



**NOTICE AND AGENDA FOR REGULAR MEETING**

DATE/TIME: Wednesday, September 10, 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 a change of organization consisting of an annexation or detachment, or a reorganization consisting solely of annexations or detachments, or both, or the formation of a county service area, it is the intent of the Commission to waive subsequent protest and election proceedings provided that appropriate mailed notice has been given to landowners and registered voters within the affected territory pursuant to Gov. Code sections 56157 and 56663, and no written opposition from affected landowner or voters to the proposal is received before the conclusion of the commission proceedings on the proposal.

**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.**

## SEPTEMBER 10, 2014 CONTRA COSTA LAFCO AGENDA

1. Call to Order and Pledge of Allegiance
2. Roll Call
3. Adoption of Agenda
4. Public Comment Period (please observe a three-minute time limit):  
Members of the public are invited to address the Commission regarding any item that is not scheduled for discussion as part of this Agenda. No action will be taken by the Commission at this meeting as a result of items presented at this time.
5. Approval of Minutes for the August 13, 2014 regular LAFCO meeting

### SPHERE OF INFLUENCE/BOUNDARY CHANGES

6. *LAFCO 14-01 – Town of Danville Sphere of Influence (SOI) Amendment* – consider proposal to detach from the Town’s SOI a 0.09± acre strip located along the northerly boundary of property at 2500 Blackhawk Road and consider related actions under the California Environmental Quality Act (CEQA) **Public Hearing**

### MUNICIPAL SERVICE REVIEWS (MSRs)/SPHERE OF INFLUENCE (SOI) UPDATES

7. *Castle Rock County Water District SOI Update* – consider approving the SOI update for Castle Rock County Water District and consider related actions under CEQA **Public Hearing**
8. *Second Round Reclamation Services MSR/SOI Updates* –authorize staff to release a Request for Proposals for consulting services to assist with the second round Reclamation Services MSR and SOI updates.

### BUSINESS ITEMS

9. *Contra Costa Emergency Medical Services Emergency Ambulance Request for Proposals Development Workshop* – consider appointing a LAFCO representative to participate in a one-day workshop on September 17, 2014
10. *Legislative Report – Update and Positions* – receive legislative update and provide direction regarding legislative positions on SB 69 (Roth) and AB 1521 (Fox)

### CORRESPONDENCE

11. Correspondence from SDRMA

### INFORMATIONAL ITEMS

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

### ADJOURNMENT

*Next regular LAFCO meeting – October 8, 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)

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
MINUTES OF MEETING

August 13, 2014

September 10, 2014  
Agenda Item 5

Board of Supervisors Chambers  
Martinez, CA

1. Vice Chair Rob Schroder called the meeting to order at 1:30 p.m.
2. The Pledge of Allegiance was recited.
3. Seating of Commissioners
4. Clerk of Contra Costa County Joe Canciamilla administered the oath of office to Igor Skaredoff, elected as Regular Special District Member.
5. Roll was called. A quorum was present of the following Commissioners:  
City Members Rob Schroder and Don Tatzin and Alternate Tom Butt.  
County Members Federal Glover and Mary Piepho and Alternate Candace Andersen.  
Special District Members Michael McGill and Igor Skaredoff.  
Public Member Don Blubaugh and Alternate Sharon Burke.  
Present were Executive Officer Lou Ann Texeira, Legal Counsel Sharon Andersen, and Clerk Kate Sibley.
6. Approval of the Agenda  
Upon motion of Blubaugh, second by Tatzin, Commissioners, by a vote of 7-0, adopted the agenda.  
AYES: Blubaugh, Glover, McGill, Piepho, Schroder, Skaredoff, Tatzin  
NOES: none  
ABSENT: Schmidt (A)  
ABSTAIN: none
7. Selection of Chair and Vice Chair  
Upon motion of Piepho, second by Glover, Commissioners unanimously appointed Commissioner Rob Schroder as Interim Chair for the remainder of 2014.  
AYES: Blubaugh, Glover, McGill, Piepho, Schroder, Skaredoff, Tatzin  
NOES: none  
ABSENT: Schmidt (A)  
ABSTAIN: none
8. Public Comments  
There were no public comments.
9. Approval of June 11, 2014 Meeting Minutes  
Upon motion of Glover, second by Tatzin, the minutes for the meeting of June 11, 2014 were approved by a vote of 6-0, with Commissioner Blubaugh abstaining.

**DRAFT**

AYES: Glover, McGill, Piepho, Schroder, Skaredoff, Tatzin  
NOES: none  
ABSENT: Schmidt (A)  
ABSTAIN: Blubaugh

10. LAFCO 14-03 - City of Martinez Out of Agency Service (Ashley Place)

The Executive Officer provided background on this request by the City of Martinez to provide municipal water service to two parcels located on Ashley Place in the unincorporated Mountain View area in order to serve two single family dwelling units. The subject property is currently vacant and part of a minor subdivision recorded in 1990. All surrounding developed properties have City water, there is a signed Deferred Annexation Agreement (DAA) in place for the properties, and the City intends to annex the property in the future, as indicated by the City's actions.

Upon motion of Glover, second by Piepho, Commissioners unanimously, by a 7-0 vote, reviewed and considered the information contained in the CEQA documentation; authorized the City of Martinez to extend water service outside its jurisdictional boundary to the 0.24+- acre parcels located at 10 and 20 Ashley Place, subject to specified terms and conditions.

AYES: Blubaugh, Glover, McGill, Piepho, Schroder, Skaredoff, Tatzin  
NOES: none  
ABSENT: Schmidt (A)  
ABSTAIN: none

11. Second Round Municipal Service Reviews (MSRs)

The Executive Officer reported that in June a Request for Proposals (RFP) for the 2<sup>nd</sup> Round Fire/EMS MSR was distributed and posted. No proposals were received by the deadline, a problem not unique to this LAFCO. Staff followed up with a number of consultants as to why no proposals were submitted; staff also solicited feedback from fire chiefs and the County EMS Director, all of whom responded. A general sense from both groups was that this is not the time for this particular MSR, due to variables with both consultants and with the County's upcoming RFP for ambulance services.

Some suggestions for proceeding are to: 1) defer the Fire/EMS MSR for a year; 2) move EMS to the MSR for Healthcare and begin that study now; 3) prepare the Fire/EMS MSR in phases, breaking it into segments that are less challenging and costly; or 4) conduct an MSR on another field of services (e.g., reclamation).

Pat Frost, Contra Costa County EMS Director, spoke in favor of moving EMS to the Healthcare MSR, in order to reflect the dramatic changes that are taking place in emergency medical services as part of the full healthcare system, with benefits to the patients.

William D. Ross, San Ramon Valley FPD Counsel, stated that the District position is that they would favor the MSR going forward with all the services including EMS.

Lance Maples, Fire Chief of El Cerrito and Kensington FPD, commended staff on the comprehensiveness of the MSR RFP, and indicated his support of postponement of the EMS/Fire MSR for a year to see what changes may take place with the County ambulance service and other the service providers.

The Commission discussed the various options. Commissioners generally felt that incorporating EMS into the Fire MSR was not desirable, and also did not feel that phasing

the Fire/EMS by regions or other divisions would be desirable. They also agreed that waiting to see what will happen with the County's ambulance contract next year would be advisable.

Upon motion of Blubaugh, second by Tatzin, Commissioners unanimously supported keeping EMS with Fire Services for the Second Round MSR, but deferring that MSR to 2015. Commissioners also directed staff to notify consultants with this plan for deferral.

AYES: Blubaugh, Glover, McGill, Piepho, Schroder, Skaredoff, Tatzin  
NOES: none  
ABSENT: Schmidt (A)  
ABSTAIN: none

In discussing other MSR possibilities for FY 2014-15, Commissioners agreed that given the situation with West County Health Care District (Doctors Medical Center), it was not a good time to go forward with a second round Health Care MSR at this time. Discussion turned to reclamation districts, the first round MSR of which was completed in 2009. There was also a suggestion made that the funds budgeted for this year's second round MSR be shifted to FY 2015-16.

Upon motion of Blubaugh, second by McGill, Commissioners unanimously voted to move forward with a second round MSR on Reclamation Services.

AYES: Blubaugh, Glover, McGill, Piepho, Schroder, Skaredoff, Tatzin  
NOES: none  
ABSENT: Schmidt (A)  
ABSTAIN: none

## 12. Policies and Procedures Update (Out of Agency Service)

The Executive Officer provided an overview of the Policies and Procedures Committee and its activities. While the Committee has in the past couple of years worked on procedures relating to changes of organization, it is now focusing on creating policies.

The Committee presented a policy and procedures addressing Out of Agency Service (OAS). Since 1994, when the statute governing OAS was enacted, this LAFCO has received and approved 25 OAS requests. In the process of recent MSRs, hundreds of OAS connections have been identified that either predate LAFCO or the 1994 statute, or were never processed through LAFCO.

In July the Policies and Procedures Committee met and reviewed OAS policies from 10 other LAFCOs. From there, the Committee drafted an OAS policy and revised procedures intended to clarify the circumstances under which an OAS request can be considered; provide criteria for Commission consideration; clarify application requirements and timeframe; and add certain requirements and authorizations.

The Concord City Manager and the County Administrator have requested postponement of discussion of this item until October, allowing time to meet with the Policies and Procedures Committee to discuss these proposed policy/procedures. LAFCO staff provided background to this request regarding the ongoing conversation with the City of Concord about OAS to properties in the Ayers Ranch area, an unincorporated island surrounded by the City of Concord.

Commissioner Andersen asked about court rulings that might have been made since the statute enactment. Legal Counsel Anderson responded that there has been little court

guidance since that time, but that there is a requirement that there be some documentation (generally from county health services) as to the emergency or health threat posed by no connection.

Commissioners Tatzin and Burke expressed their appreciation of the fact that agencies were paying attention to what is being proposed, and that there is no intent of focusing on any one agency with this policy.

Kristine Blair, homeowner in the Ayers Ranch area, stated that she has been trying to hook up to the City's sewer main for quite some time, and that her septic system is failing. She stressed that the City and the County need to agree on a tax sharing agreement so that her property's OAS and subsequent annexation can move forward.

Commissioner Piepho commended the Committee on its work, and urged the City and County to come to agreement on tax sharing. Commissioners recommended that the Policies and Procedures Committee meet with the Concord City Manager and the County Administrator on this issue.

Commissioner McGill commented on the value of connecting to a public sewer system.

Upon motion of Tatzin, second by Blubaugh, Commissioners unanimously deferred further discussion on the Out of Agency Service proposed policy to the October meeting and directed the Policies and Procedures Committee to meet with the Concord City Manager and the County Administrator on this issue.

AYES: Blubaugh, Glover, McGill, Piepho, Schroder, Skaredoff, Tatzin  
NOES: none  
ABSENT: Schmidt (A)  
ABSTAIN: none

13. Proposed Amendment to LAFCO Employee Benefit Plan

The Executive Officer provided brief background on the LAFCO Employee Benefit Plan and presented the amendment, which provides LAFCO employees the opportunity to participate in the County deferred compensation loan program, if they are taking part in the deferred compensation plan.

Commissioner Piepho spoke in support of this amendment, noting that as a County Supervisor, she was an advocate for this benefit. Upon motion of Piepho, second by Glover, Commissioners unanimously approved the amendment to the LAFCO Employee Benefit Plan as requested.

AYES: Blubaugh, Glover, McGill, Piepho, Schroder, Skaredoff, Tatzin  
NOES: none  
ABSENT: Schmidt (A)  
ABSTAIN: none

14. CALAFCO 2014 Conference Material and Call for Board of Directors Candidates and Achievement Award Nominations

The Executive Officer presented materials for the CALAFCO 2014 Annual Conference, noting that nominations for CALAFCO Board of Directors Candidates must be submitted by September 15. Commissioner McGill expressed his interest in continuing his service to the Board.

Upon motion of Blubaugh, second by Tatzin, Commissioners unanimously nominated Commissioner Michael McGill for reelection to the CALAFCO Board.

AYES: Blubaugh, Glover, McGill, Piepho, Schroder, Skaredoff, Tatzin  
NOES: none  
ABSENT: Schmidt (A)  
ABSTAIN: none

Upon motion of Tatzin, second by Blubaugh, Commissioners unanimously appointed Commissioner McGill to be the Contra Costa LAFCO voting delegate at the 2014 Annual Conference.

Upon motion of Glover, second by Tatzin, Commissioners unanimously appointed Executive Officer Lou Ann Texeira to serve as the Contra Costa LAFCO alternate voting delegate at the 2014 Annual Conference.

AYES: Blubaugh, Glover, McGill, Piepho, Schroder, Skaredoff, Tatzin  
NOES: none  
ABSENT: Schmidt (A)  
ABSTAIN: none

15. CCCERA Correspondence

There were no comments regarding this correspondence.

16. Commissioner Comments and Announcements

Commissioner McGill reported that he attended the July 11 CALAFCO Board meeting, the July 25 CALAFCO Legislative Committee meeting, and the August 11 CALAFCO U session on agricultural mitigation. He commended the Executive Officer on her alacrity in responding to complex legislation that has come up with short turnaround times.

Commissioner Tatzin reported that he too attended the CALAFCO U session on ag mitigation, and found it valuable.

17. Staff Announcements and Pending Projects

The Executive Officer reported that it has been a challenging year for CALAFCO legislation.

The meeting was adjourned at 2:50 p.m.

Final Minutes Approved by the Commission September 10, 2014.

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
EXECUTIVE OFFICER'S REPORT

September 10, 2014 (Agenda)

September 10, 2014  
Agenda Item 6

|                               |  |
|-------------------------------|--|
| <u>LAFCO 14-01</u>            | <b>Sphere of Influence Amendment – Town of Danville (Blackhawk Road)</b>   |
| <u>APPLICANT</u>              | Blackhawk Meadows, LLC (landowners)  |
| <u>ACREAGE &amp; LOCATION</u> | The applicant proposes to remove from the Town of Danville's sphere of influence (SOI) a 12-foot wide strip of land along the northern boundary of the property located at 2500 Blackhawk Road as depicted on the attached map (Attachment 1). |
| <u>PURPOSE</u>                | To cause the northern property line to be consistent with the northern boundaries of other parcels fronting Blackhawk Road.  |

SUMMARY In conjunction with the development project (SD 9321), the Town of Danville requires that the project dedicate land along the frontage of the property (i.e., the 12-foot strip) to Contra Costa County, which owns and maintains Blackhawk Road in this area. The dedication would result in a Blackhawk Road right-of-way (ROW) width which coincides with the adjacent ROW widths. There is no need for actual road widening; however, the frontage area will be improved with a pedestrian sidewalk, extending the existing sidewalk to the east, with new landscaping.

DISCUSSION The Cortese-Knox-Hertzberg Act (CKH Act) empowers LAFCO with the responsibility for developing and determining the SOI of each local agency within the County, and for enacting policies designed to promote the logical and orderly development of areas within the spheres.

An SOI is defined as a plan for the probable physical boundaries and service area of a local agency, as determined by LAFCO. The intent of an SOI is to identify the most appropriate area for an agency's extension of services in the foreseeable future (e.g., 10-20 year horizon). Accordingly, territory included in an agency's SOI is an indication that the probable need for service has been established, and that the subject agency has been determined by LAFCO to be the most logical service provider for the area.

Pursuant to Government Code section 56425, when amending an SOI for a local agency, LAFCO is required to consider and prepare a written statement of determinations with respect to the following:

1. ***The present and planned uses in the area, including agricultural and open space lands*** - The County's General Plan designation for the subject area is Planned Unit (P-1); the Town's General Plan designation is Residential - Single Family – Low Density, and the zoning is Single Family Residential (R-20). The subject area is currently an unimproved frontage facing Blackhawk Road. The future land use of the 12-foot strip will be as a small portion of the Blackhawk Road ROW. The proposed SOI amendment and pending detachment will facilitate no changes in land use and will have no impact on agricultural land or open space lands.
2. ***The present and probable need for public facilities and services in the area*** - Detachment of the 12-foot strip would place the area within the ROW of Blackhawk Road which is a public roadway serving local transportation and circulation. The detachment will cause the northern property line to be consistent with the northern boundaries of other parcels fronting Blackhawk Road.
3. ***The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide*** - The detachment will facilitate a boundary alignment and will have no effect on public facilities or services.



4. ***The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency*** - The primary social or economic community of interest is Contra Costa County, the Town of Danville, and the public who use Blackhawk Road for local circulation purposes. The SOI amendment is consistent with the County and Town of Danville General Plans, with the countywide Urban Limit Line, and reflects a logical adjustment to the Town's SOI in conjunction with this project.

**Environmental Impact of the Proposal** - The Town of Danville, as Lead Agency, has determined that the proposed SOI amendment and corresponding detachment are exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) as the LAFCO action has no potential for causing a significant effect on the environment.

#### 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 actions:

- Option 1** Approve the proposed reduction to the Town of Danville's SOI as depicted on the attached map (Attachment 1).
- A. Determine that the project is exempt pursuant to CEQA Guidelines, Section 15061(b)(3).
  - B. Adopt this report and amend the Town of Danville's SOI described herein and shown on the attached map.
- Option 2** Adopt this report and DENY the proposal.
- Option 3** If the Commission needs more information, CONTINUE this matter to a future meeting.

**RECOMMENDATION Option 1 – approve the SOI amendment.**

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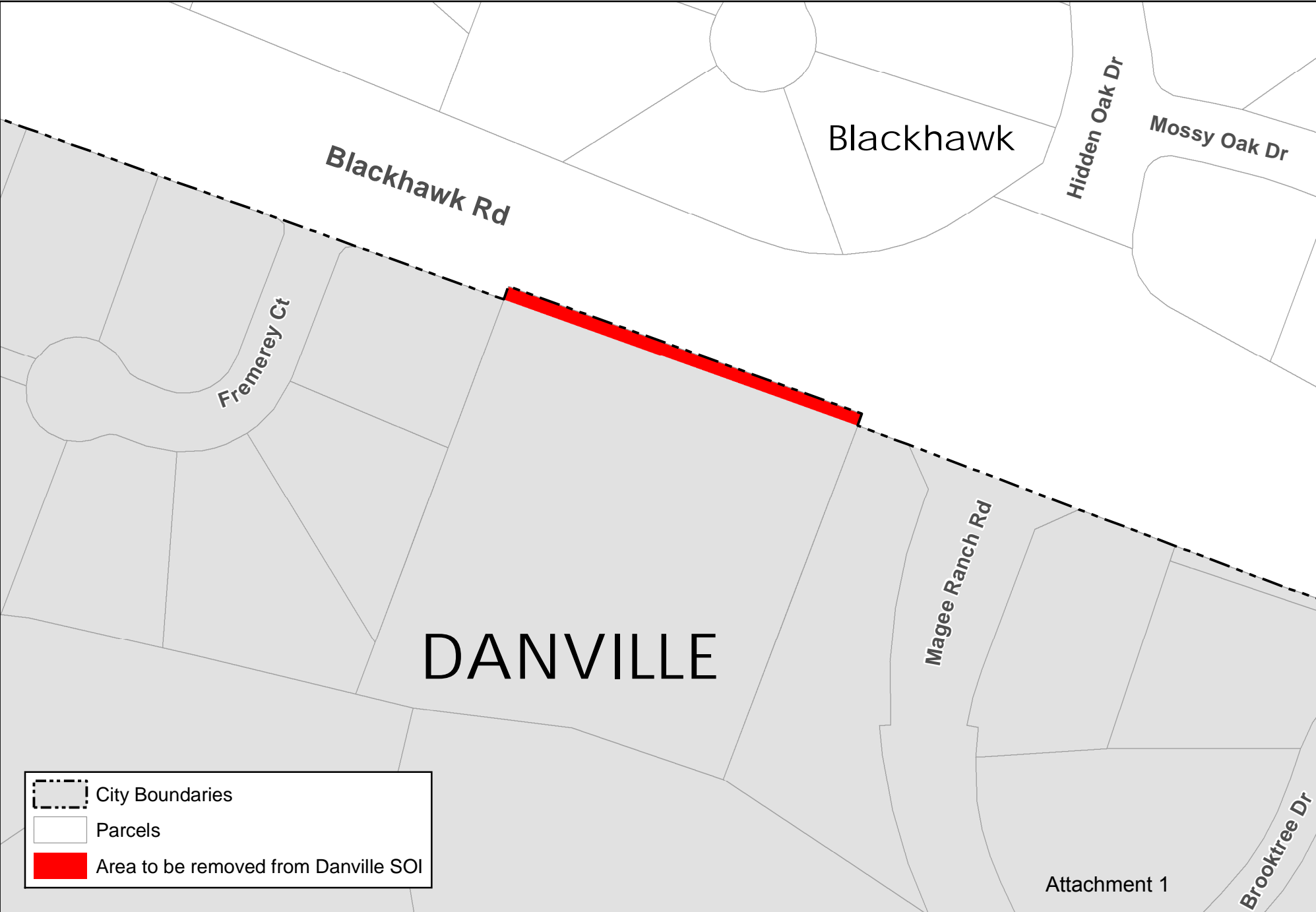
LOU ANN TEXEIRA, EXECUTIVE OFFICER  
CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

#### Attachments

- 1 - Map – Proposed SOI Amendment – Town of Danville
- 2 - Draft LAFCO Resolution – Town of Danville SOI Amendment

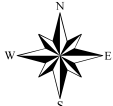
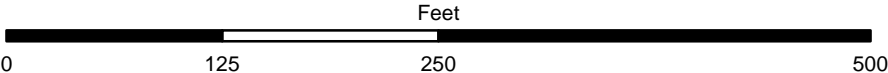
c: Steven Stapley, Blackhawk Meadows, LLC  
Michael K. Brown, Brown, Church & Gee LLP  
David Crompton, Town of Danville

# Town of Danville SOI Amendment (Blackhawk Road)



Map created 07/29/2014  
by Contra Costa County Department of  
Conservation and Development, GIS Group  
30 Muir Road, Martinez, CA 94553  
37:59:41.791N 122:07:03.756W

This map or dataset was created by the Contra Costa County Department of Conservation and Development with data from the Contra Costa County GIS Program. Some base data, primarily City Limits, is derived from the CA State Board of Equalization's tax rate areas. While obligated to use this data the County assumes no responsibility for its accuracy. This map contains copyrighted information and may not be altered. It may be reproduced in its current state if the source is cited. Users of this map agree to read and accept the County of Contra Costa disclaimer of liability for geographic information.



