



REVISED NOTICE AND AGENDA FOR REGULAR MEETING

DATE/TIME: Wednesday, November 18, 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.

November 18, 2015 CONTRA COSTA LAFCO REVISED AGENDA

1. Call to Order and Pledge of Allegiance
2. Roll Call
3. Adoption of Agenda
4. Public Comment Period (please observe a three-minute time limit):
Members of the public are invited to address the Commission regarding any item that is not scheduled for discussion as part of this Agenda. No action will be taken by the Commission at this meeting as a result of items presented at this time.
5. Approval of Minutes for the October 14, 2015 regular LAFCO meeting
6. ***Informational Presentation*** – Central Contra Costa Sanitary District (CCCSD): *Overview of Recycled Water Program, Current Deliveries, and Projects Planned for the Future*

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

7. *Reclamation Services MSR/SOI Updates (2nd Round)* - accept the Final MSR report, make the required determinations, update SOIs for Bethel Island Municipal Improvement District and Reclamation Districts 799, 800, 830, 2024, 2025, 2026, 2059, 2065, 2090, 2117, 2121, 2122 and 2137; and consider related actions under the California Environmental Quality Act (CEQA).
Public Hearing

BUSINESS ITEMS

8. ***Agriculture & Open Space Preservation Policy*** - receive update/report from the Policies & Procedures Committee and provide direction.
9. ***Broadband Services*** - consider LAFCO's role relating to broadband services and provide direction.

CORRESPONDENCE

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

INFORMATIONAL ITEMS

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

ADJOURNMENT

Next regular LAFCO meeting – December 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

October 14, 2015

November 18, 2015
Agenda Item 5

Board of Supervisors Chambers
Martinez, CA

1. Chair Rob Schroder called the meeting to order at 1:32 p.m.
2. The Pledge of Allegiance was recited.
3. Roll was called. A quorum was present of the following Commissioners:

City Members Rob Schroder and Don Tatzin.

County Members Federal Glover (arrived at 1:40 p.m.) and Alternate Candace Andersen.

Special District Members Mike McGill and Igor Skaredoff and Alternate Stanley Caldwell.

Public Members Don Blubaugh and Alternate Sharon Burke.

Present were Executive Officer Lou Ann Texeira, Legal Counsel Sharon Anderson, and Clerk Kate Sibley. Reclamation Services MSR Consultants Harry Ehrlich, Robert Aldrich, and Elliot Mulberg were present.

4. Approval of the Agenda

Upon motion of Andersen, second by Blubaugh, Commissioners, by a vote of 6-0, adopted the agenda.

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

NOES: none

ABSENT: Glover (M), Piepho (M)

ABSTAIN: none

5. Public Comments

There were no public comments.

6. Approval of September 9, 2015 Meeting Minutes

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

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

NOES: none

ABSENT: Glover (M), Piepho (M)

ABSTAIN: none

7. Informational Presentation – Contra Costa Transit Authority (CCTA) - Update on Measure J, Growth Management Program, and Urban Limit Line Activities

Chair Schroder introduced Martin Engelmann, Deputy Executive Director of Planning at CCTA. Mr. Engelmann is responsible for implementing the Measure J Growth Management Program and the state-mandated Congestion Management Program, and for preparing and updating the Authority's Countywide Transportation Plan (CTP), which lays out a 25-year vision for transportation in Contra Costa County. He also works in partnership with other regional agencies in the Bay Area on transportation and land use issues.

Mr. Engelmann explained that the CCTA was formed by Contra Costa voters in 1988 to manage the County's transportation sales tax program and lead the County's transportation planning efforts. The CCTA is responsible for maintaining and improving the County's transportation system by planning, fund, and delivering critical transportation infrastructure projects and programs.

Mr. Engelmann gave an account of the evolution, from 1988 to the present, of Contra Costa County's transportation planning, the state-mandated Growth Management Plan (GMP), the Urban Limit Line

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(ULL), the voters' role in these measures, and the impact that these programs have had on the County's unrelenting growth. He acknowledged Commissioner Blubaugh's role in heading up the initial efforts at establishing a Mutually Agreed-upon Countywide Urban Limit Line ("MAC-ULL"). Ultimately, 16 cities adopted the County ULL, and three (Pittsburg, Antioch, San Ramon) voted on their own ULL or UGB. He also summarized some of the key provisions of the Measure J Growth Management Plan relating to modifying the ULL and funding.

The CCTA is currently discussing a new half-cent sales tax measure, and examining the possibility of eliminating the 30-acre provision. Mr. Engelmann also explained Plan Bay Area, Regional Transportation Plans, Sustainable Communities Strategies, and other programs and legislation that affect and shape growth in Contra Costa County and the SF Bay Area.

Commissioner Blubaugh asked how many 30-acre exemptions have been utilized since the ULL was adopted. Commissioner Andersen responded that the New Farm project may be the first of these to be proposed.

In response to a question from Commissioner Skaredoff, Mr. Engelmann pointed out that in addition to Priority Development Areas (PDAs), there are also Priority Conservation Areas (PCAs), both of which are identified in the 2013 Plan Bay Area.

Commissioners held further discussion with Mr. Engelmann on the ULL, the next Plan Bay Area (PBA), PCAs, PDAs, and possible "priority industrial areas." Mr. Engelmann noted that something like this will most likely be in the 2021 PBA.

8. LAFCO 08-30 - West County Wastewater District (WCWD) Annexation 312

The hearing on this item, a proposal submitted by WCWD to annex two parcels to the District, was continued from the September 9, 2015 meeting. The Executive Officer provided an update, noting that in response to concerns expressed by Commissioners in September, LAFCO staff worked with WCWD staff to evaluate the potential of also annexing the island area that will be created by this annexation.

The District indicated that they had discussed annexation of this island area previously, but due to the need for a CEQA study, and the expressed wish of the landowners in this area to not be annexed, WCWD staff determined it was not feasible to move forward with annexation of the island area.

Chair Schroder opened the public hearing.

Regarding the current annexation proposal, the property owner informed the Commission that he is unable to obtain a Certificate of Occupancy from the County as on-site septic systems are no longer permitted in this area, as it is designated as a septic tank moratorium area by the County.

Ken Deibert, WCWD Engineer, spoke on behalf of the District and confirmed that residents in the island area do not want to hook up to the District at this time. Further, while the District is trying to conform to LAFCO's preference for logical boundaries without islands, it is not uncommon for wastewater districts to annex by piece, as the need arises.

Darrel DeBoer, landowner of the parcels in question, stated that his property has been "condemned" by Environmental Health until he can hook up to WCWD.

Chair Schroder closed the public hearing.

Commissioners Skaredoff, McGill and Andersen offered additional comments.

Upon motion of Blubaugh, second by Tatzin, Commissioners unanimously, by a 7-0 vote, determined that the project is exempt pursuant to CEQA Guidelines, Section 15061(b)(3); approved the proposal to be known as West County Wastewater District Annexation No. 312, with specified conditions; determined that the territory being annexed is liable for the continuation of taxes, assessments and charges; found that the subject territory is uninhabited, has 100% landowner consent; waived the protest proceeding, and directed staff to complete the proceeding.

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

9. LAFCO 14-05 – Reorganization 186 (Magee Ranch/SummerHill): Annexations to CCCSD and EBMUD

The hearing on this item, a proposal submitted by CCCSD to annex property to CCCSD and EBMUD in conjunction with a 69 lot single family subdivision, was continued from the September 9, 2015 meeting. The Executive Officer explained that the Court of Appeal decision, issued on September 11, affirms the trial court judgment in part and reverses it in part. As a result, there is no certified EIR and the Town of Danville will not be able to proceed with project approvals until corrective action is taken and a final environmental document is approved.

All parties to the reorganization application have agreed that LAFCO should remove this item from its calendar until such time as the environmental review has been completed and the project is ready to proceed.

Chair Schroder opened the public hearing and closed it.

Upon motion of Tatzin, second by Blubaugh, Commissioners, by a 7-0 vote, removed the item from the Commission's calendar pending notification from the project applicant that environmental review has been completed and the project is ready to proceed, at which time staff will re-notice a new public hearing.

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

10. Reclamation Services MSR/SOI Updates (2nd Round)

The Executive Officer provided a brief overview and chronology of the Reclamation Services Municipal Service Review process, which covers 14 special districts (13 reclamation districts [RDs] and Bethel Island Municipal Improvement District). The 2nd round MSR focuses on significant changes since the last MSR in 2009 relating to physical improvements, fiscal viability, potential resource sharing and funding opportunities. The Public Review Draft was released on September 2 and comments were due by September 29.

The consulting team of Harry Ehrlich, Bob Aldrich, and Elliot Mulberg were on hand to provide an overview of the MSR requirements, the process, agencies reviewed, findings, comments received, and next steps. In their presentation, Mr. Ehrlich and Mr. Aldrich presented an overview of the area that was reviewed, along with general aspects and traits of the RDs, which have been authorized by the State Water Code for over 100 years. All of the RDs maintain levees and drainage control for each of their islands/tracts, an increasingly critical role in the Bay-Delta area. Contra Costa County is one of 16 counties in California with RDs, and six of the islands in this county have been identified by the Department of Water Resources (DWR) as critical to the control of salinity in the Delta: Bethel Island, Bradford Island (RD 2059), Holland Tract (RD 2025), Hotchkiss Tract (RD 799), Jersey Island (RD 830), and Webb Tract (RD 2026). The majority of these RDs have improved their levees since the last MSR.

In response to a question from Commissioner McGill regarding the possible consolidation of RDs, or their merging with some other kind of agency, and how that might affect grant funding, Mr. Ehrlich stated that all RDs qualify for DWR funding, as long as they apply as RDs; they risk losing this funding, much of which is almost assured, if they do not maintain their status as reclamation districts. A change in this status through merging or consolidation would potentially make it much more difficult for them to get this funding.

Commissioner Skaredoff asked about the management of RD 2137; Mr. Ehrlich responded that while it is within the City of Oakley, it has its own board of directors and management. In response to a further question, Mr. Ehrlich described the standards for levees: 1) rural agricultural; 2) HMP (Hazard Mitigation

Plan); and 3) PL 84-99. It was noted that DWR is working with all of the RDs to get them to at least the HMP level; the challenge is the difficulty these RDs have in raising matching funds for grants.

Chair Schroder opened the public hearing.

Chad Davisson, General Manager of Ironhouse Sanitary District, informed Commissioners that he will soon be a board member for RD 830. He confirmed that the chapter for RD 830 looks accurate.

The public hearing was closed.

Commissioner Tatzin commented on the purposes of RDs, and noted that there seem to have been many improvements since the last RD MSR. However, given that there are still risks and challenges, and that Commissioners at their last strategic planning session indicated that MSR findings might be used as an opportunity to help facilitate change that might not happen otherwise, he suggested that at the November meeting Commissioners could address this question.

Upon motion of Tatzin, second by Blubaugh, Commissioners unanimously, by a 7-0 vote, received the report on the Public Review Draft, and directed staff to set a public hearing for November 18, 2015, to prepare the required determinations, and present the Final MSR report and SOI recommendations for approval.

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

11. LAFCO Fee Schedule Update

The Executive Officer provided an update on the proposed fee schedule, which is identical to that presented at the August 12 meeting.

Chair Schroder opened the public hearing and closed it.

Upon motion of Blubaugh, second by Andersen, Commissioners unanimously, by a 7-0 vote, approved the fee schedule as proposed, effective October 15, 2015.

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

12. Agricultural & Open Space Preservation Policy Update

Commissioner Tatzin provided an update on the presentations made to date to those groups suggested by Commissioners at the September 9 meeting, including the Public Managers Association (PMA), CCTA, the Board of Supervisors Transportation, Water & Infrastructure Committee (TWIC), the Planning Directors, and the Contra Costa Special Districts Association. In the past week he, Commissioner Burke, and EO Lou Ann Texeira have spoken to the PMA, CCTA, and the Planning Directors to inform them of LAFCO's work on a proposed Agricultural & Open Space Preservation Policy (AOSPP) and to get their input on how they would like to be involved.

Generally, each group is interested in an AOSPP; the level of interest is directly related to how close a community is to ag and open space land and what its expansion concepts are. The cities in particular wished to be advised of progress periodically. Some cities are interested in annexing open space and park land because they believe this will make it more likely that it remains open space. At the CCTA meeting Commissioner Tatzin heard that the next round of Plan Bay Area may include development of now vacant land, but there were no indications of where that would be.

Commissioner Tatzin presented six new maps that were created by County GIS to better highlight the issues. He noted that Commissioner Skaredoff has been amassing materials and information about open space issues that will be included in the November report. Commissioners Tatzin and Burke will next meet

with the Contra Costa Special Districts Association (CCSDA) on October 19. Commissioner Tatzin noted that they were planning on presenting to the TWIC, but a meeting with the committee is not possible until December. Due to timing and other concerns Commissioners Tatzin and Burke recommend that the TWIC members, who are both part of LAFCO, participate through these meetings.

Commissioner Blubaugh asked for paper copies of the new set of maps.

Commissioner McGill asked if range land is considered agricultural or open space land under CKH. Commissioner Tatzin and staff admitted that the definition may depend on the situation. Commissioner McGill commended the committee and staff on the work they're doing and expressed his appreciation for the fact that this is being addressed without the pressure of an annexation awaiting a decision. He stated that there is a need to balance a number of different concerns in moving forward with such a policy.

Commissioner Skaredoff reported that he cast a wide net looking for examples of open space preservation policies. There are two primary aspects of a policy: 1) what is the value of open space; and 2) how to manage the specifics of different kinds of lands to be preserved. This LAFCO has an opportunity to create something that will work best for our county.

At 3:02 p.m., Chair Schroder announced that he needed to depart for another meeting. At that time, upon motion of Tatzin, second by Skaredoff, Commissioners unanimously, by a 7-0 vote, approved the nomination of Commissioner Andersen to chair the remainder of the meeting.

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

13. Legislative Policy

Commissioner Burke reported that the Executive Officer brought this matter to the Policies & Procedures Committee because there have been so many times in the past year that CALAFCO has brought time sensitive legislative issues to LAFCOs' attention. Given that this LAFCO meets once a month, it is sometimes difficult to write letters of position that can be approved by Commissioners in a timely, often emergency, manner.

Commissioner Burke reviewed the proposed legislative policy, which uses the CALAFCO Legislative Policies as a basis for a Contra Costa LAFCO legislative platform.

Commissioner McGill added confirmation that, as a member of the CALAFCO Legislative Committee along with Executive Officer Teixeira, the legislative work has become more difficult and the response time has decreased a great deal. The proposed legislative policy would enable Contra Costa LAFCO to respond to requests for position letters in a timely manner, and he strongly supports this proposed policy.

Upon motion of McGill, second by Tatzin, Commissioners unanimously, by a 6-0 vote, confirmed that it had reviewed the CALAFCO Legislative Policies as a basis for a Contra Costa LAFCO legislative platform, reviewed the local policy as proposed; and that it adopted both policies as presented.

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

14. 2016 LAFCO Meeting Schedule

The Executive Officer presented the proposed meeting schedule for 2016, and noted that there are no modifications.

Upon motion of Skaredoff, second by Blubaugh, Commissioners unanimously, by a 6-0 vote, approved the meeting schedule as presented.

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

15. FY 2015-16 First Quarter Budget

The Executive Officer reported that total revenues are at approximately 94% of projected revenues; expenditures at this time are at 15% of projected expenses. New applications are on par with FY 2014-15.

16. Correspondence from CCCERA

There were no comments on this item.

17. Correspondence from CALAFCO

There were no comments on this item.

18. Commissioner Comments and Announcements

Commissioner McGill reported that the next CALAFCO Board meeting will be held on November 13; he will be participating by phone. Committees for 2016 will be selected, and he intends to sign on again for the Legislative Committee. The Legislative Committee will meet on November 6 by phone conference call.

Commissioner Skaredoff welcomed Commissioner Glover back. Commissioner Skaredoff also reported that he attended the recent California Special Districts Association conference, where the dominating issue was drought, and there was a session on LAFCOs, titled "Can't we all just get along?". He also confirmed that the CCSDA meeting will be on Monday, October 19.

19. Staff Announcements

The Executive Officer reported that it was necessary to notice the CCSDA meeting, as a quorum of five Commissioners will be there. She reminded Commissioners about the upcoming CALAFCO U course regarding implementation of SB 88 (water district consolidation). Additionally, there are a number of bills relating to CALAFCO that the Governor signed: AB 402 (Dodd) (five-year pilot pertinent only to Napa and San Bernardino LAFCOs regarding Out of Agency Service extensions); AB 3 (Williams) (circumventing LAFCO and forming Isla Vista Community Services District); SB 239 (Hertzberg) (out of agency fire service); and SB 272 (Hertzberg) (public records act requiring public agencies, including LAFCOs, to make available to the public a catalog of "enterprise systems").

The meeting adjourned at 3:16 p.m.

Final Minutes Approved by the Commission November 18, 2015.

AYES:
NOES:
ABSTAIN:
ABSENT:

By _____
Executive Officer



Lou Ann Texeira
Executive Officer

MEMBERS

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

ALTERNATE MEMBERS

Candace Andersen <i>County Member</i>
Sharon Burke <i>Public Member</i>
Tom Butt <i>City Member</i>
Stanley Caldwell <i>Special District Member</i>

November 18, 2015 (Agenda)

November 18, 2015
Agenda Item 6

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

Informational Presentation – Central Contra Costa Sanitary District

Dear Members of the Commission:

This is the fifth 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, East Bay Municipal Utility District, Diablo Water District, and Town of Discovery Bay Community Services District.

Today, we are pleased to welcome Melody LaBella, an Associate Engineer with Central Contra Costa Sanitary District. Melody has been with the District for over 15 years, where her work has focused on pollution prevention, recycled water and regulatory planning. Melody has helped grow the District’s Recycled Water Program by providing technical, marketing and outreach support, developing new programs, and collaborating with water purveyors and recycled water agencies to develop new projects and pursue grant funding.

Melody holds a B.S. in Environmental Engineering from Penn State University and is a Registered Professional Civil Engineer in California.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER



Lou Ann Teixeira
Executive Officer

MEMBERS

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

ALTERNATE MEMBERS

Candace Andersen <i>County Member</i>
Sharon Burke <i>Public Member</i>
Tom Butt <i>City Member</i>
Stanley Caldwell <i>Special District Member</i>

November 18, 2015 (Agenda)

November 18, 2015
Agenda Item 7

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

**Reclamation Services Municipal Services Review and
Sphere of Influence Updates (2nd Round)**

Dear Members of the Commission:

In October, the Commission received an overview of the Public Review Draft Reclamation Services Municipal Service Review (MSR) (2nd Round) covering the Bethel Island Municipal Improvement District (BIMID) and the 13 Reclamation Districts (RDs).

The presentation in October covered MSR requirements, an overview of the agencies reviewed, the MSR process, comparative analysis, significant findings, a summary of comments received in response to the Public Review Draft report, and next steps. The Commission held a public hearing to receive public comments, and Commissioners also provided input.

Based on comments received during the public comment period and at the hearing in October, the MSR consultants made revisions and updates to the report, as reflected in the Final Draft MSR, as previously provided and available on the LAFCO website at www.contracostalafco.org.

On November 18, the Commission will be asked to accept the Final MSR report, adopt a resolution containing the required determinations (Attachment 1), and update the SOIs for all districts covered in the MRS including BIMID and RDs 799, 800, 830, 2024, 2025, 2026, 2059, 2065, 2090, 2117, 2121, 2122, and 2137.

DISCUSSION

Municipal Service Review Overview - The 2nd round reclamation services MSR covers 14 special districts, and focuses on physical improvements since 2009, changes in fiscal viability, and identifies potential resource sharing and funding opportunities that may assist these districts in maintaining and improving their levee systems. In sum, the MSR includes the following components:

- Overview of the Sacramento/San Joaquin Delta
- Overview of reclamation districts and their challenges
- Discussion of funding opportunities
- Individual description of each of the 14 districts covered in the MSR
- Recommended MSR determinations as required by the CKH ACT
- Governance and SOI recommendations

We learned in the 2009 MSR that the reclamation districts are unique in that they are small, landowner districts with limited resources and a critical job. These districts are responsible for managing and maintaining the levees, and other flood protection structures which safeguard the Delta. Each district is run autonomously by a board, typically composed of landowners and/or landowner representatives. The districts are primarily funded with taxes (assessments) paid by the landowners.

2015 MSR Findings - The 2015 MSR acknowledges many of the challenges faced by these districts, including capital/ infrastructure, funding, and governance. And while the districts share an interest to ensure the integrity of the Delta, it is challenging, in many cases, to share levee systems and related infrastructure.

The focus of the 2015 MSR was to spotlight physical/infrastructure improvements since 2009 and changes in fiscal viability. The MSR also provides an update on the status of issues highlighted in the 2009 MSR, and identifies potential resource sharing and funding opportunities that may assist these districts in maintaining and improving their levee systems.

Here's a brief recap of what we learned:

- **Infrastructure** – As reported, most of the districts have performed annual maintenance/improvements on their levees, with the exception of RD 2117, which performed minimal maintenance, and RD 2121, which is essentially inactive. All districts have completed a 5-Year Facilities Plan, with the exception of RD 2121. All of the districts currently meet the 100-year flood standard. RD 2024 reports that all its levees now meet the Hazard Mitigation Plan 200-year standard. All other districts are working toward improving their levees to meet the 200-year standard.
- **Fiscal** – Funding continues to be a challenge for the RDs, many of which operate with minimal funding. Most of these districts are funded by a combination of special assessments, property tax, the sale of warrants, and grants/subventions. Many of the districts rely on grants administered by the California Department of Water Resources (DWR). The challenge most districts have is generating matching funds that are required for many federal and state grants. Most of the small districts utilize short-term borrowing to match annual Levee Subvention Program Grant funding.
- **Overall Assessment Since 2009 MSR** – The MSR concludes that BIMID and RDs 800, 830, 2024, 2025, 2026, and 2137 show improvements since the 2009 MSR, while RDs 799, 2065, 2090, 2121 and 2122 remain status quo. RD 2059's current situation is unknown due to

insufficient information, and RD 2117's overall assessment is lower (pending grant funding for improvements).

- **Resource Sharing** – One of the factors reviewed as part of the MSR is “status of, and opportunities for, shared facilities.” Most of the districts contract for and/or share legal, engineering, accounting, levee maintenance, and related services. Several of the districts share administrative facilities. Below are some examples of district resource sharing:
 - BIMID works with the American Red Cross, the County Office of Emergency Services, and has agreements with various cities, districts and counties to provide emergency support. BIMID also partners with County Public Works and Planning on various projects and programs.
 - RD 799 and BIMID collaborate on various administrative functions.
 - RD 830 has undertaken a number of collaborative and facility sharing opportunities since the 2009, including various agreements/partnerships with Ironhouse Sanitary District, DWR, Westervelt Ecological Services, and various outside vendors.
 - RD 2024 has an agreement with the East Bay Municipal Utility District (EBMUD) for storage.
 - RD 2090 shares an administrative facility, attorney, engineer and auditor with other RDs, and collaborates and shares facilities with Ellis Island Farms for the use of equipment and staff for levee maintenance activities.
 - RD 2117 shares use of equipment/staff with Coney Island Farms.
- **Funding Opportunities** - The MSR includes a chapter on funding sources, grant programs and projects, California Department of Fish & Wildlife programs, and other agency grant programs and opportunities.

MSR Determinations - In accordance with the MSR, LAFCO must prepare written determinations relating to various factors including the following:

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

The determinations are presented in the attached resolution (Attachment 1).

Sphere of Influence Updates - In accordance with the MSR, the Commission will be asked to update the SOIs for each of the 14 districts. The requirement for LAFCOs to conduct MSRs was established by the CKH Act as an acknowledgment of the importance of SOIs, and recognition that periodic updates of SOIs should be conducted on a five-year basis (Gov. Code §56425(g)), with the benefit of better information and data through MSRs (Gov. Code §56430(a)).

SOIs define the logical, long-term service boundary for an agency. SOIs can be the same, larger, or smaller than the existing jurisdictional boundary of a city or special district. Agencies can also receive a “zero” SOI that signals a future “reorganization” (e.g., dissolution, consolidation, etc.).

LAFCOs are required to make written determinations in accordance with Government Code §56425(e) when establishing, amending, or updating an SOI for any local agency that address the following:

1. The present and planned land uses in the area, including agricultural and open-space lands.
2. The present and probable need for public facilities and services in the area.
3. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.
4. The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.
5. For an update of an SOI of a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, the present and probable need for those public facilities and services of any DUS with the existing SOI.

Additionally, when updating the SOIs for districts, LAFCOs are also required to establish the nature, location, and extent of any functions or classes of services provided [Section 56425(i)].

The MSR includes governance and SOI/boundary options and recommendations as summarized on the attached table (Attachment 2). LAFCO staff will review these options with the Commission on November 18th, at which time the Commission will also be asked to update the SOIs, by resolution, for all the districts covered in the MSR report (Attachments 3a-3n).

With the exception of two districts, RD 800 and RD 2121, the SOI recommendations from both the MSR consultants and LAFCO staff are to retain the existing SOIs.

RD 800 (Byron Tract) – The District, comprising approximately 6,933 acres, includes a majority of the unincorporated community of Discovery Bay, surrounding agricultural lands and public facilities. RD 800 provides flood protection to approximately 3,718 properties, including 3,390 residential parcels and 26 non-taxable parcels. The District maintains 18.9 miles of levees, and its levees currently provide 100-year flood protection.

The MSR includes two SOI options for RD 800: 1) expand the SOI to include the Pantages Bay project site, and 2) retain the existing SOI (non-coterminous). The MSR notes that in December 2013, the County approved the Pantages Bay project which includes 292 homes, 47 acres of man-made bays and coves to provide water access for some of the homes, a public trail, 46 acres

of open space, and the widening of Kellogg Creek immediately east of the project. The County's Project Planner indicates that the Pantages project went back to hearing due to the proposed relocation of several bays. On October 6th, the Board of Supervisors approved the reconfiguration. The County Planning Department issued a permit with numerous conditions. The project proponent is currently working on meeting the specified conditions; it is estimated that compliance will take approximately 1-2 years.

As noted in the MSR, RD 800 is cosponsoring the proposed Kellogg Creek widening which will reduce water velocities in that section of Kellogg Creek and improve boater safety. The widening will also reduce bank erosion and sedimentation, and limit the need for dredging. Future SOI amendments and annexations to RD 800 and the Town of Discovery Bay Community Services District (DBCSD) would be needed to provide services to the development project.

The MSR consultants are recommending that LAFCO expand RD 800's SOI to include the Pantages Bay project area (see Attachment 3). However, given the current status of this project, and the challenges associated with some of the conditions (e.g., fire and water services), LAFCO staff believes it is premature to expand the SOI of RD 800 to include the project area. Instead, at the appropriate time, the applicant can apply to LAFCO to expand the SOIs and annex to RD 800 and DBCSD.

RD 2121 (Bixler Tract) – The District is a family-run operation (the Bloomfield family) that provides maintenance services to non-project levees and internal drainage facilities. Land uses are primarily agricultural. RD 2121 maintains two miles of levees. The District does not have any employees – maintenance activities are carried out by employees of the Bloomfield family and Bloomfield Vineyards. The District is not functioning as a governmental agency and has not recorded financial transactions for the past six years to the State Controller's Office. The property owners report that some improvements on the levees have been made with rock materials, but no value to the District has been recorded. Unless the District reactivates its activities and financial reporting, it is assumed that no State Levee Subvention or Special Project funding will be available.

The 2009 MSR reached the same conclusion regarding adopting a zero MSR, noting similar issues with RD 2121 - The District is essentially inactive, does not function as a public agency, and is not fulfilling its corporate powers.

Both the MSR consultants and LAFCO staff recommend adoption of a zero SOI for RD 2121, which indicates that the agency should be "reorganized" (e.g., dissolved, consolidated, etc.) at some time in the future.

Governance Options – The MSR also includes recommended governance options to enhance operations, efficiency and transparency. Included among these recommendations are the following:

1. All districts should pursue the development and implementation of mutual aid agreements with neighboring RDs to assist each other in times of need and/or emergency situations; and

2. Districts should pursue the implementation of a countywide RD website hosted through the County, LAFCO, or a consortium of RDs to enhance accountability and transparency. Only four (BIMID and RDs 800, 830, and 2059) of the 14 districts reviewed have a website.

ENVIRONMENTAL ANALYSIS

The MSR is a study, intended to serve as an informational tool to help LAFCO, local agencies and the public better understand the public service structure in Contra Costa County. The service review and determinations are a study and are Categorical Exempt under §15306, Class 6 of the California Environmental Quality Act (CEQA) Guidelines. LAFCO actions on SOI updates are exempt under the General Rule exemption §15061(b)(3) of the CEQA Guidelines.

RECOMMENDATIONS

1. Receive the staff report and open the public hearing to consider accepting the Final MSR and adopting the MSR determinations;
2. After receiving public comments close the hearing;
3. Determine that the MSR project is Categorical Exempt pursuant to §15306, Class 6 of the CEQA Guidelines;
4. Accept the Final MSR report;
5. Adopt the MSR determinations by resolution attached hereto;
6. Update the SOIs as recommended for BIMID and RDs 799, 800, 830, 2024, 2025, 2026, 2059, 2065, 2090, 2117, 2121, 2122, and 2137.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

c: Distribution

Attachment 1- Resolution with MSR Determinations

Attachment 2 – Summary Table - Governance and SOI Options & Recommendations

Attachments 3a-3n – Resolutions/Maps Updating SOIs for BIMID and RDs 799, 800, 830, 2024, 2025, 2026, 2059, 2065, 2090, 2117, 2121, 2122, and 2137

RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

**ADOPTING DETERMINATIONS FOR THE 2015 RECLAMATION SERVICES
(2ND ROUND) MUNICIPAL SERVICE REVIEW**

WHEREAS, Government Code §56430 requires LAFCO to conduct municipal service reviews (MSRs) in order to prepare and update spheres of influence (SOIs) pursuant to Government Code §56425; and

WHEREAS, the Commission previously authorized the *Reclamation Services (2nd Round) MSR* to be prepared; and

WHEREAS, this MSR covers services provided by the Bethel Island Municipal Improvement District (BIMID), and Reclamation Districts (RDs) 799, 800, 830, 2024, 2025, 2026, 2059, 2065, 2090, 2117, 2121, 2122, and 2137; and

WHEREAS, on October 14, 2015, the Commission held a public hearing to receive an overview of the Public Review Draft MSR, receive public comments, and provide input; and

WHEREAS, on October 14, 2015 the Commission directed the MSR project team to prepare the Final MSR and set a public hearing for November 18, 2015 to receive the Final MSR report, make the required determinations, and update SOIs; and

WHEREAS, the MSR report and determinations are Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to §15306 Class 6 of the CEQA Guidelines.

NOW, THEREFORE, BE IT RESOLVED that the Contra Costa Local Agency Formation Commission does hereby resolve, determine and order as follows:

The Reclamation Services (2nd Round) Municipal Service Review determinations attached hereto as Exhibit A and incorporated herein by reference are hereby adopted.

* * * * *

PASSED AND ADOPTED THIS 18th day of November 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 above.

Dated: November 18, 2015

Lou Ann Texeira, Executive Officer

EXHIBIT A
COUNTYWIDE RECLAMATION SERVICES (2ND ROUND)
MUNICIPAL SERVICE REVIEW DETERMINATIONS

Growth and Population

Bethel Island Municipal Improvement District (BIMID)

- Bethel Island has a population of 2,137, and 1,311 housing units. The population nearly doubles during the summer due to the Island's abundant recreation facilities. The Delta Coves project, at build-out, is expected to bring a total of 561 residential units to the island. If completed, this project could increase the Island's population to approximately 3,400, a significant increase (44 percent) over the current population.

Reclamation District (RD) 799

- There are 969 residents within the District's boundary. Planned residential development, if constructed, will result in a population increase to RD 799 within the next 5-10 years.

RD 800

- The population of RD 800 is currently 7,656. The portion of Discovery Bay within RD 800 is largely built out, and no significant population growth is anticipated within the next 10-15 years.

RD 830

- RD 830's territory is primarily used for agriculture, cattle grazing, and habitat preservation. RD 830 has a population of three persons; no population growth is expected within the next 10-15 years.

RD 2024

- RD 2024's current population is approximately 40, the majority being seasonal farmworkers. The District anticipates no population growth or development in the foreseeable future.

RD 2025

- RD 2025 has 18 landowners and approximately 27 residents according to recent Census data. Delta Wetlands Properties, the island's largest landowner, owns about 75 percent of the island. The District has not experienced recent growth and no significant population growth is anticipated in the future.

RD 2026

- RD 2026 is uninhabited and no population growth is anticipated in the foreseeable future.

RD 2059

- RD 2059's population is fewer than 10 full-time residents. No planned or proposed projects are anticipated at this time, and no population growth is expected within the next 10 to 15 years.

RD 2065

- RD 2065 reports there are 14 residents within the District, and no significant increase in population is projected in the next 10 to 15 years.

RD 2090

- RD 2090's population is one person, with four to five additional persons seasonally. No growth is anticipated in the foreseeable future.

RD 2117

- RD 2117 has four residents, and no significant increase in population is projected in the next 10 to 15 years.

RD 2121

- RD 2121 has a current population of five residents. The District's land uses are primarily agricultural, and no population is growth is projected in the next 15 to 20 years.

RD 2122

- There is no permanent residential population on the island, no anticipated development, and no growth anticipated for the foreseeable future.

RD 2137

- RD 2137 reports a population of two, with no anticipated growth in the foreseeable future.

Location and characteristics of any disadvantaged unincorporated communities (DUCs) within or contiguous to the SOI

Bethel Island Municipal Improvement District (BIMID)

- The entirety of Bethel Island qualifies as a DUC. Any future change in BIMID's sphere of influence (SOI) or service territory would require a detailed evaluation of BIMID's capability to adequately serve these communities.

RD 799

- There are no DUCs located within RD 799. Bethel Island is a DUC and is contiguous to RD 799. If annexation of territory or an SOI expansion is ever considered by RD 799 to include the Bethel Island area, a detailed analysis will be required to evaluate RD 799's ability to provide service to this area.

RD 830

- RD 830 is not a DUC; however, Bethel Island has been identified by the County as a DUC and is contiguous to RD 830. If annexation of territory or an SOI expansion is ever considered by RD 830 to include the Bethel Island area, a detailed analysis would be required to RD 830's ability to provide service to this area.

All Other Districts

- There are no DUCs located within, or contiguous to, RDs 800, 2024, 2025, 2026, 2059, 2065, 2090, 2117, 2121, 2122, and 2137.

Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any DUCs within or contiguous to the SOI

Bethel Island Municipal Improvement District (BIMID)

- BIMID appears adequately prepared to meet the present and future needs of its service area. Several levee upgrade project needs were identified to meet 200-year flood standards. Overall, the levees are reported to be adequately maintained and BIMID has plans for additional improvements. The District indicates that it

has prepared a 5-Year Facilities Plan and has obtained approval of Special Project funding of \$3.5 million. Ongoing maintenance of the BIMID levees is accomplished by use of property taxes, owner assessments, and Levee Subventions Grant Funding. Based on the information provided, the District has the potential to provide services for a 100-year flood and is working toward improving the levees to meet the 200-year flood standard to protect District areas. The entirety of Bethel Island qualifies as a DUC. Any future change in the BIMID's SOI or boundary would require a detailed evaluation of BIMID's capability to adequately serve the areas.

RD 799

- RD 799 appears adequately prepared to meet the present and future needs of its service area. Overall, the levees are reported to be adequately maintained and the District has plans for additional improvements. RD 799 has prepared a 5-Year Facilities Plan and has applied for Special Project funding. Ongoing maintenance of the District levees is accomplished by use of owner assessments and Levee Subventions Grant Funding. Based on the information provided, the District has improved its facilities to a design measure for a 100-year flood standard in 8 of 11 miles of levees, and is working toward improving the levees to meet the 200-year flood standard to protect District areas. There are no DUCs located within RD 799. Bethel Island is a DUC and is contiguous to RD 799. Any future change in the SOI or service boundary would require a detailed evaluation of the District's capability to adequately serve the areas.

RD 800

- RD 800 is adequately prepared to meet the present and future needs of its service area. No major infrastructure needs were identified. Overall, the levees are reported to be adequately maintained and the District has plans for additional improvements. The District indicates that it has prepared a 5-Year Facilities Plan and has applied for Special Project funding as outlined. Ongoing maintenance of RD 800's levees is accomplished by use of property owner assessments and Levee Subventions Grant Funding. Based on the information provided, the District has the potential to provide services for a 100-year flood and is working toward improving the levees to meet the 200-year flood standard to protect the District areas. The District should adopt a formal levee inspection procedure to inspect all levees at least annually. There are no DUCs located within or contiguous to the District.

RD 830

- RD 830 appears adequately prepared to meet the present and future needs of its service area. Overall, the levees are reported to be adequately maintained and the District has plans for additional improvements. RD 830 has prepared a 5-Year Facilities Plan and has obtained approval of Special Project funding. Ongoing maintenance of the District levees is accomplished by use of one landowner assessment and Levee Subventions Grant Funding. Based on the information provided, RD 830 has made improvements to upgrade the entire levee system to meet Hazard Mitigation Plan (HMP) height and width standards. Additionally, the District is working toward improving the levees to meet the more stringent PL 84-99 standard. RD 830 is not a DUC. However, Bethel Island, which is contiguous to RD 830, is a DUC. If annexation of territory or an SOI expansion is ever considered by RD 830 to include the Bethel Island area, a detailed analysis would be required to evaluate the ability of RD 830 to provide service to this area.

RD 2024

- RD 2024 appears adequately prepared to meet the present needs of its service area. Overall, the levees are reported to be adequately improved to a 5-Year plan standard for additional improvements. RD 2024 has completed an \$8 million project for levee improvements through the Special Project Grants and reports that all levees now meet the PL 84-99 standard. Ongoing maintenance of the District levees is attained by use of the landowner assessments and Levee Subventions Grant Funding. Based on the information

provided, RD 2024 has been providing a high level of services for maintaining the levees and is able to handle a 100-year flood event and a 200-year flood event for all of its levee system. There are no DUCs located within, or contiguous to, RD 2024.

RD 2025

- RD 2025 appears adequately prepared to meet the present and future needs of its service area. Overall, the levees are reported to be adequately maintained and the District has plans for additional improvements. RD 2025 has prepared a 5-Year Facilities Plan and has obtained approval of two Special Project funding grants. Ongoing maintenance of the District levees is accomplished by use of the landowner assessments and Levee Subventions Grant Funding. Based on the information provided, the District has the potential to provide services for a 100-year flood and has improved the levees to meet the 200-year flood standard to protect the District areas. There are no DUCs located within, or contiguous to, RD 2025.

RD 2026

- RD 2026 appears adequately prepared to meet the present and future needs of its service area. Overall, the levees are reported to be adequately maintained, and the District has plans for additional improvements. The District has prepared a 5-Year Facilities Plan and has obtained approval of two Special Project funding grants. Ongoing maintenance of the District levees is accomplished by use of the landowner assessments and Levee Subventions Grant Funding. Based on the information provided, the District has the potential to provide services for a 100-year flood and is working toward improving the levees to meet the 200-year flood standard to protect the district areas. There are no DUCs located within, or contiguous to, RD 2026.

RD 2059

- The District's levee system consists of 7.5 miles of levees, all of which meet HMP height standards. The drainage, pump and discharge system is operating at acceptable levels and no inundation incidents have occurred in the past six years since the prior 2009 MSR.
- RD 2059 appears adequately prepared to meet the present and future needs of its service area. Overall, the levees are reported to be adequately maintained and the District has plans for additional improvements. The District has prepared a 5-Year Facilities Plan and has obtained approval of a Special Project funding grant of \$7 million. Ongoing maintenance of RD 2059 levees is accomplished by use of the landowner assessments and Levee Subventions Grant Funding. Based on the information provided, the entirety of the Island's 7.5 miles of levees meets the HMP standards. There are no DUCs located within, or contiguous to, RD 2059.

RD 2065

- RD 2065 appears adequately prepared to meet the present and future needs of its service area. Overall, the levees are reported to be adequately maintained and the District has plans for additional improvements. RD 2065 has prepared a 5-Year Facilities Plan and has obtained approval of a Special Project funding grant of \$2.2 million. Ongoing maintenance of the District levees is accomplished by use of the landowner assessments and Levee Subventions Grant Funding. Approximately 4.2 miles (84 percent) of existing levees meet the HMP standard. RD 2065 is currently working to leverage State financial assistance to fund a comprehensive rehabilitation project. If the California Department of Water Resources (DWR) funding is secured, the District plans to rehabilitate the entire levee system to meet HMP standards, including all weather road improvements during FY 2015-16. There are no DUCs located within, or contiguous to, RD 2065.

RD 2090

- RD 2090 appears minimally prepared to meet the present and future needs of its service area. Overall, the levees are reported to be adequately maintained, but the District has prepared a 5-Year Plan for needed additional improvements. RD 2090 has not recently participated in the Special Projects Grant Program due to limited financial resources to match grants. Ongoing maintenance of the District levees is accomplished by use of landowner assessments and Levee Subventions Grant Funding. Based on the information provided, the District has the potential to provide a minimum level of services for maintaining the levees and is able to handle a 100-year flood event but not a 200-year flood event. RD 2090 should prepare a funding approach to implement the 5-Year Plan to design and fund the 200-year flood criteria levee improvements. There are no DUCs located within, or contiguous to, RD 2090.

RD 2117

- RD 2117 appears prepared to meet the present and future needs of its service area. Overall, the levees are reported to be adequately maintained, and the District has prepared a 5-Year Facilities Plan for additional improvements. RD 2117 has participated in the Special Projects Grant Program and received a \$2.22 million authorization. Due to the District's limited financial resources to match grants, however, it is not clear when the project will proceed. Ongoing maintenance of the District levees is accomplished by use of the landowner assessments and Levee Subventions Grant Funding. The District reports that HMP standards have been met for 98 percent of the levee length. Since the 2009 MSR, improvements have been completed to approximately 75 percent of the levee length and now meet PL 84-99 standards. There are no DUCs located within, or contiguous to, RD 2117.

RD 2121

- RD 2121 appears prepared to meet the present needs of its service area. Overall, the levees are reported to be minimally maintained. The District has not prepared a 5-Year Plan for additional improvements. Due to limited financial resources to prepare a 5-Year Plan and to match grants, it is not clear when the District will proceed with a plan of levee improvements. Ongoing maintenance of RD 2121's levees is accomplished by use of the landowner assessments. The District is not a participant in the Levee Subventions Program. Based on the information provided, RD 2121 provides a minimum level of services for maintaining the levees. Currently, the District's two miles of levees do not meet the HMP standards (i.e., one foot above the 100-year flood plain). There are no DUCs located within, or contiguous to, RD 2121.

RD 2122

- RD 2122 appears minimally prepared to meet the present needs of its service area. Overall, the levees are reported to be marginally maintained. The District has prepared a 5-Year Plan for additional improvements. Due to limited financial resources to match grants, it is not clear when RD 2122 will proceed with levee improvements through the Special Project Grant. Ongoing maintenance of the District levees is accomplished by use of the landowner assessments and Levee Subventions Grant Funding. Based on the information provided, RD 2121 provides a minimum level of service for maintaining levees. The District reports that 1.5 miles of levees meet the HMP standard (one foot above the 100-year flood plain), and the remaining 3.5 miles of levees do not meet the HMP standard. There are no DUCs located within, or contiguous to, RD 2122.

RD 2137

- RD 2137 appears prepared to meet the present needs of its service area. Overall, the levees are reported to be adequately maintained and the District has prepared a 5-Year Plan for additional improvements. RD 2137 has received authorization of \$9.4 million for levee improvements through the Special Project Grants

Program. Ongoing maintenance of the District levees is accomplished by use of the landowner assessments and Levee Subventions Grant Funding. Based on the information provided, the District provides a minimum level of services for maintaining the levees and is able to handle a 100-year flood event in 3.0 of the 3.8 miles of levees, but not a 200-year flood event for most of its levee system. There are no DUCs located within, or contiguous to, RD 2137.

Financial Ability of Agencies to Provide Services

Bethel Island Municipal Improvement District (BIMID)

- In the past five years, BIMID has been successful in obtaining California Department of Water Resources (DWR) Levee Subvention Funds and Special Project Grants. Two Special Project Grants were obtained - one is currently funding construction for about 50 percent of \$1.6 million in levee improvements. A second grant of \$3.5 million has recently been approved for major improvements to the Horseshoe Bend area of the Bethel Island levee.
- The challenge for BIMID has been to obtain voter approval for an Assessment Fee to help fund ongoing enhanced maintenance and the local matching funds for future grants and special projects to further improve the District's levee system. Approximately \$210,000 will be needed over the next three years for the BIMID's local share of funding for the Horseshoe Bend Project along. A vote occurred between June and August 6, 2015, and the Assessment Fee was approved. With approval of this new funding source, BIMID shows in its assessment district report and analysis that it will have the financial resources to make capital improvements and increase operational maintenance for at least the next 10 years.

RD 799

- The District collects annual assessments from property owners and participates in the DWR Levee Subventions Program each year. No property tax revenue is received. RD 799 reports it has no long-term debt. RD 799 reports that it conducts general routine maintenance with the exception of being able to complete cleaning and maintenance of all the District's drainage ditches in a single year. "High priority" ditches continue to be routinely cleaned using contract labor, but budget constraints preclude cleaning all of the ditches at one time. Based on the last three years of data, RD 799 has sufficient funds to adequately fund the maintenance and repair of the facilities as needed through landowner assessments and grants.

RD 800

- The District receives property tax revenues on improved properties and agricultural lands which provides about 45 to 50 percent of overall revenues. RD 800 has assessment fee revenue of approximately 40 to 45 percent. Other services such as land grazing and agriculture leases provide revenues of a nominal amount (approximately four percent). The District also participates annually in the DWR Levee Subvention Program. The District has been able to adequately fund maintenance and capital projects through assessments and tax revenues on a regular basis.

RD 830

- RD 830 entered into a \$6 million agreement with the DWR to serve as lead agency providing approximately \$5.9 million worth of mitigation credits to all eligible Delta RDs. RD 830 has historically had an operating budget of \$500,000 to \$4 million in expenditures that varies with maintenance and capital improvement needs. The District has been able to fund needed improvements and maintenance over the past several years, and with purchase of the property by the Ironhouse Sanitary District (ISD), the funding levels have improved.

RD 2024

- RD 2024 receives funding from several sources, including: property assessments; the State Delta Levee Subvention and Special Levee Project Programs; and financial assistance from the East Bay Municipal Utility District (EBMUD). Excess funds on hand are deposited with the Contra Costa County Treasurer. The District currently has approximately \$1,000,000 in funds for future project share needs. At the end of FY 2012-13, the District had \$1,007,596 in Unrestricted Assets. Major utility facilities cross the RD 2024's property. Continued participation by those entities and interest by the state and federal agencies have made improvement and maintenance of RD 2024 levees a high priority. The District has been able to collect adequate funds for operations and to establish a capital reserve.

