CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
651 Pine Street, Sixth Floor • Martinez, CA 94553-1229
e-mail: LouAnn.Texeira@lafco.cccounty.us
(925) 335-1094 • (925) 335-1031 FAX

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July 19, 2016

Michael Simmons, Foreperson
2015-16 Contra Costa County Civil Grand Jury
725 Court Street
P.O. Box 431
Martinez, CA 94553-0091

ORIGINAL

Dear Mr. Simmons:

On June 6, 2016, the Contra Costa Local Agency Formation Commission (LAFCO) received Grand Jury Report No. 1607, entitled "*Delta Levees in Contra Costa County: How Well Do We Protect This Vital Safety System?*"

On July 13, the Commission reviewed the draft response to the Grand Jury, provided input and directed LAFCO staff to submit a response prior to the September 9th deadline.

We hereby submit the responses below that address the findings and recommendations contained in Grand Jury Report No. 1607.

FINDINGS

9. LAFCO's Municipal Service Review (MSR) of reclamation districts, which it performs every five years, focuses on the financial and administrative management of the districts.

Response: *The respondent partially disagrees with the finding. In addition to reviewing financial and administrative issues, the LAFCO MSR includes information relating to growth and population; public facilities, public services, and infrastructure needs and deficiencies; opportunities for shared facilities; and accountability, governance structure and operational efficiencies.*

10. LAFCO relies on self-reported information from the districts without physical inspection, to evaluate how well the districts are maintaining the integrity of the levees for which they are responsible.

Response: *The respondent agrees with the finding.*

RECOMMENDATIONS

1. After identifying the necessary funding, LAFCO should consider including independent physical inspections of levee conditions, in addition to the self-reported evaluations of the conditions, in the MSRs of all County reclamation districts, if necessary by hiring an independent engineering firm to perform this function.

Response: *The recommendation will not be implemented because it is not warranted or reasonable.*

The power to create local governments and set their boundaries belongs to the California Legislature. The Legislature has delegated much of its authority over the boundaries of cities and special districts to county LAFCOs through the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH Act) and the legislation that preceded it. LAFCO's purpose is to support Legislative policy discouraging sprawl, encouraging efficient extension of governmental services, protecting open space and agricultural lands, and recognizing the importance of providing housing for persons and families of all incomes (Gov. Code §56001). LAFCO's general powers and duties are enumerated in the CKH Act (Gov. Code §56375). The CKH Act also details LAFCO's responsibilities for conducting municipal service reviews (Gov. Code §56430), and establishing and updating local agency spheres of influence (SOIs) (Gov. Code §56425) - the SOI is "a plan for the probable physical boundary and service area of a local agency" (Gov. Code §56076).

The CKH does not provide LAFCO the right or responsibility to provide administrative oversight to local agencies, or to otherwise inspect or supplement the services provided by cities, counties or special districts, nor is LAFCO funded for this purpose (see Gov. Code §56381 which ties LAFCO's budget to "the purposes and programs of this chapter"). LAFCO's actions must be consistent with its legislative mandate. The physical evaluation of infrastructure is the responsibility of the service provider (i.e., city, county, special district), not LAFCO.

Contra Costa LAFCO would like to commend the Grand Jury for this very important report on Contra Costa County's Delta levees. Also, we thank the Grand Jury for emphasizing many of the key findings and recommendations contained in Contra Costa LAFCO's 2015 Reclamation Services MSR; and in particular, Grand Jury's Recommendations #2, #3, #4 and #5.

Please contact the LAFCO office if you have any questions or if we can be of further assistance.

Sincerely,

Mary N. Piepho
Chair, Contra Costa LAFCO