



Lou Ann Teixeira  
 Executive Officer

**MEMBERS**

<b>Candace Andersen</b> <i>County Member</i>	<b>Federal Glover</b> <i>County Member</i>
<b>Donald A. Blubaugh</b> <i>Public Member</i>	<b>Michael R. McGill</b> <i>Special District Member</i>
<b>Tom Butt</b> <i>City Member</i>	<b>Rob Schroder</b> <i>City Member</i>
<b>Igor Skaredoff</b> <i>Special District Member</i>	

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<b>Diane Burgis</b> <i>County Member</i>
<b>Stanley Caldwell</b> <i>Special District Member</i>
<b>Charles R. Lewis, IV</b> <i>Public Member</i>
<b>Edi Birsan</b> <i>City Member</i>

June 8, 2022 (Agenda)

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

**June 8, 2022  
 Agenda Item 15**

**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 – 4949 Happy Valley Road – Lafayette**

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 May 26, 2022, Contra Costa LAFCO received applications to amend the SOI and annex property to the East Bay Municipal Utility District (EBMUD) in order to receive municipal water. The two parcels are located in unincorporated Lafayette, total approximately 36± acres, and are outside the Urban Limit Line. The applicant/landowner indicates there is lack of well water to support existing uses (i.e., vineyards, horses, livestock, barn, single-family home) and the existing

well has high levels of boron. The landowner provided a “will serve” letter from EBMUD and a letter from Contra Costa County Environmental Health (CCEH). The CCEH letter indicates *they reviewed water quality results for the well located at the subject property. The results report indicated a boron level of 5,900 micrograms per liter (µg/L), which exceeds the California State Notification Level of 1,000 µg/L. Notification levels are non-regulatory health-based advisory levels established by the State Water Resources Control Board (SWRCB) for chemicals for which maximum contaminant levels (MCL) have not been established. The US EPA has also established a Health Advisory Level for non-cancer health effects from boron in drinking water of 5,000 µg/L. The US EPA and SWRCB have not established an MCL for boron. CCEH has no objection to EBMUD supplying water to the subject property.*

EBMUD is located within Alameda and Contra Costa counties. Alameda County has the largest portion of assessed value within EBMUD, but this proposed SOI amendment and annexation affect land located in Contra Costa County. 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 to Contra Costa LAFCO 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 1) 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  
Steve Thomas, Landowner



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*City Member*

**Attachment**

June 8, 2022

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 parcels (APNs 365-230-037/-038) total 36+ acres and are located at 4949 Happy Valley Road in unincorporated Lafayette.

Municipal water is needed to support existing uses (i.e., vineyards, horses, livestock, barn, single-family home) and the existing well has high levels of boron. EBMUD provided a “will serve” letter and Contra Costa County Environmental Health (CCEH) provided a letter indicating *they reviewed water quality results for the well located at the subject property. The results report indicated a boron level of 5,900 micrograms per liter (µg/L), which exceeds the California State Notification Level of 1,000 µg/L. CCEH also noted health effects from boron in drinking water and that CCEH has no objection to EBMUD supplying water to the subject property.*

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 June 8, 2022 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

cc: Jack Flynn, Customer Services Manager, EBMUD  
Steve Thomas, Landowner/Applicant