



NOTICE AND AGENDA FOR REGULAR MEETING

DATE/TIME: Wednesday, January 14, 2015, 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.

JANUARY 14, 2015 CONTRA COSTA LAFCO AGENDA

1. Call to Order and Pledge of Allegiance
2. Roll Call
3. Adoption of Agenda
4. **Selection of Chair and Vice Chair**
5. Public Comment Period (please observe a three-minute time limit):
Members of the public are invited to address the Commission regarding any item that is not scheduled for discussion as part of this Agenda. No action will be taken by the Commission at this meeting as a result of items presented at this time.
6. Approval of Minutes for the December 10, 2014 regular LAFCO meeting
7. ***Informational Presentation – Broadband Services in Contra Costa County***

SPHERE OF INFLUENCE/BOUNDARY CHANGES

8. ***LAFCO 14-04 –Reorganization 185: Annexations to Central Contra Costa Sanitary District (CCCSD) and East Bay Municipal Utility District (EBMUD)*** - consider proposed reorganization submitted by CCCSD including annexations to CCCSD and EBMUD. The area comprises 172.3± acres (20 parcels) in seven separate annexation areas in Danville and Lafayette. Consider related actions under the California Environmental Quality Act (CEQA). ***Public Hearing***
9. ***LAFCO 14-05 –Reorganization 186 (Magee Ranch/Summerhill): Annexations to CCCSD and EBMUD*** - consider proposed reorganization submitted by CCCSD including annexations to CCCSD and EBMUD. The area comprises 410± acres (nine parcels) located on the south side of Diablo Road and Blackhawk Road in the Town of Danville. Consider related actions under CEQA. ***Public Hearing***

BUSINESS ITEMS

10. ***Second Quarter FY 2014-15 Budget Report*** – Receive FY 2014-15 second quarter budget report.

CORRESPONDENCE

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

INFORMATIONAL ITEMS

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

CLOSED SESSION

PUBLIC EMPLOYEE PERFORMANCE EVALUATION – Title: Executive Officer

ADJOURNMENT

Next regular LAFCO meeting – February 11, 2015 at 1:30 p.m.

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



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

January 14, 2015 (Agenda)

January 14, 2015
 Agenda Item 4

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

Selection of Commission Officers for 2015

Dear Members of the Commission:

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

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

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

In 2014, Special District member Dwight Meadows served as Chair until his passing in May 2014; and City Member Rob Schroder served as Vice Chair (through April 2014), and as Interim Chair (May – December 2014).

RECOMMENDATION – Per the Commission’s policy, it is recommended that the Commission select a City member as Chair and a County member as Vice Chair to serve until January 2016.

Sincerely,

LOU ANN TEXEIRA
 EXECUTIVE OFFICER

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MINUTES OF MEETING

December 10, 2014

January 14, 2015
Agenda Item 6

Board of Supervisors Chambers
Martinez, CA

1. Interim Chair Rob Schroder called the meeting to order at 1:34 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 (at 1:36) and Mary Piepho and Alternate Candace Andersen.

Special District Members Michael McGill and Igor Skaredoff and Alternate George Schmidt (at 1:35).

Public Members Don Blubaugh and Alternate Sharon Burke.

Present were Executive Officer Lou Ann Teixeira, Legal Counsel Mary Ann Mason, Planner Nat Taylor, and Clerk Kate Sibley.

4. Approval of the Agenda

Upon motion of Blubaugh, second by Tatzin, Commissioners, by a vote of 7-0, adopted the agenda.

AYES: Andersen, Blubaugh, McGill, Piepho, Schroder, Skaredoff, Tatzin

NOES: none

ABSENT: Butt (A), Glover (M)

ABSTAIN: none

5. Public Comments

There were no public comments.

6. Approval of November 12, 2014 Meeting Minutes

Upon motion of Piepho, second by Tatzin, the minutes were approved by a vote of 7-0.

AYES: Andersen, Blubaugh, McGill, Piepho, Schroder, Skaredoff, Tatzin

NOES: none

ABSENT: Butt (A), Glover (M)

ABSTAIN: none

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

The Executive Officer provided brief background on a proposal to annex 13.1± acres of a larger parcel to both CCCSD and EBMUD in conjunction with a 20-lot subdivision located directly west of the terminus of Midland Way in the Town of Danville. CCCSD has submitted the application on behalf of both itself and EBMUD in response to a petition from the property owner.

There were no public comments.

Upon motion of Piepho, second by McGill, the Commission unanimously, by a 7-0 vote, certified that it reviewed and considered the information contained in the EIR and CEQA documentation; approved the proposal to be known as Reorganization 187 (Podva): Annexations to Central Contra Costa Sanitary District and East Bay Municipal Utility District, with specified conditions; determined that the territory being annexed is liable for the continuation of taxes, assessments and

DRAFT

charges; found that the subject territory is uninhabited, has 100% landowner consent; waived the protest proceeding, and directed staff to complete the proceeding.

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

8. Commissioner Terms

The Executive Officer reported that the terms of two City members of LAFCO will be up for renewal, those of Alternate Tom Butt and Regular member Rob Schroder.

City members are selected by the City Selection Committee, generally 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 appointments.

9. Correspondence from CCCERA

There were no comments on this item.

10. Commissioner Comments and Announcements

Commissioner McGill announced that he attended CALAFCO U on December 8, and that he will attend the CALAFCO Legislative Committee meeting on December 12. Commissioners Burke and Skaredoff also attended the CALAFCO U session and found it useful and informative.

11. Staff Announcements and Pending Projects

The Executive Officer also attended the CALAFCO U session on December 8, and will attend the CALAFCO Legislative Committee meeting on December 12. She highlighted some of the legislation that is being proposed for the upcoming legislative session.

At 1:44 p.m., Commissioners adjourned to Closed Session to discuss employee performance evaluations.

At 1:58 p.m., Commissioners reconvened and the Chair reported that the Commissioners had discussed the performance evaluations and will discuss with the Executive Officer.

The meeting was adjourned at 1:59 p.m.

Final Minutes Approved by the Commission January 14, 2015.

AYES:
NOES:
ABSTAIN:
ABSENT:

By _____
Executive Officer

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

January 14, 2015 (Agenda)

January 14, 2015
Agenda Item 8

LAFCO 14-04 Reorganization 185 (Danville & Lafayette) – Annexations to Central Contra Costa Sanitary District (CCCSD) and East Bay Municipal Utility District (EBMUD)

PROPONENT CCCSD by Resolution No. 2014-017 adopted June 19, 2014

SYNOPSIS The project site consists of 172.3± acres (20 parcels, including one partial parcel) in seven separate areas in Danville and unincorporated Lafayette as shown on the attached maps (Attachment 1a-f) and generally described below:

Area	Annexing Agency	Acreage/Parcels	Location
185-1	CCCSD	71.4± acres/10 parcel	Tassajara Lane - Danville
185-2	CCCSD	5.5± acres/one parcel	Sherburne Hills Road - Danville
185-3	CCCSD & EBMUD	1.5± acres/one parcel	Camino Tassajara - Danville
185-4	CCCSD & EBMUD	41.3± acres/one parcel	Diablo Road - Danville
185-5	CCCSD & EBMUD	1.6± acres/one parcel	Diablo Road - Danville
185-6	EBMUD	2.6± acres/one parcel	Diablo Road - Danville
185-7	CCCSD	48.4± acres/five parcels	Springhill Road - Lafayette

DISCUSSION

CCCSD filed an application with LAFCO to annex the properties to the districts. The purpose of the annexations is to facilitate water and sewer services to various properties as described below.

As proposed, the annexation will allow for the provision of sewer services to 11 properties, and the provision of sewer and water services to one property. The proposal includes two properties already served by CCCSD, and six properties already served by EBMUD; the remaining parcels are included to avoid creating islands or illogical boundaries.

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 areas proposed for annexation are within the SOIs of both CCCSD and EBMUD. With the exception of three properties located in unincorporated Lafayette (west end of Springhill Road), all of the properties are within the County Urban Limit Line (ULL). One of the three properties outside the ULL is a long narrow-access property that is unbuildable. The other two are occupied and already receive water and sewer service; one is an East Bay Regional Park District property. The annexation of these properties would not be growth inducing. In October 2014, the Commission approved an expansion to CCCSD's SOI to include these three properties.

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

The General Plan and zoning designations, along with existing and surrounding land uses are shown on Attachment 2. No changes are proposed to General Plan or zoning designations as part of this proposal.

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

The subject property is not Prime Agricultural Land as defined in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH). No portion of the proposal area is currently under a Williamson Act Land Conservation Act agreement. There is no impact to agricultural lands in conjunction with this proposal.

It should be noted that Area 185-7 contains two parcels owned by EBRPD that are considered parkland/open space. One of the parcels (APN 231-030-012), which is 1.57± acres, is proposed for annexation because it includes a portion of Springhill Road in which a CCCSD sewer is located and allows for a logical service boundary. No service is anticipated for this parcel.

Also proposed for annexation is a 31.8± acre portion of a 128.19± acre parcel (APN 365-230-009), as this area includes an already-sewered structure used as a caretaker residence for an adjacent Girl Scout camp. The portion of the property proposed for annexation is limited to that which is south of the point where Springhill Road approaches the property from the east. This delineation minimizes the area to be annexed, yet provides a reference point for the parcel division and allows space for EBRPD to establish a sewered trailhead parking on the property, if desired.

4. Topography, Natural Features and Drainage Basins:

The topography of the areas proposed for annexation and surrounding areas is summarized in the table below.

Area	Topography – Annexation Area	Topography – Surrounding Area
185-1	Slopes up to the southwest	Flat to the north, sloped to the south, east and west
185-2	Slopes down to the southwest	Sloped in all directions
185-3	Slopes down to the south	Slopes down in all directions
185-4	Slopes down in all directions	Sloped in all directions
185-5	Flat	Slopes down to the north
185-6	Slopes down to the north and south	Flat to the north, sloped to the south, east and west
185-7	Flat or slopes to north and south	Flat or slopes in all directions

5. Population:

There is a potential to add a maximum of 18 single family dwelling units (SFDUs) to the annexation areas, including 15 SFDUs to area 185-1, two SFDUs to area 185-4, and one SFDU to area 185-7. These additional SFDUs could result in a population increase of 50± persons based on 2014 California Department of Finance estimates of 2.77 persons per household for the Danville area, and 2.64 persons per household for the Lafayette area.

