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April 21, 2010 (Agenda)

April 21, 2010
 Agenda Item 10

Contra Costa Local Agency Formation Commission
 651 Pine Street, Sixth Floor
 Martinez, CA 94553

Mosquito & Vector Control and Resource Conservation Services Sphere of Influence Updates

Dear Commissioners:

SUMMARY

In accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH Act), LAFCO must adopt a sphere of influence (SOI) for each city and special district. The SOI serves as the ultimate planning boundary for a local agency. In accordance with the CKH Act, effective SOIs may discourage urban sprawl by preventing service duplications, overlapping service areas and premature conversion of agricultural and open space lands to urban uses.

LAFCOs are mandated to review and update SOIs at least every five years, as necessary. In order to prepare and update the SOIs, LAFCO must prepare a municipal service review (MSR). Consultants and LAFCO staff are preparing the MSRs. The approach involves a combination of service-specific (countywide), sub-regional and agency-specific reviews.

On February 10, 2010, the Commission held a workshop at which time the MSR consultants Jennifer Stephenson and Alex Hebert-Brown (Burr Consulting) presented an overview of the *Mosquito & Vector Control and Resource Conservation Services MSR*. The report includes a review of services, recommended determinations, and governance and SOI options covering the Contra Costa Mosquito & Vector Control District (CCMVCD) and Contra Costa Resource Conservation District (CCRCD). At the workshop, Commissioners and local agency representatives provided input regarding the preliminary report. Subsequently, the MSR report was circulated for a 28-day public review period, during which additional comments were received from CCMVCD and CCRCD, as presented with the MSR staff report.

The Final Draft MSR report and SOI recommendations will be presented to the Commission on April 21 for consideration and approval. The report is available on the LAFCO website at www.conracostalafco.org.

At this time, the Commission is asked to consider the SOI updates for each of local agencies. The SOI options and recommendations were presented in the various draft reports, and made available to the districts and the public for review and comment.

The table below presents a summary of the governance/SOI options included in the MSR report, along with the consultant and LAFCO staff recommendations. These options are discussed below and in the MSR report.

AGENCY	SOI/GOVERNANCE OPTION	CONSULTANT RECOMMENDATION	LAFCO STAFF RECOMMENDATION
CCMVCD	1. Retain existing coterminous SOI 2. Expand SOI to allow future consolidation with Alameda County Resource Conservation District (ACRCD)	Retain existing coterminous SOI	Retain existing coterminous SOI
CCRCD	1. Retain existing coterminous SOI 2. Expand SOI to allow future consolidation with Alameda County Mosquito Abatement District (ACMAD)	Retain existing coterminous SOI	Retain existing coterminous SOI

DISCUSSION

LAFCO and MSRs/SOI Updates

Provisions for updating SOIs are contained in the CKH Act. In adopting or updating an SOI, the Commission must make determinations concerning the following:

- The present and planned land uses in the area, including agricultural and open-space lands.
- The present and probable need for public facilities and services in the area.
- The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.
- The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.
- When adopting, amending or updating an SOI for a district, LAFCO must establish the nature, location and extent of any functions or classes of service.

The Commission may approve boundary changes using SOIs as a basis. In addition to those provisions found in the Government Code, Contra Costa LAFCO has its own adopted policies and procedures for SOI updates. Among the more important factors are:

- Whether services need to be provided in the next 5-20 years,
- Whether there is any other compelling reason for expanding an SOI, and
- Whether territory included in the SOI of one agency is already included in, or should be included in, the SOI of another agency more capable of providing services.

All of these factors and policies were considered in developing the SOI recommendations.

Governance Options and LAFCO Authority

Government Code Section 56375(a) gives LAFCO the power to initiate certain types of boundary changes consistent with an MSR and other special studies. These boundary changes include the following:

- Consolidation of districts (joining two or more districts into a single successor district)
- Dissolution (termination of a district and its corporate powers)
- Merger (termination of a district by merging that district with a city)
- Establishment of a subsidiary district (city council becomes the board of directors of a district)
- Formation of a new district or districts
- A reorganization that includes any of the above

Other boundary changes, such as annexations and detachments, cannot be initiated by LAFCO and must originate from an affected local agency (e.g., cities, districts) or affected landowners or registered voters.

An SOI change (i.e., expansion, reduction) neither initiates nor approves a change in governance. If and when government reorganization is initiated, there are procedural steps required by law, including an application, a service plan, a noticed public hearing, and processes (protest hearing and/or election). More complex governance changes (e.g., mergers, consolidations, etc.) may require a supplemental study to review in depth fiscal and other impacts of such actions.

