



NOTICE AND AGENDA FOR REGULAR MEETING

DATE/TIME: Wednesday, October 12, 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.

OCTOBER 12, 2016 CONTRA COSTA LAFCO AGENDA

1. Call to Order and Pledge of Allegiance
2. Roll Call
3. Adoption of Agenda
4. Public Comment Period (please observe a three-minute time limit):
Members of the public are invited to address the Commission regarding any item that is not scheduled for discussion as part of this Agenda. No action will be taken by the Commission at this meeting as a result of items presented at this time.
5. Approval of Minutes for the September 14, 2016 regular LAFCO meeting

SPHERE OF INFLUENCE (SOI)/BOUNDARY CHANGES

6. ***LAFCO 16-02 – Reorganization: Detachments from the Byron Bethany Irrigation District (BBID) and Town of Discovery Bay Community Services District (TODBCSD)*** - On August 10, 2016, the Commission approved a detachment from BBID of 480± acres (numerous parcels) excluding Assessor Parcel Numbers (APNs) 011-190-044/-045, and detachment of the same two parcels from the TODBCSD subject to a protest hearing. On October 12, 2016, the Commission will receive the results of the protest hearing, which was held on September 23, 2016.
7. ***LAFCO 16-08 – West County Wastewater District (WCWD) Annexation 315*** – consider a proposed annexation to WCWD of 1.0± acre (APN 433-020-022) located at 6200 Hillside Drive in unincorporated El Sobrante; and consider related actions under the California Environmental Quality Act (CEQA) ***Public Hearing***
8. ***LAFCO 16-10 – Dougherty Valley Annexation #17 to the City of San Ramon and Detachment from County Service (CSA) Area P-6*** – consider reorganization proposal of 43.97± acres (numerous parcels) located south of Ivy Leaf Springs Road in the Dougherty Valley Specific Plan area; and consider related actions under CEQA ***Public Hearing***

MUNICIPAL SERVICE REVIEWS (MSRs)/SOI UPDATES

9. ***Fire and Emergency Medical Services MSR/SOI Updates (2nd Round)*** – consider updating the SOIs for CSA EM-1, Contra Costa County Fire Protection District, Crockett Carquinez Fire Protection District, East Contra Costa Fire Protection District, Kensington Fire Protection District, Moraga Orinda Fire District, Rodeo Hercules Fire District and San Ramon Valley Fire Protection District; and consider related actions under CEQA ***Public Hearing***

BUSINESS ITEMS

10. ***Request to Transfer Jurisdiction from Alameda LAFCO to Contra Costa LAFCO*** – consider assuming jurisdiction and authorizing 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
11. ***FY 2016-17 First Quarter Budget***– receive the first quarter budget report for FY 2016-17
12. ***2016 GASB45 Alternative Measurement Method (AMM) Report*** – receive 2016 AMM report
13. ***2017 LAFCO Meeting Schedule*** – consider approving the 2017 LAFCO meeting schedule

CORRESPONDENCE

14. Correspondence from Contra Costa County Employees' Retirement Association (CCCERA)
15. SDRMA Special Acknowledgement Awards 2015-16

INFORMATIONAL ITEMS

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

ADJOURNMENT

Next regular LAFCO meeting – November 9, 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

September 14, 2016

Board of Supervisors Chambers
Martinez, CA

October 12, 2016
Agenda Item 5

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

County Members Federal Glover and Mary Piepho and Alternate Candace Andersen (arrived 1:32pm).

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

City Members Rob Schroder and Don Tatzin.

Public Members Don Blubaugh and Alternate Sharon Burke.

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

4. Approval of the Agenda

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

AYES: Blubaugh, Glover, McGill, Piepho, Schroder, Skaredoff, Tatzin
NOES: none
ABSENT: none
ABSTAIN: none

5. Public Comments

There were no public comments.

6. Approval of August 10, 2016 Meeting Minutes

Upon motion of Schroder, second by Blubaugh, the minutes were unanimously approved by a vote of 7-0.

AYES: Blubaugh, Glover, McGill, Piepho, Schroder, Skaredoff, Tatzin
NOES: none
ABSENT: none
ABSTAIN: none

7. LAFCO 13-08 - Northeast Antioch

The Executive Officer noted that this item was continued from the June 8, 2016 LAFCO meeting due to continuing unresolved issues, including: land use and zoning designations, and needed updates to the City's General Plan to address industrial uses as requested by owners of the larger properties; a City/County cure to the faulty storm drain infrastructure; and City outreach and education to the property owners and members of the Sportsmen Yacht Club.

Since the June LAFCO meeting, there have been meetings among City, County and LAFCO staff to discuss the pipeline and a repair strategy. To date, this issue has not been resolved. Staff recommends a LAFCO condition that acknowledges the County's responsibility for the pipeline, and urges the City and County to continue to work together on future repair obligations. Staff

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also commented on continued opposition by affected landowners and registered voters, and on concerns regarding the registered voter list.

City staff indicates that Antioch's General Plan update should be completed by the end of the year. New letters have been received from Kiewit and Vortex, both large industrial property owners in this area, expressing concern that the City has still not indicated that the General Plan will include heavy industrial zoning for that area. Further, Sportsmen Yacht Club members continue to oppose the annexation.

Commissioner Glover acknowledged that this is a very difficult issue, and that the pipeline problem is a longstanding one.

Following Commissioners' questions and comments about the status of registered voters in Area 2A, the public hearing was reopened.

Forrest Ebbs, Antioch Community Development Director, thanked LAFCO for the time it has spent on this proposal, and stated that the City can support annexation at this time. Regarding the General Plan and zoning of Area 2A, the City intends to maintain industrial uses of the area.

Marina Faconti, resident, expressed her objection to the annexation.

Carl Rasmusson and **Darlene Moore**, both with **Sportsmen Yacht Club** and opposed, chose to not speak.

William Moore, with Sportsmen Yacht Club, stated his opposition to the annexation.

Clark Dawson noted that the storm drain pipeline has been repaired twice in the past few months, creating difficulty in accessing the Sportsmen Yacht Club, and stated that everyone is against this annexation.

Blaise Fettig, with **Vortex Marine Construction**, stated that his company continues to oppose the annexation because of zoning concerns. Further, the requirement to hook up to sewer would cost his company about \$600,000; and he feels it is imperative that the pipeline be permanently fixed.

Darlene Dawson, with **Sportsmen Yacht Club**, expressed her opposition and reiterated that everyone is opposed to annexing Area 2A.

Mike Carlson, with **County Public Works and Flood Control**, provided background on the storm drain pipeline, which has had problems since its installation. He acknowledged that it must be repaired, but because the pipe only serves Antioch territory, he feels the repair costs should be covered by the City of Antioch. In response to a question about whether it matters which agency holds responsibility for the pipeline, Mr. Carlson stated that it simply does not serve the County; it only serves the City. Commissioner Piepho pointed out that for the County to repair a pipeline that serves only City property, it could be seen as a gift of public funds.

Further discussion ensued among Commissioners, Mr. Carlson, Mr. Ebbs, and Tim Jensen, also with County Flood Control, regarding the cost of repairs (about \$2 million) or of full pipeline replacement (about \$4 million), and the lack of any source for funding either of these options. All agreed it is an unusual situation. Commissioner Glover reiterated his concern that it is important that the County not be held responsible, and he feels that this was part of the original agreement between the County and the City. However, this is not something over which LAFCO itself has any jurisdiction. While there is an incentive for the City to resolve this issue, it is not connected to the LAFCO action.

Forrest Ebbs, Antioch Community Development Director, spoke regarding the industrial zoning issue, and stated that the City will go on record as being willing to maintain the County's industrial zoning for the area should Commissioners approve the annexation.

The public hearing was closed and discussion returned to the Commissioners. Staff responded to the Commissioners' request that a condition regarding the City's indication that it will maintain the industrial zoning of the area will be added, and that the wording of a condition regarding the County's responsibility for the storm drain pipeline will be modified by asking Legal Counsel to weigh in.

Legal Counsel Sharon Anderson recapped the pipeline issue and the lack of leverage LAFCO has at this point as compared to the time when Area 1 was being considered for an Out of Agency Service approval. She felt that one option would be for LAFCO to form a committee to work with the City and County on the pipeline issue and ensure it is not forgotten, but to say that annexation is going to be conditioned on an agreement likely won't work. Commissioner Glover reminded all that resolution of the sewer issues with the NE Antioch Area 1 was achieved with the help and guidance of LAFCO.

Commissioners discussed possible options and roadblocks to LAFCO's role in helping to resolve the pipeline issue, including sources of funding, restrictions on LAFCO's guiding land use decisions, jurisdictional problems, County Flood Control responsibilities and city follow-up, and stormwater runoff mitigation.

Forrest Ebbs, Antioch Community Development Director, responded to Commissioner comments and noted that inquiries/complaints from the community regarding the pipeline will likely come to the City, should the area be annexed.

Ron Bernal, Antioch City Engineer and Assistant City Manager, at the invitation of Commissioner McGill, stated that the initial drainage fees were approved by the County Board of Supervisors. He's concerned about using capital improvement fees (those drainage fees) for maintenance. That is the underlying problem, and it would be up to attorneys to determine if the drainage fees could be used for maintenance. To add another three million dollars to the City's responsibility for a storm drain would be infeasible, especially considering that the City is still trying to cover the shortfall from the other two annexed areas for the sewer system.

Mr. Carlson also spoke further about engineering details regarding storm drains and large and normal rain events.

Following further technical questions and discussion, Commissioners agreed that this is a very important issue, but it does not have a bearing on whether LAFCO approves or does not approve the reorganization. However, this may provide an incentive for the City (as well as the County) to find a solution, whatever it is, and LAFCO's action forces forward movement on resolution of the storm drain issue. Commissioner Glover reiterated his desire to continue this item while directing all parties, including LAFCO, to participate in further discussions before action is taken.

Commissioner Tatzin asked what happens if LAFCO approves this item, and the protest proceeding ultimately defeats the annexation. Staff responded that in that case the area will continue to be an unincorporated island and the County will continue to serve the area.

Upon motion of Blubaugh, second by Schroder, Commissioners, by a 5-2 vote, found that it has reviewed and considered the information contained in the CEQA documentation; approved the proposal to be known as Northeast Antioch Reorganization (Area 2A): Annexations to the City of Antioch and Delta Diablo Zone 3 and Detachment from CSA P-6, with specified conditions, including that the City of Antioch will retain marina and industrial land use designations as is currently in effect today; that LAFCO will form a subcommittee to help facilitate an agreement

between the City of Antioch and the County to find a solution to the storm drain problem; determined that the territory being annexed is liable for the continuation of taxes, assessments and charges; found that the subject territory is inhabited, has less than 100% consent, is subject to a protest hearing; and authorized staff to conduct the protest proceedings.

AYES: Blubaugh, McGill, Piepho, Schroder, Skaredoff
NOES: Glover, Tatzin
ABSENT: none
ABSTAIN: none

Commissioner McGill volunteered to serve on the subcommittee.

8. LAFCO 16-05 - Montreux Residential Subdivision Boundary Reorganization: Annexations to the City of Pittsburg, Contra Costa Water District (CCWD), and Delta Diablo Zone 2 (DD) and Detachment from County Service Area P-6

The Executive Officer provided some brief background on this item, and reported that the City of Pittsburg staff and the developers had requested a continuation of this item due to ongoing discussions over the proposed LAFCO conditions regarding the preservation of open space and future funding of fire and emergency medical services. All communications received to date have been and will be provided to the public. Because there have been requests to speak, staff asked that the public hearing be opened.

The public hearing was opened.

Juan Pablo Galván, of Save Mount Diablo, asked if this would be his only chance to speak or if he could speak when this item is returned to the Commission. When assured that he will have an opportunity to speak at that time, he declined to say anything further.

The Chair continued the public hearing.

Commissioner Tatzin noted that 43± acres are proposed for preservation, and asked why not the full 77 acres? . Staff responded that the proposed condition is similar to the City's condition.

Chief Jeff Carman, Contra Costa County Fire Protection District, spoke to the issue of future funding for fire and emergency medical services. Their budget is already tight in the Pittsburg-Antioch region, and it would be irresponsible of him not to bring up the issue of future funding in new development areas. While the City has offered a certain new development fee, he has begun a study on what would be most feasible. He supported continuation of the item.

Upon motion by Tatzin, second by Glover, Commissioners, by a 7-0 vote, continued this proposal to the regular LAFCO meeting on November 9, 2016.

AYES: Blubaugh, Glover, McGill, Piepho, Schroder, Skaredoff, Tatzin
NOES: none
ABSENT: none
ABSTAIN: none

9. Agricultural and Open Space Preservation Policy (AOSPP)

Commissioner Tatzin presented two versions of the AOSPP as requested by the Commission. The revised Version 1, which asks the applicant to propose mitigation of loss of agricultural or open space lands, is similar to the version presented in July but incorporates suggestions and clarifications from that meeting. Specifically: Policy 5 was revised to accommodate the development community; clarification was made regarding land use inventory and buffers; expanded language regarding comparable mitigation and timing of that; considered requests that the "Observations" be removed but decided against that as they provide valuable ideas and

perspective; and confirmed that the LAFCO AOSPP does not change its policy relating to urban growth boundaries.

Version 2 is new and would require mitigation of the loss of agricultural and open space lands, and reflects Commissioners' and interested parties' prior comments and direction. It was presented with changes tracked to show its difference from Version 1.

Finally, a Frequently Asked Questions (FAQ) document was created to provide further clarification on key issues.

The biggest changes occur in Version 2 where the subcommittee lays out a proposal for mitigation options: Point 1 speaks to mitigation measure ratios; Point 2 provides language regarding buffer areas; Point 3 supports a Right to Farm agreement (already in place in Contra Costa County); Point 4 allows credit for complying with other mitigation requirements; and Point 5 provides alternatives that applicants can pursue.

In response to the Chair's question about this policy's exemption from CEQA, Legal Counsel stated that she doesn't believe that this is a project, as it does not mandate any specific mitigation measures. It provides guidance for Commissioners and for developers as to how LAFCO will view a project that has an impact on agricultural and open space land. Each project will be considered on a case by case basis. If this policy were to go further and have mandatory measures, then the CEQA implications would have to be considered. The use of the word "should" rather than "shall" indicates these measures are not mandatory requirements.

Staff added that the committee looked at 18 LAFCO policies throughout California. Of the most strict policies, only one, Santa Clara LAFCO, prepared an Initial Study and a Negative Declaration, and the rest found their policies exempt.

The Chair opened the floor to public comments.

Gretchen Logue, Pleasanton resident, spoke in support of a strong AOSPP in light of increasing environmental challenges.

Lesley Hunt, Friends of the Creeks, spoke in support of Version 2 of the AOSPP, suggested more detail on mitigation, pointed out that there is still a lot of ranch land in the central and western parts of the county (which is valuable as open space), and argued for the importance of agriculture to human existence.

Kathryn Lyddan, Brentwood Agricultural Land Trust, pointed out that we have state and federal protections for many species and habitats, but no protection for the land that feeds our own species. Contra Costa agriculture contributes \$120 million to the economy of this county. Her organization supports a strong mandate for mitigation, as the Brentwood area is very threatened by growth.

Linus Eukel, John Muir Land Trust, appreciates and prefers Version 2, as it provides clear guidance and will allow qualified projects to move forward in a predictable and consistent fashion. It is better aligned with advanced mitigation measures in this county and elsewhere.

Juan Pablo Galván, Save Mount Diablo, supports Version 2, agrees that this policy in no way is subject to CEQA, and urges mitigation of at least 1:1.

Joel Devalcourt, Greenbelt Alliance, believes that Version 2 is the right direction; it provides clarity, purpose, and ensures consistency for applicants as well as balancing the needs LAFCO is responsible for. Contra Costa County needs LAFCO's leadership in smart and orderly growth. The appropriate standard is to apply required mitigation, which provides the applicant with a degree of certainty and slows the loss of farm, range, and open space lands. Greenbelt Alliance

recommends 3:1 for prime agriculture mitigation, 2:1 for non-prime ag and open space, and encourages further refinement and public discussion of the policy.

At 3:25 p.m., Chair Mary Piepho left the dais, Alternate Candace Andersen took her place, and Vice Chair Don Blubaugh continued the meeting.

Kristina Lawson, Manatt, Phelps & Phillips, noted that their concerns, expressed in writing numerous times, seem to remain unaddressed. She stressed that they are still very concerned about the CEQA issue, and believe that this policy is similar to projects in that it is intended to influence LAFCO decisions and applicants. She urged Commissioners to do further research into other LAFCOs that have determined that such a policy is subject to CEQA.

Bobby Glover, Building Industry Association of the Bay Area, stated that his organization also believes that Version 2 would constitute a project under CEQA. They would propose some language at the beginning explaining the purpose of the policy regarding local government land use policy; and a small wording change to Policy 5.

Commissioner Tatzin requested that Mr. Glover send his comments and suggested edits to the LAFCO Executive Officer so that the subcommittee can review them.

Louis Parsons, Discovery Builders, noted that this policy could be problematic when a reorganization is being considered by the Commissioners—for instance, if a project has gone through an environmental review process with the local land use agency and have identified mitigation measures regarding ag land, what would happen if LAFCO determined the mitigation measures were inadequate? It would seem that LAFCO is regulating land use in this case. He believes this policy does constitute a project under CEQA, and it is imperative that existing land use, general plans, and urban limit lines are honored. When questioned by Commissioner McGill, Mr. Parsons stated that he considers both versions of the policy a project under CEQA.

Marilynne Mellander, El Sobrante resident, stated her concern about the rise of GMO (genetically modified) corn and other products in this area. Therefore, any policy like this should have environmental review.

Chad Godoy, Contra Costa County Agricultural Commissioner, noted his preference for Version 2; he believes the mitigation measures are a good starting point, but they may need to rise in the future depending on how threatened ag land might become. He believes that preservation of ag land could reach the tipping point in 5-10 years, and that 4:1 or 5:1 mitigation may be needed. The County Agriculture Department can stand behind LAFCO's policy.

Vice Chair Blubaugh brought discussion back to the Commissioners.

Commissioner Andersen thanked the subcommittee and the speakers for the time they have put into this policy. However, she is concerned about anything that might impair the ability of local agencies to determine their own land use. While the current LAFCO is composed of reasonable Commissioners, she worries that such a policy might become a tool to interfere with local land use. Her preference is for Version 1, which she feels is less vulnerable to CEQA challenges. She also would like LAFCO to look at expanded out of agency service to provide water to farmers and ranchers outside the ULL strictly for ag purposes.

Commissioner Glover also expressed his concern with ensuring that LAFCO is on solid footing with CEQA. He also asked if the subcommittee should go back out to everyone they've met with before to see if their comments have been adequately applied.

Commissioner Tatzin responded that whatever direction the Commissioners send them in, they will look at the comments received and make appropriate modifications. What would be helpful to the subcommittee is a sense of whether they're leaning more toward Version 1 or Version 2.

Commissioner McGill reported that he has had meetings with a number of folks, and he toured East Contra Costa County, which was very useful. He leans toward Version 1, and likes Bobby Glover's suggestions. He is concerned about two areas—Brentwood and Oakley; have they really completed the planning they need to have complete cities? He believes the other cities in the County are pretty firm in their footprints, but these two cities may need further planning.

Commissioner Schroder also preferred Version 1, as he wants to ensure local control over land use. He asked if other LAFCOs have had their non-CEQA policies challenged.

Commissioner Skaredoff indicated his preference for Version 2, as it has more comprehensive and definitive parameters. He felt the Observations were very helpful in clarifying intent, something he believes his fellow Commissioners basically agree on. He encouraged further edits to Version 2 in light of the new comments. The biggest issue separating preference for Version 1 over Version 2 seems to be the CEQA question; he agrees that even the stronger Version 2 is not a project as they are defined by CEQA.

When Commissioner Andersen responded that she still believes that LAFCO is stepping into local planners' shoes with mitigation requirements, Commissioner Skaredoff noted that science-based impact analysis, as suggested by one of the commenters, would leave local jurisdictions open to access expertise and science to help determine appropriate mitigation measures and ratios.

Commissioner Blubaugh noted that he began this process favoring extreme flexibility, but he has begun to shift his opinion. Agriculture and open space is of countywide significance and sometimes goes beyond local jurisdictions. In his years of working at the city level with developers, he has learned that they want specific direction. And while developers may not want a policy at all, he believes that the more specific the policy can be, as long as LAFCO doesn't run afoul of CEQA, is the way to go. He would prefer some version of Version 2. He then asked Commissioners who had not yet weighed in to do so.

Commissioner Caldwell voiced his preference for Version 2, with changes as suggested by Commissioner Skaredoff.

Commissioner Burke echoed Commissioner Blubaugh's comments, including that she too has come around to favoring Version 2. She recognizes that this is not just a local jurisdiction issue, and she believes that they have crafted something that will work for all parties.

Commissioner Glover noted that his biggest concern is CEQA and maintaining local control, but would like to see the subcommittee go back to Version 1 and incorporate today's comments.

Commissioner Tatzin stated that as he sees the Cortese-Knox-Hertzberg law, this LAFCO's Version 1 and Version 2 represent different points on a continuum—all of which can get LAFCO to the same place. To what extent do the Commissioners wish to provide some level of assurance and predictability to applicants? There is flexibility in each version. He suggested that the committee work on both versions again in light of today's comments, and that staff further research the CEQA issues. He suggested that the Commission give the committee another two months.

Upon motion by Tatzin, second by Glover, Commissioners, by a 7-0 vote, continued this item to the November 9 LAFCO meeting.

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

10. West Contra Costa Healthcare District (WCCHD) Special Study

The Executive Officer provided brief background on this study, which evaluates a range of governance options for the District including consolidation, reorganization and dissolution. Some options would enable the continuation of property and possibly other taxes to fund healthcare purposes in the community; while other options provide for dissolving WCCHD and naming a successor agency to wind-up the affairs of the District. The Public Review Draft Special Study was released last month, and the 30-day public comment period will end on Sept 23, 2016.

Richard Berkson of Berkson Associates, who conducted the study, gave a presentation of findings and options regarding WCCHD, which includes 250,000 residents in its boundary, and which has had financial problems since the 1990s due to increasing costs, declining reimbursements, and growing service demand from low-income populations, the uninsured and the underinsured. While the District emerged from bankruptcy in 2006, it never regained solvency and it closed Doctors Medical Center in 2015, leaving West Contra Costa County with only 27 emergency stations, all at Kaiser Richmond.

Currently the District is disposing of its assets, selling the hospital building, and for the next 10-12 years will repay its debt obligations from the \$8-10 million received in property and parcel taxes. No revenues will be available for health-related uses in that time. Ongoing expenditures include payments toward Certificates of Participation (COPs), County advances, pension liabilities, elections, records maintenance, and minimal staff to administer these obligations. Once the current obligations are repaid, if the District continues it will have, at a minimum, over \$4 million available for health purposes.

Governance options that were explored were: consolidation with Los Medanos Community Health Care District (that district is not interested); reorganization as a subsidiary district (not feasible due to reduced revenues and service area if made subsidiary of the City of Richmond); consolidation with County Service Area EMS-1 (initial discussions with County staff and officials indicated lack of interest); reorganization with a newly created County Service Area (a complex process ultimately requiring, among other things, the consent of five cities and a district-wide election); special legislation sought by either the District or the County; dissolution of the District (this would eliminate the District and potentially redistribute property taxes to other entities, also eliminating future use of WCCHD revenues for health purposes). He noted that new legislation passed this year, AB 2910, allows dissolution of a healthcare district without an election under certain conditions.

Commissioner Blubaugh asked Mr. Berkson about the parcel tax—what is its authority, and how long does it last? Mr. Berkson responded that this was approved in 2004, is a fixed-per-parcel tax, and extends for 30 years. As the COPs are paid off, there is some question about whether the parcel tax can legally continue to be used for other purposes; the language in the ballot measure is open to interpretation. There was also a second parcel tax that ended once Doctors' Medical Center closed. In response to further questioning, Mr. Berkson noted that the sale of physical assets doesn't affect the parcel tax; also, certified financial documents are not yet ready (which made his study more difficult); the District expects them to be completed by December 31, 2016.

In response to Commissioner Tatzin's question about when Richmond would become the successor agency if LAFCO dissolved the District, the Executive Officer responded that such a role would be determined by LAFCO. The job of successor agency would be to wind down the affairs of the District, and that would take 10-12 years.

Commissioner Skaredoff noted that a letter from Contra Costa Health Service's Director, Dr. Walker, mentioned the disparity of emergency beds around the county. Do any of the options facing WCCHD provide a path to addressing that disparity? Mr. Berkson responded that any of

the options that continue to collect health care taxes to provide health care services could help accomplish that task.

Commissioner Blubaugh asked where the tax monies would go if dissolution were to occur. Mr. Berkson noted that the parcel taxes are being handled by a fiscal agent, so the District is not seeing any of those monies, and the property tax and its disposition is handled by the county.

Vice Chair Blubaugh opened the floor to public speakers.

Marilynne Mellander, El Sobrante resident, urged Commissioners to dissolve the District, and noted that taxpayers were not included in the study. The WCCHD board meetings are difficult to find. There is no reason to collect taxes after the debt is paid off; they should be eliminated, and there should be no efforts to continue this district in any form.

Sonia Bustamante, Supervisor John Gioia's Chief of Staff, read the Supervisor's letter noting the critical shortage of emergency room beds in West Contra Costa (27 for a population of 254,800) and stressing the vital need for maintaining the existing tax revenues for health care needs in West Contra Costa County. Health care districts are authorized to do much more than run a hospital, and once WCCHD's debt is paid off, the tax revenues will be able to provide much needed services in the form of primary care, urgent care, or emergency care.

Patricia Frost, CCHS Emergency Medical Services Director, stated that CCHS has been intimately involved in all efforts to keep WCCHD viable and provide medical services to West Contra Costa. CCHS is very much in favor of any solution that will preserve funding for health care services. The substantial loss of medical specialty services can be served by other levels of service, as evidenced by the partnership with LifeLong.

Gabino Arredando, representing Richmond City Manager's office, thanked LAFCO for its draft study and stated that the City Manager will be sending a letter before the comment deadline.

Wendy Lack is interested in further examination of the full range of options. She is concerned at the idea that the City of Richmond, in its ongoing fiscal crisis, should be appointed to take on the additional responsibility of serving as the agent to wind down the affairs of the District if it were to be dissolved.

During this comment period, Commissioner Glover departed.

With no further public comments, Vice Chair Blubaugh returned the discussion to Commissioners.

Commissioner Andersen supported Supervisor Gioia's comments. She does not want to see WCCHD dissolved, and would perhaps support the creation of a County Service Area or some entity that would enable the continued use of those tax revenues for health care services. Further, she supports repayment of the District's debt, the potential for the district to avoid election costs, but that the County Board of Supervisors need not assume the role of District board.

Commissioner Andersen departed at 4:25.

Commissioner Tatzin referenced a letter received during the meeting from Eric Zell, WCCHD Board member, stating that he agrees with the objectives that Mr. Zell has outlined (assuring that the COPs and the District's debt to the County are paid off in the required timeframes; maximizing the opportunity to keep existing tax revenues to address the growing health care needs of West Contra Costa; minimizing or eliminating any ongoing operational expenses of the District including costs of elections; and assuring the competent governance for the future oversight of District activities).

Other Commissioners agreed with all that has been said, including the need to keep future WCCHD tax revenues, both the parcel tax and the property tax, for health care in West Contra Costa. The needs are demonstrable and urgent.

11. Compliance with Enterprise System Catalog (SB 272)

The Executive Officer reported that in accordance with SB 272, Contra Costa LAFCO has created a catalog of “enterprise systems” which is posted on LAFCO’s website.

Upon motion of Tatzin, second by McGill, Commissioners, by a 5-0 vote, received the report.

AYES: Blubaugh, McGill, Schroder, Skaredoff, Tatzin

NOES: none

ABSENT: Glover (M), Piepho (M)

ABSTAIN: none

12. CALAFCO Legislative Update

The Executive Officer reported that the 2015-16 Legislative session ended on August 31, 2016, which was the last day for bills to pass to the Governor. September 30, 2016 is the last day for the Governor to sign/veto bills passed by the Legislature. A status report on the various CALAFCO sponsored bills and other bills of interest to LAFCOs was included in Commissioners’ agenda packet. LAFCO staff will provide a final legislative report following the September 30th deadline. Also provided was a brief update on the Little Hoover Commission activities.

13. Correspondence from CCCERA

There were no comments on this item.

14. Commissioner Comments and Announcements

Commissioners had no announcements to make.

