



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

DATE/TIME: Wednesday, May 13, 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.**

## **MAY 13, 2015 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 April 8, 2015 regular LAFCO meeting
6. ***Informational Presentation – Contra Costa Water District – Drought Management Efforts***

### **SPHERE OF INFLUENCE/BOUNDARY CHANGES**

7. ***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 (ten parcels) located just south side of Diablo and Blackhawk Roads in the Town of Danville. Consider related actions under CEQA.  
***Public Hearing – Continued from February 11, 2015 Meeting***

### **BUSINESS ITEMS**

8. ***Adoption of Final FY 2015-16 LAFCO Budget*** – the Commission will be asked to review and adopt the FY 2015-16 Final LAFCO Budget. ***Public Hearing***
9. ***Agriculture & Open Space Preservation Policy and Workshop*** - the Commission will receive an update on the workshop planning efforts and be asked to provide input.
10. ***Announcement of CALAFCO 2015 Annual Conference*** – receive information.

### **CORRESPONDENCE**

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

### **INFORMATIONAL ITEMS**

12. Commissioner Comments and Announcements
13. Staff Announcements
  - CALAFCO Updates
    - Legislative Update
    - Highlights of 2015 Staff Workshop & CALAFCO Letter
  - Pending Projects
  - Newspaper Articles

### **ADJOURNMENT**

*Next regular LAFCO meeting – June 10, 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

April 8, 2015

Board of Supervisors Chambers  
Martinez, CA

May 13, 2015  
Agenda Item 5

1. Chair Rob Schroder called the meeting to order at 1:30 p.m. He announced that he and Commissioner Butt had been reappointed to their LAFCO seats by the Mayors' Conference.

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 Mary Piepho and Alternate Candace Andersen.

Special District Members Michael McGill and Igor Skaredoff and Alternate George Schmidt.

Public Members Don Blubaugh and Alternate Sharon Burke.

Present were Executive Officer Lou Ann Texeira, Legal Counsel Sharon Anderson, and Clerk Kate Sibley.

4. Approval of the Agenda

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

AYES: Andersen (A), Blubaugh, McGill, Piepho, Schroder, Skaredoff, Tatzin

NOES: none

ABSENT: Glover (M)

ABSTAIN: none

5. Public Comments

There were no public comments.

6. Approval of March 11, 2015 Meeting Minutes

Upon motion of McGill, second by Piepho, the minutes were approved by a vote of 6-0.

AYES: Andersen (A), McGill, Piepho, Schroder, Skaredoff, Tatzin

NOES: none

ABSENT: Glover (M)

ABSTAIN: Blubaugh

7. LAFCO 15-01 - City of Concord Out of Agency Service (Blair, 4761 Laura Drive)

The Executive Officer provided background on this request by the City of Concord to provide municipal sewer service to a parcel located on Laura Drive in the Ayers Ranch area in order to serve a single family dwelling unit.

County Environmental Health reports that the septic system is malfunctioning and that replacement of the drain field is not possible. The inspector has supported connection to the City's municipal sewer system.

**DRAFT**

Kristine Blair, property owner at 4761 Laura Drive, thanked the Commission for their approval and urged the City of Concord and the County to come to an agreement on the sharing of tax revenues so that properties in the Ayers Ranch island can be annexed.

Upon motion of Piepho, second by Andersen, Commissioners unanimously, by a vote of 7-0, reviewed and considered the information contained in the CEQA documentation; and authorized the City of Concord to extend sewer service outside its jurisdictional boundary to the 0.28±-acre parcel located at 4761 Laura Drive, subject to specified terms and conditions.

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

8. Agriculture & Open Space Preservation Policy and Workshop

The Executive Officer provided an update on planning for the Agriculture & Open Space Preservation Workshop. The workshop will be held at the hearing room at the County Department of Conservation and Development building at 30 Muir Road. A schedule of speakers confirmed to date was provided.

Commissioner discussed the current roster of speakers, suggesting other possibilities for participants, such as someone from: the County Farm Bureau office; the commercial/business side of the County; the East Bay Leadership Council; and realtors.

Further updates will be provided at the May 13 meeting.

Liz Ritchie, resident of Brentwood, spoke about potential speakers for the workshop, suggesting some of the larger farmers, such as Len Stonebarger or Ron Nunn, and someone from the board of East Contra Costa Irrigation District. (NOTE: This speaker spoke after the budget item.)

9. FY 2014-15 Third Quarter Budget Report

The Executive Officer stated that, at the end of the third quarter of the current fiscal year, total expenditures to date are approximately 46% of total appropriations. Total revenues are slightly under budget due to application activity and related fees being lower than expected.

Vince Wells, Local 1230 President, asked Commissioners to look into mutual aid and auto aid agreements among fire protection districts, stating that he believes they are not fair and equitable, and that this is something LAFCO is supposed to review.

Commissioners discussed the Fire Protection 2<sup>nd</sup> Round MSR that is scheduled for the coming fiscal year, and urged staff to have the Request for Proposals ready to go as soon as the upcoming ambulance contract is in place.

Upon motion of Piepho, second by McGill, Commissioners unanimously, by a vote of 7-0, received the report.

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

10. CALAFCO Legislative Report—Update and Positions

The Executive Officer reported on five bills on which CALAFCO is urgently requesting LAFCOs send letters of support and opposition. The four bills needing support letters are: AB 1532 (annual CALAFCO omnibus bill); AB 851 (Disincorporation), and companion bills AB 448 and SB 25 (VLF Restoration). CALAFCO is also requesting letters opposing SB 239 dealing with out of agency fire service.

Commissioner Burke pointed out that the VLF Restoration bills also would help cities annexing properties.

Upon motion of Blubaugh, second by Tatzin, Commissioners unanimously, by a vote of 7-0, approved the five draft letters and directed that they be signed by the Chair and sent immediately.

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

11. Correspondence from CCCERA

There were no comments on this item.

12. Commissioner Comments and Announcements

Commissioner McGill reported that he would be attending the CALAFCO Board meeting on May 8.

13. Staff Announcements and Pending Projects

The Executive Officer reminded Commissioners that staff will be out of the office April 15-17 for the annual CALAFCO Staff Workshop.

The meeting was adjourned at 2:03 p.m.

Final Minutes Approved by the Commission May 13, 2015.

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
EXECUTIVE OFFICER'S REPORT

May 13, 2015  
Agenda Item 7

May 13, 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 and Blackhawk Roads in the Town of Danville as shown on the attached map (Attachment 1).

This item was continued from the February 11, 2015 LAFCO meeting, and the public hearing remains open.

Since the Commission last heard this item, we understand that both the plaintiff and defendant have filed their reply briefs and requests for oral argument. Once argument is held, it is anticipated that the court will issue its ruling within 90 days following oral argument. LAFCO staff will continue to monitor the status of the lawsuit.

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 leaving 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 410± 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. 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.

In July 2013, Save Open Space (SOS) Danville, a local citizen group, filed a lawsuit challenging the Town of Danville's approval of the SummerHill development project. The suit challenged the Town's position that the development did not require an amendment to the Town's General Plan, and therefore, did not invoke Measure S - a 2000 measure that requires voter approval by ballot for General Plan amendments or zoning changes involving agricultural or open space lands. The suit also challenged various aspects of the Town's EIR.

In July 2014, Contra Costa County Superior Court Judge Steven K. Austin ruled that the Danville Town Council violated part of the Town's General Plan when it rezoned the property and failed to conform to the requirements of Measure S which requires a vote of the people. The Court also found that the EIR was deficient in that it failed to adequately analyze the impact of the added homes on bicyclists' safety along Diablo Road. The court ruling was issued after the CCCSD Board took action to apply to LAFCO.

The judgment set aside the EIR and the Town's approval of the development project, pending the resolution of the appeal filed by the Town. The Court Order included an injunction that enjoined the Town, the developer, "and those acting in in concert with them... from issuing any construction or development permits or undertaking any construction activities related to the Town's approval of the project." The Town has appealed the judgment of the Superior Court

and that appeal is currently pending before the Appellate Court; a decision is expected within the next six to nine months.

**4. 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.

**5. 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.

**6. 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.

**7. 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.



## 8. **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.

## 9. **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.

Following the January 2015 LAFCO meeting, LAFCO staff consulted with EBMUD staff regarding the details and timing of obtaining USBR approval. EBMUD staff reports that in 2006, EBMUD and the USBR entered into a long-term renewal contract under which EBMUD can receive supplemental water from the CVP during dry years. The contract defines EBMUD's CVP Contractor's Service Area (CSA), and USBR must approve the addition of any new areas requesting water service that are outside of the CSA. To support its review of a request for such additions, USBR must comply with the National Environmental Policy Act (NEPA), the Endangered Species Act, and Section 106 of the National Historic Preservation Act.

Applying to USBR for inclusion of new areas into EBMUD's CVP CSA can be a lengthy process. A formal application for inclusion cannot be submitted to USBR until EBMUD's Board of Directors adopts a resolution for such application, which is dependent on receiving a LAFCO Certificate of Completion approving the annexation. After a formal application for inclusion is submitted, USBR can take several months to review, approve the inclusion, and issue a revised EBMUD CVP CSA map. As part of the inclusion application, EBMUD works with the developer and forwards applicable CEQA documents, U.S. Army Corps of Engineers permits, and NEPA documents to USBR for review. In the meanwhile, no water service can be provided to the annexed area until USBR approval is obtained.

According to EBMUD staff, USBR indicates that it will not accept an application for inclusion with any uncertainties, such as an annexation conditioned on the outcome of pending litigation. The USBR action would amend the EBMUD CVP CSA to include the annexed area; thus, if the

LAFCO action is conditioned on the outcome of the court appeal, the USBR will not accept the application.

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.

#### **10. 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.

#### **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 a change 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.

#### **15. Comments from Affected Agencies/Other Interested Parties**

On January 7, 2015, LAFCO received communication from Maryann Cella with SOS Danville Group (Attachment 3) informing LAFCO of the status of the lawsuit and the injunction issued by the Court. Ms. Cella requested that LAFCO table its consideration of the Magee Ranch annexations until there is a legally valid EIR and a legally valid development plan approval for the SummerHill/Magee project.

On January 9, 2015, LAFCO was copied on a letter from Stuart M. Flashman, attorney for SOS Danville Group, claiming that CCCSD, EBMUD and LAFCO are subject to the injunction issued by the Superior Court, and that moving forward with approving the reorganization while the injunction remains in effect would be a violation of that injunction and could subject the parties to a claim of being in contempt of court (Attachment 4).

On May 5, 2015, LAFCO received a letter from SummerHill Homes supporting continuance of the matter to the August LAFCO meeting (Attachment 5).

LAFCO staff has continued to communicate with the Town of Danville, CCCSD and EBMUD staff, and with representatives of SOS Danville Group and SummerHill Homes on the proposal.

Based on the information obtained from the parties, it is recommended that LAFCO continue the matter in anticipation of the final court decision.

#### **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** CONTINUE this matter to a future meeting. Based on the information obtained from the parties, and in anticipation of an Appellate Court decision, it is recommended that LAFCO continue the matter to August 12, 2015.

**Option 2** 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.
  4. LAFCO's approval is conditioned on a) receipt from the Town of Danville of a valid EIR (either through acceptance of the EIR by the Court of Appeal, or through the revision/recirculation process); and b) validation from the Court of Appeal that the Town of Danville's approval of the SummerHill Homes development plan and related actions are legally valid.

As noted above, the USBR will not accept an application for inclusion of an area in the EBMUD CVP service area if there are uncertainties, such as a conditional approval by LAFCO.

C. Find that the subject territory is uninhabited, the proposal has 100% landowner consent, and the conducting authority (protest) proceedings are hereby waived.

**Option 3** Adopt this report and DENY the proposal.

**RECOMMENDED ACTION:**

**Approve Option 1** and continue the matter to August 12, 2015.

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

Attachments:

1a & 1b – CCCSD/EBMUD Annexation Maps

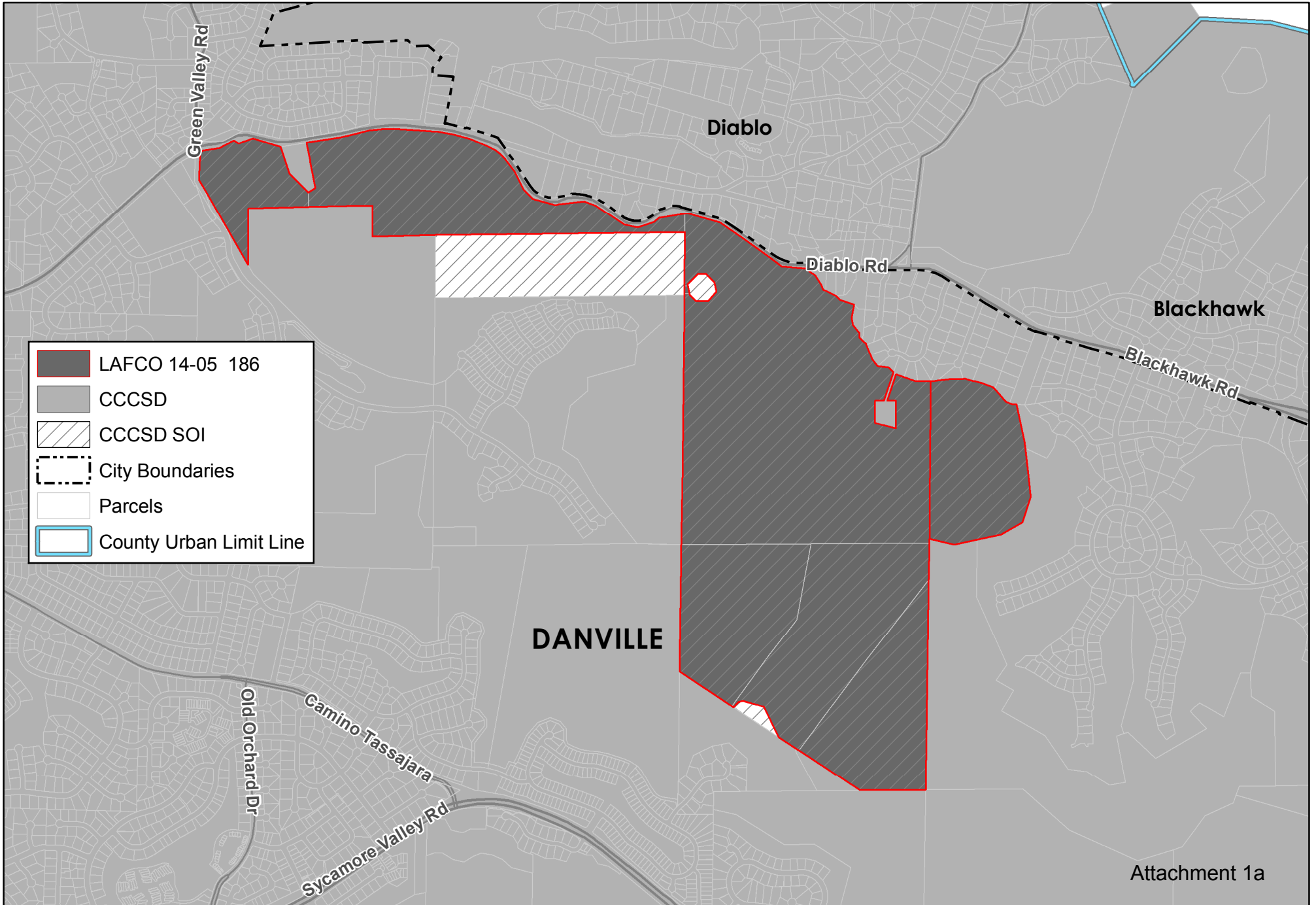
2 – Draft LAFCO Resolution 14-05

3 – E-mail communication dated January 7, 2015 from Maryann Cella with SOS Danville Group

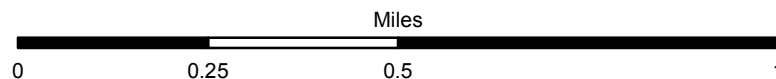
4 – Letter dated January 9, 2015 from Stuart M. Flashman, Attorney for SOS Danville Group

5 – Letter dated May 5, 2015 from SummerHill Homes

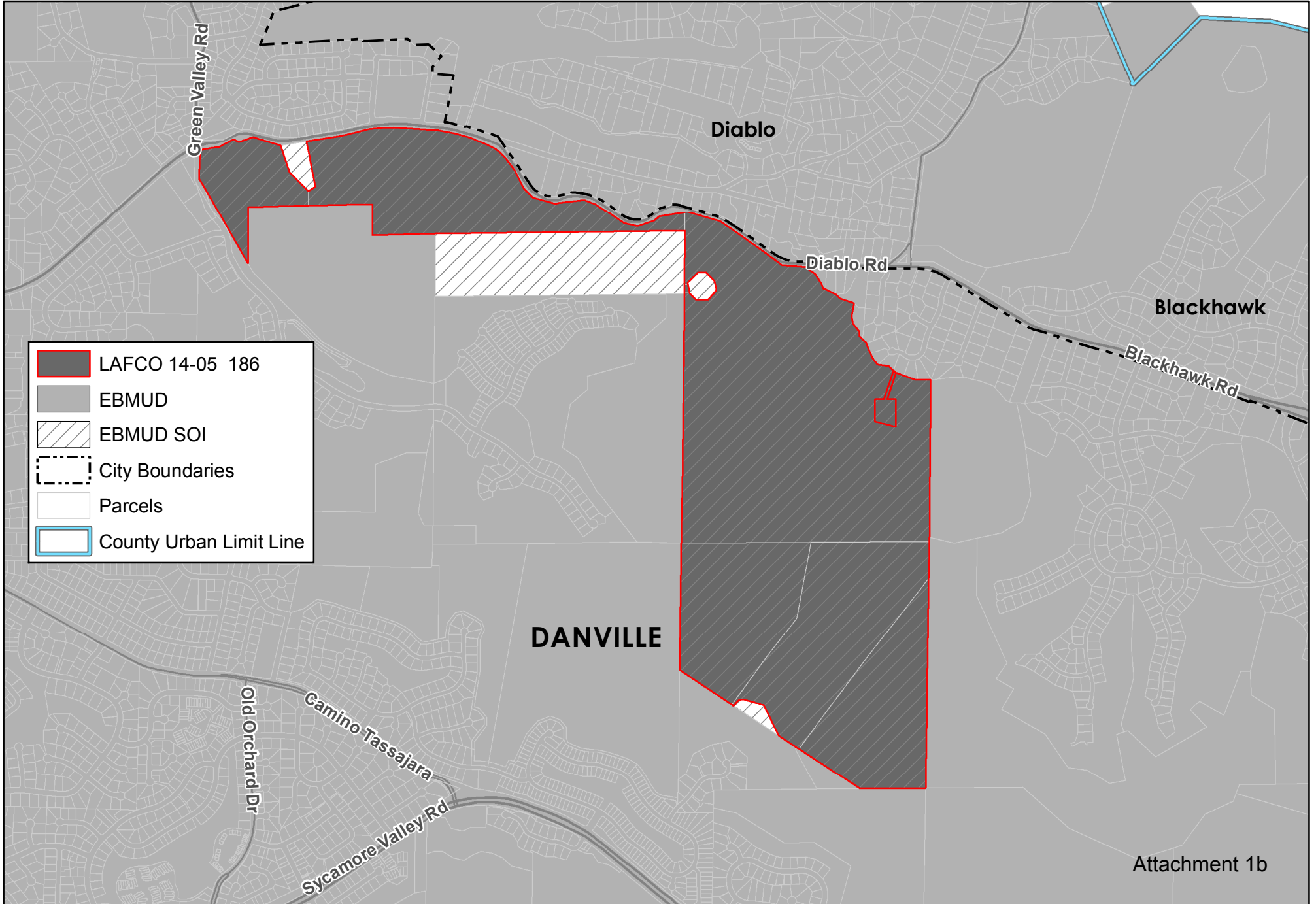
# LAFCO No. 14-05: Annexation 186 Magee Ranch/Summerhill to Central Contra Costa Sanitary District



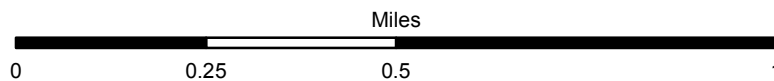
Attachment 1a



# 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 public hearings held on January 14, February 11, and May 13, 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 (MAGEE RANCH/SUMMERHILL): 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 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.



Contra Costa LAFCO  
Resolution No. 14-05

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. 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. LAFCO's approval is conditioned on a) receipt from the Town of Danville of a valid EIR (either through acceptance of the EIR by the Court of Appeal, or through the revision/recirculation process); and b) validation from the Court of Appeal that the Town of Danville's approval of the SummerHill Homes development plan and related actions are legally valid.
12. 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 13<sup>TH</sup> day of May, 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: May 13, 2015

---

Lou Ann Texeira, Executive Officer

**Kate Sibley**

---

**From:** Lou Ann Texeira  
**Sent:** Wednesday, January 21, 2015 2:58 PM  
**To:** Kate Sibley  
**Subject:** FW: OPPOSITION TO LAFCO 14-05. Reorganization 186. SummerHill/Magee Ranch annexations to CCCSD and EBMUD.  
**Attachments:** Order on Petition for Writ of Mandate.pdf

**From:** Maryann Cella [<mailto:maryann.cella@gmail.com>]  
**Sent:** Wednesday, January 07, 2015 12:03 PM  
**To:** Lou Ann Texeira  
**Cc:** Todd B. Gary; [jonpat@sbcglobal.net](mailto:jonpat@sbcglobal.net); CHARLES S WAITMAN; Clelen Tanner; [stu@stufdash.com](mailto:stu@stufdash.com)  
**Subject:** RE: OPPOSITION TO LAFCO 14-05. Reorganization 186. SummerHill/Magee Ranch annexations to CCCSD and EBMUD.

Hi, Ms. Texeira. Thank you for speaking with me this morning regarding the above-captioned matter. As discussed, SOS-Danville requests that **LAFCO table its consideration of the Magee Ranch annexations until there is a LEGALLY VALID EIR and a LEGALLY VALID DEVELOPMENT PLAN APPROVAL for the SummerHill Homes Magee Ranches project.**

Pursuant to our discussion, I attach Judge Austin's rulings in SOS-Danville v. Town of Danville, et al. The rulings give rise to three reasons why LAFCO should table the SummerHill Homes Magee Ranch annexation.

**1. THE SUMMERHILL HOMES MAGEE RANCHES EIR IS LEGALLY INVALID.** As you will see from the rulings, Judge Austin determined that **the Town of Danville's EIR for the SummerHill Homes Magee Ranches development is LEGALLY INVALID.** For the specifics, please see the section of the rulings entitled as follows:

**"Impacts on traffic---bicycle safety: petition granted. "**

Because the Magee Ranches EIR is legally invalid, **it would be legally wrong for LAFCO to base a decision on that EIR.** Accordingly, SOS-Danville respectfully requests that **LAFCO table its consideration of the Magee Ranch annexations until there is a LEGALLY VALID EIR.**

**2. THERE IS AN INJUNCTION AGAINST LAFCO AS AN ENTITY "ACTING IN CONCERT" WITH DEFENDANTS.** I will send you shortly Judge Austin's FINAL JUDGEMENT containing the **injunction.** As we discussed, the injunction is against the Town of Danville, SummerHill Homes, the Magee Ranch investors, their agents, and THOSE ACTING IN CONCERT WITH THEM. We believe that the injunction applies to LAFCO as an entity ACTING IN CONCERT with SummerHill Homes and the Magee Ranch investors. **Therefore LAFCO is enjoined from acting on the annexations application as long as the injunction is in place and LAFCO must table the annexations unless and until the injunction is no longer in effect.**

**3. THE DEVELOPMENT PLAN APPROVAL FOR THE SUMMERHILL MAGEE RANCHES PROJECT IS LEGALLY INVALID.** Please review the section of the rulings entitled "Rezoning of

**Agricultural land to P-1".** Judge Austin determined that the Danville Town Council's approval of the SummerHill Homes development plan application was legally invalid because the plan required a rezoning to P-1, Planned Unit Development, which is not allowed on Agricultural-designated land. Because the development plan approval was illegal, it is not appropriate for LAFCO to consider annexations based upon that approval.