RD 2025

- RD 2025 funds capital facilities and maintenance by collecting annual assessments on the District's 18 property owners. Additional funding has come from the DWR Levee Subventions Program and two Special Project Grants (totaling \$5,719,500). The District participates in the Delta Levee Subventions program and has secured funding fairly regularly based upon need and availability. RD 2025 has considered increasing the property assessments but has not pursued that as yet due to the cost of conducting an assessment Proposition 218 election. The District has been able to collect adequate funding for the past three years and is developing a plan to increase property assessment funding for needed grant funded projects.

RD 2026

- RD 2026 collects assessments on properties annually for maintenance and grant match funding. The District participates annually in the Levee Subvention Program (75 percent grant and 25 percent match). Three Special Project Grants were received since 2010 totaling \$9 million to which the District must match five percent plus up front planning and engineering costs. Of this, \$4,711,616 has been spent as of December 2014. RD 2026 utilizes bank loans in the form of short-term "warrants" to finance the cash flow and District share until the projects are completed. RD 2026 has historically been able to fund needed operations through property owner assessments. In order to make improvements to levees and match available grants, landowners have provided bank warrant funding to match the needed funding, which indicates a willingness to provide needed funding for the District.

RD 2059

- RD 2059 operates on revenues from property owner assessments, levee subvention grants and ferry service fees. Since 2010, the District has been successful in receiving two Special Project Grants totaling a reported \$7.5 million and at a 100 percent grant funding level. RD 2059 operates the ferry service at a financial loss and has been looking at ways to generate more revenues or obtain support funding to keep the ferry in operation for the users of the property and their clients. The District has been able to collect adequate funds to operate and make improvements over the past several years and is studying ways to improve its funding needs.

RD 2065

- RD 2065 funds operations and administration through a combination of property assessments and any grant funding that is available from the State Delta Levee Subventions Program or Special Grants for projects. The District deposits excess funds with the Contra Costa County Treasurer. The balance on June 30, 2014 was \$21,167. The District has outstanding warrants payable on a bank loan in the amount of \$98,000 earning an interest rate of 6.5 percent and outstanding liabilities of \$36,094. RD 2065 property owners have entered into an agreement to provide additional assessment fees to match grant funding in

future years. Historically the property owners have provided adequate assessment revenues upon demand by the District.

RD 2090

- RD 2090 funds ongoing maintenance and operations through assessments and reimbursement from its landowner as needs are identified. The District has been successful in obtaining Levee Subvention Grant funding with minimal landowner contributions for added maintenance. The single landowner may have to provide increased assessment fees to make necessary improvements to the agency levees.

RD 2117

- RD 2117 funds operations and administration through a combination of property assessments and any grant funding that is available from the State Delta Levee Subventions Program or Special Grants for projects. The District does not prepare a budget and prioritizes spending funds based on annual needs. The District does complete an annual audit. RD 2117 has been approved for a Special Project Grant of \$2.22 million but will be required to match approximately 11 percent of that amount. The District is in the process of evaluating revenue sources and possible borrowing of funds to reach the required match amount so that the project can proceed. RD 2117 property owners will have to decide if they are willing to provide increased funding for the identified levee improvements. Based upon the past 3-4 years of budget and audit review, minimal funding has been provided by the property owners. Without additional funds, grant funding will not be available.

RD 2121

- RD 2121 considers itself “inactive.” The District is not functioning as a governmental agency and has not recorded financial transactions for the past six years to the State Controller’s Office. Unless the District reactivates its activities and financial reporting, it is assumed that no State Levee Subvention or Special Project funding will be available. As currently organized and managed, RD 2121 is unable to maintain levee facilities and financial stability. If the District wishes to continue to exist as a public agency, a financing and budget plan should be developed to identify steps to improve operations of the District.

RD 2122

- RD 2122 is a single owner property with no inhabitants. The District reports that operations and maintenance of levees and flood control facilities are completed on an as needed basis and no regular assessments are collected or budgeted. It is reported that RD 2122 has set aside a reserve fund of \$20,000 in the event of emergency repair needs. The District has submitted for a Special projects Grant and if approved, will have to enter an agreement including a commitment to have the property owner provide additional assessment fee funding. The District has been operating at a minimal funding level for the past four to five years.

RD 2137

- The District is composed of three landowners, one of whom has 93 percent of the assessed valuation. Landowners pay the expenses of the operations and projects not covered by levee grants from DWR.

Status of, and Opportunities For, Shared Facilities

Bethel Island Municipal Improvement District (BIMID)

- BIMID has a Memorandum of Understanding with the American Red Cross. The District also works closely with the Contra Costa County Office of Emergency Services and has mutual aid commitments with various districts, cities and counties to provide support in times of emergency. BIMID also participates in a

maintenance contract with Contra Costa County Public Works to maintain the drainage ditches on Bethel Island, and is currently participating in a project with the Contra Costa County Community Development Block Grant (CDBG) Program which is providing a 75 percent cost share to purchase and install a new power pump to transfer water from the Bethel Island drainage system into the Delta to help prevent island flooding. A FY 2016-17 additional 75% CDBG grant has also been approved for the acquisition and stocking of an Emergency Response Trailer/Mini Command Center.

RD 799

- The District reports that it shares forms and compares budgets with BIMID. The County and the City of Oakley have approved a master development plan within the District's boundaries ("East Cypress Corridor Specific Plan") which defines land uses and densities.

RD 800

- RD 800 does not participate in significant facility sharing or cooperative programs with other agencies at this time. Legal, engineering and accounting services are provided by contract.

RD 830

- RD 830 has undertaken a number of collaborative and facility sharing opportunities since 2009, including: 1) entered into an agreement with ISD and DWR to create up to 100 acres of enhanced habitat in the Western Delta; 2) entered into a partnership with Westervelt Ecological Services, and an agreement with DWR, to secure approximately \$6 million in mitigation credits and serve as the lead agency overseeing a Delta-wide bulk purchase of mitigation credits to benefit all RDs in the Delta; 3) utilizes ISD personnel and equipment for levee and reclamation purposes and reimburses ISD for equipment and personnel costs, and in return, RD 830 is reimbursed up to 75 percent of ISD labor and equipment costs by DWR; and 4) arranged with outside vendors to receive free clean fill material which is used to improve its levee toe-mass placement on a continual basis.

RD 2024

- There are limited opportunities for significant facility sharing. RD 2024 stores its container of flood fight materials at the EBMUD's Bixler Maintenance Yard. The District contracts out for all major services including legal counsel and engineering services.

RD 2025

- RD 2025 shares administrative facilities and legal/administrative services with 10 other RDs located in both Contra Costa and San Joaquin counties. RD 2025 also shares engineering services with five RDs, and shares a Board of Trustees with three RDs (RD's 756, 2026 and 2028) that have either single landowners or a small number of landowners.

RD 2026

- RD 2026 shares administrative facilities and administration services with 10 other RDs located in San Joaquin and Contra Costa counties. RD 2026 also shares engineering services with several RDs and shares a Board of Trustees who serves without compensation. RD 2026 also shares ferry service with RD 2059.

RD 2059

- None were identified by the District.

RD 2065

- The District has undertaken the following collaborative and facility sharing opportunities: 1) participates in DWR's Special Levee Project and Delta Levee Subvention Programs to leverage District funds and make levee rehabilitation more affordable; 2) has a shared contract arrangement (with several other RDs) for engineering services which has resulted in reduced costs for the District; and 3) contracts for legal services.

RD 2090

- RD 2090 shares an administrative facility, attorney, engineer and auditor with other RDs both in Contra Costa and San Joaquin Counties. Further efficiencies are gained by collaboration and facility sharing efforts with Ellis Island Farms for the use of equipment and staff for levee maintenance activities.

RD 2117

- The District reports that there are limited opportunities for cooperative/shared programs but does participate in the following: 1) DWR's Delta Levee Subvention Programs to leverage District funds and make levee rehabilitation more affordable; 2) shared use of equipment/staff with Coney Island Farms; 3) contracting for levee maintenance, flood control, drainage, access road upkeep, weed abatement, slope protection and rodent/vector control services; 4) direct and/or contract services for levee patrol and flood fighting services; and 5) contracting for legal and engineering services.

RD 2121

- RD 2121 does not participate in any resource/facility sharing activities at this time.

RD 2122

- RD 2122 reports that it is a "self-contained district" and has limited opportunities for cooperative programs and shared facilities with other agencies. The District contracts out for major services, including levee rehabilitation projects, engineering services and legal counsel.

RD 2137

- RD 2137 shares administrative facilities, legal counsel, engineering service and auditors with 10 other RDs in Contra Costa and San Joaquin Counties. The District reports that further efficiencies are achieved through the collaboration and facility sharing efforts with the three landowners – Emerson, Gilbert, and the DWR – in providing equipment and staff for levee maintenance activities.

Accountability for Community Service Needs, Including Governmental Structure and Operational Efficiencies

Bethel Island Municipal Improvement District (BIMID)

- BIMID is governed by a five-member board chosen in District-wide elections. BIMID's last contested election was in November 2008. Since the 2008 MSR, BIMID has added a website (www.bimid.com) which provides users with District contacts, history, updates, frequently asked questions, Board meeting dates, agendas and meeting minutes. BIMID recently implemented several additional measures to improve transparency, including: 1) tracking all reimbursable and non-reimbursable District activities; 2) adopting Policy 2050 ("Committee Protocols") to increase public participation in standing committee meetings; 3) adopting Board Resolution 13-05-16A ("In Recognition of Sunshine Week, March 10-16, 2013") which directed that the following be added to the District's website: a) last three years of audits; b) a Financial Reserves Policy; c) a Reimbursement and Compensation Policy; d) Board Members' ethics training

certificates; and e) a link to the State Controller's webpage, which identifies the compensation of Board Members and staff.

- Two governance options were identified in the MSR: 1) develop and implement mutual aid agreements with neighboring RDs to assist nearby districts in times of need; and 2) undertake a joint study with RD 799 to explore the fiscal and operational benefits of consolidation of the two districts.

RD 799

- The District is governed by a five-member board. Since the 2009 MSR, the District has implemented a website (www.rd799.com) which provides agendas, meeting minutes, contact information, by-laws, funding information, budgets and audits. The Board of Trustees meets monthly on the last Thursday of the month at 2PM. Meetings are held in the District offices.
- Two governance options were identified for RD 799: 1) explore the feasibility of entering into mutual aid agreements with adjacent RDs to formalize a plan for assistance and the use and distribution of resources in times of need and/or emergency situations; and 2) explore a shared website with the other RDs in Contra Costa County (hosted by the County, LAFCO, or a consortium of RDs).

RD 800

- The District is governed by a five-member board. Board members are elected to staggered four-year terms, with votes based on landowner assessment values. The District maintains a user friendly website (www.RD800.org) which provides the public with current and past Board agendas, updates on levee improvements, District history, and contact information. Budget/audit information is not included on the website at this time.
- Of the governance options identified, the following are recommended: RD 800 should develop and implement mutual aid agreements with neighboring RDs to assist nearby districts in times of need; and the District should explore a shared website with the other RDs in Contra Costa County (hosted by the County, LAFCO, or a consortium of RDs).

RD 830

- RD 830 is governed by a three-member Board. All board members are employees of ISD, the sole landowner on Jersey Island. The District reported that there have been no contested elections since the 2009 MSR. The District does not maintain a website. Public meetings are held "as needed" and are not scheduled on a regular reoccurring schedule. According to the District, inspection/certification procedures have been formalized by the District and are currently in use.
- Two governance options were identified: 1) develop and implement mutual aid agreements with neighboring RDs including, but not limited to, using RD 830's rip rock, sandbags, dump truck and bulldozer to assist nearby districts in times of need. RD 830 should pursue formalizing this arrangement through implementation of mutual aid agreements with nearby RDs; and 2) explore a shared website with the other RDs in Contra Costa County (hosted by the County, LAFCO, or a consortium of RDs).

RD 2024

- RD 2024 is governed by a five-member Board. Board members are elected by landowners to staggered four-year terms, with the number of votes determined by the annual assessment paid by each landowner. Currently, only three of the five board seats are filled. The District does not maintain a website.
- Two governance options were identified for RD 2024: 1) pursue the development and implementation of mutual aid agreements with neighboring RDs to assist each other in times of need; and (2) study the

feasibility of implementing a countywide RD website hosted through the County, LAFCO, or a consortium of RDs to enhance accountability and transparency.

RD 2025

- RD 2025 is governed by a three-member Board. For contested elections, board members are elected by landowners to staggered four-year terms, with each voter entitled to cast one vote per acre owned with the District. The District meets on an as-needed basis, with approximately four meetings held each year. RD 2025 does not maintain a website.
- Two governance options were identified for RD 2025: 1) enter into mutual aid agreements with adjacent RDs to formalize a plan for assistance and the use and distribution of resources in times of need and/or emergency situations; and 2) explore development of a shared website with the other RDs in Contra Costa County (hosted by the County, LAFCO, or a consortium of RDs) to enhance agency transparency.

RD 2026

- RD 2026 is governed by a three-member board. For contested elections, board members are elected by landowners to staggered four-year terms, with each voter entitled to cast one vote per acre owned within the District. The Board meets on an “as needed” basis, with approximately four meetings per year. Agendas and notices are posted at the District office. RD 2026 does not have a website.
- Two governance options were identified for RD 2026: 1) pursue the development and implementation of mutual aid agreements with neighboring RDs to assist each other in times of need; and 2) study the feasibility of implementing a countywide RD website hosted through the County, LAFCO, or a consortium of RDs to enhance accountability and transparency.

RD 2059

- RD 2059 is governed by a five member board. For contested elections, board members are elected by landowners to staggered four-year terms. Uncontested vacancies are filled by appointment by the Board of Supervisors. RD 2059 board members serve on a volunteer basis and do not receive compensation. RD 2059 is one of the few RDs that maintains a comprehensive website (www.bradfordisland.com) which has links to meeting agendas and minutes, important documents, forms and permits, board member information, and contact information.
- Three governance options were identified for RD 2059: 1) pursue the development and implementation of mutual aid agreements with neighboring RDs to assist each other in times of need; 2) study the feasibility of implementing a countywide RD website hosted through the County, LAFCO, or a consortium of reclamation districts to enhance accountability and transparency; and 3) consolidate RD 2059 with RD 2026 (Webb Tract) to facilitate potential cost-sharing arrangements to fund ferry services.

RD 2065

- RD 2065 is governed by a three-member Board. Board members must be landowners or legal representatives of a landowner and are elected or appointed by the County Board of Supervisors to staggered four-year terms. RD 2065 generally does not conduct constituent outreach activities but keeps the landowners informed of District activities. Meeting agendas are posted at the District Secretary’s office, and agendas are mailed to each landowner. RD 2065 does not maintain a website. Public meetings are held “as needed” and are not scheduled on a regular reoccurring schedule.
- The 2009 MSR identified two governance options for RD 2065: 1) consolidation with another RD, most likely RD 2024 (Orwood and Palm Tracts) or RD 799 (Hotchkiss Tract); and 2) collaboration with the

Knightsen Town Community Services District. RD 2065 reports that these options were considered but ultimately rejected due to lack of financial benefit and lack of interest from the identified districts.

- Other governance opportunities identified for RD 2065 include: 1) entering into mutual aid agreements with adjacent RDs to formalize a plan for assistance and the use and distribution of resources in times of need and/or emergency situations; and 2) pursuing a shared website with the other RDs in Contra Costa County (hosted by the County, LAFCO, or a consortium of reclamation districts) to enhance agency transparency.

RD 2090

- RD 2090 is governed by a three member board appointed to staggered four-year terms by the County Board of Supervisors. The Board meets on an “as needed” basis. Notices are posted and mailed as required by the Brown Act. The District does not have a website.
- Two governance options were identified for RD 2090: 1) pursue the development and implementation of mutual aid agreements with neighboring RDs to assist each other in times of need; and 2) study the feasibility of implementing a countywide RD website hosted through the County, LAFCO, or a consortium of RDs to enhance accountability and transparency.

RD 2117

- RD 2117 is governed by a three-member Board of which one seat is vacant. Upon request of the District, Board members are appointed to staggered four-year terms by the County Board of Supervisors. The District Board meets at least annually and more frequently if necessary. Board agendas are posted on the District Secretary’s office window. RD 2117 does not have a website.
- There may be opportunities for RD 2117 to enter into mutual aid agreements with adjacent RDs to formalize a plan for assistance and the use and distribution of resources in times of need and/or emergency situations. Additionally, a shared website with the other RDs in Contra Costa County (hosted by the County, LAFCO, or a consortium of reclamation districts) should be explored by RD 2117 to enhance agency transparency.

RD 2121

- RD 2121 is governed by a three-member board consisting of members of the Bloomfield family. Board members are appointed by the landowner, Bixler-Bloomfield Inc., to indeterminate terms. The District does not have a website. District Trustees meet on an “as needed” basis and meet at the residence of the General Manager.
- One governance option was identified: dissolution of RD 2121, with the landowner, the countywide Flood Control and Water Conservation District, or another government agency assuming levee maintenance responsibilities. RD 2121, LAFCO and the County should jointly explore the fiscal and operational feasibility of this alternative.

RD 2122

- RD 2122 is governed by an elected four-member board serving one-year terms. Board members are elected on an annual basis (in September) by the eight partners of Winter Islands Farms, the single property owner within the District. RD 2122 does not maintain a website.
- Two governance options were identified for RD 2122: 1) enter into mutual aid agreements with adjacent RDs to formalize a plan for assistance and the use and distribution of resources in times of need and/or

emergency situations; and 2) explore the implementation of a shared website with the other RDs in Contra Costa County (hosted by the County, LAFCO, or a consortium of RDs) to enhance agency transparency.

RD 2137

- RD 2137 is governed by an elected three-member board serving four year terms. Two Board members are designated representatives of the DWR as the major landowner within the District. The third Trustee is a landowner appointed by the County Board of Supervisors. The District does not have a website. Most of the District's constituent outreach activities are in conjunction with the Dutch Slough Restoration Committee, a multi-agency forum for developing the Dutch Slough Tidal Marsh Restoration Project.
- Five governance options were identified for RD 2137: 1) pursue the development and implementation of mutual aid agreements with neighboring RDs to assist each other in times of need; 2) study the feasibility of implementing a countywide RD website hosted through the County, LAFCO, or a consortium of RDs to enhance accountability and transparency; 3) place all of the Dutch Slough Tidal Marsh Restoration Project area within a single RD, either through dissolution of RD 2137 and annexation to RD 799, or detachment of the portion of the Project area from RD 799 and annexation to RD 2137; 4) establish RD 2137 as a subsidiary district of the City of Oakley with the City Council serving as the Board of Directors; and 5) dissolve RD 2137, shifting responsibility for restoration of the tract as part of the Dutch Slough Tidal Marsh Restoration Project (along with any necessary new levee construction or repair and maintenance of existing levees) to the State of California and/or the City of Oakley as successor agencies.

**RECLAMATION DISTRICT (RD) SPHERE OF INFLUENCE (SOI) AND
GOVERNANCE OPTIONS AND RECOMMENDATIONS**

Agency	SOI Options	Governance Options	Consultant Recommendation	LAFCO Staff Recommendation
BIMID	<ul style="list-style-type: none"> Retain existing SOI (non-coterminous) 	<ul style="list-style-type: none"> Potential consolidation with an adjacent RD (i.e., 799, 830) 	Retain existing SOI (non-coterminous)	Retain existing SOI (non-coterminous)
RD 799 (Hotchkiss Tract)	<ul style="list-style-type: none"> Expand SOI to include Bethel Island Retain existing SOI (non-coterminous) 	<ul style="list-style-type: none"> Detach State-owned land (436 acres) once the Jersey Island Road setback levee has been constructed Share resources with BIMID (e.g., excavator) 	Retain existing SOI (non-coterminous)	Retain existing SOI (non-coterminous)
RD 800 (Byron Tract)	<ul style="list-style-type: none"> Expand SOI to include Pantages Bay property Retain existing SOI (non-coterminous) 	<ul style="list-style-type: none"> Annex 80-acre parcel (west of RD 800) Detach a 200-acre parcel (adjacent to Byron Highway and Clifton Court Road) 	Expand SOI to include the Pantages Bay property	Retain existing SOI (non-coterminous)
RD 830 (Jersey Island)	<ul style="list-style-type: none"> Retain existing coterminous SOI 	N/A	Retain existing coterminous SOI	Retain existing coterminous SOI
RD 2024 (Orwood/Palm Tracts)	<ul style="list-style-type: none"> Retain existing coterminous SOI 	N/A	Retain existing coterminous SOI	Retain existing coterminous SOI
RD 2025 (Holland Tract)	<ul style="list-style-type: none"> Retain existing coterminous SOI 	N/A	Retain existing coterminous SOI	Retain existing coterminous SOI
RD 2026 (Webb Tract)	<ul style="list-style-type: none"> Retain existing coterminous SOI 	N/A	Retain existing coterminous SOI	Retain existing coterminous SOI
RD 2059 (Bradford Island)	<ul style="list-style-type: none"> Retain existing coterminous SOI 	<ul style="list-style-type: none"> Consolidate with RD 2016 to facilitate potential cost-sharing arrangement to fund ferry services 	Retain existing coterminous SOI	Retain existing coterminous SOI
RD 2065 (Veale Tract)	<ul style="list-style-type: none"> Adopt coterminous SOI 	N/A	Adopt coterminous SOI	Adopt coterminous SOI
RD 2090 (Quimby Island)	<ul style="list-style-type: none"> Retain existing coterminous SOI 	N/A	Retain existing coterminous SOI	Retain existing coterminous SOI
RD 2117 (Coney Island)	<ul style="list-style-type: none"> Retain existing coterminous SOI 	N/A	Retain existing coterminous SOI	Retain existing coterminous SOI
RD 2121 (Bixler Tract)	<ul style="list-style-type: none"> Adopt a zero SOI in anticipation of a future reorganization (i.e., consolidation, dissolution) Retain existing coterminous SOI 	<ul style="list-style-type: none"> Reorganization (i.e., consolidation, dissolution) 	Adopt zero SOI to allow for a future reorganization	Adopt zero SOI to allow for a future reorganization
RD 2122 (Winter Island)	<ul style="list-style-type: none"> Retain existing coterminous SOI 	N/A	Retain existing coterminous SOI	Retain existing coterminous SOI
RD 2137	<ul style="list-style-type: none"> Adopt a zero SOI in anticipation of a future reorganization (i.e., dissolution, consolidation, establishment of a subsidiary district to the City of Oakley) Retain existing coterminous SOI 	<ul style="list-style-type: none"> Reorganization (i.e., dissolution, consolidation, establishment of a subsidiary district to the City of Oakley) 	Retain existing coterminous SOI	Retain existing coterminous SOI

RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

**APPROVING A SPHERE OF INFLUENCE UPDATE FOR THE
BETHEL ISLAND MUNICIPAL IMPROVEMENT DISTRICT**

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

WHEREAS, Government Code §56425(f) requires that LAFCO review and update the SOI boundaries, as necessary, not less than once every five years; and

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

WHEREAS, LAFCO conducted a 2nd round countywide review of reclamation services, including those provided by the Bethel Island Municipal Improvement District (BIMID) and adopted written determinations as required by Government Code §56430 on November 18, 2015; and

WHEREAS, the District's service boundary and non-coterminous SOI encompass Bethel Island, which is approximately 5.5 square miles (3,500 acres); and

WHEREAS, the MSR report included one SOI option for BIMID – retain the existing non-coterminous SOI; and

WHEREAS, it is hereby proposed that LAFCO retain the existing non-coterminous SOI for BIMID as shown on the attached map; and

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

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

WHEREAS, the SOI update was duly considered at public meetings held on October 14, and November 18, 2015; and

WHEREAS, Contra Costa LAFCO heard and received all oral and written protests, objections and evidence that were made, presented or filed, and all persons present were given an opportunity to appear and be heard with respect to any matter pertaining to said SOI update.

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

1. Retain the existing non-coterminous boundary and SOI for BIMID as generally depicted on Exhibit A attached hereto.
2. Determine, as lead agency for the purposes of the California Environmental Quality Act (CEQA), that the SOI update is categorically exempt under §15061(b)(3) of the CEQA Guidelines, and direct staff to file a Notice of Exemption.
3. Determine that the Commission has considered the criteria set forth in Government Code §56425(e) as follows:
 - a. *The present and planned land uses in the area, including agricultural and open-space lands* – The District land uses are mixed and include primarily agricultural lands and some urban and built-up lands, including single family homes and marina/recreational facilities. There is no Williamson Act contracted land within the District. BIMID is not a land use authority. Contra Costa County

and city plans include land uses and population growth that could impact the District services. The Delta Coves project, approved by Contra Costa County in the 1970s, appears to be moving, and is proposed to have up to 561 homes with private boat docks built around a man-made lagoon. No changes will result from this SOI update.

- b. *The present and probable need for public facilities and services in the area* – BIMID provides levee and drainage maintenance services. There is potential for growth and development. The Delta Coves project was purchased by SunCal in mid-2012 and is proposed to have up to 561 homes. A developer facilities agreement was approved in March 2015 with the Diablo Water District to allow construction of water facilities to accommodate the project’s water service needs. BIMID is expected to assume responsibility of the most of the levee and pump station infrastructure and operational facilities in the future which will be completely funded by a Community Facilities District set up by Delta Coves with the County. This will assure that no BIMID public taxpayer subsidy will be needed to subsidize this private development. Property tax revenues generated by the project will, over time, help improve BIMID’s overall financial and service capabilities. No changes in public facilities or services provided by the District will result from this SOI update.
- c. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – BIMID’s key infrastructure includes 14.5 miles of agricultural and urban levees, a 19.1 mile drainage system, and two pump stations. The District reports that 11.5 miles of the levee system meet Hazard Mitigation Project (HMP) standards, and eight miles meet PL 84-99 standards. BIMID adopted a 5-Year Plan to address future system improvements. The District reports that there have been no levee breaches since the last MSR in 2008. Retention of the existing SOI will not affect the present capacity of public facilities and adequacy of services provided by BIMID.
- d. *The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency* – BIMID was formed in 1960 and is financed primarily through property taxes, assessments and special project funding. The social and economic community of interest includes the landowners on the island. The SOI update will not affect the existence of any social or economic communities of interest in the area that are relevant to BIMID.
- e. *Nature, location, extent, functions & classes of services to be provided* – BIMID maintains 14.5 miles of agricultural and urban levees, a 19.1 mile drainage system, and two pump stations. Levees protected by BIMID are located around the perimeter of the island.

PASSED AND ADOPTED THIS 18TH day of November 2015, by the following vote:

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

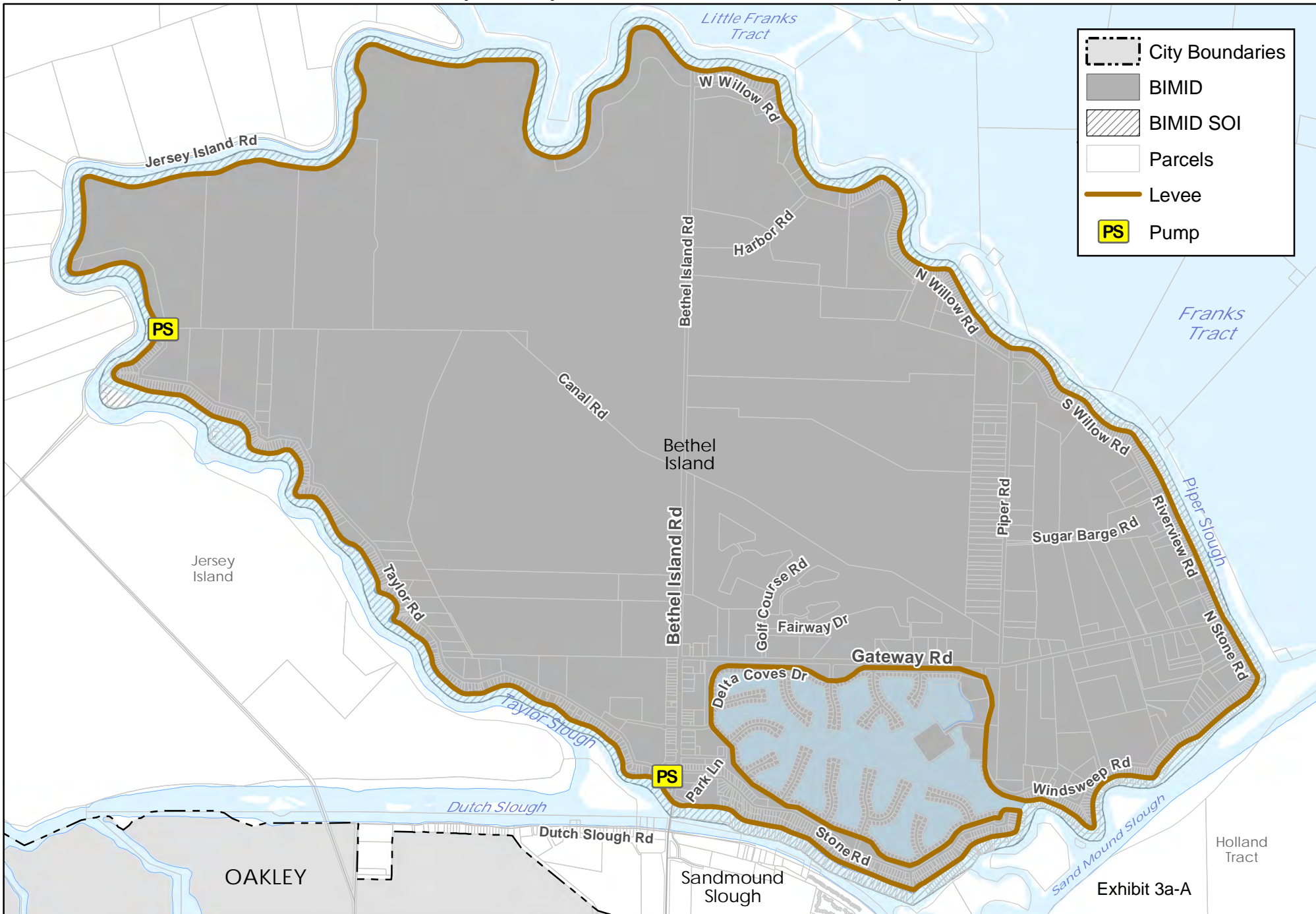
ROB SCHRODER, CHAIR, CONTRA COSTA LAFCO







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

Dated: November 18, 2015

Lou Ann Texeira, Executive Officer

Bethel Island Municipal Improvement District and Sphere of Influence



-  City Boundaries
-  BIMID
-  BIMID SOI
-  Parcels
-  Levee
-  Pump

Map created 11/02/2015
 by Contra Costa County Department of
 Conservation and Development, GIS Group
 30 Muir Road, Martinez, CA 94553
 37:59:41.791N 122:07:03.756W

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

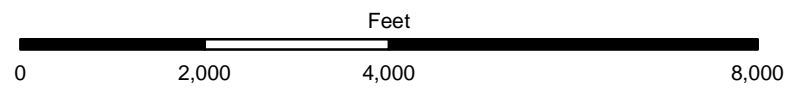


Exhibit 3a-A

RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

**APPROVING A SPHERE OF INFLUENCE UPDATE FOR
RECLAMATION DISTRICT 799 (HOTCHKISS TRACT)**

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

WHEREAS, Government Code §56425(f) requires that LAFCO review and update the SOI boundaries, as necessary, not less than once every five years; and

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

WHEREAS, LAFCO conducted a 2nd round countywide review of reclamation services, including those provided by Reclamation District (RD) 799 and adopted written determinations as required by Government Code §56430 on November 18, 2015; and

WHEREAS, RD 799 (Hotchkiss Tract) is one of the eight western Delta islands that the California Department of Water Resources (DRW) has identified as critical to the control of salinity in the Delta, protecting water quality to all water users in the State' and

WHEREAS, the Delta levee system has significant maintenance and rehabilitation needs; and

WHEREAS, the District's service boundary encompasses approximately 3,100 acres, and includes a portion of the Dutch Slough Tidal Marsh Restoration project area owned by the California Department of Water Resources (DWR); and

WHEREAS, the MSR report identified several SOI and governance options for RD 799; and

WHEREAS, it is hereby proposed that LAFCO retain the existing non-coterminous SOI for RD 799 as shown on the attached map; and

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

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

WHEREAS, the SOI update was duly considered at public hearings held on October 14 and November 18, 2015; and

WHEREAS, Contra Costa LAFCO heard and received all oral and written protests, objections and evidence that were made, presented or filed, and all persons present were given an opportunity to appear and be heard with respect to any matter pertaining to said SOI update.

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

1. Retain the existing non-coterminous SOI for RD 799 as depicted on Exhibit A attached hereto.
2. Determine, as lead agency for the purposes of the California Environmental Quality Act (CEQA), that the SOI update is categorically exempt under §15061(b)(3) of the CEQA Guidelines.
3. Determine that the Commission has considered the criteria set forth in Government Code §56425(e) as follows:

a. *The present and planned land uses in the area, including agricultural and open-space lands* – The District bounds include agricultural land for cattle grazing, as well as residential and recreational land uses. There is no Williamson Act contracted land within RD 799. The District has no land use authority. Contra Costa County and city plans include land uses and population growth that may impact the District’s services. Planned residential development and a large ecological restoration project will result in significant land use changes to RD 799 within the next 5-10 years. No changes in land use will result from this SOI update.

b. *The present and probable need for public facilities and services in the area* – There are currently 969 residents within the District’s boundary. The District provides maintenance service to non-project levees and internal drainage facilities. The District bounds and surrounding area has experienced significant recent growth, and anticipates growth to continue in the future. Service demand will increase with build-out of the area pursuant to the East Cypress Corridor Specific Plan. The growth will require new levees/flood control features. No changes in public facilities or services provided by the District will result from this SOI update.

c. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – The District’s key infrastructure include over 11 miles of earthen levees and four pumping stations. Over three miles of levees meet FEMA flood protection standards, over five miles of levees meet the Hazard Mitigation Plan (HMP) standard, and the remaining three miles of levees do not meet the HMP standard. In May 2012, RD 799 prepared a 5-Year Plan which was funded by DWR. A key goal in the Plan is to improve all non-project levees to meet minimum PL 84-99 height and width standards by 2017. The District indicates that implementation of the Plan’s projects will begin as funding becomes available. Retaining the District’s existing SOI will not affect the present capacity of public facilities and adequacy of services provided by RD 799.

d. *The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency* – RD 799 was formed in 1911 and is funded primarily through assessments, intergovernmental revenues and development reimbursement. The social and economic community of interest includes the landowners within the District; the County, the City of Oakley, and developers (Alta California Development, LLC, Spinnaker Cove, Meritage Homes). Property owners within the District have an economic interest in receiving services from this investment. The SOI update will not affect the existence of any social or economic communities of interest in the area that are relevant to RD 799.

e. *Nature, location, extent, functions & classes of services to be provided* – RD 799 provides maintenance service to 11 miles of earthen levees and internal drainage facilities (Hotchkiss Tract). Levees protected by RD 799 are located along Dutch Slough, Little Dutch Slough, Rock Slough, the Contra Costa Canal, and around Summer Lakes South.

PASSED AND ADOPTED THIS 18TH day of November 2015, by the following vote:

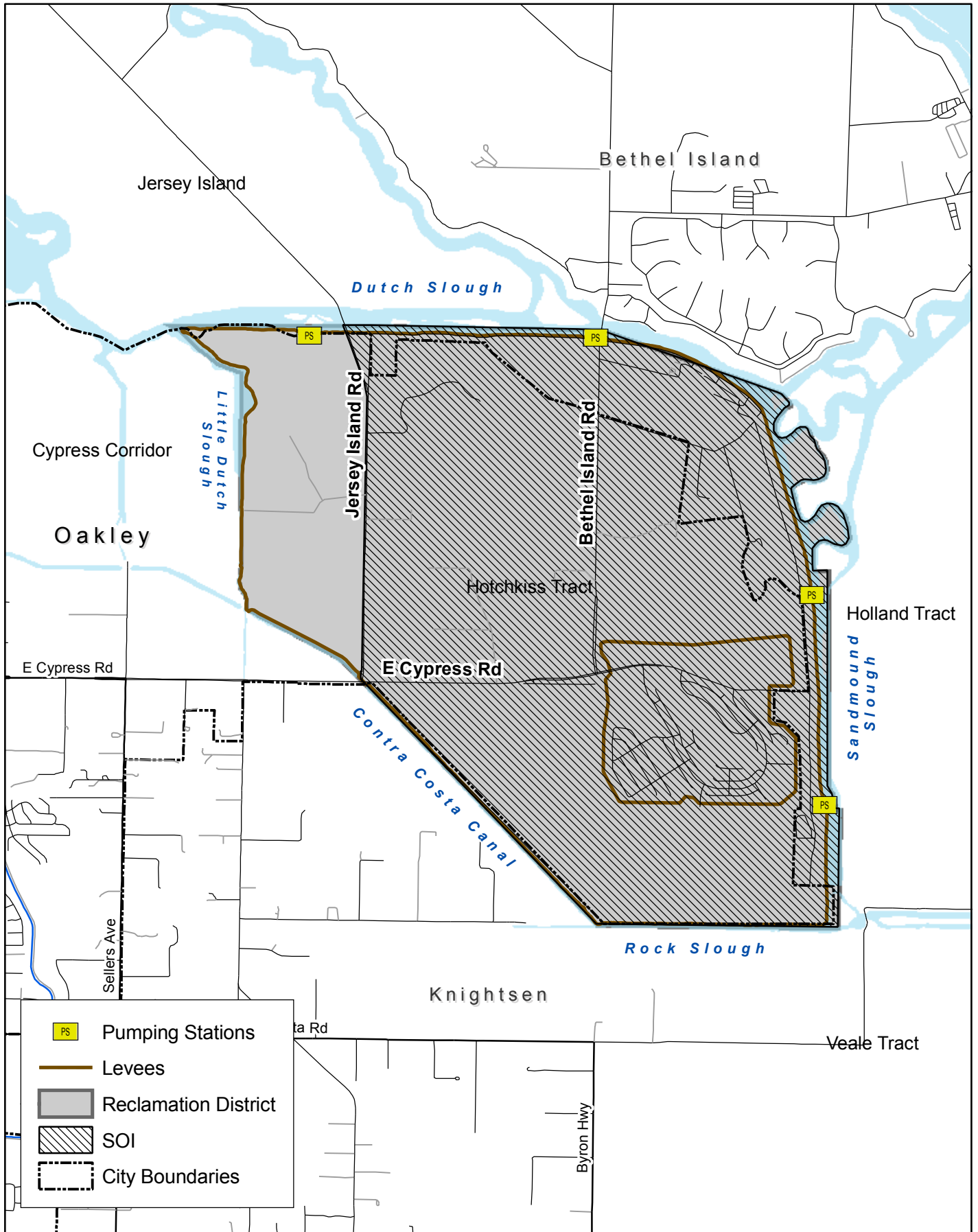
- AYES:
- NOES:
- ABSTENTIONS:
- ABSENT:

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 above.

Dated: November 18, 2015

Lou Ann Texeira, Executive Officer



	Pumping Stations
	Levees
	Reclamation District
	SOI
	City Boundaries



RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION**APPROVING A SPHERE OF INFLUENCE UPDATE FOR
RECLAMATION DISTRICT 800 (BYRON TRACT)**

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

WHEREAS, Government Code §56425(f) requires that LAFCO review and update the SOI boundaries, as necessary, not less than once every five years; and

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

WHEREAS, LAFCO conducted a 2nd round countywide review of reclamation services, including those provided by Reclamation District (RD) 800 and adopted written determinations as required by Government Code §56430 on November 18, 2015; and

WHEREAS, the District's service area encompass approximately 6,933 acres, and consists of the Byron Tract; and

WHEREAS, the MSR report identified several SOI and governance options for RD 800; and

WHEREAS, it is hereby proposed that LAFCO retain the existing non-coterminous SOI for RD 800 as shown on the attached map; and

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

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

WHEREAS, the SOI update was duly considered at public hearings held on October 14 and November 18, 2015; and

WHEREAS, Contra Costa LAFCO heard and received all oral and written protests, objections and evidence that were made, presented or filed, and all persons present were given an opportunity to appear and be heard with respect to any matter pertaining to said SOI update.

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

1. Retain the existing non-coterminous SOI for RD 800 as generally depicted on Exhibit A attached hereto.
2. Determine, as lead agency for the purposes of the California Environmental Quality Act (CEQA), that the SOI update is categorically exempt under §15061(b)(3) of the CEQA Guidelines, and direct staff to file a Notice of Exemption.
3. Determine that the Commission has considered the criteria set forth in Government Code §56425(e) as follows:
 - a. *The present and planned land uses in the area, including agricultural and open-space lands* – The District bounds encompass a majority of the unincorporated community of Discovery Bay, surrounding agricultural land (i.e., prime farmland, farmland of statewide importance, farmland of local importance), and public facilities. The District has no land use authority. Contra Costa County and city plans include

land uses and population growth that may impact the District's services. There is no Williamson Act contracted land within RD 800.

- b. *The present and probable need for public facilities and services in the area* – The District provides levee maintenance and flood control, drainage services, siltation dredging and other specialized service on Byron Tract. RD's population is currently 7,656. There is potential for some growth and increased service demand within the District (e.g., Pantages Bays) which will require annexation to the District. No changes in public facilities or services provided by the District will result from this SOI update.
- c. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – RD 800 provides service to three types of levees: 1) agricultural non-project levees (9.7 miles); 2) urban levees (6.5 miles); and 3) dry land levees (2.7 miles). In 1990, the District began a comprehensive levee retrofit for the entire 9.7 miles of the agricultural levees to meet the PL 84-99 standard. The District completed the necessary improvements in 2009 and received FEMA accreditation (which remains current).

All of the District's levees currently provide 100-year flood protection; no levee failures or breaches were reported. RD 800 is in the process of re-evaluating its entire levee system. Geotechnical borings have been formed to evaluate levee strength and seismic stability. The District will work to bring its infrastructure up to 200-year flood protection status. Participation in the State levee subvention and special projects programs enhance the District's service capacity and adequacy. The SOI update will not affect the present capacity of public facilities and adequacy of services provided by RD 800.

- d. *The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency* – RD 800 was formed in 1909 and is funded through a variety of sources including property tax, landowner assessments and intergovernmental revenues. The social and economic community of interest includes the unincorporated community of Discovery Bay and major agricultural landowners. Property owners within the District have an economic interest in receiving services from this investment. The SOI update will not affect the existence of any social or economic communities of interest in the area that are relevant to RD 800.
- e. *Nature, location, extent, functions & classes of services to be provided* – RD 800 maintains nearly 19 miles of levees, including agricultural, urban levees, and dry land levees, along with an internal drainage system and two pumping stations. Levees protected by RD 800 are located around the north, east and south sides of the Byron Tract, within and around the Discovery Bay community, and with a dry land levee on the interior.

PASSED AND ADOPTED THIS 18TH day of November 2015, by the following vote:

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

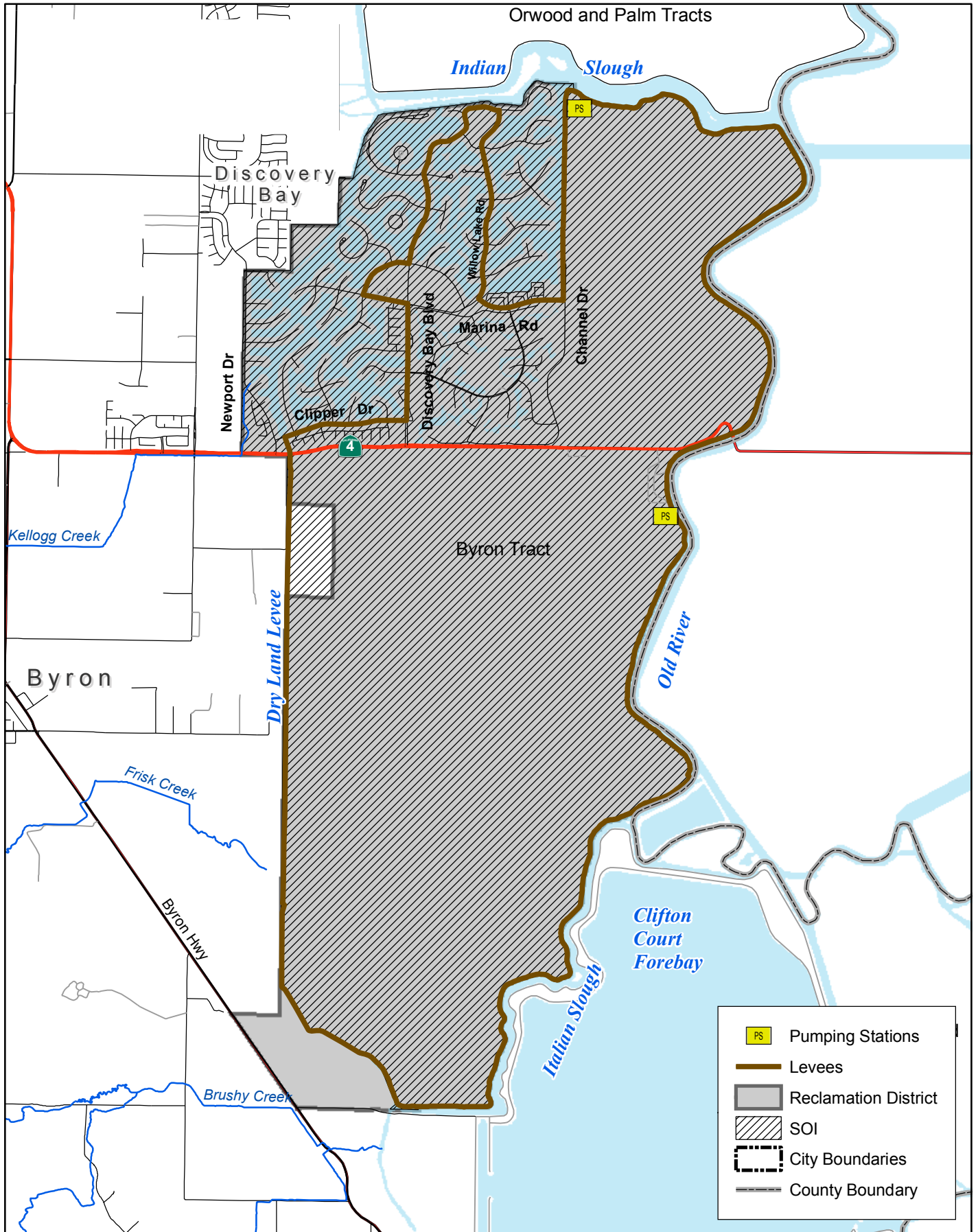
ROB SCHRODER, CHAIR, CONTRA COSTA LAFCO

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

Dated: November 18, 2015

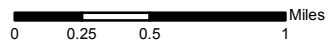
Lou Ann Texeira, Executive Officer

Reclamation District No. 800 (Byron Tract) and SOI Exhibit 3c-A



Map created 12/18/2009
 by Contra Costa County Community Development, GIS Group
 651 Pine Street, 4th Floor North Wing, Martinez, CA 94553-0095
 37:59:48.455N 122:06:35.384W

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



RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

**APPROVING A SPHERE OF INFLUENCE UPDATE FOR
RECLAMATION DISTRICT 830 (JERSEY ISLAND)**

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

WHEREAS, Government Code §56425(f) requires that LAFCO review and update the SOI boundaries, as necessary, not less than once every five years; and

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

WHEREAS, LAFCO conducted a 2nd round countywide review of reclamation services, including those provided by Reclamation District (RD) 830 and adopted written determinations as required by Government Code §56430 on November 18, 2015; and

WHEREAS, the District's service boundary/SOI encompass approximately 3,561 acres and include all of Jersey Island; and

WHEREAS, the MSR report identified one SOI option for RD 830 – retain the existing coterminous boundary and SOI as shown on the attached map; and

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

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

WHEREAS, the SOI update was duly considered at public meetings held on October 14 and November 18, 2015; and

WHEREAS, Contra Costa LAFCO heard and received all oral and written protests, objections and evidence that were made, presented or filed, and all persons present were given an opportunity to appear and be heard with respect to any matter pertaining to said SOI update.

