

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

MINUTES OF MEETING

October 21, 2008

Board of Supervisors Chambers
Martinez CA

1. Chair Rob Schroder called the meeting to order at 1:38 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 Members Gayle Uilkema and Federal Glover and Alternate Mary N. Piepho
Public Member Martin McNair
Special District Member David A. Piepho and Alternate George Schmidt

Present were Executive Officer Lou Ann Texeira, Legal Counsel Sharon Anderson and Linda Wilcox, Commission Clerk Kate Sibley, and Consultant Gary Thompson (Winzler & Kelly)

4. Approval of the Agenda

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

5. Public Comments

There were no public comments.

6. Alamo: Consider Request(s) for Reconsideration

Chair Schroder opened the proceeding by commenting on the specificity of LAFCO law regarding reconsideration and asked Vice Chair Uilkema to expound, given her experience with other incorporations. Vice Chair Uilkema provided further comment regarding the purpose of the reconsideration hearing and Commission's responsibilities and due diligence relating to its action approving the incorporation and the required statutory findings.

The Executive Officer provided a brief overview of the proceeding, and explained that in order for the Commission to approve a request for reconsideration and reconsider its action on the incorporation, the request must specifically state new information.

Staff explained that on September 25 a request for reconsideration was received from R. Jean Taylor of the *Alamo Spotlight*, and on October 15 an addendum to the initial request

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was received from the same person. Staff indicated that neither the request nor the addendum contained new or different information regarding the incorporation. Thus, the Executive Officer recommended denial of the request for reconsideration.

The Chair opened the floor for public comments.

Mike Gibson, resident and member of Alamo Incorporation Movement (AIM), spoke of the long, involved, thorough process that this incorporation application has gone through, commenting that all points in the request for reconsideration and addendum had been covered in the initial CFA and CEQA studies. He asked that the September 18, 2008 decision by LAFCO be upheld and the request for reconsideration be denied.

Chris Kenber, resident and member of AIM, urged denial of the request for reconsideration, stating that the signing of SB 301 was not new information. Additionally, even though the CFA was based on very conservative calculations, AIM members have been meeting with other agencies that are interested in serving the proposed Town of Alamo, and some of the costs in the CFA could ultimately be reduced by 20-30%.

Stephen A. Goodman, resident and member of AIM, urged denial of the request for reconsideration.

R.L. (Larry) Stenger, resident, stated his opposition to the incorporation and urged LAFCO to grant reconsideration for further study.

Sharon Burke, resident and member of AIM, commented on the economic climate and that this is the most studied incorporation in the history of Contra Costa County and urged denial of the request for reconsideration.

Alicia Watson, resident, supports incorporation and urged denial of the request for reconsideration.

Steve Mick, resident and member of AIM, and Alamo incorporation webmaster, listed statistics from that website, which indicate that many people have visited and studied the documents available there. He urged denial of the request.

Jim Wadsworth and Jacque Kildare, residents, both ceded their speaking times.

Nancy Dommies, resident, stated that this incorporation bid has brought the community together in an honest effort, and urged denial of the request.

Stephen Morgan, representing San Ramon Valley Fire Protection District (SRVFPD), clarified the letter sent by that district and stated that the district is neutral on the issue of incorporation. However, if the Town of Alamo does incorporate, the SRVFPD believes that the new city would be best served by having only one fire protection district. The

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SRVFPD understands that this will require a reorganization application in the event that the city is incorporated.

Commissioner D. Piepho raised the question of how this boundary change can be done; the Executive Officer clarified the requirements regarding reconsideration and making amendments to the September 18 resolution. Further, staff reiterated that such a reorganization can be addressed post incorporation, if successful.

Bob Connelly, resident, testified to his own increasing involvement in the incorporation process from the time of his first hearing of the proposal, and urged denial of the request.

Grace Schmidt, resident, responded to four points that the request for reconsideration had iterated and pointed out that the CFA had in fact addressed all of these.

John Goerl, resident, opposes incorporation and expressed his opinion regarding deficiencies in the CFA and that it should be updated.

Larry Rodrigue, resident, ceded his speaking time.

Charla Gabert, resident, supports incorporation and urged denial of the request for reconsideration so that the community can have the right to vote on the issue.

Allen Makely, resident, supports incorporation and the right to vote and urged denial of the request.

Helene Connelly, resident, urged denial of the request.

Chris Rayner, resident, is an undecided voter but feels that the current CFA is inadequate.