**The rezoning to P-1 was the CENTRAL ISSUE of the case,** and because SOS-Danville won that issue, Judge Austin determined in his final judgment that **SOS-Danville is the PREVAILING PARTY in the suit.** Commonly, plaintiffs in these sorts of cases raise many issues and don't expect to win all of them. Winning the key issue or issues, makes a party the "prevailing party".

**The Town of Danville is now appealing both of the issues they lost.** If the appellate court affirms Judge Austin's decision, SummerHill Homes will have to go back to the drawing board and RESUBMIT a **new development application** including a "GENERAL PLAN AMENDMENT" TO CHANGE THE LAND USE DESIGNATION of the Ag. parcel to a residential one. Then there will have to be the study prepared that is referenced in the General Plan's Ag. section regarding the possibilities for continued Ag. use of the Ag. parcel. **There will also have to be another EIR section prepared on the bike safety issue** (the rest of the EIR will still be good only if the resubmitted plan is still the same or fewer number of and same location for the units). If the Council approves the new EIR and the new development plan application, Danville's Open Space Protection law, Measure S, will be triggered. Measure S will require a public vote of approval on the application before the development can go forward.

Please let me know if you have any questions. My cell # is 980-6170. I look forward to hearing from you regarding this matter.

Thank you so much for your consideration. You may wish to contact our SOS-Danville attorney, Stuart Flashman, at [510-652-5373](tel:510-652-5373).

Maryann Cella  
SOS-Danville Group  
[www.SOS-Danville.com](http://www.SOS-Danville.com)

Law Offices of  
**Stuart M. Flashman**  
5626 Ocean View Drive  
Oakland, CA 94618-1533  
(510) 652-5373 (voice & FAX)  
e-mail: [stu@stuflash.com](mailto:stu@stuflash.com)

**DELIVERY VIA E-MAIL AND U.S. MAIL**

January 9, 2015

Mr. Andrew Faber, Esq.  
Berliner Cohen  
10 Almaden Boulevard, Suite 1100  
San Jose, CA 95113-2233

Re: Final Judgment in *SOS-Danville Group v. Town of Danville et al.*, Contra  
Costa County Superior Court Case No. MSN13-1151

Dear Mr. Faber:

I am writing to you on behalf of my client, SOS-Danville Group in your role as legal counsel for the real parties in interest in the above-entitled case, and specifically as counsel for Summerhill Homes, LLC. As you know, final judgment was entered against your clients on August 18, 2014. As you also know, that judgment included a permanent injunction against real parties in interest, their agents, employees, servants, officers, assigns, and those acting in concert with them against issuing any construction or development permits that are dependent on Respondents' approvals of the Magee Ranch Residential Project that were challenged in the case. A copy of that judgment (without attachments) is attached hereto.

It has come to my attention that Summerhill has applied to the Contra Costa County LAFCO for annexation of the Magee Ranch Project property to the service areas for East Bay MUD and Central Contra Costa County Sanitary Districts. Both these annexations, which SOS-Danville Group considers to be a form of development permit as they are necessary adjuncts to moving forward with the development of the Project, rely upon the Final EIR for the Project, the approval of which was one of the approvals that was successfully challenged in the litigation.

As a consequence, Contra Costa County LAFCO and the two annexing agencies are acting in concert with Summerhill in approving the annexations, and are therefore subject to the injunction in that judgment.

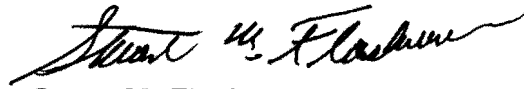
In addition, unless the Court of Appeal reverses the trial court's judgment, the approvals for the Project must be rescinded and the property will revert to its former Agricultural land use and zoning, under which the proposed annexations would be improper under the Cortese-Knox act.

By this letter, you, Summerhill, and the three agencies involved are placed on notice that moving forward with approving the annexations while the injunction and the final judgment remain in effect would be a violation of that injunction and could subject you, and them, to a claim of being in contempt of court.

As you know, while the writ of mandate for rescission of the Towns approvals has been stayed by the appeal your clients have filed, the final judgment and the prohibitory injunction included in the judgment (and properly served on you) were not. If you and your clients believe the circumstances justify allowing these annexations to move forward while the appeal of the judgment is pending, my client believe the proper course

would have been to apply to the Court of Appeal for a stay of that injunction. In the absence of such a stay, the terms of the injunction remain in effect. We expect you and your client to respect the trial court's judgment and to not move forward with the pending annexation proceedings until and unless you receive a valid stay of the injunction.

Sincerely,

A handwritten signature in black ink that reads "Stuart M. Flashman". The signature is written in a cursive style with a long, sweeping underline.

Stuart M. Flashman  
Attorney for SOS-Danville Group

Attachment: Final Judgment

cc: Contra Costa County LAFCO  
East Bay MUD  
Central Contra Costa Sanitary District

COPY

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Stuart M. Flashman (SBN 148396)  
5626 Ocean View Dr.  
Oakland, CA 94618-1533  
Telephone/Fax: (510) 652-5373  
e-mail: stu@stuflash.com

Attorney for Petitioner and Plaintiff SOS-DANVILLE GROUP

7/28/2014 10:09 AM  
COURT OF SUPERIOR COURT  
COUNTY OF CONTRA COSTA, CA  
BY: \_\_\_\_\_  
D. WEBER

**IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF CONTRA COSTA**

SOS – DANVILLE GROUP,  
Petitioner and Plaintiff

vs.

TOWN OF DANVILLE, *et al.*,  
Respondents and Defendants  
SUMMERHILL HOMES, LLC, *et al.*,  
Real Parties In Interest

No. MSN13-1151 Filed July 25, 2013  
Assigned for all purposes to Hon. Steven K.  
Austin, Dept. 33

[proposed] FINAL JUDGMENT

**BY FAX**

This action came on regularly for hearing on June 25, 2014 in Department 33 of the Contra Costa County Superior Court, the Honorable Steven K. Austin presiding. Petitioner and Plaintiff SOS – Danville Group (“Petitioner”) appeared by Stuart M. Flashman. Respondents and Defendants Town of Danville (“Town”) and Danville Town Council (the foregoing, collectively, “Respondents”) appeared by Robert S. Perlmutter, Esq. of Shute, Mihaly & Weinberger LLP and Andrew L. Faber, Esq. of Berliner Cohen LLP. Real Parties in Interest Summerhill Homes LLC, Magee Investment Company, and Teardrop Partners LP (the foregoing, collectively, “Real Parties”) appeared by Andrew L. Faber, Esq. of Berliner Cohen LLP.

The Court, having considered the papers and evidence submitted by the parties and the arguments of counsel at hearing, issued its Order re: Petition for Writ of Mandate (CEQA) and Order re: Demurrer to First Amended Civil Petition, copies of which are attached hereto as Exhibits A and B respectively and are incorporated herein by this reference, on July 28, 2014.

Pursuant to the Court’s orders, and based upon the pleadings, evidence and argument submitted in this case, **IT IS ORDERED, ADJUDGED AND DECREED** as follows:

1           1.       Rulings on Preliminary Matters: The Court grants all the parties’ requests for  
2 judicial notice as requested. The objections to the Declaration of David Crompton are overruled.

3           2.       Petitioner’s First Cause of Action for mandamus under the California  
4 Environmental Quality Act (“CEQA”) is **GRANTED** in part and **DENIED** in part as set forth in  
5 greater detail in the attached order.

6           3.       Petitioner’s Second Cause of Action for mandamus under California Planning and  
7 Zoning Law for approval of a project inconsistent with the Town’s General Plan is **GRANTED**  
8 in part and **DENIED** in part as set forth in greater detail in the attached order.

9           4.       Petitioner’s Third Cause of Action, for Declaratory Relief, is **DISMISSED**  
10 **WITH PREJUDICE** as set forth in greater detail in the attached order on the demurrer thereto.

11           5.       This Final Judgment fully disposes of all of the matters related to this action.

12           6.       A Peremptory Writ of Mandate shall issue, under seal of the Court, ordering  
13 Respondents to rescind their actions in approving the Magee Ranch Residential Project and  
14 certifying the Final Environmental Impact Report for said project. Respondents shall file a  
15 written return to said writ within sixty days of its service.

16           7.       Respondents, Real Parties in Interest, their agents, employees, servants, officers,  
17 assigns, and those acting in concert with them are hereby **PERMANENTLY ENJOINED** from  
18 issuing any construction or development permits or undertaking any construction activities  
19 which permits or construction activities are dependent on Respondents’ approvals of the Magee  
20 Ranch Residential Project that were challenged herein.

21           8.       Petitioner, as the prevailing party, shall recover its costs of suit as provided by  
22 law. Such costs shall be appended to this judgment.

23           9.       The right of Petitioner to seek attorneys’ fees in this matter under Code of Civil  
24 1021.5 is hereby reserved for later determination in accordance with California Rule of Court  
25 3.1702.

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IT IS SO ORDERED.

Date: 8-11-14

STEVEN K. AUSTIN

Steven K. Austin  
Judge of the Superior Court

Approved as to form:

Date: 8/6/14

Robert B. Ewing, City Attorney

Shute, Mihaly & Weinberger LLP  
Robert S. Perlmutter

Attorneys for Respondents and Defendants  
Town of Danville and Danville Town  
Council

By: Robert B. Ewing  
Robert B. Ewing

Date: 8/5/14

Andrew L. Faber  
Andrew L. Faber  
Attorney for Real Parties in Interest  
Summerhill Homes, LLC, Magee  
Investment Company, and Teardrop  
Partners, LP





May 5, 2015

Ms. LouAnn Texeira  
Executive Officer  
Local Agency Formation Commission  
651 Pine Street, 6th Floor  
Martinez, CA 94553

Re: ***LAFCO 14-05 –Reorganization 186 (Magee Ranch/Summerhill): Annexations to CCCSD and EBMUD May 13<sup>th</sup>, 2015 Meeting, Agenda item***

Dear Ms. Texeira,

We respectfully support the continuance of the LAFCO 14-05-Reorganization 186 (Magee Ranch/SummerHill) Annexations to CCCSD and EBMUD item to the meeting, on Wednesday, May 13<sup>th</sup>, 2015. We have no updates at this time and if acceptable, we would support continuing this item to LAFCO's August 12<sup>th</sup>, 2015 regular meeting.

We thank you for your support and consideration. If you have any questions you can reach me directly at (925) 244-7534 or email: [wbaker@shhomes.com](mailto:wbaker@shhomes.com)

Sincerely,

A handwritten signature in black ink that reads "Wendi E. Baker".

Wendi E. Baker  
Vice President of Development  
SummerHill Homes

cc: Russ Leavitt, Central Contra Costa Sanitary District



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*

May 13, 2015 (Agenda)

May 13, 2015  
Agenda Item 8

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

**Final FY 2015-16 LAFCO Budget**

Dear Members of the Commission:

DISCUSSION

The Contra Costa Local Agency Formation Commission (LAFCO) is responsible for adopting a proposed and final budget each year. The LAFCO budget is jointly funded by the County, cities and special districts, with each group paying one-third of LAFCO's net operating budget.

On March 11, 2015, the Commission approved the FY 2015-16 Proposed Budget and Work Plan (available on the LAFCO website at [www.contracostalafco.org](http://www.contracostalafco.org)). The Proposed Budget was subsequently distributed to the County, cities and special districts for their review; no comments were received.

The Final Budget (attached) is comparable to the Proposed Budget presented to the Commission in March, and will enable Contra Costa LAFCO to focus on the following priorities as previously identified by the Commission:

1. Second round MSRs, with a focus on budget
2. Respond to incoming applications
3. Update policies and procedures
4. Island annexations

The Final Budget reflects an overall increase of 4% as compared to the FY 2014-15 budget. The increase is primarily attributable to personnel costs and an increase in LAFCO's funding for Other Post-Employment Benefits (OPEB) liability. Also, we have updated FY 2014-15 year end estimates to reflect an additional two months of actual expenses and revenues since reported in March 2015, which has resulted in minor adjustments.

**Expenditures** - The proposed expenditures for FY 2015-16 total \$813,730, and include *Salaries & Benefits, Services & Supplies, Contingency Reserve, and OPEB Trust* as summarized in the attached.

FY 2015-16 *Salaries & Benefits* maintains the current staffing of two full-time employees, and reflects an increase of 4.2% primarily attributable to increases in salary and benefit costs.

*Services & Supplies* funds a range of items including rents/leases, equipment/supplies, communications, training/conferences, and professional/specialized services (i.e., audit/fiscal, legal, planning, mapping, MSRs, website maintenance, etc.). These expenses are expected to decrease by approximately 5% which is primarily attributable to anticipated reductions in application processing costs due to a decrease in application activity.

The FY 2015-16 budget includes funding for second round MSR work. Services slated for second round reviews in FY 2015-16 include fire and emergency medical services. The FY 2015-16 also includes funding for LAFCO hosted workshops.

The FY 2015-16 budget includes a *Contingency Reserve* of \$80,000 comparable to FY 2014-15, and \$40,000 for the Other Post Employment Benefits *OPEB Trust* account, which was established in FY 2011-12 to fund the LAFCO liability. In response to actuarial assessment completed in March 2014, the Commission increased its annual OPEB contribution from \$10,000 annually to \$40,000 in FY 2015-16.

**Revenues** - LAFCO's funding sources include local agency (i.e., County, cities and independent special districts) contributions, application fees, other revenues (e.g. interest earnings, special projects), and available year-end fund balance as summarized in the attached.

Local agency contributions represent the most significant LAFCO revenue source. The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("CKH Act") requires that the net operational costs of LAFCO be apportioned one-third to the County, one-third to the cities, and one-third to the independent special districts. Government Code §56381 describes how the County Auditor apportions and collects the revenues following adoption of the Final Budget. The city and district allocations are based on revenues reported to the State Controller and vary year to year.

Another source of revenue is application fees. Application activity continues to be sluggish. FY 2014-15 application fees are expected to come in below the budgeted amount. The FY 2015-16 budget is based on a recent historical average and takes into account the decline in activity. Also, due to the distressed financial market, we have included no interest earnings for the current year or for FY 2015-16.

With regard to the available fund balance, Government Code §56381(c) provides "If at the end of the fiscal year, the Commission has funds in excess of what it needs, the Commission may retain those funds and calculate them into the following fiscal year's budget." The FY 2014-15 fund balance is currently unknown and will be calculated at year end (typically by September-October). However, based on the beginning year fund balance, and projected FY 2014-15

expenses and revenues, it is estimated that the available fund balance will be in excess of \$100,000. The LAFCO fund balance, or any portion thereof, can be used to offset the FY 2015-16 revenues, thereby reducing the revenues to be collected from the funding agencies. The FY 2015-16 budget provides that to the extent possible, the available fund balance be used to offset revenues thereby offsetting the cost to the funding agencies. As proposed, the total amount of revenue from other government agencies needed to fund the FY 2015-16 budget is \$651,731. This represents a 6.8% increase as compared to the FY 2014-15 contributions, and is due to projected increases in personnel costs and decreases in application revenue.

### CONCLUSION

The Commission and LAFCO staff continue to exercise fiscal prudence, and recognize the financial constraints on local government. Approval of the Final Budget will enable the Commission to perform its core responsibilities effectively, and to continue work on MSRs/SOI updates, policies & procedures, and other projects.

### RECOMMENDATIONS

1. Receive this report and open the public hearing to accept testimony on the Final FY 2015-16 LAFCO Budget,
2. After receiving public comments close the hearing,
3. After Commission discussion, adopt the Final Budget for FY 2015-16, with any desired changes, and authorize staff to distribute the Final Budget to the County, cities and independent special districts as required by Government Code Section 56381.

Respectfully submitted,

LOU ANN TEXEIRA  
EXECUTIVE OFFICER

Attachment - Final FY 2015-16 LAFCO Budget

**FINAL FY 2015-16 LAFCO BUDGET**

	<b>FY 2014-15</b>	<b>FY 2014-15</b>	<b>FY 2015-16</b>	
	<b>Approved</b>	<b>Year-End</b>	<b>Proposed</b>	<b>% Change</b>
		<b>(Estimated)</b>		
<b>Salaries and Employee Benefits</b>				
Permanent Salaries- 1011	\$ 204,718	\$ 197,545	\$ 208,432	
Deferred Comp Cty Contribution - 1015			\$ 1,020	
FICA- 1042	\$ 15,661	\$ 15,112	\$ 16,049	
Retirement expense- 1044	\$ 100,876	\$ 102,785	\$ 109,740	
Employee Group Insurance- 1060	\$ 47,535	\$ 44,059	\$ 50,387	
Retiree Health Insurance- 1061	\$ 20,000	\$ 19,263	\$ 20,000	
Unemployment Insurance- 1063	\$ 778	\$ 635	\$ 625	
Workers Comp Insurance- 1070	\$ 1,210	\$ 979	\$ 1,000	
<b>Total Salaries and Benefits</b>	<b>\$ 390,778</b>	<b>\$ 380,378</b>	<b>\$ 407,253</b>	<b>4.2%</b>
<b>Services and Supplies</b>				
Office Expense- 2100	\$ 3,000	\$ 3,000	\$ 3,000	
Publications -2102	\$ 50	\$ 20	\$ 30	
Postage -2103	\$ 2,000	\$ 1,412	\$ 1,500	
Communications - 2110	\$ 230	\$ 78	\$ 230	
Tele Exchange Services 2111	\$ 1,061	\$ 1,157	\$ 1,375	
Minor Comp Equipment - 2132	\$ 1,000	\$ -	\$ 1,000	
Pubs & Legal Notices 2190	\$ 2,000	\$ 1,569	\$ 2,000	
Memberships - 2200	\$ 8,500	\$ 8,509	\$ 8,858	
Rents & Leases - 2250 (copier)	\$ 3,000	\$ 2,195	\$ 4,000	
Computer Software - 2251	\$ 500	\$ -	\$ 500	
Bldg Occupancy Costs - 2262	\$ 5,629	\$ 5,629	\$ 7,623	
Bldg Life Cycle Costs - 2265	\$ 305	\$ 254	\$ 381	
Bldg Maintennace - 2284		\$ 395	\$ -	
Auto Mileage Emp. - 2301	\$ 900	\$ 212		
Other Travel Employees - 2303	\$ 10,500	\$ 9,779	\$ 10,000	
Prof & Spec Services - 2310	\$ 213,750	\$ 118,794	\$ 198,250	
Assessor	\$ 15,000	\$ 8,939	\$ 13,000	
Financial Audit	\$ 7,000	\$ 7,000	\$ 7,000	
GIS/Mapping	\$ 22,500	\$ 9,726	\$ 20,000	
Legal	\$ 35,000	\$ 19,970	\$ 35,000	
MSRs	\$ 90,000	\$ 48,000	\$ 80,000	
Planning	\$ 40,000	\$ 21,098	\$ 38,000	
Special Projects (document imaging)	\$ 3,750	\$ 4,061	\$ 3,750	
Investment Services	\$ 500	\$ -	\$ -	
LAFCO Sponsored Training	\$ -	\$ -	\$ 1,500	
Special Study		\$ -	\$ -	
Contracted Temp Help - 2314 (Web)	\$ 2,820	\$ 2,820	\$ 2,880	
Data Processing Services - 2315	\$ 4,000	\$ 2,571	\$ 3,000	
Data Processing Security - 2326	\$ 131	\$ 121	\$ 223	
Courier - 2331	\$ 2,174	\$ 2,130	\$ 2,130	
Other Inter-Dept Costs - 2340	\$ 124	\$ 81	\$ 97	
Liability/E&O Insurance - 2360	\$ 4,300	\$ 4,037	\$ 4,100	
Commission Training/Registration/Stipends - 2467	\$ 35,000	\$ 28,502	\$ 35,000	
NOD/NOE Filings - 2490	\$ 400	\$ 250	\$ 300	
<b>Total Services &amp; Supplies</b>	<b>\$ 301,374</b>	<b>\$ 193,515</b>	<b>\$ 286,477</b>	<b>-4.9%</b>
<b>Fixed Assets</b>				
Office Equipment & Furniture - 4951	\$ -	\$ -		
<b>Total Fixed Assets</b>				
<b>Total Expenditures</b>	<b>\$ 692,152</b>	<b>\$ 573,893</b>	<b>\$ 693,730</b>	
<b>Contingency Reserve</b>	<b>\$ 80,000</b>	<b>\$ -</b>	<b>\$ 80,000</b>	
<b>OPEB Trust</b>	<b>\$ 10,000</b>	<b>\$ 10,000</b>	<b>\$ 40,000</b>	<b>300%</b>
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 782,152</b>	<b>\$ 583,893</b>	<b>\$ 813,730</b>	<b>4.0%</b>
<b>TOTAL REVENUES</b>				
Agency contributions - 9500 & 9800	\$ 610,152	\$ 610,152	\$ 651,730	6.8%
Application & other revenues	\$ 22,000	\$ 10,000	\$ 12,000	
Interest Earnings				
Fund Balance	\$ 150,000		\$ 150,000	



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*

May 13, 2015 (Agenda)

May 13, 2015  
Agenda Item 9

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

**Agriculture & Open Space Preservation Workshop**

Dear Members of the Commission:

This report provides an update on the LAFCO Agriculture & Open Space Preservation Workshop. In March, the Policies & Procedures Committee presented a report summarizing its work to date on developing an agricultural and open space preservation policy, which included the following:

- ❖ prepared a synopsis of the LAFCO statutes pertaining to agricultural and open space land preservation;
- ❖ prepared a summary of agricultural & open space preservation policies of other LAFCOs throughout the State; various policy options for the Commission to consider as it contemplates its own local agricultural and open space preservation policy (i.e., base policy, expanded policy options, various terms & conditions such as land replacement measures, protective easements, buffers, etc.); and
- ❖ prepared a draft outline for the workshop (see attached).

Plans for the July 8<sup>th</sup> workshop are underway. To date, LAFCO staff has secured the meeting location (30 Muir Road in Martinez), and confirmed most of the speakers. Based on input from the Commission in April, we have added a panel on economic and development challenges and sustainable communities as reflected in the updated program (attached).

At this time, we seek any additional Commission input.

**RECOMMENDATIONS** - Receive the report and provide input on workshop outline.

Sincerely,

LOU ANN TEXEIRA  
 EXECUTIVE OFFICER

**Attachment** – Workshop Outline

**Contra Costa Local Agency Formation Commission (LAFCO) - Agricultural & Open Space Preservation Workshop**  
**Wednesday, July 8, 2015 (1:00 – 4:30 pm)**

**Contra Costa County Department of Conservation & Development Hearing Room - 30 Muir Road, Martinez**

**Purpose of Workshop:** To engage a range of stakeholders in the development of a local agricultural and open space preservation policy to be used by LAFCO to help guide its decisions when considering a proposal that would impact agricultural and/or open space lands.