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

1. Retain the existing coterminous boundary and SOI for RD 830 as generally depicted on Exhibit A attached hereto.
2. Determine, as lead agency for the purposes of the California Environmental Quality Act (CEQA), that the SOI update is categorically exempt under §15061(b)(3) of the CEQA Guidelines, and direct staff to file a Notice of Exemption.
3. Determine that the Commission has considered the criteria set forth in Government Code §56425(e) as follows:
 - a. *The present and planned land uses in the area, including agricultural and open-space lands* – The District bounds encompass primarily agricultural and cattle grazing lands (i.e., farmland of local importance, prime farmland, farmland of statewide importance, and unique farmland). RD 830's territory is primarily used for agriculture, cattle grazing, and habitat preservation. RD 830 secured an \$8.95 million DWR grant to create 100 acres of enhanced habitat to support all DWR Special Grant and Subvention Programs. The District has no land use authority. Contra Costa County and

city plans include land uses and population growth that may impact the District's services. There is no Williamson Act contracted land within RD 830. No change in land uses are anticipated in the foreseeable future, and no changes will result from this SOI update.

- b. *The present and probable need for public facilities and services in the area* – RD 830 provides maintenance service to non-project levees and internal drainage facilities. Jersey Island is one of the eight western Delta islands that DRW has identified as critical to the control of salinity in the Delta, protecting water quality to all water users in the State. The Delta levee system has significant maintenance and rehabilitation needs. Although no growth is anticipated with the District given the nature of the land uses, there will be a continued need for levee and drainage maintenance services on the island. No changes in public facilities or services provided by RD 830 will result from this SOI update.
- c. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – The Jersey Island levee system consists of 15.5 miles of levees, all of which meet Hazard Mitigation Plan (HMP) height standards, and 14.8 miles meet HMP width standards. Since the 2009 MSR, RD 830 has completed a number of infrastructure improvements to levees, toe berms, and dewatering pipes. The pump and discharge system is operating at acceptable levels and the District reports no recent inundation incidents. Additional fill dirt and rock materials are being stockpiled on the island and used where most needed in cooperation with the levee upgrade and maintenance projects. Retention of the existing SOI will not affect the present capacity of public facilities and adequacy of services provided by RD 830.
- d. *The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency* – RD 830 was formed in 1911 and is funded primarily through assessments and intergovernmental revenues. The social and economic community of interest is the Ironhouse Sanitary District, as the primary landowner on Jersey Island. Property owners within the District have an economic interest in receiving services from this investment. The SOI update will not affect the existence of any social or economic communities of interest that are relevant to RD 830.
- e. *Nature, location, extent, functions & classes of services to be provided* – RD 830 provides maintenance service to 15.5 miles of agricultural levees, 15 miles of drainage ditches and one pumping station. Levees protected by RD 830 are located around the perimeter of Jersey Island.

PASSED AND ADOPTED THIS 18TH day of November 2015, by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

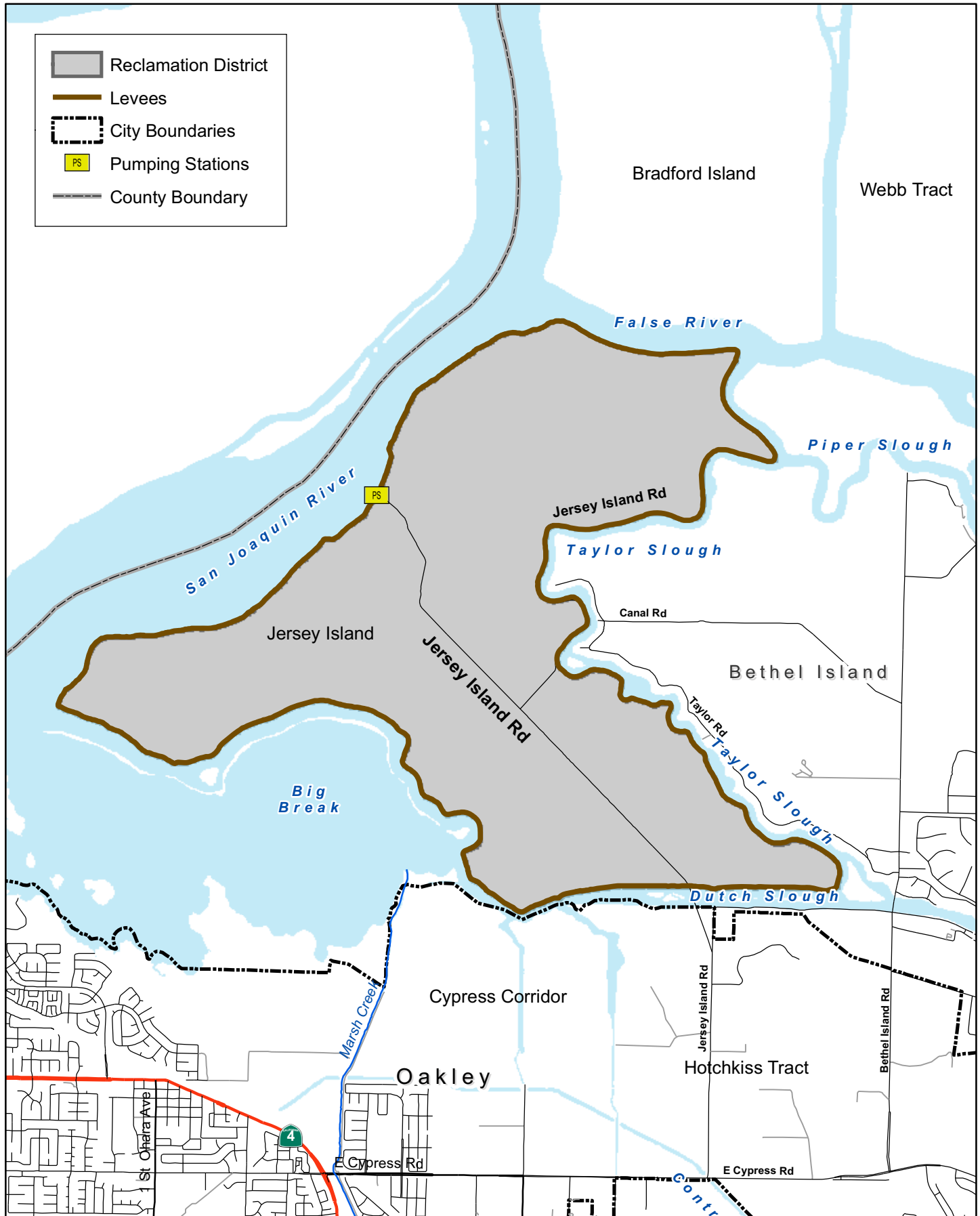
ROB SCHRODER, CHAIR, CONTRA COSTA LAFCO

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

Dated: November 18, 2015

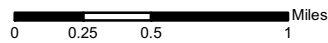
Lou Ann Texeira, Executive Officer

RD 830 Boundary and Coterminous SOI



Map created 5/18/2009
 by Contra Costa County Community Development, GIS Group
 651 Pine Street, 4th Floor North Wing, Martinez, CA 94553-0095
 37:59:48.455N 122:06:35.384W

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



RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

**APPROVING A SPHERE OF INFLUENCE UPDATE FOR
RECLAMATION DISTRICT 2024 (ORWOOD/PALM TRACTS)**

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

WHEREAS, Government Code §56425(f) requires that LAFCO review and update the SOI boundaries, as necessary, not less than once every five years; and

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

WHEREAS, LAFCO conducted its 2nd round countywide review of reclamation services, including those provided by Reclamation District (RD) 2024 and adopted written determinations as required by Government Code §56430 on November 18, 2015; and

WHEREAS, the District's service boundary and coterminous SOI encompass approximately 6,574 acres, and include the Orwood and Palm Tracts; and

WHEREAS, the MSR report identified one SOI option for RD 2024 - retain the existing coterminous boundary and SOI as shown on the attached map; and

WHEREAS, it is hereby proposed that LAFCO retain the existing coterminous SOI for RD 2024 as shown on the attached map; and

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

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

WHEREAS, the SOI update was duly considered at public hearings held on October 14 and November 18, 2015; and

WHEREAS, Contra Costa LAFCO heard and received all oral and written protests, objections and evidence that were made, presented or filed, and all persons present were given an opportunity to appear and be heard with respect to any matter pertaining to said SOI update.

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

1. Retain the existing coterminous boundary and SOI for RD 2024 as generally depicted on Exhibit A attached hereto.
2. Determine, as lead agency for the purposes of the California Environmental Quality Act (CEQA), that the SOI update is categorically exempt under §15061(b)(3) of the CEQA Guidelines, and direct staff to file a Notice of Exemption.
3. Determine that the Commission has considered the criteria set forth in Government Code §56425(e) as follows:
 - a. *The present and planned land uses in the area, including agricultural and open-space lands – RD 2024's bounds include predominantly agricultural lands (i.e., farmland of state and local importance, prime farmland) and also include land under Williamson Act contracts. Portions of*

RD 2024 are dedicated to wildlife habitat and waterfowl. The District contains limited residential uses – two single family homes and ancillary farmworker and caretaker housing. Contra Costa County and city plans include land uses which could impact the District’s services. The District has no land use authority. No change in land uses are anticipated in the foreseeable future, and no changes will result from this SOI update.

- b. *The present and probable need for public facilities and services in the area* – RD 2024 provides maintenance service to non-project levees and internal drainage services. There continues to be a present and probable need for levee and drainage maintenance services within the District. There has been no recent growth within the District and limited demand for public services. Given the existing land uses, no population growth or development is anticipated in the foreseeable future. No changes in public facilities or services provided by the District will result from this SOI update.
- c. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – RD 2024’s key infrastructure includes 14.6 miles of levees, internal drainage channels, six pump stations, and one flood gate. Since the 2009 MSR, improvements have been made to bring the entire levee system to meet HMP height and width standards. Additionally, all 14.6 miles of levees now meet the PL 84-99 standard. RD 2024 has a 5-Year Plan to meet the District’s adopted levee standard, including a wider crown with corresponding side slopes, for the entire system. To reach this goal, State funding will be required. Retention of the existing SOI will not affect the present capacity of public facilities and adequacy of services provided by RD 2024.
- d. *The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency* – RD 2024 (Orwood Tract) was originally formed in 1918. In 1995, RD 2036 (Palm Tract) was dissolved and the area was annexed to RD 2024. The District is funded primarily through landowner assessments and intergovernmental revenues. The social and economic community of interest includes the landowners, including the agricultural interests and participating utility owners. Property owners within the District have an economic interest in receiving services from this investment. The SOI update will not affect the existence of any social or economic communities of interest in the area that are relevant to RD 2024.
- e. *Nature, location, extent, functions & classes of services to be provided* – RD 2024 provides maintenance service to 14.6 miles of agricultural levees, an internal drainage system, six pumping stations and one flood gate. Levees protected by RD 2024 are located around the perimeter of Orwood and Palm Tracts.

PASSED AND ADOPTED THIS 18TH day of November 2015, by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

ROB SCHRODER, CHAIR, CONTRA COSTA LAFCO

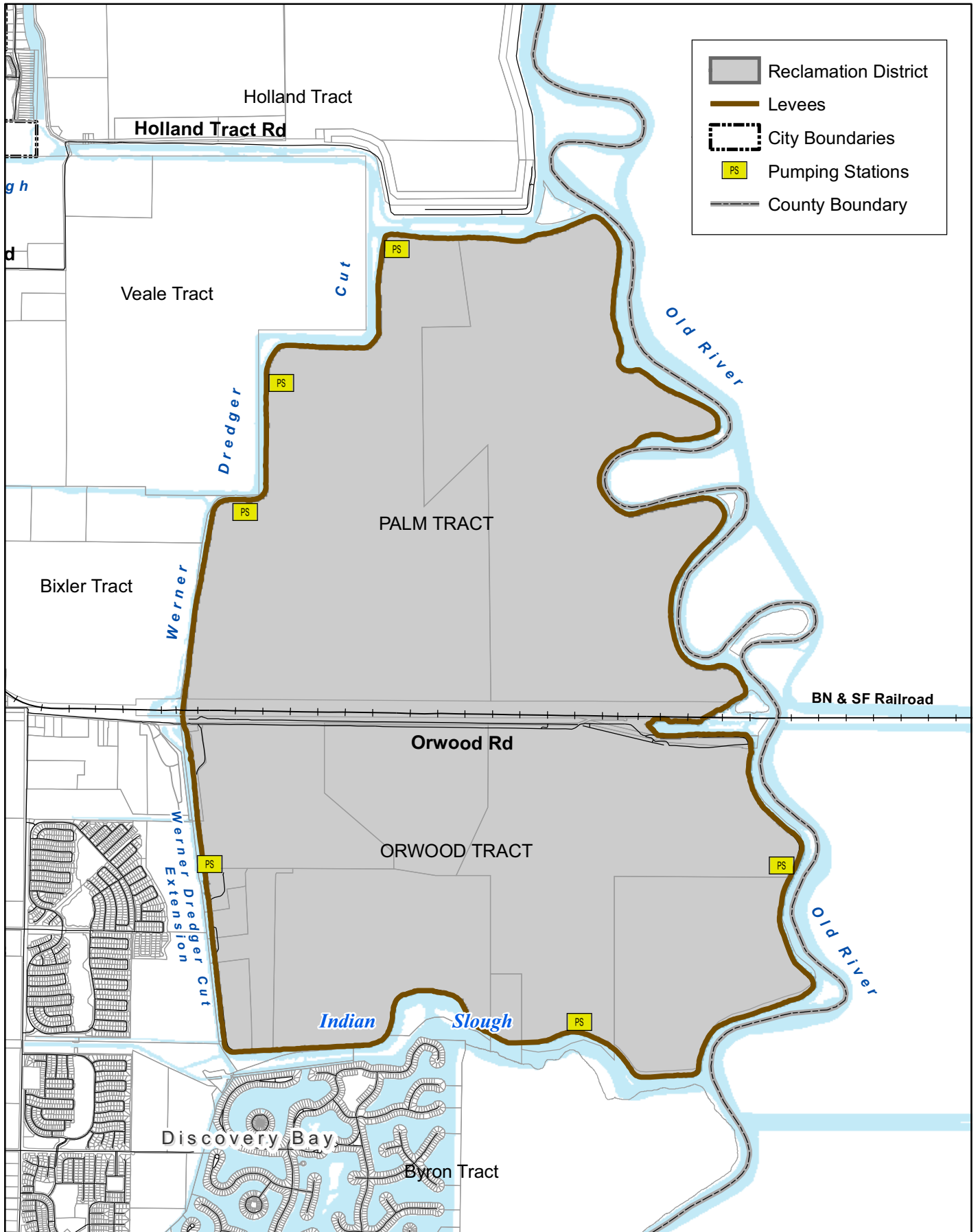
I hereby certify that this is a correct copy of a resolution passed and adopted by this Commission on the date stated above.

Dated: November 18, 2015

Lou Ann Texeira, Executive Officer

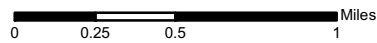
RD 2024 Boundary and Coterminous SOI

Exhibit 3e - A



Map created 5/18/2009
 by Contra Costa County Community Development, GIS Group
 651 Pine Street, 4th Floor North Wing, Martinez, CA 94553-0095
 37:59:48.455N 122:06:35.384W

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



RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

**APPROVING A SPHERE OF INFLUENCE UPDATE FOR
RECLAMATION DISTRICT 2025 (HOLLAND TRACT)**

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

WHEREAS, Government Code §56425(f) requires that LAFCO review and update the SOI boundaries, as necessary, not less than once every five years; and

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

WHEREAS, LAFCO conducted its 2nd round countywide review of reclamation services, including those provided by Reclamation District (RD) 2025 and adopted written determinations as required by Government Code §56430 on November 18, 2015; and

WHEREAS, the District's service boundary and coterminous SOI encompass approximately 6.4 square miles, and include the Holland Tract; and

WHEREAS, the District's boundary encompasses approximately 4,090 acres; and

WHEREAS, the MSR report identified one SOI option for RD 2025 – retain the existing coterminous SOI; and

WHEREAS, it is hereby proposed that LAFCO retain the existing coterminous SOI for RD 2025 as shown on the attached map; and

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

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

WHEREAS, the SOI update was duly considered at public hearings held on October 14 and November 18, 2015; and

WHEREAS, Contra Costa LAFCO heard and received all oral and written protests, objections and evidence that were made, presented or filed, and all persons present were given an opportunity to appear and be heard with respect to any matter pertaining to said SOI update.

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

1. Retain the existing coterminous boundary and SOI for RD 2025 as generally depicted on Exhibit A attached hereto.
2. Determine, as lead agency for the purposes of the California Environmental Quality Act (CEQA), that the SOI update is categorically exempt under §15061(b)(3) of the CEQA Guidelines, and direct staff to file a Notice of Exemption.
3. Determine that the Commission has considered the criteria set forth in Government Code §56425(e) as follows:
 - a. *The present and planned land uses in the area, including agricultural and open-space lands* – The District bounds are designated “farmland of local importance” and encompass agricultural

and recreational land uses (i.e., cattle grazing operations, marinas, etc.). There is no Williamson Act contracted land within RD 2025. The District is not a land use agency; County and city plans include land uses which could impact District services. No changes in land use will result from this SOI update.

- b. *The present and probable need for public facilities and services in the area* – The District provides maintenance service to non-project levees, internal drainage and irrigation facilities. Holland Tract is one of the eight western Delta islands that DRW has identified as critical to the control of salinity in the Delta, protecting water quality to all water users in the State. The Delta levee system has significant maintenance and rehabilitation needs. There has been no recent growth within the District, and minimal growth is anticipated in the future. No changes in public facilities or services provided by the District will result from this SOI update.
- c. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – The District includes 11 miles of earthen levees, eight miles of irrigation canals, and three pumping stations. Since the 2009 MSR, the District reports that 7.2 miles (65 percent) of the District’s levees have undergone rehabilitation. Currently, all 11 miles of levees meet the PL 84-99 Standard. According to the District, all planned levee rehabilitation is complete. Retention of the existing SOI will not affect the present capacity of public facilities and adequacy of services provided by RD 2025.
- d. *The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency* – RD 2025 was formed in 1918 and is funded primarily through intergovernmental revenues and some landowner assessments. The social and economic community of interest includes the Delta Wetlands Properties, the primary landowner, and other private farming operations on the island. Property owners within the District have an economic interest in receiving services from this investment. The SOI update will not affect the existence of any social or economic communities of interest in the area that are relevant to RD 2025.
- e. *Nature, location, extent, functions & classes of services to be provided* – RD 2025 provides maintenance service to 11 miles of earthen levees, eight miles of irrigation canals and three pumping stations. Levees protected by RD 2025 are located around the perimeter of the island.

PASSED AND ADOPTED THIS 18TH day of November 2015, by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

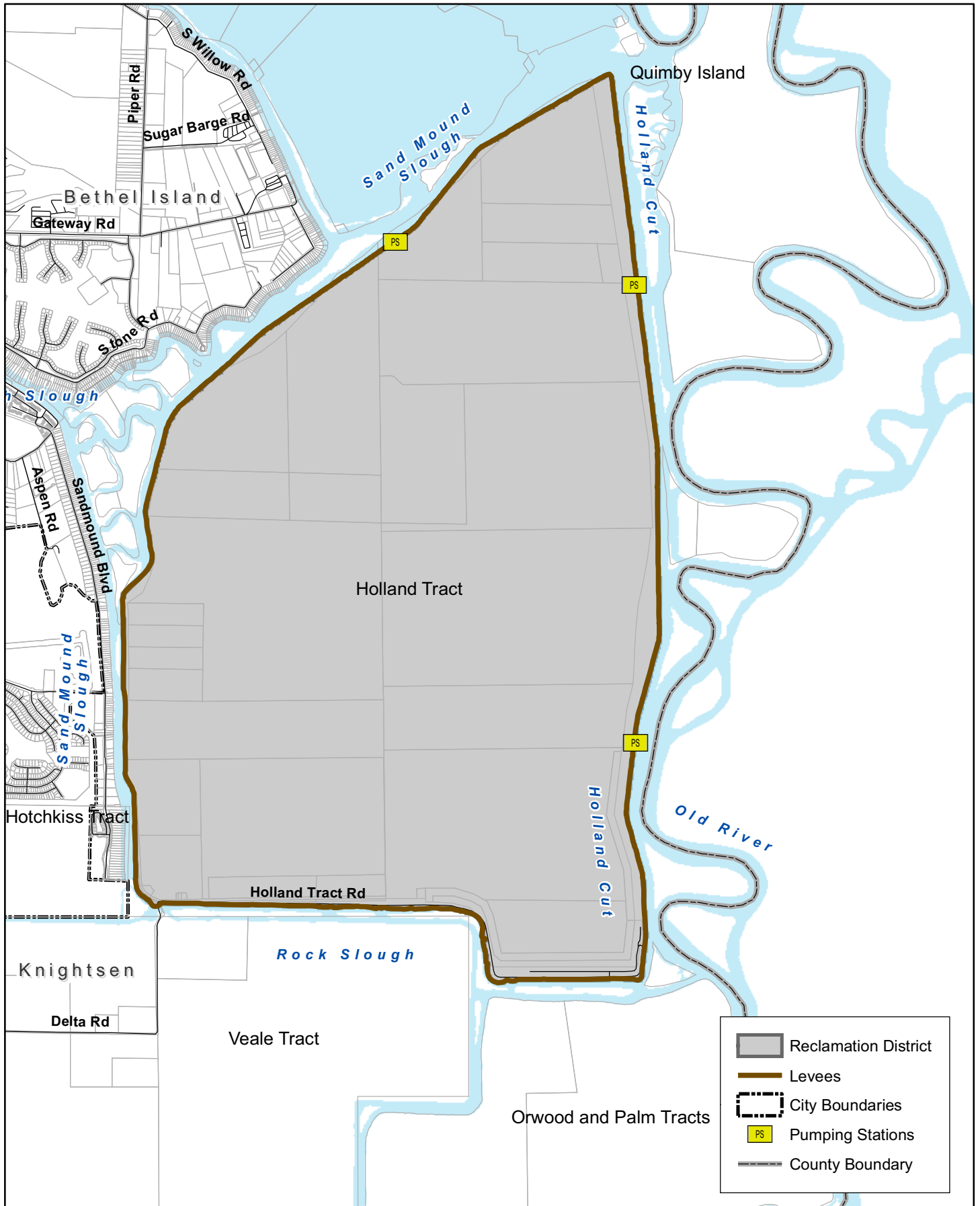
ROB SCHRODER, CHAIR, CONTRA COSTA LAFCO

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

Dated: November 18, 2015

Lou Ann Texeira, Executive Officer

RD 2025 Boundary and Coterminous SOI



RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION**APPROVING A SPHERE OF INFLUENCE UPDATE FOR
RECLAMATION DISTRICT 2026 (WEBB TRACT)**

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

WHEREAS, Government Code §56425(f) requires that LAFCO review and update the SOI boundaries, as necessary, not less than once every five years; and

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

WHEREAS, LAFCO conducted its 2nd round countywide review of reclamation services, including those provided by Reclamation District (RD) 2026 and adopted written determinations as required by Government Code §56430 on November 18, 2015; and

WHEREAS, the District's service boundary and coterminous SOI encompass approximately 5,500 acres, and include the Webb Tract; and

WHEREAS, the MSR report identified one SOI option for RD 2026 – retain the existing coterminous SOI; and

WHEREAS, it is hereby proposed that LAFCO retain the existing coterminous SOI for RD 2026 as shown on the attached map; and

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

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

WHEREAS, the SOI update was duly considered at public hearings held on October 14 and November 18, 2015; and

WHEREAS, Contra Costa LAFCO heard and received all oral and written protests, objections and evidence that were made, presented or filed, and all persons present were given an opportunity to appear and be heard with respect to any matter pertaining to said SOI update.

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

1. Retain the existing coterminous boundary and SOI for RD 2026 as generally depicted on Exhibit A attached hereto.
2. Determine, as lead agency for the purposes of the California Environmental Quality Act (CEQA), that the SOI update is categorically exempt under §15061(b)(3) of the CEQA Guidelines, and direct staff to file a Notice of Exemption.
3. Determine that the Commission has considered the criteria set forth in Government Code §56425(e) as follows:
 - a. *The present and planned land uses in the area, including agricultural and open-space lands – RD 2026 is under ownership of a single landowner (Delta Wetlands Properties). The District bounds encompass agricultural land uses (i.e., farmland of local importance, prime farmland,*

farmland of statewide importance) and local business activities related to farming operations. The District includes land under a Williamson Act contract, with non-renewal filed. Contra Costa County and city plans include land uses that could impact the District's services. No changes in land use will result from this SOI update.

- b. *The present and probable need for public facilities and services in the area* – RD 2026 provides maintenance service to non-project levees, internal drainage and irrigation facilities. Webb Tract is one of the eight western Delta islands that DRW has identified as critical to the control of salinity in the Delta, protecting water quality to all water users in the State. RD 2026 is uninhabited, no growth is anticipated, and future public service needs are limited. No changes in public facilities or services provided by the District will result from this SOI update.
- c. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – RD 2026 maintains 12.9 miles of earthen levees, eight miles of irrigation canals, and two pumping stations. Since 2009, the District has rehabilitated approximately 6.25 miles to PL 84-99 standards. RD 2026 has also completed a 5-year capital improvement plan and received \$9 million in grant funding from DWR with a long-term goal of upgrading the entire levee system to PL 84-99 standards. Retention of the existing SOI will not affect the present capacity of public facilities and adequacy of services provided by RD 2026.
- d. *The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency* – RD 2026 was formed in 1918 and is funded primarily through intergovernmental revenues and landowner assessments. The social and economic community of interest includes the Delta Wetlands Properties, the primary landowner, and other private farming operations on the island. Property owners within the District have an economic interest in receiving services from this investment. The SOI update will not affect the existence of any social or economic communities of interest in the area that are relevant to RD 2026.
- e. *Nature, location, extent, functions & classes of services to be provided* – RD 2026 provides maintenance service to 12.9 miles of earthen levees, eight miles of irrigation canals and two pumping stations. Levees protected by RD 2026 are located around the perimeter of the island.

PASSED AND ADOPTED THIS 18TH day of November 2015, by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

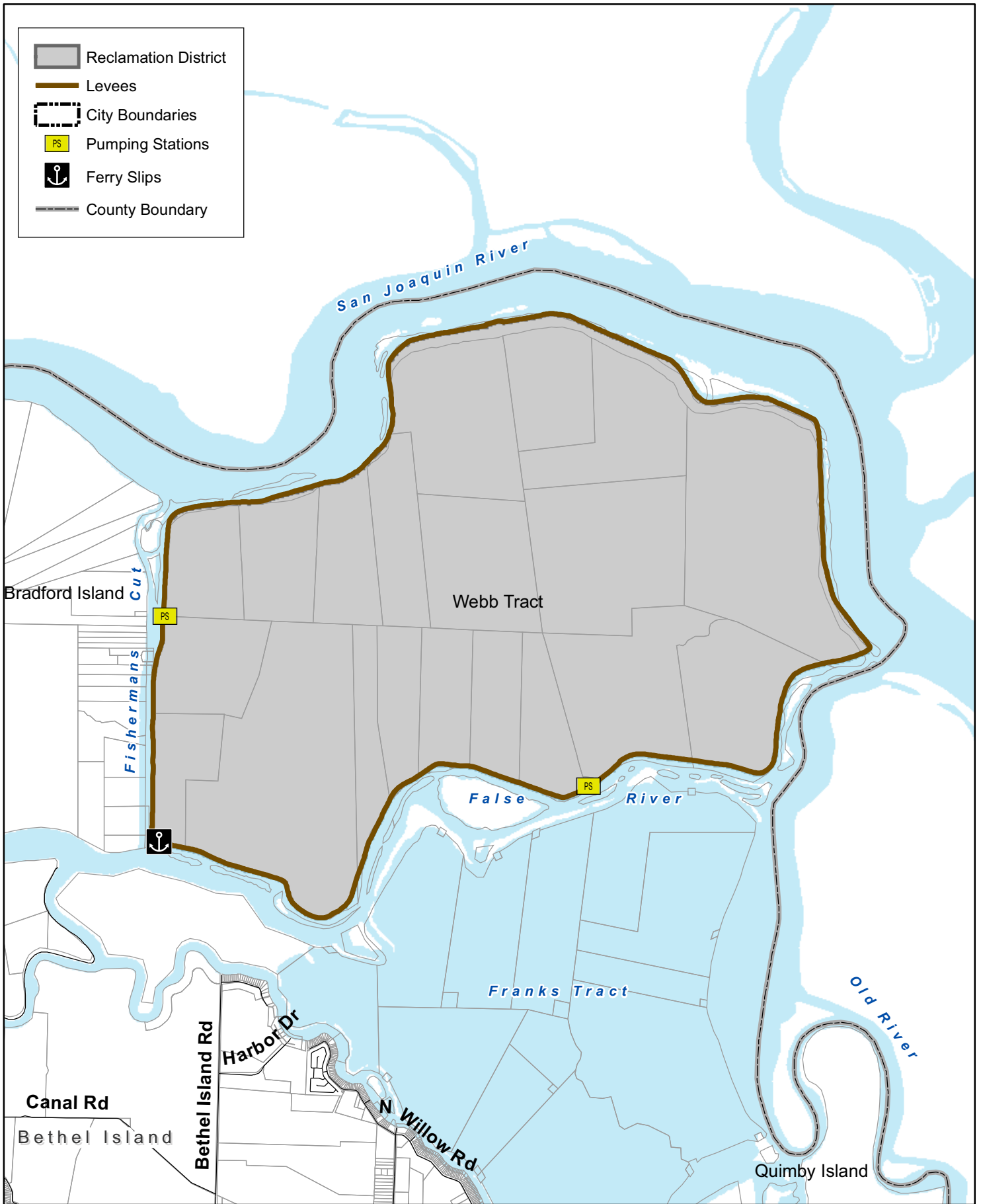
ROB SCHRODER, CHAIR, CONTRA COSTA LAFCO







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

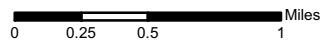
Dated: November 18, 2015

Lou Ann Teixeira, Executive Officer

RD 2026 Boundary and Coterminous SOI



-  Reclamation District
-  Levees
-  City Boundaries
-  Pumping Stations
-  Ferry Slips
-  County Boundary



RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

**APPROVING A SPHERE OF INFLUENCE UPDATE FOR
RECLAMATION DISTRICT 2059 (BRADFORD ISLAND)**

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

WHEREAS, Government Code §56425(f) requires that LAFCO review and update the SOI boundaries, as necessary, not less than once every five years; and

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

WHEREAS, LAFCO conducted a 2nd round countywide review of reclamation services, including those provided by Reclamation District (RD) 2059 and adopted written determinations as required by Government Code §56430 on November 18, 2015; and

WHEREAS, the District's service boundary and coterminous SOI encompass approximately 2,200 acres, and include Bradford Island; and

WHEREAS, the MSR report identified one SOI option for RD 2059 – retain the existing coterminous SOI; and

WHEREAS, it is hereby proposed that LAFCO retain the existing coterminous SOI for RD 2059 as shown on the attached map; and

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

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

WHEREAS, the SOI update was duly considered at public hearings held on October 14 and November 18, 2015; and

WHEREAS, Contra Costa LAFCO heard and received all oral and written protests, objections and evidence that were made, presented or filed, and all persons present were given an opportunity to appear and be heard with respect to any matter pertaining to said SOI update.

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

1. Retain the existing coterminous boundary and SOI for RD 2059 as generally depicted on Exhibit A attached hereto.
2. Determine, as lead agency for the purposes of the California Environmental Quality Act (CEQA), that the SOI update is categorically exempt under §15061(b)(3) of the CEQA Guidelines, and direct staff to file a Notice of Exemption.
3. Determine that the Commission has considered the criteria set forth in Government Code §56425(e) as follows:
 - a. *The present and planned land uses in the area, including agricultural and open-space lands* – The District bounds contain various land uses including commercial, residential, recreational, gas extraction and agricultural land uses (i.e., farmland of local importance, prime farmland,

farmland of statewide importance). The District's territory is primarily used for agriculture, cattle grazing, and habitat preservation. RD 2059's bounds include land under Williamson Act contracts. RD 2059 secured a \$7.5 million DWR grant to maintain the island levees and agricultural uses. Contra Costa County and city plans include land uses that could impact the District's services. No change in land uses are anticipated in the foreseeable future, and no changes will result from this SOI update.

- b. *The present and probable need for public facilities and services in the area* – RD 2059 provides maintenance service to non-project levees and internal drainage facilities. Bradford Island is one of the eight western Delta islands that DRW has identified as critical to the control of salinity in the Delta, protecting water quality to all water users in the State. The Delta levee system has significant maintenance and rehabilitation needs. There has been no recent growth within the District, minimal growth is anticipated in the future, and future public service needs are limited. No changes in public facilities or services provided by the District will result from this SOI update.
- c. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – The Bradford Island levee system consists of 7.5 miles of levees, all of which meet Hazard Mitigation Plan (HMP) height standards. The drainage, pump and discharge system is operating at acceptable levels, and the District reports there have been no recent inundation incidents. Additional fill dirt and rock materials are being stockpiled on the island and used where most needed in cooperation with the levee upgrade and maintenance projects. Retention of the existing SOI will not affect the present capacity of public facilities and adequacy of services provided by RD 2059.
- d. *The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency* – RD 2059 was formed in 1921 and is funded primarily through intergovernmental revenues, landowner assessments and ferry toll revenue. The social and economic community of interest includes the landowners on the island. Property owners within the District have an economic interest in receiving services from this investment. The SOI update will not affect the existence of any social or economic communities of interest in the area that are relevant to RD 2059.
- e. *Nature, location, extent, functions & classes of services to be provided* – RD 2059 provides maintenance service to 7.5 miles of earthen levees, over seven miles of drainage ditches and one pumping station. Levees protected by RD 2059 are located around the perimeter of the island.

PASSED AND ADOPTED THIS 18TH day of November 2015, by the following vote:

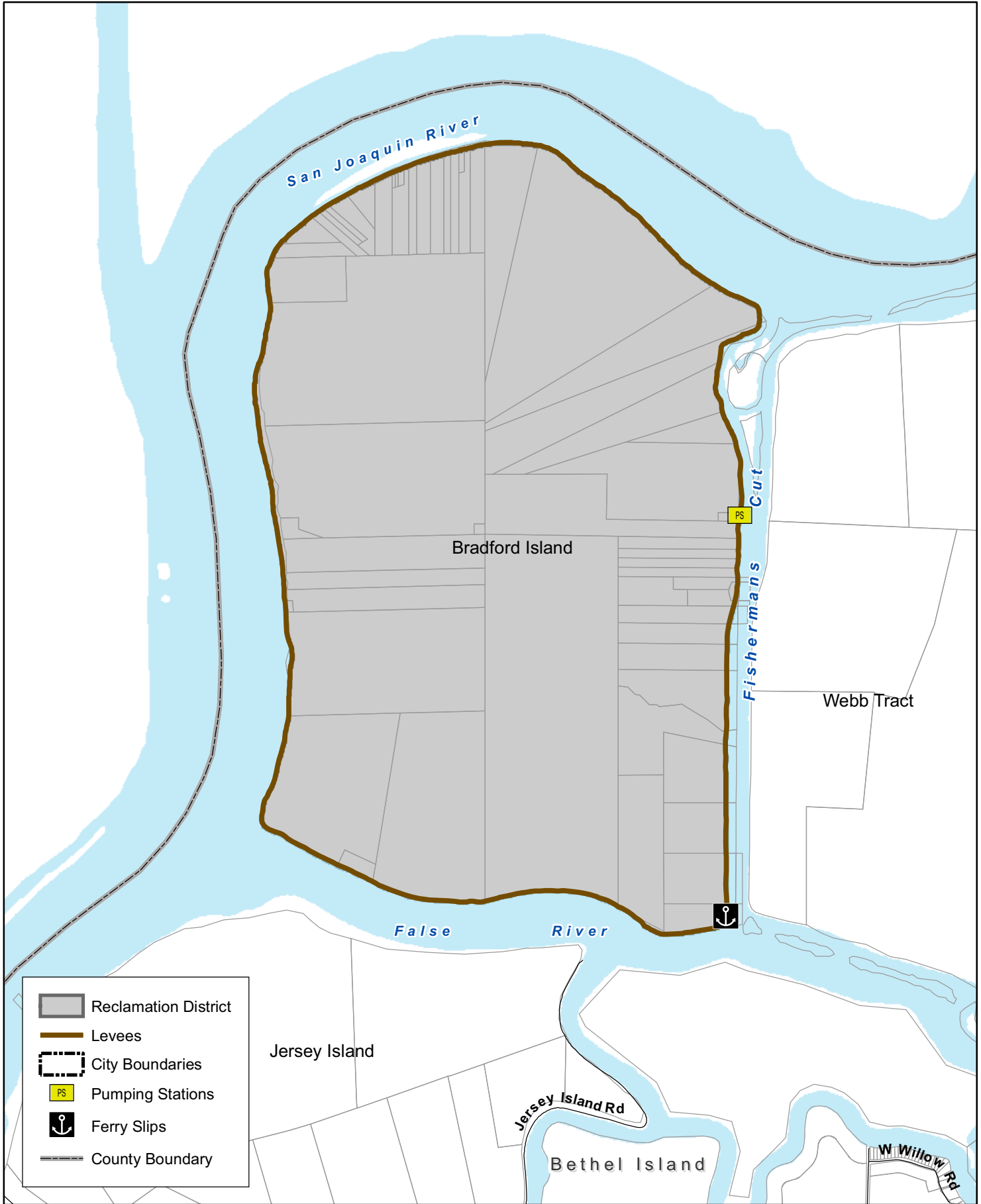
AYES:
NOES:
ABSTENTIONS:
ABSENT:

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 above.

Dated: November 18, 2015

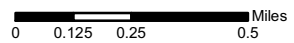
Lou Ann Texeira, Executive Officer



	Reclamation District
	Levees
	City Boundaries
	Pumping Stations
	Ferry Slips
	County Boundary

Map created 5/18/2009
 by Contra Costa County Community Development, GIS Group
 651 Pine Street, 4th Floor North Wing, Martinez, CA 94553-0095
 37:59:48.455N 122:06:35.384W

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



RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

**ADOPTING A COTERMINOUS SPHERE OF INFLUENCE FOR
RECLAMATION DISTRICT 2065 (VEALE TRACT)**

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

WHEREAS, Government Code §56425(f) requires that LAFCO review and update the SOI boundaries, as necessary, not less than once every five years; and

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

WHEREAS, LAFCO conducted a 2nd round countywide review of reclamation services, including those provided by Reclamation District (RD) 2065 and adopted written determinations as required by Government Code §56430 on November 18, 2015; and

WHEREAS, the District's service boundary and SOI encompass approximately 1,365 acres, and include the Veale Tract; and

WHEREAS, in 2009, LAFCO adopted a "provisional" coterminous SOI for RD 2065 to allow the District an opportunity to explore a potential boundary expansion, which the District has determined is not feasible at this time; and

WHEREAS, the MSR identified one SOI option for RD 2065 – adopt a coterminous SOI; and

WHEREAS, it is hereby proposed that LAFCO adopt a coterminous SOI for RD 2065 as shown on the attached map; and

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

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

WHEREAS, the SOI action was duly considered at public meetings held on October 14 and November 18, 2015; and

WHEREAS, Contra Costa LAFCO heard and received all oral and written protests, objections and evidence that were made, presented or filed, and all persons present were given an opportunity to appear and be heard with respect to any matter pertaining to said SOI action.

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

1. Adopt a coterminous SOI for RD 2065 as generally depicted on Exhibit A attached hereto.
2. Determine, as lead agency for the purposes of the California Environmental Quality Act (CEQA), that the SOI action is categorically exempt under §15061(b)(3) of the CEQA Guidelines, and direct staff to file a Notice of Exemption.
3. Determine that the Commission has considered the criteria set forth in Government Code §56425(e) as follows:
 - a. *The present and planned land uses in the area, including agricultural and open-space lands –*
The District bounds encompass primarily agricultural lands (i.e., farmland of local importance,

farmland of statewide importance, unique farmland) with limited rural residential. There is no Williamson Act contracted land within RD 2065. The District has no land use authority. Contra Costa County and city plans include land uses that could impact District services. No change in land uses are anticipated in the foreseeable future. No changes in land use will result from the SOI action.

- b. *The present and probable need for public facilities and services in the area* – RD 2065 provides maintenance service to non-project levees and internal drainage facilities on the Veale Tract. The District has not experienced recent growth, anticipates minimum future growth, and future public service needs are limited. No changes in public facilities or services provided by the District will result from this SOI action.
- c. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – The District’s key infrastructure includes 5.1 miles of levees, internal drainage channels and two pump stations. Approximately 4.2 miles (84 percent) of existing levees meet the Hazard Mitigation Plan (HMP) Standard. RD 2065 is currently working to leverage State funding for a comprehensive levee rehabilitation project. In 2014, RD 2065 entered into a Project Funding Agreement with the DWR in which DWR will provide up to 90 percent of the costs of a \$2.2 million dollar levee rehabilitation project. RD 2065 is currently working to secure funding. If the DWR funding is secured, RD 2065 plans to rehabilitate the entire levee to meet HMP Standards, including all weather road improvements. Adoption of a coterminous SOI will not affect the present capacity of public facilities and adequacy of services provided by RD 2065.
- d. *The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency* – RD 2065 was formed in 1923 and is funded primarily through landowner assessments and intergovernmental revenues. The social and economic community of interest includes the landowners. Property owners within the District have an economic interest in receiving services from this investment. The SOI action will not affect the existence of any social or economic communities of interest in the area that are relevant to RD 2065.
- e. *Nature, location, extent, functions & classes of services to be provided* – RD 2065 maintains 5.1 miles of earthen levees, 1.5 miles of drainage ditches and two pumping stations. Levees protected by RD 2065 are located on the north, east and south sides of Veale Tract.

PASSED AND ADOPTED THIS 18TH day of November 2015, by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

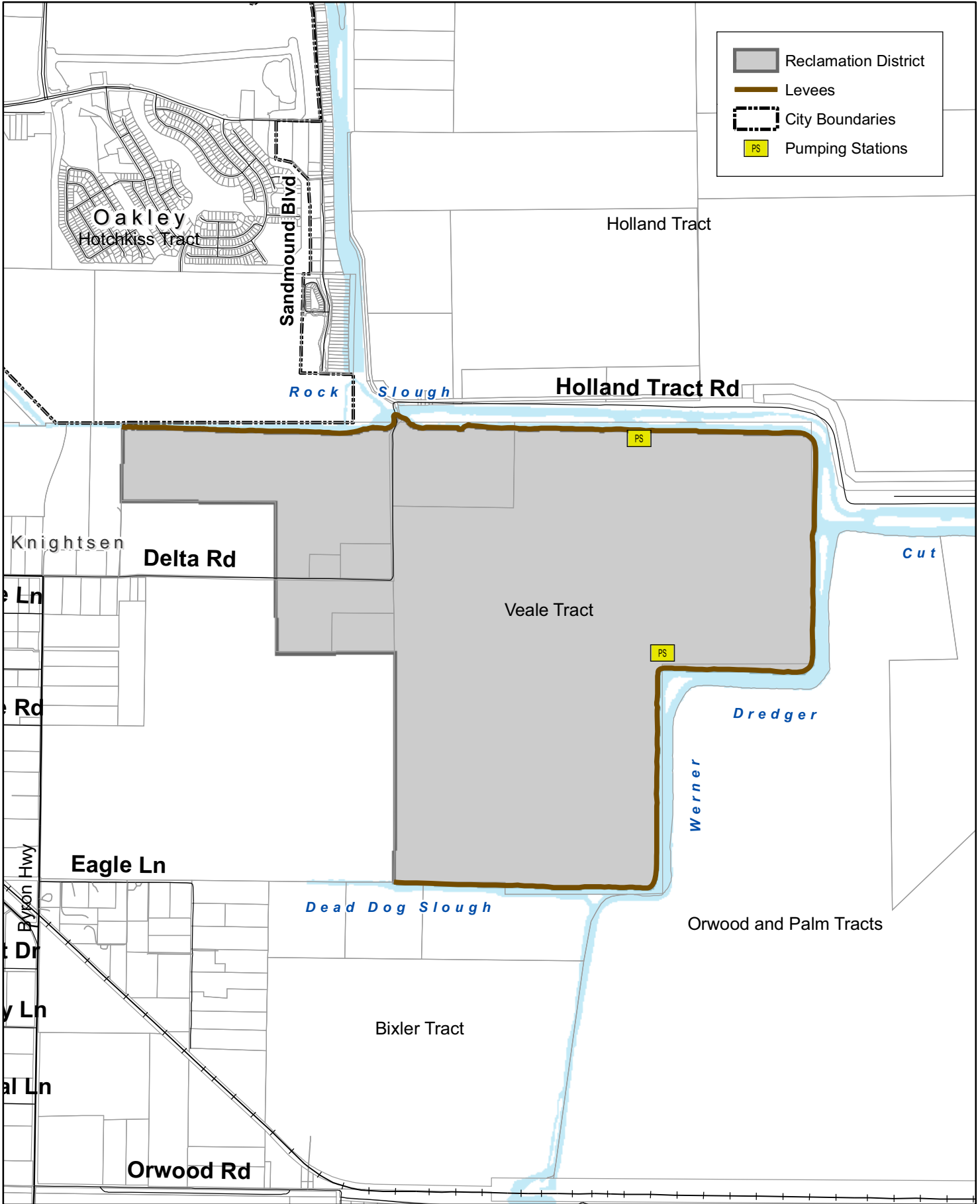
ROB SCHRODER, CHAIR, CONTRA COSTA LAFCO

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

Dated: November 18, 2015

Lou Ann Teixeira, Executive Officer

RD 2065 Boundary and Coterminous SOI



RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
APPROVING A SPHERE OF INFLUENCE UPDATE FOR
RECLAMATION DISTRICT 2090 (QUIMBY ISLAND)

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

WHEREAS, Government Code §56425(f) requires that LAFCO review and update the SOI boundaries, as necessary, not less than once every five years; and

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

WHEREAS, LAFCO conducted a 2nd round countywide review of reclamation services, including those provided by Reclamation District (RD) 2090 and adopted written determinations as required by Government Code §56430 on November 18, 2015; and

WHEREAS, the District's service boundary and coterminous SOI encompass approximately 1.2 square miles, and comprise Quimby Island; and

WHEREAS, the MSR report identified one SOI option for RD 2090 – retain the existing coterminous SOI; and

WHEREAS, it is hereby proposed that LAFCO retain the existing coterminous SOI for RD 2090 as shown on the attached map; and

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

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

WHEREAS, the SOI update was duly considered at public hearings held on October 14 and November 18, 2015; and

WHEREAS, Contra Costa LAFCO heard and received all oral and written protests, objections and evidence that were made, presented or filed, and all persons present were given an opportunity to appear and be heard with respect to any matter pertaining to said SOI update.

