



## **NOTICE AND AGENDA FOR REGULAR MEETING**

DATE/TIME: Wednesday, January 11, 2017 - 1:30 PM

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

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

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

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

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

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

### **Campaign Contribution Disclosure**

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

### **Notice of Intent to Waive Protest Proceedings**

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

### **American Disabilities Act Compliance**

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

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

## **January 11, 2017 CONTRA COSTA LAFCO AGENDA**

1. Call to Order and Pledge of Allegiance
2. **Welcome New/Returning Commissioners**
3. Roll Call
4. Adoption of Agenda
5. **Selection of Chair and Vice Chair**
6. **Recognition of Outgoing Commissioner and 2016 LAFCO Chair Mary N. Piepho**
7. 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.
8. Approval of Minutes for the December 14, 2016 regular LAFCO meeting
9. *Informational Presentation* – Tassajara Valley Preservation from Urban Sprawl – Richard Fischer, Tassajara Valley Preservation Association

### **SPHERE OF INFLUENCE/BOUNDARY CHANGES**

10. **LAFCO 09-07** – *Laurel Place/Pleasant View Annexation to the City of Concord* – consider landowners' request for extension of time to record annexation

### **BUSINESS ITEMS**

11. *FY 2016-17 Second Quarter Budget*– receive the second quarter budget report for FY 2016-17
12. *Executive Officer's Performance Review and Compensation* - Consider a salary increase for the Executive Officer in conjunction with her recent performance review

### **CORRESPONDENCE**

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

### **INFORMATIONAL ITEMS**

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

### **ADJOURNMENT**

*Next regular LAFCO meeting – February 8, 2017 at 1:30 p.m.*

LAFCO STAFF REPORTS AVAILABLE AT [http://www.contracostalafco.org/meeting\\_archive.htm](http://www.contracostalafco.org/meeting_archive.htm)



Lou Ann Texeira  
 Executive Officer

**MEMBERS**

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

**ALTERNATE MEMBERS**

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

January 11, 2017  
 Agenda Item 5

January 11, 2017 (Agenda)

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

**Selection of Commission Officers for 2017**

Dear Members of the Commission:

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

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

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

In 2016, County Member Piepho served as Chair and Public Member Don Blubaugh served as Vice Chair.

**RECOMMENDATION** – Per the Commission’s policy, it is recommended that the Commission select a Public member as Chair and a Special District member as Vice Chair to serve until January 2018.

Sincerely,

LOU ANN TEXEIRA  
 EXECUTIVE OFFICER

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
MINUTES OF MEETING

December 14, 2016

Board of Supervisors Chambers  
Martinez, CA

January 11, 2017  
Agenda Item 8

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 Mary Piepho and Alternate Candace Andersen.

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 with flexibility for moving the closed session up to accommodate Commissioner McGill's schedule.

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

NOES: none

ABSENT: Glover (M)

ABSTAIN: none

5. Public Comments

There were no public comments.

6. Approval of November 9, 2016 Meeting Minutes

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

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

NOES: none

ABSENT: Glover (M)

ABSTAIN: none

7. Castle Rock County Water District (CRCWD)

The Executive Officer provided background on this small district, which came to light during LAFCO's 2014 2<sup>nd</sup> Round Water/Wastewater MSR. This district, which provides untreated water service to 137 residents (79 parcels - 55 connections), including 10 residential water customers who are responsible for treating their own water, is located within the Contra Costa Water District's (CCWD) service boundary. CRCWD purchases untreated water from CCWD that is pumped from an open canal. CCWD operates and maintains treated water distribution facilities within the boundary of CRCWD. As a result of the MSR,

**DRAFT**

Commissioners requested updates from CRCWD and CCWD regarding, among other things, the provision of potable water and a future reorganization involving both districts.

Fred Allen, CRCWD Board Director, reported that he and Jeff Quimby from CCWD have met numerous times, with the result being a proposal from CCWD providing financial incentives if all 10 of the residential water customers sign on to the offer. With the offer of a 40% reduction in connection fees and 20-year financing through CCWD, six of the 10 customers have said yes, two are very possible, one is a maybe, and one is still no. Mr. Allen noted that the cost to connect to CCWD is still prohibitive for some, and that they are continuing to work on this.

Chair Piepho congratulated both districts for working to resolve this situation and acknowledged the difficulty and expense of working this out. She stressed that LAFCO wishes to encourage a solution that will avoid an environmental crisis later.

Upon motion of Blubaugh, second by Tatzin, Commissioners unanimously, by a 7-0 vote, accepted the report and thanked Mr. Allen for his update.

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

8. Agricultural & Open Space Preservation Policy (AOSPP)

Commissioner Tatzin presented the final version of the AOSPP to the Commissioners as approved by Commissioners at the November meeting, noting changes made as discussed at that time, and proposed three additional changes: 1) an example of open space land protection by science-based analysis; 2) an example that speaks to a “Right to Farm” agreement; and 3) deletion of a phrase about open space land in the first example mitigation in Guideline 3(b).

The Chair asked if there was anything new in the Manatt, Phelps & Phillips letter received that morning. Legal Counsel Anderson responded that there was nothing new.

Chair Piepho then noted that Tom Bloomfield, of Brentwood Agricultural Land Trust, had indicated to her their appreciation of the 1:1 ratio, and that LAFCO is not just protecting ag land but also promoting agriculture.

Commissioner Skaredoff clarified that the suggested 300-foot buffer zone would not shrink the amount of land available to farm, but would be established on the development property.

**Michael Stonebarger, Brentwood Farmer**, noted that the final version does not reflect the Version 1 that was presented in March 2016 and reiterated that they do not like the 300-foot buffer example. After citing some successful examples of smaller buffer zones, he asked that the buffer zone be left as a decision to be made by the local agencies.

**Mark Dwelley, Brentwood Farmer**, also stated his disappointment that this final version is not the same as Version 1 presented in March. He also was unhappy with the buffer zone example as written, and again felt that this was a decision to be left to the local agencies.

**Lisa Vorderbrueggen, BIA/Bay Area**, suggested that the statement in Guideline 3.b.9 regarding open space is confusing. She felt that every effort should be made to keep farmers in business.

