



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

ADOPTED MINUTES

LAFCO REGULAR MEETING AGENDA

**Wednesday, January 5, 2022
Start Time - 9:05 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 9:05 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, Joshua Nelson

2. EXECUTIVE OFFICER'S MESSAGE

2a. Virtual meeting Process

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.

2b. Countywide Park & Recreation Report Update

Executive Officer Joe Serrano informed the Commission that two subject agencies have taken action based on the recommendations found in LAFCO's 2021 Countywide Park & Recreation Service and Sphere Review. Mr. Serrano indicated that the Opal Cliffs Recreation District submitted an application in October 2021 to dissolve the district and concurrently annex the dissolved area into County Service Area 11 (County Parks). He also noted that the Alba Park & Recreation District submitted a strategic plan in December 2021 to address all the issues outlined in the LAFCO report.

2c. Countywide Fire Report Update

Executive Officer Joe Serrano informed the Commission that during the last few months staff has been presenting the findings from LAFCO's 2021 Countywide Fire Protection Service and Sphere Review to each fire agency. Mr. Serrano noted that this was an opportunity to discuss the report with the districts' board members, staff, and constituents. He also reminded the Commission that LAFCO is expecting each fire agency to develop an annexation plan to address their existing sphere boundaries.

2d. Welcome New Legal Counsel

Executive Officer Joe Serrano welcomed Joshua Nelson as LAFCO's new legal counsel. Mr. Nelson is an attorney from Best, Best, & Krieger (BBK). Mr. Serrano reminded the Commission that BBK was selected after an extensive request for proposal process.

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 November 3rd Meeting Minutes and **Commissioner Zach Friend** 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: Zach Friend

FOR: Jim Anderson, Roger Anderson, Ryan Coonerty, Justin Cummings, Francisco Estrada, Zach Friend, and Rachél Lather.

AGAINST: None

ABSTAIN: None

MOTION PASSED: 7-0

4. ORAL COMMUNICATIONS

Chair Justin Cummings requested public comments on any non-agenda items. **Executive Officer Joe Serrano** indicated that there was one request to address the Commission. **Chair Justin Cummings** opened the floor for comments.

Fire Chief John Walbridge, Central Fire District, thanked LAFCO staff for their assistance in evaluating the agency's qualifications for the District Transparency Award. Chief Walbridge noted that this award is granted by the Special District Leadership Foundation to local agencies that operate a robust and transparent website.

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. PUBLIC HEARINGS

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

5a. "Ervin/Old Coach Road Extraterritorial Service Agreement" with the City of Scotts Valley (LAFCO Project No. DA 21-16)

Chair Justin Cummings requested staff to provide a presentation on the proposed extraterritorial service agreement involving a single parcel and the City of Scotts Valley.

Executive Officer Joe Serrano indicated that the proposal was submitted by landowner petition and involved a single parcel encompassing less than half an acre. The purpose of the proposal is to address a failing septic system. The City informed LAFCO that it was willing and capable of providing sewer service to the property. The proposal meets the legal criteria under Government Code Section 56133 regarding health and safety issues and the requirements under the Commission's Extraterritorial Service Agreement Policy. LAFCO staff recommends approval of the proposal.

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

Chair Justin Cummings called for Commission comments on the proposal.

Marina George indicated that she was representing the landowners of the subject parcel and wanted to reiterate that the single parcel is less than half an acre. Ms. George also noted that she would be happy to answer any questions.

Executive Officer Joe Serrano indicated that there were no other requests to address the Commission. **Chair Justin Cummings** closed public comments and opened the floor for Commission discussion.

Commissioner Jim Anderson asked whether the current septic system is standard or an engineered system. **Marina George** indicated that the septic system is standard.

Chair Justin Cummings called for the approval of the proposed extraterritorial service agreement. **Vice Chair Rachél Lather** motioned for the approval based on staff's recommendation and **Commissioner Jim 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. 2022-01) approving the extraterritorial service agreement involving the City of Scots Valley.**

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

6. OTHER BUSINESS

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

6a. 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 noted that the Commission adopted a resolution in November 2021 to continue remote meetings in accordance with the guidelines under AB 361, which acts as a temporary waiver of the Brown Act's in-person attendance requirements. Mr. Serrano explained that in order to continue to qualify for AB 361's waiver of in-person meeting requirements, the Commission is required to renew the findings outlined in the resolution adopted back in November. He indicated that based on the new statewide mask mandate, coupled with the rise in COVID cases, staff is recommending that the Commission ratify the existing resolution (No. 2021-19) to continue the use of remote meetings for the next LAFCO Meeting which is scheduled for February 9, 2022.

Chair Justin Cummings requested public comments on this item. **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. **Chair Justin Cummings** noted no Commission discussion and called for a roll call vote on motion based on staff's recommendation: **Ratify the existing resolution (No. 2021-19) approving the continuation of remote meetings under AB 361.**

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

6b. Appoint New Chair and Vice-Chair

Chair Justin Cummings requested staff to provide a presentation on the process to appoint a Chair and Vice-Chair for the 2022 calendar year.