15. Staff Announcements

The Executive Officer reminded Commissioners of the upcoming CALAFCO Annual Conference in October.

The meeting adjourned at 4:31 p.m.

Final Minutes Approved by the Commission October 12, 2016.

AYES:

NOES:

ABSTAIN:

ABSENT:

By _____
Executive Officer



Lou Ann Teixeira
Executive Officer

MEMBERS

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

ALTERNATE MEMBERS

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

October 12, 2016
 Agenda Item 6

October 12, 2016 (Agenda)

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

Results of Protest Hearing

Reorganization: Detachments from the Byron Bethany Irrigation District (BBID) and the Town of Discovery Bay Community Services District (TODBCSD)

Dear Commissioners:

At a public hearing on August 10, 2016, the Commission approved a boundary reorganization including the detachment of numerous parcels (480± acres) from BBID and detachment of two parcels from TODBCSD (APNs 011-190-044/-045), subject to a protest hearing. The subject area is located in two separate areas in the unincorporated Discovery Bay area (west). The purpose of the boundary reorganization is to correct a boundary overlap among the two districts.

In accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, LAFCO is the agency to conduct the protest hearing. The purpose of the protest hearing is to receive written protests from affected landowners/registered voters regarding the proposal and determine whether a majority protest exists. With regard to this reorganization, which is inhabited (i.e., contains 12 or more registered voters), the Commission shall take one of the following actions:

- **Order the reorganization** if written protests have been filed by less than 25% of registered voters or landowners owning less than 25% of the assessed value of land within the subject area; or
- **Order the reorganization subject to an election** if at least 25% but less than 50% of voters, or at least 25% of landowners owning 25% or more of the assessed value of land protest; or
- **Terminate the proceedings** if written protests have been filed by a majority of voters in the subject area.

The protest hearing was properly noticed and held on Friday, September 23, 2016, at 11:00 am in the LAFCO office located at 651 Pine Street, 6th Floor in Martinez. The hearing was conducted

by the LAFCO Executive Officer, who is delegated the authority to conduct the protest hearing on behalf of the Commission. There was one attendee at the protest hearing – Tomi Riley, Chief of Staff, Supervisor Mary N. Piepho, District III. No protests were filed; thus the reorganization is ordered.

RECOMMENDATION - Receive the results of the protest hearing, order the reorganization, and direct staff to execute the determination (attached).

Sincerely,

Lou Ann Texeira
Executive Officer

c: Distribution List

Attached – LAFCO Determination Ordering the Reorganization

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

DETERMINATION OF THE EXECUTIVE OFFICER OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION FINDING THERE ARE INSUFFICIENT WRITTEN PROTESTS TO TERMINATE THE PROCEEDINGS OR ORDER THE REORGANIZATION SUBJECT TO AN ELECTION RELATING TO REORGANIZATION: DETACHMENTS FROM THE BYRON BETHANY IRRIGATION DISTRICT AND TOWN OF DISCOVERY BAY COMMUNITY SERVICES DISTRICT (LAFCO 16-02)

1. This action is taken pursuant to the Cortese Knox Hertzberg Local Government Reorganization Act (Government Code §56000 et seq.) and policies of the Contra Costa Local Agency Formation Commission (hereafter Commission).

2. Proceedings for *Reorganization: Detachments from Byron Bethany Irrigation District (BBID) and Town of Discovery Bay Community Services District (TODBCSD)* were initiated by Contra Costa County and filed with the Executive Officer of Contra Costa LAFCO in January 2016, proposing detachment of 480+ acres (numerous parcels) from BBID. In conjunction with this proposal, BBID requested that LAFCO exclude two BBID owned parcels [Assessor Parcel Numbers (APNs) 011-190-044 and -045] from the proposed detachment, and detach these same two parcels from the TODBC.

3. The purpose of the reorganization is to correct a boundary overlap between BBID and the TODBCSD.

4. On August 10, 2016, the Commission adopted Resolution No. 16-02, making determinations and approving the proposal subject to certain conditions. A true copy of said Resolution is attached hereto and incorporated by this reference, containing the terms and conditions of the Commission's approval of this proposal.

5. Acting on delegated authority from the Commission, as Executive Officer, on September 23, 2016, I conducted a properly noticed public hearing to receive protests filed against the reorganization and, following conclusion of the hearing, found that zero voters and zero landowners (owning less than 25 percent of the assessed value of land) within the subject area filed written protests against the proposal.

6. Finding there are insufficient protests to terminate the proceedings or order the reorganization subject to an election, Contra Costa LAFCO hereby orders the reorganization (LAFCO 16-02) subject to the terms and conditions contained within the Commission's resolution of approval.

This order is made on and is effective from September 23, 2016.

Lou Ann Texeira, Executive Officer
Contra Costa Local Agency Formation Commission

RESOLUTION NO. 16-02

RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS AND APPROVING DETACHMENTS FROM
THE BYRON BETHANY IRRIGATION DISTRICT AND THE TOWN OF DISCOVERY BAY
COMMUNITY SERVICES DISTRICT

WHEREAS, a proposal submitted by Contra Costa County to detach two areas from the Byron Bethany Irrigation District (BBID) was filed with Executive Officer of the Contra Costa Local Agency Formation Commission (LAFCO) pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Government Code section 56000 et seq.); and

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

WHEREAS, subsequently, BBID requested that LAFCO exclude two BBID owned parcels [Assessor Parcel Numbers (APNs) 011-190-044 and -045] from the proposed detachment, and detach these same two parcels from the TODBCSD; and

WHEREAS, the exclusion of APNs 011-190-044 and -045 from the proposed detachment will be beneficial to BBID, and the detachment of these same two parcels from the TODBCSD will avoid another overlap in service boundaries; and

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

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

WHEREAS, at a public hearing held on July 13, 2016, and continued to August 10, 2016, the Commission heard, discussed and considered all oral and written testimony related to the proposal including, but not limited to, the Executive Officer's report and recommendation, the environmental document or determination, provision of services, and related factors and information including those contained in Gov. Code §56668; and

WHEREAS, the proposed detachment from BBID will correct a boundary overlap between BBID and the Town of Discovery Bay Community Services District (TODBCSD) as discussed in LAFCO's 2014 Countywide *Water/Wastewater Municipal Services Review*; and

WHEREAS, LAFCO finds the proposal, as amended per BBID's request, to be in the best interest of the affected areas and the total organization of local governmental agencies within Contra Costa County.

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

1. The proposal is exempt from CEQA pursuant to sections 15061(b)(3).
2. Said detachment is hereby approved as amended to include the exclusion of APNs 011-190-044 and -045 from the BBID detachment, and the detachment of these two parcels from the TODBCSD, as requested by BBID.
3. The subject proposal is assigned the distinctive short-form designation:

**Detachment from the Byron Bethany Irrigation District and Detachment from the
Town of Discovery Bay Community Services District**

Contra Costa LAFCO
Resolution No. 16-02

4. Said territory is found to be inhabited and LAFCO has received objections from affected landowners/voters; thus, a protest hearing is required.
5. The boundaries of the affected territory are found to be definite and certain as depicted in Attachment 1, attached hereto and made a part hereof. Final approval of the maps and legal descriptions is subject to approval by the County Surveyor.
6. Contra Costa County has delivered an executed indemnification agreement providing for the County to indemnify LAFCO against any expenses arising from any legal actions challenging the detachments.
7. The detachments have no effect on BBID's or TODBCSD's authority to collect taxes for bonded indebtedness.
8. All subsequent proceedings in connection with these detachments shall be conducted only in compliance with the approved boundaries set forth in the attachments and any terms and conditions specified in this resolution.

PASSED AND ADOPTED THIS 10TH day of August, 2016, by the following vote:

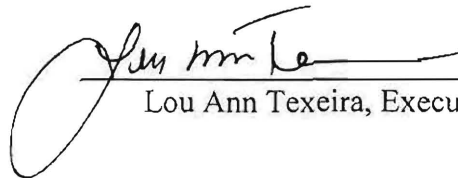
AYES: Andersen (A), Blubaugh, McGill, Piepho, Schroder, Skaredoff, Tatzin
NOES:
ABSTENTIONS:
ABSENT: Glover (M)



MARY N. PIEPHO, CHAIR, CONTRA COSTA LAFCO

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

Dated: August 10, 2016



Lou Ann Teixeira, Executive Officer

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

October 12, 2016 (Agenda)

LAFCO 16-08

West County Wastewater District (WCWD) Annexation 315

October 12, 2016
Agenda Item 7

PROPONENT

WCWD by Resolution No. 16-016 adopted April 6, 2016

SYNOPSIS

The WCWD proposes to annex 1.0± acre (APN 433-020-022) located at 6200 Hillside Drive in unincorporated El Sobrante as shown on Attachment 1. The property proposed for annexation is currently vacant. Previously, the parcel contained one single family home which was demolished after burning down. The landowner plans to build a new single family home and prefers to connect to municipal sewer.

DISCUSSION

The District filed an application with LAFCO to annex the properties to WCWD. The proposed annexation will facilitate the development of one single family residential unit.

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

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

The area proposed for annexation is within WCWD's SOI, and within the County Urban Limit Line; the parcel is located in the unincorporated community of El Sobrante.

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

The County General Plan designation for APN 433-020-022 is primarily SM (Single Family Residential Medium) with a small portion of the property designated as OS (Open Space). The parcel is zoned by the County as R-10 (Single Family Residential, lot size 10,000 square feet minimum). As noted above, the parcel is vacant. No changes are proposed to the General Plan or zoning designations as part of this proposal. Surrounding land uses include single family residential development to the east, north and south, and single family residential development and open space to the west. The Richmond city boundary is just west of the property.

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

The subject property contains no prime farmland or land covered under Williamson Act Land Conservation agreements; there are no agricultural uses on the property proposed for annexation. A portion of the property is designated Open Space due to proximity to San Pablo Creek.

4. Topography, Natural Features and Drainage Basins:

The topography of the site is generally flat. The surrounding areas are generally flat, with the San Pablo Creek located on the east side of the property.

5. Population:

Development of one single family homes is planned for the annexation area. The estimated population increase for the annexation area is approximately three, based on 2015 California Department of Finance estimates for households in the El Sobrante area.

6. Fair Share of Regional Housing:

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

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

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

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

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

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

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

Based on the maximum number of dwelling units (one single family residential) planned for the annexation area, the maximum demand for service is approximately 270 gallons of wastewater per day. WCWD has infrastructure in the area and serves a number of surrounding properties. The District reports that there is an 8-inch main running in the street about 70 feet east of the subject property. Revenue generated to serve the properties includes a one-time sewer connection fee and an annual sewer use charge paid by the property owner. WCWD has the capacity to serve the property proposed for annexation.

8. Timely Availability of Water and Related Issues:

The properties are currently served by EBMUD. The EBMUD service area is approximately 331 square miles (Contra Costa and Alameda counties). EBMUD provides potable water to approximately 1.3 million people within the two-county service area. Within Contra Costa County, EBMUD provides water service to a 146± square mile service area, serving an estimated 477,212 residents.

EBMUD's water supply is distributed through a collection system consisting of aqueducts, reservoirs, and other components. The primary source of water supply for EBMUD is the Mokelumne River; this watershed accounts for 90 percent of EBMUD's water supply. EBMUD's existing water rights allow the delivery of up to 325 mgd or approximately 364,046 acre-feet per year of water from the Mokelumne River. The proposal is not expected to increase water usage.

9. Assessed Value, Tax Rates and Indebtedness:

The annexation area is within tax rate area 85038. The total assessed value, including land and improvements, for the annexation area is \$109,839 (2015-16 roll). The territory being annexed shall be liable for all authorized or existing taxes comparable to properties presently within the annexing agencies. The County and District will rely on the master tax transfer agreement for this annexation.

10. Environmental Impact of the Proposal:

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

11. Landowner Consent and Consent by Annexing Agency:

According to County Elections, there are zero registered voters in the area proposed for annexation; thus, the area proposed for annexation is considered uninhabited.

WCWD indicates that 100% of the affected landowners have provided consent to the annexation. Thus, if the Commission approves the annexation, the Commission may waive the protest hearing (Gov. Code §56662). All landowners and registered voters within the proposal area(s) and within 300 feet of the exterior boundaries of the area(s) have received notice of the October 12, 2016 LAFCO hearing.

12. Boundaries and Lines of Assessment:

The annexation area is within WCWD's SOI and contiguous to the District's service boundary. A map and legal description to implement the proposed boundary changes have been submitted and are subject to approval by the County Surveyor. The subject property is within an island and the proposed annexation will divide the existing island. While LAFCO encourages logical and orderly boundaries, it is sometimes not unusual for sewer and water districts to have islands and pockets within their service boundaries; as historically, annexations to these types of districts have occurred as the need for service arises.

The island area is comprises five parcels, including the parcel proposed for annexation. The County General Plan designations for the other parcels in the island are comparable to the parcel proposed for annexation, which include a County General Plan designation of SM and a zoning designation of R-10. Of the five "island" parcels, there are residential dwelling units on all except the parcel proposed for annexation, which is currently vacant. These residential units currently rely on septic systems. According to County Planning, there are currently no pending development applications in the island area other than the one single family home proposed with the annexation. A summary of development potential by parcel is presented below:

- 433-020-022 (parcel proposed for annexation) – currently vacant; could subdivide (2-3 lots)
- 433-020-025 – contains one single family residential unit; could not subdivide
- 433-020-026 - contains one single family residential unit; could subdivide (4-6 lots)
- 433-020-040– contains one single family residential unit; could not subdivide
- 433-020-041– contains one single family residential unit; could not subdivide

According to County Environmental Health (EH), the island area is not located in a septic tank moratorium area; and topography and soil conditions would not appear to preclude on-site septic systems, although municipal sewer is preferred.

In the past year, the Commission has approved two WCWD annexation proposals that have either created or exacerbated islands and irregular boundaries. While there were extenuating circumstances in both situations, the Commission advised District staff to work with surrounding property owners in the future to avoid irregular boundaries and islands.

In July 2016, District staff discussed with the WCWD board the estimated costs associated with annexing the five parcels, versus annexing only the subject parcel. Previously, in June 2016, District staff had a similar discussion with its Plans and Programs Committee. Staff noted that the cost associated with annexing all five parcels at once is estimated at \$16,425, versus \$10,525 per parcel if annexed one at a time. The staff report noted that benefits of annexing all five parcels at once include efficiency, cost savings, and encouraging property owners to connect to municipal sewer in the future should their septic system fail. The disadvantages of annexing all five parcels include impacts to the District's operating budget and staff resources, as well as expending funds to benefit only a few parcels. The District believes that it is not fiscally responsible to fund the annexation of parcels when there is no assurance that these properties will connect to the sewer system in the future. Further, the District does not wish to set a precedent of paying the annexation cost in advance, and believes this would be unfair to residents such as the subject property owner, who has already paid the annexation fee. The District prefers to annex parcels as the need for sewer service arises. The WCWD Board accepted its staff recommendation and voted to proceed with annexation of only the subject parcel and not the adjacent parcels.

At this time, we understand that the District has not contacted the other four property owners regarding potential annexation. LAFCO staff has encouraged District staff to do so as it could be beneficial to know the level of interest in annexing these surrounding property owners. *For this reason, LAFCO staff recommends that the Commission continue the matter to allow the District to contact the four property owners regarding their interest in annexation.*

13. Environmental Justice:

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

14. Disadvantaged Communities:

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

15. Comments from Affected Agencies/Other Interested Parties

No comments were received from other affected agencies or parties.

16. Regional Transportation and Regional Growth Plans:

In its review of a proposal, LAFCO shall consider a regional transportation plan adopted pursuant to Section 65080 [Gov. Code section 56668(g)]. Further, the commission may consider the regional growth goals and policies established by a collaboration of elected officials only, formally representing their local jurisdictions in an official capacity on a regional or subregional basis (Gov. Code section 56668.5). Regarding these sections, LAFCO looks at consistency of the proposal with the regional transportation and other regional plans affecting the Bay Area.

SB 375, a landmark state law, requires California's regions to adopt plans and policies to reduce the generation of greenhouse gases (GHG), primarily from transportation. To implement SB 375, in July 2013, the Association of Bay Area Governments and the Metropolitan Transportation Commission adopted Plan Bay Area as the "Regional Transportation Plan and Sustainable Communities Strategy" for the San Francisco Bay Area through 2040. Plan Bay Area focuses on where the region is expected to grow and how development patterns and the transportation network can work together to reduce GHG emissions. The Plan's key goals are to reduce GHG emissions by specified amounts; and to plan sufficient housing for the region's projected population over the next 25 years.

The proposed annexation is within the District's SOI, within the County's Urban Limit Line, and primarily surrounded by residential development. The area is not designated as a "Priority Conservation Area" or a "Priority Development Area", and does not appear to conflict with the regional transportation or growth plans.

ALTERNATIVES FOR COMMISSION ACTION

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

Option 1

Approve the annexation as proposed.

- A. Determine that the project is exempt pursuant to CEQA Guidelines, Section 15061(b)(3).
- B. Adopt this report, approve LAFCO Resolution No. 16-08 (Attachment 2), and approve the proposal, to be known as West County Wastewater District Annexation 315 subject to the following terms and conditions:
 1. The territory being annexed shall be liable for the continuation of any authorized or existing special taxes, assessments and charges comparable to properties presently within the annexing agency.

2. That WCWD has delivered an executed indemnification agreement providing for WCWD to indemnify LAFCO against any expenses arising from any legal actions challenging the annexation.
- C. Find that the subject territory is uninhabited, the proposal has 100% landowner consent, and the conducting authority (protest) proceedings are hereby waived.

Option 2 Adopt this report and DENY the proposal.

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

RECOMMENDED ACTION:

Option 3 - continue the matter to allow the District time to contact the surrounding property owners to gauge the level of interest in the future annexation of their property to WCWD.

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

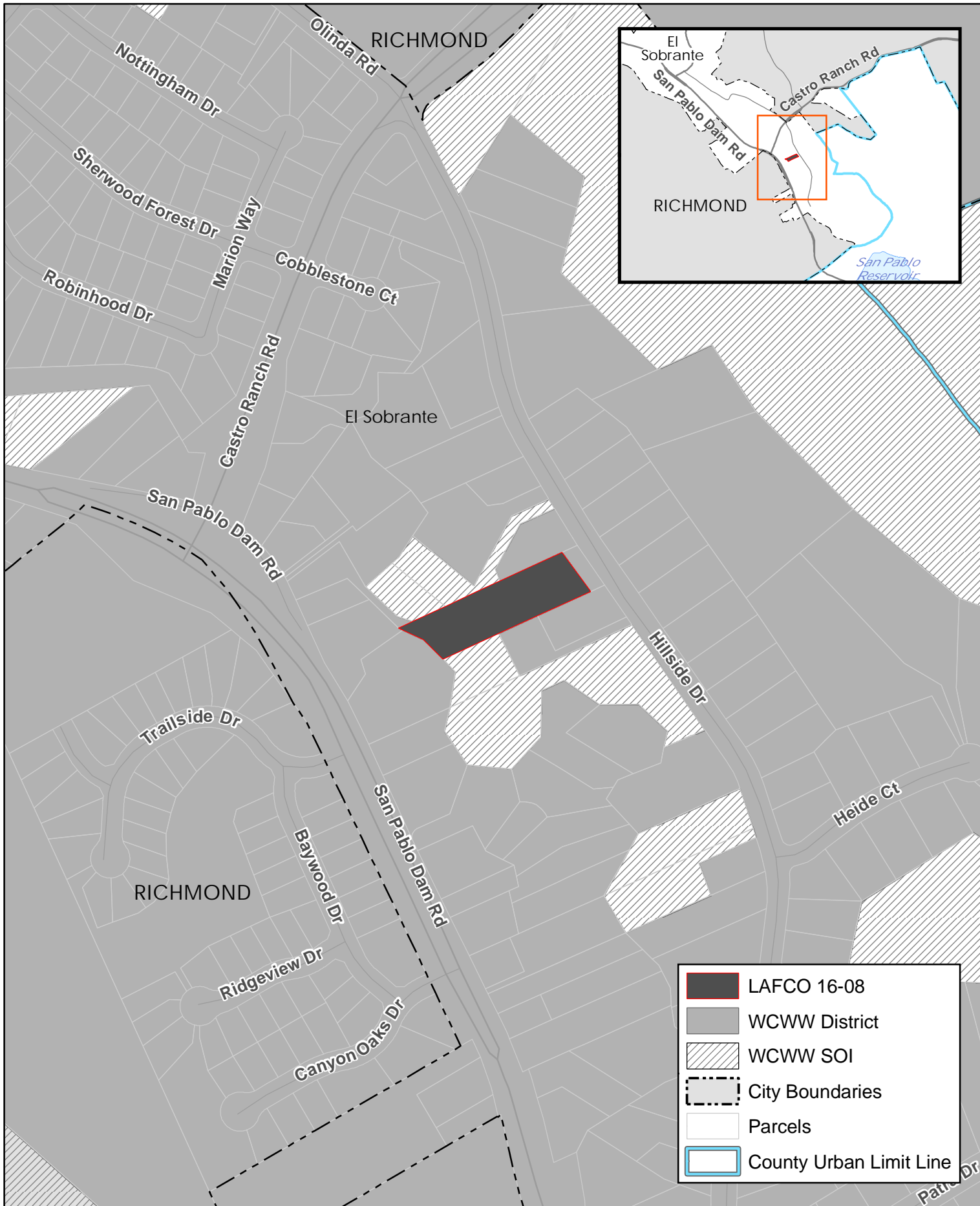
Exhibits

A – WCWD Annexation Map

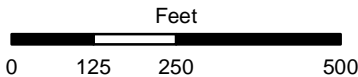
B – Draft LAFCO Resolution 16-08

c: Distribution

LAFCO 16-08 West County Wastewater District Annexation 315 (6200 Hillside, E.S.)



	LAFCO 16-08
	WCWW District
	WCWW SOI
	City Boundaries
	Parcels
	County Urban Limit Line



RESOLUTION NO. 16-08

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS AND APPROVING
WEST COUNTY WASTEWATER DISTRICT ANNEXATION 315**

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

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

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

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

WHEREAS, at a public hearing held on October 12, 2016, the Commission heard, discussed and considered all oral and written testimony related to the proposal including, but not limited to, the Executive Officer's report and recommendation, the environmental document or determination, applicable General and Specific Plans, consistency with the sphere of influence, contiguity with the districts' boundaries, and related factors and information including those contained in Gov. Code §56668; and

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

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

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

1. The project is categorically exempt pursuant to CEQA Guidelines, Section 15061(b)(3).
2. The annexation is hereby approved.
3. The subject proposal is assigned the distinctive short-form designation:
WEST COUNTY WASTEWATER DISTRICT ANNEXATION 315
4. The boundaries of the affected territory are found to be definite and certain as approved and set forth in Exhibit A, attached hereto and made a part hereof.
5. The subject territory shall be liable for any authorized or existing taxes, charges and assessments comparable to properties within the annexing agency.
6. That West County Wastewater District (WCWD) delivered an executed indemnification agreement between the WCWD and Contra Costa LAFCO providing for WCWD to

Contra Costa LAFCO
Resolution No. 16-08

indemnify LAFCO against any expenses arising from any legal actions challenging the annexation.

7. The territory proposed for annexation is uninhabited.
8. The proposal has 100% landowner consent, and the conducting authority (protest) proceedings are hereby waived.
9. All subsequent proceedings in connection with this annexation shall be conducted only in compliance with the approved boundaries set forth in the attachments and any terms and conditions specified in this resolution.

* * * * *

PASSED AND ADOPTED THIS 12th day of October 2016, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

MARY N. PIEPHO, CHAIR, CONTRA COSTA LAFCO

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

Dated: October 12, 2016

Lou Ann Texeira, Executive Officer

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

October 12, 2016 (Agenda)

October 12, 2016
Agenda Item 8

<u>LAFCO 16-10</u>	Dougherty Valley #17 Reorganization – Annexation to the City of San Ramon and Detachment from County Service Area (CSA) P-6
<u>PROPONENT</u>	City of San Ramon, Resolution No. 2016-054 adopted June 28, 2014
<u>ACREAGE & LOCATION</u>	Reorganization #17 comprises 43.97± acres located directed south of Ivy Leaf Springs Road in the Dougherty Valley Specific Plan (DVSP) Area – see Attachment 1.
<u>PURPOSE</u>	The purpose of the reorganization is to extend city services to an approved 43.97± acre development (Gale Ranch 4, Neighborhood 6) including a residential subdivision (308 single-family units), an existing 8,068 sq. ft. building located at 100 Gatekeeper Road (Goddard School care facility), and 6.73± acres of Open Space (water quality pond). The proposal also includes the corresponding detachment of the subject area from CSA P-6.

SYNOPSIS

This is the 17th in a series of planned boundary changes for the area known as “Dougherty Valley” (DV). The DV project is a large project being developed in phases through Contra Costa County.

Annexation of the project area to the City of San Ramon is required pursuant to the Dougherty Valley Settlement Agreement (DVSA), which in 1994 was endorsed by the County, cities of Danville and San Ramon, Windemere Ranch Partners and Shapell Industries. Under the terms of the DVSA, the annexations are to occur following recordation of final subdivision maps.

DISCUSSION

The Cortese Knox Hertzberg Act (CKH Act) sets forth factors that the Commission must consider in evaluating any proposed change of organization (e.g., annexation, detachment, etc.) 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. Changes of organization 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 subject area is within the City of San Ramon's SOI, and within the City's Urban Growth Boundary (UGB) and the County's Urban Limit Line (ULL).

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

The Contra Costa County General Plan and DVSP land use designations include Multiple Family Low Density Residential and Open Space. The County's zoning for the area is Planned Unit Development (P-1).

The City of San Ramon's *General Plan 2035* land use designations include Single Family Medium Density Residential and Open Space. In June 2016, the San Ramon City Council approved the rezoning for the subject area to include Planned Development (37.24 acres) and Open Space (6.73 acres). Upon annexation, the City's rezoning will apply.

Since adoption of the DVSP, the County has approved several amendments, including relocation of the Gale Middle School (2005-06), and relocation of residential development within Gale Ranch Phases 3 and 4 to accommodate a new elementary school (Bella Vista) in Gale Ranch Phase 4.

Surrounding land uses include the main branch of Alamo Creek to the east and south (unincorporated); Dougherty Road (old) and the west branch of Alamo Creek to the west (unincorporated); and residential development and the Quail Run elementary school and park to the north (City).

The current and proposed uses are consistent with the City's General Plan and rezoning designations. No changes in land uses are proposed.

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

The DV project, as previously approved by the County, converts approximately 6,000 acres of farmland to urban uses and open space. Of the 6,000 acres that comprise the DVSP area, 2,000 acres have been mapped as "farmland of local importance" and the remaining 4,000 acres are mapped as grazing land. Through the 1992 DVSP and General Plan amendment, these lands were changed from "Agricultural Preserve" to "Agricultural Lands" and designated as P-1 to allow a mix of housing, school and community facilities, parks and open space areas.

Contra Costa County found that there were overriding considerations in support of adoption of the Specific Plan, despite the unavoidable impact to agricultural resources. With adoption of the DVSP in 1992, none of the project site was zoned for agricultural use, and there are no current Williamson Act Land Conservation Agreements within the project site.

The proposed reorganization would not convert farmland to non-agricultural uses as farmland does not currently exist in the DV area. Approval of the urban land use designations for the area occurred in 1992, 1996 and 2002. According to the City, the project can be viewed as implementation of the already established specific plan and land use designations.

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

The site and surrounding areas consist of a complex series of major and minor ridges, rolling hills and a relatively flat valley, which drains to the south. There are no other significant natural features affecting the proposal.

5. *Population:*

The territory proposed for annexation currently includes 40 single-family residential housing units that are or may be occupied. The remaining 268 single-family units are under construction, and some are or may be occupied. The total 308 single family units in the proposal area will result in a population increase of approximately 897 persons. The projected population increase is based on the California Department of Finance estimates of 2.91 persons per unit (January 1, 2016).

6. *Fair Share of Regional Housing:*

One of the factors the Commission must consider in its review of a proposal is 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 (Government Code §65584).

In Contra Costa County, the Association of Bay Area Governments (ABAG) determines each city's fair share of regional housing needs. Each jurisdiction is required in turn to incorporate its fair share of the regional housing needs into the housing element of its General Plan. In July 2013, ABAG adopted the 2014-2022 Regional Housing Needs Allocation (RHNA) Plan for the San Francisco Bay Area. The RHNA Plan includes the following allocations for the City of San Ramon: total RHNA is calculated at 1,417 units, including 340 above moderate, 282 moderate, 279 low and 516 very low income units.

