



of Merced County California

Local Agency Formation Commission

2222 M Street

Merced, CA 95340

Phone (209) 385-7654 Fax (209) 726-1710

**MINUTES OF REGULAR MEETING  
OF THE  
LOCAL AGENCY FORMATION COMMISSION  
MERCED COUNTY, CALIFORNIA**

February 28, 2002

Chairman O'Banion called the meeting to order at 2:02 p.m. in the Board Chambers on the third floor of the Merced County Administration Building.

**I. ROLL CALL**

**Commissioners Present:** Commissioner O'Banion  
Commissioner Trevino  
Commissioner Maiorino  
Commissioner Bertao

**Staff Present:** Bill Nicholson, Acting Executive Officer  
Patricia Lippmeier, LAFCO Staff Planner  
Victoria Lane, Recording Secretary  
Angela M. Resendez, Recording Secretary

**Counsel Present:** James Tarhalla, LAFCO Counsel

**II. APPROVAL OF MINUTES**

**MOTION:** M/S BERTAO/TREVINO CARRIED, ON A VOTE OF 4-0, THE COMMISSION APPROVES THE MINUTES OF THE REGULAR MEETING OF DECEMBER 6, 2001.

**III. CITIZEN COMMUNICATION**

NONE

**IV. PUBLIC HEARINGS**

A. Sphere of Influence Revision No. 3 to the Franklin County Water District  
LAFCO File No. 1050C

B. Monterey Pines Annexation to Franklin County Water District  
LAFCO File No. 0579

LAFCO Staff Planner, Patricia Lippmeier, presented the Executive Officer's Report dated February 28, 2002, for both of these items together.

Commissioner Maiorino asked a question regarding whether the sewage treatment capacity of 1,875 connections included the other two smaller parcels located in the northeast corner of the proposed territory.

Patricia Lippmeier answered that they are included.

Commissioner Maiorino then asked that if there were to be more development and they were above capacity, could the other people who were not actually in the district be shut off.

Mr. Nicholson answered that question, he stated that a can-and will-serve letter must be submitted prior to a development being processed by the county. Commissioner Maiorino was satisfied with that answer.

The public hearing was opened at 2:15 p.m.

The following person(s) spoke in favor:

Doug Parson, an engineer for the Franklin County Water District, started by thanking Patricia Lippmeier for her thorough report. He asked the Commission for a favorable consideration of the annexation and sphere amendment. He mentioned that the district would have liked to annex the Franklin Heights subdivision but at the time it was built, the belief was that you couldn't annex a parcel that was not contiguous to your existing boundary. Later on it was determined that applied to cities but not necessarily to special districts. He went on to say that some homeowners at Green Lawns subdivision, who are still on septic tanks, had expressed an interest in annexation, but decided against it due to the cost.

Commissioner O'Banion suggested a grant program for them to get the infrastructure in.

The public hearing was closed at 2:20 p.m.

**MOTION: M/S TREVINO/MAIORINO, AND CARRIED BY A 4 - 0 VOTE, THE COMMISSION DETERMINES THAT IT CAN BE SEEN WITH CERTAINTY THAT THERE IS NO POSSIBILITY THE SPHERE OF INFLUENCE REVISION AND ANNEXATION OF THE 20 ACRES COULD HAVE A SIGNIFICANT IMPACT ON THE ENVIRONMENT.**

**MOTION: M/S TREVINO/BERTAO, AND CARRIED BY A 4 - 0 VOTE, THE COMMISSION APPROVES THE SPHERE OF INFLUENCE REVISION NO. 3 TO THE FRANKLIN COUNTY WATER DISTRICT, LAFCO FILE NO. 1050C AND THE MONTEREY PINES ANNEXATION TO THE FRANKLIN COUNTY WATER DISTRICT, LAFCO FILE NO. 0579 WITH FINDINGS 1-3 UNDER SECTION B AND FINDINGS 1-10 UNDER SECTION C AND ADDITIONAL AMENDMENTS 11 AND 12 AS FOLLOWS:**

**FINDING NO. 11: WATER SERVICES TO THE PROPOSED ANNEXATION TERRITORY ARE TO BE PROVIDED BY THE MEADOWBROOK WATER COMPANY WHICH HAS ADEQUATE CAPACITY TO SUPPLY THE NECESSARY WATER.**

**FINDING NO. 12: THE PROPOSED ANNEXATION WILL ALLOW COMPLETION OF A RESIDENTIAL SUBDIVISION WHICH MAY HELP MERCED COUNTY MEET ITS FAIR SHARE OF REGIONAL HOUSING NEEDS.**

- C. Adoption of Local Policy for City and Urban Service District Annexations in Conformance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000

Acting Executive Officer, William Nicholson presented the Executive Officer's Report.

