
**SAN JOAQUIN
LOCAL AGENCY FORMATION COMMISSION**

LAFCo

44 N SAN JOAQUIN STREET 509 W. WEBER AVENUE SUITE 374 STOCKTON, CA 95202

AGENDA

Thursday, January 12, 2023 9:00 A. M.

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

* * * *

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

CONSENT ITEMS

1. MEETING MINUTES OF DECEMBER 8, 2022
(Action by All Members)
Approve Summary Minutes of the regular meeting.
2. DISCUSSION AND POSSIBLE ACTION REGARDING MEETINGS OF THE SAN JOAQUIN LOCAL AGENCY FORMATION COMMISSION UNDER AB 361 USING TELECONFERENCE DURING A PROCLAIMED STATE OF EMERGENCY
(Action by All Members)
Consider Resolution to conduct meetings of the San Joaquin Local Agency Formation Commission using teleconferencing pursuant to Government Code 54953 as amended by Assembly Bill 361 for the period January 12, 2023 to February 10, 2023.

PUBLIC HEARING

3. QUARESMA REORGANIZATION TO THE CITY OF MANTECA (LAFCo 39-22)
(Action by Regular Members)
Request to annex approximately 1.67 acres to the City of Manteca.

ACTION ITEMS

4. DISCUSSION REGARDING MEETINGS OF THE SAN JOAQUIN LOCAL AGENCY FORMATION COMMISSION UNDER AB 2449
(Action by All Members)
Discussion regarding new legislation impacting the Commission's ability to conduct meetings by teleconferencing.

5. ELECTION OF CHAIR AND VICE-CHAIR

(Action by All Members)

Election of Chair and Vice-Chair to serve during the 2023 calendar year.

SPECIAL MATTERS

6. COMMISSION MEETING CALENDAR FOR 2023

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: 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)

B. Public Employee Appointment pursuant to Government Code Section 54957(b).

Position: Full-Time Commission Clerk / Analyst

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

ADJOURNMENT

LAFCo

44 N. SAN JOAQUIN STREET SUITE 374 STOCKTON, CA 95202

**SUMMARY MINUTES
December 8, 2022**

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

Chairman Breitenbucher called the meeting to order at 9:03 a.m.

MEMBERS PRESENT: Commissioners Villapudua, Winn and Chairman Breitenbucher

MEMBERS ABSENT: Commissioners Johnson and Lincoln

ALTERNATE MEMBERS PRESENT: Commissioner Diallo and Patti

ALTERNATE MEMBERS ABSENT: Commissioner Morowit

OTHERS PRESENT: J.D. Hightower, Executive Officer; Elizabeth Contreras, LAFCo Analyst; Mitzi Stites, Commission Clerk; and Tom Terpstra Jr., Legal Counsel

Chairman Breitenbucher presented Commissioner Winn with a plaque for his years of dedicated service. Chair Breitenbucher personally thanked him for his advice not only with LAFCo but also on other issues throughout the County.

Commissioner Winn thanked the Commissioners for their leadership and the LAFCo Staff for all they do in preparing the Commissioners with information that has always helped them to make the best decisions.

CONSENT ITEMS

Chairman Breitenbucher opened the floor for Commissioner Comments.

Commissioner Patti inquired what would happen to AB 361 once Governor Newsom cancels the Executive Order in February.

Tom Terpstra Jr., Legal Counsel, stated that even though the Governor will rescind AB 361 there will be new legislation, AB 2249 which will allow the Commissioners and the Public to be able to attend the meeting by teleconference. The details are being worked out with the State Legislation and Legal Counsel will bring that to the Commission for discussion at a future meeting.

Commissioner Winn inquired a concern for safety on giving the location of a Commissioner or Public Member who joins the meeting electronically and wanted clarification on that requirement.

Tom Terpstra Jr., Legal Counsel, stated that yes, not only do you need to give a location on where you are at the time of the meeting but also who else is in the room with you.

J.D. Hightower, Executive Officer, stated that what is on the Consent Calendar is only continuance of AB 361 for 30 days and it is not voting on the new legislative bill.

Chairman Breitenbucher closed the floor to Commissioner Comments.

Chairman Breitenbucher opened the floor for Public Comments.

Bob Bentz, Stockton Resident, stated his concern for the government delegating how to run meetings. If you have a meeting that is open to the public than it should be conducted in person.

Chairman Breitenbucher closed Public Comments.

A motion was made by Commissioner Winn and seconded by Commissioner Villapudua to approve the Consent Calendar.

The motion for approval of the Summary Minutes of November 10, 2022 meeting was passed by a unanimous vote of the Commission.

The motion for approval to adopt Resolution No. 1500 regarding out-of-agency service request to property located at 5312 Hobart Avenue, 2900 E. Harding Way, 250 W. Downing Avenue, 2000 Sanguinetti Lane, and 141 N. Olive Avenue in Stockton, was passed by a unanimous vote of the regular voting members of the Commission.

The motion for approval to adopt Resolution 1501 authorizing the San Joaquin Local Agency Formation Commission to conduct meetings using teleconferencing pursuant to Government Code 45953 as amended by AB 361 for the period of December 10, 2022 to January 7, 2023 was passed by a unanimous vote of the regular voting members of the Commission.

PUBLIC HEARING ITEMS

4. MILLER ANNEXATION TO THE SOUTH SAN JOAQUIN IRRIGATION DISTRICT
(LAFD 20-22) (*Action by Regular Members*)
Request to annex approximately 40.18 acres to South San Joaquin Irrigation District.

J.D. Hightower, Executive Officer, provided a PowerPoint presentation for both Agenda Item No. 4 the Miller Annexation to South San Joaquin Irrigation District (SSJID) and Agenda Item No. 5, G & E Te Velde Annexation to SSJID. SSJID service area is approximately 72,000 acres and is generally located in the southern San Joaquin County.

Both landowners of the proposed annexations currently receive SSJID water to the property when available. Annexation to SSJID would provide the landowners the same rights to irrigation water as existing landowners within the district. There are no drainage facilities available to the properties and there are no plans to provide service.

The Miller property is not within the District's Sphere of Influence for retail electrical service and will not be provided with service.

The Te Velde property site is within the District's Sphere of Influence for retail electric service and is eligible for the service.

It is recommended that the Commission approve Resolution No. 1502 approving the Miller Annexation to South San Joaquin Irrigation District and recommend approving Resolution No. 1503 approving G & E Te Velde annexation to the South Side Irrigation District.

Mr. Peter Rietkerk, General Manager, SSJID and Mia Brown, District General Counsel, were present to answer any questions the Commission may have.

Chairman Breitenbucher opened the floor to Commissioner Comments regarding Agenda Item No. 4, Miller Annexation to the South San Joaquin Irrigation District.

Commissioner Winn inquired how the annexation would benefit the landowners.

Mr. Rietkerk, General Manager, SSJID, stated that they would have full rights as a landowner and more assurance over the use of water.

Ms. Mia Brown, District General Counsel, also stated that they would have voting rights and could run for a seat on the Board of Directors.

Chairman Breitenbucher closed the floor to Commissioner Comments.

Chairman Breitenbucher opened the floor to Public Comments.

No one came forward.

Chairman Breitenbucher closed Public Comments

A motion was made by Commissioner Winn and seconded by Commissioner Villapudua to approve Resolution No. 1502 approving the Miller Annexation to South San Joaquin Irrigation District

Roll Call Vote:

Ayes: Commissioner Diallo, Villapudua, Winn and Chairman Breitenbucher

Nos: None

Absent: Commissioner Johnson and Lincoln

5. G & E Te VELDE ANNEXATION TO THE SOUTH SAN JOAQUIN IRRIGATION DISTRICT (LAFC 21-22) (*Action by Regular Members*)
Request to annex approximately 448.52 acres to South San Joaquin Irrigation District

J.D. Hightower, Executive Officer, had included this Agenda Item with the previous annexation PowerPoint.

Chairman Breitenbucher opened the floor to Commissioner Comments.

No comments were made.

Chairman Breitenbucher closed the floor to Commissioner Comments.

Bob Bentz, Stockton Resident, stated that water is a fundamental right and why are the prices are so high to receive it. What is all the money being used for? Tthe farmers need the water for their crops.

Commissioner Winn stated that he understood Mr. Bentz concern but reassured him that in San Joaquin County the amount spent to maintain the water is not as high as it is in other counties. There is a problem with the leadership, especially concerning the storage of water.

Chairman Breitenbucher opened the floor to Public Comments.

The motion was made by Commissioner Winn seconded by Commissioner Villapudua to approve Resolution No. 1503, approving the G& E Te Velde Annexation to South San Joaquin Irrigation District.

