

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
MINUTES OF MEETING

June 10, 2015

Board of Supervisors Chambers  
Martinez, CA

July 8, 2015  
Agenda Item 5

1. Chair Rob Schroder 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 Member Igor Skaredoff.

Public Members Don Blubaugh and Alternate Sharon Burke.

Present were Executive Officer Lou Ann Texeira, Legal Counsel Sharon Anderson, and Clerk Kate Sibley.

4. Approval of the Agenda

Chair Schroder asked Commissioners to consider adding an urgency item to the agenda, regarding Trailer Bill 825 allowing the forced consolidation of water districts, as explained by the Executive Officer.

Upon motion of Tatzin, second by Piepho, Commissioners, by a vote of 6-0, added the item to the Business section of the agenda to discuss and take action on Trailer Bill 825, finding it to be an urgent necessity due to the nature and timing of the item.

AYES: Andersen (A), Blubaugh, Piepho, Schroder, Skaredoff, Tatzin

NOES: none

ABSENT: Glover (M), McGill (M)

ABSTAIN: none

Upon motion of Blubaugh, second by Piepho, Commissioners, by a vote of 6-0, approved the agenda as amended.

AYES: Andersen (A), Blubaugh, Piepho, Schroder, Skaredoff, Tatzin

NOES: none

ABSENT: Glover (M), McGill (M)

ABSTAIN: none

5. Public Comments

Juan Pablo Galván, with Save Mount Diablo (SMD), introduced himself to the Commissioners and provided his professional background prior to joining SMD. He indicated that SMD is making an effort to reach out to various organizations and agencies with updates on their progress, including adding about 59,000 acres into the Mt. Diablo region in the past year. The organization is currently involved in more than a dozen land use projects.

6. Approval of May 13, 2015 Meeting Minutes

Upon motion of Andersen, second by Tatzin, the minutes were approved by a vote of 6-0.

AYES: Andersen (A), Blubaugh, Piepho, Schroder, Skaredoff, Tatzin

NOES: none

ABSENT: Glover (M), McGill (M)

ABSTAIN: none

**DRAFT**

7. Informational Presentation – East Bay Municipal Utility District Drought Management Efforts

Richard W. Harris, Manager of Water Conservation for East Bay Municipal Utility District (EBMUD), was introduced by the Executive Officer. Mr. Harris has been with EBMUD for nearly 25 years, and has more than 28 years of experience in water and energy resource management, civil engineering and environmental systems planning. Richard currently serves as a Board member of the California Urban Water Conservation Council and the Alliance for Water Efficiency, based in Chicago, Illinois, two nonprofit organizations dedicated to advancing water-use efficiency.

Mr. Harris began his presentation by providing a historic look at California's April 1 water supply for the past 65 years; 2015 shows the lowest level in that period; these are the driest four years in California's recorded history. We are now in what they call a Stage 4 drought, and EBMUD has been given a 20% community-wide reduction goal based on calendar year 2013, but use is not based on individual water allocations. Their three top priorities in achieving this goal are to: • Emphasize reductions in non-essential water use; • Avoid/limit impacts to the economy and environment; and • Safeguard water supplies for public health needs.

The target goal for indoor use is 35 gallons per person per day. Mr. Harris presented charts that demonstrated landscape overwatering was the biggest violation area. EBMUD will use a number of tools that can engage customers and help them to save water. It has also begun a program of providing recycled water to customers, with one location for this in North Richmond.

Commissioners provided comments and thanked him for his presentation. (EBMUD presentation available on the LAFCO website)

8. LAFCO 13-08 – Northeast Antioch Reorganization (Area 2A): Annexations to the City of Antioch and Delta Diablo Sanitation District and Detachment from County Service Area P-6

The Executive Officer noted that this item was continued from the June 11, 2014 LAFCO meeting due to a number of unresolved issues with this proposal primarily related to City zoning, a potentially faulty drain pipe, and public outreach, and to allow the City and County to work to resolve the issues.

Staff noted that the City submitted a letter stating that they are in the process of a comprehensive update of the Land Use Element of their General Plan and Zoning Update, and they expect to complete the GP update by mid-2016. Regarding the drainage pipeline, a portion of the pipeline was inspected and found to have a number of deficiencies. The City indicates that it will not accept the pipeline and structures until the pipeline within the proposed annexation area is repaired and/or replaced by the County. County staff indicates that the pipeline was originally installed in conjunction with the Antioch Kmart project in the early 1990s. In 2005, the County replaced over half of the pipeline and continues to do spot repair as needed. County staff indicates they are willing to work with the City on remediation.

The public hearing was reopened.

Rick Barton, Commodore of Sportsmen's Yacht Club, noted that this organization is still against the annexation; they see no reason to change their relationship with the County and the City. In response to a question from Commissioner Piepho, Mr. Barton stated that a recent inspection of the club's septic system indicated that it was in very good shape.

Commissioner Tatzin asked why the Mr. Barton is opposed to the annexation, and Mr. Barton responded that he is concerned about costs.