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 areas are served by various local agencies including, but not limited to, the Town of Danville, the City of Lafayette, Contra Costa County, the San Ramon Valley Fire Protection District and the Contra Costa County 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, which includes four existing dwelling units not currently receiving sewer service, and a maximum of 18 potential new dwelling units, planned for the annexation area, the maximum demand for sewer service is approximately 4,290 gallons of wastewater per day. CCCSD has the capacity to serve the project.

CCCSD has infrastructure in the areas and serves a significant number of surrounding properties. Properties adjoining Annexation areas 185-3 through 185-6 are also proposed for annexation to CCCSD and/or EBMUD as part of reorganization 186 (Magee Ranch/Summerhill).

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. EBMUD is also seeking approval from the USBR in conjunction with this annexation proposal.

EBMUD has adequate capacity to serve the project. Water mains have already been installed for properties with development potential. Appropriately sized service laterals and water meters will be constructed for each lot as it develops. The expected water demand to serve potential development is 10,800 to 15,660 gallons per day, depending on dwelling size and extent of irrigated landscaping.

The costs associated with water supply infrastructure, as well as development impact and service connection fees, will be borne by the property owners. Ongoing maintenance of the system will be funded through usage fees collected by EBMUD.

9. Assessed Value, Tax Rates and Indebtedness:

The annexation areas are within tax rate areas 16001, 16003, 14004, and 73012. The assessed value for the annexation areas is \$7,060,845 (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:

CCCSD, as Lead Agency, determined that the project is Categorically Exempt – Class 19. A Notice of Exemption was filed by CCCSD. The LAFCO Environmental Coordinator reviewed the document and finds it adequate for LAFCO purposes.

11. Landowner Consent and Consent by Annexing Agency:

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

CCCSD indicates that less than 100% of the affected landowners have provided written consent to the annexation. Thus, the Commission's action is subject to notice and hearing, as well as conducting authority (protest) proceedings. If the Commission approves the annexation, a subsequent notice and protest hearing will follow. Authority to conduct the protest hearing has been delegated to the LAFCO Executive Officer. All landowners and registered voters within the proposal area(s) and within 300 feet of the exterior boundaries of the area(s) have received notice of the January 14, 2015 hearing.

12. Boundaries and Lines of Assessment:

The annexation areas are within the SOIs of CCCSD and EBMUD and are contiguous to the districts' service boundaries. Maps and legal descriptions to implement the proposed boundary changes have been received and are subject to approval 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 areas do 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 the CCCSD, as Lead Agency, found the project to be Categorically Exempt – Class 19, Section 15319.
- B. Adopt this report, approve LAFCO Resolution No. 14-04 (Attachment 3), and approve the proposal, to be known as Reorganization 185: 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.
 3. Water service is conditional upon EBMUD receiving acceptance for inclusion of the annexed areas from the USBR, pursuant to the requirements in EBMUD's contract with USBR for supplemental water supply from the CVP.
- C. Find that the subject territory is uninhabited and that LAFCO's approval is subject to a conducting authority (protest) proceeding.

Option 2 Adopt this report and DENY the proposal.

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

RECOMMENDED ACTION:

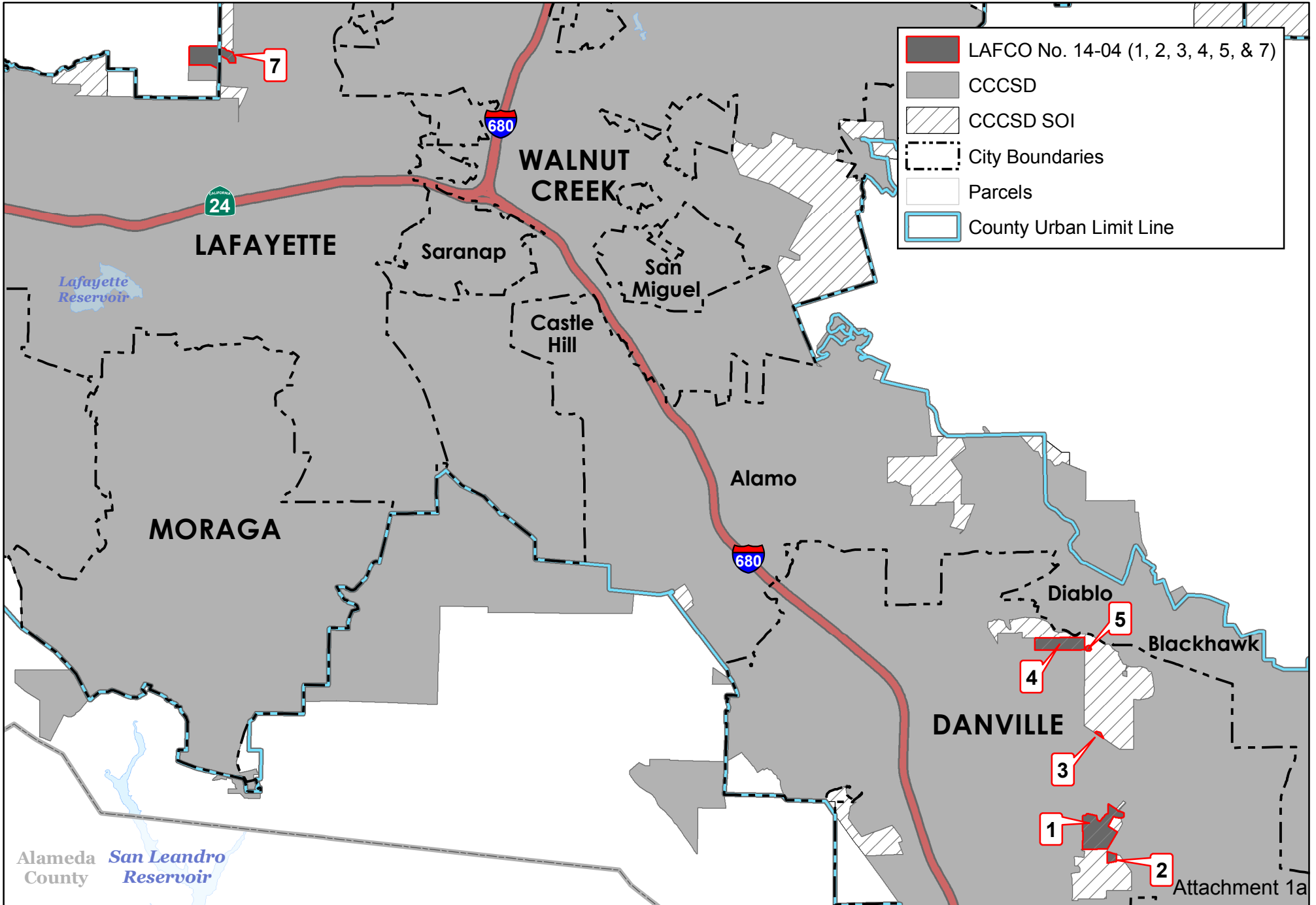
Approve Option 1.

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

Attachments

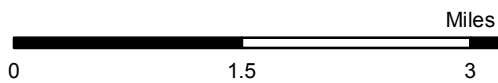
- 1a-f – CCCSD/EBMUD Annexation Maps
- 2 – Table Summarizing Land Uses in the Annexation Areas
- 3 - Draft LAFCO Resolution 14-04

LAFCO No. 14-04: Annexation 185 to Central Contra Costa Sanitary District Overview Map



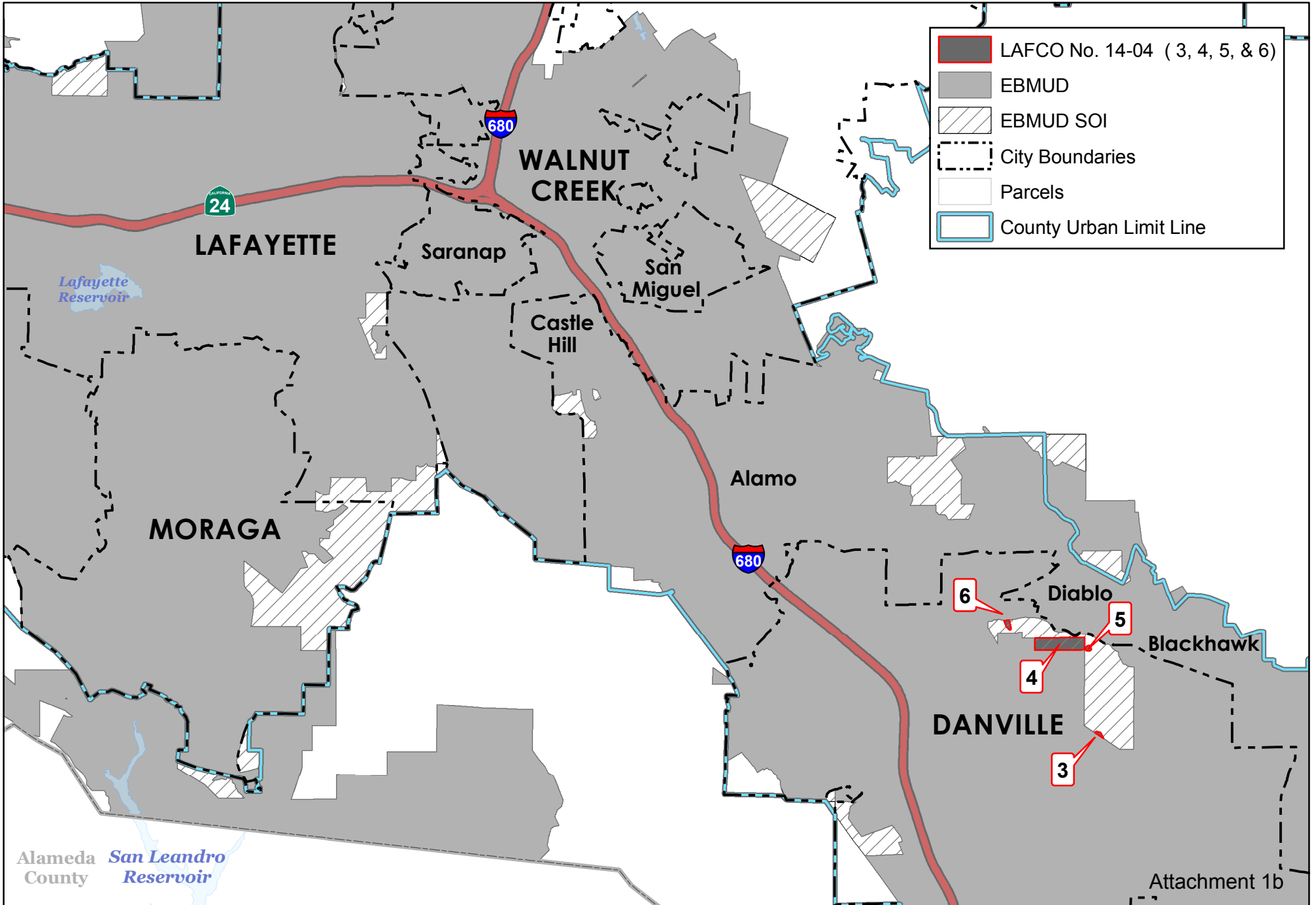
Map created 09/17/2014
 by Contra Costa County Department of
 Conservation and Development, GIS Group
 30 Muir Road, Martinez, CA 94553
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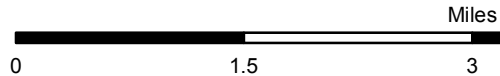
Attachment 1a

