

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MINUTES OF MEETING

February 14, 2018

Board of Supervisors Chambers
Martinez, CA

1. Chair Mike McGill called the meeting to order at 1:30 p.m. and the Pledge of Allegiance was recited.

2. Roll was called. A quorum was present of the following Commissioners:

County Members Candace Andersen and Federal Glover.

Special District Members Mike McGill and Igor Skaredoff and Alternate Stanley Caldwell.

City Members Rob Schroder and Don Tatzin.

Present were Executive Officer Lou Ann Texeira, Legal Counsel Sharon Anderson, and Clerk Kate Sibley.

3. Approval of the Agenda

Upon motion of Tatzin, second by Andersen, the agenda was adopted, 6-0, as presented.

AYES: Andersen, Glover, McGill, Schroder, Skaredoff, Tatzin

NOES: none

ABSENT: Blubaugh (M)

ABSTAIN: none

4. Public Comments

There were no public comments.

5. Approval of January 10, 2018 Meeting Minutes

Upon motion of Tatzin, second by Andersen, the January 10, 2018 meeting minutes were approved by a vote of 6-0.

AYES: Andersen, Glover, McGill, Schroder, Skaredoff, Tatzin

NOES: none

ABSENT: Blubaugh (M)

ABSTAIN: none

6. Knightsen Town Community Services District (KTCSD) Update

The Executive Officer introduced the item by noting that in 2014, LAFCO completed its 2nd round MSR covering water/wastewater services, which included KTCSD and identified concerns regarding the lack of facilities, services and programs by the District. Similar concerns were raised in the 2008 1st round MSR. Both MSRs recommended a zero SOI for the District, as the District had not provided any physical services since its inception in 2005. However, at the LAFCO hearing in 2014, the District and the County spoke in favor of retaining the District's SOI, given the District was making progress on grant funding and land acquisition. The Commission adopted a resolution retaining the existing SOI and requiring the KTCSD to provide annual progress reports to LAFCO until the next MSR cycle.

Staff introduced Steve Ohmstede, Chair of KTCSD, who provided Commissioners with a brief update on the District's progress: since March 2017, the District has had a full five-member board; completed a hydrology study and created a capital improvement projects list; created a budget for

FY 2017-18; retained an attorney and purchased insurance; conducted independent audits; created a website; updated their bylaws; developed a manager job description in anticipation of hiring staff; and is working with reclamation districts, Nunn Farms, East Bay Regional Park District and County Flood Control on plans to prevent flooding in the Knightsen area.

Mr. Ohmstede then introduced Mitch Avalon, project consultant with Contra Costa County Flood Control, and Mark Lindley with ESA Engineering.

Mr. Lindley, who has been involved with the Knightsen project since 2000, made a presentation regarding the challenges that the District faced when it was formed and the progress they have made since then. They completed a hydrology study in 2002 with the County, which developed hydrology and water quality best management practice (BMP) recommendations and identified implementation hurdles, such as property ownership and funding. He commended Linda Weekes, former chair of KTCSD, for identifying the 645-acre Nunn property as an ideal and obtainable location for BMPs.

Seven BMPs have been proposed: 1) Curlew Connex Infiltration Basin; 2) Knightsen Avenue Bioswale; 3) Eden Plains Road Wetland Basin; 4) Railroad Bioswale & Infiltration Basin; 5) Eagle Lane Bioswale; 6) Byron Highway and Ironhorse Road Infiltration Basin & Bioswale; and 7) Delta Road and Byron Highway Bioswale. Also, restoration with East Contra Costa Habitat Conservancy is moving forward.

In response to a question from Commissioner Tatzin about the very low parcel assessment revenues for KTCSD, Mitch Avalon stated that most grants require a match, and this is one of the primary factors delaying progress on the projects.

Commissioner Skaredoff asked a series of questions relating to habitat conservation and flood prevention and the level of protection these systems would provide to the Knightsen community. Mr. Lindley responded that this depends on the community and its growth decisions, and what sort of buildout might occur there, adding that a system is only as good as one clogged culvert.

Commissioner Glover commended KTCSD and the consultants, as well as Linda Weekes, for their perseverance and progress, wishing them well in the next steps. Mr. Lindley responded that they're excited to see it coming together.

Mitch Avalon added that it takes a long time to build something like this, and that without KTCSD in place this initial project/partnership with all the involved parties would not have happened.

The Chair opened the floor for public comments and suggested that if speakers had nothing new to add to comments made before their turn, perhaps they could simply state their agreement.

Tricia Bello-Kunkel, Concerned Citizens of Knightsen, stated that there is a large and vocal opposition to KTCSD building due to the large tax increase that was levied without communication to the community. They feel that these projects are too large and unsupportable for the relatively small number of parcels in KTCSD, which they believe was never meant to do large scale projects. Also, the KTCSD Board shows no transparency and a lack of compliance with the Brown Act.

Chester (Chet) Holm, Knightsen resident, noted that this is his first LAFCO meeting, he is disturbed by the increase in taxes, and commented on the bylaws.

Gilbert Somerhalder, Knightsen resident, stated that they don't need KTCSD and questioned why they are directing water where it's going to go naturally.

Albert Bello, Knightsen resident, remembered heavy flooding in the 1950s and noted that there have been few problems since then, aside from some standing water. If culverts were maintained and cleaned there would be no problem.

Mike Espindola, Knightsen resident, stated that he is a fourth-generation farmer in the Knightsen area, and that the only flooding he recalls was in 1997; even in the heavy rains of 2017 he didn't see a problem. Further, some people just don't have the additional money for the higher taxes.

