



**NOTICE AND AGENDA FOR REGULAR MEETING**

DATE/TIME: Wednesday, January 8, 2014, 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.**

## JANUARY 8, 2014 CONTRA COSTA LAFCO AGENDA

1. Call to Order and Pledge of Allegiance
2. Roll Call
3. Adoption of Agenda
4. **Selection of Chair and Vice Chair**
5. 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.
6. Approval of Minutes for the December 11, 2013 regular LAFCO meeting

### SPHERE OF INFLUENCE/BOUNDARY CHANGES

7. ***LAFCO 13-07 – Annexation 184 to Central Contra Costa Sanitary District (CCCSD)*** - on November 13, 2013, the Commission approved the annexation of 28± acres (six parcels) in five separate areas located in the unincorporated community of Alamo and the Town of Danville. On December 18, a protest hearing was held no protests were received. The Commission will be asked to order the annexation.
8. ***LAFCO 13-03 – Rodeo Marina Annexation to Rodeo Sanitary District*** - consider a proposal to annex 28± acres (three parcels) located along the northwestern edge of Rodeo where it meets the San Pablo Bay, including two narrow strips of land south of the railroad tracks and north of San Pablo Avenue; and consider related actions under the California Environmental Quality Act (CEQA). ***Public Hearing***
9. ***LAFCO 07-17 – PG&E Reorganization: Annexations to the City of Antioch and Delta Diablo Sanitation District (DDSD) and Detachments from County Service Areas (CSAs) L-100 and P-6*** – consider a proposal to annex 481± acres (numerous parcels) located north and south of Wilbur Avenue, bounded by the San Joaquin River to the north, Highway 160 to the east, and the City of Antioch to the south and west; and consider related actions under the California Environmental Quality Act (CEQA). ***Public Hearing***
10. ***LAFCO 12-07 – Northeast Antioch Reorganization (Area 2B): Annexations to the City of Antioch and DDSD and Detachments from CSAs L-100 and P-6*** – consider a proposal to annex 103± acres (113 parcels) located south of Wilbur Avenue, and roughly centered on Viera Avenue; and consider related actions under the California Environmental Quality Act (CEQA). ***Public Hearing***

### BUSINESS ITEMS

11. ***LAFCO 09-05 - Annexation 168C to Central Contra Costa Sanitary District (CCCSD)*** - on December 11, 2013, the Commission approved CCCSD Annexation 168C, as modified, of 16.42± acres (four parcels). In response to the Commission's request, staff will provide information relating to possible options for further discussion/action on the remaining four parcels that were part of the District's original application.

### INFORMATIONAL ITEMS

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

### CLOSED SESSION

PUBLIC EMPLOYEE PERFORMANCE EVALUATION – Title: Executive Officer

### ADJOURNMENT

Next regular LAFCO meeting – February 12, 2014 at 1:30 p.m.

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



**Lou Ann Texeira**  
*Executive Officer*

**MEMBERS**

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

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

**Don Tatzin**  
*City Member*

**ALTERNATE MEMBERS**

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

January 8, 2014 (Agenda)

January 8, 2014  
 Agenda Item 4

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

**Selection of Commission Officers for 2014**

Dear Members of the Commission:

The selection of officers for the Contra Costa LAFCO is described in Section 1.4 of the Commission Handbook, which provides for the following:

- The members of the Commission shall elect a Chair and Vice Chair at the first meeting of the Commission held in January of each year or as soon thereafter as practicable.
- The Chair and Vice Chair shall serve for one-year terms, or until their successors are elected, whichever occurs later.
- Officers shall be selected from the categories of members in the following order:

- County Member 1
- Public Member
- Special District Member 1
- City Member 1
- County Member 2
- Special District Member 2
- City Member 2

In 2013, County member Federal Glover chaired the Commission, and Special District member Dwight Meadows served as Vice Chair.

**RECOMMENDATION** – It is recommended that the Commission select a Special District member as Chair and a City member as Vice Chair to serve until January 2015.

Sincerely,

LOU ANN TEXEIRA  
 EXECUTIVE OFFICER

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
MINUTES OF MEETING

January 8, 2014  
Agenda Item 6

December 11, 2013

Board of Supervisors Chambers  
Martinez, CA

1. Vice Chair Dwight Meadows called the meeting to order at 1:31 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 Member Alternate Candace Andersen. County Members Federal Glover and Mary Piepho arrived at 1:44 p.m.  
Special District Members Michael McGill and Dwight Meadows, and Alternate George Schmidt.  
Public Members Don Blubaugh and Alternate Sharon Burke.  
Present were Executive Officer Lou Ann Texeira, Legal Counsel Sharon Anderson, LAFCO Planner Nat Taylor, and Clerk Kate Sibley.
4. Approval of the Agenda  
Upon motion of Blubaugh, second by Tatzin, Commissioners unanimously adopted the agenda.
5. Public Comments  
There were no public comments.
6. Approval of November 13, 2013 Meeting Minutes  
Upon motion of McGill, second by Andersen, the minutes for the meeting of November 13, 2013 were approved, with Commissioner Tatzin abstaining.
7. LAFCO 09-05 – Annexation 168C to Central Contra Costa Sanitary District (CCCSD)  
The Executive Officer provided an overview of a proposal filed by CCCSD to annex eight properties in two separate areas located in the unincorporated Martinez area of Alhambra Valley. All property owners have petitioned for annexation; three (parcels 1, 2 and 8) already receive out of agency wastewater service and a fourth property (parcel 4) has been developed but is on septic currently. The properties are all deemed “agricultural” but there is no agricultural use at this time, and no Williamson Act restrictions. All of the properties are outside the countywide Urban Limit Line (ULL). The Environmental Impact Report (EIR) was deemed adequate for LAFCO’s purposes. LAFCO received two comment letters regarding the proposed annexation from individuals who reside outside the annexation area: Mr. Olson, President of the Alhambra Valley Improvement Association, expressed opposition to the annexation and various concerns; and Mr. Radosevich raised concerns regarding the proximity of the annexation area to the ULL and to the John Muir National Historic site.  
  
In response to questions from Commissioner Tatzin, the Executive Officer confirmed that all properties are in an unincorporated area; that the County’s General Plan policies discourage the extension of urban services outside the ULL; and that this area has been in the City of Martinez’s SOI since at least 1975.

**DRAFT**

Russ Leavitt, representing CCCSD, pointed out that the aging septic systems in the Alhambra Valley area have been deemed marginal by County Environmental Health, and that this annexation would not induce growth beyond the County's General Plan and the Alhambra Valley Specific Plan.

In response to Commissioner McGill's question, staff responded that service to this area was discussed in the LAFCO water/wastewater Municipal Service Review.

There were additional Commissioner questions relating to costs associated with sewer services and processing the annexation proposal.

Ted Radosevich, a landowner whose property is adjacent to the largest of the eight parcels in the annexation proposal, stated his objection to the annexation particularly of the one large parcel, which is next to a national park and should not be developed.

Seth Adams, representing Save Mt. Diablo, stated that his organization would not normally comment on territories outside of the Mt. Diablo area, stated his objection based both on the proposed area being outside the ULL, and that the proposed annexation would be growth inducing. He stated that this annexation vote would be a vote on whether or not LAFCO observes or violates the ULL and suggested that Commissioners consider annexing only those properties that are already receiving service. He also commented on the District's EIR, and options for modifying the ULL.

In response to a question regarding LAFCO's relation to the ULL from Commissioner Piepho, the Executive Officer stated that LAFCO is not bound by it. Further, Legal Counsel Sharon Anderson confirmed that extending an annexation beyond the ULL may violate the ULL but it is not illegal.

Jim Hein, owner of the largest parcel in the proposed annexation, stated that his family has owned this property since before the national park and the establishment of the ULL. The sewer line comes right up to the edge of his property already. He does not yet have a house on the property, but wants to be able to build there in the future.

Commissioner Schroder noted that parcels 4 and 8 of the annexation have city water; and asked if they get sewer service will they then develop? He also asked when the ULL would be coming up for review. Staff noted that there are no current development proposals for this property, and that the ULL is scheduled for review in 2016.

Commissioner Meadows commented on the boundary irregularities of the ULL throughout the County.

Commissioner Glover stated that he would like to take a closer look at the ULL in light of areas like this when the review comes up.

Commissioner Tatzin suggested annexing only parcels 1, 2, 4 and 8 (the properties with residences, three of which already receive wastewater service and the fourth that has city water and a marginal septic system). Further discussion ensued regarding the inadequacies of septic systems, annexing outside of the ULL, and the fact that special districts are not land use agencies.

Commissioner Tatzin moved, seconded by Commissioner Piepho, that the Commission approve annexation of parcels numbers 1, 2, 4 and 8. This failed by the following roll call vote:

AYES: Piepho, Schroder, Tatzin  
NOES: Blubaugh, Glover, McGill, Meadows

Commissioner McGill moved that Commissioners approve Option 1 of the staff report (annex all eight parcels as presented). This failed with no second.

Commissioner Blubaugh moved, seconded by Commissioner Glover, that the Commission deny the application. This failed by the following roll call vote:

AYES: Blubaugh, Glover  
NOES: McGill, Meadows, Piepho, Schroder, Tatzin

Commissioner Tatzin moved, seconded by Commissioner Piepho, that the Commission certify that it reviewed and considered the information contained in CCCSD District Annexation 168C – Alhambra Valley EIR as prepared and certified by CCCSD; approve the annexation of parcels numbers 1, 2 and 8 (those already with out of agency sewer service), with specified conditions; determine that the territory being annexed is liable for the continuation of taxes, assessments and charges; find that the subject territory is inhabited, has 100% consent of the affected landowners and registered voters, waive the protest proceeding, and direct staff to complete the proceeding. This passed by the following roll call vote:

AYES: Blubaugh, Piepho, Schroder, Tatzin  
NOES: Glover, McGill, Meadows

Further discussion ensued regarding the dispensation of the remaining five parcels and whether they could be brought back to a future LAFCO meeting for further consideration without additional cost to the District. Mr. Leavitt also urged that the County make a real commitment to review the ULL in the Alhambra Valley area.

Mr. Leavitt asked for clarification on parcel 4, which has circumstances similar to those of the three parcels just approved for annexation: If it were to come to LAFCO with a need for out of agency service because of its failing septic, would it then have to go through this same process?

Commissioner McGill moved, seconded by Commissioner Piepho, that the Commission certify that it reviewed and considered the information contained in CCCSD District Annexation 168C – Alhambra Valley EIR as prepared and certified by CCCSD; approve the annexation of parcel 4 given its existing residence, marginal septic system, and the fact that it already has city water, with specified conditions; determine that the territory being annexed is liable for the continuation of taxes, assessments and charges; find that the subject territory is inhabited, has 100% consent of the affected landowners and registered voters, waive the protest proceeding, and direct staff to complete the proceeding. Following further discussion, this passed by the following roll call vote:

AYES: McGill, Meadows, Piepho, Schroder, Tatzin  
NOES: Blubaugh, Glover

With further discussion of bringing the remaining parcels back for further action, Legal Counsel Anderson responded that the Commission closed the public hearing and took action on four parcels. The Commission can request a report in January regarding whether action on the remaining parcels can be continued for later action.

Upon motion by McGill, second by Piepho, Commissioners directed staff to report back in January on the possibility of taking further action on the remaining parcels. Commissioner Blubaugh voted against this.

8. Northeast Antioch Update

The Executive Officer reported that on Tuesday, November 26 the City of Antioch approved the property tax transfer and infrastructure agreements relating to Northeast Antioch (Areas 1, 2A and 2B) as approved earlier by the County Board of Supervisors.

Victor Carniglia, representing the City of Antioch, reported that the City has approved an agreement with PG&E for indemnification of the City and by association LAFCO on all three of the annexations. He looks forward to the Area 1 and Area 2B applications coming forward to LAFCO at the January 8, 2014 meeting.

Rich Seithel, representing the County, expressed his appreciation of Commissioners' patience throughout this process.

The Commissioners thanked City and County staff for their work.

Mr. Carniglia introduced Steve Duran, who will take the position of Antioch City Manager on January 1.

Upon motion of Piepho, second by Meadows, Commissioners accepted the report.

9. Actuarial Valuation and Post-Employment Healthcare Benefits

The Executive Officer reported that LAFCO currently has \$30,000 in its fund balance account, set aside to fund future costs associated with the employer's share of post-employment healthcare benefits for its three retirees and two current staff members. Staff has researched trust options for holding these assets. The preferred option is to participate with Contra Costa County in the Public Agencies Retirement Services. In order to participate in the PARS program, LAFCO must first conduct an actuarial valuation.

Staff has contacted two actuarial valuation firms that offer these services – the California Special Districts Association and Milliman. Based on services and cost, LAFCO staff proposes to retain the CSDA firm. Adequate funds are included in the FY 2013-14 budget to fund these services.

Upon motion of Piepho, second by Tatzin, Commissioners unanimously received the report.

10. Commissioner Terms

The Executive Officer provided an update of Commissioner term expirations and the procedures for filling vacancies.

In May 2014, the terms of four Commissioners will expire: County members Federal Glover and Mary Piepho, and Special District members Dwight Meadows and George Schmidt.

*County Members* are selected by the County Board of Supervisors, which typically makes its appointments in January. Staff will coordinate with County staff on these appointments.

*Special District Members* are selected by the Special District Selection Committee through the local chapter of the Special Districts Association. LAFCO staff will conduct the election in conjunction with the Contra Costa Special District Association, and report back to the Commission following the election in April 2014.

