



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

ADOPTED MINUTES

LAFCO REGULAR MEETING AGENDA

Wednesday, September 7, 2022

Start Time - 9:00 a.m.

1. ROLL CALL

Chair Rachél Lather 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. She asked staff to conduct roll call.

The following Commissioners were present:

- Chair Rachél Lather
- Vice-Chair Yvette Brooks
- Commissioner Jim Anderson
- Commissioner Roger Anderson
- Commissioner Ryan Coonerty
- Commissioner Francisco Estrada
- Commissioner Zach Friend
- Alternate Commissioner Ed Banks
- 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 Emergency.

3. ADOPTION OF MINUTES

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

Chair Rachél Lather called for the approval of the draft minutes. **Commissioner Roger Anderson** motioned for approval of the August 3, 2022 Meeting Minutes and **Commissioner Jim Anderson** seconded the motion.

Chair Rachél Lather called for a roll call vote on the approval of the draft minutes. **Executive Officer Joe Serrano** conducted a roll call vote on the item.

MOTION: Roger Anderson

SECOND: Jim Anderson

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

AGAINST: None

ABSTAIN: None

MOTION PASSED: 7-0

4. ORAL COMMUNICATIONS

Chair Rachél Lather requested public comments on this item. **Executive Officer Joe Serrano** indicated that there were no requests to address the Commission.

Chair Rachél Lather moved to the next agenda item.

5. PUBLIC HEARINGS

Chair Rachél Lather noted that there were two public hearing items for Commission consideration today.

5a. “El Alamein Road Annexation” to the San Lorenzo Valley Water District

Chair Rachél Lather requested staff to provide a presentation on the proposed annexation into the subject water district.

Executive Officer Joe Serrano indicated that the proposal was submitted by landowner petition. The purpose of the annexation is to connect two parcels into a more reliable water infrastructure. Mr. Serrano noted that the water district is willing and capable of providing water service to the subject area. He also stated that the proposal fulfilled the requirements identified in LAFCO law and outlined in the Commission’s adopted policies. He is recommending that the Commission approve the annexation by adopting the proposed resolution.

Chair Rachél Lather requested public comments on this item. **Executive Officer Joe Serrano** indicated that there was no request to address the Commission.

Chair Rachél Lather closed public comments and called for Commission comments.

Commissioner Jim Anderson asked what is the current water supply for the subject parcels. **Executive Officer Joe Serrano** indicated that the subject area receives water from a private well.

Chair Rachél Lather noted no further comments and asked for a motion. **Commissioner Zach Friend** motioned to approve staff's recommendations and **Commissioner Jim Anderson** seconded the motion.

Chair Rachél Lather called for a roll call vote on motion based on staff's recommendation: **Adopt the draft resolution (LAFCO No. 2022-12) approving the two-parcel annexation to the San Lorenzo Valley Water District.**

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

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

MOTION PASSED: 7-0

6b. Proposal Evaluation Policy Update

Chair Rachél Lather requested staff to provide a presentation on the suggested modifications to the Proposal Evaluation Policy.

Executive Officer Joe Serrano indicated that LAFCO has received various boundary change requests from local agencies based on LAFCO's recently adopted service reviews. Mr. Serrano noted that since these applications are directly connected to recommendations found in the adopted service reviews, the Commission should consider waiving the filing fees associated with the applications. He also pointed out that the current policy does not have guidelines on how to process fee waivers, which is why staff has written proposed language for the Commission's consideration.

Chair Rachél Lather requested public comments on this item. **Executive Officer Joe Serrano** indicated that there was no request to address the Commission.

Chair Rachél Lather closed public comments and called for Commission comments.

Several Commissioners expressed concerns on the suggested language to the proposal due to the lack of clarify on who can request fee waivers. The Commission requested that staff provide more information before taking action. **Executive Officer Joe Serrano** indicated that staff would bring back a revised version at a later date for Commission consideration.

Chair Rachél Lather noted no further comments and asked for a motion. **Commissioner Roger Anderson** motioned to continue this item for a later discussion and **Commissioner Zach Friend** seconded the motion.

Chair Rachél Lather called for a roll call vote on motion: **Continue the Proposed Evaluation Policy Update to a later date with more information from staff.**

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

MOTION: Roger Anderson

SECOND: Zach Friend

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

AGAINST: None

ABSTAIN: None

MOTION PASSED: 7-0

6. OTHER BUSINESS

Chair Rachél Lather indicated that there were three business items for Commission consideration.

6a. Continuation of Remote Meetings

Chair Rachél Lather 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 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 2021. It is staff's recommendation that the Commission continue conducting remote meetings under AB 361. Mr. Serrano also recommended that the Commission cancel the October 5th Regular LAFCO Meeting to allow staff more time to complete the Countywide Service and Sphere Review for the 34 road-related county service areas and prepare for the upcoming CALAFCO Annual Conference, which is scheduled for October 19 to 21.

Chair Rachél Lather requested public comments on this item. **Executive Officer Joe Serrano** indicated that there was no request to address the Commission.

Chair Rachél Lather closed public comments and called for Commission comments.

Commissioner Zach Friend motioned to approve staff's recommendations. **Commissioner Yvette Brooks** seconded the motion.

Chair Rachél Lather called for a roll call vote on motion based on staff's recommendation: **Cancel the October 5, 2022 Regular LAFCO Meeting and 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: Zach Friend
SECOND: Yvette Brooks
FOR: Jim Anderson, Roger Anderson, Yvette Brooks, Ryan Coonerty,
Francisco Estrada, Zach Friend, and Rachél Lather.
AGAINST: None
ABSTAIN: None

MOTION PASSED: 7-0

6b. Soquel Creek Water District Sphere Update – Continued Item

Chair Rachél Lather requested staff to provide a presentation on the proposed sphere update for the Soquel Creek Water District.

