
**SAN JOAQUIN
LOCAL AGENCY FORMATION COMMISSION**

LAFCo

509 W. WEBER AVENUE SUITE 420 STOCKTON, CA 95203

AGENDA

Thursday, December 12, 2019 9:00 A. M.

BOARD OF SUPERVISORS CHAMBERS
44 NORTH SAN JOAQUIN STREET, 6TH FLOOR
STOCKTON, CALIFORNIA

* * * *

Call to Order
Announce Date and Time of Meeting for the Record
Roll Call
Pledge of Allegiance

CONSENT ITEMS

1. MEETING MINUTES OF OCTOBER 10, 2019
(Action by All Members)
Approve Summary Minutes of the regular meeting.
2. OUT-OF-AGENCY SERVICE REQUEST
(Action by Regular Members)
Request from the City of Stockton to provide out-of-agency sewer service outside the City boundary under Government Code §56133 to 2375 E. Willow Street, 5210 Hobart Avenue, 3604 Utah Avenue, 4325 E. Washington Street, 509 S. Anteros Avenue, 146 Del Mar Avenue, and 1225 College Avenue, Stockton.
3. OUT-OF-AGENCY SERVICE REQUEST
(Action by Regular Members)
Request from the City of Lodi to provide out-of-agency domestic water supply outside the City boundary under Government Code §56133 to Henderson School, 13451 North Extension Road, Lodi.

ACTION ITEMS

4. RESOLUTION ORDERING THE TRACY VILLAGE REORGANIZATION TO THE CITY OF TRACY SUBJECT TO CONFIRMATION BY THE REGISTERED VOTERS (LAFCo 24-19)
(Action by Regular Members)

Report from the Executive Officer on the results from the protest hearing held on November 14, 2019.

PUBLIC COMMENTS

5. Persons wishing to address the Commission on matters not otherwise on the agenda.

CORRESPONDENCE

6. Written communication received from David P. Hale, General Counsel, San Joaquin County Fire Authority, dated October 10, 2019

EXECUTIVE OFFICER COMMENTS

7. Comments from the Executive Officer

COMMISSIONER COMMENTS

8. Comments, Reports, or Questions from the LAFCO Commissioners

CLOSED SESSION

9. Open Session Disclosure Regarding Closed Session Items pursuant to Government Code Section 54957.7
10. CLOSED SESSION
 - A. Conference with Legal Counsel-Existing Litigation pursuant to Government Code Section 54956.9(a)
Name of Case: Pacific Gas and Electric v. San Joaquin LAFCo and South San Joaquin Irrigation District (San Joaquin County Superior Court Case No. 39-2015-00321743-CU-JR-STK)
 - B. Conference with Legal Counsel-Existing Litigation pursuant to Government Code Section 54956.9(a)
Name of Case: Tracy Rural County Fire Protection District with the City of Tracy as named Real Party of Interest v. San Joaquin LAFCo (San Joaquin County Superior Court Case No. 2019-9687)
11. Open Session Report on Closed Session pursuant to Government Code Section 54957.1

ADJOURNMENT

LAFCo

509 W. WEBER AVENUE SUITE 420 STOCKTON, CA 95203

**SUMMARY MINUTES
October 10, 2019**

BOARD OF SUPERVISORS CHAMBERS
44 NORTH SAN JOAQUIN STREET, 6TH FLOOR
STOCKTON, CALIFORNIA

Chairman Peter Johnson called the meeting to order at 9:04 a.m.

MEMBERS PRESENT: Commissioners Andrade, Johnson, Krumeich, Patti, and Villapudua

MEMBERS ABSENT: None

ALTERNATE MEMBERS PRESENT: Commissioner Winn

ALTERNATE MEMBERS ABSENT: Commissioners Bretenbucher and Morowit

OTHERS PRESENT: James Glaser, Executive Officer; Rod Attebery, Legal Counsel; and Mitzi Stites, Commission Clerk

CONSENT ITEMS

A motion was made by Commissioner Patti, and seconded by Commissioner Andrade to approve the Consent Calendar.

The motion for approval of the Summary Minutes of August 8, 2019 meeting was passed by a unanimous vote of the Commission.

The motion for approval for the out-of-agency service requests to the property located at 3445 Mourfield Avenue, 3405 Coronado Avenue, 5273 E. Sonora Street, and 5247 E. Sonora Street, Stockton, was passed by a unanimous vote of the regular voting members of the Commission.

PUBLIC HEARING

3. BSNF RAILROAD AND EBMUD LAND ANNEXATION TO THE RECLAMATION DISTRICT 2039 – JONES TRACT (LAFC 22-19) *(Action by Regular Members)*

Mr. Glaser, Executive Officer, presented a PowerPoint presentation which provided a background on the proposal to annex BNSF Railroad and EBMUD land to Reclamation District 2039, Jones Tract. In 2018, the Commission approved a Municipal Service Review (MSR) and Sphere of Influence (SOI) and subsequently the consolidation of Reclamation District 2038 (Lower Jones Tract) and Reclamation District 2039 (Upper Jones Tract). Although the Reclamation Districts consolidated, the district remained separated by the railroad embankment for the BNSF line. The MSR found that the BNSF Railroad and the EBMUD properties benefit by the levee and drainage services provided by Reclamation District 2039 and recommended that it be included into the District.

Staff recommends that the Commission approve Resolution No. 1415, approving annexation of the BNSF Railroad and EBMUD lands to Reclamation District No. 2039, Jones Tracts.

Chairman Johnson opened the floor to Commissioner Comments.

No comments were made.

Chairman Johnson closed the floor to Commissioner Comments.

Chairman Johnson opened the floor to Public Comments.

Dante John Nomellini, Secretary and Council to Reclamation District No. 2039, Jones Tracts, stated that the landowners are in favor of this project and would like the Commission to approve this annexation.

Chairman Johnson closed the floor to Public Comments.

A motion was made by Commissioner Andrade and second by Commissioner Patti to approve Resolution No. 1415, approving the BNSF Railroad and EBMUD Land annexation to Reclamation District No. 2039, Jones Tracts.

Roll Call Vote:

Ayes: Commissioners Andrade, Patti, Villapudua, Krumeich, and Chairman Johnson

Nos: None

Absent: None

4. AMENDMENT TO THE SOUTH SAN JOAQUIN IRRIGATION DISTRICT MUNICIPAL SERVICE REVIEW AND SPHERE OF INFLUENCE PLAN (LAFC 23-19)

(Action by Regular Members)

Request to amend the Municipal Service Review and the Sphere of Influence Plan for the South San Joaquin Irrigation District.

Mr. James Glaser, Executive Officer, provided a PowerPoint overview of the history of SSJID and the process to amend the Municipal Service Review (MSR) and the Sphere of Influence (SOI).

South San Joaquin Irrigation District requested an amendment to their MSR and SOI by three changes:

Area D – A change in the sphere horizon affecting 5,240 acres from the 30 year to 10 year for irrigation and drainage (retail electric to remain in the 30- year horizon)

Area F – A change in the sphere horizon from 30 year to 10 year for irrigation and drainage for approximately 40 acres (originally part of Area B)

Area G – An expansion of the sphere by 80- acres to allow irrigation and drainage in the 10-year horizon.

Mr. Glaser recommended that the Commission adopt Resolution No. 1416 approving the amendment to the Municipal Service Review and the Sphere of Influence Plan for South San Joaquin Irrigation District.

Chairman Johnson opened up the floor for Commissioner Comments.

