



Lou Ann Teixeira
 Executive Officer

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October 12, 2016 (Agenda)

October 12, 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 – Reorganization 191 (Faria Preserve West): Annexations to the Central Contra Costa Sanitary District and East Bay Municipal Utility District

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 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 jurisdiction.

Alameda and Contra Costa LAFCOs have several districts which cross county boundaries. 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 boundaries and spheres of influence (SOIs) in accordance with the adopted procedures.

On September 30, 2016, Contra Costa LAFCO received an application from the Central Contra Costa Sanitary District (CCCSD) to annex 9.7± acres to both East Bay Municipal Utility District (EBMUD) and CCCSD. The project site is within the SOIs of both districts.

The project site is located in the City of San Ramon and was part of a previous proposal to Contra Costa LAFCO (LAFCO 08-27). In 2009, Contra Costa LAFCO approved the annexation of what was then the entire parcel, including the subject property, to the City of San Ramon. The entire parcel,

including this portion of the parcel, is within the City's voter approved Urban Growth Boundary (UGB), and the area was needed for the City to meet its ratio of urban/non-urban land use. In 2009, the Commission voted to exclude the subject area from the annexations to CCCSD and EBMUD for the following reasons: 1) the area is outside the County's Urban Limit Line (ULL), 2) this area was designated open space and intended to house an EBMUD water tank, and 3) it was determined that there was no need for municipal water and sewer services to the area as it was to remain open space.

Recent project design revisions have resulted in the need to relocate approximately 17 townhouse units to a portion of the subject parcel, and municipal water and sewer services are needed to serve these units.

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 conclude that transferring jurisdiction for this proposal would simplify processing. Further, it has been the policy and practice of Alameda and Contra Costa LAFCOs to transfer jurisdiction to the affected LAFCO, which typically has knowledge of the underlying service needs and familiarity with the local agencies.

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 the proposed reorganization.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

Attached – Draft Letter to Alameda LAFCO Requesting Transfer of Jurisdiction

c: Mona Palacios, Alameda LAFCO
 Andrew Lee, EBMUD
 Russ Leavitt, CCCSD
 Kerri Watt, CalAtlantic Homes

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

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October 12, 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 the Central Contra Costa Sanitary District (CCCSD) to annex 9.7± acres property to both the East Bay Municipal Utility District (EBMUD) and CCCSD.

The project site is located in the City of San Ramon and was part of a previous proposal to Contra Costa LAFCO as explained in the October 12, 2016 Contra Costa LAFCO staff report. Recent project design revisions have resulted in the need to relocate approximately 17 townhouse units to a portion of the subject parcel, and municipal water and sewer services are needed to serve these units.

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 annexation to EBMUD. This request for transfer of jurisdiction was approved by the Contra Costa LAFCO on October 12, 2016, at which time the Commission agreed to assume exclusive jurisdiction for the proposed annexation subject to Alameda LAFCO's approval of a transfer of jurisdiction.

We have enclosed a check for the transfer of jurisdiction, and respectfully request that this matter be placed on your November 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
Russ Leavitt, CCCSD
Kerri Watt, CalAtlantic Homes