



## **NOTICE AND AGENDA FOR REGULAR MEETING**

DATE/TIME: Wednesday, December 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.**

## DECEMBER 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 November 12, 2014 regular LAFCO meeting

### SPHERE OF INFLUENCE/BOUNDARY CHANGES

6. *LAFCO 14-06 – Reorganization 187 (Podva): Annexations to Central Contra Costa Sanitary District (CCCSD) and East Bay Municipal Utility District (EBMUD)* - consider a proposed boundary reorganization including annexations to CCCSD and EBMUD. The area comprises 13.1± acres (APN 208-160-008) located west of the terminus of Midland Way in the Town of Danville. Also consider related actions under the California Environmental Quality Act. *Public Hearing*

### BUSINESS ITEMS

7. *Commissioner Terms* - receive a report regarding Commissioner terms of office for 2015

### CORRESPONDENCE

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

### INFORMATIONAL ITEMS

9. Commissioner Comments and Announcements
10. Staff Announcements
  - CALAFCO Updates
  - Pending Projects
  - Newspaper Articles

### CLOSED SESSION

PUBLIC EMPLOYEE PERFORMANCE EVALUATION – Title: Executive Officer

### ADJOURNMENT

*Next regular LAFCO meeting – January 14, 2015 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

November 12, 2014

December 10, 2014  
Agenda Item 5

Board of Supervisors Chambers  
Martinez, CA

1. Interim Chair Rob Schroder called the meeting to order at 1:30 p.m.
2. The Pledge of Allegiance was recited.
3. Roll was called. A quorum was present of the following Commissioners:  
City Members Rob Schroder and Don Tatzin.  
County Members Federal Glover and Mary Piepho and Alternate Candace Andersen.  
Special District Members Michael McGill and Alternate George Schmidt.  
Public Members Don Blubaugh and Alternate Sharon Burke.  
  
Present were Executive Officer Lou Ann Texeira, Legal Counsel Mary Ann Mason, and Clerk Kate Sibley.
4. Approval of the Agenda  
Upon motion of Glover, second by Schmidt, Commissioners, by a vote of 7-0, adopted the agenda.  
  
AYES: Blubaugh, Glover, McGill, Piepho, Schmidt, Schroder, Tatzin  
NOES: none  
ABSENT: Butt (A), Skaredoff (M)  
ABSTAIN: none
5. Public Comments  
There were no public comments.
6. Approval of October 8, 2014 Meeting Minutes  
Upon motion of Tatzin, second by Piepho, the minutes, corrected to include recognition of LAFCO Planner Nat Taylor's presence, for the meeting of October 8, 2014 were approved by a vote of 6-0, with Commissioner Blubaugh abstaining.  
  
AYES: Glover, McGill, Piepho, Schmidt, Schroder, Tatzin  
NOES: none  
ABSENT: Butt (A), Skaredoff (M)  
ABSTAIN: Blubaugh
7. LAFCO 13-04 - Bayo Vista Housing Authority Annexation to Rodeo Sanitary District (RSD)  
The Chair announced that, at the request of subject parties, this item would be continued to the January 2015 regular meeting.
8. Award Contract - Second Round MSR/SOI Updates - Reclamation (Levee) Services  
The Executive Officer provided background on the current status of second round MSR/SOI Updates, and explained the recent selection process for a consulting team to conduct the Second Round MSR/SOI Updates for Reclamation Services. Both firms submitting proposals were competent, but the selection team felt that Project Resource Specialists, consisting of Harry

**DRAFT**

Ehrlich, Robert Aldrich, and Elliot Mulberg had more relevant experience appropriate for this MSR.

Upon motion by Blubaugh, second by Piepho, Commissioners unanimously, by a 7-0 vote, approved the recommendation and authorized staff to execute a contract with Project Resource Specialists to prepare a countywide sound round reclamation services MSR/SOI updates for the term of December 1, 2014 through November 30, 2015 in an amount not to exceed \$67,200.

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

9. Contra Costa County Special Districts Association

The Executive Officer reported that last month CCCSDA held its quarterly meeting and approved a proposal to increase dues, establish a new Associate Member category (Sponsoring Associate Member), and recruit new members and associates. Association dues have not increased since 1988. Staff recommends that LAFCO consider joining CCCSDA as an Associate Member.

There was discussion and a question regarding the increase in Associate Member dues. Stan Caldwell indicated that there is a Contra Costa Special Districts Association Planning meeting on November 18 to discuss membership and other issues.

Following brief discussion, upon motion of McGill, second by Glover, Commissioners unanimously, by a 7-0 vote, approved joining CCCSDA as an Associate Member at the \$200 level beginning with the Fiscal Year 2015-2016 budget.

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

10. 2015 LAFCO Meeting Schedule

The Executive Officer presented the proposed meeting schedule for 2015, noting that the November meeting is proposed for the third Wednesday, as the second Wednesday of that month is Veterans' Day.

Upon motion of Tatzin, second by Blubaugh, Commissioners unanimously, by a 7-0 vote, approved the 2015 meeting schedule as proposed and directed staff to post the dates.

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

11. Highlights of 2014 Annual CALAFCO Conference

The Executive Officer reported on the recent 2014 Annual CALAFCO Conference, held in Ontario, with a theme of *The Next 50 Years... Shaping Communities for Tomorrow with Innovative Ideas Today*. Commissioner McGill was reelected to the CALAFCO Board at that meeting. The 2015 Annual Conference will be held in Sacramento.

Commissioner Tatzin noted that he felt it was a good conference with a substantial focus on water management issues. Commissioner Piepho responded that she felt the water session she attended would have been more valuable if it had been a general session rather than a breakout. Commissioner McGill reported that 48 out of 58 LAFCOs attended, that the evaluations were

positive, and that he appreciated the good attendance by Contra Costa's commissioners. Commissioner Andersen felt that the conference was quite valuable; she attended a great session on engaging the public, and also felt that the session on groundwater management changes was effective. Commissioner Burke felt that the Joint Powers Authority session she attended was eye opening, highlighting a variety of ways agencies can work together.

12. Correspondence from CCCERA

There were no comments on this item.

13. CCCERA Contribution Rates and Five-Year Projection

Commissioner Tatzin asked if LAFCO takes advantage of the prepayment discount factor in making its retirement payments to CCCERA, and was assured by staff that LAFCO does this.

14. Commissioner Comments and Announcements

Commissioner McGill announced that he attended the CALAFCO Legislative Committee meeting (with a huge agenda), and that he would be attending CALAFCO Board meetings on November 14 and in January. Commissioner Glover congratulated commissioners on their respective successful reelections.

The Chair reminded commissioners that they had received a memo from him regarding the Executive Officer's annual performance review.

15. Staff Announcements and Pending Projects

There were no staff announcements.

The meeting was adjourned at 1:50 p.m.

Final Minutes Approved by the Commission December 10, 2014.

AYES:

NOES:

ABSTAIN:

ABSENT:

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

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
EXECUTIVE OFFICER'S REPORT

December 10, 2014 (Agenda)

December 10, 2014  
Agenda Item 6

LAFCO 14-06 Reorganization 187 (Podva) – Annexations to Central Contra Costa Sanitary District (CCCSD) and East Bay Municipal Utility District (EBMUD)

PROPONENT CCCSD by Resolution No. 2014-019 adopted June 19, 2014

SYNOPSIS The applicant proposes to annex 13.1± acres (partial parcel) of the total 108.85± acre parcel. The property is located directly west of the terminus of Midland Way in the Town of Danville as shown on the attached map (Attachment 1).

DISCUSSION

CCCSD filed an application with LAFCO to annex the properties to both CCCSD and EBMUD. The annexation area contains 20 residential lots and two common area properties. The remaining acreage is open space and will not require water or sewer services. The property owner has petitioned CCCSD for annexation.

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

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

The area proposed for annexation is within the SOIs of both CCCSD and EBMUD, and within the County Urban Limit Line.