Commissioner Winn questioned the coverage of retail electric that was shown on the map. It looks as if Area D is not in the district and includes part of the City of Ripon.

Mr. Glaser, Executive Officer, stated that a part of Ripon is not in the irrigation district. There is no boundary change for electric. Today's action is for the provision of irrigation and drainage services only.

Chairman Johnson opened the floor to Public Comments.

Tom Teicheira, landowner and farmer in the City of Manteca, voiced his concerns regarding additional floodwaters or storm surface water that uses drainage ditch #11.

Peter Rieterk, General Manager, South San Joaquin Irrigation District, stated that this amendment to the MSR will not affect that area through drainage ditch #11.

Marian Rollins, resident of Manteca, spoke on behalf of Martin Harris, and Raymond Quaresma to voice concerns over the amendment.

Chairman Johnson closed Public Comments.

A motion was made by Commissioner Patti and second by Commissioner Villapudua to approve Resolution No. 1416, amending the Municipal Service Review and the Sphere of Influence Plan for South San Joaquin Irrigation District.

Roll Call Vote:

Ayes: Commissioners Andrade, Patti, Villapudua, Krumeich, and Chairman Johnson

Nos: None

Absent: None

5. TRACY VILLAGE REORGANIZATION TO THE CITY OF TRACY (LAFC 24-19)
(Action by Regular Members)

Request to annex approximately 180 acres to the City of Tracy with concurrent detachment from the San Joaquin County Resource Conservation District and Tracy Rural Fire Protection District

Mr. Glaser, Executive Officer, presented a PowerPoint of the request from City of Tracy for annexation of 180 acres for development of a gated, age-restricted subdivision consisting of 590 single-family homes and the annexation of 42 lots with existing rural residential homes. Mr. Glaser stated that LAFCo received several written letters of opposition, therefore protest proceedings apply to the project. He recommended that the Commission approve Resolution No. 1417 approving the annexation of 180 acres to the City of Tracy and direct the Executive Officer to conduct protest proceedings.

Bill Dean, City of Tracy, stated that the City has had several meetings with the residents of the 42 parcels and that the City concurs with LAFCo's staff report and recommendation.

Chairman Johnson opened the floor to Commissioner's comments.

Commissioner Patti ask Mr. Dean, City of Tracy, if most of the community was in favor of this project and if the City plans on meeting further with the community.

Mr. Dean, City of Tracy, stated that although they have received a few letters, most are in favor of this project. They City has sent letters to the community and they are open to more dialogue with them.

Chairman Johnson closed the floor to Commissioner Comments.

Chairman Johnson opened the floor to Pubic Comments.

Tad Neave, Division Chief, South San Joaquin County Fire Authority, spoke on behalf of Chief Bradley as he was out of town. Division Chief Neave wanted to correct an error that he believed occurs on page 3 of the Staff Report. Tad Neave stated that the letter submitted by Chief Bradly is not his opinion but that of the Board of Directors. Tad Neave stated the Authority supports the annexation but the project should not detach from the Tracy Rural Fire Protection District.

Mark Bowman, Attorney for Tracy Rural Fire Protection District, stated that they do not want to stand in the way of this annexation but believe that non-detachment is a better fire service model for the City of Tracy. There is a JPA in Tracy for fire service; this model is what is better for the City of Tracy.

Jeff Schroeder, Ponderosa Homes, requested that the Commission approved this project. He stated that if this project is approved in December, construction will begin in March. Mr. Schroeder has talked to the community and believes that there would not be any more delays.

Commissioner Patti thanked Mr. Schroeder for his due diligence on this project.

Walter Fritchey, resident, is concerned with the cost to connect to services. Understands the City will bring services to the curb but the residents need to pay for the connection. Mr. Fritchey also stated that there were more than a few residents who were against this project.

Herbie De la Cruz, resident, voiced his concerns against annexation to the City of Tracy.

John Manthey, resident, stated his concerns about the expansion of roads, traffic problems and connection fees.

Katherine Martinez De la Cruz, resident, inquired about her farm animals and if they are annexed into the City of Tracy, would she be able to keep them.

Bill Dean, City of Tracy, stated that she can keep the same number of animals and no one would be forced to connect into the City services until their current services need replacement. Chairman Johnson closed Public Comments.

Commissioner Krumeich requested information about the Protest Process.

Mr. Glaser, Executive Officer stated that for an inhabited annexation, if any owner of land or registered voter within the proposed annexation boundary submits a written statement opposing the Tracy Village annexation by the close of the Commission public hearing, a protest proceeding will be triggered. If, by the close of the protest hearing, 50% or more of the voters protest the annexation, the proceedings are terminated. If more than 25% but less than 50% of the voters or more than 25% of the number of owners of land who also own at least 25% of the assessed value of land protest the annexation, the action is subject to an election. If less than 25% of the registered voters or less than 25% of the number of owners of land owning less than 25% of the assessed value of land protests the annexation, the action requires approval. By policy, Commission has delegated the responsibility to hold protest proceedings to the Executive Officer.

Commissioner Winn stated that there are two issues that that are being discussed, one is the annexation/detachment and the other is the relationship between Tracy Rural and the City of Tracy. The only one that is before the Commission is the annexation/detachment. It seems that this is really simple and it should be approved.

Commissioner Patti stated that the concerns of the community are valid but we need more housing and this is a natural progression.

A motion was made by Commissioner Patti and a second by Commissioner Villapudua to approve Resolution No. 1417, approving the annexation of 180 acres to the City of Tracy and direct the Executive Officer to conduct protest proceedings.

Roll Call Vote:

Ayes: Commissioners Andrade, Patti, Villapudua, Krumeich, and Chairman Johnson

Nos: None

Absent: None

PUBLIC COMMENTS

6. Persons wishing to address the Commission on matters not otherwise on the agenda.

Mr. Alvarez, resident from the City of Tracy addressed the Commission regarding his annexation project.

EXECUTIVE OFFICER COMMENTS

7. Comments from the Executive Officer

James Glaser, Executive Officer, informed the Commission that the Annual CALAFCo Conference will take place from October 30 to November 1 in Sacramento. There will be no November meeting. There are currently four applications that are being reviewed: the consolidation of Bryon Bethany Irrigation District (B.B.I.D) and The West Side Irrigation District (T.W.S.I.D.); the dissolution of Holt Reclamation District; and the Alvarez and the Avenues annexations to the City of Tracy. The protest hearing results will also be brought back to the Commission.

COMMISSIONER COMMENTS

8. Comments, Reports, or Questions from the LAFCO Commissioners

Commissioner Patti is pleased with the timeline of the Tracy Village project and inquired the status of the Alvarez annexation.

Mr. Glaser, Executive Officer stated that the Alvarez application is currently being reviewed and that discussions are taking place with the City of Tracy in an effort to resolve outstanding issues.

CLOSED SESSION

9. Open Session Disclosure Regarding Closed Session Items pursuant to Government Code Section 54957.7

10. CLOSED SESSION

A. Conference with Legal Counsel-Existing Litigation pursuant to Government Code Section 54956.9(a)

Name of Case: Pacific Gas and Electric v. San Joaquin LAFCo and South San Joaquin Irrigation District (San Joaquin County Superior Court Case No. 39-2015-00321743-CU-JR-STK)

B. Conference with Legal Counsel-Existing Litigation pursuant to Government Code Section 54956.9(a)

Name of Case: Tracy Rural County Fire Protection District v. San Joaquin LAFCo, City of Tracy Real Party in Interest. (San Joaquin County Superior Court Case No. 2019-9687)

11. Open Session Report on Closed Session pursuant to Government Code Section 54957.1

There was no Closed Session.

