

**SAN JOAQUIN  
LOCAL AGENCY FORMATION COMMISSION**

**AGENDA ITEM #1**

**LAFCo**

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

**SUMMARY MINUTES**

**CHAIR**

**STEVEN NILSSEN**  
PUBLIC MEMBER

**LOCAL AGENCY FORMATION COMMISSION  
OF SAN JOAQUIN COUNTY**

**MEMBERS**

**JOHN W. HARRIS**  
MANTECA CITY COUNCIL

**MARCH 20, 2009**

**ANN JOHNSTON**  
STOCKTON CITY COUNCIL

**COUNTY COURTHOUSE, STOCKTON, CALIFORNIA**

**LARRY RUHSTALLER**  
COUNTY BOARD OF  
SUPERVISORS

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**KEN VOGEL**  
COUNTY BOARD  
OF SUPERVISORS

Chairman Nilssen called the meeting to order at 10:00 A.M.

**ALTERNATE MEMBERS**

**STEVE BESTOLARIDES**  
COUNTY BOARD  
OF SUPERVISORS

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

**MEMBERS ABSENT:** None

**VICE CHAIR**

**KRISTY SAYLES**  
LATHROP CITY COUNCIL

**ALTERNATE MEMBERS PRESENT:** Commissioners Steve Bestolarides, and Patrick Stockar

**PATRICK STOCKAR**  
PUBLIC MEMBER

**ALTERNATE MEMBERS ABSENT:** Commissioner Kristy Sayles

**EXECUTIVE OFFICER**

**JAMES E. GLASER**

**COUNSEL**

**MICHAEL F. MCGREW**

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

**ANALYST**

**ELIZABETH CONTRERAS**

**COMMISSION CLERK**

**LINDA LUND**

**CONSENT ITEMS:** Minutes of the February 20, 2009 regular meeting were approved upon the motion from Commissioner Johnston with a second by Commissioner Vogel. Commissioner Nilssen abstained. Two requests for Out-of-Agency Service for City of Stockton were also unanimously approved upon a motion by Commissioner Johnston with a second by Commissioner Harris

At this time Chairman Nilssen announced that Item No. 6 of the Agenda would be removed and Item No. 5 would be heard before the Public Hearing.

SPECIAL MATTERS

5. CITY MEMBER REPRESENTATION

Staff Report regarding city representation on San Joaquin LAFCo and discussion of various alternatives.

Mr. Glaser gave a report that encompassed the history and background of how the City rotation process came in to being. He explained the role of the City Selection Committee and also reviewed two processes which can bring about a change in rotation. He concluded by offering several options for the Commission to consider.

Chairman Nilssen questioned what if any actions on this matter can this Commission take.

Mr. Glaser and Mr. McGrew both said the only action this Commission can take is to make a recommendation to the City Selection Committee.

Commissioner Johnston expressed her concern that the City of Stockton will not have any representation on the Commission after May of 2009. She requested that the City Selection Committee meet to discuss the issue.

Chairman Nilssen opened the issue for discussion from interested parties.

Mayor Willy Weatherford from the City of Manteca came forward said he would support having the City Selection Committee look further into the matter.

Mayors Larry Hansen from City of Lodi and Mayor Chuck Winn from the City of Ripon along with Councilmen Gary Haskin from the City of Escalon all expressed concern with having a permanent seat assigned to the City of Stockton.

After further discussion by the Commission a motion was made by Commissioner Harris with a second by Commissioner Johnston to recommend the City Selection Committee consider what action should be taken. The motion passed by the following roll call vote:

YES: Commissioners Harris, Johnston, Ruhstaller, Vogel, Bestolarides, Stockar and Nilssen

NOES: None

ABSENT: Commissioner Sayles

MATTERS SET FOR HEARING

3. ARCH ROAD/NEWCASTLE ROAD REORGANIZATION TO THE CITY OF STOCKTON (LAFC 07-09)  
Annexation of 61.53 acres to the City of Stockton with concurrent detachments from the Montezuma Fire District, Central San Joaquin Water Conservation

District, County Service Area No. 54-Storm Water Pollution Prevention Program,  
and the San Joaquin County Resources Conservation District.

