



**NOTICE AND AGENDA FOR REGULAR MEETING**

DATE/TIME: Wednesday, August 14, 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.**

## AUGUST 14, 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 July 10, 2013 regular LAFCO meeting

### SPHERE OF INFLUENCE/BOUNDARY CHANGES

6. *LAFCO 11-11 – Annexation 182 to the Central Contra Costa Sanitary District (CCCSD)* – consider a proposal to annex 98± acres (44 properties) located in nine separate areas in the cities of Lafayette and Martinez to CCCSD, and consider related actions under the California Environmental Quality Act (CEQA). *Public Hearing*

### BUSINESS ITEMS

7. *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.
8. *Special District Risk Management Authority (SDRMA) Board Election* - the Commission will receive a report from the Ad Hoc Committee and be asked to cast its vote for up to four candidates to the SDRMA Board of Directors.
9. *Policies & Procedures Updates* – the Commission will be asked to consider updates to the LAFCO policies and procedures dealing with changes of organization and reorganizations.
10. *Letters of Support – AB 743 (Logue) Island Annexations and AB 1427 (CALAFCO Omnibus Bill)*- the Commission will be asked to approved letters supporting CALAFCO legislation.

### 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
  - CCCSDA Resolution Commemorating the 50<sup>th</sup> Anniversary of LAFCOs
  - Newspaper Articles

### ADJOURNMENT

*Next regular LAFCO meeting – September 11, 2013 at 1:30 p.m.*

LAFCO STAFF REPORTS AVAILABLE AT [http://www.contracostalafco.org/meeting\\_archive.htm](http://www.contracostalafco.org/meeting_archive.htm)

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
MINUTES OF MEETING

July 10, 2013

Board of Supervisors Chambers  
Martinez, CA

August 14, 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 and Mary Piepho, and Alternate Candace Andersen.

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

Public Member Don Blubaugh and Alternate Sharon Burke.

Present were Executive Officer Lou Ann Texeira, 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

There were no public comments.

6. Approval of May 8, 2013 Meeting Minutes

Upon motion of Piepho, second by Tatzin, the minutes for the meeting on May 8, 2013 were approved, with Commissioner Blubaugh abstaining.

7. LAFCO 13-02 – Rodeo Sanitary District (RSD) Sphere of Influence (SOI) Amendments

The Executive Officer reported that there are five areas in this request to amend Rodeo Sanitary District's sphere of influence, most of which were discussed in the West County Water/Wastewater MSR. Areas 1, 2 and 3 are in the Rodeo Marina area; Area 4 is the Bayo Vista Housing Authority and it already receives sewer services from the District; and Area 5 is an area north of Viewpoint Boulevard that is already in the District's service boundary.

There were no public comments.

Upon motion of Blubaugh, second by McGill, Commissioners unanimously approved the SOI expansion for Rodeo Sanitary District to include the five designated areas, determined that the SOI updates for Areas 4 and 5 are exempt pursuant to §15061(b)(3) of the CEQA Guidelines, and certified that it reviewed and considered the information contained in the EIR and CEQA documentation for the SOI updates for Areas 1, 2, and 3.

8. LAFCO 13-05 – Central Contra Costa Sanitary District (CCCSD) and Mt. View Sanitary District (MVSD) SOI Amendments

The Executive Officer provided background on the longstanding cooperation between CCCSD and MVSD regarding the most efficient provision of services in the area where their boundaries meet. This proposal will correct boundary irregularities by removing nine parcels (18± acres) from MVSD's SOI and adding the same parcels to CCCSD's SOI. The parcels are located on Kendall Court and Northridge Road in the City of Martinez and contain six single-family residential homes, three vacant parcels, and one government owned parcel.

**DRAFT**

There were no public comments.

Upon motion of Tatzin, second by Piepho, Commissioners unanimously approved the amendments to the SOIs resulting in a net increase in CCCSD's SOI of 18.2± acres and a net decrease in MVSD's SOI of 18.2± acres, and determined that the SOI amendments are categorically exempt.

9. Northeast Antioch Update

The Executive Officer provided brief background on the Northeast Antioch annexation process and reported that the City held a third community meeting with residents of Area 2b. Also, on May 15, the Antioch Planning Commission considered the City's rezoning and CEQA documents, and forwarded these to the City Council for approval. The City Council will address the rezoning later in July. Additionally, on May 22, LAFCO received a letter from Jenny & Jenny, LLP representing one of the Area 2b residents. The letter contains questions regarding the LAFCO process and island annexations, and the appropriateness of the City's CEQA document. LAFCO staff has responded to this letter.

Victor Carniglia, representing the City of Antioch, reported that the City Council will hold a special meeting on July 30 to hear rezoning and related items for this project.

Commissioner McGill asked if following the three community meetings, residents now have a better understanding of the issues. Mr. Carniglia responded in the affirmative.

10. Response to Contra Costa County (CCC) Grand Jury Report No. 1303

The Executive Officer reported that in May, LAFCO received Grand Jury report #1303 titled "*The Role of LAFCO: Is the Commission Realizing its Full Potential?*" This report is specific to Contra Costa LAFCO, and looks at LAFCO's role and authority, and specifically, MSRs and outcomes.

LAFCO staff has drafted a response that addresses the seven findings and eight recommendations and provides some additional background information.

Commissioner Tatzin suggested adding to the response to Finding 2 information about the Commissioners' strategic planning workshop held in April, emphasizing Commissioners' commitment to more actively communicate with the public regarding MSR reports and responses.

Commissioner Meadows suggested that the Grand Jury take a more positive approach and acknowledge and recognize some of the good work being done by local agencies and LAFCO. As an example, he referenced the recent Mt. Diablo Health Care District reorganization and the positive outcomes.

Commissioners Schroder and Blubaugh suggested that the response to Finding 5 emphasize that the second-round MSRs will follow up on findings made in initial MSRs.

Following further commentary, Commissioner Tatzin suggested that the response to Recommendation 5 add emphasis to the phrase "... is not warranted and *is not* reasonable."

Upon motion of Blubaugh, second by Piepho, Commissioners unanimously approved, as amended, the response to Grand Jury Report No. 1303, and directed LAFCO staff to forward the response prior to July 30, 2013.

11. Response to CCC Grand Jury Report No. 1306

The Executive Officer presented Grand Jury report #1306 titled "*County EMS and Fire Services: A Step in the Right Direction.*" This report looks at the County's efforts to study alternative EMS and fire service delivery model, and the potential for LAFCO to prepare a second round MSR covering these services following release of the County reports. The County, LAFCO and the 10 fire services providers are required to respond to this report.

LAFCO staff has drafted a response that addresses the two findings and two recommendations relative to LAFCO.

Commissioner Blubaugh suggested that the response to Recommendation 2 include that LAFCO has expressed an interest in conducting a fire and EMS MSR in FY 2014-15.

Upon motion of Blubaugh, second by Piepho, Commissioners unanimously approved, as amended, the response to Grand Jury Report No. 1306, and directed LAFCO staff to forward the response prior to August 29, 2013.

12. Response to CCC Grand Jury Report No. 1311

The Executive Officer presented Grand Jury Report #1311 titled “*Assessing Fiscal Risk” Who’s Minding the Store?*”, which reviews the practices of the County and various cities and districts relating to fiscal audits, internal controls and grant compliance. The County, LAFCO, the Contra Costa County Office of Education, all 19 cities, 18 school districts, one college district and three special districts are required to respond to this report.

LAFCO staff has drafted a response that addresses the eight findings and three recommendations relative to LAFCO.

Commissioners Piepho and Tatzin suggested that, for the response to Recommendation 2, a second paragraph be added that indicates LAFCO has no direct authority or responsibility over the financial management activities of local agencies, and that it has no authority over school districts.

Upon motion of Tatzin, second by Blubaugh, Commissioners unanimously approved, as amended, the response to Grand Jury Report No. 1311, and directed LAFCO staff to forward the response prior to September 4, 2013.

13. Professional Services Contract – Second-Round Water/Wastewater Municipal Services Review

The Executive Officer reported that preparation for the Second-Round Water/Wastewater MSR is proceeding. In May a Request for Proposals was released, and resulted in four proposals. A screening committee comprising executive staff from Solano, Sonoma, and Contra Costa LAFCOs interviewed all four firms. The committee unanimously selected GST Consulting. The GST team of three includes Gary Thompson, who worked with this LAFCO on the Alamo incorporation; Harry Ehrlich who works on contract with San Diego LAFCO, serves as co-chair of the CALAFCO Leg Committee, and is involved in CSDA; and Bob Aldrich, who served as Deputy EO of Orange LAFCO for over 10 years. Between the three, they have over 80 years of LAFCO experience and have prepared nearly 100 MSRs—and they were the lowest bidder.

Upon motion of Piepho, second by Tatzin, Commissioners unanimously authorized staff to execute a contract with GST Consulting to prepare a countywide Second-Round Water/Wastewater MSR/SOI Updates for the term of August 1, 2013 through July 31, 2014 in an amount not to exceed \$62,240.

14. Special District Risk Management Authority (SDRMA) Board Election

The Executive Officer reported that the SDRMA, which is a joint powers agency providing risk management services to over 900 public agencies including special districts, municipalities, and LAFCOs, including Contra Costa LAFCO, has announced the candidates for the four director seats available in the SDRMA Board of Directors election.

Ballots must be cast by August 27, 2013.

Upon motion of Piepho, second by McGill, Commissioners unanimously reinstated the 2012 nominee review committee of Commissioners Burke and Schroder and directed them to bring their recommendations to the August 14 LAFCO meeting.

15. Resolution Commemorating the 50<sup>th</sup> Anniversary of LAFCOs

The Executive Officer presented a draft resolution commemorating the 50<sup>th</sup> anniversary of LAFCOs. There will be a special area at the annual conference where resolutions will be displayed.

Upon motion of Meadows, second by Tatzin, Commissioners unanimously adopted the resolution to be displayed at the 2013 annual CALAFCO Conference.

16. Correspondence from CCCERA

There were no comments.

17. Commissioner Comments and Announcements

Following comments by Commissioner Meadows there was brief discussion regarding finding ways to help the Grand Jury better understand LAFCO's role.

Commissioners announced that their nominations for Outstanding Executive Officer (Texeira) and Outstanding Clerk (Sibley) have been submitted.

Commissioner McGill announced that he will be attending the CALAFCO Board meeting on July 12, and participating in the CALAFCO Legislative Committee conference call on July 26.

18. Staff Announcements and Pending Projects

The Executive Officer announced that the nomination of the Mt. Diablo Health Care District Reorganization was also submitted for an award in one of three categories (Most Effective Commission, Project of the Year, or Government Leadership).

Staff reported that AB 473, which would eliminate the sunset date on legislation covering island annexations, is moving smoothly through the process and should pass.

The meeting was adjourned at 2:17 p.m.

Final Minutes Approved by the Commission August 14, 2013.

AYES:

NOES:

ABSTAIN:

ABSENT:

By \_\_\_\_\_  
Executive Officer

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
EXECUTIVE OFFICER'S REPORT

August 14, 2013 (Agenda)

August 14, 2013  
Agenda Item 6

LAFCO 11-11: Annexation 182 to Central Contra Costa Sanitary District (CCCSD)

PROPONENT: CCCSD by Resolution No. 2011-060 adopted November 3, 2011

ACREAGE &  
LOCATION

The applicant proposes to annex 99.7± acres (44 properties) in nine separate areas located in the cities of Lafayette and Martinez and unincorporated Martinez as generally described below:

**Area 182-1:** three parcels located on Venner Rd, Martinez (4.3± acres)

**Area 182-2:** three parcels located on Kendall Ct, and seven parcels located on Northridge Rd, Martinez (24.7± acres)

**Area 182-3:** four parcels located on Alhambra Valley Rd, Martinez (12.3± acres)

**Area 182-4:** one parcel located on Alhambra Valley Rd, Martinez (0.6± acres)

**Area 182-5:** two parcels located on Brookwood Dr, Martinez (3.0± acre)

**Area 182-6:** six parcels located on Carter Acres Ln, and three parcels (plus a portion of the road) located on Reliez Valley Rd, Martinez (28.2± acres)

**Area 182-7:** seven parcels located on Toyon Rd, one parcel located on Mountain Springs Rd, and one vacant parcel with no address, Lafayette (18± acres)

**Area 182-8:** one parcel located on Toyon Rd, Lafayette (0.7± acre)

**Area 182-9:** one parcel located on Echo Springs Rd, Lafayette (7.9± acres)

SYNOPSIS

CCCSD filed an application with LAFCO to annex the properties to the District. Four of the property owners have either petitioned the District for service, or are already connected to CCCSD's sewer system. The District has included the remaining in-fill parcels to avoid the creation of islands, and provide for logical boundaries and future service.

The purpose of the annexation is to facilitate the extension of wastewater service to various parcels. The properties include existing single family dwelling units, a government-owned property (water tank), and nine vacant parcels zoned for single family residential.

DISCUSSION

The Government Code sets forth factors that the Commission is required to consider in evaluating any proposed boundary change as discussed below (Gov. Code §56668). In the Commission's review and evaluation, no single factor is determinative. In reaching a decision, each is to be evaluated within the context of the overall proposal.

**1. Consistency with the Sphere of Influence (SOI) of Any Local Agency:**

The areas proposed for annexation are within CCCSD's SOI as previously approved by the Commission, and are within the County Urban Limit Line; all parcels within areas 1-4 and area 6 are located in the City of Martinez, the properties in area 5 are located in the unincorporated Martinez area, and properties in areas 7, 8 and 9 are located in the City of Lafayette.

**2. Land Use, Planning and Zoning - Present and Future:**

The city and county General Plan and zoning designations are shown below. No changes are proposed to General Plan or zoning designations as part of this proposal.

Annexation Area	General Plan Designation	Zoning Designation
182-1 (City of Martinez)	R 0-6 (Residential – 0-6 units/gross acre)	ECD RR-80 (Environmental Conservation District Rural Residential – lot size 80,000 sq. ft. minimum; and RR-40 (lot size 40,000 sq. ft. minimum – areas south of Highway 4)
182-2 (City of Martinez)	R 0-6 (Residential – 0-6 units/gross acre)	RR-40 – along Northridge Rd, Milden Ct and Kendall Ct
182-3 (City of Martinez)	CUL (Open Space/Conservation Use Land)	ECD R-100 ( Residential – lot size 100,000 sq. ft. minimum); and RR-40- west of Alhambra Valley Rd)
182-4 (City of Martinez)	R 0-6 (Residential – 0-6 units/gross acre)	R-7.5 (Single Family Residential lot size 7,500 sq. ft. minimum – south of Alhambra Ave)
182-5 (County)	PR (Parks and Recreation)	A-2 (General Agriculture); and R-20 (Single Family Residential 20,000 sq. ft. minimum lot size) - areas along Brookwood Dr
182-6 (City of Martinez)	CUL (Open Space/Conservation Use Land)	ECD R-100; and ECD R-80 – areas southwest of Reliez Valley Rd
182-7 (City of Lafayette)	Rural Residential Single Family (up to 0.1 dwelling units/acre); and Low Density Single Family Residential (up to 2 dwelling units/acre)	LR (Open Space); and R-40 (Single Family Residential 2 dwelling units/acre) areas west-northwest of Reliez Valley Rd
182-8 (City of Lafayette)	Low Density Single Family Residential (up to 2 dwelling units/acre)	R-40 – area east of Toyon Rd
182-9 (City of Lafayette)	Rural Residential Single Family (up to 0.1 dwelling units/acre)	LR – area along Echo Springs Rd

**3. The Effect on Maintaining the Physical and Economic Integrity of Agricultural Lands:**

The properties proposed for annexation contain no prime farmland or land covered under Williamson Act Land Conservation agreements.

