



**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

OCTOBER 4, 2023 ▪ 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/97249155795> or by dialing **(669) 900-6833** and entering **Meeting ID 972 4915 5795#** 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/97249155795> 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 AUGUST 2, 2023 LAFCO MEETING**

PUBLIC HEARINGS

5. COUNTYWIDE FIRE SERVICE REVIEW

Recommended Action:

CEQA Action

1. Determine that the Countywide Fire Service Review and the recommendations of this staff report are exempt from the requirements of the California Environmental Quality Act (CEQA) under State CEQA Guidelines: §15306 Class 6; §15061(b)(3); §15378(b)(5); and §15320 Class 20.

Service Review and Sphere of Influence Updates

2. Receive a presentation on the Countywide Fire Service Review – Revised Draft Report.
3. Consider the public comments received and consultant’s responses, accept public comments, and consider any further revisions to the Countywide Fire Service Review – Revised Draft Report.
4. Adopt the Countywide Fire Service Review Report – Revised Draft Report including other revisions, as directed or as necessary.
5. Adopt service review determinations for city fire departments and fire districts, as included in the Service Review Report.

6. Reaffirm sphere of influence (SOI) updates and adopt sphere of influence determinations for each of the four fire districts, as follows:
 - a. Reaffirm existing zero SOI for Saratoga Fire Protection District (SFD) as recommended and depicted in the Service Review Report.
 - b. Reaffirm existing SOI for Santa Clara County Central Fire Protection District (CCFD) as depicted in the Service Review Report.
 - c. Reaffirm existing SOI for Los Altos Hills County Fire District (LAHCFD) as depicted in the Service Review Report.
 - d. Reaffirm existing SOI for South Santa Clara County Fire Protection District (SCFD) as depicted in the Service Review Report.
7. Direct staff to prepare the Final Report for the Countywide Fire Service Review and distribute the Final Report to all affected agencies.
8. Direct staff to facilitate discussions to reach a consensus between affected agencies on the best option for addressing various areas of Santa Clara County that lack an identified local fire provider, as described and analyzed in the Service Review Report. Direct staff to report back to LAFCO on the outcome of those discussions, including support for the expansion of certain fire districts' SOIs.
9. Direct staff to compile all the recommendations included in the Final Report and request a written response from each of the relevant agencies on their plans for implementing these recommendations, including if they do not plan to implement a recommendation. Direct staff to report back to LAFCO on each agency's written response.

STUDY SESSION

6. **STUDY SESSION: LAFCO LAW – THE CORTESE-KNOX-HERTZBERG LOCAL GOVERNMENT REORGANIZATION ACT OF 2000**

ITEMS FOR ACTION / INFORMATION

7. **COMPREHENSIVE REVIEW AND UPDATE OF LAFCO POLICIES**

Recommended Action: Establish a LAFCO Ad-Hoc Committee comprising three commissioners, to assist LAFCO staff in conducting a comprehensive review and update of LAFCO Policies, for public review and comment, prior to the full commission's consideration and adoption.

***8. NEW SERVICES AGREEMENT BETWEEN LAFCO AND COVIVE LLC FOR WEBSITE HOSTING AND MAINTENANCE AND ADDITIONAL PAYMENT UNDER EXISTING AGREEMENT**

Recommended Action:

1. Approve a new services agreement with Covive for website hosting and maintenance.
2. Authorize an additional \$800 to cover additional costs in the calendar year 2023 under the existing service agreement with Covive for website hosting and maintenance.

9. POSITION LETTER SUBMITTED ON AB 399

For information only.

10. FY 2022-2023 ANNUAL REPORT

Recommended Action: Accept the FY 2022-2023 Annual Report.

11. EXECUTIVE OFFICER'S REPORT

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

11.1 New Clerk Welcome & Training

11.2 Pre-Application Meeting for a Proposed Cemetery in the Unincorporated Area

11.3 Meeting with State Water Resources Control Board Staff and County Staff on Small Water Systems

11.4 Meeting with San Jose Staff on Time Limits for Recording a Certificate of Completion for Annexations/Reorganizations

11.5 Meeting with Cupertino Staff on Potential Boundary Changes

11.6 Special Districts Association Meeting

11.7 Inter-Jurisdictional GIS Working Group Meeting

12. COMMISSIONER REPORTS

13. NEWSPAPER ARTICLES / NEWSLETTERS

14. WRITTEN CORRESPONDENCE

15. ADJOURN

Adjourn to the regular LAFCO meeting on December 6, 2023 at 1:15 PM in the Board of Supervisors' Chambers, 70 West Hedding Street, San Jose.



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ITEM # 4

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**LAFCO MEETING MINUTES
WEDNESDAY, AUGUST 2, 2023**

CALL TO ORDER

The meeting was called to order at 1:15 p.m.

1. ROLL CALL

The following commissioners were present:

- Chairperson Russ Melton
- Vice Chairperson Sylvia Arenas
- Commissioner Jim Beall
- Commissioner Rosemary Kamei
- Commissioner Yoriko Kishimoto
- Commissioner Otto Lee
- Commissioner Terry Trumbull
- Alternate Commissioner Helen Chapman
- Alternate Commissioner Teresa O'Neill
- Alternate Commissioner Mark Turner

The following commissioners was absent:

- Alternate Commissioner Domingo Candelas
- Alternate Commissioner Cindy Chavez

The following staff members were present:

- Neelima Palacherla, LAFCO Executive Officer
- Dunia Noel, LAFCO Assistant Executive Officer
- Emmanuel Abello, Associate Analyst
- Joshua Nelson, LAFCO Counsel

Chairperson Melton announced that Joshua Nelson, Best Best & Krieger, is attending as the LAFCO Counsel.

2. PUBLIC COMMENTS

Seth Schalet, CEO of the Santa Clara County Fire Safe Council, informed he sent written comments on the Fire Service Review Report, but he did not receive a receipt from staff. He then expressed his appreciation to the Commission and staff for their work on the Report.

Chairperson Melton informed that the Report will be discussed under Item #6 of the agenda. He then determined that there are no members of the public who would like to speak on the item.

3. APPROVE CONSENT CALENDAR

The Commission approved the consent calendar.

Motion: Kishimoto

Second: Arenas

AYES: Arenas, Beall, Kamei, Kishimoto, Lee, Melton, Trumbull

NOES: None

ABSTAIN: None

ABSENT: None

MOTION PASSED

***4. *CONSENT ITEM:* APPROVE MINUTES OF JUNE 7, 2023 LAFCO MEETING**

The Commission approved the minutes of June 7, 2023 meeting.

5. GILROY URBAN SERVICE AREA AMENDMENT 2021 (WREN INVESTORS & HEWELL)

EO Palacherla provided the staff report.

Chairperson Melton requested members to disclose their ex parte communications regarding the application since the last meeting. He informed that he had met with Gilroy Mayor Marie Blankley and property owner Mark Hewell.

Commissioner Trumbull reported that he did not have any ex parte communications to report.

Commissioner Kamei informed that she had met with Mayor Blankley and Gloria Ballard, project consultant. She then discussed for commission consideration, the possibility of swapping underutilized lands within the city limits for lands that are more suited for annexation and development.

Commissioner Arenas informed that she met with the proponent and Mayor Blankley, and her staff had phone calls with Alice Kaufman of Green Foothills. In response to an inquiry by **Commissioner Arenas** regarding whether the City's response for fire service times is adequate, EO Palacherla informed that the City's response did not include the fire services analysis for the proposed development with 300 new homes and 1,000 new residents. **Commissioner Arenas** expressed the need to clarify whether Gilroy's responses to LAFCO are sufficient as that would help commissioners make the decision. She informed that the lack of clarity and the discrepancy in understanding terms such as infill and vacant lands discourages a true discussion of the proposal.

In response to an inquiry from **Commissioner Lee**, EO Palacherla summarized the detachment process and informed that a detachment application to LAFCO can be initiated by petition of property owners or registered voters or by a city council

resolution. She stated that LAFCO staff would then review the application and prepare a staff report and that the Commission would then hold a public hearing to consider the application and when approved, LAFCO would hold a protest proceeding. She noted that the level of protest would determine the outcome of the proposal. In response to his follow-up inquiry, EO Palacherla informed that in the past, LAFCO has not received applications exclusively for detachment but as part of other actions involving adjustment of boundaries between cities.

In response to a series of inquiries by **Alternate Commissioner Turner**, EO Palacherla informed that staff is working on a comprehensive update of LAFCO policies. She indicated that the information on the vacant land inventory has been provided to Gilroy and that Gilroy had previously prepared two inventories based on LAFCO's methodology. She explained that the purpose of LAFCO's inventory is to determine if a city has used its vacant and underutilized lands prior to seeking expansion, which is different from the purpose of the California Department of Housing and Community Development (HCD) inventory. She informed that Gilroy has more than five years vacant land supply based on prior inventories provided by the city and noted that the more recent inventories do not use the LAFCO definition. With regard to concerns expressed at the June 7th meeting regarding the Morgan Hill-Gilroy joint sewer trunkline, **Alternate Commissioner Turner** stated that it is expected the construction would begin in the next calendar year and be completed by the end of 2025. He directed attention to the matrix of LAFCO's questions and Gilroy's responses and expressed concern that it notes that the city did not analyze the fiscal impacts to school districts and inquired if LAFCO commented on the school impacts given the state requirement to build over 1,200 homes in the RHNA cycle. EO Palacherla indicated that LAFCO's comment was more in relation to the proposed urban service expansion and impacts of future development of the area and noted that it is different from the RHNA process which is internal to the city and does not involve LAFCO.

Commissioner Kishimoto stated that a different state law requires development to consider impacts and pay fees as mitigation. She directed attention to the proposal area map and noted that the pattern of development was likely the result of leapfrogging annexations in the past involving lands previously in agricultural use. In response to her inquiry, EO Palacherla informed that LAFCO does not have a written definition for infill but noted that it means development within existing city limits and within a city's urban service area.

Chairperson Melton acknowledged the comments made by Commissioner Arenas and noted that he has made two site visits and put a lot of thought into considering the merits of the application against the applicable laws and policies. In response to an inquiry by **Chairperson Melton**, EO Palacherla advised that the Commission can modify the staff recommendations and approve only a portion of the proposal area for inclusion in the urban service area. **Chairperson Melton** informed that the area south of Tatum Avenue that is C-shaped is the opposite of sprawl. He also acknowledged Commissioner Kamei's proposal and Commissioner Lee's interest in detachment of lands that cannot be developed and applauded the creative thinking.

Commissioner Arenas expressed concern that the HCD definition is not being used as it is the state's basis to comply with the housing element requirement. She stated that LAFCO's vacant land definition must not conflict with what the state is demanding of the cities. She also acknowledged that there is a natural tension between development of vacant lands and preservation of open space and the need to address the housing crisis. She noted the need for clear policies and process so LAFCO can continue to make decisions in the future and be part of the solution to the housing crisis. She added that there is a limit to how much housing can be accommodated in the downtown area and noted that a historic downtown area should not be demolished to be replaced by housing and noted that underutilized lands are not easy to develop. She noted that LAFCO policies require the city to provide an explanation for why the expansion is necessary and urged commissioners to consider Gilroy's explanation for the urban service area expansion.

Chairperson Melton opened the public hearing.

Andy Faber, Gilroy City Attorney, explained that the proposal is consistent with the City's general plan and requested LAFCO approval.

Cindy McCormick, Gilroy Senior Planner, presented a summary description of the proposal and requested that LAFCO approve the proposal.

In response to **Commissioner Lee**, Ms. McCormick informed that detachment of city lands that cannot be developed may be considered by Gilroy in the future. In response to another inquiry, Mr. Nelson advised that approval of the proposal, conditioned on detachment of certain lands within the city cannot be considered at this meeting because it is not part of the application. In response to **Commissioner Lee**, Ms. McCormick informs that 60 percent of the proposed neighborhood will be for low-density single-family housing while 40 percent will be for medium and high-density.

Commissioner Kishimoto expressed concern regarding the impact of the unfunded \$24 million in needed infrastructure development on individual housing units and future user fees. Ms. McCormick informed that the amount will be paid over a 20-year planning horizon and that funds are anticipated to be collected during that time. She indicated that most the infrastructure needed is already in place. **Commissioner Kishimoto** iterated her concern about cost and Ms. McCormick advised that there is a law that requires user fees to be reasonable. She informed that Gilroy's five-year capital improvement program includes \$150 million for infrastructure, which will be funded from the General Plan, impact fees and other sources like the water fund. Upon further inquiry by Commissioner Kishimoto, she acknowledged that she did not know the cost per unit.

In response to **Alternate Commissioner Turner**, Ms. McCormick stated that a member of the school district attends the Technical Advisory Committee for this proposal and has indicated that public school enrollment is currently down and school children from this development are welcome, and she indicated that impact fees will be levied on the school district.

Mr. Faber stated that the discussion on detachment was in reference to the Gilroy Gardens, which is 536 acres and is considered surplus land. He indicated that there was no interest from housing developers but that there may be interest for recreational purposes, particularly if Gilroy sells the land.

In response to **Alternate Commissioner Turner**, Ms. McCormick indicated that there is no immediate impact on public schools as the proposal area will be developed over five years since an environmental review and a specific plan are required.

In response to an inquiry by **Chairperson Melton**, Ms. McCormick indicated that Gilroy can meet its RHNA requirements on lands within its existing boundary over the next eight years.

MJ Frankel, representative for Wren Investors, explained how the project would benefit the community, and requested support for the proposal.

Mark Hewell, property owner, explained why the proposal should be approved and expressed support for the proposal.

Gloria Ballard, Principal with MH Engineering, representing the applicant, presented a map and explained why the proposal should be considered infill and requested LAFCO approval of the proposal.

Zach Hilton, Gilroy City Councilmember, explained his concerns with the proposal and expressed his support for LAFCO staff recommendation to deny the proposal.

Alice Kaufman, Policy and Advocacy Director, Green Foothills, explained why the proposal is not infill and urged denial of the proposal.

Jordan Grimes, South Bay Resilience Manager, Greenbelt Alliance, discussed the Housing Element and how the City should work to remove barriers to infill development in the city and urged denial of the proposal.

Raja Aluri, property owner in the proposal area, requested LAFCO approval and explained how the proposal would benefit the property owner, the environment and the community.

Marie Blankley, Gilroy City Mayor, explained the reasons why the Commission should approve the project and requested support for the proposal.

Dion Bracco, Gilroy City Councilmember, explained the benefits of the proposal and requested support for the proposal.

Chairperson Melton informed that he would support a motion for approval of the C-shaped area south of Tatum Avenue since it is opposite of urban sprawl and is infill. He noted that he favors denial of the remaining area in light of LAFCO's mission and because Gilroy can accommodate its RHNA within its existing city limits.

Commissioner Kamei noted that LAFCO's mandate is to prevent urban sprawl and in order for orderly growth Gilroy should consider decreasing underutilized lands and grow in areas more appropriately situated to be utilized. She proposes that should LAFCO deny this application, then LAFCO should consider waiving the

Cortese-Knox-Hertzberg (CKH) Act provision that limits the City from bringing back a similar application to LAFCO within the year if the City addresses its vacant land by either detachment of inappropriate lands or by other means such as conservation easements.

Commissioner Trumbull expressed support for Commissioner Kamei's idea for detachment and noted that he is in support of staff recommendation. He directed attention to the staff report where the definition of vacant land and methodology for preparing the vacant land inventory are provided, and noted that, Gilroy has provided two inventories mostly consistent with LAFCO definition, but subsequently provided two more inventories that are not consistent with LAFCO's methodology.

In response to **Commissioner Arenas**, EO Palacherla confirmed that LAFCO considers land developed within the city limits as infill. **Commissioner Arenas** stated that in that case the definitions must be memorialized as asked by the Santa Clara County Civil Grand Jury. She noted that according to that definition, development in North Coyote within San Jose city limits would be considered infill but it is unlikely that policymakers would consider such development as infill. She stated that the applicants have done their part and have explained the issues raised by LAFCO and that should be factored in the Commission's decision. In response to an inquiry from Commissioner Arenas, EO Palacherla advised that there have been other applications that were reviewed under the same standard but LAFCO does not have a written policy on it. **Commissioner Arenas** expressed her interest in a fair process and noted that the applicants have demonstrated how services would be delivered. She reiterated her comments on the definitions for infill and vacant land. She stated that commissioners have the obligation to understand and uphold the policies, and not be subjective or influenced by campaign contributions, and informed that she received no such contributions. She suggested a future study session to work on updating LAFCO policy and clarifying terms.

Chairperson Melton expressed agreement with Commissioner Arenas on the need for and interest in developing a written policy and stated that the workplan includes an item for a comprehensive update of LAFCO policies.

Commissioner Kishimoto acknowledged progress by Gilroy on its master plans and expressed agreement on the need for definition of terms including for farmland which has multiple definitions. She expressed support for staff recommendation to deny the project especially due to fiscal and environmental impacts but noted that she was open to considering approval of the portion south of Tatum Road as suggested by the chair.

Commissioner Lee reiterated his prior comments regarding potential detachment or conservation easement for lands that cannot be developed. He also reiterated Councilmember Hilton's comments regarding higher density housing needs and encouraged its consideration over single-family homes. **Chairperson Melton** noted that Commissioner Lee is leaning toward staff recommendation for denial but appears amenable towards a workable solution.

Commissioner Beall provided historical background on annexations around Lake Anderson and informed that San Jose created a greenbelt to clarify boundaries and that clarity that does not exist here. He noted that Gilroy is the only city that declined to join the Open Space District when it was established and discussed the need to tighten and clarify Gilroy's boundaries. He discussed the need for all cities to build affordable housing and noted that there will be new legislation to offer surplus property for affordable housing which would also allow the Santa Clara Valley Water District (SCVWD) to build housing for the homeless population living near flood control infrastructure. He also informed that by investing in water recycling and treatment system in South County, it can also provide supply for agricultural uses, and expressed concern for those properties that are still on septic systems. He also reported on the electric train to Gilroy, which would help reduce noise pollution and help the environment in South County.

Chairperson Melton expressed his desire for a motion that can get a majority vote and observed that it appears that denial appears to be the predominant position on the commission but that there may be consideration of approval for areas south of Tatum or the Channel. He directed staff to develop language for a toolkit that includes detachment, conservation easement and waiver of the one-year limit for the city to file another application.

Alternate Commissioner Turner informed that there is no urban sprawl in Gilroy as it has not applied for USA expansion in the last 10 years. He reiterated his reasons for why the commission should consider approving Gilroy's application.

In response to EO Palacherla, **Chairperson Melton** clarified his request for the language to add to the motion.

Commissioner Trumbull acknowledged the need to clarify certain definitions of terms and he suggested that staff come back with a matrix that includes the various definitions and the definitions that LAFCO would use going forward.

Commissioner Arenas requested to ask a question of the applicant and **Chairperson Melton** agreed but cautioned against reopening the public hearing.

In response to **Commissioner Arenas's** inquiry whether approval of the area south of Tatum would have an impact on the master planning process, Ms. Ballard advised that as long as lines of assessment are not split, it would not interfere with their application. In response to **Commissioner Arenas**, EO Palacherla informed that it is her understanding that Gilroy is considering a specific plan for the entire area and that it should be a question for the City. Mr. Nelson agreed that it would likewise be a question for the city whether this CEQA would apply since it would be the lead agency. EO Palacherla added that LAFCO would be the responsible agency and would rely on the CEQA prepared by Gilroy.

Commissioner Kishimoto moved to approve the inclusion to USA of the area south of the channel, deny inclusion of the area north of the channel, and for staff to provide language to put into the effect detachment of lands not suitable for urban

development and/or establishment conservation easements and waive the limitation to reapply within a year.

At the request of **Chairperson Melton**, **Commissioner Kishimoto** clarified that her motion would exclude the channel from the USA since it is expected to remain as open space.

Upon the request of Chairperson Melton, Mr. Nelson informed that the language for the third part of the motion is to the extent it applies, for Commission to waive the time limit on a new application affecting the area pursuant to Government Code section 56884 as the public interest supports permitting the city and applicant to consider ways of addressing the Commission's findings that supported the denial of the application for the area north of the channel He also indicated that the fourth part of the motion is the CEQA findings that support the approval of the USA amendment for the portion south of the channel.

In response to an inquiry by **Commissioner Kamei**, **Chairperson Melton** informed that the City of Gilroy is able to accommodate its RHNA. **Chairperson Melton** thanked Gilroy staff and LAFCO staff and reiterated the reasons for supporting the motion. Commissioner Lee commended the Chairperson for building consensus and working out a compromise which addresses the septic and other issues.

Commissioner Arenas agreed with Commissioner Lee, commended Chairperson Melton's leadership and thanked LAFCO staff and Gilroy staff.

The Commission:

1. Approved the request by the City of Gilroy to amend its USA boundary to include the parcels south the channel.
2. To the extent it applies, the Commission waived the time limit on a new application affecting the area pursuant to Government Code section 56884 as the public interest supports permitting the city and applicant to consider ways of addressing the Commission's findings that supported the denial of the application for the area including and north of the channel.
3. The Commission: (a) Found that the Initial Study and Mitigated Negative Declaration approved by the City of Gilroy on January 27, 2021 were completed in compliance with CEQA and are an adequate discussion of the environmental impacts of the project on parcels south of the channel (APN 790-09-010), (b) Found that prior to making a decision on this project, specifically on parcels south of the channel, LAFCO reviewed and considered the environmental effects of the project as outlined in the Initial Study and Mitigated Negative Declaration, and (c) Found that the City of Gilroy submitted a mitigation monitoring program and that the monitoring program ensures compliance with the mitigation measures identified in the Mitigated Negative Declaration that would eliminate or reduce significant adverse environmental effects to less than significant levels, associated with the Urban Service Area expansion over which LAFCO has responsibility.

Motion: Kishimoto

Second: Arenas

AYES: Arenas, Beall, Kamei, Kishimoto, Lee, Melton, Trumbull

NOES: None

ABSTAIN: None

ABSENT: None

MOTION PASSED

The Commission recessed at 4:30 p.m., and reconvened at 4:35 p.m.

6. COUNTYWIDE FIRE SERVICE REVIEW – PUBLIC REVIEW DRAFT REPORT

Chairperson Melton informed that the presentation by the consultant is about 60 to 70 minutes long and that there are video recordings of the presentation available on the LAFCO website.

Dan Petersen, AP Triton, consultant for the project, informed that the PowerPoint presentation is also included in the packet, and he indicated that he is available to answer questions. He also noted that LAFCO is receiving comments on the Public Review Draft Report through the end of the day.

Chairperson Melton acknowledged the work of the Technical Advisory Committee (TAC) led by Commissioners Kishimoto and Beall, and previously, by former Commissioner Susan Vicklund Wilson. **Commissioner Kishimoto** acknowledged the work of staff and consultants, and she urged commissioners to watch the video recording of the presentation as it discusses the insightful findings in the Draft Report. She informed that the TAC spent considerable amount of time discussing the wildland-urban interface and the report includes substantial recommendations.

Chairperson Melton expressed gratitude for Commissioner Kishimoto's leadership and opened the public hearing.

J. Logan, General Manager, Los Altos Hills County Fire District, expressed her appreciation to the consultants for their work and referenced and summarized the district's comments submitted on August 1, 2023.

Chairperson Melton determined that there are no members of the public who would like to speak on the item and declared the public hearing closed.

In response to **Chairperson Melton**, EO Palacherla informed that staff has received the comments from the Fire Safe Council, but its receipt was not acknowledged since staff has issued notification that the consultant will compile all comments and prepare responses for distribution. She indicated that the responses will be released later in August. In response to **Chairperson Melton**, Mr. Petersen informed that comments are provided by LAFCO staff to him each week and are being categorized by the consultants for responses.

The Commission accepted public comments and directed staff to revise the Report as necessary to address comments received through August 2, 2023.

