

Action Minutes

San Mateo Local Agency Formation Commission

March 21, 2012 Meeting

In the Board of Supervisors' Chambers, Hall of Justice and Records, Redwood City, California, Chair Craig called the regular meeting of the Local Agency Formation Commission to order at 2:32 p.m.

Members Present: Commissioners David Altscher, Don Horsley, Naomi Patridge, Sepi Richardson, Joe Sheridan, Adrienne Tissier, and Chair Linda Craig

Members Absent: Commissioner Iris Gallagher

Staff Present: Martha Poyatos, Executive Officer
Rebecca Archer, Deputy County Counsel
Brenda Bennett, Executive Secretary

CONSENT AGENDA

Executive Officer Poyatos noted a minor correction to LAFCo File No. 12-01 to add “and subsequent annexation to the Onsite Wastewater Disposal Zone” amending the recommendation as indicated in the West Bay Sanitary District comments.

- a. Approval of Action Minutes: January 18, 2012
- b. LAFCo File No. 11-09—Proposed Annexation of Lands of Dunne to the West Bay Sanitary District and the District’s Onsite Waste Water Disposal Zone

Mr. Steven Dunne, the property owner, asked if the annexation would be final after the Commission’s action. Ms. Poyatos said there was a 30-day waiting period until the resolution could be recorded after which the annexation was complete.

- c. LAFCo File No. 12-01-Proposed Annexation of 35, 40 and 45 Tagus Court to the West Bay Sanitary District

Commission Action: M/S Horsley/Altscher to approve the consent agenda with the modification to the recommendation for LAFCo File No. 12-01.

Motion carried 7-0.
San Mateo LAFCo Minutes
March 21, 2012

PUBLIC COMMENT

There was none.

NEW MATTERS

Resolution Honoring Maureen Morton for her Service as Alternate Public Member

Chair Craig read the resolution honoring Maureen Morton for her service as Alternate Public Member into the record.

Commission Action: M/S Tissier/Horsley to adopt a resolution honoring Maureen Morton for her service as Alternate Public Member.

Motion carried 7-0.

LAFCo File No. 11-07—Minor Sphere Amendment and Proposed Annexation of a Portion of APN 041-101-290 Known as Proposed Lots 1-4 of the Ticonderoga LLP/Chamberlain Group to County Service Area 1 (Highlands)

Ms. Poyatos reported on the minor sphere amendment and proposed annexation. She said the County of San Mateo has approved a subdivision proposal consisting of 11 residential parcels totaling approximately 4.534 acres with a remaining 93.42 acres designated as open space. She noted that due to the economic downturn, the project would be developed in phases, and that this annexation application was requesting annexation to CSA 1 of the first phase of four homes located on Bunkerhill Drive. She noted the County had adopted a tax exchange transfer resolution to transfer tax obligation payments to CSA 1. She noted that in addition to the written report there were four required and recommended sphere determinations. She said the Commission as the responsible agency under CEQA must consider the Highlands Estates Final EIR and Recirculated Draft EIR prepared by the County. She reviewed the recommended Commission action in the staff report with a modification to include sphere amendment findings and conditioned upon recorded parcel map and State Board of Equalization map and legal.

Mr. Jack Chamberlain, project developer, was asked to respond to a question from Commissioner Richardson regarding the proposed sales price for the homes to be developed, and indicated he anticipated \$1.4 to \$1.5 million each.

There was no additional public comment.

Commission Action: M/S Tissier/Horsley that pursuant to Sections 15096(g) (2) and 15096(h) of the State CEQA Guidelines, the Commission has considered the Highlands Estates Recirculated

Draft EIR and Final EIR prepared by the County of San Mateo and finds as follows:

The Commission has considered findings made by the County of San Mateo for the Highlands Estates Recirculated Draft EIR and Final EIR pursuant to Sections 15091 and 15093 and the Mitigation Monitoring Program prepared by the County, and finds that such changes or alterations are within the responsibility and jurisdiction of the County of San Mateo and not LAFCo and such changes have been or should be adopted by the County. (CEQA Guidelines, § 15091, subd. (a)(2).)

Motion carried 7-0.

Commission Action: M/S Richardson/Horsley to adopt a resolution making sphere amendment determinations; and:

1. Approving LAFCo File No. 11-07--Proposed Sphere Amendment and Annexation of a Portion of APN 041-101-290 known as Proposed Lots 1-4 of the Ticonderoga LLP/Chamberlain Group to County Service Area No. 1 (Highlands) (0.246 Acres) with the following condition:
 - a. Recordation of the final parcel map for Parcels 1-4 and submittal of a map and legal description that meets the requirements of the State Board of Equalization.

2. Waive conducting authority proceedings pursuant to Government Code Section 56663(c), and

Motion carried 7-0.

LAFCo File No. 11-08—Minor Sphere Amendment and Proposed Annexation of APN 070-302-300/Lands of Sonmez to the Town of Atherton and Atherton Channel Drainage District and Detachment from the University Heights Drainage Maintenance District

Ms. Poyatos said that the proposed annexation to the Town of Atherton required a detachment from the University Heights Drainage Maintenance District and annexation to the Atherton Channel Drainage District. She said that Atherton has pre-zoned the land and agreed to property tax exchange with the County but that action did not include property tax transfer from the University Heights Drainage Maintenance District to the Atherton Drainage District. She said the recommendation for approval would need modification to include a condition that the boundary action between the Board of Supervisors and Town of Atherton related to the exchange of property tax relative to the two drainage districts. She reviewed the recommendations of approval for the Commission.

