



Balancing Community and Commerce

44 N. SAN JOAQUIN STREET SUITE 374 STOCKTON, CA 95202 209-468-3198

## AGENDA

THURSDAY, NOVEMBER 9, 2023, 9:00 A. M.  
BOARD OF SUPERVISORS CHAMBERS  
44 NORTH SAN JOAQUIN STREET, 6<sup>TH</sup> FLOOR  
STOCKTON, CALIFORNIA

\* \* \* \*

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

### CONSENT ITEMS

1. SUMMARY OF MINUTES OF OCTOBER 12, 2023  
*(Discussion and Possible Action by All Members)*  
Approve Summary Minutes of the Regular Meeting.
2. OUT-OF-AGENCY SERVICE REQUEST  
*(Discussion and Possible Action by Regular Members)*  
Requests from the City of Stockton to provide out-of-agency sewer service outside the City boundary under Government Code §56133 to 940 Solari Avenue and 2902 Harris Avenue in Stockton.

### ACTION ITEMS

3. APPROVAL OF IMPARTIAL ANALYSIS OF THE PROPOSED REORGANIZATION TO INCLUDE INCORPORATION OF THE PROPOSED CITY OF MOUNTAIN HOUSE (LAFD 16-21)  
*(Discussion and Action by Regular Members)*

### PUBLIC COMMENTS

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

### EXECUTIVE OFFICER COMMENTS

5. Comments from the Executive Officer
  - a. Communication of upcoming draft policy amendments

**COMMISSIONER COMMENTS**

- 6. Comments, Reports, or Questions from the LAFCO Commissioners

**CLOSED SESSION**

- 7. Open Session Disclosure Regarding Closed Session Items pursuant to Government Code Section 54957.7
- 8. Closed Session  
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)
- 9. Open Session Report on Closed Sessions pursuant to Government Code Section 54957.1

**ADJOURNMENT**

## DISCLOSURE OF BUSINESS OR CAMPAIGN CONTRIBUTIONS TO COMMISSIONERS

Government Code Section 84308 requires that a Commissioner (regular or alternate) disqualify herself or himself and not participate in a proceeding involving an "entitlement for use" application if, within the last twelve months, the Commissioner has received **\$250 or more in business or campaign contributions from an applicant, an agent of an applicant, or any financially interested person who actively supports or opposes a decision on the matter.** A LAFCo decision approving a proposal (e.g., for an annexation) will often be an "entitlement for use" within the meaning of Section 84308. Sphere of Influence determinations are exempt under Government Code Section 84308.

If you are an applicant or an agent of an applicant on such a matter to be heard by the Commission and if you have made business or campaign contributions totaling \$250 or more to any Commissioner in the past twelve months, Section 84308(d) requires that you disclose that fact for the official record of the proceeding. The disclosure of any such contribution (including the amount of the contribution and the name of the recipient Commissioner) must be made either: 1) In writing and delivered to the Secretary of the Commission prior to the hearing on the matter, or 2) By oral declaration made at the time the hearing on the matter is opened. Contribution disclosure forms are available at the meeting for anyone who prefers to disclose contributions in writing.

Pursuant to GC Section 84308, if you wish to participate in the above proceedings, you or your agent are prohibited from making a campaign contribution of \$250 or more to any Commissioner. This prohibition begins on the date you begin to actively support or oppose an application before LAFCO and continues until 3 months after a final decision is rendered by LAFCO. If you or your agent have made a contribution of \$250 or more to any Commissioner during the 12 months preceding the decision, in the proceeding that Commissioner must disqualify himself or herself from the decision. However, disqualification is not required if the Commissioner returns that campaign contribution within 30 days of learning both about the contribution and the fact that you are a participant in the proceedings

# Agenda Item 1



Balancing Community and Commerce

44 N. SAN JOAQUIN STREET SUITE 374 STOCKTON, CA 95202 209-468-3198

## **SUMMARY MINUTES October 12, 2023**

BOARD OF SUPERVISORS CHAMBERS  
44. NORTH SAN JOAQUIN STREET, 6<sup>TH</sup> FLOOR  
STOCKTON, CALIFORNIA

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

MEMBERS PRESENT:	Commissioners Breitenbucher, Diallo, Johnson, Villapudua, and Chairman Patti
MEMBERS ABSENT:	None
ALTERNATE MEMBERS PRESENT:	Commissioner Dhatt and Ding
ALTERNATE MEMBERS ABSENT:	Commissioner Barton
OTHERS PRESENT:	J.D. Hightower, Executive Officer, Nubia Goldstein, Legal Counsel; Mitzi Stites, Commission Clerk / Analyst; and Claudia Iboa, Administrative Assistant

### **CONSENT ITEMS**

The Chairman introduced Agenda Item No. 1, Summary of Minutes. A Revised Summary of Minutes was placed on the Dias. The section that was revised is to include Ms. Paula de Suza, Partner, BB&K, clarifying the changes that were made to Resolution 23-1526 (This is the resolution that included Reorganization and Incorporation of Mountain House) Resolution 23-1526, a Resolution of the San Joaquin Local Agency Formation Commission Resolution Making Determinations, Approving and Ordering a Reorganization to Include Incorporation of the Proposed City of Mountain House Within the Area Identified as the SJLAFCo Alternative Boundary and Establishing its Sphere

of Influence; Detachment of Specified territory From the Tracy Rural Fire Protection District; The Divestiture of Certain Mountain House Community Services District (MHCSD) Powers; Annexation to MHCSD to Include Additional Territory To Correspond With The LAFCo Alternative Boundary; The Establishment of MHCSD As A Subsidiary District of the City of Mountain House, and Adopting a Negative Declaration Related Thereto

Chairman Patti opened the floor to Commissioner Comments.