SPHERE OF INFLUENCE RESOLUTION NO.14-01

RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
 MAKING DETERMINATIONS AND REDUCING THE SPHERE OF INFLUENCE  
 OF THE TOWN OF DANVILLE – BLACKHAWK ROAD

WHEREAS, a proposal to reduce the sphere of influence (SOI) of the Town of Danville was filed by the landowner with the Contra Costa Local Agency Formation Commission (LAFCO) pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code §56425); 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, SOI and applicable General and Specific Plans and all testimony, correspondence and exhibits received during the public hearing, all of which are included herein by reference.

NOW, THEREFORE, the Contra Costa LAFCO DOES HEREBY RESOLVE, DETERMINE AND ORDER as follows:

1. The matter before the Commission is the proposed reduction of the Town of Danville’s SOI to remove a 12-foot wide strip of land along the northern boundary of the property located at 2500 Blackhawk Road.
2. The project is exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines, Section 15061(b)(3).
3. The Town of Danville’s SOI is hereby modified in the area as shown on the attached map (Exhibit A).
4. The Commission has considered the criteria set forth in Government Code §56425 and determines as follows:

***The present and planned uses in the area, including agricultural and open space lands*** - The County’s General Plan designation for the subject area is Planned Unit (P-1); the Town’s General Plan designation is Residential – Single Family – Low Density, and the zoning is Single Family Residential (R-20). The subject area is currently an unimproved frontage facing Blackhawk Road. The future land use of the 12-foot strip will be as a small portion of the Blackhawk Road ROW. The proposed SOI amendment and pending detachment will facilitate no changes in land use and will have no impact on agricultural land or open space lands.

***The present and probable need for public facilities and services in the area*** - Detachment of the 12-foot strip would place the area within the ROW of Blackhawk Road which is a public roadway serving local transportation and circulation. The detachment will cause the northern property line to be consistent with the northern boundaries of other parcels fronting Blackhawk Road.

***The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide*** - The detachment will facilitate a boundary alignment and will have no effect on public facilities or services.

***The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency*** - The primary social or economic community of interest is Contra Costa County, the Town of Danville, and the public who use Blackhawk Road for

local circulation purposes. The SOI amendment is consistent with the County and Town of Danville General Plans, with the countywide Urban Limit Line, and reflects a logical adjustment to the Town's SOI in conjunction with this project.

\*\*\*\*\*

PASSED AND ADOPTED THIS 10<sup>TH</sup> day of September 2014, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

ROB SCHRODER, INTERIM CHAIR, CONTRA COSTA LAFCO

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

Dated: September 10, 2014

Lou Ann Texeira, Executive Officer



Lou Ann Teixeira  
*Executive Officer*

**MEMBERS**

|   |  |
|---|--|
| Donald A. Blubaugh<br><i>Public Member</i>          | Mary N. Piepho<br><i>County Member</i>           |
| Federal Glover<br><i>County Member</i>              | Rob Schroder<br><i>City Member</i>               |
| Michael R. McGill<br><i>Special District Member</i> | Igor Skaredoff<br><i>Special District Member</i> |
| Don Tatzin<br><i>City Member</i>                    |  |

**ALTERNATE MEMBERS**

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

September 10, 2014 (Agenda)

September 10, 2014  
 Agenda Item 7

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

**Countywide Water/Wastewater Municipal Services Review and  
 Sphere of Influence Updates (2<sup>nd</sup> Round) – Castle Rock County Water District**

Dear Members of the Commission:

**BACKGROUND**

On May 14, 2014, the Commission accepted the Final Municipal Service Review (MSR) report and adopted the required determinations in conjunction with the countywide Water/Wastewater Municipal Service Review (MSR) (2<sup>nd</sup> Round) covering eight cities and 21 special districts. The Commission also updated the spheres of influence (SOIs) for all of the districts, except for the Castle Rock County Water District (CRCWD), and those three districts where Contra Costa LAFCO is not the principal LAFCO.

Following the Commission’s actions in May and June, LAFCO staff sent individual letters to each city and district thanking them for their participation in the MSR process, highlighting some of the findings in the MSR report, and providing the local agencies with a signed copy of their SOI update resolution and map, as applicable.

The Commissioners deferred action on the CRCWD SOI update pending further discussions with District representatives.

**DISCUSSION**

As noted in the MSR report, CRCWD has operated for the past 59 years without being officially recognized as an independent special district for LAFCO purposes. Through the MSR process, we confirmed that CRCWD is an independent special district subject to LAFCO’s purview.

CRCWD currently collects property taxes (16% of its overall revenues), and meets the criteria outlined in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (sections

56044 and 56128) defining a special district. CRCWD has a legislative body whose members are elected by registered voters within the district.

CRCWD provides water service to approximately 137 residents (79 parcels - 55 connections), including 12 residential water customers who are responsible for treating their own water. The water serves mostly residential, landscape irrigation, some commercial uses and four commercial stables. The District's service area is approximately 150 acres, and includes properties in the City of Walnut Creek and in surrounding unincorporated areas. Some of the territory served is located outside the countywide urban limit line.

CRCWD is located within the Contra Costa Water District (CCWD) service boundary. CRCWD purchases untreated water from CCWD which is pumped from an open canal. Approximately 80% of CRCWD's customers receive both untreated and treated water from CCWD, and the remaining 20% receive only untreated water from CCWD, and treat their own water. CRCWD facilities include one pumping station and one holding tank with a 150,000 gallon capacity. The CRCWD's water supply and distribution system includes a small reservoir tank and a small pipeline distribution system.

Because of the small size of the District's system, there is no formal maintenance program, and no staff or contract staff to service the system. CRCWD indicates that Board members repair small system issues themselves or hire contractors to repair more serious problems on an "as needed" basis. Because CRCWD was formed in 1955, it is assumed that the system's age will increasingly require repair and/or replacement of pumps, valves and meters. The MSR consultants recommend that a site review be conducted to determine the condition of the reservoir, pump station and ancillary infrastructure.

CRCWD operates as an enterprise type activity, and receives about 84% of its revenue from service charges and fees, and 16% from property tax. CRCWD has a substantial fund balance (249% of annual expenditures), and carries no debt. CRCWD has not adjusted rates in the recent past, and has no plans to adjust rates in the near future.

As noted in the MSR report, CRCWD does not maintain a capital improvement program; any capital maintenance expenditures necessary are determined annually and funded from revenues and reserve fund balance.

Since completion of the MSR, LAFCO staff has met with representatives of the CRCWD to introduce the District to LAFCO and to discuss the MSR findings, including governance options. One of the governance options identified in the MSR is to consolidate with CCWD. In July and August, LAFCO staff met with representatives of CRCWD and CCWD to discuss the costs and benefits of consolidating the two districts.

Neither district expressed a desire to consolidate. CRCWD feels that it has adequately served its customers for nearly 60 years, and wishes to remain an independent district. Representatives of CRCWD acknowledge that the District can improve its administrative operations and governance as noted in the MSR, and will make an effort to do so. Further, CCWD has no desire to take over the CRCWD operations and water system.

CRCWD currently has no adopted SOI. The MSR identified the following two governance options for CRCWD: 1) maintain the status quo – establish a coterminous SOI for CRCWD; or 2) establish a zero SOI for CRCWD and consolidate with CCWD.

Given that neither district is interested in consolidation, and in light of CRCWD's willingness to make improvements to its administration and governance, it is recommended that LAFCO establish a coterminous SOI for the CRCWD and require the District to provide a progress report to LAFCO in September 2015 regarding the status of the administrative and governance issues identified in the MSR. The MSR report included the following recommendations/observations for CRCWD:

1. Given the age of the District's water system, a site review by a qualified engineer retained by CRCWD should be conducted to determine the condition of the reservoir, pump station and ancillary infrastructure.
2. The District should establish and maintain a website. At a minimum, the website should include the names of the Board Members (and their terms of office), contact information, information regarding the District's services, a map of the District's service boundary, the Board's meeting schedule, agendas and minutes, and financial information including annual budgets and financial audits.

## **RECOMMENDATIONS**

1. Receive the staff report;
2. Determine that the SOI update is exempt under the General Rule exemption §15061(b)(3) of the CEQA Guidelines; and
3. Adopt the attached resolution establishing a coterminous SOI for CRCWD with conditions.

Sincerely,

LOU ANN TEXEIRA  
EXECUTIVE OFFICER

c: Fred Allen, Castle Rock County Water District  
Jeff Quimby, Contra Costa Water District

Attachment – Resolution Establishing a Coterminous SOI for CRCWD

**RESOLUTION OF THE CONTRA COSTA  
LOCAL AGENCY FORMATION COMMISSION  
ADOPTING A SPHERE OF INFLUENCE FOR  
CASTLE ROCK COUNTY WATER DISTRICT**

**WHEREAS**, Government Code §56425 requires the Local Agency Formation Commission (LAFCO) to develop and determine the sphere of influence (SOI) of each local governmental agency within the County; and

**WHEREAS**, Government Code §56425(f) requires that LAFCO review and update the SOI boundaries every five years, as necessary; and

**WHEREAS**, Government Code §56430 requires that a municipal service review (MSR) be conducted prior to or in conjunction with an SOI update; and

**WHEREAS**, LAFCO conducted a second round, countywide review of water and wastewater service providers, which includes the Castle Rock County Water District (CRCWD), and adopted written determinations as required by Government Code §56430 on May 14, 2014; and

**WHEREAS**, CRCWD was formed in 1955 and provides untreated water to rural residential areas for domestic use, landscape irrigation, and commercial horse stables within a 150 acre area located both within the City of Walnut Creek and surrounding unincorporated areas; and

**WHEREAS**, CRCWD has 55 connections providing untreated water for landscape irrigation, some commercial uses and four commercial stables; and

**WHEREAS**, CRCWD is located within the service area of Contra Costa Water District (CCWD), and CCWD provides treated, potable water to some homes within the CRCWD; and

**WHEREAS**, through the MSR process, it was discovered that the CRCWD is an independent special district subject to LAFCO's purview, therefore, LAFCO must adopt an SOI for the District; and

**WHEREAS**, the MSR report identified two SOI options for the District: adopt a coterminous SOI, or adopt a zero SOI signaling a future change of organization or reorganization to the District such as consolidation; and

**WHEREAS**, neither district expressed a desire to consolidate; and

**WHEREAS**, CRCWD provides adequate water service to its customers, and will work to address the administrative and governance issues identified in the MSR; and

**WHEREAS**, it is hereby proposed that LAFCO adopt a coterminous SOI for CRCWD and require the District to provide LAFCO with an update in September 2015, providing a progress report addressing those administrative and governance issues identified in the 2014 MSR report; and

**WHEREAS**, no change in regulation, land use or development will occur as a result of adopting the District's SOI; and

**WHEREAS**, in the form and manner prescribed by law, the Executive Officer has given notice of a public hearing by this Commission regarding the SOI action; and

**WHEREAS**, the SOI update was duly considered at public hearings held on June 11, 2014 and September 10, 2014.

**NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED** that the Contra Costa LAFCO does hereby:



1. Determine, as lead agency for the purposes of the California Environmental Quality Act (CEQA), that the SOI update is exempt under §15061(b)(3) of the CEQA Guidelines because there is no possibility that the proposed action would have a significant effect on the environment.
2. Adopt a coterminous SOI for CRCWD as depicted on Exhibit A attached hereto.
3. Determine that the Commission has considered the criteria set forth in Government Code §56425 as follows:
  - a. *Present and planned land uses in the area, including agricultural and open-space lands* - The service area is developed with large lot residential development. The minimum lot size is one acre. Little or no growth is expected in the future. The District has no land authority, and no change to the present or planned uses will result from this SOI update.
  - b. *Present and probable need for public facilities and services in the area* - The area is fully developed; any future connection to the CRCWD would require further study.
  - c. *Present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* - Because CRCWD was formed in 1955, the system is likely aged and in need of repair and/or replacement of pumps, valves and meters based upon age. There is limited information available on District facilities at this time. A site review/study by a qualified engineer retained by CRCWD should be conducted to verify the condition of CRCWD's facilities.
  - d. *Existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency* – CRCWD was formed in 1955. The District collects property tax and service charges and fees from existing users. The District has no debt. Property owners and ratepayers with CRCWD have an economic interest in receiving District services. Adoption of the SOI will not affect the existence of any social or economic communities of interest in the area that are relevant to CRCWD.
  - e. *Present and probable need for those public facilities and services of any disadvantaged unincorporated communities (DUCs) within the existing SOI* - There are no DUCs located within, or contiguous to, the CRCWD's SOI.
  - f. *Nature, location, extent, functions & classes of services to be provided* – CRCWD provides untreated water to rural residential areas for domestic use, landscape irrigation, and commercial horse stables within a 150 acre area located both within the City of Walnut Creek and surrounding unincorporated areas.

\*\*\*\*\*

PASSED AND ADOPTED THIS 10<sup>th</sup> day of September 2014, by the following vote:

AYES:  
 NOES:  
 ABSTENTIONS:  
 ABSENT:

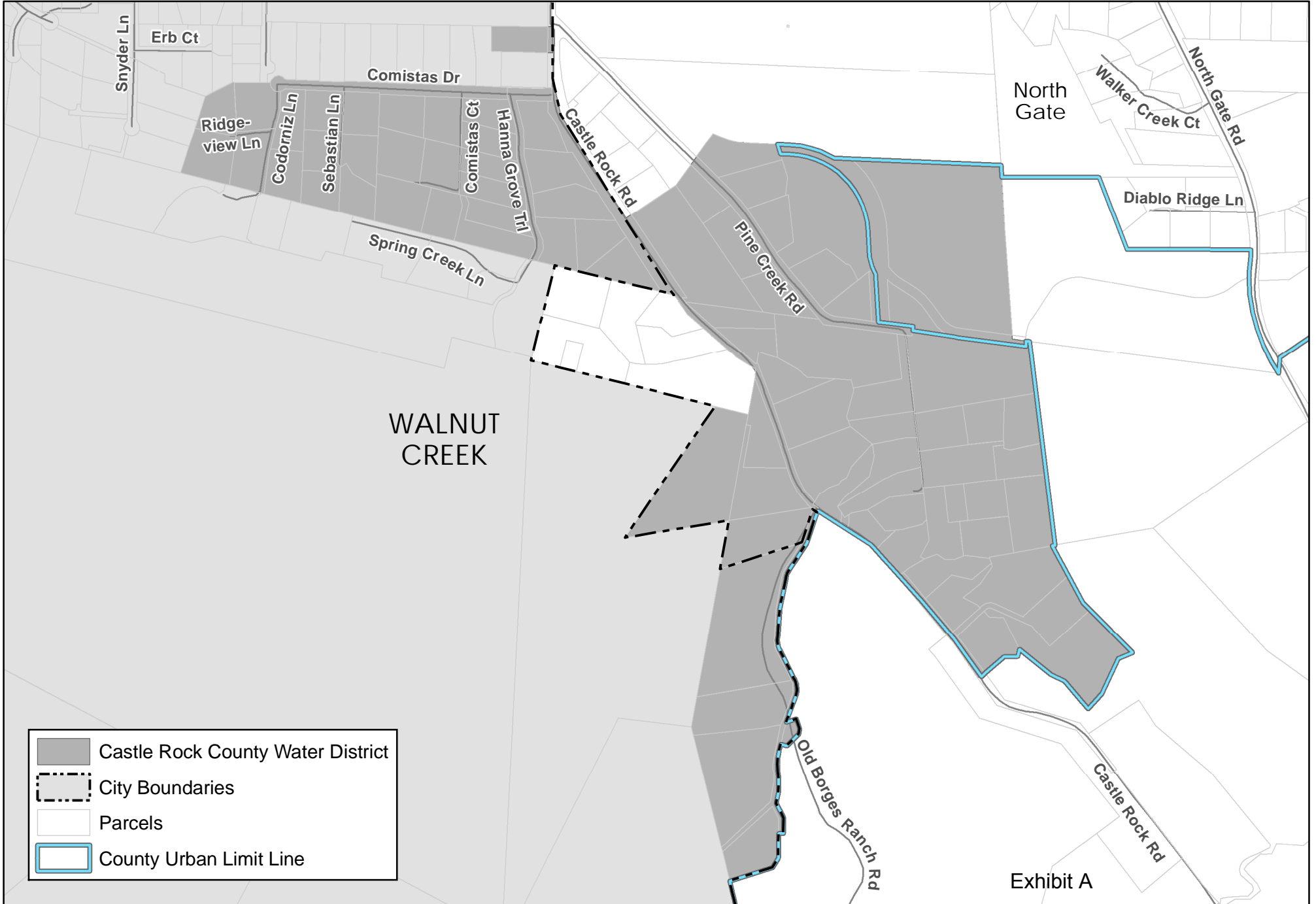
\_\_\_\_\_  
 ROB SCHRODER, INTERIM CHAIR, CONTRA COSTA LAFCO

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

Dated: September 10, 2014

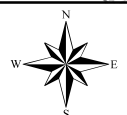
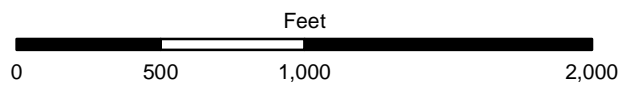
\_\_\_\_\_  
 Lou Ann Texeira, Executive Officer

# Castle Rock County Water District Boundary and SOI - Proposed Concurrent SOI



Map created 05/29/2014  
 by Contra Costa County Department of  
 Conservation and Development, GIS Group  
 30 Muir Road, Martinez, CA 94553  
 37:59:41.791N 122:07:03.756W

This map or dataset was created by the Contra Costa County Department of Conservation and Development with data from the Contra Costa County GIS Program. Some base data, primarily City Limits, is derived from the CA State Board of Equalization's tax rate areas. While obligated to use this data the County assumes no responsibility for its accuracy. This map contains copyrighted information and may not be altered. It may be reproduced in its current state if the source is cited. Users of this map agree to read and accept the County of Contra Costa disclaimer of liability for geographic information.





Lou Ann Teixeira  
 Executive Officer

**MEMBERS**

|   |  |
|---|--|
| Donald A. Blubaugh<br><i>Public Member</i>          | Mary N. Piepho<br><i>County Member</i>           |
| Federal Glover<br><i>County Member</i>              | Rob Schroder<br><i>City Member</i>               |
| Michael R. McGill<br><i>Special District Member</i> | Igor Skaredoff<br><i>Special District Member</i> |
| Don Tatzin<br><i>City Member</i>                    |  |

**ALTERNATE MEMBERS**

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

September 10, 2014 (Agenda)

September 10, 2014  
 Agenda Item 8

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

**Requests for Proposals – Second Round Reclamation Services  
 Municipal Service Review (MSR) and Sphere of Influence (SOI) Updates**

Dear Commissioners:

**BACKGROUND:** The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH Act) requires that on or before January 1, 2008, and every five years thereafter, LAFCO, review and update the sphere of influence (SOI) of each local agency, as necessary. As part of the SOI update, LAFCO must prepare a Municipal Service Review (MSR) to determine the range and adequacy of municipal services provided.

In April 2013, Contra Costa LAFCO completed its inaugural MSR cycle covering all 19 cities and 78 special districts. In conjunction with the MSRs, LAFCO updated the SOIs for most agencies. Last year, LAFCO initiated its second round MSRs/SOI updates, and completed a countywide second round review of water/wastewater services in June 2014.

In conjunction with the FY 2014-15 work plan, next on the list of second round MSRs are fire and emergency medical services (EMS).

As reported to the Commission last month, in June, Contra Costa LAFCO released a Request for Proposals (RFP) for the second round EMS/Fire MSR. The RFP was sent to approximately 30 firms, and posted on the Contra Costa LAFCO, CALAFCO and California Special Districts Association (CSDA) websites. In response to the RFP, no proposals were received. A number of LAFCOs throughout the State are experiencing similar challenges with second round MSRs.

Based on feedback obtained from some of the potential bidders and from the fire and EMS professionals in Contra Costa County, we presented the Commission with several options for moving forward with the second round MSRs, including deferring the EMS/Fire MSR and moving forward with another second round MSR (i.e., healthcare or reclamation services).

The Commission chose to defer the EMS/Fire MSR until 2015, and move forward with a second round MSR covering reclamation services. The first round reclamation services MSR was completed in July 2009, and it is timely to move forward with a second round review at this time.

**DISCUSSION:** LAFCO staff prepared the enclosed RFP and draft Scope of Services for the Commission’s review. The RFP calls for qualified consultants to prepare the MSR and SOI updates for reclamation services. Under the direction of the LAFCO Executive Officer, the consultant will perform services as outlined in the attached RFP and draft Scope of Service.

In accordance with our previous MSRs, LAFCO staff proposes to establish a selection committee to help review and screen the written proposals, conduct the interviews, and make a recommendation. The selection committee will be composed of LAFCO and municipal service professionals.

The review of proposals will include an assessment of written proposals, followed by interviews with the most qualified firms. Written proposals will be evaluated based on various criteria including, but not limited to, experience and qualifications of the firm, understanding of the required tasks, approach to conducting MSRs/SOI updates, experience and familiarity with LAFCO, qualifications of personnel who would be assigned to work with the Contra Costa LAFCO, and cost.