Motion: Kishimoto

Second: Lee

AYES: Arenas, Beall, Kamei, Kishimoto, Lee, Melton, Trumbull

NOES: None

ABSTAIN: None

ABSENT: None

MOTION PASSED

7. CALAFCO RELATED ACTIVITIES

7.1 Designate Voting Delegate and Alternate for 2023 CALAFCO Board of Directors Election

The Commission appointed Chairperson Melton as the voting delegate and Commissioner Kishimoto as the alternate voting delegate.

Motion: Kishimoto

Second: Kamei

AYES: Arenas, Beall, Kamei, Kishimoto, Lee, Melton, Trumbull

NOES: None

ABSTAIN: None

ABSENT: None

MOTION PASSED

***8. CONSENT ITEM: EXECUTIVE OFFICER'S REPORT**

The Commission accepted the report.

8.1 Update on LAFCO Clerk Recruitment

8.2 Meeting with County Planning Office Staff on Annexation of Unincorporated Islands / Parcels

8.3 Meeting with Midpeninsula Regional Open Space District Staff on LAFCO Annexation Process

8.4 Meeting with University of California Researchers on Water System Consolidations

9. COMMISSIONER REPORTS

10. NEWSPAPER ARTICLES / NEWSLETTERS

11. WRITTEN CORRESPONDENCE

12. ADJOURN

The Commission adjourned at 4:55 p.m., to the next regular LAFCO meeting on October 4, 2023, at 1:15 p.m., in the Board of Supervisors' Chambers, 70 West Hedding Street, San Jose.

Approved on October 4, 2023.

Russ Melton, Chairperson

Local Agency Formation Commission of Santa Clara County

By: _____
Emmanuel Abello, Associate Analyst



**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 # 5

Alternate Commissioners

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

Executive Officer

Neelima Palacherla

LAFCO MEETING: October 4, 2023

TO: LAFCO
FROM: Neelima Palacherla, Executive Officer
Dunia Noel, Asst. Executive Officer

SUBJECT: COUNTYWIDE FIRE SERVICE REVIEW

STAFF RECOMMENDATIONS

CEQA ACTION

1. Determine that the Countywide Fire Service Review and the recommendations of this staff report are exempt from the requirements of the California Environmental Quality Act (CEQA) under State CEQA Guidelines: §15306 Class 6; §15061(b)(3); §15378(b)(5); and §15320 Class 20.

SERVICE REVIEW AND SPHERE OF INFLUENCE UPDATES

2. Receive a presentation on the Countywide Fire Service Review – Revised Draft Report.
3. Consider the public comments received and consultant's responses, accept public comments, and consider any further revisions to the Countywide Fire Service Review – Revised Draft Report.
4. Adopt the Countywide Fire Service Review Report – Revised Draft Report including other revisions, as directed or as necessary.
5. Adopt service review determinations for city fire departments and fire districts, as included in the Service Review Report.
6. Reaffirm sphere of influence (SOI) updates and adopt sphere of influence determinations for each of the four fire districts, as follows:
 - a. Reaffirm existing zero SOI for Saratoga Fire Protection District (SFD) as recommended and depicted in the Service Review Report.
 - b. Reaffirm existing SOI for Santa Clara County Central Fire Protection District (CCFD) as depicted in the Service Review Report.
 - c. Reaffirm existing SOI for Los Altos Hills County Fire District (LAHCFD) as depicted in the Service Review Report.
 - d. Reaffirm existing SOI for South Santa Clara County Fire Protection District (SCFD) as depicted in the Service Review Report.

7. Direct staff to prepare the Final Report for the Countywide Fire Service Review and distribute the Final Report to all affected agencies.
8. Direct staff to facilitate discussions to reach a consensus between affected agencies on the best option for addressing various areas of Santa Clara County that lack an identified local fire provider, as described and analyzed in the Service Review Report. Direct staff to report back to LAFCO on the outcome of those discussions, including support for the expansion of certain fire districts' SOIs.
9. Direct staff to compile all the recommendations included in the Final Report and request a written response from each of the relevant agencies on their plans for implementing these recommendations, including if they do not plan to implement a recommendation. Direct staff to report back to LAFCO on each agency's written response.

PURPOSE OF THIS LAFCO HEARING

The purpose of this public hearing is for LAFCO to receive a presentation from AP Triton, LAFCO's consultant, on the key findings and recommendations in the Countywide Fire Service Review – Revised Draft Report, accept public comments on the Revised Draft Report, and consider adoption of the Countywide Fire Service Review Report, including any other revisions as directed or as necessary.

BACKGROUND

Service Review and Sphere of Influence Requirements

The Cortese Knox Hertzberg Local Government Reorganization Act (CKH Act) mandates that LAFCO conduct service reviews prior to, or in conjunction with, sphere of influence updates [Government Code § 56430]. It also requires that LAFCO review and update the sphere of influence of each city and special district once every five years, as necessary [Government Code § 56425]. The Service Review must include an analysis and written statement of determinations regarding each of the following seven categories:

- Growth and population projections for the affected area;
- Location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere of influence;
- Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any disadvantaged, unincorporated communities within or contiguous to the sphere of influence;
- Financial ability of agencies to provide services;
- Status of, and opportunities for, shared facilities;

- Accountability for community service needs, including governmental structure and operational efficiencies; and
- Any other matter related to effective or efficient service delivery, as required by commissions.

As part of the sphere of influence review and update, LAFCO must prepare an analysis and written statement of determinations for each agency regarding each of the following:

- Present and planned land uses in the area, including agricultural and open-space lands;
- Present and probable need for public facilities and services in the area;
- Present capacity of public facilities and adequacy of public service that the agency provides or is authorized to provide;
- Existence of any social or economic communities of interest in the area if the Commission determines these are relevant to the agency; and
- Present and probable need for water, wastewater, and structural fire protection facilities and services of any DUCs within the existing sphere of influence.
- In the case of special districts, the nature, location, and extent of any functions or classes of services provided by existing districts.

Scope of LAFCO's Countywide Fire Service Review

The Countywide Fire Service Review is part of LAFCO's third round of service reviews and provides an overview of all the agencies that provide fire service and/or emergency medical response services in the County, evaluates the provision of these services, and recommends actions to promote efficient service delivery. LAFCO has previously conducted two Countywide Fire Service Reviews, one in 2004 and another in 2010.

Agencies Included in the Countywide Fire Service Review

The Countywide Fire Service Review Draft Report reviews fire districts, city fire departments, cities that contract for fire services, and other providers, specifically CAL FIRE, the County of Santa Clara (EMS, Office of Emergency Services, Communications), volunteer fire companies, and the Santa Clara County FireSafe Council.

Technical Advisory Committee

A Technical Advisory Committee (TAC) consisting of LAFCO Commissioners Yoriko Kishimoto (TAC Chair) and Jim Beall, appointed by LAFCO; Fire Chiefs Suwanna Kerdkaew, Ruben Torres, and Jim Wyatt, appointed by the Santa Clara County Fire Chiefs Association; and City Managers James Lindsay, Christina Turner, and Ed Shikada, appointed by the Santa Clara County/Cities Managers' Association; provided input and guidance during the service review process.

The TAC has served as a liaison between LAFCO and the affected agencies during the countywide fire service review process and provided their expertise and advice throughout the project. The TAC met multiple times during key points in the service review process, as discussed below.

Service Review Process

In May 2021, LAFCO began the Countywide Fire Service Review. However, LAFCO paused this project in January 2022 to retain a new consultant to conduct the study.

In late June 2022, LAFCO retained AP Triton, LLC to resume and complete the service review under a revised timeline.

In early August 2022, LAFCO staff and the consultant held a project kick-off meeting with the TAC to introduce the new consultant, review key steps and the revised timeline, discuss the data collection process, review required service review determinations, discuss and finalize the proposed evaluation criteria for service review determinations, and receive feedback and answer questions from attendees.

In early August 2022, LAFCO staff and the consultant also attended the Santa Clara County Fire Chiefs' Association meeting to discuss the anticipated data request for the service review and to provide an overview of the data submittal process to the Fire Chiefs and their designated staff. Subsequently, LAFCO's consultant began their data collection process which resulted in the creation of service provider validated profiles for each affected agency. TAC Meetings were also held in February 2023 and May 2023 to discuss the consultant's progress, preliminary findings, and next steps in the service review process.

The consultant used these validated profiles to conduct their analysis and prepare an administrative draft of the Countywide Fire Service Review for LAFCO staff's review and comment.

Release of Public Review Draft Report

On June 30, 2023, a Public Review Draft Report (dated June 2023), was made available on the LAFCO website and a Notice of Availability & Notice of the July's Community Meetings and August LAFCO Public Hearing was sent to all affected agencies/organizations, LAFCO commissioners, and other interested parties announcing the release of the Draft Report for public review and comment.

July 2023 TAC Meeting and Community Meetings on Draft Report

In July 2023, LAFCO staff held one TAC meeting (in San Jose) and two Community Meetings (one in Morgan Hill and one in Palo Alto) to present and receive comments on the Draft Report. The meetings were held in-person in different parts of the county and at different times of the day to allow community members to more easily and directly engage in the service review process and provide timely feedback. The meetings were also accessible to members of the public by virtual teleconference via Zoom or telephone.

All three meetings were well attended, with fire chiefs and representatives from affected agencies and organizations, and members of the public present and providing oral comments.

LAFCO Public Hearing on Draft Report

LAFCO held a public hearing on August 2, 2023, to accept comments on the Draft Report.

Responses to Comments Received on Draft Report

LAFCO received many oral comments at the community meetings and at the LAFCO public hearing on the Draft Report, as well as a significant number of written comments from affected agencies/organizations, interested parties, and the public.

These comments were compiled by LAFCO's consultant into a table. LAFCO's consultant then prepared responses to these comments. **Attachment A** includes a table of the comments received on the Draft Report, the consultant's response to these comments, and the original comment letters. The Draft Report was revised to address these comments, as appropriate.

Release of the Revised Draft Report (redlined)

On August 31, 2023, the Revised Draft Report (redlined) [**Attachment B**], along with the Table of Comments / Responses (**Attachment A**), were made available on the LAFCO website for further public review and comment. A Notice of Availability & Notice of LAFCO Public Hearing for the Revised Draft Report was sent to all affected agencies/organizations, LAFCO commissioners, and other interested parties.

Responses to Comments Received on the Revised Draft Report

LAFCO has received comments on the Revised Draft Report. These comments were compiled by LAFCO's consultant into a table. LAFCO's consultant then prepared responses to these comments.

Attachment C includes a table of the comments received on the Revised Draft Report, the consultant's response to these comments, and the original comment letters. The Revised Draft Report will be revised to address these comments, as appropriate.

ENVIRONMENTAL ANALYSIS

The Countywide Fire Service Review Report is intended to serve as an information resource to help LAFCO, the public and other agencies and organizations better understand how fire service and emergency medical responses service are provided within Santa Clara County and to update the SOIs of the four fire districts.

The Countywide Fire Service Review Report consists of the following items:

- Countywide overview of the fire service and emergency medical response services system in Santa Clara County;

- Individual profiles and service review determinations for 8 (eight) city fire departments and the 4 (four) fire districts, and sphere of influence recommendations for the fire districts; and
- Review, analysis, and recommendations for addressing current and emerging issues identified by LAFCO.

LAFCO is not required to initiate boundary changes based on this service review. LAFCO, local agencies or the public may subsequently use the service review together with additional research and analysis where necessary, to pursue changes in jurisdictional boundaries. Any future changes in jurisdictional boundaries will be subject to CEQA review.

The Service Review Report recommends changes to the SOIs of three fire districts to address various areas of Santa Clara County that lack an identified local fire provider. However, LAFCO staff recommends that the Commission reaffirm the existing SOIs for all four fire districts and to instead direct staff to facilitate discussions to reach a consensus between affected agencies on the best option for addressing these areas of the county, including support for the expansion of the fire districts' SOIs. Staff would then report back to LAFCO on the outcome of those discussions, at which time LAFCO may amend the SOIs as necessary.

Therefore, the Countywide Fire Service Review Report is exempt from the requirements of CEQA under §15306 Class 6; §15061(b)(3); §15378(b)(5); and §15320 Class 20 of the state CEQA Guidelines as described below.

Class 6 consists of basic data collection, research, experimental management, and resource evaluation activities that do not result in a serious or major disturbance to an environmental resource. According to the CEQA Guidelines, these may be strictly for information gathering purposes, or as part of a study leading to an action that a public agency has not yet approved, adopted, or funded.

Section 15061(b)(3) states that the activity is covered by the common sense exemption that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Furthermore, Section 15378(b)(5) states that a project does not include organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

Class 20 consists of changes in the organization or reorganization of local governmental agencies where the changes do not change the geographical area in which previously existing powers are exercised.

NEXT STEPS

Upon adoption of the Report by the Commission, staff will finalize and post the Final Service Review Report on the LAFCO website and notify affected agencies, organizations, and interested parties that the adopted Final Report is now available.

In addition, if directed by LAFCO, staff will:

- Facilitate discussions to reach a consensus between affected agencies on the best option for addressing various areas of Santa Clara County that lack an identified local fire provider, as described and analyzed in the Service Review Report; and report back to the Commission on the outcome of those discussions, including support for the expansion of certain fire districts' SOIs.
- Compile all the recommendations included in the Final Report and request a written response from each of the relevant agencies on their plans for implementing these recommendations, including if they do not plan to implement a recommendation.
- Update LAFCO on each agency's response, monitor their implementation efforts, and seek further direction from LAFCO, as necessary.

Finally, we extend our deepest thanks to the affected agencies/organizations, TAC members, and the County Planning Office GIS Team for their time and invaluable contributions to the Service Review. We appreciate everyone who took the time to engage in the process and provide feedback on the Service Review.

ATTACHMENTS

Attachment A:	Comments Received on the Draft Report and the Consultant's Responses to these Comments
Attachment B:	Countywide Fire Service Review – Revised Draft Report (redlined)
Attachment C:	Comments Received on the Revised Draft Report and Consultant's Responses to these Comments

Santa Clara LAFCO - 2023 Countywide Fire Service Review
Response to Comments received on revised draft report published August 31, 2023
September 28, 2023

Page	Figure	Comment	Response
COMMENTER: Doug Muirhead, Morgan Hill Resident: Received July 11, 2023			
		Expressed appreciation for the red line version addressing comments, feels the report ignores options for alternative response to medical emergencies and NextGen technology and desired for these two issues to be in the scope of the report	Noted
COMMENTER: Marc Hynes, Saratoga Fire Protection District: Received September 20, 2023			
		Rejects the idea of consolidation of SFD with CCFD and objects to any proceedings toward dissolution of SFD consolidation of SFD with CCFD.	Noted
COMMENTER: Brian Malone, Midpeninsula Regional Open Space District: Received September 20, 2023			
		Disagrees with the recommendation for areas 19 and 20 and the assertion that it should be responsible for entering into an agreement with local fire service providers to provide services in the SRA.	The report thoroughly explains the existing response structure on Midpen lands. The recommendation in the report is that "Midpen to <u>ensure</u> a structure is in place with provider..." This recommendation is to confirm that Midpen is meeting its statutory obligation, regarding which the report does not make a determination. The consultant continues to recommend that there may be potential for formalizing an agreement with a nearer responder in an effort to minimize response times. Specifically, "it may be beneficial for MidPen to enter into an agreement with these neighboring agencies that can provide timely initial response until CAL FIRE can arrive on scene." Any efforts on the part of Midpen following the Service Review will be dependent on the District itself. The District may determine it is meeting its obligation and there is no further potential for improvement to the services/response currently provided. Added to the report that "the District asserts it is meeting its statutory obligations on all of its properties."
		The report still contains an error that was pointed out in the recommendations for Areas 19 and 20: there is no County Parks property in either of these areas.	Modified report.

Page	Figure	Comment	Response
		The District strongly urges LAFCo to remove the language in Recommendations for areas 19 through 21 asserting that the District should arrange for a local agency to respond to District lands for fire suppression on District properties, because Midpen provides initial response and CalFire is responsible for responding—and does respond—within the SRA.	The report thoroughly explains the existing response structure on Midpen lands. The recommendation in the report is that “Midpen to <u>ensure</u> a structure is in place with provider...” This recommendation is to confirm that Midpen is meeting its statutory obligation, regarding which the report does not make a determination. The consultant continues to recommend that there may be potential for formalizing an agreement with a nearer responder in an effort to minimize response times. Specifically, “it may be beneficial for MidPen to enter into an agreement with these neighboring agencies that can provide timely initial response until CAL FIRE can arrive on scene.” Any efforts on the part of Midpen following the Service Review will be dependent on the District itself. The District may determine it is meeting its obligation and there is no further potential for improvement to the services/response currently provided. Added to the report that “the District asserts it is meeting its statutory obligations on all of its properties.”
COMMENTER: Daniel Pistor, Sunnyvale Department of Public Safety: Received September 18 and 21, 2023			
394		Requests language change for collaboration with CCFD and Gilroy Fire to ... other fire agencies within Santa Clara County like page 398.	Modified report
		15 Comments on the Sunnyvale Profile related to finance issues	Responses are imbedded in the PDF labled “Pistor2 – Sunnyvale Finance”
COMMENTER: Terence Szewczyk, TS / Civil Engineering, Inc: Received August 11 and September 11, 2021			
		States that someone at the SCCFD is being dishonest as there is no collaborative group of Fire Marshals in this County.	The Santa Clara County Fire Marshals is an informal collaborative group of Fire Marshals who meet regularly to discuss issues of significance, including the recent triennial fire code adoption. Evidence of their efforts exist in the amendment packages adopted by each jurisdiction. The report does not reference an “SCCFD Fire Marshals Association” as stated by Mr. Szewczyk.
		Comments on an overtime salary issue in Santa Clara County and salaries of upper management approaching \$600K annually	Evaluation of salaries was outside the scope of this report

From: [D. Muirhead](#)
To: [LAFCO](#)
Subject: [EXTERNAL] comment Fire Service Review revised report
Date: Wednesday, September 20, 2023 8:24:05 AM

Hello LAFCO Commissioners, LAFCO Staff, and Consultants,

Since I submitted many comments on the Fire Service Review, I will only lament what I consider missed opportunities with the final version due to being "outside the scope of the project".

But first, stepping out of character, allow me to thank the Consultants for a red-line version of the revised report. Also I want to thank the Consultants for the individual responses to my many written comments.

Since LAFCO service reviews can not mandate changes, it is disappointing not to see a summary of what did and did not change as identified in previous Countywide Fire Service Reviews as well as Civil Grand Jury reports. Also missing are discussions of previous attempts by various agencies to consider changes that are recommended by this report. That would add some "ground-truth" to the current recommendations. For example, Morgan Hill and Gilroy did have discussions about combining when Morgan Hill was re-establishing its local fire department; Gilroy eventually declined. Are those reasons still operative?

A very important forward-looking issue which the report ignores is to separate out traditional Fire response from increasing volume of EMS calls (75% medical incidents).

Commissioner Kishimoto raised this issue at two TAC meetings. It concerns me because both Morgan Hill and Gilroy are building new traditional fire stations for big trucks and full crews which will then fight to get through our congested roadways.

The Consultant response was

"The report focused on efficiencies in governance and administration and evaluated the performance of current deployment models. The scope of this report did not include a review of alternative responses to medical incidents."

Another forward-looking issue which the report ignores is the impact of new technology, in particular NextGen 911 video calls which will require additional mental health care for dispatchers.

Again the Consultant response was

"[This] was outside the scope of this report."

Thank you, Doug Muirhead, Morgan Hill



SARATOGA FIRE DISTRICT

SERVICE SINCE 1923

September 20, 2023

Board of Commissioners

Santa Clara County LAFCo

lafoo@ceo.sccgov.org

Re: Comments of Saratoga Fire Protection District
to Draft Report-Countywide Fire Service Review
Revised Draft Report August 2023

Dear Commissioners and Executive Director Palacheria:

The Saratoga Fire Protection District (SFD) presents this comment letter on the most recent draft Countywide Fire Service Review recommendations prepared for Santa Clara County LAFCo by its consultant AP Triton.

The SFD presented a letter dated July 21, 2023 on the draft report circulated in June of 2023 and the subject of a hearing on August 2, 2023. It is attached for reference.

The comments in the July 21, 2023 letter have not been addressed at all in the revised draft report. It appears that they have been ignored. What is purportedly a service review offers an unsupported assertion that unidentified “redundancies” justify dissolution of the SFD. The only justification is a recitation of a fire service review undertaken 13 years ago and a special study undertaken 9 years ago. Affirming “redundancies” that have not been identified in the service review nor studied or substantiated by AP Triton is not justified.

Although purportedly basing recommendations on reviews and studies in 2020 and 2014, the report recognizes that, on August 6, 2014, the Commission unanimously decided not to initiate any changes in the governance of the SFD. Any issue about a supposed “hole” in the center of the Santa Clara County Central Fire

Protection District (CCFD) as a justification for consolidation of SFD with CCFD is rendered meaningless by the fact that SFD contracts with CCFD for fire protection services.

SFD objects to any proceedings towards dissolution. Dissolving the SFD would not be in the best interest of the residents of the district for the reasons set forth in SFD's letter dated July 21, 2023.

The service review report is defective insofar as any recommendation is made regarding SFD. The recommendation should be ignored.

Very truly yours,



Marc G. Hynes

District Counsel

Saratoga Fire Protection District

cc: Fire Commissioners



SARATOGA FIRE DISTRICT

SERVICE SINCE 1923

July 21, 2023

Board of Commissioners

Santa Clara County LAFCo

lafco@ceo.sccgov.org

Re: Comments of Saratoga fire Protection District
to Draft Report-Countywide Fire Service Review
Public Review Draft Report June 2023

Dear Commissioners and Executive Director Palacheria:

The Saratoga Fire Protection District (SFD) presents this comment letter on the draft Countywide Fire Service Review recommendations prepared for Santa Clara County LAFCo by its consultant AP Triton.

The report does not support the recommendations on page 562. The report simply recites the fire service review undertaken 13 years ago and a special study undertaken 9 years ago. Affirming “redundancies” that have not been identified in this report nor studied or substantiated by AP Triton is without foundation.

Although purportedly basing recommendations on reviews and studies in 2020 and 2014, the report recognizes that, on August 6, 2014, the Commission unanimously decided not to initiate any changes in the governance of the SFD. Any issue about a supposed “hole” in the center of the Santa Clara County Central Fire Protection District (CCFD) as a justification for consolidation of SFD with CCFD is rendered meaningless by the fact that SFD contracts with CCFD for fire protection services.

SFD objects to any proceedings towards dissolution. Dissolving the SFD would not be in the best interest of the residents of the district for the following reasons:

Fire Station 73 is still being paid for by the residents of SFD who approved a bond election to construct a building. The station is in a pivotal location for emergency response and can also be used by the City of Saratoga as an emergency operations center. There is no comparable station within the jurisdiction of CCFD. It should also be noted that the draft report observed that CCFD has failed to replace or repair its stations in a timely fashion.

There are no redundancies specified in the current service structure nor were any substantiated the current report. The SFD Board of Commissioner provides accountability and oversight of the services furnished by CCFD including SFD's budget, fire station maintenance and upkeep, emergency response, hydrant maintenance, and hillside access road availability. Consolidation of SFD with CCCFD will deprive SFD residents of an oversight board to ensure that the \$12 million of the taxes they pay are being spent effectively and are not subsidizing another jurisdiction served by CCFD.

Within SFD's jurisdiction are a substantial number of elementary schools, a junior high school, West Valley College, two large retirement communities, numerous churches, the Mountain Winery concert facility, a federal post office, the City of Saratoga city hall and community center, State Highway 9, Saratoga cemetery and Saratoga downtown and Argonaut commercial district. The SFD board of directors interacts with each of these entities to provide monitoring and oversight of events occurring within the SFD. It continues to be a viable entity and does not warrant further action by the commission.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Marc G. Hynes', is written over the typed name.

