



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

ADOPTED MINUTES

LAFCO REGULAR MEETING AGENDA

Wednesday, March 1, 2023

Start Time - 9:00 a.m.

1. ROLL CALL

Chair Yvette Brooks called the meeting of the Local Agency Formation Commission of Santa Cruz County (LAFCO) to order at 9:01 a.m. and welcomed everyone in attendance. She asked staff to conduct the roll call.

The following Commissioners were present:

- Chair Yvette Brooks
- Vice-Chair John Hunt
- Commissioner Jim Anderson
- Commissioner Roger Anderson
- Commissioner Justin Cummings
- Commissioner Rachél Lather
- Commissioner Eduardo Montesino
- Alternate Commissioner Manu Koenig
- Alternate Commissioner Allan Timms

Alternate Commissioner Manu Koenig will be a voting member on behalf of Commissioner Zach Friend (County Representative).

The following LAFCO staff members were present:

- Executive Officer Joe Serrano
- Legal Counsel, Joshua Nelson
- Administrative Aide, Juliette Burke (*Temporary County Support*)

2. EXECUTIVE OFFICER'S MESSAGE

2a. Virtual meeting Process

Executive Officer Joe Serrano announced that the Commission Meeting is being conducted through a hybrid approach with Commissioners and staff attending in-person while members of the public have the option to attend virtually or in-person. Mr. Serrano noted that Legal Counsel is participating remotely in accordance with state law.

2b. Welcome Recently Appointed Representatives

Executive Officer Joe Serrano welcomed Justin Cummings (County Board of Supervisor – District 3), Eduardo Montesino (City of Watsonville), and Allan Timms (City of Scotts Valley) as the latest Commissioners appointed to LAFCO.

3. ADOPTION OF MINUTES

Chair Yvette Brooks requested public comments on the draft minutes. **Executive Officer Joe Serrano** noted no public comments. **Chair Yvette Brooks** closed public comments.

Chair Yvette Brooks called for the approval of the draft minutes. **Commissioner Roger Anderson** motioned for approval of the January 4th Meeting Minutes and **Commissioner Justin Cummings** seconded the motion.

Chair Yvette Brooks called for a voice vote on the approval of the draft minutes with no changes.

MOTION: Roger Anderson

SECOND: Justin Cummings

FOR: Jim Anderson, Roger Anderson, Yvette Brooks, Justin Cummings, Rachél Lather, and Eduardo Montesino.

AGAINST: None

ABSTAIN: Manu Koenig

MOTION PASSED: 6-0 with 1 abstention

4. ORAL COMMUNICATIONS

Chair Yvette Brooks requested public comments on any non-agenda items. **Executive Officer Joe Serrano** indicated that there was one request to address the Commission.

Becky Steinbruner, member of the public, commented on County Service Area 3's available information and the City Selection Committee's recent meeting format change to address the Brown Act.

Chair Yvette Brooks closed public comments and moved on to the next agenda item.

5. PUBLIC HEARINGS

Chair Yvette Brooks indicated that there were three public hearing items for Commission consideration today.

5a. "County Service Area 54 Dissolution"

Chair Yvette Brooks requested staff to provide a presentation on the mandatory dissolution of County Service Area 54 (Summit West).

Executive Officer Joe Serrano noted that state law requires mandatory dissolutions for any inactive special district and explained how CSA 54 has been inactive for over 15 years. Mr. Serrano indicated that LAFCO was required to initiate and approve the mandatory dissolution following a letter from the State Controller's Office identifying CSA 54 as an inactive district. He reminded the Commission that a resolution was adopted on January 4, 2023 to initiate the dissolution process. Staff recommended that the Commission adopt the draft resolution approving the official dissolution of CSA 54 in accordance with state law.

Chair Yvette Brooks opened the floor for Commission discussion.

Chair Yvette Brooks noted no Commission discussion and requested public comments on the proposal. **Executive Officer Joe Serrano** indicated that there were no requests to address the Commission.

Chair Yvette Brooks closed public comments and called for a motion. **Commissioner Jim Anderson** motioned for approval of the mandatory dissolution and **Commissioner Rachél Lather** seconded the motion.

Chair Yvette Brooks called for a voice vote on the motion based on staff's recommendation: **Adopt the draft resolution (No. 2023-04) approving the mandatory dissolution of County Service Area 54.**

MOTION: Jim Anderson

SECOND: Rachél Lather

FOR: Jim Anderson, Roger Anderson, Yvette Brooks, Justin Cummings, Rachél Lather, Eduardo Montesino, and Manu Koenig.

AGAINST: None

ABSTAIN: None

MOTION PASSED: 7-0

5b. "Monroe Avenue / Kathy Brunk Extraterritorial Service Agreement"

Chair Yvette Brooks requested staff to provide a presentation on the proposed extraterritorial service agreement involving the Santa Cruz County Sanitation District.