Following an assessment of the written proposals, the most qualified candidates will be invited to participate in an interview. Following the interviews, a summary of proposals and a recommendation will be presented to the Commission in accordance with the proposed timeline as shown in the RFP.

Staff has prepared and updated the list of potential bidders. A notice regarding the RFP will be sent to these firms. In addition, the RFP will be posted on the Contra Costa LAFCO, CALAFCO and CSDA websites.

**FINANCING:** Adequate funding is included in the FY 2014-15 budget to cover the anticipated costs associated with the MSR/SOI updates.

**RECOMMENDATIONS:**

1. Authorize the circulation of the RFP for the Reclamation Services MSR/SOI updates; and
2. Direct staff to return to the Commission with a recommended contract award in accordance with the proposed timeline.

Sincerely,

LOU ANN TEXEIRA  
EXECUTIVE OFFICER

Attachments:

1. Request for Proposals – Second Round Reclamation Services MSR/SOI Updates
2. Draft Scope of Services – Second Round Reclamation Services MSR/SOI Updates

c: Bethel Island Municipal Improvement District  
Reclamation Districts

# **REQUEST FOR PROPOSALS FOR COUNTYWIDE SECOND ROUND RECLAMATION SERVICES MUNICIPAL SERVICE REVIEW SPHERE OF INFLUENCE UPDATES**

The Contra Costa Local Agency Formation Commission (LAFCO) is soliciting proposals from qualified consultants to prepare a countywide second round municipal service review and sphere of influence updates of providers of reclamation services in Contra Costa County.

# **REQUEST FOR PROPOSALS**

## **Second Round Reclamation Services**

### **Municipal Service Review/Sphere of Influence Updates**

#### **I. Objective**

The Contra Costa Local Agency Formation Commission (LAFCO) completed a Municipal Services Review (MSR) covering reclamation services in Contra Costa County in 2009. Based on the requirements in the California Government Code that MSRs be conducted in conjunction with sphere of influence (SOI) updates every five years as necessary, Contra Costa LAFCO is now seeking proposals from professional consulting firms to prepare the second round MSR covering reclamation service providers in the County, along with corresponding SOI updates, as needed.

In addition to reviewing the 14 special districts identified in the Scope of Services (attached), the MSR will also include general information regarding other service providers (e.g., other local regional, state, and federal agencies) that may have responsibilities involving the provision of reclamation services (i.e., levee maintenance and rehabilitation).

This MSR is to be conducted by a professional consulting firm under the direction of the LAFCO Executive Officer. The work is to be performed in accordance with applicable California Government Code provisions and Contra Costa LAFCO policies and procedures.

The MSR is intended to serve as a tool to help LAFCO, local agencies and the public better understand the municipal service structure; to facilitate dialog among the various service providers with the objective of coordinating, collaborating and enhancing services and efficiencies; and to provide information to support LAFCO actions, including SOI updates and potential boundary and/or governance changes. While LAFCO is not required to initiate these changes based on MSRs, local agencies, LAFCO or others may use the MSR, together with additional analysis where necessary, to pursue boundary and/or governance changes.

#### **II. About Contra Costa County**

Contra Costa County is adjacent to Alameda, San Joaquin, Sacramento and Solano counties. The County covers an 805± square miles, of which 732± square miles are land; and contains a diverse social and physical environment, with many urban and suburban areas in the western and central areas, and agricultural areas in the eastern region.

The County is composed of three distinct areas: West County, Central County and East County. There are 19 cities and approximately 75 special districts. The County's population exceeds one million, representing the ninth largest county in the State. Approximately 16% of residents live in the unincorporated areas.

Contra Costa County voters approved an urban limit line which limits urban development in the County to no more than 35% percent of the land in the County. At least 65% of all land in the county shall be preserved for agriculture, open space, wetlands, parks and other nonurban uses.

#### **III. Background**

In 1963, the State Legislature created LAFCOs to help direct and coordinate California's growth in a logical, efficient and orderly manner. Each of the 58 counties in California has a LAFCO. LAFCOs are charged with discouraging urban sprawl, encouraging orderly boundaries and

formation of local agencies, preserving agricultural lands and open space, and regulating the extension of services outside jurisdictional boundaries.

In 2001, pursuant to the enactment of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("CKH Act"; Government Code §56000 et seq.), LAFCO acquired responsibility for preparing MSRs. On or before January 1, 2008, and every five years thereafter, LAFCO shall, as necessary, review and update the SOI for each local agency. In conjunction with the SOI updates, LAFCO shall prepare corresponding MSRs.

Contra Costa LAFCO is responsible for reviewing and updating SOIs for 94 local agencies in Contra Costa County (19 cities and 75 special districts). In 2013, Contra Costa LAFCO completed its inaugural MSR cycle, and embarked on its second round reviews. In June 2014, LAFCO completed a second round MSR covering water/wastewater services; the Reclamation Services MSR will be the second MSR in the round two cycle.

Contra Costa LAFCO completed a comprehensive MSR covering reclamation services in 2009, (prepared by Burr Consulting); the document is available at the Contra Costa LAFCO website. The information contained in the 2009 MSR will be useful in preparing the second round MSR. The consultant selected to prepare the second round reclamation services MSR should become familiar with the 2009 MSR.

#### **IV. Scope of Services**

A draft scope of services is enclosed with this RFP (Attachment 1). A final scope of services will be negotiated with the firm selected to conduct the MSR and will be included as part of the professional services agreement.

#### **V. Budget**

LAFCO has limited resources to devote to the many MSRs to be conducted over the next few years. Proposals that demonstrate that the final product will meet the requirements of the CKH Act and provide useful information in a concise format at the lowest cost will be looked upon most favorably. A final budget amount for this project will be negotiated with the firm selected for the work prior to an agreement.

#### **VI. Schedule**

The timeline will be negotiated with the firm selected to conduct this review, and will be included with the professional services agreement to be approved by LAFCO.

#### **VII. Proposal Requirements**

Responses to this RFP must include all of the following:

1. A statement about the firm that describes history, as well as the competencies and resumes of the principal and all professionals who will be involved in the work. This statement should address the following:

##### ***General Expertise***

- Familiarity with the CKH Act, the role and functions of LAFCO, and the MSR process
- Understanding of how municipal services are financed and delivered

- Experience in governmental organization analysis, including performance measurement and evaluation
- Ability to analyze and present information in an organized format
- Ability to interpret varied budget and planning documents
- Ability to facilitate and synthesize input from stakeholders
- Familiarity with public input processes and experience presenting and disseminating public information for review and comment in a public setting
- Experience in fostering multi-agency partnerships and cooperative problem-solving
- Ability to provide flexible and creative alternatives where necessary to resolve service and policy issues
- Ability to work cooperatively with divergent interests

### ***Reclamation Service Expertise***

- Solid understanding of how reclamation services are delivered and financed
  - Knowledge of land owner district governance
  - Knowledge of the relationship between local reclamation districts and the State and federal governments (e.g., California Department of Fish & Wildlife, California Department of Water Resources, Delta Protection Commission, Federal Emergency Management Agency, U.S. Army Corps of Engineers, etc.)
  - Knowledge of reclamation service agencies and ability to evaluate and identify government structure options (e.g., consolidation, reorganization) and advantages and disadvantages of these options
2. Identification of the lead professional responsible for the project and identification of the professional(s) who will be performing the day-to-day work.
  3. Identification of any sub-consulting firms who will be involved. If sub-consultant firms are proposed, describe the work they will perform and include the same information for each sub-consultant as required for items 1 and 2 above.
  4. Description of similar or related experience accomplished in the last three years and references for each such project, including the contact name, address and telephone number, and email address.
  5. Description of the anticipated approach for this project, explicitly discussing and identifying any suggested changes to the Scope of Services (Attachment 1).
  6. Description of how you would utilize information from the first round MSR to avoid duplication of effort; and based on the first round MSR, what you anticipate to be the critical areas to explore in the second round MSR.
  7. Disclosure of potential conflicts of interest with local agencies in Contra Costa County.
  8. Identification of any information, materials and/ or work assistance required from the Contra Costa LAFCO and/or subject agencies to complete the project. ***Note: LAFCO staff will complete preliminary data collection relating to issues identified in the 2009 MSR. This data will be provided to the selected consulting firm for use in preparing the second round MSR. The expectation is that the consultant will use this data and all available data sources (i.e., laws/statutes; local agency planning, financial and environmental documents, policies/procedures; LAFCO reports/ documents;***



***regional/Census/demographic information; customer surveys, comments, etc.) to develop/update information for the second round MSR report in an effort to minimize the workload for the subject agencies. LAFCO will also provide GIS and mapping service in conjunction with the MSR/SOI updates.***

9. Provide a preliminary project schedule showing start and ending times for each work task, and indicate strategies for adhering to the schedule.
10. Include information about the availability of all the professionals who will be involved in the work, including sub-consultants.
11. Provide the anticipated project cost, including:
  - a. A not-to-exceed total budget amount.
  - b. The cost for each major sub-task identified in the draft scope of services.
  - c. The hourly rates for each person who will be involved in the work, including the rates for any sub-consultants.
12. Include comments about the draft scope of services, ability of the firm to meet the insurance requirements, and other comments or questions.

### **VIII. Non-Discrimination & Equal Opportunity**

It is the desire of the Contra Costa LAFCO to provide Minority-/Women-Owned, Local Small and Emerging Business Enterprises, and all other business enterprises an equal opportunity to participate in the performance of all contracts, subcontracts, and other LAFCO business activities. The Contra Costa LAFCO is an equal opportunity employer.

### **IX. Conflict of Interest**

Proposers warrant and covenant that no official or employee of the Contra Costa LAFCO, nor any business entity in which an official of the Contra Costa LAFCO has an interest, has been employed or retained to solicit or aid in the procuring of the resulting contract, nor that any such person will be employed in the performance of such contract without immediate divulgence of such fact to the Contra Costa LAFCO. Proposers will notify LAFCO of any potential conflict of interest regarding other work or third party contracts.

### **X. Insurance Requirements**

The successful proposer shall be required to maintain throughout the term of the contract, and for a minimum of six months following completion by consultant and acceptance by LAFCO of all services under the contract, the following insurance coverage:

- 1) *comprehensive general liability insurance*, with a minimum combined single limit coverage of \$1,000,000 per occurrence for all damages, including consequential damages, due to bodily injury, sickness or disease, or death to any person or damage to or destruction of property, including the loss of use thereof, arising from each occurrence;
- 2) *personal automobile liability insurance* for owned, non-owned and hired automobiles, with a minimum combined single limit coverage of \$500,000 per occurrence;
- 3) *employer's liability insurance*, with minimum coverage of \$100,000 per employee;
- 4) *professional liability insurance*, with minimum coverage of \$1,000,000 per claim and \$1,000,000 aggregate; and
- 5) *workers' compensation insurance* coverage for its employees at statutory limits.

## **Additional Insured Endorsement**

The comprehensive general liability insurance policy will be endorsed to include LAFCO and its officers and employees as additional insureds as to all services performed by consultant under the contract. Said policies will constitute primary insurance as to LAFCO and its officers and employees, so that other insurance policies held by LAFCO or its self-insurance program(s) will not be required to contribute to any loss covered under consultant's insurance policy or policies unless otherwise noted in the contract.

Evidence of Insurance - Before commencing any operations under the contract, the successful proposer shall furnish the Contra Costa LAFCO with a Certificate of Insurance and copies of all applicable endorsements evidencing compliance with the above insurance requirements and that such insurance will not be canceled or materially changed without 30 days advance written notice.

Duration of Insurance Coverage - All required insurance coverages shall be maintained during the entire term of the contract. Insurance coverage written on a claims-made basis shall be maintained during the entire term of the contract and further until at least six month(s) following termination and acceptance of all work under the contract, with the retroactive date of said insurance concurrent with the commencement of activities pursuant to this contract.

All required insurance shall be placed with insurers with a current A.M. Best's rating of no less than A: VII or equivalent, and with deductible amounts acceptable to the Contra Costa LAFCO.

## **XI. Proposal Submittal**

- One reproducible, unbound hard copy and one electronic copy in Adobe PDF format (disk) of the proposal shall be received no later than 4:00 p.m., on Friday, October 10, 2014, at the Contra Costa LAFCO office, located at 651 Pine Street, Sixth Floor, Martinez, CA 94553 Attn: Executive Officer. No faxed or e-mailed proposals will be accepted. Proposals received after the deadline will not be considered. If delivery is to be in person, please call the LAFCO office at (925) 335-1094 to arrange a delivery time.
- Each proposal shall be submitted in a sealed envelope and clearly marked with the title of the RFP.
- All proposals will become property of the Contra Costa LAFCO.
- Cost of preparation of proposals shall be borne by the proposers.
- Proposals shall be signed by an authorized employee or officer in order to receive consideration.
- Contra Costa LAFCO is not responsible for proposals delivered to a person/location other than that specified herein.

## **XII. Selection Process**

Based on relevant work experience, completeness of the responses, budget and the overall project approach identified in the written proposals received, the most qualified firms will be invited, at their expense, for an interview with a selection committee. Interviews are tentatively scheduled for the week of October 27, 2014.

Final selection of the consultant will be based upon the evaluation of both the written and oral responses. Following interviews, the most qualified firm will be selected and a recommended agreement including budget, timeline and a final service agreement will be negotiated. The successful firm will enter into a contract to be awarded by Contra Costa LAFCO. Action on the service contract by LAFCO is tentatively scheduled for Wednesday, November 12, 2014.

The selection committee will use the criteria listed below to evaluate the proposals. At the discretion of the selection committee, additional information may be requested to clarify and explain proposals.

- *Applicability of overall experience and qualifications relating to required services.* Consultant shall have experience preparing LAFCO MSR's and SOI updates, and the general and technical expertise as described in Section VI above.
- *Evaluation of the scope of services, examining in particular any special techniques, approaches, ideas, and insights to be used in performing the services, along with additional consideration of how previous experiences may contribute to the proposer's ability to carry out the services.* Consultant shall possess the ability to initiate, develop and carry out effective strategies in preparing the MSR/SOI updates in accordance with State law and LAFCO requirements.
- *Evaluation of quality and comparability of previous service contracts/employment agreements on which the proposer was the sole or lead consultant.* Successful MSR experience with LAFCOs of similar size and scope to Contra Costa LAFCO within the last five (5) years. Successful experience is defined as that which was completed to the satisfaction of the client, on time and within budget.
- *Evaluation of background, general experience, knowledge, and special capabilities or qualities brought to the project by the consultant.* Consultant shall possess all permits, licenses and professional credentials necessary to perform the required services.
- *Cost.* LAFCO has limited resources to devote to the many MSR's to be conducted over the next few years. Proposals that demonstrate that the final product will meet the requirements of the CKH Act and provide useful information in a concise format at the lowest cost will be looked upon favorably. A final budget will be negotiated with the selected firm.

Other Provisions: Contra Costa LAFCO reserves the right to award a contract to the firm(s) or individual(s) that presents the proposal which, in the sole judgment of Contra Costa LAFCO, best accomplishes the desired results. Contra Costa LAFCO reserves the right to reject any or all proposals, to waive minor irregularities in said proposals, or to negotiate deviations with the successful firm. After the award of the contract, the Contra Costa LAFCO may revise the work program to meet budget constraints.

### **XIII. Tentative Schedule**

The tentative schedule associated with the circulation of the RFP and submission of proposal is as follows:

| <b>DATE</b>                | <b>TASK</b>   |
|----------------------------|---|
| <b>September 10, 2014</b>  | Commission to Review/Approve RFP and Selection Process        |
| <b>September 12, 2014</b>  | Issue RFP   |
| <b>October 10, 2014</b>    | Proposals Due   |
| <b>October 13-24, 2014</b> | Review of Written Proposals by Selection Committee            |
| <b>October 27-31, 2014</b> | Interviews of Selected Proposers                              |
| <b>November 12, 2014</b>   | Committee Recommendation to LAFCO; award of contract by LAFCO |
| <b>December 1, 2014</b>    | Consultant Begins Work  |

#### **XIV. LAFCO Contact**

Lou Ann Texeira, Executive Officer  
Contra Costa LAFCO  
651 Pine Street, Sixth Floor  
Martinez, CA 94553

Voice: (925) 335-1094  
Fax: (925) 335-1031  
Email: [LTexe@lafco.cccounty.us](mailto:LTexe@lafco.cccounty.us)

#### **XV. Attachments**

1. Scope of Services (Attachment 1)

#### **XVI. Reference Information**

For general information about LAFCOs, visit the CALAFCO website: [www.calafco.org](http://www.calafco.org)

For information about Contra Costa LAFCO along with previously completed MSRs, please visit our website: [www.contracostalafco.org](http://www.contracostalafco.org)

# Attachment 1

## REQUEST FOR PROPOSALS

### Countywide Second Round Reclamation Services Municipal Service Review

#### SCOPE OF SERVICES

Contra Costa LAFCO will conduct a second round municipal service review (MSR) of reclamation services (levee maintenance and rehabilitation) in Contra Costa County. Contra Costa LAFCO completed its inaugural review of these services in 2009. The 2009 MSR report is available online at [www.contracostalafco.org](http://www.contracostalafco.org).

#### Countywide Reclamation Service Providers

The geographic area for this MSR is primarily East Contra Costa County. Municipal service providers (i.e., special districts) will be the primary focus of the MSR. Upon completion of the MSR, LAFCO will update the sphere of influence (SOIs) for most, if not all, of the special districts.

The following special districts provide reclamation services in Contra Costa County and will be covered in the MSR:

#### SPECIAL DISTRICTS:

- |  |                              |
|--|------------------------------|
| 1. Bethel Island Municipal Improvement District    | 8. RD 2059 (Bradford Island) |
| 2. Reclamation District (RD) 799 (Hotchkiss Tract) | 9. RD 2065 (Veale Tract)     |
| 3. RD 800 (Byron Tract)                            | 10. RD 2090 (Quimby Island)  |
| 4. RD 830 (Jersey Island)                          | 11. RD 2117 (Cooney Island)  |
| 5. RD 2024 (Orwood/Palm Tracts)                    | 12. RD 2121 (Bixler Tract)   |
| 6. RD 2025 (Holland Tract)                         | 13. RD 2122 (Winters Island) |
| 7. RD 2026 (Webb Tract)                            | 14. RD 2137                  |

#### OTHER AGENCIES

Other local, regional, state and federal agencies may also be included in the MSR to the extent necessary to establish relationships, quantify services and provide a comprehensive overview of services countywide. These agencies include, but are not limited to, the California Department of Fish & Wildlife (DFW), California Department of Water Resources (DRW), Delta Protection Commission (DPC), Federal Emergency Management Agency (FEMA), and U.S. Army Corps of Engineers (Corp).

#### Background

California Government Code §56430 requires LAFCO to conduct MSRs in order to develop information for updating SOIs. The statute requires LAFCO to prepare and adopt a written determination relating to each of the following:

- (1) Growth and population projections for the affected area
- (2) The location and characteristics of any disadvantaged unincorporated communities (DUCs) within or contiguous to the SOI

- (3) Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any DUCs within or contiguous to the SOI
- (4) Financial ability of agencies to provide services
- (5) Status of, and opportunities for, shared facilities
- (6) Accountability for community service needs, including governmental structure and operational efficiencies
- (7) Any other matter related to effective or efficient service delivery, as required by commission policy

The MSR report will include determinations for each local agency covered in the MSR report. LAFCO staff will provide information concerning the location of DUCs.

California Government Code §56425 requires LAFCO, when determining an SOI, to prepare and adopt a written statement of determination for each local agency regarding the following:

1. The present and planned land uses in the area, including agricultural and open-space lands.
2. The present and probable need for public facilities and services in the area.
3. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.
4. The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.
5. For an update of an SOI of a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, that occurs pursuant to subdivision (g) on or after July 1, 2012, the present and probable need for those public facilities and services of any DUCs within the existing SOI.
6. The nature, location, and extent of any functions or classes of services provided by existing districts.

The MSR will include SOI determinations for each SOI update covered in the MSR report. It is anticipated that all districts will receive an SOI update in the second round MSR. LAFCO will provide GIS/mapping services in conjunction with the MSR.

### **Reclamation Service Issues and Topics**

In addition to those issues contained in the statute, the following is a working list of reclamation service issues and topics that have also been identified for discussion in the second round MSR:

- Regulatory changes since the last MSR in 2009
- Impacts of drought on reclamation infrastructure and services
- Relationships/partnerships among local agencies and state and federal entities
- Potential regional and sub-regional service models for the Contra Costa region
- Current service levels and opportunities for improved reclamation services

- Impacts of city and county development on reclamation services
- Identification of best practices relating to short and long-term reclamation services
- Fiscal impacts to the provision of reclamation services
- Potential impacts of State water issues (water bond, proposed “twin tunnels” project, etc.)

## **Other Important Considerations**

The 2009 MSR identified a number of issues concerning reclamation services which are summarized below. These issues and those issues and topics identified above, along with any new issues, should be addressed in the second round MSR.

### **1. Fiscal Issues**

The 2009 MSR noted that routine maintenance expenditures are primarily funded by landowner assessments and subventions from DWR. The State program is not fully funded and leaves a significant funding shortfall. Improved planning at both the State and local levels is needed to prioritize and allocate levee maintenance/rehabilitation funds to address the most critical needs.

Due to the significant expense associated with levee improvements, reclamation districts in Contra Costa County cannot afford to rehabilitate their levees without support from the State.

### **2. Infrastructure Needs and Deficiencies**

- The 2009 MSR report concluded that Contra Costa reclamation districts face significant flood risk, and that many would fail to qualify for FEMA disaster assistance following a levee failure due to non-compliance with standards. None of the reclamation districts provide 100-year flood protection, with the exception of portions of levees maintained by RD 799 and RD 800.
- The MSR report noted that long-term capital improvement strategies are necessary to plan for appropriate levee care.
- The report also noted that although levee systems and related facilities are distinct entities on each island or tract, proper maintenance provides indirect benefits outside district boundaries. Because inundation of one or more islands would increase the effects of wind and wave erosion on neighboring levees, it is in the interest of all districts to ensure that the integrity of the levees be maintained and that infrastructure needs continue to be addressed.