**4. Topography, Natural Features and Drainage Basins:**

The topography of annexation and surrounding areas are as follows:

Area	Topography – Annexation Area	Topography – Surrounding Area
182-1	Hilly, sloping downward east-northeast to west-southwest toward Pleasant Hill Rd	Hilly
182-2	Hilly	Hilly
182-3	Hilly	Hilly to the west, and relatively flat to the east
182-4	Slight hills	Flat in each direction
182-5	Slight hills	Relatively flat valley to the east, and hilly to the west
182-6	Hilly, but relatively flat at the border with Reliez Valley Rd	Hilly, but relatively flat to the north
182-7	Hilly	Hilly
182-8	Hilly, sloping down from west to east toward Reliez Valley Rd	Hilly with about the same profile as the subject property
182-9	Very hilly, sloping down from north to south, about 350 ft. from top of property to bottom	Very hilly



**5. Population:**

There is a potential to add up to 19 single family dwelling units (SFDUs) to the annexation area, including one SFDU to area 182-1, five SFDUs to area 182-2, two SFDUs to area 182-3, one SFDU to area 182-5, five SFDUs to area 182-6, four SFDUs to area 182-7, and one SFDU to area 182-9. These additional units could result in a population increase of 48± persons based on 2013 city and county estimates.

**6. Fair Share of Regional Housing:**

Pursuant to §56668 of the CKH Act, LAFCO must consider the extent to which the proposal will assist the receiving entity in achieving its fair share of the regional housing needs as determined by the regional council of governments. The proposed annexation will have minimal effect on regional housing needs.

**7. Governmental Services and Controls - Need, Cost, Adequacy and Availability:**

In accordance with Government Code §56653, whenever a local agency submits a resolution of application for a change of organization or reorganization, the local agency shall also submit a plan for providing services within the affected territory. The plan shall include all of the following information and any additional information required by the Commission or the Executive Officer:

- (1) An enumeration and description of the services to be extended to the affected territory.
- (2) The level and range of those services.
- (3) An indication of when those services can feasibly be extended to the affected territory.
- (4) An indication of any improvement or upgrading of structures, roads, sewer or water facilities, or other conditions the local agency would impose or require within the affected territory if the change of organization or reorganization is completed.
- (5) Information with respect to how those services will be financed.

The "Plan for Providing Services within the Affected Territory," as required by Government Code §56653, is on file in the LAFCO office. The properties proposed for annexation are served by various local agencies including, but not limited to, Contra Costa County, the cities of Lafayette and Martinez, Contra Costa County Fire Protection District, Contra Costa Water District (CCWD) and East Bay Municipal Utility District (EBMUD).

The proposal before the Commission is to annex the properties to CCCSD for the provision of sanitary sewer service, including collection, treatment and disposal.

CCCSD currently serves an estimated population of 467,500 residents in a 144-square-mile service area. CCCSD's wastewater collection system consists of 1,500 miles of sewer mains with 19 pump stations. The majority of CCCSD's system operates with gravity flow with some pumping stations and force mains. All sewer connections to the subject property will be either gravity flow or individual residential pump systems. CCCSD's wastewater treatment plant provides secondary level treatment for an average dry weather flow of approximately 33.2 million gallons per day (mgd) of wastewater. The wastewater treatment plant has a permitted discharge limit of 53.8 mgd.

The areas proposed for annexation include potential service to 32 existing single family home, plus 19 new dwelling units. Based on existing and potential dwelling units, the maximum demand for service is approximately 9,945 gallons of wastewater per day.

CCCSD indicates that three of the properties proposed for annexation are already served by existing CCCSD facilities; others can extend sewer lines to receive sewer services. It is not the current practice of CCCSD to compel property owners to connect their properties to the public sewer system involuntarily.

Regarding infrastructure and improvements, CCCSD indicates that all gravity mains required to serve the affected parcels will be 8-inch diameter for gravity mains or up to 2-inch diameter for pressure mains, which are CCCSD's minimums for mains. All laterals will be 4-inch diameter, which is CCCSD's minimum for gravity laterals, or 1-1/4- to 2-inch diameter pump laterals, which is CCCSD's minimum for pump laterals, depending on the specific pump type installed.

With regard to funding, all capital costs including any required sewer main extensions, along with connections fees, will be borne by the property owners. CCCSD funds the maintenance of all sewers through its annual sewer service charge.

8. Timely Availability of Water and Related Issues:

Annexation areas 182-1 thru 182-6 (Martinez area properties) are within CCWD's service boundary. CCWD serves approximately 500,000 people within 220 square miles. CCWD provides *retail* treated water to Clayton, Clyde, Concord, Pacheco, Port Costa and parts of Martinez, Pleasant Hill and Walnut Creek; *wholesale* treated water to Antioch, Golden State Water Company (Bay Point), and Brentwood; and *untreated* water to Antioch, Martinez, Pittsburg, Golden State Water Company (Bay Point), and to industrial and irrigation customers.

Annexation areas 182-7 thru 182-9 (Lafayette properties) are within EBMUD's service boundary. EBMUD provides wholesale water, retail water, wastewater collection and wastewater treatment services for an area of 331± square miles in Contra Costa and Alameda counties, serving nearly 2 million people. Water service includes production, distribution, retail, treatment, recycling and conservation services. Historically, over 90% of EBMUD's water comes from the Mokelumne River watershed; other water sources include local watershed runoff and Central Valley Project (CVP) (Sacramento River).

CCCSD indicates that the proposed annexation would have a minor effect on water usage, and would not lead to the construction of new or expansion of existing water facilities.

9. Assessed Value, Tax Rates and Indebtedness:

The annexation areas are within tax rate areas 05032, 05060, 14025 and 76004. The assessed value for the areas proposed for annexation is \$15,502,712 (2011-12 roll). The territory being annexed shall be liable for all authorized or existing taxes comparable to properties presently within the annexing agencies.

10. Environmental Impact of the Proposal:

In November 2011, CCCSD, as Lead Agency, filed a Notice of Exemption finding that the proposed annexation is exempt from CEQA pursuant to CEQA Guidelines Section 15319. The LAFCO Environmental Coordinator reviewed the document and finds it adequate for LAFCO purposes.

11. Landowner Consent and Consent by Annexing Agency:

According to County Elections, there are more than 12 registered voters in the area proposed for annexation. Thus, the area proposed for annexation is considered inhabited. CCCSD indicates that less than 100% of the affected landowners/voters have provided written consent to the annexation. Thus, the Commission's action is subject to notice, hearing, as well as conducting authority (protest) proceedings. All landowners and registered voters within the proposal area(s) and within 300 feet of the exterior boundaries of the area(s) have received notice of the August 14<sup>th</sup> LAFCO hearing.

As of this writing, LAFCO has received no objection from any affected landowner or registered voter. If no objection is received from an affected party prior to the conclusion of the hearing on August 14<sup>th</sup>, the Commission may waive the protest proceedings. However, if any objection is received at any time prior to or during the hearing, then a protest hearing is required (Gov. Code Section 56663).

12. Boundaries and Lines of Assessment:

The annexation areas are within CCCSD's SOI and are contiguous to existing CCCSD boundaries. The 2008 *Central County Water/Wastewater Municipal Services Review* (MSR) provided an assessment of CCCSD services. The MSR report noted that CCCSD was serving an estimated 180 parcels outside its service boundary; and that there were a number of small islands surrounded by the District and within its SOI. The MSR suggested annexing parcels receiving out of agency service, as well as islands and areas where there were concerns due to failing septic systems and related public health issues. Since 2008, CCCSD has made significant progress to validate sewer service connections and correct island and boundary irregularities. The proposed annexation would bring into CCCSD's boundaries additional parcels currently receiving out of agency service, and would reduce the number of boundary irregularities (i.e., pockets and islands).

## 13. Environmental Justice:

LAFCO is required to consider the extent to which proposals for changes of organization or reorganization will promote environmental justice. As defined by statute, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services. The proposed annexation is not expected to promote or discourage the fair treatment of minority or economically disadvantaged groups.

ALTERNATIVES FOR COMMISSION ACTION

After consideration of this report and any testimony or additional materials that are submitted the Commission should consider taking one of the following options:

**Option 1** Approve the annexation as submitted.

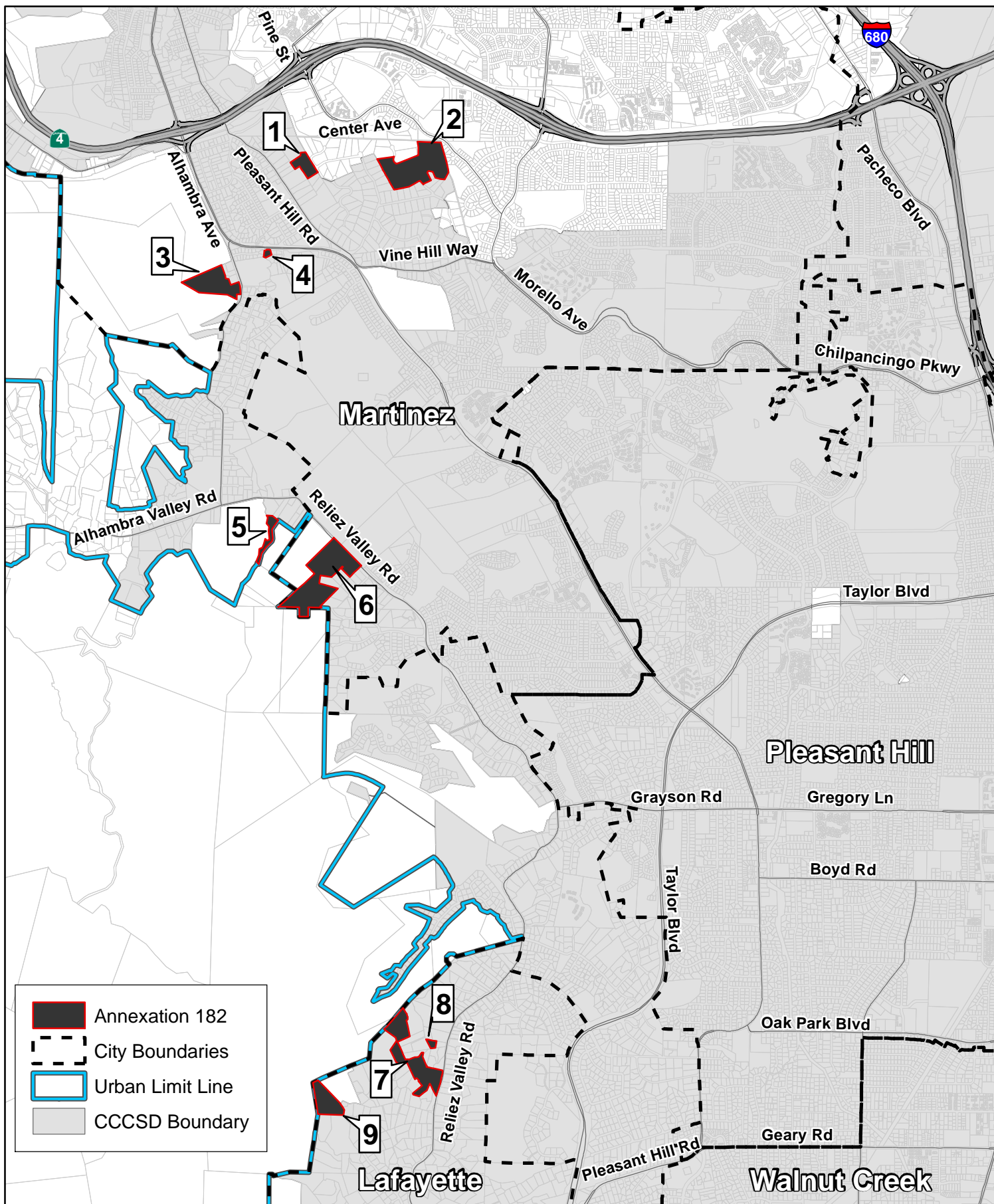
- A. Determine that CCCSD, as Lead Agency, found the project to be Categorical Exempt pursuant to CEQA, Section 15319.
- B. The Commission determines the project is exempt pursuant to CEQA Guidelines, consistent with the determination of CCCSD acting as Lead Agency.
- C. Adopt this report and approve the proposal, to be known as CCCSD Annexation 182, subject to the following terms and conditions:
  1. The territory being annexed shall be liable for the continuation of any authorized or existing special taxes, assessments and charges comparable to properties presently within the annexing agency.
  2. That CCCSD has delivered an executed indemnification agreement providing for CCCSD to indemnify LAFCO against any expenses arising from any legal actions challenging the annexation.
- D. Find that the subject territory is inhabited and that the annexing agency has consented to waiving the conducting authority proceedings. However, less than 100% of the affected landowners/registered voters have consented to the annexation. Should LAFCO receive any objection to the annexation from an affected party prior to or during the public hearing, then a subsequent protest hearing is required. Should no protest be received, then the Commission may waive the protest hearing and direct LAFCO staff to complete the proceedings.





**Option 2** Adopt this report and DENY the proposal.**Option 3** If the Commission needs more information, CONTINUE this matter to a future meeting.**RECOMMENDED ACTION: Approve Option 1.**

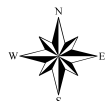
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LOU ANN TEXEIRA, EXECUTIVE OFFICER  
CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

# LAFCO No. 11-11: Annexation 182 to Central Contra Costa Sanitary District



	Annexation 182
	City Boundaries
	Urban Limit Line
	CCCSD Boundary



**RESOLUTION NO. 11-11**

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
MAKING DETERMINATIONS AND APPROVING  
ANNEXATION 182 TO CENTRAL CONTRA COSTA SANITARY DISTRICT**

WHEREAS, the above-referenced proposal 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 the proposal; and

WHEREAS, the Commission heard, discussed and considered all oral and written testimony related to the proposal including, but not limited to, the Executive Officer's report and recommendation, the environmental document or determination, Spheres of Influence and applicable General and Specific Plans; and

WHEREAS, information satisfactory to the Commission has been presented that no affected landowners/registered voters within the annexation area object to the proposal; and

WHEREAS, the Local Agency Formation Commission determines the proposal to be in the best interests of the affected area and the total organization of local governmental agencies within Contra Costa County;

NOW, THEREFORE, the Contra Costa Local Agency Formation Commission DOES HEREBY RESOLVE, DETERMINE AND ORDER as follows:

1. That Central Contra Costa Sanitary District (CCCSD), as Lead Agency, found the project to be Categorical Exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15319.
2. That the project is exempt pursuant to CEQA Guidelines, consistent with the determination of CCCSD acting as Lead Agency.
3. Said annexation is hereby approved.
4. The subject proposal is assigned the distinctive short-form designation:

**ANNEXATION 182 TO CENTRAL CONTRA COSTA SANITARY DISTRICT**

5. The boundaries of the affected territory are found to be definite and certain as approved and set forth in Exhibit A, attached hereto and made a part hereof.
6. The subject territory shall be liable for any authorized or existing taxes, charges and assessments comparable to properties within the annexing agency.

