



Lou Ann Teixeira  
 Executive Officer

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July 14, 2010 (Agenda)

July 14, 2010  
 Agenda Item 7

Contra Costa Local Agency Formation Commission  
 651 Pine Street, Sixth Floor  
 Martinez, CA 94553

**Results of Protest Hearing - Central Contra Costa Sanitary District Annexation 173B**

Dear Commissioners:

DISCUSSION

At a public hearing on April 21, 2010, the Commission approved Central Contra Costa Sanitary District (CCCSA) Annexation 173B. This is a proposal to annex 100.4± acres (129 properties) in eight separate annexation areas located in the Town of Danville. The purpose of the annexation is to extend sanitary sewer services to the properties.

In accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (“CKH Act”), LAFCO is the agency to conduct the protest hearing. The purpose of the protest hearing is to receive written protests from affected landowners and/or registered voters regarding the proposal and determine whether a “majority protest” exists. With regard to this annexation, which is inhabited, the Commission shall take one of the following actions:

- **Order the annexation without an election** if written protests have been filed by less than 25% of the registered voters or less than 25% of the land owners owning less than 25% of the assessed value of land within the affected territory; or
- **Order the annexation subject to a confirmation vote of the registered voters** within the affected territory if written protests have been filed by at least 25% but less than 50% of the registered voters or at least 25% but less than 50% of the land owners owning at least 25% of the assessed value of land within the affected territory; or
- **Terminate the proceedings** if a majority protest exists. A majority protest constitutes 50% or more of the registered voters or 50% or more of the landowners owning at least 50% of the assessed value of land.

The protest hearing was properly noticed and held on Wednesday, May 26, 2010, at 3:00 p.m. at the LAFCO office located at 651 Pine Street, Sixth Floor in Martinez. The hearing was

conducted by the LAFCO Executive Officer, who is delegated the authority to conduct this public hearing on behalf of the Commission. CCCSD staff attended the protest hearing.

At the conclusion of the hearing, the number of protests received prior to and during the hearing were counted. A total of eight protests were filed by affected landowners totaling 4.3% of the total assessed value, and a total of 13 protests were filed by affected registered voters, totaling 5.7% of the registered voters in the area. These protests do not meet the threshold for ordering an election or terminating the proceedings as described above; consequently, the annexation should be ordered.

#### RECOMMENDATION

It is recommended that the Commission adopt a resolution finding a majority protest was not received, and order the annexation subject to the terms and conditions as specified in the Commission's resolution of approval.

Sincerely,

Lou Ann Texeira  
Executive Officer

c: Jarred Miyamoto Mills, CCCSD  
Distribution List

## CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

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### **DETERMINATION OF THE EXECUTIVE OFFICER OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION FINDING THERE ARE INSUFFICIENT WRITTEN PROTESTS TO ORDER AN ELECTION OR TERMINATE THE PROCEEDINGS RELATING TO CENTRAL CONTRA COSTA SANITARY DISTRICT ANNEXATION 173B (LAFCO 09-13)**

1. This action is taken pursuant to the Cortese Knox Hertzberg Local Government Reorganization Act (Government Code §56000 et seq.) and policies of the Contra Costa Local Agency Formation Commission (hereafter Commission).

2. Proceedings for the Central Contra Costa Sanitary District (CCCSD) Annexation 173B were initiated by resolution of application by CCCSD and filed with the Executive Officer of the Contra Costa LAFCO on November 13, 2009, proposing the annexation of 100.4± acres to CCCSD. The purpose of the annexation is to extend sanitary sewer services to the properties.

3. On April 21, 2010, the Commission adopted Resolution No. 09-13, making determinations and approving the proposal subject to certain conditions. A true copy of said Resolution is attached hereto and incorporated by this reference, containing the terms and conditions of the Commission's approval of this proposal.