### **3. Service Demand and Adequacy**

- The 2009 MSR discussed service demand and Delta risks, including land surface subsidence, sea level rise and increased water runoff, and seismic activity. The report also provided an assessment of service adequacy, including levee standards, maintenance and management.
- The MSR report noted that the eight western Delta islands are critical to control of salinity in the Delta, protecting water quality for all water users in the State. Of these eight, five are protected by reclamation districts in Contra Costa County (Bradford, Holland, Hotchkiss, Jersey and Webb). The MSR found that three of the five critical islands are only in partial compliance with minimum FEMA levee requirements (Bradford, Hotchkiss, Jersey), and that two of the agencies exceed the minimum FEMA requirements (RD 799 and RD 800).

- The report noted that while all reclamation districts in Contra Costa County perform levee inspections, there is significant variation in inspection practices, including frequency and documentation. There is also considerable disparity in district staffing levels, management practices, local accountability and governance.

#### **4. Governance Structure Options**

- The 2009 MSR report included recommendations relating to governance options, including annexation, consolidation and dissolution. The local agencies were resistant to most of these options.

#### **Service Review Task Overview**

The countywide reclamation services MSR will be conducted in accordance with the California Government Code and local LAFCO policies. Preparation of the MSR will include the following steps, although other activities may be necessary:

##### **1. Data Collection and Review**

- Review Contra Costa LAFCO's first round MSR and recent initial request for information (RFI) as provided by Contra Costa LAFCO staff
- Identify appropriate criteria to be used in service review
- Prepare and distribute a supplemental survey instrument relating to those determinations contained in CKH §56430 following consultation with LAFCO staff
- Collect information through survey, research, interview, meetings and other appropriate means
- Compile information in a database
- Verify compiled information with agencies

*Timing and work products: On or before (insert deadline), Consultant shall deliver to LAFCO staff complete information for each agency*

##### **2. Data Analysis**

- Analyze and prepare preliminary findings based on standards, where appropriate; comparative analysis among local agencies and with state and federal standards is desirable
- Present to and discuss preliminary findings with LAFCO staff
- Present to and discuss preliminary findings with agency staff

*Timing and work products: On or before (insert deadline), Consultant shall deliver to LAFCO preliminary analysis and findings to LAFCO staff*

##### **3. Draft MSR Report**

- Prepare a draft MSR report including required findings for public review and comment



- The MSR report shall include a table of contents, agency profiles, an executive summary and agency maps (mapping will be provided by LAFCO), along with recommended determinations per 56425 and 56430, governance/boundary options, discussion of critical issues facing service providers, and recommended SOI updates (districts only)
- Present draft MSR report to LAFCO at a public hearing

*Timing and work products: On or before (insert deadline), Consultant shall deliver to LAFCO an MS Word formatted and PDF formatted version of the Draft MSR report*

#### **4. Final MSR Report**

- Respond to comments (comment log) and prepare a final MSR report including required findings
- Present final MSR report to LAFCO at a public hearing for adoption

*Timing and work products: On or before (insert deadline), Consultant shall deliver to LAFCO an MS Word formatted and PDF formatted version of the Final MSR report*

In accordance with the work plan, Consultant is expected to:

- Conduct the service review process in a collaborative fashion with opportunities for input and review by each of the agencies being reviewed.
- Encourage public participation in the service review process.
- Conduct the required analysis in the most cost-effective manner possible.
- Utilize information that is currently available, such as the 2009 MSR, LAFCO preliminary RFI, maps, etc., rather than initiate new tools and processes.
- Create a product that will be useful to the Commission in reviewing and updating SOIs and future proposals for changes of organization, beneficial to agencies as a planning tool, and readily accessible to, and easily understandable by, the general public.



Lou Ann Teixeira  
 Executive Officer

**MEMBERS**

|   |  |
|---|--|
| Donald A. Blubaugh<br><i>Public Member</i>          | Mary N. Piepho<br><i>County Member</i>           |
| Federal Glover<br><i>County Member</i>              | Rob Schroder<br><i>City Member</i>               |
| Michael R. McGill<br><i>Special District Member</i> | Igor Skaredoff<br><i>Special District Member</i> |
| Don Tatzin<br><i>City Member</i>                    |  |

**ALTERNATE MEMBERS**

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

September 10, 2014 (Agenda)

September 10, 2014  
 Agenda Item 9

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

**Contra Costa Emergency Medical Services (EMS)  
 Ambulance Request for Proposals Development Workshop**

Dear Members of the Commission:

With the recent completion of the County’s EMS System Modernization Study, the County has embarked on preparing a Request for Proposal (RFP) for emergency ambulance services. Fitch and Associates will serve as RFP contract consultants. Information regarding the County’s procedure process can be found online (<http://cchealth.org/ems/system-review.php#simpleContained8>).

The RFP will be prepared in partnership with EMS system stakeholders, potential bidders and health system providers to encourage an inclusive preparation process with stakeholder engagement and community input. A daylong consultant-facilitated stakeholder workshop will be held on September 17, 2014. Subsequently, the Board of Supervisors (BOS) will review the stakeholder recommendations. The tentative RFP timeline provides that BOS will review the draft RFP in December 2014; the RFP will be released in February 2015; proposals are due in April 2015; the final contract will be awarded in September 2015; and the new contract will begin in January 2016.

On August 15, Contra Costa LAFCO received an invitation to participate in the EMS ambulance RFP development workshop (attached). The workshop is limited to approximately 50 participants. Each invited group is encouraged to select a representative to participate. Workshop participants must be available for the entire day and confirm attendance by September 11, 2014. Contra Costa LAFCO is asked to select one representative to attend the workshop.

**RECOMMENDATION:** Provide direction regarding participation in the EMS Ambulance RFP Development Workshop, and select a representative, as desired.

Sincerely,

LOU ANN TEXEIRA  
 EXECUTIVE OFFICER

c: Patricia Frost, EMS Director

Attachment – Invitation to Participate in the EMS Ambulance RFP Development Workshop



**County of Contra Costa  
EMERGENCY MEDICAL SERVICES  
Memorandum**

**DATE:** August 15, 2014  
**To:** Contra Costa EMS Stakeholders  
**FROM:** Pat Frost, EMS Director  
**SUBJECT:** **Save the Date: September 17, 2014 Day Long EMS Ambulance Request for Proposal Development Workshop**

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**Contra Costa Emergency Medical Services  
EMS Ambulance Request for Proposal (RFP) Development Workshop**

**Date:** September 17, 2014 **Time:** 8:30 am - 4:30 pm

**Location:** Contra Costa County Schools Insurance Group at 550 Ellinwood Way, Pleasant Hill, CA

**To Register:** Call Contra Costa EMS at (925) 646-4690 or email Leticia.Andreas@hsd.cccounty.us

**Full Day Emergency Ambulance RFP Development Workshop**

You are invited by the Contra Costa EMS Agency and the Contra Costa Board of Supervisors to participate in a consultant facilitated Emergency Ambulance RFP development workshop designed to capture local knowledge and expertise for the next emergency ambulance procurement. Workshop participants will assist the Fitch and Associates consultant(s) in specifying “what” will be accomplished, in the upcoming emergency ambulance procurement associated with Emergency Response Areas I, II and V and currently served by American Medical Response.

**Goal of RFP Preparation:** To attract multiple qualified bidders to submit proposals for emergency ambulance service to the County using a transparent, fair and objective competitive process.

**Workshop Invitees:** Workshop invitees/participants will include potential bidders, union representatives, hospital and Contra Costa health system representatives, medical community representatives, patient advocates and other local jurisdictional staff. **All participants must be prepared to attend the entire day.** Lunch will be provided for workshop participants.

**Emergency Ambulance RFP Workshop Concepts to be covered:**

1. Safety net provisions
2. Performance requirements
3. General legal provisions
4. Procurement evaluation process
5. Request for Proposal Timeline

**The workshop is limited to approximately 50 participants. Each invited group is encouraged to select representatives to participate. Workshop participants must be available for the entire day and confirm they will be attending with Contra Costa EMS by September 11, 2014.**

|  |  |   |  |
|--|--|---|--|
| County Fire Executive Chiefs representing East , Central and West County (up to 3)           | EMS and Fire Union representative (1 from each union, up to 3)   | City Manager representation from East , Central and West County communities (up to 3)   | Local Law Enforcement representing East, Central and West County (up to 3) |
| Non-Emergency Ambulance and Air Ambulance Provider representatives (up to 3)                 | Dispatch Centers (1 representative from Sheriffs Communications , Richmond, San Ramon and Contra Costa Fire) (up to 4) | Potential emergency ambulance bidders (1 representative from each) (Anticipate up to 6) | Aging and Advisory Committee representative (up to 2)                      |
| EMS Medical Director and Staff (up to 3)   | Hospital Council representative (1)  | ACCMA representative (1)  | EMCC representatives (up to 3)   |
| Community Hospital Health care representatives (1 from each health system partner) (up to 5) | Behavioral Health Care and Mental Health advocacy (up to 2)  | LAFCO representatives (1)   | Representative from HICAP (1)  |
| American Heart/ Stroke Association Representative (1)  |  | California Emergency Physician Representative (1)                                       |  |

**Public Meeting and Comment:**

This workshop will be noticed as a public meeting with the agenda and all materials posted in compliance with the Brown Act. Members of the public will be able to observe the workshop and offer public comment at the end of the workshop (2 minutes each). The public is also invited to submit written public comment and recommendations for the upcoming ambulance procurement in the following ways: **Via Email:** Patricia Frost, EMS Director: Patricia.Frost@hsd.cccounty.us or directly to Fitch & Associates, LLC: cccems@fitchassoc.com. **Via Mail:** Contra Costa EMS Attn: Fitch Study Public Comment, 1340 Arnold Drive, Suite 126, Martinez, CA 94553 or **Via Fax:** 925-646-4379

**All workshop invitees should prepare for the workshop by reviewing the following materials and are encouraged to bring specific recommendations for discussion.**

- Contra Costa EMS Website at [www.cccems.org](http://www.cccems.org)
- EMS System Review and Ambulance RFP website at <http://cchealth.org/ems/system-review.php#simpleContained1>
- EMS Modernization Project Report at <http://cchealth.org/ems/pdf/2014-EMS-System-Modernization-Study.pdf>
- EMS Modernization Project Report Public Comment Document: <http://cchealth.org/ems/pdf/2014-EMS-System-Modernization-Study-Public-Comments.pdf>
- EMS System Annual Report at <http://cchealth.org/ems/annual-reports.php>
- Current AMR Contract: <http://cchealth.org/ems/contract-ambulance.php>
- Contra Costa EMS Quality Improvement Program: <http://cchealth.org/ems/quality.php>
- Contra Costa 2013 Quality and Utilization Report: <http://cchealth.org/ems/pdf/QI-2013-Annual-Report.pdf>
- Contra Costa EMS System Plan 2012: <http://cchealth.org/ems/pdf/sysplanupd12.pdf>

**Preliminary Emergency Ambulance Request for Proposal Workshop Agenda (subject to change)**

|                  |  |
|------------------|--|
| <b>0845-0900</b> | <b>Registration and sign in</b>  |
| <b>0900-0915</b> | <b>Welcome and Introductions</b>   |
| 0915-0930        | Overview of RFP Timeline and Process   |
| 0930-1030        | General Legal Provisions associated with Emergency Ambulance RFP   |
| <b>1030-1045</b> | <b>Break</b>   |
| 1045-1145        | Emergency Ambulance RFP Safety Net Provision Development   |
| <b>1145-1230</b> | <b>Working Lunch and Networking (workshop participants only)</b>   |
| 1230-1330        | Emergency Ambulance RFP Performance Requirement Development  |
| 1330-1430        | Procurement Review Panel and Evaluation Process <ul style="list-style-type: none"><li>• Selection Criteria for 4 neutral out-of-county RFP reviewers</li><li>• Selection Criteria for 1 Contra Costa EMS System RFP reviewers</li><li>• Recommendations related to scoring process</li></ul> |
| <b>1430-1500</b> | <b>Break</b>   |
| 1500-1600        | RFP requirements for EMS System enhancement  |
| <b>1600-1620</b> | <b>Public Comment (2 minutes each)</b>   |
| 1620-1630        | Consultant Closing Remarks   |



Lou Ann Teixeira  
Executive Officer

MEMBERS

|   |  |
|---|--|
| Donald A. Blubaugh<br><i>Public Member</i>          | Mary N. Piepho<br><i>County Member</i>           |
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ALTERNATE MEMBERS

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

September 10, 2014

September 10, 2014  
Agenda Item 10

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

## Legislative Report - Update and Positions

Dear Members of the Commission:

The second year of the 2013-14 legislative session is winding down; August 31<sup>st</sup> was the last day for each house to pass bills before the final recess, and September 30<sup>th</sup> is the last day for the Governor to sign or veto bills.

This was a busy year for LAFCO legislation (Attachment 1 – CALAFCO Legislative Summary). Two of CALAFCO's priority bills were chaptered – **AB 2762**, the CALAFCO omnibus bill, and **AB 2156** – which allows LAFCOs to request information from joint powers authorities (JPAs) and requires JPAs to respond. Further, CALAFCO has been actively working with legislators on a number of other high priority bills including **AB 1527** (Perea) - *Public Water Systems: Safe Drinking Water State Revolving Fund*, **SB 614** (Wolk) - *Local Government Jurisdictional Changes: Infrastructure Financing*, **AB 1739** (Dickinson) and **SB 1168** (Pavley) – *Groundwater Management*, and **SB 69** (Roth) and **AB 1521** (Fox) as discussed below.

At this time, CALAFCO is requesting support from its member LAFCOs on the following bills:

- **SB 69** (enrolled) This bill calls for reinstatement of the VLF through ERAF for cities that incorporated between January 1, 2004 and January 1, 2012. There are no provisions for back payments for lost revenue, but the bill does reinstate future payments beginning in the 2014-15 year for cities that incorporated between January 1, 2004 and January 1, 2012. CALAFCO is asking its members to send letters of support to the Governor. (Attachment 2)
- **AB 1521** (enrolled) This bill reinstates the VLF payment (through ERAF) and changes the way that the growth in the VLF adjustment amount (property tax in lieu of VLF) is calculated starting in FY 2014-15 to include the growth of assessed valuation, including in an annexed area, from FY 2004-05 to FY 2014-15. Beginning in FY 2015-16, the VLF adjustment amount would be the

jurisdiction's annual change in the assessed valuation. This bill has been marked as an urgency bill to take effect immediately. CALAFCO is asking its members to send letters of support to the Governor. (Attachment 3)

Attached are draft letters of support for the Commission's consideration.

**RECOMMENDATION** - Provide input and direction to staff.

Sincerely,

LOU ANN TEXEIRA  
EXECUTIVE OFFICER

Attachment 1 – CALAFCO Legislative Summary  
Attachment 2 – Draft Letter Supporting SB 69  
Attachment 3 – Draft Letter Supporting AB 1521

## CALAFCO Daily Legislative Report as of Wednesday, September 03, 2014

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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:** 8/15/2014-Failed Deadline pursuant to Rule 61(b)(14). (Last location was APPR. SUSPENSE FILE on 8/12/2013)

| Desk      | Policy | Fiscal | Floor | Desk      | Policy | Dead | 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:** 8/15/2014-Failed Deadline pursuant to Rule 61(b)(14) . (Last location was APPR. SUSPENSE FILE on 8/13/2013).

| Desk      | Policy | Fiscal | Floor | Desk      | Policy | Dead | 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 1521 (Fox D) Local government finance: property tax revenue allocations: vehicle license fee adjustments.**
**Current Text:** Enrolled: 8/26/2014 [pdf](#) [html](#)
**Introduced:** 1/16/2014

**Last Amended:** 8/4/2014



**Status:** 8/22/2014-Senate amendments concurred in. To Engrossing and Enrolling.

| 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, current 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 2014-15 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.

**Attachments:**

[CALAFCO Letter of Support \(Feb 2014\)](#)

**Position:** Support

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

**CALAFCO Comments:** This bill reinstates the VLF payment (through ERAF) and changes the way that the growth in the VLF adjustment amount (property tax in lieu of VLF) is calculated starting in FY 2014-15 to include the growth of assessed valuation, including in an annexed area, from FY 2004-05 to FY 2014-15. Beginning in FY 2015-16, the VLF adjustment amount would be the jurisdiction's annual change in the assessed valuation.

**[AB 1527](#) ([Perea D](#)) **Public water systems: Safe Drinking Water State Revolving Fund.****

**Current Text:** Enrolled: 8/29/2014 [pdf](#) [html](#)

**Introduced:** 1/17/2014

**Last Amended:** 8/20/2014

**Status:** 8/26/2014-Assembly Rule 77 suspended. Senate amendments concurred in. To Engrossing and Enrolling.

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

**Summary:**

Would require the State Water Resources Control Board to provide incentives for the consolidation of public water systems based upon a service review developed by a local agency formation commission. This bill would repeal these provisions as of January 1 of the next calendar year occurring after the board provides notice to the Legislature and the Secretary of State and posts notice on its Internet Web site that the board has adopted a policy handbook.

**Attachments:**

[CALAFCO Support Letter](#)

[CALAFCO Support if Amended Letter](#)

**Position:** Support

**Subject:** Disadvantaged Communities, Municipal Services, Service Reviews/Spheres

**CALAFCO Comments:** As amended, this bill requires the State Water Resources Control Board to provide incentives for the consolidation of public water systems based on LAFCo studies. It further requires the Board to adopt a policy handbook. Once done, this newly added provision will be repealed.

The bill has undergone a number of substantial amendments, consequently eliminating the provision that LAFCos be added to the list of eligible entities for receiving grant funding from the Strategic Growth Council. However it still acknowledges the importance and usefulness of Municipal Service Reviews at the state level by requiring the Board to use that data in their processes of consolidation incentives.

**[AB 1729](#) ([Logue R](#)) **Local government: agricultural land: subvention payments.****

**Current Text:** Amended: 3/20/2014 [pdf](#) [html](#)

**Introduced:** 2/14/2014

**Last Amended:** 3/20/2014

**Status:** 3/24/2014-Re-referred to Com. on APPR.

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

**Summary:**

Would appropriate \$40,000,000 to the Controller from the General Fund for the 2014-15 fiscal

year to make subvention payments to counties to reimburse counties for property tax revenues not received as a result of these contracts. The bill would make legislative findings and declarations related to the preservation of agricultural land.

**Attachments:**

[CALAFCO Letter of Support\\_March 2014](#)

**Position:** Support

**Subject:** Ag Preservation - Williamson

**CALAFCO Comments:** As amended, the bill will appropriate \$40 million from the General Fund in fiscal year 2014/2015 for subvention payments to counties for Williamson Act contracts.

**[AB 1739](#) ([Dickinson D](#)) Groundwater management.**

**Current Text:** Enrollment: 8/29/2014 [pdf](#) [html](#)

**Introduced:** 2/14/2014

**Last Amended:** 8/22/2014

**Status:** 8/29/2014-Assembly Rule 77 suspended. Senate amendments concurred in. To Engrossing and Enrolling.

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

**Summary:**

Would provide specific authority to a groundwater sustainability agency, as defined in SB 1168 of the 2013- 14 Regular Session, to impose certain fees. The bill would authorize the Department of Water Resources or a groundwater sustainability agency to provide technical assistance to entities that extract or use groundwater to promote water conservation and protect groundwater resources. This bill would require the department, by January 1, 2017, to publish on its Internet Web site best management practices for the sustainable management of groundwater.

**Attachments:**

[CALAFCO Letter of Concern \(June 2014\)](#)

**Position:** Watch

**Subject:** LAFCo Administration, Water

**CALAFCO Comments:** As amended, all references to LAFCo being involved in the formation and governance processes for groundwater management agencies have been removed. Agencies will be formed by public agencies as dependent special districts or through JPA, MOU or some other legal agreement. Coordination for overlapping basins and subbasins will be done at the local level.

**[AB 1961](#) ([Eggman D](#)) Land use: planning: sustainable farmland strategy.**

**Current Text:** Amended: 4/22/2014 [pdf](#) [html](#)

**Introduced:** 2/19/2014

**Last Amended:** 4/22/2014

**Status:** 5/23/2014-Failed Deadline pursuant to Rule 61(b)(8). (Last location was A. APPR. SUSPENSE FILE on 5/23/2014)

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

**Summary:**

Would require each county to develop, on or before January 2, 2018, a sustainable farmland strategy. The bill would require the sustainable farmland strategy to include, among other things, a map and inventory of all agriculturally zoned land within the county, a description of the goals, strategies, and related policies and ordinances, to retain agriculturally zoned land where practical and mitigate the loss of agriculturally zoned land to nonagricultural uses or zones, and a page on the county's Internet Web site with the relevant documentation for the goals, strategies, and related policies and ordinances, as specified.

**Position:** Watch

**Subject:** Ag/Open Space Protection, CKH General Procedures, LAFCo Administration

**CALAFCO Comments:** As amended, the bill requires counties with 4% or more of its land zoned as agricultural to create a sustainable farmland strategy (sfs) effective January 1, 2018, in consultation with cities and LAFCo, and to update the sfs as necessary. The bill also requires OPR to create best practices that support ag land retention and mitigation. The bill creates an unfunded mandate for counties.