Contra Costa LAFCO  
Resolution No. 11-11

7. That CCCSD delivered an executed indemnification agreement between the CCCSD and Contra Costa LAFCO providing for CCCSD to indemnify LAFCO against any expenses arising from any legal actions challenging the annexation.
8. The territory proposed for annexation is inhabited.
9. The proposal has less than 100% landowner/registered voter consent; however, no affected landowners/registered voters opposed the annexation, and the annexing agency has given written consent to the waiver of conducting authority proceedings. Said conducting authority proceedings are hereby waived.
10. All subsequent proceedings in connection with this annexation shall be conducted only in compliance with the approved boundaries set forth in the attachments and any terms and conditions specified in this resolution.

\* \* \* \* \*

PASSED AND ADOPTED THIS 14<sup>th</sup> day of August 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.*

Dated: August 14, 2013

---

Lou Ann Texeira, 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**  
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**Tom Butt**  
*City Member*

**George H. Schmidt**  
*Special District Member*

August 14, 2013 (Agenda)

August 14, 2013  
 Agenda Item 7

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 NRG Energy property (formerly GenOn) 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 tax transfer negotiations efforts. A subcommittee was formed to address these and other issues.

LAFCO representatives participated in monthly subcommittee meetings from April to October 2011. In October 2012, the subcommittee resumed meeting, and last met on January 28, 2013. The City and County have continued to provide LAFCO with regular updates.

As previously reported, there have been three community meetings with property owners and residents of Area 2b, where agency staff responded to questions and concerns regarding zoning/land use, water/sewer infrastructure and service, annexation/protest proceedings, and related issues.

On July 30<sup>th</sup>, the Antioch City Council held a special meeting at which time the Council approved the City’s CEQA document and pre-zoning relating to Areas 1, 2a and 2b. The City received public comments, including the attached letter from Jenny & Jenny, LLP representing one of the landowners in Area 2b, objecting to the proposed annexation of Northeast Antioch (Attachment 1). The City Council also discussed the tax transfer and infrastructure agreements. We understand that the City and County are currently finalizing the tax transfer and infrastructure agreements, and that the City Council will be asked to take action on these agreements in August, and the County Board of Supervisors will be asked to take action subsequently.

City and County staff will be available at the August 14<sup>th</sup> LAFCO meeting to provide additional information and respond to questions.

RECOMMENDATION - Receive the monthly update and provide comment and direction as desired.

Sincerely,

LOU ANN TEXEIRA  
EXECUTIVE OFFICER

Attachment – Letter Dated July 19, 2013 from Jenny & Jenny, LLP

c: Distribution



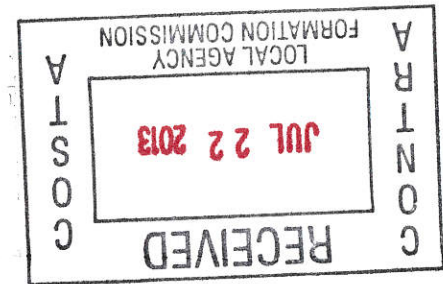
**JENNY & JENNY, LLP**  
Attorneys at Law

Scott E. Jenny, Esq.  
Richard K. Jenny, Esq.

Old City Hall Building  
706 Main Street, Suite C  
Martinez, California 94553  
Telephone: (925) 228-1265  
Facsimile: (925) 228-2841  
JJJLLP.com

Eminent Domain  
Inverse Condemnation  
Real Estate Law

July 19, 2013



City Clerk's Office  
City Hall  
P.O. Box 5007  
Antioch, CA 94531-5007

**Re: Northeast Antioch Rezoning for the Northeast Antioch Area**

Dear City Council:

I represent John C. Mitosinka and Carey Mitosinka of 1277 St. Clair Drive in Antioch. I understand that on July 30, 2013, the City Council will hold a meeting regarding the North East Antioch Reorganization Annexation. On behalf of my clients, I offer the following objections to the North East Antioch Reorganization Annexation and any rezoning of those areas.

**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.

Attorney General (AG) Opinion No. 10-902 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.

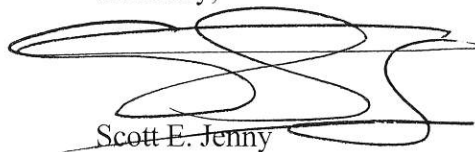
City of Antioch  
July 19, 2013  
Page Four

### III. CONCLUSION.

For the foregoing reasons, my clients object to the Northeast Antioch Reorganization Project and Mitigated Negative Declaration and any efforts to prezone the affected properties. Please make this letter a part of the administrative record, and please copy me with future actions taken on this Project.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to be "Scott E. Jenny", written over a horizontal line.

/SEJ

cc: Clients  
LAFCO



Lou Ann Texeira  
*Executive Officer*

**MEMBERS**

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

August 14, 2013 (Agenda)

August 14, 2013  
Agenda Item 8

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

## Special District Risk Management Authority (SDRMA) Board Election

Dear Commissioners:

This is a report from the LAFCO ad hoc subcommittee appointed by the Commission to screen and recommend candidates for the SDRMA Board of Directors.

Contra Costa LAFCO is a member of SDRMA and purchases its workers' compensation and property/liability insurance through the Authority. In May, LAFCO received the SDRMA election packet with information regarding the board election process and seven candidates. The SDRMA requests action by LAFCO to select up to four candidates for the SDRMA Board of Directors; **ballots must be cast by August 27, 2013.**

In July, the Commission appointed an ad hoc subcommittee (Commissioners Burke and Schroder) to review the candidates and report back to the Commission in August with its recommendations. On August 1<sup>st</sup>, the subcommittee met and reviewed the seven candidates for the seats on the SDRMA Board of Directors. Candidates were reviewed using criteria such as incumbent status, geographic balance, insurance or risk management experience, LAFCO experience, and size of the district.

The subcommittee interviewed all candidates by phone. Based on the interviews and criteria used, the subcommittee recommends that Contra Costa LAFCO cast its votes for the following candidates:

- Muril Clift\*, Cambria Community Services District
- Mike Scheafer, Costa Mesa Sanitary District
- Jean Bracy\*, Mojave Desert Air Quality Management District
- David Aranda\*, North of the River Municipal Water District

\* *Incumbent*

## **Recommendations:**

1. It is recommended that the Commission cast its vote pursuant to the subcommittee's recommendations, adopt Resolution No. 2013-01 containing the Official 2013 SDRMA Election Ballot (attached), and direct staff to file the LAFCO resolution with SDRMA prior to August 27, 2013; or
2. Provide other direction as desired.

Respectfully submitted,

*Sharon Burke and Rob Schroder*

Attachment – LAFCO Resolution 2013-01 Containing Official 2013 SDRMA Election Ballot

**RESOLUTION NO. 2013-01**

**A RESOLUTION OF THE GOVERNING BODY OF THE  
Contra Costa Local Agency Formation Commission  
FOR THE ELECTION OF DIRECTORS TO THE SPECIAL DISTRICT  
RISK MANAGEMENT AUTHORITY BOARD OF DIRECTORS**

**WHEREAS**, Special District Risk Management Authority (SDRMA) is a Joint Powers Authority formed under California Government Code Section 6500 et seq., for the purpose of providing risk management and risk financing for California special districts and other local government agencies; and

**WHEREAS**, SDRMA's Sixth Amended and Restated Joint Powers Agreement specifies SDRMA shall be governed by a seven member Board of Directors nominated and elected from the members who have executed the current operative agreement and are participating in a joint protection program; and

**WHEREAS**, SDRMA's Sixth Amended and Restated Joint Powers Agreement Article 7 - Board of Directors specifies that the procedures for director elections shall be established by SDRMA's Board of Directors; and

**WHEREAS**, SDRMA's Board of Directors approved Policy No. 2012-05 Establishing Guidelines for Director Elections specifies director qualifications, terms of office and election requirements; and

**WHEREAS**, Policy No. 2012-05 specifies that member agencies desiring to participate in the balloting and election of candidates to serve on SDRMA's Board of Directors must be made by resolution adopted by the member agency's governing body.

**NOW, THEREFORE, BE IT RESOLVED** that the governing body of the Contra Costa Local Agency Formation Commission selects the following candidates to serve as Directors on the SDRMA Board of Directors:

(continued)



**OFFICIAL 2013 ELECTION BALLOT  
SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY  
BOARD OF DIRECTORS**

**VOTE FOR ONLY FOUR (4) CANDIDATES**

Mark each selection directly onto the ballot, voting for no more than four (4) candidates. Each candidate may receive only one (1) vote per ballot. A ballot received with more than four (4) candidates selected will be considered invalid and not counted. All ballots must be sealed and received by mail or hand delivery in the enclosed self-addressed, stamped envelope at SDRMA on or before 5:00 p.m., Tuesday, August 27, 2013. Faxes or electronic transmissions are NOT acceptable.

- MURIL CLIFT (INCUMBENT)**  
Director, Cambria Community Services District
- MIKE SCHEAFER**  
Director/Vice President, Costa Mesa Sanitary District
- JOHN WOOLLEY**  
Director/Finance Officer, Manila Community Services District
- TIM UNRUH**  
District Manager, Kern County Cemetery District No. 1
- JEAN BRACY (INCUMBENT)**  
Director of Administrative Services, Mojave Desert Air Quality Management District
- DENNIS MAYO**  
Director/President, McKinleyville Community Services District
- DAVID ARANDA (INCUMBENT)**  
General Manager, North of the River Municipal Water District

**ADOPTED** this 14th day of August, 2013 by the Contra Costa Local Agency Formation Commission by the following roll call votes listed by name:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ATTEST:  
  
\_\_\_\_\_

APPROVED:  
  
\_\_\_\_\_





**Lou Ann Texeira**  
*Executive Officer*

**MEMBERS**

**Donald A. Blubaugh**  
*Public Member*

**Federal Glover**  
*County Member*

**Michael R. McGill**  
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*Special District Member*

August 14, 2013 (Agenda)

August 14, 2013  
Agenda Item 9

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

**Policies and Procedures Update**

Dear Members of the Commission:

The Cortese Knox Hertzberg Local Government Reorganization Act of 2000 requires each LAFCO to establish written policies and procedures. Presently, we have the *Commissioner Handbook*, which contains a mix of policies and procedures. In addition, we have various applications and related forms. Periodically, the Commission adopts updates and revisions to these documents in accordance with changes in State law or Commission policy.

Commissioners Burke and Tatzin serve as the Policies & Procedures Committee. On July 30<sup>th</sup>, the Committee met to discuss updates to the Handbook.

Contra Costa LAFCO currently has procedures specific to incorporation proposals and processing multi-county boundary changes. In addition, we have general procedures relating to boundary change proposals. However, we currently have no specific procedures relating other types of changes of organization or reorganizations, including the following:

1. City annexations/detachments
2. District annexations/detachments
3. District mergers and establishment of subsidiary districts
4. LAFCO-initiated proposals
5. New or different services
6. District dissolution
7. District formation
8. District consolidation
9. City consolidation
10. Disincorporation
11. Reorganization

Given our recent experience with the Mt. Diablo Health Care District Reorganization, we thought it would be useful to develop procedures specific to each kind of change of organization, as listed above.

The Committee has drafted specific procedures relating to items 1-6 above (attached) for the Commission's consideration. Once we have a complete set of procedures, the Committee will initiate work on related policies.

**RECOMMENDATION** - It is recommended that the Commission approve the attached procedures with any changes as desired.

Sincerely,

LOU ANN TEXEIRA  
EXECUTIVE OFFICER

- Attachment 1 – Section 3.4 - City Annexations/Detachments
- Attachment 2 – Section 3.5 - District Annexations/Detachments
- Attachment 3 – Section 3.6 - District Mergers and Establishment of Subsidiary Districts
- Attachment 4 – Section 3.7 - LAFCO Initiated Proposals
- Attachment 5 – Section 3.8 - New or Different Services
- Attachment 6 – Section 3.9 - District Dissolution

## Section 3.4 - City Annexations and Detachments

### Initiation of Proceedings

Proceedings for annexation to or detachment from a city may be initiated by petition or by resolution of the governing body of any affected county, city, district or school district (56650). In addition, a LAFCO application is required.

#### 1. Initiation by Petition

##### A. A petition initiating proceedings shall do all of the following (56700):

- (1) State that the proposal is made pursuant to this part;
- (2) State the nature of the proposal and list all proposed annexations and/or detachments;
- (3) Set forth a description of the boundaries of the affected territory accompanied by a map showing the boundaries;
- (4) Set forth any proposed terms and conditions;
- (5) State the reason or reasons for the proposal;
- (6) State whether the petition is signed by registered voters or owners of land;
- (7) Designate no more than three persons as chief petitioners, setting forth their names and mailing addresses;
- (8) Request that LAFCO consider this proposal pursuant to the Cortese-Knox-Hertzberg Act; and
- (9) State whether the proposal is consistent with the spheres of influence of any affected city or district.

##### B. Signature Requirements

- (1) A petition for annexation to a city shall be signed by either of the following (56767):
  - (a) not less than 5% of the number of registered voters residing within the territory proposed to be annexed; or
  - (b) not less than 5% of the number of owners of land within the territory proposed to be annexed who also own 5% of the assessed value of land within the territory as shown on the last equalized assessment roll.

- (2) A petition for detachment of territory from a city shall be signed by either of the following (56768):
  - (a) not less than 25% of the number of registered voters residing within the territory proposed to be detached; or
  - (b) not less than 25% of the number of owners of land within the territory proposed to be detached who also own 25% of the assessed value of land within the territory, as shown on the last equalized assessment roll.

## 2. Initiation by Resolution

An adopted resolution of application by the legislative body of any affected county, city, special district or school district shall contain all the matters required in the petition except for signers and signatures (56653, 56654).

## 3. Pre-zoning

Cities are required to pre-zone territory prior to LAFCO consideration of a city annexation. The zoning designation assigned must remain in effect for two years following the completion of the annexation, unless the city council makes a finding that a substantial change has occurred in circumstances that require a change from the pre-zoning set forth in the application to LAFCO (56375). An application will not be considered complete unless the city has pre-zoned the area proposed for annexation, or LAFCO can make findings in accordance with 56375(a)(7).

## 4. Noncontiguous Territory

In general, cities may not annex territory unless the territory is located in the same county and is contiguous with the annexing city (56741). However, if approved by the Commission, cities may annex noncontiguous territory not exceeding 300 acres in area, which is located in the same county, owned by the city, and is being used for municipal purposes at the time Commission proceedings are initiated (56742). Cities may also annex noncontiguous territory that constitutes a state correctional facility or a state correctional training facility (56742.5).

## **Commission Proceedings**

1. Contra Costa LAFCO may approve, modify, or deny the proposal. If approved, the Commission may also adopt terms and conditions for the annexation or detachment. Unless protest proceedings are waived, the proposal is scheduled for a conducting authority protest hearing where no further modifications may be made. The Commission serves as the conducting authority for city annexations and detachments (56029).
2. If a proposal is submitted that includes a city detachment, it shall be placed on the next Commission agenda for information purposes and a copy of the proposal shall be forwarded to the detaching city. Within 60 days after the proposal is included in the Commission agenda, the affected city may adopt and transmit to the Commission a resolution requesting termination of proceedings. If such a resolution is adopted and transmitted within the prescribed timeframe, proceedings shall be terminated (56751).

## Conducting Authority (Protest) Proceedings

The Commission is the conducting authority for an annexation or detachment.

