



NOTICE AND AGENDA FOR REGULAR MEETING

DATE/TIME: Wednesday, January 13, 2016 - 1:30 PM

PLACE: Board of Supervisors Chambers
651 Pine Street, Martinez, CA 94553

NOTICE IS HEREBY GIVEN that the Commission will hear and consider oral or written testimony presented by any affected agency or any interested person who wishes to appear. Proponents and opponents, or their representatives, are expected to attend the hearings. From time to time, the Chair may announce time limits and direct the focus of public comment for any given proposal.

Any disclosable public records related to an open session item on a regular meeting agenda and distributed by LAFCO to a majority of the members of the Commission less than 72 hours prior to that meeting will be available for public inspection in the office at 651 Pine Street, Six Floor, Martinez, CA, during normal business hours as well as at the LAFCO meeting.

All matters listed under CONSENT ITEMS are considered by the Commission to be routine and will be enacted by one motion. There will be no separate discussion of these items unless requested by a member of the Commission or a member of the public prior to the time the Commission votes on the motion to adopt.

For agenda items not requiring a formal public hearing, the Chair will ask for public comments. For formal public hearings the Chair will announce the opening and closing of the public hearing.

If you wish to speak, please complete a speaker's card and approach the podium; speak clearly into the microphone, start by stating your name and address for the record.

Campaign Contribution Disclosure

If you are an applicant or an agent of an applicant on a matter to be heard by the Commission, and if you have made campaign contributions totaling \$250 or more to any Commissioner in the past 12 months, Government Code Section 84308 requires that you disclose the fact, either orally or in writing, for the official record of the proceedings.

Notice of Intent to Waive Protest Proceedings

In the case of a change of organization consisting of an annexation or detachment, or a reorganization consisting solely of annexations or detachments, or both, or the formation of a county service area, it is the intent of the Commission to waive subsequent protest and election proceedings provided that appropriate mailed notice has been given to landowners and registered voters within the affected territory pursuant to Gov. Code sections 56157 and 56663, and no written opposition from affected landowner or voters to the proposal is received before the conclusion of the commission proceedings on the proposal.

American Disabilities Act Compliance

LAFCO will provide reasonable accommodations for persons with disabilities planning to attend meetings who contact the LAFCO office at least 24 hours before the meeting, at 925-335-1094. An assistive listening device is available upon advance request.

As a courtesy, please silence your cell phones during the meeting.

January 13, 2016 CONTRA COSTA LAFCO AGENDA

1. Call to Order and Pledge of Allegiance
2. **Welcome Returning Commissioner Andersen, County Member (Alternate)**
3. Roll Call
4. Adoption of Agenda
5. **Selection of Chair and Vice Chair**
6. 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.
7. Approval of Minutes for the December 9, 2015 regular LAFCO meeting
8. Informational Presentation – Marilyn C. Underwood, Ph.D., REHS, Director, Contra Costa County Environmental Health Department

SPHERE OF INFLUENCE/BOUNDARY CHANGES

9. **LAFCO 15-02 – West County Wastewater District (WCWD) Annexation 314 (Park Avenue)** - consider proposed annexation of 21+ acres (10 parcels) located on Park Avenue and Tisbury Lane in unincorporated Richmond. Also consider related actions under the California Environmental Quality Act. **Public Hearing – Continued from December 9, 2015**

BUSINESS ITEMS

10. **Agriculture & Open Space Preservation Policy** - receive report from the Policies & Procedures Committee and provide direction.
11. **Broadband** – receive report from the Policies & Procedures Committee and consider approving resolution and proposed amendments to LAFCO's policies.
12. **Second Quarter FY 2015-16 Budget Report** – Receive FY 2015-16 second quarter budget report.
13. **Executive Officer's Performance Review and Compensation** - Consider a salary increase for the Executive Officer in conjunction with her recent performance review.

CORRESPONDENCE

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

INFORMATIONAL ITEMS

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

ADJOURNMENT

Next regular LAFCO meeting – February 10, 2016 at 1:30 p.m.

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



Lou Ann Teixeira
Executive Officer

MEMBERS

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

ALTERNATE MEMBERS

Candace Andersen
County Member
Sharon Burke
Public Member
Tom Butt
City Member
Stanley Caldwell
Special District Member

January 13, 2016
Agenda Item 2

January 13, 2016 (Agenda)

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

Welcome Returning Commissioner

Dear Members of the Commission:

At their meeting on January 5th, the Contra Costa County Board of Supervisors re-appointed Supervisor Candace Andersen to Contra Costa LAFCO as a County member (Alternate).

Congratulations Commissioner Andersen!



Lou Ann Teixeira
 Executive Officer

MEMBERS

Donald A. Blubaugh <i>Public Member</i>	Mary N. Piepho <i>County Member</i>
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 Stanley Caldwell
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January 13, 2016 (Agenda)

January 13, 2016
 Agenda Item 5

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

Selection of Commission Officers for 2016

Dear Members of the Commission:

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

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

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

In 2015, City Member Rob Schroder served as Chair, and County Member Piepho served as Vice Chair.

RECOMMENDATION – Per the Commission’s policy, it is recommended that the Commission select a County member as Chair and a Public member as Vice Chair to serve until January 2017.

Sincerely,

LOU ANN TEXEIRA
 EXECUTIVE OFFICER

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MINUTES OF MEETING

December 9, 2015

January 13, 2016
Agenda Item 7

Board of Supervisors Chambers
Martinez, CA

1. Chair Rob Schroder called the meeting to order at 1:30 p.m.
2. The Pledge of Allegiance was recited.
3. Roll was called. A quorum was present of the following Commissioners:

City Members Rob Schroder and Don Tatzin.

County Members Mary Piepho (arrived 1:36) 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.

4. Approval of the Agenda

Upon motion of McGill, 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 November 18, 2015 Meeting Minutes

Upon motion of Andersen, second by Tatzin, 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. LAFCO 15-02 - West County Wastewater District Annexation No. 314 (Park Avenue)

The Executive Officer noted that this annexation proposal was scheduled for a public hearing at this meeting, but due to an error made by the mailing service, an incorrect notice was sent and landowners were not provided notice of the hearing.

LAFCO staff requested that the hearing be opened for public comment and then continued to the January 13, 2016 meeting.

Chair Schroder opened the public hearing and there were no public comments.

Upon motion of Tatzin, second by Blubaugh, Commissioners unanimously, by a 6-0 vote, continued the public hearing to the January 13, 2016 meeting.

DRAFT

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

8. Commissioner Terms

The Executive Officer reported that in May 2016, the terms of five Commissioners will expire: one City member, one special district member, one County member, and both public members.

Commissioner selection processes are prescribed by statute and local policy as summarized in the staff report. The city, special district, and county members are appointed by selection committees and the Board of Supervisors, respectively.

The public members are appointed by the other members of the commission, and require an affirmative vote of at least one city member, one special district member and one county member. Contra Costa LAFCO policy includes options for selecting public members, including the option to conduct a formal recruitment, or follow an alternative selection process, such as reappointment, which can be done once.

Following brief discussion, Commissioners indicated a preference for reappointing both Commissioners Blubaugh and Burke. No action was taken at this time.

9. 2015 Legislative Wrap-up

The Executive Officer provided a brief summary of legislation sponsored by and affecting LAFCOs in 2015. Both bills sponsored by CALAFCO were signed by Governor Brown. A number of bills posed challenges for LAFCO, such as the water consolidation bill, the two bills dealing with out of agency service, and the Isla Vista CSD bill. CALAFCO was successful in getting some amendments and concessions on these bills.

The 2016 legislative year was kicked off by the CALAFCO Legislative Committee on November 6th with an introductory conference call. Commissioner McGill and the Executive Officer both serve on the CALAFCO Legislative Committee and will keep the Commission updated throughout the year.

10. Correspondence from CCCERA

There were no comments on this item.

11. Commissioner Comments and Announcements

Commissioner McGill reported that the CALAFCO Legislative Committee will meet next on December 11th in Sacramento.

Commissioner Piepho reported that she had prepared, and LAFCO staff forwarded, a set of documents pertaining to the County's pursuance of a detachment of BBID from certain areas within the Town of Discovery Bay Community Services District's boundary. She added that the process could ultimately end up in this LAFCO's jurisdiction.

Commissioner Skaredoff reported that he attended the Association of Resource Conservation Districts Conference the first week of December. He added that the Contra Costa Special Districts Association will hold its quarterly meeting in January, and there will be a presentation from Elliot Mulberg on reclamation districts.

Chair Schroder congratulated Commissioner Tatzin on his 30 years of service to the City of Lafayette.

12. Staff Announcements

The Executive Officer had no further reports or announcements.

At 1:43 p.m., Commissioners adjourned to Closed Session to discuss employee performance evaluation.

At 2:22 p.m., Commissioners reconvened and the Chair reported that the Commissioners had discussed the performance evaluation and will discuss with the Executive Officer.

The meeting adjourned at 2:23 p.m.

Final Minutes Approved by the Commission January 13, 2016.

AYES:

NOES:

ABSTAIN:

ABSENT:

By _____
Executive Officer



Lou Ann Texeira
Executive Officer

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January 13, 2016
Agenda Item 8

January 13, 2016 (Agenda)

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

Informational Presentation – Contra Costa County Environmental Health Department

Dear Members of the Commission:

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

We previously heard from Contra Costa Water District, East Bay Municipal Utility District, Diablo Water District, Town of Discovery Bay Community Services District and Central Contra Costa Sanitary District.

Today, we are pleased to welcome Marilyn C. Underwood, PhD, Director of the Contra Costa County Environmental Health Department.

Prior to joining the County in March 2011, Dr. Underwood worked for 19 years for the California Department of Public Health. While with the State, Dr. Underwood managed and supervised a federally-funded project to evaluate and address the toxicological impact of chemicals released from stationary sources and hazardous waste sites in California. Dr. Underwood received her BS in Chemistry at Marietta College and a PhD. in Comparative Pharmacology and Toxicology at the University of California at San Francisco.

Welcome!

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

January 13, 2016
Agenda Item 9

January 13, 2016 (Agenda)

LAFCO 15-02 West County Wastewater District (WCWD) Annexation 314 (Park Avenue)
PROPONENT WCWD by Resolution No. 14-070 adopted October 7, 2014
SYNOPSIS WCWD proposes to annex 21± acres (10 parcels) located on Park Avenue and Tisbury Lane in unincorporated Richmond as shown in Attachments 1a & 1b.

DISCUSSION

This item was continued from the December 9, 2015 LAFCO meeting due to a public noticing issue.

In July 2015, the District filed an application with LAFCO to annex 10 properties to WCWD in response to a petition submitted by all affected landowners. The proposed annexation will facilitate connection to municipal sewer services to properties currently served by onsite septic systems.

In 1964, Contra Costa County designated a number of areas in the County as “Septic Tank Moratorium Areas”, including the “San Pablo” areas which includes the properties proposed for annexation. The County has historically precluded private sewage disposal systems in this area “due to poor soil conditions, numerous failures, poor percolation and costly repairs of existing sewage systems, inability of numerous unimproved properties to meet regulations for individual sewage system installations (i.e., slopes, etc.), in addition to inadequate water systems and supply in some areas.” Under the septic tank moratorium, owners of homes that were built prior to the establishment of the moratorium are allowed to replace their on-site system if no municipal sewer is available. Replacement is subject to compliance with all on-site system requirements. Further, under the moratorium, new homes in this area are not allowed to install on-site septic systems. While all of the homes in the annexation area were built prior to 1964 [see Attachment 2 – WCWD Annexation 314 (Park Ave) Parcel Info], the annexation area is within the sphere of influence (SOI) of WCWD; and upon annexation, sewer service would be available.

In October 2011, the County updated its septic tank moratorium memo and reaffirmed that the San Pablo area continues to be subject to the moratorium and the ban on septic tanks. The County Environmental Health Department has expressed its support of connection of the subject properties to WCWD.

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

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

The area proposed for annexation is within WCWD’s SOI, and outside the County Urban Limit Line (ULL); the parcels are located in unincorporated Richmond.

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

The County General Plan designation for the area is OS (Open Space) and the zoning is A-2 (General Agricultural – 5 acre minimum). Currently, all parcels are developed with single family residential units, with the exception of two (APNs 418-160-005 and 418-170-006) which are vacant. The two vacant parcels are owned by landowners who also own developed parcels proposed for annexation.

According to the County Department of Conservation and Development (DCD), in order to build on a vacant lot, the lot must be considered “legal.” County records show that APN 418-160-005 is legal, and a Certificate of Compliance was issued with 16 conditions; thus, the property owner would be allowed to build one single family residential unit once all conditions are met. The County

has no information and no evidence at this time that the other vacant parcel, APN 418-170-006, is a legal parcel.

Surrounding land uses include parkland to the north and vacant land owned by the East Bay Regional Park District (EBRPD) to the southeast, and single family residential housing development to the west and south. No changes are proposed to the General Plan or zoning designations as part of this proposal.

As noted above, the area proposed for annexation is outside the ULL. The DCD notes that the County General Plan includes provisions relating to the ULL (Land Use Element), including the following:

Policy 3-10 – The extension of urban services into agricultural areas outside the ULL, especially growth-inducing infrastructure, shall be generally discouraged.

Measure 3-v – To the extent legally permitted, advise LAFCO to (a) respect and support the County's 65/35 Preservation Standard, ULL, and growth management standards when considering requests for incorporation or annexation to cities or service districts.

The Contra Costa County Ordinance Code (Chapter 82-1) includes provisions relating to the 65/35 land preservation plan, growth management and the ULL. The County Code provides that the Board of Supervisors (BOS) may conduct a cyclical review of the ULL every five years; and that the BOS will review the ULL in 2016. Since the ULL was last approved by the voters in 2006, there has been no review. The ULL creates a number of islands throughout the County that are outside the ULL, surrounded by areas that are inside the ULL, including the subject annexation area. Further, the ULL splits hundreds of parcels throughout the County. It is desirable when the County reviews the ULL in 2016, that it address the various islands and split parcels.

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

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

4. Topography, Natural Features and Drainage Basins:

Within the annexation area, parcels on the southern side of Park Avenue and on Tisbury Lane abut Wildcat Creek. The area is generally hilly with a history of slide activity in the vicinity, and includes one small canyon. Topography of the surrounding area is generally consistent with that of the annexation area (i.e., hilly with some historical slide activity). Portions of the surrounding area are composed of parklands, including Alvarado Park to the north, and one parcel of undeveloped land held by the EBRPD abutting the south-eastern portion of the annexation area.

5. Population:

County records show that one single family home can be developed in the annexation area. The estimated population increase for the annexation area would be approximately 2.6 persons based on the American Community Survey 5-year estimates from 2009-2013 for household size in this area.