**AB 2156 (Achadjian R) Local agency formation commissions: studies.**

**Current Text:** Chaptered: 6/4/2014 [pdf](#) [html](#)

**Introduced:** 2/20/2014

**Last Amended:** 3/24/2014

**Status:** 6/4/2014-Chaptered by Secretary of State - Chapter 21, Statutes of 2014.

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

**Summary:**

Would include joint powers agencies and joint powers authorities among the entities from which the local agency formation commission is authorized to request land use information, studies, and plans, for purposes of conducting specified studies, and also would include joint powers agreements in the list of items the commission may request in conducting those studies. The bill would specifically define "joint powers agency" and "joint powers authority" for purposes of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

**Attachments:**

[CALAFCO Letter of Support March 2014](#)

**Position:** Support

**Subject:** CKH General Procedures, LAFCo Administration, Municipal Services, Service Reviews/Spheres

**CALAFCO Comments:** As amended, the bill specifically defines "joint powers agency" and "joint powers authority" for purposes of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (C-K-H), and includes joint powers agencies and joint powers authorities (JPAs) among the entities from which a local agency formation commission (LAFCo) is authorized to request information in order to conduct required studies.

**AB 2762 (Committee on Local Government) Local government.**

**Current Text:** Chaptered: 7/9/2014 [pdf](#) [html](#)

**Introduced:** 3/24/2014

**Last Amended:** 5/6/2014

**Status:** 7/9/2014-Chaptered by Secretary of State. Chapter 112, Statutes of 2014.

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

**Summary:**

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 does not apply to pending proceedings for a change or organization or reorganization for which the application was accepted for filing prior to January 1, 2001, as specified. The act authorizes these pending proceedings to be continued and completed under, and in accordance with, the law under which the proceedings were commenced. This bill would repeal those provisions relating to pending proceedings for a change or organization or reorganization for which an application was accepted for filing prior to January 1, 2001, and make other conforming changes.

**Attachments:**

[CALAFCO Request Governor Signature](#)

[CALAFCO Letter of Support March 2014](#)

**Position:** Sponsor

**Subject:** CKH General Procedures

**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:** 2/3/2014-Returned to Secretary of Senate pursuant to Joint Rule 56.

|           |        |        |       |           |        |        |       |             |          |        |           |
|-----------|--------|--------|-------|-----------|--------|--------|-------|-------------|----------|--------|-----------|
| 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 69](#) (Roth D) Local government finance: property tax revenue allocation: vehicle license fee adjustments.**

**Current Text:** Enrollment: 8/28/2014 [pdf](#) [html](#)

**Introduced:** 1/10/2013

**Last Amended:** 8/18/2014

**Status:** 8/28/2014-Enrolled and presented to the Governor at 10 a.m.

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

**Summary:**

Current property tax law requires the county auditor, in each fiscal year, to allocate property tax revenue to local jurisdictions in accordance with specified formulas and procedures. This bill would modify these reduction and transfer provisions for a city incorporating after January 1, 2004, and on or before January 1, 2012, for the 2014-15 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 Requesting Governor Signature SB 69 \(Aug 2014\)](#)

[CALAFCO Support SB 69 Feb 2014](#)

**Position:** Support

**Subject:** Tax Allocation

**CALAFCO Comments:** The bill calls for reinstatement of the VLF through ERAF for cities that incorporated between January 1, 2004 and January 1, 2012. There are no provisions for back payments for lost revenue, but the bill does reinstate future payments beginning in the 2014/15 year for cities that incorporated between 1-1-2004 and 1-1-2012.

**[SB 614](#) (Wolk D) Local government: jurisdictional changes: infrastructure financing.**

**Current Text:** Enrollment: 8/28/2014 [pdf](#) [html](#)

**Introduced:** 2/22/2013

**Last Amended:** 8/18/2014

**Status:** 8/28/2014-Enrolled and presented to the Governor at 4:30 p.m.

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

**Summary:**

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires a local agency or school district that initiates proceedings for a change of local government organization or reorganization by submitting a resolution of application to a local agency formation commission to also submit a plan for providing services within the affected territory, as specified. This bill would instead require, if a proposal for a change of organization or reorganization is submitted to a local commission, that the applicant submit a plan for providing services within the affected territory.

**Attachments:**

[CALAFCO Letter Requesting Governor Signature](#)

[CALAFCO Letter of Concern \(June 2014\)](#)

**Position:** Support

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

**CALAFCO Comments:** As amended, the bill is intended to provide an incentive to cities to annex disadvantaged unincorporated communities by creating an option for a funding mechanism using a property tax sharing agreement by affected entities (to share the 1% tax dollars) and ensuing tax increment. A special district would be created to act as the vehicle for

that funding. The bill allows LAFCo to consider, as part of the application, the formation of a new district or the reorganization of an existing district, but only if all of the affected agencies are in agreement.

CALAFCO had a number of concerns with the bill which were addressed by the author in the August 18th amendments.

**[SB 757](#) ([Berryhill R](#)) Groundwater management.**

**Current Text:** Amended: 8/22/2014 [pdf](#) [html](#)

**Introduced:** 2/22/2013

**Last Amended:** 8/22/2014

**Status:** 8/25/2014-Re-referred to Com. on RLS. pursuant to Assembly Rule 97.

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

**Summary:**

Would state the policy of the state that groundwater resources be managed responsibly for long-term water supply reliability and multiple economic, social, or environmental benefits for current and future beneficial uses. The bill would state that responsible groundwater management is best achieved locally through the development, implementation, and updating of plans and programs based on the best available science and in consideration of local needs and circumstances.

**Position:** Watch

**Subject:** LAFCo Administration, Water

**[SB 1168](#) ([Pavley D](#)) Groundwater management.**

**Current Text:** Amended: 8/29/2014 [pdf](#) [html](#)

**Introduced:** 2/20/2014

**Last Amended:** 8/29/2014

**Status:** 8/29/2014-In Senate. Concurrence in Assembly amendments pending. Assembly amendments concurred in. (Ayes 25. Noes 10.) Ordered to engrossing and enrolling.

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

**Summary:**

Would state the policy of the state that groundwater resources be managed sustainably for long-term reliability and multiple economic, social, and environmental benefits for current and future beneficial uses. This bill would state that sustainable groundwater management is best achieved locally through the development, implementation, and updating of plans and programs based on the best available science. This bill contains other related provisions and other existing laws.

**Attachments:**

[CALAFCO Letter of Concern](#)

**Position:** Watch

**Subject:** Water

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

**Current Text:** Enrolled: 8/27/2014 [pdf](#) [html](#)

**Introduced:** 2/20/2013

**Last Amended:** 6/24/2014

**Status:** 8/25/2014-Senate amendments concurred in. To Engrossing and Enrolling. (Ayes 56. Noes 23.)

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

**Summary:**

CEQA requires the Office of Planning and Research to prepare and develop guidelines for the implementation of CEQA and the Secretary of the Natural Resources Agency to certify and adopt those guidelines. This bill would require the office, on or before July 1, 2016, to prepare and develop recommended amendments to the guidelines and the secretary, on or before January 1, 2017, to certify and adopt those amendments to the guidelines to establish criteria

for a lead agency to assess the need for translating those notices into non-English languages, as specified.

**Position:** Watch

**Subject:** CEQA

**CALAFCO Comments:** As amended, requires OPR to establish criteria for a lead agency to assess the need for translating those notices into non-English languages, as specified by July 1, 2016.

**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:** 1/24/2014-Failed Deadline pursuant to Rule 61(b)(2). (Last location was JUD. on 3/11/2013)

| Desk      | Dead | 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 677 (Fox D) Local government finance: property tax revenue allocation: vehicle license fee adjustments.**

**Current Text:** Amended: 1/6/2014 [pdf](#) [html](#)

**Introduced:** 2/21/2013

**Last Amended:** 1/6/2014

**Status:** 1/17/2014-Failed Deadline pursuant to Rule 61(b)(1). (Last location was L. GOV. on 1/7/2014)

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

**Summary:**

Would modify specified 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 would also 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 for certain cities incorporating after a specified date, as provided. This bill contains other related provisions and other existing laws.

**Position:** Watch

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

**AB 1593 (Dahle R) Public cemetery districts: Auburn Public Cemetery District.**

**Current Text:** Introduced: 2/3/2014 [pdf](#) [html](#)

**Introduced:** 2/3/2014

**Status:** 5/9/2014-Failed Deadline pursuant to Rule 61(b)(6). (Last location was L. GOV. on 2/14/2014)

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

**Summary:**

Would authorize the Auburn Public Cemetery District in Placer County to use their cemeteries for up to a total of 400 interments each, not to exceed 40 interments each per calendar year, to inter nonresidents and nonproperty taxpayers, if specified conditions are met. This bill contains other related provisions.

**Position:** Watch



**Subject:** Other

**[AB 1897](#) ([Hernández, Roger D](#)) Labor contracting: client liability.**

**Current Text:** Enrollment: 8/28/2014 [pdf](#) [html](#)

**Introduced:** 2/19/2014

**Last Amended:** 8/22/2014

**Status:** 8/28/2014-In Assembly. Concurrence in Senate amendments pending. May be considered on or after August 30 pursuant to Assembly Rule 77. Assembly Rule 77 suspended. Senate amendments concurred in. To Engrossing and Enrolling.

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

**Summary:**

Would require a client employer to share with a labor contractor all civil legal responsibility and civil liability for all workers supplied by that labor contractor for the payment of wages and the failure to obtain valid workers' compensation coverage. The bill would prohibit a client employer from shifting to the labor contractor legal duties or liabilities under workplace safety provisions with respect to workers provided by the labor contractor. The bill would define a client employer as a business entity that obtains or is provided workers to perform labor within the usual course of business from a labor contractor, except as specified.

**Position:** Watch

**Subject:** LAFCo Administration

**[AB 1995](#) ([Levine D](#)) Community service districts: covenants, conditions, and restrictions: enforcement.**

**Current Text:** Chaptered: 8/25/2014 [pdf](#) [html](#)

**Introduced:** 2/20/2014

**Last Amended:** 6/30/2014

**Status:** 8/25/2014-Chaptered by Secretary of State - Chapter 289, Statutes of 2014.

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

**Summary:**

Would authorize the Bel Marin Keys Community Services District to enforce all or part of the covenants, conditions, and restrictions for a tract within that district, and to assume the duties of an architectural control committee for that tract, as provided. This bill contains other related provisions.

**Position:** Watch

**Subject:** LAFCo Administration, Special District Powers

**[AB 2443](#) ([Rendon D](#)) Water Recycling Act of 1991: mutual water companies: duplication of service.**

**Current Text:** Enrollment: 8/28/2014 [pdf](#) [html](#)

**Introduced:** 2/21/2014

**Last Amended:** 8/22/2014

**Status:** 8/28/2014-Assembly Rule 77 suspended. Senate amendments concurred in. To Engrossing and Enrolling.

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

**Summary:**

Would authorize a recycled water producer or wholesaler that has identified a potential use or customer within the service area or jurisdiction of the retail water supplier, to request, in writing, a retail water supplier to enter into an agreement to provide recycled water to the potential customer consistent with specified requirements of the Water Recycling Act of 1991. This bill contains other related provisions and other existing laws.

**Position:** Watch

**Subject:** Water

**[AB 2453](#) ([Achadjian R](#)) Paso Robles Basin Water District.**

**Current Text:** Enrollment: 8/29/2014 [pdf](#) [html](#)

**Introduced:** 2/21/2014

**Last Amended:** 8/4/2014

**Status:** 8/29/2014-Enrolled and presented to the Governor at 2 p.m.

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

**Summary:**

Would, until January 1, 2019, provide for the formation of the Paso Robles Basin Water District, and would set forth the composition of, and method of election by landowners and registered voters for, the board of directors for the Paso Robles Basin Water District, the boundaries of which would be established and may be modified by the San Luis Obispo County Local Agency Formation Commission.

**Position:** Watch

**Subject:** Water

**[AB 2455](#) ([Williams D](#)) The Santa Rita Hills Community Services District.**

**Current Text:** Enrolled: 8/29/2014 [pdf](#) [html](#)

**Introduced:** 2/21/2014

**Last Amended:** 6/17/2014

**Status:** 8/27/2014-Assembly Rule 77 suspended. Senate amendments concurred in. To Engrossing and Enrolling. (Ayes 71. Noes 6.)

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

**Summary:**

Would authorize, until January 1, 2035, the board of directors of the Santa Rita Hills Community Services District to consist of 3 members, if the board of directors receives a petition signed by a majority of voters requesting a reduction in the number of board members and thereafter adopts a resolution that orders the reduction, as specified. The bill would also, until January 1, 2025, authorize the board, if the number of members is reduced to 3, to adopt a resolution to increase the number of members from 3 to 5, as specified. This bill contains other related provisions.

**Position:** Watch

**Subject:** Special District Principle Acts

**CALAFCO Comments:** This bill as amended allows for the reduction of the size of the governing Board of this district from five to three members until January 1, 2025.

**[AB 2480](#) ([Yamada D](#)) Local government finance: cities: annexations.**

**Current Text:** Amended: 3/28/2014 [pdf](#) [html](#)

**Introduced:** 2/21/2014

**Last Amended:** 3/28/2014

**Status:** 4/23/2014-In committee: Set, first hearing. Hearing canceled at the request of author.

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

**Summary:**

Would, beginning on January 10, 2015, and on the 10th of each month thereafter, require the Controller to pay to each city that incorporated before August 5, 2004, an amount equal to an amount determined by a specified formula. This bill would continuously appropriate to the Controller an amount sufficient to make those payments from the General Fund.

**Position:** Watch

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

**CALAFCO Comments:** The intent of this bill is the same as AB 1521, which is moving forward, so the author has let this bill die.

**[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

**SB 1122 (Pavley D) Sustainable communities: Strategic Growth Council.**

**Current Text:** Amended: 5/5/2014 [pdf](#) [html](#)

**Introduced:** 2/19/2014

**Last Amended:** 5/5/2014

**Status:** 5/23/2014-Failed Deadline pursuant to Rule 61(b)(8). (Last location was S. APPR. SUSPENSE FILE on 5/23/2014)

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

**Summary:**

Current law authorizes moneys from the Greenhouse Gas Reduction Fund to be allocated for the purpose of reducing greenhouse gas emissions in this state through specified investments, including funding to reduce greenhouse gas emissions through strategic planning and development of sustainable infrastructure projects. This bill would additionally authorize the council to manage and award financial assistance for the purpose of supporting the implementation of sustainable communities strategies or alternative planning strategies, to be funded from moneys from the Greenhouse Gas Reduction Fund, upon appropriation by the Legislature. The bill would require the council to adopt guidelines for the use of the funds by recipients.

**Position:** Watch

**Subject:** Sustainable Community Plans

**SB 1230 (Committee on Governance and Finance) Validations.**

**Current Text:** Chaptered: 5/29/2014 [pdf](#) [html](#)

**Introduced:** 2/20/2014

**Status:** 5/29/2014-Chaptered by Secretary of State - Chapter 19, Statutes of 2014.

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

**Summary:**

This bill would enact the First Validating Act of 2014, 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 Support Letter](#)

**Position:** Support

**Subject:** Other

Total Measures: 27

Total Tracking Forms: 27

9/3/2014 8:50:11 AM

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



Lou Ann Teixeira  
 Executive Officer

## MEMBERS

|   |  |
|---|--|
| Donald A. Blubaugh<br><i>Public Member</i>          | Mary N. Piepho<br><i>County Member</i>           |
| Federal Glover<br><i>County Member</i>              | Rob Schroder<br><i>City Member</i>               |
| Michael R. McGill<br><i>Special District Member</i> | Igor Skaredoff<br><i>Special District Member</i> |
|   | Don Tatzin<br><i>City Member</i>                 |

## ALTERNATE MEMBERS

|   |
|---|
| Candace Andersen<br><i>County Member</i>            |
| Sharon Burke<br><i>Public Member</i>                |
| Tom Butt<br><i>City Member</i>                      |
| George H. Schmidt<br><i>Special District Member</i> |

September 10, 2014

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

**RE: Request to Sign SB 69 (Roth)**

Dear Governor Brown:

The Contra Costa Local Agency Formation Commission (LAFCO) respectfully requests that you sign Senate Bill 69 (Roth) which is now before you for action. SB 69 goes a long way in restoring funding stability to the four cities that incorporated between January 1, 2004 and January 1, 2012 (Jurupa Valley, Wildomar, Menifee and Eastvale), and avoids the likely disincorporation or bankruptcy of these cities.

The VLF gap created by SB 89, one of the 2011 budget bills, created a financial disincentive for future city incorporations and annexations of inhabited territory. Further, it created severe fiscal penalties for those communities which chose to annex inhabited territories, particularly unincorporated islands. SB 89 also created severe penalties for those communities which had recently voted to incorporate. The equitable distribution of VLF funds to these newer cities is vital to assure their financial feasibility.

Because SB 69 reinstates a critical funding component to these recently incorporated cities, and provides these communities with effective local governance and efficient service delivery options, we respectfully urge you to sign SB 69.

Please do not hesitate to contact us with any questions you may have.

Sincerely,

Rob Schroder, Interim Chair  
 Contra Costa LAFCO

c: Honorable Richard Roth, State Senator  
 Ms. Camille Wagner, Chief Deputy Legislative Affairs Secretary to the Governor



Lou Ann Teixeira  
*Executive Officer*

## MEMBERS

|   |  |
|---|--|
| Donald A. Blubaugh<br><i>Public Member</i>          | Mary N. Piepho<br><i>County Member</i>           |
| Federal Glover<br><i>County Member</i>              | Rob Schroder<br><i>City Member</i>               |
| Michael R. McGill<br><i>Special District Member</i> | Igor Skaredoff<br><i>Special District Member</i> |
|   | Don Tatzin<br><i>City Member</i>                 |

## ALTERNATE MEMBERS

|   |
|---|
| Candace Andersen<br><i>County Member</i>            |
| Sharon Burke<br><i>Public Member</i>                |
| Tom Butt<br><i>City Member</i>                      |
| George H. Schmidt<br><i>Special District Member</i> |

September 10, 2014

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

**RE: Request to Sign AB 1521 (Fox)**

Dear Governor Brown:

The Contra Costa Local Agency Formation Commission respectfully requests that you sign AB 1521 (Fox) which is now before you for action. AB 1521 goes a long way in restoring funding stability to the more than 144 cities which annexed inhabited areas since 2004, consistent with the allocation formula those communities relied upon when making the decision to annex the affected territory. Furthermore the bill declares the act as an urgency statute which will take effect immediately.

The VLF gap created by SB 89, one of the 2011 budget bills, created a financial disincentive for future city incorporations and annexations of inhabited territory. Further, it created severe fiscal penalties for those communities which chose to annex inhabited territories, particularly unincorporated islands, by eliminating over \$4 million in VLF allocations. SB 89 also created severe penalties for those communities which had recently voted to incorporate. The equitable distribution of VLF funds to cities that have annexed inhabited areas is vital to assure their financial feasibility.

This is a critical statewide policy issue with respect to future growth and planning. No longer are there incentives for cities to annex unincorporated inhabited areas. This has the likelihood of leading to urban sprawl and a lack of orderly growth, both of which are significant issues to LAFCOs statewide.

Because this bill reinstates a critical funding component to the cities that recently annexed territory and provides this mechanism for future annexations, we respectfully urge you to sign AB 1521. Please contact us with any questions you may have.

Sincerely,

Rob Schroder, Interim Chair  
 Contra Costa LAFCO

c: Honorable Steve Fox, State Assembly member  
 Ms. Camille Wagner, Chief Deputy Legislative Affairs Secretary to the Governor

August 22, 2014

Mr. Dwight Meadows  
Chair  
Contra Costa Local Agency Formation Commission  
651 Pine Street, 6th Floor  
Martinez, California 94553-1229



**Re: President's Special Acknowledgement Award - Workers' Compensation Program**

**September 11, 2014  
Agenda Item 12**

Dear Mr. Meadows:

This letter is to formally acknowledge the dedicated efforts of the Contra Costa Local Agency Formation Commission's Governing Body, management and staff towards proactive loss prevention and workplace safety. The President's Special Acknowledgement Award is to recognize members with no "paid" claims during the prior **five consecutive program years** in either the Property/Liability or Workers' Compensation Programs.

A "paid" claim for the purposes of this recognition represents the first payment on an open claim during the prior program year. Your agency's efforts have resulted in no "paid" workers' compensation claims for the prior 5 consecutive program years including 2013-14. This is an outstanding accomplishment that serves as an example for all SDRMA members!

It is through the efforts of members such as Contra Costa Local Agency Formation Commission that SDRMA has been able to continue providing affordable workers' compensation coverage to over 407 public agencies throughout California. While 244 members or 60% in the workers' compensation program had no "paid" claims in program year 2013-14, 115 members or 28% had no paid claims for the prior 5 consecutive years.

In addition to this annual recognition, members with no "paid" claims during 2013-14 earn 2 credit incentive points (CIPs) reducing their annual contribution amount and members with no "paid" claims for the prior 5 consecutive program years will earn 3 additional bonus CIPs. Also, members without claims receive a lower "experience modification factor" (EMOD) which also reduces their annual contribution amount.

On behalf of the SDRMA Board of Directors and staff, it is my privilege to congratulate the Governing Body, management and staff of Contra Costa Local Agency Formation Commission for their commitment to proactive loss prevention and safety in the workplace.

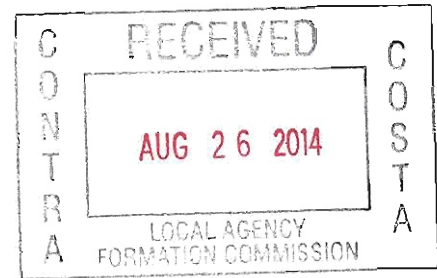
Sincerely,  
Special District Risk Management Authority



David Aranda, President  
Board of Directors

August 22, 2014

Mr. Dwight Meadows  
Chair  
Contra Costa Local Agency Formation Commission  
651 Pine Street, 6th Floor  
Martinez, California 94553-1229



**Re: President's Special Acknowledgement Award – Property/Liability Program**

Dear Mr. Meadows:

This letter is to formally acknowledge the dedicated efforts of the Contra Costa Local Agency Formation Commission's Governing Body, management and staff towards proactive risk management and loss prevention training. The President's Special Acknowledgement Award is to recognize members with no "paid" claims during the prior **five consecutive program years** in either the Property/Liability or Workers' Compensation Programs.

