

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MINUTES OF MEETING

December 12, 2018

January 9, 2019
Agenda Item 7

Board of Supervisors Chambers
Martinez, CA

1. Acting Chair Tom Butt called the meeting to order at 1:30 p.m. and the Pledge of Allegiance was recited.
2. Acting Chair Tom Butt welcomed new regular member Tom Butt, who was sworn in by Legal Counsel Anderson.
3. Roll was called. A quorum was present of the following Commissioners:

County Members Candace Andersen and d Alternate Diane Burgis.
Special District Members Igor Skaredoff and Alternate Stan Caldwell.
City Members Tom Butt and Rob Schroder.
Public Members Don Blubaugh and Alternate Charles Lewis.

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

4. Approval of the Agenda

Upon motion of Blubaugh, second by Skaredoff, Commissioners approved the agenda by a vote of 7-0.

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

5. Public Comments

There were no public comments.

6. Approval of November 14, 2018 Meeting Minutes

Upon motion of Blubaugh, second by Caldwell, the November 14, 2018 meeting minutes were approved by a vote of 6-0 with Commissioner Skaredoff abstaining.

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

7. LAFCO 18-11 - Spinnaker Cover Waterline Extension Annexation to Contra Costa Water District (CCWD)

The Executive Officer reported that this proposal from CCWD to annex 35+ acres to the District is to enable the extension of municipal water to serve a 91-lot approved residential development located in the unincorporated Oakley area, with CCWD allocating wholesale water to Diablo Water District (DWD) in order to provide treated water to the development, which is within both districts' spheres of influence. The County's approval of the project in the 1980s authorized water being supplied by ground wells; however, that has proven problematic due to high levels of iron, manganese and nickel.

An EIR for this development was prepared by the County in 1980, and in 2017 DWD prepared an MND in conjunction with the waterline extension, which is adequate for LAFCO purposes.

The Chair opened the public hearing.

Michael Loewke, representing the districts and the developer, stated that he and Mark Seedall, CCWD Principal Planner, were available to answer questions.

Commissioner Lewis asked about the order of approvals in water serve, and how LAFCO can approve the proposal without assurance from the Central Valley Project and Bureau of Reclamation (USBR) that there will be water available.

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Mark Seedall noted that this is the way it has always been. The USBR will not approve water availability until recordation, with a Certificate of Completion, has occurred. Mr. Seedall also stated that the water is actually CCWD's water.

The Chair closed the public hearing.

Upon motion of Andersen, second by Schroder, Commissioners, by a 7-0 roll call vote, certified that it reviewed and considered the information contained in the CEQA documentation; approved the proposal known as Spinnaker Cove Annexation to CCWD, with specified conditions; determined that the territory being annexed is liable for the continuation of taxes, assessments and charges; found that the subject territory is uninhabited and received no objections to annexation; waived the protest proceeding, and directed staff to complete the proceeding.

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

8. LAFCO 17-13 - Dissolution of LMCHD - Informational Update

The Executive Officer reported that a protest hearing for LAFCO 17-13 was held November 30th and was conducted by the LAFCO Executive Officer, as authorized by statute and LAFCO policy. Approximately 12 people attended the hearing; there were no public speakers. At the hearing, the District submitted three boxes of written protests totaling 16,539 signatures by their count. Immediately following the protest hearing, LAFCO delivered the boxes to County Elections.

Elections is currently verifying the protests. Pursuant to State law, Elections has up to 30 working days to complete the verification. Elections will review and verify all protests submitted. We anticipate receiving the election results prior to the January 9, 2019 LAFCO meeting.

Commissioner Blubaugh asked what LAFCO action will be next. The Executive Officer responded that if 25% or more of the protest signatures are verified by Elections, the County will be asked to schedule an election to put the question of dissolution before the voters in Los Medanos Community Healthcare District. If fewer than 25% of the protest signatures are verified, the dissolution will be ordered. In response to Commissioner Skaredoff's question, the Executive Officer responded that a rough estimate of 25% of the registered voters in the District would be around 10,500 voters.

9. County Service Area (CSA) M-9

The Executive Officer reported that in November, a letter was received from the State Controller's Office informing LAFCO of an inactive district, CSA M-9, and the requirements to dissolve inactive districts pursuant to the CKH. In 2017, the County received a similar letter from the State regarding this district. CSA M-9 was formed in 1969 to provide street lighting facilities, street sweeping and parkway maintenance services to territory in what was then unincorporated Orinda. When the City of Orinda incorporated in 1985, the City assumed these services. According to County records, CSA M-9 has been inactive since 1990. However, one parcel remains in CSA M-9; and given the district was never officially dissolved, it continues to show up on the State's reporting list.

Under legislation enacted in 2017 that defines "inactive districts" and provides an expedited process for dissolving these districts, LAFCO can proceed with dissolution in the same manner as the process used to dissolve RD 2121. CSA M-9 has no assets, liabilities, outstanding debts, judgments, contracts, or claims; nor does it receive a tax increment. Given that Orinda took over the services in 1985, there is no need to designate a successor agency. Commissioner Lewis asked if the CSA M-9 receives a tax increment, to which LAFCO staff responded no.

Upon motion of Andersen, second by Burgis, Commissioners, by a unanimous 7-0 roll call vote, adopted a resolution initiating dissolution of CSA M-9 and directed staff to proceed with the dissolution.

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

10. 2019 LAFCO Meeting Schedule

The Executive Director reported that there is a conflict for use of the County Board Chamber for the March 13 regular meeting of LAFCO. Staff provided three options (hold the meeting at a different location on the regular date, move the meeting date to one week before or after the regular date, or cancel the meeting).

Upon motion of Blubaugh, second by Andersen, Commissioners, by a unanimous 7-0 vote, voted to cancel the March 13 meeting, but if a meeting is deemed necessary, to hold that meeting on March 20.

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

11. Executive Officer's Performance Review and Compensation

The acting Chair read the memo from Chair McGill and Vice Chair Tatzin commending the Executive Officer's exceptional work and recommending a 5% increase to the Executive Officer's base salary effective 1/1/19.

Upon motion of Blubaugh, second by Andersen, Commissioners, by a unanimous 7-0 vote, approved the 2019 5% salary increase for the Executive Officer.

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

12. Correspondence from CCCERA

There were no comments on this item.

13. Commissioner Comments and Announcements

Commissioner Butt reported that the Richmond Ferry will have its grand opening on Thursday, January 10, and invited Commissioners to attend the event. He noted that the Mayors' Conference meeting will be held at the Richmond Craneway following the opening of the ferry.

14. Staff Announcements

The Executive Officer drew Commissioners' attention to CALAFCO updates, and noted that Commissioner McGill had attended the CALAFCO Board meeting on December 7, and would attend the CALAFCO Legislative Committee meeting on December 14, as will the Executive Officer.

The meeting adjourned at 1:56 p.m.

Final Minutes Approved by the Commission January 9, 2019.

AYES:
NOES:
ABSTAIN:
ABSENT:

By _____
Executive Officer