



NOTICE AND AGENDA FOR REGULAR MEETING

DATE/TIME: Wednesday, March 13, 2013, 1:30 PM

PLACE: Board of Supervisors Chambers
651 Pine Street, Martinez, CA 94553

NOTICE IS HEREBY GIVEN that the Commission will hear and consider oral or written testimony presented by any affected agency or any interested person who wishes to appear. Proponents and opponents, or their representatives, are expected to attend the hearings. From time to time, the Chair may announce time limits and direct the focus of public comment for any given proposal.

Any disclosable public records related to an open session item on a regular meeting agenda and distributed by LAFCO to a majority of the members of the Commission less than 72 hours prior to that meeting will be available for public inspection in the office at 651 Pine Street, Six Floor, Martinez, CA, during normal business hours as well as at the LAFCO meeting.

All matters listed under CONSENT ITEMS are considered by the Commission to be routine and will be enacted by one motion. There will be no separate discussion of these items unless requested by a member of the Commission or a member of the public prior to the time the Commission votes on the motion to adopt.

For agenda items not requiring a formal public hearing, the Chair will ask for public comments. For formal public hearings the Chair will announce the opening and closing of the public hearing.

If you wish to speak, please complete a speaker's card and approach the podium; speak clearly into the microphone, start by stating your name and address for the record.

Campaign Contribution Disclosure

If you are an applicant or an agent of an applicant on a matter to be heard by the Commission, and if you have made campaign contributions totaling \$250 or more to any Commissioner in the past 12 months, Government Code Section 84308 requires that you disclose the fact, either orally or in writing, for the official record of the proceedings.

Notice of Intent to Waive Protest Proceedings

In the case of annexations and detachments it is the intent of the Commission to waive subsequent protest and election proceedings provided that all of the owners of land located within the proposal area have consented and those agencies whose boundaries would be changed have consented to the waiver of protest proceedings.

American Disabilities Act Compliance

LAFCO will provide reasonable accommodations for persons with disabilities planning to attend meetings who contact the LAFCO office at least 24 hours before the meeting, at 925-335-1094. An assistive listening device is available upon advance request.

As a courtesy, please silence your cell phones during the meeting.

MARCH 13, 2013 CONTRA COSTA LAFCO AGENDA

1. Call to Order and Pledge of Allegiance
2. Roll Call
3. Adoption of Agenda
4. Public Comment Period (please observe a three-minute time limit):
Members of the public are invited to address the Commission regarding any item that is not scheduled for discussion as part of this Agenda. No action will be taken by the Commission at this meeting as a result of items presented at this time.
5. Approval of Minutes for the February 13, 2013 regular LAFCO meeting

BUSINESS ITEMS

6. *Northeast Antioch* – the Commission will receive an update regarding the proposed annexation and strategic planning efforts for Northeast Antioch, and be asked to provide input and direction

OUT OF AGENCY SERVICE REQUESTS

7. *LAFCO 13-01 – Gateway Estates* – the Commission will consider a request by City of Martinez to provide municipal water service outside its jurisdictional boundary to a 7± acre parcel (APN 367-140-010) located at 5240 Alhambra Valley Road in unincorporated Contra Costa County in order to serve a proposed 7-lot subdivision

MUNICIPAL SERVICE REVIEWS/SPHERE OF INFLUENCE UPDATES

8. *Miscellaneous County Service Areas (CSAs) Municipal Service Review (MSR)/Sphere of Influence (SOI) Updates* – the Commission will receive an overview of the Public Review Draft MSR report and be asked to provide input and direction

OTHER BUSINESS ITEMS

9. *Proposed Budget for FY 2013-14* - the Commission will be asked to approve the proposed budget for FY 2013-14 **Public Hearing**
10. *Municipal Services Reviews/Sphere of Influence Updates* - the Commission will receive a status report on MSRs and SOI updates and be asked to provide input and direction

CORRESPONDENCE

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

INFORMATIONAL ITEMS

12. Commissioner Comments and Announcements
13. Staff Announcements
 - CALAFCO Updates
 - Pending Projects
 - Newspaper Articles

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Gov. Code Section 54956.9(d)(2) – One potential case

ADJOURNMENT

LAFCO Strategic Planning Session, April 15, 2013 at 1:00 p.m. (Walnut Creek Library); Next regular LAFCO meeting – April 17, 2013 at 1:30 p.m.

LAFCO STAFF REPORTS AVAILABLE AT http://www.contracostalafco.org/meeting_archive.htm

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MINUTES OF MEETING

February 13, 2013

Board of Supervisors Chambers
Martinez, CA

March 13, 2013
Agenda Item 5

1. Chair Federal Glover 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 Don Tatzin.

County Members Federal Glover, Mary Piepho, and Alternate Candace Andersen.

Special District Members Michael McGill, Dwight Meadows, and Alternate George Schmidt.

Public Members Don Blubaugh and Alternate Sharon Burke.

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

4. Approval of the Agenda

Upon motion of Tatzin, second by Blubaugh, Commissioners unanimously adopted the agenda.

5. Public Comments

Wendy Lack commented on the designation of March as National Sunshine Month, intended to increase awareness of public agencies and their activities. She asked LAFCO to consider two points: 1) highlighting agencies that are doing a good job and 2) taping its meetings and posting the recordings on the LAFCO website.

6. Approval of January 9, 2013 Meeting Minutes

Upon motion of Schroder, second by Blubaugh, the minutes for the January 9, 2013 meeting were unanimously approved.

7. Northeast Antioch Update

The Executive Officer provided a brief chronology of the Northeast Antioch annexation process and reported that the City has released its revised CEQA document and that the subcommittee had met in late January to discuss progress and next steps.

Commissioner Meadows stressed that there is still a lot of work ahead, particularly in relation to the proposed annexation of Area 2B (Viera area), but that it is ultimately a win-win situation for everyone, especially the residents who will have the main water and sewer lines installed at no cost to themselves. Commissioner Meadows encouraged the City and County to initiate an education/outreach effort as soon as possible.

Commissioner McGill urged the City and County to engage in an aggressive education program to facilitate the annexation of, first, Area 2B, then Area 1 and finally Area 2A.

Victor Carniglia, representing the City of Antioch, reported that they are currently researching places for community meetings within the next two weeks. In the meantime, the City's CEQA document will be addressed at the next planning commission meeting on February 20; approximately 500 notices were mailed for this meeting.

Rich Seithel, representing the County, confirmed that the City and County are working closely on this.

DRAFT

Chair Glover thanked City and County staff for their work.

Commissioner Meadows reiterated the importance of the City annexing all areas, and the economic benefits to the area.

John Martinez, landowner in the Northeast Antioch area, spoke in support of the annexation, as his property is in need of services.

8. Library Services Municipal Service Review (MSR)/Sphere of Influence (SOI) Updates

The Executive Officer provided an overview of the work that has been completed on the Library Services MSR, covering the County Library system and the City of Richmond Library. Staff noted all questions and points raised by Commissioner at the January meeting have been addressed, and that the Final report and SOI recommendations have been discussed with library staff members.

Staff highlighted the following recommendations for County Service Area SOIs:

LIB-2 – Retain the existing SOI.

LIB-10 – Retain the existing SOI and maintain the CSA as a separate government entity for future funding enhancements.

LIB-12 - Retain the existing SOI and maintain the CSA as a separate government entity for future funding enhancements.

LIB-13 – Expand the SOI to include the remaining portion of the Rancho Paraiso neighborhood.

Chair Glover opened the hearing to the public.

Maude DeVictor, a Richmond Public Library (RPL) Commissioner, commended the children's librarian who has been instrumental in children's programming, something the RPL is known for.

The Chair closed the public hearing.

Upon motion of Piepho, second by Blubaugh, Commissioners unanimously determined that the MSR project is Categorically Exempt pursuant to §15306, Class 6 of the CEQA Guidelines; accepted the Final MSR report; adopted the MSR determinations; and adopted resolutions updating the SOIs for County Service Areas LIB-2, LIB-10, LIB-12, and LIB-13 as recommended by staff.

9. Strategic Planning Session

The Executive Officer provided Commissioners with an update on planning for the proposed strategic planning session, and noted that a draft agenda and information on possible facilities has been provided for discussion.

Commissioners offered comments and agreed that the afternoon of Monday, April 15, would be best for most schedules. Commissioners also agreed on a narrow focus for the limited amount of time available, and that in-depth discussion of second-round MSRs and how to use them most advantageously would be the best way to spend their time. Staff was directed to reserve a room at either the Walnut Creek or Lafayette Library and proceed with the more narrowly focused agenda.

10. Fiscal Year 2013-14 Budget/Work Plan Schedule

The Executive Officer presented the Fiscal Year 2013-14 budget schedule, with a proposed budget to be presented in March, followed by a final budget in May.

Commissioner Tatzin asked staff to look into the cost of posting audiotape recordings of LAFCO meetings on the website. Commissioner Piepho suggested that if there is anything that the Grand Jury wants from LAFCO, related costs should be addressed in the budget.

Upon motion of Tatzin, second by McGill, Commissioners directed staff to proceed with the Fiscal Year 2013-14 budget and work plan with a proposed budget to be presented at the March 13 LAFCO meeting, a final budget at the May 8 LAFCO meeting.

11. Contra Costa Chapter, California Grand Juror's Association Letter and Response

The Executive Officer provided background on the letter from the Contra Costa Chapter of the California Grand Juror's Association that followed up on LAFCO's responses to Contra Costa County Grand Jury Reports Nos. 1010 and 1105, and presented the draft response letter.

Upon motion of Tatzin, second by Blubaugh, Commissioners unanimously approved the response to the Chapter and directed staff to submit the response letter by the deadline.

12. Correspondence from CCCERA

There were no comments.

13. Correspondence from SDRMA

The Chair asked if any Commissioners would be interested in running for a seat on the Special District Risk Management Authority. No interest was indicated.

14. Commissioner Comments and Announcements

Commissioner McGill reported on his attendance at the CALAFCO Legislative Committee meeting on January 25 and the CALAFCO Board retreat and meeting February 7-8.

Commissioners Tatzin and Blubaugh reported of their meetings with a subcommittee of the Grand Jury, the content of which is confidential.

Commissioner Piepho reported that the County Board of Supervisors took action on commissioning a countywide emergency medical services study, and that she would like for LAFCO to be integrally involved. She asked that this be brought to Commissioners as an agenda item in the future.

Commissioner Blubaugh expressed his appreciation for the background information on Northeast Antioch issues.

15. Staff Announcements and Pending Projects

The Executive Officer stated that LAFCO has received one new proposal.

Staff reminded Commissioners of the CALAFCO 2013 Staff Workshop (April 10-12), the Annual Conference (August 28-30), and of an upcoming CALAFCO U course.

The meeting was adjourned at 2:24 p.m.

Final Minutes Approved by the Commission on March 13, 2013.

AYES:

NOES:

ABSTAIN:

ABSENT:

By _____
Executive Officer



Lou Ann Texeira
Executive Officer

MEMBERS

Donald A. Blubaugh
Public Member
Federal Glover
County Member
Michael R. McGill
Special District Member

Dwight Meadows
Special District Member
Mary N. Piepho
County Member
Rob Schroder
City Member

Don Tatzin
City Member

ALTERNATE MEMBERS

Candace Andersen
County Member
Sharon Burke
Public Member
Tom Butt
City Member
George H. Schmidt
Special District Member

March 13, 2013
Agenda Item 6

March 13, 2013 (Agenda)

Contra Costa Local Agency Formation Commission (LAFCO)
651 Pine Street, Sixth Floor
Martinez, CA 94553

Northeast Antioch Monthly Update

Dear Commissioners:

On February 9, 2011 the Commission approved the extension of out of agency service by the City of Antioch and Delta Diablo Sanitation District to the Marsh Landing Generating Station (GenOn) property located in unincorporated Northeast Antioch. The Commission’s approval requires that the City and County provide LAFCO with monthly updates regarding the status of the Northeast Antioch annexation and the tax transfer negotiations. A subcommittee was formed to address these and other issues.

LAFCO representatives participated in monthly subcommittee meetings from April to October 2011; and the City and County have provided LAFCO with regular updates. In October 2012, the subcommittee resumed meeting. The subcommittee last met on January 28, 2013. Commissioners McGill and Meadows and LAFCO staff attended the subcommittee meeting and provided an update to the Commission in February 2013.

As reported in February, on February 1, 2013, the City of Antioch released a Mitigated Negative Declaration for the Northeast Antioch Reorganization, covering Areas 1, 2a and 2b. On February 20, the Antioch Planning Commission held a public hearing to receive public comment.

City staff has provided a written update, along with the February 20th Planning Commission Draft Meeting Minutes and the City’s Frequently Asked Questions – FAQ (Attachment 2).

On February 27, City, County and LAFCO staff participated in a neighborhood meeting with residents of Area 2b. The meeting was held at the Bridgehead Café in unincorporated Antioch (Area 2b) and was well attended. City staff distributed a FAQ informational piece.

The most prominent questions and concerns from the residents related to the following:

- Whether the City will *require* property owners to hook-up to city water/sewer following annexation
- The cost of hooking up to city water/sewer and ongoing cost of paying utility bills
- The millions of dollars the City will receive when it annexes Area 1, and that the City should pay the full cost of providing water/sewer to the residents in 2b
- The length of time it will take to construct the water/sewer lines (2-5 years) and what happens in the meanwhile if a system fails
- Zoning and preserving vineyards
- The City breaking Northeast Antioch up into three separate areas, and that it should be one annexation
- Not being able to vote and what constitutes an island
- What happens to private roads

On February 28, LAFCO received a letter from Jenny & Jenny, LLP representing residents of Area 2b (Attachment 3). The letter discusses two concerns regarding the proposed reorganization of Northeast Antioch: one related to the LAFCO protest proceedings and voting; the other relating to the City's recent environmental document.

City and County staff will be available at the March 13 LAFCO meeting to respond to Commissioner questions.

RECOMMENDATION

Receive the monthly update and provide comment and direction as appropriate.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

Attachments


Attachment 1 - February 13, 2013 City of Antioch Staff Report for Planning Commission – Public Hearing to Receive Comments on the Proposed Mitigated Negative Declaration – Northeast Antioch Reorganization

Attachment 2 – Northeast Antioch Update/February 20, 2013 City of Antioch Draft Planning Commission Meeting Minutes/Antioch's Frequently Asked Questions - Northeast Antioch Annexation

Attachment 3 – Letter dated February 27, 2013 to the City of Antioch from Jenny & Jenny, LLP

c: Distribution

**STAFF REPORT TO THE PLANNING COMMISSION
FOR CONSIDERATION AT THE MEETING OF FEBRUARY 20, 2013**

Prepared by: Victor Carniglia, City Consultant 

Date: February 13, 2013

Subject: Public Hearing to Receive Comments on the Proposed Mitigated Negative Declaration Prepared for the Northeast Antioch Reorganization, which addresses the Annexation to the City of Antioch and to the Delta Diablo Sanitation District of Approximately 678 Acres of Land Located Northeast of the Current City Limits of the City of Antioch, in three Separate Annexation Applications, Referred to as Areas 1, 2a and 2b

RECOMMENDATION

Staff recommends that the Planning Commission hold the public hearing and receive comments from the public on the Proposed Mitigated Negative Declaration prepared for the Northeast Antioch Reorganization.

It should be emphasized that the purpose of this agenda item is to receive comments on the Proposed Mitigated Negative Declaration. Representatives from the City's environmental consulting firm "Circle Point" will be present to record all the comments made during the public hearing. While the City's consultants and staff will, as appropriate, provide clarifications to questions raised at the hearing, the purpose of this agenda item is to receive and record comments, not to respond to the comments. Written responses to all comments raised at the Planning Commission hearing, as well as to any written comments received during the 30 day public review period, will be prepared by City staff and consultants after the public comment period closes. The 30 day public review period ends on Monday, March 4, 2013.

A copy of the Proposed Mitigated Negative Declaration is included in the Planning Commission packet. In addition to the enclosed document, there is also a separate document containing background reports that serves as the appendices to the Mitigated Negative Declaration. A copy of this separate appendices is available for review and download on the City's web site, where it is referred to as "Document 2" under the Northeast Antioch Annexation.

BACKGROUND

Early last year the City was moving forward with the Northeast Antioch Annexation, including Rezoning and the Tax Transfer Agreement. At that point in time, the City's annexation application was only for Area 1. Area 1 is the approximately 481 acre industrial area located in close proximity to Wilbur Avenue. Maps showing the location and boundaries of Area 1, along with Areas 2a and 2b are contained in the attached

Mitigated Negative Declaration. As part of this 2012 effort, the City utilized a previously prepared environmental document that had been adopted by the City Council in 2010. During the public hearing process on the Rezoning for Area 1, which occurred during the late winter and spring of 2012, the City received comments questioning the adequacy of the 2010 Mitigated Negative Declaration. Given the comments received, and to ensure that all of the technical requirements of the State environmental requirements were being addressed, City staff and legal counsel determined that it would be appropriate for the City to update the 2010 environmental document. The consulting firm Circle Point was retained by the City in July 2012 to do the necessary update work. This updated environmental document is the Proposed Mitigated Negative Declaration currently before the Planning Commission.

As previously mentioned, the City's annexation application to LAFCO in the spring of 2012 only included the large 481 acre industrial Area 1. In May 2012, the City received a letter from LAFCO (the agency regulating annexations), stating that LAFCO determined it was necessary for the City to submit annexation applications for Areas 2a and 2b, in addition to the application for Area 1 already submitted by the City. Area 2a is located just west of Hwy 160 and north of Wilbur Avenue, and consists of the existing marinas along with storage uses and the Kiewitt facility. Area 2b is almost entirely residential with approximately 120 residential units, the vast majority of which are detached single family homes. In June 2012, the City Council considered this letter from LAFCO. Given the importance of the annexation of Area 1 to the City and the region, the City Council directed City staff to submit the annexation applications for Areas 2a and 2b as directed by LAFCO. As part of the discussion of the LAFCO letter, City Council members stated that they supported allowing the residents and property owners within Areas 2a and 2b to have a direct say on the question of whether Areas 2a and 2b would be annexed to the City.

It is important to note that while the preceding information on the annexation process provides the Planning Commission with the context in which the environmental document has been prepared, the question of how the annexation applications are ultimately processed will be determined by LAFCO, not the City, and this issue of process is not relevant to the findings and conclusions of the environmental document.

ANALYSIS:

Overview

The enclosed environmental document evaluates the impacts of the annexation of the three areas 1, 2a, and 2b. Unlike an annexation proposed on the City's undeveloped fringe, this annexation involves land that was either previously developed, or was developed in the past and is now either vacant or had structures demolished. In contrast with annexations on the City's edge where the underlying County land use designation is typically Agricultural, in this annexation the County's existing land use designations and the City's proposed land use designations are virtually identical for all three areas. In Area 1 the City's proposed designations are actually more restrictive and would permit lower intensity development. An example of this is the Federal Dunes

Wildlife preserve located in Area 1. The County General Plan depicts this area as Heavy Industrial, while the City General Plan calls for Open Space. This situation, in which the type and intensity of development that can occur in the annexation areas is similar whether the areas involved are under the County's jurisdiction or the City's, results in a more straightforward environmental analysis, as compared to the previously mentioned situation where a "green field" annexation occurs at the City's undeveloped edge.

Infrastructure

The City's ability to provide sanitary sewer and treated water will ultimately improve the environmental situation in the three annexations areas, given that the majority of the existing uses in the annexation areas rely on septic fields and wells. This question of infrastructure is particularly important in Area 2b, where the vast majority of the homes in the Viera Avenue neighborhood are on relatively small lots, and rely on aging septic systems and wells. In order to address this situation, the City along with the County, are proposing to jointly fund "backbone" sewer and water infrastructure to serve Area 2b. The cost of this infrastructure, which is currently estimated to be in the range of \$8 million to \$10 million, would be borne by the City and the County. Funding for connection fees and to construct laterals on private property connecting to the sewer and water systems, would need to come from other funding sources. In order to explore funding options for laterals and connection fees, the City is hiring a consulting firm that specializes in securing grant funding from such sources as Federal and State clean water programs. Given the intent of the City and County to fund this infrastructure as a component of the annexation process, the environmental document addresses the environmental impacts of installing this sewer and water infrastructure to Area 2b, along with limited storm drain improvements.

Infrastructure improvements for Areas 1 and 2a will be ultimately implemented through other means, such as future development projects or the possible future creation of financing districts. The environmental impacts of any such future infrastructure improvements in Area 1 and 2a would be addressed through the environmental analysis conducted as part of a future development project, or as part of the formation process of a financing district.

Process:

At the beginning of the public hearing, the consultant will present a summary of the Proposed Mitigated Negative Declaration. This will provide an opportunity for the Commission and the public to ask questions about the process, before making comments specifically on the environmental document. In order to give the Planning Commission a feel for "next steps" and the overall annexation process, the following is a tentative schedule for the annexation process:

- February 20, 2013: Planning Commission public hearing to receive verbal comments on environmental document.
- March 4, 2013: 30 day public comment period closes on environmental document.

- March 5 to March 21, 2013: City staff and consultants prepare written responses to comments received on environmental document (length of time depends on nature and number of comments received).
- March 26 or April 9, 2013: City Council meeting for action on the environmental document.
- April/May 2013: Planning Commission meeting to consider Rezoning for the three annexation areas.
- May/June 2013: City Council will consider Rezoning, the Tax Transfer and Infrastructure Funding Agreements with the County. Board of Supervisors will consider Tax Transfer and Infrastructure Funding Agreements
- July/August 2013: LAFCO consider the three annexation applications, either together or separately.

While the preceding tentative schedule gives an idea of the sequence and timing of the annexation process, unforeseen events could obviously change the timing.

ATTACHMENT

Enclosed Mitigated Negative Declaration

To: Lou Ann Texeira
From: Victor Carniglia, Consultant for the City of Antioch
Date: March 5, 2013
Subject: Update on Northeast Antioch Annexation

The following is a brief update on the status of the Northeast Antioch Annexation, including 1) the status of the CEQA document, 2) a summary of the February 20, 2013 hearing held at the Planning Commission, and 3) follow up from last week's neighborhood meeting. Feel free to share this memo with LAFCO members as part of the monthly update process:

1)Mitigated Negative Declaration:

The 30 day public review period for the Mitigated Negative Declaration closed yesterday, Monday March 4, 2013. The City received a total of five comments from public agencies, namely the State Water Board, the Contra Costa Water District (CCWD), the County Health Department, The Delta Diablo Sanitation District (DDSD), and LAFCO. All of the agency comments could be characterized as either clarifications or corrections, and should prove to be straightforward for the City to respond to. The City also received a number of comments from residents and property owners in the annexation areas, primarily from Area 2b. While these letters did not specifically address the CEQA document, they generally opposed the annexation. These letters have been forwarded to the City's environmental consultant. In addition, the City received comment letters from two law firms, one from a firm representing a property owner that owns a home in Area 2b, and the other a letter commenting on the environmental document from the law firm representing West Coast Home Builders.

The City is now in the process of reviewing the comments received with the City's environmental consultant. At this point in time, given that the comment period just closed, we don't as yet have an estimated time frame to complete the response process, and publish the final environmental document.

2)February 20, 2013 Planning Commission Meeting:

This was a noticed public hearing held at the Planning Commission for the sole purposed of receiving verbal comments on the Mitigate Negative Declaration. As you are aware, such hearings under State environmental law are optional, but are encouraged by the State as a way of providing the public a forum to make verbal comments on an environmental document. There were approximately sixty members of the public in attendance. Attached are draft minutes of the meeting. As can be seen from the draft minutes, many of the comments made were directed at the annexation, not the environmental document. The vast majority of those speaking, who were primarily from Area 2b, opposed the proposed annexation. The City's consultant is preparing responses to the comments received at this meeting.

3)Neighborhood Meeting:

You were present at the February 27, 2013 neighborhood meeting held at the Bridge Head Café, so there is no reason to go into the details of what transpired. Approximately one hundred interested parties attended the meeting, the majority of whom appeared to be residents and/or property owners from Area 2b. Most participants filled out the "sign in" sheet, so their names/addresses can be added to our contact lists. Overall, the City representatives that attended felt the meeting was productive, as a

significant amount of information was presented and there was a good, healthy exchange of ideas and opinions as part of the question and answer period, which lasted for more than an hour. Attached is a copy of the Frequently Asked Questions (FAQ) prepared by the City that was handed out at the meeting. The City appreciates the template LAFCO provided for putting together this FAQ.

City staff is in the process of researching a number of the questions the City did not have answers to at the neighborhood meeting. As was discussed at the February 27 neighborhood meeting, the “game plan” is to have at least one follow up neighborhood meeting. The City is targeting the first week in April for this second neighborhood meeting, which will also be held at the Bridgehead Café. City staff is trying to finalize the date as soon as possible, so the City can send out notices of the meeting by the end of this week, or early next week. This advance notice will provide residents/property owners plenty of lead time.

It is probably fair to say that virtually every person that spoke at the neighborhood meeting opposed the annexation, at least as they understood it. While a wide range of questions and concerns were raised by residents, two of the most prominent issues/concerns that came up at the meeting concerned 1) the fact that the Area 2b residents/property owners would not be able to vote on the annexation as a consequence of the “island provisions” in State LAFCO law, and 2) the approximately \$14,000 cost of the City and DDS D sewer and water connection fees, with the total connection cost being closer to \$18,000 once the cost of constructing the sewer/water laterals and “decommissioning” septic tanks are taken into account. The fact that the City and County are proposing to invest a total of \$8 million to \$10 million to install the sewer/water system to serve Area 2b, the fact that the rezoning for Area 2b will provide flexibility so that residents will not have to hook up to the sewer system unless they have a failing septic system, and the fact that the City and DDS D will work with residents on deferring the timing of the payment of connection fees, did not appear to alleviate the resident’s concerns.

City staff will be exploring other ways of addressing this issue over connection fees prior to the next neighborhood meeting.

Attachments:

- Draft Minutes of February 20, 2013 Planning Commission meeting
- “FAQ” concerning annexation that was distributed at the February 27, 2013 neighborhood meeting

**CITY OF ANTIOCH
PLANNING COMMISSION MINUTES**

**Regular Meeting
6:30 p.m.**

**February 20, 2013
City Council Chambers**

CALL TO ORDER

Chairman Baatrup called the meeting to order at 6:30 p.m. on Wednesday, February 20, 2013, in the City Council Chambers. He stated that all items that can be appealed under 9-5.2509 of the Antioch Municipal Code must be appealed within five (5) working days of the decision. The final appeal date of decisions made at this meeting is 5:00 p.m. on Thursday, February 28, 2013.

ROLL CALL

Present: Commissioners Motts, Sanderson, Westerman, Miller, Hinojosa
Chairman Baatrup and Vice-Chair Azevedo
Absent: None
Staff: Senior Planner, Mindy Gentry
City Consultant, Victor Carniglia
Public Works Director, Ron Bernal
City Attorney, Lynn Nerland
Minutes Clerk, Cheryl Hammers

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

Gerald Continente began to speak and asked what kind of project is causing this annexation.

Chairman Baatrup advised the speaker that public comments at this time were for items not on the agenda and that he could talk on this noticed item shortly. He then asked City Attorney Nerland to briefly explain the process.

CA Nerland said that after the Planning Commission will be receiving comments on the Mitigated Negative Declaration. She said that to speak on that item that a speaker card, which is the yellow card in the back, needs to be completed and placed in the basket to be given to the Chair. Then a speaker will be called up with the next person on deck so to speak. If someone is here on behalf of a group they would be given five minutes and otherwise individuals would be given three minutes to speak. She stated that there will not be dialogue with the Commission and that comments or questions would be recorded. Any questions about the annexation process could be answered by staff. She asked that speakers not duplicate comments.

CONSENT CALENDAR

1. Approval of Minutes: January 16, 2013

On motion by Commissioner Westerman, and seconded by Vice Chair Azevedo, the Planning Commission approved the Minutes of January 16, 2013.

AYES: Baatrup, Azevedo, Motts, Sanderson, Westerman, Miller
NOES: None
ABSTAIN: Hinojosa
ABSENT: None

END OF CONSENT CALENDAR

NEW PUBLIC HEARING

2. Public hearing to receive comments on the Northeast Antioch Reorganization Mitigated Negative Declaration.

City Consultant, Victor Carniglia, provided a summary of the staff report dated February 13, 2013. He said that John Cook with Circlepoint will provide overview of document. He went through the timeline and indicated that there were flyers in the back and one provided information on a neighborhood meeting with representatives of the City, County, and LAFCO next Wednesday, February 27, 2013, at 7:00 p.m. at the Bridgehead Café.

John Cook gave background of his firm and CEQA. He said that this is a public opportunity to comment on the environmental document. He went through his PowerPoint presentation. He said that they did find that any impacts the project could have can be mitigated. That this is part of public review process, that the document has been published, that there is a 30 day comment period, that comments will be addressed in the final document and then brought back for a decision by City Council.

Chairman Baatrup asked staff what is the driving force behind the City moving forward with the annexation.

City Consultant Carniglia stated that historically this area, which is not within the City, has the potential to create new jobs, and for any development to occur in this large industrial area, City services are required. He said that the City did provide services to the PG&E and GenOn plants which have minimal environmental impact and which have a significant tax base. He said that because of the tax base and the areas economic development potential, it is in the interest of the City to annex this area. When the City filed its application for Area 1, LAFCO requested applications be submitted for Areas 2a and 2b as well.

OPENED PUBLIC HEARING

Bill Worrell, lifetime resident of Antioch representing the Sportsman Yacht Club spoke in favor of the annexation, but stated that the marina (Area 2) does not want to be annexed. He said that the City has in the past had a poll of registered voters which did not pass. He said that their club which was formed in the early 30s has a main feature the ferryboat Sausalito, and that they are a family club with membership of local residents.

Karri Campbell representing Calpine and the Riverview Energy Center, said that they have heard about the requirement to utilize public utilities; however, their power plant is currently connected to Delta Diablo Sanitation but on a well and therefore would not be required to connect to City water.

