

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MINUTES OF MEETING

May 14, 2014

Board of Supervisors Chambers
Martinez, CA

1. Vice Chair Rob Schroder called the meeting to order at 1:30 p.m.

2. The Pledge of Allegiance was recited.

3. Seating of Commissioners

Clerk of Contra Costa County Joe Canciamilla administered the oath of office to George Schmidt, elected to another term as Alternate Special District Member.

4. Roll was called. A quorum was present of the following Commissioners:

City Members Rob Schroder and Don Tatzin and Alternate Tom Butt.

County Members Mary Piepho and Alternate Candace Andersen.

Special District Members Michael McGill (arrived 1:36) and Alternate George Schmidt.

Public Members Don Blubaugh and Alternate Sharon Burke.

Present were Executive Officer Lou Ann Teixeira, Legal Counsel Sharon Andersen, and Clerk Kate Sibley.

5. Approval of the Agenda

Upon motion of Tatzin, second by Piepho, Commissioners, by a vote of 6-0, adopted the agenda.

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

NOES: none

ABSENT: Glover (M), McGill (M), Meadows (M)

ABSTAIN: none

6. Public Comments

There were no public comments.

7. Approval of April 9, 2014 Meeting Minutes

Upon motion of Piepho, second by Blubaugh, the minutes for the meeting of April 9, 2014 were approved unanimously by a vote of 6-0.

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

NOES: none

ABSENT: Glover (M), McGill (M), Meadows (M)

ABSTAIN: none

8. Countywide Water/Wastewater Municipal Service Review (MSR)/Sphere of Influence (SOI) Updates (2nd Round)

The Executive Officer provided a brief update on the status of the MSR report. An overview of the Public Review Draft was provided at a public hearing at the April 9 LAFCO meeting. This hearing is to review changes made since the April hearing, hold a public hearing, accept the Final MSR report, determine its CEQA exemption, adopt the required determinations, adopt SOI resolutions for six districts, and provide additional direction on SOI updates for the remaining special districts.

Consultants Gary Thompson and Harry Ehrlich went through the changes made since April 9. Mr. Thompson noted that a number of changes had been made based on new comments and omissions noted since the April meeting as summarized below.

Cities of Concord and Martinez should update their policies and codes to conform to Government Code §56133 regarding out of area agreements; this has been added to the MSR determinations for each city. The cities of Pittsburg and Antioch should consider studying the feasibility of merging with Delta Diablo. A map of North Richmond as a Disadvantaged Unincorporated Community (DUC) was added to the City of Richmond's chapter.

Byron-Bethany Irrigation District (BBID) has some tax rate areas (TRAs) that overlap with those for Town of Discovery Bay Community Services District (TODBCSD); it is suggested that these overlaps be studied and addressed in cooperation with San Joaquin LAFCO.

Castle Rock County Water District serves properties within the City of Walnut Creek, in the unincorporated Walnut Creek area, and some outside the Urban Limit Line (ULL); added a Zero SOI alternative with explanatory determinations.

For Central Contra Costa Sanitary District (CCCSD), that district's significant progress in cleaning up out of agency areas into their boundaries was noted.

The area that County Sanitation District No. 6 (SD No. 6) serves was recently annexed to the City of Martinez. As a result, County Public Works will be working with the City of Martinez to establish a new City board of directors; as directed by State law. There were some other comments from the County regarding an engineering study to determine the feasibility of annexing SD No. 6 into CCCSD.

The County also made comments regarding County Service Area (CSA) M-28 and the difficulties that district is facing; these were noted in the report.

It was noted that the County Finance Committee will discuss the status of both SD No. 6 and CSA M-28 at an upcoming meeting.

Maps were updated to reflect the Northeast Antioch Reorganizations 1 and 2B, which affected boundaries of not only Delta Diablo (DD) but also the City of Antioch. Another government structure option was included that would reduce DD's SOI by removing four permanent open space areas outside the ULL—as was requested by DD.

Consultants have identified the specific fourth high school site for Liberty Union High School District (LUHSD) that could be served by Diablo Water District (DWD), and included a reference from County Planning regarding the inclusion of Bethel Island in the DWD SOI: they believe this would trigger a CEQA review.

In response to Commissioner Piepho's question about the fifth high school site for LUHSD, it was found that the development of this site will be well beyond the five-year MSR cycle, so it was referenced for consideration in the next cycle.

The LUHSD future sites have been better identified for Ironhouse Sanitary District.

Additional information was included concerning Knightsen Town Community Service District's (KCSD) activities and their work to improve operations; a Provisional SOI with annual updates was suggested as a third option for this district.

The consultants added to the TODBCSD chapter the discussion about the TRA overlap between TODBCSD and BBID.

As noted, the North Richmond DUC map has been added for West County Wastewater District (WCWD). Also included is information on the status of WCWD's master plan addressing infrastructure repair and updates.

Contra Costa Water District (CCWD) provided clarification concerning contracted water allocations and voluntary water reductions currently in place.

Regarding Stege Sanitary District (SSD) and the 101 homes outside of that district's boundary served under contract with the City of Richmond—consultants are still recommending reaffirming current SOI.

The Executive Officer noted for the record that an email was received from the City of Brentwood questioning the population projections. The city is in the process of updating its general plan, but it has not yet been adopted. The MSR project team will confirm the population projections and maintain consistency with the other cities (all figures from Association of Bay Area Governments, (ABAG).

Commissioners asked that a footnote be added with this clarification, and that the statistics used in the report be clearly attributed to their sources.

Commissioner Piepho asked about the TODBCSD treatment plant that is outside the district's boundary and why the SOI and annexation are not addressed in this MSR. Staff stated that the district is considering annexation but did not request expansion at this time. Commissioner Piepho requested that the district's SOI be expanded to include this treatment plant.