6. Fair Share of Regional Housing:

In its review of a proposal, LAFCO must consider the extent to which the proposal will assist the receiving entity in achieving its fair share of the regional housing needs as determined by the

regional council of governments. The proposed annexation will have minimal effect on regional housing needs.

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

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

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

The District's Plan for Providing Services is on file in the LAFCO office. The annexation area is served by various local agencies including, but not limited to, Contra Costa County, Contra Costa County Fire Protection District, and East Bay Municipal Utility District (EBMUD).

The proposal before the Commission is to annex the properties to WCWD for the provision of sanitary sewer service.

WCWD provides wastewater collection, treatment and disposal services for a 16.9± square mile service area within the City of Richmond (40% of District), City of San Pablo (15% of District), City of Pinole (2% of the District) and other unincorporated areas within Contra Costa County (43% of the District). WCWD serves approximately 93,000 customers. The District's facilities include a water pollution control plant, 249 miles of sewer pipeline, and 17 pump stations. WCWD's wastewater treatment plant has a capacity of 12.5 million gallons per day (mgd) dry weather capacity and 21 mgd wet weather treatment capacity.

Based on the maximum number of dwelling units, including the existing eight residential units plus one potential dwelling unit, the maximum demand for service is approximately 2,430 gallons of wastewater per day. WCWD has the capacity to serve the annexation area.

The extension of sewer service to the area will require construction of a sewer main which will run along Park Avenue, along with hubs for connection of service to each of the parcels. A subset of the homeowners in the annexation area will finance the construction upon the creation of a Toll Zone, allowing the funding parties to recoup with interest a ratable share of the costs from property owners who wish to receive sewer service at a later time. A special assessment district will also be established for those parcels seeking annexation, who wish to immediately connect to WCWD sewer service but cannot immediately pay their portion of the construction costs. The assessment district will allow property owners to pay their share of the construction costs, plus interest, over an eight year timeframe, to be collected through property tax payments. Costs associated with lateral construction and septic tank removal will be paid separately by each individual property owner. Upon completion of construction, the system will be dedicated to WCWD, which will operate and maintain the system. Annexed parcels receiving sewer service from WCWD will then pay their regular sewer service fees. The required infrastructure needed to connect to WCWD will cost over \$200,000 and cannot be financed without maximum participation of the property owners. Exclusion of any of the parcels will make the financing and the annexation infeasible; thus, approving annexation of only the eight built out parcels is not an option for the property owners.

8. Timely Availability of Water and Related Issues:

The properties are currently served by EBMUD, which serves 331± square miles (Contra Costa and Alameda counties). EBMUD provides potable water to approximately 1.3 million people within the two-county service area. Within Contra Costa County, EBMUD provides water service to a 146± square mile service area, serving an estimated 477,212 residents. EBMUD's water supply is distributed through a collection system consisting of aqueducts, reservoirs, and other components. The primary source of water supply for EBMUD is the Mokelumne River; this watershed accounts for 90 percent of EBMUD's water supply. EBMUD's existing water rights allow the delivery of up to 325 mgd or approximately 364,046 acre-feet per year of water from the Mokelumne River. The proposed annexation is not expected to increase water usage.

9. Assessed Value, Tax Rates and Indebtedness:

The annexation area is within tax rate area 85124. The total assessed value, including land and improvements, for the annexation area is \$3,920,953 (2015-16 roll). The territory being annexed shall be liable for all authorized or existing taxes comparable to properties presently within the annexing agencies. The County and District will rely on the master tax transfer agreement for this annexation.

10. Environmental Impact of the Proposal:

The District, as Lead Agency, found the project to be exempt from the California Environmental Quality Act (CEQA) pursuant to sections 15061(b)(3), 15319, and 15303. The LAFCO environmental coordinator concurs with the District's finding.

11. Landowner Consent and Consent by Annexing Agency:

According to County Elections, there are 12 or more registered voters in the area proposed for annexation; thus, the area is considered inhabited, and the Commission's action is subject to notice, hearing, as well as conducting authority (protest) proceedings. All landowners and registered voters within the proposal area and within 300 feet of the exterior boundaries of the annexation area have received notice of the January 13, 2016 LAFCO hearing.

All landowners within the annexation area have provided written consent to the proposed annexation; and, as of this writing, LAFCO has received no objection from any affected landowner or registered voter. If no objection is received from an affected party prior to the conclusion of the hearing on January 13, the Commission may waive the protest proceedings. However, if any objection is received from an affected landowner or voter at any time prior to or during the hearing, then a protest hearing is required.

12. Boundaries and Lines of Assessment:

The annexation area is within WCWD's SOI and contiguous to the District's service boundary. A map and legal description to implement the proposed boundary changes have been submitted and are subject to approval by the County Surveyor. The proposed annexation excludes one parcel from the area (APN 418-160-003). This parcel (0.25 acres) is undeveloped, and it is a legal parcel. The property owner did not respond to the petition to be included in the annexation.

13. Environmental Justice:

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

14. **Disadvantaged Communities:**

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

ALTERNATIVES FOR COMMISSION ACTION

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

Option 1

Approve the annexation.

- A. Determine that the project is exempt pursuant to CEQA Guidelines, Section 15061(b)(3).
- B. Adopt this report, approve LAFCO Resolution No. 15-02 (Attachment 3), and approve the proposal, to be known as West County Wastewater District Annexation 314 (Park Avenue) subject to the following terms and conditions:
 1. The territory being annexed shall be liable for the continuation of any authorized or existing special taxes, assessments and charges comparable to properties presently within the annexing agency.
 2. That WCWD has delivered an executed indemnification agreement providing for WCWD to indemnify LAFCO against any expenses arising from any legal actions challenging the annexation.
- C. Find that the subject territory is inhabited, all affected landowners have consented to the annexation, and that the annexing agency has consented to waiving the conducting authority proceedings. However, should LAFCO receive any objection to the annexation from an affected landowner or registered voter prior to or during the public hearing, then a subsequent protest hearing is required. Should no protest be received, then the Commission may waive the protest hearing and direct LAFCO staff to complete the proceedings.

Option 2

Adopt this report and DENY the proposal.

Option 3

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

RECOMMENDED ACTION:

Approve Option 1.

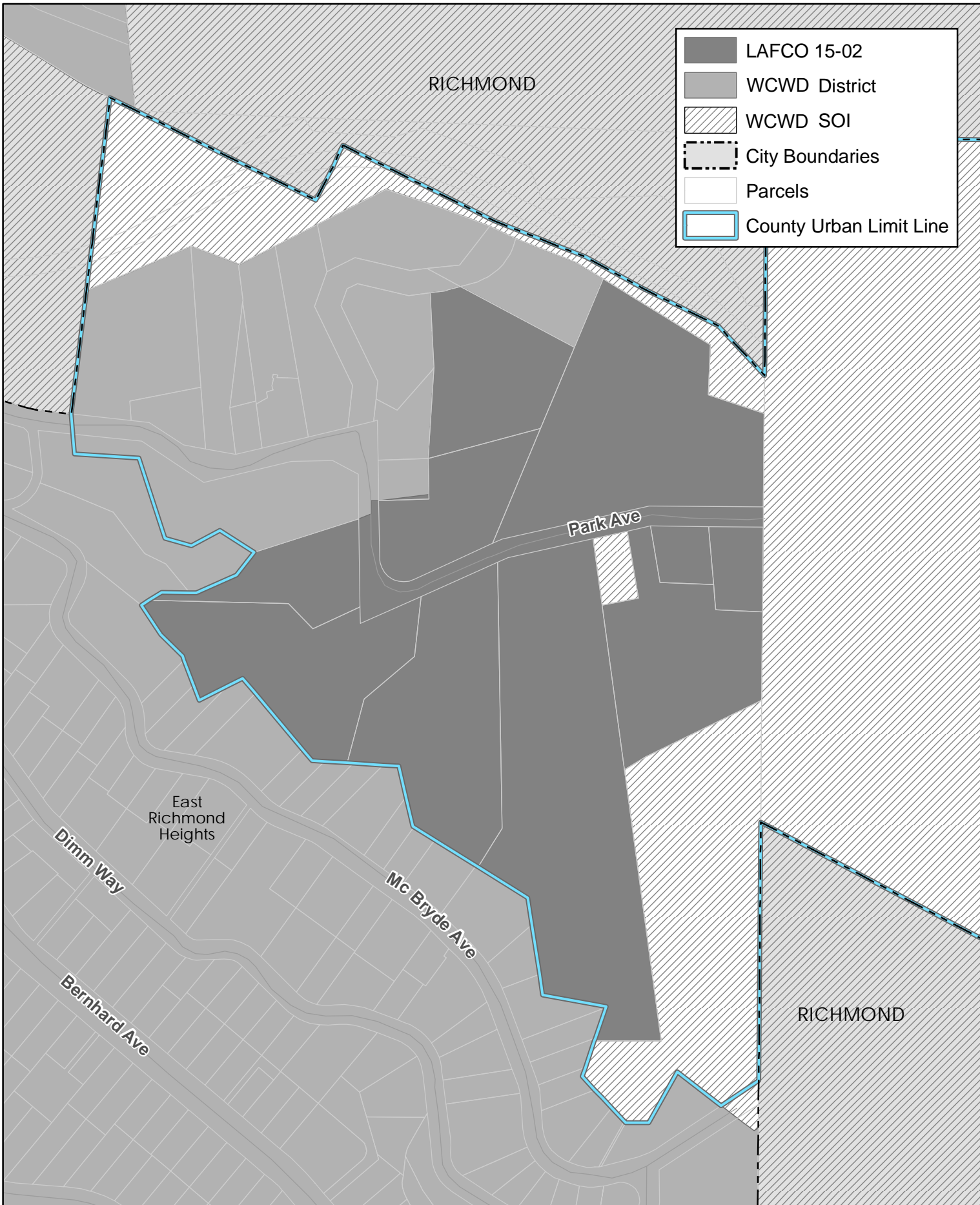
LOU ANN TEXEIRA, EXECUTIVE OFFICER
CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

Attachments

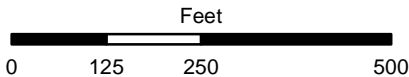
- 1a & 1b - WCWD Annexation Maps
- 2 - WCWD Annexation 314 (Park Ave) Parcel Info
- 3 - Draft LAFCO Resolution 15-02

c: Distribution

LAFCO 15-02, West County Wastewater District Annexation 314 (Park Avenue)



	LAFCO 15-02
	WCWD District
	WCWD SOI
	City Boundaries
	Parcels
	County Urban Limit Line





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418160006

418160001

Wildcat Canyon Pkwy

Park Ave

Dimm Way

WEST COUNTY WASTEWATER DISTRICT

McBryde Ave

Bernhard Ave

West County Wastewater District Annexation 314 (Park Avenue)

REFERENCE	APN	PHYSICAL ADDRESS	ACREAGE	LAND VALUE	IMPVMT VALUE	YR BUILT
A1	418-150-004	6138 PARK AVE	0.97	\$139,750	\$267,953	1940
A2	418-150-007	6100 PARK AVE	2.47	\$62,628	\$63,633	1947
A3	418-150-008	6102 PARK AVE	2.85	\$419,573	\$114,427	1963
A4	418-160-001	6140 PARK AVE	5.39	\$386,687	\$119,981	1940
A5	418-160-004	6166 PARK AVE	0.25	\$73,763	\$204,632	1960
A6-1	418-160-005	PARK AVE	0.36	\$65,062	\$0	vacant
A6-2	418-170-017	6151 PARK AVE	3.7	\$415,000	\$200,000	1951
A7	418-160-006	1 TISBURY LN	1.93	\$300,000	\$393,000	1942
A8-1	418-170-002	6101 PARK AVE	1.25	\$267,738	\$235,762	1960
A8-2	418-170-006	6101 PARK AVE	1.76	\$191,364	\$0	vacant

RESOLUTION NO. 15-02

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS AND APPROVING
WEST COUNTY WASTEWATER DISTRICT ANNEXATION 314 (Park Avenue)**

WHEREAS, the above-referenced proposal has been filed with the Executive Officer of the Contra Costa Local Agency Formation Commission pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Section 56000 et seq. of the Government Code); and

WHEREAS, the Executive Officer has examined the application and executed her certification in accordance with law, determining and certifying that the filing is sufficient; and

WHEREAS, at the time and in the manner required by law the Executive Officer has given notice of the Commission's consideration of the proposal; and

WHEREAS, the Executive Officer has reviewed available information and prepared a report including her recommendations therein, and the report and related information have been presented to and considered by the Commission; and

WHEREAS, at a public hearing held on December 9, 2015, the Commission heard, discussed and considered all oral and written testimony related to the proposal including, but not limited to, the Executive Officer's report and recommendation, the environmental document or determination, consistency with the sphere of influence, contiguity with the districts' boundaries, and related factors and information including those contained in Gov. Code §56668; and

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

WHEREAS, information satisfactory to the Commission has been presented that no affected landowners/registered voters within the annexation area object to the proposal; and

WHEREAS, the Local Agency Formation Commission determines the proposal to be in the best interests of the affected area and the organization of local governmental agencies within Contra Costa County;

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

1. The project is categorically exempt pursuant to CEQA Guidelines, Section 15061(b)(3).
2. The annexation is hereby approved.
3. The subject proposal is assigned the distinctive short-form designation:

WEST COUNTY WASTEWATER DISTRICT ANNEXATION 314 (Park Avenue)

Contra Costa LAFCO
Resolution No. 15-02

4. The boundaries of the affected territory are found to be definite and certain as approved and set forth in Exhibit A, attached hereto and made a part hereof.
5. The subject territory shall be liable for any authorized or existing taxes, charges and assessments comparable to properties within the annexing agency.
6. That West County Wastewater District (WCWD) delivered an executed indemnification agreement between the WCWD and Contra Costa LAFCO providing for WCWD to indemnify LAFCO against any expenses arising from any legal actions challenging the annexation.
7. The territory proposed for annexation is inhabited.
8. The proposal has 100% landowner consent; no affected landowners/registered voters opposed the annexation. Said conducting authority proceedings are hereby waived.
9. All subsequent proceedings in connection with this annexation shall be conducted only in compliance with the approved boundaries set forth in the attachments and any terms and conditions specified in this resolution.

* * * * *

PASSED AND ADOPTED THIS 13th day of January 2016, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

ROB SCHRODER, CHAIR, CONTRA COSTA LAFCO

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

Dated: January 13, 2016

Lou Ann Texeira, Executive Officer



Lou Ann Teixeira
 Executive Officer

MEMBERS

Donald A. Blubaugh
 Public Member

Federal Glover
 County Member

Michael R. McGill
 Special District Member

Mary N. Piepho
 County Member

Rob Schroder
 City Member

Igor Skaredoff
 Special District Member

Don Tatzin
 City Member

ALTERNATE MEMBERS

Candace Andersen
 County Member

Sharon Burke
 Public Member

Tom Butt
 City Member

Stanley Caldwell
 Special District Member

January 13, 2016
 Agenda Item 10

January 13, 2016 (Agenda)

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

LAFCO Agricultural & Open Space Preservation Policy

Dear Commissioners:

This is a report from LAFCO’s Policies & Procedures Committee (“Committee”) relating to the Commission’s ongoing discussion regarding a LAFCO Agricultural & Open Space Preservation Policy (AOSPP). The LAFCO Executive Officer has worked closely with the Committee on the issues discussed below and concurs with the Committee’s recommendations.