District Counsel

Saratoga Fire Protection District

cc: Fire Commissioners



GENERAL MANAGER
Ana M. Ruiz

BOARD OF DIRECTORS
Craig Gleason
Yoriko Kishimoto
Jed Cyr
Curt Riffle
Karen Holman
Margaret MacNiven
Zoe Kersteen-Tucker

September 20, 2023

Ms. Neelima Palacherla, Executive Director
Santa Clara County LAFCo
777 North First Street, Suite 410
San Jose, CA 95113
SENT VIA EMAIL

Dear Ms. Palacherla,

The Midpeninsula Regional Open Space District (District) (Midpen) has provided a series of comment letters on the draft Countywide Fire Service Review recommendations prepared for Santa Clara County LAFCo by its consultant AP Triton, the latest on July 11, 2023. Thank you for reviewing our comment letters and making changes to the draft report. The District is writing this follow up letter to communicate several continuing concerns regarding the revised recommendations for specific geographic areas listed in the Draft Report and to resubmit remaining corrections that are still missing from the latest draft.

The District disagrees with the LAFCO recommendation for **areas 19 and 20** for “Midpen to ensure a structure is in place with provider...” LAFCO acknowledges in response to the District’s comments on areas 17 through 20, that if the recommendation for Annexation by SCFD is followed, the recommendation regarding Midpen is mute. The District supports the recommendation for *Annexation by SCFD with SOI expansion and contract service by San José for consistency of response with all territory in the region regardless of city SOI*, because it considers consistency of response to a contiguous area, covers medical response, which constitutes the majority of calls, and reinforces the status quo of the closest units responding to all emergencies. In addition, District staff already provide initial response to wildland fires until a fire agency arrives. All District rangers, equipment operators, and maintenance supervisors are trained in basic wildland fire fighting and provide initial response and reporting of fires, initial attack if safe to do so, and provide information and resources to responsible fire agencies for fires on District property. The District maintains a fleet that includes pick up trucks with 125-gallon slip on pumpers and two water trucks to supply water.

Additionally, please note that the report still contains an error that was pointed out in the recommendations for **Areas 19 and 20**: there is no County Parks property in either of these areas. This was corrected in the land use column but remains in the recommendation. The recommendation “*Identify funding structure for emergency services in County parks*” should be removed.

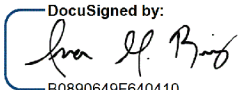
In **Area 21**, thank you for making the correction that the closest Palo Alto station is closed/shut down outside the fire season while the Cal Fire stations are closer and open year-round. The revised recommendation is that Cal Fire should respond. Actually, Cal Fire already responds to Area 21. The recommendation in the text on page 93 includes formally adding **Area 21** to the SRA. The District supports adding area 21 to the SRA and making that the recommended action on the spreadsheet. Further rationale to add **Area 21** to the SRA includes: maintaining consistency of response to a contiguous area, and the fact that Midpen staff already provide initial response to wildland fires until a fire agency arrives.

The District remains in disagreement with the Recreation and Open Space Areas section of the report, on pages 93 and 94. The third paragraph of this section at the top of page 94 focuses specifically on the District. The District disagrees with the assertion that it should be responsible for entering into an agreement with local fire service providers to provide services in the SRA. By definition, the state has primary wildland fire responsibility in the SRA. In areas where a local fire agency is closer, they already respond to both fires and medical calls. These responses continue to take place to date with no service level issues, thus requiring no changes to how the services are provided, including no need for contracting. The report on page 94 also incorrectly implies that the District should be responsible for all emergency response. The section of the District's enabling legislation referenced in the report only applies to "*primary* responsibility" for fire prevention and suppression; it is silent regarding emergency medical response. The report should clarify that the majority of local fire agency responses on District lands are for medical calls, and that while the District does provide first responder medical services, it does not have responsibility for emergency medical response. That said, it is important to note that the District has historically provided significant aid regionally that is a valuable component of emergency response within the broader surrounding communities in both Santa Clara and San Mateo counties. Within rural areas, District personnel are often the first agency to respond on scene to various incidents, including traffic accidents on public roads, for which District staff provide initial first responder medical services.

Given the reasons listed above and to prevent further misinterpretations that may extend beyond the Countywide Fire Service Review, the District strongly urges LAFCo to remove the language in Recommendations for areas **19 through 21** asserting that the District should arrange for a local agency to respond to District lands for fire suppression on District properties, because Midpen provides initial response and CalFire is responsible for responding—and does respond—within the SRA.

Respectfully,

DocuSigned by:



B0890649F640410...

neral Manager

CC: Santa Clara County LAFCo Technical Advisory Committee
Midpeninsula Regional Open Space District Board of Directors
AP Triton Study Consultant

From: [Dan Petersen](#)
To: dpistor@sunnyvale.ca.gov
Cc: [LAFCO](#)
Subject: [EXTERNAL] Re: AVAILABLE NOW! Countywide Fire Service Review - Revised Draft Report (redlined)
Date: Wednesday, September 20, 2023 9:02:30 AM
Attachments: [Outlook-xlhg1rrx.png](#)
[CityofSunnyvaleEMSAgreementAmendments20181231.pdf](#)

Morning Chief,

I've copied LAFCO to log your first request. I can make changes in the report prior to presenting the final document for adoption by the LAFCO commission.

For your second request. Sunnyvale has an agreement with the County to provide ALS. It is your option to advance your level of care to ALS. I've attached the agreement.

Thanks

Dan Petersen

Project Manager / Senior Consultant

AP Triton Consulting

[Linkedin](#)

dpetersen@APtriton.com

Cell/Text: 541-778-4867

Colorado Springs, CO

www.aptriton.com



From: Daniel Pistor <DPistor@sunnyvale.ca.gov>
Sent: Monday, September 18, 2023 12:12 PM
To: Dan Petersen <dpetersen@aptriton.com>
Subject: Re: AVAILABLE NOW! Countywide Fire Service Review - Revised Draft Report (redlined)

Hello Dan,

My Chief had a few more questions:

1. On Page 394...second bullet point..."Sunnyvale collaborates with CCFD and Gilroy Fire in a cost-sharing..." Can this verbiage be changed to match the second bullet point on Page 398, "other fire agencies within Santa Clara County"?
2. On Page 398, the last bullet point, "Agreement with the County of Santa Clara EMS

Agency authorizing Sunnyvale to provide ALS response and transport within the County should Sunnyvale desire to provide this level of service." Where does this data come from? Source documents?

Thank you for your help!

DANIEL PISTOR

Deputy Chief

Department of Public Safety

Phone: 408-730-7139

Fax: 408-730-7705

From: Daniel Pistor <DPistor@sunnyvale.ca.gov>

Sent: Monday, September 18, 2023 8:43 AM

To: Dan Petersen <dpetersen@aptriton.com>

Subject: Re: AVAILABLE NOW! Countywide Fire Service Review - Revised Draft Report (redlined)

I did. I appreciate your help!

DANIEL PISTOR

Deputy Chief

Department of Public Safety

Phone: 408-730-7139

Fax: 408-730-7705

From: Dan Petersen <dpetersen@aptriton.com>

Sent: Friday, September 15, 2023 3:42 PM

To: Daniel Pistor <DPistor@sunnyvale.ca.gov>

Subject: Re: AVAILABLE NOW! Countywide Fire Service Review - Revised Draft Report (redlined)

WARNING - This email came from an EXTERNAL source. Confirm the sender and its contents are safe before responding, opening attachment or links.
Chief,

Just verifying you received this.

Dan

Get [Outlook for Android](#)

From: Dan Petersen <dpetersen@aptriton.com>

Sent: Tuesday, September 12, 2023 2:27:34 PM

To: Daniel Pistor <DPistor@sunnyvale.ca.gov>

Subject: Fwd: AVAILABLE NOW! Countywide Fire Service Review - Revised Draft Report (redlined)

Hi Chief,

Here is the email distributed by LAFCO with a link to the report and responses to the comments.

Please me know if you have any questions

Dan

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From: Abello, Emmanuel <Emmanuel.Abello@ceo.sccgov.org>

Sent: Thursday, August 31, 2023 1:45:52 PM

Cc: Palacherla, Neelima <Neelima.Palacherla@ceo.sccgov.org>; Noel, Dunia <Dunia.Noel@ceo.sccgov.org>; Malathy Subramanian (Malathy.Subramanian@bbklaw.com) <Malathy.Subramanian@bbklaw.com>; jcosta <jcosta@saratoga.ca.us>; CityMgr <CityMgr@cityofpaloalto.org>; Hilary Holeman <hilary.holeman@morganhill.ca.gov>; carie.lemus@sccfd.org <carie.lemus@sccfd.org>; ngresham@SantaClaraCA.gov <ngresham@SantaClaraCA.gov>; JPanko@SantaClaraCA.gov <JPanko@SantaClaraCA.gov>; gilroyfire@cityofgilroy.org <gilroyfire@cityofgilroy.org>; Candice Kwok-Smith <ckwok-smith@valleywater.org>

Subject: AVAILABLE NOW! Countywide Fire Service Review - Revised Draft Report (redlined)

Dear TAC Members:

The [Revised Draft Report \(redlined\)](#) for the Countywide Fire Service Review and a [summary table of responses to comments](#) received on the Public Review Draft Report are now available on the LAFCO website for additional public review and comment. Please see the attached **Notice of Availability and Notice of LAFCO Public Hearing for the Revised Draft Report.**

Thank you,

Emmanuel Abello

Associate Analyst, LAFCO of Santa Clara County

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

(408) 993-4705 | Mobile: (669) 321-9704 | Twitter: [@SantaClaraLAFCO](#) | www.SantaClaraLAFCO.org

8 Sunnyvale Public Safety Department (Fire)

Agency Overview

Sunnyvale Department of Public Safety provides fire protection, rescue, and emergency medical treatment and transportation to a population of 153,805 over 22.87 square miles. It operates six fire stations with a total of 110 personnel assigned to the Bureau of Fire Services with Sunnyvale Public Safety Officers (Law Enforcement) trained as Emergency Medical Technicians providing supplemental BLS response.

Background

The Sunnyvale Division of Fire Services adopted a Strategic Plan in 2022, a Standard of Cover in 2018, and a Fire Station Master Plan in 2021. These plans have not been adopted by the elected officials.

The City earned a Public Protection Classification (PPC) rating of 2 from the Insurance Services Office (ISO) in September 2017. ISO measures various data elements to determine the PPC for a community. The PPC rating is based on an evaluation of three main components: the fire department, the water system, and the communications center. Insurance companies often subscribe to ISO's services to retrieve the PPC rating for a community. The PPC rating plays a significant role in determining insurance rates for properties within that community. A lower PPC rating indicates a higher level of fire protection and can result in lower insurance premiums for property owners.

The Deputy Chief of Fire Services states that over the last 10 years, the city has taken (or continues to provide) the following cost-minimization efforts:

- Sunnyvale's Public Safety model is a cost-effective approach, reducing administrative costs by having both police and fire service in one administrative organization. Emergency response consists of apparatus staffed by two personnel from the Fire Services program, supplemented by police patrol personnel who are trained in fire and Basic Life Support (BLS) response.
- Sunnyvale collaborates with CCFD and Gilroy Fire in cost sharing for a Joint Fire Academy which is generally held twice a year. Sunnyvale is the host and manages the academy.
- Sunnyvale continues to participate in the Silicon Valley Regional Interoperability Authority (SVRIA), a joint powers authority (JPA) consisting of all public safety agencies in the county working to "virtually" consolidate communications systems.

- Sunnyvale participates in the countywide Mutual Aid agreement within Santa Clara County. It also participates in automatic aid agreements where resources will respond automatically to service calls in the other jurisdiction, providing a quick response.

The Deputy Chief of Fire Services has identified collaborative training and a shared apparatus maintenance facility as opportunities for shared services to produce economies of scale and savings for participating departments.

The Deputy Chief's top three critical issues:

- Climate change and increased risk of wildfires
- Aging infrastructure
- Recruitment and retention

The Deputy Chief's top three opportunities to increase value and/or efficiency for the public:

- Interoperability of communications systems
- Continued opportunities for joint training, including the Joint Fire Academy
- Shared grant funding opportunities

Boundaries and Sphere of Influence

The City of Sunnyvale is located in the northwestern portion of Santa Clara County. The city abuts the City of San José to the north, the City of Santa Clara to the east, the City of Cupertino to the south, and the cities of Los Altos and Mountain View to the west. There is also an area of unincorporated territory between Sunnyvale and Mountain View between Highway 101 and the Bay. Sunnyvale's incorporated area spans 22.89 square miles and its USA spans 19.1 square miles. The city's USA and municipal boundaries are nearly contiguous except for the one unincorporated island, which is within the USA but outside the city limits, and an area just south of Moffett Field that is the Sunnyvale Municipal Golf Course, which is within the city limits but outside the USA. One small unincorporated island exists within Sunnyvale's USA. SV02 (4.6 acres) is located along the city's border with Santa Clara parallel to the CalTrain/Union Pacific railroad tracks and right-of-way.

Summary of Comments on Santa Clara County LAFCO Draft Report - Red Line Edits - 8-30.pdf

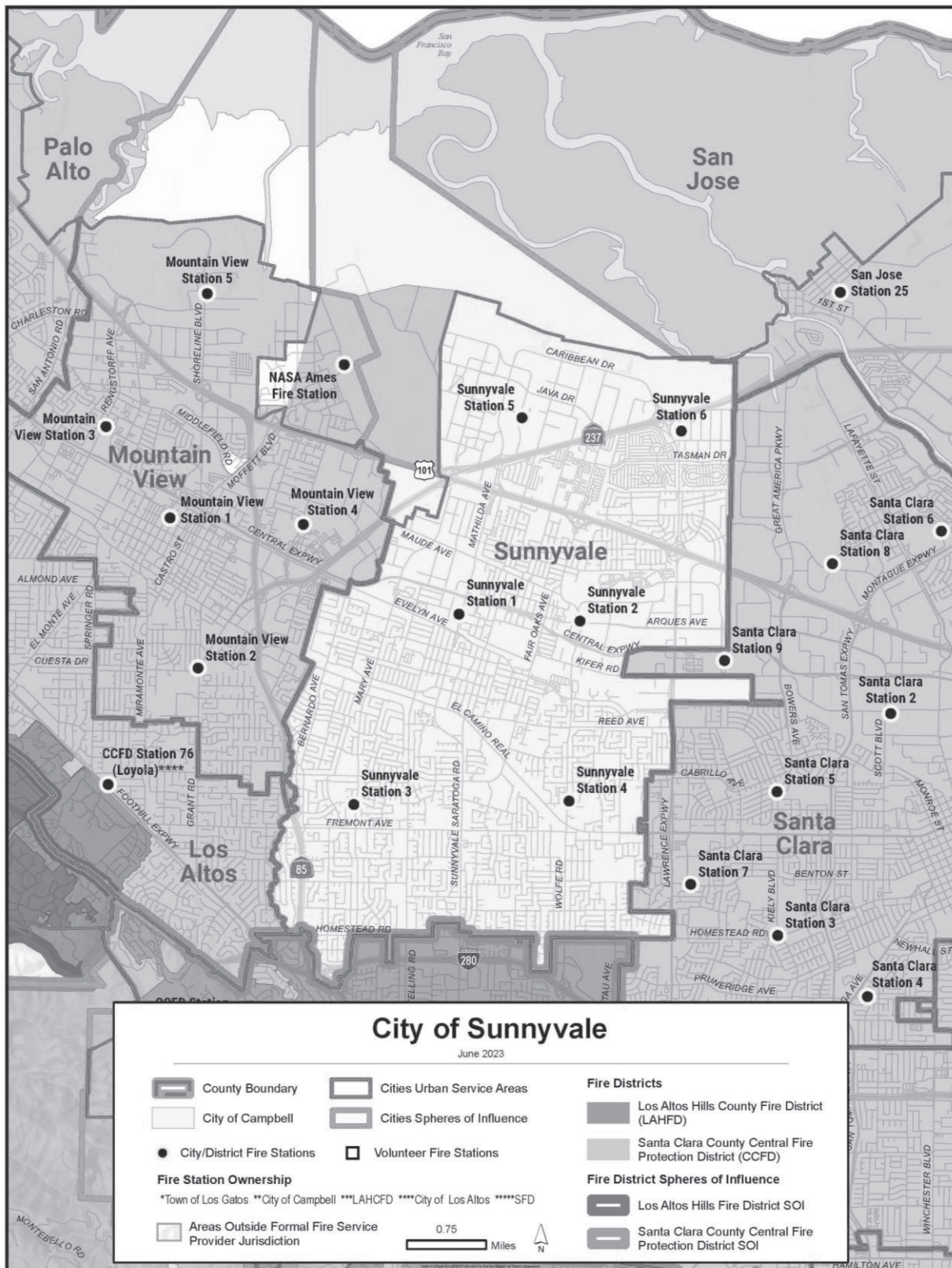
Page: 415

 Number: 1 Author: fsilva Subject: Sticky Note Date: 9/20/2023 6:14:56 PM
what s a USA?

 Author: danvp Subject: Sticky Note Date: 9/24/2023 12:26:36 PM
Urban Service Area

Sunnyvale's Sphere of Influence (SOI) encompasses 24.11 square miles. The city's existing SOI boundary is largely coterminous with the city limits; however, the northwestern portion of the city's SOI extends outside of the city limits to include approximately half of Moffett Field. The City of Sunnyvale is substantially bounded by the cities that almost entirely surround it, which minimizes options for any future SOI changes. The city's SOI was last reviewed in 2015 and was reaffirmed without change at that time.

Figure 196: City of Sunnyvale



Type & Extent of Services

Services Provided

The Sunnyvale Bureau of Fire Services provides a full range of services for its residents. Sunnyvale provides BLS first response and does not provide ambulance transport, including the ability to provide ambulance transport when the system demand is excessive. The following figure represents each of the services and the level performed.

Figure 197: Overview of Services Provided

Service	Y/N	Level
Fire Suppression	Yes	
Wildland Fire Suppression	Yes	Structural Engine based suppression (Type 1)
Statewide Mobilization	Yes	Available for Cal OES statewide mobilization
EMS First Response	Yes	Basic Life Support
Ambulance Transport	No	
Specialized/Technical Rescue	Yes	
HazMat Response	Yes	<u>Type 2</u>
Fire Inspection/Code Enforcement	Yes	<u>Type 2</u>
Plan Reviews	Yes	
Public Education/Prevention	Yes	
Fire & Arson Investigation	Yes	

Service Area

Sunnyvale is a municipal multiple discipline public safety department that provides fire and police services, with fire services as a division of the department. The department is statutorily responsible for fire and emergency services within the city limits.

Collaboration

- Participant in the countywide Mutual Aid Agreement
- Sunnyvale collaborates with Santa Clara County Fire and Gilroy Fire other fire agencies within Santa Clara County in cost sharing for to hold a Joint Fire Academy which is generally held twice a year. Sunnyvale is the host and manages the academy.
- Agreement with the County of Santa Clara EMS Agency authorizing Sunnyvale to provide ALS response and transport within the County should Sunnyvale desire to provide this level of service.

Joint Powers Agreements (JPAs)

- Joint Powers Agreement for the Silicon Valley Regional Interoperability Authority to facilitate interoperability projects through joint purchasing and contracting.

Contracts to provide services to other agencies

- None identified.

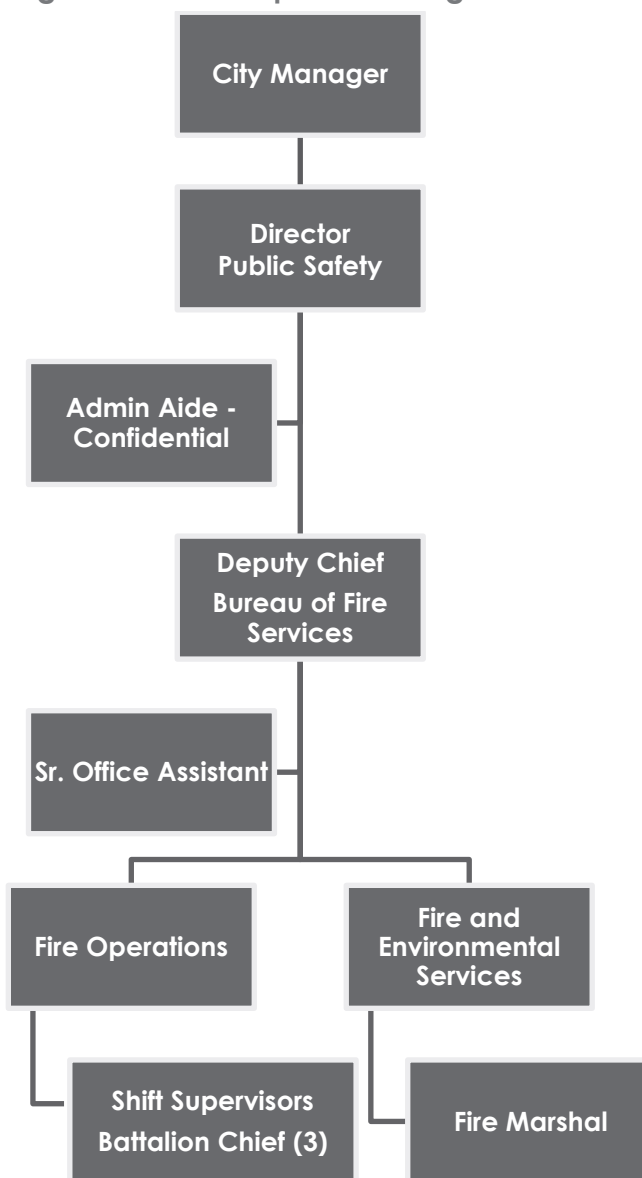
Contracts for Service to other agencies

- None identified

Governance & Administration

The City of Sunnyvale functions under the Council-Manager form of government. The City Council, made up of six members plus the Mayor, is the governing body and are elected directly by the voters. The Council appoints the City Manager to whom the Director of Public Safety reports.

Figure 198: Fire Department Organizational Chart



Accountability for Community Services—Transparency

The following figure identifies the efforts to meet state laws designed to ensure transparency and accountability.

Figure 199: Transparency and Accountability

Transparency and Accountability	Available
Agency website ⁷²	Yes
Adopted budget available on website	Yes
Notice of public meetings provided	Yes
Agendas posted on website ⁷³	Yes
Public meetings are live streamed	Yes
Minutes and/or recordings of public meetings available on website	Yes
Master Plan (fire service specific) available on website	No
Strategic Plan (fire service specific) available on website	No
Community Risk Assessment and Standards of Cover documents available on website	No
SOC performance reports available on website	No
Efforts to engage and educate the public on the services to the community	Yes
Staff and governing board member ethics training and economic interest reporting completed	Yes
Compliance with financial document compilation, adoption, and reporting requirements	Yes
Adherence to open meeting requirements	Yes

Efforts to engage and educate the public on the fire and emergency services available to the community consist of participation in local events, a social media presence on Twitter, access to fire department planning documents on the city website, events and classes hosted by Sunnyvale emergency response volunteers with sign-ups available on an Eventbrite portal, and other educational programs focused on fire prevention and emergency preparedness.

⁷² As of January 1, 2020, independent special districts are required to maintain websites according to Government Code Sections 6270.6 and 53087.8 to provide the public easily accessible and accurate information about the district. Government Code Section 53087.8 lists what must be included on the website.

⁷³ Government Code §54954.2.

In addition to meeting the state laws, the city makes efforts to ensure financial transparency through its website which includes budgets, audited financial reports and archived records. The city's website also allows for online bill payments, permit applications, newsletter sign up, links to its social media sites, and access to various contact information where the public can leave compliments or complaints. The city abides by Assembly Bill 2257 (Government Code §54954.2) which updated the Brown Act with new requirements governing the location, platform and methods by which an agenda must be accessible on the agency's website for all meetings occurring on or after January 1, 2019.

Land Use & Population Projections

Land Use

The City of Sunnyvale adopted a system of zoning property to guide future development. The city's General Plan, now called *Horizon 2035*, was adopted in 2021 and provides a vision for the community over the next 20 years. The Plan anticipates an increase in population, changing demographics, and the need for newer buildings and homes. It's updated land use section addresses what the city wants to preserve, creation of the new Village Centers (mixed-use), transform existing office and industrial and designated residential areas to manage anticipated growth. A breakdown of land use categories is shown in the following figure.

