

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

MINUTES OF MEETING

June 11, 2008

Board of Supervisors Chambers
Martinez CA

1. Chair Rob Schroder called the meeting to order at 1:30 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.

Special District Member Dwight Meadows and Alternate George Schmidt.

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

Chair Schroder congratulated reelected Commissioners Gayle Uilkema and Mary Piepho on retaining their seats on the County Board of Supervisors, and extended best wishes to Commissioner Federal Glover in the upcoming runoff election.

4. Approval of the Agenda

Upon motion of Allen, second by Uilkema, the agenda was unanimously adopted.

5. Public Comments

There were no public comments.

6. Approval of May 14, 2008 Minutes

Upon motion of Uilkema, second by Meadows, the minutes for the May 14, 2008 meeting were approved.

7. LAFCO 07-26 – Soldier Field Partners LLC Annexation to East Bay Municipal Utility District (EBMUD)

The Executive Officer reported that Soldier Field Partners LLC has applied to annex approximately 88 acres, 28 of which are to be developed, to East Bay Municipal Utility District for water services. This eight-lot development was approved by the City of Lafayette in September 2006. Staff highlighted some of the significant features of the proposal.

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Allen Moore, representing Soldier Field Partners LLC, spoke in support of the application, and pointed out that almost 60 of the 88 acres have been permanently dedicated to open space with deed restrictions. Commissioner Uilkema had follow-up questions regarding the easement.

Upon motion of Uilkema, second by Meadows, the Commission unanimously certified that it reviewed and considered the information contained in the Environmental Impact Review and Addendum; approved the proposal to be known as the Soldier Field Partners LLC Annexation to East Bay Municipal Utility District 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.

8. LAFCO 08-17 – Old River Elementary School Annexation to the Town of Discovery Bay Community Services District (DBCSD)

The Executive Officer provided an overview of the proposal, indicating that the site for the new Knightsen Elementary school is designated in the County General Plan as Agricultural Land. LAFCO staff highlighted a number of factors including related land use and water/wastewater issues and comments received from a surrounding property owner.

Upon motion of Uilkema, second by Allen, the Commission unanimously certified that it reviewed and considered the information contained in the Mitigated Negative Declaration and CEQA documentation; approved the proposal to be known as the Old River Elementary School Annexation to the Town of Discovery Bay Community Services District (DBCSD) 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. The Commission also directed LAFCO staff to respond to the letter received from the surrounding property owner (Edens).

9. Workshop - Preliminary Draft Municipal Services Review, West County Water/ Wastewater Districts

The Executive Officer provided an overview of the MSR process and purpose of the workshop. The Dudek consultant, Wayne Fowler, presented an overview of the West County Water and Wastewater Municipal Service Reviews (MSRs).

The consultant gave a PowerPoint presentation on water and wastewater services in West County, covering the cities of Hercules, Pinole and Richmond; Crockett Community Services District (CCSD); Rodeo Sanitary District (RSD); Stege Sanitary District (SSD); West County Wastewater District (WCWD); and East Bay Municipal Utility District (EBMUD). A copy of the PowerPoint presentation is available in the LAFCO office.

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The consultant's overview covered the State requirements relating to SOI and MSR determinations, focusing on growth projections, existing services and future demand for services, various government structure options and proposed SOI updates. Of particular note were the issues relating to SOI amendments and more extensive reporting of rates paid by customers of the sanitary districts.

The Commissioners provided a number of comments and suggestions.

Commissioner Uilkema suggested that future collaboration among many of the sanitary districts be more strongly emphasized in the final report; such collaboration would benefit customers of all of the districts and address aging infrastructure and new standards and requirements.

Marc Grisham spoke as a landowner in Rodeo and Pinole, and concurred with this suggestion.

Commissioner Schmidt provided a number of specific comments and corrections to MSR report.

Discussion ensued on a number of questions raised by the report: the exclusion of the City of El Cerrito (does not provide water or wastewater services); islands within West County Wastewater District (staff clarified that these islands are actually within WCWD's SOI); possible gaps and overlaps in service, etc. The consultant indicated that these comments will be addressed prior to releasing the public review draft of the MSR.

