



**LOCAL AGENCY FORMATION COMMISSION
OF SANTA CRUZ COUNTY**

ADOPTED MINUTES

LAFCO REGULAR MEETING AGENDA

Wednesday, October 13, 2021

Start Time - 9:00 a.m.

1. ROLL CALL

Chair Justin Cummings called the meeting of the Local Agency Formation Commission of Santa Cruz County (LAFCO) to order at 9:00 a.m. and welcomed everyone in attendance. He asked staff to conduct roll call.

The following Commissioners were present:

- Chair Justin Cummings
- Commissioner Jim Anderson
- Commissioner Roger Anderson
- Commissioner Ryan Coonerty
- Commissioner Francisco Estrada
- Alternate Commissioner Yvette Brooks
- Alternate Commissioner John Hunt
- Alternate Commissioner Manu Koenig

The following LAFCO staff members were present:

- Executive Officer Joe Serrano
- Legal Counsel, Daniel Zazueta

2. EXECUTIVE OFFICER'S MESSAGE

2a. In-Person Meeting Protocol

Executive Officer Joe Serrano announced that the Commission Meeting is being conducted virtually through the Zoom Webinar platform and participation by Commissioners and staff are from remote locations. Members of the public will have access to the meeting by phone or online. Mr. Serrano anticipates conducting the next LAFCO meetings remotely in accordance with the Governor's Executive Orders and the newly enacted law under Assembly Bill 361, which allows local agencies to conduct virtual meetings during a state of an emergency.

3. ADOPTION OF MINUTES

Chair Justin Cummings requested public comments on the draft minutes. **Executive Officer Joe Serrano** noted no public comments were received. **Chair Justin Cummings** closed public comments.

Chair Justin Cummings called for the approval of the draft minutes. **Commissioner Roger Anderson** motioned for approval of the September 1st Meeting Minutes and **Commissioner Jim Anderson** seconded the motion.

Chair Justin Cummings called for a roll call vote on the approval of the draft minutes with no changes. **Commission Clerk Chris Carpenter** conducted a roll call vote on the item.

MOTION: Jim Anderson

SECOND: Roger Anderson

FOR: Jim Anderson, Roger Anderson, Ryan Coonerty, Justin Cummings, Francisco Estrada, and Manu Koenig.

AGAINST: None

ABSTAIN: None

MOTION PASSED: 6-0

4. ORAL COMMUNICATIONS

Chair Justin Cummings requested public comments on any non-agenda items. **Executive Officer Joe Serrano** indicated that there were no requests to address the Commission. **Chair Justin Cummings** closed public comments.

5. PUBLIC HEARINGS

Chair Justin Cummings indicated that there was one public hearing item for Commission consideration today.

5a. Countywide Service and Sphere Review for Fire Protection Services

Chair Justin Cummings requested staff to provide a presentation on the service and sphere review which analyzed the 13 fire agencies in Santa Cruz County.

Executive Officer Joe Serrano noted that state law requires LAFCOs to conduct service and sphere reviews for all cities and special districts every five years. Mr. Serrano indicated that the countywide fire report analyzed the 13 local agencies that provide fire protection within Santa Cruz County, including two city fire departments, two County-dependent districts, and 9 independent special districts. He summarized the key findings for each local agency including their population estimates, average response time, number of fire vehicles and ISO ratings. He explained that the majority of agencies are doing well but all had areas of improvements. It would benefit the agencies, including their constituents, if their boards and staff considered LAFCO's recommendations regarding internal and external efficiencies. Mr. Serrano thanked the agencies for their assistance in completing the countywide fire report, specifically the fire chiefs and their staff.

Chair Justin Cummings requested public comments on the proposal. **Executive Officer Joe Serrano** indicated that there were requests to address the Commission, including the Board President of the Branciforte Fire Protection District (FPD). **Chair Justin Cummings** opened the floor for public comments.

Pat O'Connell, Branciforte FPD Board President, stated that the District Board did not have an opportunity to review and provide comments on the report prior to its distribution. Mr. O'Connell noted that the Board received a link to the report from their Fire Chief on September 29. He explained that the Board had areas of concerns within the report but concluded that the findings were unbiased. The Board is currently taking steps in transitioning administrative responsibilities back to the District following the end of the contractual agreement with Scotts Valley FPD.

Becky Steinbruner, member of the public, extended her appreciation to LAFCO staff for the detailed analysis. Ms. Steinbruner also noted her concerns towards the funding, operations, and board meeting practices under County Service Area 48.

John Walbridge, Central FD Fire Chief, thanked LAFCO for producing a comprehensive report that may trigger other special studies or discussions among the existing fire agencies.

Chair Justin Cummings called for Commission comments on the fire report.

Commissioner Jim Anderson explained the criteria in determining an ISO rating for a fire agency.

