



SANTA CLARA COUNTY SPECIAL DISTRICTS ASSOCIATION

5750 Almaden Expressway • San Jose, California 95118 • (408) 265-2600

Santa Clara County Special Districts Association

SPECIAL MEETING AGENDA

Monday, August 13, 2012

11:30 a.m. – 2:00 p.m.

<u>Time</u>	<u>AGENDA ITEM</u>
11:30 a.m.	A. Lunch
12:00 p.m.	B. Welcome and Introductions
12:05 p.m.	C. Action Items from July 16 Special meeting <ol style="list-style-type: none">1. Creation of appropriate resolutions and MOU if necessary to include independent special districts on LAFCO, taking into account the following issues:<ol style="list-style-type: none">a. Consideration of gifts and extraordinary incomeb. Revenue trigger for financial hardshipc. SCVWD allocated 1 (one) seatd. Allocation of second seat and alternate seate. Input to SCCSDA from Special District LAFCO Reps biannuallyf. Allocation of LAFCO costs in Exhibit A

Officers: Steve Wesolowski, Chair • Pete Siemens, Vice-Chair • Tony Estremera, Secretary/Treasurer

Members: Burbank Sanitary District • County Library Service Area • Cupertino Sanitary District • El Camino Hospital District • Loma Prieta Resource Conservation District • Midpeninsula Regional Open Space District • Rancho Rinconada Park & Recreation District • San Martin County Water District • Silver Creek Valley CC Geologic Hazard Abatement District • Santa Clara County Open Space Authority • Santa Clara Valley Water District • Saratoga Fire Protection District South • Santa Clara Valley Memorial District • Saratoga Cemetery District • Valley Transportation Authority • West Valley Sanitation District



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July 16 Special Meeting Summary

Meeting Participants:

- **CSDA:** Teresa Acuna
- **Cupertino Sanitary District :** Bill Bosworth
- **El Camino Hospital:** Sylvia Covarrubias
- **LAFCO of Santa Clara County:** Neelima Palacherla
- **Loma Prieta Resource Conservation District:** Susan Meyer
- **Midpeninsula Regional Open Space District:** Pete Siemens
- **Rancho Rinconada Recreation and Park District:** Steve Wesolowski
- **Santa Clara County Open Space Authority:** Andrea Mackenzie
- **Santa Clara Valley Water District:** Patrick Kwok, Tony Estremera
- **Saratoga Fire Protection District:** Gene Zambetti
- **Santa Clara County Special Districts Association:** Rick Callender, Cheryl Togami
- **West Valley Sanitation District:** Jon Newby

Other Attendees:

Sean Morley, El Camino Hospital
Doug Muirhead, member of public

C. LAFCO discussion:

Attendees had an extensive discussion regarding LAFCO participation by independent special districts. Members discussed their agency's position on the matter, as well as their personal opinions and perspectives.

At the conclusion of the meeting, staff was asked to bring back:

1. Resolutions and/or MOU that included: agreed upon allocation percentages, considered gifts/extraordinary income, a financial hardship trigger, a seat for SCVWD with second seat and alternate through standard selection process, and request for reporting to SCCSDA twice a year.

EXHIBIT A

**Percent Allocated Per District to be Used
As a Fixed Percentage Of LAFCO Operating Costs
To Determine Annual Cost Allocation**

