



NOTICE AND AGENDA FOR REGULAR MEETING

DATE/TIME: Wednesday, June 8, 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.

JUNE 8, 2016 CONTRA COSTA LAFCO AGENDA

1. Call to Order and Pledge of Allegiance
2. ***Welcome Returning Commissioner***
3. Roll Call
4. Adoption of Agenda
5. Public Comment Period (please observe a three-minute time limit):
Members of the public are invited to address the Commission regarding any item that is not scheduled for discussion as part of this Agenda. No action will be taken by the Commission at this meeting as a result of items presented at this time.
6. Approval of Minutes for the May 11, 2016 regular LAFCO meeting
7. ***Delta Diablo Presentation – Success in Resource Recovery: Local, State and National Partnerships***

SPHERE OF INFLUENCE (SOI)/BOUNDARY CHANGES

8. ***LAFCO 13-08 – Northeast Antioch Reorganization (Area 2A): Annexations to the City of Antioch and Delta Diablo Sanitation District and Detachment from County Service Area P-6*** – receive update from City staff; consider reorganization proposal of 116± acres (19 parcels) located immediately west of State Route 160 and the Antioch Bridge; and consider related actions under CEQA ***Public Hearing – Continued from June 10, 2015 Meeting***

BUSINESS ITEMS

9. ***Contract Extension – Lamphier Gregory*** - consider authorizing staff to execute a one-year contract extension with Lamphier Gregory, which provides environmental planning services to Contra Costa LAFCO
10. ***Request to Transfer Jurisdiction from Alameda LAFCO to Contra Costa LAFCO*** – consider assuming jurisdiction and authorize staff to send a request to Alameda LAFCO to transfer jurisdiction in order to consider a proposal to annex territory to the East Bay Municipal Utility District and consider the corresponding SOI change

CORRESPONDENCE

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

INFORMATIONAL ITEMS

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

ADJOURNMENT

Next regular LAFCO meeting – July 13, 2016 at 1:30 p.m.

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

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MINUTES OF MEETING

May 11, 2016

Board of Supervisors Chambers
Martinez, CA

June 8, 2016
Agenda Item 6

1. Chair Mary Piepho called the meeting to order at 1:31 p.m.
2. The Pledge of Allegiance was recited.
3. Appointment of Public Member and Alternate Public Member

Due to the lack of City Members at this time, this item was postponed to later in the meeting.

4. Roll was called. A quorum was present of the following Commissioners:

County Members Mary Piepho and Alternate Candace Andersen.
Special District Members Mike McGill and Igor Skaredoff and Alternate Stanley Caldwell.
City Member Don Tatzin arrived at 2:41 p.m.
Public Members Don Blubaugh and Alternate Sharon Burke.

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

5. Approval of the Agenda

Upon motion of Blubaugh, second by Andersen, Commissioners, by a vote of 5-0, adopted the agenda.

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

6. Public Comments

Juan Pablo Galván, representing Save Mount Diablo, spoke regarding the Draft Agriculture and Open Space Preservation Policy (AOSPP), stating that organization's support for the draft document, and encouraging the addition of a mitigation requirement, with a 1:1 ratio. Save Mount Diablo has submitted a letter on this.

Jon Harvey, with Brentwood Agricultural Land Trust, also spoke on the AOSPP, with two suggestions, that LAFCO include a 1:1 mitigation requirement for agricultural lands taken out of production, and that it address the need for mitigation dollars and a depository for such funds.

7. Approval of April 13, 2016 Meeting Minutes

Commissioner Blubaugh pointed out that the minutes erroneously credited him with seconding the motion to approve the March 9 minutes, even though he was absent (and noted as such). Chair Piepho asked staff to correct this.

Upon motion of McGill, second by Skaredoff, the minutes were unanimously approved as corrected by a vote of 4-0.

AYES: Andersen (A), McGill, Piepho, Skaredoff
NOES: none

DRAFT

ABSENT: Glover (M), Schroder (M), Tatzin (M)
ABSTAIN: Blubaugh

8. LAFCO 16-04 - City of Martinez Out of Agency Service (1161 Plaza Drive)

The Executive Officer provided background on this request by the City of Martinez to provide municipal water service to a property at 1161 Plaza Drive in the unincorporated Mt. View area. The landowner is proposing to build a single family home on the property, and is in the process of obtaining a building permit through the County. Staff summarized the actions taken by the City in furtherance of annexation and recommended approval.

Tim Tucker, Engineer for the City of Martinez, responded to Commissioner McGill's questions about the City's commitment and timetable for the future annexations of the Pacheco and Mt. View areas. Commissioner McGill urged Mr. Tucker to convey to the City that LAFCO is concerned about the number of out of agency service requests and interested in seeing movement from the City on annexation.

Upon motion of Blubaugh, second by Andersen, Commissioners, by a 5-0 vote, found the project exempt pursuant to §15303 of the CEQA Guidelines; and authorized the City of Martinez to extend municipal water service outside its jurisdictional boundary to the 0.13±-acre parcel located at 1161 Plaza Drive, subject to specified terms and conditions.

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

9. LAFCO 16-01 - Scott and Kathryn Carr Annexation to East Bay Municipal Utility District (EBMUD)

The Executive Officer provided background on this proposal to annex a 5.9± acre parcel located south of the Town of Moraga to EBMUD. The property owners submitted the annexation application in response to a letter from EBMUD advising them that the District erroneously allowed the property to receive water service, although the property is outside the District's service boundary. The District requires that the property annex or find another source of water. The property is inside the District's SOI as well as that of the Town of Moraga, and is inside the ULL. Transfer of jurisdiction to this LAFCO was previously approved by the Alameda LAFCo.

Commissioner McGill asked about an EBMUD island that would be created with this annexation; staff explained that most of that area is part of a planned Moraga development.

Upon motion of Andersen, second by Blubaugh, Commissioners, by a 5-0 vote, found the project exempt pursuant to CEQA Guidelines, Sections 15061(b)(3) and 15319; approved the proposal to be known as Scott and Kathryn Carr Annexation to EBMUD, with specified conditions including USBR approval; determined that the territory being annexed is liable for the continuation of taxes, assessments and charges; found that the subject territory is uninhabited, has 100% landowner consent; waived the protest proceeding, and directed staff to complete the proceeding.

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

10. Fire and Emergency Medical Services MSR/SOI Updates (2nd Round)

The Executive Officer introduced the team of consultants: Mike Oliver and Brian Kelly with Municipal Resource Group, LLC, and Richard Berkson of Berkson Associates. The draft MSR report was released on May 4th, and the public comment period ends on June 1st. This 2nd round MSR focuses on three primary areas: 1) data updates for 11 EMS/fire service providers (three cities; eight special districts); 2) review of auto and mutual aid agreements; and 3) concentrated analysis on East Contra Costa Fire Protection District (ECCFPD) and Rodeo-Hercules Fire District (RHFD), and their interface with Contra Costa County Fire Protection District (CCCFPD).

The consulting team gave an overview of their findings, noting that ECCFPD now has three stations as compared to the eight stations that were operating in 2010 (with a fourth station to reopen this summer); one of RHFD's two stations is in imminent danger of closing; and CCCFPD has been forced to close four of its stations. All three of these districts have been working hard to find ways to address their situations.

Fire agencies in the county as a whole do not meet response time standards 90% of the time. However, ECCFPD's response times are excessive, RHFD's station closure will affect response times in West County, and both of these districts rely on the aid of CCCFPD (and other districts in West County) for additional equipment and staff in the event of a fire. This is affecting all districts' capabilities to respond in timely manner to any emergencies.

Mr. Oliver suggested that the cities of Oakley and Brentwood will need to accept some responsibility for raising revenues for ECCFPD through new development fees (included in their general plans) and existing state laws and other powers that can ensure that new development offsets the cost of fire services. They should also work on a strong education program in the community to move forward on a tax measure that would stabilize and sustain the district. Without additional ongoing revenues, other resources will not be adequate.

RHFD is confronting multiple issues. This district also needs to educate the community on the need for a tax measure. The district is currently in discussion with Pinole and CCCFPD on sharing a fire chief, which could reduce costs for Pinole and RHFD. The consultants recommend a Standards of Cover (SOC) study (ECCFPD is already doing this) for the entire West County to establish an objective platform for discussions on the future of fire services in the area.

Similarly, CCCFPD will need to engage the community in assessing the future and establishing greater stability in revenues. CCCFPD will be unable to help adjacent districts without greater revenues; with further resources, it could provide a host of services to smaller districts that are too expensive for those smaller agencies.

All agencies in the county have signed the California State Master Mutual Aid Agreement, as well as the Contra Costa County Fire Chiefs' Mutual Aid Plan, which governs day-to-day interagency cooperation when an emergency exceeds the operational capability of any fire agency. Mutual aid is a voluntary program; districts determine if they are capable of responding to a request from another district. Automatic aid agreements differ from Mutual Aid Agreements in that agencies formally agree in advance of an emergency occurring to provide assistance upon the report of an incident requiring an appropriate response by a fire agency.

Richard Berkson reviewed the consultants' recommendations, including provisional SOIs for both ECCFPD and RHFD, pursuit of special taxes for fiscal stabilization, some minor SOI adjustments as well as affirmation of existing SOIs for some of the districts, annual reports from ECCFPD and RHFD, and exploration of further collaboration among districts.

The following is a brief summary of comments. Detailed comments, along with responses from the consultants, can be found in the comment log.

Commissioner Skaredoff expressed concern about wildfires and how this impacts or is impacted by the districts' operations; asked about public perception regarding retirement costs; is there something that can be done to change the public's thinking on this; and applauded the SOC study; this may be the way to provide defensible information to the public to help them understand the importance of their support of special tax measures.

Commissioner Blubaugh commented on the deterioration in response times, noting that this report demonstrates well that revenue is the core issue, and that other options and solutions have played out at this point; and asked why a directly elected board for ECCFPD would make a difference for that agency, and encouraged the consultants to address this in their final report.

Commissioner McGill asked about refineries' fire departments and their impact on fire service and needs, and asked that the consultants include information in the MSR about the refineries. In response to Commissioner McGill's question about response times, Mr. Kelly showed a chart of the "fire propagation curve," which demonstrates the quick rise in property damage with the increase in response time (recommended response time is seven minutes or less). Commissioner McGill questioned if requiring special fees and taxes from new developments might create a class system of services. Commissioner McGill noted that retirement systems get a bad rap, and the public needs better educating about what the costs are and how CCCERA and member agencies are working to reduce long-term liabilities.

Commissioner Andersen commented that this report is an accurate assessment of where our county is with fire services, and that additional revenue will have to come from somewhere.

(Commissioner Blubaugh departed at 3:10 p.m.; Alternate Commissioner Burke stepped up to the dais.)

Chair Piepho asked the consultants to clarify the territory served by ECCFPD by calling it "far" east county (to distinguish from Pittsburg and Antioch). Chair Piepho commented on the impact that redevelopment agencies had and continue to have on fire services— as significant as the impact of unfunded pension funds and other retiree benefits. Chair Piepho asked for further details on the sustainability of ECCFPD if the cities Oakley and Brentwood were to detach from ECCFPD. Chair Piepho remarked that emergency medical services response times increased in all four zones as well, all above 94.07%; she can provide a copy of the report about this. Chair Piepho asked for more information about the ISO ratings; these represent dollars and cents to property owners. Chair Piepho suggested that other visuals that might be useful would be a short video she has seen that shows firefighters in real time coming into a burning room to quell a fire. Chair Piepho asked how LAFCO can drive policy change without the authority or dollars to effect this?

Commissioner Burke asked about the implications of the State Responsibility Area fees in unincorporated areas, noting there is a need for education of property owners so they understand what they're paying for. Commissioner Burke also asked about Prop 172, and whether any fire districts get funds from that source. The Board of Supervisors oversees that fund, and police and district attorney agencies receive monies from it.

Chair Piepho opened the public hearing.

Lewis Broschard, Deputy Chief, CCCFPD, spoke in support of a 90-day extension before presenting the final draft MSR, due to the impact of the forthcoming CCCERA rate adjustment. The financial impact on CCCFPD is estimated to be \$5 million and will result in

delays in reopening fire stations and on auto and mutual aid. He also agreed that CFDs are important for funding personnel needed to staff stations in new developments; and commented on the anticipated development on the Concord Naval Weapons Station site and future impacts to fire service.

Hugh Henderson, Chief, ECCFPD, reported on the District's SOC study, and spoke on response times, pointing out that travel times differ greatly between urban and suburban/rural areas. He also commented on retirement costs, over which districts have no control but must pay 100% of what they are required to pay.

Chief Henderson reported that the ECCFPD board will take steps on June 6 to go through a two-part election in November. The first question on the ballot will be whether voters want a directly elected board, and the second question follows up if they do with a slate of candidates for a five-person elected board.

Chief Henderson also spoke on auto/mutual aid, sprinklering of residential units (which has been a legal requirement in Oakley and Brentwood since the late 1980s), and the discount on CalFire SRA assessments if a property is within a fire district.

Lance Maples, Chief, El Cerrito FD/Kensington FPD, and speaking as President of the Executive Fire Chiefs' Association, presented a letter requesting that LAFCO delay final consideration of the MSR until the consultants can include in the report the impacts of CCCERA's recent decision to lower the rate of return on investments. Also, he requested that the MSR reflect the impact that redevelopment bonds will have on fire districts for another 30 years.

Chief Maples stated that an SOC has been discussed since 2009, but they are expensive; their research showed that an SOC covering only El Cerrito, Kensington, Pinole, and RHFPD would cost over \$100,000; and asserted that a section regarding Kensington call data should be removed as it is incorrect.

Vince Wells, President of IAFF Local 1230, noted that not much has changed since the 2009 MSR, and that fire services still face challenges. He concurs that there should be some form of consolidation of Battalion 7. Originally Battalion 7 had two stations in each jurisdiction (Pinole, CCCFPD, and RHFPD). With one Pinole station already closed, the closure of the Rodeo station would reduce Battalion 7's effectiveness further.

Mr. Wells also noted that while Chevron has a full-fledged fire department, the other refineries all have fire brigades; and commented on the impact the depooling of the unfunded liability had on MOFD, RHFPD, CCCFPD, and ECCFPD.

Gil Guerrero, also with IAFF Local 1230, stressed that time and staffing are of the essence. Discovery Bay has lost three residents to cardiac arrest because engines were unavailable to respond. ECCFPD has no paramedics, no fire boat, and no ladder truck. ECCFPD serves over 110,000 people, and its three engines respond to 6,900 calls annually. It is critical that the statistics be humanized.

Joe Young, ECCFPD Board Director, speaking for himself, asked that the MSR explain the recommendation for an elected board that would represent population areas, and how board independence will improve funding. He also commented on the new CCCERA assumption which will take effect in FY 2017-18; and the differences between ISO rating in rural vs. urban areas.

Bryan Craig, Acting Chief, RHFPD, urged the consultants to include a graph that shows the relationship between mortality rates response times.

Chief Craig also noted that when the Phillips 66 refinery was annexed into RHFPD, the district received only 1% of the 10% increase in the assessed value, and if the assessed value decreases, the district's share will decrease commensurately. Also, a lawsuit in Hercules means there will be almost no tax base from which the district can receive revenues. He also commented on the impacts of redevelopment on RHFPD.

Chief Craig supports consolidation (e.g., administrative, functional, full), as small districts can no longer survive, especially with the new CCCERA assumption looming.

Ernie Wheeler, RHFPD Board Director, speaking for himself, noted that if Prop 172 funds are provided to fire districts, this could trigger a reduction in fire district revenue from ERAF 2 and ERAF 3.

Chair Piepho closed the public hearing, thanking the fire chiefs and firefighters who put their lives on the line every day, and recapped some of the pertinent points made by the speakers.

Commissioner McGill commended the consultants on their outstanding job and expressed regret that LAFCO cannot use the report beyond focusing on the data. There is an increasing need to balance housing shortages with increased pressure on water services and now fire services. LAFCO's only option is to either not approve annexations or approve with conditions. Perhaps LAFCO needs a policy on this?

The Executive Officer asked what the expectation is regarding the new CCCERA assumption, given that this MSR is not looking ahead to FY 2017-18. Commissioner Andersen responded that it would be helpful to have some numbers but with the acknowledgment that they are simply projections.

The Chair asked if there could be a presentation to the cities regarding this MSR so that the public can understand the value of this information. Commissioner Tatzin noted the importance of making MSRs more useful to the public in influencing change. He suggested that perhaps Commissioners could look at the contingency fund to provide additional public outreach on this report.

The Commission agreed to the 90-day pause and the Final MSR will be presented on August 10th.

11. Adoption of Final Fiscal Year 2016-17 LAFCO Budget

The Executive Officer reported that the final budget is comparable to the budget proposed in March, and funds employee salaries and benefits, services and supplies, a contingency reserve, and an OPEB liability fund. The FY 2016-17 final budget reflects an overall increase of 10.3%, which is primarily attributable to MSRs, special studies, and potential relocation of the LAFCO office.

Chair Piepho recommended that staff work with the MSR consultants to develop a plan for presenting the draft MSR to the public in the ECCFPD district and in the RHFPD district and return to the Commission with said plan for educating the public on the challenges faced by these two districts.