The meeting adjourned at 11:50 a.m.

LAFCo

509 W. WEBER AVENUE SUITE 420 STOCKTON, CA 95203

EXECUTIVE OFFICER'S REPORT

December 12, 2019

TO: LAFCo Commissioners

FROM: James E. Glaser, Executive Officer

SUBJECT: **CITY OF STOCKTON OUT-OF-AGENCY SERVICE REQUESTS**

Recommendation

It is recommended that the Commission approve the requests from the City of Stockton to provide out-of-agency sewer service under the Government Code §56133 to properties located at 2375 E. Willow Street, 5210 Hobart Avenue, 3604 Utah Avenue, 4325 E. Washington Street, 509 S. Anteros Avenue, 146 S. Del Mar Avenue, and 1225 College Avenue, Stockton.

Background

Government Code Section §56133 states that the Commission may authorize a city or special district to provide new or extended services outside its jurisdictional boundaries but within its sphere of influence in anticipation of a later change of organization and that prior to providing new or extended service, the city or district must first receive approval from LAFCo. The Commission adopted a policy that conditions their approval for out-of-agency service requiring the recordation of an agreement with the landowner consenting to annexation of their property when annexation becomes feasible.

The City of Stockton submitted requests for approval to extend sanitary sewer services to single family residences outside the city limits but within the City's sphere of influence. A vicinity map is attached showing the locations of each out-of-agency request. Connections to City sewer lines are available to the properties and the property owners have paid the appropriate connection fees to the City. The requests for out-of-agency service are in compliance with the Government Code §56133 and Commission policies. Staff recommends approval of the attached Resolution 1418 approving out-of-agency services.

Attachment: Resolution No. 1418
Vicinity Map

Resolution No. 1418

**BEFORE THE SAN JOAQUIN LOCAL AGENCY FORMATION COMMISSION
APPROVING AN OUT-OF-AGENCY SANITARY SEWER SERVICE FROM THE
CITY OF STOCKTON TO 2375 E. WILLOW STREET, 5210 HOBART STREET, 3604
UTAH AVENUE, 4325 E. WASHINGTON STREET, 509 S. ANTEROS AVENUE, 146 S.
DEL MAR AVENUE, AND 1225 COLLEGE AVENUE, STOCKTON.**

WHEREAS, the above-reference requests have been filed with the Executive Officer of the San Joaquin Local Agency Formation Commission pursuant to §56133 of the California Government Code.

NOW THEREFORE, the San Joaquin Local Agency Formation Commission DOES HEREBY RESOLVE, DETERMINE, AND ORDER as follows:

Section 1. Said out-of-agency service request is hereby approved.

Section 2. The proposal is found to be Categorically Exempt from CEQA.

Section 3. The proposal is subject to the following conditions:

- a. Prior to connection to the city sewer or water, the City of Stockton shall record a covenant and agreement with the property owners to annex to the City of Stockton in a form acceptable to the Executive Officer.
- b. This approval and conditions apply to current and future property owners.

PASSED AND ADOPTED this 12th day of December, by the following roll call votes:

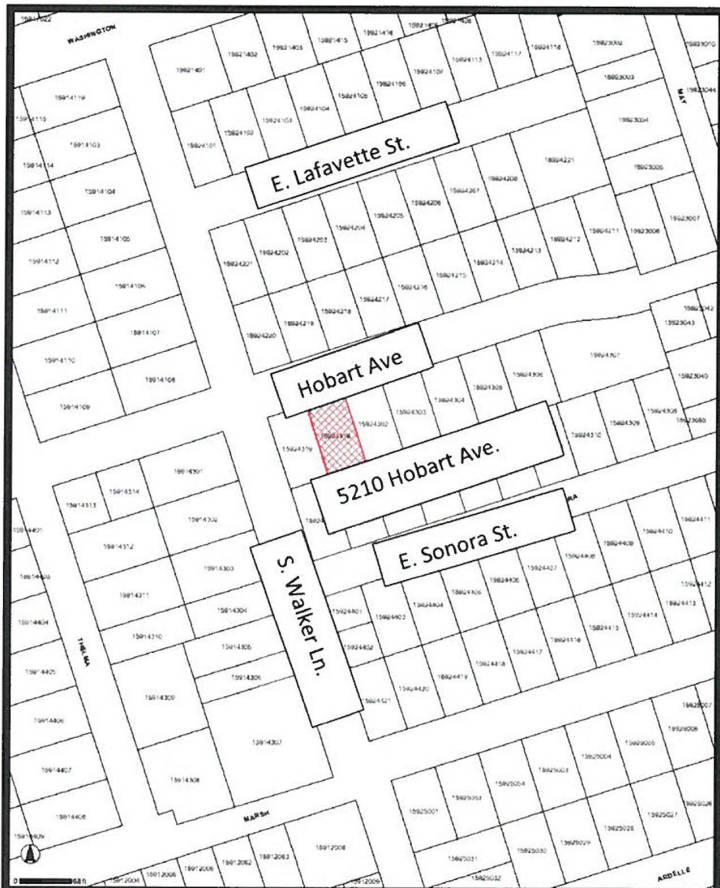
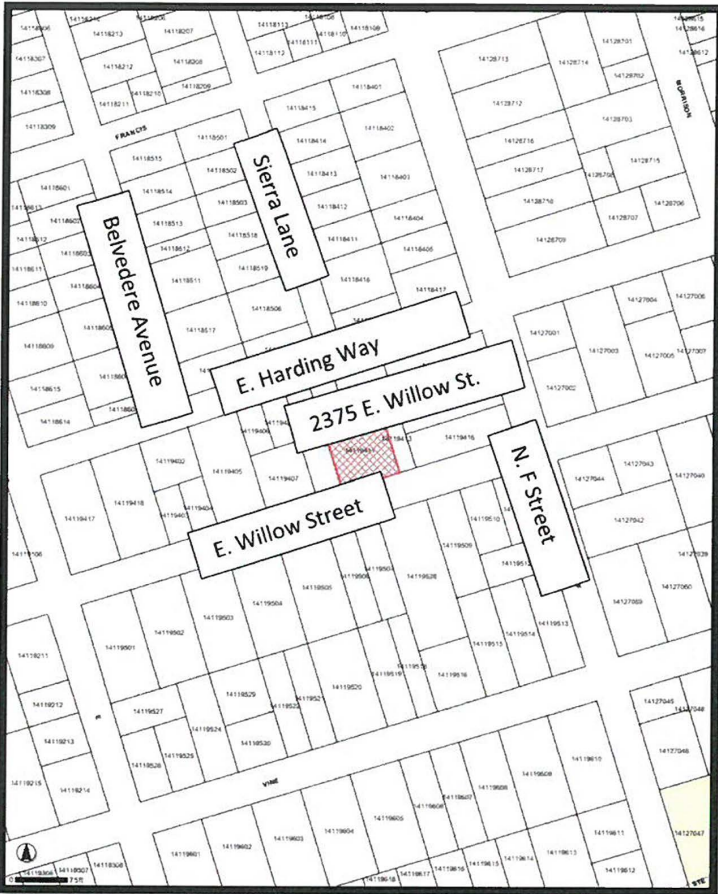
AYES:

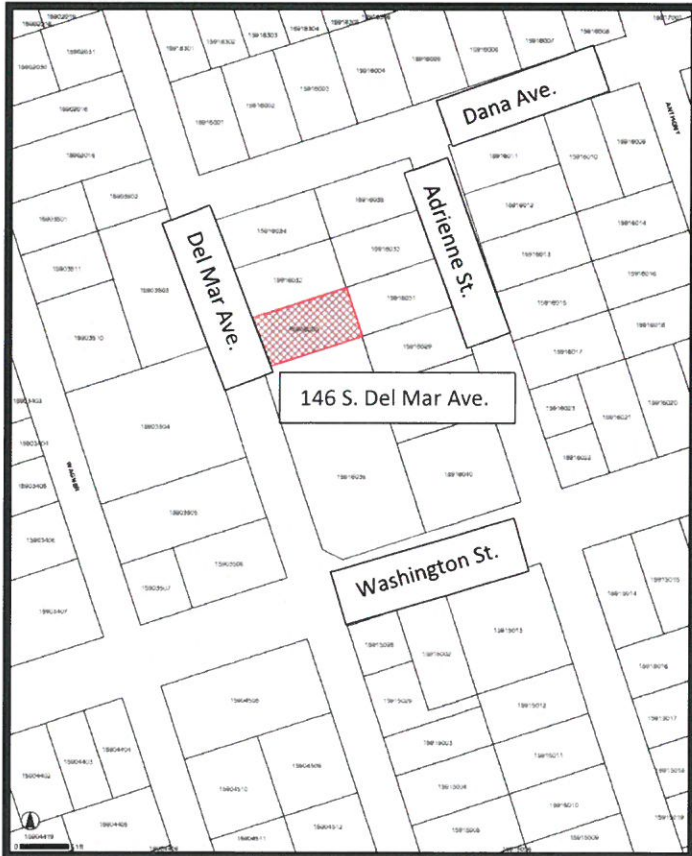
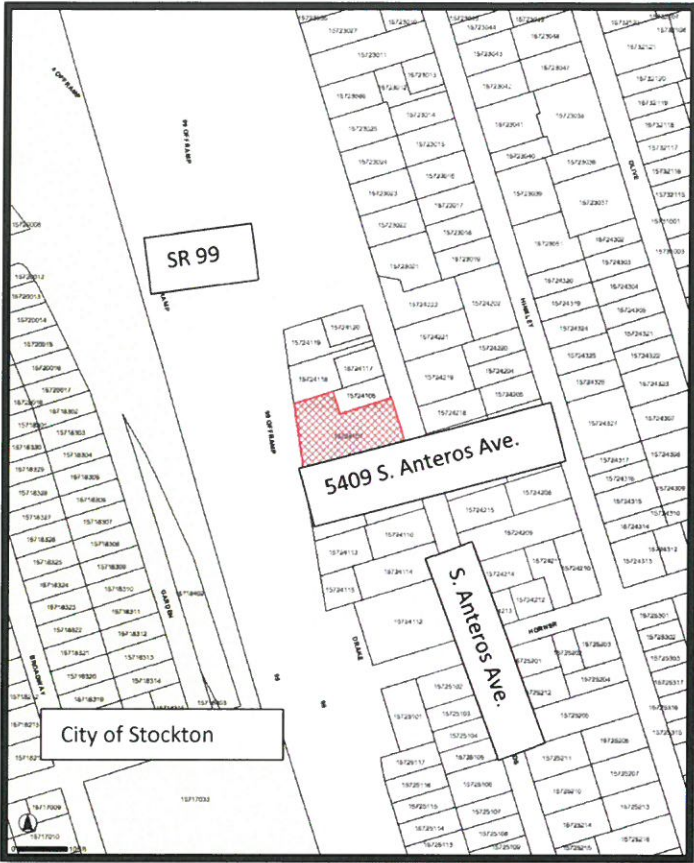
NOES:

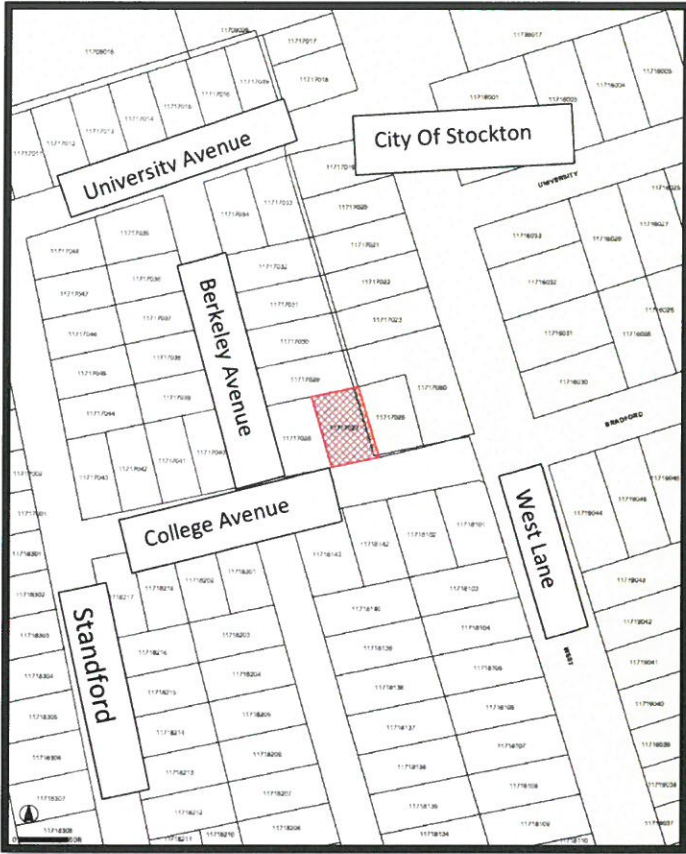
ABSENT:

Peter M. Johnson, Chairman
San Joaquin Local Agency
Formation Commission

Res. No. 1418
12-12-19







LAFCo

509 W. WEBER AVENUE SUITE 420 STOCKTON, CA 95203

EXECUTIVE OFFICER'S REPORT

December 12, 2019

TO: LAFCo Commissioners

FROM: James E. Glaser, Executive Officer

SUBJECT: **CITY OF LODI OUT-OF-AGENCY SERVICE REQUEST**

Recommendation

It is recommended that the Commission approve the request from the City of Lodi to provide out-of-agency domestic water supply under the Government Code §56133 to property located to Henderson School, 13451 North Extension Road, Lodi

Background

Government Code Section §56133 states that the Commission may authorize a city or special district to provide new or extended services outside its jurisdictional boundaries but within its sphere of influence in anticipation of a later change of organization and that prior to providing new or extended service, the city or district must first receive approval from LAFCo. The Commission adopted a policy that conditions their approval for out-of-agency service requiring the recordation of an agreement with the landowner consenting to annexation of their property when annexation becomes feasible.

The City of Lodi submitted a request for approval to extend domestic water supply to a school outside the city limits but within the City's sphere of influence. A vicinity map is attached showing the location of the out-of-agency request. Connection to City domestic water supply lines are available to the property and the property owner has paid the appropriate connection fees to the City. The request for out-of-agency service is in compliance with the Government Code §56133 and Commission policies. Staff recommends approval of the attached Resolution 1419 approving out-of-agency services.