The public hearing was opened at 2:35 p.m.

The following person(s) spoke in favor: None.

The following person(s) spoke in opposition: None.

The public hearing was closed at 2:35 p.m.

**MOTION: M/S BERTAO/MAIORINO, AND CARRIED BY A 4 – 0 VOTE, THE COMMISSION ADOPTS THE POLICIES AND RESOLUTION SET FORTH IN THE EXECUTIVE OFFICER'S REPORT DATED FEBRUARY 28, 2002.**

**V. GENERAL BUSINESS**

A. Request for Proposal (RFP) for LAFCO Staff Services: Discussion and Possible Direction

Commissioner Trevino felt that the Commission should go with the RFP and ascertain whether or not they could get the same or better services for the same or less money.

Commissioner Bertao said the RFP should not be pursued until such a time comes that LAFCO has so much business and so many applications that adequate services can no longer be provided by the County.

Commissioner O'Banion asked if any counties have recently taken action to change their structure.

Mr. Nicholson fielded that question. He said that Stanislaus County had broken LAFCO off separate from the county, but they took the staff along with them. Some counties have separate offices for the LAFCO staff, but most of them still operate out of the county building since all the other county departments are so integral to the completion of LAFCO applications.

Commissioner Trevino asked that if the LAFCO business in Merced County is so low, why are the costs not commensurate with this.

Mr. Nicholson explained that the budget was estimated at \$109,000 for the year. Some of this will be recovered by fees. The remainder will be paid half by the cities and half by the county. So far the workload has been less than anticipated and we are underbudget. However, the upcoming sphere reviews will take a lot of staff hours. At the end of the year, any leftover money does roll over into the next budget. It is not reallocated by either the cities or the county, but will count as a credit to their next year's contribution.

Commissioner Trevino has concerns about objectivity. He said we have County appointees and County attorneys, and although we may be objective, it's still possible that we may not be. Commissioner Trevino is also concerned about the budget estimates being higher than what is actually being spent.

Commissioner Maiorino asked what the LAFCO budget has been over the last three years.

Mr. Nicholson responded that it's been between \$16,000 to \$25,000. He added that the figure was application driven, since the policies and procedures didn't need to be updated at that point.

Commissioner Maiorino pointed out that the budget can vary depending on the

workload (i.e. the policies and procedures update and the sphere reviews). As far as objectivity he didn't feel that the information was skewed one way or the other. He stated that it is LAFCO's responsibility to ask the right questions and to be objective. Commissioner Bertao brought up the fact that if LAFCO was to get their own staff, they would end up having to ask the current LAFCO county staff everything with regard to the processing of applications, the sphere reviews, etc. He said this would be both time-consuming and costly. He said he believes we are fine the way we are with the current county staff.

**MOTION: M/S BERTAO/MAIORINO, AND CARRIED BY A 3 – 1 VOTE, (TREVINO VOTING NAY), THE COMMISSION APPROVES THE MOTION NOT TO RELEASE AN RFP.**

- B. Election of Commission Vice Chair (continued from December 6, 2001, meeting).

There was some discussion regarding when the election would be held and if the bylaws could be amended to change the timeline. LAFCO Counsel, James Tarhalla, answered that the item could be agendaized for the next meeting, and with a majority vote, the bylaws could be amended. Commissioner O'Banion also mentioned that the Vice Chair, Gloria Cortez-Keene, was elected last meeting, so the election of Commission Chair is the item before the Commission.

**MOTION: M/S BERTAO/TREVINO, AND CARRIED BY A 4 – 0 VOTE, THE COMMISSION DECIDES TO CONTINUE THE ELECTION PROCESS AND MAKE IT AN AGENDA ITEM FOR THE NEXT MEETING.**

- C. Status on Alternate Public Member Recruitment

William Nicholson informed the Commission that he has advertised for a public member from the east side of the County since Commissioner Bertao, the regular public member, is from the west side. So far there have been no applicants at all. Chairman O'Banion suggested Tom Frasier who had served on the LAFCO Commission previously.

William Nicholson also brought up that there is a LAFCO Workshop March 14<sup>th</sup> and 15<sup>th</sup> in Napa. The Board decided that there would be no meeting in March and the next meeting would be April 25<sup>th</sup>.

## VI. ADJOURNMENT

**There being no further business, Chairman O'Banion adjourned the meeting at 3:10 p.m.**