LAFCO No. 14-04: Annexation 185 to East Bay Municipal Utilities District Overview Map

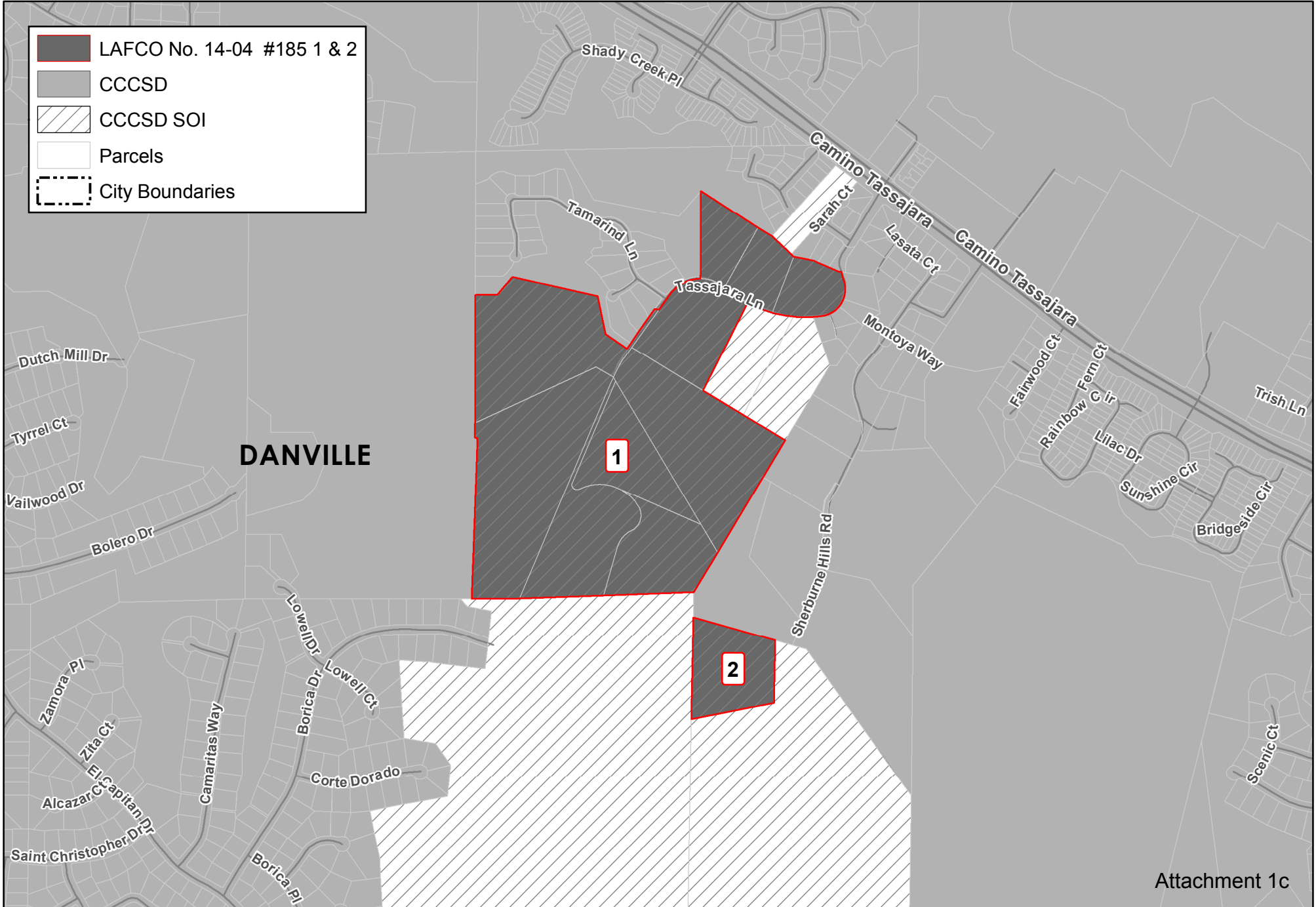


Alameda County San Leandro Reservoir

Attachment 1b



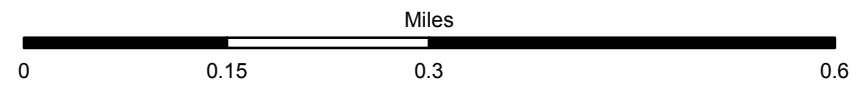
LAFCO No. 14-04: Annexation 185 (Areas 1 & 2) to Central Contra Costa Sanitary District



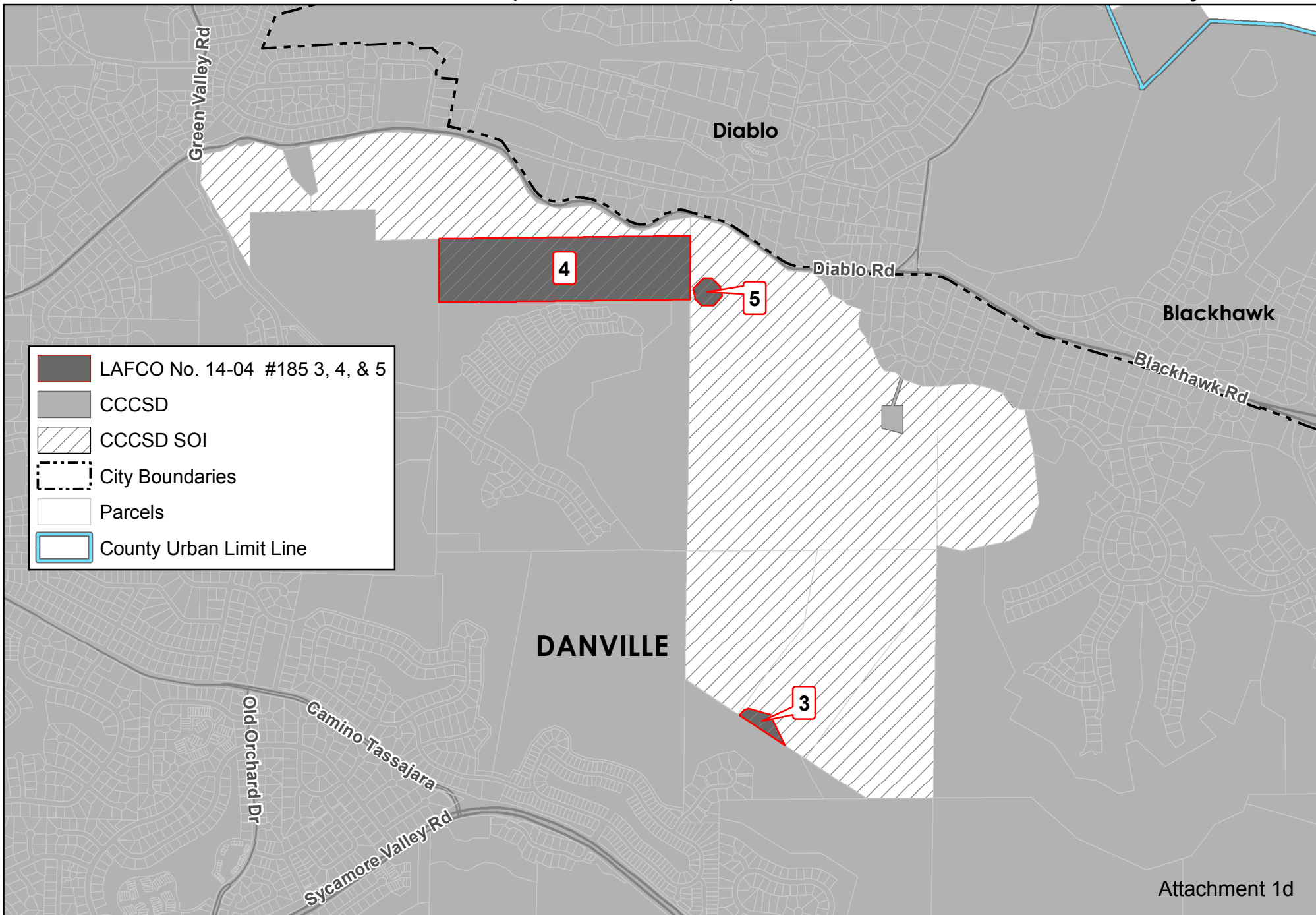
Attachment 1c

Map created 09/17/2014
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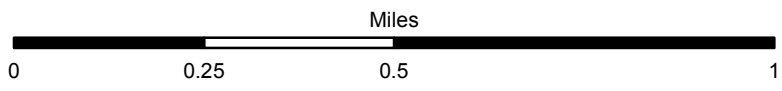
LAFCO No. 14-04: Annexation 185 (Areas 3, 4, & 5) to Central Contra Costa Sanitary District