Attachment: Resolution No. 1419
Vicinity Map

Resolution No. 1419

**BEFORE THE SAN JOAQUIN LOCAL AGENCY FORMATION
COMMISSION APPROVING AN OUT-OF-AGENCY DOMESTIC WATER
SUPPLY SERVICE FROM THE CITY OF LODI TO 1345 N. EXTENSION
ROAD, LODI.**

WHEREAS, the above-reference requests have been filed with the Executive Officer of the San Joaquin Local Agency Formation Commission pursuant to §56133 of the California Government Code.

NOW THEREFORE, the San Joaquin Local Agency Formation Commission DOES HEREBY RESOLVE, DETERMINE, AND ORDER as follows:

Section 1. Said out-of-agency service request is hereby approved.

Section 2. The proposal is found to be Categorically Exempt from CEQA.

Section 3. The proposal is subject to the following conditions:

- a. Prior to connection to the city domestic water supply, the City of Lodi shall record a covenant and agreement with the property owners to annex to the City of Lodi in a form acceptable to the Executive Officer.
- b. This approval and conditions apply to current and future property owners.

PASSED AND ADOPTED this 12th day of December, by the following roll call votes:

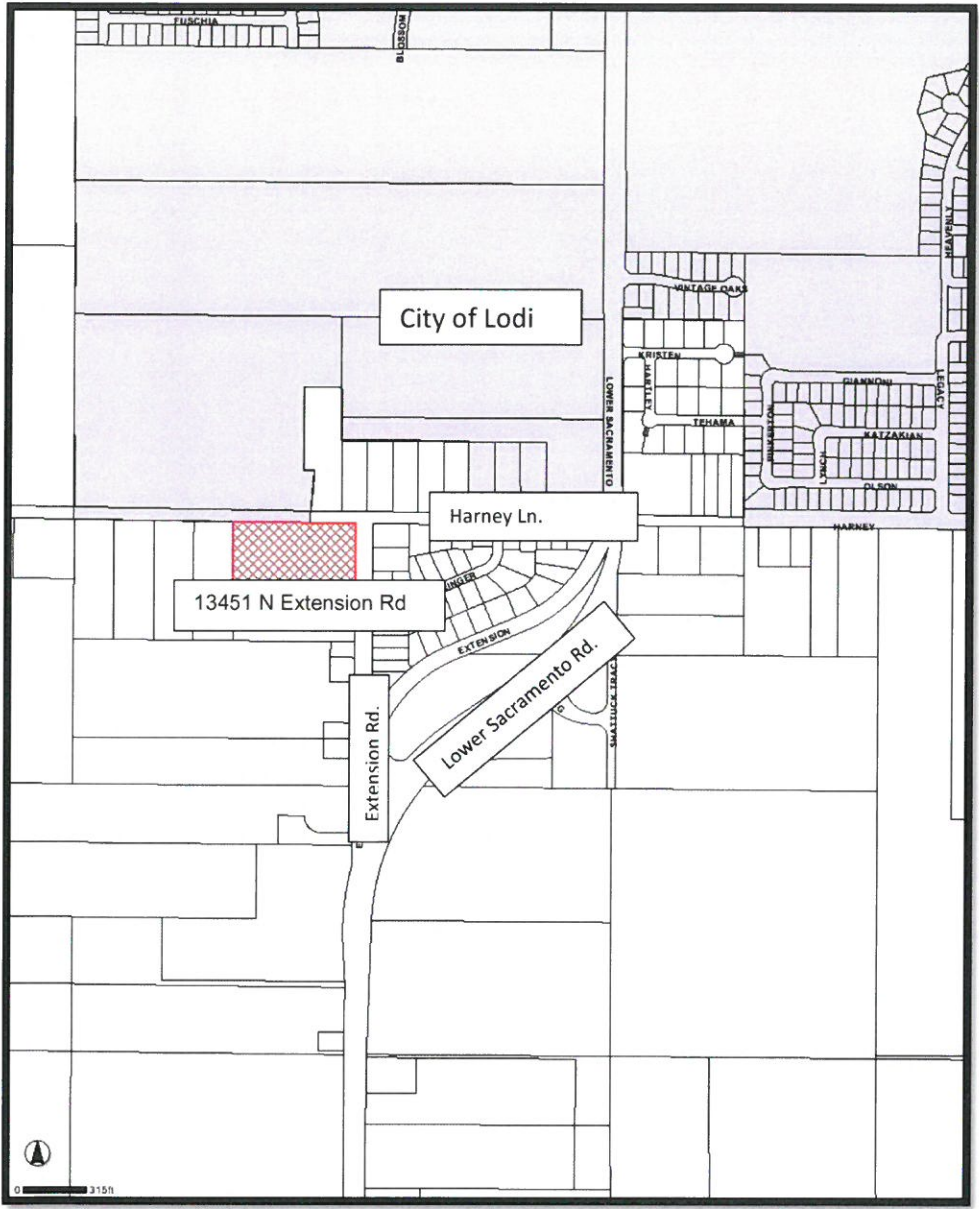
AYES:

NOES:

ABSENT:

Peter M. Johnson, Chairman
San Joaquin Local Agency
Formation Commission

Res. No. 1419
12-12-19



LAFCo

509 West Weber Avenue Suite 420 STOCKTON, CA 95203

EXECUTIVE OFFICER'S REPORT

December 12, 2019

TO: LAFCo Commissioners

FROM: James E. Glaser, Executive Officer

SUBJECT: Results of Protest Hearing for Tracy Village Reorganization to the City of Tracy (LAFCo 24-19)

Recommendation

It is recommended that the Commission approve Resolution No. 1420 ordering the Tracy Village Reorganization to the City of Tracy subject to confirmation by registered voters.

Background

On October 10, 2019 the Commission considered and approved an annexation proposal from the City of Tracy to annex 180 acres to the City with concurrent detachments from the Tracy Rural Fire District and San Joaquin County Resource Conservation District. The reason for the annexation request is for the development of a gated- and age-restricted subdivision consisting of 590 single-family homes on 135.2 acres. The remaining acres consist of the adjacent 42-lots of existing rural residential units and portions of Corral Hollow and Valpico Roads. The annexation boundaries are shown on Exhibit A. The Commission's approval was subject to a protest hearing as the proposed annexation area was "inhabited" having more than 12 registered voters and it did not have 100% consent of the landowners to annex. The protest hearing provides the landowners and registered owners within the annexation boundaries the opportunity to submit written protests against the annexation. As directed by the Commission, the Executive Officer conducted a public hearing to receive written protests on November 14, 2019 at 9:30 a.m. at Tracy City Hall, Room 203, 333 Civic Center Drive, Tracy.