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

1. Retain the existing coterminous boundary and SOI for RD 2090 as generally depicted on Exhibit A attached hereto.
2. Determine, as lead agency for the purposes of the California Environmental Quality Act (CEQA), that the SOI update is categorically exempt under §15061(b)(3) of the CEQA Guidelines, and direct staff to file a Notice of Exemption.
3. Determine that the Commission has considered the criteria set forth in Government Code §56425(e) as follows:
 - a. *The present and planned land uses in the area, including agricultural and open-space lands* – The District bounds encompass primarily agricultural land (i.e., farmland of local and statewide importance, and prime farmland). All of the land in RD 2090 is under Williamson Act contract.

The District has no land use authority. Contra Costa County and city plans include land uses that could impact the District's services. No change in land use is anticipated in the foreseeable future, and no change in land use will result from this SOI update.

- b. *The present and probable need for public facilities and services in the area* – RD 2090 provides maintenance service to non-project levees and internal drainage facilities on Quimby Island. There has been no recent growth within the District, no growth is anticipated in the future, and future public service needs are limited. No changes in public facilities or services provided by the District will result from this SOI update.
- c. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – RD 2090 facilities are being maintained on an as needed basis. The District reports that all its levees meet Hazard Mitigation Plan (HMP) standards. Financial resources are limited and do not support costs associated with major maintenance and rehabilitation activities. RD 2090 reports that no improvement projects have been implemented in since the 2009 MSR. Retention of the existing SOI will not affect the present capacity of public facilities and adequacy of services provided by RD 2090.
- d. *The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency* – RD 2090 was formed in 1918 and is funded primarily through landowner assessments with some intergovernmental revenues. The social and economic community of interest includes Ellis Island Farms Inc., the sole landowner on the island. The property owner has an economic interest in receiving services from this investment. The SOI update will not affect the existence of any social or economic communities of interest in the area that are relevant to RD 2090.
- e. *Nature, location, extent, functions & classes of services to be provided* – RD 2090 maintains seven miles of earthen levees, over five miles of drainage ditches and two pumping stations. Levees protected by RD 2090 are located around the perimeter of the island.

PASSED AND ADOPTED THIS 18TH day of November 2015, by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

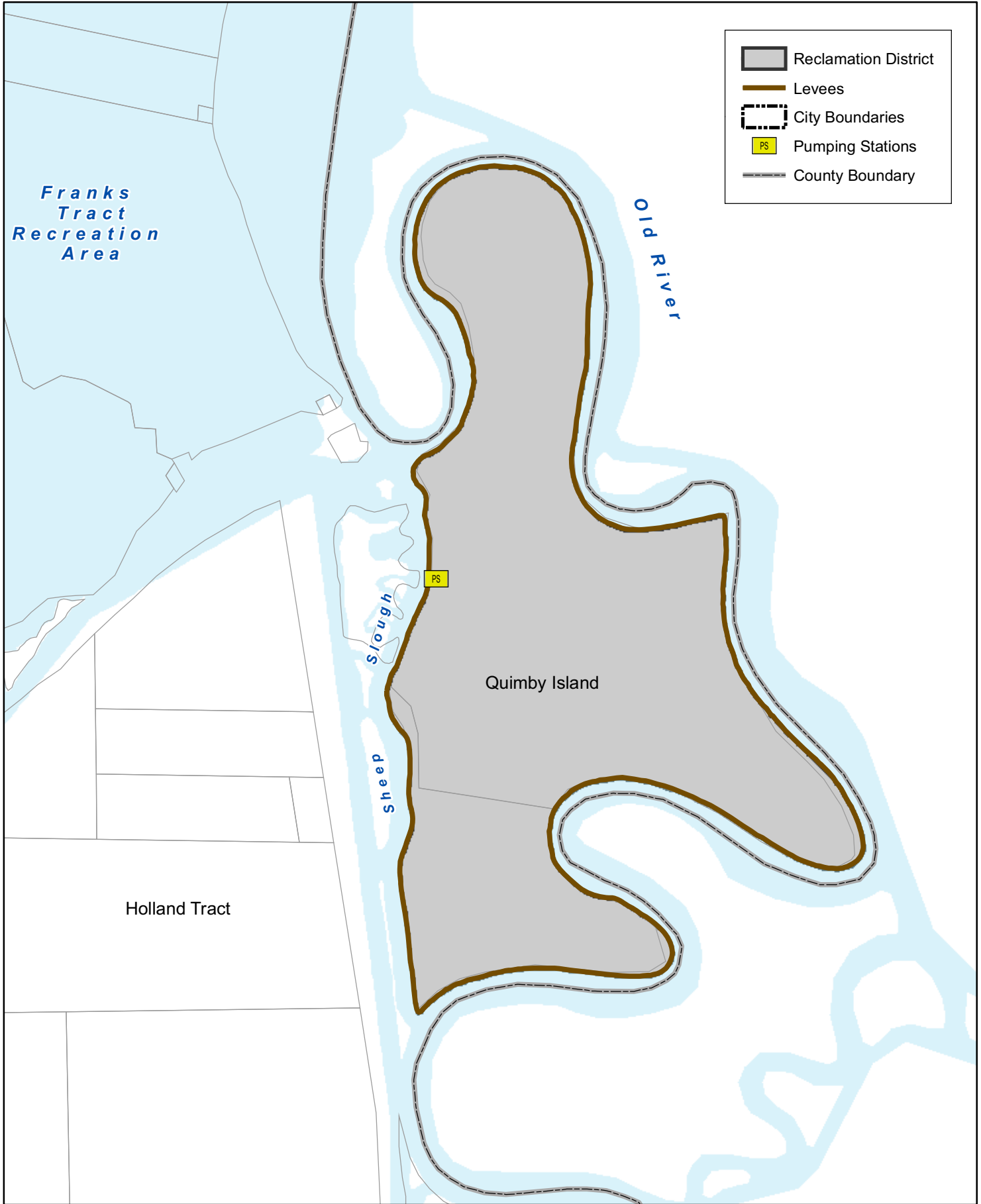
ROB SCHRODER, CHAIR, CONTRA COSTA LAFCO

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

Dated: November 18, 2015

Lou Ann Texeira, Executive Officer

RD 2090 Boundary and Coterminous SOI



RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

**APPROVING A SPHERE OF INFLUENCE UPDATE FOR
RECLAMATION DISTRICT 2117 (CONEY ISLAND)**

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

WHEREAS, Government Code §56425(f) requires that LAFCO review and update the SOI boundaries, as necessary, not less than once every five years; and

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

WHEREAS, LAFCO conducted a 2nd round countywide review of reclamation services, including those provided by Reclamation District (RD) 2117 and adopted written determinations as required by Government Code §56430 on November 18, 2015; and

WHEREAS, the District's service boundary and coterminous SOI encompass approximately 1.5 square miles (935 acres), and comprise Coney Island; and

WHEREAS, the MSR report identified one SOI option for RD 2117 – retain existing coterminous SOI; and

WHEREAS, it is hereby proposed that LAFCO retain the existing coterminous SOI for RD 2117 as shown on the attached map; and

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

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

WHEREAS, the SOI update was duly considered at public hearings held on October 14 and November 18, 2015; and

WHEREAS, Contra Costa LAFCO heard and received all oral and written protests, objections and evidence that were made, presented or filed, and all persons present were given an opportunity to appear and be heard with respect to any matter pertaining to said SOI update.

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

1. Retain the existing coterminous boundary and SOI for RD 2117 as generally depicted on Exhibit A attached hereto.
2. Determine, as lead agency for the purposes of the California Environmental Quality Act (CEQA), that the SOI update is categorically exempt under §15061(b)(3) of the CEQA Guidelines, and direct staff to file a Notice of Exemption.
3. Determine that the Commission has considered the criteria set forth in Government Code §56425(e) as follows:
 - a. *The present and planned land uses in the area, including agricultural and open-space lands* – The District bounds encompass primarily agricultural land (i.e., prime farmland, farmland of statewide importance). All of the land in RD 2117 is under a Williamson Act contract. RD 2117

has no land use authority. Contra Costa County and city plans include land uses that could impact the District's services. No change in land uses are anticipated in the foreseeable future, and no changes will result from this SOI update.

- b. *The present and probable need for public facilities and services in the area* – RD 2117 provides maintenance service to non-project levees and internal drainage facilities on Coney Island. There has been no recent growth within the District and no growth is anticipated in the future. No changes in public facilities or services provided by RD 2117 will result from this SOI update.
- c. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – the District's key infrastructure includes 5.48 miles of non-project levees, an internal drainage system, and one pump station. RD 2117 reports that Hazard Mitigation Plan (HMP) standards have been met for 98 percent of levee length. Since the 2009 MSR, improvements have been completed to approximately 75 percent of the levee length and now meet PL 84-99 standards. Retention of the existing SOI will not affect the present capacity of public facilities and adequacy of services provided by RD 2117.
- d. *The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency* – RD 2117 was formed in 1983 and is funded primarily through landowner assessments and intergovernmental revenues. The social and economic community of interest is Coney Island Farms, the sole landowner on the island. The property owner has an economic interest in receiving services from this investment. The SOI update will not affect the existence of any social or economic communities of interest in the area that are relevant to RD 2117.
- e. *Nature, location, extent, functions & classes of services to be provided* – RD 2117 maintains over five miles of earthen levees, an internal drainage system, and one pumping station. Levees protected by RD 2117 are located around the perimeter of Coney Island.

PASSED AND ADOPTED THIS 18TH day of November 2015, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

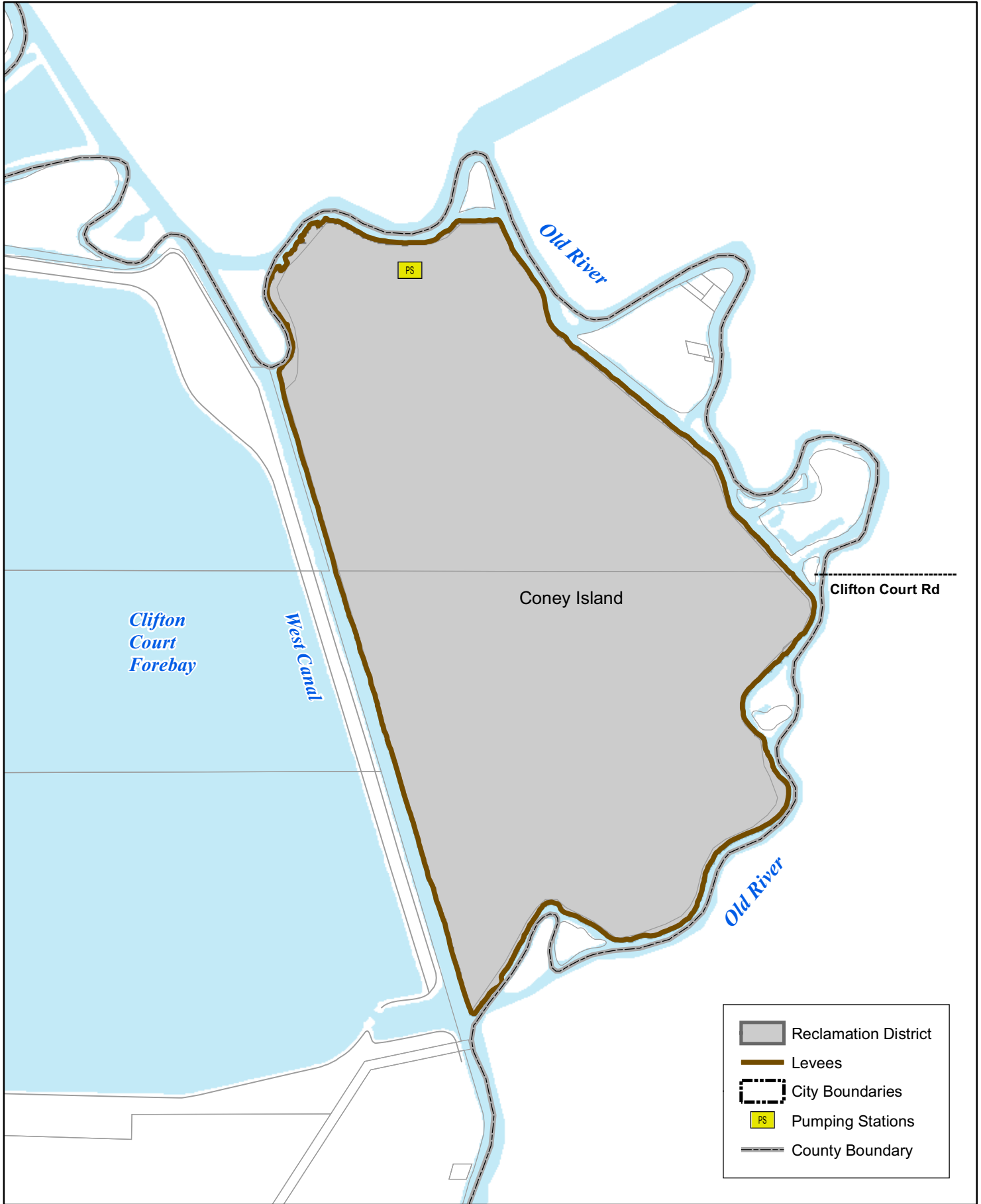
ROB SCHRODER, CHAIR, CONTRA COSTA LAFCO






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

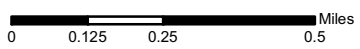
Dated: November 18, 2015

Lou Ann Teixeira, Executive Officer

RD 2117 Boundary and Coterminous SOI



-  Reclamation District
-  Levees
-  City Boundaries
-  Pumping Stations
-  County Boundary



RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

**APPROVING A SPHERE OF INFLUENCE UPDATE FOR
RECLAMATION DISTRICT 2121 (BIXLER TRACT)**

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

WHEREAS, Government Code §56425(f) requires that LAFCO review and update the SOI boundaries, as necessary, not less than once every five years; and

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

WHEREAS, LAFCO conducted a 2nd round countywide review of reclamation services, including those provided by Reclamation District (RD) 2121 and adopted written determinations as required by Government Code §56430 on November 18, 2015; and

WHEREAS, the District's service boundary and coterminous SOI encompass approximately 584 acres, and include the Bixler Tract; and

WHEREAS, the MSR report identified two SOI options for RD 2121 including adopting a zero SOI to allow for future reorganization of the District; and

WHEREAS, RD 2121 does not participate in the State levee subvention program, does not file financial reports with the State Controller, and is essentially inactive. No adjacent RDs are in a position to assume services for RD 2121; and consolidation is not feasible; and

WHEREAS, it is hereby proposed that LAFCO adopt a zero SOI for RD 2121 signaling a future change of organization (i.e., dissolution, consolidation); and

WHEREAS, no change in regulation, land use or development will occur as a result of adopting a zero SOI for RD 2121; and

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

WHEREAS, the SOI update was duly considered at public meetings held October 14, and November 18, 2015; and

WHEREAS, Contra Costa LAFCO heard and received all oral and written protests, objections and evidence that were made, presented or filed, and all persons present were given an opportunity to appear and be heard with respect to any matter pertaining to said SOI update.

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

1. Adopt a zero SOI for RD 2121.
2. Determine, as lead agency for the purposes of the California Environmental Quality Act (CEQA), that the SOI update is categorically exempt under §15061(b)(3) of the CEQA Guidelines, and direct staff to file a Notice of Exemption.
3. Determine that the Commission has considered the criteria set forth in Government Code §56425(e) as follows:

- a. *The present and planned land uses in the area, including agricultural and open-space lands* – RD 2121’s bounds encompass agricultural activities and include prime farmland, farmland of local and statewide importance, and unique farmland. A farm headquarters facility exists on site and includes offices, farm worker housing and additional storage structures. There is no Williamson Act contracted land within the District. The District is not a land use agency. Contra Costa County and city plans include land uses that may impact the District’s services. No change in land uses are anticipated in the foreseeable future, and no changes will result from adopting a zero SOI.

- a. *The present and probable need for public facilities and services in the area* – RD 2121 provides maintenance service to non-project levees and internal drainage facilities on Bixler Tract. There has been no recent growth within the District, no future growth is anticipated, and future public service needs are limited. No changes in public facilities or services provided by the District will result from adopting a zero SOI.

- b. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – the District’s key infrastructure includes two miles of agricultural levees, an internal drainage system, and one pump station. The levees are constructed of earthen material with concrete rubble and some rip-rap on the water side, but do not meet any particular standard. Since the 2009 MSR, the District reports that approximately 6,000 yards of fill was applied to the eastern levee, increasing the levee crown to 11 feet. In the coming years, the District indicates it will complete a similar process for the northern levee to increase the levee crown to 11 feet along the northern levee’s 4,000 foot length. Adoption of a zero SOI update will not affect the present capacity of public facilities and adequacy of services provided by RD 2121.

- c. *The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency* – RD 2121 was formed in 1984 and receives no funding. The social and economic community of interest is the Bloomfield family, the only landowner on Bixler Tract. Adopting a zero SOI will not affect the existence of any social or economic communities of interest in the area that are relevant to RD 2121.

- d. *Nature, location, extent, functions & classes of services to be provided* – RD 2121 maintains two miles of earthen levees, drainage ditches and one pumping station. Levees protected by RD 2121 are located on the east side of the tract adjacent to Werner Dredge Cut and on the north side adjacent to Dead Dog Slough.

PASSED AND ADOPTED THIS 18TH day of November 2015, by the following vote:

AYES:
 NOES:
 ABSTENTIONS:
 ABSENT:

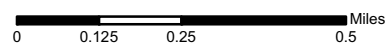
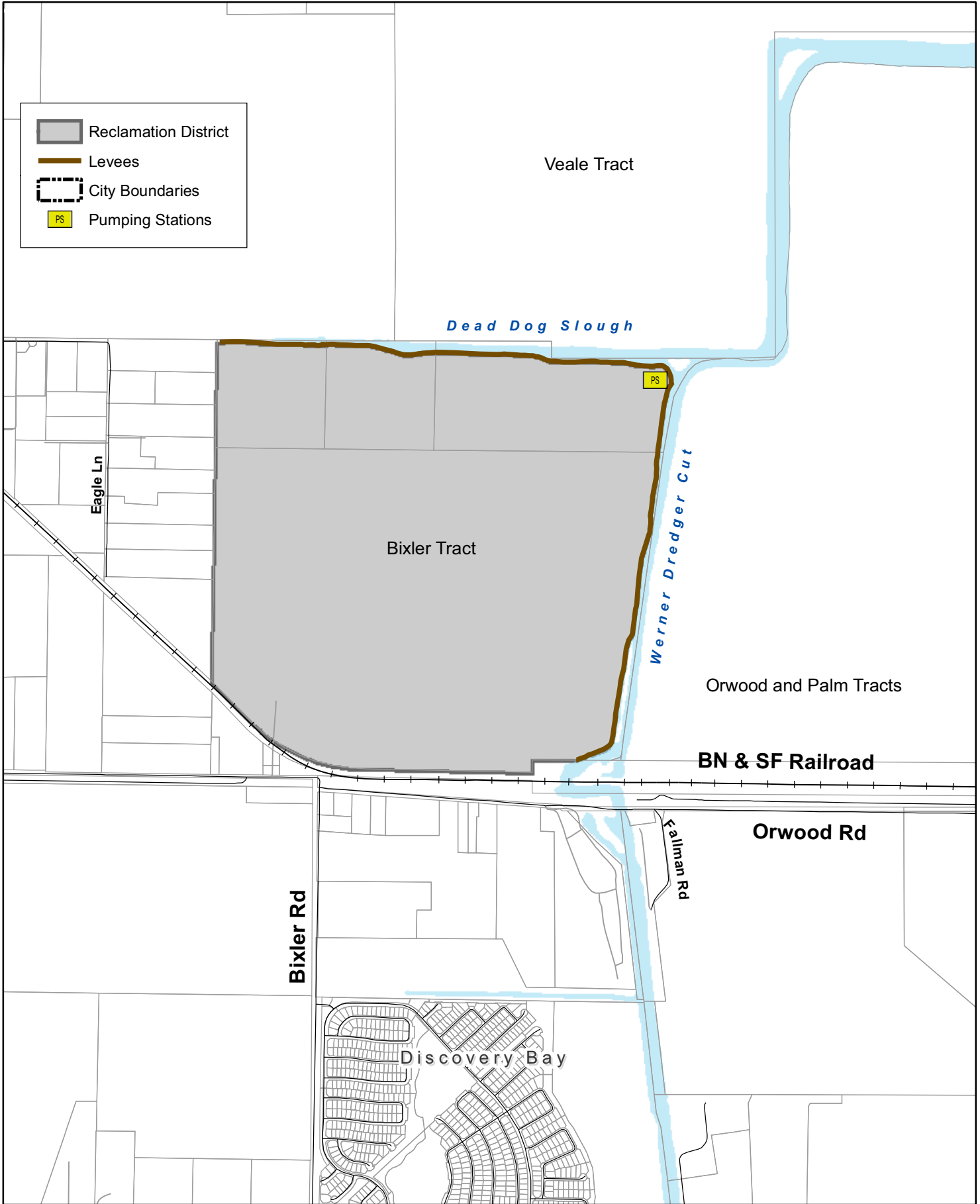
 ROB SCHRODER, CHAIR, CONTRA COSTA LAFCO

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

Dated: November 18, 2015

 Lou Ann Teixeira, Executive Officer

RD 2121 Boundary and Zero SOI



RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

**APPROVING A SPHERE OF INFLUENCE UPDATE FOR
RECLAMATION DISTRICT 2122 (WINTER ISLAND)**

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

WHEREAS, Government Code §56425(f) requires that LAFCO review and update the SOI boundaries, as necessary, not less than once every five years; and

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

WHEREAS, LAFCO conducted a 2nd round countywide review of reclamation services, including those provided by Reclamation District (RD) 2122 and adopted written determinations as required by Government Code §56430 on November 18, 2015; and

WHEREAS, the District's service boundary and coterminous SOI encompass approximately 453 acres, and comprise Winter Island; and

WHEREAS, the MSR report identified one SOI option for RD 2122 – retain the existing coterminous SOI; and

WHEREAS, it is hereby proposed that LAFCO retain the existing coterminous SOI for RD 2122 as shown on the attached map; and

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

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

WHEREAS, the SOI update was duly considered at public hearings held on October 14 and November 18, 2015; and

WHEREAS, Contra Costa LAFCO heard and received all oral and written protests, objections and evidence that were made, presented or filed, and all persons present were given an opportunity to appear and be heard with respect to any matter pertaining to said SOI update.

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

1. Retain the existing coterminous boundary and SOI for RD 2122 as generally depicted on Exhibit A attached hereto.
2. Determine, as lead agency for the purposes of the California Environmental Quality Act (CEQA), that the SOI update is categorically exempt under §15061(b)(3) of the CEQA Guidelines, and direct staff to file a Notice of Exemption.
3. Determine that the Commission has considered the criteria set forth in Government Code §56425(e) as follows:
 - a. *The present and planned land uses in the area, including agricultural and open-space lands – RD 2122's territory is primarily natural wetlands and is unpopulated. The island is only accessible by boat. The land uses are primarily recreational and natural wetlands. Winters*

Island serves as a wildlife habitat to waterfowl, other birds, and a variety of mammal species. The entire island is classified as marshland by the California Department of Conversation. There is no Williamson Act contracted land within the District. RD 2122 is not a land use agency. Contra Costa County and city plans include land uses that could impact the District services. No change in land uses are anticipated in the foreseeable future, and no change in land uses will result from this SOI update.

- b. *The present and probable need for public facilities and services in the area* – The District provides maintenance service to non-project levees and flood gates on Winter Island. No population growth is expected in the foreseeable future, and future public service needs are limited. No changes in public facilities or services provided by the District will result from this SOI update.
- c. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – RD 2122’s key infrastructure includes 5.0 miles of earthen levees and two tidal gates. The District reports that 1.5 miles of levees meet the Hazard Mitigation Plan (HMP) standard, and the remaining 3.5 miles of levees do not meet these standards, as previously reported in the 2009 MSR. Financial resources are limited and do not support costs associated with major maintenance and rehabilitation activities. Improvements to the levees have been ongoing in the past few years and are expected to continue as funds are allocated by the owner. The District has prepared a Five Year Plan and submitted for a Special Projects Grant that is pending review and approval. Retention of the existing SOI will not affect the present capacity of public facilities and adequacy of services provided by RD 2122.
- d. *The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency* – RD 2122 was formed in 1984 and is funded primarily through intergovernmental revenues. The social and economic community of interest is Winter Island Farms, the sole landowner on the island. The property owner has an economic interest in receiving services from this investment. The SOI update will not affect the existence of any social or economic communities of interest in the area that are relevant to RD 2122.
- e. *Nature, location, extent, functions & classes of services to be provided* – RD 2122 maintains five miles of earthen levees and two tidal gates. Levees protected by RD 2122 are located around the perimeter of Winter Island.

PASSED AND ADOPTED THIS 18TH day of November 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 above.

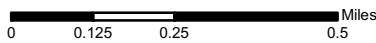
Dated: November 18, 2015

Lou Ann Teixeira, Executive Officer

RD 2122 Boundary and Coterminous SOI



- Reclamation District
- Levees
- City Boundaries
- Flood Gates
- County Boundary



RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

**APPROVING A SPHERE OF INFLUENCE UPDATE FOR
RECLAMATION DISTRICT 2137**

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

WHEREAS, Government Code §56425(f) requires that LAFCO review and update the SOI boundaries, as necessary, not less than once every five years; and

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

WHEREAS, LAFCO conducted a 2nd round countywide review of reclamation services, including those provided by Reclamation District (RD) 2137 and adopted written determinations as required by Government Code §56430 on November 18, 2015; and

WHEREAS, the District's service boundary and coterminous SOI encompass approximately 785 acres, primarily within the boundary of the City of Oakley; and

WHEREAS, the MSR report included several SOI and governance options for RD 2137; and

WHEREAS, it is hereby proposed that LAFCO retain the existing coterminous SOI for RD 2137 as shown on the attached map; and

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

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

WHEREAS, the SOI update was duly considered at public meetings held on October 14, and November 18, 2015; and

WHEREAS, Contra Costa LAFCO heard and received all oral and written protests, objections and evidence that were made, presented or filed, and all persons present were given an opportunity to appear and be heard with respect to any matter pertaining to said SOI update.

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

1. Retain the existing coterminous boundary and SOI for RD 2137 as generally depicted on Exhibit A attached hereto.
2. Determine, as lead agency for the purposes of the California Environmental Quality Act (CEQA), that the SOI update is categorically exempt under §15061(b)(3) of the CEQA Guidelines, and direct staff to file a Notice of Exemption.
3. Determine that the Commission has considered the criteria set forth in Government Code §56425(e) as follows:
 - a. *The present and planned land uses in the area, including agricultural and open-space lands* – The District's land uses are primarily pasture, fallow ground, and open space/habitat area and include prime farmland, farmland of local and statewide importance, and unique farmland. There is no Williamson Act contracted land within the District. RD 2137 lands make up a majority of the Dutch Slough Restoration Project site which was purchased by the DWR in

2003. The District is not a land use authority. Contra Costa County and city plans include land uses and population growth that could impact the District services. No changes will result from this SOI update.

- b. *The present and probable need for public facilities and services in the area* – RD 2137 provides levee maintenance, drainage service, habitat restoration and other services necessary to implement the Dutch Slough Tidal Marsh Restoration Project. There has been no recent growth within the District, no future growth is anticipated in the future, and future public service needs are limited. No changes in public facilities or services provided by the District will result from this SOI update.
- c. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – the District’s key infrastructure includes 3.8 miles of agricultural levees, an internal drainage system, and two pump stations. The District reports that three miles of the 3.8 mile levee system meet Hazard Mitigation Project (HMP) standards. Since the 2009 MSR, the District has raised the levee crown elevation as part its ongoing maintenance program. RD 2137 has also received a \$9.4 million grant from the DWR to rehabilitate the entire levee system. Retention of the existing SOI will not affect the present capacity of public facilities and adequacy of services provided by RD 2137.
- d. *The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency* – RD 2137 was formed in 2003 and is financed primarily through assessments. The social and economic community of interest includes the City of Oakley and those members of the general public who will enjoy the various natural features and aspects of the tidal marsh project. The SOI update will not affect the existence of any social or economic communities of interest in the area that are relevant to RD 2137.
- e. *Nature, location, extent, functions & classes of services to be provided* – RD 2137 maintains four miles of earthen levees, drainage ditches, and pump stations. The location of facilities includes levees necessary to implement the Dutch Slough Tidal Marsh Restoration Project.

PASSED AND ADOPTED THIS 18TH day of November 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 above.

Dated: November 18, 2015

Lou Ann Texeira, Executive Officer

RD 2137 Boundary and Coterminous SOI





Lou Ann Texeira
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
 Stanley Caldwell
Special District Member

November 18, 2015 (Agenda)

November 18, 2015
 Agenda Item 8

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 LAFCO Policies & Procedures Committee regarding activities relating to developing a Contra Costa LAFCO Agricultural & Open Space Preservation Policy (AOSPP) and next steps.

BACKGROUND

On July 8, 2015, Contra Costa LAFCO hosted an Agricultural & Open Space Preservation Workshop. 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 the Contra Costa LAFCO policy should address.

On August 12, 2015, the Policies & Procedures Committee provided a summary of LAFCO law, highlights of its work to date, including a collection of LAFCO policies representing 18 different LAFCOs from around the State, a summary of Government Code sections relating to preserving agricultural and open space lands (see march 11, 2015 LAFCI agenda), and a series of maps. At that time, the Committee initiated a discussion with the Commission as to what type of AOSPP Commissioners want, if any. The Committee presented a decision tree to help guide the conversation. That decision tree, which has been amended, is shown in Attachment 1.

Following input from the Commissioners and members of the public, including representatives from environmental groups, the agricultural community, the building industry and economic development interests, the Commission recommended that the Committee conduct outreach to several groups to inquire as to how these groups would like to work with LAFCO on a proposed policy.

THE COMMITTEE’S WORK TO DATE

In October, the Committee reported on its meetings with the Planning Committee of the Contra Costa Transportation Authority (CCTA), Contra Costa Public Managers Association (PMA), and County Planning Directors Association.

Since the October LAFCO meeting, the Committee made a presentation to the Contra Costa Special Districts Association (CCSDA); and Commissioner Tatzin made a presentation to the CCTA Board.

What we Learned - The meetings with these groups were useful – here is some of what we learned:

- The groups are generally interested in a LAFCO AOSPP. The level of interest is related to how close a community is to agricultural and open space land and what its expansion concepts are.
- The boards ask that LAFCO advise them of our progress periodically and engage the most affected jurisdictions (i.e., cities of Antioch, Brentwood, Clayton, Concord, Oakley, Pittsburg, San Ramon, and Walnut Creek). LAFCO staff has reached out to these agencies. Those who have responded to date indicate that they would like to be involved in the conversation, and have asked that LAFCO staff notify them as to when the Commission will discuss the matter. They have been notified of today's meeting.
- Some jurisdictions want to annex open space and parkland because they believe this will make it more likely that it remains open space. For example, parkland west of San Ramon, and the Montanera Gateway annexation of parkland to Orinda approved by LAFCO in 2006.
- School districts sometimes wish to locate in areas that are designated for agricultural uses, which can be challenging.
- Through the assistance of the County, we identified sites that may be subject to requests for SOI adjustments and/or annexation. The maps show that many of these are on prime or important agricultural lands. (Attachment 2)
- Martin Englemann, Deputy Director for Planning from CCTA, made a presentation at the October LAFCO meeting. He provided information about the Urban Limit Line (ULL) that the CCTA uses as part of its allocation of return to source funding. He also discussed how jurisdictions are planning to implement Plan Bay Area, noting that all of the housing and jobs growth anticipated for Contra Costa County through 2040 can occur within the current ULL.

Additional Feedback – Prior to the LAFCO Agricultural & Open Space Preservation Workshop, staff asked the City/County Planning staff to provide information relating to Agricultural and Open Space General Plan and Zoning designations and policies. The LAFCO Planner has prepared a summary of the responses received to date (Attachment 3). The County and a number of cities have agricultural and open space policies designed to protect these areas. A LAFCO policy could complement those policies already adopted by the land use agencies.

LAFCO has also received input from the Brentwood Agricultural Land Trust (BALT) recommending that Contra Costa LAFCO adopt an agricultural protection policy to mitigate for the cumulative impact of the loss of Contra Costa's farm and ranchland. The BALT paper also provides background information relating to agriculture today in Contra Costa County, current tools for protecting agriculture in the County, reasons why a LAFCO policy is important, and some ideas for a successful LAFCO agricultural policy (Attachment 4).

We also heard from John Cunningham, Principal Planner with Contra Costa County regarding the County's interests and efforts in reforming school siting policies and practices. The County is collaborating with the California Farm Bureau Federation to address conversion of agricultural land, and more specifically, conversion to school sites. In 2014, the County prepared its *School Siting and Safety Initiative* which outlines some of the challenges, concerns and potential remedies relating to school siting (Attachment 5).

Also at the October LAFCO meeting, Commissioner Skardoff reported that he is working on some ideas relating to the open space component. Open space is a little more difficult to define than agricultural land. The LAFCO law defines “open space” as follows: **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. Section 65560 is attached for reference (Attachment 6).

Contra Costa County is fortunate in that the environmental community and the East Bay Regional Park District have done an outstanding job preserving and protecting open space in our county. Their efforts are further enhanced through East Contra Costa Habitat Conservation Plan.

Commissioner Skardoff will provide the Commission with an update on his research at the November 18th LAFCO meeting.

NEXT STEPS

If the Commission is comfortable with the information presented, the Committee recommends resuming the discussion as outlined in the decision tree.

RECOMMENDATION:

Receive update and provide direction.

Respectfully submitted,

Sharon Burke and Don Tatzin

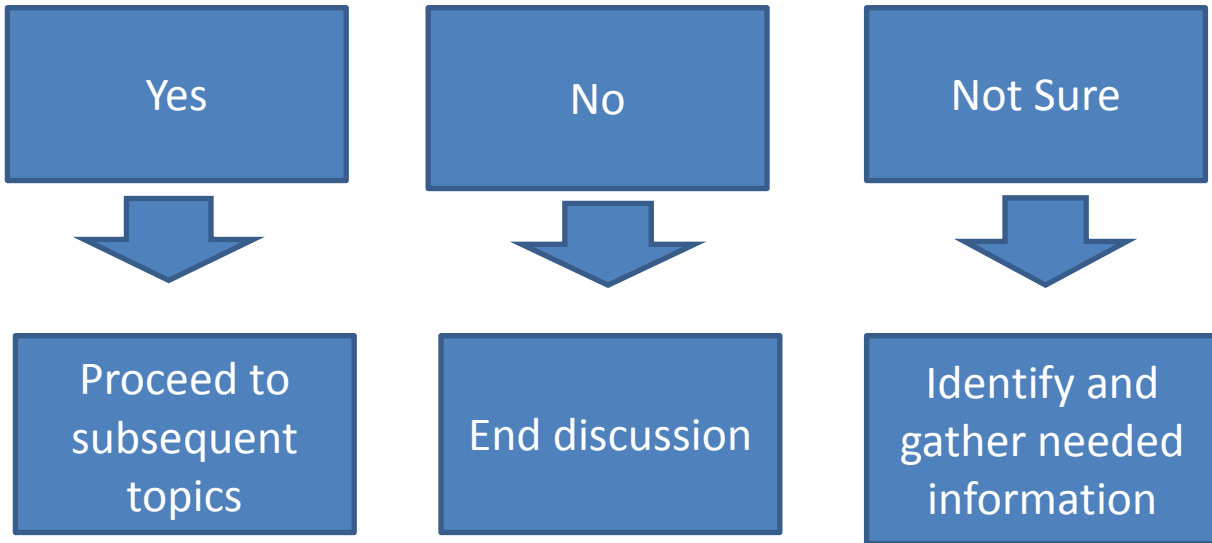
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Attachments

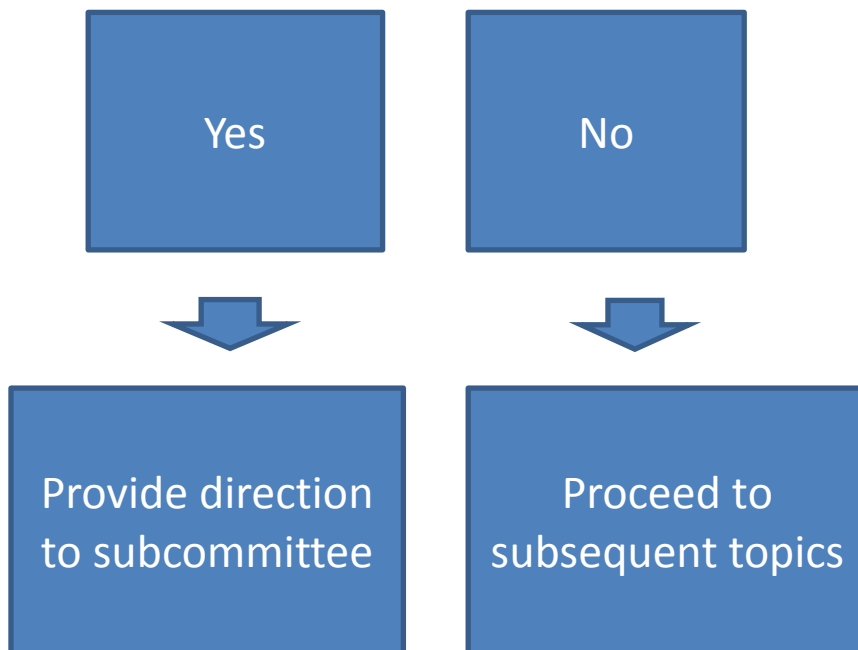
1. Decision Tree
2. Presentation Maps from Outreach Discussions and October Contra Costa LAFCO Meeting
3. Summary - City/County Agricultural and Open Space General Plan and Zoning Designations and Policies
4. Correspondence - Brentwood Agricultural Land Trust
5. Contra Costa County *School Siting and Safety Initiative*
6. Government Code Section 65560 – Definition of Open Space

LAFCO AGRICULTURAL & OPEN SPACE PRESERVATION POLICY DECISION TREE

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

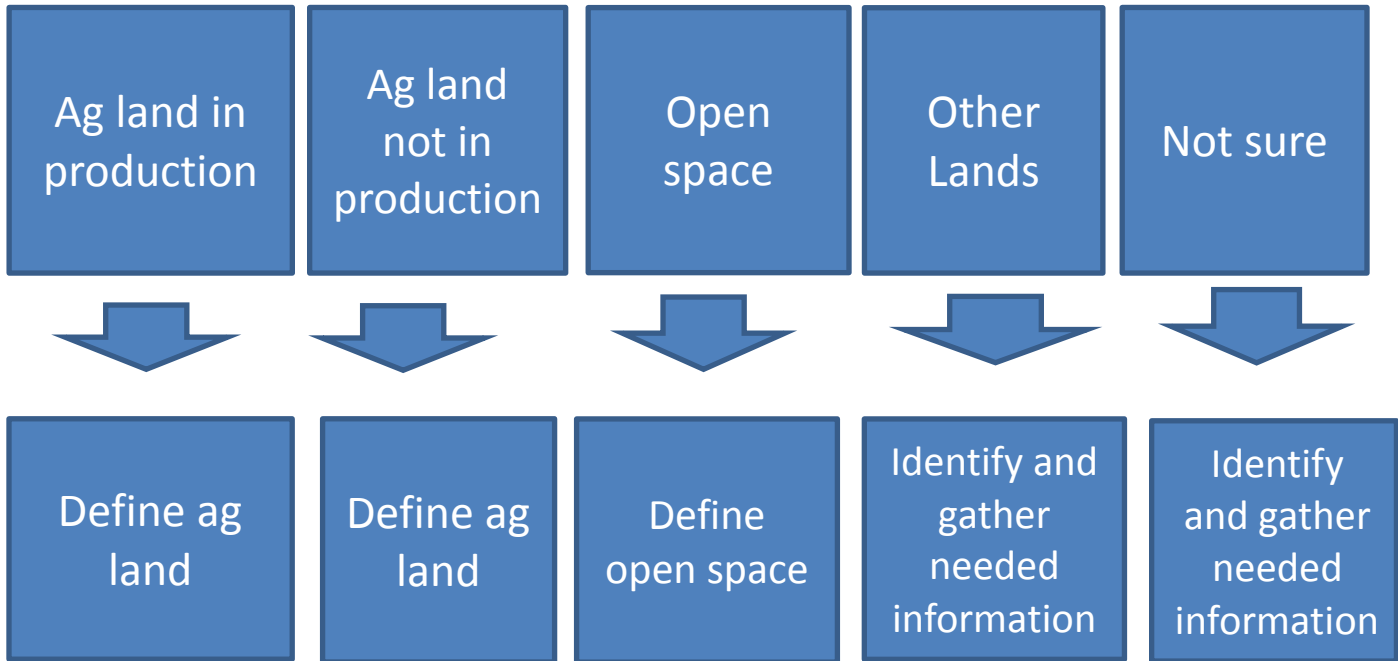


II. Should the CC LAFCO policy simply restate LAFCO law?



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.

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

Economically/ environmentally productive ag and open space	Land in reservoirs/ watersheds	Land in Priority Conservation Areas
Unused ag and open space lands	Other lands, e.g., park land	Not sure

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
- ✓ Annexation to urban services districts where the annexation is needed to keep the land in active agricultural use, e.g., water districts
- ✓ Other

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, e.g., commitment from the annexing jurisdiction that the land will remain in ag or open space uses?

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?

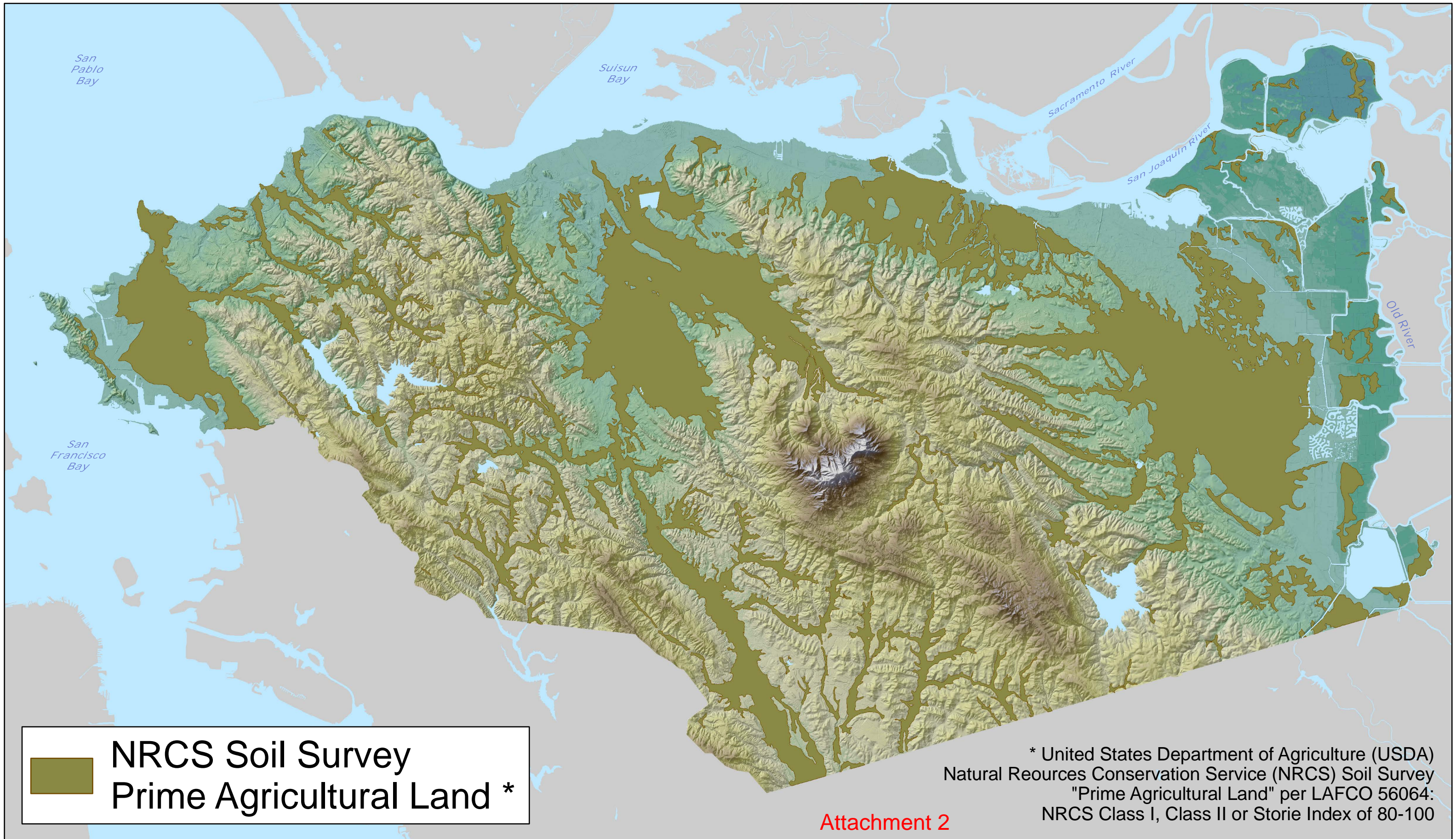
- ✓ If fees can be paid to protect land, how is the fee established? For example, should the approved protecting agency set the fee with LAFCO concurrence, should an annexing agency set the fee, should LAFCO provide guidelines and set the fee on a case-by-case basis?

- ✓ 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.)