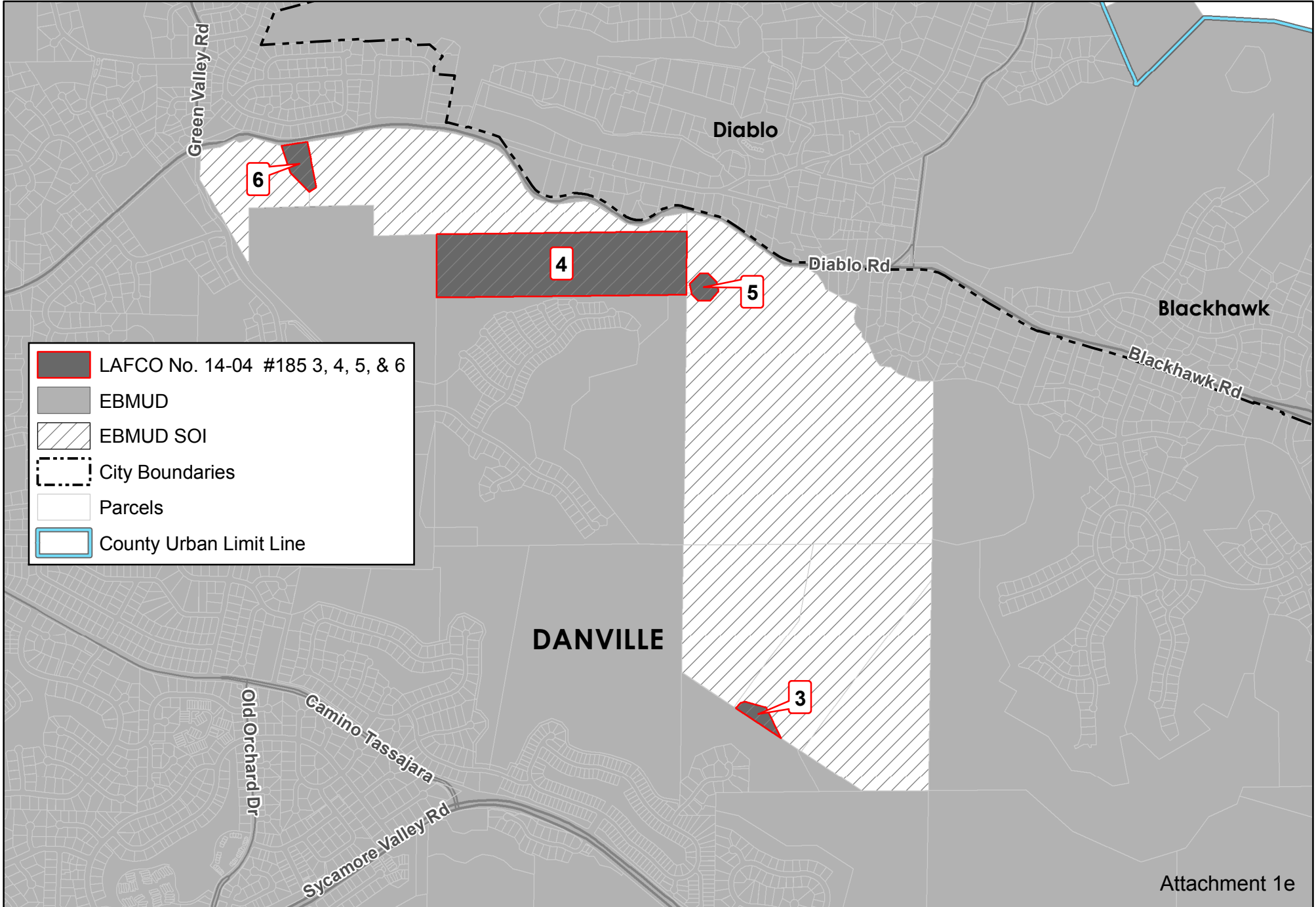
Attachment 1d







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LAFCO No. 14-04: Annexation 185 (Areas 3, 4, 5, & 6) to East Bay Municipal Utilities District

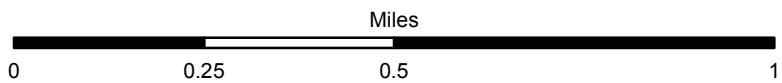


-  LAFCO No. 14-04 #185 3, 4, 5, & 6
-  EBMUD
-  EBMUD SOI
-  City Boundaries
-  Parcels
-  County Urban Limit Line

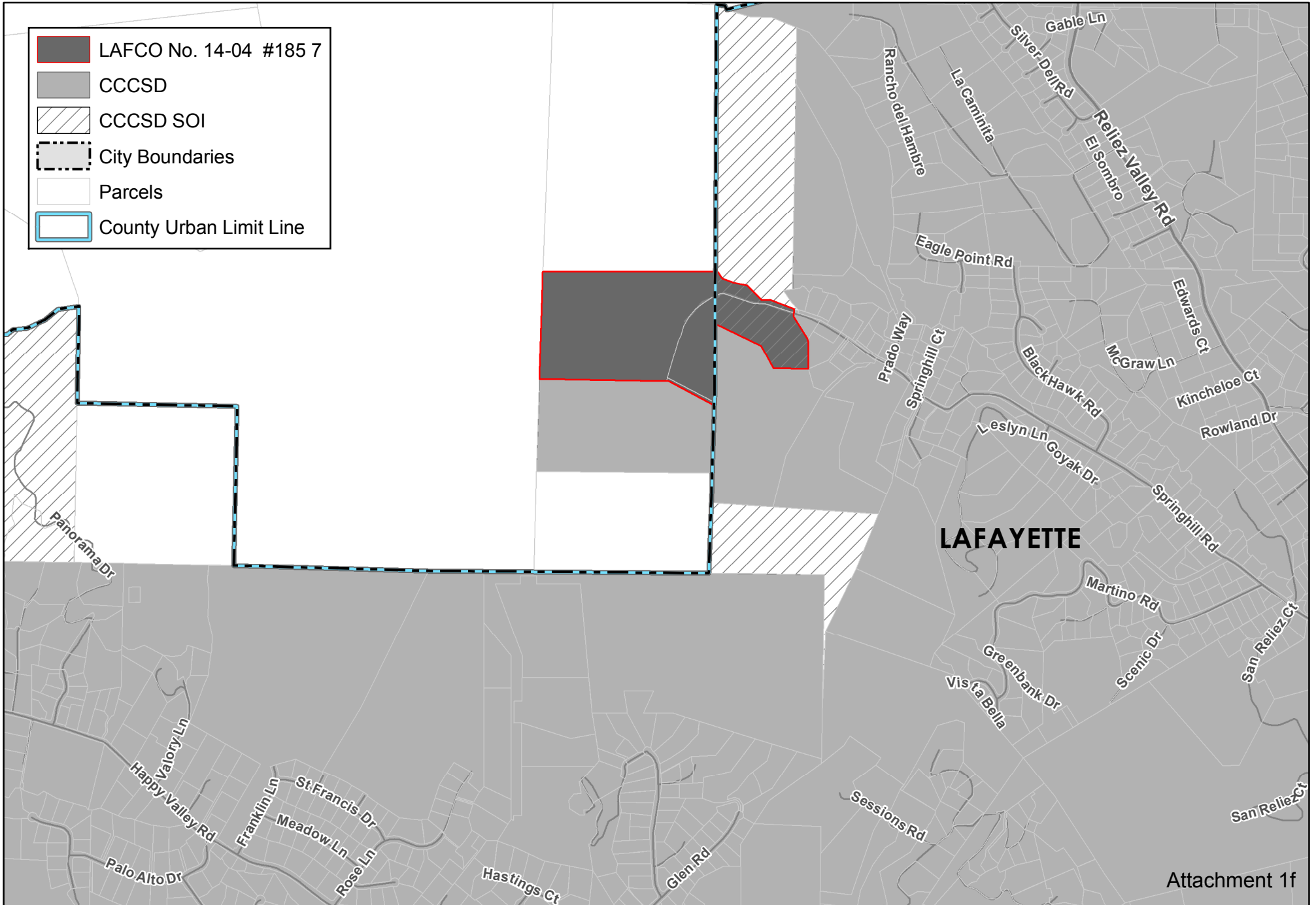
Attachment 1e

Map created 09/17/2014
 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

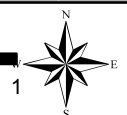
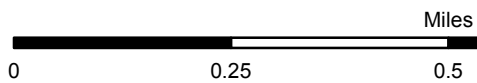
This map or dataset was created by the Contra Costa County Department of Conservation and Development with data from the Contra Costa County GIS Program. Some base data, primarily City Limits, is derived from the CA State Board of Equalization's tax rate areas. While obligated to use this data the County 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.