Commission Action: M/S Tissier/ Richardson to certify that the proposal is exempt from the environmental review requirements of the California Environmental Quality Act under CEQA

Guideline Sections 15319 and 15304.

Motion carried 7-0.

Commission Action: M/S Tissier/Richardson to adopt a resolution approving LAFCo File No. 11-08; and:

- a) Approve minor sphere amendment removing APN 070-302-300/Lands of Sonmez from the City of Menlo Park sphere of influence and adding it to the sphere of influence of the Town of Atherton and Atherton Channel Drainage District
- b) Approve annexation of APN 070-302-300/Lands of Sonmez to the Town of Atherton conditioned upon subsequent proceedings by the County of San Mateo to detach the parcel from the University Heights Drainage Maintenance District and annex it to Atherton Channel Drainage District.
- c) Waive protest hearing pursuant to Section 56663 [c].

Motion carried 7-0.

LAFCo File No. 12-02 – Proposed Extension of Water Service to a Proposed Single-Family Residence at 698 Edgecliff, Unincorporated San Mateo County, Pursuant to Gov. Code Section 56133

Item was continued as the City of Redwood City had not adopted the resolution of application as needed.

Delegation of Approval Authority to the Executive Officer for Emergency Sewer Extension by City of San Carlos to 60 Loma Road (Palomar Park)

Ms. Poyatos said that the written staff report explained Government Code Section 56133 regarding Commission approval for extension of service by local agencies to territory outside the agency's boundaries. She said it and Commission policy also provided for delegation of approval authority to the Executive Officer if an application for sewer extension for failed septic is not ready for Commission consideration at the time of the LAFCo hearing particularly when there is a health emergency.

Commission Action: M/S Horsley/Patridge to authorize the Executive Officer to administratively approve the anticipated application by the City of San Carlos for extension of service.

Motion carried 7-0.

City of San Carlos Letter Concerning the San Mateo County Mosquito and Vector Control District

Ms. Poyatos said that a letter from the City of San Carlos to the Foreman of the Grand Jury expressing concerns with the financial management of the San Mateo County Mosquito and Vector Control District and requesting that body to conduct an investigation came to the Chair and staff's attention. She said that the Grand Jury Foreman had indicated that its body would not be able to conduct an investigation but it was noted that LAFCo under the process of municipal service review and sphere of influence update would look at District fiscal health, financial policies and practices, accountability to the public and governance alternatives. She said that completing the update would not have a significant impact on staff's workload. She noted that the District had provided information on what had occurred and what remedial steps were being taken.

Commissioner Tissier said considering what has occurred and the length of time since the last municipal service review and sphere of influence update that it would be important to do the review as an independent body to look at the District's fiscal health, financial policies and practices, accountability to the public and governance alternatives.

Public Comment: Mr. James Counts, employee of the District, said the District has fiscal practices and hiring policies and these had not been followed. He indicated that he and another employee had brought concerns regarding accounting anomalies to the District Manager. He asked if LAFCo did an investigation to meet with employees both existing and former.

Mr. Leonard Woren said a countywide concept of a special district was defective and that its operations should be part of County's departments and there was no elected official oversight of the District. He said the review and update should look at eliminating the district.

Ms. Sally Mitchell, City of San Carlos, said she was an attorney representing two employees pro bono who have tried very hard to raise their concerns about how the District was operating. She said that the District and its employees have provided great service for many years and most of the employees were hardworking and honest.

Commission Action: M/S Horsley/Richardson to authorize a municipal service review and sphere of influence update for the San Mateo County Mosquito and Vector Control District.

Motion carried 7-0.

Consideration of Adoption of Proposed Net Operating Budget for Fiscal Year 2012-13

Ms. Poyatos reviewed the requirements related to LAFCo adopting operating budgets. She noted that the report and attachment provided information on the proposed, existing and the

prior year's budget. She said the recommendation was to adopt the budget and direct her to distribute the budget to the cities, special districts, and county.

There was no public comment.

Commission Action: M/S Richardson/Patridge to adopt the Recommended Adopted Budget for 2012-13 of \$313,020 as proposed and direct the Executive Officer to distribute it to the County, cities and independent special districts.

Motion carried 7-0.

Legislative Report

Chair Craig noted the Legislative Committee, Commissioner Altscher and she, had reviewed the report from Calafco on pending legislation but found nothing to bring forward to the Commission at this time.

Appointment of Alternate Public Member Selection Committee

Ms. Poyatos said the Alternate Public Member vacancy had been advertised and the Commission was requested to create a committee to interview interested persons and make a recommendation to the Commission.

Commission Action: M/S Altscher/Richardson to form a committee of Commissioners Altscher, Horsley, and Richardson for purposes of interviewing applicants for the Alternate Public Member vacancy and making a recommendation on selection to the Commission.

Motion carried 7-0.

Commissioner/Staff Reports

Ms. Poyatos reported on a workshop she had facilitated on a university course on healthcare districts. She also reported on the dissolution of the Mt. Diablo Health Care District.

Adjournment

The meeting adjourned at 3:40 p.m.