BACKGROUND/CHRONOLOGY

Development of a LAFCO AOSPP was identified years ago as part of the Commission’s ongoing efforts to update its Policies & Procedures. The discussion was elevated in March 2015, at which time the Committee presented a summary of LAFCO law relating to preserving agricultural and open space lands, along with a collection of LAFCO policies and procedures representing 18 different LAFCOs from around the State.

Following the discussion, LAFCO hosted an Agricultural & Open Space Preservation Workshop (July 2015) to engage stakeholders and begin a conversation as to whether or not LAFCO should develop a local AOSPP, like other LAFCOs around the State; and if so, what the Contra Costa LAFCO policy should address.

The discussion continued throughout the summer. In August, the Commission reviewed a series of maps prepared by County GIS staff. The maps showed prime agricultural soil, important farmland, land covered under Williamson Act land contracts, parks and protected open space areas, areas with and without urban services, urban growth boundaries, and related features. The maps were intended to show important agricultural and open space areas that could potentially be at risk.

Subsequently, the Commission directed the Committee to reach out to various groups to inquire as to their interest in a LAFCO AOSPP and how they might like to work with LAFCO on such a policy. In October and November, the Committee reported on its meetings with these groups, including the Planning Committee of the Contra Costa Transportation Authority (CCTA), Contra Costa Public Managers Association, County/City Planning Directors, Contra Costa Special Districts Association; and the CCTA Board. Through these meetings, we learned that the groups are generally interested in a LAFCO AOSPP and wish to be kept apprised of LAFCO’s progress.

DISCUSSION

Throughout the process, LAFCO has received input from agriculture, building, environmental, farming, local government and other interest groups, along with members of the general public, as highlighted below.

- The County and seven cities provided a summary of their local agricultural & open space policies.
- The Brentwood Agricultural Land Trust provided a paper on the cumulative impacts of the loss of Contra Costa's farm and ranchland, current tools for protecting agriculture in the County, reasons why a LAFCO policy is important, and ideas for a successful LAFCO agricultural policy.
- County Planning staff shared the County's interest and efforts in reforming school siting policies and practices, and collaboration 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.
- Greenbelt Alliance shared its maps depicting "at risk" areas and "opportunity" areas (i.e., infill development of vacant land).

In November, the Commission continued its discussion on a local LAFCO AOSPP. The Commission directed the Committee to first draft guidelines relating to agriculture and open space preservation that focus on the LAFCO application requirements and procedures.

Attached for the Commission's consideration are the following:

1. Proposed revisions to the Questionnaire for Amending a Sphere of Influence (SOI) which add questions relating to land use and whether the proposal area includes agricultural land, open space land, and/or land covered under a Williamson Act land contract, and an Agricultural and Open Space Impact Assessment component (Attachment 1);
2. Proposed revisions to the Questionnaire for Annexations, Detachments and Reorganizations which add/clarify questions relating to the impact the proposal will have on agricultural and open space lands, any proposed mitigation measures, and Agricultural and Open Space Impact Assessment component (Attachment 2); and
3. Proposed revisions to the Procedures for Processing Boundary Changes noting that SOI and Proposal questionnaires involving agricultural land, open space land, and/or land covered under a Williamson Act land contract will require an impact analysis (Attachment 3).

RECOMMENDATIONS:

Receive report; approve proposed changes to the Questionnaire for Amending an SOI, Questionnaire for Annexations, Detachments and Reorganizations, and Procedures for Processing Boundary Changes; and provide further direction regarding a LAFCO AOSPP.

Respectfully submitted,

Sharon Burke and Don Tatzin

c: Distribution

Attachments

1. Proposed revisions to the Questionnaire for Amending a Sphere of Influence
2. Proposed revisions to the Questionnaire for Annexations, Detachments and Reorganizations
3. Proposed revision to the Procedures for Processing Boundary Changes

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

Questionnaire for Amending a Sphere of Influence,

(Attach additional sheets as necessary)

1. Name of Proposal (Sphere of Influence of the _____).

2. Purpose of the proposal

A. Why is this proposal being filed?

B. List any related actions for LAFCO approval (e.g., annexation, detachment, etc.).

C. Identify other parts of the overall project, (i.e., a tract map, ~~or~~ development permit, etc.).

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3. Consultation with the County (City sphere changes only)

A. Provide documentation regarding consultation that has occurred between the City and County with regard to agreement on boundaries, development standards and zoning requirements for land in the proposed sphere as required by Government Code §56425.

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4. Description of area to be included in the sphere

A. What area is proposed to be added to/detached from the sphere? Attach a map showing the current sphere and proposed addition. What is the acreage?

A-B. Why was it decided to use these particular boundaries?

B-C. What are the existing land uses in the proposal area? Be specific. Does the proposal area include agricultural land, open space land, and/or land covered under a Williamson Act contract?

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C-D. What are the proposed land uses for the proposal area? Be specific.

5. Relationship to Existing Plans

A. Describe current County general plan and zoning designations for the sphere expansion area.

B. Describe City general plan and rezoning designations for the area.

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- B. Present and probable needs for public facilities and services.
- C. Present capacity of public facilities and adequacy of public services the affected agency provides or is authorized to provide.
- D. Existence of any social or economic communities of interest in the area.

Additional Comments

- | A. Provide any other comments or justifications regarding the proposal.
- | B. Enclose any pertinent staff reports and supporting documentation related to this proposal.
- | C. Notices and Staff Reports
- | D. List up to three persons to receive copies of the LAFCO notice of hearing and staff report.

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<u>Name</u>	<u>Email or Address</u>
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Who should be contacted if there are questions about this application?

<u>Name</u>	<u>Email Address</u>	<u>Phone</u>
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Signature _____	Date _____
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CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

~~Proposal Justification~~ **Questionnaire for Annexations,
Detachments and Reorganizations**

(Attach additional sheets as necessary)

1. Name of Application: (The name should match the title on the map and legal description; list all boundary changes that are part of the application)

2. Describe the acreage and general location; include street addresses if known:

3. List the Assessor's Parcels within the proposal area:

4. Reasons for the proposal: (Why is this proposal being filed? Identify other actions that are part of the overall project, i.e., a tract map or development permit.)

5. Land Use and Zoning - Present and Future
 - A. Describe the existing land uses within the proposal area. Be specific.

 - B. Describe any changes in land uses that would result from or be facilitated by this proposed boundary change.

 - C. Describe the existing zoning designations within the proposal area.

 - D. Describe any proposed change in zoning for the proposal area. Do the existing and proposed uses conform to this zoning?

 - E. (For City Annexations) Describe the rezoning that will apply to the proposal area upon annexation. Do the proposed uses conform to this rezoning?

 - F. List all known entitlement applications pending for the property (i.e., zone change, land division or other entitlements).

6. Describe the area surrounding the proposal

In Table A at the end of this questionnaire, describe existing land uses, general plans and zoning designations for lands adjacent to and surrounding the proposal area. The application is incomplete without this table.

7. Conformity with Spheres of influence

A. Is the proposal area within the sphere of influence (SOI) of the annexing agency?

B. If not, include a proposal to revise the SOI sphere of influence. Per Commission policy, SOIs generally will not be amended concurrently with an action on the related change of organization or reorganization.

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8. Conformity with ~~an the County~~ Urban Limit Line/Urban Growth Boundary

Is the proposal area entirely within ~~an the County~~ Urban Limit Line or Urban Growth Boundary? If not, please explain.

9. Conformity with County and City General Plans

A. Describe the existing County General Plan designation(s) for the proposal area.

B. (For City Annexations) Describe the City general plan designation for the area.

C. Do the proposed uses conform to these plans? If not, please explain.

10. Topography and Natural Features

A. Describe the general topography of the proposal area and any significant natural features that may affect the proposal.

B. Describe the general topography of the area surrounding the proposal.

11. ~~Impact on~~ Agricultural Lande

A. Does the proposal area include any agricultural land as defined in Gov. Code §56016, or prime agricultural land as defined in Gov. Code §56064 ~~property currently produce a commercial agricultural commodity?~~ If so, please describe.

B. Will the proposal result in the conversion of agricultural land to non-agricultural uses (i.e., immediately, over time, etc.)? ~~Is the property fallow land under a crop rotational program or is it enrolled in an agricultural subsidy or set-aside program?~~

C. Is there any local agency (i.e., county, city, district) adopted agricultural preservation policy relating to this area? If so, please describe.

D. Does the proposal area include any agricultural preserve areas? If so, please describe.

E. Describe any agricultural lands adjacent to the proposal area. ~~Is the affected property Prime Agricultural Land as defined in Government Code §56064?~~

DF. Is any portion of the proposal area within a Land Conservation (Williamson) Act contract?

- 1) If "yes," provide the contract number and date the contract was executed.
- 2) If "yes", has a notice of non-renewal been filed? If so, when? If applicable, provide date of Williamson Act contract expiration/cancellation.
- 3) If this proposal is an annexation to a city, provide a copy of any protest filed by the annexing city against the contract when it was approved.

G. Please describe mitigation measures applicable to the loss of agricultural lands resulting from approval of this proposal (e.g., agricultural easements, agricultural buffers, exchange of land to be preserved for land that may be urbanized, etc.).

12. Impact on Open Space Land

A. Does the proposal area include ~~Is the affected property~~ Open Space land as defined in Government Code Section 65560? If so, please describe.

B. Does the proposal area have an open space easement? If so, please describe.

C. Is the proposal area within or adjacent to an approved greenbelt? If so, please describe.

13. Agricultural and Open Space Impact Assessment

This section applies to applications that include, or are contiguous to, open space and/or agricultural land as defined in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("CKH").

State law includes policies and priorities that guide development away from agricultural land and encourage development of land in existing boundaries and SOIs before annexing open

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space/agricultural land. Accordingly, Contra Costa LAFCO requires all proposals that include, or are contiguous to, agricultural and/or open space lands to include an Impact Assessment which shall address the following:

- A. How does the proposal balance the State's interest in preserving open space and agricultural lands against the need for orderly development?
- B. What is the effect of the proposal on maintaining the physical and economic integrity of agricultural lands?
- C. Can the proposal reasonably be expected to induce, facilitate, or lead to the conversion of existing agricultural and/or open space land to other uses?
- D. How does the proposal guide development away from agricultural and/or open space lands?
- E. How does the proposal facilitate development of existing vacant or non agricultural and/or non open space lands for urban uses within the existing boundary or SOI of a local agency?
- F. What measures does the proposal contain that will protect the physical and economic integrity of adjacent agricultural and/or open space land uses?

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14. Relationship to Regional Housing Goals and Policies (City annexations only)

If this proposal will result in or facilitate an increase in the number of housing units, describe the extent to which the proposal will assist the annexing city in achieving its fair share of regional housing needs as determined by ABAG.

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145. Population

- A. Describe the number and type of existing dwelling units within the proposal area.
- B. How many new dwelling units could result from or be facilitated by the proposal?
Single-family _____ Multi-family _____
- C. What is the projected population growth due to the proposal?

146. Plan for Providing Services - Government Services and Controls (per §56653)

- A. Describe the services to be extended to the affected territory by this proposal.
- B. Describe the level and range of the proposed services.
- C. Indicate when the services can feasibly be provided to the proposal area.

- D. Indicate any improvements or upgrading of structures, roads, sewers or water facilities or other conditions that will be required as a result of the proposal.
- E. Identify how these services will be financed. Include both capital improvements and ongoing maintenance and operation.
- F. Identify any alternatives for providing the services listed in Section (A) and how these alternatives would affect the cost and adequacy of services.

| 167. Ability of the annexing agency to provide services

Attach a statement from each annexing agency describing its ability to provide services that are the subject of the application, including the sufficiency of revenues (56668j).

| 178. Dependability of Water Supply for Projected Needs (56653)

If the proposal will result in or facilitate an increase in water usage, attach a statement from the retail water purveyor that describes the timely availability of water supplies that will be adequate for the projected needs.

| 189. Bonded indebtedness and zones – These questions pertain to long term debt that applies or will be applied to the affected property.

- A. Do agencies whose boundaries are being changed have existing bonded debt?
_____ If so, please describe.
- B. Will the proposal area be liable for payment of its share of this existing debt?
_____ If yes, how will this indebtedness be repaid (property taxes, assessments, water sales, etc.)
- C. Should the proposal area be included within any Division or Zone for debt repayment? _____ If yes, please describe.
- D. (For detachments) Does the detaching agency propose that the subject territory continue to be liable for existing bonded debt? _____. If yes, please describe.

| 4209. Environmental Impact of the Proposal

- A. Who is the "lead agency" for this proposal? _____
- B. What type of environmental document has been prepared?

Categorically Exempt -- Class ____ EIR ____ Negative Declaration ____
Mitigated ND _____ Subsequent Use of Previous EIR _____ Identify the
prior EIR. _____

- C. If an EIR has been prepared, provide 6 disks and 10 hard copies of the Final EIR and one copy of the lead agency's resolution listing significant impacts, mitigation measures and, if adopted, a statement of overriding considerations.

| 201. Boundaries

- A. Why are these particular boundaries being used? Ideally, what other properties should be included in and/or excluded #from the proposal?
- B. If any landowners have included only part of the contiguous land under their ownership, explain why the additional property is not included.

| 242. Final Comments

- A. List any conditions LAFCO should include in its resolution of approval.
- B. Provide any other comments or justifications regarding the proposal from any affected local agency, landowner or resident.
- C. Enclose all pertinent staff reports and supporting documentation related to this proposal. Note any changes in the approved project that are not reflected in these materials.

| 223. Notices and Staff Reports - List up to three persons with email addresses to receive copies of the LAFCO notice of hearing and staff report.

Who should be contacted if there are questions about this application?

Name Email Address Phone

Signature _____ Date _____

TABLE A

Information regarding the areas surrounding the proposal area

	Existing Land Use	General Plan Designation	Zoning Designation
East			
West			
North			
South			

Other comments or notations:

CONTRA COSTA LAFCO

3.1 Procedures for Processing Boundary Changes

A – Prior to Submitting a Proposal to LAFCO

1. Land use entitlements or requests for public services

Prior to submitting a proposal to LAFCO, a city or the County completes a land use planning process. This process typically involves approval of a specific plan, parcel map, development permit or other land use entitlement. Cities are required to prezone areas proposed for annexation to a city. [§56375(a)(3)]

Some city or County land use actions cannot be implemented without changes to special district boundaries. If a city or the County intends to submit an application to LAFCO, which includes proposed changes to a special district boundary, these proposals need to be included in the application.