Upon motion of Tatzin, second by Blubaugh, Commissioners unanimously received the report.

11. Correspondence from CCCERA

There were no comments on this correspondence.

12. Commissioner Comments and Announcements

Commissioner McGill reported that he had attended two CALAFCO Legislative Committee meetings in the past month, as well as the UC Davis symposium on LAFCos.

13. Staff Announcements and Pending Projects

The Executive Officer drew Commissioners' attention to the pending projects list and the CALAFCO updates.

The meeting was adjourned at 2:49 p.m.

Final Minutes Approved by the Commission January 8, 2014.

AYES:

NOES:

ABSTAIN:

ABSENT:

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





Lou Ann Texeira  
Executive Officer

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

January 8, 2014 (Agenda)

January 8, 2014  
Agenda Item 7

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

**Results of Protest Hearing  
Annexation 184 to Central Contra Costa Sanitary District**

Dear Commissioners:

At a public hearing on November 13, 2013, the Commission approved Annexation 184 to Central Contra Costa Sanitary District (CCCSD). This is a proposal to annex 28± acres (six parcels) to CCCSD. The subject parcels are located in five separate areas in unincorporated Alamo and the Town of Danville. The purpose of the annexation is to allow for the extension of sewer services to the properties and to provide for logical boundaries.

In accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, LAFCO is the agency to conduct the protest hearing. The purpose of the protest hearing is to receive written protests from affected landowners/registered voters regarding the proposal and determine whether a majority protest exists. With regard to this annexation, which is uninhabited (i.e., contains fewer than 12 registered voters), the Commission shall take one of the following actions:

- **Order the annexation** if written protests have been filed by less than 50% of the landowners owning less than 50% of the assessed value of land within the affected territory; or
- **Terminate the proceedings** if a majority protest exists. A majority protest constitutes 50% or more of the landowners owning at least 50% of the assessed value of land.

The protest hearing was properly noticed and held on Wednesday, December 18, 2013, at 3:00 p.m. in the LAFCO office located at 651 Pine Street, Sixth Floor in Martinez. The hearing was conducted by the LAFCO Executive Officer, who is delegated the authority to conduct the protest hearing on behalf of the Commission.

At the conclusion of the hearing, the number of protests received prior to and during the hearing were counted. No protests were filed; consequently, the annexation is ordered.

RECOMMENDATION

It is recommended that the Commission adopt the attached resolution finding a majority protest was not received, and order the annexation subject to the terms and conditions as specified in the Commission's resolution of approval.

Sincerely,

Lou Ann Texeira  
Executive Officer

c: Distribution List

## CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

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### **DETERMINATION OF THE EXECUTIVE OFFICER OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION FINDING THERE ARE INSUFFICIENT WRITTEN PROTESTS TO TERMINATE THE PROCEEDINGS RELATING TO ANNEXATION 184 TO CENTRAL CONTRA COSTA SANITARY DISTRICT (LAFCO 13-07)**

1. This action is taken pursuant to the Cortese Knox Hertzberg Local Government Reorganization Act (Government Code §56000 et seq.) and policies of the Contra Costa Local Agency Formation Commission (hereafter Commission).

2. Proceedings for Annexation 184 to Central Contra Costa Sanitary District (CCCSD) were initiated by the District and filed with the Executive Officer of the Contra Costa LAFCO on July 1, 2013, proposing the annexation of 28± acres (six parcels) to CCCSD. The purpose of the annexation is to allow for the extension of sewer services to the properties and to provide for logical boundaries.

3. On November 12, 2013, the Commission adopted Resolution No. 13-07, making determinations and approving the proposal subject to certain conditions. A true copy of said Resolution is attached hereto and incorporated by this reference, containing the terms and conditions of the Commission's approval of this proposal.

4. Acting on delegated authority from the Commission, as Executive Officer I conducted on December 18, 2013, a properly noticed public hearing to receive protests filed against the proposed annexation and, following conclusion of the hearing, found that fewer than 50 percent of the land owners (owning less than 50 percent of the assessed value of land) within the area proposed for annexation filed written protests against the proposal.

5. Finding there are insufficient protests to terminate the proceedings, the Contra Costa LAFCO hereby orders Annexation 184 to Central Contra Costa Sanitary District subject to the terms and conditions contained within the Commission's resolution of approval.

This order is made on and is effective from January 8, 2014.

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Lou Ann Texeira, Executive Officer  
Contra Costa Local Agency Formation Commission

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
EXECUTIVE OFFICER'S REPORT

January 8, 2014  
Agenda Item 8

January 8, 2014 (Agenda)

LAFCO 13-03: Rodeo Marina Annexation to Rodeo Sanitary District (RSD)

PROPONENT: RSD by Resolution No. 2011-01 adopted April 12, 2011

ACREAGE & LOCATION The applicant proposes to annex 16.7± acres (two parcels and a trail area) located along the northwestern edge of Rodeo that meets the San Pablo Bay (see Attachment 1).

SYNOPSIS

RSD filed an application with LAFCO to annex the properties to the District. The purpose of the annexation is to facilitate the extension of wastewater service to the area. The properties include the marina area which houses one residential property and several businesses consisting of a marine engine repair shop, boat storage and a restaurant/bar; a public recreational/ trail area (Lone Tree Park) owned by the East Bay Regional Park District (EBRPD); and a narrow strip of land south of the railroad tracks which serves as a parking and staging area for the park. The marina property petitioned the District for sewer service and has several existing sewer connections. The EBRPD has also expressed interest in future sewer service.

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 area proposed for annexation is within RSD's SOI as approved by the Commission in July 2013, and is within the County Urban Limit Line; all parcels are located in the unincorporated community of Rodeo.

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

The County General Plan designations for the area are Commercial Recreational, Parks & Recreation, and Downtown/Waterfront Rodeo. The County's zoning designation is Rodeo Redevelopment Planned-Unit. No changes are proposed to the General Plan or zoning designations as part of this proposal.

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. The annexation area includes property owned by East Bay regional Park District (Lone Tree Park) which is used for public recreational use.

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

The annexation is characterized by rocky shoreline adjacent to mud tidal flats, bisected by railroad tracks. Lone Tree Park is predominately nature trails along rolling, grassy hills. To the north and west is the San Pablo Bay, and to the south and east is a railroad right-of-way; beyond that there are residential and light commercial uses.

5. **Population:**

There is one single family residential home located within the annexation area; however, the dwelling currently has no certificate of occupancy. No new dwelling units are proposed for this annexation area given the designated land uses.

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 no 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, Rodeo-Hercules Fire District, and East Bay Municipal Utility District (EBMUD).

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

RSD currently serves a population of over 8,000 residents in a 1.4 square-mile service area. RSD's wastewater collection system consists of 25 miles of sewer gravity pipeline, two force mains and two pump stations. RSD serves approximately 2,500 connections. The majority of RSD's system operates with gravity flow and some pumping stations and 1.2 miles of force main. The District's treatment plant capacity is 1.14 million gallons per day (mgd), with a maximum of 3.4 mgd. RSD's wastewater treatment plant provides secondary level treatment for an average daily flow of 550,000 gallons per day.

The area proposed for annexation includes potential service to other commercial and recreational uses, including an RV campground, harbor master building, public trail and other commercial facilities. Current and future development is primarily located on the marina property. Based on existing and potential development on this property, the maximum demand for service is approximately 10,100 gallons of wastewater per day. Demand for sewer service on the other two parcels would be minimal, less than 700 gallons per day. The District has sufficient capacity to serve full build out of the annexation area.

RSD indicates that one of the properties proposed for annexation (the marina) is already served by existing RSD facilities; others can extend sewer lines to receive sewer services. It is not the current practice of RSD to compel property owners to connect their properties to the public sewer system; connection is voluntarily.

Regarding infrastructure and improvements, RSD indicates that mains required to serve the affected parcels will be 8-inch diameter for gravity mains or up to 4-inch diameter for pressure mains, which are the District's minimums for mains. All laterals will be 4-inch diameter, which is the District's minimum for gravity laterals, or 2-inch diameter pump laterals, which is the District'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. RSD funds the maintenance of all sewers through its annual sewer service charge.

#### 8. Timely Availability of Water and Related Issues:

The area proposed for annexation is 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).

RSD 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 area is within tax rate areas 62056 and 62058. The assessed value for the areas proposed for annexation is \$949,089 (2012-13 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:

The parcels proposed for annexation are included in Contra Costa County's Environmental Impact Report (EIR) for the Rodeo Downtown Waterfront General Plan Amendment and Specific Plan (certified August 1997, SCH#95033055). The County conducted a subsequent assessment of environmental effects of the proposed annexation in the form of an Environmental Checklist, which concluded that "...no new effects could occur or no new mitigation measures would be required that were not examined in the Rodeo Downtown/Waterfront Specific Plan EIR, adopted August 12, 1997, per Section 15168(c)(2) of the CEQA Guidelines. The proposed project is within the scope of the project covered by the program EIR and no new environmental document is required (adopted December 6, 2010).

11. Landowner Consent and Consent by Annexing Agency:

According to County Elections, there are fewer than 12 registered voters in the area proposed for annexation. Thus, the area proposed for annexation is considered uninhabited. RSD indicates that less than 100% of the affected landowners have provided written consent to the annexation. Thus, the Commission's action is subject to notice, hearing, as well as conducting authority (protest) proceedings. If the Commission approves the annexation, a subsequent notice and protest hearing will follow. Authority to conduct the protest hearing has been delegated to the LAFCO Executive Officer. 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 January 8<sup>th</sup> hearing.

12. Boundaries and Lines of Assessment:

The District serves three non-contiguous service areas: an area of medium density single family residential, north of Willow Avenue; a small area designated for public use west of San Pablo Avenue; and an area primarily designated for heavy industrial use west of Crockett. The annexation area is within RSD's SOI. The EBRPD property is contiguous to the District's boundary; the marina area is adjacent to the District's boundary, separated by the railroad right-of-way. The 2008 *West County Water/Wastewater Municipal Services Review* (MSR) noted that RSD is providing service to several parcels outside the District's service boundary, including one parcel (marina) within the annexation area. The MSR suggested annexing parcels receiving out of agency service. The proposed annexation would bring into RSD's boundary additional parcels currently receiving out of agency service.

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.

14. Disadvantaged Communities

In accordance with recent legislation (SB 244), local agencies and LAFCOs are required to plan for disadvantaged unincorporated communities (DUCs). Many of these communities lack basic infrastructure, including streets, sidewalks, storm drainage, clean drinking water, and adequate sewer service. LAFCO actions relating to Municipal Service Reviews, SOI reviews/changes, and annexations must take into consideration DUCs, and specifically the adequacy of public services, including sewer, water, and fire protection needs or deficiencies, to these communities. According to the County Planning Department, the

Rodeo area meets the criteria of a DUC. Thus, annexation of this area to RSD would bring a needed public service to a DUC.

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. The Commission certifies it reviewed and considered the information contained in the Rodeo Downtown/Waterfront Specific Plan Environmental Impact Report and related environmental documentation as prepared and certified by the County of Contra Costa (Lead Agency), including the associated Mitigation Monitoring and Reporting Program, and adopt the County's Findings of Fact.
- B. Adopt this report, approve the attached resolution (Attachment 2), and approve the proposal, to be known as the Rodeo Marina Annexation to RSD, 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 RSD has delivered an executed indemnification agreement providing for RSD to indemnify LAFCO against any expenses arising from any legal actions challenging the annexation.
- C. Find that the subject territory is uninhabited and that LAFCO's approval is subject to a conducting authority (protest) proceeding.

**Option 2** Adopt this report and DENY the proposal.

**Option 3** If the Commission needs more information, CONTINUE this matter to a future meeting.

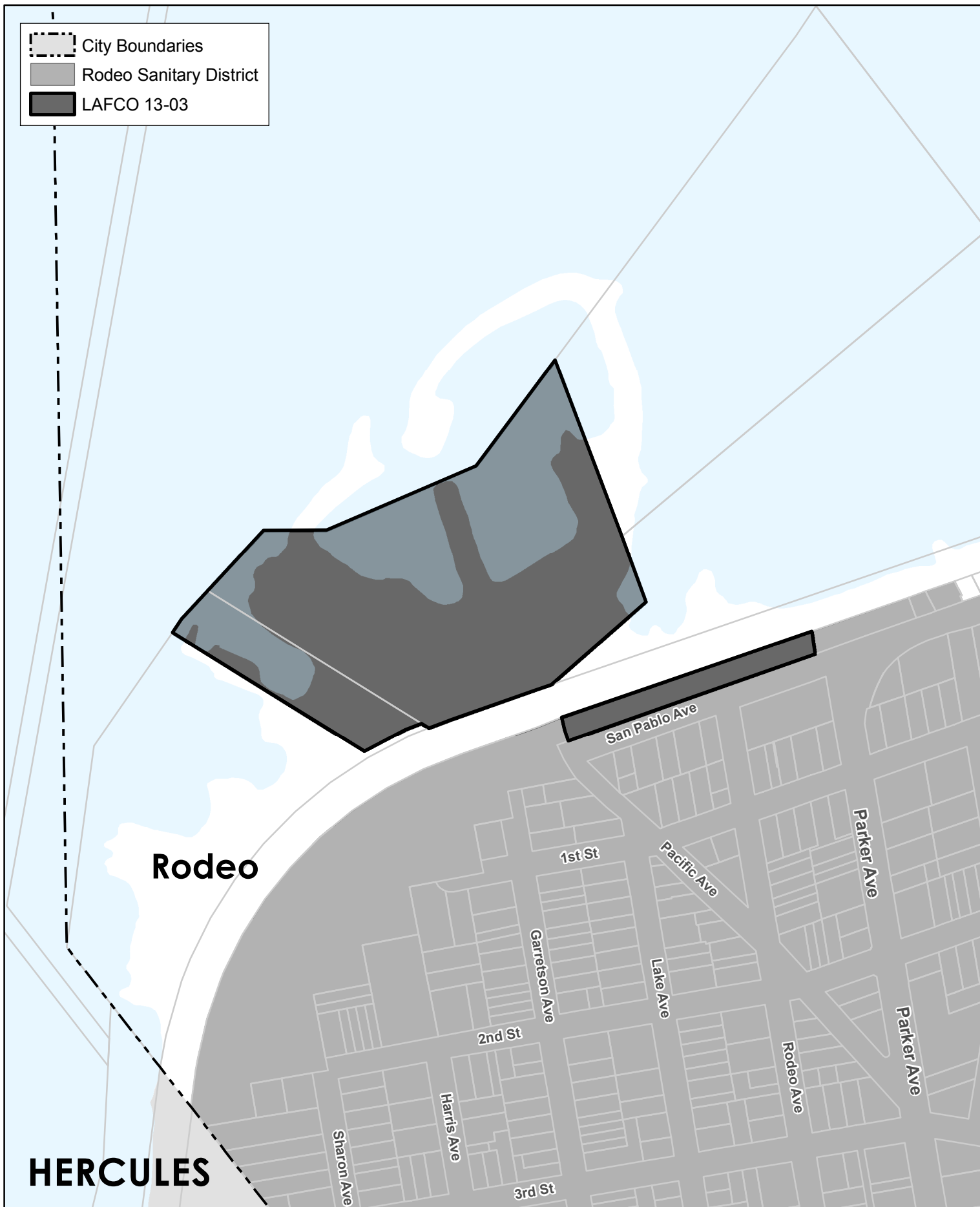
**RECOMMENDED ACTION: Approve Option 1.**

