

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

MINUTES OF MEETING

April 21, 2010

May 12, 2010
Agenda Item 6

Board of Supervisors Chambers
Martinez, CA

1. Chair Martin McNair called the meeting to order at 1:31 p.m.
2. The Pledge of Allegiance was recited.
3. Roll was called. A quorum was present of the following Commissioners:

City Members Helen Allen and Rob Schroder and Alternate Don Tatzin.

County Members Federal Glover and Gayle Uilkema.

Public Member Martin McNair and Alternate Sharon Burke.

Special District Members Dwight Meadows and David Piepho and Alternate George Schmidt.

Present were Executive Officer Lou Ann Texeira, Legal Counsel Sharon Anderson, and Clerk Kate Sibley. MSR Consultants Alex Hebert-Brown and Jennifer Stephenson, both of Burr Consulting, were also present.

4. Approval of the Agenda

Upon motion of Glover, second by D. Piepho, the agenda was adopted.

5. Public Comments

Chair Martin McNair congratulated Dwight Meadows, Regular Special District Member, and George Schmidt, Alternate Special District Member, on their recent reelection to their seats. He also commented on the depth and breadth of the LAFCO website.

6. Approval of March 10, 2009 Minutes

Upon motion of Allen, second by Meadows, the minutes for the March 10, 2010 meeting were approved.

7. Fire Workshop Report

The Executive Officer reported that Bill Chiat, who planned to present this report, was unable to attend. Staff presented the draft agenda and proposed date for the workshop (May 21, from 8:30 a.m. to 12:00 noon). There was discussion regarding the proposed date and purpose of the workshop. It was suggested that "Q&A" time be scheduled to discuss pros and cons of consolidation and other forms of collaboration. Commissioner Schroder commented on the recent CALAFCO University course dealing with fire service challenges and consolidations.

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8. LAFCO 09-12 – Annexation 173A to Central Contra Costa Sanitary District

The Executive Officer presented an overview of this annexation, which consists of 37 parcels (64± acres) in seven separate sub-areas in the unincorporated community of Alamo, noting land use designations and that properties are either converting from septic systems to municipal wastewater service, developing new single-family residential units, and/or are new developments to be connected to CCCSD. As a response to earlier suggestions by Commissioners, CCCSD has instituted informational meetings in annexation communities; fewer than 20 people attended this annexation's meeting, and most of the questions were about connection; it is not CCCSD's policy to require connection. In response to a question regarding fees, Jarred Miyamoto-Mills, Engineer with CCCSD, commented that no one pays annexation fees until they connect, at which point they are assessed a number of connection fees—all of which is explained at the community meetings.

In response to a question about remaining "islands," Miyamoto-Mills responded that forthcoming annexation applications will clean up those areas.

There were no protests regarding this annexation.

Upon motion of Allen, second by D. Piepho, the Commission unanimously closed the public hearing and certified that it reviewed and considered the information contained in the environmental documents; approved the proposal to be known as Annexation 173A to CCCSD, 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 inhabited, has less than 100% consent of the affected landowners and registered voters, that no affected landowners/registered voters opposed the annexation, that the annexing agency has given written consent to the waiver of conducting authority proceedings, waived the protest proceeding, and directed staff to complete the proceeding.

9. LAFCO 09-13 – Annexation 173B to Central Contra Costa Sanitary District

The Executive Officer presented an overview of this annexation, which consists of 129 parcels (100.4± acres) in eight separate sub-areas in the Town of Danville, noting land use designations and that properties are either converting from septic systems to municipal wastewater service, developing new single-family residential units, and/or are new developments to be connected to CCCSD.

The Executive Officer reported that one person, Edwin C. Roulette, had sent a written protest via email. The communication was read into the record.

The public hearing was opened.

Verna Kloos, resident of Danville, noted that she is a neighbor of the person who sent a written protest, and she too is concerned and wanted to know who pays for this work.

Eric Jackson, resident of Alamo, spoke in protest of LAFCO 09-12, at which point it was explained to him that the public hearing on that item was closed and the annexation had

already been approved, and the letter he claims to have sent was never received in the LAFCO office.

CCCSD's Miyamoto-Mills explained the connection process and fees. Following continued discussion, he was encouraged to speak outside the hearing with Ms. Kloos and Mr. Jackson following the conclusion of this item.

Upon motion of Schroder, second by D. Piepho, the Commission unanimously closed the public hearing and found the annexation exempt from CEQA pursuant to CEQA Guidelines Section 15319; approved the proposal to be known as Annexation 173B to CCCSD as submitted, 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 inhabited, has less than 100% of the affected landowners and registered voters; and authorized staff to conduct the protest proceedings.