Special districts can also initiate boundary change applications. These are typically in response to landowner requests for service, or to implement master service plans. Prior to extending service, the district must submit an application to LAFCO and obtain approval.

2. Compliance with CEQA

It is the policy of the Contra Costa LAFCO that a city, the County or special district serves as Lead Agency for boundary changes. As Lead Agency, the public agency typically renders an environmental determination and conducts the appropriate review for the underlying land use entitlement, development project, LAFCO proposal, or service extension. The city must serve as Lead Agency for prezoned annexations. [CEQA Guidelines, §15051] In these cases, LAFCO assumes the Responsible Agency role. The Lead Agency is required to gather input from and interact with LAFCO throughout the CEQA process to ensure that LAFCO issues are adequately reviewed. If LAFCO issues and proposed actions are not described or addressed in a CEQA document, LAFCO may need to assume the Lead Agency role and prepare the appropriate environmental document at the applicant's expense.

3. Resolution of application or petition

An application initiating a boundary change can come to LAFCO either by resolution of an affected local agency (i.e., City Council, Board of Supervisors, Special District Board of Directors), [§56654] or by a petition of registered voters or landowners execute a petition [§56700].

4. If the affected local agency(ies) received a portion of the property tax, a tax exchange agreement with all affected agencies may be completed prior to application to LAFCO and must be completed before LAFCO staff can issue a certificate of filing – *Revenue & Taxation Code, Sections 99 and 99.01*

B - Application Components [§56652]

1. A complete application includes:

- Cover letter including statement of landowner consent if applicable

- Resolution of application or petition
- [SOI and Proposal Questionnaires \(proposals involving agricultural land, open space land, and/or land covered under a Williamson Act land contract shall include an impact analysis\)](#)
- CEQA Documentation – Environmental Impact Report, Negative Declaration, Mitigated Negative Declaration, Notice of Determination, Finding of Fact and Statement of Overriding Considerations, Mitigation Monitoring and reporting Program, Notice of Exemption, proof of payment of Fish & Game and court fees, if applicable.
(Or, if LAFCO is going to be the Lead Agency, an environmental questionnaire.)
- Map and description of boundary change area
- Other relevant supporting documents
- LAFCO processing fee
- Deposit for County Surveyor to check map and description (if one is involved)
- For annexation proposals with a land area of 100 acres or more, a fiscal analysis is required as part of the application

C - LAFCO Processing Procedures

1. As soon as an application is received [§56658(a)] LAFCO staff shall:
 - Access the County Assessor database for Assessor’s Parcel Number and Tax rate Area printouts to determine the “affected agencies”, identify all agencies that receive a share of the 1% property tax, and verify that all needed changes of organization are included in the project description.
 - Prepare a notice that application materials have been received and mail it to Commissioners, County Administrator, affected local and State agencies, school districts, application’s proponents, and the County Supervisor in whose District the proposal is located.
 - Send out “Request for Reportback” to various County Departments (County Administrator, Assessor, Auditor, Elections, County Community Development Department and Surveyor). If a significant increase in housing will occur, request a “Reportback” from affected school districts regarding their capacity to serve the project.
 - Examine the application materials for accuracy and completeness and write to the proponent or others if additional information is needed.

2. Issuing the Certificate of Filing
 - LAFCO staff must wait at least 20-days before issuing the Certificate of Filing.
 - Within 30 days of receipt of the application, the LAFCO Executive Officer must either deem the application incomplete and notify the applicant as to the missing application components, or deem the application complete and issue the Certificate of Filing. [§56658(g)(h)]
 - A Certificate of Filing cannot be issued until there is an approved property tax exchange agreement. [R&T §99 and 99.01]
 - A LAFCO hearing is to be held within 90 days of issuing the Certificate of Filing

3. If a proposal is to detach territory from a city [*§56751*]
 - Transmit a copy of the proposal to the *city from which a detachment is proposed*.
 - Place the proposal on the agenda of the next LAFCO meeting for “information purposes.”
 - Wait 60 days before placing the detachment on the Commission’s agenda for action because the affected city may, not more than 60 days after the proposal is on the Commission’s agenda, request by resolution that LAFCO terminate the proceedings and LAFCO shall do so.

4. If a proposal is to annex territory to a special district but is not filed by the district [*§56857*]
 - Transmit a copy of the proposal to the *district for which annexation is proposed*.
 - Place the proposal on the agenda of the next LAFCO meeting for “information purposes.”
 - Wait 60 days before placing the annexation on the Commission’s agenda for action because the affected district may, not more than 60 days after the proposal is on the Commission’s agenda, request by resolution that LAFCO terminate the proceedings and LAFCO shall do so.

5. Property Tax Exchange Agreement [*Revenue & Taxation Code, §99 and 99.01*]
 - If necessary, confer with the County Administrator’s Office to determine if a “master” tax exchange agreement applies to this project or if a separate property tax agreement is needed for this proposal.
 - If a tax exchange agreement is needed, as part of the “Request for Reportback” request the Assessor and Auditor to prepare the data for the parties to negotiate

6. Determine if LAFCO can proceed without a NOTICED public hearing [*§56662 & 56663*]

All boundary changes must be considered at a NOTICED public hearing – meaning a 21-day notice that is published, posted and mailed to a specific mailing list -- UNLESS it meets the following criteria:

- Consists only of annexations and detachments (and formations of CSAs) and
- All owners of land have given their written consent to the boundary change.

All applications must be placed on a LAFCO meeting agenda by staff (except for emergency out-of-agency service agreements, which the Chair can approve and place on the next Commission agenda).

7. When a noticed hearing is required, obtain mailing labels [*§56157*]

Mailing labels shall be provided by the County Assessor and/or the County Registrar of Voters. The applicant is required to pay the cost associated with obtaining the mailing labels. Mailing labels are needed for:

- All registered voters and all property owners within the proposal area, and

- All registered voters and all property owners within 500 feet of the exterior boundary of the proposed change (separate set of labels from above).

Note: Labels must be current and include a complete street address.

8. Select a date for LAFCO to consider the proposal; include the proposal in the Notice of Hearing.
9. At least 21 days prior to each LAFCO meeting, prepare and distribute a Notice of Hearing and list all of the items to be considered at that meeting [§56661]

- Post the Notice of Hearing on County bulletin board.
- Post the Notice of Hearing on the Contra Costa LAFCO website.
- Mail the Notice of Hearing to the “standard mailing list” that includes:
 - Each member of the Commission and the LAFCO legal counsel
 - Other members of the Board of Supervisors
 - All cities and special districts in the County
 - County departments listed on the mailing list
 - Affected school district and County Superintendent of Schools
 - Everyone who has requested a notice of that LAFCO meeting
 - The distribution list for each proposal to be heard, taken from each Case Processing Form
- State Director of Conservation for city annexations in a Williamson Act Preserve contract
- State Director Forestry and Fire Protection for annexations to fire protection districts of state responsibility areas
- State Lands Commission if tidelands or submerged lands are included

10. Additional notice for agenda items that require a NOTICED public hearing [§56661]

- At least 21 days before the hearing, publish a notice of the specific items to be heard that require published notice; not every item on the Notice of Hearing for a meeting requires publication.
- At least 21 days before the hearing, mail the Notice of Hearing to an EXTENDED MAILING LIST that consists of:
 - All registered voters and property owners within the proposal area, and
 - All registered voters and property owners within 500 feet of the exterior boundary of the proposed change with cover letter.

11. LAFCO Staff will provide copies of certified EIRs or lengthy Negative Declarations and supporting reports or material for the proposal to each member of the Commission for their *early* review.

Copies of pertinent environmental documents will be available for review in the LAFCO office. LAFCO staff reports and attachments will be posted on the LAFCO website.

12. Prepare the Executive Officer report [§56665])

Use available information from reportbacks in preparing the Executive Officer report:

- Assessor provides tax rate and assessed value information
- Elections confirms whether the proposal is inhabited or uninhabited
- Community Development verifies plans, zoning, agricultural land information
- Community Development provides maps for staff reports
- Surveyor checks map and legal description for adequacy
- School districts indicate if school facilities are adequate or require additional mitigation

13. At least seven days prior to the LAFCO meeting assemble and mail the “Meeting Packet.”

Send copies of the meeting packet to:

- Each member of the Commission
- Executive Officer, legal counsel, Commission Clerk, other LAFCO staff
- County Administrator
- County Director of Community Development
- Others who have requested and paid for meeting packets

Post a copy of each agenda item and attachments to the LAFCO Website.

14. At least five days prior to the LAFCO meeting mail specific staff reports and an agenda to the parties listed on the Case Processing Form and to affected County Supervisors [§56665]

D - Commission Hearing

1. At the LAFCO meeting the Commission considers the items on the Agenda.

For each item on the agenda:

- Receive the Executive Officer Report
- If appropriate, open the hearing and accept any public testimony
- If appropriate, close the hearing
- Discussion by Commissioners
- Take action on each proposal or item of business - approve, deny, receive or continue

2. When can LAFCO waive the Conducting Authority proceedings? [§56663(c) and (d)]

If it approves a proposal, LAFCO can waive the conducting authority proceedings only when:

In the case of uninhabited territory (i.e., fewer than 12 registered voters):

- All affected landowners have given their written consent, and
- All local agencies that will gain or lose territory have not submitted written opposition to a waiver of protest proceedings.

In the case of inhabited annexations and detachments (i.e., 12 or more registered voters):

- All local agencies that will gain or lose territory have not submitted written opposition to a waiver of protest proceedings., and
- The LAFCO staff sends written notice to all affected landowners and registered voters and no written opposition is received regarding the proposal or the intention to waive the conducting authority proceedings.

E - Post Commission Hearing Activities

1. If Conducting Authority proceedings have been waived:

- Immediately file Notices of Exemption or Notices of Determination with the County Clerk-Recorder.
- Complete Commission resolutions of approval or denial by recording the votes cast; obtain the Chair's signature, and attach the Surveyor-approved map and legal description to the resolution.
- Prepare a Certificate of Completion.
- Send request to the County Auditor for the new Tax Rate Code for the proposal area.
- Wait the mandatory 30-day reconsideration period.
- Ensure the conditions of approval have been met.
- After the 30-day waiting period record the Certificate of Completion, LAFCO resolution of approval and approved map.
- When the recordation numbers and TRA data are received, file the proposal with the State Board of Equalization and County Assessor.
- When the SBE confirmation is received, send Notice of Completion to standard mailing list.

2. If Conducting Authority Proceedings are required

- Immediately after the LAFCO meeting file the Notice of Exemption or Notice of Determination with the County Clerk-Recorder.
- Send request to the County Auditor for the new Tax Rate Code for the proposal area.
- Schedule and notice a protest hearing to be held following the 30-day reconsideration period.
- At least 21 days prior to the protest hearing prepare a Notice of Hearing and
 - Post the notice on County bulletin boards. [57025(a)]
 - Post the notice on the LAFCO Website.
 - Publish the notice. [57025(a)]
 - Mail notices pursuant to statute [57025]

Note: For LAFCO-initiated proposals to consolidate, dissolve or merge special districts or establish a subsidiary district, a protest hearing must be held "in the affected territory." [57008]

3. The LAFCO Executive Officer conducts the protest hearing as delegated by the Commission.

For these proceedings, an Executive Officer Order and Determination is used in lieu of a Commission resolution.

- Open the hearing.
- Call for any written or oral protests.
- Close the hearing.
- Determine the value of all written protests that have been filed and not withdrawn.

For uninhabited annexations and detachments

- Order the change of organization if written protests are filed by owners of less than 50% of the assessed value of land.
- Terminate the proceeding if protests are filed by 50% or more of the assessed value.

For inhabited annexations and detachments

- Order the change without election if written protests are filed by
 - Less than 25% of the registered voters and
 - Less than 25% of the landowners owning less than 25% of the assessed value of land.
- Order the change subject to confirmation by the voters if written protests are filed by
 - At least 25% but less than 50% of the registered voters or landowners.
- Terminate the proceeding if 50% or more of the registered voters file protests.

4. Completion of Proceedings following protest hearing

- Place the matter on the next Commission agenda to report on the outcome of any protest hearings that are conducted.
- Prepare a Certificate of Completion.
- If the proposal is approved WITHOUT AN ELECTION
 - Attach the County Surveyor-approved map and legal description to the resolution of approval.
 - Ensure the conditions of approval have been met.
 - Record the Certificate of Completion, LAFCO resolution of approval and map.
 - When the recorded information and TRA data are received, file the proposal with the State Board of Equalization and County Assessor.
 - When the SBE confirmation is received, distribute the Notice of Completion to the standard mailing list.
- If the proposal is approved SUBJECT TO VOTER CONFIRMATION, notify the Board of Supervisors or the City Council to conduct the election.
- If proposal is TERMINATED, adopt and file a resolution of termination.



Lou Ann Texeira
Executive Officer

MEMBERS

- Donald A. Blubaugh
Public Member
- Federal Glover
County Member
- Michael R. McGill
Special District Member
- Mary N. Piepho
County Member
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City Member
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ALTERNATE MEMBERS

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Public Member
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- Stanley Caldwell
Special District Member

January 13, 2016
Agenda Item 11

January 13, 2016

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 November, the Policies & Procedures Committee presented a report to the Commission identifying possible ways in which LAFCO can support the deployment and adoption of broadband and information technology in Contra Costa County.

There are numerous advantages to equalizing and improving broadband services, including improving access to public education, health, and safety; increasing economic competitiveness, attracting new businesses, and creating new jobs; and helping build sustainable communities.

We are fortunate to have organizations like the *East Bay Broadband Consortium* and the *California Emerging Technology Fund* which are working to address critical broadband issues.

While LAFCO has no specific authority over broadband, there are efforts LAFCO can take to promote broadband and support needed infrastructure and accessibility. The Commission specifically expressed interest in the following:

1. Adopt a resolution and/or policy supporting the efforts of organizations such as the *East Bay Broadband Consortium* and the *California Emerging Technology Fund*
2. Adopt a resolution and/or policy encouraging the County and cities to adopt General Plan policies and standards that encourage broadband services
3. Include broadband services among those services to be reviewed in LAFCO Municipal Service Reviews (i.e., cities, community service districts, and water and sewer districts that have infrastructure that serve residents and businesses)
4. Participate in a countywide staff level broadband working group that collaborates on these issues

5. Support efforts to reach out to existing service providers and encourage service and improvements to unserved and underserved areas

The Policies & Procedures Committee is pleased to present for the Commission's consideration the following:

- ❖ A draft resolution that speaks to items 1, 2 and 5 above (Attachment 1); and
- ❖ Proposed revisions/updates to the Commission's Municipal Service Review (MSR) policy (Attachment 2) to address both broadband and recent changes in the Cortese Knox Hertzberg Act (i.e., disadvantaged unincorporated communities).