Summary of Governance and SOI Options and Recommendations

The following summarizes the governance and SOI options for CCMVCD and CCRCD. Details and analysis regarding these options are presented in the MSR report.

Contra Costa Mosquito & Vector Control District (CCMVCD) - CCMVCD is an independent district formed in 1926. The District is governed by a 22-member board. Three trustees are appointed by the County Board of Supervisors, and the other 19 trustees are appointed by the City Council of the respective city within the District.

CCMVCD provides vector surveillance, prevention and control services for mosquitoes, rodents, skunks, yellowjackets, ticks, and Africanized honeybees. The District's boundary and SOI are coterminous with the Contra Costa County boundaries, encompassing a land area of approximately 720 square miles. The current estimated population within CCMVCD's boundaries is approximately 1.1 million (Association of Bay Area Governments).

The MSR identifies the following two SOI options for CCMVCD:

- Retain existing coterminous SOI
- Expand the SOI to allow for future consolidation with Alameda County Mosquito Abatement District (ACMAD)

The only governance option identified in the MSR report is consolidation with ACMAD, which is a countywide district covering all of Alameda County (except the City of Albany). ACMAD provides only mosquito abatement services.

In 1995, a study was conducted to analyze the efficiencies of CCMVCD consolidating with ACMAD. The study found that a consolidation could result in a combined savings of \$135,000 annually. Further, successful consolidation would depend on agency agreement on organization and fiscal matters including the size and composition of the new board, reserves for known liabilities, and employee benefits.

Potential advantages of such a consolidation include the opportunity to share personnel, a uniform bi-county program, reduced personnel and operating costs, enhanced reserves, greater public visibility, and an improved image of program accountability. Potential disadvantages include increased operational complexities in light of the difference in services, and a potentially oversized Board.

In response to the report, the ACMAD Board voted against consolidation, while the CCMVCD Board did not take action but remained open to review the matter again at a later date if needed. The two agencies have not had any further discussions on the potential to consolidate.

Recommendation: Based on the MSR report, the MSR consultant and LAFCO staff recommend that the Commission retain the existing coterminous SOI for CCMVCD (see Attachment 1).

Contra Costa Resource Conservation District (CCRCD) - CCRCD is an independent district formed in 1941. The District has a five-member Board appointed by the County Board of Supervisors. The District's boundary and SOI are coterminous with the County boundaries. CCRCD provides watershed education and stewardship services, coordination of watershed restoration projects, watershed assessment and inventory studies, support for agriculture, educational workshops on resource management issues, and programs for children and teens.

The MSR identifies the following two SOI options for CCRCD:

- Retain existing coterminous SOI
- Expand SOI to allow for future consolidation with Alameda County Resource Conservation District (ACRCD)

The MSR report indicates that consolidation with a neighboring RCD may allow for better leveraging of limited funding and greater regional collaboration and planning with regard to watersheds that cross the county line. Of the eight watersheds that cross the Contra Costa County line, all cross into Alameda County; consequently, ACRCD may be the most likely candidate for such a consolidation.

ACRCD serves the undeveloped areas in the southern and eastern portions of Alameda County and most of the cities of Dublin, Pleasanton, Livermore and various undeveloped hill and marsh areas. ACRCD provides significantly more services directed at agricultural and rural areas than CCRCD.

Both RCDs receive some portion of their revenue from property taxes, although CCRCD relies more heavily on that revenue source than ACRCD. ACRCD also receives additional funding from Alameda County. This difference in revenue sources may be a significant challenge to consolidation.

Possible benefits of an RCD consolidation may be capitalizing on each other's existing programming, economies of scale, greater regional collaboration and planning on regional issues and concerns, and provide efficiency for funding projects at a regional level. Given CCRCD's present financial challenges, improved efficiencies and reduced competition for grant funding would benefit the District.

CCRCD reported that it has not considered consolidation with neighboring RCDs. The District indicated that due to the difference in programming focus in the neighboring districts and the demand for different services, that consolidation may not be efficient, feasible or beneficial to Contra Costa County taxpayers.

Recommendation: Based on the MSR report, the MSR consultant and LAFCO staff recommend that the Commission retain the existing coterminous SOI (see Attachment 2).

Environmental Analysis

The MSR is a study and determinations are Categorically Exempt under §15306, Class 6 of the California Environmental Quality Act (CEQA) Guidelines. However, some SOI updates may be subject to CEQA. The recommended SOI updates propose no changes to the existing SOIs and qualify for the General Rule exemption under §15061(b)(3) of the CEQA Guidelines. However, should the Commission decide to adopt certain SOI changes that would significantly amend an SOI, then such action may require LAFCO to serve as Lead Agency for the purposes of compliance with CEQA and for completing an Initial Study and resulting CEQA document.