CC Camiglia said that the City does have an ordinance in place with distance requirement mandating sewer hookups.

Mary Angel Tarango said that she has lived on Viera for almost 50 years, that everyone in that area has a septic and well and asked what is going to happen regarding hookups and taxes.

Chairman Baatrup said that he is not sure if that is an issue for the environmental document.

CC Carniglia said that the neighborhood meeting one week from today should provide answers.

Gerald Continente asked regarding Area 1, what kind of project is being proposed and for Area 2b what is the impact on ground water. He also wanted to know what kind of fee would be charged to hookup to services, and if the fee could be waived.

Chairman Baatrup said that no projects are proposed at this moment, that there is no development at this point and that this is a step in the annexation process and to bring utilities into Area 2b.

CC Carniglia said that part of this project is to install sewer and water in Area 2b to allow hookup which should improve the ground water situation and that the overall environmental effect of such hookups would be positive.

Chairman Baatrup said that the environmental document does address water and sewer for those parts of area, and the speaker may want to review the document. He said that more information can be obtained by attending the neighborhood meeting or following up with staff.

CA Nerland referenced Section XVII which starts on page 73 of the environmental document and talks about environmental impacts.

Douglas Tokes spoke to say that he lives on Trembath Lane, that he is on a two acre parcel, that he has no desire to hookup to sewer but would like to hook up to water. He said that he was also concerned about the possibility of extending the road through,

which they don't want. He said that a lot of residents on Trembath and Sinclair have 1+ acre lots and that he would like to see "give and take" when they do improvements.

Ken Wentworth said that he lives on Trembath Lane, that he understands the City would receive one million dollars from GenOn to finish the annexation process.

Chairman said that he knew nothing about that.

Mr. Wentworth said that he happily moved to the County after living within the City limits, that he chose to live there, that he has a septic and a well and that he does not need the City's help. He said that he did spend time on Monday driving up Wilbur and found that some business owners don't know if they are in the County or the City, that none of the businesses knew about this hearing, that many of his neighbors did not receive any notice and that he does not want to spend his time notifying the neighbors.

CC Camiglia said that they rely on property owner lists prepared by the county assessor and that he will double check to verify that the list they have is the current one. He said that the notices go to the property owners, which may or may not be the person in the residence.

Chairman Baatrup said that the process is to notify the affected property owners and that staff will take another look to verify the accuracy of the notice lists.

Marilyn Placial asked if more notices would be sent out before the next meeting or should they go door to door.

CC Camiglia said that notices will be sent out for the meeting next week and that the hearings identified in the presentation will also require notices.

CLOSED PUBLIC HEARING

Chairman Baatrup stated that there would be no action or decision tonight, that there will be a neighborhood meeting at the Bridghead Café for dialogue and that the Planning Commission could provide comments to staff on the environmental document, now or in writing separately.

CA Nerland said that either way was fine.

ORAL COMMUNICATIONS

None.

WRITTEN COMMUNICATIONS

None.

COMMITTEE REPORTS

Vice Chair Azevedo said that Transplan met Thursday evening and received a report about bringing mobility to Contra Costa. He said that items of note are: the fourth bore of the Caldecott Tunnel should open late 2013; State Route 4 East, Pittsburg to Hillcrest BART Station, is on schedule and should be completed as proposed; the Sandcreek interchange should open sometime by the end of the year; had a presentation regarding sustainability and transportation and a presentation on onramp metering.

ADJOURNMENT

Chairman Baatrup adjourned the Planning Commission at 7:30 p.m.

Respectfully Submitted,
Cheryl Hammers

Frequently Asked Questions Concerning (FAQ's) Concerning the Proposed "Northeast Antioch Annexation" February 27, 2013

Part 1: Description, History, City's Reasons for Proposed Annexation

#1. What is annexation? Annexation is a process that permits a city or other government agency to add land to its boundaries. A city may annex land by filing an application with the Local Agency Formation Commission (LAFCO).

#2. What is LAFCO? Every County in California has a LAFCO. LAFCO is an independent agency, and not part of any city, county or special district. LAFCO is responsible for overseeing orderly growth and development, including the extension of government services to those who need them. Before deciding whether to approve an annexation, LAFCO will hold public meetings to give members of the public the opportunity to express their opinions on the annexation.

The LAFCO Board typically meets in Martinez once a month, and consists of seven voting members: two members of the Board of Supervisors, two representatives from cities, two representatives from special districts, and one "at large" public member, plus one alternate member in each category. For more information regarding Contra Costa LAFCO please visit the website at www.contracostalafco.org or call (925) 335-1094.

#3. What is being proposed? The City is proposing to annex a total of 678 acres to the City of Antioch and to the Delta Diablo Sanitation District (DDSD). The proposed annexation involves three separate applications, consisting of applications to annex Area 1 (481 acre industrial area centered on Wilbur Avenue), Area 2a (94 acre area primarily occupied by marinas located east of Area 1 and west of Hwy 160), and Area 2b (the 103 acre residential area generally located near Viera Avenue, Saint Claire Drive and Trembath Lane). See attached map for the location of the proposed annexation, including the boundaries of Areas 1, 2a, and 2b.

#4. What is the history behind the proposed annexation? In 2007, the City submitted an annexation application to LAFCO requesting permission to annex Area 1 (the industrial area along Wilbur) to the City. At that time, the City conducted polls to determine the interest of residents/property owners in annexing. This polling showed that the majority of residents/property owners in Areas 2a and 2b opposed annexation to the City. Based on this polling, the City declined to submit annexation applications for Area 2a and 2b. In May 2012 LAFCO sent a letter to the City strongly recommending that the City submit annexation applications for Area 2a and Area 2b, in addition to the application already submitted for Area 1. LAFCO made this request to avoid the annexation of Area 1 creating small isolated pockets of land that were not part of the City and that would be difficult for the County to efficiently serve. In June 2012 the Antioch City Council, upon consideration of LAFCO concerns and the importance to the City and region of annexing Area 1, directed City staff to submit annexation applications for Areas 2a and 2b, as urged by LAFCO.

#5. What are the City's reasons for requesting the proposed annexation, and what are the benefits to the City? The City has two key reasons for pursuing the annexation. The first is to increase the City's tax base. The annexation of Area 1 will increase the City's annual tax revenue by an estimated \$1.2 million per year. The recently built PG&E Gateway Power Plant, and the soon to be completed NRG Energy power plant, account for almost \$1 billion in new assessed value. Annexation will allow the City to collect its share of this new tax base. In addition to this new tax revenue, NRG Energy committed to pay the City \$1 million if the City completes the annexation process (\$1 million was also committed to the County by NRG Energy). This payment from NRG Energy to the City is proposed to be structured as \$100,000 per year over 10 years. It should be clear in comparing the dollar amounts that the \$1.2 million a year in new tax revenue is the City's primary financial incentive for moving the annexation process forward, not the \$100,000 a year payment from NRG Energy, which would end after 10 years.

The City's other key reason for pursuing the annexation is to enhance East County's economic development potential in the short and long term. The industrial uses that previously occupied Area 1 have disappeared over the years, in part due to State and Federal environmental regulations that restrict industrial uses from pumping water from the river and either returning the processed water back to the river, or to a septic field close to the river. The City sewer and water infrastructure that could be extended to Area 1 as a result of annexation would increase the economic development potential of Area 1. New industrial development in Area 1 would further increase the area's tax base, as well as bringing new jobs to the region.

As previously discussed, the primary reason the City is requesting annexation of Area 2a and 2b is a result of the City's desire to comply with LAFCO's request to include Areas 2a and 2b with the City's Area 1 annexation application, and to avoid the creation of areas that would be inefficient for the County to serve. Both Areas 2a and 2b have a low tax base and generate minimal tax revenue, while the City's projected costs to serve these two areas exceeds the tax revenue from Area 2a and 2b. Nevertheless, combined with the annexation of Area 1, the net revenue from the annexation of all three areas 1, 2a, and 2b would be significantly positive for the City.

Part 2: How Annexation is Decided, Process for Annexation

#6. Who decides whether an annexation is approved or not? The seven LAFCO Commissioners are the ones who decide whether to approve an annexation application, with or without conditions, or they may decide to deny the annexation request. This decision making process by LAFCO is conducted with public notice and a public hearing in which residents/property owners and other interested parties will be able to make comments and voice concerns.

#7. What are the next steps for the annexation process, and how can residents/property owners have input and become involved in the process? The annexation process includes a number of procedural steps to be conducted by the City, by the County, and by LAFCO. Public hearings will be held at upcoming City Planning Commission meetings and City Council hearings, at which time any interested parties can make comments and express concerns in relation to the

proposed annexation. Similar public hearings will also be held by the Board of Supervisors. The LAFCO Board will ultimately hold a public hearing to make a decision on the City's annexation applications. The LAFCO Board may consider all three of the City's applications at the same hearing, or may consider them over separate hearings.

Part 3: Proposed Sewer and Water Improvements, Roads, Hookups

#8. What infrastructure improvements, if any, are being proposed as part of the annexation process, and how would they be funded? The City, in conjunction with the County, is proposing to install approximately \$8 to \$10 million in infrastructure improvements to specifically serve Area 2b. These improvements include constructing sewer and water lines to be installed within the existing Area 2b street system, as well as a sewer connection to Wilbur Avenue (the City already has a large water line in Viera Ave. and Wilbur). Storm drainage improvements are also proposed, along with road resurfacing in conjunction with the sewer/water work. These improvements represent a very significant investment by both the City and County in Area 2b. This investment works out to be \$80,000 to \$100,000 per existing property within Area 2b (City records show that there are 101 existing parcels within the boundary of Area 2b). The City's share of this cost will be funded by "new" tax revenue that will be accruing to the City with the annexation of Area 1. Residents/property owners will not be required to fund any portion of the \$8 to \$10 million cost to construct the proposed sewer/water improvements. However, it is likely residents /property owners will have to pay for part or all of the cost of connecting to the new sewer/water system at the time a connection is made to the system, as discussed in more detail under Item #12 of this FAQ.

It is important to note that the City would need the permission of property owners to install sewer and water improvements in private streets, or to make any other improvements/changes to private streets. City records show that Trembath Lane, Mike Yorba Way, Saint Claire Drive, Stewart Lane, and Vine Lane are private streets. Viera Avenue, Santa Fe Avenue, Walnut Avenue, Bown Lane, and Wymore Way are currently public streets owned by the County. Upon annexation these public streets would become City streets. Annexation would not affect the status of private streets, which would remain private after annexation.

#9. What are the benefits to the residents/property owners of the installation of the proposed sewer/water system? Area 2b has a wide diversity of lot sizes, ranging from lots as small as 10,000 square feet to lots 2 acres or more in size. If there are problems with the septic fields and wells in Area 2b, such problems would most likely occur where the septic fields and well heads are located in close proximity to each other on the smaller lots in the area. Currently, Area 2b is operating without a sewer or potable water system if failures arise with existing wells/septic fields/ wells, At some point in the future such failing wells/septic fields may no longer be able to be fixed or corrected on site, or the "fix" will be prohibitively expensive. The proposed sewer/water system within Area 2b would provide residents/property owners in Area 2b with a reliable option when other options are no longer possible, viable, or cost effective.

#10. When will the planned sewer and water improvements be made? The City and the County will need to set aside funding so enough funds (\$8 million to \$10 million) can be accrued over time to construct the sewer and water systems. If the City and the County are able to finance the cost of the sewer and water improvements, the sewer/water systems could be

installed within 2 to 3 years after annexation. If affordable financing is not available, then it would be at least 5 years before construction could begin, given the time needed to accrue the needed funding. Given this timing issue, the City will be exploring the possibility of installing water service prior to the more expensive sewer service.

#11. Will residents/property owners be required to hook up to the new sewer/water systems?

The City's existing ordinance stipulates that any property with a septic system that is located within 200 feet of a City sewer line is required within 30 days to hook up to the sewer line. The City ordinance is written the way it is, as the City has not faced a situation similar to Area 2b with a large number of existing properties on septic systems. Given this situation, City staff will be proposing to City Council as part of the rezoning for Area 2b that hook ups not be required in the case of larger lots where County Health Department has determined that the existing septic system is operating correctly. City Council will be considering this issue as part of the rezoning process for Area 2b. Properties relying on wells are not required by City Code to hook up to nearby City water lines.

#12. What would be the cost to residents/property owners to hook up to City sewer and water?

The City's current connection fee to hook a "typical" residential unit for water service, including the water meter cost is \$6180. The charge to hook up to the City sewer system is \$2229. In addition to City fees, Delta Diablo Sanitation District (DDSD) has a facility fee of \$5033. The total of these connection fees is a one-time payment of \$13,442 to hook up to the sewer and water systems. While these one time costs are considerable, they need to be compared to the ongoing costs of maintaining and periodically rebuilding septic fields and wells. The cost to replace a failing septic field to meet current standards is approximately \$40,000 to \$60,000.

In addition to one-time hook up costs, there are ongoing costs to use the sewer/water systems. The typical water bill for residential units in the City located near Area 2b is about \$55/month, or \$660/year. If residents continue to use a well for irrigation purposes, the typical monthly water bills should be less than half this amount. If a property owner wished to operate a well in addition to the City water service, then a device called a "double check valve" would need to be installed. DDSD collects an annual charge of \$262 per unit to fund their ongoing sewage treatment operation. This amount is typically collected with the property tax bill.

#13. What can be done by the City or others to reduce or offset the utility hook up costs?

Neither the City nor DDSD offers waivers for the cost of connection fees. However, the City in the past has offered deferrals in paying such connection costs, whereby payments could be spread out over multiple years. In addition, the City is planning to hire a consultant that specializes in securing grant funding from State and Federal agencies to pay for and otherwise offset the cost of such connections fees. There is grant funding currently available at the State and Federal level to address "clean water" issues. City Council will be considering this fee deferral issue as part of the hearing process on the annexation in order to avoid creating hardship situations.

#14. What improvements are planned to the existing road system? Will curb and sidewalks be installed? Will roads be widened and extended?

The City is not proposing to modify any of the current road designs within Area 2b. No "standard" city street improvements, such as curb,

gutter, sidewalk are being proposed for Area 2b, nor are any widenings or extensions of existing streets being considered. The City has no interest or incentive to modify the existing street system within Area 2b (other than to address any existing public safety issues). Any road improvements would be very expensive given that they would almost certainly require the acquisition of private property, to say nothing for the cost of construction. It is the City's understanding that the majority of the residents in Area 2b want to preserve the current "rural" character of the area, including the current design of the road system. Preserving the current rural road design of Area 2b would also be consistent with the City's desire to minimize costs. As mentioned previously, the City would not be able to make changes to privately held roads without the permission of those parties owning the private road. As with other issues, the City Council will be discussing this issue of road design as part of the annexation's public hearing process on the rezoning.

Part 4: Fiscal Effects of Annexation, Taxes, Other Costs

#15. How will annexation effect the taxes paid by property owners/residents in the areas being proposed for annexation?

- **Property Taxes:** Property taxes will not be affected by annexation to the City. Property taxes will not change as the tax rates are the same for the City and the County. In addition, annexation will not trigger a reassessment of property.
- **Sales Taxes:** As with property tax, the sales tax rate in the City is the same as the County.
- **School Costs:** The areas proposed for annexation are already within the Antioch Unified School District. Annexation will have no impact on school costs, or school attendance.
- **Streetlight Landscape District:** The City is not proposing to place Area 2b within a streetlight landscape district, as Area 2b does not contain parks, public landscaping, or streetlights requiring City maintenance. There is currently an assessment the property owners within Area 1 and Area 2b pay to the County District "CSA L-100". Once the area is annexed to the City, and detached from L-100, the special assessment will cease. This will result in a cost savings to those property owners who currently pay this assessment.
- **Cost of Business License:** The City's formula for computing the cost of business licenses in most cases results in a lower cost than a comparable County business license

Part 5: Zoning, Grandfathering of Existing Uses/Businesses, Code Enforcement

#16. What will be the impacts of annexation in terms of land use and zoning requirements? Will existing structures and uses be "grandfathered"?

The City is required by State law to "prezone" any land proposed for annexation. "Prezoning" is the zoning designation adopted by the City Council that would "replace" the existing County zoning at the time when an area is annexed to the City. There are currently a number of County zoning designations that apply to Area 2b, which are depicted on the attached map (see attached map showing County zoning designations). It is the City's intent to adopt a "Study" zone rezoning for Area 2b, given that the City does not currently have any zoning designations that would be a good "fit" for Area 2b. This "Study" zone will duplicate the current County zoning, which will give the City time to develop zoning designation specifically applicable Area 2b. The City's intent is to "grandfather" all existing building and land uses in Area 2b that are consistent with the current County zoning

regulations. The City will also consider “grandfathering” improvements that are not consistent with the County zoning regulations at the time of annexation, as long as such improvements do not constitute a public health safety issue. The City’s goal is to develop a zoning designation that encourages new investment and improvements within Area 2b, rather than making properties and improvements non-conforming, which would only stifle new investment. The City Council will consider rezoning in the upcoming months as part of the annexation process.

#17. What will happen with existing businesses if the area is annexed to the City? If the existing business is associated with a residential use, then it would likely be permitted under the City’s Home Occupation Ordinance which is similar to the County’s. The City’s Home Occupation Ordinance has a number of restrictions, including limiting the size of the vehicle associated with the business to a maximum of one ton. Business owners should contact the City to determine if their home business is consistent with the City’s requirements. In the case of a legally established commercial use under the County not associated with a residence, then such an activity would be eligible to be “grandfathered” under the City’s zoning. An exception to this would be a commercial/industrial use that creates significant negative impacts on nearby residential uses.

Part 6: Other Potential Concerns/Effects of Annexation

#18. What would be the impact of annexation on fire service? Contra Costa County Fire Protection District currently serves the annexations areas, and this service would not be changed/impacted by the proposed annexation. The provision of City water to the area, along with associated fire hydrants, would enhance the ability of the Fire District to serve the area.

#19. How would annexation affect the keeping of pets and/or larger animals such as horses and livestock? There would be no change in terms of the keeping of pets, as the City regulations in relation to pets is similar to the County. Since the City provides its own animal services operation in a building in downtown Antioch near the Police Department, residents would have more convenient access to such pet related services, as compared to traveling to the County facility in Martinez.

The City allows the keeping of horses and other animals based on meeting certain minimum lot size requirements. Residents with any such larger animals should contact the City to determine if they would meet City requirements upon annexation.

Follow up questions:

If you need clarification on the preceding information, or have additional questions please contact Mindy Gentry, Senior Planner for the City of Antioch at 925-779-6133 (mgentry@ci.antioch.ca.us), or Victor Carniglia, Consultant for the City of Antioch at 925-779-7036 (vcarniglia@municipalresourcegroup.com)

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Eminent Domain
Inverse Condemnation
Real Estate Law

February 27, 2013

Mindy Gentry
Senior Planner
City of Antioch Community Development Department
City of Antioch
P.O. Box 5007
Antioch, CA 94531

Re: Northeast Antioch Reorganization Mitigated Negative Declaration

Dear Ms. Gentry:

I represent John C. Mitosinka and Carey Mitosinka of 1277 St. Clair Drive in Antioch. On behalf of my clients, I offer the following objections to the North East Antioch Reorganization Annexation.

I. THE LANDOWNERS ARE ENTITLED TO PROTEST PROCEEDINGS.

The owners of property located within proposed areas of annexation are generally permitted to vote on whether or not to annex. This gives them the opportunity to choose for themselves which jurisdiction, the city or county, they will be part of. Annexation voting occurs through what is known as "protest hearing proceedings." The landowners affected by the Northeast Antioch Reorganization Annexation are entitled to protest proceedings and a vote thereon. As clearly stated in LAFCO's Northeast Antioch Monthly Update dated September 12, 2012, attached hereto as Attachment 1:

Since the June update, City, County and LAFCO staff received Attorney General (AG) Opinion No. 10-902 relating to island annexations. The opinion concludes that LAFCO may not split a larger island into smaller segments of 150 acres or less in order to utilize the streamlined annexation procedures set forth in Government Code section 56372.3 and thereby avoid the protest proceedings that would otherwise be required.

A copy of Attorney General (AG) Opinion No. 10-902 is attached hereto as Attachment 2. In that Opinion, the AG discusses the annexation process. The AG defines an "island" as unincorporated property that is completely surrounded, or substantially surrounded, by the city to which annexation is proposed or completely surrounded by the city to which annexation is proposed and adjacent cities.

To reduce the cumulative environmental impacts of the Project, the City has broken up the 678 acre project into Subareas 1, 2a and 2b. Subarea 1 consists of 481 acres; Subarea 2a consists of 94 acres; and Subarea 2b consists of 103 acres. This is an improper method of breaking up the subject property into smaller islands which avoids the protest reviews. Dividing islands into smaller segments of 150 acres or less, avoiding the landowner/voter protest proceedings, is not permitted. Areas 2a and 2b do not qualify as islands and the landowners are entitled to protest proceedings. The three subareas must be considered a single area exceeding 150 acres, and therefore the provisions of Section 56375.3 are not permitted. LAFCO lacks discretion or authority to use streamlined procedures to annex an island that exceeds 150 acres in area. Thus, LAFCO lacks discretion or authority to use the streamlined procedures to annex subareas 2a and 2b without the protest procedures.

The Attorney General concludes:

A Local Agency Formation Commission may not split up an unincorporated island that exceeds 150 acres into smaller segments of 150 acres or less in order to utilize the streamlined "island annexation" procedures set forth in Government Code section 56375.3 and thereby avoid the landowner/voter protest proceedings that would otherwise be required.

Subareas 2a and 2b must be considered as a part of the 678 acres and not broken into islands. Thus, the City and LAFCO must present an annexation application for the entire 678 acres, prezone the entire 678 acres, and consider the entire 678 acres in the appropriate CEQA document. To date this has not occurred as the 678 acres has been approached piecemeal, which is not permitted under the AG's opinion, and is therefore illegal. Then, landowner protest and voting procedures must be permitted for the landowners of all 678 acres.

II. A MITIGATED NEGATIVE DECLARATION IS IMPROPER.

My clients object to the project being adopted by way of a Mitigated Negative Declaration rather than a formal Environmental Impact Report. To reduce the cumulative environmental impacts of the Project, the City has broken up the 678 acre project into Subareas 1, 2a and 2b. Subarea 1 consists of 481 acres; Subarea 2a consists of 94 acres; and Subarea 2b consists of 103 acres. This is an improper method to review such a project. By breaking the project into different sub-parts, the environmental impacts are lessened.

California law defines the "Project" as "the whole of an action." In *City of National City v. State of California* (1983) 140 Cal. App. 3d 598, the court defined a project. In footnote 2 on page 603, the *National City* court stated:

In determining what is a project within CEQA, California Administrative Code, title 14, section 15037 provides:

(a) Project means the whole of an action, which has a potential for resulting in a physical change in the environment, directly or ultimately, that is any of the following:

(1) An activity directly undertaken by any public agency including but not limited to public works construction and related activities, . . .'

More specifically, subdivision (c) states:

The term 'project' refers to the activity which is being approved and which may be subject to several discretionary approvals by governmental agencies. The term 'project' does not mean each separate governmental approval." (Emphasis added & some internal quotes omitted)

In *Burbank-Glendale-Pasadena Airport Authority v. Hensler* (1991) 233 Cal. App. 3d 577 the court stated (p. 592, emphasis added):

CEQA mandates that environmental considerations not become submerged by chopping a large project into many little ones, each with a potential impact on the environment, which cumulatively may have disastrous consequences. (City of Santee v. County of San Diego (1989) 214 Cal.App.3d 1438, 1452 [263 Cal.Rptr. 340].) CEQA attempts to avoid this result by defining the term "project" broadly. (Ibid.) A project under CEQA is the whole of an action which has a potential for resulting in a physical change in the environment, directly or ultimately, and includes the activity which is being approved and which may be subject to several discretionary approvals by governmental agencies. (McQueen v. Board of Directors (1988) 202 Cal.App.3d 1136, 1143 [249 Cal.Rptr. 439].)" (Emphasis added)

Thus, the "project" is defined by the environmental documents, and cannot "become submerged by chopping a large project into many little ones, each with a potential impact on the environment, which cumulatively may have disastrous consequences." This is exactly what the City of Antioch is doing in this annexation process.

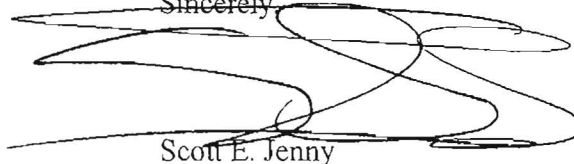
Mindy Gentry
February 27, 2013
Page Four

III. CONCLUSION.

For the foregoing reasons, my clients object to the Northeast Antioch Reorganization Project and Mitigated Negative Declaration. Please make this letter a part of the administrative record, and please copy me with future actions taken on this Project. Please respond in writing to the above intertwined comments regarding the AG's opinion and its relevance to the Northeast Antioch Annexation protest proceedings and the proposed project Mitigated Negative Declaration.

Thank you.

Sincerely

A handwritten signature in black ink, appearing to be "Scott E. Jenny", written over a horizontal line. The signature is stylized and somewhat illegible due to the cursive nature of the handwriting.

Scott E. Jenny

/SEJ

cc: Clients
LAFCO

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

March 13, 2013 (Agenda)

March 13, 2013
Agenda Item 7

LAFCO 13-01 City of Martinez - Out of Agency Service Request (Gateway Estates)

SYNOPSIS

This is a request by the City of Martinez to provide water service outside its jurisdictional boundary to a 7± acre parcel (APN 367-140-010) located at 5240 Alhambra Valley Road in unincorporated Contra Costa County (Attachment 1). The property is currently vacant with a County approved Vesting Tentative Map (Subdivision 05-8947) for seven residential lots (40,000 sq. ft. minimum). The County zoning is Residential (R-40) with a General Plan designation of Single Family Residential Very Low Density. Surrounding uses include single family residential to the west and south, and a 15-acre undeveloped parcel to the north/northeast.

DISCUSSION

Statutory Framework – Out of Agency Service - The Government Code and local LAFCO policies regulate the extension of out of agency service. Government Code §56133 states that “A city or district may provide new or extended services by contract or agreement outside of its jurisdictional boundary only if it first requests and receives written approval from the Commission.” Further, the law provides that LAFCO may authorize a city or district to provide new or extended services under specific circumstances: a) outside the agency’s jurisdictional boundary but within its sphere of influence (SOI) in anticipation of a future annexation; or b) outside its jurisdictional boundary and outside its SOI in response to an existing or impending threat to the public health or safety.

The Commission’s current policies regarding out of agency service are consistent with State law in that annexations to cities and special districts are usually preferred for providing municipal services. However, there may be situations where health and safety, emergency service, or other concerns warrant out of agency service. Historically, out of agency service is considered a temporary measure, typically in response to an existing or impending public health and safety threat (e.g., failing septic system, contaminated well); or in anticipation of a future annexation.

Out of Agency Service Request by City of Martinez and Background - The County is currently processing three development projects in the southeast Alhambra Valley area, one of which is the subject property (SD05-8947). The other two include a 23-lot subdivision (SD02-8634), and the Creekside Oak Estates 7-lot residential subdivision (SD90-7609).

The County conditioned these projects on receiving municipal sewer service through Central Contra Costa Sanitary District (CCCSD) and water service through the City of Martinez. The properties were annexed to CCCSD in 2007; however, the properties currently have no water service. In December 2012, the Commission approved the City’s request to extend out of agency water service to SD02-8634. In the near future, the City expects to submit at least one more out of agency service request to extend municipal water service to the Creekside Oak Estates project.

The subject property has an approved Vesting Tentative Subdivision map that will expire in 2015. In 2005, the City provided comments to the County regarding the proposed subdivision, including conditions related to the provision of water service. One of the conditions is that the property owner enter into a Deferred Annexation Agreement; this condition has been met. There are a number of conditions that are currently outstanding (e.g., grading plan, improvement plans, final map).

In June 2011, the City submitted an application to LAFCO to annex 393± acres (139 parcels) in the Alhambra Valley, including the subject property. In August 2012, the Martinez City Council discussed the proposed annexation boundary and directed its staff to convey to LAFCO the City's preference for a reduced boundary in response to community input while maintaining consistency with the Martinez General Plan and the LAFCO Municipal Service Reviews (MSRs). [Note: Both the 2008 Water/Wastewater and 2009 Central County Sub-regional MSRs noted that the City is providing water services beyond its corporate limits to 1,500± water connections. These 1,500 water connections represent residents who do not have representation concerning policy, rates, or governance of their water supply. The MSRs recommended that the City of Martinez annex areas receiving city services, as appropriate]. In September 2012, the Commission approved the Alhambra Valley annexation reduced boundary, which excludes the subject property and the other two proposed subdivisions.

The law permits LAFCO to authorize the City to extend services outside its jurisdictional boundary in specific situations as described above. The request by the City to provide water service to the property is in anticipation of a future annexation. In furtherance of the City's request to provide out of agency service, we note the following:

- The Martinez General Plan includes policies and land use designations supporting the annexation of portions of Alhambra Valley to the City.
- The City has established design guidelines for portions of Alhambra Valley.
- The City has prepared environmental and fiscal analyses and adopted a property tax sharing agreement for portions of Alhambra Valley.
- In 2011, the City submitted a proposal to LAFCO to annex nearly 400± acres of land within the Alhambra Valley. In response to community input, the City requested that the annexation area be reduced to 316± acres, as approved by LAFCO in September 2012.
- On December 5, 2012, the Martinez City Council adopted a resolution reaffirming its intent to annex the Alhambra Valley to the City as opportunities arise. The resolution sets forth goals relating to community outreach and education.

Water Supply to the Proposed Subdivision - The proposed subdivision is surrounded by homes currently connected to the City's water system. It is anticipated that a 6- or 8-inch water line will be constructed as part of the subdivision improvements. And that the water line will tie into a City of Martinez main line.

