

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

MINUTES OF MEETING

May 12, 2010

Board of Supervisors Chambers
Martinez, CA

1. Vice Chair David Piepho called the meeting to order at 1:31 p.m.
2. The Pledge of Allegiance was recited.
3. Vice Chair Piepho recognized the recent reelection of Special District Members Dwight Meadows and Alternate George Schmidt, who will serve until May 2014.
4. Roll was called. A quorum was present of the following Commissioners:
City Members Helen Allen and Alternate Don Tatzin.
County Members Federal Glover and Gayle Uilkema and Alternate Mary Piepho.
Public Member 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. CALAFCO Executive Director Bill Chiat was also in attendance.
5. Approval of the Agenda
Upon motion of Tatzin, second by Glover, the agenda was adopted.
6. Public Comments
Peggy Bridges, a resident of Brentwood and representing several additional citizens of that city, spoke in criticism of a letter from Commissioners Allen and Schroder to the Brentwood Press regarding the upcoming vote on Brentwood's Urban Limit Line (Measure F), and requested a retraction and denunciation from LAFCO.
7. Approval of April 21, 2010 Minutes
Upon motion of Tatzin, second by Glover, the minutes for the April 21, 2010 meeting were approved with a correction noted by Commissioner Burke.
8. Fire Workshop Update
The Executive Officer introduced Bill Chiat, who will facilitate the second fire services workshop scheduled for May 21 from 8:30 a.m. to 12:00 noon. Chiat presented the agenda. Commissioners made suggestions for additional items that could be addressed, depending on time available within the agenda, including highlights of the April CALAFCO U fire services workshop in Santa Rosa, the "nuts and bolts"/logistics of fire service, ensuring that the union is represented at the workshop, and the ramifications of various collaboration/consolidation models.
9. CALAFCO Bylaws Amendment
CALAFCO Executive Director Bill Chiat gave a brief introduction and background regarding the pending change in the bylaws of CALAFCO. Although the 40th anniversary of CALAFCO will be celebrated next year, the organization has seldom changed its bylaws. Even while the work of LAFCOs has become more important over time, the CALAFCO board has become

unbalanced and no longer has equitable representation throughout the state. Some LAFCOs feel very strongly about this; if they chose to leave, it would diminish CALAFCO's impact with state legislators. The proposal creates four regions within the State only for the purpose of electing the CALAFCO Board of Directors. In response to Commissioner questions, Bill noted the various factors that were considered in creating the four regions. He added that the specific regions are created by policy, so if a LAFCO decides in the future that it would be more appropriately represented in a different region it may request the change through the CALAFCO Board. Bill also noted that the election in October would be a "clean slate" election.

Upon motion of Meadows, second by Glover, the Commission unanimously approved the proposed CALAFCO bylaws changes and directed LAFCO staff and Chair McNair to vote accordingly when the official ballot is distributed. Commissioner Uilkema asked Chiat to tell the CALAFCO board that this affirmative vote is made as a result of a well-defined plan for more equitable representation.

10. Adoption of Resolutions Updating SOIs for Alamo-Lafayette Cemetery District, Byron-Brentwood-Knightsen Union Cemetery District, and County Service Areas (CSAs) M-16, M-17, M-29, and R-10

The Executive Officer indicated that on April 21, the Commission accepted the MSR report covering cemetery, park & recreation services. At that time, the Commission also approved SOI updates for those agencies listed in accordance with staff recommendations. The Commission directed staff to prepare the SOI resolutions for approval in May. Staff presented resolutions updating the SOIs for Alamo-Lafayette Cemetery District (ALCD), Byron-Brentwood-Knightsen Union Cemetery District (BBKUCD), and County Service Areas (CSAs) M-16, M-17, M-29, and R-10.

Mark White, General Manager for BBKUCD, who could not attend the April meeting, asked a number of specific questions about his district's SOI and boundary and responded to the comment regarding the District's name. The Executive Officer explained that the boundary/SOI questions will be addressed as LAFCO and BBKUCD staff work together to verify that the appropriate BBKUCD boundary is being used to determine residency.

Upon motion of Tatzin, second by Uilkema, the Commission unanimously approved all resolutions as presented.

11. LAFCO 10-01 - Annexation 174 to Central Contra Costa Sanitary District

The Executive Officer presented an overview of this annexation, which consists of 80 parcels (92± acres) in 10 separate sub-areas in the unincorporated community of Alamo and 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. As a response to earlier suggestions by Commissioners, CCCSD has instituted informational meetings in annexation communities; it is not CCCSD's policy to require connection.

The public hearing was opened.

Jarred Miyamoto-Mills, Principal Engineer for CCCSD, responded to Commissioners' questions, noting that the District will bring forward additional annexation applications to address the remnant islands.

Upon motion of Uilkema, second by Meadows, the Commission unanimously closed the public hearing; determined that the project is exempt pursuant to CEQA Guidelines Section 15319, Annexation of Existing Facilities and Lots for Exempt Facilities; approved the proposal to be known as Annexation 174 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.

12. Cemetery, Parks & Recreation Services SOI Updates

The Executive Officer provided a brief overview and chronology of the MSR process and the remaining SOI updates for Ambrose Recreation and Park District (ARPD), Pleasant Hill RPD (PHRPD), and County Service Areas (CSAs) M-30, R-7 (Zone A), and R-9. Commissioners discussed and made motions separately for each district.

