

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

MINUTES OF MEETING

February 13, 2008

Board of Supervisors Chambers
Martinez CA

1. Chair Rob Schroder called the meeting to order at 1:34 p.m.
2. The Pledge of Allegiance was recited.
3. Roll was called. A quorum was present of the following Commissioners:

City Members Rob Schroder and Helen Allen and Alternate Don Tatzin.

County Member Gayle Uilkema.

Public Member Martin McNair and Alternate Bill Bristow.

Special District Members Dwight Meadows and David Piepho.

Present were Executive Officer Lou Ann Texeira, Legal Counsel Silvano Marchesi, and Commission Clerk Kate Sibley.

4. Approval of the Agenda

Upon motion of Allen, second by D. Piepho, the agenda was adopted.

5. Public Comments

There were no public comments.

6. Approval of January 9, 2008 Minutes

Upon motion of Uilkema, second by Meadows, the minutes for the January 9, 2008 meeting were approved.

7. Introduction of Lamphier-Gregory

The Executive Officer introduced Joan Lamphier and Nat Taylor of Lamphier-Gregory, the firm selected to provide planning support services to LAFCO. Nat Taylor will be the primary planner, with assistance from others in the firm as needed.

8. LAFCO 07-24 – Meadow Creek Group LLC Annexation to County Service Area (CSA) L-100

Upon motion of Uilkema, second by Meadows, the Commission unanimously found that the project is exempt from CEQA pursuant to Government Code §15061(b)(3); approved the proposal to be known as the Meadow Creek Group LLC Annexation to CSA L-100 as submitted, with specified conditions; determined that the territory being annexed is liable for taxes, assessments and charges; found that the subject territory is uninhabited; that all affected

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landowners have consented to the annexation; that the annexing agency has consented to the waiver of conducting authority proceedings; waived the conducting authority proceedings and directed staff to complete the proceeding.

9. Water/Wastewater Municipal Service Reviews (MSRs) Central County

The Executive Officer provided a brief overview and chronology of the Central County Water/Wastewater Municipal Service Review process, indicating that this matter will be presented in two parts – the MSR report and determinations, followed by the sphere of influence (SOI) updates and recommendations.

Staff introduced Carolyn Schaffer from Dudek, who also introduced Wayne Fowler, who will be carrying the MSR process forward for Dudek. Ms. Schaffer gave a PowerPoint presentation on water and wastewater services in Central County, covering the cities of Martinez, Concord and Clayton; Contra Costa Water District (CCWD); Central Contra Costa Sanitary District (CCCSD); County Sanitation District No. 6 (SD No. 6); and Mt. View Sanitary District (MVSD); and provided a brief overview of changes and final recommendations for the Commission's consideration.

Discussion ensued regarding Winter Island, which was recommended for removal from CCWD's SOI. LAFCO staff and the consultants were advised on the day of the hearing that apparently a property on the island has received water service for many years. Additional research is needed to confirm the service and service provider.

There was further discussion regarding the SOI options and recommendations for CCWD and CCCSD, and the CEQA document requirements for such actions.

Louis Parsons, representing Discovery Builders, recommended that the MSR be sent back to the consultant for further analysis of SOI options, particularly regarding options to expand the districts' SOI and amend the MSR to reflect especially the CCWD SOI in accordance with voter approved Urban Limit Lines (ULLs).

Following the public hearing, Commissioners requested a legal opinion of the options for action on this item. Legal Counsel Marchesi said they had two options: 1) Defer acceptance of the MSR report until the Commission receives all requested information; or 2) Adopt the MSR report as is, and if further information becomes available, amend the MSR report at that time.

Upon motion of Allen, second by McNair, the Commission unanimously continued the item to a future meeting with the request that Dudek examine the SOI options for CCWD and CCCSD and their relation to voter approved ULLs.

10. Water/Wastewater Sphere of Influence (SOI) Updates Central County

The Executive Officer provided a brief overview of SOI options and recommendations for CCWD, CCCSD, SD No. 6, and MVSD.

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A question arose regarding the various types of SOI actions that could trigger an environmental review (e.g., expansion, reduction, etc.). LAFCO Legal Counsel responded that there is no need for an environmental analysis if the status quo is being maintained, as that essentially represents no action with no effect on the environment. Upon further questioning, Legal Counsel stated that CEQA specifically allows that a lead agency can do more than the statute and regulations require if it wishes.

In response to a question about reducing the CCWD SOI, Fran Garland, Principal Planner with Contra Costa Water District, explained that the US Bureau of Reclamation (USBR) has to approve the *delivery* of water, but it does not allocate water according to SOIs—only to actual district boundaries. The USBR has nothing to do with Spheres of Influence, so the changes being discussed here do not require Bureau approval, and the particular area under discussion is not within the CCWD current boundary so is not part of any area approved for service by USBR.