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

Attachments:

- 1 – Annexation Map
- 2 – Draft LAFCO Resolution





**RESOLUTION NO. 13-03**

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
MAKING DETERMINATIONS AND APPROVING  
RODEO MARINA ANNEXATION TO RODEO 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. The Commission certifies it reviewed and considered the information contained in the Rodeo Downtown/Waterfront Specific Plan Environmental Impact Report and related environmental documentation as prepared and certified by the County of Contra Costa (Lead Agency), including the associated Mitigation Monitoring and Reporting Program, and adopted the County's Findings of Fact.
2. Said annexation is hereby approved.
3. The subject proposal is assigned the distinctive short-form designation:  
  
RODEO MARINA ANNEXATION RODEO SANITARY DISTRICT
4. 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.
5. 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. 13-03

6. That Rodeo Sanitary District (RSD) delivered an executed indemnification agreement between the RSD and Contra Costa LAFCO providing for RSD to indemnify LAFCO against any expenses arising from any legal actions challenging the annexation.
7. The territory proposed for annexation is uninhabited.
8. The proposal has less than 100% landowner consent and is subject to conducting authority (protest) proceedings.
9. 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 8<sup>th</sup> day of January 2014, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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>>>, 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: January 8, 2014

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Lou Ann Texeira, Executive Officer

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
EXECUTIVE OFFICER'S REPORT

January 8, 2014  
Agenda Item 9

January 8, 2014 (Agenda)

LAFCO 07-17 PG&E Reorganization (Area 1) - Annexations to the City of Antioch and Delta Diablo Sanitation District (DDSD) and detachments from County Service Areas (CSAs) L-100 and P-6.

PROPONENT City of Antioch (by Resolution)

ACREAGE & LOCATION Area 1 comprises 470± acres (numerous parcels) and is located both north and south of Wilbur Avenue bounded by the San Joaquin River to the north, Highway 160 to the east, and the City of Antioch to the south and west (Attachment 1).

PURPOSE Provide municipal services to the area, which is largely heavy industrial, with primary uses being electrical generating facilities and other industrial uses. The City's General Plan identifies the area as a major source of employment opportunities, and essential to addressing the City's jobs/ housing balance.

SYNOPSIS

This is one of three separate boundary reorganization proposals submitted by the City of Antioch to annex Northeast Antioch to the City and to DDSD: Northeast Antioch Reorganization - Area 1, Area 2A and Area 2B (Attachment 2). In total, these areas comprise 678± acres and have significantly different characteristics and land uses.

This report is for Area 1, a proposal to annex 481± acres to the City of Antioch and to DDSD, and to detach the same area from CSA L-100, the County street lighting district, and from CSA P-6, the County police district.

This report also provides general background information regarding the Area 2B, which is also on the Commission's January 8<sup>th</sup> agenda.

DISCUSSION

The Cortese Knox Hertzberg Act (CKH Act) sets forth factors that the Commission must consider in evaluating any proposed change of organization or reorganization as discussed below (Gov. Code §56668). In the Commission's review of these factors, no single factor is determinative. In reaching a decision, each factor is to be evaluated within the context of the overall proposal.

1. Consistency with the Sphere of Influence of Any Local Agency:

LAFCO is charged with both regulatory and planning functions. Annexations are basically a regulatory act, while establishing spheres of influence (SOIs) is a planning function. The SOI is an important benchmark as it defines the primary area within which urban development is to be encouraged. In order for the Commission to approve an annexation, it must be consistent with the jurisdiction's adopted SOI. The annexation area is within both the

City of Antioch and the DDSO SOIs, and within both the City and County voter-approved Urban Limit Lines.

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

Area 1 is part of the City's Eastern Waterfront Employment Focus Area as identified in the City's General Plan. In 2011, the City and County formed a committee to develop and implement a joint economic development strategy for the Northeast Antioch area. This committee was instrumental in addressing some of the concerns relating to the reorganization proposals, including fiscal and infrastructure issues.

The land in Area 1 is approximately 50% developed, and 50% underdeveloped, with existing heavy industrial uses and some open space and public uses (Antioch Dunes National Wildlife Refuge). Area 1 also includes a deep water port (Forestar property). The County General Plan designations for Area 1 include Heavy Industrial and Open Space, and the County's zoning designation for Area 1 is Heavy Industrial. The City's General Plan designations for Area 1 include General Industrial, Rail-Served Industrial and Open Space within the Eastern Waterfront Employment Focus Area. The City has rezoned Area 1 for Heavy Industrial and Open Space/Public Use. The City and County land use designations for Area 1 are comparable.

Surrounding land uses include the San Joaquin River to the north; marina (Area 2A) directly to the east, and beyond that, City of Oakley; Area 2B (residential, limited commercial and industrial), along with incorporated/developed areas to the south; and incorporated areas (industrial and open space) to the west.

The current and proposed uses are consistent with the City's plan and rezoning designations. No changes in land uses are proposed.

The City and County continue to work together on economic development initiatives for Northeast Antioch.

Other factors relating to land use and growth which LAFCO considers in its review of a proposal are a regional transportation plan [56668(g)] and regional growth goals and policies (56668.5).

In consideration of these factors, LAFCO staff reviewed the *Plan Bay Area* which is a long-range integrated transportation and land-use/housing strategy through 2040 for the nine county San Francisco Bay Area. In July 2013, the Plan was jointly approved by the Association of Bay Area Governments (ABAG) the Metropolitan Transportation Commission (MTC). The Plan includes the region's Sustainable Communities Strategy and the 2040 Regional Transportation Plan.

The *Plan* identifies Priority Development Areas (PDAs) - 25 in Contra Costa County, and Priority Conservation Areas (PCAs) - 12 in Contra Costa County. A portion of Area 1 is part of a larger PDA (Rivertown Waterfront Focus Area).

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

The State Department of Conservation produces a map every two years which identifies California's agricultural lands (e.g., Prime Farmland, Unique Farmland, Farmland of Statewide Importance, Farmland of Local Importance, Grazing Land, etc.) based on ratings that take into account soil quality and irrigation status.

Both LAFCO law and the California Environmental Quality Act (CEQA) provide their respective definitions of "agricultural land" and "prime agricultural land."

Under CEQA, the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance is considered a significant impact.

As noted in the City's environmental analysis, the Northeast Antioch reorganization area includes a total of 28.6± acres of Farmland of Statewide Importance, of which, 21.5± acres are within Area 1, and 7.1± acres are within Area 2B. The Northeast Antioch reorganization area also contains 26.2± acres of Farmland of Local Importance.

The City's CEQA document provides an analysis of impacts to agricultural lands using both CEQA and LAFCO definitions, and concludes that the project will not result in any changes to zoning or other land use policies or changes in the land uses in the area. Land currently being used for agricultural purposes would continue in such uses; therefore, annexation of the area to the City of Antioch would have no impact on the agricultural lands in the area.

Further, no portion of the reorganization area is under a Williamson Act Land Conservation Agreement.

4. Topography, Natural Features and Drainage Basins:

Area 1 is located on the south bank of the San Joaquin River, near the western edge of the Sacramento River Delta. A portion of Area 1 immediately adjacent to the San Joaquin River is located within a 100-year flood hazard zone. As discussed in the City environmental review, the City's project does not propose any new buildings or structures within an identified area of heightened flood risk.

The area has a relatively flat topography with some sloping along the shoreline. The Antioch Dunes Wildlife Preserve is located in the annexation area and is characterized by gently rolling sand dunes. The City's General Plan has policies relating to preserving this area as open space; the existing wildlife preserve will not be affected by the proposed annexation. There are no other significant natural boundaries affecting the proposal.

5. Population:

The area is designated primarily for heavy industrial uses. Currently, there are no residential dwelling units in the area, and no residential dwelling units are proposed. Thus, no increase to the population is anticipated.

6. Fair Share of Regional Housing:

Pursuant to §56668 of the CKH Act, LAFCO must consider in the review of a proposal 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. Regional housing needs are determined by the State Department of Housing and Community Development; the councils of government throughout the State allocate to each jurisdiction a "fair share" of the regional housing needs (Gov. Code §65584). Given the current and proposed land uses in Area 1, there is no impact to regional housing needs associated with the proposed reorganization.

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

In accordance with Government Code §56653, whenever a local agency submits an annexation application, the local agency must also submit a plan for providing services to the annexation area. The plan shall include all of the following information and any additional information required by LAFCO:

- (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 City has provided a "Plan for Services" as required by Government Code §56653. The level and range of services will be comparable to those services currently provided within the City. City services will be needed to support future development in the area. As part of the reorganization proposal, the City and County have entered into both a tax sharing and infrastructure agreements.

Following annexation, the City will provide a range of municipal services to Area 1, including police, streets and roads, street lighting, drainage, parks & recreation, library, and other services to Area 1. Fire services will continue to be provided by the Contra Costa County Fire Protection District (CCCFPD).

Following annexation, the City will also provide sewer collection, and DDSO will provide sewer treatment and disposal. The City will provide retail water, and Contra Costa Water District (CCWD) will provide wholesale water to the City as summarized below.

**Police Services** – Law enforcement services are currently provided to Area 1 by the Contra Costa County Sheriff's Department. Upon annexation, police services will be provided by the City of Antioch, and the area will be detached from the County's police services district (CSA P-6).

The City's standard for providing police services is 1.2 sworn officers per 1,000 residents. By including Community Service Officers in the sworn officer category, Antioch has maintained this ratio. Police response times are dependent on the agency's staffing level and size of the jurisdiction served. The Antioch General Plan establishes a response time goal of 7-8 minutes for Priority 1 (emergency) calls. The Antioch Police Department reports that the average response time is 11 minutes due to a lack of staffing. The City's CEQA document concludes that the three Northeast Antioch annexation areas would not significantly impact or worsen the ratio of police staff to population or adversely affect the response times. The annexation of Area 1 would have little impact on police services given it is uninhabited.

**Streets and Roads** – The City indicated that the road network is already in place in Area 1. The City anticipates that as development occurs in Area 1, appropriate frontage improvements will be made to existing public streets in this area. The City currently maintains 314 total centerline miles 669 total lane miles. There are 15 miles of public streets within Area 1 which would be added to the City's road inventory following annexation.

**Street Lighting** - The City oversees repair and maintenance of nearly 7,400 street lights. As reported in LAFCO's 2013 Municipal Service Review covering street lighting, the City of Antioch has one of the highest lighting densities in the County. Following annexation, the City will assume responsibility for maintaining the street lights in Area 1, and the area will be detached from the County's street lighting district (CSA L-100).

**Drainage** – The City indicates that there are currently no drainage facilities that serve the annexation area; however, there are two large storm drain trunk lines that cross Wilbur Avenue and drain into the San Joaquin River. Any future drainage infrastructure constructed in conjunction with new development in Area 1 will likely connect to these existing lines. Capacity in the existing storm drain lines is limited, and significant new development within the Northeast Antioch reorganization area (Areas 1, 2A, 2B) will require construction of a new outfall to the San Joaquin River. All new development in the annexation area must comply with provisions of various municipal, regional, State and federal requirements, including measures to remove pollutants from stormwater for compliance with the federal Clean Water Act and the National Pollution Discharge Elimination System (NPDES).

**Parks & Recreation** – The City of Antioch has 33 parks. The City's General Plan Performance Standards for parks five acres of improved public and/or private neighborhood parks and public community parkland per 1,000 residents, including appropriate recreational facilities. The City exceeds this standard when the trail system, the Costa Loma Regional Park, and the Lone Tree Golf Course are factored in. There are currently no public parks in the Northeast Antioch reorganization area. The Gaylord Sports Complex is adjacent to Area 2B.

