

SAN MATEO



LOCAL AGENCY FORMATION COMMISSION

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Action Minutes

San Mateo Local Agency Formation Commission Meeting

May 16, 2018

In the Board of Supervisors' Chambers, 400 County Center, Redwood City, California, Chair O'Neill called the Wednesday, May 16, 2018 meeting of the Local Agency Formation Commission (LAFCo) to order at 2:30 pm.

1. Roll Call

Members Present: Commissioners Joshua Cosgrove, Ann Draper, Rich Garbarino, Don Horsley, Kati Martin, and Chair Michael O'Neill

Members Absent: Commissioner Warren Slocum

Staff Present: Martha Poyatos, Executive Officer
Rebecca Archer, Legal Counsel

Chair O'Neill noted the map for item 2b was being included in the agenda packet. Commissioner Garbarino asked for item 2c to be pulled from the consent agenda. Commissioner Horsley asked for item 2b to be removed from the consent agenda.

2. Consent Agenda

- a. Approval of Action Minutes: March 21, 2018
- b. LAFCo File 18-02—Proposed Water Extension by the City of Redwood City to a Proposed Single Family Home at 607 Handley Trail Pursuant to Government Code Section 56133
- c. LAFCo File 18-03—Proposed Annexation of 155 Lake Road (Unincorporated Los Trancos Woods) to the West Bay Sanitary District, (less than one acre)
- d. LAFCo File 18-04—Proposed Annexation of 167 Lake Road (Unincorporated Los Woods) to the West Bay Sanitary District (less than one acre)
- e.

Commission Action: Commissioner Horsley moved to approve items 2a and 2d on the consent agenda consisting of the Action Minutes for March 21, 2018 and LAFCo File 18-04—Proposed Annexation of 167 Lake Road (Unincorporated Los Woods) to the West Bay Sanitary District (less than one acre). Commissioner Horsley seconded the motion, which passed unanimously. (Ayes: Commissioners Cosgrove, Draper, Horsley, Martin, and Chair O'Neill; Abstentions: None; Noes: None.)

COMMISSIONERS: MIKE O'NEILL, CHAIR, City ▪ ANN DRAPER, VICE CHAIR, Public ▪ JOSHUA COSGROVE, Special District ▪ RICH GARBARINO, City
DON HORSLEY, County ▪ JOE SHERIDAN, Special District ▪ WARREN SLOCUM, County

ALTERNATES: KATI MARTIN, Special District ▪ HARVEY RARBACK, City ▪ SEPI RICHARDSON, Public ▪ DAVE PINE, County

STAFF: MARTHA POYATOS, EXECUTIVE OFFICER ▪ REBECCA ARCHER, LEGAL COUNSEL

Commissioner Horsley said his concern with item 2b was not with the water extension by the City of Redwood City for a proposed single-family residence but that other homes in this area were not part of Redwood City's water system such as those in the Cordilleras Mutual Water Company and some homes that were directly connected to San Francisco Public Utilities Commission (SFPUC) water system. He said those homeowners would look to the City of Redwood City for assistance if their water service was disrupted by an earthquake or other disaster. He asked that the Executive Officer look into that at some point in the future. He moved to approve item 2b.

Commissioner Draper commented that the Commission has expressed a need for a plan for annexation, and Commissioner Horsley's comments were practical reasons why such a plan was needed in this particular area. She said they were advised in an update that sometimes the City of Redwood City did deferred annexation agreements for extension of service. She said this seemed one of those places where that could occur.

Executive Officer Poyatos said this was first discussed at the Commission's March meeting and since she had been in contact with the City of Redwood City Public Works Department. She said that the City has irrevocable agreements for sewer extension so she suggested they might do the same for water extensions. She said she also started work on amendments to outside service agreement policies to make it clearer to the public what type of applications the Commission will approve and which need to go directly for annexation rather than for water extension. She said she would meet with the SFPUC and asked for Commissioner Horsley's assistance in restarting discussions with Redwood City. She suggested bringing in the State Water Quality Control Board, which has jurisdiction over the small mutual water companies as they would strongly support and perhaps encourage that the Cordilleras Mutual Water Company be merged into the City of Redwood City's water system.