<b>Time Allotment</b>	<b>Topic</b>	<b>Moderator(s)</b>	<b>Presenter(s)</b>
1:00 – 1:10	Welcome/Introductions		LAFCO Chair
1:10 – 1:30	<i>What is LAFCO</i> <ul style="list-style-type: none"> <li>• Legal framework/statutory mandate/definitions</li> <li>• LAFCO’s conditioning authority</li> </ul>		LAFCO staff
1:30 – 2:00	<i>Why should we care about ag and open space land</i> <ul style="list-style-type: none"> <li>• State, regional, local efforts to preserve ag &amp; open space land</li> <li>• Which areas in the County (incorporated and unincorporated) are identified as important ag and open space land and Priority Conservation Areas (PCAs)</li> </ul>	LAFCO Commissioner	-Serena Unger, American Farmland Trust -Kathryn Lyddan, BALT -Bob Doyle, EBRPD -John Kopchik, Director, DCD
2:00 – 2:30	<i>Agriculture in Contra Costa County</i> <ul style="list-style-type: none"> <li>• How ag land has evolved in the County</li> <li>• What are ag uses in the County (including urban ag) and how much (e.g., crop types, grazing, etc.)</li> <li>• Biggest challenges facing the agricultural community</li> </ul>	LAFCO Commissioner	-Chad Godoy, Contra Costa County Ag Commissioner -Al Courchesne, Farmer -Nancy Shaefer or Board Member, California Rangeland Trust <b>Barbara Cecchini, Farm Bureau (I)</b>
2:30 – 2:40	<i>BREAK</i>		
2:40 – 3:00	<i>Open Space in Contra Costa County</i> <ul style="list-style-type: none"> <li>• Overview of open space in Contra Costa County</li> <li>• Biggest challenges to preserving open space</li> </ul>	LAFCO Commissioner	-Joel Devalcourt, Greenbelt Alliance -Seth Adams/Ron Brown, Save Mt. Diablo -Dick Schneider, Sierra Club
3:00 – 3:20	<i>Collaboration and Smart Growth</i> <ul style="list-style-type: none"> <li>• Sustainable Communities Strategy</li> <li>• Economic and development challenges</li> </ul>	LAFCO Commissioner	-Kristin Connelly, East Bay Leadership Council/Contra Costa Economic Partnership -Heather Schiffman, Contra Costa Association of Realtors
3:20 – 3:40	<i>Case Studies –Other LAFCO Policies</i>		Commissioners Burke & Tatzin
3:40 – 4:20	ROUNDTABLE DISCUSSION <ul style="list-style-type: none"> <li>• Most significant challenges to ag &amp; open space preservation in Contra Costa County</li> <li>• How can LAFCO help?</li> </ul>	LAFCO Commissioner	-All
4:20 – 4:30	NEXT STEPS/CLOSING COMMENTS	LAFCO Commissioner	

**(I) - Invited**



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>
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**ALTERNATE MEMBERS**

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

May 13, 2015  
Agenda Item 10

May 13, 2015

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

**2015 CALAFCO Annual Conference**

Dear Commissioners:

The annual CALAFCO conference will be held September 2-4, 2015 in Sacramento (see attached). Registration for the conference is now open. Details regarding the program, mobile workshop, and other conference events are being finalized. For conference updates, visit the CALAFCO website at [www.calafco.org](http://www.calafco.org).

Each year, prior to the annual conference, CALAFCO calls for Board of Director and Achievement Award nominations. The election of CALAFCO Board members and Achievement Award ceremony will take place at the annual CALAFCO conference. Details regarding the Board and Achievement Award nominations are forthcoming.

**Recommendations:** Receive information and advise LAFCO staff if you plan to attend the 2015 CALAFCO Conference.

Sincerely,

LOU ANN TEXEIRA  
EXECUTIVE OFFICER

Attachment - CALAFCO 2015 Annual Conference Announcement





**CALAFCO 2015 CONFERENCE**  
★ SACRAMENTO ★

# Announcing The 2015 CALAFCO Annual Conference



Hosted by Sacramento LAFCo

**September 2 – 4, 2015**

Downtown Sacramento, California  
at the Hyatt Regency



## Value-Added General and Breakout Session Topics

- Sustainable Groundwater Management Act Implementation – Where Do We Go From Here?
- Planning, Agriculture and Natural Resources – a Confluence of Ideas for LAFCo Solutions
- Urban Growth Boundaries and SOIs
- Leadership Practices in an Era of VUCA (volatility, uncertainty, complexity, ambiguity)
- The Impact of Climate Change on Land Use Planning
- Community Services Districts 101
- Fiscal Tools to Sustain Services
- LAFCo Technology for the 21<sup>st</sup> Century
- Exploring the New World of Broadband
- LAFCo Staff: The Magic Behind the Curtain

*Plus many others!*

*Note: The Program is still being put together. The topics noted above represent only a portion of the program to be offered. All sessions are subject to change.*

### Special Highlights

#### Mobile Workshop

A special look at the physical confluence of the Sacramento & American rivers, followed by a tour of the largest and most progressive inland Waste Water Treatment Plant west of the Mississippi, and close with a tour of the Delta levy & habitat. Lunch at the historic Old Sugar Mill included.

**Wednesday from  
8:00 a.m. to 12:30 p.m.**  
(times approx..)

#### LAFCo 101

An introduction to LAFCo and LAFCo law for commissioners, staff, and anyone interested in learning more about LAFCo

**Wednesday from  
10:00 a.m. to Noon**

#### Luncheon Keynote

Featuring **Ted Gaebler**,  
co-author of the National  
best-seller **Reinventing  
Government**

**Thursday Luncheon**

## Invaluable Networking Opportunities

- Commissioner Roundtable discussions on current issues
- Roundtable discussions for LAFCo staff, LAFCo counsel, and Associate members
- 9<sup>th</sup> CALAFCO Beer & Wine Competition and Reception
- Networking breakfasts
- Receptions

## Hyatt Regency Downtown



Make your reservations now at the Hyatt Regency at the CALAFCO special rate of \$126. Find the link at [www.calafco.org](http://www.calafco.org).

Mark your calendar and  
plan to attend!

Registration is now open!  
Visit [www.calafco.org](http://www.calafco.org)



May 13, 2015  
Agenda Item 11

**AGENDA**

**RETIREMENT BOARD MEETING**

FIRST MONTHLY MEETING  
May 6, 2015  
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 February 18, February 25, and March 11, 2015 Board meetings.
4. Routine items for May 6, 2015.
  - a. Approve certifications of membership.
  - b. Approve service and disability allowances.
  - c. Accept disability applications and authorize subpoenas as required.
  - d. Approve death benefits.
  - e. Accept Asset Allocation Report.

*CLOSED SESSION*

5. The Board will go into closed session under Govt. Code Section 54957 to consider recommendations from the Medical Advisor and/or staff regarding the following disability retirement applications:

<u>Member</u>	<u>Type Sought</u>	<u>Recommendation</u>
Richard Carpenter	Service Connected	Service Connected
Carolyn George	Non-service Connected	Non-service Connected
Misty Eidson	Non-service Connected	Non-service Connected

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.

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

Agency designated representatives:  
Gail Strohl, Retirement Chief Executive Officer  
Christina Dunn, Retirement Admin/HR Manager  
Joe Wiley, CCCERA's Chief Negotiator

Employee Organization: AFSCME Local 2700  
Unrepresented Employees: All CCCERA unrepresented positions

7. The Board will continue in closed session pursuant to Govt. Code Section 54956.9(d)(1) to confer with legal counsel regarding pending litigation:
- a. *Contra Costa County Deputy Sheriffs Association, et al., v. Board of Retirement of Contra Costa County Employees' Retirement Association, et al.*, Contra Costa County Superior Court, Case No.: MSN 12-1870, Court of Appeal, 1st Appellate District, Division Four, Case No. A141913.
  - b. *Contra Costa County Deputy Sheriffs Association, et al., v. Board of Retirement of Contra Costa County Employees' Retirement Association, et al.*, Contra Costa County Superior Court, Case No.: C15-00598.
8. The Board will continue in closed session pursuant to Govt. Code Section 54956.9(d)(4) to confer with legal counsel regarding initiation of litigation (one potential case).

*OPEN SESSION*

9. Consider and take possible action regarding whether on-call pay should be treated as pensionable for retired hazardous materials specialist Paul Andrews.
10. Organizational and portfolio update from PIMCO.
11. Introduction to Board Interviews and update on consultant transition from Wurts.
12. Consider and take possible action to terminate Milliman contract.
13. Consider and take possible action to grant a 3% increase in base pay and a \$500 lump sum payment for all unrepresented staff, except for the Chief Executive Officer position.
- a. Adopt BOR Resolution 2015-5 granting a 3% increase in base pay effective July 1, 2015 and a lump-sum in the amount of \$500, to be paid on July 10, 2015 for all unrepresented staff, except for the Chief Executive Officer position.
  - b. Adopt the revised Attachment A to the CCCERA Resolution for Salary and Benefits for Unrepresented Employees.
  - c. Adopt CCCERA Position Pay Schedules effective July 1, 2015.

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.

14. Consider authorizing the attendance of Board and/or staff:
  - a. 2015 Annual Limited Partners Meeting, DLJ Real Estate Capital Partners, June 2, 2015, Los Angeles, CA.
  - b. 2015 Client Conference, Adams Street, June 2-3, 2015, Chicago, IL.
  - c. Trustees' Roundtable, CALAPRS, June 12, 2015, Burbank, CA.
  - d. SuperReturn US 2015, June 15-18, 2015, Boston, MA.
  
15. 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, May 06, 2015

May 13, 2015  
 Agenda Item 13a

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### [AB 402](#) ([Dodd D](#)) **Local agency services: contracts.**

**Current Text:** Amended: 5/5/2015 [pdf](#) [html](#)

**Introduced:** 2/19/2015

**Last Amended:** 5/5/2015

**Status:** 5/5/2015-From committee chair, with author's amendments: Amend, and re-refer to Com. on L. GOV. Read second time and amended.

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

**Calendar:**

5/13/2015 1:30 p.m. - State Capitol, Room 447 ASSEMBLY LOCAL GOVERNMENT, MAIENSCHIN, Chair

**Summary:**

Would allow a local agency formation commission to authorize a city or district to provide new or extended services outside its jurisdictional boundary to support existing or planned uses involving public or private properties, subject to approval at a publicly noticed hearing where the commission makes specified determinations. The bill would also make technical and conforming changes.

**Position:** Watch

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

**CALAFCO Comments:** As written, this bill expands LAFCo's existing authority to approve new and extended services beyond agencies' spheres of influence inclusive of public health and safety threats, only if LAFCo can make three findings at noticed public hearings. These findings involve determining the extension: (1) was evaluated in a municipal service review; (2) will not result in adverse impacts on open-space and agricultural lands or growth; and (3) a later change of organization is not expected or desired based on local policies. Further, the bill clarifies LAFCo's sole authority in determining the application of the statute, and deemphasizes the approval of contracts and emphasizes the approval of service extensions.

CALAFCO previously considered (over an extensive period of time) amending GC §56133, and twice (in 2011 and again in 2013) the CALAFCO Board of Directors decided not to pursue those amendments. This is not a CALAFCO sponsored bill. Assembly member Dodd is a former Napa LAFCo Commissioner.

### [AB 448](#) ([Brown D](#)) **Local government finance: property tax revenue allocations: vehicle license fee adjustments.**

**Current Text:** Introduced: 2/23/2015 [pdf](#) [html](#)

**Introduced:** 2/23/2015

**Status:** 4/22/2015-In committee: Set, first hearing. Referred to APPR. suspense file.

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, and generally provides that each jurisdiction shall be allocated an amount equal to the total of the amount of revenue allocated to that jurisdiction in the prior fiscal year, subject to certain modifications, and that jurisdiction's portion of the annual tax increment, as defined. This bill would modify these reduction and transfer provisions, for the 2015-16 fiscal year and for each fiscal year thereafter, by providing for a vehicle license fee adjustment amount calculated on the basis of changes in assessed valuation.

**Attachments:**

[CALAFCO Support Letter March 2015](#)

**Position:** Support

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

**CALAFCO Comments:** As introduced, this bill is identical to AB 1521 (Fox) from last year. This bill reinstates the VLF payment (through ERAF) and changes the way that the growth in the VLF

adjustment amount (property tax in lieu of VLF) is calculated starting in FY 2015-16 to include the growth of assessed valuation, including in an annexed area, from FY 2004-05 to FY 2015-16. Beginning in FY 2016-17, the VLF adjustment amount would be the jurisdiction's annual change in the assessed valuation

**AB 851 (Mayes R) Local government: organization: disincorporations.**

**Current Text:** Amended: 4/13/2015 [pdf](#) [html](#)

**Introduced:** 2/26/2015

**Last Amended:** 4/13/2015

**Status:** 4/23/2015-From committee: Do pass and re-refer to Com. on APPR. (Ayes 9. Noes 0.) (April 22). Re-referred to Com. on APPR.

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, in the case of a disincorporation or reorganization that includes a disincorporation, require the plan for services to include specific provisions, including, among others, an enumeration and description of the services currently provided by the city proposed for disincorporation.

**Attachments:**

[CALAFCO Support Mar 2015](#)

**Position:** Sponsor

**Subject:** CKH General Procedures, Disincorporation/dissolution

**CALAFCO Comments:** Sponsored by CALAFCO. As introduced, this bill addressed the long-outdated statutes relating to disincorporation. Although many other areas of CKH have been updated over the past 52 years, the areas pertaining to disincorporations remain in their original format as written in 1963.

This bill does the following: (1) Clarifies the expectation for assignment of responsibility for debt that will continue in existence after disincorporation; (2) Establishes the parameters and requirements for the submission of the Plan for Service for a disincorporation proposal which outlines existing services, the proponent's plan for the future of those services, and whether or not a bankruptcy proceeding has been undertaken; (3) Establishes the responsibilities of LAFCOs in preparing a Comprehensive Fiscal Analysis for disincorporations, the determination of the transfer of property tax revenues previously received by the proposed disincorporating City, and the determination of the transfer of debt to a successor agency or agencies. Further, the bill retains LAFCOs existing authority to impose terms and conditions on a proposed disincorporation as well as the election requirements necessary for approval of disincorporation. The proposed disincorporation statutory changes use the incorporation provisions as a template to propose changes in the disincorporation process.

**AB 1532 (Committee on Local Government) Local government: omnibus.**

**Current Text:** Introduced: 3/23/2015 [pdf](#) [html](#)

**Introduced:** 3/23/2015

**Status:** 4/6/2015-Referred to Com. on L. GOV.

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

**Calendar:**

5/6/2015 1:30 p.m. - State Capitol, Room 126 ASSEMBLY LOCAL GOVERNMENT, MAIENSCHEIN, Chair

**Summary:**

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, requires a local agency formation commission to notify specified state agencies having oversight or regulatory responsibility over, or a contractual relationship with, a local health care district when a proposal is made for any of specified changes of organization affecting that district. This bill would update obsolete references to a "hospital" district and replace outdated references to the State Department of Health Services with references to the State Department of Public Health and the State Department of Health Care Services.

**Attachments:**

[CALAFCO Support Letter March 2015](#)

**Position:** Sponsor

**Subject:** CKH General Procedures

**CALAFCO Comments:** This is the annual Omnibus bill for the Cortese-Knox-Hertzberg Reorganization Act of 2000. This bill makes nonsubstantive technical clean-up corrections to the Act.

**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:** 4/20/2015-April 20 hearing: Placed on APPR. suspense file.

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.

**Attachments:**

[CALAFCO Support\\_March 2015](#)

**Position:** Support

**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.

**SB 239 (Hertzberg D) Local services: contracts: fire protection services.**

**Current Text:** Amended: 4/23/2015 [pdf](#) [html](#)

**Introduced:** 2/17/2015

**Last Amended:** 4/23/2015

**Status:** 4/29/2015-From committee: Do pass and re-refer to Com. on APPR. (Ayes 5. Noes 0. Page 815.) (April 29). Re-referred to Com. on APPR.

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

**Summary:**

Current law permits a city or district to provide extended services, as defined, outside its jurisdictional boundaries only if it first requests and receives written approval from the local agency formation commission in the affected county. Under current law, the commission may authorize a city or district to provide new or extended services outside both its jurisdictional boundaries and its sphere of influence under specified circumstances. This bill would permit a public agency to exercise new or extended services outside the public agency's current service area pursuant to a fire protection reorganization contract, as defined, only if the public agency receives written approval from the local agency formation commission in the affected county.

**Attachments:**

[CALAFCO OpposeLetter\\_April 2015](#)

**Position:** Oppose

**Subject:** CKH General Procedures, Municipal Services

**CALAFCO Comments:** While amendments for fire protection service extensions have been moved into the proper section of 56133, there are still a number of problems with the policies proposed. As amended, this bill still circumvents local District Board and LAFCo authority on service extensions relating to fire protection services by allowing unions the authority to approve/disapprove the service contracts. The bill calls for a Fire Protection Reorganization Contract to be submitted with the application, thereby confusing a service extension with a reorganization. It is required for applications that (1) Transfer greater than 25% of the service area or (2) Changes the employment status of more than 25% of employees of any affected agencies. Prior to submitting the application for service extension, all affected agency employee unions must approve the request and conduct a public hearing. The bill requires contents of the Contract Plan to include: (1) Cost of providing services to be extended; (2) Cost to customers; (3) an ID of existing service providers; (4) Financing plan; (5) Alternatives to the extension; and (6) A comprehensive Fiscal Analysis. It further requires the CFA to include (1) Cost to provide services for three years; (2) Cost comparison; (3) Estimated revenue for

three years; and (4) Cost/revenue effects to any affected agency.

The bill also outlines determinations the commission must make that include the provider of services for the extension of service will build a "reasonable reserve" during the three years following the effective date of the contract. This new requirement is highly subjective and ambiguous as it is undefined and sets a precedent.

The amendments do little to address CALAFCO's primary concerns that this is not only bad policy, but unnecessary in that 56133 already addresses service extensions. Further, the bill continues to remove discretion from elected and appointed Boards of public agencies as well as from state agencies by requiring pre-approval of unions that are already fully protected by the Meyers Milias Brown Act (MMBA). The bill also requires a California state agency to apply for, and request LAFCo approval prior to undertaking an action that involves the provision of services outside of a public agency's current service area under contract or agreement. This sets another precedent. Finally, the bill addresses only one type of service provider, which fails to address the concern of why the provision of fire protection services, by contract or agreement, outside of a public agency's boundaries, requires a different level of review than other types of equally vital services or demands a heightened or weighted review from any commenter or affected agency.

**SB 272 (Hertzberg D) The California Public Records Act: local agencies: inventory.**

**Current Text:** Amended: 4/6/2015 [pdf](#) [html](#)

**Introduced:** 2/19/2015

**Last Amended:** 4/6/2015

**Status:** 5/5/2015-Read second time. Ordered to third reading.

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

**Calendar:**

5/7/2015 #58 SENATE SENATE BILLS-THIRD READING FILE

**Summary:**

Would require each local agency, in implementing the California Public Records Act, to create a catalog of enterprise systems, as defined, to make the catalog publicly available upon request in the office of the clerk of the agency's legislative body, and to post the catalog on the local agency's Internet Web site. The bill would require the catalog to disclose a list of the enterprise systems utilized by the agency, and, among other things, the current system vendor and product. Because the bill would require local agencies to perform additional duties, it would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

**Position:** Watch

**Subject:** LAFCo Administration, Public Records Act

**CALAFCO Comments:** As amended, this bill requires all local agencies (including LAFCo) to create a catalogue of enterprise systems used by that agency and make that catalogue available to the public. For purposes of the bill, the author defines enterprise systems as a system that both (1) is a multi-departmental system or system containing information collected about the public; AND (2) a system of record for that agency. Further, the bill defines a system of record as a system that serves as an original source of data within an agency. The bill requires certain pieces of information be disclosed including (1) Current system vendor; (2)Current system product; (3) A brief statement of the system's purpose; (4) A general description of categories, modules, or layers of data; (5) The department that serves as the system's primary custodian; (6) How frequently system data is collected; and (7) How frequently system data is updated.

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

**Current Text:** Amended: 5/5/2015 [pdf](#) [html](#)

**Introduced:** 12/1/2014

**Last Amended:** 5/5/2015

**Status:** 5/5/2015-From committee chair, with author's amendments: Amend, and re-refer to Com. on L. GOV. Read second time and amended.

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

**Calendar:**

5/13/2015 1:30 p.m. - State Capitol, Room 447 ASSEMBLY LOCAL GOVERNMENT, MAIENSCHN, MAIENSCHN,



Chair

**Summary:**

Would authorize the establishment of the Isla Vista Community Services District by requiring the board of supervisors of the County of Santa Barbara to place the question of whether the district should be established on the ballot at the next countywide election. By imposing new duties on the County of Santa Barbara, this bill would impose a state-mandated local program.

**Attachments:**

- [CALAFCO Oppose Unless Amended Letter April 2015](#)
- [CALAFCO Letter of Concern Dec 2014](#)

**Position:** Oppose unless amended

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

**CALAFCO Comments:** As amended, this bill gives legislative authority for the creation of the Isla Vista Community Services District (CSD). Addressed in the amendments are the services that would be provided, but not the formation process, governance or financing mechanisms. 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.

**[AB 707](#) ([Wood D](#)) **Agricultural land: Williamson Act contracts: cancellation.****

**Current Text:** Amended: 4/6/2015 [pdf](#) [html](#)

**Introduced:** 2/25/2015

**Last Amended:** 4/6/2015

**Status:** 4/30/2015-From committee: Do pass and re-refer to Com. on APPR. with recommendation: To Consent Calendar. (Ayes 9. Noes 0.) (April 29). Re-referred to Com. on APPR.

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

**Summary:**

Would provide that the authority for the landowner and the Department of Conservation to agree on the cancellation value of the land does not apply to a contract between a landowner and a city or county if that contract includes an additional cancellation fee, as specified .

**Position:** Watch

**Subject:** Ag Preservation - Williamson

**CALAFCO Comments:** As written, this bill repeals the provision that allows cancellation of the valuation of the land.

**[AB 168](#) ([Maienschein R](#)) **Local government finance.****

**Current Text:** Introduced: 1/22/2015 [pdf](#) [html](#)

**Introduced:** 1/22/2015

**Status:** 1/23/2015-From printer. May be heard in committee February 22.

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

**Summary:**

Current law requires the county auditor, in the case in which a qualifying city becomes the successor agency to a special district as a result of a merger with that district as described in a specified statute, to additionally allocate to that successor qualifying city that amount of property tax revenue that otherwise would have been allocated to that special district pursuant to general allocation requirements. This bill would make nonsubstantive changes to the provision pertaining to property tax revenue allocations to a qualifying city that merges with a special district.

**Position:** Placeholder - monitor

**Subject:** Tax Allocation

**CALAFCO Comments:** This is a spot bill. No information is available on the author's intent at this time.

**[AB 369](#) ([Steinorth R](#)) **Local government.****

**Current Text:** Introduced: 2/17/2015 [pdf](#) [html](#)

**Introduced:** 2/17/2015

**Status:** 2/18/2015-From printer. May be heard in committee March 20.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered

1st House	2nd House	Conc.
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**Summary:**

The Planning and Zoning Law establishes in each city and county a planning agency with the powers necessary to carry out the purposes of that law. Current law sets forth the Legislature's findings and declarations regarding the availability of affordable housing throughout the state. This bill would make nonsubstantive changes to those findings and declarations.

**Position:** Placeholder - monitor

**CALAFCO Comments:** This is a spot bill. No information is available at this time regarding the author's intent for the bill. CALAFCO will monitor for amendments.

**AB 541 (Dahle R) Big Valley Watermaster District Act.**

**Current Text:** Introduced: 2/23/2015 [pdf](#) [html](#)

**Introduced:** 2/23/2015

**Status:** 5/1/2015-Failed Deadline pursuant to Rule 61(a)(2). (Last location was L. GOV. on 3/5/2015)

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

**Summary:**

Would create a watermaster district with unspecified boundaries within the Counties of Lassen and Modoc to be known as the Big Valley Watermaster District. The bill would generally specify the powers and purposes of the district. The bill would prescribe the composition of the board of directors of the district. The bill would require the district to provide watermaster service on behalf of water right holders whose place of use under an appointed decree, as defined, is a parcel of real property within the district.

