



NOTICE AND AGENDA FOR REGULAR MEETING

DATE/TIME: Wednesday, August 12, 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.

August 12, 2015 CONTRA COSTA LAFCO AGENDA

1. Call to Order and Pledge of Allegiance
2. **Seating of LAFCO Special District Member Stan Caldwell**
3. Roll Call
4. Adoption of Agenda
5. Public Comment Period (please observe a three-minute time limit):
Members of the public are invited to address the Commission regarding any item that is not scheduled for discussion as part of this Agenda. No action will be taken by the Commission at this meeting as a result of items presented at this time.
6. Approval of Minutes for the July 8, 2015 regular LAFCO meeting
7. ***Informational Presentation – Diablo Water District – Drought Management Efforts***

SPHERE OF INFLUENCE/BOUNDARY CHANGES

8. ***LAFCO 09-07 - Laurel Place/Pleasant View Annexation to the City of Concord***: consider proposed annexation to City of Concord submitted by landowner petition of 5.86± acres (six parcels) including 4900/4924/4925 Laurel Drive, and 1844/1852/1860 Pleasant View Lane located in unincorporated Concord (Ayers Ranch island). Consider related actions under CEQA. ***Public Hearing***
9. ***LAFCO 14-05 –Reorganization 186 (Magee Ranch/Summerhill): Annexations to CCCSD and EBMUD*** - consider proposed reorganization submitted by CCCSD including annexations to CCCSD and EBMUD. The area comprises 410± acres (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 May 13, 2015 Meeting***

BUSINESS ITEMS

10. ***Agriculture & Open Space Preservation Policy and Workshop*** - receive summary of the July 8th workshop; provide direction to the Policies & Procedures Committee regarding policy development.
11. ***LAFCO Fee Schedule Update*** – consider proposed fee updates and increases. ***Public Hearing***
12. ***Special District Risk Management Authority (SDRMA) Board Election*** –consider voting for candidates for the 2016 SDRMA Board

CORRESPONDENCE

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

INFORMATIONAL ITEMS

14. Commissioner Comments and Announcements
15. Staff Announcements
 - CALAFCO Updates
 - Pending Projects
 - Newspaper Articles

ADJOURNMENT

Next regular LAFCO meeting – September 9, 2015 at 1:30 p.m.

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

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MINUTES OF MEETING

July 8, 2015

August 12, 2015
Agenda Item 6

Department of Conservation & Development Hearing Room
30 Muir Road, Martinez, CA

1. Chair Rob Schroder called the meeting to order at 12:00 noon.
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 Mike McGill and Alternate Igor Skaredoff (arrived for 1:00 workshop).

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 Blubaugh, second by Piepho, Commissioners, by a vote of 6-0, adopted the agenda.

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

NOES: none

ABSENT: Glover (M), Skaredoff (M)

ABSTAIN: none

5. Public Comments

Chris Lauritzen, representing Ironhorse Sanitary District, spoke on water reuse and the programs ISD has instituted, particularly for farmers in their district.

Vince Wells, Local 1230 President, provided an update of the situation with East Contra Costa FPD and statistics on services available during the month of June.

6. Approval of June 10, 2015 Meeting Minutes

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

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

NOES: none

ABSENT: Glover (M), Skaredoff (M)

ABSTAIN: none

7. 2nd Round EMS/Fire Municipal Service Review (MSR)/Sphere of Influence (SOI) Updates

The Executive Officer provided brief background on the Commissioners' decision to move forward as soon as possible with the EMS/Fire MSR. As directed, staff has developed an RFP and Scope of Work that focuses on three issues: 1) an update of the data presented in the 2009 MSR, 2) a review of auto and mutual aid agreements, and 3) a focus on East Contra Costa FPD and Rodeo Hercules FD and their interface with Contra Costa County FPD.

Following release of the LAFCO agenda packet, a letter was received from the Contra Costa County Executive Fire Chiefs expressing their concern about Commissioners' intent to review auto and mutual aid agreements, pointing out that LAFCO has no regulatory oversight for these agreements.

DRAFT

Commissioner McGill questioned why the CCC Executive Fire Chiefs are concerned about the review of these agreements.

Paige Meyer, San Ramon Valley FPD Chief and representing the CCC Executive Fire Chiefs, in return asked why LAFCO was focusing on these agreements when it has no regulatory oversight.

Commissioners acknowledged LAFCO's role regarding these agreements, and noted the importance of having a comprehensive understanding of the public services being provided.

Commissioners suggested that the consultant screening committee include a fire professional, a representative from labor, and a public manager.

Upon motion of Blubaugh, second by Piepho, Commissioners, by a vote of 6-0, to authorize the circulation of the RFP for the 2nd round EMS/Fire MSR and SOI updates; directed staff to include on the selection committee a) a fire professional, b) a representative of labor, and c) a management professional; and directed staff to return to the Commission with a recommended contract award in accordance with the proposed timeline.

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

At 12:20 p.m. the Chair recessed proceedings until the 1:00 p.m. Agriculture and Open Space Preservation Workshop.

8. Agriculture and Open Space Preservation Workshop

LAFCO Chair Schroder opened the workshop at 1:00 p.m. He welcomed those in attendance, explained the agenda for the afternoon, and announced the dates when the videotaped workshop would be broadcast over CCTV. It will also be available online at : http://contra-costa.granicus.com/MediaPlayer.php?publish_id=520b3718-2cb6-11e5-ab53-00219ba2f017.

Executive Officer Lou Ann Texeira asked those commissioners present to introduce themselves.

Session - What is LAFCO?

Commissioners Tatzin and Burke introduced the workshop with an overview of what LAFCO can and cannot do within the State law that defines and guides its work. One of LAFCO's primary purposes is to balance competing interests of development with preserving open space and prime agricultural lands. LAFCO law provides a number of tools for this, but it also encourages LAFCOs to develop their own policies that will reflect their particular counties.

Contra Costa LAFCO has researched LAFCO agricultural preservation policies, as well as open space policies, around the State. Commissioner Tatzin summarized a representative range, from simply restating the law to enhancing the annexation process, or adopting mitigation measures that directly protect agricultural and open space lands.

Session - Why should we care about ag and open space land?

Commissioner Blubaugh introduced Serena Unger, American Farmland Trust (AFT); John Kopchik, Director, Contra Costa County Department of Conservation and Development (DCD); Robert Doyle, East Bay Regional Park District (EBRPD); and Kathryn Lyddan, Brentwood Agricultural Land Trust (BALT).

Serena Unger provided statistics on California farmland lost in the past 30 years: with 1.4 million acres removed from farming in that time, 79% of conversions was to urban use, and 47% was from prime farmland. In Contra Costa County, from 1990 to 2008, 19% of all cropland acreage was lost, and 37% of prime farmland was converted to urban use. Ms. Unger urged LAFCO to follow the recommendation of the Commission on Local Governance for the 21st Century, which states that

“LAFCO must consider urban limit lines, densities, in-fill opportunities, and regional growth goals and policies, and create a strong policy to protect agricultural lands, with the use of mitigation measures, creation of buffer areas, and reduction of city SOIs.” Further, she laid out the consequences of a weak policy: land speculation, reduced food production, decreased ecosystem protection and resiliency to climate change, and missed opportunities to invest in our great urban areas.

John Kopchik explained the State biennial map of important farmland (projected), modified with the County’s Urban Limit Line (ULL), which is one of the County’s main tools for protecting agricultural and open space lands. The various greens designate the kinds of farmlands (prime farmland, farmland of statewide importance, unique farmland, farmland of local importance, grazing lands, etc.), and the State definitions do not match LAFCO definitions. For instance, “prime” farmland, per the State, has much to do with the quality of the soil. The lightest shade of green shows grazing lands, encompassing a variety of areas including open space and parkland. In addition to the ULL, the County has also added the urban growth boundaries of three cities that have chosen to adopt their own, and the East Contra Costa County Habitat Conservation Plan (ECCCCHCP) boundary. A primary role for the DCD is to keep an eye on the ULL; the department staff can’t approve changes of use from agriculture to urban without approval from voters (for anything over 30 acres) or from the Board of Supervisors (under 30 acres). The DCD also has General Plan designations, zoning, etc., to preserve land. To change use, one would have to change all three designations: zoning, General Plan, and ULL.

Mr. Kopchik stated that open space designations for land use are rarely used. The County works collaboratively on watershed areas with other agencies and the community to protect lands on a primarily voluntary coordinated resource management basis. The County also implements the Williamson Act tax incentive program, which provides tax breaks to landowners who agree to not develop their agricultural land for a period of 10 years. The State used to reimburse counties for the lost tax revenues; this is no longer the case. Acquisition of land and easements, paid for with local tax measures, state grants, bonds, etc., is also generated by mitigation measures. Many agencies on a state or federal level require the setting aside of lands for agricultural or open space preservation at various rates, either on-site or off-site; State Fish & Wildlife, for instance, starts at a rate of 3:1. This can be contentious, as these requirements are often imposed after local approval has been granted. The County, Clayton, Brentwood, Pittsburg, and Oakley have joined together to establish the ECCCCHCP, which provides a “one-stop” process for mitigating land use. Developers can either provide land at the approved ratio or an in-lieu fee, which can then be pooled with other funds to purchase lands to protect wildlife corridors. Since the plan was approved in 2007, it has resulted in the preservation of about 12,000 acres of land and streamlined processing of about 60 projects, including transportation and other important projects. The primary purpose is to protect habitat land, which in most cases is agricultural land also. The City of Brentwood also has an agricultural impact program, which requires developers to pay a fee to mitigate the development of cultivated agricultural land. At this point the County does not have a program for mitigating protection of agricultural land in the same way that it does for habitat land.

Robert Doyle, EBRPD General Manager, provided some background on the district, which was formed in 1934; Contra Costa County became a part of the district in 1964. Today the district has about 120,000 acres, with about 50,000 in this county—almost all of this district’s land was purchased. Without any land use or zoning authority, EBRPD is the largest regional park district in the United States, and one of the largest permanently protected open space recreation areas in the U.S. The district is one of the largest grazing areas in the East Bay, and it spends millions of dollars on fencing and infrastructure meant to keep people and cattle separate and safe. A primary reason for grazing on park lands is fire prevention, which incidentally can also be vital to endangered species management. EBRPD is a critical part of ecosystem services and the protection of watersheds. Twenty years of studies in the district parklands have shown that grazing can be important to the preservation of endangered species, with good management of amount, type, and timing of grazing (adaptive

management). Cattle grazing has preserved some of the most scenic land in the East Bay. The value of open space is measurable in many ways, including economically, historically, agriculturally, and culturally.

Kathryn Lyddan, BALT Executive Director, noted that there are 12,000 acres of contiguous, prime, irrigated farmland in East Contra Costa County that produce tremendous diversity and volume of fruits and vegetables that feed the Bay Area and far beyond. In addition to prime soil, the area has a Mediterranean climate and year-round growing season, along with very senior water rights (although the ongoing drought is affecting these advantages). Contra Costa County agriculture is not small; it's a robust industry that contributes significantly to our economy. For instance, about 3500 acres of sweet corn are grown in the Brentwood area; between Memorial Day and Labor Day about 1.5 million boxes of sweet corn are produced (a \$14 million crop, a conservative estimate). We are still learning about the benefits that "urban edge" farming provides: urban development generates about 70 times more greenhouse emissions than irrigated agriculture. The State of California is now using cap and trade funds to fund farmland preservation.

Ms. Lyddan stated that two things to protect agricultural resources include: 1) strong legislation and land use policy; and 2) strategic farmland conservation. There are some good local land use policies in place, but we must do more, and there are things LAFCO can do. BALT enters into voluntary agreements called conservation easements, where farmers are paid to relinquish their development rights in perpetuity. In addition to the preservation of farmland, there are other benefits: the conservation easements bring the value of adjacent land back down to farmland value (rather than speculative development value) and enables the farmer to purchase it for further farming. Because they're paid for their conservation easements, farmers also have funds to purchase more land, buy out family members who are not interested in farming, etc. Unfortunately, BALT has a list of farmers willing to enter into conservation easements, but it does not have the funds to do this. There are some state and federal funds, but they all require at least a 50% local match, which BALT at this time does not have. There is currently no requirement to protect this land (except in Brentwood), and no requirement for mitigating the loss of agricultural land.

Ms. Lyddan's suggestions for LAFCO would be to consider adopting a countywide mitigation program that would fund the permanent protection of farmland, and mitigate for the cumulative impacts that urban encroachment have on the agricultural industry, and work with the County, the City of Brentwood, and the agricultural community to come up with a comprehensive strategic plan for how to protect the agricultural economy.

Session - Agriculture in Contra Costa County

Commissioner Piepho introduced Chad Godoy, Contra Costa County Agriculture Commissioner; Nancy Schaefer, California Rangeland Trust (CRT); and Barbara Cecchini, Contra Costa County Farm Bureau (CCCFB).

Chad Godoy spoke about the strong agricultural community in the County; these are not large conglomerates, but rather they are your neighbors. In this county you can know your farmer. Agriculture is at the brink in this county; if it gets much smaller it could be in trouble. The gross value of the agricultural industry in this county is around \$120 million, with only 30,000 acres of prime farmland in the eastern part of the County. History has shown that once agriculture is gone it won't come back. There is a need for a strong mitigation policy through LAFCO and partnerships with different land trust agencies in the County.

Commissioner Piepho congratulated the City of Brentwood for its strong mitigation policy.

Nancy Schaefer provided brief background on the CRT, a statewide land trust formed in 1998 by ranchers, part of California Cattlemen's Association, as an opportunity to help ranchers who wanted to stay on their land by selling or donating conservation easements. The CRT recently completed a rangeland mapping project for the Bay Area (10 counties including Santa Cruz), and found that there

are 1.9 million acres of rangeland, and 1.2 million are in private hands. There are numerous ecosystem benefits from ranching, including local food production, crop pollination, and carbon sequestration. Challenges faced by ranchers are uncertainty with the Williamson Act and loss of grazing land to urban development as well as through sales to public lands (EBRPD is great, but the State parks system and other agencies are not as helpful). Seventy-five percent of ranchers have one or more leases on public lands—although short-term leases can be problematic in preventing long-term planning for the future. The lack of funding for easements is a problem. Succession planning can be difficult without these easements. Ms. Schaefer urged the use of conservation easement purchases as opposed to fee purchases.

Ms. Schaefer encouraged LAFCO to use the Conservation Lands Network Explorer at bayarealands.org, which provides an online mapping tool that shows a host of ecosystem information about parcels being proposed for annexation. The California Rangeland Conservation Coalition did a priority conservation plan for rangelands that includes the County.

Commissioner Piepho referred to comments provided by Jeff Wiedemann, a rancher in the County, who stated that LAFCO can acknowledge the importance of privately owned, privately managed, economically sustainable units of ag farmland; look at zoning laws to ensure protection of economy not just the land itself; help dispel the myths about agriculture. Most of the world's land is not arable, but it is grazable.

Barbara Cecchini, CCCFB, spoke about the farming history of her husband's family farm (1,155 acres next to Discovery Bay) and the changes the family business has gone through since the early 1930s. A number of local farmers' children are now returning to the area to farm. Her daughter has begun a nonprofit community farming operation, which after a slow start teamed up with Worldwide Opportunities on Organic Farms (WOOF) to train young people to farm. This is evolving into an "incubator" program that will ultimately set young people up to build their own farming and retail businesses. Agriculture in the eastern part of the County is a bit different; conventional and organic farmers are working together. The public needs to be better educated about the farming that already exists in the area they're moving to, as agriculture does need to be preserved. There are a lot of interesting new ideas out there, and LAFCO can be on the cutting edge.

Commissioner Piepho pointed out that the ECCCHCP and the Brentwood Agricultural Land Trust both work on a voluntary basis, which is important. The County "Ag Core" between Brentwood and Discovery Bay was designated in the late 1980s. But the designation was restrictive and the current uses didn't meet the needs of the farming community so the Board of Supervisors worked hard with the community to allow more commercial uses of the land in support of the farmers' operations.

Session - Open Space in Contra Costa County

Commissioner Skaredoff prefaced by noting the number of projects that the Contra Costa County Resource Conservation District, is involved in. He then introduced Joel Devalcourt, Greenbelt Alliance (GA); Seth Adams, Save Mt. Diablo (SMD), and Dick Schneider, Sierra Club (SC).

Joel Devalcourt, GA, asked attendees to go to the LAFCO website to see the maps that Greenbelt Alliance provided. As a small business owner, he is enjoying working with the farmers. He listed the benefits of agriculture in the County: economic (\$120 million in the County, just a portion of a multibillion industry in the Bay Area); health (produce at farmers' markets and in local grocery stores, parks and trails throughout the County); livability (proximity to open space); and habitat conservation. Contra Costa County alone has the greatest amount of at risk land in the Bay Area—18,000 acres are at risk of development within the next 10 years; double that amount in 30 years. The housing market is booming, development pressure is intense.

Mr. Devalcourt reminded attendees that this workshop is in line with what is happening around the State. In the Bay Area, "Plan Bay Area" will keep new growth within the urban growth boundaries (in this county the ULL). Nearly 80% of new homes will be built in urban areas, and 60% of the new

jobs will be within walking distance of public transit. Jurisdictions that do infill development will be rewarded through working within this program. Priority conservation areas have been identified around the County; we have all of the information, now we just have to work out the details. The County ULL has been well established, and to date has not been broken, but everyone must be vigilant. Keeping sprawl speculation to a minimum is critical; two ballot measures in Brentwood failed, thanks to voters standing with the agricultural industry in fighting them. There is no political momentum to break the ULL, due to the amount of money that it takes to put into such ballot measures, and the difficulty of an annexation that is undesirable to the voters. Housing market is focusing on infill development, which is something many people want.

Mr. Devalcourt listed some vision opportunities that he suggested LAFCO keep in mind: recognizing the ULL, their viability and importance; recognizing the importance of regional and state goals for smart planning and growth management; recognizing the value of infill development and the positive impacts for agriculture and open space. Policy opportunities include: pursuing a maximum feasible ag and open space mitigation policy; having a way to determine the reasons why LAFCO is being asked to annex important farmland and open space; doing buffering policy; and looking at the ways farmers can continue to farm in the County with conservation easements and other programs.

Dick Schneider, SC, has been primarily involved in open space issues in Alameda County; that county now has only about 3,000 acres of prime farmland left (as compared to Contra Costa's 30,000 acres). Contra Costa LAFCO has a choice. Mr. Schneider stated that he hopes the process would be more successful than that at Alameda LAFCO. By State law, the open space element is one of the seven required in every county and city general plan, and the State's policy is that open space must be preserved. Urban growth boundaries are the most important way to protect open land, and developers have been unable to break them. Mr. Schneider urged this LAFCO to respect the ULL as much as possible and do nothing in its policies to weaken it. The most significant non-urban threat is "rural ranchette" developments, which divide up land into 5-acre or 10-acre parcels; these are not viable agricultural areas, and they reduce the remaining area's infrastructure and its ability to stay in the farming business. To the extent that LAFCO has a role in this, it should make sure that fragmentation of agricultural land doesn't occur.

Mr. Schneider noted that 1:1 mitigation means that you're losing half of the remaining agricultural land; this is insufficient. This county has a 65:35 preservation standard, implying a 2:1 mitigation ratio. With the ECCCHCP, the wildlife agencies' mitigation ratio for habitat land is 3:1 or 3.5:1. He urges a minimum of 2:1. Contra Costa County is the seventh most densely populated county in the state, so with this much pressure, LAFCO has to do even more to protect what is left.

Mr. Schneider urged caution with the use of in-lieu fees for mitigation of loss of land, because sometimes those fees never get spent. It can be just like affordable housing in-lieu fees, which often do not get spent to build enough affordable housing. In this county, there are appropriate organizations to handle protection of land, so LAFCO would be wise to look at the standards of land trusts.

Finally, he urged LAFCO to be wary of distinguishing open space land between inside and outside the ULL as far as its importance to the people who live nearby for preservation.

Seth Adams, Lands Conservation Director for SMD, noted that his organization, since its establishment in 1972, has grown from 6,800 acres to 110,000 acres of preserved land around Mt. Diablo. He provided background on SMD's work. While he claims no expertise in agriculture, he knows that we have lost a quarter of agricultural land in the last 20 years. There are about 200,000 acres left of open space land, most of it grazing land and some high-quality farmland. When Mr. Adams began doing this work 30 years ago, Contra Costa and Alameda counties were in last place in the nine Bay Area counties in terms of open space preservation. They are now in 5th and 6th place. With 25% developed, 25% protected, there is still 50% in the middle that lies in the balance. Not all of it has to be protected or developed, but how you keep protection in place longer term is what we are discussing.

Challenges: high land values; development pressures; mixture of city and county policies that are somewhat effective in some places and not very effective in other places; and generally, conflict between tremendously high resource values and high pressure against those resources from various entities.

Contra Costa County's minimum agricultural lot size is 5 acres, which is not agriculturally viable, especially without secure water sources. In Tassajara Valley, the minimum acreage is 80 based on water shortages, which is still not viable; it's mainly grazing land. In eastern Alameda County the minimum agricultural lot size is 160 and 320 acres.

Over the past 30 years, urban growth boundaries have been established, and strengthened, and the bottom line now is that the public is supportive of agriculture and open space and suspicious of development. Eastern Alameda and Contra Costa Counties, according to a map of endangered species created by The Nature Conservancy, represent one of three "hot spots" for endangered species in the State of California. The ECCCHCP was a model designed to streamline processes for developers while also protecting habitat for endangered species, thereby eliminating potential endless rounds of lawsuits delaying development and economic growth. Rational agricultural mitigation measures will be needed for this area, and LAFCO has a role to play in this.

LAFCO has an opportunity to look at mitigation ratios, ranges of ratios, incentives and timing (should there be an incentive for strengthening the ULL by preserving land adjacent to it?—i.e., apply high mitigation ratios in general, but perhaps a lower ratio for preservation right along the ULL), this should be applied to both prime ag and grazing lands. All of these efforts require matching funds, and if you have locally generated funds, more matches will come. In the absence of strong policies, SMD will continue to do ballot box planning, which is disruptive and less effective, and wants to encourage LAFCO to work on this process.

Session - Collaboration and Smart Growth

Commissioner McGill stated that LAFCO is charged with "orderly growth," including housing growth, industrial growth, and adequate services. There is an issue of "birth over death," and whether we like it or not there is growth coming at us. He introduced Kristin Connelly, President and CEO of both East Bay Leadership Council (EBLC) and Contra Costa Economic Partnership (CCEP); Heather Schiffman, Government Affairs Director of Contra Costa Association of Realtors (CCAR); and Lisa Vorderbrueggen, East Bay Executive Director for Government Affairs for the Building Industry Association of the Bay Area (BIA).

Lisa Vorderbrueggen, BIA, stated that the BIA supports adoption of a simple agricultural preservation policy within the context of LAFCO's broad responsibility, as outlined in the CKH law to balance the competing interests of growth/development and preserving ag land/open space. Relatively speaking, we don't have an agricultural crisis, we have a housing crisis. According to the California Important Farmland Monitoring and Mapping Program, between 2000 and 2012, Contra Costa County had a net loss of 3% farming acreage. Under "Plan Bay Area" projections, the County should have built since January 1, 2011 an additional 12,000 housing units to accommodate an estimated 18,030 workers. The County is nearly 900% ahead of job projections, but lags 56.7% behind its housing goals. The lack of affordable housing is hurting our children and their educational opportunities and potential.

Ms. Vorderbrueggen stated that LAFCO actually needs a housing policy. Agencies need to make it easier for developers to build housing inside the ULL. There needs to be an in-depth analysis of water supplies. CKH prohibits LAFCOs from imposing any conditions that would directly regulate land use or infringe on land use policy. The development community simply wants to build housing where people want to live. We need to make it easier for this to happen so that we can protect open space.

Kristin Connelly, EBLC/CCEP, recognized the number of EBLC members in the room. The EBLC represents over 300 employers of all sizes and purposes. Agriculture and food processing are in the top five of the County's economic sectors. The EBLC is looking at how the ag business is doing in the East Bay. Housing is one of the factors that EBLC focuses on, and she echoes Ms. Vorderbrueggen's comments about needing to build housing within the ULL and protect farmlands as well.

Heather Schiffman stated that CCAR represents realtors in western and central County (about 3,800 members). She also agrees with Ms. Vorderbrueggen's statements about housing needs. House are on the market for no more than 35 days. They are hearing from more people who want mixed-use housing, near transit and commercial hubs. Basically, they need more housing inventory. Residents want an outdoors experience as well as proximity to public transportation.

Question and Answer Period

Commissioner Burke asked for questions; some questions were submitted in writing.

Q: What is being done to help farmers find affordable water? If there's no water, does that mean selling the land to developers?

A: Kathryn Lyddan, BALT, explained that in East Contra Costa County, farmers have senior water rights, which have never been curtailed until this year's extreme drought. The irrigation districts are now purchasing water from other districts.

Q: What are the differences in the challenges crop growers vs. ranchers face that create pressure to develop? Are there differences in the needed policy or programmatic solutions for each constituency?

A: Chad Godoy, County Agriculture Commissioner, noted that growers have had the land in their possession longer, constantly cultivating the land. Ranchers use land differently, leasing range land and not necessarily owning it, but if it's up in the hills it may be desirable for development.

Nancy Schaefer responded that for ranchers, converting range land to almonds can be quite lucrative, and cultivated agriculture can actually be a threat to range land, especially that which is leased.

Q: Is there any way to develop funding for land trusts via some kind of special district designation?

A: Kathryn Lyddan responded that the Bay Area has protected a million acres of open space and habitat through bonds. She believes this is a matter of educating the public and the voters at the State, regional, and local levels.

Seth Adams stated that as these efforts have evolved, they are seeing many more collaborative efforts for funding for preservation efforts.

Joel Devalcourt stated that the priority conservation area framework is a big tool for funding.

Kathryn Lyddan applied for and received priority conservation area funding—but it required a 75% match, and they ultimately couldn't access federal funding because of that requirement.

Nancy Schaefer pointed out that open space provides value for flood control and groundwater recharging, so they're also looking for funding in that direction.

Q: Does vertical farming fit into the strategy to protect production of crops and ag and open space lands?

Q: What is LAFCO's perspective on urban agriculture given the urban heat island effect?

A: Serena Unger responded that the rise of urban agriculture is great, but its greatest value is in educating urban city dwellers on what it's like to grow food and how challenging it is to grow lots of food on a little bit of land. It may also have some effect on reducing the heat island effect.

Kathryn Lyddan stated that while this is encouraging, it's a little different from the ag land preservation issue we're discussing here; but in this county it has some really interesting applications—for instance, with the revitalization of the northern waterfront, this could be a place where controlled environment/ vertical/greenhouse agriculture businesses could be a really important new sort of business source for those post-industrial areas.

Q: Have you observed patterns in the occurrences that precipitate the conversion of ag land to development (e.g., inheritance, estate taxes, loss of Williamson Act contracts, changes in land lease requirements, etc.)?

A: John Kopchik stated that all of those things can create a desire to sell farmland, but if it's outside the ULL and without urban services, it's difficult to do that.

Nancy Schaefer spoke on the family succession planning problem, where families don't look ahead and the successors get hit with high estate taxes and have to sell part or all of the property. Conservation easements are part of the answer.

Seth Adams noted that voluntary mitigation funds provide landowners with flexibility when they most need it.

Serena Unger concurred, and noted that the biggest threat is when the ag land is adjacent to a city (and inside of a sphere of influence). Reducing spheres and creating mitigation programs are the best way to reduce the threat to ag land in these critical areas.

Q: Would a project in Brentwood pay a Habitat Conservation Plan fee (assuming it's row-crop land converting to housing)? If yes, are the fees designated for acquiring row crop ground?

A: John Kopchik responded that yes, the project would pay two fees: one habitat mitigation fee to the HCP and one ag mitigation fee to the City of Brentwood.

Q: Does LAFCO make recommendations on collaboration with farmers to increase ecosystem services?

No one could explain what they meant by this question, so it was not answered.

Commissioner Burke opened the floor to further questions.

Q: Rob Kingsbury has a permaculture farm in the foothills of Mt. Diablo, near Clayton; he has moved here from Seattle where he was a member of Puget Consumers Co-op, a profitable food service cooperative, which purchases farmland and helps educate farmers to “bring food to the plate.” He asked - Is there a way for everyone here to come together and create a sustainable community? We have a lot of cultural power here; how can we better come together and solve these far-reaching issues? Contra Costa County should be able to raise its own food, and save ag land, and deal with health and education.

A: Kathryn Lyddan responded that there is now a Contra Costa Food System Alliance, and they would love to have Mr. Kingsbury join.

Q: [Unidentified Speaker] thanked everyone for a good workshop. Heard a lot of great ideas, with mitigation outstanding in maintaining our agriculture community. That's important for protecting farmland, but what about policies that help protect farmers? The economic realities for farmers still pressure them to convert land to development. What else can LAFCO do to address this?

A: Seth Adams stated that this is something we've been addressing all day, and it will continue to be a part of the discussion.

John Kopchik responded that the County and cities have spent time looking at industrial development, and ag economic development opportunities are now being studied as well.

Q: Ben Wallace, Contra Costa RCD Executive Director, referring to the issue of growth: It looks as if there's some openness to looking at improving infill development—can LAFCO do anything to help this?

A: Commissioner Burke responded to this question by stating that LAFCO can impose conditions on annexation proposals, requiring the city to develop infill areas before new land can be annexed.

Q: Serena Unger added that if we want to make infill more desirable, can LAFCO streamline the process for this?

A: Executive Officer Teixeira responded that when LAFCO does its city municipal service reviews, it requests that cities provide analyses of vacant and underused land. That information can be used by LAFCO when a city comes to annex land on the edge of the city or to expand its SOI.

Q: Ben Wallace's second question: There are twice again as many acres of farmland in the Delta, which are very different lands but a huge part of the agricultural industry. Will LAFCO address this as a special circumstance?

A: Commissioner Piepho noted that we already have, through the Delta Reform Act, primary and secondary zones with special land use protections for the most important and sensitive lands around the Delta. The levee issue is an extremely political piece of the discussion. Reclamation districts do tremendous work to help maintain and restore the levee structure not only for ag protection but also surrounding community protection. Levees are being discussed at a very high level—not just local and regional, but also state and federal levels.

Next steps

Commissioner Tatzin thanked all of the presenters for their participation in this workshop; they have provided more and higher quality information than they expected; and he thanked the staff for their work on this. First, LAFCO will have to digest all the information received today, along with that gathered in the process of putting this workshop together.

The first question to be addressed is: Does LAFCO want an agriculture and open space policy at all? It doesn't have one at this time. Many counties do, some do not.

If we say "yes," a series of questions cascade from that: What do we want to protect, how do we want to protect it? After further discussion in regular meetings, we'll come back with a draft policy that will again be open for public discussion. Mr. Tatzin predicted that the final policy will most likely come up for public review and approval in 2016. All LAFCO meetings are open to the public; they begin at 1:30 p.m. in the Board of Supervisors Chamber at 651 Pine Street. Our agendas are published on our website with all supporting materials. Also, materials from this ag workshop are available on the Contra Costa LAFCO website.

Chair Schroder thanked everyone for their work on and their participation in the workshop, and adjourned the meeting.

The workshop and the LAFCO meeting adjourned at 4:35 p.m.

Final Minutes Approved by the Commission August 12, 2015.

AYES:

NOES:

ABSTAIN:

ABSENT:

By _____
Executive Officer



Lou Ann Teixeira
Executive Officer

MEMBERS

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

ALTERNATE MEMBERS

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

August 12, 2015
Agenda Item 7

August 12, 2015 (Agenda)

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

Informational Presentation – Diablo Water District

Dear Members of the Commission:

This is the third in a series of presentations from local agencies in Contra Costa County regarding their drought management efforts.

We previously heard from Contra Costa Water District and the East Bay Municipal Utility District. Today, we are pleased to welcome Mike Yeraka, P.E., General Manager, Diablo Water District (DWD).

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

August 12, 2015 (Agenda)

August 12, 2015
Agenda Item 8

LAFCO 09-07 Laurel Place/Pleasant View Annexation to the City of Concord
PROPOSERS Curt Blomstrand, Lenox Homes – landowner/petitioner

ACREAGE &
LOCATION Approximately 5.86± acres located on Laurel Drive and Pleasant View Lane in unincorporated Concord (Ayers Ranch) – see map (Attachment 1)

PURPOSE Provide municipal services to the property. The Commission will also consider the corresponding detachment of the subject territory from County Service Area (CSA) P-6.