The City operates a comprehensive recreation program including aquatics, sports, leisure time activities, community and cultural events, Prewett Family Water Park, Senior Center, youth activities, excursions, and 300 instructional programs for pre-school, youth, adult, seniors, and on-line.

The annexation is not expected to create any significant demand on the City's existing parks & recreation facilities and programs due to the limited number of residents in the area.

**Other Services** – The City provides a multitude of other services, including art & cultural, capital improvements, code enforcement, landscape maintenance, library and special services which will be extended to Area 1 following annexation.

**Fire Protection** – Fire and emergency medical services are, and will continue to be provided by CCCFPD following annexation. There are four fire stations located in Antioch. Station 81 is located in the downtown area at 315 W. 10<sup>th</sup> Street; Station 82 is located at 196 Bluerock Drive, just west of Lone Tree Way in the south central portion of the City; Station 83 is located at 2717 Gentrytown Drive, just south of Buchanan Road in the western portion of the City; and Station 88 is located at 4288 Folsom Drive, just east of Hillcrest Avenue in the eastern portion of the City.

The City's CEQA document concludes that the annexation will result in no change to fire services and no impacts will occur.

**Sewer Services** – The City provides wastewater collection services, while DDS D provides conveyance, treatment and disposal services to the City.

Following annexation, wastewater collection services to Area 1 will be provided by the City, and DDS D will provide treatment and disposal.

The City's current population is 105,117 residents in a 28 square-mile service area. The City's wastewater collection system consists of 319 miles of gravity pipeline with three pump stations.

DDS D serves the cities of Antioch and Pittsburg and the unincorporated community of Bay Point. DDS D serves a population of approximately 190,567 residents in a service area of 49+ square miles. DDS D has over 49 miles of sewer main and five pump stations. The District's treatment plant capacity is 16.5 million gallons per day (mgd); in 2012, the average dry weather flow (ADWF) was 14.2 mgd.

Regarding capacity, the City's existing ADWF is 7.4 mgd; and the future ADWF is 10.7 mgd. The City estimates that the future peak dry weather flow (PDWF) is 16.8 mgd. DDS D allows an ADWF of 16.5 mgd. As noted above, during 2012, the ADWF influent to the treatment plant was 12.7 mgd; in 2005 and 2010, the ADWF influent to the treatment plant was 14.2 mgd and 13.2 mgd, respectively. The District estimates that all three reorganization areas (Areas 1, 2A, 2B) have an existing estimated ADWF of 2.42 mgd which will increase to 3.71 mgd at buildout.

Regarding Area 1 infrastructure, there is an existing 15-inch sewer line located along Wilbur Avenue. There are also two existing sewer lines within close proximity to Area 1, including the sewer lines west of Area 1 leading to the Fulton Sewer Pump Station. The recently approved electrical generating plant NRG (previously GenOn), as a requirement of its approval by the California Energy Commission (CEC), was conditioned to extend the existing Wilbur sewer line to serve its new Marsh Landing Generating Station. However, GenOn was only required to install a sewer line sized to serve their facility, not the full 15 inch line. In order to avoid the inefficiency in installing an undersized sewer line that would inevitably have to be replaced and upsized in the future, the City allocated the increment in funding necessary for GenOn to install the sewer line across their frontage to a full 15 inches. In the Spring of 2013, GenOn subsequently installed the full 15 inch sewer line, which now terminates about 200 feet east of GenOn's westerly property line.

The majority of the effluent from the three Northeast Antioch annexation areas will flow east to DDS D's Bridgehead pump station, which has been sized to handle the existing and projected future wastewater flows from development in the three annexation areas.

Both the City and DDS D indicate that they have the capacity to serve the Northeast Antioch reorganization area.

8. Timely Availability of Water and Related Issues:

Pursuant to the CKH Act, LAFCO must consider the timely and available supply of water in conjunction with a boundary change proposal. In accordance with Contra Costa LAFCO policies, any proposal for a change of organization that includes the provision of water service shall provide information relating to water supply, storage, treatment, distribution, and waste recovery; as well as adequacy of services, facilities, and improvements to be provided and financed by the agency responsible for the provision of such services, facilities and improvements.



The City provides water treatment and distribution services, with 328 miles of main, seven pump stations and 11 reservoirs. The City obtains a majority of its water supply from CCWD.

CCWD's boundary encompasses 220± square miles in central and eastern Contra Costa County. CCWD's untreated water service area includes Antioch, Bay Point, Oakley, Pittsburg, and portions of Brentwood and Martinez. The District's treated water service area includes Clayton, Clyde, Concord, Pacheco, Port Costa, and parts of Martinez, Pleasant Hill, and Walnut Creek. CCWD also treats and delivers water to the City of Brentwood, Golden State Water Company (Bay Point), Diablo Water District (Oakley), and the City of Antioch. CCWD serves approximately 500,000 (61,085 water connections). The primary sources of water are the U.S. Bureau of Reclamation Central Valley Water Project and delta diversions.

Regarding the water distribution system, the City currently has existing "looped" water mains located in the Northeast Antioch annexation area, consisting of a 16-inch main that runs north/south along the length of Viera Avenue, a 12-inch water line that runs east/west along the length of Wilbur Avenue through Area 1, and 12-inch and 16-inch water lines that run along East 18<sup>th</sup> Street. The City indicates that a looped system has the benefit of ensuring higher water pressure and reliable water flows. Also, there is an existing 8-inch water line in Bridgehead Road that can serve properties in that area. These existing water lines provide the backbone of a future water delivery system that will ultimately be developed to serve properties and businesses located in the reorganization area. The specific configuration of water lines that will extend from the existing system will depend on the location, timing and type of future development in the area.

The City, in its Water Master Plan, examined the City's ability to serve all three subareas. The analysis documents that given the City's allocation of raw water and the City's rights to future water supplies of raw water, and based on the City's current and planned treatment capacity, the City has the ability to provide potable water to all three subareas based on the level of existing and future development.

In 2007 and 2011, LAFCO approved the City's request to extend out of agency sewer and water services to two projects (PG&E Gateway Power Generating Station and GenOn's Marsh Landing Power Plant) in Area 1. LAFCO's approval was based on the anticipated annexation of Area 1 to the City.

9. Assessed Value, Tax Rate Areas and Indebtedness:

The annexation area is within tax rate areas 53004, 53026, 53053, and 53098. The assessed value is \$69,318,614 (2013-14 roll). The territory being annexed shall be liable for all authorized or existing taxes comparable to properties presently within the annexing agencies, if applicable.

10. Property Tax Exchange

Revenue and Taxation Code §99(b)(6) requires adoption of a property tax exchange agreement by affected local agencies before the Commission can consider a proposed boundary change. Both the City and County have adopted resolutions approving a tax revenue allocation agreement covering all three annexation areas. The tax revenue allocation

agreement is more complex than most, and contains provisions relating to property taxes, sales and use tax revenues, and surcharge revenues and franchise fees.

11. Environmental Impact of the Proposal:

The City of Antioch, as Lead Agency, prepared and adopted the Northeast Antioch Area Reorganization Initial Study/Mitigated Negative Declaration (IS/MND). The City's IS/MND identified potentially significant impacts resulting from Air Quality, Biological Resources, Cultural Resources, Hazards & Hazardous Materials and Noise. Mitigation measures have been provided for each potentially significant impact, reducing all to a less than significant level. Copies of the City's document were previously provided to Commissioners and are available for review in the LAFCO office. The LAFCO Environmental Coordinator finds the City's CEQA document sufficient for LAFCO purposes.

12. Landowner Consent and Consent by Annexing Agency:

According to County Elections, there are fewer than 12 registered voters in the area proposed for annexation; thus, the area is considered uninhabited.

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 protest proceedings. If the Commission approves the annexation, a subsequent notice and protest hearing will follow. Authority to conduct the protest hearing has been delegated to the LAFCO Executive Officer. All landowners and registered voters within the proposal area and within 300 feet of the exterior boundaries of the area have received notice of the January 8 hearing.

13. Boundaries and Lines of Assessment:

Area 1 is contiguous to existing City boundaries. A map and legal description to implement the proposed boundary change have been received and are being reviewed by the County Surveyor.

On January 8, the Commission will also be asked to consider the annexation of an adjacent area (Area 2B) to the City and to DDS. Given the proximity of Area 2B to Area 1, and related boundary, infrastructure and service issues, the City and County request that the annexation of Area 1 be conditioned on the annexation of Area 2B. LAFCO staff supports this request.

14. Environmental Justice

One of the factors LAFCO must consider in its review of an application is the extent to which the proposal 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.

15. Disadvantaged Communities

In accordance with recent legislation (SB 244), local agencies and LAFCOs are required to plan for disadvantaged unincorporated communities (DUCs). Many of these communities lack basic infrastructure, including streets, sidewalks, storm drainage, clean drinking water,

and adequate sewer service. LAFCO actions relating to Municipal Service Reviews, SOI reviews/amendments, and annexations must take into consideration DUCs, and specifically the adequacy of public services, including sewer, water, and fire protection needs or deficiencies, to these communities. According to the County Planning Department, the annexation area does not meet the criteria of a DUC.

16. Comments from Affected Agencies/Other Interested Parties

No comments have been received to date.

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 reorganization.

- A. Find that, as a Responsible Agency under CEQA, the Commission has reviewed and considered the information contained in the Northeast Antioch Area Reorganization Initial Study/Mitigated Negative Declaration as prepared and adopted by the City of Antioch.
- B. Adopt this report, approve the attached resolution (Attachment 3), and approve the proposal, to be known as **PG&E Reorganization (Area 1) - Annexations to the City of Antioch and Delta Diablo Sanitation District (DDSD) and detachments from County Service Areas (CSAs) L-100 and P-6** subject to the following terms and conditions:
  - 1. The annexation of Area 1 shall be conditioned on the annexation of Area 2B (Gov. Code 56885.5). The Certificates of Completion for Area 1 and Area 2B shall be filed on the same date, and on the earliest reasonable date following LAFCO's action. Neither Area 1 nor Area 2B will become part of the reorganization area until the Certificates of Completion are executed and the LAFCO action is filed with the County Recorder.
  - 2. 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.
  - 3. The City has delivered an executed indemnification agreement providing for the City to indemnify LAFCO against any expenses arising from any legal actions challenging the annexation.
- C. Find that the subject territory is uninhabited, that less than 100% of the affected landowners have provided written consent to the reorganization, and the reorganization is subject to a subsequent conducting authority (protest) hearing.

**Option 2**

- A. Certify it has reviewed and considered the information contained in the City's Mitigated Negative Declaration.
- B. Adopt this report and DENY the proposal.

**Option 3** If the Commission needs more information, CONTINUE this matter to a future meeting.

**RECOMMENDED ACTION:**

Option 1.

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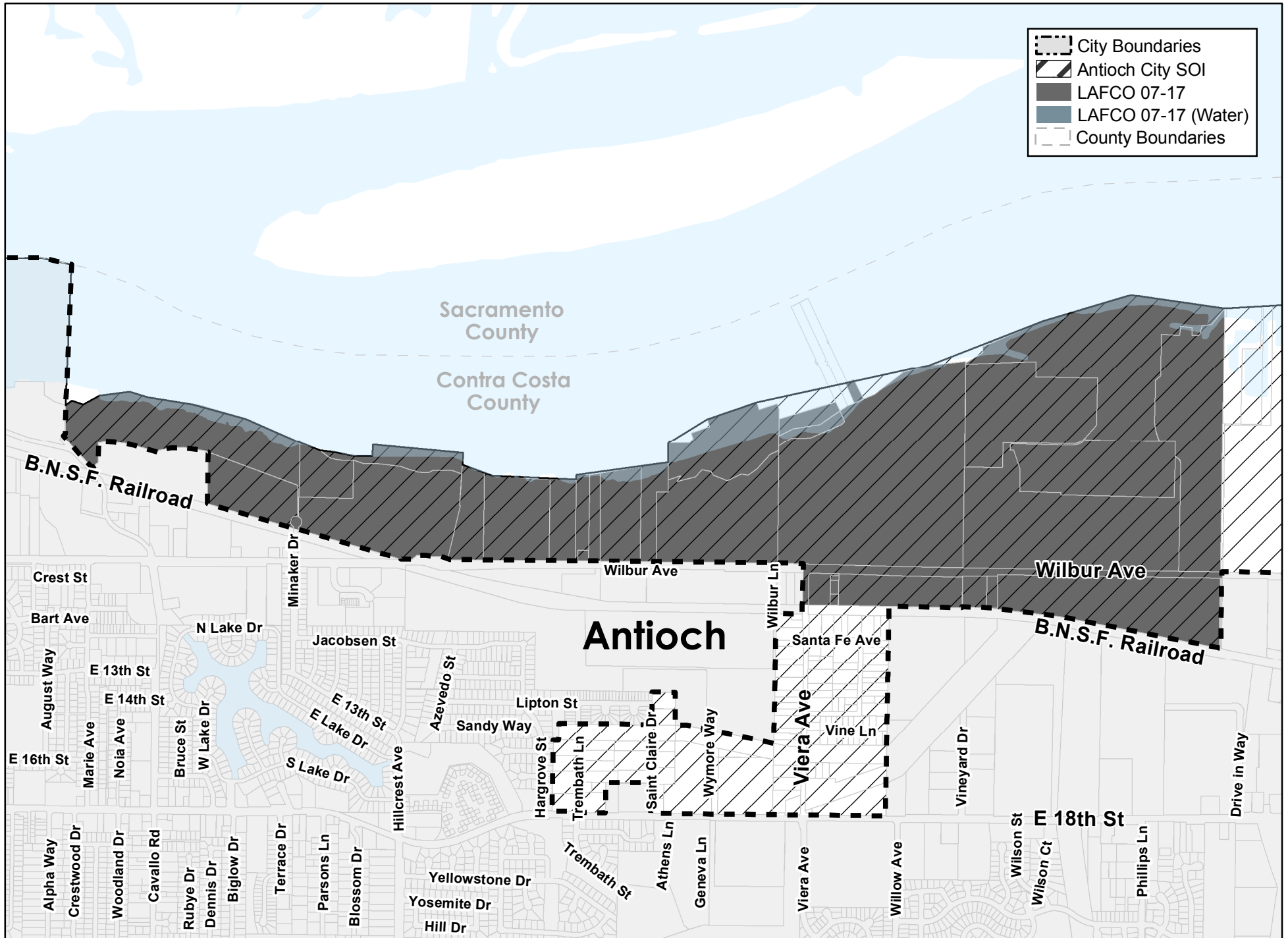
LOU ANN TEXEIRA, EXECUTIVE OFFICER  
CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