Also, on January 8th, the City/County Planning Directors will hold their quarterly meeting and will discuss broadband. Commissioner Skaredoff and the Executive Officer plan to attend the meeting. We will provide an update to the Commission on January 13th.

RECOMMENDATION - The Policies & Procedures Committee recommends that the Commission adopt the attached resolution and proposed changes to LAFCO's MSR policies, with any changes as desired.

Respectfully submitted,

Sharon Burke and Don Tatzin

c: Distribution

Attachments

1. Draft LAFCO Resolution Supporting Broadband Deployment and Adoption
2. Proposed revisions/updates to the Commission's MSR policy to address both broadband issue and recent changes in the Cortese Knox Hertzberg Act

RESOLUTION NO. 2016-01

A RESOLUTION OF THE
CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
DECLARING SUPPORT FOR BROADBAND DEPLOYMENT AND ADOPTION
AND A CALL FOR ACTION

WHEREAS, closing the Digital Divide is vital to the economic prosperity and quality of life for those who live and work in Contra Costa County and throughout California; and

WHEREAS, the Contra Costa Local Agency Formation Commission (LAFCO) finds and declares that high-speed Internet access – referred to as “broadband” and including both wireline and wireless technologies – has significant economic and environmental benefits and is essential 21st Century infrastructure in a digital world and global economy; and

WHEREAS, Contra Costa LAFCO recognizes that California is home to a wellspring of innovation that has given rise to the evolution of broadband and other information technologies; however, Californians’ adoption and use of broadband technology is only approximately equivalent to the national average; and

WHEREAS, Contra Costa LAFCO acknowledges that in 2010 that 30% of all Californians, 51% of low-income households, 50% of Latino families, 45% of people with disabilities, and 17.4 % of Contra Costa County residents are not connected to the Internet with broadband, leaving more than 10 million Californians without high-speed Internet access at home; and

WHEREAS, Contra Costa LAFCO supports efforts to help families and children be healthy, productive and self-sufficient, and realizes that the use of broadband can save both time and money for residents while helping them bridge the economic divide; and

WHEREAS, Contra Costa LAFCO supports efforts to help students obtain the highest-quality education possible incorporating digital literacy and understands that high-speed Internet connectivity and the availability of computing devices both at school and at home are critical teaching and learning tools for academic achievement; and

WHEREAS, Contra Costa LAFCO is committed to reducing the carbon footprint and recognizes that broadband is a strategic “green” technology that decreases greenhouse gas emissions and dependence on foreign oil by enabling e-government and the provision of more services online; and

WHEREAS, Contra Costa LAFCO is committed to Digital Inclusion and increasing citizen participation in the public process through expanded engagement using broadband; and

WHEREAS, Contra Costa LAFCO recognizes that it has the opportunity to impact broadband deployment and adoption in its regional role and as a policy leader to ensure efficient and orderly growth and development through timely and logical changes in government boundaries and the extension of efficient municipal services, and as a policy purchaser-consumer of communications equipment and information technology; and

WHEREAS, Contra Costa LAFCO welcomes the opportunity to partner with the East Bay Broadband Consortium and the California Emerging Technology Fund, along with the Governor, legislature and other local governments, civic leaders, community organization, employers, labor representatives, educators and policymakers to encourage adoption of broadband technology.

NOW, THEREFORE, BE IT RESOLVED that Contra Costa LAFCO supports efforts to remove barriers to and promote the deployment and adoption of broadband among residents, customers and recipients of public services.

BE IT FURTHER RESOLVED that Contra Costa LAFCO supports efforts to reach out to existing service providers and encourage service and improvements to unserved and underserved areas.

BE IT FURTHER RESOLVED that Contra Costa LAFCO recognizes that local government agencies can have substantial impact on the deployment and adoption of broadband, and LAFCO encourages these agencies to include in their service plans and land use and economic development policies, programs and plans provisions that promote and support the deployment and adoption of broadband.

BE IT FURTHER RESOLVED that Contra Costa LAFCO authorizes the use of its name as a champion of the EBBC and CERT efforts to promote broadband.

PASSED AND ADOPTED THIS 13TH day of January 2016, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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: January 13, 2016

Lou Ann Texeira, Executive Officer

2.1. **POLICIES AND STANDARDS**

I. **Municipal Service Review Guidelines**

- 1) **Purpose** - To provide guidance to the Contra Costa Local Agency Formation Commission in preparing and conducting municipal service reviews.
- 2) **Background** - Effective January 1, 2001, the CKH Act requires LAFCO to review municipal services. The requirement for Municipal Service Reviews (MSRs) is in response to the identified need of a more coordinated and efficient public service structure to support California’s growth. The MSR provides LAFCO with a tool to comprehensively study existing and projected public service conditions and to evaluate organizational options for accommodating growth, preventing urban sprawl, and ensuring that critical services are efficiently and cost-effectively provided.
- 3) **Goals and Objectives** - LAFCOs are required to conduct MSRs and prepare written statements of determinations with respect to each of the following [§56430], as revised 1/1/198. ~~The consolidated list of determinations will apply to MSRs initiated after 1/1/08.~~
 - a) Growth and population projections for the affected area.
 - b) The location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere of influence (SOI).
 - a) Present and planned capacity of public facilities, ~~and~~ adequacy of public services, ~~including and~~ infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any disadvantaged unincorporated communities (DUCs) within or contiguous to the SOI.
 - d) Financial ability of agencies to provide services.
 - e) Status of, and opportunities for, shared facilities.
 - b) Accountability for community service needs, including governmental structure and operational efficiencies.
 - g) Any other matter related to effective or efficient service delivery, as required by Commission policy.

As part of the MSR, the Commission may assess various alternatives for improving efficiency and affordability of infrastructure and service delivery within and contiguous to the SOI, including, but not limited to, the consolidation of governmental agencies.

In conducting an MSR, the Commission may include a review of whether the agencies under review, including any public water system as defined in 56430, are in compliance with the California Safe Drinking Water Act. Further, the Commission may request information, as part of an MSR, from identified public or private entities that provide wholesale or retail supply of drinking water, including mutual water companies as defined in 56430.

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The MSR process does not require LAFCO to initiate changes of organization based on service review findings; it only requires that LAFCO make determinations regarding the provision of public services per §56430. However, LAFCO, other local agencies and the public may subsequently use the information contained in the MSRs as a basis to pursue changes of organization or reorganization or sphere of influence amendments.

- 4) When Prepared - LAFCO will determine when MSRs are necessary. Generally, reviews will be prepared in conjunction with SOI studies or updates; however, MSRs may also be conducted independent of SOI updates based on a number of factors to be determined by the Commission. Such factors may include public health or safety issues, service provision issues associated with areas of potential growth or development, etc.

Minor amendments to a sphere of influence, as determined by LAFCO, will not require an MSR.

- 5) Services Addressed - MSRs will address identified services within the service review boundary of those agencies under LAFCO's jurisdiction and are associated with growth and development. Target services include, but are not limited to, water, sewer, drainage, libraries, roads, parks, [health care, broadband \(high-speed internet access and use\)](#), police, and fire protection. General government services such as courts, social services, human resources, treasury, tax collection and administrative services will not be included.

- 6) Agencies Included - Local agencies whose boundary changes are subject to LAFCO review, or are required to have an SOI, are subject to MSRs, and LAFCO shall encourage those local agencies to fully participate in the service review process. Services provided by other agencies (i.e., federal, state, private) may be included in the service review in order to provide a comprehensive overview of service and provide context.

- 7) Boundaries - LAFCO will determine the geographic boundaries and agencies that will be the subject of an MSR. Factors that may be considered in determining a service review boundary include, but are not limited to, existing city and special district jurisdictional and sphere boundaries; topography; geography; community boundaries; tax/assessment zones; infrastructure locations; transportation systems and roads; areas with shared facilities; areas with shared social and economic communities of interest; plus other factors as determined by LAFCO.

~~Generally, service reviews may be conducted for sub-regional areas within the County; however, a service review may be prepared for a single agency, multiple agencies, on a sub-regional or on a countywide basis. An MSR may review services outside Contra Costa County, in conjunction with multi-county service providers (e.g., [Byron-Bethany Irrigation District](#), Dublin San Ramon Services District, East Bay Municipal Utility District, East Bay Regional Park District). Generally, Multi-county MSRs will be prepared by the LAFCO of the principal county (§56066). Inter-agency coordination is encouraged.~~

- 8) Environmental Determination - The California Environmental Quality Act (CEQA) encourages the consideration of multiple related actions where appropriate. Whenever possible, LAFCO will work to streamline the MSR process by a) integrating SOI proposal processing and related CEQA processes with the MSR process; b) placing high priority on reviews of services affected by pending or anticipated proposals; c) working with city and county planners to identify areas where the short-term conduct of service reviews is needed to support orderly growth and development; and d) requesting that technical information needed for service reviews be included in the General, Specific and Master Service Plans of land use agencies and special districts.

Most MSRs will qualify for Categorical or Statutory Exemption under CEQA, as they are studies and are not typically accompanied by specific development proposals. Subsequent SOI actions may require additional environmental review.

- 9) Types of Service Reviews - Municipal Service Reviews will fall into two general categories:
- a) Routine reviews are anticipated to be uncomplicated and straightforward with few concerns about the adequacy of public services. Routine service reviews may be conducted for single agencies or for multiple agencies that provide similar services. The boundary of a routine service review may cover a sub-region, region or the County.
 - b) Intensive reviews are anticipated to require detailed analysis of complex and controversial issues. An intensive MSR may result from a pending LAFCO proposal, or of service provision concerns otherwise identified by LAFCO.
- 10) Preparation
- a) The Commission will determine the priority, schedule, procedure and content for service reviews.
 - b) LAFCO staff will provide a survey/questionnaire to the affected agency(ies) identified in the service review work plan.
 - c) If needed, LAFCO may hold scoping meetings. All affected agencies, interested agencies and persons or entities requesting notice will receive a mailed notice.
 - d) LAFCO staff will review submitted MSR information, coordinate and follow-up with the affected agencies.
 - e) LAFCO will prepare or cause to be prepared a Draft MSR for circulation to affected agencies and other interested parties for review and comment.
 - f) The Draft MSR will be considered at a public hearing, at which time the Commission may accept the report with or without modifications, adopt the required determinations, direct staff to prepare the Final MSR, and take other actions as appropriate.
 - g) The cost associated with conducting the baseline MSRs will be incorporated in the annual LAFCO budget, and will be shared by the funding agencies. Agencies requiring a separate or expedited review will be required to fund the MSR.

11) Timing

On or before January 1, 2008, and every five years thereafter, the Commission shall, as necessary, review and update every sphere of influence [§56425(g)]. MSRs will be completed, as necessary, concurrent with SOI formations, updates or substantial amendments, but not less than every five years.

12) Factors for Analysis - As part of its review of municipal services, LAFCO must prepare a written statement of its determination with respect to the following factors. [§56430]

Determination 1: Growth and population projections for the affected area

The efficient provision of public services is linked to an agency's ability to plan for future needs. Such factors as projected growth in and around the agency's service areas and impact of land use plans and growth patterns on service demands may be reviewed. In making a determination on growth and population projections, LAFCO may consider an agency's ability to plan for future needs.

Determination 2: [The location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere of influence \(SOI\)](#)

[Determination 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 disadvantaged unincorporated communities \(DUCs\) within or contiguous to the SOI.](#)
~~Present and planned capacity of public facilities and adequacy of public services, including infrastructure needs or deficiencies~~

The present and planned capacity of public facilities and services is linked to an agency's ability to plan for future needs, including infrastructure e.g., water, sewer, fire, broadband). The term "infrastructure needs and deficiencies" refers to the status of existing and planned infrastructure and its relationship to the quality of levels of service that can or need to be provided. In making a determination on infrastructure needs or deficiencies, LAFCO may consider ways in which the agency has the ability and capacity to provide service. LAFCO shall consider service and infrastructure needs related to sewer, water and fire protection within a DUC as defined by LAFCO.

Determination 43: Financial ability of agencies to provide services

LAFCOs must weigh a community's public service needs against the resources available to fund the services. In making a determination on the financial ability of an agency to provide services, LAFCO may review such factors as an agency's potential for shared financing and/or joint funding applications, cost avoidance opportunities, rate structures, and other fiscal constraints and opportunities.

Determination 54: Status of, and opportunities for, shared facilities

If service providers develop strategies for sharing resources, public service costs may be reduced and service efficiencies increased. In making a determination on

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opportunities for shared facilities, LAFCO may consider if an agency's facilities are currently being utilized to capacity and whether efficiencies can be achieved by accommodating the facility needs of adjacent agencies.

Determination 65: Accountability for community service needs, including governmental structure and operational efficiencies

The service review may include options to provide more logical service boundaries to the benefit of customers and regional planning goals and objectives. In making a determination on government structure, LAFCO may consider possible consolidations, mergers and/or reorganizations. The service review may also consider the agency's management efficiencies in terms of operations and practices in relation to the agency's ability to meet current and future service demands.

Determination 67: Any other matter related to effective or efficient service delivery, as required by Commission policy

~~In reviewing cities and community service districts, LAFCO shall consider the agency(ies) efforts to promote and facilitate the deployment and adoption of broadband (high speed internet access and use).~~



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

January 13, 2016
 Agenda Item 12

January 13, 2016 (Agenda)

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

Second Quarter Budget Report - Fiscal Year 2015-16

Dear Members of the Commission:

This is the mid-year budget report for FY 2015-16, which compares adopted and actual expenses and revenues for the period July 1, 2015 through December 31, 2015.

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

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

DISCUSSION

On May 13, 2015, LAFCO adopted its final FY 2015-16 budget with appropriations totalling \$813,730 (including contingency/reserve and OPEB Trust).

With 50% of the fiscal year elapsed, the Commission’s second quarter expenditures total \$263,451 or 33% of total appropriations (including OPEB Trust contribution). The Commission budgeted \$407,253 in *salaries/benefits* for FY 2015-16; at the end of the second quarter, actual expenses total \$160,380 or 40% of the total budgeted amount. The Commission budgeted \$286,477 in *services/supplies*; and at the end of the second quarter, actual expenses total \$103,071 or 36%. The budget also includes \$40,000 for the OPEB Trust, and an \$80,000 contingency/reserve; no funds have been drawn from the contingency this fiscal year.

The primary sources of revenues are local agency contributions, application fees, and interest earnings. Total revenues received during the first six months of the fiscal year are \$657,260. All local agencies have paid their prorated contributions to the LAFCO budget.

As for applications, FY 2015-16 application activity is slightly better this year than in FY 14-15 activity. During the first six months of FY 2015-16, LAFCO received one new application; no applications were received during the first six months of FY 2014-15. Application activity still remains sluggish, but is expected to increase in the coming months.