Results of Protest Hearing

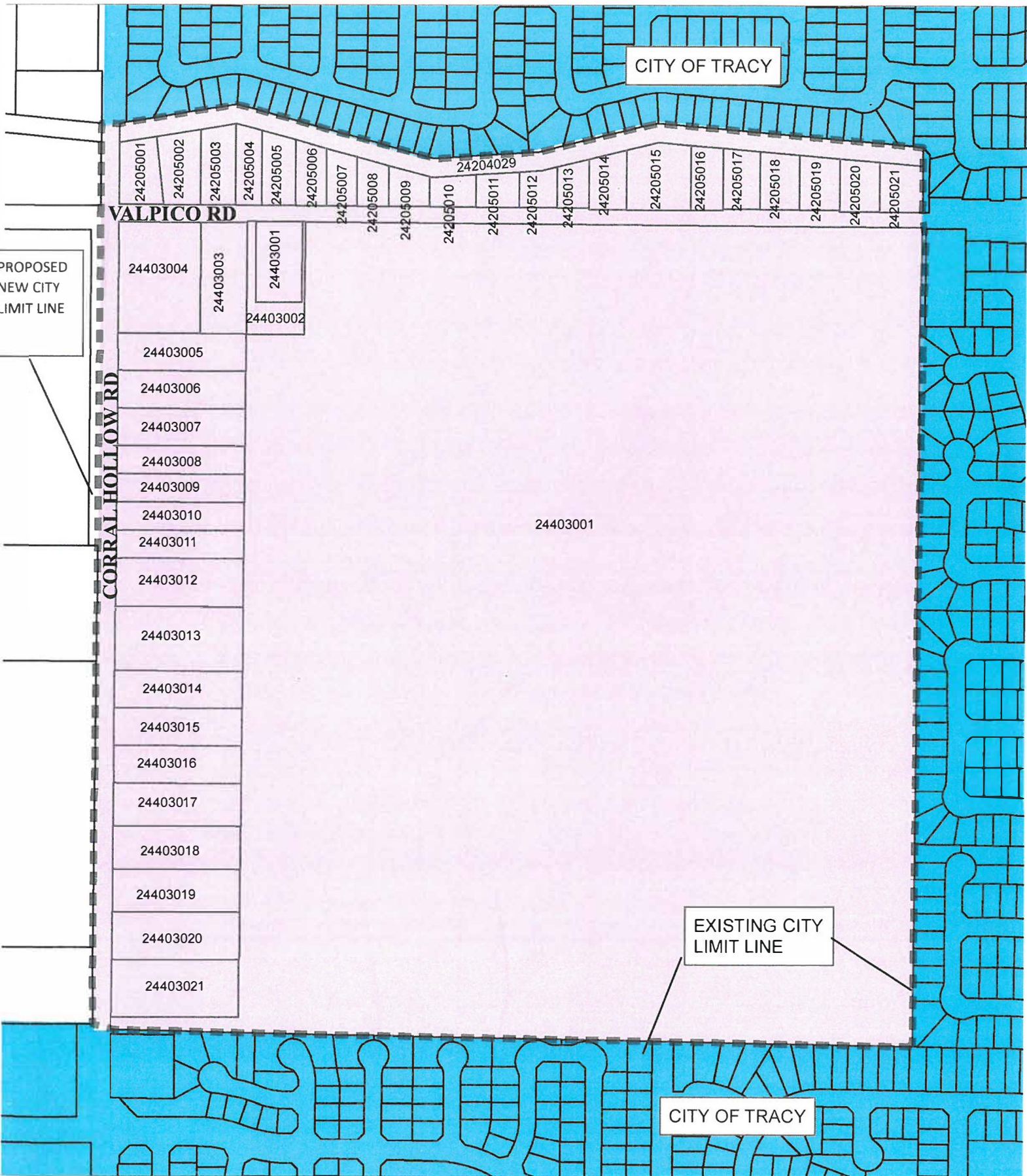
The protest hearing was attended by City of Tracy staff, the developer of the project, and residents from within the Tracy Village annexation boundaries. LAFCo determined that the proposed

annexation area consisted of 44 property owners and 61 registered voters eligible to protest the annexation. The list of certified registered voters was provided by the County Registrar of Voters at the time LAFCo issued the Certificate of Filing for the City's annexation application.

By the close of the hearing, LAFCo received 32 written protests from registered voters and one protest from a property owner. Upon certification of the written protests it was determined that 4 of the 32 written protests submitted were not eligible to vote under protest proceeding requirements. It was therefore determined that LAFCo received 28 or 47.5% written protests from registered voters. Under the LAFCO Conducting Authority Proceedings, if more than 50% of the voters residing in the territory provide written protest, the annexation is terminated. Since the number of written protests received was less than 50% but more than 25% the annexation approval is now subject to an election.

Based on the final results of written protests submitted and not withdrawn, the Commission must direct the Executive Officer to inform the San Joaquin County Board of Supervisors that the City's annexation proposal is now subject to confirmation by the registered voters within the annexation boundary and request that the Board direct its election official to conduct the necessary election pursuant to Government Code Section 57000(d).

Attachment: Vicinity Map
Conducting Authority Resolution No. 1420



Legend

- CITY OF TRACY
- TRACY VILLAGE

TRACY VILLAGE ANNEXATION VICINITY MAP

SAN JOAQUIN COUNTY CALIFORNIA



0 100 200 400 600 800 1,000



RESOLUTION NO. 1420

**SAN JOAQUIN LOCAL AGENCY FORMATION COMMISSION
CONDUCTING AUTHORITY**

**RESOLUTION ORDERING THE TRACY VILLAGE REORGANIZATION TO THE CITY
OF TRACY SUBJECT TO CONFIRMATION BY THE REGISTERED VOTERS
(LAFC 24-19)**

WHEREAS, the San Joaquin Local Agency Formation Commission (LAFCo) on October 10, 2019 approved LAFCo Resolution No. 1417 approving the Tracy Village Reorganization to the City of Tracy with concurrent detachment from Tracy Rural Fire District and the San Joaquin County Resource Conservation District;

WHEREAS, the change of organization consisted of the annexation of 180 acres to the City of Tracy;

WHEREAS, the affected boundaries of the annexation are described in Exhibit A of LAFCo Resolution No. 1417;

WHEREAS, the Commission did set forth the reasons for approval of the reorganization, made determinations, including those required by the California Environmental Quality Act (CEQA), and approved terms and conditions for the annexation described in LAFCo Resolution No. 1417, attached hereto and by this reference incorporated herein;

WHEREAS, the Tracy Village Reorganization is inhabited and did not have 100% owner-consent;

WHEREAS, the Commission directed the Executive Officer, pursuant to Government Code Section 56881(d), to initiate protest proceedings pursuant to Part 4 of Government Code commencing with Section 57000;

WHEREAS, the Executive Officer set the proposal for protest hearing on November 14, 2019 at the hour of 9:30 a.m., at Tracy City Hall, Room 203, 333 Civic Center Drive, Tracy;

WHEREAS, notice, in the form and manner required by law, has been given for the conducting authority proceedings by the Executive Officer, pursuant to Government Code Section 57025;

WHEREAS, pursuant to Government Code Section 57002, the Executive Officer has conducted the public hearing for the purpose of receiving written protests;

WHEREAS, the conducting authority proceeding hearing was conducted on November 14, 2019;

WHEREAS, written protests were received from 47.5% of the registered voters residing within the affected territory and one written protest was submitted by a landowner;

WHEREAS, a resolution ordering the change of organization subject to confirmation by registered voters is required pursuant to Part 4 of the Cortese Knox Hertzberg Local Government Reorganization Act of 2000 commencing with Section 57000 of the Government Code.

NOW, THEREFORE THE SAN JOAQUIN LOCAL AGENCY FORMATION COMMISSION HEREBY RESOLVES, DETERMINES, AND ORDERS as follows:

1. The subject annexation is hereby ordered subject to confirmation by the registered voters pursuant to Government Code Section 57075(a)(2).
2. The established boundaries of the annexation are those set forth in Exhibit A of LAFCo Resolution No. 1417.
3. The territory is within the Sphere of Influence of the City of Tracy.
4. The reason for the change of organization is to extend municipal services to the annexed territory.
5. The regular county assessment roll will be utilized.
6. The affected territory will not be taxed for existing general bonded indebtedness for the City of Tracy.
7. Directs the Executive Officer to inform the San Joaquin County Board of Supervisors of the order of the annexation subject to confirmation by the registered voters being ordered under this resolution and request that the Board of Supervisors direct the elections official to conduct the necessary election as required by Government Code Section 57000(d).
8. Directs that the election be conducted within the territory to be annexed as permitted under Government Code Section 57118(d).
9. Directs the Executive Officer to conduct any and all actions necessary or required for this process.

