



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

701 Ocean Street, #318-D
Santa Cruz, CA 95060
Phone Number: (831) 454-2055
Website: www.santacruzlafco.org
Email: info@santacruzlafco.org

REGULAR MEETING AGENDA

Wednesday, October 4, 2023 at 9:00 a.m.

(hybrid meeting may be attended remotely or in-person)

Attend Meeting by Internet: <https://us02web.zoom.us/j/85888035676>
(Password 770150)

Attend Meeting by Conference Call: **Dial 1-669-900-6833 or 1-253-215-8782**
(Webinar ID: 858 8803 5676)

Attend Meeting In-Person: **Board of Supervisors Chambers**
(701 Ocean Street, Room 525, Santa Cruz CA 95060)

HYBRID MEETING PROCESS

Santa Cruz LAFCO has established a hybrid meeting process in accordance with Assembly Bill 2449:

- a) Commission Quorum: State law indicates that a quorum must consist of Commissioners in person pursuant to AB 2449.
- b) Public Comments: For those wishing to make public comments remotely, identified individuals will be given up to 3 minutes to speak. Staff will inform the individual when one minute is left and when their time is up. For those attending the meeting remotely, please click on the "Raise Hand" button under the "Reactions Tab" to raise your hand. For those joining via conference call, pressing *9 will raise your hand. The 3 minute limit also applies to virtual public comments.
- c) Accommodations for Persons with Disabilities: Santa Cruz LAFCO does not discriminate on the basis of disability, and no person shall, by reason of a disability, be denied the benefits of its services, programs, or activities. If you are a person with a disability and wish to attend the meeting, but require special assistance in order to participate, please contact the staff at (831) 454-2055 at least 24 hours in advance of the meeting to make the appropriate arrangements. Persons with disabilities may also request a copy of the agenda in an alternative format.

1. ROLL CALL

2. EXECUTIVE OFFICER'S MESSAGE

The Executive Officer may make brief announcements in the form of a written report or verbal update, and may not require Commission action.

a. Hybrid Meeting Process

The Commission will receive an update on the hybrid meeting process.

Recommended Action: No action required; Informational item only.

b. CSA 38 Service & Sphere Review – Additional Time Needed

The Commission will receive an update on the ongoing CSA 38 analysis.

Recommended Action: No action required; Informational item only.

3. ADOPTION OF MINUTES

The Commission will consider approving the minutes from the September 6, 2023 Regular LAFCO Meeting.

Recommended Action: Approve the minutes as presented with any desired changes.

4. ORAL COMMUNICATIONS

This is an opportunity for members of the public to address the Commission on items not on the agenda, provided that the subject matter is within the jurisdiction of the Commission and that no action may be taken on an off-agenda item(s) unless authorized by law.

5. PUBLIC HEARINGS

Public hearing items require expanded public notification per provisions in State law, directives of the Commission, or are those voluntarily placed by the Executive Officer to facilitate broader discussion.

a. “Branciforte Fire Protection District Reorganization” – Protest Results

The Commission will consider certifying the results of the protest proceeding held during September 4 to September 27, 2023.

Recommended Action: Adopt the draft minutes from the September 27 Protest Hearing and draft resolution (No. 2023-21) certifying the protest period results.

b. “La Cuesta Drive / Richard Latos Extraterritorial Service Agreement”

The Commission will consider the extraterritorial service request to receive sewer service from the City of Scotts Valley under Government Code Section 56133. If approved, a Notice of Exemption will be recorded to fulfill the requirements under the California Environmental Quality Act (CEQA).

Recommended Action: Adopt the draft resolution (No. 2023-22) approving the extraterritorial service agreement involving the City of Scotts Valley.

c. “Renaissance High School Extraterritorial Service Agreement”

The Commission will consider the extraterritorial service request to receive water service from the Soquel Creek Water District under Government Code Section 56133. If approved, a Notice of Exemption will be recorded to fulfill the requirements under the California Environmental Quality Act (CEQA).

Recommended Action: Adopt the draft resolution (No. 2023-23) approving the extraterritorial service agreement involving the Soquel Creek Water District.

6. OTHER BUSINESS

Other business items involve administrative, budgetary, legislative, or personnel matters and may or may not be subject to public hearings.

7. WRITTEN CORRESPONDENCE

LAFCO staff receives written correspondence and other materials on occasion that may or may not be related to a specific agenda item. Any correspondence presented to the Commission will also be made available to the general public. Any written correspondence distributed to the Commission less than 72 hours prior to the meeting will be made available for inspection at the hearing and posted on LAFCO’s website.

a. City of Scotts Valley General Plan Update – LAFCO Comment Letter

The Commission will review a comment letter written by LAFCO staff regarding the City’s general plan update.

Recommended Action: No action required; Informational item only.

8. PRESS ARTICLES

LAFCO staff monitors newspapers, publications, and other media outlets for any news affecting local cities, districts, and communities in Santa Cruz County. Articles are presented to the Commission on a periodic basis.

a. Press Articles during the Months of August and September

The Commission will receive an update on recent LAFCO-related news occurring around the county and throughout California.

Recommended Action: No action required; Informational item only.

9. COMMISSIONERS’ BUSINESS

This is an opportunity for Commissioners to comment briefly on issues not listed on the agenda, provided that the subject matter is within the jurisdiction of the Commission. No discussion or action may occur or be taken, except to place the item on a future agenda if approved by Commission majority. The public may address the Commission on these informational matters.

10. ADJOURNMENT

LAFCO’s next regular meeting is scheduled for Wednesday, November 1, 2023 at 9:00 a.m.

ADDITIONAL NOTICES:**Campaign Contributions**

State law (Government Code Section 84308) requires that a LAFCO Commissioner disqualify themselves from voting on an application involving an "entitlement for use" (such as an annexation or sphere amendment) if, within the last twelve months, the Commissioner has received \$250 or more in campaign contributions from an applicant, any financially interested person who actively supports or opposes an application, or an agency (such as an attorney, engineer, or planning consultant) representing an applicant or interested participant. The law also requires any applicant or other participant in a LAFCO proceeding to disclose the amount and name of the recipient Commissioner on the official record of the proceeding.

The Commission prefers that the disclosure be made on a standard form that is filed with LAFCO staff at least 24 hours before the LAFCO hearing begins. If this is not possible, a written or oral disclosure can be made at the beginning of the hearing. The law also prohibits an applicant or other participant from making a contribution of \$250 or more to a LAFCO Commissioner while a proceeding is pending or for 3 months afterward. Disclosure forms and further information can be obtained from the LAFCO office at Room #318-D, 701 Ocean Street, Santa Cruz, CA 95060 (phone 831-454-2055).

Contributions and Expenditures Supporting and Opposing Proposals

Pursuant to Government Code Sections §56100.1, §56300(b), §56700.1, §59009, and §81000 et seq., and Santa Cruz LAFCO's Policies and Procedures for the Disclosures of Contributions and Expenditures in Support of and Opposition to proposals, any person or combination of persons who directly or indirectly contributes a total of \$1,000 or more or expends a total of \$1,000 or more in support of or opposition to a LAFCO Proposal must comply with the disclosure requirements of the Political Reform Act (Section 84250). These requirements contain provisions for making disclosures of contributions and expenditures at specified intervals. Additional information may be obtained at the Santa Cruz County Elections Department, 701 Ocean Street, Room 210, Santa Cruz, CA 95060 (phone 831-454-2060).

More information on the scope of the required disclosures is available at the web site of the Fair Political Practices Commission: www.fppc.ca.gov. Questions regarding FPPC material, including FPPC forms, should be directed to the FPPC's advice line at 1-866-ASK-FPPC (1-866-275-3772).

Accommodating People with Disabilities

The Local Agency Formation Commission of Santa Cruz County does not discriminate on the basis of disability, and no person shall, by reason of a disability, be denied the benefits of its services, programs or activities. The Commission meetings are held in an accessible facility. If you wish to attend this meeting and will require special assistance in order to participate, please contact the LAFCO office at 831-454-2055 at least 24 hours in advance of the meeting to make arrangements. For TDD service, the California State Relay Service 1-800-735-2929 will provide a link between the caller and the LAFCO staff.

Late Agenda Materials

Pursuant to Government Code Section 54957.5 public records that relate to open session agenda items that are distributed to a majority of the Commission less than seventy-two (72) hours prior to the meeting will be available to the public at Santa Cruz LAFCO offices at 701 Ocean Street, #318-D, Santa Cruz, CA 95060 during regular business hours. These records, when possible, will also be made available on the LAFCO website at www.santacruzlafco.org. To review written materials submitted after the agenda packet is published, contact staff at the LAFCO office or in the meeting room before or after the meeting.



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

DRAFT MINUTES

LAFCO REGULAR MEETING AGENDA

Wednesday, September 6, 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 9:00 a.m. and welcomed everyone in attendance. She asked staff to conduct the roll call.

The following Commissioners were present:

- Chair Yvette Brooks
- Commissioner Jim Anderson
- Commissioner Roger Anderson
- Commissioner Rachél Lather
- Commissioner Allan Timms
- Alternate Commissioner Ed Banks
- Alternate Commissioner John Hunt
- Alternate Commissioner Manu Koenig
- Alternate Commissioner Shebreh Kalantari-Johnson

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

The following LAFCO staff members were present:

- Analyst, Francisco Estrada
- Legal Counsel, Joshua Nelson
- Executive Officer, Joe Serrano

2. CLOSED SESSION

2a. Conference with Legal Counsel – Anticipated Litigation: Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: 1 case [litigation threat of Becky Steinbruner included in agenda packet with Item 7.a]

Chair Yvette Brooks requested public comments on the closed session item. **Executive Officer Joe Serrano** indicated that there was one request to address the Commission.

Becky Steinbruner, member of the public, informed the Commission on her intent to take legal action if the issues brought forth in her Request for Consideration are not addressed in regard to the Branciforte Fire Protection District Reorganization. Ms. Steinbruner also mentioned and reminded the Commission about the late Correspondence she submitted on September 3, 2023.

Chair Yvette Brooks closed public comments and recessed to Closed Session at 9:02 a.m. to discuss anticipated litigation.

Chair Yvette Brooks reconvened the LAFCO regular meeting at 9:26 a.m. **Legal Counsel Joshua Nelson** stated that no reportable action was taken on the Closed Session item.

3. EXECUTIVE OFFICER'S MESSAGE

3a. Virtual Meeting Process

Executive Officer Joe Serrano had two announcements to make to the Commission. The first was that the meeting was 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 also provided the Commission with an update on his presentation at the California Special Districts Alliance Annual Conference, held on August 29, 2023.

4. 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.

Executive Officer Joe Serrano noted that **Commissioner Roger Anderson** requested to have an omitted comment from the August 2nd LAFCO Regular Meeting included in the adopted minutes. His comments were in regard to the California Voting Rights Act's 20% total population requirement for a five-member board under a district-based election.

Chair Yvette Brooks called for a motion. **Commissioner Rachél Lather** motioned for approval of the August 2nd Meeting Minutes with the recommended changes and **Commissioner Jim Anderson** seconded the motion.

Chair Yvette Brooks called for a voice vote on the approval of the draft minutes with the recommended changes.

MOTION: Rachél Lather

SECOND: Jim Anderson

FOR: Jim Anderson, Roger Anderson, Yvette Brooks, Manu Koenig, Rachél Lather, and Allan Timms.

AGAINST: None
ABSTAIN: None

MOTION PASSES: 6-0

5. 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, spoke on the following issues: (1) the updated fire preparedness document “Living with Wildfire: A Guide to Residents of Santa Cruz County,” (2) the current challenges of obtaining or maintaining insurance policies in California and efforts by the Insurance Commissioner to assist residents, (3) the California Department of Water Resources’ intention to authorize direct potable reuse, and (4) the College Lake Recharge project in Watsonville.

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

6. PUBLIC HEARINGS

Chair Yvette Brooks indicated that there was one public hearing item for Commission consideration today.

6a. “Service & Sphere Review for County Service Area 12”

Chair Yvette Brooks requested staff to provide a presentation on the service and sphere of influence review for County Service Area 12 (Septic Tank Maintenance).

Executive Officer Joe Serrano informed the Commission that CSA 12 was formed in 1972 for the purpose of providing inspection and maintenance services to the approximately 28,000 septic tanks across Santa Cruz County and is managed by the Environmental Health Division of the County of Santa Cruz’s Health Services Agency. Mr. Serrano further explained to the Commission that the CSA is considered financially stable at this time, its main source of revenue is from charge for services, and for the first time in almost 30 years, the CSA updated its service rates. Mr. Serrano encouraged the CSA to create a dedicated webpage for CSA 12 to increase transparency with the public.

Chair Yvette Brooks opened the floor for Commission discussion.

Commissioner Roger Anderson had a question regarding the start date for the implementation of the Local Area Management Program (LAMP) recommendations. **Executive Officer Joe Serrano** mentioned he was not aware of a start date for the collaborations. **Commissioner Roger Anderson** had a second question inquiring if parts of the water system could be adversely affected by failing septic systems. **Executive Officer Joe Serrano** responded that a failing septic can adversely affect a water system and explained that State law now requires residents to connect to existing infrastructure instead of installing a new system.

Commissioner John Hunt had a question about overcoming cost barriers to improve septic systems for residents of the county. **Executive Officer Joe Serrano** stated that LAFCO was unable to identify opportunities to provide financial relief for residents wanting to improve their septic systems.

Commissioner Rachél Lather mentioned that areas considered to be disadvantaged communities are eligible to receive financial support and staff should determine if there are areas in Santa Cruz County with such a designation. She also mentioned that a maintenance district is not a good fit for the San Lorenzo Valley and Bear Creek Estates area due to outdated infrastructure and potential contamination. **Executive Director Joe Serrano** mentioned that one of the primary purposes of a service and sphere review is to bring awareness to important issues and topics to local residents.

Chair Yvette Brooks requested public comments on the proposal. **Executive Officer Joe Serrano** indicated that there was one request to address the Commission on this item.

Becky Steinbruner, member of the public, noted that the LAMP document still requires approval from the California Coastal Commission. Ms. Steinbruner also stated that the sphere and service report does not mention the new types of septic systems and technologies the County is currently assessing and piloting, and the challenges that residents of the CZU fire area are currently facing in rebuilding and recovering.

Chair Yvette Brooks closed public comments and called for a motion. **Commissioner Roger Anderson** motioned for approval of staff recommendation and **Commissioner Manu Koenig** seconded the motion.

Chair Yvette Brooks called for a voice vote on the motion based on staff's recommendation: (1) Find the report to be exempt from CEQA, (2) Determine that the report fulfills the requirements under GCS 56425, (3) Determine that the report fulfills the requirements under GCS 56430, and (4) Adopt the LAFCO Resolution (No. 2023-19) approving the 2023 Service & Sphere Review for CSA 12 with the following conditions: (a) Reaffirm CSA 12's current sphere of influence, and (b) Direct the Executive Officer to distribute a copy of this adopted service and sphere review to the CSA 12 representatives and any other interested or affected parties identified in the service review.

MOTION: Roger Anderson

SECOND: Manu Koenig

FOR: Jim Anderson, Roger Anderson, Yvette Brooks, Manu Koenig, Rachél Lather, and Allan Timms.

AGAINST: None

ABSTAIN: None

MOTION PASSES: 6-0

7. OTHER BUSINESS

Chair Yvette Brooks indicated that there are two business items for Commission consideration today.

7a. “Branciforte Fire Protection District Reorganization” – Latest Update

Chair Yvette Brooks requested staff to provide an update on the recently approved fire reorganization, including a request for reconsideration submittal.

Executive Officer Joe Serrano informed the Commission that the Request for Reconsideration Period officially ended on September 1, 2023 and the Protest Period officially started on September 4, 2023. During the 30-day Request for Reconsideration Period, staff received one request for reconsideration from Becky Steinbruner, a member of the public and non-Branciforte resident. LAFCO staff determined that the request did not meet the criteria for “new” or “additional” information because the concerns identified in the request had already been addressed by LAFCO in multiple ways: (1) within the August 2nd staff report and during Commission discussion, (2) within the Plan for Service which was approved by the respective fire districts, and (3) within the LAFCO resolution (No. 2023-17) adopted by the Commission on August 2, 2023. Mr. Serrano expressed appreciation to Ms. Becky Steinbruner for identifying clerical errors in Resolution No. 2023-17. These errors were subsequently resolved in accordance with Government Code Section 56883.

Chair Yvette Brooks requested public comments on the update. **Executive Officer Joe Serrano** indicated that there was one request to address the Commission on this item.

Becky Steinbruner, member of the public, reiterated her concerns outlined in the request for reconsideration and indicated that legal action may be taken unless the Commission forces the Scotts Valley Fire Protection District to transition from an at-large to district-based election process.