SYNOPSIS

One of the property owners has petitioned LAFCO to annex the properties to the City of Concord.

In 2007, the City requested approval from LAFCO to extend sewer service to the Laurel Drive properties through an out of agency service agreement. LAFCO approved the out of agency service agreement conditioned upon the properties, along with the intervening parcels on Pleasant View Lane, being annexed to the City.

The properties proposed for annexation are located in the Ayres Ranch area, which is an unincorporated island, completely surrounded by the City of Concord. LAFCO encourages the City of Concord to annex this island to provide for a logical boundary, enhance service efficiency, and for other reasons as set forth in the CKH Act. The island issue was also discussed in several LAFCO Municipal Service Reviews.

Since 2008, LAFCO staff has participated in numerous meetings with City of Concord and County staff, residents, developers and representatives from County Supervisor, District IV office to discuss annexation of the entire island. These discussions are ongoing. However, the subject annexation (LAFCO 09-07) has been deemed complete and is presented for the Commission's consideration.

DISCUSSION

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

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

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

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

The annexation area consists of 13 residential lots. Eight of the lots comprise Laurel Place Subdivision ("Laurel Place lots"); the other five lots are owned by other parties ("other lots"). The 8-lot Laurel Place subdivision was approved by the County, is built and occupied. The 4-lot subdivision on Pleasant View Lane is approved by County, the final map is approved; however, there is no grading or construction at this time. The other property on Pleasant View Lane contains a single-family residential unit; no additional construction is proposed on this property at this time.

The County General Plan designates the Laurel Place lots as Single Family Residential Low Density (1.0 – 2.9 dwelling units/acre), and the other lots as Single Family Residential High Density (5.0 – 7.2 dwelling units/acre). County zoning includes R-15 (15,000 sq. ft. minimum lot size) for the Laurel Place lots, and R-10 (10,000 minimum sq. ft. lot size) for the other lots.

The City of Concord General Plan designates the Laurel Place lots as Rural Residential (>2.5 dwelling units/acre), and the other lots as Low Density Residential (2.5 – 10 dwelling units/acre.). City zoning designates the Laurel Place lots as PR 20 (a "pre-zoning" designation for the City's R-20 category – 20,000 sq. ft. minimum lot size), and PR-10 for the other lots (10,000 sq. ft. minimum lot size). No change in land use is proposed.

The landowners in the annexation area have existing/pending projects and permits within the County. Should LAFCO approve the annexation, the landowners request that LAFCO defer recording the annexation until the existing/pending projects are complete.

Surrounding land uses include single family low density residential to the east and north, and single family high density residential to the west and south.

The current and proposed uses are consistent with the City's land use and rezoning designations.

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

The properties proposed for annexation contain no prime farmland or land covered under Williamson Act Land Conservation agreements.

4. Topography, Natural Features and Drainage Basins:

The site and surrounding areas are generally flat with no significant natural features.

5. Population:

Pursuant to the CKH Act, the proposal territory is inhabited as it contains 12 or more registered voters. There is a potential to develop the "other lots" and add up to eight single

family residential dwelling units, resulting in an estimated population increase of 22± persons based on City of Concord growth projections.

6. Fair Share of Regional Housing:

Pursuant to §56668 of the CKH Act, LAFCO must consider in the review of a proposal the extent to which the proposal will assist the receiving entity in achieving its fair share of the regional housing needs as determined by the regional council of governments. The proposed annexation will have minimal effect on regional housing needs.

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

In accordance with Government Code §56653, if a proposal for a change of organization or reorganization is submitted, the applicant shall also submit a plan for providing services within the affected territory. The plan shall include all of the following information and any additional information required by the Commission or the LAFCO Executive Officer:

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

The "Plan for Providing Services within the Affected Territory," has been provided. The properties proposed for annexation are served by various local agencies including, but not limited to, Contra Costa County Fire Protection District and Contra Costa Water District (CCWD). Upon annexation, the City of Concord will provide City services to properties. The City indicates that it is able and willing to serve the property. The level and range of services will be similar to those provided by the City and to similar properties currently within the City's boundaries. Costs associated with serving the site will be borne by the City.

The area proposed for annexation is currently within the countywide police services district: County Service Area (CSA) P-6. Previously, state law provided that once property was annexed to a city it was automatically detached from a CSA. Subsequently, the law was modified and now requires LAFCO to specify whether or not the annexation area is to be detached from a CSA. Typically when an area is annexed to a city, it is detached from a CSA, as the County no longer provides service, and the city assumes the provision of municipal services. Thus, it is recommended that if the annexation is approved, the subject territory be detached from CSA P-6. The effect of the detachment will result in the CSA's allocation of ad valorem property tax (1%) being transferred from the County to the City following annexation, and the P-6 special assessment will cease. Further, the City and County have agreed to use the master tax sharing agreement for this annexation.

8. Timely Availability of Water and Related Issues:

The area proposed for annexation is within the boundaries of CCWD, which provides wholesale and retail water, and serves an area of 220± square miles and over 500,000 people. Water service includes production, distribution, retail, treatment, recycling and conservation services. The District's primary source of water supply is the United States Bureau of Reclamation's Central Valley Project. The District indicates it is able and willing to serve the properties proposed for annexation.

9. Assessed Value, Tax Rates and Indebtedness:

The annexation area is within tax rate area 79036. The total assessed value is \$5,517,668 (land value \$3,115,839) based on the 2015-16 roll. The territory being annexed shall be liable for all authorized or existing taxes comparable to properties presently within the annexing agencies.

10. Environmental Impact of the Proposal:

In November 2006, Contra Costa County, as Lead Agency, adopted an Initial Study and Mitigated Negative Declaration (MND) in conjunction with the eight-lot subdivision and associated rezoning of the property, construction of a private road and trail, and the extension of a sewer line across a creek. The applicant subsequently reconfigured and revised the sewer plan to connect to the City of Concord's sewer system, to avoid the creek, and to include adjacent properties.

The MND did not address issues related to annexation to the City of Concord, reconfiguration of the sewer system, or inclusion of the adjacent properties. Consequently, additional environmental review was needed. The LAFCO Planner prepared an addendum to address these issues. An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 of the CEQA Guidelines calling for the preparation of a subsequent negative declaration have occurred. The addendum is consistent with the CEQA criteria as set forth in CEQA Guidelines Section 15164. Copies of the CEQA documents are available in the LAFCO office.

11. Landowner Consent and Consent by Annexing Agency:

According to County Elections, there are more than 12 registered voters in the area proposed for annexation. Thus, the area proposed for annexation is considered inhabited, and the Commission's action is subject to notice, hearing, as well as conducting authority (protest) proceedings. All landowners and registered voters within the proposal area(s) and within 300 feet of the exterior boundaries of the annexation area(s) have received notice of the August 12 LAFCO hearing.

All of the original landowners have provided written consent to the proposed annexation. Further, Deferred Annexation Agreements ("DAAs") were previously recorded against all

properties within the annexation area by either current or prior landowners. This means that landowners and registered voters who live in this proposed annexation area do not have the right to file a written protest in relation to this annexation proceeding, should protest proceedings be required.

As of this writing, LAFCO has received no objection from any affected landowner or registered voter. If no objection is received from an affected party prior to the conclusion of the hearing on August 12, the Commission may waive the protest proceedings. However, if any objection is received at any time prior to or during the hearing, then a protest hearing is required.

12. Boundaries and Lines of Assessment:

The annexation was submitted in 2009. Since then, the 8-lot subdivision was developed and additional parcels were created; consequently, the annexation area now has 14 parcels. The annexation is contiguous to existing City boundaries. A map and legal description to implement this change have been received and reviewed by the County Surveyor.

13. Environmental Justice:

Government Code §56668(o) requires that LAFCO consider the extent to which proposals for changes of organization or reorganization will promote environmental justice. As defined by statute, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services. The proposed annexation is not expected to promote or discourage the fair treatment of minority or economically disadvantaged groups.

ALTERNATIVES FOR COMMISSION ACTION

After consideration of this report and any testimony or additional materials that are submitted the Commission should consider taking one of the following options:

- Option 1** APPROVE the annexation including the amendment to detach the annexation area from CSAs P-6 and adopt the resolution (Attachment 2).
- A. Determine that Contra Costa County, as Lead Agency, prepared and adopted a Mitigated Negative Declaration relating to the Laurel Place Lots pursuant to the California Environmental Quality Act (CEQA).
 - B. Determine that Contra Costa LAFCO, as a Responsible Agency, has considered the Addendum with the adopted Mitigated Negative Declaration.
 - C. Adopt this report and approve the proposal, to be known as the **Laurel Place/Pleasant View Annexation to the City of Concord and Corresponding Detachment from CSA P-6**, 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. Prior to recordation, the applicant shall deliver an executed indemnification agreement providing for the applicant to indemnify LAFCO against any expenses arising from any legal actions challenging the annexation.
 3. Defer recordation of annexation map to August 2, 2016 to allow the developer time to complete site and house construction and obtain necessary County permits.
- D. Find that the subject territory is inhabited and that the annexing agency has consented to waiving the conducting authority proceedings. However, less than 100% of the affected landowners/registered voters have consented to the annexation. Should LAFCO receive any objection to the annexation from an affected landowner or registered voter prior to or during the public hearing, then a subsequent protest hearing is required. Should no protest be received, then the Commission may waive the protest hearing and direct LAFCO staff to complete the proceedings.

Option 2 Adopt this report and DENY the annexation.

- A. Determine that Contra Costa County, as Lead Agency, prepared and adopted a Mitigated Negative Declaration relating to the Laurel Place Lots pursuant to the California Environmental Quality Act (CEQA).
- B. Determine that Contra Costa LAFCO, as a Responsible Agency, has considered the Addendum with the adopted Mitigated Negative Declaration.

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

RECOMMENDATION

Approve Option 1.

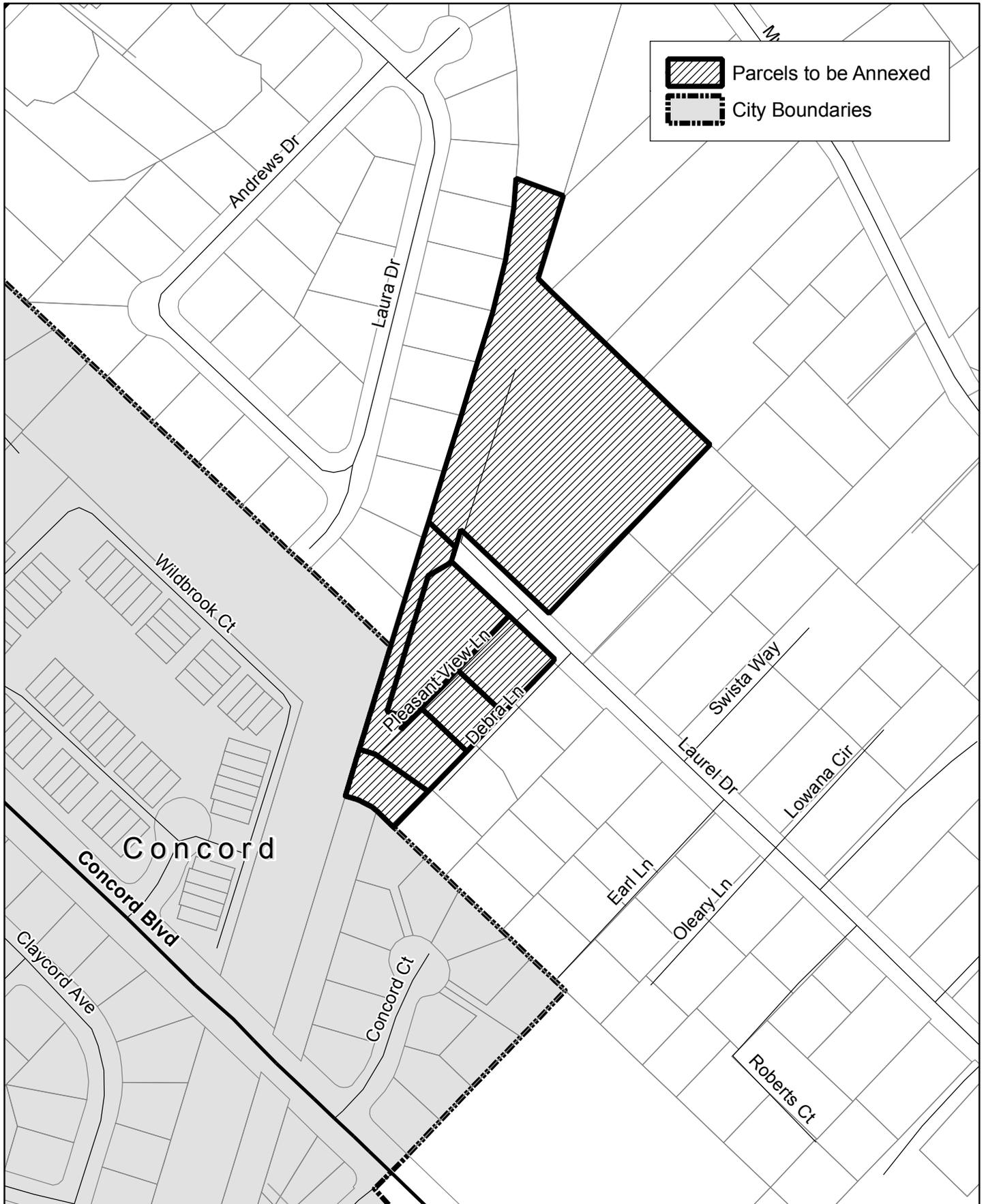
LOU ANN TEXEIRA, EXECUTIVE OFFICER
CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

c: Distribution

Attachments:

1. Annexation Map
2. LAFCO Resolution 09-07

LAFCO No. 09-07: Laurel Place/Pleasant View Annexation to the City of Concord and Detachment from County Service Area P-6



RESOLUTION NO. 09-07

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS AND APPROVING
LAUREL PLACE/PLEASANT VIEW ANNEXATION TO THE CITY OF CONCORD AND
CORRESPONDING DETACHMENT FROM COUNTY SERVICE AREA P-6**

WHEREAS, a proposal to annex territory to the City of Concord was filed with Executive Officer of the Contra Costa Local Agency Formation Commission by an affected landowner pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Section 56000 et seq. of the Government Code); 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 this proposal; and

WHEREAS, the Commission heard, discussed and considered all oral and written testimony related to the Laurel Place/Pleasant View Annexation proposal including, but not limited to, the Executive Officer's report and recommendation, the environmental document or determination, Spheres of Influence and applicable General and Specific Plans; and

WHEREAS, at a public hearing on August 12, 2015, the Commission amended the proposal to include the concurrent detachment of the subject property from County Service Area (CSA) P-6; and

WHEREAS, the Local Agency Formation Commission determines the Laurel Place/Pleasant View Annexation proposal to be in the best interests of the affected area and the 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. Determine that Contra Costa County, as Lead Agency, prepared and adopted a Mitigated Negative Declaration relating to the Laurel Place Lots pursuant to the California Environmental Quality Act (CEQA).
2. Determine that Contra Costa LAFCO, as a Responsible Agency, prepared an Addendum to the County's Mitigated Negative Declaration and has considered the Addendum with the adopted Mitigated Negative Declaration.
3. Said boundary reorganization is hereby approved.
4. The subject proposal is assigned the distinctive short-form designation:

**LAUREL PLACE/PLEASANT ANNEXATION TO THE CITY OF CONCORD AND
CORRESPONDING DETACHMENT FROM COUNTY SERVICE AREA P-6**

5. The boundaries of the affected territory are found to be definite and certain as approved and set forth in Exhibit A, attached hereto and made a part hereof.

Contra Costa LAFCO
Resolution No. 09-07

6. The subject territory shall be liable for any existing bonded indebtedness of the annexing agency, if applicable.
7. The subject territory shall be liable for any authorized or existing taxes, charges and assessments comparable to properties within the annexing agency.
8. Prior to recordation, the applicant shall deliver an executed indemnification agreement providing for the applicant to indemnify LAFCO against any expenses arising from any legal actions challenging the annexation.
9. LAFCO will defer recordation of annexation map for up to one year (August 2, 2016) to allow the developer time to complete site and house construction and obtain necessary County permits.
10. Said territory is found to be inhabited.
11. The proposal has 100% landowner consent; no affected landowners/registered voters opposed the annexation. Said conducting authority proceedings are hereby waived.
12. All subsequent proceedings in connection with this boundary 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 12th day of August 2015, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

ROB SCHRODER, CHAIR, CONTRA COSTA LAFCO

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

Dated: August 12, 2015

Lou Ann Texeira, Executive Officer

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

August 12, 2015
Agenda Item 9

August 12, 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 May 13, 2015 LAFCO meeting, and the public hearing remains open.

Since the Commission last heard this item, the Court of Appeal scheduled oral arguments on August 4, which starts the 90-day clock for the court to issue a decision. According to the court documents, cause was argued and submitted. There was no ruling on August 4th; consequently, we recommend continuing the LAFCO hearing to September 9, 2015.

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.

The Court of Appeal scheduled oral arguments in the case on August 4th, which starts the 90-day clock for the court to issue its decision. There was no ruling on August 4th; consequently, we recommend continuing the LAFCO hearing to September 9, 2015

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).

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 September 9, 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 September 9, 2015.

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

Attachments:

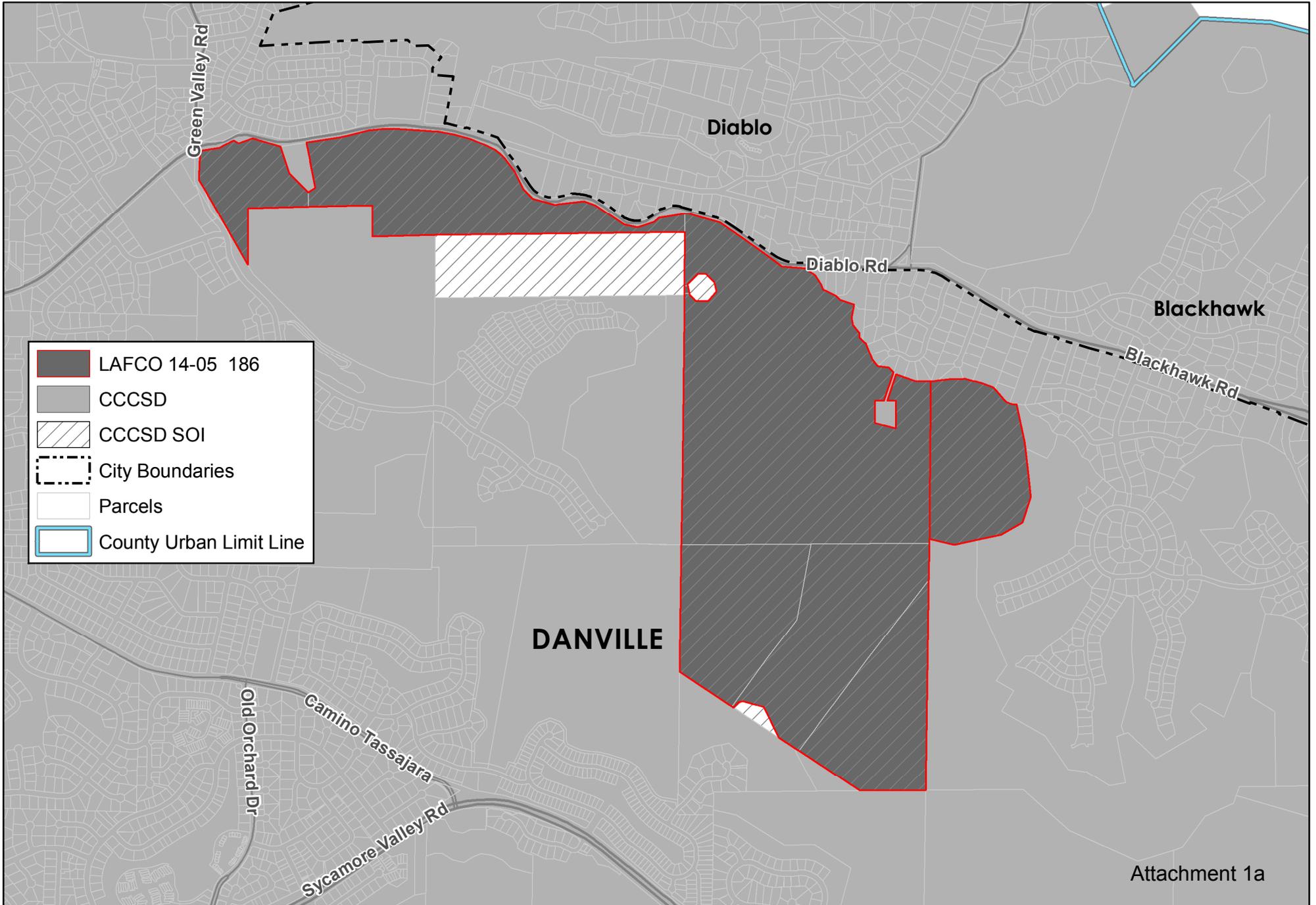
1a & 1b – CCCSD/EBMUD Annexation Maps

2 – Draft LAFCO Resolution 14-05

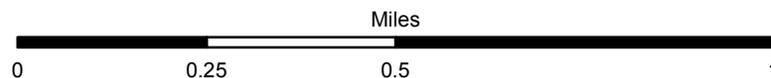
3 – E-mail communication dated January 7, 2015 from Maryann Cella with SOS Danville Group

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

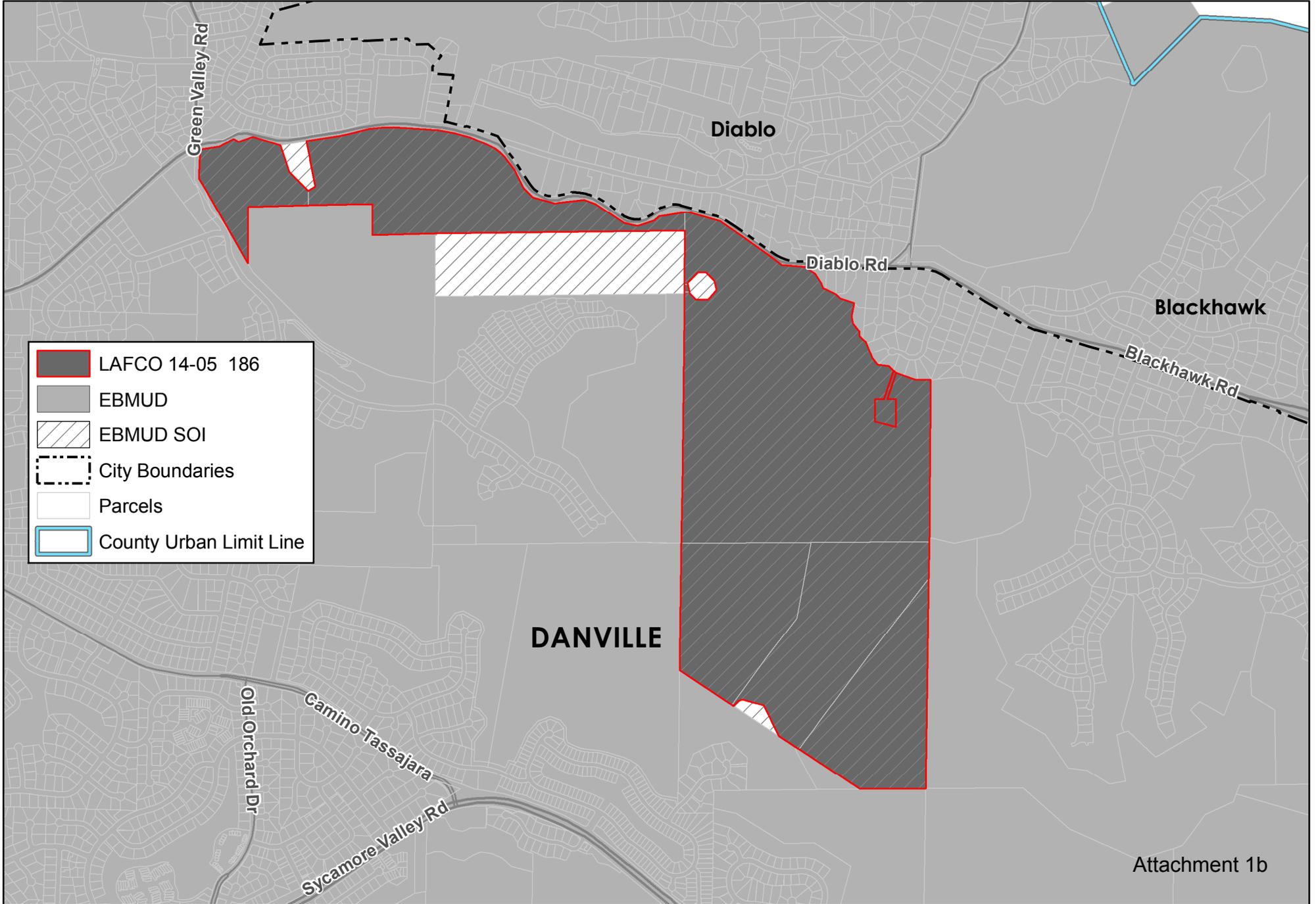
LAFCO No. 14-05: Annexation 186 Magee Ranch/Summerhill to Central Contra Costa Sanitary District



Attachment 1a

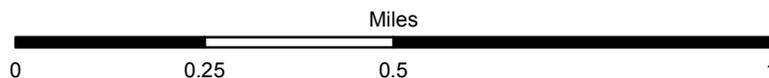


LAFCO No. 14-05: Annexation 186 Magee Ranch/Summerhill to East Bay Municipal Utilities District



-  LAFCO 14-05 186
-  EBMUD
-  EBMUD SOI
-  City Boundaries
-  Parcels
-  County Urban Limit Line

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 13TH 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; CHARLES S WAITMAN; Clelen Tanner; 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

Law Offices of
Stuart M. Flashman
5626 Ocean View Drive
Oakland, CA 94618-1533
(510) 652-5373 (voice & FAX)
e-mail: 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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

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

26 / / /

27 / / /

28 / / /

29

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

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



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

August 12, 2015 (Agenda)

August 12, 2015
 Agenda Item 10

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

LAFCO Agricultural & Open Space Preservation Policy Discussion

Dear Commissioners:

This is a report from the LAFCO Policies & Procedures Subcommittee.

LAFCO AGRICULTURAL & OPEN SPACE PRESERVATION WORKSHOP

On July 8, Contra Costa LAFCO hosted an agricultural & open space preservation policy (AOSPP) workshop featuring 15 speakers representing a broad range of regional and local interests including: Brentwood Agricultural Land Trust, Building Industry Association of the Bay Area, California Rangeland Trust, Contra Costa Association of Realtors, Contra Costa County Agriculture/Weights & Measures, Contra Costa County Department of Conservation & Development, Contra Costa County Farm Bureau, Contra Costa LAFCO, East Bay Leadership Council/Contra Costa Economic Development Partnership, East Bay Regional Park District, Greenbelt Alliance, Save Mt. Diablo, Sierra Club (East Bay), and The American Farmland Trust.

The workshop was well attended and provided time at the end for questions and dialogue. The workshop was taped by CCTV and can be viewed on the County’s website.

As previously discussed with the Commission, the purpose of the workshop was to engage stakeholders and begin a discussion as to whether or not Contra Costa LAFCO should develop a local AOSPP, like other LAFCOs around the State; and if so, what should the Contra Costa LAFCO policy address.

SUBCOMMITTEE’S WORK TO DATE AND NEXT STEPS

Prior Work

On March 11, 2015, the subcommittee presented a report to the Commission summarizing its preliminary work to collect and review AOSPPs covering 18 LAFCOs throughout the State. (Attachment) The policies ranged from restating LAFCO’s mission and responsibilities relating to ag & open space preservation as contained in LAFCO law, to strengthening LAFCO processing procedures, to requiring mitigation and protection.

Mapping

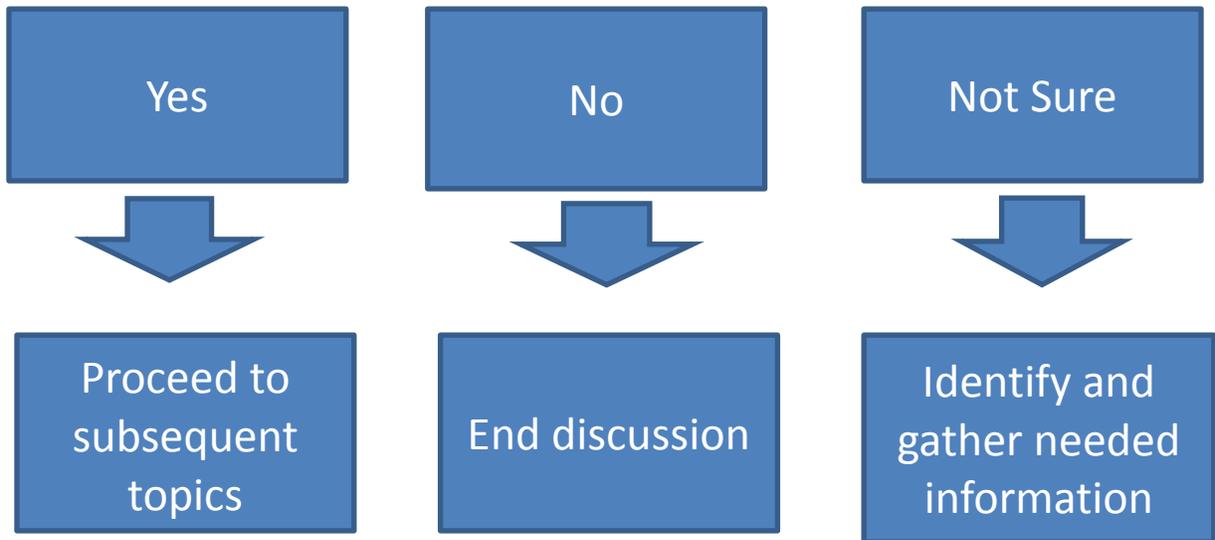
Subsequently, the Executive Officer and the subcommittee worked with County GIS staff to develop a series of maps which depict a range of data layers including agricultural lands (i.e., defined by CKH, State Farmland, ag easements, etc.), Williamson Act land, open space (e.g. parkland, publicly owned, privately owned, etc.), land use categories, developed and undeveloped land (inside and outside urban growth boundaries), and land with urban services (e.g., water, sewer). These maps enhance everyone’s understanding of the location of agricultural and open space lands vis-à-vis developed areas.

At the August 12th LAFCO meeting, the subcommittee and County GIS staff will present these maps which may be useful in considering a LAFCO agricultural & open space preservation policy.