Upon a follow-up question regarding reducing an SOI and a need for a CEQA study, Legal Counsel responded that it is possible that a reduction could have cause some environmental effect. The key is whether the proposed action is likely to have some potential adverse environmental impact within the body of CEQA law that the courts have interpreted. It could be that to reduce the SOI could trigger a CEQA analysis. That would take a case-by-case analysis by the lead agency of what a particular change might do. Staff added that the land use designation of the land being removed from an SOI could affect whether a CEQA analysis would be needed; if the land is designated as wetland, open space, agricultural, or park land, and there is no potential need for water or sewer service, then it would likely not trigger a CEQA review. If the land is designated for urban use, then it may trigger such a review. Legal Counsel added that such a review should come from the agency in question.

Further discussion ensued regarding delivery of sewer or water into park land (specifically, Mt. Diablo State Park). Commissioners expressed concern that if an SOI is reduced, there may be problems later with a future need for service.

Upon motion of Allen, second by McNair, the Commission unanimously continued this item to the March meeting and directed the consultants and LAFCO staff to research the issue discussed.

11. Water/Wastewater SOI Update for East Contra Costa Irrigation District (ECCID)

The Executive Officer reported that, as directed by the Commission at the December 19, 2007 meeting, staff researched whether a CEQA document currently exists that would support the possible expansions of ECCID's SOI to include the Roddy Ranch urban development area and/or new direct agricultural service areas. Staff reported that ECCID, City of Antioch and County staff were consulted, and that no CEQA document presently exists. Further, that ECCID staff expressed a preference for maintaining the existing SOI.

Upon motion of D. Piepho, second by Allen, the Commission unanimously continued this item to a future meeting in order for Commissioner Glover (absent), who made the initial request, could receive the report.

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12. Contract Amendment No. 2 with Dudek

The Executive Officer reported that, due to the complexity and volume of the MSRs and SOI Updates, it is necessary to extend the existing contract with Dudek through August 31, 2008. This is a time only amendment and requires no additional funding.

Upon motion of Uilkema, second by Allen, the Commission unanimously approved the time extension to the Dudek contract.

13. Contract Amendment with Graichen Associates

The Executive Officer reported that, due to recent staffing changes and mitigating circumstances affecting the completion of the MSRs for the cities of Pittsburg and Antioch MSRs, it is necessary to extend the existing contract with Graichen Associates through May 16, 2008. This is a time only amendment and requires no additional funding.

Upon motion of Uilkema, second by Allen, the Commission unanimously approved the time extension to the Graichen Associates contract.

14. Request for Proposals for Preparing an Initial Study (CEQA) for the Proposed Incorporation of the Town of Alamo

The Executive Officer reported that a Request for Proposals (RFP) has been prepared for the purpose of hiring an environmental planner to prepare an Initial Study pursuant to CEQA for the proposed incorporation of the Town of Alamo. Upon approval by the Commission, the RFP will be distributed immediately; and based on the incorporation timeline, the Commission will be asked to award a contract in April 2008.

Upon motion of Uilkema, second by D. Piepho, the Commission unanimously directed staff to release the RFP to prepare the Initial Study for the proposed incorporation of the Town of Alamo.

15. Financial Update

The Executive Officer reported that at the end of the second quarter, everything is on target at approximately 52% of budgeted expenditures. Revenues are at 92% of the total budgeted.

Upon motion of Uilkema, second by D. Piepho, the Commission unanimously received and filed this report.

16. Schedule to Adopt LAFCO Budget for Fiscal Year 2008-09

The Executive Officer presented the 2008-09 budget schedule. A Proposed Budget will be presented at the March 12 meeting; once approved it will be distributed to the cities, special districts, and the County; and a Final Budget will be scheduled for hearing and approval at the May 14 LAFCO meeting.

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Upon motion of Uilkema, second by Allen, the Commission unanimously approved the budget schedule as presented and directed Staff to prepare a Proposed Budget for the March 12 meeting.

17. 2008 LAFCO Member Appointments

The Executive Officer presented an update regarding upcoming Commission vacancies. There are five appointments due to be made in May. The City Selection Committee (Mayor's Conference) will select one regular member at its May 1 meeting. The Board of Supervisors will select one alternate member in May. At its April quarterly meeting, the Special Districts Selection Committee will elect one regular member. Finally, the terms of both Public Members (regular and alternate) will expire in May.

Commissioner Meadows recommended that the Commission consider a procedure to allow for the option of reappointment of the Public Members. The Chair referred the matter to the Policies and Procedures Committee and requested the Committee bring a recommendation back to the Commission in March.

18. Commissioner Comments and Announcements

Commissioner Uilkema reminded Staff and the other Commissioners that the proposed incorporation of the Town of Alamo and the tight timeline it requires may necessitate extra meetings for the Commission and to plan accordingly.

19. Staff Announcements and Pending Projects

The Executive Officer provided updates on the list of pending proposals, and pointed out that two new proposals had arrived in the office since that list had been prepared and mailed.

There was no legislative update.

Final Minutes Approved by the Commission on March 12, 2008.

AYES:

NOES:

ABSTAIN:

By _____
Executive Officer

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