The developer will be responsible for all site development, improvement and start-up costs including those associated with the domestic water system; operational and maintenance costs will be funded through water service and water usage fees collected by the City of Martinez.

Environmental Review - The County, as Lead Agency, prepared and certified the Gateway Estates Mitigated Negative Declaration (MND) in 2005 (available through the LAFCO office). The MND identified a number of potentially significant effects. Mitigation measures were adopted which reduced all impacts to a less than significant level. Therefore, there are no significant and unavoidable impacts.

The MND noted that water service to the project area will be provided by the City of Martinez. The City purchases both raw and treated water from the Contra Costa Water District. The water is sourced from the Sacramento Delta at Old River and Rock Slough, and then stored in the Los Vaqueros Reservoir. The City indicates it has adequate water to serve the site.

The developer is working to complete a number of mitigation measures prior to the County approving the final map, including LAFCO's approval for water service through the City of Martinez.

ALTERNATIVES FOR COMMISSION ACTION

LAFCOs were formed for the primary purpose of promoting orderly development through the logical formation and determination of local agency boundaries, and facilitating the efficient provision of public services. The CKH provides that LAFCO can approve or disapprove with or without amendment, wholly, partially, or conditionally, a proposal. The statute also provides LAFCO with broad discretion in terms of imposing terms and conditions. The following options and recommended terms and conditions are presented for the Commission's consideration.

Option 1 **Approve** the out of agency service request with the following terms and conditions.

- A. Finds that, as a Responsible Agency under CEQA, the Commission has reviewed and considered the information contained in the Mitigated Negative Declaration prepared and certified by the County.
- B. Authorizes the City of Martinez to extend water service outside its jurisdictional boundary to the 7± acre parcel (APN 367-140-010) located at 5240 Alhambra Valley Road in unincorporated Contra Costa County subject to the following terms and conditions:
 - 1. Water infrastructure and service is limited to the proposed 7-lot subdivision, and
 - 2. The City of Martinez has delivered to LAFCO an executed indemnification agreement providing for the City to indemnify LAFCO against any expenses arising from any legal actions to challenging the out of agency service.

Option 2 **Deny** the request, thereby prohibiting the City of Martinez from providing water service to the project site.

Option 3 **Continue** this matter to a future meeting in order to obtain more information.

RECOMMENDATION

Option 1 – Approve out of agency service request

LOU ANN TEXEIRA, EXECUTIVE OFFICER
CONTRA COSTA LAFCO

Attachments

- 1. Map of Project Site
- 2. LAFCO Resolution 13-01

c: Distribution

RESOLUTION NO. 13-01

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
AUTHORIZING THE CITY OF MARTINEZ TO PROVIDE OUT-OF-AGENCY WATER SERVICE TO THE
GATEWAY ESTATES PROPERTY LOCATED AT 5240 ALHAMBRA VALLEY ROAD (APN 367-140-010)**

WHEREAS, the above-referenced request has been filed with the Executive Officer of the Contra Costa Local Agency Formation Commission pursuant to the Cortese/Knox/Hertzberg Local Government Reorganization Act (Section 56000 et seq. of the Government Code); and

WHEREAS, at the time and in the manner required by law the Executive Officer has given notice of the Commission's consideration of this request; and

WHEREAS, the Commission heard, discussed and considered all oral and written testimony related to this request including, but not limited to, the Executive Officer's report and recommendation; and

WHEREAS, out of agency service approval is needed in order to provide water services to the property in anticipation of a future annexation; and

WHEREAS, the City of Martinez and the property owner have entered into a Deferred Annexation Agreement in support of the future annexation of the property to the City of Martinez.

NOW, THEREFORE, BE IT RESOLVED DETERMINED AND ORDERED by the Contra Costa Local Agency Formation Commission as follows:

- A. Finds that, as a Responsible Agency under CEQA, the Commission has reviewed and considered the information contained in the 2005 Mitigated Negative Declaration prepared and certified by Contra Costa County, and in the County's CEQA documentation.
- B. Authorizes the City of Martinez to extend water service outside its jurisdictional boundary to a 7± acre property located at 5240 Alhambra Valley Road (APN 367-140-010) in unincorporated Contra Costa County subject to the following terms and conditions:
 - 1. Water infrastructure and service is limited to the proposed 7-lot subdivision,
 - 2. The City of Martinez has delivered to LAFCO an executed indemnification agreement providing for the City to indemnify LAFCO against any expenses arising from any legal actions to challenging the out of agency service, and
 - 3. The City of Martinez and the property owner(s) have signed a deferred annexation agreement (DAA), and that the DAA is recorded as prescribed by law and runs with the land so that future landowners have constructive notice that their property is encumbered by the DAA.
- C. Approval to extend City of Martinez services beyond those specifically noted herein is withheld and is subject to future LAFCO review.

* * * * *

PASSED AND ADOPTED AS REVISED THIS 13th day of March 2013, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

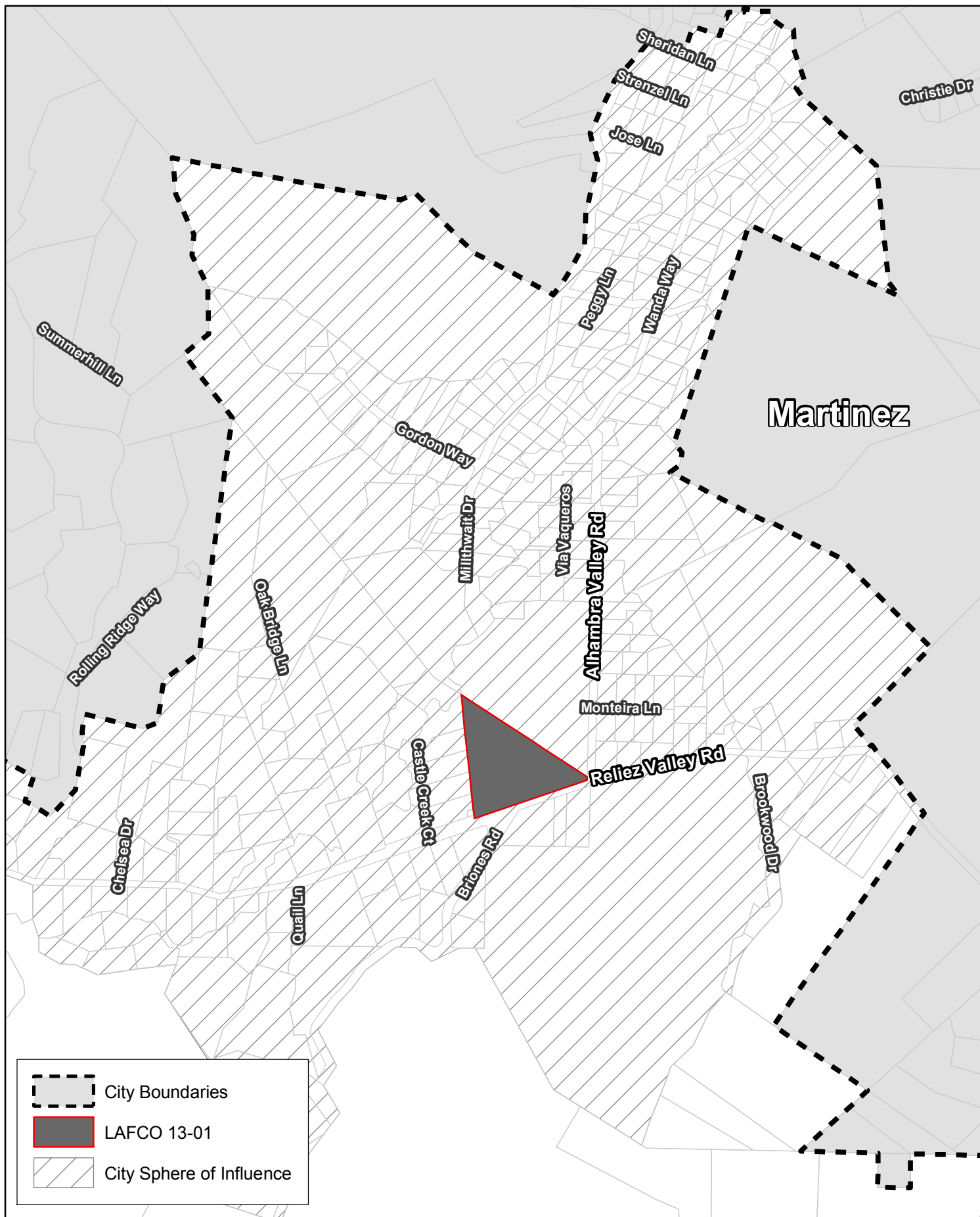
FEDERAL GLOVER, CHAIR, CONTRA COSTA LAFCO

I hereby certify that this is a correct copy of a resolution passed and adopted by this Commission on the date stated above.

Dated: March 13, 2013

Lou Ann Texeira, Executive Officer

LAFCO No. 13-01 City of Martinez Out of Agency Service (Busby)





Lou Ann Texeira
Executive Officer

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Federal Glover
County Member
Michael R. McGill
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Special District Member

March 13, 2013 (Agenda)

**March 13, 2013
 Agenda Item 8**

Contra Costa Local Agency Formation Commission (LAFCO)
 651 Pine Street, Sixth Floor
 Martinez, CA 94553

**Miscellaneous County Service Areas Municipal Services Review and
 Sphere of Influence Updates**

Dear Members of the Commission:

BACKGROUND

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH Act) requires that not less than every five years, LAFCO prepare municipal service reviews (MSRs) prior to or in conjunction with sphere of influence (SOI) updates.

MSRs provide an assessment of the range and adequacy of municipal services provided in the County, and serve as an important tool for LAFCO in fulfilling its legislative mandate to coordinate the efficient and logical development of local government agencies and services. The MSR serves as a basis for the SOI updates and future boundary changes.

In 2006, the Commission approved an MSR/SOI work plan to complete inaugural MSRs/SOI updates for the 19 cities and 74 special districts. The work plan provides for a combination of service-specific (countywide), sub-regional, and agency-specific reviews. To date, LAFCO has completed inaugural countywide reviews covering healthcare, water/wastewater, fire/emergency, reclamation, cemetery, parks & recreation, resource conservation, mosquito & vector control, law enforcement and library services. LAFCO has also completed sub-regional MSRs covering all cities, as well as several agency-specific MSRs.

SUMMARY

In November 2011, LAFCO initiated an MSR covering the seven miscellaneous county services areas (CSAs) listed below. This MSR represents the first MSR for L-100 and T-1.

- CSA D-2 (drainage – Walnut Creek area)
- CSA L-100 (street lighting – unincorporated county)
- CSA M-1 (funding for ferry services – Bradford and Webb Tract islands)
- CSA M-20 (parkway maintenance - View Pointe subdivision - Rodeo)
- CSA M-23 (geologic hazard abatement, drainage - Blackhawk)
- CSA M-31 (transportation demand management program – Contra Costa Centre - Pleasant Hill area)
- CSA T-1 (public transportation demand management services – Danville/San Ramon area)

Burr Consulting was hired to prepare the MSR report. The MSR process entailed distribution of an initial Request for Information, followed by a Commission workshop in January 2013 at which time the consultant presented a preliminary overview of the agencies and issues covered in the MSR report and received comments from the Commission.

On February 21, the Public Review Draft MSR report was released. The report was posted on the LAFCO website (www.contracostalafco.org), and agencies and interested parties were made aware of the report and comment period, which ends on March 13.

At the LAFCO meeting on March 13, the consultant will provide an overview of the MSR report and findings, share comments received to date, and receive additional comments from the public and the Commission. The Commission will be asked to set a public hearing for April 17, at which time the Commission will consider accepting the Final MSR report, adopting the required determinations, and updating the SOIs for the seven CSAs.

DISCUSSION

Municipal Service Review - The *Miscellaneous CSA MSR* provides an overview of services provided by seven local agencies under LAFCO's purview. The report provides information relating to service demand, service adequacy, facilities and finances. The report also identifies critical issues and agency challenges, and showcases best practices.

In accordance with the MSR, LAFCO must prepare written determinations relating to various factors including the following:

- Growth and population projections
- Present and planned capacity of public facilities and adequacy of public services, including infrastructure needs or deficiencies
- Financial ability of agencies to provide services
- Status of and opportunities for shared facilities
- Accountability for community service needs, including governmental structure and operational efficiencies
- The location and characteristics of any disadvantaged unincorporated community within or contiguous to the SOI (*new factor*)

In addition, the MSR report provides governance and SOI/boundary options as discussed below.

Sphere of Influence Updates – The MSR serves as a basis for SOI updates and future boundary changes. Listed below are the MSR consultant's SOI recommendations for the seven CSAs covered in the MSR report. The consultant will provide further information at the March 13 LAFCO meeting. Additional information and analysis relating to governance and SOI options are presented in the MSR report. LAFCO staff will provide its recommendations to the Commission in April, at which time the Commission will be asked to accept the Final MSR report, make the required determinations and update the SOIs.

CSA D-2 – This CSA was formed in 1968 to provide funding for drainage infrastructure in the central portion of Walnut Creek, including both incorporated and unincorporated areas.

Consultant's Recommendation - Retain existing coterminous SOI

CSA L-100 – This CSA was formed in 1986 (consolidation of four districts) to provide funding for street lighting services for most of the developed, unincorporated areas in the County.

Consultant's Recommendation - Reduce SOI to exclude territory outside CSA bounds and territory within the SOIs of cities

CSA M-1 – This CSA was formed in 1960 and provides funding for the Delta Ferry Authority to defray a portion of its costs for ferry services to unincorporated Bradford Island and Webb Tract.

Consultant's Recommendation - Retain existing coterminous SOI

CSA M-20 – This CSA was formed in 1973 to provide parkway tree maintenance services to the View Pointe subdivision in unincorporated Rodeo.

Consultant's Recommendation - Retain existing coterminous SOI

CSA M-23 – This CSA was formed in 1977 and provides financing for drainage and geologic hazard abatement services to the unincorporated area of Blackhawk.

Consultant's Recommendation - Retain existing coterminous SOI

CSA M-31 – This CSA was formed in 2002 to finance shuttle and vanpool transit services to the Pleasant Hill/Contra Costa Centre BART station vicinity in unincorporated Walnut Creek.

Consultant's Recommendation - Expand SOI to include interior roads

CSA T-1 – This CSA was formed in 2006 to fund transit services to the Alamo Creek, Monterosso and Ponderosa Colony communities in unincorporated Camino Tassajara area.

Consultant's Recommendation - Adopt a provisional coterminous SOI and require the District to report back to LAFCO in 12 months with an update on CSA T-1's planning efforts.

RECOMMENDATIONS

1. Receive LAFCO staff and consultants reports,
2. Provide comments, and
3. Direct LAFCO staff to set a public hearing for April 17, 2013 to accept the Final MSR report, make the required determinations and approve the SOI updates.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

c: Distribution



Lou Ann Texeira
Executive Officer

MEMBERS

Donald A. Blubaugh
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Federal Glover
County Member
Michael R. McGill
Special District Member

Dwight Meadows
Special District Member
Mary N. Piepho
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Special District Member

March 13, 2013 (Agenda)

March 13, 2013
 Agenda Item 9

Contra Costa Local Agency Formation Commission
 651 Pine Street, Sixth Floor
 Martinez, CA 94553

Proposed FY 2013-14 LAFCO Budget

Dear Members of the Commission:

BUDGET SUMMARY

The proposed FY 2013-14 budget (attached) shows appropriations totaling \$762,697 and reflects an overall increase of \$17,472 2.25% as compared to the FY 2012-13 budget. The increase is primarily attributable to increases in employee salary/benefit costs. Included in the total appropriations for FY 2013-14 is an \$80,000 contingency reserve fund, which is comparable to the current year's reserve. It is anticipated that FY 2013-14 revenues will be on par with FY 2012-13 revenues, with a comparable level of application activity. Details regarding expenditures and revenues are presented below.

EXPENDITURES

The expenditure portion of the budget is divided into three main objects: Salaries & Benefits, Services & Supplies, and Contingency.

Salaries & Benefits

In FY 2012-13, the Commission maintained a staffing level of two full-time employees; no change in LAFCO staffing is proposed in FY 2013-14. Of the 12 urban LAFCOs, Contra Costa LAFCO is one of three that operates with fewer than three full-time employees.

The amount budgeted in FY 2012-13 for *Salaries & Benefits* is \$335,466; the amount proposed for FY 2013-14 is \$351,936, reflecting an increase of \$16,470 or 4.9%. The difference is attributable to projected increases in employee salary and retirement costs. The Contra Costa County Employees' Retirement Association (CCCERA) has informed LAFCO that both the employer and employee contributions have increased due to changes in the actuarial valuations. Since FY 2011-12, LAFCO has included in its budget an annual expense of \$10,000 to fund its OPEB liability. LAFCO staff has \$10,000 in the FY 2013-14 budget. LAFCO staff is currently reviewing potential OPEB trust options; in the interim, the funding is accounted for in the fund balance.

In addition to the two full-time LAFCO employees, staff support to the Commission is supplemented by private and public service providers. Outsourcing services minimizes costs associated with adding permanent staff and acquiring additional office space and equipment. LAFCO currently contracts with private firms for website maintenance, financial auditing, planning and environmental services. In FY 2011-12, LAFCO renewed contracts for these services following a competitive bid process. The County provides fiscal, drafting, mapping and legal services. The FY 2013-14 budget assumes the continuation of these County services. Also, LAFCO periodically retains consultant services to assist with Municipal Service Reviews (MSRs) and special projects.

Services & Supplies

The amount budgeted in FY 2012-13 for *Services & Supplies* is \$319,759 and included funding for library and miscellaneous County Service Areas (CSAs) MSRs. The amount proposed for FY 2013-14 is \$320,761, reflecting an increase of \$1,002 (less than 1%). The FY 2013-14 budget includes funding for second round water and wastewater MSRs.

Contingency Reserve Fund

Last year, the Commission appropriated \$80,000 for unanticipated expenses (i.e., special studies, potential litigation, etc.). These contingency funds do not accrue, and are re-appropriated each year. The FY 2013-14 includes an \$80,000 contingency reserve fund, which is consistent with prior years.

REVENUES

Revenues consist primarily of application charges, available year-end fund balance, miscellaneous revenues (e.g., interest earnings), and County, city and independent special district contributions, with each group paying one-third of the net operating LAFCO budget. The city and district shares are prorated based on general revenues reported to the State Controller.

Application Charges and Other Revenue

The FY 2012-13 budget includes \$30,000 in proposal processing fees based on a multi-year historical average. It is estimated that LAFCO will receive approximately \$33,762 in application fees this year, more than projected. The projected application and other revenues for FY 2013-14 are \$30,000, which is comparable to the FY 2012-13 budgeted amount. As of March 1, 2013, LAFCO has received eight new applications this fiscal year, which is the same number received as during the same time period last fiscal year. The FY 2013-14 budget also includes a \$3,000 CALAFCO stipend for the Contra Costa LAFCO Executive Officer's services as CALAFCO Executive Officer.

Fund Balance

Government Code §56381(c) provides "If at the end of the fiscal year, the Commission has funds in excess of what it needs, the Commission may retain those funds and calculate them into the following fiscal year's budget."

The FY 2012-13 fund balance is currently unknown and will be calculated at year end (typically by September-October). However, based on the beginning year fund balance, and projected FY 2012-13 revenues and expenses, it is estimated that the available fund balance will be over \$150,000.

The LAFCO fund balance, or any portion thereof, can be used to offset the FY 2013-14 revenues, thereby reducing the revenues to be collected from the funding agencies (County, cities, districts); or placed in a reserve account, separate from the contingency reserve that is appropriated each year.

The FY 2013-14 budget, as proposed, provides that, to the extent possible, the available fund balance be used to offset FY 2013-14 revenues.

Interest Earnings

In November 2006, the Commission initiated an investment policy and directed LAFCO staff to work with the County Treasurer to invest the appropriate level of LAFCO funds.

The FY 2012-13 budget includes no anticipated interest earnings, based on the lack of investment activity and decline in the market. The County Treasurer's office has advised LAFCO to refrain from investing until further notice. The FY 2013-14 budget includes an estimate of zero in investment income. LAFCO staff will continue to monitor the investment market.

Revenues Received from the County, Cities and Independent Special Districts

After processing fees, available fund balance and other miscellaneous revenues, the balance of LAFCO's financial support comes from local governmental agencies. Agency contributions represent the most significant LAFCO revenue source.

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("CKH Act") requires that the net operational costs of LAFCO be apportioned one-third to the County, one-third to the cities, and one-third to the independent special districts. Government Code §56381 describes how the County Auditor is to make the apportionment and collect the revenues once LAFCO adopts a Final Budget. The city and district allocations are based on revenues reported to the State Controller and vary year to year.

As indicated above, the overall budget is expected to increase by approximately 2.25%. The proposed use of the available fund balance will offset agency contributions for FY 2013-14. The amount of revenue from other government agencies required to fund the FY 2012-13 LAFCO budget was \$593,684. As proposed, the total amount of revenue from other government agencies needed to fund the FY 2013-14 budget will be approximately \$582,016, reflecting a 2% decrease. The decrease in cost to contributing agencies is primarily due to a projected increase in available fund balance to be used to offset these costs.

GENERAL DISCUSSION

The CKH Act requires that each LAFCO adopt a proposed budget by May 1 and a final budget by June 15. In accordance with the 2013-14 Budget Schedule approved by your Commission in February, the hearing for the Proposed Budget is scheduled for March 13, and the hearing for the Final Budget is scheduled for May 8. The time between these Commission actions is to allow for review and comment by those agencies that fund LAFCO and other interested parties.

Major LAFCO Responsibilities

LAFCO receives its authority and obligations from the CKH Act. Included among LAFCO's major responsibilities are:

- Act on proposals for incorporation of cities; formations, dissolutions, consolidations and mergers of special districts; and annexations and detachments of territory to and from cities and special districts
- Establish, review and update spheres of influence (SOIs) for cities and special districts
- Conduct MSR's prior to or in conjunction with establishing or updating SOIs
- Perform special studies relating to services and make recommendations about consolidations, mergers or other governmental changes to improve services
- Act on requests for out-of-agency service extensions
- Serve as the Lead or Responsible Agency for compliance with the California Environmental Quality Act (CEQA)
- Serve as the conducting authority to conduct protest hearings relating to boundary changes
- Provide public information about LAFCO and public noticing of pending LAFCO actions
- Establish and maintain a website
- Adopt written policies and procedures
- Appoint an Executive Officer and Legal Counsel
- Adopt an annual budget

Highlights of FY 2012-13

The following represents some of the major accomplishments of the Commission in the current fiscal year:

Boundary Change and Related Applications

- a. Processed eight new applications including four annexations, one reorganization, two out of agency service requests, and one SOI expansion. Completed four reorganizations. Conducted two protest hearings.

Municipal Service Reviews (MSRs)/Sphere of Influence (SOI) Updates

- a. Completed an inaugural countywide MSR covering library services and four corresponding SOI updates. Completed an MSR covering seven CSAs; corresponding SOI updates for the seven CSAs are expected to be completed by April 2013. This will complete LAFCO's inaugural MSR cycle.

Special Projects

- a. Completed the reorganization of the Mt. Diablo Health Care District.
- b. Initiated planning for a second Strategic Planning Workshop to be held on April 15, 2013.
- c. Hosted a countywide discussion on fire and emergency medical services.
- d. Implemented the AB 54 requirements – developed a list of private mutual water companies (MWCs), sent a survey and request for information to 28 MWC. Currently compiling the responses received from about 50% of the MWCs

Administrative and Other Activities

- a. Initiated, and will complete, the financial audit for FY 2011-12.

- b. Responded to two Grand Jury reports and one inquiry from the Contra Costa Chapter of the California Grand Jurors Association.
- c. Updated LAFCO Conflict of Interest and island annexation policies.
- d. Initiated an update to the LAFCO Directory of Local Agencies.

FY 2013-14 Work Plan

The recommended work plan for FY 2013-14 includes the following activities:

- ❖ Initiate second round MSRs covering water and wastewater services
- ❖ Update the Commissioner Handbook including revisions/additions to changes of organization/reorganization, SOI, agriculture, open space and personnel sections, and development of CEQA Guidelines
- ❖ Initiate and complete FY 2012-13 Financial Audit

In addition to the above, LAFCO staff will continue to provide day-to-day and administrative tasks including Commission meeting management, records management, purchasing, budgeting, contract management; processing applications; inter-agency communications; and participation in CALAFCO training and activities.

In conclusion, the Commission and LAFCO staff continue to exercise fiscal prudence, and recognize the economic realities of the times and the current constraints on local government.

Approval of the proposed budget will enable the Commission to perform its core responsibilities effectively, and to continue its work on MSRs/SOI updates.

RECOMMENDATIONS

1. Receive the staff report and open the public hearing to accept testimony on the Proposed FY 2013-14 LAFCO Budget,
2. After receiving public comments close the hearing,
3. After Commission discussion, adopt the Proposed Budget for FY 2013-14, with any desired changes, and authorize staff to distribute the Proposed Budget to the County, cities and independent special districts as required by Government Code Section 56381, and
4. Schedule a public hearing for May 8, 2013 to adopt the Final FY 2013-14 LAFCO Budget.

Respectfully submitted,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

Attachment

PROPOSED FY 2013-14 LAFCO BUDGET

	FY 2012-13 <u>Approved</u>	FY 2012-13 Year-End <u>(Estimated)</u>	FY 2013-14 <u>Proposed</u>	<u>% Change</u>
Salaries and Employee Benefits				
Permanent Salaries– 1011	\$ 188,327	\$ 193,505	\$ 193,046	
Deferred Comp Cty Contribution - 1015				
FICA- 1042	\$ 12,570	\$ 11,246	\$ 14,768	
Retirement expense- 1044	\$ 71,353	\$ 73,433	\$ 79,328	
Employee Group Insurance- 1060	\$ 41,500	\$ 42,175	\$ 42,960	
Retiree Health Insurance- 1061	\$ 20,000	\$ 19,174	\$ 20,000	
Unemployment Insurance- 1063	\$ 716	\$ 773	\$ 734	
Workers Comp Insurance- 1070	\$ 1,000	\$ 1,080	\$ 1,100	
Total Salaries and Benefits	\$ 335,466	\$ 341,386	\$ 351,936	4.91%
Services and Supplies				
Office Expense- 2100	\$ 4,000	\$ 2,474	\$ 4,000	
Publications -2102	\$ 300	\$ 25	\$ 300	
Postage -2103	\$ 2,000	\$ 1,439	\$ 2,000	
Communications - 2110	\$ 230	\$ 234	\$ 230	
Tele Exchange Services 2111	\$ 914	\$ 913	\$ 914	
Minor Comp Equipment - 2132	\$ 1,000		\$ 1,000	
Pubs & Legal Notices 2190	\$ 3,000	\$ 2,976	\$ 3,000	
Memberships - 2200	\$ 8,025	\$ 8,089	\$ 8,319	
Rents & Leases - 2250 (copier)	\$ 4,000	\$ 4,097	\$ 4,000	
Computer Software - 2251	\$ 500	\$ 500	\$ 500	
Bldg Occupancy Costs - 2262	\$ 6,000	\$ 5,326	\$ 5,392	
Bldg Life Cycle Costs - 2265			\$ 276	
Auto Mileage Emp. – 2301	\$ 900	\$ 882	\$ 900	
Other Travel Employees – 2303	\$ 12,500	\$ 11,687	\$ 12,000	
Prof & Spec Services – 2310	\$ 226,914	\$ 176,841		
Assessor	\$ 17,000	\$ 6,716	\$ 13,000	
Financial Audit	\$ 6,000	\$ 6,000	\$ 6,000	
GIS/Mapping	\$ 20,000	\$ 14,244	\$ 20,000	
Legal	\$ 80,000	\$ 80,000	\$ 73,000	
MSRs	\$ 68,555	\$ 35,000	\$ 80,000	
Planning	\$ 30,000	\$ 28,687	\$ 30,000	
Special Projects (document imaging)	\$ 4,859	\$ 3,654	\$ 4,859	
Investment Services	\$ 500		\$ 500	
LAFCO Sponsored Training	-	\$ 2,540		
Contracted Temp Help - 2314 (Web)	\$ 2,340	\$ 2,340	\$ 2,820	
Data Processing Services - 2315	\$ 4,000	\$ 2,978	\$ 4,000	
Data Processing Security - 2326	\$ 100	\$ 87	\$ 126	
Courier - 2331	\$ 2,033	\$ 2,154	\$ 2,041	
Other Inter-Dept Costs - 2340	\$ 123	\$ 92	\$ 123	
Liability/E&O Insurance - 2360	\$ 4,080	\$ 4,020	\$ 4,080	
Commission Training/Registration/Stipends - 2467	\$ 36,300	\$ 35,605	\$ 36,300	
NOD/NOE Filings - 2490	\$ 500	\$ 500	\$ 400	
Total Services & Supplies	\$ 319,759	\$ 263,259	\$ 320,080	0.10%
Fixed Assets				
Office Equipment & Furniture - 4951				
Total Fixed Assets				
Total Expenditures	\$ 655,225	\$ 604,645	\$ 672,016	
Contingency Reserve	\$ 80,000		\$ 80,000	
OPEB Trust	\$ 10,000	\$ 10,000	\$ 10,000	
TOTAL APPROPRIATIONS	\$ 745,225	\$ 614,645	\$ 762,016	2.25%
TOTAL REVENUES	\$ 745,225	\$ 627,446	\$ 762,016	
Agency contributions - 9500 & 9800	\$ 593,684	\$ 593,684	\$ 582,016	-1.97%
Application & other revenues	\$ 30,000	\$ 33,762	\$ 30,000	
Interest Earnings				
Fund Balance	\$ 121,541		\$ 150,000	



Lou Ann Teixeira
Executive Officer

MEMBERS

Donald A. Blubaugh
Public Member
Federal Glover
County Member
Michael R. McGill
Special District Member

Dwight Meadows
Special District Member
Mary N. Piepho
County Member
Rob Schroder
City Member

Don Tatzin
City Member

ALTERNATE MEMBERS

Candace Andersen
County Member
Sharon Burke
Public Member
Tom Butt
City Member
George H. Schmidt
Special District Member

March 13, 2013 (Agenda)

March 13, 2013
 Agenda Item 10

Contra Costa Local Agency Formation Commission (LAFCO)
 651 Pine Street, Sixth Floor
 Martinez, CA 94553

Status Report - Municipal Service Reviews/Sphere of Influence Updates

Dear Members of the Commission:

This is an update summarizing the status of municipal service reviews (MSRs) and sphere of influence (SOI) updates in Contra Costa County.

