

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MINUTES OF MEETING

August 13, 2014

September 10, 2014
Agenda Item 5

Board of Supervisors Chambers
Martinez, CA

1. Vice Chair Rob Schroder called the meeting to order at 1:30 p.m.
2. The Pledge of Allegiance was recited.
3. Seating of Commissioners
4. Clerk of Contra Costa County Joe Canciamilla administered the oath of office to Igor Skaredoff, elected as Regular Special District Member.
5. Roll was called. A quorum was present of the following Commissioners:
City Members Rob Schroder and Don Tatzin and Alternate Tom Butt.
County Members Federal Glover and Mary Piepho and Alternate Candace Andersen.
Special District Members Michael McGill and Igor Skaredoff.
Public Member Don Blubaugh and Alternate Sharon Burke.
Present were Executive Officer Lou Ann Texeira, Legal Counsel Sharon Andersen, and Clerk Kate Sibley.
6. Approval of the Agenda
Upon motion of Blubaugh, second by Tatzin, Commissioners, by a vote of 7-0, adopted the agenda.
AYES: Blubaugh, Glover, McGill, Piepho, Schroder, Skaredoff, Tatzin
NOES: none
ABSENT: Schmidt (A)
ABSTAIN: none
7. Selection of Chair and Vice Chair
Upon motion of Piepho, second by Glover, Commissioners unanimously appointed Commissioner Rob Schroder as Interim Chair for the remainder of 2014.
AYES: Blubaugh, Glover, McGill, Piepho, Schroder, Skaredoff, Tatzin
NOES: none
ABSENT: Schmidt (A)
ABSTAIN: none
8. Public Comments
There were no public comments.
9. Approval of June 11, 2014 Meeting Minutes
Upon motion of Glover, second by Tatzin, the minutes for the meeting of June 11, 2014 were approved by a vote of 6-0, with Commissioner Blubaugh abstaining.

DRAFT

AYES: Glover, McGill, Piepho, Schroder, Skaredoff, Tatzin
NOES: none
ABSENT: Schmidt (A)
ABSTAIN: Blubaugh

10. LAFCO 14-03 - City of Martinez Out of Agency Service (Ashley Place)

The Executive Officer provided background on this request by the City of Martinez to provide municipal water service to two parcels located on Ashley Place in the unincorporated Mountain View area in order to serve two single family dwelling units. The subject property is currently vacant and part of a minor subdivision recorded in 1990. All surrounding developed properties have City water, there is a signed Deferred Annexation Agreement (DAA) in place for the properties, and the City intends to annex the property in the future, as indicated by the City's actions.

Upon motion of Glover, second by Piepho, Commissioners unanimously, by a 7-0 vote, reviewed and considered the information contained in the CEQA documentation; authorized the City of Martinez to extend water service outside its jurisdictional boundary to the 0.24+- acre parcels located at 10 and 20 Ashley Place, subject to specified terms and conditions.

AYES: Blubaugh, Glover, McGill, Piepho, Schroder, Skaredoff, Tatzin
NOES: none
ABSENT: Schmidt (A)
ABSTAIN: none

11. Second Round Municipal Service Reviews (MSRs)

The Executive Officer reported that in June a Request for Proposals (RFP) for the 2nd Round Fire/EMS MSR was distributed and posted. No proposals were received by the deadline, a problem not unique to this LAFCO. Staff followed up with a number of consultants as to why no proposals were submitted; staff also solicited feedback from fire chiefs and the County EMS Director, all of whom responded. A general sense from both groups was that this is not the time for this particular MSR, due to variables with both consultants and with the County's upcoming RFP for ambulance services.

Some suggestions for proceeding are to: 1) defer the Fire/EMS MSR for a year; 2) move EMS to the MSR for Healthcare and begin that study now; 3) prepare the Fire/EMS MSR in phases, breaking it into segments that are less challenging and costly; or 4) conduct an MSR on another field of services (e.g., reclamation).

Pat Frost, Contra Costa County EMS Director, spoke in favor of moving EMS to the Healthcare MSR, in order to reflect the dramatic changes that are taking place in emergency medical services as part of the full healthcare system, with benefits to the patients.

William D. Ross, San Ramon Valley FPD Counsel, stated that the District position is that they would favor the MSR going forward with all the services including EMS.

Lance Maples, Fire Chief of El Cerrito and Kensington FPD, commended staff on the comprehensiveness of the MSR RFP, and indicated his support of postponement of the EMS/Fire MSR for a year to see what changes may take place with the County ambulance service and other the service providers.

The Commission discussed the various options. Commissioners generally felt that incorporating EMS into the Fire MSR was not desirable, and also did not feel that phasing

the Fire/EMS by regions or other divisions would be desirable. They also agreed that waiting to see what will happen with the County's ambulance contract next year would be advisable.

Upon motion of Blubaugh, second by Tatzin, Commissioners unanimously supported keeping EMS with Fire Services for the Second Round MSR, but deferring that MSR to 2015. Commissioners also directed staff to notify consultants with this plan for deferral.

AYES: Blubaugh, Glover, McGill, Piepho, Schroder, Skaredoff, Tatzin
NOES: none
ABSENT: Schmidt (A)
ABSTAIN: none

In discussing other MSR possibilities for FY 2014-15, Commissioners agreed that given the situation with West County Health Care District (Doctors Medical Center), it was not a good time to go forward with a second round Health Care MSR at this time. Discussion turned to reclamation districts, the first round MSR of which was completed in 2009. There was also a suggestion made that the funds budgeted for this year's second round MSR be shifted to FY 2015-16.

