

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MINUTES OF MEETING

October 14, 2015

November 18, 2015
Agenda Item 5

Board of Supervisors Chambers
Martinez, CA

1. Chair Rob Schroder called the meeting to order at 1:32 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 (arrived at 1:40 p.m.) and Alternate Candace Andersen.

Special District Members Mike McGill and Igor Skaredoff and Alternate Stanley Caldwell.

Public Members Don Blubaugh and Alternate Sharon Burke.

Present were Executive Officer Lou Ann Texeira, Legal Counsel Sharon Anderson, and Clerk Kate Sibley. Reclamation Services MSR Consultants Harry Ehrlich, Robert Aldrich, and Elliot Mulberg were present.

4. Approval of the Agenda

Upon motion of Andersen, second by Blubaugh, Commissioners, by a vote of 6-0, adopted the agenda.

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

NOES: none

ABSENT: Glover (M), Piepho (M)

ABSTAIN: none

5. Public Comments

There were no public comments.

6. Approval of September 9, 2015 Meeting Minutes

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

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

NOES: none

ABSENT: Glover (M), Piepho (M)

ABSTAIN: none

7. Informational Presentation – Contra Costa Transit Authority (CCTA) - Update on Measure J, Growth Management Program, and Urban Limit Line Activities

Chair Schroder introduced Martin Engelmann, Deputy Executive Director of Planning at CCTA. Mr. Engelmann is responsible for implementing the Measure J Growth Management Program and the state-mandated Congestion Management Program, and for preparing and updating the Authority's Countywide Transportation Plan (CTP), which lays out a 25-year vision for transportation in Contra Costa County. He also works in partnership with other regional agencies in the Bay Area on transportation and land use issues.

Mr. Engelmann explained that the CCTA was formed by Contra Costa voters in 1988 to manage the County's transportation sales tax program and lead the County's transportation planning efforts. The CCTA is responsible for maintaining and improving the County's transportation system by planning, fund, and delivering critical transportation infrastructure projects and programs.

Mr. Engelmann gave an account of the evolution, from 1988 to the present, of Contra Costa County's transportation planning, the state-mandated Growth Management Plan (GMP), the Urban Limit Line

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(ULL), the voters' role in these measures, and the impact that these programs have had on the County's unrelenting growth. He acknowledged Commissioner Blubaugh's role in heading up the initial efforts at establishing a Mutually Agreed-upon Countywide Urban Limit Line ("MAC-ULL"). Ultimately, 16 cities adopted the County ULL, and three (Pittsburg, Antioch, San Ramon) voted on their own ULL or UGB. He also summarized some of the key provisions of the Measure J Growth Management Plan relating to modifying the ULL and funding.

The CCTA is currently discussing a new half-cent sales tax measure, and examining the possibility of eliminating the 30-acre provision. Mr. Engelmann also explained Plan Bay Area, Regional Transportation Plans, Sustainable Communities Strategies, and other programs and legislation that affect and shape growth in Contra Costa County and the SF Bay Area.

Commissioner Blubaugh asked how many 30-acre exemptions have been utilized since the ULL was adopted. Commissioner Andersen responded that the New Farm project may be the first of these to be proposed.

In response to a question from Commissioner Skaredoff, Mr. Engelmann pointed out that in addition to Priority Development Areas (PDAs), there are also Priority Conservation Areas (PCAs), both of which are identified in the 2013 Plan Bay Area.

Commissioners held further discussion with Mr. Engelmann on the ULL, the next Plan Bay Area (PBA), PCAs, PDAs, and possible "priority industrial areas." Mr. Engelmann noted that something like this will most likely be in the 2021 PBA.

8. LAFCO 08-30 - West County Wastewater District (WCWD) Annexation 312

The hearing on this item, a proposal submitted by WCWD to annex two parcels to the District, was continued from the September 9, 2015 meeting. The Executive Officer provided an update, noting that in response to concerns expressed by Commissioners in September, LAFCO staff worked with WCWD staff to evaluate the potential of also annexing the island area that will be created by this annexation.

