

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MINUTES OF MEETING

July 10, 2013

Board of Supervisors Chambers
Martinez, CA

August 14, 2013
Agenda Item 5

1. Chair Federal Glover 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 Don Tatzin.

County Members Federal Glover and Mary Piepho, and Alternate Candace Andersen.

Special District Members Michael McGill and Dwight Meadows, and Alternate George Schmidt.

Public Member Don Blubaugh and Alternate Sharon Burke.

Present were Executive Officer Lou Ann Texeira, Legal Counsel Sharon Anderson, and Clerk Kate Sibley.

4. Approval of the Agenda

Upon motion of Tatzin, second by Blubaugh, Commissioners unanimously adopted the agenda.

5. Public Comments

There were no public comments.

6. Approval of May 8, 2013 Meeting Minutes

Upon motion of Piepho, second by Tatzin, the minutes for the meeting on May 8, 2013 were approved, with Commissioner Blubaugh abstaining.

7. LAFCO 13-02 – Rodeo Sanitary District (RSD) Sphere of Influence (SOI) Amendments

The Executive Officer reported that there are five areas in this request to amend Rodeo Sanitary District's sphere of influence, most of which were discussed in the West County Water/Wastewater MSR. Areas 1, 2 and 3 are in the Rodeo Marina area; Area 4 is the Bayo Vista Housing Authority and it already receives sewer services from the District; and Area 5 is an area north of Viewpoint Boulevard that is already in the District's service boundary.

There were no public comments.

Upon motion of Blubaugh, second by McGill, Commissioners unanimously approved the SOI expansion for Rodeo Sanitary District to include the five designated areas, determined that the SOI updates for Areas 4 and 5 are exempt pursuant to §15061(b)(3) of the CEQA Guidelines, and certified that it reviewed and considered the information contained in the EIR and CEQA documentation for the SOI updates for Areas 1, 2, and 3.

8. LAFCO 13-05 – Central Contra Costa Sanitary District (CCCSD) and Mt. View Sanitary District (MVSD) SOI Amendments

The Executive Officer provided background on the longstanding cooperation between CCCSD and MVSD regarding the most efficient provision of services in the area where their boundaries meet. This proposal will correct boundary irregularities by removing nine parcels (18± acres) from MVSD's SOI and adding the same parcels to CCCSD's SOI. The parcels are located on Kendall Court and Northridge Road in the City of Martinez and contain six single-family residential homes, three vacant parcels, and one government owned parcel.

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There were no public comments.

Upon motion of Tatzin, second by Piepho, Commissioners unanimously approved the amendments to the SOIs resulting in a net increase in CCCSD's SOI of 18.2± acres and a net decrease in MVSD's SOI of 18.2± acres, and determined that the SOI amendments are categorically exempt.

9. Northeast Antioch Update

The Executive Officer provided brief background on the Northeast Antioch annexation process and reported that the City held a third community meeting with residents of Area 2b. Also, on May 15, the Antioch Planning Commission considered the City's rezoning and CEQA documents, and forwarded these to the City Council for approval. The City Council will address the rezoning later in July. Additionally, on May 22, LAFCO received a letter from Jenny & Jenny, LLP representing one of the Area 2b residents. The letter contains questions regarding the LAFCO process and island annexations, and the appropriateness of the City's CEQA document. LAFCO staff has responded to this letter.

Victor Carniglia, representing the City of Antioch, reported that the City Council will hold a special meeting on July 30 to hear rezoning and related items for this project.

Commissioner McGill asked if following the three community meetings, residents now have a better understanding of the issues. Mr. Carniglia responded in the affirmative.

10. Response to Contra Costa County (CCC) Grand Jury Report No. 1303

The Executive Officer reported that in May, LAFCO received Grand Jury report #1303 titled "*The Role of LAFCO: Is the Commission Realizing its Full Potential?*" This report is specific to Contra Costa LAFCO, and looks at LAFCO's role and authority, and specifically, MSRs and outcomes.

LAFCO staff has drafted a response that addresses the seven findings and eight recommendations and provides some additional background information.

Commissioner Tatzin suggested adding to the response to Finding 2 information about the Commissioners' strategic planning workshop held in April, emphasizing Commissioners' commitment to more actively communicate with the public regarding MSR reports and responses.

Commissioner Meadows suggested that the Grand Jury take a more positive approach and acknowledge and recognize some of the good work being done by local agencies and LAFCO. As an example, he referenced the recent Mt. Diablo Health Care District reorganization and the positive outcomes.

Commissioners Schroder and Blubaugh suggested that the response to Finding 5 emphasize that the second-round MSRs will follow up on findings made in initial MSRs.

Following further commentary, Commissioner Tatzin suggested that the response to Recommendation 5 add emphasis to the phrase "... is not warranted and *is not* reasonable."

Upon motion of Blubaugh, second by Piepho, Commissioners unanimously approved, as amended, the response to Grand Jury Report No. 1303, and directed LAFCO staff to forward the response prior to July 30, 2013.