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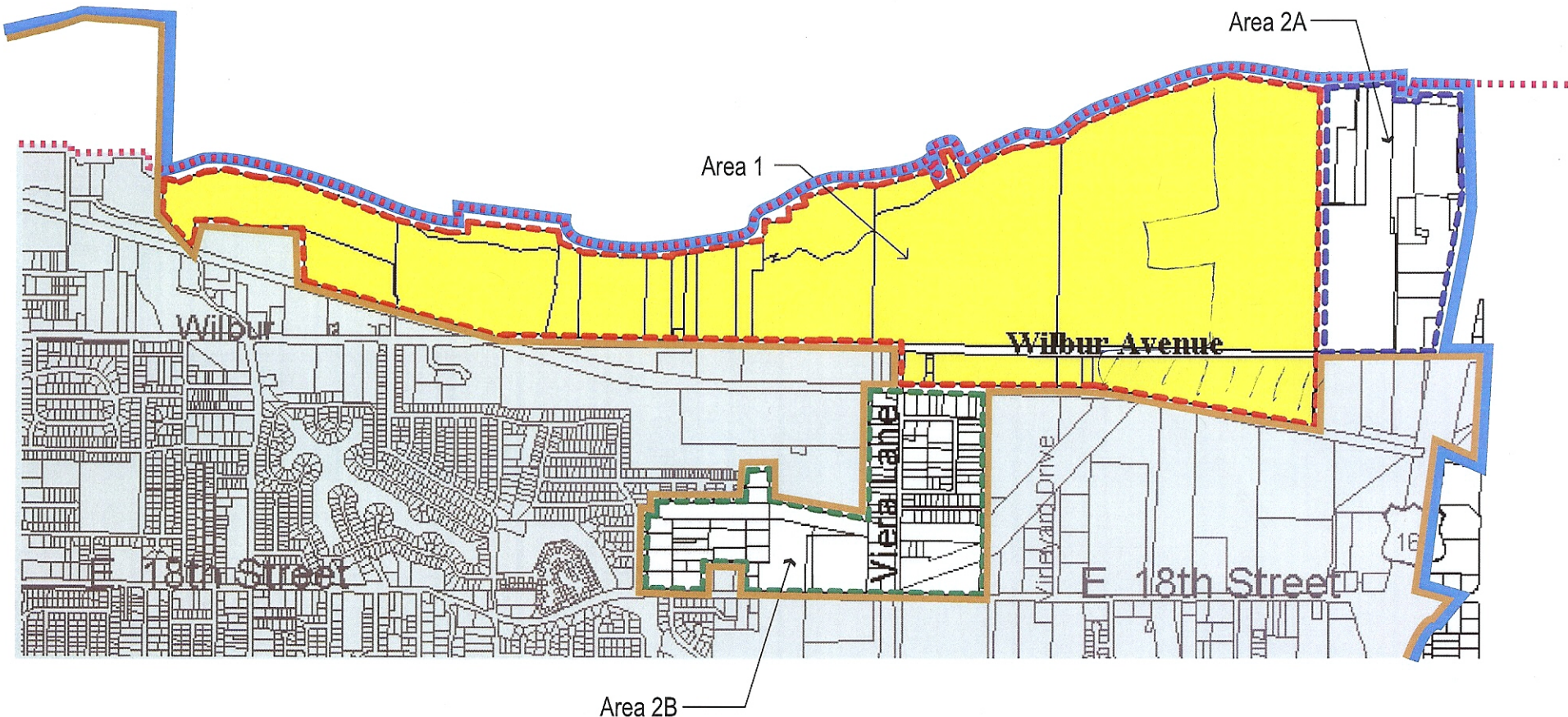
**Attachments**

1. Map of Area 1 Reorganization
2. Map of Northeast Antioch (Areas 1, 2A and 2B)
3. Draft LAFCO Resolution

# LAFCO No. 07-17 Northeast Antioch Area 1 Reorganization: Annexations to City of Antioch and Delta Diablo Sanitation District; Detachments from CSAs L-100 and P-6







**LEGEND**

- ..... Urban Limit Line
- City Sphere of Influence (SOI)
- City Boundary
- DDSD Service Boundary and SOI
- Area 1
- Area 2A
- Area 2B

**EXHIBIT 2**  
Current Administrative Boundaries  
Industrial Areas Along Wilbur Avenue –  
Administrative Reorganization

**RESOLUTION NO. 07-17****RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
MAKING DETERMINATIONS AND APPROVING  
PG&E REORGANIZATION: ANNEXATIONS TO THE CITY OF ANTIOCH AND  
DELTA DIABLO SANITATION DISTRICT AND DETACHMENTS FROM COUNTY  
SERVICE AREAS L-100 AND P-6 (“AREA 1”)**

WHEREAS, the Area 1 reorganization 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 Area 1 proposal; and

WHEREAS, the Commission heard, discussed and considered all oral and written testimony related to the Area 1 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 Area 1 reorganization area object to the proposal; and

WHEREAS, the Local Agency Formation Commission determines the Area 1 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. The Commission finds that as a Responsible Agency under the California Environmental Quality Act (CEQA), it has reviewed and considered the information contained in the Northeast Antioch Area Reorganization Initial Study/Mitigated Negative Declaration as prepared and adopted by the City of Antioch.
2. The reorganization of Area 1 shall be conditioned on the reorganization of Area 2B (Gov. Code 56885.5). The Certificates of Completion for Area 1 and Area 2B reorganizations shall be filed on the same date, and on the earliest reasonable date following LAFCO’s action. Neither Area 1 nor Area 2B will become part of the reorganization area until the Certificates of Completion are executed and the LAFCO action is filed with the County Recorder.
3. Said reorganization is hereby approved.

Contra Costa LAFCO  
Resolution No. 07-17

4. The subject proposal is assigned the distinctive short-form designation:  
  
PG&E REORGANIZATION: ANNEXATIONS TO THE CITY OF ANTIOCH AND DELTA DIABLO SANITATION DISTRICT AND DETACHMENTS FROM COUNTY SERVICE AREAS L-100 AND P-6
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.
7. The City of Antioch delivered an executed indemnification agreement between the City and Contra Costa LAFCO providing for the City to indemnify LAFCO against any expenses arising from any legal actions challenging the Area 1 reorganization.
8. The territory proposed for reorganization is uninhabited.
9. The proposal has less than 100% landowner consent and is subject to conducting authority (protest) proceedings.
10. All subsequent proceedings in connection with the Area 1 reorganization shall be conducted only in compliance with the approved boundaries set forth in the attachments and any terms and conditions specified in this resolution.

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PASSED AND ADOPTED THIS 8<sup>th</sup> day of January 2014, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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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: January 8, 2014

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Lou Ann Texeira, Executive Officer



CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
EXECUTIVE OFFICER'S REPORT

January 8, 2014  
Agenda Item 10

January 8, 2014 (Agenda)

LAFCO 12-07 Northeast Antioch Reorganization (Area 2B) - Annexations to the City of Antioch and Delta Diablo Sanitation District (DDSD) and detachments from County Service Areas (CSAs) L-100 and P-6.

PROPONENT City of Antioch (by Resolution)

ACREAGE & LOCATION Area 2B comprises 103± acres (100± parcels) and is located south of Wilbur Avenue and roughly centered on Viera Avenue (Attachment 1).

PURPOSE The City submitted the application to annex Area 2B. The area is predominantly occupied by older residential dwelling units, the majority of which were constructed in the 1940s and 1950s. Nearly all of the residential units in the area rely on onsite potable water and septic systems. According to the County Environmental Health Department, few, if any, of these onsite systems meet the current minimum separation requirements between the boundary of the septic field and the potable water well head. Further, most of the wells are old and lack an impervious casing to protect the well from infiltration from nearby septic fields. There is a need for municipal services to the area, which the City can provide.

SYNOPSIS

This is one of three separate boundary reorganization proposals submitted by the City of Antioch to annex Northeast Antioch to the City and to DDSD (Area 1, Area 2A, Area 2B) – see agenda item #9 for a map depicting all three areas. The Area 1 reorganization proposal is also on the Commission's January 8<sup>th</sup> agenda. In total, these areas comprise 678± acres and have significantly different characteristics and land uses.

This report is for Area 2B, a proposal to annex 103± acres to the City of Antioch and to DDSD, and to detach the same area from CSA L-100, the County street lighting district, and from CSA P-6, the County police district.

DISCUSSION

The Cortese Knox Hertzberg Act (CKH Act) sets forth factors that the Commission must consider in evaluating any proposed change of organization or reorganization as discussed below (Gov. Code §56668). In the Commission's review of these factors, no single factor is determinative. In reaching a decision, each factor is to be evaluated within the context of the overall proposal.

1. Consistency with the Sphere of Influence of Any Local Agency:

LAFCO is charged with both regulatory and planning functions. Annexations are basically a regulatory act, while establishing spheres of influence (SOIs) is a planning function. The SOI is an important benchmark as it defines the primary area within which urban development is to be encouraged. In order for the Commission to approve an annexation, it

must be consistent with the jurisdiction's adopted SOI. The annexation area is within both the City of Antioch and the DDSO SOIs, and within both the City and County voter-approved Urban Limit Lines.

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

The land in Area 2B is primarily residential, with limited commercial and industrial areas, a cemetery and some agricultural land (grape vines). The County General Plan and zoning designations for Area 2B include Heavy Industrial, Open Space, Public and Semi-Public, Single Family Residential High Density and Single Family Residential Medium Density.

The City's General Plan designations for Area 2B are similar to the County's and include Medium Low Density Residential, Open Space, Medium Density Residential, and Business Park. The City has rezoned Area 2B as a "Study" district, that will "grandfather" in the existing County zoning requirements, and allow the City to develop a land use category that will best fit the area. Pursuant to the CKH Act, no subsequent change can be made to the General Plan or zoning for the annexed territory that is not in conformance with the rezoning designations for a period of two years after the completion of the annexation, unless a substantial change in circumstances has occurred (Gov. Code §56375).

Area 2B is built out; no changes in land uses are proposed.

Surrounding land uses include light industrial and vacant land to the east, residential to the west, heavy industrial and vacant land to the north, and a cemetery to the south.

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

The State Department of Conservation produces a map every two years which identifies California's agricultural lands (e.g., Prime Farmland, Unique Farmland, Farmland of Statewide Importance, Farmland of Local Importance, Grazing Land, etc.) based on ratings that take into account soil quality and irrigation status.

Both LAFCO law and the California Environmental Quality Act (CEQA) provide their respective definitions of "agricultural land" and "prime agricultural land."

Under CEQA, the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance is considered a significant impact.

As noted in the City's environmental analysis, the Northeast Antioch reorganization area includes a total of 28.6± acres of Farmland of Statewide Importance, of which 7.1± acres are within Area 2B. There are existing grape vines within a PG&E easement located in Area 2B.

The City's CEQA document provides an analysis of impacts to agricultural lands using both CEQA and LAFCO definitions, and concludes that the project will not result in any changes to zoning or other land use policies or changes in the land uses in the area. Land currently being used for agricultural purposes would continue in such uses; therefore, annexation of the area to the City of Antioch would have no impact on the agricultural lands in the area.

Further, no portion of the reorganization area is under a Williamson Act Land Conservation Agreement.

4. Topography, Natural Features and Drainage Basins:

Area 2B is built out with no significant natural features. The area surrounding Area 2B has similar topography. The San Joaquin River is located approximately one-half mile north of the reorganization area.

5. Population:

The area is primarily residential and is built out; no increase to the population is anticipated.

6. Fair Share of Regional Housing:

LAFCO must consider in the review of a proposal 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. Regional housing needs are determined by the State Department of Housing and Community Development; the councils of government throughout the State allocate to each jurisdiction a "fair share" of the regional housing needs (Gov. Code §65584). No new development is proposed for Area 2B, thus, there is no impact to regional housing needs associated with the proposed reorganization.

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

Whenever a local agency submits an annexation application, the local agency must also submit a plan for providing services to the annexation area (Gov. Code §56653). The plan shall include all of the following information and any additional information required by LAFCO:

- (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 City has provided a "Plan for Services." The level and range of services will be comparable to those services currently provided within the City. City services will be needed to support future development in the area. As part of the reorganization proposal, the City and County have entered into both a tax sharing and infrastructure agreements.

Following annexation, the City will provide a range of municipal services to Area 2B, including police, streets and roads, drainage, parks & recreation, library, and other services to the area. Fire services will continue to be provided by the Contra Costa County Fire Protection District (CCCFPD).