Commissioner Tatzin reminded everyone that the policy provides examples and not requirements. Once this has been in place for a year, it will be reviewed and perhaps a future LAFCO review will make further changes.

Following further discussion among Commissioners, it was agreed that changes would be made as follows:

Guideline 3.b.4: Establishment of buffers ~~of at least 300 feet~~ sufficient to protect adjacent prime agricultural, agricultural and/or open space lands from the effects of development. Such buffers may be permanent, temporary, or rolling, and may take many forms (e.g., easements, dedications, appropriate zoning, streets, parks, etc.).

Guideline 3.b.9: Protect open space lands utilizing science-based impact analysis ~~methods approved by appropriate California State and federal agencies, for example, regarding biological resources.~~

Upon motion of Tatzin, second by Andersen, Commissioners unanimously, by a 7-0 vote, approved revisions to the version of the Agricultural and Open Space Preservation Policy that was adopted at the November 9, 2016 meeting with edits as discussed on December 14.

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

NOES: none

ABSENT: Glover (M)

ABSTAIN: none

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

The Executive Officer provided background on the special study that LAFCO commissioned on WCCHD, and noted that in November the final draft was released with a brief history of the District, a synopsis of state, county and West County healthcare issues, an overview of the current status of WCCHD, along with findings, governance options, and new information relating to the District's recent bankruptcy filing.

The majority of comments prior to and following the September review of the draft report expressed support for a governance option that would preserve funding to meet the critical healthcare needs in West Contra Costa County. Additionally, at their meeting on November 15, the County Board of Supervisors also expressed its support to preserve funding to meet healthcare needs in West Contra Costa County, and requested that LAFCO defer any decision to dissolve/reorganize the WCCHD pending the bankruptcy proceedings.

Richard Berkson of Berkson Associates, the consultant who prepared the study, noted that the one major change from the public review draft presented in November was the bankruptcy declaration. He also reminded Commissioners that the passage of AB 2910 will make any governance decision that involves dissolution of the district easier, as an election or protest proceeding will not be required.

**Marc Joffe, California Policy Center**, noted that local taxpayers are paying parcel taxes and receiving no healthcare services at all, and that will be the case for several years while the District will be paying off its obligations, especially bond interest and principal. He suggested that LAFCO and the County agree to dissolve the District and for the County to assume the bonds, refinancing them at a lower rate that would be more affordable for everyone.

Commissioners discussed the County Board of Supervisors' request that LAFCO delay decisions on governance structure options until the District has gone through the bankruptcy

procedure. Acknowledging that the bankruptcy court may be looking to LAFCO for some guidance, Commissioner Tatzin asked if the bankruptcy court might want something from LAFCO.

Legal Counsel Anderson noted that she is in contact weekly with bankruptcy counsel and she and the LAFCO Executive Officer will be meeting with them in January. The bankruptcy counsel is from out of state and is not familiar with what LAFCO does. LAFCO will most likely be guided by the County because it appears likely that most people want the County will play a role. But it's too early to firm things up until the debt issues are resolved.

Staff confirmed that they will keep Commissioners updated with significant occurrences as they evolve.

Upon motion by Blubaugh, second by Tatzin, Commissioners by a 7-0 vote unanimously accepted the WCCHD Special Study and agreed to maintain a status quo on following the actions of the bankruptcy proceedings. Commissioner McGill added that he wanted to make sure that the public does not think that LAFCO is "kicking the can down the road," and that this is resolved before the next election cycle, which could be an expensive burden for the District.

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

NOES: none

ABSENT: Glover (M)

ABSTAIN: none

10. Rollingwood Wilart Park Recreation and Park District (RWPRPD)

The Executive Officer provide background, noting that since the late 1990s, RWPRPD has struggled with service, governance and administrative issues. Over the years, there has been a significant decrease in facility rentals and a lack of public interest. The District has no staff, and Board members are performing operational and administrative functions, and the district has no audited financial statements, planning documents or administrative records. Much of this information came to light in conjunction with LAFCO's 2010 Parks & Recreation MSR. Currently, the County Treasurer holds funds for the District, including property taxes; and the County Auditor maintains an account on behalf of the District and administers payment of funds at the direction of the District. The District will likely be closing its recreation center by March/April 2017.

Richard Berkson of Berkson Associates presented a brief overview of the Public Review Draft Special Study, stating that none of the recommendations made in LAFCO's 2010 MSR and the 2012 Grand Jury report have been implemented. The District's building is in good condition and the District has no major liabilities at this time. In looking at the various governance options, the most sensible one is annexing the District to the City of San Pablo. This is the preference of the District Board as well.

Upon motion of Blubaugh, second by Andersen, Commissioners by a 7-0 vote unanimously received the study overview and requested input from the City of San Pablo.

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

NOES: none

ABSENT: Glover (M)

ABSTAIN: none

11. Commissioner Terms

The Executive Officer updated Commissioners on terms and the process for filling the vacancy that will be created due to the departure of Commissioner Mary N. Piepho. The County Board of Supervisors will need to appoint a new LAFCO member in January.

12. Correspondence from CCCERA

There were no comments on this item.

13. Commissioner Comments and Announcements

Commissioner McGill announced that he participated in the CALAFCO Board meeting on December 9 and will attend the CALAFCO Legislative Committee meeting in San Diego on December 16.

Chair Piepho wished everyone Merry Christmas and Happy Holidays.

14. Staff Announcements

There were no staff announcements.

At 2:46 p.m., Commissioners adjourned to Closed Session to discuss employee performance evaluation.

At 2:53 p.m., Commissioners reconvened and the Chair reported that the Commissioners had discussed the performance evaluation and will discuss with the Executive Officer.

The meeting adjourned at 2:54 p.m.

Final Minutes Approved by the Commission January 11, 2017.

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>
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Don Tatzin <i>City Member</i>	

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*Special District Member*

January 11, 2017 (Agenda)

January 11, 2017  
 Agenda Item 10

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

**Request for Extension of Time – Lenox Homes**

Dear Members of the Commission:

On August 12, 2015, the Commission approved the Laurel Place/Pleasant View annexation to the City of Concord (LAFCO 09-07). One of the conditions of approval, as requested by Lenox Homes, was that LAFCO defer recordation of annexation for up to one year (August 2, 2016) to allow the developer time to complete site and house construction and obtain necessary County permits.