Dennis Tagashira, of the City of Hercules, congratulated the MSR Project Manager on the report to date and pointed out a number of corrections that should be made prior to posting the public review draft.

Upon motion of Uilkema, second by Allen, the Commission unanimously directed the project team to make the suggested changes, and directed staff to make available the Public Review Draft MSR report on the LAFCO website.

10. Spheres of Influence – DDSD, CCCSD and CCWD

Chair Schroder provided a brief synopsis of the issues relating to the three districts' Spheres of Influence and the proposal to amend them. Staff distributed maps of the three districts (CCCSD, CCWD and DDSD) depicting those areas being considered for SOI expansions to match voter approved Urban Limit Lines (ULLs). Additionally, staff pointed out that letters had been received from some of the affected parties (and subsequently mailed to commissioners) after the agenda packet had been mailed.

Schroder reiterated that both CCWD and CCCSD have indicated in writing, citing numerous reasons, that they prefer to expand their SOIs in response to specific projects based on the land use agency's need for service.

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Commissioner Uilkema suggested that each district be addressed separately. Schroder agreed and opened the public hearing.

Jerry Lucey, Board President for Central Contra Costa Sanitary District (CCCSD), reminded the Commission that his district has written twice asking to not be included in SOI expansion effort. He reiterated that CCCSD believes it is not the role of a public utility to be out front of the cities in land use planning, and that the CCCSD SOI should be maintained as is.

June Forsythe, representing Friends of Pittsburg/Save Our Hills, spoke regarding preserving the Los Medanos Hills through proper procedures, and urged LAFCO not to take actions prior to the finalization of the Pittsburg Hillside Ordinance.

Marc Grisham, Pittsburg City Manager, stated that SOIs are the responsibility of LAFCO, and it is appropriate for LAFCO to serve as lead agency for an environmental study on the feasibility of these districts' SOI expansions. Pittsburg will collect the necessary funds. LAFCO should have the appropriate tools to address planning areas.

Louis Parsons, representing Discovery Builders, pointed out that the State Legislature gave LAFCO the power to determine SOIs. On May 14, the Commission directed staff to proceed with the Initial Study. Funding issues have now been resolved to move forward with the DDSD and CCWD SOIs. The view of CCCSD is very clear, and Discovery Builders is not offering to fund a study for this district's SOI. Discovery Builders would like to meet with LAFCO Staff to move forward with a scope of work and come back to the Commission with a Request for Proposals, with LAFCO as the lead agency.

Commissioner Uilkema commented that the usual process would be for the City of Pittsburg to produce a plan for development and come forward as the lead agency for an SOI expansion. She asked if Discovery Builders preferred to have this done as part of the MSR process, as opposed to being the proponent for such an action.

Jerry Brown, Assistant General Manager with Contra Costa Water District, stated that the district is not opposed to such an SOI action and the related Initial Study, but they believe that there is a usual set of procedures to be followed, and they do not want to get out in front of the land planning process.

Wilson Wendt, Legal Counsel for Discovery Builders, pointed out that State legislation required updates of SOIs by January of 2008. While he does not believe that such an SOI update is subject to CEQA, this wait is not consistent with the legislation, and he urged moving ahead with the update.

Further discussion ensued, including the basic premise of SOIs as indicators of probable planning within 5-10 years. LAFCO staff pointed out the Commission's policies regarding SOIs, in that while there may be a desire to match SOIs to the County ULL, this LAFCO changed its policy in 2005 to indicate it would not be bound by ULLs.

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Schroder asked if LAFCO is bound by its policies. Legal Counsel Marchesi indicated it is desirable to act in accordance with adopted policies; further, that the LAFCO policies support the land-use agency taking action first.

Commissioner Allen commented that the reason for changing the ULL policy was that it was not appropriate for LAFCO to be bound by a County-approved line, as LAFCO is a State-appointed agency.

Wendt commented on the LAFCO SOI policies noting reference to SOI amendments via application versus SOI amendments as part of an MSR process.

The Commission further discussed LAFCO SOI policies and process options.

Public hearing was closed, and Chair Schroder reminded Commissioners that they would address each district separately.

