
**SAN JOAQUIN
LOCAL AGENCY FORMATION COMMISSION**

LAFCo

509 W. WEBER AVENUE SUITE 420 STOCKTON, CA 95203

AGENDA

Thursday, December 13, 2018 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

Recognition of Service for Commissioner Danny Fox

CONSENT ITEMS

1. MEETING MINUTES OF SEPTEMBER 13, 2018
(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 5314 E. Ardelle Avenue, 643 S. Modesto Avenue, 452 S. Coolidge Avenue, 184 E. Fourth Street, 189 E. French Camp Road, 177 E. French Camp Road, 7460 S. McKinley Avenue, 195 E. French Camp Road, and 7565 E. Elm Street, 2170 E. Fifth Street, 2178 E. Fifth Street, and 3033 Waterloo Road, Stockton.

PUBLIC HEARING

3. FINAL MUNICIPAL SERVICE REVIEW (MSR) AND SPHERE OF INFLUENCE PLAN FOR LOWER JONES TRACT AND UPPER JONES TRACT RECLAMATION DISTRICTS (LAFCo 17-17)
(Action by Regular Members)
The Commission will review and discuss the Final MSR report for Reclamation District 2038 – Lower Jones Tract and Reclamation District 2039 - Upper Jones Tract.

ACTION ITEMS

4. RECRUITMENT FOR A PUBLIC MEMBER COMMISSIONER
(Action by All Members)
Request to the Commission to initiate the recruitment process for a Public Member to serve on the Commission.
5. SAN JOAQUIN UNICORPORATED ISLANDS REPORT
(Action by Regular Members)
The Commission will discuss the existence of unincorporated land within the cities.

SPECIAL MATTERS

6. COMMISSION MEETING SCHEDULE FOR 2018
Meeting dates for the 2018 calendar year.

PUBLIC COMMENTS

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

EXECUTIVE OFFICER COMMENTS

8. Comments from the Executive Officer

COMMISSIONER COMMENTS

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

CLOSED SESSION

10. Open Session Disclosure Regarding Closed Session Items pursuant to Government Code Section 54957.7
11. 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)
12. 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
September 13, 2018**

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

Chairman Tom Patti called the meeting to order at 9:02 a.m.

MEMBERS PRESENT: Commissioners Johnson, Kuehne, and
Chairman Patti

MEMBERS ABSENT: Commissioners Fox and Villapudua

ALTERNATE MEMBERS PRESENT: Commissioner Manne

ALTERNATE MEMBERS ABSENT: Commissioners Andrade and Winn

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

CONSENT ITEMS

Chairman Patti opened the matter up for public and Commissioner Comments.

No comments were made.

A motion was made by Commissioner Johnson and seconded by Commissioner Kuehne to approve the Consent Calendar.

The motion for approval of the Summary Minutes of June 14, 2018 meeting was passed by an unanimous vote of the Commission.

The motion for approval for the out-of-agency service request to the properties located at

419 S. Hinkley Avenue, 2158 E. Fifth Street, 2152 E. Fifth Street, 2146 E. Fifth Street, 215 S. Los Angeles Street, 1641 Gilchrist Avenue, and 2444 E. Willow Street, Stockton, was passed by an unanimous vote of the regular voting members of the Commission.

PUBLIC HEARING

3. GUDER ANNEXATION TO COUNTY SERVICE AREA NO. 29 (LAFC 25-18)
(Action by Regular Members)
Request from San Joaquin County Public Works to annex 117.97 acres to County Service Area #29-Forest Lake Ranchettes for storm drainage, water and streetlighting.

James Glaser, Executive Officer, presented a PowerPoint providing an overview of the County Department of Public Works' (DPW) application to annex approximately 118 acres to County Service Area (CSA) No. 29, Forest Lakes Ranchettes. The water and street lighting services will be made available to two planned rural subdivisions when annexed.

The properties proposed for annexation have been zoned rural residential in anticipation of urban development and the land surrounding the proposed annexation site are in rural residential uses to the east and south and agricultural lands to the north and west. The developers will be responsible for the costs to install the necessary facilities to provide water, drainage and street lighting. DPW will be establishing a "zone" for the two proposed subdivisions for the services. A successful Prop. 218 process will be needed to establish the level of assessments and service charges. This proposed annexation will affect North San Joaquin Water Conservation District and Woodbridge Rural Fire District but they have not filed objections to the proposal.

Mr. Glaser recommended the Commission adopt Resolution 1389 approving the Guder Annexation to CSA 29 – Forest Lakes Ranchettes including a condition requiring a Prop. 218 approval of assessments and service fees prior to recordation of the Certificate of Completion.

Chairman Patti opened the floor to Commissioner Comments.

Commissioner Kuehne wanted clarification regarding the number of homes in the annexation area.

James Glaser, Executive Officer stated that there were no existing homes in the annexation area.

Chairman Patti stated that the new homeowners will pay a special assessments and service fees for the addition of storm drainage and water services. The Chair asked if LAFCo is a part of the conversation that sets the rates for new homeowners.

James Glaser, Executive Officer, stated LAFCo is not a part of those conversations.

Commissioner Johnson inquired if there can be a rate increase built into the fees ahead of time to assist with any future escalation of fees.

Alex Chetley, San Joaquin County Department of Public Works, stated that Public Works establishes the assessments for the homeowners. Although they can build-in a cost of inflation and capital improvements into the assessment, there is a five-year limit to allow for the increased rates for services. After that, voter approval is needed to increase rates.

Commissioner Kuehne inquired to the ability to sustain water for this annexation.

James Glaser, Executive Officer, stated that there are two wells to provide water to the subdivision. The plan shows no depletion or deficiency of groundwater in the area.

Chairman Patti closed the floor to Commission Comment

Chairman Patti opened the floor to public comments.

No one came forward.