4. Acting on delegated authority from the Commission, as Executive Officer I conducted on May 26, 2010, a properly noticed public hearing to receive protests filed against the proposed annexation and, following conclusion of the hearing, found that fewer than 25 percent of the registered voters and fewer than 25 percent of the land owners (owning less than 25 percent of the assessed value of land) within the area proposed for annexation filed written protests against the proposal.

5. Finding there are insufficient protests to order an election or terminate the proceedings, the Contra Costa LAFCO hereby orders Central Contra Costa Sanitary District Annexation 173B subject to the terms and conditions contained within the Commission's resolution of approval.

This order is made on and is effective from July 14, 2010.

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Lou Ann Texeira, Executive Officer  
Contra Costa Local Agency Formation Commission

**RESOLUTION NO. 09-13**

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
MAKING DETERMINATIONS AND APPROVING  
ANNEXATION 173B TO CENTRAL CONTRA COSTA SANITARY DISTRICT**

WHEREAS, the above-referenced proposal has been filed with the Executive Officer of the Contra Costa Local Agency Formation Commission pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Section 56000 et seq. of the Government Code); and

WHEREAS, at the time and in the manner required by law the Executive Officer has given notice of the Commission's consideration of the proposal; and

WHEREAS, the Commission heard, discussed and considered all oral and written testimony related to the proposal including, but not limited to, the Executive Officer's report and recommendation, the environmental document or determination, Spheres of Influence and applicable General and Specific Plans; and

WHEREAS, information satisfactory to the Commission has been presented that no affected landowners/registered voters within the reorganization area object to the proposal; and

WHEREAS, the Local Agency Formation Commission determines the proposal to be in the best interests of the affected area and the total organization of local governmental agencies within Contra Costa County;

NOW, THEREFORE, the Contra Costa Local Agency Formation Commission DOES HEREBY RESOLVE, DETERMINE AND ORDER as follows:

1. Determine that Central Contra Costa Sanitary District, as Lead Agency, found the annexation categorically exempt pursuant to CEQA Guidelines Section 15319, Annexation of Existing Facilities and Lots for Exempt Facilities.
2. The Commission determines the project is exempt pursuant to CEQA Guidelines, Section 15319, consistent with the determination of CCCSD acting as Lead Agency.
3. Said annexation is hereby approved.
4. The subject proposal is assigned the distinctive short-form designation:

**ANNEXATION 173B TO CENTRAL CONTRA COSTA SANITARY DISTRICT**

5. The boundaries of the affected territory are found to be definite and certain as approved and set forth in Exhibit A, attached hereto and made a part hereof.
6. The subject territory shall be liable for any authorized or existing taxes, charges and assessments comparable to properties within the annexing agency.

Contra Costa LAFCO  
Resolution No. 09-13

7. That CCCSD delivered an executed indemnification agreement between the CCCSD and Contra Costa LAFCO providing for CCCSD to indemnify LAFCO against any expenses arising from any legal actions challenging the annexation.
8. The territory proposed for annexation is inhabited.
9. The proposal has less than 100% landowner/registered voter consent; and is conducting authority (protest) proceedings. Designate Contra Costa LAFCO as the conducting authority for the protest proceedings; the authority for which has been delegated to the LAFCO Executive Officer, who shall give notice and conduct a public hearing on the matter pursuant to the Government Code.
10. All subsequent proceedings in connection with this annexation shall be conducted only in compliance with the approved boundaries set forth in the attachments and any terms and conditions specified in this resolution.

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PASSED AND ADOPTED THIS 21<sup>st</sup> day of April 2010, by the following vote:

AYES: Allen, Glover, McNair, Meadows, D. Piepho, Schroder, Uilkema

NOES:

ABSTENTIONS:

ABSENT:

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MARTIN McNAIR, CHAIR, CONTRA COSTA LAFCO

*I hereby certify that this is a correct copy of a resolution passed and adopted by this Commission on the date stated.*

Dated: April 21, 2010

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Lou Ann Texeira, Executive Officer