The District indicated that they had discussed annexation of this island area previously, but due to the need for a CEQA study, and the expressed wish of the landowners in this area to not be annexed, WCWD staff determined it was not feasible to move forward with annexation of the island area.

Chair Schroder opened the public hearing.

Regarding the current annexation proposal, the property owner informed the Commission that he is unable to obtain a Certificate of Occupancy from the County as on-site septic systems are no longer permitted in this area, as it is designated as a septic tank moratorium area by the County.

Ken Deibert, WCWD Engineer, spoke on behalf of the District and confirmed that residents in the island area do not want to hook up to the District at this time. Further, while the District is trying to conform to LAFCO's preference for logical boundaries without islands, it is not uncommon for wastewater districts to annex by piece, as the need arises.

Darrel DeBoer, landowner of the parcels in question, stated that his property has been "condemned" by Environmental Health until he can hook up to WCWD.

Chair Schroder closed the public hearing.

Commissioners Skaredoff, McGill and Andersen offered additional comments.

Upon motion of Blubaugh, second by Tatzin, Commissioners unanimously, by a 7-0 vote, determined that the project is exempt pursuant to CEQA Guidelines, Section 15061(b)(3); approved the proposal to be known as West County Wastewater District Annexation No. 312, 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 uninhabited, has 100% landowner consent; waived the protest proceeding, and directed staff to complete the proceeding.

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

9. LAFCO 14-05 – Reorganization 186 (Magee Ranch/SummerHill): Annexations to CCCSD and EBMUD

The hearing on this item, a proposal submitted by CCCSD to annex property to CCCSD and EBMUD in conjunction with a 69 lot single family subdivision, was continued from the September 9, 2015 meeting. The Executive Officer explained that the Court of Appeal decision, issued on September 11, affirms the trial court judgment in part and reverses it in part. As a result, there is no certified EIR and the Town of Danville will not be able to proceed with project approvals until corrective action is taken and a final environmental document is approved.

All parties to the reorganization application have agreed that LAFCO should remove this item from its calendar until such time as the environmental review has been completed and the project is ready to proceed.

Chair Schroder opened the public hearing and closed it.

Upon motion of Tatzin, second by Blubaugh, Commissioners, by a 7-0 vote, removed the item from the Commission's calendar pending notification from the project applicant that environmental review has been completed and the project is ready to proceed, at which time staff will re-notice a new public hearing.

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

10. Reclamation Services MSR/SOI Updates (2nd Round)

The Executive Officer provided a brief overview and chronology of the Reclamation Services Municipal Service Review process, which covers 14 special districts (13 reclamation districts [RDs] and Bethel Island Municipal Improvement District). The 2nd round MSR focuses on significant changes since the last MSR in 2009 relating to physical improvements, fiscal viability, potential resource sharing and funding opportunities. The Public Review Draft was released on September 2 and comments were due by September 29.

The consulting team of Harry Ehrlich, Bob Aldrich, and Elliot Mulberg were on hand to provide an overview of the MSR requirements, the process, agencies reviewed, findings, comments received, and next steps. In their presentation, Mr. Ehrlich and Mr. Aldrich presented an overview of the area that was reviewed, along with general aspects and traits of the RDs, which have been authorized by the State Water Code for over 100 years. All of the RDs maintain levees and drainage control for each of their islands/tracts, an increasingly critical role in the Bay-Delta area. Contra Costa County is one of 16 counties in California with RDs, and six of the islands in this county have been identified by the Department of Water Resources (DWR) as critical to the control of salinity in the Delta: Bethel Island, Bradford Island (RD 2059), Holland Tract (RD 2025), Hotchkiss Tract (RD 799), Jersey Island (RD 830), and Webb Tract (RD 2026). The majority of these RDs have improved their levees since the last MSR.

