

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

MINUTES OF MEETING

July 14, 2010

Board of Supervisors Chambers
Martinez, CA

1. Chair Martin McNair called the meeting to order at 1:31 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 and Rob Schroder and Alternate Don Tatzin.
County Members Federal Glover (arrived at 1:50 p.m.) and Gayle Uilkema and Alternate Mary Piepho.
Public Member Martin McNair and Alternate Sharon Burke.
Special District Members Dwight Meadows and Alternate George Schmidt.
Present were Executive Officer Lou Ann Texeira, Legal Counsel Sharon Anderson, Clerk Kate Sibley, and LAFCO Planner Nat Taylor.
4. Approval of the Agenda
Upon motion of Uilkema, second by Schmidt, the agenda was adopted.
5. Public Comments
There were no public comments.
6. Approval of May 12, 2010, and May 21, 2010 Fire Workshop Minutes
Upon motion of Uilkema, second by Schmidt, the minutes for the May 12, 2010 meeting were approved, with Commissioners Schroder and McNair abstaining.
Upon motion of Uilkema, second by Schmidt, the minutes for the May 21, 2010 Fire Workshop were approved, with Commissioner Meadows abstaining.
7. LAFCO 10-04 - Mirant Delta LLC Annexation to County Service Area (CSA) L-100
Upon motion of Uilkema, second by Allen, the Commission found that the project is exempt from CEQA pursuant to Section 15061(b)(3); approved the proposal to be known as the Mirant Delta 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 the conducting authority proceedings and directed staff to complete the proceeding.
8. LAFCO 09-13 - Results of Protest Hearing, Annexation 173B to CCCSD
The Executive Officer reported on the results of the May 26 protest hearing regarding Annexation 173B to Central Contra Costa Sanitary District (CCCSD). A total of 8 protests were filed by affected landowners totaling 4.3% of the total assessed value, and 13 protests were filed by affected registered voters, totaling 5.7% of the registered voters in the area. These protests did not meet the threshold for ordering an election or terminating the

proceedings. Upon motion of Schmidt, second by Uilkema, the Commission ordered the annexation subject to the terms and conditions as specified in the Commission's resolution of approval, dated April 21, 2010.

9. LAFCO 10-03 - Annexation 178 to Central Contra Costa Sanitary District

The Executive Officer presented an overview of this annexation, which consists of 36 parcels (31.7± acres) in 10 separate sub-areas in primarily the City of Martinez with one area in the City of Pleasant Hill, noting land use designations and that properties are either converting from septic systems to municipal wastewater service, developing new single-family residential units, and/or are new developments to be connected to CCCSD. Jarred Miyamoto-Mills, Principal Engineer with CCCSD, reported that in response to earlier suggestions by Commissioners, CCCSD held an informational meeting in April and has fielded 5-10 calls since that time; it is not CCCSD's policy to require connection.

Upon motion of Allen, second by Schroder, the Commission certified that it reviewed and considered the information contained in the environmental documents; approved the proposal to be known as Annexation 178 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, 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. County Service Areas M-30 and R-7 SOI Updates

The Executive Officer reviewed with the Commission the various governance and SOI options contained in the recently completed MSR covering CSAs M-30 and R-7. Staff reported that a meeting was held with County Public Works staff and staff of Supervisor Piepho's office to discuss these options. The group agreed that input from the Alamo Municipal Advisory Committee (MAC) is desirable and that these issues would be discussed with the MAC at an upcoming MAC meeting. Staff also noted that County Public Works staff would pursue dissolving CSA R-7 Zone B, as it is inactive.

Commissioner Mary Piepho thanked LAFCO staff and noted support in working with the Alamo MAC on these issues.

Upon motion of Uilkema, second by Schroder, the Commission directed staff to work with Supervisor Piepho's staff to solicit input from the Alamo MAC, and report back to the Commission.

Commissioner Meadows asked about the options as they relate to Green Valley Recreation and Park District (GVRPD). There was brief discussion as to the Town of Danville role in this issue. Staff explained that GVRPD is scheduled to return to LAFCO one year from now with a status report.

11. Second LAFCO Fire Workshop Report

The Executive Officer briefly reported on the second fire workshop, held on May 21, 2010. The Commissioners noted that fire service will continue to be a regional issue with fiscal and service challenges, and expressed interest in continuing the dialogue regarding fire service

issues. The Commission agreed to schedule a fire service update for the August 11 LAFCO meeting. The Commission directed staff to notify all interested parties and request updates from the various fire service providers. Commissioners asked that those providing reports be asked to, if possible, provide written reports for the agenda packet.

12. Policies and Procedures Update

The Executive Officer reported that Commissioners Uilkema and Tatzin, who comprise the Policies and Procedures Committee, met on June 28 to review proposed policies and procedures updates including revisions to Capital Asset Management policy, a new Document Retention and Destruction policy, and, at the request of the Chair, revisions to the policies relating to Commissioner Representation.

At the suggestion of Commissioner M. Piepho, the word "evince" in the Document Retention Policy was changed to "show." Upon motion of Uilkema, second by Schroder, Commissioners unanimously approved all Policies and Procedures updates as amended.

13. Contract Amendment - Lamphier-Gregory

The Executive Officer reported that in January 2008, Commissioners contracted with Lamphier-Gregory for Nat Taylor's services as contract planner for Contra Costa LAFCO, providing staff support in review of applications, CEQA documents, and MSRs and SOI updates. That contract expired June 30, 2010; it is proposed that it be extended for one year to June 30, 2011, with a total not-to-exceed amount of \$210,000 reflecting a \$40,000 increase for FY 2010-11.