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH Act) resulted in sweeping changes to the statute that governs LAFCOs. Included among the changes was a requirement to update SOIs every five years as needed, and prepare corresponding MSRs to determine the range and adequacy of services.

DISCUSSION

MSRs/SOI Updates in Contra Costa County - In 2006, the Commission adopted a MSR work plan that provides for preparing comprehensive MSRs. With the exception of the Miscellaneous County Service Areas MSR, the inaugural MSR cycle is complete. The majority of the MSRs focuses on a specific public service and covers all of the local agencies that provide these services in the County or in a sub-region. Several agency-specific reviews were prepared when needed.

Status of MSRs/SOI Updates - To date, countywide MSRs have been completed for the following services: healthcare, water/wastewater, fire/emergency medical, reclamation, cemetery, mosquito/vector control, parks/recreation, resource conservation, law enforcement, and library services. Also, sub-regional MSRs covering all 19 cities and several community service districts (CSDs) are complete, as well as agency-specific MSRs for the Byron Sanitary District, Town of Discovery Bay CSD, and Green Valley Recreation & Park District. In 2012-13, LAFCO initiated a countywide MSR covering seven miscellaneous county service areas (CSAs). This review is expected to be complete by April 2013.

Following completion of the MSRs, most agency SOIs were updated. The following SOI updates are pending:

Agency	MSR	Comments/Status of SOI Update
Town of Danville	Central County Sub-regional MSR completed September 2009	Pending completion of Town's General Plan update in 2013
City of San Ramon	Central County Sub-regional MSR completed September 2009	Pending (City completed its General Plan update in 2011)
CSA R-4	Countywide Park & Recreation Services MSR completed April 2010	Pending. Following discussions with Moraga Town staff, they recently requested that LAFCO retain the existing SOI subject to the Commission's approval
Rollingwood Wilart Park Recreation & Park District (RWPRPD)	Countywide Park & Recreation Services MSR completed April 2010	Pending ongoing discussions with City of San Pablo
Contra Costa County Fire Protection District (CCCFPD)	Countywide Fire/Emergency Medical Services MSR completed April 2009	Partial SOI update in 2009 pending west county fire service discussions (i.e., potential boundary changes)
Crockett-Carquinez FPD (CCFPD)	Countywide Fire/Emergency Medical Services MSR completed April 2009	SOI pending west county fire service discussions
Kensington FPD (KFPD)	Countywide Fire/Emergency Medical Services MSR completed April 2009	SOI pending west county fire service discussions
Rodeo-Hercules FPD	Countywide Fire/Emergency Medical Services MSR completed April 2009	SOI pending west county fire service discussions
CSA P-2	Countywide Law Enforcement MSR completed August 2011	SOI pending discussions with County staff
CSA P-5	Countywide Law Enforcement MSR completed August 2011	SOI pending discussions with County staff
CSA P-6	Countywide Law Enforcement MSR completed August 2011	SOI pending discussions with County staff

Regarding the pending SOI updates, we offer the following comments:

- **Town of Danville SOI Update** – It would be appropriate to update the Town of Danville's SOI following completion of the Town of Danville General Plan update this year.
- **City of San Ramon SOI Update** – LAFCO staff will coordinate with City of San Ramon staff and bring an SOI update to the Commission in the next several months.
- **CSA R-4** – LAFCO staff will bring an SOI update to the Commission in the next 1-2 months.
- **RWPRPD** – The San Pablo City Manager reports that the City has identified the Rollingwood area as one of three "Future Annexation" policy items adopted under the FY 2011-13 City Council Priority Workplan. Further, the City supports open discussions with the RWPRPD as indicated in a recent letter (Attachment 1).
- **West County Fire Service** – The SOI updates for four fire districts are pending current discussions and agency studies to address fire and emergency medical services.
- **"P" Districts** - LAFCO staff will coordinate with the County Sheriff's Office and report back to the Commission in the next several months.

In addition to the pending SOI updates, there are several agencies (listed below) where LAFCO adopted a zero SOI signaling a future change of organization or reorganization.

- **CSA M-28** – M-28 provides water service to the Willow Mobile Home Park located on the eastern edge of Bethel Island. The community has approximately 172 mobile home units and is served by one well with reverse osmosis treatment. The County previously contracted with the Diablo Water District (DWD) to maintain and operate the system. The County currently contracts with a private firm (Diversified) to manage the system. The MSR included a governance option to dissolve CSA M-28 and annex the area to DWD, which provides similar services for three other communities that were former CSAs. DWD expressed concern with taking over the system and the associated capital improvements costs. The County is currently pursuing the transfer of M-28 to the owner of the mobile home park; the transition is in process.
- **Reclamation District 2137** - RD 2137 is located within the boundaries of the City of Oakley. The District provides maintenance services to non-project levees and internal drainage facilities, and oversees habitat preservation/restoration. The MSR report identified the following five governance and SOI options for RD 2137:

1. *Dissolution* - The MSR noted that District land is owned by the Department of Water Resources (DWR) and two private parcels (of which the City of Oakley has an option to acquire). Restoration of the tract as part of the Dutch Slough Tidal Marsh Restoration Project, along with any necessary new levee construction or repair and maintenance of existing levees could become the responsibility of the State of California or the City of Oakley (or both) under this option.

2. *Consolidation* with the adjacent RD 799 (Hotchkiss Tract). A 436-acre portion of the Dutch Slough Tidal Marsh Restoration Project area (Burroughs Parcel) is located within RD 799. Under this option, RD 2137 would be dissolved and the area annexed to RD 799. This would place all of the Restoration Project area within a single reclamation district.

3. A variation of Option #2 would be to *detach* the Burroughs Parcel from RD 799 and annex that territory to RD 2137. This option may affect the integrity of the existing levees on Hotchkiss Tract, and/or require construction of new levees if existing levees are breached for marshland restoration.

4. *Establishment of a subsidiary district* - Under this scenario, the City of Oakley would assume responsibility for reclamation services with the City Council serving as the Board of Trustees. The SOI for the subsidiary district would need to be coordinated with the City of Oakley SOI.

5. *Construction of a new 'set-back' levee* - New urban development along the East Cypress Corridor could be required to finance a new east-west levee meeting FEMA flood protection standards. This new levee would, in effect, separate and protect the residential and commercial development in the corridor from the habitat/tidal marsh restoration area closer to Dutch Slough.

Following completion of the MSR report, the Commission adopted a zero SOI for RD 2137 as recommended in the MSR report. A zero SOI signals dissolution or some other type of government reorganization (e.g., consolidation, merger, establishing a subsidiary district, etc.). The Commission directed LAFCO staff to work with RD 2137 and the City of Oakley to initiate dissolution of RD 2137 and allow DWR to take over the functions of the District.

LAFCO staff has contacted the City of Oakley and RD 2137 for periodic updates. In response to a recent exchange, RD 2137 submitted the attached letter expressing opposition to dissolution of the

District (Attachment 2). LAFCO staff will continue to work with City and District staff to explore governance options in order to implement the adopted zero SOI.

- **County Sanitation District No. 6 (SD 6)** - SD 6 provides wastewater service to the Stonehurst subdivision (Alhambra Valley). The MSR noted that there is no other wastewater system infrastructure in the vicinity, although Central Contra Costa Sanitary District (CCCSD) has infrastructure less than one mile to the east of the subdivision. The MSR also noted that the Regional Water Quality Control Board Waste Discharge requires SD 6 connect to a sanitary sewer line at the earliest possible time when services are available, and the onsite wastewater treatment and disposal system should be closed. The County recently issued a Request for Proposals for sanitary engineering consulting services to assist in the ongoing operation of SD-6 and possible future annexation to CCCSD. Included in the scope of services will be an analysis of the existing system and a feasibility study (including a cost estimate for planning, design and construction) assisting the County with the annexation process.

The upcoming second round water/wastewater MSR, as discussed below, will follow-up on the status of the CSA M-28 and County Sanitation District No. 6 governance issues.

A complete MSR/SOI summary is attached (Attachment 3). LAFCO staff will continue to work with those agencies with pending SOIs and service/boundary issues and keep the Commission apprised of the progress.

Outcomes from First Round MSRs – In addition to updating SOIs, there were various other outcomes derived from the first round MSRs, including the following:

- ❖ Establishing relationships with local agencies under LAFCO's purview
- ❖ Obtaining local agency profile information
- ❖ Identifying out of agency service
- ❖ Resolving boundary/map discrepancies among the County Assessor, County GIS, State Board of Equalization, local agencies and LAFCO
- ❖ Boundary clean-ups
- ❖ Daylighting local agencies and the services they provide
- ❖ Showcasing best practices and options for resource sharing
- ❖ Identifying governance, fiscal, service and other challenges and issues
- ❖ Providing governance options including those requiring LAFCO approval (reorganizations, consolidations, mergers, dissolutions), as well as those not requiring LAFCO approval (JPAs, functional consolidations, shared services and facilities, etc.)

Second Round MSRs/SOI Updates – In accordance with State law, LAFCO must review and update SOIs every five years, as necessary. Contra Costa LAFCO recently initiated work on a second round MSR covering water and wastewater services – see attached list (Attachment 4). There are 24 local agencies (i.e., eight cities, 16 special districts) under Contra Costa LAFCO's purview that provide water and/or wastewater services, plus three multi-county districts where another LAFCO is the principal LAFCO. Most local agencies covered in this second round MSR have received preliminary requests for information - see attached samples (Attachments 5a and 5b). The preliminary request for information focuses on the issues below, some of which were not covered in the first round MSR (as denoted with an asterisk):

- update to agency profile (as reflected in the LAFCO Directory of Local Agencies)
- updates/status report on issues identified in the first round MSR*
- effects of recent regulatory changes/requirements

- update on infrastructure and services
- changes in the agency's fiscal conditions
- anticipated changes to agency boundary and/or SOI
- update on vacant/underutilized land (cities only)
- effects on water and/or wastewater service delivery as a result of the dissolution of redevelopment agencies (cities only)*
- effects of the Regional Transportation Plan/Sustainable Communities Strategy on water and/or wastewater services*
- information regarding the location and characteristics of any disadvantaged unincorporated community within or contiguous to the agency's SOI*

The second round water/wastewater MSR will also include general information on several private water service providers, as well as information obtained from private mutual water companies in accordance with AB 54.

The second round MSR will provide an opportunity to review trends in service demands and financial solvency; to follow up on governance issues that were flagged in the inaugural round; and to look at regional growth management issues in light of recent legislation pertaining to the provision of municipal services, sustainable communities strategies and disadvantaged unincorporated communities.

Next Steps – LAFCO staff is currently working on the requests for information to the remaining water and wastewater service providers, and compiling the responses. LAFCO staff will prepare a Request for Proposals for consultant services to assist with the second round water/wastewater MSR. The proposed FY 2013-14 budget presented to the Commission on March 13, 2013, includes funding to prepare the second round water/wastewater MSR.

The Commission will further discuss first round MSR outcomes and expectations for second round MSRs at its upcoming strategic planning session on April 15.

RECOMMENDATION

Receive report and provide input as desired.

Sincerely,

Lou Ann Texeira
Executive Officer

Attachment 1 – Letter dated March 4, 2013 from City of San Pablo (Rollingwood)

Attachment 2 – Letter dated March 4, 2013 from RD 2137

Attachment 3 - Contra Costa LAFCO MSRs/SOI Updates Summary

Attachment 4 – List of Water/Wastewater Service Providers Included in Second Round MSR

Attachment 5 – Sample Preliminary MSR Requests for Information



March 4, 2013

Lou Ann Texeira,
Executive Director
Contra Costa County of Local Agency Formation Commission (LAFCO)
651 Pine Street
Martinez, CA 94553

**SUBJECT: MUNICIPAL SERVICE REVIEW/SOI UPDATE:
ROLLINGWOOD-WILART PARK RECREATION AND PARK
DISTRICT (RWPRPD) – (MARCH 13, 2013 LAFCO AGENDA)**

Dear Ms. Texeira:

The City of San Pablo wishes to forward this letter of interest on the completion of the upcoming Municipal Service Review (MSR)/SOI Update being considered for LAFCO board review scheduled on Wednesday, March 13, 2013.

As addressed in the 2010 MSR: Park and Recreation & Cemetery Services (adopted April 21, 2010), the City of San Pablo wishes to address the Agency-supported recommendation identified (page 130) in the 2010 MSR document that the RWPRPD ..."has expressed a desire for a conterminous SOI, because it continues to provide services to the unincorporated communities of Rollingwood and Wilart Park; however, it has expressed being open to other governmental structure options, including future annexation by the City of San Pablo."

Since the completion of the *Contra Costa LAFCO: West County Sub-Regional MSR completed in November 2009*, the San Pablo City Council has since reversed its position on this subject, and is now exploring the future potential annexation of the unincorporated community of Rollingwood.

Based on adoption of a FY 2011-13 City Council Priority Workplan (Resolution 2011-061; Amended Resolution 2012-082), the San Pablo City Council is currently exploring the feasibility of a future annexation of the unincorporated communities of Rollingwood and Miflin-Barranca for long-term economic interests in the future.

LAFCO Executive Director

March 4, 2013

Page 2

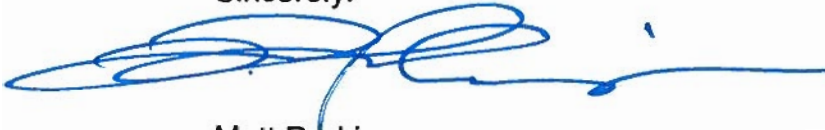
Although there is no immediate timeline for these future annexation considerations, based on current long-term policy established by the San Pablo City Council, the City would like to reiterate its interest in supporting the previous 2010 MSR finding that encourages: *"...open discussions with RWPRPD officials of other governmental structure options with the City of San Pablo..."* that would potential support (or supplant) the current services being provided by RWPRPD to the communities of Rollingwood and Wilart Park."

The MSR finding noted in 2010, if presented for LAFCO consideration at the March 13, 2013 MSR/SOI Update, would be consistent with current policy supported by the City of San Pablo at this time.

Should you have any questions regarding this matter, please do not hesitate to contact me at (510) 215-3016.

Thank you for your time and consideration.

Sincerely:



Matt Rodriguez,
City Manager

cc: Contra Costa County Supervisor John Gioia
San Pablo City Councilmembers
City Attorney
Assistant City Manager – Internal Services
Assistant City Manager – External Services
Community Services Manager

RECLAMATION DISTRICT NO. 2137

311 East Main Street, Suite 504
Stockton, CA 95202
(209) 943-5551

March 4, 2013

BOARD OF TRUSTEES
Ed Schmit, Chairman
Jim Eckman, Trustee
Brent Gilbert, Trustee

Secretary/Attorney
Al Warren Hoslett

District Engineer
MBK Engineers

Contra Costa LAFCO
651 Pine Street, Sixth Floor
Martinez, CA 94553

Via Email:
LTexe@lafco.cccounty.us

Attention: Lou Ann Texeira, Executive Director

Re: Reclamation District No. 2137

Dear Lou Ann:

Thank you for your email regarding the proposed action by the LAFCO Commissioners, in considering the dissolution of Reclamation District No. 2137 (RD 2137) as a reclamation district.

I think that this action would be very unwise of LAFCO, and would be disastrous to the implementation and maintenance of the Dutch Slough Tidal Marsh Restoration Project.

As you know, the landowners within RD 2137 only recently applied to LAFCO to organize as a reclamation district. At that time, and the same is still the case, RD 2137 was formed to provide the landowners within the district boundaries the ability to provide for the maintenance of the levees of the district on a global basis and to take advantage of state funding *to assist in that maintenance*. Without RD 2137, the individual landowners would be responsible for determining whether or not and to what extent they would maintain the levees adjoining their respective properties. In addition, the state funding that RD 2137 currently receives is only available to reclamation districts – it would not be available to the individual landowners and thus the total cost for maintaining the levees would fall back onto the landowners – that is, the Department of Water Resources and the Emerson and Gilbert families.

In order to give you an idea of the magnitude of the effect on the funding for maintaining the levee, RD 2137 currently has an annual budget, and an annual assessment for its operational expenses, of approximately \$250,000. In addition, RD 2137 just completed a \$1,000,000 special

project, for design of the Dutch Slough Tidal Marsh Restoration Project (Project), funded through a special funding agreement with the State, and in July 2012 it commenced another special project totaling approximately \$7.4 million dollars, which will include the first phase of Project construction, again through a special funding agreement with the State. The Project will *not be completed until 2018, at the earliest, and this special funding is only available to* Reclamation Districts. If the District were dissolved, this funding would be lost. Because of legislative restrictions on the special funding, DWR must grant these funds to a Reclamation District; it is not possible for DWR to directly expend these funds for the Project. Therefore, it is vital that the RD not be dissolved.

As I am sure you are also aware, while the levees of RD 2137 provide flood protection for the lands within the district boundaries, there could also be a negative impact on the lands adjoining RD 2137 if RD 2137's levees were to fail. In addition, despite the future plans for tidal restoration within the District, the levees will need to be maintained even after the restoration. *The entire levee around one of the District's parcels will support a public access trail, and more than half of the levee on the District's second parcel will need to be maintained in order to protect managed marsh that will be preserved as habitat for a State-listed threatened species, California Black Rail.*

I would appreciate your thoughts on how RD 2137 might assist LAFCO in making its decision on whether RD 2137 should be dissolved.

I am looking forward to hearing from you regarding this matter prior to the proposed hearing on March 13th. *Thank you in advance for your prompt response.*

Yours very truly,



AL WARREN HOSLETT
Secretary/Legal Counsel
RD 2137

AWH/aw
cc (via email):
RD 2137 Board of Trustees
MBK Engineers
Attn: Nate Hershey

CONTRA COSTA LAFCO

Status of Municipal Service Reviews/Sphere of Influence Updates March 2013

Local Agency	MSR/SOI Status	Type of MSR	Next Update
<u>Cities</u>			
City of Antioch	MSR (Dec 2008); SOI <i>reduced</i> (Mar 2010)	East County Sub-Regional	2013-14
City of Brentwood	MSR/SOI <i>reduced</i> (Dec 2008)	East County Sub-Regional	2013-14
City of Clayton	MSR (Sept 2009); SOI <i>reduced</i> (Oct 2009)	Central County Sub-Regional	2014-15
City of Concord	MSR (Sept 2009); SOI retained (Oct 2009)	Central County Sub-Regional	2014-15
Town of Danville	MSR (Sept 2009); SOI update pending	Central County Sub-Regional	2014-15
City of El Cerrito	MSR/SOI <i>retained</i> (Nov 2009)	West County Sub-Regional	2014-15
City of Hercules	MSR/SOI <i>retained</i> (Nov 2009)	West County Sub-Regional	2014-15
City of Lafayette	MSR (Sept 2009); SOI <i>retained</i> (Oct 2009)	Central County Sub-Regional	2014-15
City of Martinez	MSR (Sept 2009); SOI <i>reduced</i> (Oct 2009)	Central County Sub-Regional	2014-15
Town of Moraga	MSR (Sept 2009); SOI <i>reduced</i> (Oct 2009)	Central County Sub-Regional	2014-15
City of Oakley	MSR/SOI <i>retained</i> (Dec 2008)	East County Sub-Regional	2013-14
City of Orinda	MSR (Sept 2009); SOI <i>retained</i> (Oct 2009)	Central County Sub-Regional	2014-15
City of Pinole	MSR/SOI <i>retained</i> Nov 2009	West County Sub-Regional	2014-15
City of Pittsburg	MSR (Dec 2008); SOI <i>expanded</i> (July 2009)	East County Sub-Regional	2013-14
City of Pleasant Hill	MSR (Sept 2009); SOI <i>reduced</i> (Oct 2009)	Central County Sub-Regional	2014-15
City of Richmond	MSR/SOI <i>reduced</i> (Nov 2009)	West County Sub-Regional	2014-15
City of San Pablo	MSR/SOI <i>reduced/expanded</i> (Nov 2009)	West County Sub-Regional	2014-15
City of San Ramon	MSR (Sept 2009); SOI update pending	Central County Sub-Regional	2014-15
City of Walnut Creek	MSR (Sept 2009); SOI <i>reduced</i> (Oct 2009)	Central County Sub-Regional	2014-15
<u>Cemetery Districts</u>			
Alamo-Lafayette Cemetery District	MSR/SOI <i>retained</i> (Apr 2010)	Countywide Cemetery, Park & Recreation	2015 (reported back in 2011)
Byron-Brentwood-Knightsen-Union Cemetery District	MSR/SOI <i>retained</i> (Apr 2010)	Countywide, Cemetery, Park & Recreation	2015 (reported back in 2011)

Local Agency	MSR/SOI Status	Type of MSR	Next Update
<u>Community Service Districts</u> Crockett CSD (formed 2006)	MSR/SOI <i>retained</i> (Nov 2009)	West County Sub-Regional	2013-14 (second round water/sewer)
Diablo CSD	MSR (Sept 2009); SOI <i>retained</i> (Oct 2009)	Central County Sub-Regional	2014-15
Dublin San Ramon CSD	N/A	Alameda LAFCO is principal	
Kensington Police Protection and CSD	MSR/SOI <i>retained</i> (Nov 2009); MSR (2011)	West County Sub- Regional (2009); Law Enforcement (2011)	2014-15
Town of Discovery Bay CSD	MSR/SOI <i>retained</i> (May 2006)	Agency-specific	2013-14 (second round water/sewer)
Town of Knightsen CSD (formed 2005)	MSR/SOI <i>retained</i> (Dec 2008)	East County Sub-Regional	2013-14 (second round water/sewer)
<u>County Service Areas</u> CSA D-2 (Drainage - Walnut Creek)	MSR May 2004; no SOI update	Misc CSAs	2012-13 (underway)
CSA EM-1 (Countywide – Emergency Medical)	MSR (Aug 2009); SOI <i>retained</i> (Oct 2009)	Countywide Fire/ Emergency Service	2014-15
CSA L-100 (Countywide - Streetlighting)	No previous MSR; SOI <i>affirmed</i> Nov 2003	Misc CSAs	2012-13 (underway)
CSA LIB-2 (Library - Rancho El Sobrante)	MSR/SOI <i>retained</i> Feb 2013	Countywide Library	2018-19
CSA LIB-10 (Library - City of Pinole)	MSR/SOI <i>retained</i> Feb 2013	Countywide Library	2018-19
CSA LIB-12 (Library - Town of Moraga)	MSR/SOI <i>retained</i> Feb 2013	Countywide Library	2018-19
CSA LIB-13 (Library - cities of Concord and Walnut Creek)	MSR/SOI <i>expanded</i> Feb 2013	Countywide Library	2018-19
CSA M-1 (Misc Services - Delta Ferry)	MSR/SOI <i>affirmed</i> Feb 04	Misc CSAs	2012-13 (underway)
CSA M-16 (Misc Services – Community of Clyde)	MSR/SOI <i>retained</i> (Apr 2010)	Countywide Park & Rec	2015-16
CSA M-17 (Misc Services - Tara Hills, Montlvin Manor, West Contra Costa)	MSR/SOI <i>retained</i> (Apr 2010)	Countywide Park & Rec	2015-16
CSA M-20 (Misc Services - View Pointe Subdivision)	MSR/SOI <i>affirmed</i> Feb 04	Misc CSAs	2012-13 (underway)
CSA M-23 (Misc Services - San Ramon, Blackhawk, Danville)	MSR/SOI <i>affirmed</i> Feb 04	Misc CSAs	2012-13 (underway)
CSA M-28 (Misc Services – Bethel Island)	MSR/SOI Update (zero SOI) Dec 2007	Countywide Water/ Wastewater MSR	2013-14 (second round water/sewer)
CSA M-29 (Misc Services – San Ramon, Dougherty Valley)	MSR/SOI <i>retained</i> (Apr 2010); MSR (2011)	Countywide Park & Rec (2010); Law Enforcement (2011)	2015-16
CSA M-30 (Misc Services – Alamo)	MSR (Apr 2010); SOI <i>affirmed</i> (Aug 2010); MSR (2011)	Countywide Park & Rec (2010); Law Enforcement (2011)	2015-16
CSA M-31 (Misc Services – Pleasant Hill)	MSR/SOI <i>affirmed</i> (Feb 04)	Misc CSAs	2012-13 (underway)
CSA P-2 (Police – Zone A – Blackhawk, Zone B - Alamo)	MSR (Aug 2011); SOI pending	Law Enforcement (2011)	2010-11

Local Agency	MSR/SOI Status	Type of MSR	Next Update
CSA P-5 (Police Protection – Roundhill)	MSR (Aug 2011); SOI pending	Law Enforcement (2011)	2010-11
CSA P-6 (Police Protection – Unincorporated Area)	MSR (Aug 2011); SOI pending	Law Enforcement (2011)	2010-11
CSA R-4 (Recreation – Moraga)	MSR (Apr 2010); SOI update deferred 12 months	Countywide Park & Rec	2015-16
CSA R-7A (Recreation – Alamo)	MSR (Apr 2010); SOI update/expansion (Apr 2012)	Countywide Park & Rec	2015-16
CSA R-9A (Recreation - El Sobrante)	MSR/SOI <i>retained</i> (Apr 2010)	Countywide Park & Rec	2015-16
CSA R-10 (Recreation – Rodeo)	MSR/SOI <i>retained</i> (Apr 2010)	Countywide Park & Rec	2015-16
CSA RD-4 (Roads - Bethel Island)	MSR/SOI <i>retained</i> (Dec 2008)	East County Sub-Regional	2013-14
CSA T-1 (Transit – San Ramon) (formed 2006)		Misc CSAs	2012-13 (underway)
<u>Fire Service</u> Contra Costa County Fire Protection District	MSR (Aug 2009); partial SOI update - <i>expanded/reduced</i> (Oct 2009)	Countywide Fire/Emergency Service MSR	2014-15
Crockett-Carquinez Fire Protection District	MSR (Aug 2009); SOI update pending	Countywide Fire/Emergency Service	2014-15
East Contra Costa Fire Protection District	MSR (Aug 2009); SOI <i>reduced</i> (Oct 2009)	Countywide Fire/Emergency Service	2014-15
Kensington Fire Protection District	MSR (Aug 2009); SOI update pending	Countywide Fire/Emergency Service	2014-15
Moraga-Orinda Fire Protection District	MSR (Aug 2009); SOI <i>expanded</i> (Oct 2009)	Countywide Fire/Emergency Service	2014-15
Rodeo-Hercules Fire Protection District	MSR (Aug 2009); SOI update pending	Countywide Fire/Emergency Service	2014-15
San Ramon Valley Fire Protection District	MSR (Aug 2009); SOI <i>expanded</i> (Oct 2009)	Countywide Fire/Emergency Service	2014-15
<u>Health Care Districts (HCDs)</u> Los Medanos HCD	MSR/SOI <i>retained</i> (Aug 2007)	Countywide healthcare	2012-13
Mt. Diablo HCD	MSR/SOI <i>retained</i> (Aug 2007)	Countywide healthcare; annual progress report required/provided	2012-13
West Contra Costa HCD	MSR/SOI <i>retained</i> (Aug 2007)	Countywide healthcare; annual progress report required/provided	2012-13
<u>Irrigation</u> Byron-Bethany Irrigation District	N/A	San Joaquin LAFCo is principal	
East Contra Costa Irrigation District	MSR (Dec 2007); SOI <i>retained</i> (Mar 2008)	Countywide Water/Wastewater	2012-14
<u>Mosquito Abatement</u> Contra Costa Mosquito and Vector Control District	MSR (Apr 2010); SOI <i>retained</i> (May 2010)	Countywide	2015-16
<u>Municipal Improvement</u> Bethel Island Municipal Improvement District	MSR/SOI <i>retained</i> (Dec 2008)	East County Sub-Regional	2014-15 (with RDs)

Local Agency	MSR/SOI Status	Type of MSR	Next Update
<u>Municipal Utility</u> East Bay MUD	N/A	Alameda LAFCo is principal	
<u>Reclamation Districts (RD)</u> RD 799 (Hotchkiss Tract)	MSR (July 2009); SOI <i>reduced</i> (Nov 2009)	Countywide Reclamation	2014-15
RD 800 (Byron Tract)	MSR (July 2009); SOI <i>expanded/reduced</i> (Nov 2009)	Countywide Reclamation	2014-15
RD 830 (Jersey Island)	MSR (July 2009); SOI <i>retained</i> (Nov 2009)	Countywide Reclamation	2014-15
RD 2024 (Orwood and Palm Tracts)	MSR (July 2009); SOI <i>retained</i> (Nov 2009)	Countywide Reclamation	2014-15
RD 2025 (Holland Tract)	MSR (July 2009); SOI <i>retained</i> (Nov 2009)	Countywide Reclamation	2014-15
RD 2026 (Webb Tract)	MSR (July 2009); SOI <i>retained</i> (Nov 2009)	Countywide Reclamation	2014-15
RD 2059 (Bradford Island)	MSR (July 2009); SOI <i>retained</i> (Nov 2009)	Countywide Reclamation	2014-15
RD 2065 (Veale Tract)	MSR (July 2009); SOI <i>retained</i> as "provisional" with 12-month report back (Nov 2009) update provided 1/14/11	Countywide Reclamation	2014-15
RD 2090 (Quimby Island)	MSR (July 2009); SOI <i>retained</i> (Nov 2009)	Countywide Reclamation	2014-15
RD 2117 (Coney Island)	MSR (July 2009); SOI <i>retained</i> (Nov 2009)	Countywide Reclamation	2014-15
RD 2121	MSR (July 2009); SOI <i>retained</i> with 24-month report back (Nov 2009)	Countywide Reclamation	2014-15
RD 2122 (Winter Island)	MSR (July 2009); SOI <i>retained</i> (Nov 2009)	Countywide Reclamation	2014-15
RD 2137	MSR (July 2009); adopted zero SOI (Nov 2009)	Countywide Reclamation	2014-15
<u>Park & Recreation</u> Ambrose Recreation & Park District	MSR (Apr 2010); SOI <i>retained</i> (May 2010)	Countywide Park & Rec	2015-16
East Bay Regional Park District	N/A	Alameda LAFCo is principal	
Green Valley Recreation & Park District	MSR (Aug 2008); SOI <i>reduced</i> (Oct 2009)	Agency-specific MSR	2015-16
Pleasant Hill Recreation & Park District	MSR (Apr 2010); SOI <i>expanded/reduced</i> (May 2010)	Countywide Park & Rec	2015-16
Rollingwood-Wilart Recreation & Park District	MSR (Apr 2010); SOI update deferred 12 months	Countywide Park & Rec	2015-16
<u>Resource Conservation</u> Contra Costa Resource Conservation District	MSR (Apr 2010); SOI <i>retained</i> (May 2010)	Countywide	2015-16