Upon motion of Allen, second by Uilkema, the Commission unanimously approved updating the SOI for Central Contra Costa Sanitary District as presented with LAFCO staff recommended reductions.

Commissioner Allen reminded Commissioners of the history of the past months of SOI update discussions. Staff pointed out that there are areas designated for modification are consistent with LAFCO policies.

In response to Commissioner Meadows's question about including cities in the Initial Study for the potential SOI expansions, staff responded that the cities' MSRs have not yet been completed, so it would be premature to include the city SOIs at this time.

Chair Schroder asked if the Commission would prefer to defer the district SOI updates until the cities' MSRs have been presented.

Upon motion of Allen, second by Meadows, and on a 4-2 roll call vote (see below), the Commission directed LAFCO staff to work with the interested parties and one of the available planning firms to draft service and fee agreements to prepare an Initial Study to review SOIs for DDS and CCWD to make them correspond to the ULLs for the cities of Antioch and Pittsburg. Funding for this Initial Study will be provided from other agencies, and the proposal for such Initial Study, as well as proposed contracts with both the CEQA firm and the funders, will be presented to the Commission at the regularly scheduled July 2008 meeting.

Ayes: Allen, McNair, Meadows, Schmidt

Nays: Schroder, Uilkema

11. Update -- Municipal Service Reviews/Sphere of Influence Updates

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The Executive Officer provided a progress report on the status of Municipal Service Reviews and Sphere of Influence Updates in Contra Costa County, indicating that in 2003-04 the Commission completed baseline MSR for approximately 50 special districts and updated SOIs for a number of these districts. In 2006, LAFCO initiated additional baseline MSR, covering health care, water and wastewater services. These countywide MSR/SOI updates are complete or nearing completion. The sub-regional reviews covering cities and miscellaneous services are underway and expected to be complete by October 2008.

All MSR initiated after January 1, 2008 are subject to a new, consolidated list of factors. These new factors will affect second round MSR/SOI updates that will begin later this year.

12. Requests for Proposals (RFPs) – Fire and Reclamation Service Municipal Service Reviews/Sphere of Influence Updates

The Executive Officer presented two draft RFPs to prepare comprehensive MSR/SOI updates on fire protection and reclamation services. The 2003-04 reviews were abbreviated and, for some fire protection districts, never completed. There is adequate funding in the FY 2008-09 budget to cover anticipated costs associated with these reviews. Work is expected to begin in September 2008, once a consultant has been selected. Consultants may bid on one or both RFPs. Once approved, the RFPs will be posted on the Contra Costa LAFCO and CALAFCO websites.

Upon motion of Uilkema, second by Allen, the Commission unanimously authorized the circulation of the RFPs, and directed staff to return to the Commission with a recommended contract award(s) in accordance with the proposed timeline.

13. Contract Amendment with Graichen Associates

The Executive Officer reported that, due to recent staffing changes and mitigating circumstances affecting the completion of the MSR for the cities of Pittsburg and Antioch, it is necessary to extend the existing contract with Graichen Associates through September 30, 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. CALAFCO Achievement Award Nomination

The Executive Officer presented materials calling for nominations for outstanding achievements in nine categories. The deadline for submittal is August 15, 2008.

15. Nominations for CALAFCO Executive Board of Directors and Designation of Voting Delegates

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The Executive Officer presented materials calling for nominations for the CALAFCO Executive Board, as well as requesting designation of voting delegates for the CALAFCO Annual Conference.

Upon motion of Allen, second by Uilkema, the Commission unanimously nominated Public Member Martin McNair as a candidate for the CALAFCO Executive Board.

Upon motion of Uilkema, second by Allen, the Commission unanimously designated current Chair Rob Schroder as voting delegate for the Annual Conference.

Upon motion of Meadows, second by Allen, the Commission unanimously designated current Vice Chair Gayle Uilkema as alternate voting delegate for the Annual Conference.

16. Commissioner Comments and Announcements

There were no Commissioner announcements.

17. Staff Announcements and Pending Projects

The Executive Officer drew Commissioners' attention to the pending projects list and a comprehensive legislation update that were included in the agenda packet.

Meeting adjourned at 3:59 p.m.

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

AYES:

NOES:

ABSTAIN:

By _____
Executive Officer

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