



Lou Ann Texeira
 Executive Officer

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June 8, 2016 (Agenda)

June 8, 2016
 Agenda Item 10

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 – Tassajara Parks Project – Proposed Sphere of Influence Amendment and Corresponding 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) 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 (i.e., §§56123, 56124, 56387, 56388) 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.

Alameda and Contra Costa LAFCOs have several entities which cross over county boundary lines. In addition to State laws that govern boundary changes and the transfer of jurisdiction, Alameda and Contra Costa LAFCOs adopted *Procedures for Processing Multi-County Changes of Organization or Reorganization – Alameda and Contra Costa LAFCOs* in 1997. Alameda and Contra Costa LAFCOs have a history of transferring jurisdiction for both boundaries and spheres of influence (SOIs) in accordance with the adopted procedures.

On May 18, 2016, Contra Costa LAFCO received an application from the landowner’s agent to amend the SOI and annex 30± acres to EBMUD. The application also proposes annexation to the Central Contra Costa Sanitary District (CCCS) and a corresponding SOI amendment.

The project site is located in the Tassajara Valley, east of the City of San Ramon and the Town of Danville and outside the County Urban Limit Line. The proposed Tassajara Parks Project is situated on 771± acres of land on two sites. The project site is divided into two distinct areas – the *Southern Site* comprises 616± acres, of which 609± acres would be permanently preserved for nonurban uses (i.e., parks, recreation, open space, agriculture, grazing, scenic, wetland creation/preservation habitat mitigation); and the remaining

seven acres, which have been contingently offered for dedication for potential future use by the San Ramon Valley Fire Protection District. The *Northern Site* comprises 155± acres, and is where development is proposed. The development project consists of 125 single-family residential units, along with two trail staging areas and a trail head, a pedestrian/equestrian trail, detention basin, and sewer pump station. Development of the homes and the extension of municipal services will be concentrated on 30± acres.

The adopted Alameda and Contra Costa LAFCO procedures provide for an initial review and consultation by the LAFCO Executive Officers. The Executive Officers have consulted and concluded that transferring jurisdiction for this proposal would greatly simplify processing. We understand that the Alameda LAFCO Policy and Budget Committee is scheduled to meet on June 9, 2016, where it will consider proposed changes to the existing procedures; and that any changes approved by the Alameda LAFCO committee will be brought to the full Alameda LAFCO for consideration at its July 14, 2016 regular LAFCO meeting.

Alameda and Contra Costa LAFCOs' staff and legal counsels have been working on proposed amendments to the existing procedures to clarify the transfer of jurisdiction process, subject to review and approval by the Commissions. These amendments reflect changes to the law since 1997, as well as the outcome and subsequent court rulings involving Nevada and Placer LAFCOs. The 2004 lawsuit involved a dispute between Nevada and Placer LAFCOs as to which LAFCO had jurisdiction to establish the SOI and conduct Municipal Services Reviews (MSRs) for a multicounty district. In this case, both the trial court and court of appeal held that the principal county LAFCO had jurisdiction to establish the SOI and conduct MSRs for a multicounty district within the boundaries of the local LAFCO's county.

Notwithstanding the 2004 court rulings, a number of LAFCOs have local policies (including Alameda and Contra Costa), and some have entered into Memoranda of Understanding to allow the principal LAFCO to transfer jurisdiction for SOI amendments.

With the exception of two recent proposed EBMUD annexations (Larabell and Morris) which also involve SOI amendments, it has been the policy and practice of Alameda and Contra Costa LAFCOs, to transfer jurisdiction for both the annexation and concurrent SOI amendment to the LAFCO in which the subject territory is situated ("affected LAFCO"). This procedure has been followed as the affected LAFCO typically has knowledge of the underlying service needs, familiarity with other affected local agencies, and understanding the development standards and vision within the county.

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 for both the boundary and SOI.

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
Russ Leavitt, CCCSD
Mike Bonnifield, Landowner Agent

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

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June 8, 2016

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

Dear Ms. Palacios:

Contra Costa LAFCO recently received applications from Mike Bonnifield, landowner agent, to amend the sphere of influence (SOI) and annex property to the East Bay Municipal Utility District (EBMUD). The property is 30± acres, comprises a portion of APN 220-100-023, and is located in the Tassajara Valley, east of the City of San Ramon and the Town of Danville and outside the County Urban Limit Line. The annexation will facilitate the development of 125 single-family residential units along with two trail staging areas and a trail head, a pedestrian/equestrian trail, detention basin, and sewer pump station. The application also includes a proposed SOI amendment and corresponding annexation to the Central Contra Costa Sanitary District.

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 SOI amendment and corresponding annexation request. This request for transfer of jurisdiction was approved by the Contra Costa LAFCO on June 8, 2016, at which time the Commission agreed to assume exclusive jurisdiction for the proposed SOI amendment and annexation subject to Alameda LAFCO's approval of a transfer of jurisdiction. This request is consistent with our multi-county policy.

We have enclosed a check for the transfer of jurisdiction, and respectfully request that this matter be placed on your July 2016 LAFCO agenda for consideration. Please contact me if you have any questions. Thank you for your assistance.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

c: Andrew Lee, EBMUD
Mike Bonnifield
Nadia Costa
Bryan Wenter