1. Within 35 days following the adoption of the Commission's resolution making determinations, and following the reconsideration period specified in 56895, the Commission sets the proposal for a protest hearing and gives notice of the hearing. The hearing shall not be less than 21 or more than 60 days after the notice is given (57002). If authorized pursuant to 56662, the proposal may be approved by resolution without notice, hearing and election (57002).
2. Unless the requirements for hearing are waived pursuant to section 56662, the Commission or, if delegated to the Executive Officer, the Executive Officer shall conduct a hearing to receive any oral or written protests and take one of the following actions (57000, 57050):
  - A. Inhabited territory
    - (1) The conducting authority must order the territory annexed without an election when protests are less than 25% of registered voters in the territory, and less than 25% of the landowners owning less than 25% of the assessed value of land in the territory (57075).
    - (2) The conducting authority must call an election on the question of an inhabited annexation when 25% or more (but less than 50%) of the voters or landowners protest (57075).
    - (3) When 50% or more of the registered voters of an inhabited area proposed for annexation or detachment protest in writing, the proceedings are terminated (57078).
  - B. Uninhabited territory
    - (1) The conducting authority must approve uninhabited annexations with less than 50% assessed land value landowner protest (57075).
    - (2) When landowners owning 50% or more of the total assessed value of land within the affected territory protest in writing, proceedings are terminated (57078).

## Special Provisions

### 1. Elections Requirements

In the case of an inhabited annexation to a city, the Commission shall require that an election be held in both the annexation area and the city when (56737):

- A. The assessed value of land within the annexation area equals one-half, or more, of that within the city prior to the annexation; or

- B. The number of registered voters within the annexation area equals one-half or more of that within the city prior to the annexation.

## 2. Distinct Communities

If a proposed annexation consists of two or more distinct communities and any one community has more than 250 registered voters, any protest filed shall be accounted separately for that community (57078.5). This provision does not apply if the proposal is an island annexation initiated in accordance with 56375.3.

## 3. Island Annexations

The Commission shall approve an annexation to a city and order the annexation without an election, and waive the conducting authority proceedings if the annexation is proposed by resolution of the affected city and the Commission finds that territory contained in the annexation meets all of the following requirements (56375.3).

- A. The territory does not exceed 150 acres in area, and the area constitutes the entire island.
- B. The territory constitutes an unincorporated island as defined by statute and local LAFCO policy.
- C. The territory is surrounded in either of the following ways:
  - (1) Surrounded, or substantially surrounded, by the city to which annexation is proposed or by the city and the county boundary or the Pacific Ocean; or
  - (2) Surrounded by the city to which annexation is proposed and adjacent cities.
- D. The territory is substantially developed, or developing. This finding shall be based on one or more factors, including, but not limited to:
  - (1) The availability of public utility services.
  - (2) The presence of public improvements.
  - (3) The presence of physical improvements upon the parcel or parcels within the area.
  - (4) It is not prime agricultural land as defined by Government Code §56064.
  - (5) It will benefit from the annexation or is receiving benefits from the annexing city.

At the option of either the city or the county, a separate property tax transfer agreement covering an island annexation may be agreed to by the city and the county without affecting any existing master tax sharing agreement between the city and the county.

These provisions do not apply to any unincorporated island within a city that is a gated community where services are currently provided by a community services district.

These special provisions are scheduled to expire on January 1, 2014, unless eliminated or extended by a superseding statute.

4. Special Provisions for Williamson Act Territory (51233, 51243.5, 56738, 56752).

The Williamson Act provides that a property owner may enter into a contract with a county or city whereby the assessed property taxes are reduced in return for keeping the property in an agricultural preserve for a minimum of 10 years. Except as provided in Government Code section 51243.5, on and after the effective date of an annexation by a city of any land under contract with the county, the city shall succeed to all rights, duties, and powers of the county under the contract.

A city may refuse to succeed to a Williamson Act contract if either of the following conditions exist:

- A. Prior to December 8, 1971 the land being annexed was within one mile of the city boundary when the contract was executed and the city filed a resolution protesting the contract with the board of supervisors; or
- B. Prior to January 1, 1991: (a) the land being annexed was within one mile of the city boundary; (b) the city had filed a resolution protesting the contract with LAFCO; (c) LAFCO held a hearing to consider the protest; (d) LAFCO made a finding of inconsistency with future land use; and (e) LAFCO approved the protest.

Please refer to the applicable code sections for specific procedures regarding the annexation of Williamson Act territory.

## Section 3.5 - District Annexations and Detachments

### Initiation of Proceedings

Proceedings for annexation to or detachment from a district may be initiated by petition or by resolution of the governing body of any affected county, city, district or school district (56650). In addition, a LAFCO application is required.

#### 1. Initiation by Petition:

##### A. A petition of application shall do all of the following (56700):

- (1) State that the proposal is made pursuant to this part;
- (2) State the nature of the proposal and list all proposed annexations and/or detachments;
- (3) Set forth a description of the boundaries of the affected territory accompanied by a map showing the boundaries;
- (4) Set forth any proposed terms and conditions;
- (5) State the reason or reasons for the proposal;
- (6) State whether the petition is signed by registered voters or owners of land;
- (7) Designate no more than three persons as chief petitioners, setting forth their names and mailing addresses;
- (8) Request that LAFCO consider this proposal pursuant to the Cortese-Knox-Hertzberg Act; and
- (9) State whether the proposal is consistent with the spheres of influence of any affected city or district.

##### B. Signature Requirements (56864):

- (1) **Registered-voter district** (a district whose principal act provides that registered voters residing within the district are entitled to vote) petitions for annexation or detachment shall be signed by: (a) not less than 25% of the registered voters within the territory to be annexed or detached; or not less than 25% of the number of landowners who own not less than 25% of the assessed value of land within such territory.
- (2) **Landowner-voter district** (a district whose principal act provides that owners of land within the district are entitled to vote) petitions for annexation or detachment shall be signed by not less than 25% of the number of landowners who own not less than 25% of the assessed value of land.



2. Initiation by Resolution (56654):

An adopted resolution of application by the legislative body of any affected county, city, special district or school district shall contain all the matters required in the petition except for signers and signatures.

**Commission Proceedings**

The Commission shall consider factors pursuant to sections 56668, 56668.3 and 56668.5 in its review of a district boundary change proposal.

If a proposal is submitted for a district annexation or a reorganization that includes a district annexation and the proposal was not initiated by the affected district, the proposal will be placed on the next Commission agenda for information purposes and a copy of the proposal shall be forwarded to districts to which annexation is proposed. Within 60 days after the proposal is included on the Commission agenda, any district to which annexation is proposed may adopt and transmit to the Commission a resolution requesting termination of proceedings. If such a resolution is adopted and transmitted within the prescribed timeframe, proceedings shall be terminated (56857).

LAFCO may approve, modify, or deny a proposal. If approved, the Commission may also adopt terms and conditions for the annexation or detachment. Then the proposal is scheduled for a conducting authority hearing where no further modifications may be made. The Commission is the conducting authority for a district annexation or detachment (56029).

**Special Provision for Special Districts that Furnish Gas or Electric Service (56129)**

Districts cannot furnish gas or electric service within a service area for which a public utility has been granted a certificate of public convenience until an election is held on the question of the change of organization or the question of the gas and electric service has been called after the completion of proceedings for the change of organization.

**Conducting Authority (Protest) Proceedings**

1. Within 35 days following the adoption of the Commission's resolution making determinations, and following the reconsideration period specified in 56895, the Commission shall set the proposal for a protest hearing and give notice of the hearing. The hearing shall not be less than 21 or more than 60 days after the notice is given (57002). If authorized by LAFCO pursuant to 56662, the proposal may be approved by resolution of the conducting authority without notice, hearing, and election (57002).
2. Proceedings shall be terminated if written protests are filed and not withdrawn prior to the conclusion of the hearing by:
  - A. In the case of uninhabited territory, landowners owning 50% or more of the assessed value of land; or
  - B. In the case of inhabited territory, 50% or more of the voting power of voters residing in the territory (57078).
3. If no majority protest is filed, the Commission shall order the annexation or detachment either without or subject to an election. An election may only be waived when:
  - A. In a registered-voter district, if inhabited and protests are filed by less than 25% of

the voters, or less than 25% of the number of landowners owning less than 25% of the assessed value of land within the affected territory (57075).

- B. In a landowner-voter district, if protests are filed by less than 25% of the number of landowners owning less than 25% of the assessed value of the land, or less than 25% of the voting power of landowner voters entitled to vote as a result of owning property within the territory (57076).
  - C. The Commission has waived election requirements pursuant to the provisions of Section 56662 (57002).
4. Pursuant to Section 56876, the Commission may order the election to be held only:
- A. Within the territory; or
  - B. Within both the territory and all or part of the district outside of such territory.

### **Election and Completion of Proceedings**

- 1. After the election, the Commission shall adopt a resolution confirming the order of the change of organization if a majority of the votes cast are in favor in either of the following circumstances (57176):
  - A. At an election called in the affected territory; or
  - B. At an election called within the affected territory and within the territory of the affected agency.
- 2. A resolution ordering an annexation or detachment shall describe the exterior boundaries of the territory annexed or detached, and shall contain all terms and conditions imposed upon such annexation or detachment (57100).
- 3. For the purpose of any action to determine or contest the validity of an annexation or detachment, the annexation or detachment shall be deemed to be completed and in existence upon the date of execution of the Certificate of Completion (56102).
- 4. If no effective date has been fixed in any of the terms and conditions, the effective date shall be the date of recordation by the County Recorder (57202).

## Section 3.6 - District Mergers and Establishment of Subsidiary Districts

### Definitions

1. A merger means *the termination of the existence of a district when the responsibility for the functions, services, assets, and liabilities of that district are assumed by a city* (56056).
2. A subsidiary district means *a district in which a city council is designated as, and empowered to act as, ex officio the board of directors of the district* (56078).

### Territorial Requirements

1. In a merger, the territory of a district shall be included entirely within the boundaries of a city (57104).
2. In establishing a subsidiary district (57105):
  - A. The entire territory of a district shall be included within the boundaries of a city; or
  - B. A portion or portions of the territory of such district shall be included within the boundaries of a city, and such portion or portions shall both represent 70% or more of the area of land within such district and contain 70% or more of the number of registered voters who reside within the district.

### Initiation of Proceedings

1. A merger or subsidiary district proposal may be initiated by petition or resolution as follows (56375, 56654, 56866):
  - A. Petition for a merger of a registered-voter district that overlaps a city, or for the establishment of such district as a subsidiary district of the city shall be signed by either of the following:
    - (1) 5% of the registered voters of the district; or
    - (2) 5% of the registered voters residing within the territory of the city outside the boundaries of the district.
  - B. Petition for a merger of a landowner-voter district that overlaps a city, or for the establishment of such district as a subsidiary district of the city shall be signed by either of the following:
    - (1) 5% of the number of landowner-voters who own not less than 5% of the assessed value of land within such district; or
    - (2) 5% of the registered voters residing within the territory of the city outside the boundaries of the district.
  - C. Resolution of application by the legislative body of any affected local agency (56654).
  - D. Resolution adopted by LAFCO. The Commission may initiate proposals for the merger of districts or the establishment of subsidiary districts (56375). For a discussion of LAFCO initiated proposals, see Section 3.7.

## Commission Proceedings

### 1. Special Provisions (56861):

- A. Within 10 days after receiving a proposal to form a subsidiary district, the Executive Officer shall notify by certified mail the district or districts that are the subject of the proposal.
- B. Within 35 days after receiving the notice from the Executive Officer, the board of directors of the subject district or districts may do either of the following:
  - (1) Adopt a resolution consenting to the subsidiary district proposal, with or without requesting additional terms and conditions; or
  - (2) Adopt a resolution of intention to file an alternative proposal to the subsidiary district proposal.

### 2. Alternative Proposal (56862):

Any proposal for a merger must also consider the alternative proposal for the establishment of a subsidiary district, and any proposal for establishment of a subsidiary district must also consider the alternative proposal for a merger (56118).

The exception is the case of mergers of existing subsidiary districts.

- A. If a district files a resolution of intent to file an alternative proposal, the Executive Officer shall take no further action on the original proposal for 70 days. During this period the district shall prepare and submit a completed application for the alternative proposal.
- B. A district that has filed a resolution of intention, but has not filed a completed application within the prescribed time, shall be deemed to have consented to the original subsidiary district proposal.
- C. After receiving an alternative proposal, the Executive Officer shall analyze and report on both the original and alternative proposal concurrently, and schedule the proposals for a simultaneous public hearing.

### 3. Commission Resolution (56863):

Within 35 days following the conclusion of a hearing on an original and an alternative proposal to form a subsidiary district, LAFCO shall adopt its resolution of determination, which shall do one of the following:

- A. Deny both the original proposal and the alternative proposal; or
- B. Approve one proposal and deny the other.

The Commission shall not order a merger or the establishment of a subsidiary district without the consent of the affected city (57107(c)).

## Conducting Authority Protest Proceedings

Please refer to sections XXX and 3.7 on reorganization procedures and LAFCO-initiated proposals for additional information on the criteria used to determine the geographic area of elections and protest thresholds.

The Commission is the conducting authority for district mergers and establishment of subsidiary districts. Upon conclusion of the hearing, the Commission, subject to the limitations of sections 57104 and 57105, shall adopt a resolution taking one of the following actions (57077, 57078, 57107):

1. Order the merger or establishment of a subsidiary district without an election; or
2. Order the merger or the establishment of a subsidiary district or both, subject to confirmation by the voters upon the questions, as the case may be, of (1) merger; (2) establishment of a subsidiary district; or (3) both if:
  - A. Territory is inhabited and petitions requesting an election have been submitted by 25% of the registered voters or 25% of the landowners owning 25% of the assessed value of land; or
  - B. In the case of a landowner-voter district, the territory is uninhabited and petitions requesting an election have been submitted by 25% of the landowners owning 25% of the assessed value of land.
3. In the case of a LAFCO-initiated merger or establishment of a subsidiary district, order the merger or establishment of a subsidiary district subject to confirmation of the voters if a petition is submitted signed by 10% of the landowners or voters within any affected district requesting an election (57113); or
4. Terminate proceedings if majority protest has been filed.

If an election is called on the question of a merger or the establishment of a subsidiary district, the Commission may provide for the election or elections to be called, held, and conducted upon such question or questions (57108):

1. Only within the district ordered to be merged with or established as a subsidiary district; or
2. Both within said district and within the territory of said city outside the boundaries of said district (57118).

The election shall be held only within the district if, prior to the adoption of a resolution ordering the merger or establishment of a subsidiary district, a petition is filed and approved which (57108):

1. In the case of a **registered-voter** district, is signed by not less than 10% of the registered voters of the district; or
2. In the case of a **landowner-voter** district, is signed by not less than 10% of the number of landowner-voters within the district, who also own not less than 10% of the assessed value of land within the district.

