)
- [Workshop News \(content.php?page=newsletter#Workshop_News\)](content.php?page=newsletter#Workshop_News)
- [Member Connect \(content.php?page=newsletter#Member_Connect\)](content.php?page=newsletter#Member_Connect)
- [Featured Articles \(content.php?page=newsletter#Featured_Articles\)](content.php?page=newsletter#Featured_Articles)
- [Board Report \(content.php?page=newsletter#Board_Report\)](content.php?page=newsletter#Board_Report)
- [Legislative Updates \(content.php?page=newsletter#Legislative_Updates\)](content.php?page=newsletter#Legislative_Updates)
- [Associate Member Showcase \(content.php?page=newsletter#Associate_Member_Showcase\)](content.php?page=newsletter#Associate_Member_Showcase)
- [Announcements: \(content.php?page=newsletter#Announcements_\)](content.php?page=newsletter#Announcements_)
- [Calendar of Events \(content.php?page=newsletter#Calendar_of_Events\)](content.php?page=newsletter#Calendar_of_Events)

Archives

- [Past Newsletters \(news_arch.php\)](news_arch.php)

Side Articles

Quarterly Newsletter, May 2024 | Workshop Edition

Save the Date!



SAVE THE DATE!
2024 CALAFCO Annual Conference
October 16th - 18th
Tenaya Lodge, Yosemite
Registration Opens July 1st

We hope to see you there!

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Welcome!



Welcome to the new CALAFCO Digital Newsletter!

We are thrilled to introduce you to the latest evolution of our digital presence. As we continue to build and refine our platform, our goal is to offer enhanced resources through a more user-friendly website. This new digital newsletter is just another step in that direction as newsletter articles will be housed on the website for later viewing. No more misplacing the newsletter email and missing out on all of the info!

As we continue to build out the website and its features, our hope is that the interactive platform will allow you, our members, to better engage in meaningful conversations, share experiences, and seek advice from peers. (And don't worry because the ListServes will continue to be maintained!)

So, stay tuned for more updates as we continue to enhance your digital experience.

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Service Accolades

LA LAFCO Honors Don Dear for 20 Years of Service



At its May 8th meeting, LA LAFCO recognized Chair Don Dear in commemoration of his twentieth anniversary on the Commission. First appointed to LAFCO in 2004, and recently re-appointed to a new four-year term, Chair Dear is now the Commission's longest-serving commissioner. He is a member of the West Basin Municipal Water District's Board of Directors, where he has served since 2000; he has also represented West Basin on the Board of Directors of the Metropolitan Water District of Southern California (MWD). He was a member of the City of Gardena City Council for more than two decades. Commissioner Dear is a long-standing member of the Association of California Water Agencies, and is active in meetings of the Southern Region of CALAFCO.

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Photo Contest Results

As a fun, new treat for this year's Staff Workshop, CALAFCO held its first ever photo contest. The theme was "Juxtapositions" and sought images that captured the interface between undeveloped and developed land. By contest closing, eleven entries were received and then came the task of finding a suitable official to lend a creative eye. That person was Cara Goger, the Executive Director of the Mariposa County Arts Council, who graciously served as our contest judge. Her expertise and discerning eye were clearly demonstrated in the comments that she left for our winners.

So, without further ado, let's give a round of applause to our incredible winners:

🏆 First Place (\$100): Stephanie Pratt of Napa LAFCO. Stephanie wowed the judges with her captivating photograph titled "Supah Dupah Changes". Judge's comment: Great use of juxtaposition both in terms of subject matter, composition, and the elements of art. Congratulations, Stephanie, on this well-deserved recognition!

🥈 Second Place (\$70): Crystal Craig of Riverside LAFCO. Crystal's mesmerizing shot of the majestic "Commercial creeping before Joshua Tree Park" earned her the second-place prize. Judge's comment: Clever use of distance to play on the theme of juxtaposition. Great use of texture. Well done, Crystal!

🥉 Third Place (\$40): Jose C. Henriquez of Sacramento LAFCO. Jose's breathtaking capture of the "View of the Northern Central Valley" stole the judge's heart and secured him the third-place spot. Judge's comment: Beautiful composition. Love the placement of the horizon line. Bravo, José!

[You can see all of the entries here. \(https://calafco.org/gallery.php?id=11\)](https://calafco.org/gallery.php?id=11)

To all our participants, thank you for sharing your talent and passion with us. Creative works are deeply personal and it is not easy to put yourself out there in a contest like this. The theme was also challenging as noted by entrant Kristi Grabow of Sac LAFCO who let us



Photo credit: Mitzi Stites, San Joaquin LAFCO

know that “this was harder than I thought.” Thank you to all of our entrants and congratulations, again, to our winners! Your photos illuminated just some of the beauty of California's landscapes and communities, reminding us of the reason behind the remarkable work that you do.

Stay tuned for future opportunities to showcase your creativity and celebrate our shared journey as CALAFCO members.

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Workshop News

A Celebration of Learning and Collaboration!



Gathered under the welcoming roof of the Double Tree Inn in Pleasanton from April 24th to 26th, the recent Staff Workshop was more than just a conference; it was a dynamic forum where ideas blossomed, connections flourished, and insights flowed freely. With a diverse array of sessions, an engaging mobile workshop, and enriching roundtable discussions, attendees left not just informed but saying that this was the best workshop ever!

Out of the gate, one of the highlights of the event had to be the mobile workshop, which one attendee likened to a Ted Talk. The group traveled to the picturesque Wentle Vineyard where they had the privilege of receiving a guided tour of the grounds from Mr. Wentle himself. As if that were not enough, they also had a presentation from representatives of the City of Livermore regarding the proposed sewer extension funded by the passage of

Measure P. Of course, lunch at Wentle Vineyards might have been the real highlight as attendees dined on gourmet offerings.

Once the workshop opened back at the Double Tree Inn, it became abuzz with a vibrant cross-section of topics from a session on the importance of trust, facilitated by none other than Pamela Miller, to how to write staff reports, use GIS and fiscal indicators, to what constitutes ADA compliance for websites. There was also some fun learning on the first day with a LAFCO Trivia session, which put four EOs in the trivia ring to duke it out to see who knew the most about LAFCO history and laws.

From the basics to the intricacies of a recent contentious issue in San Diego, there was something for everyone. These sessions weren't just informative; they sparked lively discussions and fostered a sense of shared purpose among participants.

Of course, no gathering would be complete without good food, and the workshop certainly delivered in that regard. Attendees were treated to a culinary journey, with each meal offering a delightful fusion of flavors to tantalize the taste buds and fuel the mind.

However, perhaps the most valuable aspect of the workshop was the active and illuminating roundtable discussions. Here, attendees had the opportunity to delve deeper into concerns, exchange ideas, and explore solutions collaboratively. These roundtables epitomized the spirit



of the workshop: fostering connections, sharing knowledge, and building a stronger community of LAFCO professionals.