No Comments were made.

Chairman Patti opened the floor to Public Comments.

No Comments were made.

Chairman Patti closed the floor to Public Comments.

A motion was made by Commissioner Breitenbucher and seconded by Commissioner Johnson.

Chairman Patti asked for a Roll Call Vote:

Ayes: Commissioners Barton, Breitenbucher, Dhatt, Diallo, Johnson, Villapudua and Chairman Patti

Noes: None

## **ACTION ITEMS**

### **2. AMENDMENT TO THE EXECUTIVE OFFICER EMPLOYEE CONTRACT**

*(Action by All Members)*

Approve the First Amendment to the Employment Contract by and between San Joaquin Local Agency Formation Commission and Jeffery Hightower for Executive Officer.

Ms. Nubia Goldstein, Legal Counsel, stated that there has been a change in the healthcare benefits for Mr. J.D. Hightower.

Jeffrey Hightower has served as LAFCO Executive Officer since September 16, 2022, pursuant to an employment contract effective on that date ("Contract"). In negotiating that contract, LAFCO and Mr. Hightower agreed that as part of Mr. Hightower's total compensation, he would receive group health insurance benefits, including a Cafeteria Plan allowance, as provided by the "Executive Bargaining Unit Memorandum of Understanding, as amended" (currently San Joaquin County Resolution R-23-93 implementing terms and conditions of employment for the Executive Representation Group, passed and adopted June 6, 2023 (the "Resolution"). As agreed by LAFCO,

pursuant to section 2.1 of the Resolution, Mr. Hightower was to receive a bi-weekly Cafeteria Plan allowance in the amount of \$923.96.

In August of 2023, Mr. Hightower was informed that the County was to roll the Cafeteria Plan Benefits rolled into the employee's salary. Mr. Hightower has recently elected to enroll in Employer provided health benefits, as such, he is currently paying 100% of his health insurance coverage. In order to comply with LAFCO's agreement regarding Mr. Hightower's total compensation, the Commission and Mr. Hightower desire to amend the Contract in the form of a First Amendment which will delete the provision related to the Cafeteria Plan allowance and, in its stead, provide to roll this amount, \$923.96, into his base salary bi-weekly as stated in the memo from Human Resources.

It is recommended that the Commission adopt Resolution No. 23-1528 approving the First Amendment to the Employment Contract by and between the San Joaquin County Local Agency Formation Commission and Jeffrey Hightower for Executive Officer and authorize Commission Chair Tom Patti to execute these documents.

Chairman Patti opened the floor to Commissioner Comments.

Commissioner Johnson inquired that this was what was agreed upon with Mr. Hightower's contract and that there is no change to the budget.

Ms. Nubia Goldstein, Legal Counsel, stated that the only change is with the health care benefit, and it is to match what the County is doing. There is no change to the budget.

Chairman Patti opened the floor to Public Comments.

No Comments were made.

A motion was made by Commissioner Ding and seconded by Commissioner Villapudua to approve Resolution 23-1529, Approving the First Amendment to the Employment Contract by and Between the San Joaquin Local Agency Formation Commission and Jeffery Hightower for the Position of Executive Officer.

Chairman Patti asked for a Roll Call Vote:

Ayes: Commissioners Barton, Breitenbucher, Dhatt, Diallo, Johnson, Villapudua and Chairman Patti

Noes: None

3. REQUEST FOR TIME EXTENSION FOR PEREIRA REORGANIZATION TO THE CITY OF RIPON  
(LAFC 11-20)  
(Action by Regular Members)

Request for a time extension to complete condition of approval for Pereira Reorganization to the City of Ripon with concurrent detachment from the San Joaquin County Resource Conservation District.

Mr. J.D. Hightower, Executive Officer, did a PowerPoint Presentation including background information of the project.

On October 8, 2020, July 8, 2021, the Commission approved the annexation of the Pereira Reorganization to Ripon for the development of 47 single-family residential units. This original approval was subsequently extended on July 8, 2021 and October 8, 2022. Both extensions were one (1) year extensions. Staff's recommendation is to grant a time extension until December 12, 2024 a date that more closely coincides with the project's Development Agreement (DA) performance clause date of 12/31/2024.