James Glaser gave the report on the above referenced reorganization. He further answered questions from the Commission.

Chair Nilssen opened the public hearing.

Speaking on behalf of the City was Mike Niblock Director of Community Development. Matt Duaine Stockton Fire Marshall also reported on the capacity of the City of Stockton to provide fire protection to the annexation area.

Fire Chief Ed Martell from the Montezuma Rural Fire District came forward and said that he does not oppose the annexation but he is extremely concerned with the loss of revenue to his fire district. He said there are two things that can put a temporary "Band-Aid" on the loss of revenue. One would be to extend the present financial aid agreement between the City and rural fire districts or in the case of this annexation not have the detachment from the rural fire district until it is ready for development.

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

The Commissioners questioned if there were any alternative actions that can be taken, i.e. not detach from the Montezuma Fire District at this time. The Commission was advised this was not an option as it will delay other aspects of development. Several Commissioners expressed their frustration that the issue of rural fire districts losing money comes up often and no action has been taken by anyone to start the process in identifying resolutions to the problem.

A motion was made by Commissioner Johnston with a second by Commissioner Harris to approve the application as submitted. The motion passed by the following roll call vote:

AYES: Commissioners Harris, Johnston, and Nilssen

NOES: Commissioners Ruhstaller and Vogel

ABSENT: None

At this time the Commission took a break at 12:00 p.m. and resumed at 12:05 p.m.

4. AIRPORT WAY/LOUISE AVENUE (Manteca Unified School District)  
REORGANIZATION TO THE CITY OF MANTECA (L AFC 08-09)  
Annexation of 107.5 acres to the City of Manteca with concurrent detachments from the Lathrop-Manteca Fire District and the San Joaquin County Resource Conservation District. The proposal is being processed under Government Code Section 56375.5.

Mr. Glaser gave the staff report advising that this annexation meets all the requirements for creation of an island. He said that when this Commission approved an Out-of-Agency Service for Manteca Unified School District in June of 2008 it was upon the condition of annexation to the City. He recommended approval of this application as submitted.

Chairman Nilssen opened the public hearing.

Speaking for the City of Manteca was, Mark Nelson, Director of Community Development.

Coming forward to speak was Ben Gatto, Chairman of the Board of Lathrop-Manteca Fire District. He expressed opposition to the annexation because of the loss of revenue to his fire district.

Speaking in opposition to the annexation were Joe DeAngelis, Manteca resident and Georgianna Reichelt a resident of the area affected by the annexation. Ms Reichelt also submitted for the record, a document dated March 20, 2009, in which she outlined reasons for her request for denial of this annexation.

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

A motion was made by Commissioner Johnston with a second by Commissioner Harris to approve the application as submitted. The motion passed by the following roll call vote:

AYES: Commissioners Harris, Johnston, Ruhstaller, Vogel and Nilssen

NOES: None

ABSENT: None

6. PUBLIC COMMENTS

No one came forward

7. EXECUTIVE OFFICER COMMENTS

Mr. Glaser advised that the 2009-2010 LAFCo Preliminary budget will be presented at the April 17, 2009 meeting.

8. COMMISSIONER COMMENTS

Commissioner Johnston asked the Executive Officer to arrange a meeting of the City Selection Committee to discuss rotation of city seats.

Commissioner Ruhstaller said that he would like to see a LAFCo sub-committee formed to address the fire district's issue. Mr. McGrew said the Chairman could today appoint an Ad Hoc Committee if he so wished. Commissioners Ruhstaller, Stockar and Vogel were appointed to the Fire District Ad Hoc Committee.

Commissioner Nilssen welcomed newly appointed Executive Officer James Glaser.

There being no further business, at 1:15 p.m. the meeting was adjourned to the next regular meeting on Friday, April 17, 2009 at 10:00 a.m.