Local Agency	MSR/SOI Status	Type of MSR	Next Update
<u>Wastewater</u> Byron Sanitary District	MSR/SOI <i>retained</i> (May 2006)	Agency-specific	2013-14 (second round water/sewer)
Central Contra Costa Sanitary District	MSR Apr 2008; SOI <i>reduced</i> (June 2008)	Countywide Water/Wastewater	2013-14 (second round water/sewer)
County Sanitation District 6 (Alhambra Valley)	MSR/SOI update (zero SOI) Apr 2008	Countywide Water/Wastewater	2013-14 (second round water/sewer)
Delta Diablo Sanitary District	MSR Dec 2007; SOI <i>expanded</i> (July 2009)	Countywide Water/Wastewater	2013-14 (second round water/sewer)
Ironhouse Sanitary District	MSR/SOI <i>reduced</i> (Dec 2007)	Countywide Water/Wastewater	2013-14 (second round water/sewer)
Mt. View Sanitary District	MSR/SOI <i>retained</i> (Apr 2008)	Countywide Water/Wastewater	2013-14 (second round water/sewer)
Rodeo Sanitary District	MSR/SOI <i>retained</i> (Aug 2008)	Countywide Water/Wastewater	2013-14 (second round water/sewer)
Stege Sanitary District	MSR/SOI <i>retained</i> (Aug 2008)	Countywide Water/Wastewater	2013-14 (second round water/sewer)
West County Wastewater District	MSR/SOI <i>retained</i> (Aug 2008)	Countywide Water/Wastewater	2013-14 (second round water/sewer)
<u>Water</u> Contra Costa Water District	MSR Apr 2008; SOI <i>expanded</i> (July 2009)	Countywide Water/Wastewater	2013-14 (second round water/sewer)
Diablo Water District	MSR/SOI <i>reduced</i> (Dec 2007)	Countywide Water/Wastewater	2013-14 (second round water/sewer)

WATER AND WASTEWATER SERVICE PROVIDERS SECOND ROUND MUNICIPAL SERVICE REVIEW

AGENCY

City of Antioch

City of Brentwood

City of Concord

City of Hercules

City of Martinez

City of Pinole

City of Pittsburg

City of Richmond

Byron Bethany Irrigation District*

Byron Sanitary District

Contra Costa Water District

Central Contra Costa Sanitary District

County Sanitation District 6

County Service Area M-28 (water)

Crockett CSD

Delta Diablo Sanitation District

Diablo Water District

Discovery Bay CSD

Dublin San Ramon Services District*

East Bay Municipal Utility District*

East Contra Costa Irrigation District

Ironhouse Sanitary District

Knightsen CSD

Mt. View Sanitary District

Rodeo Sanitary District

Stege Sanitary District

West County Wastewater District

Private & Mutual Water Companies

Castle Rock Water District

Golden State Water Company

***Contra Costa LAFCO is not principal**

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



Lou Ann Texeira
Executive Officer

MEMBERS

Donald A. Blubaugh
Public Member

Federal Glover
County Member

Michael R. McGill
Special District Member

Don Tatzin
City Member

Dwight Meadows
Special District Member

Mary N. Piepho
County Member

Rob Schroder
City Member

ALTERNATE MEMBERS

Candace Andersen
County Member

Sharon Burke
Public Member

Tom Butt
City Member

George H. Schmidt
Special District Member

Date: February 26, 2013

To: Municipal Water and Wastewater Service Providers in Contra Costa County

From: Lou Ann Texeira, Executive Officer, Contra Costa LAFCO

Subject: LAFCO Water/Wastewater Municipal Service Review – Second Round

In 2007-08, the Contra Costa LAFCO completed its inaugural round of Municipal Services Reviews (MSR) covering water and wastewater services. This was a comprehensive review of countywide services. The MSRs are available online at www.contracostalafco.org.

The Government Code requires LAFCO to establish and maintain a sphere of influence (SOI) for each local agency under its jurisdiction, and to update SOIs, as necessary, every five years (section 56425). In conjunction with the SOI updates, LAFCO is required to prepare a MSR that comprehensively reviews identified services (section 56430).

Contra Costa LAFCO is embarking on the next cycle of state-mandated SOI updates and corresponding MSRs covering water and wastewater services. Prior to initiating this MSR, we need some information to help determine the depth of the second round MSR.

Local agencies play a vital role in the LAFCO MSR process. To assist Contra Costa LAFCO in this next cycle of SOI updates and MSRs, we ask that you review the information on Attachment 1, and provide updates and responses by **April 1, 2013**.

The MSR/SOI update process affords LAFCO, local agencies, other stakeholders and the public an opportunity to view the range of municipal services provided in our County. We look forward to working with you on this project. If you have questions or need additional information, feel free to contact me directly.

Thank you in advance for your assistance.

Attachment 1 – Water/Wastewater Second Round MSR - Request for Information

ATTACHMENT 1

CITY OF BRENTWOOD - REQUEST FOR INFORMATION

I. General Information/Update

- A. Enclosed is an agency profile with the latest information LAFCO has about your agency. Please review the information and provide updates/corrections, as needed.
- B. Enclosed is a map showing your agency's current SOI and service boundary. Please review the map and provide LAFCO with any comments (i.e., does the City have any plans that would necessitate the need to change the current SOI and/or service boundary in the next five years).
- C. Please provide LAFCO with information regarding major changes affecting your agency in the past five years (e.g., fiscal, governance, regulatory changes/requirements, etc.).
- D. One of the factors LAFCO must consider in an MSR is the financial ability of an agency to provide service. In light of the sharp decline in the region's economy since the last LAFCO MSR in 2007-08, particularly as it has affected property tax values, how has this affected the financial condition of your agency? How has the recent economic downturn affected your agency's ability to meet bond debt service and/or out-year pension and health care obligations?
- E. Another factor LAFCO must consider in its review of local agencies is infrastructure needs and deficiencies. In the past five years, how has your agency improved efficiency and affordability of infrastructure and service delivery within and contiguous to your SOI, including, but not limited to, shared resources and facilities and/or consolidation of functions, governmental agencies, etc. What will or can your agency do in the next five years to improve efficiency and affordability of infrastructure and service delivery, sharing of resources and facilities, and consolidating functions, government agencies, etc.?
- F. Please indicate whether you anticipate changes to your agency's SOI and/or service/corporate boundary in the next five years. If so, please provide a map of the area(s) proposed for change and reason(s) for proposing those changes.
- G. Cities: Please provide LAFCO with the total acreage of vacant land (i.e., residential, commercial, industrial, public use) currently within your city limits.
- H. Cities: What is the anticipated impact of the dissolution of redevelopment agencies on the city's water and/or wastewater service delivery level, given that some system improvements anticipated the use of redevelopment funds or tax increment as the basis for future financing?
- I. What is the effect of the Regional Transportation Plan/Sustainable Communities Strategy on your agency and the services your agency provides?
- J. *What specific issues you would like to see addressed in LAFCO's second round MSRs?*

II. Status of Items Identified in the 2007-08 LAFCO Water/Wastewater MSR

As part of the MSR, LAFCO is required to prepare and adopt written determinations pursuant to Government Code §56430. The law was modified in 2011 to include additional provisions relating to disadvantaged unincorporated communities, and public, private and mutual water companies.

The 2007-08 MSR included a discussion of the statutory provisions, and provided comments and recommendations as noted below. Please provide an update on these items.

A. Infrastructure Needs and Deficiencies

1. The MSR noted that the City of Brentwood will need to maintain a minimum firm groundwater pumping capacity of at least 5 mgd to meet buildout maximum day demands. For buildout, the existing well pumps will need to be replaced with higher pressure pumps. Please provide an update.
2. The MSR noted that the City has capacity rights in both water treatment facilities serving the City. The City has purchased a permanent capacity right of 6 mgd at the Randall-Bold Water Treatment Plant (RBWTP) and is currently using additional capacity on an interim basis. Interim treatment was scheduled to end in 2008 when the new Brentwood Water Treatment Plant (BWTP) is anticipated to come on line. Please provide an update.
3. The MSR noted that one of the City's wells is unusable several months a year due to poor water quality, and the City is evaluating the installation of a mechanical treatment process to improve the reliability of this source. What was the outcome of this evaluation?
4. The City's 2007-09 budget identified goals relating to water and wastewater services (listed below). What is the status of these projects?
 - Complete well abandonment for specified wells to avoid groundwater contamination
 - Continue well and distribution system monitoring for regulatory compliance
 - Continue leak detection program
 - Inspect and clean six potable water reservoirs
 - Establish and administer a fire hydrant maintenance and repair program
 - Continue with and expand water conservation programs for high-efficiency toilets, washers and "smart" irrigation controllers.
 - Complete the NPDES permit renewal process
 - Upgrade the Sellers Avenue lift station
 - Assist the developer of Dream Catcher in completing a new lift station
 - Repair/replace utility water lines at the WWTP
 - Develop a Sewer System Management Plan (SSMP)
5. The City's 2007-12 Capital Improvement Plan identified various water and wastewater projects (listed below). What is the status of these projects?
 - New Surface Water Treatment Facility
 - Upgrades to the downtown water infrastructure
 - Construction of a new well and other well site improvements
 - Citywide sewer collection system rehabilitation for replacement of main lines, lateral connections, manholes, and covers
 - Continued expansion and improvement to the non-potable water distribution system
 - BWWTTP expansion

6. The MSR noted that the City is completing a plant process optimization analysis to identify and evaluate any required modifications to the existing plant process. What were the outcomes of this analysis?
7. Has the City experienced any permit violations and/or sewer system overflows since the MSR was completed in December 2007? If so, please describe.
8. The MSR noted that the City is preparing an update to the Wastewater Collection System Master Plan, which will address infrastructure needs given current system conditions, anticipated growth, and regulatory changes. The Master Plan update was expected to be complete by 2009. What is the status of this Master Plan?
9. The MSR noted that the City is preparing its Sewer System Management Plan (SSMP) in accordance with the requirements of the SWRCB's General Waste Discharge Requirements for Sanitary Sewer Systems (Order No. 2006-0003-DWQ). What is the status of the SSMP?

B. Financial Ability

1. In 2007, the MSR noted that the City's current rate study for the period 2007-13 was approved in September 2007. Has, or will, the City embark on a new rate study?
2. The MSR noted that construction of the new BWTP required the City to make major financial commitments for long-term debt service and to cover the costs of current operations and maintenance. The capacity of this new treatment facility serves both existing and planned development. The City will need to ensure that adequate financial resources are available to cover the costs attributable to future development. How have the fiscal challenges and decline in new development that have occurred since 2007 affected the current and future financing for this project?
3. The MSR noted that in terms of wastewater infrastructure, the BWWTP is designed to allow for incremental growth; and that the City will use the treatment process analysis being performed for the Phase II BWWTP expansion to identify further cost avoidance opportunities. What was the outcome of this analysis?

C. Governance Options

1. The MSR noted that there are currently two parcels with Out-of-Agency Service Agreements for water and sewer service, although only one parcel was connected to the City system at that time. The extension of water and sewer services was authorized by an Out-of-Agency Service Agreement approved by LAFCO in September 2005. It was recommended that the City consider annexing the parcel into the City since the property owners had signed a covenant and agreement to annex their property to the City per the terms of the agreement. What is the status of this matter and, if there has been no change, please indicate whether the City intends to pursue annexation of this property.

ATTACHMENT 1
IRONHOUSE SANITARY DISTRICT (ISD)
REQUEST FOR INFORMATION

I. General Information/Update

- A. Enclosed is an agency profile with the latest information LAFCO has about your agency. Please review the information and provide updates/corrections, as needed.
- B. Enclosed is a map showing your agency's current SOI and service/corporate boundary. Please review the map and provide LAFCO with any comments.
- C. Please provide LAFCO with information regarding major changes affecting your agency in the past five years (e.g., fiscal, governance, regulatory changes/requirements, etc.).
- D. One of the factors LAFCO must consider in its MSR's is the financial ability of an agency to provide service. In light of the sharp decline in the region's economy since the last LAFCO MSR in 2007-08, particularly as it has affected property tax values, how has this affected the financial condition of your agency? How has the recent economic downturn affected your agency's ability to meet bond debt service and/or out-year pension and health care obligations?
- E. Another factor LAFCO must consider in its review of local agencies is infrastructure needs and deficiencies. In the past five years, how has your agency improved efficiency and affordability of infrastructure and service delivery within and contiguous to your SOI, including, but not limited to, shared resources and facilities and/or consolidation of functions, governmental agencies, etc. What will or can your agency do in the next five years to improve efficiency and affordability of infrastructure and service delivery, sharing of resources and facilities, and consolidating functions, governmental agencies, etc.?
- F. Please indicate whether you anticipate changes to your agency's SOI and/or service/corporate boundary in the next five years. If so, please provide a map of the area(s) proposed for change and reason(s) for proposing those changes.
- G. Cities: Please provide LAFCO with the total acreage of vacant land (i.e., residential, commercial, industrial, public use) currently within your city limits.
- H. Cities: What is the anticipated impact of the dissolution of redevelopment agencies on the city's water and/or wastewater service delivery level, given that some system improvements anticipated the use of redevelopment funds or tax increment as the basis for future financing?
- I. What is the effect of the Regional Transportation Plan/Sustainable Communities Strategy on your agency and the services your agency provides?
- J. The MSR law was modified in 2011 to include additional provisions relating to disadvantaged unincorporated communities. Please provide information regarding the location and characteristics of any disadvantaged unincorporated community (DUC) within or contiguous to your agency's SOI. A DUC is a place, census tract, or block group where the median household income is less than 80% of the State's median household income.
- K. *What other issues you would like to see addressed in LAFCO's second round MSR's?*

II. Status of Items Identified in the 2007-08 LAFCO Water/Wastewater MSR

As part of the MSR, LAFCO is required to prepare and adopt written determinations pursuant to Government Code §56430. These determinations relate to growth and population, location and characteristics of DUCs, capacity of public facilities and adequacy of services, infrastructure needs and deficiencies, financial ability of the agency to provide services, status of and opportunities for shared facilities, and accountability for community service needs, including government structure and operational efficiencies.

The 2007-08 MSR included a discussion of the statutory provisions, and identified a number of issues and recommendations described below. Please provide an update on these items.

A. *Growth and population*

1. The MSR noted that given current urban land uses and anticipated growth, there will be an increased need for wastewater services within the ISD service area. This will require that the District implement phased improvements to the Ironhouse Wastewater Treatment Plant (IWWTP), its disposal facilities, some pump stations, force mains, and other pipelines as identified in the District's 2004 Sewer Master Plan and 2005 Wastewater Facilities Plan Update. Since completion of the LAFCO MSR in 2007, what efforts has the District undertaken to address the growth and service issues?

B. *Infrastructure Needs and Deficiencies*

1. The MSR noted that the IWWTP was approaching 96 percent of capacity; and that increasingly stringent regulatory requirements for effluent quality, groundwater concerns, and growth within the District were requiring that a new treatment process be used and a new disposal facility be added. Further, that the District is planning to construct a new IWWTP adjacent to the existing facility by 2010. What is the status of this project?
2. The MSR noted that ISD was pursuing a disposal alternative that will maximize land application on Jersey Island and then discharge highly treated effluent into the San Joaquin River on the north side of Jersey Island. What is the status of this project?
3. According to the MSR report, the District's 2004 Sewer Master Plan identified two areas within the system with capacity deficiencies under current average flow conditions, and that these improvements will be funded through the Trunk Line Capacity fee charged for all new connections. What is the status of the proposed improvements?
4. The MSR noted that three existing pumping stations were identified in the Sewer Master Plan as requiring future capacity upgrades (Ironwood, Quail Valley, and Marsh Creek), and recommends improvements in conjunction with future development. What is the status of these improvements?
5. The MSR discussed nine capital projects included in the District's Capital Improvement Program (CIP). What is the status of capital projects initiated and/or completed since 2007?
6. According to the MSR, ISD reported no major Sewer System Overflows (SSOs). Has the District experienced any major SSOs since 2007? If so, please describe.

C. Financing Constraints and Opportunities

1. The MSR indicated that ISD was embarking on major capital improvement projects requiring significant financial resources and long-term financial commitments. What actions has the District taken to ensure that operating revenues and reserves are sufficient to construct and operate these major capital projects, including the new wastewater treatment plant and discharge facilities?

D. Cost Avoidance Opportunities and Opportunities for Facility Sharing

1. Under both Cost Avoidance and Facility Sharing, the MSR highlighted a number of programs in which ISD participates, including an effort to develop an East Contra Costa County Regional Industrial Recycled Water Facilities Plan. Other participants include Delta Diablo Sanitation District (DDSD), Contra Costa Water District (CCWD), Central Contra Costa Sanitary District (CCCSD), Pittsburg, Antioch, and the Mirant Corporation. What is the status of this joint planning effort?

E. Opportunities for Rate Restructuring

1. The MSR noted that service fees, based on average consumption per household, may require future study to address concerns raised by ratepayers in conjunction with the 2007 recent rate increase. It was recommended that the District consider further study to see if it can coordinate with the Diablo Water District, where appropriate, to help gauge average consumption for various home types. ISD might also consider opportunities to develop a metering model of its own to determine the average waste discharge for various home types, and construct a service fee for residential accounts that more accurately reflects today's home environment.

F. Governance and SOI Options

1. One of the governance options noted in the MSR was to consolidate ISD and DDSD. While this governance options was not recommended, it was suggested that there may be opportunities to effectively avoid costs and share facilities through a regional approach to wastewater recycling efforts; this could be accomplished through a joint powers authority that would not affect the government structure as noted above.
 2. Another governance option identified in the MSR was the potential annexation of the Liberty Union High School District site to ISD (Sellers Avenue and Delta Road). The MSR noted that this type of land use was not factored into ISD's 2004 Sewer Master Plan or 2005 Wastewater Facilities Plan; and that further study would be needed to determine the wastewater flows and construction timing to ensure that ISD's collection, conveyance and treatment facilities have the capacity to adequately serve the site. What is the status of the project?
- The MSR identified two SOI options including a) reduce the District's SOI to eliminate overlap with the City of Brentwood SOI, and b) remove the Veale Tract from the District's SOI. In December 2007, following completion of the MSR, LAFCO updated ISD's SOI and removed these areas. Has the SOI reduction affected the District? If so, please explain.

MEMO

Date: February 19, 2013

To: Employers, District Boards,
Employee Representatives,
Other Interested Parties

March 13, 2013
Agenda Item 11

From: Marilyn Leedom, Retirement Chief Executive Officer

Subject: Board Meeting, February 27, 2013

In the next week, you will receive the agenda for the Retirement Board meeting on February 27, 2013. Of particular importance, The Segal Company will present the report *Review of Economic Actuarial Assumptions*. This report reviews the economic actuarial assumptions to be used for the December 31, 2012 actuarial valuation. You are invited to attend this meeting.

CCCERA's basic financial goal is to establish contributions which fully fund the system's liabilities, and which, as a percentage of payroll, remain as level as possible for each generation of active members. Annual actuarial valuations measure the progress towards this goal, as well as test the adequacy of the contribution rates. The economic actuarial assumptions are an integral part of this process.

Copies of the *Review of Economic Actuarial Assumptions*:

- Will be available this week, beginning on Thursday, for those who want to stop by the office before the meeting.
- Will be provided to attendees at the meeting.
- Will be mailed to employers who weren't able to attend the meeting.
- Will be available on our website at www.cccera.org on Friday, February 22nd.

This is an opportunity for all interested parties, including staff and Boards of our participating employers, to learn more about the actuarial process. The Segal Company will present their recommendations and answer questions regarding the economic assumptions to be used in the annual CCCERA actuarial valuation. The non-economic recommendations will be provided in a separate report at a later date once the triennial experience study is completed.

We invite you to attend this meeting, ask questions and learn more about this critical subject.





RETIREMENT BOARD MEETING
SECOND MONTHLY MEETING

9:00 a.m.
February 27, 2013

Retirement Board Conference Room
The Willows Office Park
1355 Willow Way, Suite 221
Concord, California

THE RETIREMENT BOARD MAY DISCUSS AND TAKE ACTION ON THE FOLLOWING:

1. Pledge of Allegiance.
2. Accept comments from the public.
3. Approve minutes from the January 9 and January 23, 2013 meetings.
4. Presentation from The Segal Company: *Review of Economic Actuarial Assumptions*.
5. Consider and take possible action on the economic assumptions recommended by The Segal Company to be used in the December 31, 2012 Valuation.

CLOSED SESSION

6. The Board will go into closed session pursuant to Govt. Code Section 54956.9(a) to confer with legal counsel regarding existing litigation (two cases):
 - a. *Board of Retirement v. County of Contra Costa, et al.*, Alameda County Superior Court, Case No. RG11608520.
 - b. *Contra Costa County Deputy Sheriffs Association, et al., v. CCCERA, et al.*, Contra Costa County Superior Court, Case No. N12-1870.

OPEN SESSION

7. Review of total portfolio performance including:
 - a. Consideration of any managers already under review or to be placed under review.
 - b. Consideration of any changes in allocations to managers.
8. Review of semi-annual rebalancing report.
9. Consider and take possible action to change the March 13, 2013 Board meeting date.

The Retirement Board will provide reasonable accommodations for persons with disabilities planning on attending Board meetings who contact the Retirement Office at least 24 hours before a meeting.

10. Consider authorizing the attendance of Board and/or staff:
 - a. Client Conference, Angelo, Gordon & Co, April 10 – 11, 2013, New York, NY
(note conflict with Board meeting).
 - b. Spring Conference, CRCEA, April 15 – 17, 2013, Long Beach, CA.

11. Miscellaneous
 - a. Staff Report
 - b. Outside Professionals' Report
 - c. Trustees' comments

The Retirement Board will provide reasonable accommodations for persons with disabilities planning on attending Board meetings who contact the Retirement Office at least 24 hours before a meeting.

CALAFCO Daily Legislative Report as of Wednesday, March 06, 2013

March 13, 2013
 Agenda Item 13a

 1

[AB 453](#) ([Mullin D](#)) **Sustainable communities.**

Current Text: Introduced: 2/19/2013 [pdf](#) [html](#)

Introduced: 2/19/2013

Status: 2/28/2013-Referred to Com. on L. GOV.

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary:

The Strategic Growth Council is required to manage and award grants and loans to a council of governments, metropolitan planning organization, regional transportation planning agency, city, county, or joint powers authority for the purpose of developing, adopting, and implementing a regional plan or other planning instrument to support the planning and development of sustainable communities. This bill would make a local agency formation commission eligible for the award of financial assistance for those planning purposes.

Position: Support

Subject: Sustainable Community Plans

CALAFCO Comments: This would allow LAFcos to apply directly for grants that support the preparation of sustainable community strategies and other planning efforts.

[AB 678](#) ([Gordon D](#)) **Health care districts: community health needs assessment.**

Current Text: Introduced: 2/21/2013 [pdf](#) [html](#)

Introduced: 2/21/2013

Status: 3/4/2013-Referred to Coms. on L. GOV. and HEALTH.

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary:

Would require that the health care district conduct an assessment, every 5 years, of the community's health needs and provide opportunities for public input. The bill would require that the annual report be made in the context of the assessment. This bill contains other related provisions and other existing laws.

Position: Watch

Subject: Service Reviews/Spheres, LAFco Administration

[AB 743](#) ([Logue R](#)) **The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.**

Current Text: Introduced: 2/21/2013 [pdf](#) [html](#)

Introduced: 2/21/2013

Status: 3/4/2013-Referred to Com. on L. GOV.

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary:

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 authorizes a local agency formation commission to approve, after notice and hearing, a petition for a change of organization or reorganization of a city, if the petition was initiated on or after January 1, 2010, and before January 1, 2014, and waive protest proceedings entirely if certain requirements are met. This Bill would delete the January 1, 2014, date and make conforming changes. The bill would authorize the commission to approve a change of organization or reorganization pursuant to these provisions of a territory that does not exceed 300 acres. This bill contains other related provisions and other existing laws.

Position: Support

Subject: Annexation Proceedings, CKH General Procedures

CALAFCO Comments: Removing the arbitrary sunset date restriction on annexing "island areas" would continue to provide a commission, counties and cities a very productive tool for implementing more logical boundaries allowing for more efficient municipal services and facilities planning and delivery. As counties and cities undergo updates to their General Plans and other processes, knowing that there is the opportunity to consider annexing island areas up to 300 acres in size and without the political and economic risk of a costly protest and election process would provide a clear benefit to the planning process. In addition, with the passage of SB244, when a city proposes to annex an inhabited area of over 10 acres they must study and consider annexation of other areas contiguous to or in the sphere of influence area that may be a "disadvantaged unincorporated community" as defined in the Government Code. It is suggested that having the island area annexation authority may facilitate consideration of such annexation proposals.

AB 1235 (Gordon D) Local agencies: financial management training.

Current Text: Introduced: 2/22/2013 [pdf](#) [html](#)

Introduced: 2/22/2013

Status: 2/25/2013-Read first time.

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House			2nd House			Conc.					

Summary:

Would require that if a local agency provides any type of compensation, salary, or stipend to, or reimburses the expenses of, a member of the legislative body, all local agency officials, except a member whose term of office ends before January 1, 2015, in local agency service as of January 1, 2014, or thereafter receive training in financial management, as specified. This bill would provide that if any entity develops criteria for the financial management training, then the Treasurer's office and the Controller's office shall be consulted regarding any proposed course content. Because this bill would impose new duties on local governments, it would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

Position: Watch

Subject: LAFCo Administration

CALAFCO Comments: Requires that if a local agency provides any type of compensation, salary, or stipend to, or reimburses the expenses of, a member of the legislative body, the member shall receive one-4 hour state mandated Financial Management training per term of office. Effective January 1, 2014 for those in office as of that date (whose term of office extends beyond January 1, 2015). Those elected to more than one legislative body may take the training one time and have it apply to all legislative bodies on which they serve.

AB 1248 (Cooley D) Local agencies: internal control guidelines.

Current Text: Introduced: 2/22/2013 [pdf](#) [html](#)

Introduced: 2/22/2013

Status: 2/25/2013-Read first time.

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House			2nd House			Conc.					

Summary:

Would require the Controller, on or before January 1, 2015, to develop internal control guidelines applicable to a local agency, as defined, to prevent and detect financial errors and fraud, based on specified standards and with input from any local agency and organizations representing the interests of local agencies. This bill would require a local agency to comply with the guidelines established by the Controller, starting on January 1, 2016. By mandating local agencies to comply with new internal control guidelines established by the Controller, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

Position: None at this time

Subject: LAFCo Administration

SB 772 (Emmerson R) Drinking water.

Current Text: Introduced: 2/22/2013 [pdf](#) [html](#)

Introduced: 2/22/2013

Status: 2/25/2013-Read first time.

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House							

Summary:

Would require the State Department of Public Health or the local health agency, where applicable, annually to provide the address and telephone number for each public water system and state small water system to the Public Utilities Commission and, as prescribed, to a local agency formation commission. This bill contains other related provisions and other existing laws.

Position: None at this time

Subject: Service Reviews/Spheres, LAFCo Administration

CALAFCO Comments: Requires LAFCos as part of a MSR, to request information from identified public or private entities that provide wholesale or retail supply of drinking water, including the identification of any retail water suppliers within or contiguous to the responding entity. Further requires LAFCos to provide a copy of the SOI review for retail private and public water suppliers to the Public Utilities Commission and the state department of Public Health.

[AB 21](#) (Alejo D) Safe Drinking Water Small Community Emergency Grant Fund.

Current Text: Amended: 2/14/2013 [pdf](#) [html](#)

Introduced: 12/3/2012

Last Amended: 2/14/2013

Status: 2/15/2013-Re-referred to Com. on APPR.

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House							

Summary:

Would authorize the Department of Public Health to assess a specified annual charge in lieu of interest on loans for water projects made pursuant to the Safe Drinking Water State Revolving Fund, and deposit that money into the Safe Drinking Water Small Community Emergency Grant Fund, which the bill would create in the State Treasury. The bill would authorize the department to expend the money for grants for specified water projects that serve disadvantaged and severely disadvantaged communities, thereby making an appropriation.

Position: Watch

Subject: Disadvantaged Communities

[AB 37](#) (Perea D) Environmental quality: California Environmental Quality Act: record of proceedings.

Current Text: Introduced: 12/3/2012 [pdf](#) [html](#)

Introduced: 12/3/2012

Status: 1/14/2013-Referred to Com. on NAT. RES.