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

The Town of Danville General Plan designation for the annexation area is Rural Residential, five-acre lot minimum (with clustering allowed). The Town's zoning designation is Planned Unit Development (P-1). A change from the General Agricultural District (A-2) designation occurred in April 2014 when the Podva property subdivision was approved by the Town. The entitlements for development of 20 single family residential units are complete. The subdivision map and grading and improvement plans are still in progress for construction of utilities and roadway infrastructure, which are expected to begin in 2015.

Surrounding land uses include single family residential uses to the east and north, and open space to the west and south.

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

The subject property contains no prime farmland or land covered under Williamson Act Land Conservation agreements; there are no agricultural uses on the property proposed for annexation.

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

The general topography of the site gently slopes uphill toward the west, transitioning to rolling hills offsite. To the west of the annexation area, the topography is relatively steep with uphill sloping terrain. North and south of the site, the terrain is gently sloping uphill toward the west. East of the site, the terrain flattens out through a graded residential neighborhood toward I-680.

**5. Population:**

Development of 20 single family homes is planned for the annexation area; two of the residential lots are authorized to build second units. The estimated population increase for the annexation area is approximately 61, based on 2014 California Department of Finance estimates for households in the Town of Danville. The estimate takes in account the 20 single family homes, plus the second units.

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

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

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

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

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

The District's Plan for Providing Services is on file in the LAFCO office. The annexation area is served by various local agencies including, but not limited to, the Town of Danville and the San Ramon Valley Fire Protection District.

The proposal before the Commission is to annex the property to CCCSD and EBMUD for the provision of sanitary sewer and water services, respectively.

CCCSD currently serves an estimated population of 471,000 residents in a 144-square-mile service area. CCCSD's wastewater collection system consists of 1,500 miles of sewer mains with 19 pump stations. The majority of CCCSD's system operates with gravity flow with some pumping stations and force mains. All sewer connections to the subject property will be either gravity flow or individual residential pump systems. CCCSD's wastewater treatment plant provides secondary level treatment for an average dry weather flow of approximately 33.8 million gallons per day (mgd) of wastewater. The wastewater treatment plant has a permitted discharge limit of 53.8 mgd.

Based on the maximum number of dwelling units planned for the annexation area, the maximum demand for service is approximately 4,290 gallons of wastewater per day. CCCSD has the capacity to serve the project.

CCCSD has infrastructure in the area and serves a significant number of surrounding properties.

All gravity mains required to serve the affected parcels will be 8-inch diameter or up to 2-inch diameter for pressure mains (CCCSD's minimum size). All laterals will be 4-inch diameter (CCCSD's minimum size for gravity laterals), or 1¼ to 2-inch diameter pump laterals (CCCSD's minimum size for pump laterals, depending on the specific pump type installed).

All capital costs including any required sewer main extensions, along with connections fees, will be borne by the property owner/developer. CCCSD funds the maintenance of all sewers through its annual sewer service charge.

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

The proposal also includes annexation to EBMUD. EBMUD provides water services along with wastewater collection and treatment services in portions of the District. The EBMUD service area is approximately 331 square miles (Contra Costa and Alameda counties). EBMUD provides potable water to approximately 1.3 million people within the two-county service area. Within Contra Costa County, EBMUD provides water service to a 146± square mile service area, serving an estimated 477,212 residents.

EBMUD's water supply is distributed through a collection system consisting of aqueducts, reservoirs, and other components. The primary source of water supply for EBMUD is the Mokelumne River; this watershed accounts for 90 percent of EBMUD's water supply. EBMUD's existing water rights allow the delivery of up to 325 mgd or approximately 364,046 acre-feet per year of water from the Mokelumne River.

EBMUD's water rights are subject to variability, particularly during dry and multiple dry years. The availability of the Mokelumne River runoff is subject to senior water rights of other users, downstream fishery flow requirements, and other Mokelumne River water uses. Given the variability, EBMUD indicates that supplemental water supply sources are needed to meet future water demand during extended periods of drought.

The Freeport Regional Water Facility is a regional water supply project that provides supplemental water supply to EBMUD during dry years, as part of the Central Valley Project (CVP), a federal water management program. During periods of drought, EBMUD receives CVP water from its Freeport Regional Water Facility to augment its water supply. The U.S. Bureau of Reclamation (USBR) provides supplemental water supply during dry and multiple dry years to ensure the reliability of EBMUD's water supply. In conjunction with the request to annex the property, EBMUD is also seeking approval from the USBR.

The Podva project would require the construction of new water mains, at the project sponsor's expense, to the project site, and within the development area. Upon extension of the water mains, the proposed development would be served by EBMUD's San Ramon Pressure Zone with a service elevation between 450 and 650 feet. The nearest water main in the San Ramon Pressure Zone is located in Westridge Avenue, approximately 300 feet south of Midland Way. Off-site pipeline improvements, also at the project sponsor's expense, may be required to meet fire flow requirements set by the local fire agency. Off-site pipeline improvements include, but are not limited to, replacement of existing water mains to the project site.



A new water main would need to be extended from the Westridge Avenue water main and through the project site within the roadway alignment for the approved new internal roadway network. New water mains and off-site pipeline improvements will be determined once the project sponsor applies for water service to EBMUD's New Business Office. Appropriately sized service laterals and water meters would be constructed for each lot. The development's expected water demand is 1,680 gallons per day. EBMUD has the capacity to serve the project.

The costs associated with water supply infrastructure (i.e., new water mains and off-site pipeline improvements), as well as development impact and service connection fees, will be borne by the project sponsors. Ongoing maintenance of the system will be funded through usage fees collected by EBMUD.

**9. Assessed Value, Tax Rates and Indebtedness:**

The annexation area is within tax rate area 16003. The assessed value for the annexation area is \$130,586 (2014-15 roll). The territory being annexed shall be liable for all authorized or existing taxes comparable to properties presently within the annexing agencies.

**10. Environmental Impact of the Proposal:**

On April 1, 2014, The Town of Danville, as Lead Agency, certified an Environmental Impact Report (EIR), adopted Findings of Fact, and adopted Mitigation Measures and a Mitigation Monitoring and Reporting Program in conjunction with the development project. Copies of these documents were previously provided to the Commissioners and are available for review in the LAFCO office.

**11. Landowner Consent and Consent by Annexing Agency:**

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

CCCSD indicates that 100% of the affected landowners have provided written consent to the annexation. Thus, if the Commission approves the annexation, the Commission may waive the protest hearing (Gov. Code §56662). All landowners and registered voters within the proposal area(s) and within 300 feet of the exterior boundaries of the area(s) have received notice of the December 10 hearing.

**12. Boundaries and Lines of Assessment:**

The annexation area is within the SOIs of both CCCSD and EBMUD and is contiguous to the districts' service boundaries. A map and legal description to implement the proposed boundary changes have been received and are being reviewed by the County Surveyor.

**13. Environmental Justice:**

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

**14. Disadvantaged Communities:**

In accordance with recent legislation (SB 244), local agencies and LAFCOs are required to plan for disadvantaged unincorporated communities (DUCs). Many of these communities lack basic infrastructure, including streets, sidewalks, storm drainage, clean drinking water, and adequate sewer service. LAFCO actions relating to Municipal Service Reviews, SOI reviews/amendments, and annexations must take into consideration DUCs, and specifically the adequacy of public services, including sewer, water, and fire protection needs or deficiencies, to these communities. According to the County Planning Department, the annexation area does not meet the criteria of a DUC.