Commissioner Tatzin asked about the balance of the contract in relation to the amount proposed for FY 2010-11. Upon motion of Glover, second by Allen, Commissioners unanimously approved the contract amendment with Lamphier-Gregory for a total amount of \$210,000, and a termination date of June 30, 2011.

14. Response to Contra Costa County Grand Jury Report No. 1009 - "'Lost' Medanos Community Health Care District"

The Executive Officer provided a brief overview of the Grand Jury Report No. 1009 and staff's responses to their finding and recommendation. Commissioner M. Piepho recommended that all responses should follow the standard format of noting "agreement," "disagreement," or "partial agreement. Commissioner Uilkema asked if the Commission could in the future discuss what "subsidiary of limited powers" might mean for a district. Commissioner Glover noted that over the years, Los Medanos Community Health Care District underwent substantial examination, including past efforts to dissolve it, and, subsequently, has made great improvements as noted in the recent LAFCO MSR report.

Upon motion of Glover, second by Uilkema, the Commission unanimously approved the response to County Grand Jury Report No. 1009, with the recommended response language changes to comply with standards, and directed staff to forward the response no later than July 26, 2010, and to distribute to commissioners the CALAFCO white paper titled "Metamorphosis of Special Districts."

15. Response to Contra Costa County Grand Jury Report No. 1010 – “Pension Spiking: Who Really Gets Stuck?”

The Executive Officer provided a brief overview of the Grand Jury Report No. 1010 and staff's responses to their findings and recommendations. Commissioner M. Piepho reminded commissioners and staff that this response should also follow the standard language.

Upon motion of Glover, second by Allen, the Commission unanimously approved the response to County Grand Jury Report No. 1010, with the recommended response language changes to comply with standards, and directed staff to forward the response no later than July 17, 2010.

16. Nominations for CALAFCO Board of Directors and Call for CALAFCO Achievement Nominations

The Executive Officer reported that the CALAFCO bylaws had been overwhelmingly approved by the membership, which opens all 16 board seats for nomination, with four board members from each of the four new regions—one city, one county, one special district, and one public member per region. Contra Costa LAFCO is now part of the Coastal Region. Nomination forms were distributed to commissioners, as were forms for nominations for 2010 CALAFCO Achievement Awards. Staff also reminded commissioners to submit their annual conference registration forms for processing.

Staff also requested that the Commission designate the voting delegates to vote at the annual conference. Upon motion of Allen, second by Schroder, the Commission unanimously designated the Chair, Commissioner McNair, and the Vice Chair, Commissioner D. Piepho, as Contra Costa LAFCO's voting delegates for the 2010 CALAFCO Annual Conference.

Commissioner Glover suggested that the designation of the chair and vice chair as voting delegates be made a permanent policy.

Commissioner Glover agreed with the Chair's decision to resubmit a staff nomination for Outstanding LAFCO Professional award. The Chair will prepare the nomination.

17. Correspondence Received from Contra Costa Mosquito & Vector Control District (CCMVCD)

The Executive Officer reported that the CCMVCD had responded to the request made by commissioners during the MSR/SOI Update process. The district presented a comparison among other vector control districts in the number of board members the districts have. CCMVCD's total number of 22 board members breaks down to one board member appointed by each city (19), and three board members appointed by the County Board of Supervisors and it appears to be comparable with neighboring and similar urban districts.

18. Correspondence Received from Save Mount Diablo

The Executive Officer reported that Contra Costa LAFCO had received correspondence from Save Mount Diablo regarding a letter written by Commissioners Allen and Schroder, and sent to the Brentwood Press regarding Brentwood's Measure F.

Ron Brown, Executive Director of Save Mount Diablo, presented the main points of the letter and Seth Adams, Director of Land Programs for Save Mount Diablo, also spoke.

The LAFCO Chair and Commissioners Allen and Schroder provided comments, and Commission discussion ensued. The Chair noted that as of this meeting, the Commission has adopted a stronger policy regarding representation by commissioners.

19. Commissioner Comments and Announcements

Commissioner M. Piepho introduced Daryl Louder, the new chief for Contra Costa County Fire Protection District, and noted that Brentwood Mayor Bob Taylor and Oakley Vice Mayor Jim Frazier, both board members for East Contra Costa FPD, and Chief Henderson were in attendance at the LAFCO meeting, as there are many issues currently facing ECCFPD.

Commissioner Uilkema indicated that members of the 2010-11 Contra Costa County Civil Grand Jury attended this LAFCO meeting as well, and asked them to stand for recognition.

Commissioner Schroder announced that he will be in Europe in August and unable to attend the August LAFCO meeting. Chair McNair announced that he also will be absent in August.

20. Staff Announcements and Pending Projects

The Executive Officer drew Commissioners' attention to the pending projects, legislative update, and recent news articles, noting that SB 1023, regarding expediting the conversion of municipal improvement districts into community services districts, had just passed.

The meeting adjourned at 3:16 p.m.

Final Minutes Approved by the Commission on August 11, 2010.

AYES: Allen, Burke, Meadows, D. Piepho, Tatzin, Uilkema

NOES:

ABSTAIN:

ABSENT: Glover (M), McNair (M), Schroder (M)

By /s/ Lou Ann Texeira
Executive Officer