Commissioner Tatzin suggested that a press release might be helpful.

Upon motion of Tatzin, second by Burke, Commissioners, by a vote of 6-0, approved the budget with the recommendation that staff return with a plan for a road show on the Fire/EMS MSR in the two affected jurisdictions.

AYES: Andersen (A), Burke (A), McGill, Piepho, Skaredoff, Tatzin
NOES: none

ABSENT: Blubaugh (M), Glover (M), Schroder (M)
ABSTAIN:

12. Agenda Item 2: Appointment of Public Member and Alternate Public Member

The Executive Officer provided background on the status of Commissioner terms. In December the Commission discussed options available to them for filling the Public Member and Alternate Public Member seats including conducting a formal recruitment or reappointment.

Upon motion of Skaredoff, second by Tatzin, Commissioners, unanimously by a vote of 6-0, reappointed the current Public and Alternate Public members.

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

13. Correspondence from CCCERA

There were no comments on this item.

14. Commissioner Comments and Announcements

Commissioner McGill reported that he attended the CALAFCO Legislative Committee in Sacramento on April 22, and the CALAFCO Board meeting on May 6. These are painful meetings because of the heavy load of difficult legislation they are working on.

Commissioner Tatzin reported that LAFCO has received 11 comment letters so far and briefly explained the Committee's approach to categorizing the comments. He and staff made a presentation on the Agriculture & Open Space Preservation Policy to the Brentwood City Council on May 10, and they requested that the comment period be extended. He is recommending that the comment period be extended to June 20, with the draft policy coming back to the Commission on July 13.

15. Staff Announcements

The Executive Officer noted that LAFCO has received a new application from the City of Pittsburg, for their Montreux development. The BBID detachment is on track to come before LAFCO this summer.

Also, the EO attended the CALAFCO Legislative Committee on April 22 in Sacramento.

The meeting adjourned at 4:21 p.m.

Final Minutes Approved by the Commission June 8, 2016.

AYES:
NOES:
ABSTAIN:
ABSENT:

By _____
Executive Officer



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

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

June 8, 2016 (Agenda)

June 8, 2016
Agenda Item 7

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

Informational Presentation – Delta Diablo

Dear Members of the Commission:

This is the eighth 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, Central Contra Costa Sanitary District, Contra Costa County Environmental Health Department, and Dublin San Ramon Services District.

Today, we are pleased to welcome Angela Lowery with Delta Diablo (DD), who brings 25 years’ experience in marketing communications, media relations and community engagement in three continents.

Angela serves as Public Information Manager at DD, where she facilitates inclusive “think outside the box” strategies bringing together a diverse range of stakeholders to address challenges and promote opportunities in wastewater management, water resources development and environmental stewardship. Her work highlights the award-winning projects and services undertaken at DD, whose staff is committed to promoting the social, environmental and economic value wastewater brings to the community to protect public health while safeguarding the environment at the local, state and federal levels.

Angela is also the lead Community Engagement Manager for the Bay Area Biosolids to Energy project – a collaboration of 19 San Francisco Bay Area public agencies addressing biosolids management issues impacting over four million residents, businesses and the environment.

Prior to joining DD, Angela was based in Washington DC as Communications Manager (USA) for the Australian Trade Commission where she managed their only offshore public affairs office. Angela has a Bachelor’s Degree in Communications from San Francisco State University and a Master’s Degree in Social Psychology (Social and Public Communication) from the London School of Economics and Political Science in the United Kingdom. **Welcome Angela!**

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

June 8, 2016
Agenda Item 8

June 8, 2016 (Agenda)

LAFCO 13-08 Northeast Antioch Reorganization Area 2A - Annexations to the City of Antioch and Delta Diablo (DD) and detachment from County Service Area (CSA) P-6 *This item was continued from the February 12, 2014, March 12, 2014, April 9, 2014 June 11, 2014, and June 10, 2015, LAFCO meetings*

PROPONENT City of Antioch (by Resolution)

ACREAGE & LOCATION Area 2A comprises 116± acres (19 parcels) and is located immediately west of State Route 160 (Attachment 1).

PURPOSE Provide municipal services to the area, which is largely built out with marina, commercial, storage and incidental uses, along with several dwelling units.

UPDATE/SYNOPSIS

The Commission last discussed this proposal in June 2015. The Area 2A reorganization is the third and final in a series of three reorganizations encompassing Northeast Antioch. In 2014, the Commission approved annexations of Area 1, comprising 470± acres located both north and south of Wilbur Ave, which is largely industrial; and Area 2B, comprising 103± acres located south of Wilbur Ave and roughly centered on Viera Ave, which is primarily residential. (Attachment 2)

Given that Areas 1 and 2B were previously annexed to the City, Area 2A now constitutes an island, which is surrounded by the City of Antioch to the west and south, the City of Oakley to the east, and the San Joaquin River to the north. LAFCO is precluded from creating islands, as discussed in section #13 below.

As discussed in June 2015, there were several unresolved issues including land use and zoning designations, and the City's General Plan update to address the heavy industrial uses; a City/County remedy to the faulty drain pipe in the area; continued outreach and education by the City to the property owners and members of the Sportsman Yacht Club; and the City's plan to manage the Antioch Dunes wildlife area following annexation. These issues remain unresolved.

In June 2015, the Commission voted to keep the public hearing open and continue the item to the June 8, 2016 regular LAFCO meeting. The Commission requested that the City of Antioch provide an update every four months on the status of the following issues:

- **City's General Plan update** – in April 2014, two of the commercial landowners (i.e., Kiewit Construction and Vortex Marine Construction) spoke in opposition to the annexation and expressed concerns regarding the City's land use designations of their properties and potential costs associated with future sewer service. LAFCO delayed its action to allow the City time to process the necessary General Plan and zoning amendments to address the land use designations for some of the heavy industrial uses, and to explore options to fund a sewer system in the area.
- **Storm water infrastructure** – The pipeline was constructed over 20 years ago in conjunction with the City of Antioch Kmart project, and is owned and maintained by the County with a

drainage easement. According to County records, the pipeline is located in a private road partially owned by Marterm Holdings, LLC and partially owned by Sportmen Inc.

Concerns regarding the pipeline were raised late in the annexation process. A portion of the pipeline was inspected and found to have numerous issues, including buckling, dropped joints, root intrusion, and a potentially adverse pipe slope. City staff indicated that it will not accept the pipeline and structures until the entire length of the pipeline within the proposed annexation area is repaired and/or replaced by the County in a manner acceptable to the City.

We understand that the City and County met recently to discuss the pipeline and a repair strategy. County staff reports that it is currently doing repair work on the storm drain line. Since the beginning of the year, County Public Works Maintenance crews have performed two repairs. The first repair replaced approximately 30 feet of 48 inch pipe (a sink hole opened up near the Sportsman Yacht Club). The second repair, completed in May 2016, replaced approximately 60 feet of storm drain (also near the Sportsman Yacht Club). The cost of the recent repairs was \$150,000. County staff reports that the full cost to repair the existing line would be approximately \$1 million; and the cost for a full removal and replacement of the line would be approximately \$3 million. County staff reports that it currently has no plans to replace any other sections of pipe.

- **Outreach to Area 2A landowners and residents** – a number of the landowners, residents and marina patrons have expressed opposition to the proposed annexation and raised concerns regarding potential increased costs following annexation to the City.
- **Antioch Dunes wildlife area** – the Commission asked about the City's plan to manage this area.

Little progress has been made in the past year. While the City did not provide LAFCO with the requested quarterly updates, it did provide a letter on May 23, 2016 (Attachment 2). In its letter, the City indicates that it is not currently pursuing this annexation for various reasons. Notably, the City remains concerned about the condition of the storm water infrastructure; however, it remains confident that the City and County will reach agreement on how to address this issue. Regarding outreach to the Area 2A landowners and residents, the City would prefer to engage in stakeholder outreach once the storm water infrastructure issue is resolved. The City indicates that it has not prioritized nor directed resources to either resolution of the storm water infrastructure or the outreach efforts. No updates were provided regarding the other issues (i.e., status of the City's General Plan update, City's plan to manage the Antioch Dunes wildlife area).

Although the applications to annex Northeast Antioch were submitted to LAFCO in three separate proposals, it is assumed by all parties that all three areas would ultimately be annexed to the City and the two districts. The property tax transfer agreement approved by the City and County covers all three areas and assumes that all areas would be annexed to the City.

A number of options are presented for the Commission's consideration at the end of this report. Should the Commission decide to take action today to approve or deny the proposal, we have included the full staff analysis as presented below.

DISCUSSION

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

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

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

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

Area 2A is part of the City's Eastern Waterfront Employment Focus Area as identified in the City's General Plan. In 2011, the City and County formed a committee to develop and implement a joint economic development strategy for the Northeast Antioch area. This committee was instrumental in addressing some of the concerns relating to the reorganization proposals, including fiscal and infrastructure issues.

The land in Area 2A is largely built out and includes some underdeveloped properties. Existing uses are predominately marina, commercial, storage and incidental uses, along with several residential dwelling units. The City's General Plan designations for Area 2A include "Marina/Support Uses" and "Commercial." The City has rezoned Area 2A as "Urban Waterfront" and "Regional Commercial."

Surrounding land uses include the San Joaquin River to the north; Highway 160 and heavy industrial to the east; heavy and light industrial to the south; and heavy industrial to the west.

The current and proposed uses are consistent with the City's plan and rezoning designations. No changes in land uses are proposed in conjunction with the proposal.

Other factors relating to land use and growth that LAFCO considers in its review of a proposal are a regional transportation plan and regional growth goals and policies.

In consideration of these factors, LAFCO staff reviewed the *Plan Bay Area* which is a long-range integrated transportation and land-use/housing strategy through 2040 for the nine county San Francisco Bay Area. In July 2013, the *Plan* was jointly approved by the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC). The *Plan* includes the region's Sustainable Communities Strategy and the 2040 Regional Transportation Plan.

The *Plan* identifies Priority Development Areas (PDAs) - 25 in Contra Costa County, and Priority Conservation Areas - 12 in Contra Costa County. Area 2A is not identified as a PDA.

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

The State Department of Conservation produces a map every two years that identifies California's agricultural lands (e.g., Prime Farmland, Unique Farmland, Farmland of

Statewide Importance, Farmland of Local Importance, Grazing Land, etc.) based on ratings that take into account soil quality and irrigation status.

Both LAFCO law and the California Environmental Quality Act (CEQA) provide their respective definitions of "agricultural land" and "prime agricultural land."

Under CEQA, the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance is considered a significant impact. There is no farmland in Area 2A, and no portion of the area is under a Williamson Act Land Conservation Agreement.

4. *Topography, Natural Features and Drainage Basins:*

Area 2A is located just south of the San Joaquin River. A portion of Area 2A immediately adjacent to the San Joaquin River is located within a 100-year flood hazard zone. As discussed in the City environmental review, the City's project does not propose any new buildings or structures within an identified area of heightened flood risk.

The area has a relatively level topography. There are no other significant natural features affecting the proposal.

5. *Population:*

The area is designated primarily for marina, commercial, storage and incidental uses. There are an estimated four existing residential units in Area 2A, which appear to be caretaker quarters for existing storage facilities. Also, there is a small number of boat residents in the area. In accordance with the City's General Plan and zoning designations, no new residential development is proposed for this area. Thus, no increase in population is anticipated.

6. *Fair Share of Regional Housing:*

Pursuant to §56668 of the CKH, LAFCO must consider in the review of a proposal the extent to which the proposal will assist the receiving entity in achieving its fair share of the regional housing needs as determined by the regional council of governments. Regional housing needs are determined by the State Department of Housing and Community Development; the councils of government throughout the State allocate to each jurisdiction a "fair share" of the regional housing needs. Given the current and proposed land uses in Area 2A, there is no impact to regional housing needs associated with the proposed reorganization.

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

In accordance with Government Code §56653, whenever a local agency submits an annexation application, the local agency must also submit a plan for providing services to the annexation area. The plan shall include all of the following information and any additional information required by LAFCO:

- (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 City has provided a "Plan for Services" as required by statute. The level and range of services will be comparable to those services currently provided within the City. City services will be needed to support future development in the area. As part of the reorganization proposal, the City and County have entered into a tax sharing agreement.

Following annexation, the City will provide a range of municipal services to Area 2A, including police, streets and roads, street lighting, drainage, parks & recreation, library, and other services. Fire services will continue to be provided by the Contra Costa County Fire Protection District (CCCFPD).

Following annexation, the City will provide sewer collection, and DD will provide sewer treatment and disposal. The City will provide retail water, and Contra Costa Water District (CCWD) will provide wholesale water as summarized below. The City has existing sewer and water lines located within Area 2A that can serve the area following annexation.

Police Services – Law enforcement services are currently provided to Area 2A by the Contra Costa County Sheriff's Department. Upon annexation, police services will be provided by the City, and the area will be detached from the County's police services district (CSA P-6).

The City's standard for providing police services is 1.2 sworn officers per 1,000 residents. By including Community Service Officers in the sworn officer category, Antioch has maintained this ratio. Police response times are dependent on the agency's staffing level and size of the jurisdiction served. The Antioch General Plan establishes a response time goal of 7-8 minutes for Priority 1 (emergency) calls. The Antioch Police Department reports that the average response time is 11 minutes due to a lack of staffing. The City's CEQA document concludes that the three Northeast Antioch annexation areas would not significantly impact or worsen the ratio of police staff to population or adversely affect the response times.

Streets and Roads – The City indicated that the road network is already in place in Area 2A. The City anticipates that as development occurs in Northeast Antioch, appropriate frontage improvements will be made to existing public streets in this area. The City currently maintains 314 total centerline miles; 669 total lane miles. There is one mile of public streets within Area 2A that would be added to the City's road inventory following annexation.

Street Lighting - The City reports that there are several existing street lights in Area 2A in close proximity to Highway 160, which are installed and maintained by Caltrans. Any new street lights installed in Area 2A would be in conjunction with new development.

Drainage – The City indicates that there are currently no drainage facilities that serve the annexation area; however, there are two large storm drain trunk lines that cross Wilbur Avenue and drain into the San Joaquin River. The extent and location of any storm drainage improvements in Area 2A will depend on future development in the area. Capacity in the existing storm drain lines is limited, and significant new development within the Northeast Antioch reorganization area will require construction of a new outfall to the San Joaquin River. All new development in the annexation area must comply with provisions of various municipal, regional, State and federal requirements, including measures to remove pollutants from stormwater for compliance with the federal Clean Water Act and the National Pollution Discharge Elimination System.

Parks & Recreation – The City of Antioch has 33 parks. The City's General Plan Performance Standards for parks propose five acres of improved public and/or private neighborhood parks and public community parkland per 1,000 residents, including appropriate recreational facilities. The City exceeds this standard when the trail system, the Costa Loma Regional Park, and the Lone Tree Golf Course are factored in. There are currently no public parks in the Northeast Antioch reorganization area.

The City operates a comprehensive recreation program including aquatics, sports, leisure time activities, community and cultural events, Prewett Family Water Park, Senior Center, youth activities, excursions, and 300 instructional programs for pre-school, youth, adult, seniors, and on-line.

The annexation is not expected to create any significant demand on the City's existing parks & recreation facilities and programs due to the limited number of residents in the area.

Other Services – The City provides a multitude of other services, including arts & cultural, capital improvements, code enforcement, landscape maintenance, library and special services which will be extended to Area 2A following annexation.

Fire Protection – Fire and emergency medical services are, and will continue to be, provided by CCCFPD following annexation. There are four fire stations located in Antioch: Station 81 - located downtown at 315 W. 10th St; Station 82 - located at 196 Bluerock Dr., just west of Lone Tree Way in the south central portion of the City; Station 83 - located at 2717 Gentrytown Dr., south of Buchanan Road in the western portion of the City; and Station 88 - located at 4288 Folsom Dr., just east of Hillcrest Avenue in the eastern portion of the City.

The City's CEQA document concludes that the annexation will result in no change to fire services and no impacts will occur.

Sewer Services – The City provides wastewater collection services, while DD provides conveyance, treatment and disposal services to the City.

Currently, Area 2A is served by onsite septic systems. Following annexation, municipal wastewater services will be available to the area. The existing sewer line in Wilbur Avenue, which runs along Area 2A's Wilbur frontage, was installed by PG&E in conjunction with LAFCO's previous Out of Agency service approval; the line was later extended by NRG. Given that the existing Wilbur sewer line is at the "doorstep" of the Area 2A properties, connecting to this sewer line will be straightforward. However, there are a number of deep parcels in the area that will require lengthy connections, some as long as 1,000 lineal feet.

The City's current population is 108,298 in a 28± square mile service area. The City's wastewater collection system consists of 319 miles of gravity pipeline with three pump stations.

DD serves the cities of Antioch and Pittsburg and the unincorporated Bay Point community. DD serves 190,567 residents in a service area of 49± square miles. DD has over 49 miles of sewer main and five pump stations. The District's treatment plant capacity is 16.5 million gallons per day (mgd); in 2012, the average dry weather flow (ADWF) was 14.2 mgd.

