



**STANISLAUS LAFCO  
LOCAL AGENCY FORMATION COMMISSION**

**Sara Lytle-Pinhey, Executive Officer**  
1010 10<sup>th</sup> Street, Third Floor  
Modesto, California 95354  
Phone: 209-525-7660  
Fax: 209-525-7643  
[www.stanislauslafco.org](http://www.stanislauslafco.org)

**Chair Terry Withrow**, County Member  
**Vice Chair Tom Dunlop**, City Member  
Jim DeMartini, County Member  
Bill Berryhill, Public Member  
Amy Bublak, City Member  
Michael Van Winkle, Alternate City Member  
Brad Hawn, Alternate Public Member  
Vito Chiesa, Alternate County Member

---

**AGENDA  
Wednesday, May 23, 2018  
6:00 P.M.  
Joint Chambers—Basement Level  
1010 10<sup>th</sup> Street, Modesto, California 95354**

The Stanislaus Local Agency Formation Commission welcomes you to its meetings. As a courtesy, please silence your cell phones during the meeting. If you want to submit documents at this meeting, please bring 15 copies for distribution. Agendas and staff reports are available on our website at least 72 hours before each meeting. Materials related to an item on this Agenda, submitted to the Commission or prepared after distribution of the agenda packet, will be available for public inspection in the LAFCO Office at 1010 10<sup>th</sup> Street, 3<sup>rd</sup> Floor, Modesto, during normal business hours.

**1. CALL TO ORDER**

- A. Pledge of Allegiance to the Flag.
- B. Introduction of Commissioners and Staff.

**2. PUBLIC COMMENT PERIOD**

This is the period in which persons may speak on items that are not listed on the regular agenda. All persons wishing to speak during this public comment portion of the meeting are asked to fill out a "Speaker's Card" and provide it to the Commission Clerk. Each speaker will be limited to a three-minute presentation. No action will be taken by the Commission as a result of any item presented during the public comment period.

**3. APPROVAL OF MINUTES**

- A. Minutes of the April 25, 2018 Meeting.

**4. CORRESPONDENCE**

No correspondence addressed to the Commission, individual Commissioners or staff will be accepted and/or considered unless it has been signed by the author, or sufficiently identifies the person or persons responsible for its creation and submittal.

- A. Specific Correspondence.
- B. Informational Correspondence.

- C. "In the News."

**5. DECLARATION OF CONFLICTS AND DISQUALIFICATIONS**

**6. CONSENT ITEM**

The following consent items are expected to be routine and non-controversial and will be acted upon by the Commission at one time without discussion, unless a request has been received prior to the discussion of the matter.

- A. **MUNICIPAL SERVICE REVIEW 2018-01 AND SPHERE OF INFLUENCE 2018-02 UPDATE FOR THE SALIDA SANITARY DISTRICT.** The Commission will consider the adoption of a Municipal Service Review (MSR) and Sphere of Influence (SOI) Update for the Salida Sanitary District. This item is exempt from the California Environmental Quality Act (CEQA) review pursuant to sections 15306 and 15601(b)(3). (Staff Recommendation: Approve the update and adopt Resolution No. 2018-09.)

**7. PUBLIC HEARINGS**

Any member of the public may address the Commission with respect to a scheduled public hearing item. Comments should be limited to no more than three (3) minutes, unless additional time is permitted by the Chair. All persons wishing to speak during this public hearing portion of the meeting are asked to fill out a "Speaker's Card" and provide it to the Commission Clerk prior to speaking.

- A. **OUT-OF-BOUNDARY SERVICE APPLICATION – TIOGA AVENUE (OAKDALE).** The Commission will consider a request to extend water service outside the City of Oakdale's existing city limits to serve 38 parcels located along Tioga Avenue west of the City's boundary. The request has been submitted to address water quality issues associated with an existing well. The well currently serves the project site and is operated by the Oakdale Irrigation District through Improvement District No. 41, also known as the Mountain View Tract Domestic System. The City of Oakdale, as Lead Agency, has prepared an initial study and adopted a negative declaration pursuant to the California Environmental Quality Act (CEQA). LAFCO, as a Responsible Agency, will consider the negative declaration. (Staff Recommendation: Approve the proposal and adopt Resolution No. 2018-10.)

- B. **FINAL LAFCO BUDGET FOR FISCAL YEAR (FY) 2018-2019.** The Commission will consider the adoption of the final LAFCO budget consistent with Government Code Sections 56380 and 56381. (Staff Recommendation: Approve the Final Budget and Resolution No. 2018-08.)

**8. COMMISSIONER COMMENTS**

Commission Members may provide comments regarding LAFCO matters.

**9. ADDITIONAL MATTERS AT THE DISCRETION OF THE CHAIRPERSON**

The Commission Chair may announce additional matters regarding LAFCO matters.

**10. EXECUTIVE OFFICER'S REPORT**

The Commission will receive a verbal report from the Executive Officer regarding current staff activities.

- A. On the Horizon.

**11. ADJOURNMENT**

- A. Set the next meeting date of the Commission for June 27, 2018.  
B. Adjourn.

