



of Merced County California

Local Agency Formation Commission  
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**MINUTES FOR REGULAR MEETING OF  
FEBRUARY 23, 2006  
LOCAL AGENCY FORMATION COMMISSION  
MERCED COUNTY, CALIFORNIA**

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.

**I. ROLL CALL**

**Commissioners Present:** Commissioner Amabile  
Commissioner Bertao  
Commissioner Kelsey  
Commissioner Ingram

**Staff Present:** Bill Nicholson, Executive Officer  
John LeVan, LAFCO Staff Planner  
Celeste Aguirre, Recording Secretary

**Counsel Present:** Ruben Castillo, County Counsel  
Walter Wall, County Counsel

**II. APPROVAL OF MINUTES**

**MOTION: M/S KELSEY / INGRAM, AND CARRIED BY A VOTE OF 4-0, THE COMMISSION APPROVED THE MINUTES OF THE MEETING OF JANUARY 26, 2006.**

**III. CITIZEN COMMUNICATION**

**NONE**

**IV. PUBLIC HEARINGS**

**A. MOTION: M/S KELSEY / INGRAM, AND CARRIED BY A UNANIMOUS VOTE OF 4-0, THE COMMISSION APPROVES LAFCO FILE 0623 THE BARNELL ANNEXATION TO THE CITY OF MERCED. 1. MAKE ENVIRONMENTAL DETERMINATIONS INCLUDING THE ADOPTION OF MITIGATION MEASURES AND STATEMENT OF OVERWRITING CONSIDERATIONS. 2. MAKE THE EIGHT DETERMINATIONS FOR THE ANNEXATION. 3. ASSIGN THE ANNEXATION THE DESIGNATION BARNELL ANNEXATION TO THE CITY OF MERCED. 4. APPROVE THE ANNEXATION TO THE SIX PARCELS TOTALING 69.7 ACRES AND DESIGNATE STAFF TO COMPLETE THE PROCEEDINGS WITHOUT FURTHER NOTICE, HEARING, OR ELECTION WITH TWO CONDITIONS: FIRST, THE BOUNTY BE ADJUSTED TO INCLUDE FULL WIDTH**

OF PETTINOTTI ROAD, OVER TO THE WESTERN BOUNTY OF THE ANNEXATION AREA. SECOND, THE ANNEXATION NOT BE FINALIZED OR RECORDED UNTIL THE CITY FULLY EXECUTES A MAINTENANCE AGREEMENT FOR PETTINOTTI, LACAVA, AND A PORTION OF CARDELLA ROAD AS REQUIRED BY THE FAHRENS CREEK NORTH ANNAXATION. 5. THE REINERO PARCELS WILL NOT BE INCLUDED IN THE ANNEXATION.

**V. GENERAL BUSINESS**

- A. PRELIMINARY REVIEW OF CITY OF LIVINGSTON SPHERE OF INFLUENCE REVISION: PACIFIC MUNICIPAL CONSULTANTS, MODESTO, CALIFORNIA ARE THE CONSULTANTS THAT HAVE BEEN CONTRACTED BY THE CITY TO DO THE GENERAL PLAN UPDATE AND ALSO TO COMPLETE THE MASTER PLAN ENVIRONMENTAL IMPACT REPORT THAT IS SUPPORTING THE GENERAL PLAN UPDATE. THEY PROVIDED THE LAFCO COMMISSION WITH THE PRELIMINARY REVIEW OF WHAT IS BEING PROPOSED UNDER THE GENERAL PLAN UPDATE SPECIFICALLY THE PROPOSED SPHERE OF INFLUENCE FOR THE NEXT TWENTY YEARS OF GROWTH. THE LAFCO COMMISSION INDICATED GENERAL ACCEPTANCE OF THE PROPOSED BOUNDARIES AND THE EXECUTIVE OFFICER WILL SUBMIT A RESPONSE TO THE NOTICE OF PREPARATION ON THE EIR.
- B. MOTION: M/S KELSEY / BERTAO, AND CARRIED BY A UNANIMOUS VOTE OF 4-0, THE COMMISSION CONTINUED, ITEM V. GENERAL BUSINESS - B. UPDATE AND SELECTION OF LAFCO EXECUTIVE OFFICER AND SUPPORT STAFF, TO THE MARCH 23, 2006 MEETING. LAFCO COMMISSION WOULD LIKE TO SEE AN UPDATED PROPOSAL FROM MERCED COUNTY PLANNING AND ALSO A PROPOSAL FROM MERCED COUNTY ASSOCIATION OF GOVERNMENTS BEFORE MAKING A DECISION. BOTH PARTIES NEED TO BE NOTIFIED SO THAT THEY CAN BE PRESENT AT THE NEXT MEETING FOR QUESTIONS AND CLARIFICATION THAT THE COMMISSION MY HAVE AT THAT TIME.
- C. MOTION: M/S INGRAM / BERTAO, AND CARRIED BY A UNANIMOUS VOTE OF 4-0, THE COMMISSION SELECT BEST, BEST, AND KRIEGER OF WALNUT CREEK TO BE LEGAL COUNSEL FOR THE LAFCO COMMISSION. COMMISSION DIRECTED LAFCO STAFF TO COME TO AN AGREEMENT WITH THEM.

**VI. PUBLIC EMPLOYMENT – INTERVIEWS FOR LAFCO COUNSEL (Government Code Section 54957(b)(1)).**

It is the intention of the Commission to meet in Closed Session to conduct interviews for the position of LAFCO Counsel.

**VII. COMMISSIONERS' COMMENTS**

**VIII. ADJOURNMENT**

There being no further business, Chairman Amabile adjourned the meeting at 12:10 p.m.