After canvassing the returns upon the question of a merger or the establishment of a subsidiary district, or both, the Commission shall adopt a resolution:

1. Determining the action defeated (57179); or

2. Confirming either the order of a merger, or the order for the establishment of a subsidiary district in the following manner (57177):
  - A. Where the question submitted to the voters was only upon a merger or only upon establishment of a subsidiary district, the Commission shall adopt a resolution confirming the order, if a majority of the votes cast on the question favored the order either:
    - (1) At an election called only within the district; or
    - (2) At each election, where one election was called within the district and another election was called within the territory of the city outside the boundaries of the district.
  - B. Where both the question of the merger and the question of establishment of a subsidiary district were submitted to the voters within the district only, and both questions were favored by a majority of the voters, the Commission shall order that change of organization favored by the greater number of voters. Where the number of votes was the same on both questions, the merger shall be ordered.
  - C. Where both the question of the merger and the question of establishment of a subsidiary district were submitted at an election called both within the district and at an election within the territory of the city outside the district boundaries, and both questions were favored by a majority of the voters in both areas, that change of organization receiving the greater number of votes in both elections shall be ordered. Where the number of votes was the same, or where the question of merger received the greater number of votes in one of the elections, a merger shall be ordered.

If an effective date is not given in LAFCO's resolution, the merger or the establishment of a subsidiary district shall be effective upon the date of recordation (57202).

## Section 3.7 - LAFCO-Initiated Proposals

LAFCOs are authorized to initiate certain proposals for changes in local government organization if the proposals are consistent with recommendations or conclusions of a sphere of influence (SOI) study or other study prepared by the Commission (56378, 56425, or 56430). LAFCOs are authorized to initiate proposals for consolidation of special districts, dissolution of special districts, mergers of special districts, establishment of special districts as subsidiary districts to cities, or reorganizations that include any of the preceding changes of organization.

### Sphere of Influence Study or Special Study

1. An SOI Study or a Special Study may be initiated by LAFCO. The Commission will also consider requests to conduct an SOI or a Special Study from affected public agencies, interest groups or individuals. Petitioners must provide justification for requesting a study and submit a related processing fee.
2. Affected agencies will be notified in writing of an impending SOI Study or Special Study.
3. An SOI Study or Special Study will be scheduled for consideration by the Commission at a noticed public hearing.
4. An SOI or Special Study conducted by LAFCO shall include, but not be limited to, the following information:
  - A. A description of the subject agency(ies), the agency(ies) SOI(s) and the services provided by the agency(ies);
  - B. Current and future need for the services provided by the subject agency(ies);
  - C. Alternative means of providing services (e.g., change in governmental organization or functional realignment of services);
  - D. Fiscal and other analyses of existing and alternative means of providing services;
  - E. Discussion of past reorganization efforts;
  - F. Information identified in a municipal service review conducted in conjunction with the adoption or update of an SOI; and
  - G. Comments from affected public agencies and interested parties.

## **LAFCO Initiated Change of Organization/Reorganization**

1. If a determination is made to initiate a change of organization or reorganization, the Commission will adopt a resolution of application that describes the proposal.
2. Where the change of organization or reorganization affects more than one subject agency, the Commission may decide to utilize a reorganization committee (56827) to review the proposal and may determine the composition of the committee. The reorganization committee will determine rules for voting and selection of a committee chair and other administrative procedures and also determine areas of study. The Executive Officer will provide staff support to the reorganization committee. The reorganization committee may provide recommendations to the Commission that will be incorporated into the Executive Officer's report.
3. A LAFCO-initiated proposal will be considered to be submitted on the date the LAFCO resolution of application is adopted.
4. Affected agencies will be given 60 days from the date of the Commission resolution of application to submit a resolution proposing a change of organization or reorganization substantially similar to the Commission proposal. The Commission shall not approve a proposal for consolidation of districts, dissolution, merger, or establishment of a subsidiary district, or a reorganization that includes any of these changes of organization until it has considered any other change of organization which conflicts with the subject proposal and which was submitted to the Commission within 60 days of the submission of the subject proposal (56657).
5. If, within 60 days, an affected agency submits a resolution proposing a change of organization or reorganization substantially similar to the LAFCO-initiated action, LAFCO will process the affected agency proposal in accordance with the statute and local LAFCO policies.

## **Public Hearing**

1. The Commission will consider the Executive Officer's report and recommendation at a noticed public hearing. At the hearing, the Commission may adopt a resolution denying, modifying, or approving the proposed change of organization or reorganization.
2. Prior to approving a LAFCO-initiated proposal, the Commission must: (A) consider any conflicting change of organization or reorganization proposal that was submitted within 60 days from submission of the LAFCO-initiated proposal (56655); (B) find that public service costs are likely to be less than, or



substantially similar to, the costs of alternative means of providing the service (56881(b)(1)); and (C) find that the change of organization promotes public access and accountability for community service needs and financial resources (56881(b)(2)).

3. If a LAFCO-initiated proposal is approved, the Commission will order the change of organization or reorganization pursuant to 57113. However, the Commission shall not order a merger or establishment of a subsidiary district without the consent of the subject city (57107(c)).
4. If a LAFCO-initiated proposal is denied, the Commission may not initiate a substantially similar proposal for one year. The Commission may waive this prohibition if it finds this requirement is detrimental to the public interest (56884).

### **Conducting Authority Proceedings**

1. For any proposal initiated by the Commission, a protest hearing will be held in the affected territory (57008). The Commission shall order the change of organization or reorganization without an election provided that majority protest, or sufficient petitions requesting an election have not been filed. The Commission will order the change of organization or reorganization subject to an election if it finds either of the following (57113):
  - A. For **inhabited territory**, protests have been signed by either of the following:
    - (1) At least 10% of the number of landowners within any subject agency within the affected territory who own at least 10% of the assessed value of land within the territory (unless the number of landowners within the subject agency is less than 300, then the thresholds are 25%); **or**
    - (2) At least 10% of the voters entitled to vote as a result of residing within, or owning land within, any subject agency within the affected territory (unless there are less than 300 voters within the subject agency, then the threshold is 25%).
  - B. For a landowner-voter district, that the territory is uninhabited and a protests have been signed by at least 10% of the number of landowners within any subject agency within the affected territory, owning at least 10% of the assessed value of land within the territory (unless the number of landowner-voters entitled to vote within the subject agency is less than 300, then the thresholds are 25%).

## **Section 3.8 - New or Different Services**

This section addresses Commission proceedings for the exercise of new or different functions or classes of services, or divestiture of power to provide particular functions or classes of services, within all or part of the jurisdictional boundaries of a special district.

### **New or Different Services Procedures**

1. A proposal to provide a new or different function or class of service or divestiture of the power to provide a particular function or class of service, within all or part of the jurisdictional boundaries of a special district, must be made by the adoption of a resolution of application by the legislative body of the special district pursuant to 56654. Prior to submitting a resolution, the legislative body of the district shall conduct a public hearing on the resolution. Following the public hearing, the clerk of the legislative body of the district shall file a certified copy of the resolution with the LAFCO Executive Officer.

The resolution must include all of the information specified for a petition (56700) as well as a plan for service (56653). Pursuant to section 56824.12, the plan for service must also include the following:

- A. A written summary of the new or different function or class of service or divestiture of the power to provide a particular function or class of service;
- B. The total estimated cost to provide the new or different function or class of services;
- C. The estimated cost of the new or different function or class of services per customer or per customer class;
- D. An identification of the existing providers and the potential fiscal impacts to them and their customers;
- E. A plan for financing the new or different function or class of service; and
- F. Alternatives for the establishment of the new or different function or class of service.

### **Commission Proceedings**

The Commission shall conduct a public hearing and shall review and approve, with or without amendments, wholly, partially or conditionally, or disapprove the proposal to establish a new or different function or class of service, or the divestiture of the power to provide a particular function or class of service, within all or part of the jurisdictional boundaries of the district. If the Commission restricts the establishment or divestiture of services to a specific geographic area, any subsequent extension, enlargement or reduction of the service or service area will be subject to LAFCO review and approval.

### **Conducting Authority (Protest) Proceedings**

The Commission is the conducting authority for establishing a new or different function or class of service, or the divestiture of the power to provide a particular function or class of service, within all or part of the jurisdictional boundaries of a district.

1. Within 35 days following the adoption of the Commission's resolution making determinations, and following the reconsideration period specified in 56895, the Commission sets the proposal for

a protest hearing and gives notice of the hearing. The hearing shall not be less than 21 or more than 60 days after the notice is given (57002).

2. The Commission or, if delegated to the Executive Officer, the Executive Officer shall conduct a hearing to receive any oral or written protests and take one of the following actions (57075, 57076):

A. Terminate the proceedings if a majority protest exists (57075, 57076, 57078).

B. Order the change of organization or reorganization without an election:

(1) Registered Voter Districts or Cities (57075)

(a) **Inhabited** - If written protests have been filed and not withdrawn by less than 25% of the registered voters or less than 25% of the landowners owning less than 25% of the assessed value of land within the affected territory.

(b) **Uninhabited** - If written protests have been filed and not withdrawn by less than 50% of the landowners owning less than 50% of the assessed value of land within the affected territory.

(2) Landowner Voter District (57076)

(a) If written protests have been filed and not withdrawn by less than 25% of the landowners owning less than 25% of the assessed value of land within the affected territory.

C. Order the change of organization or reorganization subject to an election:

(1) Registered Voter Districts or Cities (57075)

(a) Inhabited - If at least 25%, but less than 50% of either the registered voters or landowners (owning at least 25% of the assessed value of land) within the affected territory have filed a written protest. Only registered voters can vote in the election.

(2) Landowner Voter District (57076)

(a) If at least 25% of either the of landowners owning at least 25% of the assessed value of land, or at least 25% of the of the voting power of landowner voters entitled to vote as a result of owning property within the affected territory have filed a written protest.

The effective date for the new or different service(s) will be the date LAFCO orders the change of organization or reorganization, unless otherwise specified by the Commission.

## Section 3.9 - District Dissolution

### Definition

Dissolution means the dissolution, disincorporation, extinguishment, or termination of the existence of a district, and the cessation of all its corporate powers, except as the Commission may otherwise provide pursuant to section 56886 or for the purpose of winding up the affairs of the district (56035).

### Initiation of Proceedings

1. Proceedings for dissolution of a district may be initiated by petition or resolution of the governing body of an affected local agency or school district (56014). Also, the Commission may initiate proposals for the dissolution of districts (56375). For a discussion of the dissolution process associated with LAFCO initiated proposals, please refer to Section 3.7.

Petitions for dissolution shall be signed by:

- A. For **registered-voter** districts, by either of the following (56870):
    - (1) Not less than 10% of the registered voters within the district; or
    - (2) Not less than 10% of the number of landowners within the district who also own not less than 10% of assessed value of land within the district
  - B. For landowner-voter districts, by not less than 10% of the assessed value of land within the district (56870).
2. Non-Use of Corporate Powers (56871):

A petition for the dissolution of a district for the “non-use of corporate powers” requires the signatures of three or more registered voters within the district for a registered-voter district, or by three or more landowners within a landowner district, provided that one or more of the following conditions have existed or now exists:

- A. That during the three-year period preceding the date of the first signature on the petition any of the following events have not occurred:
  - (1) There has not been a duly selected and acting quorum of the board of directors of the district.
  - (2) The board of directors has not furnished or provided services or facilities of substantial benefit to residents, landowners, or property within the district.
  - (3) The board of directors has not levied or fixed and collected any taxes, assessments, service charges, rentals, or rates or expended the proceeds of those levies or collections for district purposes.

- B. That during the one-year period preceding the date of the first signature upon the petition, a quorum of the duly selected and acting board of directors has not met for the purpose of transacting business.
- C. That, upon the date of the first signature upon the petition, the district had no assets, other than money in the form of cash, investments or deposits.

### **Commission Proceedings**

After the dissolution proceedings have been initiated, LAFCO must conduct a noticed public hearing. After hearing public testimony the Commission may approve, modify, or deny the proposed dissolution. If it is approved, the Commission also will adopt terms and conditions for the dissolution.

### **Conducting Authority (Protest) Proceedings**

The Commission is the conducting authority for district dissolution. The conducting authority shall adopt a resolution making a finding regarding the numerical value of written protests filed and not withdrawn. The provisions and thresholds relating to dissolution are detailed in section 57077.1.

### **Concluding the Dissolved District's Affairs**

Section 57450 – 57463 provide detailed information and procedures for successor agencies in concluding the affairs of a dissolved district.

The effective date of the dissolution will be the date LAFCO orders the change of organization or reorganization, unless otherwise specified by the Commission.



**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**  
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**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*

August 14, 2013 (Agenda)

August 14, 2013  
 Agenda Item 10

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

**CALAFCO Legislation – Letters of Support**

Dear Members of the Commission:

Each year, the California Association of Local Agency Formation Commissions (CALAFCO) sponsors an omnibus bill that makes non-substantive changes to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH Act). In addition, CALAFCO takes positions on various legislative matters that affect LAFCOs. See the CALAFCO Legislative Update for additional information.

On behalf of CALAFCO, the Assembly Committee on Local Government introduced AB 1427 which makes technical changes, clarifications and corrections to the CKH Act. In April 2013, Contra Costa LAFCO sent a letter to the Assembly Local Government Committee supporting AB 1427.

Also, CALAFCO supports AB 743 (Logue) which removes the January 1, 2014 sunset date related to the streamlined process to annex unincorporated islands into cities, and resets the island creation date thus allowing recently created islands to be annexed under these provisions. This bill is beneficial to Contra Costa LAFCO given the number of small, unincorporated island which exist in the County.

Commissioner McGill and your Executive Officer are voting members of the CALAFCO Legislative Committee and have been following these and other bills throughout the year. CALAFCO seeks additional letters of support at this time. LAFCO staff has drafted letters of support for AB 1427 and AB 743 (Attachments 1 and 2).

**Recommendation** - Approve the letters of support with any changes as desired.

Sincerely,

LOU ANN TEXEIRA  
 EXECUTIVE OFFICER

Attachment 1 – Draft Letter Supporting AB 1427 (CALAFCO Omnibus bill)  
 Attachment 2 – Draft Letter Supporting AB 743 (Island Annexation bill)

**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

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August 14, 2013

Governor Edmund G. Brown, Jr.  
State of California  
State Capitol Building  
Sacramento, CA 95814

**RE: REQUEST TO SIGN AB 1427 - Assembly Local Government Committee Omnibus Bill**

Dear Governor Brown:

The Contra Costa Local Agency Formation Commission (LAFCo) respectfully requests that that you sign Assembly Bill 1427 (Assembly Local Government Committee) which now awaits your action. AB 1427 makes changes and clarifications to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH Act).

This annual omnibus bill includes technical changes to the CKH Act which governs the work of local agency formation commissions. These changes are necessary as LAFCos implement the CKH Act, and small inconsistencies are found or clarifications are needed to make the law as accurate and unambiguous as possible. AB 1427 clarifies several definitions, makes changes to obsolete code sections, corrects erroneous references, and updates several outdated sections. Without making any policy changes, the revised language clarifies the law and eliminates outdated and confusing language, thereby increasing the clarity of the CKH for all stakeholders.

Because this legislation helps insure that the CKH Act remains a vital and practical law that is consistently applied throughout the State, we respectfully urge you to sign AB 1427.

Sincerely,

Federal Glover, Chair  
Contra Costa LAFCo

c: Honorable Katcho Achadjian, Chair, Assembly Local Government Committee  
Camille Wagner, Deputy Legislative Affairs Secretary to the Governor  
Pamela Miller, Executive Director, CALAFCO

## CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

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Lou Ann Texeira  
Executive Officer

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August 14, 2013

Assembly Member Dan Logue  
California State Assembly  
State Capitol, Room 4158  
Sacramento, CA 95814

**RE: LETTER OF SUPPORT AB 743 – ISLAND ANNEXATIONS - SUPPORT**

Dear Assembly Member Logue:

The Contra Costa Local Agency Formation Commission (LAFCo) is pleased to support your bill, Assembly Bill 743. This bill would remove the sunset date related to the streamlined process to annex what are known as unincorporated islands into an affected city and reset the island creation date to January 1, 2014, thus allowing recently created islands to be annexed under these provisions.