Roll Call Vote:

Ayes: Commissioner Diallo, Villapudua, Winn and Chairman Breitenbucher

Nos: None

Absent: Commissioner Johnson and Lincoln

ACTION ITEM

6. RESULTS OF THE PROTEST HEARING FOR LUMINA REORGANIZATION TO THE CITY OF MANTECA (LAFCO 19-22)

Report from the Executive Officer on the results from the protest hearing held on November 22, 2022.

J.D. Hightower, Executive Officer, did a PowerPoint on the background of this project. The Commission had approved the Lumina Reorganization to the City of Manteca on October 13, 2022. The proposed annexation site consists of three areas:

A vacant 161.19-acre parcel known as the Development Area and 3 .16 acres of dedication areas along Woodward Road and Airport Way. The City proposes to develop the vacant parcel into 827 residential units (Lumina at Machado Ranch), two parks, and public infrastructure.

Non-Development Area 1 consisting of six 1-acre lots with existing residential homes.

Non-Development Area 2 consisting of nine lots ranging from 1.3 acre to 1.8 acre lots (13.11 acres total) with existing residential homes.

This annexation is required to extend city services for the proposed development. This project is inhabited and does not have 100% owner consent. Staff received letters of opposition and a Protest Hearing took place on November 22, 2022.

There were two property owners / registered voters that attended the meeting. Total of two registered voters (7.4%) and five property owners representing two properties (7.1% of assessed land values) protest forms received via USPS. Verbal agreement made at the hearing for water and sewer connection fees and landscape repair not to exceed \$25,098 for owner occupied properties.

With this agreement, there will be no need to proceed with an election and the Commission approval will stand. There are two conditions to this Resolution that need to be met before the Certificate of Completion will be filed. The first one is that there needs to be a desired agreement with San Joaquin County regarding property tax sharing for the Lumina at Machado Ranch development or they can decide that the existing master property tax sharing agreement is acceptable. The second condition is that the City of Manteca and the Lathrop Manteca Fire Department have executed an agreement to mitigate the loss of revenues to the fire department.

Chairman Breitenbucher opened the floor to Commissioner Comments.

Chairman Breitenbucher opened the floor to Public Comments.

No one came forward.

Chairman Breitenbucher closed Public Comments.

The motion was made by Commissioner Winn seconded by Commissioner Villapudua to approve Resolution No. 1504, San Joaquin Local Agency Formation Conducting Authority Certification of the City of Manteca's Lumina At Machado Ranch Reorganization Protest Hearing.

Roll Call Vote:

Ayes: Commissioner Diallo, Villapudua, Winn and Chairman Breitenbucher

Nos: None
Absent: Commissioner Johnson and Lincoln

PUBLIC COMMENTS

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

No one came forward.

EXECUTIVE OFFICER COMMENTS

7. Comments from the Executive Officer

Staff is currently working with the City of Escalon on their MSR/SOI. The City of Manteca has one annexation for 1.67 acres that will be coming before the Commission for approval soon.

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

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

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

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

There is no need for a Closed Session.

ADJOURNMENT

Meeting Adjourned at 9:40 a.m.

LAFCo

44 NORTH SAN JOAQUIN STREET, SUITE 374 □ STOCKTON, CA 95202

EXECUTIVE OFFICER'S REPORT

DATE: January 12, 2023

FROM: Rod Attebery, General Counsel

SUBJECT: Discussion and Possible Action Regarding Meetings of the San Joaquin Agency Formation Commission Under AB 361 Using Teleconference During a Proclaimed State of Emergency

Recommendation

It is recommended that the Commission approve the attached LAFCo resolution 1505 authorizing Commission to conduct meeting of the San Joaquin Local Agency Formation Commission using teleconferencing pursuant to Government Code 45942 as amended by AB 361 for the period of January 12, 2023 to February 11, 2023.

Background

On September 16, 2021, Governor Gavin Newsom signed Assembly Bill 361 ("AB 361") into law, amending the Ralph M. Brown Act (Gov. Code, § 54950 *et seq.*) (the "Brown Act"). AB 361 codified certain modified requirements for teleconference meetings held by public agencies, similar to those previously authorized and extended by executive order during the COVID-19 State of Emergency.

AB 361 was introduced to provide a longer-term solution for teleconference meetings during states of emergency, effective until January 1, 2024. AB 361 amends Section 54953 of the Government Code to allow the legislative body of a local agency to meet remotely without complying with the normal teleconference rules for agenda posting, physical location access, or quorum rules. To do so, one of three scenarios must exist, all of which require that the Governor has proclaimed a State of Emergency pursuant to Government Code section 8625:

- A. State or local officials have imposed or recommended measures to promote social distancing;
- B. The agency is holding a meeting for the purpose of determining whether meeting in person would present imminent risks to the health or safety of attendees; or

C. The agency is holding a meeting and has determined that meeting in person would present imminent risks to the health or safety of attendees.

(Gov. Code, § 54953(e)(1).)

An agency and any committee that is required to comply with the Brown Act, that holds a meeting under either of the three scenarios must continue to post its agenda in the time required by the Brown Act, and ensure that the public is able to address the agency or committee directly through teleconference means. (*Id.* at subd. (e)(2). If a disruption prevents the agency or committee from broadcasting the meeting or receiving public comments in real time, the agency or committee cannot take further action until those functions are restored; any actions taken during such a disruption are subject to legal challenge. (*Id.*)

Assuming the State of Emergency remains in effect, if the San Joaquin Local Agency Formation Commission (“LAFCo” or the “Commission”) or LAFCo committees wish to continue meeting under the modified rules, then the Commission, and each committee that wants to continue to meet using teleconference must each individually adopt an initial resolution within 30 days of the first teleconference meeting, and then must adopt an extension resolution at least every 30 days thereafter. (*Id.* at subd. (e)(3).) The resolutions must contain findings stating that the Commission or committee has reconsidered the circumstances of the State of Emergency and either (1) the State of Emergency continues to directly impact the ability of the members to meet safely in person; or (2) State or local officials continue to impose or recommend measures to promote social distancing. (*Id.*)

Where consecutive regular meetings fall outside the 30-day time frame, the Commission or committee should hold a special “AB 361” remote meeting within the 30-day window simply to re-authorize the AB 361 exceptions. Without the AB 361 exceptions, the Commission or committee will be required to return to normal in-person meetings or provide public access at each remote location under the traditional teleconference rules, as of October 1, 2021. Therefore, if the AB 361 authorization lapses and the Commission or a committee wishes to hold a teleconference meeting, it will be required to post agendas and provide public access at each remote location, identify those locations in the agenda, and maintain a quorum of the Commission within agency boundaries. If a meeting is not held in conformity with AB 361, commissioners may not teleconference from their residences or other locations, which are not open and accessible to the public.

FISCAL IMPACT:

None.

Attachment: Resolution 1506

Resolution No. 1506

**BEFORE THE SAN JOAQUIN LOCAL AGENCY FORMATION COMMISSION
AUTHORIZING COMMISSION TO CONDUCT MEETINGS OF THE SAN JOAQUIN
LOCAL AGENCY FORMATION COMMISSION USING TELECONFERENCING
PURSUANT TO GOVERNMENT CODE 54953 AS AMENDED BY AB 361 FOR THE
PERIOD JANUARY 12, 2023 TO FEBRUARY 11, 2023**

WHEREAS, the San Joaquin Local Agency Formation Commission (“LAFCo”) is committed to preserving and nurturing public access and participation in meetings of the Commission; and

WHEREAS, all meetings of LAFCo’s legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch LAFCo’s legislative bodies conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), as amended by AB 361 (2021), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, on March 4, 2020, the Governor proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS, Cal-OSHA adopted emergency regulations (Section 3205) imposing requirements on California employers, including measures to promote social distancing; and

WHEREAS, an Order of the San Joaquin County Public Health Officer acknowledges that close contact to other persons increases the risk of transmission of COVID-19; and

WHEREAS, currently the dominant strain of COVID-19 in the country, is more transmissible than prior variants of the virus, may cause more severe illness, and that even fully vaccinated individuals can spread the virus to others resulting in rapid and alarming rates of COVID-19 cases and hospitalizations, therefore, meeting in person would present imminent risks to the health or safety of attendees.