Regarding capacity, the City's existing ADWF is 7.4 mgd; the future ADWF is 10.7 mgd. The City estimates that the future peak dry weather flow (PDWF) is 16.8 mgd. DD allows an ADWF of 16.5 mgd. As noted above, during 2012, the ADWF influent to the treatment plant

was 12.7 mgd; in 2005 and 2010, the ADWF influent to the treatment plant was 14.2 mgd and 13.2 mgd, respectively. It is estimated that all three reorganization areas (Areas 1, 2A, 2B) have an existing estimated ADWF of 2.42 mgd which will increase to 3.71 mgd at buildout.

Both the City and DD indicate that they have the capacity to serve the Northeast Antioch reorganization area.

8. *Timely Availability of Water and Related Issues:*

Pursuant to the CKH, LAFCO must consider the timely and available supply of water in conjunction with a boundary change proposal. Contra Costa LAFCO policies state that any proposal for a change of organization that includes the provision of water service shall include information relating to water supply, storage, treatment, distribution, and waste recovery; as well as adequacy of services, facilities, and improvements to be provided and financed by the agency responsible for the provision of such services, facilities and improvements.

The City provides water treatment and distribution services, with 328 miles of main, seven pump stations and 11 reservoirs. The City obtains a majority of its water supply from CCWD, along with diversions from the San Joaquin River.

CCWD's boundary encompasses 220± square miles in central and eastern Contra Costa County. CCWD's untreated water service area includes Antioch, Bay Point, Oakley, Pittsburg, and portions of Brentwood and Martinez. The District's treated water service area includes Clayton, Clyde, Concord, Pacheco, Port Costa, and parts of Martinez, Pleasant Hill, and Walnut Creek. CCWD also treats and delivers water to the City of Brentwood, Golden State Water Company (Bay Point), Diablo Water District (Oakley), and the City of Antioch. CCWD serves approximately 500,000 (61,085 water connections). The primary sources of water are the U.S. Bureau of Reclamation Central Valley Water Project and delta diversions.

Regarding the water distribution system, the City currently has existing "looped" water mains located in the Northeast Antioch annexation area, consisting of a 16-inch main that runs north/south along the length of Viera Avenue, a 12-inch water line that runs east/west along the length of Wilbur Avenue through Area 1, and 12-inch and 16-inch water lines that run along East 18th Street. Also, there is an existing 8-inch water line in Bridgehead Road that can serve properties in that area. These existing water lines provide the backbone of a future water delivery system that will ultimately be developed to serve properties and businesses located in the Northeast Antioch reorganization area.

In its Water Master Plan, the City examined its ability to serve all three subareas. The analysis confirms that, given the City's allocation of raw water and the City's rights to future water supplies of raw water, and based on the City's current and planned treatment capacity, the City has the ability to provide potable water to all three subareas based on the level of existing and future development.

The City reports that most of the existing uses in Area 2A currently have City water; and that these water service connections pre-date LAFCO.

9. *Assessed Value, Tax Rate Areas and Indebtedness:*

The annexation area is within tax rate area 53004. The total assessed value (secured and unsecured) is \$18,840,624 (2014-15 roll). The territory being annexed shall be liable for all

authorized or existing taxes comparable to properties presently within the annexing agencies, if applicable.

10. *Property Tax Exchange:*

Revenue and Taxation Code §99(b)(6) requires adoption of a property tax exchange agreement by affected local agencies before the Commission can consider a proposed boundary change. Both the City and County have adopted resolutions approving a tax revenue allocation agreement covering all three annexation areas. A tax allocation agreement covering Areas 1, 2A and 2B was previously approved by both the City and County. This agreement provides for various future revenues for both the City and County in conjunction with the annexation of Area 1, which was completed in 2014. These revenues include property tax (base and increment), sales and use tax, surcharge and franchise fees, and a special economic development initiative fund which provides both the City and County \$100,000 per year for five years, with an option to extend the economic development initiative funding for an additional five years. The special funding can be used on economic development initiatives in any of the reorganization areas. This special fund provides that the City and County shall consult with the other party on how the economic funds are expended. As noted above, there are some underdeveloped properties in Area 2A. The City and County could dedicate some of these funds to make the needed pipeline improvements in Area 2A.

11. *Environmental Impact of the Proposal:*

The City of Antioch, as Lead Agency, prepared and adopted the Northeast Antioch Area Reorganization Initial Study/Mitigated Negative Declaration (IS/MND). The City's IS/MND identified potentially significant impacts resulting from Air Quality, Biological Resources, Cultural Resources, Hazards & Hazardous Materials and Noise. Mitigation measures have been provided for each potentially significant impact, reducing all to a less than significant level. Copies of the City's document were previously provided to Commissioners and are available for review in the LAFCO office. The LAFCO Environmental Coordinator finds the City's CEQA document sufficient for LAFCO purposes.

12. *Landowner Consent and Consent by Annexing Agency:*

At the February 12, 2014 LAFCO hearing, members of the Sportsman Yacht Club advised LAFCO that they are opposed to the annexation. At the direction of the Commission, City, County and LAFCO staff met with members of the yacht club and property owners and residents of Area 2A to hear their concerns. A community meeting was held on February 27, 2014 at the New Bridge Marina Yacht Club, located in Area 2A. There were over 50 attendees at the meeting. City staff prepared a Frequently Asked Questions (FAQ) Concerning Annexation which was distributed at the community meeting. At the meeting, City, County and LAFCO staff addressed a range of issues and questions. City staff responded to questions relating to water and sewer services, utility connection fees/rates and potential funding/grant options, zoning and land use, police and marine patrol services, the City's ability to serve the area, curbs and sidewalks, access roads and easements, code enforcement and eminent domain. County staff provided information regarding environmental health and septic system requirements. LAFCO staff provided information regarding LAFCO's role, mission and authority, LAFCO proceedings, protest thresholds, islands and Disadvantaged Unincorporated Communities (DUCs). The majority of attendees indicated opposition to the annexation.

At the March 12, 2014 LAFCO meeting, there were public comments and concerns regarding potential fiscal impacts to the residents of Area 2A following annexation, and requirements to connect to the City's water and sewer systems.

As explained in the FAQ and by City staff, there are no additional taxes or assessments associated with annexation. In November 2013, the Antioch voters passed a ½ cent temporary sales tax. The impact of this sales tax is insignificant given the lack of retail uses in Area 2A. As a sales tax, it would be paid by a customer buying a product or merchandise sold within Area 2A.

Regarding connection to the City's water and sewer utilities, City staff notes that all of the properties in Area 2A have City water service, and that all developed properties within Area 2A currently rely on onsite septic systems to handle wastewater flow. Many of these septic systems have been in operation for decades (in some cases 50 years). The age of the septic systems, as well as the proximity of Area 2A to the San Joaquin River and the high water table in the area, are cause for concern. Following annexation, property owners will have the ability to hook up to the City's sewer system, which is one of the benefits of annexation.

City staff explains that most properties within Area 2A will not be required to be hook up to City sewer, unless they are located a close distance from an existing sewer line. Annexation will give property owners the option to hook up, which would not otherwise exist without annexation. The City's existing ordinance stipulates that any property in the City with a septic system that is located within 200 feet of a City sewer line is required within 30 days to hook up to the sewer line. The distance is measured from the location of the sewer connection in the building to the sewer line. Most properties in Area 2A would not be impacted by this requirement, given how far they are located from the Wilbur sewer line.

On June 3, 2015, LAFCO staff confirmed with County Elections in February 2014, the area is "inhabited" (i.e., 12 or more registered voters). Thus, the Commission's action is subject to notice, hearing, as well as protest proceedings. If the Commission approves the annexation as proposed, a subsequent notice and protest hearing will follow. Authority to conduct the protest hearing has been delegated to the LAFCO Executive Officer.

13. *Boundaries and Lines of Assessment:*

Area 2A is contiguous to existing City of Antioch boundary. A map and legal description to implement the proposed boundary change have been received and are subject to approval by the County Surveyor.

On January 8, 2014, the Commission approved the annexation of Areas 1 and 2B. All three areas are contiguous and could have been included in one proposal; however, the City chose to divide the area into three separate LAFCO proposals due to differences in land use designations and other factors. The approved property tax transfer agreement between the City and County covers all three areas and assumes that all areas will be annexed to the City. Furthermore, LAFCO assumes that all three areas will be annexed.

Given that Areas 1 and Area 2B were annexed to the City, Area 2A now constitutes an island, which is surrounded by the City of Antioch to the west and south, the City of Oakley to the east, and the San Joaquin River to the north.

LAFCO law (Gov. Code §56744) precludes LAFCO from creating an island; however, Gov. Code section 56375(m) allows LAFCO to waive the restrictions of Section 56744 if

LAFCO finds both “*that the application of the restrictions would be detrimental to the orderly development of the community, and that the area that would be enclosed by the annexation or incorporation is so located that it cannot reasonably be annexed to another city or incorporated as a new city.*”

It is not feasible for LAFCO to make these findings, given that annexation of the Area 2A would actually enhance the orderly development of the area, given that City of Antioch can provide sewer collection and retail water service to the area; and that Area 2A is contiguous to the City of Oakley, and could potentially be annexed Oakley.

14. *Environmental Justice:*

One of the factors LAFCO must consider in its review of an application is the extent to which the proposal 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.

15. *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 and City Planning Departments, the annexation area does not meet the criteria of a DUC.

16. *Comments from Affected Agencies/Other Interested Parties:*

Members of the Sportsman Yacht Club expressed their opposition to the annexation at the February 12, March 12, April 9 and June 11, 2014 LAFCO meetings and at the community meeting on February 27, 2014.

On February 26, 2014, LAFCO received a letter from Steve Klee, Chairman and General Manager, The New Bridge Marina, Inc., expressing support for the annexation. Mr. Klee also expressed his support for the annexation at the April 9 LAFCO meeting.

At the April 9 LAFCO meeting, representatives from Kiewit Construction and Vortex Marine Construction expressed opposition to the annexation. At the June 11 meeting, a representative of Kiewit and Vortex indicated that they are working with the City and supported LAFCO's deferral of the proposal.

ALTERNATIVES FOR COMMISSION ACTION

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

- Option 1** Reopen the public hearing to accept additional evidence and public comment, if any; close the public hearing and *approve the reorganization as submitted by the City.*
- A. Find that, as a Responsible Agency under CEQA, the Commission has reviewed and considered the information contained in the Northeast Antioch Area Reorganization Initial Study/Mitigated Negative Declaration as prepared and adopted by the City of Antioch.
- B. Adopt this report and direct staff to prepare a resolution approving the proposal to be known as **Northeast Antioch Reorganization (Area 2A) - Annexations to the City of Antioch and Delta Diablo and detachment from County Service Area P-6** subject to the following:
1. By May 31, 2017, the City completes the necessary General Plan and zoning amendments to address the land use designations for the heavy industrial uses;
 2. By May 31, 2017, the City and County enter into an agreement to address the storm water infrastructure;
 3. By May 31, 2017, the City provides information to the landowners and residents of Area 2A regarding any potential increased costs following annexation;
 4. By May 31, 2017, the City provides a plan to LAFCO regarding how the City will manage the Antioch Dunes wildlife area; and
 5. 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.
- C. Find that the subject territory is inhabited, and the reorganization is subject to a subsequent conducting authority (protest) hearing.

- Option 2** Reopen public hearing to accept additional evidence and public comment, if any; continue the public hearing to a specified date.

Require the City to provide an update to LAFCO by a specified date regarding the following: 1) City's General Plan update to address the heavy industrial uses, 2) City/County agreement to address the faulty drain pipe in the area, 3) City's outreach efforts to landowners and residents in Area 2A regarding potential costs following annexation to the City; and 4) the City's plan to manage the Antioch Dunes wildlife area following annexation.

- Option 3** Reopen public hearing to accept additional evidence and public comment, if any; close the public hearing and take the following actions:

- A. Certify it has reviewed and considered the information contained in the City's Mitigated Negative Declaration.
- B. Adopt this report and DENY the proposal *without prejudice*.

- Option 4** Reopen public hearing to accept additional evidence and public comment, if any; close the public hearing and take the following actions:

- A. Certify it has reviewed and considered the information contained in the City's Mitigated Negative Declaration.
- B. Adopt this report and DENY the proposal.

RECOMMENDED ACTION: Option 1

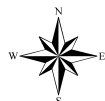
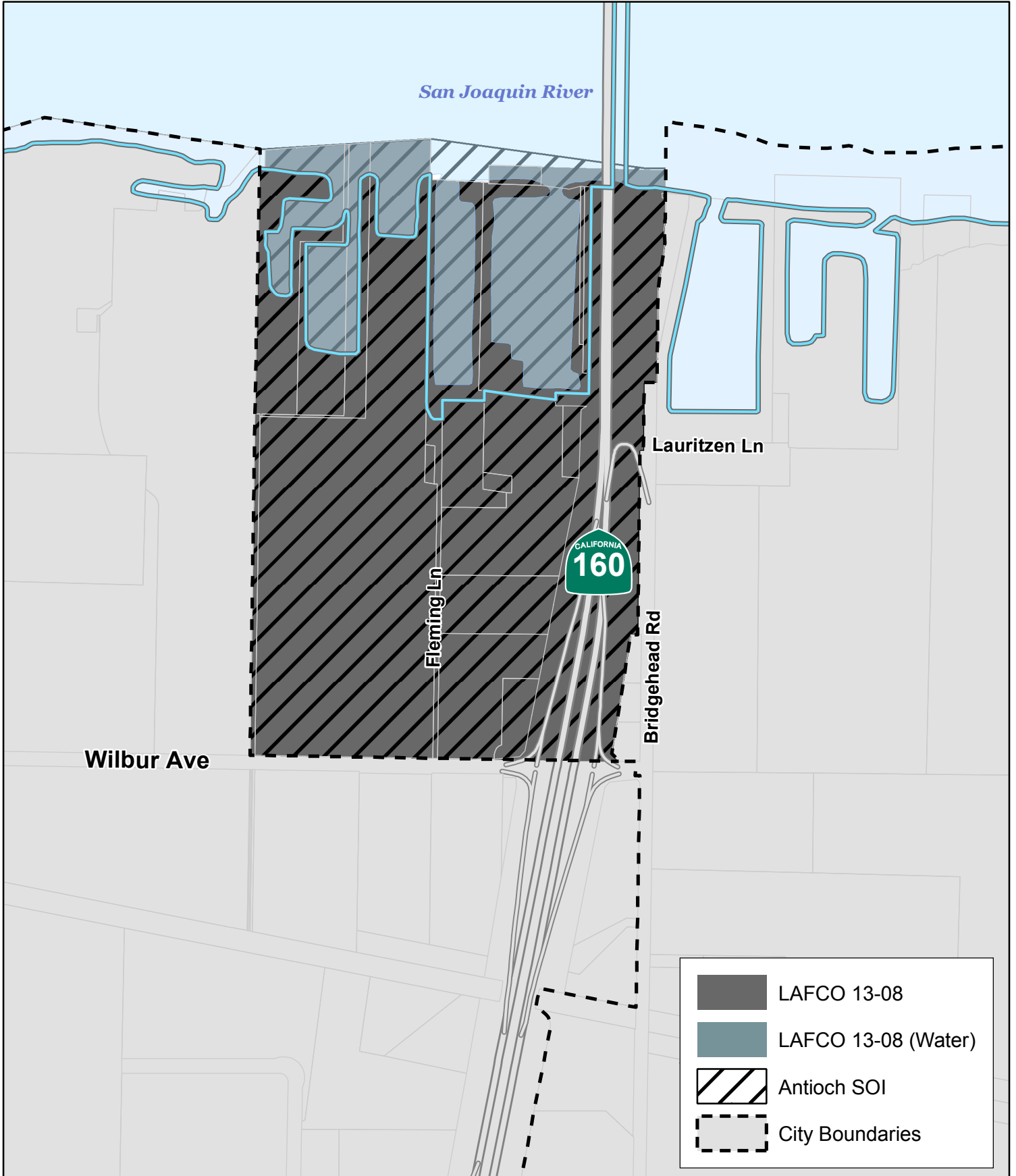
LOU ANN TEXEIRA, EXECUTIVE OFFICER
CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