Ambrose Recreation and Park District

Steve Hoagland, Board Member of Ambrose Recreation and Park District, confirmed that the board and general manager support the LAFCO staff recommendation of retaining the current coterminous SOI.

Upon motion of Uilkema, second by Glover, Commissioners unanimously retained the existing SOI for ARPD.

Pleasant Hill Recreation and Park District

The Executive Officer drew Commissioners' attention to a letter received from PHRPD, stating support for Option 1 (expand SOI to include all areas within the City of Pleasant Hill's SOI). LAFCO staff recommends Option 1 and Option 3 (reduce SOI to exclude cities of Lafayette and Walnut Creek areas, with the exception of an area of Lafayette immediately adjacent to Brookwood Park).

Upon motion of Tatzin, second by Allen, Commissioners approved expanding the PHRPD SOI to include all areas within the City of Pleasant Hill's SOI, and reducing the PHRPD SOI to exclude areas within the cities of Lafayette and Walnut Creek, except an area of Lafayette immediately adjacent to Brookwood Park. Commissioner Uilkema abstained.

County Service Area M-30

The Executive Officer reported the receipt of further communications from the Supervisorial District 3 Office and the Town of Danville, and as a result changed the LAFCO staff recommendation to Option 1.

Commissioner Mary Piepho stated that she would like to add to the recommendation that LAFCO staff should consider removing park maintenance from CSA M-30's powers and/or consolidation with CSA R-7 (Zone A).

Upon motion of Allen, second by Tatzin, Commissioners unanimously retained the existing SOI for CSA M-30 and directed staff to work with County Public Works on Commissioner Mary Piepho's request.

County Service Area R-7 (Zone A)

The Executive Officer reported that there are still some questions to be addressed with this CSA.

Upon motion of Tatzin, second by Burke, Commissioners unanimously deferred action to the July 14 LAFCO meeting, and directed staff to work with County Public Works and other affected parties on issues involving CSA M-30, Round Hill, and Zone B issues.

County Service Area R-9

The Executive Officer provided an update based on discussions with Supervisor Gioia's office. Upon motion of Glover, second by Uilkema, Commissioners unanimously retained the existing SOI, and directed LAFCO staff to provide a progress report on outstanding issues in 12 months.

13. Adoption of Final FY 2010-11 LAFCO Budget

The Executive Officer presented the final budget for Fiscal Year 2010-11, noting an overall decrease of nearly 6%. Staff reported that the proposed Services and Supplies allocation was increased by \$9,000 as compared to the proposed budget presented in March, due to additional hardware and software costs associated with the Electronic Document Management project scheduled for implementation in 2010-11. Staff also noted that in order to offset (reduce) costs to agencies, a portion of the available fund balance has been budgeted for revenues. Staff concluded the presentation noting that the LAFCO budget is sensitive to the severe economic realities facing local agencies, yet provides funding to enable LAFCO to perform its core responsibilities under State law.

The Chair opened and closed the public hearing, with no public comments.

Commissioner Tatzin inquired about the costs associated with Sub-account 2310. Staff replied that this includes the cost of all consultants, as well as the services provided by County departments, such as GIS mapmaking, Assessor's services, etc.

Upon motion of Tatzin, second by Burke, Commissioners unanimously adopted the Final Budget for FY 2010-11 and authorized LAFCO staff to distribute the Final Budget to the County, cities, and independent special districts as required by Government Code §56381.

14. FY 2009-10 Third Quarter Budget Report

The Executive Officer provided an overview of expenses and revenues at the end of the third quarter of FY 2009-10, also noting that no funds have been drawn from the contingency reserve. In response to questions, staff noted that there has been a reduction in applications.

Upon motion of Uilkema, second by Allen, Commissioners unanimously received the report.

15. Commissioner Comments and Announcements

Commissioner Uilkema asked when it would be advisable to register for the upcoming CALAFCO Annual Conference. Commissioners were advised to make their hotel reservations soon, and staff will submit the conference registrations as soon as that information becomes available.

Commissioners discussed nominating Commissioner Allen to run for the city seat in the new region that will be created if the CALAFCO Bylaws changes are approved. Staff noted that the

vote deadline for the bylaws change is July 9, and the call for nominations would follow the vote.

Commissioner M. Piepho spoke regarding the situation with East Contra Costa Fire Protection District; the new board is proposing shuttering three stations in order to balance its 2010-11 budget.

16. Staff Announcements and Pending Projects

The Executive Officer drew Commissioners' attention to the pending projects, legislative update, and recent news articles, and reminded them of the May 21 Fire Services Workshop.

Given that there will likely be no actionable items for the June meeting, the Executive Officer and Chair will consider canceling that meeting and will inform everyone within ten days.

The meeting adjourned at 2:54 p.m.

Final Minutes Approved by the Commission on July 14, 2010.

AYES: Allen, Meadows, Schmidt, Uilkema

NOES:

ABSTAIN: McNair, Schroder

ABSENT: Glover (M), D. Piepho (M)

By /s/ Lou Ann Texeira
Executive Officer