The annexation area consists of two assessor parcels and portions of two adjacent parcels. The portions of the adjacent parcels are necessary for the full roadway width of John Roos Avenue and Shasta Avenue. Consistent with CKH Section 56668(f), the recordation of a Certificate of Completion for the annexation is conditioned upon Highland Partner Group (HPG) completing a lot line adjustment for the street right-of-ways.

The time extension will allow, consistent with CKH Section 56668(d), the 47 lot subdivision to provide a planned, orderly, efficient addition to Ripon. Pursuant to CKH Section 56668(h) the time extension will facilitate development according to Ripon's General Plan. The project benefits by having a duly executed Development Agreement (DA) between Ripon and HPG. The DA has a performance clause date of December 31, 2024. Unless development starts by December 31, 2024 (moving dirt, cutting streets, etc.) the DA terms.

Chairman Patti open the floor to Public Comments.

Doug Lederboer with HPG stated that securing the additional right-of-way has taken longer than anticipated and agreed with the extension until the December 12, 2024 regularly scheduled LAFCo meeting.

Chairman Patti opened the floor to Commissioner Comments.

Chairman Patti inquired for clarification on the request for another time extension.

Mr. Hightower, Executive Officer, stated that the time extension will facilitate development according to Ripon's General Plan. The project benefits by having a duly executed Development Agreement (DA) between Ripon and HPG. The DA has a performance clause date of December 31, 2024.

Chairman Patti suggested that LAFCo create a policy that granted all projects use the DA performance clause as a termination date.



**PUBLIC COMMENTS**

4. Chairman Patti asked if there were any Public Comments to be read into the record.

Mitzi Stites, Commission Clerk / Analyst, read a comment that was received from Mr. Marty Harris. Mr. Harris expressed concern regarding staffing for the empty fire station in Ripon. He suggested that the fire house could be staffed by obtaining the funds available through Proposition 172.

No other comments were made.

Chairman Patti closed Public Comments.

**EXECUTIVE OFFICER COMMENTS**

5. Comments from the Executive Officer

Mr. J.D. Hightower, Executive Officer, stated the CALAFCO conference October 18, 2023 and that he looked forward to seeing everyone there.

**COMMISSIONER COMMENTS**

6. No Comments were made.

**CLOSED SESSION**

8. Open Session Disclosure Regarding Closed Session Items pursuant to Government Code Section 54957.7
9. 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)
10. Open Session Report on Closed Sessions pursuant to Government Code Section 54957.1

Chairman Patti stated that there is no closed session.

The meeting adjourned at 9:24 a.m.



# Agenda Item 2



Balancing Community and Commerce

44 N. SAN JOAQUIN STREET SUITE 374 STOCKTON, CA 95202 209-468-3198

## EXECUTIVE OFFICER'S REPORT

November 9, 2023

TO: LAFCo Commissioners  
FROM: Jeffery Hightower, 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 940 Solari Avenue and 2902 Harries Avenue in 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 request for approval to extend sanitary sewer services to single-family residences outside the city limits but within the city's sphere of influence. And to extend sanitary water service to the commercial property outside the city limits. A vicinity map is attached showing the location of the out-of-agency requests connections city to sewer lines are available to the properties and the property owner's have paid the appropriate connection fees to the city. The request for out-of-agency service are in compliance with the Government Code §56133 and Commission policies. Please note that the blue line shows the sewer line and the circle reflect the connection locations. Staff recommends approval of the attached Resolution 23-1529 approving out-of-agency services.

Attachment: Resolution No. 23-1529

Vicinity Maps

**Resolution No. 23-1529**

**BEFORE THE SAN JOAQUIN LOCAL AGENCY FORMATION COMMISSION APPROVING AN OUT-OF-AGENCY SANITARY SEWER SERVICE FROM THE CITY OF STOCKTON TO 940 SOLARI AVENUE AND 2902 HARRIS AVENUE IN 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 Categorical Exempt from CEQA.

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

- a. Prior to connection to the city sewer, 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 9<sup>th</sup> day of November 2023 by the following roll call vote:

AYES:

NOES:

ABSTAIN:

\_\_\_\_\_  
TOM PATTI, CHAIRPERSON  
SAN JOAQUIN LOCAL AGENCY  
FORMATION COMMISSION

ATTEST:

\_\_\_\_\_  
MITZI STITES, COMMISSION CLERK  
SAN JOAQUIN LOCAL AGENCY  
FORMATION COMMISSION



**Property Information**

Property ID 14105013-113833  
 Location 940 SOLARI AV  
 Owner VANZETTI PROPERTIES LP ETAL