Behind the scenes, none of this would have been possible without the dedication and hard work of Alameda LAFCO, and the Planning Committee members. Their tireless efforts ensured that every aspect of the workshop—from the selection of mobile workshop and topics, to the logistics—was meticulously planned and executed. Special thanks are due to Gary Thompson from Riverside LAFCO, whose leadership of the committee ensured the workshop's success.



Gratitude also goes out to the army of volunteers who assisted with the Registration table - and anything else needed. You embody the best of public service!

And, of course, none of this could have happened without CALAFCO staffers, Jeni Tickler and Diane Severud, whose support and expertise were invaluable from planning to clean up!

As the curtains closed on this year's Staff Workshop, attendees departed with a renewed sense of purpose and a wealth of new ideas to implement in their work. But perhaps more importantly, they left with a sense of camaraderie and community, knowing that they are part of a network of dedicated professionals striving to make a difference to the people of California.

[Check out the Workshop Photo Gallery for more candid photos.](https://calafco.org/gallery.php?id=12)
[.\(https://calafco.org/gallery.php?id=12\)](https://calafco.org/gallery.php?id=12)

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Member Connect



News from Fresno

Welcome Joel Matias!

Fresno LAFCO is pleased to introduce their newest Analyst, Joel Matias. Joel started with them as a student intern in fulfillment of his Planning Degree from Fresno State. It was immediately clear from his first days, that Joel holds a strong work ethic and he can adapt to new tasks with ease. With a vacancy opening, it required no second guessing as to who would be a fantastic candidate to promote into the Analyst position. Fresno looks forward to the bright future that Joel has ahead which will undoubtedly also equate to becoming a strong asset to our CALAFCO community!



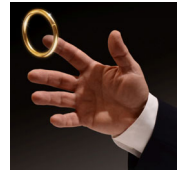
Fresno Local Agency
Formation Commission

Another Analyst Slot Soon

Fresno is also pleased to announce that another Analyst position is now available soon. Check out the Job Postings below for more details.

SB 938 Dissolution

Finally, Fresno is scheduled to hold Conducting Authority Proceedings in July which will wrap up the dissolution of one of their districts. Brian Spaunhurst, Fresno EO, noted his belief that this is the first district to be dissolved by utilizing the new procedures set in place by SB 938. (Legislation sponsored by CALAFCO in 2022.) If so, then Fresno takes the brass ring! Kudos to Jessica Gibson, Fresno Analyst, who managed the project start to finish. While a learning process, Brian assures us that she ensured that each task was successfully completed. Well done, Fresno!



Heard from San Joaquin



After a long process followed by voter passage on March 5th, San Joaquin LAFCO reports that it has now received the acknowledgment letter from the State Board of Equalization, which completes the Mountain House incorporation.

Kudos to San Joaquin and a hearty welcome to Mountain House - California's newest city, effective July 1, 2024!

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Featured Articles

Del Paso Manor Water District: Addressing Critical Infrastructure Challenges and Ensuring Future Water Service

Submitted by Sacramento LAFCO

Sacramento's Local Agency Formation Commission (LAFCO) oversees 63 independent special districts. Amongst those districts is Del Paso Manor Water District, a municipal service provider of the Del Paso community in North Sacramento. DPMWD was established in 1956 and provides drinking water to approximately 672 acres and 1,790 parcels. As the Del Paso community and surrounding areas grew, the neighboring Sacramento Suburban Water District (SSWD) expanded its reach, eventually encompassing the boundaries of DPMWD. Despite these changes, DPMWD continued to operate independently, serving both residential and commercial connections.



Grand Jury Investigation and Findings:

In 2021, the Sacramento County Grand Jury investigated DPMWD, releasing a report in November that highlighted serious deficiencies in the District's operational, safety, governance and management practices. The report's findings were alarming and prompted further scrutiny by LAFCO to produce a Municipal Service Review. This review demonstrated that the District relies on seven wells, utilizing groundwater as its primary source. However, of the 21 miles of water lines in the district, only one mile is relatively new, with the majority being 60-70 years old, significantly past their useful life, and necessitating urgent replacement within the next 20 years to maintain reliable water service. The review, adopted in late 2022, provided a comprehensive analysis of the water district's operations, infrastructure, and compliance with regulatory standards and recommended reevaluation of the District after 36 months, providing it with a window to address and rectify its deficiencies.

Path Forward:

In 2020, DPMWD initiated discussions with SSWD about a possible merger to address its growing challenges. These conversations were paused but resumed in 2021 after the release of the Grand Jury Report. The two districts engaged in 2x2 meetings to explore collaborative solutions. Given that DPMWD already shared some infrastructure with SSWD, LAFCO encouraged these discussions to ensure continued quality municipal services for DPMWD's customers. As the months passed, LAFCO staff remained vigilant, monitoring the district's progress, answering technical LAFCO-related questions, providing recommendations. Unfortunately, upon reevaluation, the situation appeared dire. Infrastructure failures were more frequent and severe than initially reported, and the district's efforts to improve fire flow capabilities fell woefully short. This growing crisis prompted LAFCO to consider more drastic measures.

Financial and Infrastructure Challenges:

After two years of the DPMWD meeting with SSWD, Del Paso's Board Directors decided to pull out of discussions with SSWD in late 2023. Instead, the DPMWD Board of Directors decided to pursue a rate change via Proposition 218 to generate necessary funding. While ratepayers supported the increase, the resulting funds fell short, covering less than a quarter of the required amount for essential improvements. Recognizing the severity of the situation, LAFCO staff recommended initiating the dissolution of DPMWD under Government Code 56375.1 to secure adequate water service for the community.

Understanding the sensitivity of dissolving a District, LAFCO staff attended a special Board meeting for DPMWD to present the stark realities of its district, including failing wells, inability to meet fire flow requirements, and mounting financial stress. Despite the District's successful Proposition 218 election, which netted approximately \$9 million in funding to address capital



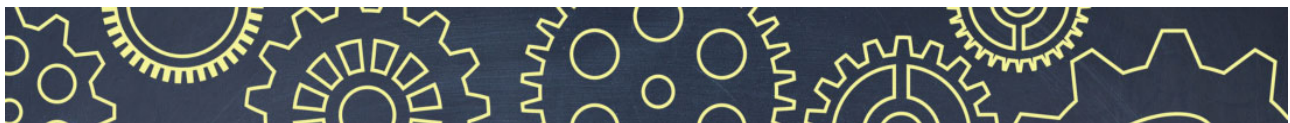
infrastructure repairs and replacements, the district's financial capabilities were insufficient to address the totality of their needs. LAFCO emphasized the potential benefits of merging with or consolidating into a larger district like SSWD, highlighting available financing options that could alleviate the district's burdens. Staff emphasized that a Commission may initiate a proposal for the dissolution of a district that is subject to a 25% protest threshold if at a public hearing the Commission approves, adopts, or accepts a MSR study prepared pursuant to Government Code 56430. Said study must demonstrate a preponderance of evidence that the district has one or more documented chronic service provision deficiencies that substantially deviate from industry or trade association standards or

other government regulations and its board or management is not actively engaged in efforts to remediate the documented service deficiencies. While the current Board, with all but one director having been in office since 2021, had attempted to address a lot of the District's deficiencies, the reality is that the District had run out of options to remain viable in the long term. The cost of replacing 20 miles of pipe and equipment past their useful life, the inability to meet residential fire flow, the lack of funding to meet upcoming regulatory requirements and having a population base too small to self-finance these needs simply overwhelmed the District.