Chair Yvette Brooks opened the floor for Commission discussion. **Commissioner Roger Anderson** asked a clarifying question regarding the California Voting Rights Act as it related to the population criteria for district-based elections. **Legal Counsel Josh Nelson** confirmed that election districts/zones are based on population within the proposed area and not on the number of registered voters.

Chair Yvette Brooks noted no further Commission discussion and moved on to the next item since no Commission action was required.

7b. “Policies & Procedures Handbook”

Chair Yvette Brooks requested staff to provide a presentation on the comprehensive handbook detailing all current LAFCO policies and procedures.

Executive Officer Joe Serrano noted that the Commission has adopted 20 active policies since the 1970s. Staff is proposing to consolidate all 20 policies into a single handbook for a more efficient way to review each policy on an annual basis. The proposed

handbook includes a new policy explaining the new city seat rotation schedule adopted by the City Selection Committee, a new section in the Financial Policy which addresses LAFCO's reserve funds, and minor corrections to grammatical typos and errors found in certain policies.

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 was no request to address the Commission on this item.

Chair Yvette Brooks closed public comments and called for a motion. **Commissioner Rachél Lather** motioned for approval of staff recommendation and **Commissioner Allan Timms** seconded the motion.

MOTION: Rachél Lather
SECOND: Allan Timms
FOR: Jim Anderson, Roger Anderson, Yvette Brooks, Manu Koenig, Rachél Lather, and Allan Timms.
AGAINST: None
ABSTAIN: None

MOTION PASSES: 6-0

8. WRITTEN CORRESPONDENCE

Chair Yvette Brooks inquired whether there was any written correspondence submitted to LAFCO. **Executive Officer Joe Serrano** reminded the Commission that there had been one late correspondence submitted from Ms. Becky Steinbruner on September 3, 2023, which was addressed earlier in the meeting under Agenda Item No. 7a.

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

9. 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.

10. 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.

11. ADJOURNMENT

Chair Yvette Brooks adjourned the Regular Commission Meeting at 10:03 a.m. to the next regular LAFCO meeting scheduled for Wednesday, October 4, 2023, at 9:00 a.m.

YVETTE BROOKS, CHAIRPERSON

Attest:

JOE A. SERRANO, EXECUTIVE OFFICER



Santa Cruz Local Agency Formation Commission

Date: October 4, 2023
To: LAFCO Commissioners
From: Joe Serrano, Executive Officer
Subject: **“Branciforte Fire Protection District Reorganization”- Protest Results**

SUMMARY OF RECOMMENDATION

The Commission approved the reorganization involving the Branciforte and Scotts Valley Fire Protection Districts on August 2, 2023. Upon approval, state law requires the commencement of two post-action proceedings: Request for Reconsideration Period and the Protest Period. The request for reconsideration period ended on September 1. A protest hearing was held on September 27, 2023, which officially ended the protest period. Today, the Commission will consider ratifying the protest results.

It is recommended that the Commission adopt the protest hearing minutes from the September 27 Protest Hearing and draft resolution (No. 2023-21) certifying the protest period results.

EXECUTIVE OFFICER’S REPORT

Pursuant to Government Code Section 57000, when the Commission adopts a resolution making determinations regarding a change of organization, affected residents within the proposal area have an opportunity to voice their opposition during a protest period. The protest proceeding occurred from September 4 to September 27. A protest hearing was held on September 27, 2023 at 9:00 a.m. to receive any final petitions. **Attachment 1** provides a copy of the draft action minutes taken during the protest hearing. LAFCO received no petitions from landowners or registered voters during the 24-day protest period. The attached resolution certifies the results of this proceeding (**Attachment 2**).

Based on the protest period results, the reorganization will be recorded once LAFCO staff determines that all terms and conditions outlined in the August 2, 2023 LAFCO Resolution (No. 2023-17) are fulfilled.

Respectfully Submitted,

A blue ink signature of Joe A. Serrano, written in a cursive style.

Joe A. Serrano
Executive Officer

Attachments:

1. Draft Action Minutes (Protest Hearing)
2. Draft Resolution No. 2023-21



LOCAL AGENCY FORMATION COMMISSION
OF SANTA CRUZ COUNTY

DRAFT ACTION MINUTES
PROTEST HEARING FOR THE PROPOSED
“BRANCIFORTE FIRE PROTECTION DISTRICT REORGANIZATION”
(LAFCO PROJECT NO. RO 22-07)

Date: Wednesday, September 27, 2023
Time: 9:00 a.m.

Location: Virtual Setting (Zoom Webinar)
Teleconference: 669-900-6833

The September 27, 2023 Protest Hearing is called to order by declaration of Joe Serrano, LAFCO Executive Officer.

CALL THE MEETING TO ORDER

Joe Serrano welcomed and thanked everyone for attending the protest hearing. The hearing is being conducted by LAFCO staff in accordance with state law and the Commission’s Protest Hearing Policy.

PUBLIC COMMENT

Joe Serrano opened the floor for public comments. There were no requests to address LAFCO on this agenda item.

SUMMARIZATION OF LAFCO RESOLUTION NO. 2023-17

Joe Serrano reviewed the terms and conditions outlined in the resolution approving the reorganization. This resolution was adopted by the Commission on August 2, 2023 and the reorganization will be recorded once all the terms and conditions are fulfilled.

Mr. Serrano opened the floor for public comments. He indicated that no requests were made to speak on this agenda item.

ORAL OR WRITTEN PROTESTS, OBJECTIONS, OR EVIDENCE

Joe Serrano indicated that one of the conditions in the adopted resolution was to conduct a protest proceeding which would allow affected registered voters and landowners to voice their opposition to the reorganization. If LAFCO receives less than 25% in opposition during the proceeding, then the approval of the reorganization moves forward. If LAFCO receives between 25% to 50% in opposition, then the reorganization will require a special election. If LAFCO receives more than 50% in opposition, then the reorganization is terminated. Protest petition thresholds are based on the number of registered voters and the total assessed land value within the proposal area.

Mr. Serrano opened the floor for any oral or written protests. He indicated that no opposition was raised.

DETERMINATION OF THE VALUE OF WRITTEN PROTESTS

Joe Serrano informed the attendees that a total of zero petitions were received from the registered voters or landowners of the proposal area. Based on this turnout, the reorganization will move forward. He emphasized that this outcome is attributed to outreach efforts from Branciforte and Scotts Valley Fire Protection Districts as well as the coordination between the boards, staff, and its community members over the past two years.

Mr. Serrano opened the floor for public comments. He indicated that no requests were made to speak on this agenda item.

ADJOURNMENT

Joe Serrano indicated that the Commission will consider certifying the protest results by adopting a resolution during the next LAFCO Meeting. The next LAFCO meeting is scheduled for 9:00 a.m. on Wednesday, October 4, 2023.

YVETTE BROOKS, CHAIRPERSON

Attest:

Joe A. Serrano, Executive Officer

LOCAL AGENCY FORMATION COMMISSION OF SANTA CRUZ COUNTY
RESOLUTION NO. 2023-21

On the motion of Commissioner
duly seconded by Commissioner
the following resolution is adopted:

RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION,
ACTING AS THE CONDUCTING AUTHORITY, MAKING DETERMINATIONS
ON THE VALUE OF WRITTEN PROTEST FOR THE TERRITORY DESIGNATED AS
THE “BRANCIFORTE FIRE PROTECTION DISTRICT REORGANIZATION”
(LAFCO PROJECT NO. RO 22-07)

WHEREAS, on August 2, 2023, the Local Agency Formation Commission of Santa Cruz County (“LAFCO” or “Commission”) held a public hearing to consider an application submitted by the Branciforte Fire Protection District (“BFPD”) to reorganize with the Scotts Valley Fire Protection District (“SVFPD”) in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56000 et seq.); and

WHEREAS, after conducting a public hearing and considering all evidence, both written and oral, LAFCO adopted Resolution No. 2023-17, approving the reorganization; and

WHEREAS, a 30-day request for reconsideration period was held during August 3 to September 1, 2023, in accordance with Government Code Section 56895. LAFCO did receive a request to reconsider the Commission’s approval during this period. The Commission, legal counsel, and staff determined during the September 4, 2023 LAFCO Meeting that the request did not meet the criteria under Government Code Section 56895; and

WHEREAS, on September 1, 2023, LAFCO provided notice of the protest proceeding in accordance with Government Code Section 57025. A 24-day protest period was conducted during September 4 to September 27, 2023; and

WHEREAS, on September 27, 2023, LAFCO acting as the conducting authority, held a protest hearing to receive and consider any written protests filed.

NOW, THEREFORE, the Local Agency Formation Commission of Santa Cruz County does HEREBY RESOLVE, DETERMINE, AND ORDER as follows:

Section 1. Valid written protests to the reorganization in accordance with Government Code Section 57075(a)(2)(A) and (B) were not filed. Therefore, an election is not required.

Section 2. A majority written protest to the reorganization in accordance with Government Code Section 57078 was not filed. In total, LAFCO received zero petitions from registered voters or landowners during the protest period.

Section 3. The reorganization, covering 745 parcels and totaling approximately 5,800 acres (9 square miles) and an estimated 1,700 residents, is approved.

Section 4. The boundaries of the reorganization are shown on Exhibits A and B.

Section 5. This action is taken pursuant to division 3, title 5 (commencing with Government Code Section 56000), known as the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

Section 6. The terms and conditions of the reorganization are set forth in LAFCO Resolution 2023-17, and incorporated by reference.

Section 7. The reasons for the reorganization are those set forth in the analysis included in LAFCO's staff report presented during the August 2, 2023 Commission Meeting, and hereby incorporated by reference.

PASSED AND ADOPTED by the Local Agency Formation Commission of Santa Cruz County this 4th day of October 2023.

AYES:

NOES:

ABSTAIN:

YVETTE BROOKS, CHAIRPERSON

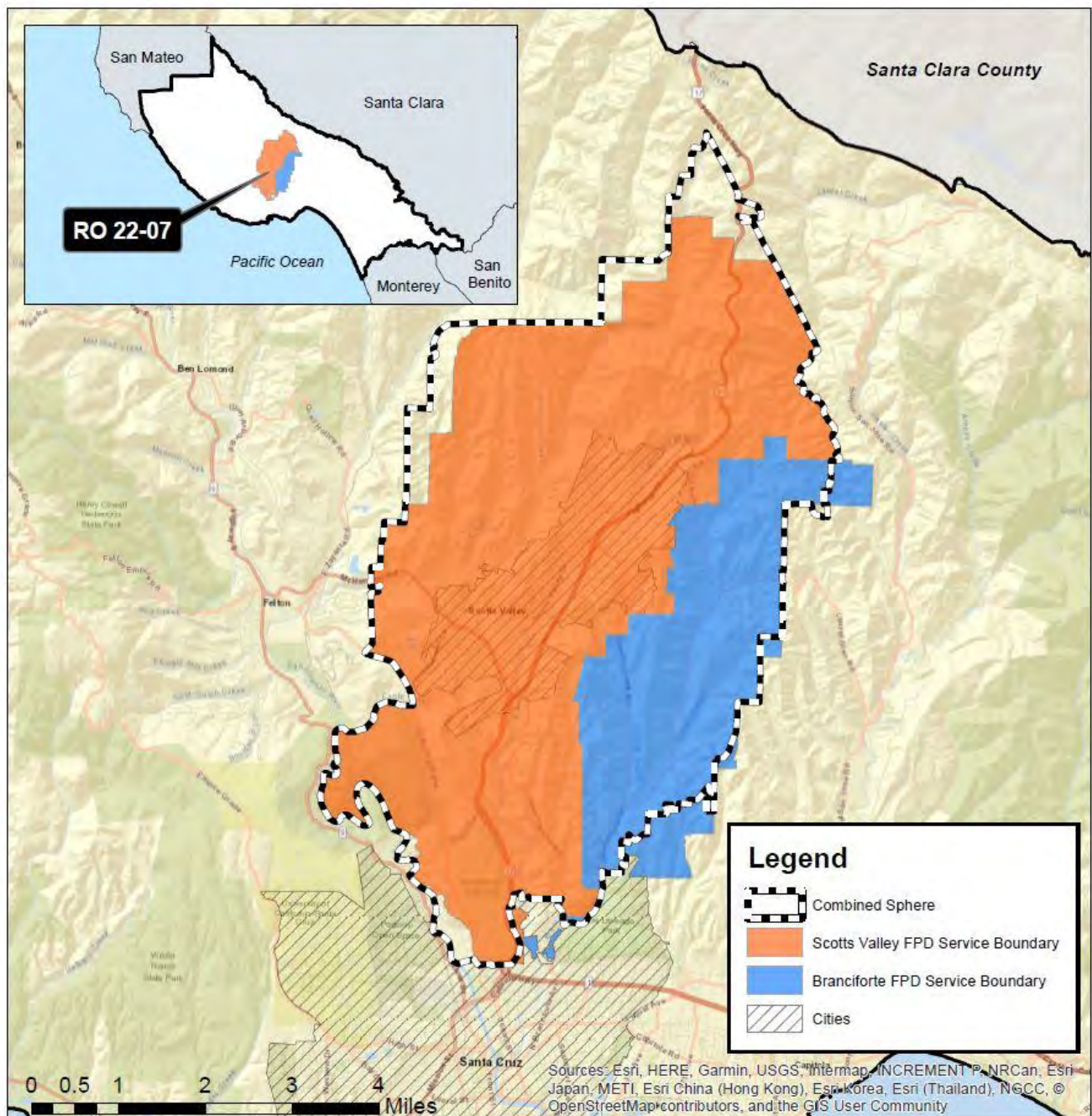
Attest:

Approved as to form:

Joe A. Serrano
Executive Officer

Joshua Nelson
LAFCO Counsel

EXHIBIT A: VICINITY MAP (PROPOSAL AREA)



"Branciforte Fire Protection District Reorganization" (LAFCO Project No. RO 22-07)



The proposed reorganization includes three actions:

- 1) dissolution of the Branciforte FPD
- 2) concurrent annexation of the dissolved area into SVFPD
- 3) sphere amendment to include the annexation area

In 1994, Branciforte FPD was added to Scotts Valley FPD's sphere boundary as a precursor to consolidation.

EXHIBIT B: VICINITY MAP (POST-REORGANIZATION)



Scotts Valley Fire Protection District Jurisdictional and Sphere Boundaries

Combined sphere adopted on March 10, 1994
Sphere reaffirmed on January 1, 2008
Sphere reaffirmed on November 2, 2016
Sphere reaffirmed on October 13, 2021
Sphere expansion on August 2, 2023

*Branciforte FPD was dissolved and concurrently annexed
into Scotts Valley FPD by LAFCO action on Aug. 2, 2023.*





Date: October 4, 2023
To: LAFCO Commissioners
From: Joe Serrano, Executive Officer
Subject: **“La Cuesta Drive / Richard Latos Extraterritorial Service Agreement”
with the City of Scotts Valley (LAFCO Project No. ESA 23-15)**

SUMMARY OF RECOMMENDATION

LAFCO has received an application from a landowner requesting an extraterritorial service agreement involving the City of Scotts Valley. The proposed agreement would allow the City to address a health and safety issue and provide sewer service to a single parcel with a failing septic system.

Staff is recommending that the Commission adopt the draft Resolution (No. 2023-22) approving the extraterritorial service agreement involving the City of Scotts Valley.

EXECUTIVE OFFICER'S REPORT:

A landowner submitted an application on August 7, 2023 to receive an extraterritorial service agreement between the City of Scotts Valley and a single parcel (APN: 067-103-17) in order to provide sewer service to the multi-family residence (five-unit complex). The proposal area is currently located outside Scott Valley's city limits but within its sphere of influence boundary. **Attachment 1** provides a map of the agency's current boundaries in relation to the location of the proposal area. The benefits of approving this extraterritorial service agreement are three-fold: (1) it will discontinue the failing septic system, (2) it will allow the City of Scotts Valley to address an impending health threat by delivering adequate sewer service to the subject area; and (3) it will support the Commission's sphere designation for the City which currently includes the subject area. Approval of the extraterritorial service agreement would be a precursor to an annexation at a future date.

State Law

California Water Code

In accordance with State law, the Regional Water Quality Control Board prohibits the discharge of wastewater from existing or new individual septic tank disposal systems if sewer service is available from a public agency (Water Code Section 13281). This law further states that for a sewer system to be deemed available, it is necessary for a sewer system to be within 200 feet of an existing or proposed dwelling unit. The distance of the proposed connection between the City and the subject property (APN: 067-103-17) is within 200 feet. Additionally, the proposed connection is subject to Government Code Section 56133 under the Cortese-Knox-Hertzberg Act.