A "paid" claim for the purposes of this recognition represents the first payment on an open claim during the prior program year and excludes property claims. Your agency's efforts have resulted in no "paid" property/liability claims for the prior 5 consecutive program years including 2013-14. This is an outstanding accomplishment that serves as an example for all SDRMA members!

It is through the efforts of members such as Contra Costa Local Agency Formation Commission that SDRMA has been able to continue providing affordable property/liability coverage to over 481 public agencies throughout California. While 406 members or 84% in the property/liability program had no "paid" claims in program year 2013-14, 275 members or 57% had no paid claims for the prior 5 consecutive years.

In addition to this annual recognition, members with no "paid" claims during 2013-14 earn 2 credit incentive points (CIPs) reducing their annual contribution amount and members with no "paid" claims for the prior 5 consecutive program years will earn 3 additional bonus CIPs. Also, members with no "paid" claims for at least 3 consecutive program years may receive a lower "risk factor" which also helps to reduce the annual contribution amount.

On behalf of the SDRMA Board of Directors and staff, it is my honor to congratulate the Governing Body, management and staff of Contra Costa Local Agency Formation Commission for their commitment to proactive risk management and loss prevention training.

Sincerely,  
Special District Risk Management Authority



David Aranda, President  
Board of Directors

**CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
PENDING PROPOSALS – SEPTEMBER 10, 2014**

September 10, 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                                  |
| Subdivision 9329 (2500 Blackhawk Road) - Detachment of frontage from Town of Danville – proposed detachment of 0.09± acre strip along northerly boundary of property located at 2500 Blackhawk Road   | 6/9/14          | Under review                             |
| Reorganization 185 - Annexations to Central Contra Costa Sanitary District (CCCSD) and EBMUD: proposed annexation to CCCSD and/or EBMUD of 20 properties in 7 areas, comprising 172.2± acres in Danville and Lafayette  | 6/20/14         | Under review                             |
| Reorganization 186 - Annexations to CCCSD and EBMUD: proposed annexation of Magee Ranch (9 parcels comprising 402± acres) to CCCSD (all 9) and EBMUD (7 of 9)   | 6/20/14         | Under review                             |
| Reorganization 187 - Annexations to CCCSD and EBMUD: proposed annexation to CCCSD and EBMUD of Podva property in Danville (13.1± acres)   | 6/20/14         | Under review                             |
| Dougherty Valley Annexation #16 to the City of San Ramon and Detachment from CSA P-6: proposed annexation of 22.89± acres south of Dougherty Valley Service Center in DV Specific Plan area   | 7/10/14         | Under review                             |

# Bay Area Tops in Population Growth Rates

Posted by : [Justin Hyer](#) August 21, 2014 In [Local Government](#)

*By Hans Johnson.*

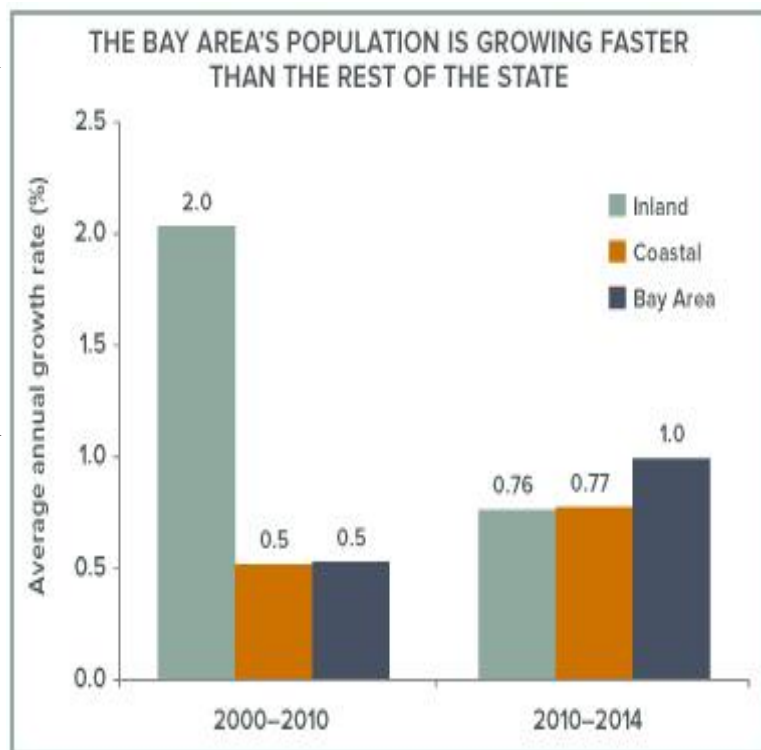
For many decades, inland areas of California have experienced faster population growth rates than coastal areas. Indeed, from 1950 to 2010 the Inland Empire (Riverside and San Bernardino Counties) experienced the most rapid rate of population growth in California. But now, for the first time since the 1860s, the Bay Area—long the slowest-growing urban region—is experiencing faster growth rates than any other region of the state.

Clearly, the Bay Area's strong economy has led to this growth. With robust job gains and relatively high wages, demand to live in the Bay Area is very high. To some extent, local authorities and builders have responded to this demand with new housing construction, much of it multi-unit housing in densely populated areas. Population growth has been especially strong in Santa Clara and Alameda Counties, but San Francisco and San Mateo Counties are also outpacing the more suburban parts of the Bay Area, such as Sonoma and Solano Counties.

In contrast, inland areas are still recovering from the recession and housing bust that hit them hard at the end of the last decade. Declines in employment and very high rates of foreclosure were centered on these inland regions, including the Inland Empire, the San Joaquin Valley, and Sacramento.

Some might say this is not an important shift in regional growth patterns. After all, at 1.0 percent annual growth, Bay Area populations are not exactly exploding. But growth rates in the Bay Area are twice as high this decade as they were in the previous one, and no one expected the Bay Area to be the fastest-growing region of the state—according to long-term projections, inland areas will have faster growth rates than coastal areas. If recent patterns persist, this conventional wisdom will be turned on its head, and the implications for California's future—from transportation infrastructure to water demand—could be enormous. As the economic recovery spreads throughout the state, it is reasonable to expect that inland growth will pick up, but to what extent and for how long is highly uncertain.

*Originally posted at the [Public Policy Institute of CA.](#)*





# California Water Rights: You Can't Manage What You Don't Measure

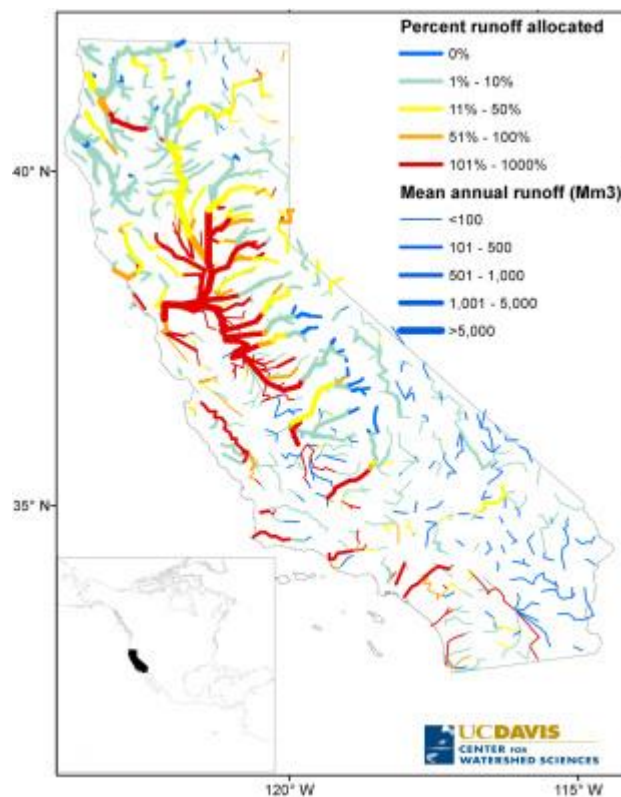
Posted by : [Justin Hyer](#) August 21, 2014 In [Local Government](#)

By *Ted Grantham and Joshua Viers*

California water experts have long known the amount of surface water granted by water rights far exceeds the state's average supplies. Historically, the over-allocation has not raised much concern; in most years, there has been enough runoff of rain and snowmelt to go around.

But circumstances are changing. California is suffering the third driest year in a century and demands for water are at an all-time high. The huge gap between allocations and natural flows — coupled with great uncertainty over water-rights holders' actual usage — is increasingly creating conflicts between water users and confusion for water managers trying to figure out whose supplies should be curtailed during a drought.

To understand where and to what degree California rivers have been claimed, [we mapped](#) all appropriative water rights recorded by the State Water Resources Control Board. We quantified the total “face value”, or maximum annual diversion volume, of water rights for all rivers and streams and compared this data with estimates of water supply.





We found that water rights exceed average supplies in more than half of the state's large river basins, including the Salinas River, where water-rights claims amount to three times the average flow, and the San Joaquin River, where water rights exceed flows by as much as eightfold.

Not only are many rivers over-allocated but the amount of water actually used by water-rights holders is poorly understood. Comparisons of allocations with water use suggest that in most of California, only a fraction of claimed water is being used. Statewide, appropriative water-rights claims for consumptive uses are about five times greater than average surface-water withdrawals.

The Associated Press [recently reported](#) that the state water board is unable to track the water usage tied to many of California's oldest and largest water rights ([Dearen & Burke 2014](#)). The state system primarily relies on self-reported water use records, which are riddled with errors, even for the some of the state's largest water users.

In a well-functioning water-rights system where allocations are closely tracked and verified, over-allocation is not necessarily a problem. During water shortages, the state would order holders of junior appropriation rights to curtail use. When water is abundant, most water-rights holders should be able to fully exercise their claims.

Inaccurate accounting, however, threatens the security of water rights — particularly when water is scarce. Earlier in this drought year, for example, the water board sought to protect fish in some watersheds by [threatening curtailments of water rights](#) held by *all* users within those drainages. More targeted cutbacks might have been sufficient if the agency had accurate water-use information.



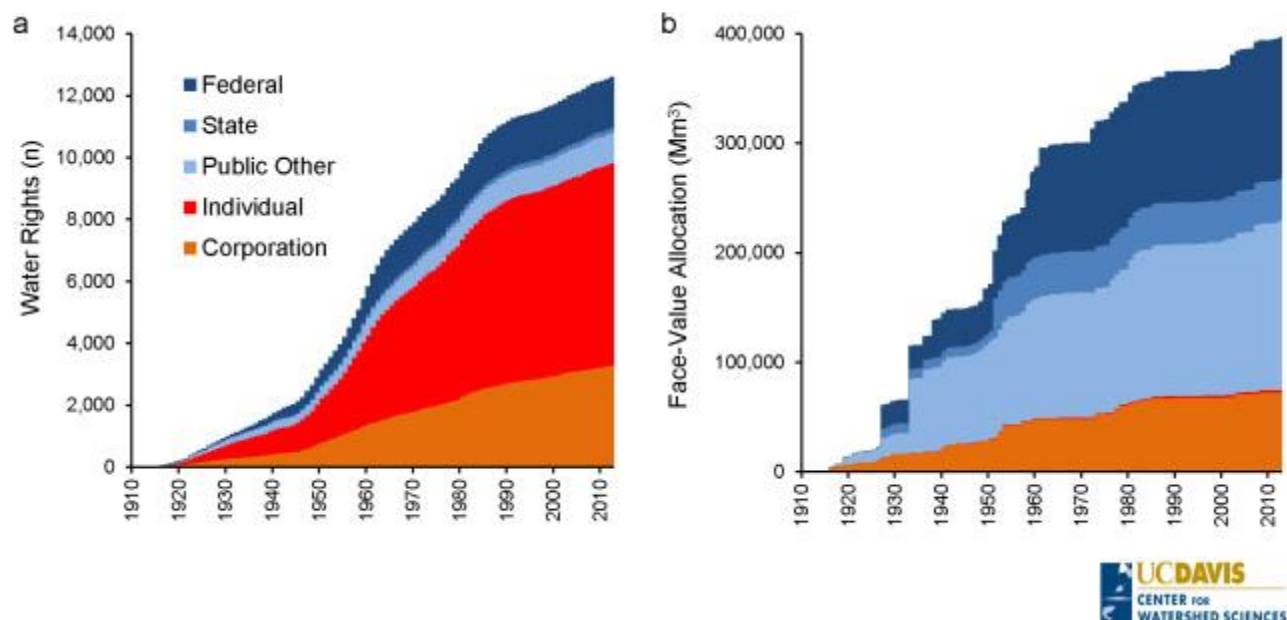
The lax water accounting has intensified conflicts between users during the drought. Operators of the state and federal water projects recently asked the water board to investigate diversion practices by farmers in the Sacramento-San Joaquin Delta. As the Sacramento Bee [recently reported](#), the water agencies suspect farmers are taking water released from upstream dams that is intended for consumers elsewhere. The [California Sportfishing Protection Alliance](#), a group often allied with Delta landowners, has countered with a formal complaint to the board alleging that the agencies are illegally diverting water from rivers that flow into the Delta. ([Weiser 2014](#)).

Innovative approaches to California's water management challenges also are dependent on accurate water-rights accounting ([Hanak et al. 2011](#)). For example, water markets rely on

transparent and accurate quantification of water transfers. Uncertainty in water rights may also discourage conjunctive management of surface and groundwater to improve water supply reliability ([Draper et al. 2003](#)).

In over-prescribed systems, water needed to meet new and evolving demands will likely require curtailment of water rights. This is not as daunting or threatening as it may seem.

Impacts to private water rights will likely be minimal because public agencies control the bulk of the state's water supply. Tightening the water accounting would have a much greater effect on state and federal water project operators, water utilities and irrigation districts that collectively hold rights to 80 percent of the allotted water — compared with less than 1 percent held by individuals.



Major policy changes may not be necessary to improve California's water rights system. California law already allows re-allocation of water rights to address evolving societal needs and changing environmental conditions ([Littleworth and Garner 2007](#)). For example, the public trust doctrine establishes that the government has an ongoing duty to safeguard natural resources (Frank 2012). California's Fish and Game Code 5937 is an expression of that doctrine, requiring dam owners to provide enough flows below impoundments to maintain fish in good condition.

The state water board, however, will need legislative authority and funding to improve the recordkeeping and effectively enforce water rights. According to board staff, the agency does not have the resources to systematically verify water usage or check even the most obvious mistakes in the records. Yet the board still relies on these inaccurate data in deciding how and where to grant water-rights permits ([Dearan and Burke 2014](#)).

Improving the water-rights system, of course, will not alone solve California's myriad water management challenges ([Hanak et al. 2011](#)). But without better quantification and regulation of

water rights, prospects of reconciling competing water demands in a drought-stricken state will remain bleak.

The tools and technology to quantify water supplies and accurately track usage are at our disposal. All that is lacking is political will.

*Originally posted at [CA Water Blog](#).*

*Ted Grantham, a scientist with the U.S. Geological Survey, analyzed the state water-rights database as a postdoctoral researcher at the UC Davis Center for Watershed Sciences. Joshua Viers is director of the Center for Information Technology Research in the Interest of Society (CITRIS) at UC Merced. Their [study](#) of the California water rights system was published Aug. 19, 2014*

Published **August 13th, 2014**

## Home Fires Keep Burning

By Nick Marnell



Photos courtesy MOFD

new station would replace closed ConFire station 16, and MOFD station 43 in north Orinda.

"We know there is a need for a better located resource in that area, so we are working as quickly as possible to get the station going," said ConFire chief Jeff Carman. "So while this incident is a good example of the potential in Lafayette and the hills nearby, it hasn't changed how fast we are trying to work on the station." Negotiations between the two districts continue, with a formal proposal for station 46 expected to be presented this fall to both fire district governing boards.

Traci Reilly, co-chair of the Lafayette Emergency Services Task Force, said that the need for station 46 is understood, or it would not even be on the table. "This is exactly what has played out these last few weeks," she said, speaking of the Lamorinda fires. "We anticipated something like this and we are certainly doing everything we can to try to prevent it."



Two early summer structure fires put Lamorinda on high alert as it rolls into the peak of fire season during the driest year in recorded California history. A June fire destroyed a house on Tarry Lane in north Orinda, and in July firefighters put out a three-alarm fire on Monticello Drive in Lafayette. The two fires caused an estimated \$1.5 million in damage.

"The public is concerned with service cutbacks, the heat and the drought," said Lafayette fire commissioner Bill Granados, "as they should be." He cautioned that the resources of the Lamorinda fire agencies will be heavily challenged this season.

Nearly equidistant from both incidents is the site for proposed fire station 46, a joint venture between the Contra Costa County Fire Protection District and the Moraga-Orinda Fire District. The

# Patterson Irrigator.com

Thursday, August 14, 2014

## Ag-mitigation fees debated

A Planning Commission staff report presented by Community Development Director Joel Andrews, which asked councilmembers to set an in-lieu fee for mitigating the loss of farmland to housing, sparked a very passionate debate that included comments from District 5 Supervisor Jim DeMartini, and Planning Commission Chairperson Ron West, as well as Keystone Corp.'s Keith Schneider, and Building Industry Association (BIA) CEO John Beckman.

The report asked for the council to discuss and adopt an in-lieu fee of \$2,000 per acre, a number supported by members of the BIA.

As the Local Agency Formation Committee (LAFCO) law currently states, new residential development can either provide mitigation for farmland loss by creating a permanent ag-conservation easement protecting farmland at a 1-to-1 ratio, or by paying an in-lieu fee.

"The fee provides certainty for a developer who is trying to move forward," Andrews said while answering questions of the council during Tuesday evening's staff report.

"Why go with a flat fee when there are variances in types of ag-land?" asked Councilwoman Sheree Lustgarten. "We are the breadbasket. We have to protect that," she said.

Other councilors expressed their lack of support for either of the mitigation measures.

"This measure has not been effective in preserving farmland," said councilmember Dominic Farinha. "If we have a little blip of [farmland] outside of a growing community, it seems cumbersome for a city to consider this within a sphere. If it's around a city, it certainly ties our hands."

Councilman Larry Buehner turned to address Farinha at this time saying, "The city gets nothing; it's extortion money that LAFCO came up with."

Councilwoman Lustgarten asked staff if LAFCO was consulted on the matter, of which Deputy City Attorney Doug White said he "does not advise," though Development Director Andrews quickly chimed in that LAFCO had been notified.

District 5 Supervisor Jim DeMartini was in attendance and spoke as a member of LAFCO to the council.

"This item does not even come close to the regulations of LAFCO," said supervisor DeMartini. "I don't know how staff came up with these numbers, because it's not anywhere close with this one."

Supervisor DeMartini corrected many discrepancies within the topic being discussed. "If you pass this tonight, it will never pass LAFCO," said DeMartini.

Keith Schneider, representing Keystone Corporation, was quick to take the dais following DeMartini's words.

"As you are aware, I and the BIA are completely opposed to building fees," said Schneider. "The ag-mitigation policy passed by LAFCO and subsequently adopted by the city of Patterson is an example of government forcing one private sector of the economy, the building industry, to pay for another private sector of the economy, the ag-industry."

Patterson Planning Commission chairperson Ron West followed Schneider by relating the ag-industry to a woman floating in a pool trying to be saved by four life-guards.

"The ag-industry does not need to be saved," said West. "Every year the ag-industry gets stronger and stronger. We have been good stewards of our land. We don't need to apologize to LAFCO."

Supervisor DeMartini's spirited response to the matter raised concerns amongst councilmembers Farinha, and Lustgarten, who began to speak of bringing the matter back at a later date.

Councilmember Buehner, however, motioned to approve the \$2,000 in-lieu fee and Mayor Molina immediately seconded his motion.

"Opportunities may dry up because of an obstacle like this," said Molina.

The motion died 2-3 after not gaining the majority third vote needed to pass the resolution, with councilmembers Novelli, Lustgarten and Farinha dissenting.

"I've been up here four years and I've never seen supervisor DeMartini so passionate," said councilmember Novelli before providing the dissenting swing vote. "We don't have a project before us. I don't see why we can't take more time to look at this."

City staff plans to bring the issue back to the City Council at a future meeting.



# Rodeo-Hercules fire board rejects call to rescind assessment

By Tuseda A. Graggs For the Contra Costa Times

Posted: 08/14/2014 03:28:02 PM PDT [0 Comments](#) | Updated: about 24 hours ago

Correspondent

HERCULES -- The Rodeo-Hercules Fire District board resisted a call from one of its members this week to rescind a controversial \$82-a-year benefit assessment on most district properties that is designed to bolster fire protection and emergency medical response.

Board member Bill Prather reiterated his stance that the board's recent approval of the assessment on area properties is wrong and open to a legal challenge. Prather was the lone dissenter when the board approved the assessment in the June vote.

"I think if we continue with this, we're going to get a black eye" because the assessment will likely be challenged in court, Prather said during Wednesday's board meeting. "This director would like to see it rescinded."

The benefit assessment will also help cover costs to reopen the Rodeo station, one of two in the district; the other is in Hercules. The assessment was approved by a weighted majority of property owners who voted via a mail-in election that concluded in May.

Although there was no formal vote, Prather's fellow board members said they are also adamant in their stance.

Fire board member John Mills said he hosted more than 100 people at his home during the recent National Night Out, and attendees were overwhelmingly supportive of the assessment. "I agree (with the decision). This is the path we've taken. It's the right thing to do," he said.