Prior to the August deadline, Lenox Homes requested an extension of time, indicating that while the site improvement was underway, and homes were under construction, the estimated completion date would extend beyond the August 2, 2016 date. The Commission approved an extension of time to February 2, 2017 to allow for completion of the project.

In addition to the 8-lot subdivision previously completed, the developer is also developing the adjacent 4-lot subdivision which was also annexed to the City of Concord as part of LAFCO 09-07. The developer recently informed LAFCO that construction of the four new homes is nearly (90%) complete. The estimated completion date will extend beyond the February 2, 2017 date for recording the annexation. Thus, the developer is requesting an additional six month time extension to August 2, 2017 (see attached).

In accordance with Government Code §57001, if a Certificate of Completion is not filed within one year after the Commission approves a proposal, the proceeding shall be deemed abandoned unless prior to the expiration of that year the Commission authorizes an extension of time to complete the proceedings.

**RECOMMENDATION:** It is recommended that the Commission approve a second extension of time to file the Certificate of Completion to August 2, 2017, as requested by Lenox Homes, to allow the developer additional time to complete construction activities.

Sincerely,

LOU ANN TEXEIRA  
 EXECUTIVE OFFICER

Attachment – Letter from Lenox Homes

c: Dan Freeman, President, Focus Realty Services Inc./Lenox Homes LLC  
 Victoria Walker, City of Concord

Focus Realty Services Inc./Lenox Homes LLC  
3675 Mt. Diablo Blvd., Suite 350  
Lafayette, CA 94549  
Phone: (925) 283-8470

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December 5, 2016

Ms. LouAnn Texeira  
Executive Officer  
Contra Costa Local Area Formation Commission  
651 Pine Street  
Lafayette, CA 94553

Re: Laurel Place/Pleasant View Annexation to City of Concord

Dear LouAnn,

This letter will serve as our formal request for a second extension to the annexation deadline for the above referenced area. We request an additional 6 months from February 2, 2017 to August 2, 2017. Per the approved resolution 09-07, condition #9, LAFCO was to defer recordation of the annexation map for up to one year to August 2, 2016 to allow us as developer of the 4 home sites off Pleasant View Lane (MS 6-94) time to complete site and house construction. This deadline was extended at the July LAFCO meeting to February 2, 2017 at our request.

The site improvements are now completed and accepted by County and all 4 new homes are nearly complete with about 90% of the construction finished. The estimated completion date for the project extends past the February 2, 2017 date and therefore we are submitting this request for extension to the annexation deadline.

Thank you for your consideration of this request.

Sincerely,



Dan Freeman  
President



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  
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 Tom Butt  
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 Stanley Caldwell  
*Special District Member*

January 11, 2017  
 Agenda Item 11

January 11, 2017

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

**Second Quarter Budget Report - Fiscal Year 2016-17**

Dear Members of the Commission:

This is the second quarter budget report for FY 2016-17, which compares adopted and actual expenses and revenues for the period July 1, 2016 through December 31, 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 50% of the fiscal year elapsed, the Commission’s second quarter expenditures are \$330,655 or 37% of total appropriations. The Commission budgeted \$403,257 in *salaries/benefits* for FY 2016-17; at the end of the second quarter, actual expenses total \$167,887 or 42% of the total budgeted amount. The Commission budgeted \$370,476 in *services/supplies*; and at the end of the second quarter, actual expenses total \$122,768 or 34%. The \$40,000 payment toward the OPEB liability was made and is reflected in the second quarter budget report; no funds have been expended from the contingency/reserve fund.

The primary sources of revenues are local agency contributions, application fees, and interest earnings. Total revenues received through the second quarter are \$886,877 (including fund balance) or 99% of projected revenues. All local agencies have paid their prorated contributions to the LAFCO budget.

As for application fees, FY 2016-17 application activity is double FY 2015-16 activity. Through the second quarter of FY 2016-17, LAFCO received two new applications; and through the second quarter of FY 2015-16, one new application was received.

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 budget summary.

<b>Account</b>	<b>FY 2016-17 Final Budget</b>	<b>Second Quarter Actuals</b>
Salaries & Benefits	\$403,257	\$167,887
Services & Supplies	370,476	122,768
Contingency/Reserve	80,000	0
OPEB Trust	40,000	\$ 40,000
<b>Total Appropriations</b>	<b>\$893,733</b>	<b>\$330,655</b>
Agency Contributions	\$723,733	\$ 723,733
Application/Other Revenue	20,000	13,144
Interest Earnings	-	-
Fund Balance	150,000	150,000
<b>Total Revenues</b>	<b>\$893,733</b>	<b>\$886,877</b>

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 second quarter budget report.

Sincerely,

LOU ANN TEXEIRA  
EXECUTIVE OFFICER



Lou Ann Texeira  
Executive Officer

**MEMBERS**

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

January 11, 2017 (Agenda)

January 11, 2017  
Agenda Item 12

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

**Executive Officer’s Performance Review and Compensation**

Dear Members of the Commission:

DISCUSSION

The Commission met on December 14, 2016 in Closed Session to discuss staff performance.

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

Thank you for your consideration of the recommendation.

RECOMMENDATION

Consider the recommendation per the attached memo.

Sincerely,

LOU ANN TEXEIRA  
EXECUTIVE OFFICER

Attachment

# MEMORANDUM

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**CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION**

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

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January 11, 2017

**TO:** Members of the Commission

**FROM:** Chair Piepho and Vice Chair Blubaugh

**SUBJECT:** Executive Officer's Compensation

The Commission met in Closed Session on December 14, 2016, to discuss Executive Officer Lou Ann Texeira's performance evaluation.

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

It is recommended that the Commission approve a 3% increase to the Executive Officer's base salary effective 1/1/17.

### **CALAFCO Board and Staff Changes**

Results of the recent CALAFCO Board of Directors elections netted no new Board members for 2017. All incumbent Board members won their election, so the Board of Directors membership stays the same.

