

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

MINUTES OF MEETING

March 12, 2008

Board of Supervisors Chambers  
Martinez CA

1. Chair Rob Schroder called the meeting to order at 1:35 p.m.

2. The Pledge of Allegiance was recited.

3. Roll was called. A quorum was present of the following Commissioners:

City Member Rob Schroder and Alternate Don Tatzin.

County Members Gayle Uilkema and Federal Glover.

Public Member Martin McNair.

Special District Members Dwight Meadows and David Piepho and Alternate George Schmidt.

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

4. Approval of the Agenda

Upon motion of Uilkema, 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 Tatzin, second by D. Piepho, the minutes for the February 13, 2008 meeting were approved.

7. LAFCO 08-01 – McAdam Annexation to County Service Area (CSA) L-100

Upon motion of Uilkema, second by Tatzin, 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 McAdam 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 landowners have consented to the annexation; that the annexing agency has consented to the waiver of conducting authority proceedings; and waived conducting authority proceedings and directed staff to complete the proceeding.

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8. Water/Wastewater Municipal Service Reviews (MSRs) Central County
9. Water/Wastewater Sphere of Influence (SOI) Updates Central County

The Executive Officer indicated that this item was continued from the February 13 meeting and 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 SOI recommendations.

LAFCO staff then introduced MSR consultant Wayne Fowler (Dudek). The Commissioners reviewed the Addendum prepared by Dudek in response to the comments received at the February meeting regarding the MSR and proposed SOI updates. The Addendum responded to the Commissioners' request for additional analysis and SOI options specific to Contra Costa Water District and Central Contra Costa Sanitary District.

Commissioner Meadows suggested that the Commission defer action on these items given that Commissioner Allen was absent, and she raised some of the questions in February; also, that she represents Central County.

The Executive Officer pointed out that Commissioners could bifurcate their actions. They could accept the MSR report and defer some or all of the SOI updates; and/or they could act on some of the SOI sphere updates in an effort to keep the MSR process flowing.

Commissioners discussed options and agreed to hear public comment.

Wilson Wendt, representing Discovery Builders, distributed copies of an excerpt from the LAFCO consultant's Addendum with proposed deletions relating to the consultant's analysis and recommendations with regard to SOI options and the basis for Commission action.

Mr. Wendt commented on the relationship of CEQA to SOI updates and amendments indicating that SOI updates do not constitute a project under CEQA, have no effect on the environment, and require no CEQA review.

Marc Grisham, the City Manager and Planning Director, City of Pittsburg, urged the Commission to expand the SOIs for CCWD and CCCSD to match the voter approved Urban Limit Lines. He stated that the area(s) under question have been thoroughly analyzed in conjunction with the City of Pittsburg General Plan, and that no further environmental review is necessary to expand the SOIs. Further, that additional CEQA review will be forthcoming with future annexation proposals.

Ruthann Ziegler, City Attorney, City of Pittsburg, echoed the remarks of Mr. Grisham.

The Commission requested an opinion at the next LAFCO meeting, if possible, from LAFCO legal counsel on the following questions:

- 1) Does LAFCO need environmental analysis for an SOI update?

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- 2) Is a project required for an SOI amendment?
- 3) When does environmental analysis occur?
- 4) Should the Commission maintain its current policy on concurrent SOI and annexation actions?

Commissioners agreed that these questions should be answered before further action on either the MSR report or the SOI updates. Upon motion of McNair, second by D. Piepho, the Commission unanimously approved continuation of Agenda Items 7 and 8 to the next meeting.

10. Water/Wastewater Sphere of Influence (SOI) Update for East Contra Costa Irrigation District (ECCID)

The Executive Officer indicated that that this item was continued from the December 2007 and February 2008 meetings. At the direction of the Commission, additional research was conducted regarding the option of expanding ECCID's SOI to include the Roddy Ranch Development area and/or potential new direct agricultural areas and whether an adequate CEQA document exists to support this action .

LAFCO staff indicated that ECCID, Contra Costa County Planning Department and City of Antioch were consulted regarding an applicable CEQA document. None of the agencies contacted were aware of an existing CEQA document that would support this action. Further, ECCID indicated to LAAFCO staff that the District has no interest in an SOI expansion, wishes to maintain its existing SOI, and would prefer to consider future SOI expansions on a case-by-case basis.

Commissioner Glover expressed his appreciation for the continuation, as he requested the additional research and was absent for the February LAFCO meeting.

Commissioners discussed 1912 appropriate water rights, water diversion and entitlements.

Upon motion of Glover, second by Meadows, the Commission unanimously determined that the sphere of influence for the East Contra Costa Irrigation District is retained as coterminous with the district's existing boundary, that the SOI update is exempt pursuant to §15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines, and adopted the resolution updating the District's SOI.

11. Proposed LAFCO Budget for 2008-09

The Executive Officer provided an overview of the proposed budget and work plan for Fiscal Year 2008-09 and accomplishments for FY 2007-08, indicating that there will be ongoing work on MSRs and SOI updates, with a focus on agencies that received early reviews in late 2003/early 2004.

LAFCO staff commented on the steady workload and proposals activity and highlighted some of the upcoming activities including proposed workshops on "LAFCO 101" and

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“CEQA 101 for LAFCO Projects.” Outreach and education is a large part of LAFCO’s efforts and will continue on various fronts.

Staff commented that FY 2008-09 expenditures and revenues are expected to remain comparable to 2007-08; therefore, agency contributions will remain constant.

Upon motion of Uilkema, second by Tatzin, the Commission unanimously approved the Proposed Budget for FY 2008-09, directed staff to distribute the Proposed Budget to the County, cities, and independent special districts as required by Government Code §56381, and scheduled a public hearing for May 14 to adopt the Final FY 2008-09 LAFCO Budget.

12. Policies and Procedures Update

The Executive Officer reported that the Policies and Procedures Committee had met and drafted proposed revisions to the policies relating to 1) selection of public members and appointment procedures, and 2) consolidating Municipal Service Review determinations in accordance with AB 1744 .

Brief discussion followed.

Upon motion of Uilkema, second by Tatzin, the Commission unanimously approved the revisions to the policies as presented.

13. Public Member Selection Process

The Executive Officer requested direction from the Commissioners for appointment of the Public Member and Alternate Public Member in accordance with the Commission’s revised policy which allows for reappointment.

Commissioner Tatzin suggested that the Commission should ascertain whether the current Public members have an interest in reappointment. Commissioner McNair expressed his interest; Alternate Member Bristow was absent, so his in interest in reappointment is unknown.

Upon motion of Tatzin, second by Uilkema, the Commission agreed to invoke the alternate procedure for reappointing current Public Members. Commissioner McNair abstained.

Commissioner McNair confirmed his interest in reappointment. Upon motion of Tatzin, second by Uilkema, the following roll call affirmed Commissioner McNair’s reappointment:

AYES: Glover, Meadows, D. Piepho, Schroder, Tatzin, Uilkema

ABSTAIN: McNair

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14. Commissioner Comments and Announcements

Commissioner Meadows requested that the proposed “CEQA 101” workshop include legal counsel so that environmental review issues can be clarified for all.

Commissioner McNair expressed his appreciation for reappointment.

15. 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.

LAFCO staff indicated that a comprehensive legislative update was also been included in the agenda packet.

16. Adjournment

The meeting adjourned at 2:45 p.m.

Final Minutes Approved by the Commission on April 9, 2008.

AYES:

NOES:

ABSTAIN:

By \_\_\_\_\_  
Executive Officer

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