Cortese-Knox-Hertzberg Act

In accordance with State law, a city or district may provide new or extended services by contract or agreement outside its jurisdictional boundary only if it first requests and receives written approval from the Commission (Government Code Section 56133). The

Commission may authorize a city or district to provide new or extended services outside its jurisdictional boundary and outside its sphere of influence to respond to an existing or impending threat to the health or safety of the public or the residents of the affected territory if both of the following requirements are met:

- The entity applying for approval has provided the Commission with documentation of a threat to the health and safety of the public or the affected residents; and
- The Commission has notified any alternate service provider, including any water corporation as defined in Section 241 of the Public Utilities Code, that has filed a map and a statement of its service capabilities with the Commission.

Commission Policy

In 2011, the Commission adopted the Extraterritorial Services Policy which outlined regulations for agencies to provide services outside their service and/or sphere boundaries. This policy is now available under one comprehensive handbook which contains all LAFCO policies and procedures¹. Under this policy, the Commission typically limits its extraterritorial service authorizations to public health emergencies and three specific circumstances:

a) Facilities are already in place.

The City provides sewer services to properties directly adjacent to the proposal area.

b) Annexation would not be practical.

The application includes written correspondence from the City's Wastewater Treatment Plant indicating that the current septic system is failing and may cause imminent health and safety issues to the residents within and adjacent to the subject area. The proposed extraterritorial service agreement would address this issue immediately.

The LAFCO process for annexations, on average, takes at least six to eight months to complete under the Cortese-Knox-Hertzberg Act. Due to the impending health threat, the proposed extraterritorial service agreement should be approved as a precursor to annexation in the foreseeable future. Staff is recommending that the Commission direct staff to coordinate with the City to discuss annexation of existing extraterritorial service agreements in the near future.

c) Cortese-Knox-Hertzberg Act Requirements.

The proposed extraterritorial service agreement meets the statutory criteria outlined in LAFCO law, pursuant to Government Code Section 56133.

Pursuant to the Commission's policy, individual requests for extraterritorial service shall be filed with the Executive Officer on a prescribed application form. The applicant is responsible for paying the costs of processing the application as specified in the Commission's Schedule of Fees and Deposits. An application and fee deposit of \$950 was submitted to LAFCO on August 8, 2023..

¹ LAFCO Policies & Procedures Handbook: <https://santacruzlafco.org/wp-content/uploads/2023/09/Santa-Cruz-LAFCO-Policy-Handbook-9-6-23.pdf>

Application Packet

In accordance with LAFCO law and the Commission's adopted policy, this type of application requires several documents. The following section summarizes these items:

- 1) **Application Form** – Commission Policy requires a signed extraterritorial service agreement form. A signed application was submitted on August 7, 2023.
- 2) **Landowner Consent** – Commission Policy requires documentation showing consent from the affected property owner as part of the application. The property owner of APN: 067-103-17 was the applicant and signed the submitted application.
- 3) **Will-Serve Letter** – Government Code Section 56133 requires documentation from the affected agency indicating support and capacity to provide the requested service. The City of Scotts Valley signed a Will-Serve letter on August 7. (**Attachment 2**).
- 4) **Notification to Alternative Service Provider** – Government Code Section 56133(c) requires the Commission to notify any alternative service provider that has filed a map and a statement of its service capabilities with the Commission. LAFCO staff has determined that there are no nearby or alternative service providers for sewer service. However, a public notice was advertised in the Sentinel on September 13, 2023, as shown in **Attachment 3**.
- 5) **Environmental Document** – Commission Policy indicates that all matters that are reviewable pursuant to environmental regulations are subject to the applicable provisions of the California Environmental Quality Act. LAFCO, as the Lead Agency, will record a Notice of Exemption after Commission approval, pursuant to State CEQA Guidelines Section 15303(d), "New Construction or Conversion of Small Structures," because the project would discontinue the existing septic system and connect to a public agency's wastewater infrastructure (**Attachment 4**).
- 6) **Indemnification Agreement** – Commission Policy requires a signed indemnification agreement in the event a lawsuit is filed against LAFCO's action. A signed indemnification agreement was submitted with the application (**Attachment 5**).
- 7) **Fee Deposit** – Commission Policy requires a fee deposit of \$950 for any proposed extraterritorial service request. A deposit was included with the application packet. Following the completion of the LAFCO process, staff will conduct a cost analysis and refund any remaining funds, if available.

Conclusion

LAFCO typically encourages boundary changes, such as annexations, when there is a request for municipal services. In some cases, annexations are not practical for various reasons. LAFCO staff evaluated this application and confirmed that the proposed extraterritorial service agreement meets all the requirements under State law and the Commission's adopted policy. Approval of the extraterritorial service agreement will discontinue the failing septic system and allow the City of Scotts Valley to deliver sewer service to the subject area. The terms and conditions outlined in the draft resolution ensure that the failing septic system is addressed accordingly (refer to **Attachment 6**). LAFCO's Legal Counsel has also reviewed the draft resolution with the proposed terms and conditions. Therefore, staff is recommending that the Commission approve the attached resolution.

Respectfully Submitted,

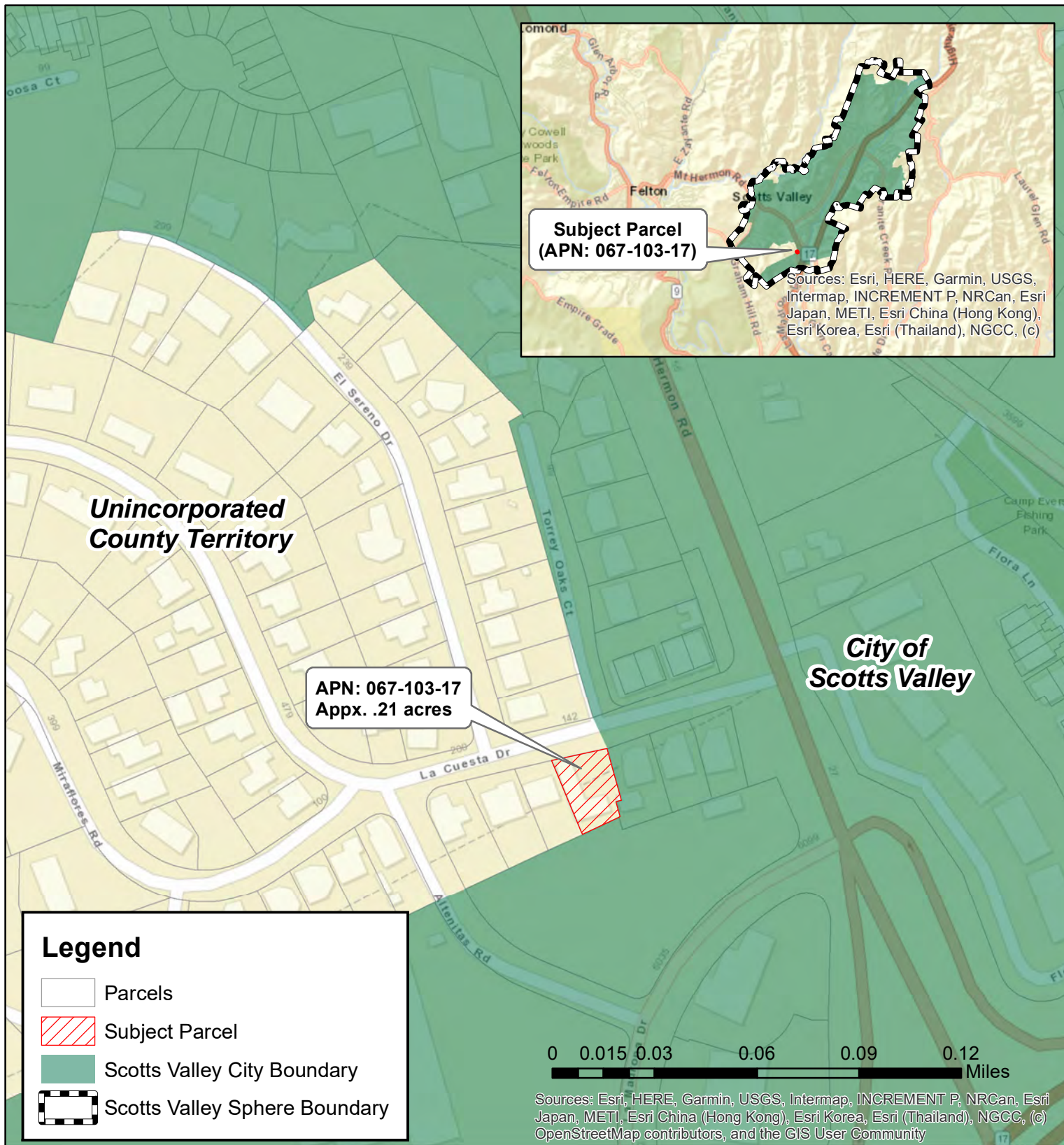


Joe A. Serrano
Executive Officer

Attachments:

1. Proposal Area Map
2. City Will-Serve Letter
3. Notice of Public Hearing
4. Notice of Exemption (CEQA)
5. Indemnification Agreement
6. Draft Resolution No. 2023-22

cc: Richard W. Latos (Property Owner; APN: 067-103-17)
Mali LaGoe, City of Scotts Valley
Kati King, City of Scotts Valley
Heather Reynolds, County Environmental Health Department



City of Scotts Valley Jurisdictional and Sphere Boundaries (LAFCO Project No. ESA 23-15)

The subject parcel is currently outside the City limits but within the City's sphere of influence. Pursuant to GCS 56133(c), the parcel may receive sewer services to address a health/safety issue (ex. septic tank failure).





City of Scotts Valley

Wastewater Treatment Plant
700 Lundy Lane Scotts Valley, California 95066
Phone 831 438-0732 Facsimile 831 438-7218

RECEIVED

07 August 2023

ATTN: Joe A. Serrano, Executive Officer
Local Agency Formation Commission of Santa Cruz County
701 Ocean Street, Room 318-D
Santa Cruz, CA 95060

Santa Cruz LAFCO

Re: Septic Failure at 143 La Cuesta ; APN 067-103-17

Dear Mr. Serrano,

This is a "Will Serve Letter" for the above stated property APN, 143 La Cuesta in the County of Santa Cruz. About the sewer hook-up for this property being in the County of Santa Cruz, the property is in the City sphere of influence for connection to Scotts Valley City sewer which will allow the property owner to connect to the City sewer. This situation is an imminent threat to the health and safety of the residents, as such, LAFCO's approval of a sewer connection for APN 067-103-17 is requested.

Property owner must submit all improvement plans and any other applications and fees that the City of Scotts Valley requires prior to having the intended property connected to sewer.

Thank you,

Kati King
Division Manager WWTP



NOTICE OF PUBLIC HEARING LOCAL AGENCY FORMATION COMMISSION

NOTICE IS HEREBY GIVEN that at 9:00 a.m., Wednesday, October 4, 2023, the Local Agency Formation Commission of Santa Cruz County (LAFCO) will hold public hearings on the following items:

- **“Branciforte Fire Protection District Reorganization” – Protest Results:** Consideration of a resolution to certify the protest proceeding results regarding the proposed fire reorganization involving Branciforte and Scotts Valley Fire Protection Districts.
- **“La Cuesta Drive/Richard Latos Extraterritorial Service Agreement” with the City of Scotts Valley (LAFCO Project No. ESA 23-15):** Consideration of an extraterritorial service agreement request for a single parcel to receive sewer services from the City of Scotts Valley.
- **“Renaissance High School Extraterritorial Service Agreement” with the Soquel Creek Water District (LAFCO Project No. ESA 23-17):** Consideration of an extraterritorial service agreement request for a single parcel to receive water sewer services from Soquel Creek Water District.
- **County Service Area 38 Service and Sphere of Influence Review:** Consideration of a service and sphere review for CSA 38 (Sheriff’s Patrol). CSA 38’s service area encompasses the entire County of Santa Cruz, excluding the four cities.

In compliance with the California Environmental Quality Act (CEQA), LAFCO staff is scheduled to prepare a Categorical Exemption for the proposals listed above. Instructions for members of the public to participate in-person or remotely are available in the Agenda and Agenda Packet: <https://santacruzlafco.org/meetings/>. During the meeting, the Commission will consider oral or written comments from any interested person. Maps, written reports, environmental review documents and further information can be obtained by contacting LAFCO’s staff at (831) 454-2055 or from LAFCO’s website at www.santacruzlafco.org. LAFCO does not discriminate on the basis of disability, and no person shall, by reason of a disability, be denied the benefits of its services, programs or activities. If you wish to attend this meeting and require special assistance in order to participate, please contact the LAFCO office at least 24 hours in advance of the meeting to make arrangements.

Joe A. Serrano
Executive Officer

Date: September 13, 2023

Notice of Exemption

To: ☐ Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento CA 95814

From: (Public Agency)
Santa Cruz Local Agency Formation Commission
701 Ocean Street, Room 318-D
Santa Cruz CA 95060

To: ☒ Clerk of the Board
County of Santa Cruz
701 Ocean Street, Room 500
Santa Cruz CA 95060

Project Title: "La Cuesta Drive / Richard Latos **Extraterritorial Service Agreement**" (ESA 23-15)

Project Location: The subject area is within **the Santa Cruz County Sanitation District's** sphere of influence boundary, contiguous with the **District's** jurisdictional limits and is located east of Flora Lane and Mount Hermon Road, south of La Cuesta Drive, west of Altenitas Drive, and north of La Madrona Drive. Attached is a vicinity map of the subject area (refer to Attachment A).

Project Location City: N/A Project Location County: Santa Cruz

Description of Nature, Purpose, and Beneficiaries of Project: The proposal was initiated by landowner petition. The subject area includes one parcel totaling less than an acre. The single parcel is owned by Richard W. Latos. The purpose of the application is to refrain from installing a septic tank system and connect the parcel to the District, which is the adjacent public wastewater agency.

Name of Public Agency Approving Project: Local Agency Formation Commission of Santa Cruz County ("**Santa Cruz LAFCO**"). **A public hearing on this proposal is scheduled for 9:00 a.m. on** October 4, 2023. Additional information on the upcoming meeting is available on the LAFCO website (<https://www.santacruzlafco.org>).

Name of Person or Agency Carrying Out Project: Santa Cruz LAFCO

Exempt Status: (check one)

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
☐ Emergency Project (Sec. 21080(b)(4); 15269 (b)(c));
☒ Categorical Exemption: State type and section number
☐ Statutory Exemptions: State code number
☐ Other: The activity is not a project subject to CEQA.

Reason Why Project is Exempt: Pursuant to CEQA Guidelines Section 15303, New Construction or Conversion of Small Structures: Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The number of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include, but are not limited to: Water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction.

Lead Agency Contact Person: Joe A. Serrano

Area Code/Phone Extension: 831-454-2055.

Signature: _____
Joe A. Serrano, Executive Officer

Date: October 5, 2023

☒ Signed by Lead Agency

Local Agency Formation Commission of Santa Cruz County
 Governmental Center
 701 Ocean St. #318 D
 Santa Cruz CA 95060



PROJECT NUMBER: ESA 23-15
 TITLE: "La Cuesta Drive/Richard Letos ESA"

INDEMNIFICATION AND DEFENSE

The undersigned applicant for the above-referenced application ("Applicant"), as a condition of submission of this application, approval of the application and any subsequent amendment of the approval which is requested by the Applicant, hereby agrees to defend, using counsel reasonably acceptable to the Local Agency Formation Commission of Santa Cruz County ("LAFCO"), indemnify, and hold harmless LAFCO, its officers, employees, and agents, from and against any claim, demand, damages, costs or liability of any kind (including attorneys' fees) against LAFCO arising from or relating to this application or any approval or subsequent amendment to the approval thereof, subject to the conditions set forth below.

A) Notification and Cooperation

LAFCO shall notify the Applicant of any claim, action, or proceeding against which LAFCO seeks to be defended, indemnified, or held harmless. LAFCO shall reasonably cooperate in such defense.

B) Fees and Costs:

Nothing contained herein shall prohibit LAFCO from participating in the defense of any claim, action, or proceeding if either of the following occur:

- 1) LAFCO bears its own attorneys' fees and costs; or
- 2) LAFCO and the Applicant agree in writing to the Applicant paying part or all of the Commission's attorneys' fees and costs.

C) Settlement:

When representing LAFCO, the Applicant shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the approval without the prior written consent of LAFCO.

D) Successors Bound:

The obligations of the Applicant under this Indemnity and Defense agreement are specifically associated with and shall run with the land that is the subject of the application and/ or approval and shall be binding upon the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant in the land.


E) Recordation:

At any time after submission of the application, LAFCO may, at its sole option, record in the office of the Santa Cruz County Recorder a memorandum of agreement which incorporates the provisions of this condition, or this approval shall become null and void.