Navigating New Waters:

On May 1st, 2024, LAFCO unanimously adopted a Resolution of Intent to dissolve DPMWD. The adoption of the resolution initiates a twelve-month remediation period as required by Government Code 56375.1. During this time, DPMWD Board of Directors is encouraged to explore all available options, including voluntary consolidation with SSWD, to ensure the continued provision of safe, affordable and reliable potable water service to the Del Paso community. The LAFCO office will be hosting an open house to inform the District's customers on the state of the District and on the dissolution process in mid-July.

As DPMWD navigates this critical juncture, the focus remains on securing a sustainable future for its water infrastructure and service delivery. The potential merger with SSWD offers a promising pathway to address the District's longstanding challenges, safeguarding the well-being of Del Paso's residents and businesses for years to come.



The Value of Owning Your Narrative: Strategic Outreach is Vital for LAFCOs

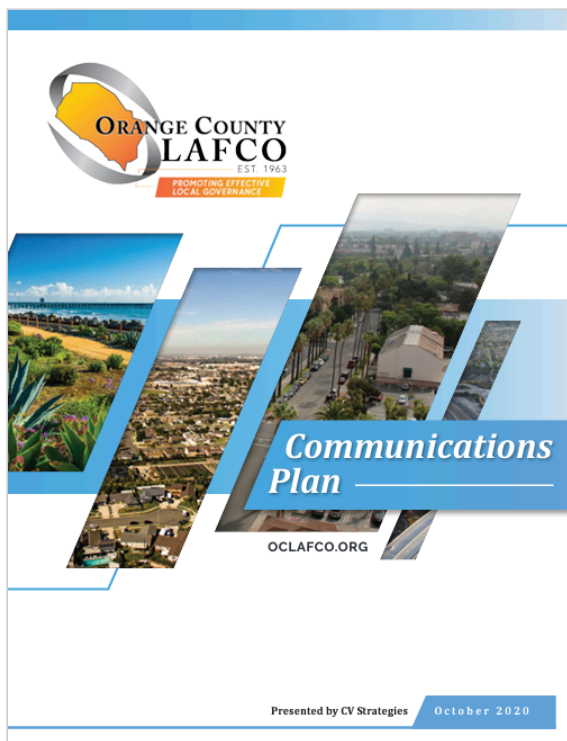
Submitted by CV Strategies

When engaging with the public, does your LAFCO tell its own story? Or does the media tell the story for you?

LAFCOs can develop their image through a coordinated communications effort. This storytelling tool is vital to an organization's ability to serve its stakeholders. In the case of your LAFCO, you may want to speak directly to residents, businesses, public agencies, elected officials, media, contractors and other LAFCOs. Cultivating a relationship with these audiences through outreach serves your community, strengthens your mission and allows your LAFCO to effectively accomplish its goals.

According to the **Pew Research Center, (<https://www.pewresearch.org/short-reads/2024/04/11/americans-rate-their-federal-state-and-local-governments-less-positively-than-a-few-years-ago/>)** a December 2023 survey of 5,203 adults revealed that 49 percent have an unfavorable view of state government, and only 61 percent rate their local government positively. Both figures are declining when compared to prior years. A holistic Communications Plan connects you to the public, deepening social understanding of your LAFCO's role in local government and creating a positive impact.

CV STRATEGIES
PRECISION IN PERCEPTIONSM



A LAFCO Communications Success Story

Orange County LAFCO (OC LAFCO) knew the value of communicating its story to its stakeholders, so it enlisted the help of external expertise to create a detailed communications plan. The third-party consulting firm thoroughly assessed the organization's outreach efforts through staff interviews, executive committee discussions, commissioner outreach and questionnaires, web, digital, and social media presence audits, brand and image perception examination, and a collateral review.

The assessment revealed opportunities for OC LAFCO to strengthen its communication efforts through consistency, collaboration, use of new tools and technology, and an internal commitment to the organization's narrative. The organization learned essential tools to engage the public, including:

Commissioner Outreach Toolbox: LAFCOs can create a communications toolbox complete with talking points for targeted issues, continually

updated message cards to reflect current branding, and individualized strategies to support commissioner needs. An outreach expert will develop this toolbox in tandem with the LAFCO.

Brand Identity: Foster a positive reputation through a cohesive branding framework, which might include an enhanced logo, organization tagline to highlight mission and value, and branding style guide to ensure consistency. Like OC LAFCO, an outreach expert can help tailor brand identity to an organization's needs.

Updated Web Experience: The community interacts with LAFCOs online, so opt for a modern, vibrant and user-friendly template for the website. Create compelling content for the website, including videos, photos and infographics. Make frequent updates to ensure content is accurate and relevant. Increase public awareness through Search Engine Optimization (SEO) and highlight local spheres of influence on a stakeholder-driven, interactive map.

Enhanced Public Workshop Strategies: Drive awareness by adjusting messaging to appeal to local communities. It's important to prepare LAFCO team members with media relations support to navigate controversial topics and leverage current regional messages. The goal is to build public understanding of the LAFCO's purpose.

Outreach Material: Several outreach items provide insight into organizational value and service to the community, including quarterly newsletters, collateral, short videos, and orientation kits. LAFCOs can publish opinion-editorials in the media to maximize engagement. In all this, an outreach expert can provide support.

Effective Social Media Plan:

To remain increasingly relevant and connected to the region, LAFCOs should develop a focused social media plan centered on the organization and its stakeholders. Create a monthly calendar of two to three weekly posts using pictures, videos and infographics.

Using these key findings, OC LAFCO created an implementation roadmap with actionable next steps to reach their audience efficiently and effectively. With expert outreach help, your LAFCO can do the same.

For a look at OC LAFCOs communications plan, visit cvstrat.com/wp-content/uploads/2024/05/OCLAFCO_CommsPlan2020.pdf (https://cvstrat.com/wp-content/uploads/2024/05/OCLAFCO_CommsPlan2020.pdf)



What to Expect when you're Expecting ... to Become a New City

Submitted by Jim Simon and Carolanne Ieromnimon, RSG, Inc.