Chairman Patti closed the floor to public comments.

Motion made by Commissioner Johnson, seconded by Chairman Patti, to adopt Resolution 1389, approving the Gudel Annexation to County Service Area No. 29 – Forest Lake Ranchettes and amend the Sphere of Influence.

Chairman Patti requested a roll call vote:

Ayes: Commissioner, Johnson, Kuehne, and Chairman Patti

Noes: None

The motion was passed by an unanimous vote of the regular voting members of the Commission.

ACTION ITEMS

4. DRAFT MUNICIPAL SERVICE REVIEW (MSR) FOR LOWER JONES TRACT AND UPPER JONES TRACT RECAMATION DISTRICTS (LAFC 17-17)

(Action by Regular Members)

The Commission will review and discuss the Draft MSR report for Reclamation District 2038 – Lower Jones Tract and Reclamation District 2039 - Upper Jones Tract.

James Glaser, Executive Officer, provided an overview of the process to prepare the Municipal Service Review (MSR) and the Sphere of Influence (SOI). He stated that LAFCo is required to prepare an MSR for each of its incorporated cities and special districts and update the SOI's.

Lower Jones Tract, RD2038 and Upper Jones Tract, RD 2039 were formed in 1919 to provide flood protection for about 12,000 acres of prime agricultural land. Upper and Lower Jones Tracts are separated by the Burlington Northern Santa Fe Railroad (BNSF). The BNSF line has an open trestle to allow floodwaters to flow between districts in order to relieve pressure on the rail line. When one district floods the other will flood as well. Both districts share an attorney, clerical staff, and share infrastructure protection.

RD 2039 (Lower Jones) has 9.23 miles of levees. All levees meet the HMP-Hazard Mitigation Plan Standard and 4.82 miles meet the DWR Bulletin 192-82 standards. RD 2039 (Upper Jones) has 9.03 miles of levees. All levees meet the HMP-Hazard Mitigation Plan Standard and 5.03 miles meet PL 84-99 standards.

RD 2038 and RD 2039 have indicated to LAFCo that they would like to consolidate. A MSR and an Updated SOI is needed before a consolidation can be accomplished. LAFCo Staff recommended that the Commission schedule a public hearing on October 11, 2018 for the Final Municipal Service Review and Sphere of Influence Update for Upper and Lower Jones Tract Reclamation Districts.

LAFCo hired consultant Elliott Mulberg, President of Elliott Mulberg and Associates, to prepare this report.

Elliott Mulberg, presented a PowerPoint presentation that focused on an overview of both reclamation districts.

Chairman Patti opened the floor to Commissioner Comments.

Commissioner Kuehne inquired if the PG&E Gas Transmission line was a natural gas line, how large is the Kinder Morgan Fuel Transmission Line, and who uses it. He also wanted clarification on the levee standards for feet above flood level for Hazard Mitigation Plan (HMP) and the DWR Bulletin 192-82.

Mr. Elliott Mulberg, President of Elliott Mulberg and Associates, informed the Commission that the HMP is 1 foot above flood level and the DRW Bulletin 192-82 is 1.5 feet above flood level. Both reclamation districts are working to bring all levees to a higher standard.

James Glaser, Executive Officer, stated that he would get the answers to the infrastructure questions and put it as a footnote in the final report.

Commissioner Johnson asked if CEQA applies

Elliott Mulberg, President of Elliott Mulberg and Associates, informed the Commission that the consolidation would be exempt because there is no change in services just changing one form of government to another.

Chairman Patti inquired about the status of the (BNSF) railroad if these two reclamation districts consolidate.

Elliott Mulberg, President of Elliott Mulberg and Associates informed the Commission that (BNSF) is not in either reclamation district but when they do consolidate; BNSF will be annexed into the successor reclamation district.

Chairman Patti closed the floor to Commission Comments

Chairman Patti opened the floor to public comments.

Martin Harris, Terra Land Group, voiced concerns on flood mitigation efforts when approving new development projects.

Bob Bentz, addressed the Commission on levee maintenance issues.

Chairman Patti closed public comments.

A motion was made by Commissioner Kuehne and seconded by Commissioner Johnson to approve the Draft Jones Tract Reclamation Districts Municipal Service Review and Sphere of Influence Plan Update and set it for public hearing on October 11, 2018.

The motion for approval was passed by an unanimous vote of the Commission.

PUBLIC COMMENTS

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

Bob Bentz made comments regarding the Proposition 218 process.

CORRESPONDENCE

6. Written communication received from Trisa Martinez, Grand Jury Staff Secretary/Judicial Secretary, Superior Court of California, County of San Joaquin, dated June 15, 2018.

Mr. Glaser, Executive Officer, stated that LAFCo received a letter from the Grand Jury that requires no action from the Commission.

EXECUTIVE OFFICER COMMENTS

7. Comments from the Executive Officer

Mr. Glaser, Executive Officer stated that we should, in an upcoming meeting, have a report on the unincorporated islands and have discussion on public policy regarding their annexations. Byron Bethany Irrigation District/Westside Irrigation District (BBID/TWID) MSR as well as an amendment to South San Joaquin Irrigation District (SSJID) regarding irrigation issues may be ready to come before the Commission

Work with the City of Stockton on their Draft Municipal Service Review continues. We have also received the City of Tracy Draft for their Municipal Service Review. Just a reminder that the Annual LAFCo Conference will be held at Tenaya Lodge, Yosemite, October 3 through October 5, 2018.

COMMISSIONER COMMENTS

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

No Comments were made.

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)

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

There was no Closed Session.

10:07 a.m. – Chairman Patti adjourned the meeting to Thursday, October 11, 2018.