PASSED AND ADOPTED this 12th day of December 2019 by the following vote:

AYES:

NOES:

ABSENT:

PETER M. JOHNSON, CHAIRMAN
San Joaquin Local Agency
Formation Commission

RESOLUTION NO. 1417

**BEFORE THE SAN JOAQUIN LOCAL AGENCY FORMATION COMMISSION
APPROVING THE TRACY VILLAGE REORGANIZATION TO THE CITY OF
TRACY WITH CONCURRENT DETACHMENTS FROM TRACY RURAL FIRE
PROTECTION DISTRICT AND THE SAN JOAQUIN COUNTY RESOURCE
CONSERVATION DISTRICT (LAFC 24-19)**

WHEREAS, the above entitled proposal was initiated by resolution by the City of Tracy and on September 10, 2019 the Executive Officer certified the application filed for processing in accordance with the Local Government Reorganization Act of 2000; and

WHEREAS, the Commission held a public hearing on the proposed reorganization on October 10, 2019 in the Board of Supervisors Chambers, 44 North San Joaquin Street, 6th Floor, Stockton, CA, pursuant to notice of hearing which was published, posted, and mailed in accordance with State law; and

WHEREAS, at said hearing the Commission heard and received evidence, both oral and written regarding the proposal, and all persons present were given an opportunity to be heard; and

WHEREAS, the City of Tracy certified and adopted an Environmental Impact Report (State Clearinghouse No. 2016112016) and approved Mitigation Measures/Monitoring and Reporting Program for the Tracy Village Development Project;

WHEREAS, the subject territory is inhabited and does not have 100% owner consent;

WHEREAS, the Commission has, in evaluating the proposal considered the report submitted by the Executive officer, the factors set forth in Section 56668 of the California Government Code and testimony and evidence presented at the public hearing held on October 10, 2019;

NOW, THEREFORE, the San Joaquin Local Agency Formation Commission DOES HEREBY RESOLVE, DETERMINE, AND ORDER as follows:

Section 1. Certifies that, as a Responsible Agency, the Commission has independently reviewed and considered the Tracy Village Environmental Impact Report (State Clearinghouse No 2016112016) and adopts the CEQA Mitigation Measures/Monitoring and Reporting Program as certified by the City of Tracy.

Section 2. Finds that the proposal is inhabited and does not have 100% owner consent.

Section 3. Finds that written protests were received by landowners or registered voters within the project area by the conclusion of the hearing; and therefore, directs the

Executive Officer to conduct protest proceedings pursuant to Chapter 4 (commencing with Section 56065 of Part 4 of the Government Code;

Section 4. Approves the annexation of the Tracy Village Reorganization to the City of Tracy with concurrent detachments from the Tracy Rural Fire Protection District and the San Joaquin County Resource Conservation District with the boundary attached hereto as Exhibit A.

Section 5. Finds, pursuant to Government Code Section 56856.5, the reorganization is necessary to provide services to planned, well-ordered, and efficient urban development patterns that include appropriated consideration of the reservation of open-space lands within those urban development patterns.

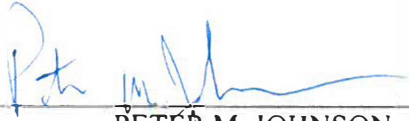
Section 6. Finds, that Tracy Rural Fire District has not demonstrated that the action will negatively impact the special district's budget or services or require the continuation of services without the provision of adequate funding.

PASSED AND ADOPTED this 10th day of October 2019 by the following roll call vote:

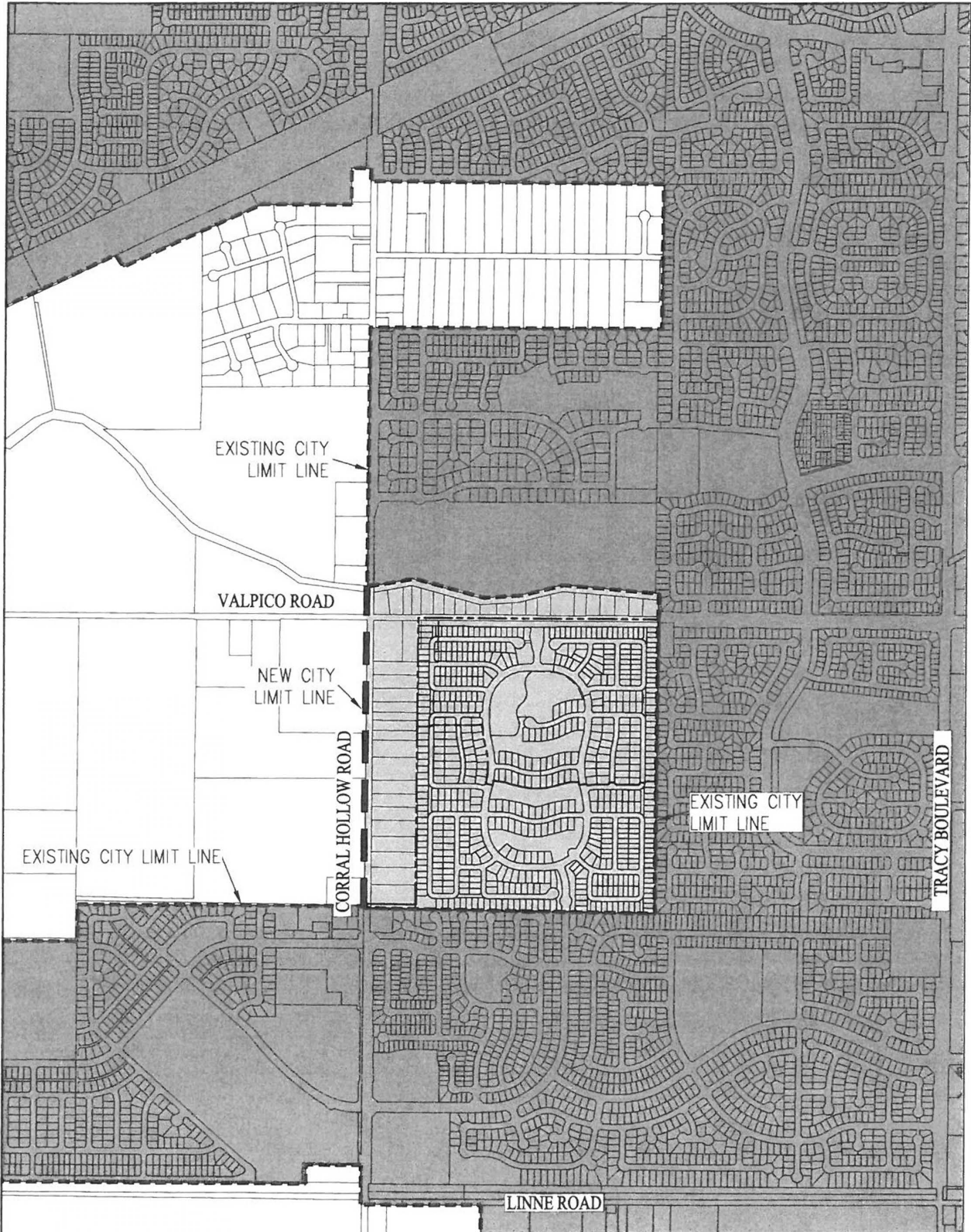
AYES: Commissioners Andrade, Krumeich, Patti, Villafudua, and Chairman Johnson