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House							

Summary:

Would require, until January 1, 2017, the lead agency, at the request of a project applicant, to, among other things, prepare a record of proceedings concurrently with the preparation of negative declarations, mitigated negative declarations, EIRs, or other environmental documents for specified projects. Because the bill would require a lead agency to prepare the record of proceedings as provided, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

Position: Watch

Subject: CEQA

[AB 115](#) ([Perea](#) D) **Safe Drinking Water State Revolving Fund.**

Current Text: Introduced: 1/14/2013 [pdf](#) [html](#)

Introduced: 1/14/2013

Status: 1/18/2013-Referred to Com. on E.S. & T.M.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Calendar:

3/12/2013 1:30 p.m. - State Capitol, Room 444 ASSEMBLY ENVIRONMENTAL SAFETY AND TOXIC MATERIALS, ALEJO, Chair

Summary:

Would authorize the State Department of Public Health to fund projects, by grant, loan, or a combination of the two, where multiple water systems apply for funding as a single applicant for the purpose of consolidating water systems or extending services to households relying on private wells, as specified. The bill would authorize funding of a project to benefit a disadvantaged community that is not the applying agency. By authorizing the use of a continuously appropriated fund for new purposes, this bill would make an appropriation. This bill contains other existing laws.

Position: Watch

Subject: Water

[AB 194](#) ([Campos](#) D) **Open meetings: protections for public criticism: penalties for violations.**

Current Text: Introduced: 1/28/2013 [pdf](#) [html](#)

Introduced: 1/28/2013

Status: 2/7/2013-Referred to Com. on L. GOV.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary:

Would make it a misdemeanor for a member of a legislative body, while acting as the chairperson of a legislative body of a local agency, to prohibit public criticism protected under the Ralph M. Brown Act. This bill would authorize a district attorney or any interested person to commence an action for the purpose of obtaining a judicial determination that an action taken by a legislative body of a local agency in violation of the protection for public criticism is null and void, as specified. This bill contains other related provisions and other existing laws.

Position: Watch

Subject: LAFCo Administration

CALAFCO Comments: Prohibits legislative body from preventing public criticism of the policies, procedures, programs, or services of the agency, or ther acts or omissions of the legislative body. Creates new misdemeanor crime.

[AB 543](#) ([Campos](#) D) **California Environmental Quality Act: translation.**

Current Text: Introduced: 2/20/2013 [pdf](#) [html](#)

Introduced: 2/20/2013

Status: 3/4/2013-Referred to Com. on NAT. RES.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary:

Would require a lead agency to translate any notice, document, or executive summary required by the California Environmental Quality Act (CEQA) when the impacted community has a substantial number of non-English-speaking people, as specified. By requiring a lead agency to translate these writings, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

Position: Watch

Subject: CEQA

[AB 823](#) ([Eggman](#) D) **Environment: agricultural land: mitigation.**

Current Text: Introduced: 2/21/2013 [pdf](#) [html](#)

Introduced: 2/21/2013

Status: 3/4/2013-Referred to Coms. on NAT. RES. and AGRI.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary:

Would require a lead agency, for a project that converts agricultural lands for nonagricultural uses, to require mitigation measures consisting, at a minimum, of providing replacement acreage through specified mechanisms to ensure the availability of agricultural production capacity. Because a lead agency would be required to provide a higher level of service by requiring the specified mitigation measure, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

Position: Watch

Subject: Ag/Open Space Protection, CEQA

CALAFCO Comments: Adds a requirement for lead agencies to require certain mitigation measures for projects that convert ag lands for non-ag land use. These mitigation measures at a minimum require providing replacement acreage in perpetuity to preserve ag land and ensure the sustainability of ag production capacity.

SB 167 (Gaines R) Environmental quality: California Environmental Quality Act.

Current Text: Introduced: 2/4/2013 [pdf](#) [html](#)

Introduced: 2/4/2013

Status: 2/14/2013-Referred to Com. on RLS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary:

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared by contract, and certify the completion of, an environmental impact report on a project, as defined, that it proposes to carry out or approve that may have a significant effect on the environment, or to adopt a negative declaration if it finds that the project will not have that effect. This bill would make technical, nonsubstantive changes to those provisions.

Position: Watch

Subject: CEQA

SB 181 (Committee on Governance and Finance) Validations.

Current Text: Introduced: 2/6/2013 [pdf](#) [html](#)

Introduced: 2/6/2013

Status: 2/28/2013-Set for hearing March 13.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Calendar:

3/13/2013 9:30 a.m. - Room 112 SENATE GOVERNANCE AND FINANCE, WOLK, Chair

Summary:

This bill would enact the First Validating Act of 2013, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities. This bill contains other related provisions.

Position: Support

CALAFCO Comments: One of three annual acts which validate the boundaries of all local agencies.

SB 182 (Committee on Governance and Finance) Validations.

Current Text: Introduced: 2/6/2013 [pdf](#) [html](#)

Introduced: 2/6/2013

Status: 2/28/2013-Set for hearing March 13.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Calendar:

3/13/2013 9:30 a.m. - Room 112 SENATE GOVERNANCE AND FINANCE, WOLK, Chair

Summary:

This bill would enact the Second Validating Act of 2013, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities. This bill contains other related provisions.

Position: Support

CALAFCO Comments: One of three annual acts which validate the boundaries of all local agencies.

SB 183 (Committee on Governance and Finance) Validations.

Current Text: Introduced: 2/6/2013 [pdf](#) [html](#)

Introduced: 2/6/2013

Status: 2/28/2013-Set for hearing March 13.

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House							

Calendar:

3/13/2013 9:30 a.m. - Room 112 SENATE GOVERNANCE AND FINANCE, WOLK, Chair

Summary:

This bill would enact the Third Validating Act of 2013, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

CALAFCO Comments: One of three acts which validate the boundaries of all local agencies.

SB 617 (Evans D) California Environmental Quality Act.

Current Text: Introduced: 2/22/2013 [pdf](#) [html](#)

Introduced: 2/22/2013

Status: 2/25/2013-Read first time.

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House							

Summary:

Would require specified notices to be filed with both the Office of Planning and Research and the county clerk and be posted by county clerk for public review. The bill would require the county clerk to post the notices within one business day, as defined, of receipt and stamp on the notice the date on which the notices were actually posted. By expanding the services provided by the lead agency and the county clerk, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

Position: Watch

Subject: CEQA

CALAFCO Comments: This bill makes a number of substantive changes including: (1)expanding the definition of "environment" relating to an EIR such that the health and safety of people affected by the physical conditions at the location of a project must also be considered;(2)enhances the definition of "significant effect on the environment" by including exposure of people, either directly or indirectly, to substantial existing or reasonably foreseeable natural hazard or adverse condition of the environment;(3)requires concurrent online filing of notices in a database maintained by the Office of Planning and Research (OPR), and with the office of the County Clerk in which the project is located. Further, any time periods or limitation periods will begin at the time of the later filing of the two offices.(4)Adds to the EIR a requirement to address any significant effects that may result from locating development near, or attracting people to, existing or reasonably foreseeable natural hazards or adverse environmental conditions.

AB 168 (Wilk R) Local government finance: vehicle license fee revenues: allocations.

Current Text: Introduced: 1/24/2013 [pdf](#) [html](#)

Introduced: 1/24/2013

Status: 1/25/2013-From printer. May be heard in committee February 24.

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House							

Summary:

Under existing law, the Controller is required to allocate vehicle license fee revenues in the Motor Vehicle License Fee Account according to a specified order, with moneys allocated on or after July 1, 2004, but before July 1, 2011, first to the County of Orange, next to each city and county meeting specified criteria, and on or after July 1, 2011, to the Local Law Enforcement Services Account in the Local Revenue Fund, for allocation to cities, counties, and cities and counties. This bill would make technical, nonsubstantive changes to these provisions.

Position: Placeholder - monitor

AB 262 (Waldron R) Local government: organization.

Current Text: Introduced: 2/7/2013 [pdf](#) [html](#)

Introduced: 2/7/2013

Status: 2/8/2013-From printer. May be heard in committee March 10.

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House							

Summary:

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 makes certain findings and declarations relating to local government organization, including, among other things, that it is the policy of the state to encourage orderly growth and development, and recognition that the logical formation and determination of the boundaries of local agencies is an important factor in promoting orderly development, as specified. This bill would make technical, nonsubstantive changes to these provisions.

Position: Placeholder - monitor

Subject: CKH General Procedures

AB 295 (Salas D) Water: groundwater.

Current Text: Introduced: 2/11/2013 [pdf](#) [html](#)

Introduced: 2/11/2013

Status: 2/12/2013-From printer. May be heard in committee March 14.

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House							

Summary:

Current law declares that groundwater is a valuable natural resource in the state and should be managed to ensure its safe production and its quality. Current law also authorizes certain local agencies to adopt and implement groundwater management plans. This bill would make technical, nonsubstantive changes to the latter provision.

Position: Placeholder - monitor

Subject: Water

AB 380 (Dickinson D) California Environmental Quality Act: notice requirements

Current Text: Introduced: 2/14/2013 [pdf](#) [html](#)

Introduced: 2/14/2013

Status: 2/28/2013-Referred to Coms. on NAT. RES. and L. GOV.

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House							

Summary:

Would require the above mentioned notices to be filed with both the Office of Planning and Research and the county clerk and be posted by county clerk for public review. The bill would require the county clerk to post the notices within one business day, as defined, of receipt and stamp on the notice the date on which the notices were actually posted. The bill would require the county clerk to post the notices for at least 30 days. The bill would require the Office of

Planning and Research to post the notices on a publicly available online database established and maintained by the office. The bill would require the office to stamp the notices with the date on which the notices were actually posted for online review and would require the notices to be posted for at least 30 days. The bill would authorize the office to charge an administrative fee not to exceed \$10 per notice filed. This bill contains other related provisions and other existing laws.

Position: Watch
Subject: CEQA

[AB 495](#) ([Campos D](#)) **The California Fund.**

Current Text: Introduced: 2/20/2013 [pdf](#) [html](#)

Introduced: 2/20/2013

Status: 2/21/2013-From printer. May be heard in committee March 23.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary:

Current law authorizes the Governor's Office of Business and Economic Development to, among other things, advance statewide economic goals. This bill would state the intent of the Legislature to establish the California Fund, a socially responsible investment fund sponsored by the state, to encourage investment in historically underserved communities and, via these investments, to further encourage additional development activities of scale within these communities.

Position: Placeholder - monitor
Subject: Disadvantaged Communities
CALAFCO Comments: May be a placeholder for legislation related to disadvantaged unincorporated communities.

[AB 515](#) ([Dickinson D](#)) **Environmental quality: California Environmental Quality Act: judicial review.**

Current Text: Introduced: 2/20/2013 [pdf](#) [html](#)

Introduced: 2/20/2013

Status: 3/4/2013-Referred to Coms. on NAT. RES. and JUD.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary:

Would provide for at least 2 CEQA compliance court districts within the state, with the appropriate boundaries for the districts and locations for seating CEQA compliance courts to be determined by rule of court. The bill would establish a CEQA compliance court in every district, consisting of at least 3 judges. The bill would require the Governor to appoint judges to the CEQA compliance court based upon their expertise in CEQA and related land use and environmental laws, so that those judges will be able to hear and quickly resolve those actions or proceedings. This bill contains other existing laws.

Position: Watch
Subject: CEQA
CALAFCO Comments: This bill calls for the creation of at least 2 CEQA compliance court districts in the state, establishes a CEQA compliance court in each of the districts with at least 3 judges (appointed by the Governor). All CEQA compliance cases are to be heard in only these courts and the appeals handled directly by the Supreme Court. The courts will be required to issue a preliminary decision before the opportunity for oral argument is granted, and if the court finds that a determination of a public agency violated CEQA, the court order must specify what action taken by the public agency was in error.

[AB 629](#) ([Wilk R](#)) **Local government.**

Current Text: Introduced: 2/20/2013 [pdf](#) [html](#)

Introduced: 2/20/2013

Status: 2/21/2013-From printer. May be heard in committee March 23.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered

Dead	1st House	2nd House	Conc.
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Summary:

Current law authorizes various local entities to adopt rules and regulations to carry out the purposes of those entities. This bill would express the intent of the Legislature to enact legislation that would address the effect of the adoption of rules, regulations, ordinances, or requirements by local entities on the public and other local entities within the same jurisdiction.

Position: Placeholder - monitor

Subject: LAFCo Administration

AB 642 (Rendon D) Publication: newspaper of general circulation: Internet Web site.

Current Text: Introduced: 2/20/2013 [pdf](#) [html](#)

Introduced: 2/20/2013

Status: 2/21/2013-From printer. May be heard in committee March 23.

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House							

Summary:

Current law requires that various types of notices are provided in a newspaper of general circulation. Current law requires a newspaper of general circulation to meet certain criteria, including, among others, that it be published and have a substantial distribution to paid subscribers in the city, district, or judicial district in which it is seeking adjudication. This bill would provide that a newspaper that is available on an Internet Web site may also qualify as a newspaper of general circulation, provided that newspaper meets certain criteria.

Position: None at this time

Subject: LAFCo Administration

CALAFCO Comments: Allows for posting of agendas and meeting material on newspaper websites.

AB 774 (Donnelly R) Country service areas: zone dissolution.

Current Text: Introduced: 2/21/2013 [pdf](#) [html](#)

Introduced: 2/21/2013

Status: 2/22/2013-From printer. May be heard in committee March 24.

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House							

Summary:

Current law allows the county board of supervisors to change the boundaries of a zone, or to dissolve the zone, by following specified procedures. This bill would require the board to post signs indicating which services and facilities are no longer provided within the zone and require the board to provide adequate maintenance to the signs. This bill would provide that, once the signs are posted and the action is recorded, the county and the dissolved zone shall not be held liable for death or injury resulting from the termination of services or facilities.

Position: Watch

AB 792 (Mullin D) Local government: open meetings.

Current Text: Introduced: 2/21/2013 [pdf](#) [html](#)

Introduced: 2/21/2013

Status: 3/4/2013-Referred to Com. on L. GOV.

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House							

Summary:

The Ralph M. Brown Act requires the legislative body of a local agency to post, at least 72 hours before the meeting, an agenda containing a brief general description of each item of business to be transacted or discussed at a regular meeting, in a location that is freely accessible to members of the public, and to provide a notice containing similar information with respect to a special meeting at least 24 hours prior to the special meeting. This bill, if the local agency is unable to post the agenda or notice on its Internet Web site because of software or hardware impairment beyond the local agency's reasonable control, would require the local agency to

post the agenda or notice immediately upon resolution of the technological problems. The bill would provide that the delay in posting, or the failure to post, the agenda or notice would not preclude a local agency from conducting the meeting or taking action on items of business, provided that the agency has complied with all other relevant requirements. This bill contains other related provisions and other existing laws.

Position: None at this time

Subject: Public Records Act

CALAFCO Comments: Relates to public agencies who post their meeting information on their website pursuant to the Ralph M. Brown Act. In the instances where they are unable to post the agenda on the website in the prescribed timeframe due to technology difficulties, the agency is required to post the meeting agenda and information on the website as soon as the technological difficulties are resolved.

[AB 966](#) (Bonta D) Local government.

Current Text: Introduced: 2/22/2013 [pdf](#) [html](#)

Introduced: 2/22/2013

Status: 2/25/2013-Read first time.

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House							

Summary:

Current law generally regulates the governance of cities, counties, and cities and counties. This bill would state the intent of the Legislature to enact legislation that would amend the Government Code.

Position: Placeholder - monitor

[AB 1237](#) (Garcia D) Local government finance.

Current Text: Introduced: 2/22/2013 [pdf](#) [html](#)

Introduced: 2/22/2013

Status: 2/25/2013-Read first time.

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House							

Summary:

Would specifically require the Controller to prescribe uniform accounting procedures for cities, conforming to Generally Accepted Accounting Principles, and in consultation with the Committee on City Accounting Procedures, which would be created by the bill. The bill would specify the composition of the committee. This bill contains other related provisions and other existing laws.

Position: Watch

Subject: Financial Viability of Agencies

CALAFCO Comments: Establishes uniform accounting practices for special districts and cities.

[AB 1244](#) (Bradford D) Williamson Act.

Current Text: Introduced: 2/22/2013 [pdf](#) [html](#)

Introduced: 2/22/2013

Status: 2/25/2013-Read first time.

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House							

Summary:

Current law establishes the California Land Conservation Act of 1965, otherwise known as the Williamson Act, for purposes of preserving agricultural land within the state. This bill would make a technical, nonsubstantive change to these provisions.

Position: Watch

Subject: Ag Preservation - Williamson

[SB 56](#) (Roth D) Local government finance: vehicle license fee adjustments.

Current Text: Amended: 3/4/2013 [pdf](#) [html](#)

Introduced: 1/7/2013

Last Amended: 3/4/2013

Status: 3/4/2013-From committee with author's amendments. Read second time and amended. Re-referred to Com. on RLS.

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House							

Summary:

Would, for the 2013-14 fiscal year, provide for a new vehicle license fee adjustment amount, as specified. This bill would also, for the 2013-14 fiscal year and for each fiscal year thereafter, provide for a vehicle license fee adjustment amount for certain cities incorporating after a specified date, as provided. This bill contains other related provisions and other existing laws.

Position: Placeholder - monitor

SB 184 (Committee on Governance and Finance) Local government: omnibus bill.

Current Text: Introduced: 2/6/2013 [pdf](#) [html](#)

Introduced: 2/6/2013

Status: 2/14/2013-Referred to Com. on GOV. & F.

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House							

Summary:

Current law, the Public Cemetery District Law, defines the term "family member" for purposes of that law to include, among others, a person's spouse. This bill would additionally include within the definition of "family member" a person's domestic partner, and would define the term "domestic partner," as specified. This bill contains other related provisions and other current laws.

Position: None at this time

SB 268 (Gaines R) Political Reform Act of 1974.

Current Text: Introduced: 2/13/2013 [pdf](#) [html](#)

Introduced: 2/13/2013

Status: 2/28/2013-Set for hearing March 19.

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House							

Calendar:

3/19/2013 1:30 p.m. - Room 3191 SENATE ELECTIONS AND CONSTITUTIONAL AMENDMENTS, CORREA, Chair

Summary:

Would repeal limitations on contributions that may be made to, or accepted by, candidates for elective office. This bill contains other related provisions and other existing laws.

Position: Placeholder - monitor

SB 298 (Wyland R) Local government: supplemental law enforcement services.

Current Text: Introduced: 2/15/2013 [pdf](#) [html](#)

Introduced: 2/15/2013

Status: 2/28/2013-Referred to Com. on PUB. S.

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House							

Summary:

Current law provides that a board of supervisors of a county, and a legislative body of a city, may contract to provide supplemental law enforcement services to private individuals or entities at special events or occurrences. This bill would authorize a board of supervisors of a county, and a legislative body of a city, to contract to provide supplemental law enforcement services to a homeowners' association on an occasional or ongoing basis. This bill contains other related provisions and other current laws.

Position: None at this time

[SB 359](#) (Corbett D) California Environmental Quality Act: environmental impact reports.

Current Text: Introduced: 2/20/2013 [pdf](#) [html](#)

Introduced: 2/20/2013

Status: 2/28/2013-Referred to Com. on RLS.

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House							

Summary:

The California Environmental Quality Act (CEQA) requires notices regarding a lead agency determination to require an EIR or other actions pursuant to that act be mailed to every person who files a written request and provides that the failure of a person to receive a requested notice shall not invalidate the action if there has been substantial compliance with these notice provisions. This bill would make a technical, nonsubstantive change in these CEQA notice provisions.

Position: Placeholder - monitor

Subject: CEQA

[SB 436](#) (Jackson D) California Environmental Quality Act: notice.

Current Text: Introduced: 2/21/2013 [pdf](#) [html](#)

Introduced: 2/21/2013

Status: 2/22/2013-From printer. May be acted upon on or after March 24.

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House							

Summary:

Would require a lead agency to conduct at least one public scoping meeting for the specified projects and to provide notice to the specified entities of at least one public scoping meeting. This bill contains other related provisions and other existing laws.

Position: Watch

Subject: CEQA

CALAFCO Comments: Requires lead agencies to conduct at least one public scoping meeting for proposed projects and increases notification requirements for lead agencies.

[SB 633](#) (Pavley D) CEQA: environmental impact reports.

Current Text: Introduced: 2/22/2013 [pdf](#) [html](#)

Introduced: 2/22/2013

Status: 2/25/2013-Read first time.

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House							

Summary:

The California Environmental Quality Act prohibits a lead agency or responsible agency from requiring a subsequent or supplemental environmental impact report (EIR) when an EIR has been prepared for a project pursuant to its provisions, unless one or more of specified events occurs, including, among other things, that new information, which was not known and could not have been known at the time the EIR was certified as complete, becomes available. This bill would specifically require that the new information that becomes available was not known and could not have been known by the lead agency or any responsible agency at the time the EIR was certified as complete.

Position: None at this time

Subject: CEQA

[SB 731](#) (Steinberg D) Environment: California Environmental Quality Act and sustainable communities strategy.

Current Text: Introduced: 2/22/2013 [pdf](#) [html](#)

Introduced: 2/22/2013

Status: 2/25/2013-Read first time.

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary:

Would state the intent of the Legislature to enact legislation revising CEQA to, among other things, provide greater certainty for smart infill development, streamline the law for specified projects, and establish a threshold of significance for specified impacts. This bill contains other related provisions and other existing laws.

Position: Placeholder - monitor

Subject: CEQA

SB 739 (Calderon D) Environmental quality.

Current Text: Introduced: 2/22/2013 [pdf](#) [html](#)

Introduced: 2/22/2013

Status: 2/25/2013-Read first time.

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary:

The California Environmental Quality Act (CEQA) requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. This bill would make a technical, nonsubstantive change to that definition. This bill contains other existing laws.

Position: Placeholder - monitor

Subject: CEQA

SCA 11 (Hancock D) Local government: special taxes: voter approval.

Current Text: Introduced: 1/25/2013 [pdf](#) [html](#)

Introduced: 1/25/2013

Status: 2/7/2013-Referred to Coms. on GOV. & F. and E. & C.A.

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

Summary:

The California Constitution conditions the imposition of a special tax by a local government upon the approval of 2/3 of the voters of the local government voting on that tax, and prohibits a local government from imposing an ad valorem tax on real property or a transactions tax or sales tax on the sale of real property. This measure would instead condition the imposition, extension, or increase of a special tax by a local government upon the approval of 55% of the voters voting on the proposition. The measure would also make conforming and technical, nonsubstantive changes.

Position: Watch

Total Measures: 40

Total Tracking Forms: 40

3/6/2013 9:19:51 AM

News from the Board of Directors

CALAFCO QUARTERLY

March 2013



2013 Staff Workshop

Work is in full stride with the planning for the 2013 Staff Workshop. Scheduled for April 10-12 (Wed – Fri), the session will be held in Davis

at the Hallmark Inn and Odd Fellows Hall, and is being hosted by Yolo LAFCo. **“Retooling for the Next 50 Years...Fewer Resources and Higher Expectations”** is the theme. Guest speakers include Keynote Speaker Michael Coleman (Principal Fiscal Policy Advisor to the League of California Cities and the California Society of Municipal Finance Officers), JoAnne Speers (Executive Director Institute for Local Government), Gary Winuk (FPPC Chief of Enforcement), and Bill Chiat (CSAC Leadership Institute). A great Mobile Workshop is also planned. Registration and sponsorship information is available on the CALAFCO website.



opportunities facing LAFCos and the Association, and reviewed and amended the organization’s 2-year strategic plan and strategies. All of this work will be finalized in the Association’s 2013-2015 Strategic Plan which is scheduled to be presented to the Board for adoption at their May 2 meeting.

2013 Annual Conference Update

In November the Board decided to move the conference up one week to **August 28 – 30** so as not to conflict with the Rosh Hashanah holiday. We are still at the Resort at Squaw Creek, and our hosts are the Nevada, Placer, and El Dorado LAFCos. The Planning and Host Committees, under the leadership of Josh Susman, SR Jones, Kris Berry, José Henríquez, and Sam Martinez, have begun their work of creating a value-added program and experience, and we look forward to seeing everyone there. This year’s theme is **“Clarity of Vision: The Golden Age of LAFCo”**, to celebrate LAFCo’s 50th anniversary. More information on the annual conference will be coming soon. For now, save the dates!

CALAFCO U Course Scheduled

Mark your calendar for June 6th in San Luis Obispo for **Performance Measures and Other MSR Strategies to Analyze Local Agency Efficiencies**. Details will be made available soon. Several other CALAFCO U sessions will be scheduled for later in the year. Thank you to all who provided input on potential topics.



CALAFCO Board holds Strategic Planning Retreat

On February 7, the Board held their biennial strategic planning retreat at the Duck Club in Irvine. During the day-long retreat, the Board reviewed the Association’s



accomplishments over the past two years – including the many positive outcomes from the regional structure, affirmed expectations of the role and responsibilities of representing CALAFCO as a Board Member, discussed the challenges and

CALAFCO Board Actions

During their regular meeting on February 8, the Board addressed several administrative issue:

- ◆ The quarterly financial reports were reviewed. The budget is on track for the year with no changes anticipated. All financial reports are located on the website.
- ◆ The Board considered the 2013-14 dues. CALAFCO Bylaws call for the dues to increase annually by the state CPI. Last year for the first time in four year, the Board did not bely the CPI increase which resulted in an increase in dues of the CPI. As costs to provide member services continue to increase, this year the Board again did not bely the CPI increase for FY 2013-14. The dues increase will be 2.3%.
- ◆ The Board adopted the CALAFCO 2013 Legislative Policies with the amendments as recommended by the Legislative Committee. The Legislative Priorities will be revisited in May to ensure alignment with the new strategic plan and strategies. The policies are available on the website.
- ◆ The Board amended the policy for electronic (absentee ballot) voting so that the absentee ballot will now ask the voter to “rank” their candidate choices in the numerical order of preference, and these ballots will now count towards in the case of a run-off election. This action was referred to the Nomination Committee for implementation.
- ◆ GC§56133 – The Board deliberated again on whether or not to pursue amending this piece of legislation. After considering the recommendation from the Legislative Committee to move forward with the proposed amendments (10-8 vote), and after hearing a large amount of information from both proponents and opponents of the proposed changes, the Board directed the Chair to appoint an ad-hoc sub-committee to review the Legislative Committee’s recommendation and work together to craft proposed language changes that would create greater consensus. The Board directed the ad-hoc sub-committee to report directly back to them with their findings at the May 2 Board meeting. The ad-hoc sub-committee consists of one (1) Board member and eight (8) Executive Officers from throughout the state, as appointed by the Board Chair, Ted Novelli.

News from the Board of Directors

CALAFCO QUARTERLY

March 2013



CALAFCO Board 2013 Committees

The CALAFCO Board appointed members to the 2013 standing committees are as follows:

Legislative Committee

Matt Beekman
Robert Bergman
John Leopold
Mike McGill
Eugene Montanez
Mary Jane Griego (a)
Juliana Inman (a)
Gay Jones (a)
Mike Kelley (a)
Ted Novelli (a)

Nominations Committee

Robert Bergman
Jerry Gladbach (Chair)
Gay Jones
Mike McGill

Awards Committee

Julie Allen
Matt Beekman (Chair)
Larry Duncan
Jerry Gladbach
Mary Jane Griego
Mike McGill

2013 Annual Conference

Louis Cunningham
John Leopold
Josh Susman (Chair)
Stephen Tomanelli

CALAFCO Announces New Executive Assistant

At the February 8th meeting the Board officially approved the appointment of our new Executive Assistant, Jeni Tickler. For over 12 years, as Principal of Professional Events, Jeni has been responsible for the complete process of creating, managing, promoting and executing a wide array of campaigns and events with the singular goal of exceeding her clients' expectations. Jeni is highly skilled at developing innovative programs and partnerships. She assesses and develops campaigns and events tailored to specific project and agency needs. Jeni has successfully implemented a variety of programs for a diverse array of clients including public agencies, private entities, advocacy groups, professional associations and non-profit organizations.



Since 2007, Jeni has served as the Communications and Event Manager for the Sacramento Valley Section California Chapter of the American Planning Association (APA). In this capacity, she formed and facilitated a working group discussion on Sustainability in the Sacramento Region. As a result of this ongoing dialogue facilitated by Jeni, she organized and managed a collaborative effort to bring Sacramento an annual series of monthly seminars where land use, design, planning professionals, and social equity and environmental advocates have a forum to discuss how their individual practices will have to change in order to create a sustainable region and meet the challenge of reducing greenhouse gases and adapting to climate change. Jeni is typically in the CALAFCO office on Wednesdays and Thursdays.

Legislative Activities

2013 is the first year of the Legislature's two-year session and with a large number of new legislators, state Democrats have a supermajority in the Legislature. The CALAFCO Legislative Committee began work in November and held meetings in December and again in January. The next meeting is scheduled for March 22 in Oakland. The deadline to introduce new bills for the 2013 year was February 22nd. In total, there were 2,298 bills introduced: 1,436 in the House and 862 in the Senate.

CALAFCO is currently tracking 38 bills that may affect members. A legislative report – updated daily – is available in the member's section of the website.

This year, the Assembly Omnibus bill contains ten (10) proposed changes to Cortese-Knox-Hertzberg, and after being fully vetted several times by the Legislative Committee, the Assembly Local Government Committee staff and Committee Chair are reviewing the document. Other noteworthy CALAFCO sponsored and/or supported bills include:

- * **AB 453** (Mullin) Would allow LAFCOs to apply directly for grants that support the preparation of sustainable community strategies and other planning efforts.
- * **AB 743** (Logue) Eliminates the January 1, 2014 sunset date on annexation of island areas, and increases the potential size of the island area to be annexed from 150 to 300 acres.

As it is still very early in the bill process, CALAFCO is currently maintaining a watch position on a number of bills related to water, CEQA, and local government. In addition to the daily legislative report, all Legislative Committee information is also posted in the member's section of the website.