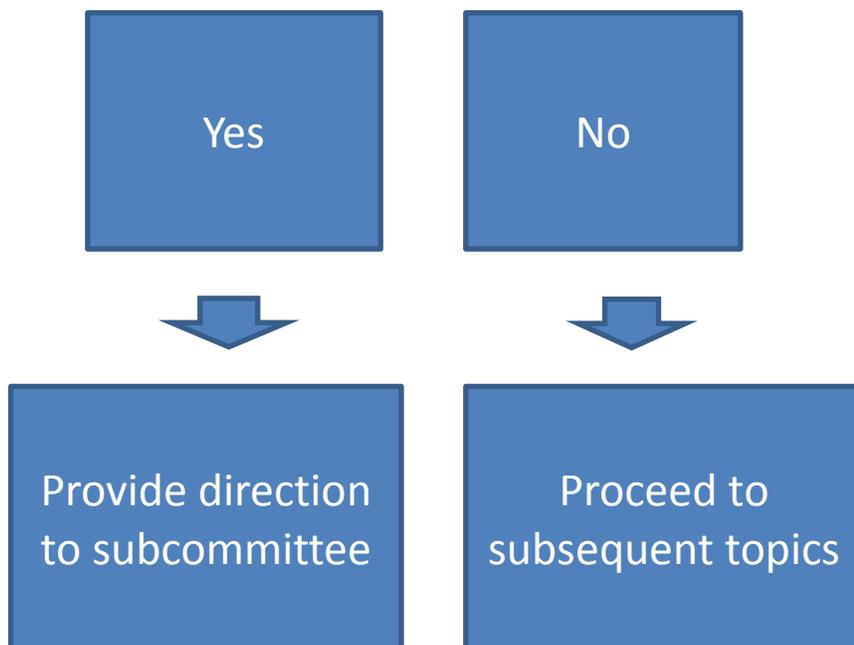
Facilitating a LAFCO Policy Discussion

To facilitate a discussion about what type of AOSPP Commissioners want, if any, the subcommittee recommends structuring the discussion in the form of a decision tree:

I. Should CC LAFCO have an agriculture and open space preservation policy?

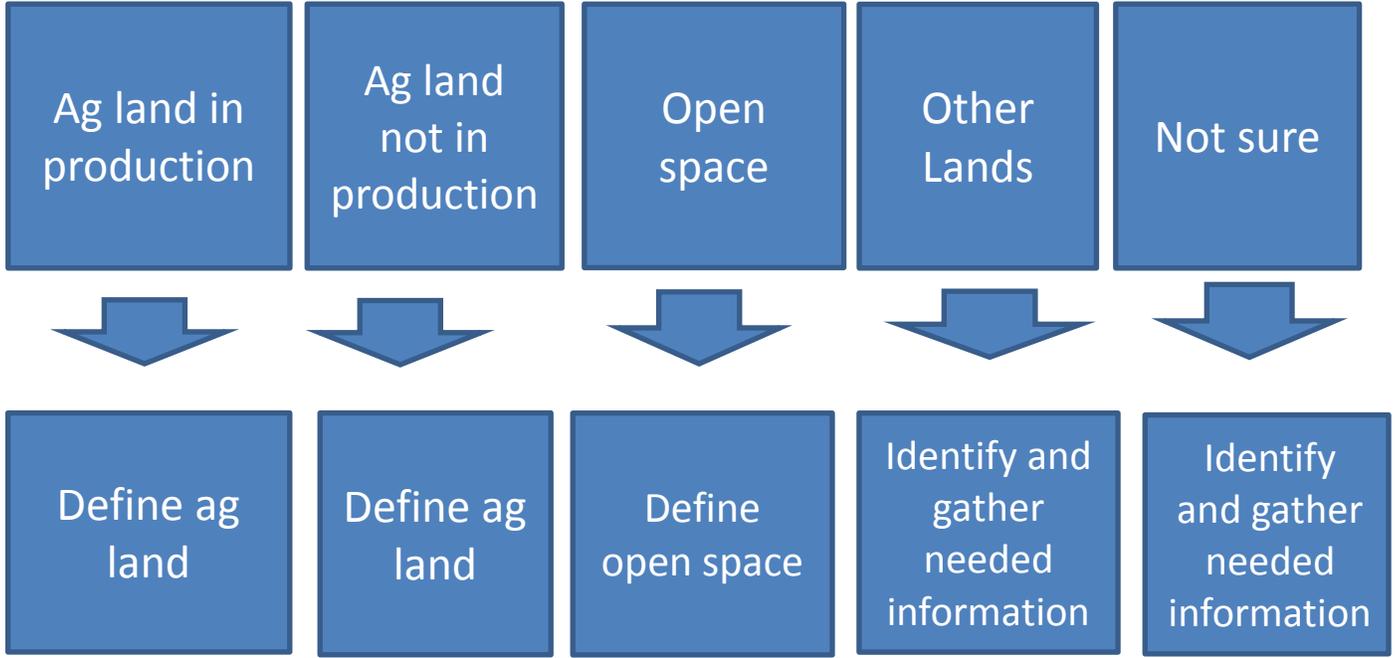


II. Should the CC LAFCO policy simply restate LAFCO law?



The Cortese Knox Hertzberg Act “(CKH)” provides specific definitions for “agricultural lands, “prime agricultural land” and “open space.” LAFCO law also includes provisions and restrictions relating to land covered by Williamson Act contracts.

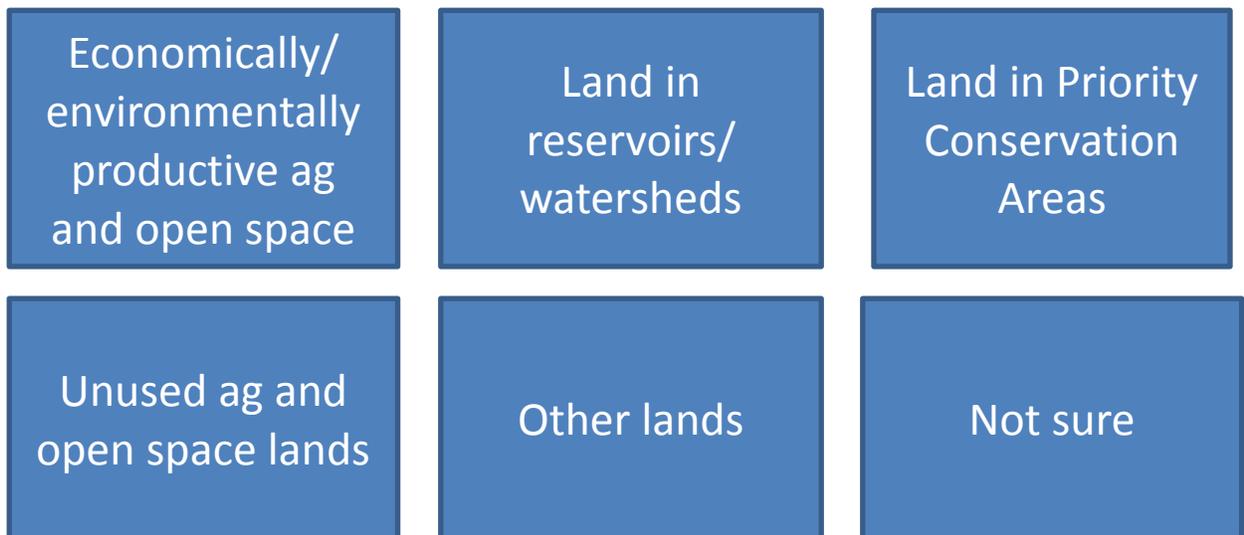
III. What types of lands should be targeted by the policy?



If the Commission wishes to protect land in addition to agricultural land, the subcommittee recommends having the discussion regarding those types of land at a subsequent meeting.

Public Comments/Questions

IV. Should the policy discourage including certain types of land in SOIs and boundaries?



When determining the type of land that should be included in jurisdictional boundaries and SOI (i.e., receive municipal services), the Commission may also wish to consider the following:

- ✓ Should the LAFCO policy encourage detachment of some categories of undeveloped lands (e.g., productive agricultural land)?
- ✓ Should the LAFCO policy require or encourage that undeveloped lands within the boundary and the SOI be developed/annexed before new ag and open space land is annexed?

V. What types of applications to annex ag and open space lands should be exempt from the requirements of an AOSPP, if any?

- ✓ Applications that produce substantial permanent employment
- ✓ Lands owned by public agencies where the agency is the applicant
- ✓ Annexations of less than XX acres
- ✓ Other

Public Comments/Questions

VI. Which, if any, of the following should an application that would annex ag (and open space) lands to a sphere or a boundary be required to include before the application is deemed complete?

- ✓ An analysis of the impact of the proposal on the economic viability of nearby ag and open space land both within five years after the proposal is adopted and cumulatively, e.g., 25 years later
- ✓ An explanation of why the application is necessary for orderly development of the jurisdiction and cannot be achieved in any reasonable way that does not involve the annexation of ag and/or open space land
- ✓ An assessment of how the application will balance LAFCOs requirement to protect ag and open space land with orderly development of the jurisdiction
- ✓ Other?

VII. Which, if any, of the following conditions should be included in approvals for the annexations of ag lands?

- ✓ Deed recognition of “Right to Farm” by agricultural neighbors
- ✓ Establish an undeveloped buffer of some width (300’ is common) between development and agricultural uses
- ✓ Protection of other comparable land
- ✓ Other

VIII. If protection of comparable land is a desired condition, several other discussion topics arise:

- ✓ What ratio of protection, e.g., 1:1, 2:1, etc. should be approved?
 - Would the ratio of protection vary by location of the protected land is (e.g., higher ratio for more distant land, lower ratio for land that might create a buffer around the community)
 - Who establishes the ratio, LAFCO, local city, other?
- ✓ Is protection achieved by entering into an option or an agreement to protect a specific parcel before the LAFCO action becomes final or as a subsequent condition of the

approval?

- ✓ In lieu of protecting a specific parcel, can a fee be paid? If a fee can be paid, at what time should the fee be paid, and to what type of organization (see below for examples)?
- ✓ Should protection agreements include provisions requiring the applicant to pay a fee for ongoing conservatorship?
- ✓ If fees can be paid to protect land, how is the fee established? For example, should the approved protecting agency set the fee with LAFCO concurrence, should an annexing agency set the fee, should LAFCO provide guidelines and set the fee on a case-by-case basis?
- ✓ Will the ability of applicants to pay fees to provide land protection be limited to annexations below a minimum size? (Some jurisdictions use 20 acres as the maximum amount subject to a fee. Annexations of larger parcels must find suitable parcels to protect.)
- ✓ What types of organizations can hold protected land and/or easements (e.g., City, EBRPD, agricultural or other land trust, etc.)
- ✓ Other?

Public Comments/Questions

Recommendation: Provide direction to the Executive Officer and the subcommittee.

Respectfully submitted,

Sharon Burke and Don Tatzin

Attachment – March 11, 2015 Subcommittee Report

c: Distribution



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

March 11, 2015 (Agenda)

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

Agriculture & Open Space Preservation Policy & Workshop

Dear Members of the Commission:

The Policy Committee is pleased to present this report.

BACKGROUND

LAFCO's mission is to discourage urban sprawl, promote the efficient provision of government services, encourage the orderly formation of local agencies, and preserve open space and prime agricultural lands.

The Cortese-Knox-Hertzberg Act (CKH) contains numerous references to the importance of preserving open space and agricultural land. Attachment 1 contains a summary of the most relevant provisions.

A significant part of the history of Contra Costa County revolves around agriculture and ranching. However, as the County developed over the years, agricultural uses were reduced to occupying an ever smaller portion of the County's area. This pattern occurs in many other California counties.

In October 2014, LAFCO received a presentation by Kathryn Lyddan, Executive Director of the Brentwood Agricultural Land Trust (BALT). BALT works with Contra Costa farmers and the community to permanently protect the farmland through an active conservation program. BALT also works with local governments to develop programs and policies that support a vibrant agricultural economy for Contra Costa farmers. The BALT presentation focused on the importance of Bay Area farming and ranching. Bay Area farmers and ranchers produce agricultural products with a farm gate value of over \$1.8 billion per year. The presentation also discussed the loss of prime agricultural land. Contra Costa County has lost more than a quarter of its farmland in the last 30 years. The BALT PowerPoint presentation is available online at www.contracostalafco.org/meetings.

On February 24, the LAFCO Policies & Procedures Committee met with Chad Godoy, the Contra Costa County Agricultural Commissioner. The County Department of Agriculture, under the direction of the California Department of Food & Agriculture, Department of Pesticide Regulations, and Division of Measurement Standards, is responsible for conducting regulatory and service activities relating to the agricultural industry and the consumers of the county. The Department works to promote and protect the County's agricultural industry, its environment, and its people. The Department publishes an annual "Crop and Livestock" report. According to the 2013 report, the total gross value of agricultural crops and products was approximately \$97 million, or approximately five percent of the Bay Area total. In 2013, there was a total of 204,060 acres of cultivated land (194,390 harvested acres) in field crops in Contra Costa County. The 2013 report is available online at <http://www.co.contra-costa.ca.us/DocumentCenter/View/34207>.

Farming and ranching are vital to Contra Costa County. There are various state, regional and local measures in place to help protect agricultural and open space lands, including Williamson Act land contracts, local land use designations, voter approved urban limit lines/growth boundaries, agricultural mitigation measures, and conservation easements.

Throughout the state, LAFCOs recognize their charge to promote orderly growth and development, while also working to preserve open space and prime agricultural lands. As a result, many LAFCOs have adopted agricultural and open space preservation policies.

At the LAFCO meeting in February, the Commission expressed interest in moving forward with developing a LAFCO agriculture & open space preservation (AOSP) policy, and hosting a workshop with stakeholders as a precursor to developing the LAFCO policy.

LAFCO AGRICULTURAL AND OPEN SPACE PRESERVATION POLICY

The Policy Committee has researched and examined the agricultural and open space preservation policies covering 18 other LAFCOs throughout the State.

The various LAFCOs take different approaches to meeting the goal of preserving agricultural and open space lands, ranging from broad standards that reiterate LAFCO law, to specific terms and conditions designed to mitigate the loss of agricultural and open space land.

The following are common measures found in other LAFCO policies:

- Guiding urban development away from agricultural and open space lands, and toward infill areas and land within a local agency's current boundary and sphere of influence (SOI). Within an approved SOI, urban development is guided away from prime agricultural land.
- Requiring that applications proposing to incorporate agricultural and/or open space land in local agency boundaries/SOIs demonstrate that the local agency follow specific procedures prior to the boundary/SOI change.
- Encouraging local land use agencies to adopt policies in their general plans that result in efficient, coterminous local growth patterns, and include appropriate consideration of agricultural and open space lands.

- Requiring submittal of a mitigation plan for LAFCO applications that would impact agricultural and open space lands, which identify and analyze feasible mitigation measures that would eliminate or reduce impacts on these lands. Such mitigation measures might include greenbelt and buffer zones, permanent easements, preserving agricultural or conservation uses over agricultural land comparable in quality to that which is being converted to urban uses, payment of in-lieu fees, etc.

A summary of the various LAFCO policies is presented in Attachment 2.

Based on its research to date, the Policy Committee presents the following options for the Commission to consider as it contemplates its own local Agricultural and Open Space Preservation (AOSP) policy:

1. Base option

- Create a mission and objective for Contra Costa LAFCO's AOSP policy
- Restate CKH provisions, possibly referenced, reworded and organized so they are easier to follow
- Possibly create a pamphlet incorporating relevant ag and open space CKH sections

2. Expanded options the Commission can choose to adopt

- Mitigate the impacts of annexation by protecting other ag/open space land in perpetuity
 - Determine what types of land proposed for annexation must be mitigated
 - Prime ag with water
 - Open space used for agriculture and/or ranching
 - Other
 - Determine ratio of "protected to annexed" land
 - The most common replacement ratio is 1:1 replacement of comparable land elsewhere in the same county; however, some local agencies require 2:1 replacement ratios, and higher ratios are being discussed
 - Other options that may provide for varying replacement ratios depending on other factors (e.g., distance from the annexation in an effort to build a more substantial buffer, etc.)
 - Procedures
 - Do we allow protective easements or must the land be owned by a qualified organization?
 - Do we require that local agencies follow a planning procedure designed to demonstrate there is no reasonable alternative to annexing agricultural or open space land to the jurisdiction or its SOI?
 - What type of organization qualifies as an acceptable easement or land owner?
 - Timing
 - When must the mitigation be provided vis-à-vis timing of the SOI adjustment, annexation or subsequent development?
 - Does the requirement sunset if the land goes out of agricultural production?

- Require buffers where an annexation of ag land puts the boundary for urban uses adjacent to active ag land
 - Other counties have buffers of at least 300' but that is a policy choice
 - Is the buffer on the annexed parcel, on an adjacent parcel, or do we care as long as the desired buffer exists?
 - Do we require as a condition of approval that the current and all subsequent owners of the annexed property and any subdivided portions be noticed of Right to Farm legislation?

AGRICULTURE & OPEN SPACE WORKSHOP

At the February 11, 2014 LAFCO meeting, the Commission discussed hosting a workshop this summer. The purpose of the workshop is to discuss and identify local conditions that LAFCO might consider as it develops an AOSP policy. Such policy would provide guidance to the Commission when considering boundary change proposals which would impact agricultural and open space lands.

A suggested list of workshop presenters/participants includes the following:

- | | |
|--|--------------------------------------|
| ❖ American Farmland Trust | ❖ CCC Resource Conservation District |
| ❖ Brentwood Agriculture Land Trust | ❖ Environmental Community |
| ❖ Contra Costa County (CCC) Ag Commissioner | ❖ East Bay Regional Park District |
| ❖ CCC Dept. of Conservation & Development | ❖ Farm Bureau/Urban Farmers |
| ❖ Local agencies with boundaries adjacent to ag/open space | ❖ Ranchers |
| | ❖ Reclamation Districts |

The Policy Committee has drafted an outline for the proposed workshop (Attachment 3). We propose to hold the workshop in lieu of the July 8, 2015 LAFCO meeting; the location to be determined and possibly in East Contra Costa County.

RECOMMENDATIONS

Receive the report and provide input on policy options and draft workshop outline.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

Attachment 1 – Government Code Sections Relating to Preservation of Open Space & Agricultural Land

Attachment 2 – Summary of the Other LAFCO Agricultural & Open Space Preservation Policies

Attachment 3 – Draft Outline for Proposed Workshop

Government Code Sections Relative to Preservation of Open Space and Prime Agricultural Land

Legislative Intent and State Interests

When it created LAFCOs in 1963, part of the Legislature's intent was to limit the premature conversion and loss of California's open space and agricultural lands, and guide development toward vacant urban land.

56001. The Legislature finds and declares that it is the policy of the state to encourage orderly growth and development which are essential to the social, fiscal, and economic well-being of the state. The Legislature recognizes that the logical formation and determination of local agency boundaries is an important factor in promoting orderly development and in balancing that development with sometimes competing state interests of discouraging urban sprawl, preserving open-space and prime agricultural lands, and efficiently extending government services.

56377. In reviewing and approving or disapproving proposals which could reasonably be expected to induce, facilitate, or lead to the conversion of existing open-space lands to uses other than open-space uses, the commission shall consider all of the following policies and priorities:

- (a) Development or use of land for other than open-space uses shall be guided away from existing prime agricultural lands in open-space use toward areas containing nonprime agricultural lands, unless that action would not promote the planned, orderly, efficient development of an area.
- (b) Development of existing vacant or nonprime agricultural lands for urban uses within the existing jurisdiction of a local agency or within the sphere of influence of a local agency should be encouraged before any proposal is approved which would allow for or lead to the development of existing open-space lands for non-open-space uses which are outside of the existing jurisdiction of the local agency or outside of the existing sphere of influence of the local agency.

The Legislature also granted LAFCO broad powers to impose conditions and adopt its own policies, procedures, and guidelines to address local conditions and circumstances.

56375. The commission shall have all of the following powers and duties subject to any limitations upon its jurisdiction set forth in this part:

- (a)(1) To review and approve with or without amendment, wholly, partially, or conditionally, or disapprove proposals for changes of organization or reorganization, consistent with written policies, procedures, and guidelines adopted by the commission.

Definitions/Terms Related to Agricultural and Open Space Lands

LAFCOs are guided by specific definitions relating to agricultural lands and open space.

56016. "Agricultural lands" means land currently used for the purpose of producing an agricultural commodity for commercial purposes, land left fallow under a crop rotational program, or land enrolled in an agricultural subsidy or set-aside program.

56059. "Open space" means any parcel or area of land or water which is substantially unimproved and devoted to an open-space use, as defined in Section 65560.

56060. "Open-space use" means any use as defined in Section 65560.

56064. "Prime agricultural land" means an area of land, whether a single parcel or contiguous parcels, that has not been developed for a use other than an agricultural use and that meets any of the following qualifications:

(a) Land that qualifies, if irrigated, for rating as class I or class II in the USDA Natural Resources Conservation Service land use capability classification, whether or not land is actually irrigated, provided that irrigation is feasible.

(b) Land that qualifies for rating 80 through 100 Storie Index Rating.

(c) Land that supports livestock used for the production of food and fiber and that has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture in the National Range and Pasture Handbook, Revision 1, December 2003.

(d) Land planted with fruit or nut-bearing trees, vines, bushes, or crops that have a nonbearing period of less than five years and that will return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than four hundred dollars (\$400) per acre.

(e) Land that has returned from the production of unprocessed agricultural plant products an annual gross value of not less than four hundred dollars (\$400) per acre for three of the previous five calendar years.

56080. "Urban service area" means developed, undeveloped, or agricultural land, either incorporated or unincorporated, within the sphere of influence of a city, which is served by urban facilities, utilities, and services or which are proposed to be served by urban facilities, utilities, and services during the first five years of an adopted capital improvement program of the city if the city adopts that type of program for those facilities, utilities, and services. The boundary around an urban area shall be called the "urban service area boundary" and shall be developed in cooperation with a city and adopted by a commission pursuant to policies adopted by the commission in accordance with Sections 56300, 56301, and 56425.

Boundary Changes and Agricultural Lands

When LAFCO reviews a proposal, a factor among many to be considered is how the proposal affects both the physical and economic integrity of agricultural lands.

56668. Factors to be considered in the review of a proposal shall include, but not be limited to, all of the following:

(e) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016.

LAFCO also has the ability to consider the impacts of district annexation of agricultural lands.

56668.3. (a) If the proposed change of organization or reorganization includes a city detachment or district annexation, except a special reorganization, and the proceeding has not been terminated based upon receipt of a resolution requesting termination pursuant to either Section 56751 or Section 56857, factors to be considered by the commission shall include all of the following:

(3) Any factors which may be considered by the commission as provided in Section 56668.

(5) Any other matters which the commission deems material.

LAFCO is not allowed to apply the island annexation procedures to prime agricultural land.

56375.3. (a) In addition to those powers enumerated in Section 56375, a commission shall approve, after notice and hearing, the change of organization or reorganization of a city, and waive protest proceedings pursuant to Part 4 (commencing with Section 57000) entirely, if all of the following are true:

- (1) The change of organization or reorganization is initiated on or after January 1, 2000.
- (2) The change of organization or reorganization is proposed by resolution adopted by the affected city.
- (3) The commission finds that the territory contained in the change of organization or reorganization proposal meets all of the requirements set forth in subdivision (b).

(b) Subdivision (a) applies to territory that meets all of the following requirements:

- (5) It is not prime agricultural land, as defined by Section 56064.

In 2014 the State adopted an amendment to the CKH Act which gives LAFCOs the power to review extensions of services into previously unserved unincorporated areas and the creation of new service providers to do so. This Authority expires on January 1, 2019.

56434. (a) The commission may review and comment upon both of the following:

- (1) The extension of services into previously unserved territory within unincorporated areas.
- (2) The creation of new service providers to extend urban type development into previously unserved territory within unincorporated areas.

(b) The purpose of the review authorized by this section shall ensure that the proposed extension of services or creation of new service providers is consistent with the policies of Sections 56001, 56300, and 56301, and with the adopted policies of the commission implementing these sections, including promoting orderly development, discouraging urban sprawl, preserving open space and prime agricultural lands, providing housing for persons and families of all incomes, and the efficient extension of governmental services.

(c) This section shall remain in effect only until January 1, 2019, and as of that date is repealed.

(Added by Stats. 2014, Ch. 112)

Williamson Act Land

There are provisions in CKH to protect land that is subject to Williamson Act land conservation contracts, and designated as farmland security zones. Presently, there are 417 parcels of agricultural land with Land Conservation Contracts, covering approximately 48,000 acres in Contra Costa County. There is no land in the County that is designated as a farmland security zone.

56426.6. (a) The commission shall not approve a change to the sphere of influence of a local government agency of territory that is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (Chapter 7 (commencing with Section 51200) of Part 1 of Division 1) if that local government agency provides, or would provide, facilities or services related to sewers, nonagricultural water, or streets and roads to the territory, unless these facilities or services benefit land uses that are allowed under the contract and the landowner consents to the change to the sphere of influence.

(b)(1) Notwithstanding subdivision (a), the commission may nevertheless approve a change for that territory if it finds either of the following:

(A) That the change would facilitate planned, orderly, and efficient patterns of land use or provision of services, and the public interest in the change substantially outweighs the public interest in the current continuation of the contract beyond its current expiration date.

(B) That the change is not likely to adversely affect the continuation of the contract beyond its current expiration date.

(2) In making a determination pursuant to this subdivision, the commission shall consider all of the following:

(A) The policies and implementation measures adopted by the city or county that would administer the contract both before and after any ultimate annexation, relative to the continuation of agriculture or other uses allowable under the contract.

(B) The infrastructure plans of the annexing agency.

(C) Other factors that the commission deems relevant.

(c) This section shall not apply to any of the following:

(1) Territory that is subject to a contract for which a notice of nonrenewal has been served pursuant to Section 51245.

(2) Territory that is subject to a contract for which a tentative cancellation has been approved pursuant to Section 51282.

(3) Territory for which the governing body of the county or city administering the contract has given its written approval to the change and the landowner consents to the change.

56856.5. (a) The commission shall not approve or conditionally approve a change of organization or reorganization that would result in the annexation to a city or special district of territory that is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (Chapter 7 (commencing with Section 51200) of Part 1 of Division 1), other than a contract entered into pursuant to Article 7 (commencing with Section 51296) of Chapter 7 of Part 1 of Division 1, if that city or special district provides or would provide facilities or services related to sewers, nonagricultural water, or streets and roads to the territory, unless these facilities or services benefit land uses that are allowed under the contract.

(b) This section shall not be construed to preclude the annexation of territory for the purpose of using other facilities or services provided by the agency that benefit land uses allowable under the contract.

(c) Notwithstanding subdivision (a), the commission may nevertheless approve a change of organization or reorganization if it finds any of the following:

(1) The city or county that would administer the contract after annexation has adopted policies and feasible implementation measures applicable to the subject territory ensuring the continuation of agricultural use and other uses allowable under the contract on a long-term basis.

(2) The change of organization or reorganization encourages and provides planned, well-ordered, and efficient urban development patterns that include appropriate consideration of the preservation of open-space lands within those urban development patterns.

(3) The change of organization or reorganization is necessary to provide services to planned, well-ordered, and efficient urban development patterns that include appropriate consideration of the preservation of open-space lands within those urban development patterns.

(d) This section shall not apply to territory subject to a contract for which either of the following applies:

(1) A notice of nonrenewal has been served pursuant to Section 51245, if the annexing agency agrees that no services will actually be provided by it for use during the remaining life of the contract for land uses or activities not allowed under the contract.

(2) A tentative cancellation has been approved pursuant to Section 51282.

In the case of a proposed city annexation of Williamson Act land, the city must indicate whether it will succeed to the contract. The Commission must notify the state Director of Conservation regarding the

hearing for the proposal, and the city's decision must be reflected in the LAFCO action. Other provisions of the CKH Act result from the city's decision.

56738. If the proposal would result in the annexation to a city of land that is subject to a contract executed pursuant to the Williamson Act (Chapter 7 (commencing with Section 51200) of Division 1), then the petition shall state whether the city shall succeed to the contract pursuant to Section 51243 or whether the city intends to exercise its option to not succeed to the contract pursuant to Section 51243.5.

56752. If the proposal would result in the annexation to a city of land that is subject to a contract executed pursuant to the Williamson Act (Chapter 7 commencing with Section 51200) of Division 1), then the (LAFCO) resolution shall state whether the city shall succeed to the contract pursuant to Section 51243 or whether the city intends to exercise its option to not succeed to the contract pursuant to Section 51243.5.

57101. With respect to any proceeding that would result in the annexation to a city of land that is subject to a contract executed pursuant to the Williamson Act (Chapter 7 (commencing with Section 51200) of Division 1), for which the commission has determined pursuant to Section 56754 that the city may exercise its option to not succeed to the contract, the commission shall include within its resolution ordering the annexation of the territory a finding regarding whether the city intends to not succeed to the contract.

56753. The executive officer shall give mailed notice of any hearing by the commission, as provided in Sections 56155 to 56157, inclusive, by mailing notice of the hearing to the Director of Conservation if the proposal would result in the annexation to a city of land that is subject to a contract executed pursuant to the Williamson Act (Chapter 7 (commencing with Section 51200) of Division 1).

56753.5. Within 10 days after receiving a proposal that would result in the annexation to a city of land that is subject to a contract executed pursuant to the Williamson Act (Chapter 7 (commencing with Section 51200) of Division 1), the executive officer shall notify the Director of Conservation of the proposal. The notice shall include the contract number, the date of the contract's execution, and a copy of any protest that the city had filed pursuant to Section 51243.5.

56754. If a change of organization or reorganization would result in the annexation to a city of land that is subject to a contract executed pursuant to the Williamson Act (Chapter 7 (commencing with Section 51200) of Division 1), the commission, based on substantial evidence in the record, shall determine one of the following:

- (a) That the city shall succeed to the rights, duties, and powers of the county pursuant to Section 51243,
- or
- (b) That the city may exercise its option to not succeed to the rights, duties, and powers of the county pursuant to Section 51243.5.

57330.5. (a) If a city annexes land that is subject to a contract executed pursuant to the Williamson Act (Chapter 7 (commencing with Section 51200) of Division 1), and the city succeeds to the contract pursuant to either Section 51243 or Section 51243.5, then on and after the effective date of the annexation, the city has all of the rights, duties, and powers imposed by that contract.

(b) If a city annexes land that is subject to a contract executed pursuant to the Williamson Act (Chapter 7 (commencing with Section 51200) of Division 1), and the city exercises its option to not succeed to the contract pursuant to Section 51243.5, then the city shall record a certificate of contract termination pursuant to that section.

The city's decision regarding how Williamson Act land is treated must be included in the LAFCO resolution.

57101. With respect to any proceeding that would result in the annexation to a city of land that is subject to a contract executed pursuant to the Williamson Act (Chapter 7 (commencing with Section 51200) of Division 1), for which the commission has determined pursuant to Section 56754 that the city may exercise its option to not succeed to the contract, the commission shall include within its resolution ordering the annexation of the territory a finding regarding whether the city intends to not succeed to the contract.

Sphere of Influence (SOI) Changes

The presence of agricultural land is a factor the LAFCO should consider in enlarging SOIs.

56425. (a) In order to carry out its purposes and responsibilities for planning and shaping the logical and orderly development and coordination of local governmental agencies subject to the jurisdiction of the commission to advantageously provide for the present and future needs of the county and its communities, the commission shall develop and determine the sphere of influence of each city and each special district, as defined by Section 56036, within the county and enact policies designed to promote the logical and orderly development of areas within the sphere.

(e) In determining the sphere of influence of each local agency, the commission shall consider and prepare a written statement of its determinations with respect to each of the following: (1)

The present and planned land uses in the area, including agricultural and open-space lands.

(2) The present and probable need for public facilities and services in the area.

(3) The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.

(4) The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.

Synopsis of Selected Agriculture and Open Space Policies of California LAFCOs

Staff and the Policies & Procedures Committee reviewed the agriculture and open space policies adopted by the following 11 LAFCOs:

Kings	Plumas	Stanislaus
Madera	San Joaquin	Tuolumne
Mariposa	San Luis Obispo	Yolo
Monterey	Santa Clara	

The Plumas policy was adopted by six other LAFCOs (Calaveras, Colusa, Lake, Lassen Modoc, Yuba) because they share an Executive Officer.

Copies of all reviewed policies can be obtained from the LAFCO Executive Officer.

While all policies are based on the CKH Act, they differ substantially in form of presentation, detail, and statement of how LAFCO's ability to condition applications will be used in considering annexations of agricultural and open space land. The policies are diverse and reflect the local conditions and characteristics.

The adoption date was not apparent for all policies, but the oldest dated policy is from 2006 and is for Kings County LAFCO. Mariposa County LAFCO has one of the more recent agricultural land preservation policy, dated 2014.

The remaining portion of this attachment summarizes what is similar and what differs among the policies.

Consistent Provisions

All policies acknowledge LAFCO's role to preserve prime agricultural and open space while balancing that with the need to approve orderly development. The policies also encourage jurisdictions to develop land within their boundaries and SOIs before annexing more land. Jurisdictions are discouraged from developing prime agricultural land, even when such land is in the SOI. In some cases, they are encouraged to detach prime agricultural land. A few policies create exemptions for developing prime agricultural land when that is consistent with an adopted City or County land use plan. A number of policies include special provisions that apply to Williamson Act land.

Differentiated Provisions

Almost all of the policies go beyond restating the basic CKH tenants that apply to agricultural lands and open space. These policies use the power of LAFCO to condition approvals to guide the application and review processes and to establish conditions that mitigate to a degree the effects of annexation of agricultural land. This section discusses the provisions that appear in individual policies by topic.

1. Pre-Application Planning and Application Requirements

Several counties encourage jurisdictions to participate in planning to minimize the amount of and mitigate the effects of annexing agricultural land. For example, Kings County LAFCO requires that an application show that development of proposed annexed agricultural land is imminent, contiguous to current development, and anticipated in applicable land use plans.

Madera County is unlikely to support the annexation of prime agricultural land unless the property owner is supportive, and requires that the application demonstrate how agricultural and open space land will be preserved.

The requirements of Mariposa, Monterey, and Plumas Counties are similar to the ones stated above.

Stanislaus County requires applicants to submit a plan for agricultural preservation as part of an SOI or boundary expansion. The plan's purpose is to help LAFCO understand how the proposal is consistent with LAFCO policy. The required components of the plan are substantial and require declarations from the applicant regarding how they will mitigate the impacts of annexing agricultural land for non-open space purposes. Several options are included in the policy.