**Position:** Watch

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

**AB 568 (Dodd D) Reclamation District No. 108: hydroelectric power.**

**Current Text:** Introduced: 2/24/2015 [pdf](#) [html](#)

**Introduced:** 2/24/2015

**Status:** 4/29/2015-In committee: Hearing postponed by committee.

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

**Calendar:**

5/11/2015 3 p.m. - State Capitol, Room 437 ASSEMBLY UTILITIES AND COMMERCE, RENDON, Chair

**Summary:**

Current law authorizes Reclamation District No. 1004, in conjunction with the County of Colusa, to construct, maintain, and operate a plant, transmission lines, and other necessary or appropriate facilities for the generation of hydroelectric power, as prescribed. Current law requires proceeds from the sale of electricity to be utilized to retire any time warrants issued for construction of the facilities and otherwise for the powers and purposes for which the district was formed. This bill would grant the above-described hydroelectric power authority to Reclamation District No. 108.

**Position:** Watch

**Subject:** Special District Powers

**AB 656 (Garcia, Cristina D) Joint powers agreements: mutual water companies.**

**Current Text:** Amended: 5/4/2015 [pdf](#) [html](#)

**Introduced:** 2/24/2015

**Last Amended:** 5/4/2015

**Status:** 5/5/2015-Re-referred to Com. on APPR.

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

**Summary:**

Would specifically authorize a mutual water company and a public agency to participate in joint powers agreement for the provision of insurance and risk-pooling, technical support, and other similar services for the purpose of reducing risk liability .

**Position:** Watch

**Subject:** Other

**CALAFCO Comments:** As written, the bill gives the ability to two or more mutual water companies, or a mutual water company and a public agency to enter into a joint powers agreement. The bill limits

the purpose of such a joint powers agreement to either risk-pooling or the provision of technical support, continuing education, safety engineering, operational and managerial advisory assistance to be provided to the members of that joint powers agency.

**SB 13 (Pavley D) Groundwater.**

**Current Text:** Amended: 4/23/2015 [pdf](#) [html](#)

**Introduced:** 12/1/2014

**Last Amended:** 4/23/2015

**Status:** 4/30/2015-In Assembly. Read first time. Held at Desk.

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

**Summary:**

Would specify that the State Water Resources Control Board is authorized to designate a high- or medium-priority basin as a probationary basin. This bill would provide a local agency or groundwater sustainability agency 90 or 180 days, as prescribed, to remedy certain deficiencies that caused the board to designate the 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:** Watch

**Subject:** Water

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

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

**Current Text:** Introduced: 2/9/2015 [pdf](#) [html](#)

**Introduced:** 2/9/2015

**Status:** 4/30/2015-Referred to Com. on L. GOV.

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

**Calendar:**

5/13/2015 1:30 p.m. - State Capitol, Room 447 ASSEMBLY LOCAL GOVERNMENT, MAIENSCHIEIN, Chair

**Summary:**

This bill would enact the First Validating Act of 2015, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities. This bill contains other related provisions.

**Attachments:**

[CALAFCO Letter of Support\\_Mar 2015](#)

**Position:** Support

**Subject:** Other

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

**SB 182 (Committee on Governance and Finance) Validations.**

**Current Text:** Introduced: 2/9/2015 [pdf](#) [html](#)

**Introduced:** 2/9/2015

**Status:** 4/30/2015-Referred to Com. on L. GOV.

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

**Calendar:**

5/13/2015 1:30 p.m. - State Capitol, Room 447 ASSEMBLY LOCAL GOVERNMENT, MAIENSCHIEIN, Chair

**Summary:**

This bill would enact the Second Validating Act of 2015, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities. This bill contains other related provisions.

**Attachments:**

[CALAFCO Letter of Support\\_Mar 2015](#)

**Position:** Support

**Subject:** Other

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

**SB 183 (Committee on Governance and Finance) Validations.**

**Current Text:** Introduced: 2/9/2015 [pdf](#) [html](#)

**Introduced:** 2/9/2015

**Status:** 4/16/2015-In Assembly. Read first time. Held at Desk.

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

**Summary:**

This bill would enact the Third Validating Act of 2015, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

**Attachments:**

[CALAFCO Letter of Support\\_Mar 2015](#)

**Position:** Support

**Subject:** Other

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

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

**Current Text:** Amended: 4/16/2015 [pdf](#) [html](#)

**Introduced:** 2/9/2015

**Last Amended:** 4/16/2015

**Status:** 5/5/2015-Set for hearing May 11.

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

**Calendar:**

5/11/2015 10 a.m. - John L. Burton Hearing Room (4203) SENATE APPROPRIATIONS, LARA, Chair

**Summary:**

Current law requires the legislative body of a local entity to annually file with the auditor a list of lots or parcels of land subject to specified fees or charges for water, sanitation, storm drainage, or sewerage system services and facilities and the amounts of the installments of the fees or charges to be entered against the affected lots or parcels of land. Current law requires the auditor to enter on the assessment roll the amounts of installments of these fees or charges. Current law defines the auditor, for the purposes of these provisions, as the financial officer of the local entity. This bill would clarify that the above-described provisions relating to the authority and duties of the auditor apply only to the county auditor. This bill makes changes to the duties and processes of the County Recorder. The bill would also make changes to the Subdivision Map Act and the Uniform Public Construction Cost Accounting Act. This bill contains other related provisions.

**Position:** Watch

**Subject:** Other

**CALAFCO Comments:** This bill is the Senate Governance & Finance Committee's annual Omnibus bill. This bill is intended to make technical, non-substantive changes to the Government Code outside of CKH.

**SB 226 (Pavley D) Sustainable Groundwater Management Act: groundwater rights.**

**Current Text:** Amended: 5/5/2015 [pdf](#) [html](#)

**Introduced:** 2/13/2015

**Last Amended:** 5/5/2015

**Status:** 5/5/2015-Read second time and amended. Re-referred to Com. on APPR.

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

**Summary:**

The bill would provide that a court shall use the Code of Civil Procedure for determining rights to groundwater, except as provided by the special procedures established in the bill. This bill would require the process for determining rights to groundwater to be available to any court of competent jurisdiction. The bill would provide that it applies to Indian tribes and the federal government. The bill would require the boundaries of a basin to be as identified in Bulletin 118, unless other basin boundaries are established, as specified. This bill contains other existing laws and other provisions.

**Position:** Placeholder - monitor

**Subject:** Water

**CALAFCO Comments:** This is a spot bill to address groundwater rights relating to the new Sustainable Groundwater Management Agencies.

**SB 393 (Nguyen R) Local agencies.**

**Current Text:** Introduced: 2/25/2015 [pdf](#) [html](#)

**Introduced:** 2/25/2015

**Status:** 3/5/2015-Referred to Com. on RLS.

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

**Summary:**

Current law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, establishes the sole and exclusive authority and procedure for the initiation, conduct, and completion of changes of organization and reorganization for cities and districts. This bill would make technical, nonsubstantive changes to the above-described law.

**Position:** Placeholder - monitor

**Subject:** CKH General Procedures

**CALAFCO Comments:** This is a spot bill. According to the author's office, it has been introduced by the Senator on behalf of the Republican Caucus as a local government spot bill (Senator Nguyen is the Vice Chair of the Senate Gov & Finance Comm). CALAFCO will monitor.

**SB 422 (Monning D) Santa Clara Valley Open-Space Authority.**

**Current Text:** Amended: 4/14/2015 [pdf](#) [html](#)

**Introduced:** 2/25/2015

**Last Amended:** 4/14/2015

**Status:** 4/30/2015-In Assembly. Read first time. Held at Desk.

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

**Summary:**

Current law authorizes the Santa Clara County Open-Space Authority to take by eminent domain any property necessary or convenient to accomplish the purposes of the authority, with the exception of lands in active ranching, lands in agricultural production, and lands in timberland production zones that are not threatened by imminent conversion to developed uses. This bill would, in addition, authorize the authority to acquire , but not to take by eminent domain interests in real property that are outside of the authority's jurisdiction, necessary to the full exercise of its powers.

**Subject:** Special District Powers

**SB 485 (Hernandez D) County of Los Angeles: sanitation districts.**

**Current Text:** Introduced: 2/26/2015 [pdf](#) [html](#)

**Introduced:** 2/26/2015

**Status:** 4/24/2015-Set for hearing May 6.

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

**Calendar:**

5/6/2015 9:30 a.m. - Room 112 SENATE GOVERNANCE AND FINANCE, HERTZBERG, Chair

**Summary:**

The County Sanitation District Act authorizes a sanitation district to acquire, construct, and complete certain works, property, or structures necessary or convenient for sewage collection, treatment, and disposal. This bill would authorize specified sanitation districts in the County of Los Angeles, to acquire, construct, operate, maintain, and furnish facilities for the diversion, management, and treatment of stormwater and dry weather runoff, the discharge of the water to the stormwater drainage system, and the beneficial use of the water. This bill contains other related provisions.

**Subject:** Special District Powers

**SB 552 (Wolk D) Public water systems: disadvantaged communities: drinking water standards.**

**Current Text:** Amended: 4/16/2015 [pdf](#) [html](#)

**Introduced:** 2/26/2015

**Last Amended:** 4/16/2015

**Status:** 5/5/2015-Set for hearing May 11.

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

**Calendar:**

5/11/2015 10 a.m. - John L. Burton Hearing Room (4203) SENATE APPROPRIATIONS, LARA, Chair

**Summary:**

Would require, by January 1, 2017, the State Water Resources Control Board to develop a report identifying specific funding and enforcement mechanisms necessary, to ensure that disadvantaged communities have water systems that are in compliance with state and federal drinking water standards. The bill would require the report to identify specific legislative and administrative actions necessary to bring disadvantaged communities into compliance with safe drinking water standards.

**Position:** Watch

**Subject:** Disadvantaged Communities, Water

Total Measures: 24

Total Tracking Forms: 24

5/6/2015 11:50:53 AM

# M E M O R A N D U M

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**CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION**  
651 Pine Street, Sixth Floor ♦ Martinez CA 94553 ♦ (925) 335-1094 ♦ Fax (925) 335-1031

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May 13, 2015

**TO:** Each Member of the Commission

**FROM:** Contra Costa LAFCO Staff

**SUBJECT:** Highlights of 2015 Annual CALAFCO Staff Workshop

LAFCO staff attended the 2015 Annual CALAFCO Staff Workshop in Grass Valley (April 15-17) hosted by Nevada LAFCO. The workshop was well attended by approximately 107 participants and guests representing over 40 of the 58 LAFCOs.

The workshop theme was *After the Gold Rush: Forging the Future, Preserving the Past*, and provided various practical and hands-on courses, general (G) and breakout (B) sessions, staff roundtables and CALAFCO legislative and business updates (see below). Contra Costa LAFCO staff hosted the Clerks Roundtable and participated on a panel (How LAFCOs Utilize Consultants).

- Governor Brown's Plans for Forging California's Future (G)
- Staff Roundtables (B)
- Spheres and CEQA (B)
- Fiscal Health of Fire Protection Districts (B)
- Fostering Meaningful Public Input in the LAFCO Process (B)
- Performance Measures (B)
- Getting to the Nitty Gritty of Consolidation Options (B)
- How Websites are Managed Throughout the State (B)
- Reading and Understanding Public Agency Audits (B)
- Improving Your Presentation Skills (B)
- Effectively Dealing with Difficult Behaviors (B)
- Processing Applications, Start to Finish (B)
- How LAFCOs Utilize Outside Consultants (B)
- Legislative Collaboration – Panel Discussion with Other State Associations (G)
- CALAFCO Organizational & Legislative Update (G)
- Debrief/Evaluation (G)

The staff workshop provided hands-on training focusing on day-to-day LAFCO operations and timely issues of significance. The workshop also provided a valuable opportunity to network with other LAFCO professionals. CALAFCO has posted workshop handouts on the CALAFCO website at [www.calafco.org](http://www.calafco.org).

LAFCO staff thanks the Commission for the opportunity to attend. CALAFCO also thanks the Commission for allowing Contra Costa LAFCO staff to participate in the annual staff workshop (see attached letter).

Attachment – Letter from CALAFCO

cc: Sharon Anderson, LAFCO Legal Counsel  
Nat Taylor, LAFCO Planner  
Kate Sibley, LAFCO Clerk

**2014-2015  
Board of Directors**

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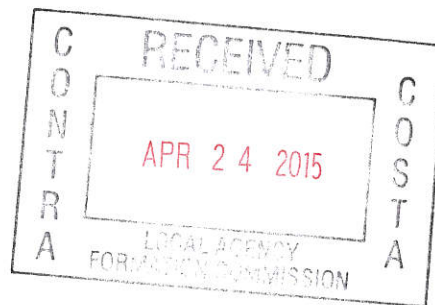
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Executive Assistant

April 20, 2015

Contra Costa LAFCo  
651 Pine Street, 6th Floor  
Martinez, CA 94553



Dear Chair and Contra Costa LAFCo Commission,

On behalf of the California Association of Local Agency Formation Commissions (CALAFCO), I would like to thank your commission for allowing your staff the opportunity to attend the CALAFCO 2015 annual staff workshop, held in Grass Valley April 15<sup>th</sup> through 17<sup>th</sup>.

We know how lean budgets and resources continue to be, and understand that prioritizing expenditures can be difficult. Ensuring your staff has access to ongoing professional development and specialized educational opportunities allows them the opportunity to better serve your commission and fulfill the mission of LAFCo. The sharing of information and resources among the LAFCo staff statewide serves to strengthen their network and creates opportunities for rich and value-added learning that is applied within each LAFCo.

Thank you again for supporting your staff's participation in the CALAFCO 2015 staff workshop. We truly appreciate your membership and value your involvement in CALAFCO.

Yours sincerely,

Pamela Miller  
Executive Director

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**CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
PENDING PROPOSALS – MAY 13, 2015**

May 13, 2015  
Agenda Item 13b

<b>LAFCO APPLICATION</b>	<b>RECEIVED</b>	<b>STATUS</b>
West County Wastewater District Annexation Nos. 310 and 312: proposed annexation of 3.33± acres located at 39 Kirkpatrick Drive and 5527 Sobrante Avenue in El Sobrante	11/7/08	Incomplete; awaiting info from District
UCB Russell Research Station (RRS): proposed SOI amendment to East Bay Municipal Utility District (EBMUD) of 313± acres located on Happy Valley Road, southeast of Bear Creek Rd, and north of the Lafayette city limits (with concurrent annexation application)	11/25/08	<b>Withdrawn</b>
UCB RRS: proposed annexation of 313± acres to EBMUD	11/25/08	<b>Withdrawn</b>
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	<b>Withdrawn</b>
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
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 186 - Annexations to CCCSD and EBMUD: proposed annexation of Magee Ranch/SummerHill (402± acres; 9 parcels total;) to CCCSD (8 parcels) and EBMUD (7 parcels)	6/20/14	Continued from 2/11/15 meeting to 5/13/15

## Bay Point: Pittsburg helping Ambrose park district renovate moribund swimming pool

May 13, 2015  
Agenda Item 13c

By Sam Richards [srichards@bayareanewsgroup.com](mailto:srichards@bayareanewsgroup.com)

Updated: 04/10/2015 11:07:01 PM PDT

ContraCostaTimes.com

BAY POINT -- Eduardo Torres looks back with joy to a time when Ambrose Park was a place families wanted to go.

"I remember it for the pool, for the baseball leagues they had there; it was a good place to have fun, and it was nice," said Torres, who is demoralized by what the park, just south of the Highway 4-Bailey Road interchange, has become. While the center of the park remains usable, the physical neglect of recent years is palpable.

A quick look at the bathrooms, the long-empty pool, old tennis courts and the area beyond the kids' baseball diamond -- unrecognizable as such if you don't see the overgrown dugouts -- tells a story of years of deferred maintenance. Beyond the ball field, out of view of the main part of the park, is a homeless encampment.

"It's not somewhere we would want to take our family or friends," said Torres, a member of a new community group called West Pittsburg for Progress.

While there's little hope for the neglected baseball fields in the near term, the situation with the pool could change over the next year, as the city of Pittsburg teams with the Bay Point-based Ambrose Recreation and Park District for a \$2.3 million renovation of the park's moribund aquatic facilities.

Pittsburg is contributing \$600,000, Contra Costa County is pitching in almost \$480,000, and \$1.1 million is coming from Measure WW park bond money approved in 2008 by voters in Contra Costa and Alameda counties.

The park district contributed nearly \$100,000, but still uncertain is the source of the last \$300,000 needed for the project as a contingency for higher construction costs. Park district General Manager Doug Long said construction costs could be higher or lower.

"These are the kind of surprises we've been hit with in the past," he said.

The district, which owns and maintains nine parks and a community center, has been losing money for decades due to declining state revenue, lower local property tax income (which has been increasing since the Great Recession ended) and a meager commercial tax base, Long said. Deferred maintenance has been an issue at all of the parks.

The pool project dates from 2008, when the plan called for the swimming pool -- out of use since 2009 and now filled only with dirty rain water -- and an associated changing room/shower building to be demolished and replaced.

In early 2012, the city of Pittsburg and the park district agreed to a plan in which city staff would administer the pool design process, bidding and management of the construction, under the district's direction.

After the first two plans for the pool and related facilities were shelved when construction bids came in higher than expected, a third, smaller design was created. Now dubbed the Ambrose Aquatic Center Swimming Pool and Facilities Renovation Project, design is expected to begin this spring, with an opening

date in time for the start of the 2016 swim season.

As for the project's budget shortfall, Long said the district will likely seek grants and ask local industries, foundations and other civic supporters for money to get the project going.

Richard Russum, another member of West Pittsburg for Progress, used to play baseball on the diamond now filled with 3-foot-tall weeds, and as a kid often ran the long trail over a hill connecting the two ball fields. He's encouraged by the prospect of a swimming pool filled with summertime swimmers, but he's seen the earlier pool projects come and go with no results.

"It seems as though unless the public calls out these things, they don't get done," said Russum.

Torres, too, is skeptical the latest pool plan will go any further than the previous ones.

"Until I see a shovel hit the ground, I won't say I'm confident this will happen," he said.

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# Drought encourages do-it-yourself water recycling

By Denis Cuff [dcuff@bayareanewsgroup.com](mailto:dcuff@bayareanewsgroup.com)

Posted: 04/10/2015 06:22:07 AM PDT Updated: 47 min. ago



Leon Jung of Dublin hops off the tailgate of his truck after filling two 55 gallon barrels with recycled water at the Dublin San Ramon Services District on Monday, April 6, 2015 in Pleasanton, Calif. Jung uses the recycled water for his lawn, garden, and flowers. (Aric Crabb/Bay Area News Group)

PLEASANTON -- Leon Jung figured he had to do something out of the ordinary to save his brown front lawn in a second year of water rationing.

So he turned to his local sewage plant.

He started trucking in reclaimed water a month ago from the plant that is the first in California to dispense free recycled effluent, or treated sewage, to do-it-yourselfers.

Yes, free water. You just have to be willing to haul it home in tanks, drums, barrels or jugs -- a rescue operation that seems a primitive throwback to the basics in a state with the most highly engineered water delivery systems in America.

Business, however, is booming at the household recycled water station in Pleasanton where water down the drain is converted to drought relief for parched lawns and shrubs.



Leon Jung sets up a pump to pull recycled water from a 55-gallon barrel to irrigate his lawn April 6, 2015, in Dublin. (Aric Crabb/Bay Area News Group)

Sewer plants in Martinez and Livermore also have begun giving away reclaimed water to drive-in customers, and plants in several other California cities are considering it.

"This water is making a huge difference with my landscaping," said Jung, a Dublin resident. "The lawn got pretty brown and dried out last year during the cutbacks. I worry it would die if I didn't give it this extra help."

A retired software engineer, Jung took delight in designing his mobile irrigation system with two 55-gallon used food drums strapped to the back of his pickup. He fitted a plastic pipe that acts like a straw to suck up the water from the drums and an electric motor to send it shushing through a hand-held garden hose over his front lawn, ferns, camellia bush and other shrubs.

"I had fun coming up with this," he said as he steered a stream of treated sewage water on his lawn.

Jung is among the more than 610 residential customers who have registered to fill-em-up at the recycled water station operated by the Dublin San Ramon Services District at its sewer plant in Pleasanton near the crossroads of Interstates 680 and 580.

The popularity of the service has exploded in recent weeks. More than 50 people signed up in the past few days as the drought continues and temperatures climb.

Adding to the stakes, Gov. Jerry Brown last week called for mandatory water cutbacks statewide averaging 25 percent -- the amount Dublin, Livermore and Pleasanton already reduced last year.

"Our service is certainly riding a wave of popularity," said Dan Gallagher, the Dublin San Ramon operations manager. "I'm awed sometimes when I see so many people using our filling

station. It takes a lot of work to bring water home, and pump it on your grounds, and then keep doing it again and again."

The Dublin San Ramon district -- a combined water and sewer agency -- opened the recycled water station in July with three spigots and minimal expectations. Now the station has eight spigots with another eight to be added soon to keep up with spiraling demand. Anyone can take the water -- not just district residents -- and some people drive in from 30 miles away.

Officials said water shortages in the drought have helped many consumers get pass the yuck factor of using treated effluent.

The Dublin San Ramon, Livermore and Central Contra Costa Sanitary District sewer plants give the recycled water they distribute extra treatment with sand filters and disinfectant.

"Our tertiary treated recycled water is perfectly safe," said Sue Stephenson, a Dublin San Ramon spokeswoman.

There are limits, though.

Before they haul away their first load, consumers must sign a form pledging not to use the recycled water for drinking or swimming pools and not to put it in household water pipes.

"Some of our customers have become very creative in coming up with systems to get the water into hoses and drip systems," said Melody LaBella, acting water recycling manager at the Central San plant in Martinez.

Many California sewer plants send recycled water through purple pipes to ball fields, golf courses or street medians, or dispense it to commercial trucks watering down dust.

But the Dublin San Ramon Services District's sewer plant in Pleasanton last year become the first to offer the free water to ordinary homeowners, according to the California Association of Sanitation Agencies.

"CASA felt that this program might be a model for other agencies to emulate in future," said Bobbi Larson, executive director of the statewide association.

While hauling recycled water to homes is a drop in the bucket given the overall water reduction needs in California, it helps individual consumers meet rationing limits and reinforces a conservation ethic, advocates say.

The Dublin San Ramon plant dispensed 2.3 million gallons of recycled water to homeowners in 2014, and has given away more than 580,000 gallons in the first three months this year.

"If the drought ends, I suspect most of our customers will stop using our service," Gallagher said. "But I don't think we will close it because some people will still want to use it."

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Three East Bay sewer plants let homeowners pick up and haul away reclaimed sewage effluent for irrigation.

Dublin San Ramon Services District plant in Pleasanton allows anyone with a vehicle and containers to haul home recycled water. For hours and information, visit <http://bit.ly/1a7ra0A>.

Central Contra Costa Sanitary District restricts recycled water giveaways to district residents. For hours and information, visit <http://bit.ly/1a7rTPx>.

City of Livermore also restricts water giveaways to city residents. For information, call 925-960-8100. Service is available from 6:30 to 8:30 a.m. and 2 to 4 p.m. Monday through Friday.

## Our View: Trying to overturn LAFCO vote is wrong

BY THE EDITORIAL BOARD -

04/11/2015 5:01 PM | Updated: 04/11/2015 9:42 PM

The building industry must be expecting a boom. Why else would it be so intent on lowering its cost of doing business in Stanislaus County?

The dust-up over how much should be paid when cities allow productive farmland to be paved over is a good indicator that builders are expecting to get busy. In one sense, that's good news. Stanislaus County has long welcomed new neighbors. Builders help make that possible.

But one of the things that makes life here attractive is that we still value the region's agriculture. We like the fact we can buy eggs fresh from the hens, cheese made on the farm, melons that grow sweet in the field and cherries, strawberries, tomatoes and apricots bursting with flavor. That's true only because there are still a lot of working farms (and farmers) nearby.

To help keep them here, we require homebuilders to preserve as much land as they take out of production.

Stanislaus County has a policy that requires cities to choose one of three ways to do that. One is to set urban growth limits, requiring a vote of the residents for any subsequent changes. Newman has done that, and voters in Modesto might require it of the city in November. Another is to require a builder to buy development rights on an equivalent amount of farmland and then guarantee the land will be farmed "in perpetuity."