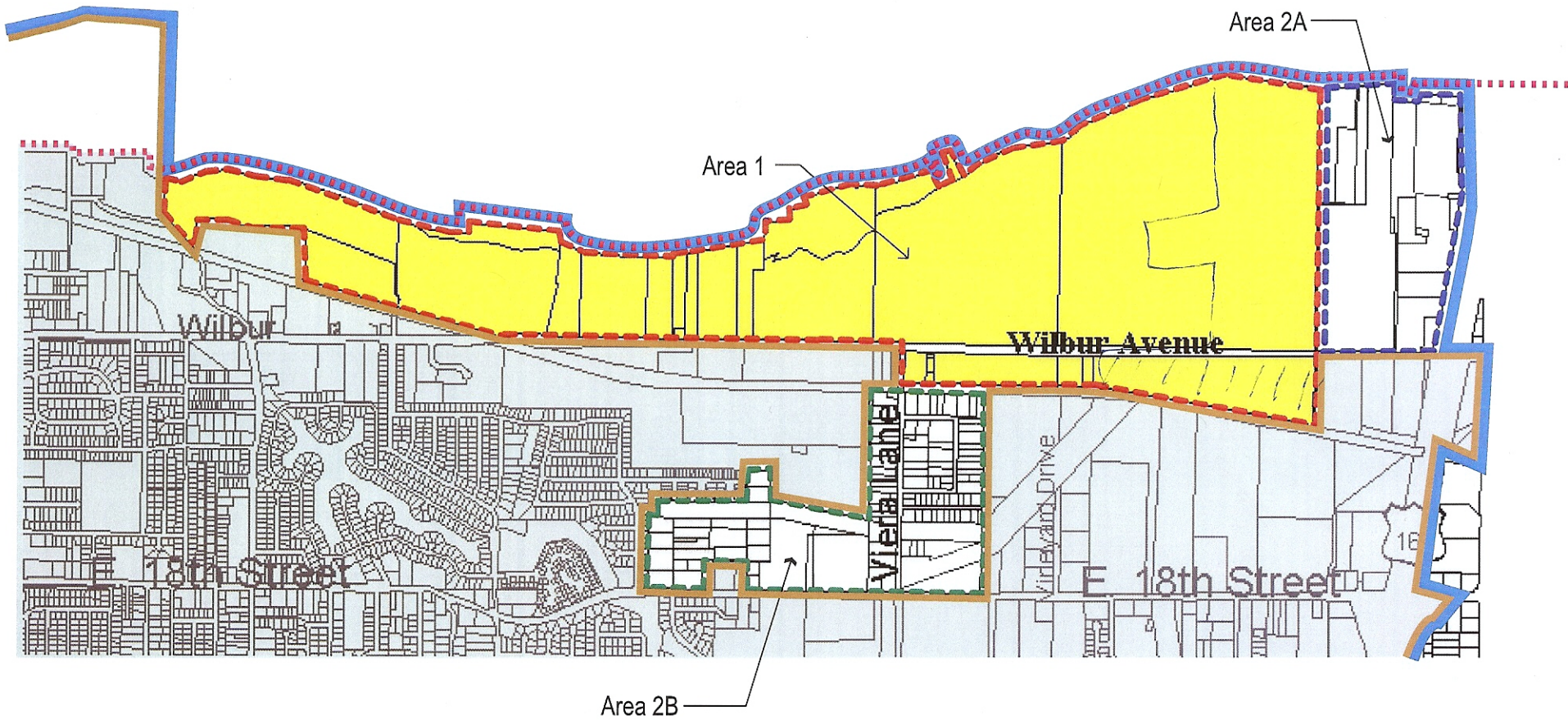
c: Distribution

Attachments

1. Map of Area 2A Reorganization
2. Map of Northeast Antioch (Areas 1, 2A and 2B)
3. Letter from the City of Antioch dated May 23, 2016

LAFCO No. 13-08 Northeast Antioch Area 2A Reorganization Annexations to City of Antioch and Delta Diablo Detachment from CSA P-6





LEGEND

- Urban Limit Line
- City Sphere of Influence (SOI)
- City Boundary
- DDSD Service Boundary and SOI
- Area 1
- Area 2A
- Area 2B

EXHIBIT 2
 Current Administrative Boundaries
 Industrial Areas Along Wilbur Avenue –
 Administrative Reorganization



May 23, 2016

Lou Ann Texeira
Contra Costa LAFCO
651 Pine Street, 6th Floor
Martinez, CA 94553

RE: Northeast Antioch Reorganization Area

Ms. Texeira,

The purpose of this letter is to advise Contra Costa LAFCO that the City of Antioch is not currently pursuing the annexation of the Northeast Antioch Reorganization Area for a variety of reasons.

Foremost, the City of Antioch is still exploring the condition of critical storm water infrastructure located within the area and the costs of repairing or replacing such a line should the area enter the City of Antioch. The benefits and timing of annexation of this area need to be balanced against the City's ability to responsibly address this deficient infrastructure. Though we remain confident that the City of Antioch and Contra Costa County may eventually reach a mutually-beneficial arrangement to address this specific issue, we have not prioritized the resources to date to develop such an arrangement.

In addition, the last discussions regarding annexation of this area were met with resistance from certain property owners, specifically the Bridge Marina Yacht Club. The City would prefer to explore annexation concurrent with an outreach program to engage these stakeholders and, ultimately, gain their confidence and support. To date, we have not directed resources towards this effort and don't believe that it would be appropriate until all issue concerning the storm water infrastructure are resolved.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Forrest Ebbs', is written over a light blue horizontal line.

Forrest Ebbs, AICP
Community Development Director
City of Antioch



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

June 8, 2016 (Agenda)

June 8, 2016
 Agenda Item 9

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

Contract Extension – Lamphier-Gregory

Dear Commissioners:

In June 2011, following a formal bid process, the Commission approved a new contract with Lamphier-Gregory to provide professional environmental planning services to Contra Costa LAFCO on an as needed basis. The firm has provided planning services to Contra Costa LAFCO since 2008.

Under the contract, Nat Taylor, Senior Planner/Project Manager, supports LAFCO as follows:

- Reviews and provides comments on LAFCO applications and projects
- Reviews and provides comments on environmental documents prepared by outside agencies
- Assists with preparing environmental documents for LAFCO projects
- Assists with development of new, and reviews existing, LAFCO policies and procedures
- Attends LAFCO hearings, meetings with applicants, and other meetings as needed

Through the firm’s ongoing work, they have become familiar with projects and issues relating to Contra Costa LAFCO. The firm is currently working with LAFCO on a number of projects including several pending reorganization proposals and development of new policies and procedures. Given the firm’s exemplary work and familiarity with Contra Costa LAFCO issues, staff recommends an extension of the current contract, as provided for in the FY 2016-17 budget.

RECOMMENDATION: Authorize LAFCO staff to execute a one-year contract extension with Lamphier-Gregory extending the term of the contract from June 30, 2016 to June 30, 2017. The amendment includes no increase to hourly rates and no increase to the contract amount. Adequate funds are included in the existing contract and in the FY 2016-17 LAFCO budget.

Sincerely,

Lou Ann Texeira
 Executive Officer

Attachment: Amendment Agreement

c: Nat Taylor, Lamphier-Gregory
 County Auditor-Controller

PO Number: _____

AGREEMENT AMENDMENT

Reference is made to that contract entered into on the 1st day of July 2011, by and between the Contra Costa Local Agency Formation Commission and Lamphier Gregory.

Said contract is hereby amended:

TERM will be from July 1, 2011 through **June 30, 2017**.

This amendment is effective July 1, 2016.

IN WITNESS THEREOF, the parties hereto have executed this amendment this 8th day of June 2016.

CONTRA COSTA LAFCO

CONTRACTOR
LAMPHER GREGORY

By: _____
LAFCO Executive Officer

By: _____

Taxpayer ID#: _____

APPROVED AS TO FORM

LAFCO Legal Counsel

I hereby certify under penalty of perjury that the Executive Officer of the Contra Costa LAFCO was duly authorized to execute this document on behalf of the Contra Costa LAFCO by a majority vote of the Commission on June 8, 2016.

Date: _____

ATTEST:

Contra Costa LAFCO Clerk



Lou Ann Texeira
 Executive Officer

MEMBERS

Donald A. Blubaugh <i>Public Member</i>	Mary N. Piepho <i>County Member</i>
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 Stanley Caldwell
Special District Member

June 8, 2016
 Agenda Item 10

June 8, 2016 (Agenda)

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

Request to Transfer Principal County Responsibility from Alameda LAFCO to Contra Costa LAFCO – Tassajara Parks Project – Proposed Sphere of Influence Amendment and Corresponding Annexation to the East Bay Municipal Utility District (EBMUD)

Dear Members of the Commission:

When a change of organization (e.g., annexation) to a multi-county special district is proposed, the Cortese-Knox-Hertzberg Act (CKH) vests exclusive jurisdiction with the commission of the principal county, that is, the commission in the county having the largest portion of assessed value within the subject district.

The CKH (i.e., §§56123, 56124, 56387, 56388) provides a mechanism to transfer jurisdiction over such proposals to a commission other than the commission of the principal county.

In order to transfer exclusive jurisdiction over a change of organization, the commission of the principal county must agree to relinquish jurisdiction and designate a specific commission to assume jurisdiction. The commission so designated must agree to assume exclusive jurisdiction.

Alameda and Contra Costa LAFCOs have several entities which cross over county boundary lines. In addition to State laws that govern boundary changes and the transfer of jurisdiction, Alameda and Contra Costa LAFCOs adopted *Procedures for Processing Multi-County Changes of Organization or Reorganization – Alameda and Contra Costa LAFCOs* in 1997. Alameda and Contra Costa LAFCOs have a history of transferring jurisdiction for both boundaries and spheres of influence (SOIs) in accordance with the adopted procedures.

On May 18, 2016, Contra Costa LAFCO received an application from the landowner’s agent to amend the SOI and annex 30± acres to EBMUD. The application also proposes annexation to the Central Contra Costa Sanitary District (CCCSD) and a corresponding SOI amendment.

The project site is located in the Tassajara Valley, east of the City of San Ramon and the Town of Danville and outside the County Urban Limit Line. The proposed Tassajara Parks Project is situated on 771± acres of land on two sites. The project site is divided into two distinct areas – the *Southern Site* comprises 616± acres, of which 609± acres would be permanently preserved for nonurban uses (i.e., parks, recreation, open space, agriculture, grazing, scenic, wetland creation/preservation habitat mitigation); and the remaining

seven acres, which have been contingently offered for dedication for potential future use by the San Ramon Valley Fire Protection District. The *Northern Site* comprises 155± acres, and is where development is proposed. The development project consists of 125 single-family residential units, along with two trail staging areas and a trail head, a pedestrian/equestrian trail, detention basin, and sewer pump station. Development of the homes and the extension of municipal services will be concentrated on 30± acres.

The adopted Alameda and Contra Costa LAFCO procedures provide for an initial review and consultation by the LAFCO Executive Officers. The Executive Officers have consulted and concluded that transferring jurisdiction for this proposal would greatly simplify processing. We understand that the Alameda LAFCO Policy and Budget Committee is scheduled to meet on June 9, 2016, where it will consider proposed changes to the existing procedures; and that any changes approved by the Alameda LAFCO committee will be brought to the full Alameda LAFCO for consideration at its July 14, 2016 regular LAFCO meeting.

Alameda and Contra Costa LAFCOs' staff and legal counsels have been working on proposed amendments to the existing procedures to clarify the transfer of jurisdiction process, subject to review and approval by the Commissions. These amendments reflect changes to the law since 1997, as well as the outcome and subsequent court rulings involving Nevada and Placer LAFCOs. The 2004 lawsuit involved a dispute between Nevada and Placer LAFCOs as to which LAFCO had jurisdiction to establish the SOI and conduct Municipal Services Reviews (MSRs) for a multicounty district. In this case, both the trial court and court of appeal held that the principal county LAFCO had jurisdiction to establish the SOI and conduct MSRs for a multicounty district within the boundaries of the local LAFCO's county.

Notwithstanding the 2004 court rulings, a number of LAFCOs have local policies (including Alameda and Contra Costa), and some have entered into Memoranda of Understanding to allow the principal LAFCO to transfer jurisdiction for SOI amendments.

With the exception of two recent proposed EBMUD annexations (Larabell and Morris) which also involve SOI amendments, it has been the policy and practice of Alameda and Contra Costa LAFCOs, to transfer jurisdiction for both the annexation and concurrent SOI amendment to the LAFCO in which the subject territory is situated ("affected LAFCO"). This procedure has been followed as the affected LAFCO typically has knowledge of the underlying service needs, familiarity with other affected local agencies, and understanding the development standards and vision within the county.

RECOMMENDATION – It is recommended that Contra Costa LAFCO agree to assume exclusive jurisdiction for this proposal, and authorize LAFCO staff to send a letter (attached) to Alameda LAFCO requesting a transfer of jurisdiction for both the boundary and SOI.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

Attached – Draft Letter to Alameda LAFCO Requesting Transfer of Jurisdiction

c: Mona Palacios, Executive Officer, Alameda LAFCO
Andrew Lee, EBMUD
Russ Leavitt, CCCSD
Mike Bonnifield, Landowner Agent

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
 651 Pine Street, Sixth Floor • Martinez, CA 94553-1229
 e-mail: LouAnn.Texeira@lafco.cccounty.us
 (925) 335-1094 • (925) 335-1031 FAX



Lou Ann Teixeira
 Executive Officer

MEMBERS

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

ALTERNATE MEMBERS

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

June 8, 2016

Mona Palacios, Executive Officer
 Alameda LAFCO
 1221 Oak Street, Room 555
 Oakland, CA 94612

Dear Ms. Palacios:

Contra Costa LAFCO recently received applications from Mike Bonnifield, landowner agent, to amend the sphere of influence (SOI) and annex property to the East Bay Municipal Utility District (EBMUD). The property is 30± acres, comprises a portion of APN 220-100-023, and is located in the Tassajara Valley, east of the City of San Ramon and the Town of Danville and outside the County Urban Limit Line. The annexation will facilitate the development of 125 single-family residential units along with two trail staging areas and a trail head, a pedestrian/equestrian trail, detention basin, and sewer pump station. The application also includes a proposed SOI amendment and corresponding annexation to the Central Contra Costa Sanitary District.

Since Alameda is the principal county for EBMUD, this is a formal request, pursuant to Government Code §§56387 and 56388 and our *Procedures for Processing Multi-County Changes of Organization or Reorganization – Alameda and Contra Costa LAFCOs*, that Alameda LAFCO grant exclusive jurisdiction to Contra Costa LAFCO for the SOI amendment and corresponding annexation request. This request for transfer of jurisdiction was approved by the Contra Costa LAFCO on June 8, 2016, at which time the Commission agreed to assume exclusive jurisdiction for the proposed SOI amendment and annexation subject to Alameda LAFCO's approval of a transfer of jurisdiction. This request is consistent with our multi-county policy.

We have enclosed a check for the transfer of jurisdiction, and respectfully request that this matter be placed on your July 2016 LAFCO agenda for consideration. Please contact me if you have any questions. Thank you for your assistance.

Sincerely,

LOU ANN TEXEIRA
 EXECUTIVE OFFICER

c: Andrew Lee, EBMUD
 Mike Bonnifield
 Nadia Costa
 Bryan Wenter



June 8, 2016
Agenda Item 11

AGENDA

RETIREMENT BOARD MEETING

SECOND MONTHLY MEETING
May 25, 2016
9:00 a.m.

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

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

1. Pledge of Allegiance.
2. Accept comments from the public.
3. Approve minutes from the March 9, 2016 meeting.

CLOSED SESSION

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

Agency designated representative:
Christina Dunn, Admin/HR Manager

Employee Organization: AFSCME Local 2700

5. The Board will continue in closed session under Gov. Code Section 54957 to evaluate the performance of the following public employee:

Title: Chief Executive Officer

6. The Board will continue in closed session pursuant to Govt. Code Section 54956.9(d)(4) to confer with legal counsel regarding whether to initiate litigation (one case).
7. The Board will continue in closed session pursuant to Govt. Code Section 54956.9(d)(2) to confer with legal counsel regarding potential litigation (one case).

OPEN SESSION

8. Consider and take possible action to establish the Disability Specialist classification based on the recommendation received from Koff and Associates, effective June 1, 2016.

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

9. Consider and take possible action to grant a 3% increase in base pay and a \$500 lump sum payment for all unrepresented staff, except for the CCCERA executive classifications.
 - a. Adopt BOR Resolution 2016-2 granting a 3% increase in base pay effective July 1, 2016 and lump-sum payment in the amount of \$500, to be paid on July 10, 2016 for all unrepresented staff, except for the Chief Executive Officer, Deputy Chief Executive Officer, Compliance Officer, General Counsel, and Chief Investment Officer positions.
 - b. Adopt CCCERA Position Pay Schedules effective July 1, 2016 which reflects a 3% increase in base pay for all CCCERA classifications, except for those classifications listed above.
10. Review of total portfolio performance for period ending March 31, 2016.
11. Consider and take possible action to add or remove investment managers from the watch list.
12. Presentation and recommendation from Verus regarding the establishment of a pool of transition managers.
13. Consider and take possible action to establish a pool of transition managers and execute standing agreements with one or more transition managers.
14. Presentation and recommendation from Verus regarding cash overlay services.
15. Consider and take possible action to contract with a cash overlay manager.
16. Consider and take possible action to authorize the CEO to execute a lease agreement with Caltronics for copier machines effective June 1, 2016.
17. Consider authorizing the attendance of Board and/or staff:
 - a. DLJ Real Estate Capital Partners Annual Meeting, June 15, 2016, New York, NY.
 - b. Modern Investment Theory & Practice for Retirement Systems, SACRS, July 17-20, 2016, Berkeley, CA.
18. Miscellaneous
 - a. Staff Report
 - b. Outside Professionals' Report
 - c. Trustees' comments

CALAFCO Daily Legislative Report as of Wednesday, June 01, 2016

June 8, 2016
Agenda Item 13a

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[AB 2032](#) ([Linder R](#)) Change of organization: cities: disincorporation.