At the October Board meeting during the Annual Conference, the appointment of **Carolyn Emery** (Orange LAFCo) was made to represent the southern region as the Deputy Executive Officer (DEO). We said farewell to **Paul Novak** who served in this role for the past two years.

### **CALAFCO Board 2017 Committees**

At their December 9 meeting, the CALAFCO Board appointed members to the 2017 standing committees as follows:

#### **Legislative Committee**

Bill Connelly (North)  
Jim Curatalo (South)  
Shiva Frentzen (Central)  
William Kirby (At-Large)  
John Leopold (Coastal)  
Mike McGill (At-Large)

Gay Jones (a) (At-Large)  
Michael Kelley (a) (South)  
Anita Paque (a) (Central)  
Sblend Sblendorio (a) (Coastal)  
Josh Susman (a) (North)

#### **Nominations Committee**

Cheryl Brothers  
Shiva Frentzen  
John Leopold (Chair)  
Josh Susman

#### **Awards Committee**

Mike Kelley  
Gerard McCallum  
John Marchand  
Anita Paque  
Ricky Samayoa (Chair)

#### **2017 Annual Conference**

Jim Curatalo  
Bill Kirby (Chair)  
Sblend Sblendorio  
Josh Susman

### **Conferences and Workshops Update**

#### **2016 ANNUAL CONFERENCE A SUCCESS**



A final Conference report was provided to the Board on December 9. The Conference was held October 26 - 28 in Santa Barbara at the beautiful Fess Parker DoubleTree. Our theme this year was **Orchards to Oceans: Balancing California's Diversity**, and the host was Santa

Barbara LAFCo. Approximately 285 commissioners, staff, associate members, guests and speakers attended the Conference. A total of 48 LAFCos were represented.

Participant evaluations rated the overall experience a 5.2 out of 6.0 with an evaluation return rate of 25%. While the books are still being finalized, it appears that financially the Conference was a success. We had a total of \$19,500 in sponsorship revenue, with 16 total sponsors of varying levels. CALAFCO thanks all of our sponsors for your support and participation in this event.

Our program and speaker lineup was diverse, and highlighted by our luncheon keynote speaker Jean-Michel Cousteau.

CALAFCO wishes to thank our host, Santa Barbara LAFCo, for all of their work in planning the mobile workshop, lining up the luncheon keynote speaker, and tending to many of the details. In particular, we thank **Jeff Moorhouse, Roger Welt, Paul Hood, Michael Allen** and **Jacquelyne Alexander**. We also thank Conference Chair **Sblend Sblendorio**, Program Committee Chair **David Church**, everyone who worked to plan the program and all of you who volunteered and helped on site.

All program presentations were placed on the CALAFCO website the week after the Conference.



### **2017 STAFF WORKSHOP**

The 2017 Staff Workshop is set for April 5-7, 2017 at the beautiful Doubletree by Hilton in downtown Fresno. Our host for this workshop will be Fresno LAFCo. The Program Planning Committee will begin their work the first week of January.

### **CALAFCO Congratulates the 2016 Annual Achievement Award Recipients**

CALAFCO wishes to congratulate all of this year's nominees, and especially those who received the 2016 Achievement Award.

- ❖ Outstanding Commissioner - **Don Tatzin** (Contra Costa LAFCo)
- ❖ Outstanding LAFCo Clerk - **Cheryl Carter-Benjamin** (Orange LAFCo)
- ❖ Outstanding LAFCo Professional - **Steve Lucas** (Butte LAFCo)
- ❖ Distinguished Service - **Peter Brundage** (Sacramento LAFCo)
- ❖ Project of the Year - **Countywide Water Study** (Marin LAFCo)
- ❖ Government Leadership - **Southern Region of CALAFCO**
- ❖ Most Effective Commission - **San Luis Obispo LAFCo**
- ❖ Outstanding CALAFCO Member - **John Leopold** (Santa Cruz LAFCo)
- ❖ Lifetime Achievement - **Bob Braitman** (Retired EO) and **Ed Robey** (Lake LAFCo)







### CALAFCO Board Actions

The Board met on October 28 and appointed the staff members of the 2017 Legislative Committee and adopted their 2017 meeting calendar.



During the Board's meeting on December 9, they took the following actions:

- ◆ Received and filed the 1<sup>st</sup> quarter financial reports
- ◆ Received and filed the Annual Conference report
- ◆ Heard a presentation from Erin Gilhuly, President of CV Strategies and agreed to consider a change in scope of work for next year's contract
- ◆ Decided on the priority topics for their January Strategic Planning Workshop
- ◆ Unanimously approved the 2017 legislative priorities.

### CALAFCO White Papers and Other Publications

The White Paper on the **Sustainable Groundwater Management Act (SGMA) and LAFcos** is being released the last week of December on the website and will be widely distributed the first week of January. The purpose of this paper is to summarize how SGMA will impact LAFcos across the state.

We are currently partnering with the American Farmland Trust (AFT) on a White Paper on **Ag Policies**. Work on this project is underway with an anticipated July completion date.

At the Annual Conference CALAFCO introduced the publications completed in collaboration with the CA Special Districts Association (CSDA). The first is a **Special District Formation Guide**. The Guide is intended as informational only and not written to promote or discourage the formation of a special district. The intent is to inform anyone considering forming a special district of the many factors involved and resources needed. The other publication distributed is the **Countywide RDA Oversight Board Special District Appointments Guide**. The Guide is an informational document on the process of appointing special district representatives to countywide oversight boards, and provides guidance on potential questions related to the process of RDA Oversight Board consolidations and the appointment of special district representatives to those Boards. Both of these Guides are on the CALAFCO website.

### CALAFCO Legislative Update

This was a very full legislative year for CALAFCO. A full legislative update was provided to the membership at the Annual Conference in late October.

The new Legislature has convened and is currently in recess until January 4. It is expected to be another full year.

During their December 9 meeting, the CALAFCO Board of Directors deliberated at length about the 2017 legislative priorities. In the end, they unanimously decided to sponsor an Omnibus bill that contains only changes addressing risks and vulnerabilities for LAFcos. Further, the Association's focus in 2017 will be on those things that place our members in a vulnerable position. As a result, we will be working



on things that follow-up recommendations and opportunities identified in our written testimony to the Little Hoover Commission. We will also be working closely with CSDA and the Healthcare Districts Association in addressing issues that were identified in 2016 as a result of legislation.