The third, and now most controversial, is to pay a mitigation fee. It's easier for builders to just write a check, and most prefer to do that. The problem is the size of the check.

Builders like a flat fee – a low flat fee. Those trying to protect the area want the amount based on the value of the land being developed. If top-notch farmland is being paved over, then top-notch farmland somewhere else should be preserved.

The issue came before the county's Local Agency Formation Commission on March 25. The commission voted 3-2 to charge 40 percent of the sale price of the land. At current values, that works out to roughly \$7,300 per acre. Obviously, builders would prefer it to be much lower.

Almost a year ago, Stockton's John Beckman, CEO of the Building Industry Association of the Great Valley, sent a letter to Patterson's city manager recommending a fee of \$2,000 per acre – saying that would keep the city competitive with Tracy and Manteca. His suggestion was a bit off. According to LAFCO staff, actual mitigation fees in Manteca and Tracy are \$2,500 – or 25 percent more than he noted. And they haven't changed in 10 years.



Patterson, which has long been accommodating to builders, liked Beckman's number. But LAFCO has authority over this issue, not the city.

Two county supervisors, two council members from the county's nine city councils and one community member sit on the LAFCO board. Both supervisors – Jim DeMartini and Terry Withrow – are ag-friendly. So is Hughson Mayor Matt Beekman. The three voted to require cities to follow the formula for figuring in-lieu fees rather than allowing flat fees.

That Beekman would vote against their wishes so angered some of the mayors that they're trying to kick him off the commission then force another vote. They've already started the process.

That's shortsighted and wrong. Beekman has served on the state LAFCO and clearly understands that one of the commission's core missions is to preserve farmland – which the in-lieu formula does best. He wasn't just "voting his conscience," as some are saying, he was doing his job.

A woefully low in-lieu fee encourages destruction of farmland.

Denny Jackman, who is leading the Stamp Out Sprawl initiative in Modesto, called the \$2,000 fee suggested by the BIA "almost laughable." In 2012, the city of Patterson itself said the fee should range from \$3,500 to \$15,000.

One sure way to lose political support in this county is to be seen as a lackey for builders.

There's almost no other way to paint this ill-advised coup attempt. It isn't about protecting a city's prerogatives, it's about courting favor with deep-pocket builders.

A woefully low in-lieu fee encourages destruction of farmland.

# Bethel Island preparing for \$3.5 million levee reconstruction project

By Rowena Coetsee [rcoetsee@bayareanewsgroup.com](mailto:rcoetsee@bayareanewsgroup.com)

Posted: 04/12/2015 12:00:00 AM PDT Updated: about 3 hours ago

BETHEL ISLAND -- The special district overseeing the maintenance of Bethel Island's levee is preparing to embark on a \$3.5 million reconstruction project targeting the most fragile portion of that protective barrier.

The Bethel Island Municipal Improvement District received word in late February it will be receiving a matching grant from the state Department of Water Resources to shore up a section of levee on the island's north side, where rocks above the water line have been collapsing into the river.

Known as Horseshoe Bend, the earthen berm takes a beating from the force of the currents in that area, said District Manager Jeff Butzlaff. If the levee gives away, massive amounts of debris could flow into the Delta.

"This is not just Bethel Island that would be affected; there's a regional impact on this whole part of the Delta and San Francisco Bay itself," Butzlaff said.

Andrea Lobato, who manages the state's Delta levees program, also stresses the need for sturdy barriers between land and water.

"Within the Delta, what is important is that the levee structure is sound, that we have levee integrity, that those structures can withstand high tides, wind, high flows, seismic (activity)," she said.

Butzlaff noted that the U-shaped configuration of Horseshoe Bend intensifies the water's erosive qualities by creating an underwater whirlpool action that for years has been scooping out sediment from the base of the barrier, thwarting efforts to keep the steep slope covered with rocks.

The project, which will take about three years to complete, is expected to get underway about this time next year, after the district clearly has defined how it will go about the work, Butzlaff said.

Fortifying the approximately 1-mile section of levee will involve trucking in more rocks and placing them at the base of its exterior. The Bethel Island district also will use sand to widen the top to 22 feet and to stabilize the levee's inner wall.

The project also will include restoring habitat by planting vegetation on both sides of the levee to provide shelter for birds and land animals, as well as for fish.

But with the prospect of tackling long-awaited safety improvements comes a potential hitch -- the terms of the grant require BIMID to contribute \$210,000 of its own money, and the district might not be able to do that unless voters approve a benefit assessment in June, Butzlaff said.

A majority of the island's approximately 1,800 property owners must agree to paying more.

"It will be very, very difficult for BIMID to come up with (the funds) without the assessment passing, but we will do our darnedest to not lose the grant," he said, noting that \$210,000 equates to about two-thirds of what the district receives in annual property tax revenue.

If voters nix the idea of a higher property tax bill, the district will have to decide whether to proceed with the project anyway at the risk of spending down its reserves to the point that it would be difficult to operate.

To do nothing would invite even worse trouble, Butzlaff said.

The U.S. Army Corps of Engineers has identified Horseshoe Bend as one of the weakest sections of levee in the entire Delta, Butzlaff said, noting that this is a big reason that BIMID was among only four successful grant applicants of the 26 agencies vying for the funds.

"If the bend breaches, it would be extremely damaging," he said, noting that the island is the most populated of any in the region.

If part of the levee were to give way, all kinds of pollutants -- propane and septic tanks, transmission fluid, asbestos from older homes -- would flow into the Delta along with massive quantities of debris, he said.

As the date for mailing the ballots approaches, work crews are in the midst of a much less costly project designed to bring the levee up to minimum federal standards.

The combination of erosion and soil settling over time requires the district to have surveyors examine the levee every few years, measuring the height, width and slope of its walls to determine whether they have changed and by how much.

BIMID's contractor, which kicked off the work in March and is scheduled to finish by the end of this month, is focusing on a couple of sites on the island's unpopulated northern side and on targeting 41 residential properties that abut the levee along Taylor, Willow, West Willow and Harbor roads.

The work consists of adding sand and riprap according to the condition of each site, Butzlaff said.

A state grant is paying for most of this work as well; BIMID's contribution will amount to about \$50,000.

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## State probes mysterious Delta water loss

By Scott Smith, Associated Press

Updated: 04/12/2015 09:05:54 AM PDT

ContraCostaTimes.com

Click photo to enlarge

FRESNO -- As California struggles with a devastating drought, huge amounts of water are mysteriously vanishing from the Sacramento-San Joaquin River Delta -- and the prime suspects are farmers whose families have tilled fertile soil there for generations.

A state investigation was launched following complaints from two large agencies that supply water to arid farmland in the Central Valley and to millions of residents as far south as San Diego.

Delta farmers don't deny using as much water as they need. But they say they're not stealing it because their history of living at the water's edge gives them that right. Still, they have been asked to report how much water they're pumping and to prove their legal rights to it.



*In this photo taken Friday March 27, 2015, low-flow water emitter sits on some of the dry, cracked ground of farmer Rudy Mussi's almond orchard in*

At issue is California's century-old water rights system that has been based on self-reporting and little oversight, historically giving senior water rights holders the ability to use as much water as they need, even in drought. Gov. Jerry Brown has said that, if drought continues, this system built into California's legal framework will probably need to be examined.

Delta farmer Rudy Mussi says he has senior water rights, putting him in line ahead of those with lower ranking, or junior, water rights.

"If there's surplus water, hey, I don't mind sharing it," Mussi said. "I don't want anybody with junior water rights leapfrogging my senior water rights just because they have more money and more political clout."

The fight pitting farmer against farmer is playing out in the Delta, the hub of the state's water system. With no indication of the drought easing, heightened attention is being placed on dwindling water throughout the state, which produces nearly half of the fruits, nuts and vegetables grown in the U.S.

The Delta is fed by rivers of freshwater flowing down from the Sierra Nevada and northern mountain ranges. Located at sea level, it consists of large tracts of farmland separated by rivers that are subject to tidal ebbs and flows.

Most of the freshwater washes out to the Pacific Ocean through the San Francisco Bay. Some is pumped -- or diverted -- by Delta farmers to irrigate their crops, and some is sent south through canals to Central Valley farmers and to 25 million people statewide.

The drought, now in its fourth year, has put Delta water under close scrutiny. Twice last year state officials feared salty bay water was backing up into the Delta, threatening water quality. There was not enough fresh water to keep out saltwater.

In June, the state released water stored for farmers and communities from Lake Oroville to combat the saltwater intrusion.

Nancy Vogel, a spokeswoman for the state Department of Water Resources, said "thousands of acre-feet of water a day for a couple of weeks" were released into the Delta. An acre-foot is roughly enough water to supply a household of four for a year. The fact that the state had to resort to using so much from storage raised questions about where the water was going. That in turn prompted a joint letter by the Department of Water Resources and U.S. Bureau of Reclamation calling for an investigation into how much water Delta farmers are taking -- and whether the amount exceeds their rights to it.

Some 450 farmers who hold 1,061 water rights in the Delta and the Sacramento and San Joaquin river watersheds were told to report their water diversions, and Katherine Mrowka, state water board enforcement manager, said a vast majority responded.

State officials are sorting through the information that will help them determine whether any are exceeding their water rights and who should be subject to restrictions.

"In this drought period, water accounting is more important to ensure that the water is being used for its intended purpose," said U.S. Bureau of Reclamation spokesman Louis Moore.

Mussi, a second-generation Delta farmer whose family grows tomatoes, wheat, corn, grapes and almonds on 4,500 acres west of Stockton, said Central Valley farmers have long known that in dry years they would get little or no water from state and federal water projects and would need to rely heavily on groundwater.

"All of a sudden they're trying to turn their water into a permanent system and ours temporary," Mussi said. "It's just not going to work."

Shawn Coburn farms 1,500 acres along the San Joaquin River in Firebaugh about 100 miles south of the Delta. As a senior rights holder, he figures he will receive 45 percent or less of the water he expected from the federal water project. On another 1,500 acres where he is a junior water rights holder, he will receive no surface water for a second consecutive year.

"I don't like to pick on other farmers, even if it wasn't a drought year," said Coburn. "The only difference is I don't have a pipe in the Delta I can suck willy-nilly whenever I want."

# Two East Bay water boards to vote on mandatory cutbacks in water use

By Denis Cuff [dcuff@bayareanewsgroup.com](mailto:dcuff@bayareanewsgroup.com)

Posted: 04/13/2015 01:21:07 PM PDT Updated: 90 min. ago

Two large East Bay water districts this week will consider becoming the first in the Bay Area to adopt state-ordered cuts in water use -- and provide notice of proposed drought rate increases.

The East Bay Municipal Utility District board on Tuesday will consider mandatory districtwide reductions of 20 percent below use in 2013. Currently, the district is asking its 1.3 million customers to voluntarily cut back 15 percent.

The Contra Costa Water District Board on Wednesday will consider mandatory reductions of 25 percent -- up sharply from its 15 percent voluntary conservation program.

The two elected water boards are responding to Gov. Jerry Brown's April 1 order for California urban water districts to cut back 25 percent on average. The exact reduction amount varies according to a district's per capita water use, the state water board has decided.

EBMUD and Contra Costa County officials this week also will consider a ban on watering lawns and plants more than twice a week.

"We managed this drought with minimal impact to customers of the local economy," said EBMUD General Manager Alexander Coate. "We can't know how dry next winter will be so we must save as much as we can starting today."

EBMUD officials on Tuesday will consider several drought measures.

One is to begin mailing customers public notices of a proposed 25 percent emergency drought surcharge. The surcharge -- plus a proposed 8 percent general rate increase -- would raise an average household bill from \$48.60 to \$60 per month for 246 gallons per day.

To enhance supplies, the board will consider authorizing taking up to 33,250 acre-feet -- or about a two-month supply -- of Sacramento River water from Freeport south of Sacramento.

To deter high use, the board will hold a hearing on proposed penalties for single-family customers who use more than 4.5 times the average household use.

The board also will hold a hearing on adopting its first fines for stealing water from the district, for example from hydrants.

Meanwhile, the neighboring Contra Costa Water District board meets Wednesday to consider adopting its reduction target. To reach it, the board has proposed temporary drought rates that

would increase the charge for each 748 gallons of treated water from \$3.45 to \$3.95 for 250,000 people in Concord, Pleasant Hill, Pacheco, Clyde, and parts of Walnut Creek.

The Contra Costa board intends to hold a public hearing on the rate increase 6:30 p.m. June 3.

CCWD spokeswoman Jennifer Allen said it will take work, but customers can cut use 25 percent by fixing leaks and cutting back on outdoor watering.

"If you haven't checked to see if your toilet is leaking, now is the time to do so," Allen said.

As an incentive, the proposed drought rates will result in a smaller bill for customers who cut use 25 percent or more, Allen said.

Limiting lawn watering to twice a week will help many households reach the 25 percent reduction target, she said.

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Infobox1 The East Bay Municipal Utility Board meets 1:15 p.m. on Tuesday at 375 Eleventh St., Oakland.

The Contra Costa Water District Board meets 6:30 p.m. on Wednesday at 1331 Concord Ave.

## EBMUD cracks down on water use

Updated: 04/15/2015 11:47:09 AM PDT

ContraCostaTimes.com

OAKLAND -- Facing their bleakest outlook since 1977, East Bay water officials on Tuesday declared a severe drought emergency and took dramatic steps to slow the flow at the tap.

The East Bay Municipal Utility District ordered customers to cut back water use by 20 percent and limit outdoor watering to twice a week -- and warned that higher bills are on the way.

Starting July 1, rates will go up 8 percent, and a special drought surcharge of up to 25 percent on household bills will kick in. EBMUD says the temporary surcharge is needed to pay for increased costs, including purchase and delivery of additional water from the Sacramento River, and to enforce the tougher restrictions.



*Camanche Reservoir, April 2015. (East Bay Municipal Utilities District)*

With the rate increase and surcharge, the average household using 246 gallons per day would see its bill go up by \$11.65 to \$60.25 per month.

Officials also approved steep penalties and fines against high water users and those who steal from hydrants, pipes and other sources.

"Many customers' lawns aren't going to be as green this year, and that's OK," district spokeswoman Abby Figueroa said.

"For the average person, it's about watering a lot less

outdoors this summer and shortening that already very short shower."

EBMUD is the first large Bay Area water district to adopt state-ordered water reductions since Gov. Jerry Brown's April 1 mandate to cut water use 25 percent across the state. The East Bay district was assigned a 20 percent target because it has a lower than average per capita use, but it -- along with other water agencies -- faces fines of up to \$10,000 a day for missing its target.

Until now, the district had been asking customers to voluntarily reduce use 15 percent, yet they have cut consumption only 6 percent this year so far.

Although the cutbacks ordered Tuesday are mandatory, EBMUD admits they will be achieved largely on an honor system -- the district will not monitor individual customers to see how much they've cut, and the penalties only apply to extremely heavy users. Still, because the district has a tiered rate system that charges frugal households the least and heavy users the most, officials argue there's a strong financial incentive to conserve.

With outdoor watering accounting for most households' largest discretionary use, district officials said it makes sense to set rates and rules to decrease lawn watering rather than set a per-gallon reduction target for households.

Bill Norton, an Alameda resident, told the board that charging more for water in a drought is an effective way to get people to cut use.

"Increasing rates is needed," he said.



Peter Rosen, a landscaper, said the district should require homeowners to install covers on swimming pools and spas to reduce evaporation. Next to lawn watering, pool water evaporation is the biggest source of water use in homes, he said.

The board decided to set penalties for households using more than 984 gallons per day, about four times more than the district average.

Director John Coleman of Walnut Creek argued the penalty trigger should be different in different parts of the district with varying average temperatures and lot sizes. Coleman, however, could not find other directors to support him.

Water thieves will get one warning, a \$1,000 fine for the next violation and \$2,000 for the second violation.

The board also took one significant action Tuesday to increase supplies. It agreed to pipe in 33,250 acre feet of Sacramento River to the East Bay -- the equivalent of a two-month supply of water.

East Bay hydrologists said the district reservoirs are projected to be only one-third full by Oct. 1, the lowest total in 38 years.

The district supplies drinking water to 1.3 million people in two counties in an area stretching from Pinole and Richmond to San Leandro in the south.

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## Contra Costa Water District sets 25 percent water conservation goal; rates to rise

Updated: 04/16/2015 06:37:10 AM PDT

ContraCostaTimes.com

CONCORD -- Responding to a big stick from the state, the Contra Costa Water District board unanimously adopted a conservation program Wednesday to get its 500,000 customers to reduce consumption by 25 percent.

Customers must limit outdoor watering to twice a week and can expect higher drought rates in the Central County in June as an incentive to cut back.

Those caught watering more than twice a week will be given one warning, fined \$250 for the second offense, \$500 for the third, and could be subject to water service cutoff.

"We want to give people an economic signal to save so the district as a whole can reach the 25 percent reduction target," said Jennifer Allen, district spokeswoman. "The state is in a serious drought, and we recognize we need to do our part to conserve."



*Tenant James Monroe, left, gets a free residential water survey from Contra Costa Water District conservation technician Dennis Vigil as they stand in one*

The drought rates would raise the average household's bill from \$67.61 to \$74.63 a month for 350 gallons a day.

The \$46.39 monthly bill for a frugal family using 200 gallons a day would not change, and would decline for customers who use 25 percent less water than 2013 levels.

Water guzzlers would be smacked with higher rates plus penalties for excessive use that kicks in at 1,000 gallons a day. A household using 1,200 gallons a day would see its monthly bill climb from \$215.56 to \$239.62, an increase of \$24.06.

Bette Boatmun, a water board member from Concord, said much of the district's new drought measures were a result of Gov. Jerry Brown's mandate this month for statewide water use reductions, but she expressed support for the overall program.

"It's not an individual problem. It's a state problem," she said.

Six customers addressed the board Wednesday and either asked for more details or expressed support for the district's conservation plan.

"I think it's a good start," said Don Mount, a Concord resident. "There is more that could be done about businesses using recycled water."

The board is scheduled to adopt the new rates June 3 unless a majority of the district's residents file protests against the increase.

If adopted, the higher rates will go into effect immediately for the district's 250,000 customers who get treated water in Concord, Clayton, Pacheco, Clyde, most of Pleasant Hill, part of Walnut Creek and a sliver of Martinez.

Similar drought rates and outdoor watering limits are expected to be considered soon by cities and water districts that buy CCWD water and provide it to another 250,000 people in Martinez, Bay Point, Pittsburg, Antioch and Oakley.

District officials say households have the biggest potential for saving by identifying leaks and reducing outdoor watering.

Just sticking to the twice-a-week limit on outdoor watering is expected to make a big difference, Allen said.

For the past year, CCWD has asked its customers to voluntarily save 15 percent.

The state can fine water districts that fall short \$10,000 per day.

The state water board assigned the 25 percent target to Contra Costa Water because of its per capita water use of 140 gallons a day last September.

The same 25 percent reduction was assigned to Antioch, Martinez and the Diablo Water District in Oakley. Pittsburg and the Golden State Water Company serving Bay Point were assigned a 20 percent reduction target because per capita water use there is less.

Contra Costa Water customers can get conservation information by visiting [ccwater.com/conserve](http://ccwater.com/conserve) or calling 925-688-8044.

Contact Denis Cuff at 925-943-8267. Follow him at [Twitter.com/deniscuff](https://twitter.com/deniscuff).

## California drought: Delta smelt survey finds a single fish, heightening debate over water supply

By Lisa M. Krieger lkrieger@mercurynews.com

Updated: 04/16/2015 07:27:50 AM PDT

ContraCostaTimes.com

- [Your guide to living with California's drought - water conservation tips, drought monitor maps and more](#)

BYRON -- There's only one place left on Earth where imperiled Delta smelt are thriving, where their water remains cold and clean.

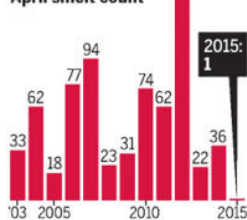
In the wild, the fish is on the brink of extinction. This month, in their April trawl survey, state Fish and Wildlife scientists caught only one of the pinky-sized, politicized fish with an outsized role in California's water wars, an alarming indication of just how few smelt are left. And the drought may inflict the final blow.

But here in this UC Davis-run hatchery, large tanks are filled with thousands of baby smelt -- where, for now, they'll stay, generation after generation -- because the Delta's warm, brackish and polluted water is too inhospitable.

### Dwindling Delta smelt

Trawl surveys conducted each April show the plummeting number of adult Delta smelt discovered in the Sacramento-San Joaquin River Delta since the drought began in 2012, despite pumping restrictions to help save the fish.

#### April smelt count



Source: California Department of Fish and Wildlife

BAY AREA NEWS GROUP

The fate of this fish -- wild or forever captive -- throws into question the future of one of the world's most contentious plumbing systems: the 700,000-acre Sacramento-San Joaquin River Delta, the nexus of water moving from the state's north to south.

In the fourth year of a historic drought, biologists are issuing desperate pleas to devote Delta water for those few wild creatures that remain -- not just Delta smelt, but also longfin smelt, Sacramento splittail, Sacramento perch, river lamprey, green sturgeon, Central Valley steelhead trout and spring and winter runs of chinook salmon. It's not just about saving a single species, they say, but about saving a precious ecosystem.

But farmers say it's time to concede the fish is a lost cause -- and to supply more of the Delta's water to help humans.

Amid the crisis, there's this question: Do these cultured captive fish represent a new beginning in the wild, or an experiment in futility? The future of the Delta smelt -- and its impact on California's water supply -- is the latest installment of this newspaper's series "A State of Drought."

The fish itself is unremarkable -- short-lived, tiny and so translucent it's almost invisible. It lacks the charisma of a bald eagle, grizzly bear or bison. Until now, it's been durable, surviving millions of years through droughts far worse than this one. It was once the most abundant fish in the Delta.

This countdown toward extinction represents the failure of what was once the largest estuary between Patagonia and Alaska.

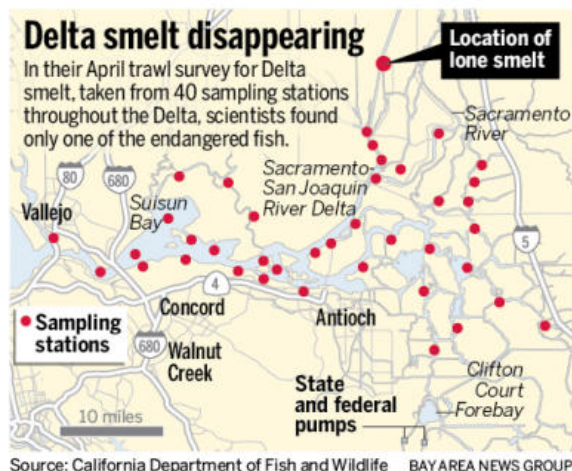
"The policy of the people of United States is not to let any species go extinct," said fish biologist Peter Moyle, associate director of the Center for Watershed Sciences at UC Davis.

"But the situation is pretty grim," he said. "And if it's unfavorable for the smelt, it's probably unfavorable for other species, as well."

The fish exerts such force on the Delta's waters that the U.S. Fish and Wildlife Service regulates how and

when pumping can be done to protect it and other imperiled endangered species. Since the smelt is protected under the Endangered Species Act, a federal court order can -- and has -- reduced pumping to farmers and cities in Southern California. Yet this protection hasn't been enough for a species that lives in the pipeline of California's critical hydraulic system.

In March, when the California Department of Fish and Wildlife conducted one of its monthly spring trawl surveys for adult smelt, it found only four females and two males hidden in the grasses of a vast network of man-made islands and channels at the confluence of the Sacramento and San Joaquin Rivers. April's survey found a single fish. While these surveys are merely a sampling of the population, they are a shadow of previous counts: In 2012, the March survey tallied 296 fish, while the April catch was 143. When smelt numbers get too low, it makes it harder for males and females to find each other, said UC Davis' Moyle. Another species, the longfin smelt, was also found in record-low numbers.



