

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
MINUTES OF MEETING

June 13, 2012

Board of Supervisors Chambers  
Martinez, CA

June 29, 2012  
Special Meeting  
Agenda Item 5

1. Chair Don Tatzin called the meeting to order at 1:30 p.m.
2. The Pledge of Allegiance was recited.
3. Roll was called. A quorum was present of the following Commissioners:  
City Members Don Tatzin and Alternate Tom Butt.  
County Member Federal Glover.  
Special District Members Michael McGill and Dwight Meadows and Alternate George Schmidt.  
Public Members Don Blubaugh and Alternate Sharon Burke.  
  
Present were Executive Officer Lou Ann Texeira, Legal Counsel Sharon Anderson, and Clerk Kate Sibley.
4. Approval of the Agenda  
Upon motion of McGill, second by Blubaugh, Commissioners adopted the agenda unanimously.
5. Public Comments  
There were no public comments.
6. Approval of May 9 (regular) and May 18 (special), 2012 Meeting Minutes  
Upon motion of Blubaugh, second by McGill, the minutes for the regular meeting on May 9, and the special meeting on May 18, 2012 were approved, with Commissioner Butt abstaining.
7. LAFCO 11-12 – Bridgehead Road Annexation to Ironhouse Sanitary District  
The Executive Officer provided background on this annexation of three commercial parcels in the City of Oakley to provide sewer services to the properties.  
  
There were no public speakers on this item.  
  
Upon motion of Meadows, second by Blubaugh, Commissioners unanimously found the annexation exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3); approved the proposal to be known as Bridgehead Road Annexation to Ironhouse Sanitary District 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 uninhabited, has 100% consent of the affected landowners, waived conducting authority proceedings, and directed staff to complete the proceeding.
8. Northeast Antioch Update  
Victor Carniglia, representing the City of Antioch, reported that the letter sent by LAFCO to the Antioch City Council resulted in a unanimous vote directing staff to initiate the annexation of Areas 2A and 2B.  
  
Mr. Carniglia also reported that due to ongoing comments from West Coast Homebuilders on the CEQA document for the annexation of Area 1, City staff will amend the document to

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address the concerns. It is projected that the earliest this CEQA document can be provided to LAFCO is late September, due to notice and hearing requirements. The tax agreement is complete.

Following Commissioners questions and comments, the Commissions agreed that the next update will be heard in August, unless something happens to further delay proceedings.

9. Mt. Diablo Health Care District (MDHCD) Update

The Executive Officer provided a brief update indicating that on May 31, LAFCO received a letter from the MDHCD LAFCo Ad Hoc Committee with questions regarding the application and LAFCo process; LAFCO staff has provided an informal response to these questions.

Staff noted that the cities of Clayton, Lafayette and Walnut Creek have indicated they have no comments or objections to the proposed reorganization. The City of Martinez discussed this matter at their June 6<sup>th</sup> meeting and expressed a number of comments and concerns.

The County Auditor's office has notified all affected as to the proposed reorganization and property tax issues; and on June 5<sup>th</sup>, the Board of Supervisors adopted a resolution determining the tax allocation for the proposed MDHCD reorganization.

The District met on June 7<sup>th</sup> to discuss the proposed MDHCD reorganization and related issues, at which time the District Board voted to file an alternative proposal. Pursuant to LAFCO law, if a district files a resolution of intention to file an alternative proposal, the LAFCO Executive Officer shall take no further action on the original proposal to form a subsidiary district for a period of 70 days.

Commissioners discussed the ramifications of the 70-day delay, which eliminates the possibility of avoiding a costly District election in November. A later election could be held, but it would be even more costly. The District could rescind its resolution, but would need to do so by June 22 in order to allow the City of Concord application to go forward at the June 29 meeting.

Jeff Kasper, MDHCD Board Chair, thanked the LAFCO Chair and staff for their continued work on this, and reported that their ad hoc committee plans to meet with the City of Concord on June 19 to get answers to questions still outstanding, which they have outlined in a letter to the City. The actuarial report on the OPEB liability has been completed, and the liability is much less than originally estimated, although in a couple of years it could be affected by other circumstances. Grants totaling over \$244,000 have been made.

