

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MINUTES OF MEETING

July 11, 2012

Board of Supervisors Chambers
Martinez, CA

August 8, 2012
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. Oaths of Commissioners

Candace Andersen, newly appointed to the County Alternate Member seat, and Mary N. Piepho, appointed to complete the Regular Member term of recently deceased Commissioner Uilkema, were given the oath of office by County Counsel Sharon Anderson and formally welcomed to the Commission.

4. Roll was called. A quorum was present of the following Commissioners:
City Members Don Tatzin and Rob Schroder.
County Members Federal Glover and Mary Piepho and Alternate Candace Andersen.
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, Planner Nat Taylor, and Clerk Kate Sibley.

5. Approval of the Agenda

The Chair announced that the City of Martinez has requested a continuance of Agenda Item #6, and explained that the Commission will open the public hearing, receive public comment, and continue the hearing. Upon motion of Blubaugh, second by Piepho, Commissioners adopted the agenda unanimously, recognizing the City of Martinez's request for a continuance.

6. Public Comments

Joe Callahan, with East Bay Municipal Utility District (EBMUD), explained that, as EBMUD's new business liaison, he has been attending both Contra Costa and Alameda LAFCO meetings for the past 22 years and has watched them evolve for the better. He is retiring at the end of July, and wishes LAFCO well.

Julian Frazer asked about conflicts of interest on the part of LAFCO Commissioners, whether they can vote on applications from agencies on whose boards or councils they serve, and how economic conflicts of interest are determined.

7. Approval of June 29, 2012 Special Meeting Minutes

Commissioner McGill questioned a statement by Jack Weir in the June 29, 2012 Special Meeting minutes and asked that the minutes be brought back in August after checking the meeting recording. Upon motion of Glover, second by Piepho, Commissioners moved review and approval of the June 29, 2012 minutes to the August 8 meeting. Commissioner Piepho abstained. Can you second a motion, then abstain?

DRAFT

8. LAFCO 11-07 – Alhambra Valley Annexation to the City of Martinez

The Chair reiterated that the City of Martinez requested a continuance on this item. The Chair then opened the public hearing.

John Ricca deferred his comments to the meeting when the item will be heard.

Noel Hurd opposed annexation.

T.J. Griffin commented that the room was full of people who had changed their schedules to attend the meeting, and stated his own opposition to annexation while questioning why the City had asked for a continuance.

Julian Frazer opposed annexation.

John Donkonics couldn't remember having signed a Deferred Annexation Agreement (DAA), and is opposed to annexation.

Ernest Lompa read his letter opposing annexation and suggested landowners are being blackmailed with water.

Jim Allen commented that he doesn't know anyone in Alhambra Valley who wants to be annexed, and stated his opposition.

Fernanda Franco-Ferrara did not sign a DAA and is opposed to annexation.

Marell Jones, who owns livestock, is opposed to annexation and believes it will affect her property.

Nancy McMorrow noted that her next-door neighbors are not included in the annexation and voiced her opposition.

Don Bone questioned whether there was a formal motion to continue this item, and asked if everyone will be allowed to speak again. He noted that statements of the City's financial liabilities should be included in the agenda packet materials.

Alan Tryhorn, described himself as a "fairly new, happy resident," and opposed the annexation.

Hal Olson, President, Alhambra Valley Improvement Association (AVIA), urged annexation of the entire Alhambra Valley or none at all, stating that this proposed annexation has created four islands.

Mary Lou Johson, AVIA Board Member, opposed annexation, adding that emergency service providers would be confused.

Ken Jordan is opposed to annexation, pointing out that his would be the only house on his lane that would be annexed.

Tim and Diane Millette submitted a letter of protest, adding that they were not sure whether their property is covered by a DAA and whether or not they can actually protest.

Anita Guadarrama commented on what she perceived as the Commissioners' lack of attention to speakers.

Tom Greerty urged Commissioners to not change Alhambra Valley by annexing the area in the proposal.

Following the public speakers, the Executive Officer informed Commissioners they would need to continue this item to a specific date within 70 days.

Upon motion of Glover, second by Piepho, Commissioners unanimously continued LAFCO 11-07 to the September 12, 2012 regular meeting and directed staff to inform the City of Martinez staff of the new date and time.

Commissioner Piepho asked staff to request that the City of Martinez provide LAFCO with a complete listing of street numbers and names that are part of this annexation, in order to verify parcels that are in (and out) of the annexation.

The Chair reminded members of the public that the full staff report for the July 11 meeting is on the LAFCO website now, and that an updated staff report will be posted five days before the September 12 meeting.

9. Workshop – Library MSR/SOI Updates

The Executive Officer provided brief background on municipal service reviews, noting that the Library MSR is the final inaugural review.