It is a requirement of the Dougherty Valley Affordable Housing Program that 25% (2,748) of the 11,000 units in DV are affordable.

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's plan for providing services, as required by Government Code §56653, is on file in the LAFCO office. City services include parks and recreation, police, streets and roads, flood control, public facilities maintenance, and library services. The level and range of services will be comparable to those currently provided within the City. The DVSA provides performance standards for services in the DV.

Fire services will continue to be provided by the San Ramon Valley Fire Protection District (SRVFPD), sewer services will be provided by the Central Contra Costa Sanitary District (CCCSD), and water services will be provided by the Dublin San Ramon Services District (DSRSD).

Parks and Recreation – The DVSA requires 6.5 acres of parkland per 1,000 residents, which is consistent with the City's General Plan. Upon complete build-out of DV, this performance standard will be met. The DVSP and DVSA establish a variety of park types throughout DV. To date, the developers of DV have provided 190± acres of parkland.

Police Services – Law enforcement services are currently provided to the annexation area by the Contra Costa County Sheriff's Department. Upon annexation, police services will be

provided by the City of San Ramon. The City's police department maintains a ratio of approximately 0.8 officers per 1,000 population in accordance with the City's adopted service standards for police services. The DVSA establishes the performance standards for police service in DV consistent with the City's General Plan, which include 3-5 minute response times (travel time) for emergency calls, and a 20 minute response time for all other calls, which can be maintained 95 percent of the time. The City reports that completed development in the surrounding areas of DV is already within the service area for San Ramon police services; therefore, police service for the annexation area can meet the performance standard. No additional police officers are anticipated for the proposed annexation area.

Streets and Roadways – The annexation area is served by a network of arterial roads (Bollinger Canyon Road, Dougherty Road, etc.), collector and local streets. In addition, public transit (bus) service is provided in the DV and annexation area, along with a bicycle and pedestrian network. The DVSA requires the developers to provide a transportation system (streets, roadways, bicycle, pedestrian, and transit services, etc.) as established by the DVSP. Once the development is completed, all streets and roadways for the annexation area will have been provided by the developers.

Fire Protection – Fire and emergency medical services are, and will continue to be, provided by SRVFPD following annexation. The City's General Plan policies include service standards relating to fire response time (i.e. 4-5 minutes for emergency calls 90% of the time) and that there will be fire stations within 1.5 miles of new development). Fire Station No. 30 will serve as the primary fire station to serve the annexation area. Fire Station No. 30 is located approximately 1.2 miles from the annexation area, and has primary responsibility for fire and emergency medical services. Fire Stations 39 and 34 will respond as secondary and tertiary stations, and all are located within 2.85 and 3.40 miles, respectively, from the annexation area. The main access roads (routes) to the annexation area are South Monarch Road, Stoneleaf Road, Bollinger Canyon Road, Dougherty Road, Old Ranch Road, and Alcosta Blvd.

Wastewater Services – Wastewater services to the annexation area will be provided by CCCSD, which is responsible for wastewater collection, maintenance of the sewer lines, wastewater treatment and disposal services.

CCCSD currently serves an estimated population of 476,400 residents in a 145-square-mile service area. CCCSD's wastewater collection system consists of 1,500 miles of sewer mains with 19 pump stations. The majority of CCCSD's system operates with gravity flow with some pumping stations and force mains. The District's wastewater treatment plant provides secondary level treatment for an average dry weather flow of approximately 27.8 million gallons per day (mgd) of wastewater. The wastewater treatment plant has a permitted discharge limit of 53.8 mgd and a treatment capacity of 240 mgd of wet weather flow.

CCCSD provides sewage collection, treatment, and disposal service to the Dougherty Valley, including the annexation area. The City indicates that 8-inch and 10-inch diameter sanitary sewer lines have been installed in the annexation area; the main connects to an 18-inch diameter trunk sewer in Dougherty Road. The trunk sewer leads to the Dougherty Tunnel, the San Ramon Pumping Station, and eventually to gravity sewers that carry flows north to CCCSD's wastewater treatment plant in unincorporated Martinez.

The annexation area uses will generate an estimated 60,683 gpd (0.06 mgd) of wastewater. The sewer lines in the vicinity of the project site have, or will have, adequate capacity to serve the proposed project, and the CCCSD wastewater treatment plant has adequate capacity to treat wastewater generated by the proposed project. The plant currently operates below permitted treatment capacity and the project-related increases in wastewater flows to the plant could be accommodated within the plant's existing capacity. The annexation area's wastewater generation represents 0.23 percent of the 26.0 mgd of capacity currently available at CCCSD's wastewater treatment plant.

Other Services – Capital improvements for this project are being funded through the developers as a condition of development. The ongoing maintenance and operations costs associated with police services, road maintenance, parks and landscape maintenance, open space and trail maintenance, flood control, and community facilities maintenance will be financed through CSA M-29. CSA M-29 was established in 1997 and includes a combination of revenue sources as follows:

- General Ad-Valorem Property Taxes
- Real Property Transfer Tax
- Special Assessments
- Sales Tax
- Fines and Forfeitures
- License, Permits, Franchise Fees
- Motor Vehicle In-Lieu Fees

Pursuant to the DVSA, the City requests the DV Annexation #17 territory remain within CSA M-29 in order to continue the assessment of the special taxes/fees to fund services as described above.

Typically when an area is annexed to a city, it is detached from a CSA, as the County no longer provides service, and the city assumes the provision of municipal services. The City's request that the annexation area remain in CSA M-29 is supported by the DVSA. However, it is recommended that if the annexation is approved, the subject territory be detached from CSA P-6 (police services). The effect of the detachment will result in the CSA P-6 allocation of ad valorem property tax (1%) being transferred from the County to the City following annexation.

The City and County have entered into a tax sharing agreement which provides for an exchange of property tax and takes into account the provision of municipal services.

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

Pursuant to the CKH Act, LAFCO must consider the timely and available supply of water in conjunction with a boundary change proposal. In accordance with Contra Costa LAFCO policies, any proposal for a change of organization that includes the provision of water service shall provide 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.

A number of studies were completed to address the timely and adequate provision of water service to the DV. This information is presented in the various environmental documents, which were previously provided to the Commission and are available in the LAFCO office.

Dublin San Ramon Services District (DSRSD) will provide water service to the annexation area and provides water service to the entire DV with the exception of Gale Ranch Phase 1. Gale Ranch Phase 1 water service is provided by the East Bay Municipal Utility District (EBMUD).

The infrastructure needed to provide water service to the annexation area is adequate and has already been contemplated by DSRSD at the time of County approval through a water assessment for the DV development. DSRSD will be able to meet the ultimate water demand for potable water in the area proposed for annexation. Potable water mains were installed per the development plans for Tracts 9302, 9303, 9325 and 9247. Each house is estimated to use 220± gpd, for a total usage of 67,760 gpd to serve the 308 single family residential units. DSRSD has the capacity to provide services consistent with its adopted water service plans.

In addition, DSRSD will also provide recycled water to the annexation area. The north-south linear trail parcels in the annexation area will rely on recycled water. And although not required, single family homes may use recycled water for front yards in accordance with specific criteria. DSRSD can meet the demand for recycled water.

9. *Assessed Value, Tax Rates and Indebtedness:*

The annexation area is within tax rate area 66405. The assessed value is \$120,991,546 (2016-17 roll). The territory being annexed shall be liable for all authorized or existing taxes comparable to properties presently within the annexing agencies, if applicable; and shall remain within CSA M-29 following annexation.

10. *Environmental Impact of the Proposal:*

Since the project initiation in 1992, the County has served as Lead Agency under CEQA, and has prepared and certified a number of environmental documents in conjunction with this project, including the original Environmental Impact Report (EIR) for the DV General Plan Amendment, the Specific Plan and Mitigation Monitoring and Reporting Program (1992), Final Subsequent EIR along with Findings, Recommendations and a Statement of Overriding Conditions (1996), Addendum to the DV Draft DEIR entitled "Gale Ranch Phase IV Final Development Plan & Vesting Tentative Subdivision Map DV – San Ramon (January 2005), and most recently, the Mitigated Negative Declaration (MND) in conjunction with County General Plan and Specific Plan Amendments and the County Development Plan for modifications to Gale Ranch Phases 3 and 4 to accommodate the Bella Vista Elementary School (February 2014). There have been various modifications to the DV project over the years, some of which have necessitated supplemental environmental review.

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

According to County Elections, there are more than 12 registered voters in the area proposed for annexation; thus, the area is considered inhabited.

In the case of inhabited boundary changes, LAFCO will conduct a protest hearing should the Commission receive an objection from any landowner owning land with the subject area, or any registered voter residing with the subject area. Absent any objection received before the

conclusion of the commission hearing on October 12, 2016, the Commission will waive the protest proceedings.

12. *Boundaries and Lines of Assessment:*

The annexation area is within the City's SOI and is contiguous to the city's boundary. A corresponding detachment from CSA P-6 of the same area is also proposed. A map and legal description to implement the proposed boundary change has been received and is subject to final approval by the County Surveyor.

The City indicates that all of the open space areas surrounding the subject area will be annexed to the City per the DVSA; and there will be no islands or pockets of unincorporated area once all the annexations are complete. The entire DV area is required to be annexed into the City.

13. *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.

14. *Disadvantaged Communities:*

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

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

No comments have been received to date.

16. *Regional Transportation and Regional Growth Plans:*

In its review of a proposal, LAFCO shall consider a regional transportation plan adopted pursuant to Section 65080 [Gov. Code section 56668(g)]. Further, the commission may consider the regional growth goals and policies established by a collaboration of elected officials only, formally representing their local jurisdictions in an official capacity on a regional or subregional basis (Gov. Code section 56668.5). Regarding these sections, LAFCO looks at consistency of the proposal with the regional transportation and other regional growth plans affecting the Bay Area.

SB 375, a landmark state law, requires California's regions to adopt plans and policies to reduce the generation of greenhouse gases (GHG), primarily from transportation. To implement SB 375, in July 2013, the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC) adopted Plan Bay Area as the "Regional

Transportation Plan and Sustainable Communities Strategy” for the San Francisco Bay Area through 2040. Plan Bay Area focuses on where the region is expected to grow and how development patterns and the transportation network can work together to reduce GHG emissions. The Plan’s key goals are to reduce GHG emissions by specified amounts; and to plan sufficient housing for the region’s projected population over the next 25 years.

The Plan Bay Area directs future development to infill areas within the existing urban footprint and focuses the majority of growth in self-identified Priority Development Areas (PDAs). PDAs include infill areas that are served by transit and are located close to other amenities, allowing for improved transit, bicycle and pedestrian access thereby reducing the amount of transportation related GHG generated. Plan Bay Area supports infill development in established communities and protects agricultural and open space lands. The Plan assumes that all urban growth boundaries are held fixed through the year 2040 and no sprawl-style development is expected to occur on the regions’ open space or agricultural lands.

Plan Bay Area includes projections for the region’s population, housing and job growth and indicates that the region has the capacity to accommodate expected growth over the next 25 years without sprawling further into undeveloped land on the urban fringe.

ABAG and MTC are in the process of updating the Plan Bay Area. “Plan Bay Area 2040” is currently a work in progress that will be updated every four years to reflect new priorities. Recently, a series of public open houses were held to present “Alternative Scenarios” which show different options for how the Bay Area can grow based on local land use development patterns and transportation investment strategies. These scenarios take into consideration jobs, housing, population, travel needs and funding for Transportation Improvements. Three scenarios were presented (i.e., Main Street, Connected Neighborhood, Big Cities), each showing a different combination of housing development, commercial growth and transportation investments. Based on public input and feedback from local jurisdictions, a “preferred scenario” will be constructed from these three alternatives.

The draft preferred scenario will go through a series of committee reviews and refinement. In September 2016, ABAG and MTC will be asked to adopt the final preferred scenario at a joint meeting. All of this work, in turn, will form the foundation for Plan Bay Area 2040, to be adopted in summer 2017.

The area proposed for annexation is within the City’s SOI and UGB, and is not within a designated “Priority Conservation Area” or a designated “PDA.” The annexation has been anticipated by, and is consistent with, the San Ramon General Plan 2035; including, but not limited to, the Growth Management, Air Quality and Greenhouse Gas elements and City Adopted Climate Action Plan (CAP). By definition, the CAP is consistent with the goals of AB 32 and SB 375. Additionally, the annexation will help move the City closer to its desired jobs-housing balance, which is critical to reducing Vehicle Miles Traveled (VMT) and a key objective of the Plan Bay Area strategy.

ALTERNATIVES FOR COMMISSION ACTION

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

Option 1 Approve the reorganization as proposed including annexation to the City of San Ramon and detachment from CSAs P-6.

- A. Certify LAFCO has reviewed and considered the information contained in the various CEQA documents prepared and adopted by the County, including the MND in conjunction with County General Plan and Specific Plan Amendments and the County Development Plan for modifications to Gale Ranch Phases 3 and 4 to accommodate the Bella Vista Elementary School (February 2014); Addendum to the DV Draft EIR entitled "Gale Ranch Phase IV Final Development Plan & Vesting Tentative Subdivision Map DV – San Ramon (January 2005); Final Subsequent EIR (1996); and the Final EIR for the DV General Plan Amendment and Specific Plan (1992); Mitigation Monitoring and Reporting Program (1992), and Findings, Recommendations and a Statement of Overriding Conditions (1996).
- B. Adopt this report and approve the proposal, to be known as **Dougherty Valley Reorganization #17: Annexation to the City of San Ramon and Corresponding Detachment from CSA P-6** subject to the following terms and conditions:
1. The territory being annexed shall be liable for the continuation of any authorized or existing special taxes, assessments and charges comparable to properties presently within the annexing agency.
 2. Allow the overlap of the City and CSA M-29.
 3. The City has delivered an executed indemnification agreement providing for the City to indemnify LAFCO against any expenses arising from any legal actions challenging the annexation.
- C. Find that the subject territory is inhabited. Should the Commission receive an objection from any affected landowner or registered voter within the subject area, LAFCO will conduct a protest hearing. Absent any objection received before the conclusion of the commission proceedings on October 12, 2016, the Commission will waive the protest proceedings.

Option 2

- A. Certify it has reviewed and considered the information contained in the EIR and related environmental documents as prepared and adopted by the County.
- B. Adopt this report and DENY the proposal.

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

RECOMMENDED ACTION: Option 1 – Approve the reorganization as proposed.

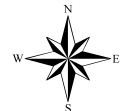
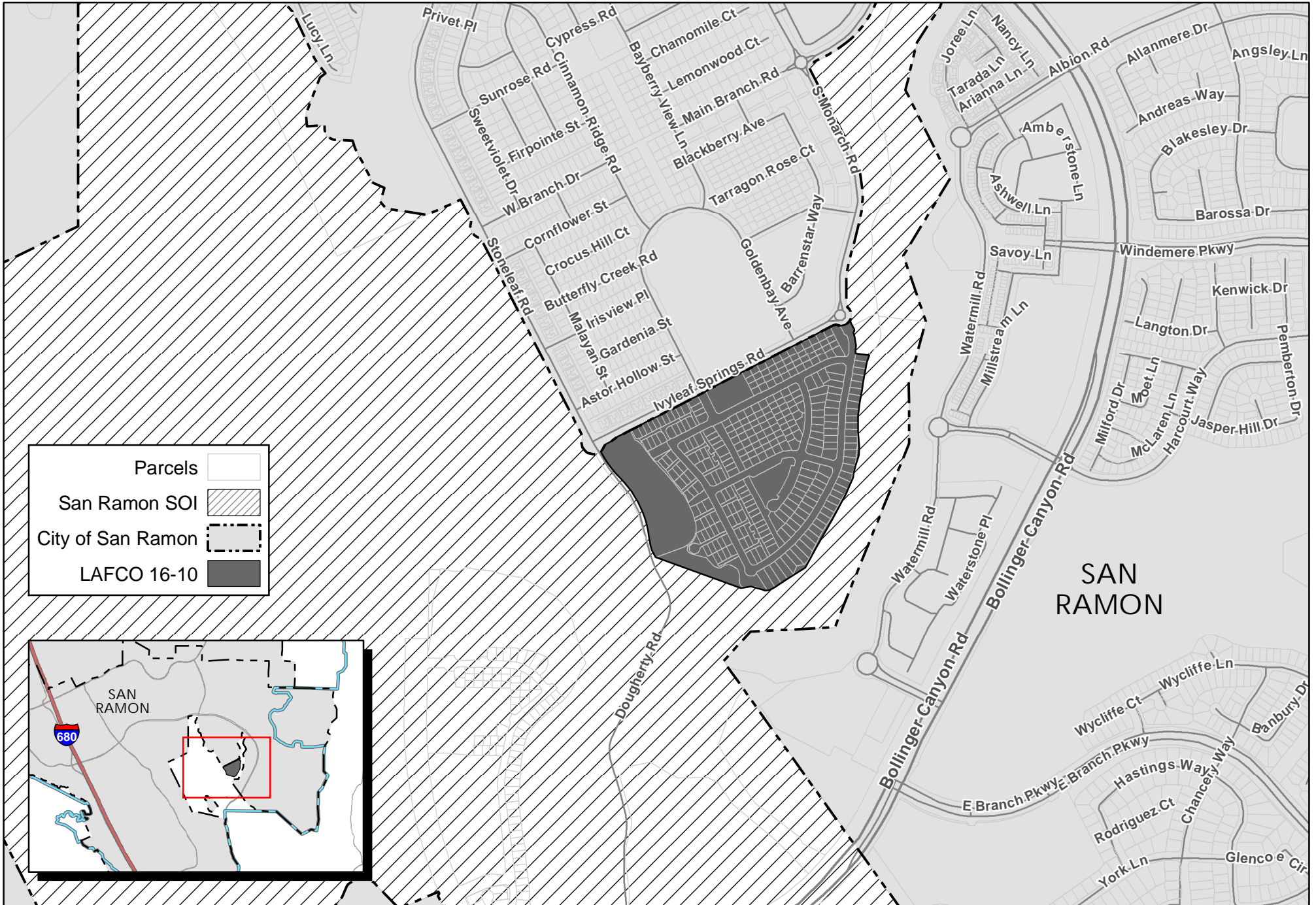
LOU ANN TEXEIRA, EXECUTIVE OFFICER
CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

c: Distribution

Attachments

1. Map of Reorganization Area
2. Draft LAFCO Resolution

LAFCO No.16-10 Dougherty Valley Annexation 17 to the City of San Ramon and Detachment from CSA P-6



RESOLUTION NO. 16-10

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS AND APPROVING DOUGHERTY VALLEY
REORGANIZATION #17: ANNEXATION TO CITY OF SAN RAMON AND
CORRESPONDING DETACHMENT FROM COUNTY SERVICE (CSA) AREA P-6**

WHEREAS, a proposal to annex territory within the Dougherty Valley to the City of San Ramon and detach the same territory from CSA P-6 was filed with Executive Officer of the Contra Costa Local Agency Formation Commission pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Government Code section 56000 et seq.); and

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

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

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

WHEREAS, at a public hearing held on October 12, 2016, the Commission heard, discussed and considered all oral and written testimony related to the proposal including, but not limited to, the Executive Officer's report and recommendation, the environmental document or determination, consistency with the sphere of influence, contiguity with the City boundary, and related factors and information including those contained in Gov. Code §56668; and

WHEREAS, information satisfactory to the Commission has been presented that all the owners of land within the affected territory have given their written consent to the proposal; and

WHEREAS, the Local Agency Formation Commission finds the proposal to be in the best interest of the affected area and the total organization of local governmental agencies within Contra Costa County.

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

1. The Commission certifies it reviewed and considered the information contained in the Environmental Impact Reports and related environmental documentation as prepared and certified by the County of Contra Costa (Lead Agency) as identified in the LAFCO staff report, and adopts the County's Findings of Fact and Statement of Overriding Considerations.
2. Said reorganization is hereby approved.
3. The subject proposal is assigned the distinctive short-form designation:

**DOUGHERTY VALLEY REORGANIZATION #17: ANNEXATION TO THE CITY OF
SAN RAMON AND CORRESPONDING DETACHMENT FROM CSA P-6**

Contra Costa LAFCO
Resolution No. 16-10

4. Said territory is found to be inhabited. LAFCO will conduct a protest hearing should the Commission receive an objection from any landowner owning land with the subject area, or any registered voter residing with the subject area. Absent any objection received before the conclusion of the commission proceedings on October 12, 2016, the Commission will waive the protest proceedings.
5. The boundaries of the affected territory are found to be definite and certain as approved and set forth in Attachment 1, attached hereto and made a part hereof.
6. The subject territory shall be liable for any existing bonded indebtedness of the annexing agencies, if applicable.
7. The subject territory shall be liable for any authorized or existing taxes, charges, and assessments comparable to properties within the annexing agencies, and shall remain within CSA M-29 following annexation.
8. The City delivered an executed indemnification agreement providing for the City to indemnify LAFCO against any expenses arising from any legal actions challenging the reorganization.
9. All subsequent proceedings in connection with this reorganization shall be conducted only in compliance with the approved boundaries set forth in the attachments and any terms and conditions specified in this resolution.

PASSED AND ADOPTED THIS 12TH day of OCTOBER 2016, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

MARY N. PIEPHO, CONTRA COSTA LAFCO

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

Dated: October 12, 2016

Lou Ann Teixeira, Executive Officer



Lou Ann Teixeira
Executive Officer

MEMBERS

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

ALTERNATE MEMBERS

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

October 12, 2016 (Agenda)

October 12, 2016
 Agenda Item 9

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

**Fire and Emergency Medical Services
 Municipal Services Review and Sphere of Influence Updates (2nd Round)**

Dear Members of the Commission:

On August 10, 2016, the Commission accepted the Final MSR report and adopted the required determinations in conjunction with the Fire and Emergency Medical Services (EMS) Municipal Service Review (MSR) (2nd Round) covering the following local agencies:

- | | |
|---|----------------------------------|
| • City of El Cerrito | • Crockett Carquinez FPD (CCFPD) |
| • City of Pinole | • East Contra Costa FPD (ECCFPD) |
| • City of Richmond | • Kensington FPD (KFPD) |
| • County Service Area (CSA) EM-1 | • Moraga Orinda FD (MOFD) |
| • Contra Costa County Fire Protection District (CCCFPD) | • Rodeo Hercules FPD (RHFPD) |
| | • San Ramon Valley FPD (SRVFPD) |

The 2nd round Fire/EMS MSR includes the following: 1) data updates for the 11 fire/EMS service providers, 2) review of auto and mutual aid agreements, and 3) focused analysis on ECCFPD and RHFPD and the interface with CCCFPD. The 2nd round MSR provides sphere of influence (SOI) options and recommendations for ECCFPD and RHFPD only, given the focus of the review.

In August, the Commission also reviewed SOI options for the eight special districts included in the MSR as shown in Attachment 1. The Commission directed staff to consult with the districts regarding the SOI updates. LAFCO staff reached out to the districts, and received no responses.

DISCUSSION

The requirement for LAFCOs to conduct MSRs was established by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (“CKH Act”) as an acknowledgment of the importance of SOIs, and recognition that periodic updates of SOIs should be conducted on a

five-year basis (Gov. Code §56425(g)), with the benefit of better information and data through MSRs (Gov. Code §56430(a)). The MSR serves as a basis for the SOI updates and future boundary changes.

SOIs define the logical, long-term service boundary for an agency. SOIs can be the same, larger, or smaller than the existing local agency boundary. Contra Costa LAFCO has used various SOI designations including “zero,” which signals that services will ultimately be provided by another agency, and “provisional” SOI, which delineates that a future restructuring or change of organization is needed.

LAFCOs are required to make written determinations, as shown below, in accordance with Gov. Code §56425(e) when establishing, amending, or updating a local agency’s SOI:

1. The present and planned land uses in the area, including agricultural and open-space lands.
2. The present and probable need for public facilities and services in the area.
3. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.
4. The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.
5. For an update of an SOI of a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing SOI.
6. When adopting, amending, or updating an SOI for a special district, the commission shall establish the nature, location, and extent of any functions or classes of services provided by existing districts.

The attached table provides SOI and governance options and recommendations. As noted above, the 2016 MSR includes SOI options and recommendations for ECCFPD and RHFPD; the SOI options and recommendations for the other six districts are partially based on the 2009 SOI options and partially on updated information obtained through the 2nd round MSR.

At this time, LAFCO staff recommends that the Commission adopt the following SOI updates:

- **CSA EM-1** – retain existing coterminous SOI
- **ECCFPD** – adopt a provisional SOI with an initial update to the Commission in six months, and further status reports as determined by the Commission, regarding the fiscal, governance and services challenges facing the ECCFPD
- **MOFD** – retain existing coterminous SOI
- **RHFPD** – adopt a provisional SOI with initial update to the Commission in six months, and further status reports as determined by the Commission, regarding the fiscal, governance and services challenges facing the RHFPD; and participation in the West County “Task Force” discussions regarding collaborative efforts and activities
- **SRVFPD** - retain existing coterminous SOI

Staff recommends that the Commission defer the SOI updates for the districts serving West Contra Costa County, including CCCFPD, CCFPD, and KFPD pending an update on collaborative efforts in West County.

In conjunction with the 2009 MSR, there was a recommendation that the West County fire service providers (i.e., cities and districts) form a Task Force with representatives from all affected agencies. The Task Force would undertake and implement a regional Standards of Cover (SOC) Study, apply for grants, refine operational practices and develop cooperative agreements to improve services through collaboration.

It is recommended that the West County fire chiefs discuss this recommendation and provide feedback to the Commission as to the level of interest in a Task Force, along with an update on any current and/or future partnerships among the West County fire service agencies relating to a SOC study, and collaboration on grant opportunities, programs and services. The discussion should involve all West County fire service providers including RHFPD and the cities of El Cerrito, Pinole and Richmond.

Environmental Analysis - It has been determined that LAFCO's actions on the proposed SOI updates are exempt under the General Rule exemption §15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines.