NOW, THEREFORE, BE IT RESOLVED, that the San Joaquin Local Agency Formation Commission approves

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Finding of Imminent Risk to Health or Safety of Attendees. LAFCo does hereby find that the current dominant strain of COVID-19 in the country, is more transmissible than prior variants of the virus, may cause more severe illness, and that even fully vaccinated individuals can spread the virus to others resulting in rapid and alarming rates of COVID-19 cases and hospitalizations has caused, and will continue to cause, conditions of peril to the safety of persons, thereby presenting an imminent risk to health and/or safety to LAFCo's employees and attendees of the Commission's public meetings; and

Section 3. Teleconference Meetings. LAFCo does hereby determine as a result of the State of Emergency proclaimed by the Governor, and the recommended measures to promote social distancing made by State and local officials that the Commission may conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e)(1)(A) and (B) of section 54953, and shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

Section 4. Direction to Staff. The Executive Officer and LAFCo staff are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 5. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED this 12th day of January 2023, by the following roll call vote:

AYES:

NOES:

ABSENT:

DAVID BREITENBUCHER, Chairman
San Joaquin Local Agency
Formation Commission

LAFCo

41 N SAN JOAQUIN STREET SUITE 374 STOCKTON, CA 95202

EXECUTIVE OFFICER’S REPORT

- PROJECT:** QUARESMA REORGANIZATION TO THE CITY OF MANTECA (L AFC 39-22)
- PROPOSAL:** Annexation of 1.68 acres consisting of one parcel and the right-of-way on Sedan Avenue fronting the parcel. The reorganization includes detachment from the Lathrop Manteca Fire District and the San Joaquin County Resource Conservation District
- APPLICANT:** City of Manteca
- LOCATION:** 7189 East Sedan Avenue, Manteca (Exhibit A: Vicinity Map)
- PURPOSE:** Annexation to the City is needed to complete a lot line adjustment and filing of a final map for Griffen Park Phase C
- PROCESS:** Proposed annexation area is uninhabited (12 or less registered voters) and has owner-consent.

RECOMMENDATION

It is recommended that the Commission approve Resolution No. 1508 approving the Quaresma Reorganization to the City of Manteca with concurrent detachments from the Lathrop Manteca Fire District and San Joaquin County Resource Conservation District.

BACKGROUND

On July 19, 2022, the Manteca City Council approved the annexation to the City, a General Plan amendment and Pre-zoning for 7189 East Sedan Avenue. The City authorized staff to submit an application to LAFCo to begin the annexation process. (Exhibit B: City Resolution R2022-139 and Justification of Proposal)

The proposed annexation area consists of one parcel and the portion of Sedan Avenue fronting the parcel. The property owner (Quaresma) consents to the annexation. The subject property borders the Griffen Park Reorganization (L AFC 26-15) approved by the Commission in 2018. The Griffen Park project included the annexation of 344 acres for development of a master planned community consisting of approximately 1,592 single family units as well as commercial uses and is located between the southern border of the City limits to Sedan Avenue. The subject annexation site contains existing private structures developed to the density allowed by the current zoning and no further development is proposed for the parcel.

At the time of annexation of the Griffin Park Specific Plan, the subject site was not included in the annexation. The site has the potential to be subdivided in the future in accordance with Manteca's housing goals adopted in the 6th cycle of the Regional Housing Needs Assessment and standards of the City's subdivision ordinance.

During the surveying for the final map for the phase of Griffin Park adjacent to the parcel it was discovered that a pool house structure straddles the common property line between the two parcels. This phase of Griffin Park and the existing ranch house parcel are owned by different members of the Quaresma family. At the time of annexation of Griffin Park the Quaresma family was notified of the annexation and declined the opportunity to annex at that time. The annexation is necessary so that the City can proceed with a lot line adjustment between the two parcels as part of the final map.

Phase C of Griffen Park requires improvements to Sedan Avenue including the right of way fronting the annexation site. A lot line adjustment and dedication of the roadway is necessary to file a final map and complete street improvements for Griffin Park which would include Sedan Avenue fronting the Quaresma propery. Upon annexation the property owner will dedicate the right-of-way on Sedan Avenue. Frontage improvements on the north side of Sedan Avenue will be constructed as part of the adjacent phase of Griffin Park in accordance with Manteca's ordinances.

Part of the improvements on Sedan Avenue will include water and sewer lines that will be available to the Quaresma family at any time, usually when the private septic and well fail.

ENVIRONMENTAL

The City of Manteca determined that the annexation is exempt from CEQA per Section 15319, Annexation of Existing Facilities and Lots for Exempt Facilities, in that this project involves an annexation containing of an existing private structure developed to the density allowed by the zoning and the extension of utility services will have a capacity to serve the existing single family home and accessory structures. LAFCo, as a Responsible Agency must consider the City's environmental determination. (Exhibit C: Notice of Exemption)

PROPERTY TAX EXCHANGE

Pursuant to the Revenue and Taxation Code, the City and County must have an agreement in place that determines the exchange of property tax revenues from a jurisdictional change. The City of Manteca and the County executed a master tax sharing agreement applicable to all annexations through 2028.

EXTENSION OF SERVICES

Completion of the Sedan Avenue roadway improvements for Griffin Park requires the extension of water and sewer mains within Sedan Avenue and stubs to the Quaresma property line which will serve the annexed property. Street improvements will also include storm drainage

improvements. When annexed, the parcel will also receive other city services including police, fire, road maintenance, and electrical (Exhibit D-City Services Plan).

Upon annexation the parcel will detach from the Lathrop Manteca Fire District and will be served by the City Fire Department. At the time of preparing this staff report, the City and the Lathrop Manteca Fire District have not entered into an agreement to mitigate the loss of revenue to the Lathrop Manteca Fire District. The loss of annual property tax revenue to the fire district is \$693.51. Staff recommends that the Commission condition its approval to withhold the filing of the Certificate of Completion until the City and fire district settle on an agreement.

The Quaresma Reorganization application was distributed to affected local agencies for comments. LAFCo received written comments from the County Environmental Health Department (Exhibit E) as follows: The San Joaquin County Environmental Health Department (EHD) requires that the project connect to a public sewer and water system when it becomes available. Connection to sewer and water shall be under permit and inspection by the County Environmental Health Department.

DISCUSSION

The proposed annexation area is within Manteca's 10-year Sphere of Influence and is coterminous with the City boundary. The annexation of Quaresma is a logical extension of the City boundary and provides for an orderly development of the area. Approval of the annexation proposal would allow for the full range of municipal services to be provided to the affected territory. The landowner has consented to the annexation and agrees to dedicate a portion of their land for the road improvements on Sedan Avenue. A lot line adjustment is needed in order for the Griffin Reorganization project to file a final map with the City. If annexation is approved, the project applicant will execute agreements with the City for dedication of their land to complete the lot line adjustment.

It is therefore recommended that the Commission approve the Quaresma annexation with a condition that a fire mitigation agreement is reached prior to recordation of the Certificate of Completion.

Attachments: Resolution No. 1507
Exhibit A-Vicinity Map
Exhibit B-City Resolution and Justification of Proposal
Exhibit C-Notice of Exemption
Exhibit D- City Services Plan
Exhibit E-Comments from County Department of Public Works and County Environmental Health Department

Resolution No. 1506

**BEFORE THE SAN JOAQUIN LOCAL AGENCY FORMATION COMMISSION
AUTHORIZING COMMISSION TO CONDUCT MEETINGS OF THE SAN JOAQUIN
LOCAL AGENCY FORMATION COMMISSION USING TELECONFERENCING
PURSUANT TO GOVERNMENT CODE 54953 AS AMENDED BY AB 361 FOR THE
PERIOD JANUARY 12, 2023 TO FEBRUARY 11, 2023**

WHEREAS, the San Joaquin Local Agency Formation Commission (“LAFCo”) is committed to preserving and nurturing public access and participation in meetings of the Commission; and

WHEREAS, all meetings of LAFCo’s legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch LAFCo’s legislative bodies conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), as amended by AB 361 (2021), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, on March 4, 2020, the Governor proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS, Cal-OSHA adopted emergency regulations (Section 3205) imposing requirements on California employers, including measures to promote social distancing; and

WHEREAS, an Order of the San Joaquin County Public Health Officer acknowledges that close contact to other persons increases the risk of transmission of COVID-19; and

WHEREAS, currently the dominant strain of COVID-19 in the country, is more transmissible than prior variants of the virus, may cause more severe illness, and that even fully vaccinated individuals can spread the virus to others resulting in rapid and alarming rates of COVID-19 cases and hospitalizations, therefore, meeting in person would present imminent risks to the health or safety of attendees.