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH Act) provides cities and LAFCos with an expedited process to annex unincorporated islands in keeping with the Legislature's directive to create logical boundaries and promote the efficient delivery of government services. Unincorporated islands are more costly and inefficient for counties to serve, as compared to the local municipality.

A sunset date was initially established on the island annexation statute to encourage the use of this provision, and was extended to allow cities and LAFCos additional time to implement their island annexation programs. The unforeseen economic downturn over the past five years has significantly hampered island and other annexations; and with the sunset date set to expire on January 1, 2014, cities and LAFCos have yet to complete the work that the law intended them to do.

The island annexation provisions are an effective tool in creating more logical and orderly boundaries, increasing efficiencies in the delivery of municipal services, and improving services to disadvantaged and distressed neighborhoods. All of these intentions are consistent with LAFCo's legislative charge.

Here in Contra Costa County, we have 16 islands that could potentially benefit from AB 743. We thank you for authoring this important legislation.

Sincerely,

Federal Glover, Chair  
Contra Costa LAFCo

c: Pamela Miller, Executive Director, CALAFCO



# MEMO

Date: July 16, 2013

August 14, 2013  
Agenda Item 11

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

From: Marilyn Leedom, Retirement Chief Executive Officer

Subject: Board Meeting, July 24, 2013

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In the next week, you will receive the agenda for the Retirement Board meeting on July 24, 2013. Of particular importance, The Segal Company will present the results of the annual *Actuarial Valuation and Review as of December 31, 2012*. The report will include proposed employer and member contribution rates for the period July 1, 2014 through June 30, 2015. This will be the first actuarial valuation showing the results from the changes adopted by the Board earlier this year in economic and demographic assumptions. You are invited to attend this meeting.

One of the general goals of an actuarial valuation 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 toward this goal, as well as test the adequacy of the contribution rates.

Copies of the full Valuation Report:

- Will be provided to attendees at the meeting.
- Will be mailed to employers who were not able to attend the meeting.
- Will be available on our website at [www.cccera.org](http://www.cccera.org) on Friday, July 19, 2013.

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 findings and answer questions regarding the valuation.

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





RETIREMENT BOARD MEETING  
**SPECIAL BOARD MEETING**

9:00 a.m.  
July 24, 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. Presentation from Segal regarding the December 31, 2012 Valuation Report.
4. Consider and take possible action to adopt the December 31, 2012 Valuation Report and contribution rates for the period July 1, 2014 – June 30, 2015.
5. Discussion with consultant and staff regarding managers scheduled to present.
6. Manager presentations:  
  
*Small Cap Domestic Equity*  
  
10:45 am - 11:15 am Ceredex Small Cap Value  
11:15 am - 11:45 am Emerald Small Cap Growth
7. Recommendation from staff for commitments to Distressed Real Estate Managers.
8. Distressed Real Estate Manager Presentations:  
  
12:45 pm - 1:20 pm Siguler Guff DREOF II  
1:25 pm - 2:00 pm Oaktree ROF VI
9. Consider and take possible action on staff recommendation for commitments to Distressed Real Estate Manager(s).
10. Consider and take possible action on Compensation Committee recommendation regarding unrepresented Retirement positions.
11. Miscellaneous
  - a. Staff Report
  - b. Outside Professionals' Report
  - c. Trustees' comments

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

## CALAFCO Daily Legislative Report as of Wednesday, August 07, 2013

1

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

**Current Text:** Amended: 7/3/2013 [pdf](#) [html](#)

**Introduced:** 2/19/2013

**Last Amended:** 7/3/2013

**Status:** 7/3/2013-Read second time and amended. Re-referred to Com. on APPR.

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

**Calendar:**

8/12/2013 10 a.m. - John L. Burton Hearing Room (4203) SENATE APPROPRIATIONS, DE LEÓN, Chair

**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.

**Attachments:**

[CALAFCO Support Letter\\_03\\_12\\_13](#)

**Position:** Sponsor

**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:** Amended: 4/15/2013 [pdf](#) [html](#)

**Introduced:** 2/21/2013

**Last Amended:** 4/15/2013

**Status:** 7/8/2013-From committee: Do pass and re-refer to Com. on APPR. with recommendation: to consent calendar. (Ayes 9. Noes 0.) (July 3). Re-referred to Com. on APPR.

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

**Calendar:**

8/12/2013 10 a.m. - John L. Burton Hearing Room (4203) SENATE APPROPRIATIONS, DE LEÓN, Chair

**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. Commencing January 1, 2019, the bill would require the annual reports to address the progress made in meeting the community's health needs in the context of the assessment. This bill contains other related provisions and other existing laws.

**Attachments:**

[CALAFCO Letter of support April 17, 2014](#)

**Position:** Support

**Subject:** LAFco Administration, Service Reviews/Spheres

**CALAFCO Comments:** This bill requires Health Care Districts that do not operate their own hospital facilities to create every 5 years, an assessment of the community health needs with public input. The bill requires LAFcos to include in a Municipal Service Review (MSR) the Health Care District's 5-year assessment.

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

**Current Text:** Amended: 6/11/2013 [pdf](#) [html](#)

**Introduced:** 2/21/2013

**Last Amended:** 6/11/2013

**Status:** 8/5/2013-In Assembly. Concurrence in Senate amendments pending. May be considered on or after August 7 pursuant to Assembly Rule 77.

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

**Calendar:**

8/8/2013 #27 ASSEMBLY UNFINISHED BUSINESS CONCURRENCE IN SENATE AMENDMENTS

**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 provision applies only to territory that does not exceed 150 acres. This Bill would delete the January 1, 2014, date and make conforming changes. This bill contains other related provisions and other existing laws.

**Attachments:**

[CALAFCO Letter of Support May 23, 2013](#)

[CALAFCO Letter of support April 10, 2013](#)

**Position:** Support

**Subject:** Annexation Proceedings, CKH General Procedures

**CALAFCO Comments:** As amended, this bill removes the sunset date provision to waive protest proceedings for certain island annexations.

Unincorporated islands are more costly and inefficient for counties to administer as opposed to the local municipality. A sunset date was initially established on this ability to encourage the use of the provision and was extended to allow cities and LAFCOs additional time to implement island annexation programs. The unforeseen economic downturn over the past five years has significantly hampered the initial progress, and with the sunset ready to expire at the beginning of next year, cities and LAFCOs have yet to complete the work that the law intended them to do. Over the twelve year period since the law was established, hundreds of islands have been annexed, yet hundreds more remain.

Additionally, the bill was amended to reset the effective island creation date from January 1, 2000 to January 1, 2014 thus allowing smaller islands of less than 150 acres created after 2000 to be annexed under these provisions. Many of these current islands remained as remnants of larger substantially surrounded island areas that had irregular boundaries or were affected by the annexation of territory for newer development.

**AB 1427 (Committee on Local Government) Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.**

**Current Text:** Enrollment: 8/1/2013 [pdf](#) [html](#)

**Introduced:** 4/1/2013

**Last Amended:** 4/30/2013

**Status:** 8/1/2013-Enrolled and presented to the Governor at 4:45 p.m.

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

**Summary:**

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (act), provides the sole and exclusive authority and procedure for the initiation, conduct, and completion of changes of organization and reorganization for cities and districts. This bill would specify that the definition excludes any independent special district having a legislative body consisting, in whole or in part, of ex officio members who are officers of a county or another local agency or who are appointees of those officers other than those who are appointed to fixed terms. This bill contains other related provisions and other existing laws.

**Attachments:**

[CALAFCO Letter of Support April 2013](#)

[CALAFCO Letter of support as amended May 2013](#)

**Position:** Sponsor

**Subject:** CKH General Procedures

**CALAFCO Comments:** Cortese-Knox-Hertzberg Omnibus bill.

**SB 56 (Roth D) Local government finance: property tax revenue allocation: vehicle license fee adjustments.**

**Current Text:** Amended: 6/11/2013 [pdf](#) [html](#)

**Introduced:** 1/7/2013

**Last Amended:** 6/11/2013

**Status:** 6/19/2013-From committee: Do pass and re-refer to Com. on APPR. (Ayes 7. Noes 0. Page 1449.) (June 19). Re-referred to Com. on APPR.

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

**Summary:**

Beginning with the 2004-05 fiscal year and for each fiscal year thereafter, existing law requires that each city, county, and city and county receive additional property tax revenues in the form of a vehicle license fee adjustment amount, as defined, from a Vehicle License Fee Property Tax Compensation Fund that exists in each county treasury. Current law requires that these additional allocations be funded from ad valorem property tax revenues otherwise required to be allocated to educational entities. This bill would modify these reduction and transfer provisions, for the 2013-14 fiscal year and for each fiscal year thereafter, by providing for a vehicle license fee adjustment amount calculated on the basis of changes in assessed valuation. This bill contains other related provisions and other existing laws.

**Attachments:**

[CALAFCO Letter of support April 10, 2013](#)

**Position:** Support

**Subject:** Financial Viability of Agencies, Tax Allocation

**CALAFCO Comments:** This bill reinstates revenues through ERAF (backfilled by the state general Fund) for cities incorporating after 2005 and annexations of inhabited territories.

**SB 772 (Emmerson R) Drinking water.**

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

**Introduced:** 2/22/2013

**Status:** 5/3/2013-Failed Deadline pursuant to Rule 61(a)(2). (Last location was G. & F. on 3/11/2013)

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

**Attachments:**

[CALAFCO Letter of Opposition April 10, 2013](#)

**Position:** Oppose

**Subject:** LAFCo Administration, Service Reviews/Spheres

**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:** 6/27/2013-From committee: Do pass and re-refer to Com. on APPR. (Ayes 9. Noes 0.) (June 26). Re-referred to Com. on APPR.

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

**Calendar:**

8/12/2013 10 a.m. - John L. Burton Hearing Room (4203) SENATE APPROPRIATIONS, DE LEÓN, Chair

**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 115 (Perea D) Safe Drinking Water State Revolving Fund.****Current Text:** Amended: 6/17/2013 [pdf](#) [html](#)**Introduced:** 1/14/2013**Last Amended:** 6/17/2013**Status:** 7/1/2013-In committee: Placed on APPR. suspense file.

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

**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. This bill contains other related provisions and other existing laws.

**Position:** Watch**Subject:** Water**AB 543 (Campos D) California Environmental Quality Act: translation.****Current Text:** Amended: 5/24/2013 [pdf](#) [html](#)**Introduced:** 2/20/2013**Last Amended:** 5/24/2013**Status:** 7/12/2013-Failed Deadline pursuant to Rule 61(a)(10)(SEN). (Last location was E.Q. on 6/13/2013)

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, as specified, certain notices required by the California Environmental Quality Act and a summary of any negative declaration, mitigated negative declaration, or environmental impact report when a group of non-English-speaking people, as defined, comprises at least 25% of the population within the lead agency's jurisdiction and the project is proposed to be located at or near an area where the group of non-English-speaking people comprises at least 25% of the residents of that area. By requiring a lead agency to translate these notices and documents, 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:** As amended, requires a lead agency to translate certain notices, summary of a negative declaration, mitigated negative declaration, or environmental impact report when the impacted community has 25% or more non-English speaking people affected by the project. The requirement is to translate these notices and summaries in the native language of those impacted. This is an unfunded mandate. While LAFCo is not typically the lead agency, there may be an occasion when they are, and this could have significant resource implications.

**AB 1235 (Gordon D) Local agencies: financial management training.****Current Text:** Amended: 7/1/2013 [pdf](#) [html](#)**Introduced:** 2/22/2013**Last Amended:** 7/1/2013**Status:** 7/1/2013-Read second time and amended. Re-referred to Com. on APPR.

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

**Calendar:**

8/12/2013 10 a.m. - John L. Burton Hearing Room (4203) SENATE APPROPRIATIONS, DE LEÓN, Chair

**Summary:**

Would require a local agency official, in local agency service as of January 1, 2014, or thereafter, except for an official whose term of office ends before January 1, 2015, to receive training in financial management if the local agency provides any type of compensation, salary, or stipend to, or reimburses the expenses of, a member of a legislative body. The 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. The bill would declare that the edification of local government officials in financial management is a matter of statewide concern, thus making it applicable to charter cities, charter counties, and charter cities and counties.

**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. This would apply to a LAFCo Commissioner who receives a stipend or is reimbursed for expenses in the performance of their Commissioner duties.

**AB 1248 (Cooley D) Controller: internal control guidelines applicable to local agencies.**

**Current Text:** Amended: 5/24/2013 [pdf](#) [html](#)

**Introduced:** 2/22/2013

**Last Amended:** 5/24/2013

**Status:** 6/25/2013-From committee: Do pass and re-refer to Com. on APPR. with recommendation: to consent calendar. (Ayes 11. Noes 0.) (June 25). Re-referred to Com. on APPR.

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

**Calendar:**

8/12/2013 10 a.m. - John L. Burton Hearing Room (4203) SENATE APPROPRIATIONS, DE LEON, Chair

**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 the Controller to, by the same date, post the completed internal control guidelines on the Controller's Internet Web site and update them, as he or she deems necessary, as specified.

**Position:** None at this time

**Subject:** LAFCo Administration

**SB 181 (Committee on Governance and Finance) Validations.**

**Current Text:** Chaptered: 7/3/2013 [pdf](#) [html](#)

**Introduced:** 2/6/2013

**Last Amended:** 5/28/2013

**Status:** 7/3/2013-Chaptered by the Secretary of State, Chapter Number 57, Statutes of 2013

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

**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.

**Attachments:**

[CALAFCO Letter of Support March 7, 2013](#)

[CALAFCO Letter of Support May 23, 2013](#)

**Position:** Support

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

**AB 240 (Rendon D) Mutual water companies.**

**Current Text:** Amended: 7/1/2013 [pdf](#) [html](#)

**Introduced:** 2/5/2013

**Last Amended:** 7/1/2013

**Status:** 7/2/2013-Read second time. Ordered to third reading. Re-referred to Com. on B. & F.R.

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

**Summary:**

Would require a board member of a mutual water company that operates a public water system to repeat the training course regarding the duties of board members every 6 years. This bill would enact the Mutual Water Company Open Meeting Act, which would apply to all mutual water companies, and would permit an eligible person to attend a meeting of a mutual water company, as those terms are defined, and to speak during the meeting, except as provided. This bill contains other related provisions and other existing laws.

**Position:** Watch

**Subject:** Other

**CALAFCO Comments:** Enacts the Mutual Water Company Open Meeting Act and requires mutual to adopt budgets in open meetings and take public comment. Also requires mutuals to provide certain records to the public upon request.

**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:** 5/10/2013-Failed Deadline pursuant to Rule 61(a)(3). (Last location was JUD. on 3/11/2013)

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	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:** Watch

**Subject:** LAFCo Administration

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

**AB 792 (Mullin D) Utility user tax: exemption: distributed generation systems.**

**Current Text:** Amended: 7/9/2013 [pdf](#) [html](#)

**Introduced:** 2/21/2013

**Last Amended:** 7/9/2013

**Status:** 7/9/2013-Read second time and amended. Ordered to third reading.

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

**Summary:**

Current law provides that the board of supervisors of any county may levy a utility user tax on the consumption of, among other things, gas and electricity in the unincorporated area of the county. This bill would exempt from any utility user tax imposed by a local jurisdiction, as defined, the consumption of electricity generated by a renewable distributed generation system that is installed for the exclusive use of a single customer.