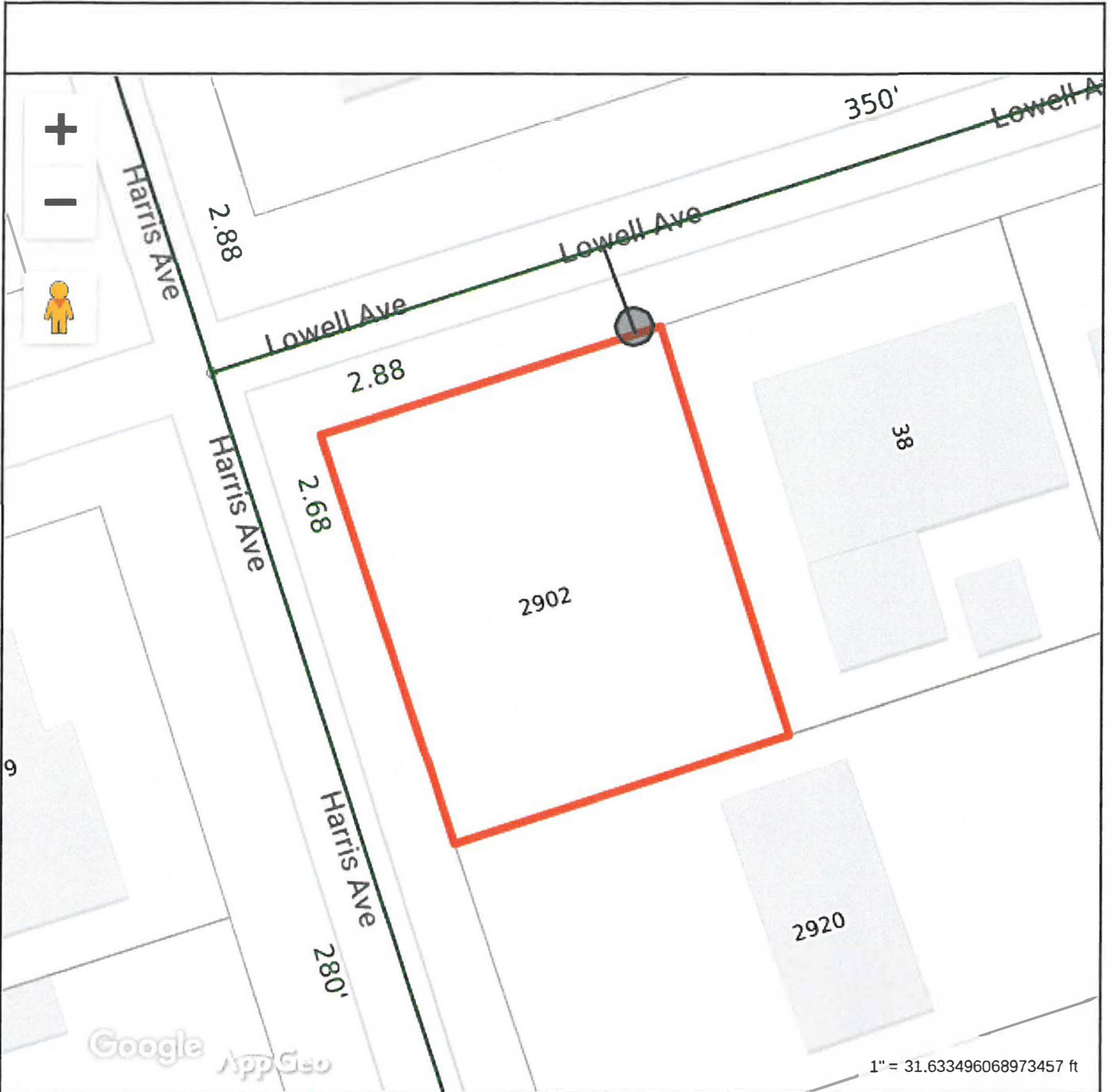


MAP FOR REFERENCE ONLY  
 NOT A LEGAL DOCUMENT


City of Stockton, CA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 05/03/2023  
 Data updated 05/01/2023

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.



Property Information	
Property ID	17503401-78191
Location	2902 HARRIS AV
Owner	GHIO, ANTHONY B

  
**CITY OF STOCKTON**  
 MAP FOR REFERENCE ONLY  
 NOT A LEGAL DOCUMENT

City of Stockton, CA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.  
 Geometry updated 05/03/2023  
 Data updated 05/01/2023

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.

# Agenda Item 3



Balancing Community and Commerce

44 N. SAN JOAQUIN STREET SUITE 374 STOCKTON, CA 95202 209-468-3198

## EXECUTIVE OFFICER'S REPORT

DATE: November 9, 2023

TO: LAFCo Commissioners

FROM: J.D. Hightower, Executive Officer

SUBJECT: **Impartial Analysis of the Proposed Reorganization to Include Incorporation of the City of Mountain House**

### Recommendation

It is recommended that the Commission either approve, with or without modification, the impartial analysis of the proposed reorganization including incorporation of the proposed City of Mountain House prepared by the Executive Officer in accordance with State Government Code Section 57144. If approved, a resolution has been prepared reflecting the approval and authorizing the Executive Officer to submit said analysis to the Registrar of Voters.

### Background

As directed by the Commission at its meeting of September 14, 2023, the Executive Officer informed and submitted to the San Joaquin County Board of Supervisors via the Registrar of Voters (ROV) of the order of annexation subject to the confirmation by the registered voters within the boundaries of the reorganization. The Executive Officer also requested the Board of Supervisors to direct the ROV to conduct the necessary election as required by Government Code Section 57000 (d).