The fire board verbally agreed Wednesday to a board retreat with fire Chief Charles Hanley to discuss the district's past, present and future -- and the assessment.

Taxpayer groups say the board-approved assessment violates the California Constitution because it's being passed off as conferring a special rather than a general benefit.

Alex Aliferis, executive director of the Contra Costa Taxpayers Association, said the discussion Wednesday was good but didn't want to comment on the possibility of a lawsuit.

"I've been receiving correspondence from residents, and they don't want this," he said.

Vince Wells, head of the firefighters union, Local 1230, disagreed. "It would be a slap in the face to the public and to the process" to change now, he said.

The assessment is calculated to raise close to \$1 million a year for the district. Under the assessment, single-family houses would pay \$82 a year; condos and apartments, \$46.93; and stores, \$60.30 per one-fifth acre. Industrial properties would pay varying rates, based on their fire risk and the replacement cost of structures.

The East Contra Costa Fire District's board officially decided earlier this month to pursue a benefit assessment of its own in an attempt to keep its five remaining stations open.

If a majority of property owners approve the proposal in October, the assessment will generate just over \$4 million annually for five years starting in 2015.

During the discussion leading up to the East Contra Costa Fire District's Aug. 4 vote, there was no concern that the assessment might not be legal, said Director Joe Young.

Although critics sometimes argue that benefit assessments can't be used for any fire services, district counsel Shayna van Hoften said that state law and the state constitution allow fire districts that source of revenue as long as the assessments directly benefit property. As such, East Contra Costa Fire may not assess property owners for the cost of providing emergency medical services.

Staff writer Rowena Coetsee contributed to this story.



**Contra Costa Times**  
**08/15/14**

**OAKLEY**

**City appoints two to seats on fire board**

City Council members appointed two Oakley residents this week to the board of the local fire district.

After reviewing the résumés of four applicants, the council unanimously agreed to reappoint Ron Johansen to represent the city as a director of the East Contra Costa Fire District.

Johansen, a firefighter who has sat on the ninemember board for nearly two years, is serving a term set to expire Oct. 31.

Council members also accepted Mayor Randy Pope's offer to fill the second seat on the board, which has been open since former member Kevin Bouillon stepped down Aug. 5 because he is moving out of the area.

Pope, a police sergeant, said Wednesday that he thinks his experience in public safety will come in handy with the fire district.

Noting that Brentwood's council also appointed its mayor to the fire board, Councilman Kevin Romick said having Pope at the meetings would ensure a direct line of communication between the city and fire district.

— *Rowena Coetsee, Staff*

# California Drought: Bay Area loses billions of gallons to leaky pipes

By Lisa M. Krieger lkrieger@mercurynews.com

Posted: **08/16/2014** 05:59:43 PM PDT [2 Comments](#) | Updated: about 3 hours ago

As Bay Area residents struggle to save water during a historic drought, the region's water providers have been losing about 23 billion gallons a year, a new analysis of state records reveals.

Aging and broken pipes, usually underground and out of sight, have leaked enough water annually to submerge the whole of Manhattan by 5 feet -- enough to meet the needs of 71,000 families for an entire year.

Bay Area water agencies have lost from 3 to 16 percent of their treated water, according to this newspaper's analysis of the latest reports on water that disappears before the meter. The figures are especially irritating for residents who are being forced to cut up to 20 percent of their water use and contend with the first-ever statewide restrictions on outdoor watering.

"It's just freaking people out that we're so wantonly wasting water here," said Deborah St. Julien, who watched a 2-gallon-a-minute leak bubble up in front of her neighbor's house for a month before the San Jose Water Co. fixed it.

Leaks not only waste one of California's most precious resources but damage property and cost money through lost revenue for utilities and higher rates for water users.

This newspaper's analysis of reports submitted voluntarily to the Department of Water Resources for 2010 -- the latest year statewide records are available -- shows a wide range of estimated losses.

They range from 3.5 percent in Antioch and 5.2 percent in Santa Clara to 13 percent in Los Altos and 15.75 percent in Hayward. Leaks, breaks and overflows cost the East Bay Municipal Utility District 9.2 percent, or 6.028 billion gallons, of its total water production in 2012, the district declared in a more recent report.

But with no mandatory or standard auditing practices for the state's 362 urban water suppliers, it is difficult to calculate precisely how much water the state is losing.

Reporting is now merely recommended, not required. And while some leak reports are accurate, others are just rough estimates.

"If we are to better manage our water resources, we need to know how much water is lost over its distribution system," said state Sen. Lois Wolk, D-Davis, who is seeking tougher requirements to report water losses to the state through legislation, Senate Bill 1420.

"Then we need to take cost-effective steps to reduce these losses," she said.

The catastrophic water-main break last month that deluged the UCLA campus with 20 million gallons of water, destroying 300 cars and creating a 25-by-30-foot oval sinkhole about 7 feet deep, offered a vivid reminder of the fragility of our state's water systems. One of the two pipes was badly corroded; the other had five leaks before the rupture.

Pipes throughout the state are in unknown condition. But the two most common types of pipes in the Bay Area -- cast iron and asbestos cement -- are both nearing the end of their life spans. The Bay Area is filled with special risk: an unstable landscape of landslides and restless fault lines. And many of our towns sit upon clay, which expands and contracts.

"The soil is moving. Sometimes the pipe moves with it, and sometimes it doesn't," said Mike Wallis, director of operations and maintenance for EBMUD. "Joints get pulled apart."

One neighborhood in Kensington is so landslide-prone that 20 permanent "leak loggers" have been installed under streets. In Oakland, when the Hayward Fault shrugged under Highway 24 in February 2013, it broke a 24-inch main that serves more than 10,000 homes in the Oakland hills. It took more than a month to repair.

Unlike damage to roads and bridges, breaks in our vast network of underground water pipes are often hidden from view. Water may seep for days, weeks or even months until noticed.

"Leaks usually start small, but then finally give way," said Mike Simpson of M.E. Simpson Co. of Indiana, a national leader in leak detection services. "It suddenly becomes something you really don't want it to be."

Even in the best situation, some water loss is inevitable, said experts. Water flows at extreme pressure through a network of joints, valves and connections. And some reported losses aren't true leaks -- rather, they are caused by faulty meters, data-handling errors, theft or firefighting efforts.

But water providers like EBMUD are turning to technology to fight back. The agency uses acoustic devices, known as "loggers," to find leaks in water mains before they surface. More than 700 are in place, with another 500 yet to come.

The friction of water escaping a pipe makes a unique sound, detected by \$600 computers the size of a soda can. It's different from the more subdued roar of normal flow.

"Sometimes you hear a loud hissing. Or something deep, the sound of a wind," said Mike Brown of EBMUD, whose vigilant acoustic monitoring makes it one of the state's leaders in leak detection.

His team finds 800 to 1,000 leaks a year in a 4,200-mile-long maze of pipes, some of which were installed in the late 1800s, when cattle were still being herded to Oakland's rail yards and electric streetcars clanked through Berkeley.

The leak detectors are so sensitive they can hear water leaking at just 1 gallon an hour, said detection plumber Tony Lopez. "It will pick up a little spray," he said.

Last week, amid the roar of Interstate 880 traffic, Brown and Lopez gazed at a large and mysterious pool of underground water discovered during the widening of the 23rd Avenue offramp.

"Sometimes you go right to a leak and find it," said Brown. "Sometimes you just have to hunt around and it takes a long time. Sometimes you don't ever find it."

The source of a leak can be miles from where you first see water, he said. It may be far uphill. Or maybe the water is traveling laterally, along an electrical conduit. In some rare instances, the leak may even be downhill from the flow.

With so many water systems showing their age, the American Water Works Association has termed this "the dawn of the replacement era." The group estimates that replacing and expanding water systems will cost at least \$1 trillion over the next 25 years.

In the Bay Area, some communities are replacing miles of pipe for the first time. The San Francisco Public Utilities Commission, for instance, is spending \$4.6 billion to replace leaky pipes carrying Hetch Hetchy water. The new pipes in the project, to be completed in 2016, are designed to withstand a magnitude-7.1 earthquake on the Hayward Fault.

Last week, San Jose Water Co. announced a 15 percent jump in monthly bills, with a further unspecified increase planned for 2015, to cover the replacement costs of the most leaky pipes along its 2,400 miles of pipeline. It will replace 24 miles of pipe every year.

It is a wise long-term investment, said Madelyn Glickfeld, director of UCLA's Water Resource Center.

"In a drought emergency," she said, "we don't have water to waste this way."

Staff writer Andie Waterman contributed to this report. Contact Lisa M. Krieger at 650-492-4098.

#### HOW DURABLE ARE OUR WATER PIPES?

Much of our drinking water infrastructure is nearing the end of its useful life. The pipe networks were largely built and paid for by earlier generations, and passed down to us as an inheritance. Life spans are influenced by soil conditions.

Cast iron is found in old downtown neighborhoods such as Oakland, Berkeley and Richmond. Ductile iron is more common in San Jose. Asbestos cement is found in communities such as Orinda, Walnut Creek and Lafayette. Steel, which is expensive, is reserved for major distribution pipes. PVC is used in the newest developments.

Cast iron: 1900s-1940s. Life span 75 to 115 years.

Ductile iron: 1960s-2000s: Life span 60 to 110 years.

Asbestos cement: 1950s-1960s. Life span 60 to 100 years.

Steel: 1940s-2000s. Life span 90 to 100 years.

PVC: 1970s-2000s. Life span less than 70 years.

# Water losses

Actual or estimated water losses in 2010 as reported to the state by urban water suppliers

| <b>System</b>                      | <b>Percentage lost of water put into distribution system</b> |
|------------------------------------|--|
| Alameda County Zone 7              | 3%   |
| Antioch                            | 3.5  |
| American Canyon                    | 7.7  |
| Benicia                            | 25.7   |
| Cal Water Service                  |  |
| Livermore                          | 4.4  |
| Los Altos                          | 13   |
| Mid-Peninsula                      | 6.9  |
| Salinas                            | 10.2   |
| South San Francisco                | 4.5  |
| Coastside (Half Moon Bay)          | 1.9  |
| Contra Costa Water District        | 14.7   |
| Daly City                          | 5  |
| Diablo Water District              | 3.3  |
| Dublin/San Ramon                   | 4.4  |
| East Palo Alto                     | 1.4  |
| EBMUD                              | 9.2  |
| Golden State Water Co. (Bay Point) | 12.6   |
| Gilroy                             | 6.5  |
| Hayward                            | 15.8   |
| Hillsborough                       | 3.0  |
| Livermore                          | 14.2   |
| Martinez                           | 9.1  |
| Millbrae                           | 6.0  |
| Milpitas                           | 10.6   |
| Morgan Hill                        | 7.5  |
| Palo Alto                          | 8.4  |
| Pittsburg                          | 12.3   |
| Pleasanton                         | 6.6  |
| Redwood City                       | 7.8  |
| San Bruno                          | 11.2   |
| San Francisco                      | 8.1  |
| San Jose                           | 7.3  |
| San Jose Water Co.                 | 6.8  |
| Santa Clara                        | 5.2  |
| Santa Cruz                         | 8.5  |
| Soquel Creek Water District        | .29  |
| Sunnyvale                          | 5.7  |
| Watsonville                        | 6.8  |

Source: Department of Water Resources BAY AREA NEWS GROUP

# State, local officials get behind renewed effort to save Doctors Medical Center

By Robert Rogers  
Contra Costa Times

Posted: 08/25/2014 02:49:23 PM PDT Updated: about 13 hours ago

SAN PABLO -- Efforts by city officials in Richmond and San Pablo, as well as the health care district that manages Doctors Medical Center, appear to be coalescing around Assemblywoman Nancy Skinner's proposed bill aimed at saving the beleaguered hospital by increasing federal reimbursement rates.

Skinner introduced a bill last week that would place DMC into the state's public medical system, which would allow it to receive higher reimbursement rates from government-sponsored plans. That could mean \$4 million to \$6 million in additional annual revenue, West Contra Costa Healthcare District Chairman Eric Zell said Monday. The bill also includes an infusion of \$3 million in state funds in the short term to stave off closure of the hospital, which runs an \$18 million annual deficit and could run out of money as soon as October.

"This could be a part of a puzzle of funding that would be needed in the next 30 days to keep us open as a full service facility," Zell said. "We're grateful for the efforts of state legislators."

Zell said the race is on to get the bill through both houses of the Legislature this week before lawmakers begin a September recess.

Skinner said she was prompted to pursue the bill after learning of different reimbursement rates available to public hospitals and that Touro University, which has a campus in Vallejo, may be interested in a partnership with DMC.

"It's worth creating space for this potential lifeline," Skinner said.

Meanwhile, Richmond City Manager Bill Lindsay is expected to send a letter of support for the effort to the state in the next day or two, said Councilman Jael Myrick.

San Pablo City Manager Matt Rodriguez announced Monday that the City Council has called a special meeting Tuesday to express its support for the legislation, called AB 39.

"(AB 39) would place Doctors Medical Center into the public medical system as a 'safety net' hospital, which would provide a special designation for DMC to receive substantial financial benefits from the state of California to keep critical care services for West County residents viable, and to provide additional time to explore other long term operating solutions," Rodriguez wrote in an email.

Passage is not assured. The California Association of Public Hospitals and Health Systems sent a letter to Skinner Aug. 20 opposing the effort to designate DMC a public hospital.

AB 39 would set a "concerning precedent ... without any rationale or analysis regarding how this change will impact the current designated public hospitals in California or improve care for low income residents," wrote CAPH President and CEO Erica Murray.

Earlier this year DMC, which is West Contra Costa's only public hospital and the site of 25 of the 40 emergency room beds in the area, announced a fiscal emergency and moved to cut services. On Aug. 8, it stopped accepting ambulances and reduced the number of inpatient beds to 50. More than 80 workers have resigned, and Zell said 180 more employees have been given notice that they'll be laid off by Sept. 5 without an improvement in the hospital's fiscal crisis.

The main reasons for the hospital's troubles are a payer mix dominated by Medicare, MediCAL and uninsured patients, a problem that has grown worse over the years as more distant hospitals have absorbed more of the patients covered by private insurance.

A 2011 county study concluded that the closure would lead to longer ambulance transport times and longer waits at other hospitals inundated by patients diverted from DMC.

Nurses unions filed a federal lawsuit earlier this month against the county and the health care district to halt the ambulance redirection, arguing that it disproportionately affects seniors, minorities and the poor. The case is set to be heard later this week.

The unions welcomed Skinner's efforts Monday, calling it a "good start."

"Ultimately, the responsibility continues to rest on the Contra Costa County Board of Supervisors, who clearly have the funding that is needed," National Nurses United/California Nurses Association spokesman Charles Idelson wrote in an email.

County officials have been steadfast in their contention that they have no surplus funds to subsidize the hospital.

Zell said other options are still on the table, including saving the hospital in its current form, operating it as a stand-alone emergency room or getting a private partner.

"In a vacuum, the bill could help, but it doesn't solve the problem," Zell said. "We have to continue to look for other sources of funding and partnerships."

Contact Robert Rogers at 510-262-2726. Follow him at [Twitter.com/sfbaynewsrogers](https://twitter.com/sfbaynewsrogers).

## Resident files suit over fire district assessment

By Tom Lochner, [tlochner@bayareanewsgroup.com](mailto:tlochner@bayareanewsgroup.com)  
Contra Costa Times, 08/26/2014

HERCULES — In a move that could resonate far beyond the small Rodeo- Hercules Fire Protection District, a resident has sued to overturn an \$82-a-year benefit assessment, arguing it would pay for districtwide general benefits rather than special benefits to property owners. The suit claims the assessment, which is expected to raise about \$1 million a year for fire protection, violates the strict requirements specified by the state constitution because it pays for services the district has provided historically and not special benefits. The suit is being watched closely in other districts, especially ones that have fared badly with recent parcel tax measures, which require a two-thirds majority to pass.

The East Contra Costa fire district board also decided earlier this month to pursue a benefit assessment, two years after a \$197-a-year parcel tax measure went down to defeat.

The Rodeo-Hercules assessment would charge owners of single-family homes \$82 a year, apartments and condos \$46.93 a year, stores \$60.30 per one-fifth acre and industrial properties an amount depending on size and type. Fire Chief Charles Hanley said Monday the district had not yet been served with the suit, filed on behalf of Hercules resident Thomas Bruce Pearson in Contra Costa County Superior Court in Martinez on Aug. 5. “Our legal counsel won’t issue advice going forward until they have had an opportunity to review the documents that were filed and brief the Board of Directors,” Hanley said in an email. District Counsel Richard Pio Roda said Monday the district is analyzing the merits of the petitioner’s argument. In May, Pio Roda said the ballot measure complied with the law.

The assessment was passed through a ballot-by-mail among property owners in May that required a weighted, simple majority of yes votes. The weighted tally, under which the district’s biggest property owner, the Phillips 66 petroleum refinery, would pay about \$45,500 a year for 29 parcels, passed with 57 percent in favor.

The board on June 11 voted 4-1, over the objection of board member Bill Prather, to impose the benefit assessment. On Aug. 13, the board rejected a call by Prather to rescind the assessment.

*Contact Tom Lochner at 510-262-2760.*



Print this page

Published August 27th, 2014

## Two MOFD Seats Uncontested

Three Moraga-Orinda Fire District board seats are up for election this November. The races for two of the seats - Division 3 and Division 4 - are uncontested. Only the Moraga Division 1 race will appear on the November ballot: Nate Bell will challenge incumbent Kathleen Famulener.

Because the two races are uncontested, the Board of Supervisors has the option to appoint qualified candidates Brad Barber to the Orinda Division 4 seat and Steve Anderson to the seat in Division 3, which includes parts of both Moraga and Orinda. The supervisors could require that the uncontested races be placed on the ballot, but according to Contra Costa County elections chief Joe Canciamilla, in the interest of saving money they rarely do.

What if voters wish to challenge the presumed board appointee with a write-in candidate? "They can circulate a petition and request a special election," said Canciamilla. "But it is a very expensive process."

Supervisor Candace Andersen said that the appointments would be announced at one of the regular Board of Supervisors meetings.

N. Marnell

Reach the reporter at: [info@lamorindaweekly.com](mailto:info@lamorindaweekly.com)

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# Richmond: Group of doctors, nurses, advocates vow to keep fighting to keep Doctors Medical Center open

Bay City News Service

Posted: 08/27/2014 09:07:32 AM PDT Updated: 6 days ago

RICHMOND - A group of doctors, nurses and community activists say they will continue fighting to keep the financially troubled Doctors Medical Center in San Pablo open.

A group that calls itself the DMC Aversion Committee, or DCAC, held a news conference in Richmond today to voice its continued opposition to the downsizing and closure of DMC, the only public hospital in West Contra Costa County.

"Our community -- not only West County but the entire Bay Area community cannot stand by and allow this hospital to close," said Oakland-based attorney Pamela Price, who is representing DCAC.

The gathering came two weeks after DMC stopped accepting emergency ambulance service, cut its number of inpatient beds to 50 and shut down its heart attack intervention program after the hospital shed more than 80 staff members.

Patients in the area who would normally seek care at the hospital are now diverted to the next nearest hospitals, from nearby Kaiser Permanente Richmond Medical Center to as far as Berkeley and Vallejo.

Last Wednesday, Richmond resident Booker Williams died of an apparent heart attack at Alta Bates Summit Medical Center in Berkeley, despite requests from his family that he go to DMC, according to Price.

The attorney said today that Williams' death is a direct result of the diversion of ambulances from DMC to the farther hospital, which was overloaded with emergency patients on the day of his death.

"A man has died, and we know that he will not be the only one if we don't stop this train," Price said.

The Rev. Andre Shumake of Richmond, who also spoke at today's news conference, agreed.

"It has been stated and it was presented earlier that should this hospital close, should there be a diversion of ambulances to other facilities that this would happen," he said. "How many more people have to die?"

DCAC contends that the county should step up to fund the hospital, which has struggled for years to remain afloat and has operated under an annual \$18 million budget deficit due to a mostly uninsured or underinsured patient population. Voters rejected a May parcel tax measure meant to bridge the deficit.

On Aug. 12 Price filed a lawsuit in federal court on behalf of DCAC in an effort to stop the hospital's continued downsizing and potential closure, which hospital officials have said could happen as soon as October.

The suit alleges that scaling back services or closing the hospital constitutes discrimination, since its patients are mostly low-income residents, seniors or people of color, a situation that Shumake today called "medical apartheid."

A U.S. District Court judge in San Francisco earlier this month denied a motion for a temporary restraining order to stop the diversion of emergency ambulances at DMC. A hearing on the case is scheduled in San Francisco on Wednesday.

The complaint names Contra Costa County, each member of the Board of Supervisors, county Health Services director Dr. William Walker, the West Contra Costa County Healthcare District and district board chairman Eric Zell as defendants.

Zell could not be reached for comment.

County Supervisor John Gioia, whose district includes DMC, noted that he has fought for the better part of a decade to keep the hospital open and continues to work to prevent its closure.

"I think it is unfortunate to be critical of those who have been working to save the hospital for seven years and who actually worked to bring the hospital out of bankruptcy in 2008," Gioia said.

The supervisor is among several county officials and representatives from nearby Bay Area hospitals in a recently formed group tasked with devising an alternate model for the hospital that would allow it to keep its doors open and hopefully restore emergency ambulance services.

The focus now, he said, is on a model that would keep the hospital's emergency room open since studies have shown that the loss of the ER would have the greatest adverse impact on residents.

According to Gioia, the county's 10 health care clinics, including two located in West Contra Costa County, see some 80,000 patients annually - about double the amount of patients seen in DMC's ER each year, according to hospital estimates.

Meanwhile, state Assemblywoman Nancy Skinner, D-Berkeley, last week introduced a bill that would integrate DMC into the state's public health care system. If passed, the hospital would be eligible to receive higher reimbursement fees from government sponsored health care plans, which hospital officials have said could mean more than \$4 million in additional annual income.