The City of Antioch also provides sewer collection and retail water services. These services will be provided in accordance with the City/County Joint Exercise of Powers Agreement.

**Police Services** – Law enforcement services are currently provided to Area 2B by the Contra Costa County Sheriff's Department. Upon annexation, police services will be provided by the City of Antioch, and the area will be detached from the County's police services district (CSA P-6) .

The City's standard for providing police services is 1.2 sworn officers per 1,000 residents. By including Community Service Officers in the sworn officer category, Antioch maintains this ratio. Police response times are dependent on the agency's staffing level and size of the jurisdiction served. The Antioch General Plan establishes a response time goal of 7-8 minutes for Priority 1 (emergency) calls. The Antioch Police Department reports that the average response time is 11 minutes due to a lack of staffing. The City estimates that the annexation of Areas 2A and Area 2B to the City would add an estimated 320 residents to the City, generating the need for approximately 0.5 new officers. The City concludes that the three Northeast Antioch annexation areas would not significantly impact or worsen the ratio of police staff to population or adversely affect the response times.

***Streets and Roads*** – The City indicates that the road network is already in place in Area 2B. The City anticipates that as development occurs in Area 1, appropriate frontage improvements will be made to existing public streets in Areas 1 and 2B. The City currently maintains 314 total centerline miles 669 total lane miles. There are approximately two miles of public streets in Area 2B which would be added to the City's road inventory following annexation, and one mile of private roads (not maintained by the City),

***Street Lighting*** - The City oversees repair and maintenance of nearly 7,400 street lights. As reported in LAFCO's 2013 Municipal Service Review (MSR) covering street lighting, the City of Antioch has one of the highest lighting densities in the County. The LAFCO MSR report also noted that there are a number of unserved areas in the County, including North Antioch. Following annexation, Area 2B will be detached from the County's street lighting district (CSA L-100). The City indicates that it will install street lights in Area 2B when the need arises.

***Drainage*** – The City indicates that there are currently no drainage facilities that serve the annexation area; however, there are two large storm drain trunk lines that cross Wilbur Avenue and drain into the San Joaquin River. Any future drainage infrastructure constructed in conjunction with new development in Area 1 will likely connect to these existing lines. Capacity in the existing storm drain lines is limited, and significant new development within the Northeast Antioch reorganization area (Areas 1, 2A, 2B) will require construction of a new outfall to the San Joaquin River.

***Parks & Recreation*** – The City of Antioch has 33 parks. The City's General Plan Performance Standards for parks five acres of improved public and/or private neighborhood parks and public community parkland per 1,000 residents, including appropriate recreational facilities. The City exceeds this standard when the trail system, the Costa Loma Regional Park, and the Lone Tree Golf Course are factored in. There are currently no public parks in the Northeast Antioch reorganization area, although the Gaylord Sports Complex is adjacent to Area 2B, and the adjacent marinas in Area 2A provide recreational opportunities.

Based on the number of residents in Area 2B, over one acre of improved parkland would be needed under the City's current standard. As a practical matter, the City does not typically construct park facilities of less than five acres in size, with 8-10 acres being the preferred minimum park size. Given this fact, and that there is an existing City park located less than one-half mile from Area 2B (within the Almondridge development), the City does not intend to add parkland as a result of this annexation. However, a portion of the tax revenue generated from Area 1 could be used to enhance the facilities in the existing nearby park.

The City operates a comprehensive recreation program including aquatics, sports, leisure time activities, community and cultural events, Prewett Family Water Park, Senior Center, youth activities, excursions, and 300 instructional programs for pre-school, youth, adult, seniors, and on-line.

**Other Services** – The City provides a multitude of other services, including art & cultural, capital improvements, code enforcement, landscape maintenance, library and special services which will be extended to Area 2B following annexation.

**Fire Protection** – Fire and emergency medical services are, and will continue to be provided by CCCFPD following annexation. There are four fire stations located in Antioch. Station 81 is located in the downtown area at 315 W. 10<sup>th</sup> Street; Station 82 is located at 196 Bluerock Drive, just west of Lone Tree Way in the south central portion of the City; Station 83 is located at 2717 Gentrytown Drive, just south of Buchanan Road in the western portion of the City; and Station 88 is located at 4288 Folsom Drive, just east of Hillcrest Avenue in the eastern portion of the City.

The City's CEQA document concludes that the annexation will result in no change to fire services and no impacts will occur.

**Sewer Services** – The City provides wastewater collection services, while DDS D provides conveyance, treatment and disposal services to the City (**Note:** See Area 1 staff report for wastewater services overview and a discussion of existing infrastructure).

Sewer, water and storm drain infrastructure in Area 2B are minimal. As noted above, most of the properties in Area 2B utilize onsite septic systems. The City and County have entered into a Joint Exercise of Powers Agreement (JEPA) for funding future water, sewer, and storm drain infrastructure improvements in Area 2B to enhance the infrastructure in the area and address public health and safety issues. The JEPA addresses funding, plan review and building inspection services, and provides details regarding infrastructure improvements.

Details regarding demand and capacity are summarized in the Area 1 staff report. It is estimated that all three reorganization areas (Areas 1, 2A, 2B) have an existing estimated the average dry weather flow (ADWF) of 2.42 mgd which will increase to 3.71 mgd at buildout.

Both the City and DDS D indicate that they have the capacity to serve the Northeast Antioch reorganization area.

8. Timely Availability of Water and Related Issues:

LAFCO must also consider the timely and available supply of water in conjunction with a boundary change proposal. In accordance with Contra Costa LAFCO policies, any proposal for a change of organization that includes the provision of water service shall provide information relating to water supply, storage, treatment, distribution, and waste recovery; as well as adequacy of services, facilities, and improvements to be provided and financed by the agency responsible for the provision of such services, facilities and improvements.

The City provides water treatment and distribution services, with 328 miles of main, seven pump stations and 11 reservoirs. The City obtains a majority of its water supply from CCWD. (**Note:** See Area 1 staff report for water services overview and a discussion of existing infrastructure).

The City, in its Water Master Plan, examined the City's ability to serve all three subareas. The analysis documents that given the City's allocation of raw water and the City's rights to future water supplies of raw water, and based on the City's current and planned treatment capacity, the City has the ability to provide potable water to all three subareas based on the level of existing and future development.

9. Assessed Value, Tax Rate Areas and Indebtedness:

The annexation area is within tax rate areas 53004 and 53026. The assessed value is \$14,072,541 (2012-13 roll). The territory being annexed shall be liable for all authorized or existing taxes comparable to properties presently within the annexing agencies, if applicable.

10. Property Tax Exchange

Revenue and Taxation Code §99(b)(6) requires adoption of a property tax exchange agreement by affected local agencies before the Commission can consider a proposed boundary change. Both the City and County have adopted resolutions approving a tax revenue allocation agreement covering all three annexation areas.

11. Environmental Impact of the Proposal:

The City of Antioch, as Lead Agency, prepared and adopted the Northeast Antioch Area Reorganization Initial Study/Mitigated Negative Declaration (IS/MND). The City's IS/MND identified potentially significant impacts resulting from Air Quality, Biological Resources, Cultural Resources, Hazards & Hazardous Materials and Noise. Mitigation measures have been provided for each potentially significant impact, reducing all to a less than significant level. Copies of the City's document were previously provided to Commissioners and are available for review in the LAFCO office. The LAFCO Environmental Coordinator finds the City's CEQA document sufficient for LAFCO purposes.

12. Landowner Consent and Consent by Annexing Agency:

According to County Elections, there are more than 12 registered voters in Area 2B; thus, the area is considered inhabited. All landowners and registered voters within the proposal area and within 300 feet of the exterior boundaries of the area have received notice of the January 8 LAFCO hearing.

Less than 100% of the affected landowners/voters have provided written consent to the annexation. In some situations, the Commission's approval of an annexation is subject to protest proceedings. There are exceptions to the requirement to hold a protest hearing. One exception is if the area proposed for annexation meets the "small island" criteria set forth in Government Code section 56375.3 as discussed below.

13. Small Island Provisions

Included among LAFCOs' charges are discouraging urban sprawl and encouraging logical and orderly local agency boundaries to promote the efficient extension of municipal services.

Since the enactment of the Knox-Nesbitt Act in 1963, unincorporated islands have been a concern for LAFCOs in that islands result in illogical boundaries and difficulty and confusion in the delivery of municipal service. Annexation of islands to cities is usually preferred, as it often results in a higher level of local service for the island residents. LAFCO law contains various provisions that encourage the annexation of islands (i.e., Gov. Code

§§56375, 56375.3, 56668), and provisions that discourage the creation of islands (i.e., 56744, 56757).

Since 1977, LAFCO law has contained provisions to encourage the annexation of small islands to cities, and provides an expedited process (without protest proceedings) for doing so. Current law (Gov. Code §56375.3) provides that the Commission *shall* approve annexation of an island if the island meets certain conditions, including size (150 acres or less) and characteristics (i.e., surrounded or substantially surrounded by a city or by a city and adjacent cities and/or the Pacific Ocean). The terms “surrounded or substantially surrounded” are not defined by statute, and interpretations are left to the discretion of each LAFCO.

There has been recent legislation that supports the annexation of islands and the promotion of service efficiencies, including SB 375 (2008) relating to greenhouse gas emissions and sustainable communities, and SB 244 (2011) which encourages annexation and extension of services to DUCs, as discussed above. More recently, in 2012, the Legislature passed AB 743 which removed the January 1, 2014 sunset date related to the streamlined process to annex small islands to cities. AB 743 maintains an effective tool for LAFCOs to facilitate logical and orderly boundaries and the efficient delivery of municipal services, and improve services to disadvantaged and distressed neighborhoods.

Unincorporated islands continue to be a problem throughout the State, and result in service confusion and inefficiencies. In February 2012, the Commission received a report on small islands; and in August 2011 and April 2013, the Commission identified the annexation of small islands as a priority as part of its strategic planning efforts.

Contra Costa County has 16 islands that are less than 150 acres and meet the small island criteria established in LAFCO law. Nearly all of these small islands are urbanized and over half are built out or nearly built out.

In June 2012, the California Attorney General (AG) issued an Opinion regarding small island annexations under Government Code section 56375.3, and what constitutes an “entire island.”

Given the priority the Commission has placed on small islands annexations, and in response to the 2012 AG Opinion, and at the suggestion of City of Antioch staff, Contra Costa LAFCO adopted its own small island policy to recognize and harmonize the current statute with the 2012 AG Opinion. LAFCO’s small island policy includes the following provisions:

- a) *Whether unincorporated territory is an “island,” an “entire island or entire unincorporated island,” “part of a larger island,” “surrounded,” or “substantially surrounded,” are determinations to be made by the Commission, on a case by case basis, based on the evidence before it at the time those determinations are made.*
- b) *A small island of unincorporated territory that is connected to and an integral or essential part of a large unincorporated island is not an entire island and may not be annexed to a city without a protest proceeding [Gov. Code §56375.3(a)].*

- c) *A small island of unincorporated territory that is connected to, but not an integral or essential part of a large island, may be determined by the Commission to be an entire island or an entire unincorporated island [Gov. Code §56375.3(b)].*
- d) *The following factors may be considered by the Commission in determining whether unincorporated territory is an integral or essential part of a large unincorporated island: (a) topography, (b) geography, (c) land uses, (d) infrastructure and (e) patterns of service delivery.*

The CKH Act empowers LAFCO to determine the boundaries of any proposals before it [Gov. Code §56375(f)]. Therefore, it is up to each LAFCO to use its own discretion in making decisions related to annexations, including whether an unincorporated area is “substantially surrounded,” an “island,” an “entire island,” or now, “part of a larger island.”

Although Area 2B is connected to the Area 1 territory by a narrow strip, Area 2B is not an integral part of Area 1. Area 2B meets the criteria for the streamlined annexation provisions pursuant to Government Code section 56375.3, as Area 2B is under 150 acres and is substantially surrounded (i.e., 93%) by the City of Antioch. Further, Area 2B meets the island criteria established in the Contra Costa LAFCO policy. Area 2B differs significantly from Area 1 in terms of land use, as Area 1 is primarily heavy industrial, deep water port and some open space and public use areas; whereas, Area 2B is primarily residential, with limited commercial and industrial areas, a cemetery and some agricultural land. Area 2B has similar land uses as the incorporated area to the west, which is residential. Area 1 and 2B also differ in terms of topography and geography. Area 1 is located on the south bank of the San Joaquin River, near the western edge of the Sacramento River Delta. A portion of Area 1 immediately adjacent to the San Joaquin River is located within a 100-year flood hazard zone. Area 1 has a relatively flat topography with some sloping along the shoreline. The Antioch Dunes Wildlife Preserve is located in Area 1 and is characterized by gently rolling sand dunes; whereas, Area 2B is built out with no significant natural features.

Area 2B meets the small island criteria contained in both the CKH Act and in local LAFCO policy; therefore, Area 2B can be annexed to the City without a protest proceeding.

14. Boundaries and Lines of Assessment:

Area 2B is contiguous to existing City boundaries. A map and legal description to implement the proposed boundary change have been received and are being reviewed by the County Surveyor.

On January 8, the Commission will also be asked to consider the annexation of an adjacent area (Area 1) to the City and to DDS. Given the proximity of Area 2B to Area 1, and related boundary, infrastructure and service issues, the City and County request that the annexation of Area 2B be conditioned on the annexation of Area 1. LAFCO staff supports this request.

