



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

**December 2, 2004**

**Chairman Cortez-Keene called the meeting to order at 2:02 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 Ingram  
Commissioner O'Banion  
Commissioner Melville

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

**Counsel Present:** Ruben Castillo, 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 OCTOBER 28, 2004.**

**III. CITIZEN COMMUNICATION**

The following person spoke: Marshall Krupp, Community Systems Associates, consultant for the Merced City School District, the Merced Union High School District, and the Weaver Union School District.

**IV. PUBLIC HEARINGS**

A. Revision No. 2 to the City of Los Banos Sphere of Influence  
LAFCO File No. 1002B

Mr. LeVan made one correction to the staff report; the Ramos Road Street Lighting Zone of Benefit No. 405 will not be in the sphere boundary.

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

The following person spoke: Tim Miller, Planning Consultant for the City of Los Banos.

The public hearing was closed at 2:16 p.m.

**MOTION: M/S O'BANION/AMABILE, AND CARRIED BY A UNANIMOUS VOTE, THE COMMISSION APPROVES THE SPHERE OF INFLUENCE REVISION NO. 2 TO THE CITY OF LOS BANOS, LAFCO FILE NO. 1002B, BASED UPON THE ENVIRONMENTAL DETERMINATION UNDER SECTION III A. AND SPHERE OF INFLUENCE DETERMINATIONS 1-4 UNDER SECTION III B. OF THE EXECUTIVE OFFICER'S REPORT AND AUTHORIZES LAFCO STAFF TO COMPLETE THE PROCEEDINGS FOR THE SPHERE OF INFLUENCE REVISION WITHOUT FURTHER NOTICE, HEARING, OR ELECTION.**

**V. GENERAL BUSINESS**

- A. Out-of-Boundary Service Application – City of Atwater/Rolfe Construction  
LAFCO File No. 04-01

In response to questions from the Commission, Steve Hamilton, Merced County Department of Public Works, commented on storm water drainage.

There were some questions from the Commission regarding whether or not the City had adequate sewer and water capacity to serve this project. There was no representative from Atwater to answer these questions.

**MOTION: M/S BERTAO/INGRAM, AND CARRIED BY A UNANIMOUS VOTE, THE COMMISSION CONTINUES THIS ITEM TO THE NEXT MEETING ON JANUARY 27, 2005 AND REQUESTS A LETTER FROM THE CITY OF ATWATER STATING THEY HAVE THE CAPACITY TO SERVICE THIS PROJECT.**

- B. Set 2005 Meeting Calendar

**MOTION: M/S INGRAM/O'BANION, AND CARRIED BY A UNANIMOUS VOTE, THE COMMISSION ADOPTS THE "EXHIBIT A" SCHEDULE OF MEETINGS AND APPLICATION FILING DEADLINES WHICH KEEPS THE MEETINGS ON THE FOURTH THURSDAY OF THE MONTH, BUT WITH ONE MODIFICATION, THE MEETINGS WILL START AT 10 AM INSTEAD OF 2 PM.**

**VI. ADJOURNMENT**

**There being no further business, Chairman Cortez-Keene adjourned the meeting at 3:05 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.**