Commissioner Draper asked if those discussions could occur before the next Commission meeting so that deferred annexation agreements could be applied to this case. Executive Office Poyatos said she thought those discussions would take much longer than would be fair to this developer as she did not think such discussions would reach solution in the next two months.

Commission Action: Commissioner Horsley moved to approve item 2b on the consent agenda for LAFCo File 18-02—Proposed Water Extension by the City of Redwood City to a Proposed Single Family Home at 607 Handley Trail Pursuant to Government Code Section 56133. Commissioner O'Neill seconded the motion, which passed 5-1. (Ayes: Commissioners Cosgrove, Garbarino, Horsley, Martin, and Chair O'Neill; Abstentions: None; Noes: Draper.)

Commissioner Garbarino said the staff report for item 2c identified the parcel as across from the lake and asked how far from the lake the parcel was. He also asked about the "aging abandoned septic tank" and whether it was failing. Executive Officer Poyatos said the map in the staff report indicated the lake as a polygon showing it was on the other side of the road

from the parcel. She said the applicant's representative was present and could address the condition of the septic tank and leach field.

Mr. James Thompson said the septic system had been in place since the home was built in the 1920's with some modifications over the years as required by the County Environmental Health Department. He said the abandonment meant the bottom of the tank would be broken out and filled with rock so it would drain and then brought up to grade and covered with a cap. He said the property at 155 Lake was on a slope and the subject property's leach field was causing soil movement which was a primary driver for getting this home off the septic system.

Commission Action: Commissioner Garbarino moved to approve item 2c on the consent agenda for LAFCo File 18-03—Proposed Annexation of 155 Lake Road (Unincorporated Los Trancos Woods) to the West Bay Sanitary District, (less than one acre). Commissioner Garbarino seconded the motion, which passed unanimously. (Ayes: Commissioners Cosgrove, Draper, Garbarino, Horsley, Martin, and Chair O'Neill; Abstentions: None; Noes: None.)

Chair O'Neill noted that Alternate Public Member Sepi Richardson and Alternate City Member Harvey Rarback were both in the audience.

3. Public Comment for Items Not on the Agenda

None.

4. Public Hearing: Consideration of Adoption of Final Budget for Fiscal Year 2018-19

Executive Officer Poyatos said the Commission had received a May 9 report recommending adoption of the 2018-19 Final LAFCo budget in the amount of \$563,144, noting requirements for the Commission to consider a proposed and final budget in two different hearings. She said the Commission at the April 18 special meeting adopted a proposed budget in the amount of \$509,442. She said changes recommended since the April meeting included funding a shared administrative assistant position with the Airport Round Table Committee, which is staffed by the County Planning Department. She said this was not an option when the proposed budget was prepared and it has since become clear that County Planning staff would not be able to meet LAFCo's needs for office and Commission meeting support. She said that change was a \$52,138 increase to the previously approved Proposed Budget and a \$17,901 increase to the apportionment to each of the three funding groups.

Chair O'Neill opened the public hearing. There were no speakers.

Commission Action: Commissioner Horsley moved to close the public hearing. Commissioner Draper seconded the motion, which passed unanimously. (Ayes: Commissioners Cosgrove, Draper, Garbarino, Horsley, Martin, and Chair O'Neill; Abstentions: None; Noes: None.)

Commission Action: Chair O'Neill moved to 1) approve and adopt by resolution the Recommended Final Budget for 2018-19 of \$563,144 as proposed, and 2) direct the Executive Officer to distribute it to the County, cities, and independent special districts and forward it to the County Controller. Commissioner Martin seconded the motion, which passed unanimously. (Ayes: Commissioners Cosgrove, Draper, Garbarino, Horsley, Martin, and Chair O'Neill; Abstentions: None; Noes: None.)

