

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

MINUTES OF MEETING

February 11, 2009

Board of Supervisors Chambers
Martinez CA

1. Chair Gayle Uilkema called the meeting to order at 1:31 p.m.
2. Roll was called. A quorum was present of the following Commissioners:

City Member Helen Allen and Alternate Don Tatzin
County Member Gayle Uilkema and Alternate Mary N. Piepho
Public Member Martin McNair
Special District Members Dwight Meadows and David A. Piepho and Alternate George Schmidt

Present were Executive Officer Lou Ann Texeira, Legal Counsel Silvano Marchesi, Commission Clerk Kate Sibley, Planner Nat Taylor, and Consultant Beverly Burr (Burr Consulting)

County Member Federal Glover arrived at 1:55 p.m.

3. The Pledge of Allegiance was recited.
4. Approval of the Agenda

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

5. Public Comments

There were no public comments.

6. Approval of January 14, 2009 Minutes

Upon motion of McNair, second by Tatzin, the minutes for the January 14, 2009 meeting were approved unanimously.

7. LAFCO 08-35 – Ward Annexation to CSA L-100

The Executive Officer reported that a letter had been received from a surrounding property owner, protesting the subdivision and removal of trees as part of this development and asking that the letter be taken into consideration.

Upon motion of Tatzin, second by Allen, 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 Ward 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 proceedings.

8. LAFCO 08-27 – Faria Preserve Reorganization: Annexations to the City of San Ramon, Central Contra Costa Sanitary District (CCCSD), and East Bay Municipal Utility District (EBMUD)

Commissioner Meadows recused himself from this item; Alternate Schmidt took his place.

The Executive Officer reported on a proposal submitted by the City of San Ramon to annex the Faria Preserve property, part of the City's Northwest Specific Plan, to the City, CCCSD and EBMUD, for the purpose of extending municipal services to a proposed development of 786 residential dwelling units, associated public & community facilities, parks & open space.

LAFCO staff provided an overview of the proposal and highlighted several items including present and proposed land uses, boundary issues, housing, public services, and water supply.

Staff noted that in response to a settlement agreement between the City and East Bay Regional Park District and Sierra Club, the project includes a significant amount of open space and parkland. The property lies within the SOIs of all three agencies, is within the City of San Ramon's UGB, and with the exception of an 8.5-acre strip of land on the western edge, it also lies within the countywide Urban Limit Line (ULL).

Joseph Callahan, with EBMUD, responded to Commissioner Uilkema's and Tatzin's questions regarding the availability of water and the role that the U.S. Bureau of Reclamation (USBR) will play in final approval of EBMUD's service to the Faria Preserve.

Phil Wong, Community Development Director, City of San Ramon, responded to a question regarding the property lines.

There were no public comments.

Debbie Chamberlain, Planning Director, City of San Ramon, and Dan Boatwright, with Castle Companies, the developer, responded to Commissioner Tatzin's and McNair's further questions regarding water service and the requirements of the USBR and boundary issues.

Upon motion of Allen, second by D. Piepho, the Commission certified that it reviewed and considered the information contained in the Environmental Impact Report and CEQA documentation; adopted Findings and Statement of Overriding Considerations as approved by the City of San Ramon per Resolution 2006-171; approved the proposal to be known as the Faria Preserve Reorganization: Annexations to the City of San Ramon, Central Contra Costa Sanitary District, and East Bay Municipal Utility District as recommended by LAFCO staff (Option 1), 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. Workshop – Fire and Emergency Services Preliminary Draft Municipal Services Review (MSR)/Sphere of Influence (SOI) Updates

The Executive Officer provided an overview of the MSR process and purpose of the workshop, which will focus on fire and emergency medical services throughout Contra Costa County, including the cities of El Cerrito, Pinole and Richmond, County Service EM-1, Contra Costa County Fire Protection District (FPD), Crockett-Carquinez FPD, East Contra Costa FPD, Kensington FPD, Moraga-Orinda FPD, Rodeo-Hercules FPD, and San Ramon Valley FPD.

The Executive Officer introduced Beverly Burr, of Burr Consulting, who thanked the fire chiefs and others with whom she has been working to prepare the MSR. Burr then presented a PowerPoint overview highlighting each of the fire protection districts, including the cities providing fire protection services and the countywide emergency services district. Burr noted that the written report, when it is provided for public review, will begin with a comparative overview chapter, devote a separate chapter to each FPD, and lastly provide governance structure and SOI options.