CALAFCO will sponsor a bill that addresses the ongoing legal concerns of Government Code Section 56653 (previous attempts in 2015 and 2016 were unsuccessful), and co-sponsor a bill with CSDA that simplifies the process of seating special districts on LAFco (this process will remain voluntary).

We continue to be engaged with the Administration and Water Board on drinking water accessibility issues, and expect another bill similar to last year's SB 1318 (Wolk) to be introduced again.

CALAFCO has been asked to engage with OPR and the Strategic Growth Council in the creation of a Guide pertaining to Urban Growth Management.



### CALAFCO Associate Members' Corner

*This section highlights our Associate Members. The information below is provided to CALAFCO by the Associate member upon joining the Association. All Associate member information can be found in the CALAFCO Member Directory.*

*We are pleased to welcome a new Silver Associate Member to CALAFCO, the Santa Ynez CSD.*

### Santa Ynez Community Services District



Founded in 1971, **the Santa Ynez Community Services District** provides wastewater collection and transportation and street lighting, serving approximately 688 wastewater connections. Effluent collected by the District is treated at the City of Solvang wastewater treatment plant. For more information about the District, visit their website at [www.sycsd.com](http://www.sycsd.com), or contact the General Manager Jeff Hodge at [jhodge@sycsd.com](mailto:jhodge@sycsd.com).

### City of Rancho Mirage

**The City of Rancho Mirage** has been a Silver Associate Member since July 2010. With a population of just over 18,000, the **City of Rancho Mirage** is located in the County of Riverside. The City offers an abundant amount of sunshine, great climate, and related resort-style living. For more information about the City, contact the City Manager Randy Bynder at [randalb@ranchomirageca.gov](mailto:randalb@ranchomirageca.gov), or visit the website at [www.ci.rancho-mirage.ca.us](http://www.ci.rancho-mirage.ca.us).



# News from the Board of Directors

## CALAFCO QUARTERLY

December 2016

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### Lamphier-Gregory

A Silver Associate Member since September 2010, **Lamphier-Gregory** provides on-call planning and environmental consultant services to various LAFCoS including Alameda and Contra Costa on long-term contracts. For more information about **Lamphier-Gregory**, visit their website at [www.lamphier-gregory.com](http://www.lamphier-gregory.com) or contact Senior Planner Nathaniel Taylor at [ntaylor@lamphier-gregory.com](mailto:ntaylor@lamphier-gregory.com).



LAMPHIER · GREGORY

### Policy Consulting Associates

A Silver Associate Member since September 2010, **Policy Consulting Associates** prepares interdisciplinary research studies for LAFCoS, COGs, counties, cities, states, elected representatives and candidates, with an emphasis on MSRs and fiscal studies. The **PCA** team's combined experience covers the spectrum of governance configurations and alternatives, and runs the gamut of services under LAFCo jurisdiction. To learn more about **PCA**, contact either Jennifer Stephenson or Oxana Wolfson at [info@pccateam.com](mailto:info@pccateam.com) or visit their website at [www.pccateam.com](http://www.pccateam.com).

### QK (formerly known as Quad Knopf)

A Silver Associate Member since September 2010, **QK** provides planning, engineering, biology, environmental and survey services to public and private clients. Their planners have previous experience working for public agencies, including serving as LAFCo Analysts. They specialize in the San Joaquin and Sacramento Valley regions. For more information on **QK**, visit their website at [www.qkinc.com](http://www.qkinc.com), or contact Steve Brandt at [steveb@qkinc.com](mailto:steveb@qkinc.com).



CALAFCO wishes to thank all of our Associate Members for your support and partnership. We look forward to continuing to highlight our Associate Members in each Quarterly Report.

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### Upcoming CALAFCO Conferences and Workshops

#### 2017 STAFF WORKSHOP

April 5 – 7  
 DoubleTree by Hilton Fresno Convention Center  
 Fresno, CA  
 Hosted by Fresno LAFCo

#### 2017 ANNUAL CONFERENCE

October 25 – 27  
 Bahia Mission Bay  
 San Diego, CA  
 Hosted by CALAFCO

#### 2018 STAFF WORKSHOP

April 11 – 13  
 Four Points Sheraton  
 San Rafael, CA  
 Hosted by Marin LAFCo

#### 2018 ANNUAL CONFERENCE

October 3-5  
 Tenaya Lodge  
 Yosemite, CA  
 Hosted by CALAFCO

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# News from the Board of Directors

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### CALAFCO on the Road Again... By: Pamela Miller, CALAFCO Executive Director

This past year I've had the pleasure of tooling around the state to visit various LAFCos. As part of the Association's Strategic Plan, one of the objectives is to have the Executive Director connect and visit with six LAFCos each year. The past few years I visited some really cool places, so I thought I would start an annual column on where I visit and the uniqueness of each place. Going forward, this will be an article you can find in the Annual Edition of The Sphere.

We are, undeniably, a diverse state. And it is amazing to me as a native Californian just how much of the state I have yet to see and fully experience. So I really appreciate the opportunity to visit with you, our members, to share what is happening in Sacramento and what CALAFCO is doing. But more importantly, to better understand the issues each of you is dealing with today.

Last October I visited with the Bay Area Executive Officers who were meeting in Napa. Having previously worked in Napa, I was excited to drive through the always beautiful vineyards on my way to the meeting. During my visit I answered questions about the new organizational changes being implemented and learned what was happening in each of the Bay Area LAFCos.



In January of this year I visited Fresno LAFCo while doing a site visit for the 2017 Staff Workshop. With a beautiful skyline as a backdrop to a bustling city, I found myself wondering why I had not visited here before. I was surprised (although I am not sure why) to drive through



acres and acres of vineyards and learned that Fresno State has one of the state's leading Viticulture and Enology programs. It was interesting to hear Fresno LAFCo staff discuss some of the challenges they were facing as they worked to obtain information from service providers to conduct their MSRs. I appreciated the cooperative nature in which they approached the conversation and the suggestions offered by their Commission. I'm looking forward to returning to Fresno in April 2017 for our Staff Workshop.