Figure 200: Existing Land Use Percentages⁷⁴

Land Use Categories	% of Total Area
Residential	54.9
Office/Industrial	22.2
Retail/Service	6.2
City parks and open space	7.4
Vacant	3.2
Other	6.1

Current Population

Based on information from the 2020 U.S. Census, the population in the City of Sunnyvale is estimated at 155,805.

⁷⁴ City of Sunnyvale 2010–2035 General Plan.

Projected Population

The Association of Bay Area Governments (ABAG) has most recently developed population projections at the Superdistrict level for Santa Clara County. Population projections at the city-level are not yet available. Sunnyvale is in Superdistrict 9, projected to have a cumulative growth rate of 82% between 2020 and 2035, or 4.07% annually. The growth rate between 2035 and 2050 is expected to reduce to 39% cumulatively, or 2.22% annually.

Disadvantaged Unincorporated Community (DUC)

A DUC is an inhabited territory that constitutes all or a portion of a community with an annual median household income that is less than 80% of the statewide annual median household income (i.e., \$60,188).⁷⁵ LAFCO is required to identify the location and characteristics of any DUCs in the Service Review and SOI update process.⁷⁶

There are no DUCs in the City of Sunnyvale.

Financing

This study will focus on receipts and disbursements within the City of Sunnyvale's General Fund (GF) and will consider the impact of revenues from other funds that are pertinent to fire and Emergency Medical Services (EMS).

The city prepares an annual operating budget and updates the related Capital Improvement Plan based on a July through June fiscal year. ¹ Budget preparations for the subsequent year typically begin in October with the recommended Budget released at the beginning of May. ² Budget preparations for the subsequent year typically begin in mid-December with a presentation to the Finance Committee in April. After several reviews, discussions, and public hearings, the proposed budget is adopted by the Sunnyvale City Council in June.

General Fund Recurring Revenues and Expenses

City staff provided a significant amount of information that was reviewed to develop a financial trend analysis for the five-year ³ period, from fiscal year 2018 through fiscal year 2022. This review of GF revenues showed that ⁴ revenues increased from \$207,403,000 in FY 2018 to \$234,732,000 in FY 2022, a 13.1% overall increase. Included in these revenues in FY 2021 and FY 2022 are federal stimulus funds of \$14.1 million each year.

⁵ \$207,403,000 in FY 2018 to \$234,732,000 in FY 2022, a 13.1% overall increase, or an annualized increase of approximately 3.3%. ⁶

⁷⁵ Government Code §56033.5.

⁷⁶ Government Codes §56425(e)(5) and §56430(2).

 Number: 1 Author: Randall Subject: Highlight Date: 9/27/2023 2:14:46 PM

 Number: 2 Author: fsilva Subject: Cross-Out Date: 9/20/2023 5:17:32 PM


Budget preparations for the subsequent year typically begin in October with the Recommended Budget released at the beginning of May. There is signifiant review and several public hearings held, including an all day Budget Workshop in mid-May, before adoption by City Council in June.

 Author: danvp Subject: Sticky Note Date: 9/24/2023 12:27:50 PM
Revised the document

 Number: 3 Author: fsilva Subject: Sticky Note Date: 9/27/2023 2:52:56 PM

We would need to do a separate calculation for this sentence as stated. As written it is untrue.

 Number: 4 Author: Randall Subject: Highlight Date: 9/27/2023 2:53:01 PM

 Number: 5 Author: fsilva Subject: Cross-Out Date: 9/20/2023 6:19:05 PM

 Number: 6 Author: fsilva Subject: Sticky Note Date: 9/20/2023 6:20:23 PM

Property tax revenues are the most significant source of GF revenues, followed by sales tax revenues. Combined, these two sources account for over 50% of GF revenues. Other sources of revenue include charges for services, contributions in-lieu, interest and rents, intergovernmental, and other sources. A significant increase in intergovernmental revenues ³ ~~is expected~~ ² was received in FY 2021 and FY 2022 as a result of federal stimulus funding of approximately \$14.1 million each year. ¹


The GF expends funds for general government services. These include the City Manager, City Attorney, Community Development, Human Resources, Finance, Public Works, Library and Community Services, Public Safety Department, Environmental Services, Debt Service, and Capital Outlay.

The COVID-19 pandemic had a significant negative impact on the FY 2020 and FY 2021 GF sales tax and transient occupancy tax revenue streams. The FY 2020 and FY 2022 GF deficits were provided by a drawdown of operating reserves.

Figure 201: City of Sunnyvale Summarized General Fund Revenues and Expenditures, FY 2018–FY 2022


Revenue/Expenditures	FY 2018 (Actual)	FY 2019 (Actual)	FY 2020 (Actual)	FY 2021 (Actual)	FY 2022 (Budget)
Revenue	207,403,434	210,753,941	197,073,210	211,983,620	⁵ 202,411,320
Expenditures	201,812,306	219,204,049	198,426,292	191,210,451	⁶ 206,624,730
Surplus (Deficit)	5,591,128	(8,450,108)	(1,353,082)	20,773,169	⁷ (4,213,410)
Ending Fund Balance	131,637,955	123,187,847	121,834,765	142,607,934	⁸ 87,378,646

The following figure highlights revenues and expenditures, showing how the pandemic and other stresses have impacted the economic conditions of the city and surrounding area.

 Number: 1 Author: fsilva Subject: Sticky Note Date: 9/20/2023 5:09:11 PM
FYI - federal stimulus was received in both FY 21 & 22 at \$14.1M each year

 Number: 2 Author: Randall Subject: Highlight Date: 9/27/2023 2:59:20 PM

 Number: 3 Author: Randall Subject: Cross-Out Date: 9/27/2023 2:54:42 PM

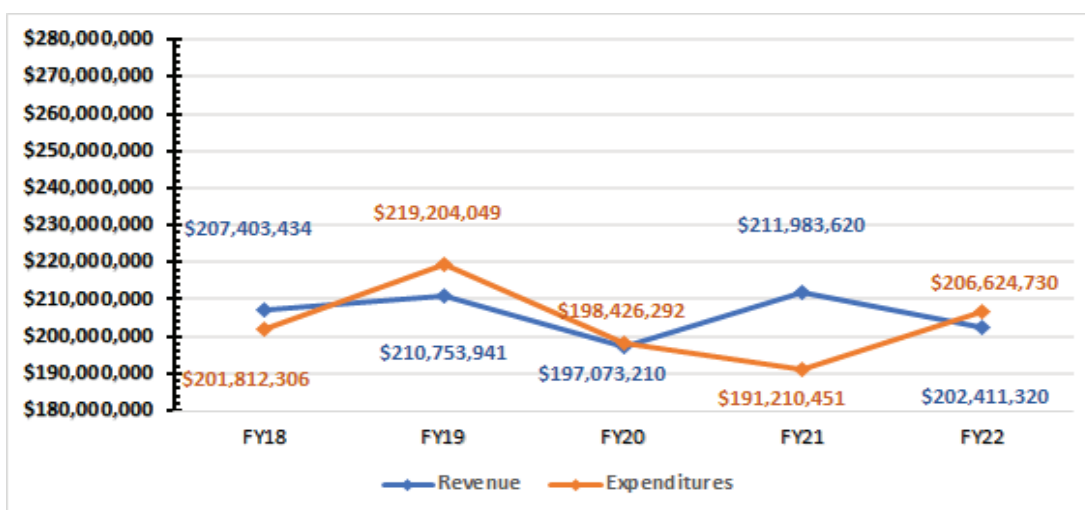
 Number: 4 Author: fsilva Subject: Sticky Note Date: 9/20/2023 5:29:25 PM
Adopted Budget GF revenue: \$202,411,320 and exp: \$206,624,730; deficit (\$4,213,410) and ending fund balance \$87,378,646

 Number: 5 Author: Randall Subject: Highlight Date: 9/27/2023 3:18:49 PM

 Number: 6 Author: Randall Subject: Highlight Date: 9/27/2023 3:18:54 PM

 Number: 7 Author: Randall Subject: Highlight Date: 9/27/2023 3:19:27 PM

 Number: 8 Author: Randall Subject: Highlight Date: 9/27/2023 3:19:33 PM

Figure 202: Summarized Historical General Fund Revenues and Expenditures

The City Council established Budget Reserve Policies that have allowed Sunnyvale to weather economic and COVID-19 pandemic events without a substantial decline in city services. Through conservative budgeting policies and spending practices, the City of Sunnyvale has maintained adequate GF balances and reserves.

Sunnyvale Department of Public Safety

Fire protection to the community is provided by the Sunnyvale Department of Public Safety whose employees are cross-trained/certified fire and police officers and operate through nine separate programs: Police Services, Fire Services, Community Safety Services, Personnel and Training Services, Investigation Services, Communication Services, Public Safety Administrative Services, Records Management and Property Services, and Fire Prevention and Hazardous Materials Services.

Salaries and benefits were approximately 77% of the total Sunnyvale expenditures in FY 2022, of which 13% was for payments into the CalPERS pension system. The city has incurred a significant unfunded actuarial liability (UAL) balance which is being addressed through its long-term financial planning process.

 Number: 1 Author: fsilva Subject: Sticky Note Date: 9/27/2023 3:24:22 PM
curious where this came from?

 Author: Randall Subject: Sticky Note Date: 9/27/2023 3:24:46 PM
A calculation I made


 Author: Randall Subject: Sticky Note Date: 9/27/2023 3:34:14 PM
The CALPERS report for the City of Sunnyvale

Figure 203: Sunnyvale Expenditures Related to Fire Protection, FY 2019–FY 2022

Revenue/Expenses	FY 2019 (Actual)	FY 2020 (Actual)	FY 2021 (Actual)	FY 2022 (Budget)
Expenses by Program				
Management	21,117,142	20,496,244	3,730,939	3,810,896
Field Operations	13,527,528	15,465,484	26,260,479	25,159,337
Prevention and Hazardous Materials	1,711,883	2,984,401	2,444,346	3,515,701
Total Operating Expenses	36,356,553	38,946,129	32,435,764	32,485,934

Financial Projections

City of Sunnyvale





City staff has prepared long-term financial projections to identify and anticipate funding available for operations and capital projects. These projections indicate steady growth in several revenue categories over the next 10 years as the economy recovers from the effects of the pandemic and other economic stresses. Growth in expenditures will slightly outpace the growth in revenues, which will reduce the operating reserve balance over the next five-year period. The following figure summarizes the projected growth in GF revenues and expenditures between FY 2023 and FY 2027.

Figure 204: Sunnyvale Summarized Projected General Fund Revenues and Expenditures

Revenue/Expenses	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
Revenue	218,299,456	220,620,616	226,234,069	233,176,849	240,441,239
Expenditures	219,371,913	225,538,508	227,822,038	236,071,207	241,849,386
Net Surplus	(1,072,457)	(4,917,892)	(1,587,969)	(2,894,358)	(1,408,147)
Beginning Fund Balance	115,793,455	114,720,998	109,803,106	108,215,137	105,320,779
Ending Fund Balance	114,720,998	109,803,106	108,215,137	105,320,779	103,912,632

Sunnyvale Department of Public Safety

² Projected ¹ expenditures of Sunnyvale will be constrained by the revenue streams of the city and by the ³ funds generated from the revenues for the services that Sunnyvale provides to the community. ⁴ Significant service level enhancements or additions will be constrained by the limited growth anticipated from the City's revenue streams, such as taxes and service fees.

	Number: 1 Author: fsilva	Subject: Cross-Out	Date: 9/20/2023 6:13:41 PM
Significant service level enhancements or additions will be constrained by the limited growth anticipated from the City's revenue streams, such as taxes and service fees.			
	Number: 2 Author: fsilva	Subject: Cross-Out	Date: 9/20/2023 6:12:13 PM
	Number: 3 Author: fsilva	Subject: Cross-Out	Date: 9/20/2023 6:12:14 PM
	Number: 4 Author: Randall	Subject: Highlight	Date: 9/27/2023 3:28:10 PM

Capital Planning

¹ As part of its twenty-year financial planning process, the City updates its long-term Projects Budget every other year to identify infrastructure repair, rehabilitation, and replacement projects. ² The city prepares a Long Range Capital Improvements Budget to identify infrastructure and other improvement and replacement projects. ³ The funding for the program is limited due to operating deficits and minimal expected operating deficits. The plan identifies facilities, including fire stations, to be replaced or renovated and fire apparatus to be replaced. ⁴ In certain circumstances, a project may be delayed due to insufficient funding. ⁵ The City applies a broad prioritization framework that focuses on preserving existing assets given limited resources. Critical unfunded or underfunded capital needs are also included in the Projects Budget as a priority for potential funding and to allow for a focused approach to capital investment.

Demand for Services and Performance


Sunnyvale is an urban system that provides aid services to other communities when

Agency	Avg. Annual Incident Vol.	Incidents per 1,000 Population	90th Percentile Total Time
Sunnyvale	8,894	62	8:26

Figure 205: Sunnyvale Overview

Each incident was grouped into the main categories following the National Fire Incident Reporting System's (NFIRS) coding system. Incidents utilizing only computer-aided dispatch (CAD) data were grouped into a similar category utilizing the final incident type field provided. For the simple counts, the state NFIRS data was used which included the NFIRS categories. However, four months were not reported to the state by Sunnyvale. July through August 2019 and October through November 2021 were counted using the CAD data. The Sunnyvale -medical and rescue calls, classified in the "300" category of NFIRS, accounted for most of the incident types. These incidents accounted for over 69% of the incident volume. This proportion of incidents as medical calls is similar to most fire service agencies nationwide. The following figure shows the total number of incident types between January 1, 2018, and June 30, 2022, as a percentage of the number of incidents.

 Number: 1 Author: Randall Subject: Highlight Date: 9/27/2023 3:29:01 PM

 Number: 2 Author: fsilva Subject: Cross-Out Date: 9/20/2023 6:02:09 PM

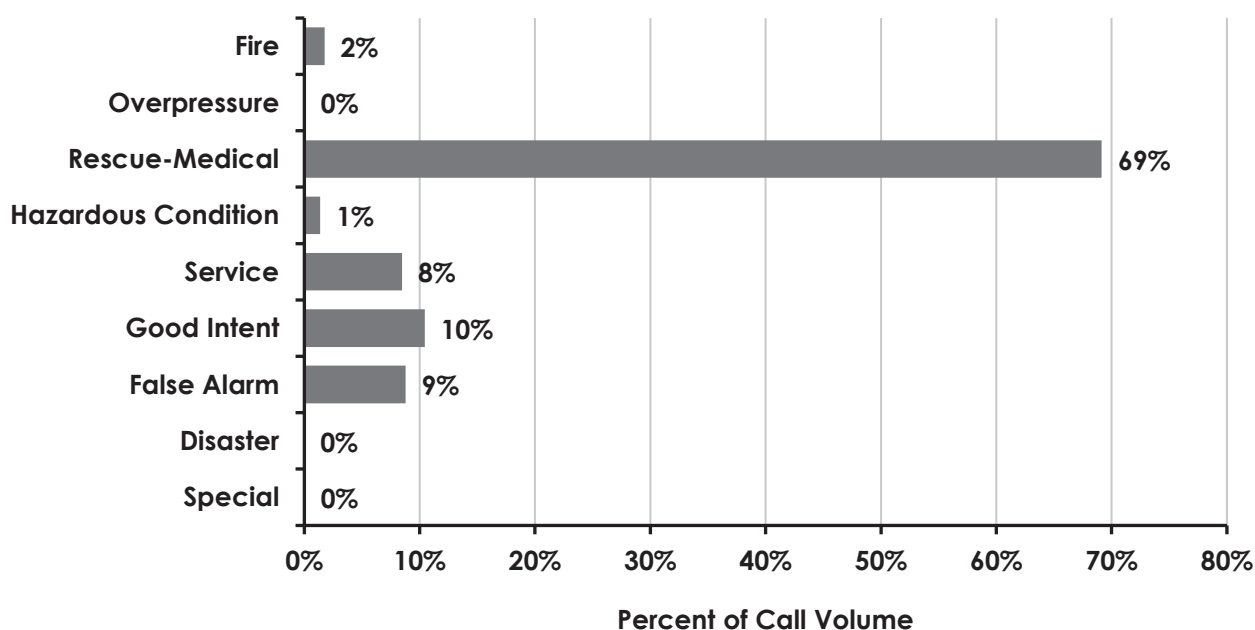
As part of its twenty-year financial planning process, the City updates its long-term Projects Budget every other year to identify infrastructure repair, rehabilitation, and replacement projects. The City applies a broad prioritization framework that focuses on preserving existing assets given limited resources.

 Number: 3 Author: fsilva Subject: Cross-Out Date: 9/20/2023 6:02:59 PM

 Number: 4 Author: fsilva Subject: Cross-Out Date: 9/20/2023 6:06:47 PM

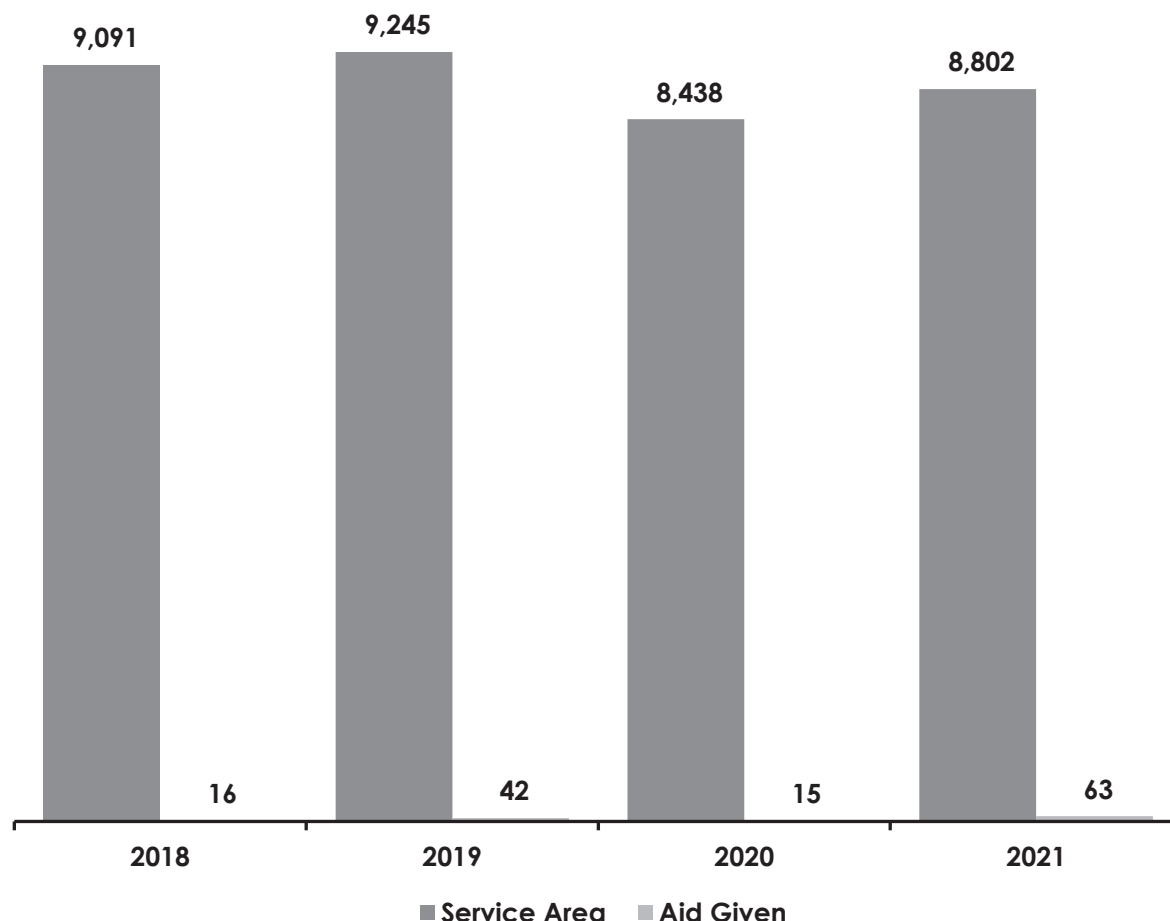
Critical unfunded or underfunded capital needs are also included in the Projects Budget as a priority for potential funding and to allow for a focused approach to capital investment.

 Number: 5 Author: Randall Subject: Highlight Date: 9/27/2023 3:29:38 PM

Figure 206: Total Incident Responses by Type as a Percentage

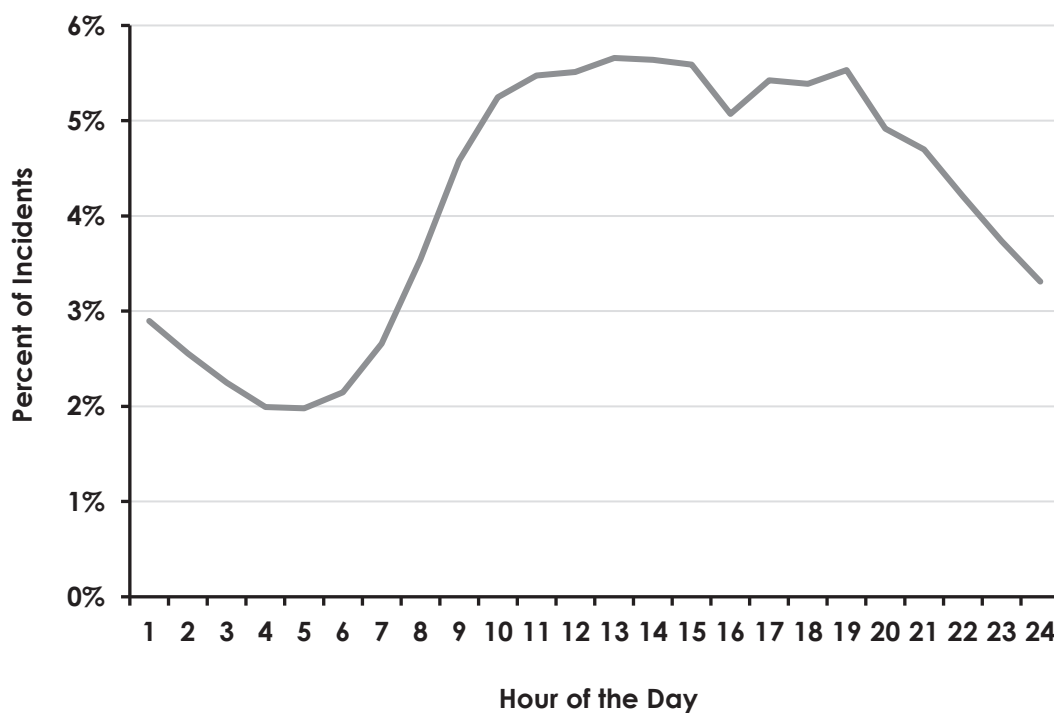
Typically, an analysis of incidents by year can yield a trend or indicate what call volume might look like in the next few years. Unfortunately, due to the COVID-19 pandemic and subsequent social and economic constraints, this is difficult with this data set. As a result, a trend was not easily spotted or extrapolated. It appears that Sunnyvale response numbers are continuing to decrease below 2018 levels, with 2022 on track to break 6,500 calls. The following figure shows the annual incident volume by year. Aid given includes mutual and automatic aid types provided to neighboring agencies.

