



Lou Ann Texeira
Executive Officer

MEMBERS

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| Federal Glover
<i>County Member</i> | Dwight Meadows
<i>Special District Member</i> |
| Michael R. McGill
<i>Special District Member</i> | Rob Schroder
<i>City Member</i> |
| Martin McNair
<i>Public Member</i> | Don Tatzin
<i>City Member</i> |
| Gayle B. Uilkema
<i>County Member</i> | |

ALTERNATE MEMBERS

- | |
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| Sharon Burke
<i>Public Member</i> |
| Tom Butt
<i>City Member</i> |
| George H. Schmidt
<i>Special District Member</i> |
| Mary N. Piepho
<i>County Member</i> |

April 11, 2012
Agenda Item 9

April 11, 2012 (Agenda)

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

North Pacheco Annexation to the City of Martinez – Order Annexation Subject to Election

Dear Commissioners:

At a public hearing on January 11, 2012, the Commission approved the North Pacheco Annexation to the City of Martinez. This is a proposal to annex 99± acres (252± parcels) to the City. The purpose of the annexation is to allow for the extension of city services and to facilitate future development and economic revitalization of the area.

In accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 LAFCO is the agency to conduct the protest hearing. The purpose of the protest hearing is to receive written protests from affected landowners and/or registered voters regarding the proposal and determine whether a requisite protest exists. With regard to this annexation, which is inhabited (i.e., contains 12 or more registered voters), the Commission shall take one of the following actions:

- **Order the annexation without an election** if written protests have been filed by less than 25% of the registered voters, or less than 25% of the landowners owning less than 25% of the assessed value of land within the affected territory; or
- **Order the annexation subject to a confirmation vote of the registered voters** within the affected territory if written protests have been filed by at least 25% but less than 50% of the registered voters, or at least 25% of the land owners owning at least 25% of the assessed value of land within the affected territory; or
- **Terminate the proceedings** if a majority protest exists. A majority protest constitutes 50% or more of the registered voters residing in the annexation area.

The protest hearing was held on Tuesday, March 6, 2012, and was conducted by the LAFCO Executive Officer, who is delegated the authority to conduct the protest hearing on behalf of the Commission. Approximately 14 people attended the protest hearing.

At the conclusion of the hearing, the number of protests received prior to and during the hearing were counted. Protests were received from over 25% (but less than 50%) of registered voters residing within the annexation area. The protest forms were submitted to County Elections for certification, and on March 8th, the County Elections Office issued a Certificate of Sufficiency indicating that valid protests were received from over 25%, but less than 50%, of the registered voters in the annexation area. Consequently, the annexation is subject to confirmation of the voters.

RECOMMENDATION – Adopt the attached resolution ordering the annexation subject to confirmation by the voters, and set a special LAFCO meeting date for May 17, 18 or 21 in conjunction with the City’s election.

Sincerely,

Lou Ann Texeira
Executive Officer

Attached – LAFCO Resolution

c: Distribution List

RESOLUTION NO. 11-05

RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS AND APPROVING NORTH PACHECO ANNEXATION
TO THE CITY OF MARTINEZ

WHEREAS, the above-referenced proposal has been filed with the Executive Officer of the Contra Costa Local Agency Formation Commission pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Section 56000 et seq. of the Government Code); and

WHEREAS, at the times and in the manner required by law the Executive Officer has given notice of the Commission's consideration of the proposal; and

WHEREAS, the Commission heard, discussed and considered all oral and written testimony related to the proposal including, but not limited to, the Executive Officer's report and recommendation, the environmental document or determination, Spheres of Influence and applicable General and Specific Plans; and

WHEREAS, information satisfactory to the Commission has been presented that all the owners of land within the affected territory have given their written consent to the proposal; and

WHEREAS, the annexing agency has consented to waiving the conducting authority proceedings; and

WHEREAS, the Local Agency Formation Commission finds the proposal to be in the best interests of the affected area and the total organization of local governmental agencies within Contra Costa County.

NOW, THEREFORE, the Contra Costa Local Agency Formation Commission DOES HEREBY RESOLVE, DETERMINE AND ORDER as follows:

1. The Commission certifies it reviewed and considered the information contained in Initial Study/Negative Declaration as prepared and adopted by the City of Martinez.
2. Said annexation is hereby approved.
3. The subject proposal is assigned the distinctive short-form designation:

NORTH PACHECO ANNEXATION TO THE CITY OF MARTINEZ
4. Said territory is found to be inhabited.
5. The proposal has less than 100% landowner/registered voter consent; and is subject to a protest hearing. Contra Costa LAFCO is designated to conduct the protest hearing; the authority for which has been delegated to the LAFCO Executive Officer, who shall give notice and conduct a public hearing on the matter pursuant to the Government Code.
6. The boundaries of the affected territory are found to be definite and certain as approved and set forth in Exhibit A, attached hereto and made a part hereof.
7. The subject territory shall be liable for any existing bonded indebtedness of the annexing agencies, if applicable.