Executive Officer Joe Serrano noted that the Commission adopted the Countywide Water Service and Sphere Review on August 3, which included the adoption of sphere determinations for the six water agencies excluding the sphere boundary for the Soquel Creek Water District (“SqCWD”). Mr. Serrano reminded the Commission that the SqCWD’s sphere consideration was continued for additional discussion. He explained how the proposed sphere amendment was based on the collaborative effort between LAFCO and District staff and better reflects the District’s service area. Staff recommended that the Commission approve the sphere amendment for the Soquel Creek Water District.

Chair Rachél Lather requested public comments on this item. **Executive Officer Joe Serrano** indicated that there were two requests to address the Commission.

Michael Shorestein asked how the sphere amendment would affect the District’s existing water supply. **Executive Officer Joe Serrano** clarified that no change would occur to the District’s current water supply or service provisions because a sphere amendment is only a planning purposes. If annexation is considered in the future, that would require an extensive analysis by LAFCO and the District to determine whether SqCWD is willing and capable of providing water service based on its current and future water supply.

Ashley Winn expressed concerns that the inclusion of the agricultural lands would move closer to development. **Executive Officer Joe Serrano** clarified that a sphere boundary does not promote or encourage development but rather identify the most logical service provider. In addition, LAFCO is prohibited by law to make any action regarding land use and any potential development would be under the authority of Santa Cruz County.

Chair Rachél Lather noted no further requests, closed public comments and called for Commission comments.

Commissioners John Hunt and Roger Anderson expressed concerns about the proposed sphere amendment, which would include an area designated as open space and agriculture. They were concerned that including the area into the sphere would encourage and/or promote future development. **Executive Officer Joe Serrano** indicated that a sphere boundary identifies the most logical service provider to an area. The area in question is substantially surrounded by the District and SqCWD would be the logical provider in the event that the two existing wells are no longer in service regardless of the land use. Mr. Serrano clarified that if the landowners of the agricultural lands wanted to receive services from SqCWD, it must receive approval from LAFCO as well as the

District. An extensive analysis would determine whether LAFCO would support such annexation based on state law and the Commission's adopted policies. He also reminded the Commission that LAFCO is prohibited from dealing with land use designations and the authorizing body for land use is the County of Santa Cruz.

Commissioner Zach Friend clarified the County's role in land use for the area in question as well as other unincorporated county territory and motioned to approve staff's recommendations. **Commissioner Yvette Brooks** seconded the motion.

Chair Rachél Lather called for a roll call vote on motion based on staff's recommendation: **Adopt the draft resolution (No. 2022-11a) approving the sphere determinations and boundary update for the Soquel Creek Water District.**

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

MOTION: Zach Friend

SECOND: Yvette Brooks

FOR: Jim Anderson, Yvette Brooks, Francisco Estrada, Zach Friend, and Rachél Lather.

AGAINST: None

ABSTAIN: Roger Anderson

MOTION PASSED: 5-0-1

6c. Fire District Spheres – Annexation Plans

Chair Rachél Lather requested staff to provide an update on the requested annexation plans from the fire agencies in Santa Cruz County.

Executive Officer Joe Serrano noted that the Commission adopted the Countywide Fire Protection Service and Sphere Review in October 2021. As part of the countywide report, LAFCO requested that the fire agencies develop an annexation plan based on their existing sphere boundaries. Mr. Serrano indicated that the request would determine if the sphere boundaries reflected the agencies' future and help LAFCO's hired consulting firm calculate the existing revenue and costs within the sphere boundaries as part of the upcoming feasibility study. He noted that all the affected fire agencies either submitted a response or an actual application initiating a boundary change based on LAFCO's findings in the countywide report.

Chair Rachél Lather requested public comments on this item. **Executive Officer Joe Serrano** indicated that there was no request to address the Commission.

Chair Rachél Lather closed public comments and called for Commission comments.

Commissioner Zach Friend expressed his appreciation to the fire agencies for their efforts and asked for clarification on some of the agencies' responses about a countywide analysis. **Executive Officer Joe Serrano** explained that some of the fire agencies want to see how the potential sphere annexations would affect CSA 48's funding and operations. The fire agencies want to see the complete countywide analysis before taking any action.

Chair Rachél Lather moved to the next item since no Commission action was required.

7. WRITTEN CORRESPONDENCE

Chair Rachél Lather inquired whether there was any written correspondence submitted to LAFCO. **Executive Officer Joe Serrano** indicated that there were none. **Chair Rachél Lather** moved to the next item since no Commission action was required.

8. PRESS ARTICLES

Chair Rachél Lather 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 Rachél Lather requested public comments on this item. **Executive Officer Joe Serrano** indicated that there was no request to address the Commission.

Chair Rachél Lather moved to the next item since no Commission action was required.

9. COMMISSIONERS' BUSINESS

Chair Rachél Lather inquired whether any Commissioner would like to share any information. There were no comments.

Chair Rachél Lather moved to the next item since no Commission action was required.

10. ADJOURNMENT

Chair Rachél Lather adjourned the Regular Commission Meeting at 10:29 a.m. to the next regular LAFCO meeting scheduled for Wednesday, November 2, 2022 at 9:00 a.m.



RACHÉL LATHER, CHAIRPERSON

Attest:



JOE A. SERRANO, EXECUTIVE OFFICER