



Lou Ann Teixeira
 Executive Officer

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February 10, 2016
 Agenda Item 8

February 10, 2016 (Agenda)

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

Request to Transfer Principal County Responsibility from Alameda LAFCO to Contra Costa LAFCO - Carr Annexation to the East Bay Municipal Utility District (EBMUD)

Dear Members of the Commission:

When a change of organization (e.g., annexation) to a multi-county special district is proposed, the Cortese-Knox-Hertzberg Act (CKH Act) vests exclusive jurisdiction with the commission of the principal county, that is, the commission in the county having the largest portion of assessed value within the subject district.

The CKH Act (Gov. Code §56387) also provides a mechanism to transfer jurisdiction over such proposals to a commission other than the commission of the principal county.

In order to transfer exclusive jurisdiction over a change of organization, the commission of the principal county must agree to relinquish jurisdiction and designate a specific commission to assume jurisdiction. The commission so designated must agree to assume exclusive jurisdiction.

In addition to State laws that govern boundary changes and the transfer of jurisdiction, Alameda and Contra Costa LAFCOs have adopted *Procedures for Processing Multi-County Changes of Organization or Reorganization – Alameda and Contra Costa LAFCOs*. Alameda and Contra Costa LAFCOs have a history of transferring jurisdiction.

Contra Costa LAFCO recently received an application from Kathryn and Scott Carr, property owners at 80 Carr Ranch Road, Moraga to annex their parcel to EBMUD. The property is 5.9± acres, contains one single family house, and is located entirely in Contra Costa County. The annexation area is with EBMUD’s sphere of influence, and the District has provided water service to the property since 1987.

The Alameda and Contra Costa LAFCO procedures provide for an initial review and consultation by the LAFCO Executive Officers. In accordance with the Alameda and Contra Costa LAFCOs adopted procedures, the Executive Officers have reviewed the proposal and have reached consensus on the proposed transfer of jurisdiction. Transferring jurisdiction of this proposal would greatly simplify processing.

RECOMMENDATION – It is recommended that Contra Costa LAFCO agree to assume exclusive jurisdiction for this proposal, and authorize LAFCO staff to send a letter (attached) to Alameda LAFCO requesting a transfer of jurisdiction.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

Attached – Draft Letter to Alameda LAFCO Requesting Transfer of Jurisdiction

c: Mona Palacios, Executive Officer, Alameda LAFCO
Andrew Lee, EBMUD
Scott and Kathryn Carr, Property Owners

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

651 Pine Street, Sixth Floor • Martinez, CA 94553-1229

e-mail: LouAnn.Texeira@lafco.cccounty.us

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February 10, 2016

Mona Palacios, Executive Officer
Alameda LAFCO
1221 Oak Street, Room 555
Oakland, CA 94612

Dear Ms. Palacios:

Contra Costa LAFCO recently received an application from Kathryn and Scott Carr, property owners at 80 Carr Ranch Road, Moraga (APN 258-290-021) to annex their parcel to the East Bay Municipal Utility District (EBMUD). The property is 5.9± acres and contains one single family house (see enclosed application and transfer of jurisdiction fee).

Since Alameda is the principal county for EBMUD, this is a formal request, pursuant to Government Code §§56387 and 56388 and our *Procedures for Processing Multi-County Changes of Organization or Reorganization – Alameda and Contra Costa LAFCOs*, that Alameda LAFCO grant exclusive jurisdiction to Contra Costa LAFCO for the subject annexation request. This request for transfer of jurisdiction was approved by the Contra Costa LAFCO on February 10, 2016, at which time the Commission agreed to assume exclusive jurisdiction of the proposed annexation subject to Alameda LAFCO's approval of a transfer of jurisdiction.

The purpose of the annexation is to bring the property into EBMUD's service area. The property is currently receiving EBMUD water. The District requires that in order to continue receiving EBMUD water, the property must be annexed pursuant to District policies and EBMUD's contract with the U.S. Bureau of Reclamation. The annexation area is within EBMUD's sphere of influence, and the District has provided water service to the property since 1987 (see attached letter from EBMUD).

We respectfully request that this matter be placed on your next available LAFCO agenda for consideration. Please contact me if you have any questions. Thank you for your assistance.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

Attachment – Letter to Scott Carr dated October 28, 2015 from EBMUD

c: Andrew Lee, EBMUD
Scott and Kathryn Carr, Property Owners

October 28, 2015

Mr. Scott Carr
80 Carr Ranch Road
Moraga, CA 94556

Subject: Water Service for 80 Carr Ranch Road, Moraga (APN 258-290-021)

Dear Mr. Carr,

It has come to East Bay Municipal Utility District's (District) attention that your property at 80 Carr Ranch Road (APN 258-290-021) is located outside of the District's service area and is currently receiving water service from a District meter. The District is prohibited by law to provide water service beyond our service area.

The meter you are currently using was previously designated as "agricultural use", and it was physically located within the limit of the District's service area. In 2013, the agricultural meter was relocated to its current location and the District erroneously allowed service from this meter to your residential property. As such, your water service must be brought into compliance with the District's regulations by taking action on one of the following options:

- 1) You may initiate the annexation process through the Contra Costa County Local Agency Formation Commission (LAFCO) to annex your property into the District's service area. You may submit a property owner petition with LAFCO for the annexation. If you need information regarding the annexation process and applicable fees, LAFCO can be reached at (925) 335-1094;
- 2) You may work with the developer for the adjacent 30 acre parcel (APN 258-290-023) to jointly petition for annexation into the District's service area to form a logical boundary. The District is aware that the adjacent parcel was sold to a developer and there is plan in place to annex the larger parcel into the City limit, as well as other utility services; or
- 3) You may remove the house line connection to the District's meter immediately and secure another source of water supply.

We assume you will prefer to annex your property to the District's service area. Following LAFCO's approval, the District must obtain approval from the United States Bureau of Reclamation (USBR) to include the annexed property into the Contractor Service Area in compliance with Article 35 of the Central Valley Project water supply contract. The District will

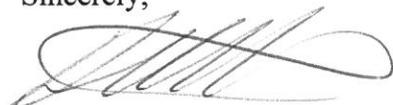
Mr. Scott Carr
October 28, 2015
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request LAFCO to condition water service to the property until the receipt of USBR's formal approval of inclusion. To initiate the USBR process, the District would provide the USBR with copies of a Board resolution initiating such application, LAFCO annexation documents, and any environmental documents that may be required. There will be a separate fee you must pay to the USBR for its review if you decide to move forward with an application. You will also need to enter into a reimbursement agreement with the District agreeing to pay all fees associated with the USBR review.

Furthermore, the District has become aware that the meter currently serving your property at 80 Carr Ranch Road is also serving 55 Carr Ranch Road (Mr. and Mrs. Hoover's property). Serving multiple lots from a single meter is prohibited under the District Regulations Governing Water Services. Section 19 of the District's Regulations states that "more than one premises will not be served from a single meter." A premise is defined as a "parcel of real estate." Since the meter is registered under your name, you are responsible for the removal of the illegal connection to mitigate the violation. We have notified the owners of 55 Carr Ranch Road of this problem, and we will be happy to work with both you and the owners of 55 Carr Ranch Road to ensure that there is no interruption in water service, provided you both work diligently to correct this problem.

Please contact the New Business Office to discuss the required follow-up actions immediately. If the District does not hear from you within the next 30 days, further actions may be initiated to address the unauthorized use of water outside of the service area and the illegal connection to 55 Carr Ranch Road. You can contact me at (510) 287-1182 should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Lee", with a large, stylized flourish at the end.

Andrew Lee
Manager of New Business