10. Mosquito & Vector Control and Resource Conservation Services Municipal Services Review (MSR)

The Executive Officer provided an overview of the work that has been completed on the Mosquito & Vector Control and Resource Conservation Services MSR, with a review of two districts: Contra Costa Mosquito & Vector Control District (CCMVCD) and Contra Costa Resource Conservation District (CCRCD). Both districts are countywide, with appointed boards. Staff noted that this agenda item deals only with the MSR report, which the Commission is asked to accept, along with approving the required determinations. The next agenda item will focus on Sphere of Influence (SOI) updates.

Jennifer Stephenson, of Burr Consulting, presented highlights from the MSR and answered questions from Commissioners. In response to a question from Commissioner Uilkema regarding CCMVCD fee increases to address revenue challenges, Stephenson noted that she would not recommend changes, although she could recommend that the district review its financial structure and make changes in benefit assessment fees. Staff added that such recommendations have been made in past MSRs, but LAFCO cannot mandate fee increases.

Stephenson also recommended that CCRCD continue to look for more sources for additional funding.

Upon motion of Allen, second by D. Piepho, the Commission unanimously determined that the MSR project is Categorically Exempt pursuant to CEQA Guidelines §15306, Class 6; considered comments presented prior to and during the public hearing; accepted the report; adopted the MSR determinations, and directed the project team to prepare the Final MSR report, and make it available publicly.

11. Mosquito & Vector Control and Resource Conservation Services SOI Updates

The Executive Officer provided a brief overview and history of the MSR and SOI updates for CCMVCD and CCRCD, noting that the governance options had been flipped in the staff report on this item as pointed out by Commissioner Schmidt.

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Jennifer Stephenson presented the options for CCMVCD as identified in the MSR report, noting that the district conducted a study 15 years ago that examined the possibility of consolidation with the Alameda County Mosquito Abatement District; they found the benefits minimal by comparison to the challenges presented by such an action and did not pursue.

The public hearing was opened, with no on commenting.

Commissioners provided additional comment regarding the large number of Board members on the CCMVCD and the maps contained in the MSR report.

Upon motion of Uilkema, second by Schroder, Commissioners closed the public hearing and unanimously determined that the Contra Costa Mosquito & Vector Control District should retain its current coterminous SOI, and directed staff to correct the map to more clearly delineate the district boundary.

Stephenson presented the SOI options for CCRCDD, another countywide district. The consultant recommends retaining the current coterminous SOI as well as a review of cost-sharing efforts. Staff agrees with these recommendations.

Upon motion of Uilkema, second by D. Piepho, Commissioners unanimously determined that the Contra Costa Resource Conservation District should retain its current coterminous SOI, and requested that staff recommend to the district that it review cost sharing efforts.

12. Cemetery, Parks & Recreation Services MSR

Following the Executive Officer's overview, Alex Hebert-Brown, with Burr Consulting, presented highlights from this MSR, beginning with the cemetery districts: Alamo-Lafayette Cemetery District (ALCD) and Byron-Brentwood-Knightsen Union Cemetery District (BBKUCD). Both cemetery districts were formed before cities in their respective districts, leading to confusion over the districts' service boundaries. Both districts have significant planning and financial issues.

Following comments on the MSR by Commissioners and by Primo Facchini, Board Chair for Alamo-Lafayette Cemetery District, Chair McNair requested that LAFCO staff coordinate with Mr. Facchini to ensure that his concerns are addressed in the Final MSR.

The presentation continued with Stephenson highlighting the recreation and park districts reviewed in the MSR, with four independent recreation and park districts: Ambrose Recreation and Park District (ARPD), Pleasant Hill RPD (PHRPD), Rollingwood Wilart Park RPD (RWPRPD), and Green Valley RPD (GVRPD); and eight county service areas (CSAs): M-16, M-17, M-29, M-30, R-4, R-7, R-9, and R-10. Green Valley RPD received a cursory review, as its MSR was completed in 2008.

The consultants noted that recreation service demand is highest in the independent RPDs and lower in the CSAs; all but one district meets park acre levels of service standards; maintenance

expenditures vary, as does financing; and it may be beneficial to consider facility sharing with other providers such as schools and nonprofit agencies. Commissioners discussed how County Municipal Advisory Councils (MACs) interact with CSAs and financing of the various CSAs in this study.

Following a brief break, the Chair opened the public hearing.

Steve Mick, resident of Alamo, drew attention to comments made by Supervisor Piepho in letters dated March 30 and April 20 and requested that they be addressed in preparing the Final MSR for publication.

Commissioners provided general and specific comments. Commissioner Schmidt commented on developer impact fees and facility maintenance; Commissioner Uilkema commented on funding issues pertaining to CSAs R-4 and R-10; and Commissioner Burke commented on R-7 and funding adequacy. Commissioners discussed the options presented by the consultants, and Commissioner Uilkema expressed her support of the governance and SOI options presented in the table included with the staff report. Staff noted that following acceptance of the MSR report, the Commission will be asked to take action to update the SOIs.

Upon motion of Meadows, second by D. Piepho, Commissioners unanimously determined that the MSR project is Categorical Exempt pursuant to CEQA Guidelines §15306, Class 6; considered comments presented prior to and during the public hearing; accepted the report; adopted the MSR determinations, and directed staff to prepare the Final MSR report, and make it available publicly.