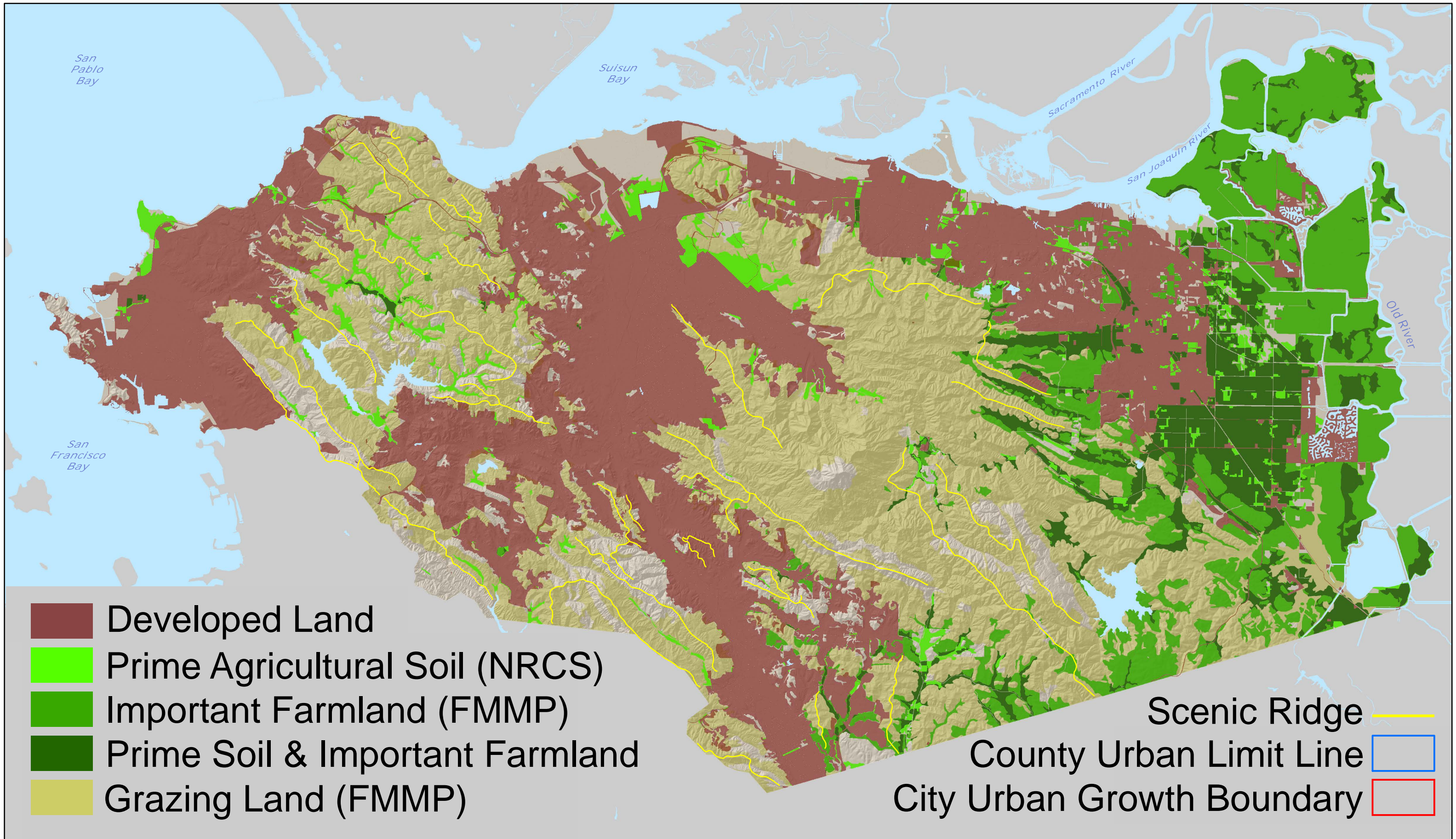
- ✓ What types of organizations can hold protected land and/or easements (e.g., City, EBRPD, agricultural or other land trust, etc.)

- ✓ Other?

Prime Agricultural Soil



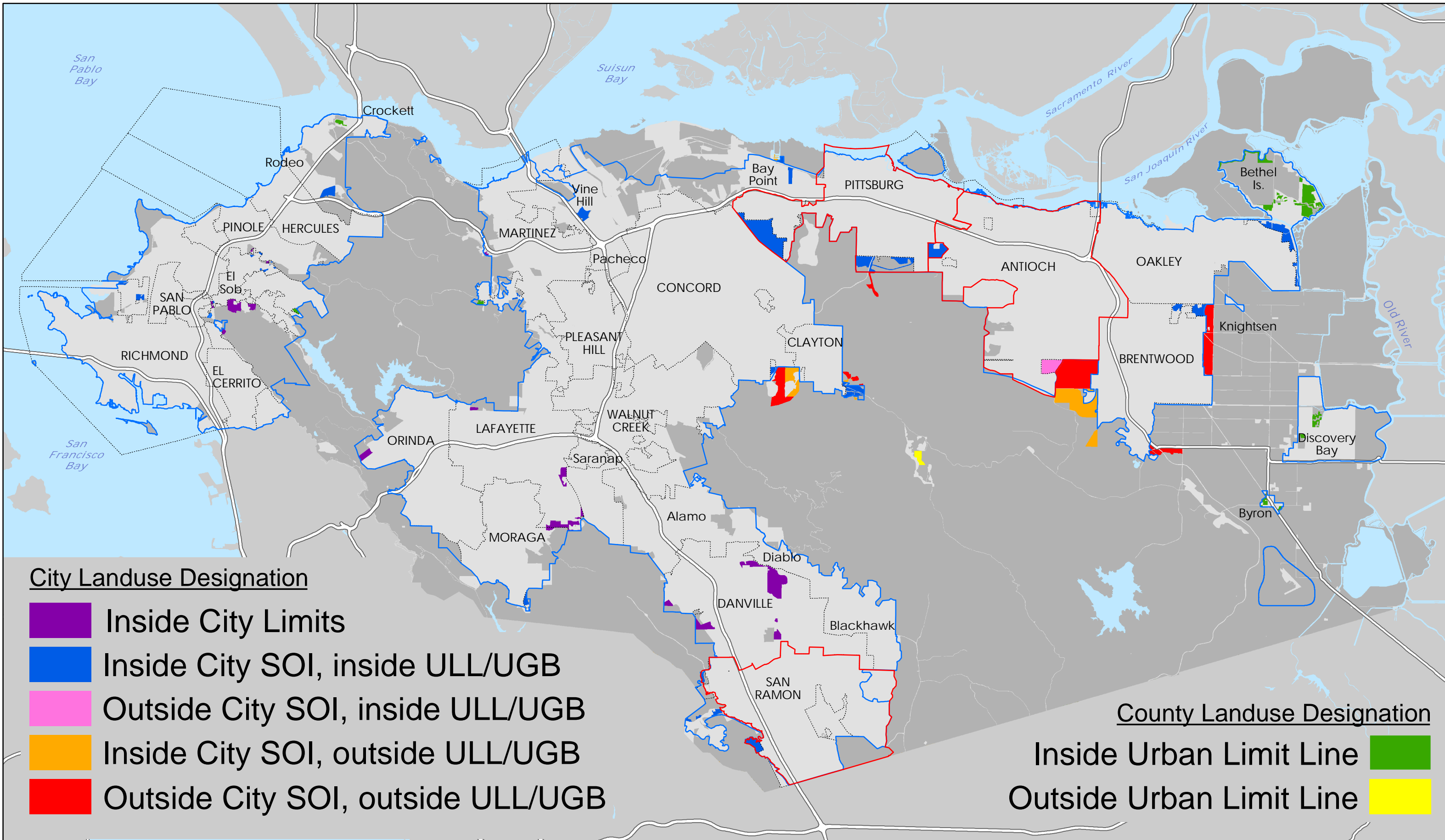
Prime Agricultural Soil and Important Farmland



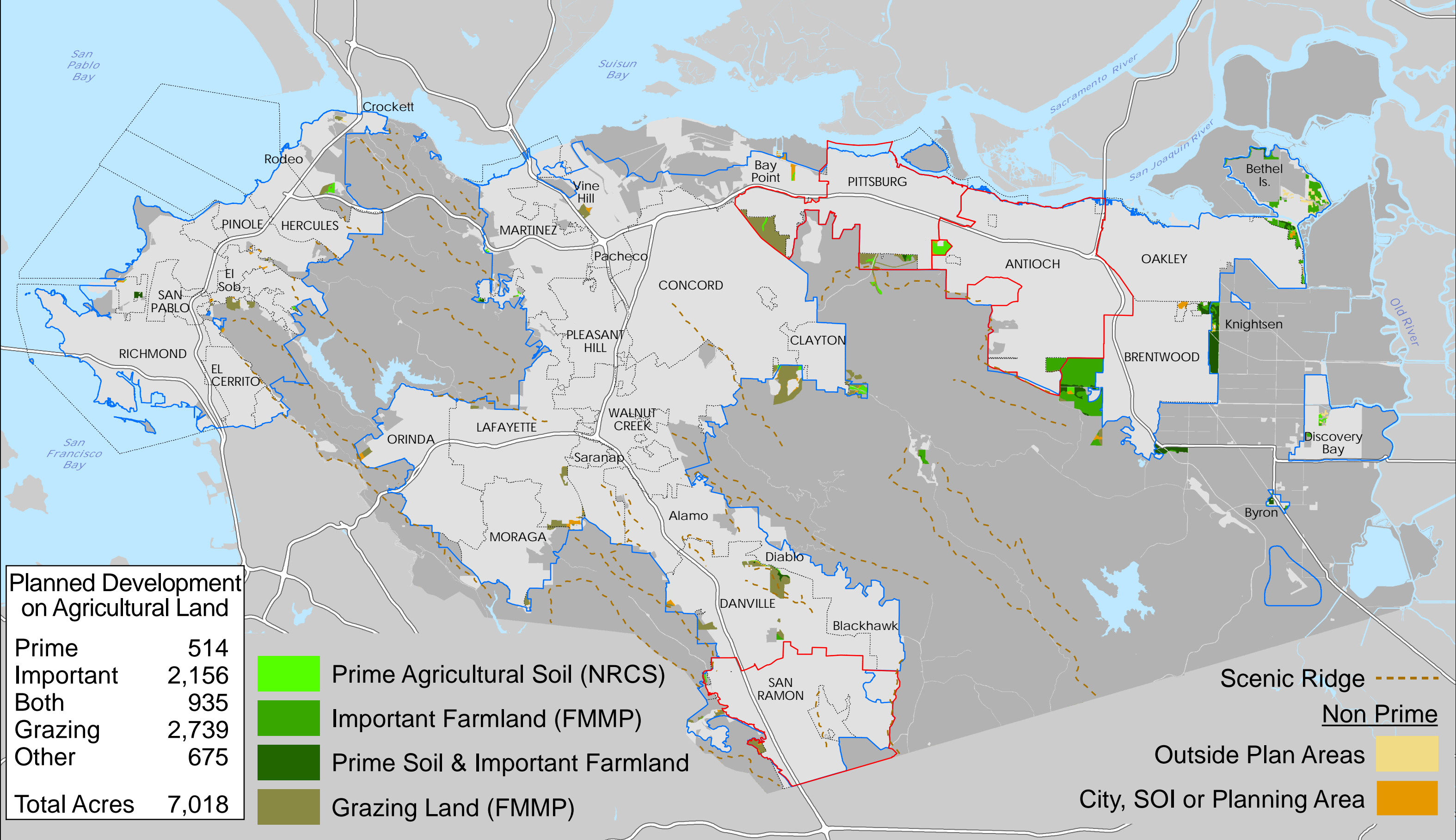
- Developed Land
- Prime Agricultural Soil (NRCS)
- Important Farmland (FMMP)
- Prime Soil & Important Farmland
- Grazing Land (FMMP)

- Scenic Ridge
- County Urban Limit Line
- City Urban Growth Boundary

Planned Development inside and outside of ULL / UGB



Planned Development on Prime Farmland



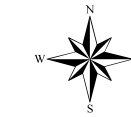
Map created 9/3/2015
 by Contra Costa County Department of
 Conservation and Development, GIS Group
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No Planned Development

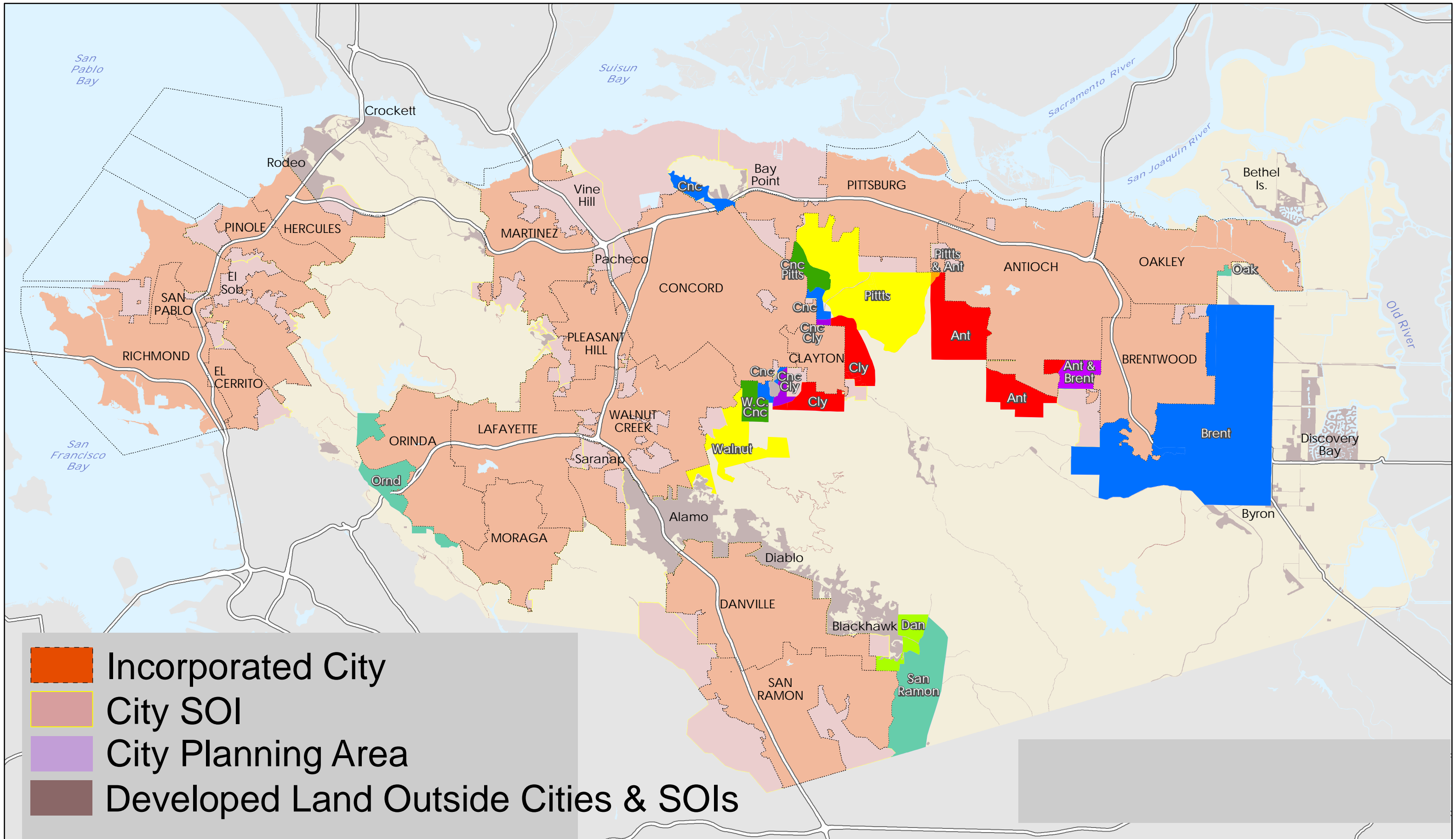
In Urban Services District or developed land

City Limit

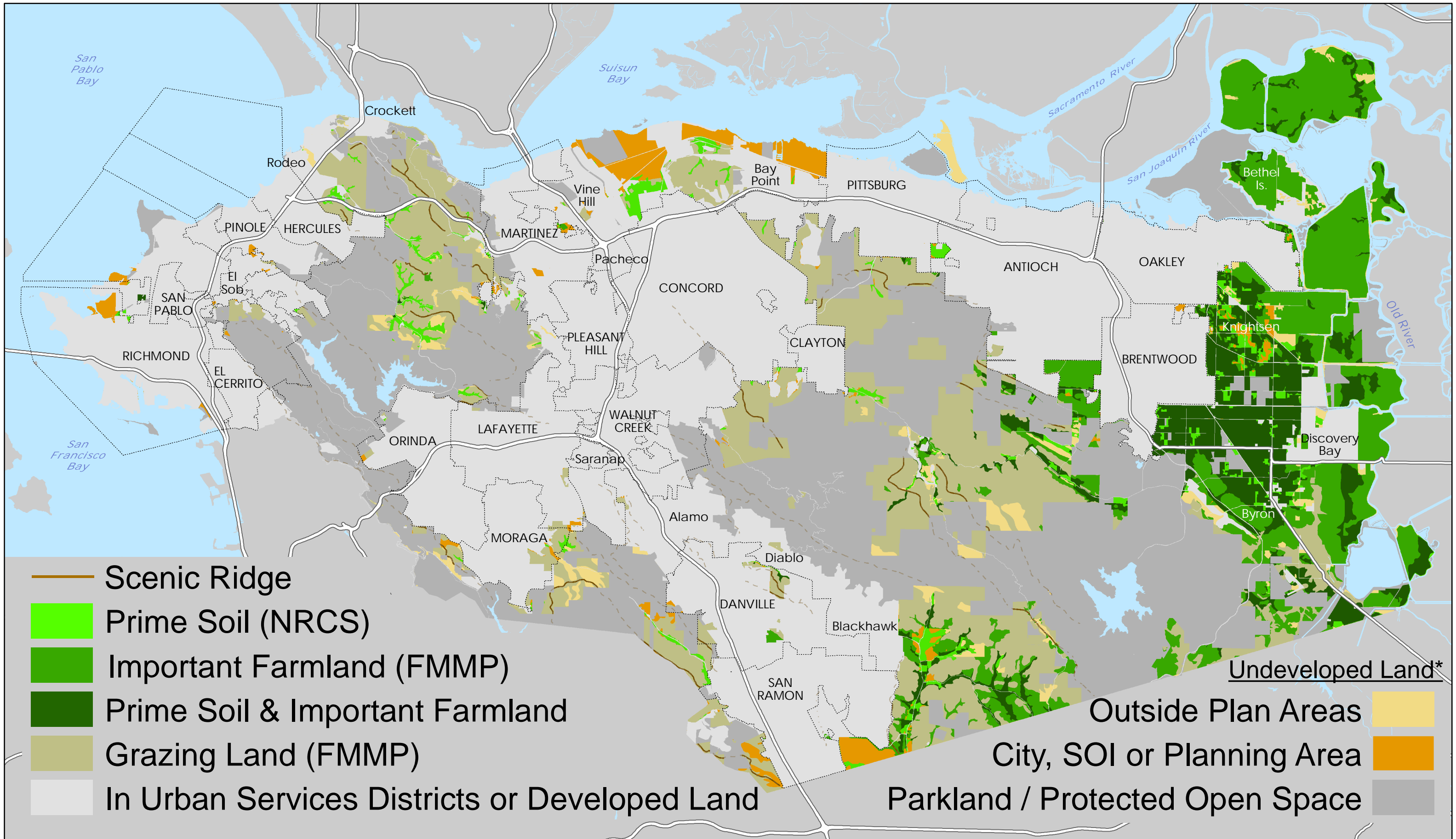
County ULL
 City UGB



Incorporated Cities, Spheres of Influence and Planning Areas



Prime Farmland with potential for LAFCO action



Map created 9/3/2015
 by Contra Costa County Department of
 Conservation and Development, GIS Group
 30 Muir Road, Martinez, CA 94553
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* Undeveloped Land in this discussion refers ONLY to those areas that would need LAFCO approval to obtain water and/or wastewater service.



Compilation of General Plan Policies Related to Preservation of agricultural Resources and/or Open Space - Contra Costa Cities and the County of Contra Costa

Jurisdiction	General Plan Provisions	Comments
Contra Costa County	<p>The GP has two land use categories related to agricultural lands – AL (Agricultural Lands) and AC (Agricultural Core).</p> <p>Agricultural Lands (AL). This land use designation includes most of the privately owned rural lands in the County, excluding private lands that are composed of prime soils or lands that are located in or near the Delta. Most of these lands are in hilly portions of the County and are used for grazing livestock, or dry grain farming. The category also includes non-prime agricultural lands in flat East County areas, such as outside Oakley, which are planted in orchards. Some of the Agricultural Lands east of Oakley and Byron are included in the 100-year flood plain, as mapped by the Federal Emergency Management Agency (FEMA).</p> <p>The purpose of the Agricultural Lands designation is to preserve and protect lands capable of and generally used for the production of food, fiber, and plant materials.</p> <p>Agricultural Core (AC). This designation applies to agricultural lands that are composed primarily of prime (Class I or II) soils in the Soil Conservation Service Land Use Capability Classifications, which are considered the very best soils for farming a wide variety of crops. Lands designated as Agricultural Core are located in East County outside the ULL to the east, south, and west of the City of Brentwood. Much of the land in this designation is under active cultivation of intensive row crops, such as tomatoes and other vegetables. A portion of the Agricultural Core lands are included within the 100-year flood zone, as identified by the U.S. Federal Emergency Management Agency (FEMA).</p> <p>The purpose of the Agricultural Core designation is to preserve and protect the farmlands of the County which are the most capable of, and generally used for, the production of food, fiber, and plant materials. Agricultural operations in the Agricultural Core shall, in accordance with Measure C - 1990, be protected by requiring a higher minimum parcel size than the Agricultural Lands designation, to attempt to maintain economically viable, commercial agricultural units. The creation of small uneconomical units will be discouraged by land use controls and by specifically discouraging minor subdivisions and "ranchette"</p>	<p>Land Uses that are potentially consistent with and allowed in Agriculturally designated areas include:</p> <ul style="list-style-type: none"> • Parks and Recreation, • Open Space, • Agricultural Lands, Agricultural Core and • Delta Recreation <p>Comment: it can be seen from the excerpts of GP text shown at left that County policies are aimed at preserving agricultural activities; the policies recognize these as viable economic activities and that the aesthetic and nostalgic aspects of agriculture are secondary.</p>

Compilation of General Plan Policies Related to Preservation of agricultural Resources and/or Open Space - Contra Costa Cities and the County of Contra Costa

Jurisdiction	General Plan Provisions	Comments
	<p>housing development. The uses that are allowed in the Agricultural Core designation are the same as those allowed, without the issuance of a land use permit, in the Agricultural Lands designation. Except for wineries and olive oil mills, each of which typically includes tasting rooms and a limited retail sales area, none of the uses described as conditional uses in the Agricultural lands designation are considered appropriate in the Agricultural Core designation.</p> <p>The over-arching Land Use policy is the 65/35 policy which limits urban development to no more than 35 percent of the land and requires that at least 65 percent of all land be preserved for agriculture, open space, wetlands, parks and other non-urban uses.</p> <p>Policy 9-3 in the Conservation Element states: Areas designated for open space shall not be considered as a reserve for urban land uses. The Conservation Element focuses on 3 aspects of conservation lands: Scenic Resources, Historic/Cultural Resources and Parks and Recreation.</p> <p>Policy 3-10. The extension of urban services into agricultural areas outside the Urban Limit Line, especially growth-inducing infrastructure, shall be generally discouraged.</p> <p>3-11. Urban uses shall be expanded only within an Urban Limit Line where conflicts with the agricultural economy will be minimal.</p> <p>3-12. Preservation and buffering of agricultural land should be encouraged as it is critical to maintaining a healthy and competitive agricultural economy and assuring a balance of land uses. Preservation and conservation of open space, wetlands, parks, hillsides and ridgelines should be encouraged as it is crucial to preserve the continued availability of unique habitats for wildlife and plants, to protect unique scenery and provide a wide range of recreational opportunities for County residents.</p> <p>3-13. Promote cooperation between the County and cities to preserve agricultural and open space land.</p> <p>3-14. Protect prime productive agricultural land from inappropriate subdivisions.</p>	

Compilation of General Plan Policies Related to Preservation of agricultural Resources and/or Open Space - Contra Costa Cities and the County of Contra Costa

Jurisdiction	General Plan Provisions	Comments
Brentwood	<p>Current General Plan adopted July 22, 2014.</p> <p>Relevant Land Use categories in the General Plan include:</p> <ul style="list-style-type: none"> • Public Facility (PF) • Semi Public Facility (SPF) • Parks (P) • Schools (SCH) • Community College (CC) • Permanent Open Space (POS) • Agricultural Conservation (AC) • Urban Reserve (UR) <p>General Plan policies related to agriculture & open space are contained in Section 4 of the City’s General Plan, Conservation and Open Space (COS) element. The opening paragraph of the COS Element reflects the City’s view that conservation and open space are assets of high value that need to be protected but balanced against the City’s readiness to accommodate growth:</p> <p>Natural resources, including open space lands, agricultural lands, waterways, hillsides, scenic views, wildlife habitat, and historical resources form an important part of Brentwood’s unique character and represent some of its greatest assets. The Conservation and Open Space Element provides the framework to protect, maintain, and enhance Brentwood’s natural resources. The Conservation and Open Space Element balances the overall vision of the General Plan for preserving Brentwood’s high living standards, agricultural heritage, and natural resources while simultaneously providing for economic development and balanced growth.</p> <p>Examples of Goals and Policies set forth in the COS Element are:</p> <p>Goal COS 1: Ensure the provision and preservation of diverse and accessible open spaces throughout the Brentwood Planning Area</p> <p>Policy COS 1-1: General Plan land use designations that include agriculture, permanent open space, parks, and similar uses, as well as waterways (i.e., Marsh Creek,</p>	<p>Comment: Of the policies reviewed from among the cities in the County and the County itself, Brentwood has perhaps the most extensive goals and policies and zoning restrictions related to preserving agriculture, agricultural lands as a viable economic enterprise that also embrace agricultural activities and open space as having significant character-defining value that give Brentwood its identity.</p> <p>Brentwood also has significant policies reflecting its intentions for additional growth and expansion. These transitional areas are designated Special Planning Areas (SPAs) which are outside existing City limits and outside the City’s SOI and the County ULL and in some cases involve sites comprised of high quality agricultural lands.</p> <p>Brentwood’s General Plan also has a category called Urban Reserve (UR) which is applied to areas intended to be considered for future growth, farther out in time following the disposition of SPA areas. There do not appear to be many areas designated UR in the current General Plan.</p> <p>Zoning. Article VII in Brentwood’s Municipal Code (Zoning) is entitled <i>Agricultural and Open Space Zoning Regulations</i>. This section includes 4 categories of agricultural and open space lands:</p> <p>A-10: Agricultural Conservation</p>

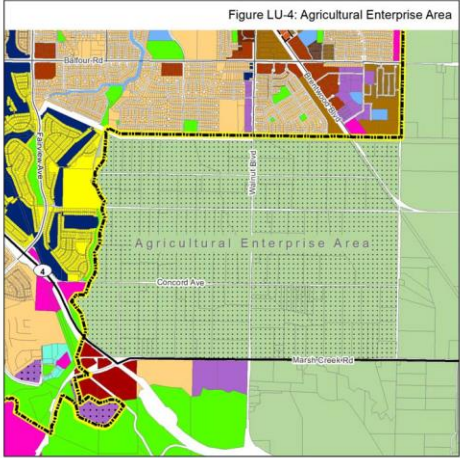
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Jurisdiction	General Plan Provisions	Comments
	<p>Dry Creek, Deer Creek, and Sand Creek), shall be considered open space.</p> <p>Policy COS 1-2: Preserve open space for conservation, recreation, and agricultural uses.</p> <p>Policy COS 1-3: Conversion of open space, as defined under Policy COS 1-1, to developed residential, commercial, industrial, or other similar types of uses, shall be strongly discouraged. Undeveloped land that is designated for urban uses may be developed if needed to support economic development, and if the proposed development is consistent with the General Plan Land Use Map.</p> <p>Goals and Policies specific to agricultural lands are:</p> <p>Goal COS 2: Preserve designated agricultural lands in Brentwood’s Planning Area</p> <p>Policy COS 2-1: Support and encourage the preservation of agricultural lands throughout Brentwood’s Planning Area, particularly in areas to the south and east of the city limits.</p> <p>Policy COS 2-2: Maintain permanent agricultural lands surrounding the city limits to serve as community separators and continue the agricultural heritage of Brentwood.</p> <p>Policy COS 2-3: Encourage and support programs that create or establish permanent agricultural areas in Brentwood’s Planning Area.</p> <p>Policy COS 2-4: Participate in regional planning efforts with agencies and organizations such as Contra Costa County, land trusts, and other regional partners to establish and maintain permanent agricultural areas to the south and east of Brentwood.</p> <p>Policy COS 2-5: Work with the Local Agency Formation Commission (LAFCO) on issues of mutual concern including the conservation of agricultural land through consistent use of LAFCO</p>	<p>Zone (1 DU per 10 acres)</p> <p>A-20: Intensive Agricultural Zone (1 DU per 20 acres)</p> <p>AP: Agricultural Preservation Zone (applies to lands under Williamson Act contracts)</p> <p>OS: Open Space Zone (applies to open space lands which form a part of the park and open space system of the city of Brentwood including all public parks, playgrounds, linear parks or greenways, golf courses and country clubs and similar uses intended for public use.</p>

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Jurisdiction	General Plan Provisions	Comments
	<p>policies, particularly those related to conversion of agricultural lands and establishment of adequate buffers between agricultural and non-agricultural uses, and the designation of a reasonable and logical Sphere of Influence (SOI) boundary for the City.</p> <p>Policy COS 2-6: Minimize conflicts between agricultural and urban land uses.</p> <p>The City’s General Plan also addresses agricultural lands in the Land Use element. Following are representative Goals and Policies from the Land Use element:</p> <p>Goal LU 5: Preserve Brentwood’s agricultural heritage by protecting and maintaining significant areas of agricultural lands around the city.</p> <p>Policy LU 5-1: Maintain significant areas of permanent agricultural lands and open space surrounding the city limits.</p> <p>Policy LU 5-2: Protect agricultural land from urban development except where the General Plan Land Use Map has designated the land for urban uses.</p> <p>Actions in Support of Goal LU 5</p> <p><i>Action LU 5a: Continue to designate agricultural lands to the south and east of the city limits as Agricultural Conservation on the Land Use Map.</i></p> <p><i>Action LU 5b: Coordinate with Contra Costa County to encourage and facilitate a variety of agricultural enterprises on lands identified as the Agricultural Enterprise Area in the Brentwood General Plan (Fig LU-4). Agricultural uses within this area should be flexible in order to maximize the economic vitality of smaller agricultural parcels that may not be suitable for large-scale commercial agricultural operations. Allowed uses should be agricultural in nature and may include, but are not limited to, the following...</i></p>	

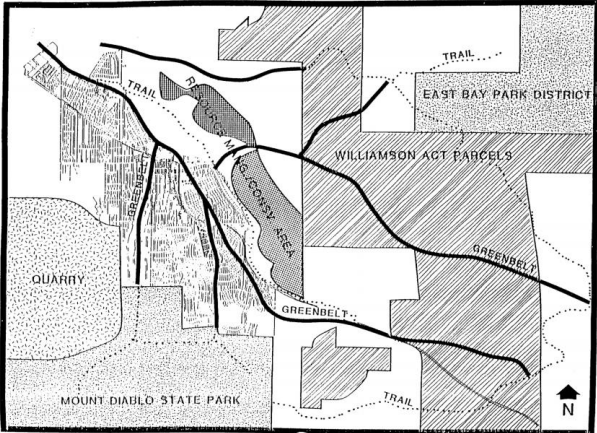
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	 <p>Figure LU-4: Agricultural Enterprise Area</p> <p>The map shows a large green area labeled 'Agricultural Enterprise Area' in the center. Surrounding it are various colored zones: yellow, orange, purple, and red. Roads are labeled: 'Cibola Rd', 'Walrus Dr', 'Concord Ave', and 'Marsh Creek Rd'. The map is titled 'Figure LU-4: Agricultural Enterprise Area'.</p>	
Clayton	<p>Section VI Conservation/Open Space Element</p> <p>Goal To maintain a system of active open space along stream channels and passive open space within hillsides as a means to preserve the rural character of the community.</p> <p>Objective 1 To promote the City’s greenbelts as the basis of its open space system.</p> <p>Objective 2 To develop neighborhood parks within the greenbelt system adjacent to other community facilities.</p> <p>Objective 3 To establish an open space conservation designations to preserve natural resources, to manage resources, to provide for outdoor recreation, to promote health and safety and to ensure orderly growth.</p> <p>General Plan Open Space Designations</p> <p>“The City of Clayton seeks to preserve open space and provide recreational opportunities to Clayton residents within the City limits. Four designations have been created to fulfill these goals: Private Open Space, Public Park/Open Space, Quarry and Agriculture.</p> <ol style="list-style-type: none"> 1. Private Open Space (PR) 2. Public Park/Open Space/Open Space and Recreational (PU) 	<p>Comment:</p> <p>Similar to the other cities, Clayton’s General Plan associates agricultural resources mostly as open space, for aesthetic and recreational values and activities. While lower in the listing of policy priorities, the City’s AG policies recognize the value of the low intensity cattle grazing that characterizes a large part of the City’s land area; its’ policies encourage continuation of Williamson Act contracts to preserve the status quo.</p> <p>Consistent with other Agricultural zoning provisions, Clayton allows very low density residential uses within the AG designated lands.</p>

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Jurisdiction	General Plan Provisions	Comments
	<ul style="list-style-type: none"> a. Regional Parks b. Greenbelts c. Community Park d. Neighborhood Park <p>3. Quarry</p> <p>4. Agriculture (AG) Many land owners in the Clayton planning area have entered into the Williamson Act contract with Contra Costa County. The contracts are self-perpetuating 10-year agreements that preclude non-agricultural development. Use of these County designations will reinforce the Preserve Designation used by the County and promote a conservation context to future development analysis on these sites. Acres to the northeast and east of the City limits include rugged terrain that is primarily used as rangeland for livestock and other similar open uses. The City supports and encourages the continuation of agriculture in these areas. Given the low intensity of agricultural activities, the City encourages large lot zoning of at least 20 to 40 acres to ensure agriculturally viable sized lots.</p> <p>The purpose of the Agriculture designation is to preserve and protect lands capable of and generally used for the production of food, fiber and plant materials. The title is intended to be descriptive of the predominant land extensive agricultural uses that take place in these areas, but the land use title or description shall not be used to exclude or limit other types of agricultural, open space or non-urban uses.”</p> <p>Here is a graphic showing the City’s OS and AG lands</p>	

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Jurisdiction	General Plan Provisions	Comments
	<p style="text-align: center;">Open Space & Greenbelt Areas</p> 	
<p>Concord</p>	<p>The General Plan includes a land use category for Open Space (Parks, Recreation and Open Space) but no category specifically related to agriculture or agricultural preservation. A new category – CRP (“Concord Reuse Project”) is used to designate the former Concord Naval Weapons Station and the designated land uses etc. that the City is intending to adopt for that area. A large part of the CRP area is “Conservation Open Space,” applied to the south and west-facing slopes of the hills that separate Concord from Pittsburg.</p> <p>There is no agricultural land or land uses in Concord although the vast amount of Open Space land (mostly outside of City limits, in the City’s Planning Area - Los Medanos Hills and Mt. Diablo foothills) is available for low intensity grazing. These open space lands account for about 1/3rd of the land area in the City’s Planning Area.</p> <p>Specifically, “...the Open Space (OS) land use designation is intended for large areas that are necessary for natural resource protection, the managed production of natural resources, the provision of natural resources, outdoor recreation (including trails), scenic value, and the assurance of public health and safety. This designation includes private recreation facilities and larger privately-owned areas dedicated as permanent open space within residential subdivisions.”</p> <p>Another land use category - Rural Conservation (RCON) is intended to provide for protection of rural</p>	<p>Concerns reflected in the GP and zoning text are about preserving natural resources, outdoor recreation, and scenic values.</p>

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	<p>hillside areas. Single family residential development of up to 1 unit per 20 developable net acres would be allowed, with clustering encouraged to minimize impacts on views of the area.</p> <p>The General Plan includes a section, or “element,” entitled Parks, Open Space and Conservation (POS). Section 6.3 addresses issues related Open Space.</p> <p>“6.3 OPEN SPACE Concord’s setting—within a valley surrounded by gently sloping foothills and laced with creeks—includes natural resources that are important, not only for aesthetic value, but also for environmental quality, habitat protection, and water resources. In addition, preserving the general configuration of the hills, creeks, and natural topographic features fosters a sense of place for the community, and this affords current and future residents an understanding of the City’s natural setting and native topography...”</p> <p>“Classification of Open Space</p> <ul style="list-style-type: none"> • Open space for the preservation of natural resources including, but not limited to, areas required for the preservation of plant and animal life, such as: habitat for fish and wildlife species; areas required for ecologic and other scientific study purposes; rivers, streams, bays and estuaries; coastal beaches, lakeshores, banks of rivers and streams; and watershed lands. • Open space for outdoor recreation including, but not limited to, areas of outstanding scenic, historic and cultural value; areas particularly suited for park and recreation purposes, such as access to lakeshores, beaches, rivers and streams; and areas that serve as links between major recreation and open space reservations, including utility easements, banks of rivers and streams, trails, and scenic highway corridors. • Open space for public health and safety including, but not limited to, areas that require special management or regulation due to hazardous or special conditions. This type of open space might include: earthquake fault zones, unstable soil areas, floodplains, watersheds, areas presenting high fire risks, areas required for the protection of water quality and water reservoirs, and areas required for the protection and enhancement of air quality. • Open space used for the managed production of 	

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	<p>resources including, but not limited to, forest lands, rangeland, agricultural lands and areas of economic importance for the production of food or fiber; areas required for recharge of ground water basins; bays, estuaries, marshes, rivers and Concord 2030 General Plan 6-12 streams that are important for the management of commercial fisheries; and areas containing major mineral deposits.”</p>	
Martinez	<p>One of the few areas in Martinez where agriculture and open space issues arise is the Alhambra Valley (AV) located in the southwestern corner of the City. The Alhambra Valley Specific Plan (AVSP) is part of the City’s General Plan and sets forth land use policies and regulations for that area. Excerpts from the City’s draft General Plan Update describe the different land use categories that are applied to parts of the AV area:</p> <p>Alhambra Valley Estate Residential – Very Low Density (AV/ER-VL): The primary land use envisioned in this designation on is detached single-family homes on lots typically one acre or larger, with the keeping of a limited number of livestock, consistent with a rural or semi-rural lifestyle.</p> <p>Alhambra Valley Estate Residential -Low Density (AV/ER-L) The primary land use envisioned in this designation is detached single-family on lots typically one-half acre or larger.</p> <p>Alhambra Valley Agricultural Lands (AV/AL) This land use designation applies to privately owned rural lands, generally in hilly areas that are used for grazing livestock or dry grain farming. The primary purposes of the Agricultural Lands designation is to:</p> <ul style="list-style-type: none"> a) preserve and protect lands capable of and generally used for the production of food, fiber and plant materials; and b) provide opportunities for rural residential single family homes. <p>Open Space Preservation (OS/P).</p> <p>This designation is for public and private lands preserved as a scenic or environmental resource, either by public or common interest ownership, or through dedication of scenic open space or other easements or through conditions of development</p>	<p>Concerns reflected in the GP are about aesthetics (visual, character defining, resource preservation) more than economics.</p>

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	<p>approval or previous designation and zoning action. While alteration of such properties for active recreation is typically not envisioned, naturalistic and agricultural plantings, and trails, may be possible if consistent with the intent of preserving the intended scenic resource and as may be permitted by any easements.</p> <p>Alhambra Valley Open Space (AV/OS)</p> <p>This designation applies to <u>publicly owned</u> open space lands and includes areas of significant ecological resources or geologic hazards that are unique to the Alhambra Valley community.</p> <p>The Alhambra Valley Open Space designation also includes <u>privately owned</u> properties for which development rights have been deeded to a public or private agency or which have been previously designated as open space. Examples are the steep, unbuildable portions of approved subdivisions which may be deeded to agencies such as the East Bay Regional Park District but which have not been developed as park facilities.</p> <p>Agricultural Lands Land Use Designation - Agricultural Lands (AG)</p> <p>The Agricultural Lands designation is specific to areas currently used for agricultural production (specifically the Viano Vineyards. While similar to the Open Space categories in that Agricultural Lands have scenic value, structures for agricultural production and residential use are permitted and integral to the desirable preservation of viable agricultural uses.</p> <p>Goal LU-G-7 Encourage the preservation of existing agricultural businesses and minimize and resolve conflicts between agricultural and urban uses within and adjacent to the Alhambra Valley semi-rural residential community.</p> <p>Policy LU-P-7.1 Agriculture shall be protected to maintain the semi-rural atmosphere and to retain a balance of land uses in Alhambra Valley</p>	

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Moraga	<p>The Town’s most recent General Plan was adopted June 2002. Provisions relevant to agriculture and open space are excerpted below.</p> <p>Land Use Goal LU 5 Agriculture: Promotion and preservation of Moraga’s remaining agricultural resources as an important part of the Town’s heritage and character.</p> <p>Policy LU5.1 Agricultural Uses and Activities. Allow agricultural and horticultural uses and activities on lands within the Town so long as they are low intensity and compatible with adjacent uses. Examples include small orchards and cattle grazing.</p> <p>Implementing Programs: IP-B1 Zoning and Subdivision Ordinances LU5.2 Preservation of Agricultural Resources. Strive to preserve the Town’s remaining agricultural resources, such as pear and walnut orchards.</p> <p>Section 7 of the General Plan is entitled Open Space and Conservation. Relevant excerpts follow.</p> <p>Goal OS-1 Open Space Preservation. Preserve as much open space land as possible, including protection of all major and minor ridgelines and lands that help meet residents’ recreational needs.</p> <p>Policy OS 1.1 Open Space Preservation. Preserve open space to the maximum extent possible, using tools such as acquisition, lease, dedication, easements, donations regulation or tax incentive programs.</p> <p>Policy OS 1.2 Major Ridgelines.</p> <p>Policy OS 1.3 Development Densities. (Maximum allowed is 1 DU per 20 acres)</p>	<p>The Town’s GP policies focus on preserving remnants of the Town’s historic agricultural activities including fruit trees and grazing. The main concern seems to be mostly about aesthetics more than preserving or enhancing the economic viability of agricultural activities. Low density residential is permitted in the OS districts.</p>
Oakley	<p>Oakley’s General Plan includes two categories of agricultural lands:</p> <p>AL - Agriculture Limited (allowing light intensity agricultural operations - vineyards, orchards, row crops animal husbandry)</p> <p>AG – Agriculture - applies to areas historically engaged in more intense ag operations with either active cultivation of crops or some other type of use that is substantially agricultural in nature.</p>	<p>Comment: From the italicized text on the left it can be seen that, like most other cities and towns in Contra Costa, agricultural uses are giving way to suburban growth patterns and general plan policies are not intended to stop or slow that trend. Rather, the policy seems mostly aimed at retaining some semblance of</p>

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	<p>In both cases residential development is allowed at low densities.</p> <p>Here’s an excerpt from the General Plan that reflects how the City values agricultural resources:</p> <p><i>“...agriculture is a fundamental component of the community’s character. Historically, agriculture has been the primary economic activity in and around Oakley. At this time, the community is transitioning to a more urban setting and large-scale agriculture is becoming a less prevalent use throughout Oakley. However, the agricultural heritage of Oakley remains strong and is evident in the numerous remaining orchards and vineyards in town, as well as the strong equestrian interest of Oakley residents. As new development occurs, the City will seek to protect the varied remaining agricultural activities of Oakley and to maintain the cultural connection to the community’s agricultural heritage through design standards, development project reviews, construction of community entry monuments and the design of public facilities serving Oakley residents.</i></p>	<p>the area’s agricultural heritage for nostalgia and aesthetic reasons.</p> <p>This is typical of the values attributed to agricultural resources as expressed in most of the planning documents we’ve reviewed.</p>
Pittsburg	<p>Pittsburg’s General Plan includes land use categories for Open Space but not for agriculture; the City’s zoning ordinance and map includes Open Space (OS) zoning, but no Ag zoning. The City has numerous goals and policies related to open space [Chapter 8 of the General Plan (Open Space, Youth & Recreation) and Chapter 9 (Natural Resources)].</p> <p>In Chapter 8, the General Plan describes two types of Open Space: Regional Preserves (e.g., Black Diamond Regional Preserve, managed by EBRPD) and Open Space which applies to “...privately owned, undeveloped land... typically consisting of steep, unstable hillside areas and large tracts of open land beyond the proposed limits of urban growth.”</p> <p>Section 8.3, Trails and Open Space, includes a brief description of the importance of open space:</p> <p>“Vacant, rolling hills in the southern portion of the Planning Area are used intermittently for livestock grazing. The preservation of local hillsides as open space areas is important for several reasons: marginal agricultural value resulting from grazing activities; undisturbed grasslands habitat; preservation of</p>	<p>The General Plan does not include agriculture protection policies. Its consideration of open space appears to be focused primarily on its value for trails and outdoor recreation.</p>

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	<p>ridgeline views from developed areas within the City; and quality-of-life value due to open space acreage accessible to local residents.”</p> <p>Relevant Goals and Policies in Section 8 include:</p> <p>GOALS: TRAILS AND OPEN SPACE</p> <p>8-G-3 Promote a local trail and linear park system to provide access to regional open space areas, as well as connections between neighborhoods.</p> <p>8-G-4 Support and promote the active use of regional open space areas, such as Black Diamond Mines Regional Preserve, by local residents.</p> <p>Policies:</p> <p>8-P-21 Encourage new residential development in hillside areas to develop public trails and/or trailheads providing connections to other regional and local open spaces.</p> <p>8-P-22 Preserve land under Williamson Act contract in agriculture, consistent with State law, until urban services are available and expansion of development would occur in an orderly and contiguous fashion.</p> <p>Section 9 of the General Plan, Natural Resources, begins with a description of Open Space:</p> <p>“The Planning Area contains a significant amount of open space, which is valuable as both a visual resource and as habitat for oak woodlands, wetlands and riparian wildlife. Intermittent streams and uninhabited areas also contribute to air and water quality in the hills and tidelands...”</p> <p>Relevant Goals and Policies include:</p> <p>GOALS: <u>Biological Resources and Habitat</u></p> <p>9-G-1 Protect conservation areas, particularly habitats that support special status species, including species that are State or Federally listed as endangered, threatened, or rare.</p> <p>9-G-2 Guide development in such a way that preserves significant ecological resources.</p> <p>POLICIES:</p>	

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	<p>9-P-1: Ensure that development does not substantially affect special status species, as required by State and federal agencies. Conduct assessments of biological resources as required by CEQA prior to approval of development within habitat areas of identified special status species.</p> <p>Other sections of Section 9 address concerns related to drainage and erosion, water quality, air quality, and historical and cultural resources.</p>	



Brentwood Agricultural Land Trust

Recommendations for a LAFCO Agricultural Preservation Policy

October 14, 2015

SUMMARY OF RECOMMENDATION

The Brentwood Agricultural Land Trust (BALT) recommends that Contra Costa LAFCO adopt an agricultural protection policy to mitigate for the cumulative impact of the loss of Contra Costa’s farm and rangeland. Because agricultural mitigation is the responsibility of local jurisdictions, the adoption of a LAFCO mitigation policy is crucial.