RECOMMENDATIONS

1. Receive the staff report and open the public hearing to consider adopting the SOI updates;
2. After receiving public comments close the hearing;
3. Determine that the SOI updates are exempt under the General Rule exemption §15061(b)(3) of the CEQA Guidelines;
4. Update the SOIs as recommended for CSA EM-1, ECCFPD, MOFD, RHFPD and SRVFD;
5. Defer SOI updates for CCCFPD, CCFPD, and KFPD pending an update on collaborative efforts in West County; and
6. Provide input and direction as desired.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

- Attachment 1- Summary Table - Governance and SOI Options & Recommendations
- Attachments 2A-2E – Resolutions/Maps Updating SOIs for CSA EM-1, ECCFPD, MOFD, RHFPD and SRVFD

c: Distribution

**Fire & Emergency Medical Services
Sphere of Influence (SOI) and Governance Options**

AGENCY	SOI RECOMMENDATIONS	2016 GOVERNANCE OPTIONS
County Service Area (CSA) EM-1	<ul style="list-style-type: none"> • Retain existing coterminous SOI 	<ul style="list-style-type: none"> • None identified
Contra Costa County Fire Protection District (CCCFPD)	<ul style="list-style-type: none"> • Defer SOI update pending report from West County agencies regarding a regional Standards of Cover (SOC) Study, and collaboration on grant opportunities, programs and services 	<ul style="list-style-type: none"> • Consider annexing underserved areas and areas the district is already serving (e.g., Tesoro refinery, Roddy Ranch, small area southeast of Clayton)
Crockett-Carquinez Fire Protection District (CCFPD)	<ul style="list-style-type: none"> • Defer SOI update pending report from West County agencies regarding a regional SOC Study, and collaboration on grant opportunities, programs and services 	<ul style="list-style-type: none"> • None identified
East Contra Costa Fire Protection District (ECCFPD)	<ul style="list-style-type: none"> • Adopt a provisional SOI with an initial update to the Commission in six months, and further status reports as determined by the Commission, regarding the fiscal, governance and services challenges facing the ECCFPD 	<ul style="list-style-type: none"> • Establish an independent governing board • Work with the County and cities of Brentwood and Oakley to develop a multi-faceted funding plan to increase revenues (e.g., special taxes, development fees, community facility districts, etc.) • Continue efforts to educate and involve the community • Develop a long-range service and cost plan that ensures adequate service levels
Kensington Fire Protection District (KFPD)	<ul style="list-style-type: none"> • Defer SOI update pending report from West County agencies regarding a regional SOC Study, and collaboration on grant opportunities, programs and services 	<ul style="list-style-type: none"> • Enhance reporting to separate City of El Cerrito and KFPD call data
Moraga Orinda Fire District (MOFD)	<ul style="list-style-type: none"> • Retain existing coterminous SOI 	<ul style="list-style-type: none"> • None identified
Rodeo Hercules Fire Protection District (RHFPD)	<ul style="list-style-type: none"> • Adopt a provisional SOI with initial update to the Commission in six months, and further status reports as determined by the Commission regarding the fiscal, governance and services challenges facing the RHFPD 	<ul style="list-style-type: none"> • Pursue new funding sources • Participate in a Battalion 7/West County Fire/EMS Task Force with other West County service providers to undertake/implement a SOC study, apply for grants, refine operational practices, develop cooperative agreements and pursue other collaborative efforts

AGENCY	SOI RECOMMENDATIONS	2016 GOVERNANCE OPTIONS
San Ramon Valley Fire Protection District (SRVFPD)	<ul style="list-style-type: none"> • Retain existing coterminous SOI 	<ul style="list-style-type: none"> • None identified
City of El Cerrito	<ul style="list-style-type: none"> • Participate with West County fire agencies in a regional SOC Study, and collaboration on grant opportunities, programs and services • SOI update following 2nd round city services MSR 	<ul style="list-style-type: none"> • None identified
City of Pinole	<ul style="list-style-type: none"> • Participate with West County fire agencies in a regional SOC Study, and collaboration on grant opportunities, programs and services • SOI update following 2nd round city services MSR 	<ul style="list-style-type: none"> • None identified
City of Richmond	<ul style="list-style-type: none"> • Participate with West County fire agencies in a regional SOC Study, and collaboration on grant opportunities, programs • SOI update following 2nd round city services MSR 	<ul style="list-style-type: none"> • None identified

RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
APPROVING A SPHERE OF INFLUENCE UPDATE FOR
COUNTY SERVICE AREA EM-1

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

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

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

WHEREAS, LAFCO conducted its 2nd round MSR covering fire and emergency medical services including services provided by County Service Area (CSA) EM-1, and adopted written determinations as required by Government Code §56430 on August 10, 2016; and

WHEREAS, the District's service boundary is countywide, encompasses approximately 720 square miles, and is coterminous with the District's SOI; and

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

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

WHEREAS, the SOI update was duly considered at public meetings held on August 10 and October 12, 2016; and

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

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

1. Retain the existing coterminous SOI for CSA EM-1 as generally depicted on Exhibit A attached hereto.
2. Determine, as lead agency for the purposes of the California Environmental Quality Act (CEQA), that the SOI update is categorically exempt under §15061(b)(3) of the CEQA Guidelines, and direct staff to file a Notice of Exemption.
3. Determine that the Commission has considered the criteria set forth in Government Code §56425(e) as follows:
 - a. *The present and planned land uses in the area, including agricultural and open-space lands* – The District bounds encompass a wide variety of present and planned land uses, as it includes the entirety of Contra Costa County. The District has no land use authority. Contra Costa County and city plans include land uses and population growth that may impact the District's services. There is Williamson Act land within the District's boundaries and SOI.
 - b. *The present and probable need for public facilities and services in the area* – The District is a financing mechanism to provide enhanced emergency medical services to Contra Costa County. There is a

present and probable need for public facilities and services in the County, which are enhanced by assessments collected through the CSA. Service demand will increase with development. No changes in public facilities or services provided by the District will result from this SOI update.

- c. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – the District faces financing constraints due to the assessment being capped at current levels. The current financing is not adequate to deliver long-term services given the historical inflation patterns. Retention of the SOI will not affect the present capacity of public facilities and adequacy of services provided by CSA EM-1.
- d. *The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency* – CSA EM-1 was formed in 1989 as a countywide dependent district of the County. The District is primarily financed through assessments. The social and economic communities of interest include the entirety of Contra Costa County. Property owners within the District have an economic interest in receiving services from this investment. The SOI update will not affect the existence of any social or economic communities of interest in the areas that are relevant to CSA EM-1.
- e. *For an update of an SOI of a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, the present and probable need for those public facilities and services of any disadvantaged unincorporated communities (DUCs) within the existing SOI should be considered* – CSA EM-1 does not provide structural fire service. The District is countywide and there are numerous DUCs within the District’s boundary/SOI.
- f. *When adopting, amending, or updating an SOI for a special district, the commission shall establish the nature, location, and extent of any functions or classes of services provided by existing districts* – CSA EM-1 service boundary encompasses the entire County - approximately 720 square miles. The District is a financing mechanism to provide enhanced emergency medical services to Contra Costa County.

PASSED AND ADOPTED THIS 12TH day of October 2016, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

MARY N. PIEPHO, CHAIR, CONTRA COSTA LAFCO

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

Dated: October 12, 2016

Lou Ann Texeira, Executive Officer

County Service Area EM-1 (Emergency Services)

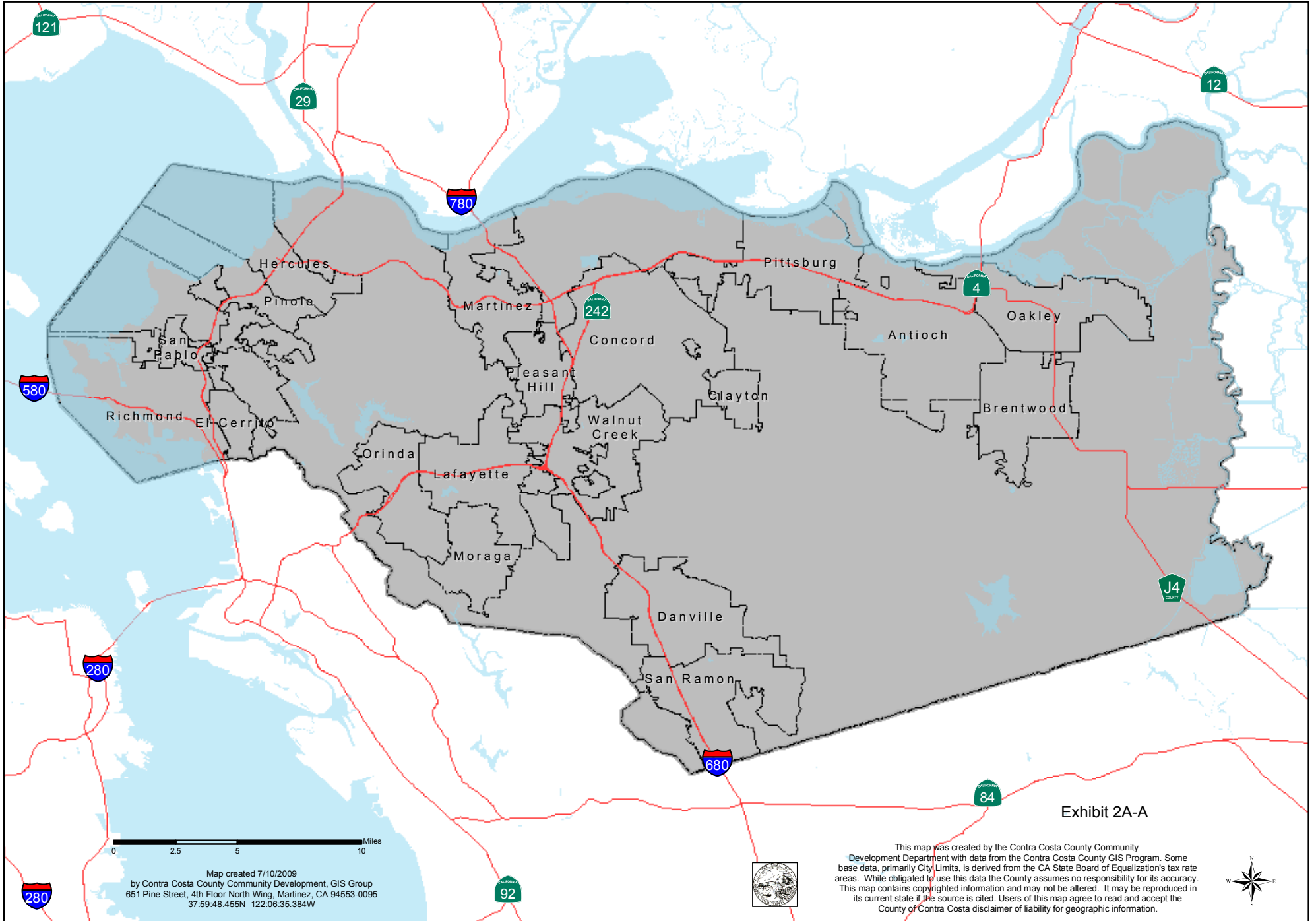


Exhibit 2A-A

Map created 7/10/2009
by Contra Costa County Community Development, GIS Group
651 Pine Street, 4th Floor North Wing, Martinez, CA 94553-0095
37:59:48.455N 122:06:35.384W

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



RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
APPROVING A SPHERE OF INFLUENCE UPDATE FOR
EAST CONTRA COSTA FIRE PROTECTION DISTRICT

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

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

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

WHEREAS, LAFCO conducted its 2nd round MSR covering fire and emergency medical service (EMS) providers, including services provided by the East Contra Costa Fire Protection District (ECCFPD) and adopted written determinations as required by Government Code §56430 on August 10, 2016; and

WHEREAS, the 2nd round MSR includes data updates for the 11 fire/EMS providers, 2) review of auto and mutual aid agreements, and 3) focused analysis on the two most distressed fire districts, including ECCFPD; and

WHEREAS, the MSR report identified a number of issues relating to fire/EMS including that most fire service providers have the financial ability to deliver adequate services, continued population growth and job creation will place additional service demands on Fire/EMS, and that many Contra Costa County fire agencies are unable to meet “Best Practices” for response times and staffing; and

WHEREAS, in updating SOIs for fire service providers, LAFCO should consider the uniqueness of fire service areas as a result of automatic aid, mutual aid and contract service arrangements; and

WHEREAS, ECCFPD’s service boundary encompasses approximately 249 square miles, and its SOI and boundary are not coterminous; and

WHEREAS, the MSR noted a number of significant financial, service and governance deficiencies that need to be addressed; and

WHEREAS, the MSR report identified two SOI options for ECCFPD, including a “zero” SOI to signal a future reorganization and a “provisional” SOI requiring ECCFPD to report back to LAFCO at least annually on its progress in addressing the fiscal, governance and service challenges identified in the MSR; and

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

WHEREAS, the SOI update was duly considered at public hearings held on August 10 and October 12, 2016; and

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

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

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

1. Adopt a “provisional” SOI for ECCFPD and require an initial report back to the Commission in six months, and further status reports as determined by the Commission, regarding the fiscal, governance and services challenges facing the ECCFPD.
2. Determine, as lead agency for the purposes of the California Environmental Quality Act (CEQA), that the SOI update is categorically exempt under §15061(b)(3) of the CEQA Guidelines, and direct staff to file a Notice of Exemption.
3. Determine that the Commission has considered the criteria set forth in Government Code §56425(e) as follows:
 - a. *The present and planned land uses in the area, including agricultural and open-space lands*
The District bounds encompass residential, commercial, mixed-use, agricultural, recreational, open space and watershed uses located throughout the District. The predominant uses are agricultural and open space, with the agricultural core located west of Discovery Bay and Byron, and pasture lands throughout Morgan Territory, Marsh Creek, Knightsen and northern Bethel Island. The District contains expansive open space including Morgan Territory Regional Park, Vasco Caves Regional Park, Contra Loma Regional Park, Round Valley Regional Preserve, Black Diamond Mines Regional Preserve, and the northern portion of Mount Diablo State Park. Residential and commercial areas are concentrated in the cities of Brentwood and Oakley, with some residential areas in the unincorporated communities of Discovery Bay and Bethel Island. Future growth is expected to occur in Brentwood, Oakley, Discovery Bay, Byron (airport) and Bethel Island (Delta Coves), and will add at least 5,000 new residents to the District’s service area. The District has no land use authority. Contra Costa County and city plans include land uses and population growth that may impact the District’s services. There is Williamson Act land within the District’s boundary and SOI.
 - b. *The present and probable need for public facilities and services in the area – ECCFPD*
provides fire and emergency medical services including basic life support (BLS). Ambulance transport and advanced life support (ALS) is provided by Contra Costa County Fire Protection District/AMR. ECCFPD contracts with CCCFPD for dispatch, radio, information and fire prevention services. There is a present and probable need for public facilities and services in the existing boundary/SOI. Service demand will increase with build-out of the cities and in the designated unincorporated areas. New development will exacerbate the existing fiscal and service deficiencies. In recent years, ECCFPD has reduced its number of fire stations from eight to three, which are inadequate to serve ECCFPD’s 249 square mile service area. No changes in public facilities or services provided by the District will result from this SOI update.
 - c. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide – the MSR report indicated that service levels are higher in urban and suburban areas and pockets than in outlying areas. Travel times are*

longer to the open space and grazing lands in the western and southern portions of the District, and in the surrounding islands. ECCFPD's service limitations result in excessive response time and ongoing automatic aid from CCCFPD.

- d. *The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency* – ECCFPD was formed in 2002 as a dependent district through the consolidation of Bethel Island, East Diablo and Oakley fire protection districts; there have been no boundary changes to the District since its formation in 2002. ECCFPD is funded primarily through property taxes, within limited funding through intergovernmental and miscellaneous revenues. The social and economic communities of interest include the cities of Brentwood and Oakley, and the unincorporated communities of Bethel Island, Byron, Discovery Bay and Knightsen. Property owners within the District have an economic interest in receiving services from this investment. The SOI update will not affect the existence of any social or economic communities of interest in the areas that are relevant to ECCFPD.
- e. *For an update of an SOI of a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, the present and probable need for those public facilities and services of any disadvantaged unincorporated communities (DUCs) within the existing SOI should be considered* – several disadvantaged communities fall within ECCFPD's SOI, including Bethel Island and Knightsen. These two areas experience among the worst response times in the ECCFPD of 13:37 and 18:18, respectively (90% of responses fall within those times), which fall significantly below overall District times, and well below national standards for "Best Practices," which recommend response times of 5 minutes and 20 seconds 90% of the time.
- f. *Nature, location, extent, functions & classes of services to be provided* – ECCFPD service boundary encompasses approximately 249 square miles. The District provides fire and emergency medical services including BLS. Ambulance transport and ALS is provided by CCCFPS/AMR. ECCFPD contracts with CCCFPD for dispatch, radio, information and fire prevention services. The District currently has three fire stations – one in Brentwood, one in Discovery Bay, and one in Oakley.

* * * * *

PASSED AND ADOPTED THIS 12TH day of October 2016, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

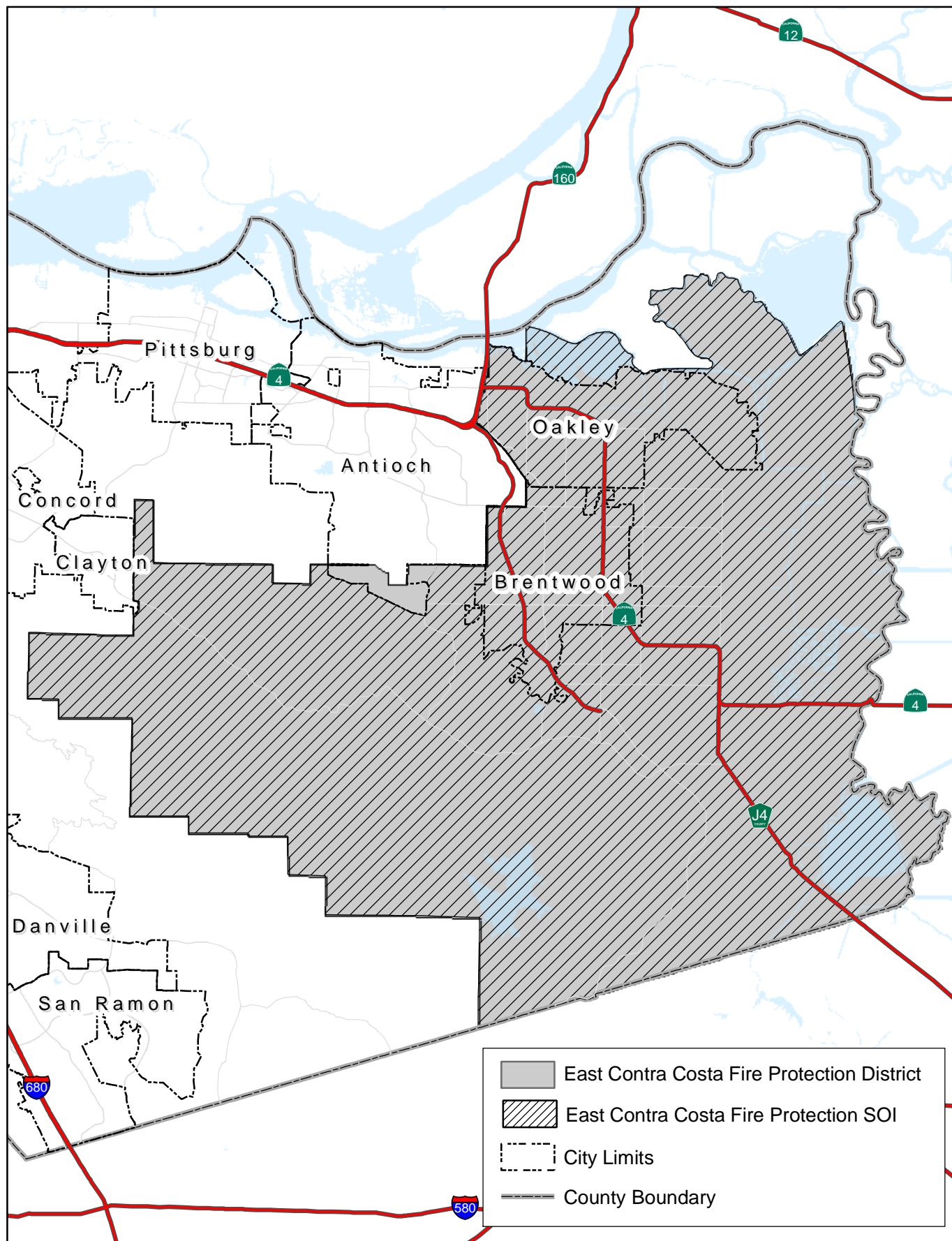
MARY N. PIEPHO, CHAIR, CONTRA COSTA LAFCO

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

Dated: October 12, 2016

Lou Ann Texeira, Executive Officer

East Contra Costa Fire Protection District and Provisional SOI



RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
APPROVING A SPHERE OF INFLUENCE UPDATE FOR
MORAGA-ORINDA FIRE DISTRICT

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

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

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

WHEREAS, LAFCO conducted its 2nd round MSR covering fire and emergency medical service (EMS) providers, including services provided by the Moraga-Orinda Fire District (MOFD) and adopted written determinations as required by Government Code §56430 on August 10, 2016; and

WHEREAS, the 2nd round MSR included data updates for the 11 fire/EMS providers, 2) review of auto and mutual aid agreements, and 3) focused analysis on the two most distressed fire districts; and

WHEREAS, the MSR report identified a number of issues relating to fire/EMS including that most fire service providers have the financial ability to deliver adequate services, continued population growth and job creation will place additional service demands on Fire/EMS, and that many Contra Costa County fire agencies are unable to meet “Best Practices” for response times and staffing; and

WHEREAS, in updating SOIs for fire service providers, LAFCO should consider the uniqueness of fire service areas as a result of automatic aid, mutual aid and contract service arrangements; and

WHEREAS, MOFD’s service boundary encompasses approximately 42 square miles, and its SOI and boundary are coterminous; and

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

WHEREAS, the SOI update was duly considered at public hearings held on August 10 and October 12, 2016; and

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

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

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

1. Retain the existing coterminous SOI for MOFD as generally depicted on Exhibit A attached hereto.
2. Determine, as lead agency for the purposes of the California Environmental Quality Act (CEQA), that the SOI update is categorically exempt under §15061(b)(3) of the CEQA Guidelines, and direct staff to file a Notice of Exemption.
3. Determine that the Commission has considered the criteria set forth in Government Code §56425(e) as follows:
 - a. *The present and planned land uses in the area, including agricultural and open-space lands* MOFD bounds encompass residential, commercial, institutional, agricultural and open space uses within the cities of Moraga and Orinda and surrounding unincorporated areas to the east and west of the cities. Present land uses in the incorporated areas are predominantly residential and commercial. The cities both contain significant open space. Land uses in the unincorporated areas are primarily open space. Future land uses within the existing SOI include some new development. The District has no land use authority. Contra Costa County and city plans include land uses and population growth that may impact the District's services. There is Williamson Act land within the District's boundary and SOI.
 - b. *The present and probable need for public facilities and services in the area* – MOFD provides fire and emergency medical services including paramedic and ambulance transport. MOFD contracts with Contra Costa County Fire Protection District (CCCFPD) for dispatch and radio services. There is a present and probable need for public facilities and services within the District boundary/SOI. Service demand will increase with build-out of the cities. No changes in public facilities or services provided by the District will result from this SOI update.
 - c. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – the MSR report did not identify any capacity or service adequacy issues that would prevent MOFD from continuing to serve its boundary/SOI area. The MSR noted that two of the District's five fire stations are in fair/poor condition and that rehabilitation of these stations is planned. Retention of SOI will not affect the present capacity of public facilities and adequacy of services provided by MOFD.
 - d. *The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency* – MOFD was formed in 1997 as an independent special district through the consolidation of the Moraga Fire Protection District and the Orinda Fire Protection District; there has been one boundary change to the District since its formation. The District is funded primarily through property taxes, within limited funding through ambulance fees, fire flow taxes, and miscellaneous revenues. The social and economic communities of interest include the cities of Moraga and Orinda and the unincorporated community of Canyon. Other communities of interest within the District include St. Mary's College (Moraga), Redwood Regional Park, Robert Sibley Regional Preserve, Charles Lee Tilden Regional Park and Golf Course, and portions of Wildcat Canyon Regional Park and San Pablo and Briones reservoirs. Property owners within the District have an economic interest in receiving services from this investment. The SOI update will not affect the existence of any social or economic communities of interest in the areas that are relevant to MOFD.

- e. *For an update of an SOI of a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, the present and probable need for those public facilities and services of any disadvantaged unincorporated communities (DUCs) within the existing SOI should be considered – There are no DUCs within the MOFD boundary/SOI.*

- f. *Nature, location, extent, functions & classes of services to be provided – MOFD service boundary encompasses approximately 42 square miles. The District provides fire prevention and suppression, advanced and basic life support for medical emergencies, ambulance transport, rescue, initial hazardous materials response, fire inspection, education and fire-related permit services. The District relies on CCCFPD/AMR for back-up ambulance services. There are five fire stations located within the District, three in Orinda and two in Moraga.*

PASSED AND ADOPTED THIS 12TH day of October 2016, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

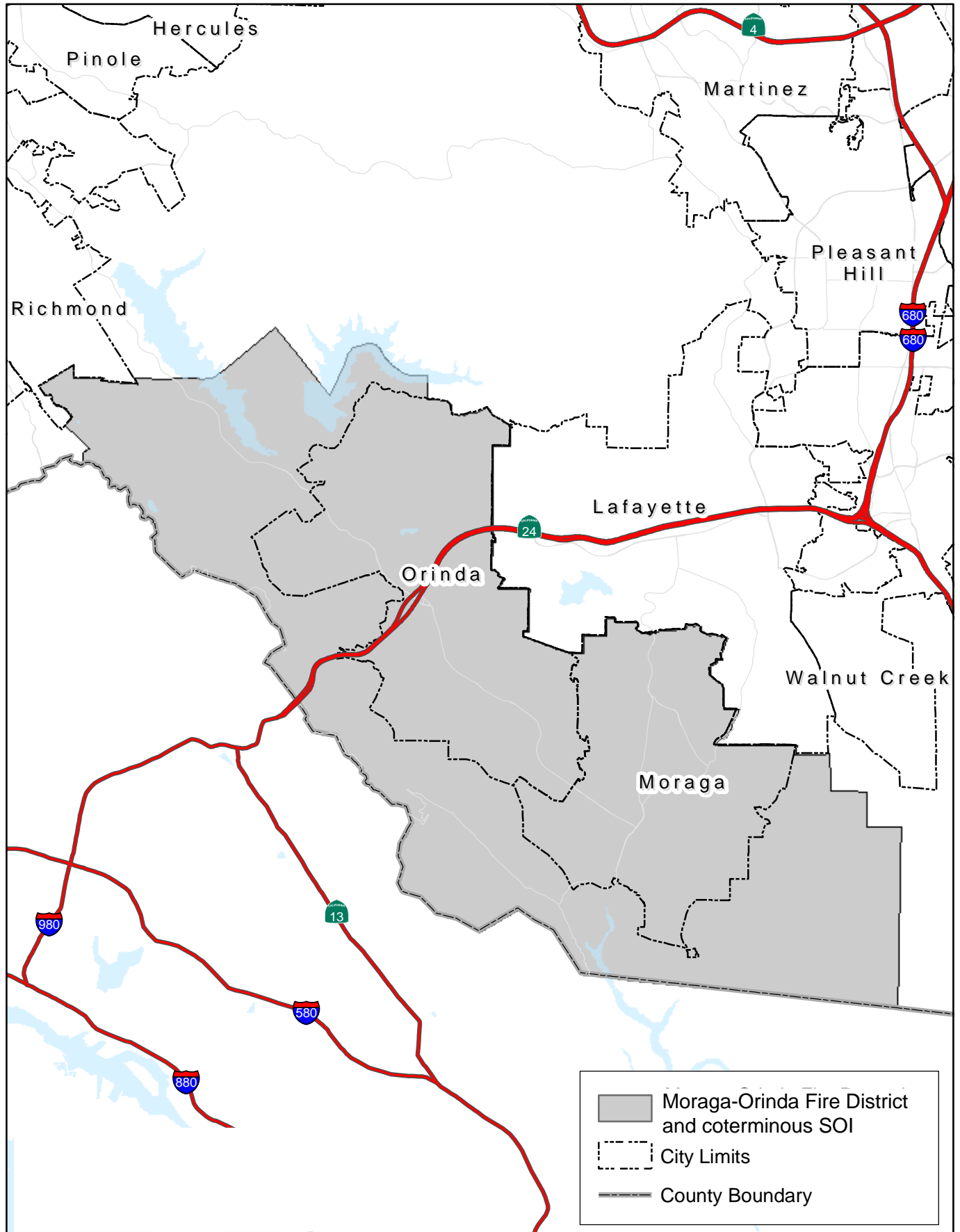
MARY N. PIEPHO, CHAIR, CONTRA COSTA LAFCO

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

Dated: October 12, 2016

Lou Ann Texeira, Executive Officer

Moraga-Orinda Fire District and SOI



RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
APPROVING A SPHERE OF INFLUENCE UPDATE FOR
RODEO HERCULES FIRE PROTECTION DISTRICT

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

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

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

WHEREAS, LAFCO conducted its 2nd round MSR covering fire and emergency medical service (EMS) providers, including services provided by the Rodeo Hercules Fire Protection District (RHFPD) and adopted written determinations as required by Government Code §56430 on August 10, 2016; and

WHEREAS, the 2nd round MSR includes data updates for the 11 fire/EMS providers, 2) review of auto and mutual aid agreements, and 3) focused analysis on the two most distressed fire districts, including RHFPD; and

WHEREAS, the MSR report identified a number of issues relating to fire/EMS including that most fire service providers have the financial ability to deliver adequate services, continued population growth and job creation will place additional service demands on Fire/EMS, and that many Contra Costa County fire agencies are unable to meet “Best Practices” for response times and staffing; and

WHEREAS, in updating SOIs for fire service providers, LAFCO should consider the uniqueness of fire service areas as a result of automatic aid, mutual aid and contract service arrangements; and

WHEREAS, RHFPD’s service boundary encompasses approximately 25 square miles, and its SOI and boundary are coterminous; and

WHEREAS, the MSR noted a number of significant financial and service deficiencies that need to be addressed; and

WHEREAS, the MSR report identified two SOI options for RHFPD, including a “zero” SOI to signal a future reorganization and a “provisional” SOI requiring RHFPD to report back to LAFCO at least annually on its progress in addressing the fiscal and service challenges identified in the MSR; and

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

WHEREAS, the SOI update was duly considered at public hearings held on August 10 and October 12, 2016; and

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

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

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

1. Adopt a “provisional” SOI for RHFPD and require an initial report back to the Commission in six months, and further status reports as determined by the Commission, regarding the fiscal and services challenges facing the RHFPD. Further, RHFPD will participate with the other West County fire/EMS providers on a plan to address regional standards of cover, expand grant opportunities, and other opportunities to collaborate and enhance services in West County.
2. Determine, as lead agency for the purposes of the California Environmental Quality Act (CEQA), that the SOI update is categorically exempt under §15061(b)(3) of the CEQA Guidelines, and direct staff to file a Notice of Exemption.
3. Determine that the Commission has considered the criteria set forth in Government Code §56425(e) as follows:
 - a. *The present and planned land uses in the area, including agricultural and open-space lands*
The District bounds are primarily residential, commercial, industrial and open space. Residential areas are concentrated in the western portion of the District's land area, with higher densities generally located west of I-80. Commercial areas are located along highways and major roads, and also concentrated in the town centers. Industrial activity is located along the coastline and consists of a large industrial park and the headquarters of a biological research company in Hercules, and the ConocoPhillips San Francisco Oil Refinery in Rodeo. Open space is located in the eastern half of the District's land area. The District has no land use authority. Contra Costa County and city plans include land uses and population growth that may impact the District’s services. There is Williamson Act land within the District’s boundary and SOI.
 - b. *The present and probable need for public facilities and services in the area – RHFPD*
provides fire and emergency medical services including paramedic services. RHFPD contracts with CCCFPD for dispatch and radio services. There is a present and probable need for public facilities and services in the existing boundary/SOI. Renewed growth and development within the RHFPD service area will increase the need for adequate RHFPD facilities and services. Closure of one of its two fire stations, which is imminent in the absence of new funding sources, will have a significant adverse impact on service levels. No changes in public facilities or services provided by the District will result from this SOI update.
 - c. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide –* with the current two staffed stations, RHFPD is generally able to provide adequate services to its service area. Though functional, the two stations do not meet current “essential services” and “best practices and design” standards, according to the District. Currently, the District does not have funding to construct a new station. Increased growth and development in Hercules, including potential projects at the ConocoPhillips Refinery, will add to the service demands currently experienced by the District. The potential closure of one of its two stations due to inadequate financial

resources will have a significant adverse impact on response times and ability to respond to multiple calls simultaneously. The need for aid from adjacent agencies will increase, and the ability to provide aid to other agencies will be diminished. The SOI update will not affect public services or facilities.