Santa Clara County encourages city applicants to develop agricultural mitigation policies before applying to LAFCO.

San Luis Obispo is similar to Stanislaus in that an application to annex agricultural and open space land must include substantial analysis of the surrounding area and the impacts of the application on agriculture.

Yolo LAFCO indicates that it wants mitigation measures consistent with their agricultural preservation policy in place at the time a proposal is filed with the Commission.

2. Necessary Findings

Several LAFCOs indicate what findings are likely required before the Commission would approve annexation of agricultural land. For example, Mariposa LAFCO will not approve a proposal that has significant adverse effects on the physical and economic integrity of other agricultural and open space land. Furthermore, the LAFCO is unlikely to annex agricultural and open space land that will not be developed unless maintenance of the agricultural or open space use is an integral part of the development and is protected from future development.

Plumas LAFCO must find that the applicant has identified and preserved all agricultural and open space land within the SOI and has an adopted plan to encourage infill. The LAFCO must also find that the annexation will not affect the physical and economic integrity of open space and agricultural land.

San Luis Obispo LAFCO requires findings that there are measures to mitigate the loss of agricultural land, to preserve adjoining lands for agriculture, and to prevent their premature conversion to other uses. Options of such measures are provided and include acquisition and dedication of land, assignment of development rights, and others.

3. Buffer Zone Conditions

Four LAFCO policies require buffer zones around agricultural uses to reduce the likelihood of conflicts with urban uses. Plumas LAFCO suggests a 300' buffer or other acceptable and enforceable protection.

Monterey LAFCO states that "...agricultural buffers provide an important means to preserve open-space and agricultural lands and preserve the integrity of planned, well-ordered, efficient urban development patterns." This LAFCO encourages "Agreements between neighboring local agencies with regard to the preservation of open-space and agricultural lands..."

Santa Clara LAFCO supports agricultural buffers where the size, location, and allowed uses are sufficient to minimize conflicts between adjacent urban and agricultural uses. The LAFCO also supports Right to Farm Ordinances to ensure that urban residents on annexed land recognize the rights of adjacent property owners to conduct agricultural operations that comply with established standards.

San Luis Obispo LAFCO uses buffers to ensure that "Development near agricultural land...not adversely affect the sustainability or constrain the lawful, responsible practices of the agricultural operations."

4. Non-annexed Land Conservation Requirements

Four LAFCOs indicate that they expect applicants that seek to add agricultural land, particularly prime agricultural land, to an SOI or a city or district boundary demonstrate how they will incorporate mitigation plans in the proposal. These plans should preserve and manage at least an equal amount of comparable land in perpetuity and/or provide funding for an acceptable land trust or other entity to do so. In most cases, the land need not be purchased. Rather conservation easements or development rights prohibitions that are held by a third party are acceptable. In all cases, continued agricultural use on the protected land is desired.

For example, Santa Clara LAFCO's policy states:

Proposals involving the conversion of prime agricultural lands should provide one of the following mitigations at a not less than 1:1 ratio (1 acre preserved for every acre converted) along with the payment of funds as determined by the city / agricultural conservation entity (whichever applies) to cover the costs of program administration, land management, monitoring, enforcement and maintenance of agriculture on the mitigation lands:

Agricultural lands or conservation easements acquired and transferred to an agricultural conservation entity should be located in Santa Clara County and be lands deemed acceptable to the city and entity.

The agricultural mitigation should result in preservation of land that would be:

- a. Prime agricultural land of substantially similar quality and character as measured by the Average Storie Index rating and the Land Capability Classification rating, and
- b. Located within cities' spheres of influence in an area planned/envisioned for agriculture, and
- c. That would preferably promote the definition and creation of a permanent urban/agricultural edge.

San Luis Obispo LAFCO indicates the Commission shall approve annexations of prime agricultural land only if there is mitigation that equates to a substitution ratio of at least 1:1 for prime land and that the mitigation is accepted by the applicant and the jurisdiction with land use authority.

Stanislaus LAFCO indicates that the protected land be of equal or better soil quality, have a dependable source of irrigation water, and be located in Stanislaus County. The policy further requires that mitigation be in place before the first occurrence of grading, building permits, or final map approval. Press reports provided by our Executive Officer at Contra Costa LAFCO's February meeting indicate that some Stanislaus County cities are considering mitigation ratios of 2:1 or 3:1.

Yolo LAFCO has provisions similar to those stated above.

Acceptable preservation entities can be a city, public, or non-profit agency that has the resources and skills to hold the land or protective easements. In Contra Costa County, the East Bay Regional Parks District, the Brentwood Agricultural Land Trust, and the Muir Heritage Land Trust could all be candidate entities, along with the County and cities.

Several policies explicitly state that protective easements or land acquisitions cannot be stacked, i.e., an acre of protected land can only apply to one application. No policy states the mitigations can be stacked.

San Luis Obispo and Santa Clara LAFCO policies include payment of in-lieu fees as an optional mitigation measure.

**Contra Costa Local Agency Formation Commission (LAFCO)
 Agricultural and Open Space Preservation Workshop
 Wednesday, July 8, 2015 (1:00 – 4:00 pm)
 (Location to be Determined)**

DRAFT

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.

Time Allotment	Topic	Moderator(s)	Presenter(s)
1:00 – 1:10	Welcome/Introductions		LAFCO Chair
1:10 – 1:30	<i>What is LAFCO</i> <ul style="list-style-type: none"> • Legal framework/statutory mandate/definitions • LAFCO’s conditioning authority 		LAFCO staff
1:30 – 2:00	<i>Why should we care about ag and open space land</i> <ul style="list-style-type: none"> • State, regional and local efforts to preserve ag and open space land • Which areas in the County (incorporated and unincorporated) are identified as important ag and open space land and Priority Conservation Areas (PCAs) 	LAFCO Commissioner	-American Farmland Trust -John Kopchik, Director, Contra Costa County Dept. of Conservation & Development -Bob Doyle, EBRPD
2:00 – 2:30	<i>Agriculture in Contra Costa County</i> <ul style="list-style-type: none"> • How ag land has evolved in the County • What are ag uses in the County (including urban ag) and how much (e.g., crop types, grazing, etc.) • Biggest challenges facing ag community 		-Chad Godoy, Contra Costa County Ag Commissioner -BALT -Farmer Bureau -Ranchers
2:30 – 2:40	BREAK		
2:40 – 3:00	<i>Open Space in Contra Costa County</i> <ul style="list-style-type: none"> • Overview of open space in Contra Costa County • Biggest challenges to preserving open space 	LAFCO Commissioner	-Environmental Groups (Greenbelt Alliance, Save Mt. Diablo, Sierra Club)
3:00 – 3:15	<i>Case Studies –Other LAFCO Policies</i>		Commissioners Burke & Tatzin
3:15 – 3:55	ROUNDTABLE DISCUSSION <ul style="list-style-type: none"> • Most significant challenges to ag & open space preservation in Contra Costa County • How can LAFCO help? 	LAFCO Commissioner	-All
3:55 – 4:00	NEXT STEPS/CLOSING COMMENTS	LAFCO Commissioner	



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

August 12, 2015
 Agenda Item 11

August 12, 2015 (Agenda)

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

LAFCO Fee Schedule Update

Dear Members of the Commission:

BACKGROUND

Government Code §56383 allows the Commission to adopt a fee schedule to recover “estimated reasonable costs” of LAFCO proceedings. A copy of the current Schedule of Processing Fees is attached (Attachment 1). The fee schedule was last comprehensively reviewed in January 2007, and previously in 2001 in conjunction with LAFCO’s new responsibilities enacted under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH). Prior fee adjustments were modest to moderate.

LAFCO staff has embarked on a comprehensive review of the current fee schedule. In addition to reviewing the historical fee adjustments, and average staff time spent on various proposals and projects, we have also surveyed 13 other LAFCOs (Bay Area and urban) in order to analyze and compare fees. A summary of the survey is attached (Attachment 2).

There is considerable variation in fees, including flat fees, time and materials, and hybrid formulas. Some of the other fee schedules are complex. There are benefits and challenges associated with the various fee methodologies. For example, time and materials fees can result in greater cost recovery; however, they are more staff intensive. A number of LAFCOs use factors such as acreage, landowner consent (i.e., 100% versus less than 100%), applicant (local agency, landowner/voter), and level of environmental review (i.e., EIR, Negative Declaration) to determine fees.

The Commission’s current fee schedule applies flat fees for various types of applications (e.g., annexation, reorganization, SOI amendment, out of agency service, etc.), and actual cost for special services (e.g., municipal service reviews, special studies, preparing environmental documents). The application fees recover a portion of LAFCO’s expenses, and comprise a fraction of LAFCO’s total revenue, ranging from 5.4% in FY 2007-08, to 1.5% in FY 2014-15.

DISCUSSION

In June, LAFCO staff sought input and direction regarding the Commission's interest in increasing fees, and the extent of fee increases and/or any change methodology. The Commission expressed interest in enhancing cost recovery and requested information regarding the applicants.

Staff reviewed applications submitted over the last eight years in terms of who served as the applicant. From January 2007 through December 2014 LAFCO received a total of 125 applications, of which 65 were filed by a public agency (i.e., county, city, district), many on behalf of the property owner; and 16 were filed by a private party (e.g., developer, affected landowner/ voter). Included in the 125 applications were 28 annexations to County Service Area (CSA) L-100. These applications were typically submitted to County Public Works by the landowner, and Public Works would pass them through to LAFCO following a successful landowner election (assessment). These applications were unique, and the County has since replaced CSA L-100 with Community Facilities District 2010-01 which eliminates coming to LAFCO for approval. Also included in the 125 applications were 16 out of agency service requests, which, by law, can only be filed by the service provider (i.e., public agency). Thus, the majority of our applications are filed by a public agency. It should be noted that most public agency applicants (i.e., county, cities, special districts) recover some/all of their costs of filing LAFCO applications from their applicants (i.e., developer, landowner).

Staff is presenting proposed updates to the LAFCO Schedule of Processing Fees as part of a noticed hearing. The proposed fee adjustments focus on improving cost recovery (i.e., staff time associated with LAFCO application processing and LAFCO proceedings), and bringing Contra Costa LAFCO fees closer to the average of other Bay Area and urban LAFCOs.

A number of fee increases and amendments are proposed to the current Contra Costa LAFCO fee schedule as highlighted in yellow in Attachment 3. The LAFCO fees are not intended to provide full cost-recovery, but may result in an increase in revenues which will ultimately benefit the funding agencies (i.e., county, cities, independent special districts).

The fee schedule update includes the following proposed changes as highlighted in Attachment 3:

- **Fee increases** - annexation/detachment, district formation, other district actions, reorganization, addition/deletion of powers for districts, incorporation/disincorporation, SOI changes, review of lead agency's CEQA document, review of map/legal by County Surveyor
- **Additions** - distinguish between applications requiring a protest hearing and application not requiring a protest hearing, request for extension of time to complete proceedings, deposit for Municipal Service Review
- **Deletions** - annexation to CSA L-100 (as explained above)
- **Clarifications** - Out of agency service review (per LAFCO's new policy/procedures), environmental review

Most of the proposed increases are modest to moderate (i.e., 7-42%); however, several of the proposed increases are significant, notably, for changes of organization/reorganizations requiring a protest hearing, incorporations/disincorporations (136%), and review of the lead agency's environmental documents (100-200%) as explained below.

Staff's analysis of the current fee structure revealed that the fees charged by Contra Costa LAFCO for changes of organization/reorganizations, incorporations and disincorporations and CEQA review are low; and significant increases in these fees is warranted. Some changes of organization/reorganizations require a subsequent protest hearing. It takes considerable staff time to notice and conduct the protest hearing, verify protests, and prepare a final report and resolution for action by the Commission. Incorporations and disincorporations, although uncommon, typically involve hundreds of staff hours as witnessed with the proposed incorporation of the Town of Alamo in 2008. Finally, the current fees for CEQA review only account for LAFCO staff time, and do not cover the LAFCO Planner's time to review these documents.

Staff believes the proposed fee changes are fair and reasonable, provide additional clarification, will modestly enhance cost recovery, and will bring the Contra Costa LAFCO fees closer to the median fees adopted by Bay Area and other urban LAFCOs.

Pursuant to Government Code §66016, the proposed fee schedule will be adopted by resolution. The proposed fee schedule will be circulated to all local agencies and interested parties for review. It is recommended that a public hearing be set for October 14, 2015, to adopt the revised fee schedule.

RECOMMENDATION

Staff recommends that the Commission:

1. Review the proposed revisions to the LAFCO Schedule of Processing Fees and provide input;
2. Direct staff to circulate the proposed fee schedule to all local agencies and interested parties pursuant to Government Code §66016; and
3. Fix October 14, 2015, at 1:30 p.m. as the date and time for the public hearing to consider adoption of the revised Contra Costa LAFCO Schedule of Processing Fees.

Please contact the LAFCO office if you have any questions.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

Attachments

- Attachment 1 – Current Contra Costa LAFCO Schedule of Processing Fees
- Attachment 2 – Survey Summary - Urban and Bay Area LAFCO Fees
- Attachment 3 – Proposed Schedule of Processing Fees and Deposits

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION (LAFCO)
SCHEDULE OF PROCESSING FEES AND DEPOSITS
(Effective September 12, 2007 with slight modification March 15, 2013)

<u>Change of Organization:</u> (annexation to, or detachment from, a city or district)	\$2,765
<u>Annexation to County Service Area L-100:</u> (no longer applicable, 3/15/13)	\$1,575
<u>District Formation:</u>	\$7,800
<u>District Dissolution/Merger/Consolidation/Establishing Subsidiary District:</u>	\$4,750
<u>Reorganization:</u>	\$3,885
<u>Addition/Deletion of Powers for Special District:</u>	\$2,765
<u>Incorporation/Disincorporation:</u>	\$8,000
<u>Concurrent review of relevant sphere(s) with change of organization or reorganization:</u>	\$1,500
<u>Sphere of Influence Amendment/Revision:</u>	\$4,500
<u>Transfer of Jurisdiction to another LAFCO:</u> (payable to principal LAFCO)	\$ 300
<u>Request for Reconsideration:</u>	\$2,500
<u>Out-of-Agency Service Review:</u>	\$3,400
OTHER FEES	
<u>Environmental Review</u>	
<i>Categorical Exemption</i>	\$ 200
<i>Negative Declaration</i>	Actual Cost with advance deposit of \$ 500
<i>EIR Preparation</i>	Actual Cost with advance deposit of \$2,500
<i>Review Lead Agency's EIR</i>	\$1,000
<i>Review Lead Agency's Negative Declaration</i>	\$ 750
<u>Special Meeting/Workshop Fee:</u>	Actual Cost
<u>Special Study Fee</u>	Actual Cost
<u>Outside/Special Consultant Fee:</u>	Actual Cost
<u>Outside/Special Legal Fee:</u>	Actual Cost
<u>Hearing Notice Fee</u> (mailing and publication pursuant to Gov. Code 56157):	Actual Cost
<u>Notices of Determination per Public Resources Code 21089 & Fish & Game Code 711.4</u> (filed with County Clerk):	
<i>Filing as a Responsible Agency * (required of most LAFCO actions)</i>	\$ 50
<i>For specific information regarding filing fees for Negative Declarations or Environmental Impact Reports, please refer to California Department of Fish & Wildlife</i>	

SCHEDULE OF PROCESSING FEES (Effective September 12, 2007) – Page two

<u>Deposit to Review map and legal description:</u> (Check payable to County Surveyor)	\$1,100
<u>Comprehensive Fiscal Analysis:</u>	Actual Cost with advance deposit of \$5,000
<u>State Controller’s Review of Comprehensive Fiscal Analysis:</u>	Actual Cost
<u>Municipal Service Reviews</u>	Actual Cost
<u>Annual Mail List Fee:</u>	\$ 50
<u>Duplication of Meeting Record</u> (i.e., tape, CD, transcription)	Actual Cost
<u>Document Copying:</u> (less than 20 pages \$.25/page)	\$ 25
<u>County Registrar of Elections fees to review petitions:</u>	Per the County Election Division’s Fee Schedule
<u>State Board of Equalization (SBE) Fee:</u>	Per the SBE Fee Schedule

Payments & Refunds: Fees are due with application submittal. No application shall be deemed filed until processing fees are deposited. Application processing fees are typically non-refundable.

Checks made payable to Contra Costa LAFCO and/or County offices must be business checks or money orders; personal checks will not be accepted.

Waiver Provision: The Commission may waive or alter fees in special circumstances [Gov. Code §56383(d)]. A proposal previously denied and resubmitted shall be accompanied by new fees unless changes are determined to be minor.

***Previously Paid Fees:** If any fee requirement has been previously met, please submit a copy of the appropriate documentation (e.g., fee receipt from County Clerk’s Office)

The fee schedule is administered in accordance with Government Code §56383.

	Alameda (2009)	Contra Costa (2007)	Los Angeles (2006)	Marin (2014)	Napa (2015)	Orange (2013) (2)	Riverside (2007)	San Bernardino (2015)	San Diego (2015)	San Mateo (2009)	Santa Clara (2010)	Solano (2007) (4)	Sonoma (2014)	Ventura (2014)
Change of Org	\$4,500-5,000(1)	\$2,765	\$2,500-8,000(1)	\$4,536-9,072(1)	\$4,428-8,856(1)	\$4,600-5,600	\$4,600-13,800(1)	\$5,500-9,000+ (1)	\$2,600-9,060+ (1)	\$1,170-5,538 (1)	\$5,914-11,868 (1)	\$2,000-30,000 (1)	\$5,000-9,900(1)	\$3,550-5,350(1)
Reorg	\$5,000	\$3,885	Change of Org Plus 20%	\$5,166	\$4,428-\$8,856(1)	\$7,900	\$4,600-13,800(1)	Sum of component charges	\$2,600-9,060+ (1)	Sum of components less 20%	\$5,914-11,868 (1)	\$2,000-30,000 (1)	\$5,000-9,900(1)	N/I
Inc/Disincorp	\$25,000	\$8,000	\$7,500	Actual Cost	At Cost	\$8,300	\$10,000 deposit; \$59 p/hour	\$10,000	\$13,750 dep + staff time	Actual Cost	\$11,481 dep + actual cost	\$7,500(disincorp)	\$10,000 deposit (actual cost)	\$30,000 deposit
SOI	\$2,500	\$4,500	\$2,500-7,000(1)	At Cost Deposit	At Cost	N/I	\$1,150-4,600(1)	\$500-5,000	\$5,500 (3)	Actual Cost	\$11,574 dep + actual cost	\$3,000	\$5,000 deposit \$10,000 deposit	\$5,330
SOI w/other app	\$2,500	\$1,500	\$500	At Cost Deposit	At Cost	\$1,000	N/I	\$5,000	\$5,500 (3)	Actual Cost	\$11,574 dep + actual cost	\$1,500	\$775	\$2,650
Out of Agency Service (OAS)	\$3,500	\$3,400	\$2,000	\$5,166	\$2,952 (includes 20% MSR fee)	\$4,600	\$3,450-5,750(1)	\$500-4,000	\$2,600-9,060+ (1) plus 30% surcharge	\$1,045-4,950 (1)	\$9,670 dep + actual cost	\$500-30,000 (1)	\$2,200-\$4,300	\$450-3,550
Prep of Env Doc	Actual Cost	Actual Cost	Actual Cost	Actual Cost	At Cost	Actual Cost	Actual Cost	Actual Cost	Actual Cost	Actual Cost	Actual Cost	contract amount + 20% for processing	Actual cost	Actual Cost
Review of Env Doc	N/I	\$750-1,000		N/I	N/I	Actual Cost	N/I	Actual Cost	Actual Cost	N/I	N/I		\$335-3,070	
Reconsideration	\$1,250	\$2,500	50% of Change of Org Fee	\$630	\$2,460	\$3,200	\$875	\$1,100	\$1,030	Actual Cost	\$2,619 dep + actual cost	\$2,000	\$2,300	\$2,650
Trans Juris	\$300	\$300	N/I	N/I	N/I	N/I	N/I	N/I	N/I	N/I	N/I	N/I	N/I	N/I
Latent Powers	\$5,000	\$2,765	N/I	Actual Cost plus 20% MSR fee	Actual Cost plus 20% MSR fee	\$3,900	\$4,600	\$5,000	\$2,600-9,060+ (1)	Actual Cost	\$5,914-11,868 (1)	\$1,500	\$1,000 dep (actual cost)	\$3,550
CFA	Actual Cost	Actual Cost	Actual Cost	Actual Cost	At Cost	Actual Cost	Actual Cost	Actual Cost	Actual Cost	Actual Cost	Actual Cost	N/I	N/I	Actual Cost
MSR	Actual Cost	Actual Cost	Actual Cost	At Cost Deposit	At Cost	\$7,900	Actual Cost	\$5,000	\$5,000	Actual Cost	N/I	N/I	\$5,000 dep (actual cost)	Actual Cost
District Form	\$5,000	\$7,800	\$7,500	Actual Cost	At Cost	\$7,900	\$9,200	\$10,000	\$9,650	Actual Cost	\$11,481 dep + actual cost	\$7,500	\$10,000 dep (actual cost)	\$7,150
Other Dist Actions	\$5,000	\$4,750	\$4,000-5,000	Actual Cost	At Cost	\$4,600	\$2,500	\$5,000+	\$5,500	\$1,220	\$11,481 dep + actual cost	\$7,500	\$10,000 dep (actual cost)	\$6,250
State CFA Rev	N/A	Actual Cost	Actual Cost	N/I	At Cost	Actual Cost	Actual Cost	Actual Cost	\$3,990+ actual cost	Actual Cost	N/I	N/I		Actual Costs
Special Study	Actual Cost	Actual Cost	Actual Cost	Actual Cost	At Cost	Actual Cost	N/I	Actual Cost	Actual Cost	N/I	N/I	N/I	Actual cost	Actual Costs
Time Ext	\$300	N/I	N/I	\$252	\$615	\$1,000	\$230	N/I	\$350	N/I	N/I	N/I	N/I	\$2,650
Other	GIS - \$110/hr	CFA deposit	Special Reorg	Resubmittal of proposal Policy waiver	Alt legal counsel	Reduced annexation fee in conjunction with OAS request		Appeal of Env Doc Mapping	Dissolution/Inactivity Protest proceedings	Dissolution/Inactivity Public Hearing Fee	Pre app meeting fee Research fees	reduced rate for OAS emergency	Pre-app meting	Fee/Policy Waiver Study Session Pre app meeting

Notes:

- (1) Fee depends on applicant (i.e., local agency, landowner, etc.), acreage, level of consent (100% or not), type of CEQA review, other variables
 - (2) Orange LAFCO - all fees are considered "Total Initial Payment"
 - (3) Excludes SOI reaffirmation or minor update
 - (4) All amounts listed reflect initial payment toward actual costs of processing application
- Most "Actual Cost" requires a deposit
 Most LAFCOs charge for special meetings, staff research, special studies
 N/I - Not Indicated

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION (LAFCO)
SCHEDULE OF PROCESSING FEES AND DEPOSITS
*(Effective **October 14, 2015**)*

Annexation/Detachment:

-Does not require protest proceeding	\$3,915
-Requires, or may require, protest proceeding	\$6,530

District Formation:

\$8,470

Other District Actions (i.e., dissolution/merger/consolidation/establishing subsidiary district):

\$5,690

Reorganization: (two or more changes of organization within a single proposal)Change of
Organization
fee plus 20%**Addition/Deletion of Power(s) for Special District:**

\$3,380

Incorporation/Disincorporation:

\$25,000

Concurrent review of corresponding sphere(s) with change of organization or reorganization:

\$2,060

Sphere of Influence Amendment/Revision:

\$4,810

Transfer of Jurisdiction to another LAFCO: (payable to principal LAFCO)

\$300

Request for Reconsideration:

\$2,500

Request for Extension of Time to Complete Proceedings

\$770

Out-of-Agency Service Review:

\$3,400

Requests for out-of-agency service approval in anticipation of a future annexation may be assessed additional fees per LAFCO policy

OTHER FEES**Environmental Review (LAFCO as Lead Agency)***Categorical Exemption*

\$ 200

*Negative Declaration**Actual Cost with advance deposit of*

\$ 500

*EIR Preparation**Actual Cost with advance deposit of*

\$2,500

Review Lead Agency's EIR

\$3,000

Review Lead Agency's Negative Declaration

\$1,500

Special Meeting/Workshop Fee:

Actual Cost

Special Study Fee

Actual Cost

Outside/Special Consultant Fee:

Actual Cost

SCHEDULE OF PROCESSING FEES (Effective October 14, 2015) – Page two

<u>Outside/Special Legal Fee:</u>		Actual Cost
<u>Hearing Notice Fee</u> (mailing and publication pursuant to Gov. Code 56157):		Actual Cost
<u>Notices of Determination per Public Resources Code 21089 & Fish & Game Code 711.4</u> (filed with Contra Costa County Clerk)**:		
<i>Filing as a Responsible Agency (required of most LAFCO actions)</i>		\$ 50
<i>For specific information regarding filing fees for Negative Declarations or Environmental Impact Reports, please refer to California Department of Fish & Wildlife</i>		
**Deposit to Review map and legal description: (Check payable to Contra Costa County Surveyor)		\$1,200
<u>Comprehensive Fiscal Analysis:</u>	<i>Actual Cost with advance deposit of</i>	\$5,000
<u>State Controller’s Review of Comprehensive Fiscal Analysis:</u>		Actual Cost
<u>Municipal Service Review</u>	<i>Actual cost with advance deposit of</i>	\$5,000
<u>Annual Mail List Fee:</u>		\$ 50
<u>Duplication of Meeting Record</u> (i.e., CD, transcription)		Actual Cost
LAFCO meeting records and audio recordings of meeting are available online		
<u>Document Copying:</u> (less than 20 pages \$.25/page)		\$ 25
LAFCO records are available electronically at no cost		
<u>**Contra Costa County Elections fees (i.e., review petitions, provide voter lists, etc.):</u>		Per the County Election Division’s Fee Schedule
<u>**State Board of Equalization (SBE) Fee:</u>		Per the SBE Fee Schedule

Payments & Refunds: Fees are due with application submittal. No application shall be deemed filed until processing fees are deposited. Application processing fees are typically non-refundable.

Checks made payable to Contra Costa LAFCO and/or Contra Costa County offices must be business checks or money orders; personal checks will not be accepted. **Fees paid to entities other than Contra Costa LAFCO.

Waiver Provision: The Commission may waive or alter fees in special circumstances [Gov. Code §56383(d)]. A proposal previously denied and resubmitted shall be accompanied by new fees unless changes, as determined by LAFCO staff, are minor.

Previously Paid Fees: If any fee requirement has been previously met, please submit a copy of the appropriate documentation (e.g., fee receipt from Contra Costa County Clerk’s Office)

The fee schedule is administered in accordance with Government Code §56383.



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

August 12, 2015
 Agenda Item 12

August 12, 2015 (Agenda)

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

Special District Risk Management Authority (SDRMA) Board Election

Dear Commissioners:

This is a report from the LAFCO ad hoc subcommittee appointed by the Commission to screen and recommend candidates for the SDRMA Board of Directors.

Contra Costa LAFCO is a member of SDRMA and purchases its workers' compensation and property/liability insurance through the Authority. In May, LAFCO received the SDRMA election packet with information regarding the board election process and four candidates. The SDRMA requests action by LAFCO to select up to three candidates for the SDRMA Board of Directors; **ballots must be cast by August 25, 2015.**

In June, the Commission appointed an ad hoc subcommittee (Commissioners Schroder and Skaredoff) to review the candidates and report back to the Commission in August with its recommendations. The subcommittee reviewed the written qualifications of each candidate; and interviewed all candidates by phone.

On June 18th, the subcommittee met to review the four candidates using criteria such as geographic diversity, special district experience, risk management experience, qualifications as agency staff member or agency Board member, elected office experience, LAFCO knowledge and experience, and agency diversity (e.g., large vs. small district, etc.).

Based on a review of written materials, phone interviews, and criteria used, the subcommittee recommends that Contra Costa LAFCO cast its votes for the following candidates:

- Sandy Raffelson, (incumbent), Herlong Public Utility District, Lassen County
- Ed Gray, (incumbent), Chino Valley Independent Fire District, San Bernardino County
- R. Michael Wright, Los Osos Community Services District, San Luis Obispo County

Recommendations:

1. It is recommended that the Commission cast its vote pursuant to the subcommittee's recommendations, adopt Resolution No. 2015-01 containing the Official 2015 SDRMA Election Ballot (attached), and direct staff to file the LAFCO resolution with SDRMA prior to August 25, 2015; or
2. Provide other direction as desired.

Respectfully submitted,

Rob Schroder and Igor Skaredoff

Attachment – LAFCO Resolution 2015-01 Containing Official 2015 SDRMA Election Ballot

RESOLUTION NO. 2015-01

**A RESOLUTION OF THE GOVERNING BODY OF THE
Contra Costa Local Agency Formation Commission
FOR THE ELECTION OF DIRECTORS TO THE SPECIAL DISTRICT
RISK MANAGEMENT AUTHORITY BOARD OF DIRECTORS**

WHEREAS, Special District Risk Management Authority (SDRMA) is a Joint Powers Authority formed under California Government Code Section 6500 et seq., for the purpose of providing risk management and risk financing for California special districts and other local government agencies; and

WHEREAS, SDRMA's Sixth Amended and Restated Joint Powers Agreement specifies SDRMA shall be governed by a seven member Board of Directors nominated and elected from the members who have executed the current operative agreement and are participating in a joint protection program; and

WHEREAS, SDRMA's Sixth Amended and Restated Joint Powers Agreement Article 7 - Board of Directors specifies that the procedures for director elections shall be established by SDRMA's Board of Directors; and

WHEREAS, SDRMA's Board of Directors approved Policy No. 2015-01 Establishing Guidelines for Director Elections specifies director qualifications, terms of office and election requirements; and

WHEREAS, Policy No. 2015-01 specifies that member agencies desiring to participate in the balloting and election of candidates to serve on SDRMA's Board of Directors must be made by resolution adopted by the member agency's governing body.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Contra Costa Local Agency Formation Commission selects the following candidates to serve as Directors on the SDRMA Board of Directors:

(continued)



OFFICIAL 2015 ELECTION BALLOT
SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY
BOARD OF DIRECTORS

VOTE FOR ONLY THREE (3) CANDIDATES

Mark each selection directly onto the ballot, voting for no more than three (3) candidates. Each candidate may receive only one (1) vote per ballot. A ballot received with more than three (3) candidates selected will be considered invalid and not counted. All ballots must be sealed and received by mail or hand delivery in the enclosed self-addressed, stamped envelope at SDRMA on or before 5:00 p.m., Tuesday, August 25, 2015. Faxes or electronic transmissions are NOT acceptable.

- ROBERT SWAN
Director/President, Groveland Community Services District
ED GRAY (INCUMBENT)
Director/President, Chino Valley Independent Fire District
R. MICHAEL WRIGHT
Director/President, Los Osos Community Services District
SANDY SEIFERT-RAFFELSON (INCUMBENT)
District Clerk, Herlong Public Utility District

ADOPTED this 12th day of August, 2015 by the Contra Costa Local Agency Formation Commission by the following roll call votes listed by name:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: APPROVED:



AGENDA

August 12, 2015
Agenda Item 13

RETIREMENT BOARD MEETING

SECOND MONTHLY MEETING
June 25, 2015
9:00 a.m.

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

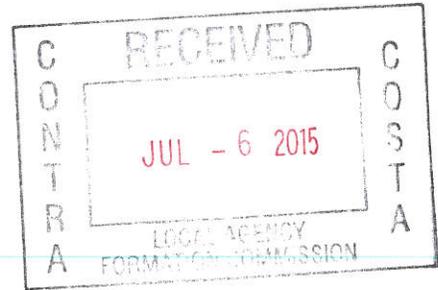
THE RETIREMENT BOARD MAY DISCUSS AND TAKE ACTION ON THE FOLLOWING:

1. Pledge of Allegiance.
2. Accept comments from the public.
3. Presentation by Segal Consulting on the December 31, 2014 GASB 67 valuation.
4. Presentation by Brown Armstrong on the audit of the December 31, 2014 financial statements.
5. Presentation from staff and Angelo Gordon regarding potential commitment to the Angelo Gordon Energy Credit Opportunities Fund.
6. Consider and take possible action regarding potential commitment to the Angelo Energy Credit Opportunities Fund.
7. Presentation from Verus on results of Enterprise Risk Tolerance (ERT) assessment.
8. Consider and take possible action to amend Resolution 2015-1 providing for salary and benefits for unrepresented employees of CCCERA effective January 1, 2015 with the proposed clarification to Section 17. Deferred Compensation sub section B.
9. Consider and take possible action to grant the Chief Executive Officer authority to execute a contract with ADP for human resource information system services, payroll and timekeeping.
10. Consider authorizing the attendance of Board and/or staff:
 - a. The Private Equity Exclusive, Pension Bridge, July 20-21, 2015, Chicago, IL.
 - b. 2015 Public Funds Forum, Robbins Geller Rudman & Dowd, September 8-10, 2015, Laguna Beach, CA.
11. 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.

