



Local Agency Formation Commission
2222 M Street
Merced, CA 95340
Phone (209) 385-7671 Fax (209) 726-1710
Website: www.co.merced.ca.us/lafco

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

October 2, 2003

Chairman Cortez-Keene called the meeting to order at 2:03 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 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 O'BANION – BERTAO , AND CARRIED BY A UNANIMOUS VOTE, THE COMMISSION APPROVES THE MINUTES OF THE MEETING OF AUGUST 28, 2003.

III. CITIZEN COMMUNICATION

None.

IV. PUBLIC HEARINGS

A. Tatum Annexation to the City of Dos Palos
LAFCO File No. 0594

The public hearing was opened at 2:14 p.m.

The following people spoke: Oscar Avila, Central California Irrigation District

(CCID) and Bryant Owens, citizen.

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

MOTION: M/S O'BANION/BERTAO, AND CARRIED BY A UNANIMOUS VOTE, THE COMMISSION CERTIFIES THAT THEY HAVE REVIEWED AND CONSIDERED THE TATUM RANCH INITIAL STUDY PREPARED BY THE CITY OF DOS PALOS AS LEAD AGENCY, INCLUDING THE MITIGATION MEASURE UNDER SECTION III A. (2A), AND APPROVES THE TATUM RANCH ANNEXATION TO THE CITY OF DOS PALOS, LAFCO FILE NO. 0594, BASED UPON DETERMINATIONS 1-8 UNDER SECTION III B. OF THE EXECUTIVE OFFICER'S REPORT, INCLUDING THE TWO CONDITIONS OF APPROVAL UNDER SECTION III B. WITH THE SECOND ONE, ITEM (B), MODIFIED TO READ, "THE ENTIRE ANNEXATION TERRITORY SHALL BE DETACHED FROM THE CCID AND THE APPROXIMATELY SIX-ACRE TERRITORY ALONG HIGHWAY 33 THAT IS CURRENTLY WITHIN THE MIDWAY COMMUNITY SERVICES DISTRICT SHALL BE DETACHED PRIOR TO CONNECTION TO THE CITY OF DOS PALOS SEWER AND WATER SERVICES." AND THE ADDITIONAL CONDITION OF APPROVAL WITH REGARD TO THE LETTER RECEIVED FROM CCID, THAT WAS HANDED OUT AT THE LAFCO MEETING WHICH READS, "THE CERTIFICATE OF COMPLETION FOR THE TATUM ANNEXATION WILL NOT BE RECORDED UNTIL LAFCO IS PROVIDED CONFIRMATION FROM THE CITY OF DOS PALOS AND CCID THAT THE IRRIGATION AND DRAINAGE WATER ISSUES HAVE BEEN RESOLVED." AND THE COMMISSION ASSIGNS THE PROJECT THE FOLLOWING SHORT FORM DESIGNATION: "TATUM RANCH ANNEXATION TO THE CITY OF DOS PALOS."

V. GENERAL BUSINESS

- A. Indemnity Agreements – Review of LAFCO Policy Requiring all Applicants to Indemnify LAFCO for Project Approval

Although this is a general business item and a public hearing is not required, Chairman Cortez-Keene permitted the public to speak on this item.

The following people spoke: Greg Dias, Merced City Attorney; Rick Telegan, Real Estate Developer; Steve Rath, Los Banos City Manager; Richard Harriman, citizen; Ruben Castillo, County Counsel; and Bryant Owens, citizen.

MOTION: M/S CORTEZ-KEENE/O'BANION, AND CARRIED BY A UNANIMOUS VOTE, THE COMMISSION DIRECTS STAFF TO WORK WITH LAFCO COUNSEL AND RESOLVE THE LANGUAGE ISSUE IN THE INDEMNIFICATION AGREEMENT, TO RESOLVE AND PROCESS THE PREVIOUS APPLICATIONS THAT HAD INDEMNITY AGREEMENT ISSUES, AND TO ALLOW EITHER THE APPLICANT OR THE DEVELOPER TO SIGN THE INDEMNITY AGREEMENT.

- B. Briefing from Annual CALAFCO Conference

INFORMATION ITEM ONLY.

THE COMMISSION CANCELLED THE OCTOBER 23, 2003 REGULAR MEETING

AND SET A SPECIAL MEETING FOR OCTOBER 30, 2003, AT 2:00 P.M.

VI. ADJOURNMENT

There being no further business, Chairman Cortez-Keene adjourned the meeting at 3:48 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.