



Local Agency Formation Commission  
2222 M Street  
Merced, CA 95340  
Phone (209) 385-7671 / Fax (209) 726-1710  
www.lafcomerced.org

**MINUTES FOR REGULAR MEETING OF  
MARCH 26, 2009**

**LOCAL AGENCY FORMATION COMMISSION  
MERCED COUNTY, CALIFORNIA**

Chairman Bertao called the meeting to order at 10:00 a.m. in the Board Chambers on the third floor of the Merced County Administration Building.

**I. CALL MEETING TO ORDER**

**II. PLEDGE OF ALLEGIANCE**

**III. ROLL CALL**

Commissioners Present: Commissioner O'Banion (Acting Chairman)  
Commissioner Gabriault- Acosta  
Commissioner Hunter (Alternate)  
Commissioner Nelson (Alternate)

Staff Present: Bill Nicholson, Executive Officer  
Kim Anderson, Recording Secretary  
David Gilbert, LAFCo Staff Planner

Counsel Present: Malathy Subramanian, LAFCO Legal Counsel

**IV. APPROVAL OF MINUTES**

**MOTION: M/S GABRIULT- ACOSTA / NELSON, AND CARRIED BY A VOTE OF 4 - 0, THE COMMISSION APPROVES THE MINUTES OF THE MEETING OF JANUARY 22, 2009 WITH ACTING CHAIRMAN O'BANION REQUESTING A CORRECTION BE MADE TO READ "CHAIRMAN BERTAO ADJOURNED THE MEETING".**

**V. CITIZEN COMMUNICATION**

None

**VI. CONSENT ITEM**

**A. Resolution to Complete Proceedings – LAFCo File No. 0643 - Merced County Mosquito Abatement District Annexation**

**MOTION: M/S NELSON / HUNTER, AND CARRIED BY A VOTE OF 4 - 0, THE COMMISSION APPROVES THE RESOLUTION TO COMPLETE THE PROCEEDINGS FOR LAFCO FILE NO. 0643 – MERCED COUNTY MOSQUITO ABATEMENT DISTRICT ANNEXATION.**

VII. PUBLIC HEARINGS

None

VIII. GENERAL BUSINESS

A. Budget Process for 2009/2010 Fiscal Year

Bill Nicholson gave an update on the budget for the 2009/2010 fiscal year. Only five annexations have been received this year, most involve the Central California Irrigation District. The annual LAFCo Commissioner conference is coming up in Yosemite and the Commission may attend. A draft of the budget will be on the April 23, 2009 agenda for changes or approval.

B. Municipal Service Review Status Update

Bill Nicholson gave an update on the Municipal Service Reviews that are complete and still needed. The City of Merced, Livingston, Gustine and Los Banos have been adopted. LAFCo is still waiting on the City of Atwater. Reviews have been completed for the Agricultural Irrigation, Sewer and Water Districts. Next month will be the Resource Conservation and Cemetery Districts. All reviews will be sent to all adjacent districts to confirm information.

C. Consideration of a Fee Waiver for the Special District Reorganization involving the minor County boundary change between Fresno and Merced Counties.

**MOTION: M/S HUNTER / GABRIULT- ACOSTA, AND CARRIED BY A VOTE OF 4 - 0, THE COMMISSION WAIVES THE FEE FOR THE SPECIAL DISTRICT REORGANIZATION INVOLVING THE MINOR COUNTY BOUNDARY CHANGE BETWEEN FRESNO AND MERCED COUNTIES.**

IX. CLOSED SESSION

Conference with Legal Counsel – Existing Litigation (Government Code Section 54956.9(a).) Owens V Local Agency Formation Commission of Merced - Case No. CU151593

Lafco Legal Counsel Malathy Subramanian said this item can be considered an Open Session.

**MOTION: GABRIULT – ACOSTA / NELSON, AND CARRIED BY A VOTE OF 4 – 0, THE COMMISSION WAIVES THE CLOSED SESSION.**

Ms. Subramanian stated that Bryant Owens lost the lawsuit he filed against LAFCO, the Housing Authority and the Planada Community Services District. He had failed to request a hearing that is mandatory. The courts dismissed the lawsuit so this is done.

**X. COMMISSIONERS' COMMENTS**

**Commissioner Gabriault – Acosta said that the City General Plan Update will be coming at the end of the summer.**

**XI. ADJOURNMENT**

**There being no further business, Chairman O'Banion adjourned the meeting at 10:30 a.m.**