MEMORANDUM

Date: July 1, 2015
To: Interested Parties
From: Gail Strohl, Retirement Chief Executive Officer
Subject: July 8, 2015 Board Meeting



Tomorrow, you will receive the agenda for the Retirement Board meeting on July 8, 2015. Of particular importance, Segal Consulting will present the results of the annual *Actuarial Valuation and Review as of December 31, 2014*. The report will include proposed employer and member contribution rates for the period July 1, 2016 through June 30, 2017.

Copies of the full valuation report will be available on our website at www.cccera.org on Monday, July 6, 2015.

This is an opportunity for all interested parties, including staff and Boards of our participating employers, to learn more about the actuarial process. Segal Consulting will present their findings and answer questions regarding the valuation.

You are invited to attend this meeting, ask questions and learn more about this critical subject.



AGENDA

RETIREMENT BOARD MEETING

FIRST MONTHLY MEETING
July 8, 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. Board Reorganization:
 - a. Election of Chair (Hast, incumbent).
 - b. Election of Vice-Chair (Phillips, incumbent).
 - c. Election of Secretary (Telles, incumbent).
4. Approve minutes from the April 8 and May 6, 2015 Board meetings.
5. Routine items for July 8, 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

6. 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>
Victor Fernandez	Service Connected	Service Connected
Leticia Thomas	Service Connected	Service Connected

7. The Board will continue in closed session to consider the Hearing Officer's recommendation regarding the disability application for Terry Tipton-Guthmiller.

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.

8. 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

9. 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. *Public Employees Union, Local No. 1, et al. v. Board of Retirement of Contra Costa County Employees' Retirement Association, et al.*, Contra Costa County Superior Court, Case No.: N14-1221.

OPEN SESSION

10. Presentation from Segal regarding the December 31, 2014 Valuation Report.
11. Consider and take possible action to adopt the December 31, 2014 Valuation Report and contribution rates for the period July 1, 2016 – June 30, 2017.
12. Consider and take possible action to approve a benefit allowance for the beneficiary of Shari Critchfield, pursuant to Government Code Section 31726.
13. Consider authorizing the attendance of Board and/or staff:
 - a. Public Pension Funding Forum, NCPERS, August 23-25, 2015, Berkeley, CA.
 - b. Verus 2015 Client Summit, Verus, September 1, 2015, Seattle, WA.
 - c. Advanced Investment Management, IFEBP, September 29-October 2, 2015, Philadelphia, PA.
14. 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.



AGENDA

RETIREMENT BOARD MEETING

SECOND MONTHLY MEETING
July 23, 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.

CLOSED SESSION

3. 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

OPEN SESSION

4. Consider and take possible action to adopt the Memorandum of Understanding between Contra Costa County Employees' Retirement Association and United Clerical, Technical & Specialized Employees (AFSCME), Local 2700, for the period of July 1, 2013 through December 31, 2016 and authorize Retirement CEO to execute said MOU.
5. Presentation from staff and Commonfund regarding proposed Commonfund Natural Resources Fund commitment.
6. Consider and take possible action to commit to Commonfund Natural Resources Fund.
7. Presentation from Verus on Current Assessment Review of CCCERA.
8. Consider and take possible action on revised Board meeting schedule for 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.

9. Presentation of revised annual member benefit statement.
10. Consider authorizing the attendance of Board and/or staff:
 - a. Alternative Investment Strategies, IFEBP, July 27-29, 2015, San Francisco, CA.
 - b. Fiduciaries' Forum, Nossaman, September 24-25, 2015, San Francisco, CA.
 - c. 27th Annual Northern California Public Retirement Seminar, Public Retirement Journal, October 1, 2015, Sacramento, CA.
11. 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, August 05, 2015

August 12, 2015
Agenda Item 15a

AB 115 (Committee on Budget) **Water.**

Current Text: Amended: 6/18/2015 [pdf](#) [html](#)

Introduced: 1/9/2015

Last Amended: 6/18/2015

Status: 6/18/2015-From committee: Do pass. (Ayes 10. Noes 5.) (June 18).
Senate Rule 29 suspended. (Ayes 22. Noes 13. Page 1486.) Ordered to third reading.

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

Summary:

Would authorize the State Water Resources Control Board to order consolidation with a receiving water system where a public water system, or a state small water system within a disadvantaged community, consistently fails to provide an adequate supply of safe drinking water. This bill would authorize the state board to order the extension of service to an area that does not have access to an adequate supply of safe drinking water so long as the extension of service is an interim extension of service in preparation for consolidation.

Position: Oppose

Subject: Disadvantaged Communities, LAFCo Administration, Special District Consolidations, Water

CALAFCO Comments: This bill is the same as SB 88. As amended, AB 115 gives the State Water Resources Control Board (SWRCB) direct authority to mandate either an extension of service or consolidation of water systems, including public and private systems, and individual wells. The bill focuses on disadvantage communities. Prior to ordering the consolidation, the SWRCB must make certain determinations and take certain actions, including conducting a public hearing in the affected territory. They are also required to "consult with and fully consider input from the relevant LAFCo, the PUC, and either the city or county (whichever has land use authority). Entities are allowed 6 months to find workable solutions before the SWRCB mandates the action. Prior to making the order, the SWRCB must make certain determinations. Upon making the order, the SWRCB must make funding available to the receiving water system for capacity building (no operations and maintenance funding is provided, adequately compensate the subsumed system, pay fees to the LAFCo for whatever work they will do (which is as of now undefined) to facilitate the action. The bill also contains certain CEQA exemptions and liability relief for the subsuming water entity, as well as various penalties. Finally, the bill makes legislative findings and declarations as to the reason for the SWRCB to have these powers, which has been taken directly from the legislative findings and declarations of CKH and the reason LAFCos have the powers they do.

CALAFCO has attempted to work with the administration for some time in defining the best possible process for these actions. However, for the most part, amendments proposed have been dismissed. CALAFCO has a number of concerns regarding the proposed process, not the least of which is the language in section 116682 (g) (the way it is worded now, it exempts the entire consolidation process and there is a legal argument that this would divest LAFCO of any authority to complete the consolidation since that authority is solely contained in CKH). Further, we requested indemnification for LAFCo as they implement section 11682(e)(4) which was also dismissed.

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

Current Text: Amended: 6/30/2015 [pdf](#) [html](#)

Introduced: 2/19/2015

Last Amended: 6/30/2015

Status: 6/30/2015-Read second time and amended. Ordered to third reading.

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

Summary:

Would establish a pilot program, until January 1, 2021, for the Napa and San Bernardino commissions that would permit those commissions to 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 contains other related provisions.

Position: None at this time

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

CALAFCO Comments: This bill creates a 5 year pilot opportunity for Napa and San Bernardino LAFCo Commissions to authorize an extension of services outside boundaries and spheres to support existing or planned uses pending the commission's determination that (1) a service deficiency was identified and evaluated in a MSR; AND (2) the extension of services will not result in adverse impacts on open space or ag lands or have growth inducing impacts.

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: 6/29/2015-In committee: 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: 6/30/2015 [pdf](#) [html](#)

Introduced: 2/26/2015

Last Amended: 6/30/2015

Status: 7/14/2015-Read second time. Ordered to third reading.

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

Summary:

Current law authorizes a local agency which is conducting proceedings for the incorporation of a city, formation of a district, change of organization, a reorganization, a change of organization of a city, or a municipal reorganization to propose the adoption of a special tax on behalf of the affected city or district in accordance with this procedure. This bill would additionally authorize a local agency conducting proceedings for the disincorporation of a city to propose the adoption of a special tax on behalf of an affected city in accordance with the above-described procedure.

Attachments:

[CALAFCO Support_Mar 2015](#)

Position: Sponsor

Subject: CKH General Procedures, Disincorporation/dissolution

CALAFCO Comments: Sponsored by CALAFCO. As amended, this bill addresses 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: Chaptered: 7/15/2015 [pdf](#) [html](#)

Introduced: 3/23/2015

Last Amended: 5/22/2015

Status: 7/15/2015-Chaptered by Secretary of State - Chapter 114, Statutes of 2015.

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 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 Letter Requesting Governor Signature](#)
- [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: 7/16/2015-From committee: Do pass and re-refer to Com. on APPR. (Ayes 9. Noes 0.) (July 15). 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 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 88](#) (Committee on Budget and Fiscal Review) Water.

Current Text: Chaptered: 6/24/2015 [pdf](#) [html](#)

Introduced: 1/9/2015

Last Amended: 6/17/2015

Status: 6/24/2015-Chaptered by Secretary of State - Chapter 27, Statutes of 2015

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

Summary:

Would authorize the State Water Resources Control Board to order consolidation with a receiving water system where a public water system, or a state small water system within a disadvantaged community, consistently fails to provide an adequate supply of safe drinking water. This bill would authorize the state board to order the extension of service to an area that does not have access to an adequate supply of safe drinking water so long as the extension of service is an interim extension of service in preparation for consolidation.

Position: Oppose

Subject: Disadvantaged Communities, LAFCo Administration, Special District Consolidations, Water

CALAFCO Comments: This bill is the same as AB 115. As amended, SB 88 gives the State Water Resources Control Board (SWRCB) direct authority to mandate either an extension of service or consolidation of water systems,

including public and private systems, and individual wells. The bill focuses on disadvantage communities. Prior to ordering the consolidation, the SWRCB must make certain determinations and take certain actions, including conducting a public hearing in the affected territory. They are also required to "consult with and fully consider input from the relevant LAFCo, the PUC, and either the city or county (whichever has land use authority). Entities are allowed 6 months to find workable solutions before the SWRCB mandates the action. Prior to making the order, the SWRCB must make certain determinations. Upon making the order, the SWRCB must make funding available to the receiving water system for capacity building (no operations and maintenance funding is provided, adequately compensate the subsumed system, pay fees to the LAFCo for whatever work they will do (which is as of now undefined) to facilitate the action. The bill also contains certain CEQA exemptions and liability relief for the subsuming water entity, as well as various penalties. Finally, the bill makes legislative findings and declarations as to the reason for the SWRCB to have these powers, which has been taken directly from the legislative findings and declarations of CKH and the reason LAFCos have the powers they do.

CALAFCO has attempted to work with the administration for some time in defining the best possible process for these actions. However, for the most part, amendments proposed have been dismissed. CALAFCO has a number of concerns regarding the proposed process, not the least of which is the language in section 116682 (g) (the way it is worded now, it exempts the entire consolidation process and there is a legal argument that this would divest LAFCO of any authority to complete the consolidation since that authority is solely contained in CKH). Further, we requested indemnification for LAFCo as they implement section 11682(e)(4) which was also dismissed.

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

Current Text: Amended: 6/1/2015 [pdf](#) [html](#)

Introduced: 2/17/2015

Last Amended: 6/1/2015

Status: 7/16/2015-From committee: Do pass and re-refer to Com. on APPR. (Ayes 8. Noes 1.) (July 15). 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, with certain exceptions, permit a public agency to exercise new or extended services outside the public agency's current service area pursuant to a fire protection contract, as defined, only if the public agency receives written approval from the local agency formation commission in the affected county.

Attachments:

- [CALAFCO Removal of Opposition to No Position Letter](#)
- [CALAFCO OpposeLetter_April 2015](#)

Position: None at this time

Subject: CKH General Procedures, Municipal Services

CALAFCO Comments: As amended on June 1, this bill sets forth requirements for the application of service extensions relating to fire protection services. The bill calls for a Fire Protection Contract to be submitted with the application. This 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; or, provide at least 30 days notice of the public hearing with such notice being sent to each affected public agency and all affected employee unions and shall include a copy of the proposed agreement. 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; (6) Enumeration and description of services proposed; (7) level and range of services proposed; (8) Timeline for services to be provided; and (9) improvements or upgrades that would be imposed or required to provide services. Further, it requires a comprehensive Fiscal Analysis to be conducted. 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.

The bill sets several precedents. First, it 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. Further, the >25% threshold that triggers this kind of scrutiny appears to be an arbitrary threshold with no data to support it. Next, LAFCos currently have exempted the review and approval of contracts or agreements between two public agencies - this bill would change that provision in certain circumstances. Finally, the bill addresses only one type of service provider, which fails to address the question 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.

Many of CALAFCO's concerns have been removed by amendments, however there are some that remain as noted above. At question for CALAFCO members is whether or not the LAFCo should be reviewing and/or approving contracts/agreements between two public agencies, which is a question for which CALAFCO has received divergent positions. As a result, for now, CALAFCO does not have a position on this bill.

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

Current Text: Amended: 7/6/2015 [pdf](#) [html](#)

Introduced: 2/19/2015

Last Amended: 7/6/2015

Status: 7/16/2015-From committee: Do pass and re-refer to Com. on APPR. (Ayes 9. Noes 0.) (July 15). Re-referred to Com. on APPR.

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

Summary:

Would require each local agency, except a local educational 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 person or officer designated by 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.

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 software application or computer system that collects, stores, exchanges, and analyzes information that the agency uses that is 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. The author has agreed to exclude 911 systems.

SB 552 (Wolk D) Public water systems: disadvantaged communities: consolidation or extension of service.

Current Text: Amended: 7/7/2015 [pdf](#) [html](#)

Introduced: 2/26/2015

Last Amended: 7/7/2015

Status: 7/17/2015-Failed Deadline pursuant to Rule 61(a)(10). (Last location was RLS. on 7/9/2015)

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

Summary:

Current law, for purposes of the California Safe Drinking Water Act, defines "disadvantaged community" to mean a disadvantaged community that is in an unincorporated area or is served by a mutual water company. This bill would allow a community to be a "disadvantaged community" if the community is in a mobilehome park even if it is not in an unincorporated area or served by a mutual water company.

Position: Watch

Subject: Disadvantaged Communities, Water

CALAFCO Comments: This bill is being amended as a vehicle to clean-up the water consolidation legislation [passed through as a budget trailer bill, SB 88/AB 115.

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

Current Text: Amended: 7/1/2015 [pdf](#) [html](#)

Introduced: 12/1/2014

Last Amended: 7/1/2015

Status: 7/8/2015-From committee: Do pass and re-refer to Com. on APPR. (Ayes 5. Noes 2.) (July 8). Re-referred to Com. on APPR.

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

Calendar:

8/17/2015 10 a.m. - John L. Burton Hearing Room (4203)
SENATE APPROPRIATIONS, LARA, 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 submit a resolution of application to the Santa Barbara County Local Agency Formation Commission, and 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 on July 1, the bill requires the Santa Barbara Board of Supervisors (BOS) on or before 1/5/16 to file a resolution of application with the Santa Barbara LAFCO to initiate a comprehensive review of the formation of the Isla Vista CSD. The LAFCO will not have the authority to make a final determination as to whether or not the CSD should be formed, but rather only make recommendations as to its formation. (This differs from the last version of the bill which did not include the LAFCO at all.) The final authority of whether or not the district shall be formed will stay with the voters. The bill requires the BOS to pay the appropriate fees for the LAFCO review and recommendations. Further, the bill requires the LAFCO to complete the review and make recommendations within 120 days of the filing of the resolution of application. Finally, because the people are voting on the establishment of the CSD, protest proceedings are being waived.

The bill also requires the BOS to place the formation question on the first ballot after LAFCO completes the review, and should the district be formed, the BOS shall then call for a vote on the funding of the district. Setting a precedent, the bill is calling for a utility user tax to fund the district, which shall be determined by 1/1/23. The bill also calls out the special governing structure of the district board, the boundaries of the proposed CSD and the authorities of the CSD.

[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: 6/30/2015-Read second time. Ordered to third reading.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
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: 5/15/2015-Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 1/22/2015)

2 year	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
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

AB 369 **(Steinorth R) Local government.**

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

Introduced: 2/17/2015

Status: 5/15/2015-Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 2/17/2015)

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

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

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: Enrollment: 8/3/2015 [pdf](#) [html](#)

Introduced: 2/24/2015

Last Amended: 5/14/2015

Status: 8/3/2015-Enrolled and presented to the Governor at 3 p.m.

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

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 until January 1, 2021.

Position: Watch
Subject: Special District Powers

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

Current Text: Amended: 6/22/2015 [pdf](#) [html](#)

Introduced: 2/24/2015

Last Amended: 6/22/2015

Status: 7/7/2015-Read second time. Ordered to third reading.

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

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, as specified.

Position: Watch
Subject: Other

CALAFCO Comments: As amended, the bill gives the ability for a mutual water company to enter into a joint powers agreement with a public water agency for the purposes of 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: 7/6/2015 [pdf](#) [html](#)

Introduced: 12/1/2014

Last Amended: 7/6/2015

Status: 7/16/2015-Read second time. Ordered to consent calendar.

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.

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: Chaptered: 6/1/2015 [pdf](#) [html](#)

Introduced: 2/9/2015

Status: 6/1/2015-Chaptered by Secretary of State - Chapter No. 4, Statutes of 2015

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

Summary:

This bill would enact the First Validating Act of 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: 5/22/2015-From consent calendar. Ordered to inactive file on request of Assembly Member Maienschein.

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

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: Chaptered: 7/2/2015 [pdf](#) [html](#)

Introduced: 2/9/2015

Status: 7/2/2015-Chaptered by Secretary of State - Chapter 45, Statutes of 2015.

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: 6/15/2015 [pdf](#) [html](#)

Introduced: 2/9/2015

Last Amended: 6/15/2015

Status: 7/16/2015-In Senate. Concurrence in Assembly amendments pending.

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

Summary:

Current law authorizes specified local entities, including cities, counties, special districts, and other authorized public corporations, to collect fees, tolls, rates,

rentals, or other charges for water, sanitation, storm drainage, or sewerage system services and facilities. Under current law, a local entity may collect these charges on the property tax roll at the same time and in the same manner as its general property taxes. If the entity collects these charges in this way, current law requires the entity to prepare and file with its clerk or secretary a report describing each parcel of property receiving the above-described services and the amount charged. Existing law requires the clerk or secretary to annually file the report with the auditor. This bill would define "clerk" to mean the clerk of the legislative body or secretary of the entity.

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: 7/7/2015-From committee: Do pass and re-refer to Com. on APPR.

(Ayes 7. Noes 3.) (July 7). 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: None at this time

Subject: Water

CALAFCO Comments: As amended this bill addresses groundwater rights and is a follow up to the 2014 groundwater legislative package.

SB 393 (Nguyen R) Local agencies.

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

Introduced: 2/25/2015

Status: 5/15/2015-Failed Deadline pursuant to Rule 61(a)(3). (Last location was RLS. on 3/5/2015)

Desk	2 year	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.

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

Current Text: Chaptered: 7/15/2015 [pdf](#) [html](#)

Introduced: 2/25/2015

Last Amended: 6/18/2015

Status: 7/15/2015-Chaptered by Secretary of State - Chapter 99, Statutes of 2015.

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

Summary:

Would authorize the Santa Clara County Open-Space Authority to acquire, but not to take by eminent domain, interests in real property that are without the authority's jurisdiction, necessary to the full exercise of its powers. The bill would also authorize the authority's boundaries to be altered by the annexation of contiguous territory, in the unincorporated area of a neighboring county, as provided. The bill would change the name of the authority to the Santa Clara Valley Open-Space Authority and make conforming changes.

Subject: Special District Powers

[SB 485](#) ([Hernandez D](#)) County of Los Angeles: sanitation districts.

Current Text: Amended: 7/7/2015 [pdf](#) [html](#)

Introduced: 2/26/2015

Last Amended: 7/7/2015

Status: 7/16/2015-From committee: Do pass. (Ayes 9. Noes 0.) (July 15).

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

Summary:

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

Total Measures: 26

Total Tracking Forms: 26

8/5/2015 10:09:38 AM

**CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
PENDING PROPOSALS – AUGUST 12, 2015**

August 12, 2015
Agenda Item 15b

LAFCO APPLICATION	RECEIVED	STATUS
West County Wastewater District Annexation No. 312: proposed annexation of 2.14+ acres located at Sobrante Avenue in El Sobrante	11/7/08	To be presented to Commission in September/October 2015
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 6/10/15 meeting to 6/8/16
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 5/13/15 meeting to 8/12/15
West County Wastewater District Annexation 314 (Park Avenue)	7/21/15	Under review

August 12, 2015
Agenda Item 15c

The New York Times | <http://nyti.ms/1SbznCg>

U.S.

California Announces Restrictions on Water Use by Farmers

By JENNIFER MEDINA **JUNE 12, 2015**

LOS ANGELES — Farmers with rights to California water dating back to the Gold Rush will face sharp cutbacks, the first reduction in their water use since 1977, state officials announced Friday. State officials announced that rights dating to 1903 would be restricted, but said such restrictions will grow as the summer months go on, with the state facing a prolonged drought that shows few signs of easing.

“Demand in our key rivers systems are outstripping supply,” said Caren Trgovcich, the State Water Resources Control Board’s chief deputy director. “Other cuts may be imminent.”

The cut impacts nearly 300 water right holders in the San Joaquin and Sacramento watersheds and delta whose claim to water came after 1903. State officials said that further curtailments are being considered weekly.

The restrictions could cause the widespread fallowing of cropland in areas that have so far been largely exempt from cutbacks. The impact of the cuts are likely to be felt far more broadly than they were in the 1970s, because the state now has more authority and ability to measure how water from the Sacramento-San Joaquin River Delta is used.

While officials have said for months that water for so-called “senior” rights holders — those at the front of the line — would be curtailed, they had repeatedly put off such a decision amid the cooler and wetter weather of the last several weeks.

Gov. Jerry Brown received repeated and intense criticism after he issued mandatory cuts on urban water use but exempted farmers from the cut. In a normal year, agriculture uses about 80 percent of the water consumed in the state. Farmers in the Central Valley have already had their surface water allotment diminish or erased for the last several years and instead relied on water pumped from the ground.

Last month, the state reached an agreement with some farmers in the delta to voluntarily cut their use by 25 percent in exchange for a promise to not face more drastic cuts later during the growing season. Roughly half of the region’s 400 farmers eligible for the program signed on, according to state officials.

The growing season is just beginning in much of the state and farmers are making crucial decisions about what and how much to plant.

© 2015 The New York Times Company



Independent, locally owned and operated!

www.lamorindaweekly.com 925-377-0977

Published **June 17th, 2015**

Neighbors Reach Out to ConFire

By *Nick Marnell*

Less than two years after county administrator David Twa warned that the Contra Costa County Fire Protection District was in danger of bankruptcy, and not two years since consultant Fitch and Associates advised the ConFire board of directors that the district business model was unsustainable, ConFire has become a highly sought-after business partner.

The Moraga-Orinda Fire District and ConFire continue to fine-tune the details of a joint venture to build fire station 46, which will serve north Orinda and west Lafayette. American Medical Response, an ambulance transport provider, agreed to subcontract with ConFire as they jointly pitch for the 5-year Contra Costa County ambulance contract. And two neighboring fire districts have approached ConFire about consolidation or contracting for service.

A defeated parcel tax in 2012 followed by the failure of a proposed district benefit assessment in April forced the East Contra Costa Fire Protection District to close two fire stations, and the district reached out to ConFire for help. ConFire Chief Jeff Carman met with East County Chief Hugh Henderson and his board about consolidation.

"My answer is no," Carman told his Advisory Fire Commission June 8. "I am not interested in consolidation. Other districts can run cheaper than we can, and there is no efficiency in size." The chief said he may consider having ECCFPD contract with ConFire, and he did confirm that ConFire executed a new automatic aid agreement with East County.

Fire Chief Charles Hanley of the Rodeo-Hercules Fire District said that he approached ConFire about contracting for service, as his district recently cut staff and closed a fire station in part due to a lower refinery property tax assessment and higher employee retirement costs. "We're not big enough to fight off all of those entities," said Hanley. Carman said he is still thinking about the best way to help RHFD.

"We need to balance the level of service for our own citizens," Carman told the commission, which agreed that the district's main focus must be to serve the ConFire taxpayers. Yet the depletion of resources of the adjacent fire districts affects ConFire not only financially.

"It's tough on our guys, who see the East County firefighters doing whatever it takes regardless of the jeopardy they put themselves in," said the chief. "Our guys don't like to sit around and watch that. They want to add themselves to the assignment even though we don't have the resources to do it."

Also torn is Vince Wells, president of Local 1230 of the firefighters' union and a ConFire captain.

"I'm not against consolidations, but I don't want to see us go back into the red," he said. "The revenue is never enough because the people will demand more stations and more service."

Which can be the result when districts that pay 6 cents on the tax dollar for fire protection count on the help of county districts that pay up to 21 cents for the service. "Our subsidizing other districts is detrimental because there are people who believe they don't have to pay extra taxes and can just rely on ConFire," said Carman.

The pressure on all fire agencies is expected to increase as northern California enters into a potentially devastating fire season after four years of drought conditions.

Reach the reporter at: info@lamorindaweekly.com

[back](#)

Copyright © Lamorinda Weekly, Moraga CA

**Independent, locally owned and operated!**

www.lamorindaweekly.com 925-377-0977

Published **June 17th, 2015**

Financial Reporting Shakeup at MOFD

By Nick Marnell

Many have complained that when public pension costs can be hidden and then deferred for future payment, it can be too easy for governments to get away with making unreasonable promises without taking care of the funding problem in the first place. In an effort to more accurately report those costs, the Governmental Accounting Standards Board foisted new rules upon state and local governments - including the Moraga-Orinda Fire District - requiring them to place their net pension liability on the balance sheet instead of in the financial statement footnotes. The requirement takes effect for the MOFD fiscal year ending June 30.

"The purpose of this ruling is to improve the financial reporting of pensions and to provide more transparency of our long-term pension obligation," said Gloriann Sasser, MOFD administrative services director, at the June 3 district meeting.

The MOFD 2014 balance sheet lists total assets of \$39.9 million with liabilities of \$30.1 million. "This year the reported liabilities will be significantly higher," said Sasser. "The district will have a negative net position as opposed to a net position of \$9.8 million last year."

Sasser explained that the new reporting standard will have no effect on the district's cash flow, general fund budget, fund balance or long-range financial plan.

"It doesn't affect our revenue or our solvency, but I think it's important to publish this in a public document, to show the public what we really do owe," said director Steve Anderson.

Director Fred Weil noted that many private companies report significant information, such as lease liabilities, in their financial statement footnotes. Weil said that taking the district pension liability out of a footnote and sticking it on the balance sheet was "a mixture of accounting methods for political purposes."

If the district refused to go along with the GASB standard, it would not receive what Sasser called a clean audit of its financial statements. Those flawed statements could prevent the district from acquiring bank financing, such as for the lease it is trying to secure for its purchase of two new ambulances.

Though the MOFD year-end financials will report activity through June 30, Sasser said the Contra Costa County Employees' Retirement Association, manager of the district pension plan, will base the fair market value of the plan assets on Dec. 31, 2014 equity prices. She said she was not sure of the date to be used for the equity prices of the liabilities, but that it could be a different one.

"There's transparency for you," said Weil.

Reach the reporter at: info@lamorindaweekly.com

[back](#)

Copyright © Lamorinda Weekly, Moraga CA

LETTERS TO THE EDITOR **JUNE 29, 2015**

Jim Bonetti: Voters watching to see what mayors do about LAFCO, Beekman

So LAFCO tries to correct the formula for developer fees for turning farmland into residential housing. Hughson Mayor Matt Beekman believes developers pay too little to cities for the privilege of building, so he votes to increase the fees. Beekman was appointed to LAFCO by the other mayors; according to most of them, Beekman should do as he's told.

So Riverbank Mayor Richard O'Brien doesn't like how Beekman voted and has a tantrum and calls Beekman "un-American"! O'Brien and his mayor buddies get together and say "Hey, let's dump Beekman." They don't want to be called "un-American," so they go along.

So, O'Brien et al think voters must vote with the majority? Beekman doesn't think so, nor do I. We're not alone.

This is America, not some third-world country where you lose your hand if you don't vote as you're told. Every person in every city you represent are watching what you do at the next LAFCO meeting, where you plan to show

Beekman who's boss.

Developers are a dime a dozen. They would pay 10 times whatever fees were required just to get the chance to build something. They are motivated by one thing: money!

JIM BONETTI, WATERFORD



MORE LETTERS TO THE EDITOR

COMMENTS

0 Comments

Sort by

Oldest



Add a comment...

 Facebook Comments Plugin

Kensington

Town leaders face recall drive

Residents cite lack of reforms after Reno sex scandal

By Thomas Peele

tpeele@bayareanewsgroup.com

KENSINGTON — Citing a “humiliating sex scandal” involving a local police sergeant and a Reno prostitute, residents of this tony East Bay hills town have started a drive to recall three elected officials they say failed to enact promised reforms.

Directors Len Welsh, Charles Toombs and Pat Gillette of the Kensington Police Protection and Community Services Board were served with notices of a recall drive at a meeting Monday night.

Board members Vanessa Cordova and Rachelle Sheris-Watt, both elected last year as reform candidates, were not named in the notice.

On Tuesday, one of the people involved in the effort, Annie Shane, said the notices contained a technical error and the three officials will be served again.

But for all intents and purposes, she added, the recall is on.

The notices, which are a required start of a recall effort, mentioned the sex scandal involving police Sgt. Keith Barrow that this newspaper reported in February.

Following public outcry over how former district police Chief and General Manager Greg Harman handled an investigation of Barrow, the board cut off contract-extension talks



RAY CHAVEZ/STAFF

Then-Kensington police Chief Greg Harman listens to residents during a board meeting regarding Sgt. Keith Barrow in Kensington in February. What some view as a lack of reforms following the scandal has provoked a recall drive.

with Harman, effectively firing him. Barrow served a suspension for the Reno incident.

Kensington residents demanded the positions of district manager and police chief be separated, citing a lack of civilian oversight. But the board recently hired an interim police chief who also serves as general manager.

The recall notice criticizes Gillette for not splitting the positions, claiming she's said publicly that she's too busy with her law practice to fill the “two part-time jobs.”

In a brief email Tuesday,

Gillette said she didn't have time to respond.

The document states Toombs has failed “to provide adequate stewardship” of the district.

It also says that Welsh, the board president, has not properly overseen the Police Department and must be recalled so a replacement can provide “future ethical leadership of the board.” Shane said the word ethical would be replaced with “expert” in a redrafted notice.

Toombs, in an email, wrote, “I am prepared to put my record of achievements to the voters yet

again and believe they will continue to affirm what I have done and what I stand for.” Welsh did not respond to a message asking for comment.

Cordova wrote in a Facebook post Monday night that residents were “promised expanded public participation and improved transparency. Seven months later, many remain dissatisfied with this board majority.”

It was unclear Tuesday when a recall election might be held.

Follow Thomas Peele at [Twitter.com/thomas_peele](https://twitter.com/thomas_peele).

Published July 1st, 2015

Third Time's the Charm

By Cathy Dausman



Orinda's First City Council at the 1985 Fourth of July parade. Back, from left: Aldo Guidotti, Bobbie Landers and Dick Heggie; front: Bill Dabel and Joe Harb Photo courtesy of the Orinda Historical Society

because of what she said are the city's "multiple people and diverse interests."

Joyce Hawkins served on the city council as both member and mayor between 1992 and 2004. She remembers co-chairing with two others and a "huge" committee to promote the city's vote for incorporation in 1984. Hawkins moved to Orinda in 1970 and began work on the Orinda Association planning commission, which held an advisory role to county government.

Hawkins said the big catalyst for incorporation was to gain planning control. Prior to 1985, the jurisdiction of Orinda's modest 12.8 acres rested in Martinez, the Contra Costa County seat. At the time, Hawkins said Orinda won most battles with the county over residential development but lost out on commercial development. She remembers Martinez meetings lasting until 2 a.m. Then developers sought to tear down the Orinda Theatre and erect a five-story building in its place.

"We lost that battle [originally]," Hawkins said, until a law firm stepped in to provide pro-bono help. The first step to incorporation was to raise money for a Local Agency Formation Commission study, which, if approved, would allow Orindans to vote on becoming a city. When the study was approved, the committee went to work, "diligently" promoting the idea of Orinda as a city.

