



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

April 24, 2003

Chairman Cortez-Keene called the meeting to order at 2:01 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 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 O'BANION - BERTAO, AND CARRIED BY A UNANIMOUS VOTE, THE COMMISSION APPROVES THE MINUTES OF THE MEETING OF MARCH 27, 2003.

III. CITIZEN COMMUNICATION

The following person spoke: Bryant Owens, residing at 2683 S. Plainsburg Road, Le Grand.

IV. PUBLIC HEARINGS

A. La Salvia Detachment from CCID
LAFCO File No. 0588

The public hearing was opened at 2:09 p.m.

The following person spoke: Bryant Owens.

The public hearing was closed at 2:10 p.m.

MOTION: M/S O'BANION – AMABILE, AND CARRIED BY A UNANIMOUS VOTE,

THE COMMISSION APPROVES THE LASALVIA DETACHMENT FROM THE CCID, LAFCO FILE NO. 0588, BASED UPON DETERMINATIONS 1-6 UNDER SECTION III B. OF THE EXECUTIVE OFFICER'S REPORT, INCLUDING THE CONDITION OF APPROVAL UNDER SECTION III B. (2A), CERTIFIES THAT THEY HAVE REVIEWED AND CONSIDERED THE LASALVIA NEGATIVE DECLARATION PREPARED BY THE CCID AS LEAD AGENCY, AND ASSIGNS THE PROJECT THE FOLLOWING SHORT FORM DESIGNATION: "LASALVIA DETACHMENT FROM THE CCID."

- B. Fahrens Creek North Annexation to the City of Merced
LAFCO File No. 0589

The public hearing was opened at 2:24 p.m.

The following people spoke: John Hofmann, City of Merced Planner and Bryant Owens

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

MOTION: M/S BERTAO/AMABILE, AND CARRIED BY A UNANIMOUS VOTE, THE COMMISSION APPROVES THE FAHRENS CREEK NORTH ANNEXATION TO THE CITY OF MERCED, LAFCO FILE NO. 0589, BASED UPON DETERMINATIONS 1-9 UNDER SECTION III B. AND DETERMINATION 1-3 UNDER SECTION III A. OF THE EXECUTIVE OFFICER'S REPORT, INCLUDING THE FIVE MITIGATION MEASURES UNDER SECTION III A (2A & 2B), AND INCLUDING THE CONDITIONS OF APPROVAL UNDER SECTION III B. (2A & B) THE LATTER CLARIFIED TO READ THAT THE CITY AND COUNTY WOULD ENTER INTO A MAINTENANCE AGREEMENT ONCE THE COUNTY STREETS (CARDELLA ROAD, PETTINOTTI ROAD, AND LACAVA ROAD) AND THE CORRESPONDING CITY STREETS ARE CONNECTED, CERTIFIES THAT THEY HAVE REVIEWED AND CONSIDERED THE FAHRENS CREEK NORTH EXPANDED INITIAL STUDY PREPARED BY THE CITY OF MERCED AS LEAD AGENCY, ADOPTS THE "STATEMENT OF OVERRIDING CONSIDERATIONS" CONSISTENT WITH THE CITY'S FINDINGS ADOPTED BY CITY COUNCIL RESOLUTION NO. 97-22, AND ASSIGNS THE PROJECT THE FOLLOWING SHORT FORM DESIGNATION: "FAHRENS CREEK NORTH ANNEXATION TO THE CITY OF MERCED."

- C. Hunt Family Annexation to the City of Merced
LAFCO File No. 0590

The public hearing was opened at 2:54 p.m.

The following people spoke: Sharon Dicker, applicant; Casey Steed; Bryant Owens; Nuketta Pretzer; Greg Merino; Frank Klick; and John Intardonato.

The public hearing was closed at 3:25 p.m.

MOTION: M/S AMABILE/O'BANION, AND CARRIED BY A UNANIMOUS VOTE, THE COMMISSION APPROVES THE HUNT FAMILY ANNEXATION TO THE CITY OF MERCED, LAFCO FILE NO. 0590, BASED UPON DETERMINATIONS 1-9 UNDER SECTION III B. AND DETERMINATIONS 1-3 UNDER SECTION III A. OF THE EXECUTIVE OFFICER'S REPORT, INCLUDING THE FOUR MITIGATION MEASURES UNDER SECTION III A (2A & 2B), AND INCLUDING THE CONDITIONS OF APPROVAL UNDER SECTION III B. (2A & 2B), ADOPTS THE "STATEMENT OF OVERRIDING CONSIDERATIONS" CONSISTENT WITH THE CITY'S FINDINGS ADOPTED BY CITY COUNCIL RESOLUTION NO. 97-22, CERTIFIES THAT THEY HAVE REVIEWED AND CONSIDERED THE HUNT FAMILY EXPANDED INITIAL STUDY PREPARED BY THE CITY OF MERCED AS LEAD AGENCY, AND ASSIGNS THE PROJECT THE FOLLOWING SHORT FORM DESIGNATION: "HUNT FAMILY

ANNEXATION TO THE CITY OF MERCED.”

V. GENERAL BUSINESS

- A. Indemnity Agreement Procedure – Adoption of an Indemnity Agreement as part of the LAFCO application filing procedure

MOTION: M/S AMABILE/INGRAM, AND CARRIED BY A UNANIMOUS VOTE, THE COMMISSION APPROVES THE INDEMNITY AGREEMENT SUBMITTED BY LAFCO COUNSEL AS A STANDARD COMPONENT OF THE LAFCO APPLICATION PACKAGE.

- B. Adoption of Proposed LAFCO Budget

MOTION: M/S O'BANION/AMABILE, AND CARRIED BY A UNANIMOUS VOTE, THE COMMISSION APPROVES THE PROPOSED FISCAL YEAR 2003/2004 LAFCO BUDGET WITH AN INCREASE IN FUNDS FOR THE ANNUAL CALAFCO CONFERENCE AND DIRECTS THE EXECUTIVE OFFICER TO FORWARD THIS BUDGET TO THE COUNTY, AND THE SIX CITIES AND SPECIAL DISTRICTS WITHIN THE COUNTY AND TO RETURN WITH THE FINAL BUDGET AT THE MAY 22, 2003 LAFCO MEETING.

VI. ADJOURNMENT

There being no further business, Chairman Cortez-Keene adjourned the meeting at 3:40 p.m.

NOTE: The LAFCO meeting was recorded and a tape is available to the public at the Merced LAFCO Office. Copies of the tape may also be purchased.