Section 57144 of the Government Code requires the Executive Officer to submit to the Commission, for its approval or modification, a maximum 500-word impartial analysis of the proposed change of organization, (reorganization and incorporation) within five (5) days of the election being called. Consideration of the impartial analysis must be submitted to the Commission within 5 days of the election being called.



Staff drafted an impartial analysis that meets all requirements. The total word count of the drafted analysis according to applicable State rules is 497 words including the title of the measure (please see Attachment 3). State Government and Election Codes exclude boundary descriptions from total word count. Organization names, dates, telephone numbers and email addresses account for one word.

The Board of Supervisors is expected to call for an election on the matter on Tuesday, November 7, 2023. If the election is called on the 7<sup>th</sup>, the impartial analysis needs to be submitted to the Commission at this regularly scheduled November 9, 2023 meeting. The impartial analysis has been reviewed by LAFCo Mountain House special counsel, Paula de Sousa, and meets all legal requirements.

If the Commission has any edits to the impartial analysis, those edits must be received by Registrar of Voters prior to December 11, 2023 (State Election Code Section 9160). The next regularly scheduled LAFCo meeting is December 15, 2023. Thus, if the Commission has any edits, they need to be made at this regularly scheduled meeting or at a special meeting prior to December 11, 2023.

Upon receipt of the impartial analysis, the election official will conduct an election of the registered voters (approximately 10,000) and place the measure on the ballot for the March 5, 2024 Primary Election. In accordance with Government Code section 57150, the costs associated with the ballot measure will be borne by the new City of Mountain House if the measure is successful or by the County if it is not successful. Below is a motion for the Commission's consideration.

### **Motion**

Moved by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_ that the Commission adopt a resolution approving the impartial analysis for the election of Reorganization to Include Incorporation of the Proposed City of Mountain House Community Services District and authorizing the Executive Officer to submit said analysis to the San Joaquin Registrar of Voters.

**Attachments:**

1. Resolution Approving the Impartial Analysis for the Mountain House Reorganization (LAFCo 16-21) and authorizing the Executive Officer to submit said analysis to the Registrar of Voters.
2. Impartial Analysis for Election- Reorganization to Include Incorporation of the Proposed City of Mountain House Community Services (LAFCo 16-21)
3. Impartial Analysis Word Count



RESOLUTION 23-1530

A RESOLUTION OF THE SAN JOAQUIN LOCAL AGENCY FORMATION COMMISSION (SJLAFCO) APPROVING IMPARTIAL ANALYSIS OF THE PROPOSED REORGANIZATION TO INCLUDE INCORPORATION OF THE CITY OF MOUNTAIN HOUSE AND AUTHORIZING THE EXECUTIVE OFFICE TO SUBMIT SAID ANALYSIS TO THE SAN JOAQUIN COUNTY REGISTRAR OF VOTERS

**WHEREAS**, the San Joaquin Local Agency Formation Commission (SJLAFCo) encourages orderly growth and development which are essential to the social, fiscal, and economic well-being of San Joaquin County (County) and its respective cities and special districts; and

**WHEREAS**, on September 14, 2023, SJLAFCo adopted Resolution 23-1526 conditionally approving the Mountain House Reorganization (LAFCo 16-21) after a duly advertised public hearing and consideration of all factors, findings and public testimony presented at said public hearing; and

**WHEREAS**, the reconsideration period for the LAFCo adoption of Resolution 23-1526 and actions taken in regards to the Mountain House Reorganization (LAFCo 16-21) has lapsed with no requests for reconsideration received; and

**WHEREAS**, pursuant to Section 2 of Resolution 23-1526, the adoption of said resolution is subject to the confirmation of the registered voters within the LAFCo Alternative Boundary; and

**WHEREAS**, California Government Code Section 57125 states that, "Special elections called within all or any part of a city or registered-voter district shall be governed by the general election provisions and the local election provisions of the Elections Code"; and

**WHEREAS**, in accordance with all applicable sections of the California Elections Code, on November 7, 2023, the Board of Supervisors called for a special election regarding Mountain House Reorganization (LAFCo 16-21) pursuant to LAFCo Resolution 23-1526 and placement of the question regarding the reorganization on the March 5, 2024, Presidential Primary Election ballot; and

**WHEREAS**, California Government Code Section 57144 directs that, "Within five days after a special election is called pursuant to this part, the executive officer shall submit to the commission, for its approval or modification, an impartial analysis of the proposed incorporation or change of organization. The impartial analysis shall not exceed 500 words in length in addition to a general description of the boundaries of the territory affected. The commission shall approve or modify the analysis and submit the analysis to the elections official no later than the last day for submission of rebuttal arguments", and

**WHEREAS**, the impartial analysis drafted by staff includes 497 words including the title within the analysis in addition to the description of the boundaries of the reorganization and the mandated Government Code Section 57144 clause informing of the public availability of the measure; and

**WHEREAS**, California Code of Regulations Section 15061, states that, "that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA."

