
**SAN JOAQUIN
LOCAL AGENCY FORMATION COMMISSION**

AGENDA ITEM #1

LAFCo

509 W. WEBER AVENUE SUITE 420 □ STOCKTON, CA 95203

CHAIR

STEVEN NILSSEN
PUBLIC MEMBER

MEMBERS

JOHN W. HARRIS
MANTECA CITY COUNCIL

LARRY RUHSTALLER
COUNTY BOARD OF
SUPERVISORS

VICE CHAIR
KRISTY SAYLES
LATHROP CITY COUNCIL

KEN VOGEL
COUNTY BOARD
OF SUPERVISORS

ALTERNATE MEMBERS

STEVE BESTOLARIDES
COUNTY BOARD
OF SUPERVISORS

PATRICK STOCKAR
PUBLIC MEMBER

CHUCK WINN
RIPON CITY COUNCIL

EXECUTIVE OFFICER

JAMES E. GLASER

COUNSEL

MICHAEL F. MCGREW

ANALYST

ELIZABETH CONTRERAS

COMMISSION CLERK

LINDA LUND

SUMMARY MINUTES
LOCAL AGENCY FORMATION COMMISSION
OF SAN JOAQUIN COUNTY

December 11, 2009

BOARD OF SUPERVISORS CHAMBERS
44 N. SAN JOAQUIN STREET, 6th FLOOR
STOCKTON, CALIFORNIA

* * *

Chairman Nilssen called the meeting to order at 10:03 A.M.

MEMBERS PRESENT: Commissioners John W. Harris, Larry
Ruhstaller, Ken Vogel, and Steve Nilssen

MEMBERS ABSENT: Commissioner Kristy Sayles

ALTERNATE MEMBERS
PRESENT: Commissioners Patrick Stockar and Chuck
Winn

ALTERNATE MEMBERS
ABSENT: Commissioner Steve Bestolarides

OTHERS PRESENT: James Glaser, Executive Officer; Michael
McGrew, Legal Counsel; Elizabeth
Contreras, LAFCo Analyst and Linda Lund,
Commission Clerk

CONSENT ITEMS: Minutes of the October 16, 2009 regular
meeting were approved upon the by motion
from Commissioner Ruhstaller with a
second by Commissioner Vogel.

Request for Out-of-Agency Service for 2357 Waterloo Road in Stockton were approved upon the motion from Commissioner Ruhstaller with a second by Commissioner Vogel.

Commissioner Winn arrived at 10:05 a.m.

MATTERS SET FOR PUBLIC HEARING

- 3. PACIFIC GARDENS SANITARY SEWER DISTRICT ANNEXATION (LAFC 29-09)
 Proposal to annex 40 parcels (27.39 total acres) to the Pacific Gardens Sanitary Sewer District. Properties currently receive sewer service from the District but are not within the District boundaries.

Mr. Glaser presented the staff report. He began by presenting the background of the proposal and the explained how the annexation allow the collection of assessments for services provided. He concluded by recommending adoption of a resolution of approval. He further said that this annexation will require a Protest Hearing.

Chairman Nilssen opened the public hearing.

Alicia Albright from the County Department of Public Works came forward to ask the Commission's approval of this annexation which will rectify the current loss of assessment by the County.

No one else came forward. Chairman Nilssen closed the public hearing.

Commissioners Nilssen, Ruhstaller and Vogel all expressed concern that there may be other residents out there also receiving service that have not been billed. They recommended an examination of all records be conducted to insure this situation does not exist.

A motion was made by Commissioner Vogel with a second by Commissioner Ruhstaller to approve the annexation and direct the Executive Officer to conduct the required Protest Hearing. The motion passed by the following roll call vote:

YES: Commissioners Harris, Ruhstaller, Vogel, Winn and Nilssen

NOES: None

ABSENT: Commissioner Sayles

- 4. CRIVELLO ESTATES REORGANIZATION TO THE CITY OF MANTECA (LAFC 28-09)
 Proposal to annex 20.22 acres to the City of Manteca with concurrent detachments from the Lathrop-Manteca Fire District and the San Joaquin County Resource Conservation District. The proposed territory is located on the eastern edge of the City boundary, south of Louise Avenue and west of North Austin Road, Manteca.

Mr. Glaser gave the staff report. He said this annexation is consistent with the City General Plan, and within the 10-year planning horizon. He concluded by advising this project meets Commission policies for orderly growth and urban development. He recommended approval of this annexation by the Commission.

Chairman Nilssen opened the public hearing.

Lantz Rey, from the City of Manteca, came forward to request the Commission's approval of this annexation.

No one else came forward. Chairman Nilssen closed the public hearing.

Commissioner Harris advised the Commission there is no Williamson Act property involved in this annexation.

Chairman Nilssen questioned the loss of revenue to the Lathrop-Manteca Fire District.

Mr. Glaser replied there will be an approximate loss of revenue to the fire district of \$1,400.00

A motion was made by Commissioner Harris with a second by Commissioner Winn to approve the annexation as presented. The motion passed by the following roll call vote:

YES: Commissioners Harris, Ruhstaller, Vogel, Winn and Nilssen

NOES: None

ABSENT: Commissioner Sayles

5. UNION CROSSING REORGANIZATION TO THE CITY OF MANTECA
(LAFC 27-09)

Proposal to annex 66.49 acres to the City of Manteca with concurrent detachments from the Lathrop-Manteca Fire District and the San Joaquin County Resource Conservation District. The proposed territory is located at the intersection of State Route 120 and South Union Road, Manteca.

