



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

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**ADOPTED MINUTES**

**LAFCO REGULAR MEETING AGENDA**

**Wednesday, November 3, 2021**

**Start Time - 9:07 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 9:07 a.m. and welcomed everyone in attendance. He asked staff to conduct roll call.

The following Commissioners were present:

- Chair Justin Cummings
- Vice-Chair Rachél Lather
- Commissioner Jim Anderson
- Commissioner Roger Anderson
- Commissioner Ryan Coonerty
- Commissioner Francisco Estrada
- Commissioner Zach Friend
- Alternate Commissioner Ed Banks
- Alternate Commissioner Yvette Brooks
- Alternate Commissioner John Hunt

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 Jim Anderson** motioned for approval of the October 6th Meeting Minutes and **Chair Justin Cummings** seconded the motion.

**Chair Justin Cummings** called for a roll call vote on the approval of the draft minutes with no changes. **Executive Officer Joe Serrano** conducted a roll call vote on the item.

**MOTION:** Jim Anderson  
**SECOND:** Justin Cummings  
**FOR:** Jim Anderson, Roger Anderson, Ryan Coonerty, Justin Cummings, Francisco Estrada, and Zach Friend.  
**AGAINST:** None  
**ABSTAIN:** Rachél Lather

**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 two requests to address the Commission. **Chair Justin Cummings** opened the floor for comments.

**Michael Tapia**, Alba Park & Recreation District Board President, provided an update on the efforts made by the District following the adoption of LAFCO's Countywide Park & Recreation Service and Sphere Review. Mr. Tapia explained that the District is currently developing a strategic plan to address all the issues identified in the LAFCO report. He also noted that internal improvements have been executed since August, such as filling in the vacancies on the District Board and becoming a member of the California Special Districts Association.

**Lindsay Speth**, Alba community resident, requested that the Commission not consider dissolution of Alba Park & Recreation District due to the ongoing improvements.

**Executive Officer Joe Serrano** indicated that there were no other requests to address the Commission. **Chair Justin Cummings** closed public comments and moved on to the next agenda item.

## 5. SPECIAL PRESENTATIONS

**Chair Justin Cummings** explained that the Commission will receive an update on the recovery effort by San Lorenzo Valley Water District following the CZU Fire.

**Executive Officer Joe Serrano** reminded the Commission that the 2020 Service and Sphere Review for the water district required an update a year after the CZU Fire as part of LAFCO's adopted resolution. The District and LAFCO staff agreed that it would be more informative if the District itself provided an update rather than receiving a typical staff report.

**General Manager Rick Rogers** summarized the effects of the fire, including the number of acres burned (86,509), number of structures destroyed (1,490), the actions taken after the fire was declared a major disaster, and the collaboration with the FEMA, Cal-OES, and other state and federal agencies to obtain funding.

*LAFCO experienced audio recording issues. Recording of the meeting reconvened prior to the consideration of the public hearing items.*

## 6. PUBLIC HEARINGS

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

### **6a. "Deer Path Road Annexation" to CSA 10 (LAFCO Project No. DA 21-14)**

**Chair Justin Cummings** requested staff to provide a presentation on the proposed annexation into County Service Area 10.

**Executive Officer Joe Serrano** indicated that the proposal was submitted by landowner petition and involved six separate parcels. The purpose of the annexation was to discontinue the use of septic tanks and connect to a more reliable sewer infrastructure. Mr. Serrano noted that the County is willing and capable of providing sewer service to the subject area. He is recommending that the Commission approve the annexation and concurrent sphere amendment which encompasses the six affected parcels and nine additional parcels within the community. The nine parcels are not part of this proposal but should be annexed into CSA 10 in the foreseeable future.

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

**Chair Justin Cummings** called for Commission comments on the proposal.

**Commissioner Ed Banks** asked whether residents within or near a sewer agency are required to mitigate any environmental impacts regarding a failing septic systems. **Executive Officer Joe Serrano** explained that the law now requires mandatory connections of failing septic systems to a nearby sewer agency if it meets the distance criteria. The annexation, if approved, would allow the affected residents the opportunity to connect prior to the failure of a septic system.