Figure 207: Annual Incident Volume by Year

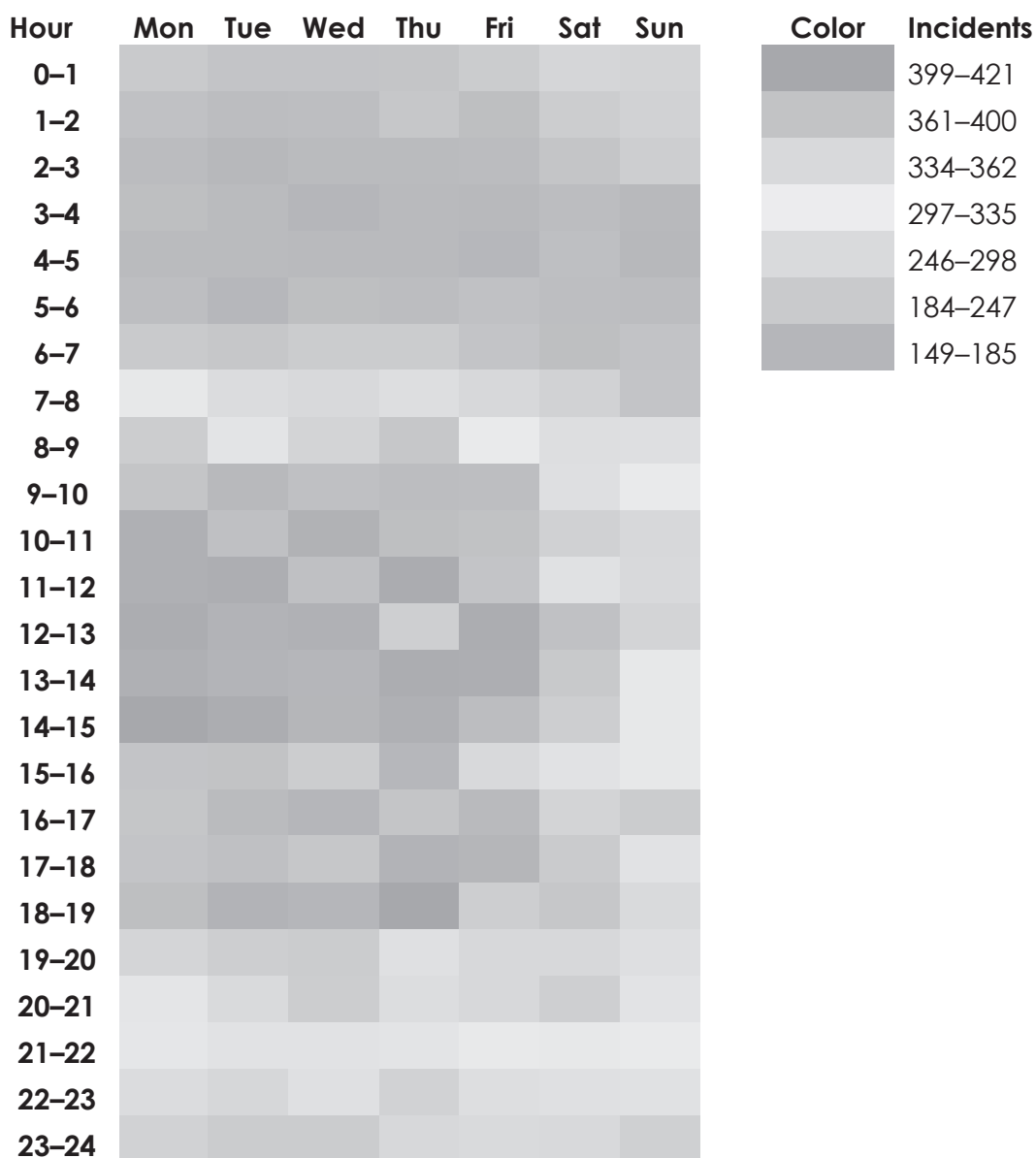


A temporal study indicated very little seasonality in the response data. Incident volume variation by month was not a significant factor. The variation is less than plus or minus 1% and does not appear defined enough to affect overall service demand and delivery.

A study of demand by hour shows that Sunnyvale, like many fire agencies, sees a significant variation by the hour. In fact, over 69% of all incidents happen between 8:00 a.m. and 8:00 p.m. The following figure shows the general difference of the complete incident data set by hour.

Figure 208: Incident Percentage by Hour

The average daily swing is typical and likely due to the number of awake and active people. However, the day-to-day variation in this information does play a part. The following figure is the incident heat map by the hour and day of the week.

Figure 209: Day and Hour Incident Heat Map

The preceding figure indicates the overall evaluation does not vary greatly throughout the week. Each weekday is relatively consistent, and the evening hours remain moderately active, with a significant drop after midnight. Sunday was the least busy day across all hours, and the incidents started later and ended earlier. Saturday was similarly less busy, but incidents continued later.

Emergency Response Performance

The performance of the Sunnyvale response was also evaluated. The performance times are calculated using only emergent responses or high-priority incidents where units responded with lights and sirens. The 90th percentile is typically used in the fire service and is considered the standard for measuring incident response performance. In addition, only those incidents within the city boundary are evaluated.

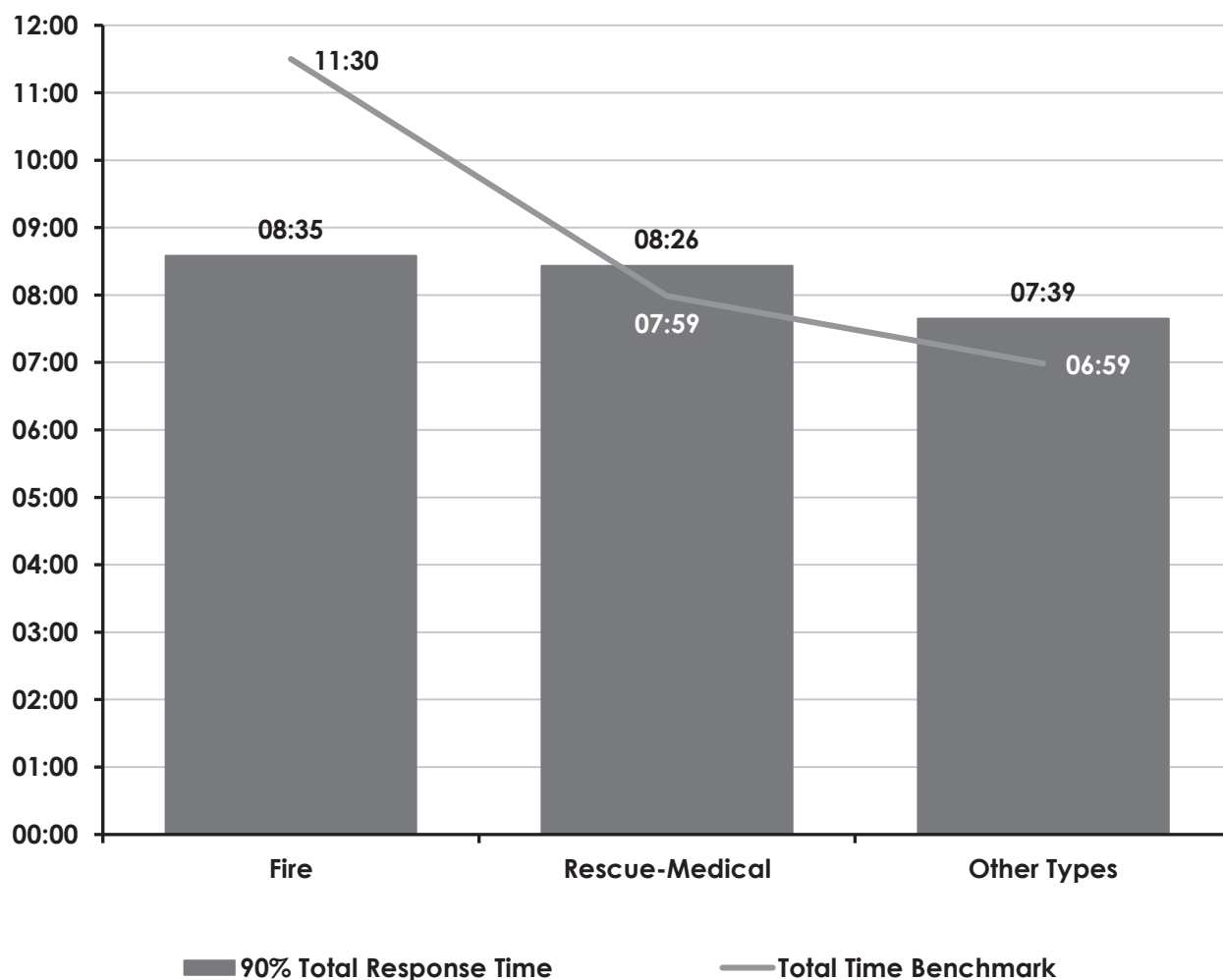
Three unique time segments are included when evaluating an agency's response performance. The first is the time it takes for the dispatcher to answer the 911 call and notify the agency (call processing); the second is the time it takes for the agency to receive the call and go en route to the call (turnout time); and third is the time it takes for the unit to drive to the incident (travel time). All three segments combined make up the **total response time**. For this evaluation, the unit type was not discriminated against, and the first arriving unit was used to determine the total response time.

Sunnyvale indicated an adopted response time standard of 7 minutes, 59 seconds (7:59) for medical incidents, 11 minutes, 30 seconds (11:30) for fire incidents, and 6 minutes, 59 seconds for hazardous incidents for emergency incidents. These three standards are measured at the 90th percentile. ~~However, Sunnyvale did not define if the goal was a fractal, average, or an absolute less than number. To ensure consistency with the other agencies in this study, the times were evaluated at the 90th percentile.~~ The overall total response time performance for Sunnyvale was 8 minutes, 26 seconds (8:26) or less 90% of the time. The following figure shows the adopted standards compared to the performance of Sunnyvale.

Figure 210: Adopted Standard vs. Actual Total Response Time Performance

Standard	1/2018–6/2022 Performance
EMS, 7:59	8:26 or less, 90% of the time
Fire, 11:30	8:35 or less, 90% of the time
Hazard, 6:59	7:39 or less, 90% of the time

Each call type may contain variables. For example, questioning the caller to get appropriate information may take more or less time. In addition, it may take longer for crews to respond depending on the personal protective equipment to be worn, which varies with the type of incident. The following figure shows the **total response time** performance for each of the major incident types for all emergent incidents within the data set.

Figure 211: Emergent Incidents 90th Percentile Total Response Times, Jan 2018–Jun 2022

The final analysis looked at the unit usage for all apparatus within the system. This analysis considered three dimensions. The first is the unit hour utilization (UHU). This number represents the time a unit was committed to an incident as a percentage of the total time they were on duty. The next is the average time a unit was committed to an incident. And finally, the average number of incidents a unit was deployed daily.

In addition to the nine primary engines, three trucks, one rescue, and one battalion chief, Sunnyvale had data for three additional engines. These were not identified by the agency and may be a unit that is no longer in service, a reserve unit, or some other type of unit not normally used by the agency. Because it was not clear which crew would staff E242, E243, and E245, the number of incidents and times for all three apparatus are included. The following figure shows the general statistics for each frontline unit within the Sunnyvale system.

Figure 212: Sunnyvale PSD Unit Usage

Unit	Unit Hour Utilization (UHU)	Avg. Time per Incident	Avg. Incidents Per Day
E41	3.4%	21 Minutes	2.4
E241	5.4%	19 Minutes	4.1
E42	5.6%	18 Minutes	4.5
T42	3.6%	18 Minutes	2.9
R42	0.7%	24 Minutes	0.4
B42	2.0%	16 Minutes	1.8
E43	4.9%	18 Minutes	4.0
T43	2.1%	19 Minutes	1.6
E44	4.0%	21 Minutes	2.8
E244	7.7%	19 Minutes	5.8
E45	3.6%	19 Minutes	2.7
T45	2.0%	21 Minutes	1.4
E46	2.2%	21 Minutes	1.5
E246	4.1%	21 Minutes	2.8
E242	0.1%	17 Minutes	0.1
E243	3.1%	17 Minutes	2.7
E245	0.3%	19 Minutes	0.2

Staffing

Sunnyvale operates a Public Safety model with one Chief for both Police and Fire. The Fire Services are led by a Deputy Chief. Emergency Response consists of fire apparatus staffed by two personnel, supplemented by Police patrol personnel who are trained in fire and Basic Life Services (BLS) response.

The following figure shows the total number of personnel assigned to the Fire Division.

Figure 213: Staffing

Assignment	Staffing
Uniformed Administration	3
Non-Uniformed Administration	3
Fire Prevention	10
Operations Staff	94
Emergency Communications	0
Volunteers, Reserve, On Call	0
Total Personnel	110

The following figure shows the daily operational staffing at each station and on each unit in the station. Operations staff have three shifts each working a 24/48 schedule (24 hours on and 48 hours off).

Figure 214: Daily Operational Staffing


Station	Daily Staffing	Unit Staffing
1	4	Engine (2), Engine (2)
2	6	Engine (2), Truck (2), Heavy Rescue (1), Command (1)
3	4	Engine (2), Truck (2)
4	4	Engine (2), Engine (2)
5	4	Engine (2), Truck (2)
6	4	Engine (2), Engine (2)
Total	26	Supplemented by Police Patrol Officers responding

Facilities & Apparatus

Sunnyvale Fire Stations

The following figure outlines the basic features of each of Sunnyvale's fire stations. The condition of each station is rated based on the criteria identified in the introduction to this section of the report.

Figure 215: Sunnyvale Fire Stations

Station Name/Number:		Sunnyvale Station 1				
Address/Physical Location:		171 N. Mathilda Ave, Sunnyvale, CA				
		General Description:			This 62-year-old station does not meet the needs of a modern fire station.	
Structure						
Date of Original Construction		1960				
Seismic Protection		No				
Condition (from rating sheet)		Poor				
Number of Apparatus Bays		Drive-through Bays	2	Back-in Bays	1	
Length of each Apparatus Bay		77 feet drive through and 44 foot back-in				
Facilities Available						
Sleeping Quarters		5	Bedrooms	5	Beds	Dorm Beds
Current daily staffing		4				
Maximum staffing capability		5				
Kitchen Facilities		1				
Bathroom/Shower Facilities		Yes				
Assigned Apparatus/Vehicles						
CAD Identifier	Minimum Unit Staffing*	Apparatus/Vehicle Type—Comments				
E-41	2	Type 1 Engine				
T-241	2	Type 1 Engine				
Total Daily Staffing:		4				

*Cross-staffed (CS)

Station Name/Number:	Sunnyvale Station 2
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Address/Physical Location:	795 E. Arques Ave, Sunnyvale, CA
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**General Description:**

This 62-year-old station does not meet the needs of a modern fire station. The city's capital projects budget shows replacing this station in the 2022–2023 budget year.

Structure

Date of Original Construction	1960
-------------------------------	------

Seismic Protection	No
--------------------	----

Condition (from rating sheet)	Poor
-------------------------------	------

Number of Apparatus Bays	Drive-through Bays	2	Back-in Bays	1
--------------------------	--------------------	---	--------------	---

Length of each Apparatus Bay	67 feet drive through and 44 foot back-in
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Facilities Available

Sleeping Quarters	8	Bedrooms	8	Beds	0	Dorm Beds
-------------------	---	----------	---	------	---	-----------

Current daily staffing	6
------------------------	---

Maximum staffing capability	8
-----------------------------	---

Kitchen Facilities	1
--------------------	---

Bathroom/Shower Facilities	Yes
----------------------------	-----

Assigned Apparatus/Vehicles

CAD Identifier	Minimum Unit Staffing*	Apparatus/Vehicle Type—Comments
----------------	------------------------	---------------------------------

E-42	2	Type 1 Engine
------	---	---------------


T-42	2	Truck
------	---	-------

R-42	1	Heavy rescue
------	---	--------------


B-42	1	Command vehicle
------	---	-----------------

Total Daily Staffing:	6	
------------------------------	---	--


*Cross-staffed (CS)

Station Name/Number:	Sunnyvale Station 3				
Address/Physical Location:	910 Ticonderoga Dr, Sunnyvale, CA				
	General Description:				
	This 62-year-old station does not meet the needs of a modern fire station.				
Structure					
Date of Original Construction	1960				
Seismic Protection	No				
Condition (from rating sheet)	Poor				
Number of Apparatus Bays	Drive-through Bays	1	Back-in Bays	1	
Length of each Apparatus Bay	49 feet				
Facilities Available					
Sleeping Quarters	5	Bedrooms	5	Beds	Dorm Beds
Current daily staffing	4				
Maximum staffing capability	5				
Kitchen Facilities	1				
Bathroom/Shower Facilities	Yes				
Assigned Apparatus/Vehicles					
CAD Identifier	Minimum Unit Staffing*	Apparatus/Vehicle Type—Comments			
E-43	2	Type 1 Engine			
T-43	2	Truck			
Total Daily Staffing:	4				

*Cross-staffed (CS)

Station Name/Number:	Sunnyvale Station 4				
Address/Physical Location:	996 S. Wolfe Rd, Sunnyvale, CA				
	General Description: This 62-year-old station does not meet the needs of a modern fire station.				
Structure					
Date of Original Construction	1960				
Seismic Protection	No				
Condition (from rating sheet)	Poor				
Number of Apparatus Bays	Drive-through Bays	1	Back-in Bays	1	
Length of each Apparatus Bay	49 feet				
Facilities Available					
Sleeping Quarters	5	Bedrooms	5	Beds	Dorm Beds
Current daily staffing	4				
Maximum staffing capability	5				
Kitchen Facilities	1				
Bathroom/Shower Facilities	Yes				
Assigned Apparatus/Vehicles					
CAD Identifier	Minimum Unit Staffing*	Apparatus/Vehicle Type—Comments			
E-44	2	Type 1 Engine			
E-244	2	Type 1 Engine			
Total Daily Staffing:	4				

*Cross-staffed (CS)

Station Name/Number:	Sunnyvale Station 5				
Address/Physical Location:	1210 Bordeaux Dr, Sunnyvale, CA				
	General Description: This 6-year-old station does meet the needs of a modern fire station.				
Structure					
Date of Original Construction	2016				
Seismic Protection	Yes				
Condition (from rating sheet)	Excellent				
Number of Apparatus Bays	Drive-through Bays	3	Back-in Bays	0	
Length of each Apparatus Bay	70 feet				
Facilities Available					
Sleeping Quarters	6	Bedrooms	6	Beds	Dorm Beds
Current daily staffing	4				
Maximum staffing capability	6				
Kitchen Facilities	1				
Bathroom/Shower Facilities	Yes				
Assigned Apparatus/Vehicles					
CAD Identifier	Minimum Unit Staffing*	Apparatus/Vehicle Type—Comments			
E-45	2	Type 1 Engine			
T-45	2	Truck			
Total Daily Staffing:	4				

*Cross-staffed (CS)

Station Name/Number: Sunnyvale Station 6

Address/Physical Location: 1282 Lawrence Station Rd, Sunnyvale, CA



General Description:

This 62-year-old station does not meet the needs of a modern fire station.

Structure

Date of Original Construction 1960

Seismic Protection No

Condition (from rating sheet) Poor

Number of Apparatus Bays Drive-through Bays 1 Back-in Bays 1

Length of each Apparatus Bay 49 feet

Facilities Available

Sleeping Quarters 5 Bedrooms 5 Beds Dorm Beds

Current daily staffing 4

Maximum staffing capability 5

Kitchen Facilities 1

Bathroom/Shower Facilities Yes

Assigned Apparatus/Vehicles

CAD Identifier	Minimum Unit Staffing*	Apparatus/Vehicle Type—Comments
E-46	2	Type 1 Engine
E-246	2	Type 1 Engine
Total Daily Staffing:	4	

*Cross-staffed (CS)

Fire Stations Discussion

One Sunnyvale fire station was considered in "Excellent" condition. The remaining five fire stations were rated as "Poor." The expected lifespan of a fire station is usually 50 years, Sunnyvale's fire stations range from six to 62 years old, with an average age of 52 years. The following figure summarizes Sunnyvale's fire stations and their features.

Figure 216: Station Configuration and Condition

Station	Apparatus Bays	Staffing Capacity	General Condition	Station Age
Station 1	3	5	Poor	62 years
Station 2	3	8	Poor	62 years
Station 3	2	5	Poor	62 years
Station 4	2	5	Poor	62 years
Station 5	3	6	Excellent	6 years
Station 6	2	5	Poor	62 years
Totals/Average:	15	34		52 years average

Most Sunnyvale's fire stations are old and do not meet the requirements of modern firefighting. Because the firefighting environment has changed, the technology, equipment, and safety systems have also changed to meet new demands. However, older buildings do not typically have the space or engineering systems to meet that new environment. Modern living also requires much more access to electrical outlets than was expected in older buildings. The older Sunnyvale stations are no exception.

For example, older buildings do not meet the requirements due to the need to decontaminate personnel and equipment after many of the responses in the current firefighting context. Every crew member should have access to facilities to decontaminate immediately after a fire event, and showers should allow for gender separation. In addition, there needs to be enough partitioned space to allow for gear and equipment to be thoroughly washed and designed to control contamination in the living and working space of the station.

While all structures require routine maintenance, fire stations require even more due to the continuous occupancy by a minimum of three adults. Multiple departures and returns of heavy apparatus also affect these structures.

Facility Replacement

With five of Sunnyvale's six stations being over fifty years old, there should be a facility replacement plan in place. Sunnyvale's Capital Improvement Plan (CIP) states the following: "The advancement of fire service standards and continued population growth of the city establishes the recognition for the need to begin replacing or expanding older, smaller fire stations built in the 1960s. The current facilities are becoming functionally inadequate and driving the need for a master plan. The master plan's recommendations will be utilized to develop a project plan which will be brought forward for consideration during the next CIP budget cycle." At this time, there appears to be funding identified to replace Station 2 but there are only remodels listed for the remaining stations.

Ensuring the stations are in good repair also requires regular maintenance and scheduled replacement of specialized equipment. Plans for updating and repairing systems such as heating and air conditioning (HVAC), generators, roofs, driveways, parking areas, security gates, painting, carpet replacement, and small appliances can keep costs down and buildings in service longer. In addition, establishing a facility replacement and maintenance plan will enable the city to plan for ongoing service from each station more efficiently.

Status of Shared Facilities

Sunnyvale currently has no shared facilities with other fire agencies. Entering into "Boundary Drop" agreements with the use of Automatic Vehicle Location (AVL) technology to dispatch the closed best resource regardless of jurisdiction could help surrounding agencies provide more seamless service. Sunnyvale does participate in the county's Mutual Aid Plan.

Apparatus

The Deputy Chief of Fire Services reports that fire apparatus is on a fleet replacement schedule with a 15-year life span. While maintenance is accomplished through the city shop with certified fire mechanics, with assistance from outside vendors if needed. The Fire Chief reports that Sunnyvale is in the process of replacing four front line engines.

Apparatus was evaluated by agency staff based on age, miles/hours, service, condition, and reliability with the criteria available for reference in the introduction for this section of the report.

The following figures represent all apparatus and vehicles operated by Sunnyvale.

From: [Noel, Dunia](#)
To: [Abello, Emmanuel](#)
Subject: FW: [EXTERNAL] Fwd: LAFCO Fire Service Review
Date: Thursday, September 21, 2023 1:52:09 PM

From: Terence J. Szewczyk <terry@tscivil.com>
Sent: Monday, September 11, 2023 7:49 AM
To: Noel, Dunia <Dunia.Noel@ceo.sccgov.org>; Palacherla, Neelima <Neelima.Palacherla@ceo.sccgov.org>
Subject: [EXTERNAL] Fwd: LAFCO Fire Service Review

Dear LAFCO Fire Service Review

Someone at the SCCFD is being dishonest as there is no collaborative group of Fire Marshal in this County. Terry Szewczyk

----- Forwarded message -----

From: **Mike Bradley** <mike@pyroanalysis.com>
Date: Tue, Aug 1, 2023, 2:55 PM
Subject: RE: LAFCO Fire Service Review
To: Terence J. Szewczyk <terry@tscivil.com>, Shane Lauderdale <Shane@pyroanalysis.com>

Terry,

As per your request, I have conducted research to ascertain the existence of an official Santa Clara County Fire Marshals Association. After some investigation and consultation with relevant sources, I can inform you that I could not find any concrete evidence supporting the presence of such an association within Santa Clara County. The "association" seems to be a collaboration of some, not all, of the fire marshals in the county where they discuss fire code, plan compliance, etc.