Beverly Burr, who has prepared various other Contra Costa LAFCO MSRs and has been hired for this review, presented an overview of preliminary information on library services. There are two local agencies—the City of Richmond and Contra Costa County, which provide public library services. The County library system is supported by four regionally specific County Service Areas, LIB-02 (El Sobrante), -10 (Pinole), -12 (Moraga), and -13 (Ygnacio Valley). The consultant's preliminary report compared these two agencies with a Bay Area (Alameda, San Francisco, San Mateo, Marin, and Santa Clara counties) median.

Commissioners urged Ms. Burr to develop more complete data, including the use and amount of city funds that supplement the County funds; more specific information on the various physical facilities; specific budget breakdown for the County libraries and differences among the separate facilities; and how well unincorporated communities are served.

Maude DeVictor, a member of the Richmond Library Commission, commented that the Richmond Library, which includes three buildings and one bookmobile with a second one coming to serve the schools, increased public participation by 30% by the end of 2011.

Wendy Lack asked that the MSR include the amount of funds cities are providing and what they get for that. She also asked that the costs of the library systems in this county be compared to the cost of privatization.

Kris Hunt, Executive Director of Contra Costa Taxpayers' Association, asked that further clarification be provided on various "per capita" statistics, as well as how the libraries' square footage is used.

Following further discussion, Commissioners asked that Ms. Burr provide statistics of use by age group and also relate the funding difficulties to the demands placed on libraries today.

Upon motion of McGill, second by Glover, Commissioners directed staff to synthesize the comments and return with a summary.

10. Response to Contra Costa County Grand Jury Report No. 1206 – "Rollingwood-Wilart Park Recreation and Park District (RWPRPD): Who's Minding the Store?"

The Executive Officer noted that LAFCO received the Grand Jury report on April 30, and that a response is due no later than July 25. The draft response was provided for Commissioners' consideration.

DRAFT

Eileen Ricci, a resident of Sparta, California, spoke about her family's long association with RWPRPD, and stated that the District is currently working on different marketing efforts and has consistently operated in the black. She sees no reason for RWPRPD to be annexed to another agency.

Charlotte Rude, RWPRPD Board Director, acknowledged that the District has had some bad times, and that it is quite small, but the problems are being corrected. Because it's in the middle of the community, they rent the center only on Saturdays until 11:00 p.m. They now have a full five-member board, and they've been making improvements to the center.

Commissioner McGill asked about the possible 1090 violation, which was identified in the 2010 Recreation and Parks MSR. Commissioner Piepho suggested that if there is any correspondence with the District and/or with the City of San Pablo about this District, that the Grand Jury be copied on it. Commissioner Meadows asked about the District's revenue sources.

Upon motion of Blubaugh, second by Glover, Commissioners unanimously approved the response to Grand Jury Report No. 1206 and directed staff to forward prior to July 25.

11. CALAFCO 2012 Conference Material and Call for Board of Directors Candidates and Achievement Award Nominations

The Executive Director reminded Commissioners to let staff know soon if they will be attending the Annual Conference October 3-5.

Staff noted that CALAFCO is calling for nominations for Achievement Awards and the 2013 Board of Directors. Commissioner McGill, who is currently filling a term that ends in October, is interested in continuing his service on the CALAFCO Board.

Upon motion of Piepho, second by Blubaugh, Commissioners unanimously nominated Commissioner McGill for the CALAFCO Board election in October.

Staff noted that Commissioners are asked to designate their voting delegate for the Annual Conference. Normally, Contra Costa LAFCO appoints both a voting delegate and an alternate. Upon motion of Glover, second by Piepho, Commissioners unanimously designated Commissioner Tatzin as the voting delegate, and Commissioner McGill as the alternate delegate.

12. Correspondence

There were no comments on the correspondence.

13. Commissioner Comments and Announcements

Commissioner Meadows noted that this was the first time he had ever seen LAFCO get a response from Rollingwood-Wilart Park RPD.

Commissioner Piepho asked staff to include this meeting's Alhambra Valley Annexation staff report with the report that will be prepared for the September meeting.

Commissioner Piepho also requested that a summary of the Fire District MSR be included with the fire district discussion staff report for the August meeting.

14. Staff Announcements and Pending Projects

The Executive Officer reported that Governor Brown has signed the CALAFCO omnibus bill. On July 13, she and Commissioner McGill will attend the CALAFCO Board meeting at which time the Board will interview the two finalists for the CALAFCO Executive Director position.

DRAFT

Staff also noted passage of legislation important to LAFCOs.

At 3:40 p.m., Commissioners adjourned to Closed Session to discuss significant exposure to litigation pursuant to Gov. Code §54956.9(b).

At 4:05 p.m., Commissioners reconvened and the Chair reported that there was nothing to report.

The meeting was adjourned at 4:06 p.m.

Final Minutes Approved by the Commission on August 8, 2012.

AYES:

NOES:

ABSTAIN:

ABSENT:

By _____
Executive Officer

DRAFT