Commissioner Manu Koenig asked staff to explain the outreach effort to the affected agencies during the completion of the fire report. **Executive Officer Joe Serrano** explained that LAFCO began coordinating with the 13 agencies in early January 2021. Mr. Serrano indicated that LAFCO staff also provided updates to District during board meetings throughout the year. During those updates, LAFCO staff specifically noted that the report was going to be provided in draft form to the fire chiefs in order to verify accuracy of the data. The fire chiefs were given about a month to review and provide edits to the draft report before it was finalized and published.

Commissioner Roger Anderson questioned how ISO ratings and operations by fire agencies in Santa Cruz County compare with other counties. Mr. Anderson also asked how the fire agencies will use the money found in their fund balances. He pointed out that some agencies have reserves that are beyond the typical amount for special districts. **Executive Officer Joe Serrano** explained that LAFCO staff will be discussing these matters with the affected agencies in the coming months. Mr. Serrano will be encouraging the agencies to develop capital improvement plans in order to properly earmark their fund balances to future projects, purchases, or other improvements.

Commissioner Ryan Coonerty stated that this report could help jumpstart discussions among fire agencies to explore consolidation efforts. Mr. Coonerty highlighted the fact that the City of San Jose and Santa Cruz County are similar in size; however, the City has one fire district while the County has 13 individual fire entities. He also noted how the concept of fire volunteers has continued to decrease due to the shift in more stringent requirements by the State and overall availability by residents.

Commissioner John Hunt asked staff what the next steps are after adopting this countywide fire report. **Executive Officer Joe Serrano** indicated that staff will be meeting with the affected agencies to discuss their current sphere boundary and determine whether boundary changes should occur in the near future. Mr. Serrano explained that staff will provide an update to the Commission on those discussions by October 2022.

Chair Justin Cummings and Commissioners Jim Anderson, Roger Anderson, Ryan Coonerty, and John Hunt extended their appreciation to staff for producing a thorough report.

Chair Justin Cummings called for the adoption of the countywide fire report. **Commissioner Jim Anderson** motioned for the approval based on staff's recommendation and **Commissioner Roger Anderson** seconded the motion.

Chair Justin Cummings noted no further Commission discussion and called for a roll call vote on motion based on staff's recommendation:

(1) Find, pursuant to Section 15061(b)(3) of the State CEQA Guidelines, that LAFCO determined that the service and sphere of influence review is not subject to the environmental impact evaluation process because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment and the activity is not subject to CEQA;

(2) Determine, pursuant to Government Code Section 56425, that LAFCO is required to develop and determine a sphere of influence for the 13 affected agencies, and review and update, as necessary;

(3) Determine, pursuant to Government Code Section 56430, that LAFCO is required to conduct a service review before, or in conjunction with an action to establish or update a sphere of influence; and

(4) Adopt a Resolution (LAFCO No. 2021-17) approving the 2021 Countywide Fire Protection Service and Sphere Review with the following terms and conditions:

- a. Reaffirm the existing spheres of influence with no conditions for Aromas TCFPD, Central FD, City of Santa Cruz, and City of Watsonville;
- b. Reaffirm the existing spheres of influence for Ben Lomond FPD, Boulder Creek FPD, Branciforte FPD, Felton FPD, Pajaro Valley FPD, Scotts Valley FPD, and Zayante FPD with the following condition: The fire protection districts shall coordinate with LAFCO to determine each affected district's future service area. These discussions should occur by August 2022. LAFCO will consider amending the sphere boundaries based on these discussions no later than December 2022;
- c. Adopt a zero sphere of influence for County Service Area 4 as a precursor to dissolution;
- d. Adopt an amended sphere of influence for County Service Area 48 to eliminate the overlapping of spheres from other surrounding fire agencies; and

- e. **Direct the Executive Officer to distribute a copy of the adopted service and sphere review to the 13 fire agencies, Monterey LAFCO, San Benito LAFCO, and any other interested or affected parties, including but not limited to the Civil Grand Jury of Santa Cruz County, County of Santa Cruz (Office of Emergency Services), Fire Department Advisory Commission of Santa Cruz County, Fire Safe Councils of Bonny Doon, Santa Cruz County, and South Skyline, and UC Santa Cruz (Office of Emergency Services).**

Executive Officer Joe Serrano conducted a roll call vote on the item.

MOTION: Jim Anderson

SECOND: Roger Anderson

FOR: Jim Anderson, Roger Anderson, Ryan Coonerty, Justin Cummings, Francisco Estrada, and Manu Koenig.

AGAINST: None

ABSTAIN: None

MOTION PASSED: 6-0

6. OTHER BUSINESS

Chair Justin Cummings indicated that there are three business items for Commission consideration today.

6a. Countywide Park & Recreation Sphere and Sphere Review Update

Chair Justin Cummings requested staff to provide a presentation on the actions taken since the adoption of the countywide park and recreation report.