Commissioner Blubaugh expressed concern with the delay over the past 12 month, and suggested that progress reports be provided going forward.

Legal Counsel Anderson advised Commissioners that if they wished to continue the public hearing, they should continue to a date certain. Commissioner Tatzin suggested that the Commission ask for reports from time to time to ensure that progress is being made.

Upon motion of Piepho, second by Tatzin, Commissioners, by a 6-0 vote, kept the public hearing open and continued it to the June 8, 2016 regular LAFCO meeting; requested the City of Antioch to provide an

update every four months on the status of the pipeline, discussions between the City and the County, the General Plan update, the City's plan to manage the Antioch Dunes wildlife area, and an update on how costs for the affected properties would change for landowners in Area 2A as a result of this annexation.

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

9. EMS/Fire Service and LAFCO

The Executive Officer provided an update on two issues regarding fire and emergency medical services in Contra Costa County. The first issue was raised by Vince Wells, President, United Professional Firefighters Contra Costa – Local 1230 regarding automatic and mutual aid agreements and LAFCO's role. The second issue pertains to LAFCO's upcoming 2<sup>nd</sup> round EMS/Fire MSR. For context, the report also provided a brief chronology of LAFCO's past efforts relating to EMS/Fire service issues, highlighting the 2009 MSR, fire committee meetings, fire workshops and periodic updates from fire service agencies.

Staff noted that a Request for Proposals (RFP) was issued in 2014 for a 2<sup>nd</sup> round EMS/Fire MSR, but there were no bids; some consultants suggested that LAFCO focus the 2<sup>nd</sup> round MSR on one or two outstanding issues, or to specific agencies or sub-regions. The Contra Costa County Executive Fire Chiefs provided a letter to LAFCO suggesting that the 2<sup>nd</sup> round MSR focus on the East Contra Costa (ECCFPD) and Rodeo Hercules (RHFD) fire protection districts.

Commissioners discussed how LAFCO could look at the automatic and mutual aid agreements, as LAFCOs have no authority in this area. They also indicated that they would want the data in the 2009 MSR updated, and then would suggest a focus on two distressed districts, ECCFPD and RHFD.

Commissioners asked staff to prepare an RFP for approval at the July 8 meeting, so that LAFCO can begin work on the MSR as soon as possible after the EMS ambulance contract is approved.

Vincent Wells, President, United Professional Firefighters Contra Costa – Local 1230 urged Commissioners to take a close look at all aid agreements; he disagrees with LAFCO staff and legal counsel and feels that LAFCO does have the authority to approve these as they are established.

William Ross, Counsel for San Ramon Valley Fire Protection District (SRVFPD), agreed with LAFCO staff that LAFCO does not have authority to approve aid agreements.

Pat Frost, Contra Costa Emergency Medical Services Director, feels this focus will be very important to the community, given the 20% reduction in fire stations and substantial changes in the entire fiscal system. Additionally, while the number of emergency responses is lower, there is an extreme threat to the County's population due to the heavy industry base here.

Commissioners asked staff if a draft RFP could be ready for review and potential approval at the July 8 meeting, and indicated their willingness to start the meeting early (prior to the workshop scheduled for this day) to address this one item. Approval of the item could allow them to approve a contract at the September 9, 2015 meeting, thereby enabling the consultant(s) to begin work immediately after that.

Upon motion of Tatzin, second by Blubaugh, Commissioners unanimously, by a vote of 6-0, called an early meeting time of 12:00 noon for the July 8 regular LAFCO meeting; directed staff to provide a draft 2<sup>nd</sup> Round Fire/EMS MSR RFP at the July 8 meeting in anticipation of approving a contract in September; directed staff to provide an overview of data in the current MSR to be updated in the 2<sup>nd</sup> Round MSR; established a scope of work that will focus on ECCFPD and RHFD and their interface with Contra Costa County Fire Protection District; and directed staff to include in the 2<sup>nd</sup> Round MSR a review of all auto and mutual aid agreements among Contra Costa County fire agencies.

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

10. URGENCY ITEM: Budget Trailer Bill 825

The Executive Officer reported that on May 19 the State Water Board and the State Office of Planning and Research released a budget trailer bill (825) proposing that the State Water Board assume authority to mandate the consolidation of water systems – public and private – in response to the drought, bypassing the LAFCO process. The bill has now gone to the budget committee and follows an approval process that is quite different from the usual legislative process. The CALAFCO Executive Director, CALAFCO Board Chair and several LAFCO EOs (including this Commission’s EO) have participated in numerous conference calls and meetings in the past three weeks with the State and other stakeholders, to little avail. CALAFCO has asked that LAFCOs send letters of opposition, urging that a more workable solution be applied in order to resolve this over the long term.

Upon motion of Piepho, second by Andersen, Commissioners unanimously, by a 6-0 vote, directed staff to prepare letters for signature by the LAFCO Chair to be sent to the appropriate legislators immediately.