Executive Officer Joe Serrano indicated that the proposal was initiated by landowner petition under Government Code Section 56133. The purpose of the extraterritorial service agreement is to connect a single parcel into a more reliable sewer infrastructure. Mr. Serrano noted that the County is willing and capable of providing sewer 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 extraterritorial service agreement by adopting the proposed resolution, which includes a condition for the parcel to be annexed within a year.

Chair Yvette Brooks opened the floor for Commission discussion.

Commissioner Jim Anderson noted that the language within the will-serve letter for this proposal is different than the other proposal on today's agenda. **Executive Officer Joe**

Serrano explained that the County may identify specific conditions for individual proposals.

Commissioner Rachél Lather asked whether the County Environmental Health Department requested a sewer connection after determining the septic tank was failing. **Executive Officer Joe Serrano** explained that a third-party inspector, rather than EHS, diagnosed the septic tank failure and the landowner provided the inspector's supporting documents as part of the application.

Chair Yvette Brooks noted no further Commission discussion and requested public comments on the proposal. **Executive Officer Joe Serrano** indicated that there was one request to address the Commission.

Becky Steinbruner, member of the public, suggested that LAFCO reach out to surrounding landowners to determine if anyone else is interested in annexing into the sanitation district as part of the proposed annexation condition.

Chair Yvette Brooks closed public comments and called for a motion. **Commissioner Jim Anderson** motioned for approval of the extraterritorial service agreement and **Commissioner Roger Anderson** seconded the motion.

Chair Yvette Brooks called for a voice vote on the motion based on staff's recommendation: **Adopt the draft resolution (No. 2023-05) approving the extraterritorial service agreement with the Santa Cruz County Sanitation District.**

MOTION: Jim Anderson

SECOND: Roger Anderson

FOR: Jim Anderson, Roger Anderson, Yvette Brooks, Justin Cummings, Rachél Lather, Eduardo Montesino, and Manu Koenig.

AGAINST: None

ABSTAIN: None

MOTION PASSED: 7-0

5c. "Paso Cielo / Towle Annexation"

Chair Yvette Brooks requested staff to provide a presentation on the proposed annexation into County Service Area 20 (Trestle Beach).

Executive Officer Joe Serrano indicated that the three-parcel annexation and concurrent sphere amendment was initiated by landowner petition. Mr. Serrano explained that the main parcel (APN: 045-022-34) has a single-family home. The two additional parcels are included to prevent irregular boundaries and both landowners have expressed support of the annexation effort. He noted that the purpose of the application is for the provision of sewer services from a nearby public agency to the existing single family home. He also stated that the County is willing and capable of providing services to the subject area. Staff recommended approval of the annexation and sphere amendment.

Chair Yvette Brooks opened the floor for Commission discussion.

Commissioner John Hunt questioned why the subject area is considered uninhabited. **Executive Officer Joe Serrano** explained that LAFCO law defines “uninhabited territory” as an area with fewer than 12 registered voters. The three subject parcels have less than 12 registered voters and therefore is considered uninhabited.

Commissioner Rachél Lather asked whether the Trestle Beach community was informed about the proposal. **Executive Officer Joe Serrano** explained that state law allows LAFCO to waive the distribution of notices if the proposal has 100% landowner consent from the affected landowners. The landowners from the three subject parcels have expressed consent and therefore notices were not mailed to the non-affected residents surrounding the annexation area. Mr. Serrano noted that LAFCO staff did publish a public notice in the Sentinel Newspaper for additional transparency.

Commissioner Rachél Lather suggested that the County host a community workshop or conduct some type of outreach effort to inform the Trestle Beach residents.

Chair Yvette Brooks noted no further Commission discussion and requested public comments on the proposal. **Executive Officer Joe Serrano** indicated that there was one request to address the Commission.

Becky Steinbruner, member of the public, agreed that an outreach effort is conducted to ensure residents are aware of the annexation and future sewer connections.

Chair Yvette Brooks closed public comments and called for a motion. **Commissioner Roger Anderson** motioned for approval of the proposal with the condition that the Trestle Beach community is informed about the annexation. **Commissioner Justin Cummings** seconded the motion.

Chair Yvette Brooks called for a voice vote on the motion based on staff's recommendation with an additional condition: **Adopt the draft resolution (No. 2023-06) approving the three-parcel annexation into County Service Area 20 with the condition that the Trestle Beach community is informed about the annexation.**

MOTION: Roger Anderson

SECOND: Justin Cummings

FOR: Jim Anderson, Roger Anderson, Yvette Brooks, Justin Cummings, Rachél Lather, Eduardo Montesino, and Manu Koenig.

AGAINST: None

ABSTAIN: None

MOTION PASSED: 7-0

6. OTHER BUSINESS

Chair Yvette Brooks indicated that there were three business items for Commission consideration today.