NOES:






ABSENT: None



PETER M. JOHNSON, CHAIRMAN
San Joaquin Local Agency Formation Commission

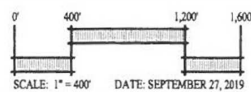


LEGEND

-  NEW CITY LIMIT LINE
-  EXISTING CITY LIMIT LINE
-  TRACY VILLAGE BOUNDARY LINE
-  ANNEXATION AREA
-  CITY LIMITS

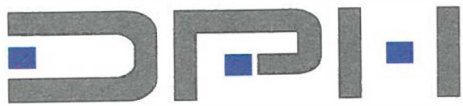
**TRACY VILLAGE ANNEXATION
VICINITY MAP**

SAN JOAQUIN COUNTY CALIFORNIA



cbg Carlson, Barbee & Gibson, Inc.
 CIVIL ENGINEERS - SURVEYORS - PLANNERS
 www.cbginc.com

SAN RAMON, CALIFORNIA (925) 366-0222
 SACRAMENTO, CALIFORNIA (916) 875-1877



Mailed by US Mail and e-mail

October 15, 2019

Mr. James Glaser
 Executive Officer
 San Joaquin Local Agency
 Formation Commission
 509 West Weber Ave., Ste. 420
 Stockton, CA 95203

Re: LAFCO Meeting, October 10, 2019
 Tracy Village Reorganization to The City of Tracy (LAFCO 24-19)

Dear Mr. Glaser:

My Office represents the South San Joaquin County Fire Authority as General Counsel. This letter is being addressed to you at the request of Chief Bradley of the South San Joaquin County Fire Authority (SSJCFCA) to correct a number of oral statements made during the Commission's public meeting on October 10, 2019 and incorrect information contained within your staff report related to the above referenced project.

Your staff report on page 3 of 10 stated the following comments in regards to a letter Chief Bradley sent to the LAFCO Board which is attached hereto as Exhibit "A".

LAFCO received letters from Tim Smith, Chairman, Tracy Rural County Fire Protection District (Tracy Rural) dated September 17, 2019, and from Randall Bradley, Fire Chief, South San Joaquin County Fire Authority (SSJCFCA) dated September 16, 2019 opposing the detachment (Exhibit D). [Emphasis added]

Your staff report further footnoted your erroneous opinion that the letter submitted by Chief Bradley dated September 16, 2019 was in fact only his personal opinion and not that of the Authority. The footnote states the following:

¹ Confirmed by Chief Bradley on September 24, 2019 the matter regarding Tracy Village Reorganization to the City of Tracy has not been considered by the Fire Authority Board and that the comments contained in the letter dated September 17, 2019 reflect only the opinions of Chief Bradley and not that of the "Authority".
 [Emphasis added]

You questioned during the public meeting on this agenda item what right Chief Bradley had to present a letter to the LAFCO Commission stating his personal position related to the subject annexation. You questioned the purview of the Chief of sending such a letter to LAFCO without the Board's direction or authority. All of the above statements both verbal and

written were made without doing any reasonable due diligence like seeking further clarification from Chief Bradley's office or mine if you didn't understand the governance issues which you obviously did not.

It would appear that you failed to use reasonable due diligence to ascertain the correct position of my client and erroneously transferred to the LAFCO Board information that was incorrect in light of the response you received from Chief Bradley. You sent Chief Bradley an e-mail on September 24, 2019 requesting additional clarification related to whether the statements made within Chief Bradley's September 16, 2019 letter were those of his own opinion or a position of the Board. See the following language from your e-mail.

**Chief Bradley,
San Joaquin LAFCo is in receipt of your letter dated September 16, 2019 regarding Tracy Village Reorganization to the City of Tracy. In that letter you indicate that it is the position of the South San Joaquin County Fire Authority (Authority) that this agency objects to the detachment of fire services from Tracy Rural Fire Protection District (Tracy Rural). Did this matter go before the Authority for action? I am somewhat confused since the Authority is composed of four voting members (two from the City of Tracy and two from Tracy Rural) and that the City of Tracy formally requested detachment.
I would appreciate any clarification.
Jim**

Chief Bradley clearly and unequivocally stated that the letter submitted to LAFCO was in accordance with his authority to represent SSJCFA. His letter was sent to LAFCO on SSJCFA letterhead and Chief Bradley signed the letter as the Fire Chief. Nothing within the letter submitted to LAFCO was ambiguous as to the entity that was sending the letter nor their position. Chief Bradley, operating under the auspices' of his Authority granted by the SSJCFA, stated that he was within his Authority to submit that letter. Nothing stated within that letter in any way suggested he was speaking as a private individual and there was nothing to suggest to a reasonable person reviewing that letter that he was not representing the SSJCFA. Further the authority granted the Chief, comes from direct and enumerated powers granted within the Joint Powers Agreement or delegated by the Board to the Chief. In either event, if the Chief advised you he had the authority to submit the subject letter using the name of the SSJCFA, he did so with those powers to bind SSJCFA as delineated within the JPA Agreement or did so by direct delegation of the Board. The effect of either grant of authority is not with a material distinction.

Your staff reports also misrepresented that detachment is the norm when considering annexations. There are in fact numerous examples throughout the State—including in San Joaquin County—where annexations have occurred without detachment. Consider Metro Cities Fire Authority or Orange County Fire Authority, just two examples of Joint Powers Authorities

(JPAs), which operate with multiple member agencies to provision fire service. There are many more that operate across the State of California for fire service and other public services. Your assertion that the current governance model is not in line with other areas is simply untrue. South San Joaquin County Fire Authority is not only a common model, but is the best model for Tracy Rural and the City of Tracy to provision critical public fire service efficiently and cost-effectively –especially given that the County cannot provision fire services. The fact that your staff report relied solely on financial and governance reports that assumed non-detachment is particularly disingenuous and represents a misrepresentation on your part. That Board Chairman’s questions about joint powers authority models reveals that the Commission is uninformed and that you have not acted as an independent review.

Based upon the above, your presentation and statements during the public meeting were without foundation or based on any substantive information to suggest Chief Bradley was speaking on his behalf and not the Authority. Therefore, we are requesting this letter be submitted at the next LAFCO meeting wherein it be formally included within the administrative record for the hearing held on October 10, 2019. We also request a formal clarification of the misstatement of facts and the position of the SSCJFA regarding this matter so it is clear to both the LAFCO Commissioners and the general public the correct position of the SSJCFA Board. SSJCFA would like to be absolutely clear on this point, any representation of Chief Bradley submitted to the LAFCO Commission in the September 16th correspondence or in the e-mail of September 24, 2019, were done with full and complete support of the SSJCFA Board of Directors.

Sincerely,

A handwritten signature in blue ink that reads "Dave P. Hale T.M." The signature is written in a cursive, flowing style.

David P. Hale
General Counsel
South San Joaquin County Fire Authority

Enclosure

cc: Rod Attebery, General Counsel LAFCO
Leticia Ramirez, City of Tracy, City Attorney
Chief Bradley, Fire Chief, SSJCFA
LAFCO Commissioners