

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MINUTES OF MEETING

December 14, 2016

Board of Supervisors Chambers
Martinez, CA

January 11, 2017
Agenda Item 8

1. Chair Mary Piepho 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:

County Members Mary Piepho and Alternate Candace Andersen.

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

City Members Rob Schroder and Don Tatzin.

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

Upon motion of Tatzin, second by Skaredoff, Commissioners, by a vote of 7-0, adopted the agenda with flexibility for moving the closed session up to accommodate Commissioner McGill's schedule.

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

NOES: none

ABSENT: Glover (M)

ABSTAIN: none

5. Public Comments

There were no public comments.

6. Approval of November 9, 2016 Meeting Minutes

Upon motion of Andersen, second by Blubaugh, the minutes were unanimously approved by a vote of 7-0.

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

NOES: none

ABSENT: Glover (M)

ABSTAIN: none

7. Castle Rock County Water District (CRCWD)

The Executive Officer provided background on this small district, which came to light during LAFCO's 2014 2nd Round Water/Wastewater MSR. This district, which provides untreated water service to 137 residents (79 parcels - 55 connections), including 10 residential water customers who are responsible for treating their own water, is located within the Contra Costa Water District's (CCWD) service boundary. CRCWD purchases untreated water from CCWD that is pumped from an open canal. CCWD operates and maintains treated water distribution facilities within the boundary of CRCWD. As a result of the MSR,

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Commissioners requested updates from CRCWD and CCWD regarding, among other things, the provision of potable water and a future reorganization involving both districts.

Fred Allen, CRCWD Board Director, reported that he and Jeff Quimby from CCWD have met numerous times, with the result being a proposal from CCWD providing financial incentives if all 10 of the residential water customers sign on to the offer. With the offer of a 40% reduction in connection fees and 20-year financing through CCWD, six of the 10 customers have said yes, two are very possible, one is a maybe, and one is still no. Mr. Allen noted that the cost to connect to CCWD is still prohibitive for some, and that they are continuing to work on this.

Chair Piepho congratulated both districts for working to resolve this situation and acknowledged the difficulty and expense of working this out. She stressed that LAFCO wishes to encourage a solution that will avoid an environmental crisis later.

Upon motion of Blubaugh, second by Tatzin, Commissioners unanimously, by a 7-0 vote, accepted the report and thanked Mr. Allen for his update.

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

8. Agricultural & Open Space Preservation Policy (AOSPP)

Commissioner Tatzin presented the final version of the AOSPP to the Commissioners as approved by Commissioners at the November meeting, noting changes made as discussed at that time, and proposed three additional changes: 1) an example of open space land protection by science-based analysis; 2) an example that speaks to a “Right to Farm” agreement; and 3) deletion of a phrase about open space land in the first example mitigation in Guideline 3(b).

The Chair asked if there was anything new in the Manatt, Phelps & Phillips letter received that morning. Legal Counsel Anderson responded that there was nothing new.

Chair Piepho then noted that Tom Bloomfield, of Brentwood Agricultural Land Trust, had indicated to her their appreciation of the 1:1 ratio, and that LAFCO is not just protecting ag land but also promoting agriculture.

Commissioner Skaredoff clarified that the suggested 300-foot buffer zone would not shrink the amount of land available to farm, but would be established on the development property.

Michael Stonebarger, Brentwood Farmer, noted that the final version does not reflect the Version 1 that was presented in March 2016 and reiterated that they do not like the 300-foot buffer example. After citing some successful examples of smaller buffer zones, he asked that the buffer zone be left as a decision to be made by the local agencies.

Mark Dwelley, Brentwood Farmer, also stated his disappointment that this final version is not the same as Version 1 presented in March. He also was unhappy with the buffer zone example as written, and again felt that this was a decision to be left to the local agencies.

Lisa Vorderbrueggen, BIA/Bay Area, suggested that the statement in Guideline 3.b.9 regarding open space is confusing. She felt that every effort should be made to keep farmers in business.

Commissioner Tatzin reminded everyone that the policy provides examples and not requirements. Once this has been in place for a year, it will be reviewed and perhaps a future LAFCO review will make further changes.

Following further discussion among Commissioners, it was agreed that changes would be made as follows:

Guideline 3.b.4: Establishment of buffers ~~of at least 300 feet~~ sufficient to protect adjacent prime agricultural, agricultural and/or open space lands from the effects of development. Such buffers may be permanent, temporary, or rolling, and may take many forms (e.g., easements, dedications, appropriate zoning, streets, parks, etc.).

Guideline 3.b.9: Protect open space lands utilizing science-based impact analysis ~~methods approved by appropriate California State and federal agencies, for example, regarding biological resources.~~

Upon motion of Tatzin, second by Andersen, Commissioners unanimously, by a 7-0 vote, approved revisions to the version of the Agricultural and Open Space Preservation Policy that was adopted at the November 9, 2016 meeting with edits as discussed on December 14.