Rumor has it, multiple communities from Southern to Northern California are looking to incorporate and potentially become the 484th city. With incorporation interests on the rise, this begs the question, what should a community expect when they are expecting to become a new city? More importantly, how is your

commission equipped to evaluate future incorporations?

In September 2023, San Joaquin County LAFCO's Commission unanimously voted to approve the incorporation and reorganization of the Mountain House Community Services District ("MHCS D"), making it the 8th city in San Joaquin County and the 483rd city in California this July. It had been well over a decade since the last community succeeded in incorporating, with Jurupa Valley's serving as the last successful incorporation back in 2011.

How Did Mountain House Become the Newest City?

Unlike Jurupa Valley's incorporation efforts being primarily driven by the immediate need for policing and enhanced local control, MHCS D had decades of planning their path forward in becoming a city. Notably - and in terms of financial considerations - while both communities sought financial neutrality during their incorporation, Mountain House already had four special parcel taxes in place to fund essential municipal services on top of the CSD's own property

tax levy that moved to the new City. Although as a new city Mountain House will not receive property tax in lieu of vehicle license fees (VLF), San Joaquin LAFCO determined the new city is viable given these other financial resources.

What Can We Learn from the Four Newer Cities in Riverside County?

Mountain House's existing financial stability marked their incorporation as unique and rare in comparison to Jurupa Valley and the three other cities that have recently been incorporated within the Inland Empire (Menifee in 2008, Eastvale in 2010, and Wildomar in 2008).

Financial stability is arguably one of the biggest make-or-break points for the viability of a newly incorporated city, and Commissions often must rely on a financial forecast at the time the matter goes to public hearing. So, we thought it would be interesting to see how these four newer cities have fared since their incorporation and what lessons there may be for LAFCOs elsewhere.

How Did SB 130 Help the Four New Cities?

Prior to their incorporation, the four newer cities in Riverside County did not receive a primary source of local revenue from the state – the property tax in lieu of motor vehicle license fees, which under a budget deal and subsequent legislation, only assured those funds to cities incorporated prior to 2004.

In 2017, these new cities finally received relief by way of **Senate Bill 130 (Roth, 2017)**, (<https://www.californiacityfinance.com/VLFAA-SB130FAQ170512.pdf>) which provided essential funds to these new cities much in the same way other cities receive these funds. How important was SB 130? In the first year of its implementation, these property taxes in lieu of motor vehicle license fees paid to these cities accounted for as much as nearly 40 percent of the total general fund revenues in 2017-18. While these funds make a smaller proportion of the total budget in more recent years, property taxes in lieu of VLF were critical to the survival of the new cities.

As a reminder, no other new city, be it Mountain House or any of the other communities contemplating cityhood have access to these funds without special legislation.

Boomtowns: Inside and Outside City Hall

Riverside County has been among the fastest growing regions in the State in the past two decades, and the four newer cities found themselves with a rapid increase in development and population after incorporation. Nearly 259,000 residents lived in these four cities immediately following incorporation. By 2022, population of these four cities increased by about 23 percent, to over 318,000.

Growth and other factors led these cities to grow services and staffing levels at substantially higher levels, particularly compared the bare bones post-incorporation staffing levels (averaging less than 15 employees at each city according to their respective budget documents), or less than 60 employees across all four cities and a general fund budget ranging from \$4 million to nearly \$10 million in the first year.

Today, the four cities have substantially larger budgets and staffing levels. Budget data for 2022 show expenditures ranging from approximately \$16 million (Wildomar) to nearly \$71 million (Menifee), roughly an increase 5x since incorporation. As for staffing levels, those have increased nearly 20x since incorporation, from Wildomar's relatively modest increase from 13 employees to 30 in 2022, to Eastvale and Menifee both of whom have over 300 total positions.

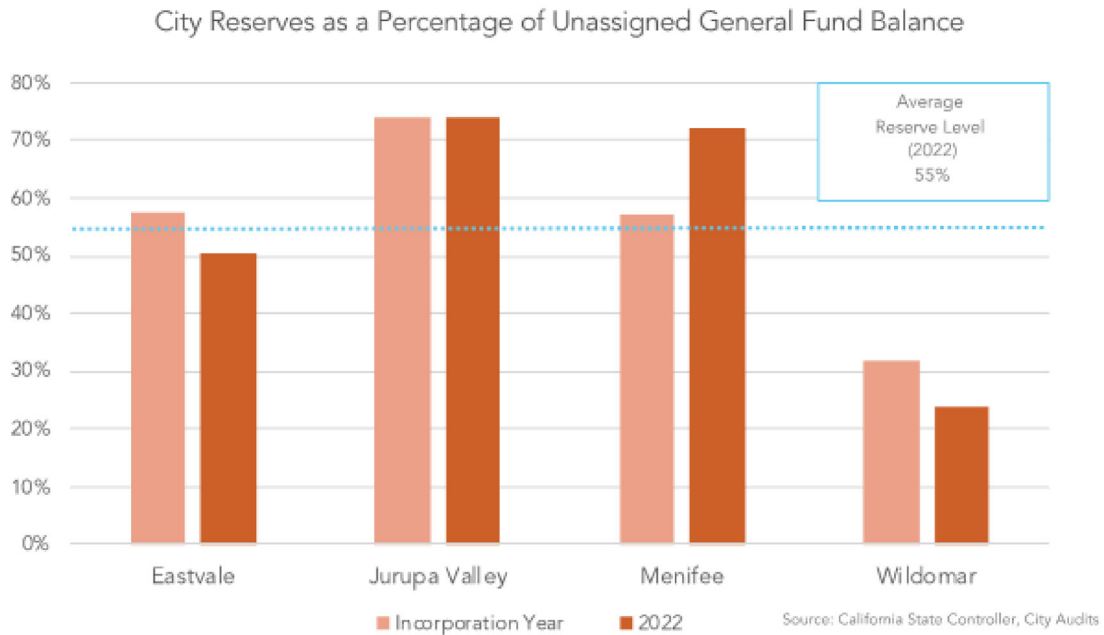
Clearly, any commission considering an incorporation feasibility study should be aware that the relationship between growth in a new city and budget/services is a tenuous one at best.

OPR's Incorporation Guidelines do not Reflect Current Reserve Practices

The 2003 Governor's Office of Planning and Research ("OPR") "Guide to the LAFCO Process for Incorporations" states that reserves should be based on experience of comparable new cities, with a minimum "of at least 10% is recommended." We have long felt that that OPR Guideline have limited use in today's fiscal realities for new cities and this is certainly one such example.

We looked at the reserves (more specifically the “unassigned general fund balance”) across the four cities and found that reserves average 55% not only in 2022 but shortly after incorporation as well.

Considering that cities that rely on property taxes may have to wait as many as 7 months between apportionments, we are not surprised to see reserves averaging 55% among the four newer cities.



It is indeed exciting to see new cities form in California after having to wait relatively long before Mountain House was not only feasible but successful. The road to incorporation remains difficult and hopefully the Legislature will find the way to restore funding mechanisms to make incorporation something to be expected once again.