NOW, THEREFORE, BE IT RESOLVED, that the San Joaquin Local Agency Formation Commission approves

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Finding of Imminent Risk to Health or Safety of Attendees. LAFCo does hereby find that the current dominant strain of COVID-19 in the country, is more transmissible than prior variants of the virus, may cause more severe illness, and that even fully vaccinated individuals can spread the virus to others resulting in rapid and alarming rates of COVID-19 cases and hospitalizations has caused, and will continue to cause, conditions of peril to the safety of persons, thereby presenting an imminent risk to health and/or safety to LAFCo's employees and attendees of the Commission's public meetings; and

Section 3. Teleconference Meetings. LAFCo does hereby determine as a result of the State of Emergency proclaimed by the Governor, and the recommended measures to promote social distancing made by State and local officials that the Commission may conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e)(1)(A) and (B) of section 54953, and shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

Section 4. Direction to Staff. The Executive Officer and LAFCo staff are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 5. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED this 12th day of January 2023, by the following roll call vote:

AYES:

NOES:

ABSENT:

DAVID BREITENBUCHER, Chairman
San Joaquin Local Agency
Formation Commission

RESOLUTION NO. 1507

**BEFORE THE SAN JOAQUIN LOCAL AGENCY FORMATION COMMISSION
APPROVING THE QUARESMA REORGANIZATION TO THE CITY OF MANTECA
(LAFC 21-22)**

WHEREAS, the above entitled proposal was initiated by resolution by the City of Manteca and on October 24, 2022 the Executive Officer certified the application filed for processing in accordance with the Local Government Reorganization Act of 2000; and

WHEREAS, the Commission held a public hearing on the proposed annexation on January 12, 2023 in the Board of Supervisors Chambers, 44 North San Joaquin Street, 6th Floor, Stockton, CA pursuant to a Notice of Hearing which was published, posted, and mailed in accordance with State law; and

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

WHEREAS, the City of Manteca determined that the annexation is exempt from CEQA, Section 15319, Annexations of Existing Facilities and Lots for Exempt Facilities, as the project contains an existing private structure developed to the density allowed by the current zoning; and

WHEREAS the subject territory is uninhabited and has owner consent;

WHEREAS, the Commission has, in evaluating the proposal considered the report submitted by the Executive Officer, the factors set forth in Section 56668 of the California Government Code and testimony and evidence presented at the public hearing held on January 12, 2023.

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

Section 1. Certifies that, as a Responsible Agency, the Commission has independently reviewed and considered the City of Manteca's determination that the project is exempt from CEQA.

Section 2. Finds that the proposal is uninhabited and has owner consent.

Section 3. Approves the annexation of 1.68 acres to the City of Manteca subject to a final boundary description as approved by the County Surveyor, attached hereto as Exhibit A.

Section 4. Conditions its approval upon the applicant and the Lathrop Manteca Fire District execute an agreement to mitigate the loss of revenue of the fire district;

Section 5. The Executive Officer shall be instructed to withhold the filing of the Certificate of Completion until the conditions specified in Section 4 above have been satisfied.

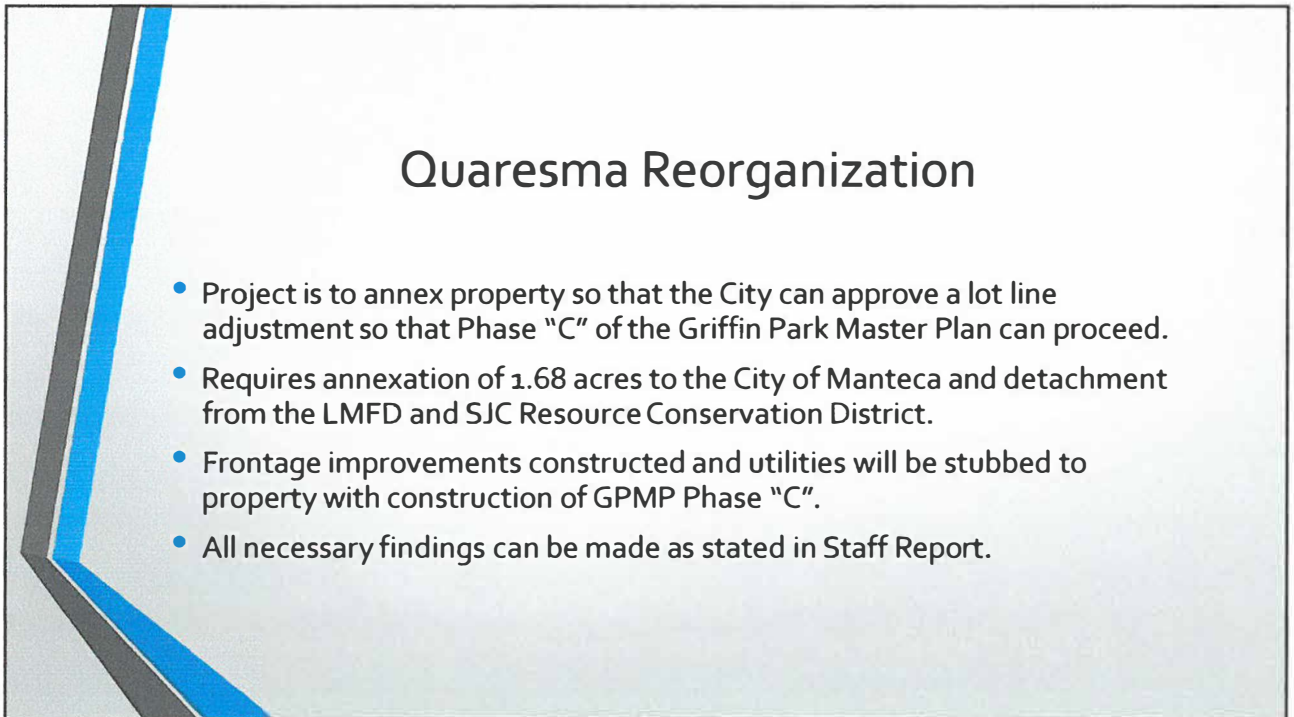
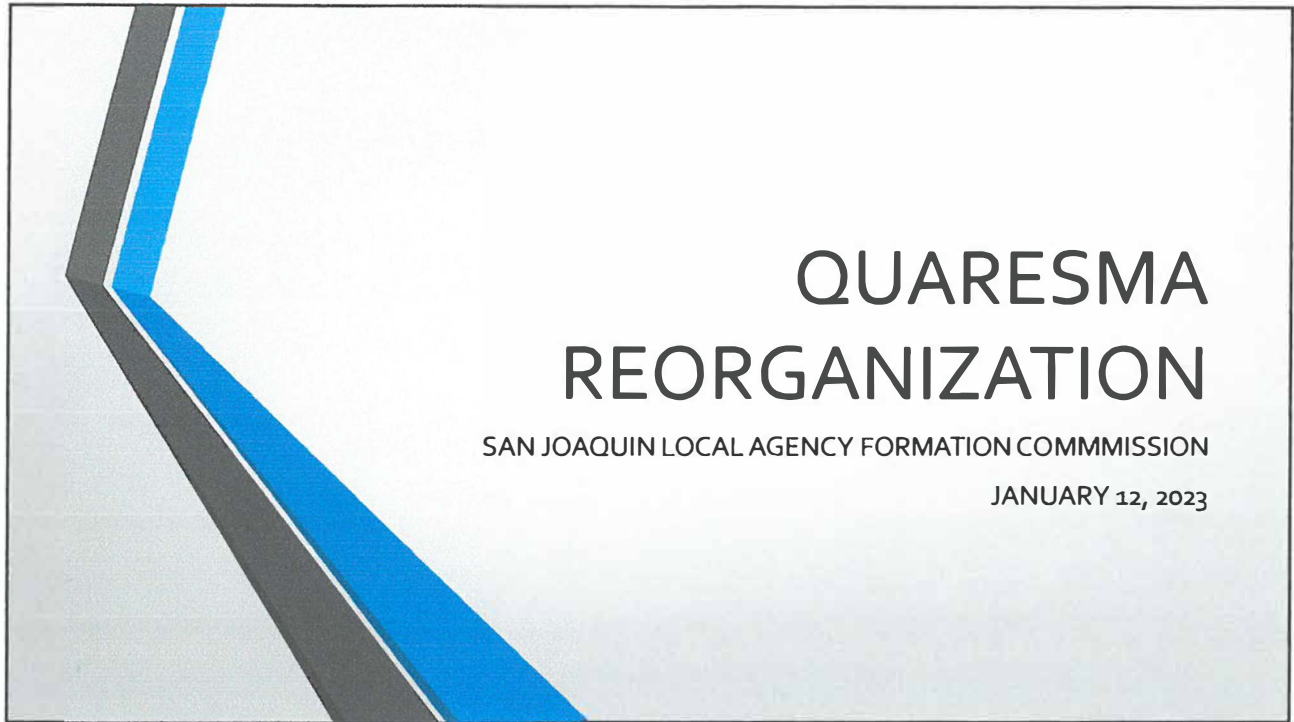
PASSED AND ADOPTED this 12th day of January 2023 by the following roll call vote:

AYES:

NOES:

ABSENT:

DAVID BREITENBUCHER, CHAIRMAN
San Joaquin Local Agency
Formation Commission

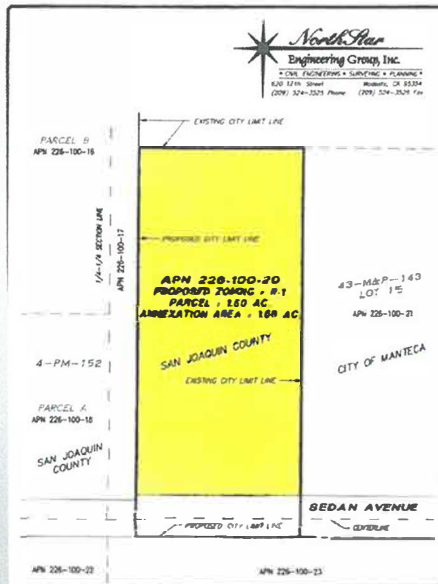


LOCATION

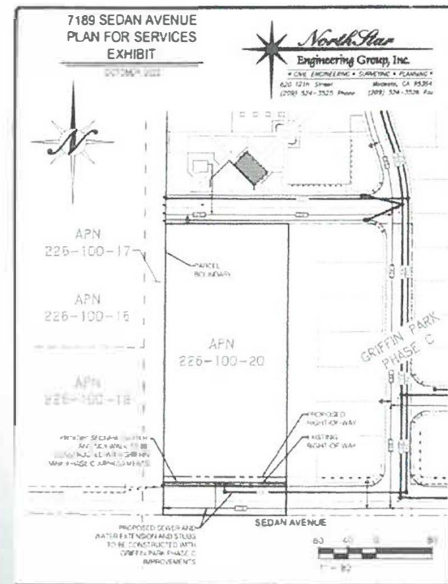


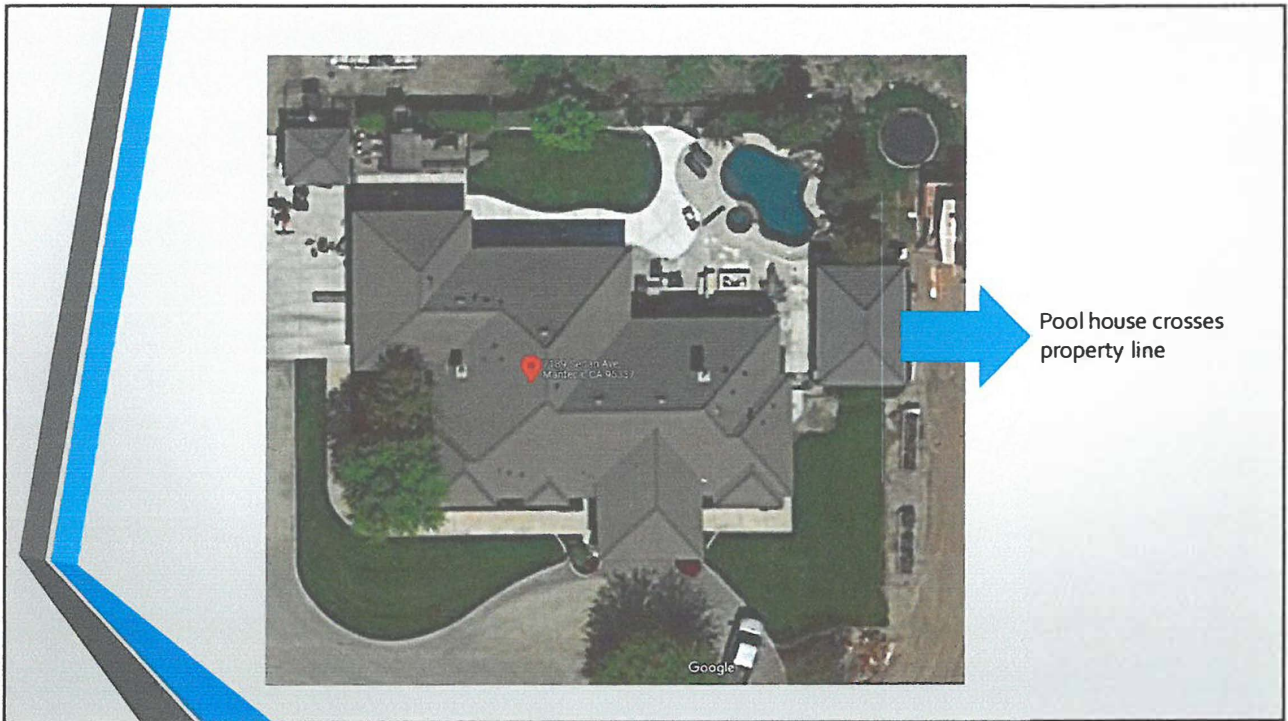
Address: 7189 East Sedan Avenue
Acreage: 1.68

Pre-Zoned to Low Density Residential

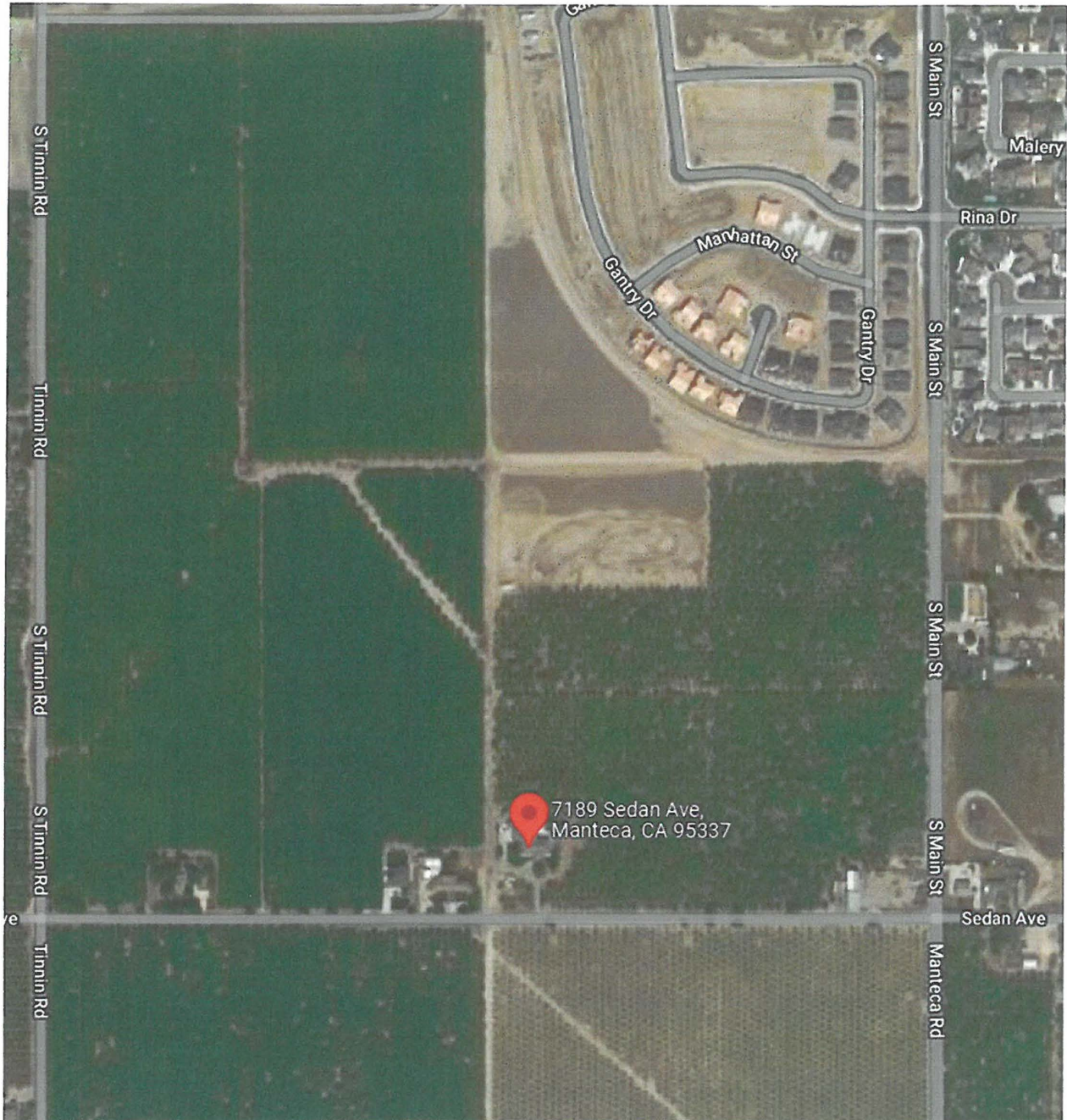


Services via Griffin Park Phase C





VICINITY MAP



RESOLUTION R2022-139

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANTECA APPROVING THE ANNEXATION OF 7189 EAST SEDAN AVENUE AND AUTHORIZING STAFF TO SUBMIT AN APPLICATION TO THE SAN JOAQUIN COUNTY LOCAL AGENCY FORMATION COMMISSION FOR ANNEXATION AND APPROVING A GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE DESIGNATION FROM UR-VLDR TO LDR FOR PARCEL NO. 226-100-20 (FILE NOS. ANX21-172, GPA22-49, & PRZ 21-173)

WHEREAS, the City Council of the City of Manteca, at its duly noticed public hearing on July 19, 2022, considered an Annexation, General Plan Amendment, and Pre-Zoning for the Sedan Avenue Annexation Project, filed by Richard and Sarah Quaresma of the 2014 Quaresma Family Trust, 7189 East Sedan Avenue, Manteca, CA 95337; and

