

# CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

## MINUTES OF MEETING

May 13, 2009

Board of Supervisors Chambers  
Martinez, CA

1. Chair Gayle Uilkema called the meeting to order at 1:30 p.m.
2. The Pledge of Allegiance was recited.
3. Roll was called. A quorum was present of the following Commissioners:

City Members Rob Schroder and Alternate Don Tatzin. Commissioner Allen arrived at 1:35.  
County Members Gayle Uilkema and Federal Glover and Alternate Mary Piepho.  
Public Member Martin McNair.  
Special District Alternate George Schmidt.

Present were Executive Officer Lou Ann Texeira, Legal Counsel Sharon Anderson, consultants Alex Hebert-Brown and Bruce Baracco, and Commission Clerk Kate Sibley.

4. Approval of the Agenda

Upon motion of McNair, second by Schmidt, the agenda was adopted.

5. Public Comments

There were no public comments.

6. Approval of April 8 and 22, 2009 Minutes

Upon motion of Schmidt, second by Tatzin, the minutes for the April 8 and April 22, 2009 meetings were approved.

7. LAFCO 09-03 – MacDonald Annexation to County Service Area (CSA) L-100

Upon motion of Tatzin, second by Schmidt, the Commission found that the project is exempt from CEQA pursuant to Government Code §15061(b)(3); approved the proposal to be known as the MacDonald Annexation to CSA L-100 as submitted, with specified conditions; determined that the territory being annexed is liable for taxes, assessments and charges; found that the subject territory is uninhabited; that all affected landowners have consented to the annexation; that the annexing agency has consented to the waiver of conducting authority proceedings; waived the conducting authority proceedings and directed staff to complete the proceeding. Commissioner Schroder abstained.

8. LAFCO 09-04 – Doherty Annexation to County Service Area (CSA) L-100

Upon motion of Schmidt, second by Glover, the Commission unanimously certified that it reviewed and considered the information contained in the Negative Declaration; approved the proposal to be known as the Doherty Annexation to CSA L-100 as submitted, with specified conditions; determined that the territory being annexed is liable for taxes, assessments and charges; found that the subject territory is uninhabited, that all affected landowners have consented to the annexation, that the annexing agency has consented to the waiver of conducting authority proceedings, waived conducting authority proceedings and directed staff to complete the proceedings.

9. Workshop – Reclamation Services Preliminary Draft Municipal Services Review (MSR)/Sphere of Influence (SOI) Updates

The Executive Officer provided a brief overview and chronology of the Reclamation Services Municipal Service Review process, indicating that this matter will be presented in two parts—the MSR report and determinations, followed by the sphere of influence (SOI) updates and recommendations. Staff highlighted the fundamental framework of MSRs, emphasizing LAFCO's purpose and role, the governance structure and SOI options and recommendations and the differences in the two, and the close collaboration between agency staff and the MSR project team.

Staff introduced Alex Hebert-Brown and Bruce Baracco of Burr Consulting, who jointly gave a PowerPoint presentation on the process of reviewing reclamation services in Contra Costa County, including reclamation districts (RDs) 799, 800, 830, 2024, 2025, 2026, 2059, 2065, 2090, 2117, 2121, 2122 and 2137. Bethel Island Municipal Improvement District, which also maintains levees as part of its powers, has already been addressed in the East County Sub-regional MSR.

Hebert-Brown and Baracco provided a comprehensive overview of the functions of the various RDs, populations served, risks faced by the Delta and the RDs, as well as the standards to which they adhere, their ownership, and their funding situations, all of which vary considerably, thus affecting the state of [dis]repair of each. The presentation closed with a look at current circumstances wherein RDs are sharing facilities and duties, possible consolidation opportunities, and potential barriers to consolidation.

The Commission discussed various issues including the range of services; land uses and ownership within the various districts; floodplain, seismic and other risk factors; funding, infrastructure and other service challenges. Commissioner McNair suggested a boat tour of the area for a different perspective on the levees.

The Commission complimented Hebert-Brown and Baracco on their research and presentation.

Following Commissioner comments, the Chair noted that no requests to speak had been submitted and asked if anyone wished to speak. There were no responses.

Upon motion of Allen, second by Glover, the Commissioners voted unanimously to receive the report and directed the project team to release the Public Review Draft MSR report and return July 8, 2009 with a Final Draft MSR that includes public comments.

The Chair asked that the proposal for a Commission boat tour of the Delta be brought back to the June 10 meeting for action.

10. Adoption of Final Budget for FY 2009-10

Staff presented the final budget for Fiscal Year 2009-10, which reflects an overall decrease of approximately 9% as compared to the current year budget. The decrease is primarily attributable to decreases in retirement costs and completion of work on a number of special studies and MSRs.

The Executive Officer noted that LAFCO would experience an increase in Workers' Compensation and Property and Liability insurance costs as LAFCO will need to obtain insurance separate from the County. Further, that LAFCO revenues (i.e., processing fees, interest earnings) continue to decline.

Following Commissioner discussion and upon motion of Schroder, second by McNair, the Commission unanimously approved the Final Budget for FY 2009-10 and directed staff to distribute the Final Budget to the County, cities, and independent special districts as required by Government Code §56381.

11. Alternate Public Member Vacancy

The Chair reported that, due to the recent passing of Commissioner Bill Bristow, the Commission will need to appoint an Alternate Public Member to complete his unexpired term of office through May 7, 2012. She appointed a committee comprising the following Commissioners: Alternate Schmidt, who will serve as committee chair, and Commissioners Glover and Schroder, all of whom agreed to serve.

Staff was directed to will place a notice in the papers and coordinate with the committee.

12. Lease Agreement for LAFCO Office Space

Staff presented the lease agreement for the office space used by LAFCO at 651 Pine Street. The lease will renew automatically on an annual basis.

Upon motion of Schmidt, second by Uilkema, the Commission unanimously approved the lease agreement.

13. Travel Reimbursement Request

The Chair introduced this item, noting that based on the Commission's Policies and Procedures and past practice, neither the Executive Officer nor the Chair has the authority to approve a request by Alternate Mary Piepho for hotel accommodations in conjunction with the upcoming

CALAFCO U workshop on June 5 in San Diego. Therefore, the Commission is being asked to consider the request to approve the expense.

Following Commission discussion and upon motion of Allen, second by Glover, the Commission approved the expense, with Commissioner Schroder abstaining.

14. Commissioner Comments and Announcements

Commissioner Allen and Committee Chair reported on the first meeting of the Fire Committee and thanked LAFCO staff for their efforts. At the suggestion of Commissioner Uilkema, the meetings will be held in a less formal setting to encourage discussion with the affected agencies. Staff announced that the next meeting, scheduled for May 20, will focus on the Central County fire protection districts: San Ramon Valley FPD, Moraga-Orinda FPD, and Contra Costa County FPD.

15. Staff Announcements and Pending Projects

The Executive Officer drew Commissioners' attention to the pending projects, legislative update, and letter received from Rick Gilmore, General Manager of the Byron Sanitary District, with an update on progress made by that district in addressing its issues. LAFCO staff thanked the Commission for the opportunity to attend the annual CALAFCO Staff Workshop and provided a summary of the conference.

The meeting adjourned at 3:45 p.m. in memory of Bill Bristow, a valued member of Contra Costa LAFCO who will be deeply missed.

Final Minutes Approved by the Commission on June 10, 2009.

AYES: Allen, McNair, Meadows, D. Piepho, Schroder, Uilkema

NOES:

ABSTAIN:

ABSENT: Glover (M)

By /s/ Lou Ann Teixeira  
Executive Officer