- d. *The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency* – RHFPD was formed in 1927. The District is funded primarily through property and special taxes, within limited funding through intergovernmental and miscellaneous revenues. The social and economic communities of interest include the City of Hercules and the unincorporated Rodeo community. Property owners within the District have an economic interest in receiving services from this investment. The SOI update will not affect the existence of any social or economic communities of interest in the areas that are relevant to RHFPD.
- e. *For an update of an SOI of a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, the present and probable need for those public facilities and services of any disadvantaged unincorporated communities (DUCs) within the existing SOI should be considered* – one disadvantaged community – Rodeo – is within RHFPD’s SOI. The area is within one mile of RHFPD Station 75, and therefore response times for the first-arriving engine company should meet or exceed Best Practice norms. However, if Station 75 closes as a result of revenue shortfalls, the next closest station would be Station 76, over two miles away, and response time would increase.
- f. *Nature, location, extent, functions & classes of services to be provided* – RHFPD service boundary encompasses approximately 25 square miles. RHFPD provides fire and emergency medical services including paramedic services. RHFPD contracts with CCCFPD for dispatch and radio services, and with CCCFPD/AMR for ambulance transport services.

* * * * *

PASSED AND ADOPTED THIS 12TH day of October 2016, by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

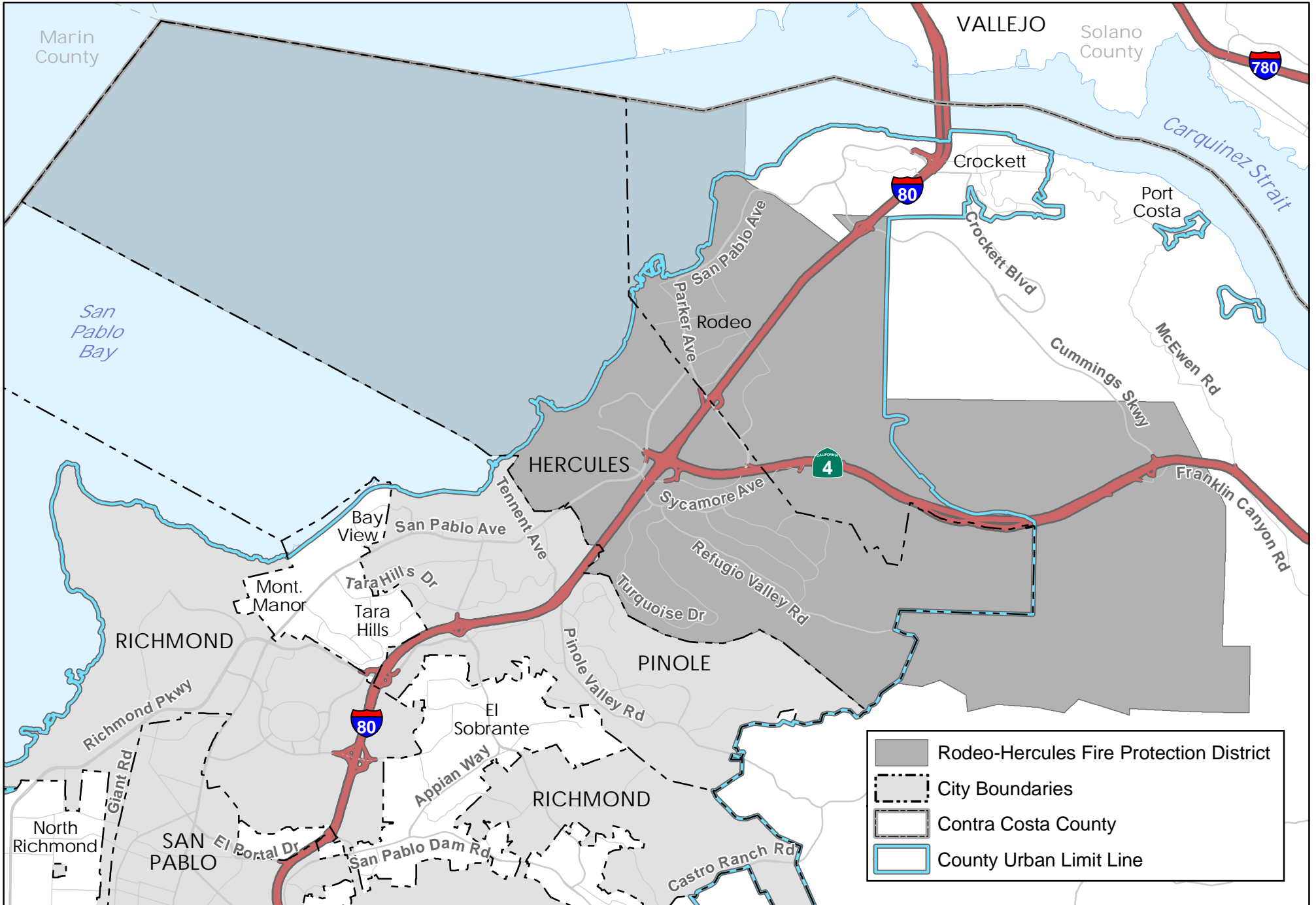
MARY N. PIEPHO, CHAIR, CONTRA COSTA LAFCO

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

Dated: October 12, 2016

Lou Ann Texeira, Executive Officer

Rodeo-Hercules Fire Protection District and coterminous SOI



	Rodeo-Hercules Fire Protection District
	City Boundaries
	Contra Costa County
	County Urban Limit Line

Map created 04/05/2016
 by Contra Costa County Department of
 Conservation and Development, GIS Group
 30 Muir Road, Martinez, CA 94553
 37:59:41.791N 122:07:03.756W

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

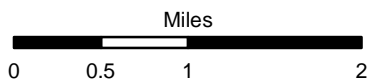


Exhibit 2D-A

RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
APPROVING A SPHERE OF INFLUENCE UPDATE FOR
SAN RAMON VALLEY FIRE PROTECTION DISTRICT

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

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

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

WHEREAS, LAFCO conducted its 2nd round MSR covering fire and emergency medical service (EMS) providers, including services provided by the San Ramon Valley Fire Protection District (SRVFPD) and adopted written determinations as required by Government Code §56430 on August 10, 2016; and

WHEREAS, the 2nd round MSR includes data updates for the 11 fire/EMS providers, 2) review of auto and mutual aid agreements, and 3) focused analysis on the two most distressed fire districts; and

WHEREAS, the MSR report identified a number of issues relating to fire/EMS including that most fire service providers have the financial ability to deliver adequate services, continued population growth and job creation will place additional service demands on Fire/EMS, and that many Contra Costa County fire agencies are unable to meet “Best Practices” for response times and staffing; and

WHEREAS, in updating SOIs for fire service providers, LAFCO should consider the uniqueness of fire service areas as a result of automatic aid, mutual aid and contract service arrangements; and

WHEREAS, SRVFPD’s service boundary encompasses approximately 155 square miles, and its SOI and boundary are coterminous; and

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

WHEREAS, the SOI update was duly considered at public hearings held on August 10 and October 12, 2016; and

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

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

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

1. Retain the existing coterminous SOI for SRVFPD as generally depicted on Exhibit A attached hereto.
2. Determine, as lead agency for the purposes of the California Environmental Quality Act (CEQA), that the SOI update is categorically exempt under §15061(b)(3) of the CEQA Guidelines, and direct staff to file a Notice of Exemption.
3. Determine that the Commission has considered the criteria set forth in Government Code §56425(e) as follows:
 - a. *The present and planned land uses in the area, including agricultural and open-space lands* SRVFPD bounds encompass residential, commercial, mixed-use, agricultural and open space uses within the cities of San Ramon and Danville and the unincorporated communities of Alamo, Blackhawk, Diablo, Tassajara Valley, and southern portions of Morgan Territory. The District has no land use authority. Contra Costa County and city plans include land uses and population growth that may impact the District's services. There is Williamson Act land within the District's boundary/SOI.
 - b. *The present and probable need for public facilities and services in the area – SRVFPD* provides dispatch, fire and emergency medical services including paramedic and ambulance transport. There is a present and probable need for public facilities and services within the District's boundary/SOI. Service demand will increase with build-out of the cities. No changes in public facilities or services provided SRVFPD will result from this SOI update.
 - c. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide – the MSR report did not identify any capacity or service adequacy issues that would prevent the District from continuing to serve its boundary area. Retention of the SOI will not affect the present capacity of public facilities and adequacy of services provided by SRVFPD.*
 - d. *The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency – SRVFPD* was originally formed in 1921 as an independent special district known as the Danville Fire District; there have been numerous reorganizations and boundary changes to the District since its formation. SRVFPD is funded primarily through property taxes, within limited funding through ambulance fees and service charges, intergovernmental and miscellaneous revenues. The social and economic communities of interest include the cities of Danville and San Ramon, and the unincorporated communities of Alamo, Blackhawk and Diablo. The southern portions of Morgan Territory and the Tassajara Valley are included with the SRVFPD bounds and SOI expansion areas. Property owners within the District have an economic interest in receiving services from this investment. The SOI update will not affect the existence of any social or economic communities of interest in the areas that are relevant to SRVFPD.
 - e. *For an update of an SOI of a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, the present and probable need for those public facilities and services of any disadvantaged unincorporated communities (DUCs) within the existing SOI should be considered – there are no DUCs within*

the SRVFPD boundary/SOI. However, there is a disadvantaged community identified in southeast San Ramon.

- f. *Nature, location, extent, functions & classes of services to be provided* – SRVFPD service boundary encompasses approximately 155 square miles. The District provides fire prevention and suppression, advanced and basic life support for medical emergencies, ambulance transport, rescue, initial hazardous materials response, fire inspection, education and fire-related permit services. The District has nine staffed stations, and two stations staffed by on-call volunteers. Of the staffed stations, four are located in the San Ramon, three in the Danville, one in Alamo and one in Blackhawk. The two stations staffed by on-call volunteers serve Morgan Territory.

PASSED AND ADOPTED THIS 12TH day of October 2016, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

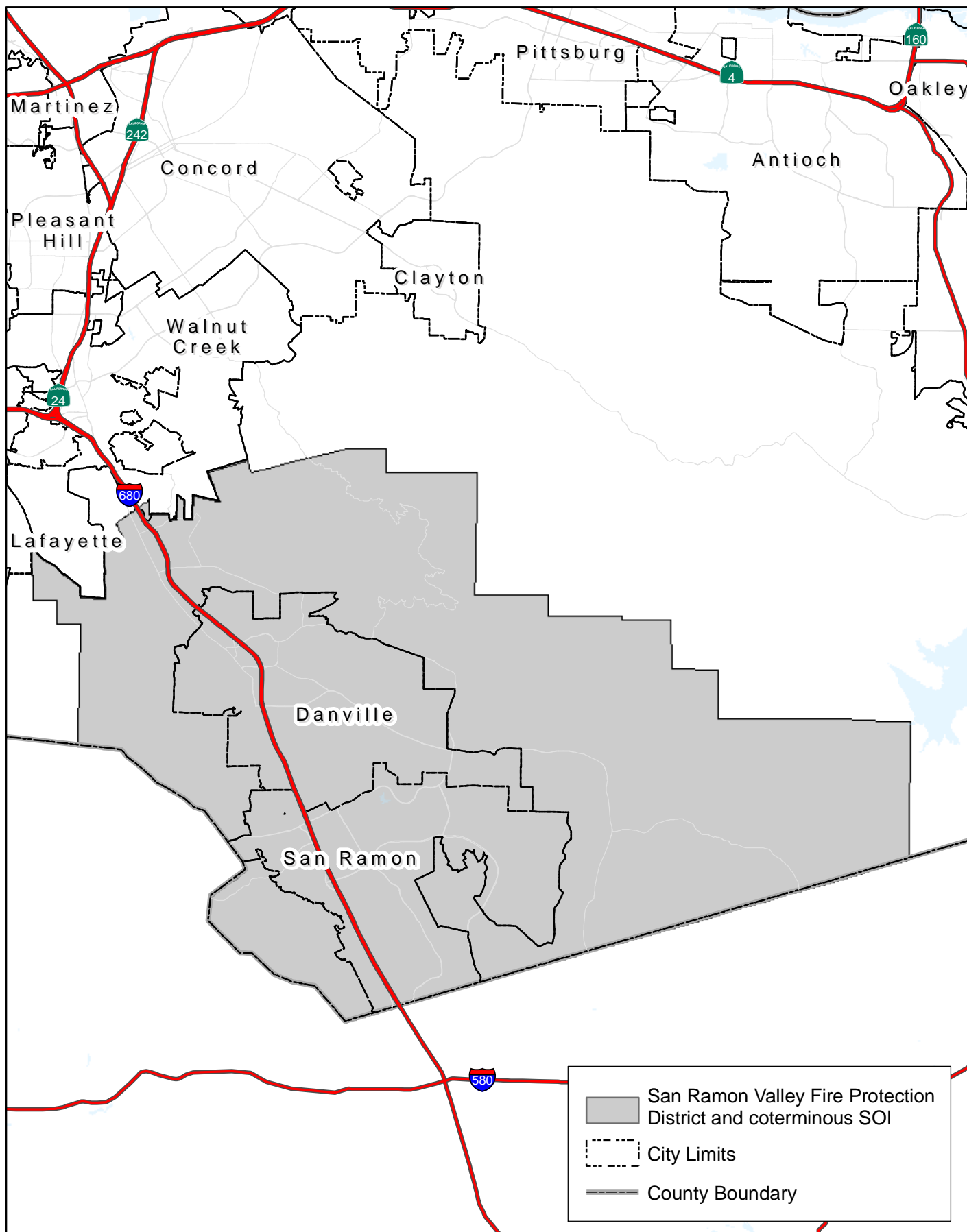
MARY N. PIEPHO, CHAIR, CONTRA COSTA LAFCO

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

Dated: October 12, 2016

Lou Ann Texeira, Executive Officer

San Ramon Valley Fire Protection District and SOI





Lou Ann Teixeira
 Executive Officer

MEMBERS

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

ALTERNATE MEMBERS

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

October 12, 2016 (Agenda)

October 12, 2016
 Agenda Item 10

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 – Reorganization 191 (Faria Preserve West): Annexations to the Central Contra Costa Sanitary District and East Bay Municipal Utility District

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 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 jurisdiction.

Alameda and Contra Costa LAFCOs have several districts which cross county boundaries. 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 boundaries and spheres of influence (SOIs) in accordance with the adopted procedures.

On September 30, 2016, Contra Costa LAFCO received an application from the Central Contra Costa Sanitary District (CCCSD) to annex 9.7± acres to both East Bay Municipal Utility District (EBMUD) and CCCSD. The project site is within the SOIs of both districts.

The project site is located in the City of San Ramon and was part of a previous proposal to Contra Costa LAFCO (LAFCO 08-27). In 2009, Contra Costa LAFCO approved the annexation of what was then the entire parcel, including the subject property, to the City of San Ramon. The entire parcel,

including this portion of the parcel, is within the City's voter approved Urban Growth Boundary (UGB), and the area was needed for the City to meet its ratio of urban/non-urban land use. In 2009, the Commission voted to exclude the subject area from the annexations to CCCSD and EBMUD for the following reasons: 1) the area is outside the County's Urban Limit Line (ULL), 2) this area was designated open space and intended to house an EBMUD water tank, and 3) it was determined that there was no need for municipal water and sewer services to the area as it was to remain open space.

Recent project design revisions have resulted in the need to relocate approximately 17 townhouse units to a portion of the subject parcel, and municipal water and sewer services are needed to serve these units.

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 conclude that transferring jurisdiction for this proposal would simplify processing. Further, it has been the policy and practice of Alameda and Contra Costa LAFCOs to transfer jurisdiction to the affected LAFCO, which typically has knowledge of the underlying service needs and familiarity with the local agencies.

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 the proposed reorganization.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

Attached – Draft Letter to Alameda LAFCO Requesting Transfer of Jurisdiction

c: Mona Palacios, Alameda LAFCO
 Andrew Lee, EBMUD
 Russ Leavitt, CCCSD
 Kerri Watt, CalAtlantic Homes

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 Texeira
Executive Officer

MEMBERS

Donald A. Blubaugh
Public Member

Federal Glover
County Member

Michael R. McGill
Special District Member

Mary N. Piepho
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Rob Schroder
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Tom Butt
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Stanley Caldwell
Special District Member

October 12, 2016

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

Dear Ms. Palacios:

Contra Costa LAFCO recently received an application from the Central Contra Costa Sanitary District (CCCSD) to annex 9.7± acres property to both the East Bay Municipal Utility District (EBMUD) and CCCSD.

The project site is located in the City of San Ramon and was part of a previous proposal to Contra Costa LAFCO as explained in the October 12, 2016 Contra Costa LAFCO staff report. Recent project design revisions have resulted in the need to relocate approximately 17 townhouse units to a portion of the subject parcel, and municipal water and sewer services are needed to serve these units.

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 annexation to EBMUD. This request for transfer of jurisdiction was approved by the Contra Costa LAFCO on October 12, 2016, at which time the Commission agreed to assume exclusive jurisdiction for the proposed annexation subject to Alameda LAFCO's approval of a transfer of jurisdiction.

We have enclosed a check for the transfer of jurisdiction, and respectfully request that this matter be placed on your November 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
Russ Leavitt, CCCSD
Kerri Watt, CalAtlantic Homes



Lou Ann Texeira
 Executive Officer

MEMBERS

Donald A. Blubaugh <i>Public Member</i>	Mary N. Piepho <i>County Member</i>
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ALTERNATE MEMBERS

Candace Andersen
County Member
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October 12, 2016

October 12, 2016
 Agenda Item 11

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

First Quarter Budget Report - Fiscal Year 2016-17

Dear Members of the Commission:

This is the first quarter budget report for FY 2016-17, which compares adopted and actual expenses and revenues for the period July 1, 2016 through September 30, 2016.

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

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

DISCUSSION

On May 11, 2016, LAFCO adopted its final FY 2016-17 budget with total appropriations of \$893,733, which includes an \$80,000 contingency/reserve fund and an annual contribution of \$40,000 to fund the Other Post-Employment Benefits (OPEB) liability.

With 25% of the fiscal year elapsed, the Commission’s first quarter expenditures are \$119,837 or 14% of total appropriations. The Commission budgeted \$403,257 in *salaries/benefits* for FY 2016-17; at the end of the first quarter, actual expenses total \$71,824 or 18% of the total budgeted amount. The Commission budgeted \$370,476 in *services/supplies*; and at the end of the first quarter, actual expenses total \$48,013 or 13%. The \$40,000 payment toward the OPEB liability was made and will be reflected in the FY 2016-17 second quarter budget report.

The primary sources of revenues are local agency contributions, application fees, and interest earnings. Total revenues received during the first quarter are \$874,405 (including fund balance) or 98% of projected revenues. With the exception of one city and one special district, all local agencies have paid their prorated contributions to the LAFCO budget. LAFCO staff is currently working with the Auditor’s Office to collect appropriations from the remaining two agencies.

As for application fees, FY 2016-17 application activity is on par with FY 2015-16 activity. During the first quarter of FY 2016-17, LAFCO received one new application; and one new application was received during the first quarter of FY 2015-16.

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

Finally, when available, we budget fund balance to offset agency contributions. The FY 2016-17 budget includes \$150,000 in budgeted fund balance. See table below for a summary.

Account	FY 2016-17 Final Budget	First Quarter Actuals
Salaries & Benefits	\$403,257	\$ 71,824
Services & Supplies	370,476	48,013
Contingency/Reserve	80,000	0
OPEB Trust	40,000	0
Total Appropriations	\$893,733	\$119,837
Agency Contributions	\$723,733	\$ 715,615
Application/Other Revenue	20,000	8,791
Interest Earnings	-	-
Fund Balance	150,000	150,000
Total Revenues	\$893,733	\$874,406

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

RECOMMENDATION

It is recommended that the Commission receive the FY 2016-17 first quarter budget report.

Sincerely,

LOU ANN TEXEIRA
 EXECUTIVE OFFICER



Lou Ann Teixeira
Executive Officer

MEMBERS

Donald A. Blubaugh <i>Public Member</i>	Mary N. Piepho <i>County Member</i>
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October 12, 2016
 Agenda Item 12

October 12, 2016 (Agenda)

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

Actuarial Valuation – Post-Employment Healthcare Benefits

Dear Members of the Commission:

Contra Costa LAFCO provides post-employment healthcare benefits for its retired employees and their spouses and dependents. LAFCO currently funds the employer’s share of these benefits for the three retirees. In order to fund this benefit and minimize future fiscal impacts to LAFCO, the Commission initiated a plan which includes: 1) funding future costs, 2) participating in a trust to hold the funds, and 3) conducting an actuarial valuation (every three years) to calculate the future liability for retiree healthcare and other post-employment benefits and the employer’s annual contribution rate.

In FY 2011-12, LAFCO began funding its post-employment healthcare liability at \$10,000 per year. In 2014, LAFCO entered into an agreement with Contra Costa County and the Public Agencies Post-Retirement Health Care Plan Trust (“Trust”) administered by Public Agency Retirement Services (PARS).

In order to participate in the PARS trust, and to comply with federal accounting rules Government Accounting Standard Board Statement 45 (GASB 45) which require LAFCO to disclose any unfunded post-employment benefits in its annual audits, LAFCO entered into an agreement with the California School Boards Association and the actuarial firm of Demsey, Filliger & Associates, LLC to prepare an actuarial report. If an employer has less than 100 “plan members” it is eligible to prepare an alternative measurement method (AMM) report in lieu of an actuarial valuation. The information contained in the AMM is also used in preparing LAFCO’s annual audits and budgets.

In March 2014, Contra Costa LAFCO completed its first AMM report. For financial reporting purposes, an actuarial valuation (or AMM) is required at least biennially for OPEB plans with a total membership of 200 or more, or at least triennially for plans with a total membership of fewer than 200.

In September 2016, LAFCO completed its second AMM report. The report shows an Employer-Paid Accrued Liability of \$546,116, an unfunded accrued liability of \$463,815, and an annual

required contribution of \$52,505, as reflected in the *Summary of Results for GASB45 AMM as of 7/1/2016* (see attached). In FY 2015-16, following completion of its first AMM, the Commission increased its annual funding from \$10,000 to \$40,000 per year. To date, LAFCO has accrued \$82,301 (including interest earned), which is held in the PARS trust account and reflected in the 2016 AMM report.

RECOMMENDATION: Receive report.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

Attachment – Contra Costa LAFCO - Summary of Results for GASB45 AMM as of 7/1/2016

GASB45 AMM

GASB 45 Alternative Measurement Method

Summary of Results for GASB 45 Alternative Measurement Method as of 7/1/2016

According to the results listed in the table below, Contra Costa LAFCO has an Accrued Liability (AL) of \$546,116 and an **Unfunded** Accrued Liability (UAL) of \$463,815. This report also determines that the Annual Required Contributions (ARC) under GASB 45 is \$52,505. This is comprised of the present value of benefits accruing in the current year (called the "service cost") and a 30-year amortization of the UAL.

	<u>Actives</u>	<u>Retirees</u>	<u>Total as of Valuation Date</u>
Total PVB	\$589,308	\$159,139	\$748,447
Total PUC AL	470,630	159,139	629,769
Total PUC SC	29,670	0	29,670
Retiree-Paid PVB	73,130	30,423	103,553
Retiree-Paid PUC AL	53,230	30,423	83,653
Retiree-Paid PUC SC	4,975	0	4,975
Employer PVB	516,178	128,716	644,894
Employer PUC AL	417,400	128,716	546,116
Employer PUC SC	24,695	0	24,695
Accrued Liability			546,116
Assets (from client input)			<u>(82,301)</u>
Unfunded Accrued Liability			\$463,815
Annual Required Contributions (ARC) for year ending			<u>6/30/2017</u>
Service Cost at end of year			\$25,683
30-year Amortization of UAL			<u>26,822</u>
Total ARC			\$52,505

Key Definitions:

PVB = Present Value of Benefits: this is the present value of all projected benefits

AL= Accrued Liability: this is the present value of benefits that are attributed to past service only

UAL = Unfunded Accrued Liability: this is equal to the AL minus assets

ARC = Annual Required Contribution: this is the amount Contra Costa LAFCO would be required to report as an expense for the upcoming fiscal year under GASB 45 which Present Value of Benefits is apportioned into Accrued Liability and Service Cost

SC = Service Cost: this is the proportion of the actuarial present value of plan benefits and expenses which is allocated to a valuation year by the actuarial cost method used in the valuation

PUC = Projected Unit Credit: this is an actuarial cost method (one of 6 permitted by GASB 45) under which Present Value of Benefits is apportioned into Accrued Liability and Service Cost



Lou Ann Teixeira
Executive Officer

MEMBERS

Donald A. Blubaugh <i>Public Member</i>	Mary N. Piepho <i>County Member</i>
Federal Glover <i>County Member</i>	Rob Schroder <i>City Member</i>
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October 12, 2016 (Agenda)

October 12, 2016
Agenda Item 13

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

2017 LAFCO Meeting Schedule

Dear Commissioners:

The Commissioner’s Handbook states that regular meetings of the Commission are held on the second Wednesday of each month commencing at 1:30 p.m. in the Board of Supervisors Chambers, 651 Pine Street in Martinez.

The proposed 2017 meeting schedule is as follows. Following approval, the meeting schedule will be posted on the LAFCO website.

January 11	April 12	July 12	October 11
February 8	May 10	August 9	November 8
March 8	June 14	September 13	December 13

RECOMMENDATION

It is recommended the Commission approve the 2017 LAFCO meeting schedule as proposed.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER



October 12, 2016
Agenda Item 14

AGENDA

RETIREMENT BOARD MEETING

SECOND MONTHLY MEETING
September 28, 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 August 24, 2016 meeting.

CLOSED SESSION

4. The Board will meet in closed session pursuant to Govt. Code Section 54956.9(d)(1) to confer with legal counsel regarding pending litigation:
 - a. *Jon Wilmot v. CCCERA Board of Retirement, et al.*, Contra Costa County Superior Court, Case No. N16-1730.
 - b. *Contra Costa County Deputy Sheriffs Association, et al., v. Board of Retirement of Contra Costa County Employees' Retirement Association, et al.*, Court of Appeal, 1st Appellate District, Case No. A141913.