Organization	Allocation Based on Percentage	Fixed Percentage
Aldercroft Heights County Water District	\$124.07	0.06233%
Burbank Sanitary District	\$310.40	0.15593%
Cupertino Sanitary District	\$5,257.51	2.64110%
El Camino Hospital District	\$9,768.88	4.90738%
Guadalupe Coyote Resource Conservation District	\$96.74	0.04860%
Lake Canyon Community Svcs. District	\$43.92	0.02206%
Lion's Gate Community Services	\$439.01	0.22053%
Loma Prieta Resource Conservation District	\$40.22	0.02020%
Midpeninsula Regional Open Space District	\$11,473.67	5.76378%
Purissima Hills County Water District	\$2,695.87	1.35427%
Rancho Rinconada Rec. n Park	\$318.27	0.15988%
San Martin County Water District	\$88.21	0.04431%
Santa Clara County Open Space District	\$2,529.14	1.27051%
Santa Clara Valley Water District	\$162,121.00	81.44124%
Saratoga Cemetery District	\$638.56	0.32078%
Saratoga Fire Protection District	\$3,044.82	1.52956%
South Santa Clara Valley Memorial District	\$74.68	0.03752%
Total	\$199,065.00	100.00000%

RESOLUTION OF THE SANTA CLARA COUNTY SPECIAL DISTRICTS ASSOCIATION

REQUESTING THAT THE SANTA CLARA COUNTY LOCAL AGENCY FORMATION COMMISSION INITIATE PROCEEDINGS FOR REPRESENTATION OF INDEPENDENT SPECIAL DISTRICT UPON THE COMMISSION,

AND

ADOPTING AN ALTERNATIVE FORMULA FOR DISTRIBUTING LOCAL AGENCY FORMATION COMMISSION OPERATING COSTS

AND

ADOPTING AN ALTERNATIVE PROCESS FOR APPOINTING INDEPENDENT SPECIAL DISTRICT MEMBERS TO THE SANTA CLARA COUNTY LOCAL AGENCY FORMATION COMMISSION

WHEREAS, California's Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Chapter 2, Part 2, Division 3, Title 5 of the Government Code) provides for the creation and composition of local agency formation commissions (LAFCO); and

WHEREAS, the Santa Clara County Local Agency Formation Commission (SCCLAFCO) promotes orderly growth and development in Santa Clara County by, preserving agricultural lands and open space, curbing urban sprawl, encouraging efficient delivery of services, exploring and facilitating regional opportunities for fiscal sustainability, and promoting public accountability and transparency of local agencies to improve governance; and

WHEREAS, the composition of the SCCLAFCO may include two members from the legislative bodies of independent special districts selected by the independent special district committee; and

WHEREAS, the Santa Clara County Special District Association (SCCSDA) believes independent special districts (ISDs) representation on the SCCLAFCO will facilitate achieving SCCLAFCO's goals; and

WHEREAS, in counties in which there is a city and ISD representation on a LAFCO, one third of the operating costs of the LAFCO are to be borne by the ISD; and

WHEREAS, the ISD's share of operating costs are to be apportioned in proportion to each district's total revenues as a percentage of the combined total district revenues within the county or by an alternative method approved by a majority of the ISD's; and

WHEREAS, the SCCSDA supports the need for an alternative formula which recognizes the need for all special districts to contribute, that no one district should bear a disproportionate share of the cost, that there are differences in the ability of enterprise versus non-enterprise districts to contribute to costs,

and that extraordinary revenue such as gifts and grants should be taken into consideration when determining a district's revenue for the purpose of apportioning LAFCO costs; and

WHEREAS, the Santa Clara Valley Water District has consented to bear more than 50% of the SCCSDA's share of LAFCO operating costs.

NOW, THEREFORE, BE IT RESOLVED by the Santa Clara County Special District Association as follows:

1. The SCCSDA believes it is important that independent special districts have a voice in LAFCO matters and SCCLAFCO is requested to initiate proceedings for representation of independent special districts upon the commission.
2. The alternative allocation of SCCSDA share of operating costs of LAFCO shall be based on the percentages allocated to each district as set forth in Exhibit A, attached hereto and made a part thereof; provided, however, that any district may pass a resolution declaring financial hardship and requesting the SCCSDA to conduct a review and revision of the allocations described in Exhibit A.
3. The Santa Clara Valley Water District shall have one appointment to the SCCLAFCO as a result of its consent to pay greater than 50% of the LAFCO costs; and the second representative and alternate will be selected via the standard selection process.
4. The SCCSDA representatives to SCCLAFCO are strongly encouraged to submit bi-annual reports at regularly scheduled meetings of the SCCSDA that will update the SCCSDA on LAFCO issues and actions.

