

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MINUTES OF MEETING

January 14, 2015

February 11, 2015
Agenda Item 5

Board of Supervisors Chambers
Martinez, CA

1. Interim Chair Rob Schroder called the meeting to order at 1:32 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 Members Mary Piepho and Alternate Candace Andersen.

Special District Members Michael McGill and Igor Skaredoff 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 Andersen, second by Tatzin, Commissioners, by a vote of 7-0, adopted the agenda.

AYES: Andersen, Blubaugh, McGill, Piepho, Schroder, Skaredoff, Tatzin

NOES: none

ABSENT: Butt (A), Glover (M)

ABSTAIN: none

5. Selection of Chair and Vice Chair

Upon motion of Tatzin, second by McGill, Commissioners, by a unanimous vote of 7-0, appointed Commissioner Rob Schroder as Chair for 2015 and Commissioner Mary Piepho as Vice Chair for 2015.

AYES: Andersen, Blubaugh, McGill, Piepho, Schroder, Skaredoff, Tatzin

NOES: none

ABSENT: Butt (A), Glover (M)

ABSTAIN: none

6. Public Comments

Gil Guerrero, of Local 1230, spoke about the stress on East Contra Costa Fire Protection District as a result of the closure of four stations.

7. Approval of December 10, 2014 Meeting Minutes

Upon motion of Piepho, second by Tatzin, the minutes were approved by a vote of 7-0.

AYES: Andersen, Blubaugh, McGill, Piepho, Schroder, Skaredoff, Tatzin

NOES: none

ABSENT: Butt (A), Glover (M)

ABSTAIN: none

DRAFT

8. Information Presentation: Broadband Services in Contra Costa County

Linda Best with the East Bay Broadband Consortium (EBBC) provided a presentation highlighting statewide and regional efforts to provide universal broadband access to the Internet. The EBBC is a regional coalition of Alameda, Contra Costa, and Solano County leaders focused on improving broadband deployment, access and adoption in the East Bay.

Ms. Best then introduced Sunne Wright McPeak, former Contra Costa County Supervisor and now President and CEO of the California Emerging Technology Fund (CETF), a statewide nonprofit organization dedicated to closing the Digital Divide by accelerating the deployment and adoption of broadband and information technology. Ms. McPeak provided further information regarding the CETF and encouraged LAFCO to become more involved in promoting and furthering these efforts.

Materials and the PowerPoint presentation are available through the LAFCO office.

9. LAFCO 14-04 - Reorganization 185: Annexations to Central Contra Costa Sanitary District (CCCSD) and East Bay Municipal Utility District (EBMUD)

The Executive Officer provided brief background on a proposal to annex to both CCCSD and EBMUD 172.3± acres encompassing 20 parcels, including one partial parcel in seven separate areas in Danville and unincorporated Lafayette. CCCSD submitted the application on behalf of both districts to facilitate water and sewer services to the various properties. The proposal includes two properties already served by CCCSD, and six properties already served by EBMUD; the remaining parcels are included to avoid creating islands or illogical boundaries.

There were no public comments.

Upon motion of Blubaugh, second by Piepho, the Commission unanimously found the project to be Categorically Exempt; approved the proposal to be known as Reorganization 185: Annexations to CCCSD and EBMUD, with specified conditions; determined that the territory being annexed is liable for the continuation of taxes, assessments and charges; found that the subject territory is uninhabited, has less than 100% consent of the affected landowners, is subject to a protest hearing; and authorized staff to conduct the protest proceedings.

AYES: Andersen, Blubaugh, McGill, Piepho, Schroder, Skaredoff, Tatzin
NOES: none
ABSENT: Butt (A), Glover (M)
ABSTAIN: none

10. LAFCO 14-05 - Reorganization 186 (Magee Ranch/SummerHill): Annexations to CCCSD and EBMUD

The Executive Officer provided brief background on a proposal to annex to both CCCSD and EBMUD a total of 410± acres, 40± acres (ten parcels) of which will become a 69-lot single family subdivision; the remaining 370± acres will be preserved as permanent open space; all of this area is located south of Diablo and Blackhawk roads in the Town of Danville.