At the end of January, I was down in the heart of Los Angeles attending the annual meeting of the Southern Region (now an annual pilgrimage for me). There again I was able to share with commissioners and staff the newly implemented changes the Association had adopted and answered a number of questions the region had about our new models. It was interesting to hear their discussions regarding their own implementation of a shared service model. I also shared the legislative platform CALAFCO adopted for 2016. A short train ride back to airport that same afternoon and I was quickly on my way back home.

It was not until late September that I was able to get back out on the road, and, boy, was this a trip worth waiting for. I spent four days visiting several of our most northern LAFCos, including Del Norte, Humboldt and Shasta. They were very gracious hosts, and I owe a huge shout out to George Williamson and his team for letting me set up camp in their



office, driving me around and even offering themselves as my tour guides.

The drive was scenic and serene with the beautiful Klamath Falls River winding its way alongside the road. A pretty amazing view by itself, but add the Pacific Ocean and some Redwoods in there from time to time and WOW. Visiting Del Norte allowed me to share for the first time with this commission what is happening in Sacramento and with CALAFCO. I also fielded a



number of historical questions about CALAFCO as well as legislative questions. Before departing we visited Battery Point Lighthouse, which first lit up the night sky December 10, 1856.

From there it was a wonderful drive back to Humboldt, which I was told is not complete without an elk sighting. Well sure enough, there were plenty to see, and I thank our driver (who I think prefers to remain nameless) for stopping, making U-turns and pulling by the side of the road (all safely and fully legal - of course), so that this city slicker could get a good eyeful. We came across a number of herds, and the last one was the largest and most impressive.



The next day I tagged along with Humboldt LAFCo staff to make a LAFCo 101 presentation to the local APA chapter. Once done, I was very politely asked to leave so I could take in some of the sites. I gladly obliged the request and found myself hiking among the redwoods at Arcata Redwood Park. I got lost in the serenity of time and space while there.

That evening, I was treated to a very special welcome reception at the home of Humboldt commissioner Bob McPherson. He and his wife were very gracious hosts, opening up their magnificent home. I learned quite a bit about the history of the area from them and was treated to this sunset ocean view from their kitchen window.



The next morning I attended the Humboldt LAFCo meeting, which was very interesting in that they discussed the dissolution of a special district that had gone inactive, as well as a proposed annexation into the City of Fortuna. It was a great opportunity for me to hear residents who lack drinking water share their story, first-hand (a story being told all around the state) and to listen to the Commission do its due diligence in the questions they asked LAFCo and City staff.

Upon my departure I stopped off at the Arcata Marsh and Wildlife Sanctuary. The interesting thing about this marsh is that it integrates





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conventional wastewater treatment with the natural processes of constructed wetlands, thereby turning wastewater into a resource. It was an interesting and beautiful place.

After tooling down the highway to Redding, the next morning I had the pleasure of attending the Shasta LAFCo meeting, at which they were treated to not only a CALAFCO 101 but also a LAFCo 101 session. It was a great opportunity for me to field lots of questions and reconnect with this Commission. No visit to Redding would be complete without stopping to admire the Sundial Bridge at Turtle Bay. Spanning the Sacramento River, the Sundial Bridge is an environmentally-conscious structure, intentionally constructed without river footings to leave the salmon-spawning habitat undisturbed. While world-renowned and environmentally sensitive, Sundial Bridge also inspires onlookers with its "bird in flight" design, symbolizing overcoming adversity, and serves as a real sundial.



My final stop before heading into Sacramento was in Butte County to visit the offices of Butte LAFCo. It was here I was treated to a peek at the Oroville Dam. It was very interesting to note that, in the first stages of construction, under the direction of Governor Edmund G. Brown on April



24, 1963, a sackful of sand and gravel from each of the 58 counties in the state was used in the first concrete poured at the base of the dam. While the lake was low, it was a beautiful site. Thanks Steve Lucas for the tour!

My last stop of 2016 came the week after the Annual Conference visiting Santa Cruz LAFCo. It was in Scotts Valley to be exact. I learned a few interesting facts about Scotts Valley, thanks to the Keeper of LAFCo Knowledge, Pat McCormick (also the Executive Officer of Santa Cruz LAFCo). The LAFCo meeting was held in Scotts Valley City Hall, a quaint building nestled on a hill with a beautiful view of the surrounding mountains. Just below City Hall sits the Historical Scott House, built in 1853. This area is home to significant archaeological finds and contains one of the longest records of human occupation known in the Western North America. Today this historical landmark is part of a wonderful City Park.



The LAFCo meeting was another interesting one, with a proposed sphere of influence update for Scotts Valley Water District and a robust discussion about MSR for Fire Districts. Turns out several of the Fire Districts want a more detailed MSR (they got one the first round and did nothing with the recommendations, so this round of MSR was approached a bit differently), and after a very interesting discussion, the Commission decided to accept the MSR as presented with the exception of three of the twelve districts, which will be looked at more closely in the future. It was interesting to observe the dialogue that occurred between the district personnel and Commission as they worked towards a common understanding of each other's' perspectives. After all the excitement was over, I made a brief CALAFCO presentation to the Commission and was able to acknowledge Commissioner John Leopold for receiving the

Outstanding CALAFCO Member award and for his time as Chair of the Board.

After over four years of being the Executive Director for this great Association, I grow prouder of who we are and what we do, and of the great things you - our membership - are doing in your respective communities. I look forward to packing up, hitting the road, and visiting more of you very soon!



*Happy Holidays  
to all of  
our Members  
and your families.*

*May 2017 bring all of us  
peace and prosperity.*

*CALAFCO  
Board of Directors  
and Staff*



## CALAFCO Daily Legislative Report as of Wednesday, January 04, 2017

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**[SB 37](#) (Roth D) Local government finance: property tax revenue allocations: vehicle license fee adjustments.**

**Current Text:** Introduced: 12/5/2016 [Text](#)

**Introduced:** 12/5/2016

**Status:** 12/6/2016-From printer. May be acted upon on or after January 5.

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

**Summary:**

Beginning with the 2004–05 fiscal year and for each fiscal year thereafter, existing 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 2017–18 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.