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

Finally, when available, we budget fund balance to offset agency contributions. The FY 2015-16 budget includes \$150,000 in budgeted fund balance. All or a portion of available fund balance may be used at the end of the fiscal year, if needed. See table below for a summary of budget activity.

Account	FY 2015-16 Final Budget	Second Quarter Actuals	Percentage
Salaries & Benefits	\$407,253	\$160,380	40%
Services & Supplies	286,477	103,071	36%
Contingency/Reserve	80,000	-	-
OPEB Trust	40,000	40,000	100%
Total Appropriations	\$813,730	\$263,451	33%
Agency Contributions	\$651,730	\$651,730	100%
Application/Other Revenue	12,000	5,530	46%
Interest Earnings		-	
Fund Balance	150,000	-	
Total Revenues	\$813,730	\$657,260	

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

RECOMMENDATION

It is recommended that the Commission receive the FY 2015-16 second quarter fiscal report.

Sincerely,

LOU ANN TEXEIRA
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>
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Sharon Burke <i>Public Member</i>
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Stanley Caldwell <i>Special District Member</i>

January 13, 2016 (Agenda)

January 13, 2016
Agenda Item 13

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

Executive Officer’s Performance Review and Compensation

Dear Members of the Commission:

RECOMMENDATION

Consider the recommendation per the attached memo.

DISCUSSION

The Commission met on December 9, 2015 in Closed Session to discuss staff performance.

Thereafter, Chair Schroder and Vice Chair Piepho met with the Executive Officer to discuss her performance review and recommendation as summarized in the attached memo.

Thank you for your consideration of the recommendation.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

Attachment

MEMORANDUM

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

651 Pine Street, Sixth Floor ♦ Martinez CA 94553 ♦ (925) 335-1094 ♦ Fax (925) 646-1228

January 13, 2016

TO: Members of the Commission

FROM: Chair Schroder and Vice Chair Piepho

SUBJECT: Executive Officer's Compensation

The Commission met in Closed Session on December 9, 2015, to discuss Executive Officer Lou Ann Texeira's performance evaluation.

The Chair and Vice Chair subsequently met with the Executive Officer to provide input regarding her performance review. During that meeting we expressed to the Executive Officer the very positive comments from the Commission as to the excellent work being performed by the Executive Officer.

It is recommended that the Commission approve a 1.5% increase to the Executive Officer's base salary effective 1/1/16.



January 13, 2016
Agenda Item 14

AGENDA

RETIREMENT BOARD MEETING

SPECIAL MEETING
December 16, 2015
9:00 a.m.

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

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

1. Pledge of Allegiance.
2. Accept comments from the public.

CLOSED SESSION

3. The Board will go into closed session under Govt. Code Section 54956.81 to consider the sale of a particular pension fund investment.

OPEN SESSION

4. Consider and take possible action to adopt the 2016 CCCERA Budget.
5. Review of SACRS legislative proposal regarding Operating Authority legislation.
6. Consider authorizing the attendance of Board and/or staff:
 - a. The Pension Bridge Annual, Pension Bridge, April 5-6, 2016, San Francisco, CA.
7. Miscellaneous
 - a. Staff Report
 - b. Outside Professionals' Report
 - c. Trustees' comments

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

CALAFCO Daily Legislative Report as of Wednesday, January 06, 2016

January 13, 2016
 Agenda Item 16a

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							

Calendar:

1/7/2016 #9 SENATE SEN GOVERNOR'S VETOES

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 Letter](#)
- [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.

[AB 168](#) ([Maienschein R](#)) Mental health: community-based services.

Current Text: Amended: 1/4/2016 [pdf](#) [html](#)

Introduced: 1/22/2015

Last Amended: 1/4/2016

Status: 1/4/2016-From committee chair, with author's amendments: Amend, and re-refer to Com. on HEALTH. Read second time and amended. Re-referred to Com. on HEALTH.

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

Calendar:

1/12/2016 1:30 p.m. - State Capitol, Room 4202 ASSEMBLY HEALTH, BONTA, Chair

Summary:

Would require the State Department of Health Care Services to develop and submit a proposal to the United States Secretary of Health and Human Services to be selected as a participating state in the time-limited demonstration program as specified to receive enhanced federal matching funds for mental health services provided by certified community behavioral health clinics to Medi-Cal beneficiaries.

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.

[AB 1362](#) ([Gordon D](#)) **Mosquito abatement and vector control districts: board of trustees: appointment of members.**

Current Text: Amended: 1/4/2016 [pdf](#) [html](#)

Introduced: 2/27/2015

Last Amended: 1/4/2016

Status: 1/4/2016-From committee chair, with author's amendments: Amend, and re-refer to Com. on L. GOV. Read second time and amended. Re-referred to Com. on L. GOV.

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

Calendar:

1/13/2016 1:30 p.m. - State Capitol, Room 447 ASSEMBLY LOCAL GOVERNMENT, MAIENSCHIN, Chair

Summary:

Would authorize the board of supervisors and a city selection committee, established pursuant to specified provisions of law, to appoint persons to the board of trustees, as specified, in the case of a district that is located entirely within a single county and contains both incorporated territory, including every city within that county, and unincorporated territory.

Position: None at this time

[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: 27

Total Tracking Forms: 27

1/6/2016 9:29:01 AM

**CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
PENDING PROPOSALS – JANUARY 13, 2016**

January 13, 2016
Agenda Item 16b

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

Brentwood to mull change in how it chooses representatives on fire district board

By Rowena Coetsee rcoetsee@bayareanewsgroup.com

Posted: 12/11/2015 05:14:44 PM PST Updated: 101 min. ago

"We're both surprised and a little shocked," said Director Stephen Smith, who learned about the turn of events from Brentwood's city manager Thursday evening along with fellow director Greg Cooper.

The two men's terms expire Dec. 31, and both had applied to serve a second term on the nine-member board.

Brentwood City Council is scheduled to vote on the matter at its Tuesday meeting, deciding first whether it wants to change the nature of its representation on the fire board and if so, who would step into the job.

In recent years, Brentwood and Oakley city councils together with the county have drawn from the general public to fill the seats that represent each jurisdiction on East Contra Costa Fire's nine-member board.

That tradition came into question, however, when each of those three stakeholders recently committed funds to reopen a fourth fire station temporarily -- one the financially strapped fire district had been forced to close -- while it continues looking for long-term sources of revenue.

Given the size of Brentwood's \$666,000 pledge, a council subcommittee earlier this week decided to recommend reverting to the old way of choosing fire district leadership, which originally limited those directorships to city council members.

The thinking is that this way, appointees are more likely to reflect Brentwood City Council's opinions on how the fire district should proceed, said Councilman Erick Stonebarger, who sits on the two-man subcommittee.

The council wants to follow the advice of a task force that's been established to find a solution to East Contra Costa Fire's long-standing financial woes, one that City Manager Gus Vina is heading up, Stonebarger said.

Disregarding that group's recommendations means that all the hours Vina has spent on the matter would be for naught, he said.

Stonebarger emphasized that the possible change in the selection method is no reflection on Smith or Cooper.

"It has nothing to do with what they've done," he said. "We appreciate their hard work. We're not talking about a performance issue."

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

Steve Tate: Morgan Hill annexation can help preserve agriculture

By Steve Tate

Special to the Mercury News

Posted: 12/11/2015 12:57:20 PM PST [5 Comments](#) | Updated: 3 days ago

Like all of Santa Clara County, Morgan Hill has a rich agricultural history. Most of today's remaining actively-grown agriculture (ag) is in South County. To preserve our region's proud history, residents throughout the county want to see active ag preserved to the maximum extent possible.

Our community has invested significant time and resources in evaluating alternatives to preserve viable ag. Morgan Hill's forward thinking, city-wide Agricultural Preservation Program was developed with guidance from respected ag preservation and economic consultants. It includes a "stay ahead" provision requiring preservation to occur before development.

Morgan Hill has pledged to invest millions of dollars in ag preservation from a fund that continues to grow as the city develops. We have a plan that effectively saves the most ag while providing other benefits to our community and region.

It is unrealistic to think that if we don't change anything, South County ag land will remain ag. We have ample evidence to the contrary. Every parcel in unincorporated South County has development rights, including active ag parcels.

San Martin is a very visual example of ag land turned into housing on large acreage parcels. If you go to the south end of Trail Drive, you'll see five homes under construction. It is literally happening now! House-by-house, our ag lands will disappear unless we do something different.

Morgan Hill is doing something different and innovative.

One way to guarantee that these lands remain ag is to remove their development rights by recording a permanent ag easement on the deeds. Land owners will do this -- for a price.

The city will assure that any ag land developed in or around Morgan Hill preserves an equal amount of designated ag land in the area southeast of the city. It can do this by supplementing developer payments from an open space account funded by developers who compete for housing allocations in the city. So housing development in the city assists in preserving ag lands in the surrounding county.

We are also working with landowners on other innovative approaches to compensating them for ag easements.

Morgan Hill has a great reputation for providing high quality recreation facilities. Another creative way to fund ag preservation is to annex a small portion of the area (less than 180 acres) near the

Tenant-101 interchange to enhance its family and youth-oriented recreation, sports and leisure offerings. Morgan Hill can leverage its reputation by expanding its active recreation facilities.

This envisioned development will pay ag preservation fees, so it will assist in preserving ag in the surrounding county.

Another planned use for the southeast area is a new Catholic high school on land owned by the church near the Tenant-101 interchange. It will be a tremendous South County asset, and its development will also help fund ag preservation.

Morgan Hill's plans do not add any housing to these areas. None.

Consistent with the widely accepted Santa Clara Food and Farmlands Resolution, Morgan Hill is working diligently to insure that small-scale ag remains viable in our sphere of influence. We are seeking the services of a third-party administrator to oversee easements and exploring creative ways to provide ag infrastructure to small-scale farmers.

To make ag preservation a reality, Morgan Hill is working closely with our Local Agency Formation Commission (LAFCo) to gain approval to annex the land for recreation and the Catholic high school. A hearing is scheduled Feb. 3. It is imperative for LAFCo to approve our application, as it proactively and responsibly preserves viable ag while also providing quality community-serving facilities.

Steve Tate is mayor of Morgan Hill. He wrote this for this newspaper.

- 5 comments
- [Mercury News](#)

[Chip Johnson](#) • [5 hours ago](#)

Well said, as I would expect, from a Mayor. The issues I did not see addressed, maybe I missed them, was, how do you keep AG land, agricultural. By this I mean keep it from being rezoned. You can't by law put a housing complex on AG land. And, the issue of what are you doing to support the local farms and farmers? How many AG classes are offered in the schools? does the FFA have a "Blue Jacket group" at the HS? Does your HS have AG Shop? Mine did. You can not keep AG in the area if you do not support AG, and AG people. Farm work is not suggested by teachers, unless you do it with a MS. Until Owing and working your farm, regardless of your education, becomes valued, you will have issues.

[LF](#) • [2 days ago](#)

This is very specious, arguing that we must develop our critical open space buffers in order to save our critical open space buffers. I hope the LAFCO denies the annexation request and protects Morgan Hill from this incessant suburban sprawl, if Mayor Tate will not. These popular projects, i.e., a school and sports fields, can and should be placed elsewhere, and are chosen because they more easily deceive people into thinking a bad project (developing over the last few ag. lands we have) is a good one. We need smart, dense projects that don't add to the already egregious traffic and destroy the last vestiges of country charm that we have,

although Mayor Tate writes as if it's already a done deal, inevitable that annexations and conversions will take place. We need a mayor who sides with residents and not the next developer who comes along, who believes he can get saving these open spaces done, that it's not inevitable or unaffordable, someone who won't turn us into a mini-San Jose! Please sign this petition: <https://www.change.org/p/morga...>

[RexDev](#) • [2 days ago](#)

A policy to keep Bay Area housing unaffordable.

Cut the supply, and the price goes up.

Current owner benefit, newcomers suffer.

Agricultural heritage is a smokescreen for those who understand this, and a myth that makes some people happy.

[Sequoia Hall](#) • [3 days ago](#)

Well laid out thoughts Mayor Tate.

Just a few observations. Many organizations, some governmental and some non-profit, already have purchased agricultural easements preventing development. They know how much it costs to purchase these binding development rights, so the statement that South County Ag Land is not protected needs reevaluating.

Regarding your assessment of development potential of many parcels in the county, I agree with your concern that we are losing our Agricultural Heritage.

I hope to see good numbers, based on current real world examples, in the LAFCO staff analysis regarding Morgan Hills financial projection to purchase easements. Thank you for laying out your ideas to the public.

I am very interested to see what others say on this.

[Notobranchiata](#) • [3 days ago](#)

Mr. Tate is trying to seem like a good mayor after Gilroy's mayor approved building over 700+ acres of ag land for 4,000+ homes then resigned the same night. He's not fooling anyone.

Triple-dipper: East Bay politician making \$370,000 a year balks at paying for health insurance

By [Thomas Peele tpeelee@bayareanewsgroup.com](mailto:tpeelee@bayareanewsgroup.com)

Posted: **12/18/2015** 06:59:59 AM PST Updated: about 2 hours ago

It's tough to find someone as familiar with a public employee pay and benefits package as Kevin Hart. The Kensington interim police chief and Dublin city councilman is raking in more than \$370,000 in government salaries and pension this year.

But it's Hart's free taxpayer-funded health care -- and how he got it -- that is causing the latest flap in the scandal-plagued upscale East Bay enclave that swore him in as chief with a ceremony replete with Boy Scout honor guard.

Even though Hart, 56, was already what's known among government watchdogs as a "triple-dipper," he wasn't familiar enough with his multiple options for health coverage when he touted to Kensington officials this June that one of his selling points for their police job was that he didn't need them to pay for his health insurance.



Kensington Police Chief Kevin Hart is pictured during an election forum when he ran for mayor in Dublin in 2014. (Aric Crabb/Bay Area News Group)

Kensington officials' eyes lit up at what penciled out to about \$18,000 in savings.

"It was one of the reasons" he was hired, said Vanessa Cordova, of the local Police Protection and Community Services District board.

But just days after beating out five others for the job that carries other benefits of permanent employment -- such as vacation, administrative leave and pension contributions -- Hart reversed course and said he had to renegotiate.

He would need medical coverage after all because his plans to jump from state insurance to coverage from Dublin fell apart.

"Stupid me," said Hart, who started the year on the payroll of the Department of State Hospitals and is also drawing a \$223,000 a year pension after retiring as Alameda County Sheriff's deputy. He didn't know

that state retirement system rules wouldn't let him take full health coverage from his part-time Dublin post while also working for Kensington, he said

His other option to stick to his promise -- medical coverage from the Alameda County retirement system that posed no conflict -- wasn't an option because he would have to pay for it, he said. "That costs money. That isn't free."