LAFCo

509 W. WEBER AVENUE SUITE 420 STOCKTON, CA 95203

EXECUTIVE OFFICER'S REPORT

December 13, 2018

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 5314 E. Ardelle Avenue, 643 S. Modesto Avenue, 451 S. Coolidge Avenue, 184 E. Fourth Street, 189 E. French Camp Road, 177 E. French Camp Road, 7460 S. McKinley Avenue, 195 E. French Camp Road, and 7565 E. Elm Street, 2170 E. Fifth Street, 2178 E. Fifth Street, and 3033 Waterloo Road, 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 1388 approving out-of-agency services.

Attachment: Resolution No. 1389
Vicinity Map

Resolution No. 1389

**BEFORE THE SAN JOAQUIN LOCAL AGENCY FORMATION
COMMISSION APPROVING AN OUT-OF-AGENCY SANITARY SEWER
SERVICE FROM THE CITY OF STOCKTON TO 5314 E. ARDELLE AVENUE,
643 S. MODESTO AVENUE, 451 S. COOLIDGE AVENUE, 184 E.
FOURTH STREET, 189 E. FRENCH CAMP ROAD, 177 E. FRENCH CAMP
ROAD, 7460 S. MCKINLEY AVENUE, 195 E. FRENCH CAMP ROAD, 7565 E.
ELM STREET, 2170 E. FIFTH STREET, 2178 E. FIFTH STREET, AND 3033
WATERLOO ROAD, 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 requests are 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.

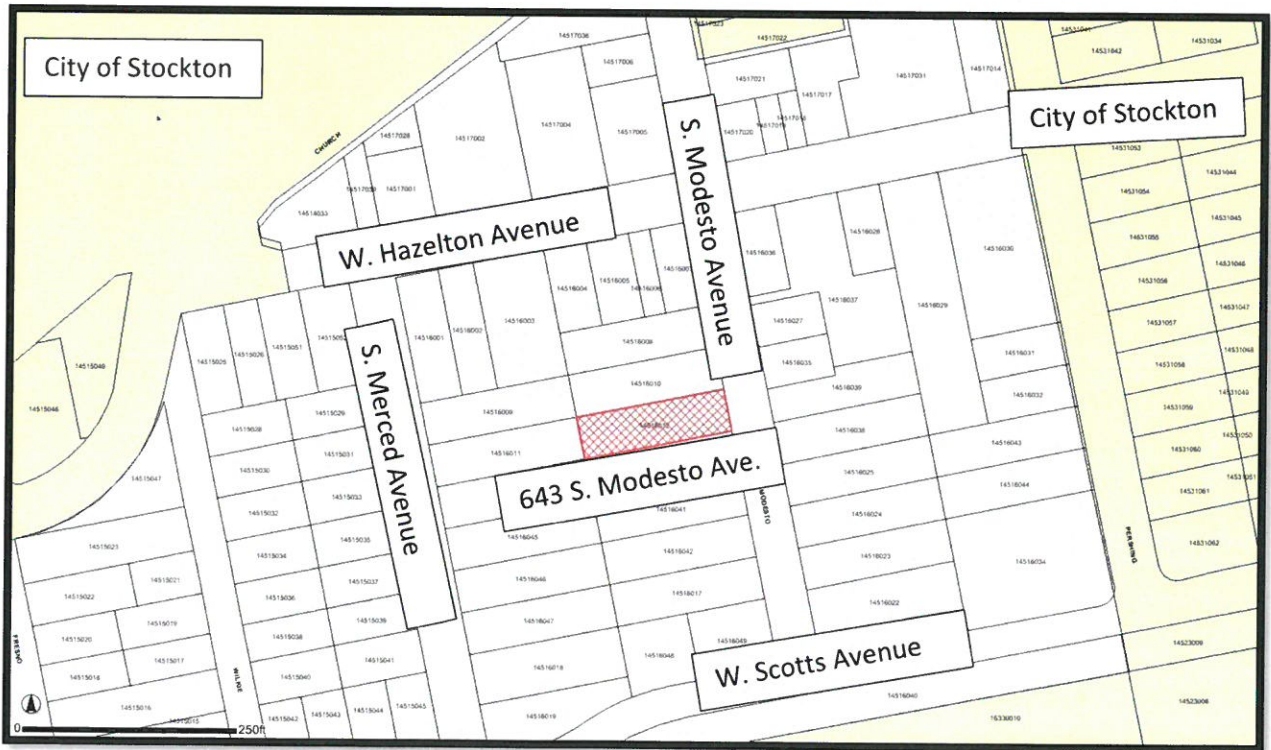
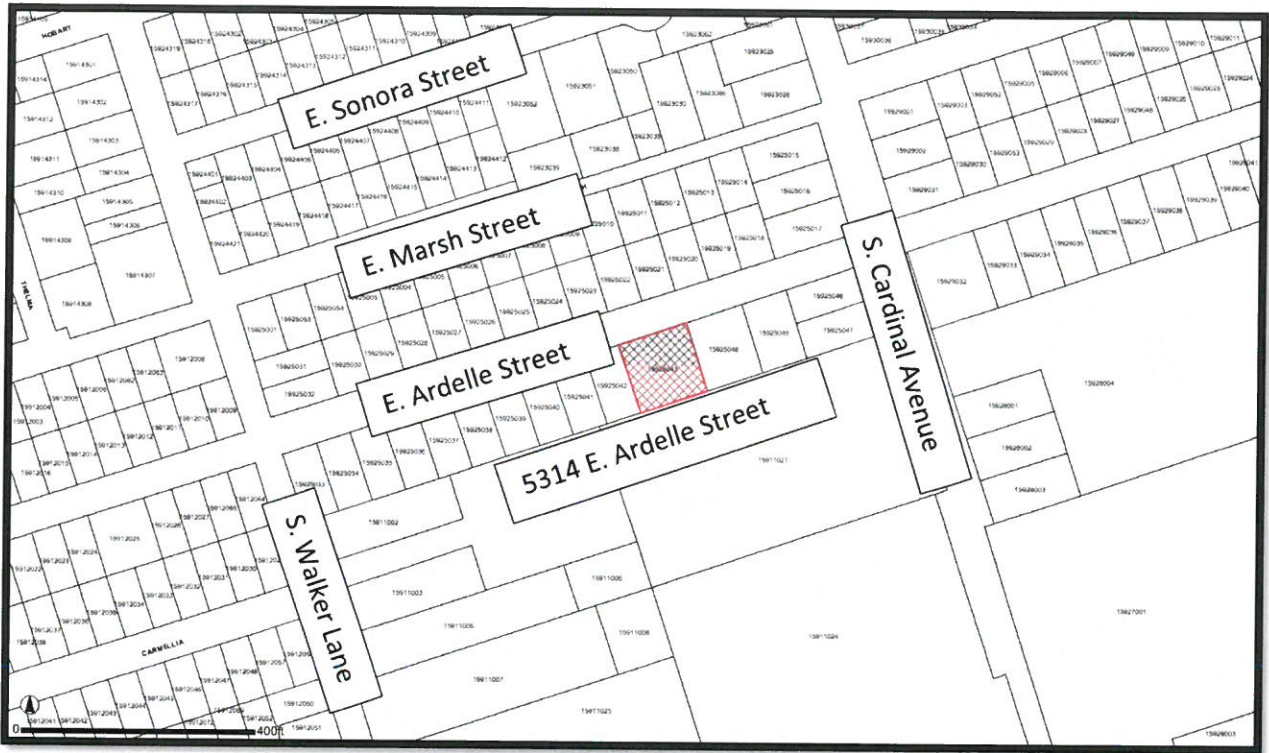
PASSED AND ADOPTED this 13th day of December by the following roll call votes:

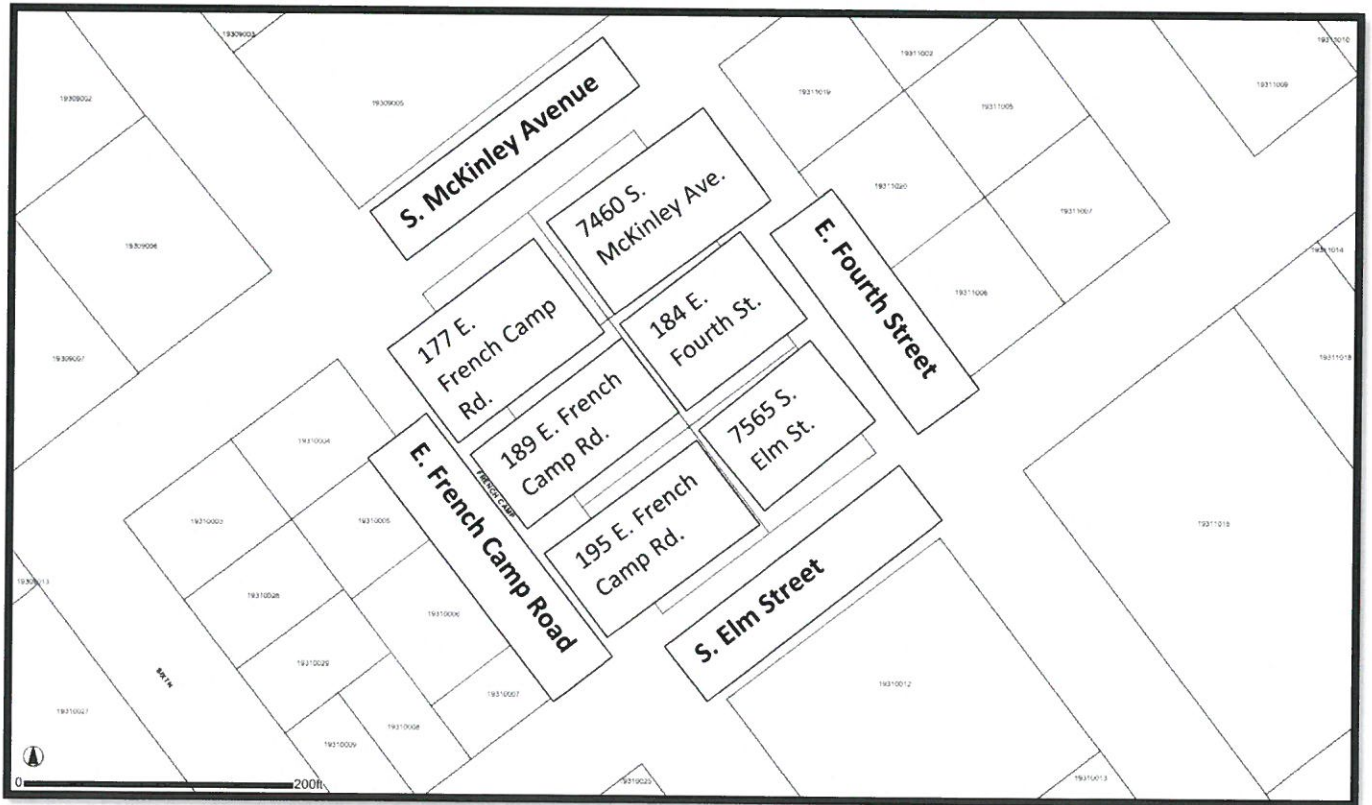
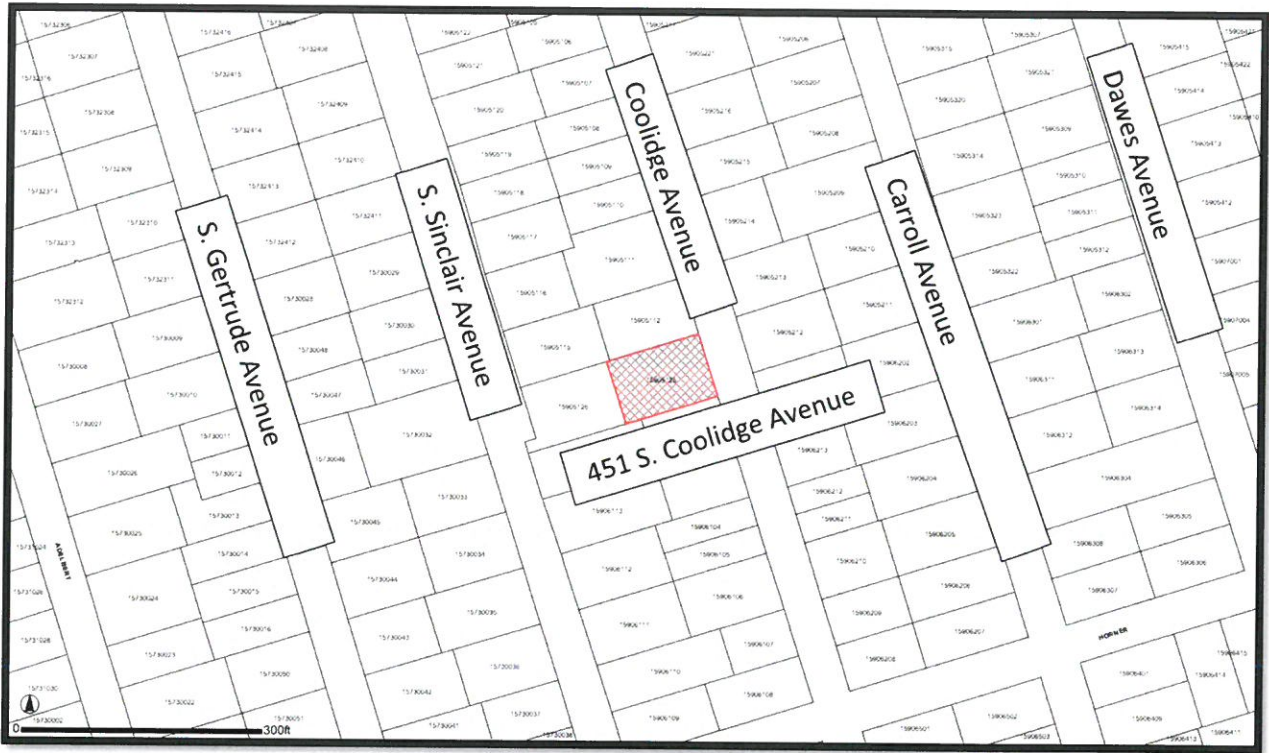
AYES:

NOES:

ABSENT:

TOM PATTI, Chairman
San Joaquin Local Agency
Formation Commission





EXECUTIVE OFFICER'S REPORT

December 13, 2018

TO: LAFCo Commissioners

FROM: James E. Glaser, Executive Officer

SUBJECT: **Final Municipal Service Review and Sphere of Influence Plan Update
For Jones Tract Reclamation Districts (RD 2038- Lower Jones Tract
and RD 2039-Upper Jones Tract)**

Recommendation

It is recommended that the Commission approve the Final Municipal Service Review and Sphere of Influence Update for Upper and Lower Jones Tract Reclamation Districts (RD 2038- Lower Jones Tract and RD 2039-Upper Jones Tract). Attached are two separate resolutions for Commission's consideration.

Background

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires that LAFCo review and update spheres of influence plans and to have service reviews prepared for special districts and cities. LAFCo has prepared, under contract with E. Mulberg & Associates, a draft Municipal Service Review and Sphere Plan for Upper and Lower Jones Tract Reclamation Districts for LAFCo's consideration consistent with the Commission's policies. On September 13, 2018, the Commission held a workshop on these documents and provided comments.

A Municipal Service Review (MSR) is a comprehensive review of an agency intended to obtain information about the agency's ability to provide services. Its purpose is to evaluate the provision of services from a comprehensive perspective and recommend actions, when necessary, to promote the efficient provision of those services. Service reviews are intended to serve as a tool to help LAFCo, the public and other agencies better understand the public service structure and evaluate options for the provision of efficient and effective public

services that the agency currently provides. State law requires that LAFCo update Spheres of Influence and prepare a Municipal Service Review in conjunction with that update.

The MSR is required by the Cortese-Knox-Hertzberg Act to have six categories, as defined by the San Joaquin LAFCo "Service Review Policies" December 14, 2012. Each of these categories requires a written determination. The six categories are as follows:

- Growth and Population Projections for the Affected Area
- The Location and Characteristics of any Disadvantage Unincorporated Communities within or Contiguous to the Sphere of Influence
- Present and Planned Capacity of Public Facilities and Adequacy of Public Services, Including Infrastructure Needs and Deficiencies
- Financial Ability of Agencies to Provide Services
- Status of and Opportunities for Shared Facilities
- Accountability for Community Service Needs, Including Governmental Structure and Operational Efficiencies

In determining a Sphere of Influence, the Commission is required to consider and make written determinations with respect to the following factors (Government Code Section 56425):

- The Present and Planned Land Uses in the Area, Including Agricultural and Open Space Lands.
- The Present and Probable Need for Public Facilities and Services in the Area.
- The Present Capacity of Public Facilities and Adequacy of Public Services that the Agency Provides or is Authorized to Provide.
- The Existence of Any Social or Economic Communities of Interest in the Area if the Commission Determines that they are Relevant to the Agency.
- The Present and Probable Need for those Public Facilities and Services within any Disadvantaged Unincorporated Communities (DUCs) within the Sphere of Influence.