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

**SECTION 1.** The above recitals are true and correct.

**SECTION 2.** The approval of the Impartial Analysis for the Mountain House Reorganization as conditioned by LAFCo Resolution 23-1526 for placement on the March 5, 2024, Presidential Primary Election is exempt from further environmental review pursuant to California Code of Regulations, CEQA Guidelines, Section 15061 and directs the Executive Officer to record a Notice of Exemption with the County Recorder’s Office.

**SECTION 3.** The impartial analysis for the Mountain House Reorganization (LAFCo 16-21) meets all applicable provisions of the State Government and Election Codes and is included as Attachment 1 to this resolution.

**SECTION 4:** The impartial analysis for the called election for Measure “D” on the March 5, 2024 Presidential Primary Election ballot regarding for the adopted actions of LAFCo Resolution 23-1526 is hereby approved and authorizes the Executive Officer to submit said analysis to the San Joaquin Registrar of Voters.

**SECTION 5.** As allowed under Government Code Section 56107 and Government Code Section 56883, the Commission authorizes the Executive Officer to make non-substantive corrections to this Resolution and impartial analysis to address any technical defects, clerical errors, mistakes, irregularities, or omissions.

**SECTION 6.** If any provision of this Resolution or the application of any such provision to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable.

**PASSED AND ADOPTED** this 9th day of November 2023 by the following roll call vote:

**AYES:**

**NOES:**

**ABSTAIN:**

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TOM PATTI, CHAIRPERSON  
SAN JOAQUIN LOCAL AGENCY  
FORMATION COMMISSION

ATTEST:

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MITZI STITES, COMMISSION CLERK  
SAN JOAQUIN LOCAL AGENCY  
FORMATION COMMISSION



# ATTACHMENT 1

## SAN JOAQUIN LOCAL AGENCY FORMATION COMMISSION IMPARTIAL ANALYSIS OF THE PROPOSED REORGANIZATION TO INCLUDE INCORPORATION OF THE CITY OF MOUNTAIN HOUSE

A “yes” vote will create the new City of Mountain House (City) effective July 1, 2024 and make other changes described below.

A “no” vote means there will be no change in the status quo and land use planning decisions will continue to be made by the County of San Joaquin (County), and Mountain House Community Services District (MHCS D) will continue to deliver other municipal services.

The boundary of the City generally covers the area of the adopted Mountain House Master Plan. The Master Plan boundary is the Old River on the north; the County line on the west; Interstate 205 on the south; and, on the east, Mountain House Parkway north to Byron Highway east along Byron Highway to Wicklund Avenue and north along Wicklund Avenue. Certain areas of preexisting development and undeveloped areas within the Master Plan area are excluded from the City boundary. More details can be found on San Joaquin Local Agency Formation Commission’s (LAFCo) website (<https://www.sjlafco.org/>). The new City would have an area of about 4,429 acres and an estimated population of 27,000.

If approved by a majority of the voters, the measure would:

- Establish the City of Mountain House as a general law city effective July 1, 2024, to be governed by a five-member council consisting of a mayor and four councilmembers elected at-large. The Mayor and Councilmembers will be elected on the same ballot as this measure.
- Provide for appointment of a City Manager by the City Council.
- Establish a provisional appropriations limit of \$31,765,559 (a required temporary limit constraining the amount of tax revenues that can be expended in a given year). This will neither increase nor decrease tax revenues. Voters will establish a permanent limit at a future election.
- Transfer to the City from the County, MHCS D, or other subject agencies, the authority to levy and collect any previously authorized charge, fee, assessment, or general or special tax.
- Maintain MHCS D to enforce Mountain House Master Restrictions (Conditions, Covenants, and Restrictions (CC&Rs)) only. MHCS D will be governed by the City Council. All other MHCS D responsibilities would be transferred to the City.
- Detach four areas totaling 12 parcels comprising 138.8 acres from the Tracy Rural Fire Protection District and be serviced by the City.
- The incorporation and related changes are subject to terms and conditions in LAFCo’s approval resolution, a copy of which is enclosed with the ballot materials.

LAFCo found that the proposed City will be financially feasible, projecting that it is expected to receive revenues sufficient to provide the same level of public services and facilities during the three fiscal years following incorporation, with prudent reserves.

The City would assume revenues, service responsibilities, assets and liabilities of MHCS D related to specific municipal services, except those associated with enforcement of CC&R’s that will continue as a service of MHCS D. These City services include, for example, law enforcement, public parks, street maintenance and general municipal services. The City will assume all land use planning from the County.



# ATTACHMENT 1

Decisions about City operations and service levels will be made by the City. All County ordinances currently applicable within the boundaries of the proposed City will remain in effect until the City Council enacts ordinances superseding them.

Many public services will not change by this incorporation and related changes. These continuing services include public education and Countywide services such as healthcare, social services and the court system. Water will continue to be supplied by Byron Bethany Irrigation District and treated by the City.

The incorporation proposal was initiated by the Mountain House Community Services District on January 13, 2021, and revised on May 22, 2022. LAFCo approved the incorporation proposal and related changes on September 14, 2023.