In the LAFCO report, references were made to several associations, including the Santa Clara County City Managers Association and the Santa Clara Fire Chiefs Association. Again, I could not locate any verifiable information they are actual associations either. The only association that aligns with my knowledge and is recognized as a legitimate entity is the Association of Bay Area Governments (ABAG). ABAG is registered for tax purposes and has "articles of association".

Mike

Mike Bradley
Senior Partner

[530 408 9645](tel:5304089645)
mike@pyroanalysis.com
www.pyroanalysis.com
1095 Hilltop Drive, Ste. 200, Redding, CA
96003

From: [Terence J. Szewczyk](#)
Sent: Thursday, July 20, 2023 1:00 PM
To: [Shane Lauderdale](#); [Mike Bradley](#)
Subject: LAFCO Fire Service Review

Guys, There are references to the "SANTA CLARA COUNTY FIRE MARSHAL'S ASSOCIATION" in the consultant report and presentation.

I bet \$100 that there is no such active group with these people. If the problem is inconsistency with adopted codes from city to city I can see that in plan check on building etc. My stuff is an incompetent review on access and field operations. Please spend a couple more hours looking at the service review and see if you can find an active fire marshal's association.

Best regards, Terry
Terence J. Szewczyk. P.E.
TS/Civil Engineering, Inc
1776 Technology Drive
San Jose, CA 95110
[\(408\) 316-2696](tel:(408)316-2696) cell (BEST NUMBER)
[\(408\) 452-9300 ext 220](tel:(408)452-9300) office (RINGS THRU TO CELL)

From: [Noel, Dunia](#)
To: [Abello, Emmanuel](#)
Subject: FW: [EXTERNAL] Fwd: LAFCO Fire Service Review
Date: Thursday, September 21, 2023 1:51:34 PM
Attachments: [2B6AAD49218A4BCB82CCD50099615E64.png](#)
[230811 firefighter millionaires.pdf](#)
[230811 Firefighter Contributions to Joe Simitian.xlsx](#)
[230811 2013–2022 salaries for Santa Clara County Central Fire Protection District Tra.pdf](#)

From: Terence J. Szewczyk <terry@tscivil.com>
Sent: Friday, August 11, 2023 1:29 PM
To: Palacherla, Neelima <Neelima.Palacherla@ceo.sccgov.org>; Noel, Dunia <Dunia.Noel@ceo.sccgov.org>
Subject: [EXTERNAL] Fwd: LAFCO Fire Service Review

Hi LAFCO, Can you add this to the public comments?

- 1) There is no SCCFD Fire Marshal's Association, that's a flat-out lie. Ask for the membership and meeting schedule.
- 2) this overtime salary issue is pervasive in Santa Clara County also. Particularly crazy are the salaries of the upper management which are approaching \$600K annually.

Best regards, Terry
Terence J. Szewczyk. P.E.
TS/Civil Engineering, Inc
1776 Technology Drive
San Jose, CA 95110
[\(408\) 316-2696](tel:(408)316-2696) cell (BEST NUMBER)
[\(408\) 452-9300 ext 220](tel:(408)452-9300) office (RINGS THRU TO CELL)

----- Forwarded message -----

From: **Terence J. Szewczyk** <terry@tscivil.com>
Date: Wed, Aug 2, 2023 at 7:40 PM
Subject: Re: LAFCO Fire Service Review
To: Mike Bradley <mike@pyroanalysis.com>
Cc: Terence J. Szewczyk <terry@tscivil.com>, Shane Lauderdale <Shane@pyroanalysis.com>

Mike, Thanks I have passed this on to the District 5 Board Office and the LAFCO Executive Officer. Pretty soon I'm going to the California State Auditor.

Best regards, Terry
Terence J. Szewczyk. P.E.
TS/Civil Engineering, Inc
1776 Technology Drive
San Jose, CA 95110
[\(408\) 316-2696](tel:(408)316-2696) cell (BEST NUMBER)

On Tue, Aug 1, 2023 at 2:55 PM Mike Bradley <mike@pyroanalysis.com> wrote:

Terry,

As per your request, I have conducted research to ascertain the existence of an official Santa Clara County Fire Marshals Association. After some investigation and consultation with relevant sources, I can inform you that I could not find any concrete evidence supporting the presence of such an association within Santa Clara County. The “association” seems to be a collaboration of some, not all, of the fire marshals in the county where they discuss fire code, plan compliance, etc.

In the LAFCO report, references were made to several associations, including the Santa Clara County City Managers Association and the Santa Clara Fire Chiefs Association. Again, I could not locate any verifiable information they are actual associations either. The only association that aligns with my knowledge and is recognized as a legitimate entity is the Association of Bay Area Governments (ABAG). ABAG is registered for tax purposes and has “articles of association”.

Mike

Mike Bradley

Senior Partner



PYROANALYSIS

[530 408 9645](tel:5304089645)

mike@pyroanalysis.com

www.pyroanalysis.com

1095 Hilltop Drive, Ste. 200, Redding, CA
96003

From: [Terence J. Szewczyk](#)

Sent: Thursday, July 20, 2023 1:00 PM

To: [Shane Lauderdale](#); [Mike Bradley](#)

Subject: LAFCO Fire Service Review

Guys, There are references to the "SANTA CLARA COUNTY FIRE MARSHAL'S ASSOCIATION" in the consultant report and presentation.



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

777 North First Street
Suite 410
San Jose, CA 95112

SantaClaraLAFCO.org

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Jim Beall
Rosemary Kamei
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Helen Chapman
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Teresa O'Neill
Mark Turner

Executive Officer
Neelima Palacherla

ITEM # 6

LAFCO MEETING: October 4, 2023

TO: LAFCO

**FROM: Neelima Palacherla, Executive Officer
Mala Subramanian, Legal Counsel
Dunia Noel, Asst. Executive Officer**

**SUBJECT: STUDY SESSION: LAFCO LAW – THE CORTESE-KNOX-
HERTZBERG LOCAL GOVERNMENT REORGANIZATION
ACT OF 2000**

PRESENTATION BY LAFCO COUNSEL

From time to time, LAFCO holds study sessions to provide pertinent information to commissioners on subjects of great importance to LAFCO and to allow commissioners to discuss and ask any questions on these subjects.

For example, at the February 1, 2023 LAFCO meeting, the Commission received an hour-long presentation from Don Weden, retired Principal Planner for the County of Santa Clara, on the history of LAFCO and the origins of the Urban Development Policy in Santa Clara County; how LAFCO and the Countywide Urban Development Policies have shaped Santa Clara County; and emerging trends, including challenges and opportunities for LAFCO.

LAFCOs are governed by and tasked with administering the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code §§ 56000 et seq.) (“CKH Act”). The CKH Act gives LAFCOs numerous powers and requires LAFCO to operate within a set of state-mandated parameters encouraging planned, well-ordered, efficient urban development patterns, the preservation of open-space lands, and the discouragement of urban sprawl. Further, the CKH Act establishes procedures for LAFCO review of local government changes of organization, including city incorporations, annexations to a city or special district, and city and special district consolidations.

Santa Clara LAFCO has special provisions within the CKH Act that reflect the long standing Countywide Urban Development policies adopted jointly by LAFCO, the County and the cities in Santa Clara County. Furthermore, the CKH Act is updated almost every year to address emerging issues, changing circumstances, and to clarify and improve the existing legislation.

It is important that the Commission have a good understanding of the various provisions in LAFCO law that are applicable to Santa Clara LAFCO. Mala Subramanian, LAFCO Counsel, will provide the Commission with a presentation on key provisions in the CKH Act as it relates to Santa Clara LAFCO. LAFCO staff will also be available to answer questions, as appropriate.



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Sylvia Arenas
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ITEM # 7

Alternate Commissioners

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

Executive Officer

Neelima Palacherla

LAFCO MEETING: October 4, 2023

TO: LAFCO

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

**SUBJECT: COMPREHENSIVE REVIEW AND UPDATE OF LAFCO
POLICIES**

STAFF RECOMMENDATION

1. Establish a LAFCO Ad-Hoc Committee comprising three commissioners, to assist LAFCO staff in conducting a comprehensive review and update of LAFCO Policies, for public review and comment, prior to the full commission's consideration and adoption.

BACKGROUND

Cortese Knox Hertzberg Act & LAFCO Policies

The Cortese Knox Hertzberg Local Government Reorganization Act of 2000 (CKH Act) requires that each LAFCO establish written policies and procedures and exercise its powers in a manner consistent with those policies and procedures and that encourages and provides planned, well-ordered, efficient urban development patterns with appropriate consideration of preserving open-space and agricultural lands within those patterns. (Government Code §56300.). In addition, the Commission has the power to adopt written procedures for the evaluation of proposals, including written definitions consistent with state law and may adopt standards for the factors enumerated in Government Code section 56668. (Government Code §56375(g).)

Consistent with the CKH Act, LAFCO has adopted written policies and procedures over the years as necessary. These policies are based on the CKH Act and reflect the unique circumstances and conditions in Santa Clara County. Since the early 1970s, LAFCO, the County, and the 15 cities have operated under a unique growth management framework, known as the "Countywide Urban Development Policies." These Policies established important mutual agreements between the cities, the County, and LAFCO regarding timing and location of urban development. These long-standing policies are the foundation for LAFCO policies, existing County General Plan policies, and many cities' policies.

Comprehensive Review and Update of LAFCO Policies

Over the years, LAFCO has reviewed, revised, and developed new policies as needed to provide further clarity on the Commission's practices and procedures. However, a comprehensive review of LAFCO's policies has been a goal for several years (repeatedly deferred due to competing workload demands and short staffing). In February 2020, LAFCO retained Bill Shoe, Consultant and former Principal Planner at the County of Santa Clara, for consulting services to assist with the comprehensive review and update of LAFCO policies. Mr. Shoe's contract called for him to, under the direction of the LAFCO Executive Officer, prepare revisions to make the existing policies and procedures more clear and understandable to local agencies, applicants, and the general public by:

- Augmenting language providing key background information and historical context, and explaining goals/intent/purpose of policies;
- Augmenting language explaining the long-standing mutual connections that exist between LAFCO policies, existing County General Plan policies, and the jointly adopted Countywide Urban Development Policies;
- Augmenting language to articulate the relationship between LAFCO's policies and relevant emerging issues, including climate change; and
- Improving the overall organization and structure of the policies and procedures.

LAFCO staff and Mr. Shoe then began working on the comprehensive review and update of LAFCO policies. On April 6, 2022, LAFCO reaffirmed the Countywide Urban Development Policies in order to comprehensively document their history and ongoing beneficial impacts. However, further work on the policies update was paused partly due to the application workload, increased demand for LAFCO services and staff's efforts to prioritize and meet the needs of the local agencies and the public, and staffing issues including the vacancy of an analyst position since January 2021, until recently.

Creation of a LAFCO Ad-Hoc Committee to Resume Work on the Comprehensive Review and Update of LAFCO Policies

LAFCO's current year work plan calls for it to conduct a comprehensive review and update of its policies to better document existing practice, increase clarity and transparency of LAFCO's expectations, better enable LAFCO to meet its legislative mandate, and make the policies more consistent with recent changes to the CKH Act.

It is recommended that the Commission establish a LAFCO Ad-Hoc Committee comprising three commissioners, to assist LAFCO staff in preparing a comprehensive update of LAFCO Policies, for public review and comment prior to the full commission's consideration and adoption of the policies. It is anticipated that the project will be completed over the period of a year.

NEXT STEPS

Once the LAFCO Ad-Hoc Committee is established, staff will prepare a draft project work plan and schedule for the Committee's consideration. The Commission will receive periodic updates on the Ad-Hoc Committee's progress, as the project moves forward.



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ITEM # 8

Alternate Commissioners

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Teresa O'Neill
Mark Turner

Executive Officer

Neelima Palacherla

LAFCO MEETING: October 4, 2023

TO: LAFCO

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

**SUBJECT: NEW SERVICES AGREEMENT BETWEEN LAFCO AND
COVIVE LLC FOR WEBSITE HOSTING AND MAINTENANCE
AND ADDITIONAL PAYMENT UNDER EXISTING
AGREEMENT**

STAFF RECOMMENDATION

1. Approve a new services agreement with Covive for website hosting and maintenance.
2. Authorize an additional \$800 to cover additional costs in the calendar year 2023 under the existing service agreement with Covive for website hosting and maintenance.

BACKGROUND

Covive LLC has successfully hosted and maintained the LAFCO website for nearly four years. Chad Upham, Principal at Covive LLC, redesigned and developed LAFCO's current website. Mr. Upham was part of a team of consultants that prepared LAFCO's award-winning Communications and Outreach Plan that resulted in the development of new communications and public engagement tools, including LAFCO's current website. Through this process, Mr. Upham gained a deep understanding of Santa Clara LAFCO and Santa Clara County and has consistently met LAFCO's website hosting and maintenance needs at a reasonable cost.

That contract and subsequent extension were executed under LAFCO Resolution No. 2019-03, delegating authority to the LAFCO Executive Officer for execution of any small contracts not to exceed \$5,000 in certain conditions. The current contract with Covive, which expires at the end of 2023, was for a two-year period and a not to exceed amount of \$5,000.

LAFCO has exceeded the \$5,000 amount under the current service agreement for the calendar year due to the completion of additional necessary website work as part of the Countywide Fire Service Review, and to a much smaller degree, as part of the celebration of LAFCO's 60th Anniversary.

Proposed New Services Agreement with Covive LLC

Staff recommends that the Commission enter into a new services agreement (**Attachment A**) with Covive LLC for ongoing website hosting and maintenance.

The proposed new services agreement is structured as an ongoing contract without a termination date and without a not to exceed amount. Compensation would be based on the scope of services and the rates presented in Exhibit “A” of the proposed service agreement, which remain the same (for calendar years 2024 and 2025) as under the current contract.

The LAFCO Budget for Fiscal Year 2023-2024 includes sufficient funding (under “Consultant Services”) for the currently anticipated services. Any significant additional expenditure would be discussed annually, as part LAFCO’s workplan and budget approval process.

ATTACHMENT

Attachment A:	Proposed Services Agreement between Santa Clara LAFCO and Covive LLC for Website Hosting and Maintenance
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**SERVICES AGREEMENT BETWEEN
THE LOCAL AGENCY FORMATION COMMISSION
OF SANTA CLARA COUNTY AND COVIVE LLC
FOR WEBSITE HOSTING AND MAINTENANCE**

This Agreement ("Agreement") is made effective October 4, 2023 by and between the Local Agency Formation Commission of Santa Clara County ("LAFCO") and Covive LLC ("Contractor") to provide consulting services for website hosting and maintenance;

WHEREAS, pursuant to the Cortese-Knox-Hertzberg Act, Government Code section 56000 et seq., LAFCO is an independent agency; and

WHEREAS, LAFCO needs assistance with the ongoing hosting and maintenance of its website; and

WHEREAS, Contractor has experience and expertise necessary to provide such services; and

THEREFORE, the parties agree as follows:

1. Nature of Services.

Contractor will provide to LAFCO website hosting and maintenance services as described in Exhibit A, which is attached hereto and incorporated herein by this reference.

2. Term of Agreement.

This Agreement is effective from the date of final execution and shall continue, unless terminated in accordance with Section 4.

3. Compensation.

A. Contractor will be compensated for services provided under this Agreement in accordance with the rate schedule included in Exhibit A, which is attached hereto and incorporated herein by this reference. Contractor will complete all the work and tasks described in Exhibit A. The Contractor shall be paid based on the rates indicated in Exhibit A.

B. Contractor will provide LAFCO with task-specific invoices based on estimated costs in Contractor's proposal, which shall be accompanied by a detailed summary of activities undertaken over the course of completing the task.

4. Termination.

A. Termination Without Cause. Either party may terminate this Agreement without cause by giving the other party thirty (30) days written notice.

B. Termination for Cause. LAFCO may terminate this Agreement for cause upon written notice to Contractor. For purposes of this Agreement, cause includes, but is not limited to, any of the following: (1) material breach of this Agreement by Contractor, (b) violation by Contractor of any applicable laws, (c) assignment by Contractor of this Agreement without the written consent of LAFCO pursuant to Section 13, or (d) failure to provide services in a satisfactory manner. Such notice shall specify the reason for termination and shall indicate the effective date of such termination.

C. In the event of termination, Contractor will deliver to LAFCO copies of all reports and other work performed by Contractor under this Agreement whether complete or incomplete, and upon receipt thereof, Contractor will be compensated based on the completion of services provided, as solely and reasonably determined by LAFCO.

5. Project Managers; Substitution

A. Contractor designates Chad Upham as the Contractor's Project Manager for the purpose of performing the services under this Agreement. Chad Upham will serve as day-to-day contact for LAFCO and work directly with staff.

B. LAFCO designates the LAFCO Executive Officer as its Project Manager for the purpose of managing the services performed under this Agreement.

C. Contractor may not substitute anyone other than Chad Upham to serve as Project Manager without the written permission of the LAFCO Executive Officer or her authorized representative. Any such substitution shall be with a person or firm of commensurate experience and knowledge necessary for the tasks to be undertaken.

6. Conflicts of Interest.

In accepting this Agreement, Contractor covenants that it presently has no interest, and will not acquire any interest, direct or indirect, financial, or otherwise, which would conflict in any manner or degree with the performance of the Services.

Contractor further covenants that, in the performance of this Agreement, it will not employ any contractor or person having such an interest.

7. Indemnification/Insurance.

Contractor's indemnification and insurance obligations with respect to this Agreement are set forth in Exhibit B, attached hereto and incorporated herein by this reference.

8. Compliance with all Laws.

Contractor shall, during the term of this contract, comply with all applicable federal, state, and local rules, regulations, and laws.

9. Maintenance of Records.

Contractor shall maintain financial records adequate to show that LAFCO funds paid under the contract were used for purposes consistent with the terms of the contract. These records shall be maintained during the term of this contract and for a period of three (3) years from termination of this contract or until all claims, if any, have been resolved, whichever period is longer, or longer if otherwise required under other provisions of this contract.

10. Nondiscrimination.

Contractor will comply with all applicable Federal, State, and local laws and regulations including Santa Clara County's equal opportunity requirements. Such laws include but are not limited to the following: Title VII of the Civil Rights Act of 1964 as amended; Americans with Disabilities Act of 1990; The Rehabilitation Act of 1973 (Sections 503 and 504); California Fair Employment and Housing Act (Government Code sections

12900 et seq.); California Labor Code sections 1101 and 1102. Contractor will not discriminate against any subcontractor, employee, or applicant for employment because of age, race, color, national origin, ancestry, religion, sex/gender, sexual orientation, mental disability, physical disability, medical condition, political beliefs, organizational affiliations, or marital status in the recruitment, selection for training including apprenticeship, hiring, employment, utilization, promotion, layoff, rates of pay or other forms of compensation. Nor will Contractor discriminate in provision of services provided under this contract because of age, race, color, national origin, ancestry, religion, sex/gender, sexual orientation, mental disability, physical disability, medical condition, political beliefs, organizational affiliations, or marital status.

11. Notices.

All notices required by this Agreement will be deemed given when in writing and delivered personally or deposited in the United States mail, postage prepaid, return receipt requested, addressed to the other party at the address set forth below or at such other address as the party may designate in writing in accordance with this section:

To Contractor: Chad Upham
1750 Wewatta Street, Unit 902
Denver, CO 80202

To LAFCO: LAFCO Executive Officer
777 North First Street, Suite 410
San Jose, CA 95112

12. Governing Law.

This Agreement has been executed and delivered in, and will be construed and enforced in accordance with, the laws of the State of California. Venue shall be in Santa Clara County.

13. Assignment.

Contractor has been selected to perform services under this Agreement based upon the qualifications and experience of Contractor's personnel. Contractor may not assign this Agreement or the rights and obligations hereunder without the specific written consent of LAFCO. Any attempted assignment or subcontract without prior written consent will be null and void and will be cause, in LAFCO's sole and absolute discretion, for immediate termination of the Agreement.

14. Relationships of Parties; Independent Contractor.

Contractor will perform all work and services described herein as an independent contractor and not as an officer, agent, servant, or employee of LAFCO. None of the provisions of this Agreement is intended to create, nor shall be deemed or construed to create, any relationship between the parties other than that of independent parties contracting with each other for purpose of effecting the provisions of this Agreement. The parties are not and will not be construed to be in a relationship of joint venture, partnership, or employer-employee. Neither party has the authority to make any statements, representations or commitments of any kind on behalf of the other party, or to use the name of the other party in any publications or advertisements, except with the written consent of

the other party or as is explicitly provided herein. Contractor will be solely responsible for the acts and omissions of its officers, agents, employees, contractors, and subcontractors, if any.

15. Entire Agreement.

This document represents the entire Agreement between the parties with respect to the subject matter hereof. All prior negotiations and written and/or oral agreements between the parties with respect to the subject matter of this Agreement are merged into this Agreement.

16. Amendments.

This Agreement may be amended only by an instrument signed by the parties.

17. Counterparts.

This Agreement may be executed in one or more counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one and the same instrument.

18. Severability.

If any provision of this Agreement is found by a court of competent jurisdiction to be void, invalid or unenforceable, the same will either be reformed to comply with applicable law or stricken if not so conformable, so as not to affect the validity or enforceability of this Agreement.

19. Waiver.

No delay or failure to require performance of any provision of this Agreement shall constitute a waiver of that provision as to that or any other instance. Any waiver granted by a party must be in writing and shall apply to the specific instance expressly stated.

20. Ownership of Materials and Confidentiality.

A. Documents & Data; Licensing of Intellectual Property. This Agreement creates a non-exclusive and perpetual license for LAFCO to copy, use, modify, reuse, or sublicense any and all copyrights, designs, and other intellectual property embodied in plans, specifications, studies, drawings, estimates, and other documents or works of authorship fixed in any tangible medium of expression, including but not limited to, physical drawings or data magnetically or otherwise recorded on computer diskettes, which are prepared or caused to be prepared by Contractor under this Agreement ("Documents & Data"). Contractor shall require all sub consultants to agree in writing that LAFCO is granted a non-exclusive and perpetual license for any Documents & Data the sub consultant prepares under this Agreement. Contractor represents and warrants that Contractor has the legal right to license any and all Documents & Data. Contractor makes no such representation and warranty in regard to Documents & Data which were prepared by design professionals other than Contractor or provided to Contractor by LAFCO. LAFCO shall not be limited in any way in its use of the Documents & Data at any time, provided that any such use not within the purposes intended by this Agreement shall be at LAFCO's sole risk.

B. Confidentiality. All ideas, memoranda, specifications, plans, procedures, drawings, descriptions, computer program data, input record data, written information, and other Documents & Data either created by or provided to Contractor in connection with the performance of this Agreement shall be held confidential by Contractor. Such materials shall not, without the prior written consent of Contractor, be used by Contractor for any purposes other than the performance of the Agreement. Nor shall such materials be disclosed to any person or entity not connected with the performance of the Agreement. Nothing furnished to Contractor which is otherwise known to Contractor or is generally known, or has become known, to the related industry shall be deemed confidential. Contractor shall not use LAFCO's name or insignia, photographs of the Services, or any publicity pertaining to the Services in any magazine, trade paper, newspaper, television or radio production or other similar medium without the prior written consent of LAFCO.

C. Confidential Information. LAFCO shall refrain from releasing Contractor's proprietary information ("Proprietary Information") unless LAFCO's legal counsel determines that the release of the Proprietary Information is required by the California Public Records Act or other applicable state or federal law, or order of a court of competent jurisdiction, in which case LAFCO shall notify Contractor of its intention to release Proprietary Information. Contractor shall have five (5) working days after receipt of the Release Notice to give LAFCO written notice of Contractor's objection to LAFCO's release of Proprietary Information. Contractor shall indemnify, defend, and hold harmless LAFCO, and its officers, directors, employees, and agents from and against all liability, loss, cost, or expense (including attorney's fees) arising out of a legal action brought to compel the release of Proprietary Information. LAFCO shall not release the Proprietary Information after receipt of the Objection Notice unless either: (1) Contractor fails to fully indemnify, defend (with LAFCO's choice of legal counsel), and hold LAFCO harmless from any legal action brought to compel such release; and/or (2) a final and non-appealable order by a court of competent jurisdiction requires that LAFCO release such information.....