In response to a question from Commissioner McGill regarding the possible consolidation of RDs, or their merging with some other kind of agency, and how that might affect grant funding, Mr. Ehrlich stated that all RDs qualify for DWR funding, as long as they apply as RDs; they risk losing this funding, much of which is almost assured, if they do not maintain their status as reclamation districts. A change in this status through merging or consolidation would potentially make it much more difficult for them to get this funding.

Commissioner Skaredoff asked about the management of RD 2137; Mr. Ehrlich responded that while it is within the City of Oakley, it has its own board of directors and management. In response to a further question, Mr. Ehrlich described the standards for levees: 1) rural agricultural; 2) HMP (Hazard Mitigation

Plan); and 3) PL 84-99. It was noted that DWR is working with all of the RDs to get them to at least the HMP level; the challenge is the difficulty these RDs have in raising matching funds for grants.

Chair Schroder opened the public hearing.

Chad Davisson, General Manager of Ironhouse Sanitary District, informed Commissioners that he will soon be a board member for RD 830. He confirmed that the chapter for RD 830 looks accurate.

The public hearing was closed.

Commissioner Tatzin commented on the purposes of RDs, and noted that there seem to have been many improvements since the last RD MSR. However, given that there are still risks and challenges, and that Commissioners at their last strategic planning session indicated that MSR findings might be used as an opportunity to help facilitate change that might not happen otherwise, he suggested that at the November meeting Commissioners could address this question.

Upon motion of Tatzin, second by Blubaugh, Commissioners unanimously, by a 7-0 vote, received the report on the Public Review Draft, and directed staff to set a public hearing for November 18, 2015, to prepare the required determinations, and present the Final MSR report and SOI recommendations for approval.

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

11. LAFCO Fee Schedule Update

The Executive Officer provided an update on the proposed fee schedule, which is identical to that presented at the August 12 meeting.

Chair Schroder opened the public hearing and closed it.

Upon motion of Blubaugh, second by Andersen, Commissioners unanimously, by a 7-0 vote, approved the fee schedule as proposed, effective October 15, 2015.

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

12. Agricultural & Open Space Preservation Policy Update

Commissioner Tatzin provided an update on the presentations made to date to those groups suggested by Commissioners at the September 9 meeting, including the Public Managers Association (PMA), CCTA, the Board of Supervisors Transportation, Water & Infrastructure Committee (TWIC), the Planning Directors, and the Contra Costa Special Districts Association. In the past week he, Commissioner Burke, and EO Lou Ann Texeira have spoken to the PMA, CCTA, and the Planning Directors to inform them of LAFCO's work on a proposed Agricultural & Open Space Preservation Policy (AOSPP) and to get their input on how they would like to be involved.

Generally, each group is interested in an AOSPP; the level of interest is directly related to how close a community is to ag and open space land and what its expansion concepts are. The cities in particular wished to be advised of progress periodically. Some cities are interested in annexing open space and park land because they believe this will make it more likely that it remains open space. At the CCTA meeting Commissioner Tatzin heard that the next round of Plan Bay Area may include development of now vacant land, but there were no indications of where that would be.

Commissioner Tatzin presented six new maps that were created by County GIS to better highlight the issues. He noted that Commissioner Skaredoff has been amassing materials and information about open space issues that will be included in the November report. Commissioners Tatzin and Burke will next meet

with the Contra Costa Special Districts Association (CCSDA) on October 19. Commissioner Tatzin noted that they were planning on presenting to the TWIC, but a meeting with the committee is not possible until December. Due to timing and other concerns Commissioners Tatzin and Burke recommend that the TWIC members, who are both part of LAFCO, participate through these meetings.

Commissioner Blubaugh asked for paper copies of the new set of maps.

Commissioner McGill asked if range land is considered agricultural or open space land under CKH. Commissioner Tatzin and staff admitted that the definition may depend on the situation. Commissioner McGill commended the committee and staff on the work they're doing and expressed his appreciation for the fact that this is being addressed without the pressure of an annexation awaiting a decision. He stated that there is a need to balance a number of different concerns in moving forward with such a policy.