But Kensington's coverage is free. Its employees pay no share of health insurance costs.

Hart made one concession, agreeing to cut his \$150,000 a year pay by \$5,000 to help make up for the cost. But his reversal means that to supply him health insurance, the district will be paying roughly \$6,600 more than it originally negotiated to employ him until his contract expires in March. The board can renew his contract for three months, or make him the permanent chief.

Meanwhile, insurance in hand, Hart said he had knee surgery in November, missing seven days of work.

New flaps are raising old questions about lack of oversight in this small town still reeling from a scandal over a detective whose gun and badge were stolen by a prostitute in his Reno hotel room and the firing of Hart's predecessor, Greg Harman.

Kensington's "been plagued with personnel issues for so long, many wonder if this entity is impervious to reform," Cordova said, adding she's "concerned about the community's confidence in our ability to manage even the most basic" governance.

Board members acknowledge, there's plenty of blame to share this time.

"We didn't catch it, our lawyers didn't catch it," district President Len Welsh said. "It was an honest mistake."

"It's partially (Hart's) fault, and I sort of messed up," the district's labor lawyer, John Holtzman, said Wednesday. "The rules are pretty obscure." The district "could have just made him pay for it, but he balked."

Now, residents like Celia Concis are asking hard questions: "Can we rely on Hart to manage the intricacies of the district budget and understand retirement obligations if he couldn't even get his own health benefits straight?" she said Wednesday.

Follow Thomas Peele on [Twitter.com/thomas_peele](https://twitter.com/thomas_peele). Email him at Tpeele@bayareanewsgroup.com

Kevin Hart's approximate 2105 cash pay Alameda County Pension: \$223,000

Kensington Police: \$84,600*

Dublin City Council \$10,000

Department of State Hospitals: \$57,000**

*- Over seven months

** - Over five months

Martinez's interim city manager goal?

Finding a new city manager

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

Posted: 12/16/2015 07:25:27 PM PST Updated: about 18 hours ago

MARTINEZ -- If you're Jim Jakel, it turns out you can go home again ... and again, and again.

The City Council on Wednesday appointed Jakel to step in for 3½ months as Martinez's interim city manager, effective Jan. 1.

This will be Jakel's fourth stint as Martinez city manager. He was the city manager there from December 1989 through June 1996, and served a short stint as interim manager in early 2014. Also, while working with the Contra Costa Council -- now the East Bay Leadership Council -- he was "loaned" to Martinez for five months in 2000 to be interim city manager, he said.

"Martinez gets under your skin; I really like the place a lot," said Jakel, 60, who added there won't be any contract renewals in April, with travel plans with his wife, Kathy, firmly in place.

Jakel sees his top job as helping find Martinez's next full-time city manager. The recruiting process has already started, said Mayor Rob Schroder, who hopes a successor is found sooner rather than later.

"It's my goal to get the new the spot filled prior to Jim's contract expiring," Schroder said Thursday.

Jakel will take the reins from Rob Braulik, whose last day on the job as Martinez's city manager will be Dec. 31. Braulik started work in April and announced in November plans to join the private sector.

Jakel was Antioch's city manager from 2003 until 2013. "I think Martinez and Antioch are the only two places I'd come out of retirement for."

Jakel's 3½-month contract, which runs Jan. 1 through April 16, calls for \$98.45 an hour for a 25-hour workweek. Such temporary returns, often part time and often at an hourly rate, aren't unusual for retired city managers.

Something those two cities have in common, Jakel said, is financial challenges.

Schroder said Jakel is a great fit for Martinez.

"He's a fantastic city manager, well-respected, knows the community and the employees," he said. "Those who've been here long term all know him and have worked with him."

Before Braulik's arrival, the city had gone a year and a half without a permanent city manager. Phil Vince resigned in October 2013, and he was followed by a succession of interim city managers, including Anna Gwyn Simpson, deputy director of strategic planning and community development; Jakel; and current assistant city manager Alan Shear.

Councilwoman Lara DeLaney said getting the right person in that spot as soon as possible is important.

"I think we're due for some stability, but I also want to make sure we have the right fit," she said.

In his short upcoming tenure in Martinez, Jakel also hopes to comb the city's specific plan for a few goals around which to unify city staff. "Doing those things will be a little more nuanced than simply doing what's written down on paper," he said.

Contact Sam Richards at 925-943-8241. Follow him at [Twitter.com/samrichardsWC](https://twitter.com/samrichardsWC).

Pinole fills vacancy on City Council

By Tuseda A. Graggs Correspondent

Posted: 12/16/2015 04:57:38 PM PST Updated: a day ago

PINOLE -- It took only about 15 minutes Tuesday night for the city to choose and seat a new councilwoman.

Longtime Pinole resident Maureen Toms was selected, sworn in and took her seat alongside the other council members. Immediately following her ascension to the post, she joined the council in a closed session and participated in the remainder of Tuesday's meeting.

"We're all happy to have her," said Mayor Roy Swearingen.

The vacant seat had been held by the Phil Green, who died Oct. 23 after serving on the City Council since 2010. Green also served one term on the council from 1986 to 1990. Toms will complete the unexpired term, which runs until certification of the Nov. 8, 2016, general election.

A Pinole planning commissioner, Toms also serves on the West Contra Costa Unified School District citizens bond oversight committee and on the Pinole Redevelopment Successor Agency's oversight board. She will relinquish her position on the Planning Commission.

Toms and Warren Clayton, who represents Pinole on the Contra Costa Mosquito and Vector Control District, were both interviewed for the vacant seat last week and were questioned on a variety of issues to determine their readiness for city leadership. A third candidate bowed out of the process last week shortly before the City Council held its candidate interviews.

"Council needs someone with good, experienced background," said Swearingen. "Maureen has that."

Toms is a lifelong Pinole resident who has been active in the community, he said.

"She was the logical choice. We think she's going to be a very good fit on the council," Swearingen said.

The council previously asked both candidates about their availability to prepare for meetings, attend them and participate in a variety of committees. Councilman Peter Murray wasn't able to attend the interview session last week, so the council postponed a vote until Murray could review the video and attend this week.

Solar farm to be built on former Richmond landfill

By Karina Ioffe kioffee@bayareanewsgroup.com

Posted: 12/17/2015 06:01:33 AM PST Updated: a day ago



Richmond Mayor Tom Butt talks about a 49-acre solar farm, located on land owned by the Chevron refinery, during a groundbreaking for the facility in Richmond, Calif., on Wednesday, Dec. 16, 2015. (Kristopher Skinner/Bay Area News Group) (Kristopher Skinner)

RICHMOND -- A new solar farm will soon generate enough energy to power more than 3,000 homes in Richmond, part of the city's commitment to reducing carbon dioxide emissions, the mayor and other leaders said Wednesday.

The 49-acre solar array is being spearheaded by Marin Clean Energy, a nonprofit electricity provider, and will be the largest publicly owned solar project in the Bay Area when it is completed by the end of next year. It will be located on a former landfill owned by Chevron, which operates a refinery in Richmond. Construction will begin in February.

"Richmond is converting former brownfields to community assets, and this is just one example of that," said City Manager Bill Lindsay. "It will not only produce power but also jobs."

Some of the solar panel installation will be done by participants in RichmondBUILD, a public-private partnership that prepares low-income people for jobs in construction and the renewable energy sector. The solar farm is expected to generate about 100 jobs and eliminate nearly 10,000 metric tons of carbon dioxide per year, roughly the amount produced by 2,100 cars, according to MCE. Carbon dioxide emissions are the leading cause of global warming.

Richmond Mayor Tom Butt, who sits on the board of Marin Clean Energy and attended the United Nations Climate Change Conference in Paris earlier this month, called the project a win for the city and for the environment.

"One of the themes that permeated that conference was the role that states, cities and counties -- the so-called 'subnationals' -- will have to play in the future if this whole effort to limit greenhouse gases and mitigate climate change is going to work," Butt told a small crowd at a groundbreaking ceremony Wednesday. "To come back from that huge inspiration and be a part of groundbreaking for this project is an amazing thing."

The solar farm's construction is being partially funded by MCE's "Deep Green" customers, who receive 100 percent of their energy from renewables. The land is being leased from Chevron for \$1 a year, part of the \$90 million community-benefits agreement with the refinery. The agreement was signed last year in exchange for permission to carry out its modernization project, set to start next summer.

Planned improvements at the refinery include safety upgrades to piping systems and a new hydrogen plant that can process 20 percent more crude without increasing greenhouse gas emissions. In addition, three Chevron Suezmax tankers that bring in crude to the port will be replaced with two cleaner-running vessels, although the vessels will still idle in the Port of Richmond while they offload crude.

Critics had said the improvements don't do nearly enough to reduce the region's and country's dependence on oil.

Contact Karina Ioffe at 510-262-2726 or kioffee@bayareanewsgroup.com. Follow her at [Twitter.com/kioffee](https://twitter.com/kioffee)

Barnidge: Grass-roots group's modest goal? To save the East Contra Costa Fire District

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

Posted: 12/18/2015 04:20:26 PM PST Updated: a day ago

Discovery Bay residents David Piepho and Bob Mankin are taking on a project that should keep them a little busy in the months ahead. They plan to save the East Contra Costa Fire District.

This is the district, you'll remember, that's been underfunded for years, its allocation of property taxes a fraction of the percentage of neighboring districts. It's a district that was so ravaged by the real estate crash during the Great Recession that it closed five of its eight fire stations.

A parcel tax went down to defeat in 2012. A benefit assessment failed in 2014. So nine firefighters now are on duty to respond to emergency calls from 110,000 residents spread across 249 square miles -- and the situation could grow worse.

"Based on current revenues," Mankin said, "the three-station model we have is going to degrade into something less. We either come up with a solution that avoids catastrophe, or that's where we're going."

Only by the grace of one-time funding from Brentwood (\$666,000), Oakley (\$382,202) and the county (\$311,617) is there a window of time to find an answer, which almost certainly will involve a ballot measure.

Piepho -- whose wife, Mary, is a county supervisor -- and Mankin are heading up a grass-roots group whose daunting goal is to win voter support for a parcel tax. Their game plan will focus on public outreach and a large helping of straight talk.

Advertisement

They've heard what opponents have said. Firefighters are overpaid. They're soaking up cushy pensions. Their medical calls could be handled by ambulances. Why not a volunteer operation?

"We have to get out into the community and start explaining the reality of East County Fire," Piepho said.

Piepho, who served as an Alameda County firefighter for 28 years, says East County's starting pay is \$17 an hour. The average firefighter earns \$50,000 to \$60,000 per year, and 24 percent of that is withheld toward retirement. That's one reason unfunded liabilities were reduced from \$28 million to \$25 million last year.

Piepho knows something about volunteer firefighting, too -- he volunteered in the 1980s, when Brentwood's population was about 5,000, and Oakley's was even smaller.

"We got about one call per day," he said. "Now they get about 26. That's way beyond a volunteer's capability."

Those medical emergencies? They can involve extractions at vehicle crash sites, victims ejected into ditches, workers trapped at construction sites and many other circumstances that ambulance services are not equipped to handle.

Mankin and Piepho think past ballot measures failed because there was no give-and-take with the public. ("A small group of government officials came up with a solution and tried to cram it down your throat," Mankin said.) This time, they plan to seek out opponents and open the issue to discussion.

"Let's surround ourselves with people who voted 'no,'" Piepho said. "Let's talk to them about why they voted 'no' and what misconceptions they might have."

The two plan to take their "road show" to city councils, service clubs, homeowners associations - anywhere voters will listen. When they recently addressed a small focus group that included parcel tax opponents, they were heartened to find that by the end of the session, they'd turned all the "no" votes to "yes."

That's a start.

Contact Tom Barnidge at tbarnidge@bayareanewsgroup.com.

Pittsburg declares fiscal 'emergency,' OK's measure to preserve sales tax

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

Posted: **12/23/2015** 05:42:22 AM PST Updated: about 3 hours ago

PITTSBURG -- Having declared a funding "emergency" with the scheduled June 2017 decrease of the city's sales tax, and the likely negative effects that it could have on police, senior services and street maintenance, city leaders want to put a tax extension on the June 2016 ballot.

The Measure P sales tax would decrease, from a half-cent to a quarter-cent per dollar spent, slashing about \$1.4 million a year from the city budgets from 2017 through 2021. This, several city officials say, would devastate a city whose staff has already fallen from 315 employees in 2008 to 240 today, and would likely fall further should the full half-cent tax not be extended.

"If we don't do this, our quality of life will suffer," City Councilman Sal Evola said before the council's 5-0 vote affirming the emergency declaration. Getting the city's situation stabilized, he added, should come ahead of Pittsburg's participation in regional efforts, including transportation initiatives.

Added Councilman Pete Longmire, "I do believe we're in a state of emergency if we don't get this (extension) passed."

In addition to the emergency declaration, the council also voted last week to authorize the bond measure for the June 2016 ballot that would extend the terms of Measure P's half-cent sales tax through June 2035.

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Measure P was approved by Pittsburg voters in 2012, in response to hard economic times brought on largely by the Great Recession. Between 2008 and 2012, the city's annual revenues from sales taxes and property taxes decreased by \$4.6 million annually, and the city's redevelopment program -- responsible for massive improvements in the city's infrastructure, especially in the downtown area -- went away in January 2012, when all state redevelopment agencies were dissolved.

In response, the city cut staff from 315 to 225 (having since rebounded slightly), reduced some employee medical and retirement benefits, eliminated nonessential services and enlisted private companies to operate the Delta View Golf Course and youth recreation programs, both previously operated by the city. The city still used \$2 million in reserves to help prop up the budget.

This all happened during a seven-year period when Pittsburg's population rose from 63,652 to 68,000.

"Although the city has seen significant recovery since 2008, challenges still remain," City Manager Joe Sbranti said. "It's very clear to us the (tax) extension would be extremely helpful."

While the city itself can't actively campaign for passage of such a ballot measure, Sbranti said it will be up to the city to put the budget numbers out there, and for others to make the case for continuing the half-cent tax, and that the city has been a good steward of the public's money.

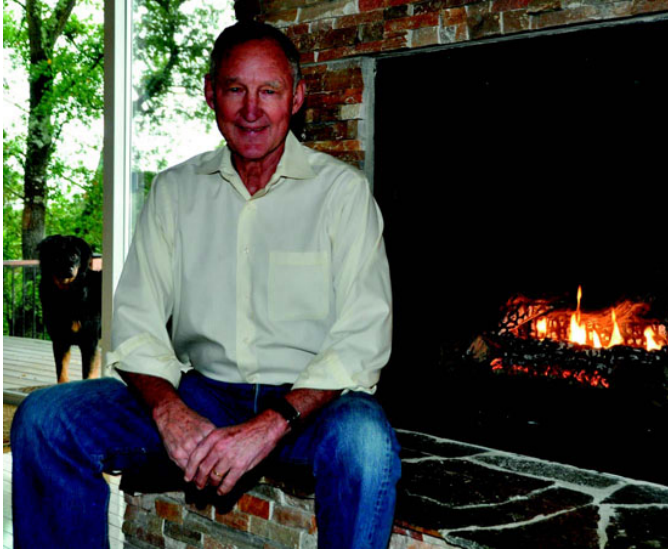
"Hopefully, voters will agree we've been doing that," Sbranti said.