The Spheres of Influence for the Jones Tract Reclamation Districts were last updated in 1983 and were established following their existing boundaries. The districts have indicated they would like to consolidate. The districts have a lot in common. They protect the same infrastructure, such as the BNSF railroad, EBMUD aqueduct, and the utility transmission lines (see below). The railroad embankment for the BNSF line has an open trestle to allow floodwaters from one district to flow to the other in order to relieve pressure on the rail line. When one district floods the other will as well. Both districts share an attorney and clerical staff.

The consolidation of the two districts can be accomplished in one of several ways:

- Option 1. Change of organization – consolidation. The change of organization includes a consolidation. In order to accomplish this two spheres must be amended to include the other district.
- Option 2. Reorganization where one district is dissolved and the other district annexes its territory. The sphere for the dissolving agency would be set to zero,

indicating the desire to dissolve the district. The sphere for the successor district must be set to include territory of the other agency. In order for assets to be transferred smoothly, the terms and conditions of the approval would have to specify that all the dissolving district's assets be transferred to the successor district. However, GC 57457 specifies that any remaining assets be distributed to the County. This provision may affect the distribution of assets to the successor agency.

Of the two options, it is recommended the applicant apply for Option 1, a consolidation of the two districts. The consolidation offers a more straightforward approach. It is also recommended that the districts consolidate into RD 2039 because of its stronger reserve that would allow the consolidated district to maintain approximately 1.4 years of operating reserves.

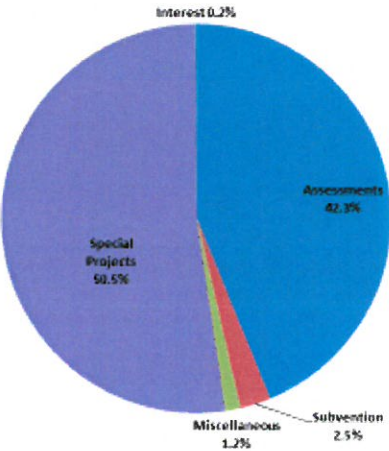
SERVICES PROVIDED BY RD 2038 & 2039

Facilities	RD 2038	RD 2039
	Lower Jones Tract	Upper Jones Tract
BNSF Railroad	✓	✓
EBMUD Aqueducts	✓	✓
WAPA Transmission Line		✓
PG & E Electrical Lines	✓	✓
PG & E Gas Transmission	✓	
Kinder Morgan Fuel Transmission Line	✓	✓
Cell Towers	✓	✓
County Roads	✓	✓
Woodward & Victoria Is- Hwy 4		✓

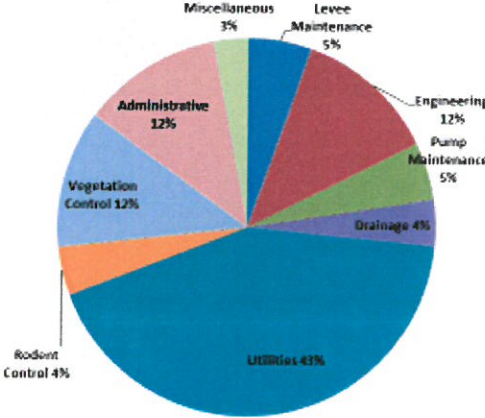
The financial summaries of the two districts are as follows:

RD 2038 2016 Budget \$355,503

Revenue Sources

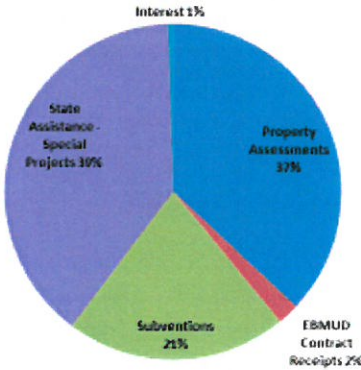


Expense Allocation

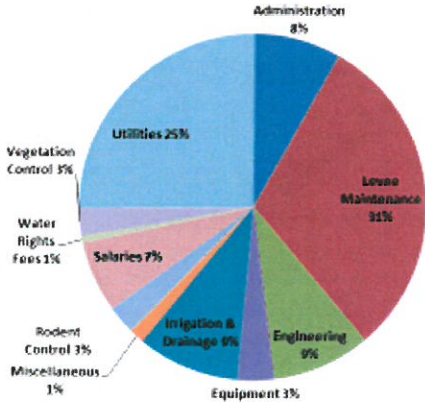


RD 2039 2016 Budget \$408,807

Revenue Sources



Expense Allocation



Levee Standards

RD 2039 has a total of 9.23 miles of levees. All levees meet the HMP-Hazard Mitigation Plan standard and 4.82 miles of levees meet the Department of Water Resources Bulletin 192-82 standards (see chart below). Because of funding for its Five-Year plan, RD 2039 was able to bring the Middle River segments to the Bulletin 192-82 standard (see p. 1-4). The Five-Year plan also allowed the District to bring the Trapper Slough segment, an internal levee, to HMP standards.

RD 2038 has a total of 9.03 miles of levees. All levees meet the HMP-Hazard Mitigation Plan standard and 5.03 miles of levee meet the PL 84-99 standards (see chart below). RD 2038 has been active in pursuing improvements to its levee system also. Through a grant, the District produced a Five-Year Plan to upgrade all of its levee system to PL84-99 standards. The District ran out of money before all sections were upgraded to PL84-99 standards. The District has recently received a grant of \$5.4 million and hopes to begin the project in the summer of 2018.

Levee Standards

Standard	Type	Feet Above Flood	Flood Occurrence	Comments
HMP -Hazard Mitigation Plan	Short term	1	100 year	Pre condition for receiving disaster assistance
PL 84-99	Project Levees	1.5	100 year	Eligible for USACE and Rehab funds
DWR Bulletin 192-82	Agricultural	1.5	300 year	

Approval Procedure

The Commission's service review policy sets forth the procedure for public participation and public hearing. The policy requires a two-step process for the adoption of a service review: 1) a public meeting/workshop with the Commission to accept comments from the public and the Commission "prior to finalizing the document"; and 2) a formal 21-day review period and public hearing. Staff has provided public notice for the December 13,

2018 meeting to meet our legal obligation for a public hearing. The Commission will be able to adopt the MSR at this meeting or may continue the matter to a future meeting.