Executive Officer Joe Serrano explained that in accordance with the Commission's Meeting Rules Policy, the Commission appoints a new Chair and Vice-Chair in January of each year. Mr. Serrano noted that the new officers terms' will begin on February 9, 2022 and end on February 1, 2023. He indicated that there is no rule of succession or rotation, however, the acting Vice-Chair has historically been elected as the new Chair. Staff is recommending that the Commission appoint a new Chair and Vice-Chair.

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 appointment process.

Commissioner Jim Anderson nominates **Vice-Chair Rachél Lather** as the new LAFCO Chair and **Commissioner Roger Anderson** seconds the motion.

Commissioner Zach Friend nominates **Commissioner Yvette Brooks** as the new LAFCO Vice-Chair and **Chair Justin Cummings** seconds the motion.

Chair Justin Cummings noted no further Commission discussion and called for a roll call vote on two nominations: **Appoint Commissioners Rachél Lather and Yvette Brooks as LAFCO's new Chair and Vice-Chair, respectively.**

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

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

MOTION PASSED: 7-0

6c. Appoint New Personnel Committee

Chair Justin Cummings requested staff to provide a presentation on the selection process for LAFCO's Personnel Committee.

Executive Officer Joe Serrano explained that the role of the committee is to address administrative matters, including staff's performance evaluations. Mr. Serrano noted that the Commission typically appoints at least two Commissioners to be on the Personnel Committee in accordance with LAFCO's Personnel Committee Policy. Staff is recommending that the Commission appoint Commissioners Roger Anderson, Justin Cummings, and Rachél Lather to the Personnel Committee for the 2022 calendar 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 appointment process.

Commissioner Jim Anderson asked if a three-member committee will be a new practice going forward. **Executive Officer Joe Serrano** noted that historically the Personnel Committee has only two members, however, because Commissioner Justin Cummings will be termed out in May 2022, having a third member will ensure that the committee has at least two members throughout the entire year.

Chair Justin Cummings noted no further Commission discussion and called for a roll call vote on motion based on staff's recommendation: **Appoint Commissioners Roger Anderson, Justin Cummings, and Rachél Lather to the Personnel Committee for the 2022 calendar year.**

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

MOTION PASSED: 7-0

6d. UCSC LRDP Update

Chair Justin Cummings requested staff to provide a presentation on the lawsuit between the City of Santa Cruz and the University of California, Santa Cruz.

Executive Officer Joe Serrano indicated that staff continues to monitor the ongoing lawsuit. Mr. Serrano noted that it is unknown when the lawsuit will be resolved. He suggested that the Commission consider forming an ad-hoc committee in the near future to help staff develop an action plan, if needed, when the court ruling is made. He reminded the Commission that this is an informational item and no action is required at this time.

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 this item.

Commissioner Roger Anderson asked if there is a timeline for the case. **Executive Officer Joe Serrano** noted staff is not aware of the lawsuit's timeframe. Mr. Serrano indicated that staff will be working with LAFCO's legal counsel to determine the lawsuit's schedule.

Chair Justin Cummings asked if the formation of an ad-hoc committee would require Commission action. **Executive Officer Joe Serrano** confirmed that the formation of an ad-hoc committee would require Commission's approval. Mr. Serrano noted that the Commission may consider creating the committee at a future LAFCO meeting.

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

6e. Regular and Alternate City Member Election Process

Chair Justin Cummings requested staff to provide a presentation on the upcoming election process for the city member seats on LAFCO.

Executive Officer Joe Serrano indicated that two city seats on LAFCO will become vacant in May 2022. Mr. Serrano noted that the City Selection Committee is tasked to appoint city representatives on LAFCO when a vacancy occurs. He explained that historically the four cities rotate staggered, four-year terms on LAFCO to ensure equal representation on the Commission. Assuming the City Selection Committee continues this rotation practice, the Cities of Capitola and Watsonville will be seated on LAFCO as the two voting members starting May 2022. The City of Scotts Valley will also be appointed as the new alternate member and the City of Santa Cruz will rotate out.

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 election process.

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 CALAFCO shared its 2022 event calendar. Mr. Serrano also mentioned that CALAFCO may hire a new Executive Director by February 2022. **Chair Justin Cummings** 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. CLOSED SESSION

Chair Justin Cummings indicated that a closed session will be held to cover the performance evaluation of LAFCO staff. **Executive Officer Joe Serrano** noted that LAFCO's legal counsel will host the closed session in a separate remote meeting and requested that the Commission reconvene to the regular LAFCO meeting once the closed session is over.

11. ANNOUNCEMENTS FROM CLOSED SESSION

Legal Counsel Joshua Nelson noted that there was no reportable action.

12. ADJOURNMENT

Chair Justin Cummings thanked the Commission for allowing him to be the Chair for the past year and adjourned the Regular Commission Meeting at 10:35 a.m. to the next regular LAFCO meeting scheduled for Wednesday, February 9, 2022 at 9:00 a.m.



RACHEL LATHER, CHAIRPERSON

Attest:



JOE A. SERRANO, EXECUTIVE OFFICER