13. Cemetery, Parks & Recreation Services SOI Updates

Hebert-Brown presented SOI options for all of the cemetery and recreation and parks districts that were identified in the MSR report, differentiating between options and recommendations and noting that some of the consultants' recommendations may differ from those of LAFCO staff. The Executive Officer directed Commissioners to the table included with the SOI staff report, which indicate both the consultant and staff recommendations.

The Chair opened the public hearing.

Bob Berggren, General Manager of Pleasant Hill RPD, spoke in favor of Option 1 (expand SOI to include all areas within City of Pleasant Hill's SOI) and against Option 3 (reduce SOI to exclude cities of Lafayette and Walnut Creek areas) noting that the District would not want to lose the new revenues from Measure E, which was voted on by those Lafayette and Walnut Creek residents in the PHRPD boundaries. Staff noted that LAFCO has no authority to change jurisdictional boundaries, and that reducing the SOI would not impact the service area.

Tarry Smith, General Manager of Ambrose RPD, who was accompanied by Board Member Steve Hoagland, spoke in favor of Option 4. He noted that Ambrose RPD is growing, and is increasingly doing programming for the City of Pittsburg's recreation department, which has reduced its staff; and that the agencies plan to pursue a joint use agreement. He added that

there has been no discussion of Ambrose RPD becoming a subsidiary district of the City of Pittsburg. Commissioner Glover suggested follow up with the City of Pittsburg to confirm.

Steve Mick, resident of Alamo, concurs with expanding CSA R-7's SOI to include the Round Hill area, is opposed to combining R-7 and the Green Valley RPD, and requested that Supervisor Piepho's comments be incorporated in the MSR.

Primo Facchini, Alamo-Lafayette Cemetery District Board Chair, stated that he looks forward to working with LAFCO staff to determine the exact boundary of his district and address other concerns.

The Chair asked if Commissioners would like to move on any of these recommendations.

Upon motion of Uilkema, second by Meadows, Commissioners closed the public hearing and unanimously adopted a provisional coterminous SOI for the Alamo-Lafayette Cemetery District pending further study by ALCD, required ALCD to report back to LAFCO within 12 months regarding boundary and other issues identified in the MSR report, and directed staff to work with ALCD and County staff to verify that the appropriate ALCD boundary is being used to determine residency.

Upon motion of Meadows, second by Allen, Commissioners unanimously adopted a provisional coterminous SOI for the Byron-Brentwood-Knightsen Union Cemetery District pending further study by BBKUCD, required BBKUCD to report back to LAFCO within 12 months regarding boundary and other issues identified in the MSR report, and directed staff to work with BBKUCD and County staff to verify that the appropriate BBKUCD boundary is being used to determine residency, particularly in the Antioch area.

Commissioners also directed LAFCO staff to include in letters to both of the cemetery districts a recommendation that they consider name changes that will more accurately reflect the areas they serve.

Upon motion of Uilkema, second by D. Piepho, Commissioners unanimously retained the existing coterminous SOIs for CSAs M-16, M-17, and M-29.

Upon motion of Uilkema, second by D. Piepho, Commissioners unanimously deferred the SOI update for Rollingwood Wilart Park RPD, directed LAFCO staff to work with the County to either dissolve RWPRPD or consolidate it with another agency (e.g., CSA R-9), and report back to LAFCO within 12 months.

Upon motion of Uilkema, second by Allen, Commissioners unanimously deferred the SOI update for CSA R-4, directed LAFCO staff to work with County and Town of Moraga staff to either dissolve CSA R-4 or adjust the CSA boundary to more accurately reflect the CSA's service area, and report back to LAFCO within 12 months.

Upon motion of Uilkema, second by D. Piepho, Commissioners retained the existing coterminous SOI for CSA R-10.

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All other SOI updates (Ambrose RPD, Pleasant Hill RPD, CSA M-30, CSA R-7, and CSA R-9) were continued to the May 12 meeting.

14. Commissioner Comments and Announcements

Commissioner Schroder reported on the recent CALAFCO U fire workshop that he and the Executive Officer attended in Santa Rosa. Highlights included a discussion of collaborative options to consider in addition to consolidation, the fact that communities and labor have to be behind any changes made, and that there are structural and other problems with fire districts throughout the state.

Commissioner Uilkema asked for an updated CALAFCO calendar to prepare for upcoming events.

15. Staff Announcements and Pending Projects

The Executive Officer gave Commissioners an update on the proposal to regionalize CALAFCO, and stated that all LAFCOs will be asked to vote on this prior to the July CALAFCO Board meeting. Commissioners' attention was drawn to the pending projects, legislative update, and recent news articles.

The meeting adjourned at 4:41 p.m.

Final Minutes Approved by the Commission on May 12, 2010.

AYES:

NOES:

ABSTAIN:

By _____
Executive Officer