**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.

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

**Current Text:** Amended: 6/10/2013 [pdf](#) [html](#)

**Introduced:** 2/6/2013

**Last Amended:** 6/10/2013

**Status:** 8/5/2013-From consent calendar. Ordered to third reading.

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

**Calendar:**

8/8/2013 #92 ASSEMBLY SENATE THIRD READING FILE

**Summary:**

Current law requires any person who intends to offer subdivided lands within this state for sale or lease to file with the Department of Real Estate an application for a public report consisting of a notice of intention and a completed questionnaire, as specified. This bill would specify that a lot, parcel, or unit satisfies the requirement that it be improved with a completed residential structure if it is improved with a completed residential structure at the time it is conveyed by the subdivider. This bill contains other related provisions and other existing laws.

**Attachments:**

[CALAFCO Letter of Support March 7, 2013](#)

[CALAFCO Letter of Support May 23, 2013](#)

**Position:** Support

**SB 359 (Corbett D) Environment: CEQA exemption: housing projects.**

**Current Text:** Amended: 4/1/2013 [pdf](#) [html](#)

**Introduced:** 2/20/2013

**Last Amended:** 4/1/2013

**Status:** 6/25/2013-From committee: Do pass and re-refer to Com. on H. & C.D. with recommendation: To consent calendar. (Ayes 9. Noes 0.) (June 24). Re-referred to Com. on H. & C.D.

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

**Calendar:**

8/12/2013 1:30 p.m. - State Capitol, Room 127 ASSEMBLY HOUSING AND COMMUNITY DEVELOPMENT, CHAU, Chair

**Summary:**

CEQA also 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 instead exempt as "residential" a use consisting of residential units and neighborhood-serving goods, services, or retail uses that do not exceed 25% of the total building square footage of the project. This bill contains other related provisions and other existing laws.

**Position:** Watch

**Subject:** CEQA

**CALAFCO Comments:** This bill would exempt as "residential" a use consisting of residential units and neighborhood-serving goods, services, or retail uses that do not exceed 25% of the total building square footage of the project.

**SB 436 (Jackson D) California Environmental Quality Act: notice.**

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

**Introduced:** 2/21/2013

**Last Amended:** 4/3/2013

**Status:** 8/5/2013-Read second time. Ordered to third reading.

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

**Calendar:**

8/8/2013 #85 ASSEMBLY SENATE THIRD READING FILE

**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.**

**Current Text:** Amended: 8/6/2013 [pdf](#) [html](#)

**Introduced:** 2/22/2013

**Last Amended:** 8/6/2013

**Status:** 8/6/2013-Read second time and amended. Re-referred to Com. on APPR.

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

**Summary:**

Would, for purposes of the new information exception to the prohibition on requiring a subsequent or supplemental EIR, specify that the exception applies if 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. The bill would authorize the office, by July 1, 2015, to draft and transmit to the secretary revisions to the guidelines to include as a categorical exemption projects involving minor temporary uses of land and public gatherings that have been determined not to have a significant effect on the environment. This bill contains other related provisions and other existing laws.

**Position:** Watch

**Subject:** CEQA

**SB 731 (Steinberg D) Environment: California Environmental Quality Act.**

**Current Text:** Amended: 8/6/2013 [pdf](#) [html](#)

**Introduced:** 2/22/2013

**Last Amended:** 8/6/2013

**Status:** 8/6/2013-Read second time and amended. Re-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							

**Calendar:**

8/14/2013 1:30 p.m. - State Capitol, Room 447 ASSEMBLY LOCAL GOVERNMENT, ACHADJIAN, Chair

**Summary:**

Would provide that aesthetic impacts of a residential, mixed-use residential, or employment center project, as defined, within a transit priority area, as defined, shall not be considered significant impacts on the environment. The bill would require the office to prepare and propose, and the Secretary of the Natural Resources Agency to certify and adopt, revisions to the guidelines for the implementation of CEQA establishing thresholds of significance for noise, and for the transportation and parking impacts of residential, mixed-use residential, or employment center projects within transit priority areas. This bill contains other related provisions and other existing laws.

**Position:** Watch

**Subject:** CEQA

Total Measures: 20

Total Tracking Forms: 20

8/7/2013 1:09:26 PM



**CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
PENDING PROPOSALS – AUGUST 14, 2013**

August 14, 2013  
Agenda Item 13b

<b>LAFCO APPLICATION</b>	<b>RECEIVED</b>	<b>STATUS</b>
Northeast Antioch Reorganization: proposed annexations to City of Antioch and Delta Diablo Sanitation District (DDSD) of 481+ acres located north of Wilbur Ave; detachments from County Service Areas (CSAs) L-100 and P-6	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
Northeast Antioch Reorganization Area 2B: Annexations to City of Antioch and DDSD; detachments from CSAs L-100 and P-6	11/30/12	Incomplete; awaiting info from applicant
Rodeo Marina Annexation to RSD – proposed annexation of 28+ acres located along the northwestern edge of the Rodeo community	2/20/13	Pending
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	Pending
City of Martinez Out of Agency Service Request - – request to extend water services to a 0.82+ acre parcel located at 172 Gordon Way in Alhambra Valley	5/31/13	Pending
Annexation 184 to CCCSD: proposed annexation of 28.08+ acres in five separate areas in Alamo and Danville	7/1/13	Under review
Northeast Antioch Reorganization Area 2A: Annexations to City of Antioch and DDSD; detachments from CSAs L-100 and P-6	7/30/13	Under review

*CONTRA COSTA COUNTY CHAPTER OF THE SPECIAL DISTRICTS  
ASSOCIATION RESOLUTION COMMEMORATING THE  
50<sup>TH</sup> ANNIVERSARY OF LAFCOS*

WHEREAS, after World War II, California experienced dramatic growth in population and economic development. This brought demands for housing, jobs and public services. To accommodate these demands, the State formed many new local government agencies, often with little forethought as to the ultimate governance structure in a given region; and

WHEREAS, the lack of coordination and adequate planning led to a multitude of overlapping, inefficient jurisdictional and service boundaries, and the premature conversion/loss of California's agricultural and open space lands; and

WHEREAS, recognizing this problem, Governor Edmund G. "Pat" Brown appointed the *Commission on Metropolitan Area Problems* in 1959. They were charged to study and make recommendations on the "misuse of land resources, and the growing complexity of local governmental jurisdictions; and

WHEREAS, California State Assemblyman John T. Knox, a second-term assemblyman from Richmond, who served as Chairman of the Assembly Local Government Committee in 1963, originally introduced AB 1662, a bill in the 1963 Legislative Session regarding the formation of new cities and new special districts; and

WHEREAS, California State Senator Eugene T. Nisbet, a first-term senator from San Bernardino County, originally introduced SB 861, a bill in the 1963 Legislative Session to create "Local Agency Annexation Commissions" in each county in California; and

WHEREAS, the bills introduced by Assemblyman Knox and Senator Nisbet were combined into the Knox-Nisbet Act of 1963 and approved by the Legislature; and

WHEREAS, on July 17, 1963, Governor Edmund G. Brown signed AB 1662, the Knox-Nisbet Act of 1963, creating LAFCOs, which took effect on September 20<sup>th</sup>; and

WHEREAS, by April 1, 1964, LAFCOs were functioning in all counties in California except the City and County of San Francisco (San Francisco LAFCO was created in 2000); and

WHEREAS, special districts gained the right to be represented on LAFCO in 1970; and, as of today, special district representatives serve on more than half of all LAFCOs in California, including Contra Costa LAFCO; and

WHEREAS, the Knox-Nisbet Act, along with the District Reorganization Act of 1965 and the Municipal Organization Act of 1977, were succeeded by the Cortese-Knox Local Government Reorganization Act of 1985 and later by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH Act); and

WHEREAS, essential concepts that are fundamental to LAFCO operations include its independence; representation of county, city, special district and public members; establishment of uniform criteria and procedures for forming new cities and special districts and changing their boundaries; the right of landowners and registered voters to protest LAFCO decisions—most of which originated in the Knox-Nisbet Act—are still found in today's CKH Act, and continue to guide LAFCO deliberations and decision-making; and

WHEREAS, the State Legislature has empowered LAFCOs with regulatory authority over local agency boundary changes; and

WHEREAS, State law tasks LAFCOs with encouraging orderly growth, promoting the logical formation and determination of local agency boundaries, discouraging urban sprawl, and preserving open space and prime agricultural lands; and

WHEREAS, the State of California amended the law in 1971 requiring that LAFCOs establish Spheres of Influence for each city and special district within their respective county; and

WHEREAS, the State of California amended the law in 1993, empowering LAFCOs to initiate proposals to consolidate, dissolve, or merge special districts; and

WHEREAS, in 1994, LAFCO law was amended to allow LAFCOs to approve the extension of services outside jurisdictional boundaries under specific conditions; and

WHEREAS, the State of California amended the law in 2000 to require that LAFCOs prepare Municipal Service Reviews (MSRs) of cities and special districts, which are reports in which LAFCOs examine future growth, the adequacy of public services; infrastructure needs or deficiencies; opportunities for shared facilities; and accountability, governmental structure, and operational efficiencies of local agencies; and

WHEREAS, Contra Costa LAFCO is a public agency governed by a seven-member board which meets monthly in the Contra Costa County Board of Supervisors Chambers; and

WHEREAS, since 1963, Contra Costa LAFCO has approved nearly 2,200 proposals, including hundreds of changes of organizations and reorganizations, and the incorporation of seven of the 19 cities in Contra Costa County, the first being the City of Clayton in 1964, and the most recent being the City of Oakley in 1999; and

WHEREAS, Contra Costa LAFCO completed MSRs for all 19 cities and 75 special districts in Contra Costa County, which can be found on the LAFCO website; and

WHEREAS, Contra Costa LAFCO recently processed and approved the reorganization of a health care district, one of the few examples of its kind in the State; and

WHEREAS, the website for Contra Costa LAFCO promotes transparency by providing information of interest to the public, including a Directory with profiles and boundary/SOI maps for each city/special district in the County, LAFCO meeting agendas/, MSR reports, application forms and checklists, and Commission adopted policies and procedures; and


WHEREAS, Contra Costa LAFCO has actively supported its state association - the California Association of Local Agency Formation Commissions (CALAFCO). Commissioners from Contra Costa LAFCO have served with distinction on the CALAFCO Board of Directors; Contra Costa LAFCO staff has served as Deputy Executive Officer and Executive Officer of CALAFCO; Commissioners and staff have served on CALAFCO committees (legislative, awards, nominations) and have participated in planning for annual conferences, staff workshops and organizing educational workshops' assisting in preparing CALAFCO white papers and contributing to the CALAFCO newsletter; and

WHEREAS, since 1997, Contra Costa County local agencies, individuals, and legislators have seven times been recipients of the annual CALAFCO Achievement Awards.

NOW, THEREFORE, BE IT RESOLVED, that the Contra Costa Special Districts Association (CCSDA) hereby commemorates the 50<sup>th</sup> anniversary of the founding of Local Agency Formation Commissions (LAFCOs).

PASSED AND ADOPTED this 14<sup>th</sup> day of August 2013.

  
Bette Boatman, Chair

  
Mark Cornelius, Vice Chair

## Barnidge: Contra Costa Fire District has lots of problems, no clear answers

By Tom Barnidge Contra Costa Times Columnist Contra Costa Times  
Posted:

August 14, 2013  
Agenda Item 13d

Monday, July 15, 2013  
ContraCostaTimes.com

Anyone who questions the consequences of budget and staffing cuts to the Contra Costa Fire District needs to hear what happened July 1. Chief Daryl Louder laid out the scene for county supervisors last week.

"We had a 500-acre fire on Kirker Pass, with structures threatened," he said. "It was the equivalent of three alarms, with 50 percent of our resources committed to that incident. Concurrent with that, East County had a significant wildland fire and utilized a number of our resources as part of our mutual aid process. Also concurrently, we had what started as a vegetation fire and became a structure fire that threatened other structures in downtown Concord."

Resources were so overtaxed, he said, that neighboring districts had to cover for ConFire stations and response to medical emergencies was cut off for all but serious, life-threatening calls.

In the world of public safety, those are scary consequences.

Ever since a November parcel tax failed and the district began trimming costs -- Pittsburg station No. 87 recently became the fifth to close -- the search for operational solutions has meant long meetings for supervisors, who double as district board members.

Last week's agenda items included the district's three-year budget picture (not good, even with rising property taxes), a proposed partnership with the Moraga-Orinda district (if operating expenses can be delayed) and an emergency-response program utilizing two-person teams (panned by two firefighters in attendance).

The general mood might be categorized as grasping at straws. When expenditures outpace revenues, that's inevitable. So are questions about priorities.

Take the shared firehouse with MOFD, a move that would replace shuttered Station 16, the northernmost of three Lafayette stations. The idea is sound, but should it come ahead of restoring full service to Clayton's only station?

"If we had enough money to open Clayton or Lafayette, which one would you open?" Supervisor John Gioia asked.

"From a public safety standpoint, I would open Clayton first," Louder said. "But actually, I would first reopen Station 87 in Pittsburg, which we just closed. But I also can tell you that greatest (station closure) impact to date has been in Walnut Creek."

So, Chief, which of your children do you want to keep, because you can't afford to feed them all ...

For now, the district can't afford any new operational expenses. (The MOFD deal is possible only because it would be funded from capital expenditure reserves.) But even if money fell from the sky, there would be hard questions about how to deploy it. We haven't even mentioned the closed station in Martinez.

Louder endorses the MOFD partnership because of its long-term benefit and because it solves at least one of his problems. Reopening one of five stations is better than reopening none.

In furthering his case, he told supervisors, "West Lafayette is not protected now."

To which Supervisor Karen Mitchoff responded: "Neither is Clayton."

The district is doing more than wringing it hands. It has hired a consultant to study its operation and propose a new model that streamlines expenses, but answers are needed soon. Otherwise another station will be selected for closure in January.

And questions about priorities will resume.

Contact Tom Barnidge at [tbarnidge@bayareanewsgroup.com](mailto:tbarnidge@bayareanewsgroup.com).

## El Cerrito firefighting equipment bolstered by grant

By Rick Radin Correspondent Contra Costa Times

Posted:

Monday, July 15, 2013

ContraCostaTimes.com

EL CERRITO -- The city's fire department has received an \$856,804 federal grant to replace its aging ladder truck with a new model.

The old truck, a 1991 model with 95,000 miles on it, is based at Station 71, across from City Hall at San Pablo and Manila avenues, said El Cerrito Fire Chief Lance Maples.

The city is kicking in \$95,156 from its general fund to supplement the grant, he said.

The department also provides fire service under contract to unincorporated Kensington.

Besides the ladder truck, the department has four fire engines at two stations in El Cerrito. The department also staffs the Kensington fire station, which has a fire engine and a fire truck, said Mayor Pro Tem Janet Abelson

The grant, from the Federal Emergency Management Agency, is based in part on need, Maples said.

The fire department's budget of \$7.977 million for 2013-14 has barely budged over the past two years, leaving no money left over for large equipment purchases.

"We desperately needed to replace this piece of equipment, and we had no other funding source for this," Abelson said.