Since local agricultural land trusts have professional expertise in agricultural land conservation, relationships with landowners and funders and an unambiguous mission to protect agricultural resources, BALT recommends that the agricultural mitigation lands and funds be provided to a qualified agricultural land trust with experience in agricultural mitigation and a board of directors that includes local farmers, ranchers and agriculturalists.

BALT recommends that LAFCO work with Contra Costa County, cities, BALT and local agricultural conservationists to develop a comprehensive agricultural conservation strategy for the Contra Costa County (the “County”). We recommend that the County and LAFCO work together to apply for a 2016 Sustainable Agricultural Land Conservation Program grant to create an agricultural protection strategy and mitigation policy.

BACKGROUND

Contra Costa agriculture today.

Contra Costa County is fortunate to be home to one of the Bay Area’s most significant food-producing region. Despite the significant loss of agricultural land over the past thirty years, studies continue to identify Contra Costa agriculture as one of the Bay Area’s most important assets.¹ Contra Costa County has more than

¹ *San Francisco Foodshed Assessment*, 2008, American Farmland Trust (AFT) and SAGE; *Sustaining our Bounty: An Assessment of the Current State of Farming and Ranching in the San Francisco Bay Area*, 2011, AFT, SAGE and Greenbelt Alliance; *Locally Nourished: How a Stronger Regional Food System Improves the Bay Area*, 2013, SPUR; *Contra Costa Food System Analysis and Economic Strategy*, 2015, The Hatamiya Group.

90,000 acres of cropland and 168,000 acres of rangeland that produce almost \$120 million of agricultural products a year. The California Department of Conservation ranks East Contra Costa soils as the highest quality agricultural land. In normal years, Contra Costa farmers have access to ample, inexpensive Delta water through pre-1914 water rights. The Mediterranean climate with extremely hot days and cool nights is ideal for row crops, orchards and vineyards. Rangeland covers a significant part of Contra Costa County, providing grazing land, habitat and carbon sequestration.

Contra Costa farmers and ranchers produce a remarkable diversity of food – sweet corn, stone fruit, vegetables, olives, wine grapes, field grains and cattle. In the rich soils of East Contra Costa, yields per acre of fruits and vegetables are among the highest in world. For instance, 3,500 acres of sweet corn yield over 1.5 million boxes of corn that is distributed throughout the Western United States. Frog Hollow Farms produces almost 2 million pounds of organic stone fruit each summer from their 120-acre orchard. Brentwood u-pick visits have been a Bay Area tradition for generations. Every Memorial Day weekend, over 100,000 people from around the Bay Area flock to East Contra Costa to pick cherries and enjoy a farm experience.

While Contra Costa agriculture provides food security for Bay Area residents, food production is not our agricultural land's only value. Agricultural land is an irreplaceable natural resource that provides a host of ecosystem services, including groundwater recharge, open space, habitat and protection from climate change. Local farming and ranching contribute to our economy, create local jobs and provide us with a sense of history and place. We're continuing to learn about additional benefits provided by agriculture on the edges of our cities. Researchers at the University of California, Davis have demonstrated that urban uses produce 70 times more greenhouse gases than irrigated agriculture and recommend that we protect urban-edge agriculture to protect our cities from climate change.²

Contra Costa's current agricultural protection tools.

The threat that we will lose Contra Costa's agricultural resources is real and immediate. Since 1990, Contra Costa County has lost over 40% of its prime farmland.³ While loss of farmland slowed during the recession, development pressure is increasing again as the economy recovers. While there are some state and local land uses policies in place that protect Contra Costa County agriculture, these policies can be changed and do not permanently protect agricultural land.

Williamson Act. Some Contra Costa rangeland is protected by Williamson Act contracts, a state program that protects agricultural land for up to ten years in exchange for property tax benefits. However, Williamson Act contracts in Contra

² *Triple Harvest: Farmland conservation for climate protection, smart growth and food security in California.* February 2013. CalCAN.

³ California Farmland Mapping and Monitoring Program
<http://www.conservation.ca.gov/dlrp/fmmp>; *Sustaining Our Bounty*, page 20.

Costa County follow the state pattern: the Williamson Act primarily protects rangeland far from development pressures, but not farmland on the urban-edge. The Williamson Act has been ineffective in protecting the most fertile land in the Contra Costa County Agricultural Core (the “Agricultural Core”), not only because of the land’s proximity to the urban edge, but also because much of the land has been subdivided into small parcels. The voluntary Williamson Act contracts are only ten years in duration and do not provide permanent protection.

Contra Costa Agricultural Core. In 1978, the County established the Agriculture Core to protect the prime, irrigated farmland in East Contra Costa. When the Agricultural Core was established it encompassed 14,000 acres. In 1990, the Agricultural Core zoning was amended and the Agricultural Core was reduced to its current 11,500 acres. The Agricultural Core zoning can be changed simply by a vote of the County Board of Supervisors.

Contra Costa Urban Limit Line. Today the Contra Costa Urban Limit Line (ULL) provides voter-approved policy protection to a significant portion of Contra Costa’s agricultural land. The voters approved current ULL in 2004. In 2006, the City of Brentwood put a developer-funded initiative, Measure L, on the ballot seeking to move the ULL into the Agricultural Core. Measure L failed by less than 150 votes. In 2010, the City of Brentwood put Measure F on the ballot, once again seeking to expand the ULL into rangeland and open space. At the recent September 1, 2015 Brentwood City Council strategic planning session, members of the City Council opined that the City limits should be expanded into the Agriculture Core, west of Sellers Avenue. It is likely that we’ll see future efforts to expand the ULL, resulting in additional loss of agricultural land.

City of Brentwood Agricultural Mitigation Program. In 2002, the City of Brentwood adopted an agricultural mitigation program. The City levies a fee of approximately \$6,000 per acre on developers who convert farmland to urban uses within the Brentwood city limits. BALT applies to the City for agricultural easement funding, and the City has funded the permanent protection of over 1,000 acres in the Agricultural Core. In 2009, the City amended the agricultural mitigation ordinance to provide that the funds can be used, not only for conservation easements, but also for a broad range of economic development purposes. The City’s agricultural mitigation fund is currently depleted, and the City Council and staff have indicated that they intend to use the future funds for agricultural economic development projects within the City limits.

WHY A LAFCO POLICY IS IMPORTANT

There is consensus among experts that “the most effective local farmland protection programs in California (and elsewhere) combine two basic approaches: a strong urban growth boundary or other smart growth policies and funding sources for agricultural conservation easements.”⁴ While the land use policies described above

⁴ *Triple Harvest*, page 15.

provide immediate protection for Contra Costa's agricultural lands, the policies are not permanent. As we've seen before, these policies can and will change. Contra Costa cities will continue to seek to expand and developers will continue to challenge the ULL. Conservation easements are essential to permanently protect Contra Costa's farms and ranches.

Contra Costa developers mitigate the loss of habitat and open space through state and federal requirements. In East Contra Costa, the Habitat Conservancy streamlines developer permitting by collecting fees to protect natural resources and habitat. However, there are no state or federal agricultural mitigation requirements. Agricultural mitigation is the responsibility of local jurisdictions. There is no countywide requirement to mitigate the loss of agricultural land in Contra Costa County. The sole agricultural mitigation requirement in the county applies only to land within the Brentwood city limits. A countywide agricultural mitigation policy would deter development on agricultural land and provide funding for the permanent protection of the County's agricultural land.

In 2011, the authors of *Sustaining Our Bounty* noted that in Contra Costa County "no sustainable source of funding has been identified to support an agricultural land trust, regional marketing campaign or agricultural land uses reforms."⁵ The lack of sustained conservation easement funding in Contra Costa has limited the BALT's effectiveness. While state and federal funding is available for farmland protection, these programs require that land trusts provide fifty-percent local matching funds. In the past four years, BALT has received state and federal grants that we were unable to accept because we were unable to identify local matching funds.

SOME IDEAS FOR A SUCCESSFUL AGRICULTURAL MITIGATION POLICY

If Contra Costa LAFCO decides to pursue an agricultural mitigation policy (and we hope that you will), we recommend that you seek advice from local agriculturalists and BALT as you design your policy. We recommend that you consult with land trusts that have implemented agricultural mitigation policies. In addition to BALT, there are excellent examples in neighboring counties including the Tri-Valley Conservancy (Livermore) and the Central Valley Farmland Trust (San Joaquin, Stanislaus and Sacramento counties). Yolo Land Trust works closely with Yolo County LAFCO to implement their agricultural mitigation policy.

We recommend that you consider including the following provisions in a Contra Costa LAFCO policy:

Mitigation ratio. We recommend that LAFCO create an agricultural mitigation program that requires mitigation sufficient to permanently protect at least one acre of comparable agricultural land for every acre of land converted. The program should reflect the differing values of agricultural lands by requiring that one acre of "like kind" land must be protected for each acre lost.

⁵ *Sustaining Our Bounty*, page 23.

Provide mitigation funds to a qualified agricultural land trust. We recommend that LAFCO design a mitigation program that provides mitigation lands and funds directly to a qualified land trust. Providing mitigation lands and funds directly to a local land trust leads to the most successful mitigation programs for several reasons. Local governments have inherent conflicts of interest that can make agricultural conservation politically difficult. Additionally, the permanent protection and stewardship of farm and rangeland is complex. Agricultural land trusts have dedicated staff with the necessary professional expertise, as well as relationships with state and federal funders and local property owners. We also recommend that the agricultural mitigation program support the organizational capacity of the local land trust. Tri-Valley Conservancy and the Central Valley Farmland Trust provide excellent examples of successful agricultural mitigation programs administered by California agricultural land trusts.

With thirteen years of agricultural conservation experience and a diverse board that includes farmers, ranchers and agriculturalists, BALT is well qualified to implement a LAFCO agricultural mitigation program. Since 2002, BALT has been working with the City of Brentwood to implement the City's agricultural mitigation program, and BALT is a leader in Bay Area agricultural conservation.

Seek funding to engage in comprehensive agricultural conservation planning. BALT recommends that LAFCO to work with the County, cities, BALT and local agricultural conservationists to develop a comprehensive agricultural land conservation strategy for Contra Costa County. In January, LAFCO and Contra Costa County will have an opportunity to apply for a \$250,000 Sustainable Agricultural Land Conservation Program (SALCP) planning grant to develop agricultural conservation strategies and create an agricultural mitigation policy. We recommend that the County and LAFCO work together to apply. We have provided LAFCO staff with a copy of the successful 2015 SALCP planning grant that was awarded to Santa Clara County to fund a countywide agricultural conservation strategy.

CONCLUSION

Contra Costa agriculture is a unique and important Bay Area asset. And yet, while we protect our county's habitat and open space, there are no policies in place to permanently protect Contra Costa farms and ranches. As the economy recovers, development pressure is, once again, challenging existing zoning and the ULL. Now is the time to require mitigation for the loss of Contra Costa agricultural land. A mitigation program would deter development on agricultural lands and fund the permanent protection of Contra Costa's farms and ranches. Any mitigation land and funds dedicated through the program should be held and administered to a local agricultural land trust that can leverage the local money with regional, state and federal agricultural conservation funds. With thirteen years of experience with agricultural mitigation, BALT is well qualified to implement a LAFCO mitigation program.

California School Siting and Safety Initiative – Contra Costa County (rev: 12/1/14)

Schools have a large and enduring effect on the character and safety of the surrounding community due to the intensity of activity at the site and the vulnerability of the student population. Currently, the process by which schools are located and designed can result in negative community development, environmental, and public health/safety outcomes. **Directly related to this issue is the well-known, often cited decline in K-12 walk/bike to school rates. This decline should not be accepted as inevitable, but rather as a problem to be reversed through a strategic public policy response.** The State acknowledged school siting issues in recent studies¹. The Governor intends on addressing school funding in 2015². Interested organizations will need to engage in the 2015 legislative and policy development process to ensure adequate reforms are included in the funding package. This paper provides an issues overview, identifies existing processes, and potential reforms.

The current process of selecting and developing new school sites in California has substantial flaws. This flawed process can result in poorly functioning school sites, some of which have been acknowledged by the state in recent reports¹. Examples of poor school site function are:

- Inadequate or ill-conceived transportation infrastructure³ which causes avoidable congestion and/or chaotic circulation patterns both of which ultimately result in unsafe conditions.
- School locations that have limited or no access to critical municipal services (e.g., fire, sewer, water) and/or are too distant from the population served to support walking and biking⁴.
- School locations that undermine local/state policies such as sites that are outside urban limit line/urban growth boundary, in agricultural areas, preclude access by walking and cycling, undermine AB32/SB375 goals, etc.
- The safety and access issues mentioned above drain very limited Safe Routes to School (SR2S) funds, and
- Certain sites are contentious and strain relations between City Councils, Boards of Supervisors, and School Boards.

The current process has local school districts largely responsible for school siting and design. School districts do not have adequate policies, authority, or expertise to ensure that school sites have positive outcomes related to safe access and community development goals. It is the cities/counties, and the State that have this expertise:

- By statute, cities and counties have land use planning authority. Cities and counties cannot influence the selection and development of school sites as state law allows school districts to exempt themselves from this local authority⁶.
- Although the state has substantial statutes and polices⁵ in place that *should* inform school siting and design, school districts are not currently compelled to comply with those policies in their school siting and design decisions.
- Local school districts develop and design school sites independent⁶ of the aforementioned state and local land development policies. This *disconnect* is acknowledged by the state in their recent studies¹.

This disconnect can be addressed through regulations tied to anticipated revisions to the school construction funding process anticipated in the 2015-16 Budget. Implementing a solution using the budget as a mechanism was suggested by the State during their December 2012 Policy Symposium⁷ and contemplated in the Governor's 2013-14 Budget Proposal². The following are concepts to be considered in addressing school siting and design requirements attached to the proposed 2015 policy changes or with legislation developed in parallel:

- Limit the ability of school districts to preempt local zoning ordinances⁶. This could bring schools under the influence of SB375; ultimately it is the cities and counties that implement the sustainable communities strategy. *(next page)*

¹ 2012 - *California's K-12 Educational Infrastructure Investments: Leveraging the State's Role for Quality School Facilities in Sustainable Communities*, Report to the CA Dept of Education by UC Berkeley Center for Cities & Schools, and 2011 - *Schools of the Future Report*, Tom Torlakson/State Superintendent of Public Instruction

² Cabinet Report, 10/20/14 "*Brown's Plan for Fixing School Construction Funding*" and in 2014: Governor's 13-14 Budget Report, "...now is an appropriate time to engage in a dialogue on the future of school facilities..." / "*School districts and their respective localities should have appropriate control of the school facilities construction process and priorities.*"

³ Bicycle/pedestrian infrastructure is inadequate or not present, school sites in a cul-de-sac or with single points of access, safe roadway crossings are not considered, and no necessary improvements being funded or constructed by the schools.

⁴ "...studies show that the distance between home and school is the strongest predictor of whether students walk/bike to school." Institute of Transportation Engineers, 2012 "*School Site Selection and Off-site Access*"

⁵ AB32/SB375, The Complete Streets Act, Safe Routes to School concepts, and the Health in All Policies Initiative

⁶ Gov Code §53091(a)-53097.5: Allows school district preemption from zoning ordinances. Schools consistent with an SCS/PDA could be exempted.

⁷ Partnering with K-12 in Building Healthy, Sustainable, and Competitive Regions: Policy Symposium: Proceedings Summary & Next Steps: "*These efforts will inform the legislative debates over the possibility—and priorities—of a future statewide K-12 school construction bond.*"

- **Whether new school siting policies are advisory or prescriptive is critical.** Considering that there are *existing* advisory documents that *should* result in high quality school sites it suggests that new policies will need to be compulsory in order to be effective. Revised language could be implemented with revisions to the California Code of Regulations, Title 5.
- Coordination of attendance boundaries between school districts, cities/counties should be compulsory.
- Statutes for Local Agency Formation Commissions (LAFCOs) provide a role for LAFCOs in school site development⁸ and could be expanded. At a minimum, **1)** school districts should be required to consult with LAFCO when a new school site is being proposed, and **2)** LAFCO should discourage the extension of municipal services to school sites located in agricultural and open space areas pursuant to LAFCO law. More prescriptive restrictions related to the extension of municipal services should be considered in areas with an adopted Urban Limit Line or Urban Growth Boundary.
- Legislation should require revised *School Site Selection and Approval Guide* and *Guide to School Site Analysis and Development*. Critical revisions should be compulsory rather than mere guidance. [revisions are too voluminous to list in this paper]
- School districts, when approving a new site must **1)** make findings, w/substantial evidence in the record, that the decision is consistent with relevant requirements in statute, **2)** provide a full-cost accounting (off-site infrastructure [utility/ transportation] of facility development, costs borne by other agencies, community, etc.), of site options, and **3)** the approval must include a comprehensive (auto & active modes) circulation plan signed and stamped by a traffic engineer.

The State acknowledges a greater share of funds should be directed to modernization programs than to new construction⁷. Any 2015 school construction and modernization bond should be linked to a comprehensive effort to reverse the well-known decline in K-12 walking/bike rates which would include the following:

- **Redefinition of School Zone in state law:** Currently, in the vehicle code, school zone signage is limited to 500' and 1000'. These limits are not reflective of actual pedestrian/bicycle school access patterns and are not consistent with State policies. The prescriptive figures should be increased (1320' minimum) and local agencies should have discretion to further expand the zone based on knowledge of attendance boundaries, and travel sheds, as established in a traffic study.
- **Pass and fund implementation of an Enhanced Penalty School Zone statute:** In 2002 AB 1886 was passed which implemented a double fine school zone as a pilot⁹. The statute was allowed to sunset in 2007. The County has proposed an alternative which increases points levied against a driver's license for speeding in a school zone.
- **Implement a Vulnerable Road User (VRU) Protection Law:** VRU laws establish the concept "whoever can do the most damage has an obligation to be the most careful". Oregon has such a statute and the League of American Bicyclists has drafted model legislation¹⁰.
- **Implement and fund the bicycle and pedestrian safety curriculum developed by the State Health in All Policies Task Force and Strategic Growth Council:** The program would have dual benefit of decreased injuries/deaths and increased walking/biking. California already has numerous communities implementing such a program.
- **SR2S Funding Eligibility:** SR2S projects at existing schools should be an eligible use of bond funds.
- **Caltrans to conduct a study on auto speeds:** Given the significant¹¹ barrier that a speeding is to increases in K-12 walk/bike rates, this study would **1)** document any changes in automobile speeds over time due to vast improvements in vehicle technology, **2)** document how that change in speed has impacted other road users, and **3)** identify mitigations.

The concepts in this paper are for discussion purposes; they do not necessarily reflect adopted policy positions.

⁸ LAFCO mandate: 1) encourage orderly formation of local governmental agencies, 2) preserve agricultural land, 3) discourage urban sprawl.

⁹ The AB 1886 post-mortem report was inconsistent in its findings and recommendations. The report did not endorse it and gave a negative review of the program. The lack of success was likely related to the fact that little to no resources were devoted to implementation.

¹⁰ 801.608 "Vulnerable user of a public way": http://www.oregonlegislature.gov/bills_laws/lawsstatutes/2011ors801.html
http://www.bikeleague.org/sites/bikeleague.org/files/bikeleague/bikeleague.org/action/images/vru_story.pdf

¹¹ U.S. Centers for Disease Control and Prevention. Barriers to Children Walking to or from School United States 2004, Morbidity and Mortality Weekly Report September 30, 2005. Available: www.cdc.gov/mmwr/preview/mmwrhtml/mm5438a2.htm - AND - Chauhan, C, Yeh J, Fox, P. The Safe Routes to School Program in California: An Update. American Journal of Public Health <http://ajph.aphapublications.org/doi/pdf/10.2105/AJPH.2012.300703> - AND - CCTA SR2S Master Plan 2011: Existing Conditions: Data Summary

California Government Code

65560. (a) "Local open-space plan" is the open-space element of a county or city general plan adopted by the board or council, either as the local open-space plan or as the interim local open-space plan adopted pursuant to Section 65563.

(b) "Open-space land" is any parcel or area of land or water that is essentially unimproved and devoted to an open-space use as defined in this section, and that is designated on a local, regional or state open-space plan as any of the following:

(1) Open space for the preservation of natural resources including, but not limited to, areas required for the preservation of plant and animal life, including habitat for fish and wildlife species; areas required for ecologic and other scientific study purposes; rivers, streams, bays and estuaries; and coastal beaches, lakeshores, banks of rivers and streams, and watershed lands.

(2) Open space used for the managed production of resources, including but not limited to, forest lands, rangeland, agricultural lands and areas of economic importance for the production of food or fiber; areas required for recharge of groundwater basins; bays, estuaries, marshes, rivers and streams which are important for the management of commercial fisheries; and areas containing major mineral deposits, including those in short supply.

(3) Open space for outdoor recreation, including but not limited to, areas of outstanding scenic, historic and cultural value; areas particularly suited for park and recreation purposes, including access to lakeshores, beaches, and rivers and streams; and areas which serve as links between major recreation and open-space reservations, including utility easements, banks of rivers and streams, trails, and scenic highway corridors.

(4) Open space for public health and safety, including, but not limited to, areas which require special management or regulation because of hazardous or special conditions such as earthquake fault zones, unstable soil areas, flood plains, watersheds, areas presenting high fire risks, areas required for the protection of water quality and water reservoirs and areas required for the protection and enhancement of air quality.

(5) Open space in support of the mission of military installations that comprises areas adjacent to military installations, military training routes, and underlying restricted airspace that can provide additional buffer zones to military activities and complement the resource values of the military lands.

(6) Open space for the protection of places, features, and objects described in Sections 5097.9 and 5097.993 of the Public Resources Code.



Lou Ann Texeira
Executive Officer

MEMBERS

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

ALTERNATE MEMBERS

Candace Andersen <i>County Member</i>
Sharon Burke <i>Public Member</i>
Tom Butt <i>City Member</i>
Stanley Caldwell <i>Special District Member</i>

November 18, 2015

November 18, 2015
Agenda Item 9

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

Broadband Services and LAFCO

Dear Members of the Commission:

BACKGROUND - In January 2015, Contra Costa LAFCO received presentations from Linda Best with the *East Bay Broadband Consortium* (EBBC), a regional initiative to improve broadband deployment, access, and adoption in Alameda, Contra Costa and Solano counties through a collaborative regional approach; and from Sunne Wright McPeak with *California Emerging Technology Fund* (CETF), a statewide non-profit organization dedicated in part to closing the “digital divide” by accelerating the deployment and adoption of broadband and information technology.

Both speakers encouraged LAFCO to become more involved in promoting and furthering these efforts. There was interest on the part of the Commission to continue the conversation.

In February 2015, the Commission discussed broadband as part of the Fiscal Year 2015-16 Budget Schedule and Work Plan Preview, and included consideration of a broadband policy as part of the approved budget and work plan adopted in March 2015.

DISCUSSION - While LAFCO has no specific authority over broadband services, we recognize that communities are increasingly reliant on access to these services, and that there is disparity in infrastructure and accessibility resulting in a digital divide. As noted in a recent report by the CETF, “79% percent of California households have a broadband connection at home, while 21% do not, citing cost of internet service as major reason that home broadband rates have left the hardest-to-reach Californians unconnected.” To bring the issue closer to home, approximately 17.4% of Contra Costa County residents do not have access to broadband services in their home, the majority of whom are minority and/or disadvantaged.

The advantages to equalizing and improving broadband services are numerous, and include:

- Improving access to public education, health, safety, and participation in government.

- Increasing economic competitiveness, attracting new businesses, and creating new jobs.
- Helping build sustainable communities.

What role, if any, should LAFCO have in broadband services? The conversation relating to broadband services has begun among LAFCOs. The 2015 annual CALAFCO conference featured a session entitled “Broadband Services: Which Side of the Digital Divide is Your LAFCO On?”

Currently, we are aware of one LAFCO that is directly involved in broadband service issues. Yolo LAFCO coordinated local agency participation in the development of a broadband strategic plan for Yolo County. A copy of the Final Yolo Broadband Strategic Plan, adopted in March 2015, is available on the Yolo LAFCO website at <http://www.yolocounty.org/general-government/yolo-lafco/shared-services/yolo-broadband/download-the-final-plan-here> and through the Contra Costa LAFCO office.

Locally, we are fortunate to have the EBBC, which is working in Alameda, Contra Costa and Solano counties to address critical broadband infrastructure, access, and adoption gaps that are contributing to the persistent “digital divide” across the region. Since 2010, the EBBC has been involved in a region-wide outreach and engagement process to develop the East Bay Broadband Strategic Framework and Action Plan which seeks to identify and leverage opportunities aimed at increasing: 1) the region’s broadband infrastructure investments, both public and privately financed; 2) affordable access to infrastructure and communication technologies; and 3) ability to access the benefits of using these technologies.

Should the Commission desire, there are a number of actions LAFCO could take to complement the work of organizations such as the EBBC and CETF, and to raise awareness of broadband service issues, challenges and benefits. Some examples are listed below:

- ❖ Adopt a resolution and/or policy supporting the efforts of organizations such as EBBC and CETF
- ❖ Adopt a resolution and/or policy encouraging the County and cities to adopt General Plan policies and standards that encourage broadband services
- ❖ Include broadband services among those services to be reviewed in LAFCO Municipal Service Reviews (i.e., cities and community service districts)
- ❖ Participate in a countywide staff level broadband working group that collaborates on these issues
- ❖ Support efforts to reach out to existing service providers and encourage service and improvements to unserved and underserved areas

RECOMMENDATION - The Policies & Procedures Committee has reviewed this report and recommends that the Commission consider possible actions and provide direction as desired.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

c: Distribution



November 18, 2015
Agenda Item 10

AGENDA

RETIREMENT BOARD MEETING

SECOND MONTHLY MEETING
October 22, 2015
9:00 a.m.

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

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

1. Pledge of Allegiance.
2. Accept comments from the public.
3. Approve minutes from the August 12, August 27 and September 9, 2015 Board meetings.

CLOSED SESSION

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

Agency designated representatives:
Gail Strohl, Retirement Chief Executive Officer
Christina Dunn, Retirement Admin/HR Manager

Unrepresented Employees: All CCCERA unrepresented positions

5. The Board will continue in closed session pursuant to Govt. Code Section 54956.9(d)(2) to confer with legal counsel regarding anticipated litigation (two cases).
6. The Board will continue in closed session under Govt. Code Section 54956.81 to consider the purchase or sale of a particular pension fund investment.

OPEN SESSION

7. Consider and take possible action to amend Resolution 2015-9 providing for salary and benefits for unrepresented employees of CCCERA effective January 1, 2016 with the proposed clarification to Section 9. Long-Term Disability Insurance.
8. Consider and take possible action to revise the amortization period for Rodeo-Hercules Fire Protection District.

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. Consider and take possible action to authorize a transfer from the employer advance reserve to the post retirement death benefit reserve.
10. Consider and take possible action to approve the GASB 68 report from Segal.
11. Report from Verus on status of asset allocation study.
12. Consider and take possible action to add a Board meeting on December 2, 2015.
13. Consider authorizing the attendance of Board and/or staff:
 - a. 2015 Fall Advisory Committee Meeting and Annual Partners Meeting, Long Wharf Real Estate Partners, Cambridge, MA, November 18-19, 2015.
 - b. 2015 Annual Review, Paulson Real Estate Funds, New York, NY, November 20, 2015.
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

FIRST MONTHLY MEETING
November 4, 2015
9:00 a.m.

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

NOTICE OF TELECONFERENCE MEETING

ONE OR MORE MEMBERS OF THE BOARD OF RETIREMENT FOR THE CONTRA COSTA COUNTY EMPLOYEES' RETIREMENT ASSOCIATION MAY PARTICIPATE IN THE BOARD MEETING, SCHEDULED FOR NOVEMBER 4, 2015, VIA TELECONFERENCE AT THE LOCATION LISTED BELOW, WHICH IS OPEN TO THE PUBLIC.

TELECONFERENCE LOCATION:

THE LODGE AT TORREY PINES
HUGHES COTTAGE
11480 N. TORREY PINES ROAD
LA JOLLA, CA 92037

THE LOCATION LISTED ABOVE IS ACCESSIBLE TO THE PUBLIC, INCLUDING THOSE WITH DISABILITIES.

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

1. Pledge of Allegiance.
2. Accept comments from the public.
3. Approve minutes from the September 23, 29 and 30, 2015 Board meetings.
4. Routine items for November 4, 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

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.

CLOSED SESSION

5. The Board will go into closed session under Gov. 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>
a.	Kristine Bouchard	Non-Service Connected	Non-Service Connected
b.	Arturo Cruz	Non-Service Connected	Non-Service Connected
c.	Matthew Parkinen	Service Connected	Service Connected
d.	Peter Wells	Service Connected	Service Connected

6. The Board will continue in closed session to consider the Hearing Officer's recommendation regarding the disability application for James Lee.
7. The Board will continue in closed session pursuant to Govt. Code Section 54956.9(d)(2) to confer with legal counsel regarding anticipated litigation (two cases).
8. The Board will continue in closed session pursuant to Govt. Code Section 54956.9(d)(1) to confer with legal counsel regarding pending litigation:

Montgomery v. Montgomery, Solano County Superior Court, Case No. FFL 128451

OPEN SESSION

9. Consider and take possible action regarding the collection of pension overpayments from Contra Costa County due to its erroneous reporting of panel management pay as pensionable compensation.
10. Educational Presentation on Brown Act Fundamentals
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 Thursday, November 12, 2015

November 18, 2015
 Agenda Item 12a

1

[AB 115](#) (Committee on Budget) Water.

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

Introduced: 1/9/2015

Last Amended: 6/18/2015

Status: 9/11/2015-Ordered to inactive file at the request of Senator Mitchell.

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 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: Chaptered: 10/2/2015 [pdf](#) [html](#)

Introduced: 2/19/2015

Last Amended: 8/26/2015

Status: 10/2/2015-Chaptered by Secretary of State - Chapter 431, Statutes of 2015.

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: 8/27/2015-In committee: Held under submission.

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: Chaptered: 9/21/2015 [pdf](#) [html](#)

Introduced: 2/26/2015

Last Amended: 8/18/2015

Status: 9/21/2015-Chaptered by Secretary of State - Chapter 304, Statutes of 2015.

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 Letter Requesting Governor Signature](#)
- [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: Vetoed: 9/22/2015 [pdf](#) [html](#)

Introduced: 12/1/2014

Last Amended: 8/28/2015

Status: 9/22/2015-Vetoed by the Governor

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 2014-15 fiscal year and for each fiscal year thereafter, by providing for a vehicle license fee adjustment amount calculated on the basis of changes in assessed valuation. This bill contains other related provisions and other existing laws.

Attachments:

- [CALAFCO Letter to Governor Requesting Signature](#)
- [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: Chaptered: 10/10/2015 [pdf](#) [html](#)

Introduced: 2/17/2015

Last Amended: 9/2/2015

Status: 10/10/2015-Chaptered by Secretary of State - Chapter 763, Statutes of 2015.

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

Summary:

Would, with certain exceptions, permit a public agency to exercise new or extended services outside the public agency's jurisdictional boundaries 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. This bill contains other related provisions and other existing laws.

Attachments:

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

Position: None at this time

Subject: CKH General Procedures, Municipal Services

CALAFCO Comments: As amended 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. 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, CALAFCO removed our opposition and took a No Position on the bill.

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

Current Text: Chaptered: 10/11/2015 [pdf](#) [html](#)

Introduced: 2/19/2015

Last Amended: 9/2/2015

Status: 10/11/2015-Chaptered by Secretary of State - Chapter 795, Statutes of 2015.

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

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. Excluded are 911 systems and other public safety 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: Chaptered: 10/7/2015 [pdf](#) [html](#)

Introduced: 12/1/2014

Last Amended: 9/9/2015

Status: 10/7/2015-Chaptered by Secretary of State - Chapter 548, Statutes of 2015.

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

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, upon direction by the commission, place the questions of whether the district should be established and whether a utility user tax should be imposed on the ballot at the next countywide election following the completion of the review by the commission. 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 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 150 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: Chaptered: 10/8/2015 [pdf](#) [html](#)

Introduced: 2/25/2015

Last Amended: 8/24/2015

Status: 10/8/2015-Chaptered by Secretary of State - Chapter 631, Statutes of 2015.

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

Summary:

Current law provides for the procedure to cancel a contract entered into under specified provisions of the Williamson Act, and provides that the landowner and the Department of Conservation may agree on the cancellation value of the land. This bill would require the department to provide a preliminary valuation of the land to the county assessor and the city council or board of supervisors at least 60 days prior to the effective date of the agreed upon cancellation valuation if the 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.

3

[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	Chaptered
1st House				2nd House							

Summary:

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

Position: Placeholder - monitor

Subject: Tax Allocation

[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: Chaptered: 8/7/2015 [pdf](#) [html](#)

Introduced: 2/24/2015

Last Amended: 5/14/2015

Status: 8/7/2015-Chaptered by Secretary of State - Chapter 134, Statutes of 2015.

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: Chaptered: 9/3/2015 [pdf](#) [html](#)

Introduced: 2/24/2015

Last Amended: 6/22/2015

Status: 9/3/2015-Chaptered by Secretary of State - Chapter 250, Statutes of 2015.

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: Chaptered: 9/3/2015 [pdf](#) [html](#)

Introduced: 12/1/2014

Last Amended: 7/6/2015

Status: 9/3/2015-Chaptered by Secretary of State - Chapter 255, Statutes of 2015.

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: Chaptered: 9/3/2015 [pdf](#) [html](#)

Introduced: 2/9/2015

Status: 9/3/2015-Chaptered by Secretary of State - Chapter 256, 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 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: Chaptered: 9/4/2015 [pdf](#) [html](#)

Introduced: 2/9/2015

Last Amended: 6/15/2015

Status: 9/4/2015-Chaptered by Secretary of State. Chapter 269, Statutes of 2015.

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, but is required to file a report on these collected charges. Current 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 adjudication.

Current Text: Chaptered: 10/9/2015 [pdf](#) [html](#)

Introduced: 2/13/2015

Last Amended: 9/3/2015

Status: 10/9/2015-Chaptered by Secretary of State - Chapter 676, Statutes of 2015.

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

Summary:

Current law authorizes a court to order a reference to the State Water Resources Control Board, as referee, of any and all issues involved in a suit brought in any court of competent jurisdiction in this state for determination of rights to water. This bill would authorize the state to intervene in a comprehensive adjudication conducted as specified in AB 1390 of the 2015- 16 Regular Session. This bill contains other related provisions and other existing laws.

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: Chaptered: 10/9/2015 [pdf](#) [html](#)

Introduced: 2/26/2015

Last Amended: 8/27/2015

Status: 10/9/2015-Chaptered by Secretary of State - Chapter 678, Statutes of 2015.

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

11/12/2015 8:33:28 AM

**CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
PENDING PROPOSALS – NOVEMBER 18, 2015**

November 18, 2015
Agenda Item 12b

LAFCO APPLICATION	RECEIVED	STATUS
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: proposed annexations to City of Antioch and DDSD; and corresponding detachments from CSAs L-100 and P-6	7/30/13	Continued from 6/10/15 meeting to 6/8/16
Reorganization 186 – proposed annexations to Central Contra Costa Sanitary District (CCCSD) and East Bay Municipal Utility District (EBMUD): proposed annexation of Magee Ranch/SummerHill (402± acres; 9 parcels total) to CCCSD (8 parcels) and EBMUD (7 parcels)	6/20/14	Removed from the Commission's calendar pending further notice
West County Wastewater District Annexation 314 (Park Avenue) - proposed annexation of 21± acres (10 parcels) located on Park Ave and Tisbury Lane in unincorporated Richmond	7/21/15	Under review



November 18, 2015
Agenda Item 12c

(Part 1)

For California's Drought Towns, the Next Challenge Is Growth

As development booms in the San Joaquin Valley, poor communities see both opportunity and heartbreak.

LAURA BLISS |  @mslaurabliss | Oct 19, 2015 |  3 Comments



A sign is posted near a cluster of vacant homes in Sacramento County, just north of California's San Joaquin Valley. (REUTERS/Robert Galbraith)

Editor's note: This story is the last in a three-part series on the future of the San Joaquin Valley's unincorporated communities. Read parts [one](#) and [two](#).

FRESNO, Calif.—In the 600-person, unincorporated community of Lanare, travel options are limited. One bus heads 30 miles to Fresno in the morning,

then comes back in the evening. It takes roughly two hours each way.

So Isabel Solorio, a 50-year-old housekeeper and community activist, relies on her old Chevy Suburban to get to doctors' appointments, clients' homes, and stores. Though tomatoes, asparagus, garlic, and grapes all grow within miles of Lanare, there's nowhere to buy truly affordable produce short of Fresno. She goes there weekly, and buys everything she can.

"Paying for so much all at once is very expensive," she says. On the floor of her gleaming kitchen in Lanare sit small pallets of melons and tomatoes. "Gas to the big store is also expensive." Between her needs and her husband's commute to the fields, Solorio estimates they spend more than \$200 per week on fuel for hundreds of miles traveled.

In the sprawling, disconnected San Joaquin Valley, home to four million residents, a lot of people get around like Solorio does. Emissions from transportation, mostly from trucks, are what primarily make the region's air quality among the worst in the nation, despite some improvements in the last decade. As [many as 21 percent of adults have asthma here](#)—Solorio included—[and 24 percent of children](#). There's a disparate impact at play: The zip codes with the highest rate of respiratory risk have poor and predominantly Hispanic populations. And lately, the drought has made air even more unbreathable.

Air pollution is another byproduct of the San Joaquin Valley's legacy of short-sighted, inequitable land-use planning. Other outcomes, as we've seen in [previous stories](#), include dry wells in the midst of drought, mismanaged, contaminated water systems, and septic tanks that leach into the aquifer. We've seen how [poor, unincorporated communities of color](#) are disproportionately affected by these gaps in basic services, and are often disenfranchised by local governance structures from [finding lasting solutions](#).

Yet more people are coming to the San Joaquin Valley. Projected to gain three million residents by 2050, the region is growing faster than nearly anywhere else in the country. [According to forecasts](#), most new migrants will be Hispanic and have low incomes. Some will be professionals priced out of San Francisco and Los Angeles. Still others will be wealthier retirees, moving in from the

coasts. The [advent of high-speed rail](#) will bring in even more new faces from across the demographic spectrum.

Will the valley's growth take shape as it has historically has—spread out and uneven? Or will it be something more sustainable and just? And, crucially, where will the water come from?

In the heart of the valley, Fresno County offers some indications.

A new era in planning

In 2008, California became first in the nation to pass a law linking climate change with the way we build towns and cities. The landmark Sustainable Communities and Climate Protection Act, [SB 375](#), required regions to start planning with a goal to reduce greenhouse gases, mainly by reducing trips in cars. This is meant to be achieved with effective new transit options, denser housing through infill and mixed-use development, and updated, "greener" infrastructure to support it all.

"Smart growth," as this planning framework is often called, discourages sprawling into undeveloped, isolated places, and encourages redeveloping what already exists. In the agricultural mecca of the San Joaquin Valley, it also means conserving prime farmland.

“The entire state needs to transform the way we plan and invest. If you leave them out, rural communities will never be able to contribute.”

— PHOEBE SEATON



In growing Fresno County, some towns are taking steps to contribute to the state’s goals. In particular, the city of Fresno, the largest in the San Joaquin Valley, has been encouraging infill, revamping its inner core, and developing green spaces. (James Fallows has detailed Fresno’s renaissance at [The Atlantic](#).) In the town of Reedley, 25 miles southeast of Fresno, a planned [mixed-use housing development](#) will run on solar power and send its treated wastewater back into the aquifer. Hanford, a town of 54,000, has created a successful vanpool program used mainly by low-income workers, one of the first of its kind in the valley.

But in a county that’s strapped for cash and searching for a broader tax base, “smart growth” is getting lost in the economics and politics of general growth. Subdivisions just keep getting developed. And some of these new towns may wind up with problems that poor, unincorporated communities have lived with for years.

Sprawl dies hard

On an August evening around sunset, the light on Millerton Lake is beautiful, if

a little ominous. Bathtub rings etched into the soft brown foothills around the lake glow pink. In California's fourth year of drought, the lake—really an artificial reservoir—is at [35 percent capacity](#).

Standing on the massive boat ramp that slopes to the water's edge, I can see the frames of houses perched on a crest. There's lots of new development in this area, 35 minutes northeast of the city of Fresno. Tucked further back in the hills, for example, lie the beginnings of a master-planned, unincorporated community called Millerton New Town.

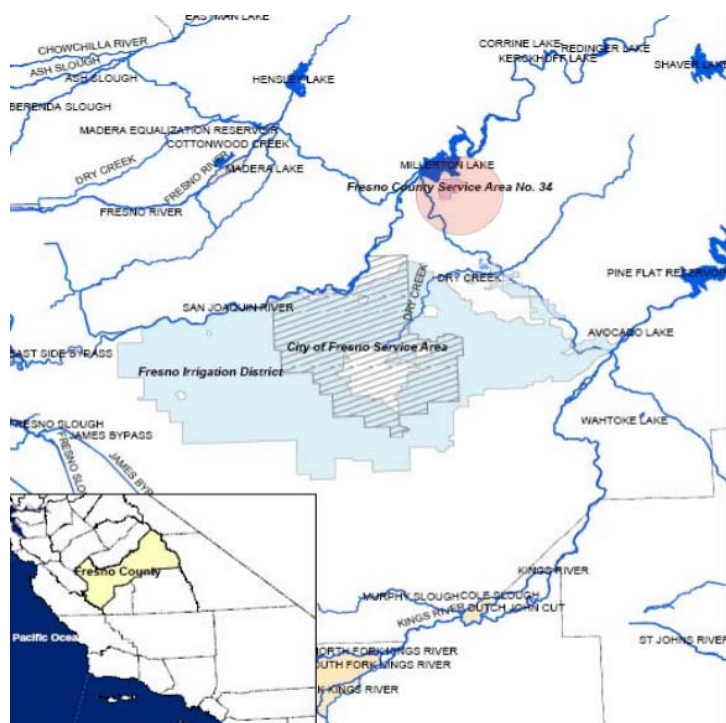
At least 4,500 homes are slated for construction, enough to house [10,000 to 12,000 people, according to planners](#). Some houses are already occupied or ready to be, and run from around \$300,000 to \$900,000 based on a Zillow search. Blueprints for a pharmacy school, projected to draw [2,000 students and nearly 300 faculty and staff](#), are also taking shape. Roughly half of the student body will be housed on the school's campus.

Millerton New Town had been a 2,000-acre twinkle in Fresno County's general plan as far back as the mid-1980s. Officials tell me it never progressed because of concerns about [service reliability](#). But in recent years, new development across the Madera County border got Fresno County eyeing Millerton more aggressively. In 2011, the state granted permission for the community to source water from Millerton Lake. That same year, developers broke ground.

"We thought, before our residents jump into new houses in Madera and we lose the tax base, let's at least provide them an opportunity to stay here," says Henry Perea, one of five Fresno County supervisors.

Millerton New Town may very well provide short-term revenues to the county, but from long-term environmental and financial standpoints, it risks unsustainability, officials and experts told me. It may also perpetuate challenges of water access and affordability that have plagued the region for so long.

"Millerton New Town appears to spit in the face of SB 375," says Mike Dozier, executive director of both Fresno State University's Office of Economic and Community Development and the California Partnership for the San Joaquin



Fresno County Service Area 34, circled in pink, covers Millerton New Town. ([U.S. Bureau of Reclamation](#))

Valley, a non-profit promoting regional growth. “Those students are not all going to be living on campus. People that work there aren’t going to want to live there. They will be commuting from Fresno.”

Right now, there is only one access road that serves Millerton New Town. It’s the same one that boaters and jet-skiers take to get to the lake’s recreation area, and the same one revelers take to roll the dice at a nearby tribal casino. That road will likely

need widening to serve more vehicles going up and down the hill.

“This is going to contribute to the greenhouse gas situation,” Dozier says. Analyses of [different scenarios of growth](#) for Fresno County—developed by local planners under SB 375—bear out his conclusion.

Bernard Jimenez, Fresno County’s deputy director of planning, [has said](#) there’s a possibility that light rail will one day serve the area, alongside other environmental mitigations. Developers [have argued](#) that the Millerton community will be self-sufficient, with its own services and shopping, so residents won’t need to travel.

Either way, Jimenez believes that Millerton will be financially sound: “This is development that covers its own costs, and the community will maintain its own infrastructure. That’s been a fundamental policy of the county for decades.”

But that too is questionable, since county supervisors have encouraged the development by waiving the public-impact fees that developers would normally pay. These fees are usually considered key to growth “paying for

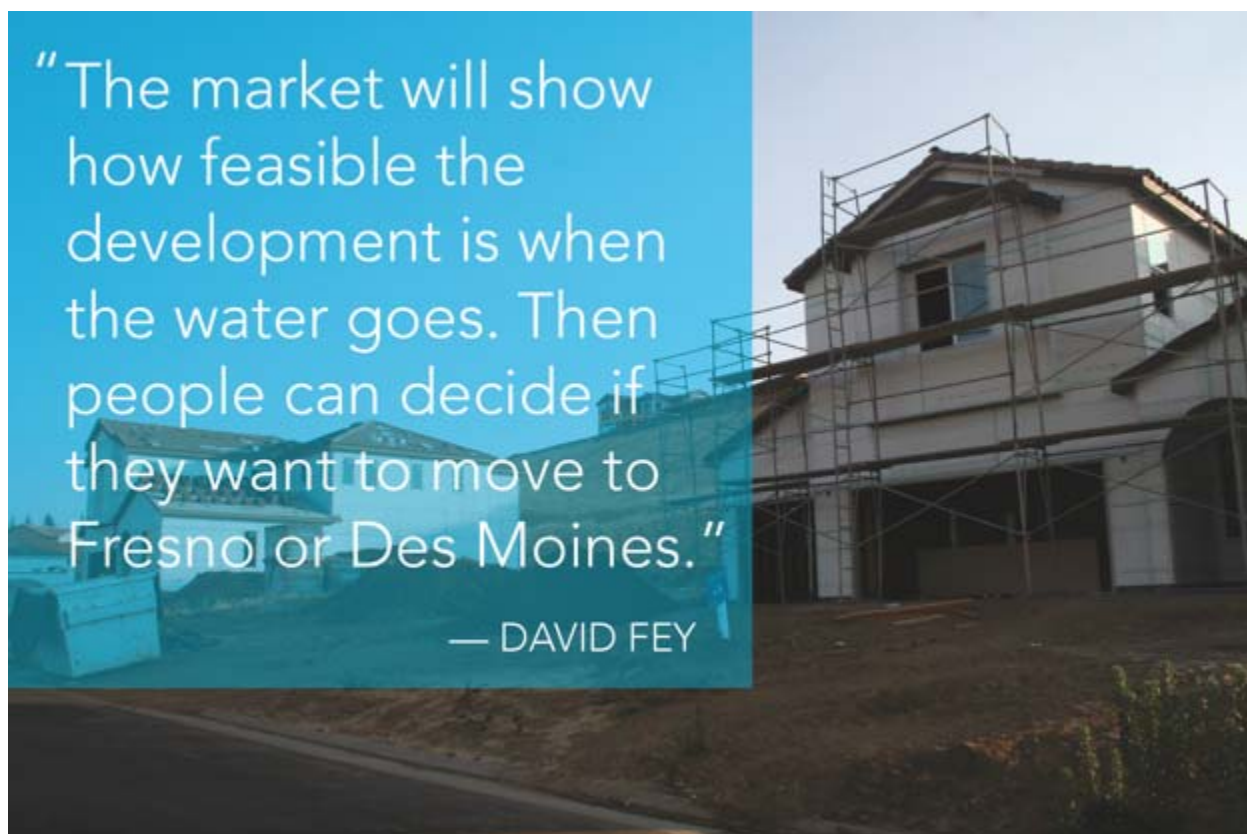
itself” —providing a funding source to build things like a sheriff sub-station, a library, an updated water treatment plant, and any other county facility that might eventually be necessary for a new community. That means residents may wind up needing to pay for those things out of pocket—which they may or may not be able to.