**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 reorganization.

- A. Find that, as a Responsible Agency under CEQA, the Commission has reviewed and considered the information contained in the Podva Property – Residential Development EIR and related environmental documents as certified by the Town of Danville on April 1, 2014; and that the Commission adopts the Town of Danville's Findings of Fact and Statement of Overriding Considerations.
- B. Adopt this report, approve LAFCO Resolution No. 14-06 (Attachment 2), and approve the proposal, to be known as Reorganization 187 (Podva) – Annexations to CCCSD and EBMUD subject to the following terms and conditions:
  - 1. The territory being annexed shall be liable for the continuation of any authorized or existing special taxes, assessments and charges comparable to properties presently within the annexing agency.
  - 2. That CCCSD has delivered an executed indemnification agreement providing for CCCSD to indemnify LAFCO against any expenses arising from any legal actions challenging the annexation.
- C. Find that the subject territory is uninhabited, the proposal has 100% landowner consent, and the conducting authority (protest) proceedings are hereby waived.

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

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

**RECOMMENDED ACTION:**

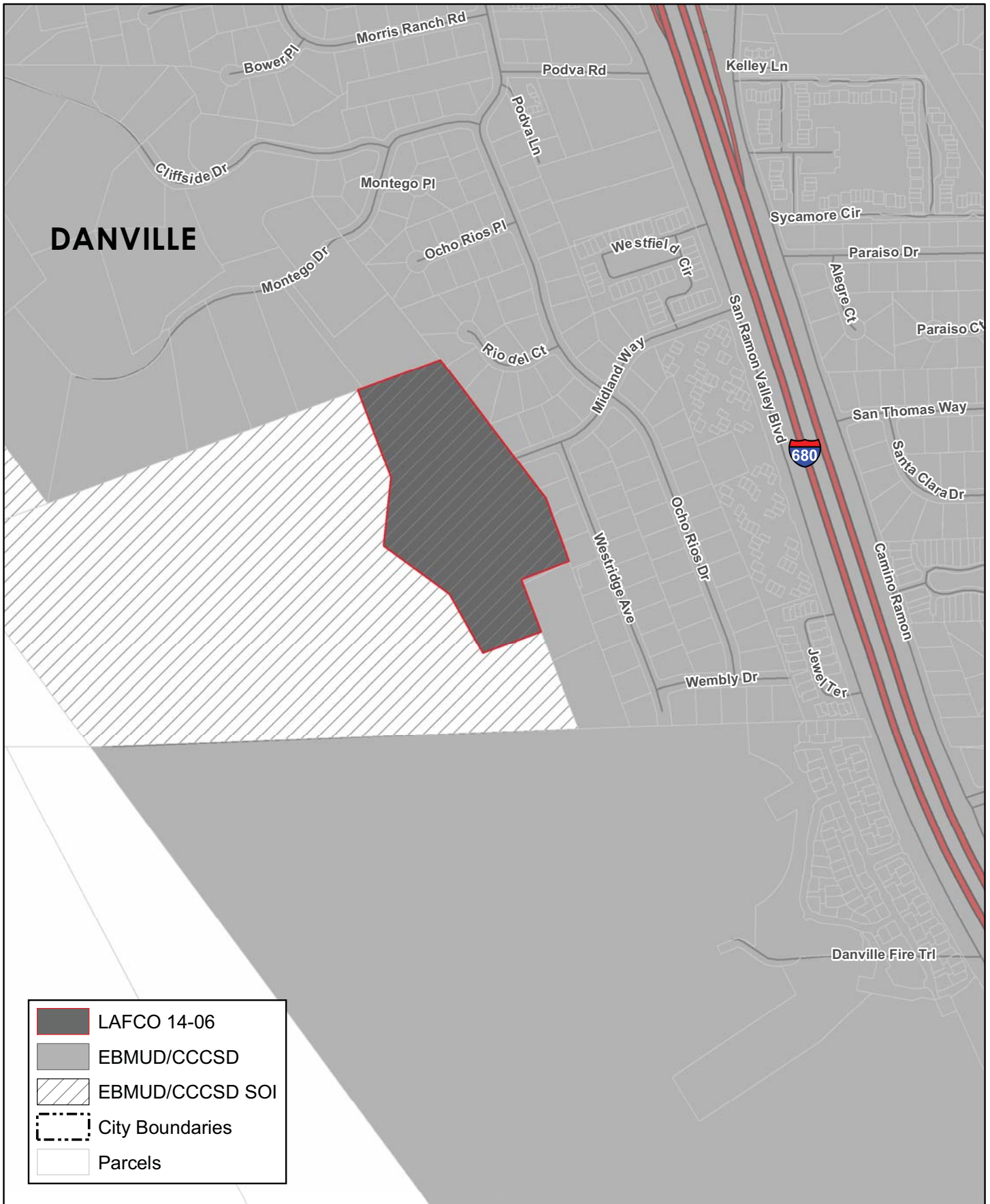
**Approve Option 1.**






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

Attachments

- 1 – CCCSD/EBMUD Annexation Map
- 2 – Draft LAFCO Resolution 14-06

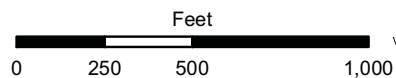
LAFCO No. 14-06: Annexation 187 Povda to East Bay Municipal Utilities District and Central Contra Costa Sanitary District



-  LAFCO 14-06
-  EBMUD/CCCSD
-  EBMUD/CCCSD SOI
-  City Boundaries
-  Parcels

Map created 11/17/2014  
 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.



**RESOLUTION NO. 14-06**

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
MAKING DETERMINATIONS AND APPROVING REORGANIZATION 187 (PODVA):  
ANNEXATIONS TO CENTRAL CONTRA COSTA SANITARY DISTRICT AND  
EAST BAY MUNICIPAL UTILITY DISTRICT**

**WHEREAS**, a proposal to annex territory to both the Central Contra Costa Sanitary District (CCCSD) and the East Bay Municipal Utility District (EBMUD) was filed with Executive Officer of the Contra Costa Local Agency Formation Commission pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Government Code section 56000 et seq.); and

**WHEREAS**, the Executive Officer has examined the application and executed her certification in accordance with law, determining and certifying that the filing is sufficient; 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 Executive Officer has reviewed available information and prepared a report including her recommendations therein, and the report and related information have been presented to and considered by the Commission; and

**WHEREAS**, at a public hearing held on December 10, 2014, 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, consistency with the sphere of influence, contiguity with the districts' boundaries, and related factors and information including those contained in Gov. Code §56668; and

**WHEREAS**, information satisfactory to the Commission has been presented that all the owners of land within the affected territory have given their written consent to the proposal; and

**WHEREAS**, the Local Agency Formation Commission finds the proposal to be in the best interest of the affected area and the total organization of local governmental agencies within Contra Costa County.

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

1. Find that, as a Responsible Agency under CEQA, the Commission has reviewed and considered the information contained in the Podva Property – Residential Development EIR and related environmental documents as certified by the Town of Danville on April 1, 2014; and that the Commission adopts the Town of Danville's Findings of Fact and Statement of Overriding Considerations.
2. Said reorganization is hereby approved.
3. The subject proposal is assigned the distinctive short-form designation:  
**REORGANIZATION 187: ANNEXATIONS TO THE CENTRAL CONTRA COSTA  
SANITARY DISTRICT AND EAST BAY MUNICIPAL UTILITY DISTRICT**
4. Said territory is found to be uninhabited.
5. The proposal has 100% landowner consent; the annexing agencies consent to the waiver of conducting authority proceedings; said conducting authority proceedings are hereby waived.
6. The boundaries of the affected territory are found to be definite and certain as approved and set forth in Attachment 1, attached hereto and made a part hereof.

Contra Costa LAFCO  
Resolution No. 14-06

7. The subject territory shall be liable for any existing bonded indebtedness of the annexing agencies, if applicable.
8. The subject territory shall be liable for any authorized or existing taxes, charges, and assessments comparable to properties within the annexing agencies.
9. CCCSD delivered an executed indemnification agreement providing for the District to indemnify LAFCO against any expenses arising from any legal actions challenging the reorganization.
10. All subsequent proceedings in connection with this reorganization shall be conducted only in compliance with the approved boundaries set forth in the attachments and any terms and conditions specified in this resolution.

