



Midpeninsula Regional  
Open Space District

R-13-13  
Meeting 13-01  
January 09, 2013

## AGENDA ITEM 10

### AGENDA ITEM

Appointment of District Representative on the Independent Special District Selection Committee; and Nomination of Independent Special District Representative and Alternate on the Santa Clara County Local Agency Formation Commission

### GENERAL MANAGER'S RECOMMENDATION

Appoint Director Pete Siemens as the District Representative on the Independent Special District Selection Committee and approve the nomination of Santa Clara County Open Space Authority Board Member Sequoia Hall as the Independent Special District Representative on the Santa Clara County Local Agency Formation Commission (LAFCO), and nominating Yoriko Kishimoto as the alternate.

### SUMMARY

The District Board of Directors is submitting its nomination of Santa Clara County Open Space Authority Board Member Sequoia Hall as the independent special district representation on LAFCO to the Independent Special District Selection Committee, and nominating Yoriko Kishimoto as the alternate.

### DISCUSSION

On September 12, 2012, the District's Board of Directors adopted a resolution calling for special district representation on LAFCO (See Resolution No. 12-34). On November 29, 2012, the chair of the Santa Clara County Special Districts Association submitted nine resolutions from independent special districts in Santa Clara County proposing representation on LAFCO. On December 12, 2012, LAFCO approved a resolution of intention to seat independent special districts to the Commission, including the terms of representation.

By a special agreement between the Santa Clara County Special Districts Association, one seat is allocated to the Santa Clara Valley Water District (SCVWD). On December 18<sup>th</sup>, the SCVWD Board of Directors nominated Linda LeZotte to hold that seat. An Independent Special District Selection Committee (ISDSC) comprised of the presiding officer of each independent special district, or their board appointed representative, will select the second independent special district LAFCO representative and alternate special district LAFCO representative to serve on the commission.

The ISDSC will also determine which seat will have an initial four-year term and which seat will have an initial two-year term, to provide staggered terms. A quorum of nine independent special district presiding officers or its representative must be in attendance at the meeting on January 11, 2013, from 10:30 a.m. to noon at the Santa Clara Valley Water District Boardroom.

**FISCAL IMPACT**

The annual cost to the District is estimated to be \$11,500 and represents 5.8% of LAFCO's annual operating costs. This amount has been included in the Fiscal Year 2012-13 budget.

**BOARD COMMITTEE REVIEW**

Board Committee review of this agenda item was not required.

**PUBLIC NOTICE**

Notice was provided pursuant to the Brown Act. No additional notice is necessary.

**CEQA COMPLIANCE**

No compliance is required as this action is not a project under the California Environmental Quality Act (CEQA).

**NEXT STEPS**

If approved by the Board, staff will forward the resolution to the Independent Special District Selection Committee.

Attachments:

1. Resolution
2. LAFCo Independent Special District Selection Committee Meeting Notice

Responsible Department Manager:  
Steve Abbors, General Manager

Prepared by:  
Michelle Radcliffe, District Clerk

Contact person:  
Stephen E. Abbors, General Manager  
Pete Siemens, Board Member

# ATTACHMENT 1

## RESOLUTION NO. 13-XX

### **RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT NOMINATING SANTA CLARA COUNTY OPEN SPACE AUTHORITY BOARD MEMBER SEQUOIA HALL TO THE LOCAL AGENCY FORMATION COMMISSION OF SANTA CLARA COUNTY, AND NOMINATING YORIKO KISHIMOTO AS THE ALTERNATE**

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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 (ISDs) selected by the independent special district committee; and

WHEREAS, the Midpeninsula Regional Open Space District (District) believes independent special district (ISDs) representation on the SCCLAFCO will facilitate achieving SCCLAFCO's goals; and

WHEREAS, on September 12, 2012, the District approved Resolution No. 12-34 requesting ISD membership on SCCLAFCO; and

WHEREAS, on November 29, 2012, the chair of Santa Clara County Special Districts Association (SCCSDA) submitted nine resolutions from ISDs in Santa Clara County proposing representation of SCCLAFCO; ; and

WHEREAS, on December 12, 2012, SCCLAFCO approved a resolution of intention to seat ISDs to SCCLAFCO, including the terms of representation; and

WHEREAS, by special agreement between the SCCSDA, one seat is allocated to the Santa Clara Valley Water District (SCVWD) and SCVWD nominated Linda LeZotte to hold that seat; and

WHEREAS, an Independent Special District Selection Committee (ISDSC) comprised of the presiding officer of each independent special district or their board appointed alternate will select the second independent special district SCCLAFCO representative and alternate to serve on the Commission. The ISDSC will hold its first meeting on January 11, 2013, to select one regular member and one alternative member to serve of SCCLAFCO.

**NOW, THEREFORE, THE DISTRICT RESOLVES AS FOLLOWS:**

1. The Midpeninsula Regional Open Space District appoints Director Pete Siemens as the District Representative on the Independent Special District Selection Committee; and,
2. The Midpeninsula Regional Open Space District nominates Santa Clara County Open Space Board Member Sequoia Hall as the second ISD representative on SCCLAFCO; and,
3. The Midpeninsula Regional Open Space District nominates District Board Member Yoriko Kishimoto as the alternate special district representative.