Then there’s the matter of water. El Niño or not, there will be future droughts. Water will become more expensive for all Californians, but especially so for residents of places like Millerton New Town—since, as an unincorporated community, it will have to support its water system without the economy of scale or managerial consistency afforded by a city.

Jimenez says the county has been stringent about its water-resource policies for new development. “Millerton New Town will not be relying on groundwater, but on surface water,” he says. “I see that as a big distinction.”

But in the past four years of drought, Millerton Lake water deliveries have been [anything but certain, even for longtime customers](#). Some developments adjacent to New Town rely on groundwater alone, which is only getting more scarce.

Whatever their water source, potential homebuyers in any new subdivision will need to keep their eyes open to the possibility of water costs becoming burdensome—or even of water running out, Perea told me. He said it’s conceivable that Millerton New Town will wind up needing to truck water in from somewhere else (as [some other California communities are doing](#)). He mentioned how the planned community of [Appaloosa Acres, to the north](#), has run out of groundwater and is now considering piping water in from Fresno.



What would happen if Millerton New Town ran dry? David Fey, executive officer of the Fresno County [Local Agency Formation Commission](#) followed that possibility to its economic endpoint.

"Ultimately, the market will show how feasible the development is when the water goes down," he says. "Then residents can decide if they want move to Fresno or Des Moines."

Of course, residents of poor, unincorporated communities have been struggling with water supply issues for years, and don't generally have the luxury of packing up for Iowa. Solorio feels discriminated against when she sees the county putting resources into a community that doesn't yet exist, while refusing to invest in her very real, struggling hometown. In so many meetings with county officials and in hearings in Sacramento, she says, she's been made to feel like she's asking for a handout.

"When you're investing in other places, there's not a problem," she tells me. "But when we ask, it is drama."

Jimenez says this comparison is apples to oranges, citing again his belief that developments in the Millerton area will be self-sustaining, unlike poor communities such as Lanare, where maintaining services has been a financial and managerial challenge.

But Perea, the county supervisor, is sympathetic to Solorio's critique. Even though he has supported the development of Millerton New Town, he says he would make the same argument if he were her. So why doesn't the county attend to places like Lanare the way it attends to wealthier residents?

Revenues. "It's age-old politics," he says. "Politicians react to one constituency more and less to another. You see the inequities of our decision-making every day."

The dream of smart growth

Lanare has about 125 houses and not much else. There is a two-room community center with a grassless baseball diamond behind it, and a single convenience store on Mount Whitney Avenue. Across the road are mostly fields.

It takes some imagination to see Lanare as something more, something bigger. But that's what Solorio wants: growth. She believes Lanare can support new, affordable housing for more people, eventually. "This is a good idea for the community," she says. "There is so much extra land."



There are certainly plenty of vacant parcels, and homes that sorely need updating to modern codes. But like many chronically underfunded, overlooked communities, Lanare lacks the most basic civic building blocks. The water system, namely, needs improvement: Community wells have been tainted with arsenic for years, as we learned in [previous stories](#). Though the state is lending support to building a new system, the community still needs to be able to run and maintain it at a sustainable cost—which takes, among other things, economy of scale.

"If this community is growing more, then we have more taxes for the CSD," says Solorio, referring to the volunteer-run committee that manages infrastructure. "Then the community uses the money to improve things."

It's a catch-22, of course. To grow, the community needs a reliable water system. To have a reliable water system, the community could use growth.

Yet Solorio isn't alone in wanting something more for her tiny town—and believing it can achieve it. Vance McKinney, the truck driver in Matheny Tract we met in [the previous story](#), expressed the same thought. North of Lanare in

Fresno County, other unincorporated communities are [banding together to support a collective economic development plan](#).

At a certain point, to entertain dreams of growth—and to simply be sustainable—these communities need capital. Given the tenets of smart growth, the state should want to invest in existing communities, too.

In 2012, on the heels of SB 375, California passed a bill requiring that a portion of the state's cap-and-trade revenues go to smart-growth projects in disadvantaged communities. Established soon after, the Affordable Housing and Sustainable Communities (AHSC) grant program awards those dollars to proposals for housing, transit, or infrastructure improvements that can be shown to reduce greenhouse gases. It is becoming an important avenue by which the poorest Californians can leverage the state's planning resources—but rural communities are still being left out.

In its first year, only one project serving the rural San Joaquin Valley won AHSC money: That vanpool program for farmworkers in the small city of Hanford received funds to expand.

It's hard for rural towns to prove, in numbers, that they can reduce greenhouse gases through things like denser housing or transit, says Veronica Garibay, co-director of the Leadership Counsel. Held up against communities with existing infrastructure like bus stops and sidewalks, places without them have smaller returns on investment. "You're never going to get the same results as West Oakland," Garibay says.

Yet the valley's poor, rural communities are disproportionately exposed to the environmental hazards that can result from bad planning. "They have all the need there is," says Dozier, the Fresno State economic development expert. "But they haven't been getting their share of cap-and-trade dollars."

This year, there are [new guidelines for the AHSC grants](#), and a new scoring system for proposals that weights greenhouse gas reductions and other co-benefits more proportionally. Plus, a pot of the money is now set aside for rural communities.

The hope now among advocates is that this funding can be used to help plan

for growth in places like Lanare. Once it has a better water system in place—which could be within the next year—Lanare may be better positioned to apply.

Still, it seems that the disadvantaged, rural communities most likely to get the grants are those that are actually closer to cities—[East Porterville](#), or [Matheny Tract](#), for example. Those communities badly need funds, too, and they're more geographically connected to existing transit, schools, and services next door.

Mike McCoy directed the committee that oversees the grant program up until this past July, and continues to advise it. He says he's most interested in seeing greenhouse gas reductions accrue over time "by building affordable housing in rural cities near schools, markets, services, and in sufficient quantity to create real community." That, he says, is what's most likely to reduce long drives in search of services.



Advocates say there needs to be more funding to address inequities in rural communities that is separate from greenhouse gas reductions, and McCoy agrees. There have been attempts in the state legislature, specifically by

Senate president pro tempore [Kevin de León](#), to dedicate this kind of money. They haven't passed yet, but de León is likely to try again. Says McCoy: "If our fiscal condition permits it, he might win the second time around."

In the meantime, the funding framework that's come out of SB 375 may continue to leave out communities that are starting from scratch. That's a shame not only for places like Lanare, but for the whole state, says Seaton, the co-director of the Leadership Counsel.

"There is an argument for these communities that goes beyond fairness," she says. "We as a state need to transform the way we plan and invest. If you keep leaving rural communities out, they will never be able to contribute."

"This is my home"

The mentality of sprawl may be particularly strong in Fresno County, but across the valley, development trends in the same vein: "[New towns](#)" [are popping up all over the place](#). The drought has shed light on deep disparities that short-sighted land-use planning has helped create for the valley's poorest communities; it is grim to imagine what the next drought [might reveal about wealthier ones](#).

As for water, there will need to be more ways to capture and stretch it out as California grows and dries. Felicia Marcus, chair of the State Water Resources Control Board, says a web of approaches are needed: "It's storage, conservation, recycling, stormwater capture, and desalination in appropriate cases." Developing ways to replenish groundwater supplies will be critical.

She adds, "Just giving out land-use and building permits when there might not be water isn't actually doing people a favor."

Linking water with land use will be a major challenge for the state in years to come, especially in the San Joaquin Valley.

Meanwhile, it's not clear what the future holds for the communities we've visited in this series. Lanare, Matheny Tract, and East Porterville are at different stages in attaining reliable access to water. Others throughout the valley are further behind. It shouldn't be this hard for Californians to have a resource [that](#)

[is their right](#). In some places, politics are moving out of the way, slowly and painfully. In other places, politics are not budging at all.

There is hope, at least, within Solorio. On a Monday afternoon, she and seven other Lanare residents gather on folding chairs in the community center, talking about what they hope to create here someday. Connie Hammond describes a sack-lunch program for those struggling to afford groceries. Ethel Myles wishes she had a sewer, so that she wouldn't have to worry about the septic tank overflowing when all of her grandchildren come over. Solorio talks about a park she saw one day in Fresno, where recycled water pours down from buckets to splash in. It gave her an idea for building a play structure out of recycled tires. "We need something like that, for kids to play in," Solorio says. But even a simple play structure will require money that the community just doesn't have yet.

"They call this the golden valley," she sighs. "But where is the gold?"

Solorio is going to keep looking.

About the Author



Laura Bliss is a staff writer at CityLab. She writes about public utilities, education, and cartography, among other topics.

ALL POSTS | [@mslaurabliss](#)



(Part 2)

Why California's Poorest Towns Still Can't Connect to Water

In the dried-out San Joaquin Valley, consolidating water systems brings out ugly politics.

LAURA BLISS |  @mslaurabliss | Oct 8, 2015 |  10 Comments



A man hauls boxes of bottled water into his home on the outskirts of Tulare, California. (AP Photo/Gregory Bull)

Editor's note: This story is part two of a three-part series on the future of the San Joaquin Valley's unincorporated communities. Read part one [here](#).

FRESNO, Calif.—In Matheny Tract, California, the sour odor of sewage is especially strong in the morning—and so is the irony that residents can't

connect to the system it represents.

The poor, unincorporated community of roughly 300 homes sits adjacent to the city of Tulare, population 61,000. A single, dusty field is all that separates Matheny Tract's mostly African-American and Latino residents from Tulare's recently expanded wastewater treatment plant. Though Tulare's sewer system is more robust than ever, Matheny Tract residents must use septic tanks, since they are not part of the city. For a dense settlement, this spells trouble.

"People can't always afford to pump out their tanks, so sometimes they overflow," says Vance McKinney, a 59-year-old truck driver and community leader. "I've watched children jump over ponds of sewage to get to school in the morning."

The leaching tanks are likely responsible for the fecal bacteria that's been found in the shallow community wells from which Matheny Tract gets its water. Nitrates, probably from fertilizer runoff from surrounding farms, have also been an issue. Right now, the biggest problem is naturally occurring arsenic, exacerbated by an [ever-shrinking volume of groundwater](#)—partly a result of excessive pumping by farmers in the midst of California's record-breaking drought.

Though residents can shower and clean with the water, it is undrinkable. For McKinney and his wife, that translates to spending an average \$160 on bottled water every month.

"We're blessed to be able to afford it, and some of our neighbors are, too," he says, taking a break from painting his house on a rare afternoon off from work. "But there are poor people out there who can't."

McKinney sits on the board of Pratt Mutual, the non-profit group that operates Matheny Tract's water system. Since the system's arsenic levels exceed EPA limits, Pratt Mutual is legally obligated to resolve the issue. In 2009, facing deteriorating pipes, little money, and a lack of government oversight, Pratt Mutual decided to seek a water system consolidation with the city of Tulare.

This was logical, as it is for many low-income county subdivisions that sit on the fringes of bigger towns in the San Joaquin Valley. When one water system

merges into another, more people pay to a single entity. That should mean the cost of water is lower for customers, and that there's more revenue to maintain infrastructure. Managerial and technical headaches are eliminated for the smaller community. Risk of contamination is lowered.

Consolidation also makes sense from a geographical standpoint: When precious water supplies and infrastructure are available mere blocks away, why refuse to extend it to people in need?



Caught between city and county governments, many of the San Joaquin Valley's poor, unincorporated communities lack the most basic services. Government neglect, disenfranchisement, and poor land-use planning have helped shape these disparities, as I explored in the [previous story in this series](#). A number of these towns have recently seen their wells go dry because of the drought. But for many more, water issues—especially contamination—are nothing new.

Because of the unprecedented drought, the gulfs in service between neighboring communities may finally begin to shrink. In June, California

lawmakers passed a bill enabling the State Water Resources Control Board to mandate certain water systems to merge. The legislation was both a reaction to the plight of dried-out communities and a result of years of work on the part of clean drinking-water advocates.

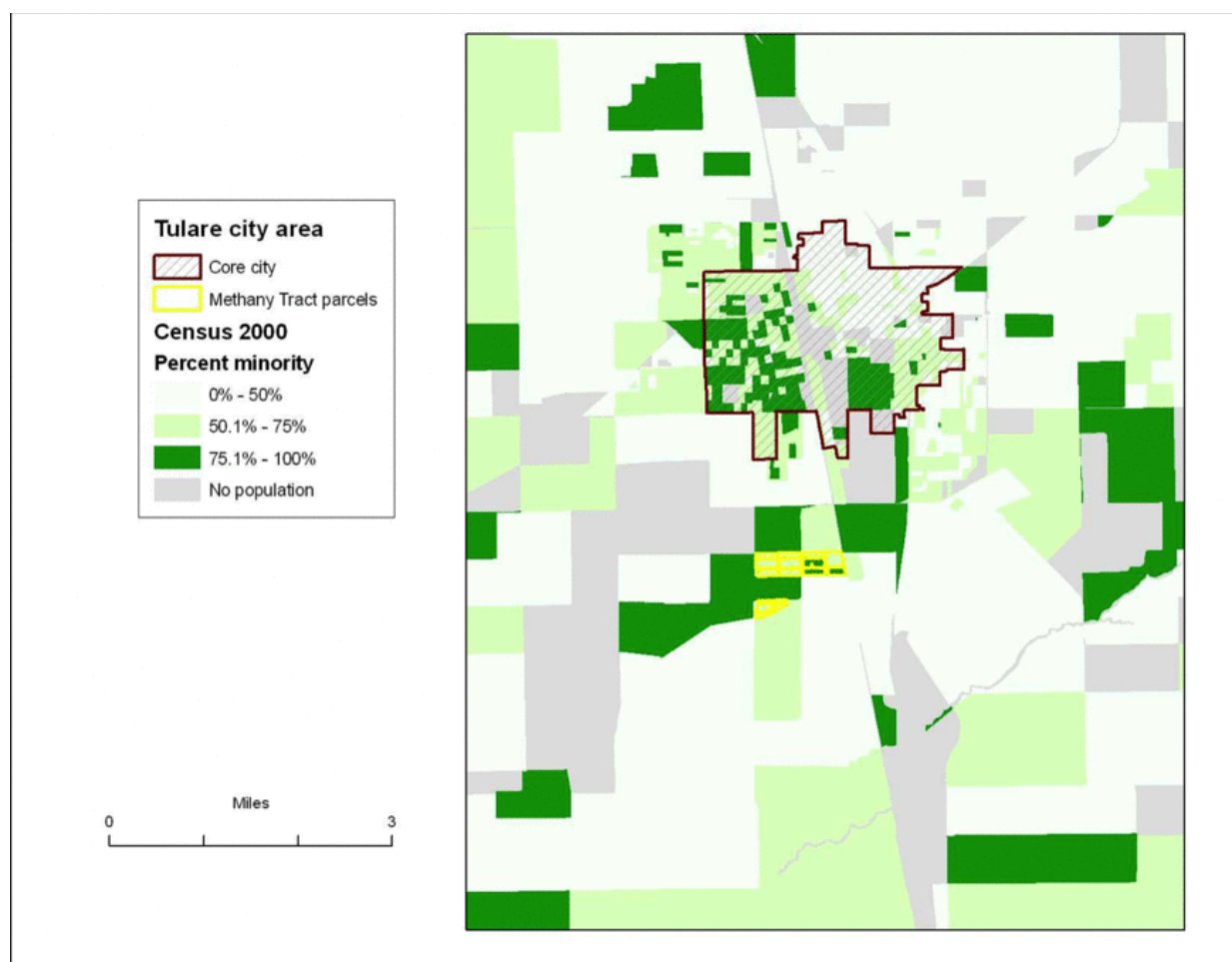
Drought consolidation, as the bill is known, is flanked by the governor's [\\$1 billion drought emergency bond package](#), as well as state drinking-water revolving funds. Both funding sources can assist disadvantaged communities facing severe water problems—even those that haven't been directly brought on by the drought.

But as with so much in the San Joaquin Valley's poorest towns, consolidation has proven harder than it should be. Though there's at least one success story, many cities want neither to annex nor extend services to low-income subdivisions, because the return on investment is so low. For too many thirsty people, old squabbles, inequitable planning, and deep-rooted prejudices put a fundamental need—water—even further out of reach.

Broken promises, ulterior motives

Matheny Tract was one of many pieces of far-flung county land settled by African-American farmworkers in the San Joaquin Valley during the mid-20th century. Migrating from the east, these workers and their families were often locked out of the Valley's cities by high prices or, in many cases, overtly discriminatory real-estate practices. Land buyers—traveling salesman-types—took advantage, snapping up large tracts and parceling them off to people with few other choices.

That's why, at its founding, Matheny Tract sat a fair distance away from the city of Tulare. But Tulare has crept up to it over the years. When you look at maps of the city of Tulare's annexation patterns going back to the 1960s, a pattern becomes clear.



City of Tulare annexation history and patterns of development (Based on slides courtesy of California Rural Legal Assistance)

“The city has pursued land that it can use to generate sales and property taxes,” says Ashley Werner, an attorney at the [Leadership Council for Justice and Accountability](#), which provides legal assistance to Matheny Tract. “They’ve annexed for industrial use, residential use, commercial use, and everything else.” But Tulare has never annexed Matheny Tract, or extended services to it.

So it is somewhat surprising that, when Matheny Tract asked Tulare to consider allowing them to consolidate with its water system back in 2009, the city said yes. A feasibility study was conducted and proved the connection workable. Matheny Tract applied for and obtained grant funding from the state’s Drinking Water Program to pay for new pipes to connect the community to the city.

In 2011, with funding in order, the city of Tulare, Tulare County, and Matheny Tract all jointly agreed that the city would merge its water system with

Matheny Tract's. That meant Pratt Mutual, the entity that manages Matheny Tract's water system, would be totally dissolved. The city of Tulare would supply water, manage infrastructure, and bill and treat Matheny Tract customers as they would any others. Construction on the new water lines began.

But in June 2014, as workers were putting finishing touches on the pipes, plans changed: Tulare city officials announced that they were not, in fact, able to manage the consolidation. The well originally designated to serve Matheny Tract had been taken out of commission due to capacity concerns, and there was no back-up. Plus, while the new water lines were being laid in Matheny Tract, Tulare had approved connections on several hundred new homes in other developments. According to Tulare, all of this was now straining its ability to serve existing customers.

Tulare called for a hydrological study of its system, which, after several months, revealed that there was a pressure problem. Now, more than a year later, the city [has said](#) that that issue is nearly resolved. But it still won't consolidate. Despite the agreement signed by the city, county, and community, Joseph Carlini, director of Public Works of the city of Tulare, now says there are jurisdictional issues.

"I can't go in and service their pipes. I can't go in and tell them how to use their water. It's not city property. They're unincorporated," he says.

When Matheny Tract insisted that this curious backtracking violated the terms of their agreement, Tulare sued to change those terms. Now, instead of consolidating, the Tulare wants to to sell water to Matheny Tract at wholesale and let Pratt Mutual continue to handle administration and maintenance. The suit also asks for the county to clarify the city's jurisdiction. The county [has called the city's lawsuit](#) "utterly without merit." In June, Matheny Tract counter-sued to get what it agreed upon. Meanwhile, the community's brand-new pipes are still sitting dry.

"If I had the skills to turn the water on myself, I would," says McKinney, the Matheny Tract resident. "There are eight or nine people on [the city of Tulare's water board]. Eight or nine people, and they can't come together and decide

they're going to help us?"



Carlini, Tulare's public works director, believes the city is trying to help by offering the water at wholesale. "It's not that we don't want to provide service to them," he says. "We just want some way of controlling stuff."

But that's not the same as accepting Matheny Tract residents as full-fledged customers. A July 2014 letter (obtained through Werner) from Tulare City Manager Don Dorman to a county resource analyst provides some insight on what the city is really after. Dorman, who did not respond to interview requests, opens the letter (a follow-up on a meeting) by suggesting that he puts Tulare's own growth ahead of helping Matheny Tract:

We especially appreciated County representatives' understanding that the City's first priority must be to maintain its water system for existing City customers and for new City development commitments.

Besides the need to cover connections in these new developments, Dorman lists several other "structural issues" involved in consolidating with Matheny Tract. These include "cross-connection pollution potential"; dealing with "parties who illegally 'hot-tap' into the pipeline"; the need for "sheriff protection for billing enforcers"; and, namely, the "City General Plan":

The new City General Plan is expected to clarify that the City has no intentions of growth and development into the area southwest of the railroad tracks on the southwest portion of the City. This policy is specifically designed to protect the operational integrity of the City's key economic asset: its newly expanded state-of-the-art wastewater treatment plant. The City also intends to preserve an agricultural buffer around the plant for its operational needs ... Growth into this area... is contrary to sound land use planning.

That "agricultural buffer" around the plant is effectively what surrounds Matheny Tract.

Now the State Water Resources Control Board has joined the fray. In mid-August, Tulare and Matheny Tract were the first in the state to be served with letters mandating that they consolidate water systems. As of August, they have six months to come up with a plan on their own. To help, the state will fund necessary infrastructure updates, provide technical assistance, and absolve all liabilities associated with Tulare inheriting Matheny's system. But if the communities don't come to an agreement on how to do this, the state will

force one. Somehow.

“The hope is that our work is going to help people overcome their issues voluntarily,” says Karen Larsen, assistant deputy director of the State Water Resource Control Board’s Division of Drinking Water. “We have to figure out what the issues are. There are going to be situations where it’s never going to happen.”

McKinney is hopeful that Matheny Tract will get the water it is due, now that the state is involved.

“The question is, when? It’s been six years,” he says.

In spite of all the conflict, and years of separation, McKinney believes Matheny Tract would be better off if it were annexed by the city. Some years ago, he tried to petition for annexation among other residents. But he says they were fearful of losing the freedoms they have on unincorporated land: low taxes, their ability to keep farm animals and commercial vehicles, and a certain “rural” identity.

McKinney, however, envisions what the community has to gain: lighting, curbs, gutters, sewers, and a sense of equality. “If we get annexed, praise that. If we stay an island, okay,” he says. “I just wanted to be treated fairly.”

“Those people won’t pay”

To Larsen’s point, there probably are places where consolidation will never happen. One of them might be Lanare—the Fresno County subdivision I focused on in the [first story in this series](#). Much like Matheny Track, Lanare residents are predominantly African-American and Latino. Their water system is tainted with arsenic.



View of Tulare’s wastewater treatment plant (outlined in upper left corner) and Matheny Tract (outlined in lower right). The diagonal route right of Matheny Tract is the railroad referred to by Dorman. (Google Earth)

Riverdale, the somewhat wealthier, whiter town next door, is also unincorporated, and has also had its share of arsenic spikes. But with more financial and managerial capital, it has been able to resolve its water problems. Lanare and its legal advocates have asked Riverdale to consider consolidation on multiple occasions, even pleading with state lawmakers to intervene. But Riverdale has continually refused.

Merging with Lanare's aging water system could be costly and full of liabilities. But legal advocates told me that the state, which currently holds Lanare's water system in receivership, is planning to drill new wells for Lanare in addition to replacing the community's aging pipes.

Between the new infrastructure, increased capacity, and all of the funds available through the state, consolidation could be a safe bet. But Lanare's debts, incurred by a mismanaged, disused arsenic treatment plant the community took a risk on years back, seem to be too much of a threat.

"Consolidation is a terrible idea," says Buddy Mendes, the county supervisor who oversees both communities, and who lives in Riverdale. "They'd never be able to pay [Riverdale] back." When I suggested that consolidation would offer greater economy of scale, he said, "For who? Not for Riverdale."

Ronald Bass, operator of Riverdale's public utility district, wouldn't respond to requests for an interview. But he has [stated his opposition to consolidation before](#): "Those people won't pay."

As in Matheny Tract, people in Lanare say Riverdale's recalcitrance is about more than just cost.

"There's always been a separation," says Connie Hammond, a 73-year-old retiree who no longer lives in Lanare but returns to volunteer with the community. "It's like, 'you're there, we're here.' They're always kind of ... looking down, actually."

Ethel Myles has lived in Lanare for nearly all of her 68 years. Much as she wants the clean water, she's not certain consolidation is the best option. "It would probably be beneficial," she says. "But they wouldn't ever accept us."



From my conversations with residents and officials, it’s hard to imagine Lanare customers ever being treated the same as Riverdale customers, even if they were both paying to a single district. Another option for Lanare would be for the state to appoint a private, investor-owned utility to manage it—though residents have said they don’t want that.

Mount Whitney Avenue, the same road that Lanare hinges on, serves as Riverdale’s main street. There are shops and restaurants, and on the morning that I visited, a little league sign-up tent was set up on the sidewalk. I chatted with the people manning the tent about how the drought was affecting local businesses. Then I asked how Lanare was doing with water.

“Oh, them. They’ve got a checkered past,” said one man, a state corrections officer who asked that his name not be used. Though he wasn’t sure about Riverdale’s official reason for rejecting consolidation, he did say this about Lanare: “They’re always looking for a handout.”

A community wins

Change comes incrementally, and usually by force. But it can come. The story of Cameron Creek Colony is an example.

A square in a patchwork of walnut groves, the low-income, 100-home county subdivision has a rural feel—even though Farmersville, a city of 11,000, has partly grown up around it.

Resident Roger McGill remembers what is now unimaginable: when there was water in Cameron Creek. Standing on a front porch trimmed with wind-chimes and spinners, the 69-year-old points beyond the houses across the street, toward the now-dry waterbody that gave his hometown its name. “You used to be able to take a boat out there,” he says. “The water was so high, it used to flood.”

For decades, Cameron Creek residents were self-reliant, using domestic wells with a clean supply. Then the drought came four years ago. No rainfall, no creek, and little by little, no groundwater.

“I could have never imagined this,” McGill says, surveying his dusty yard. It once had a lawn, shrubs, and flowers, he says. “Now it kind of looks like a junk pile.”

In the summer of 2014, wells in Cameron Creek began to go dry. The adjacent Farmersville water district, meanwhile, continued to serve their customers without issue.

Paul Boyer is mayor pro tempore of Farmersville. He’s also one of the directors of Self-Help Enterprises, a non-profit that helps construct homes and make service connections for low-income families in the region. One August morning during my week in the San Joaquin Valley, he accompanied me around Cameron Creek.

Before the drought, Cameron Creek wanted nothing to do with a community water system, Boyer says. “But priorities change.”

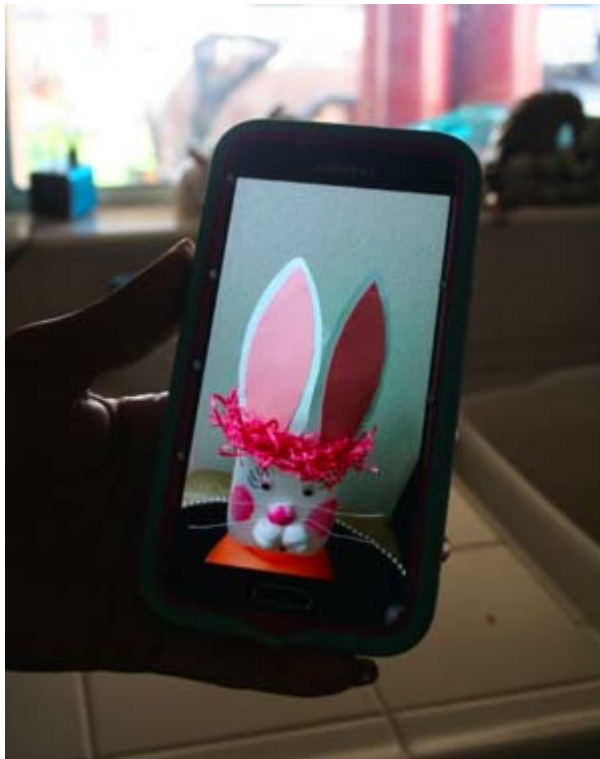
Residents badly needed water. One option, which had been debated over the years, was to petition for Cameron Creek to be annexed into Farmersville, and thereby included in its water services. By and large, Cameron Creek residents

still weren't interested in giving up their unincorporated status, for the same reasons that many Matheny Tract residents aren't.

But Farmersville could help Cameron Creek without annexing it, and Boyer's liaison position helped them do that—in record time. Within months of the wells running dry, Farmersville secured state and federal grants to extend a water main to Cameron Creek. Residents who opted in paid a few hundred dollars to connect to the main, plus a small city hook-up fee. Less than a year later, most Cameron Creek households were customers of the Farmersville water district. They're still outside municipal limits—an arrangement that pleases Farmersville officials, too.

"The city doesn't want to be annexing an area where there's not much tax base and a lot of need," Boyer says. "It's a win-win situation."

Smart growth for small communities



Solorio's Easter egg basket made from a water jug.

In my previous story, we met Isabel Solorio, a housekeeper and community activist in Lanare. Like Vance McKinney in Matheny Tract, Solorio has hopes for her community beyond consolidation. "It's fair to have dreams," she says. "I want to keep working to have basic resources. Not luxuries, but basic needs: water, sidewalks, streetlights, and sewers. A park where our kids can play."

Solorio shows me pictures of how she's been recycling her old plastic water jugs, which the state delivers to Lanare residents for free. Last spring, she sliced off the bottoms, turned them upside down, decorated them

with construction paper, and filled them with candy. Poof: Easter-egg baskets for kids in Lanare.

It's for the young people, Solorio says, that she really wants to see her community attract new development: New houses, new families, and a long-term future.

Her dream of growth might be compatible with what's happening in the San Joaquin Valley. It's predicted that by 2050, [nearly 7 million people](#) will live across its eight counties, about 50 percent more than do today. High-speed rail is supposed to help accommodate and shape new development in the region's cities. "[Smart growth](#)" is often touted as a key component of the San Joaquin Valley's future success.

But smart growth would seem to preclude places like Lanare and Matheny Tract, which have scarcely had a chance to grow at all. At the same time, sprawl continues, and new subdivisions keep popping up, far from city services. Resources—money and water—are limited. Existing communities are finding themselves competing against envisioned ones.

Driving back from Cameron Creek Colony to Self-Help Enterprises' offices in the city of Visalia, I ask Boyer what he thinks about the future of towns like Cameron Creek Colony, Matheny Tract, and Lanare. Even with consolidation, can they be become truly sustainable? Will they grow with the Valley, or will they vanish with the water?

"I think you want to provide services to make these communities as livable as possible," he says. "But not develop more of them."

Next week, we'll see how that's going.

About the Author



Laura Bliss is a staff writer at CityLab. She writes about public utilities, education, and cartography, among other topics.

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(Part 3)

For California's Drought Towns, the Next Challenge Is Growth

As development booms in the San Joaquin Valley, poor communities see both opportunity and heartbreak.

LAURA BLISS | [@mslaurabliss](#) | Oct 19, 2015 | [3 Comments](#)



A sign is posted near a cluster of vacant homes in Sacramento County, just north of California's San Joaquin Valley. (REUTERS/Robert Galbraith)

Editor's note: This story is the last in a three-part series on the future of the San Joaquin Valley's unincorporated communities. Read parts [one](#) and [two](#).

FRESNO, Calif.—In the 600-person, unincorporated community of Lanare, travel options are limited. One bus heads 30 miles to Fresno in the morning,

then comes back in the evening. It takes roughly two hours each way.

So Isabel Solorio, a 50-year-old housekeeper and community activist, relies on her old Chevy Suburban to get to doctors' appointments, clients' homes, and stores. Though tomatoes, asparagus, garlic, and grapes all grow within miles of Lanare, there's nowhere to buy truly affordable produce short of Fresno. She goes there weekly, and buys everything she can.

"Paying for so much all at once is very expensive," she says. On the floor of her gleaming kitchen in Lanare sit small pallets of melons and tomatoes. "Gas to the big store is also expensive." Between her needs and her husband's commute to the fields, Solorio estimates they spend more than \$200 per week on fuel for hundreds of miles traveled.

In the sprawling, disconnected San Joaquin Valley, home to four million residents, a lot of people get around like Solorio does. Emissions from transportation, mostly from trucks, are what primarily make the region's air quality among the worst in the nation, despite some improvements in the last decade. As [many as 21 percent of adults have asthma here](#)—Solorio included—[and 24 percent of children](#). There's a disparate impact at play: The zip codes with the highest rate of respiratory risk have poor and predominantly Hispanic populations. And lately, the drought has made air even more unbreathable.

Air pollution is another byproduct of the San Joaquin Valley's legacy of short-sighted, inequitable land-use planning. Other outcomes, as we've seen in [previous stories](#), include dry wells in the midst of drought, mismanaged, contaminated water systems, and septic tanks that leach into the aquifer. We've seen how [poor, unincorporated communities of color](#) are disproportionately affected by these gaps in basic services, and are often disenfranchised by local governance structures from [finding lasting solutions](#).

Yet more people are coming to the San Joaquin Valley. Projected to gain three million residents by 2050, the region is growing faster than nearly anywhere else in the country. [According to forecasts](#), most new migrants will be Hispanic and have low incomes. Some will be professionals priced out of San Francisco and Los Angeles. Still others will be wealthier retirees, moving in from the

coasts. The [advent of high-speed rail](#) will bring in even more new faces from across the demographic spectrum.

Will the valley's growth take shape as it has historically has—spread out and uneven? Or will it be something more sustainable and just? And, crucially, where will the water come from?

In the heart of the valley, Fresno County offers some indications.

A new era in planning

In 2008, California became first in the nation to pass a law linking climate change with the way we build towns and cities. The landmark Sustainable Communities and Climate Protection Act, [SB 375](#), required regions to start planning with a goal to reduce greenhouse gases, mainly by reducing trips in cars. This is meant to be achieved with effective new transit options, denser housing through infill and mixed-use development, and updated, "greener" infrastructure to support it all.

"Smart growth," as this planning framework is often called, discourages sprawling into undeveloped, isolated places, and encourages redeveloping what already exists. In the agricultural mecca of the San Joaquin Valley, it also means conserving prime farmland.

“The entire state needs to transform the way we plan and invest. If you leave them out, rural communities will never be able to contribute.”

— PHOEBE SEATON



In growing Fresno County, some towns are taking steps to contribute to the state’s goals. In particular, the city of Fresno, the largest in the San Joaquin Valley, has been encouraging infill, revamping its inner core, and developing green spaces. (James Fallows has detailed Fresno’s renaissance at [The Atlantic](#).) In the town of Reedley, 25 miles southeast of Fresno, a planned [mixed-use housing development](#) will run on solar power and send its treated wastewater back into the aquifer. Hanford, a town of 54,000, has created a successful vanpool program used mainly by low-income workers, one of the first of its kind in the valley.

But in a county that’s strapped for cash and searching for a broader tax base, “smart growth” is getting lost in the economics and politics of general growth. Subdivisions just keep getting developed. And some of these new towns may wind up with problems that poor, unincorporated communities have lived with for years.

Sprawl dies hard

On an August evening around sunset, the light on Millerton Lake is beautiful, if

a little ominous. Bathtub rings etched into the soft brown foothills around the lake glow pink. In California's fourth year of drought, the lake—really an artificial reservoir—is at [35 percent capacity](#).

Standing on the massive boat ramp that slopes to the water's edge, I can see the frames of houses perched on a crest. There's lots of new development in this area, 35 minutes northeast of the city of Fresno. Tucked further back in the hills, for example, lie the beginnings of a master-planned, unincorporated community called Millerton New Town.

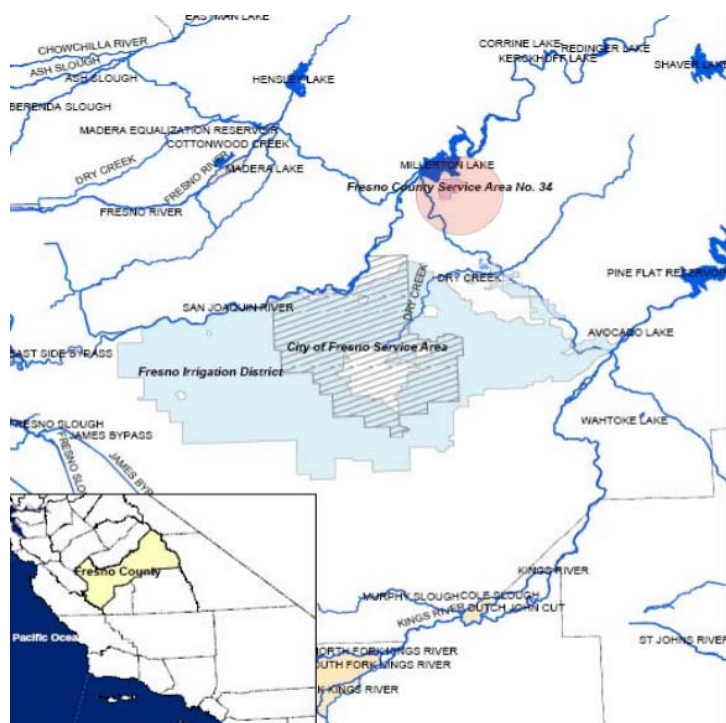
At least 4,500 homes are slated for construction, enough to house [10,000 to 12,000 people, according to planners](#). Some houses are already occupied or ready to be, and run from around \$300,000 to \$900,000 based on a Zillow search. Blueprints for a pharmacy school, projected to draw [2,000 students and nearly 300 faculty and staff](#), are also taking shape. Roughly half of the student body will be housed on the school's campus.

Millerton New Town had been a 2,000-acre twinkle in Fresno County's general plan as far back as the mid-1980s. Officials tell me it never progressed because of concerns about [service reliability](#). But in recent years, new development across the Madera County border got Fresno County eyeing Millerton more aggressively. In 2011, the state granted permission for the community to source water from Millerton Lake. That same year, developers broke ground.

"We thought, before our residents jump into new houses in Madera and we lose the tax base, let's at least provide them an opportunity to stay here," says Henry Perea, one of five Fresno County supervisors.

Millerton New Town may very well provide short-term revenues to the county, but from long-term environmental and financial standpoints, it risks unsustainability, officials and experts told me. It may also perpetuate challenges of water access and affordability that have plagued the region for so long.

"Millerton New Town appears to spit in the face of SB 375," says Mike Dozier, executive director of both Fresno State University's Office of Economic and Community Development and the California Partnership for the San Joaquin



Fresno County Service Area 34, circled in pink, covers Millerton New Town. ([U.S. Bureau of Reclamation](#))

Valley, a non-profit promoting regional growth. “Those students are not all going to be living on campus. People that work there aren’t going to want to live there. They will be commuting from Fresno.”

Right now, there is only one access road that serves Millerton New Town. It’s the same one that boaters and jet-skiers take to get to the lake’s recreation area, and the same one revelers take to roll the dice at a nearby tribal casino. That road will likely

need widening to serve more vehicles going up and down the hill.

“This is going to contribute to the greenhouse gas situation,” Dozier says. Analyses of [different scenarios of growth](#) for Fresno County—developed by local planners under SB 375—bear out his conclusion.

Bernard Jimenez, Fresno County’s deputy director of planning, [has said](#) there’s a possibility that light rail will one day serve the area, alongside other environmental mitigations. Developers [have argued](#) that the Millerton community will be self-sufficient, with its own services and shopping, so residents won’t need to travel.

Either way, Jimenez believes that Millerton will be financially sound: “This is development that covers its own costs, and the community will maintain its own infrastructure. That’s been a fundamental policy of the county for decades.”

But that too is questionable, since county supervisors have encouraged the development by waiving the public-impact fees that developers would normally pay. These fees are usually considered key to growth “paying for

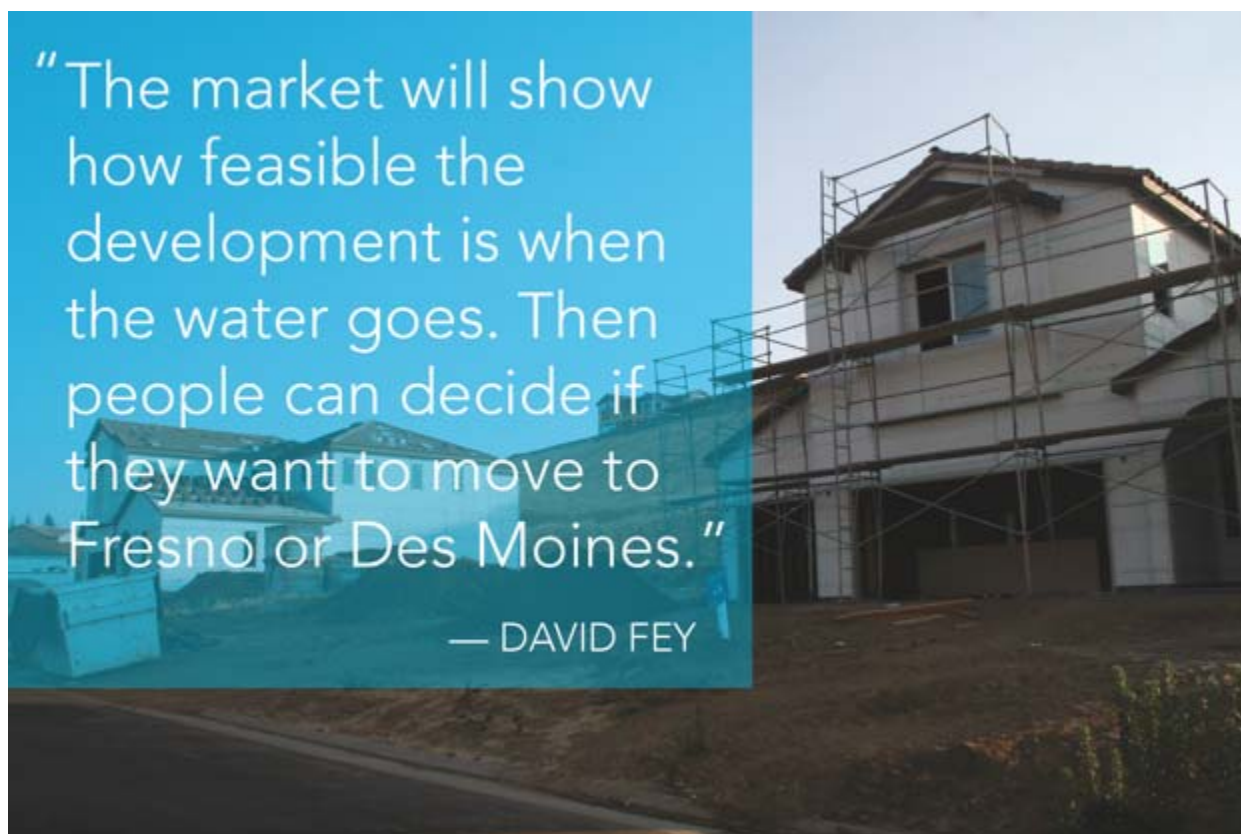
itself” —providing a funding source to build things like a sheriff sub-station, a library, an updated water treatment plant, and any other county facility that might eventually be necessary for a new community. That means residents may wind up needing to pay for those things out of pocket—which they may or may not be able to.

Then there’s the matter of water. El Niño or not, there will be future droughts. Water will become more expensive for all Californians, but especially so for residents of places like Millerton New Town—since, as an unincorporated community, it will have to support its water system without the economy of scale or managerial consistency afforded by a city.

Jimenez says the county has been stringent about its water-resource policies for new development. “Millerton New Town will not be relying on groundwater, but on surface water,” he says. “I see that as a big distinction.”

But in the past four years of drought, Millerton Lake water deliveries have been [anything but certain, even for longtime customers](#). Some developments adjacent to New Town rely on groundwater alone, which is only getting more scarce.

Whatever their water source, potential homebuyers in any new subdivision will need to keep their eyes open to the possibility of water costs becoming burdensome—or even of water running out, Perea told me. He said it’s conceivable that Millerton New Town will wind up needing to truck water in from somewhere else (as [some other California communities are doing](#)). He mentioned how the planned community of [Appaloosa Acres, to the north](#), has run out of groundwater and is now considering piping water in from Fresno.



What would happen if Millerton New Town ran dry? David Fey, executive officer of the Fresno County [Local Agency Formation Commission](#) followed that possibility to its economic endpoint.

"Ultimately, the market will show how feasible the development is when the water goes down," he says. "Then residents can decide if they want move to Fresno or Des Moines."

Of course, residents of poor, unincorporated communities have been struggling with water supply issues for years, and don't generally have the luxury of packing up for Iowa. Solorio feels discriminated against when she sees the county putting resources into a community that doesn't yet exist, while refusing to invest in her very real, struggling hometown. In so many meetings with county officials and in hearings in Sacramento, she says, she's been made to feel like she's asking for a handout.

"When you're investing in other places, there's not a problem," she tells me. "But when we ask, it is drama."

Jimenez says this comparison is apples to oranges, citing again his belief that developments in the Millerton area will be self-sustaining, unlike poor communities such as Lanare, where maintaining services has been a financial and managerial challenge.

But Perea, the county supervisor, is sympathetic to Solorio's critique. Even though he has supported the development of Millerton New Town, he says he would make the same argument if he were her. So why doesn't the county attend to places like Lanare the way it attends to wealthier residents?

Revenues. "It's age-old politics," he says. "Politicians react to one constituency more and less to another. You see the inequities of our decision-making every day."

The dream of smart growth

Lanare has about 125 houses and not much else. There is a two-room community center with a grassless baseball diamond behind it, and a single convenience store on Mount Whitney Avenue. Across the road are mostly fields.