 (Signature of LAFCO Executive Officer)

Joe A. Serrano
 (Printed Name)

8/17/23
 (Date)


 (Signature of Applicant)

RICHARD W. LETOS
 (Printed Name)

7 AUG 2023
 (Date)

LOCAL AGENCY FORMATION COMMISSION OF SANTA CRUZ COUNTY
RESOLUTION NO. 2023-22

On the motion of Commissioner
duly seconded by Commissioner
the following resolution is adopted:

RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION
APPROVING THE LA CUESTA DRIVE / RICHARD LATOS
EXTRATERRITORIAL SERVICE AGREEMENT WITH THE CITY OF SCOTTS VALLEY
(LAFCO PROJECT NO. ESA 23-15)

WHEREAS, an application for an extraterritorial service agreement involving a single parcel (APN 067-103-17) (the “proposal”) was submitted and accepted for filing by the Executive Officer of this Local Agency Formation Commission (“LAFCO” or “Commission”); and

WHEREAS, the proposal area is outside the City of Scotts Valley’s (“City”) jurisdictional boundary, within the City’s sphere of influence, and located east of Flora Lane and Mount Hermon Road, south of La Cuesta Drive, west of Altenitas Drive, and north of La Madrona Drive, as shown in Exhibit A; and

WHEREAS, in accordance with Government Code Section 56133, a city or district may provide new or extended services by contract or agreement outside its jurisdictional boundary only if it first requests and receives written approval from the Commission; and

WHEREAS, in accordance to Government Code Section 56133(c), the Commission may authorize a city or district to provide new or extended services outside its jurisdictional boundary and outside its sphere of influence to respond to an existing or impending threat to the health or safety of the public or the residents of the affected territory, if both of the following requirements are met:

- The entity applying for approval has provided the Commission with documentation of a threat to the health and safety of the public or the affected residents, and
- The Commission has notified any alternate service provider, including any water corporation as defined in Section 241 of the Public Utilities Code, that has filed a map and a statement of its service capabilities with the Commission.

WHEREAS, the City determined that the existing septic tank system was failing and may pose a serious concern to the lives and safety of the residents within and surrounding the proposal area; and

WHEREAS, the Executive Officer determined there are no alternate service providers of wastewater near the subject territory; and

WHEREAS, the Executive Officer, pursuant to Government Code Section 56133 and the Commission's Extraterritorial Services Policy, determined that the proposal met the statutory requirements and set October 4, 2023, as the hearing date on this proposal and provided public notice as required by law; and

WHEREAS, the Executive Officer, pursuant to Government Code Section 56665, has reviewed this proposal and prepared a report, including recommendations thereon, and has furnished a copy of this report to each person entitled to a copy; and

WHEREAS, this Commission, on October 4, 2023, heard from interested parties and considered the proposal and the report of the Executive Officer, and considered the factors determined by the Commission to be relevant to this proposal.

NOW, THEREFORE, the Local Agency Formation Commission of Santa Cruz County does HEREBY RESOLVE, DETERMINE, AND ORDER as follows:

Section 1. The foregoing recitals are true and correct.

Section 2. Compliance with the California Environmental Quality Act (CEQA) has been met by a categorical exemption pursuant to State CEQA Guidelines Section 15303, "New Construction or Conversion of Small Structures," because the project would discontinue the existing septic system and connect to a public agency's wastewater infrastructure. The Commission, as a lead agency, shall file a Notice of Exemption.

Section 3. The Commission considered the requirements set forth for extraterritorial services in the Cortese-Knox-Hertzberg Act, Government Code Section 56133, and found the proposal to be consistent with those requirements as outlined below:

- a) Within Sphere Boundary: Government Code Section 56133(b) requires the subject area to be within the City's sphere of influence boundary. LAFCO has determined that the proposal meets the requirements under this code section.
- b) Later Change of Organization: Government Code Section 56133(b) also requires the subject area to be annexed at a future date. The City of Scotts Valley and LAFCO will coordinate to determine when annexation may occur. Such discussions may also result in updating the City's existing annexation policy.
- c) Health & Safety Issue: Government Code Section 56133(c) requires documentation of a threat to the health and safety of the public or the affected residents. The City of Scotts Valley indicated that the current septic system poses a serious health and safety issue.
- d) Notification to Alternative Service Provider: Government Code Section 56133(c) requires the Commission to notify any alternative service provider that has filed a map and a statement of its service capabilities with the Commission. LAFCO staff has determined that there are no nearby or alternative service providers for sewer service.

Section 4. The Commission determined that the proposal is consistent with the Policies and Procedures Relating to Extraterritorial Services as outlined below:

- a) Agency Endorsement: The Executive Officer shall not file the application unless the affected public agency has submitted a written endorsement indicating its willingness to provide the service if the Commission approves the request. The City of Scotts Valley submitted a Will-Serve Letter expressing support on August 7, 2023, as shown in Exhibit B.
- b) Fee Deposit: The applicant shall pay the costs of processing the application as specified in the Commission's Schedule of Fees and Deposits. The landowner, as the applicant, submitted a fee deposit of \$950 as part of the application packet.
- c) Commission Hearing: The Commission shall consider the request after it has been placed on an agenda of a Commission meeting. After deeming the proposal complete, the Executive Officer advertised the proposal in the Santa Cruz Sentinel newspaper on September 13, 2023, and scheduled the proposal for Commission consideration on October 4, 2023.

Section 5. The applicant shall agree, as a condition of the approval of the application for an extraterritorial service agreement, to be bound by the LAFCO Indemnification and Defense Form signed on August 7, 2023. The applicant, on behalf of itself and future owners and assigns, further agrees to annex the subject area to the City as determined by the City and LAFCO as set forth above.

Section 6. The City and LAFCO must coordinate to discuss annexation of existing extraterritorial service agreements in the foreseeable future.

Section 7. The Certificate of Completion for the extraterritorial service agreement shall not be issued until all terms and conditions are met.

Section 8. The proposed extraterritorial service agreement shall be effective as of the date of recordation of the Certificate of Completion.

Section 9. The Commission shall approve, disapprove, or approve with conditions the extended services. If the new or extended services are disapproved or approved with conditions, the applicant may request reconsideration, citing the reasons for reconsideration. If the Commission denies a request, a similar application cannot be re-filed for one year unless the Commission grants an exception to this rule.

Section 10. The Executive Officer is hereby authorized and directed to mail certified copies of this resolution in the manner and as provided in Government Code Section 56882.

PASSED AND ADOPTED by the Local Agency Formation Commission of Santa Cruz County this 4th day of October 2023.

AYES:

NOES:

ABSTAIN:

YVETTE BROOKS, CHAIRPERSON

Attest:

Approved as to form:

Joe A. Serrano
Executive Officer

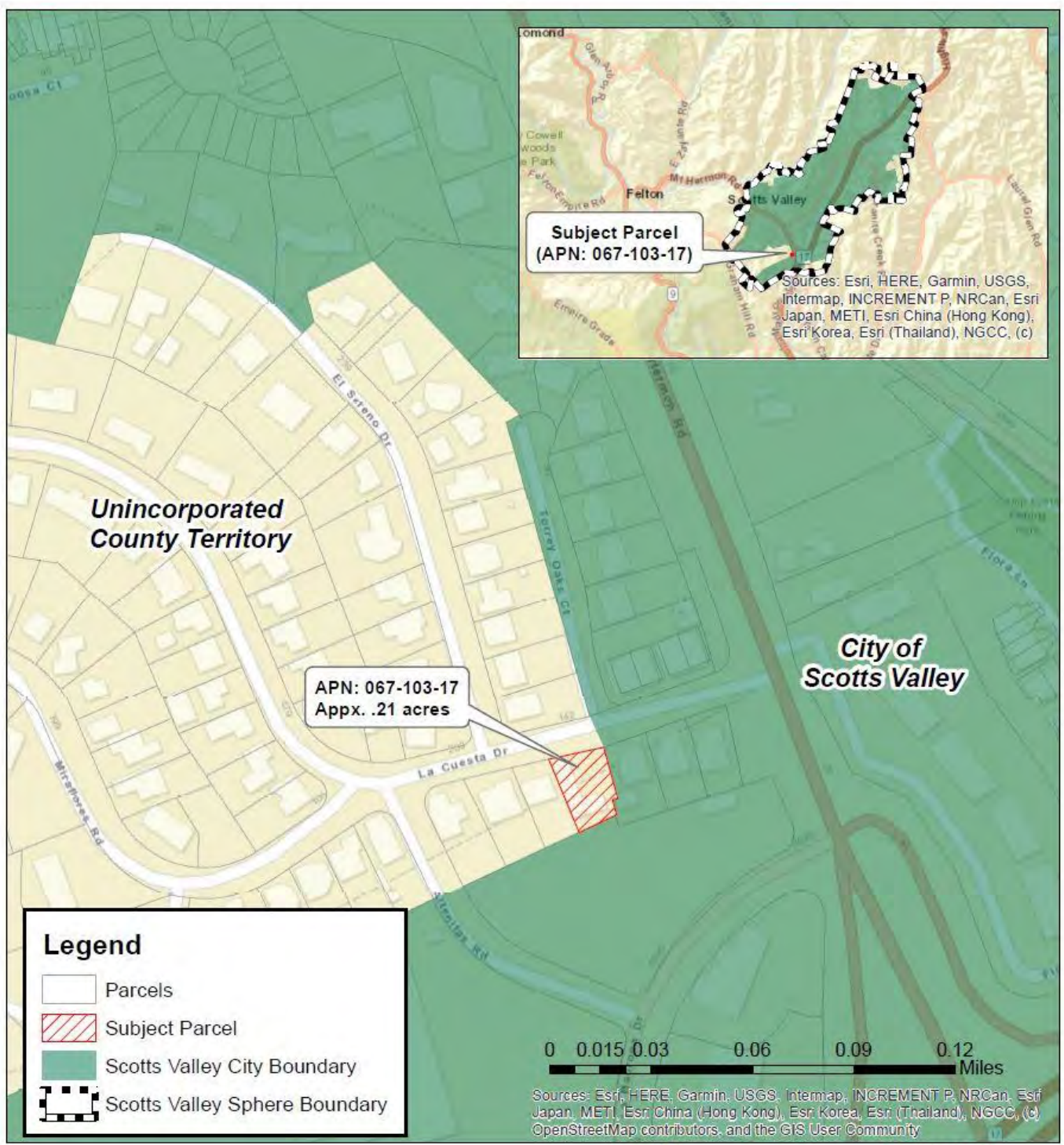
Joshua Nelson
LAFCO Counsel

DRAFT

EXHIBIT A

VICINITY MAP

DRAFT



City of Scotts Valley Jurisdictional and Sphere Boundaries (LAFCO Project No. ESA 23-15)

The subject parcel is currently outside the City limits but within the City's sphere of influence. Pursuant to GCS 56133(c), the parcel may receive sewer services to address a health/safety issue (ex. septic tank failure).



EXHIBIT B

CITY OF SCOTT VALLEY'S WRITTEN CORRESPONDENCE REGARDING THE ABILITY TO PROVIDE SEWER SERVICES

DRAFT



City of Scotts Valley

Wastewater Treatment Plant
700 Lundy Lane Scotts Valley, California 95066
Phone 831 438-0732 Facsimile 831 438-7218

RECEIVED

07 August 2023

ATTN: Joe A. Serrano, Executive Officer
Local Agency Formation Commission of Santa Cruz County
701 Ocean Street, Room 318-D
Santa Cruz, CA 95060

Santa Cruz LAFCO

Re: Septic Failure at 143 La Cuesta ; APN 067-103-17

Dear Mr. Serrano,

This is a "Will Serve Letter" for the above stated property APN, 143 La Cuesta in the County of Santa Cruz. About the sewer hook-up for this property being in the County of Santa Cruz, the property is in the City sphere of influence for connection to Scotts Valley City sewer which will allow the property owner to connect to the City sewer. This situation is an imminent threat to the health and safety of the residents, as such, LAFCO's approval of a sewer connection for APN 067-103-17 is requested.

Property owner must submit all improvement plans and any other applications and fees that the City of Scotts Valley requires prior to having the intended property connected to sewer.

Thank you,

Kati King
Division Manager WWTP



Date: October 4, 2023
To: LAFCO Commissioners
From: Joe Serrano, Executive Officer
Subject: **“Renaissance High School Extraterritorial Service Agreement” with the Soquel Creek Water District (Project No. ESA 23-17)**

SUMMARY OF RECOMMENDATION

LAFCO has received an application from the Soquel Creek Water District (“SqCWD” and “District”) to provide water services under an extraterritorial service agreement. The proposed agreement would allow SqCWD to provide adequate water service to Renaissance High School.

Staff is recommending that the Commission adopt the draft Resolution (No. 2023-23) approving the extraterritorial service agreement involving the Soquel Creek Water District.

EXECUTIVE OFFICER’S REPORT:

The Soquel Creek Water District submitted an application to provide water service under an extraterritorial service agreement (“ESA”) towards a single parcel (APN: 046-021-08) in order to provide adequate water service to the existing high school facility. The subject area is currently located outside SqCWD’s jurisdictional and sphere boundaries. **Attachment 1** provides a map of the agency’s current boundaries in relation to the location of the proposal area. Approval of the ESA request would allow the District to provide water service to the high school from the existing infrastructure nearby.

Proposal Overview

Renaissance High School (“School”) sources domestic and irrigation water from an onsite well that draws from the Pajaro Valley Groundwater Basin. The School’s water system is registered with the State and is considered to be a non-transient/non-community public water system. At present, the School serves approximately 130 students. Recent analysis has determined that the School has a high level of hexavalent chromium in its water supply. Hexavalent chromium, also known as “Chromium 6,” is the most toxic form of the metal chromium, as described by the California Office of Environmental Health Hazard Assessment¹. Concentration of hexavalent chromium in the School’s onsite well ranges between 20-30 micrograms per liter. There is a draft maximum contaminant level for hexavalent chromium issued by the State Water Resources Control Board that will likely become effective and enforceable in the near future. The October 28, 2022 “Draft Engineering Report” prepared by an outside consultant recommends water system consolidation with the Soquel Creek Water District as the optimal solution to ensure public health goals are met at the School. The other alternatives included onsite hexavalent chromium treatment and construction of a new well. The proposed ESA will address this health and safety issue by allowing the District to provide water service to the high school.

¹ Hexavalent Chromium Info: <https://www.p65warnings.ca.gov/fact-sheets/chromium-hexavalent-compounds-chromium-6-chromium-vi#:~:text=Chromium%206%2C%20also%20known%20as,rocks%2C%20or%20from%20industrial%20contamination.>

State Law

In accordance with State law, a city or district may provide new or extended services by contract or agreement outside its jurisdictional boundary only if it first requests and receives written approval from the Commission (Government Code Section 56133). The Commission may authorize a city or district to provide new or extended services outside its jurisdictional boundary and outside its sphere of influence to respond to an existing or impending threat to the health or safety of the public or the residents of the affected territory if both of the following requirements are met:

- The entity applying for approval has provided the Commission with documentation of a threat to the health and safety of the public or the affected residents; and
- The Commission has notified any alternate service provider, including any water corporation as defined in Section 241 of the Public Utilities Code, that has filed a map and a statement of its service capabilities with the Commission.

Commission Policy

In 2011, the Commission adopted the Extraterritorial Services Policy which outlined regulations for agencies to provide services outside their service and/or sphere boundaries. This policy is now available under one comprehensive handbook which contains all LAFCO policies and procedures². Under this policy, the Commission typically limits its extraterritorial service authorizations to public health emergencies and three specific circumstances:

a) Facilities are already in place.

The District provides water services to properties directly adjacent to the proposal area, including several existing ESAs as shown in **Attachment 2**.

b) Annexation would not be practical.

Annexation is not practical at this time because the subject parcel is non-contiguous to the District's jurisdictional boundary. However, LAFCO will coordinate with SqCWD to determine if and when annexation of all existing ESAs may be completed.

c) Cortese-Knox-Hertzberg Act Requirements.

The proposed extraterritorial service agreement meets the statutory criteria outlined in LAFCO law, pursuant to Government Code Section 56133(c).

Pursuant to the Commission's policy, individual requests for extraterritorial service shall be filed with the Executive Officer on a prescribed application form. The applicant is responsible for paying the costs of processing the application as specified in the Commission's Schedule of Fees and Deposits. An application and fee deposit of \$950 was submitted to LAFCO on September 7, 2023.

Application Packet

In accordance with LAFCO law and the Commission's adopted policy, this type of application requires several documents. The following section summarizes these items:

- 1) Application Form** – Commission Policy requires a signed extraterritorial service agreement form. A signed application was submitted on September 7, 2023.

