



Lou Ann Teixeira
 Executive Officer

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March 11, 2015
 Agenda Item 6

March 11, 2015 (Agenda)

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

Results of Protest Hearing - Reorganization 185: Annexations to Central Contra Costa Sanitary District and East Bay Municipal Utility District

Dear Commissioners:

At a public hearing on January 14, 2015, the Commission approved **Reorganization 185: Annexations to Central Contra Costa Sanitary District (CCCSD) and East Bay Municipal Utility District (EBMUD)**. This is a proposal to annex 172.3± acres (20 parcels, including one partial parcel) located in seven separate areas in Danville and Lafayette. The purpose of the boundary reorganization is to facilitate water and sewer services to various properties, and to avoid creating islands or illogical boundaries.

In accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, LAFCO is the agency to conduct the protest hearing. The purpose of the protest hearing is to receive written protests from affected landowners/registered voters regarding the proposal and determine whether a majority protest exists. With regard to this reorganization, which is uninhabited (i.e., contains fewer than 12 registered voters), the Commission shall take one of the following actions:

- **Order the reorganization** if written protests have been filed by less than 50% of the landowners owning less than 50% of the assessed value of land within the affected territory; or
- **Terminate the proceedings** if a majority protest exists. A majority protest constitutes 50% or more of the landowners owning at least 50% of the assessed value of land.

The protest hearing was properly noticed and held on Tuesday, February 24, 2015, at 1:00 p.m. in the LAFCO office located at 651 Pine Street, Sixth 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. CCCSD staff attended. No protests were filed; thus the reorganization is ordered.

RECOMMENDATION - Receive the results of the protest hearing, order the reorganization, and direct staff to execute the resolution (attached).

Sincerely,

Lou Ann Teixeira
 Executive Officer

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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 TERMINATE THE PROCEEDINGS RELATING TO REORGANIZATION 185: ANNEXATIONS TO CENTRAL CONTRA COSTA SANITARY DISTRICT AND EAST BAY MUNICIPAL UTILITY DISTRICT (LAFCO 14-04)

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 *Reorganization 185: Annexations to Central Contra Costa Sanitary District (CCCSD) and East Bay Municipal Utility (EBMUD)* were initiated by CCCSD and filed with the Executive Officer of Contra Costa LAFCO in June 2014, proposing annexation of 172.3± acres (20 parcels, plus one partial parcel) to CCCSD and EBMUD. The purpose of the reorganization is to facilitate water and sewer services to various properties, and to avoid creating islands or illogical boundaries.

3. On January 14, 2015, the Commission adopted Resolution No. 14-04, making determinations and approving the proposal subject to certain conditions. 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, on February 24, 2015, I conducted a properly noticed public hearing to receive protests filed against the annexation and, following conclusion of the hearing, found that fewer than 50 percent of the land owners (owning less than 50 percent of the assessed value of land) within the annexation area filed written protests against the proposal.

5. Finding there are insufficient protests to terminate the proceedings, Contra Costa LAFCO hereby orders *Reorganization 185: Annexations to CCCSD and EBMUD* subject to the terms and conditions contained within the Commission's resolution of approval.

This order is made on and is effective from March 11, 2015.

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

RESOLUTION NO. 14-04

RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS AND APPROVING REORGANIZATION 185: ANNEXATIONS
TO CENTRAL CONTRA COSTA SANITARY DISTRICT AND
EAST BAY MUNICIPAL UTILITY DISTRICT

WHEREAS, a proposal to annex territory to both the Central Contra Costa Sanitary District (CCCSD) and the East Bay Municipal Utility District (EBMUD) 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, at a public hearing held on January 14, 2015, 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 districts' boundaries, and related factors and information including those contained in Gov. Code §56668; and

WHEREAS, information satisfactory to the Commission has been presented that all the owners of land within the affected territory have given their written consent to the proposal; 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 finds that CCCSD, as Lead Agency, found the project to be Categorically Exempt – Class 19, Section 15319.
2. Said reorganization is hereby approved.
3. The subject proposal is assigned the distinctive short-form designation:
REORGANIZATION 186: ANNEXATIONS TO CENTRAL CONTRA COSTA
SANITARY DISTRICT AND EAST BAY MUNICIPAL UTILITY DISTRICT
4. Said territory is found to be uninhabited.
5. The proposal has less than 100% landowner consent and is subject to conducting authority proceedings.
6. The boundaries of the affected territory are found to be definite and certain as approved and set forth in Attachments 1a – 1f, 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.

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8. The subject territory shall be liable for any authorized or existing taxes, charges, and assessments comparable to properties within the annexing agencies.
9. CCCSD delivered an executed indemnification agreement providing for the District to indemnify LAFCO against any expenses arising from any legal actions challenging the reorganization.
10. Water service is conditional upon EBMUD receiving acceptance for inclusion of the annexed areas from the U.S. Bureau of Reclamation (USBR), pursuant to the requirements in EBMUD's contract with USBR for supplemental water supply from the Central Valley Project.
11. 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 14TH day of JANUARY 2015, by the following vote:

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

NOES:

ABSTENTIONS:

ABSENT: Butt (A), Glover (M)



ROB SCHRODER, 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: January 14, 2015

Lou Ann Texeira, Executive Officer