IN WITNESS WHEREOF, LAFCO and Contractor have executed this Agreement for Web Hosting and Maintenance as follows:

LAFCO

Contractor

Russ Melton
LAFCO Chairperson

Chad Upham
Principal, Covive LLC

Date: _____

Date: _____

APPROVED AS TO FORM:

Malathy Subramanian, LAFCO Counsel

Exhibits to this Agreement: Exhibit A – Scope of Services and Compensation
Exhibit B – Indemnification and Insurance

EXHIBIT “A”

SCOPE OF SERVICES AND COMPENSATION

Website Hosting and Maintenance

OVERVIEW

Covive is able to contract with Santa Clara LAFCO to provide ongoing website hosting and maintenance for two calendar years from January 2024 through December 2025.

Annual Website Hosting \$500 per year*

- Hosting of Drupal 7 website on Pantheon WebOps Platform in an account prepaid yearly by Covive on behalf of Santa Clara LAFCO

* price subject to change based on Pantheon pricing after December 31, 2025.

Fee for Two (2) Years of Prepaid Hosting (2024–2025) \$1,000

Website Maintenance and Support \$150/hour

- As-needed security updates to Drupal core and supporting modules
- Assisting LAFCO staff with formatting of new content, as needed
- Coding of minor new features or content management system refinements

Estimated Total Annual Hourly Maintenance Fees \$2,250

Hourly work will be billed monthly.

Major website updates (exceeding the 15 hours allocated for annual maintenance) will require additional fees.

Additional work outside of the scope of this maintenance contract will be based on the rate of \$150/hour through 12/31/25.

**INSURANCE REQUIREMENTS FOR STANDARD SERVICE CONTRACTS
UP TO \$10,000**

Indemnity

During the term of this contract, the Contractor shall indemnify, defend, and hold harmless the Local Agency Formation Commission of Santa Clara County (hereinafter "LAFCO"), its officers, agents and employees from any claim, liability, loss, injury or damage arising out of, or in connection with, performance of this Agreement by Contractor and/or its agents, employees or sub-contractors, excepting only loss, injury or damage caused by the sole negligence or willful misconduct of personnel employed by LAFCO. It is the intent of the parties to this Agreement to provide the broadest possible coverage for LAFCO. The Contractor shall reimburse LAFCO for all costs, attorneys' fees, expenses and liabilities incurred with respect to any litigation in which the Contractor contests its obligation to indemnify, defend and/or hold harmless the LAFCO under this Agreement and does not prevail in that contest.

Insurance

Without limiting the Contractor's indemnification of LAFCO, the Contractor shall provide and maintain at its own expense, during the term of this Agreement, or as may be further required herein, the following insurance coverages and provisions:

A. Evidence of Coverage

Prior to commencement of this Agreement, the Contractor shall provide a Certificate of Insurance certifying that coverage as required herein has been obtained. Individual endorsements executed by the insurance carrier shall accompany the certificate. In addition, a copy of the policy or policies shall be provided by the Contractor upon request.

This verification of coverage shall be sent to the LAFCO Executive Officer, unless otherwise directed. The Contractor shall not receive a Notice to Proceed with the work under the Agreement until it has obtained all insurance required and such insurance has been approved by LAFCO Executive Officer. This approval of insurance shall neither relieve nor decrease the liability of the Contractor.

B. Qualifying Insurers

All coverages, except surety, shall be issued by companies which hold a current policyholder's alphabetic and financial size category rating of not less than A-:V, according to the current Best's Key Rating Guide or a company of equal financial stability that is approved by the LAFCO Executive Officer.

C. Notice of Cancellation

All coverage as required herein shall not be canceled or changed so as to no longer meet the specified insurance requirements without 30 days' prior written notice of such cancellation or change being delivered to the LAFCO Executive Officer.

D. Insurance Required

1. Commercial General Liability

Coverage at least as broad as Insurance Services Office ("ISO") Form CG 00 01 covering commercial general liability on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal and advertising injury with limits no less than \$1,000,000.00 per occurrence. If a general

aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.

2. Automobile Liability Insurance

Coverage at least as broad as ISO Form Number CA 0001 covering, Code 1 (any auto), or if Contractor has no owned autos, Code 8 (hired) and 9 (non-owned), with limits no less than \$1,000,000.00 combined single limit for bodily injury and property damage.

3. Workers' Compensation and Employer's Liability Insurance

Workers' Compensation Insurance as required by the State of California, with statutory limits, and Employer's Liability Insurance with limit of no less than \$1,000,000.00 per accident for bodily injury or disease. *(Not required if Contractor provides written verification it has no employees)*

E. Special Provisions

The following provisions shall apply to this Agreement:

1. The foregoing requirements as to the types and limits of insurance coverage to be maintained by the Contractor and any approval of said insurance by the LAFCO Executive Officer or insurance consultant(s) are not intended to and shall not in any manner limit or qualify the liabilities and obligations otherwise assumed by the Contractor pursuant to this Agreement, including but not limited to the provisions concerning indemnification.
2. LAFCO acknowledges that some insurance requirements contained in this Agreement may be fulfilled by self-insurance on the part of the Contractor. However, this shall not in any way limit liabilities assumed by the Contractor under this Agreement. Any self-insurance shall be approved in writing by LAFCO upon satisfactory evidence of financial capacity. Contractor's obligation hereunder may be satisfied in whole or in part by adequately funded self-insurance programs or self-insurance retentions.
3. Contractor's general liability and automobile liability policies shall be primary and shall not seek contribution from the LAFCO's coverage and be endorsed to add the LAFCO and its officers, officials, employees, and agents as additional insureds under such policies using Insurance Services Office form CG 20 10 (or equivalent) on the general liability policy.
4. Contractor hereby grants to LAFCO a waiver of any right to subrogation which any insurer of said Contractor may acquire against the LAFCO by virtue of the payment of any loss under such insurance. Contractor agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not the LAFCO has received a waiver of subrogation endorsement from the insurer. The Workers' Compensation Policy shall be endorsed with a waiver of subrogation in favor of the LAFCO for all work performed by Contractor, its employees, agents and subcontractors.

5. Should any of the work under this Agreement be sublet, the Contractor shall require each of its subcontractors of any tier to carry the aforementioned coverages, or Contractor may insure subcontractors under its own policies.
6. LAFCO reserves the right to withhold payments to the Contractor in the event of material noncompliance with the insurance requirements outlined above.



**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: October 4, 2023

TO: LAFCO

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

SUBJECT: POSITION LETTER SUBMITTED ON AB 399

FOR INFORMATION ONLY

**Letter Submitted Requesting Governor Veto AB 399 (Water Ratepayers
Protections Act of 2023: County Water Authority Act: Exclusion of Territory:
Procedure)**

On September 14, 2023, CALAFCO issued a call for legislative action requesting each LAFCO to send a letter to the Governor requesting that he veto AB 399, that is currently awaiting his signature.

AB 399 amends the County Water Authority Act and establishes new and inconsistent thresholds in the statute for special district detachments. The bill seeks to change the rules for two special districts that have undergone a multi-year LAFCO review process which included extraordinary outreach to stakeholders and engagement of professional expertise. While the bill does not directly impact Santa Clara LAFCO or the water districts operating in Santa Clara County, it sets a bad precedent. There is only one affected agency operating under this principal act – San Diego County Water Authority.

The bill was gutted and amended on June 14, 2023, after passing to the Senate as a Vehicle Code amendment. It was not considered in its current form by either the Assembly Elections Committee or by the Assembly Local Government Committee. Consequently, neither process nor policy have been fully vetted, especially as they pertain to LAFCO law. The result is a bill that is inconsistent with long-standing, and extensively vetted LAFCO laws seeking overreaching state legislative intervention to change the law mid-stream and erode LAFCO's authority and dismiss the decisions of locally elected leaders. This is counter to the legislative intent for forming LAFCOs in each county.

LAFCO's Bylaw #6.1 regarding "Communicating a Position on Proposed Legislation," includes provisions for situations when proposed legislation of relevance to LAFCO cannot be considered by the full Commission due to timing. Pursuant to Bylaw 6.1.c., EO Palacherla, in consultation with LAFCO Counsel and LAFCO Chairperson Melton prepared

a position letter on the proposed legislation consistent with the current adopted LAFCO Legislative Policies. The position letter is consistent with the following Legislative Policies adopted by LAFCO:

- Legislative Policy 1.1.a., LAFCO shall “... Oppose legislation that diminishes LAFCO authority;” and
- Legislative Policy 1.1.e., LAFCO shall “Oppose grants of special status to any individual agency ... to circumvent the LAFCO process.”

Pursuant to the Bylaw 6.1.c., LAFCO Chairperson Melton signed the position letter on behalf of Santa Clara LAFCO. Please see **Attachment A** for a copy of the letter. LAFCO staff submitted the letter to the Governor on September 25, 2023. The letter respectfully requests that the Governor veto AB 399, as “the bill has intended and unintended consequences of undermining and diminishing the functions and authority of local government in the form of LAFCOs and its locally elected leaders.”

Pursuant to LAFCO’s Bylaw 6.1.c., this item is now placed on the October 4, 2023 LAFCO meeting agenda for greater transparency.

ATTACHMENT

Attachment A:	Santa Clara LAFCO Letter Requesting Governor to Veto AB 399 (dated September 25, 2023)
Attachment B	AB 399



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

777 North First Street
Suite 410
San Jose, CA 95112

SantaClaraLAFCO.org

Commissioners

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Alternate Commissioners

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

Executive Officer

Neelima Palacherla

Via Email

September 25, 2023

The Honorable Gavin Newsom

Governor, State of California
1021 O Street, Suite 9000
Sacramento, CA 95814

RE: AB 399 VETO REQUEST

Dear Governor Newsom,

The Local Agency Formation Commission of Santa Clara County (LAFCO) respectfully urges that you VETO AB 399 (the Water Ratepayers Protections Act of 2023). The bill has intended or unintended consequences of undermining and diminishing the functions and authority of local government in the form of LAFCOs and its locally elected leaders.

The state legislature created LAFCOs in 1963 for the very explicit purpose of evaluating and regulating the boundaries and services of local agencies in each county. It was understood then that local leaders are in the best position to understand and implement local plans and desires of their constituents. It is without question that the local LAFCO's expertise in managing local agency boundaries and municipal services to effectuate orderly and responsive growth and development carries significant value.

It is important to note that under LAFCO law – the Cortese Knox Hertzberg Local Government Reorganization Act, each of the State's 58 LAFCOs are comprised of local elected city officials, local elected county officials, and public members. A majority of the LAFCOs, including Santa Clara LAFCO also include local elected special district officials, including water district board members.

AB 399 was gutted and amended on June 14, 2023, after passing to the Senate as a Vehicle Code amendment. It was not considered in its current form by either the Assembly Elections Committee or by the Assembly Local Government Committee. Consequently, neither process nor policy have been fully vetted, especially as they pertain to LAFCO law. The result is a bill that is inconsistent with long-standing, and extensively vetted LAFCO laws seeking overreaching state legislative intervention to change the law mid-stream and erode LAFCO's authority and dismiss the decisions of locally elected leaders. This is counter to the legislative intent for forming LAFCOs in each county.

For these reasons, Santa Clara LAFCO respectfully requests that you VETO AB 399.

Please contact Santa Clara LAFCO Executive Officer Neelima Palacherla at (408) 993-4713 or Neelima.Palacherla@ceo.sccgov.org should you have any questions or wish to discuss further.

Sincerely,

DocuSigned by:

Russ Melton

C8AF6560EA32A498...

Russ Melton

Chair, LAFCO of Santa Clara County

cc: Rob Charles, Chief of Staff, Assemblymember Tasha Boerner
René LaRoche, Executive Director, CALAFCO

Assembly Bill No. 399

Passed the Assembly September 12, 2023

Chief Clerk of the Assembly

Passed the Senate September 6, 2023

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2023, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 11 of the County Water Authority Act (Chapter 545 of the Statutes of 1943), relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 399, Boerner. Water Ratepayers Protections Act of 2023: County Water Authority Act: exclusion of territory: procedure.

The County Water Authority Act provides for the formation of county water authorities and grants to those authorities specified powers with regards to providing water service. The act provides 2 methods of excluding territory from any county water authority, one of which is that a public agency whose corporate area as a unit is part of a county water authority may obtain exclusion of the area by submitting to the electors within the public agency, at any general or special election, the proposition of excluding the public agency's corporate area from the county water authority. Existing law requires that, if a majority of the electors approve the proposition, specified actions take place to implement the exclusion.

This bill, the Water Ratepayers Protections Act of 2023, would additionally require the public entity to submit the proposition of excluding the public agency's corporate area from the county water authority to the electors within the territory of the county water authority. The bill would require the 2 elections to be separate; however, the bill would authorize both elections to run concurrently. The bill would require the ballot materials to include a fiscal impact statement, as described. The bill would also require the ballot materials for the election encompassing the territory of the county water authority to include a statement describing the annual aggregated fiscal impact to remaining members of the county water authority as a result of the reorganization. The bill would require the county water authority to prepare that statement. By imposing a higher level of service on a local agency, the bill would impose a state-mandated local program. The bill would require a majority vote for withdrawal in both elections for the withdrawal of the public agency from the territory of the county water authority.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

The people of the State of California do enact as follows:

SECTION 1. This act shall be known, and may be cited, as the Water Ratepayers Protections Act of 2023.

SEC. 2. Section 11 of the County Water Authority Act (Chapter 545 of the Statutes of 1943), as amended by Section 3 of Chapter 1408 of the Statutes of 1985, is amended to read:

Sec.11. (a) Exclusion of territory from any county water authority may be effected by either of the following methods:

(1) Territory excluded from the portion of the corporate area of any public agency that lies within the exterior boundaries of a county water authority, the public agency being a unit of the authority, and that exclusion occurs in accordance with the provisions of law applicable to those exclusions, shall thereby be excluded from and shall no longer be a part of the authority; provided, that the taxable property within the excluded territory shall continue to be taxable by the county water authority for the purpose of paying the bonded or other indebtedness outstanding or contracted for at the time of the exclusion and until the bonded or other indebtedness has been satisfied; provided further, that if the taxable property within the excluded territory or any part thereof shall be, at the time of the exclusion, subject to special taxes levied, or to be levied, by the county water authority pursuant to terms and conditions previously fixed under subdivision (c) or (d) of Section 10 for the annexation of the excluded territory or part thereof to the county water authority, the taxable property within the excluded territory or part thereof so subject to those special taxes shall continue to be taxable by the county water authority for the purpose of raising the aggregate sums to be raised by the levy of special taxes upon taxable property within the respective annexing areas pursuant to terms and conditions for the

annexation or annexations as so fixed and until the aggregate sums have been so raised by the special tax levies.

Exclusion of territory from a county water authority pursuant to this paragraph shall not occur if two or more public agencies that are included in a county water authority as separate units are subject to a reorganization of their boundaries under applicable provisions of law that would result in an exchange or transfer, but not an overlapping, of territory that is entirely within the county water authority. The boundaries of those agencies within the county water authority, upon that reorganization and the filing with the secretary of the county water authority of a copy of the certificate of completion prepared, executed, and filed by the executive officer of the local agency formation commission responsible therefore constitute the boundaries of the agencies for all purposes of the county water authority, without action by the board of directors of the county water authority. If the exchange includes territory subject to special conditions and tax levies pursuant to the terms of annexation at the time the territory became a part of the county water authority, the territory shall continue to be subject to those conditions and to be taxable by the county water authority or those levies.

From and after the effective date of the inclusion of the territory by the including public agency, the territory shall be considered to be a part of the corporate area of the including agency; provided, however, that, if the taxable property within the territory, or any portion thereof, is subject to special taxes levied or to be levied by the county water authority pursuant to terms and conditions previously fixed under subdivision (c) or (d) of Section 10 for the annexation of the territory or portion thereof to the county water authority, then the taxable property within the territory shall continue to be taxable by the county water authority for the purpose of raising the aggregate sums to be raised by the levy of the special taxes pursuant to the terms and conditions for the annexation or annexations as so fixed and until the aggregate sums have been so raised by the special tax levy.

(2) Any public agency whose corporate area as a unit has become or is a part of any county water authority may obtain the exclusion of the area therefrom by elections conducted in the following manner:

(A) (i) (I) The governing body of any public agency may submit to the electors thereof at any general or special election the proposition of excluding from the county water authority the corporate area of the public agency. Notice of the election shall be given in the manner provided in subdivision (c) of Section 10. The election shall be conducted and the returns thereof canvassed in the manner provided by law for the conduct of elections in the public agency. If a majority of electors voting thereon vote in favor of withdrawal, the result thereof shall be certified by the governing body of the public agency to the board of directors of the county water authority.

(II) The ballot materials submitted to the electors shall include a fiscal impact statement in the statement of the ordinance to be voted upon, which the public agency shall prepare. The fiscal impact statement shall include an estimate of the measure's impact on the public agency's water rates, any anticipated exit fees the member public agency expects to pay to the county water authority, and the amount and duration of any bonded and other indebtedness the public agency is required to pay pursuant to subparagraph (B).

(ii) (I) The governing body of any public agency may submit to the electors within the territory of the county water authority at any general or special election the proposition of excluding from the county water authority the corporate area of the public agency. Notice of the election shall be given in the manner provided in subdivision (c) of Section 10. The election shall be conducted and the returns thereof canvassed in the manner provided by law for the conduct of elections in the public agency. If a majority of electors within the territory of the county water authority voting thereon vote in favor of withdrawal, the result thereof shall be certified by the governing body of the public agency to the board of directors of the county water authority.

(II) The ballot materials submitted to the electors shall include both of the following:

(ia) The fiscal impact statement described in subclause (II) of clause (i).

(ib) A statement describing the annual aggregated fiscal impact to remaining members of the county water authority as a result of the reorganization. The county water authority shall prepare that statement.

(iii) The elections conducted pursuant to this subparagraph shall be separate elections; however, they may run concurrently with one another. A majority vote in both elections for withdrawal is necessary for the withdrawal of the public agency from the territory of the county water authority.

(iv) The requirement set forth in clause (ii) does not apply to a public agency that is a “federal military reservation” or “military reservation,” as defined in Section 10.2, or a “military installation,” as defined in Section 2801 of Title 10 of the United States Code.

(B) A certificate of the proceedings shall be made by the secretary of the county water authority and filed with the Secretary of State. Upon the filing of the certificate, the corporate area of the public agency shall be excluded from the county water authority and shall no longer be a part thereof; provided, that the taxable property within the excluded area shall continue to be taxable by the county water authority for the purpose of paying the bonded and other indebtedness of the county water authority outstanding or contracted for at the time of the exclusion and until the bonded or other indebtedness has been satisfied; provided further, that if the taxable property within the excluded area or any part thereof is, at the time of the exclusion, subject to special taxes levied or to be levied by the county water authority pursuant to the terms and conditions previously fixed under subdivision (c) or (d) of Section 10 for the annexation of the excluded area or part thereof to the county water authority, the taxable property within the excluded area or part thereof so subject to the special taxes shall continue to be taxable by the county water authority for the purpose of raising the aggregate sums to be raised by the levy of special taxes upon taxable property within the respective annexing areas pursuant to the terms and conditions for the annexation or annexations as so fixed and until the aggregate sums have been so raised by the special tax levies. Upon the filing of the certificate of proceedings, the Secretary of State shall, within 10 days, issue a certificate reciting the filing of the papers in the Secretary of State’s office and the exclusion of the corporate area of the public agency from the county water authority. The Secretary of State shall transmit the original of the certificate to the secretary of the county water authority and shall forward a certified copy thereof to the county clerk of the county in which the county water authority is situated.

(b) Whenever territory is excluded from any public agency in accordance with paragraph (1) of subdivision (a), the governing body, or clerk thereof, of the public agency shall file with the board of directors of the county water authority a statement of the change of boundaries of the public agency, setting forth the legal description of the boundaries of the public agency, as so changed, and of the part thereof within the county water authority, which statement shall be accompanied by a map or plat indicating the boundaries.

(c) Whenever any territory has been excluded from any public agency prior to the effective date of this section, under conditions that would have resulted in the exclusion of the territory from a county water authority had paragraph (1) of subdivision (a) then been in effect, upon compliance with the following provisions of this paragraph, the territory shall be excluded from and shall no longer be a part of, the authority, the last-mentioned provisions being as follows:

(1) The governing body of the public agency may adopt an ordinance that, after reciting that the territory has been excluded from the public agency by proceedings previously taken under statutory authority, and after referring to the applicable statutes and to the date or dates upon which the exclusion became effective, shall describe the territory and shall determine and declare that the territory shall be, and thereby is, excluded from the county water authority.

(2) The governing body, or clerk thereof, of the public agency shall file a certified copy of the ordinance with the Secretary of State. Upon the filing of the certified copy of the ordinance in the office of the Secretary of State, the territory shall be excluded from, and shall no longer be a part of, the county water authority; provided, that the taxable property within the excluded territory shall continue to be taxable by the county water authority for the purpose of paying the bonded or other indebtedness outstanding or contracted for at the time of the exclusion, and until the bonded or other indebtedness has been satisfied; provided further, that if the taxable property within the excluded territory or any part thereof is, at the time of the exclusion, subject to special taxes levied or to be levied by the county water authority pursuant to terms and conditions previously fixed under subdivision (c) or (d) of Section 10 for the annexation of the excluded territory or part

thereof to the county water authority, the taxable property within the excluded territory or part thereof so subject to the special taxes shall continue to be taxable by the county water authority for the purpose of raising the aggregate sums to be raised by the levy of special taxes upon taxable property within the respective annexing areas pursuant to the terms and conditions for the annexation or annexations as so fixed, and until the aggregate sums have been so raised by the special tax levies.

(3) Upon the filing of the certified copy of the ordinance, the Secretary of State shall, within 10 days issue a certificate describing the territory, reciting the filing of the certified copy of the ordinance and the exclusion of the territory from the county water authority, and declaring that the territory is no longer a part of the county water authority. The Secretary of State shall transmit the original of the certificate to the secretary of the county water authority and shall forward a certified copy of the certificate to the county clerk of the county in which the county water authority is situated.

(d) Whenever any territory has been exchanged or transferred pursuant to law prior to January 1, 1986, among two or more public agencies that are included in a county water authority as separate units, the territory shall not be deemed excluded from the county water authority, notwithstanding the failure of the county water authority to give its consent to the exchange or transfer of the territory, if there has been filed with the board of directors of the county water authority prior to January 1, 1986, a statement of the change of boundaries of the agencies, as so changed, and of the part within the county water authority, which statement shall be accompanied by a map or plat indicating those boundaries.

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Approved _____, 2023

Governor

ANNUAL REPORT 2022-2023

SANTA
CLARA
LAFCO



MISSION

The Local Agency Formation Commission (LAFCO) is a state mandated local agency established to oversee the boundaries of cities and special districts.

The mission of LAFCO is to promote sustainable growth and good governance in Santa Clara County by:

- » preserving agricultural lands and open space,
- » curbing urban sprawl,
- » encouraging efficient delivery of services,
- » exploring and facilitating regional opportunities for fiscal sustainability, and
- » promoting accountability and transparency of local agencies.

LAFCO will be proactive in raising awareness and building partnerships to accomplish this through its special studies, programs and actions.

COMMISSIONERS

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

ALTERNATE COMMISSIONERS

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

STAFF

Emmanuel Abello
Sonia Humphrey
Dunia Noel
Neelima Palacherla

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PROGRAM HIGHLIGHTS

LAFCO'S COUNTYWIDE FIRE SERVICE REVIEW NEARS COMPLETION



In June 2022, LAFCO retained AP Triton, LLC to resume and complete the Countywide Fire Service Review under a revised timeline.