Simultaneously, 19 candidates began campaigning for one of five seats on a city council, assuming Orinda incorporation passed. This would be a last attempt at incorporation.

Ironically, one of those working against incorporation was Aldo Guidotti, who was elected to the first city council. Results of the March 1985 election was 60 percent for incorporation, a "spectacular victory," Hawkins said, adding "after that, it became much more difficult to incorporate."

Orinda was the last of the Lamorinda communities to incorporate, after Lafayette in 1968 and Moraga in 1974. "It was an exciting time [for Orinda]," said Hawkins.

To celebrate its birth as a city, the Orinda Association began hosting a Fourth of July parade. Strangely enough, the biggest issue 30 years ago was city road conditions; although Hawkins recalls that the county spent far less on repairs than the city has done since. Perhaps the road to self-governance is paved with good intentions.

Independence Day takes on double meaning in Orinda this year, as its residents celebrate the 30th anniversary of its incorporation July 1 along with the nation's Fourth of July celebration three days later. In historical perspective, it almost didn't happen. There were two failed prior attempts - one in the mid-1950s and a second in 1967 before "the vote for incorporation won hands down," said Bobbie Landers in remarks to this paper in 2010.

Landers was one of Orinda's five original city council members, having moved to Orinda 20 years before it became a city because of "the niceness of the town."

"People wanted to captain their own ship," Landers said. Fortunately for incorporation fans, the third time was the charm. Landers said what made the difference was that "we had more information and facts [in the 1980s]."

The Orinda area also wanted better police protection and more say in planning, she said. Landers has seen what she called "very, very positive things" happen with the city since 1985

Alameda County civil grand jury

Report assails health system

Lack of oversight, leadership add to financial woes

By **Rebecca Parr**

rparr@bayareanewsgroup.com

OAKLAND — A civil grand jury blasted Alameda County's financially struggling public health system for plunging deeper in debt and not warning its trustees or county supervisors of the magnitude of the problem, made worse by taking over San Leandro Hospital. Alameda Health System owed Alameda County almost \$200 million when the grand jury wrote its report. The health system runs five hospitals, including its flagship, Highland Hospital in Oakland, and several clinics.

"The lack of leadership and scrutiny on the part of the AHS board of trustees and the lack of oversight by the county board of supervisors contributed to the financial problems at AHS," the Alameda County civil grand jury wrote in its report released this week.

Alameda County Supervisor Wilma Chan, who chairs the board of supervisor's health committee, called the grand jury's report "incomplete."

Alameda Health System administrators are reviewing the report, a spokeswoman said. The health system has its own autonomous authority but relies heavily on county funding.

"AHS has been working collaboratively with Alameda County's board of supervisors since August of 2014 on a plan to restructure AHS debt to the county," said Jerri Applegate Randrup, an Alameda Health System representative. "AHS continues to work with Alameda County toward a sustainable solution for the system's financial needs."

Alameda Health System's debt to the county ballooned from \$118 million in 2010 mainly because of problems with a new \$77 million computerized records system. Acquiring financially troubled Alameda and San Leandro hospitals added to the money woes, the grand jury concluded, singling out the latter.

"It is clear that the San Leandro Hospital acquisition contributed significantly to the financial crisis," the report said.

Chan brokered the deal that resulted in Alameda Health System taking over San Leandro Hospital from Sutter Health in 2013.

"I don't think the acquisitions were the main problem" causing the health system's money woes, Chan said Tuesday. "The poor implementation of its computer system was a major, major factor. They weren't able to bill for over a year."

Because of the billing problems, the health care provider had to write off more than \$10

million.

The head of Alameda County's Health Care Services Agency agreed many of the problems were because of the billing system and poor operations decisions.

"AHS's problems were not caused by the acquisition of San Leandro Hospital," Alex Briscoe said.

Chan blamed Alameda Health System's former CEO for many of the problems. Wright Lassiter III was the health care system's top executive until 2014.

Lassiter did not appoint a chief operating officer to oversee the computer system installation, and a high turnover of top administrators also hampered the health system's operations, Chan said.

"The previous CEO started looking for a new job in 2012; he was rarely available to his board or our board. It was very frustrating," the supervisor said.

In September 2013, the health provider's management notified its finance committee it was not able to pay vendors.

"There was an active effort by Alameda Health System to manage this bad financial news. Unfortunately, this effort appears successful until August 2014," the report said. That's when hospital executives approached Alameda County about restructuring its debt.

The grand jury report did not consider the effects of the Affordable Care Act, which has meant less money coming into the county's public hospitals, Chan said.

"I don't want to diminish the grand jury's valid criticisms, but under health care reform, the hospital has lost about \$90 million in the last two years from the state and federal government," she said.

Under the Affordable Care Act, it was assumed everyone would have health insurance and the subsidies would no longer be needed, she said. But Alameda County has about 40,000 residents, mostly undocumented immigrants, who do not qualify for insurance under the federal plan.

Alameda Health System's acquisition of San Leandro Hospital kept an emergency room open, and it also provides space for an acute rehabilitation program, Chan said. The public health system has to move its rehab center from San Leandro's Fairmont Hospital, which does not meet seismic safety standards.

Many of the grand jury's recommendations are already in place, the supervisor said. The health care provider regularly updates the county on its finances, and cash requests and cash-flow projections are reviewed by the county.

"Things are starting to improve," Chan said. "There is a strong administrative team in place. The new chief operating officer started last August; that's made a big difference. And we have a chief financial officer who has been there a year," she said. "They have made big

improvements in paying their vendors.”

A new CEO, Delvecchio Finley, takes over in August.

Alameda Health System also has been paying down its debt. It now owes \$142 million, county Auditor Steve Manning said Tuesday.



According to an Alameda County civil grand jury, Alameda Health System’s takeover of San Leandro Hospital contributed to the agency’s financial turmoil. The botched rollout of an electronic billing system also made an impact on the debt.

ARIC CRABB/STAFF ARCHIVES

California's drought

Water usage drops 29%

State's conservation effort in May tops governor's request

By **Lisa M. Krieger and Sophie Mattson**

Staff writers

Californians in May shot past Gov. Jerry Brown's water conservation targets in response to the drought emergency — a profound shift in behavior for a state that until recently prized its hot tubs, lush landscaping and spotless cars.

New numbers, released Wednesday, show that the state's ambitious conservation campaign is working, with statewide residential water use declining 28.9 percent in May from its baseline 2013 levels. The figures beat Brown's order in April to cut water use statewide by 25 percent.

The Bay Area saved even more: 31.9 percent. And the leafy Peninsula town of Hillsborough, once identified as the region's biggest water hog, cut its use by an astounding 49 percent.

“It is clear from this report that many communities have made a commitment as Califor- *See WATER, Page 8*

Water

Continued from Page 1

nians to scale back outdoor watering and conserve,” said Felicia Marcus, chairwoman of the State Water Resources Control Board. “Californians are creative. We can fix the leaks, let the lawn go brown and take shorter showers.”

The 29 percent reduction is the hydrological equivalent of trading in a Porsche 911 Carrera for a fuel-efficient Honda Fit. Or pinching pennies at a Holiday Inn, rather than splurging at a Hilton.

“The key for making tough changes is to change together,” said BJ Fogg, a behavioral scientist at Stanford University and director of Stanford's Persuasive Technology Lab.

To be sure, cool May temperatures contributed to the success, according to the state water board. But the savings represented the best showing since the state started tracking conservation last year. And the May figures (breaking December's record of 22.4 percent) followed several months of tepid conservation: 13.5 percent in April and 4 percent in March.

Behavioral experts say the same carrot-and-stick tools help change any bad habit — whether it's smoking, speeding, overeating or taking 20-minute showers.

Some cities, like Fresno, have conserved through aggressive monitoring, enforcement and ticketing for those who violate watering restrictions.

The state water board reports that Californians have filed 28,555 water waste complaints in May. That resulted in 36,159 formal warnings and 1,786 fines and other penalties.

Helpful advice — combined with environmental horror stories — were enough to motivate Karen Williams, administrative director of UCSF's Center for Tobacco Control Research and Education.

“They were clear. They said what was needed. And it came from the top — the governor,” Williams said. “We were looking for advice, and they gave it.”

Increasingly, the drought has come to be viewed as a social problem, not only an environmental problem. When neighbors' lawns are dying, bright green turf becomes as politically incorrect as tooling around town in a Hummer.

And there's this: Antismoking research shows that as more people quit, it becomes much simpler to convince those few remaining smokers to quit, Williams said.

In the drought, “you see how others are cutting back,” so there's motivation to follow, she said.

“Making big changes alone is hard,” said Stanford's Fogg. “When you tap into the power of social (dynamics), behavior change is easier and more motivating.”

Research at his lab shows that three things are needed to change behavior — and all three are abundant in this thirsty, yellowing state.

The first is motivation, such as peer pressure. The second is simplicity, through easy-to-remember tips. The third is what he calls a “trigger,” or reminder.

“When I see someone converting their lawn into a drought-resistant landscape, it is a reminder to me to take the exact same step,” he said.

Indeed, there seems to be a new competitive pride in conservation.

“I have a big gigantic stockpot that I keep in my sink — and when I run hot water, I catch it and use it to water my house plants,” said Morgan Hill resident Martha Oral, 55.

“When the water in my dog's bowl starts to get hair and other stuff in it I empty it into the house plants rather than put it down the sink,” said San Ramon resident Kristina Teves, 28. “This sounds kind of gross, but we are also a ‘if it's yellow let it mellow’ kind of family.”

Affluent Hillsborough residents are now letting their sprawling lawns turn brown, watering plants with reclaimed water and purchasing drought-resistant plants.

Told by the state water board to cut their water use 36 percent, Hillsborough residents are now prohibited from using their sprinkler systems more than twice a week.

“People are certainly starting to talk about it more,” said David Weinberg, 74, who installed drip irrigation systems in his Hillsborough home and now recycles all his bath water. “We are all stewards of the earth. Everyone has to do their part.”



Changes in irrigating landscaping helped Californians reduce water use by nearly 29 percent in May, exceeding Gov. Jerry Brown’s call for a 25 percent cut.

RICH PEDRONCELLI/ASSOCIATED PRESS

“Making big changes alone is hard. When you tap into the power of social (d y n a m i c s), behavior change is easier and more motivating.”

— *BJ Fogg, a behavioral scientist at Stanford University and director of Stanford’s Persuasive Technology Lab*

Contra Costa County

Untapped tax money set to benefit crime-fighting

\$500,000 in P-6 zone funds to help create special unit

By Matthew Artz

martz@bayareanewsgroup.com

MARTINEZ — A special tax collected to improve local police services will finally be better utilized after Contra Costa County leaders found a solution to one of their most vexing legal issues.

Millions of dollars collected from the county's 115 P-6 zones have sat untouched for years because the revenue was required to benefit the specific area taxed, yet many of the zones consisted of subdivisions too small to raise enough money to support even a single sheriff's deputy.

To help remedy the problem, the Board of Supervisors on Tuesday approved a proposal to commingle more than \$500,000 of P6 funds with general fund money to form a 7-member Community Services Unit that will focus on crime prevention and community outreach.

"These are things that the budget just hasn't allowed us to do over the last several years," Sheriff David Livingston said.

To meet legal requirements, the unit will provide enhanced service, including detailed crime analysis and a security camera registration program, for residents in P6 districts that are spread throughout the county.

Other residents in unincorporated areas will have access to the unit, but will not receive the individual level of service provided to P-6 zone residents.

Supervisors required that new residential tracts in unincorporated areas set up P-6 zones starting in 1992, despite a warning from county counsel that expenditures would be limited to the individual zones. In 1998, the board tried to ease the restrictions by pooling the tax revenue, yet the legal stumbling block remained.

P-6 zones generate about \$1.6 million annually, according to a county report. The cumulative P-6 tax balance stood at \$6.8 million by the end of last year.

Livingston said he worked with county lawyers to come up with a plan that would pass legal muster. Supervisors, who had reviewed the plan earlier this year, praised it Tuesday.

"I think it's a good example of finding that right balance both legally and operationally," Supervisor John Gioia said. *Contact Matthew Artz at 510-208-6435.*

[Print This Article](#)

Mayors to determine Beekman's role on LAFCO

Elizabeth Arakelian
earakelian@turlockjournal.com
209-634-9141 ext. 2015
July 7, 2015

The mayors of the Stanislaus County City Selection Committee will convene today to determine if Hughson Mayor Matt Beekman will continue to represent them on the Stanislaus County Local Agency Formation Commission, or LAFCO.

LAFCO is composed of various city and county representatives and though often regarded as nebulous by the general public, one central goal of the commission is to preserve agricultural land while also promoting orderly growth. Beekman's role on the commission came under speculation after a deciding vote he cast on land mitigation efforts at the March 25 LAFCO meeting left some of the mayors feeling misrepresented.

LAFCO convened in March to discuss refining the language of its in-lieu fee methodology, one tactic aimed at achieving 1:1 land mitigation. This ratio ensures that if land is developed, an equal amount is also preserved for agricultural use, thus retaining the region's resources.

In a 3-2 vote Beekman voted with Stanislaus County Supervisors Jim DiMartini and Terry Withrow to amend the LAFCO agricultural preservation policy to set an in-lieu fee methodology of 35 percent plus a five percent endowment. The item was opposed by Turlock City Council member Amy Bublak and LAFCO public representative Brad Hawn.

At the May 13 meeting, which lasted nearly four hours, several mayors vocalized concerns that Beekman wasn't representing their collective views appropriately.

"The City Selection Committee is supposed to select a member that fairly represents the diversity of the cities," said Riverbank Mayor Richard O'Brien in May. "We selected you thinking you would fairly represent us. When you have seven cities saying 'don't go forward with this' and you did, that shows us that you have a disregard for our opinion when you've already made up your mind."

While Beekman acknowledged his responsibility to the City Selection Committee that appointed him, he also noted that he is also charged with representing another entity: the public.

"One critical piece of information is that when I am appointed to LAFCO through the City Selection Committee I'm obligated to not represent solely the body that appointed me, but I'm also supposed to represent the public," said Beekman. "When mayors say I'm not representing them, that is contrary to LAFCO law and I'm going

to follow LAFCO law as a board member.”

Beekman said he would have preferred a decision to have been reached at the May meeting and in the past 60 days he has availed himself, namely through email, to answer unresolved questions amongst the mayors. The response has been “pretty limited” said Beekman who hopes to return to focusing on City Selection Committee matters in the near future.

“There are a lot of time critical things we’re not discussing because we are distracted and to me that is the biggest concern I have. I would much rather be spending time talking about water and roads and working with the mayors on economic development issues,” said Beekman. “We need to get together and demonstrate leadership.”

The mayors will convene for the City Selection Committee to vote on whether or not Beekman will continue to represent the mayors on LAFCO. The meeting will be held at 6 p.m. tonight at Newman City Hall, located at 1162 Main Street.

<http://www.turlockjournal.com/section/14/article/29706/>

NEWS

JULY 8, 2015

5-4 mayors' vote removes Hughson's Beekman from LAFCO

HIGHLIGHTS

Majority of mayors feel support of farmland preservation policy change was treasonous

Beekman, defiant, calls mayors' group dysfunctional

Audience majority supports Beekman, says he voted his conscience



BY GARTH STAPLEY
gstapley@modbee.com

NEWMAN — A bare majority of the mayors in Stanislaus County punished Hughson Mayor Matt Beekman on Wednesday by removing him as the cities' representative on a regional growth-guiding panel despite ardent support

from most people in the audience.

Beekman maintained that his March vote favoring a farmland preservation policy amendment was the right move. Getting kicked off the Stanislaus Local Agency Formation Commission reflects deep dysfunction in the mayors' group, Beekman said, charging the majority with failing to do their homework.

Mayors Garrad Marsh of Modesto, Gary Soiseth of Turlock and Chris Vierra of Ceres joined with Beekman in his support, but were outvoted by Mayors Ed Katen of Newman, Pat Paul of Oakdale, Richard O'Brien of Riverbank, Luis Molina of Patterson and Mike Van Winkle of Waterford.

“

VOTING (BEEKMAN) OFF TONIGHT WILL FRACTURE THIS GROUP AND LEAVE US SPLINTERED. I LOOK TO YOU VETERAN MAYORS TO SET THE EXAMPLE AND FRANKLY, I'VE BEEN DISAPPOINTED.

Gary Soiseth, Turlock mayor

The majority said Beekman pushed forward with the farmland preservation policy change despite their requests for a delay in hopes of building compromise. “We were not given that

courtesy,” Paul said.

“When we did select Matt (for LAFCO), each of us talked to him and he said he would try to support cities and help cities,” O’Brien said.

Beekman noted that the mayors convened two months ago with the idea of removing him and put off deciding to allow time for mending fences. The next day, Beekman reached out to all with offers to discuss the matter and none, he said, engaged in serious discussion.

At the heart of the controversy was LAFCO’s approval in March of a formula for calculating how much money developers should pay cities when replacing farmland with homes or other buildings.

All audience members approaching the speaker’s rostrum defended Beekman.

“He made a principled vote to preserve ag land, and he deserves your vote,” said David Tucker of Modesto.

“You may not like what he did, but he did his duty and he did it with honor,” said Annette Smith, a former Patterson councilwoman.

Jake Wenger, a Modesto Irrigation District board member, said it’s “scary” to imagine being kicked off that panel because colleagues disagreed with one of his votes.

“If you can only agree with the majority, those tend to be societies we don’t want to model,” Wenger said. “We’re not looking at a situation where someone is not fit for duty, acted as an embarrassment or has a history of acting erratically.”

“

WHEN WE INTERVIEWED MATT (BEEKMAN FOR THE LAFCO POSITION), I ASKED ONLY,

'WILL YOU SUPPORT CITIES?' HE SAID 'YES.'

Pat Paul, Oakdale mayor

Katen noted that Jim DeMartini, when he became chairman of the county Board of Supervisors, removed another supervisor from LAFCO and appointed himself.

"I didn't hear anybody sniveling and crying," Katen said. "We as mayors also have the right to choose who is going to lead us on the LAFCO board."

When it came time to choose Beekman's replacement, Molina suggested appointing Oakdale Councilman Tom Dunlop rather than another mayor. Vierra and Marsh said they don't know Dunlop and asked to interview him, as had been done with Beekman, and the others agreed to postpone action.

Garth Stapley: 209-578-2390

RELATED CONTENT

- Hughson Mayor Matt Beekman voted off LAFCO
-



MORE NEWS

COMMENTS

6 Comments

Sort by **Oldest****Citizens for Matthew Beekman**

Mayor Beekman sat under the seal of Newman which is a drawing of ag land with a dairy truck that says "Agriculture" and "Dairy". How ironic that was above his head when he was voted off as punishment for voting in favor of a pro-ag policy!

Like · Reply · 3 · 12 hrs

**Steve Green**

Why should there even be a vote if the out come of it is this? Vote our way or its the highway should be illegal. Treasonous should be seen as what the rest of the Mayors did to Beakman for voting how he voted. What is voting for? The other mayors are being treasonous to the people of Stanislaus county.

Like · Reply · 4 hrs

**Mark Smith**

His position was to represent the will of the Mayors, not go rogue and vote his own way.

Like · Reply · 55 mins

**Robert Granelli ·**

Gustine, California

Disgraceful.

Like · Reply · 1 · 4 hrs

**Robert Taylor ·**

Patterson, California

The mayors already have their representative on the panel, Brad Hawn. Brad Hawn is the " public " member but in reality is a vore for the mayors. He doesn't represent the public any more than the mayors' claim that Beekman doesn't represent them. How can the " public " have Brad Hawn removed from LAFCO?

Like · Reply · 1 · 3 hrs



[Emerson Drake](#) ·
[Modesto, California](#)

This decision is about greed and nothing else. When an elected official, Mayor Jim Katen of Newman, called the actions of concerned citizens "sniveling and whining" you know it's time to understand he's beyond caring about public opinion and is only concerned about the Building Industry Association's re-election donations.

[Like](#) · [Reply](#) · [1 hr](#)



[Mark Smith](#)

Let me get this straight, he was put on the panel by the Mayors as a representative of all of the Mayors. And once on the panel he voted the opposite way that a majority of the mayors wanted and he's mad he got kicked off by that majority? I'm sorry people, this is how it works. His duty as mayor of Hughson gives him a lot of leeway in what he can say and do as the mayor. But when you are put on a board such as LAFCO and your duty on that board is to represent the interests of all the other mayors, then your votes and support need to go the direction those other mayors want it to go. You are representing yourself or your own cities interest, you are representing all the cities so it's your duty to vote that way. And if you don't then you get kicked off the board just like this.

[Like](#) · [Reply](#) · [1 hr](#)

EDITORIALS **JULY 9, 2015**

Our View: Beekman's removal a victory for pettiness

BY THE EDITORIAL BOARD

They sure showed Matt Beekman. Mayors from five of Stanislaus County's six smallest cities voted to remove the Hughson mayor from his position on the Local Area Formation Commission, a little-known agency that rules on annexation requests from cities and other government entities.

Never mind that Beekman was highly qualified to be on the commission. Never mind that his views on growth appear to reflect those of the majority of Stanislaus County residents. Never mind that he did nothing improper, immoral or even incorrect.

They kicked him off because he refused to vote the way the building industry wanted him to when it came to setting a little-used fee for farmland mitigation.

This appears to be an act of petulance. It was unworthy of their offices.

Mayors Pat Paul (Oakdale), Richard O'Brien (Riverbank), Ed Katen (Newman), Luis Molina (Patterson) and Mike Van Winkle (Waterford) acted out of misplaced loyalty. They claimed to be either protecting the prerogatives of cities to set growth policies or their own prerogatives to dictate LAFCO votes. Regardless, the result of their vote also could protect the profits of builders.

The reason they removed Beekman was his vote on how much developers must pay when converting farmland outside of cities into residential neighborhoods after annexation.

Developers have three ways to mitigate farmland loss. They can build within established urban limits; they can purchase development rights on an equivalent amount of land that will continue to be farmed; or they can pay a per-acre fee that is turned over to a nonprofit organization that buys development rights on other land. The formula for that per-acre fee is decided by LAFCO.

And there's the rub.

In March, Beekman joined county Supervisors Terry Withrow and Jim DeMartini in voting to charge 40 percent of the sale price of comparable land. Based on recent sales, that is roughly \$7,100 per acre.

Builders prefer a flat, per-acre fee determined by cities where they have greater influence. Patterson's city manager, for instance, recommended \$2,000 per acre - a fee endorsed by the Building Industry Association and even lower than flat fees in Manteca and Tracy.

Such low fees encourage the destruction of farmland, which LAFCO is legally obligated to protect.

The firm Churchwell White works under contract for Patterson, Riverbank, Oakdale, Newman and Ceres; the firm disputes LAFCO's ability to even set fees. It's an interesting point, but if the cities feel LAFCO has overstepped its bounds, they should contest the issue in court - not send out their mayors to bully one of their peers.

The mayors of the county's largest cities -

Garrad Marsh of Modesto, Gary Soiseth of Turlock and Chris Vierra of Ceres – all voted to keep Beekman on LAFCO. Every person who spoke Wednesday defended the mayor of the county's smallest city. At a previous meeting, nearly 100 showed up on his behalf.

It didn't sway O'Brien, Molina, Katen, Paul and Van Winkle. Their votes were a victory for vindictive, petty politics.



MORE EDITORIALS

COMMENTS

5 Comments

Sort by **Oldest****Amanda Sorenson**

The mayors of Oakdale, Riverbank, Newman, Patterson and Waterford should be ashamed. They are nothing but thugs.

Like · Reply · 2 · Jul 10, 2015 1:27pm

**Sergio Alvarado** ·

Turlock, California

You have to wonder why the meeting was held in Newman. Was it because they didn't want as many people to speak up as they did at the previous meeting in Turlock? Or did they think people wouldn't want to drive out of the way to go? Regardless, THANK YOU to Mayors Soiseth, Marsh, and Vierra for doing the right thing. I hope voters will remember these Mayor's votes come re-election time!

Like · Reply · 1 · Jul 10, 2015 2:36pm

**Todd Heinrich** ·

Supervisor at Diamond Pet Foods

Make those who voted him off look very petty and out of touch.

Like · Reply · 2 · Jul 10, 2015 3:25pm

**Robert Taylor** ·

Patterson, California

It is worth noting that prior to LAFCO even acting on farmland mitigation, the Mayors group was given an opportunity to come up with its own plan. Each mayor would come up with a plan acceptable to the council and get their approval. Mayor Molina was a part of that group. Patterson refused to consider any type of mitigation. A couple of other cities came up with ridiculous land maps. This group says it needed more time. For what? It seems they were best at wasting taxpayer money

Like · Reply · 2 · Jul 10, 2015 3:56pm



[Citizens for Matthew Beekman](#)

Thank you Modesto Bee Editorial board for calling a spade a spade and outing the puppetmaster, Churchwell-White (Doug White). The BIA also played a big part in it with its members lobbying the mayors to vote against Beekman. Mr. Alvarado suggests we remember the good votes come election time, but the voters in the five cities need to remember the bad votes as well. Afterall, it is their mayors who are "vindictive and petty".

(This page is not affiliated with nor run by Matthew Beekman or his family or even his friends. We are citizens who support him and know he was wronged.)

Contra Costa Times 7-9-15

Public safety in Richmond

Chief making push to reignite an agency

Department's new leader aims to boost training, focus on recruitment, rein in overtime problem

By **Karina Ioffee**

kioffee@bayareanewsgroup.com

RICHMOND — Adrian Sheppard is soft-spoken, doesn't drink alcohol and hardly looks his 48 years. But the new chief of the Richmond Fire Department has ambitious plans for the agency, including increased training for all front-line staff, partnering with local schools to create a job-training program, and poking a hole in ballooning overtime expenses that last year cost the city \$2.8 million.

Since arriving in Richmond in January, Sheppard has been busy updating the department's technology systems, which he described as woefully out of date. He's also working to collect the city's incident report data, which each fire department is required to submit to the state but which Richmond has not done for at least six years. And, perhaps most challenging of all, Sheppard now is in discussions with the firefighters union about costs, which he says are not sustainable at their current levels.

"I was brought into the organization to make sure we brought overtime under control," Sheppard said. "When I have to give a person overtime to fill a vacant captain position, it costs me \$200,000 a year. I have to make sure my people remain healthy and are at work."

One way to do that is by moving current employees who are eligible for promotions into vacant positions while colleagues are out on long-term leave, *See CHIEF, Page 2*



Adrian Sheppard, Richmond's new fire chief, has been working on a number of changes.

KRISTOPHER SKINNER/STAFF

Chief

Continued from Page 1

something the department hasn't previously done, he said.

Sheppard, a father of two girls, ages 10 and 13, spent 18 years at the Oakland Fire Department, starting as a firefighter and working his way up the chain to battalion chief in 2010. Before chasing fires, Sheppard served in the Air Force and remained in the reserves for 20 years.

The military background helped turn him into a detail-oriented planner who is well-versed in budgets, contract compliance and other minutiae of agency administration. Yet he's far from a morose bureaucrat obsessed with just the numbers. Sheppard's plans for Richmond include regular meetings with all firefighters every couple of months, and a new recruitment track with Richmond high schools to prepare local teens for jobs in the Fire Department. He also wants to partner with BAY EMT, an organization that recruits and trains Bay Area minority youths for jobs as emergency medical technicians.

"He approaches things in a very inclusive manner," said Darin White, a deputy chief at the Oakland Fire Department who has known Sheppard for nearly two decades. "He is very engaging and is open to feedback, which is what you need to be as a leader."

One of the first things Sheppard began encouraging his new staff to do was learn a foreign language using a free software program called Pronunciator. The goal, he said, is better communication with the city's diverse population where even a few words in a community member's native language can go a long way toward establishing trust.

"When I walk in and say something in Khmer (Cambodia's main language), people are taken aback," Sheppard said. "They wonder why you learned the language. (I say,) it's to help you. "

Noah Brownlow, a business agent for the Richmond firefighters union, described Sheppard as "communicative" and "easy to work with" but wondered whether moving bodies around would fix the overtime problem, because the department is so understaffed.

Mandatory staffing levels require 24 people to be on duty at any given time, leaving only a few things a department can do to reduce costs: trim pay and benefits; close stations, which the department opposes; or hire more people, Brownlow said.

"All of those are big changes that require a lot of conversations," he said. "If anything that's proposed can actually reduce overtime, we are open to discussing it." Another one of Sheppard's plans is to make every emergency medical technician in the department an Advanced EMT, requiring 200 more hours of training. He said the extra training is critical because about 80 percent of calls are medical in nature.

Former colleagues say the proposed changes point to Sheppard's deep commitment to the communities he serves, as well as his solid work ethic.

"There's a handful of people who work as hard as he does," said Tracey Chin, an Oakland fire captain. "He's always been very practical and very firm but fair. It was a tremendous loss for our agency when he left but a huge gain for Richmond."

Follow Karina Ioffe at [Twitter.com/kioffee](https://twitter.com/kioffee).

Contra Costa Times 7-9-15

Drought takes hold

Water board not keen on cutbacks

Ideas for possible fines offered, but no action is taken

By Fenit Nirappil

Associated Press

SACRAMENTO — California water regulators heard proposals for a statewide drought fee and hefty fines for water-guzzling homeowners as part of a Wednesday workshop discussing how to implement Gov. Jerry Brown's order for water pricing to maximize conservation.

Officials at the State Water Resources Control Board said they weren't looking at a total overhaul of water bills across the parched state dealing with its four-year dry spell.

"The state is not rushing out here to supplant local authority and local control," said Max Gomberg, a senior scientist at the board.

Joe Grindstaff, general manager of the Chinobased Inland Empire Utilities Agency, suggested California could set a state standard for reasonable residential water use and impose fines on local agencies whose customers use too much.

"The truth is you can have a really nice lawn and really nice life living within those standards," Grindstaff told the board.

Members of the state water board appeared cool to the idea, with one quipping Grindstaff would need police protection because so many people would hate the idea.

The board didn't take any actions Wednesday and didn't indicate any future plans for increasing the price of water.

A law accompanying the California budget allows agencies to slap the worst water wasters with fines up to \$10,000. Another bill, SB 789, that would have allowed water departments to impose a 300 percent tax on the heaviest water users' bills, has stalled because it lacked support.

Conservation experts agree the price of water is among the best ways to encourage savings, but the legality of such tactics have come under scrutiny after a court struck down punitive rates in the Orange County city of San Juan Capistrano.

The 4th District Court of Appeal said charging heavy users incrementally more per gallon without showing it cost more to provide violated a 1996 voter-approved law that prohibits government agencies from overcharging for services.

Lester Snow, who leads the California Water Foundation, says that law, Proposition 218, should be reformed because it's deterring water-saving efforts.

"We are pushing people to conserve, and we have systematically withheld some of the tools they need," he said.

Two-thirds of water districts use some form of tiered water pricing to encourage conservation. Many say their rates are legal because higher water use requires them to tap more expensive supplies.

While the governor's order calls for the board to help develop water rates and penalties to maximize

conservation, the workshop discussion also veered into a statewide water fee that would help pay for infrastructure projects during the drought.



A home with a swimming pool sits near a parched hillside in Altadena. California regulators are weighing possible drought fees and big fines for water-guzzling.

RINGO H.W. CHIU/ASSOCIATED PRESS ARCHIVES

09.07.2015 Pag.B06

[Copyright Terms](#) and [Terms of Use](#)

Turlock Journal

Hughson Mayor booted as LAFCO representative

Community group planning to file Grand Jury complaint

Elizabeth Arakelian
earakelian@turlockjournal.com
209-634-9141 ext. 2015

July 10, 2015

Hughson Mayor Matt Beekman will no longer represent the mayors of the Stanislaus County at the Local Agency Formation Commission after the mayors voted 4-5 to expel him from his position at the City Selection Committee meeting on July 8 in Newman.

The mayors from Ceres, Turlock, Hughson and Modesto who voted in favor of keeping Beekman as the LAFCO representative were narrowly outweighed by the others interested in replacing him, which included the mayors of Newman, Patterson, Waterford, Riverbank and Oakdale.

Beekman first came under fire in March when LAFCO convened to discuss land mitigations efforts. LAFCO is composed of various city and county representatives and though often regarded as nebulous by the general public, one central goal of the commission is to preserve agricultural land while also promoting orderly growth. In a 3-2 vote Beekman voted with Stanislaus County Supervisors Jim DiMartini and Terry Withrow to amend the LAFCO agricultural preservation policy to set an in-lieu fee methodology of 35 percent plus a five percent endowment. Several mayors felt this vote misrepresented their interests.