Staff informed Commissioners that they had just received communications from SOS Danville Group and its attorney indicating the potential of legal action to be taken, as there is currently an injunction against the Town of Danville regarding this development. Staff is currently reviewing if this injunction has any impact on LAFCO's work, and added that the Commission has options for action, including approval with or without conditions, approval subject to the outcome of the project's appeal, denial with or without prejudice, or continuance to a future hearing.

Commissioner Piepho questioned what could change between this meeting and the February meeting that would be aided by a continuance of the public hearing. Staff responded that they would have more time to talk to affected parties and conduct further research on impact of this matter on CCCSD and LAFCO. Legal Counsel Anderson added that under general legal principals guiding CEQA, LAFCO as a responsible agency can continue to view the EIR, even if challenged legally, as an effective document for its purposes. In that case, the Commission could issue a conditional approval of the application subject to a favorable outcome of the EIR at the appellate level. But a continuance could ensure that all parties understand the role of LAFCO in approving the annexation, where nothing would change legally until a decision by the appellate court.

Commissioners discussed the legal and processing ramifications for delaying action until the appeal is decided, with the primary concern being the lengthy process for acquiring water rights for the property.

The public hearing was opened.

Wendi Baker, representing SummerHill Homes, stated that SummerHill is amenable to a continuance.

Maryann Cella, a director of Save Open Space Danville (SOS-Danville), reported that in July 2013 the group filed suit, and in August 2014 Judge Austin issued his final injunction judgment. Ms. Cella further stated that LAFCO should respect the judge's judgment and take no action pending the outcome of the appeal.

Suzanne Hill, also a member of SOS-Danville, agreed with Ms. Cella's comments.

Patricia Isom, member of SOS-Danville, gave three reasons for tabling this action; 1) the EIR is legally invalid; 2) there is an injunction against LAFCO; and 3) the development plan approval is legally invalid.

Russ Leavitt, representing CCCSD, stated that the District does not agree with SOS-Danville on the issues they raise, but it has no problem with a continuance.

Commissioners Tatzin and Blubaugh questioned the necessity, and the ramifications, of approving this action in February rather than waiting until the appeal is settled.

Upon motion of McGill, second by Piepho, Commissioners unanimously, by a 7-0 vote, kept the public hearing open and continued it to the February 11, 2014 meeting.

AYES: Andersen, Blubaugh, McGill, Piepho, Schroder, Skaredoff, Tatzin

NOES: none

ABSENT: Butt (A), Glover (M)

ABSTAIN: none

11. Second Quarter FY 2014-15 Budget Report

The Executive Officer reported that expenditures to date for the first half of this fiscal year are approximately 28% of total appropriations. Total revenues are 98% of those projected, with all local agency prorated contributions received. Application activity and fees are slightly lower than in FY 2013-14.

Upon motion of Tatzin, second by McGill, Commissioners unanimously, by a 7-0 vote, received the FY 2014-15 second quarter fiscal report.

AYES: Andersen, Blubaugh, McGill, Piepho, Schroder, Skaredoff, Tatzin

NOES: none

ABSENT: Butt (A), Glover (M)
ABSTAIN: none

12. Correspondence from CCCERA

There were no comments on this item.

13. Commissioner Comments and Announcements

Commissioner McGill announced that he attended the CALAFCO Legislative Committee meeting on December 12, and that he will attend the CALAFCO Legislative Committee meeting on January 23, the CALAFCO Board retreat on January 29, and the Board meeting on January 30. Commissioner Skaredoff reported that the County Special Districts Association meeting will be held on Monday, January 26.

14. Staff Announcements and Pending Projects

The Executive Officer reported that she and Alameda LAFCo EO Mona Palacios will meet on January 16 with CALAFCO Executive Director Pamela Miller and new Assemblymember Catharine Baker to discuss LAFCO issues. Staff will also be attending the CALAFCO Legislative Committee meeting on January 23.

At 2:45 p.m., Commissioners adjourned to Closed Session to discuss employee performance evaluation.

At 2:52 p.m., Commissioners reconvened and the Chair reported that the Commissioners had discussed the performance evaluation and will discuss with the Executive Officer.

The meeting was adjourned at 2:53 p.m.

Final Minutes Approved by the Commission February 11, 2015.

AYES:
NOES:
ABSTAIN:
ABSENT:

By _____
Executive Officer