



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

**May 26, 2005**

**I. CALL MEETING TO ORDER**

Chairman Amabile called the meeting to order at 10:05 a.m. in the Board Chambers on the Third Floor of the Merced County Administration Building.

**II. PLEDGE OF ALLEGIANCE**

**III. ROLL CALL OF COMMISSIONERS**

**Commissioners Present:** Commissioner Amabile  
Commissioner Ingram  
Commissioner Bertao  
Commissioner Kelsey  
Commissioner O'Banion  
Commissioner Melville  
Commissioner Nelson

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

**Counsel Present:** Ruben Castillo, LAFCO Counsel

**IV. APPROVAL OF MINUTES**

**MOTION: M/S KELSEY/INGRAM, AND CARRIED BY A UNANIMOUS VOTE, THE COMMISSION APPROVES THE MINUTES OF THE MEETING OF APRIL 28, 2005.**

**V. CITIZEN COMMUNICATION**

LAFCO Counsel, Ruben Castillo stated that he did sign the tolling agreement regarding Atwater South Annexation on behalf of the LAFCO Commission and this was distributed to the Commissioners.

VI. PUBLIC HEARINGS

A. Village Green Annexation to the City of Los Banos

The public hearing was opened at 10:21 a.m.

The following people spoke: Paul Aldretti, Superintendent of the Los Banos Unified School District and Dave Romano, a civil engineer from Russell Newman's office on behalf of Ranchwood Homes.

The public hearing was closed at 10:24 a.m.

**MOTION: M/S O'BANION/INGRAM, AND CARRIED BY A UNANIMOUS VOTE, THE COMMISSION CERTIFIES THAT THEY HAVE REVIEWED AND CONSIDERED THE VILLAGE GREEN INITIAL STUDY PREPARED BY THE CITY OF LOS BANOS AS LEAD AGENCY, INCLUDING THE ONE MITIGATION MEASURE UNDER SECTION III A.(1), ADOPTS A "STATEMENT OF OVERRIDING CONSIDERATIONS" CONSISTENT WITH THE CITY'S FINDINGS ADOPTED ON MAY 19, 1999 BY CITY COUNCIL RESOLUTION #4037, APPROVES THE VILLAGE GREEN ANNEXATION TO THE CITY OF LOS BANOS, LAFCO FILE NO. 0618, BASED UPON DETERMINATIONS 1-9 UNDER SECTION III B. OF THE EXECUTIVE OFFICER'S REPORT, AND ASSIGNS THE PROJECT THE FOLLOWING SHORT FORM DESIGNATION: "VILLAGE GREEN ANNEXATION TO THE CITY OF LOS BANOS."**

B. Adoption of Final Budget for Fiscal Year 2005/2006

The public hearing was opened at 10:48 a.m.

No one spoke.

The public hearing was closed at 10:48 a.m.

**MOTION: M/S KELSEY/BERTAO, AND CARRIED BY A UNANIMOUS VOTE, THE COMMISSION ADOPTS THE FINAL LAFCO BUDGET FY 05/06 AND DIRECTS THE EXECUTIVE OFFICER TO NOTIFY THE CITIES AND COUNTY OF THEIR FORMAL FUNDING REQUIREMENTS.**

VII. GENERAL BUSINESS

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

**MOTION: M/S INGRAM/BERTAO, AND CARRIED BY A UNANIMOUS VOTE, THE COMMISSION APPROVES THE MEMORANDUM OF UNDERSTANDING (MOU), AUTHORIZES THE COMMISSION CHAIRMAN TO SIGN THE DOCUMENT, AND AUTHORIZES THE EXECUTIVE OFFICER TO FORWARD THE MOU TO THE COUNTY FOR APPROVAL.**

- B. Out of Boundary Service Application – Winton Water & Sanitary District/Flores  
LAFCO File No. 05-01

In response to a question from the Commission, Steve Hamilton from the County Department of Public Works addressed the Commission with regard to the encroachment permit

**MOTION: M/S KELSEY/O'BANION, AND CARRIED BY A UNANIMOUS VOTE, THE COMMISSION DIRECTS THE EXECUTIVE OFFICER TO SUBMIT A LETTER TO THE WINTON WATER AND SANITARY DISTRICT INDICATING THE COMMISSION'S APPROVAL OF THE OUT OF BOUNDARY WATER SERVICE EXTENSION TO STELLA FLORES, CONDITIONAL UPON MS. FLORES SIGNING A "WAIVER OF PROTEST AGREEMENT" AND COMPLIANCE WITH COUNTY PUBLIC WORKS REQUIREMENTS.**

**COMMISSIONER O'BANION REQUESTED THAT WE PUT THE REAPPOINTMENT OF BOB BERTAO AS THE PUBLIC MEMBER ON THE NEXT COMMISSION MEETING AGENDA.**

**AFTER SOME DISCUSSION, IT WAS REQUESTED THAT THE PROPOSED CCID INDEMNIFICATION AGREEMENT BE PUT ON THE NEXT AGENDA FOR COMMISSIONER APPROVAL.**

**CHAIRMAN AMABILE ALSO REQUESTED THAT A HEADING CALLED "COMMISSIONERS' COMMENTS" BE ADDED TO FUTURE AGENDAS PRIOR TO ADJOURNMENT.**

**VIII. ADJOURNMENT**

There being no further business, Chairman Amabile adjourned the meeting at 11:20 a.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.**