Mark Whitlock, Bethel Island resident, pointed out that while he too does not want to pay more taxes, he believes that the work being done by KTCSD, the County, and the other partners in this is necessary for looking ahead 25 years or more. If they don't work on this now, they'll run into the same problems Bethel Island is facing now. The challenge comes with the reality of needing to "hurry up and wait" for grant funding.

Paul Kunkel, Knightsen resident, stated that Knightsen residents *are* attending meetings and want to be involved in the process.

Chair McGill thanked the KTCSD presenters and community speakers, noting that he was pleased to see the LAFCO process working.

Upon motion by Glover, second by Tatzin, Commissioners, by a 6-0 vote, received the District's report.

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

7. Fiscal Year 2018-19 Budget Schedule/Work Plan Preview

The Executive Officer introduced a preliminary work plan for FY 2018-19, which includes goals and objectives such as MSRs & SOI updates, policies & procedures updates, and other projects.

One of the more significant continuing programs is 2nd round MSRs. The current year budget provides funding for two MSRs - healthcare services (completed January 2018), and city services. Staff recommends moving forward with the "city services" MSR, as discussed in agenda item #8, which will carry over to FY 2018-19. Additionally, staff recommends funding in the FY 2018-19 budget for another 2nd round MSR.

Also to be carried over in the FY 2018-19 budget will be costs for moving the office and hiring a third staff person. The most recent communication with County staff indicates that tenant improvements will begin in April with an anticipated move in September 2018. The FY 2018-19 budget will include funding associated with the move and new location. Once the offices have been relocated, the Executive Officer will begin the search for a part-time analyst, who will assist with reviewing LAFCO applications, project management (MSRs, special studies), policy work, and general staff services.

The Executive Officer presented a table summarizing the status of 2nd round MSRs and possible candidates for FY 2018-19. After brief discussion, Commissioners felt that focusing on County Service Areas (CSAs) and Park and Recreation services would be most advantageous.

Upon motion by Tatzin, second by Skaredoff, Commissioners, by a 6-0 vote, received the report and the proposed budget schedule.

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

8. 2nd Round Municipal Services Review (MSR)/Sphere of Influence (SOI) Updates - Cities and Community Services Districts (CSDs)

The Executive Officer presented a Draft Request for Proposals (RFP) for a “city services” MSR, which will cover the 19 cities and four of the six community services districts, as two of the CSDs provide only water/wastewater services and were covered in the 2014 2nd round W/WW MSR.

The RFP lists the various services to be reviewed, along with several focus areas including: 1) updating profile data including growth and population, jobs/housing, finances, and staffing; 2) shared services (i.e., joint powers/joint use agreements, contracts between public agencies, public-private partnerships); 3) infill development/sprawl prevention/islands; and 4) agricultural/open space preservation.

Staff proposes posting the RFP, as has been the custom, on the Contra Costa LAFCO website, the CALAFCO website, and the CSDA website. The plan is to also post this on the League of California Cities website.

Commissioner Tatzin suggested including a question regarding the way cities’ independence benefits their residents, giving the cities (and CSDs) an opportunity to make a positive statement about their services and strengths. Commissioners Andersen and Glover offered additional comments in response to this suggestion. Staff responded that a question like this could be folded into the “other” review category.

Upon motion by Andersen, second by Glover, Commissioners, by a 6-0 vote, authorized the circulation of the RFP for the 2nd round “city services” MSR/SOI updates and directed staff to return to the Commission with a recommended contract award at the April 18, 2018 regular LAFCO meeting.

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

9. Request to Transfer Jurisdiction from Alameda LAFCO to Contra Costa LAFCO

The Executive Officer reported that Contra Costa LAFCO recently received a letter from an applicant indicating they will seek annexation of their property to the City of San Ramon and to EBMUD and CCCSD, as well as corresponding SOI amendments to the two districts, in conjunction with the Chang Property Development of 43 single-family homes and related infrastructure at the northwest corner of Bollinger Canyon and Crow Canyon Roads intersection.

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. These procedures provide for an initial review and consultation by the LAFCO Executive Officers, which has occurred.

Upon motion by Andersen, second by Schroder, Commissioners, by a 6-0 vote, agreed to assume exclusive jurisdiction for this proposal, and authorized staff to send a letter to Alameda LAFCO requesting a transfer of jurisdiction in conjunction with this proposal.

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

10. Correspondence from Contra Costa County Employees' Retirement Association (CCCERA)

There were no comments on this item.

11. Commissioner Comments and Announcements

Commissioner McGill reported that he attended the CALAFCO Legislative Committee meeting, and a CALAFCO Ad Hoc Finance Committee meeting, on January 19, and will attend the CALAFCO Legislative Committee meeting on February 16, 2018, and the CALAFCO Board meeting on February 23, 2018.

Commissioner Tatzin reported that he and the Executive Officer met with the Executive Director and Board Chair of Los Medanos Community Healthcare District regarding the County application to dissolve that district.

Commissioners Skaredoff noted that Contra Costa County Resource Conservation District has a new executive director, and is coming out of a stormy period.

12. Staff Announcements

The Executive Officer reported that she would be attending the CALAFCO Legislative Committee meeting on February 16, 2018. CALAFCO is tracking various bills; a list was included in the agenda packet.

Also, staff made a LAFCO 101 presentation to the Association of California Healthcare Districts, which was well received.

The meeting adjourned at 3:01 p.m.

Final Minutes Approved by the Commission March 14, 2018.

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

By  _____
Executive Officer