---

**LAFCO Disclosure Requirements**

**Disclosure of Campaign Contributions:** If you wish to participate in a LAFCO proceeding, you are prohibited from making a campaign contribution of more than \$250 to any commissioner or alternate. This prohibition begins on the date you begin to actively support or oppose an application before LAFCO and continues until three months after a final decision is rendered by LAFCO. No commissioner or alternate may solicit or accept a campaign contribution of more than \$250 from you or your agent during this period if the commissioner or alternate knows, or has reason to know, that you will participate in the proceedings. If you or your agent have made a contribution of more than \$250 to any commissioner or alternate during the twelve (12) months preceding the decision, that commissioner or alternate must disqualify himself or herself from the decision. However, disqualification is not required if the commissioner or alternate returns the campaign contribution within thirty (30) days of learning both about the contribution and the fact that you are a participant in the proceedings.

**Lobbying Disclosure:** Any person or group lobbying the Commission or the Executive Officer in regard to an application before LAFCO must file a declaration prior to the hearing on the LAFCO application or at the time of the hearing if that is the initial contact. Any lobbyist speaking at the LAFCO hearing must so identify themselves as lobbyists and identify on the record the name of the person or entity making payment to them.

**Disclosure of Political Expenditures and Contributions Regarding LAFCO Proceedings:** If the proponents or opponents of a LAFCO proposal spend \$1,000 with respect to that proposal, they must report their contributions of \$100 or more and all of their expenditures under the rules of the Political Reform Act for local initiative measures to the LAFCO Office.

**LAFCO Action in Court:** All persons are invited to testify and submit written comments to the Commission. If you challenge a LAFCO action in court, you may be limited to issues raised at the public hearing or submitted as written comments prior to the close of the public hearing. All written materials received by staff 24 hours before the hearing will be distributed to the Commission.

**Reasonable Accommodations:** In compliance with the Americans with Disabilities Act, hearing devices are available for public use. If hearing devices are needed, please contact the LAFCO Clerk at 525-7660. Notification 24 hours prior to the meeting will enable the Clerk to make arrangements.

**Alternative Formats:** If requested, the agenda will be made available in alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 USC 12132) and the Federal rules and regulations adopted in implementation thereof.

**Notice Regarding Non-English Speakers:** Pursuant to California Constitution Article III, Section IV, establishing English as the official language for the State of California, and in accordance with California Code of Civil Procedure Section 185 which requires proceedings before any State Court to be in English, notice is hereby given that all proceedings before the Local Agency Formation Commission shall be in English and anyone wishing to address the Commission is required to have a translator present who will take an oath to make an accurate translation from any language not English into the English language.

---



# STANISLAUS LOCAL AGENCY FORMATION COMMISSION

## MINUTES

April 25, 2018

### 1. CALL TO ORDER

Chair Withrow called the meeting to order at 6:07 p.m.

- A. Pledge of Allegiance to Flag. Chair Withrow led in the pledge of allegiance to the flag.
- B. Introduction of Commissioners and Staff. Chair Withrow led in the introduction of the Commissioners and Staff.

Commissioners Present: Terry Withrow, Chair, County Member  
Amy Bublak, City Member  
Michael Van Winkle, Alternate City Member  
Bill Berryhill, Public Member  
Brad Hawn, Alternate Public Member

Staff Present: Sara Lytle-Pinhey, Executive Officer  
Javier Camarena, Assistant Executive Officer  
Jennifer Goss, Commission Clerk  
Robert J. Taro, LAFCO Counsel

Commissioners Absent: Vito Chiesa, Alternate County Member  
Jim DeMartini, County Member  
Tom Dunlop, Vice-Chair, City Member

### 2. PUBLIC COMMENT

None.

### 3. APPROVAL OF MINUTES

- A. Minutes of the March 28, 2018 Meeting.

Motion by Commissioner Van Winkle, seconded by Commissioner Berryhill and carried with a 4-0 vote to approve the Minutes of the March 28, 2018 meeting by the following vote:

Ayes: Commissioners: Berryhill, Bublak, Van Winkle and Withrow  
Noes: Commissioners: None  
Ineligible: Commissioners: Hawn  
Absent: Commissioners: Chiesa, DeMartini and Dunlop  
Abstention: Commissioners: None

#### 4. CORRESPONDENCE

- A. Specific Correspondence.
  - 1. Item 7A – Email from Kurt & Sharon Hertlein, dated April 19, 2018.
  - 2. Item 7A – Email from Wendy McClendon, dated April 23, 2018.
  - 3. Item 7A – Letter from Evelyn Halbert, dated April 25, 2018.
- B. Informational Correspondence.
- C. “In the News”

#### 5. DECLARATION OF CONFLICTS AND DISQUALIFICATIONS

None.