LAFCO No. 14-04: Annexation 185 (Area 7) to Central Contra Costa Sanitary District



Attachment 1f



LAFCO 14-04 REORGANIZATION 185: Annexations to CCCSD and EBMUD (Danville, Lafayette)

Annexation Area	Existing Land Uses	Surrounding Land Uses	General Plan Designation	Zoning Designation
185-1 Danville	three existing single family residences and seven undeveloped residential properties	East and West– single family residential (SFR), undeveloped; North – SFR; South – undeveloped.	Rural Residential (5-acre lot minimum), and Country Estates (one unit per acre minimum)	R-40 (SFR – 40,000 sq. ft. minimum lot size) and R-100 (SFR 100,000 sq. ft. minimum lot size)
185-2 Danville	one existing single family residence	East, West and South – undeveloped; North - SFR, undeveloped.	Country Estates	R-100
185-3 Danville	one undeveloped, common area parcel	East and West – undeveloped; North - SFR, undeveloped; and South – common area.	Rural Residential	A-2 (Agricultural)
185-4 Danville	one undeveloped, residential parcel	East and West – undeveloped; North – undeveloped, SFR; and South – common area and SFR.	Agricultural	A-4 (Agricultural)
185-5 Danville	one undeveloped municipally owned parcel (EBMUD water tank site)	East and South – undeveloped; West – undeveloped, common area; and North – undeveloped, SFR.	Agricultural	A-4 (Agricultural)
185-6 Danville	one developed municipally owned parcel (existing EBMUD water tank)	East and West – undeveloped; North – SFR; and South – SFR, undeveloped.	Rural Residential	A-2 (Agricultural)
185-7 Lafayette	One undeveloped, single-family residential parcel; one East Bay Regional Park District (EBRPD) park/road property; one undevelopable access property; one existing, single family residence; and one caretaker unit on a portion of EBRPD property	East – SFR, undeveloped; West and North – park; and South – undeveloped, girl scout camp.	Lafayette: R1 (Rural Residential Single Family, up to .1 dwelling unit per acre) County: AL (Agricultural Lands), and PR (Parks & Recreation)	Lafayette: LR-5 (Low Density Residential, 5-acre minimum lot size) and LR-10 (Low Density Residential, 10-acre minimum lot size) County: A-3 (Heavy Agricultural; parcel 10-acre minimum)

RESOLUTION NO. 14-04

RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
 MAKING DETERMINATIONS AND APPROVING REORGANIZATION 185: 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 January 14, 2015, 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. The Commission finds that CCCSD, as Lead Agency, found the project to be Categorically Exempt – Class 19, Section 15319.
2. Said reorganization is hereby approved.
3. The subject proposal is assigned the distinctive short-form designation:
 REORGANIZATION 186: ANNEXATIONS TO CENTRAL CONTRA COSTA
 SANITARY DISTRICT AND EAST BAY MUNICIPAL UTILITY DISTRICT
4. Said territory is found to be uninhabited.
5. The proposal has less than 100% landowner consent and is subject to conducting authority proceedings.
6. The boundaries of the affected territory are found to be definite and certain as approved and set forth in Attachments 1a – 1f, attached hereto and made a part hereof.
7. The subject territory shall be liable for any existing bonded indebtedness of the annexing agencies, if applicable.

Contra Costa LAFCO
Resolution No. 14-04

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. Water service is conditional upon EBMUD receiving acceptance for inclusion of the annexed areas from the U.S. Bureau of Reclamation (USBR), pursuant to the requirements in EBMUD's contract with USBR for supplemental water supply from the Central Valley Project.
11. 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 14TH day of JANUARY 2015, by the following vote:

- AYES:
- NOES:
- ABSTENTIONS:
- ABSENT:

ROB SCHRODER, 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: January 14, 2015

Lou Ann Texeira, Executive Officer

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

January 14, 2015
Agenda Item 9

January 14, 2015 (Agenda)

LAFCO 14-05 Reorganization 186 (Magee Ranch) – Annexations to Central Contra Costa Sanitary District (CCCSD) and East Bay Municipal Utility District (EBMUD)

PROPONENT CCCSD by Resolution No. 2014-018 adopted June 19, 2014

SYNOPSIS The project site consists of 410± acres, 40± acres of which will become a 69-lot single family subdivision; the remaining 370± acres will be preserved as permanent open space.

The applicant proposes to annex 400.4± acres (eight parcels) to CCCSD and 367± acres (seven parcels) to EBMUD. The property is located on the south side of Diablo Road and Blackhawk Road 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 will contain 69 single family lots and 370± acres to be preserved as permanent open space. The property owner has petitioned CCCSD for annexation. In their ongoing efforts to clean up service area boundaries, the Districts are proposing to annex all of the project area, including the open space portion, which will avoid having large holes or islands within their service boundaries.

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:

Existing land uses for the 410± acre site consist primarily of open range land and hillsides used for cattle operations. Existing structures on the site include water storage facilities, cell tower sites, storage buildings, horse corrals, a parking area, and access roads associated with the existing ranch use.

In 2013, the Town of Danville approved rezoning changes consistent with the preliminary development plan for the project, which consists of a single family residential subdivision and 370± acres of open space.

The single family homes will be located in two separate clusters; three homes are proposed on McCauley Road, south of the Diablo Road/McCauley Road/Green Valley Road intersection, and the remaining 66 homes will be located on the eastern portion of the property, accessed by a new driveway just east of Jillian Way. The 370-acre open space area will be privately owned by either a Geologic Hazard Abatement District or the project's Homeowners Association.

The Town's General Plan designations for the annexation area include General Open Space, Agricultural, Rural Residential and Single family – Low Density (with clustering allowed). The Town's zoning designation is Planned Unit Development (P-1). A minimum of 10% of the

homes will include second dwelling units in accordance with the Town's affordable housing requirements.

The approved P-1 (Planned Unit Development District) zoning allows clustering of residential units on the flatter portions of the site while maintaining the same overall density allowed under the current General Plan Land Use designation. This allows portions of the site that contain steeper slopes and visible ridgelines to be retained as open space.

The 401± acre site is bounded by single family residences and the Sycamore Valley Open Space Preserve to the north, south and east. To the west are single family homes, along with the San Ramon Valley Fire Protection District Station 33, the Sunrise Assisted Living facility, and the Green Valley Elementary School.

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

As described in the project EIR, the 410± acre project site has historically been used and continues to be used for cattle grazing and related operations; however, the Town's EIR found that no Prime Farmland, Unique Farmland, or Farmland of Statewide Importance are located on the project site and on this basis, it found that the project would not result in a loss of Farmland of Statewide Importance to non-agricultural use. While the project site consists of grazing land it does not meet the criteria for prime or important agricultural land as defined by CEQA, nor does it qualify as prime land for livestock production per the USDA Handbook criteria (one animal unit per acre), since the average stocking rate for grazing operations on the project site is one cow per 10 acres. Thus the subject property is not Prime Agricultural Land as defined in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH).

No portion of the proposal area is currently under a Williamson Act Land Conservation Act agreement. Four of the 10 parcels on the project site were formerly subject to a Williamson Act contract. A notice of non-renewal was filed in 2000, and the properties came out of the Williamson Act contract in 2010.

4. Topography, Natural Features and Drainage Basins:

The site consists primarily of undeveloped land and hillsides used for cattle operations. Oak woodland is scattered throughout the property. The site varies in elevation from approximately 430 feet in the northwestern corner to approximately 955 feet in the southern portion of the site. The East Branch Green Valley Creek extends in a northwesterly direction along portions of the north boundary of the project site.

To the south and east of the project site are rolling hills. To the west and north are residential uses in generally flat areas. Mt. Diablo State Park is located approximately one mile northeast of the site.

5. Population:

Development of 69 single family homes is planned for the annexation area. Of the 69 units, 10% (seven units) within the project will be required to incorporate second dwelling units. The estimated population increase for the annexation area is approximately 211, based on 2014 California Department of Finance estimates for households in the Town of Danville. The estimate includes both the 69 single family homes and 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.

Of the 69 units, 10% (seven units) within the project site will be required to incorporate second dwelling units, which are to be rented at rental rates set by the California Department of Housing and Community Development as being affordable to "low income" households.

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 15,405 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 potable water services and limited wastewater collection and treatment services in portions of the District's service area. 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.

EBMUD has adequate capacity to serve the project from the District's Scenic Pressure Zone, with a service elevation between 650 and 850 feet. Main extensions will be required to serve the proposed development.

Additionally, the proposed project is required to comply with the California Model Water Efficient Landscape Ordinance (Division 2, Title 23, California Code of Regulations, Chapter 2.7, Sections 490 through 495). The project sponsor should be aware that Section 31 of EBMUD's Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all applicable water-efficiency measures described in the regulations are installed.

The costs associated with water supply system as described, as well as development system capacity and service connection fees, will be borne by the project sponsor. Ongoing maintenance of the system will be funded through usage fees collected by EBMUD. The project EIR

estimates the water demand will be 46,530 gallons per day. EBMUD has the capacity to serve the project.

9. Assessed Value, Tax Rates and Indebtedness:

The annexation area is within tax rate areas 16001, 16002 and 16003. The assessed value for the annexation area is \$3,447,117 (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 June 18, 2013, the Town of Danville, as Lead Agency, certified an Environmental Impact Report (EIR), adopted Findings of Fact, and a Statement of Overriding Considerations, 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 January 14, 2015 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 Magee Ranches EIR and related environmental documents as certified by the Town of Danville on June 18, 2013; 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. 14-05 (Attachment 2), and approve the proposal, to be known as Reorganization 186 (Magee Ranch/Summerhill) – 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.
 3. Water service is conditional upon EBMUD receiving acceptance for inclusion of the annexed areas from the USBR, pursuant to the requirements in EBMUD's contract with USBR for supplemental water supply from the CVP.
- 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:

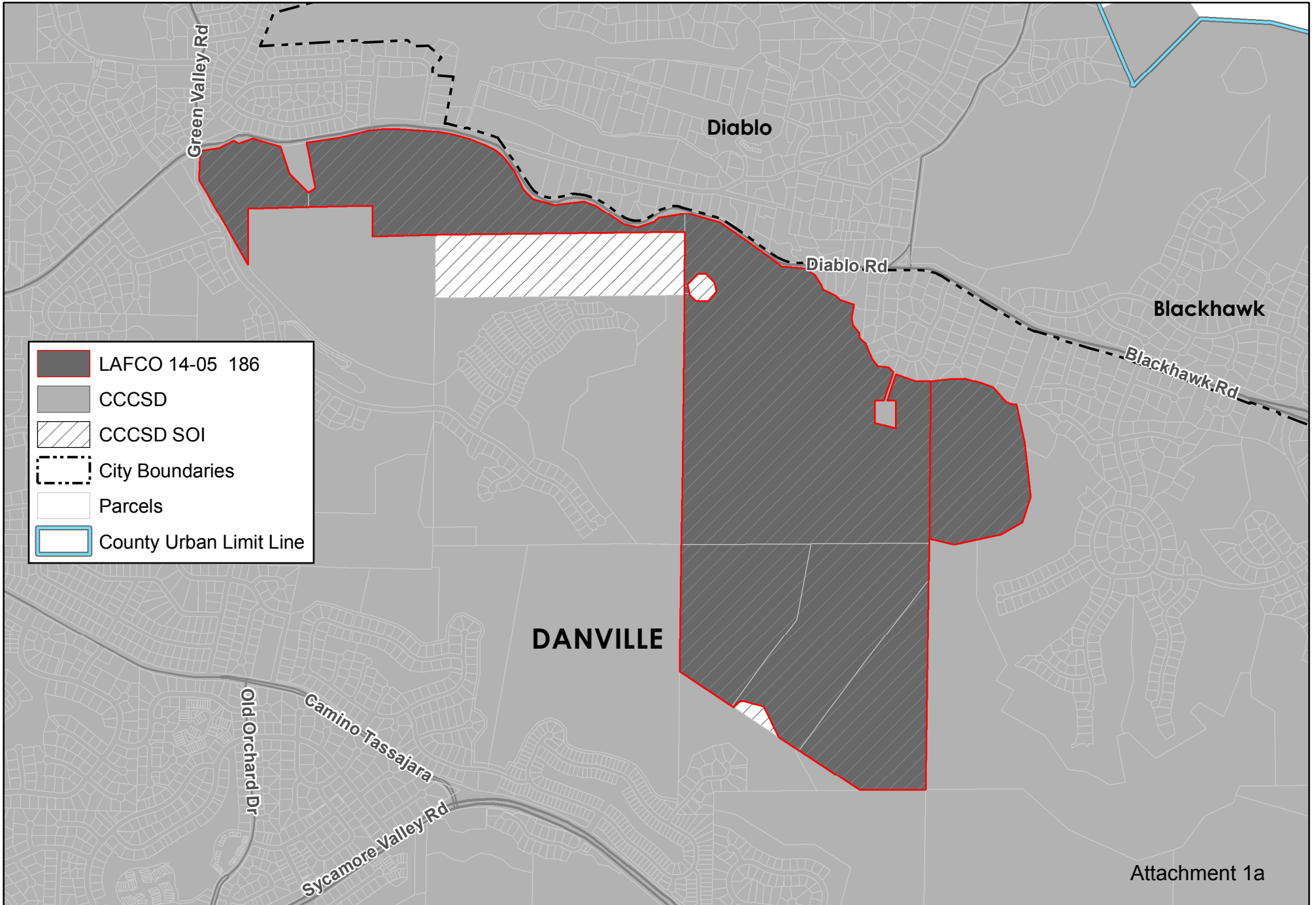
Approve Option 1.

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

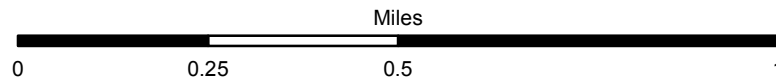
Attachments

1a & 1b – CCCSD/EBMUD Annexation Maps
2 – Draft LAFCO Resolution 14-05

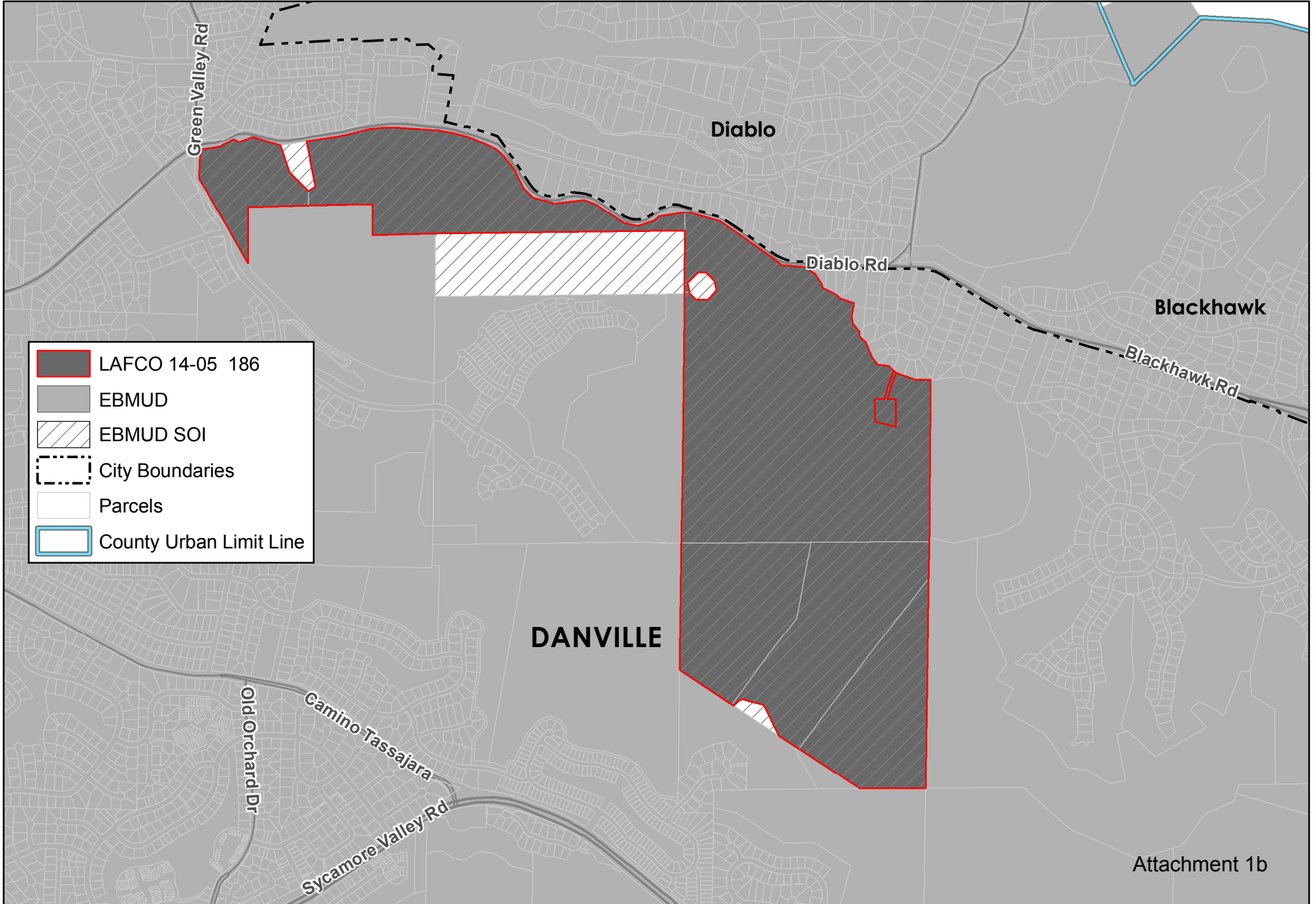
LAFCO No. 14-05: Annexation 186 Magee Ranch/Summerhill to Central Contra Costa Sanitary District



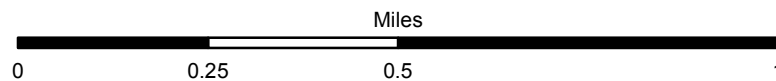
Attachment 1a



LAFCO No. 14-05: Annexation 186 Magee Ranch/Summerhill to East Bay Municipal Utilities District



Attachment 1b



RESOLUTION NO. 14-05

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS AND APPROVING REORGANIZATION 186 (MAGEE
RANCH/SUMMERHILL): 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 January 14, 2015, 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. The Commission certifies it reviewed and considered the information contained in the Environmental Impact Report and related environmental documentation as certified by the Town of Danville (Lead Agency) as identified in the LAFCO staff report, and adopts the Town'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 186: 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 Attachments 1a and 1b, attached hereto and made a part hereof.
7. The subject territory shall be liable for any existing bonded indebtedness of the annexing agencies, if applicable.

Contra Costa LAFCO
Resolution No. 14-05

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. Water service is conditional upon EBMUD receiving acceptance for inclusion of the annexed areas from the USBR, pursuant to the requirements in EBMUD's contract with USBR for supplemental water supply from the CVP.
11. 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 14TH day of JANUARY 2015, by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

ROB SCHRODER, 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: January 14, 2015

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

January 14, 2015 (Agenda)

January 14, 2015
Agenda Item 10

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

Second Quarter Budget Report - Fiscal Year 2014-15

Dear Members of the Commission:

This is the mid-year budget report for FY 2014-15, which compares adopted and actual expenses and revenues for the period July 1, 2014 through December 31, 2014.

The LAFCO operating budget includes three components: salaries/benefits, services/supplies, and contingency/reserve. The budget is based on the “bottom line,” which allows for variation within line item accounts as long as the overall balance remains positive. Funds may not be drawn from the contingency/reserve without Commission approval.

LAFCO’s budget is funded primarily by the County, cities and independent special districts, with each group paying one-third of the LAFCO budget. The city and district shares are prorated based on general revenues reported to the State Controller’s Office. LAFCO also receives revenue through application fees and interest earnings.

DISCUSSION

On May 14, 2014, LAFCO adopted its final FY 2014-15 budget with appropriations totalling \$782,152 (including contingency/reserve and OPEB Trust).

With 50% of the fiscal year elapsed, the Commission’s second quarter expenditures total \$228,852 or 29% of total appropriations (including OPEB Trust contribution). The Commission budgeted \$390,778 in *salaries/benefits* for FY 2014-15; at the end of the second quarter, actual expenses total \$157,255 or 40% of the total budgeted amount. The Commission budgeted \$301,374 in *services/supplies*; and at the end of the second quarter, actual expenses total \$61,597 or 20%. The budget also includes \$10,000 for the OPEB Trust, and an \$80,000 contingency/reserve; no funds have been drawn from the contingency this fiscal year.