Following Burr's presentation, Commissioners had numerous comments and questions regarding further informational details, boundary issues, potential SOI options as presented, inequitable delivery of services among districts, consolidation options, and the issue of services to casinos on sovereign lands.

Gary Boyles, Fire Chief of Rodeo-Hercules FPD, complimented Burr on the presentation and pointed out some errors and discrepancies in the PowerPoint slides.

Victoria Smith, current Orinda Mayor, stated that the Orinda City Council does not support consolidating Moraga-Orinda FPD into Contra Costa County FPD (CCCYPD).

James Parrott, Fire Chief for the City of Pinole, stated that one of the core issues seems to be balance of services irrespective of the contribution into those services. Also, the satellite-based dispatch service initiated by CCCYPD is more service- or need-based than district-based, which again doesn't line up with the tax base determined by district.

Steve Cohn, resident of Orinda, asked if the MSR will also cover departments' expenses, especially personnel compensation in relation to services delivered.

John Wyro, board member of Moraga-Orinda FPD (MOYPD), is concerned about the process, and asked that district boards be allowed to review before it's submitted to the public. Burr responded that structural and SOI options will not be released to the district boards before the Commissioners see them.

Richard J. Olsen, resident of Moraga and early proponent of MOFPD, echoed John Wyro's comments and urged district board review before submitting to the public.

Public hearing was closed. Commissioners provided further comments and suggestions for Burr, emphasizing that all data be accurate, and suggesting that the public review be deferred for up to a week later to allow additional time for agency staff review of data. District chiefs were asked to submit their comments on factual errors in writing to Burr Consulting, preferably today, in order to move the MSR process forward.

Commissioner Mary Piepho commented on redevelopment funding, service demands, and ECCFPD governance structure and SOI options. She also asked if Commissioners could have access to the Alameda LAFCO Public Safety MSR; the Executive Officer will send a link.

Upon motion of Glover, second by Tatzin, the Commissioners unanimously directed the project team to use the next week to finalize and circulate the Fire and Emergency Medical Services Public Review Draft MSR/SOI Update, posting it at www.contracostalafco.org by February 20, and schedule a public hearing for April 8, 2009 to consider the final document.

10. Schedule to Adopt LAFCO Budget for Fiscal Year 2009-10

The Executive Officer provided a schedule for approval of the Fiscal Year 2009-10 budget, with a proposed budget to be presented on March 11, followed by distribution as approved to the County, cities and special districts, and review and adoption of a final budget at the May 13 meeting.

Upon motion of Tatzin, second by D. Piepho, the Commission unanimously approved the schedule as presented.

11. County Service Area (CSA) Inventory

The Executive Officer provided a brief overview of SB 1458, enacted on January 1, 2009, which makes numerous changes to the law that guides administration of CSAs.

The Commission received the report and accompanying inventory of the 25 CSAs of Contra Costa County.

12. Commissioner Comments and Announcements

Commissioner David Piepho requested that future agenda packets switch the front and back pages of the Notice and Agenda. He also requested that LAFCO examine and perhaps revise the chair rotation policy wherein the Public Member serves as chair twice as often as any of the other members.

Commissioner David Piepho also asked if LAFCO will respond to news articles when they identify LAFCO incorrectly. The Executive Officer replied that staff contacts reporters and

tries to educate them as often as possible; and that if the errors are serious, a correction is requested.

Commissioner McNair asked about the status of the Green Valley Recreation and Park District (GVRPD) application for an annexation. Staff responded that GVRPD is working with the Town of Danville and has asked that LAFCO put their application on hold.

Commissioner Allen reported on her campaign for the vacant seat on the CALAFCO Board. Commissioner Uilkema thanked her for stepping up and pointed out the challenges in obtaining a seat on this board.

13. Staff Announcements and Pending Projects

The Executive Officer brought the Commissioners' attention to the Pending Projects Update, noting that two new applications had been received in early February. Staff also gave a brief report on a recent meeting of the CALAFCO Legislative Committee; in March they will review proposals for legislation for 2009-10.

Meeting adjourned at 4:15 p.m.

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

AYES: Allen, McNair, D. Piepho, Schmidt, Uilkema

NOES:

ABSTAIN: Schroder

ABSENT: Glover (M), Meadows (M), Bristow (A)

By /s/ Lou Ann Teixeira
Executive Officer