Skinner's bill, AB39, has until Sunday to pass. In an email statement Monday, Skinner made particular note of DMC's nonemergency facilities. "Doctors Medical Center has, among other things, an outstanding cardio unit and dialysis center," she wrote.

Gioia and West Contra Costa Healthcare District Chairman Eric Zell said the hospital's future rests on dual tracks of action, and whatever is successful will help determine the outcome. Zell said earlier this week that if Skinner's bill became law, the new money it would free up could be a "part of a puzzle of funding" that saves the hospital as a full-service facility, an option largely written off just days before.

An Aug. 21 paper written by Hooper, Lundy & Bookman P.C., a San Francisco law firm that specializes in health care issues, concluded that DMC can be granted license to operate as a satellite emergency department of the county system by a decision from the California Department of Public Health.

"We do not believe that a standby emergency department must be located in a 'hospital building' that provides basic and inpatient services," the report concluded.

DMC and county officials met with state health department representatives in early August to discuss a satellite emergency department, according to the paper, but state officials argued that a satellite emergency department must be within a facility that provides inpatient services as well in order to get the proper licensing.

According to the paper, 89 percent of the 40,000 patients who go to DMC's emergency room annually don't need additional inpatient care, meaning only about 4,000 annually would likely require transport to another facility.

Nurses unions and community advocates have pushed hard against the satellite emergency department idea, arguing that the loss of basic health care and inpatient services at the hospital is unacceptable, particularly in a poor area of the county with a high proportion of elderly residents. About \$9 million in annual parcel taxes voters passed in 2004 and 2011 to fund the hospital would still be collected if DMC is scaled down to a satellite emergency department.

While maintaining a full-service hospital is still an option, Gioia and Zell said, the satellite emergency idea significantly reduces the gaping budget gap and makes it more likely that the county and the other area hospitals could chip in to fill it. The other hospitals are eager to avoid the deluge of hospital visits should DMC close completely. A satellite emergency department could cut the gap from about \$18 million to about \$9 million, Gioia said.

"There could be willingness," Gioia said. "The other hospitals have said in our discussions that they are open to discussing funding of a different model that is sustainable, and the county has never said it is not willing to contribute to DMC; it just doesn't have \$18 million annually."

Contact Robert Rogers at 510-262-2726. Follow him at [Twitter.com/sfbaynewsrogers](https://twitter.com/sfbaynewsrogers).

# Options for Doctors Medical Center become clearer, giving renewed hope

By Robert Rogers  
Contra Costa Times

Posted: 08/27/2014 02:12:49 PM PDT Updated: 6 days ago

SAN PABLO -- A new legal opinion suggests that Doctors Medical Center could be licensed to become a satellite emergency department under the county's jurisdiction, offering a possible avenue to preserve services at the foundering hospital that is at risk of closure.

The legal position paper recently received by county officials argues that the state's Department of Public Health has the authority to approve the conversion of the hospital to a satellite emergency department of the county, an option that could also increase reimbursement rates and free up county dollars to help close the hospital's budget gap.

The legal opinion, along with a bill introduced last week by Assemblywoman Nancy Skinner, D-Berkeley, that would designate DMC as a public hospital so that it could collect higher reimbursement rates, provides fresh hope that a plan can be crafted to avoid total closure of the hospital, which is drowning in red ink.

"Having a state bill which identifies some additional funding is helpful but not a full solution, and a legal opinion isn't actual state approval, so it's best to say there is continued hard work to be done," said Contra Costa County Supervisor John Gioia, of Richmond.

If the emergency department is absorbed as a satellite facility in the county system, patients would still have to be taken to other hospitals in the area if they need specialized care, as in the case of trauma and heart attacks. But a satellite emergency department has advantages over a freestanding unit because it could include better reimbursement rates under the county license and county subsidies. A satellite facility could also benefit from better integration with the resources of the county medical system.

"A satellite and a freestanding (emergency department) are pretty similar in some ways operationally," said Dr. Joseph Barger, director of Contra Costa Emergency Medical Services. "While there could be an advantage of having an associated medical staff of another entity, there would still be the challenge of making sure that patients who need additional care can be promptly and efficiently transported elsewhere."

DMC runs an \$18 million annual deficit, driven mostly by a payer mix that is about 80 percent Medicare and Medi-Cal patients, and only 11 percent privately insured, according to 2013 statistics. DMC is managed and funded by the West Contra Costa Healthcare District, which comprises about 250,000 West County residents but does not get subsidies from the county government.

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Contact Robert Rogers at 510-262-2726. Follow him at [Twitter.com/sfbaynewsrogers](https://twitter.com/sfbaynewsrogers).

# Martinez: Mayor calls out building owners in wake of Napa quake

[By Elisabeth Nardi](#)  
[Contra Costa Times](#)

Posted: 08/27/2014 09:41:52 PM PDT

MARTINEZ -- In the wake of Sunday morning's earthquake and the damage it did in downtown Napa, the Martinez mayor is calling on owners of unreinforced masonry buildings in his city to make their properties earthquake-safe, or to at least get their plans to City Hall -- immediately.

After Sunday's magnitude-6.0 earthquake centered near Napa, Martinez Mayor Rob Schroder said Wednesday the city sent registered letters to commercial building owners who are out of compliance with the city's earthquake standards for unreinforced masonry buildings. These include structures made of brick, stone, concrete block, adobe and clay; most are in the downtown.

Martinez officials identified 60 commercial buildings that need earthquake retrofitting, and their owners had until Aug. 15 to submit plans to the city for making their masonry earthquake safe, Schroder said. There are nine property owners who have ignored the city's directive to get their buildings retrofitted as required by law, he said.

"Our downtown buildings are quaint, but they are also old, and we need to make certain that a significant earthquake won't injure employees and residents in the downtown," said Schroder. "People's lives are at stake, and these building owners need to step up and do the work necessary to prepare for the next big earthquake."

The city passed an ordinance in 2009 requiring buildings be brought up to earthquake safety standards.

Schroder said 37 of those 60 commercial buildings have had retrofitting completed. One other is close to completion, five buildings have been issued permits to start work, plans have been submitted for two, and owners of six more have engaged engineers, with plans being developed but not yet submitted.

All identified buildings must have the work done by Aug. 15, 2015. If property owners don't comply by next year, the city's last recourse is to force tenants out of a building, board it up, red-tag it and eventually give owners the choice of retrofitting or demolishing the building, said Martinez Public Works Director Dave Scola.

"There are some people who have totally not gotten on board or given us any indication that they are planning to or are working on this -- some are causing concern," he said.

Patty Telfer-Hector, who manages business properties for McMahon-Telfer Properties, which has one of the listed noncompliant buildings, said her firm has hired a structural engineer, and the city should get its plans by the end of the month. It has taken a while, she said, and it is expensive, but they plan to meet the deadline.

The city has tried to work with property owners, giving them a break on the building permit fee and trying to connect them with banks for loans. At one point, the city considered a nonprofit economic development corporation to use public and private money for loans, but that fell through; instead, the city created an economic development staff position, Schroder said.

One out-of-compliance building is at 822 Escobar St., owned by Larry Lippow of Lippow Development Co. The building is empty and will not be rented until earthquake retrofit work is done, Lippow said. And while he understands the city's position, retrofitting a building is expensive.

"It's very challenging to incur the cost of retrofitting buildings and get a reasonable return on investment considering the depressed rental market in Martinez," he said. "From a property owner's perspective, it needs to make economic sense."

Schroder said he understands the economics but also that it's a safety issue, and the Napa quake was a stark reminder.

"We have a real responsibility here," he said. "The most important thing, in my mind, for local government is to provide safety and security to residents."

Contact Elisabeth Nardi at 925-952-2617.

### **out of compliance**

The following buildings and their owners were cited in a letter this week from the city and told to move quickly with retrofit work:

- 530 Main St. (Owned by Jila Afjei)
- 618-620 Main St. (Nader Heydayian)
- 701 Main St. (R.J. Johnson)
- 714-718 Main St. (Robert & Charleen Kassels)
- 720 Main St. (Charlene Marchi Trust)
- 727 Main St. (Jeffrey Cardoff)
- 700-724 Marina Vista (Lacey Lane Deal)
- 822 Escobar St. (Lippow Development Co.)
- 600 Ferry St. (McMahon-Telfer Properties)

Source: City of Martinez



Published August 27th, 2014

## MOFD Increases Fire Season Staffing

By Nick Marnell

The fire season is off to an ominous start and the Moraga-Orinda Fire District has bulked up to confront it. The board of directors unanimously approved fire chief Stephen Healy's recent request for an increase in minimum daily staffing from 17 to 19 firefighters through the end of November, which will allow the station 45 ambulance to be fully staffed during the wildfire season.

"This gives us increased operational capacity," said Healy. Since Medic 45 will be staffed full time, the crew at station 44 will no longer be primarily used on ambulance calls. As a result, the station 44 engine will be available 99 percent of the time during the fire season.

Already this summer two fires damaged homes in Lamorinda, and in July the district suppressed four vegetation fires. "Everything is under stress from three years of drought," said Healy, who noted that Northern California has experienced 11 significant fires this season as opposed to three in Southern California. The chief added that historically, the worst fires occur in October and November.

The district estimates that the extra fire season staffing will cost \$250,000. But thanks to increased property tax revenue and savings realized from the new labor contract, the district projected a general fund surplus of more than \$400,000 before the additional personnel expense.

The firefighters union supported the action, but it admonished the district to take the time to evaluate its financial situation before making any long term decisions on staffing numbers, including the hiring of single-role paramedics instead of firefighters. "Before permanently restoring staffing back to 19 we feel it is equally important to look at restoring salary and benefits to our employees," said MOFD union representative Mark DeWeese.

Reach the reporter at: [info@lamorindaweekly.com](mailto:info@lamorindaweekly.com)

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# Judge denies request to reinstate services at West Contra Costa hospital in tentative ruling

By Jennifer Baires Contra Costa Times

Posted: 08/28/2014 09:26:11 AM PDT Updated: 5 days ago

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SAN FRANCISCO -- In a courtroom packed with doctors, nurses and patients from Doctors Medical Center, a U.S. District Court judge tentatively denied requests for an injunction Wednesday to keep the beleaguered San Pablo hospital open and restore its staffing and services to levels that existed before the emergency room was closed to ambulance traffic earlier this month.

District Judge William H. Orrick did not make a final ruling Wednesday, saying that he would need some time to carefully reconsider the plaintiffs' argument that he should intervene because the hospital's diminished services mean that Contra Costa County is no longer meeting state and federal standards.

"Everybody here acknowledges the impact of DMC's closure," said Orrick, before adding that his two concerns were whether there was a legal argument he could "hang his hat on" to take the "quite extraordinary" step of a mandatory injunction, and whether doing so would benefit anyone.

Nurses, doctors, patients and community members filed the suit earlier this month seeking to stop the possible closure or downsizing of West Contra Costa's only public hospital, which is deep in the red and losing staff as uncertainty about its future continues.

"The remedy that you're asking for I don't think does good for the people you want to help," Orrick said. "They're going to be closing very soon, and if I ordered them to spend more money, they'd close sooner."

Amid mounting staff departures, DMC stopped accepting emergency ambulance traffic Aug. 8, diverting patients to hospitals farther away, and as of Tuesday night, closed one of its medical and surgical units.

A spokesman for the hospital said the unit consolidation was initially scheduled for Sept. 5 but was done Tuesday night after administrators determined there weren't enough patients to justify continuing to operate two units.

"It is part of the ongoing consolidation to extend the ability of the hospital to keep its doors open," said spokesman Chuck Finnie.

Sherry Ray, a nurse who works in the department and attended Wednesday's hearing, said the closure came as a surprise during her shift.

"They sent us home and said our next shifts were canceled," Ray said.

Plaintiffs' attorney Pamela Price mentioned the closure of the unit during her appeal to Orrick as another example of the hospital's "death by dismemberment."

Attorneys for Contra Costa County and the West Contra Costa Healthcare District, which runs the hospital, said they agreed with Orrick's tentative ruling that there is no legal basis for an injunction.

Both attorneys also added that their clients have done much to keep the hospital open, that they are continuing to work behind the scenes for a solution, and that they were upset by charges by the plaintiffs of discrimination.

"They think nothing of accusing my clients of discriminating without any factual evidence," Douglas Straus, an attorney representing the health care district, said of the accusation that the district was discriminating against African-Americans by reducing services at the hospital.

Orrick is expected to rule on the matter within the next few days.

# Contra Costa Times editorial: State should clear the way for saving Doctors Medical Center emergency department.

Contra Costa Times editorial © 2014 Bay Area News Group

Posted: 08/28/2014 11:16:34 AM PDT Updated: 5 days ago

The biggest thing standing in the way of saving West Contra Costa's busiest emergency department is politics. State health Secretary Diana Dooley must push past that and clear the way for transitioning the financially failing Doctors Medical Center into a satellite emergency facility.

Nurses and physicians, more concerned with protecting unsustainable jobs than ensuring adequate emergency service, continue demanding that Doctors remain a full-service hospital.

Unfortunately, that's not realistic. The district lacks the revenues. Civil rights attorney Pamela Price's misguided attempt to use the courts to block service reductions won't produce more income, as the judge in the case understands.

Assemblywoman Nancy Skinner's pending legislation seeking higher federal reimbursement rates is a long shot that, even if it succeeds, won't close the funding gap. With or without that additional money, the numbers don't work.

We saw that as the district borrowed to keep Doctors running the past few years. All that has done is bury West County taxpayers deeper in debt that will take decades to pay off.

We see that again in a new financial analysis prepared for an advisory group trying to find a solution. A streamlined full-service hospital would lose \$18 million to \$22 million a year.

Nurses and physicians keep calling for a county bailout. Their protests and marches grab media attention, but ignore reality. The county, reeling from budget cutbacks and huge pension and retiree health costs, struggles to adequately fund its existing programs, including health services and understaffed sheriff and district attorney offices.

It's time to get real. Neighboring hospitals have agreed to consider financial assistance, but only for a sustainable model. The only scenario that comes close is a freestanding emergency department operating under the license of the county's Martinez hospital.

That would still lose about \$9 million annually, but the other hospitals have incentive to help close that gap to avoid patient diversions that overburden their emergency rooms.

Of course, doctors and nurses have been working in Sacramento to block this option. They argue that anything less than a full-service hospital would be unsafe for patients. That's untrue. Hundreds of satellite ERs operate in other states.

There's an open legal question whether California law allows the state Department of Public Health to license a satellite emergency department. Attempts to change the law would likely fail because of the California Nurses Association's tight grip on the Legislature.

But local leaders have made a strong legal argument that the state could issue the license under current law. We hope Dooley moves quickly so that a smooth transition can begin before the hospital runs out of cash.

# San Pablo: Judge affirms ruling allowing service cuts at Doctors Medical Center

[By Matthew Artz Oakland Tribune](#)

Posted: 08/29/2014 10:36:44 PM PDT Updated: 3 days ago

A federal judge issued a final ruling Friday allowing cash-strapped Doctors Medical Center in San Pablo to proceed with sharp cutbacks in emergency care, hospital representatives said.

And in more bad news for the beleaguered hospital, the state Senate failed to act on legislation that would have added the medical center to the state's public medical system. Such a designation would have netted as much as \$4 million to \$6 million more in reimbursements from government-sponsored plans.

Affirming a tentative ruling he made Wednesday, U.S. District Judge William H. Orrick denied an injunction to restore staffing levels and services at West Contra Costa's only public hospital.

Hospital staff and community members had filed the lawsuit earlier this month to stop the possible closure or downsizing of DMC. Amid mounting staff departures, the hospital stopped accepting emergency ambulance traffic earlier this month and this week closed one of its medical and surgical units.

After Orrick's ruling, Eric Zell, the hospital board's chairman, said in a prepared statement that work continued to keep the hospital open as long as possible and provide needed care.

"At the same time," he said, "we have a responsibility to our patients to deal with the reality of operating a hospital on a day-to-day basis with depleted financial resources and both voluntary and necessary reductions in personnel."

Contra Costa County Supervisor John Gioia said in the wake of Friday's news that efforts should be concentrated on turning Doctors' emergency room into a satellite emergency department.

"I believe that the effect of these two actions essentially eliminates any hope that DMC can survive as a full service hospital," Gioia said in an email. "As a community, we need to unite behind one strategy that preserves most emergency services for West County under a model that has a chance of being financially sustainable."

# Odds grow longer for effort to preserve services at Doctors Medical Center

By Jennifer Baires Contra Costa Times

Posted: 09/02/2014 05:24:43 PM PDT Updated: about 16 hours ago

SAN PABLO -- Physicians, nurses and community members fighting to keep Doctors Medical Center open as a full-service hospital said Tuesday they weren't giving up despite a double dose of bad news last week.

The odds are growing longer, however, after a judge denied their injunction request to reinstate services that have recently been reduced and a bill that would have designated DMC a public hospital, allowing it to collect higher reimbursement rates, failed to make it out of the state Legislature.

"Certainly, I'm very disappointed," said Dr. Ellen Morrissey, a kidney specialist at DMC and plaintiff in the injunction suit. "I think that the community deserves better."

Morrissey said she believes the plaintiffs will appeal U.S. District Judge William H. Orrick's decision. She added that many of her patients at DMC require frequent treatment and are frightened by the possibility of DMC closing. "One patient told me he might move away from the area so he could have certain care nearby," she said.

Before cutbacks this summer brought on by an \$18 million yearly deficit, DMC handled nearly 60 percent of West Contra Costa's emergency ambulance traffic and represented about 80 percent of the region's inpatient capacity, according to a 2011 report commissioned by Contra Costa Health Services. The hospital closed to emergency ambulance traffic on Aug. 7.

Advocates for DMC have continued pushing to keep the hospital fully operational, even while its directors close units and look for alternatives to a full-service hospital.

"We're beyond that now," said Dr. William Walker, director of Contra Costa Health Services, of hopes to maintain a full hospital. "As much as we'd like to fantasize about keeping the hospital open as a full-service facility -- it's not going to happen."

Walker said the county, along with the West Contra Costa Healthcare District, which runs DMC, is instead studying the feasibility of implementing a satellite emergency department, a model he said would be a first for California.

"There are a number of these departments across the country in suburban areas," Walker said. "In a number of those situations, it's the same, where a hospital has closed and left behind an emergency department."

The idea of a satellite department, or decreases to services at DMC, is unpopular with many who work at the hospital.

Dr. Richard Stern, a 33-year veteran of the hospital and its chief of staff, said he was opposed to any reduction in service and believes that a satellite emergency room is a more dangerous option than just closing the hospital.

"An emergency department with a downsized hospital makes no sense," Stern said. "What happens if somebody who is sick, who needs emergency care -- whether it's a heart attack or acute respiratory failure -- can't be treated by emergency department care alone? If they go to a free-standing department, their care is delayed."

Instead, supporters of keeping DMC full service are looking to the county for salvation. Representatives from the California Nurses Association and National Nurses United plan to hold a rally Wednesday morning in front of the office of Contra Costa County Board of Supervisors Chairwoman Karen Mitchoff, asking her to hold a vote to integrate DMC as a full-service hospital run by Contra Costa Health Services.

Mitchoff said that while she's happy to sit down with union representatives, she and the other supervisors agree that it's not possible for the county to take over DMC because the money isn't there.

An interim report by the Hospital Council of Northern and Central California on the best options for DMC is expected in the next week or two. In the meantime, a bill on Gov. Jerry Brown's desk, if signed, would give DMC \$3 million -- enough to stay open a few weeks longer while officials determine exactly what its next iteration will be.

Contact Jennifer Baires at 925-943-8378. Follow her at [Twitter.com/jenniferbaires](https://twitter.com/jenniferbaires).



# East Contra Costa fire district to reprint ballots for assessment mail-in vote after error found

By Roni Gehlke For the Contra Costa Times

Posted: 09/02/2014 10:55:32 PM PDT Updated: 14 min. ago

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Engineer Greg Baitx of East Contra Costa Fire Protection District station #94 backs up the fire...

OAKLEY -- The East Contra Costa Fire Protection District board voted Tuesday to reissue mail-in ballots to approximately 44,000 property owners after discovering a mistake in data the district received from outside agencies.

The mistake was found after one of the district's board members noticed that the assessment amount listed on his ballot was not what he had thought it would be. After district staff investigated further it was determined that the data the district had received from outside agencies was not up to date.

"It is important that all property owners be assessed the correct amount, so we will be taking a close look at all of the data to ensure complete accuracy," Chief Hugh Henderson said.

The district found that about 10,000 property owners were sent a lower assessment amount on their ballots than what they would actually have to pay. The majority of those parcels are in southwest Brentwood, but other areas were also affected.

After the assessments for those 10,000 properties are changed to the correct amounts, the fire district's other approximately 34,000 property owners should see a reduction in their assessments because the amounts are calculated based on the total assessment, which would generate about \$4 million annually.

Consultants previously determined that 96 percent of the parcels that have single-family homes on them will be assessed at less than \$113 annually. Most of the remaining parcels with improvements on them will have assessments under \$250.

Very large properties and those with gas stations on them where the volume of flammable liquids poses a particular fire hazard would pay more than \$250.

The data that needs to be updated includes fire hydrant locations in newly developed areas.

"I don't know what we could have done differently," said board President Joel Bryant, who expressed his anger and embarrassment over the situation. "We can only control what we have direct control of."

In a two-part vote the board decided to suspend the first assessment vote and then directed staff to retrieve the updated data to send out new ballots. The district hopes the new ballots can be mailed in six to eight weeks.

Henderson said that if the benefit assessment is approved by a majority of property owners, it would fund the cost of keeping five stations open for five years, as well as hiring and training of additional personnel. It would also allow Station 54 in Brentwood to reopen, reducing fire emergency response time for most residents and businesses in East County.

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