Current Text: Amended: 4/11/2016 [pdf](#) [html](#)

Introduced: 2/16/2016

Last Amended: 4/11/2016

Status: 5/26/2016-Referred to Com. on GOV. & F.

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

Summary:

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, requires the executive officer of a local agency formation commission to prepare a comprehensive fiscal analysis for any proposal that includes a disincorporation, as specified. This bill would additionally require the comprehensive fiscal analysis to include a review and documentation of all current and long-term liabilities of the city proposed for disincorporation and the potential financing mechanism or mechanisms to address any identified shortfalls and obligations, as specified.

Attachments:

[CALAFCO Support Letter May 2016](#)

[CALAFCO Removal of Opposition Letter April 2016](#)

[CALAFCO Oppose Letter March 2016](#)

Position: Support

Subject: CKH General Procedures, Disincorporation/dissolution

CALAFCO Comments: This bill is sponsored by the County Auditor's Association. After working closely with the author's office and the sponsor's representative, the bill has been substantially amended. The amendments in the April 5, 2016 version of the bill eliminate all of CALAFCO's concerns, and as a result we have removed our opposition. The amendments reflected in the April 11, 2016 version reflect the addition of one item inadvertently omitted by the author and a requested change in the ordering sequence by CALAFCO. All amendments are minor and have been agreed to by CALAFCO and the other stakeholders with whom we worked last year on AB 851 (Mayes).

[AB 2277](#) ([Melendez R](#)) Local government finance: property tax revenue allocation: vehicle license fee adjustments.

Current Text: Introduced: 2/18/2016 [pdf](#) [html](#)

Introduced: 2/18/2016

Status: 5/27/2016-Failed Deadline pursuant to Joint Rule 61(b)(8). (Last location was APPR. SUSPENSE FILE on 4/20/2016)

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

Summary:

Beginning with the 2004-05 fiscal year and for each fiscal year thereafter, current law requires that each city, county, and city and county receive additional property tax revenues in the form of a vehicle license fee adjustment amount, as defined, from a Vehicle License Fee Property Tax Compensation Fund that exists in each county treasury. Current law requires that these additional allocations be funded from ad valorem property tax revenues otherwise required to be allocated to educational

entities. This bill would modify these reduction and transfer provisions for a city incorporating after January 1, 2004, and on or before January 1, 2012, for the 2016-17 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 2016](#)

Position: Support

Subject: Financial Viability of Agencies, Tax Allocation

CALAFCO Comments: As introduced, this bill is identical to SB 817 (Roth, 2016) except that it does not incorporate changes to the R&T Code Section 97.70 related to AB 448 (Brown, 2015). 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 2016/17 year for cities that incorporated between 1-1-2004 and 1-1-2012.

[AB 2470](#) ([Gonzalez D](#)) **Municipal water districts: water service: Indian tribes.**

Current Text: Amended: 4/26/2016 [pdf](#) [html](#)

Introduced: 2/19/2016

Last Amended: 4/26/2016

Status: 5/27/2016-In Senate. Read first time. To Com. on RLS. for assignment.

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

Summary:

Current law authorizes a district to sell water under its control, without preference, to cities, other public corporations and agencies, and persons, within the district for use within the district. Current law authorizes a district to sell or otherwise dispose of water above that required by consumers within the district to any persons, public corporations or agencies, or other consumers. This bill, upon the request of an Indian tribe and the satisfaction of certain conditions, would require a district to provide service of water at substantially the same terms applicable to the customers of the district to an Indian tribe's lands that are not within a district, as prescribed, if the Indian tribe's lands meet certain requirements and the Indian tribe satisfies prescribed conditions.

Position: Watch With Concerns

Subject: Water

CALAFCO Comments: As amended, this bill requires a water agency to provide water service upon request of an Indian tribe and under certain conditions, to the tribe at substantially the same terms as existing customers of the water district even though no annexation of the land to be serviced is required. The proposed process bypasses entirely the LAFCo process and requires the water agency to provide the service without discretion. Although written generically, the bill is intended to be specific to the Sycuan Indian tribe in San Diego.

[AB 2910](#) ([Committee on Local Government](#)) **Local government: organization: omnibus bill.**

Current Text: Amended: 4/18/2016 [pdf](#) [html](#)

Introduced: 3/15/2016

Last Amended: 4/18/2016

Status: 5/12/2016-Referred to Com. on GOV. & F.

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

Calendar:

6/8/2016 11:15 a.m. - Room 112 SENATE GOVERNANCE AND FINANCE, HERTZBERG, Chair

Summary:

Under current law, with certain exceptions, a public agency is authorized to exercise new or extended services outside the public agency's jurisdictional boundaries pursuant to a fire protection contract only if the public agency receives written approval from the local agency formation commission in the affected county. Current law defines the term "jurisdictional boundaries" for these purposes. Current law, for these purposes, references a public agency's current service area. This bill would revise these provisions to remove references to a public agency's current service area and instead include references to the public agency's jurisdictional boundaries.

Attachments:

[CALAFCO Support Letter_April 2016](#)

Position: Sponsor

Subject: CKH General Procedures

CALAFCO Comments: This is the annual Omnibus bill that makes minor, non controversial changes to CKH. This year, the bill makes several minor technical changes, corrects obsolete and incorrect code references, and corrects typographical errors. Affected sections include: 56301, 56331, 56700.4, 56816, 56881, 57130 and 56134.

[SB 552](#) ([Wolk](#) D) Public water systems: disadvantaged communities: consolidation or extension of service: administrative and managerial services.

Current Text: Amended: 5/17/2016 [pdf](#) [html](#)

Introduced: 2/26/2015

Last Amended: 5/17/2016

Status: 5/27/2016-From committee: Be re-referred to Coms. on E.S. & T.M. and W., P., & W. (Ayes 10. Noes 0.) (May 27). Re-referred to Com. on E.S. & T.M.

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

Calendar:

6/14/2016 1:30 p.m. - State Capitol, Room 444 ASSEMBLY ENVIRONMENTAL SAFETY AND TOXIC MATERIALS, ALEJO, Chair

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. Would make a community disadvantaged for these purposes if the community is in a mobilehome park even if it is not in an unincorporated area or served by a mutual water company. The bill would limit the authority of the state board to order consolidation or extension of service to provide that authority only with regard to a disadvantaged community.

Position: Watch

Subject: Disadvantaged Communities, Water

CALAFCO Comments: Previously, CALAFCO was informed by the author's office that 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. However, to date there has been response from the author's office as to what that may look like. CALAFCO continues to monitor for amendments.

[SB 817](#) ([Roth](#) D) Local government finance: property tax revenue allocations: vehicle license fee adjustments.

Current Text: Amended: 2/22/2016 [pdf](#) [html](#)

Introduced: 1/5/2016

Last Amended: 2/22/2016

Status: 5/31/2016-Read third time. Passed. (Ayes 38. Noes 0.) Ordered to the Assembly.

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

Summary:

Beginning with the 2004-05 fiscal year and for each fiscal year thereafter, current law requires that each city, county, and city and county receive additional property tax revenues in the form of a vehicle license fee adjustment amount, as defined, from a Vehicle License Fee Property Tax Compensation Fund that exists in each county treasury. Current law requires that these additional allocations be funded from ad valorem property tax revenues otherwise required to be allocated to educational entities. This bill would modify these reduction and transfer provisions for a city incorporating after January 1, 2004, and on or before January 1, 2012, for the 2016-17 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 February 29, 2016](#)

Position: Support

Subject: Financial Viability of Agencies

CALAFCO Comments: As amended, this bill is identical to SB 25 (Roth, 2015) and SB 69 (Roth, 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 2016/17 year for cities that incorporated between 1-1-2004 and 1-1-2012.

[SB 1262](#) (Pavley D) Water supply planning.

Current Text: Amended: 5/11/2016 [pdf](#) [html](#)

Introduced: 2/18/2016

Last Amended: 5/11/2016

Status: 5/26/2016-In Assembly. Read first time. Held at Desk.

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

Summary:

the Sustainable Groundwater Management Act, requires all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources that are designated as basins subject to critical conditions of overdraft to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2020, and requires all other groundwater basins designated as high- or medium-priority basins to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2022, except as specified. This bill would require a city or county that determines a project is subject to the California Environmental Quality Act to identify any water system whose service area includes the project site and any water system adjacent to the project site.

Attachments:

[CALAFCO Letter of Concern March 2016](#)

Position: Watch With Concerns

Subject: Water

CALAFCO Comments: As introduced, this complicated bill makes a number of changes to GC Section 66473.7 and Section 10910 of the Water Code. In 66473.7, in the definitions section, the bill adds definitions pertaining to the use of groundwater

by a proposed subdivision as the source of water. It adds an adopted groundwater sustainability plan as optional substantial evidence that the water system has sufficient water supply to meet the demands of the subdivision project. The bill adds that a groundwater basin identified by the State Water Resources Control Board (SWRCB) as a probationary basin is not considered a viable water supply.

Recent amendments removed CALAFCO's primary concern of the timing requirements of the water supply assessment, and returns the statute to its original state. Other concerns remain including the ongoing discussion of the appropriate size of a project (is 500 units the appropriate threshold) and how this bill will deal with phased development.

The author continues discussions on these points with stakeholders.

SB 1266 (McGuire D) Joint Exercise of Powers Act: agreements: filings.

Current Text: Amended: 4/12/2016 [pdf](#) [html](#)

Introduced: 2/18/2016

Last Amended: 4/12/2016

Status: 5/16/2016-Referred to Com. on L. GOV.

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

Calendar:

6/15/2016 1:30 p.m. - State Capitol, Room 447 ASSEMBLY LOCAL GOVERNMENT, EGGMAN, Chair

Summary:

Current law requires an agency or entity that files a notice of agreement or amendment with the Secretary of State to also file a copy of the original joint powers agreement, and any amendments to the agreement, with the Controller. This bill would require an agency or entity required to file documents with the Controller, as described above, that meets the definition of a joint powers authority or joint powers agency, as specified, that was formed for the purpose of providing municipal services, and that includes a local agency member, as specified, to also file a copy of the agreement or amendment to the agreement with the local agency formation commission in each county within which all or any part of a local agency member's territory is located within 30 days after the effective date of the agreement or amendment to the agreement.

Attachments:

- [CALAFCO Support Letter February 2016](#)
- [CALAFCO Support as amended letter March 2016](#)

Position: Sponsor

Subject: Joint Power Authorities, LAFCo Administration

CALAFCO Comments: This is a CALAFCO sponsored bill. As amended, the bill requires all stand-alone JPAs, as defined in GC Section 56047.7, which includes a member that is a public agency as defined in GC Section 56054, and are formed for the purposes of delivering municipal services, to file a copy of their agreement (and a copy of any amendments to that agreement) with the LAFCo in each county within which all or any part a local agency member's territory is located. Further it requires the JPA to file with the LAFCo within 30 days of the formation of the JPA or change in the agreement, and should they not file adds punitive action that the JPA shall not issue bonds nor incur indebtedness. Both of the latter changes are consistent with existing JPA statute.

SB 1318 (Wolk D) Local government: drinking water infrastructure or services: wastewater infrastructure or services.

Current Text: Amended: 4/12/2016 [pdf](#) [html](#)

Introduced: 2/19/2016

Last Amended: 4/12/2016

Status: 5/24/2016-Read second time. Ordered to third reading.

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

Calendar:

6/1/2016 #29 SENATE SEN THIRD READING FILE - SEN BILLS

Summary:

Current law, except as otherwise provided, prohibits a local agency formation commission from approving an annexation to a city of any territory greater than 10 acres, or as determined by commission policy, where there exists a disadvantaged unincorporated community, as specified, unless an application to annex the disadvantaged unincorporated community to the subject city has been filed with the executive officer. This bill would extend that prohibition to an annexation to a qualified special district.

Attachments:

[CALAFCO Oppose As Amended Letter April 2016](#)

[CALAFCO Oppose Letter March 2016](#)

Position: Oppose

Subject: Disadvantaged Communities, LAFCo Administration, Municipal Services, Service Reviews/Spheres, Water

CALAFCO Comments: Virtually gut and amended on April 12, the bill now does a number of different things.

First, it prohibits a commission from approving an annexation to a city or qualified special district of any territory greater than 10 acres, or as determined by commission policy, where there exists a DUC within or adjacent to the SOI of a city or special district that lacks safe drinking water or wastewater infrastructure or services, unless the city or special district has entered into an enforceable agreement to extend those services into the DUC as specified. The bill would define "qualified special district" to mean a special district with more than 500 service connections.

Next, The bill would prohibit a commission from approving a sphere of influence update that removes a DUC from a city's or special district's sphere of influence unless the commission makes a finding that removal of the community will result in improved service delivery to the community. The bill adds 56425(k), prohibiting a commission from approving a SOI update that removes a disadvantaged community from a city's sphere of influence unless a majority of the voters in the disadvantaged community approve of the proposed SOI.

The bill adds several requirements in GC Section 56430 relating to Municipal Service Reviews. First, it changes (b) to mandate the commission to assess various alternatives relating to the efficiency and affordability of infrastructure and delivery of services; and changes (c) to mandate the commission to include a review whether the agency being reviewed is in compliance with the CA Safe Drinking Water Act.

Finally, the bills adds to 56430 the following requirements to LAFCo: (1) on or before 1/1/22 and every 5 years thereafter, LAFCo shall do MSR for the entire county territory (regardless of service provider); (2) Create and electronically file a map that identifies DUCs that lack safe drinking waster or wastewater with OPR (who will then post on their website); Within 2 years of identifying such a DUC, LAFCo shall create a plan based on alternatives analyzed and adopt any actions necessary to implement the plan (regardless of whether the agencies involved are public or private); (3) Creates an exemption for an election or any protest proceedings on the above action

except protest proceedings are required for the residents of the DUC; (4) LAFCo will not be required to adopt a plan if there is no feasible way of connecting the DUC with an existing system; (5) LAFCo cannot change a SOI or extend services if these requirements are not met; (6) LAFCo cannot change a SOI of an agency that was identified in a plan of action and they have not taken action within 3 years, unless there is an application to extend services of annex that territory; or an extension of services pursuant to 56133.

CALAFCO continues to work with the author and sponsor on potential amendments.

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

Current Text: Amended: 1/19/2016 [pdf](#) [html](#)

Introduced: 2/27/2015

Last Amended: 1/19/2016

Status: 2/4/2016-Referred to Com. on GOV. & F.

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

Summary:

Would authorize a city council, located in an existing or newly formed district as specified, to adopt a resolution requesting that appointments of persons to the board of trustees instead be made by a city selection committee, established pursuant to specified provisions of law, and conditioned upon a majority of authorized city councils adopting their respective resolutions. This bill would authorize the city selection committee to decrease the total number of appointments to be made by the committee if a majority of city councils within the district make this request in their respective resolutions.

Position: Watch

CALAFCO Comments: As amended, this bill amends the Health and Safety Code by creating an alternative option to the appointment process to the board of trustees of a district. The additional process calls for the City Selection Committee to make appointments rather than the cities themselves in a case where a majority of the city councils located within the district and are authorized to appoint a person to the board of trustees adopt resolutions approving of this alternate appointment process. No change is being made to how the County Board of Supervisors makes their appoint to the district board.

This is a locally supported bill, stemming from an issue in San Mateo with their Mosquito Abatement District which is in the Assembly member's district.

[AB 2414](#) ([Garcia, Eduardo D](#)) Desert Healthcare District.

Current Text: Amended: 4/18/2016 [pdf](#) [html](#)

Introduced: 2/19/2016

Last Amended: 4/18/2016

Status: 5/19/2016-Referred to Com. on GOV. & F.

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

Summary:

Would authorize the expansion of the Desert Healthcare District to include the eastern Coachella Valley region by requiring the Board of Supervisors of the County of Riverside to submit a resolution of application to the Riverside County Local Agency

Formation Commission, and, upon direction by the commission, to place approval of district expansion on the ballot at the next countywide election following the completion of commission proceedings, including a public hearing.

Attachments:

[CALAFCO Oppose Letter_April 2016](#)

Position: Oppose

Subject: Disincorporation/dissolution, LAFCo Administration

CALAFCO Comments: As amended, this bill requires Riverside LAFCo to approve the expansion of the district, providing a determination is made that the expansion is financially feasible. The bill requires the County of Riverside to file the application with the LAFCo by 1/1/17, and as the applicant, to pay all necessary fees. The bill gives Riverside LAFCo 150 days to conduct all proceedings and direct the election necessary to expand the district. While the amendments removed the unrealistic timelines prescribed in the original version, and removed the requirement for the LAFCo (and other agencies) to find a viable funding source for the expansion, the bill still divests Riverside LAFCo of its authority and discretion.

[AB 2471](#) (Quirk D) Health care districts: dissolution.

Current Text: Amended: 5/10/2016 [pdf](#) [html](#)

Introduced: 2/19/2016

Last Amended: 5/10/2016

Status: 5/19/2016-Referred to Com. on GOV. & F.

