



Lou Ann Teixeira
 Executive Officer

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<i>County Member</i> |
| Stanley Caldwell
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| Edi Birsan
<i>City Member</i> |

November 10, 2021 (Agenda)

Contra Costa Local Agency Formation Commission
 40 Muir Road, 1st Floor
 Martinez, CA 94553

November 10, 2021
Agenda Item 8

Request to Transfer Principal County Responsibility from Alameda LAFCO to Contra Costa LAFCO – Sphere of Influence Amendment and Corresponding Annexation to East Bay Municipal Utility District – 285 Lark Lane – Alamo

Dear Members of the Commission:

When a change of organization (e.g., annexation) to a multi-county special district is proposed, the Cortese-Knox-Hertzberg Act (CKH) vests exclusive jurisdiction with the commission of the principal county, that is, the commission in the county having the largest portion of assessed value within the subject district.

The CKH (i.e., §§56123, 56124, 56387, 56388) provides a mechanism to transfer jurisdiction of such proposals to a commission other than the commission of the principal county. In order to transfer exclusive jurisdiction over a change of organization, the commission of the principal county must agree to relinquish jurisdiction and designate a specific commission to assume jurisdiction. The commission so designated must agree to assume exclusive jurisdiction.

Alameda and Contra Costa LAFCOs have several special districts which cross county boundary lines. In addition to State laws that govern boundary changes and the transfer of jurisdiction, Alameda and Contra Costa LAFCOs adopted *Procedures for Processing Multi-County Changes of Organization or Reorganization – Alameda and Contra Costa LAFCOs* in 1997. Alameda and Contra Costa LAFCOs have a history of transferring jurisdiction for both boundaries and spheres of influence (SOIs) in accordance with the adopted procedures.

On September 27, 2021, Contra Costa LAFCO received applications to amend the SOI and annex property to the East Bay Municipal Utility District (EBMUD). The parcel is located in Alamo (unincorporated Contra Costa County) and totals 18.34± acres. The landowner/applicant proposes to annex a portion of the parcel (3.14± acres). Municipal water is needed to support a proposed single-family home. Numerous attempts have been made at local well digging with no success.

The adopted Alameda and Contra Costa LAFCO procedures provide for an initial review and consultation by the LAFCO Executive Officers. The Executive Officers have consulted and conclude that transferring jurisdiction for these proposals would greatly simplify processing.

RECOMMENDATION – It is recommended that Contra Costa LAFCO agree to assume exclusive jurisdiction for these proposals and authorize LAFCO staff to send a letter (Attachment 2) to Alameda LAFCO requesting a transfer of jurisdiction in conjunction with these proposals.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

Attachment 1 - Draft Letter to Alameda LAFCO Requesting Transfer of Jurisdiction

c: Rachel Jones, Executive Officer, Alameda LAFCO
Jack Flynn, Customer Services Manager, EBMUD
Taso Tsakos, Landowner
John Mellor, Aliquot Engineers



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November 10, 2021

Attachment 1

Rachel Jones, Executive Officer
Alameda LAFCO
224 West Winton, Suite 110
Hayward, California 94544

Dear Ms. Jones:

Contra Costa LAFCO recently received applications to amend the sphere of influence (SOI) for the East Bay Municipal Utility District (EBMUD) and a corresponding annexation application. The subject parcel (Assessor Parcel Number 198-230-017) is located at 285 Lark Lane in unincorporated Alamo. The parcel totals 18.34± acres. Municipal water is needed to support a proposed single-family home. Numerous attempts have been made at local well digging with no success.

Since Alameda is the principal county for EBMUD, this is a formal request, pursuant to Government Code §§56387 and 56388 and our *Procedures for Processing Multi-County Changes of Organization or Reorganization – Alameda and Contra Costa LAFCOs*, that Alameda LAFCO grant exclusive jurisdiction to Contra Costa LAFCO for the proposed SOI amendment and corresponding boundary change. This request for transfer of jurisdiction was approved by Contra Costa LAFCO on November 10, 2021 at which time the Commission agreed to assume exclusive jurisdiction for the proposed SOI amendment and boundary change subject to Alameda LAFCO's approval of a transfer of jurisdiction.

We previously sent the landowner's payment to Alameda LAFCO of \$300 for the transfer of jurisdiction. We respectfully request that this matter be placed on your next available LAFCO agenda for consideration. Please contact me if you have any questions. Thank you for your assistance.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

c: Jack Flynn, Customer Services Manager, EBMUD
Taso Tsakos, Landowner