LA LAFCO’s Survey Success: Maximizing Efficiency for Large-Scale MSR’s

Submitted by Jillian Glickman, RSG, Inc.

LA LAFCO faces a considerable task as it gears up for its upcoming round of Municipal Service Reviews, encompassing a total of 72 cities. In preparation, LA LAFCO, in partnership with RSG, Inc., initiated a brief survey to all 72 cities in need of an MSR and SOI update. The survey touched on various topics, including potential annexations, shared services, previous MSR determinations, alterations in municipal service provision, and preferred timing for upcoming MSR’s. Garnering a response rate of 50%, the survey will aid LA LAFCO in gauging the scope and scheduling of its upcoming MSR’s.



Conducting pre-MSR surveys can streamline the MSR process for LAFCOs by providing insight into pertinent areas in advance. This proactive approach enables LAFCOs to establish realistic MSR timelines, accommodate agency preferences, and update contact information effectively. This can help navigate the complexities of MSRs by fostering collaboration, informed decision-making, and streamline reviews for all stakeholders involved.

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Board Report



Board Chair, Margie Mohler (left), met with Senator Maria Elena Durazo (inset above) in Sacramento on May 13th to discuss LAFCO responsibilities.

Chair Mohler Goes to Sacramento

On May 13th, Board Chair Margie Mohler, CALAFCO Executive Director Rene' LaRoche, and CALAFCO Advocate Jean Hurst, met with Senator Maria Elena Durazo, who is the new Chair of the Senate Local Government Committee.

LAFCO responsibilities, issues, and funding were among the topics discussed, and the CALAFCO team came away feeling that the time was very well-spent.

Thank you, Chair Mohler, for being such a dedicated Ambassador on behalf of CALAFCO members!

Board Meeting Review

During the Board's April 12, 2024, meeting, items included regular reports on the Workshop, planned CALAFCO U sessions, and the Annual Conference. The Board also conducted its annual review of the **[Strategic Plan \(https://calafco.org/Strategic_Plans\)](https://calafco.org/Strategic_Plans)** which revealed

that the organization has met most of its milestones so far, putting it slightly ahead of schedule on many of its goals. This positive outcome underscores the efficacy of having a plan outlining goals and the strategies to get there.

One of the Strategic Plan action items was the formation of a committee to consider the Association's finances and structure, and that had been done in January. Committee members, Margie Mohler (Coastal), Acquanetta Warren (Southern), Gordon Mangel (Northern), and Tamara Wallace (Central) have been meeting twice per month since and brought forth their first action item in April. The item was the first-ever Board Member Job Description. Knowing that nominations for Board elections would soon be opening, the Committee felt that a well-defined job description would be beneficial to the process by providing clarity regarding Board member roles and responsibilities. The newly approved job description reduces the number of regular Board meetings that a director may miss from three to two per calendar year. However, the feeling was that three-quarters of a year was too much business to miss – especially since Board members have multiple opportunities to weigh in on the annual meeting schedule. Authorization was also given to begin the process necessary for a minor By-Laws amendment to effectuate that attendance change.

Other business included the ratification of a letter in support of an American Farmland Trust (AFT) grant application, and receipt of the quarterly financial reports, which showed that the Association's fiscal status is healthy. With the new accounting system, the Board is receiving more detailed financial data, and the Executive Director also provided a brief training on how to read the new schedules.

The Board also approved the recommended FY 2024-2026 budget, which is projected to have a large carryover from this year. The E.D. will bring a budget adjustment item in July to adjust the budget with actual numbers. The budget reflects total revenues of \$582,498, which includes the 3.1% CPI adjustment to the member dues, as well as more associate member dues and higher event and interest revenues. That breaks down as 60% LAFCO and associate member dues; 37% conference, workshop and CALAFCO U registration fees; and 3% interest and other revenues. Budgeted expenses total \$522,745, and breaks down as 41% for conferences, workshops and CALAFCO U; 40% in Personnel Expenses (salaries of executive director and administrator, workman's comp insurance, and payroll taxes and processing charges); 8% for other staffing (legal counsel contracts, and EO and DEO stipends); 6% for office/operating expenses; 3% for legislative services; 2% for other professional services (accountant, etc.); <1% for Board expenses; and <1% research. Projected unused funds in the amount of \$237,637 have been budgeted as Contingency, pending confirmation of year end numbers and final adjustment. With any carry over funds excluded, revenues in the FY 2024-25 budget are approximately \$30,528 more than the previous year, while expenses (excluding contingency) are \$24,467 less.

One of the final items of the meeting was a committee report from the Ad Hoc Modernization Committee. Margie Mohler reported on the many aspects that the committee has considered and noted that they will soon consider ways to improve our legislative efforts, as well as address organizational sustainability. We look forward to their recommendations.

*The CALAFCO Board of Directors maintains a quarterly meeting schedule, generally meeting in the months of January, April, July, and October. Board Brief summarizes key agenda items and discussion topics. Additional meeting information can be found in the agenda packets which are housed in the Members-Only section of the CALAFCO website at calafco.org/Board_Agendas (https://calafco.org/Board_Agendas), or which may be requested by contacting the Executive Director at rlaroc@calafco.org (<mailto:rlaroc@calafco.org>?
subject=Board Agenda Request).*



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Legislative Updates

Deadlines, deadlines, and more deadlines.

The month of May marked a particularly tumultuous period in the legislative process as both chambers of the legislature raced to meet stringent deadlines instituted to ensure the smooth progression of legislation. The most significant of those deadlines occurred on May 24th, which marked the last day for each House to pass bills that were Introduced in that House. Passage by this deadline completes the first phase of the legislative process, and the bills then move on to the other House. Bills unable to pass out of the originating house by the deadline, automatically die under established joint rules.

Looking ahead, June 15th, is the last day to pass a final Budget Bill, and June 27th is the final day for a legislative measure to qualify for inclusion on the November 5th General Election ballot.

Taxpayer Protection and Government Accountability Act

Speaking of legislative measures, one particular proposal that has garnered attention over the past few years is the Taxpayer Protection and Government Accountability Act. Despite carrying the word “Act” in its title, it is important to note that this is a voter-driven initiative proposal which, under Article II of our state Constitution, functions outside of what we think of as the normal legislative process. **(For those wanting to delve more deeply into the initiative process, you can find a great in-depth analysis conducted in 2000 by the Public Policy Institute of California here. (https://www.ppic.org/wp-content/uploads/OP_1100FSOP.pdf)**

If passed by the voters, the initiative would change the taxation process significantly by requiring voter approval for any new tax or fee. This, of course, has substantial implications for LAFCO processes and all local governments, and elicited a Supreme Court case. The underlying issue before the court is that the initiative is more than a Constitutional amendment (which is permissible for initiatives) and, instead, constitutes a Constitutional revision (which is not permissible.) Oral arguments were made before the Court on May 8th. Both sides have requested that the Court render its decision before June 27, which is the deadline for the Secretary of State to certify California's general election ballot.