² LAFCO Policies & Procedures Handbook: <https://santacruzlafco.org/wp-content/uploads/2023/09/Santa-Cruz-LAFCO-Policy-Handbook-9-6-23.pdf>

- 2) **Consent Letter** – Commission Policy requires documentation showing consent from the affected property owner as part of the application. The property owner of APN: 046-021-08 submitted a letter of support dated August 17, 2023 (**Attachment 3**).
- 3) **Will-Serve Letter** – Government Code Section 56133 requires documentation from the affected agency indicating support and capacity to provide the requested service. SqCWD signed a Will-Serve letter on January 5, 2023. (**Attachment 4**).
- 4) **Notification to Alternative Service Provider** – Government Code Section 56133(c) requires the Commission to notify any alternative service provider that has filed a map and a statement of its service capabilities with the Commission. LAFCO staff has determined there are no alternative service providers nearby that can provide water and sewer service collectively. However, a public notice was advertised in the Sentinel on September 13, 2023, as shown in **Attachment 5**.
- 5) **Environmental Document** – Commission Policy indicates that all matters that are reviewable pursuant to environmental regulations are subject to the applicable provisions of the California Environmental Quality Act. LAFCO, as the Lead Agency, will record a Notice of Exemption after Commission approval, pursuant to State CEQA Guidelines Section 15303(d), “New Construction or Conversion of Small Structures,” because the project would discontinue the existing water system and connect to a public agency’s water infrastructure (**Attachment 6**).
- 6) **Indemnification Agreement** – Commission Policy requires a signed indemnification agreement in the event a lawsuit is filed against LAFCO’s action. A signed indemnification agreement was submitted on September 7, 2023 (**Attachment 7**).
- 7) **Fee Deposit** – Commission Policy requires a fee deposit of \$950 for any proposed extraterritorial service request. A deposit was included with the application packet. Following the completion of the LAFCO process, staff will conduct a cost analysis and refund any remaining funds, if available.

Conclusion

Since 2021, a stakeholder group has been working diligently to address the failing water system at Renaissance High School. This stakeholder group is comprised of representatives from the State Water Board, Pajaro Valley Unified School District, Soquel Creek Water District, Santa Cruz County, LAFCO, and two outside consultants (Denise Duffy & Associates; Weber, Hayes & Associates). The primary goal of this collaborative effort is to ensure the delivery of adequate water service to the subject population, in this case, students and facility members of Renaissance High School. While LAFCO typically encourages boundary changes, such as annexations, when there is a request for municipal services, there are some cases in which annexation is not practical for various reasons. LAFCO staff evaluated this application and confirmed that the proposed extraterritorial service agreement meets all the requirements under State law and the Commission’s adopted policy. Approval of the extraterritorial service agreement will discontinue the failing water system and allow the Soquel Creek Water District to deliver adequate water service to the subject area. The terms and conditions outlined in the draft resolution ensure that the failing water system is addressed accordingly (refer to **Attachment 8**). LAFCO’s Legal Counsel has also reviewed the draft resolution with the proposed terms and conditions. Therefore, staff is recommending that the Commission approve the attached resolution.

Respectfully Submitted,



Joe A. Serrano
Executive Officer

Attachments:

1. Proposal Area Map
2. Other ESAs Map
3. School District Letter of Support
4. District Will-Serve Letter
5. Notice of Public Hearing
6. Notice of Exemption (CEQA)
7. Indemnification Agreement
8. Draft Resolution No. 2023-23

cc: Pajaro Valley Unified School District (Property Owner; APN: 046-021-08)

Soquel Creek Water District
Ron Duncan, General Manager
Taj Dufour, Engineering Manager/Chief Engineer
Brice Dahlmeier, Associate Engineer
Amanda Bunte, Engineering Technician

Rural Community Assistance Corporation (RCAC)
Shannon Townsend-Bettis, Lead TAP
Katrina Hiott, Lead Implementor

Renaissance High School
Herlindo Fernandez, Director of Maintenance and Facilities

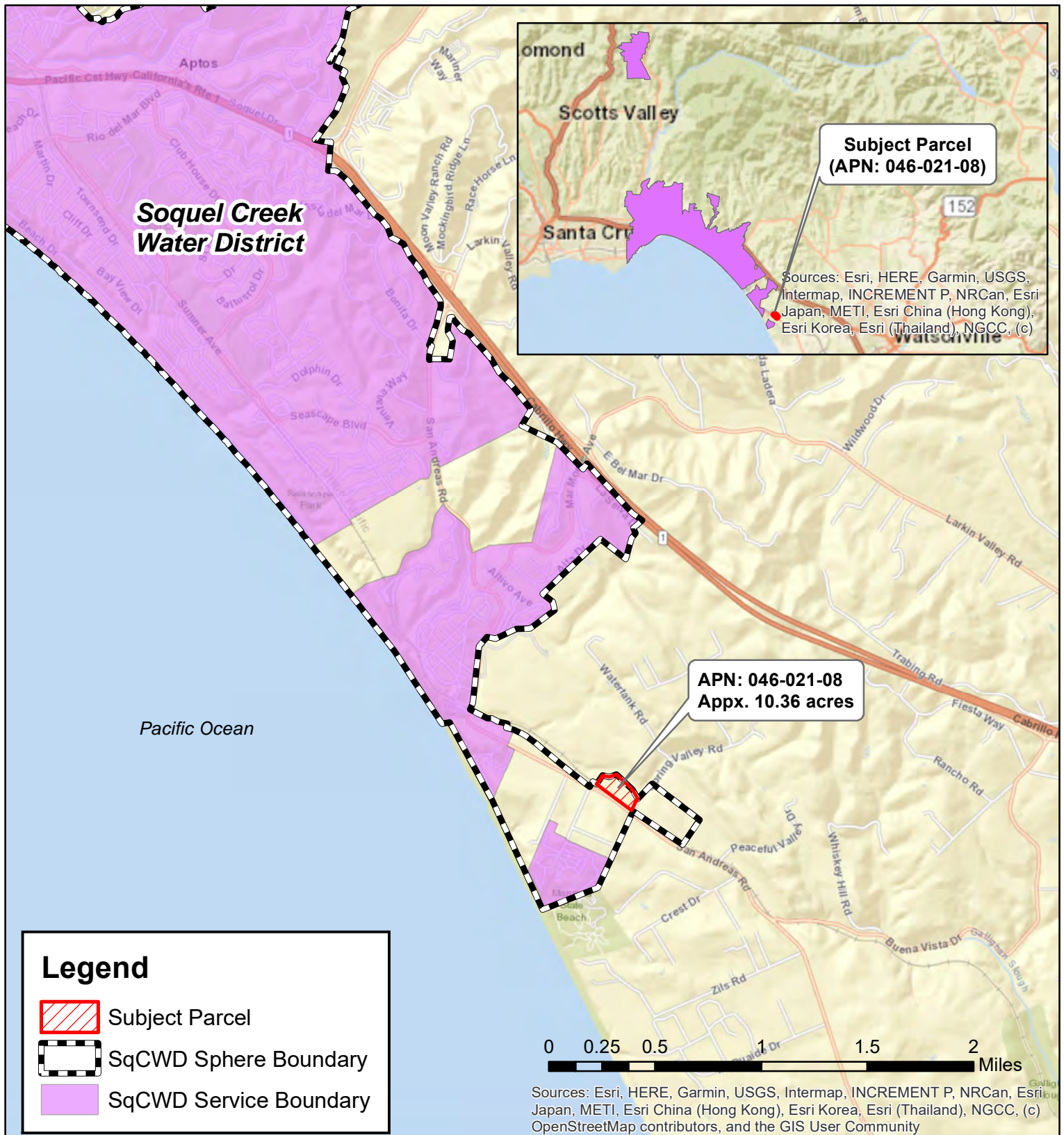
Santa Cruz County (Environmental Health Department)
Sean Abbey, Water Quality Specialist II

State Water Board (Division of Drinking Water)
Tara Ouitavon, Senior Water Resources Control Engineer (SAFER Northern Unit)
Julie Powers, Water Resources Control Engineer (SAFER Northern Unit)
Kyle Graff, Water Resources Control Engineer (DDW Monterey)

State Water Board (Division of Finance Assistance)
Emma Blankenship, Water Resources Control Engineer
Zoe Wu, Senior Water Resources Control Engineer

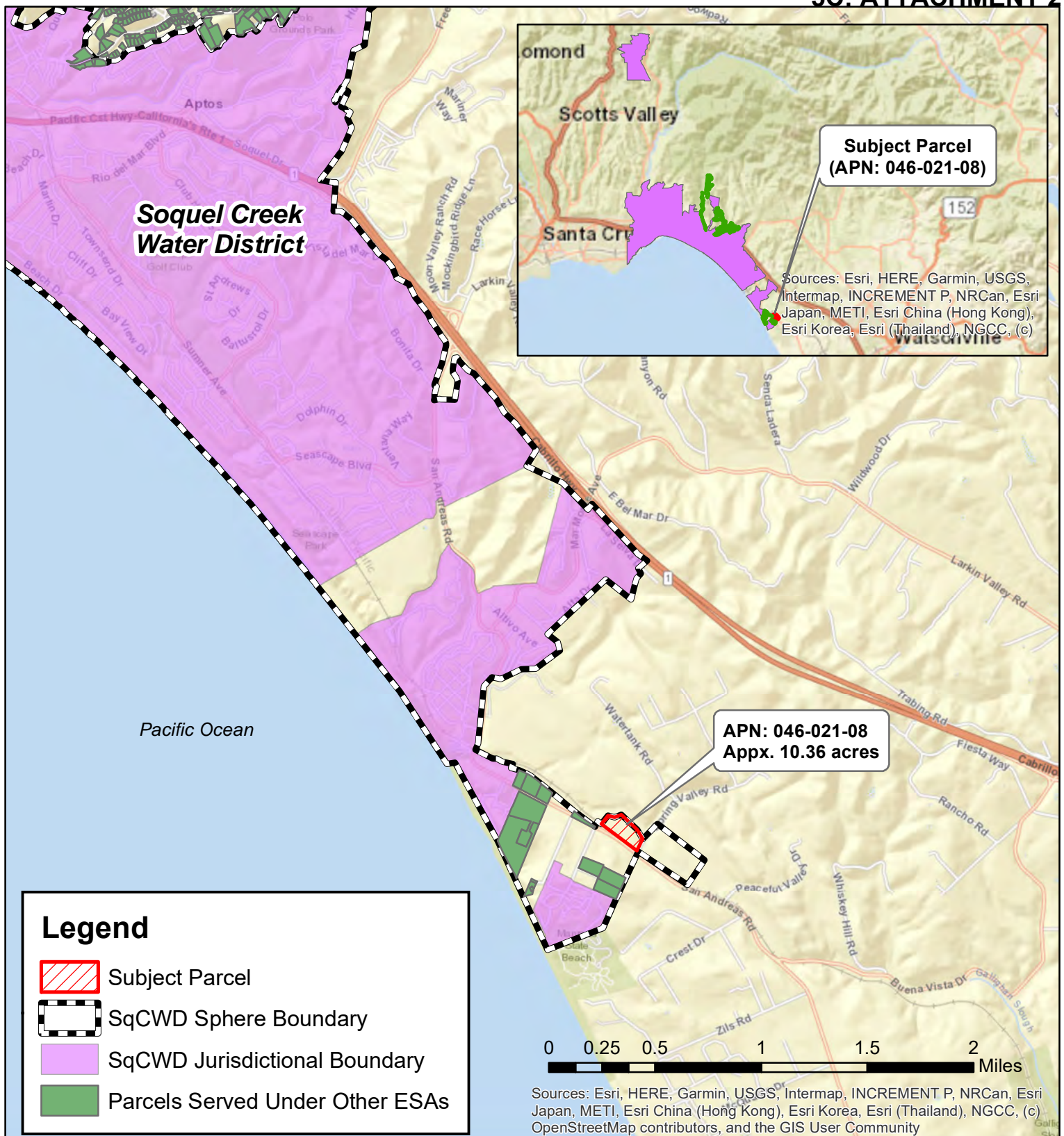
Denise Duffy & Associates
Diane Staines, Deputy Project Manager

Weber, Hayes & Associates
Craig Drizin, Engineer
Shawn Mixan, Engineer



Soquel Creek Water District Jurisdictional and Sphere Boundaries (LAFCO Project No. ESA 23-17)

The subject parcel is currently outside the District's service area but within the District's sphere of influence. Pursuant to GCS 56133(c), the parcel may receive water services to address a health/safety issue (ex. failing water system).



Soquel Creek Water District Jurisdictional and Sphere Boundaries (Other Parcels Served Under Existing ESAs)



Soquel Creek Water District has 5 ESAs on file. These ESAs provide water service to 290 parcels (appx.790 acres).



PAJARO VALLEY UNIFIED SCHOOL DISTRICT
 Maintenance, Operations & Facilities Department
 205 Blackburn Street, Watsonville, CA 95076
 Phone: (831) 728-6248 Fax: 761-6020
Herlindo Fernandez, Director

August 17, 2023

Emma Blankenship, Water Resource Control Engineer
 Small Community Technical Assistance Unit
 State Water Resources Control Board, Division of Financial Assistance
 1001 I Street, 16th Floor
 Sacramento, CA 95814

Subject: Letter of Intent for Consolidation between the Soquel Creek Water District and the Pajaro Valley Unified School District, Renaissance High School Water System

Dear Ms. Blankenship,

On or about October 20, 2021, the Pajaro Valley Unified School District, reached out to the Soquel Creek Water System to inquire about consolidation. The Pajaro Valley Unified School District has 1 active groundwater well, 1 inactive irrigation well, 2 service connections and serves approximately 250 individuals. The Pajaro Valley Unified School District is a disadvantaged community and is in exceedance of more than twice limit of the Hexavalent Chromium MCL. The Pajaro Valley Unified School District also suffers from the surrounding agricultural area's high nitrate concentrations as well as the elevated potential for sea water intrusion. The Pajaro Valley Unified School District also has a lack of internally staffed technical, managerial, and financial capabilities to reliably operate and maintain this water system independently.

The Soquel Creek Water District has communicated their willingness to serve water to our water system and we believe this is the best solution for the Pajaro Valley Unified School District, this letter confirms our intent to consolidate with the Soquel Creek Water District.

Sincerely,

Herlindo Fernandez

Director of Maintenance, Operations and Facilities



Mail: P.O. Box 1550 • Capitola, CA 95010 • Office: 5180 Soquel Drive, Soquel, CA 95073

Tel. 831.475.8500 • Fax. 831.475.4291 • www.soquelcreekwater.org

Board of Directors

Carla Christensen, President
 Dr. Bruce Jaffe, Vice-President
 Dr. Bruce Daniels
 Dr. Thomas R. LaHue
 Rachel Lather

Ron Duncan, General Manager

January 5, 2023

Pajaro Valley Unified School District
 294 Green Valley Rd Ste 1
 Watsonville, CA 95076

SUBJECT: Conditional Water Service Application for Existing School (Renaissance High School) at 11 Spring Valley Rd., La Selva Beach, APN 046-021-08

Dear Pajaro Valley Unified School District:

In response to the subject application, the Board of Directors of the Soquel Creek Water District (SqCWD), at their regular meeting of December 20, 2022, voted to grant you a Conditional Will Serve Letter for connection of the existing school (Renaissance High School) at 11 Spring Valley Rd, La Selva Beach, to our water system.

This letter is specifically granted for the project as proposed in regard to uses and densities. Changes to the project that result in a change in use or an increase in water demand will require an application for a modification of this Will Serve Letter. Changes in ownership will also require modification of the Will Serve Letter. This conditional approval of water service for your project is valid for two years from the date of this Letter. A 1-year extension of the Conditional Will Serve may be requested using the attached 1-Year Extension Request Form. To be considered for a Conditional Will Serve Extension you must demonstrate that your development permit application with the appropriate land use planning agency is valid.

You will be required to meet all applicable SqCWD requirements defined in the attached Requirements Checklist before your application can be considered for final Board approval. If you meet all the applicable requirements (*including possible future requirements that arise prior to development approval of your project*), and final Board approval is granted, you will be issued an Unconditional Will Serve Letter, which would secure your water service. This present indication to serve is intended to acknowledge that, under existing conditions, water service would be available on the condition that the developer agrees to meet all of the requirements without cost to the District.

The Board of Directors of the SqCWD reserves the right to adopt additional policies to mitigate the impact of new development on the local groundwater basins, which are currently the District's only source of supply. The subject project would be subject to any applicable conditions of service that the District may adopt prior to granting water service.

Water Service Application – APN 046-021-08
January 5, 2023
Page 2 of 3

As new policies and/or requirements are developed, the information will be made available by the SqCWD.

Sincerely,
SOQUEL CREEK WATER DISTRICT

A handwritten signature in black ink, appearing to read 'TAD', followed by a horizontal line extending to the right.