\* \* \* \* \*

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

AYES:  
NOES:  
ABSTENTIONS:  
ABSENT:

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ROB SCHRODER, INTERIM CHAIR, CONTRA COSTA LAFCO

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

Dated: December 10, 2014

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Lou Ann Texeira, Executive Officer



Lou Ann Teixeira  
*Executive Officer*

**MEMBERS**

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

**ALTERNATE MEMBERS**

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

December 10, 2014 (Agenda)

December 10, 2014  
Agenda Item 7

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

**Commissioner Terms**

Dear Members of the Commission:

This is an update regarding Commissioner appointments and the process for filling vacancies.

The authority and procedures for appointing members of the Commission are set forth in the Cortese Knox Hertzberg Local Government Reorganization Act of 2000 (CKH Act). All terms of office on LAFCO are four years, expiring on the first Monday in May, unless otherwise specified.

In May 2015, the terms of two Commissioners will expire: City members Tom Butt and Rob Schroder.

The selection process for the City members is summarized below:

*City Members* – Per the CKH and Commission policies, City members are selected by the City Selection Committee. The City appointments generally occur in March or April. LAFCO staff will coordinate with the Executive Director of the Contra Costa County Mayors’ Conference and report back to the Commission following the appointment.

**RECOMMENDATION** - Receive report.

Sincerely,

LOU ANN TEXEIRA  
EXECUTIVE OFFICER



December 10, 2014  
Agenda Item 8

**AGENDA**

**RETIREMENT BOARD MEETING**

SECOND MONTHLY MEETING  
November 25, 2014  
9:00 a.m.

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

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

1. Pledge of Allegiance.
2. Accept comments from the public.
3. Approve minutes from the October 8 and 16, 2014 meetings.
4. Consider and take possible action on Selection of Labor and Employment Counsel.
5. Review of total portfolio performance including:
  - a. Consideration of any managers already under review or to be placed under review.
  - b. Consideration of any changes in allocations to managers.
6. Presentation from staff on private real asset commitment pacing schedule.
7. Consider and take possible action regarding scheduling of December 17, 2014 meeting.
8. Consider authorizing the attendance of Board and/or staff:
  - a. Emerald Investment Forum, Emerald Asset Management, February 5, 2015, Philadelphia, PA.
  - b. Trustee Institute, IFEBP, February 9-11, 2015, Orlando, FL.
9. Miscellaneous
  - a. Staff Report
  - b. Outside Professionals' Report
  - c. Trustees' comments

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

# 2015 Events Calendar

December 10, 2014  
Agenda Item 10a

## JANUARY

- 21-23 California Association of Sanitation Agencies Conference (Palm Springs)
- 23 **CALAFCO Legislative Committee** (Sacramento)
- 29 **CALAFCO Board of Directors Strategic Retreat** (Irvine)
- 30 **CALAFCO Board of Directors Meeting** (Irvine)

## FEBRUARY

- 27 **CALAFCO Legislative Committee** (Conference call)

## MARCH

- 4 Association of CA Water Agencies Legislative Symposium (Sacramento)
- 20-22 Local Government Commission Ahwahnee Conference (Yosemite)
- 20 **CALAFCO Legislative Committee** (Ontario)

## APRIL

- 8-10 Fire District Association Annual Meeting (Napa)
- 15-17 **CALAFCO Staff Workshop** (Grass Valley)
- 27-28 California Assn. of Sanitation Agencies Legislative Policy Forum (Sacramento)
- 29 League of Cities Legislative Day (Sacramento)

## MAY

- 1 **CALAFCO Legislative Committee** (Sacramento)
- 5-8 Association of California Water Agencies Conference (Sacramento)
- 8 **CALAFCO Board of Directors Meeting** (Sacramento)
- 19-20 California Special Districts Assn. Legislative Days (Sacramento)
- 27-28 California State Assn. of Counties Legislative Conference (Sacramento)

## JUNE

- 26 **CALAFCO Legislative Committee** (Conference call)

## JULY

- 24 **CALAFCO Legislative Committee** (Conference call)
- 31 **CALAFCO Board of Directors Meeting** (San Diego)

## AUGUST

- 19-21 California Association of Sanitation Agencies Annual Conference (San Diego)

## SEPTEMBER

- 2-4 **CALAFCO Annual Conference** (Sacramento)
- 4 **CALAFCO Board of Directors Meeting** (Sacramento)
- 21-24 California Special Districts Assn. Annual Conference (Monterey)
- 23-25 Regional Council of Rural Counties Annual Conference (South Lake Tahoe)
- 30 League of California Cities Annual Conference (San Jose)

## OCTOBER

- 1-2 League of California Cities Annual Conference (San Jose)

## NOVEMBER

- 6 **CALAFCO Board of Directors Meeting** (Sacramento)
- 13 **CALAFCO Legislative Committee (2016)** (Conference call)

## DECEMBER

- 1-4 California State Assn. of Counties Annual Conference (Monterey)
- 1-4 Association of California Water Agencies Conference (Indian Wells)
- 11 **CALAFCO Legislative Committee (2016)** (Sacramento)

### Sharing Information and Resources

CALIFORNIA ASSOCIATION OF  
LOCAL AGENCY FORMATION  
COMMISSIONS

1215 K Street, Suite 1650  
Sacramento, CA 95814

916-442-6536

For current information and other CALAFCO resources please visit [www.calafco.org](http://www.calafco.org)





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

**[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:** Vetoed: 9/29/2014 [pdf](#) [html](#)

**Introduced:** 1/16/2014



1st House	2nd House	Conc.
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**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:** Chaptered: 9/16/2014 [pdf](#) [html](#)

**Introduced:** 2/14/2014

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

**Status:** 9/16/2014-Chaptered by Secretary of State - Chapter 347, Statutes of 2014.

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:** Vetoed: 9/29/2014 [pdf](#) [html](#)

**Introduced:** 1/10/2013

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

**Status:** 9/28/2014-Vetoed by the Governor

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:** Chaptered: 9/29/2014 [pdf](#) [html](#)

**Introduced:** 2/22/2013

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

**Status:** 9/29/2014-Chaptered by Secretary of State - Chapter 784, 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 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:** 8/31/2014-Failed Deadline pursuant to Rule 61(b)(17). (Last location was A. RLS. on 8/25/2014)

Desk	Policy	Fiscal	Floor	Desk	Dead	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:** Chaptered: 9/16/2014 [pdf](#) [html](#)

**Introduced:** 2/20/2014

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

**Status:** 9/16/2014-Chaptered by Secretary of State - Chapter 346, Statutes of 2014.

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

**[SB 1319](#) ([Pavley D](#)) Groundwater.**

**Current Text:** Chaptered: 9/16/2014 [pdf](#) [html](#)

**Introduced:** 2/21/2014

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

**Status:** 9/16/2014-Chaptered by Secretary of State - Chapter 348, Statutes of 2014.

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

**Summary:**

Would authorize the state board to designate certain high- and medium-priority basins as a probationary basin if, after January 31, 2025, prescribed criteria are met, including that the state board determines that the basin is in a condition where groundwater extractions result in significant depletions of interconnected surface waters. This bill would add to the prescribed determinations that would prevent the state board from designating the basin as a probationary basin for a specified time period.