On August 1, 2022, LAFCO staff and the consultant held a project kick-off meeting with the Technical Advisory Committee (TAC) to introduce the new consultant, review key steps and the revised timeline, discuss the data collection process, review required service review determinations, and finalize the proposed evaluation criteria for service review determinations.

On August 3, 2022, LAFCO staff and the consultant attended the Santa Clara County Fire Chiefs' Association meeting to provide an overview of the data submittal process to the Fire Chiefs and their designated staff. Subsequently, LAFCO's consultant began their data collection process which resulted in the creation of validated profiles for each affected agency. Technical Advisory Committee (TAC) Meetings were also held in February 2023

and May 2023 to discuss the consultant's progress, preliminary findings, and next steps in the service review process.

The consultant used these validated profiles to conduct their analysis and prepare an administrative draft of the Countywide Fire Service Review. LAFCO staff reviewed the administrative draft and provided comments to the consultant for their consideration. A Draft Report was then prepared for public review and comment which includes:

- Countywide overview of the fire service and emergency medical response service system in Santa Clara County;
- Individual profiles and service review determinations for 8 city fire departments and the 4 fire districts, and sphere of influence recommendations for the fire districts; and

PROGRAM HIGHLIGHTS

LAFCO'S COUNTYWIDE FIRE SERVICE REVIEW (CONTINUED)

- Review, analysis and recommendations for addressing current and emerging issues identified by LAFCO.

The Countywide Fire Service Review Draft Report was made available on the LAFCO website on June 30, 2023 and a Notice of Availability was sent to all affected agencies / organizations, LAFCO commissioners, and other interested parties announcing the release of the Draft Report for public review and comment.

In July 2023, LAFCO staff held one TAC meeting (in San Jose) and two Community Meetings (one in Morgan Hill and one in Palo Alto) to present and receive comments on the Draft Report. On August 2, 2023, LAFCO held a Public Hearing to accept comments on the Draft Report.

LAFCO received a significant number of comments on the Draft Report. LAFCO staff compiled all the comments received. LAFCO's consultant prepared a table with responses to the comments received and revised the Draft Report, as appropriate. The table of comments/responses and the redlined Revised Draft Report for the Countywide Fire Service Review was made available for additional public review and comment on the LAFCO website. LAFCO will consider adoption of the Revised Draft Report at its October 4, 2023 LAFCO Public Hearing.



Special Thanks!

We extend our deepest thanks to the affected agencies/organizations, TAC members, and the County Planning Office GIS Team for their time and invaluable contributions to the Service Review.

We appreciate each and everyone who took the time to engage in and share their thoughts on this important project.

PROGRAM HIGHLIGHTS

CELEBRATION OF LAFCO'S 60TH ANNIVERSARY

On June 7, 2023, six decades of current and former Santa Clara LAFCO Commissioners and staff, elected officials and local agency staff, and friends—nearly 80 people—came together to celebrate the 60th anniversary of Santa Clara LAFCO. They shared stories of Santa Clara LAFCO's illustrious history and accomplishments, honored the dedicated individuals who have shaped the agency, and expressed optimism for Santa Clara LAFCO's bright future.

Special guest speakers included former State Assemblymember Dominic Cortese (Commissioner 1969-1979), former County Board of Supervisor Blanca Alvarado (Commissioner 1994-2008), and former LAFCO Commissioner Susan Vicklund Wilson (Commissioner 1995-2023).

In recognition of this momentous occasion, Santa Clara LAFCO received a Resolution of Commendation from Congresswoman Zoe Lofgren (Commissioner 1982-1994), a Joint Certificate of Recognition from State Senator Dave Cortese and Assemblymember Ash Kalra (Commissioner 2015-2016), and a Commendation from the Santa Clara County Board of Supervisors.

SANTA
CLARA
LAFCO

60th
ANNIVERSARY
1963-2023



60 years strong! A reunion of past and present LAFCO commissioners and staff.



With warmth and enthusiasm, Master of Ceremonies and LAFCO Chairperson Russ Melton welcomes friends of LAFCO to commemorate this historic occasion together.



Esteemed former County Supervisor Blanca Alvarado, serving as a Commissioner from 1994-2008, shares her experiences and the pioneering strategies she championed at LAFCO.



Former State Assemblymember Dominic Cortese, a guiding force on the Commission from '69-'79, delves into his impactful journey with LAFCO, leading to landmark LAFCO Legislation and the birth of CALAFCO.



With years of dedication behind her, former Commissioner Susan Vicklund Wilson (1995-2023) speaks passionately about the pivotal role of LAFCO and the significant responsibilities entrusted to its commissioners.



County Supervisors/LAFCO Commissioners Arenas and Lee mark the historic milestone with a County Resolution.



Attendees relishing a flavorful feast on the sunny patio!



In the company of planning legends – LAFCO staff with retired County Planning Director and Principal Planners!

“

It was not only a fun reunion of people who have contributed to LAFCO over the years, but also a pep rally, reminding everyone of how important LAFCO has been and continues to be for the benefit of past, present, and future generations.

Don Weden, Retired Principal Planner for County of Santa Clara

”



“It was a great event and the stories and storytellers were awesome.”

Andrea Mackenzie, General Manager
Santa Clara Valley Open Space Authority

”

A collective journey through LAFCO's storied past, a celebration of its contributions, and a look forward to a promising future...

PROGRAM HIGHLIGHTS

APPLICATION REVIEW AND PROCESSING

The number of applications LAFCO processes varies each year.

LAFCO staff processed four city-conducted annexations: two annexations to the City of San Jose totaling 20.81 acres, one annexation to the Town of Los Gatos totaling 0.53 acres, and one annexation to the City of Monte Sereno totaling 0.43 acres.

In December 2022, LAFCO approved a sphere of influence amendment for the West Valley Sanitation District (WVSD) and approved an annexation of the land to the WVSD.

In February 2023, LAFCO was scheduled to hear an Urban Service Area Amendment proposal submitted by the City of Gilroy. However, LAFCO postponed its consideration of the proposal to the April 2023 LAFCO meeting and then to the June 2023 LAFCO meeting. In June 2023, LAFCO considered the proposal and continued the public hearing to the August 2023 LAFCO meeting and requested the City of Gilroy to submit additional information in response to Commissioner questions and requested LAFCO staff to provide a written response to information submitted by the City.

PUBLIC INFORMATION AND CUSTOMER SERVICE

Staff routinely responds to numerous inquiries from the general public, property owners, developers, real estate agents, and attorneys about a variety of topics, including location

of boundaries, annexation date and records, property tax bills and special assessments, nearest or appropriate service providers, LAFCO policies and procedures, etc.

Staff also responds to Public Records Act (PRA) Requests, most of which require a significant amount of research and records gathering. This past year LAFCO staff responded to several PRA Requests concerning Los Gatos annexations, and agreements between Santa Clara County and other local jurisdictions on road improvements for island annexations.

PRE-APPLICATION MEETINGS AND OTHER DISCUSSIONS

Staff conducts pre-application meetings to inform prospective applicants of the LAFCO policies and procedures that apply to the anticipated projects and to discuss any potential concerns. This allows the applicant to consider and address these concerns before applying to LAFCO.

Pre-application meetings and/or discussions were held with the following to provide guidance:

- » Representatives of Bay Area People's Food & Farm Project, regarding formation of a new special district to create a regional public funding mechanism and regional government entity, accountable to Bay Area residents, related to farming and access to healthy foods (March 2023)

PROGRAM HIGHLIGHTS

- » City of Sunnyvale staff, regarding proposed changes to the Cupertino Sanitary District's boundaries to reflect areas receiving sewer service from the City of Sunnyvale (January 2023)

COMMENT LETTERS

Staff provides written comments on various proposed projects to ensure that LAFCO's concerns are known and considered early in an agency's project review process. LAFCO staff attended several community workshops on the County of Santa Clara's 2023-2031 Housing Element and submitted a comment letter on the following:

- » Notice of Preparation for County of Santa Clara Housing Element EIR (County of Santa Clara, September 2022)

- » Interjurisdictional GIS Working Group meetings

OUTREACH AND EDUCATION

PRESENTATIONS ON LAFCO

As part of LAFCO's ongoing outreach efforts, staff conducts presentations on LAFCO to increase awareness about LAFCO's goals and actions. Staff made presentations providing an overview of LAFCO to the following:

- » Leadership Sunnyvale, as part of their program curriculum on special districts and LAFCO (December 2022)
- » Santa Clara Valley Open Space Authority (OSA) and OSA's Citizens' Advisory Committee (March 2023)

COLLABORATION AND PARTNERSHIPS

COUNTYWIDE ASSOCIATIONS AND WORKING GROUPS

Staff attends the meetings of pertinent countywide associations to provide updates on LAFCO activities that are of interest to local agencies, including special districts, cities and the County. Staff regularly attend and participate in the following:

- » Santa Clara County Special Districts Association quarterly meetings
- » Santa Clara County Association of Planning Officials monthly meetings



PROGRAM HIGHLIGHTS

CALAFCO ACTIVITIES

Santa Clara LAFCO participates in CALAFCO activities, time permitting.

In October 2022, Commissioners Constantine and Jimenez attended the Annual CALAFCO Conference in Newport Beach. The annual conference's theme was CALAFCO 50+1 Years - A Golden Era in the Golden State and provided an opportunity for LAFCOs across the state to share some of their best practices and learn new techniques and approaches from other LAFCOs.

In September 2022 and in February 2023, LAFCO staff attended two CALAFCO University "virtual webinars," specifically "Two Agencies in Dispute, LAFCO's Role in Assisting in Resolving Conflict" and "The Dirty Dozen: Things I wish I knew about the CKH Act."

In April 2023, LAFCO staff attended the Annual CALAFCO Staff Workshop in Murphys. This Workshop provided practical and hands-on courses, as well as roundtable discussions and professional development sessions.

LAFCO LEGISLATIVE POSITIONS

In Fiscal Year 2022-2023, Santa Clara LAFCO took a position on the following legislation:

- » Support: AB 1753 (Assembly Local Government Committee) CALAFCO Omnibus Bill



CHANGES IN LAFCO MEMBERSHIP

A SEASON OF CHANGE - NEW FACES AT LAFCO

This year saw many changes in LAFCO membership.

In January 2023, LAFCO welcomed Santa Clara County Board Supervisors Sylvia Arenas and Otto Lee as commissioners, San Jose City Councilmember Rosemary Kamei as a commissioner, and Santa Clara Valley Water District Board Member Jim Beall as a commissioner. Commissioners Arenas' and Lee's terms on LAFCO will expire May 31, 2026. Commissioner Kamei's term on LAFCO will expire May 31, 2024, and Commissioner Beall's term on LAFCO will expire May 31, 2027.

In February 2023, LAFCO welcomed Sunnyvale Councilmember Russ Melton as a commissioner, and Morgan Hill City Mayor Mark Turner as an alternate commissioner, and San Jose City Councilmember Domingo Candelas as an alternate commissioner. Prior to this appointment Mr. Melton was an alternate commissioner. Their terms on LAFCO will expire May 31, 2024.

In April 2023 LAFCO conducted interviews for public member and alternate public member and appointed alternate commissioner Terry Trumbull as a commissioner and Teresa O'Neill as an alternate commissioner. Their terms on LAFCO will expire May 31, 2027.

Staff conducted orientation sessions for the newly appointed commissioners/alternate commissioners and their staff, as necessary. The orientation program includes information on the history of LAFCO, its mandate and policies, the role of commissioners and staff, the application review process, and major LAFCO activities.

In December 2022, the Commission presented Resolutions of Commendation to outgoing commissioners Rich Constantine, Linda J. LeZotte, and Mike Wasserman for their dedicated service to LAFCO. In June 2023, the Commission presented a Resolution of Recognition and Appreciation of Distinguished Services to former commissioner Susan Vicklund Wilson for her 28 years on LAFCO.

COMMISSIONER ONGOING EDUCATION: A LOOK AT LAFCO'S PAST, PRESENT AND FUTURE



As part of LAFCO's ongoing education program, Don Weden, retired Principal Planner for the County of Santa Clara, made a presentation to the Commission on the history of LAFCO and the origins of the Countywide Urban Development Policies in Santa Clara; how LAFCO and the Countywide Urban Development Policies have shaped Santa Clara County; and emerging trends, including challenges and opportunities for LAFCO.

CHANGES IN LAFCO MEMBERSHIP

RECOGNITION OF FORMER COMMISSIONER SUSAN VICKLUND WILSON FOR 28 YEARS OF SERVICE TO LAFCO

On June 7, 2023, Santa Clara LAFCO presented former LAFCO Commissioner Susan Vicklund Wilson with a Resolution of Recognition and Appreciation of Distinguished Services for her 28 years of service (June 1995 to May 2023). Several local representatives, including Congresswoman Zoe Lofgren, bestowed her with commendations, further underscoring the significance of her contributions.

During her impactful tenure, Susan served as LAFCO Chairperson for 7 years; and served on the Finance Committee for 3 years, on the Technical Advisory Committees for a variety of service reviews, and on two subcommittees that helped develop LAFCO's groundbreaking policies for Gilroy Agricultural Lands Area and LAFCO's Agricultural Mitigation Policies. She also served on the CALAFCO Executive Board for 11 years, including as Chairperson in 2011; and on the CALAFCO Legislative Committee for 9 years. She attended nearly all of CALAFCO's Annual Conferences since 1995, often participating as a speaker or moderator for panels, generously sharing her experience and expertise in LAFCO matters.



ADMINISTRATIVE ACTIVITIES

IMPLEMENTATION OF CLASSIFICATION STUDY FOR LAFCO POSITIONS

In late July 2022, the staffing structure, job specifications and salary ranges for LAFCO staff positions became effective, as recommended in the County's classification study for LAFCO, including the promotion of Emmanuel Abello (LAFCO Clerk) to the new Associate LAFCO Analyst position. In August 2022, LAFCO staff began preparing for the LAFCO Clerk recruitment process and then learned that the vacant LAFCO Clerk position had been inadvertently deleted by the County. In February 2023, the County Board of Supervisors restored the LAFCO Clerk position, allowing LAFCO staff to continue to work with County Employee Services Agency staff on the LAFCO Clerk recruitment process. In early September, LAFCO staff welcomed Sonia Humphrey (new LAFCO Clerk) and began training her in her many duties.

INDEPENDENT ANNUAL FINANCIAL AUDIT

LAFCO completed its fifth Annual Financial Audit for FY 2022 ending on June 30, 2022. The audit was conducted by Chavan & Associates, LLP (C&A) in accordance with the generally accepted auditing standards as specified in the report and accepted by the Commission on December 7, 2022. The auditors found LAFCO's financial statements to present fairly, in all material aspects, the financial position of LAFCO.

WEBCASTING OF LAFCO MEETINGS

Since 2021, LAFCO has had a Memorandum of Understanding (MOU) with the County to provide webcasting services for LAFCO meetings held in the County Board Chambers. However, implementation of the MOU was delayed to April 2023, when LAFCO resumed in-person meetings in the County Board Chambers. The public, local agencies, and others can now watch webcasts of LAFCO meetings on the internet, providing greater transparency and public engagement. In April 2023, the MOU was amended to extend the term of the MOU to June 30, 2026.



UPCOMING PROJECTS

COMPREHENSIVE REVIEW AND UPDATE OF LAFCO POLICIES

In 2020, LAFCO staff and its consultant began reviewing and preparing updates to LAFCO policies which are all very interconnected. The purpose of the comprehensive review and update is to better document existing practice, increase clarity and transparency of LAFCO's expectations, better enable LAFCO to meet its legislative mandate, and make the policies consistent with recent changes to the CKH Act. However, apart from LAFCO reaffirming the Countywide Urban Development Policies at its April 2022 meeting, this project was paused partly due to the application workload, increased demand for LAFCO services and staff's

efforts to prioritize and meet the needs of the local agencies and the public, and staffing issues including the vacancy of an analyst position since January 2021. LAFCO staff anticipates resuming and completing the comprehensive review and update of LAFCO Policies over the next year.

THIRD ROUND SERVICE REVIEWS

It is anticipated that LAFCO's Countywide Fire Service Review will be completed by the end of October 2023. Per LAFCO's work plan for conducting its third round of service reviews, a countywide water and wastewater service review would follow.



Cheers and cheers! LAFCO team soaking in the festive spirit!

LAFCO APPLICATION PROCESSING RECORD

JULY 1, 2022 TO JUNE 30, 2023

CITY-CONDUCTED ANNEXATIONS

CITY	PROPOSAL NAME	DATE RECORDED	DOCUMENT #	ACREAGE
Los Gatos	Stephenie Lane No. 4	06/20/23	25489582	0.53
	City Total			0.53
Monte Sereno	Lucky Road No. 1	11/23/2022	25407526	0.43
	City Total			0.43
San Jose	Burbank No. 44	06/20/23	25489581	0.89
	Cambrian No. 37	10/07/22	25383680	19.92
	City Total			20.81

City-Conducted Annexations Total Acreage 21.77

SPHERE OF INFLUENCE AMENDMENT AND ANNEXATIONS TO SPECIAL DISTRICTS

AGENCY	PROPOSAL NAME	LAFCO ACTION	DOCUMENT # DATE RECORDED	ACREAGE APPROVED
West Valley Sanitation District	West Valley Sanitation District SOI Amendment and Annexation 2022-01 (Linda Vista Avenue)	Approved 12/07/22	25426243 01/17/23	1.10
			District Total	1.10
SOI Amendment & Annexations to Special Districts Total Acreage				1.10

An aerial photograph of Santa Clara County, California. The foreground is a dense residential area with many trees and houses. In the middle ground, there's a city skyline with several buildings. The background features rolling hills and mountains under a clear sky.

SANTA CLARA LAFCO

FOR THE GOOD OF THE WHOLE

Local Agency Formation Commission
of Santa Clara County

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

408.993.4705
lafco@ceo.sccgov.org

SantaClaraLAFCO.org



**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 # 11

Alternate Commissioners

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

Executive Officer

Neelima Palacherla

LAFCO MEETING: October 4, 2023

TO: LAFCO

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

SUBJECT: EXECUTIVE OFFICER'S REPORT

STAFF RECOMMENDATION

Accept report and provide direction, as necessary.

11.1 NEW CLERK WELCOME & TRAINING

We are pleased to inform the Commission that Sonia Humphrey has joined Santa Clara LAFCO as the new LAFCO Clerk. Sonia is a Bay Area native, and her career path has allowed her to be of service in the highest capacity in the various industries that she has worked in (e.g., education, high-tech, media, petroleum, and HVAC). She enjoys socializing with people from all walks of life and finds it intriguing to learn new things. She enjoys most outdoor activities such as having a great time at beaches, amusement parks, concerts, cooking, participating in and watching sports, and travel.

Ms. Humphrey's first day at LAFCO was September 5th and she was immediately introduced to many of LAFCO's key administrative duties (processing purchase orders, processing payments for different types of vendors, tracking contracts, preparing and publishing LAFCO public hearing notices, preparing and distributing the LAFCO meeting packet, etc.).

LAFCO staff has developed a comprehensive hands-on training plan for Ms. Humphrey and is spending a significant amount of time on her training. Ms. Humphrey has already proven to be a quick study and will continue to learn and document LAFCO's key procedures in writing.

Please join us in welcoming Sonia to Santa Clara LAFCO.

**11.2 PRE-APPLICATION MEETING FOR A PROPOSED CEMETERY IN THE
UNINCORPORATED AREA**

On August 9, 2023, EO Palacherla and Asst. EO Noel met with the applicant and their consultants, at their request, to discuss the potential options for water service from the City of Morgan Hill for a proposed cemetery. The representatives informed LAFCO staff that their proposed project requires water service and that they were directed by the

State Water Resources Regional Control Board staff to contact the City and LAFCO to address this issue, rather than seeking to create a new public water system to serve their proposed development. The subject site is in the unincorporated area of the county, outside of the City of Morgan Hill's Urban Service Area boundary. LAFCO staff explained the applicable LAFCO policies, application process, and factors that LAFCO is required to consider for such a request.

11.3 MEETING WITH STATE WATER RESOURCES CONTROL BOARD STAFF AND COUNTY STAFF ON SMALL WATER SYSTEMS

On September 13, 2023, LAFCO staff met with staff from the State Water Resources Control Board (SWRCB), County Executive's Office, County Planning staff, and County Department of Environmental Health to learn more about failed water systems in the state; and to discuss strategies to support all the affected agencies' missions and proposed future developments in unincorporated Santa Clara County including, a cemetery, which is discussed above in Item #11.2, and an agricultural worker housing development located outside of the City of Gilroy's Urban Service Area and outside Gilroy's Urban Growth Boundary.

At the meeting, SWRCB staff reiterated recent laws related to the State's permitting of new public water systems and their strong preference for such new developments to receive water from a larger nearby service provider, such as a city, when feasible.

LAFCO staff and County staff each reiterated the unique long-standing policies that are in place in Santa Clara County, as a result of which the County does not allow urban services and does not allow urban development in rural unincorporated areas outside of city urban service areas, and the unintended impact these recent laws and SWRCB staff's preference will have on the goals of LAFCO and the County to curb sprawl, protect agricultural lands and open space, and encourage efficient delivery of services.

The group agreed that further discussions are required and that the group would meet again in mid-October.

11.4 MEETING WITH SAN JOSE STAFF ON TIME LIMITS FOR RECORDING A CERTIFICATE OF COMPLETION FOR ANNEXATIONS/REORGANIZATIONS

On August 9, 2023, EO Palacherla and Asst. EO Noel met with Johnny Phan (Chief Deputy City Attorney, San Jose) and Daniel Zazueta (City Attorney, San Jose) at their request, to discuss the city's plans to refine their annexation procedures. City staff explained that the City of San Jose has annexed many parcels and that some of those parcels have remained undeveloped and are now blighted, creating a problem for the city. As a result, the City has been exploring different ways to better ensure that the city does not annex a parcel until a building permit is about to be issued, meaning development of the parcel is imminent and bonds for public improvements have been secured. LAFCO staff and City staff discussed LAFCO law as it pertains to time limits for LAFCO to record a certificate of completion for a city council approved annexation/reorganization and how this would apply.

11.5 MEETING WITH CUPERTINO STAFF ON POTENTIAL BOUNDARY CHANGES

EO Palacherla and Asst. EO Noel met with Pamela Wu (City Manager, City of Cupertino) and Benjamin Fu (Community Development Director, City of Cupertino), at their request, on August 15, 2023, to discuss LAFCO policies and the LAFCO application process for any potential city boundary changes associated with the closure of the Lehigh Cement Plant. This was a very preliminary meeting. The former cement plant is in the unincorporated area of the county, just west of the City of Cupertino. Some portions of the former cement plant are located within the City of Cupertino's Urban Service Area and Sphere of Influence boundaries.

11.6 SPECIAL DISTRICTS ASSOCIATION MEETING

Commissioner Kishimoto, Alternate Commissioner Chapman, and EO Palacherla attended the September 11, 2023 quarterly meeting of the Santa Clara County Special Districts Association (SDA) which was held at the offices of the Santa Clara Valley Open Space Authority and by video conference.

EO Palacherla provided updates on LAFCO activities, including LAFCO's Countywide Fire Service Review. The meeting also included a guest presentation from Mark Landgraf, External Affairs Manager, Santa Clara Valley Open Space Authority.

Meeting attendees, including various district staff and board members, field staff for various state legislators, and a representative of the California Special Districts Association provided reports and shared information on current projects or issues of interest. The next meeting is scheduled for December 4, 2023.

11.7 INTER-JURISDICTIONAL GIS WORKING GROUP MEETING

Asst. EO Noel attended the August 9, 2023 Inter-Jurisdictional GIS Working Group Meeting which was hosted virtually. The group includes various County departments that use and maintain GIS data, particularly LAFCO-related data. At the August meeting, the group discussed ways to resolve discrepancies in parcel site address data sets for a small unincorporated area of the county located within the Santa Cruz mountains. These discrepancies create problems for first responders. Through this discussion and subsequent follow-up emails, the group clarified and documented the current process for making address changes and ensuring that corrected address data is shared with affected agencies.

