



Local Agency Formation Commission
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**MINUTES OF REGULAR MEETING
OF THE
LOCAL AGENCY FORMATION COMMISSION
MERCED COUNTY, CALIFORNIA**

February 27, 2003

Chairman Cortez-Keene called the meeting to order at 2:00 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 Amabile
Commissioner O'Banion
Commissioner Trevino
Commissioner Ingram

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

Counsel Present: James Tarhalla, LAFCO Counsel

II. APPROVAL OF MINUTES

MOTION: M/S AMABILE - BERTAIO, AND CARRIED BY A UNANIMOUS VOTE, THE COMMISSION APPROVES THE MINUTES OF THE MEETING OF JANUARY 23, 2003.

III. CITIZEN COMMUNICATION

NONE

IV. PUBLIC HEARINGS

A. Johal Annexation No. 02-3 to the City of Atwater (LAFCO File No. 0587)

LAFCO Staff Planner, John LeVan, presented the Executive Officer's Report dated February 27, 2003.

Chairman Cortez-Keene asked where the 10 mitigation measures adopted by the City were located. It was determined that they are in the staff report under Document E, the

Environmental Initial Study. Mr. LeVan read the list of mitigation measures into the record. Chairman Cortez-Keene suggested that these mitigation measures be included in the staff report itself in the future.

The public hearing was opened at 2:11 p.m.

Larry Bowers, of B-C-A, representative for the applicant, introduced himself to the Commission, asked for the approval of the annexation, and stated he is available to answer any questions from the Commission or the public.

Guy Foote, resident of Rainbow Lane in Winton, introduced himself to the Commission. He asked whether a well was going to be used to supply water to the annexation area or if the city was going to run a line out there.

Mo Khatami, City of Atwater Planning Director, said that there is currently a 12-inch line on Winton Way that has to be extended to this site. Since they are not aware of how much pressure and volume is on that line and how much volume is going to be used in the future with the different land uses, they are requiring a water study as part of the development.

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

MOTION: M/S O'BANION – AMABILE, AND CARRIED BY A UNANIMOUS VOTE, THE COMMISSION APPROVES THE JOHAL ANNEXATION TO THE CITY OF ATWATER, LAFCO FILE NO. 0587, BASED UPON DETERMINATIONS 1-8 UNDER SECTION III B. OF THE EXECUTIVE OFFICER'S REPORT, CERTIFIES THAT THEY HAVE REVIEWED AND CONSIDERED THE JOHAL INITIAL STUDY PREPARED BY THE CITY OF ATWATER AS LEAD AGENCY, ACKNOWLEDGES THE FACT THAT THE CITY HAS ADOPTED 10 MITIGATION MEASURES TO REDUCE SIGNIFICANT ENVIRONMENTAL IMPACT FROM THE PROJECT, FOUR OF WHICH ARE UNDER LAFCO'S AUTHORITY, AND ASSIGNS THE PROJECT THE FOLLOWING SHORT FORM DESIGNATION: "JOHAL ANNEXATION TO THE CITY OF ATWATER."

V. GENERAL BUSINESS

A. Policy Discussion – Indemnity Agreements for Application Processing

Executive Officer, Bill Nicholson, presented the Commission with this topic that came up at the State CALAFCO conference in Santa Barbara. The indemnity agreement would be a means to protect the LAFCO Commission's budget from defending a lawsuit submitted against a city, special district, or property owner. LAFCO Counsel, James Tarhalla, stated that since LAFCO doesn't have much a budget this would make sure that any vulnerability is taken care of; he thinks this is a good business practice, and recommends that we use these agreements.

MOTION: M/S AMABILE/O'BANION, AND CARRIED BY A UNANIMOUS VOTE, THE COMMISSION ADVISES LAFCO COUNSEL TO DRAFT LANGUAGE FOR AN INDEMNITY AGREEMENT AND PRESENT IT TO THE COMMISSION FOR APPROVAL AT THE MEETING OF MARCH 27, 2003.

B. Update from Stanislaus LAFCO Workshop

Mr. Nicholson updated the Commission on the workshop that he and several other

commissioners had recently attended. It turned out that the workshop's main intention was to get the word out to their special districts that municipal service reviews needed to be done and to explain to them what the reviews were all about.

There was discussion about the fact that we are a little behind in getting these municipal service reviews done. However it was also mentioned that the State, who set these deadlines, did not even meet their own. Chairman Cortez-Keene argued that our deadline might be extended based on the State's delay.

Commissioner Trevino let the Commission know that the Mayors' Council has not met since LAFCO's last meeting so he has not had the chance to discuss the order of the cities' municipal reviews. Commissioner O'Banion suggested that since Los Banos was the only city to submit a written request to be among the first reviews done, perhaps Los Banos should be done first and the Mayors' Council could decide on the order of the rest of the cities.

Commissioner O'Banion commented that at the last meeting, with regard to the Mello Ranch Annexation, the Commission should have also requested that a traffic study be done on Avenue One. He asked that the City of Atwater do this as a request rather than a requirement. Mr. Khatami said the study will include the intersections at Avenue One and Two.

VI. ADJOURNMENT

There being no further business, Chairman Cortez-Keene adjourned the meeting at 2:35 p.m.