



Local Agency Formation Commission
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**MINUTES FOR REGULAR MEETING OF
APRIL 23, 2009**

**LOCAL AGENCY FORMATION COMMISSION
MERCED COUNTY, CALIFORNIA**

Chairman Bertao called the meeting to order at 10:00 a.m. in the Board Chambers on the third floor of the Merced County Administration Building.

I. CALL MEETING TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Commissioners Present: Commissioner Bertao (Chairman)
Commissioner Kelsey (Vice Chairman)
Commissioner O'Banion
Commissioner Oliveira
Commissioner Gabriault-Acosta

Staff Present: Bill Nicholson, Executive Officer
Kim Anderson, Recording Secretary
David Gilbert, LAFCO Staff Planner
Jeff Fugelsang, LAFCO Staff Planner

Counsel Present: Malathy Subramanian, LAFCO Legal Counsel

IV. APPROVAL OF MINUTES

MOTION: M/S KELSEY – OLIVEIRA, AND CARRIED BY A VOTE OF 5 - 0, THE COMMISSION APPROVES THE MINUTES OF THE MEETING OF MARCH 26, 2009.

V. CITIZEN COMMUNICATION

None

VI. PUBLIC HEARINGS

A. Villa Burano Annexation to the City of Los Banos - LAFCo File No. 0649

MOTION: M/S O'BANION / GABRIULT, AND CARRIED BY A UNANIMOUS VOTE OF 5 - 0, THE COMMISSION MAKES THE 3 ENVIRONMENTAL DETERMINATIONS WITH THE CORRECTION OF THE WORDING ON DETERMINATION #2 TO READ "LOS BANOS GENERAL PLAN", AND MAKES THE 8 FINDINGS IN THE EXECUTIVE OFFICERS REPORT AND APPROVES THE VILLA BURANO ANNEXATION TO THE CITY OF LOS BANOS – LAFCO FILE No. 0649.

B. Iyer Annexation to Central California Irrigation District - LAFCo File No. 0650

MOTION: M/S OLIVEIRA / KELSEY, AND CARRIED BY A UNANIMOUS VOTE OF 5 - 0, THE COMMISSION MAKES THE 7 DETERMINATIONS AND 3 CONDITIONS OF APPROVAL WITH CONDITION #2 BEING MODIFIED TO READ: 2. INITIALLY THE PROPERTY SHALL RECEIVE THE RIGHT TO USE CCID WATER ON LAND ONLY WITHIN THE DISTRICT; HOWEVER, AFTER 10 YEARS, THE LANDOWNER MAY TRANSFER THE WATER OUT OF THE DISTRICT ON QUALIFYING PROPERTY CONSISTENT WITH CCID POLICIES. THE COMMISSION ASSIGNS THE PROPOSED ANNEXATION THE SHORT FORM DESIGNATION: IYER ANNEXATION TO CENTRAL CALIFORNIA IRRIGATION DISTRICT.

C. Cemetery District – Municipal Service Reviews

MOTION: M/S KELSEY / OLIVEIRA, AND CARRIED BY A UNANIMOUS VOTE OF 5 - 0, THE COMMISSION DETERMINES THAT THE MUNICIPAL SERVICE REVIEW IS EXEMPT FROM CEQA REVIEW, SECTION 15306 “INFORMATION COLLECTION” OF THE CEQA GUIDELINES AND MAKES THE 4 DETERMINATIONS IN THE STAFF REPORT AND APPROVES THE CEMETERY SERVICE PROVIDERS MUNICIPAL SERVICE REVIEW AND ASSOCIATED SPHERE OF INFLUENCE MAPS.

D. Resource Conservation District – Municipal Service Reviews

MOTION: M/S GABRIALT-ACOSTA / OLIVEIRA, AND CARRIED BY A UNANIMOUS VOTE OF 5 – 0, THE COMMISSION DETERMINES THAT THE MUNICIPAL SERVICE REVIEW IS EXEMPT FROM CEQA REVIEW, SECTION 15306 “INFORMATION COLLECTION” OF THE CEQA GUIDELINES AND MAKES THE 4 DETERMINATIONS IN THE STAFF REPORT AND APPROVES THE RESOURCE CONSERVATION DISTRICT MUNICIPAL SERVICE REVIEW AND ASSOCIATED SPHERE OF INFLUENCE MAPS.

E. Adoption of Preliminary Fiscal Year 2009/2010 Budget

MOTION: M/S KELSEY / O’BANION, AND CARRIED BY A UNANIMOUS VOTE OF 5 - 0, THE COMMISSION ADOPTS THE PROPOSED FISCAL YEAR 2009-2010 BUDGET AND DIRECTS THE EXECUTIVE OFFICER TO FORWARD THIS BUDGET TO THE COUNTY, THE SIX CITIES WITHIN THE COUNTY, AND SPECIAL DISTRICTS IN CONFORMANCE WITH THE CORTEST-KNOX-HERTZBERG ACT AND RETURN THE FINAL BUDGET TO THE MAY 28, 2009 HEARING.

VII. GENERAL BUSINESS

A. Out of Boundary Service Extension – City of Los Banos/Housing Authority of Merced County

MOTION: M/S O’BANION / GABRIALT-ACOSTA, AND CARRIED BY A UNANIMOUS VOTE OF 5 – 0, THE COMMISSION MAKES THE FIVE DETERMINATIONS IN THE STAFF REPORT AND DIRECTS THE EXECUTIVE OFFICER TO SUBMIT A LETTER TO THE CITY OF LOS BANO INDICATING THE COMMISSION’S APPROVAL OF THE OUT OF BOUNDARY WATER SERVICE EXTENSION TO THE LOS BANOS MIGRANT CENTER.

B. Process of Selection of LAFCo Public Member

THIS COMMISSION DIRECTED THE EXECUTIVE OFFICER TO USE THE NORMAL STATE MANDATED PROCEDURE TO SELECT A LAFCo PUBLIC MEMBER.

VIII. COMMISSIONERS' COMMENTS

Commissioner O'Banion thanked LAFCo staff for working with the Housing Authority on the Out of Boundary Service Extension for the Los Banos Migrant Center.

IX. ADJOURNMENT

There being no further business, Chairman Bertao adjourned the meeting at 11:15 a.m.