PASSED AND ADOPTED by the SANTA CLARA COUNTY SPECIAL DISTRICT ASSOCIATION on _____ by the following vote:

AYES:

NOES:

ABSTAIN:

By: _____

Chair of the _____

ATTEST:

CLERK

BEFORE THE BOARD OF DIRECTORS

OF THE

_____ DISTRICT

RESOLUTION

A resolution of the Board of Directors of the _____

(District) requesting independent special district membership on the

Santa Clara County Local Agency Formation Commission

WHEREAS, California's Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Chapter 2, Part 2, Division 3, Title 5 of the Government Code provides for the creation and composition of local agency formation commissions; and

WHEREAS, the Santa Clara County Local Agency Formation Commission (SCCLAFCO) promotes orderly growth and development in Santa Clara County by, preserving agricultural lands and open space, curbing urban sprawl, encouraging efficient delivery of services, exploring and facilitating regional opportunities for fiscal sustainability, and promoting public accountability and transparency of local agencies to improve governance; and

WHEREAS, the composition of the SCCLAFCO may include two members from the legislative bodies of independent special districts selected by the independent special district committee; and

WHEREAS, _____ believes independent special district (ISDs) representation on the SCCLAFCO will facilitate achieving SCCLAFCO's goals; and

WHEREAS, in counties in which there is city and ISD representation on a LAFCO, one-third of the operating costs of the LAFCO are to be borne by the ISDs; and

WHEREAS, the ISDs share of operating costs are to be apportioned in proportion to each district's total revenues as a percentage of the combined total district revenues within the county or by an alternative method approved by a majority of the ISDs; and

WHEREAS, _____ District supports the need for an alternative formula which recognizes the need for all special districts to contribute, that no one district should bear a disproportionate share of the cost, that there are differences in the ability of enterprise versus non-enterprise districts to contribute to costs, and that extraordinary revenue such as gifts and grants should be taken into consideration when determining a district's revenue for the purpose of apportioning LAFCO costs; and

WHEREAS, the Santa Clara Valley Water District has consented to bear more than 50% of the ISDs share of LAFCO operating costs.

NOW, THEREFORE, BE IT RESOLVED BY THE _____ District,

1. The _____ District supports the Resolution of the Santa Clara County Special District Association requesting that the Santa Clara County Local Agency Formation Commission initiate proceedings for representation of independent special districts upon the commission, adopting an alternative formula for distributing local agency formation commission operating costs and adopting an alternative process for appointing independent special district members to the commission.
2. The alternative allocation of SCCSDA share of operating costs of LAFCO shall be based on the percentages allocated to each district as set forth in Exhibit A, attached hereto and made a part hereof.
3. Annually, the _____ District will be responsible for its allocation of ISD's share of LAFCO operating costs as identified by SCCLAFCO, based on multiplying the fixed percentage column for the _____ District detailed in Exhibit A and the one-third share of the total LAFCO cost in determining the total cost and amount to be allocated to the _____ District; provided, however, that _____ District may pass a resolution declaring financial hardship and requesting the SCCSDA to conduct a review and revision of the allocations described in Exhibit A.
4. The Santa Clara Valley Water District shall have one appointment to the SCCLAFCO as a result of its consent to pay greater than 50% of the ISD's share of LAFCO costs; and the second representative and alternate shall be appointed be selected via the standard selection process.
5. The SCCSDA representatives to SCCLAFCO are strongly encouraged to submit bi-annual reports at regularly scheduled meetings of the SCCSDA that will update the SCCSDA on LAFCO issues and actions.

PASSED AND ADOPTED by the _____ District on _____ by the following vote:

AYES:

NOES;

ABSTAIN;

By _____

Chair of the _____

ATTEST:

Clerk _____