**The above statement is an impartial analysis of Proposition D. If you desire a copy of the proposition, please call the elections official's office at (209) 468-2885 and a copy will be mailed at no cost to you.**

I0054.00001\41779785.1

# ATTACHMENT 2

## WORD COUNT

SAN JOAQUIN LOCAL AGENCY FORMATION COMMISSION - 1

2 3 4 5 6  
IMPARTIAL ANALYSIS OF THE PROPOSED

\* 13

7 8 9 10 11 12 13  
REORGANIZATION TO INCLUDE INCORPORATION OF THE CITY OF MOUNTAIN HOUSE

1 2 3 4 5 6 7 8 9 10 11 12 13 14 } 17  
A "yes" vote will create the new City of Mountain House (City) effective July 1, 2024 and make other  
15 16 17  
changes described below.

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 } 37  
A "no" vote means there will be no change in the status quo and land use planning decisions will  
20 21 22 23 24 25 26 27 28 29  
continue to be made by the County of San Joaquin (County), and Mountain House Community Services  
30 31 32 33 34 35 36 37  
District (MHCS) will continue to deliver other municipal services.

The boundary of the City generally covers the area of the adopted Mountain House Master Plan. The Master Plan boundary is the Old River on the north; the County line on the west; Interstate 205 on the south; and, on the east, Mountain House Parkway north to Byron Highway east along Byron Highway to Wicklund Avenue and north along Wicklund Avenue. Certain areas of preexisting development and undeveloped areas within the Master Plan area are excluded from the City boundary. More details can be found on San Joaquin Local Agency Formation Commission's (LAFCo) website

1 2 3 4 5 6 7 8 9 10 11 12 13 14 } -17  
<https://www.sjlafco.org/>. The new City would have an area of about 4,429 acres and an estimated  
15 16 17  
population of 27,000.

1 2 3 4 5 6 7 8 9 10 11 } -11  
If approved by a majority of the voters, the measure would:

- 1 2 3 4 5 6 7 8 9 10 11 12 13 } -42  
Establish the City of Mountain House as a general law city effective July 1, 2024 to be governed  
14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29  
by a five-member council consisting of a mayor and four councilmembers elected at-large. The  
30 31 32 33 34 35 36 37 38 39 40 41 42  
Mayor and Councilmembers will be elected on the same ballot as this measure.

- 1 2 3 4 5 6 7 8 9 10 11 } -11  
Provide for appointment of a City Manager by the City Council.

Page 1 = 135



# ATTACHMENT 2

## WORD COUNT

1 2 3 4 5 6 7 8 9 10 11  
 • Establish a provisional appropriations limit of \$31,765,559 (a required temporary limit  
 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28  
 constraining the amount of tax revenues that can be expended in a given year). This will neither  
 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43  
 increase nor decrease tax revenues. Voters will establish a permanent limit at a future election. } -43

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16  
 • Transfer to the City from the County, MHCS D, or other subject agencies, the authority to levy  
 17 18 19 20 21 22 23 24 25 26 27 28 29  
 and collect any previously authorized charge, fee, assessment, or general or special tax. } -29

1 2 3 4 5 6 7 8 9 10 11  
 • Maintain MHCS D to enforce Mountain House Master Restrictions (Conditions, Covenants, and  
 12 13 14 15 16 17 18 19 20 21 22 23 24 25  
 Restrictions (CC&Rs)) only. MHCS D will be governed by the City Council. All other MHCS D  
 26 27 28 29 30 31 32  
 responsibilities would be transferred to the City. } -32

1 2 3 4 5 6 7 8 9 10 11 12  
 • Detach four areas totaling 12 parcels comprising 138.8 acres from the Tracy Rural Fire  
 13 14 15 16 17 18  
Protection District and be serviced by the City. } -18

1 2 3 4 5 6 7 8 9 10 11 12 13 14  
 • The incorporation and related changes are subject to terms and conditions in LAFCo's approval  
 15 16 17 18 19 20 21 22 23 24 25  
 resolution, a copy of which is enclosed with the ballot materials. } -25

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17  
 LAFCo found that the proposed City will be financially feasible, projecting that it is expected to receive  
 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34  
 revenues sufficient to provide the same level of public services and facilities during the three fiscal years  
 35 36 37 38 39  
 following incorporation, with prudent reserves. } -39

1 2 3 4 5 6 7 8 9 10 11 12 13 14  
 The City would assume revenues, service responsibilities, assets and liabilities of MHCS D related to  
 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29  
 specific municipal services, except those associated with enforcement of CC&R's that will continue as a  
 30 31 32 33 34 35 36 37 38 39 40 41 42 43  
 service of MHCS D. These City services include, for example, law enforcement, public parks, street  
 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59  
 maintenance and general municipal services. The City will assume all land use planning from the County.  
 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75  
 Decisions about City operations and service levels will be made by the City. All County ordinances  
 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91  
 currently applicable within the boundaries of the proposed City will remain in effect until the City  
 92 93 94 95 96  
 Council enacts ordinances superseding them. } -96



# ATTACHMENT 2

## WORD COUNT

1 2 3 4 5 6 7 8 9 10 11 12 13 14  
 Many public services will not change by this incorporation and related changes. These continuing  
 15 16 17 18 19 20 21 22 23 24 25 26 27 28  
 services include public education and Countywide services such as healthcare, social services and the  
 29 30 31 32 33 34 35 36 37 38 39 40 41 42  
 court system. Water will continue to be supplied by Byron Bethany Irrigation District and treated by the  
 43  
 City.

