

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MINUTES OF MEETING

May 8, 2013

Board of Supervisors Chambers
Martinez, CA

July 10, 2013
Agenda Item 5

1. Vice Chair Dwight Meadows 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 Federal Glover and Mary Piepho, and Alternate Candace Andersen.
Special District Members Michael McGill and Dwight Meadows, and Alternate George Schmidt.
Public Member 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 Tatzin, second by McGill, Commissioners unanimously adopted the agenda.
5. Public Comments
There were no public comments.
6. Approval of April 15, 2013 (Special) and April 17, 2013 (Regular) Meeting Minutes
Upon motion of Andersen, second by McGill, the minutes for the special meeting on April 15, 2013, and the regular meeting on April 17, 2013 were approved, with Commissioner Burke abstaining.
7. Sphere of Influence (SOI) Updates – Reclamation District (RD) 2137 and County Service Area (CSA) R-4
The Executive Officer provided a chronology and overview of MSRs and SOIs of RD 2137 and CSA R-4, which were reviewed in, respectively, 2009 and 2010.

The MSR identified four SOI options for CSA R-4, which collects approximately \$27,000 annually in property tax from those properties located in the unincorporated areas of the District to enhance park and recreation services in the District, which includes and is managed by the Town of Moraga. Following discussions with Town and County staff, it is recommended that LAFCO retain the existing SOI for CSA R-4.

RD 2137 maintains levees located in eastern Oakley; it is a landowner district and relies on landowner assessments to fund its services. Levee improvement and restoration efforts are underway in conjunction with the Dutch Slough Tidal Marsh Restoration Project. LAFCO previously adopted a zero SOI for RD 2137 in anticipation of a future reorganization. Recently, the District and the California Department of Water Resources (one of the landowners in this District) informed LAFCO that dissolution of the District would jeopardize the restoration project, levee improvements and millions of dollars in State funding. Therefore, it is recommended that the Commission reinstate RD 2137's coterminous SOI and require the District to provide LAFCO with annual progress reports.

DRAFT

Tom Williams, representing RD 830 and Ironhouse Sanitary District, spoke in support of reinstating RD 2137's coterminous SOI.

Upon motion of Piepho, second by Tatzin, Commissioners accepted the report and adopted the resolutions updating the SOIs for CSA R-4 and RD 2137 as recommended.

8. Northeast Antioch Update

The Executive Officer provided brief background on the Northeast Antioch annexation process and reported that the City held a second community meeting with residents of Area 2b. Also, City staff indicates that the Antioch Planning Commission will consider taking action on the City's CEQA document and pre-zoning at its meeting this month. Another community meeting in Area 2b is tentatively scheduled for May 22.

Victor Carniglia, representing the City of Antioch, reported that the environmental document will be published on May 9, and that it will go to the Planning Commission this month. The GenOn/NRG power plant has come on line now.

In response to a Commissioner's question about property owners' concerns about their current land use, Mr. Carniglia reported that the City is adopting a "study zone" for Area 2b, and will grandfather in nonconforming land uses for at least two years. As for finding funds for the infrastructure upgrades, Dudek is now under contract and is looking for grant prospects.

9. Adoption of Final FY 2013-14 LAFCO Budget

The Executive Officer presented the final budget for FY 2013-2014, noting that this budget represents an approximately 2.7% increase over the FY 2012-13 budget, including an estimated 4.9% increase in Salaries & Benefits, and an estimated 1% increase in Services & Supplies.

There were no public speakers on this item.

Commissioner Tatzin suggested including reference to the OPEB liability funding being included in the fund balance.

Upon motion of Tatzin, second by McGill, Commissioners unanimously adopted the Final Budget for FY 2013-14 and authorized staff to distribute the Final Budget to the County, cities, and independent special districts as required by Government Code Section 56381.

10. Second Round Water/Wastewater Municipal Service Review (MSR)/Sphere of Influence (SOI) Updates Request for Proposals (RFP)

The Executive Officer provided brief background, noting that all inaugural MSRs, and corresponding SOI updates for most agencies, have now been completed, and in accordance with LAFCO law, second round MSRs will now commence, beginning with a countywide review of water/wastewater agencies. Given the technical nature of water/wastewater services, it is recommended that LAFCO utilize professional consulting services for this MSR, as it has done in the past.

Staff pointed out that the depth of the review for each agency will depend on that agency's SOI needs and problems identified in the first round MSR. In response to a question from Commissioner Burke, staff noted that the information gathered from mutual water companies (MWCs) will be provided to the consultant hired as a result of this RFP, who will incorporate that information into the MSR.

Commissioners asked for comments from two wastewater agency representatives.

Stan Caldwell, from Mt. View Sanitary District, asserted that he approved of what had been discussed in the recent Commissioners' Strategic Planning Workshop.