WHEREAS, the City Council of the City of Manteca desires to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Act of 2000, commencing with the Section 56000 of the California Government Code, to annex approximately 1.68 acres of property located at 7189 East Sedan Avenue (APN: 226-100-20); and

WHEREAS, the legal description for this Annexation is attached to this Resolution as Exhibit "A"; and

WHEREAS, the General Plan Amendment is required to change the General Plan Land Use Designation from Urban Reserve-Very Low Density Residential (UR-VLDR) to Low Density Residential; and

WHEREAS, this project is determined to be exempt from CEQA, per Section 15319, *Annexations of Existing Facilities and Lots for Exempt Facilities*, in that this project involves an annexation to the City of Manteca containing an existing private structure, developed to the density allowed by the zoning of the City, and the extension of utility services will have a capacity to serve only the existing facility; and

WHEREAS, the City Council weighed the evidence presented at this public hearing and in the staff report and accompanying documents; and

WHEREAS, the City of Manteca City Council has authorized initiation of proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, commencing with Section 56000 of the California Government Code, for an amendment to the City of Manteca's established incorporated City Limits; and

WHEREAS, the San Joaquin County Local Agency Formation Commission (LAFCo) is the approving authority for changes to the City's boundary and Sphere of Influence; and

WHEREAS, that the City Council of the City of Manteca approves the Annexation and authorizes the City Staff to make an application to LAFCo for annexation of 1.68-acre total annexation area in the form presented with the accompanying staff report for the Sedan Avenue Annexation Project and approves the General Plan Amendment; and

WHEREAS, the City Council has considered all information related to this matter, as presented at the public meetings of the City Council identified herein, including any supporting reports by City Staff, and any information provided during public meetings.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Manteca, as follows:

1. The City Council hereby finds that the facts set forth in the recitals to this Resolution are true and correct, and establish the factual basis for the City Council's adoption of this Resolution.
2. This project is determined to be exempt from CEQA review, per 15319, *Annexations of Existing Facilities and Lots for Exempt Facilities*.
3. The City Council hereby adopts, as its own, the findings required to approve the General Plan Amendment under Municipal Code Section 17.10.200, findings for which are detailed in the Planning Commission Staff Report (dated June 2, 2022), which is hereby incorporated by reference into this Resolution.
4. Based on the foregoing, the City Council hereby authorizes the application to LAFCo for an Annexation and approves a General Plan Amendment for the Sedan Avenue Annexation, subject to all conditions attached hereto as Exhibit "B".
5. This Resolution shall take effect immediately upon its adoption.

I HEREBY CERTIFY that the foregoing Resolution was introduced and passed at a regular meeting of the City Council of the City of Manteca at a duly noticed public hearing meeting of said City Council held on the 19th day of July, 2022, by the following vote:

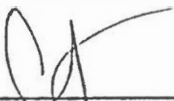
AYES: Breitenbucher, Halford, Nuño, Singh, Cantu

NOES: None

ABSENT: None

ABSTAIN: None

MAYOR: 
BENJAMIN J. CANTU
Mayor

ATTEST: 
CASSANDRA CANDINI-TILTON
City Clerk

Exhibits:

Exhibit "A" – Annexation Plat Map & Legal Description

Exhibit "B" – Conditions of Approval

San Joaquin Local Agency Formation Commission

509 West Weber Avenue Stockton, CA 95203
209-468-3198 FAX 209-468-3199

JUSTIFICATION OF PROPOSAL

Please complete the following information to process an application under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000: (Indicate N/A if Not Applicable)

SHORT TITLE OF THE PROPOSAL: APN 226-100-20 Annexation

TYPE OF PROPOSAL

- | | | |
|---|---|--|
| <input type="checkbox"/> City Incorporation | <input type="checkbox"/> Sphere of Influence Amendment | <input type="checkbox"/> District Formation |
| <input type="checkbox"/> Consolidation | <input type="checkbox"/> Sphere of Influence Update | <input checked="" type="checkbox"/> Annexation |
| <input type="checkbox"/> Detachment | <input type="checkbox"/> Addition of Services | <input type="checkbox"/> District Dissolution |
| | <input type="checkbox"/> Reorganization (involving an Annexation and Detachment(s)) | |

AGENCY CHANGES RESULTING FROM THIS PROPOSAL

Agency or Agencies gaining territory: City of Manteca, Manteca Police Department

Agency or Agencies losing territory: San Joaquin County, San Joaquin County Sheriff's Department

NOTIFICATION

Please indicate the names, addresses and telephone numbers of all Applicants, Applicant's Agents, and all affected Agencies who are to receive the hearing notice and the Executive Officer's Report:

<u>Name</u>	<u>Mailing Address</u>	<u>Telephone</u>
Richard and Sarah Quaresma	7189 Sedan Avenue Manteca, CA 95337	(209) 825-1835
Pamela Hurban	620 12 th Street Modesto, CA 95354	(209) 524-3525

(Attach a separate sheet if necessary.)

PROJECT INFORMATION

Please provide project-related information for the following questions:

- 1. Do the proposed boundaries create an island of non-agency territory? [] Yes [X] No
- 2. Do the proposed boundaries split lines of assessment or ownership? [] Yes [X] No
- 3. Does the proposal involve public rights-of-way or easements? [] Yes [X] No
- 4. Does the proposal involve public land or land assessed by the State? [] Yes [X] No
- 5. Does any part of the proposal involve land under a Williamson Act Contract or Farmland Security Zone? [] Yes [X] No
- 6. Does any part of the proposal involve land with a Wildlife/Habitat Easement or Agricultural Land Conservation Easement? [] Yes [X] No

7. List the affected Assessor Parcel Numbers, Owners of record and Parcel Sizes:

<u>APN</u>	<u>Owner</u>	<u>Acreage</u>
226-100-20	Richard and Sarah Quaresma	1.5 ac.

(Attach a separate sheet if necessary)

- 8. Physical Location of Proposal: 7189 Sedan Avenue Manteca, CA 95337

(Street or Road, distance from and name of Cross Street, quadrant of City)

- 9. Has an application been filed for an underlying project (such as Development Plan, Conditional Use Permit, or Tentative Subdivision Map)? [] Yes [X] No
 If Yes, please attach a Project Site Plan or Tentative Subdivision Map.
 If No, please provide an estimate of when development will occur: Development will occur with the Griffin Park Phase C improvements.

- 10. List those public services or facilities which will be provided to the affected territory as a result of the proposed action:
 City of Manteca Police Department
 City of Manteca sewer and water facilities
 City of Manteca Fire Department

- 11. Indicate which of these services or facilities will require main line extensions or facility upgrades in order to serve the affected territory:
 Sewer and water facilities will be extended to the site with the Griffin Park Phase C improvements.

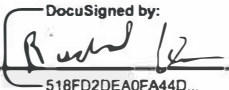
- 12. Provide any other justification that will assist the Commission in reviewing the merits of this request. (Attach a separate sheet if necessary)

INDEMNIFICATION AGREEMENT

As part of this application, applicant and real property in interest, if different, agreed to defend, indemnify, hold harmless, and release the San Joaquin Local Agency Formation Commission, its agents, officers, attorneys, and employees from any claim, action, or proceeding brought against any of the above, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney's fees, or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in connection with the approval of this application, whether or not there is concurrent passive or active negligence on the part of the San Joaquin Local Agency Formation Commission, its agents, officers, attorneys, or employees.

Executed at Manteca, California, on February 2, 2022.

APPLICANT

Signature: 
Property Title: Owners

**REAL PARTY IN INTEREST
(If different from Applicant)**

Signature: _____
Title: _____

SUBMITTALS

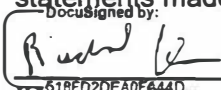
In order for this application to be processed, the following information needs to be provided:

1. Two copies of this Justification of Proposal, completed and signed with original signatures;
2. Five prints of a full-scale proposal map showing the affected territory and its relationship to the affected jurisdiction (Refer to Guide for Preparation);
3. Five copies of an 8.5" x 11" or 11" x 17" reduction of the proposal map;
4. Three copies of a metes and bounds description of the affected territory;
5. One certified copy of the City Council and/or Special District Board Resolution of Application, or a petition making application to LAFCo (as appropriate);
6. Written permission from each affected property owner (or signature form);
7. One copy of the project environmental document (One Compact Disc if more than 25 pages);
8. One copy of the project Notice of Determination;
9. Three 8.5" x 11" copies of the Vicinity Map (if not included on the proposal map);
10. One copy of the plan for providing services along with a schematic diagram of water, sewer and storm drainage systems (refer to Government Code Section 56653);
11. One copy of the Pre-Zoning map or description (as required by Section 56375);
12. One copy of the Statement of Open Space (Ag) Land Conversion (refer to Section 56377);
13. One Copy of the Statement of Timely Availability of Water Supplies (refer to Section 56668(k);
14. One copy of the Statement of Fair Share Housing Needs (if residential land uses are included in the proposal) (refer to Section 56668(l));
15. One copy of the project design (site plan, development plan, or subdivision map);
16. One copy of the Residential Entitlement matrix form (if residential land uses are included in the proposal); and
17. Filing and processing fees in accordance with the LAFCo Fee Schedule and the State Board of Equalization Fee Schedule.