OPTIONS AND RECOMMENDATION

Option I

1. Approve SOI updates per the MSR consultants' and LAFCO staff recommendations,
2. As Lead Agency, determine that the SOI updates, as recommended by LAFCO staff, are exempt pursuant to §15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines, and
3. Adopt the SOI update resolutions for CCMVCD and CCRCD (attached).

Option II

Adopt alternative SOI updates as desired and provide direction to LAFCO staff as appropriate.

Option III

If the Commission needs more information, it should CONTINUE this matter to a future meeting.

RECOMMENDED ACTION:

Approve Option 1

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

c: Distribution

Attachments:

1. CCMVCD SOI Update Resolution/Map
2. CCRCD SOI Update Resolution/Map

**RESOLUTION OF THE CONTRA COSTA
LOCAL AGENCY FORMATION COMMISSION**

**APPROVING A SPHERE OF INFLUENCE UPDATE FOR
CONTRA COSTA MOSQUITO & VECTOR CONTROL DISTRICT**

WHEREAS, Government Code §56425 requires the Local Agency Formation Commission (LAFCO) to develop and determine the sphere of influence (SOI) of each local governmental agency within the County; and

WHEREAS, Government Code §56425(f) requires that LAFCO review and update the SOI boundaries, as necessary, not less than once every five years; and

WHEREAS, Government Code §56430 requires that a municipal services review be conducted prior to or in conjunction with an SOI update; and

WHEREAS, LAFCO conducted a review of mosquito and vector control and resource conservation services, including those provided by the Contra Costa Mosquito & Vector Control District (CCMVCD), and adopted written determinations as required by Government Code §56430 on April 21, 2010; and

WHEREAS, the MSR report identified two SOI options for the CCMVCD including retaining the existing coterminous SOI and expanding the SOI to allow for future consolidation with a neighboring county district; and

WHEREAS, the CCMVCD's corporate boundary and SOI are coterminous with the Contra Costa County boundary, comprising 720± square miles; and

WHEREAS, it is hereby proposed that the CCMVCD's SOI be retained as generally depicted on Exhibit A attached hereto; and

WHEREAS, no change in regulation, land use or development will occur as a result of updating the District's SOI; and

WHEREAS, in the form and manner prescribed by law, the Executive Officer has given notice of a public hearing by this Commission regarding the SOI action; and

WHEREAS, the SOI update was duly considered at a public hearing held on April 21, 2010; and

WHEREAS, the Contra Costa LAFCO heard and received all oral and written protests, objections and evidence that were made, presented or filed, and all persons present were given an opportunity to appear and be heard with respect to any matter pertaining to said verification action.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED that the Contra Costa LAFCO does hereby:

1. Retain the CCMVCD's SOI as generally depicted on Exhibit A attached hereto.
2. Determine, as lead agency for the purposes of the California Environmental Quality Act (CEQA), that the SOI update is categorically exempt under §15061(b)(3) of the CEQA Guidelines.
3. Determine that the Commission has considered the criteria set forth in Government Code §56425 as follows:
 - a. *Present and planned land uses in the area, including agricultural and open-space lands* - The District boundaries encompass a variety of land uses as its bounds include the entirety of Contra Costa County. In 2008, agricultural land made up 56 percent of the District's land area, while urban

and built-up lands and other land uses comprised 33 and 11 percent of land area respectively. The District has no land use authority. County and city plans include land uses and population growth that may impact the District's services. No changes in present and planned land uses will result from this SOI update.

b. *Present and probable need for public facilities and services in the area* – The District is expected to grow by 21 percent in the next 20 years. There is a present and probable need for mosquito and vector abatement services in the area due to public health concerns of existing and future vector-borne diseases. No changes in public facilities or services provided by the District will result from this SOI update.

c. *Present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – CCMVCD facilities and fleet are in good condition and presently have capacity to provide an adequate level of service to constituents. The District is providing adequate services, based on customer satisfaction with response times, the scope of services provided, and management practices. The SOI update will not impact the present capacity of public facilities and adequacy of public services that the District provides or is authorized to provide.

d. *Existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency* – The District was formed in 1926 and provides services countywide. The District relies primarily on countywide property taxes to fund services. The social and economic community of interest is Contra Costa County. The SOI update will not affect the existence of any social or economic communities of interest.

e. *Nature, location, extent, functions & classes of services to be provided* – CCMVCD provides vector surveillance, prevention and control services for mosquitoes, rodents, skunks, yellowjackets, ticks, and Africanized honeybees countywide. The primary natural feature that impacts demand for district services is the Sacramento-San Joaquin Delta. A plentiful fresh water supply found in the Delta and throughout the County in the irrigated farmlands, lends to mosquito breeding and consequently high service demand for the District in those areas.