2012 Annual Conference in Monterey A Success

239 commissioners, staff and associate members attended the annual conference held in Monterey this past October. There was good representation of LAFCOs, with 50 of the 57 member LAFCOs represented. Evaluation results showed a very positive overall rating of 5.2 on a six point scale. Participants mentioned the quality of the session topics and speakers, the location, and the value of networking opportunities as some of the highlights. Financially the conference exceeded the goals established by the Board. Our thanks to Monterey LAFCO for hosting and John Leopold (Santa Cruz) as Chair.

**CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
PENDING PROPOSALS – March 13, 2013**

March 13, 2013
Agenda Item 13b

LAFCO APPLICATION	RECEIVED	STATUS
Northeast Antioch Reorganization: proposed annexations to City of Antioch and Delta Diablo Sanitation District of 481± acres located north of Wilbur Ave	8/17/07	Incomplete; awaiting info from applicant
West County Wastewater District Annexation Nos. 310 and 312: proposed annexation of 3.33± acres located at 39 Kirkpatrick Drive and 5527 Sobrante Avenue in El Sobrante	11/7/08	Incomplete; awaiting info from District
UCB Russell Research Station (RRS): proposed SOI amendment to East Bay Municipal Utility District (EBMUD) of 313± acres located on Happy Valley Road, southeast of Bear Creek Rd, and north of the Lafayette city limits (with concurrent annexation application)	11/25/08	Incomplete; awaiting info from applicant
UCB RRS: proposed annexation of 313± acres to EBMUD	11/25/08	Incomplete
Annexation 168C.1 to Central Contra Costa Sanitary District (CCCSD): proposed annexation of 104± acres in the Alhambra Valley, all of which are located outside the Urban Limit Line	4/13/09	Incomplete; awaiting info from applicant
Laurel Place/Pleasant View Annexation to City of Concord: proposed annexation of 5.86± acres located on Laurel Dr and Pleasant View Ln	5/8/09	Pending property tax exchange agreement
Highlands Ranch Phase II SOI Amendment: proposed SOI amendments to the cities of Antioch (reduction) and Pittsburg (expansion) of 194± acres located east of Pittsburg city limits, within Antioch Somersville Road Corridor Planning Area	10/23/09	Incomplete; awaiting info from applicant
Discovery Bay Community Services District (DBCSD) SOI Amendment (Newport Pointe): proposed SOI expansion of 20± acres bounded by Bixler Road, Newport Drive and Newport Cove (with corresponding annexation application)	7/28/10	Incomplete; awaiting info from applicant
DBCSD Annexation (Newport Pointe): proposed annexation of 20± acres to supply water/sewer services to a 67-unit single family residential development	7/28/10	Incomplete; awaiting info from applicant
Annexation 182 to CCCSD: proposed annexation of 99.7± acres in Martinez and Lafayette	11/29/11	Incomplete; awaiting info from applicant
Annexation 183 to CCCSD: proposed annexation of 91± acres in Orinda, Pleasant Hill and Walnut Creek	7/12/12	Incomplete; awaiting info from applicant
Northeast Antioch Reorganization Area 2B: Annexations to City of Antioch and Delta Diablo Sanitation District	11/30/12	Incomplete; awaiting info from applicant
Rodeo Sanitary District (RSD) SOI Amendments - proposed SOI expansion of 61± acres on the western, northwestern and northeastern boundaries of the District	2/20/13	Under review
Rodeo Marina Annexation to RSD – proposed annexation of 28± acres located along the northwestern edge of the Rodeo community	2/20/13	Under review
Bayo Vista Housing Authority Annexation to RSD – proposed annexation of 33± acres located south of San Pablo Avenue at the northeastern edge of the District's boundary	2/20/13	Under review

March 13, 2013
Agenda Item 13c

Lafayette-Orinda fire station idea scrutinized

By Jennifer Modenessi Contra Costa Times Contra Costa Times

Posted:

Thursday, February 14, 2013

ContraCostaTimes.com

MARTINEZ -- County supervisors this week authorized talks between the Contra Costa and Moraga-Orinda fire districts to build and operate a joint station on the Lafayette-Orinda border but not without hearing some stinging criticism of the proposal.

County leaders took turns addressing ConFire Chief Daryl Louder on Tuesday following his request for formal discussions with MOFD Chief Randy Bradley to enter a partnership in which both districts would operate a joint fire station. If approved, the station would replace ConFire's Station 16 in Lafayette and nearby MOFD Station 43 in Orinda.

Supervisors ultimately decided to let Louder discuss exploring a potential partnership with Bradley, but Supervisors Karen Mitchoff and John Gioia indicated anything formal should be part of future comprehensive talks between the county and other cities. MOFD directors approved the consolidation talks at a meeting Feb. 6.

Under the plan proposed by the chiefs, ConFire would tap its capital funds and reallocate money used to operate Station 16 to the new station, whose construction and operating costs would be shared evenly with MOFD. Both districts say the move could help them save \$1 million each in annual operating costs.

However, the savings would materialize for ConFire only if Station 16 were operating; because it isn't, the new station would actually increase costs for the district.

ConFire took that aging facility offline last year because of a rat infestation and mold-contamination issues. The station officially closed Jan. 15, along with stations in Martinez and Walnut Creek, following the defeat of a parcel tax measure last fall. Service in Clayton was also reduced.

District II Supervisor Candace Andersen, who oversees Lamorinda, and Supervisor Mary Piepho, of Discovery Bay, supported Louder's request. But Supervisors Mitchoff and Gioia were less enthusiastic.

Mitchoff took Louder to task over an apparent lack of communication about the consolidation, saying neither she nor County Administrator David Twa were aware of the proposal. She also said the idea could raise expectations in other communities with closed fire stations.

"The money's not there," Mitchoff said.

Gioia called for more "thoughtful" talks. "The way this should be dealt with ... is for us to have a districtwide discussion about what opportunities exist rather than individual components brought to us," he said. "We're not getting a total solution."

MOFD Chief Bradley also addressed supervisors, taking some responsibility for the urgent consolidation talks hastened by Station 43's reconstruction, which is on hold. And he told the supervisors his board has requested that the new station be owned and operated by MOFD.

That news did not sit well with Mitchoff, who said if talks went forward and the idea were approved, the county could be putting money into a building it didn't own. She also reiterated calls for a broader discussion.

The board asked the chief for a status report within 30 days.

Supervisors also heard a report of a pilot program that would provide non-firefighter, emergency medical-only coverage at Station 11 in Clayton and in the area of Station 16 in Lafayette. They asked for a status report with a cost comparison between ConFire and the county's contracted medical transport services for such a program.

Contra Costa Times editorial: Leadership crisis mounts at Contra Costa fire district plagued by huge fiscal shortfall

Contra Costa Times editorial © 2013, Bay Area News Group Contra Costa Times
Posted:

Monday, February 18, 2013
ContraCostaTimes.com

Contra Costa supervisors, who serve as directors of the county's largest fire district, seem to be running out of patience with Chief Daryl Louder. The frustration led to a public dressing down Tuesday the likes of which we haven't seen in decades.

We can only wonder what took so long. It was justified.

As we've said repeatedly, Louder doesn't get it. In a fiscal crisis that demands sophisticated leadership willing to thoughtfully examine alternative service models for the Contra Costa Fire District, the chief remains a traditional fire executive unwilling or unable to think creatively.

The disconnect and his poor communication skills explain why supervisors, who have had to close four stations, went around Louder by directing County Administrator David Twa to lead studies on cheaper ways to deliver fire and medical-emergency services.

Yet, Louder continues to march to his own drummer, seemingly oblivious to the direction his board wants to go. While supervisors ask whether the district -- which serves much of Central County as well as Antioch, Pittsburg and San Pablo -- should continue dispatching well-paid firefighters to medical emergencies, Louder on Tuesday brought a proposal to raise revenues for the status quo by billing those who call for service.

Currently, the ambulance company that responds can bill, but Louder wants to also charge for firefighters who show up to help. There were no details of the billing plan and no cost or legal analyses, yet Louder asked the supervisors for authority to draft an ordinance to implement the idea. The board said no.

Louder also sought approval to conduct formal negotiations with the Moraga-Orinda Fire District to jointly build and operate a new fire station on the border between the two districts. It would replace one operated by MOFD and one owned, but currently closed, by the Contra Costa district. In other words, this would require a staffing increase for the Contra Costa district.

To Louder, the issue was not whether this was a good idea; he just wanted authority to plow ahead. Again, there was no cost analysis or meaningful detail on which the supervisors could intelligently make a decision.

It would clearly put the cart before the horse to commit the district before examining how best to deliver services. And, while it might please Lafayette residents, how would it play in other communities that have experienced station closures?

Supervisors were annoyed, and let the chief know in no uncertain terms. They hadn't been given advance warning this was coming. Louder was pressuring them that MOFD needed an immediate decision. And he didn't tell them that MOFD intended to own and operate the station. They gave Louder permission to talk to the district but wisely made no commitments.

It not clear that Louder enjoys the full support of any of the five supervisors. They have each expressed frustration in the past few months. As Supervisor John Gioia told us, "I think there's a crisis of confidence."

One wonders when they'll finally do what's needed: Find another fire chief.

Doctors Medical Center leaders seek to keep doors open at financially struggling San Pablo hospital

By Sandy Kleffman Bay Area News Group Contra Costa Times
Posted:

Tuesday, February 19, 2013
ContraCostaTimes.com

Leaders of Doctors Medical Center in San Pablo plan to eliminate 16 positions and take other steps to cope with a nearly \$1.5 million monthly loss, but have no immediate plan to close the hospital, which is considered an important part of the health care safety net in the region.

Rumors have swirled that because of its financial difficulties, Doctors would shut down by June, but its leaders say those rumors are false.

"We're not in closure mode -- we're in survival mode," said Eric Zell, who heads the hospital's governing board.

Doctors, which has struggled financially for years, treats large numbers of uninsured patients and low-income people on Medi-Cal.

It operates the only full-service emergency department along the Interstate 80 corridor between Berkeley and Vallejo.

The hospital lost nearly \$19 million in 2011 and \$17.5 million in 2012.

Its budget for this year, approved by the board in January, includes a \$9 million loss. So hospital leaders are seeking ways to fill an \$8 million to \$10 million gap through a combination of layoffs, cuts and revenue enhancements.

"The hospital has to act aggressively to change its structure and model," said Contra Costa County Supervisor John Gioia, vice chairman of the hospital board. "But we remain optimistic. The goal continues to be to bring the gap down far enough to make it easier to find partners."

Talks with one potential partner -- Avanti Hospitals in Southern California -- "have slowed down, but they haven't died," said Dawn Gideon, Doctors' interim chief executive officer. Avanti does not want to decide now, but it remains open to future discussions, she said.

Gideon has been holding town hall meetings with hospital employees to dispel some of the rumors, including that large numbers of layoffs are on the horizon.

About 22 people will lose their jobs, including three nonsupervisory registered nurses, among 1,000 full- and part-time employees. All of these positions "have been discussed with the unions," she said.

The hospital will also add six new positions, including a person to work with doctors on using electronic medical records. That will mean a net loss of 16 positions.

Gideon said hospital leaders are exploring new programs that might help increase the number of patients, including whether to set up an acute rehabilitation unit in an available space. "I'm looking every day for a way to close the \$10 million gap," she said. "I am talking with a number of area providers about how we can work together to gain greater efficiencies."

Gideon said she has contacted Lex Reddy, the new president and chief executive officer of St. Rose Hospital

in Hayward, another financially struggling hospital, to see if the two organizations might be able to team up on such needs as recruiting physicians.

Such discussions are preliminary, but Zell, who heads Doctors governing board, said he will recuse himself if an agreement involving Reddy comes before the board.

Reddy, the former CEO of Prime Healthcare Services in Southern California, hired Zell for about 30 days to introduce him to leaders in the Hayward area. Zell, a government relations consultant, declined to reveal how much Reddy paid him.

Zell issued a news release on Reddy's behalf earlier this month when the state attorney general approved Reddy's management-with-an-option-to-buy agreement at St. Rose.

Zell said he no longer works for Reddy and said he made it clear when Reddy first contacted him that he would not advocate on Reddy's behalf in any discussions with Doctors Medical Center.

Sandy Kleffman covers health. Contact her at 510-293-2478. Follow her at [Twitter.com/skleffman](https://twitter.com/skleffman).

Discovery Bay reaches settlement on 2008 sewage spill into lake

By Paul Burgarino *Contra Costa Times Contra Costa Times*

Posted:

Sunday, February 24, 2013

ContraCostaTimes.com

DISCOVERY BAY -- The town has reached a settlement with its former wastewater collections operator over a 2008 malfunction that spewed 94,000 gallons of raw sewage into an upscale neighborhood's lake.

Discovery Bay's Community Services District will receive \$230,534.69 from an escrow account established by the town and SouthWest Water, along with \$35,000 from the water company, according to the Feb. 13 agreement.

That money covers the tab for the major spill at the Lakeshore subdivision, which included \$231,000 in fines last May and \$10,000 for three others in 2008 that the town paid to the state's regional water quality control board.

The town sued SouthWest in Contra Costa Superior Court last June, saying the company breached its contract by not paying the state penalties. SouthWest filed a cross-complaint against the town a month later.

"We're pleased that the lawsuit was settled and the town was made whole for the sewer spill," said Rick Howard, the district's general manager.

A SouthWest spokesman said Friday that the company does not comment on lawsuits or settlements.

The spill was caused by pumps failing to turn back on after the power went out when a bird landed on a nearby power line, forcing sewage to back up overnight. Lake fountains were left on a week after the spill, leading to additional concerns about possible illness and the spread of contamination.

After the spill, money to pay the fines -- some of which Discovery Bay paid to SouthWest -- was placed in an escrow account. But as the issue dragged on for years because of state staffing cuts, SouthWest's escrow company would not open the account.

After months of probing officials and district employees on the situation, district directors concluded SouthWest's negligence and poor operating procedures were to blame for the spill.

SouthWest parted ways with the town in late 2008, requesting the contract be rescinded before it expired. Discovery Bay has had Veolia Water as its water operator since.

Contact Paul Burgarino at 925-779-7164. Follow him at [Twitter.com/paulburgarino](https://twitter.com/paulburgarino).

Plans for new Orinda-Lafayette fire station drawing heat

By Jennifer Modenessi Contra Costa Times Contra Costa Times

Posted:

Sunday, February 24, 2013

ContraCostaTimes.com

LAFAYETTE -- A plan officials argue could save taxpayers up to \$60 million over 30 years by consolidating two fire stations in Lafayette and Orinda under a long-term agreement faced more scrutiny this week as city leaders got their first formal look at the idea.

Fire agency leaders voted last week to continue negotiations with the county on the consolidation plan.

Moraga-Orinda fire Chief Randy Bradley received approval Wednesday from his board to keep discussing the plan with Contra Costa Fire District Chief Daryl Louder. In it, MOFD would shut one of three fire stations in Orinda and jointly purchase land on the Lafayette-Orinda border to build and staff a new fire station with ConFire.

The districts began discussing the consolidation in January after ConFire shut the Lafayette station -- and stations in Martinez and Walnut Creek -- after budget cuts. Under the proposal, MOFD would close its station on Via Las Cruces and relocate to a site near Highway 24.

The chiefs say the move would save each district about \$1 million annually. However, the county's savings would come only if the Lafayette station were operating.

And while a majority of the MOFD board has approved further talks with ConFire, including nonfinancial negotiations with four property owners to purchase land near El Nido Ranch Road, board president Frank Sperling said he isn't confident the Contra Costa County Board of Supervisors -- which oversees ConFire -- would greenlight the consolidation.

Sperling also questioned the wisdom of making an agreement with the county, from which Orinda detached to form MOFD in 1997, and said deeper analysis of the consolidation is needed.

"I look at this as a folly and I really don't want to spend another dime on this folly," Sperling said, alluding to the district placing the Orinda station's reconstruction on hold since consolidation talks began in January. MOFD has already spent about \$275,000 on Station 43's redesign.

About a half-dozen Orinda residents also spoke out against the station merger.

Lamorinda's fire service woes came up again Thursday during a meeting between elected officials from Lafayette, Orinda and Moraga. City and town leaders discussed the proposed station consolidation as a group for the first time, and asked questions about its impacts and financing, including where ConFire plans to get the money to pay for its half of the new station.

Louder said the district will look for other revenue sources and investigate how internal funds can be potentially reallocated. In a subsequent interview, Louder said ConFire has "several million dollars" in capital funds available for construction or land acquisition, but did not provide an exact amount.

As for suggestions raised at the meeting by MOFD board member Stephen Anderson, who said as a "private citizen" that Lafayette should detach from ConFire, Louder was more specific.

"I think Contra Costa Fire has provided excellent service and protection to the residents of Lafayette," he said. "We intend to continue doing that in the future."

Antioch city manager to retire at year's end

By Paul Bugarino Contra Costa Times Contra Costa Times

Posted:

Monday, February 25, 2013
ContraCostaTimes.com

ANTIOCH -- After a decade of steep highs and lows while at the helm, the city's top administrator plans to step down.

Jim Jakel, Antioch's city manager since December 2003, is staying on until the end of the year while the City Council works on finding a replacement.

As part of Jakel staying on, City leaders Tuesday night will consider giving him additional pay during his last six months on the job -- \$2,750 per month in retention payment and \$3,533 in monthly deferred compensation payments.

The monthly payments would not be included in calculations of Jakel's retirement payment formula, according to a city staff report. Jakel's current base salary is \$200,628, which includes a 10-percent across-the-board decrease in city salaries since 2009 because of furloughs and a 3-percent raise all managers received on Jan. 1 in return for payment of 8 percent of their retirement costs.

Mayor Pro Tem Mary Rocha said after lengthy discussion, it was decided to keep Jakel on because of his knowledge of city affairs.

"He took the cuts himself and was willing to work with a city going down the drain," said Rocha, noting how managers in other cities were paid more the past few years. "In a way, it feels like we're making up for it."

A longtime public and private sector policy administrator, Jakel's career will end where it started.

"I guess there's some destiny in that," said Jakel, 57, who started in Antioch as a junior planner in 1980.

Jakel worked in Alameda and later Martinez, serving as that city's manager from 1990 to 1996. Before returning to Antioch, Jakel was executive director of the Contra Costa Council, an economic development advocacy group.

When Jakel started his second Antioch stint on Dec. 1, 2003, the city was nearing the apex of its growth. Property and sales tax were booming, setting record highs. New shopping centers were sprouting up on the southeast side of town while home prices soared.

"Every day I drive to work, and just think about progress I see on Highway 4 and eBART, those are the things I'll remember," Jakel said. "To have a community center that is now two years old. When I got here, it was just a goal and plans on a piece of paper."

Jakel's most trying time as manager came after the abrupt collapse in the nation's housing market sent city finances crashing into a tailspin. By 2010, Antioch's once-robust budget of \$47 million dropped to near \$34 million.

"It's been a pretty sobering tale," said Jakel, crediting the perseverance and dedication of city staff for helping the city survive.

Thrice forced to make the difficult decision to lay off employees, city staffing now has a vacancy rate of over 40 percent. Jakel also worked to help the city stave off bankruptcy by negotiating millions in concessions

from employee groups, including cuts to employee compensation and retirement benefits, and initiating Friday furloughs.

"Throughout his whole time, you really felt like he was giving straight answers, and handled everybody evenly," Rocha said.

Jakel has quietly mentioned for some time his plans to retire after the most recent election if it was the new council's desire -- offering to stay on so they wouldn't have to rush to pick a successor.

"Hopefully, the person that comes in as (the city) is coming off the bottom and can build up a strong team," he said.

Jakel plans to pursue some kind of "new adventure" while still healthy, likely in the wine or hospitality field.

City leaders will soon pick a consulting firm to help recruit manager candidates.

Residential input on what they would like to see in a city manager will also be part of the selection process,

Mayor Wade Harper said earlier this month.

Contact Paul Bugarino at 925-779-7164. Follow him at [Twitter.com/paulbugarino](https://twitter.com/paulbugarino).

Barnidge: Why calling for an ambulance means you'll also get a fire truck

[By Tom Barnidge Contra Costa Times Columnist](#)

Posted: 02/25/2013 05:20:44 PM PST

Updated: 02/26/2013 12:12:15 AM PST

There are three things you can generally expect from emergency medical calls in central Contra Costa County: 1) A fire truck, with three firefighters, will be dispatched to the scene; 2) a two-person American Medical Response team will arrive in an ambulance; and 3) neighbors will watch intently, wondering why both units are necessary.

Of all the proposed solutions to cut Contra Costa Fire District staffing costs, the most frequent is to eliminate medical response. Critics say leave it to AMR, the company the county contracts with.

Um ... it's not that simple.

Firefighter staffing needs are dictated by the manpower required to fight a major fire -- often units from several stations at once. Medical calls are a bonus, not the reason firefighters are on the clock. Besides, medical calls often require more than two sets of hands.

"If you respond to a cardiac arrest," said AMR General Manager Leslie Mueller, "it takes a large number of people to handle it."

She explained that one person applies the airway (forced breathing apparatus), while another administers CPR, a third reads the heart monitor and a fourth hooks up an intravenous drip. When a victim needs more treatment en route to the hospital, a firefighter climbs into the ambulance to help the AMR paramedic while his partner drives.

Similar teamwork is required for setting broken bones, preparing splints, administering pain medication, lifting and transporting victims. "We train together, we work together, we follow the same protocols," Mueller said. "It's a ... team of coordinated efforts."

Different communities have different first-response models, she said, with varying responsibilities falling on public and private entities. The ConFire model anticipates the most extreme cases. If a victim is unable to open the door, firefighters can make a forced entry. If he's trapped under a structure or inside a car, they perform extrication. If hazardous materials are involved, they know what to do. If bystanders are too close, they're trained in crowd control.

"There's some overkill for sure," said fire Capt. Vince Wells, president of local firefighters union Local 1230, "and efforts are being made to minimize it, but the system is designed to handle the worst-case scenario."

Another question is why firefighters arrive in fire trucks. It's the same reason police wear guns while directing traffic -- so they're prepared for other developments.

"If we go on a medical call, and it's under control, and there's a fire," Wells said, "we don't have to drive back to the fire station to get another vehicle."

Medical emergencies are automatically relayed to one of 24 strategically located district fire stations and any of 35 to 40 mobile units that AMR typically has on call. "We move the ambulances throughout the day, based on traffic patterns, supply and demand and where we anticipate volume," Mueller said.

Sometimes an ambulance crew is first on the scene. Sometimes firefighters are. Each team has a paramedic, so the order doesn't matter.

"The system is designed to get the appropriate resources where they belong in a timely manner," Wells said.

The recurring question is whether a less costly approach can achieve the same results. Mueller said new models are being explored, but one thing is certain not to change.

When callers dial 911, they can't afford to wait.

Contact Tom Barnidge at tbarnidge@bayareanewsgroup.com.

Contra Costa Special Districts Association Newsletter

Contra Costa Chapter of the California Special Districts Association

Spring 2013

CCSDA

March 2013

CCSDA Chapter Support Services

The West County Wastewater District (WCWD) has performed the support services task for a couple of years now. The work and effort that Maria Sena has put into all of our chapter functions, meetings, correspondence, and emails is certainly much appreciated.



Maria has done an excellent job in coordinating and setting up the meetings. Thanks to both Maria Sena and the West County Wastewater District.

The WCWD contributions to the Contra Costa Special Districts Association helps our organization be a success, we thank WCWD.

A summary of our CCSDA finances can be described as follows; we receive about \$1500 per year in dues and spend about that much on the newsletter and insurance costs. In the past we have made a few dollars on the meal function, but the trend lately has been toward losing money on meals. We did not have a meal function at our October 2012 or January 2013 meetings.

Currently we are not planning to have a meal function at our 2013 meetings.

Send California Special District Association Photos from Your District!

Beginning in 2013, CSDA will begin highlighting photos from districts throughout the state in the California Special District magazine. Send CSDA interesting photos of your district sites and facilities, from events you have held, or of activities in which you take part. Any photos that make your district stand out - CSDA wants!

Send your digital photos to Nicole Dunn, editor, at nicoled@csda.net and you could see them in an upcoming issue of California Special District Magazine!

New to Local Public Service?

The "New to Public Service" section of the Institute for Local Government (ILG) website offers resources for officials during the initial phase of elected office. The information provided will be beneficial as elected officials begin their role in local agency leadership. The comprehensive list of resources includes topics such as responsibilities and powers, budgeting, decision-making, working with staff, and more.

The "New to Public Service" section of the Institute's website offers orientation materials for newly elected and is a great resource for current locally elected officials. The navigation links include:

- Budgeting and Finance
- Land Use
- Leadership Skills
- Making Decisions
- Public Trust and Transparency
- Responsibilities and Powers
- When Bad Things Happen
- Working with Residents and the Media
- Working with Staff

For more in-depth information explore the website <http://www.ca-ilg.org>

Central San Earns National Excellence Award Again!

Central Contra Costa Sanitary District's Purchasing and Materials Services team recently won the National Purchasing Institute's Annual Achievement of Excellence in Procurement Award for 2012.

The award – which CCCSD's purchasing team, has now won four times – recognizes organizational excellence in procurement, with emphasis on innovation, professionalism, e-procurement, productivity, and leadership.

Central San is one of only 29 special districts in the United States to win this award.

California Special District Association Annual Awards

Do you have board members, staff, or a program that you feel deserves recognition? Now is the time to get in the spotlight!

Consider submitting for a California Special Districts Association (CSDA) Award. Individuals and districts both receive awards acknowledging their achievements in various areas including exceptional public outreach, leadership and innovations. The awards are presented at the CSDA Annual Conference & Exhibitor Showcase. Winners are selected from submissions from each the following categories:

- Board President of the Year
- General Manager of the Year
- Staff Member of the Year
- CSDA Chapter of the Year
- Innovative Program Award
- Exceptional Public Outreach & Advocacy Award

Questions?

If you have any questions regarding the awards or the awards process, please contact Charlotte Lowe, executive assistant, at the CSDA office toll-free at 877.924.2732 or by email at charlottel@csga.net

Special District Community Loss

It is with great sadness that the California Special District Association announces the passing of Glenn Reiter, one of the co-founders of CSDA. He passed away January 21, 2013.



Principal of Glenn M. Reiter & Associates one of the co-founders of CSDA, and the founder of the Special District Institute he had spent more than forty years working diligently for a variety of governmental agencies in California. It is said that he helped form CSDA in order to have a voice in Sacramento because at that time, the legislature was questioning the need for special districts. His commitment to the education and working together of special districts was instrumental in where CSDA stands today.

DSRSD Board Creates the James B. Kohnen Scholarship



DUBLIN SAN RAMON SERVICES DISTRICT

Water, wastewater, recycled water

The Dublin San Ramon Services District (DSRSD) Board of Directors unanimously voted to create the James B. Kohnen Scholarship, an annual award of up to \$2,000 that will be given to a graduating high school senior planning to attend college to study a water resources related field.

Mr. Kohnen served two terms on DSRSD's Board. He also served on the boards of the Zone 7 Water Agency, the Alameda County Special Districts Association, the Alameda County Mosquito Abatement District, and the California Special Districts Association.

Mr. Kohnen also taught at San Leandro High School, the University of Phoenix, and St. Mary's College. Creating a scholarship in his name seemed like a natural way to honor his memory.

The first scholarship will be presented in June 2013 to a senior graduating from a school in the District's service area.

It is the districts hope that this scholarship inspires young people to follow in his footsteps and make a difference in their communities.

Legislative Conference to Focus on Local Revenue



CSDA has announced the theme for the 2013 Special Districts Legislative Days (SDL):

"Strength in Numbers – Adding Value to Communities." This year's SDL, CSDA's annual legislative conference in Sacramento, will be held May 14-15 at the Sacramento Convention Center.

Be sure to register by Friday, April 26 to guarantee a spot in the scheduled legislative visits.

Stege Sanitary District becomes Re-accredited as a District of Distinction

The Stege Sanitary District recently became re-accredited as a District of Distinction through the Special District Leadership Foundation (SDLF). The District of Distinction accreditation is one of the most prestigious local government awards in the state of California. This award clearly validates the Stege Sanitary District's commitment to good governance and to ethical and sound operating practices.



David Aranda & Alan Miller

Alan Miller, Director, and President of the Board for Stege Sanitary District, accepted the award at the California Special Districts Association Annual Conference in September 2012. The award was presented at the Luncheon awards ceremony by SDLF President David Aranda.

As of September 2012, the following three Contra Costa Special Districts are SDLF's Districts of Distinction, Kensington Fire Protection District, Pleasant Hill Recreation & Park District, and Stege Sanitary District.

Is your district interested in Becoming a District of Distinction?

Special districts provide the most efficient, responsive local services to California communities and yet they have been under frequent scrutiny by the media and Legislature, which allege that special districts are often invisible and unaccountable.

SDLF has developed the District of Distinction program to help correct these misperceptions by providing districts with a means for proactively demonstrating their viability as providers of essential public services.

This accreditation is designed as a way for districts to highlight their prudent fiscal practices along with other areas important to effectively operate and govern a special district.

Why become a District of Distinction?

The accreditation criterion gets to the heart of best practices in public agencies, demonstrating that your district:

- Understands and respects the responsibilities inherent in providing essential public services.
- Has clean financial audits and operates in a fiscally responsible and transparent manner.
- Is conscious of the ever-changing operating environment by having current and relevant policies and procedures in place that conform to all statutes and regulations under state law.
- Places an emphasis on continuing education completed by having each of the district's board members and executive staff in ethics, governance and leadership training.
- Focuses on having sound policies in the areas of governance, board conduct, district finances, transparency and reserves.

Your district will receive a plaque honoring the district's accomplishments. SDLF will issue press releases and notify legislators on the district's behalf.

To become a District of Distinction submit your application or contact Charlotte Lowe, SDLF program assistant, at (916) 231-2939.

More Special District Leadership Foundation - Congratulations



Bette Boatmun, Dave Contreras, Sherry Sterrett

David Contreras from the Ironhouse Sanitary District has received the SDLF Recognition in Special District Governance. He has demonstrated his commitment and dedication to providing the best possible service to the community he serves by completing the CSDA Special District Leadership Academy and the other qualifications necessary to receive the Recognition in Special District Governance certificate. Congratulations David!

