



of Merced County California

Local Agency Formation Commission

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

July 25, 2002

Chairman Cortez-Keene called the meeting to order at 2:07 p.m. in the Board Chambers on the third floor of the Merced County Administration Building.

**I. ROLL CALL**

**Commissioners Present:** Commissioner Cortez-Keene  
Commissioner Bertao  
Commissioner O'Banion  
Commissioner Ingram (Present at 2:37 p.m.)

**Staff Present:** Bill Nicholson, Executive Officer  
John LeVan, Staff Planner  
Victoria Lane, Recording Secretary

**Counsel Present:** Fernanda Saude, LAFCO Counsel

**II. APPROVAL OF MINUTES**

**MOTION:** M/S O'BANION - BERTAO, AND CARRIED, ON A VOTE OF 30, THE COMMISSION APPROVES THE MINUTES OF THE MEETING OF JUNE 27, 2002.

There was discussion regarding the two questions that James Tarhalla, LAFCO Counsel, was to have answered regarding whether the City of Atwater's application would go under the new Cortese-Knox-Hertzberg Act or the previous Act and also regarding whether the Commission had the authority to initiate and complete government reorganizations. Mr. Nicholson reported Mr. Tarhalla's answers. There was no time limit mentioned in the Act as long as the application was submitted before January 1, 2001. Therefore, the application for the City of Atwater can be processed under the old provisions. However, since staff spent considerable time on this application, the fee for processing this application will be according to the new LAFCO fee schedule. With regard to the second question, LAFCO does have the authority to initiate actions but not to complete them without support from the involved cities or agencies.

**III. CITIZEN COMMUNICATION**

NONE

**IV. PUBLIC HEARINGS**

A. Sphere of Influence Revision No. 9 to the Hilmar County Water District LAFCO File No. 1003E

- B. Hilmar Unified School District Annexation to the Hilmar County Water District LAFCO File No. 0580

LAFCO Staff Planner, John LeVan, presented the Executive Officer's Report dated July 25, 2002, for both of these items together.

The public hearing was opened at 2:22 p.m.

No one spoke in favor or opposition.

Ray Azevedo of Hilmar, California had a question. He asked if the nearby neighbors would be able to use the sewer and water lines that were being provided for the school district. For a definitive answer, he was referred to the Hilmar Community Services District.

The public hearing was closed at 2:25 p.m.

**MOTION: M/S O'BANION/BERTAO, AND CARRIED BY A 3 - 0 VOTE, THE COMMISSION DETERMINES THAT THERE ARE NO IMPACTS THAT NEED TO BE MITIGATED AND THEREFORE ADOPTS THE NEGATIVE DECLARATION.**

**MOTION: M/S O'BANION/BERTAO, AND CARRIED BY A 3 - 0 VOTE, THE COMMISSION APPROVES THE SPHERE OF INFLUENCE REVISION NO. 9 TO THE HILMAR COUNTY WATER DISTRICT, LAFCO FILE NO. 1003E AND THE ANNEXATION NO. 2001-1 TO THE HILMAR COUNTY WATER DISTRICT, LAFCO FILE NO. 0581 BASED UPON THE SPHERE OF INFLUENCE REVISION DETERMINATIONS 1-3 UNDER SECTION B AND ANNEXATION DETERMINATIONS 1-7 UNDER SECTION C IN THE EXECUTIVE OFFICER'S REPORT DATED JULY 25, 2002 AND ASSIGNS THE ANNEXATION THE SHORT FORM DESIGNATION "ANNEXATION NO. 2001-1 TO THE HILMAR COUNTY WATER DISTRICT".**

- C. Fahrens Creek II Annexation to the City of Merced LAFCO File No. 0581

LAFCO Staff Planner, John LeVan, presented the Executive Officer's Report dated July 25, 2002, for this item.

Commissioner Ingram joined the meeting in progress at 2:37 p.m.

The public hearing was opened at 2:43 p.m.

John Hoffman, from the City of Merced Planning Department, introduced himself and made himself available to answer any questions about the project. As far as the timing of the project, he stated that at most a 10-year time frame has been committed to. He deferred questions regarding the extension of Yosemite Avenue and issues regarding the flood channel to Dan Holmes from O'Dell Engineering.

Dan Holmes introduced himself and proceeded to update the Commission and audience on the project. They are waiting on a permit from the Army Corps of Engineers for a bridge to facilitate the extension of Yosemite Avenue. They are in the process of creating tentative subdivision maps and hopefully will begin construction on this by next summer.

The public hearing was closed at 2:50 p.m.

Commissioner Bertao stated that he would like to see Area C included in this annexation. Chairman Keene replied that if there is majority opposition they do not

have to be annexed.

**MOTION: M/S O'BANION/INGRAM, AND CARRIED BY A 4 – 0 VOTE, THE COMMISSION HAS CONSIDERED THE EXPANDED INITIAL STUDY OF THE FAHRENS CREEK II ANNEXATION TO THE CITY OF MERCED, LAFCO FILE NO. 0581, THAT IDENTIFIES 49 MITIGATION MEASURES AS WELL AS 3 ADDITIONAL MITIGATION MEASURES THAT WERE IDENTIFIED IN THE LAFCO STAFF REPORT.**

**MOTION: M/S O'BANION/INGRAM, AND CARRIED BY A 4-0 VOTE, THE COMMISSION APPROVES THE FAHRENS CREEK II ANNEXATION TO THE CITY OF MERCED, LAFCO FILE NO. 0581, TO INCLUDE THE 1.9 ACRE PORTION OF AREA C SUBJECT TO THE PROTEST HEARING, WITH THE DETERMINATIONS AND ACTIONS IDENTIFIED IN THE STAFF REPORT ITEMS 1-8 UNDER SECTION B AND ASSIGNS THE ANNEXION THE SHORT FORM DESIGNATION, "FAHRENS CREEK II ANNEXATION TO THE CITY OF MERCED".**

**V. GENERAL BUSINESS**

- A. Municipal Service Reviews: Continued Discussion on Work Programs and Strategy for Preparing Municipal Service Reviews.

Executive Officer, Bill Nicholson, presented the Executive Officer's Report dated July 25, 2002.

A revised list of all the Independent Special Districts was passed out to the Commissioners correcting the list that was passed out at the previous LAFCO meeting. There was discussion about the whereabouts of the Celeste County Water District and where they are getting their water supply. There was also discussion about some repetition with regard to the Santa Rita Water District, the Henry Miller Reclamation District and the San Luis Reclamation District and whether one or more might be one and the same.

Mr. Nicholson let the Commission know that we have only received one letter to date, from Los Banos, expressing their interest in proceeding with their municipal service review as soon as possible. Staff has prepared the first draft of a Request for Proposals for the consultants and this will go to subcommittee on consultant selection, composed of Commissioner Amabile, Commissioner Trevino, and Chairman Keene as an alternate. Staff recommendation is to wait and get the response from the proposals before deciding which jurisdictions to start with. Maybe we can get all six completed with the funds available.

**VI. ADJOURNMENT**

**There being no further business, Chairperson Keene adjourned the meeting at 3:10 p.m.**