Summer Recess

The Legislature's Summer recess is scheduled to begin on July 3rd, contingent upon the successful passage of the Budget Bill. The recess will provide legislators with a brief respite before reconvening on August 5th. The remainder of August will then be dedicated to considering all remaining bills through their second house. Any bills that pass both houses will head to the Governor to sign or veto. Given the volume of last-minute bills, the Governor has until September 30th to act on bills that he received prior to September 1st.

CALAFCO Sponsored Bills

CALAFCO sponsored bills continue to make positive progress in the legislative process.

AB 3277 (Assembly Local Government Committee) Local agency formation commission: districts: property tax, would clarify that the ad valorem property tax revenue determination need be undertaken only in those instances where a proposal includes the formation of a district and the applicant is seeking a share of the 1% ad valorem property taxes. This bill

proposal was originally submitted as an Omnibus bill item, but was moved forward by the ALGC as stand-alone legislation. AB 3277 has passed out of the Assembly, and has been scheduled before the Senate Local Government Committee on May 29th.

SB 1209 (Cortese), Local agency formation commission: indemnification, is the other CALAFCO sponsored bill and is in response to a 2022 Court of Appeals decision that found that LAFCOs are not authorized to enter into Indemnification agreements. The bill has elicited some concerns from the California Building Industry Association and the CALAFCO team has been diligently working with the author's office to address them. While the bill has passed out of the Senate and to the Assembly in its original form to meet the deadline, the CALAFCO team is still working with the Senator's office to resolve issues.

With the first House deadlines passed and some bills dying, the number of bills now being monitored by CALAFCO has dropped to nine. These include the two sponsored bills above, and seven others which, by virtue of their subject matter, have potential to affect LAFCOs. A legislative report, which is updated daily, is available in the member's section of the Association website.

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Associate Member Showcase



3 New Members!

A huge welcome to our three new Silver Associate members: Assura Software, Hinman & Associates Consulting, and Kennedy Water Consulting, LLC.

Assura Software, out of New Zealand, creates software to digitize and automate the processes of LAFCOs resulting in time savings, shared information, and increased



efficiencies. For more information, check out their services at <https://www.assurasoftware.com/> (<https://www.assurasoftware.com/>).

Hinman & Associates Consulting provides staffing services, preparation of municipal service reviews and sphere of influence studies, application processing, and CEQA analyses for LAFCO clients throughout California. Additionally, our staff have extensive experience working with counties, cities and special districts on a variety of grant management, stakeholder outreach, and regulatory compliance projects. You can call Uma at 916-813-0818, or simply email her at uhinman@comcast.net.

Tom Kennedy, the brain behind **Kennedy Water Consulting, LLC**, has 35 years of experience in water/wastewater agencies as well as LAFCO matters. His goal is to help LAFCOs complete MSRs for water and wastewater agencies. You can learn more about Kennedy Water Consulting at <https://lafcomatters.com/> (<https://lafcomatters.com/>) (LOVE the domain name, Tom.)

Welcome, everyone!



A.M. SPOTLIGHT

*This section is dedicated to highlighting our Associate Members. The information below is provided to CALAFCO by the Associate member upon joining the Association. All Associate member information can also be found in the CALAFCO Member Directory, which is available in either a **Printed Version** (https://calafco.org/Member_Directories) and a **Digital Version**. (<https://calafco.org/directory.php>)*

Colantuono, Highsmith & Whatley, PC

Longtime **Gold Member** Colantuono, Highsmith & Whatley, PC's attorneys are among just a few in California with deep expertise in the Cortese-Knox-Hertzberg Act. The Firm currently serves as general counsel to the Calaveras, Napa, San Diego and Yuba LAFCOs and as alternate counsel to several other LAFCOs on matters as to which their general counsels have conflicts of interest. The Firm's attorneys also serve as special counsel to LAFCOs throughout the state and have deep litigation expertise representing LAFCOs in court.



For more information, please see their website at www.chwlaw.us, (<http://www.chwlaw.us>) or contact them at 530-432-7357.



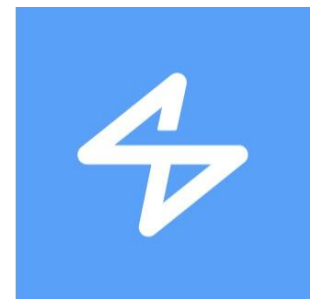
Berkson Associates

A Silver Associate member since 2015, Berkson Associates provides clear, concise analysis for preparation of governance studies including district formation, consolidation and dissolutions, and has extensive experience completing incorporation studies. Expertise also includes market analysis, public agency budget forecasting and demographic/housing analysis in

support of MSRs. Fiscal and financial analysis of water and wastewater systems, including Plans for Service for annexations and formations. For more information, contact Richard Berkson at richard@berksonassociates.com. You can also visit their website at www.berksonassociates.com. (<http://www.berksonassociates.com>)

Chase Design, Inc.

Founded in 2000 by Chris Chase, Creative Director and Principal, Chase Design is a San Diego based firm specializing in branding consultation and design services for businesses and organizations throughout the United States. Chase Design has built an impressive reputation for producing effective design that gets their clients results for their businesses.

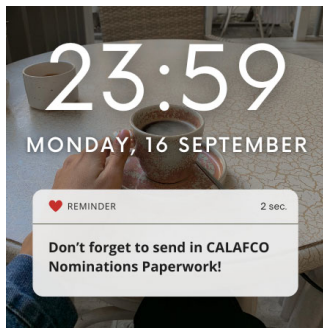


Please see their website at [chrischasedesign.com](http://www.chrischasedesign.com) (<http://www.chrischasedesign.com>) for more information. Or, simple call Chase Design at 619-933-1111 or email chris@chrischasedesign.com.

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Announcements:

BOARD ELECTIONS NOMINATION PERIOD OPENED



The CALAFCO Board Elections nomination period officially opened on May 21st when the Recruitment and Nomination packet was sent out to the Executive Officers.

Elections for the following seats will be conducted during the member caucus held on Thursday, October 17, 2024 at the CALAFCO Annual Conference to be held at the Tenaya Lodge, just outside Yosemite National Park:

SEATS:

CENTRAL REGION	COASTAL REGION	NORTHERN REGION
County Member	County Member	City Member
District Member	District Member	Public Member
SOUTHERN REGION		
City Member		
Public Member		

Full details and instructions can be found in the Nominations packet and forms which [can be found here \(https://calafco.org/Elections_and_Achievement_Awards\)](https://calafco.org/Elections_and_Achievement_Awards).

