



**STANISLAUS LAFCO
LOCAL AGENCY FORMATION COMMISSION**

Sara Lytle-Pinhey, Executive Officer
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Chair Jim DeMartini, County Member
Vice Chair, Bill Berryhill, Public Member
Terry Withrow, County Member
Bill Berryhill, Public Member
Amy Bublak, City Member
Michael Van Winkle, City Member
Richard O'Brien, Alternate City Member
Brad Hawn, Alternate Public Member
Vito Chiesa, Alternate County Member

AGENDA
Wednesday, April 22, 2020
6:00 P.M.
Joint Chambers—Basement Level
1010 10th Street, Modesto, California 95354

**MEMBERS OF THE PUBLIC MAY REMOTELY OBSERVE THE MEETING AND
ADDRESS THE COMMISSION VIA EMAIL. THIS MEETING WILL NOT
INCLUDE IN-PERSON PUBLIC ATTENDANCE.**

This meeting will be held in accordance with the Governor's Stay at Home Executive Order N-33-20 and in accordance with Executive Order N-29-20 (that pertains to the holding of public meeting via teleconferencing) and will not include in-person public attendance. Members of the public may observe the meeting and provide comments to the Commission via email as described below:

How to observe the Meeting:

- You can observe the live stream of the LAFCO meeting at:
<http://www.stancounty.com/sclive/>
- In addition, LAFCO meetings are broadcast live on local cable television. A list of cable channels is available at the following website:
<http://www.stancounty.com/planning/broadcasting.shtm>

How to submit Public Comments:

- If you wish to make either a general public comment or to comment on a specific agenda item, please submit your comment (include Agenda Item Number in the subject line), to the Clerk at lafco@stancounty.com. Public comments will be accepted by email until the close of the public comment period for the specific item. You do not have to wait until the meeting begins to submit a comment.

All comments will be shared with the Commissioners and placed in the record. The Clerk will read public comments at the Commission meeting, not to exceed three minutes per comment (approximately 250 words). Every effort will be made to read your comment into the record, but some comments may not be read due to time limitations.

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 comment on items that are not listed on the regular agenda. 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 January 22, 2020 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.

5. DECLARATION OF CONFLICTS AND DISQUALIFICATIONS

6. CONSENT ITEM

- A. **POLICIES AND PROCEDURES UPDATE.** The Commission will consider approval of non-substantive updates to Section 2 and 4 of its policies and procedures, consistent with Government Code. (Staff Recommendation: Adopt Resolution No. 2020-02, approving the Policies and Procedures update.)

7. PUBLIC HEARINGS

- A. **OUT-OF-BOUNDARY SERVICE APPLICATION: SPENCER-MARSHALL (CITY OF MODESTO):** The City of Modesto has requested approval of an area-wide out-of-boundary sewer service extension to the unincorporated Spencer-Marshall area. The area consists of 114 parcels totaling approximately 53 acres. As the territory is outside the City's limits, LAFCO review is required prior to the extension of City services. (Staff Recommendation: Adopt Resolution No. 2020-03, approving the application.)
- B. **LAFCO BUDGET FOR FISCAL YEAR (FY) 2020-2021.** The Commission will consider the adoption of the proposed LAFCO budget and conditional approval of the final budget consistent with Government Code Sections 56380 and 56381. (Staff Recommendation: Approve the proposed budget and conditional final budget and adopt Resolution No. 2020-05 and 2020-06.)

8. OTHER BUSINESS

None.

9. COMMISSIONER COMMENTS

Commission Members may provide comments regarding LAFCO matters.

10. ADDITIONAL MATTERS AT THE DISCRETION OF THE CHAIRPERSON

The Commission Chair may announce additional matters regarding LAFCO matters.

11. EXECUTIVE OFFICER'S REPORT

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

A. On the Horizon.

12. ADJOURNMENT

A. Set the next meeting date of the Commission for June 24, 2020.

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.
