



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

October 30, 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 Amabile
Commissioner O'Banion
Commissioner Trevino
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 – AMABILE, AND CARRIED BY A UNANIMOUS VOTE, THE COMMISSION APPROVES THE MINUTES OF THE MEETING OF OCTOBER 2, 2003.

III. CITIZEN COMMUNICATION

None.

IV. PUBLIC HEARINGS

A. Kobane Annexation to the City of Atwater
LAFCO File No. 0595

The public hearing was opened at 2:08 p.m.

The following people spoke: Mike Kobane, President of Merced Mutual Insurance Company/applicant.

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

MOTION: M/S O'BANION/AMABILE, AND CARRIED BY A UNANIMOUS VOTE, THE COMMISSION CERTIFIES THAT THEY HAVE REVIEWED AND CONSIDERED THE KOBANE INITIAL STUDY PREPARED BY THE CITY OF ATWATER AS LEAD AGENCY, INCLUDING THE MITIGATION MEASURES UNDER SECTION III A. (2a-d), AND APPROVES THE KOBANE ANNEXATION TO THE CITY OF ATWATER, LAFCO FILE NO. 0595, 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. (2) AND THE COMMISSION ASSIGNS THE PROJECT THE FOLLOWING SHORT FORM DESIGNATION: "KOBANE ANNEXATION TO THE CITY OF ATWATER."

- B. Orchard Terrace II Annexation to the City of Los Banos
LAFCO File No. 0596

Note: Chairman Cortez-Keene excused herself due to a conflict of interest and asked Commissioner O'Banion to take over as Chairperson for the duration of this item.

The public hearing was opened at 2:20 p.m.

The following people spoke: Tom Keene, attorney from Linneman, Burgess, Telles, Van Atta, Vierra, Rathmann, Whitehurst & Keene, representing Bill Wyrick, owner of Auto-Mate Recreational Product and Tim Miller, Planning Director of Los Banos.

The public hearing was closed at 2:28 p.m.

MOTION: M/S AMABILE/TREVINO, AND CARRIED BY A VOTE OF 4-0, THE COMMISSION CERTIFIES THAT THEY HAVE REVIEWED AND CONSIDERED THE ORCHARD TERRACE II INITIAL STUDY PREPARED BY THE CITY OF LOS BANOS AS LEAD AGENCY, ADOPTS A "STATEMENT OF OVERRIDING CONSIDERATIONS" CONSISTENT WITH THE CITY'S FINDINGS ADOPTED BY CITY COUNCIL RESOLUTION #4037 ON MAY 19, 1999, AND APPROVES THE ORCHARD TERRACE II ANNEXATION TO THE CITY OF LOS BANOS, LAFCO FILE NO. 0596, BASED UPON DETERMINATIONS 1-8 UNDER SECTION III B. OF THE EXECUTIVE OFFICER'S REPORT, INCLUDING THE CONDITION OF APPROVAL UNDER SECTION III B. (2) AND THE COMMISSION ASSIGNS THE PROJECT THE FOLLOWING SHORT FORM DESIGNATION: "ORCHARD TERRACE II ANNEXATION TO THE CITY OF LOS BANOS."

V. GENERAL BUSINESS

- A. Local LAFCO Procedures: Format for Indemnification Agreements

MOTION: M/S AMABILE/O'BANION, AND CARRIED BY A UNANIMOUS VOTE, THE COMMISSION ACCEPTS THE STANDARD FORMAT FOR INDEMNITY AGREEMENTS PRESENTED BY STAFF.

**THE COMMISSION CANCELLED THE DECEMBER 4, 2003 REGULAR MEETING
AND WILL RECONVENE AT THE NEXT REGULAR MEETING OF JANUARY 22,
2004, AT 2:00 P.M.**

VI. ADJOURNMENT

**There being no further business, Chairman Cortez-Keene adjourned the meeting at
2:50 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.**