

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MINUTES OF MEETING

April 18, 2018

Board of Supervisors Chambers
Martinez, CA

May 9, 2018
Agenda Item 6

1. Chair Mike McGill called the meeting to order at 1:31 p.m. and the Pledge of Allegiance was recited.
2. The Chair welcomed Special District Member Igor Skaredoff and Special District Alternate Stan Caldwell to their renewed terms.

County Counsel Sharon L. Anderson administered the oath of office to Charles R. Lewis, IV, newly appointed Alternate Public Member.

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

County Member Candace Andersen.

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

City Members Rob Schroder and Don Tatzin.

Public Member Alternate Charles Lewis.

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

4. Approval of the Agenda

Upon motion of Tatzin, second by Andersen, Commissioners approved the agenda unanimously, 6-0.

AYES: Andersen, Lewis (A), McGill, Schroder, Skaredoff, Tatzin

NOES: none

ABSENT: Blubaugh (M), Glover (M)

ABSTAIN: none

5. Public Comments

There were no public comments.

6. Approval of March 14, 2018 Meeting Minutes

Upon motion of Tatzin, second by Andersen, the March 14, 2018 meeting minutes were approved by a vote of 4-0.

AYES: Andersen, McGill, Skaredoff, Tatzin

NOES: none

ABSENT: Blubaugh (M), Glover (M)

ABSTAIN: Lewis (A), Schroder

7. LAFCO 17-11 - Kirkpatrick Drive Annexation to West County Wastewater District (WCWD)

The Executive Officer noted that this proposal was submitted by the landowner to annex property, located at 39 Kirkpatrick Drive in unincorporated El Sobrante, to WCWD. There is one single family residential unit on the property that is already connected to the District's sewer system, and no further development on the property is proposed. Staff also recommended that a neighboring property located southwest of the subject parcel be included in the annexation as this parcel is already partially in the District's service boundary. The partial parcel is vacant, and including it would avoid creating an island.

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Prior to submitting the annexation proposal, the applicant contacted his neighbor regarding annexation. She indicated that she was not interested as she was selling the property. LAFCO staff also reached out to the neighboring parcel and no response was received. Given that this proposed annexation has less than 100% landowner consent, the Commission's action is subject to a protest hearing. If the Commission approves the annexation of both properties as recommended, a subsequent notice and protest hearing will follow. Authority to conduct the protest hearing is delegated to the LAFCO Executive Officer.

Commissioner Tatzin asked if the demurring landowner could defeat the annexation at the protest hearing. Staff responded that because the outcome is determined by land value, that the neighboring property owner will not be able to terminate the annexation.

Chair McGill opened and closed the public hearing, as no one wished to speak.

Upon motion of Andersen, second by Skaredoff, Commissioners unanimously, by a 6-0 vote, found the project exempt pursuant to CEQA Guidelines; approved the proposal to be known as Kirkpatrick Drive Annexation to West County Wastewater District; determined that the territory being annexed is liable for the continuation of taxes, assessments and charges; found that the subject territory is uninhabited, has less than 100% consent of the affected landowners, is subject to a protest hearing; and authorized LAFCO staff to conduct the protest proceedings.

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

8. LAFCO 17-14 - Delta Diablo (DD) Sphere of Influence (SOI) Amendment (Bay Point Regional Shoreline)

The Executive Officer reported that the landowner, East Bay Regional Park District (EBRPD), submitted an application to expand DD's SOI to include a 2.74 acre portion of the 69-acre Bay Point Regional Shoreline parcel. The purpose of the SOI amendment is to allow for future annexation of this portion of the parcel in conjunction with upgrading the restroom facility from a vault system to a flush toilet to better serve users of the Bay Point Regional Shoreline. Also included in the proposal is a strip of a Contra Costa Water District parcel to avoid creating a gap. The park district has also submitted a corresponding annexation proposal.

The Bay Point Regional Shoreline is outside the County ULL and includes a trail, access to fishing, and wetland and marsh areas. Staff also noted that the proposed LAFCO condition provides that sewer service be limited to the EBRPD restroom facility.

In response to questions from Commissioners Schroder and Skaredoff, Karla Cuero, representing EBRPD, noted that the park has its own water source, and that the other "finger" of annexed territory serves a yacht harbor that was annexed into DD long ago. Commissioner Tatzin noted that, with the proper conditions in the upcoming annexation resolution, it makes sense for LAFCO to extend service to this limited area outside the ULL.

Upon motion of Schroder, second by Andersen, the Commissioners, by a 6-0 vote, approved the proposed expansion of DD's SOI, limited DD service to the EBRPD restroom, and determined that EBRPD's CEQA document is acceptable for LAFCO's use.