**Subject:** Water

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

**Current Text:** Vetoed: 9/25/2014 [pdf](#) [html](#)

**Introduced:** 2/20/2013

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

**Status:** 9/25/2014-Vetoed by the Governor

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:** Chaptered: 9/29/2014 [pdf](#) [html](#)

**Introduced:** 2/19/2014

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

**Status:** 9/28/2014-Chaptered by Secretary of State - Chapter 728, Statutes of 2014.

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:** Chaptered: 9/29/2014 [pdf](#) [html](#)

**Introduced:** 2/21/2014

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

**Status:** 9/29/2014-Chaptered by Secretary of State - Chapter 817, Statutes of 2014.

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:** Chaptered: 9/16/2014 [pdf](#) [html](#)

**Introduced:** 2/21/2014

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

**Status:** 9/16/2014-Chaptered by Secretary of State - Chapter 350, Statutes of 2014.

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:** Chaptered: 9/20/2014 [pdf](#) [html](#)

**Introduced:** 2/21/2014

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

**Status:** 9/20/2014-Chaptered by Secretary of State - Chapter 505, Statutes of 2014.

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:** 8/31/2014-Failed Deadline pursuant to Rule 61(b)(17). (Last location was A. L. GOV. on 4/1/2014)

Desk	Dead	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:** 8/31/2014-Failed Deadline pursuant to Rule 61(b)(17). (Last location was L. GOV. on 9/11/2013)

Desk	Policy	Fiscal	Floor	Desk	Dead	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	<b>Chaptered</b>
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: 28

Total Tracking Forms: 28

12/3/2014 9:22:56 AM

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

December 10, 2014  
Agenda Item 10b

<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	Continued from 11/12/14 meeting to 1/14/15
Northeast Antioch Reorganization Area 2A: Annexations to City of Antioch and DDS; detachments from CSAs L-100 and P-6	7/30/13	Continued from 6/11/14 meeting to 6/10/15
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	Pending
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	Pending

# Barnidge: The more we hear about Doctors Medical Center, the sicker we feel

December 10, 2014  
Agenda Item 10c

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

Posted: 11/14/2014 11:07:03 PM PST Updated: a day ago

Everything on today's menu is low-fat and high-fiber. Consume as much as you wish.

- The more we hear about funding needs and operating models, the less likely it seems a solution is in store for Doctors Medical Center in San Pablo, which is hemorrhaging about \$1.5 million per month. Whether the facility is envisioned as a satellite emergency room, urgent care center or a full-service hospital, there are serious questions about money.

The stark facts: The state has promised a one-time gift of \$3 million and washed its hands of further involvement; Contra Costa County supervisors have demonstrated no appetite for providing financial support. The defeat of a parcel tax in May (52 percent support; two-thirds was needed) offers little hope a new attempt would succeed.

Even the \$15 million promised by the city of Richmond, from its \$90 million Chevron benefit package, will be available only after final approval of the oil company's modernization plan, which is a long way off.

Kaiser Permanente, Alta Bates and John Muir Health would be wise to brainstorm a proposal -- otherwise, they'll absorb the majority of the 40,000 emergency room patients treated annually by DMC.

- For a tiny unincorporated area tucked between Walnut Creek and Lafayette, Saranap shows an uncanny magnetism for controversy. Early in 2012, battle lines were drawn over the Sufism Reoriented sanctuary -- a white, 66,000-square-foot, domed complex on a 3-acre plot. After multiple hearings and many heated words, the project was approved and now is taking shape. I checked it out the other day: It's really white and really large!

The new controversy, Saranap Village, proposes 235 condos and 30,000 square feet of retail space rising to seven stories. The best argument I can see for it is that it'll make the temple look smaller.

- Once upon a time, taxpayers were concerned about the profligate, borrow-and-build ways of the West Contra Costa school district. If they didn't like all that spending to construct school buildings, how must they feel about board members writing checks to cover their legal defense fees?

Trustees had already approved \$150,000 to pay for outgoing board President Charles Ramsey's attorney fees in his response to an SEC investigation when they OK'd another \$100,000 Wednesday night for trustee Madeline Kronenberg's representation.

California's per-pupil spending is among the lowest in the nation, but its per-trustee costs are highly competitive.

- I'm not suggesting this is how Pleasant Hill got its name, but it seems that some massage parlors in the town have been providing services far more pleasant than back rubs. After making seven arrests for prostitution in two years, the city soon will require police permits before such establishments can operate.

This action was made possible by the state's recently enacted Massage Therapy Reform Act, a wording I would like to enter in the Euphemism of the Year contest.

- Bicycle enthusiasts must be in mourning this week to learn that Bay Area Toll Authority officials are unwilling to spend \$400 million to build a two-mile bike trail on the western span of the Bay Bridge. The authority might, however, shell out \$10 million for an engineering study to assess more affordable alternatives.

Meanwhile, low-income West County residents are about to be without a hospital. Good to know our priorities are in order.

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

# Daniel Borenstein: Hail Mary move to restore full-service Doctors hospital unlikely to succeed

[By Daniel Borenstein, staff columnist © 2014 Bay Area News Group](#)

Posted: 11/15/2014 04:00:00 PM PST

West Contra Costa residents are witnessing the ultimate political Hail Mary.

With time running out, the chances of restoring Doctors Medical Center as a full-service hospital are slim to none. Yet health care district board Chairman Eric Zell and county Supervisor John Gioia have called for one last-ditch play.

To make it work, they need \$21 million to \$37 million in savings and new revenue in each of the next five years. That requires major concessions from hospital workers; contributions from other area hospitals reluctant to cough up money again for a short-term fix; and voter approval to increase their property taxes.

It assumes finding even more savings through efficiency, stepped-up foundation fundraising, and county forgiveness of a \$17 million taxpayer loan. It relies on \$15 million from Richmond's community benefits agreement with Chevron stemming from the oil company's refinery modernization.

And it would require selling off district-owned office buildings to pay operating costs next year, leaving fewer assets available to help taxpayers cover the district's already huge debts.

Even if the play miraculously succeeds, it would only send the game into overtime with a badly injured team. That's because much of the hoped-for funding for operations would be temporary, running out in three to five years.

There's another big problem: The hospital isn't earthquake safe and must be rebuilt by 2020. That means asking voters for a second tax increase, bringing the total contribution for the average homeowner from the current \$99 to about \$220 annually.

Zell and Gioia have doubts their plan will work. But there has been so much pressure put on the hospital board, Zell said, that he "felt an obligation to say, 'OK here's what it would take to keep it open.' "

The pressure has come largely from nurses trying to save their jobs and Richmond City Council political posturing. Both groups gloss over the financial magnitude of the problem. The Zell/Gioia plan spells it out.

Unfortunately, their proposal is a short-term fix to a long-term problem. "We understand this is not a sustainable model," Zell admits, adding, "This is a kicking-the-can-down-the-road option."

That's what hospital directors have done for years as they've buried West County property owners in debt. This plan would pile on more.

The hospital currently accepts about 80 walk-in patients daily, but since August has not been accepting ambulances. About 22 of those cases daily now end up primarily at Kaiser in Richmond, Alta Bates in Berkeley and county hospital in Martinez.

Everyone agrees that a full-service Doctors hospital would be ideal, but history has shown, and two expert analyses have recently concurred, that it's not financially sustainable.

Doctors has struggled for a decade to stay open. It survived because the state, Kaiser and John Muir Health kicked in more than \$50 million; the district wiped out \$10 million of debt through bankruptcy; and the district borrowed long-term to pay operating expenses, sticking taxpayers with a \$76 million debt.

Now, Zell and Gioia are asking neighboring hospitals for another \$22 million over five years. Those hospitals would benefit by keeping Doctors open so they're not inundated with patients. Moreover, they have a moral obligation to help because most of their patients are insured, leaving Doctors to treat a disproportionate share of poor and indigent.

But the neighboring hospitals' leaders are tired of spending money on a failing enterprise. They've said they would only consider helping out a sustainable operation and they've been coy about how much they would kick in.

The neighboring hospitals, through the Hospital Council of Northern and Central California, have tried to help devise a sustainable plan. They, along with representatives of the county and Doctors, advocated for a stand-alone emergency room but nurses successfully lobbied in Sacramento against such a move.

That leaves an urgent care facility as the only financially viable option. With the clock ticking as money runs out, that's where energy should be focused.

Yet Zell and Gioia insist on another shot at a full-service hospital. When that fails, they must recognize that it's time for an achievable plan that doesn't further bury residents in debt to pay the bills.