Tom Williams, from Ironhouse Sanitary District, reported that the first round MSR inspired his district board and staff to think about their operations; however, he hopes this second round will not have to be as extensive.

Commissioner Tatzin suggested a change of phrasing in the RFP, and Commissioner Schmidt asked that Crockett CSD, Discovery Bay CSD, and Bryon Sanitary District be added to the list of agencies to be reviewed.

Upon motion of Tatzin, second by McGill, Commissioners unanimously approved, as amended, the Request for Proposals for the Water/Wastewater MSR and SOI updates; authorized its circulation to prospective companies; and directed staff to return to the Commission with a recommended contract award in accordance with the proposed timeline.

11. Contract Extension – Lamphier-Gregory

The Executive Officer provided background relating to the contract with Lamphier-Gregory, which has been providing professional planning services since 2008. Their familiarity with and understanding of the LAFCO process supplements and benefits LAFCO staff work on a number of projects including several pending reorganization proposals, the upcoming second round water/wastewater MSRs and policy & procedure updates. Staff noted that adequate funds are included in the FY 2013-14 budget for these services.

Commissioner Andersen asked about rate comparability.

Upon motion of Piepho, second by Andersen, Commissioners unanimously approved a one-year contract extension with Lamphier-Gregory extending the term of the contract from June 30, 2013 to June 30, 2014, and increasing the hourly billing rates.

12. Mt. Diablo Health Care District (MDHCD) Update

The Executive Officer reported that the City of Concord has successfully transitioned MDHCD into the City organization. There are two aspects of this transition explained in the staff report: (1) Administrative and (2) Grant Program Operation. Administratively, all District records and assets have been transferred to the City; the Concord City Manager has been appointed Executive Director of the District; the Concord City Attorney is now the District's legal counsel; and the Concord City Council is the new MDHCD Board. The official office of the MDHCD is now Concord City Hall.

The membership of the new MDHCD Grant Committee, now a subcommittee of the City's existing Community Services Commission, includes five Concord residents and two Pleasant Hill residents. Additionally, the MDHCD Board appointed City representatives to serve on the John Muir/Mt. Diablo Community Health Fund Board – three from Concord and two from Pleasant Hill.

The MDHCD Grant Committee has developed a grant process and received, in its first round, 34 applications requesting \$975,881 in funding. Approximately \$200,000 in grant funding is available.

Commissioner Burke asked about the status of MDHCD as it is now a dependent district.

Commissioner McGill commented on the successful reorganization of the District.

Upon motion of Tatzin, second by Piepho, Commissioners unanimously accepted the report.

13. CALAFCO 2013 Conference Material and Call for Board of Director Candidates, Achievement Award Nominations, and Designation of Voting Delegates

The Executive Officer noted that eight seats (two in each of the four regions) on the CALAFCO Board are up for election; including City and Public member seats in the Coastal Region. The deadline for Board nominations is July 29. The deadline for Achievement Awards is July 9. Voting delegates can be designated now.

Discussion ensued regarding appropriate nominations for CALAFCO Achievement Awards.

Upon motion of Tatzin, second by Piepho, Commissioners unanimously approved Achievement Award nominations of (a) the Mt. Diablo Health Care District Reorganization for Project of the Year and (b) Contra Costa LAFCO for Commission of the Year.

Upon motion of McGill, second by Tatzin, Commissioners also unanimously approved a nomination of Executive Officer Lou Ann Texeira for Executive Officer of the Year.

It was agreed that Commissioner Tatzin will draft the Executive Officer nomination, and EO Texeira will draft the Project and Commission nominations for review at the July 10 meeting.

Commissioner McGill also mentioned a new CALAFCO "Hall of Fame" award.

Regarding Board nominations, staff noted that nothing precludes one LAFCO from holding more than one seat on the CALAFCO Board. This will be discussed further at the July 10 meeting.

Upon motion of Tatzin, second by Piepho, Commissioners unanimously designated voting delegates as follows: 1) Commissioner Glover, Voting Delegate; 2) Commissioner Meadows, First Alternate; and 3) Commissioner McGill, Second Alternate.

14. Correspondence from CCCERA

There were no comments.

15. Commissioner Comments and Announcements

Commissioner McGill reported that on May 3 he attended the CALAFCO Board meeting, and on May 10 he attended the CALAFCO Legislative Committee meeting. He pointed out that this is the 50th anniversary of CALAFCO, and the Board is working on special plans for the Annual Conference. They have finalized the strategic plan and will release it soon.

16. Staff Announcements and Pending Projects

The Executive Officer announced that, in the absence of actionable items for the June meeting, she is asking the Chair to cancel the June 12 meeting.

The meeting was adjourned at 2:29 p.m.

Final Minutes Approved by the Commission on July 10, 2013.

AYES:

NOES:

ABSTAIN:

ABSENT:

By _____
Executive Officer