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

9. Award Contract – City Services Municipal Services Review/SOI Updates

The Executive Officer reported that two consulting groups (Lamphier-Gregory/Berkson Associates and RSG) submitted proposals for the 2nd round City Services MSR, covering all 19 cities plus four of the six community services districts. Interviews were held by a screening committee of LAFCO professionals, who agreed that both of the consultant groups were well qualified to take on the project. However, the screening committee believes that Lamphier-Gregory/Berkson Associates offers several advantages; both Lamphier-Gregory and Berkson Associates are familiar with Contra Costa County. Lamphier-Gregory is currently on contract with Contra Costa LAFCO for as-needed planning services. Berkson Associates prepared Contra Costa LAFCO's fire/EMS and healthcare services MSRs, and has prepared three special studies for Contra Costa LAFCO. Earlier this year, Lamphier-Gregory completed a city services MSR for Alameda LAFCO, and the form they used is desirable for Contra Costa LAFCO. Finally, the team submitted a competitive schedule and cost.

Commissioner McGill asked about the proposed schedule. Staff responded that it will take time to gather information from all of the agencies being reviewed, and a first draft should be out in January, with completion by the end of April 2019.

Upon motion of Tatzin, second by Lewis, Commissioners unanimously, by a 6-0 vote, authorized staff to execute a contract with Lamphier-Gregory/Berkson Associates to prepare the 2nd round city services MSR/SOI updates for the term May 1, 2018 through April 30, 2019 in an amount not to exceed \$90,000.

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

10. Alternate Legal Services Contract

The Executive Officer reported that two potential changes of organization will be presented to the Commission in the next several months that involve Contra Costa County as a possible successor agency, including a LAFCO-initiated dissolution of the Rollingwood Wilart Park Recreation & Park District, and an application submitted by the County to dissolve the Los Medanos Community Healthcare District.

As LAFCO's legal counsel is also Contra Costa County Counsel (a common practice among LAFCOs throughout the State), it is possible that the interests of the Board of Supervisors and LAFCO's interests may not be in accord. Thus, when a conflict occurs, the Commission should have alternate legal counsel available to advise it. The Government Code provides that the Commission appoint its legal counsel and alternate legal counsel when needed. Staff recommends that recommends that Contra Costa LAFCO enter into a contract with Best, Best & Krieger for the services of Kara K. Ueda, who works out of the firm's Sacramento office, for an amount not to exceed \$20,000.

Commissioner Andersen asked if we would be covering travel costs from the Sacramento office; staff responded that the agreement includes travel charges from the firm's closest office (Walnut Creek).

Upon motion by Andersen, second by Tatzin, Commissioners, by a 6-0 vote, authorized staff to execute a contract with Best, Best & Krieger for legal services on an as-needed basis, at the discretion of the Executive Officer, commencing May 1, 2018, in an amount not to exceed \$20,000.

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

11. Legislative Report – Update and Position Letters

The Executive Officer reported on legislation that CALAFCO is sponsoring: AB 3254, the annual omnibus bill, and AB 2258, which would provide one-time grant funding to LAFCOs to prepare special studies in conjunction with the LHC’s recommendations relating to special districts. Additionally, CALAFCO is tracking a number of bills that have direct and indirect impact on LAFCOs, a summary of which is included with the Commission’s agenda packet.

In March, CALAFCO issued an urgent call for support letters for the two CALAFCO sponsored bills, along with two other bills – AB 2600, which provides a much-needed amendment to requirements for establishing a Regional Park & Open Space District, and AB 2491, sponsored by the League of CA Cities, which seeks to reinstate VLF funding for future city incorporations. In accordance with the Commission’s policy, LAFCO staff worked with Chair McGill and sent support letters to the Legislators. Copies of these letters were included in the Commission’s agenda packet.

12. FY 2017-18 Third Quarter Budget Report

The Executive Officer reported that expenditures to date for the first three quarters of this fiscal year are approximately 53% of total appropriations, and total revenues exceed 100% of projected revenues, including fund balance. Application activity through the 3rd quarter significantly exceeds the FY 2016-17 activity for the same period. No budget adjustments are needed at this time. LAFCO staff will continue to closely monitor the budget and keep the Commission apprised. The Chair thanked staff for their work on the budget. The report was received.

13. Correspondence from CCCERA

There were no comments on this item.

14. Commissioner Comments and Announcements

Commissioner McGill reported that he attended the CALAFCO Legislative Committee meeting, and a CALAFCO Ad Hoc Finance Committee meeting, on March 16. He will attend the next CALAFCO Legislative Committee meeting on May 4, and the next CALAFCO Board meeting on May 11, 2018.

Commissioner Skaredoff noted that Contra Costa Resource Conservation District will celebrate John Muir’s birthday and Earth Day at John Muir House on Saturday, April 21.

15. Staff Announcements

The Executive Officer reported that staff attended the CALAFCO Staff Workshop April 11-13, and thanked Commissioners for their support of this.

Also, the Executive Officer will take part in the CALAFCO Legislative Committee meeting on May 4.

The meeting adjourned at 2:11 p.m.

Final Minutes Approved by the Commission May 9, 2018.

AYES:

NOES:

ABSTAIN:

ABSENT:

By _____
Executive Officer