The impact of the drought is adding fury to hard and long-established arguments over the Delta smelt.

Efforts to stave off the fish's demise have been pointless and magnify the human suffering of the drought, said Chris Scheuring, attorney for the California Farm Bureau Federation.

"A lot of water has been thrown at the problem, to no apparent effect," he said. "Twenty million Californians depend on a water supply kept away from them by one small, little population of fish."

Good riddance, wrote Fresno-based Harry Cline of the Farm Press Blog. Turning off the pumps that serve the state and federal water projects wasted about 800,000 acre-feet of water in 2013 "based on the science of four buckets of minnows. That is enough water to produce crops on 200,000 acres or 10 million tons of tomatoes; 200 million boxes of lettuce; 20 million tons of grapes."

California needs to redouble its efforts to save those smelt that remain, counters conservation biologist Jon Rosenfield of the Bay Institute. Fish need far more freshwater inflows to oxygenate their water than they've been getting, as they also struggle against rising temperatures, salinity, pollution and predators, he said.

In early April, there was more bad news for Delta fish, with the State Water Resources Control Board's decision to reduce Sierra runoff to the estuary because of the drought, denying fish the pulse of cold, fresh water that helps them get through the year.

"This decision represents a major failure to protect the fish and wildlife that belong to all Californians," Rosenfield said. Failing to protect native species is asking for a wave of extinctions to commence, he said.

In desperation, UC Davis fish biologists have created what's widely regarded as the most sophisticated fish breeding programs in the nation. There's a smaller backup population at a U.S. Fish and Wildlife Service hatchery below Shasta Dam.

The goal is to save the Delta smelt's diverse gene pool before it is gone forever.

So the little fish has joined the ranks of other animals that owe their existence to captive-breeding efforts, including the Arabian oryx, the black-footed ferret, the red wolf, the Guam rail and the California condor. A UC Davis captive breeding program of the Amargosa vole, one of the most endangered mammals in North

America, has been so successful that this week more than two dozen voles were released back into the wild.

Here at the little-known Fish Conservation and Cultural Laboratory, this "refuge population" of fish is thriving and reproducing. Unlike the Delta outside, the water here is reliable and abundant. It's chilled to 52 to 60 degrees. It's disinfected and filtered of dangerous pollutants. Six times a day, the fish are fed a diet of live zooplankton, brine shrimp or special dry food, at a taxpayer cost of \$2.5 million a year.

The lab started with 160 wild smelt in 2006 and has bred 250 pairs every year, yielding distinct "families" of fish with thousands of offspring.

To ensure future genetic diversity, each fish is tagged and its fins are clipped, then sent to a UC Davis lab for DNA sequencing. The results guide matchmaking and identify the optimal crosses for reproduction.

"You always want to keep as much variation as you can. You don't know what genes it will require in the future," said former lab Director Joan Lindberg.

The lab then conducts tedious artificial insemination: Each female fish is squeezed, creating a pool of eggs around the size of a quarter. Then the sperm from the males is added. The fertilized eggs, safe in a small bowl of water, are incubated until they hatch 40 days later.

It's likely that these captive fish will be the only survivors of their species. Moyle advised the state's Delta Stewardship Council that wild smelt could be gone within the next two years.

Farmers and cities may then petition to have smelt "delisted" as an endangered species, contending that no protection is needed for a dead fish, said Scheuring, the farm bureau's attorney.

"If the Delta smelt go extinct, in the short run that could improve the pumping operations of water for humans," he said. "It will free the pumps to start pumping a fair amount more."

Environmentalists would, in turn, argue that other species also deserve protection, and would fight more pumping. There are at least seven strong candidates for Endangered Species Act protection, including sturgeon and some salmon. "They're queued up," Moyle said.

If smelt can't live in the wild, is there any point to the Davis lab?

Yes, biologists say, because humans have a moral obligation to save a species we ourselves exterminated.

"It is absolutely worth saving the historical legacy of this fish. If we don't have them, we will never have them again," said Casey Dillman, a fish scientist at the Smithsonian Institution in Washington, D.C.

The survivors in the UC Davis hatchery provide biologists a potent reason to keep fighting for Delta restoration. If reintroduced, the resurrected fish also might be protected by the Endangered Species Act -- and could assert the same legal claims as their wild ancestor.

But as long as the Delta stays hot and dry, even the most carefully cultured fish can't replace the dying wild populations, said lab Director Tien-Chieh Hung.

"We know if it doesn't get better, there will be no point to putting them back," he said. "All we can do is keep them -- and when ready, we can reintroduce them and hope they survive better."

Until then, the tiny fish, a symbol of both loss and hope, will continue to swim -- generation after generation, perhaps forever -- in safe captivity.

Contact Lisa M. Krieger at 650-492-4098. Follow her at [Twitter.com/Lisa M. Krieger](https://twitter.com/LisaM.Krieger).

#### THREATS TO DELTA SMELT

State and federal water export pumps  
Summer and fall increases in salinity of Delta water  
Summer and fall increases in water clarity  
Effects from introduced species  
Source: California Fish and Wildlife

## San Pablo: County issues information on care alternatives in wake of pending hospital closure

Updated: 04/16/2015 07:05:57 AM PDT

ContraCostaTimes.com

SAN PABLO -- Contra Costa County this week began a multilingual information campaign to help patients in anticipation of the closing of Doctors Medical Center next week.

One flier in English and Spanish includes information on where people can get urgent care and phone access to a 24-hour advice nurse staffed by the county department of Health Services (call 1-877-661-6230, and select option 1).

Another flier is a list of health care providers, led by LifeLong Medical Care, which already operates on Vale Road across the street from the hospital and next week adds urgent care to its services. LifeLong also has three clinics in Richmond.

The information also is available on the Health Services Department website at [cchealth.org/dmc/west-county-resources.php](http://cchealth.org/dmc/west-county-resources.php). Information in more languages will be added on the website; Vietnamese, Lao and Chinese are next, said department spokeswoman Kate Fowlie.

The information is being distributed to schools, city offices, community and faith organizations and hospitals, including at DMC's emergency room, and also is being shared on social media, Fowlie said. The county also has shared the list with [211.org](http://211.org), she said.

The county offers primary and other non-urgent care at the West County Health Center about a quarter-mile north of the hospital, at 13601 San Pablo Ave., and at the North Richmond Center for Health at 1501 Fred Jackson Way.

The county's list also includes seven other health care providers.

The target population for the information includes the 80-odd patients who walk into the Doctors Medical Center emergency room each day, mostly with issues that do not require emergency care. The emergency room has remained open for walk-in patients even after closing its doors to emergency ambulances in August. Until then, DMC had been the presumptive go-to place for people suffering a stroke or high-risk heart attacks.

The county said that predictions of increased mortality due to longer transport times if the emergency room were to close appear not to have come true.

"(High risk heart attack) patients in West County are now transported to other ... facilities in Oakland, Vallejo or Concord," said Fowlie. "Though transport times are slightly longer than they were to DMC, the facilities are able to prepare in advance with regard to readiness of the cardiac catheterization teams, which require a short time to prepare for action, and upon patient arrival those hospitals are able to rapidly address the patient's needs."

Contra Costa Emergency Medical Services Director Pat Frost said that Contra Costa, along with Alameda, Solano and Marin counties and the emergency medical system in general, have responded to the challenge.

"We're working as a region to take care of these specialized patients," Frost said.



But Sharon Drager, a vascular surgeon at DMC and a member of the hospital's governing body, disputes that the county has filled the void.

"Patients calling 911 are taken to all different hospitals across two and sometimes three or four counties," Drager said. "The county has touted the fact that 'No one has died' because of increased transport times, but what they really mean is that no one has died in an ambulance."

Statistics compiled by American Medical Response, Contra Costa's emergency ambulance service provider, show that since DMC stopped accepting emergency ambulances in August, West Contra Costa emergency patients were diverted primarily to Kaiser Richmond, Kaiser Vallejo and the Contra Costa County Regional Medical Center in Martinez.

In the last six months of 2013, Doctors received more than 2,600 emergency ambulance patients, AMR reported. The figure equates to between 14 and 15 a day.

The real test, some say, will come if there is a large-scale catastrophic event.

"I'm profoundly concerned what the aftermath of a closure of Doctors (Medical Center) could mean," Kaiser emergency room physician David Levinson said last month, speaking as a private individual. "I'm not sure the community at large is aware of how critical this would be.

"If there's an earthquake, or another natural disaster, where would people get care? Kaiser is the only other hospital in West Contra Costa, and it doesn't have the capacity to handle the caseload."

Contact Tom Lochner at 510-262-2760. Follow him at [Twitter.com/tomlochner](https://twitter.com/tomlochner).

# Doctors Medical Center's legacy of service remembered as closure nears

By [Tom Lochner tlochner@bayareanewsgroup.com](mailto:TomLochner@bayareanewsgroup.com)

Posted: 04/18/2015 03:58:45 PM PDT Updated: about 4 hours ago



Twilight view of the Doctors Medical Center from the emergency entrance in San Pablo, Calif., on Friday, April 17, 2015. The hospital's emergency room will be closed Tuesday, April 21 at 7:00 am after serving 60 years to the West Contra Costa County community. (Ray Chavez/Bay Area News Group) ( RAY CHAVEZ )

SAN PABLO -- Barring a miracle, the hospital that West Contra Costa residents voted to build in 1948 to serve the health care needs of the area's burgeoning post-World War II population will close its doors at 7 a.m. Tuesday. It will also close the books on six decades of history and memories for those who saved lives at Brookside Hospital -- later renamed Doctors Medical Center -- and brought new ones into the world.

"When you drove in to West County, the first thing you would see from San Pablo Avenue was this huge, seven-story, white building," said longtime West County resident and former hospital registered nurse Marcia Kalapus, remembering her initial impression of Brookside when she came to the East Bay from Southern California in 1959. "It was located in the perfect place, right off the freeway. And it couldn't be designed better."



A man wearing medical scrubs walks towards the Doctors Medical Center emergency entrance in San Pablo, Calif., on Friday, April 17, 2015. The hospital's emergency room will be closed Tuesday, April 21 at 7:00 am after serving 60 years to the West Contra Costa County community. (Ray Chavez/Bay Area News Group) ( RAY CHAVEZ )

In 1954, Brookside Hospital opened, so named for its proximity to Wildcat Creek. Though that hospital still towers above the local skyline, its financial framework has been crumbling for years, the victim of a radically changed health care environment that has claimed many stand-alone public hospitals. Even as it continued to be the go-to destination for heart attack and stroke victims in West County, DMC's privately insured patient base steadily dwindled, swallowed up by health care networks such as Kaiser Permanente, which operates the only other hospital in the region.

Tuesday's planned closing will mark the final blow after years of financial struggles, punctuated with last-minute, stopgap funding infusions, and a downsizing that saw the elimination of several units over the past two decades, among them the maternity, burn, wound and, more recently, lung and sleep centers. And in August, DMC stopped receiving emergency ambulances.

Contra Costa County Health Services is urging the 80-odd people who walk into the DMC emergency room each day to go across Vale Road to LifeLong Medical Care, a community health clinic that will start to offer urgent care Monday.



Marcia Kalapus, 79, a former nursing supervisor at Doctors Medical Center in Richmond, is photographed in her house in Pinole, Calif., on Friday, April 17, 2015. (Ray Chavez/Bay Area News Group) ( RAY CHAVEZ )

Nita Mitchell went to work at Brookside as a registered nurse in 1960 and worked at DMC until the late 1990s. Mitchell, 81, of Rodeo, says the closing of the hospital makes her fear for her community.

"I'm waiting for the next earthquake to come, the next accident at Chevron (in Richmond) or the one in Rodeo," she said, referring to the Chevron and Phillips66 oil refineries. "And you got the freeway (Interstate 80).

"Every morning when we get up, we listen to the radio and hear that traffic is backed up," Mitchell said. "How many babies have been born by the roadside because they couldn't get through all the freeways? Doctors Medical is down the road."

Jim McMillan, a Richmond resident since 1950 and a pharmacist at Brookside in its early days, said he joined Kaiser in January out of fear he would not have DMC to go to anymore. Sure enough, last week he got a "Dear patient" letter from the hospital.

"It has been our honor to care for you as a patient," it read in part, "and we are saddened that we will be unavailable to meet your inpatient, outpatient and emergency health care needs in the future."

"My worst fears came true," McMillan said. "That hospital was part of the vitality of this community.

"When we established a hospital district years ago, the promise was that we would have this facility for our lifetime."

Hospital officials blame DMC's \$18 million-a-year deficit largely on low reimbursement rates from government health programs -- about 80 percent of its patients are covered by Medicare or Medi-Cal. But some residents and medical professionals say DMC is at least in part a casualty of the unwillingness of government agencies and other medical providers to step in with the necessary funding to save it.

Kalapus, 79, of Pinole, was a young nurse at Pioneers Memorial Hospital in Brawley when she moved north with her husband, a discharged Navy corpsman starting his studies at UC Berkeley. She got a job as an obstetrics nurse at Richmond Hospital before coming aboard at Brookside in 1963 as evening nursing director. She was quality improvement director when she retired in 1997.

West County's population had some serious medical issues. The residents included shipyard workers who had been exposed to asbestos on the ships, Kalapus recalled. Many had cardiovascular diseases. Lung disease, asthma and diabetes also were prevalent.

"Bad diets, smoking, drinking -- there were about 50 bars along San Pablo Avenue."

Then, as today, there was the Chevron refinery.

"We used to get burn patients from Chevron and home fires," she said.

And with many discharged servicemen going to UC Berkeley on the GI Bill after the war, more babies were born, Kalapus added.

Around the mid-1960s, Brookside started adding new specialties: a neurosurgeon, gastroenterologists, orthopedists, cardiologists, pulmonologists and plastic surgeons. The entire seventh floor was dedicated to pediatric patients.

"It was a quality, top-of-the-line hospital; it wasn't just brick and mortar," Kalapus said. "It was one of the best hospitals in the Bay Area."

Mitchell, the former nurse, said the community is losing a unique and benevolent medical community.

"The doctors that I worked with, they never, ever thought, 'Am I going to get paid, or how much.' It was the old-fashioned way of thinking -- and a lot of doctors there still think that way."

On Wednesday, Kalapus went to the hospital one last time, to get her medical records now that she must look for a new hospital.

Afterward, she stopped in the hallway and closed her eyes for an impromptu moment of silence.

"I could hear the voices of patients talking, of doctors consulting, of people in pain, and families crying over the loss of a loved one," she said. "I could hear wheelchairs and gurneys rolling down the halls, and the intercom saying, 'Dr. So-and-so,' and a code number. The hustle and bustle.

"It was like the ghosts of the past. Then I opened my eyes, and it was quiet."

As she left the hospital for the last time, Kalapus turned around and delivered, aloud, a spontaneous eulogy, referring to it as "my darling lady."

"I want to thank you for taking care of all of these people who came through your doors. You opened your arms and said, 'We'll take care of you.'"

"It's gone now," she said. "There will never be another group of professional people, another entity, that cared so much for people in West County. El Cerrito to Crockett, we took care of everybody, regardless of race or ethnicity or income. (Doctors and nurses) were all good public servants, taking care of people.

"I had tears running down my cheek, because I knew it would be the last time that I'd be there."

Contact Tom Lochner at 510-262-2760. Follow him at [Twitter.com/tomlochner](https://twitter.com/tomlochner).

# San Pablo: Urgent care facility opens on eve of hospital shutdown

By Tom Lochner

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Posted: 04/20/2015 11:57:19 AM PDT Updated: about 17 hours ago

SAN PABLO -- On the day before the closing of Doctors Medical Center, LifeLong Medical Care on Monday opened an urgent care facility across the street from the hospital.

Lifelong Medical Care, a nonprofit community health organization, already offers primary care as well as dental care, health education and health promotion at 2023 Vale Road. The newly opened urgent care facility in the same building is supposed to cater to many of the 80-odd patients a day who used to walk into the DMC emergency room, which is slated to close Tuesday morning.

San Pablo Mayor Kathy Chao Rothberg and City Manager Matt Rodriguez, Contra Costa County Health Services spokeswoman Kate Fowlie, and Joan Carpenter, an aide to county Supervisor John Gioia, hailed the arrival of the urgent care facility.

The facility will be open from noon to 8 p.m. seven days a week.

D.L. Poole, chief administrative officer for LifeLong, said the facility for the time being should be called "urgent care lite" because it still needs some permits from the city to expand. He said he expected those to be forthcoming, allowing the urgent care center to ratchet up to full strength soon.

The capacity of the facility to start is 48 patients a day for now.

However, Poole cautioned, "It's not going to be a replacement for the hospital."

Doctors Medical Center, which opened in 1954 as Brookside Hospital, is scheduled to close at 7 a.m. Tuesday after years of financial struggles and a series of one-time, stopgap funding measures that bought it limited time to continue operating.

The urgent care center initially will include five exam rooms, an observation room and an X-ray room, providing treatment for conditions requiring immediate medical attention such as sprains, broken bones, asthma, infections and the flu, LifeLong officials said.

Dr. Desmond Carson, a longtime emergency room physician at DMC, is the lead physician at LifeLong urgent care; he is one of several former DMC emergency physicians now at LifeLong.

LifeLong serves some 20,000 patients in West County annually, at the Vale Road location in San Pablo and three other sites in Richmond, said Executive Director Marty Lynch.

Founded in 1976 by the Berkeley Gray Panthers as a medical center for people over age 60 in Berkeley, LifeLong today serves about 47,000 individual patients of all ages at more than a dozen sites from East Oakland to West Contra Costa. Additionally, LifeLong has a small adult day health care center for disabled adults and elders in Marin County.

LifeLong's annual budget is \$55 million, consisting largely of Medi-Cal reimbursements, with the rest from Medicare, federal community health center funds, some philanthropic donations and occasional small amounts of funding from Contra Costa and Alameda counties.

Earlier this month, Lynch expressed concern over the closing of the six-decade-old hospital, and cautioned that his organization, even with the addition of an urgent care center, cannot fill the void.

"We can't pick up the role of the hospital; absolutely not," Lynch told this newspaper. "For the people who in the past walked into DMC's ER but didn't have a true emergency, for those people, I think it will help, but it won't take care of the true emergencies, the life-threatening ones."

### **to get help**

Anyone without health insurance in Contra Costa County can call the county's free Advice Nurse Line (1-877-661-6230, option 1) for conditions that are not life threatening. The line is available to anyone 24 hours a day, seven days a week. The advice nurses can help people decide whether they need to seek emergency, urgent or next-day care, and where to get care. Anyone experiencing a life-threatening medical or psychiatric emergency should call 911 immediately.

# Bay Point: Ambrose park district, general manager negotiating new contract

By [Sam Richards srichards@bayareanewsgroup.com](mailto:srichards@bayareanewsgroup.com)

Posted: 04/21/2015 09:30:19 PM PDT Updated: about 8 hours ago

BAY POINT -- The Ambrose Recreation & Park District board is renegotiating the contract of its general manager, who is threatening to resign unless district policies and his job duties are more clearly defined

Those talks are happening over the objections of one board member who questions the propriety of reworking a contract only 15 months into a three-year agreement.

Doug Long, the park district's general manager, said he wants the contract to include more specifics about what board members can and cannot tell him to do, in part so that he is not "micromanaged" by board members. He said he doesn't want undue board involvement with his day-to-day duties, and that such had been happening in recent months.

"We're just putting it together in black and white," said Long, who signed a three-year contract in December 2013 that calls for a salary of \$90,000 a year plus various benefits and perks.

Long said it has been board member Lloyd "Lee" Mason doing most of the micromanaging -- an assertion Mason strongly denied.

"I've never told (Long) how to do his job; I'm just getting information, and as a board member I'm entitled to that."

Long, whose district owns and maintains nine parks and Bay Point's community center, in February submitted a resignation letter, saying his last day on the job would be April 30.

Mae Cendaña-Torlakson, the board's chairwoman, said most of the board wants Long to stay, and has since moved to negotiate a new contract for Long, emphasizing that the main issue is giving him more autonomy, "more latitude in how he wants to do his job."

"We think he's doing a great job, and that was a decision of the board," said Cendaña-Torlakson, noting that "many in the community" have praised Long's work in 15 months as Ambrose's general manager.

Mason believes Long should honor his original contract and contends he has never gotten a formal explanation from the other board members, or from Long, as to why Long wants it revised.

"I feel it's such a breach of community trust" for Long to sign a three-year contract and seek a new deal so soon, Mason said. "To me, it's like blackmailing the district."



## Editorial

# Brown needs new strategy for drought

Contra Costa Times, 04/21/2015

California needs Gov. Jerry Brown's leadership to deal with the worst drought in state history.

The state has to reset its water priorities to match both current and worst case long-term needs. But Brown can't make that happen as long as he clings to his \$25 billion, twin-tunnel proposal to carry Delta water south.

The Bay Delta Conservation Plan has deeply divided crucial players in high-stakes water politics, many of whom view it as another Northern California/ Southern California water war. And now that the Brown administration is poised to remove the "Conservation" part — the 50-year guarantee to restore Delta wetlands and habitat to keep the estuary healthy — all that's left is the massive tunnel project. It is dead in the murky, barely habitable water. So this is an opportunity. The drought not only justifies but requires a shift of strategy based on the deepening emergency. Other BDCP supporters, including the Santa Clara Valley Water District, should urge him in that direction. Let's not spend more money on a losing proposition. With the tunnels set aside, Brown could focus his political clout on developing and implementing cheaper, quicker, more efficient ways to conserve water — that's the main thing now — and offer long-term solutions to water-starved Central Valley farmers and urban Southern California areas.

Restoring the Delta ecosystem has to be at the core of California's water policy because so much of our fresh water comes from it, and the only way to sustain it is to get more water flowing through it, not less. California needs to conserve water for the long term. There's no shortage of ideas, just of leadership to make them happen.

Here are just a few things the governor could do through the state budget and his power of persuasion:

- Capture, clean and recycle more water. The state should build more and better wastewater recycling plants and raise the height of some reservoirs to capture what little rain we get.
- Make creative water bargains between urban and rural areas. Agriculture uses 80 percent of California's available water supply, but nearly 60 percent of farms don't have drip or other efficient irrigation that can produce most crops with 40 percent less water. Urban water districts could offer them subsidies and low-cost loans to install drip, and in return receive a portion of the water saved at a discounted rate
- Here's a simple one: Spend money already allocated to shore up the levees around the Delta.

The complexity of water politics dwarfs every other California issue. The specter of a very long drought cries out for a leader who can unite the players rather than driving them apart. Jerry Brown can be that leader. But he has to set aside the \$25 billion tunnels first.





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## Better Year Ahead for ConFire

*By Nick Marnell*

Contra Costa County Fire Protection District chief Jeff Carman warned his advisory fire commission in February about the precarious situation the district was in. "We're at a tipping point," he said. Carman explained that the district did not have enough apparatus to keep all of the companies in service. Fire stations were starting to crumble; Lafayette's station 17 was closed for two weeks in late March while a main water line was repaired. Equipment was failing. Firefighters needed additional training. "For the number of fires our firefighters fight, they should not be doing it without proper equipment," said the chief, who confronted many of these district deficiencies head-on when he constructed the ConFire 2015-16 fiscal year budget.

Personifying his ailing district, Carman fought through cold symptoms as he presented the budget to the Board of Supervisors at its April 14 meeting. ConFire will pay \$1 million next year as part of a 10-year lease-purchase agreement for nine new fire engines, three ladder trucks and one rescue truck. The number of district full time employees increases to 336, to provide support in long neglected areas like training, telecommunications, information technology and facilities management. The budget includes the one-third installment of a 7.7 percent wage increase for firefighters and also the elimination of a portion of their 9 percent subvention of district pension costs. ConFire will operate 24 fire stations, including 24 companies and three squads, up from 23 stations and zero squads proposed in 2014-15.

The district will also meet its reserve requirement of 10 percent of general fund expenditures, and though it will require more than \$4 million of the fund balance to achieve that goal, it is far less than the \$9.5 million needed the previous year.