Daniel Borenstein is a staff columnist and editorial writer. Reach him at 925-943-8248 or [dborenstein@bayareanewsgroup.com](mailto:dborenstein@bayareanewsgroup.com). Follow him at [Twitter.com/BorensteinDan](https://twitter.com/BorensteinDan).



# With federal grant gone, East Contra Costa fire district plods on

[By Rowena Coetsee Contra Costa Times](#)

Posted: **11/20/2014** 07:04:10 AM PST Updated: about 3 hours ago

BRENTWOOD -- The federal grant that has been propping up the East Contra Costa Fire District for the past two years ran out this week, leaving its financial future even more uncertain.

As of Monday, the agency had seen the last of the \$7.8 million it received from the Federal Emergency Management Agency in summer 2012 to help staff its remaining stations.

Money troubles since have forced the district to close one of its Brentwood engine houses in September, leaving four to cover an approximately 249-square-mile area.

"To provide a minimum service -- to provide an adequate response to a first-alarm residential structure fire -- we need to be staffing at five stations," Chief Hugh Henderson said. "It's very concerning."

The combination of FEMA funds and a \$1.4 million property tax revenue windfall this fiscal year has enabled East Contra Costa Fire to maintain its presence in Discovery Bay, Knightsen and Oakley as well as keep its second site in Brentwood open through June 30, 2015.

The district now is preparing to present property owners with a proposed benefit assessment for the second time after discovering in late August that about 10,000 of the 43,769 ballots it had mailed reflected incorrect charges.

The assessments had been based on outdated or incorrect data that East Contra Costa Fire had received from various government agencies, resulting in amounts that were either too high or too low.

More specifically, a number of fire hydrants and streets were missing from maps, which made it look as though nearby properties had less access to water and engines and thus were at greater risk. Because benefit assessments are based on how much help land owners stand to derive from a particular service, those individuals were charged less than they should have been.

Directors agreed earlier this month to have the information revised as well as amend the contracts of two consulting firms, one that produced the document describing how it calculated the different assessments and the other that had been educating the public about the assessment.

The district already has shelled out just over \$229,000 in consulting fees; rectifying the mistakes will cost it an additional \$136,000.

Of that, \$78,000 will go toward double-checking the data that benefit assessments would be based on and then recalculating those charges as well as reprinting and mailing ballots.

The remaining \$58,000 will cover four more months of fees by the campaign specialists and the estimated \$28,000 price tag of producing another informational mailer.

If the fire board decides to call for another election at its Feb. 2 meeting, ballots would go out within six weeks and votes would be counted on April 27.

If a majority of property owners approved the benefit assessment -- it's expected to generate slightly more than \$4 million annually for five years -- East Contra Costa Fire would reopen the second Brentwood site and once again have five stations, Henderson said.

If it fails, the district would have to close Knightsen's station and make do with three.

Contact Rowena Coetsee at 925-779-7141. Follow her at [Twitter.com/RowenaCoetsee](https://twitter.com/RowenaCoetsee).

# Barnidge: Pinole-Hercules project catches labor's interest

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

Posted: 11/21/2014 03:08:15 PM PST Updated: about 2 hours ago

You don't expect to be captivated by a discussion about a labor agreement for a wastewater treatment project. But when you toss in a \$42 million budget, with dozens of construction jobs on the line, the entertainment value is heightened.

That was the setting at last week's Pinole City Council meeting, where a crowd packed with union tradespeople -- carpenters, electricians, ironworkers and others -- filled the 126-seat council chamber.

At issue was whether the long-delayed Pinole-Hercules joint wastewater project -- talks of upgrading the facility began more than five years ago -- would be open to bidding among independent contractors or wrapped into a package called a Project Labor Agreement (PLA), negotiated with a regional building trade council.

The upside of a PLA, proponents tell you, is that management rights and laborers' working conditions are negotiated into a contract that addresses local hiring goals, no-strike clauses and dispute resolution. Processing hires through union halls, they say, ensures skilled workers. Opponents argue that because PLAs require union labor -- or payment by nonunion contractors into union benefit funds -- they reduce the bidding pool, which drives up costs. Plus, any nonunion workers must pay union dues, for which they receive nothing.

A staff report reflected the difficulty of choosing one course over the other. It filled 17 pages without arriving at a recommendation. Its conclusion: "This is strictly a City Council policy decision."

The council heard 26 speakers (19 in favor, seven opposed) argue both sides of the dispute for an hour. Predictably, the divide fell along ideological lines. Those who lean right (Contra Costa Taxpayers Association) painted PLAs as costly and discriminatory; those to the left (union members) said PLAs were the best way to guarantee quality workmanship.

Not even council members could find unanimity, as Roy Swearingen parted company with colleagues who favored an agreement.

"Any labor agreement should not be restrictive or discourage contractors regardless of their affiliation," he said. "From what I've read of PLAs, that's exactly what they do."

"We want to make sure there are local hires," said Mayor Pro Tem Peter Murray. "The only way to guarantee that is to have a PLA."

The discussion on the dais spanned another hour, touching on varied concerns, before Mayor Tim Banelos called for a vote. Among the concerns was whether Hercules, the project partner, should be consulted.

Councilwoman Debbie Long put that to rest: "There's nothing in our agreement that states we have to engage Hercules when it comes to contracts, because guess who signs? Pinole."

So there. With that pronouncement, the measure carried 4-1, with Swearingen dissenting. Union members high-fived and applauded, then poured out of the room as if a fire alarm had sounded.

But that's not where the fun ended.

When contacted the next day, Hercules Mayor Myrna de Vera acknowledged her disappointment in how things were handled.

"They could have conditioned their approval, pending our weighing in," she said. "It's not that we have anything against PLAs. It's that we were not included in the discussion. Shouldn't we have a say, since we're paying for 50 percent?"

Further discussions are sure to follow. Who says there's nothing entertaining about a wastewater treatment project?

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

# Daniel Borenstein: Wrestling with the wrong question on Doctors Medical Center

By Dan Borenstein, staff columnist © 2014 Bay Area News Group

Posted: 11/23/2014 02:00:00 PM PST -

The debate over the fate of Doctors Medical Center has focused on the wrong question.

Rather than asking how to keep the hospital open, elected officials, community leaders and hospital executives should seek the way to provide the best possible health care for West Contra Costa residents.

Unfortunately, the facility itself has become the issue. For years, elected officials have tried to persuade residents to tax themselves more to keep the doors open. Union leaders have rallied to protect the jobs inside.

Consequently, the analysis has been driven by politics rather than good public policy. As reported here last week, Eric Zell, chairman of the hospital district's board, and county Supervisor John Gioia launched a last-ditch effort to keep the hospital open because of political pressure from the nurses and the Richmond City Council. But Zell admits the plan is unsustainable.

Everyone should step back and consider one key statistic: Eighty-five percent of the patients coming into the emergency room report that they don't have a primary care physician.

Then they should ask the central question: In a world of limited funds, would these residents be better served by ensuring they receive primary care that might avoid their emergency visit, rather than spending the money preserving a hospital ER to shorten their ambulance ride when the crisis hits?

The challenge is not only how to best treat residents in an emergency, but how to best care for them so they don't need that emergency room. We must address the entire health care continuum, not just the tail end.

We must take a holistic approach.

That means beefing up preventive care to ensure the hypertension patient gets medication and avoids a heart attack, or the person with diabetes and acute depression receives education and drugs that head off an ER visit.

Unfortunately, that's never been a central part of the analysis. Nurses focus on saving jobs. The administrators from neighboring hospitals leading the so-called "stakeholders" group are driven by desire to minimize the number of poor, uninsured patients showing up at their emergency rooms.

It's clear that preserving Doctors as a full-service hospital is financial folly. The numbers don't work. Oh sure, Zell and Gioia theoretically might come up with a Band-Aid. But that would merely postpone the day of reckoning and strap taxpayers with more health care district debt.

That's evident by examining their financial plan. The point also was driven home by an analysis commissioned by the stakeholders group, which deserves credit for seriously analyzing the finances.