Taj A. Dufour, P.E.
Engineering Manager/Chief Engineer

Attachment: Requirements Checklist for APN 046-021-08

Enclosures:

1. Overview of the SqCWD Water Use Efficiency Requirements for Tier II Single Family Residential, Multi-Family Residential, Commercial, Industrial & Public Development
2. Indoor Water Use Efficiency Checklist
3. Landscape Project Application Submittal Requirements Package
4. 1-Year Extension Request Form



NOTICE OF PUBLIC HEARING LOCAL AGENCY FORMATION COMMISSION

NOTICE IS HEREBY GIVEN that at 9:00 a.m., Wednesday, October 4, 2023, the Local Agency Formation Commission of Santa Cruz County (LAFCO) will hold public hearings on the following items:

- **“Branciforte Fire Protection District Reorganization” – Protest Results:** Consideration of a resolution to certify the protest proceeding results regarding the proposed fire reorganization involving Branciforte and Scotts Valley Fire Protection Districts.
- **“La Cuesta Drive/Richard Latos Extraterritorial Service Agreement” with the City of Scotts Valley (LAFCO Project No. ESA 23-15):** Consideration of an extraterritorial service agreement request for a single parcel to receive sewer services from the City of Scotts Valley.
- **“Renaissance High School Extraterritorial Service Agreement” with the Soquel Creek Water District (LAFCO Project No. ESA 23-17):** Consideration of an extraterritorial service agreement request for a single parcel to receive water sewer services from Soquel Creek Water District.
- **County Service Area 38 Service and Sphere of Influence Review:** Consideration of a service and sphere review for CSA 38 (Sheriff’s Patrol). CSA 38’s service area encompasses the entire County of Santa Cruz, excluding the four cities.

In compliance with the California Environmental Quality Act (CEQA), LAFCO staff is scheduled to prepare a Categorical Exemption for the proposals listed above. Instructions for members of the public to participate in-person or remotely are available in the Agenda and Agenda Packet: <https://santacruzlafco.org/meetings/>. During the meeting, the Commission will consider oral or written comments from any interested person. Maps, written reports, environmental review documents and further information can be obtained by contacting LAFCO’s staff at (831) 454-2055 or from LAFCO’s website at www.santacruzlafco.org. LAFCO does not discriminate on the basis of disability, and no person shall, by reason of a disability, be denied the benefits of its services, programs or activities. If you wish to attend this meeting and require special assistance in order to participate, please contact the LAFCO office at least 24 hours in advance of the meeting to make arrangements.

Joe A. Serrano
Executive Officer

Date: September 13, 2023

Notice of Exemption

To: ☐ Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento CA 95814

From: (Public Agency)
Santa Cruz Local Agency Formation Commission
701 Ocean Street, Room 318-D
Santa Cruz CA 95060

To: ☒ Clerk of the Board
County of Santa Cruz
701 Ocean Street, Room 500
Santa Cruz CA 95060

Project Title: "Renaissance High School **Extraterritorial Service Agreement**" (ESA 23-17)

Project Location: The subject area is within **the Santa Cruz County Sanitation District's** sphere of influence boundary, contiguous with the **District's** jurisdictional limits and is located east of Anita Avenue and Seawind Road, south of Watertank Road, west of Spring Valley Road, and north of San Andreas Road. Attached is a vicinity map of the subject area (refer to Attachment A).

Project Location City: N/A Project Location County: Santa Cruz

Description of Nature, Purpose, and Beneficiaries of Project: The proposal was initiated by the affected water district. The subject area includes one parcel totaling approximately 10 acres. The single parcel is owned by the Pajaro Valley Unified School District. The purpose of the application is to discontinue a failing water system and connect the parcel to the Soquel Creek Water District, which is the adjacent public water agency.

Name of Public Agency Approving Project: Local Agency Formation Commission of Santa Cruz County ("**Santa Cruz LAFCO**"). **A public hearing on this proposal is scheduled for 9:00 a.m. on** October 4, 2023. Additional information on the upcoming meeting is available on the LAFCO website (<https://www.santacruzlafco.org>).

Name of Person or Agency Carrying Out Project: Santa Cruz LAFCO

Exempt Status: (check one)

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
☐ Emergency Project (Sec. 21080(b)(4); 15269 (b)(c));
☒ Categorical Exemption: State type and section number
☐ Statutory Exemptions: State code number
☐ Other: The activity is not a project subject to CEQA.

Reason Why Project is Exempt: Pursuant to CEQA Guidelines Section 15303, New Construction or Conversion of Small Structures: Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The number of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include, but are not limited to: Water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction.

Lead Agency Contact Person: Joe A. Serrano

Area Code/Phone Extension: 831-454-2055.

Signature: _____ Date: October 5, 2023
Joe A. Serrano, Executive Officer

☒ Signed by Lead Agency

Local Agency Formation Commission of Santa Cruz County
 Governmental Center
 701 Ocean St. #318 D
 Santa Cruz CA 95060



PROJECT NUMBER: ESA 23-17

TITLE: "Renaissance High School ESA"

INDEMNIFICATION AND DEFENSE

The undersigned applicant for the above-referenced application ("Applicant"), as a condition of submission of this application, approval of the application and any subsequent amendment of the approval which is requested by the Applicant, hereby agrees to defend, using counsel reasonably acceptable to the Local Agency Formation Commission of Santa Cruz County ("LAFCO"), indemnify, and hold harmless LAFCO, its officers, employees, and agents, from and against any claim, demand, damages, costs or liability of any kind (including attorneys' fees) against LAFCO arising from or relating to this application or any approval or subsequent amendment to the approval thereof, subject to the conditions set forth below.

A) Notification and Cooperation

LAFCO shall notify the Applicant of any claim, action, or proceeding against which LAFCO seeks to be defended, indemnified, or held harmless. LAFCO shall reasonably cooperate in such defense.

B) Fees and Costs:

Nothing contained herein shall prohibit LAFCO from participating in the defense of any claim, action, or proceeding if either of the following occur:

- 1) LAFCO bears its own attorneys' fees and costs; or
- 2) LAFCO and the Applicant agree in writing to the Applicant paying part or all of the Commission's attorneys' fees and costs.

C) Settlement:

When representing LAFCO, the Applicant shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the approval without the prior written consent of LAFCO.

D) Successors Bound:

The obligations of the Applicant under this Indemnity and Defense agreement are specifically associated with and shall run with the land that is the subject of the application and/ or approval and shall be binding upon the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant in the land.


E) Recordation:

At any time after submission of the application, LAFCO may, at its sole option, record in the office of the Santa Cruz County Recorder a memorandum of agreement which incorporates the provisions of this condition, or this approval shall become null and void.


 (Signature of LAFCO Executive Officer)

Joe A. Serrano
 (Printed Name)

9/7/23
 (Date)


 (Signature of Applicant)

Ron Duncan
 (Printed Name)

7/13/2023
 (Date)

LOCAL AGENCY FORMATION COMMISSION OF SANTA CRUZ COUNTY
RESOLUTION NO. 2023-23

On the motion of Commissioner
duly seconded by Commissioner
the following resolution is adopted:

RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION
APPROVING THE RENAISSANCE HIGH SCHOOL
EXTRATERRITORIAL SERVICE AGREEMENT WITH THE
SOQUEL CREEK WATER DISTRICT (LAFCO PROJECT NO. ESA 23-17)

WHEREAS, an application for an extraterritorial service agreement involving a single parcel (APN 046-021-08) (the “proposal”) was submitted and accepted for filing by the Executive Officer of this Local Agency Formation Commission (“LAFCO” or “Commission”); and

WHEREAS, the proposal area is outside Soquel Creek Water District’s (“District”) jurisdictional boundary, within the District’s sphere of influence, and located east of Anita Avenue and Seawind Road, south of Watertank Road, west of Spring Valley Road, and north of San Andreas Road, as shown in Exhibit A; and

WHEREAS, the subject area involves the Renaissance High School Water System. The Pajaro Valley Unified School District has one active groundwater well, one inactive irrigation well, and two service connections and serves approximately 250 individuals. The current water system exceeds more than twice the limit of Hexavalent Chromium MCL and suffers from the surrounding agricultural area’s high nitrate concentrations as well as elevated potential for sea water intrusion; and

WHEREAS, in accordance with Government Code Section 56133, a city or district may provide new or extended services by contract or agreement outside its jurisdictional boundary only if it first requests and receives written approval from the Commission; and

WHEREAS, in accordance to Government Code Section 56133(c), the Commission may authorize a city or district to provide new or extended services outside its jurisdictional boundary and outside its sphere of influence to respond to an existing or impending threat to the health or safety of the public or the residents of the affected territory, if both of the following requirements are met:

- The entity applying for approval has provided the Commission with documentation of a threat to the health and safety of the public or the affected residents, and
- The Commission has notified any alternate service provider, including any water corporation as defined in Section 241 of the Public Utilities Code, that has filed a map and a statement of its service capabilities with the Commission.

WHEREAS, the District and the Pajaro Valley Unified School District determined that the existing water system was failing and may pose a serious concern to the lives and safety of the students, faculty, and public within and surrounding the proposal area; and

WHEREAS, the Executive Officer determined there are no alternate service providers of water near the subject territory; and

WHEREAS, the Executive Officer, pursuant to Government Code Section 56133 and the Commission's Extraterritorial Services Policy, determined that the proposal met the statutory requirements and set October 4, 2023, as the hearing date on this proposal and provided public notice as required by law; and

WHEREAS, the Executive Officer, pursuant to Government Code Section 56665, has reviewed this proposal and prepared a report, including recommendations thereon, and has furnished a copy of this report to each person entitled to a copy; and

WHEREAS, this Commission, on October 4, 2023, heard from interested parties and considered the proposal and the report of the Executive Officer, and considered the factors determined by the Commission to be relevant to this proposal.

NOW, THEREFORE, the Local Agency Formation Commission of Santa Cruz County does HEREBY RESOLVE, DETERMINE, AND ORDER as follows:

Section 1. The foregoing recitals are true and correct.

Section 2. Compliance with the California Environmental Quality Act (CEQA) has been met by a categorical exemption pursuant to State CEQA Guidelines Section 15303, "New Construction or Conversion of Small Structures," because the project would discontinue the failing water system and connect to a public agency's reliable and sustainable water infrastructure. The Commission, as a lead agency, shall file a Notice of Exemption.

Section 3. The Commission considered the requirements set forth for extraterritorial services in the Cortese-Knox-Hertzberg Act, Government Code Section 56133, and found the proposal to be consistent with those requirements as outlined below:

- a) Health & Safety Issue: Government Code Section 56133(c) requires documentation of a threat to the health and safety of the public or the affected residents. The District and the Pajaro Valley Unified School District both indicated that the current water system poses a serious health and safety issue. The concerns from the school district were outlined in a formal letter dated August 17, 2023, as shown in Exhibit B.
- b) Notification to Alternative Service Provider: Government Code Section 56133(c) requires the Commission to notify any alternative service provider that has filed a map and a statement of its service capabilities with the Commission. LAFCO staff has determined that there are no nearby or alternative service providers for water service.

Section 4. The Commission determined that the proposal is consistent with the Policies and Procedures Relating to Extraterritorial Services as outlined below:

- a) Agency Endorsement: The Executive Officer shall not file the application unless the affected public agency has submitted a written endorsement indicating its willingness to provide the service if the Commission approves the request. The District is the applicant and submitted a Will-Serve Letter expressing support on January 5, 2023, as shown in Exhibit C.
- b) Fee Deposit: The applicant shall pay the costs of processing the application as specified in the Commission's Schedule of Fees and Deposits. The District, as the applicant, submitted a fee deposit of \$950 as part of the application packet.
- c) Commission Hearing: The Commission shall consider the request after it has been placed on an agenda of a Commission meeting. After deeming the proposal complete, the Executive Officer advertised the proposal in the Santa Cruz Sentinel newspaper on September 13, 2023, and scheduled the proposal for Commission consideration on October 4, 2023.

Section 5. The applicant shall agree, as a condition of the approval of the application for an extraterritorial service agreement, to be bound by the LAFCO Indemnification and Defense Form signed on July 13, 2023. The applicant, on behalf of itself and future owners and assigns, further agrees to annex the subject area to the District as determined by the District and LAFCO as set forth above.

Section 6. The District and LAFCO must coordinate to discuss annexation of existing extraterritorial service agreements in the foreseeable future.

Section 7. The Certificate of Completion for the extraterritorial service agreement shall not be issued until all terms and conditions are met.

Section 8. The proposed extraterritorial service agreement shall be effective as of the date of recordation of the Certificate of Completion.

Section 9. The Commission shall approve, disapprove, or approve with conditions the extended services. If the new or extended services are disapproved or approved with conditions, the applicant may request reconsideration, citing the reasons for reconsideration. If the Commission denies a request, a similar application cannot be re-filed for one year unless the Commission grants an exception to this rule.

Section 10. The Executive Officer is hereby authorized and directed to mail certified copies of this resolution in the manner and as provided in Government Code Section 56882.

PASSED AND ADOPTED by the Local Agency Formation Commission of Santa Cruz County this 4th day of October 2023.

AYES:

NOES:

ABSTAIN:

YVETTE BROOKS, CHAIRPERSON

Attest:

Approved as to form:

Joe A. Serrano
Executive Officer

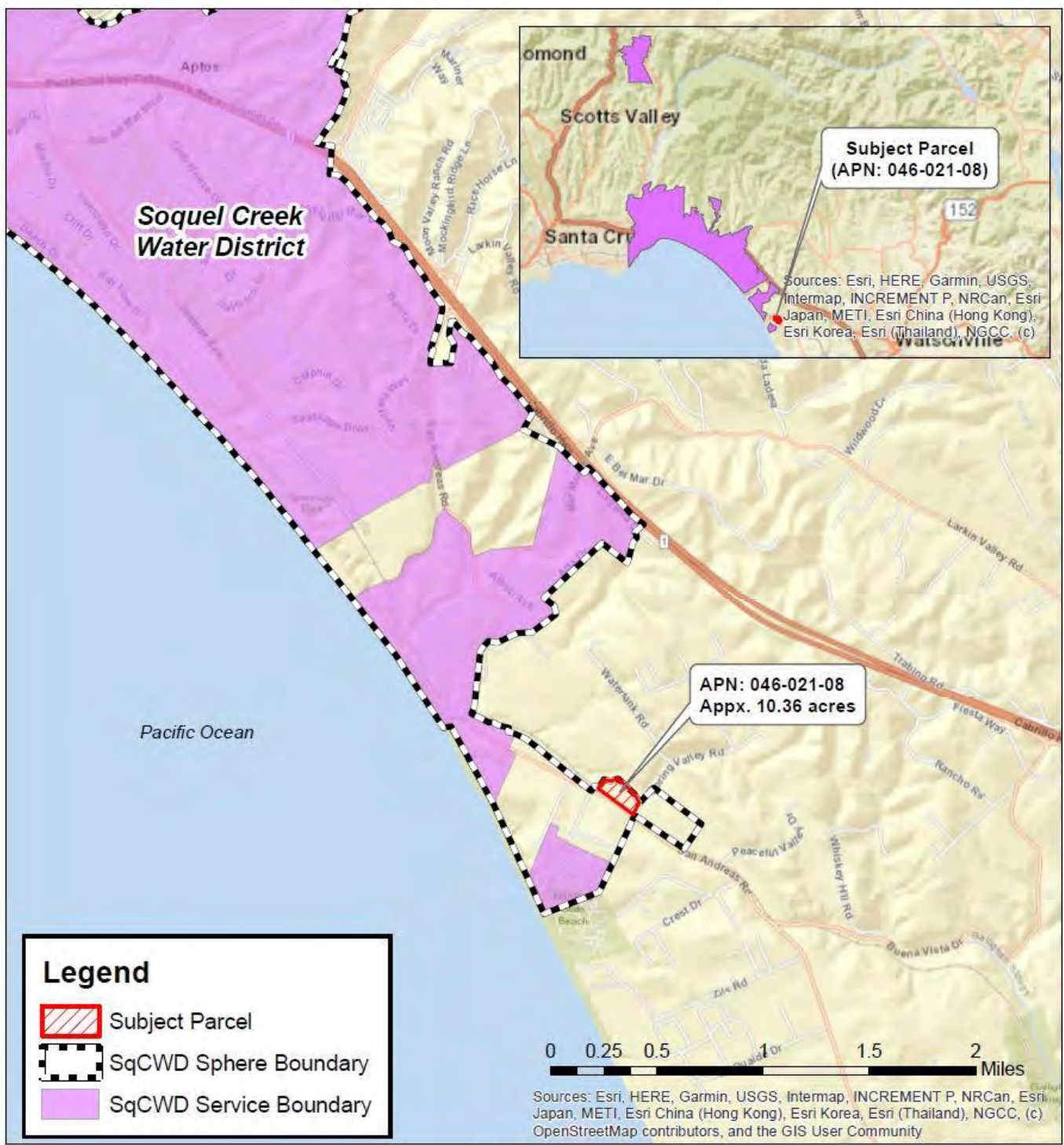
Joshua Nelson
LAFCO Counsel

DRAFT

EXHIBIT A

VICINITY MAP

DRAFT



Soquel Creek Water District Jurisdictional and Sphere Boundaries (LAFCO Project No. ESA 23-17)



The subject parcel is currently outside the District's service area but within the District's sphere of influence. Pursuant to GCS 56133(c), the parcel may receive water services to address a health/safety issue (ex. failing water system).