It is anticipated that a request for consolidation will be filed upon completion of the Municipal Service Review and Sphere of Influence Update.

Attachments: Resolution No. 1390
Resolution No. 1391
Final Municipal Service Review and Sphere of Influence Update

Resolution No. 1390

**Before the San Joaquin Local Agency Formation Commission
Approving the Jones Tract Reclamation Districts (RD 2038- Lower Jones Tract and
RD 2039-Upper Jones Tract) Municipal Service Review**

WHEREAS, Section 56430 of the Government Code requires the Commission to conduct a service review of the municipal services provided in the county or other appropriate area designated by the Commission; and

WHEREAS, the Commission must prepare a written statement of its determinations with respect to six specific topics; and

WHEREAS, the Commission held a workshop on September 13, 2018 and received comments; and

WHEREAS, the Commission held a public hearing on the proposed Municipal Service Review on December 13, 2018 in the Board of Supervisors Chambers, 44 North San Joaquin Street, Stockton, California, pursuant to notice of hearing which was posted, and published in accordance with State Law; and

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

WHEREAS, this Commission has duly considered the Jones Tract Reclamation Districts Municipal Service Review dated December 13, 2018; and

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

Section 1. Certifies that the proposal is found to be exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15262 of the CEQA Guidelines.

Section 2. The determinations required by Section 56430 of the Government Code have been made within the final Municipal Service Review dated December 13, 2018 and are incorporated herein by reference.

Section 3. The Jones Tract Reclamation Districts Municipal Service Review is hereby approved.

Section 4. The Executive Officer is hereby authorized and directed to distribute copies of the adopted Municipal Service Review and this Resolution to affected agencies and

interested parties.

PASSED AND ADOPTED this 13th day of December 2018 by the following roll call votes:

AYES:

NOES:

TOM PATTI, Chairman
San Joaquin Local Agency
Formation Commission

Resolution No. 1391

**Before the San Joaquin Local Agency Formation Commission
Approving the Jones Tract Reclamation Districts (RD 2038- Lower Jones Tract
and RD 2039-Upper Jones Tract) Sphere of Influence Update**

WHEREAS, Section 56425 of the Government Code requires the Commission to review and update each Sphere of Influence every five years; and

WHEREAS, Section 56076 of the Government Code provides that “Sphere of Influence” means a plan for the probable physical boundaries and service area of a local governmental agency; and

WHEREAS, the Commission must prepare written statements of its determinations with respect to five specific factors; and

WHEREAS, a Municipal Service Review in compliance with Section 56430 of the Government Code has been prepared in conjunction with this Sphere of Influence Update; and

WHEREAS, the Commission held a workshop on September 13, 2018 and received comments; and

WHEREAS, the Commission held a public hearing on the Sphere of Influence Update on December 13, 2018 in the Board of Supervisors Chamber, 44 North San Joaquin Street, 6th Floor, Stockton California, pursuant to notice of hearing which was posted and published in accordance with State Law; and

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

WHEREAS, this Commission has duly considered the Jones Tract Reclamation Districts Sphere of Influence Update; and

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

Section 1. Certifies that the proposal is found to be exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15262 of the CEQA Guidelines.

Section 2. The determinations required by Section 56428 of the Government Code have been made and are within the Sphere of Influence Update and are incorporated herein by reference.

Section 3. The Jones Tract Reclamation District's Sphere of Influence Update is hereby approved and is depicted in Exhibit A, attached.

Section 4. The Executive Officer is hereby authorized and directed to distribute copies of the adopted Sphere of Influence Update and this resolution to affected agencies and interested parties.

PASSED AND ADOPTED this 13th day of December 2018 by the following roll call votes:

AYES:

NOES:

TOM PATTI, Chair
San Joaquin Local Agency
Formation Commission

EXECUTIVE OFFICER'S REPORT

December 13, 2018

TO: LAFCo Commissioners

FROM: James E. Glaser, Executive Officer

SUBJECT: **Alternate Public Member Recruitment**

According to the Commission policy for regular and alternate public members, a public member can serve for a term of four years and a person may serve no more than two four-year terms as either a Public or an Alternate Public Member. The partial two-year term for Alternate Public Member Charles Manne expired in May 2018.

The procedure to initiate recruitment of an Alternate Public Member is for the Commission to direct the Executive Officer to announce that applications would be accepted. Availability of the Alternate Public Member seat will be announced by posting and a mailing to all local agencies, and a notice on the LAFCo website. If directed by the Commission, the Executive Officer will also issue a press release. The results of the recruitment effort will be placed on the Commission agenda and final appointment to fill a vacancy may not be made for 21 days after posting notice.

Attached for your information is the Public Member Application and a sample press release. Staff will keep the Commission apprised on the recruitment process.

Attachments

PRESS RELEASE
FOR IMMEDIATE DISTRIBUTION

SAN JOAQUIN LOCAL AGENCY FORMATION COMMISSION
SEEKS ALTERNATE PUBLIC MEMBER

Applications are being accepted for appointment of Alternate Public Member on the San Joaquin Local Agency Formation Commission (LAFCo). The appointment will be for a four-year term.

Application forms are available from the LAFCo Office at 509 West Weber Avenue, Suite 420, Stockton, CA 95203 or from the LAFCo website at www.sjgov.org/commission/lafco. Applications must be completed and returned by -----(date)----- . Applicants will be invited to attend the Commission meeting and briefly present their qualifications to the Commission.