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

Summary:

Would require the Alameda County local agency formation commission to order the dissolution of the Eden Township Healthcare District if that health care district meets certain criteria, as specified. The bill would subject a dissolution under these provisions to specified provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 that require dissolution by voter approval only if a majority protest exists, as specified. By requiring a higher level of service from the Alameda County local agency formation commission to analyze the criteria described above, the bill would impose a state-mandated local program.

Attachments:

[CALAFCO Oppose Unless Amended Letter_April 2016](#)

Position: Oppose unless amended

Subject: CKH General Procedures, Disincorporation/dissolution, Special District Consolidations

CALAFCO Comments: As amended, the bill makes the language specific to Eden Township Healthcare District, rather than the more generic statewide original approach. However, the bills still divests Alameda LAFCo of their authority and discretion. The bill requires the Alameda LAFCo to review Eden Township Healthcare District's compliance with certain criteria set forth in the bill. If all of the prescribed criteria is met, the bill requires the LAFCo to order the dissolution of the district.

[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: UPDATED COMMENTS: CALAFCO continues to monitor this bill to ensure it does re-present itself in another form impacting LAFCo.

OLDER COMMENTS: This bill is the same as SB 88, which was passed in 2015. 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 1658 (Bigelow R) Happy Homestead Cemetery District: nonresident burial.

Current Text: Introduced: 1/13/2016 [pdf](#) [html](#)

Introduced: 1/13/2016

Status: 5/19/2016-Referred to Com. on GOV. & F.

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

Calendar:

6/8/2016 11:15 a.m. - Room 112 SENATE GOVERNANCE AND FINANCE, HERTZBERG, Chair

Summary:

Would authorize the Happy Homestead Cemetery District in the City of South Lake Tahoe in the County of El Dorado to use its cemeteries to inter residents of specified Nevada communities if specified conditions are met. This bill contains other related provisions.

Position: Watch
Subject: Special District Principle Acts

AB 1707 (Linder R) Public records: response to request.

Current Text: Amended: 3/28/2016 [pdf](#) [html](#)

Introduced: 1/25/2016

Last Amended: 3/28/2016

Status: 4/22/2016-Failed Deadline pursuant to Joint Rule 61(b)(5). (Last location was A. L. GOV. on 3/29/2016)

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

Summary:

The California Public Records Act requires state and local agencies to make public records available for inspection, unless an exemption from disclosure applies. The act requires a response to a written request for public records that includes a denial of the request, in whole or in part, to be in writing. This bill instead would require the written response demonstrating that the record in question is exempt under an express provision of the act also to identify the type or types of record withheld and the specific exemption that justifies withholding that type of record.

Attachments:

[CALAFCO Oppose Letter March 2016](#)

Position: Oppose
Subject: Public Records Act

CALAFCO Comments: As amended, this bill would require public agencies, including LAFcos, when responding to a Public Records Request for which a determination has been made to deny the request, to identify the types of records being withheld and the specific exemption that applies to that record. The amendments did little to mitigate concerns, as the change is minor. (Removed the requirement of having to list every document and now requires them to be categorized.)

CALAFCO understands this bill has been pulled by the author. We will continue to monitor.

AB 2142 (Steinorth R) Local government finance.

Current Text: Introduced: 2/17/2016 [pdf](#) [html](#)

Introduced: 2/17/2016

Status: 5/6/2016-Failed Deadline pursuant to Joint Rule 61(b)(6). (Last location was PRINT on 2/17/2016)

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

Summary:

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

Position: Watch

CALAFCO Comments: As introduced, this appears to be a spot bill. The bill targets Section 96.15 of the Rev & Tax code pertaining to property tax revenue allocations to a qualifying city that merges with a special district.

AB 2257 (Maienschein R) Local agency meetings: agenda: online posting.

Current Text: Amended: 5/11/2016 [pdf](#) [html](#)

Introduced: 2/18/2016

Last Amended: 5/11/2016

Status: 5/23/2016-In Senate. Read first time. To Com. on RLS. for assignment.

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

Summary:

Would require an online posting of an agenda for the legislative body of a local agency, if the local agency has an Internet Web site, to be posted on the local agency's primary Internet Web site homepage accessible through a prominent, direct link, as specified. The bill would exempt a city, county, city and county, and special district from this requirement if it has an integrated agenda management platform that meets specified requirements, including that the current agenda of the legislative body of the local agency is the first agenda available at the top of the integrated agenda management platform.

Position: Watch

Subject: LAFCo Administration

CALAFCO Comments: As amended, this bill amends GC Section 54954.2 pertaining to the online posting of a local agency's meeting agenda. The bill requires that online posting to have a prominent and direct link to the current agenda itself from the local agency's homepage. This means that LAFCos will have to post a prominent link on their website's homepage, directly taking the user to the meeting agenda. Other requirements added in the April 11, 2016 version of the bill include: (1) The direct link to the agenda required shall not be in a contextual menu; (2) The agenda shall be posted in an open format that is retrievable, downloadable, indexable, and electronically searchable by commonly used Internet search applications; is platform independent and machine readable; is available to the public free of charge and without any restriction that would impede the reuse or redistribution of the public record.

AB 2389 (Ridley-Thomas D) Special districts: district-based elections: reapportionment.

Current Text: Amended: 5/9/2016 [pdf](#) [html](#)

Introduced: 2/18/2016

Last Amended: 5/9/2016

Status: 5/19/2016-Referred to Coms. on E. & C.A. and GOV. & F.

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

Calendar:

6/8/2016 1:30 p.m. - Room 3191 SENATE ELECTIONS AND CONSTITUTIONAL AMENDMENTS, ALLEN, Chair

Summary:

Would authorize a governing body of a special district, as defined, to require, by resolution, that the members of its governing body be elected using district-based elections without being required to submit the resolution to the voters for approval. This bill would require the resolution to include a declaration that the change in the method of election is being made in furtherance of the purposes of the California Voting Rights Act of 2001.

Position: Watch

CALAFCO Comments: As amended, this bill allows special districts, if approved by resolution of the governing board, to conduct elections of their governing board using district-based elections, without being required to submit the resolution to the voters for approval.

AB 2435 (Mayes R) Local government organization: disincorporated cities.

Current Text: Introduced: 2/19/2016 [pdf](#) [html](#)

Introduced: 2/19/2016

Status: 5/6/2016-Failed Deadline pursuant to Joint Rule 61(b)(6). (Last location was PRINT on 2/19/2016)

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

Summary:

Under that Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, upon disincorporation of a city, on and after the effective date of that disincorporation, the territory of the disincorporated city, all inhabitants within the territory, and all persons formerly entitled to vote by reason of residing within that territory, are no longer subject to the jurisdiction of the disincorporated city. This bill would make a technical, nonsubstantive change to this provision.

Position: Placeholder - monitor

Subject: Disincorporation/dissolution

CALAFCO Comments: This is a spot bill. According to the author's office, they have no intention of using it to amend CKH but rather as a vehicle to amend another unrelated section of the Government Code. CALAFCO will continue to monitor.

AB 2737 (Bonta D) Nonprovider health care districts.

Current Text: Amended: 5/24/2016 [pdf](#) [html](#)

Introduced: 2/19/2016

Last Amended: 5/24/2016

Status: 5/27/2016-In Senate. Read first time. To Com. on RLS. for assignment.

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

Summary:

Would require a nonprovider health care district, as defined, to spend at least 80% of its annual budget on community grants awarded to organizations that provide direct health services and not more than 20% of its annual budget on administrative expenses, as defined. The bill would require a nonprovider health care district to pay any amount required to be paid in the district's annual budget year by a final judgment, court order, or arbitration award before payment of those grants or administrative expenses, as specified.

Position: Watch

CALAFCO Comments: This bill appears to be a companion bill to AB 2471 (Quirk) addressing the Eden Township Healthcare District, although it is written in generic form. As amended, the bill requires a non-provider health care district, as defined, to spend at least 80% of its annual budget on community grants awarded to organizations that provide direct health services and not more than 20% of its annual budget on administrative expenses (as defined).

AB 2801 (Gallagher R) Local government: fees and charges: written protest.

Current Text: Amended: 5/4/2016 [pdf](#) [html](#)

Introduced: 2/19/2016

Last Amended: 5/4/2016

Status: 5/26/2016-Referred to Com. on GOV. & F.

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

Summary:

Current statutory law provides notice, protest, and hearing procedures for the levying of new or increased fees or charges by local government agencies pursuant to Article XIII D of the California Constitution. Under current statutory law, one written protest per parcel, filed by an owner or tenant of the parcel, is counted in calculating a majority protest to a proposed new or increased fee or charge. This bill would require the agency to maintain the written protests for a minimum of 2 years following the date of the hearing to consider the written protests. By increasing the duties of local officials, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

Position: Watch

Subject: LAFCo Administration

CALAFCO Comments: The original bill would have removed the 60 day statute of limitations on bringing a validation action to court for any public agency, including LAFCo. Gut and amended on April 4, 2016, the bill now focuses on amending GCS 53755 and relates to fee increases to property owners by an agency providing property related services.

[AB 2853](#) (Gatto D) Public records.

Current Text: Amended: 4/13/2016 [pdf](#) [html](#)

Introduced: 2/19/2016

Last Amended: 4/13/2016

Status: 5/19/2016-Referred to Com. on JUD.

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

Summary:

Would authorize a public agency that posts a public record on its Internet Web site to first refer a person that requests to inspect or obtain a copy of the public record to the public agency's Internet Web site where the public record is posted. This bill contains other related provisions and other existing laws.

Position: Watch

Subject: Public Records Act

CALAFCO Comments: As amended the bill simply allows a public agency that has received a public records request act request to refer the the person making the request to the agency's website for the documents, should they be posted on the site.

[SB 971](#) (Committee on Governance and Finance) Validations.

Current Text: Chaptered: 5/27/2016 [pdf](#) [html](#)

Introduced: 2/8/2016

Status: 5/27/2016-Chaptered by Secretary of State - Chapter 15, Statutes of 2016.

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 2016, 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 Support Letter February 29, 2016](#)

Position: Support

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

SB 972 (Committee on Governance and Finance) Validations.

Current Text: Chaptered: 5/27/2016 [pdf](#) [html](#)

Introduced: 2/8/2016

Status: 5/27/2016-Chaptered by Secretary of State - Chapter 16, Statutes of 2016.

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 2016, 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 Support Letter, February 29, 2016](#)

Position: Support

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

SB 973 (Committee on Governance and Finance) Validations.

Current Text: Chaptered: 5/27/2016 [pdf](#) [html](#)

Introduced: 2/8/2016

Status: 5/27/2016-Chaptered by Secretary of State - Chapter 17, Statutes of 2016.

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 2016, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

Attachments:

[CALAFCO Support Letter, February 29, 2016](#)

Position: Support

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

SB 974 (Committee on Governance and Finance) Local government: omnibus.

Current Text: Amended: 3/29/2016 [pdf](#) [html](#)

Introduced: 2/8/2016

Last Amended: 3/29/2016

Status: 5/2/2016-Referred to Com. on L. GOV.

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

Calendar:

6/15/2016 1:30 p.m. - State Capitol, Room 447 ASSEMBLY LOCAL GOVERNMENT, EGGMAN, Chair

Summary:

The Professional Land Surveyors' Act, among other things, requires a county recorder to store and index records of survey, and to maintain both original maps and a printed set for public reference. That act specifically requires the county recorder to securely fasten a filed record of survey into a suitable book. This bill would also authorize a county recorder to store records of survey in any other manner that will assure the

maps are kept together. This bill contains other related provisions and other current laws.

Position: Watch

CALAFCO Comments: As amended, this bill is the Senate Governance & Finance Committee's annual Omnibus bill.

SB 1009 (Nielsen R) Public cemeteries: nonresidents.

Current Text: Introduced: 2/11/2016 [pdf](#) [html](#)

Introduced: 2/11/2016

Status: 5/6/2016-Failed Deadline pursuant to Joint Rule 61(b)(6). (Last location was GOV. & F. on 2/25/2016)

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

Summary:

Would authorize a district that serves at least one county with a population of fewer than 10,000 residents or that has a population not exceeding 20,000 and is contained in a nonmetropolitan area, to inter a person who is not a resident of the district in a cemetery owned by the district if specified criteria are met, including that the district requires the payment of a nonresident fee and the board of trustee determines that the cemetery has adequate space for the foreseeable future.

Position: Watch

Subject: Special District Powers

CALAFCO Comments: This bill would authorize a district that serves at least one county with a population of fewer than 10,000 residents or that has a population not exceeding 20,000 and is contained in a non-metropolitan area, to inter a person who is not a resident of the district in a cemetery owned by the district if specified criteria are met, including that the district requires the payment of a nonresident fee and the board of trustee determines that the cemetery has adequate space for the foreseeable future.

SB 1263 (Wieckowski D) Public water system: permits.

Current Text: Introduced: 2/18/2016 [pdf](#) [html](#)

Introduced: 2/18/2016

Status: 5/16/2016-Referred to Coms. on E.S. & T.M. and W., P., & W.

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

Calendar:

6/14/2016 1:30 p.m. - State Capitol, Room 444 ASSEMBLY ENVIRONMENTAL SAFETY AND TOXIC MATERIALS, ALEJO, Chair

Summary:

Would, commencing January 1, 2017, prohibit an application for a permit for a new public water system from being deemed complete unless the applicant has submitted a preliminary technical report to the State Water Resources Control Board, as specified, and would allow the state board to impose technical, financial, or managerial requirements on the permit.

Position: Watch

Subject: Water

CALAFCO Comments: As introduced, this bill would prohibit an application for a permit for a new public water system from being deemed complete unless the applicant has submitted a preliminary technical report to the state board, as specified, and would allow the state board to impose technical, financial, or managerial requirements on the permit. The bill would prohibit a public water system not in

existence on January 1, 1998, from being granted a permit unless the public water system demonstrates that the water supplier also possesses adequate water rights to ensure the delivery safe drinking water, and would specify that the prohibition applies to any change in ownership of the public water system, including the consolidation of a public water system. The bill would allow the state board to deny the permit if the state board determines that the service area of the public water system can be served by one or more currently permitted public water systems. Finally, the bill would prohibit a local primacy agency from issuing a permit without the concurrence of the state board.

SB 1276 (Moorlach R) Local agencies.

Current Text: Introduced: 2/19/2016 [pdf](#) [html](#)

Introduced: 2/19/2016

Status: 5/6/2016-Failed Deadline pursuant to Joint Rule 61(b)(6). (Last location was RLS. on 3/3/2016)

Desk	Dead	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, 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 nonsubstantive changes to the above-described law.

Position: Placeholder - monitor

Subject: CKH General Procedures

CALAFCO Comments: This is a spot bill to amend CKH. CALAFCO has not been contacted by the author's office regarding their intent.

SB 1292 (Stone R) Grand juries: reports.

Current Text: Amended: 3/28/2016 [pdf](#) [html](#)

Introduced: 2/19/2016

Last Amended: 3/28/2016

Status: 5/27/2016-Failed Deadline pursuant to Joint Rule 61(b)(8). (Last location was APPR. SUSPENSE FILE on 4/25/2016)

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

Summary:

Current law authorizes a grand jury to request a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release. This bill would delete the authority of a grand jury to request a subject person or entity to come before it for purposes of reading and discussing the findings of a grand jury report.

Attachments:

[CALAFCO Letter of Support May 2016](#)

Position: Support

Subject: Other

CALAFCO Comments: Sponsored by CSDA. As amended, the bill requires the Grand Jury to conduct an exit interview with report subjects to discuss and share findings. They may also provide a copy of the subject's report. The subject will have no less than 5 working days to provide written comments back to the Grand Jury for their consideration before the report is public. One the Grand Jury report is approved by a judge, the Grand Jury is required to provide a copy of the section pertaining to the subject to that entity no later than 6 working days prior to the reports public release.

The subject entity can submit a preliminary response to the report to the Grand Jury, who is then required to make those prelim comments public at the time the report is made public.

This will allow LAFcos, when they are the subject of a Grand Jury report, to meet with the Grand Jury and hear their findings, and for the LAFco to respond to those findings and offer additional information or corrections. Further, it allows the LAFco to provide preliminary comments that are required to be posted with the report when it is made public.

[SB 1360](#) (Bates R) Local government: municipal service agreements: law enforcement services.

Current Text: Amended: 3/31/2016 [pdf](#) [html](#)

Introduced: 2/19/2016

Last Amended: 3/31/2016

Status: 5/12/2016-Referred to Com. on L. GOV.

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

Calendar:

6/15/2016 1:30 p.m. - State Capitol, Room 447 ASSEMBLY LOCAL GOVERNMENT, EGGMAN, Chair

Summary:

Would require a city that provides law enforcement services through its appropriate departments, boards, commissions, officers, or employees to another city pursuant to a contract or any other agreement to charge that city all the costs that are incurred in providing those law enforcement services, but prohibit the inclusion of any costs that the city providing the services reasonably determines are general overhead costs. The bill would provide that any determination of general overhead costs made by a city providing law enforcement services is subject to judicial review as to the reasonableness of that determination.