1 2 3 4 5 6 7 8 9 10  
 The incorporation proposal was initiated by the Mountain House Community Services District on January  
 11 12 13 14 15 16 17 18 19 20 21  
 13, 2021, and revised on May 22, 2022. LAFCo approved the incorporation proposal and related  
 22 23 24  
 changes on September 14, 2023.

The above statement is an impartial analysis of Proposition D. If you desire a copy of the proposition, please call the elections official's office at (209) 468-2885 and a copy will be mailed at no cost to you.

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### Section 9:

(a) Counting of words, for purposes of this code, shall be as follows:

- (1) Punctuation is not counted.
- (2) Each word shall be counted as one word except as specified in this section.
- (3) All proper nouns, including geographical names, shall be considered as one word; for example, "City and County of San Francisco" shall be counted as one word.
- (4) Each abbreviation for a word, phrase, or expression shall be counted as one word.
- (5) Hyphenated words that appear in any generally available standard reference dictionary, published in the United States at any time within the 10 calendar years immediately preceding the election for which the words are counted, shall be considered as one word. Each part of all other hyphenated words shall be counted as a separate word.
- (6) Dates shall be counted as one word.
- (7) Any number consisting of a digit or digits shall be considered as one word. Any number which is spelled, such as "one," shall be considered as a separate word or words. "One" shall be counted as one word whereas "one hundred" shall be counted as two words. "100" shall be counted as one word.
- (8) Telephone numbers shall be counted as one word.
- (9) Internet Web site addresses shall be counted as one word.

(b) This section shall not apply to counting words for ballot designations under Section 13107.

(Amended by Stats. 2014, Ch. 697, Sec. 3. (SB 1253) Effective January 1, 2015

Page 3 = 67

Page 1 = 135  
 Page 2 = 282  
 Page 3 = 67  
 ---  
 484  
 Title? = 13  
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 497

# Agenda Item 5A



Balancing Community and Commerce

44 N. SAN JOAQUIN STREET SUITE 374 STOCKTON, CA 95202 209-468-3198

## EXECUTIVE OFFICER'S COMMUNICATION

DATE: November 9, 2023  
 TO: LAFCo Commissioners  
 FROM: J.D. Hightower, Executive Officer  
 SUBJECT: Communication of upcoming draft policy amendments

### Communication

There are two policies within the Change of Organization Policies and Procedures (*Including Annexations and Reorganizations*), City Annexation section of the SJLAFCo policy and procedure manual.

The first proposed policy amendment would clarify the intent of an existing policy that an annexation area must include all needed rights-of-way needed to serve the development.

The second amendment that the Co Please find below preliminary drafts of the policies:

1. Annexation of Streets Public Right-of-Way

Annexations shall reflect the logical allocation of streets and rights of way as follows:

- Territory should be included within the annexation to assure that the city reasonably assumes the burden of providing all needed urban services for the planned land use intensity and population density for adequate roads to the property to be annexed. LAFCo will require cities to annex streets where adjacent lands that are in the city will generate additional traffic or where the annexation will isolate sections of county road. Cities shall include all contiguous public roads that can be included without fragmenting governmental responsibility by alternating city and county road jurisdiction over short section of the same roadway. Additionally, the Commission will require annexation of public right-of-way required to serve the proposed development, including but not limited to parks, drainage basins, water well sites, water distribution lines and valves; and wastewater pump stations.

When a street is a boundary line between two cities the centerline of the street may be used as the boundary or may follow a boundary reached by agreement of the affected cities.

## 2. Pre-zoning Required

The Cortese-Knox-Hertzberg Act requires the city to pre-zone territory to be annexed, and prohibits subsequent changes to the General Plan and /or pre-zoning designations for a period of two years after completion of the annexation, unless the city council makes a finding at a public hearing consistent with the provisions of Governments Code Section 56375(e). In instances where LAFCo amends a proposal to include additional territory, the Commission's approval of the annexation will be conditioned upon the pre-zoning of the new territory.

## 3. Time Limit of Approval

Pursuant to Cortese-Knox-Hertzberg Act Section 57001, If a certificate of completion for a change of organization or reorganization has not been filed within one year after the commission approves a proposal for that proceeding, the proceeding shall be deemed terminated unless prior to the expiration of that year the commission authorizes an extension of time for that completion. The extension may be for any period deemed reasonable to the commission for completion of necessary prerequisite actions by any party. For projects that have the benefit of a duly executed Development Agreement (DA) or Tentative Subdivision Map (TSM), LAFCo will extend the date to record a certificate of completion to the closest regularly scheduled meeting of the time limits specified by the applicable DA or TSM, whichever is sooner.