Upon motion of Blubaugh, second by McGill, Commissioners unanimously voted to move forward with a second round MSR on Reclamation Services.

AYES: Blubaugh, Glover, McGill, Piepho, Schroder, Skaredoff, Tatzin
NOES: none
ABSENT: Schmidt (A)
ABSTAIN: none

12. Policies and Procedures Update (Out of Agency Service)

The Executive Officer provided an overview of the Policies and Procedures Committee and its activities. While the Committee has in the past couple of years worked on procedures relating to changes of organization, it is now focusing on creating policies.

The Committee presented a policy and procedures addressing Out of Agency Service (OAS). Since 1994, when the statute governing OAS was enacted, this LAFCO has received and approved 25 OAS requests. In the process of recent MSRs, hundreds of OAS connections have been identified that either predate LAFCO or the 1994 statute, or were never processed through LAFCO.

In July the Policies and Procedures Committee met and reviewed OAS policies from 10 other LAFCOs. From there, the Committee drafted an OAS policy and revised procedures intended to clarify the circumstances under which an OAS request can be considered; provide criteria for Commission consideration; clarify application requirements and timeframe; and add certain requirements and authorizations.

The Concord City Manager and the County Administrator have requested postponement of discussion of this item until October, allowing time to meet with the Policies and Procedures Committee to discuss these proposed policy/procedures. LAFCO staff provided background to this request regarding the ongoing conversation with the City of Concord about OAS to properties in the Ayers Ranch area, an unincorporated island surrounded by the City of Concord.

Commissioner Andersen asked about court rulings that might have been made since the statute enactment. Legal Counsel Anderson responded that there has been little court

guidance since that time, but that there is a requirement that there be some documentation (generally from county health services) as to the emergency or health threat posed by no connection.

Commissioners Tatzin and Burke expressed their appreciation of the fact that agencies were paying attention to what is being proposed, and that there is no intent of focusing on any one agency with this policy.

Kristine Blair, homeowner in the Ayers Ranch area, stated that she has been trying to hook up to the City's sewer main for quite some time, and that her septic system is failing. She stressed that the City and the County need to agree on a tax sharing agreement so that her property's OAS and subsequent annexation can move forward.

Commissioner Piepho commended the Committee on its work, and urged the City and County to come to agreement on tax sharing. Commissioners recommended that the Policies and Procedures Committee meet with the Concord City Manager and the County Administrator on this issue.

Commissioner McGill commented on the value of connecting to a public sewer system.

Upon motion of Tatzin, second by Blubaugh, Commissioners unanimously deferred further discussion on the Out of Agency Service proposed policy to the October meeting and directed the Policies and Procedures Committee to meet with the Concord City Manager and the County Administrator on this issue.

AYES: Blubaugh, Glover, McGill, Piepho, Schroder, Skaredoff, Tatzin
NOES: none
ABSENT: Schmidt (A)
ABSTAIN: none

13. Proposed Amendment to LAFCO Employee Benefit Plan

The Executive Officer provided brief background on the LAFCO Employee Benefit Plan and presented the amendment, which provides LAFCO employees the opportunity to participate in the County deferred compensation loan program, if they are taking part in the deferred compensation plan.

Commissioner Piepho spoke in support of this amendment, noting that as a County Supervisor, she was an advocate for this benefit. Upon motion of Piepho, second by Glover, Commissioners unanimously approved the amendment to the LAFCO Employee Benefit Plan as requested.

AYES: Blubaugh, Glover, McGill, Piepho, Schroder, Skaredoff, Tatzin
NOES: none
ABSENT: Schmidt (A)
ABSTAIN: none

14. CALAFCO 2014 Conference Material and Call for Board of Directors Candidates and Achievement Award Nominations

The Executive Officer presented materials for the CALAFCO 2014 Annual Conference, noting that nominations for CALAFCO Board of Directors Candidates must be submitted by September 15. Commissioner McGill expressed his interest in continuing his service to the Board.

Upon motion of Blubaugh, second by Tatzin, Commissioners unanimously nominated Commissioner Michael McGill for reelection to the CALAFCO Board.

AYES: Blubaugh, Glover, McGill, Piepho, Schroder, Skaredoff, Tatzin
NOES: none
ABSENT: Schmidt (A)
ABSTAIN: none

Upon motion of Tatzin, second by Blubaugh, Commissioners unanimously appointed Commissioner McGill to be the Contra Costa LAFCO voting delegate at the 2014 Annual Conference.

Upon motion of Glover, second by Tatzin, Commissioners unanimously appointed Executive Officer Lou Ann Texeira to serve as the Contra Costa LAFCO alternate voting delegate at the 2014 Annual Conference.

AYES: Blubaugh, Glover, McGill, Piepho, Schroder, Skaredoff, Tatzin
NOES: none
ABSENT: Schmidt (A)
ABSTAIN: none

15. CCCERA Correspondence

There were no comments regarding this correspondence.

16. Commissioner Comments and Announcements

Commissioner McGill reported that he attended the July 11 CALAFCO Board meeting, the July 25 CALAFCO Legislative Committee meeting, and the August 11 CALAFCO U session on agricultural mitigation. He commended the Executive Officer on her alacrity in responding to complex legislation that has come up with short turnaround times.

Commissioner Tatzin reported that he too attended the CALAFCO U session on ag mitigation, and found it valuable.

17. Staff Announcements and Pending Projects

The Executive Officer reported that it has been a challenging year for CALAFCO legislation.

The meeting was adjourned at 2:50 p.m.

Final Minutes Approved by the Commission September 10, 2014.

AYES:
NOES:
ABSTAIN:
ABSENT:

By _____
Executive Officer