



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

ADOPTED MINUTES

LAFCO REGULAR MEETING AGENDA

Wednesday, October 4, 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 9:03 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 Manu Koenig

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

The following LAFCO staff members were present:

- Legal Counsel, Joshua Nelson
- Executive Officer, Joe Serrano

2. EXECUTIVE OFFICER'S MESSAGE

2a. 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.

2b. CSA 38 Service & Sphere Review – Additional Time Needed

The second announcement was an update on the proposed service & sphere review for County Service Area 38 (Sheriff's Patrol). The draft report was scheduled to be presented however, the County requested more time to review LAFCO's findings and recommendations before finalizing the report. The item will be rescheduled for future Commission consideration and action.

3. ADOPTION OF MINUTES

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

Chair Yvette Brooks called for a motion. **Commissioner Roger Anderson** motioned for approval of the September 6th Meeting Minutes and **Commissioner Jim Anderson** seconded the motion.

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

MOTION: Roger Anderson

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

4. ORAL COMMUNICATIONS

Chair Yvette Brooks requested public comments on any non-agenda items. **Executive Officer Joe Serrano** noted no public comments. **Chair Yvette Brooks** closed public comments and moved on to the next agenda item.

5. PUBLIC HEARINGS

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

5a. "Branciforte Fire Protection District Reorganization" – Protest Results

Chair Yvette Brooks requested staff to provide a presentation on the protest results for the Branciforte Fire Protection District Reorganization.

Executive Officer Joe Serrano informed the Commission that a protest hearing was held on Wednesday, September 27, 2023, at 9:00 a.m. for Branciforte residents to submit petitions of opposition regarding the proposed fire reorganization. Mr. Serrano stated that at the conclusion of the protest period, out of almost 1,000 potential petitions, LAFCO staff received zero petitions. He recommended that the Commission adopt the draft

resolution certifying the protest proceeding results. Mr. Serrano did indicate that staff received one written correspondence from a non-Branciforte resident and addressed each of their concerns.

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

Chair Yvette Brooks closed public comments and called for a motion. **Commissioner Jim Anderson** motioned for approval of staff recommendation with an amendment to correctly acknowledge the September 6th LAFCO Meeting date identified in the draft resolution. **Commissioner Rachél Lather** seconded the motion.

Chair Yvette Brooks called for a voice vote on the motion based on staff's recommendation with the proposed amendment: **Adopt the draft minutes from the September 27 Protest Hearing and draft resolution (No. 2023-21) certifying the protest period results with an amendment to revise the incorrect date.**

MOTION: Jim Anderson

SECOND: Rachél Lather

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

AGAINST: None

ABSTAIN: None

MOTION PASSES: 6-0

5b. "La Cuesta Drive / Richard Latos Extraterritorial Service Agreement"

Chair Yvette Brooks requested staff to provide a presentation on the proposed extraterritorial service agreement (ESA) involving the City of Scotts Valley.

Executive Officer Joe Serrano informed the Commission that the proposed extraterritorial service agreement involves a single parcel, less than acre in size, that is experiencing a failing septic system. Mr. Serrano noted that the proposal met the requirements outlined in State law and within the Commission's adopted policies, and therefore, recommended approval of the ESA request. He also recommended that the Commission consider adding a condition that LAFCO will have the authority to terminate the ESA if the City denies or discontinues sewer service in the future.

Chair Yvette Brooks opened the floor for Commission discussion. **Commissioner Roger Anderson** asked about the status of the ongoing discussions to annex the Manana Woods area into the City of Scotts Valley. **Executive Officer Joe Serrano** mentioned that LAFCO continues to discuss future boundary changes with Scotts Valley's city manager.

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

Chair Yvette Brooks closed public comments and asked if the proposed condition was specific to this particular proposal or if it would be a condition that will be included in future

ESAs. **Executive Officer Joe Serrano** informed the Commission that the condition may be used as a standard condition for future ESAs. **Chair Yvette Brooks** requested to have the condition reviewed by legal counsel and then brought back for future Commission discussion. **Legal Counsel Joshua Nelson** recommended approving the extraterritorial service agreement with the proposed condition and deferred to the Commission on considering a policy discussion at a future meeting.