Mr. Glaser gave the staff report. He reviewed the background and reviewed factors for this project. He recommended approval of this annexation and the scheduling of the required Protest Hearing.

Chairman Nilssen opened the public hearing.

Erika Dorrer from the City of Manteca stated the City's complete agreement with the staff report.

No one else came forward. Chairman Nilssen closed the public hearing.

Commissioner questioned how the land is presently being used.

Mr. Glaser advised that approximately 50 acres of prime farmland will be converted to urban use.

A motion was made by Commissioner Vogel with a second by Commissioner Ruhstaller to approve the annexation as presented and direct the Executive Officer to schedule a Protest Hearing. The motion passed by the following roll call vote:

YES: Commissioners Harris, Ruhstaller, Vogel, Winn and Nilssen

NOES: None

ABSENT: Commissioner Sayles

6. TIDEWATER CROSSING REORGANIZATION (LAFC 14-08)
Consideration of the matter of detachments from the French Camp-McKinley Fire District, Lathrop-Manteca Fire District and the Montezuma Fire Districts affected by the Tidewater Crossing annexation approved on June 19, 2009.

Mr. Glaser reviewed the original meeting held in June, 2009 and reported there are ongoing discussions between the rural fire districts and the City of Stockton. As no agreement has been reached at this date, he recommended this item be put on the August 20, 2010 agenda. This date is recommended due to the schedule conflicts between the City and fire districts.

Bill Smith, from the French Camp Rural Fire District, came forward to state his agreement with the recommended timeframe.

A motion was made by Commissioner Ruhstaller with a second by Commissioner Vogel to continue the public hearing until the August 20, 2010 meeting. The motion passed by the unanimous vote of all Commissioners present.

7. PUBLIC COMMENTS

Mike Hakeem, attorney for Pacific Gas & Electric (PG&E) came forward to inform the Commission that he had delivered a report to the Executive Officer this morning. This report challenges the financial analysis submitted by South San Joaquin Irrigation District. He said that PG&E has also previously provided a report on eminent domain.

SPECIAL MATTERS

8. BUDGET REPORT FOR FISCAL YEAR 2009-2010
A four-month update of the LAFCo Fiscal Year 2009-2010 budget

Mr. Glaser reported on the revenues and expenditures up to November 2009. He said that the projected revenues for the entire year are almost met by what has been received by November

2009, therefore we expect to exceed the projected revenues. He also reported that expenditures for salaries and benefits are on target and services and supplies are lower than expected. He offered to answer any questions.

Chairman Nilssen thanked Mr. Glaser for his report and said it was nice to hear good news.

9. COMMENTS ON PROPOSED CALAFCO REGIONS

Request for member input on the creation of regions within CALAFCo.

Mr. Glaser reported that at the last Annual CALAFCO Conference just held in October, CALAFCO introduced a proposal to create geographic regions within CALAFCO. Therefore this is a request for the Commission to express their views on the creation of geographical regions.

Commissioner Harris expressed his appreciation for having the opportunity to attend the conference and said he found it very informative. He said he did not have an opinion on the need for regional meetings but he did feel that LAFCo need to stay strong.

Commissioner Ruhstaller said there is already a formed San Joaquin Valley Partnership that is made up from the different counties in the Valley. He said one of the major issues for this group is the push to move the canal issue in the State Legislature and the Partnership body is trying to stop it.

Commissioner Winn stated that he is in agreement with Commissioner Ruhstaller. He does not have a problem with creating regions but he wants to be sure that local authority is not diluted.

Chairman Nilssen said that he cannot support this proposal in its present form. He said it may not allow for alignment with the right counties. Therefore he cannot support this proposal as submitted but he is in favor of the idea if it can be aligned correctly.

Commissioner Stockar said that he found that not all of the Southern California attendees were in agreement with this proposal.

Mr. Glaser then asked if what was being said is that regional groups may not be the way to go and the determination for interaction should be based on the issues.

Commissioners Ruhstaller and Nilssen both agreed they would rather see the grouping based on issues.

Mr. Glaser will compose a reply to CALFACO based upon the comments made today. He will forward the document to Chairman Nilssen for signature.

10. COMMISSION MEETING SCHEDULE FOR 2010

Tentative Commission meeting dates and application filing deadlines for the 2010 calendar year.

Chairman Nilssen said he will not be in attendance for the January 15, 2010 meeting and he may have a conflict with the March 19, 2010 meeting.

CORRESPONDENCE

11. Correspondence received pertaining to South San Joaquin Irrigation District's application to provide electrical service.

EXECUTIVE OFFICER COMMENTS

12. Mr. Glaser said the application submitted by South San Joaquin Irrigation District remains incomplete. He also stated that a report has been sent to the California Public Utilities Commission and we are awaiting their response. He does not anticipate this application will be ready for presentation to the Commission until April 2010 at the earliest. He also advised that there may not be a meeting held in January 2010, as presently there are no proposals awaiting consideration.

COMMISSIONER COMMENTS

13. Chairman Nilssen wished everyone Happy Holidays.

Adjourn to the next regular meeting on **Friday, January 15, 2010** at 10:00 A.M.