11. Response to CCC Grand Jury Report No. 1306

The Executive Officer presented Grand Jury report #1306 titled "*County EMS and Fire Services: A Step in the Right Direction.*" This report looks at the County's efforts to study alternative EMS and fire service delivery model, and the potential for LAFCO to prepare a second round MSR covering these services following release of the County reports. The County, LAFCO and the 10 fire services providers are required to respond to this report.

LAFCO staff has drafted a response that addresses the two findings and two recommendations relative to LAFCO.

Commissioner Blubaugh suggested that the response to Recommendation 2 include that LAFCO has expressed an interest in conducting a fire and EMS MSR in FY 2014-15.

Upon motion of Blubaugh, second by Piepho, Commissioners unanimously approved, as amended, the response to Grand Jury Report No. 1306, and directed LAFCO staff to forward the response prior to August 29, 2013.

12. Response to CCC Grand Jury Report No. 1311

The Executive Officer presented Grand Jury Report #1311 titled "*Assessing Fiscal Risk" Who's Minding the Store?*", which reviews the practices of the County and various cities and districts relating to fiscal audits, internal controls and grant compliance. The County, LAFCO, the Contra Costa County Office of Education, all 19 cities, 18 school districts, one college district and three special districts are required to respond to this report.

LAFCO staff has drafted a response that addresses the eight findings and three recommendations relative to LAFCO.

Commissioners Piepho and Tatzin suggested that, for the response to Recommendation 2, a second paragraph be added that indicates LAFCO has no direct authority or responsibility over the financial management activities of local agencies, and that it has no authority over school districts.

Upon motion of Tatzin, second by Blubaugh, Commissioners unanimously approved, as amended, the response to Grand Jury Report No. 1311, and directed LAFCO staff to forward the response prior to September 4, 2013.

13. Professional Services Contract – Second-Round Water/Wastewater Municipal Services Review

The Executive Officer reported that preparation for the Second-Round Water/Wastewater MSR is proceeding. In May a Request for Proposals was released, and resulted in four proposals. A screening committee comprising executive staff from Solano, Sonoma, and Contra Costa LAFCOs interviewed all four firms. The committee unanimously selected GST Consulting. The GST team of three includes Gary Thompson, who worked with this LAFCO on the Alamo incorporation; Harry Ehrlich who works on contract with San Diego LAFCO, serves as co-chair of the CALAFCO Leg Committee, and is involved in CSDA; and Bob Aldrich, who served as Deputy EO of Orange LAFCO for over 10 years. Between the three, they have over 80 years of LAFCO experience and have prepared nearly 100 MSRs—and they were the lowest bidder.

Upon motion of Piepho, second by Tatzin, Commissioners unanimously authorized staff to execute a contract with GST Consulting to prepare a countywide Second-Round Water/Wastewater MSR/SOI Updates for the term of August 1, 2013 through July 31, 2014 in an amount not to exceed \$62,240.

14. Special District Risk Management Authority (SDRMA) Board Election

The Executive Officer reported that the SDRMA, which is a joint powers agency providing risk management services to over 900 public agencies including special districts, municipalities, and LAFCOs, including Contra Costa LAFCO, has announced the candidates for the four director seats available in the SDRMA Board of Directors election.

Ballots must be cast by August 27, 2013.

Upon motion of Piepho, second by McGill, Commissioners unanimously reinstated the 2012 nominee review committee of Commissioners Burke and Schroder and directed them to bring their recommendations to the August 14 LAFCO meeting.

15. Resolution Commemorating the 50th Anniversary of LAFCOs

The Executive Officer presented a draft resolution commemorating the 50th anniversary of LAFCOs. There will be a special area at the annual conference where resolutions will be displayed.

Upon motion of Meadows, second by Tatzin, Commissioners unanimously adopted the resolution to be displayed at the 2013 annual CALAFCO Conference.

16. Correspondence from CCCERA

There were no comments.

17. Commissioner Comments and Announcements

Following comments by Commissioner Meadows there was brief discussion regarding finding ways to help the Grand Jury better understand LAFCO's role.

Commissioners announced that their nominations for Outstanding Executive Officer (Texeira) and Outstanding Clerk (Sibley) have been submitted.

Commissioner McGill announced that he will be attending the CALAFCO Board meeting on July 12, and participating in the CALAFCO Legislative Committee conference call on July 26.

18. Staff Announcements and Pending Projects

The Executive Officer announced that the nomination of the Mt. Diablo Health Care District Reorganization was also submitted for an award in one of three categories (Most Effective Commission, Project of the Year, or Government Leadership).

Staff reported that AB 473, which would eliminate the sunset date on legislation covering island annexations, is moving smoothly through the process and should pass.

The meeting was adjourned at 2:17 p.m.

Final Minutes Approved by the Commission August 14, 2013.

AYES:

NOES:

ABSTAIN:

ABSENT:

By _____
Executive Officer