**Commissioner Jim Anderson** asked which agency will be treating the collected wastewater. **Executive Officer Joe Serrano** welcomed Bryan Wardlow, Engineering Technician from the County Public Works Department, who could answer the question more appropriately. **Bryan Wardlow** stated that the collected wastewater is sent to the treatment plant operated by the City of Santa Cruz.

**Chair Justin Cummings** called for the approval of the proposed annexation and concurrent sphere amendment. **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: **Adopt the draft resolution (No. 2021-18) approving the 4-acre annexation into CSA 10.**

**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, Zach Friend, and Rachél Lather.  
**AGAINST:** None  
**ABSTAIN:** None

**MOTION PASSED: 7-0**

## **7. OTHER BUSINESS**

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

### **7a. Continuation of Remote Meetings**

**Chair Justin Cummings** requested staff to provide a presentation on the requirements to continue remote meetings under Assembly Bill 361.

**Executive Officer Joe Serrano** stated that the Commission has been conducting virtual meetings since May 2020 in accordance with the Governor's Executive Orders, allowing public agencies to host meetings remotely during the ongoing pandemic. Mr. Serrano noted that those orders had a sunset date of September 30, 2021. He explained that since the pandemic is still a health and safety issue, a new law was passed under Assembly Bill 361 to allow remote meetings under specific conditions, such as being in a state of emergency. This flexibility gives the Commission the option to conduct remote meetings for the time being. He also noted that if the Commission desires to continue virtual meetings, a formal vote and adoption of a resolution is required.

**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 remote meeting requirements.

**Commissioner Roger Anderson** asked when will the Commission consider transitioning back to in-person meetings. Executive Officer Joe Serrano answered that the Commission will review, discuss, and consider the AB 361 requirements and the potential transition during each regularly scheduled meeting starting January 5, 2021 and until the Commission decides it is safe to revert back to in-person meetings.

**Chair Justin Cummings** noted no further Commission discussion and called for a roll call vote on motion based on staff's recommendation: **Adopt the draft resolution (No. 2021-19) approving the virtual setting for LAFCO meetings pursuant to AB 361 and Government Code Section 54953.**

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

**MOTION:** Rachél Lather  
**SECOND:** Jim Anderson  
**FOR:** Jim Anderson, Roger Anderson, Ryan Coonerty, Justin Cummings, Francisco Estrada, Zach Friend, and Rachél Lather.  
**AGAINST:** None  
**ABSTAIN:** None

**MOTION PASSED: 7-0**

#### **7b. Legal Counsel Contracts**

**Chair Justin Cummings** requested staff to provide a presentation on the proposed contractual agreements with two firms for legal counsel services.

**Executive Officer Joe Serrano** explained that a request for proposal was sent out in July to consider and select a new legal counsel. Mr. Serrano noted that a total of six proposals were submitted before the August 31st deadline. He pointed out that the six firms were ranked based on the criteria outlined in the request for proposal. The analysis showed that Best, Best & Krieger (BBK) and Colantuono, Highsmith & Whatley (CHW) were the top two firms. He recommended that the Commission hire BBK as LAFCO's general counsel and CHW as LAFCO's special counsel. Mr. Serrano thanked all six firms for submitting their proposals and also thanked Daniel Zazueta for his services during the last few years as LAFCO's current legal counsel.

**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 results of the request for proposal regarding legal services.

**Commissioner John Hunt** asked for clarification with the difference between general and special counsel. **Executive Officer Joe Serrano** explained that general counsel provides guidance on all matters including day-to-day operations, governance, and



regulations. Special counsel provides guidance on specific projects or areas that LAFCO's general counsel may have a conflict of interest.

**Commissioners Jim Anderson and Ed Banks** asked about the financial impacts of having two legal firms when compared to the status quo of having County counsel provide legal services to LAFCO. **Executive Officer Joe Serrano** explained that both general and special counsels will charge an hourly rate only when services are rendered. Mr. Serrano noted that the staff report includes a cost analysis showing the projected annual expense of each legal firm based on their hourly rate and travel time expenses with the assumption that each legal firm provided 72-hours' worth of services and attended each meeting in-person during FY 2020-21. He indicated that even though the total cost would be higher with BBK under this hypothetical timeframe, he believed that BBK's seven member team would have provided more technical expertise on various proposals and projects compared to the County's one attorney assigned to LAFCO.