OPEN SESSION

5. Presentation of updated Investment Policy Statement.
6. Consider and take possible action to adopt updated Investment Policy Statement.
7. Consider and take possible action to rescind the Investment Manager On Site Policy.
8. Review of Implementation Plan for new asset allocation.
9. Presentation from staff and Long Wharf Investment managers regarding a potential commitment to Long Wharf Real Estate Partners Fund V.
10. Consider and take possible action regarding a commitment to Long Wharf Real Estate Partners Fund V.
11. Presentation from staff and LaSalle regarding a commitment to LaSalle Income & Growth Fund VII.

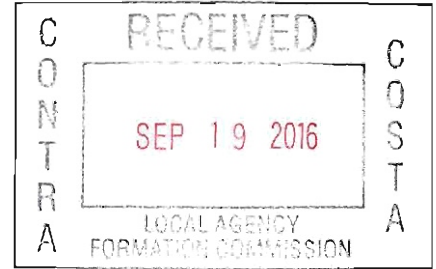
The Retirement Board will provide reasonable accommodations for persons with disabilities planning to attend Board meetings who contact the Retirement Office at least 24 hours before a meeting.

12. Consider and take possible action regarding a commitment to LaSalle Income & Growth Fund VII.
13. Consider and take possible action to update CCCERA's Conflict of Interest Code.
14. Consider and take possible action to update CCCERA's Procurement of Products and Services Policy.
15. Consider and take possible action on SACRS Voting Proxy Form.
16. Miscellaneous
 - a. Staff Report
 - b. Outside Professionals' Report
 - c. Trustees' Comments

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

September 16, 2016

Ms. Mary Piepho
Chair
Contra Costa Local Agency Formation Commission
651 Pine Street, 6th Floor
Martinez, California 94553-1229



Re: President's Special Acknowledgement Award - Workers' Compensation Program

October 12, 2016
Agenda Item 15

Dear Ms. Piepho:

This letter and enclosed certificate are to formally acknowledge the dedicated efforts of the Contra Costa Local Agency Formation Commission's Governing Body, management and staff towards proactive loss prevention and workplace safety for earning the President's Special Acknowledgement Award! The Award is to recognize members with no "paid" claims during the prior **five consecutive program years** in the Workers' Compensation Program.

A "paid" claim for the purposes of this recognition represents the first payment on an open claim during the prior program year. Your agency's efforts have resulted in no "paid" workers' compensation claims for the prior 5 consecutive program years including 2015-16. This is an outstanding accomplishment that serves as an example for all SDRMA members!

It is through the efforts of members such as Contra Costa Local Agency Formation Commission that SDRMA has been able to continue providing affordable workers' compensation coverage to over 433 public agencies throughout California. While 262 members or 61% in the workers' compensation program had no "paid" claims in program year 2015-16, 131 members or 30% had no paid claims for the prior 5 consecutive years.

In addition to this annual recognition, members with no "paid" claims during 2015-16 earned 2 credit incentive points (CIPs) reducing their annual contribution amount and members with no "paid" claims for the prior 5 consecutive program years earned 3 additional bonus CIPs. Also, members without claims receive a lower "experience modification factor" (EMOD) which also reduces their annual contribution amount.

Included with this letter and certificate is your press release template so your agency may showcase this important accomplishment.

On behalf of the SDRMA Board of Directors and staff, it is my privilege to congratulate your Governing Body, management and staff for your commitment to proactive loss prevention and safety in the workplace.

Sincerely,
Special District Risk Management Authority



David Aranda, President
Board of Directors



President's Special Acknowledgement Award

THE PRESIDENT OF THE SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY
HEREBY GIVES SPECIAL RECOGNITION TO

Contra Costa Local Agency Formation Commission

The President's Special Acknowledgement Award is to recognize members with no "paid" claims during the prior five consecutive program years in the Workers' Compensation Program. A "paid" claim for the purposes of this recognition represents the first payment on an open claim during that same period. Congratulations on your excellent claims record!

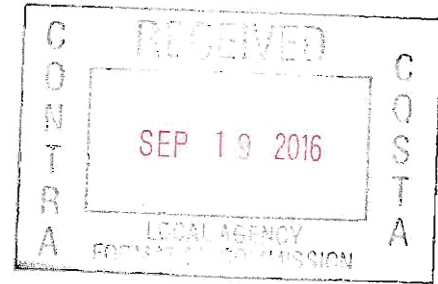
David Aranda, SDRMA Board President

September 16, 2016

Date

September 16, 2016

Ms. Mary Piepho
Chair
Contra Costa Local Agency Formation Commission
651 Pine Street, 6th Floor
Martinez, California 94553-1229



Re: President's Special Acknowledgement Award – Property/Liability Program

Dear Ms. Piepho:

This letter and enclosed certificate, are to formally acknowledge the dedicated efforts of the Contra Costa Local Agency Formation Commission's Governing Body, management and staff towards proactive risk management and loss prevention training for earning the President's Special Acknowledgement Award! The Award is to recognize members with no "paid" claims during the prior **five consecutive program years** in the Property/Liability Program.

A "paid" claim for the purposes of this recognition represents the first payment on an open claim during the prior program year and excludes property claims. Your agency's efforts have resulted in no "paid" property/liability claims for the prior 5 consecutive program years including 2015-16. This is an outstanding accomplishment that serves as an example for all SDRMA members!

It is through the efforts of members such as Contra Costa Local Agency Formation Commission that SDRMA has been able to continue providing affordable property/liability coverage to over 500 public agencies throughout California. While 425 members or 85% in the property/liability program had no "paid" claims in program year 2015-16, 300 members or 60% had no paid claims for the prior 5 consecutive years.

In addition to this annual recognition, members with no "paid" claims during 2015-16 earned 2 credit incentive points (CIPs) reducing their annual contribution amount and members with no "paid" claims for the prior 5 consecutive program years earned 3 additional bonus CIPs. Also, members with no "paid" claims for at least 3 consecutive program years may receive a lower "risk factor" which also helps to reduce the annual contribution amount.

Included with this letter and certificate is your press release template so your agency may showcase this important accomplishment.

On behalf of the SDRMA Board of Directors and staff, it is my honor to congratulate your Governing Body, management and staff for your commitment to proactive risk management and loss prevention training.

Sincerely,
Special District Risk Management Authority


David Aranda, President
Board of Directors



President's Special Acknowledgement Award

THE PRESIDENT OF THE SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY
HEREBY GIVES SPECIAL RECOGNITION TO

Contra Costa Local Agency Formation Commission

The President's Special Acknowledgement Award is to recognize members with no "paid" claims during the prior five consecutive program years in the Property/Liability Program. A "paid" claim for the purposes of this recognition represents the first payment on an open claim during that same period and excludes property claims. Congratulations on your excellent claims record!

David Aranda, SDRMA Board President

September 16, 2016

Date

**CALAFCO Daily Legislative Report
as of Wednesday, October 05, 2016**

October 12, 2016
Agenda Item 17a

1

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

Current Text: Chaptered: 8/22/2016 [pdf](#) [html](#)

Introduced: 2/16/2016

Last Amended: 6/6/2016

Status: 8/22/2016-Chaptered by Secretary of State - Chapter No. 163, Statutes of 2016

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

Summary:

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, requires 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 Request Governor Signature Letter_August 2016](#)

[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. The amendments in the June 6 version make a minor change to align with AB 2910. 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	Chaptered
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: UPDATE: This bill failed to make it out of the Assembly Appropriation Suspense File and has died.

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: Chaptered: 9/12/2016 [pdf](#) [html](#)

Introduced: 2/19/2016

Last Amended: 4/26/2016

Status: 9/12/2016-Chaptered by Secretary of State - Chapter 301, Statutes of 2016.

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. The author contends the criteria for qualification as outlined in the bill applies only to the Sycuan Indian tribe in San Diego. CALAFCO solicited feedback from members and based on the responses there are no other Indian tribes (at least for which LAFCo is aware) to which that criteria applies.

AB 2910 (Committee on Local Government) Local government: organization: omnibus bill.

Current Text: Chaptered: 8/22/2016 [pdf](#) [html](#)

Introduced: 3/15/2016

Last Amended: 6/1/2016

Status: 8/22/2016-Chaptered by Secretary of State - Chapter No. 165, Statutes of 2016

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

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 Request Governor Signature Letter August 2016](#)

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

Current Text: Vetoed: 9/23/2016 [pdf](#) [html](#)

Introduced: 1/5/2016

Last Amended: 8/18/2016

Status: 9/23/2016-Vetoed by the Governor

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
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 Request Governor Signature Letter August 2016](#)
- [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: Chaptered: 9/24/2016 [pdf](#) [html](#)

Introduced: 2/18/2016

Last Amended: 6/15/2016

Status: 9/24/2016-Chaptered by Secretary of State - Chapter 594, Statutes of 2016.

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

Summary:

The Sustainable Groundwater Management Act authorizes the State Water Resources Control Board to designate a basin as a probationary basin if the state board makes a certain determination and to develop an interim plan for the probationary basin. 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. This bill would provide that hauled water is not a source of water for the purposes of a water supply assessment, as specified.

Attachments:

- [CALAFCO Letter of Concern March 2016](#)

Position: Watch

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 unaddressed in the bill 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. Based on stakeholder discussions with the author, these issues will not be addressed in this bill.

[SB 1266](#) ([McGuire D](#)) **Joint Exercise of Powers Act: agreements: filings.**

Current Text: Chaptered: 8/22/2016 [pdf](#) [html](#)

Introduced: 2/18/2016

Last Amended: 4/12/2016

Status: 8/22/2016-Chaptered by Secretary of State - Chapter No. 173, Statutes of 2016

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

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 Comptroller. This bill would require an agency or entity required to file documents with the Comptroller, 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 Request Governor Signature Letter August 2016](#)
- [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: 6/1/2016 [pdf](#) [html](#)

Introduced: 2/19/2016

Last Amended: 6/1/2016

Status: 7/1/2016-Failed Deadline pursuant to Joint Rule 61(b)(13). (Last location was L. GOV. on 6/9/2016)

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

Summary:

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 governs the procedures for the formation and change of organization of cities and special districts. This bill would additionally authorize a local agency formation commission to initiate a proposal by resolution of application for the annexation of a disadvantaged unincorporated community, as specified. This bill contains other related provisions and other current laws.

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: MOST RECENT UPDATE: As of June 15, CALAFCO was notified by the author's office they were dropping the bill. At the request of the author, CALAFCO provided a second set of proposed amendments that were focused solely on bringing all LAFCOs into compliance with SB 244. The sponsor of the bill ultimately could not agree to the proposed amendments, and as a result the author decided to drop the bill. CALAFCO's Oppose position will remain on record and we will continue to monitor the bill for any further activity.

PRIOR UPDATES: CALAFCO has been working closely with the author and sponsor on potential amendments to improve the April 12 version of the bill. Substantial amendments were provided, and the bill as amended on June 1 reflect only a portion of those amendments.

As amended, the bill still provides no funding for LAFCo to conduct the required studies and for agencies to complete any service extensions or annexations, which is one of the biggest obstacles for these areas to receive the service. (CALAFCO's amendments included the Water Board and Regional Water Quality Boards as funding mechanisms.) The bill changes the definition of a DUC (different from what CALAFCO proposed), retains protest provisions for the DUC only, and requires LAFCo to hold public hearings as close in proximity to the DUC. Several important amendments that were included are the proposed change to 56653, the removal of the prohibition to LAFCo for annexing or extending services to an area if all DUCs in the area have not been served, it moves the DUC mapping requirements from the SOI/MSR

section to the LAFCo Powers section.

[AB 1362](#) ([Gordon D](#)) **San Mateo County Mosquito and Vector Control District: board of trustees: appointment of members.**

Current Text: Chaptered: 9/12/2016 [pdf](#) [html](#)

Introduced: 2/27/2015

Last Amended: 8/2/2016

Status: 9/12/2016-Chaptered by Secretary of State - Chapter 288, Statutes of 2016.

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

Summary:

Would authorize a change in the appointment of the board of trustees of the San Mateo County Mosquito and Vector Control District. If a majority of the legislative bodies that include the city councils in, and the Board of Supervisors of, the County of San Mateo adopt resolutions approving the change in board composition and forward a copy of the resolution to the local agency formation commission, the bill would require the commission to adopt procedures for the reorganization of the board of trustees of the San Mateo County Mosquito and Vector Control District.

Position: Watch

CALAFCO Comments: As amended on June 22, this bill amends the Health and Safety Code by creating an alternative option to the appointment process to the board of trustees of the San Mateo County Mosquito and Vector Control District (previous versions were statewide - this version is district specific). 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.

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

Current Text: Chaptered: 9/21/2016 [pdf](#) [html](#)

Introduced: 2/19/2016

Last Amended: 8/19/2016

Status: 9/21/2016-Chaptered by Secretary of State - Chapter 416, Statutes of 2016.

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 district to submit a resolution of application to the Riverside County Local Agency Formation Commission to initiate proceedings to expand the district. The bill would require the commission to order the expansion of the district subject to a vote of the registered voters residing within the territory to be annexed at an election following the completion of those proceedings.

Attachments:

[CALAFCO Oppose as Amended Letter August 2016](#)

[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: 8/1/2016 [pdf](#) [html](#)

Introduced: 2/19/2016

Last Amended: 8/1/2016

Status: 8/31/2016-Failed Deadline pursuant to Joint Rule 61(b)(17). (Last location was INACTIVE FILE on 8/29/2016)

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Dead	Conf. Conc.	Enrolled	Vetoed	Chaptered
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 act 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. This bill contains other related provisions and other existing laws.

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 till 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.

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

Current Text: Chaptered: 9/29/2016 [pdf](#) [html](#)

Introduced: 2/18/2016

Last Amended: 8/19/2016

Status: 9/29/2016-Chaptered by Secretary of State - Chapter 843, Statutes of 2016.

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

Summary:

Would require a person submitting an application for a permit for a proposed new public water system to first submit a preliminary technical report to the State Water Resources Control Board at least 6 months before initiating construction of any water-related improvement, as defined. Because a misstatement in the report could be a crime under the provision described above, this bill would impose a state-mandated local program by expanding the scope of a crime.

Position: Watch

Subject: Water

CALAFCO Comments: As amended, this bill would require an application for a permit for a proposed new public water system to first submit a preliminary technical report to the board at least 6 months before initiating construction of any water-related improvement, as defined.

The bill would allow the state board to direct the applicant to undertake additional discussion and negotiation with certain existing public water systems to provide an adequate and reliable supply of domestic water to the service area of the proposed new public water system and would require an applicant to comply before submitting an application for a permit to operate a system and would prohibit the application from being deemed complete unless the applicant has complied. The bill would authorize the 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. The bill also prohibits a local primacy agency from issuing a permit to operate a public water system without the concurrence of the state board. The bill prohibits water hauling as a viable source of water supply.

Amendments done on June 8, 2016 raised a concern for CALAFCO in that Section 116527(e) addresses what the board may do upon review of a prelim tech report. Subsection (1) states they may direct the applicant to undertake additional discussions if they have not already gone to LAFCo. It further states the board will not do that if, among other things, the LAFCo has already denied the project. However, there is no indication that the board's direction for the applicant to undertake additional discussions is NOT a replacement for going to LAFCo. CALAFCO has requested an amendment to add clarifying language on this point.

[AB 1658](#) ([Bigelow R](#)) Happy Homestead Cemetery District: nonresident burial.

Current Text: Chaptered: 8/30/2016 [pdf](#) [html](#)

Introduced: 1/13/2016

Status: 8/30/2016-Chaptered by Secretary of State - Chapter 242, Statutes of 2016.

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

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: Chaptered: 9/9/2016 [pdf](#) [html](#)

Introduced: 2/18/2016

Last Amended: 6/22/2016

Status: 9/9/2016-Chaptered by Secretary of State - Chapter 265, Statutes of 2016.

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

1st House	2nd House	Conc.
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Summary:

The Ralph M. Brown Act requires the legislative body of a local agency to post, at least 72 hours before the meeting, an agenda containing a brief general description of each item of business to be transacted or discussed at a regular meeting, in a location that is freely accessible to members of the public and to provide a notice containing similar information with respect to a special meeting at least 24 hours prior to the special meeting. This bill would require an online posting of an agenda for a meeting occurring on and after January 1, 2019, of a legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state that 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.

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: Chaptered: 9/28/2016 [pdf](#) [html](#)

Introduced: 2/18/2016

Last Amended: 5/9/2016

Status: 9/28/2016-Chaptered by Secretary of State - Chapter 754, Statutes of 2016.

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

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.

AB 2737 (Bonta D) Nonprovider health care districts.

Current Text: Chaptered: 9/21/2016 [pdf](#) [html](#)

Introduced: 2/19/2016

Last Amended: 6/20/2016

Status: 9/21/2016-Chaptered by Secretary of State - Chapter 421, Statutes of 2016.

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

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

Introduced: 2/19/2016

Last Amended: 6/16/2016

Status: 9/9/2016-Chaptered by Secretary of State - Chapter 275, Statutes of 2016.

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 refer a member of the public that requests to inspect the public record to the public agency's Internet Web site where the public record is posted. This bill would require, if a member of the public requests a copy of the public record due to an inability to access or reproduce the public record from the Internet Web site where the public record is posted, the public agency to promptly provide a copy of the public record to the member of the public, as specified.

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

Current Text: Chaptered: 9/28/2016 [pdf](#) [html](#)

Introduced: 2/26/2015

Last Amended: 8/19/2016

Status: 9/28/2016-Chaptered by Secretary of State - Chapter 773, Statutes of 2016.

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 where a public water system or a state small water system is serving, rather than within, a disadvantaged community, and 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. This bill 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. This bill contains other related provisions and other existing laws.

Attachments:

[CALAFCO Request Governor Signature Letter August 2016](#)

Position: Watch

Subject: Disadvantaged Communities, Water

CALAFCO Comments: As amended, the bill makes the CALAFCO requested change to the Health & Safety Code by amending 116682 (g) which gives LAFCo the approval to do what is necessary to complete a consolidation of two systems, should they be required to do so by the State Water Board.

(Previous language technically divested LAFCo of that authority.)

Further, the bill adds provisions that give the SWRCB the authority to appoint an Administrator to a water system (as opposed to mandating consolidation), which is a kind of receivership.

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: Chaptered: 9/14/2016 [pdf](#) [html](#)

Introduced: 2/8/2016

Last Amended: 8/4/2016

Status: 9/14/2016-Chaptered by Secretary of State - Chapter 366, Statutes of 2016.

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

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

ensure 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 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	Chaptured
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.

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	Chaptured
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: UPDATE: This bill did not make it out of the Assembly Appropriations Suspense File and therefore died.

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 1374 (Lara D) The Lower Los Angeles River Recreation and Park District.

Current Text: Chaptered: 9/22/2016 [pdf](#) [html](#)

Introduced: 2/19/2016

Last Amended: 8/19/2016

Status: 9/22/2016-Chaptered by Secretary of State - Chapter 486, Statutes of 2016.

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

Summary:

Would specifically authorize the establishment of the Lower Los Angeles River Recreation and Park District, by petition or resolution submitted to the Los Angeles County Local Agency Formation Commission before January 1, 2019, subject to specified current laws governing recreation and park districts, including their formation, except as provided. The bill would authorize specified city councils and the Los Angeles County Board of Supervisors to appoint the initial board of directors of the district.

Attachments:

[CALAFCO Removal of Opposition August 2016](#)

[CALAFCO Letter of Oppose June 2016](#)

Position: Watch

CALAFCO Comments: Gut and amended on June 16, this bill creates a new district within the LA County area and does not involve LAFco in the formation process. Amended on August 3, the bill now addresses only the special governance structure and powers of the new district. All local processes, including the LAFco process and all LAFco powers have been reinstated with the new amendments. As a result CALAFCO is removing our opposition.

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

Current Text: Chaptered: 8/22/2016 [pdf](#) [html](#)

Introduced: 2/19/2016

Last Amended: 4/6/2016

Status: 8/22/2016-Chaptered by Secretary of State - Chapter No. 175, Statutes of 2016

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

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: 30

Total Tracking Forms: 30

10/5/2016 10:13:56 AM

**CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
PENDING PROPOSALS – OCTOBER 12, 2016**

October 12, 2016
Agenda Item 17b

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
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
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	Currently incomplete
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	Currently incomplete
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	Continued to Nov 9, 2016
Reorganization 191 (Faria Preserve West): Annexations to CCCSD and EBMUD of 9.7± acres in the City of San Ramon	Oct 2016	Under review

West County: After hospital closure, what's next for health district?



Kristopher Skinner/Bay Area News Group

The closure of Doctors Medical Center last year has prompted questions about what should happen to the West Contra Costa Healthcare District, which ran the hospital.

By [Karina Ioffee](mailto:kioffee@bayareanewsgroup.com) | kioffee@bayareanewsgroup.com

September 16, 2016 at 10:21 am

SAN PABLO — More than a year after the closure of Doctors Medical Center, the agency tasked with its day-to-day operations still functions, spending an estimated \$500,000 a month of taxpayer money on administrative, legal and financial costs.

But with the sale of the hospital property expected to be finalized by early next year, discussions are in the works over what should happen to the West Contra Costa Healthcare District now that it doesn't have a medical center to run.

Numerous options are on the table, including dissolving the district and creating a successor agency that would wrap up the district's affairs, primarily repaying the \$22 million debt that the hospital has racked up. Another is creating a "county service area" that could be used to fund healthcare services in the region, after the debt has been paid off, estimated to happen by 2026.

Since the closure of Doctors Medical Center, which treated mostly MediCal and Medicare patients and the uninsured, West Contra Costa has been left with just 27 emergency room beds, all of them at Kaiser Permanente's Richmond facility.

"There is a lot of unmet need in West Contra Costa," said Lou Ann Texeira, executive director of the [Contra Costa Local Agency Formation Commission](#), or LAFCO, which met this week to discuss the district's future. "I'm hoping we can find a win-win in this situation."

Healthcare districts were created following World War II as a way to bring healthcare to under-served areas. But as more hospitals have gone out of business in recent years and others consolidated, the need for healthcare districts has diminished. Today, many serve more of a grant-making role, distributing money to local organizations that provide health services.

The West Contra Costa Healthcare District is funded through a combination of parcel and other property taxes that together raise an estimated \$8 million each year. That revenue helped keep DMC open until it finally ran out of cash because of low reimbursement rates that failed to keep up with the costs of providing care. But if the healthcare district is disbanded, the revenue will be lost, with no chance to use it for clinics, urgent care or other similar facilities once the debt is paid off.

One option that numerous district board members are getting behind is to create a county service area, or CSA, to serve as a successor to the district. That would ensure access to a funding stream while avoiding administrative costs, including board elections, which cost \$450,000 every two years. Currently, the district spends roughly \$2 million a year on elections, payroll, bookkeeping, workers compensation and pension plan payments.

"This would be an efficient way of providing healthcare in West County without the overhead and the cost of a separate healthcare district," said Contra Costa Supervisor John Gioia, who represents the area. "It would reduce ongoing costs that are not for healthcare and use the money to eventually build a new urgent care or set up a partnership with an existing provider. The view is to fill the gaps in healthcare in West Contra Costa."

Eric Zell, president of the health district board, said he too favors reducing the administrative costs of the agency while holding on to property tax revenue that will enable the entity to eventually put it toward healthcare needs, including a series of clinics and a publicly run, full-service emergency room.

"That is the big deficit," Zell said. "We need a public entity or a nonprofit to recognize that this market is important, even if they have to operate an emergency room at a loss."

Zell also defended the district's current spending as necessary.

"Winding down a 60-year-old-hospital that is a \$280 million entity is an enormous effort, and the fact that we're doing it with four people is miraculous," he said.

Since DMC closed, the district has been searching for a buyer for the property. It is now in final negotiations with [Davis-based Royal Guest Hotels](#) over a deal that is expected to net \$13.5 million for the district. The company has recently submitted plans to build a 200-room hotel and conference center at the site of the former hospital.

As the health district considers its options, it may look to the experiences of two of its neighbors in Contra Costa. In Concord, the health care district previously ran Mt. Diablo Medical Center, which merged with John Muir in 1996. In 2001, a Contra Costa Grand Jury report concluded that the board spends “much of its money on operations rather than healthcare.” But it took until 2012, when the district became a subsidiary to the city of Concord, to reorganize the entity, which doles out about \$250,000 a year in grants to local organizations working on healthcare.

“They basically did nothing besides provide themselves a very handsome salary and benefits,” said Jack Weir, executive director of the Contra Costa Taxpayers Association. “It took a long time to wind down the district; meanwhile, the cost of running the office, salaries and other administrative costs kept accumulating.”

The Los Medanos Community Healthcare District previously operated Los Medanos Community Hospital, which closed because of bankruptcy in 1994. Dissolution of the district was considered in 1999 but never completed, and today, the entity partners with the county to operate the Pittsburg Health Center and other public health services.

Both examples point to the fact that there is just less need for healthcare districts in the era of large hospital chains, Weir said.

“The reason for which it was created in the first place is gone,” he said. “We need a transition that minimizes the administrative costs.”

Ventura County Star

Ventura considers farmland annexation

[Arlene Martinez](#), amartinez@vcstar.com, 805-437-0262 11 a.m. PDT **September 18, 2016**



(Photo: CONTRIBUTED PHOTO)

For more than a decade, the Vanoni family has sought approval to convert roughly 25 acres of agricultural land near Ventura's east end to residences.

The longtime Ventura County farming family still has agricultural operations on the site, off North Bank Drive and Telephone Road, but it no longer sees the operation as viable because residential development has sprung up around it.

The city's Planning Commission supports annexation of the land and in January approved a 193-unit development that includes 4.8 acres of open space for the community.

On Monday, the project will come to the Ventura City Council, which will vote on annexing the county property into the city. At the same time, the council will vote on accepting the environmental review done for the property.

If approved, the project heads to the Ventura County Local Agency Formation Commission (LAFCo), which will decide whether to approve the annexation. The independent agency oversees boundary changes while working to protect agricultural resources and limit urban sprawl.

That's no sure thing.

At least, not until the city prepares a separate environmental impact report done specifically for the project, LAFCo's Executive Director Kai Luoma wrote in a letter to the city. Because LAFCo wasn't officially the lead agency in the environmental analysis, a study mandated by the state, it couldn't adequately weigh in, he wrote.

On top of that, the main document used was approved in 2009 by the City Council, with no LAFCo input, he noted.

The city disagrees.

“There’s no basis in any of the complaints LAFCo said,” Community Development Director Jeff Lambert said.

The city was officially the lead agency, but LAFCo was treated as though it were, he said.

“We had so much correspondence. There’s no question they were adequately engaged in this,” Lambert said.

The Vanonis also disagree with LAFCo.

The family has done everything the city requested, including meeting with neighbors and waiting for the Saticoy Well Community Plan to be completed, the family’s attorney, Graham Lyons, wrote in a letter to the council asking members to approve the project.

“While our client has been extremely patient, it goes without saying that it should not take more than a decade to entitle a project, especially when the project fully complies with the General Plan, Community Plan and all applicable zoning regulations,” Lyons wrote.

There is no legal basis for LAFCo’s request, he wrote, and the city can’t under the California Environmental Quality Act require another environmental review. The city is the appropriate responsible party, Lyons wrote.

If the council approves it, LAFCo has 30 days to review the project and decide whether to schedule it for the commission, Lambert said.

It could also reject it and require more review.

“At that point, LAFCo has the burden of meeting the legal tests to require additional environmental review,” the staff report notes.

City planning officials think the project is consistent with the plans that guide development in the neighborhood, and that it provides a mix of needed housing and open space and fits in the community where it’s located.

As approved, the project has 123 single-family homes, 30 town homes and 40 apartments.

The project’s for-sale units are subject to the city’s inclusionary housing ordinance, which requires a project to include at least 15 percent of its units to be affordable. Of those, 40 percent must be for very low-income households.

The project’s 30 town homes are for “moderate-income” earners, the staff administrative report notes, but Lambert said the specifics of the housing types have yet to be nailed down.

According to income limits set by the state for 2015, a moderate-income household of one earns \$75,000 while a four-person household earns up to \$107,050.

Monday's meeting starts at 6 p.m. at City Hall, 501 Poli St.

Printed from THE DAILY JOURNAL, dtd. 09/21/2016

More time for Harbor District: San Mateo County to delay, possibly suspend analysis of dissolution of special tax district

September 21, 2016, 05:00 AM By Bill Silverfarb Daily Journal Staff

The San Mateo County Board of Supervisors has agreed to give the Harbor District at least two years to get its finances in order before deciding whether to conduct an analysis into dissolving the special tax district.

The San Mateo County Civil Grand Jury has urged supervisors to conduct an analysis into dissolution almost immediately but Tuesday the board amended its response letter to the grand jury indicating that an analysis “may” rather than “will” be implemented after fiscal year 2017-18, according to the Harbor District’s General Manager Steve McGrath.