Commissioner Andersen asked if other districts have similar facilities outside of their spheres where they are not delivering services; staff confirmed this. LAFCO staff will follow up with TODBCSD staff on the matter.

Discussion ensued regarding school districts and the fact that they don't work with local agencies as they plan their facility siting and services.

Commissioner Piepho recommended that the status quo be retained on Knightsen Town CSD's SOI and that a report be required in 12 months.

Commissioner Butt referenced a recent Grand Jury report that strongly suggested that LAFCO should be more assertive in looking at special districts in terms of consolidation and efficiencies. In West County, it seems that this report prolongs the status quo, and misses opportunities to make an impact on inefficiencies and duplicated services. Commissioner McGill concurred.

The public hearing was opened.

Linda Weekes, representing KCSD, reported that the district has submitted two grant proposals to the Department of Water Resources (one failed due to lack of land) and has presented a land acquisition proposal to three landowners; they are waiting to hear further from the landowners. She prefers a one-year reporting period.

The public hearing was closed.

Following discussion regarding the KCSD and the SOI options presented to the Commission, the Chair asked for a motion.

Upon motion of Piepho, second by Blubaugh, Commissioners unanimously, by a vote of 7-0, accepted the report with changes and public comments, determined that the MSR is Categorically Exempt pursuant to §15306, Class 6 of the CEQA guidelines, adopted the required determinations, adopted the SOIs as recommended for East Contra Costa Irrigation District, Mt. View Sanitary District, Rodeo Sanitary District, Stege Sanitary District, and West County

Wastewater District, and noted that the remaining SOI updates will be discussed on June 11, 2104.

AYES: Andersen, Blubaugh, McGill, Piepho, Schmidt, Schroder, Tatzin
NOES: none
ABSENT: Glover (M), Meadows (M)
ABSTAIN: none

9. Adoption of Final FY 2014-15 LAFCO Budget

The Executive Officer presented the final LAFCO budget for FY 2014-15, which includes preparation of a second-round fire and emergency medical services MSR. A 4.8% increase in agency contributions is projected, with the use of available fund balance to offset agency contributions.

Upon motion of Blubaugh, second by McGill, Commissioners unanimously, by a vote of 6-0, commended staff's work, adopted the Final Budget for FY 2014-15, and authorized staff to distribute to the County, cities, and independent special districts as required by Government Code §56381.

AYES: Andersen, Blubaugh, McGill, Schmidt, Schroder, Tatzin
NOES: none
ABSENT: Glover (M), Meadows (M), Piepho (M)
ABSTAIN: none

10. Contract Extension - Lamphier-Gregory

The Executive Officer recommended that Commissioners extend the current planning services contract with Lamphier-Gregory for an additional year with an addition of \$15,000 to the contract.

Upon motion of Tatzin, second by Blubaugh, Commissioners unanimously, by a vote of 6-0, approved the contract extension from July 1, 2014 through June 30, 2015, with an additional \$15,000.

AYES: Andersen, Blubaugh, McGill, Schmidt, Schroder, Tatzin
NOES: none
ABSENT: Glover (M), Meadows (M), Piepho
ABSTAIN: none

11. Contract Extension - R.J. Ricciardi

The Executive Officer recommended that Commissioners extend the current financial auditing services contract with R.J. Ricciardi for one year at the cost of \$7,000.

Upon motion of Andersen, second by Tatzin, Commissioners unanimously, by a vote of 6-0, approved the contract extension for FY 2014-15 for the total cost of \$7,000.

AYES: Andersen, Blubaugh, McGill, Schmidt, Schroder, Tatzin
NOES: none
ABSENT: Glover (M), Meadows (M), Piepho
ABSTAIN: none

12. Contra Costa County EMS Modernization Project Update

The Executive Officer provided an update on the status of the County's EMS Study and presented a copy of the LAFCO comment letter on the County EMS study.

Commissioner Anderson highlighted some of the findings of the study.

13. James Donlon Boulevard Extension Project Update

The Executive Officer provided background and an update on the James Donlon Boulevard Extension project. Since 2006, LAFCO staff has regularly responded to requests for comments. In July, the City of Pittsburg will consider certifying an EIR for this project. The Draft EIR, released in April 2013 and found that the project will result in the loss of approximately 70 acres of prime agricultural land. The EIR found less than significant environmental impact and that no mitigation measures were provided. This is a concern to LAFCO staff. Upon the release of the Final EIR, in early April LAFCO staff requested a continuance in order to have more time to review the City's response to comments on the DEIR. Since that time, LAFCO staff met with City staff and suggested some measures that could be taken to mitigate the loss of prime agricultural land and an active Williamson Act contract. City staff provided a comment letter, which was distributed to the Commissioners and made available to the public.

A brief discussion ensued.

14. CCCERA Correspondence

There were no comments regarding this correspondence.

15. Commissioner Comments and Announcements

Commissioner McGill reported that he attended the CALAFCO Board meeting on May 2 and the Legislative Committee Meeting on May 9.

Commissioner Schmidt announced that he will not be at the June meeting.

16. Staff Announcements and Pending Projects

The Executive Officer thanked Commissioners for supporting staff attendance at the CALAFCO Staff Workshop April 23-25. It was very well attended, with 50 of 58 LAFCOs represented.

The Executive Officer reported that staff sent a second letter regarding AB 2762 (amended), the omnibus bill for LAFCOs.

The meeting was adjourned at 2:38 p.m.

Final Minutes Approved by the Commission June 11, 2014.

AYES: Burke, Glover, McGill, Piepho, Schroder, Tatzin

NOES:

ABSTAIN:

ABSENT: Blubaugh (M), Butt (A), Schmidt (A)

By 
Executive Officer