The primary sources of revenues are local agency contributions, application fees, and interest earnings. Total revenues received during the first six months of the fiscal year are \$616,261. All local agencies have paid their prorated contributions to the LAFCO budget.

As for applications, FY 2014-15 application activity is on par with FY 2013-14 activity. During the first six months of FY 2013-14, LAFCO received two new applications; two applications were received during the first six months of FY 2014-15. Application activity remains low.

LAFCO is currently receiving no investment earnings, and awaits the County Treasurer’s notice to resume investment activity based on market conditions.

Finally, when available, we budget fund balance to offset agency contributions. The FY 2014-15 budget includes \$150,000 in budgeted fund balance. A portion of available fund balance may be used at the end of the fiscal year, if needed. See table below for a summary of budget activity.

Account	FY 2013-14 Final Budget	Second Quarter Actuals	Percentage
Salaries & Benefits	\$390,778	\$157,255	40%
Services & Supplies	301,374	61,597	20%
Contingency/Reserve	80,000	-	-
OPEB Trust	10,000	10,000	100%
Total Appropriations	\$782,152	\$228,852	29%
Agency Contributions	\$610,152	\$610,152	100%
Application/Other Revenue	22,000	6,109	28%
Interest Earnings		-	
Fund Balance	150,000	-	
Total Revenues	\$782,152	\$616,261	

No budget adjustments are recommended at this time. LAFCO staff will continue to closely monitor the budget, and keep the Commission apprised.

RECOMMENDATION

It is recommended that the Commission receive the FY 2014-15 second quarter fiscal report.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER



January 14, 2015
Agenda Item 11

AGENDA

RETIREMENT BOARD MEETING

SECOND MEETING
9:00 a.m.

December 17, 2014

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.

CLOSED SESSION

3. CONFERENCE WITH LABOR NEGOTIATORS
(Government Code Section 54957.6)

Agency designated representatives:

Gail Strohl, Retirement Chief Executive Officer

Christina Dunn, Retirement Administration and Human Resources Manager

Joe Wiley, CCCERA's Chief Negotiator

Employee Organization: AFSCME Local 2700 and IFPTE Local 21

Unrepresented Employees: All CCCERA unrepresented positions

OPEN SESSION

4. Consider and take possible action on 2015 CCCERA Budget.
5. Consider and take possible action to adopt Resolution 2014-5 confirming the continuing appointment of CCCERA personnel and authorizing the retirement CEO to appoint personnel pursuant to Government Code Section 31522.9
6. Update regarding CCCERA's receipt of a favorable Letter of Determination from the Internal Revenue Service effective December 4, 2014.
7. Legislative update.
8. Consider authorizing the attendance of Board and/or staff:
 - a. PIMCO Institute, PIMCO, January 14-15, 2015, Newport Beach, CA. (Note: Conflict with Board Meeting)

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.

- b. Advanced Principles of Pension Management for Trustees, CALAPRS, January 28-30, 2015, Los Angeles, CA. (Note: Conflict with Board Meeting)
 - c. Trustees Roundtable, CALAPRS, February 6, 2015, San Jose, CA.
 - d. NAPPA Winter Seminar, NAPPA, February 11-13, 2015, Tempe, AZ. (Note: Staff Only)
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.

**CALAFCO Daily Legislative Report
as of Wednesday, January 07, 2015**

**January 14, 2015
Agenda Item 13a1**

1

SB 25 (Roth D) Local government finance: property tax revenue allocation: vehicle license fee adjustments.

Current Text: Introduced: 12/1/2014 [pdf](#) [html](#)

Introduced: 12/1/2014

Status: 12/2/2014-From printer. May be acted upon on or after January 1.

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

Summary:

Would modify specified reduction and transfer provisions for a city incorporating after January 1, 2004, and on or before January 1, 2012, for the 2014-2015 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.

Position: None at this time

Subject: Financial Viability of Agencies

CALAFCO Comments: Identical to SB 69 (Roth) from 2014, 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.

2

AB 3 (Williams D) Isla Vista Community Services District.

Current Text: Introduced: 12/1/2014 [pdf](#) [html](#)

Introduced: 12/1/2014

Status: 12/2/2014-From printer. May be heard in committee January 1.

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

Summary:

Would express the intent of the Legislature to clarify and establish the necessary authority for the creation of the Isla Vista Community Services District within the unincorporated area of Santa Barbara County, and would make legislative findings and declarations relating to that intent.

Attachments:

[CALAFCO Letter of Concern Dec 2014](#)

Position: Watch

Subject: LAFCo Administration, Special District Powers

CALAFCO Comments: As introduced, this bill gives legislative authority for the creation of the Isla Vista Community Services District (CSD). This authority would completely bypass the LAFCo process in the creation of this special district. CALAFCO issued a letter of concern on the intent language on December 20, 2014.

3

SB 13 (Pavley D) Groundwater.

Current Text: Introduced: 12/1/2014 [pdf](#) [html](#)

Introduced: 12/1/2014

Status: 12/2/2014-From printer. May be acted upon on or after January 1.

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

Summary:

Would provide a local agency or groundwater sustainability agency 90 or 180 days, as prescribed, to remedy certain deficiencies that caused the State Water Resources Control Board to designate a groundwater basin as a probationary basin. This bill would authorize the board to develop an interim plan for certain probationary basins one year after the designation of the basin as a probationary basin. This bill contains other related provisions and other existing laws.

Position: None at this time

Subject: Water

CALAFCO Comments: While this bill has no direct affect on LAFCos, groundwater management is of interest, therefore CALAFCO will watch the bill.

SB 20 (Pavley D) Wells: reports: public availability.

Current Text: Introduced: 12/1/2014 [pdf](#) [html](#)

Introduced: 12/1/2014

Status: 12/2/2014-From printer. May be acted upon on or after January 1.

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

Summary:

Current law requires a person who digs, bores, or drills a water well, cathodic protection well, or a monitoring well, or abandons or destroys a well, or deepens or re-perforates a well, to file a report of completion with the Department of Water Resources. Current law prohibits those reports from being made available to the public, except under certain circumstances. This bill would instead require the department to, upon request, make the reports available to the public. The bill would require the department to provide specified

disclaimers when providing the reports to the public.

Position: None at this time

Subject: Water

CALAFCO Comments: While this bill has no direct affect on LAFCos, groundwater management and land use rights are of interest, therefore CALAFCO will watch the bill.

Total Measures: 4

Total Tracking Forms: 4

1/7/2015 10:11:19 AM

January 14, 2015
Agenda Item 13a2

**2014-2015
Board of Directors**

Chair

JOHN LEOPOLD
Santa Cruz LAFCo

Vice Chair

STEPHEN TOMANELLI
Riverside LAFCo

Secretary

GAY JONES
Sacramento LAFCo

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Staff

PAMELA MILLER
Executive Director

MARJORIE BLOM
Executive Officer

CLARK ALSOP
Legal Counsel

STEPHEN LUCAS
Deputy Executive Officer

DAVID CHURCH
Deputy Executive Officer

PAUL NOVAK
Deputy Executive Officer

JENI TICKLER
Executive Assistant

January 2, 2015

TO: CALAFCO Membership
FROM: Pamela Miller, Executive Director
RE: New CALAFCO Policy Effective January 1, 2015

Happy New Year to all! May 2015 bring all the best.

As you know, the CALAFCO Board updated several policies during 2014. One significant policy that took effect January 1, 2015 relates to credits for workshops and conferences, Section 4.2 in the CALAFCO Policies & Procedures Manual. The Refunds Section has been inserted below for your reference. The changes made by the Board this year are noted in italics and with a “7” at the end of the sentence (those with a “1” at the end of the sentence are previous policy changes).

The change in summary: Effective 1/1/15, CALAFCO will no longer offer credits in the form of a “carry-over” of registrations. If your LAFCo has a credit currently on the books from either the 2014 Staff Workshop or Annual Conference, it will be honored in 2015.

Going forward, no credits will be issued. There will still be refunds (minus the administrative fee) if the cancellation is received within the required timeframe. This change was made after long Board deliberation. The cancellation policies will be clearly visible on all registration documents as they have been in the past, and as a reminder for you during the registration time period, I will provide periodic reminders of the new policy. If your LAFCo does not have its own reimbursement policy for event registrations, you may want to consider creating one.

The entire Policies & Procedures Manual can be found online on the CALAFCO website in the Resources-Library-CALAFCO section. You must be signed in to access the document.

Refunds

Registrations for conferences and workshops are considered complete upon payment of the registration fee.

The cancellation deadline shall be established by the executive director for each event and is a specific date no more than ten (10) business days prior to the commencement of the event¹. Cancellation requests made in writing at least 20 days prior to the event shall receive a 100% refund less a \$20 handling fee¹. Until December 31, 2014⁷, written cancellation requests made within 20 days but prior to the cancellation deadline¹ will receive credit for the fee paid, less a \$20 handling fee¹ which may be applied to the next scheduled conference or workshop.

Special fees paid—such as guest meals or field trips—shall be fully refunded less a \$20 handling fee⁷ if a cancellation request is made in writing prior to the cancellation deadline. *Special fees paid shall be fully refunded if the special event is cancelled.*⁷

There shall be no refunds or credits for any cancellations made after the cancellation deadline¹.

Registration and special fees are transferable at any time to another person if the request is made in writing, *and is subject to a \$20 handling fee*¹.

*Until December 31, 2014, a LAFCo may carryover ONE canceled or unused registration credit per event, providing the proper notice is provided to CALAFCO as noted above. A workshop credit may be carried over only to the next scheduled workshop. A conference credit may be carried over only to the next scheduled conference. All credits will be valued at the amount paid minus a \$20 handling fee. Effective January 1, 2015, there shall be no credits issued for any cancellations made after the cancellation deadline.*⁷

Please contact me with any questions you may have about the change in policy.

Thank you,

A handwritten signature in blue ink, appearing to read "Pamela Miller". The signature is fluid and cursive, with a large initial "P" and "M".