McGrath and Tom Mattusch, president of the Harbor District Board of Commissioners, attended Tuesday’s Board of Supervisors meeting and asked that the response letter be pulled from the consent agenda to allow for public comment.

The board allowed it and ultimately softened its response by amending a few lines in the letter indicating that a county analysis of the Harbor District is a possibility rather than a certainty in about two years.

“The county is recognizing the district’s near-term performance improvements. They have noticed the progress. In the meantime, we will continue to work and improve the district,” McGrath said.

The agency for the first time has separated its budget into how its enterprise and non-enterprise revenue are spent.

The county, in its response, said the district should be given at least two more years “until an accurate fiscal accounting of enterprise and non-enterprise activities can be conducted.”

“They’ve done better. There is a focus now on capital improvement projects and I credit the general manager for the progress and Mattusch has shown good leadership,” said Supervisor Don Horsley, whose District 3 covers the coast.

The district relies on about \$5 million in property taxes and raises the rest of its money by renting boat slips and from other leases at Oyster Point Marina/Park in South San Francisco and Pillar Point Harbor on the coast. The district owns Pillar Point Harbor and operates the marina at Oyster Point under a joint powers agreement with South San Francisco.

The grand jury released a report in June titled “The San Mateo County Harbor District: The Price of Dysfunction is Rising.”

It notes that County Manager John Maltbie stated that the county would “undertake a comprehensive analysis of all aspects of the district” if dissolution was recommended by the Local Agency Formation Commission.

LAFCo recommended last year that the Harbor District be dissolved. A previous grand jury in 2014 reported that the Harbor District should also be dissolved.

The latest grand jury report indicates the county has made no moves to analyze whether the district should be dissolved and taken over by another agency.

“The grand jury recommends that the Board of Supervisors look beyond any attempts by the Harbor District to improve operations and calls for the county to commence by Sept. 30, 2016, its promised analysis of dissolving the district. Such analysis should be completed within six months and be presented to the public at a regular board meeting,” the grand jury reported in June.

But that analysis was pushed back at least two years Tuesday and may never take place, according to the board’s response letter.

“It should be noted that the district has paid off all debt, identified adequate reserves and developed a five-year capital improvement plan for maintenance of and improvements to district facilities. Given the ... improvements, the county believes, at a minimum, that compiling two years of accurate fiscal data is necessary to adequately review district operations, efficiencies and cost allocations,” according to the response letter to the grand jury.

Grand jury recommendations must be responded to but are not mandates and do not have to be followed.

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Water Deeply

Wastewater: A New Frontier for Water Recycling

California water officials plan to begin regulating direct potable wastewater recycling, becoming the first state to embrace it as a new drinking water supply.

Written by Matt Weiser Published on σ Sep. 20, 2016 Read time Approx. 5 minutes



Water drops fall from a test spout on a reverse osmosis container at San Diego's Advanced Water Purification Facility. The indirect potable reuse pilot project is part of a \$2.5 billion plan to recycle 83 million (314 million litres) gallons of wastewater a day for drinking by 2035, about one-third of the city's supply. *Gregory Bull, AP*

It is now possible to imagine a future in which highly treated wastewater will be plumbed directly into California homes as a new drinking water supply.

On September 8, the State Water Resources Control Board released a long-awaited [report](#) on the feasibility of so-called “direct potable reuse.” This means recycling urban sewage flows in a process akin to seawater desalination, then plumbing it directly into a city’s freshwater distribution lines without first storing it in a groundwater aquifer or reservoir (known as indirect potable reuse).

The water board relied, in part, on a 12-member panel of [experts](#) from around the world that studied the science and challenges of direct potable reuse for two years. And it concurred with the panel that it is possible to regulate direct potable reuse in a manner that produces safe and reliable drinking water from recycled sewage.

Next comes the process to actually develop those regulations, which the board intends to begin soon. Officials can't estimate when those regulations will be complete. But there are a number of California water agencies waiting for that to happen so they can begin offering water produced in this way.

No other state has advanced this far with direct potable reuse, making it likely to become another arena in which California pioneers new technology for the world.

"This is a major milestone for California," said Jennifer West, managing director of the California Water Reuse Association. "I think it has the potential to be a very significant water source for California. Without this report, we wouldn't even be able to get off the ground."

The report was required by Senate bill 918, a 2010 law written by California state senator Fran Pavley, D-Agoura Hills. The law required an investigation into the feasibility of direct potable use, but it does not require the state to develop regulations allowing it to move forward. That was left to the discretion of the water board, based upon expert analysis.

Randy Barnard, recycled water unit chief at the state water board, said the agency will begin to draft those regulations, based on the encouraging findings of the experts. "There are agencies all up and down California that would consider a project like this. There's a lot of interest," Barnard said. "But they're just waiting on what the requirements are going to be and what they have to do to move forward."

The expert panel identified a number of technical questions that must be answered before the state can begin to regulate direct potable reuse. One of the biggest involves the consequences of eliminating the "environmental buffer" that defines indirect potable reuse: blending recycled water with other supplies in a reservoir or aquifer.

For example, Orange County Water District operates one of the largest [wastewater recycling](#) projects in America. It is considered indirect reuse because, after the wastewater is treated using microfilters, reverse osmosis and ultraviolet light, the water is pumped into settling basins where it recharges groundwater aquifers. Weeks or months later, it is pumped out to a drinking water treatment plant before delivery to households and businesses.

Even though the water meets drinking water standards when it leaves the Orange County recycling plant, the environmental buffer provides an additional filter and ensures it is blended and diluted with other supplies. It also provides a kind of psychological buffer, Barnard notes, that the public finds appealing.

The process of direct potable reuse would involve all these same steps – and possibly more – except the environmental buffer would be eliminated. The treated water would flow directly into a water treatment plant or even straight into a city's water delivery pipes.

"If we remove that environmental buffer, the expert panel has told us we have to come up with other processes – engineered processes – that would accomplish the same thing that this environmental buffer does to protect public health," Barnard says.

The state needs to decide what those steps should be. Then it must figure out how to put them into enforceable regulations that produce measurable results to ensure public health.

Another area of research involves “contaminants of emerging concern,” a broad category of water pollutants – such as pharmaceuticals and chemicals – that are not removed by traditional wastewater treatment practices. The water board must decide which of these contaminants should be regulated as part of direct potable reuse, and what treatment steps should be imposed to control them.

Other requirements include making sure treatment plant operators have the proper training to handle recycled water in a direct potable reuse setting, and defining new water-quality monitoring methods to swiftly detect when there’s a problem with the recycled water.

But the water board has already made a crucial decision in this regard: It is not going to wait for research to answer these questions before developing regulations. Instead, it will begin to develop regulations concurrent with the research, which it will help direct through advertised requests and, in some cases, funding.

West said a number of industry groups have already begun research projects to answer the unknowns. She notes, however, that direct potable reuse won’t be right for every community. For one thing, it is expensive – though not as costly as seawater desalination, largely because the energy requirements aren’t as great. But in many cases, direct potable reuse may be the state’s second-most expensive water source.

Other communities may simply decide they’re not comfortable – despite all the safeguards and treatment steps – with plumbing treated wastewater straight into the drinking water system.

Yet public acceptance of recycled water has grown significantly in recent years. California’s ongoing drought helped, given that many communities opened [fill stations](#) where residents could collect free recycled water for landscape irrigation.

Also, many water agencies have safely delivered treated wastewater for years in special “purple pipe” systems for landscape irrigation.

One example is the Santa Clara Valley Water District, which operates a purple pipe system. And in 2014, it opened an [“Advanced Water Purification Center”](#) that treats wastewater to drinking water standards. It operates much like Orange County’s system, except instead of discharging to groundwater, the treated water is put into the purple pipe system to improve the quality of other treated wastewater sources.

The Santa Clara district is now planning a project to recharge groundwater with this highly treated recycled water supply, and it is interested in pursuing direct potable reuse once the state adopts regulations.

San Diego is working on a [similar project](#) that will pipe treated wastewater to San Vicente Reservoir. There, it will mix with imported water from Northern California and the Colorado River before treatment in the city's regular drinking water supply system.

Jim Fiedler, chief operating officer at the Santa Clara Valley Water District, said direct potable reuse would be a natural extension of these efforts, because the same water systems that feed recycled water into a groundwater recharge project or a reservoir can just as easily feed a drinking-water treatment plant.

Fiedler served on a separate [advisory group](#) of local government and water agency officials that provided input on the water board's report.

"We're seeing this potentially as being a raw water source similar to other water sources," said Fiedler. "When you first ask a person about this, their attitude is pretty negative. But once you start explaining what goes on with the treatment methods, you find this is something they would be more accepting of."



Published September 21st, 2016

ConFire Chief Proposes Additional Revenue Sources

By Nick Marnell

The Contra Costa County Fire Protection District board of directors authorized Fire Chief Jeff Carman to contract with Willdan Financial Services to perform an impact fee study, which will include the possibility of forming community facilities districts in areas of new development within the district. In 2005, Lafayette declined to support a Willdan-proposed impact fee program that would have levied a one-time fee on the development of residential and commercial properties in the city.

"Adding additional burden to an already burdened fire system doesn't work," Carman told his board Sept. 13. "Countywide the fire service is experiencing difficulty providing adequate levels of emergency services with the existing revenues we see from property taxes."

When Carman was hired in 2013, he promised the board that he would seek additional revenue streams for the district. A parcel tax is one way to provide additional district revenue, but the last ConFire parcel tax measure failed at the ballot box in 2012. Instead, the chief proposed to update development impact fees and to establish one or more CFDs.

Revenue provided by an impact fee or from a CFD will be used to supplement ConFire services to add capacity within new developments. Examples of adding capacity include purchasing new equipment and apparatus, replacing equipment more frequently and increasing staffing. Typically, costs from an impact fee are added onto the price of new housing while CFD fees are charged annually.

Board Chair Candace Andersen cautioned the chief on the pragmatic issues in dealing with the boundary lines of a CFD. "You don't want to have to screech the fire truck when you get to the next block," she said, because the next block may not reside in the CFD, whose residents pay for enhanced fire service. Carman proposed the supplemental revenue idea at a recent city managers' meeting. "Our goal is to work with all of the managers on what the program will look like and to give them a chance for input," he said. The chief indicated that Lafayette will be one of the final cities that he approaches on the supplemental revenue topic because the city has little new development on the books. City Manager Steve Falk declined to comment on the possibility of ConFire supplemental development fees in Lafayette.

ConFire collects impact fees on new construction and development only within the unincorporated areas of the district, the city of Pittsburg and the city of Antioch. No CFDs exist in the Moraga-Orinda Fire District but the district does collect impact fees on new development.

"For us to not ask for additional revenue on new development is ludicrous," Carman said.

Reach the reporter at: nick@lamorindaweekly.com

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Water Deeply

Why California May Ban New Small Water Agencies

California Gov. Jerry Brown has until the end of the month to sign a bill on his desk that would ban the creation of new small water districts, which many feel pose health risks or provide unreliable water supply.

Written by Michael Levitin Published on **Sep. 22, 2016** Read time Approx. 4 minutes



On July 2, 2015, four generations of the Dunlap family look on as bottled water is delivered to their home in the community of Okieville on the outskirts of Tulare, Calif., where there is not a safe, reliable water supply. *Gregory Bull, AP*

California's goal of ensuring universal access to safe drinking water, as mandated in the 2012 Human Right to Water Bill, will come a step closer to being met if Gov. Jerry Brown signs a new measure into law that halts the creation of new small, unsustainable – and in many cases dangerous – water districts in the state.

The bill, [SB1263](#), passed through the state assembly and senate in August. It aims to guarantee the safety and reliability of drinking water statewide by encouraging new developments to tie into existing water districts rather than create their own. The measure would especially help low-income communities that cannot afford to pay for improved water quality, and could specifically impact Central Valley cities such as Merced, Bakersfield, Fresno and the rural regions around them that have seen innumerable small water agencies sprout up in recent decades to keep pace with population growth.

Currently, of the 7,600 water districts in California, between 150 and 400 of the smallest ones are delivering water that is either unsafe to drink – with high levels of arsenic, nitrate or chromium-6 – or unreliable in flow, oftentimes reaching populations with fewer than 200 water connections, and in some cases no more than a single school site.

“It’s just ludicrous,” said the bill’s author, State Sen. Bob Wieckowski (D-Fremont), who chairs the Senate Environmental Quality Committee. “This bill attempts to say, ‘Enough with that.’ It allows the State Water [Resources Control] Board to come in and act like a backstop when a small system is proposed by a developer.”

Under the law, developers will “have to show that they’ve exhausted all possibilities of tying into existing water systems, then show they have the financial and technical ability to operate. This is the first step to say no more new water districts,” and to enforce consolidation with larger water districts that have proved they can deliver safe water, he said.

Part of the problem stems from California’s long-time failure to pass legislation regulating the use of groundwater, which has enabled anyone with money to drill a well at any place and at any time, regardless of the long-term viability or safety of the drinking source. Easy to access, inexpensive to deliver and simpler to treat than surface water due to its lack of bacteria, groundwater provided a solid development model for California over the decades.

But now, with drought on everyone’s mind and many communities’ water safety coming into question, legislators are setting a new bar for developers if they want their projects approved. SB1263 gives the State Water Resources Control Board the authority to deny permits for new water systems if there is a reasonable chance the newly created water district will fail to provide safe drinking water in the foreseeable future. It requires developers to compare costs between starting a new system and consolidating, or connecting, with an existing one, and to identify all proposed sources of water for new developments.

Furthermore, the bill would prohibit local agencies from issuing building permits for developments that lack their own access to water and need to haul it in from elsewhere. Sen. Wieckowski cited as an example 42,000 parcels currently slated for development in Los Angeles County – all of which are designed to use expensive, hauled-in drinking water. Under the bill, projects like these would be stopped in their tracks.

“It can happen anywhere, in Napa or Alameda County, when people come in and say, ‘We’re going to build 100 houses and we’re just going to create a new water district.’ We’re saying that we don’t want these itty-bitty water districts to be created,” he said.

Though the measure faced early opposition from the Association of California Water Agencies and the California Building Industry Association, both bodies ultimately conceded the fight. Gov. Brown has until the end of the month to sign the bill into law.

A safe drinking water study released last year by the State Water Board found that more than two-thirds of arsenic violations, and nearly 88 percent of nitrate violations, occurred in small water districts, forcing residents to pay high costs for water treatment or find replacement water.

The vast majority of California's water districts – 98 percent, according to the state water board's measure – are doing their jobs properly. But even only 2 percent of districts violating water safety rules translates into unsafe conditions for thousands of people.

“It doesn't matter how small a system is, [whether it's serving] 1,500 or 3,000 people. At the end of the day, they're delivering water to their community and there are greater efficiencies when you're delivering through larger systems, and a greater margin of safety,” said George Kostyrko, the State Water Board's communications director. “The challenge is daunting. A majority of water systems are meeting that challenge on a daily basis. But there's that elusive 2 percent that are struggling to do that.”

The bill is receiving strong support from the environmental community, including the Natural Resources Defense Council, Sierra Club and California League of Conservation Voters. According to Jennifer Clary, Clean Water Action's water program manager, economics are often the determining factor for communities seeking access not only to safe drinking water but to a tap that comes on reliably when you need it.

“California suburbs have grown and grown, in some cases around small neighborhoods with small systems, and many of those systems have only one or two wells. In this drought, thousands of wells have gone dry, and if your well goes dry, no one gets any water,” said Clary.

“A larger city has alternatives or the financial ability to dig a deeper well,” she added. But for the smaller districts looking at their bottom line, “even when state taxpayer dollars are available to help them take care of the problem, they still end up with these really high bills for operation and maintenance, and it can often run them off the rails.”

Legislation passed last year, under SB88, gave the state water board the authority to consolidate water districts in order to close the 2 percent gap. Now, officials say that stopping the proliferation of those small districts to begin with is an urgent and complementary goal. As Wieckowski puts it, the mission is “to fulfill our promise that everyone gets safe drinking water.”

[Water & Drought](#)

September 25, 2016 4:00 AM

Farmers say, ‘No apologies,’ as well drilling hits record levels in San Joaquin Valley

Two years after California Gov. Jerry Brown signed a bill designed to limit groundwater pumping, new wells are going in faster and deeper than ever in the San Joaquin Valley farm belt. Farmers say they have no choice given cuts in surface water deliveries. But the drilling has exacted a substantial human cost in some of California’s poorest rural communities. Ryan Sabalow The Sacramento Bee

By Ryan Sabalow, Dale Kasler and Phillip Reese

WOODVILLE

Drive through rural Tulare County and you’ll hear it soon enough, a roar from one of the hundreds of agricultural pumps pulling water from beneath the soil to keep the nut and fruit orchards and vast fields of corn and alfalfa lush and green under the scorching San Joaquin Valley sun.

Well water is keeping agriculture alive in Tulare County – and much of the rest of the San Joaquin Valley – through five years of California’s historic drought. Largely cut off from the supplies normally delivered via canals by the federal and state water projects, farmers have been drilling hundreds of feet into the ground to bring up the water they need to turn a profit.

Two years after Gov. Jerry Brown signed a bill designed to limit groundwater pumping, new wells are going in faster and deeper than ever. Farmers dug about 2,500 wells in the San Joaquin Valley last year alone, the highest number on record. That was five times the annual average for the previous 30 years, according to a Sacramento Bee analysis of state and local data.

Wells dug in 2015

New irrigation wells by county:

Tulare	904
Fresno	627
Merced	304
Kings	167
Madera	160
Stanislaus	160
Kern	156

The new groundwater law won’t kick in until 2020, and won’t become fully implemented for another 20 years. In the meantime, farmers say they will continue drilling and pumping. It’s their right, they say, and their only practical choice given the government’s limited surface water deliveries.

“Just like a guy that owns a hardware store who sells nothing but shovels, say I cut you off and decide not to supply you with shovels, are you going to close your store or are you going to get shovels from somebody else?” said Wayne Western Jr., a wine grape grower near Firebaugh in the parched west side of Fresno County.

“It’s a business. I’ll make no apologies for trying to stay in business and being successful,” said Western, who’s been relying almost exclusively on well water the past three years. “That’s what we do here.”

Part of what’s driving the well-drilling frenzy is a kind of groundwater arms race. Aquifers don’t respect property lines, and in many cases farmers with older, shallower wells are afraid of losing water to neighbors who are digging deeper wells and lowering the groundwater table. So they invest hundreds of thousands of dollars to drill new wells of their own. All told, farmers are expected to spend \$303 million this year alone to pump groundwater, according to UC Davis researchers.

“Business is good; we’ve got plenty of work to do,” said driller Steve Arthur, who runs Arthur & Orum Well Drilling Inc. in Fresno.

On a recent weekday, Arthur was overseeing the drilling of a massive 1,200-foot well beneath an almond orchard in the tiny Tulare County community of Poplar. A few years ago, the typical well was only half as deep.

“These farmers, they’re learning if they go deeper, they’re going to get more water and they won’t have to drill as often,” Arthur said, shouting over the din of a drill rig. “If the government don’t give us any water, what’s the farmer supposed to do?”

The new well in Poplar cost about \$260,000.

Arthur said he expects to drill about 260 new wells this year throughout the San Joaquin Valley. That’s about the same as last year, although the well-drilling industry isn’t quite as frantic now. Prices for new wells are off slightly, and some of Arthur’s Johnny-come-lately competitors – the so-called “drought chasers” – have left town. But Arthur, who farms 200 acres of almonds, said he thinks the well-drilling business won’t sputter anytime soon.

“When the farmer gets up in the morning, the last thing he wants to do is spend \$200,000, \$300,000 on a well,” Arthur said. “But if he wants to stay in business, that’s what he’s got to do.”

From 2012 through 2015, San Joaquin Valley farmers dug more than 5,000 wells, more than were dug cumulatively over the previous 12 years.

In Fresno and Tulare counties, where most of the drilling occurred, officials issued an average of almost 10 agricultural well permits every business day in 2015, though not all of those permits were used. That pace has fallen some in the first few months of 2016, but remains well above pre-drought levels. Tulare and Fresno are two of the three largest agricultural counties in the state, as measured by farm revenue.

As farmers ramp up drilling and install larger, more powerful pumps, aquifers that had quietly flourished beneath the soil for thousands of years are dropping at dangerous rates. It's accelerating a phenomenon known as subsidence, in which some parts of the valley floor are sinking.

The problems of groundwater overdraft are most pronounced in the San Joaquin Valley, but they're not limited to there.

"It's a five-alarm fire in the San Joaquin Valley," said Jay Ziegler of the Nature Conservancy, which has pleaded for stricter statewide restrictions on pumping. "But it's a four-alarm fire in other areas around the state."

The well drilling has exacted a substantial human cost in some of California's poorest rural communities – the ones populated by workers who tend the fields kept green by all that groundwater.

Falling water tables mean underground pollutants become more concentrated, and in some cases municipal drinking-water wells fail altogether. By one estimate, about 30 percent of the communities in Tulare County have had problems with failing wells.

In East Porterville, hundreds of residents lost water in recent years. Tomas Garcia remembers the day in April 2014 when his shallow well failed. At work at a local tire shop, he got a call from his wife when their shower suddenly stopped working. What followed was a year of hauling water in 5-gallon buckets, to the point that the shocks on the family van blew out.

"No church, nothing. I was just hauling water," he said. "I had no time for my family." He also didn't have the \$55,000 necessary to drill down to reach the receding groundwater.

In April 2015, Garcia's house was connected to a 2,500-gallon water tank that's refilled by tanker truck once a week. Like hundreds of other homes in East Porterville, where some streets are unpaved and the sounds of barking dogs and braying livestock mingle with mariachi music, the black tank now takes up most of the Garcia family's small front yard, an obelisk-like monument to the drought.

Just recently the town got a lifeline when officials announced it would be hooked up to the municipal water supply in nearby Porterville. All told, the state estimates it has spent more than \$148 million bringing drinking water to Tulare County communities where municipal wells failed because of dropping groundwater levels.

One of the more recent crises flared in August in Woodville, a largely agricultural town of 1,700 surrounded by farm fields and irrigation pumps. One of its two drinking water wells suffered a mechanical failure that the utility district attributed to fluctuations in the water table.

Without enough flow to stave off bacterial contamination, town officials issued an advisory urging residents to boil water. It stayed in place for nearly three weeks before the well could be repaired. At the elementary school, across the street from a fruit and nut processing plant, signs on doors and above drinking fountains warned students, "Don't drink the water."

During the crisis, Ralph Gutierrez, manager of Woodville's utility district, said that because there wasn't enough pressure in the town's waterlines, he had no choice but to cite residents he caught spritzing lawns and landscaping with garden hoses.

He noted with irony that even as he was fining residents for their water use, he recently counted 60 new agricultural wells just outside town during one week of his daily commute.

But the response he got was icy when he suggested to farmers at a recent community meeting that they accept limits on groundwater pumping.

"If looks could kill, I would have been crucified," said Gutierrez, a familiar figure around town with his bushy mustache, weathered Dodgers cap and pack of smokes in his shirt pocket.

Others have pushed for local pumping limits, with similar results.

Kristin Dobbin, who works at a Visalia nonprofit advocacy group called the Community Water Center, has been pushing the Tulare Board of Supervisors to adopt a county ordinance that would put limits on groundwater. Supervisors have yet to cast a vote more than a year later.

Steve Worthley, one of the supervisors, said he's wary of limiting groundwater pumping, given agriculture's importance to Tulare County. Besides, there's always the possibility that the rains might return and the groundwater pumping will taper off.

"There might become a weather pattern where we might be like Louisiana, where we might get more water than we know what to do with," Worthley said. "So we want to be careful we don't put into place laws that hamstringing our ability to be the fruit basket of the nation."

In conversations throughout the valley, it's also clear that farmers seethe with anger at the government for not sending more surface water their way. While much of California remains unusually dry, precipitation levels returned to normal in Northern California last winter, bringing key reservoirs back to relatively healthy levels.

Farmers feel they haven't gotten their fair share of that water. The reason? State and federal officials allowed more water to flow through the Sacramento-San Joaquin Delta and out to the Pacific Ocean during portions of winter and spring to try to revive the native fish species, including salmon and smelt, whose numbers have plummeted in the drought.

"The farmers need the water, you know," said Kulwant Gadri, a Tulare County almond grower who's spending more than \$1 million this year on new wells. If an almond orchard goes longer than two months without it, "the orchard is gone."

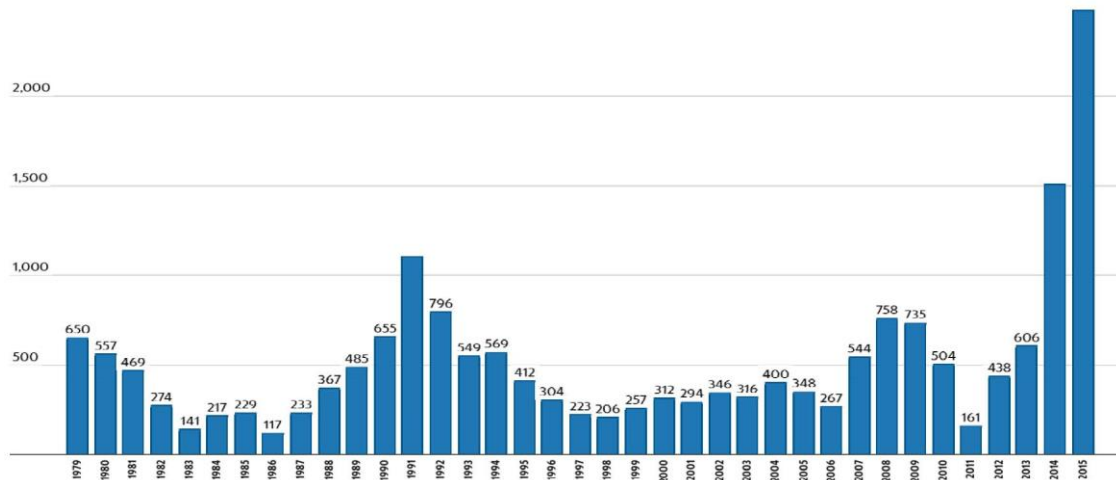
The situation is getting so dire, said Arthur, the Fresno well driller, that he questions whether the 2014 state law placing limits on pumping will ever get implemented.

"They stop drilling wells, they're going to kill this valley," he said. "They may never get this law going."

State officials say the Sustainable Groundwater Management Act will take effect. But, by design, it's a go-slow approach and doesn't directly put limits on drilling.

SAN JOAQUIN VALLEY IRRIGATION WELLS

Central California farmers dug wells last year at an historic rate.



Data are for Stanislaus, Merced, Madera, Fresno, Kings, Tulare and Kern counties

Source: California Department of Water Resources ([Get the data](#))

Instead, starting in 2020, newly formed groundwater management agencies overseeing basins deemed critically overdrafted must develop plans for making their aquifers sustainable within 20 years. “Sustainable” generally means districts must ensure groundwater basins don’t drop below their January 2015 levels, said David Gutierrez, who is supervising the rollout of the new law at the state Department of Water Resources.

Gutierrez defends the gradual approach, arguing that bringing a swift halt to groundwater pumping would cripple a farm economy that’s already struggling. After a string of record years, farm revenue last year fell by \$9 billion statewide, in part because of water shortages but also because of declining prices in key commodities.

“We can’t afford to swing so quickly and so fast,” Gutierrez said. “We’re not going to turn it on a dime. ... We have to understand the social ramification of what we’re doing, too.”

The go-slow concept was driven home in the state Legislature this year. Sen. Lois Wolk, D-Davis, introduced a bill sponsored by the Nature Conservancy that in effect would have put the Sustainable Groundwater Management Act on a faster track. Her bill, SB 1317, would have prohibited counties from issuing permits for new wells that would have contributed to “undesirable impacts” in critically overdrafted groundwater basins.

The bill narrowly passed the Senate, but failed to get a hearing in the Assembly amid significant opposition. Among those weighing in: the California Chamber of Commerce, California Farm Bureau Federation and associations representing rice, tomato, cotton and citrus growers.

Back in Woodville, utility manager Ralph Gutierrez says officials need to act soon to prevent more wells from failing in other impoverished communities. He fears regulators are forgetting

that farmworkers in these towns play as important a role in California agriculture as the groundwater farmers are pumping into their crops.

“Without farming, would this community be here? No,” he said. “Would the farming happen if we didn’t have farmworkers? No. So, you know, I don’t know what the answer is, but we’ve got to find a happy medium somewhere, because we can’t exist without the other.”

Jim Miller of The Bee’s Capitol Bureau contributed to this report.