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

11. Agriculture & Open Space Preservation Policy and Workshop

Commissioners Tatzin and Burke provided a final update on the workshop that will be held as part of the regular July LAFCO meeting. They listed the Commissioners they have suggested for moderators of the different sessions, all of whom agreed to their designations. Commissioner Tatzin proposed that the July 8 workshop will provide some direction for preservation policy decisions that the Commission wishes to make.

12. LAFCO Fee Schedule Update

The Executive Officer reported that the last time this Commission reviewed and updated its fees was in 2007, and before that in 2001 when the LAFCO law changed substantially. Staff noted that it is reviewing actual costs associated with processing applications, along with the fees of other urban and Bay Area LAFCOs, noting considerable variation in fees, including flat fees, time and materials, and various hybrid formulas as described in the staff report, and that in some areas, Contra Costa LAFCO fees are significantly below the market average.

In response to Commissioner questions regarding cost recovery, staff reported that currently fees are approximately 1.5% of revenue. Commissioners urged staff to analyze how rates are charged, who actually would be paying the fees, and if establishing a base fee with increased increments might be feasible. Commissioner Burke stated that she would not want the fee structure to get in the way of LAFCO’s work, so there is a need to waive fees if necessary.

Following further discussion, upon motion of Piepho, , second by Blubaugh, Commissioners, by a 6-0 vote, directed staff to examine the rates in terms of making the user bear the costs, rather than the agencies, where possible.

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

Commissioner Andersen departed at 3:00 p.m.

13. Contract Extension – Lamphier-Gregory

The Executive Officer provided brief background on the contract that LAFCO has had with Lamphier-Gregory since 2008 for planning services, as needed. Under the contract, Nat Taylor serves as Senior Planner & Project Manager, and provides environmental planning and related staff support as detailed in the staff report.

This one-year contract extension with Lamphier-Gregory would extend the term of the contract from June 30, 2015 to June 30, 2016. The amendment includes no increase to hourly rates and no increase to the contract amount. Adequate funds are included in the existing contract and in the FY 2015-16 LAFCO budget.

Upon motion of Tatzin, second by Blubaugh, Commissioners, by a 5-0 vote, authorized staff to amend the contract with Lamphier-Gregory for one year to June 30, 2016.

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

14. CALAFCO 2015 Conference Material and Call for Board of Director Candidates and Achievement Award Nominations

The Executive Officer drew Commissioners' attention to the CALAFCO 2015 Annual Conference (September 2-4, 2015 in Sacramento) materials. Nominations for Board of Director seats are due August 3, 2015; nominations for Achievement Awards are due July 20, 2015; and designation of LAFCOs' voting delegates and alternates must be made by August 3, 2015.

There were no nominations for either the Board of Directors or the Achievement Awards.

Upon motion of Blubaugh, second by Piepho, Commissioners, by a 5-0 vote, appointed LAFCO Chair Rob Schroder the voting delegate.

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

Upon motion of Piepho, second by Tatzin, Commissioners, by a 5-0 vote, appointed Commissioner Don Blubaugh as the voting alternate.

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

15. Special District Risk Management Authority (SDRMA) Board Election

The Executive Officer stated that LAFCO, as a member of the SDRMA joint powers public agency, participates in elections to that agency's Board of Directors. LAFCO has received the 2015 election packet with information regarding the election process and the four candidates. The SDRMA requests action by LAFCO to select up to three candidates for the SDRMA Board of Directors. Ballots must be cast by August 25, 2015. In conjunction with the last SDRMA election in 2013, the Commissioners appointed an ad hoc committee (Commissioners Burke and Schroder) who reviewed the candidates and reported back to the Commission with recommendations.

Upon motion of Piepho, second by Blubaugh, Commissioners, by a 5-0 vote, appointed Commissioners Skaredoff and Schroder to serve on an ad hoc committee, review the candidates, and report back to the Commission at the August 12 regular meeting with recommendations.

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

16. Financial Audit, Fiscal Year 2013-14

The Executive Officer presented the FY 2013-14 financial audit, reviewed by R.J. Ricciardi, Inc., whose auditor found no material weaknesses. The auditor identified no deficiencies in internal control that they would consider to be material weaknesses, and no current year observations. The FY 2013-14 audit reflects one notable addition: In accordance with GASB Statement No. 45, the audit now reflects LAFCO's other post-employment benefit (OPEB) liability.

Upon motion of Tatzin, second by Skaredoff, Commissioners, by a 5-0 vote, received and filed the audit report for the fiscal year ending June 30, 2014.

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

17. Correspondence from CCCERA

There were no comments on this item.

18. Commissioner Comments and Announcements

There were no Commissioner comments.

19. Staff Announcements and Pending Projects

The Executive Officer provided an update on various legislation important to LAFCOs (specifically, AB 3, AB 402, and SB 239).

Staff reported that the Special District election to fill the vacancy created by the passing of Commissioner Schmidt will be held on July 20, 2015 in conjunction with the quarterly CCSDA meeting.

The meeting was adjourned at 3:18 p.m.

Final Minutes Approved by the Commission July 8, 2015.

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

By \_\_\_\_\_  
Executive Officer