But the members of that group also have approached the problem wrong. Rather than taking a holistic approach, they began by asking whether a full-service hospital could be kept open and financially survive (answer: no), and then what the fallback alternatives might be.

They suggested a stand-alone emergency room, but nurses blocked action in Sacramento needed to gain legal clearance. The stakeholders group now proposes an urgent care center that could serve walk-in emergencies currently going to Doctors.

But, like the nurses, this group approaches the problem from a position of self-interest. The hospital administrators want to minimize their financial exposure and reduce expectations that they will be the long-term saviors.

It's understandable that they don't want to sign a blank check. But these neighboring hospitals -- Kaiser, John Muir and Sutter's Alta Bates Summit -- enjoy tax breaks from their nonprofit status and have a moral obligation to kick in more.

Of the three, Kaiser has been the biggest contributor over the years. But it also has the majority of commercially insured West County patients, leaving Doctors with the costly uninsured. Meanwhile, John Muir's Walnut Creek facility has been a huge beneficiary of its decades-old designation as the county's trauma center. It, too, has a responsibility to give back.

A careful reading of their analysis shows the neighboring hospitals plan a one-time contribution to help Doctors cover some of its debt, but then they apparently want to walk away. They should do better.

And all parties should focus the planning on what's best for the community, not what's best for them.

Daniel Borenstein is a staff columnist and editorial writer. Reach him at 925-943-8248 or [dborenstein@bayareanewsgroup.com](mailto:dborenstein@bayareanewsgroup.com). Follow him at [Twitter.com/BorensteinDan](https://twitter.com/BorensteinDan).

# ***Last-ditch plan to save DMC can work if it's given a chance***

Contra Costa Times, 11/23/2014

**By John Gioia and Eric Zell**

Those of us who live in West County understand the importance of Doctors Medical Center, and we know that its closure will have serious consequences on health care. That's why we have been working diligently to save our public community hospital since its bankruptcy in 2006.

Since 2006, we have cut the hospital's losses in half and passed a parcel tax bringing in more than \$5 million annually in new revenue. But this hasn't been enough.

Not when Medicare and Medi-Cal do not fully cover the medical care costs of 80 percent of the hospital's patients.

Since the hospital's recent downsizing and the August closure of its emergency room to 911 ambulances, the imminent risk of total closure has become very real. Hundreds have rallied to save the hospital.

After discussions with DMC and county health department staff, nurses and physicians, the city of Richmond, Chevron, the Hospital Council of Northern and Central California, Life-Long Medical Center, the DMC Closure Aversion Committee, as well as community, labor and business leaders, we have developed a multi-stakeholder, five-year plan to save our fullservice community hospital.

This plan depends on financial contributions from all key stakeholders. Let's be clear: The situation is challenging. DMC needs to close an \$18 million annual operating deficit and meet new state seismic guidelines.

But if all of the stakeholders step up and participate in this plan, discussed at the DMC governing board's last meeting, our public community hospital can be saved. Losing one stakeholder's participation loses everything.

Here's how it works.

First, Contra Costa County waives repayment of its cash advances to DMC, saving the hospital \$3 million annually. Second, other East Bay hospitals provide DMC with a debt service subsidy. Third, additional operating efficiencies are implemented to save money. Fourth, current labor negotiations with DMC employee unions produce savings. Fifth, Richmond provides DMC with \$15 million from its Chevron Community Benefit Fund. Sixth, a revived Hospital Foundation raises funding from the corporate and foundation community. Seventh, develop a new teaching and residency program at the hospital to improve revenue reimbursements.

Finally, we pass a West County property tax measure — one that is less than the May 2014 measure that failed.

This strategy includes a plan to meet California's seismic requirements by 2020. Funding will come from a new property tax measure and accumulation of a capital reserve.

This won't be easy. It will take commitment, sacrifice and compromise. But, when the hospital filed for bankruptcy in 2006, few believed it would still be open today. We know that innovative strategies and oldfashioned hard work can make a difference.

Some — this paper among them — call this a "Hail Mary" pass. It may be. But we are committed to working with others to make it happen. We would not do this if we didn't think it could succeed. It will take all the stakeholders working together to make this plan work.

*John Gioia is a member of the Contra Costa County Board of Supervisors. Eric Zell is chairman of the West Contra Costa Healthcare District. Both are residents of Richmond.*

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# Levees along Walnut Creek need work, Army Corps of Engineers says

By [Sam Richards](#) [Contra Costa Times](#)

Posted: 11/26/2014 01:00:21 PM PST Updated: 5 days ago

CONCORD -- The levees along Walnut Creek near Concord and Pacheco need serious maintenance to fix erosion and damage by animals and remove unnecessary culverts, fences and other encroachments, according to the U.S. Army Corps of Engineers.

A corps spokesman said this week that inspections done in January resulted in a maintenance rating of "unacceptable," citing 171 problems that could threaten the safety and integrity of the levees along Walnut Creek from Concord Boulevard north to Waterfront Road; along Grayson Creek from Pacheco Boulevard northeast to its entry into Walnut Creek; and along the Clayton Valley Drain, from Hillcrest Park to Walnut Creek.

The Contra Costa County Flood Control & Water Conservation District, responsible for maintaining the local levees, received a draft report of the findings for review and comment in March 2014. The final report was signed in October.

The flood control district plans to submit a formal response to the corps of engineers in two to three weeks.

"We've been working on some issues where we know we have agreement with the corps," said Paul Detjens, a senior civil engineer with the district. "We recognize the corps folks sometimes have a different view of what 'encroachment' is."

Ryan Larson, the levee safety program manager for the Sacramento district of the corps, which includes Contra Costa County, said discussions will continue to find consensus on whether bike trails, fences and other man-made encroachments are actually causing damage or are even on county levee property.

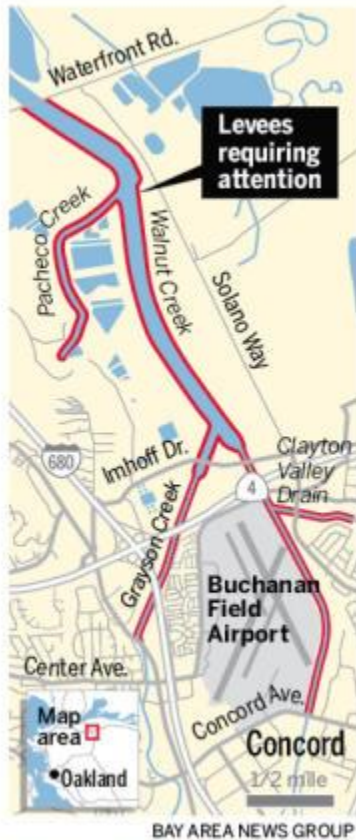
Some 1,600 levees within his district's jurisdiction fall under the National Levee Safety Program to assess risk, Larson said.

"Levee inspections are all about making sure that a levee can reliably do what we expect it to," he said. "Our findings help the agencies that own and maintain these levees prioritize levee fixes -- and help the public understand their flood risk and make informed decisions about protecting their property."

Contra Costa County would not be subject to any fines for failing to address the issues noted by the corps of engineers, but federal money for levee improvement work could be withheld. No timeline for the improvements has been set, and it is unclear how much the work would cost the county.



"It's all about the rehabilitation assistance," Larson said.



The Walnut Creek watershed, Contra Costa County's largest, drains runoff from over 150 square miles. Eight cities, with a total population of more than 300,000, fall within this watershed.

The improvements being worked out by the flood control district and the corps of engineers are not related to the district's Lower Walnut Creek restoration project, designed to create new wetlands north of Concord, return the Pacheco Marsh to a more natural state and otherwise improve wildlife habitat along the creek, as well as to improve flood control.

# Supervisors to consider taking part in funding plan for West Contra Costa hospital

By Jennifer Baires Contra Costa Times

Posted: 12/01/2014 02:58:12 PM PST Updated: 50 min. ago

MARTINEZ -- An eight-point plan to keep West Contra Costa's only public hospital open for another five years will face its first hurdle Tuesday when Contra Costa supervisors consider whether to buy into it.