It takes some imagination to see Lanare as something more, something bigger. But that's what Solorio wants: growth. She believes Lanare can support new, affordable housing for more people, eventually. "This is a good idea for the community," she says. "There is so much extra land."



There are certainly plenty of vacant parcels, and homes that sorely need updating to modern codes. But like many chronically underfunded, overlooked communities, Lanare lacks the most basic civic building blocks. The water system, namely, needs improvement: Community wells have been tainted with arsenic for years, as we learned in [previous stories](#). Though the state is lending support to building a new system, the community still needs to be able to run and maintain it at a sustainable cost—which takes, among other things, economy of scale.

"If this community is growing more, then we have more taxes for the CSD," says Solorio, referring to the volunteer-run committee that manages infrastructure. "Then the community uses the money to improve things."

It's a catch-22, of course. To grow, the community needs a reliable water system. To have a reliable water system, the community could use growth.

Yet Solorio isn't alone in wanting something more for her tiny town—and believing it can achieve it. Vance McKinney, the truck driver in Matheny Tract we met in [the previous story](#), expressed the same thought. North of Lanare in

Fresno County, other unincorporated communities are [banding together to support a collective economic development plan](#).

At a certain point, to entertain dreams of growth—and to simply be sustainable—these communities need capital. Given the tenets of smart growth, the state should want to invest in existing communities, too.

In 2012, on the heels of SB 375, California passed a bill requiring that a portion of the state's cap-and-trade revenues go to smart-growth projects in disadvantaged communities. Established soon after, the Affordable Housing and Sustainable Communities (AHSC) grant program awards those dollars to proposals for housing, transit, or infrastructure improvements that can be shown to reduce greenhouse gases. It is becoming an important avenue by which the poorest Californians can leverage the state's planning resources—but rural communities are still being left out.

In its first year, only one project serving the rural San Joaquin Valley won AHSC money: That vanpool program for farmworkers in the small city of Hanford received funds to expand.

It's hard for rural towns to prove, in numbers, that they can reduce greenhouse gases through things like denser housing or transit, says Veronica Garibay, co-director of the Leadership Counsel. Held up against communities with existing infrastructure like bus stops and sidewalks, places without them have smaller returns on investment. "You're never going to get the same results as West Oakland," Garibay says.

Yet the valley's poor, rural communities are disproportionately exposed to the environmental hazards that can result from bad planning. "They have all the need there is," says Dozier, the Fresno State economic development expert. "But they haven't been getting their share of cap-and-trade dollars."

This year, there are [new guidelines for the AHSC grants](#), and a new scoring system for proposals that weights greenhouse gas reductions and other co-benefits more proportionally. Plus, a pot of the money is now set aside for rural communities.

The hope now among advocates is that this funding can be used to help plan

for growth in places like Lanare. Once it has a better water system in place—which could be within the next year—Lanare may be better positioned to apply.

Still, it seems that the disadvantaged, rural communities most likely to get the grants are those that are actually closer to cities—[East Porterville](#), or [Matheny Tract](#), for example. Those communities badly need funds, too, and they're more geographically connected to existing transit, schools, and services next door.

Mike McCoy directed the committee that oversees the grant program up until this past July, and continues to advise it. He says he's most interested in seeing greenhouse gas reductions accrue over time "by building affordable housing in rural cities near schools, markets, services, and in sufficient quantity to create real community." That, he says, is what's most likely to reduce long drives in search of services.



Advocates say there needs to be more funding to address inequities in rural communities that is separate from greenhouse gas reductions, and McCoy agrees. There have been attempts in the state legislature, specifically by

Senate president pro tempore [Kevin de León](#), to dedicate this kind of money. They haven't passed yet, but de León is likely to try again. Says McCoy: "If our fiscal condition permits it, he might win the second time around."

In the meantime, the funding framework that's come out of SB 375 may continue to leave out communities that are starting from scratch. That's a shame not only for places like Lanare, but for the whole state, says Seaton, the co-director of the Leadership Counsel.

"There is an argument for these communities that goes beyond fairness," she says. "We as a state need to transform the way we plan and invest. If you keep leaving rural communities out, they will never be able to contribute."

"This is my home"

The mentality of sprawl may be particularly strong in Fresno County, but across the valley, development trends in the same vein: "[New towns](#)" [are popping up all over the place](#). The drought has shed light on deep disparities that short-sighted land-use planning has helped create for the valley's poorest communities; it is grim to imagine what the next drought [might reveal about wealthier ones](#).

As for water, there will need to be more ways to capture and stretch it out as California grows and dries. Felicia Marcus, chair of the State Water Resources Control Board, says a web of approaches are needed: "It's storage, conservation, recycling, stormwater capture, and desalination in appropriate cases." Developing ways to replenish groundwater supplies will be critical.

She adds, "Just giving out land-use and building permits when there might not be water isn't actually doing people a favor."

Linking water with land use will be a major challenge for the state in years to come, especially in the San Joaquin Valley.

Meanwhile, it's not clear what the future holds for the communities we've visited in this series. Lanare, Matheny Tract, and East Porterville are at different stages in attaining reliable access to water. Others throughout the valley are further behind. It shouldn't be this hard for Californians to have a resource [that](#)

[is their right](#). In some places, politics are moving out of the way, slowly and painfully. In other places, politics are not budging at all.

There is hope, at least, within Solorio. On a Monday afternoon, she and seven other Lanare residents gather on folding chairs in the community center, talking about what they hope to create here someday. Connie Hammond describes a sack-lunch program for those struggling to afford groceries. Ethel Myles wishes she had a sewer, so that she wouldn't have to worry about the septic tank overflowing when all of her grandchildren come over. Solorio talks about a park she saw one day in Fresno, where recycled water pours down from buckets to splash in. It gave her an idea for building a play structure out of recycled tires. "We need something like that, for kids to play in," Solorio says. But even a simple play structure will require money that the community just doesn't have yet.

"They call this the golden valley," she sighs. "But where is the gold?"

Solorio is going to keep looking.

About the Author



Laura Bliss is a staff writer at CityLab. She writes about public utilities, education, and cartography, among other topics.

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Contra Costa Times

http://www.contracostatimes.com/news/ci_28963915/guest-commentary:-bryan-scott:-east-contra-cost-fire-district-needs-help

Guest Commentary: Bryan Scott: East Contra Costa Fire District needs help

By *Bryan Scott* POSTED: 10/09/2015 12:00:00 AM PDT

The residents of the East Contra Costa Fire Protection District are being treated as second-class citizens in the Contra Costa County government services community, and 105,000 inhabitants of the 249-square mile district are being shortchanged in the area of fire and emergency services. This underfunding puts lives and property at risk.

Fifteen years ago the CCC Board of Supervisors was looking for ways to improve services and save money. At that time there were three mostly rural fire districts using a pay-on-call staffing model to economize. Some called it a volunteer fire department approach, even though the firefighters were trained, equipped and compensated for their time.

By bringing the three districts together, a hired consultant said, the administration, management and training of the combined forces could be performed more economically. Response times would be shortened, the number of firefighters would go up, and lives would be saved.

And since these districts were being funded based on population sizes from 25 years earlier, consolidation seemed like the best way to squeeze every last drop of service out of the limited tax dollars being spent. The CCC publicity campaign at the time projected savings of almost 14 percent of the \$6,423,112.00 combined organizational budget.

Back then the property tax allocation rate for the ECCFPD was set at about 8 percent, meaning that out of each property tax dollar that was generated within the district, the ECCFPD got eight cents.

Fire districts in other, more populated and developed parts of the county received much more, averaging about 12 cents from each dollar.

Today, when Brentwood's population has soared to nearly 60,000 residents and the number

of Oakley residents is approaching 40,000, the tax allocation rate is the same. The tax allocation rate for a rural farming and ranching area of the 1970s is not appropriate for today's mix of suburban, small urban and recreational rural areas.

The East Contra Costa region has lead the state in growth for many years. The fire services property tax rate ought to be equitable and fair to support these services at a level comparable to the rest of the county, the region and the state. It is not.

This is a community problem, one that will continue as long as the ECCFPD community tolerates it. Because of the intricacies of the implementation of 1978's Proposition 13 a state law needs to be passed to correct the unfair, discriminatory tax allocation rate. The ECCFPD community needs to come together with Assemblyman Jim Frazier and State Sen. Steven M. Glazier and begin the process of correcting this inequity.

Assemblyman Jim Frazier has offered, in a Sept. 3, 2015, letter to the editor appearing in a local paper, to draft a statute and submit it to California lawmakers. This statute needs to direct the CCC Auditor to increase the ECCFPD 8-percent tax allocation rate to bring it closer to the county's fire district average of 12 percent, and slightly reduce the tax allocation rates of the county's largest non-education organizations, such as the county and the cities of Brentwood and Oakley.

Making the shift gradually, perhaps spread over three or more years, would ease the change. The ECCFPD community needs to play an active role in this process. Area residents need to form a political action committee and reach out to legislators and fire services community leaders across the state, asking for their help in making this necessary change. To become law, this statute needs yea votes from at least 41 of the 80 members of the California Assembly and at least 21 members of the state Senate.

A campaign of this sort is not easy, and it is not a quick fix to a historical problem. It will take the community's time and money to affect the change. Let's begin at once; let's change the world.

Bryan Scott is a Brentwood resident who occasionally becomes a community affairs activist. Those interested in contributing to this community effort can reach him by email at scott.bryan@comcast.net or by telephone at 925-418-4428.

Oakley: Diablo Water District gives drought-conscious gardeners help

By Nate Gartrell ngartrell@bayareanewsgroup.com

Updated: 10/17/2015 05:54:33 PM PDT

ContraCostaTimes.com

OAKLEY -- Residents here are being asked to cut water usage by 28 percent, but that doesn't necessarily mean they'll have to let their gardens dry up.

The Diablo Water District has unveiled a new drought-tolerant garden, designed to be a blueprint for local gardeners who don't want to choose between letting their plants die and failing to conserve water. It was designed to be tailor-made for DWD ratepayers, who are restricted to watering only three days a week, DWD General Manager Mike Yeraka said.

"The idea is that we wanted to give our customers a chance to see what plants will survive on three days of watering per week," Yeraka said, adding that once plants are established, they generally require less water.

"There are actually some plants that the architect had in the plans that didn't make it on three days per week, and we said, 'OK, that's fine. We don't want to have those plants in our garden.' "

The 44 surviving species include maple trees, rosemary, Spanish lavender, Mexican feather grass, salvia, and a number of succulents.

All of them have been in the ground since June, but DWD officials did not officially unveil the garden since they wanted to be sure that the plants would survive on only three days of watering per week.

"We also landscaped the area, so our customers can pick and choose, get inspired, and see how rocks, granite, and bark can be integrated, so that they can go home and do their own garden," Yeraka said.

The Contra Costa Water District has installed a similar garden, and local fire districts have answered the call too, building gardens on their sites that feature fire-resistant plants, Yeraka said.

Anyone who visits DWD's garden can request a map of it, which includes a list of species, along with the recommended amounts of watering and minimum pot size.

The garden is located at DWD's new office building at 89 Carol Lane in Oakley.

For details, call Diablo Water District at 925-625-3798.

Contact Nate Gartrell at 925-779-7174, or follow him at [Twitter.com/nategartrell](https://twitter.com/nategartrell).



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Published **October 21st, 2015**

So You Want to Be a Firefighter?

By Nick Marnell

Your captain directs you to perform a dangerous, hazardous duty, like climbing onto a burning roof. What do you say to her? To succeed as a firefighter-paramedic with the Moraga-Orinda Fire District, you need to know that answer, and you need to respond quickly.

Fire Chief Stephen Healy and two recently hired firefighter-paramedics, Jeremy Kshevatzky and Chris Sillers, presented a behind the scenes look at the testing process recruits endure in their quest to become MOFD firefighter-paramedics.

"First up is the written test. It covers mechanical aptitude, mathematics, medical questions, reading comprehension. You've got to be pretty smart to get through that," said Kshevatzky. "And you've got to get smart at testing. Utilize the information the department has given you, study, and prepare."

"We also want to see how they would respond to certain firefighting situations," said Healy. "You see your captain stick into his pocket a wad of cash that he picked up from the inside of a house where a fire was just extinguished. What do you do?" Was he collecting evidence? Was he trying to protect the money from fire damage? Was he stealing it?

The chief said that most of the applicants make it to the next round: the interview with the fire board. "They ask seven or eight open-ended questions, like, why do you want this job?" he said.

"They don't want canned answers," said Kshevatzky. "They are looking for honesty. They may ask, how do you respond to a patient who has made it clear that she does not agree with paying her taxes to support the fire district? (We're here to take care of whoever is in need.)"

Successful candidates then progress to a paramedic skills evaluation. "Show us that you can function as a paramedic," said the chief.

"It's role playing," said Sillers. "A panel sits at a table, a mannequin lying on the ground, they watch how I interact. They want to see how you think in a dynamic situation. Can you make the right decisions?"

The skills evaluation is a pass-fail test. For example, the candidate responds to a victim who was hit by a car. If she does not hold the victim's head still, she fails.

Qualified applicants progress to the fire chief's interview. "It's more personal," said Kshevatzky.

"Chief Healy wanted to get to know who I was, where I came from, about my family." Sillers interviewed with previous fire chief Randy Bradley. "We spent 45 minutes talking about my life, and my family experiences," he said. Note the similarity in the interview style of the two chiefs.

The final test portion is the paramedic field evaluation. "It's the most important test we take," said Sillers. Candidates ride along in the ambulances, and are monitored on how they respond to a stroke call, a pediatric call, a diabetic with breathing difficulty. This segment may take up to two weeks.

"We want to be certain that the individual has the skill sets and the potential to be a successful, long-term district employee," said Healy. "Plus, they work at a station, spending time interacting with the crews. We try to place them with a captain they match with. Also, we provide them differing perspectives. The Orinda crews respond to freeway incidents, while those at the Moraga stations would experience calls at Saint Mary's."

"A lot of people can answer questions, but they want to know if you are someone they can work with," said Sillers.

"It was very stressful," said Kshevatzky. "I was a paramedic in another county. I had to make sure that I performed according to the protocols of this county, knowing that if I don't succeed right now, I won't be here tomorrow."

Meanwhile, the candidates undergo a physical, a psychological test and a background check.

"Through the field evaluation and the background check is where we lose the most people," said Healy.

The entire testing process took seven months, said Kshevatzky, before he received a phone call

from the chief, telling him that he was an MOFD firefighter-paramedic. "I've never felt anything like it," he said. "It was the best feeling, knowing that all of my hard work had finally paid off." The correct answer to that question in the opening paragraph? "It's our job to perform tasks that many would consider hazardous and dangerous," said Sillers. It is likely that those who choose a career as a firefighter would not have it any other way.

Reach the reporter at: nick@lamorindaweekly.com

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Published **October 21st, 2015**

Group Demands Weil's Ouster from MOFD Board

By Nick Marnell



Fred Weil Photo Lamorinda Weekly archive

A grass roots group of district residents began a petition drive in October to force Fred Weil to resign from the Moraga-Orinda Fire District board of directors. The petition, posted on the Care2 website, states that Weil, as board president, violated the public trust in 2008 by authorizing retiring MOFD Chief Pete Nowicki's compensation beyond what his contract allowed, costing the district \$4 million in pension charges over the chief's expected 30-year retirement period. The Contra Costa County Employees' Retirement Association board in September stripped Nowicki of more than \$1 million of his pension when it determined that his pension had been calculated improperly.

"You will note that the petition is not for recall, only for Fred to act unilaterally in the community's best interest. The petition is really for Fred. He knows what he did," said Steve Cohn, spokesman for the Orinda Citizens' Emergency Services Task Force, sponsor of the petition. "This is not right and there should be repercussions." The task force notes that since Weil's term ends in

November 2016, a recall would not be worth the effort and expense. Rather, the group encourages Weil to remove himself from the board immediately "so as to allow the board and the community to move on without distractions."

"As long as he remains a voting member of the MOFD board, his judgment will be questioned," reads the petition. "If the other members of the (2008) board were still public officials, they would be included. But they are not," said Cohn.

"The petition is part of Steve Cohn's malicious smear campaign, motivated, I believe, by a desire for revenge," said Weil. "He has resented for years my willingness to publicly challenge his dubious proposals, including his latest attempt to derail the rebuilding of Orinda's fire station 43 on Via Las Cruces, (which is a station) so important to the safety of north Orinda."

Cohn wrote to Supervisor Candace Andersen in October blaming MOFD and the Contra Costa County Fire Protection District for costing the districts millions of dollars by halting plans to build and operate joint fire station 46 in western Lafayette, and asking her to intercede. MOFD opted to rebuild station 43 and ConFire chose to repair Lafayette station 16. "I was in favor of station 46, but the situation has changed," said Andersen. "The important thing is that Lafayette and Orinda will have excellent coverage."

"Cohn has used as a vehicle for his personal attack the written and oral statements of CCCERA's lawyer, Harvey Leiderman," continued Weil. He explained that in August, Leiderman wrote a memorandum to CCCERA laying much of the blame on the MOFD board for Nowicki's improper pension, failing to mention that Leiderman warned CCCERA in 2009 that the practices and policies of the retirement board for more than 10 years had caused overpayments to retirees, including many of the items that Leiderman claimed were caused by the misconduct of the MOFD board or Nowicki. "Cohn knows all about Leiderman's 2009 letter, but he is hiding that fact in his petition," said Weil.

Weil asserted that Leiderman's suggestion that the MOFD board violated the Brown Act in

working out Nowicki's pension was baseless and gratuitous, yet Weil said that Cohn continues to create the impression that Weil violated the Brown Act.

"This is not personal between me and Fred; I don't even know him personally," said Cohn. "This is about something he and the 2008 board did ... which has damaged the community by handing out millions of dollars to a favored public employee."

In its 18-year history, several directors have resigned from the MOFD board, the latest being Frank Sperling, who moved out of the district in 2013. No board member ever resigned in response to public pressure.

Reach the reporter at: nick@lamorindaweekly.com

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Bay Point, Pittsburg: Ambrose Park pool plans up for approval

By Sam Richards

srichards@bayareanewsgroup.com

Posted: **10/23/2015** 11:06:26 AM PDT Updated: 3 days ago

PITTSBURG -- The return of swimming to Ambrose Park may take a big step closer Tuesday night with a key Planning Commission approval.

And with most of the needed \$2.3 million in hand, the aquatic center could be open for Independence Day 2016.

It's been a long time coming. The struggle to replace the closed facility has taken six years and weathered three separate pool designs. The plan had serious funding shortages until recently.

"I think this is the closest we've been, to tell you the truth," said Doug Long, general manager of the Ambrose Recreation and Park District. "If it all goes right, kids should be splashing around over there on July 4."

The planning commission is set to decide whether to approve the latest renovation plans for the Ambrose Aquatic Center, which has been closed since 2009. This will be the third time the pool project has come before the commission, and the latest plan reflects major changes in scope, generally made to reflect shrinking budgets. Planning staff recommends approval, and if the commission follows suit, it should be the last planning hurdle for the pool.

"They will not need any other design approval from the city," said city Associate Planner Jordan Davis.

Ambrose Park was annexed by the City of Pittsburg in September 2008, and it's the only one of the district's nine parks outside unincorporated Bay Point. Though Pittsburg doesn't have operational control over the park, the city has the authority to review and approve the design of proposed structures and features there, Davis said, including the pool.

The pool renovation was first laid out in the 2009 Ambrose Park Master Plan. The plan included options for a brand new pool and for renovating the existing one; several public meetings later, the option to renovate the old pool was chosen.

As part of the project's latest incarnation, the new pool would be about two-thirds the size of the old one. The existing bathhouse building would be replaced by a prefabricated building, and many of the existing concrete areas would be replaced with grass.

Earlier this year, facing a potential \$300,000 funding shortfall, Long said that seeking donations from local industries and businesses was a distinct possibility. But with a combination of general belt tightening in the district, including contracting out some maintenance functions, and higher property tax revenues from an improved economy, that gap is projected now to be closer to \$63,000.

Eduardo Torres of the community group West Pittsburg for Progress said he has little reason to believe this newest proposal is any more likely to move forward than the ones before it. He said the park district board should have been spending more time in recent months to drum up funding for the project.

"Last year, they said the pool would be open by Memorial Day weekend; now they're saying July of next year," Torres said. "A lot of people in our community have already lost faith in this project Until I see real progress, I'm going to continue to be cautiously optimistic about the pool project."

Pittsburg Planning Commission

When: Tuesday, Oct. 27, 7-9 p.m. Where: Council Chambers, 65 Civic Ave., Pittsburg
Information: www.ci.pittsburg.ca.us, click on "agenda and minutes"

Worst of East Contra Costa island fire appears over

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

Posted: **10/23/2015** 11:00:00 PM PDT Updated: a day ago

BRADFORD ISLAND -- The worst of a fire that spread through this island in the Sacramento/San Joaquin River Delta appeared to be over Saturday.

"I'm feeling much better," said Robert Davies, a property owner who also is a member of the board of trustees of Bradford Island Reclamation District 2059.

"The fire was burning the entire night last night and all (this) morning," he said Saturday afternoon. "Right now I'm looking at a bunch of smoke."

As of 6 p.m. there were still some flames on the west side of the island, Davies said.

The fire began around 1:30 p.m. Friday and quickly spread, burning at least one building by late afternoon, he said.

"Thank God for the sheriff," Davies said. A Contra Costa County Sheriff's Office helicopter doused flames from 3 p.m. until darkness Friday with water from a 300-gallon bucket, Davies explained. The helicopter crew dropped the bucket into a lake on the island for refills so many times, he lost count, he said.

"If the sheriff's department didn't come forward with the bucket, we would have had a major problem," he added.

The cash-strapped East Contra Costa Fire Protection District stopped serving Bradford Island and other nearby areas of easternmost Contra Costa several years ago.

"My sons and I did fire watch the entire night," Davies said. "It came within 200 yards of my RV." His younger son, Chris Davies, was on duty Saturday with the Moraga-Orinda Fire District, where he is an engineer, his father said, leaving the elder Davies and his older son, who is 35, to keep an eye on the island blaze.

District Secretary Angelia Tant, in an email to Bradford Island landowners Saturday, said 12 power poles burned on the side of the island near the Davies property and another two on the north end.

The island counts about a dozen residents. Additionally, there are landowners, like Davies, who own property on Bradford Island but live off the island.

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

Contra Costa Times editorial: Police stop of Kensington official doesn't pass the smell test

Contra Costa Times editorial © 2015 Bay Area News Group
Posted: 10/24/2015 04:00:00 PM PDT Updated: 78 min. ago



Kensington Police Department Officer Keith Barrow mingles with friends and colleagues during the Richmond Elks Lodge's 10th annual Police Officer Appreciation Awards Night in El Sobrante, Calif., on Wednesday, February 11, 2009. (Kristopher Skinner/Staff archives)

In what universe is this OK?

Two cops outside their community in a neighboring city pull over an elected official, refuse to tell her why she's been stopped, threaten her with arrest when she asks questions, detain her for about a half-hour and ticket her.

Not even in Kensington should this be acceptable. But it's not surprising given the town governing board's history of conducting public business in secret, stonewalling inquiries and filing lawsuits against residents who object.

The culture must change. We keep waiting and wondering when the well-educated residents of Kensington, an enclave of 5,000 nestled between Berkeley, Albany and El Cerrito, will wake up and take back control of their town.

That doesn't mean a revolution. That means politically organizing and fielding qualified candidates to unseat the board majority, two of whom are up for re-election next year.

As for the latest incident, police Chief Kevin Hart has wisely farmed out the internal investigation to the Richmond Police Department. He's also asked the district attorney to conduct a review. And, by the way, the FBI is poking around.

Hart asks that the community not prejudge what happened. Unfortunately, from what we know so far, this doesn't pass the smell test. And if wrongdoing is found, the community should demand action.

Vanessa Cordova is the official who was pulled over. She was elected last year to the board of the Kensington Police Protection and Community Services District and is one of two board members who have tried to change its culture.

She has complained about board secrecy, what she called, with justification, "an oligarchy sustained by obfuscation." And she led efforts to fire former police Chief Greg Harman earlier this year for his lax handling of an internal investigation of Sgt. Keith Barrow.

Which brings us to Barrow. He is the leader of the police union, which has been embroiled in negotiations with the district board for over a year. He is also the cop who had his gun, badge, handcuffs and two clips of ammunition stolen when he fell asleep while with a prostitute in Reno. He was disciplined with only a suspension.

Barrow was one of the two cops who stopped Cordova earlier this month in Berkeley, more than a mile from Kensington. Cordova was ultimately cited for an expired car registration and missing a front license plate.

What were the two cops doing there? How is it that they pulled over, of all people, a board member? Coincidence? Hard to believe.

If these cops were trying to send a message, it's time for the community to send one back.

Pittsburg: Annexation of Kirker Pass land for homes on tap

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

Posted: **10/30/2015** 07:07:45 PM PDT Updated: 3 days ago

PITTSBURG -- The City Council on Monday night is set to start the process of annexing land south of the city along Kirker Pass Road where a proposed 356-house subdivision would be built.

The council will also have to rezone the land, which is already within the city's sphere of influence and inside its urban limit line. The urban boundary was narrowly approved by voters in 2005 as Measure P, which was backed by the Seeno construction company that wants to build the Montreaux subdivision. That vote thus opened up 2,200 acres in the hills southwest of the city for development and future annexation into Pittsburg.

The Montreaux development is proposed by builder Altec Homes., affiliated with Concord-based Seecon Financial. It would comprise large, estate-size homes on 77 acres. Seventy-one acres would be preserved as open space; another 17 acres would become a stormwater collection basin.

The property would be rezoned from hillside planned development to single family residential, which would double the number of houses that would be allowed there.

A long-planned 2-mile western extension of James Donlan Boulevard from Antioch would one day connect with Kirker Pass Road near where the new homes would be built, according to Pittsburg city staff reports.

The housing development would also have to come under the jurisdictions of Delta Diablo, the local sanitation district, and the Contra Costa Water District.

This plan has been working its way through Pittsburg's approval process since April 2010. Some groups, notably Save Mount Diablo, have criticized the project for the massive grading in the hills it would require, and indeed the project's environmental report says that grading is a "significant unavoidable impact."

Contact Sam Richards at 925-943-8241. Follow him at [Twitter.com/samrichardsWC](https://twitter.com/samrichardsWC).

Pittsburg City Council When: Monday, Nov. 2, 7 p.m.

Where: Pittsburg City Hall, 65 Civic Ave., Pittsburg

Information: www.ci.pittsburg.ca.us, then click on "agendas and minutes"

Pinole City Councilman Phil Green dies

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

Posted: 10/30/2015 07:24:06 AM PDT Updated: about 6 hours ago



Pinole City Councilman Phil Green has died. (Kristopher Skinner/Bay Area News Group)

PINOLE -- Pinole City Councilman Phil Green, who announced in September that he had cancer, died Oct. 23.

Green's death was announced by Hercules Mayor Sherry McCoy at the end of Tuesday's Hercules City Council meeting, which was adjourned in Green's memory.

News of his passing was also acknowledged Thursday with the posting of the Oct. 30 Pinole city manager's weekly administrative report.

A city official said that services will be private.

Green hosted a celebration of life and friendship for friends and community members at the Richmond Country Club on Sept. 13.

Green was the sole owner of PDF, a small business that sold and serviced fire extinguishers and other fire equipment.

He had served on the Pinole City Council since 2010. He also served one term on the council from 1986 to 1990.

More recently, he had served on several regional committees, including as delegate to the Western Contra Costa Transit Authority board and as alternate on the West Contra Costa Unified School District Bond Oversight Committee and alternate delegate to the Association of Bay Area Governments, according to the city manager's report.

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

Rodeo Hercules Fire District may close station after suit deal

By [Matthew Artz martz@bayareanewsgroup.com](mailto:martz@bayareanewsgroup.com)

Posted: 10/30/2015 07:22:21 AM PDT Updated: about 6 hours ago

HERCULES -- The Rodeo Hercules Fire District has settled a closely watched lawsuit, agreeing to rescind a property assessment in 2017 that had been billed as safeguarding its finances for years to come.

The fire district, which may have to once again close one of its two stations after the assessment expires, also agreed to pay \$175,000 in attorney's fees for the plaintiff Thomas Pearson and not seek another benefit assessment for three years.

The lawsuit had attracted attention outside the small cash-strapped district because it challenged whether fire districts were eligible to seek benefit assessments, which only need a simple majority for passage rather than the two-thirds majority required for a standard property tax hike.

Pearson's lawsuit argued that the district's assessment, approved last year by a vote of property owners, was invalid because it paid for services that had been provided for years rather than new benefits.

The settlement leaves the larger legal question unsettled, but Pearson, 67, of Hercules, said he was happy with it.

"I felt the board was simply trying to do an end around on the voters because it's much easier to get 50 percent plus one," he said. "I thought it was illegal. And I wanted to send a message to the board to knock it off."

Chief Charles Hanley said the settlement was "a business decision" for the district, which now must consider whether to seek a property tax hike to restore the estimated \$940,000 per year that the assessment raised. That money had been used to help reopen its Rodeo station, which Hanley said is now likely to close again at the end of 2017.

"We'll basically regroup," Hanley said. "We have some money in our reserves and now we can figure out what the next move is."

The district has been in financial straits for years as its tax base shrunk and pension obligations increased.

"This is the worst position I've seen the district in," said veteran board member Bill Prather, who nevertheless had opposed the benefit assessment. "It was phony from day one. Everybody knew that."

The assessment charged single-family homeowners \$82 per year. Condo owners paid \$46.93. Rates varied for commercial properties with Phillips 66, the district's largest property owner, paying about \$45,500 for its 29 parcels.

Contact Matthew Artz at 510-208-6435.

East Contra Costa Fire District wants to reopen fourth station, seek another tax measure

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

Posted: **11/02/2015** 10:37:31 PM PST Updated: about 19 hours ago



East Contra Costa firefighter Capt. Robert Ruddick, of Station 52, examines the outside their fire truck after performing a regular maintenance checkup at the fire station in Brentwood, Calif., on Monday, Sept. 28, 2015. Over the past decade, the number of fire stations operated by the East County Fire District has dropped from eight to three. (Jose Carlos Fajardo/Bay Area News Group) (JOSE CARLOS FAJARDO)

OAKLEY -- In a push to solve the agency's long-standing financial troubles, directors of the East Contra Costa Fire District agreed Monday to the idea of reopening a fourth station next year as well as proposing another tax measure.

In a split vote, board members accepted these recommendations from a multi-jurisdictional task force that has spent nearly the past 4½ months brainstorming both temporary fixes and long-term solutions to the district's crippling shortage of firefighters and the stations to house them.

"We have a broken system," said Brentwood City Manager Gus Vina, who established the 10-member group that represents Brentwood, Oakley and the county as well as firefighters themselves.



East Contra Costa firefighter captain Robert Ruddick, of Station 52, lowers the fire truck cab after performing a regular maintenance checkup at the fire station in Brentwood, Calif., on Monday, Sept. 28, 2015. Over the past decade, the number of fire stations operated by the East County Fire District has dropped from eight to three. (Jose Carlos Fajardo/Bay Area News Group) (JOSE CARLOS FAJARDO)

Before East Contra Costa Fire can act on the task force's advice, however, those other agencies also must give their approval because the plan calls for each of them to contribute one-time funds to keep the additional fire station open and fully staffed for 18 months while the board continues looking for a long-term source of revenue.

The estimated cost of reopening one of the five stations the district has been forced to mothball over as many years and recruiting more firefighters is \$2.2 million, which would keep it functioning from January through June 2017.

East Contra Costa Fire would pay the lion's share, but Brentwood and Oakley would contribute \$666,000 and \$382,202, respectively; the county's portion would be \$311,617.

Over the next several weeks, the task force will present its recommendations to the two city councils as well as the county board of Supervisors; if there is consensus, East Contra Costa Fire directors will vote again at their Dec. 7 meeting to act on the plan.

Several on the fire board emphasized the need to get going quickly, noting that the district already is lagging given the time it takes to put some kind of revenue-generating measure to voters next year.

"There's too much at risk here," said Director Ronald Johansen, who predicted that area residents' home insurance premiums soon will be going up significantly because the district is having trouble meeting industry standards for staffing and response times.

In a second vote, the board unanimously agreed to hire a consulting firm to update the fire district's master plan, completed in 2006, for a maximum fee of \$64,000. The document will analyze whether East Contra Costa Fire is operating as efficiently as it could and what it will take to meet demands for service as the region's population -- now estimated at 110,000 -- expands.

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



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Print this page

Published **November 4th, 2015**

Opposing Forces Unite Against MOFD Station 43

By *Nick Marnell*

The Moraga-Orinda Fire District took the first official step in the reconstruction of station 43 Oct. 21 by authorizing Fire Chief Stephen Healy to spend over \$200,000 on document reviews and updates and to purchase and install a mobile home to serve as a temporary fire station. Director Steve Anderson voted against the authorization, and he was joined by an unlikely ally in the firefighters union.

"I don't want the district to start and then stop," said Healy. "If we're going forward with the rebuilding of the fire station and the purchase of a mobile home, authorize me to do it now. I will not purchase anything until the board has seen a total cost estimate."

The chief said that the district will require a double-wide mobile home as the temporary station, which has to be purchased and cannot be rented. The home will have some salvage value, said Healy, "Something more than worthless, but less than \$95,000." Tentative plans call for the placement of the temporary station in the St. Stephen's Church parking lot.

"For the taxpayers and residents of MOFD, station 46 was an outstanding opportunity," said Anderson. The joint venture with the Contra Costa County Fire Protection District to build and operate a station in western Lafayette was estimated to save each district more than \$1 million annually in expenses.

"Once we go down the 43 road, it removes any opportunity for MOFD and ConFire to collaborate on a joint station," continued Anderson. "And it removes leverage for ConFire to do what they say they're going to do." ConFire Chief Jeff Carman presented a plan to his board to rebuild station 16 in Lafayette but he has not yet received official approval. If station 16 remains closed, emergency calls in that area will most likely continue to be handled through an automatic aid agreement with MOFD.

"I received unanimous support from our board for reopening station 16 and to report back when we have received a final proposal," said Carman. "We are forging ahead with those same plans we presented to our board."

Mark DeWeese, the district union representative, asked the board to put the station 43 reconstruction temporarily on hold. He appealed from a different perspective than Anderson, the only board member to vote against the current labor contract, fearful of the automatic wage increases it earmarked.

"The financial challenges in recent years have been addressed through salary and benefit restrictions and reductions on current Local 1230 employees," said DeWeese. "Now that the financial picture is looking positive, restoring these salaries and benefits should be the first thing this board addresses, not excessive capital spending on rebuilding station 43.

"It's not expensive buildings that put out the fires and deliver the high quality emergency medical response that MOFD is known for, it's high quality people."

The motion to authorize Healy to commence the station 43 project passed 3-1, with director Kathleen Famulener absent. Representatives of investment bank Brandis Tallman plan to address the board Nov. 18 on financing options for the primary building construction.

Reach the reporter at: nick@lamorindaweekly.com

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Calaveras Enterprise

County provides financial assistance to fire districts

- By Sonia Waraich sonia@calaverasenterprise.com
- Nov 6, 2015

The Calaveras County Board of Supervisors voted unanimously on Tuesday to lend fire districts that responded to the Butte Fire 100 percent of their potential tax revenue a month early through an emergency modification of the Teeter Plan.

The Teeter Plan, a county savings account that accumulates penalties paid on late tax payments, currently provides cash advances equal to 55 percent of tax apportionments through December and 40 percent through April to agencies that bank with the county treasury and collect taxes.

Because of the amount of money spent on fire-suppression and related activities, harder-hit fire districts have already used up their loans and need funds to get through November until the next apportionment is due in December.

Jeff Stone, chief of the Central Calaveras Fire and Rescue Protection District, said his district was hit hard by the fire and its single largest expense is paying the firefighters for 21 straight days of being on duty.

Stone added that the district also provided about 500 gallons of diesel fuel to local law enforcement to help with evacuation efforts and their backup generators, which run on propane, were also continually running for several weeks.

He said the vendors for these supplies and services wanted to be paid immediately, which the district has done.

“We used our reserve funds to pay these return costs on the expectation that we’d receive reimbursement,” Stone said.

The fire districts are expected to be reimbursed for all expenditures related to the disaster once emergency funds materialize, but the process for special districts to receive disaster relief can take half a year.

“In the meantime we have a cash-flow issue for operations,” Rebecca Callen, the county’s auditor-controller, told the board.

Of the roughly \$7 million in the Teeter fund, Central Calaveras Fire was allotted \$137,939.36, of which \$75,866.65 (55 percent) has already been spent with \$55,175.74 (40 percent) still to come. Loans are expected to be repaid by June 30, 2016.

Because fire districts are separate entities and are not governed by the county's board of supervisors, the money the county received for disaster relief cannot be directed to those districts and thus they must apply separately for public assistance.

"There's a mechanism in place for us to get an advance," Callen said. "There wasn't and there isn't a mechanism for them to get an advance."

But Mike Johnson, chief of Ebbetts Pass Fire Protection District, told the board that "the fire districts in this county have been heading for trouble since the economy dumped."

"What's happening here is good," Johnson said, "but we will come to a point where nobody has any money."

Though Ebbetts Pass Fire was not as impacted by the fire and has more tax revenue than other districts, Johnson said the board should expect to hear from them again unless things change.

Stone said the long-term effects of the fire on property values will mean the projected budgets for the county and all special districts will have to be reduced with yet-to-be-determined consequences.

If a fire district was unable to continue operating, the state's safety requirements would require the Local Agency Formation Commission of Calaveras County to get involved and get another local district to cover that area, which would have to be voted on by the public.

In the past, Callen said districts that weren't viable for certain communities, such as the veteran and cemetery districts, were consolidated with other districts instead of dissolved entirely.

Bay Area needs powerful regional government, study says

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ContraCostaTimes.com

The Bay Area generates one of the brightest sparks in the nation's recovering economy, but feeding its vitality means residents will have to give up some local control, dig deeper into their wallets, and make room for tens of thousands of new neighbors, according to study released Friday.

Keeping on prosperity's path requires a regional government with power to overcome local obstacles, money from new taxes and tolls, and opening the doors to housing closed by local growth controls and state environmental red tape, according to "A Roadmap for Economic Resilience," an in-depth study done by the Bay Area Council Economic Institute.

Without action, the Bay Area's highways choked with commuters, its fragmented transit systems, and anti-growth attitudes will choke the boom times, the report says.

The Bay Area may have 101 cities, "but it is one economy with more than 7 million people," says Bay Area Council President Jim Wunderman.

"No city can perceive itself as an island. It's time for policymakers and business leaders to think and act with a regional perspective ... to maximize our many assets and keep the economy growing," he says.

The Bay Area Council is a business-sponsored public policy advocacy group.

A key concept is the creation of a powerful regional government -- "a regional planning, finance and management" agency -- funded by tolls on bridges, highways and express lanes and a regional sales tax, gas tax, or vehicle license fee.

According to the study, the regional agency would develop "a stronger regional approach to addressing critical needs (of) infrastructure, housing, workforce training, and economic development."

(Late last month, an attempt to expand one regional agency's powers in this direction resulted in a pact to study merging the Metropolitan Transportation Commission and the Association of Bay Area Governments.)

Loss of local control, a new layer of government and more taxes are warning words for groups that monitor taxpayer burdens.

"Why do they need additional revenue?" asked Jon Coupal of the Howard Jarvis Taxpayers Foundation. "If some functions shift to a regional government, shouldn't the revenue stream follow?"

"California remains a very, very overtaxed state," he said. "It has the highest sales tax and highest gas tax ... and a great deal of mismanaged tax revenue."

Tax increases might result in improvements, but much of the money will go to fund public employee pensions, he predicted.

But he also sees a need to protect the area's economy. "Most of the major chip manufacturers have left California," he said. "A lot of high tech is moving to Denver and Salt Lake City, and a lot of biotech is moving to Salt Lake." Housing, a key to developing the workforce and easing commute strains, is in crisis:

There's too little of it and it costs too much, the report finds. The Bay Area needs nearly 1.3 million housing units built by 2040 to meet demand, and there should be consequences when cities fail to meet state-mandated housing goals, such as loss of local authority to approve housing, the report advises.

The plan includes the long-sought goal of easing environmental protection laws that hinder speedy construction or block building entirely.

"It shouldn't be read as the region vs. cities," said report co-author Micah Weinberg, a council senior policy adviser. "It should be 'How can we make it easier for cities to do the right thing by residents of the region?'"

Reducing construction costs would be packaged with quicker approvals for lower-cost construction and new building technologies, and capping fees throughout the region.

Coupal called the state's building permits and mandates absurd.

The housing crisis is a "self-inflicted wound," he said. The report does not consider actions suggested by other factions in the Bay Area's growth debates, such as making businesses that rely on commuters help pay for their transportation and housing needs.

That's a nonstarter for Weinberg and Wunderman.

"When you start to pick off individual businesses, it does not scale," Weinberg said. "You need the scale of a state or region to make the investment you need in transportation."

Wunderman said the world economy is too dynamic to risk the Bay Area's momentum.

"If you have jobs, you can solve problems. ... The last thing you want to do is put the brakes on the economy."

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Economic resilience

"A Roadmap for Economic Resilience" sets six actions needed to sustain the Bay Area's economic growth and to prepare it for natural disasters.

- Create a regional infrastructure financing authority with the power to play a stronger role in regional transportation finance and planning.
- Give the regional authority enhanced power to acquire funding.
- Coordinate the building of large-scale water recycling, desalination, and storage infrastructure through a regional entity.
- Lower the voter threshold for county infrastructure taxes to 55 percent.
- Establish a separate environmental review process for infrastructure.
- Plan for resiliency in all infrastructure decisions (to prepare for and react to natural disasters)

The full report is online at www.bayareaeconomy.org

The Sacramento Bee

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Southern California deal for Delta islands could cost up to \$240 million

Metropolitan would team with Kern County agencies on land purchase

Delta islands could be useful in water transfers, storage

Environmentalists warn of south state water grab

By Dale Kasler and Ryan Sabalow

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Southern California's most powerful water agency is inching closer toward spending as much as \$240 million to buy a cluster of islands in the Sacramento-San Joaquin Delta, a move that has stirred accusations of a south-state water grab.

The board of the Metropolitan Water District of Southern California voted Tuesday to authorize its general manager to negotiate options on the five islands, owned by a company called Delta Wetlands Properties. It would mark the first time Metropolitan has purchased land in the Delta, which serves as the hub of California's complicated man-made water-delivery network.

The price is still under negotiation but, based on prevailing Delta land values, could be between \$7,500 to \$12,000 an acre, said Metropolitan general manager Jeff Kightlinger. That would put the total price for the 80,000-acre purchase at somewhere between \$150 million and \$240 million.

Metropolitan and [three agricultural water agencies](#) from Kern County – Semitropic, Rosedale-Rio Bravo and Wheeler Ridge-Maricopa – have been discussing purchasing the five islands for several weeks.

In his first extensive comments on the Delta land plan since it surfaced weeks ago, Kightlinger told reporters that Metropolitan is waiting for the boards of the Kern agencies to authorize the purchase options.

Critics have said Metropolitan and its partners want to use the lands to somehow pull more water out of the Delta. Kightlinger and Stephen Arakawa, Metropolitan's director of Bay-Delta Initiatives, acknowledged that more water is Metropolitan's goal, but not in the way the agency's opponents think. Instead, Metropolitan's plan is to restore wildlife habitats on the islands, on the theory that any project that enhances the Delta's various ecosystems will smooth the way for improved water deliveries.

“Our interest is reliable (water) supply, and a health environment in the Delta is a key part of that,” Arakawa said. “You can’t have a reliable supply without a healthy environment.”

Kightlinger said ownership of the islands could help Metropolitan and its allies push ahead with the Delta tunnels project, known as California WaterFix, a controversial \$16 billion plan spearheaded by Gov. Jerry Brown to re-engineer the Delta and enhance reliability of water deliveries to Metropolitan and San Joaquin Valley agricultural water agencies.

Two of the islands to be purchased sit along the proposed tunnels route, and owning them would mean fewer eminent-domain proceedings to get the tunnels project going, Kightlinger said. He added that the islands could also be used to store dirt as excavation proceeds for the tunnels.

Delta Wetlands Properties’ owner, the U.S. subsidiary of Zurich Insurance Group, has been trying for 20 years to convert the islands into reservoirs as a means of storing additional water for customers south of the Delta. Kightlinger said, “we’ve never been sold on them as reservoir sites,” but he said there may be some value in using the islands for water storage.

The islands sit below sea level and could store up to 70 billion gallons of water during wet years.

Officials with Delta Wetlands couldn’t be reached for comment Tuesday.

The purchase would include Bouldin Island, Bacon Island, Webb Tract, most of Holland Island and a portion of tiny Chipps Island, a total of more than 20,000 acres.

Both the reservoir plan and Brown’s California WaterFix have been criticized by Delta farmers and environmentalists. Many in the Delta agricultural community have said Metropolitan and its partners could use the Delta islands to engineer a major water grab.

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Read more here: <http://www.sacbee.com/news/state/california/water-and-drought/article44155962.html#storylink=cpy>

East Contra Costa fire district moves closer to solving financial woes

By Nate Gartrell ngartrell@bayareanewsgroup.com

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ContraCostaTimes.com

BRENTWOOD -- The struggling East Contra Costa Fire District is one step closer to getting badly needed financial relief.

On Tuesday, the city councils of Brentwood and Oakley each unanimously approved a set of recommendations sent to them by a task force created to come up with short- and long-term solutions to the ECCFPD's ongoing financial crisis. In May, the district closed two of its fire stations after a parcel tax ballot initiative that would have generated \$21 million over five years was rejected by voters.

The recommendations still need to be approved by the Contra Costa County board of supervisors on Tuesday, and then the ECCFPD board on Dec. 7 before they'll take effect. They include reopening a fully staffed fourth station for 18 months, which is estimated to cost \$2.2 million, according to a city staff report. Those costs will be split between the ECCFPD, the county, and the cities of Brentwood and Oakley.

Also, the task force recommended that the district consider another ballot initiative to fund the ECCFPD. It's not clear whether this will mean another parcel tax assessment, like the one voters rejected earlier this year, or a different means of acquiring revenue.

Additionally, officials will be exploring other ways to create a long-term solution to the problem.

"We have a common crisis and it's going to take all of us, all working together, to come up with the right solution," Brentwood City Manager Gus Vina said.

In April, when voters rejected the parcel assessment ballot measure, 73 percent of the 43,684 ballots went unreturned, according to district documents. Of those, there were only two East Contra Costa communities in which a majority voted in favor of the tax: Brentwood, and Marsh Creek.

Before the Brentwood council approved the recommendations, district Chief Hugh Henderson described to the council incidents in which his firefighters were spread so thin that they were unable to respond to other emergencies in progress. In one, a Discovery Bay structure fire that caused roughly \$500,000 in damages, more than a half-dozen medical emergencies occurred during the seven hours firefighters were battling the house fire.

"The current staffing model cannot provide service levels or meet the needs of the community," Henderson said, asking the council to approve the recommendations.

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