**Position:** Watch

**Subject:** Financial Viability of Agencies, Tax Allocation

Total Measures: 1

Total Tracking Forms: 1

1/4/2017 9:07:44 AM

**CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
PENDING PROPOSALS – JANUARY 11, 2017**

January 11, 2017  
Agenda Item 14b

<b>LAFCO APPLICATION</b>	<b>RECEIVED</b>	<b>STATUS</b>
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
Reorganization 191 (Faria Preserve West): Annexations to CCCSD and EBMUD of 9.7± acres in the City of San Ramon	Oct 2016	Under review

# **Solano LAFCO shakeup continues with executive's departure**

January 11, 2017  
Agenda Item 14c

By [Todd R. Hansen](#) [From page A1](#) | **December 16, 2016**

FAIRFIELD — The Solano Local Agency Formation Commission is looking for a new executive officer – with a focus on an interim director to bridge the gap until a full-time administrator can be named.

Elliot Mulberg offered his resignation verbally at Monday's LAFCO meeting, or more precisely, announced his decision not to accept the six-month contract extension that had been approved in August.

“Technically, his contract ends at the end of the year. . . . He has indicated he will not take us up on another six months,” said Supervisor John Vasquez, a voting member of the land-use commission.

Mulberg, who was hired as a part-time executive officer in December 2012, could not be reached for comment. He had said he would not be interested in the full-time job.

His decision comes three weeks after Dr. John Saunderson unexpectedly quit as commission chairman at the Nov. 21 meeting. He objected to the board's 4-1 vote to make the executive officer's position full-time.

Saunderson also did not think the action justified what he believes will be a \$20,000 to \$40,000 cost to recruit for a new executive. Vasquez, and others on the commission, dispute the search will cost anywhere near that much since the documents already exist and only need to be updated.

Vasquez said it is unlikely the county will charge for its staff time to help with the search.

Saunderson also believes the commission is moving in a direction that will diminish the role of the public representative on the board, a position he had held for two decades.

His replacement, for the time being, is also a 20-year veteran, Nancy Shopay, who will be the acting chairwoman until all the commission appointments are cleared up.

However, Shopay remains the alternate. She can apply for the primary appointment if she wants.

“This will be the first time in 20 years that LAFCO has had to appoint a public representative,” Vasquez said.

Vasquez, who said he thinks land-use commission has needed a full-time executive officer all along, hopes to have a permanent replacement for Mulberg by March. Recruiting for the position, which pays between \$108,154 to \$131,462 with full benefits, has already started.

Mulberg was being paid \$100 an hour with a limit of 100 hours per month as a private contractor. The contract extension would have allowed for 112 hours, creating an equivalent annual salary of \$134,000, but without benefits.

In addition to ongoing issues such as looking at consolidation of some special districts, including possibly fire and cemetery, Vasquez said land-use commission's responsibility of making sure new developments have adequate water supplies before being approved will be even more essential with the state's emphasis on sustainable groundwater.

Vasquez said the commission just reviewed two sewer districts with water availability being the primary focus.

In related matters, Suisun City Mayor Pete Sanchez will replace Dixon Mayor Jack Batchelor Jr. on the commission. Batchelor was defeated in his bid for re-election Nov. 8 as Dixon's mayor.

*Reach Todd R. Hansen at 427-6932 or [thansen@dailyrepublic.net](mailto:thansen@dailyrepublic.net).*

## East Bay Times

# State unveils new laws aimed at dealing with housing shortage

## Now easier for home owners to add in-law type units on property



Karen Chapple is photographed on her deck overlooking her accessory dwelling unit at her home in Berkeley, Calif., on Tuesday, July 12, 2016. A series of new laws aim to make it easier for homeowners to build such units by avoiding separate utility metering and other previous restrictions. (Jane Tyska/Bay Area News Group)

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

PUBLISHED: **December 16, 2016** at 12:27 pm | UPDATED: December 17, 2016 at 3:49 am

RICHMOND — Local and state officials on Friday highlighted a set of new laws aimed at helping ease California’s affordable housing crisis, including legislation that will allow owners of single-family homes to convert a portion of their home to a separate unit that can be rented out without going through expensive upgrades.

Accessory dwelling units, such as a master bedroom converted to a separate living unit with its own outside door, or a former garage that can now be rented as a studio, are a way to help ease the shortage of housing and give cities flexibility when it comes to creating new structures, housing officials and local politicians said, speaking at a news conference at Richmond’s City Hall.

“It instantly creates an opportunity to expand the supply of housing at low rent levels,” said Richmond Mayor Tom Butt. “Everything else we try to do to impact lack of housing takes years. This is something you could do in a weekend.”

Richmond was one of the first cities in California to pass a junior accessory dwelling unit ordinance, which also went into effect this week. Previously, homeowners who tried to convert a portion of their residence into a separate living unit were often stymied by requirements that the



units have their own sewer and electricity meters, Butt said. Separate fire sprinkler systems will also not be required if the main house does not have them. Units can vary between 150 and 500 square feet and have partial kitchens and bathrooms.

Mayor Butt was joined at Friday's news conference by Assemblyman Tony Thurmond, D-Richmond, California Housing and Community Development Director Ben Metcalf and Rachel Ginis, the executive director of Lilypad Homes, a nonprofit organization that helped sponsor legislation on accessory dwelling units.

"The way we are living in our homes is changing as more and more people are combining their resources to stay in their home and turning their home as a resource to generate additional income," Ginis said. "In-law apartments are the hottest amenity in the real estate market right now."

Over the past 50 years, home sizes have increased by more than 30 percent, while households have actually decreased, to an average of just 2.3 people, according to Thurmond. Today, only one-third of the state's population has two adults and a child living in a home. Instead, the majority of households are single-parent families, couples without children, empty nesters and young professionals.

The new laws surrounding accessory dwelling units include AB 2406, AB 59 and AB 45.

## Martinez News-Gazette

# Glover: Healing after the elections

December 18, 2016

**By FEDERAL GLOVER**

*Contra Costa County Board of Supervisors*

IN BLUE STATE California, a lot of my friends are still mourning the recent presidential elections, in which Donald Trump surprised almost everyone – from journalistic pundits to pollsters to ordinary Californian voters.