6a. Independent Special Districts Selection Policy Update

Chair Yvette Brooks requested staff to provide a presentation on the proposed modifications to the Commission's policy.

Executive Officer Joe Serrano noted the Commission reviewed and updated all the existing policies in 2020, such as the Independent Special Districts Selection Policy. Mr. Serrano stated that several changes have occurred since the 2020 update, including the dissolution of the Opal Cliffs Recreation District, the consolidation of two fire districts, and the formation of the Pajaro Valley Health Care District. Staff is recommending that these changes are reflected in the policy by adopting the proposed resolution.

Chair Yvette Brooks opened the floor for Commission discussion.

Chair Yvette Brooks noted no Commission discussion and requested public comments on the proposal. **Executive Officer Joe Serrano** indicated that there were no requests to address the Commission.

Chair Yvette Brooks closed public comments and called for a motion. **Commissioner Roger Anderson** motioned for approval of the policy update and **Commissioner Rachél Lather** seconded the motion.

Chair Yvette Brooks called for a voice vote on the motion based on staff's recommendation: **Adopt the draft resolution (No. 2023-07) approving the amendments to the policy.**

MOTION: Roger Anderson

SECOND: Rachél Lather

FOR: Jim Anderson, Roger Anderson, Yvette Brooks, Justin Cummings, Rachél Lather, Eduardo Montesino, and Manu Koenig.

AGAINST: None

ABSTAIN: None

MOTION PASSED: 7-0

6b. 2023 Meeting Schedule – June Meeting Date Change

Chair Yvette Brooks requested staff to provide a presentation on the proposed date change for the June 2023 LAFCO Meeting.

Executive Officer Joe Serrano noted the Commission adopted the 2023 meeting calendar in November 2022 and subsequently directed staff in January 2023 to revert back to in-person meeting. Mr. Serrano coordinated with the County to reserve the Board of Supervisors Chambers for all LAFCO meeting dates and was able to reserve each date except for the June meeting. Staff is recommending that the Commission change the June meeting date from June 7 to the following Wednesday (June 14).

Chair Yvette Brooks opened the floor for Commission discussion.

Chair Yvette Brooks noted no Commission discussion and requested public comments on the proposal. **Executive Officer Joe Serrano** indicated that there were no requests to address the Commission.

Chair Yvette Brooks closed public comments and called for a motion. **Commissioner Justin Cummings** motioned for approval of the date change and **Commissioner Jim Anderson** seconded the motion.

Chair Yvette Brooks called for a voice vote on the motion based on staff's recommendation: **Approve the meeting date change from June 7 to June 14.**

MOTION: Justin Cummings

SECOND: Jim Anderson

FOR: Jim Anderson, Roger Anderson, Yvette Brooks, Justin Cummings, Rachél Lather, Eduardo Montesino, and Manu Koenig.

AGAINST: None

ABSTAIN: None

MOTION PASSED: 7-0

6c. Comprehensive Quarterly Report – Second Quarter (FY 2022-23)

Chair Yvette Brooks requested staff to provide a presentation on the tasks completed during the second quarter of Fiscal Year 2022-23.

Executive Officer Joe Serrano noted that LAFCO currently has six active applications. Mr. Serrano informed the Commission that staff will be conducting six separate service reviews this year, four will involve county service areas (11, 12, 38, and 53) and the remaining two will be for the cities of Santa Cruz and Watsonville. He also indicated that the LAFCO Budget is doing financially well. The Commission has received over 100% of the anticipated revenue and has only incurred 33% of anticipated expenses.

Chair Yvette Brooks requested public comments on the quarterly report. **Executive Officer Joe Serrano** indicated that there were no requests to address the Commission.

Chair Yvette Brooks closed public comments and opened the floor for Commission discussion.

Chair Yvette Brooks noted no comments or questions from the Commission and moved to the next item since no Commission action was required.

7. WRITTEN CORRESPONDENCE

Chair Yvette Brooks inquired whether there was any written correspondence submitted to LAFCO. **Executive Officer Joe Serrano** indicated that LAFCO received three letters from the Special Districts Risk Management Authority regarding their upcoming election, workers' compensation information, and the latest California labor law poster. **Chair Yvette Brooks** moved to the next item since no Commission action was required.

8. PRESS ARTICLES

Chair Yvette Brooks 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 Yvette Brooks** moved to the next item since no Commission action was required.

9. COMMISSIONERS' BUSINESS

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

10. CLOSED SESSION

Chair Yvette Brooks 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 room and requested that the Commission reconvene back to the County Chambers 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 Yvette Brooks adjourned the Regular Commission Meeting at 10:02 a.m. to the next regular LAFCO meeting scheduled for Wednesday, April 5, 2023 at 9:00 a.m.



YVETTE BROOKS, CHAIRPERSON

Attest:



JOE A. SERRANO, EXECUTIVE OFFICER