District revenue is budgeted to increase for the third straight year. Property tax revenue jumps from a projected \$95 million to more than \$101 million. ConFire will receive the second half of a two-year federal staffing grant of \$9.6 million. And the district expects to recognize \$1.7 million in first responder fees, charges billed to insurance companies for emergency medical treatment provided at the scene by firefighters.

Not included in the budget presentation were potential cost savings of the proposed station 46 joint venture with the Moraga-Orinda Fire District, nor the potential revenue increases should ConFire assume control of the available Contra Costa County ambulance contract in 2016.

"In view of increasing revenues and a sustained economic recovery, this budget attempts to address some of (our) needs while still maintaining practical fiscal controls," Carman wrote in a letter to the advisory board. The county, in its budget document, acknowledged that ConFire has had to balance its fiscal difficulties "with maintaining a system that ensures the health and welfare of residents within the district."

The Board of Supervisors will approve ConFire's budget, along with the budgets of all of the county departments and certain special districts, at its May 12 meeting.

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

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# San Pablo: Doctors Medical Center closes doors to patients

By [Tom Lochner tlochner@bayareanewsgroup.com](mailto:Tom.Lochner@bayareanewsgroup.com)

Posted: **04/21/2015** 09:29:23 AM PDT Updated: about 5 hours ago



Kim Johnson, left, a former patient access supervisor, and Patricia Tidwell, a patient care ambassador, hug outside of Doctors Medical Center as members of the hospital community gather on its last morning of operation in San Pablo, Calif. on Tuesday, April 21, 2015. (Kristopher Skinner/Bay Area ...



Dr. Ronald Berman takes a few photos outside of Doctors Medical Center as members of the hospital community gather outside the facility on its last morning of operation in San Pablo, Calif. on Tuesday, April 21, 2015. (Kristopher Skinner/Bay Area News Group) ( Kristopher Skinner )

SAN PABLO -- A bugler played Taps on a small portable stereo. Louis Armstrong sang "What a Wonderful World." Bruddah Iz followed with "Somewhere over the Rainbow."

More than 60 years of patient care at Doctors Medical Center came to a close early Tuesday morning, with an austere, tearful and informal goodbye gathering around a flagless flagpole outside the hospital's main entrance.

The seven-story, white building with turquoise trim will house a skeleton staff for a few months longer as officials of the West Contra Costa Healthcare District prepare it for sale. The public

hospital, which opened in 1954 as Brookside Hospital, closed its doors to patients at 7 a.m. Tuesday after years of financial struggles.

The 80-odd patients who used to walk in to the emergency room daily are being urged by Contra Costa County Health Services to go across the street to Lifelong Medical Care, a community health center that added an urgent care division Monday.

There were no speeches at Tuesday's closing. Employees hugged, and some cried, before going inside the hospital for a brief meal, prepared from a remaining batch of muffin mix by the dietary staff.

"They thought we should have a farewell for us," interim CEO Kathy White said.

White said Tuesday the hospital's license is set to expire in October and will be "in suspension" for an additional year, to October 2016. While someone could "theoretically" still offer to buy and operate the hospital, no realistic offer was on the table as of Tuesday, White said. Under a deal last month in which the city of San Pablo agreed to buy part of DMC's properties, the city acquired a right of first refusal to purchase the main part of the campus.

Later Tuesday morning, more than two dozen West County residents chastised Contra Costa County supervisors at their board meeting for failing to save DMC. Several left white carnations to mourn for the hospital and patients who could die being transported for emergency care to facilities farther away. Others said the closure was tantamount to institutional racism because the hospital served a mostly poor, minority section of the county. They urged the county to tax major polluters to help finance DMC.

"I can say without equivocation that people are going to die. It's a guarantee people are going to die because of the closure of DMC," said Eleanor Mahood, a registered nurse at the hospital.



The closed sign has been posted at Doctors Medical Center in San Pablo. The hospital officially closed at 7 a.m. on Tuesday. (Kristopher Skinner/Bay Area News Group)

Richmond Councilman Eduardo Martinez said West County's needs were being ignored by the supervisors.

"We need political will from you. You need to do this ... It's almost like we're the ugly stepsister," he said.

Supervisors did not comment about the closure but previously had said the county did not have the financial resources to sustain the hospital.

Until DMC closed its emergency room to emergency ambulances in August, it had been the go-to place for high-risk heart attacks and strokes in the area. Nowadays, those patients are taken to hospitals in Oakland, Vallejo or Central Contra Costa County, according to county Health Services spokeswoman Kate Fowlie.

The 20 percent or so of patients who used to come into the emergency room with actual emergencies "will be shuttled around," said Dr. Ronald Berman, an internist at DMC since 1971.

In the case of heart attack, "Let's say the stent doesn't go in time. Part of the heart will die," Berman said. "This could result in cardiomyopathy (weakened area of the heart) for the rest of their life. Time is of the essence."

The only other emergency room in West Contra Costa is at Kaiser Permanente in Richmond, which is not a designated hospital for high-risk heart attacks.

"Our (emergency department) has been significantly impacted due to DMC's closure. We're presently operating above capacity and are frequently saturated," Kaiser spokeswoman Yvette Radford said in a statement Tuesday.



Members of the Doctors Medical Center community gather outside the facility for a group photo on its last morning of operation in San Pablo, Calif. on Tuesday, April 21, 2015. (Kristopher Skinner/Bay Area News Group) ( Kristopher Skinner )

At midafternoon Monday, the last day before DMC's closing, the ambience at the hospital was deceiving. One grounds worker was mowing the grass in front of the hospital's main entrance.

Another was operating a leafblower, and still another scooped leaves and other debris and placed them in a bin. Pink, yellow and crimson roses were in full bloom nearby.

One observer likened the cosmetic work to preparing a body for a funeral.

Many of the visitors Monday were there to pick up their medical records. Among them was Claudia Kelley, 69, of Pinole, who is following two of her doctors from DMC to John Muir Medical Center in Walnut Creek.

She gave birth to her daughter at DMC more than 40 years ago.

"The writing's on the wall: Time to close it. Hope for the best," Kelley said, adding: "It depends on what your emergency is going to be, and how long it takes you to get to another hospital."

Shortly after Tuesday's closing, Sheri Robinson of Vallejo was taking pictures of DMC's J.C. Robinson, M.D. Regional Cancer Center, named for her late stepfather. The previous day, she had taken home the bust of the longtime West Contra Costa physician, who died in 1994, that was displayed in the lobby.

Contemplating the closed cancer center, she said she found the experience humbling, and equated her stepfather's "down-to-earth" manner with the personality that defined DMC and its doctors, many of whom worked at the hospital for decades.

"Some of his patients who couldn't pay, he'd let them bake him a cake," she said.

Staff writer Matt Artz contributed to this story. Contact Tom Lochner at 510-262-2760. Follow him at [Twitter.com/tomlochner](https://twitter.com/tomlochner).

# **Richmond Confidential**

## **Community members mourn the closure of Doctors Medical Center**



Members of the California Nurses Association and the Richmond Progressive Alliance held a "funeral" for DMC prior to the Contra Costa County Board of Supervisors meeting on the morning of DMC's closure. (Photo by Bonnie Chan)

By [Gabriel J. Sanchez](#) Posted **April 22, 2015** 3:00 pm

Plywood with large red letters simply reading "DMC Closed" was affixed to the signs on the street that once welcomed patients to the largest public hospital on the western part of Contra Costa County. Members of the community gathered at the hospital in the early morning of April 21 to say goodbye, then made their way to the Board of Supervisors meeting at the county seat to inform the public about the threat of living in an area without a hospital.

At 7 am on Tuesday, April 21, Doctors Medical Center ended its 50 years of service to the public. At the medical facility that operated as a safety net hospital for a low-income community,

hospital staff had been fighting closure for several years while trying to fill a [\\$20 million budget gap](#). Cities like Richmond [as well as the state](#) provided millions in aid to help keep the hospital in operation, but could not keep up with its running deficit.

Nurses, doctors and other staffers said goodbye at the hospital by taking photos, hugging each other and crying as they played a recording of “Taps.” After they left the hospital, a caravan of community members traveled from San Pablo to the county civic building in Martinez, where three out of the five county Board of Supervisors members were conducting the weekly meeting. The protesters dressed in black, as though for a funeral procession, and filled the hallways holding signs saying “Invest in our public health system” and publicizing their hashtag, #Health4All.

The group — made up of patients, activists, medical staff and Richmond City Councilmember Eduardo Martinez — gathered in the lobby of the county building to hold a vigil for DMC. As the participants huddled together with white carnations in their hands, they spoke about loved ones who used the medical center, or departments in the hospital that will no longer be available to them.

Victoria Stewart, a longtime Richmond resident, was dressed in all black, including the black wrap around her head that was pinned together with a sparkling clip. Stewart had been undergoing cancer treatment at DMC and was lucky enough to complete her treatment before the center closed. She dedicated her speaking time at the vigil to say goodbye to the cancer center that helped provide her treatment as she fought the disease. “Today I say goodbye to the cancer center that was so important to me in my life and will no longer be there to help other people,” she said.

After the memorial, the mourners made their way into county chambers and took over the podium when it was time for public comment. According to the agenda, there was no vote scheduled related to the hospital, but the demonstrators and local leaders wanted to have their concerns heard one last time before history turns the page on the memory of the once-bustling medical facility.

Martinez, a community leader who was elected to the Richmond City Council in 2014, participated in the gathering and addressed the county board members while wearing a black hoodie and sunglasses. He said that there was a “lack of leadership and political will” to keep the hospital open and said that there is a division in the level of attention that the county pays to the people living on the western part of the county, as opposed to the more affluent communities in the east.

Martinez said that if the county continues to invest in jails and not medical facilities, the only way people in his community will receive medical care in the future is if they get arrested — and that’s why he had dressed the way he did for the protest. “It seems like your idea for healthcare in West County is to don a hoodie and some sunglasses, put your hands in your pockets and stroll down unincorporated Richmond so that you can be arrested and put in jail, so you can have healthcare,” he said.



Michael Parker, another longtime resident of Richmond, told the board that the reason DMC closed is “because it cared for too many poor people.” He accused the board of using a bad business model for the public hospital because they expected the facility to generate revenue. “I don’t believe you’ve ever asked the question of the fire department, or whether the sheriff’s department is a money-making operation,” Parker said. “They are paid because they are necessary services.”

As speakers approached the podium, they left their carnations piled on top of each other, like people do during the last moments of a funeral before a loved one’s casket is lowered into the ground. As they continued their public memorial, the pile of flowers grew larger and the tone of the speakers’ voice grew more intense.

Marie Walcek, a member of the California Nurses Association, addressed the board and with statistics and facts that highlighted the need for medical facilities in the industrial-rich West County. She reminded the public that after the Chevron refinery explosion, over 15,000 patients utilized the emergency and urgent care facilities at the hospital in less than a week. Walcek also pointed to what she felt were hypocritical inconsistencies in the discussions at county board meetings. “I’ve seen members of the Board of Supervisors in tears hearing about the critical services at some of our animal shelters,” she said. “I applaud your feelings for all creatures, and I hope to see the same level of intensity and passion hearing about the lives that have been lost in West County.”

As a part of the planning for DMC’s closure, a new urgent care center opened Monday across the street from the hospital to serve patients affected by the closure. LifeLong Medical Care, at 2023 Vale Road, will treat medical conditions that require immediate attention, but are not life-threatening. The nearest public hospital will now be Contra Costa Regional Medical Center, which is 20 miles away in Martinez.

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## MOFD to Hold Public Workshop

*By Nick Marnell*

The Moraga-Orinda Fire District finance committee will conduct a public workshop this month to determine the investment mix for the district's other post-employment benefit trust account. In March, the district approved the pre-funding of its OPEB costs, which include the cost of retiree health benefits. It set up a trust account and hired Public Agency Retirement Services to manage the trust. MOFD will fund \$84,000 into the account this fiscal year.

"The investment company will make a recommendation on the investment mix," said committee chair Steve Anderson. But he stressed that the committee also wants public input on what the investment strategy should be. "Will we listen to what the public has to say? I answer that with an emphatic yes," he said. Various investment objectives will be up for discussion, ranging from conservative portfolios of more than 80 percent fixed income to a 72 percent equity capital appreciation portfolio.

The finance committee will evaluate the investment objective strategies that come out of the workshop and will present its recommendation to the full MOFD board.

District administrative services director Gloriann Sasser said that pre-funding OPEB costs strengthens the district's financial position by lowering its net OPEB liability, and using the earnings on investments will reduce future employer costs. MOFD carries both a \$17 million unfunded OPEB liability and an estimated \$40 million unfunded pension liability.

The finance committee scheduled the workshop for 5 p.m. Monday, April 27 in the Sarge Littlehale Community Room at Orinda City Hall, 22 Orinda Way, Orinda.

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

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# San Pablo: Doctors Medical Center closure ends parcel tax, but another continues

By [Tom Lochner tlochner@bayareanewsgroup.com](mailto:TomLochner@bayareanewsgroup.com)

Posted: 04/24/2015 04:11:02 PM PDT Updated: 3 days ago

SAN PABLO -- West Contra Costa no longer has a functioning community hospital, but residents will continue to pay a \$52-a-year special parcel tax, at least until 2027.

That is when the West Contra Costa Healthcare District, which owns Doctors Medical Center, expects to pay off the bonds it sold after voters approved Measure D in 2004. The bonds, technically Certificates of Participation, or COPS, are backed by future proceeds of the tax.

The preamble to the ballot language stated, in part, that "all revenue (would be) staying in our community for local emergency and health care services and facilities."

Doctors Medical Center closed Tuesday morning. According to some, it was the victim of low reimbursement rates amid the changing economics of the health care industry. Others blame the hospital's closing on the unwillingness of federal, state and county government agencies and other health care providers to do what it would have taken to keep it open.

The district's financial adviser says officials want an orderly closure of the hospital and to pay off its liabilities but cannot rule out bankruptcy under certain scenarios.

A second special parcel tax of \$47 a year, approved by voters in 2011, will lapse, however. The full text of Measure J specified that "in the event of permanent closure of Doctors Medical Center and its emergency room, this parcel tax will expire and the district will thereafter promptly cease imposition and collection of the tax."

Measure J, which will cease to be collected as of fiscal 2015-16, brought in about \$5.1 million annually, according to the district's financial adviser, Harold Emahiser. Measure D currently raises \$5.65 million a year. The health care district owes \$59 million on the bonds backed by Measure D proceeds, according to Emahiser.

The full text of Measure D makes reference to debt repayment, stating in part that the revenues raised by the tax "will only be used to defray operating expenses, capital improvement expenditures and debt repayment."

The health care district's share of the 1 percent ad valorem, or assessed-value-based, property taxes that owners pay to Contra Costa County each year will be retained by the county for seven years to pay off tax advances in recent years totaling about \$18 million. Imputed interest of about 6 percent a year brings the liability to just more than \$20 million.

The district's share of ad valorem taxes brings in about \$2.95 million a year, Emahiser said. Once the debt to the county is paid off, or in about seven years, the district will once again collect its share of ad valorem taxes, to be used in fulfillment of its mission to advance health care. And once the bond debt is paid off, in 2027, it can use the proceeds of Measure D for its mission as well. Emahiser cited other liabilities of the health care district:

- Unemployment expenses of about \$1.1 million, to be paid over the next six to nine months.
- Medical records retention, \$1.5 million, spread over seven years.
- Workers' compensation, \$6 million, to be substantially covered over the next year or two.
- Unfunded pension liabilities of about \$6.5 million.
- Vendor payments of about \$2 million, to be paid out over the next 60 days.
- Costs of about \$1 million to wind down operations.

Emahiser said the sale of the hospital's principal asset, the remaining 8-plus acres of its campus - - a 2.5-acre chunk, used by the adjacent Lytton Rancheria casino for parking under a 20-year easement, was recently sold to San Pablo -- could bring in \$10 million to \$20 million. One factor that could affect the sale price is whether the property can be marketed as a hospital or just as real estate. The hospital still has a license but may need several million dollars of fixes to be marketed as such, Emahiser said.

"If we can get \$15 million for the property, then we can honor our liabilities," Emahiser said, "but if we get substantially less, then bankruptcy would still be an option."

Staff writer Karina Ioffe contributed to this story. Contact Tom Lochner at 510-262-2760. Follow him at [Twitter.com/tomlochner](https://twitter.com/tomlochner).

# The California Drought Crisis Is Everyone's Fault

Posted by : [PublicCEO](#) April 28, 2015 In [Local Government](#)

## It's Easy to Place the Blame on L.A. and Agriculture, But the State's Water Deficit Goes Back to the 1950s

*By Richard Goode.*

My grandfather used to tell the story of traveling from Bakersfield to San Francisco by boat as a boy in about 1910. First up the Tulare Lake, then up the San Joaquin River, and through the Delta. In those days, water in California's San Joaquin Valley must have seemed inexhaustible.

Then, the lakes were drained and the rivers dammed; the valley floor was plowed and cities grew. Water was used at an ever-increasing rate. More and more wells were drilled and reservoirs built. There would be dry years and wet years. The water table dropped and wells went dry.

Last year, however, wells started going dry at an alarming rate. Residents in some areas have been without water for several months. The waiting list for a drilling rig to extend wells was up to a year. Today, up and down the San Joaquin Valley, signs along the freeway lament the water crisis. Everyone is ready to place blame, especially on the favorite whipping boys: Los Angeles and agriculture. But the truth is everyone is to blame and there are no easy solutions. California just doesn't have enough water to meet the demand. Hydrologists have been warning us since the 1970s that this was coming.

To understand the water crisis, you have to understand the structure of California and the San Joaquin Valley. The San Joaquin Valley is a broad basin that is bounded on the west by the Coast Range, which is mostly comprised of marine sediments, and on the east by the granitic Sierra Nevada. This basin is filled with layers of sediments that have washed down from the mountains over millions of years. These sediments are saturated with water and vary in thickness from about 2,500 feet in the north to about 9,000 feet in the south.

In the south, where there was no outlet for the runoff, the vast Tulare Lake was formed. In years when water was in abundance, water overflowed the divide and into the San Joaquin River, which in turn flowed into the Sacramento-San Joaquin River Delta and then through the San Francisco Bay into the Pacific Ocean.

Before irrigation began in earnest in the 1930s as affordable pumps became available, much of the valley's farming relied on the winter rains for the crops, winter wheat, and other grains. The ability to pump water from the aquifer beneath the valley is a major reason the valley became one of the world's richest agriculture producing regions. Immense water projects allow

California to store and transport surface water from the north, which generally receives more rain, to the dryer south. But even in wet years there is rarely enough surface water to meet the need. Groundwater is pumped to supply the difference between surface water availability and the demand for water.

California has been operating at a water deficit since at least the 1950s. Hydrologists estimate that on average 800,000 acre feet per year is pumped from the aquifer annually. Last year alone, closer to 2 million acre feet of water was pumped.

This tremendous withdrawal of groundwater has lowered the water table. As the water table drops, shallow wells that are normally sufficient to provide water go dry. The well must be drilled to a deeper level to provide access to the lowered water table.

The aquifer is usually recharged by runoff from the Sierra Nevada and, to a lesser extent, the Coast Range on the west. As the river water flowed into the valley, it soaked into the soil at the base of the mountains and made its way into the aquifer. The damming of the rivers, while providing water storage, has removed this major source of recharge. As water is removed from the ground and not recharged, the clay layers in the ground begin to compact. This causes subsidence of the surface. A few miles southwest of Mendota, the ground has subsided by more than 30 feet since the 1920s. Last summer's pumping has accelerated the change, producing a subsidence rate of half an inch a month. Nearly all of this subsidence is permanent, thus reducing the capacity of the aquifer (and, ironically, making flooding worse in wet years).

With reduced snow packs in the mountains during the winter, surface water is reduced and there is less water to share. This drying out is not just the present condition of the San Joaquin Valley; is the future of the American Southwest.

We have a bad habit of declaring a drought over when we receive several wet years in a row. But the damage of this drought is not reversible. Until we can recharge the groundwater at a rate equal to the withdrawal, California will be in a drought, no matter how much rain it receives. We may have already waited too long.

[Originally posted at Zocalo Public Square.](#)

# East Contra Costa voters reject fire district's latest funding bid

By Rowena Coetsee [rcoetsee@bayareanewsgroup.com](mailto:rcoetsee@bayareanewsgroup.com)

Posted: 04/28/2015 06:15:19 AM PDT Updated: about 6 hours ago

BRENTWOOD -- Property owners in the East Contra Costa Fire District rejected a proposed benefit assessment Monday, a decision that will force the embattled agency to close two of its five remaining stations.

"I'm very disappointed in the decision the public has made," said board Director Joe Young following an announcement of the results.

Of the 38,529 ballots mailed to residential, commercial and government property owners last month, fewer than 25 percent -- 9,495 -- were returned.

Of those, 53.04 percent nixed the idea of an assessment and 46.96 percent voted for it.

The assessment, which would have generated an estimated \$4.2 million annually for five years, needed a simple majority to pass.

Young noted that the fallout will be severe: East Contra Costa Fire will be left with three stations to serve an approximately 249-square-mile area.

Currently it has fire houses in Oakley, Discovery Bay, Knightsen and two in Brentwood, although the district temporarily mothballed one of those in September pending the outcome of the election. Now Station 54 in Brentwood will remain closed and Station 94 in Knightsen soon will follow.

In addition, the loss of stations will require the district to eliminate four firefighters' positions by July 1, said Fire Chief Hugh Henderson following the meeting. The cuts will be the second time in three years that the district has laid off those on the front lines.

Expressing surprise at the results, Director Greg Cooper also acknowledged the added difficulty the district now will have protecting the public.

"Nine firefighters will be covering 100,000 people every day," he said, referring to the number who will be on duty among the three stations at any time.

Some of the board members emphasized the transparent way in which the district conducted the election: The ballots were counted in Oakley's city council chamber, where the public could drop in to watch the six-hour process.

Voicing his dismay, Director Stephen Smith blamed the election's outcome on what he considers to be a widespread mistrust of government.

Voters assume that all agencies waste taxpayers' money and consequently reject proposed taxes out of hand instead of taking the time to examine the facts, which he said would show that some like East Contra Costa Fire actually are working effectively.

"We got tarred ... with the brush of just being government and it's sad," Smith said.

As it is, the district now has given residents two chances to bolster its budget -- they also defeated a parcel tax in 2012 -- so it has no choice but to make the best with what it has left, he said, and then paused before adding, "God help us all."

Director Joel Bryant echoed Smith's sentiments, and pointed out that the defeat comes right at the start of fire season and in the middle of a severe drought.

Not only will crews take longer to respond to fires, however, but the public can expect to wait longer for medical help, he said.

East Contra Costa Fire has struggled financially for years, and the hard times have become even more difficult since 2010 when the district had an all-time high of eight stations.

That year it closed two, and three more shut down in 2012 following the failed parcel tax measure.

Although a multimillion federal grant that East Contra Costa Fire received a few weeks later enabled it to reopen two of those stations, that aid ended in November.

At its next regular board meeting on Monday, the fire board is expected to discuss the timeline for closing Knightsen's station as well as which types of calls firefighters now might have to forgo.

One example is sightings of smoke; engines now might respond only if it's confirmed there's an actual fire, Henderson explained after the meeting.

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



# Big water buys to ease East Bay drought shortages

By Denis Cuff [dcuff@bayareanewsgroup.com](mailto:dcuff@bayareanewsgroup.com)

Posted: 04/27/2015 12:32:47 PM PDT Updated: about 4 hours ago

OAKLAND -- With one emergency water supply already flowing in, the East Bay's largest water district plans to buy three others to bolster its drought defenses.

The East Bay Municipal Utility District board on Tuesday will consider authorizing the purchase of up to 21,000 acre feet of water from three Northern California suppliers with water to spare. The purchase would amount to about a one-month to two-month supply for EBMUD's 1.3 million customers in Alameda and Contra Costa counties.