The department has 34 firefighters and is covering three vacant positions with overtime to save money, but there have been no layoffs and no station closures, Maples said.

About 90 percent of the department's budget goes to personnel, he said.

"We haven't been hit as bad as some (nearby) departments, but we're at a bare bones budget," Maples said.

The fire department has also cut funding for consultants, firefighters' physical exams and training.

The city received a grant to install solar energy systems at fire stations, City Hall and the police station that dropped annual utilities costs for the fire department from \$35,000 to \$12,000, Maples said.

The department has received about \$2 million in state and federal grants since 2006, including the current grant, he said.

Employees, meanwhile, received an average raise of about 1 percent for 2013-14, Maples said, adding that firefighters' salaries are based on comparisons with those of departments in surrounding communities.

The fire department will try to sell the old truck, which is worth \$25,000 to \$40,000 on the open market, Maples said.

"It will wind up going to a department that is in a tougher market than everyone else," he said.  
"There's no point for us investing money in new motors and transmissions when the chassis is failing."

Maples credited Rep. George Miller, D-Martinez, for having a big hand in helping obtain the grant.

"He has been very supportive of the federal program," Maples said.

FEMA's Assistance to Firefighters' Grants program has provided about \$5.25 billion in grants for protective equipment, firefighting and emergency vehicles, and training, according to Miller's Washington, D.C., office.

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## Moraga-Orinda Fire District moving forward with \$1.2 million Lafayette land purchase; residents push back

By Jennifer Modenessi Contra Costa Times Contra Costa Times  
Posted:

Wednesday, July 17, 2013  
ContraCostaTimes.com

MORAGA -- The Lafayette City Council is set to vote July 22 on an agreement with the Moraga-Orinda Fire District for purchase a \$1.2 million parcel of land on the district's behalf, using the district's money, for a jointly operated fire station.

The agreement would permit Lafayette officials to buy the property for the district, as the district is legally prohibited from acquiring land outside its boundaries. The city would then hold on to the 2.33-acre parcel until the district can form a partnership with the Contra Costa County Fire Protection District or other entity to construct the new fire station officials have estimated could cost between \$5 to \$6 million to design and build.

The Moraga-Orinda district must close escrow by July 25.

A nearby fire station on Charles Hill Road in Orinda would close as part of the deal; fire officials have argued the new joint station would provide better response times to Orinda and Lafayette residents -- an argument some district residents dispute.

Lafayette officials have been exploring alternatives to fire service, including possibly leaving ConFire and joining the Moraga-Orinda district, after the county closed a fire station in the western portion of the city in January due to budget cuts and a failed parcel tax measure.

Bradley -- who Tuesday took over as chief of the Modesto Regional Fire Authority -- reiterated this week his support for the land buy, and said he believed the district can reach a partnership agreement with ConFire.

And while he didn't provide any specific details, Bradley hinted that the agreement may not resemble the plan departing ConFire Chief Daryl Louder offered at a Contra Costa County supervisors meeting last week. Louder proposed the county would not pay for the station's operating and staffing costs until its finances stabilize.

"ConFire is a viable partner. They have stepped up and created another offer. I don't think it's a good offer. It's not an offer that I have agreed to or proposed, but at least they're willing to negotiate," Bradley said.

After hearing Louder's proposal July 9, county supervisors -- a majority of whom previously voted against the partnership, citing ConFire's financial turmoil -- agreed to allow Louder to resume negotiations with the Moraga-Orinda district.

Should Lafayette officials decide to greenlight the agreement, they would use the district's capital funds to buy the 2.33-acre parcel. The purchase agreement also includes another \$15,000 deposit to be paid to the property owners, one of whom is acting as the property broker. The district lost a \$15,000 deposit last May after a board majority voted to withdraw from an earlier purchase agreement.

The Moraga-Orinda Fire District board on Monday greenlighted the agreement with the city of Lafayette. Directors Stephen Anderson, Vice President Alex Evans and board president John Wyro also approved the "joint powers agreement." Director Fred Weil dissented.

The board's approval came despite fierce opposition from some Orinda and Moraga residents. Former board member and Moraga resident Dick Olsen questioned the legality of the agreement, arguing the city of Lafayette doesn't and currently can't legally provide fire services to its residents, therefore making a joint powers agreement impossible. He also cautioned that the purchase funds will come solely from Moraga and Orinda taxpayers, and since no security or other assets or interest are being provided by the city in exchange for the money, the district could be making an "illegal gift of public funds" to Lafayette.

Orinda resident Jerry Dimsdale warned of other consequences.

"The problem appears to be this board moving forward in a direction that the residents do not want, your constituency does not want," he said. "There has come into question some legal issues associated with the funding that you want to pursue. I think you need to put something in your budget for legal defense because of what illegal activities you want to pursue."



## Lafayette OK's fire district land buy

By Jennifer Modenessi Contra Costa Times Contra Costa Times

Posted:

Tuesday, July 23, 2013

ContraCostaTimes.com

LAFAYETTE -- City officials have approved an agreement to buy a piece of land where a proposed new fire station serving residents of Lafayette and Orinda would be built.

Lafayette Mayor Mike Anderson, Councilman Brandt Andersson and Councilwoman Traci Reilly approved entering the joint powers agreement Monday with the Moraga-Orinda Fire District that will allow the city to use district funds to purchase the 3.2-acre Lorinda Lane property because MOFD can't acquire land outside its boundaries.

Councilman Mark Mitchell and Vice Mayor Don Tatzin were absent and did not vote.

The site, on the Lafayette-Orinda border, has been pitched as the future home of a fire station to replace the closed Contra Costa County Fire Protection District station in western Lafayette and an MOFD station in east Orinda slated for reconstruction. Interim fire Chief Stephen Healy said the district plans to close escrow on the \$1.225 million property Friday.

The agreement allows the fire district to hold the property while it finds a partner to help with the station's construction, operation and staffing. It also will allow the current owners to lease the home on the property for up to 18 months and to negotiate for the purchase of some of the property should it be subdivided.

While highly contentious in Orinda, it hasn't been in Lafayette, where officials did not schedule a full public hearing for the agreement. Still, Mayor Mike Anderson opened the item to public comment Monday, saying he felt people wanted to speak about the agreement. A handful of Orindans shared their concerns, including a resident who cautioned the city about ConFire's suitability as a partner given its financial turmoil and the recent spate of station closures.

"While MOFD tries to figure out how to convince ConFire to raise the money to build Station 46, where would that leave the citizens of Lafayette?" said Orinda resident Scott Fink. "Does it make sense for Lafayette to bet that ConFire is going to come up with this money somehow to build Station 46 any time soon when it's closing stations left and right?"

ConFire and MOFD officials are hammering out a potential partnership to divide station costs.

MOFD's Healy said that once the district acquires the land, Station 43 will continue to operate until the new station is built. The district would most likely then sell the Station 43 property.

## Pittsburg: Old lap pool at Ambrose Park to be re-opened

By Eve Mitchell Contra Costa Times San Jose Mercury News  
Posted:

Friday, July 26, 2013  
ContraCostaTimes.com

PITTSBURG -- Everyone in the pool.

That looks to be the outcome of what improvements are in store for the long-neglected Ambrose Park.

"We've heard you loud and clear -- the pool needs to be reopened," Steve Hoagland, chairman of the park district's board of directors, said at the third of four public workshops Thursday on how best to spend available funds on improvements to Ambrose Park. An earlier plan to build a children's pool fell through last year because bids were too high.

But while there appears to be a plan for the pool, residents also pitched ideas for other unfunded improvements such as tennis courts, a multiuse field, a performance space, basketball hoops, bocce courts, hiking trails, a dog park and a barbecue area.

Ambrose Park is in Pittsburg near the Pittsburg-Bay Point BART station, but the 12-acre property is owned and maintained by the Ambrose Recreation and Park District.

The old lap pool, which was closed in 2009 for safety reasons, will be repaired and reopened under a plan announced by the park district, something that many residents have been supporting for years.

Board members had originally supported a children's pool on the basis that it would have lower maintenance costs than a traditional lap pool. But that plan was sunk when the lowest construction bid came in \$700,000 higher than available funding, opening the door for the old pool to be back in the picture.

"For the community, I believe a big pool is a lot better, because that's what Bay Point is known for," said Victor Ramirez, who like many locals swam in the pool as children.

"Any plan without a pool-sized swimming pool is unacceptable," said Jeff Minnick Jr. "The kids are sneaking into apartment complexes to swim. We definitely need a swimming pool."

The next step toward making that happen is for the board to make a formal request at its Aug. 8 meeting to authorize interim general manager John De Lorenzo to take the initial steps needed so that the existing pool and buildings can be repaired and opened with available funds. A progress report on where things stand will then be made at the fourth and final public workshop to be held Sept. 7 at 10 a.m. at the Ambrose Community Center, 3105 Willow Pass Road, Bay Point.

While many details need to be worked out, the plan discussed at Thursday's meeting envisions dividing the 33-yard-long pool with a wall to create a 25-yard deep-water pool for lap swimming, with an 8-yard-long shallow pool to be used by young kids, seniors and for children's swimming lesson.

There is about \$1.5 million in funds available that could be used for the pool project. About \$1.1 million is expected to come from East Bay Regional Park District's Measure WW, a voter-approved bond measure.

De Lorenzo pointed out that revenues sources such as swimming lessons will have to be developed to help pay for the costs of operating the reopened pool, which in a best-case scenario could be open by next summer. "The pool is not going to pay for itself," he said. But, De Lorenzo said it "is going to generate a source and sense of community pride."

Contact Eve Mitchell at 925-779-7189. Follow her on [Twitter.com/EastCounty\\_Girl](https://twitter.com/EastCounty_Girl).

## Antioch to consider long-awaited annexation of northeast waterfront area

By Paul Bugarino Contra Costa Times Contra Costa Times  
Posted:

Monday, July 29, 2013  
ContraCostaTimes.com

ANTIOCH -- After years of hang-ups over environmental and money-sharing issues, city leaders this week will consider giving the go-ahead to annexing 678 acres to its northeast.

Antioch and Contra Costa County officials have worked to hash out a complex package that would bring within city limits two natural gas-fired power plants, including NRG Energy's new 760-megawatt facility, and industrial waterfront land. It also includes a rural neighborhood off Viera Avenue, where a majority of residents vehemently oppose the move.

The City Council will consider approving two items Tuesday night -- a package of environmental and zoning documents, along with an agreement between Antioch and the county on how to split area tax revenue and pay for infrastructure costs in the Viera neighborhood.

Final adoption of the items would be slated for Aug. 13.

If approved, the plans would be considered by county supervisors before heading to the formation commission, likely by late fall.

"We've been working on this for a long while," Mayor Pro Tem Mary Rocha said. "I'm glad to see it finally coming toward a conclusion on our end. It could be a great opportunity for economic development."

The city estimates the area could yield a net of \$800,000 to \$900,000 in new yearly tax revenue and provide other economic opportunities on the waterfront, according to a draft tax transfer agreement.

Antioch estimates it would cost about \$10.7 million, plus other engineering and contingency costs, to add the infrastructure.

In the agreement, both the city and county would contribute \$3 million over 10 years, with Antioch covering the rest with grants and loans, according to a city staff report.

Antioch initially proposed annexing just the industrial area off Wilbur in 2007. But the county's Local Agency Formation Commission, which oversees orderly growth and boundaries, countered by saying Viera must be included to avoid creating a "land island."

Antioch resubmitted an application last June that included the Viera area, which drew international attention in 2009 because of the Jaycee Dugard kidnapping case.

One reason residents are concerned is the cost of \$18,000 to \$20,000 per home to connect to city water and sewer lines and abandon existing septic tank connections.

Residents with properly operating septic systems, however, will not have to hook up to city sewer service, said Victor Carniglia, a city-hired consultant.

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

### IF YOU GO

What: Antioch City Council meeting

When: 7 p.m. Tuesday

Where: City Public Works building, 1204 W. Fourth St.

Information: Call 925-779-7009 or go to [www.ci.antioch.ca.us](http://www.ci.antioch.ca.us).

## Antioch leaders give nod toward annexation plans

By Paul Burgarino Contra Costa Times Contra Costa Times

Posted:

Wednesday, July 31, 2013

[ContraCostaTimes.com](http://www.contracostatimes.com)

ANTIOCH -- With an eye toward making annexation as unobtrusive as possible for residents in an established rural area off Viera Avenue, city leaders this week approved a package of environmental and zoning documents for the area to its northeast.

Antioch and Contra Costa County officials are hashing out a complex plan to bring 678 acres within the city. The proposal is divided into three land swaths: 481 acres of industrial waterfront land that includes two natural gas-fired power plants, 94 acres of marina and storage uses, and 103 acres of isolated properties off Viera.

Though the industrial area is the part Antioch covets for its revenue potential, the county agency that manages orderly growth and boundaries says the Viera area, which drew international attention in 2009 because of the Jaycee Dugard kidnapping case, must be included.

The City Council added several provisions Tuesday to minimize costs for residents, including directing staff to work with the county and NRG Energy to find a way to cover connection costs for city water and sewer lines. One of the main concerns for residents, many of whom are on limited income, is the high price tag of \$18,000 to \$20,000 per home.

"We should not put an undue burden or hardship on that portion of the community. They're not asking for (annexation)," Mayor Wade Harper said.

Antioch also agreed to waive annexation fees of \$1,634 per acre and allow residents to continue using septic tanks and water wells, provided they meet county health standards.

The city is also looking to create zoning that fits the rural character of the area, which would allow existing narrow streets, livestock, vineyards and home-based businesses, while leaving private roads alone.

"At the end of the day, it should be little to no cost to the people that live in that area," Councilman Gary Agopian said. "We want to make sure people are done right. We should give residents the opportunity to improve their way of life, and it's their choice how they do that."

Victor Carniglia, a city-hired consultant, said Antioch is discussing having NRG put the \$2 million it offered the city and county toward connection costs. The money is an incentive to complete annexation for NRG's new 760-megawatt facility.

The city and county would contribute \$3 million over 10 years to add water, sewer and storm drains, with Antioch covering the rest with grants and loans, according to a draft infrastructure plan and tax-sharing agreement presented this week. The city estimates it would cost about \$10.7 million, plus nearly \$5 million in other engineering and contingency costs, to add the infrastructure.

Despite the council action, most residents in attendance Tuesday remained leery of the process, while reaffirming their anti-annexation stance.

Antioch initially proposed annexing just the industrial area off Wilbur in 2007. But the county's Local Agency Formation Commission countered by saying Viera must be included to avoid creating a "land island." Antioch resubmitted its application last June.

A large part of the residents' angst is that the county formation commission may waive their right to vote on the annexation.

Under state law, a formation commission can approve annexation without allowing those in "land islands" a protest vote, provided the island is smaller than 150 acres and substantially surrounded by a city or adjacent cities.

The formation commission's decision to handle the annexation in three pieces is not permitted, and the entire area should be considered together, said resident John Mitosinka, basing his argument on an opinion from the state attorney general's office. That would require that all affected residents have a chance to vote.

"They've drawn up the pieces in such a way that it circumvents our right to vote," he said.

Antioch estimates the area could yield a net of \$800,000 to \$900,000 in new tax revenue each year and provide other economic opportunities on the waterfront.

Antioch will consider final adoption of the items on Aug. 13. If approved, the plans would be considered by county supervisors before heading to the county's formation commission, likely by late fall.

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