

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MINUTES OF MEETING

October 10, 2012

Board of Supervisors Chambers
Martinez, CA

October 31, 2012
Special Meeting
Agenda Item 5

1. Chair Don Tatzin 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 Mary Piepho and Alternate Candace Andersen.
Special District Members Michael McGill, Dwight Meadows, and Alternate George Schmidt.
Public Members Don Blubaugh and Alternate Sharon Burke.
Present were Executive Officer Lou Ann Teixeira, Legal Counsel Sharon Anderson, and Clerk Kate Sibley.
4. Approval of the Agenda
Upon motion of Piepho, second by Andersen, Commissioners unanimously adopted the agenda.
5. Public Comments
There were no public comments.
6. Approval of September 12, 2012 Meeting Minutes
Upon motion of Andersen, second by Blubaugh, the minutes for the regular meeting on September 12, 2012 were approved; Commissioner Meadows abstained.
7. LAFCO 12-04 – Dougherty Valley Annexation #15 to the City of San Ramon
The Chair explained that this item must be continued.
Upon motion of McGill, second by Piepho, Commissioners unanimously set a special meeting on October 31, 2012, and continued the hearing on this annexation to that date.
8. Public Review Draft – Library Services Municipal Service Review (MSR) and Sphere of Influence (SOI) Updates
The Chair reported that this item needs to be postponed. Upon motion of Blubaugh, second by Piepho, Commissioners unanimously postponed the presentation of the Public Review Draft Library MSR to a future meeting.
9. Northeast Antioch Annexation Update
Victor Carniglia, representing the City of Antioch, stated that the Northeast Antioch Annexation subcommittee met on October 1, and asked if the Commissioners in attendance wished to comment before he reported. Commissioner McGill asked if in the future comments from those Commissioners who attend the subcommittee meetings can be formally scheduled to precede reports from the City and the County; he also stated that he would follow up Mr. Carniglia's and Mr. Seithel's reports with his own questions. Commissioner Meadows commented that he now believes that outside forces, not the City and the County, are the main impediments to progress on this issue.

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Mr. Carniglia reported that GenOn ran preliminary costs for bringing sewer and water to Area 1, and it is dramatically higher than the City and County had previously calculated, in the area of \$15-16 million (rather than around \$6 million). They are now discussing just bringing water (and not sewer) to the area, which would be much less costly. The environmental review has been revised, and he believes it is an excellent document at this point.

Commissioner McGill offered to meet with the consultant who has estimated the water and sewer infrastructure costs to see if there are other options. He is also interested in, and would like to better understand, the proposal that the City could enter into a Joint Powers Agreement (JPA) with the County to provide all services except water and sewer.

In response to questions from the Commission, LAFCO Legal Counsel Sharon Anderson discussed legal issues potentially arising from California Attorney General Opinion No. 10-902, issued on June 1, 2012, regarding island annexations under Government Code section 56375.3. That statute states that LAFCOs must approve an island annexation without a protest proceeding if the annexation meets certain criteria. In the opinion of the Attorney General, the annexation of an unincorporated island that is part of another unincorporated island does not meet the requirements of the statute. Legal Counsel reviewed issues of legislative intent and history behind Section 56375.3, as well as possible responses to the Opinion, and advised the Commission that the decision of how to proceed is a policy decision to be made by the Commission.

Further discussion ensued regarding the timing and feasibility of a JPA, and whether a JPA is essentially the same as out of agency service; the eventuality and timing of the City's annexation of Area 2B, and the consequences of a failed septic system in that area. Rich Seithel, representing the County, pointed out that the annexation area is assessed for approximately \$10 million, and the current figure for providing water and sewer there is now estimated to be up to \$16 million. Legal Counsel suggested that the tax sharing agreement is the critical next step, as it would need to be included even if the City and County negotiate a JPA.

Upon motion of McGill, second by Piepho, Commissioners unanimously directed staff to revise LAFCO's island policy in light of the Attorney General Opinion No. 10-902 and return October 31 with some options for Commissioners' consideration.

10. First Quarter Budget Report for FY 2012-13

The Executive Officer gave a brief overview of the first quarter budget report for Fiscal Year 2012-13, noting that all local agencies have paid their annual contributions.

Upon motion of McGill, second by Blubaugh, Commissioners unanimously accepted the report.

11. Correspondence

Commissioner McGill noted that Contra Costa County Employees Retirement Association provided an educational presentation at their October 10 meeting, regarding the California Public Employees' Pension Reform Act of 2013 (PEPRA). He will look forward to seeing a report on that presentation.

12. Commissioner Comments and Announcements

Commissioner McGill announced that he was elected to the Coastal Region's special districts seat on the CALAFCO Board at the recent CALAFCO Annual Conference. He noted that Assemblymember Roger Dickinson chastised Contra Costa LAFCO for not dissolving Mt. Diablo Health Care District (MDHCD). Commissioner McGill was interested in the California Forward presentation at the Conference. He also noted that it Supervisors now fill three of the four officer positions on the CALAFCO Board.

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Commissioner McGill will be absent from the November 14, 2012 meeting.

Commissioner Piepho praised the Annual Conference and asked if in the future a printed program could be provided for the awards banquet. She suggested that this LAFCO should send a letter to Assemblymember Dickinson following up on his comments; he has considerable credibility, but it would be better if he could speak on the issue of MDHCD with more knowledge about the challenges of dissolving the District rather than taking the steps that LAFCO took.

Commissioner Schroder reported that at the Annual Conference he attended sessions on agriculture and the importance of these lands to all of us. He agrees that a letter should be sent to Assemblymember Dickinson.

Commissioner Burke praised the mobile workshop that included a visit to a 150-year-old landfill that is still fully operational. She also attended a shared services session that was outstanding.

Commissioner Schmidt reported that he was impressed by the agricultural mobile workshop.

Commissioner Tatzin thanked Lou Ann Texeira for her hard work as the CALAFCO Executive Officer; it is important for both CALAFCO and for Contra Costa LAFCO. He attended a good session on SOI conditions, and was impressed with the work that San Luis Obispo LAFCo has done with this. Other valuable sessions included those on sustainable communities, strategic plans and implementing them, and Phase 2 MSRs. Commissioner Piepho concurred, stating that it is clear that the Legislature wants LAFCOs to do more with MSRs.

Commissioner Burke directed Commissioners' attention to a news article in their materials that announced that the Concord City Council would be making appointments to the Mt. Diablo Health Care Foundation Board (three seats appointed by Concord, two by Pleasant Hill, and five seats assigned to John Muir Health representatives), noting that the article was somewhat misleading.

13. Staff Announcements and Pending Projects

The Executive Officer thanked Commissioners for her participation in the CALAFCO Annual Conference and directed Commissioners to her report in their materials distributed at the meeting.

Ms. Texeira also stated that she is hoping to add a number of items to the October 31 special meeting agenda and cancel the November 14 meeting.

The meeting was adjourned at 2:45 p.m.

Final Minutes Approved by the Commission on October 31, 2012.

AYES:

NOES:

ABSTAIN:

ABSENT:

By _____
Executive Officer

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