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

NOES: none

ABSENT: Glover (M)

ABSTAIN: none

9. West Contra Costa Healthcare District Special Study (WCCHD)

The Executive Officer provided background on the special study that LAFCO commissioned on WCCHD, and noted that in November the final draft was released with a brief history of the District, a synopsis of state, county and West County healthcare issues, an overview of the current status of WCCHD, along with findings, governance options, and new information relating to the District's recent bankruptcy filing.

The majority of comments prior to and following the September review of the draft report expressed support for a governance option that would preserve funding to meet the critical healthcare needs in West Contra Costa County. Additionally, at their meeting on November 15, the County Board of Supervisors also expressed its support to preserve funding to meet healthcare needs in West Contra Costa County, and requested that LAFCO defer any decision to dissolve/reorganize the WCCHD pending the bankruptcy proceedings.

Richard Berkson of Berkson Associates, the consultant who prepared the study, noted that the one major change from the public review draft presented in November was the bankruptcy declaration. He also reminded Commissioners that the passage of AB 2910 will make any governance decision that involves dissolution of the district easier, as an election or protest proceeding will not be required.

Marc Joffe, California Policy Center, noted that local taxpayers are paying parcel taxes and receiving no healthcare services at all, and that will be the case for several years while the District will be paying off its obligations, especially bond interest and principal. He suggested that LAFCO and the County agree to dissolve the District and for the County to assume the bonds, refinancing them at a lower rate that would be more affordable for everyone.

Commissioners discussed the County Board of Supervisors' request that LAFCO delay decisions on governance structure options until the District has gone through the bankruptcy

procedure. Acknowledging that the bankruptcy court may be looking to LAFCO for some guidance, Commissioner Tatzin asked if the bankruptcy court might want something from LAFCO.

Legal Counsel Anderson noted that she is in contact weekly with bankruptcy counsel and she and the LAFCO Executive Officer will be meeting with them in January. The bankruptcy counsel is from out of state and is not familiar with what LAFCO does. LAFCO will most likely be guided by the County because it appears likely that most people want the County will play a role. But it's too early to firm things up until the debt issues are resolved.

Staff confirmed that they will keep Commissioners updated with significant occurrences as they evolve.

Upon motion by Blubaugh, second by Tatzin, Commissioners by a 7-0 vote unanimously accepted the WCCHD Special Study and agreed to maintain a status quo on following the actions of the bankruptcy proceedings. Commissioner McGill added that he wanted to make sure that the public does not think that LAFCO is "kicking the can down the road," and that this is resolved before the next election cycle, which could be an expensive burden for the District.

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

NOES: none

ABSENT: Glover (M)

ABSTAIN: none

10. Rollingwood Wilart Park Recreation and Park District (RWPRPD)

The Executive Officer provide background, noting that since the late 1990s, RWPRPD has struggled with service, governance and administrative issues. Over the years, there has been a significant decrease in facility rentals and a lack of public interest. The District has no staff, and Board members are performing operational and administrative functions, and the district has no audited financial statements, planning documents or administrative records. Much of this information came to light in conjunction with LAFCO's 2010 Parks & Recreation MSR. Currently, the County Treasurer holds funds for the District, including property taxes; and the County Auditor maintains an account on behalf of the District and administers payment of funds at the direction of the District. The District will likely be closing its recreation center by March/April 2017.

Richard Berkson of Berkson Associates presented a brief overview of the Public Review Draft Special Study, stating that none of the recommendations made in LAFCO's 2010 MSR and the 2012 Grand Jury report have been implemented. The District's building is in good condition and the District has no major liabilities at this time. In looking at the various governance options, the most sensible one is annexing the District to the City of San Pablo. This is the preference of the District Board as well.

Upon motion of Blubaugh, second by Andersen, Commissioners by a 7-0 vote unanimously received the study overview and requested input from the City of San Pablo.

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

NOES: none

ABSENT: Glover (M)

ABSTAIN: none

11. Commissioner Terms

The Executive Officer updated Commissioners on terms and the process for filling the vacancy that will be created due to the departure of Commissioner Mary N. Piepho. The County Board of Supervisors will need to appoint a new LAFCO member in January.

12. Correspondence from CCCERA

There were no comments on this item.

13. Commissioner Comments and Announcements

Commissioner McGill announced that he participated in the CALAFCO Board meeting on December 9 and will attend the CALAFCO Legislative Committee meeting in San Diego on December 16.

Chair Piepho wished everyone Merry Christmas and Happy Holidays.

14. Staff Announcements

There were no staff announcements.

At 2:46 p.m., Commissioners adjourned to Closed Session to discuss employee performance evaluation.

At 2:53 p.m., Commissioners reconvened and the Chair reported that the Commissioners had discussed the performance evaluation and will discuss with the Executive Officer.

The meeting adjourned at 2:54 p.m.

Final Minutes Approved by the Commission January 11, 2017.

AYES:

NOES:

ABSTAIN:

ABSENT:

By _____
Executive Officer