Contact Sam Richards at 925-943-8241. Follow him at [Twitter.com/samrichardsWC](https://twitter.com/samrichardsWC)

Published December 30th. 2015

A Conversation with MOFD Director Steve Anderson

By Nick Marnell



Steve Anderson at his Orinda home. Photo Andy Scheck

excorted by his directors. I was embarrassed for him. Nothing of value was accomplished that day. The board's efforts were counterproductive. If it were me as the chief, I would have walked out of that meeting.

LW: What accomplishment are you proud of?

When I got here, MOFD had little ability to do financial forecasts. It was the district's weak suit, and the board recognized this. Over three years, we've done a remarkable job of forecasting our finances.

LW: So you're satisfied with the district financial condition?

I didn't say I was satisfied with our financial condition. We're working to get fiscal viability. At least now, we have the ability to measure our finances.

People will pick apart portions of our financials. Whether our unfunded pension liability is \$27 million or \$44 million or some other number people say it is, we're addressing it. We're putting out what our accountants and our actuaries tell us. Is it right? Probably not. Is it close? Probably.

LW: Why do you think the station 46 project fell apart?

It had a high probability of happening until revenue improved. It would have been a good deal for everyone. Why did it go off the rails? Frankly, I'm not sure.

But it was not because of MOFD. MOFD did not stall. We responded every time the ConFire attorney kept throwing changes back. It was never that we rejected outright any changes ConFire sent to us.

LW: Could 46 still happen?

From my perspective, I will try to keep 46 alive as long as possible. I'll be outvoted, but I think it's

Steve Anderson takes over as president of the board of the Moraga-Orinda Fire District in January. He shared his observations of his three years as a director, and his outlook for the upcoming year, with the Lamorinda Weekly.

LW: Are you happy that you took this job?

I am. I've learned a lot, especially about how local government functions. Or doesn't function.

LW: What's been your biggest surprise?

How ineffectual local government can be, especially at the county level.

LW: An example?

When Contra Costa County closed fire station 16, the fire chief presented a plan to his board and was

best for the community, and fiscally it's an excellent deal. And despite what the residents of Honey Hill say, 46 had more advantageous response times than not.

LW: Even though you have gone on record as calling the county an "unreliable partner," you would re-enter into a joint venture with them?

Yes, I still consider the county an unreliable partner. But the contract contained provisions to protect us against them, such as specific remedies if either party pulled out of the deal.

LW: You have a very frustrated union membership.

Our employees are our best asset, period. But we can't just give them everything they want.

We are in a tenuous economy; 2008 could happen in a flash. One Islamic State attack in San Francisco, and the rate of return on our assets would plummet. We would be back where we were in 2008-09.

Maybe compared to adjacent districts, our firefighters are slightly underpaid. But it's what we can afford. We have an agreement into 2018, and I will continue to adhere to it.

LW: What do you foresee in 2016?

In my role as director, to ensure that MOFD provides the service it is established to do. And to be fiscally responsible, by continuing our rigid financial analysis. Also, to maintain our relationship with the union.

LW: Anything in particular you'd like to change?

I'd like to push the county retirement board to do even more, such as the changes it made to no longer count certain items toward pension payouts.

LW: A long-range goal?

Orinda roads are still a priority. Poor roads affect our response time, and replacing ambulances because they take a beating on the roads affects our bottom line.

Remember, it's not MOFD's job to sit on the taxpayers' money. So, once the district creates fiscal viability and achieves a surplus, shouldn't that money go back to the community? Maybe, to fix the roads?

LW: The district has taken a lot of grief - from the union, from residents, from the media, even from other public officials. How do you respond to the criticism?

To the people who want to complain, I would ask them to answer these questions:

When a resident calls, do we respond? Do we respond in a timely manner? And have we saved lives?

If they answer "no" to any one of those, then they should recall me.

Reach the reporter at: nick@lamorindaweekly.com

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Recycled water in demand, and not just for parks, golf courses

By Sam Richards srichards@bayareanewsgroup.com

Posted: 01/02/2016 10:00:00 AM PST Updated: about 5 hours ago



Delta Diablo recycled water program coordinator Steve Rodriguez holds a bottle of influent wastewater, left, and a bottle of recycled water, right, that was processed at Delta Diablo in Antioch, Calif., on Monday, Dec. 28, 2015. (Jose Carlos Fajardo/Bay Area News Group) (JOSE CARLOS FAJARDO)

ANTIOCH -- The ongoing drought has driven interest in using recycled water instead of drinking-quality water wherever possible, but making that happen depends largely on where the "purple pipes" run.

Wastewater treatment agencies in the East Bay have been selling (or giving away) the water that runs through those purple pipes -- essentially wastewater that has been treated to a lesser degree than water purified for drinking and other domestic purposes -- for uses ranging from watering home gardens to helping cool down a power plant.

Even if the drought comes to a wet, El Niño-fueled end, cities, industries, and school and park districts will increasingly rely on recycled water. And that will require spending to expand the network of all-important purple pipes that, by state law, carry only "disinfected tertiary" water. Although it isn't safe for humans and animals to drink, it can be used on virtually any food crop and for irrigation of parks and playgrounds, school fields and golf courses.

"Moving recycled water requires separate infrastructure running to the various facilities, and that is very expensive," said Jennifer Allen, director of public affairs for the Contra Costa Water District. Bringing that water to more Contra Costa County industries, she said, will require wastewater agencies and the industries to pay for those purple pipelines and associated equipment.

Antioch-based Delta Diablo recently started supplying recycled water to Contra Costa Waste Services' Loveridge Road transfer station in Pittsburg for ongoing dust control needs, related mainly to recycling construction waste.

"Instead of the (transfer) station using drinking water for dust control, they're using recycled water," said Angela Lowrey, Delta Diablo's public information manager. "It's a matter of addressing the drought and preserving drinking water."

The cost of a gallon of recycled water is approximately one-quarter that of a gallon of drinking water, which is good news for the transfer station, operated by Concord-based Garaventa Enterprises. Sal Evola, a Pittsburg city councilman and a Garaventa governmental affairs officer, said it also plays into the transfer station's main mission.

"Our philosophy is to not waste things; for us, it's all about recovery," he said.

It also helps that the Loveridge Road facility is near an existing Delta Diablo "purple pipe," one the agency hopes will soon serve more industries, Lowrey said.

Even pre-drought, wastewater agencies supplied cities, school districts, park districts and other entities with recycled water. Delta Diablo, which has sold recycled water since 2000, can also serve industrial customers, thanks largely to its location on the East Contra Costa waterfront. Its first industrial client was the Calpine power plant a stone's throw away.

The Central Contra Costa Sanitary District, based near Concord, has had preliminary talks with CCWD and others about making more recycled water available for the area's industrial businesses and refineries.

"Are we looking at doing this? Definitely," said Emily Barnett, the sanitary district's intergovernmental affairs manager. "But other entities have to be involved for there to be a solution."

Part of that solution, she said, is creating projects large enough to be financially practical for both the wastewater agencies and the industries.

Many newer neighborhoods in San Ramon and Brentwood, among other places, have purple pipes as part of the original infrastructure. Concord's remade former Naval Weapons Station land will be built with such pipes, too.

Whether the expense of retrofit work in older, established neighborhoods is justified is a case-by-case matter, said Paul Eldredge, general manager of the Union Sanitary District, which serves Fremont, Union City and Newark.

"We'd have to determine whether the expense, and subsequent ratepayer hikes, would be worth it," he said. A partnership between his agency and the Alameda County Water District to pursue expanding recycled-water service has been discussed but would be at least two to three years away, he said.

The Tri-Valley has little industry, but the Dublin San Ramon Services District provides recycled water to construction companies for dust control. Far more of the district's recycled water goes to the cities of San Ramon and Dublin, the latter of which uses recycled water for 82 percent of its needs, said spokeswoman Sue Stephenson.

"Dublin has been a poster child for recycled water use," said Stephenson, noting that her agency is on the lookout for other bulk users.

Contact Sam Richards at 925-943-8241. Follow him at [Twitter.com/samrichardsWC](https://twitter.com/samrichardsWC).

East Contra Costa fire district mulls \$337 fee for medical aid

By Rowena Coetsee rcoetsee@bayareanewsgroup.com

Posted: 01/05/2016 02:48:45 PM PST [1 Comment](#) | Updated: 40 min. ago

BRENTWOOD -- Residents in far East Contra Costa County will pay hundreds more for in-home and roadside emergency medical care if the region's fire district board adopts a fee for that service next month.

East Contra Costa Fire District directors on Monday agreed to hold a public hearing Feb. 1 on a proposed ordinance that would establish a \$337 fee for responding to urgent health complaints such as chest pains or dangerously low blood sugar levels.

"It's going to pique people's interest," said fire Chief Hugh Henderson, predicting a large meeting turnout the possibility of a fee will generate. "Some people feel that they're already paying for the service they're receiving, and others (in support of the fee) will say that we are looking at any other sources for revenue."

Once residents have spoken their minds, the board will vote on whether to adopt the so-called "first responder fee," an attempt by the financially embattled fire agency to recover its costs.

The \$337 fee, which would apply to every person firefighters treat during a call, would generate an estimated \$600,000 annually.

The fee would go toward not only the hourly expense of dispatching a three-person crew -- captain, engineer and rank-and-file firefighter -- but also the other costs associated with putting that team in the field, including fuel, insurance and vehicle maintenance, Henderson said.

He also noted that other fire districts around the county, including Contra Costa County Fire, Moraga-Orinda Fire and San Ramon Valley Fire districts, already charge such first responder fees.

The district would bill patients' health insurance companies and adopt policies to deal with those who couldn't afford the cost.

Henderson said that after deciding whether to adopt the fee, the board will revisit the idea of imposing fees for showing up at vehicle accidents and clearing crash sites, mopping up after structure fires and taking care of situations in which residents burn refuse in their backyards without the proper permits.

The directors' decision to pursue the fee comes on the heels of their Dec. 28 vote to renew their firefighters' contract, which expired Sept. 30, 2014. The new one covers the period Oct. 1, 2014, through June 30, 2017.

Effective Jan. 1, members of the International Association of Firefighters Local 1230 all received a 5 percent raise, and emergency medical technicians who undergo advanced training now will get an additional 5 percent pay hike.

As such, the annual pay for union members currently ranges from \$52,800 for an entry-level firefighter to \$74,016 for the most seasoned fire captain; the latter figure will increase to \$75,936 on July 1.

The raises do not apply to Henderson or the district secretary. The \$94,447 annual salary of the district's three battalion chiefs also will remain the same.

In addition, the 33-month contract establishes a 10 percent pay differential between ranks.

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

IF YOU GO WHAT: East Contra Costa Fire District board will vote on proposed \$337 fee for providing emergency medical care following a public hearing.

WHEN: 6:30 p.m. Feb. 1

WHERE: Oakley City Hall, 3231 Main St., Oakley

-
- 1 comment

[SJ RES](#) • [31 minutes ago](#)

Aren't these services already paid for by our (local and property) tax dollars ?

Investigators say probe of East Bay cop whose gun was stolen by prostitute flawed

By [Thomas Peele Tpeelee@bayareanewsgroup.com](mailto:Thomas.Peele@bayareanewsgroup.com)

Posted: **01/06/2016** 06:51:26 AM PST Updated: about 2 hours ago

Related Stories

KENSINGTON -- An internal investigation of a police sergeant's infamous encounter with a prostitute who stole his gun and badge in a Reno hotel room was flawed and didn't follow proper police procedures, a review by the Contra Costa County Sheriff's Office has found.

But despite those findings, Sgt. Keith Barrow cannot face re-examination or further discipline under state police personnel laws, interim police Chief Kevin Hart said in a statement.

The review showed former Kensington Chief Greg Harman's investigation of Barrow "was not conducted in a manner consistent with the best practices of an objective internal affairs investigation. Nor was it conducted in a manner consistent with the policies of the Kensington Police Department," he said in a statement.



Kensington Police Chief Greg Harman answers a question during a board meeting at Kensington Community Center in this 2015 file photo. (Ray Chavez/Bay Area News Group archive) (RAY CHAVEZ)

Hart requested the review, but he did not return messages Tuesday to discuss the findings. As a result, the department will review future internal affairs complaints to determine if another agency should be asked to investigate them, Hart wrote. The department has just 10 officers, making it difficult to objectively investigate their colleagues.

The sheriff's department review brings to a close an embarrassing scandal that divided this East Bay hillside enclave of about 5,000 that is home to dozens of current and retired UC Berkeley professors.

Harman, 55, couldn't be reached. He lost his job when negotiations for a contract extension were abruptly cut off last year during a public outcry after this newspaper reported Barrow took a prostitute to his hotel room during a trip to Reno in 2014. Nevada police and court records showed she admitted stealing Barrow's pistol, badge, handcuffs and ammunition after he fell asleep.

She described him in court as "a john." The gun was found the next day when her pimp shot himself in the leg with it. Barrow remained on active duty while Harman investigated for more than six months. He was suspended without pay, but the length of the suspension has not been made public.

Harman's investigation "wasn't done properly, but we're stuck with what happened," said Len Welsh, president of the Kensington Police Protection and Community Services District board. He cited "stupid laws" that make police personnel records secret in California from keeping him from revealing details of the investigation's flaws.

"There is a widespread feeling that the discipline was not sufficient," he said Tuesday. "I don't think anyone is happy about it except maybe Barrow."



Kensington Police Department Officer Keith Barrow is seen in a 2009 photo. (Kristopher Skinner/Bay Area News Group archive) (KRISTOPHER SKINNER)

Barrow had no involvement in the investigation other than being its subject "and is unaware as to (Harman's) methodology," the officer's lawyer, Justin Buffington, wrote in an email Tuesday afternoon.

Buffington also said Tuesday that Barrow has "successfully completed a 30-day, intensive treatment program for alcoholism" after recognizing he is a victim of the disease and remains "alcohol-free" and committed to his job.

However, Barrow is now caught up in another town scandal. He and another officer are being investigated after they pulled over district Director Vanessa Cordova as she was driving in Berkeley last year. She alleges they harassed and threatened her. The Richmond Police Department is investigating the incident at Hart's request.

Cordova, who pushed for Harman's ouster, said the review's findings were not a revelation to her.

"This police department," she said, "has long enjoyed a systemic absence of oversight and the unflattering legacy that goes along with it."

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