Send completed Nomination paperwork to the Executive Director at rlaroche@calafco.org. ([mailto:rlaroche@calafco.org?subject=Board Elections Nomination](mailto:rlaroche@calafco.org?subject=Board_Elections_Nomination))

The deadline for receipt by CALAFCO is Monday, September 16, 2024.

ACHIEVEMENT AWARDS

Nominations for the Annual CALAFCO Achievement Awards are also being invited at this time.

Award categories are:

- **Outstanding CALAFCO Volunteer**
- **Outstanding CALAFCO Association Member**
- **Outstanding Commissioner**
- **Outstanding LAFCO Professional**
- **Lifetime Achievement Award**
- **Legislator of the Year Award and the**
- **Mike Gotch Excellence in Public Service Award, for either Protection of Agricultural and Open Space Lands and Prevention of Sprawl, or for Innovation,**

Collaboration, Outreach and Effective Support of the Evolution and Viability of Local Agencies, Promotion of Efficient and Effective Delivery of Municipal Services

Nominations must be submitted to Steve Lucas at slucas@buttecounty.net ([mailto:slucas@buttecounty.net?](mailto:slucas@buttecounty.net) **subject=CALAFCO Achievement Awards Entry**) by Saturday, August 31, 2024.

For more information, please download the Award Nomination Packet **from here**. (https://calafco.org/Elections_and_Achievement_Awards)



JOB POSTINGS

EXECUTIVE OFFICER - IMPERIAL

Contact Paula Graf for particulars.
(760) 353-4115 or pg@iclafco.com (<mailto:pg@iclafco.com>)

ANALYST I - FRESNO

Salary Range: \$3,861—\$4,740
Application Deadline: **June 21, 2024, 4:00 PM**
Job Description:

Performs a variety of assignments under immediate supervision involving research, analysis, planning, evaluation, and administrative duties. LAFCo Analyst I is an entry level position in the LAFCo Analyst classification series. Incumbents receive training, review, and direction in the completion of assignments.

Direct questions to Amanda Olivas at (559) 600-0604, or email aolivas@fresnocountyca.gov (<mailto:aolivas@fresnocountyca.gov>)

Full details can be found in the [Job Flyer \(PDF\)](https://calafco.org/images/other/2024_analyst_i_recruitment-b87895a2.pdf) (https://calafco.org/images/other/2024_analyst_i_recruitment-b87895a2.pdf)

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Calendar of Events



Below are selected CALAFCO events to the end of the year. For a complete, up-to-date listing, please check the [online calendar](https://calafco.org/calendar.php). (<https://calafco.org/calendar.php>)

DATE	EVENT
JUNE 14TH, 9:00 AM	CALAFCO Legislative Committee (Virtual)

- JULY 12TH, 9:00 AM CALAFCO Legislative Committee (Virtual)
- JULY 19th, 10:00 AM CALAFCO Board of Directors Meeting (Virtual)
- AUGUST 23rd, 9:00 AM CALAFCO Legislative Committee, if needed (Virtual)
- AUGUST 31st DEADLINE: Achievement Awards Nomination Due
- SEPTEMBER 16th DEADLINE: CALAFCO Board member Nomination Packets Due
- SEPTEMBER 16th DEADLINE: Voting Representative Designation Form Due
- SEPTEMBER 16th Last day to request an electronic/absentee ballot.
- OCTOBER 11th DEADLINE: Absentee Ballots for Board member Election Due

OCTOBER 16th-CALAFCO Annual Conference (Yosemite) 18th

- OCTOBER 17th CALAFCO Annual Business Meeting (Yosemite)
- OCTOBER 18th CALAFCO Board of Directors Meeting (Yosemite)
- NOVEMBER 1st, 9:00 AM CALAFCO Legislative Committee, if needed (Virtual)
- DECEMBER 6th, 9:00 AM CALAFCO Legislative Committee, if needed (Virtual)

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NEWS > HOUSING • News

It's not just skyscrapers and high-density — 'builder's remedy' is also bringing more urban sprawl

Developers propose hundreds of single-family homes in agricultural land and hillsides on the edges of the Bay Area



Development continues to eat up agricultural land in Morgan Hill, Calif., Wednesday, Feb. 26, 2020, leaving Andy's Orchard (center left) as one of the few operating farms. But it, too, could soon become housing if a proposal submitted through the builder's remedy goes through. (Karl Mondon/Bay Area News Group)



By **KATE TALERICO** | ktalerico@bayareanewsgroup.com | Bay Area News Group

PUBLISHED: April 21, 2024 at 6:00 a.m. | UPDATED: April 22, 2024 at 2:28 a.m.



Outside Morgan Hill in southern Santa Clara County, an orchard could be razed for 320 single-family homes. On a pasture on the northern edge of Benicia, cows could give way to 1,080 houses. On a quiet, tree-lined, two-lane road cutting through Sonoma County wine country, there could soon be traffic from 514 homes.

In a development pattern reminiscent of the 1960s, homebuilders are proposing these houses — and thousands more — on farmland and grassy hills on the outskirts of the Bay Area.

And because of state housing law, local governments and concerned environmental groups may be powerless to stop them.

RELATED: [Builder's remedy was supposed to 'Manhattanize' the Bay Area. So where are all the houses?](#)

Density and infill have been the ideals for development among California housing advocates in recent years as the state finally starts to make progress building more housing amid a dire shortage. But recently, one of the tools in state housing law that's generated the most excitement among YIMBYs for its power to build new high-density housing in areas that previously rejected it, could also end up leading to just the opposite: urban sprawl.

"Certainly, this is not what housing advocates were thinking would happen," said Jordan Grimes, who works on sustainable housing policy at the Greenbelt Alliance, a climate-focused nonprofit.

AD



Developers proposing these massive new subdivisions on the edge of the Bay Area are playing a card previously unavailable to them — the “builder’s remedy,” a penalty imposed on cities and counties that aren’t doing their part to build new housing. It allows developers to skirt local zoning, so long as 20% of the units qualify as affordable.

California law requires cities and counties to come up with plans every eight years for how they will accommodate residential growth projected for their area. By 2031, the Bay Area is meant to build 440,000 new units to make up for a years-long shortage, which has led to some of the [nation's highest rents and home prices](#) and thousands of people [living on the streets](#).

Bay Area cities and counties were supposed to submit their latest plans to the state in January 2023, but [many blew the deadline](#). Now, they'll face the consequence: developers can propose almost any project they want, including major subdivisions on unincorporated county land that doesn't always have the infrastructure to support new growth.

"This is not the type of housing the builder's remedy was meant for, nor that we should be encouraging," Grimes said. "Had counties and cities submitted compliant plans, we would not be in this boat that we're in now."

Homes in the hills

Driving along Pierce Road in the hills above Saratoga, there's a moment where the homes give way to forest. The road narrows. Keep climbing and you'll eventually get to the Mountain Winery, a popular concert venue with a 2,500-seat amphitheater and expansive views of the South Bay.