The three purchases before the board Tuesday would cost about \$25 million to buy and deliver from a pumping plant on the Sacramento River at Freeport south of Sacramento.



Evan Miller from Sandis unfurls a type of natural cardboard that will nourish the soil while killing the grass as part of a more drought-friendly landscape at Lafayette Square Park in Oakland, Calif., on Earth Day Wednesday, April 22, 2015. (Laura A. Oda)

"These purchases will help us stretch our supplies," EBMUD spokeswoman Abby Figueroa said. "If we have another dry year (for winter of 2015-2016), we will be facing a dire supply situation."

EBMUD plans to buy 10,000 acre feet from the Glenn-Colusa Irrigation District in Willows, 5,000 acre feet from the Sycamore Mutual Water Co. in Colusa and 6,000 acre feet from Reclamation District 1004 in Colusa.

The three suppliers along the Upper Sacramento River are in a farming area with so-called senior water rights, a legal designation that makes them less vulnerable to water cuts than most places in California.

The Glenn-Colusa Irrigation District has water available to sell to the East Bay because its rice farmers are fallowing some fields this year, said Thad Bettner, the district's general manager.

The irrigation district will share a portion of the water sales revenues with farmers who idle their fields, freeing up the water to sell to urban residents, he said.

EBMUD officials say water purchases from outside and conservation from within are cornerstones of the district's strategy to weather this drought year. They hope to line up a total of some 65,000 acre feet of emergency water supplies this year for \$55.8 million to provide a four-month supply as drought insurance.

The cost of the extra water would be covered by proposed higher drought water rates that EBMUD directors will discuss in a public hearing at 1:15 p.m. June 9 at district headquarters in Oakland.

Meanwhile, one emergency water supply already has begun flowing into the district's San Pablo Reservoir in Orinda and Upper San Leandro Reservoir near Moraga.

The district plans this year to take up to 33,250 acre feet of Sacramento River water that it has a federal contract to use in dry years.

Even with several emergency supplies, EBMUD officials said they still need to get customers to meet a district goal to cut overall water use by 20 percent from 2013 levels.

On Tuesday, the water board also will hold a public hearing on a proposal to charge excess use penalties to residential customers who consume more than 984 gallons a day.

Tuesday's meeting begins at 1:15 p.m. at EBMUD headquarters, 375 11th St., Oakland.

Contact Denis Cuff at 925-943-8267. Follow him at [Twitter.com/deniscuff](https://twitter.com/deniscuff)

#.

if you go What: East Bay Municipal Utility District board meeting

When: 1:15 p.m. Tuesday

Where: District headquarters, 375 11th St., Oakland

# EBMUD adopts penalty fees for excess users

By [Denis Cuff dcuff@bayareanewsgroup.com](mailto:dcuff@bayareanewsgroup.com)

Posted: 04/29/2015 07:01:29 AM PDT Updated: 20 min. ago

OAKLAND -- Shoring up its drought defenses, the East Bay's largest water agency approved penalties for excess water users Thursday and stiff fines for water thieves.

Effective July 1, the penalties for East Bay Municipal Utility District households using more than 984 gallons per day will have the biggest impact in hot areas with big yards such as Walnut Creek and Danville.

A household using 1,476 gallons a day would pay \$40 extra per month in penalties.

Homes will pay a penalty of \$2 per each unit (748 gallons) of use in excess of the 984-gallon unit.

The penalties were approved on a 6-1 vote. Water officials said the penalties will help EBMUD meet a districtwide goal of cutting water use 20 percent. The 984-gallon limit is about four times the use for the average district household.

John Coleman, the one board member opposed, said the penalties are unfair because they fail to recognize geographical differences in water use. People in hot Contra Costa areas with larger lots are more apt to be punished than residents of cool bayside communities with small yards and little landscaping, he said.

"I believe we need to take into account geography and square footage," said Coleman, who represents Central Contra Costa areas and the San Ramon Valley. "We are in a serious drought. The issue is how the penalty is applied."

To encourage saving, EBMUD also has proposed a 25 percent surcharge on water bills for its 1.3 million customers in Contra Costa and Alameda counties.

The district recently mailed out notices telling customers that EBMUD intends to adopt the surcharge unless more than 50 percent of customers protest in writing by 1:15 p.m. June 9 -- the time of a public hearing at district headquarters.

In a related move Tuesday, the board unanimously approved its first fines for water thieves who will be charged \$1,000 for the first offense, \$2,000 for the second and \$3,000 for the third.

In the past, the district has given verbal warnings to people who took water from fire hydrants or pipes without paying for it.

District officials said most of the water theft occurs in low-income areas where residents are turned off for lack of payment but then take it into their own hands to turn the service back on.

Some scofflaws even remove plugs that water district plumbers have installed in meters to block flows to offenders.

EBMUD officials said customers who remove plugs in meters will be assessed the theft penalties plus an additional \$2,667 fee to restore water service.

In another conservation move Tuesday, district officials said they are looking at offering cash rebates for customers to convert lawns to artificial turf.

The district is planning a pilot rebate program to pay 50 cents per square foot of lawn converted to artificial turf, up to a maximum of \$1,500.

For more than 20 years, the district has paid rebates to customers who convert lawn areas to drought-resistance landscaping.

Also, Tuesday, the EBMUD board unanimously authorized the purchase of up to 21,000 acre feet of water from three suppliers in an upper Sacramento River rice-growing area. The water will provide a one- to two-month supply for the district.

Total cost for the water is estimated at \$25 million, an amount to be paid for with the proposed EBMUD drought surcharge.

Contact Denis Cuff at 925-943-8267. Follow him at [Twitter.com/deniscuff](https://twitter.com/deniscuff).

# Pleasanton reconsiders planning for 1,300 new homes

By Denis Cuff [dcuff@bayareanewsgroup.com](mailto:dcuff@bayareanewsgroup.com)

Posted: 05/01/2015 05:43:23 PM PDT Updated: 4 days ago

PLEASANTON -- The drought may be drying up city leaders' interest in planning housing on Pleasanton's last major undeveloped parcel -- already a political hot potato in a slow growth city.

Facing residents' objections to considering up to 1,300 new homes amid water rationing, the City Council will consider May 19 whether to suspend planning on development options for 1,000 acres of former gravel quarry land in eastern Pleasanton.

On Dec. 16, the council voted 3-1 to continue preparing an environmental impact report on development options for the property north of Stanley Boulevard and along El Charro Road. Only Councilwoman Karla Brown voted to stop the planning.

But the drought didn't go away. Local residents have become more vocal in urging city leaders to halt planning of residential development in the area.

"The question is, does it make sense to continue building new homes if you don't have the water for them?" Mayor Jerry Thorne said. "I think we need to take another look at this and hear from the public whether we should put a hold on this."

Thorne and other council members agreed to hold a discussion May 19 on suspending the environmental assessment of options for the area in the so-called East Side Specific Plan area. A city advisory task force has helped to guide the process for two years.

Thorne said he is troubled the state continues to press cities to provide more low-income housing, yet has failed to build new reservoirs to store water for more residents.

"I think this drought is a lot worse than many people thought," he said, "and we just don't know when it will end."

Effective May 15, Pleasanton brings back stiff excess water use penalties for homes and businesses that fail to reduce use at least 25 percent below 2013 consumption.

Some Pleasanton residents opposed to housing in the old quarry area said they are pleased the council is considering a change in course.

"It makes no sense to jeopardize our water resources with 1,300 new homes," said Kelly Cousins, leader of the new Pleasanton Voters citizens group, which opposes development in the East Side area.

The group has helped stir public interest in the East Side area with a website, paper handouts and turnout at public meetings. About 100 people attended each of three recent meetings of the city task force studying development options.

Cousins said allowing 1,300 more homes would tax Pleasanton water supplies and schools and worsen traffic, air pollution and the town's charm.

She said she doesn't want the city to halt the planning temporarily, and then start it up again when the drought ends.

"This is a long-term issue," Cousins said, "and it won't go away when we get some rain."

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# Contra Costa Times editorial: It can take a long time to overcome voters distrust

Contra Costa Times editorial

Posted: 05/03/2015 09:00:00 AM PDT

When local government leaders irresponsibly seek excessive taxes, they lose the trust of the electorate and have a hard time getting it back.

That seems to be the lesson for all elected officials from last week's rejection of a special property assessment to help the East Contra Costa Fire District, which includes Brentwood, Oakley, Byron and Discovery Bay.

The vote means the district, which once operated eight fire stations and is now at four, must trim to three. Only nine people, plus a battalion chief, will be on duty to protect 105,000 residents spread over 249 square miles.

The rejected tax measure was reasonable, less than \$113 a year for most houses. We endorsed it, with reservations. But it was, by legal necessity, complicated. Moreover, voters apparently distrusted the district because of its overreach in 2012.

Residents' tax-aversion is understandable. Many live in newer communities, so they don't enjoy as large Proposition 13 tax breaks as those who have owned homes for decades.

Moreover, most newer developments were strapped with extra fees as a condition of construction. Homeowners pay extra for items such as landscaping, street lighting, park maintenance and "community facilities" fees. Those cost hundreds or thousands of dollars annually.

Against that backdrop, the fire district in 2012 proposed a \$197-per-parcel annual tax that would have escalated to \$257 over 10 years. That plan, which we opposed, demonstrated no fiscal discipline and failed to address soaring retirement costs. The tax required approval from two-thirds of voters but received just 44 percent support.

District directors and firefighters regrouped. Before proposing the latest measure, employees agreed to make larger contributions to their pensions, although the district still faces huge retirement benefit costs.

For this measure, district directors trimmed the proposed levy and sought to avoid the two-thirds voter-approval threshold. They switched the proposal from a simple tax on each parcel to an assessment district, in which fees are levied based on extra services each parcel supposedly receives and only property owners cast ballots. Votes are weighted in proportion to the fees on each property and majority approval is required.

That complexity probably turned off some voters. But the proposed levy was lower than the 2012 plan for most houses, the duration of five years was shorter, and the amount would not have increased during that time.

Approval by only 47 percent of the weighted vote last week suggests the district hasn't regained property owners' trust after the irresponsible 2012 plan.

The moral to public officials: Begin with a fiscally responsible plan the first time. Distrust takes a long time to wear off.



# The Modesto Bee

## Community Columns

May 4, 2015

### **Denny Jackman: Angry mayors must learn they represent us**

By Denny Jackman

It is easy to see, and thus understand, why folks are becoming more interested in urban development. The incredibly rich soils that surround most of our urban areas in Stanislaus County provide vivid distinction between areas of asphalt and food-growing land.

Much of this land has been nurtured by families generationally tied to many of us urbanites within our cities.

Since 1989, Modesto voters have been “advising” city councils on urban expansion. Only three times have councils gone against those votes, making Modesto one of the most densely populated cities in the Central Valley. That density is a good thing, considering Stanislaus County is one of the top 10 food producers in the United States. Agriculture is the gift that keeps on giving.

In 2008, while the irrational exuberance of sub-prime lending and liar loans nearly collapsed our financial markets and left many Valley homeowners “upside down” in value, voters in Stanislaus County took a stand. Nearly 70 percent said yes to farmland protection by directing housing into cities under county ballot Measure E.

Yet, some did not interpret that farmland protection had a role for our cities.

In January 2014, the Modesto City Council voted not to protect farmland, choosing to expand their urban plan onto prime ag land! What?

What is going on with piecemeal county projects outside of our city spheres of influence? Why not stay in areas already approved for urbanization by our Local Agency Formation Commission (LAFCO)?

And what is going on with most of the mayors within Stanislaus County?

In March, Hughson Mayor Matt Beekman joined Stanislaus County Supervisors Terry Withrow and Jim DeMartini to add guidelines to the fees developers must pay when farmland is lost to

residential development. Six of those mayors now want Beekman replaced on the commission because he did not “represent” their wishes.

Really? Shouldn't our mayors be representing *us*? How often, how loud must the public say “protect our best farmland” before our elected officials get the message?

Perhaps county and city representatives will hear the next public ballot message when, once again, the citizens vote in November on an urban limit line in Modesto that clearly protects our best farmland! Will county supervisors respect that line? We hope so.

Jackman is a charter member of the Farmland Working Group and a former Modesto City Council member.

# The Modesto Bee

## Letters to the Editor

May 4, 2015

### **Peter Sugia: Beekman did the right thing, regardless of mayors' objections**

The uproar over Matt Beekman's efforts to amend agricultural preservation policy through LAFCO comes as little surprise. It exposes the tension that will always exist between preservation, profits and short-term planning.

Responsible management of farmland is inconvenient to housing developers and those they influence in city government because it limits unrestrained growth. This amendment, approved by a majority of LAFCO commissioners on March 25, provides succinct guidelines toward funding farmland preservation those who choose not to purchase easements directly.

LAFCO is ethically and legally bound to develop and implement policies consistent with this objective. The objections of six mayors now calling for Beekman's resignation from the LAFCO board apparently represent a misunderstanding as to his role. His duty as commissioner is to uphold the legal guidelines and advocate for prudent land use policies. He is not, nor should he feel obliged to agree with the six mayors who appointed him though they stand opposed to his amendment. He is responsible to the citizens of Stanislaus County.

Kudos to Beekman for his hard work and perseverance in crafting the (amended) Agricultural Preservation Policy. Free enterprise created the sprawl we call Los Angeles. I appreciate LAFCO's efforts in promoting more responsible growth.

Peter Sugia, Hughson

Published **May 6th, 2015**

## Why Are the Station 46 Negotiations Taking So Long?

By *Nick Marnell*

Site of proposed fire station 46 at 1035 Lorinda Lane in Lafayette Photo A. ?Scheck

Some mergers take just months to complete, like the recent formation of the Kraft Heinz Company between Kraft Foods and ketchup maker H.J. Heinz. Some take longer. The Contra Costa County Fire Protection District board of directors in June authorized Fire Chief Jeff Carman to negotiate a contract with the Moraga-Orinda Fire District to build and operate fire station 46, a joint venture to replace MOFD's aging station 43 in north Orinda and ConFire's closed station 16 in western Lafayette. An agreement has yet to be reached.

Frustration with the station 46 negotiations boiled over at the April 20 Lafayette Emergency Services Task Force meeting. "Here we sit, after 18 months, with no fire station," said Jim Fajardo, task force member. "The taxes continue to be paid, our marbles are all in this basket. At what point do we go back to the initial suggestions, and not hold our breath waiting for this?"

"Our residents are asking us what is going on," said co-chair Traci Reilly, a Lafayette city council member. The city, unhappy with the closure of station 16, created the task force in 2013 to investigate alternative delivery of its fire and emergency medical service, and the initial options discussed included secession from ConFire and merging with MOFD. "All of us around the table are getting impatient," said task force member Peter Clark. "It doesn't seem to be that complex of a problem."

"From my perspective, it is complex," said Carman. "It's a 40-year, \$200 million contract, and you can't just pull one down from the shelf." He explained that in substance, both districts are in agreement with the deal, but language changes need to be resolved, because each lawyer sometimes writes language that is not agreeable to the other side. Carman used the example of purchasing new equipment.

What will the equipment be able to do, and who decides? He also pointed out that, since ConFire has agreed to pay half of the station 46 operating costs, what happens if MOFD's costs rise more than ConFire's? "We are trying to leave very little to the imagination," said the chief. "This isn't a competition. We just want to make sure our agencies and our customers are protected well into the future."

But Clark continued to push back. "It's a mathematical fact that every month this is delayed saves ConFire \$100,000," he said, referring to the estimated \$2 million annual operating cost of the station, which is to be split evenly between districts. "It doesn't save me anything," said Carman. "If I could get the station on the street tomorrow morning I've got the money to do it and I'm ready to go." Supervisor Candace Andersen confirmed that it wasn't about the money. "Absolutely not," she said. "My greatest priority as ConFire director is to get a fire station built in western Lafayette."

Also scrutinized was MOFD's performance. "There is significant opposition to this, from Orinda's point of view," said Orinda resident Richard Nelson. The grass roots Committee to Save Our Honey Hill Fire Station circulated a petition against building the new station, claiming that station 46 will increase response times in north Orinda.

"A total of 100 citizens have signed that petition," said MOFD director Steve Anderson. "Out of 7,000 voters, tell me, is that significant?" He said that the petition drive has not been a factor in holding up the merger; Carman confirmed that the drive has not stalled the ConFire efforts either.

MOFD Chief Stephen Healy acknowledged that the Honey Hill opposition has added to the amount of time he's had to spend on the agreement. "They've asked for a sophisticated analysis, which made for a lot more work than I thought," he said. "But I'm glad we did it." Healy hired a company to update a report on response times in the north Orinda area, and the report will be available to the public at upcoming station 46 workshops.

Though the firefighters' union initially balked at the staffing model proposed for station 46 Vince Wells, Local 1230 president, said that the union is not holding up the deal. "It's not us," he said. "We're anxiously awaiting to look at the contract ourselves. I don't know what the districts have put on paper."

Neither MOFD lead counsel John Bakker nor county counsel Sharon Anderson responded to a request seeking reasons for the delay in the negotiation. "I wouldn't really say it's delayed," said MOFD board president Alex Evans, whose division includes station 43. "I would say it's complicated and these things take a long time."

"If lawyers want to get something done they can work night and day to get it done," said Clark. Task force member Jim Cunha agreed. "Sending stuff back and forth can take an eternity," he said. "Did you ever think about everyone sitting down in the same room?" Carman said that in the next couple of weeks the lawyers, board representatives and chiefs plan to do that very thing.

Once a tentative agreement is negotiated, MOFD plans to conduct public meetings in Moraga and Orinda to explain the financial and operational details of the joint venture. When asked by the task force to confirm a date that a tentative agreement might be reached, Carman indicated June or July.

"This contract will outlast my tenure at ConFire and I don't want someone to inherit my mistakes," said Carman. "So while I recognize that this is moving slower than I'd hoped, I am confident that we are covering all our bases.

"It's moving at the pace it needs to move."

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## Moraga Town Center Developer Threatens MOFD

*By Nick Marnell*

Newport Beach-based City Ventures, LLC, developer of the proposed Moraga Town Center Homes project, warned the Moraga-Orinda Fire District that it will pursue "any and all relief that may be available" against the district if it continues to oppose the development, which is to be built on property adjacent to the district's training facility at fire station 41. In an April 8 letter from the company's law firm to the MOFD board and Fire Chief Stephen Healy, City Ventures accused the district of trying to intentionally devalue the property by raising illegitimate concerns about the project for the purpose of acquiring the property under eminent domain; the company said it viewed the district's actions as constituting an inverse condemnation of the property. "If the district wants to condemn the property then they should just go ahead and do it," said Charity Wagner, City Ventures' director of development.

"That is not the intent of MOFD," said Alex Evans, district board president.

MOFD has long been concerned about the compatibility of residential units built adjacent to its training facility. In a 2008 letter from district counsel regarding the Moraga Center Specific Plan, MOFD alerted the town that "The station's operation and noise may not be compatible with the proposed residential use."

The district again informed the town in 2014 of its concerns regarding the close proximity of the Town Center residential units to its training facility. MOFD cited noise during necessary night drills; water from fire hoses traveling across the property line; and privacy issues, since six of the proposed units have rear windows that face the training facility. The district also asked that a deed restriction be recorded on each home in the project, outlining and serving notice of the training facility activity and fire station operations.

In a letter to Moraga city manager Jill Keimach, district counsel said that MOFD has no intention of either acquiring any portion of the Town Center property or devaluing the property for purposes of acquiring it. At its April 29 meeting the MOFD board prepared a letter to the Moraga town council, stressing that the district remains opposed to the Town Center project because of the incompatibility with its training facility.

Director Fred Weil said that he favored structuring the letter around existing general plan policy.

"It's helpful to us, and it's going to be helpful to the council, to be able to look at a vision of the general plan and say, 'Does this project meet this policy statement?'" said Weil. "Grant the appeal if it doesn't meet it and go back and try again." Three Moraga residents, including one-time MOFD director Dick Olsen, filed an appeal against the Town Center project because, among other reasons, it did not conform to the Moraga General Plan. Their appeal, continued twice from Jan. 28, is to be heard May 13.

The board voted 4-0 in favor of presenting the letter to the town council at the May 13 council meeting, with Evans abstaining. "I don't completely agree with the board's position on this," he said. "But I'm not going to vote no and try to undermine it." He would not elaborate later on what specifically he didn't agree with. "I'm not going to get into that," said Evans, nor would he comment on why he opposed the board's action in general.

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# East Contra Costa Fire Protection District closes 2 fire stations

By Rowena Coetsee [rcoetsee@bayareanewsgroup.com](mailto:rcoetsee@bayareanewsgroup.com)

Posted: 05/05/2015 08:47:07 AM PDT Updated: about 19 hours ago

OAKLEY -- With hopes for a last-minute reprieve now dashed, the embattled East Contra Costa Fire Protection District has decided to close two stations permanently.

The nine-member board of directors voted unanimously Monday to shutter Knightsen's firehouse and make the temporary closure of another in Brentwood permanent, leaving three stations to cover a 249-square-mile area.

The closures will take effect Monday.

The action follows the April 27 defeat of a proposed benefit assessment that, although a temporary fix, would have generated an estimated \$4.2 million annually for five years.

People jammed Oakley's City Council chamber at the outset of the meeting, which was still going more than 3½ hours later as the board weighed the effect that the closures will have on response times. Speakers voiced dismay over the possible increase in losses of life and property, as well as skyrocketing home insurance premiums. Others predicted that home values would plummet and businesses that might have considered moving to the area now will reconsider.

The remaining stations -- in Oakley, Discovery Bay and a second in Brentwood -- will stay open not only because they're the most populous communities and consequently generate the most calls, but because serving them enables the district to cover the largest possible area, Chief Hugh Henderson said after the meeting.

In addition, their proximity to each other will make it possible for engines to respond to calls in other areas in roughly the same amount of time, he said.

But dropping to three stations will mean a loss of four positions, bringing the number of firefighters on the payroll to 27.

The district still will be able to put three men on an engine -- the count determines how safely and efficiently a crew works -- but now it only will be sending three engines to a structure fire.

To preserve its practice of dispatching five engines on a first response to a burning building, East Contra Costa Fire now will have to rely on outside agencies to provide the additional two -- or more if some of its engines already are tied up on another call.

And that means it will take longer for backup to arrive because those crews will be coming from outside the district.

In an effort to compensate for the cuts, the agency will be deciding which nonemergency calls it no longer will respond to, including requests for help with water leaks and carbon monoxide alarms, as well as investigating reports of smoke or odors. Medical cases that aren't life-threatening also might fall by the wayside.

A number of residents were worried about their insurance costs going up, which could happen if the ISO rating for their area increases.

ISO is an organization that evaluates fire risks on behalf of insurance companies, assessing communities on a scale of 1 to 10 with 1 being the best score.

Most of the district is rated 4 or 9, depending on property owners' proximity to fire hydrants and a station, Henderson said.

However, there are rural areas that are already a 10 -- Morgan Territory, parts of Byron and the northern end of Bethel Island, he said.

And closing stations will leave more people farther from help, which could earn their area the worst rating as well, he said.

Some in the audience suggested that the district talk with the county and the cities it serves to see if they'd be willing to help it pay for another station.

Henderson also mentioned the need to look into consolidating the district with Contra Costa County Fire District at some point.

Discovery Bay resident Lisa McBride was among several who asked the board to consider holding yet another election. She repeatedly apologized for failing to cast her ballot, saying it got lost in the shuffle of mail.

"Give us another chance. I guarantee you (that) you will raise the money," she said. "I guarantee they wouldn't vote it down this time."

Of the 38,529 ballots mailed to property owners, only 9,495 -- fewer than 25 percent -- were returned. Voters also rejected a parcel tax measure in 2012.

Oakley Mayor Doug Hardcastle blamed the election's outcome on people's failure to grasp the personal risks they face with only three fire stations, believing that they're immune from disaster.

"I think we've been let down by the electorate," he said.

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