Central San Wins Two Architecture Awards

Central Contra Costa Sanitary District's new Collection System Operations (CSO) Headquarters in Walnut Creek received two awards for architecture from the Walnut Creek Action for Beauty Council at its 2012 Community Awards Luncheon on Oct. 16, 2012.



Central Contra Costa Sanitary District Collection System Operations Facility

Opened in fall 2011, the new Collection System Operations Facility is the first building in Walnut Creek to have a green roof that uses drought-tolerant plants to help it stay cool during the summer and absorb rainwater to reduce runoff during the winter. Other energy-efficient features include permeable paving, automatic window shades, solar collectors that supplement water heating, and hydronic (circulating water) heating in the warehouse floor.

The CSO facility won the Sustainable Design award. The new facility incorporates efficient design with the latest 'green' technologies, replacing a 1956 facility which did not meet the District's current needs nor today's building and seismic codes.

The Action for Beauty Council, consisting of a group of citizens independent of the city's political structure, has been issuing design review awards for 40 years. The awards honor projects in architecture, landscaping, and public art. Prominent architects and landscape architects judged the design award nominees.

The facility also won the new "People's Choice" award. The award is voted on by local community members who nominated and voted online for their favorite local architectural design project. The award recognizes local projects that have improved the community through superior design.

California Special Districts Association 2013 Executive Committee

CSDA is governed by an 18-member Board of Directors elected by mail ballots. The Board consists of three directors from each of the six regions throughout California. The Board meets bimonthly in Sacramento to guide the Association's legislative and member benefit programs.

At the September 25, 2012 CSDA Board Meeting elections were held for 2013 officers. The Executive Committee currently consists of:

- President - Stanley Caldwell, Mt. View Sanitary District
- Vice President - Pete Kampa, Tuolumne Utilities District
- Treasurer - Ginger Root, Country Club Sanitary District
- Secretary - Noelle Mattock, El Dorado Hills Community Service District
- Past President - Jo MacKenzie, Vista Irrigation District

Your Region 3 board members are Stanley Caldwell, Mt. View Sanitary District, Sherry Sterrett, Pleasant Hill Parks and Recreation District, and Vincent Ferrante, Moss Landing Harbor District.

EBRPD Manager to get 5-year Contract Extension

Bob Doyle, East Bay Regional Park District general manager, has received a five-year contract extension to continue running the system with 112,000 acres of parkland. In a vote of confidence for its top executive, the regional park board voted unanimously to extend Doyle's employment agreement through the end of 2017. Doyle was promoted to general manager at the start of 2011 to succeed Pat O'Brien, who retired.

Succession Planning

Many smaller public agencies can find themselves without critical staffing when someone quits, retires, or is out due to illness or other unplanned reasons. An agency unprepared for such unexpected absences is left with very few options.

BHI Management Consulting Founder & President Brent Ives will be our October 21, 2013 speaker.

BHI offers an analysis methodology that allows your staff to recognize this vulnerability and to identify those key positions. Everyone needs to see the dangers of ignoring what can become a crippling period of inefficiency for your agency.

CCWD Reduces Energy Costs

The Contra Costa Water District (CCWD) is now using water flowing through an existing pipeline in Antioch to generate energy. This new “green” project adds to the portfolio of alternative energy projects that CCWD has invested in.

CCWD has been working on various projects to reduce energy costs and recently completed construction of the Los Vaqueros Energy Recovery Project. This project is a hydroelectric generation facility, including a Francis Turbine and Generator Assembly, which will produce energy to offset up to ten percent of the nearby pump station load and reduce reliance on carbon-based energy.



The \$6.2 million facility captures excess energy from water flowing through the existing Los Vaqueros Pipeline and produces up to 1-megawatt of clean, renewable electricity.

CCWD's other alternative energy projects continue to generate energy including solar panels that have been installed on top of District facilities. CCWD also has agreements with various companies using windmills to generate energy. These projects all contribute savings which allows the District to control costs to the benefit its customers.

Mark your calendar for the upcoming CSDA events

Special Districts Legislative Days

May 14 & 15, 2013

GM Leadership Summit

July 14-16, 2013

CSDA Annual Conference - Monterey, CA

September 16-19, 2013

MVSD Recertified in the Contra Costa County Green Business Program

Mt. View Sanitary District (MVSD) was proud that they were the very first publicly owned treatment works to be certified as a Green Business in the Bay Area. MVSD has now received its second recertification in the program!

The mission of the Contra Costa County Green Business Program is to strengthen and sustain the quality of the environment in Contra Costa County through a collaborative partnership of public and private organizations that encourages, supports, and recognizes businesses taking action to prevent pollution and conserve resources.

Environmental stewardship is a core MVSD value and MVSD believes in going above and beyond regulatory compliance to protect both human and environmental health. For more information on the Contra Costa Green Business program, please visit:

www.greenbiz.ca.gov/AboutUsCCC.html



District Manager Mike Roe is congratulated by Pollution Prevention Specialist Claudia Pingatore on May 18, 2012 for MVSD's second recertification in the Green Business Program.



CCSDA July 15, 2013 Speaker

District 5 Supervisor Federal Glover will be our guest speaker for July chapter meeting. Federal is current board chair with many years of experience in county and local government. The boundaries of District 5 were changed significantly in the last redistricting resulting in inclusion of many new constituents. He will be speaking on the topic “Representing the Northern Waterfront”.

The Bay Area Consortium for Water and Wastewater Education

The Bay Area Consortium for Water and Wastewater Education (BACWWE) is committed to providing the best educational training for those interested in water and wastewater operator training available in Northern California.

The BACWWE Operator Training Program is currently sponsored by 19 Bay Area water & wastewater agencies, and has grown tremendously since first launched in August 2007. Since then, more than 700 students have enrolled in 35 classes.



This program is sponsored by Bay Area water and wastewater agencies to attract new people to the industry and to encourage current operators to continue their education and training to fulfill an urgent need to replace a retiring workforce.

For more information visit the WEBSITE - www.bacwwe.org

BACWWE Internship Program

Rodeo Sanitary District (RSD) participates in the award-winning operator training program along with a group of public agencies. Rodeo San is currently enjoying a very successful volunteer intern program.

Rodeo San, in conjunction with the Solano Community College, brings in a few volunteer operators each academic semester. Solano has an Associates of Science degree in water and wastewater treatment. However, most agencies will not hire based on education alone, hands on experience is vital. Additionally, the state has strict guidelines for operators at sewage treatment plants and an individual must have 2,080 hours of experience before becoming certified to operate these plants. As a result, many agencies in the area formed the Bay Area Consortium of Water and Wastewater Education (BACWWE). The group is working with Solano to assist in funding and teaching the classes (free to the students) and provide training opportunities for the students.

Rodeo Sanitary District Manager Steve Beall is the volunteer intern committee chair for BACWWE. There have been a total of five volunteers for the District, and so far three have secured full-time jobs.

Discovery Bay Community Services District



The town's logo has a new, more vibrant look!

Discovery Bay Community Services District has changed its rope-trim insignia with a navy blue steamboat in the middle to a brighter-colored seal and logo with a gold and orange sunset scene, steamboat on sky-blue water and a silhouette of Mount Diablo.

Other organizations such as the Chamber of Commerce and real estate agencies use the old logo, board Vice President Kevin Graves said.

"(The original logo) has been adopted by everybody, so we wanted something that stands independently," he said.

"I think it gives us a bit more of our own identity, and more of a town logo," added director Jim Mattison. "It's not drastically different, but it's more colorful. We wanted to pizzazz it up a little bit."

The logo includes the phrase "est. 1998," which marks when Discovery Bay's community services district was established.

Graves said the steamboat on the logo likely comes from the Hofmann Development office being located on a vessel when it first started building homes in the Delta community. "We kept it because we didn't want to lose that tradition," he said. "At the same time, we're trying to move the image of the town forward."

West County Wastewater District's Contribution to the Expansion of the San Francisco Bay Trail



L-R: Contra Costa County Supervisor John Gioia, East Bay Regional Park District Board Members Beverly Lane and Whitney Dotson, Assemblywoman Nancy Skinner, Trails for Richmond Action Committee Chair Bruce Beyaert, and West County Wastewater District General Manager E.J. Shalaby.

On Saturday, September 8, 2012, more than 60 people, including local leaders, gathered to celebrate the opening ceremony of the latest addition to the San Francisco Bay Trail, the Wildcat Marsh Trail.

When completed, the San Francisco Bay Trail will consist of a 500-mile loop trail that will link the San Francisco and San Pablo bays. To date, about 340 miles has been completed.

West County Wastewater District, which owns the land the trail now occupies, gave the East Bay Regional Park District permission to build the path. The mostly flat trail leads past the District's Water Pollution Control Plant to the Landfill Loop Trail, which offers a panoramic view of the San Pablo Bay shoreline.

The District is pleased to be part of this important community project that gives residents shoreline access for walking or biking.

Other West County Wastewater News

West County Wastewater District has been awarded the San Pablo Chamber of Commerce's Business of the Year Award.



Pleasant Hill Recreation & Park District Senior Center Opens!

The new Senior Center Grand Opening & Open House celebration was held on Saturday, January 5th, 1 pm - 4 pm. The event started with the 1:00 pm - Ribbon Cutting followed by Presentations & Video.



The day also included a boutique sale, raffles, class registration discounts, live music, sweet treats, photo booth, and "mini fit" class demo's to join.



Senior Center Grand Opening and ribbon cutting

The new senior center officially opened its doors for business Monday 1/7/2013!

Central Contra Costa Sanitary District Seeking A New Manager

Ann Farrell retired as general manager on Monday January 14, 2013 just nine months after being named manager.

Curt Swanson, Director of Collection System Operations, and a 25-year district employee, has been named interim general manager while the board begins the process of selecting a permanent replacement.



Goats Fight the War against West Nile Virus

Four-legged animals helped the Contra Costa Mosquito & Vector Control District get to the bottom of a source of mosquitoes.



During this past year's busy West Nile virus season, the Contra Costa Mosquito & Vector Control District focused much time and effort on finding the source of mosquitoes in Brentwood, because the majority of Contra Costa County's mosquitoes and birds that tested positive for the virus in 2012 came from the town. District employees provided inspections, treated underground catch basins, and canvassed neighborhoods by going door to door, but birds and mosquitoes continued to test positive for West Nile virus. The infected mosquitoes raised the possibility people could become ill, so the District fogged the area seven times in an effort to knock down the adult mosquitoes before they could transmit disease to nearby residents.

Inspectors suspected mosquitoes were producing in a storm water detention basin located near Heron Park in the eastern section of the town. The dense vegetation in the basin created a major challenge for district employees who had a difficult time accessing the floor of the pond to look for and treat any water. So, after multiple efforts to conduct efficient surveillance of the entire pond that instead produced limited results, the District turned to Brentwood officials, County Flood Control officials, and property developers to find a way to clear the vegetation.

Using machinery to clear the area was the first consideration, however the soggy ground made it likely the equipment could get stuck. That's when Flood Control officials called in the goats to clear the way. They decided to bring in Goats R Us.

Once the goats got to work they needed only seven days to clear the basin, before moving on to another detention basin nearby. The goats' efforts succeeded in making the area accessible to District inspectors. With easier access, district employees could treat the pond with a time-release bacterial public health pesticide that kills young mosquitoes in the water, but does not harm other insects or animals in the water.

The District is planning on getting a head start on 2013's West Nile virus season by encouraging officials to take necessary steps to maintain the detention basins to

prevent a re-occurrence of the same mosquito issues next year.

It just goes to show we are all in this war against West Nile virus together; a war that requires unique strategies and in this case even called for an army of four-legged goats to fight the bite.

The goats come from Goats R Us – an Orinda-based company that specializes in goat-powered brush reduction.

The CCSDA Program Committee is looking for your feedback

Paul Soltow CCSDA Program Chair and Program Committee members John Wyro and Tom Williams would like to know what you would like to see for future programs.

A range of program topics were discussed including the following - invitations to county supervisors; accomplishments of some special districts, i.e. Las Vaqueros improvements, the Delta Science Center, energy programs at Central San and/or EBMUD; changes from the Pension Reform Act; media i.e. Mosquito Abatement District; water conservation and recycling.

Please provide the program committee feedback; we would like to hear ideas and suggestions from you!

San Ramon Valley Fire Protection District Appoints New Fire Chief

Chief Paige Meyer is currently the Fire Chief for the City of Vallejo and will join San Ramon Valley Fire on March 18. Chief Meyer fills the Fire Chief position which became vacant when Chief Richard Price retired in December 2012.

Prior to joining the San Ramon Valley Fire Protection District, Chief Meyer spent 15 years with the Vallejo Fire Department. He has over 20 years of fire service experience.

“Chief Meyer possesses a unique combination of skills,” said Director Stamey. “He has proven he can lead during economically challenging times and has demonstrated his ability to focus an organization around a core mission in order to best serve the community. We selected an exceptional leader for an exceptional organization.”



Great News!

We now have 36 active and current members of the Contra Costa Special Districts Association!



Our current members

Alamo-Lafayette Cemetery District
Ambrose Recreation & Park District
Byron Bethany Irrigation District
BBK Union Cemetery District
Bethel Island Muni Improvement District
Byron Sanitary District
Contra Costa Mosquito & Vector Control District
Central Contra Costa Sanitary District
Contra Costa Water District
Contra Costa Resource Conservation District
Crockett Community Services District
Delta Diablo Sanitation District
Diablo Water District
Town of Discovery Bay Community Services District
Dublin-San Ramon Services District
East Bay Municipal Utilities District
East Bay Regional Parks District
East Contra Costa Irrigation District
East Contra Costa Fire Protection District
Ironhouse Sanitary District
Kensington Police Protection and Community Services District
Kensington Fire Protection District
Knightsen Town Community Services District
Los Medanos Community Healthcare District
Moraga-Orinda Fire District
Mt. View Sanitary District
Mt. Diablo Health Care District
Pleasant Hill Recreation & Park District
Reclamation District No. 800
Reclamation District No. 830
Rodeo Hercules Fire Protection District
Rodeo Sanitary District
San Ramon Valley Fire Protection District
Stege Sanitary District
West Contra Costa Health Care District
West County Wastewater District

What Distinguishes an Exceptional Board Member or Board President?

It takes more than just commitment. Your agency, and the Mission of it, relies on your board members to provide intellectual energy, passion, perspective, and leadership to champion the organization and promote its mission and values.

A truly valuable board member should understand that the focus is on strategy and leadership. Board members should be passionate about the Mission and apply their best efforts to improve and enrich their organization.

Here are several important criteria which should be considered by newly elected board members. Board members should:

- Demonstrate a commitment to serving the public
- Commit to furthering the organizational Mission
- Act as an ambassador, promoting the agency for the greater good
- Use their valuable experience and perspective to improve the organization
- Create and protect a climate of trust within the board to best serve the public
- Work hard to establish and protect a trusting professional relationship with the CEO
- Apply advanced influence and articulation skills to moving their passions forward

CSDA Chapter of the year!

Contra Costa Special Districts Association was named CSDA Chapter of the year on Thursday September 27, 2012 at the CSDA Annual Conference luncheon.



The CSDA "Chapter of the Year" award was accepted by Stanley Caldwell on behalf of Contra Costa Special Districts Association.

Your district should consider submitting for a California Special Districts Association (CSDA) Award. See the article on page 2 of this newsletter. Individuals and districts both are eligible to receive awards.

Send us your District News and Press Releases!

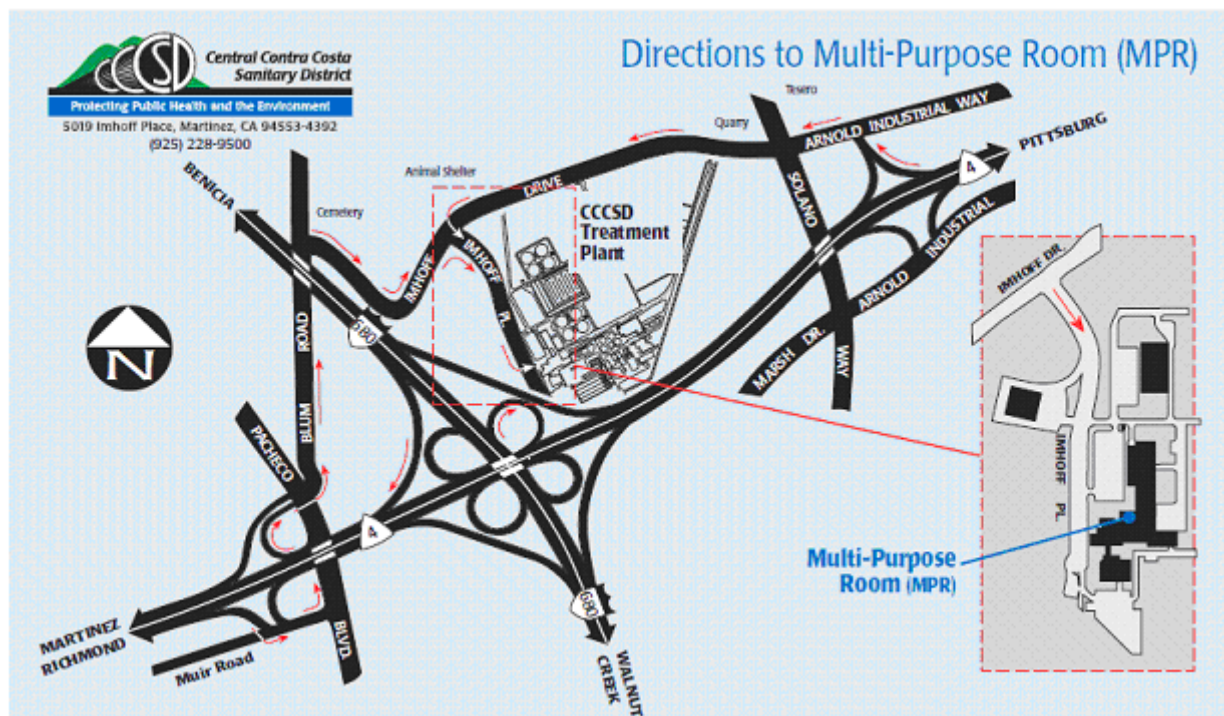
Please send your district news releases to Stan Caldwell at stan_caldwell@comcast.net and keep us informed on all of the exciting things your special district is up to. We welcome your news contributions to our newsletter!

Mark your calendars with our future Chapter Meeting Dates:

April 15th 2013, July 15th 2013, October 21st 2013

Meetings begin at 10:00 AM – we are out by Noon

We meet at Central Contra Costa Sanitary District, 5019 Imhoff Place, Martinez, CA.



Contra Costa Special Districts Association

C/o West County Wastewater District
2910 Hilltop Drive
Richmond, CA 94806-1974
Phone: (510) 222-6700
Fax: (510) 222-3277

West County Wastewater contact Maria Sena Email msena@wccd.org

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From the League of Cities, February 2013:

Neglecting Annexation and Incorporation Will Not Serve the State's Growth Goals

By Kirstin Kolpitcke and Dan Carrigg

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As California's Legislature emerges from a decade of severe budget deficits, many are celebrating the achievement of a balanced budget. Closing the state's massive deficit required severe spending cuts, a major boost from the taxpayers and a slowly recovering economy. But the desperate budget decisions made in recent years have policy impacts, whether it is the cost of attending public universities, potential increases in crime from realignment or the state's capacity to compete for jobs. Amid the budget wreckage, major questions also remain about the ability of cities to continue to grow and prosper.

Throughout history cities have served as centers of commerce and culture. This is certainly the case in California — the names of our major cities are known throughout the world. The Golden State's cities serve more than 83 percent of its residents and provide a range of municipal services including police, fire, libraries, parks and recreation, water, sewers and waste disposal. Cities also maintain a network of streets and roads.

State policies for achieving sustainability, greenhouse gas reduction, smart growth, infill and transit-oriented development and preserving farmland and open space have staked much on the role and success of cities. Yet the state's recent actions have signaled a lack of appreciation for the vital function cities serve as centers of commerce and providers of essential quality-of-life services for the vast majority of California's population.

The de facto state approach to cities appears to be one of neglect. When it comes to economic development, infrastructure and absorbing growth, cities are now on their own. The state discarded redevelopment — the most powerful municipal tool for upgrading urban cores, decontaminating brownfields, building affordable housing and transit-oriented development and countering urban sprawl. Revenues that supported new cities and cities that annexed inhabited areas were taken with no public process, leaving some cities on the verge of disincorporation. The message being sent is that

while growth will occur, the state no longer will expend the effort to support how and where it happens.

SB 89 Leaves Incorporation and Annexation Policies Upended

As part of a push to close the budget gap in 2011, the Legislature passed SB 89 (Chapter 35, Statutes of 2011) without a public hearing. The measure swept allocations of the Vehicle License Fee (VLF) from cities and Orange County as part of a scheme to fund realignment programs, which included grants for local law enforcement previously paid from the state General Fund. These local VLF revenues included special allocations dedicated by all other cities to assist newly incorporated and annexed territories. The allocations were established by League-supported legislation to compensate new cities and annexations for provisions of the 2004 VLF-property tax swap, which failed to include the in-lieu property tax adjustments that other cities receive. In addition, these VLF allocations supported state Local Agency Formation Commission (LAFCO) policies that encourage service consolidation, including the annexation of islands of inhabited unincorporated territory. Incorporations also uphold state objectives to control sprawl, because LAFCO policies guide city growth but have less effect on unincorporated county growth.

The timing of SB 89 could not have been worse for Jurupa Valley, the state's newest city, incorporated on July 1, 2011. Before Jurupa Valley incorporated, the Riverside County LAFCO determined that county agencies could not provide services to the Jurupa Valley community "... in a more efficient and accountable manner. Incorporation will allow for increased local accountability."¹

As a result of SB 89, the city lost more than one-third of its General Fund. According to an Oct. 25, 2012, article in the *Press Enterprise*, "Over the past two fiscal years, Jurupa Valley has lost more than \$13 million in state revenue. The city expects to run out of money by June 30, [2013], the end of the current fiscal year."² Without some sort of reinstatement of the lost revenue or having the county contribute funding, Jurupa Valley faces possible disincorporation.

Three other newly incorporated cities have also lost funding because of SB 89. Fontana, San Jose and many other cities that made the state-supported policy decisions to annex and serve inhabited unincorporated areas were undercut and lost the revenue they relied upon when making those decisions. The policy signals and future impact of SB 89 are obvious: Cities no longer have any incentive to annex and serve inhabited unincorporated areas. Furthermore, without the prospect of future incorporations the state will be faced with more unincorporated county growth patterns, which historically have been less dense than city-centered development.

SB 244's Leverage Will Reduce Other Annexations

Another recent law with good intentions but unintended consequences is SB 244 (Chapter 513, Statutes of 2011). Inspired by advocates concerned about the poor services and infrastructure conditions for low-income people in county unincorporated

areas, this bill was designed to promote annexation by adjacent cities. The advocates sponsoring the bill observed that the quality of infrastructure and services in cities were superior and sought leverage to increase the likelihood of future annexation. The law requires that any area of proposed annexation contiguous to a disadvantaged unincorporated community must include an application to annex the disadvantaged unincorporated community as well. The bill essentially asks those who seek a financially viable annexation to annex an area that's less than financially viable in hopes that the monetary incentives of the first annexation are so beneficial that they can sustain the financial losses of annexing the disadvantaged unincorporated community.

However, while the intent is understandable, the additional financial burden of annexing a disadvantaged unincorporated community will stall other viable annexations. While the law is still relatively new and interest in annexation has slowed with the economy, one example illustrates its impact.

On Jan. 6, 2012, the Riverside County LAFCO denied a proposal to annex two unincorporated areas that included about 625 acres adjacent to the City of Desert Hot Springs. The LAFCO report states, "Most importantly, recently enacted legislation prohibits the approval of this annexation since it excludes an adjacent disadvantaged unincorporated community. As a result, staff recommends denial of Annexation 29 to the City of Desert Hot Springs."³ The annexation will not be pursued any further.

Revenue Neutrality Compounds Incorporation Challenges

Prior to the passage of SB 89, city incorporations were already significantly limited by the revenue neutrality law adopted in the early 1990s during yet another state budget crisis. As a result, jurisdictions fortunate enough to make incorporations pay their way, or "pencil out," were typically the exception rather than the rule.

"Revenue neutrality" essentially means that the incorporating city gets to keep only the amount of revenue that the county was spending in the area prior to incorporation, not the amount of revenue generated within the area. For example, the incorporation proponents for the City of Elk Grove agreed to give the county a percentage of property tax that would decline over 25 years while keeping other taxes, such as the sales tax and transient occupancy (hotel) tax. Under the revenue neutrality law, counties are in a position to drive hard bargains that limit the ability of new cities to pencil out. That is why in recent years the VLF allocations became so critical to helping cities like Jurupa Valley incorporate.

Some at the state level may view the incorporation question as making no real difference. That view has serious flaws.

California anticipates annual population growth of approximately 300,000 to 400,000 people in the coming years. These people will need essential community services and a place to live. What is the most appropriate land-use solution to meet the challenge of this growing population?

From a growth perspective, an area proposed for incorporation already has a level of development previously approved by the county; in many cases such growth was not subject to LAFCO review. Incorporation will ensure that future expansion complies with LAFCO policies, which reflect state priorities. City incorporation efforts are also one of the most fundamental expressions of democracy. Affected residents may be dissatisfied with growth patterns approved by the county, the remoteness of government offices, the quality of public services, emergency response times and the lack of parks or other desired amenities. Once a city is incorporated, public engagement often increases as more attention can be paid to local needs and desires. The thriving communities of Elk Grove, Rancho Cordova and Citrus Heights in Sacramento County provide examples of the community empowerment that incorporation can bring. Residents of East Los Angeles and Carmel Valley have long desired self-governance for the same reasons.

Going Forward

It serves little purpose to rehash the past, but the future offers opportunities for change and rectifying the problems described here. As California's economy recovers, the challenges of growth will return. Where should this growth be directed? How will infrastructure and services to support growth be provided? If strong cities are truly important to the state's economic future and growth goals, then the broken policies affecting California's cities must be repaired.

Vallejo fire chief will take charge of San Ramon Valley Fire Protection District

*By Jason Sweeney jsweeney@bayareanewsgroup.com San Jose Mercury News
Posted:*

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ContraCostaTimes.com

SAN RAMON VALLEY -- Vallejo Fire Chief Paige Meyer has been selected to lead the San Ramon Valley Fire Protection District.

The fire district board announced Wednesday night that Meyer will take over the district's top spot on March 18.

Meyer, 43, will be paid an annual salary of \$235,000 -- 20 percent more than his Vallejo pay.

Meyer spent 15 years with the Vallejo Fire Department and has more than 20 years of fire service experience. He served as chief of the Vallejo Fire Department for 20 months.

He is replacing Chief Richard Price who stepped down in December.

Contact Jason Sweeney at 925-847-2123. Follow him at [Twitter.com/Jason_Sweeney](https://twitter.com/Jason_Sweeney).

San Pablo: Cash-strapped Doctors Medical Center could face closure within a year

By Rick Radin For the Contra Costa Times San Jose Mercury News
Posted:

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SAN PABLO -- Fiscal matters have reached a crisis stage again for Doctors Medical Center, and employees and union leaders implored the hospital's board of directors Wednesday evening to find a way to preserve services and keep the doors open.

Unless it can partner or merge with a larger health care organization or raise more revenue, the hospital will likely close within a year, Supervisor John Gioia of Richmond told meeting attendees.

"It's hard for a stand-alone urban hospital to succeed with large numbers of low-reimbursement Medi-Cal and Medicare patients," said Gioia, a key player in saving Doctors in 2006. "We have a challenging payer mix."

The hospital, which was saved from bankruptcy in 2006, has a projected \$10 million deficit for 2013 and is running out of reserves to keep operating, according to interim CEO Dawn Gideon.

Although revenue from reimbursements rose, Doctors had a \$1.2 million deficit in January and \$16.4 million cash on hand, enough for 45 days of operations, according to a financial report presented at the meeting.

The hospital is taking additional steps to reduce the deficit by consolidating two patient care floors into one, saving about \$400,000, and laying off 22 of its roughly 1,000 employees.

Gioia said the board has commissioned a poll to determine whether West Contra Costa voters would support another hospital parcel tax.

Homeowners pay \$99 annually on two existing parcel taxes, accounting for \$10 million of Doctors' \$138 million annual budget.

Doctors has been operating for more than 55 years, but services have shrunk as its costs have risen, and reimbursements have not kept up.

The hospital has closed its obstetrics department, burn unit and other facilities, but the loss of its 25-bed emergency room if the entire hospital closed would create a critical gap in West Contra Costa, Gioia said.

Gioia said other hospitals in the county should share the cost of caring for low-income and indigent patients.

"Where (a hospital) is located should not determine how much it pays for charity care," he said.

Robert McCauley, an organizer with the National Union of Healthcare Workers in Emeryville, said he thinks Doctors needs to do a better job of enlisting help from elected representatives.

McCauley said he contacted Rep. George Miller, D-Martinez, Assemblywoman Nancy Skinner, D-Berkeley, and Richmond Mayor Gayle McLaughlin about the hospital's financial plight and the danger it presents for critical emergency care and local jobs.

"Nobody knew anything because no one had reached out," McCauley said.

Board President Eric Zell disagreed.

"We've gone to everyone we can go to," he said.

Several hospital employees reflected McCauley's remarks, urging the board to reconsider the cuts and layoffs.

"DMC once stood for 'dedicated medical care,'" said Anthony Brown, an emergency room technician. "Now it stands for 'we need money.'"

In response to the complaints, Contra Costa Health Services Director William Walker said layoffs and cost containment are going on in medical centers throughout the country because of health care reform, "including hospitals that are not running \$10 million deficits."

"County hospital (in Martinez) consolidated wards and had good cost savings," Walker said.