

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MINUTES OF MEETING

December 12, 2012

Board of Supervisors Chambers
Martinez, CA

January 9, 2013
Agenda Item 6

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 Member Don Tatzin.
County Members Federal Glover, Mary Piepho, and Alternate Candace Andersen.
Special District Members Michael McGill, 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. Present also was Beverly Burr of Burr Consulting.
4. Approval of the Agenda
Upon motion of Glover, second by Piepho, Commissioners unanimously adopted the agenda.
5. Public Comments
There were no public comments.
6. Approval of October 31, 2012 Meeting Minutes
Upon motion of Piepho, second by McGill, the minutes for the special meeting on October 31, 2012 were unanimously approved as amended to include a summary statement regarding Commission action on Item #11 (Island Annexation Policy).
7. LAFCO 12-06 – City of Martinez Out of Agency Service (Security Owners Corporation)
The Executive Officer provided background on the City of Martinez's request to provide water to this property (23-lot subdivision), which was originally included in the recent Alhambra Valley Annexation proposal (LAFCO 11-07) but was subsequently removed when the City requested that LAFCO reduce the annexation area. There is a signed Deferred Annexation Agreement (DAA) in place, and the City intends to annex the property in the future.
Discussion ensued regarding measures that can be taken to ensure that annexation occurs, and that future property owners understand that their properties are bound by the DAA. Tim Tucker, City of Martinez Engineer, confirmed that the DAA will be executed and will be part of the CC&R—a stronger agreement than in the past.
Legal Counsel Anderson stated that a condition can be included in the LAFCO resolution that requires that the DAA be executed and recorded against the property.
Upon motion of Glover, second by Piepho, Commissioners unanimously reviewed and considered the information contained in the CEQA documentation; authorized the City of Martinez to extend water service outside its jurisdictional boundary to the 15±-acre parcel located at the northwest corner of Reliez Valley Road and Alhambra Valley Road, subject to specified terms and conditions, as amended.
8. Northeast Antioch
The Executive Officer provided a brief chronology and reported that the City of Antioch submitted an application for Area 2b on November 30. Both the Area 1 and Area 2b applications are incomplete and missing some key components, including a certified environmental document which is currently being revised, rezoning, and a property tax exchange agreement. Until the applications are complete, they

DRAFT

cannot be presented to the Commission. LAFCO staff noted that the City submitted a letter requesting that LAFCO waive the indemnification agreement, and recommended that if the Commissioners wish to consider such a waiver they should only exclude liability resulting from the Commission's application of its new island annexation policy. LAFCO's position has always been that the City should annex all three areas.

Wade Harper, Antioch Mayor, spoke of the City's desire to minimize process glitches and maximize benefits for both the City and the County.

Victor Carniglia urged the Commission's support of the indemnification waiver, citing concerns about the island annexation policy and waiving the area residents' right to protest. Mr. Carniglia also asked LAFCO to support the concept of a Joint Powers Agreement (JPA) between the City and the County to provide services to Area 2b.

Discussion ensued regarding a JPA covering this area, which should only be an alternative in the event that annexation of any of these three areas would fail. Commissioners and staff pointed out that a JPA would require Out of Agency Service agreements for those services not being provided (water and sewer), which would not easily meet the threshold for LAFCO approval. Commissioners asked about the timing of the rezoning, completion of the revised CEQA document, and tax-sharing agreement. Further, there were questions regarding the GenOn \$1 million funding?

Commissioners asked if the City can meet the January 1, 2014 deadline for island annexations and expressed concerns about the length of time this process has taken and the fact that the message from the City continues to change. Mr. Carniglia reiterated his concern regarding LAFCO's processing of Area 2b as an island.

LAFCO staff noted that hundreds of islands have been annexed throughout the State of California using the small island annexation provisions in the law; and that these provisions require that the process must be initiated *and* completed by January 1, 2014.

Legal Counsel Anderson remarked that the standard indemnification clause used by the Commission could be modified to address the City's concerns regarding Area 2B, if the Commission wished to consider such modification. Counsel also directed the Commission's attention to Government Code section 56107, which offers significant legal protection to LAFCO determinations.