5. Legislative Report - Possible Action (See Addendum)

Executive Officer Poyatos noted the May 9 legislative update received by the Commission on legislation tracked by CALAFCo and an addendum report regarding two CALAFCo sponsored bills for which CALAFCo was requesting support letters. She said AB 3254 (Assembly Local Government Committee) would make makes technical, non-substantive changes to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (the Act). She said this annual bill included changes that govern the work of LAFCos, and were necessary as Commissions implemented the Act finding small inconsistencies or needed clarifications to make the law as unambiguous as possible. She said AB 2258 (Caballero) would establish a funding program that would provide grants to LAFCos to address known service and governance concerns that could potentially save tax payers additional money through the study, analysis and potential change of organization or reorganization of local government for improved efficiencies. She said the bill would also provide for reimbursement of funds for LAFCo initiated dissolution of inactive districts and change the protest threshold from 10% to 25% for actions taken under the pilot program but would not change the standard threshold for any other LAFCo initiated action.

Chair O'Neill asked if there was any public comment. There was none.

Commission Action: Commissioner Horsley moved to approve letters of support for AB 2258 (Caballero) and AB 3254 (Local Government Committee Omnibus Bill) as recommended in the staff report. Commissioner Draper seconded the motion, which passed unanimously. (Ayes: Commissioners Cosgrove, Draper, Garbarino, Horsley, Martin, and Chair O'Neill; Abstentions: None; Noes: None.)

6. California Association of Local Agency Formation Commissions (CALAFCO)
a. Report on Attendance at the Staff Workshop

Legal Counsel Archer said she attended the workshop, noting Executive Officer Poyatos had been one of the organizers of the workshop, which had a great agenda. She noted that all of the material for the workshop was available online. She said she attended LAFCo 101, a refresher on what LAFCos do; a CEQA panel that discussed ways in which LAFCos might be part

or not be part of the CEQA process and associated legal challenges; and a Disaster Management panel, noting the Commission's attention to the concerns of sea level rise.

7. Commissioner/Staff Reports

Executive Officer Poyatos said she was working with City of Redwood City Public Works Department to elevate the issues of annexation, water extension and Cordilleras Mutual Water to the Planning Director and City Manager. She said she was working with South San Francisco regarding a requested sewer extension, noting that South San Francisco has an unincorporated island, Country Club Park, consisting of properties on septic systems. She said the lots were large but there was a demand to increase the number of secondary dwelling units, which meant getting sewer connections from the City of South San Francisco. She said the City's General Plan policy was to not consider annexation of individual parcels but to require Country Club Park parcels to annex all at once. She said that was unlikely to occur in the near future. She said she and the City were working together on potential policy changes to consider how sewer might be extended in a phased approach to the area.

Executive Officer Poyatos said the independent Special District Selection Committee was underway and ballots for that would be going out soon. She said they had six applications for the Public Members' selection and the Commission's Selection Committee would conduct those interviews in the coming weeks.

Commissioner Horsley asked about the impediment to incorporating all of Country Club Park. Executive Officer Poyatos said the residential area of Country Club Park had a variety of uses including several types of uses including institutional, churches, board and care homes, schools and some horse keeping. She said also some road conditions did not meet the City's standards. She said a significant number of signatures were needed for such an annexation application that could fail with the protest process. She said residents' concerns about being annexed included whether horses might continue to be kept and what it would take to improve the roads the roads to the City's standards. She said they were looking at the closest contiguous parcels to the City that needed annexation and to do in a phased approach. Commissioner Garbarino suggested there not many horses kept anymore in that area.

8. Adjournment

Commission Action: Commissioner Horsley moved to adjourn. Commissioner Garbarino seconded the motion, which passed unanimously.

The meeting was adjourned at 2:58 p.m.