#### 6. CONSENT ITEMS

- A. **OUT-OF-BOUNDARY SERVICE APPLICATION – 310 RIVER ROAD & 240 BUNKER AVENUE (MODESTO).** The Commission will consider a request to extend sewer service outside the City of Modesto’s existing city limits to serve properties located at 310 River Road and 240 Bunker Avenue, within the Sphere of Influence of Ceres. The extension is considered exempt from the California Environmental Quality Act (CEQA) pursuant to sections 15301, 15303, and 15304 of the CEQA Guidelines. APN: 038-004-004, 025 and 026. (Staff Recommendation: Approve the proposal and adopt Resolution No. 2018-07.)

Motion by Commissioner Bublak, seconded by Commissioner Van Winkle, and carried with a 4-0 vote approving Resolution No. 2018-07, by the following vote:

Ayes: Commissioners: Berryhill, Bublak, Van Winkle & Withrow  
Noes: Commissioners: None  
Ineligible: Commissioners: Hawn  
Absent: Commissioners: Chiesa, DeMartini and Dunlop  
Abstention: Commissioners: None

- B. **LEGISLATIVE UPDATE AND PROPOSED LETTERS OF SUPPORT**  
(Staff Recommendation: Authorize the Executive Officer to submit letters in support of Assembly Bills 2258 and 3254.)

Motion by Commissioner Bublak, seconded by Commissioner Van Winkle, and carried with a 4-0 vote authorizing the Executive Officer to submit letters of support, by the following vote:

Ayes: Commissioners: Berryhill, Bublak, Van Winkle & Withrow  
Noes: Commissioners: None  
Ineligible: Commissioners: Hawn  
Absent: Commissioners: Chiesa, DeMartini and Dunlop  
Abstention: Commissioners: None

## 7. PUBLIC HEARINGS

- A. **LAFCO APP. NO. 2017-03 & SOI MODIFICATION NO. 2017-07 – DIVISION 1 NORTH AREA CHANGE OF ORGANIZATION TO OAKDALE RURAL FIRE PROTECTION DISTRICT.** The Commission will consider a request to modify the Sphere of Influence and annex approximately 57,595 acres to Oakdale Rural Fire Protection District. The project area is located in the northernmost area of Stanislaus County, adjacent to San Joaquin and Calaveras Counties. LAFCO Staff has determined that the proposal is exempt for the purposes of the California Environmental Quality Act (CEQA) pursuant to Sections 15320 and 15061(b)(3) as the District currently provides services to the area and there is no possibility that the proposed change of organization may have a significant effect on the environment. (Staff Recommendation: Approve the proposal and adopt Resolution No. 2018-05.)

Javier Camarena, Assistant Executive Officer, presented the item with a recommendation of approval.

Chair Withrow opened the Public Hearing at 6:21 p.m.

In Favor: Vincent Victorine, Oakdale Rural Fire Protection District Board Member.

Opposed: Don Harper, Landowner and Tom Orvis, Oakdale resident.

Chair Withrow closed the Public Hearing at 6:34 p.m.

Motion by Commissioner Bublak, seconded by Commissioner Berryhill, and carried with a 4-0 vote to continue the item to a future meeting, to allow the District to conduct further outreach to the property owners and residents of the area, by the following vote:

Ayes: Commissioners: Berryhill, Bublak, Van Winkle & Withrow  
Noes: Commissioners: None  
Ineligible: Commissioners: Hawn  
Absent: Commissioners: Chiesa, DeMartini and Dunlop  
Abstention: Commissioners: None

- B. **PROPOSED LAFCO BUDGET FOR FISCAL YEAR (FY) 2018-2019.** The Commission will consider the adoption of the proposed LAFCO budget consistent with Government Code Sections 56380 and 56381. (Staff Recommendation: Approve the proposal and Resolution No. 2018-06.)

Sara Lytle-Pinhey, Executive Officer, presented the item with a recommendation of approval.

Chair Withrow opened the Public Hearing at 6:48 p.m.

No one spoke on the item.

Chair Withrow closed the Public Hearing at 6:48 p.m.

Motion by Commissioner Bublak, seconded by Commissioner Van Winkle, and carried with a 4-0 vote to approve the Proposed Budget and adopt Resolution No. 2018-06, by the following vote:

Ayes: Commissioners: Berryhill, Bublak, Van Winkle & Withrow  
Noes: Commissioners: None  
Ineligible: Commissioners: Hawn  
Absent: Commissioners: Chiesa, DeMartini and Dunlop  
Abstention: Commissioners: None

**8. COMMISSIONER COMMENTS**

None.

**9. ADDITIONAL MATTERS AT THE DISCRETION OF THE CHAIRPERSON**

None.

**10. EXECUTIVE OFFICER'S REPORT**

A. On the Horizon. The Executive Officer informed the Commission of the following:

- The May meeting will include the Final LAFCO Budget, an Out-of-Boundary service application for Tioga Ave in Oakdale and the Municipal Service Review for the Salida Sanitary District.
- LAFCO will work with the Oakdale Rural Fire Protection District on their outreach efforts and hope to bring it back to commission in June.

**11. ADJOURNMENT**

A. The meeting was adjourned at 6:50 p.m.

**SIGNED COPY ON FILE**

---

Sara Lytle-Pinhey, Executive Officer