**Chair Justin Cummings** noted no further Commission discussion and called for a roll call vote on motion based on staff's recommendation: **Approve the two draft contractual agreements to hire Best, Best & Krieger as LAFCO's general counsel and Colantuono, Highsmith & Whatley as LAFCO's special counsel.**

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

**MOTION:** Rachél Lather  
**SECOND:** Ryan Coonerty  
**FOR:** Jim Anderson, Roger Anderson, Ryan Coonerty, Justin Cummings, Francisco Estrada, Zach Friend, and Rachél Lather.  
**AGAINST:** None  
**ABSTAIN:** None

**MOTION PASSED: 7-0**

#### **7c. Multi-Year Work Program Update**

**Chair Justin Cummings** requested staff to provide a presentation on the upcoming services reviews under the Commission's Multi-Year Work Program.

**Executive Officer Joe Serrano** reported that the work program adopted by the Commission in November 2019 lays out the scheduled service reviews until 2024. Mr. Serrano pointed out that three service reviews are scheduled to be completed in 2022 which will analyze 41 agencies: City of Capitola (May 4), six water districts (August 3), and 34 road-related county service areas (November 2).

**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.

**Commissioner John Hunt** asked if the Reclamation District (No. 2049) has been dissolved. **Executive Officer Joe Serrano** noted that the reclamation district is still considered a special district and will be analyzed with the other water agencies as part of the countywide report.

**Chair Justin Cummings** noted no further Commission discussion and called for a roll call vote on motion based on staff's recommendation: **Approve the scheduled service and sphere reviews for the 2022 calendar year.**

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

**MOTION:** Zach Friend  
**SECOND:** Jim Anderson  
**FOR:** Jim Anderson, Roger Anderson, Ryan Coonerty, Justin Cummings, Francisco Estrada, Zach Friend, and Rachél Lather.  
**AGAINST:** None  
**ABSTAIN:** None

**MOTION PASSED: 7-0**  
**7d. LAFCO Meeting Schedule**

**Chair Justin Cummings** requested staff to provide a presentation on the meeting schedule for the upcoming calendar year.

**Executive Officer Joe Serrano** proposed a meeting schedule of ten regular meetings which would be held on the first Wednesday of each month with a start time of 9:00am, with one exception: the February Meeting will be held on the second Wednesday (February 9) due to a scheduling conflict with staff. He clarified that there are no regular meetings scheduled for the months of July and December.

**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 Commission discussion and called for a roll call vote on motion based on staff's recommendation: **Adopt the meeting schedule for the 2022 calendar year.**

**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, Zach Friend, and Rachél Lather.  
**AGAINST:** None  
**ABSTAIN:** None

**MOTION PASSED: 7-0**



## **7e. Comprehensive Quarterly Report – First Quarter (FY 2021-22)**

**Chair Justin Cummings** requested staff to provide a presentation on the completed projects and tasks during the months of July, August, and September.

**Executive Officer Joe Serrano** reported that September was the end of the first quarter. Mr. Serrano noted that during this timeframe LAFCO received 100% of the anticipated revenues. The majority of funding comes from the allocation from cities, special districts, and the County. He also noted that LAFCO incurred approximately 21% of the projected costs for this fiscal year.

**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.

## **8. WRITTEN CORRESPONDENCE**

**Chair Justin Cummings** inquired whether there was any written correspondence submitted to LAFCO. **Executive Officer Joe Serrano** indicated that there no written correspondence to consider. **Chair Justin Cummings** moved to the next item since no Commission action was required.

## **9. 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.

## **10. 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.

## **11. LEGAL COUNSEL'S REPORT**

**Legal Counsel Daniel Zazueta** indicated that there was nothing to report but wanted to thank the Commission for allowing him to be LAFCO's legal counsel for the past two years. **Chair Justin Cummings** thanked Mr. Zazueta for his services and moved to the next item since no Commission action was required.



## 12. ADJOURNMENT

**Chair Justin Cummings** adjourned the Regular Commission Meeting at 10:18 a.m. to the next regular LAFCO meeting scheduled for Wednesday, January 5, 2022 at 9:00 a.m.

  
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JUSTIN CUMMINGS, CHAIRPERSON

Attest:

  
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JOE A. SERRANO, EXECUTIVE OFFICER