



Local Agency Formation Commission
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**MINUTES FOR REGULAR MEETING OF
DECEMBER 7, 2006
LOCAL AGENCY FORMATION COMMISSION
MERCED COUNTY, CALIFORNIA**

Chairman Ingram called the meeting to order at 10:06 a.m. in the Board Chambers on the third floor of the Merced County Administration Building.

I. ROLL CALL

Commissioners Present: Commissioner Bertao
Commissioner Kelsey
Commissioner Ingram
Commissioner O'Banion

Staff Present: Bill Nicholson, Executive Officer
Gene Barrera, LAFCO Staff Planner
Angela M. Rezendez, Recording Secretary

Counsel Present: Malathy Subramanian, LAFCo Legal Counsel

II. APPROVAL OF MINUTES

MOTION: M/S BERTAIO / O'BANION, AND CARRIED BY A VOTE OF 4-0, THE COMMISSION APPROVES THE MINUTES OF THE MEETING OF OCTOBER 26, 2006.

III. CITIZEN COMMUNICATION

NONE

IV. CONSENT CALENDAR

A. MOTION: M/S O'BANION / KELSEY, AND CARRIED BY A UNANIMOUS VOTE OF 4-0, THE COMMISSION APPROVED THE RESOLUTION TO COMPLETE PROCEEDINGS – LAFCO FILE NO. 0633 – OLEANDER NO. 2 ANNEXATION TO THE CITY OF MERCED.

V. PUBLIC HEARINGS

A. MOTION: M/S O'BANION / KELSEY, AND CARRIED BY A UNANIMOUS VOTE OF 4-0, THE COMMISSION APPROVED LAFCO FILE NO. 0625 ENTITLED HOSTETLER / LUCAS / CARLUCCI RANCH REORGANIZATION INVOLVING THE CENTRAL CALIFORNIA IRRIGATION DISTRICT. 1. MAKE THE ENVIRONMENTAL DETERMINATION AS LISTED ON PAGE 3 FOR THE

REORGANIZATION. 2. MAKE THE SEVEN DETERMINATIONS AS LISTED ON PAGES 3 AND 4 FOR THE REORGANIZATION. 3. ASSIGN THE PROPOSED ANNEXATION THE FOLLOWING SHORT FORM DESIGNATION "HOSTETLER / LUCAS / CARLUCCI REORGANIZATION INVOLVING THE CENTRAL CALIFORNIA IRRIGATION DISTRICT". 4. IN ACCORDANCE WITH THE CORTESE/KNOX/HERTZBERG LOCAL GOVERNMENT REORGANIZATION ACT OF 2000, THE COMMISSION APPROVES THE PROPOSED ANNEXATION AS DESCRIBED IN DOCUMENTS A AND B AND AUTHORIZES LAFCO STAFF TO COMPLETE THE PROCEEDINGS FOR THE ANNEXATION WITHOUT FURTHER NOTICE, HEARING OR ELECTION, SUBJECT TO THE FOLLOWING CONDITIONS: 1) THAT THE PROPERTY REMAINS IN AGRICULTURAL USE FOR AT LEAST 10 YEARS FOLLOWING ANNEXATION; 2) THAT THE PROPERTY SHALL RECEIVE THE RIGHT TO USE CCID WATER ON LAND ONLY WITHIN THE DISTRICT; 3) THAT THE LANDOWNER MAY NOT TRANSFER THE WATER OUT OF THE DISTRICT FOR TEN YEARS AFTER THE ANNEXATION; 4) THAT IF THE PROPERTY IS SOLD WITHIN TEN YEARS AFTER THE ANNEXATION, THE BUYER WILL BE BOUND BY THE TERMS OF THE OTHER CONDITIONS; AND 5) THAT THE ABOVE CONDITIONS SHALL BE RECORDED AGAINST THE PROPERTY SO THAT THEY WILL BE A MATTER OF PUBLIC RECORD.

B. MOTION: M/S KELSEY / BERTAO, AND CARRIED BY A UNANIMOUS VOTE OF 4-0, THE COMMISSION APPROVED LAFCO FILE NO. 0635 ENTITLED WINTON ELEMENTARY SCHOOL DISTRICT ANNEXATION INTO THE WINTON WATER AND SANITARY DISTRICT. 1. MAKE THE ENVIRONMENTAL FINDING AS LISTED ON PAGE 2 FOR THE ANNEXATION; 2. MAKE THE EIGHT DETERMINATIONS AS LISTED ON PAGE 3 FOR THE ANNEXATION; 3. ASSIGN THE PROPOSED ANNEXATION THE FOLLOWING SHORT FORM DESIGNATION: "WINTON ELEMENTARY SCHOOL DISTRICT ANNEXATION TO THE WINTON WATER AND SANITARY DISTRICT" 4. IN ACCORDANCE WITH THE CORTESE/KNOX/HERTZBERG LOCAL GOVERNMENT REORGANIZATION ACT OF 2000, THE COMMISSION APPROVES THE PROPOSED ANNEXATION AS DESCRIBED IN DOCUMENTS A AND B AND AUTHORIZES LAFCO STAFF TO COMPLETE THE PROCEEDINGS FOR THE ANNEXATION WITHOUT FURTHER NOTICE, HEARING OR ELECTION.

V. CLOSED SESSION 10:38-10:50 – NO RECORDABLE ACTION

CONFERENCE WITH LEGAL COUSEL – EXISTING LITIGATION (GOVERNMENT CODE SECTION 54956.9(A).) FELIX M. LOPEZ AND ELIZABETH RUIZ V. COUNTY OF MERCED, CALIFORNIA, ETAL. CASE NO. CV-01526-OWW-DLB

VII. GENERAL BUSINESS

NO ITEMS WERE DISCUSSED.

VIII. COMMISSIONERS' COMMENTS

IX. ADJOURNMENT

THERE BEING NO FURTHER BUSINESS, CHAIRMAN INGRAM ADJOURNED THE MEETING AT 10:52 A.M.