Commissioner Skaredoff reported that he cast a wide net looking for examples of open space preservation policies. There are two primary aspects of a policy: 1) what is the value of open space; and 2) how to manage the specifics of different kinds of lands to be preserved. This LAFCO has an opportunity to create something that will work best for our county.

At 3:02 p.m., Chair Schroder announced that he needed to depart for another meeting. At that time, upon motion of Tatzin, second by Skaredoff, Commissioners unanimously, by a 7-0 vote, approved the nomination of Commissioner Andersen to chair the remainder of the meeting.

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

13. Legislative Policy

Commissioner Burke reported that the Executive Officer brought this matter to the Policies & Procedures Committee because there have been so many times in the past year that CALAFCO has brought time sensitive legislative issues to LAFCOs' attention. Given that this LAFCO meets once a month, it is sometimes difficult to write letters of position that can be approved by Commissioners in a timely, often emergency, manner.

Commissioner Burke reviewed the proposed legislative policy, which uses the CALAFCO Legislative Policies as a basis for a Contra Costa LAFCO legislative platform.

Commissioner McGill added confirmation that, as a member of the CALAFCO Legislative Committee along with Executive Officer Teixeira, the legislative work has become more difficult and the response time has decreased a great deal. The proposed legislative policy would enable Contra Costa LAFCO to respond to requests for position letters in a timely manner, and he strongly supports this proposed policy.

Upon motion of McGill, second by Tatzin, Commissioners unanimously, by a 6-0 vote, confirmed that it had reviewed the CALAFCO Legislative Policies as a basis for a Contra Costa LAFCO legislative platform, reviewed the local policy as proposed; and that it adopted both policies as presented.

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

14. 2016 LAFCO Meeting Schedule

The Executive Officer presented the proposed meeting schedule for 2016, and noted that there are no modifications.

Upon motion of Skaredoff, second by Blubaugh, Commissioners unanimously, by a 6-0 vote, approved the meeting schedule as presented.

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

15. FY 2015-16 First Quarter Budget

The Executive Officer reported that total revenues are at approximately 94% of projected revenues; expenditures at this time are at 15% of projected expenses. New applications are on par with FY 2014-15.

16. Correspondence from CCCERA

There were no comments on this item.

17. Correspondence from CALAFCO

There were no comments on this item.

18. Commissioner Comments and Announcements

Commissioner McGill reported that the next CALAFCO Board meeting will be held on November 13; he will be participating by phone. Committees for 2016 will be selected, and he intends to sign on again for the Legislative Committee. The Legislative Committee will meet on November 6 by phone conference call.

Commissioner Skaredoff welcomed Commissioner Glover back. Commissioner Skaredoff also reported that he attended the recent California Special Districts Association conference, where the dominating issue was drought, and there was a session on LAFCOs, titled "Can't we all just get along?". He also confirmed that the CCSDA meeting will be on Monday, October 19.

19. Staff Announcements

The Executive Officer reported that it was necessary to notice the CCSDA meeting, as a quorum of five Commissioners will be there. She reminded Commissioners about the upcoming CALAFCO U course regarding implementation of SB 88 (water district consolidation). Additionally, there are a number of bills relating to CALAFCO that the Governor signed: AB 402 (Dodd) (five-year pilot pertinent only to Napa and San Bernardino LAFCOs regarding Out of Agency Service extensions); AB 3 (Williams) (circumventing LAFCO and forming Isla Vista Community Services District); SB 239 (Hertzberg) (out of agency fire service); and SB 272 (Hertzberg) (public records act requiring public agencies, including LAFCOs, to make available to the public a catalog of "enterprise systems").

The meeting adjourned at 3:16 p.m.

Final Minutes Approved by the Commission November 18, 2015.

AYES:
NOES:
ABSTAIN:
ABSENT:

By _____
Executive Officer