

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

MINUTES OF SPECIAL MEETING

March 23, 2011

April 13, 2011
Agenda Item 6

Board of Supervisors Chambers - Martinez, CA

1. Chair McGill 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 Member Gayle Uilkema. Federal Glover arrived at 1:41 p.m.
Public Member Martin McNair.
Special District Members Michael McGill and Dwight Meadows and Alternate George Schmidt.
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 Uilkema, the agenda was adopted.
5. Public Comments
There were no public comments.
6. Approval of March 9, 2011 Minutes
Upon motion of Uilkema, second by Tatzin, the minutes for the March 9, 2011 meeting were approved unanimously.
7. Request for Reconsideration of the City of Antioch Out of Agency Service (GenOn/Mirant)
Chair McGill stated for the record that he had recused himself from the February 9 discussion of this item, as he had at that time a conflict of interest, having done work for the City of Antioch. He added that he has familiarized himself with the issue and listened to the entire February 9 proceeding, and that this conflict of interest expired on March 5, 2011; thus, he was ready to proceed on this item.

Chair McGill asked if Commissioners would consider waiving the fee for Commissioner Meadows's Request for Reconsideration. Upon motion by Tatzin, second by Schroder, Commissioners approved the fee waiver. Commissioner Meadows abstained.

The Executive Officer provided a brief synopsis of the progression of the City of Antioch Out of Agency Service request (GenOn/Mirant Marsh Landing), beginning with the February 9 approval that included a requirement for monthly joint updates from the City and County. Following the first update at the March 9 LAFCO meeting, Commissioners stated their disappointment with the report, the lack of urgency on the part of the agencies, and the lack of any actual timeline for the ultimate annexation of the entire area. The Commission directed that a letter from LAFCO be sent to the City and County expressing these concerns.

These concerns were echoed in a Request for Reconsideration, submitted by Commissioner Meadows on March 9. The City and County have since submitted letters in response to these concerns.

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LAFCO staff provided a summary of the statute related to reconsideration, and options to be considered by the Commission, adding that any action, other than disapproval, would trigger an additional 30-day reconsideration period. In response to a question from Commissioner Meadows, staff confirmed that a withdrawal of the request would also avert a 30-day reconsideration period.

Commissioner Glover arrived at 1:41 p.m.

Discussion ensued among Commissioners, with Commissioner Glover requesting that Commissioner Meadows consider withdrawing his request.

John Chillemi, with GenOn Energy, Inc., reported that nothing has changed regarding the benefits and the urgency of the power plant project. He spoke to the issue of the on-site septic system, noting that the contractor had submitted to County Environmental Health a request to remove an old wastewater holding tank. There was also discussion of the need for an on-site system to collect waste generated during the construction process, which would most likely be a combination of port-a-potties and a temporary holding tank. GenOn expressed their support for annexation and offered to pay the costs of hiring an "expediter" to speed the tax-sharing negotiations between the City and the County.

Commissioner Uilkema commented on the need for assurances regarding the future annexation. Commissioner Tatzin inquired about the plans for on-site water and wastewater services, and the provisions of the loan agreement.

Commissioner Glover comments on the monthly progress reports and the good faith efforts by the City and County.

Commissioner McNair asked to hear from the City and County regarding assurances.

Greg Feere, with the Contra Costa Building Trades Council, stated the importance of moving this project forward, as it will put a number of people to work.

Jim Jakel, Antioch City Manager, confirmed that the City and County will do the best they can to expedite the process, and introduced City Council members Gary Agopian and Mary Rocha, who will serve on the joint committee.

Commissioner Tatzin suggested that the LAFCO "observer" who will attend the meetings should be able to be a non-voting member of the joint committee so that s/he can participate in the discussions. This was agreed to by both the City and the County representatives.

There was discussion regarding the power plant project proceeding without city services.

Mary Rocha and Gary Agopian, Antioch City Council members, both stated that they are committed to developing a strategic plan and seeing the entire area annexed into Antioch as quickly as possible. Rocha, Agopian, and Jakel all asserted that the tax-sharing terms should be settled by the end of 2011 so that the annexation can be finalized in 2012.

Catherine Kutsuris, Director of the County Department of Conservation and Development, acknowledged the service issues in Northeast Antioch, assured Commissioners that she will do all she can to ensure that the entire area will be annexed, and that the outcome will be an improvement in the lives of all who live in the area.

Commissioner Schroder stated that it seems everyone now understands that this LAFCO does not like out of agency service applications, and that the discussions have been useful.

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In response to a question about “new and different” information that would trigger approval of a request for reconsideration, LAFCO Legal Counsel stated that the law provides a narrow window for approval of reconsideration; the information would have to be new and different facts that could not have been presented at the earlier hearing and would need to be substantial.

Following further comments from Commissioners Glover and McNair, Commissioner Meadows withdrew his request for reconsideration.

Follow-up actions will be taken at the April 13 LAFCO meeting.

8. Correspondence from Contra Costa County Employees’ Retirement Association (CCCERA)

The Executive Officer presented recent correspondence from CCCERA.

9. Commissioner Comments and Announcements

None

10. Staff Announcements and Pending Projects

The Executive Officer reported that LAFCO and County staff will meet to discuss details for establishing an OPEB trust fund.

The meeting adjourned at 2:54 p.m.

Final Minutes Approved by the Commission on April 13, 2011.

AYES:

NOES:

ABSTAIN:

ABSENT:

By _____
Executive Officer

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