Contra Costa LAFCO
Resolution No. 11-05

- 8. The subject territory shall be liable for any authorized or existing taxes, charges, and assessments comparable to properties within the annexing agencies.
- 9. That the City delivered an executed indemnification agreement providing for the City to indemnify LAFCO against any expenses arising from any legal actions challenging the reorganization.
- 10. All subsequent proceedings in connection with this annexation shall be conducted only in compliance with the approved boundaries set forth in the attachments and any terms and conditions specified in this resolution.

PASSED AND ADOPTED THIS 11TH day of JANUARY 2012, by the following vote:

AYES: Glover, McNair, Meadows, Piepho, Schroder, Tatzin

NOES:

ABSTENTIONS:

ABSENT: McGill (M), Schmidt (A), Uilkema (M)



DON TATZIN, CHAIR, CONTRA COSTA LAFCO

ATTEST:

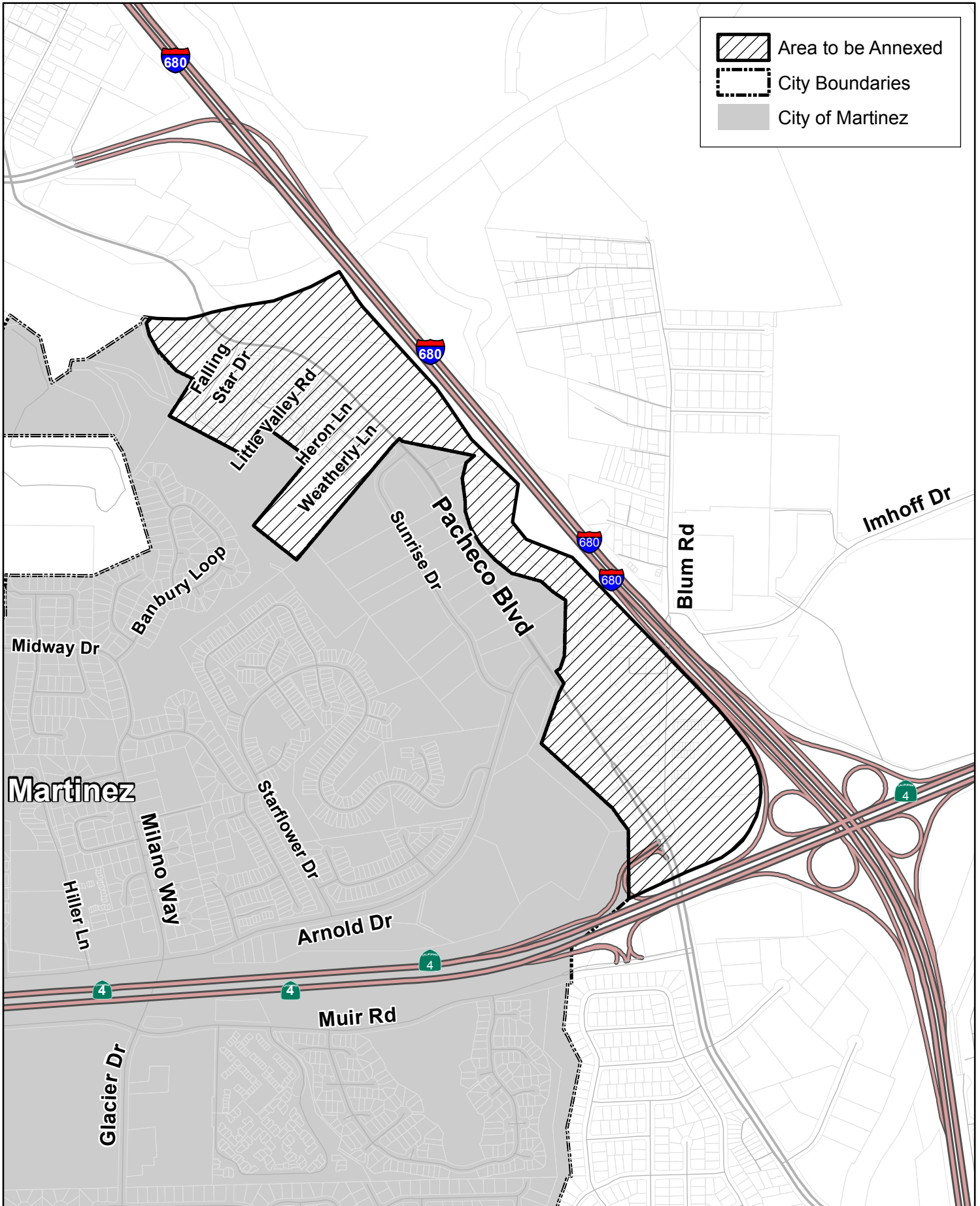
I hereby certify that this is a correct copy of a resolution passed and adopted by this Commission on the date stated above.




Dated: January 11, 2012



Lou Ann Texeira, Executive Officer

LAFCO No. 11-05: North Pacheco Annexation to City of Martinez



	Area to be Annexed
	City Boundaries
	City of Martinez

