

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

MINUTES OF MEETING

January 14, 2009

651 Pine Street, Room 101
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 Helen Allen (late arrival) and Rob Schroder and Alternate Don Tatzin
County Member Gayle Uilkema and Alternate Mary N. Piepho
Public Member Martin McNair and Alternate Bill Bristow
Special District Member Dwight Meadows and Alternate George Schmidt

Present were Executive Officer Lou Ann Texeira, Legal Counsel Silvano Marchesi, Commission Clerk Kate Sibley, LAFCO Planner Nat Taylor, and Consultant Michael McCormick (PMC)

4. Approval of the Agenda

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

5. Public Comments

There were no public comments.

6. Selection of Chair and Vice Chair

Chair Schroder thanked fellow Commissioners for their support during the past year.

Upon motion of Tatzin, second by Meadows, the full Commission unanimously approved the appointment of County Member Gayle B. Uilkema as the 2009 Chair.

Upon motion of Schroder, second by M. Piepho, the full Commission unanimously approved the appointment of Public Member Martin McNair as the 2009 Vice Chair.

Newly appointed Chair Uilkema presented Commissioner Schroder with a certificate of appreciation from Commissioners.

7. Approval of December 10, 2008 Minutes

Commissioner Schmidt corrected Item No. 8 in the minutes (LAFCO 08-28), noting that Commissioner Uilkema had made the motion for approval, not Commissioner Meadows, who had recused himself for this item.

Upon motion of M. Piepho, second by Schmidt, the minutes for the December 10, 2008 meeting were approved as corrected.

8. LAFCO 08-34 – Montecito Estates, LLC Annexation to County Service Area (CSA) L-100

Upon motion of Schroder, second by Meadows, the Commission unanimously certified that it reviewed and considered the information contained in the Mitigated Negative Declaration; approved the proposal to be known as the Montecito Estates, 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 landowners have consented to the annexation, that the annexing agency has consented to the waiver of conducting authority proceedings; waived conducting authority proceedings and directed staff to complete the proceeding.

9. LAFCO 08-25 (171-2) – Annexation 171 to Central Contra Costa Sanitary District (CCCSD)

The Executive Officer stated that this item was continued from the December 2008 LAFCO meeting and that further research was conducted related to watershed issues raised by Commissioner Uilkema. Most important, research showed that because of the nature of the topography in this particular area, there is a moratorium on septic tanks and municipal sewer services are preferred.

Molly Mullin, on behalf of CCCSD, responded to Commissioner questions regarding the parcels in this area. Commissioner Uilkema, who had asked that this item be deferred from the December agenda, expressed her thanks for the additional information.

Upon motion of Uilkema, second by Allen, the Commission unanimously found that Area 171-2 is exempt from CEQA pursuant to CEQA Guidelines Class 3, Section 15303 and Class 19, Section 15319; approved this final area within the proposal known as Annexation 171 to CCCSD with specified conditions; determined that the territory being annexed is liable for the continuation of taxes, assessments and charges; found that the subject territory is inhabited, has less than 100% consent of the affected landowners and registered voters, that no affected landowners/registered voters opposed the annexation in writing, that the annexing agency has given written consent to the waiver of conducting authority proceedings, waived the protest proceeding, and directed staff to complete the proceeding.

10. Amendments to Service and Fee Agreements – Initial Study – Spheres of Influence (SOI), Contra Costa Water District and Delta Diablo Sanitation District

The Executive Officer provided an update regarding the Initial Study that is being conducted for the proposed SOI expansions for Contra Costa Water and Delta Diablo Sanitation to coincide with Antioch and Pittsburg voter approved Urban Limit Lines districts as discussed in the East County Sub-regional Municipal Service Review. In December 2008, the Commission directed staff to prepare an amendment to the existing contract with PMC to include the proposed expansion of the City of Pittsburg's SOI in the Initial Study. LAFCO staff also suggested including the City of Antioch's SOI in this study.

Nancy Parent, Mayor of the City of Pittsburg, presented two letters to the Commission wherein she confirmed that the City of Pittsburg will guarantee the funding necessary for an Initial Study

to analyze the proposed expansion of the City's SOI to coincide with the voter-approved ULL. Further, the City requested that the study proceed expeditiously.

The City of Antioch also submitted a letter that indicated an interest in being included in the Initial Study, but did not indicate that it will fund the study.

The Commissioners provided comments and a suggestion to allocate the cost equally between the two cities

Upon motion of M. Piepho, second by Allen, the Commission unanimously authorized the Executive Officer to determine, within the next two weeks, the City of Antioch's willingness to pay 50% of the additional cost to add both Pittsburg and Antioch to the Initial Study. Should Antioch be unwilling to participate, staff is to proceed with a contract amendment with PMC to add only the City of Pittsburg for a cost of up to \$9,000.

11. Vacancy on CALAFCO Board of Directors (City Seat)

The Executive Officer reported that CALAFCO has a vacancy (City seat) on its Board and is soliciting nominations. The deadline for submitting applications is January 20, with a goal of having the new member seated in time for the board retreat in Irvine on February 12-13. The person selected will serve until the 2009 Annual Conference in October, and will be eligible for reelection at that time. The nomination form must be signed by the chair of the nominating LAFCO. Commissioner Allen expressed an interest in running for the vacant City seat.

Upon motion of M. Piepho, second by Uilkema, the Commission unanimously voted to support Commissioner Allen's nomination, and directed Staff to finalize the nomination papers for the chair's signature.

12. Second Quarter Financial Report – FY 2008-09

The Executive Officer reported that at the end of the second quarter, the financial situation is sound at approximately 36% of budgeted expenditures. Revenues are at 96% of the total budgeted, excluding the fund balance.

The Chair accepted the report.

13. Executive Officer Salary Adjustment

Commissioner Schroder reported that pursuant to the Executive Officer's annual review on December 10, 2008, he and Commissioner Uilkema, as the review committee, met with the Executive Officer to provide feedback and commend her excellent work. Further, that the committee recommends an increase of 2% to the Executive Officer's salary, reflecting only the economic times, not the Executive Officer's job performance.

Upon motion of Uilkema, second by M. Piepho, the Commission unanimously approved the increase, effective January 1, 2009.

14. Commissioner Comments and Announcements

Commissioner Meadows commented on the recent column by Dan Borenstein in the Contra Costa County Times and questioned the LAFCO policies and protocol regarding Commission and staff/legal counsel communication with the press. Chair Uilkema suggested that this issue be referred to the Policies and Procedures Subcommittee and discussed in the future.

Commissioners asked that staff include relevant news articles in future meeting agenda packets, including the Borenstein column.

15. Staff Announcements and Pending Projects

The Executive Officer drew Commissioners' attention to the pending projects list.

Meeting adjourned at 2:27 p.m.

Final Minutes Approved by the Commission on February 11, 2009.

AYES:

NOES:

ABSTAIN:

ABSENT:

By _____
Executive Officer