14. Environmental Justice

Another factor LAFCO must consider in its review of an application is the extent to which the proposal 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.

15. Disadvantaged Communities

In accordance with recent legislation (SB 244), local agencies and LAFCOs are required to plan for disadvantaged unincorporated communities (DUCs). Many of these communities lack basic infrastructure, including streets, sidewalks, storm drainage, clean drinking water, and adequate sewer service. LAFCO actions relating to MSRs, SOI reviews/amendments, and annexations must take into consideration DUCs, and specifically the adequacy of public services, including sewer, water, and fire protection needs or deficiencies, to these communities. According to the County Planning Department, a portion of Area 2B meets the criteria of a DUC. Thus, annexation of this area to the City would bring a needed public service to a DUC. Further, there are provisions in LAFCO law which provide that a Commission shall not approve an annexation to a city of any territory greater than 10 acres, where there exists a DUC that is contiguous to the area proposed for annexation, unless an application to annex the DUC to the subject city has been filed with LAFCO (Gov. Code §56375). This is one of the reasons LAFCO has requested that the City annex Area 2B.

16. Comments from Affected Agencies/Other Interested Parties

No comments have been received to date.

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 reorganization.

- A. Find that, as a Responsible Agency under CEQA, the Commission has reviewed and considered the information contained in the Northeast Antioch Area Reorganization Initial Study/Mitigated Negative Declaration as prepared and adopted by the City of Antioch.
- B. Adopt this report, approve the attached resolution (Attachment 2), and approve the proposal, to be known as **Northeast Antioch Reorganization (Area 2B) - Annexations to the City of Antioch and Delta Diablo Sanitation District (DDSD) and detachments from County Service Areas (CSAs) L-100 and P-6** subject to the following terms and conditions:
  - 1. The annexation of Area 2B shall be conditioned on the annexation of Area 1 (Gov. Code 56885.5). The Certificates of Completion for Area 2B and Area 1 shall be filed on the same date, and on the earliest reasonable date following LAFCO's action. Neither Area 2B nor Area 1 will become part of the reorganization area until the Certificates of Completion are executed and the LAFCO action is filed with the County Recorder.

2. 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.
  3. The City has delivered an executed indemnification agreement providing for the City to indemnify LAFCO against any expenses arising from any legal actions challenging the annexation.
- C. Find that the subject territory meets the requirements of the small island annexation provisions (Gov. Code §56375.3), as it is less than 150 acres, and is substantially surrounded by the City of Antioch. Further, than pursuant to Contra Costa LAFCO policies, Area 2B constitutes an entire unincorporated island, and is not an integral or essential part of a large island. Pursuant to the Government Code and local policy, the protest proceedings are hereby waived.

**Option 2**

- A. Certify it has reviewed and considered the information contained in the City's Mitigated Negative Declaration.
- B. Adopt this report and DENY the proposal.

**Option 3** If the Commission needs more information, CONTINUE this matter to a future meeting.

**RECOMMENDED ACTION:**

Option 1.

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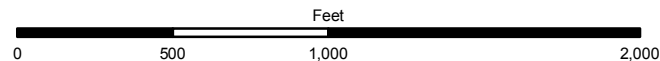
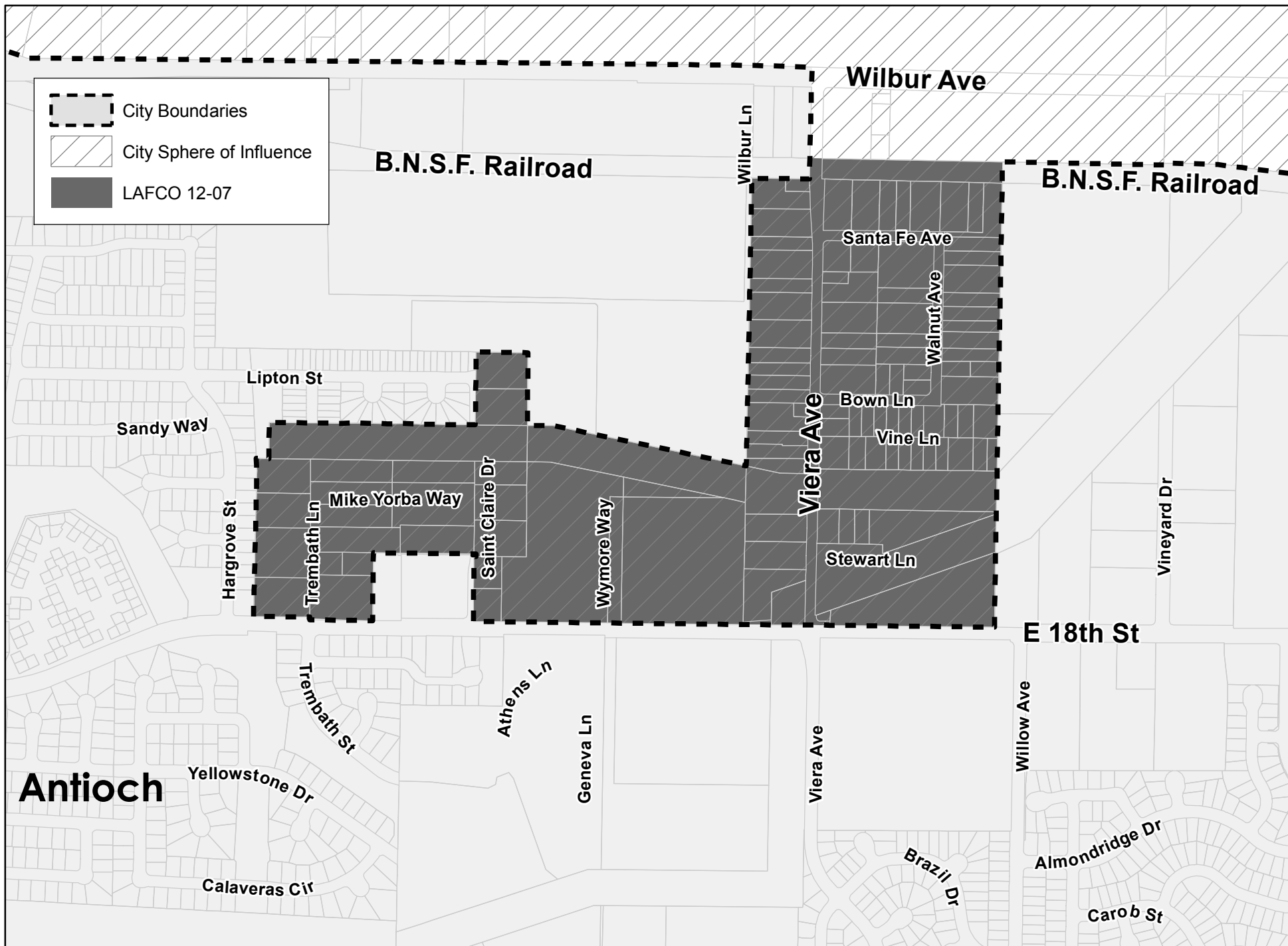
LOU ANN TEXEIRA, EXECUTIVE OFFICER  
CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

c: Distribution

**Attachments**

1. Map of Area 2B Reorganization
2. Draft LAFCO Resolution

# LAFCO No. 12-07 Northeast Antioch Area 2B Reorganization: Annexations to City of Antioch and Delta Diablo Sanitation District: Detachments from CSAs L-100 and P-6



**RESOLUTION NO. 12-07**

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
MAKING DETERMINATIONS AND APPROVING  
NORTHEAST ANTIOCH REORGANIZATION AREA 2B: ANNEXATIONS TO THE  
CITY OF ANTIOCH AND DELTA DIABLO SANITATION DISTRICT AND  
DETACHMENTS FROM COUNTY SERVICE AREAS L-100 AND P-6**

WHEREAS, the Area 2B reorganization 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 Area 2B proposal; and

WHEREAS, the Commission heard, discussed and considered all oral and written testimony related to the Area 2B 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, Area 2B meets the requirements of the small island annexation provisions (Gov. Code §56375.3), as it is less than 150 acres, and is substantially surrounded by the City of Antioch. Further, pursuant to Contra Costa LAFCO policies, Area 2B constitutes an entire unincorporated island, and is not an integral or essential part of a large island; and

WHEREAS, the Local Agency Formation Commission determines the Area 2B 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. The Commission finds that as a Responsible Agency under the California Environmental Quality Act (CEQA), it has reviewed and considered the information contained in the Northeast Antioch Area Reorganization Initial Study/Mitigated Negative Declaration as prepared and adopted by the City of Antioch.
2. The reorganization of Area 2B shall be conditioned on the reorganization of Area 1 (Gov. Code 56885.5). The Certificates of Completion for Area 1 and Area 2B reorganizations shall be filed on the same date, and on the earliest reasonable date following LAFCO's action. Neither Area 1 nor Area 2B will become part of the reorganization area until the Certificates of Completion are executed and the LAFCO action is filed with the County Recorder.
3. Said reorganization is hereby approved.
4. The subject proposal is assigned the distinctive short-form designation:

Contra Costa LAFCO  
Resolution No. 12-07

NORTHEAST ANTIOCH REORGANIZATION AREA 2B: ANNEXATIONS TO THE  
CITY OF ANTIOCH AND DELTA DIABLO SANITATION DISTRICT AND  
DETACHMENTS FROM COUNTY SERVICE AREAS L-100 AND P-6

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.
7. The City of Antioch delivered an executed indemnification agreement between the City and Contra Costa LAFCO providing for the City to indemnify LAFCO against any expenses arising from any legal actions challenging the Area 2B reorganization.
8. The territory proposed for reorganization is inhabited.
9. The proposal meets the requirements of the small island annexation provisions (Gov. Code §56375.3), and local LAFCO policies, and the protest proceedings are hereby waived.
10. All subsequent proceedings in connection with the Area 2B reorganization 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 8<sup>th</sup> day of January 2014, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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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: January 8, 2014

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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**  
*Special District Member*  
**Mary N. Piepho**  
*County Member*  
**Rob Schroder**  
*City Member*

**Don Tatzin**  
*City Member*

**ALTERNATE MEMBERS**

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

**January 8, 2014**  
**Agenda Item 11**

January 8, 2014 (Agenda)

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

**Follow-up Report - Central Contra Costa Sanitary District Annexation 168C**

Dear Members of the Commission:

On December 11, 2013, the Commission approved Central Contra Costa Sanitary District (CCCSD) Annexation 168C, as modified by the Commission. Specifically, the Commission took action to approve the annexation of four of the eight parcels proposed for annexation, and closed the public hearing.

Discussion among the Commission ensued regarding the dispensation of the remaining four parcels, and whether they could be brought back to a future LAFCO meeting for further consideration and without additional cost to the District. The Commission directed LAFCO to research the matter and return to the Commission in January with an update.

Based on a review of the Commission's action, LAFCO law, and local policies, staff has concluded that the Commission's action on CCCSD Annexation 168C is complete. This means that the application will not remain open and the Commission cannot take another action with regard to this application. However, at its discretion, the District may submit a new application to request annexation of some or all of the remaining four parcels. There would be no waiting period because the Commission did not "wholly disapprove" the proposal (Gov. Code Sec. 56884). At the time it submits a new proposal for some or all of the remaining four parcels, CCCSD could ask the Commission to waive or reduce the LAFCO application fee. Following the submission of a new application and waiver request, the Commission could consider waiving or reducing the fee for the new application, as authorized by the Commission's fee schedule.

**RECOMMENDATION** – Receive report and provide comments as desired.

Sincerely,

LOU ANN TEXEIRA  
 EXECUTIVE OFFICER

## CALAFCO Daily Legislative Report as of Friday, December 27, 2013

January 8, 2014  
 Agenda Item 13a

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

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

**Introduced:** 2/19/2013

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

**Status:** 8/30/2013-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 8/12/2013)

| Desk      | Policy | Fiscal | Floor | Desk      | Policy | 2 year | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
|-----------|--------|--------|-------|-----------|--------|--------|-------|-------------|----------|--------|-----------|
| 1st House |        |        |       | 2nd House |        |        |       |             |          |        |           |

**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:** Watch

**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. CALAFCO has removed its support of the bill given the nature of the amendment and the potential impact to LAFcos.

### [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:** 8/30/2013-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 8/13/2013)

| Desk      | Policy | Fiscal | Floor | Desk      | Policy | 2 year | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
|-----------|--------|--------|-------|-----------|--------|--------|-------|-------------|----------|--------|-----------|
| 1st House |        |        |       | 2nd House |        |        |       |             |          |        |           |

**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:** Chaptered: 8/26/2013 [pdf](#) [html](#)

**Introduced:** 2/21/2013

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

**Status:** 8/26/2013-Chaptered by Secretary of State - Chapter 138, Statutes of 2013.

|           |        |        |       |           |        |        |       |             |          |        |                  |
|-----------|--------|--------|-------|-----------|--------|--------|-------|-------------|----------|--------|------------------|
| Desk      | Policy | Fiscal | Floor | Desk      | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | <b>Chaptered</b> |
| 1st House |        |        |       | 2nd House |        |        |       |             |          |        |                  |

**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:** Chaptered: 8/12/2013 [pdf](#) [html](#)

**Introduced:** 4/1/2013

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

**Status:** 8/12/2013-Chaptered by Secretary of State - Chapter 87, Statutes of 2013.

|           |        |        |       |           |        |        |       |             |          |        |                  |
|-----------|--------|--------|-------|-----------|--------|--------|-------|-------------|----------|--------|------------------|
| Desk      | Policy | Fiscal | Floor | Desk      | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | <b>Chaptered</b> |
| 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.

| 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 594](#) (Hill D) Use of public resources.**

**Current Text:** Chaptered: 10/12/2013 [pdf](#) [html](#)

**Introduced:** 2/22/2013

**Last Amended:** 9/4/2013

**Status:** 10/12/2013-Chaptered by Secretary of State - Chapter 773, Statutes of 2013.

| Desk      | Policy | Fiscal | Floor | Desk      | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
|-----------|--------|--------|-------|-----------|--------|--------|-------|-------------|----------|--------|-----------|
| 1st House |        |        |       | 2nd House |        |        |       |             |          |        |           |

**Summary:**

Would prohibit a nonprofit organization or an officer, employee, or agent of a nonprofit organization from using, or permitting another to use public resources received from a local agency for campaign activity, as defined, and not authorized by law. This bill would define, among other terms, "public resources" to mean any property or asset owned by a local agency and funds received by a nonprofit organization which have been generated from any activities related to conduit bond financing by those entities subject to specified conduit financing and transparency and accountability provisions, and "nonprofit organization" to mean an entity incorporated under the Nonprofit Corporation Law or a nonprofit organization that qualifies for exempt status under the federal Internal Revenue Code of 1986, except as specified. This bill contains other related provisions and other existing laws.