PASSED AND ADOPTED THIS 21st day of April 2010, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

MARTIN MCNAIR, CHAIR, CONTRA COSTA LAFCO

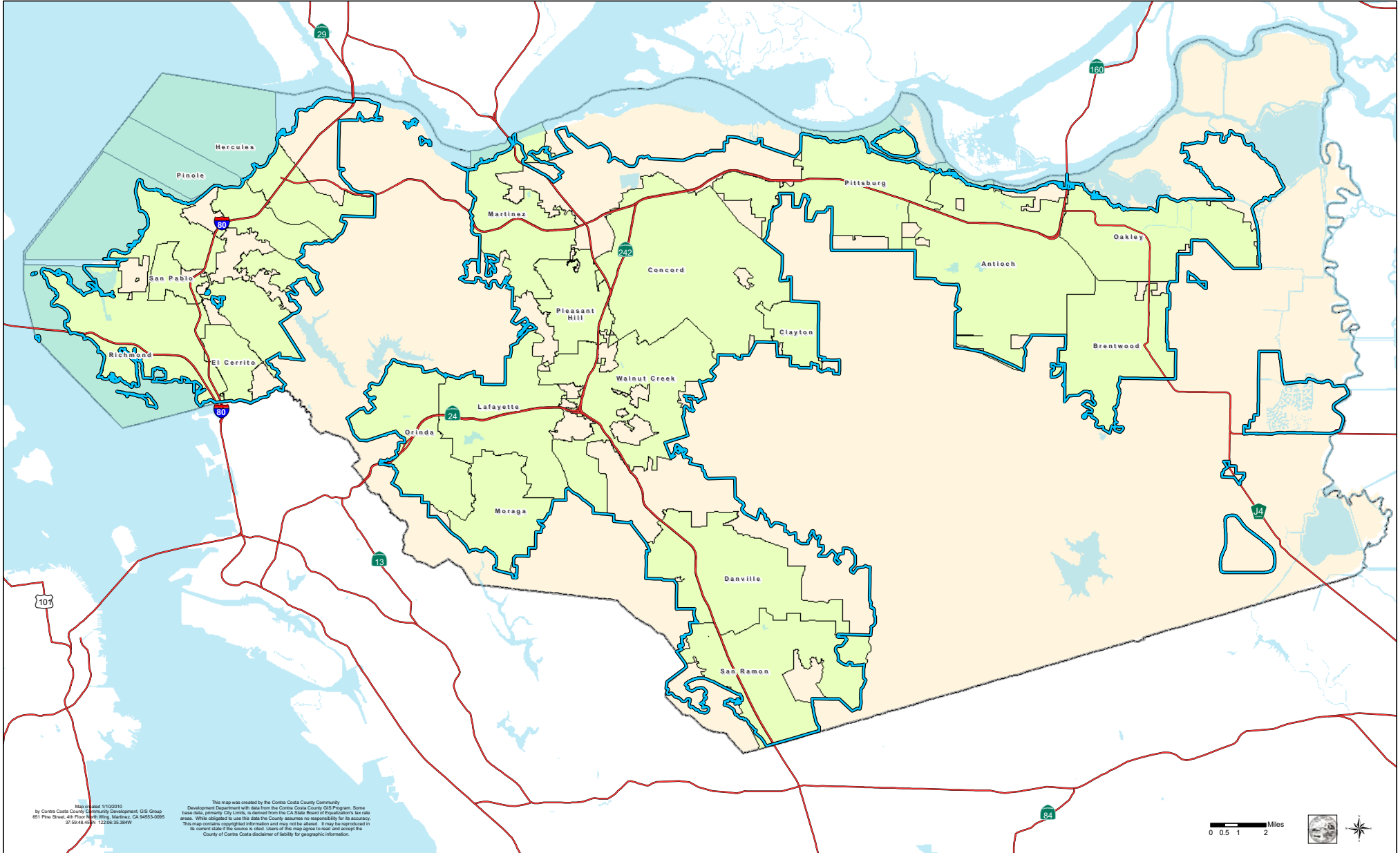
I hereby certify that this is a correct copy of a resolution passed and adopted by this Commission on the date stated above.