Earlier this year, the property owners [submitted a builder's remedy application](#) with plans to expand the site, adding hundreds of homes and a hotel.

There are plenty of reasons opponents dislike the project, and Alice Kaufman, policy director of the open space preservation nonprofit Green Foothills, can name a few. The hillside is at major risk of wildfire — in the event of an evacuation, the road could be too small to handle the traffic. Would insurance companies, which are fleeing California, cover the homes here, she wonders? What's more, the project could set a precedent for future development in these foothills.

"We know the state has a goal of wanting to have more housing, but they also have a goal of protecting more open space," Kaufman said.



Alice Kaufman, policy director for environmental nonprofit Green Foothills, is concerned about “builder remedy” projects threatening Bay Area farmland and hillsides, like the one proposed at Mountain Winery in unincorporated Santa Clara County near Saratoga, Calif., Friday, April 19, 2024. (Karl Mondon/Bay Area News Group)

On a recent sunny day from the top of Mountain Winery, Kaufman looked out over the sprawling development below that has defined much of the Bay Area’s growth.

“We realized the mistakes we made in decades past,” she said. “It’s costly to build this way.”

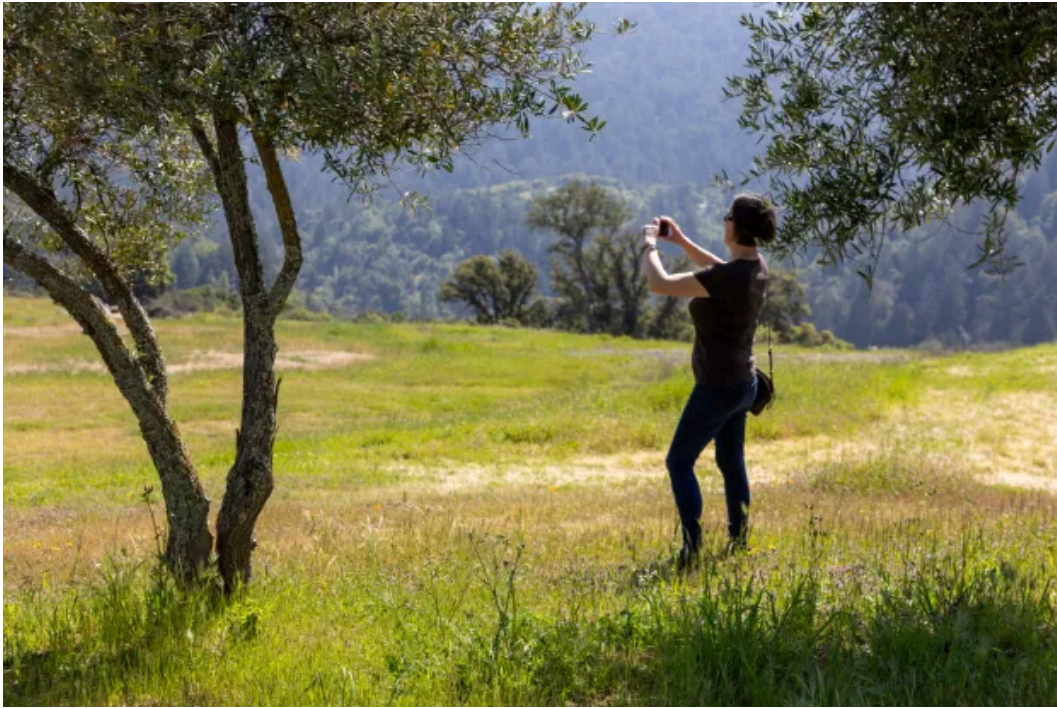
In 2020, Saratoga [decided against annexing](#) the property into city limits. The move would have opened a path for Mountain Winery owner Bill Hirschman to build the sort of higher-density project that counties tend to reject and instead encourage in cities, so that new housing goes in near existing roads, schools and jobs.

But Bay Area cities have largely resisted building new homes.

“The default scenario in California for decades has been to build housing on agricultural land or out in the periphery, because cities won’t allow you to build it within their boundaries,” said Matthew Lewis, communications director of California YIMBY, a pro-housing group.

Now, rather than being able to plan for where new houses go, the builder’s remedy is forcing new haphazard development, he said.

“It delivers the housing that the area needs, but it doesn’t give cities the ability to do the kind of planning that they should be doing,” Lewis said. That could involve rezoning areas near transit to accommodate more housing — not stretching out city boundaries farther.



Alice Kaufman, policy director for environmental nonprofit Green Foothills, takes a photo near Saratoga, Calif., Friday, April 19, 2024. Kaufman is concerned about “builder remedy” projects threatening Bay Area farmland and hillsides, like the one proposed at Mountain Winery in unincorporated Santa Clara County. (Karl Mondon/Bay Area News Group)

Despite pushback from environmentalists and some housing advocates, the developers proposing such subdivisions reject the “sprawl” label.

Robin Baral, a land use attorney with Hanson Bridgett, is working on several projects in Santa Clara County.

RELATED: [This map reveals where supersized ‘builder’s remedy’ projects could be coming](#)

“These are places adjacent to city limits, where cities have proposed annexation for decades — but for political or other reasons those annexations never happened,” Baral said. “They are responsibly planned.”

Real estate investment firm Mana Investments is behind the proposed subdivision at Andy’s Orchard near Morgan Hill.

“We could have put in 1,500 homes, but we’re only doing 374 because we’re trying to blend it with the fabric of the neighborhood,” said Mana Managing Partner Orville Power. “If we lived there, that’s what we would want to see.”



Ciro Casa, a farm hand at Andy's Orchard prunes nectarine treats in Morgan Hill, Calif., Wednesday, Feb. 26, 2020. (Karl Mondon/Bay Area News Group)

While the project may seem like it doesn't fit within the setting of nearby farms right now, the city of Morgan Hill has already approved hundreds of homes nearby — national homebuilders Toll Brothers and Trammell Crow control two of the adjacent lots, and Live Oak High School is located just across the street.

"It's not that there is never going to be housing here," Power said. "It's just a matter of time."

Local governments can shut down builder's remedy projects that are truly in the middle of nowhere — the provision doesn't apply for housing that would be located on farmland or open space, that is also surrounded on two sides by agricultural land, or if there is not adequate water or sewer service for the project.

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Whether these projects actually move forward remains to be seen. Although the builder's remedy is meant to prevent cities and counties from denying such projects based upon their local zoning, [jurisdictions have still been holding up projects in lengthy environmental reviews](#) and, sometimes, litigation, causing some to doubt how effective the provision is in driving new housing.

Whether it's through builder's remedy or their own planning process, Power says, counties and cities are going to have to find some way to build the housing the state says they need.

"Santa Clara County has been traditionally just set up to approve small subdivisions — now, the state says they have 3,200 homes they need to build," Power said. "They can't stuff them all into San Jose — they have to be spread around the county."