**Attachments:**

[CALAFCO Removal of Opposition letter 09\\_05\\_13](#)

[CALAFCO Oppose letter 08\\_22\\_13](#)

**Position:** Watch

**Subject:** Other

**CALAFCO Comments:** As amended, SB 594 places new restrictions on nonprofit organizations that receive public funds and participate in certain campaign activities. While CALAFCO does not engage in advocacy of ballot measure positions or candidates, we felt the bill contained broad language that would be subject to wide interpretation by many including the Attorney General, which created the opportunity for expensive and unnecessary litigation for these nonprofit organizations. For this and a number of other reasons, CALAFCO originally took an Oppose position on the bill.

Amendments made on September 3, 2013 address a number of CALAFCO concerns including the removal of the most harmful of actions identified in "election activities", and as such CALAFCO has removed their opposition of the bill and taken a more neutral position of watch.

**[SB 772](#) (Emmerson R) Drinking water.**

**Current Text:** Amended: 9/6/2013 [pdf](#) [html](#)

**Introduced:** 2/22/2013

**Last Amended:** 9/6/2013

**Status:** 9/13/2013-Failed Deadline pursuant to Rule 61(a)(14). (Last location was G. & F. on 9/9/2013)

|           |        |        |       |           |        |        |       |             |          |        |           |
|-----------|--------|--------|-------|-----------|--------|--------|-------|-------------|----------|--------|-----------|
| Desk      | 2 year | Fiscal | Floor | Desk      | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
| 1st House |        |        |       | 2nd House |        |        |       |             |          |        |           |

**Summary:**

Would exempt the Elsinore Valley Municipal Water District and the Eastern Municipal Water District from liability for injuries or damages arising out of the delivery of water to County Water Company of Riverside customers, as specified.

**Attachments:**

[CALAFCO Letter Removing Opposition September 9, 2013](#)

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

**Position:** Watch

**Subject:** Water

**CALAFCO Comments:** As amended, this bill would exempt the Elsinore Valley Municipal Water District and the Eastern Municipal Water District from liability for injuries or damages arising out of the delivery of water to County Water Company of Riverside customers, as specified. As amended this bill no longer references Local Agency Formation Commissions (LAFCo) to take on the responsibility of monitoring private water companies. As a result of removing any and all references to LAFCo, CALAFCO has removed its opposition to the bill and now has a Watch position.

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

**Current Text:** Chaptered: 10/8/2013 [pdf](#) [html](#)

**Introduced:** 12/3/2012

**Last Amended:** 9/3/2013

**Status:** 10/8/2013-Chaptered by Secretary of State - Chapter 628, Statutes of 2013.

|           |        |        |       |           |        |        |       |             |          |        |           |
|-----------|--------|--------|-------|-----------|--------|--------|-------|-------------|----------|--------|-----------|
| Desk      | Policy | Fiscal | Floor | Desk      | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
| 1st House |        |        |       | 2nd House |        |        |       |             |          |        |           |

**Summary:**

Would authorize the Department of Public Health to assess a specified annual charge in lieu of interest on loans for water projects made pursuant to the Safe Drinking Water State Revolving Fund, and deposit that money into the Safe Drinking Water Small Community Emergency Grant Fund, which the bill would create in the State Treasury. The bill would limit the grant fund to a maximum of \$50,000,000. 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:** Chaptered: 10/8/2013 [pdf](#) [html](#)

**Introduced:** 1/14/2013

**Last Amended:** 9/6/2013

**Status:** 10/8/2013-Chaptered by Secretary of State - Chapter 630, Statutes of 2013.

|           |        |        |       |           |        |        |       |             |          |        |           |
|-----------|--------|--------|-------|-----------|--------|--------|-------|-------------|----------|--------|-----------|
| Desk      | Policy | Fiscal | Floor | Desk      | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
| 1st House |        |        |       | 2nd House |        |        |       |             |          |        |           |

**Summary:**

Would authorize a legal entity, as defined, to apply for grant funding on behalf of one or more public water systems serving disadvantaged or severely disadvantaged communities if specified requirements are met, including having a signed agreement with each public water system for which it is applying for funding. By authorizing the use of a continuously appropriated fund for new purposes, this bill would make an appropriation. 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)

| Desk      | Policy | Fiscal | Floor | Desk      | 2 year | 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:** Vetoed: 10/7/2013 [pdf](#) [html](#)

**Introduced:** 2/22/2013

**Last Amended:** 9/6/2013

**Status:** 10/7/2013-Vetoed by the Governor

| Desk      | Policy | Fiscal | Floor | Desk      | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
|-----------|--------|--------|-------|-----------|--------|--------|-------|-------------|----------|--------|-----------|
| 1st House |        |        |       | 2nd House |        |        |       |             |          |        |           |

**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 require the Treasurer's office and the Controller's office, in consultation with other state agencies, associations, and outside experts, to work together to develop standardized criteria that sufficiently meet specified requirements. This bill contains other related provisions and other existing laws.

**Position:** Watch  
**Subject:** LAFCo Administration

**CALAFCO Comments:** Requires that if a local agency provides any type of compensation, salary, or stipend to, or reimburses the expenses of, a member of the legislative body, the member shall receive one-4 hour state mandated Financial Management training per term of

office. Effective January 1, 2014 for those in office as of that date (whose term of office extends beyond January 1, 2015). Those elected to more than one legislative body may take the training one time and have it apply to all legislative bodies on which they serve. 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:** Chaptered: 8/28/2013 [pdf](#) [html](#)

**Introduced:** 2/22/2013

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

**Status:** 8/28/2013-Chaptered by Secretary of State - Chapter 190, Statutes of 2013.

|           |        |        |       |           |        |        |       |             |          |        |                  |
|-----------|--------|--------|-------|-----------|--------|--------|-------|-------------|----------|--------|------------------|
| Desk      | Policy | Fiscal | Floor | Desk      | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | <b>Chaptered</b> |
| 1st House |        |        |       | 2nd House |        |        |       |             |          |        |                  |

**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 Secretary of State - Chapter 57, Statutes of 2013.

|           |        |        |       |           |        |        |       |             |          |        |                  |
|-----------|--------|--------|-------|-----------|--------|--------|-------|-------------|----------|--------|------------------|
| Desk      | Policy | Fiscal | Floor | Desk      | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | <b>Chaptered</b> |
| 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:** Chaptered: 10/8/2013 [pdf](#) [html](#)

**Introduced:** 2/5/2013

**Last Amended:** 8/13/2013

**Status:** 10/8/2013-Chaptered by Secretary of State - Chapter 633, Statutes of 2013.

|           |        |        |       |           |        |        |       |             |          |        |                  |
|-----------|--------|--------|-------|-----------|--------|--------|-------|-------------|----------|--------|------------------|
| Desk      | Policy | Fiscal | Floor | Desk      | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | <b>Chaptered</b> |
| 1st House |        |        |       | 2nd House |        |        |       |             |          |        |                  |

**Summary:**

Current law requires each board member of a mutual water company that operates a public water system to complete a training course regarding the duties of board members of mutual water companies, as specified. This bill would require a board member to repeat this training course every 6 years. 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)

| Desk      | 2 year | 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:** Chaptered: 10/4/2013 [pdf](#) [html](#)

**Introduced:** 2/21/2013

**Last Amended:** 8/29/2013

**Status:** 10/4/2013-Chaptered by Secretary of State - Chapter 534, Statutes of 2013.

| 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, until January 1, 2020, exempt from any utility user tax imposed by a local jurisdiction, as defined, the consumption of electricity generated by a clean energy resource, as defined, for the use of a single customer or the customer's tenants.

**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:** Chaptered: 9/6/2013 [pdf](#) [html](#)

**Introduced:** 2/6/2013

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

**Status:** 9/6/2013-Chaptered by Secretary of State - Chapter 210, Statutes of 2013.

| Desk      | Policy | Fiscal | Floor | Desk      | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
|-----------|--------|--------|-------|-----------|--------|--------|-------|-------------|----------|--------|-----------|
| 1st House |        |        |       | 2nd House |        |        |       |             |          |        |           |

**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 633](#) ([Pavley D](#)) CEQA.**

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

**Introduced:** 2/22/2013

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

**Status:** 8/30/2013-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. on 8/6/2013)

| Desk      | Policy | Fiscal | Floor | Desk      | Policy | 2 year | 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: 9/9/2013 [pdf](#) [html](#)

**Introduced:** 2/22/2013

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

**Status:** 9/13/2013-Failed Deadline pursuant to Rule 61(a)(14). (Last location was L. GOV. on 9/11/2013)

| Desk      | Policy | Fiscal | Floor | Desk      | 2 year | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
|-----------|--------|--------|-------|-----------|--------|--------|-------|-------------|----------|--------|-----------|
| 1st House |        |        |       | 2nd House |        |        |       |             |          |        |           |

**Summary:**

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

**Position:** Watch

**Subject:** CEQA

Total Measures: 19

Total Tracking Forms: 19

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**CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
PENDING PROPOSALS – JANUARY 8, 2014**

January 8, 2014  
Agenda Item 13b

| <b>LAFCO APPLICATION</b>  | <b>RECEIVED</b> | <b>STATUS</b>                            |
|---|-----------------|--|
| 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                               |
| 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 |
| 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                                  |
| Northeast Antioch Reorganization Area 2A: Annexations to City of Antioch and DDS; detachments from CSAs L-100 and P-6   | 7/30/13         | Pending                                  |



# MARTINEZ NEWS-GAZETTE

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## City Council to hold last meeting of 2013

[Holly McClellan](#) | December 17, 2013 |

January 8, 2014  
Agenda Item 13c

The City Council will bid farewell to an eventful year with their last regularly scheduled meeting of 2013 on Wednesday.

Council plans to meet first in closed session at 6 p.m. to discuss a public employee performance evaluation for the position of acting city manager. Once reconvened for the public portion of the meeting, council will hear a presentation by the OnStage Theater Company regarding the Campbell Theatre, where OnStage has already held holiday performances after the council approved a sublease with the group for the Ward Street venue back in October.

As discussed at their last meeting, the council will consider approving a \$28,000 budget adjustment for fiscal analysis of potential annexation areas. At the beginning of the month, the council weighed several options for future annexations, including resubmitting the same boundaries of the North Pacheco area they attempted to annex last year to the county's Local Agency Formation Commission (LAFCO). Council also considered the possibility of expanding the proposed area to include land east of the original boundary along Blum Road, the Vine Hill/Arthur Road area, and/or the area known as Mountain View.

According to staff's report, even if the city were to simply retry annexing the same area, LAFCO suggests updating the fiscal analysis, as the previous one was finalized in 2010 and relied on data from 2008-2009, when the economy was in recession. At their last meeting, council expressed interest in exploring the financial feasibility of annexing a larger area, but also asserted the need for more information before deciding in what areas, if any, to move forward with annexation.

Staff obtained a scope of work from Economic and Planning Systems, Inc. (EPS), which was the professional consultant used on the previous North Pacheco and Alhambra Valley annexation fiscal analyses.

According to EPS's scope of work submitted to staff last week, the updated analysis will review key changes in development, pipeline and public service needs in three potential annexation areas, designated Areas A, B and C. EPS plans to assess potential costs and revenues for the areas based on current assessed values and anticipated development.

They'll also estimate the net fiscal impact on the City and the County, with property tax sharing based on the most recent annexation. The impact will be estimated separately for each of the three potential annexation areas and subareas.

If council decides to move forward, EPS estimates the administrative draft report would be complete in about eight to 10 weeks following project initiation and a kick-off meeting with city



staff in Martinez. EPS also plans to hold one workshop with the City Council Annexation Subcommittee before making a final presentation to the full council. If approved, the scope of work outlined by EPS would be budgeted at \$28,000, which would be taken from unassigned fund balance.

Much to the delight of holiday shoppers, the council will also consider waiving parking meter fees in the downtown area from Dec. 24 to Jan. 1. The council has previously allowed free parking downtown around Christmas and New Year's. Staff is also asking for recommendation on which streets would be affected. The exact fiscal impact of not collecting fees during that time is unknown, but according to staff, in the month of November the average daily gross parking revenue from all of the meters on Main Street was \$89.30.

The public portion of the meeting will begin Wednesday at 7 p.m. in Council Chambers at 525 Henrietta St., Martinez. The public is encouraged to attend.