Position: Watch

Subject: Municipal Services

CALAFco Comments: As amended, the bill requires a city that provides law enforcement services to another city, to only charge the city the costs incurred for providing the services, and excludes reimbursement of any general overhead costs. The bill applies to new or renewed contracts as of 1/1/17.

[SB 1436](#) (Bates R) Local agency meetings: local agency executive compensation: oral report of final action recommendation.

Current Text: Amended: 4/6/2016 [pdf](#) [html](#)

Introduced: 2/19/2016

Last Amended: 4/6/2016

Status: 5/9/2016-Referred to Com. on L. GOV.

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

Calendar:

6/15/2016 1:30 p.m. - State Capitol, Room 447 ASSEMBLY LOCAL GOVERNMENT, EGGMAN, Chair

Summary:

Current law prohibits the legislative body from calling a special meeting regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits, of a local agency executive, as defined. This bill, prior to taking final action, would require the legislative body to orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits

of a local agency executive during the open meeting in which the final action is to be taken. This bill contains other related provisions and other existing laws.

Position: Watch

Subject: LAFCo Administration, Other

CALAFCO Comments: As amended, this bill requires public agencies, including LAFCOs, when taking final action on salary for the agency's executive, to be made as a separate discussion agenda item rather than a content calendar item on the agenda.

Total Measures: 32

Total Tracking Forms: 32

6/1/2016 12:34:55 PM

**CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
PENDING PROPOSALS – JUNE 8, 2016**

June 8, 2016
Agenda Item 13b

LAFCO APPLICATION	RECEIVED	STATUS
Town of 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	July 2010	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	July 2010	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	Feb 2013	Continued from 11/12/14 meeting
Northeast Antioch Reorganization Area 2A: proposed annexations to City of Antioch and Delta Diablo; and corresponding detachments from County Service Areas L-100 and P-6	July 2013	Continued from 6/10/15 meeting to 6/8/16
Reorganization 186 (Magee Ranch/SummerHill): proposed annexations to Central Contra Costa Sanitary District (CCCSD) and East Bay Municipal Utility District (EBMUD) of 402± acres; 9 parcels total to CCCSD (8 parcels) and EBMUD (7 parcels)	June 2014	Removed from the Commission's calendar pending further notice
Detachment from Byron Bethany Irrigation District – proposed detachment of 480± acres in two separate areas located in Discovery Bay	Feb 2016	Under review
Montreux Reorganization: proposed annexations to the City of Pittsburg, Contra Costa Water District and Delta Diablo and detachment from County Service Area P-6 of 165.1± acres located on the west and east sides of Kirker Pass Road	Apr 2016	Under review
Tassajara Parks project – proposed SOI expansions to CCCSD and EBMUD of 30± acres located east of the City of San Ramon and the Town of Danville	May 2016	Under review
Tassajara Parks project – proposed annexations to CCCSD and EBMUD of 30± acres located east of the City of San Ramon and the Town of Danville	May 2016	Under review
West County Wastewater District Annexation 315 - proposed annexation of 1.0± acres located on Hillside Drive in unincorporated El Sobrante	May 2016	Under review

Brentwood leaders skeptical about open-space proposal

By Paula King, Correspondent

Posted: 05/11/16, 11:33 AM PDT | Updated: 21 hrs ago

BRENTWOOD -- Leaders here expressed concern Tuesday that a proposed county agricultural and open-space preservation policy could limit local control of the city's agricultural land and development.

Members of Contra Costa County's Local Agency Formation Commission presented the proposal to the City Council on Tuesday night. LAFCO representative Don Tatzin said that LAFCO is aimed at encouraging orderly growth, preserving ag lands and open space and discouraging urban sprawl and it also considers city boundary changes.

"We are trying to do this as a partnership," Tatzin said.

The draft plan states that "urban development should be discouraged in ag areas" and that "vacant land within urban areas should be developed before agricultural land is annexed for nonagricultural purposes."

When asked for their input, council members noted that the current plan takes away local rights and its tone sounds like leaders in Central and West Contra Costa want to dictate what happens to land and development in East County.

"There seems to be a bias against this part of the county and some of them haven't even been out here," Councilman Gene Clare said. "It comes off strongly as 'you aren't going to build out there and you are going to stay small.' We like local control out here in Brentwood. We want to control our destiny."

Brentwood Vice Mayor Joel Bryant said that he wants Brentwood to be in a stronger partnership with LAFCO on this plan. He doesn't want the plan to hinder economic development and business opportunities surrounding agriculture.

"Clearly, in Brentwood, we are agricultural at the core," he said. "We want to preserve and protect that but promote it."

Brentwood Mayor Bob Taylor noted that Brentwood already has about 980 acres of ag easements in place, so that ag land will remain that way permanently. He added that Brentwood must provide housing for people who are moving to the area.

"I farmed out here for 20 years and my biggest obstacle was the county," Taylor said. "People are coming here whether we like it or not. Don't box us in."

Fourth generation farmer and Councilman Erick Stonebarger said that the plan would have been better received if LAFCO had asked for input from the far East Contra Costa communities that it impacts most, such as Brentwood, Oakley and Discovery Bay. He said that this should have been done when it was first started in March 2015.

"It sounds like it is written by somebody who doesn't spend much time out here," Stonebarger said.

Council members plan to write a response to LAFCO regarding the policy in the next few weeks asking them to consider Brentwood's economic vitality, future local jobs, housing needs and ability to make land use decisions.

"Brentwood has done a dang good job," Taylor said. "If you put handcuffs on us, it will be a bitter fight through and through."

East Bay Times

Report: Bad roads, public transit top list of Bay Area's most-needed transportation projects

By Erin Baldassari, ebaldassari@bayareanewsgroup.com

Posted: 05/11/2016 11:35:38 AM PDT

Updated: 05/12/2016 05:47:24 AM PDT

SAN FRANCISCO -- Fixing the Bay Area's deteriorating roads and improving public transit topped the list of the region's 30 most-needed transportation projects, according to a report released today from transportation industry nonprofit TRIP.

TRIP policy and research director Rocky Moretti said the list represents projects -- comprised of mostly roadway maintenance and public transit improvements -- that will keep Bay Area residents, and the economy, moving.

"We looked at the impact on the region's economy, on the public's ability to get places and their level of mobility, and on the level of safety," Moretti said.

The region is facing a dual challenge in preserving its existing transportation network and also expanding the network to accommodate explosive growth, Moretti said. The third challenge, said Transportation California Executive Director Will Kempton, is money. Of the 30 projects identified by TRIP, only nine were listed as being fully funded.

"The region is seeing increased demands on roads and public transit, more congestion on freeways, and needs to develop alternative modes of transportation to address climate change," Kempton said. "These are huge challenges and yet, the sources of revenue that we have are not adequate to meet those significant needs."

At the top of the list was fixing the Bay Area's bad roads. TRIP, a Washington, D.C.-based organization, released a nationwide report in July showing that drivers in the San Francisco and Oakland metropolitan areas spend the most on vehicle maintenance and operating costs as a result of failing roads. The report rated a whopping three-quarters of roads in the region as being in poor condition.

The bulk of the projects on the list, however, emphasized investments in public transit. The report identified \$143.9 billion in needed transit operations and capital improvements for BART, San Francisco Municipal Transportation Authority, Valley Transportation Authority, and AC Transit to "maintain or improve transit operations in the region." The report also outlined

specific projects, including the BART extension to San Jose, completing the Transbay Transit Center in San Francisco, creating a VTA express lane network, and adding bus rapid transit lines in Alameda and Santa Clara counties.

The report also outlined more than \$54 billion in needed investments on eight specific road- and highway-related projects in the Bay Area, some of which have funding identified. Those projects included interchange upgrades in Contra Costa, Solano and Napa counties; highway widening projects in Santa Clara, Marin and Sonoma counties; and the expansion of express lanes throughout the region.

Finally, the report cited seismic upgrades to the Golden Gate Bridge and BART's Transbay Tube, the latter of which is already funded, as essential to ensuring the integrity of the Bay Area's transportation network, and improvements to the Port of Oakland as critical to the area economy.

The projects were identified with input from Caltrans and the Metropolitan Transportation Commission, Moretti said.

TRIP is a nonprofit organization funded by insurance companies, equipment manufacturers, distributors and suppliers, labor unions, and businesses involved in highway and transit engineering and construction, according to its website.

To view the TRIP report, go to

http://tripnet.org/docs/CA_Project_Green_Light_TRIP_Report_Appendix_C_May_2016.pdf

Erin Baldassari covers transportation. Contact her at 510-208-6428, or follow her on Twitter: @e_baldi.

East Bay Times

REPORT: The top 30 transportation projects to keep the Bay Area moving

By Erin Baldassari, ebaldassari@bayareanewsgroup.com

Posted: 05/11/2016 04:44:57 PM PDT

Updated: 05/11/2016 04:44:57 PM PDT

What will it take to keep the Bay Area's people and economy moving? Better roads, bridges, and transit. Here's a sampling of the top 30 transportation projects most in need of attention, according to TRIP, a transportation nonprofit organization:

- Maintain state highways, bridges and local streets throughout the region. Amount needed: \$47 billion; partially funded.
- Operating and capital improvements for BART, SF MTA, VTA, and AC Transit. Amount needed: \$143.9 billion; partially funded.
- Regional conversion of HOV lanes to express lanes. Amount needed: \$6.06 billion; partially funded.
- BART extension to San Jose Phase 2. Amount needed: \$3.96 billion; partially funded.
- Port of Oakland Army Base redevelopment to facilitate freight movement. Amount needed: \$873 million; partially funded.
- Interstate 680 and State Route 4 interchange improvements in Contra Costa County. Amount needed: \$205 million; partially funded.
- BART Transbay Tube seismic retrofit. Amount needed: \$590 million: funded and under construction.
- Interstate 80, Interstate 680 and Highway 12 interchange improvements in Solano County. Amount needed: \$580 million; not funded.
- AC Transit Bus Rapid Transit express service along International Boulevard. Amount needed: \$178 million; funded and under construction.
- Freeway improvements, including ramp metering, to reduce congestion. Amount needed: \$2.73 billion; partially funded.
- VTA express lane improvements to implement roadway pricing and convert existing HOV lanes into limited access express lanes in Santa Clara County. Amount needed: \$790 million; partially funded
- Improve operations and seismic retrofits on seven state-owned toll bridges. Amount needed: \$16 billion; partially funded.

Source: TRIP. To view the report, go to

http://tripnet.org/docs/CA_Project_Green_Light_TRIP_Report_Appendix_C_May_2016.pdf

East Bay Times

Peterson: Concord City Council's imperfect process leads to Lennar

By Gary Peterson, gpeterson@bayareanewsgroup.com

Posted: 05/12/2016 01:18:17 PM PDT | Updated: about 4 hours ago

No balloons wafted from the ceiling. There were no confetti cannons. No corks were popped Wednesday night as three Concord City Council members, considering one company, selected Lennar Urban as the first-phase master developer of the former Naval Weapons Station.

The vote was unanimous. And subdued.

"I waited a long time for this," said Councilman Dan Helix, who returned to the council specifically to select a developer and bring to fruition a process he helped start. "It's been a long trek. What I have learned is that perfection is not in the human repertoire."



File photo: Ranchers graze their cattle at Concord Naval Weapons Station now that the ammunition magazines have been emptied of all explosives. (Jim Stevens/Herald news 2001)

Let it be known the City Council proved itself certifiably human during the selection process. It allowed Lennar to remain as a semifinalist after the company was found, in an independent report, to have improperly lobbied Councilman Tim Grayson -- who then recused himself from the selection process. Grayson joined on the sidelines Vice Mayor Ron Leone, required to sit out because his house is within 500 feet of the proposed project.

Then the council allowed Catellus, the other semifinalist, to walk away out of concern it wasn't getting a fair shake.

There was the recommendation for Catellus in a draft of a staff report that turned out to have been written in vanishing ink. There were violations of the Brown Act governing open meetings.

The cumulative effect of these missteps -- if you go by the public commenters who have lined up 20-deep at recent council meetings -- was a loss of public confidence in the process and the processors. Ergo, recent recall petitions for Mayor Laura Hoffmeister and Councilman Edi Birsan.

"There has been criticism, in some cases richly deserved," said Helix, who made no secret of his displeasure when Catellus dropped out. Faced with what he believed an untenable choice between Lennar and restarting the process, Helix floated the notion of the city becoming its own master developer.

Improvements to Lennar's term sheet won Helix over. Birsan said it was "in the best interests of the city." Hoffmeister said Lennar had taken on more cost and more risk.

The commenters' mood? Take a guess.

"I just wonder if you couldn't get a better deal by starting over," former mayor Steve Weir said. "I'd dearly love to see negotiations reopened, and see more council members involved."

Other speakers cited concerns raised in connection with Lennar projects at Mare Island and Hunters Point. One questioned the firm's ethics, and the final speaker signed off with, "This is not the way I want my city to be developed."

Skepticism can be a useful tool. At one point while Lennar's term sheet was being renegotiated, the firm agreed to widen to four lanes the dangerous stretch of Willow Pass Road between Lynwood Drive and Highway 4 -- while leaving the Kinne Bridge at two lanes. The offer was disingenuous even by the standards of ham-handed negotiation ploys.

That said, several speakers at Wednesday's meeting who said they had professional experience with Lennar pinned angels wings and a halo on the company, which they said had "the highest of integrity" and was "a just and responsible choice for the city."

So ended a years-long effort of outreach, study and negotiation. Now comes the hard part: Planning and building a community that makes people forget the wildly imperfect process that brought it to life.

Do you have a column topic for Gary? Contact him at 925-952-5053 or gpeterson@bayareanewsgroup.com. Follow him at [Twitter.com/garyscribe](https://twitter.com/garyscribe).

East Bay Times

America's vanishing West: California losing most land to development

By Paul Rogers, progers@bayareanewsgroup.com

Posted: **05/17/2016** 07:49:45 AM PDT | Updated: 90 min. ago



File photograph: The Oakhurst subdivision abuts open space in Clayton, Calif. (Contra Costa Times)

By Paul Rogers

The natural landscape of the American West is gradually disappearing under a relentless march of new subdivisions, roads, oil and gas production, agricultural operations and other human development, according to a detailed mapping study released Tuesday.

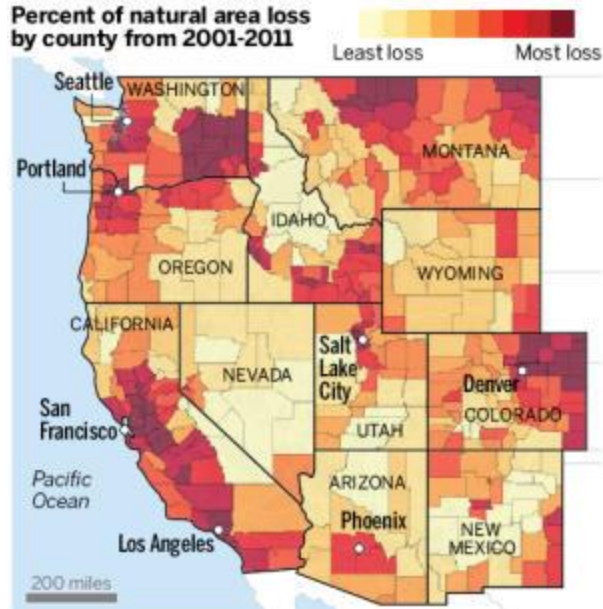
From 2001 to 2011, an area totaling 4,321 square miles -- or 15 times the size of San Jose, Oakland and San Francisco combined -- was modified by development in the 11 Western states, the report found, with California losing the most natural land, and Wyoming and Utah changing at the fastest rate.

"We are nibbling away at our wild places at a fairly rapid clip," said Mike Dombeck, former chief of the U.S. Forest Service and the U.S. Bureau of Land Management in the 1990s.

THE DISAPPEARING WEST?

The 11 Western states are losing an area the size of a football field every 2.5 minutes to development, according to a new study.

Percent of natural area loss by county from 2001-2011



Natural area loss, in square miles

State	State size	Area modified by development		Natural area lost
		2001	2011	
California	155,554	29,856	30,641	785
Colorado	103,524	18,428	18,953	525
Wyoming	96,959	10,378	10,874	496
Washington	66,395	13,812	14,268	456
Oregon	95,718	12,431	12,843	412
Utah	82,240	8,248	8,624	376
Arizona	113,598	11,560	11,931	371
New Mexico	121,200	12,587	12,906	319
Montana	145,298	23,485	23,770	285
Idaho	82,641	11,240	11,391	151
Nevada	109,770	8,345	8,490	145

Source: Conservation Science Partners

BAY AREA NEWS GROUP

The report -- at www.disappearingwest.org -- was produced by scientists at Conservation Science Partners, a non-profit research organization based in Truckee, , who spent a year analyzing more than 30 large databases and a decade of satellite images over Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming.

Their conclusion: Every 2.5 minutes the West loses an area of natural land the size of a football field to human development. And each year, on average it loses 432 square miles, an area nearly the size of Los Angeles.

"Protecting wild places is a very conservative thing to do because it keeps options available for the future," said Dombeck, now a board member at Conservation Science Partners. "Once you

have a subdivision put in or roads built into a wild place, it's almost impossible to turn back the clock."

