

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MINUTES OF MEETING

October 12, 2011

November 9, 2011
Agenda Item 5

Board of Supervisors Chambers
Martinez, CA

1. Chair Michael McGill 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 Rob Schroder and Don Tatzin and Alternate Tom Butt.
County Member Gayle Uilkema.
Special District Member Michael McGill.
Public Member 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 Uilkema, the agenda was adopted unanimously.
5. Public Comments
Kris Hunt, Executive Director of Contra Costa Taxpayers Association, commented on the most recent meeting of the Mt. Diablo Healthcare District (MDHCD) and her concerns regarding the board's conduct including violations of the Brown Act.

LAFCO Legal Counsel noted, in response to a Commissioner's question, such violations would be an issue for the District Attorney.
6. Approval of September 14, 2011 Meeting Minutes
Upon motion of Uilkema, second by Tatzin, the minutes for the September 14, 2011 meeting were approved. Commissioner Schroder abstained.
7. LAFCO 11-08 - Annexation 180 to Central Contra Costa Sanitary District (CCCSD)
The Executive Officer provided an overview of a proposal filed by CCCSD to annex 30 properties located in nine separate areas in the vicinity of unincorporated Alamo to facilitate the extension of sewer services and eliminate islands within the District. It was noted that to date no protests had been received.

The public hearing was opened.

Jarred Miyamoto-Mills, Principal Engineer for CCCSD, in response to a question from Commissioner Schroder, remarked that a large parcel adjacent to Area 180-6 was not included because it is subject to environmental review and will be part of a future annexation proposal. Miyamoto-Mills anticipates that three additional annexation applications will be forthcoming.

Miyamoto-Mills thanked the Commissioners for the nomination for the 2011 CALAFCO Government Achievement Award, presented at the recent Annual Conference.

There were no other public comments.

Upon motion of Uilkema, second by Tatzin, the Commission unanimously closed the public hearing and certified that it reviewed and considered the information contained in the

DRAFT

environmental documents; and found the proposal categorically exempt from CEQA; approved the proposal to be known as Annexation 180 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.

8. Dougherty Valley Annexations #13 and #14 to the City of San Ramon - Gale Ranch Phase 3 (portion)

The Executive Officer provided background and an overview of the latest in a series of annexation proposals submitted by the City of San Ramon to annex Dougherty Valley properties into the City as they are built in order to provide municipal services.

Commissioner Burke questioned the financial feasibility of these annexations, noting that the recent Contra Costa LAFCO Law Enforcement MSR identified funding restrictions (i.e., CSA M-29 funds are restricted to capital expenditures and cannot be used to fund police services); and further asked what would happen if LAFCO denied the annexation application. Phil Wong, the City's Planning/ Community Development Director, responded that the City is prepared to subsidize the cost to provide municipal services to the area, and if the application was denied, the City could not extend municipal services.

Upon motion of Uilkema, second by Schroder, the Commission unanimously certified that it reviewed and considered the information contained in the EIR and CEQA documentation; approved the proposal to be known as Dougherty Valley Annexations #13 and #14 to the City of San Ramon, 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, no affected landowners/registered voters opposed the annexation, the annexing agencies have consented to the waiver of conducting authority proceedings, waived the application of Section 25210.90 allowing the overlap of the City and County Service Area M-29, waived conducting authority proceedings and directed staff to complete the proceeding.

9. Green Valley Recreation and Park District (GVRPD) Progress Report

The Executive Officer gave a brief history and a chronology of the GVRPD beginning with its 2008 request to expand its SOI and a subsequent MSR that identified a number of fiscal and operational issues along with several governance options. Various public and private options have been explored to no avail.

Blythe Soria, GVRPD Board member, introduced two fellow Board members, Scott Horton and Cindy Larson, and provided a detailed report regarding the District's activities and progress since the District's last update in 2009. They have effectively increased revenues and reduced expenditures; struck a master contract with East Bay Regional Park District for Measure WW bond funds for physical improvements at the park; increased events, lessons, etc. that are open to all; provided jobs for local teens and worked cooperatively with the community; successfully recruited new Board members; posted all meeting agendas and minutes on the website; and adopted annual budgets. In response to questions from Commissioners Schroder and Tatzin regarding the condition of the pool and compliance with regulations, Ms. Soria indicated that the pool has been replastered and it meets all current standards.

