



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

ADOPTED 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