The board is scheduled to vote on two tax waivers for the West Contra Costa Healthcare District, which operates Doctors Medical Center; one is temporary, and the other is a permanent, three-year waiver of \$9 million.

The temporary waiver is for \$3 million in property tax revenues owed to the county, which the district is set to pay half of this month and the rest in April 2015. Without this waiver, it's likely the district will run out of cash before the San Pablo hospital's projected closure date early next year.

The \$9 million waiver, if approved, would mean forgiveness of up to \$3 million per year, in fiscal years 2015/16, 2016/17 and 2017/18.

However, the \$9 million debt forgiveness comes with the condition that the district must find at least \$15 million in other funding to support DMC as a full-service hospital, for each of those years, by Oct. 30, 2015.

As part of the eight-point plan proposed by district board Chairman Eric Zell last month, several other parts must fall into the place to keep the hospital afloat, including buy-in from a reinvigorated DMC Foundation, unions, nearby private hospitals, the city of Richmond and voters through a tax proposed for next year's ballot.

The supervisors meeting begins at 9 a.m. at the board chamber, 651 Pine St., Martinez.

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

# County supervisors approve \$12 million for floundering West Contra Costa hospital

By Jennifer Baires Contra Costa Times

Posted: 12/03/2014 07:06:59 AM PST Updated: 117 min. ago

MARTINEZ -- Scheduled to run out of money by early next year, Doctors Medical Center received a \$12 million reprieve from county supervisors on Tuesday -- renewing hope that West Contra Costa's only public hospital might stay open as a full-service facility, at least for a few more years.

The debt forgiveness on property tax payments allows the West Contra Costa Healthcare District, which operates the hospital, to move ahead with an eight-point, five-year plan to keep the struggling hospital afloat.

The plan, as laid out by health care district board Chairman Eric Zell last month, requires a combination of new revenue sources, debt relief by the county and nearby hospitals and contract concessions from hospital union members.

"The (supervisors') vote was critical and a necessary piece of our communitywide strategy for saving Doctors Medical Center," Zell said in a news release the district issued following the decision. "It acknowledges the hospital's vital role in provision of public health services in West County."

After much debate, the supervisors passed two resolutions: one for a temporary, \$3 million waiver of payments, and a permanent, \$9 million waiver to be spread over three years, contingent on the district finding at least another \$15 million annually to maintain a full-service hospital.

The \$3 million temporary reprieve, owed to the county because of cash advances over the years, passed 4-1, with Supervisor Candace Andersen, of Danville, as the sole dissenter. That waiver, according to hospital administrators, will allow DMC to stay open until its projected closure date early next year.

The \$9 million waiver passed 3-2, with Andersen and Supervisor Mary Piepho, of Discovery Bay, dissenting. It will go into effect in fiscal years 2015-16, 2016-17 and 2017-18, assuming that other stakeholders come on board to help close the San Pablo hospital's \$18 million annual deficit.

"We assured the public when we loaned this money that we would get repayment on these debts, that it wasn't a gift of public funds," Piepho said before the vote. "I'm not sure I can support a permanent waiver."

"We are continuing to put a lot of money into Doctors," Andersen said during discussion of the resolutions. "All I want to see is a sustainable model, because I'm being asked to waive \$9 million over the next few years, and I have a lot of competing interests."

Supervisors John Gioia, of Richmond, and Federal Glover, of Pittsburg, co-sponsored the waiver resolutions, and said they were a step forward in the fight to keep the hospital open.

But the two supervisors conceded that the waivers alone were not a solution in the short term -- because there are still a number of other contributors the money is contingent upon -- or in the long term because stand-alone public hospitals that serve mostly Medicare and Medi-Cal patients aren't sustainable under current reimbursement rates.

The Richmond City Council recently voted to earmark \$15 million for DMC from a Chevron community benefits package tied to a refinery modernization, but that money won't start to become available until the refinery receives final permission to begin the project.

"Is this the answer for all?" Glover asked the board. "Probably not. But I think it's a good first step in which we are trying to preserve a very vital institution for our residents. ... It would be encouragement for others to step up to the plate."

"This is viewed as a three- to five-year plan, and five years in the health care world is a long time," Gioia said. "The more the hospital is stabilized, the better position it is in to become part of a larger health care system."

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## The Long and Winding Road

*By Nick Marnell*

Mergers and acquisitions are again the rage. In November, the company that produces Botox was absorbed by rival drug firm Actavis for \$66 billion. Oil service firm Halliburton recently paid \$35 billion to purchase competitor Baker Hughes. Both deals expect to close late next year. Not to be outdone, Lamorinda has its own quasi-merger in the works. The Moraga-Orinda Fire District and the Contra Costa County Fire Protection District announced a proposed consolidation of two fire stations in early 2013, with the resultant station 46 expected to save \$1 million in operating costs per year for each district.

"We are very close to an agreement that we can bring to our boards," said the MOFD fire chief. Except it wasn't current chief Stephen Healy who said that; those words were spoken by then-chief Randall Bradley in April, 2013.

The idea for a single fire station to replace MOFD station 43 in Orinda and ConFire station 16 in Lafayette was hatched by MOFD chief Jim Johnston in 1999. It went nowhere. But when the county closed ConFire station 16 because of a budget shortfall in 2012, and with MOFD station 43 requiring major renovations, ConFire chief Daryl Louder approached Bradley to reignite the station 46 concept. Bradley agreed and he took the consolidation idea to the MOFD board of directors, which gave him thumbs up to negotiate with ConFire. But the county Board of Supervisors, acting as the ConFire board of directors, nixed the deal. The money to even partially fund the reopening of a closed station just wasn't there. "It was the right idea at the wrong time," said supervisor Federal Glover in May, 2013.

Subscribing to the theory that the right idea at the wrong time is still the right idea, MOFD president John Wyro worked to keep station 46 alive despite the loss of its obvious partner. He led the district in the formation of a joint powers agreement with Lafayette to purchase a parcel for the station site. He preached the benefits of station 46 to county and Lafayette officials who, upset with ConFire's performance, had formed a task force to consider alternative delivery of fire service. "I was concerned that there were opportunities being lost and that I needed to develop more information," he said.

The turning point came in March, when new ConFire chief Jeff Carman forced the hand of the Lafayette Emergency Services Task Force, which had considered recommending secession from ConFire. Before he presented an updated station 46 proposal to his board, Carman insisted on an answer from Lafayette officials: was the city committed to the district?

After hearing a dramatic presentation by assistant chief Alan Hartford on the state of affairs at ConFire, the task force recommended station 46 to the Lafayette City Council, which concurred. In June, the ConFire directors, based on rosier financial projections and a more thorough presentation by the chief, authorized Carman to negotiate an agreement with MOFD.

"We're close," said Carman at the Nov. 18 task force meeting. Once the operational structure of the new station is worked out with the firefighters' union, and other details, including task force feedback, are finalized, Carman expects that an agreement will be presented to both boards early next year. "I believe that this time, the supervisors will do the right thing, and approve the deal," said Lafayette fire commissioner Bill Granados, who accurately predicted that they would reject the proposal in 2013.

After the official approval, station 46 faces public scrutiny. A north Orinda grass roots group, The Committee to Save Honey Hill Fire Station, started a petition drive in November to stop the station 46 project, citing an increase in response times for Orinda and Moraga once station 43 closes. Michael Yim, a resident of El Castillo Lane, adjacent to the station 46 site, delivered a thoughtful presentation to the MOFD board at its Nov. 19 meeting requesting transparency on the progress of the construction of the new station.

An idea that has held course despite 15 years of wrinkles, delays and detours may finally come to fruition with the 2015 groundbreaking of station 46 - possibly before patients begin injecting Botox supplied by its new parent company.

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[back](#)