"The City Selection Committee is supposed to select a member that fairly represents the diversity of the cities," said Riverbank Mayor Richard O'Brien at a nearly four hour long meeting to determine Beekman's fate on LAFCO in May. "We selected you thinking you would fairly represent us. When you have seven cities saying 'don't go forward with this' and you did, that shows us that you have a disregard for our opinion when you've already made up your mind."

However, not all of the mayors were willing to hold Beekman singularly accountable at the May meeting. Turlock Mayor Gary Soiseth vocalized support not necessarily for Beekman's decision, but rather his right to make it.

"This is just a disagreement on a policy and I'm not diminishing that at all, but I'm saying that we do not have to remove Matt Beekman tonight. We do not have to remove him from LAFCO because we disagreed with him," said Soiseth.

The vote to determine if Beekman will still sit on LAFCO at the May meeting was tabled for 60 days during which Beekman said he availed himself namely through email, to answer unresolved questions amongst the mayors, but the response was "pretty limited." The postponement of the vote coupled with the lack of depth of the discussion amongst many of the mayors at both Wednesday's meeting and a meeting

in June left Beekman feeling that the process was not “constructive.”

Although the mayors did not collectively agree to keep Beekman, the Hughson mayor had a significant amount of support from the community that felt he should not be punished over one vote – especially since the policy on which he voted was now a moot point.

“What good at that point is it to get rid of him?” asked Wood Colony resident Lisa Braden. “He didn’t do anything wrong. That’s what it comes down to.”

Braden and others are rallying for Beekman on the community-created Facebook page titled “Citizens for Matthew Beekman” where members posted that they plan to file a complaint with the Civil Grand Jury. Braden felt Beekman was being penalized for not being a puppet for the City Selection Committee and he did the right thing by voting with his conscience. She is working with other members of the community to gather evidence to present to the grand jury, a process that she said should be complete within a week.

The City Selection Committee will be appointing a new LAFCO representative in upcoming weeks.

<http://www.turlockjournal.com/section/14/article/29730/>

contracostatimes.com

Union gives vote of no-confidence to East Contra Costa fire chief

By Rowena Coetsee rcoetsee@bayareanewsgroup.com

Posted: **07/10/2015** 05:10:48 PM PDT [2 Comments](#) | Updated:
about 3 hours ago

BRENTWOOD -- East Contra Costa firefighters' dissatisfaction with their chief recently came to a head with a vote of no confidence in his leadership. The 31 union members who work for East Contra Costa Fire District unanimously agreed that Chief Hugh Henderson hasn't been aggressively seeking solutions to the agency's ongoing financial hardships that forced the closure of two stations in May, leaving nine firefighters on a shift to cover a 249-square-mile area. "It's not a surprise to anybody internal(ly)," said Vince Wells, president of United Professional Firefighters of Contra Costa County Local 1230, noting that the board of directors has been aware of the growing discontent for the approximately four years that firefighters have been pushing to take a vote.



East Contra Costa Fire's union firefighters have given Chief Hugh Henderson a vote of no confidence. (DAN ROSENSTRAUCH)

The union didn't act until now, however, because it feared that any public criticism of the chief would distract residents from focusing

on a parcel tax and benefit assessment that were on the table at different times. At this point, morale is extremely low, said Wells, who described the relationship between Henderson and his men as "severely strained." He emphasized that the union's action was never intended to be a referendum on Henderson's personality, noting that the chief is a very likable man. "Hugh's a good guy," Wells said. "I just think he's in over his head, especially in this fire district."

Henderson took the helm in 2010, and was acting chief two and a half years before that. Wanting a change at the top is strictly business -- no different from a baseball team firing its manager after a losing streak, said Wells, who thinks Henderson is treading water until his contract expires in 2017.

Henderson could not be reached for comment Friday.

For a district the size of East Contra Costa Fire to have only three stations is simply untenable, Wells said.

The agency needs someone at the helm who will look under every stone for a solution to the chronic underfunding, he said, yet Henderson is short on suggestions and tends to take a back seat in discussions with other government officials who also have a stake in the fire district's future.

"You need somebody that commands authority," Wells said.

News that Local 1230 had presented the board directors with a letter enumerating its concerns has prompted a backlash among residents who think that Henderson is being blamed for a situation that's far beyond any individual's ability to rectify.

"It's the wrong move at the wrong time under the worst possible conditions," said Discovery Bay resident Bob Mankin of the union's vote.

He likened the action to the crew of a sinking ship hanging its captain instead of tending to the emergency at hand.

"It defies logic," he said.

As for finding another fire chief, "who's going to sign up for that?" Mankin asked rhetorically. "Could you find a better leader for that position right now? I doubt it." Other Henderson supporters said that for the district to be able to operate at full capacity requires change at the state level, a reference to the dramatic loss of property tax revenue that local government has experienced under Proposition 13.

And there are those who maintain that the general public is responsible for the district's funding woes because voters rejected two attempts to drum up additional money.

The fire board is scheduled to hold a special, closed-door meeting Monday to evaluate Henderson's performance.

Reach Rowena Coetsee at 925-779-7141.

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

[Kris Hunt](#) • [a day ago](#)

It is unfair to blame the Chief. Twice voters have rejected measures that were placed before them. The union barraged the public with fear-driven print and media ads for the first measure at least. I assume they did they did the same for the second. The votes didn't buy it. As Dave Roberts pointed out below, the district has a spending problem. This is another case where pension costs are resulting in reduced services. It is happening all over the state of California and will only get worse.

[Dave Roberts](#) • [2 days ago](#)

This article makes it seem like everyone is to blame for the district's fiscal mess except the fire district board and the firefighters union. The reality is that the board, at the behest of the union, has allowed compensation to get significantly out of whack.

The district doesn't have a revenue problem -- it has a spending problem. Property tax revenue in the county is increasing 7.53 percent this year over last year. The county's cities are led by a 12.29 percent property tax increase in Brentwood, which happens to provide the largest funding component for the ECCFPD.

Despite this significant infusion of money, the district has laid off firefighters, closed stations and struggles to perform its basic duties. One of the main reasons is because it spends so much on its employees that it can't afford enough of them to do the job.

According to the 2014 Public Employee Salary Database:

Seven ECCFPD employees receive more than \$200,000 in salary and benefits.

Ten get more than \$190,000.

Seven get over \$180,000.

Four receive more than \$170,000.

Only four receive less than \$100,000 (including an administrative assistant who gets \$94,142).

Much of that compensation goes for retirement benefits, mainly pensions. One of the helpful measures that the district should be exploring in the coming months is reining in compensation costs, especially retirement benefits.

East Bay residents step up water savings

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

Posted: 07/15/2015 07:04:34 AM PDT Updated: about 3 hours ago

OAKLAND -- Drought-conscious East Bay residents conserved water at record levels during June as they braced for the onset of hot summer weather, higher drought rates and penalties for guzzlers.

Many East Bay areas were cool to conservation calls in winter and spring. But they are warming up as water districts statewide face state orders to cut back by an average 25 percent -- with stricter limits in some areas and more lenient in others.

Customers in the East Bay's three largest suppliers stepped up in June.

- The Contra Costa Water District reported an eye-catching 40 percent drop in water use in June among its nearly 200,000 treated-water customers in Concord, Clayton, Pacheco and parts of Walnut Creek and Pleasant Hill. The state has ordered Contra Costa Water to cut consumption 28 percent below 2013 levels.
- The neighboring East Bay Municipal Utility District achieved a 31 percent reduction in June among its nearly 1.4 million customers in Contra Costa and Alameda counties. The state has demanded a 16 percent reduction, while the district set its own goal of 20 percent.
- The Alameda County Water District reported a 36 percent reduction level in June, matching its May performance but ahead of its 26 percent conservation rate in May. The state requires it to cut 16 percent in the water used by 330,000 customers in Fremont, Union City and Newark.

Contra Costa Water District officials were heartened by a 40 percent saving for June after customers saved 6 percent in March, 15 percent in April and 27 percent in May.

"Our customers are getting the message," said Jennifer Allen, a district spokeswoman. "People should be proud of their saving, but they need to keep it up."

To escape state fines, CCWD customers need to cut usage by more than the 28 percent mandate in the summer, when there is more potential to save by reducing outdoor irrigation, the single-biggest water use in homes, she said.

"It is harder to get reductions" in the winter, she said.

Concord resident Robb Kingsbury let his lawn go last summer, and he collects sink water and rain in containers to irrigate fruit trees and crops at his permaculture farm that schoolchildren visit.

"We have cut back watering a lot, and many of my neighbors have let their lawns go brown," said Kingsbury, a CCWD customer.

EBMUD officials say customers cannot let up on saving water.

"We don't know when the drought will end," district spokeswoman Abby Figueroa said.

Both the East Bay and Contra Costa Water Districts have imposed higher drought rates, effective July 1, as an incentive for customers to save.

The Alameda County Water District set higher rates and water use restrictions last year, achieving a higher water conservation rate earlier than many water districts that waited longer to act.

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

Change In Accounting Rule Forces Governments To Disclose Liabilities

Posted by : [John Hrabe](#) **July 15, 2015** In [Local Government](#)

State and local governments will no longer be allowed to hide the true costs of the long-term benefits provided to government workers.

A recent change by the Governmental Accounting Standards Board, known simply by the acronym GASB, forces government bodies to be more transparent in reporting pension liabilities and long-term commitments for retiree health care. Among the changes: the liabilities must be reported on the first page of financial reports instead of being buried in a footnote.

“Applying accounting standards can sometimes be complex, but identifying the right standards to apply should be straightforward,” [GASB Chairman David A. Vaudt](#) said of a slew of accounting changes.

While changes in accounting rules may not garner time on the evening news, accounting rules have been the primary method for forcing governments to address the rising cost of unfunded pension and health care liabilities. In 2007, the board began implementation of [GASB 45](#), a change in accounting rules that, for the first time, forced government bodies to disclose their pension liabilities. That change was enough to put the issue of pension liabilities on the mainstream public radar.

California’s next major liability: Other Post-Employment Benefits

Although governments have been slow to address the problem of unfunded pension liabilities, the government accounting board nonetheless raised the profile of the issue. With its most recent changes, GASB is likely to drive a conversation about “other post-employment benefits.” Health care benefits are the biggest and most common post-employment perk, which can also include life insurance, disability coverage, legal assistance and other services.

From an accounting perspective, it’s easier to budget for pension liabilities than other post-employment benefits. Due to court rulings, governments have little authority to reduce or change promised pensions. That makes it a liability with a present-day obligation.

In contrast, other post-employment benefits do not have the same legal protections as pensions. As [Bloomberg noted earlier this year](#), “The Supreme Court unanimously decided that retiree health benefits are not necessarily guaranteed.” That case involved private sector workers. In theory, the Court’s ruling could also extend to the public sector.

“Consequently, some governments may be able to change the benefits or employees’ eligibility to receive benefits, or even stop providing benefits altogether, whenever they wish,” GASB [explains in a newly published fact sheet](#). “These facts raise questions about whether OPEB is a liability that should be reported in the financial statements.”

Although the new accounting standards force governments to disclose the liabilities, it does not require governments to set aside funds or budget for the future. “How a government actually pays for OPEB is a policy decision made by government officials,” the board explains.

“These newly published OPEB standards will give financial statement users a much more complete picture of how much state and local governments have promised in retiree benefits—and how much those promises actually cost,” Vaudt, who serves as chairman of the government accounting standards board, [said in a press release](#). “Together with the Board’s recent pension standards, these standards will provide consistent and comprehensive guidance for the full suite of postemployment benefits that governments provide to their employees.”

Rising cost of unfunded health care liabilities

Ed Mendel, who covers the state’s pension issues at [CalPensions.com](#), points out that the rising unfunded liabilities arising from promised retiree health care benefits is skyrocketing. Since 2007, the retiree health care liability for state workers has increased by \$24.2 billion. Retiree health care benefits provided to state workers now exceeds \$72 billion – more than the state’s unfunded pension liability.

“State worker retiree health care has been one of the fastest-growing state expenses: \$1.9 billion next fiscal year, up fourfold from \$458 million in 2001,” [notes Mendel](#), one of the state’s top journalists covering pensions. “It’s also one of the most generous benefits, requiring no contribution from most state workers.”

This year, Governor Jerry Brown raised the issue of retiree health care benefits with his January budget proposal. As Mendel notes, the governor is looking to move the state away from “pay-as-you-go” funding in favor of pre-funding future health care benefits. By paying in advance, governments are able to reap the benefits of investing the funds and earning more money through appreciation and interest.

“If we don’t rein things in, then down the road there will be drastic cuts, just like there were over the last 10 years,” Brown said [earlier this year](#). “It’s either stop and start or steady as you go.”

The governor’s proposal could be a double-edged sword for the state’s long-term budget picture. By negotiating changes to retiree health care benefits, some analysts believe it increases the chances that courts will protect the benefit as an irrevocable contractual obligation.

Originally posted at [CalWatchDog](#).

Santa Cruz Sentinel/Scotts Valley

New water law has potential to change Lompico's future



A trickle of water flows down Lompico Creek in 2014 as Lompico resident Natasha Zavala stands on the bridge at the mountain community's park with her daughters (Shmuel Thaler -- Santa Cruz Sentinel file)

By [Calvin Men](#), Santa Cruz Sentinel

Posted: **07/14/15**, 5:37 PM PDT | Updated: 15 hrs ago

New Water agency consolidation law

FELTON >> Though Gov. Jerry Brown signed a bill into law empowering the state to force failing water districts to consolidate, the implications for Lompico Water District, which has seen financial and water woes in recent years, are unclear.

“This is a whole new program being administered out of the State Water Resources Control Board. No one in the state of California that I know of has any ability to predict what consolidations the state will start ordering,” said Pat McCormick, executive director for the county's Local Agency Formation Commission.

For years, Lompico officials worked with McCormick and San Lorenzo Valley Water District officials on a plan to merge the two agencies. But efforts were halted after a \$3.2 million bond measure to fund the merge failed was voted down by customers, falling [short by one vote](#).

Before the law passed, each county local agency formation commission was charged with any reorganization of jurisdictions, including annexations and consolidations. Merging and

annexation are processes that takes years to complete and requires mutual cooperation from both agencies.

The new law, pushed through by Brown as one of many means to address the state's drought issue, was signed June 24 by the governor. Since then, local officials are awaiting direction from the State Water Resources Control Board.

Under the law, the state would identify water districts and send notices to them indicating consolidation as an option, McCormick said.

Within the process are opportunities for voluntary consolidation, public hearings, local agencies offering and studies of proposed consolidations, said Andrew DiLuccia, a spokesman for the state water board, in an email to the Sentinel.

"The state water board is currently reviewing data on water systems that meet the criteria specified in the bill, but has not developed a list at this time," he said.

The law also requires the board to provided funding consolidation costs, though it's unclear how much would be funded and where it would come from.

Lompico's tiny water district, with an aging infrastructure and diminishing water supply, has roughly 500 customers and has been plagued with financial woes a number of years. Merge efforts have drawn opposition from a group of Lompico customers, who criticized the it as a costly and ineffective way to solve the water district's problems. But members of the board say there are few options to fix the district's problems.

Of the law, board member Merrie Schaller said it could help.

"We will look into whether that will help us merge," Schaller said. "It's certainly something to keep in mind while we're examining our options. It may open another avenue for us."

With more than 400 districts and cities managing water around the state, McCormick also Lompico isn't the only ailing water agencies in the state.

"They are scattered all over the state. Some are drought related. Some aren't drought related," he said. "I'm just going to wait and see how the state uses this authority. Whether they do it lightly or much more extensively."

What: Gov. Jerry Brown signed a law that gives the state power to force ailing water districts to consolidate with other agencies, circumventing the previous process that took years. The law is one of many measures taken by the state to address water concerns amid California's fourth year of drought.

When: The law was signed by Brown on June 24.

Who: The law could affect the more than 400 water agencies throughout the state, though it's unclear which would be affected.

Info: To read to bill, visit <http://leginfo.legislature.ca.gov> and search for "Senate Bill 88."

1 Comment

Douglas Deitch • 10 hours ago

This is the perfect opportunity and law for us finally to solve our NUMEROUS AND VARIOUS Santa Cruz County water mismanagement disasters through water district mergers and reorgsnization in Surf City, SqCWD, and especially PVWMA and commence some real coordination and cooperation between these under/non performing but too numerous exorbitantly expensive and inefficient only heritage but now unneeded and parochial local multiple water districts/LITTLE WATER FIEFDOMS here in Surf County!
I CAN HARDLY WAIT!

www.dougforassembly.com

"Running on water-Trying to make it real" ... (www.thebestthatmoneycantbuy.or...)

Published July 15th, 2015

Orinda House Fire Response Questioned

By Nick Marnell



View of the Charles Hill Road fire from the captain's seat of a responding MOFD engine.
- Photo courtesy MOFD

A firefighter was injured and four family members were displaced in a two-alarm fire that broke out in a single-family home in Orinda June 21. The fire at 16 Charles Hill Road, which was reported shortly after 10 a.m., was contained within an hour; the injured firefighter was treated at the scene and returned to work, according to Dennis Rein, Moraga-Orinda Fire District public information officer for the incident. "It was a very aggressive fire attack by our guys, and they saved a large portion of the house," Fire Chief Stephen Healy told the MOFD board July 1. Battalion chief Sean Perkins estimated damage of \$200,000.

Some north Orinda residents questioned the fire response, as, based on data provided by Rein, engine 145 arrived at the scene seven and a half minutes from the time the fire was first called in, with engine 143 arriving nearly 30 seconds later. According to an Orinda resident, a driver saw smoke but no fire engine, so he drove up Charles

Hill to fire station 43 in hopes of alerting the firefighters. But the station was empty.

MOFD station 43, at 20 Via Las Cruces, less than one-half mile from the incident, was empty because the station 43 captain was meeting that morning with the captain at station 45 in Orinda Village. According to Healy, that type of meeting occurs routinely. In fact, the chief encourages face-to-face meetings among his crews, subject to a district directive that took effect July 1. "I want them to get out and learn their streets," he said.

From 10 a.m. until sunset, the crews can go anywhere for any reason, but only within their primary first-due response areas. The crews may leave their areas for what Healy termed an operational necessity.

"They must remain in the vicinity of their own station's primary coverage area to minimize any delays," said battalion chief Jerry Lee. "For example, the fire engine from the Rheem station in Moraga will not be allowed to venture out of the Rheem area during those hours."

District training sessions and meetings between crews, such as the one that took place the morning of June 21, must now be scheduled before 10 a.m.

The Contra Costa County Fire Protection District crews do not normally conduct in-person meetings outside their first-due areas, according to Lon Goetsch, assistant chief of operations. The district personnel often meet via teleconference, and some of the district training is conducted using web-based software. "But we do encourage them to drive through their first-due areas," he said.

Goetsch said that crews often run training exercises away from their stations. Two or three crews may run a structure fire drill at Saint Mary's College, or the Lafayette station 17 captain often will conduct drills in the rough terrain of the Hunsaker Canyon area. "In the summer, we train in the morning so we can keep them close to their stations in the afternoon," said Goetsch.

Healy told the MOFD board that, although the response time to the Charles Hill fire was at the upper limit of the district performance standard, it fell within what he cited as a national response time standard of nine and a half minutes for a suburban area.

Stockton Record

Recordnet.com
News worth sharing *online*By Wes Bowers
Record Staff Writer

Print Page

July 16, 2015 6:30PM

LAFCO to begin consolidation talks with eight fire districts

STOCKTON — The San Joaquin County Local Agency formation Commission will begin coordinating meetings with rural fire districts to initiate a lengthy consolidation process.

The agency's board of directors on Thursday voted 5-0 to approve a response to the San Joaquin County Civil Grand Jury that recommended eight rural fire districts consider consolidation to better serve the community.

In the response, LAFCO agreed to hold meetings with rural fire districts in a timely manner to discuss the benefits of consolidation, as well as provide the grand jury with updates.

"Our main goal (with consolidation) is to improve service," LAFCO chief executive director James Glaser said. "With credit to (the rural districts), they all do a great job, and this would help them perform more efficiently, as well as help them do an even better job serving the community."

Glaser said the agency can't force the fire districts to consolidate and added that the recommendation is to begin a dialogue, not immediately take action.

Last month, the grand jury released its annual report and recommended the consolidation after a 2014 investigation into allegations of ineffectiveness and political misconduct of the Mokelumne Rural Fire District and its directors.

During the investigation, the grand jury compared the district to smaller agencies in the county and found they were having financial problems that required entering into various agreements with each other to stay solvent.

Ultimately, it was suggested in the report that the Waterloo-Morada Fire District, French Camp-McKinley Rural Fire District, Montezuma Fire Protection District, Linden-Peters Fire District, Clements Rural Fire District, Woodbridge Fire District and Liberty Fire District consolidate with Mokelumne.

Glaser said his first course of action is to meet with Montezuma Fire Protection District Chief Ed Martel, who serves as president of the San Joaquin County Fire Chiefs Association, to form a plan of action and begin the discussion with each district and their boards.

There was talk of combining fire districts in 2011, Glaser said, but support today has improved greatly.

Commissioner Steven Nilssen said he has been a proponent of consolidation for some time, citing improved efficiency.

"This in no way reflects any dissatisfaction with the level of service provided," he said. "(The districts) do a miraculous job, but that doesn't mean you can't do a better job."

While he supported the idea of consolidation, commissioner Steve Bestolarides suggested including all 19 rural districts instead of just eight.

Because the districts are decentralized, he said they are able to provide a unique and greater service to the areas they represent.

In addition, Bestolarides noted that each district has its own retirement plan, and the more than 80 board members that represent each district most likely will be fighting for positions on a newly formed consolidated board.

"This process will take years, not months, to do," he said. "It's not a simple process. It's simple to say we're going to improve, but in the long run this is a very complicated procedure to undertake."

Bestolarides and Commissioner Doug Kuehne said all the rural fire chiefs should be involved in the discussion, rather than just LAFCO and its commission.

"Just telling them they have to do this — I don't know about that," Kuehne said. "But asking them to come to the table and share their ideas and concerns would be a good idea."

— Contact reporter Wes Bowers at (209) 546-8258 or wbowers@recordnet.com. Follow him at recordnet.com/bowersblog and on Twitter @WBowersTSR.

<http://www.recordnet.com/article/20150716/NEWS/150719736>

Print Page

LOCAL

JULY 16, 2015

Unincorporated homes with dry wells look to Merced for help

HIGHLIGHTS

Wait for drilling a new well in county is about 18 months

City struggling to keep up with 'desperate' requests for water

Cities can sometimes help, sometimes not



A new residential well is dug by Calwater Drilling Co. at a home on Belmira Road near Atwater in June. In the fourth year of the state's severe drought, domestic wells in the unincorporated parts of Merced County are drying up quickly. | **Andrew Kuhn** - akuhn@mercedsunstar.com

BY THADDEUS MILLER
tmiller@mercedsunstar.com

As the wait to get a new well drilled in Merced County continues to be about 18 months, a higher than normal number of people are seeking to hook up to city water sources, officials say.

In the fourth year of the state's severe drought, domestic wells in the unincorporated parts of the county are drying up quickly. That leaves some homeowners looking to cities for help.

In recent months, the city of Merced's Development Services Office has reported an average of one request a week to connect to city wells. During a typical year, the office would see one or two requests every three months, according to David Gonzalves, the department's director.

"It's getting to the point where there's so many requests (that) it's a drain on staff because of the process," he said. "This is not meant to be a normal request."

He said it's a struggle to keep up with the demand as people are "desperate" for water.

“

IT'S GETTING TO THE POINT WHERE THERE'S SO MANY REQUESTS (THAT) IT'S A DRAIN ON STAFF BECAUSE OF THE PROCESS. THIS IS NOT MEANT TO BE A NORMAL REQUEST.

David Gonzalves, Merced's director of development services

To hook up to a city well, officials said, the home with a dry well typically has to be within a city's sphere of influence, which is larger than the actual city limits. The homeowner would need approval from Merced County Local Agency Formation Commission and the respective City Council.

In Atwater, the requests to hook up to city water are fewer, because the unincorporated communities are farther away, according to Brian Shaw, the city's water division director.

He said the city has seen requests, but the homeowners were too remote. "They were so far out, we didn't have anything close to him," he said.

Meeting the demand for new wells continues to keep drillers busy.

Jim Nemitz, a supervisor with Calwater Drilling Co. of Turlock, recently drilled a few wells just outside Atwater. He said he gets calls daily from people who want a new well drilled. On average, those people are going to have to wait 18 months.

The company, which primarily drills domestic and irrigation wells in Merced and Stanislaus counties, has four rigs running nearly every day. He and the company's other employees are working 12-hour days to try to meet the demand for wells.

Merced County also saw a higher than normal number of requests for well permits before its groundwater ordinance went into effect this year. The new groundwater ordinance added

rules to drilling new wells and moving water out of the county to attempt to regulate how much is being pumped out of the ground.

MEETING THE DEMAND FOR NEW WELLS CONTINUES TO KEEP DRILLERS BUSY.

Between mid-April, when it became law, and June, there were 80 requests for permits filed, according to the county's Environmental Health Division.

The ordinance placed stricter constraints around who would be given a permit for a new well. But in the two months before the groundwater ordinance took hold, the county saw 512 requests for permits.

Many of the awarded permits are out there floating around as they are good for at least six months.

To try to help out the homeowners with dry wells, the Merced County Board of Supervisors this month approved an Emergency Water Distribution Program, which is scheduled to be implemented in August.

Thaddeus Miller: 209-385-2453,
@thaddeusmiller



MORE LOCAL

Water district faces \$1.5M state penalty

By Fenit Nirappil

Associated Press

Posted: 07/20/2015 09:11:40 PM PDT Updated: about 11 hours ago

SACRAMENTO -- California regulators on Monday proposed a first-of-its-kind, \$1.5 million fine for a group of Central Valley farmers accused of illegally taking water during the drought.

It would be the first such fine against an individual or district with claims to water that are more than a century-old, known as senior water rights holders.

The fine reflects the rising severity of California's four-year drought, which has prompted the state to demand cutbacks from even those who have been historically sheltered from mandatory conservation.

The State Water Resources Control Board said the Byron-Bethany Irrigation District in the eastern San Francisco Bay Area illegally took water from a pumping plant even after it was warned in June that there wasn't enough water legally available.

Relying on water rights dating to 1914, the district serves 160 farming families in three counties in the agriculture-rich Central Valley and Mountain House, a residential community of 12,000 people. The district estimates losing \$65 million in crops because of the state's cutback orders.

District general manager Rick Gilmore said he did not know a penalty was coming and wasn't aware of the details. The water that the state believes was taken might have been supplemental supplies purchased by the district, he said.

The district has sued the state over the board's June warning to immediately stop taking water because the watershed was running too dry to meet demand.

The board has sent out more than 9,000 notices across parched California warning there wasn't enough water entitled under rights. State inspectors have conducted about 1,200 investigations in the last year but only cracked down involving two. Officials say Byron-Bethany was targeted because it was publicly defying the board and diverting water in the drought. State officials anticipate cracking down on more districts and individuals this summer.

"Our resources are somewhat limited here, and we are taking our cases as we can get them and as we can develop them," said Andrew Tauriainen, a prosecutor for the water board.

Byron-Bethany has 20 days to request a hearing before the water board to contest the fine, although it's unclear how long it could take to resolve the case. The maximum penalty the five-member board could assess in the case is \$5 million, depending on how the water was used. The

water board also issued a cease-and-desist order last week against the West Side Irrigation District to immediately stop taking water. That district also had filed a lawsuit challenging the board's cuts, but the state denies it's retaliating against the agency.

Courts have not yet settled the question of whether the board has authority to demand cutbacks from farmers, cities and individuals with California's oldest claims to water.

Barnidge: Dire conditions in East Contra Costa Fire District bring call for task force

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

Posted: **07/20/2015** 06:08:25 AM PDT Updated: about 8 hours ago

You know that serious trouble is brewing when a special task force is called to head it off. Such is the case in the East Contra Costa Fire District, a 250-square-mile area that, because of funding shortages and slashed budgets, heads into the fire season protected by only three stations.

Brentwood, Oakley and county officials have huddled twice in recent weeks in search of mitigating measures even as the summer heat beats down on bone-dry hillsides, grass fires ignite, medical emergencies arise and overworked response teams try to keep up.

"We have to do something," Brentwood Mayor Bob Taylor said. "Lives are at stake. We've been lucky so far, but this is a situation that could lead to catastrophe."

The district was barely manageable when funding supported five three-man companies, but the erosion of property taxes during the recession, followed by voter rejections of both parcel tax and benefit tax measures, necessitated the closure of one firehouse in Knightsen and another in Brentwood. Now, only three companies remain.

"Whenever there's a structure fire or a serious grass fire, standard procedure is to send in five engines, which means 15 firefighters," said Contra Cost Fire Capt. Vince Wells. "With them having only nine, that means they need at least two engines from somewhere else, usually from (the Contra Costa Fire District)."

Trouble is, ConFire doesn't always have two companies to spare.

"During a grass fire we were fighting in Antioch, they had a fire on Bethel Island at the same time," ConFire Chief Jeff Carman recalled, "and then there was a shooting in Antioch. Normally, we'd have gotten more resources from them, and they'd have gotten more resources from us. But we both had to say no."

What's even more worrisome for East County residents is that when all three companies are occupied, no responders are available for other emergencies. "There were 19 times like that in June," Wells said, "when no coverage was available."

The sparsely located fire companies also often mean longer drives to destinations and delays in response times.

Wells, president of Local 1230, says the stress of trying to do too much with too little inevitably takes a toll on firefighting personnel, especially those in such frequent demand that they have trouble finding time for sleep. In addition, he said, because several firefighters are out with

injuries or illness, and calls for service are up, the standard 48-hour work shifts often are being extended with forced overtime.

"The concerns we have are the wear and tear on firefighters operating equipment and working in dangerous environments while fatigued," he said.

No one needs to tell Taylor, who wrings his hands at the thought of a heart attack victim desperately in need of help waiting for assistance far longer than is safe. He said the task force is exploring any and all measures to help. One suggestion is for cities to come up with money for additional medical response, even if it means dipping into the general fund.

Meanwhile, East County firefighters take a deep breath, grab a few winks when they can and cross their fingers that the worst drought in memory doesn't give birth to an equally bad fire season.

"With the way things are, fires aren't hard to start," Wells said. "I fear that something very negative might happen."

The task force obviously fears the same thing.

Contact Tom Barnidge at tbarnidge@bayareanewsgroup.com.

1 Comment

[Dave Roberts](#) • [an hour ago](#)

It's ironic when articles about the fiscal woes of the East County Fire District endangering the lives of residents, feature comments by the president of the firefighters union who, aided and abetted by the district board, is largely responsible for those fiscal woes. It's kind of like interviewing a guy complaining that he's an orphan after having just killed his parents.

The reason there are not enough firefighters to adequately protect far East County is that the district can't afford them because they've become too expensive. The cost of an average ECCFPD employee in salary and benefits is close to \$200,000 annually. Much of that includes a generous pension that they can begin collecting at the ripe old age of 50.

Fire districts in much of the rest of the country are able to get by largely with the help of paid on-call firefighters who cost significantly less. But for some reason in California apparently no one will do the job for less than \$150,000 in compensation.

With the over-taxed taxpayers repeatedly rejecting tax hike requests, the fiscally prudent response by the district should be to reduce compensation to the level necessary to rehire the laid-off firefighters and re-open the closed stations.

In the absence of that, the plan to have the far East County cities pitch in to improve the ambulance service -- you don't need firefighters treating you for a heart attack -- makes sense.

Consultant: ConFire ambulance plan offers savings, but plenty of risk

By [Matthew Artz martz@bayareanewsgroup.com](mailto:martz@bayareanewsgroup.com)

Posted: 07/22/2015 12:38:24 PM PDT Updated: about 12 hours ago

MARTINEZ -- A first-of-its-kind approach for providing ambulance care to many Contra Costa residents should operate in the black, a new report found, but it's unlikely to generate enough savings to significantly boost services at the cash-strapped Contra Costa Fire District.

Urged to operate more efficiently, ConFire has proposed a new partnership with its longtime ambulance provider, American Medical Response.

Rather than continuing to contract out for the service, ConFire will take over responsibility for billing and collecting insurance reimbursements as well as liability if anticipated revenue doesn't materialize. Meanwhile, AMR will essentially function as a subcontractor providing ambulances and paramedics for a set fee.

The arrangement, which includes a combined dispatch center, should cut costs and reduce the need to dispatch fire trucks to nonemergency medical calls. But it does come with added risk to taxpayers, consultants from the firm Citygate Associates cautioned in a 60-page report to county supervisors.

