

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MINUTES OF SPECIAL MEETING

June 29, 2012

Board of Supervisors Chambers
Martinez, CA

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 Rob Schroder and Don Tatzin.

County Member Federal Glover.

Special District Members Michael McGill 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 Glover, second by Blubaugh, Commissioners adopted the agenda unanimously.

5. Public Comments

There were no public comments.

6. Approval of June 13, 2012 Meeting Minutes

Upon motion of Glover, second by McGill, the minutes for the regular meeting on June 13, 2012 were approved, with Commissioner Schroder abstaining.

7. LAFCO 12-02 – Mt. Diablo Health Care District (MDHCD) Reorganization: Detachment of Territory. Establishment of a Subsidiary District. and Amendment to the Sphere of Influence (SOI) for the MDHCD

The Executive Officer provided an overview focusing on the City's application, recommended terms and conditions and procedures. The City of Concord has applied to establish MDHCD as a subsidiary district of the City, reducing the size of the District to include the cities of Concord and Pleasant Hill, and changing the governing board from the current District board to the members of the Concord City Council. Staff noted that a tax sharing agreement between the City and County was approved, and if the Commission approves the reorganization, the reorganized MDHCD will receive approximately \$200,000 annually. Staff then reviewed recommended terms and conditions and procedural issues. Upon LAFCO approval, a public protest hearing will be held on July 30, followed by an order by the Commission at the regular August 8 meeting to finalize the reorganization.

In response to a question from Commissioner Blubaugh, staff confirmed that this timetable will avoid a costly District election in November.

Laura Hoffmeister, Concord City Councilmember, thanked the Commission and LAFCO staff for a great job and stated that the City is in full agreement with the LAFCO resolution as

presented. She and Councilmember Dan Helix, as the members of the MDHCD Reorganization Ad Hoc Committee, have met with representatives from all affected parties.

In response to questions from Commissioner Tatzin, Ms. Hoffmeister stated that the City of Concord does not see this as a step toward dissolution. She also confirmed that she and Mr. Helix are very familiar with the reversionary agreement between the District and John Muir Health (JMHealth), and that their intent is to continue to work with JMHealth to provide quality public health services and education.

Jack Weir, Pleasant Hill City Councilmember, reported that he was speaking as a board member of Contra Costa Taxpayers' Association and as a longtime resident of MDHCD. He supports the mission of the District, thanked the District board for their cooperation in this process, and urged approval of the LAFCO resolution.

Mr. Weir also stated that Pleasant Hill Councilmember David Durant supports this LAFCO action (statement confirmed by Commissioner McGill).

Upon closure of the public hearing, Commissioner Glover complimented LAFCO staff for their great work and long hours during this process.

Commissioner Schroder asked LAFCO Legal Counsel about the waiver of the indemnification agreement; she responded that this is an utterly unique action with relatively minimal risk.

Chair Tatzin thanked both the City and the District for working closely with LAFCO and each other through the process, and commented on staff's devotion to the project.

Upon motion of Glover, second by Schroder, Commissioners unanimously adopted LAFCO Resolution No. 12-02A amending the Sphere of Influence (SOI) for MDHCD and finding the reorganization proposal consistent with the amended SOI; found the project Categorically Exempt pursuant to CEQA Sect. 15320 Class 20 (Changes to Government Organizations); found the subject territory inhabited and subject to protest proceedings; found that public notice had been provided to all affected and interested agencies and parties; approved the proposal known as the Mt. Diablo Health Care District Reorganization: Detachment of Territory/Establishment as a Subsidiary District and accepted the terms and conditions; authorized the completion of these proceedings, including protest proceedings and without an election, unless at least 25% of the registered voters within the District submit written protests to this proposal; and adopted LAFCO Resolution No. 12-02B approving the reorganization and setting forth the Commission's terms, conditions, findings and determinations. Additionally, Commissioners, at the request of the City of Concord, waived the indemnification agreement indemnifying LAFCO against expenses arising from legal actions challenging the reorganization.

8. Commissioner Comments and Announcements

Commissioner Glover acknowledged the presence of Bob Braitman, who has served as consultant to the City of Concord for the MDHCD Reorganization.

Commissioner McGill stated that he has completed his nomination forms to run in October for the CALAFCO Board seat that he currently holds. It will be on the July 11 agenda for approval by the Commission.

9. Staff Announcements and Pending Projects

The Executive Officer stated that CALAFCO Annual Conference materials will be included in the July 11 agenda packet. Also, the CALAFCO-sponsored omnibus bill is on the Governor's desk awaiting a signature.

The meeting was adjourned at 1:50 p.m.

Final Minutes Approved by the Commission on September 12, 2012.

AYES: Blubaugh, McGill, Piepho, Schmidt, Schroder, Tatzin

NOES:

ABSTAIN:

ABSENT: Glover, Meadows

By  Executive Officer