EXHIBIT B

PAJARO VALLEY UNIFIED SCHOOL DISTRICT LETTER REGARDING EXISTING WATER SYSTEM ISSUES

DRAFT



PAJARO VALLEY UNIFIED SCHOOL DISTRICT
Maintenance, Operations & Facilities Department
205 Blackburn Street, Watsonville, CA 95076
Phone: (831) 728-6248 Fax: 761-6020
Herlindo Fernandez, Director

August 17, 2023

Emma Blankenship, Water Resource Control Engineer
Small Community Technical Assistance Unit
State Water Resources Control Board, Division of Financial Assistance
1001 I Street, 16th Floor
Sacramento, CA 95814

Subject: Letter of Intent for Consolidation between the Soquel Creek Water District and the Pajaro Valley Unified School District, Renaissance High School Water System

Dear Ms. Blankenship,

On or about October 20, 2021, the Pajaro Valley Unified School District, reached out to the Soquel Creek Water System to inquire about consolidation. The Pajaro Valley Unified School District has 1 active groundwater well, 1 inactive irrigation well, 2 service connections and serves approximately 250 individuals. The Pajaro Valley Unified School District is a disadvantaged community and is in exceedance of more than twice limit of the Hexavalent Chromium MCL. The Pajaro Valley Unified School District also suffers from the surrounding agricultural area's high nitrate concentrations as well as the elevated potential for sea water intrusion. The Pajaro Valley Unified School District also has a lack of internally staffed technical, managerial, and financial capabilities to reliably operate and maintain this water system independently.

The Soquel Creek Water District has communicated their willingness to serve water to our water system and we believe this is the best solution for the Pajaro Valley Unified School District, this letter confirms our intent to consolidate with the Soquel Creek Water District.

Sincerely,

Herlindo Fernandez

Director of Maintenance, Operations and Facilities

EXHIBIT C

SOQUEL CREEK WATER DISTRICT'S WRITTEN CORRESPONDENCE REGARDING THE ABILITY TO PROVIDE WATER SERVICES

DRAFT



Mail: P.O. Box 1550 • Capitola, CA 95010 • Office: 5180 Soquel Drive, Soquel, CA 95073

Tel. 831.475.8500 • Fax. 831.475.4291 • www.soquelcreekwater.org

Board of Directors

Carla Christensen, President
Dr. Bruce Jaffe, Vice President
Dr. Bruce Daniels
Dr. Thomas R. LaHue
Rachél Lather

Ron Duncan, General Manager

January 5, 2023

Pajaro Valley Unified School District
294 Green Valley Rd Ste 1
Watsonville, CA 95076

SUBJECT: Conditional Water Service Application for Existing School (Renaissance High School) at 11 Spring Valley Rd., La Selva Beach, APN 046-021-08

Dear Pajaro Valley Unified School District:

In response to the subject application, the Board of Directors of the Soquel Creek Water District (SqCWD), at their regular meeting of December 20, 2022, voted to grant you a Conditional Will Serve Letter for connection of the existing school (Renaissance High School) at 11 Spring Valley Rd, La Selva Beach, to our water system.

This letter is specifically granted for the project as proposed in regard to uses and densities. Changes to the project that result in a change in use or an increase in water demand will require an application for a modification of this Will Serve Letter. Changes in ownership will also require modification of the Will Serve Letter. This conditional approval of water service for your project is valid for two years from the date of this Letter. A 1-year extension of the Conditional Will Serve may be requested using the attached 1-Year Extension Request Form. To be considered for a Conditional Will Serve Extension you must demonstrate that your development permit application with the appropriate land use planning agency is valid.

You will be required to meet all applicable SqCWD requirements defined in the attached Requirements Checklist before your application can be considered for final Board approval. If you meet all the applicable requirements (*including possible future requirements that arise prior to development approval of your project*), and final Board approval is granted, you will be issued an Unconditional Will Serve Letter, which would secure your water service. This present indication to serve is intended to acknowledge that, under existing conditions, water service would be available on the condition that the developer agrees to meet all of the requirements without cost to the District.

The Board of Directors of the SqCWD reserves the right to adopt additional policies to mitigate the impact of new development on the local groundwater basins, which are currently the District's only source of supply. The subject project would be subject to any applicable conditions of service that the District may adopt prior to granting water service.

Water Service Application – APN 046-021-08
January 5, 2023
Page 2 of 3

As new policies and/or requirements are developed, the information will be made available by the SqCWD.

Sincerely,
SOQUEL CREEK WATER DISTRICT



Taj A. Dufour, P.E.
Engineering Manager/Chief Engineer

Attachment: Requirements Checklist for APN 046-021-08

Enclosures:

1. Overview of the SqCWD Water Use Efficiency Requirements for Tier II Single Family Residential, Multi-Family Residential, Commercial, Industrial & Public Development
2. Indoor Water Use Efficiency Checklist
3. Landscape Project Application Submittal Requirements Package
4. 1-Year Extension Request Form

Requirements Checklist for APN {046-021-08}

	Required	Not Required	Comments
Engineering:			
Record Water Waiver (required if water pressure is not between 40 psi – 80 psi) with the County Recorder of the County of Santa Cruz to ensure that any future property owners are notified of the conditions set forth herein		x	
Variance request for property not having frontage on a water main		x	
New water main to site (required if existing water main not sized to serve new project)	x		
LAFCO annexation	x		Or Extra-Territorial Service Approval TBD on 1/17/23 Board Meeting
Off-site water main extension		x	
On-site water system		x	
Backflow prevention	x		During Construction
New water storage tank		x	
Booster pump station		x	
Destroy any wells on the property in accordance with State Bulletin No. 74	x		
Satisfy all conditions imposed by the District to assure necessary water pressure, flow and quality	x		
Meter all units individually with a minimum size of 5/8-inch by 3/4-inch standard domestic water meter (except as prohibited by law)	x		
Complete fire service requirements form	x		
Sign Service Installation Agreement & pay all fees	x		
Conservation:			
Complete Indoor Water Use Efficiency Checklist	x		
Complete Landscape Plan	x		
Complete Residential Green Credit Application		x	Recommended
General:			
Allow SqCWD Staff to inspect the completed project for compliance with all the applicable project requirements prior to commencing domestic water service	x		
Other requirements that may be added as a result of policy changes.	x		



Santa Cruz Local Agency Formation Commission

Date: October 4, 2023
To: LAFCO Commissioners
From: Joe Serrano, Executive Officer
Subject: **City of Scotts Valley General Plan Update – LAFCO Comment Letter**

SUMMARY OF RECOMMENDATION

LAFCO staff monitors the circulation of environmental documents, general plan updates, and other public comment requests made by local agencies. In some cases, LAFCO may determine that a comment letter is warranted. This agenda item explains why LAFCO staff submitted a comment letter to the City of Scotts Valley regarding their general plan update. This agenda item is for informational purposes only and does not require any action. Therefore, it is recommended that the Commission receive and file the Executive Officer's report.

EXECUTIVE OFFICER'S REPORT

A general plan is a broad, long-range policy document that guides cities in its future development and conservation, and provides a comprehensive collection of goals and policies related to a multitude of aspects of community life. In California, cities and counties are required by State law to have and periodically update a general plan. The City of Scotts Valley is in the process of updating its current general plan. This plan will establish or update goals, policies, and actions that will guide future land use and environmental protection decisions in Scotts Valley over the next 20 years. The deadline to submit comments to the City was September 21, 2023.

Extraterritorial Service Agreements

In accordance with state law, a city's general plan must address areas outside its city limits that bear some relationship to its planning and development. As a result, the City of Scotts Valley established a boundary line, known as the Planning Area, which encompasses all land within the City and unincorporated lands that may be affected by City Planning decisions. While the general plan update makes reference to the Planning Area, the adopted sphere boundary, and LAFCO as a state agency, it does not acknowledge the existing extraterritorial service agreements (ESA) the City currently has in place. An ESA is a LAFCO action which allows public agencies the ability to deliver public services (ex. sewer) to an area outside its jurisdictional boundary due to a health and safety issue or inability to process an annexation. At present, the City of Scotts Valley has 11 active ESAs, with an additional one to be considered by LAFCO on October 4, 2023. **Attachment 1** provides a copy of the letter sent by LAFCO staff requesting that the City acknowledge the active ESAs in their general plan before the September 21st deadline. The letter also includes a map depicting the location of each ESA.

Respectfully Submitted,

A blue ink signature of Joe A. Serrano, written over the text 'Respectfully Submitted,'.

Joe A. Serrano
Executive Officer

Attachment: LAFCO Comment Letter (dated 9/20/23)



September 20, 2023

Mali LaGoe, City Manager
City of Scotts Valley
1 Civic Center Drive
Scotts Valley, CA 95066

Subject: Extraterritorial Service Agreements

Dear Ms. LaGoe,

Our records show that the City of Scotts Valley (City) has 11 extraterritorial service agreements (ESA) in place, with an additional ESA being considered during LAFCO's October 4th Regular Commission Meeting. The existing ESAs were approved from 2001 to 2022 and allow the City to provide sewer services to parcels outside the City's jurisdictional boundary in accordance with Government Code Section 56133. These agreements were approved to immediately address health and safety issues and are meant to be precursors to annexation in the future.

The first ESA was approved in 2001 to provide sewer services to nine parcels totaling two acres. The next eight ESAs, one for each single parcel, were approved between 2005 to 2021, ranging from 1 to 1.4 acres. The last two were approved in 2022 and both were approximately one acre in size. **Attachments 1 and 2** show the location of the ESAs and provide additional information about each agreement. As the map shows, all 12 ESAs (including the most recent one being considered in October) are located within the City's sphere, planning area, and immediately adjacent to the City's jurisdictional boundary.

At present, the general plan update does not reference the provision of sewer service to areas outside the city limits under these ESAs. Therefore, LAFCO is requesting that the City identify, catalog, and reference the ESAs within their general plan to reflect the current service delivery to the affected parcels outside the City but within its existing sphere boundary and planning area. Including these ESAs into the general plan would allow the City to plan for future annexations, if and when appropriate. This general plan update may also be a good opportunity to update the City's annexation policy. Our records show that the policy has not been updated since 1995.

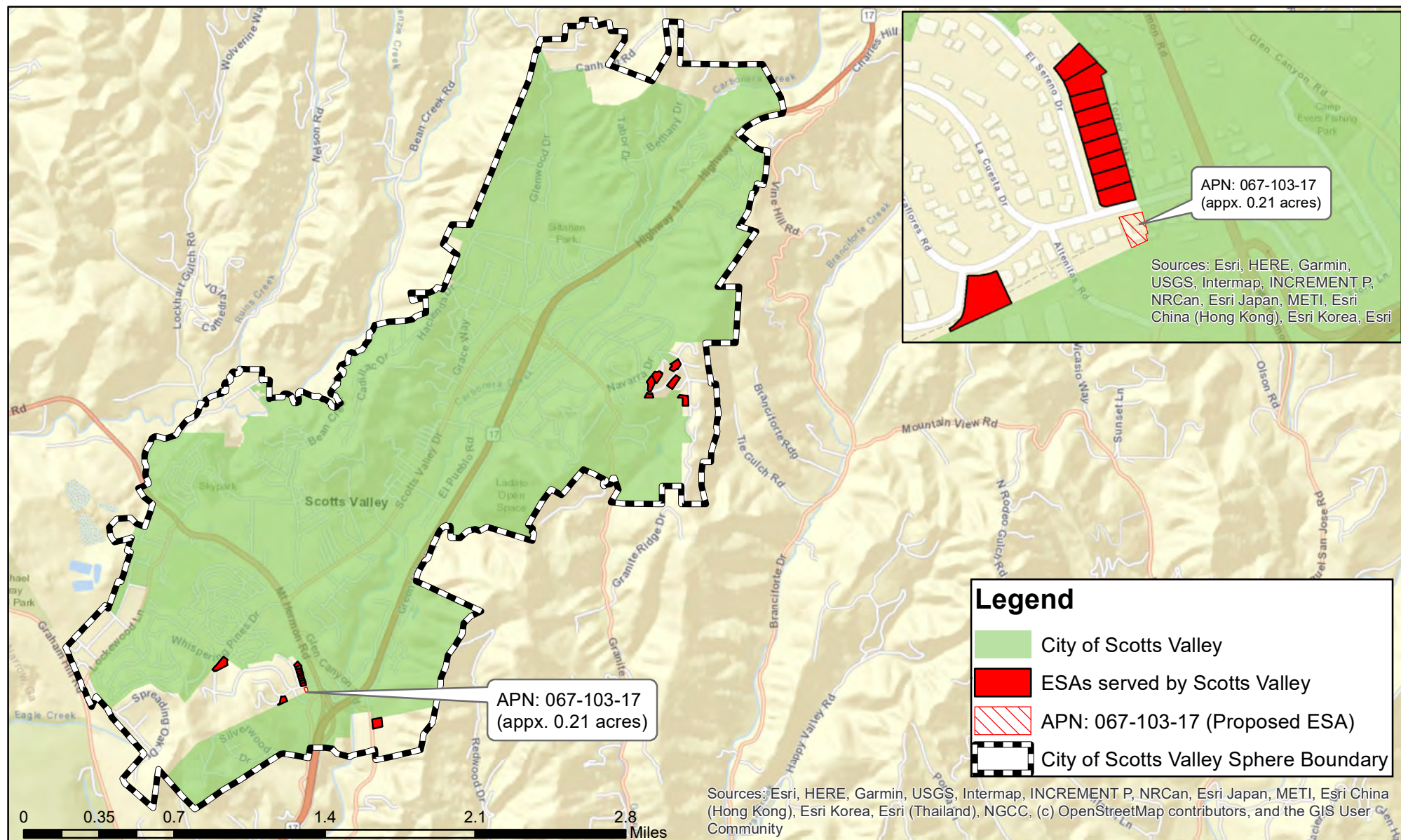
Thank you again for this opportunity to discuss the City's active ESAs and general plan update process. Feel free to contact me if you have any questions. I can be reached by email at joe@santacruzlafco.org or by phone at (831) 454-2055. I would also be happy to meet with you and your staff for more detailed discussions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Joe A. Serrano'. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Joe A. Serrano
Executive Officer

Attachment: Vicinity Map & List



City of Scotts Valley

List of Extraterritorial Service Agreements

The City of Scotts Valley has 11 ESAs on file, with an additional ESA in the works. These ESAs provide sewer services to 20 parcels totalling approximately 11 acres.

City of Scotts Valley

List of Extraterritorial Service Agreements

# of ESAs	LAFCO Project No.	Original Parcel No.	Approval Year	Size (Acres)
1	878	067-101-12, 11, 10, 09, 08, 07, 06, 05, & 04	2001	1.8
2	902	067-101-12	2005	0.2
3	916	068-282-01	2007	1.2
4	920	056-101-01	2007	1.0
5	935	067-561-04	2010	0.5
6	939	056-102-05	2011	1.1
7	942	067-281-08	2012	1.4
8	ESA 20-26	056-101-17	2020	1.0
9	ESA 21-06	056-101-11	2021	1.0
10	ESA 21-19	056-102-02	2022	0.414
11	ESA 22-02	056-131-09	2022	1.01
12*	ESA 23-15	067-103-17	2023	0.21
Total Acreage				10.9

Footnote: The last ESA will be considered by LAFCO on 10/4/23; staff is recommending approval in accordance with GCS 56133(c)



Date: October 4, 2023
To: LAFCO Commissioners
From: Joe Serrano, Executive Officer
Subject: **Press Articles during the Months of August and September**

SUMMARY OF RECOMMENDATION

LAFCO staff monitors local newspapers, publications, and other media outlets for any news affecting local agencies or LAFCOs around the State. Articles are presented to the Commission on a periodic basis. This agenda item is for informational purposes only and does not require any action. Therefore, it is recommended that the Commission receive and file the Executive Officer's report.

EXECUTIVE OFFICER'S REPORT

The following is a summary of recent press articles. Full articles are attached.