Additional information may be required during staff review of the proposal.

CERTIFICATION

The undersigned hereby certifies that all LAFCo filing requirements will be met and that the statements made in this application are complete and accurate to the best of my knowledge.


(Signature)
Print or Type Name: Richard & Sarah Quaresma


85A1FF9E3C76488...

Date: 2-2-22
Daytime Telephone: 209-403-4054



CITY OF MANTECA

COMMUNITY DEVELOPMENT
DEPARTMENT

Notice of Exemption

To: _____ County Clerk
San Joaquin County
44 North San Joaquin Street, Suite 260
Stockton, CA 95202

From: City of Manteca
Community Development Department
1001 W. Center Street
Manteca, CA 95337

PROJECT TITLE: Sedan Avenue Annexation – Annexation, General Plan Amendment, & Pre-Zoning: ANX 21-172, PRZ 21-173, GPA 22-49

PROJECT APPLICANT: 2014 Quaresma Family Trust, Richard and Sarah Quaresma, 7189 E. Sedan Ave., Manteca, CA 95337

PROJECT LOCATION - SPECIFIC: 7189 E. Sedan Ave., Assessor's Parcel Numbers (APN): 226-100-20, Manteca, CA, 95337 San Joaquin County

PROJECT DESCRIPTION: Annexation, General Plan Amendment, and Pre-zoning for a 1.68-acre parcel.

NAME OF PUBLIC AGENCY APPROVING PROJECT: City of Manteca

NAME OF PERSON CARRYING OUT PROJECT: Richard and Sarah Quaresma

EXEMPT STATUS: (Check One)

- Ministerial (Sec. 21080 (b) (1); 15268);
- Declared Emergency (Sec. 21080 (b) (3); 15369 (a));
- Emergency Project (Sec. 21080(b) (4); 15269 (b)(c));
- Categorical Exemption (15319, Annexations of Existing Facilities and Lots for Exempt Facilities)
- Statutory Exemptions
- Not Subject to CEQA

REASONS WHY PROJECT IS EXEMPT: This project has been determined to not be subject to the requirements of the California Environmental Quality Act (CEQA) per Section 15319, Annexations of Existing Facilities and Lots for Exempt Facilities. This exemption applies to annexations to a city containing existing private structures developed to the density allowed by the current zoning or pre-zoning of either the gaining or losing government agency, whichever is more restrictive, provided, however, that the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities.

LEAD AGENCY CONTACT PERSON: Mallorie Fenrich, Associate Planner

TELEPHONE NUMBER: (209) 456-8514


Signature of Lead Agency

Associate Planner 7/21/22
Title Date

Filed Doc #: 39-07212022-242
07/21/2022 12:31:00 PM
Steve J. Bestolarides
San Joaquin County Clerk

Date received for filing at OPR: _____



State of California - Department of Fish and Wildlife
2022 ENVIRONMENTAL DOCUMENT FILING FEE
CASH RECEIPT
 DFW 753.5a (REV. 01/01/22) Previously DFG 753.5a

RECEIPT NUMBER:
 39-07212022-242
 STATE CLEARINGHOUSE NUMBER (if applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY CITY OF MANTECA COMMUNITY DEVELOPMENT	LEAD AGENCY EMAIL	DATE 07/21/2022
COUNTY/STATE AGENCY OF FILING SAN JOAQUIN	DOCUMENT NUMBER 39-07212022-242	

PROJECT TITLE
 SEDAN AVENUE ANNEXATION - ANNEXATION, GENERAL PLAN AMENDMENT, & PRE-ZONING: ANX 21-172, PRZ

PROJECT APPLICANT NAME 2014 QUARESMA FAMILY TRUST, RICHARD AND	PROJECT APPLICANT EMAIL	PHONE NUMBER (209) 456-8514
PROJECT APPLICANT ADDRESS 7189 E SEDAN AVE	CITY MANTECA	STATE CA
		ZIP CODE 95337

PROJECT APPLICANT (Check appropriate box)

Local Public Agency
 School District
 Other Special District
 State Agency
 Private Entity

CHECK APPLICABLE FEES:

- Environmental Impact Report (EIR) \$3,539.25 \$ _____
- Mitigated/Negative Declaration (MND)(ND) \$2,548.00 \$ _____
- Certified Regulatory Program (CRP) document - payment due directly to CDFW \$1,203.25 \$ _____
- Exempt from fee
 - Notice of Exemption (attach)
 - CDFW No Effect Determination (attach)
- Fee previously paid (attach previously issued cash receipt copy)
- Water Right Application or Petition Fee (State Water Resources Control Board only) \$850.00 \$ _____
- County documentary handling fee \$ _____ \$50.00
- Other \$ _____

PAYMENT METHOD:

Cash
 Credit
 Check
 Other
 TOTAL RECEIVED \$ _____ \$50.00

SIGNATURE X <i>Samantha Landrum</i>	AGENCY OF FILING PRINTED NAME AND TITLE Samantha E. Treat-Landrum ,Deputy
--	--





City of Manteca
7189 E. Sedan
Avenue

City Services Plan
October 20, 2022

City Services Plan

The following is an initial narrative for the proposed project that outlines the provisions of services to the project.

- a) An enumeration and description of the services to be extended to the affect territory:
 - o *The annexed parcel will be served by extended sewer and water mains to be installed with the Griffin Park Phase C project within Sedan Avenue. The required Sedan surface improvements will include storm drainage improvements.*
 - o *The annexed parcel will be served by extended Electrical, Gas, and CATV services that will be installed with the Griffin Park Phase C project within Sedan Avenue.*
 - o *The annexed parcel will require services which include but is not limited to Police, Fire, Trash, and Road Maintenance. The annexed parcel will be required to detach itself from the Lathrop-Manteca Fire District.*
- b) The level and range of services:
 - o *The proposed sewer and water services that are located along the project frontage of Sedan Avenue have sufficient capacity to provide services to the project site, as well as any future development, up to 13 new dwelling units.*
- c) An indication of when the services can feasibly be extended to the affected territory:
 - o *The services will be installed with the construction of Griffin Park Phase C, which is estimated to start construction in the Summer of 2023.*
- d) An indication of any improvements or upgrading of structures, roads, sewer or water facilities, or other services that will occur per the jurisdiction change:
 - o *See above regarding water and sewer facilities. Per the Sedan Avenue Annexation Conditions of Approval, the project shall dedicate right-of-way on the north side of Sedan Avenue to accommodate a 29' half-width street section. Improvements to be included within this dedication shall include 5' sidewalk and pavement.*

- *All Improvements will be designed and constructed in accordance with the current General Plan, Public Facility Implementation Program (PFIP), and relevant City of Manteca Master Plans.*
- e) Information with respect to how the service will be financed:
 - *The ultimate financing of the project has not been determined at this time. It is anticipated that most of the funding for the improvements will be from private financing upon the construction of Griffin Park Phase C.*
- f) Open Space Conversion Statement:
 - *Any future development of the site will pay the City of Manteca agricultural mitigation fee. Future development of the site intends to participate in the San Joaquin County Habitat Conservation Program.*



Department of Public Works

Fritz Buchman, Director

Alex Chetley, Deputy Director - Development

David Tolliver, Deputy Director - Operations

Najee Zarif, Deputy Director - Engineering

Kristi Rhea, Business Administrator

December 21, 2022

MEMORANDUM

TO: J.D. Hightower, Executive Officer
LAFCo
CONTACT PERSON: Elizabeth Contreras, LAFCo Analyst

FROM: Shayan Rehman, P.E., CFM, Engineering Services Manager^{SR}
Development Services Division

SUBJECT: QUARESMA REORGANIZATION TO THE CITY OF MANTECA (LAFC 39-22)
To annex a total of 1.68 acres of land to the City of Manteca. The annexation to include APN: 226-100-20 and the right-of-way of Sedan Avenue fronting the parcel.

LOCATION: 7189 East Sedan Avenue, Manteca

COMMENTS:

- No Comments

SR:SC

X:\LAFCO\LAFCo Referrals\Quaresma Reorganization (LAFC 39-22)\Comments to LAFCo (LAFC 39-22).doc



14 December 2022

To: San Joaquin LAFCo
Attention: Elizabeth Contreras

From: Aaron Gooderham (209) 616-3062
Senior Registered Environmental Health Specialist

RE: **L AFC 39-22 Quaresma Reorganization, Referral, SU0015293**
7189 E. Sedan Avenue, Manteca

The following requirements have been identified as pertinent to this project. Other requirements may also apply. These requirements cannot be modified.