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East Bay Times

Water taste goes musty after EBMUD source changes



The San Pablo Reservoir shown above is being used to supply more people on the west side of the East Bay Municipal Utility District, causing temporary concerns about taste. (Kristopher Skinner/Bay Area News

By [Denis Cuff](#) | dcuff@bayareanewsgroup.com

PUBLISHED: **September 26, 2016** at 12:00 am | UPDATED: September 27, 2016 at 6:34 am

Drinking water for 800,000 East Bay residents may taste mustier for months to come as the area's largest supplier switches to a different water source during a treatment plant upgrade.

The water pumped from earth-lined reservoirs — instead of piped in directly from the Sierra foothills — may not be as aesthetically appealing, but it's safe to drink, officials from the East Bay Municipal Utility District said Monday.

More than 100 customers from western Alameda and Contra Costa counties have called or emailed in complaints or questions about the water taste since Thursday.

“We expected an uptick in complaints about water,” said Andrea Pook, a water district spokeswoman. “We appreciate customers’ patience as we get through this construction project that will make our Orinda Treatment plant more reliable. I want to reassure people the water is safe to drink.”

The water district typically serves customers in Oakland, Richmond, Berkeley, San Leandro and other communities west of the Caldecott Tunnel by providing them Mokelumne River water piped directly to the Orinda Treatment plant, treated and then pumped to homes.

But the district must temporarily suspend its preferred water delivery method because the Orinda Treatment plant is getting ready for a \$22 million upgrade that requires it to be completely closed for the first time since it opened in 1935, officials said.

With that large plant closing down Nov. 1 for about six months, the district needs to switch over many areas to water stored in the San Pablo Reservoir between Orinda and El Sobrante and the Upper San Leandro Reservoir between Oakland and Moraga.

Although safe to drink, the reservoir water picks up an earthy taste from the dirty bottom of the reservoir, and algae and other materials in the lakes, Pook said.

“When water sources change, people tend to notice it,” she said. “How much a difference it makes varies with the sensitivity of individual palates.”

The musty smell should dissipate substantially as the East Bay moves into fall months when colder temperatures chill the water and remove the off-taste, Pook said.

Denis Cuff covers environmental, water, and outdoor recreation news for the Bay Area News Group. A graduate of Stanford University with a B.A. in communications, he enjoys hiking and cycling in his spare time.

East Bay Times

Oakley considered for first ‘smart city’ in Contra Costa



Autonomous vehicles such as the Acura RLX, would find integration into Oakley’s roads and transit system following the city’s transition to a ‘smart city’ that was proposed at Tuesday’s city council meeting. (Kristopher Skinner/Bay Area News Group)

By [Aaron Davis](#) | aarondavis@bayareanewsgroup.com

PUBLISHED: **September 28, 2016** at 11:09 am | UPDATED: September 28, 2016 at 4:32 pm

OAKLEY — The city of Oakley is looking to become the first ‘smart city’ in Contra Costa county and with help from transit authorities and a Bay area engineering firm, research and analysis has already started.

A smart city acts much like a smart home. Employing design and urban planning along with technology, sensors and the “Internet of things,” traffic can be routed to less-congested roads, fires can be responded to more quickly and police can patrol in areas where crime is predicted.

The initial step, studying the city of Oakley, its needs and what its citizens want, will be paid for by funds from the Contra Costa Transit Authority. Stantec, a San Francisco-based design firm, presented the idea to city councilors on Tuesday.

“They can track congestion to improve traffic flow, dynamically switch traffic lights... the first thing would be improving traffic flow, but the only limit is your own imagination,” Mayor Kevin Romick said. “In talking with staff, this is what the community wants and needs to see.”

The Smart Cities Council defines a smart city as one that “gathers data from smart devices and sensors embedded in its roadways, power grids, buildings and other assets. It shares that data via a smart communication system that is typically a combination of wired and wireless. It then uses smart software to create valuable information and digitally enhanced services.”

The study will be paid for using Measure J funds, which were approved in 2004 to fund countywide transportation solutions through a half-cent transportation tax.

While federal grants and funds could help with the project, Jack Hall, a program manager with the Contra Costa Transit Authority, said at the council meeting that much would rely on the passage of Measure X, which would bring in \$2.2 million per year for transportation technology.

“With the city of Oakley having this plan in place, with the successful passage of the measure, you will develop guidelines and have something off the shelf and going right away,” Hall said.

In the previous city council meeting on Sept. 13, council members also approved a proclamation encouraging autonomous vehicle testing in Oakley.

“With autonomous vehicles talking with each other, it would make everything roll smoothly together,” Romick said.

Romick, a former chairman of the Contra Costa Transit Authority, argued for the project on Tuesday night, giving examples such as parking lots which could tell commuters how many parking spots were available and where they were on a smart phone application.

“Two key building blocks are services that move data and information and ones that move people,” said Arya Rohani a senior principal engineer with Stantec, a San Francisco-based engineering firm.

Beyond the transportation applications, proponents stated that the technology would also be applied to government services and would reduce the need for many citizens to file paperwork at city offices. Instead, much could be done online.

Kevin Rohani, public works director and city engineer, said that with internal software and services entwined with each other, the result would “ultimately be a better service delivery to the community.”

Before the end of the week, Stantec will be announcing dates at which citizens will be brought into the brainstorming process. Arya Rohani stated that the next three steps would focus on the current situation in the city, what the citizens want to see in the city and how to get to that point.

One note of warning was made at the city council meeting on Tuesday after the use of the city-state of Singapore as an example of a modern smart city.

“I saw the Singapore plan and it sounds like Big Brother, top-down, Soviet technology,” said councilor Randy Pope.

Pope expressed concern over invasion of privacy with the plan, but overall was interested in streamlining transportation.

The Sacramento Bee

Water & Drought

Will California see a wet winter? Forecasters call it a ‘crapshoot’

September 29, 2016 4:00 AM

By Ryan Sabalow

rsabalow@sacbee.com

Last year at this time, weather forecasters had a pretty good idea of what was in store as California headed into the rainy season. The Pacific Ocean surface was warming, and they were predicting one of the strongest El Niño weather patterns in recorded history.

El Niño ended up making an appearance, but it wasn't the [series of gully washers for which some had hoped](#). This year, the forecast is even less certain.

“It really is a crapshoot,” said Michelle Mead, a meteorologist with the Sacramento office of the National Weather Service. “We don't know what exactly we're going to get, and it's going to be storm-by-storm dependent.”

In other words, there's nearly as much chance that California experiences average precipitation or even flooding as there is for another dry winter akin to 2015 [when Gov. Jerry Brown stood on a patch of bare grass](#) where several feet of Sierra snow should have been and declared a statewide drought emergency.

The uncertainty lies in what forecasters describe as neutral conditions in the vast area of the Pacific Ocean that creates El Niño or La Niña weather patterns. When the surface of the Pacific warms, it's more likely to lead to the wet years typically associated with El Niño. Conversely, cooler ocean temperatures often produce drier La Niña conditions in California. This year, it's neither warm enough nor cool enough to make a call.

The vague long-term forecast comes as a California hits a key benchmark that forecasters and water managers use to track the state's hydrological conditions. The so-called “water year” ends Friday.

State officials say the data compiled during the 2016 water year shows that California remains mired in a five-year drought. The hottest summer on record certainly didn't help ease the problems plaguing California including irrigation-water shortages, [plummeting groundwater basins](#), elevated risk of wildfire and [millions of dying Sierra trees](#).

While some heavy storms brought rain to parts of Northern California and snow to the Sierra, an unseasonably warm and dry February [brought a hurried shrinking of the snowpack](#).

Arthur Hinojosa, the Department of Water Resources official overseeing the agency's statewide drought response, said it wasn't particularly surprising. Over the past few years, snow has begun to melt much earlier than normal. Historically, peak snowpack levels were measured in April. Lately, it's mid-March or earlier.

“Although we did see some decent amounts of total (Northern California rainfall), the snowpack wasn't on par with that percentage-wise,” Hinojosa said. “There was less snow proportionally than we're used to seeing historically. This is in a large part due to the warm year it was.”

Should the trend persist into this rainy season, it doesn't bode well for the state's massive water-delivery system of reservoirs and canals operated by the state and federal governments. California's rivers were dammed to take advantage of historic weather patterns, with a focus on regulating flows to prevent downstream flooding during heavy storms and capturing snowmelt to buoy the state through summer and fall.

The state's approximately 1,500 reservoirs portion out water over the year to meet demand for farm and landscape irrigation, drinking water, and fish and wildlife habitat. The vast man-made conveyance network is capable of funneling Mount Shasta snowmelt 700 miles south to San Diego.

The Northern California rains brought some relief since the region is home to the largest reservoirs. The total statewide reservoir storage is around 82 percent of average, Hinojosa said. That's a rosier picture at the end of September than last year at this time, when storage was 55 percent of average.

Southern California, meanwhile, remains especially dry. The Colorado River Basin, which provides a critical source of water used by Southern California cities and farms, is coming off the driest 16-year period in the historical record.

Forecasters say that, all told, it's going to take a long time before anyone declares California's drought over.

“Really, to fully erase the drought, you'd need multiple, consecutive wet winters and, ideally, cooler years in terms of getting a nice accumulation of mountain snowpack,” said Daniel Swain, a climate scientist at UCLA's Institute of the Environment and Sustainability.

There is some good news in the short-term forecast, at least for Northern Californians tired of the summer heat.

National Weather Service forecasters say it's about to get substantially cooler in the region. Sacramento temperatures should begin dipping into the mid-80s by Thursday, and on Sunday, there's a slight chance of showers with a high near 69. It could snow that day in Truckee.

Ryan Sabalow: [916-321-1264](tel:916-321-1264), [@ryansabalow](https://twitter.com/ryansabalow)

East Bay Times

Kensington: Interim police chief resigns

By [Annie Sciacca](#) | asciacca@bayareanewsgroup.com

PUBLISHED: **October 1, 2016** at 7:01 pm | UPDATED: October 2, 2016 at 4:07 am

KENSINGTON — The interim general manager and chief of police of the Kensington Police Department will resign at the end of the month.

In a resignation letter to the Kensington Police Protection and Community Services Board of Directors, interim Chief Kevin Hart said that while his contract is scheduled to end in February 2017, he has decided for “personal and professional reasons” to end his service early, effective Oct. 31.

The resignation follows a series of high-profile events for the Kensington Police Department, including a [controversial traffic stop](#) last year involving a Kensington Police sergeant and officer and Police Protection and Community Services District Director Vanessa Cordova in Berkeley. The then-sergeant involved, Keith Barrow, had previously drawn media attention after this newspaper reported that Barrow’s gun was stolen by a Reno prostitute after he took her to a hotel room and fell asleep. An investigation of the theft by former police Chief Greg Harman was later found to be deficient by the Contra Costa County Sheriff’s Office. Barrow was [demoted to officer](#) earlier this year.

Hart earlier this year [became the subject of an investigation](#) related to that incident when the police board agreed to hire a lawyer to investigate allegations that Hart had wrongfully revealed details of the investigation into the traffic stop.

Hart addressed the controversy vaguely in his letter, noting that during his tenure, the department “has dealt with some highly complex and sensitive issues.” He also praised the low crime rate of Kensington, adding that it is the fifth safest community in the state.

View the resignation letter in full [here](#).



KENSINGTON POLICE DEPARTMENT

217 ARLINGTON AVENUE / KENSINGTON, CALIFORNIA 94707
TEL: 510-526-4141 FAX: 510-526-1028

Kevin E. Hart
Chief of Police

September 30, 2016

TO: Kensington Police Protection and Community Services Board of Directors
FROM: Kevin E. Hart, Interim General Manager/Chief of Police

This letter serves as notice of my resignation as the Kensington Interim General Manager/Chief of Police effective October 31, 2016. Although my contract runs through February 2017, I have decided that, for personal and professional reasons, now is the right time to move on and explore other opportunities.

During my tenure, we have dealt with some highly complex and sensitive issues and are a better organization for it. No police organization is perfect, but all members of the police department will continue to provide outstanding quality law enforcement services to the Kensington Community.

As the fifth safest community in the State, crime continues to be low, in large part because members of the police department truly care about the community they serve, and work in a collaborative manner with residents to improve the quality of life for all residents. Police officers stay in Kensington because they are dedicated to the people of Kensington.

Members of the Ad Hoc Committee for Governance and Operations Structure have worked long and hard to provide a final report with recommendations about the future direction of the District. The information contained in this report must be thoroughly reviewed, analyzed and evaluated and used during any discussion or decision making process as the District looks at ways to improve how it operates and governs itself.

A strong mentor for me was retired Alameda County Sheriff Charles C. Plummer, who would always say as a police organization, "if you're not moving forward you are falling back". I believe we have moved forward as an organization as well as a community, and are looking towards the future. There is, of course, certainly much more work to be done.

It has been an honor and a privilege to serve residents of the Kensington Community.

Kevin E. Hart
Interim General Manager and Chief of Police

East Bay Times

Reallocation can remedy inequalities for East Contra Costa Fire District

By [Bryan Scott](#)

PUBLISHED: **October 3, 2016** at 11:38 am | UPDATED: October 3, 2016 at 11:40 am

Are the children of Brentwood and Oakley worth one-fifth what the children of Orinda and Moraga are worth?

Are the retirees of Brentwood's Summerset and Trilogy developments worth one-fourth as much as the retirees in Danville and San Ramon?

The East Contra Costa Fire Protection District spends \$94 per resident protecting lives and property in East Contra Costa County, while the two fire districts protecting the just mentioned Central Contra Costa areas spend \$370 and \$449, per resident.

Let that sink in for a minute: \$94 versus \$370 and \$449, per resident.

The San Ramon Valley Fire Protection District spends \$370 per resident protecting the lives and property of residents in its community, and the Moraga-Orinda Fire Protection District spends \$449 per resident doing the same thing. This is according to page 27 of the EMS/Fire Services Municipal Services Review of April 29, 2016, prepared for the Contra Costa County Local Agency Formation Commission (LAFCO).

This same LAFCO report indicates that Moraga-Orinda FD gets 17 percent of the 1 percent ad valorem property tax money collected, and San Ramon Valley FPD gets 14 percent. ECCFPD gets 7 percent to provide the same services to residents of East County.

Of course this translates to a major difference in response time, the time it takes first responders to arrive at the scene of an emergency. While the ECCFPD has a department wide response time of 11 minutes, 49 seconds, according to a June, 2016, performance report done by industry consultants CityGate Associates, the Moraga-Orinda FPD boasts an average response time of just 6 minutes, 30 seconds in their Biennial Report for 2014-2015.

That's about five-and-a-half minutes difference. This extra time can easily mean the difference between life and death, or translate into a house fire contained to room-of-origin instead of consuming the entire structure.

Is this unequal protection fair? Is it legal?

After all, residents of East Contra Costa pay the same property tax rate as those residents of Central Contra Costa, and all fire districts are primarily funded with property taxes. Should not the benefits of the California tax laws apply equally to all citizens?

The Fourteenth Amendment to the United States Constitution includes the sentence “No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

By providing the ECCFPD with only 7 percent of the ad valorem 1 percent property tax funding, and enabling emergency response times that are nearly twice as long as in other parts of the county, are we in East County suffering from reduced “privileges or immunities?”

Setting the legal issue aside, let’s examine the fairness of the absurdly low allocation percentage. When the percentage was set 35 years ago it was undoubtedly fair. There were, back then, less than 10,000 people living throughout the 250 square miles of East County. Now, today, there are two general law cities, a number of unincorporated towns, and even more communities, with over 110,000 people in total. Still more people arrive in East County daily to work, study and play.

The property tax allocation percentage rate is clearly not fair when comparing the size of the current East County community and its needs with the communities and needs in Central County, or anywhere else in Contra Costa County.

It is time to reallocate the property tax allocation percentages.

Bryan Scott is a Brentwood resident who occasionally becomes a community affairs activist. He is co-chair of East County Voters for Equal Protection, a non-partisan citizens action committee whose aim is to improve funding for the ECCFPD. His email address is scott.bryan@comcast.net, his telephone number is 925-418-4428. The group’s Facebook page is located at <https://www.facebook.com/EastCountyVoters/>.

East Bay Times

Guest Commentary: Bryan Scott: East County fire task force seeks \$36 million in new taxes

By [Bay Area News Group](#)

PUBLISHED: June 14, 2016 at 2:20 pm | UPDATED: August 15, 2016 at 9:23 am

A “shadow government” made up of 10 government employees decided recently, with no public input, to seek \$36 million in new taxes from the residents of Contra Costa County.

Called the “Fire and Medical Services Task Force,” the group proposed a Utility User Tax scheme to the appointed board of directors of the East Contra Costa Fire Protection District at its monthly meeting June 6. The Fire and Medical Services Task Force has existed since June 2015, forming in the wake of a failed Benefit Assessment District effort and the closing of numerous local fire stations.

The proposed UUT will be assessed on all electricity, gas, cable and telecommunications services paid by residents and businesses within the fire district and the unincorporated areas of Contra Costa County. The expected tax rate would be between 9 percent and 10 percent, according to the presentation by Gus Vina, Task Force leader. Brentwood, Oakley and the county would ask for voter approval.

As with all shadow governments, this group operates with no public input or supervision. Its meetings are held without public notification, and the discussions at those meetings are not made public. Taxpayers who have asked to participate have been rebuffed.

At the May 26 Task Force meeting, the ECCFPD Board was told, the Task Force thoroughly reviewed all options for raising money for the district. The unanimous decision was that a UUT affecting every resident of the fire district and all residents of unincorporated areas of Contra Costa County was best.

Members of shadow governments, like the Trilateral Commission, the Bilderberg Group or the Council on Foreign Relations, are sometimes hard to identify. Members of this Task Force include Brentwood City Manager Gus Vina, Oakley City Manager Bryan Montgomery, ECCFPD Fire Chief Hugh Henderson, ConFire Fire Chief Jeff Carman, ECCFPD Battalion Chief Brian Helmick, firefighters union Local 1230 President Vince Wells, Local 1230 Vice President Gil Guerrero, Local 1230 Board Representative Bob May, Chief of Staff for Supervisor Piepho Tomi Riley, and Chief of Staff for Supervisor Mitchoff Krystal Hinojosa.

The ECCFPD currently has three stations and nine firefighters on duty at any point in time. The district covers 249 square miles of Eastern Contra Costa County, where approximately 110,000 people live. As the number of stations has decreased response times have increased, and the district’s ability to fight fires has diminished significantly.

A grass-roots community-developed proposal to realign existing tax funding priorities, adjusting allocation percentages that have not changed since the 1980s, has met with opposition from government administrators, while some elected representatives have supported the measure. Open public support for the reallocation idea has been met with loud opposition by government managers.

Simply stated, government administrators and employees want more money. They do not want to change where current tax revenues are going.

The Tax Foundation, the leading U.S. independent tax policy research organization based in Washington, D.C., has estimated that residents of California pay \$5,237.19 for state and local taxes, per capita. The Tax Foundation released a regular report in January that takes into account 26 different categories of taxes over a July 1 to June 30 fiscal year.

That translates into \$576,000,000 in state and local taxes paid by the residents of the ECCFPD. Stated another way, district residents already pay five hundred seventy-six million dollars in state and local taxes.

How much is enough?

Most fire districts in California are paid for primarily with property taxes. Because East Contra Costa County was mostly corn fields and orchards in 1978, when Proposition 13 was implemented, the ECCFPD is allocated the lowest percentage of property taxes of all fire districts in the county. Of the \$154,000,000 in property taxes (2014-2015 base tax amount) collected within the district, the ECCFPD gets less than eight percent. The county average fire district allocation is 12%, according to Local Agency Formation Commission (LAFCO) studies.

Since 2012 there have been two failed attempts to raise taxes for ECCFPD. Will this third attempt, initiated by a rogue group of government employees, many of whom would benefit from increased tax revenues, be successful?

Only time will tell.

Bryan Scott is a Brentwood resident who occasionally becomes a community affairs activist. He is co-chair of East County Voters for Equal Protection, a nonpartisan citizens action committee whose aim is to improve funding for the ECCFPD. Email at scott.bryan@comcast.net or call 925-418-4428.

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East Bay Times

Guest Commentary: Bryan Scott: It's time to talk about tax allocation reform

By [Bryan Scott](#)

PUBLISHED: July 5, 2016 at 2:28 pm | UPDATED: August 15, 2016 at 9:20 am

Now is the time for leaders to lead.

A home on Sycamore Avenue, Brentwood, was totally consumed by fire on June 25.

The East Contra Costa Fire District responded with all three of its engines, and received mutual aid assistance from fire stations in Antioch. But in the middle of fighting the Brentwood fire, those two Antioch-based fire engines were released to return to Antioch to fight a five-alarm fire.

The Sycamore Avenue home was a total loss and two people were injured.

According to a statement made by Chief Hugh Henderson, during an eight-hour period on this particular Saturday, when the ECCFPD was fighting this fire, the cities of Brentwood, Oakley and the unincorporated county areas that make up the ECCFPD were totally exposed, as the fire district was without any fire protection assets available to deploy.

The time has come for the leaders of the government agencies that provide services to East County residents to fix the structural funding problem that has caused the resource and staffing deficiency for our fire district.

It is time to reform tax allocations in East County, and transfer additional public funding equal to 5.2 percent of the jurisdiction's property taxes to the fire district.

Reforming the tax allocation practices of East County requires one of two simple procedures. Which of the two procedures is followed depends on the type of agency receiving government funding, whether it is a general government/special district entity or a school district entity.

General government/special district entities would use Section 99.02 of the California Revenue and Taxation Code. This section describes a procedure including 1) a public hearing, 2) adoption of a resolution passed by the agency, and 3) notifying the county auditor of the change. This process could be completed in as little as three months.

Using a four-year phase-in strategy, no agency funding would have to be cut. Future growth in property taxes could fund each entity's reallocation amount.

The shifting of 1.3 percent of property tax funding the first year, 2.6 percent the second year, 3.9 percent the third year, and 5.2 percent the fourth would all be absorbed by the expected growth in property tax revenues. All requirements of Section 99.02 would be satisfied.

School district entities would enter into a Memorandum of Understanding (MOU) with the ECCFPD to transfer budgetary funds equal to 5.2 percent of the property tax funds they receive. Using a four-year phase-in this public revenue transfer would equal 1.3 percent the first year, 2.6 percent the second year, 3.9 percent the third year, and 5.2 percent the fourth year.

California legislative action would codify these agreements with subsequent legislation, dealing with only these entities and the ECCFPD.

A recently released draft Municipal Services Review (MSR), published in April, 2016, by the Contra Costa County Local Agency Formation Commission (LAFCO), cites as the number one challenge for the ECCFPD the “low property tax shares in the majority of the District’s tax rate areas.”

“Due to the volunteer and extraordinarily small service populations of the predecessor dependent districts before the formation of ECCFPD, low property tax rates were allocated to fire service,” the report states.

Tax allocation reform is the ONLY way to satisfy the needs of the community, and MUST be adopted our elected leaders. A parcel tax failed in 2012, a Benefit Assessment District scheme failed in 2015, and the recent polling for a Utility User Tax indicates far less than the needed 50 percent of the voters support the measure.

The leaders of all government entities need to participate in solving this crisis by reforming tax funding allocations. To fail to do so is to be grossly out of touch with the present needs and values of the community.

Brentwood Mayor Bob Taylor, Oakley Mayor Kevin Romick: It is time to start talking about tax allocation reform.

Liberty Union High School District Board Members Joanne Byer, Pauline Allred, Roy Ghiggeri, Yolanda Pena-Mendrek and Roy Valverde: It is time to talk about this issue.

Jim Cushing, Scott Dudek, Emil Geddes, Johnny Rodriguez and Carlos Sanabria: It is time the Brentwood Union School District joins the tax allocation reform conversation.

Property tax allocation reform is the only solution to this historical, structural funding problem, a problem that continues to get worse over time.

Bryan Scott is a Brentwood resident who occasionally becomes a community affairs activist. He is Co-Chair of East County Voters for Equal Protection, a nonpartisan citizens action committee whose aim is to improve funding for the ECCFPD. His email address is scott.bryan@comcast.net, his telephone number is 925-418-4428. The group’s Facebook page is located at <https://www.facebook.com/EastCountyVoters/> on the Internet.

East Bay Times

East Bay's iconic water canal may disappear

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

PUBLISHED: **October 4, 2016** at 1:07 pm | UPDATED: October 4, 2016 at 1:21 pm

The 80-year-old concrete canal serving as the water lifeline for half a million Contra Costa County residents is wearing out and may need to be replaced by a metal pipeline, ending the life of an iconic feature of the county's development.

The Contra Costa Canal between Oakley and Concord springs leaks, gets damaged during landslides, evaporates water on hot days like a tea kettle, and continues to pose the risk of being a death trap for people, pets or wild animals who fall or jump in the water despite fencing to keep them out. Seventy-five people have drowned in the canal over its lifetime.

On Wednesday, the Contra Costa Water District Board is scheduled to commission a \$1.77 million, two-year consulting study to look at the feasibility of options for modernizing or replacing the 26-mile main stem of the canal from Rock Slough near Oakley to Concord.

A leading option is replacing the canal with a metal pipeline that could cost roughly \$400 million, district officials said this week.

"The Contra Costa Canal is nearing the end of its useful life," said Jennifer Allen, a water district spokeswoman. "It has delivered water to our area for 80 years, and now it's time to look at how we can deliver water reliably the next 80 years."

Allen said it's too early to say how much the cost of a pipeline would affect water rates in the district, which supplies Delta drinking water to some 500,000 people in Concord, Clayton, Pacheco, Martinez, Antioch, Pittsburg, Bay Point, Oakley, and parts of Walnut Creek and Pleasant Hill.

That is among the questions district officials expect to address in the study. Following the study, the district would weigh its options and consider conducting a detailed environmental impact report on a project such as a pipeline.

Ernie Avila, a water board member, said the board will give weight to the large volume of water that can be saved by replacing the canal with a closed pipeline. About 6 percent of the water moved by the open canal is lost through evaporation and seepage, the district estimates.

"As operators of a public water system, we need to look at ways to reduce leaks and manage our supplies wisely," said Avila, a member of the board's engineering committee.

The canal was built between 1937 and 1948 as the first part of the federal Central Valley Project, a series of dams and canals aimed primarily at delivering irrigation water.

The board meets at 6:30 p.m. at district headquarters, 1331 Concord Ave., Concord.



Published October 5th, 2016

MOFD Board Restores Firefighter Medical Benefits

By Nick Marnell

The Moraga-Orinda Fire District moved to bring firefighter compensation in line with neighboring districts Sept. 21 by approving an increase in employer-paid health care premiums, which had been capped at 2010 levels. The motion passed 4-0, with director Brad Barber absent.

The premium increases range from approximately \$100 a month for a single employee up to \$300 for an employee with a family. The hikes, which will cost the district \$229,000, kick in Jan. 1 and run through the end of the labor contract in June 2018.

The action comes at the behest of Fire Chief Stephen Healy, who told the board that the current firefighters' contract, which included a first year pay cut and was signed reluctantly by the union in 2014, had lowered morale and frustrated his ability to retain and recruit firefighters. After the new contract took force, MOFD lost firefighters to Contra Costa, Santa Clara and Alameda county fire agencies. The district recently filled its last openings and will send two probationary firefighters to a training academy in mid-October.

Once the employer-paid premium increases take effect, district medical benefits will more closely align with those of neighboring fire agencies, but salaries will still lag behind. According to published documents, MOFD firefighter-paramedics at the highest grade earn a salary of \$99,348 a year, not including overtime or benefits. The same position at the Contra Costa County Fire Protection District pays \$104,845; the Alameda County Fire Department, \$110,040; and the San Ramon Valley Fire Protection District, \$112,572.

Increasing the employee medical benefit was not the board's first attempt to mollify the firefighters' union. In December, with its financial picture having improved, the district agreed to a 2.5 percent wage increase for the firefighters seven months earlier than outlined in the original contract. But the union complained that the original pay cut was unnecessary and that the increase still left the firefighters with the same pay they made in 2008.

Board president Steve Anderson not only voted against the 2.5 percent increase last year, he also voted against the original contract because he objected to the automatic pay increases it provided. This time around Anderson changed his approach. "I know that they took a hit, and this gives the firefighters some recognition for the sacrifice they made," Anderson said later. He stressed that the premium increase will not impact the district long-term, and that it will have no effect on future labor negotiations.

"It's a step in the right direction toward bringing our salary and benefit package on par with similar fire districts in our job market," said Mark DeWeese, MOFD Local 1230 representative.

Reach the reporter at: nick@lamorindaweekly.com

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