Commissioner Rachél Lather asked if there have been ESAs approved by the Commission that were never connected. **Executive Officer Joe Serrano** indicated that there are ESAs that were approved by LAFCO and were never connected. **Commissioner Roger Anderson** agreed that further analysis is required before considering implementation of the proposed policy.

Chair Yvette Brooks called for a motion. **Commissioner Allan Timms** motioned for approval of staff recommendation with an additional condition stating that LAFCO will have the authority to terminate the ESA if the City denies or discontinues sewer service. **Commissioner Roger Anderson** seconded the motion.

Chair Yvette Brooks requested the Executive Officer to return with a draft policy for Commission consideration at a future meeting.

Chair Yvette Brooks called for a voice vote on the motion based on staff recommendation with the additional condition: **Adopt the draft resolution (No. 2023-22) approving the extraterritorial service agreement involving the City of Scotts Valley with the condition that LAFCO can terminate the ESA if the City denies or discontinues sewer service.**

MOTION: Allan Timms

SECOND: Roger Anderson

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

AGAINST: None

ABSTAIN: None

MOTION PASSES: 6-0

5c. “Renaissance High School Extraterritorial Service Agreement”

Chair Yvette Brooks requested staff to provide a presentation on the proposed extraterritorial service agreement involving the Soquel Creek Water District.

Executive Officer Joe Serrano informed the Commission that the proposed extraterritorial service agreement involves a single parcel, approximately 10 acres in size, with the intention to provide water services to the students and faculty of Renaissance High School. The school’s current water system is failing and contains an unhealthy and unsafe level of hexavalent chromium. LAFCO, along with the County, the State Water Board, the Pajaro Valley Unified School District, and the Soquel Creek Water District have been working collaboratively for months to address this health and safety issue.

Chair Yvette Brooks opened the floor for Commission discussion. **Commissioner Roger Anderson** inquired if this was the only outstanding water issue faced by the high school. **Executive Officer Joe Serrano** indicated that this was the only issue faced by the high school regarding their water system.

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, a member of the public, inquired as to why the proposed ESA did not include the parcel operated by KOA Campground, which is affected by the same water contamination issues. **Commissioner Rachél Lather** indicated that the water district board of directors supported the decision to provide a Will-Serve Letter to the high school only in an effort to address this health and safety issue. **Commissioner Roger Anderson** noted that LAFCO cannot initiate annexations or ESA requests and these actions must be initiated by the affected agency(ies) or residents.

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

Chair Yvette Brooks called for a voice vote on the motion based on staff's recommendation: **Adopt the draft resolution (No. 2023-23) approving the extraterritorial service agreement with the Soquel Creek Water District.**

MOTION: Manu Koenig
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

6. OTHER BUSINESS

Chair Yvette Brooks indicated that there are no business items for Commission consideration today.

7. WRITTEN CORRESPONDENCE

Chair Yvette Brooks inquired whether there was any written correspondence submitted to LAFCO. **Executive Officer Joe Serrano** informed the Commission that LAFCO staff, in an effort to support their ongoing general plan process, submitted a comment letter to the City of Scotts Valley regarding the status of their extraterritorial service agreements. The purpose of the letter is to ensure acknowledgement of these ESAs in their updated general plan.

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

8. PRESS ARTICLES

Chair Yvette Brooks requested staff to provide a presentation on the press articles. **Executive Officer Joe Serrano** indicated that this item highlights LAFCO-related articles recently circulated in local newspapers.

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

9. COMMISSIONERS' BUSINESS

Chair Yvette Brooks inquired whether any Commissioner would like to share any information.

Executive Director Joe Serrano informed the Commission that LAFCO staff and Commissioners will be attending the CALAFCO Annual Conference in mid-October and will provide and update at the November 1st LAFCO Regular Meeting.

Chair Yvette Brooks indicated that there was one request to address the Commission on this item. **Becky Steinbruner**, a member of the public, spoke about the correspondence letter she submitted to the Commission regarding the Branciforte Fire Protection District Reorganization Protest Hearing held on September 27, 2023.

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


10. ADJOURNMENT

Chair Yvette Brooks adjourned the Regular Commission Meeting at 9:34 a.m. to the next regular LAFCO meeting scheduled for Wednesday, November 1, 2023, at 9:00 a.m.



YVETTE BROOKS, CHAIRPERSON

Attest:



JOE A. SERRANO, EXECUTIVE OFFICER