Article #1: "SLV Water District Manager Rick Rogers to retire in November": The article, dated September 1, notes that Rick Rogers will retire after 48 years with the San Lorenzo Valley Water District. During his tenure, SLVWD completed numerous achievements and successfully merged with neighboring small water systems, including Manana Woods, Lompico, Olympia Mutual, and North Boulder Creek.

Article #2: "College Lake water pipeline project moving forward": The article, dated September 7, indicates that one mile of the College Lake Pipeline Project has been completed. Pajaro Valley Water Management Agency's project calls for six miles of 30-inch water main to transport treated water from a new College Lake facility to more than 5,000 acres of farmland.

Article #3: "Bill to require countywide vote on water districts' divorce passes, but likely too late for San Diego": The article, dated September 12, highlights the recent passing of Assembly Bill 399, which would require voters across broadwater authorities to allow individual districts to withdraw before they can legally detach from regional agencies. This bill is directly tied to the proposed detachment of two water districts in San Diego County from a larger regional water agency. If signed by the Governor, the bill will go into effect January 1, 2024. However, San Diego LAFCO's approval of the detachment may be completed before the end of the 2023 calendar year.

Article #4: "Idea of water agency for all Napa County is still alive": The article, dated September 12, explains how a Napa LAFCO report has sparked interest in exploring the idea of a single, countywide water agency to maximize resources, improve efficiencies, and ensure that the residents and businesses in Napa County receive the best level of service possible. At present, there are twelve separate water agencies that deliver water within the county.

Article #5: “Zayante Fire launches fundraiser for early warning system sirens”: The article, dated September 15, states that the Zayante Fire Protection District is seeking funds to implement a district-wide outdoor warning system that would provide an additional layer of emergency notification for residents. This notification would benefit constituents who may be outdoors, without power, or unable to use a landline or cell service in the event of an emergency.

Respectfully Submitted,



Joe A. Serrano
Executive Officer

Attachments:

1. “SLV Water District Manager Rick Rogers to retire in November”
2. “College Lake water pipeline project moving forward”
3. “Bill to require countywide vote on water districts’ divorce passes...”
4. “Idea of water agency for all Napa County is still alive”
5. “Zayante Fire launches fundraiser for early warning system sirens”

[santacruzsentinel.com](https://www.santacruzsentinel.com)

SLV Water District Manager Rick Rogers to retire in November

PK Hattis

~4 minutes

BOULDER CREEK — After nearly a half-century of service, San Lorenzo Valley Water District Manager Rick Rogers will retire in early November, according to a district release.

Rogers, who was unavailable for comment Friday, announced earlier this year that he intended to step away at some point within the next year, but made the decision official when he notified the district's board of directors in August.

In 1975, right after graduating from high school, Rogers was hired by the district to install fences. That temporary position evolved into a full-time role in the water treatment division where he continued to excel, change roles and assume greater responsibility until he was eventually named district manager in October 2018.





San Lorenzo Valley Water District Manager Rick Rogers surveying an infrastructure project at Fall Creek in Felton. (Contributed – San Lorenzo Valley Water District)

During his tenure, Rogers has received commendations for service above and beyond the call of duty for efforts during historic storms in 1986, improvement of district operations in 1988 and a freeze emergency in 1990. He was also honored for his efforts to establish the Felton Heights Mutual and Road Association in 1993.

He also played a key role for the district as its service area expanded over the years. During his almost 50 years of service, the district has completed mergers with Manana Woods, Lompico, Olympia Mutual and North Boulder Creek and is currently completing a merger with Bracken Brae and Forest Springs.

Rogers was also at the helm during recent historically damaging events and the recoveries that have come after including the CZU Lightning Complex Fire, COVID-19 pandemic and the atmospheric river storms that slammed the region this past winter. Under his direction, the district has moved ahead with \$13 million in capital improvement projects to upgrade aging infrastructure, some of which was damaged in the CZU fire. This work includes replacing undersized pipelines, fire hardening, building larger water tanks and adding fire hydrants to improve water supply resiliency and increase firefighting capabilities.

While at the district, Rogers has worked for nine general managers

and 40 board members, according to the release.

During a special closed session meeting Aug. 30, the board decided an interim general manager will be appointed until a permanent replacement is selected, likely in early 2024. The search for a recruiter and the development of a new job description is already underway, according to the release.

The San Lorenzo Valley Water District is a public water provider headquartered in Boulder Creek. Established in 1941, it now serves more than 7,500 metered connections and provides water to communities in Brookdale, Ben Lomond, Zayante, Quail Hollow, Scotts Valley, Whispering Pines, Manana Woods, Felton and Boulder Creek.



PK reports on health, transportation and the Santa Cruz County Board of Supervisors for the Sentinel. He was born and raised in Santa Cruz and considers it a great privilege to cover the town in which he grew up. When he's away from his desk, he enjoys playing beach volleyball and watching his beloved Golden State Warriors.

- [2023](#)
- [September](#)
- [1](#)

pajaronian.com

College Lake water pipeline project moving forward - The Pajaronian

By: *Tarmo Hannula*

~4 minutes

One mile of the College Lake Pipeline Project in Watsonville has now been completed, with five miles to go.

The project calls for six miles of 30-inch water main to transport treated water from a new College Lake facility on Holohan Road to more than 5,000 acres of farmland via the Coastal Distribution System already in place.

With construction launched in spring, and a completion goal projected to take 22 months, huge strides are now underway to place the hefty pipe underground, beneath highways, through farmlands and around neighborhoods.

Marcus Mendiola, water conservation and outreach specialist with the Pajaro Valley Water Management Agency (PVWMA) said updates include:

- The construction company is working on College Road, Monday-Friday from 8:30am-4:30pm, and along private farm roads off Lakeside Road, a closure that will run through the end of September; College Road remains open to residents who live on or directly off College Road.
- Another 4,000 feet of pipeline has been fused, and is ready for installation.
- Each section of the 30-inch pipeline requires approximately two hours and 45 minutes to fuse together under many hundreds of pounds of pressure (over 500 PSI) and temperature.

- All six miles of the pipeline has been delivered to the Pajaro Valley, in 40-foot-long sections.
- Tunneling under Highway 1 has begun. A crew has already bored a tunnel under Highway 129 (near Salsipuedes Bridge across Bridge Street from the Buddhist Temple).
- “Pot holing” and location efforts before pipeline construction is also occurring on Highway 129 (Riverside Drive), anticipated to be completed in another six weeks.
- New weir and pump station construction at College Lake is still in the excavation phase.
- On Tuesday, at the Water Treatment Plant location along Holohan Road, the installation of concrete piles began and will continue over the next several weeks. There are more than 100 piles to install. Pile driving will be loud and will be heard around the community with work typically running between 6am and 6pm.

“PV Water thanks our community for their support of this project and for patience during construction,” Mendiola said. “This project has many benefits to the Pajaro Valley, diversifying the Pajaro Valley’s water sources by decreasing dependance and use of groundwater.”

Other benefits include improving fish passage for the endangered South-Central California Coast Steelhead, maintaining habitat for waterfowl and supporting food production and the agricultural economy of the valley.

PVWMA General Manager Brian Lockwood said the board awarded two contracts to Mountain Cascade, Inc., which submitted the lowest responsive bid for each project component: the College Lake Water Treatment Plant and Intake Facilities Project for \$44,989,854, and the College Lake Pipeline Project for \$23,707,310.





On Lakeview Road these workers are busy with placing lengths of pipe underground as part of the College Lake Water Supply Project.
Photo: Tarmo Hannula



[Tarmo Hannula](#)

Tarmo Hannula has been the lead photographer with The Pajaronian newspaper in Watsonville since 1997. He also reports on a wide range of topics, including police, fire, environment, schools, the arts and events. A fifth generation Californian, Tarmo was born in the Mother Lode of the Sierra (Columbia) and has lived in Santa Cruz County since the late 1970s. He earned a BA from UC Santa Cruz and has traveled to 33 countries.

[sandiegouniontribune.com](https://www.sandiegouniontribune.com)

Bill to require countywide vote on water districts' divorce passes, but likely too late for San Diego - The San Diego Union-Tribune

Jeff McDonald

5–6 minutes

State lawmakers on Tuesday passed a bill that would require voters across broadwater authorities to allow individual districts to withdraw before they can legally detach from regional agencies.

But the legislation may be too late to prevent two North County water districts from divorcing from the San Diego County Water Authority.

Even if the bill is signed into law by Gov. Gavin Newsom, it would not go into effect until January. Voters in the Fallbrook Public Utilities District and the Rainbow Municipal Water District are scheduled to vote on the long-planned separation before that, in November.

Assembly Bill 399 was sponsored by Assemblymember Tasha Boerner, D-Encinitas, in part to prevent the two rural water districts from withdrawing from the county water authority.

The San Diego County Local Agency Formation Commission, or LAFCO, which governs boundaries for municipal governments, approved the proposed detachment earlier this year on a divided vote, with the rural representatives agreeing and the urban members opposed.

Initially the bill was introduced as an urgency matter, meaning it would have gone into effect as soon as the governor signed it.

But the legislation last month was amended to do away with the emergency designation, meaning it would only affect water districts that want to separate from regional agencies in the future.

Boerner's office did not respond to a request for comment on the bill's passage.

The San Diego County Water Authority — which sued LAFCO, the Fallbrook and Rainbow agencies and the Eastern Municipal Water District they would join upon voters' approval — also did not immediately respond to requests for comment.

San Diego Mayor Todd Gloria said members should not be permitted to withdraw from the authority after ratepayers collectively invested millions of dollars in infrastructure.

"AB 399 provides an important and necessary safeguard for the rest of the region's ratepayers, giving them a vote when they're potentially facing water rate increases in instances of detachment," his office said Tuesday.

In a joint statement, however, both Fallbrook and Rainbow district officials said they were grateful their voters alone — not all San Diego County voters — will decide whether to leave the county water authority.

"Our detachments will be legally decided by our districts' voters before this legislation finally takes effect in 2024," the statement said. "But for other water districts that might pursue their own cost-saving alternatives in the future, this is bad news."

Leaders of the two North County water providers have long complained that the San Diego County Water Authority rates are far too high.

They want to withdraw from the county water authority in favor of the Eastern Municipal Water District in Riverside County, a move they say would save their largely agricultural customers millions of dollars a year.

But the San Diego County Water Authority opposes the divorce, saying the two smaller rural agencies would wrongly stick other

members of the regional authority with millions of dollars in capital improvements that the rural districts already have benefited from.

“The ‘detachment’ effort is the first of its kind in California and it would shift approximately \$140 million in costs from the Fallbrook and Rainbow water agencies to residents and businesses in the rest of the water authority’s service area,” it said in a statement last month.

The county water authority filed a lawsuit in San Diego Superior Court last month seeking to reverse the 5-3 vote by LAFCO in July allowing the Fallbrook and Rainbow districts to proceed with leaving the regional agency.

The defendants in the litigation have not yet filed their initial responses to allegations put forward in the water authority’s legal complaint.

Last month, the county Board of Supervisors voted 3-1 to support the Boerner legislation, with North County Supervisor Jim Desmond the sole opponent.

Desmond, while sitting as a LAFCO member, cast one of the determining votes in favor of the withdrawal.

The San Diego County Water Authority was formed in 1944 as a regional water supplier. It currently supplies water to 24 separate entities, including the city of San Diego.

The authority is governed by a 36-member board comprised of elected officials and water agency executives across the region.

Many of the farm-based member agencies have complained for years that the countywide authority has raised rates far beyond what other wholesale providers charge.

It remains to be seen whether Newsom will sign AB 399 into law. The Governor’s Office has yet to take a formal position on the bill.

[napavalleyregister.com](https://www.napavalleyregister.com)

Idea of water agency for all Napa County is still alive

Barry Eberling

20–25 minutes

YOUNTVILLE — Napa County civic leaders want to keep exploring whether the dozens of local agencies that deliver water to tens of thousands of residents and businesses should be working together more closely.

County agencies involved with water range from the city of Napa serving 80,000 residents to rural districts serving a few hundred customers. They have various water sources and make their own water decisions.

A study three years ago by the Local Agency Formation Commission of Napa County suggested they form some type of county water agency or district to better work together. The idea hasn't been forgotten.

Monday morning, LAFCO met in the Yountville Town Council chamber to consider what might happen next and learn what's already being done.

"We know it's not that simple ... just wave a magic wand and you've got a countywide water agency and everybody's happy," said Brendon Freeman, LAFCO's executive director.

People are also reading...

Freeman focused on the potential benefits from a regional approach for water delivery. Among them is more efficient use of water, elimination of redundancy among smaller systems and better economies of scale.

He also brought up potential challenges, including creating a consensus among local agencies, issues of local control and ensuring that water rates aren't substantially affected.

The city of Napa's utilities director Phil Brun and Yountville's public works director John Ferons described work already happening behind the scenes among the county's five cities. That includes looking at the plumbing.

"It's a group of engineers trying to figure out how we can move water up and down the valley," Ferons said.

The five local governments get water from various sources. For example, American Canyon gets water from the Sacramento-San Joaquin Delta through the State Water Project and Vallejo. Napa gets its water from the State Water Project and its local sources, Lake Hennessey and Milliken Reservoir. St. Helena gets water from wells, its local Bell Canyon reservoir and Napa.

Plumbing ties allow water to be moved around. Brun called the work underway as a water "optimization" study.

For example, five water treatment plants might be running in January. Perhaps only one or two are needed, he said.

Brun also talked about a "purified" water study that could be completed next summer. It will explore treating wastewater to a degree that this recycled water can be used not only for irrigation,

but also drinking.

But while the Napa Valley's cities have water system connections, there are no ties among smaller, rural districts. Places such as Circle Oaks in the mountains east of the city of Napa are islands in the Napa County water world.

"There are no connections the way we have in the valley, but there are people out there who rely on these small districts," LAFCO Commissioner Eve Kahn said.

Whether and how those districts might work together on such tasks as eliminating redundancies remains to be seen.

The same is true for taking water cooperation among the county's cities to another level. Nor is it clear precisely what role LAFCO might play, having gotten the conversation started.

But for now at least, the 2020 study isn't collecting dust on a shelf.

"This is the beginning," said LAFCO's chair and Yountville Mayor Margie Mohler. "I think we have a foothold."

In 2020, the California Farm Bureau Federation, Napa County Farm Bureau, Napa Valley Grapegrowers and Winegrowers of Napa County [advised urban water users](#) to proceed with caution. They feared a countywide water agency, if mishandled, could unintentionally hurt farming, possibly by influencing land use.

pressbanner.com

Zayante Fire launches fundraiser for early warning system sirens - Press Banner | Scotts Valley, CA

By: Christina Wise

3–4 minutes

In the event of an emergency, residents know that 9-1-1 is the number to call. Now, Zayante Fire Protection District's Chief Jeff Maxwell is putting out his own call to the community for help in establishing a series of disaster-response programs.

Maxwell is seeking to raise funds for a district-wide Outdoor Warning System (OWS) that will provide an additional layer of emergency notification redundancy, specifically for those who are outdoors, off grid, without power or unable to use a landline or cell service in the event of an emergency.

The community messaging system would be developed with a variety of tonal sirens that would be broadcast in the Zayante Fire District (ZFD) in response to evacuation notices or Shelter in Place orders.

In addition, Maxwell is researching a second emergency notification project: series of nodes that could be installed on high points within ZFD's perimeter. These nodes would act as relay systems to allow for communication to residents in the event of a loss of power or cell service.

Maxwell says that Lompico and Upper Zayante are target communities for these projects: with the isolation of residents in those areas, he's looking to implement improved ways to communicate with locals when disaster strikes.

Maxwell is planning to develop partnerships with San Lorenzo Valley Water District and the County of Santa Cruz to propel his vision into reality—but it all takes money.

“Partnerships with the community at large, PG&E and grant funding solutions are necessary components to completion of the project,” Maxwell said.

Maxwell notes that there are currently three ZFD stations, but only the main station on E. Zayante Road in Felton has an operable siren; between the other two stations, one’s siren is inoperable and the other has none at all.

To that end, the Chief is collaborating with Felton Music Hall for a first-of-its-kind Benefit Concert on Friday, Sept. 22, to raise funds toward the implementation of his OWS proposal.

The event features national headliner Coyote Island and special guest Smoke Chaser, a local band from Lompico. Doors open at 7pm with music beginning at 8pm. Tickets are available at [tixr.com/e/70763](https://www.tixr.com/e/70763).

“We don’t anticipate that we can fund the OWS program with this fundraiser, but we hope the community will come out and support a project that will provide support to our local residents, and upgrade and revitalize our outdoor warning system,” Maxwell said.



[Christina Wise](#)

Christina Wise covers politics, education, art & culture, and housing issues. She has a degree in Communication from San Diego State University, and has lived in the San Lorenzo Valley since 1996. She's a community advocate and a mother of two.