Kristine Cox, speaking for herself and Tanya Aungle, both residents, stated that they are pro-election and urged denial of the request.

Denise Padovani, resident, stated her concerns for changes proposed for the community, and urged that the CFA be updated.

Vishwas More, resident, finds that the CFA is accurate and complete, and urged denial of the request.

Bruce Marhenke, resident, wanted confirmation from LAFCO that it believes the proposed incorporation is viable and that its approval of the September 18 resolution is an endorsement of the incorporation. This prompted Commission discussion following the public comment period.

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Primo Facchini, longtime resident and Board Member, Alamo-Lafayette Cemetery District, commented that when the Town of Danville incorporated, it took the Alamo Cemetery with it; he would like to have Alamo, if incorporated, take the cemetery back.

Stephen Heafey, resident, spoke for himself and Denise Padovani, expressing concerns with the CFA, the economy, and the non-profit status of the incorporation committee, stated that SB 301 "held a gun to LAFCO's head" and opposition to incorporation.

Sharon Burke and Vicki Koc, residents and members of AIM, commented on some of the points raised by other speakers, including the incorporation timeline; the CFA and its consideration of the impacts of SB 301; the impacts of revising the CFA in terms of cost, timing and anticipated outcomes; and commented that there was no new information in the request for reconsideration and urged denial.

R.L. (Larry) Stenger returned to the lectern to point out that the late handout Commissioners received was his, even though his signature was missing.

At the final call from the Chair for public comments, two more people spoke:

John O'Flaherty, resident, requested clarification on what the LAFCO September 18 resolution signifies if it is not an endorsement. He is currently undecided.

Suzanne Thompson, resident, objected to the timing of the proceedings, and wanted to know who will pay for this election. In response, it was noted that if the incorporation passes, the new city will pay election costs; and if the incorporation fails, the County pays the election costs.

Chair Schroder closed the public hearing, and asked for procedural clarification: Given that there was an addendum to the original request for reconsideration, should the Commission cast two votes or just one? The Executive Officer stated that the statute does not provide for the possibility of an addendum.

The Commission discussed its action of September 18 approving the incorporation and making the required findings, including the finding of fiscal feasibility. LAFCO staff and legal counsel provided clarification.

Commissioners offered additional comments and appreciation to the audience, the fiscal consultant and staff.

Following discussion of the request for reconsideration, the CFA as originally presented, the question was raised again regarding the need for one vote or two. Counsel Anderson responded that the Commission had a choice of casting separate votes on the request for reconsideration and the addendum, or a single vote on the request for reconsideration as amended. Further discussion followed.

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Upon motion of McNair, second by Uilkema, the Commissioners voted, by the roll call noted below, to approve the Executive Officer's recommendation to deny the request for reconsideration as amended.

AYES: Glover, McNair, D. Piepho, Schmidt, Schroder, Uilkema
ABSTAINS: Allen
NOS:
ABSENT: Meadows (M), Bristow (A), M. Piepho (A)*

*County Alternate M. Piepho observed the proceedings on this item from the audience.

7. First Quarter Financial Report – FY 2008-09

The Executive Officer reported on the status of the FY 2008-09 budget, and indicated that no budgetary adjustments are needed at this time.

Upon motion of D. Piepho, second by McNair, the Commission unanimously voted to receive and file this report.

8. Financial Audit for Fiscal Year 2006-07

The Executive Officer presented R.J. Ricciardi's audit report for the Fiscal Year 2006-07.

Upon motion of Uilkema, second by Allen, the Commission unanimously voted to receive and file this audit report.

9. Commissioner Comments and Announcements

Commissioner Uilkema confirmed with staff that Commissioners' reports and expenditures from the recent CALAFCO Annual Conference were in keeping with the State law.

Commissioner McNair asked the status of the Green Valley Recreation and Park District application to annex properties. The Executive Officer stated that project is on hold while the district goes through the Town of Danville's permitting process. Alternate M. Piepho requested a copy of the letter informing LAFCO of that postponement.

Commissioner Uilkema commended the Executive Officer for her work on the Alamo incorporation.

Chair Schroder wished Commissioner Glover well for his upcoming election.

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10. Staff Announcements and Pending Projects

The Executive Officer drew the Commissioners' attention to the list of pending projects and informed them of the new application on the list.

Meeting adjourned at 3:39 p.m.

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

AYES:

NOES:

ABSTAIN:

ABSENT:

By _____
Executive Officer