1. Connection to a public sewer system is required when it becomes available. (San Joaquin County Development Title, Section 9-1105.2(b)).
2. Open, pump, and backfill the septic tank, seepage pit or excavation under permit and inspection by the Environmental Health Department once connected to public sewer. (San Joaquin County Development Title, Section 9-1110.3 & 9-1110.4).
3. Connection to an approved public water supply system is required when it becomes available. (San Joaquin County Development Title, Section 9-1120.2)
4. Destroy the abandoned well(s) under permit and inspection by the Environmental Health Department once connected to public water. (San Joaquin County Development Title, Section 9-1115.5(e)).

SAN JOAQUIN

LOCAL AGENCY FORMATION COMMISSION

AGENDA ITEM NO. 4

LAFCo

44 SAN JOAQUIN STREET SUITE 374 □ STOCKTON, CA 95202

EXECUTIVE OFFICER'S REPORT

Date: January 12, 2023

FROM: Rod Attebery, General Counsel

SUBJECT: **Discussion Regarding Meetings of the San Joaquin Local Agency
Formation Commission Under AB 2449**

Recommendation

Discussion Item – No Action.

Discussion:

The California legislature passed an amendment to the Brown Act teleconferencing requirements that adds an additional, alternative method by which a local agency may conduct its meetings via teleconferencing. That legislation, known as AB 2449, went into effect on January 1, 2023. Please see the attached memorandum for a more detailed summary of this new legislation.

Fiscal Impact:

None

Attachment: Memorandum

NEUMILLER & BEARDSLEE
A Professional Corporation

Memorandum

TO: San Joaquin Local Agency Formation Commission
FROM: Rod A. Attebery, General Counsel
DATE: January 12, 2023
FILE: 52991-29904
RE: Brown Act Teleconferencing Requirements – AB 2449

INTRODUCTION

During and due to the COVID-19 pandemic, California legislature passed two main amendments to the Brown Act that impact teleconferencing for public meetings. The first, AB 361, will become inapplicable once the Governor lifts the COVID-19 state of emergency on February 28, 2023, as he has indicated. The second, AB 2449, provides another method by which agencies may meet remotely, in addition to the pre-COVID Brown Act teleconferencing methods, but may only be used in limited circumstances. This memorandum will summarize AB 2449 and the status of teleconferencing in compliance with the Brown Act going forward.

DISCUSSION

1. New, Additional Teleconferencing Method – AB 2449

Effective January 1, 2023, AB 2449 adds an alternative method for teleconferencing than the pre-COVID traditional Brown Act teleconferencing requirements. Specifically, it allows board members to meet remotely without noticing or providing public access to their remote meeting location. However, AB 2449 *does* require a teleconferenced meeting to feature:

- a single physical location that is open to the public;
- at least a quorum of the members of the legislative body participating in person from that location; and
- the location must be within the jurisdiction of the local agency.

Practically speaking, this means that AB 2449 allows an agency to conduct a *hybrid* meeting, not a purely teleconferenced meeting. Additionally, AB 2449 imposes specific requirements on the board members who participate remotely and on the meeting itself. These will be discussed separately below.

Requirements for Teleconferencing Board Members

Under AB 2449, teleconferencing board members must provide one of two acceptable reasons for their remote participation in the meeting. The acceptable reason must be either

Reason #1: “Just Cause”

“Just cause” must involve one of the following situations:

- a) Providing childcare or caregiving to a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner if that care requires them to participate remotely.
- b) A contagious illness that prevents the board member from attending in person.
- c) A need related to a physical or mental disability not otherwise accommodated.
- d) Travel while on official business of the agency or another state or local agency.

The board member must notify the board at the earliest opportunity possible of their need to participate remotely, even if it is at the start of the meeting. They also must give a general description of the circumstances relating to their need to participate remotely at the meeting. “Just Cause” can only be used to teleconference into **two (2) meetings per calendar year**.

Reason #2: “Emergency Circumstances”

“Emergency circumstances” means a physical or family medical emergency that prevents a board member from attending in person.

If emergency circumstances arise, the board member must submit a request to teleconference to the board as soon as possible. The board must request a general description of the emergency, which does not have to be more than 20 words. The board must act on the request at its earliest possible opportunity, even at the beginning of the meeting, even if the request is not made in time for it to be placed on the agenda. The member cannot participate in the meeting unless their request is approved. A separate request must be made for each teleconferenced meeting, even if the circumstances do not change.

Other Board Member Requirements

Regardless of the reason for teleconferencing, board members must disclose publicly at the meeting whether any other individuals 18 years of age and older are present in the room, and the general nature of their relationship with those individuals. They must also have their camera and microphone on at all times.

Board members cannot utilize AB 2449 to meet remotely for more than 3 consecutive months or 20 percent of the regular meetings of the agency per calendar year. If the agency has less than 10 meetings in a calendar year, the board member cannot teleconference under AB 2449 more than twice each year.

Meeting Requirements

AB 2449 teleconferenced meetings must meet the following requirements:

1. Provide an opportunity for live, remote public observation and participation. (e.g. by Zoom, Teams, or similar software)

2. The meeting notice must indicate how to remotely observe and participate. (e.g. provide a zoom link/call-in number)
3. Allow the public to participate both remotely and in person.
4. No action can be taken on agenda items if the live broadcast or remote participation is disrupted.
5. No requirement for public comment to be submitted before the meeting.
6. Third-party software for remote participation and viewing is permitted, even if the software requires the user to register.
7. Have a procedure for reviewing and responding to ADA requests for accommodations and comply with civil rights and non-discrimination laws.

2. Traditional (Pre-COVID) Brown Act Teleconferencing Requirements

The traditional Brown Act teleconferencing requirements were designed to protect the public's right to participate in the meeting. Accordingly, they are more stringent than those of AB 2449. Those requirements are as follows:

1. Agendas must be posted at all teleconference locations,
2. Each location must be identified in the notice and agenda of the meeting,
3. Each location must be open and physically accessible to the public,
4. At least a quorum of the board members must participate from locations within the agency's boundaries.

These traditional requirements predate the COVID-19 pandemic and remain *unaffected* by AB 2449. Thus, meeting by teleconference under the traditional requirements is still an option for all California public agencies.

3. Requirements During a State of Emergency - AB 361

The California legislature enacted AB 361 to address the difficulties agencies faced while complying with COVID-19 mandates and still conducting business during a state of emergency. Thus, it is specifically tailored to be used *only* in times where the Governor has proclaimed a state of emergency. Now that Governor Newsom has announced that he will end the COVID-19 state of emergency on February 28, 2023, AB 361 meetings will no longer be available unless another state of emergency is implemented.

TAKEAWAYS

AB 2449 allows agencies to conduct teleconferenced meetings with somewhat relaxed noticing requirements, but the legislature has made it clear that AB 2449 is meant to be a temporary measure to be used on a case-by-case basis, not a permanent staple. The traditional Brown Act teleconferencing requirements remain in effect today, so those are available as an alternative teleconferencing method, but with additional noticing and access requirements. Barring another state of emergency, AB 361 meetings will no longer be available for California agencies once Governor Newsom lifts the state of emergency on February 28, 2023.

TTJ:

LAFCo

44 SAN JOAQUIN STREET SUITE 374 □ STOCKTON, CA 95202

EXECUTIVE OFFICER'S REPORT

January 12, 2023

TO: LAFCo Commissioners

FROM: J.D. Hightower, Executive Officer

SUBJECT: **ELECTION OF CHAIR AND VICE CHAIR**

At the beginning of each year, the Commission selects its Chair and Vice-Chair. Rotation of the Chair has traditionally been City-County-City-County-Public Member. Although this has been the usual order for selection, the Rules of the Commission policy does not specify the order of the rotation. If the Commission chooses to follow past practice, a County Member would serve as Chairperson and a City Member would serve as Vice Chairperson in 2023.

	<u>Chair</u>		<u>Vice-Chair</u>	
2015	Mike Maciel	City	Chuck Winn	County
2016	Chuck Winn	County	Doug Kuehne	City
2017	Doug Kuehne	City	Tom Patti	County
2018	Tom Patti	County	Peter Johnson	Public
2019	Peter Johnson	Public	Jesus Andrade	City
2020	Jesus Andrade	City	Miguel Villapudua	County
2021	Miguel Villapudua	County	David Breitenbucher	City
2022	David Breitenbucher	City	Tom Patti	County

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2023 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 and location.

MEETING DATE

January 12, 2023

February 9, 2023

March 9, 2023

April 13, 2023

May 11, 2023

June 8, 2023

July 13, 2023

August 10, 2023

September 14, 2023

October 12, 2023

November 9, 2023

December 14, 2023