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**DECEMBER 13, 2012**

**TO: INDEPENDENT SPECIAL DISTRICT BOARD MEMBERS, MANAGERS / CLERKS**  
**FROM: NEELIMA PALACHERLA, LAFCO EXECUTIVE OFFICER**  
**RE: NOTICE OF INDEPENDENT SPECIAL DISTRICT SELECTION COMMITTEE MEETING**  
**SELECTION OF SPECIAL DISTRICT MEMBERS TO SERVE ON LAFCO**

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The Local Agency Formation Commission of Santa Clara County (LAFCO), at its December 12, 2012 meeting, adopted a resolution of intention to seat independent special districts on LAFCO. As a result, LAFCO will be expanded to include two special district members and one alternate special district member. As agreed upon by the Special Districts Association of Santa Clara County, the Santa Clara Valley Water District (SCVWD) will appoint one special district member to LAFCO, and the Independent Special District Selection Committee (ISDSC) will appoint the second member and an alternate member to LAFCO.

At the December meeting, LAFCO directed its Executive Officer to notice and call a meeting of the ISDSC for the purpose of selecting special district members to serve on LAFCO. The December LAFCO Staff Report is attached and includes related background information.

The purpose of this memo is to provide notice of the ISDSC meeting and to provide information on the selection process for the special district members to LAFCO.

#### **ISDSC MEMBERSHIP AND MEETING**

The first meeting of the ISDSC will be held **on Friday, January 11, 2013 at 10:30 AM in the Boardroom of the Santa Clara Valley Water District located at 5700 Almaden Expressway, San Jose**. The primary purpose of the ISDSC meeting will be to select one regular member and one alternate member to serve on LAFCO. The agenda for the ISDSC meeting is attached.

The ISDSC membership is comprised of presiding officers of the following 17 independent special districts in Santa Clara County:

1. Aldercroft Heights County Water District
2. Burbank Sanitary District
3. Cupertino Sanitary District
4. El Camino Hospital District
5. Guadalupe Coyote Resource Conservation District
6. Lake Canyon Community Services District
7. Lion's Gate Community Services District

8. Loma Prieta Resource Conservation District
9. Midpeninsula Regional Open Space District
10. Purissima Hills County Water District
11. Rancho Rinconada Recreation and Park District
12. San Martin County Water District
13. Santa Clara County Open Space Authority
14. Santa Clara Valley Water District
15. Saratoga Cemetery District
16. Saratoga Fire Protection District
17. South Santa Clara Valley Memorial District

If the presiding officer of an independent special district is unable to attend the ISDSC meeting, the legislative body of the district may appoint one of its members to attend and vote in the presiding officer's place. District managers or other district staff members may not vote.

ISDSC members representing a majority (9) of the independent special districts shall constitute a quorum. The ISDSC shall not conduct its business without a quorum of its membership. It is very important to have a quorum at this first meeting. Failure to achieve a quorum will result in special districts not being fully represented on LAFCO.

#### **PROCESS FOR SELECTION OF SPECIAL DISTRICT MEMBERS TO SERVE ON LAFCO**

Specifically, the ISDSC will select one member to serve in each of the following two positions:

- One regular special district member
- One alternate special district member  
The alternate member will vote in place of the regular member if either of the two regular special district members is absent or has a conflict of interest.

A brief description of the roles and responsibilities of a LAFCO commissioner is attached.

At the January 11, 2013 ISDSC meeting, any member of an independent special district governing board may submit a nomination for the special district member positions. The nominees must be elected or appointed special district officers residing within the county but must not be members of the legislative body of a city or county. Each nominee will be given an opportunity to make a brief statement. A ballot will be provided to the members of the ISDSC (i.e., to each presiding officer or voting delegate of independent special districts) present at the meeting. Each member of the ISDSC is entitled to one vote. The ISDSC is encouraged to make selections that fairly represent the diversity of the independent special districts in the county, with respect to population and geography.

If only one nomination is received for a position, that nominee is selected. The nominee who receives the majority of the votes cast is selected. If no nominee receives a majority

of the votes cast, a run-off election between the two nominees who receive the greatest number of votes is held. After votes are tallied, the results will be announced.

#### **TERMS OF OFFICE FOR LAFCO MEMBERS**

The term of office for a LAFCO commissioner is 4 years and until the appointment and qualification of a successor. Pursuant to Government Code §56334 and in order to stagger the initial term expiration for the regular special district members, one of the regular special district member's initial term will be 2 years in length (expiring in May 2015) and the other's will be 4 years (expiring in May 2017). The ISDSC, at its January 11, 2013 meeting, will determine the initial terms of office for the two regular members. The alternate member's term will be 4 years. A member's term of office on LAFCO will cease immediately if he or she ceases to be on the special district board. The statute also provides that a member may be removed at any time and without cause upon a majority vote of the ISDSC.

#### **DISQUALIFICATION ON PROPOSALS AFFECTING THE DISTRICT**

Pursuant to Government Code §56332(d), a special district member is not automatically disqualified from acting on a proposal affecting the member's special district. However, the statute allows that the ISDSC may, at the time of appointment of a member or alternate, specify that the member is disqualified from voting on proposals affecting the member's district.

#### **FOR MORE INFORMATION**

If you would like more information on LAFCO, please visit the LAFCO website at [www.santaclara.lafco.ca.gov](http://www.santaclara.lafco.ca.gov).

If you have any questions about this process please contact me at [neelima.palacherla@ceo.sccgov.org](mailto:neelima.palacherla@ceo.sccgov.org) or at (408) 299-5127. Or you may contact Dunia Noel at [dunia.noel@ceo.sccgov.org](mailto:dunia.noel@ceo.sccgov.org) or at (408) 299-5148.

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#### **ATTACHMENTS**

[Agenda for the January 11, 2013 ISDSC meeting](#)

[Roles and Responsibilities of a LAFCO Commissioner](#)

[December LAFCO Staff report on Special Districts Membership on LAFCO](#)

#### **NOTE TO INDEPENDENT SPECIAL DISTRICT MANAGERS AND / OR CLERKS:**

**Please distribute this notice to all members of the District Board**