



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

June 26, 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 Amabile
Commissioner Bertao
Commissioner O'Banion
Commissioner Trevino
Commissioner Ingram
Commissioner Hunter

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 – BERTAIO, AND CARRIED BY A UNANIMOUS VOTE, THE COMMISSION APPROVES THE MINUTES OF THE MEETING OF MAY 22, 2003.

III. CITIZEN COMMUNICATION

None.

IV. PUBLIC HEARINGS

A. America West Annexation to the City of Atwater
LAFCO File No. 0593

The public hearing was opened at 2:30 p.m.

The following people spoke: Mo Khatami, City of Atwater; Steve Rough, Merced County Department of Public Works; Cyril Lawrence, Attorney for the developer; and Bill Anderson, project developer.

The public hearing was closed at 3:00 p.m.

MOTION: M/S O'BANION/BERTAO, AND CARRIED BY A 4-1 VOTE, NAY BY CHAIRMAN CORTEZ-KEENE, THE COMMISSION CERTIFIES THAT THEY HAVE REVIEWED AND CONSIDERED THE NEGATIVE DECLARATION PREPARED BY THE CITY OF ATWATER AS LEAD AGENCY, INCLUDING THE MITIGATION MEASURE UNDER SECTION III A. (2A), ADOPTS THE "STATEMENT OF OVERRIDING CONSIDERATIONS" CONSISTENT WITH THE CITY'S FINDINGS ADOPTED BY CITY COUNCIL RESOLUTION NO. 1570-00, AND APPROVES THE AMERICA WEST ANNEXATION TO THE CITY OF ATWATER, LAFCO FILE NO. 0593, BASED UPON DETERMINATIONS 1-9 UNDER SECTION III B. OF THE EXECUTIVE OFFICER'S REPORT, INCLUDING THE TWO CONDITIONS OF APPROVAL UNDER SECTION III C. (5) AND THE CONDITION OF APPROVAL AS OUTLINED IN THE LETTER OF JUNE 25, 2003 FROM STEVEN ROUGH, DEPARTMENT OF PUBLIC WORKS TO JOHN LEVAN, LAFCO PLANNER, WITH THE STIPULATION THAT IF THE SUBDIVISION ACCESS ONTO SUNSET DRIVE IS LIMITED ONLY FOR EMERGENCY ACCESS, THE MAINTENANCE AGREEMENT ON SUNSET DRIVE AND APPLGATE ROAD IS NOT REQUIRED, AND THE COMMISSION ASSIGNS THE PROJECT THE FOLLOWING SHORT FORM DESIGNATION: "AMERICA WEST ANNEXATION TO THE CITY OF ATWATER."

V. CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

No closed session was held.

VI. GENERAL BUSINESS

- A. Approval of Memorandum of Understanding with Merced County for LAFCO Staff Support

MOTION: M/S AMABILE/O'BANION, AND CARRIED BY A 4-1 VOTE, NAY BY COMMISSIONER TREVINO, THE COMMISSION APPROVES THE MEMORANDUM OF UNDERSTANDING, AUTHORIZES THE COMMISSION CHAIRMAN TO SIGN THE DOCUMENT, AND AUTHORIZES THE EXECUTIVE OFFICER TO FORWARD THE MOU TO THE COUNTY FOR APPROVAL.

- B. Indemnity Agreement – Policy Direction to Staff

THE COMMISSION DIRECTS STAFF TO INCLUDE INDEMNITY AGREEMENTS AS PART OF THE LAFCO APPLICATION PACKAGE FOR ALL APPLICATIONS SUBMITTED TO LAFCO.

VI. ADJOURNMENT

There being no further business, Chairman Cortez-Keene adjourned the meeting at 3:47 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.