Dated: April 21, 2010

Lou Ann Texeira, Executive Officer

Map 4-1

Countywide Mosquito and Vector Control District and Coterminous SOI



**RESOLUTION OF THE CONTRA COSTA
LOCAL AGENCY FORMATION COMMISSION**

**APPROVING A SPHERE OF INFLUENCE UPDATE FOR
CONTRA COSTA RESOURCE CONSERVATION DISTRICT**

WHEREAS, Government Code §56425 requires the Local Agency Formation Commission (LAFCO) to develop and determine the sphere of influence (SOI) of each local governmental agency within the County; and

WHEREAS, Government Code §56425(f) requires that LAFCO review and update the SOI boundaries, as necessary, not less than once every five years; and

WHEREAS, Government Code §56430 requires that a municipal services review be conducted prior to or in conjunction with an SOI update; and

WHEREAS, LAFCO conducted a review of mosquito and vector control and resource conservation services, including those provided by the Contra Costa Resource Conservation District (CCRCD), and adopted written determinations as required by Government Code §56430 on April 21, 2010; and

WHEREAS, the MSR report identified two SOI options for the CCRCD including retaining the existing coterminous SOI and expanding the SOI to allow for future consolidation with a neighboring county district; and

WHEREAS, the CCRCD's corporate boundary and SOI are coterminous with the Contra Costa County boundary, comprising 720± square miles; and

WHEREAS, it is hereby proposed that the CCRCD's SOI be retained as generally depicted on Exhibit A attached hereto; and

WHEREAS, no change in regulation, land use or development will occur as a result of updating the District's SOI; and

WHEREAS, in the form and manner prescribed by law, the Executive Officer has given notice of a public hearing by this Commission regarding the SOI action; and

WHEREAS, the SOI update was duly considered at a public hearing held on April 21, 2010; and

WHEREAS, the Contra Costa LAFCO heard and received all oral and written protests, objections and evidence that were made, presented or filed, and all persons present were given an opportunity to appear and be heard with respect to any matter pertaining to said verification action.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED that the Contra Costa LAFCO does hereby:

1. Retain the CCRCD's SOI as generally depicted on Exhibit A attached hereto.
2. Determine, as lead agency for the purposes of the California Environmental Quality Act (CEQA), that the SOI update is categorically exempt under §15061(b)(3) of the CEQA Guidelines.
3. Determine that the Commission has considered the criteria set forth in Government Code §56425 as follows:
 - a. *Present and planned land uses in the area, including agricultural and open-space lands* - The District boundaries encompass a variety of land uses as its bounds include the entirety of Contra Costa County. In 2008, agricultural land made up 56 percent of the District's land area, while and

urban and built-up lands and other land uses comprised 33 and 11 percent of land area respectively. The District has no land use authority. County and city plans include land uses and population growth that may impact the District's services. No changes in present and planned land uses will result from this SOI update.

b. *Present and probable need for public facilities and services in the area* – The District is expected to grow by 21 percent in the next 20 years. There is a present and probable need for resource conservation services which are pertinent to rural as well as urban areas. As the County urbanizes, it is anticipated that the type of services CCRCDC provides will gradually shift to focus more on urban needs. In addition, the recent trend to be more environmentally conscious combined with increased public awareness of ecological needs in the area will most likely result in increased demand for CCRCDC services in the future. No changes in public facilities or services provided by the District will result from this SOI update.

c. *Present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – The present facilities have adequate capacity for CCRCDC to provide services well into the future. The District is providing adequate services given financial constraints, based on honors and awards received and professional management practices. The SOI update will not impact the present capacity of public facilities and adequacy of public services that the District provides or is authorized to provide.

d. *Existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency* – The District was formed in 1941 and provides services countywide. The District relies primarily on countywide property taxes to fund services. The social and economic community of interest is Contra Costa County. The SOI update will not affect the existence of any social or economic communities of interest.

e. *Nature, location, extent, functions & classes of services to be provided* – CCRCDC provides watershed education and stewardship services, coordination of watershed restoration projects, watershed assessment and inventory studies, support for agriculture, educational workshops on resource management issues, and programs for children and teens countywide. The natural features of primary concern in to the District are the 32 watersheds located throughout the County. The District presently provides active services to the Rodeo Creek, Marsh Creek and Pinole Creek watersheds.

PASSED AND ADOPTED THIS 21st day of April 2010, by the following vote:

- AYES:
- NOES:
- ABSTENTIONS:
- ABSENT:

MARTIN MCNAIR, CHAIR, CONTRA COSTA LAFCO

I hereby certify that this is a correct copy of a resolution passed and adopted by this Commission on the date stated above.

Dated: April 21, 2010

Lou Ann Texeira, Executive Officer

Map 3-1 Countywide Resource Conservation District, Coterminous SOI, and Watersheds

