



Lou Ann Teixeira
 Executive Officer

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October 31, 2012 (Agenda)

October 31, 2012
 Special Meeting
 Agenda Item 6

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

**Results of Protest Hearing
 Alhambra Valley Annexation to City of Martinez**

Dear Commissioners:

At a public hearing on September 12, 2012, the Commission approved the Alhambra Valley Annexation to the City of Martinez. The Commission amended the City’s annexation proposal to include detachment of the same territory from County Service Area P-6, thus changing the annexation to a “reorganization.”

This is a proposal to annex 316.4± acres (104 parcels) to the City of Martinez. The subject area is located southwest of the current City of Martinez boundary. The purpose of the annexation is to allow for the extension of municipal services, and to bring into the City those properties currently receiving City services, including water.

In accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (“CKH Act”), 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 “majority protest” exists. With regard to this reorganization, which is inhabited (i.e., contains 12 or more registered voters), the Commission shall take one of the following actions:

1. **Termination** – The proposed reorganization will be terminated if valid written protests are filed with LAFCO by 50% or more of the registered voters residing with the subject area.
2. **Election** – The reorganization will be subject to confirmation by the registered voters residing in the subject area (i.e., by an election) if valid written protests are filed by *either* of the following:
 - At least 25% but less than 50% of the registered voters residing within the reorganization area, *or*
 - At least 25% of the number of owners of land who own at least 25% of the assessed value of land within the reorganization area.

3. **Approval** – The reorganization will be completed if valid written protests filed with LAFCO are *either*:
- Less than 25% of the registered voters residing within the subject area, *or*
 - Less than 25% of the number of owners of land owning less than 25% of the assessed value of land within the subject area.

The protest hearing was properly noticed and held on Wednesday, October 17, 2012, at 3:00 p.m. in the Board of Supervisors Chambers located at 651 Pine Street, First Floor in Martinez. The hearing was conducted by the LAFCO Executive Officer, who is delegated the authority to conduct the protest hearing on behalf of the Commission. City staff and several members of the public attended the protest hearing.

Following the hearing, the written protests were submitted to County Elections and the County Assessor's Office for verification. The total number of valid written protests received was insufficient to either require an election or terminate the proceedings; consequently, the reorganization is ordered.

RECOMMENDATION

It is recommended that the Commission adopt a resolution finding that an insufficient number of protests was received to either require an election or terminate the proceedings, and order the reorganization subject to the terms and conditions specified in the Commission's resolution of approval.

Sincerely,

Lou Ann Texeira
Executive Officer

c: Distribution List

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

DETERMINATION OF THE EXECUTIVE OFFICER OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION FINDING THERE ARE INSUFFICIENT WRITTEN PROTESTS TO ORDER AN ELECTION OR TERMINATE THE PROCEEDINGS RELATING TO THE ALHAMBRA VALLEY REORGANIZATION (LAFCO 11-07)

1. This action is taken pursuant to the Cortese Knox Hertzberg Local Government Reorganization Act (Government Code §56000 et seq.) and policies of the Contra Costa Local Agency Formation Commission (hereafter Commission).
2. Proceedings for the Alhambra Valley Annexation (Reorganization) were initiated by the City of Martinez and filed with the Executive Officer of the Contra Costa LAFCO on June 1, 2011, proposing annexation of territory to the City of Martinez. The purpose of the reorganization is to extend municipal services to the area.
3. On September 12, 2012, the Commission adopted Resolution No. 11-07, making determinations, amending the annexation proposal to include detachment of the subject territory from County Service Area P-6, and reducing the subject territory to 316.4± acres (104 parcels). A true copy of said Resolution is attached hereto and incorporated by this reference, containing the terms and conditions of the Commission's approval of this proposal.
4. Acting on delegated authority from the Commission, as Executive Officer I conducted, on October 17, 2012, a properly noticed public hearing to receive protests filed against the proposed reorganization and, following conclusion of the hearing, found that fewer than 25 percent of the registered voters and fewer than 25 percent of the land owners (owning less than 25 percent of the assessed value of land) within the reorganization area filed valid written protests against the proposal.
5. Finding there are insufficient protests to order an election or terminate the proceedings, the Contra Costa LAFCO hereby orders the Alhambra Valley Reorganization subject to the terms and conditions contained within the Commission's resolution of approval.

This order is made on and is effective from October 31, 2012.

Lou Ann Texeira, Executive Officer
Contra Costa Local Agency Formation Commission

RESOLUTION NO. 11-07

RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION MAKING DETERMINATIONS AND APPROVING ALHAMBRA VALLEY REORGANIZATION: ANNEXATION TO THE CITY OF MARTINEZ AND CORRESPONDING DETACHMENTS FROM COUNTY SERVICE AREAS P-6 AND L-100

WHEREAS, a proposal to annex territory within the Alhambra Valley was filed with Executive Officer of the Contra Costa Local Agency Formation Commission pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Government Code section 56000 et seq.); and

WHEREAS, the Executive Officer has examined the application and executed her certification in accordance with law, determining and certifying that the filing is sufficient; and

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

WHEREAS, the Executive Officer has reviewed available information and prepared a report including her recommendations therein, and the report and related information have been presented to and considered by the Commission; 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, consistency with the sphere of influence, contiguity with the City boundary, and related factors and information including those contained in Government Code section 56668; and

WHEREAS, at a public hearing on July 11, 2012, the Commission opened the public hearing, received public comment, and continued the hearing to September 12, 2012; and

WHEREAS, at a public hearing on September 12, 2012, the Commission amended the City's proposal to include the concurrent detachment of the subject property from County Service Areas P-6 and L-100 (TRA 76001); and

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

WHEREAS, the irregular configuration of the annexation boundary as proposed by the City of Martinez is justified by the unique circumstances of this annexation in that the purpose of the annexation is to include properties currently receiving city services as well as properties that are subject to Deferred Annexation Agreements relating to water services, while excluding properties that are outside the countywide voter approved urban limit line; and

WHEREAS, the annexation boundary includes one split parcel, but otherwise avoids splitting parcels; and

WHEREAS, the annexation is consistent with orderly growth and development pursuant to Government Code section 56001 because it annexes areas that currently are receiving out of area service; and

WHEREAS, the Local Agency Formation Commission finds the proposal to be in the best interest 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 the Alhambra Valley Annexation Project Initial Study/Negative Declaration as prepared and adopted by the City of Martinez.

Contra Costa LAFCO
Resolution No. 11-07

2. Said reorganization is hereby approved.
3. The subject proposal is assigned the distinctive short-form designation:

ALHAMBRA VALLEY REORGANIZATION: ANNEXATION TO CITY OF MARTINEZ AND CORRESPONDING DETACHMENT FROM COUNTY SERVICE AREAS P-6 AND L-100
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 Attachment 1, 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.
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 reorganization 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 12TH day of SEPTEMBER 2012, by the following vote:

AYES: Blubaugh, McGill, Piepho, Schmidt, Schroder, Tatzin
NOES: Glover
ABSTENTIONS:
ABSENT: Meadows



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: September 12, 2012



Lou Ann Texeira, Executive Officer