DRAFT

Upon motion of Uilkema, second by Tatzin, Commissioners unanimously received the report and commended the GVRPD Board on its progress.

10. Northeast Antioch Update

The Executive Officer gave an overview and brief chronology of the issues pertaining to the pending annexation of the Northeast Antioch area, and presented the written monthly report submitted by the City of Antioch and Contra Costa County, noting that the September 26 meeting had been cancelled. Staff noted that the next meeting is scheduled for October 24, at which time consultant Tom Sinclair will provide the committee with an update on goals and interests, infrastructure funding options, and a cash flow model.

Rich Seithel, with Contra Costa County, responded to questions regarding funding possibilities, and confirmed that the committee is still on track for the completion deadline but that the group is now heading into "difficult sledding."

Upon motion of Tatzin, second by Uilkema, Commissioners unanimously received the report and additional comments.

11. Fire and Emergency Medical Services Update

The Executive Officer gave an overview and brief chronology of activities since the Fire and Emergency Medical Services MSR was completed in 2009. The Commissioners requested an update in the fall of 2011, following a year plus of meetings with the agencies.

In response to LAFCO's request the cities of El Cerrito, Pinole, and Richmond, along with Contra Costa County Fire Protection District, County Service Area EM-1, East Contra Costa FPD, Kensington FPD, Moraga-Orinda Fire District, and Rodeo-Hercules Fire District provided written updates.

Commissioner Tatzin noted that two districts reported that things are going well; these are districts where the taxpayers have stepped up and taxed themselves; he hopes that this will be the case in those areas where ballot measures will be put forward.

Commissioners continue to be concerned about the fiscal challenges facing most of these agencies, but appreciate that they are working together to address the issues.

Upon motion of Tatzin, second by Schroder, Commissioners unanimously received the report.

12. Professional Service Contract - Burr Consulting

The Executive Officer gave an overview of those districts still awaiting a first round MSR—including library services and some miscellaneous county service areas. It is proposed that Burr Consulting, which has previously prepared this LAFCO's MSRs for Fire & Emergency Medical Services, Reclamation Services, Parks & Recreation and Cemetery Services, Resource Conservation and Mosquito & Vector Control Services, be retained to prepare the library/misc services MSR.

Upon motion of Uilkema, second by Burke, Commissioners unanimously authorized LAFCO staff to execute a service agreement with Burr Consulting in an amount not to exceed \$35,000.

13. First Quarter Budget Report for FY 2011-12

The Executive Officer gave a brief overview of the first quarter budget report for Fiscal Year 2011-12, noting that with 25% of the year elapsed, the Commission's first quarter expenditures are approximately \$112,000 or 16% of total appropriations. Commissioners discussed the budget adjustment and allocation of \$26,000 of the contingency/reserve to fund a special study relating

DRAFT

to the Mt. Diablo Health Care District governance options. Upon motion of Tatzin, second by Uilkema, the Commission received and filed the FY 2011-12 first quarter budget report.

14. Correspondence

There were no comments on the CCCERA correspondence provided.

Chair McGill commented on letters received that day from the Special District Risk Management Authority congratulating Contra Costa LAFCO on its good Fiscal Year 2010-11 record for both Workers' Compensation and Property and Liability Insurance.

15. Commissioner Comments and Announcements

Chair McGill drew Commissioners' attention to the invitation to the grand opening of the new Ironhouse Sanitary District (ISD) water treatment plant. Dave Contreras, Board Member of ISD, expanded on the announcement and encouraged all to attend on October 15.

The Chair also announced that he will be scheduling a closed session in December for the Executive Officer's performance review. He is asking the past chair and incoming chair to join him in serving as the review committee.

Chair McGill stated he will be absent for the November meeting.

16. Staff Announcements and Pending Projects

The Executive Officer remarked that it had been a good year for CALAFCO legislation; all of the bills proposed and supported by the Legislative Committee were signed by the Governor.

Staff drew attention to the upcoming CALAFCO U session, and announced that staff will be participating on the program committee for next spring's CALAFCO Staff Workshop.

The meeting was adjourned at 2:44 p.m.

Final Minutes Approved by the Commission on November 9, 2011.

AYES:

NOES:

ABSTAIN:

ABSENT:

By _____
Executive Officer

DRAFT