To be sure, vast areas of the West, from the Sierra Nevada to Utah's Red Rock Canyons, the Olympic Peninsula and the Greater Yellowstone Area, are preserved in national parks, wilderness areas and other designations.

But only 12 percent of all the land in the 11 Western states enjoys such protections, the report found. The most is in California, where 24 percent of the state is protected, followed by Nevada at 14 percent and Utah at 13 percent. The least: New Mexico with 6 percent and Montana with 7 percent.

Careless development -- whether it is sprawling new subdivisions outside Denver or Phoenix, or vast new oil and gas fields near towns like Pinedale, Wyoming -- fragment the landscape, the report's authors said, blocking corridors for wildlife, polluting water and changing the West's singular sense of place.

"There are large landscapes that are still pretty healthy and somewhat protected because of years of conservation work in the past," said Matt Lee-Ashley, public lands director for Center for American Progress, a left-leaning think tank in Washington, D.C. that funded the study. "But with continued rates of loss, we can't think of that work being finished yet."

In California, Inland Empire counties lost the most open land. At the top of the list was San Bernardino County, which lost 60,013 acres of natural land from 2001-2011, followed by Riverside, Kern, Los Angeles and San Diego. In the Bay Area, Solano County lost the most, at 10,883 acres, followed by Contra Costa at 10,610 and Sonoma County at 9,193. San Francisco, Marin and San Mateo counties lost the least, all below 1,600 acres, while Santa Clara lost 6,225 acres and Alameda lost 5,085.

The study did not account for new parklands created over the decade. Private land trusts and parks agencies around the Bay Area have preserved tens of thousands of acres in the past 15 years, from the Santa Cruz Mountains to wetlands ringing San Francisco Bay and the rangelands of the East Bay.

Lee-Ashley, a former deputy chief of staff to Interior Secretary Ken Salazar, said that the solution to preserve the broader West is for cities and states to pass zoning rules keeping development off sensitive areas, along with more funding from Congress to expand national parks and wilderness areas.

Over the past decade or so, Republican leaders in Congress, particularly members of the Tea Party movement, have blocked efforts to expand funding for parks and opposed President Obama's use of executive power to establish new national monuments.

Some Western observers say the solution isn't more federal money from Washington, D.C.

Private initiatives, like a long-standing program in which the Nature Conservancy pays rice farmers in California's Central Valley to flood their fields in the winter to provide habitat for ducks and geese, are just as important if not more so, said Shawn Regan, a spokesman for PERC, the Property and Environmental Research Center, a free-market advocacy group in Bozeman, Montana.

"There's a \$12 billion maintenance backlog in our national parks," said Regan. "We have all these public lands in the West, but we aren't doing a very good job of taking care of what we have."

Regan said private solutions include paying landowners to lease their water rights, buying development rights from landowners, and encouraging new agricultural technology, like genetically engineered crops, to allow farmers to produce more food per acre.

"We need more ways to work with private landowners, not against them," he said. "And environmentalists often discourage ways to work with private landowners to encourage conservation."

Paul Rogers covers resources and environmental issues. Contact him at 408-920-5045. Follow him at [Twitter.com/PaulRogersSJMN](https://twitter.com/PaulRogersSJMN)

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Published **May 18th, 2016**

ConFire Board Approves Complete Rebuild of Fire Station 16

By Nick Marnell

Western Lafayette residents moved one step closer to full fire service coverage May 9 when the Contra Costa County Fire Protection District board unanimously approved the total rebuild of fire station 16 on Los Arabis Road.

The fire station was seriously damaged in 1989 by the Loma Prieta earthquake and the crews worked out of a mobile home on the site for more than 20 years before the facility was shut down in 2012. When a proposed joint venture with the Moraga-Orinda Fire District to build fire station 46 at the Orinda-Lafayette border collapsed, ConFire determined that rebuilding station 16 from scratch was the most appropriate solution for the western Lafayette area. The district had considered refurbishing the existing structure but decided it was not cost effective to do that.

Fire Chief Jeff Carman explained to the board why the Lafayette station was the first to be put back into service of the four stations closed by the district in 2012. "Lafayette is one of the few areas in California located in a very high fire hazard severity zone," he said. "If we had a fire in those hills it would be similar to the Oakland Hills fire. Property values are extremely high and egress routes are extremely limited." Carman stressed that the county could be devastated economically if the Lafayette area remains without adequate fire protection.

"We stand behind the chief," Lafayette fire commissioner Bill Granados said. "Rebuilding station 16 is the best thing for the district at this time."

Deputy Chief Lewis Broschard told the board that the construction estimate ranges from \$3.5 to \$4 million, including design, engineering and other soft costs, with completion likely in 18 to 24 months. ConFire will staff the station with transferred firefighters from station 1 in Walnut Creek and an additional captain, which will increase district operating costs \$1 million a year.

"I would have been fine with station 46, but we will end up with better coverage for Lafayette," board chair Candace Andersen said.

The city of Lafayette planning department and ConFire will hold a joint public meeting to receive feedback from the neighborhood on the design of the new station at 7 p.m. May 25 at the Lafayette city offices, 3675 Mt. Diablo Boulevard, Suite 240.

Reach the reporter at: nick@lamorindaweekly.com

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Published **May 18th, 2016**

Developer Agrees to Pay Fire Service Mitigation Charge

By Nick Marnell

The Moraga-Orinda Fire District board May 4 authorized Fire Chief Stephen Healy to enter into an agreement with the Richfield Real Estate Corporation and the Bigbury Company, the developers of the beleaguered Palos Colorados project, to pay the district \$180,000 as a fire service mitigation fee within 60 days of the issuance of the first building permit. The developer acknowledged in the agreement that its proposed 123-unit Moraga development places an increased fire service burden on the district, which plans to apply the mitigation fee toward the purchase of a new fire engine. Only director Fred Weil voted against the agreement, citing a clause in the contract that contains an out for the developer. The out-clause will take effect if the East Bay Municipal Utility District agrees to supply water at a rate of 2,250 gallons per minute to the project, the same water flow rate that MOFD used as a standard for new development when the project was approved in 1999.

Since then, the fire codes have changed, MOFD fire marshal Kathy Leonard said. Homes are now equipped with sprinkler systems, construction rules are tougher and wildfire prevention ordinances are stronger. And no longer does EBMUD install pipes that can transport water at 2,250 gpm at the project site; current pipes allow a water flow of only 1,500 gpm, as confirmed by Andrea Pook, EBMUD spokeswoman. MOFD firefighter Anthony Stevens told the board that 1,500 gpm was more than adequate for today's firefighting needs.

Thus, Leonard insisted that the clause Weil objected to was moot. She said the district was anxious to finalize its agreement with a development fraught with years of lawsuits, delays and failed permit approvals, including unsuccessful state and federal approvals for a golf course.

The developer will also pay MOFD \$2,000 prior to the issuance of a building permit for each approved lot. The money will be used for vegetation inspections, maintenance of open space and the upkeep of fire trails, plus hard costs. "For each home, we have to do three plan reviews and two separate fire inspections," Leonard said.

The first building permit is expected to be issued before the end of fiscal year 2016-17, which is why the district executed the agreement now. The projected cost of a new fire engine is \$585,000, so with the board's approval of the mitigation fee agreement, the cost will be reduced to \$405,000.

Reach the reporter at: nick@lamorindaweekly.com

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Published **May 18th, 2016**

Orinda Residents Demand Fair Shake from MOFD

By Nick Marnell

Orinda residents, including a district director, disrupted the Moraga-Orinda Fire District finance committee meeting May 8, demanding that perceived inequities of the tax bill allocation between the two district municipalities be rectified. "It's time the district looked at this, and made it an agenda item that can be discussed," said Steve Anderson, board president, speaking as a private citizen.

"The deal is not being played out as promised 19 years ago," said Orinda resident Steve Cohn, speaking about the terms of the 1997 Orinda Fire District and Moraga Fire District merger. "The funding paid by Orindans not going to service in Orinda is not meeting Orindans' needs."

According to Cohn, in the current fiscal year Orinda residents pay \$13.8 million in taxes to MOFD while those in Moraga pay \$7.5 million. "The bottom line is, Orindans pay 65 percent of the taxes and their service costs are only about 53 percent of the total," he said, basing his service cost estimate on a total of 17 responders per shift - nine in Orinda and eight in Moraga.

Orinda resident Craig Jorgens blamed much of the inequity on the fact that property tax rates have stayed the same since the district inception but property values in Orinda have increased more than in Moraga. "It has grown over time and will continue to get worse," he said.

It is not the first time the district has heard these complaints. In 2012 an Orinda grassroots organization claimed in a presentation to both MOFD and the Orinda City Council that Orinda was paying too much for its emergency services. "In fact, a lot more money has been spent in Orinda than in Moraga," director Fred Weil said at the time, who called the group's report a fundamentally flawed polemic.

Anderson was elected to the board in 2012 and he promised to oversee frugal spending of district tax dollars, with the expectation that money saved could be used to fix Orinda's dilapidated roads. Alex Evans, MOFD Division 5 director and a founding member of an Orinda citizens' committee that pushed for the fair funding of MOFD by Orinda and Moraga, said in 2012 that any efficiencies he could find in the MOFD budget should go to fix the Orinda roads and infrastructure.

Director Brad Barber, also of Orinda, told Fire Chief Stephen Healy - who declined to comment on the claims made by the citizens - to present updated information on revenue received from and services rendered to each municipality at a future board meeting.

Reach the reporter at: nick@lamorindaweekly.com

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LETTERS TO THE EDITOR **MAY 25, 2016** 12:35 PM

Denny Jackman: Allowing Riverbank to expand west is a very bad plan

When a city in Stanislaus County makes a request to urbanize thousands of acres of our best farmland and area of highest water recharge, order and logic are not two terms I would use to describe it.

How can it possibly be considered logical to intentionally expand urban mass over our best soils? One would think it logical and orderly to require Modesto, Riverbank and Stanislaus County to collectively plan urbanization along the proposed North County Corridor and onto lesser soils.

This community, this land, deserves more scrutiny than a rubber stamp from the Local Area Formation Commission. Dereliction of duty and asleep-at-the-wheel are better terms to describe LAFCO approval for massive urban expansion when we (and they) know the facts about those soil qualities and water recharge history.

Do not refer to such a request as orderly and logical. Also, please consider that existing retailers are being squeezed for market share

by Amazon and other online retailers that do not need costly storefronts that will eventually be abandoned.

We need smarter planning which includes all the concerns of a community. We need planners to plan where not to urbanize. Building over our best soils is not a wise option.

DENNY JACKMAN, MODESTO



MORE LETTERS TO THE EDITOR

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NEWS

MAY 26, 2016 8:32 AM

Riverbank dream of huge growth tabled amid Stanislaus LAFCO concerns

HIGHLIGHTS

Stanislaus LAFCO troubled by expansion size

Friction with Modesto also bothers panel

Issue to resurface July 27



The Stanislaus Local Agency Formation Commission

wants Riverbank to try mending fences with Modesto and with the Stanislaus Consolidated Fire District, and to think about seeking a little less growth, before returning to the agency on July 27 with Riverbank's growth plan. **Debbie Noda** - Modesto Bee file

BY GARTH STAPLEY
gstapley@modbee.com

Not quite so fast, Riverbank.

That's what a growth-guiding panel on Wednesday told city officials hoping to extend Riverbank's footprint 80 percent and double its population in 20 years.

"This really is a pretty huge expansion, a little more than I'm willing to go," said Jim DeMartini, a Stanislaus County supervisor. His opinion was shared by other members of the Stanislaus Local Agency Formation Commission, which rules when cities plan to grow.

The commission left open a door, however, for Riverbank to return July 27 and ask again. That would give Riverbank time to try mending fences with Modesto and with the Stanislaus Consolidated Fire District, and to think about seeking a little less growing action in the so-called City of Action.

“

**WHY WOULDN'T YOU FOCUS ALL YOUR
URBANIZATION AWAY FROM PRIME
FARMLAND?**

Denny Jackman, Modesto

Several speakers at Wednesday's hearing said they were shocked that Riverbank, with 2,663 acres, sought permission to broaden its sphere of influence – or potential growth area in the next couple of decades – by 1,479 acres, for a total of 4,850 acres.

“This will encourage urban sprawl, which you're supposed to discourage,” said Allen Gammon, who lives near Riverbank and whose wife, Annabel, is an alternate or nonvoting commissioner.

About 40 residents of rural Crawford Road, west of Riverbank, signed a petition asking for assurances that Riverbank's growth vision would not send more vehicles through their neighborhood.

“

**THIS WILL DO NOTHING MORE THAN TO
INCREASE THE TRAFFIC PROBLEM WE ALREADY
HAVE.**

Sherman Hoover, Crawford Road

Denny Jackman, a longtime controlled-growth advocate and former Modesto councilman, said Riverbank's plan hasn't received enough public scrutiny. It's “mind-boggling,” he said, that the city wants to add stores and thousands more residents when “we haven't recovered from the problems Crossroads (shopping center) caused when it was initially built.”

Modesto leaders for years have criticized

Riverbank for not doing enough to address traffic problems generated by drivers shopping at Crossroads, which Riverbank hopes will expand to the west side of Oakdale Road.

“The process failed us last time. I’d like not to see that happen again,” said Brad Hawn, a former Modesto councilman who now represents the public as a LAFCO commissioner.

23,485 Riverbank’s population

49,834 Potential population, under growth vision

Modesto officials additionally said Riverbank’s environmental analysis is inadequate because it was done seven years ago and much has changed since then. Modesto also is wary of Riverbank’s request to label land between the cities as an “area of concern.”

Others praised Riverbank for pursuing an orderly approach to growth. Other cities in recent years have sought permission for sphere of influence expansion and annexation at the same time.

“

“Annexation will not happen overnight,” Riverbank Mayor Richard O’Brien said. “To

control (our) destiny is what the city of Riverbank wants.”

O’Brien said in-depth environmental studies would accompany annexation requests. That made sense to county Supervisor Terry Withrow, but his motion specified that Riverbank must try working things out with Modesto and Consolidated Fire, which is concerned about having enough money to provide fire protection for more people and stores.

Joining Withrow in the unanimous vote were commissioners Amy Bublak, a Turlock councilwoman; Waterford Mayor Mike Van Winkle; Hawn; and DeMartini.

LAFCO’s July 27 meeting will start at 6 p.m. in the basement chamber at Tenth Street Place, 1010 10th St., Modesto.

Garth Stapley: 209-578-2390



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Ryan Privee ·

Works at Ebay and other

The traffic is bad around that Crossroads Shopping Center...Roselle/Claribel in particular

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LOCAL NEWS | SHASTA COUNTY, CALIFORNIA

Grand jury report criticizes Shasta LAFCO



By *Nathan Solis* of the *Redding Record Searchlight*

Posted: **May 29, 2016**

The most recent Shasta County report grand jury report slams the operations of LAFCO over past failures to meet deadlines and poorly managed staffing.

The report, subtitled No Laughing Matter, recognizes the Local Agency Formation Commission as an independent watchdog agency that overlooks city and special district boundaries. But

the report also said difficulties with past officers in the agency have led to lawsuits and complaints filed with the California Labor Board.

The last several years have been tumultuous for the agency, with a change in its staffing roster, a marathon blitz to complete mandatory studies and a lack of oversight for its staff.

From 2001 to 2012 the agency did not complete any of its mandatory reviews of special districts or municipal services in the county. The reviews require updating every five years for each entity, which includes sewer, water and fire districts.



LAFCO staff raced to complete about 50 reviews and finished early last year, summarized the report.

Completing the special district reviews depleted the LAFCO budget, requiring the agency to reduce staff and business hours.

The grand jury report said this reduction in hours shows the agency "is not fulfilling its purposes and programs. This is evidenced by frustrations voiced by City of Anderson staff in dealing with Shasta LAFCO during its recent land annexation" and the grand jury also ran into delays when it requested documents.

Current Executive Office George Williamson, who took the position earlier this year as a consultant, said many of the issues

raised in the report are in the process of being addressed by the agency and its staff.

Observations and recommendations from the grand jury report will be considered and the report will be addressed at a regular meeting on Thursday.

Other recommendations from the report include a review of the executive officer's performance and a revision of the budget to bring back staffing levels so the agency can resume normal businesses hours.

Also, the agency could establish a fee to charge for review updates. The agency could also revise its fee schedule, which has not been updated since 2013, according to the report.

In April commissioners with LAFCO approved a fiscal budget that projects a remaining balance of \$24,000 in the next two fiscal years. That money is expected to go back into its services.

"Shasta LAFCO appreciates the role of the grand jury in reviewing and making recommendations on local government matters, including the operations of this agency," said Williamson in an email.



About Nathan Solis

Multimedia reporter Nathan Solis has been telling stories through articles and photographs for 9 years as both a freelance writer and beat reporter in Los Angeles. Most recently he has relocated to Northern California where he reports on county issues for the Record Searchlight/Redding.com. He engages the general Shasta County community through social media, video, photographs and articles.

[f Facebook](#) [@njsolis_rs](#) nathan.solis@redding...

[530-225-8238](tel:530-225-8238)