Pamela Miller
Executive Director

**CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
PENDING PROPOSALS – JANUARY 14, 2015**

January 14, 2015
Agenda Item 13b

LAFCO APPLICATION	RECEIVED	STATUS
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

Print this page

Published **December 17th, 2014**

ConFire to Upgrade One-Third of its Fleet

By *Nick Marnell*

January 14, 2015
Agenda Item 13c

Fire chiefs know all about timing. Their jobs revolve around - and their performance is gauged by - improving the incident response times in their districts or departments.

Exhibiting this knack for timing, Contra Costa County Fire Protection District Chief Jeff Carman asked that his board approve a \$1 million annual lease-purchase payment for new fire apparatus, subsequently requesting adoption of an ordinance that will allow ConFire to charge \$1 million annually in first responder fees. The Board of Supervisors, acting as the ConFire board of directors, unanimously approved both requests at its Dec. 9 meeting.

ConFire will purchase nine fire engines, three aerial ladder trucks and one rescue truck from Pierce Manufacturing Inc. in 2015 under a 10-year lease-purchase agreement through Oshkosh Capital. "This replaces 33 percent of our aging fleet," said Carman, who added that he expects to request a similar order in the next fiscal year, with an annual goal of \$2.5 million dedicated to replacing district apparatus. The first new vehicles should arrive in the fourth quarter of next year.

Though he would not confirm that any of the new engines will be assigned to Lafayette stations 15 or 17, Carman did say that one of the new trucks will be delivered to station 1 in Walnut Creek, which is the first backup for structure fires in Lafayette. He also confirmed that the new squad vehicle, ordered earlier this fall, will arrive at station 1 on Jan. 17. It, too, will back up calls into Lafayette.

The cost recovery ordinance allows ConFire to collect reimbursement from insurance providers for the actual costs of its services rendered on emergency medical calls. Carman stressed to the board that all costs recovered will be from the insurance companies or the federal government and not from individuals. "Not collecting this fee is subsidizing the insurance companies," he told the ConFire Advisory Fire Commission the previous evening. Though individuals without insurance will still be billed, the district expects to facilitate a compassionate collection approach for those without the ability to pay. Carman anticipates \$1 million in annual reimbursements, but he said that a consultant suggested the amount could exceed \$1.5 million.

The Moraga-Orinda Fire District, less than one-tenth the size of ConFire and sporting vastly different demographics, generated \$100,000 in first responder fees in the last fiscal year, according to administrative services director Gloriann Sasser.

Reach the reporter at: info@lamorindaweekly.com

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Published December 31st, 2014

Supervisors Approve ConFire Labor Contract

By Nick Marnell

The Contra Costa County Board of Supervisors, acting as the Contra Costa County Fire Protection District board of directors, approved a new labor agreement between the district and Local 1230 of the firefighters' union at a special Dec. 19 meeting. The highlights of the new contract include a 7.5 percent pay increase, the gradual elimination of the 9 percent firefighters' subvention of the employer portion of retirement costs and beginning in 2016, an equal split between the district and the firefighters for any increase in their medical benefits premium. The contract term runs July 1, 2014 through June 30, 2017.

"The contract maintains a balance between how much we bring our firefighters up in wages and what we need to do for the organization after not allocating any infrastructure money over the last few years," said Fire Chief Jeff Carman. The board recently approved a \$10 million purchase of fire apparatus for this fiscal year, with a similar purchase expected next year. Carman stressed that his goal for 2015 is to be able to maintain the district's 24 companies and two squads as they are currently assigned.

"Based on the current circumstances - coming out of a recession and trying to rebuild our district - I think it's a fair contract," said Vince Wells, Local 1230 president. "Our firefighters have not had a pay increase since 2008. In fact, we lost 10 percent. We tried to get some of that money back and get it back in a timely fashion."

The contract is cleverly constructed to give the rank and file a bump of some sort every six months beginning Jan. 1. A 2.5 percent wage increase kicks in then, followed by another 2.5 percent July 1, with a final 2.5 percent raise July 1, 2016. Three percent of the subvention of the employer retirement contribution discontinues Jan. 1, with a further 3 percent reduction Jan. 1, 2016 and a final 3 percent decrease exactly one year later, at which point the entire 9 percent subvention disappears.

"In the long run, the 9 percent retirement contribution going away was the biggest thing for us in the contract," said Wells.

Reach the reporter at: info@lamorindaweekly.com

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San Leandro Hospital emergency room at risk

By Rebecca Parr rparr@bayareanewsgroup.com

Posted: 12/30/2014 03:39:36 PM PST Updated: about 3 hours ago

CASTRO VALLEY -- A health care district board was expected to take the first step Tuesday night seeking an installment plan to pay \$19 million it owes, a move that could threaten to shut down San Leandro Hospital's emergency room.

The money had been earmarked to subsidize the struggling hospital through most of 2015. Whether smaller payments over time would be adequate to keep it open is questionable, Alameda County Supervisor Wilma Chan said Tuesday. The supervisor brokered a deal last year to keep San Leandro Hospital open as a full-service hospital for at least two years.

"If they're talking about paying the settlement over 10 or 20 years, they're putting the hospital at risk of closing its emergency room. I'm very disappointed," Chan said earlier Tuesday.

Eden Township Healthcare District owes the money after losing a lawsuit to Sutter Health. Sutter waived its claim so the funds could go to the money-losing hospital, Chan said. Eden Township and Sutter Health have been negotiating payment terms for more than a year.

"We are still in negotiations with the district. We've been working on trying to reach an agreement," said Stacey Wells, a Sutter Health spokeswoman.

Representatives for Alameda Health System, which now owns the hospital, could not be reached for comment.

If the Eden board agrees with a staff recommendation that paying the money in a lump sum would be a hardship, the district would then ask a judge to approve an installment plan.

Sutter Health transferred ownership of the hospital to Alameda Health System, the county's public health consortium, in October 2013 and wrote a check for \$14 million to help with operation expenses the first year. The hospital's finances have improved, but it continues to lose an average of \$1 million a month, Chan said.

"Eden was supposed to cover the second year," Chan said. Eden Township's board agreed to the hospital subsidy arrangement at its June 2013 meeting, the supervisor said.

The district's CEO, Dev Mahadevan, disagreed with Chan's interpretation of the board's vote, saying it only committed to trying to find the money to help subsidize San Leandro Hospital. The motion directed staff to "work collaboratively with Alameda Health System and the Alameda County Health Department to raise up to \$20 million to support the second year of operation of San Leandro Hospital."

"We have said to them over and over we will try to raise the money," Mahadevan said Tuesday.

"We explained over a year ago that we are not able to raise the funds."

The health care district does not have enough cash to pay the lawsuit settlement in full, he said, and has only about \$2 million in funds that are not restricted.

Chan said the district could sell off some property to make good on its debt.

"Their net assets for fiscal 2014 are \$47 million. My understanding is that under the law, they're allowed to dissolve 50 percent of their assets without going to a vote of the people. They could do \$20 million under this scenario," she said.

Mahadevan called selling property a hardship to residents of the district, which includes Hayward, San Leandro and the western unincorporated areas of Alameda County. Loss of rental income "would deprive them of health grants the district gives," he said.

Eden Township owns three medical office buildings in San Leandro, Castro Valley and Dublin. Rental income helps pay for community health grants; this year, it awarded \$200,000 to 13 agencies.

Contact Rebecca Parr at 510-293-2473 or follow her at [Twitter.com/rdparr1](https://twitter.com/rdparr1).

Published December 31st, 2014

Barber Joins MOFD Board

By Nick Marnell



Brad Barber Photo provided

As did directors Steve Anderson and Alex Evans when they joined the board, new Moraga-Orinda Fire District Division 4 director Brad Barber exudes a passion to improve the condition of Orinda roads.

"I was co-chair of Measure J, a partial solution to fix Orinda's appallingly bad roads," said Barber, speaking of the \$20 million bond measure that Orindans approved in 2014. Barber noted that while MOFD will benefit from improvements to Orinda roads, the district is partially responsible for their deterioration. "The fire trucks and ambulances need good roads in order to provide good service," he said. "In addition, the equipment is not easy on our roads, and the roads in Orinda are not very good to begin with. And they have not been well maintained." Anderson ran for his seat after watching a citizens' group complain to the Orinda City Council that if MOFD funds were assessed and allocated equitably, more money would be available to fix Orinda roads. Evans, newly elected board president, was a founding member of the Fire and Infrastructure Renewal committee, an Orinda group that espoused a similar platform.

"It's not a question of not getting our money's worth, exactly," said Barber, who was appointed to the board in lieu of election after no challengers emerged for the District 4 seat. "There is an issue of equity between different parts of the district. Orinda and Moraga are different places, with different needs, different topography,

different property values." Many Orinda residents have long maintained that they pay well over \$1 million more for district services than they should, and that they unfairly subsidize Moraga residents.

"If we were starting from scratch, I don't think we'd fund the district this way," continued Barber. "We'd treat it as a single district, one entity. We'd treat the taxpayers in one area the same as the taxpayers in another."

Barber brings experience as a tax attorney and financial manager to the board. "MOFD has received a lot of bad publicity over the preceding few years and I wanted to see if there was something I could do," he said. "It's time to stop deferring the district's financial problems to future generations. It's time to solve these problems now." Outgoing MOFD president John Wyro promised district residents that a tax increase will not be necessary to cure the district's financial problems, highlighted by a \$40 million unfunded firefighters' pension liability. "It's too early for me to make that assessment," said Barber. "I would like to be able to solve the problems without raising taxes. But I'm not able to speak with the confidence that John has."

The new director also stopped short of a full-fledged endorsement of station 46, a proposed consolidation of MOFD station 43 and closed station 16 of the Contra Costa County Fire Protection District. "Financially it looks good," he said. "But how do we provide service to north Orinda to make certain that the residents aren't seriously disadvantaged? If some Orindans are more negatively affected than those affected positively, how do I weigh that? I need to learn more about it."

Barber was sworn in at the Dec. 17 district meeting. The south Orinda resident stressed that a solution to the above problems will not magically materialize. "It will require a lot of work over a sustained period," he said.

Reach the reporter at: info@lamorindaweekly.com

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