The District asks that all cities that will be detached from the District present formal resolutions to the effect that they understand the situation and agree to the detachment.

Davis Todhunter recommended that LAFCO's better option would be to rescind the decision to go forward with the establishment of a subsidiary district and simply dissolve the District.

In response to this, staff stated that the City of Concord would have to withdraw its application, and LAFCO would have to start over with a dissolution process.

Karen Mitchoff, Contra Costa County District 4 Supervisor, asked to see the alternate proposal that MDHCD plans to bring forward.

The Chair responded that the District does not yet have an alternate proposal.

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Michael Chandler, speaking for the City of Martinez, reported that the City has expressed its preference for dissolution, but has no problem with the Concord proposal as long as it has no adverse effect on the City of Martinez.

Frank Manske, MDHCD Board member, stated that LAFCO should have dissolved the District; if something goes wrong with the current proposal by the City of Concord, dissolution should be the next step.

Further discussion ensued on the next steps, with Commissioners expressing concern about adhering to the tight timeline.

Upon motion of Glover, second by McGill, Commissioners unanimously urged all parties to work as quickly as possible to resolve outstanding issues, and in the event that agreement cannot be reached by June 21, directed the Executive Officer to cancel the June 29 meeting or determine to meet briefly on June 29 and continue the hearing to another special meeting to be set at that time.

10. East Contra Costa Fire Protection District Update

Hugh Henderson, ECCFPD Fire Chief, reported that a great deal has taken place since his last report in March.

Voters resoundingly rejected the June 5 ballot measure.

The ECCFPD Board met to review service model options. As of July 1, ECCFPD will close three stations, Bethel Island, Knightsen, and downtown Brentwood, and lay off 15 firefighters. They continue to work with other fire districts.

At the time of the Fire Protection District MSR, ECCFPD had eight stations with two personnel per truck; now they will have three stations (Oakley, Brentwood, Discovery Bay) and three personnel per truck.

On June 25, the appointed board will make a decision about establishing a fully elected board.

The Chair reminded Commissioners that discussion of countywide fire service will be on the July or August agenda.

11. Contract Amendment with Burr Consulting

The Executive Officer noted that in October 2011 the Commission approved a contract with Burr Consulting to prepare baseline MSRs and SOI updates for library services and miscellaneous county services.

The consultant expects to present an overview workshop on these MSRs at the July 11<sup>th</sup> LAFCO meeting, with a public hearing to follow in the fall.

The contract with Burr expires in August 2012; the term of the contract needs to be extended to complete the MSRs and SOI updates.

Upon motion of McGill, second by Blubaugh, Commissioners unanimously approved the time-only extension to December 31, 2012.

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12. Correspondence

Commissioner Blubaugh questioned why the Contra Costa County Employees Retirement Agency agendas were included in LAFCO agenda packets. Commissioner Tatzin explained that LAFCO employees are members of CCCERA, and this is a way of keeping informed of what might be of interest.

13. Commissioner Comments and Announcements

There were no comments or announcements from Commissioners.

14. Staff Announcements and Pending Projects

The Executive Officer reported that she had participated in interviews for the CALAFCO Executive Director; they have selected two candidates for further interviews by the CALAFCO Board.

Staff also noted passage of legislation important to LAFCOs.

A CALAFCO U course has been added in the Los Angeles area, on Disincorporations and Dissolutions.

The meeting was adjourned at 2:38 p.m. in memory of Gayle B. Uilkema, Contra Costa LAFCO Commissioner for over 28 years and 2007 CALAFCO Outstanding Commissioner of the Year; and Larry Riera, father of Executive Officer Lou Ann Texeira.

Final Minutes Approved by the Commission on June 29, 2012.

AYES:

NOES:

ABSTAIN:

ABSENT:

By \_\_\_\_\_  
Executive Officer

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