Executive Officer Joe Serrano noted that the Commission adopted a service and sphere review, which analyzed the 4 park and recreation districts in the county, during its August 4th Meeting. Mr. Serrano explained that the Commission adopted a zero sphere for Alba Park & Recreation District (APRD) and Opal Cliffs Recreation District (OCD) as a precursor to dissolution. The Commission also required the two districts to initiate the dissolution process or provide a detailed plan on how to turn things around by December 2021. He stated that the OCD Board recently submitted an application to begin the dissolution process and the APRD Board is currently developing a strategic plan to address the issues identified in the service review.

Chair Justin Cummings requested public comments on the update. **Executive Officer Joe Serrano** indicated that there were no requests to address the Commission. **Chair Justin Cummings** closed public comments.

Chair Justin Cummings noted no additional comments or questions from the Commission and moved to the next item since no Commission action was required.

6b. CALAFCO Election & Award Announcements

Chair Justin Cummings requested staff to provide a presentation on CALAFCO's election and award results.

Executive Officer Joe Serrano noted that the CALAFCO Board seats are assigned by regions and that this year there were two seats open for the Coastal Region. Margie Mohler from Napa LAFCO was selected as the Coastal Region's city representative and Shane Stark from Santa Barbara LAFCO was selected as the Coastal Region's public representative. Mr. Serrano also informed the Commission that the Aptos/La Selva and Central Fire Consolidation did not win the "Project of the Year" Award.

Chair Justin Cummings requested public comments on the update. **Executive Officer Joe Serrano** indicated that there was one request to address the Commission.

Becky Steinbruner was surprised that the fire consolidation did not win the award but believes that the residents are the true winners following the collaborative effort between the two fire districts.

Chair Justin Cummings called for Commission comments on the update.

Chair Justin Cummings noted no additional comments or questions from the Commission and moved to the next item since no Commission action was required.

6c. Educational Workshop Update

Chair Justin Cummings requested staff to provide a presentation on the upcoming virtual workshops for the independent special districts in Santa Cruz County.

Executive Officer Joe Serrano stated that LAFCO received a high volume of positive feedback from the first educational workshop co-hosted by LAFCO and the California Special Districts Association on August 11, 2021. As a result, two additional workshops will be held in the coming months. Mr. Serrano noted that the November 30th workshop will be a repeat from the August session and the January 25th workshop will cover the Brown Act and the California Public Records Act.

Chair Justin Cummings requested public comments on the update. **Executive Officer Joe Serrano** indicated that there were no requests to address the Commission. **Chair Justin Cummings** closed public comments.

Chair Justin Cummings called for Commission comments on the update.

Chair Justin Cummings noted no additional comments or questions from the Commission and moved to the next item since no Commission action was required.

7. WRITTEN CORRESPONDENCE

Chair Justin Cummings inquired whether there was any written correspondence submitted to LAFCO. **Executive Officer Joe Serrano** indicated that there was one involving the University's Long Range Development Plan (LRDP). Mr. Serrano reminded the Commission that LAFCO submitted two comment letters regarding the proposed developments outside the City of Santa Cruz outlined in the LRDP. The University responded back to LAFCO as part of their Final Environmental Impact Report and they determined that the University does not need LAFCO's approval, should they develop in areas outside the City. He explained that the City and the County, under their task force, continue to work closely with UCSC to address this and other issues. LAFCO staff will continue to monitor the University's plan as it unfolds.

Chair Justin Cummings requested public comments on the update. **Executive Officer Joe Serrano** indicated that there was one request to address the Commission.

Becky Steinbruner was surprised that the University does not believe they need LAFCO's approval for service provisions outside the city limits of Santa Cruz.

Chair Justin Cummings called for Commission comments on the update.

Chair Justin Cummings asked staff if LAFCO should take any follow-up actions with the University based on their comments. **Executive Officer Joe Serrano** explained that it may be premature to take any actions while there is currently a lawsuit between the City and UCSC. Mr. Serrano noted that after the ruling LAFCO may consider taking action, if needed.

Legal Counsel Daniel Zazueta reported on the existing lawsuit is still underway and there is no timeline when it will be resolved.

Chair Justin Cummings noted no additional comments or questions from the Commission and moved to the next item since no Commission action was required.

8. PRESS ARTICLES

Chair Justin Cummings requested staff to provide a presentation on the press articles. **Executive Officer Joe Serrano** indicated that this item highlights LAFCO-related articles recently circulated in local newspapers. **Chair Justin Cummings** moved to the next item since no Commission action was required.

9. COMMISSIONERS' BUSINESS

Chair Justin Cummings inquired whether any Commissioner would like to share any information. There were no comments. **Chair Justin Cummings** moved to the next item since no Commission action was required.

10. LEGAL COUNSEL'S REPORT

Executive Officer Joe Serrano indicated that there was nothing to report. **Chair Justin Cummings** moved to the next item since no Commission action was required.

11. ADJOURNMENT

Chair Justin Cummings adjourned the Regular Commission Meeting at 10:22 a.m. to the next regular LAFCO meeting scheduled for Wednesday, November 3, 2021 at 9:00 a.m.



JUSTIN CUMMINGS, CHAIRPERSON

Attest:



JOE A. SERRANO, EXECUTIVE OFFICER