ConFire is getting into the ambulance business at an especially grim time for the industry. Since the Great Recession, both public and private insurers have dramatically lowered reimbursement rates for ambulance care, putting a squeeze on providers, Citygate warned.

ConFire anticipates collecting only one-quarter of the estimated \$2,775 charge for a basic ambulance transport. A decade ago, ambulance providers recouped at least two-thirds of their charges, Citygate's Stewart Gary told supervisors at their Tuesday meeting.

"The insurance companies are flat out not paying, period," he said. "Or they're only paying the Medicare rate," which Gary said was a few hundred dollars.

Gary also poured cold water on another key driver of the ambulance plan -- that by taking control of its ambulance service, ConFire can generate substantial income by participating in a program that offers partial reimbursements for the medical transport of certain Medi-Cal recipients.

The Ground Emergency Medical Transport program, which is only open to publicly-run ambulance services, was seen as a potential boon to the fire district. A former consultant projected that it could help drive net revenue up to \$10 million in the second year of the contract with AMR.

But Citygate cautioned that most Medi-Cal recipients won't qualify and that only about 5 percent of ambulance trips will be covered by the program.

Citygate and ConFire estimated net income for the ambulance program at just under \$2 million the first year. While that is expected to climb slightly, Gary urged supervisors to set up ample reserves to guard against further reimbursement cuts by insurers.

Supervisors remained supportive of the new approach, but Karen Mitchoff didn't hide her disappointment with the projected revenue figures.

"I've been under the impression that there was going to be a happy spot sooner rather than later," she said. "And there ain't going to be a happy spot. And it's important that the public understands that."

ConFire Chief Jeff Carman said the merged dispatch center will enable the district to more efficiently respond to medical calls while freeing engines to focus on major incidents.

"Although there is a \$1.9 million financial benefit to this, the indirect benefits cannot be overlooked," he told supervisors.

The new approach comes with added risks for taxpayers, but Gary said that declining insurance reimbursements threaten all public agencies responsible for providing ambulance services. If private providers can't turn a profit, he said, taxpayers could be asked to keep them afloat. Alameda County's ambulance provider, Paramedics Plus, recently asked for an injection of \$5 million of public funds to cover some of its losses.

Contra Costa supervisors said they were still on board with ConFire's plan and directed the county to proceed with negotiating a five-year contract that would take effect next year.

"This may not work out very well in the end," Supervisor Mary Piepho said. "But this is what I think the public wants us to test."

Contact Matthew Artz at 510-208-6435.

Joint fire station talks heat up in Orinda

By [Jennifer Modenessi jmodenessi@bayareanewsgroup.com](mailto:jmodenessi@bayareanewsgroup.com)

Posted: 07/23/2015 08:34:39 AM PDT Updated: 46 min. ago

ORINDA -- Lawmakers may soon decide whether to greenlight a new fire station serving residents of Orinda and Lafayette through a partnership between two fire districts.

The county board of supervisors plans to review on Aug. 18 a draft agreement between the Contra Costa County Fire Protection District and the Moraga-Orinda Fire District about the joint construction, operation and cost sharing of the proposed Station 46 on the Lafayette-Orinda border. The agreement will be discussed briefly by MOFD's fire Chief Stephen Healy, among other issues, at a neighborhood meeting Saturday at Saint Stephens Church in Orinda.

But residents will have to wait until late August or early September to get more precise information about the potential partnership and its possible impacts on fire service and other issues.

"As a matter of process, the details of any operating agreement and specific response time effects will have to wait until the studies and negotiations have been completed and the board holds its workshops later this summer," said MOFD fire Chief Stephen Healy in a statement. The information includes a new analysis of response times commissioned by the district being conducted with the help of a UC Berkeley software expert.

Orinda resident Ellen Dale said she would like MOFD to hold public workshops before completing the draft operation agreement.

"I would have hoped (MOFD directors) would have changed their minds and not pursued this based on the amount of concern and opposition from their constituents," Dale said.

The districts want to build the new station on a 3.2-acre property on Lorinda Lane in Lafayette owned by MOFD. Pitched in 2013 by two former fire chiefs, the station would replace a closed ConFire station on Los Arabis Drive in western Lafayette and MOFD's aging Station 43 on Via Las Cruces in Orinda, which district officials say would cost about \$3 million to reconstruct. MOFD bought the \$1.2 million Lafayette property two years ago, and has generated \$27,133 in revenue from leasing an existing single-family home there to the former owners.

Dale and other residents who oppose the new facility have formed the Save Orinda's Honey Hill Fire Station group, which has an online petition asking MOFD's five-member board to keep Station 43 open.

The group also wants the shuttered Lafayette fire station to reopen, arguing it provided backup to Orinda while the Via Las Cruces station provided backup to Lafayette. "Right now there's a huge hole in coverage," Dale said.

Orinda residents Art and Kristi Haigh live just a few blocks from the MOFD station. While the couple said moving Station 43 will increase response times to their home by about one minute, they support building a new facility.

Citing the low number of calls handled by the station and the district's need to be careful with its finances following recent fiscal turmoil, the Haighs question whether it makes sense to fund repairs.

"I'm happy it's there for me, but I don't think in the larger scheme of things that's the best way to use the resources," Art Haigh said.

Following a request from the firefighters' union to look closely at costs and other issues associated with the potential agreement, at least two county supervisors this week asked ConFire for an update on the present need for the new station.

Voicing disappointment that the union may not be in support of Station 46, Supervisor Candace Andersen cautioned that setting aside the idea could spur conversations about reopening the closed Lafayette facility -- or Lafayette choosing to leave ConFire.

"We want to ensure that everyone within in our fire district receives appropriate service and as the revenues have increased, I think it's incumbent on us to restore services throughout the county in a smart way and this is what 46 does," Andersen said.

MOFD directors will consider the draft agreement after county supervisors review the document.

East County fire service to face another hit

By [Matthew Artz martz@bayareanewsgroup.com](mailto:Matthew.Artz@bayareanewsgroup.com)

Posted: 07/23/2015 02:46:35 PM PDT Updated: about 19 hours ago

MARTINEZ -- East County's already diminished fire service is expected to suffer another blow next month when ConFire plans to offer less help in responding to fires and medical emergencies.

The automatic aid pact between ConFire and the East Contra Costa Fire Protection District has been out of balance since May when budget constraints forced the fire district in East County to close its fifth station since the start of the Great Recession.

Left with only three stations covering 249 square miles including Brentwood, Oakley and Discovery Bay, East Contra Costa last month called ConFire for help more than three times as often as it was called on to help ConFire.

That imbalance is unsustainable, ConFire Chief Jeff Carman said, especially considering that East County property owners earlier this year rejected a special tax that would have prevented the most recent station closure and opened an additional station.

"While ConFire wants to be a good neighbor, the taxpayers in our district did not vote to reduce service levels, so we can't have East Contra Costa rely on our resources to maintain a service level they voted to reduce," Carman said in an email.

Carman said his staff will begin talks to revise the automatic aid pact between the two districts, which expires at the end of the month. The last revision came in June, when the two agencies went from offering each other three engines to two because East Contra Costa's station closure reduced its capacity to help its neighbor.

Unlike mutual aid, which is called out after firefighters are on scene of an emergency, automatic aid is dispatched as soon as a call is received. That means many calls turn out to be false alarms.

East Contra Costa has tried to employ automatic aid only for high priority calls, Chief Hugh Henderson said. If ConFire scales back its support, East Contra Costa will have to rely more on mutual aid, which will mean longer response times with help often coming from stations that are farther away, he said.

"It's concerning for the community and it's concerning for our firefighters," Henderson said. "But they have to take care of their district."

Already this month, there have been five instances in which ConFire's closest stations in Antioch weren't free to respond to an automatic aid call, forcing Henderson to wait for mutual aid to arrive.

East Contra Costa's funding issues stem from the fact that the district gets a significantly lower share of property tax revenue than neighboring fire districts, and that assessed property values are still depressed following the foreclosure crisis.

With only three engines on duty at any time, the district must seek outside support to handle any structure fire.

East Contra Costa requested automatic aid of ConFire 50 times in June, compared to 28 times in April before the station closure. By contrast, ConFire requested aid just 16 times in June and 18 times in April.

Supervisor Mary Piepho, who lives in Discovery Bay, but sits on ConFire's board of directors, said she understood Carman's position and hoped it might send a message to East County residents that they at some point will have to better fund their district.

"It's not natural for one agency to say to another that we can't help you anymore," she said. "It's very awkward, and it's very real."

Contact Matthew Artz at 510-208-6435.

District to discuss possible sale of Doctors Medical Center campus

Updated: 07/25/2015 07:44:15 AM PDT

ContraCostaTimes.com

SAN PABLO -- A possible sale of the closed Doctors Medical Center and its campus will be discussed Wednesday at a board meeting of the West Contra Costa Healthcare District, which owns the hospital.

The matter will come up during the closed session at the beginning of the meeting, which will convene at 4:30 p.m. in the San Pablo City Council chamber, 13831 San Pablo Ave.

The agenda item identifies only "potential purchasers including City of San Pablo" along with brokers Kennedy Wilson and The Camden Group.

The hospital, which opened in 1954 as Brookside Hospital, closed April 21 after years of a stubborn deficit that most recently stood at about \$18 million a year. Officials have blamed the deficit on a payer mix that included about 80 percent Medi-Cal and Medicare and 10 percent uninsured.



Doctors Medical Center is seen in San Pablo on May 7, 2014.

The property for sale is about 8.3 acres of what once was a 10.8-acre campus. In March, the district agreed to sell to San Pablo a 2.5-acre slice of the campus that is currently being used for parking by the adjacent Lytton Rancheria casino under a 20-year easement for which the tribe paid \$4.6 million upfront last year.

The March sale of the parking area to the city was part of a larger, \$7.5 million cash deal that included two medical office buildings and a condo on Vale Road across from the hospital campus.

Earlier in the year, San Pablo had offered to buy the entire package of properties for \$11 million in cash plus the transfer to the district of a 5.9-acre city-owned parcel near the Contra Costa County Health Services Department's West County Health Center.

In May, the healthcare district board agreed to a two-pronged disposition plan for the remainder of the campus under which Camden would seek a buyer or partner to operate the hospital, while Kennedy Wilson would market the property as a commercial real estate opportunity. Board Chairman Eric Zell and district counsel Rick Norris said then that a "viable and sustainable" offer to operate the hospital would have priority over a more lucrative sale of the campus as real estate.

Zell did not immediately respond to an email Friday. City Manager Matt Rodriguez was out of the office Friday and could not be reached for comment.

The city gets more than \$15 million from the casino under a 1999 Municipal Services Agreement with the Lytton tribe.

But that amount is tied to the casino's status as a Class II facility, which allows only certain types of gambling machines. If the casino ever becomes a Class III, or Las Vegas-type facility, the agreement caps the annual payments at a far smaller amount.

Also on Wednesday, in open session, there will be a community update by LifeLong Medical Care Executive Director Marty Lynch and Contra Costa County Health Services Director William Walker, followed by a financial and operations update of the district by interim CEO Kathy White and financial consultant Harold Emahiser.

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

County to reduce climate change impact by preserving farmland

Posted: Monday, July 27, 2015 4:03 pm

Using proceeds from a competitive grant offered by the state's Global Warming Solutions Act, county officials will develop a comprehensive platform of maps, models and policies to reduce greenhouse gases by preserving at-risk farmland in South County.

The program, known as the "Sustainable Agricultural Policy Framework for Southern Santa Clara County," will specifically target thousands of acres of farmland "at the greatest risk of development pressure" in and surrounding Morgan Hill, Gilroy and Coyote Valley, according to county staff.

The county and the Santa Clara County Open Space Authority will use \$100,000 in grant funds to develop the framework, which will integrate existing and draft local land use policies, plans and ordinances, including General Plan updates and agricultural mitigation policies currently under development in Morgan Hill and Gilroy. The county won the grant June 30 from the Sustainable Agricultural Lands Conservation Program, which is part of the California Strategic Growth Council.

The framework is announced at a time when scientists and policy makers from the region and throughout the state are taking a closer look at new, simple strategies and investments that can mitigate future greenhouse gas emissions and improve resiliency to climate change effects, according to a July 27 press release. Specifically, the local framework will focus on how limiting the conversion of farmland to development might reduce the effects of climate change by reducing sprawl and carbon emissions.

"Projects such as this provide an opportunity for everyone with a stake in the long term viability of the agricultural economy of Santa Clara County to chart a course for our collective future," said Kirk Girard, Director of the County's Department of Planning and Development.

Studies have shown that urban and suburban landscapes generate significantly more



Southeast Quadrant

A crew picks peppers in a field off Tennant Avenue July 21.

greenhouse gas emissions than farmland and that healthy and resilient agricultural landscapes can buffer some of the negative effects of climate change on nearby communities, the press release said. Natural and agricultural landscapes also provide environmental benefits such as carbon storage, water retention, flood protection, local food production, habitat and biodiversity.

“If agriculture is to survive in South County, an innovative regional framework is needed to demonstrate that conserving farmland from development is a critically important climate change strategy,” said Andrea Mackenzie, General Manager of the Open Space Authority. “The time is now to align plans, programs, policies and investment affecting undeveloped agricultural lands to sustain the valley’s natural environment, support the local agricultural economy, and increase climate resiliency and adaptation in Silicon Valley.”

Santa Clara County, once known as the “Valley of Heart’s Delight,” has a long and celebrated agricultural history, but since the 1960s has been transformed by population growth and economic development into “Silicon Valley,” the press release noted. Currently, about 27,000 acres of farmland remain in the county, and about half that land is in danger of being lost to development.

And the county is projected to continue growing, perhaps by as much as 35 percent or 650,000 more people by 2035, county staff said.

In Morgan Hill, the city council earlier this month approved a growth control plan for the largely agricultural area east of U.S. 101 just outside the city limits, known as the Southeast Quadrant. That plan is intended to limit haphazard construction in the area, develop lower-impact uses such as sports and recreation and preserve some of the farmland that remains. However, staff from the county, OSA and the Local Agency Formation Commission (LAFCO) have repeatedly voiced concerns that the city’s SEQ project fails to preserve a desired amount of open space.

The LAFCO board of directors is ultimately responsible for approving or denying the SEQ expansion plan.

The county will be the lead agency and partner with the OSA to develop the framework, the press release continues. The total budget for the project is \$205,000, including in-kind services and \$100,000 from the Strategic Growth Council grant, \$49,000 from Santa Clara County, \$50,000 from the Open Space Authority and \$5,000 from Cultivate Studio. Panels of technical experts representing the agricultural sector and the municipal government and nonprofit sector will be convened to provide input and review. Dozens of government, nonprofit and industry organizations will serve as advisors and consultants to the project.



Independent, locally owned and operated!

www.lamorindaweekly.com 925-377-0977

Published **July 29th, 2015**

Supervisors Award ConFire County Ambulance Contract

By Nick Marnell

The Board of Supervisors July 21 authorized the county Health Services Director to execute a 5-year contract with the Contra Costa County Fire Protection District to provide emergency ambulance transport service in most of Contra Costa County starting in January. ConFire, with its subcontracting partner American Medical Response, the current county ambulance transport contractor, will provide ambulance service to the portions of the county not served by the Moraga-Orinda Fire District and the San Ramon Valley Fire Protection District, which provide their own ambulance transport service.

The private-public arrangement, named the Alliance, is the first of its kind in California, and brings with it not only a chance for the fire district to recognize additional, non-traditional revenue but also to better control the deployment of its resources. "Many times I'm asked, why do you send a fire engine and an ambulance to a call," said ConFire chief Jeff Carman. "The answer is, that I don't." No longer will the district be in the dark about ambulance deployment. With dispatch now consolidated for both ambulances and engines, ConFire will have the ability to control the deployment of each more efficiently.

The deal comes with its risks, as pointed out by Stewart Gary of public safety consultant Citygate Associates, LLC. Ambulance revenues have fallen nationally from an average of 66 percent of the amounts billed to 26.5 percent recently. The Alliance projects revenue collection rates of 24.5 percent, largely due to the uncertainties of government reimbursements and the Affordable Care Act. "And your revenue rates may not be at rock bottom," said Gary. "It may be several years before they are."

Since the Alliance did not figure any supplemental governmental revenue into its financial assumptions, the net gain to ConFire after year one was projected at \$1.9 million on revenue of \$39 million; but \$9 million of ConFire's cash reserves will be needed to cover the early cash flow losses. Also under this groundbreaking paradigm, the economic responsibility of the ambulance transport plan shifts from the private contractor, AMR, to the taxpayers of the fire district.

Nevertheless, Gary attempted to impress upon the supervisors that they are looking at a long-term positive business model.

"You have before you a restructured bid that requires no subsidy and is revenue positive without any supplemental revenue," he said. "You have a framework for ConFire to apply for and get those supplemental revenues, which will be in flux for a while."

"This may not work out in the end," said Supervisor Mary Piepho. "But this is what the public wants us to test and what the public wants us to think through."

The supervisors unanimously awarded the contract to ConFire, though they had no other option than temporarily extending the current contract with AMR, as no other entity bid. The final contract is expected to be presented to the board for approval in September.

Reach the reporter at: info@lamorindaweekly.com

[back](#)

Copyright © Lamorinda Weekly, Moraga CA



Independent, locally owned and operated!

www.lamorindaweekly.com 925-377-0977

Published **July 29th, 2015**

Firefighters' Union Balks at Station 46 Joint Venture

By Nick Marnell

Frustrated with the drain on district resources in other parts of the county, Vince Wells, president of Local 1230 of the firefighters' union, questioned whether the Contra Costa County Fire Protection District board should approve a joint venture with the Moraga-Orinda Fire District to build a new fire station in western Lafayette. Based on preliminary discussions, ConFire would front \$6 million to build fire station 46 and would share the estimated annual \$2 million operational costs equally with MOFD, which will own the new station.

"Rather than just looking at the terms of the contract, check to see if this whole thing is worth the money," he told the board July 21. Wells argued that the district answers far more calls on the East County border than it does in Lafayette, "and there are no costs shared, and no fire stations being built to address that." The East Contra Costa County Fire Protection District recently closed two fire stations and relies on outside assistance, mainly from ConFire, which supports the struggling district through automatic and mutual aid agreements.

"Where are the priorities?" Wells said later. "Why are they just looking at Lafayette? You can't do a project like this based on politics alone."

Wells also suggested that Lafayette may not be receiving what it thinks. "If they want to pay for a faster response time, they should get a station dedicated to their area," he said. "Paying a 50-50 split for a fire station that isn't yours is not mutually beneficial." He proposed that a more equitable financial arrangement might be for ConFire to pay MOFD for the number of calls it responds to in western Lafayette, as the district does with Richmond.

"I was initially never supportive of this," said Director Karen Mitchoff. "I would like an updated perspective. We have concerns in other parts of the county, and Lafayette continues to be served with two fire stations and mutual and automatic aid."

Vice Chair Candace Andersen said she was disconcerted to hear that labor was potentially going to object to the station 46 venture. "I understand that Vince Wells is frustrated by the fire station closures in the East County Fire Protection District," said Andersen, whose district includes Lafayette. "ConFire is doing what it can to help East County Fire through our auto aid and mutual aid agreements. However, Vince should not expect the citizens of Lafayette to forego their appropriate level of service to solve that problem in another fire district."

"We believe the carefully articulated agreement between the two fire districts to build and operate station 46 is still on track for approval," added Lafayette Emergency Services Task Force co-chair Brandt Andersson.

The station 46 contract is expected to come before the ConFire board of directors for approval at its Aug. 18 meeting.

Reach the reporter at: info@lamorindaweekly.com

[back](#)

Copyright © Lamorinda Weekly, Moraga CA

San Pablo: Deal to sell shuttered Doctors Medical Center may happen by January

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

Posted: 07/29/2015 11:11:49 PM PDT Updated: 5 days ago

SAN PABLO -- A deal to sell Doctors Medical Center is expected by January, according to a financial update presented Wednesday to the board of the West Contra Costa Healthcare District.

District counsel Rick Norris said after the meeting that a sale might take until March to complete.

The district, which owns the hospital and ran it until its closure on April 21, will be down to a cash balance of about \$550,000 by the end of the year, according to the update, presented by interim CEO Kathy White and financial consultant Harold Emahiser.

The hospital and the 8.3 acres that is left of its campus after the district sold off a piece to San Pablo earlier this year should fetch between \$10 million and \$20 million, according to the update.

The district has between \$17.6 million and \$26.1 million of obligations including pensions, retiree medical coverage, workers compensation, operating costs and record-keeping, according to the update.

The district continues to collect a \$52-a-year special parcel tax, Measure D, approved by voters in 2004. It is expected to collect the tax at least until 2027, to pay off bonds that it used to pay annual operating expenses. A second parcel tax, Measure J, of \$47 a year, approved by voters in 2011, lapsed with the closing of the hospital.

Some 21 employees, including a core of 15 that works three days a week, are still on payroll. They hold jobs in materials management, information technology, finance, records, security, plant operations, housekeeping and administration.

Also on Wednesday, the board voted 3-2 in favor of a deal with Centurion Service Group to liquidate the hospital's equipment and furniture, for a guaranteed \$927,000. Board member Deborah Campbell and Chairman Eric Zell voted no, after arguing for an extension of the bidding process to possibly attract a higher bid. One bidder's representative told the board the equipment could fetch as much as several million dollars, but the bid the vendor submitted by the June 24 deadline did not contain a guarantee.

The board also approved, this time unanimously, a contract with Xerox Consultant Co. to keep and manage the hospital's records for seven years in accordance with legal requirements. The contract is for a total of \$1,095,902, with \$326,680 payable the first year, tapering off to \$29,475 in year seven.

The hospital opened in 1954 as Brookside Hospital. It closed April 21 after years of deficits that most recently stood at about \$18 million a year.

In March, San Pablo agreed to buy a 2.5-acre chunk of the campus that is being used for parking by the adjacent Lytton Rancheria casino. It was part of a larger, \$7.5 million cash deal that included two medical office buildings and a condo on Vale Road across from the hospital campus.

In May, the board agreed to a two-pronged disposition plan for the remainder of the campus under which broker The Camden Group would seek a buyer or partner to operate the hospital, while another broker, Kennedy Wilson, would market the property as a commercial real estate opportunity.

Wednesday's closed session agenda item identified only "potential purchasers including City of San Pablo" and the two brokers.

Mother Jones

California's Drought Is So Bad That Thousands Are Living Without Running Water

"This is an ever-expanding, invisible disaster."

By [Julia Lurie](#) | **Fri Jul. 31, 2015** 6:00 AM EDT

Social Title:

California's drought is so bad that thousands are living without running water

Social Dek:

"This is an ever-expanding, invisible disaster."

Most of us are feeling the effects of the California drought from a distance, if at all: Our produce is a little more expensive, our news feeds are filled with images of cracked earth. But thousands of people in California's Central Valley are feeling the drought much more acutely, because water has literally ceased running from their taps. The drought in these communities resembles a never-ending natural disaster, says Andrew Lockman, manager of the county's Office of Emergency Services. Most disasters are "sudden onset, they run their course over hours or days, and then you clean up the mess. This thing has been growing for 18 months and it's not slowing down."

Here's what you need to know about California's most parched places:

What do you mean by "no running water"?

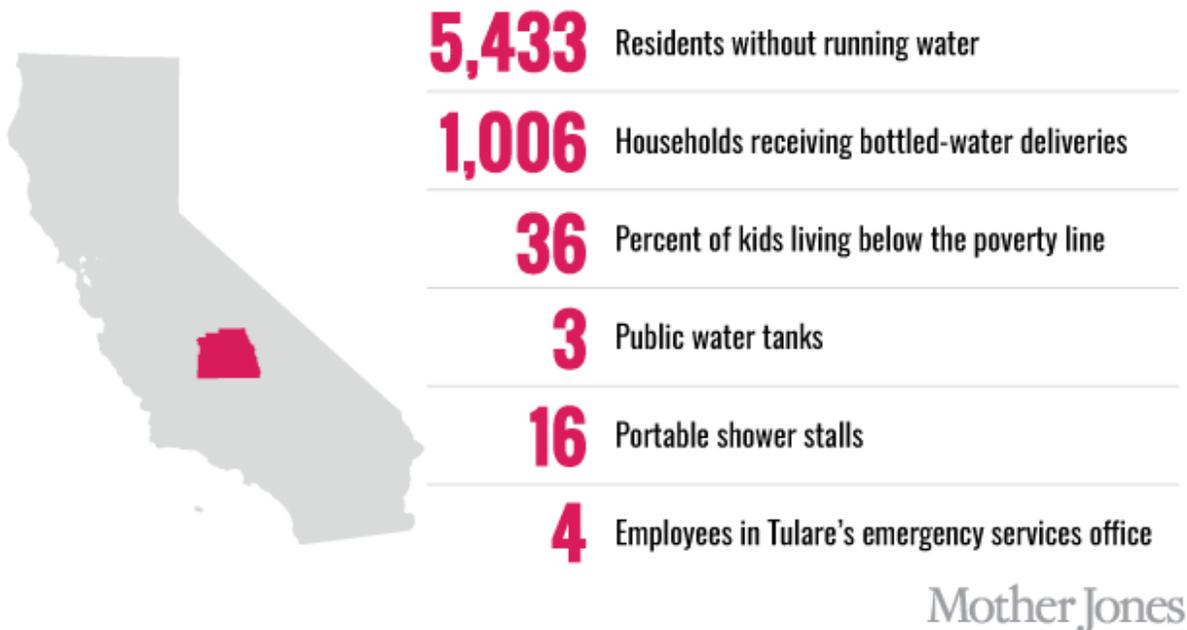
No water is coming through the pipes, so when residents turn on the tap or the shower, or try to flush the toilet or run the washing machine, water doesn't come out.

Who doesn't have running water?

While a handful of [communities](#) [1] across the state are dealing with municipal water contamination and shortages, the area that's hardest hit—and routinely referred to as the "ground zero of the drought"—is Tulare County, a rural, agriculture-heavy region in the Central Valley that's roughly the size of Connecticut. As of this week, 5,433 people in the county don't have running water, according to Lockman. Most of those individuals live in East Porterville, a small

farming community in the Sierra Foothills. East Porterville is one of the poorest communities in California: over a third of the population lives below the federal poverty line, and 56 percent of adults didn't make it through high school. About [three quarters](#) [2] of residents are Latino, and [about a third](#) [3] say they don't speak English "very well."

Tulare County: Ground Zero of the Drought



Why don't they have running water?

Many Tulare homes aren't connected to a public water system—either because they are too rural or, in the case of East Porterville, because when the community was incorporated in the late 1970s, there wasn't enough surface water available to serve the community. Until recently, this wasn't a problem: the homes have private wells, and residents had a seemingly unlimited supply of groundwater. Most domestic wells in East Porterville are relatively shallow—between 25 and 50 feet deep—because water wasn't far below ground level.

With California in its fourth year of drought, there's been little groundwater resupply and a lot more demand—particularly as farmers resort to pumping for water—leading the water table to drop dramatically and wells to go dry. Those with money can dig deeper wells, but this generally costs between \$10,000 and \$30,000—a cost that's prohibitive for many Tulare residents.

If they don't have running water, how do they function?

Of the roughly [1,200](#) [4] Tulare homes reporting dry wells, about 1,000 of them have signed up

for a free bottled water delivery service coordinated by the county. Homes receive deliveries every two weeks; each resident is allotted half a gallon of drinking water per day. The county has also set up three large tanks of nonpotable water, where residents can fill up storage containers for things like showering, flushing toilets, or doing dishes. Portable showers, toilets, and sinks have been set up in front of a church in East Porterville.

Wait, people are showering outside a church?

Yup. Some residents have been living without water for over a year, says Susana De Anda, the director of the Community Water Center, a non-profit serving the area. "It's a huge hygiene issue where we don't have running water. It kind of reminds me of Katrina," she says. "The relief came but it came kind of late."

The state's offering temporary help, right?

To provide interim relief, the county is also working to install water storage tanks outside of homes with dry wells. The 2,500-gallon tanks, usually set up in yards, are filled with potable water and connected to the home, giving a rough semblance of running water. Only about 170 such tanks have been installed so far, in part because the process for installing the tanks is so laborious. Applicants need to prove ownership of the house, open their home to a site assessment, and more—with each step of the process involving a days or weeks long queue. Some 1,300 homes still don't have tanks installed.

Hundreds of rental properties don't have running water, and because domestic water storage tanks aren't set up at rental units, migrant workers aren't likely to reap the benefits of this interim solution. Another challenge is misinformation: The free water programs are open to residents regardless of citizenship, but myths still prevents some from taking advantage of the services. When the portable showers were first installed in front of the church, says Lockman, many people suspected they were an immigration enforcement trap. Some parents haven't been sending their children to school, having heard that child welfare services would take away kids from families that don't have running water.

Who's working on this?

This year, the state has set aside \$19 million to be spent on emergency drinking water. In Tulare, the Office of Emergency Services, which coordinates a network of contractors covering the needs of half a million people, currently has a staff of four people. (Three more positions were approved this week.)

In the long term, community leaders are working to build an infrastructure so that homes can be linked to a municipal water supply. But that work is "slow and expensive," says Melissa Withnell, a county spokesperson.

Are farmers taking the water?

Yes, but it's hard to blame them. Tulare County is among the biggest agricultural producers in the country, growing everything from pistachios and almonds to grapes and livestock. "If you were to just look at the landscape, it's very green," says De Anda. "You wouldn't think we were in a drought." The industry brings in nearly 8 billion dollars per year, employing many of those individuals who currently lack running water. Permits to drill new wells have skyrocketed—just this year, nearly 700 irrigation wells have been permitted, compared to about 200 domestic wells. (Wells permits are issued on a first come, first served basis.) "It's like one big punch bowl that's not getting refilled but everybody's been slowly drinking out of it and now we have a thirsty football team at the same punch bowl as everybody else," says Lockman. "Do we have sustainability problems? Oh yeah, absolutely."

Source URL: <http://www.motherjones.com/environment/2015/07/drought-5000-californians-dont-have-running-water>

Links:

- [1] http://www.waterboards.ca.gov/water_issues/programs/grants_loans/caa/dw_droughtfund/docs/funded_projects_fy1415.pdf
- [2] <http://www.census.gov/2010census/popmap/ipmtext.php?fl=06:0621012>
- [3] http://thedataweb.rm.census.gov/TheDataWeb_HotReport2/profile/2013/5yr/np01.html?SUMLEV=160&state=06&place=21012
- [4] <http://tularecounty.ca.gov/emergencies/index.cfm/drought/drought-effects-status-updates/2015/july-2015/week-of-july-27-2015/>

Appeals court weighs in on Danville development dispute

By Dan Lawton dlawton@bayareanewsgroup.com

Posted: 08/04/2015 03:32:08 PM PDT

Updated: 08/05/2015 07:52:37 AM PDT

DANVILLE -- A state appeals court on Tuesday appeared favorable to upholding at least part of a ruling that last year halted a Danville residential development after neighbors said it violated town zoning rules and would endanger bicyclists.

The justices, Jim Humes, Sandra Margulies and Robert Dondero, were quizzical of arguments made by the town's attorney and a developer lawyer, who said that Danville had adequately considered bicyclist safety when approving the 69-home project in 2012.

"There seems to be a lack of foundation for the conclusion that there wouldn't be an impact on bicyclists," Margulies said.

The lawsuit stems from a proposal by developer SummerHill to build to a cluster of homes on a flat, 38-acre parcel of land in Magee Ranch near Diablo Road. The narrow two-lane road is one of the most popular cycling routes in the area.

Residents have formed a group called Danville Save Our Open Space to try to derail the project. According to spokeswoman Maryann Cella, they believe the project should be voted on by the entire town. Last year, they completed a petition drive to get the development put on the ballot, but it was tossed out for technical reasons.

The development has been touted by the town and environmental group Save Mount Diablo for its environmental sensitivity and preserving about 370 acres of open space. Residents have countered that it could cause drainage issues, damage the habitat of red-legged frogs and endanger bicyclists.

Andrew Faber, who was representing SummerHill, told the court that "the issue of bicycle safety and what to do about it was fully discussed," while the town was considering the impact of the project.

Faber didn't dispute that the road was perilous for bicyclists but said that town planners had concluded the development wouldn't significantly increase the risk for riders.

That contention was rejected by Stuart Flashman, lawyer for the residents' group.

If the court upholds the decision, it could set a legal precedent requiring municipalities to more thoroughly consider bicycle safety as part of predevelopment environmental assessments.

The court did not rule on Tuesday. A decision is expected within 90 days.