The Commission urged the City to complete its applications.

Commissioners directed LAFCO, City and County staff and respective counsels to meet before the next committee meeting in order to come to agreement on changes to the indemnification agreement and conditions of the annexations. Further, Commissioners indicated they would like for the Northeast Antioch committee to return to LAFCO with a report of actions to be taken and the timelines for such actions.

9. Library Services Municipal Service Review (MSR)/Sphere of Influence (SOI) Update

The Executive Officer provided an overview of the work that has been completed on the Library Services MSR, covering the County Library system and the City of Richmond Library. Staff noted that this is a Public Review Draft, that comments will be received until December 28, and that a final report will be presented at the January 9, 2013 meeting for action by Commissioners. LAFCO staff thanked County and City of Richmond staff for their cooperation.

Beverly Burr, of Burr Consulting, presented highlights from the MSR. A copy of the PowerPoint presentation can be obtained through the LAFCO office. The consultant noted that all cities, with the exception of Oakley, Pinole, and Richmond, play a role in the County libraries. Oakley is planning to initiate library services in the future; Pinole is inactive; and Richmond is not part of the County library system. This is the first MSR to look at disadvantaged communities, a new legal requirement.

The consultant provided comparative information, highlighted library services and facilities, financial and other information.

DRAFT

Commissioners noted that some unincorporated areas don't have libraries, which serve as community centers where they are located; the MSR report should point this out.

Commissioners provided input regarding fiscal issues (i.e., failed parcel tax, property tax and taz rate areas) and facilities.

Upon motion of McGill, second by Piepho, Commissioners unanimously received the report and directed staff to receive public comments and return with a final report at the January 9, 2013 meeting.

10. Policies and Procedures Update – Conflict of Interest Policy

The Executive Officer stated that Government Code §87300 et seq. requires public agencies to review its Conflict of Interest Code biennially in even numbered years to determine whether amendments are necessary. Amendments to “Designated Positions” and “Disclosure Categories” were recommended.

Upon motion of Blubaugh, second by McGill, Commissioners unanimously approved the proposed amendments to the LAFCO Conflict of Interest Code and directed staff to forward the revised Code to the Clerk of the Board of Supervisors for placement on a future Board of Supervisors agenda.

11. Assembly Bill 54 (Solario) Drinking Water

The Executive Officer provided a brief overview of AB 54, which legislates new requirements relating to drinking water and mutual water companies (MWC) that serve more than 15 customers. The 28 affected MWC in Contra Costa County must submit certain information to LAFCO by December 31 of this year, and they must be included in future MSR/SOI updates. To date LAFCO has received five responses. LAFCO will follow-up with MWCs who have not responded after January 1, 2013.

Commissioner Piepho asked if there is a map of these MWC. Staff replied that once they've heard from the MWCs regarding their boundaries a map will be prepared.

Upon motion of Piepho, second by Blubaugh, Commissioners unanimously received the report.

12. Contract 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 current contract with Burr expires on December 31, 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 April 30, 2013.

13. Correspondence

There were no comments.

14. Commissioner Comments and Announcements

Commissioner McGill stated that he has been appointed to the CALAFCO Legislative Committee as well as to the Nominations and Awards Committees. He added that he has learned that Contra Costa LAFCO is much admired by other LAFCOs around the State.

The Chair congratulated Commissioner Meadows on his reappointment to the Contra Costa Resource Conservation District.

15. Staff Announcements and Pending Projects

There were no staff announcements.

DRAFT

At 3:40 p.m., Commissioners adjourned to Closed Session to discuss employee performance evaluations.

At 4:11 p.m., Commissioners reconvened and the Chair reported that the performance review had been completed. In accordance with past practice, a committee of the past chair (Comm. McGill), the current chair (Comm. Tatzin) and the upcoming chair (Comm. Glover) will meet with the Executive Officer.

The meeting was adjourned at 4:12 p.m.

Final Minutes Approved by the Commission on January 9, 2013.

AYES:

NOES:

ABSTAIN:

ABSENT:

By _____
Executive Officer

DRAFT