Those interested must be a county resident and may not be an officer or employee of the county or any city or special district within the county at their time of appointment.

LAFCo meets monthly to review, among various applications, annexation proposals to change boundaries of cities and special districts. The Commission conducts municipal service reviews and sphere of influence studies to plan for the future boundaries of cities and special districts.

For more details on the appointment, please call James E. Glaser, Executive Officer at 468-3198.

**SAN JOAQUIN
LOCAL AGENCY FORMATION COMMISSION**

LAFCo

509 West Weber Avenue Suite 420 STOCKTON, CA 95203

**APPLICATION FOR ALTERNATE PUBLIC MEMBER
ON THE SAN JOAQUIN LOCAL AGENCY FORMATION COMMISSION**

Name: _____

Telephone: _____
(Residence) (Business)

Residence
Address: _____

Busines
Address: _____

Occupation: _____

Please state briefly your reason for wanting to serve on this Commission:

Please state briefly your experience which you feel will be helpful when you serve on this Commission:

Other information you would like to submit (A Resume may be attached if you wish):

Applicants must be a County resident. No person appointed as an Alternate Public Member shall be an officer or employee of the County or any City or special district at the time of appointment. Return application by -----(date) ----- to San Joaquin LAFCo.

SIGNATURE

Date

EXECUTIVE OFFICER'S REPORT

December 13, 2018

TO: LAFCo Commissioners
FROM: James E. Glaser, Executive Officer
SUBJECT: **San Joaquin Unincorporated Islands**

Background

At the Commission meeting of May 10, 2018, the Commission discussed the existence of unincorporated land within the cities. The Commission expressed an interest in the history of the islands and how state laws have been changed to encourage the elimination of islands, and the lack of political will to address this issue. At the request of Commission, this report was prepared to provide the Commission with a preliminary assessment of the existing unincorporated islands and to provide a guideline on what steps/actions are needed if the Commission desires to address this issue further.

The County has 31 unincorporated islands comprising of 4,946 acres. The City of Stockton has 17 islands, Tracy-5; Manteca-5; Lathrop-0; Lodi-3; Ripon-1 island and Escalon-0 islands. Approximately 21,748 residents reside in these county pockets that receive limited municipal services. Staff reviewed past annexation files to see why cities have grown around certain county pockets and that most often county residents resisted annexation because of their perception of stricter oversight over their properties by the annexing city, fear of additional taxes or fees, and the desire to maintain their community identity. For cities there was little incentive to annex due to infrastructure deficiencies and service costs, low sales tax base, and there was no a priority for cities to annex these areas.

In 2001, the State Legislature enacted the Cortese-Knox-Hertzberg Act that contained special provisions to facilitate the annexation of unincorporated islands as it was recognized that county pockets created governance and service delivery inefficiencies and deficiencies. The law allowed the annexation of county islands 75 acres or less without voter protest or election. In 2005 to further encourage the annexation of islands the Government Code was revised by increasing the size of islands that could be annexed by a city without formal protest to 150 acres.

Discussion

The Commission does not have the power to initiate annexations. The control for the annexation of unincorporated islands lies with the City. The Commission, however, has the power to form and adopt policies to encourage cities to annex their unincorporated islands. In 2007, the Commission adopted annexation policies intended to discourage the creation of islands and required cities to show they have made reasonable efforts to include an unincorporated island in a pending annexation application. Although only one island had been created since the adoption of the policies the Cities have not moved forward to take advantage of the CKH Act regulations to eliminate the county pockets.

At the 2017 CALAFCo Conference several LAFCo's gave a presentation on their Island Annexation Program. These LAFCo's placed island annexations as a high priority project and took aggressive action to encourage or even require the annexation of a city's unincorporated islands before any other annexation would be approved by the Commission. Orange County LAFCo, for instance has had their Island Annexation Program in place for since 2000 and has annexed more than 50 unincorporated islands. Santa Clara LAFCo adopted strict island annexation policies in 2005 and reported 88 islands have been annexed as a result. LAFCos that reported a successful island annexation program emphasized the importance of the cities and the county buy-into the island program.

Procedure

The next steps for developing an island annexation program is suggested below:

1. Workshop (Commission and Staff)
 - a. Discussion of Staff Report
 - b. Determination of Commissioner's role
 - c. Gather additional information as needed
 - d. Distribution of report and request for comments
2. Meeting with LAFCo and City and County Representatives
 - a. Identify stakeholder interest
 - b. Identify obstacles to island annexations
3. Development of Island Annexation Policies
 - a. Ad Hoc Committee
 - b. Public Hearing

Staff will make a presentation and answer questions at the December 13, 2018 meeting.

Attachment: Report: Unincorporated Islands

LAFCo

509 W. WEBER AVENUE SUITE 420 STOCKTON, CA 95203

**PROPOSED
2019 MEETING SCHEDULE**

SAN JOAQUIN LOCAL AGENCY FORMATION COMMISSION

The Commission generally meets on the second Thursday of each month at 9:00 A.M. in the Board of Supervisors Chambers, 6th Floor, 44 North San Joaquin Street Stockton, California. Occasionally, conflicts may arise that would require an adjustment to the schedule. Filing deadlines apply for most applications. Special circumstances for complex proposals may require greater processing time.

MEETING DATE

**APPLICATION FILING
DEADLINE**

January 10, 2019	November 15, 2018
February 14, 2019	December 27, 2018
March 14, 2019	January 17, 2019
April 11, 2019	February 21, 2019
May 9, 2019	March 14, 2019
June 13, 2019	April 18, 2019
July 11, 2019	May 16, 2019
August 8, 2019	June 13, 2019
September 12, 2019	July 18, 2019
October 10, 2019	August 15, 2019
November 14, 2019	September 19, 2019
December 12, 2019	October 17, 2019