Unfortunately, their despondency has some merit.

In my lifetime, I have never seen a presidential election this bitter, this divisive, this hateful. The last time our country had anything close to this, we had the Civil War. I hope it doesn't come down to that.

Important issues – such as education, foreign policy, affordable housing, preventing and preparing for climate change, the inequitable tax system, the flawed criminal justice system – were reduced to crumpled pieces of trash on the side of the election trail.

Instead, we had 140-character policy statements or over-detailed plans so wonkish that most people needed an interpreter to understand how it would affect them personally.

But what really troubles me, is the way the campaign divided this nation that I cherish and love.

Donald Trump won enough electoral votes to become our president for the next four years. But the campaign he waged has done enough damage to race relations that I fear it will take many years to recover from.

The people who voted for Trump did so for their own reasons: Some I could understand, like the frustration over a fractious government that seems to have come to a standstill; or the feeling of being left out of the economic recovery that seems to have little impact on the denizens of Wall Street.

The anger that drove many voters is real. But the fear that saddens and worries me the most, is that which was aimed at our neighbors. The rise in hate crimes as reported by the FBI and the Southern Poverty Law Center can be directly related to the words used during the campaign. Most telling and not coincidentally, is the spike in hate incidents since the Nov. 8 election, most of it inflicted against religious and racial minorities.

The thin veneer of civility that made America the beacon of freedom and hope for all people around the world, has been ripped off exposing a gaping wound that still has not been healed since the early days of our nation's history: when Native Americans were driven from their

traditional homelands; when human slavery was a way of life; when we stopped all immigration from Asia; when Americans of Japanese descent were removed from society and placed in internment camps; when African Americans had to overcome the Jim Crow laws which prevented them from voting; when women were not allowed to vote; and when interracial marriages were banned (even in California).

That dark legacy is part of our history. The history not usually taught in our history classes. History books don't paint the complete story of our America and perhaps gives a false sense of superiority and entitlement to a small segment of our society.

Yes, we are a great nation! We're great because despite that history, we – as a society -- were able to recognize our country's shortcomings and sought to correct them.

We're great because an individual can still work hard and rise above the station he or she was born

America is great because we care and respect each other, even if we don't agree with each other. Or, at least we did before this election cycle.

America is great because the vast majority of Americans try to be good. We don't always succeed, but striving for that "perfect union" is the American way of pushing ourselves to provide a better life for the generations to come. The process of becoming the America that we should be is what separates us from other nations.

The status quo is never good enough. We hope and believe that our country can be better.

But this election has set us back and unleashed the inner demons of some people. The election gave them carte blanche to treat their fellow citizens with scorn to tell them to "go back where you came from;" or rip of the hajibs off of Muslim women; to threaten people of faith through the mail and through the Internet; to accost people in the street simply because they "look" like their narrow vision of what an American looks like.

This is not the America I know. This is not the America I want our country to be.

I believe the majority of people believe that America is great, because its people are overwhelmingly good people seeking to be good to each other.

The America I know stands up for the vulnerable, speaks out against injustice, lifts up the downtrodden and welcomes the newcomer

So this holiday season, I want to thank all of you who voted for me last Nov. 8 to serve you for another four years. We will work together for a better country, a better county, a better community. For my supporters and even those who didn't vote for me, I have only one wish for all of us – PEACE!

*The writer represents District 5 on the Board of Supervisors.*

## Water Deeply

# How Climate Change Will Affect the Future of California Water

Climate change is already impacting California's water. We talk with climate scientist Juliet Christian-Smith and state regulator Max Gomberg about what California needs to do to be climate resilient.

Written by [Tara Lohan](#) Published on σ Dec. 21, 2016 Read time Approx. 10 minutes



A stream seen running through snow covered banks near the site of the Department of Water Resources snow survey at Echo Summit, Calif. Over the past century, snowpack runoff has decreased due to warmer winters and earlier arrival of spring. *Rich Pedroncelli, AP*

In less than a month, the United States will be led by a president who denies climate change exists. President-elect Donald Trump has also said he wants to see the U.S. withdraw from the [Paris Agreement](#) and wants to roll back environmental regulations.

In California, a state that has already seen the impacts of climate change and has been a leader when it comes to efforts to slow its pace and mitigate its results, many are wondering what the new direction on the federal level will mean for the state.

On Tuesday, Water Deeply's managing editor, Tara Lohan, spoke with Juliet Christian-Smith, senior climate scientist with the [Union of Concerned Scientists](#), and Max Gomberg, the [State Water Resources Control Board](#)'s climate and conservation manager, about the impact of climate change on California's water future.

**Tara Lohan: Juliet, given the current anti-science political climate right now, as a climate scientist, how are you feeling and what are some of the folks in your community thinking?**



Juliet Christian-Smith is a senior climate scientist with the Climate and Energy program at the Union of Concerned Scientists. (Union of Concerned Scientists)

**Juliet Christian-Smith:** It's been a difficult month or so, but I'm happy to be in California. A meeting of the American Geophysical Union took place this past week – it's the largest scientific conference in the United States – and it was a great moment for scientists to come together, share research and stand up for the value of science. Gov. [Jerry] Brown came and said during his talk that climate science will persevere and that California is doubling down on its efforts to show the rest of the country and the world how to fight emissions, address global warming and have a thriving economy.

While we'll be facing some real challenges at a federal level, we hope that a call to science and integrity and the will to preserve in our commitment to the country will win in the end. We put together a letter signed by over 2,000 scientists, including more than 20 Nobel Laureates, asking the Trump administration to implement rules around scientific integrity so that even if the appointees don't understand the science, they're listening to the scientists who actually do the science and understand it.

### **Lohan: Max, from your perspective, what can the state do to help support climate science and scientists?**



Max Gomberg is climate and conservation manager at State Water Resources Control Board. (Max Gomberg)

**Max Gomberg:** California has been a leader on climate change issues since 2006, when it passed AB32, or the [California Global Warming Solutions Act](#), and it is maintaining its leadership role. Last year, we passed SB32, which tries to reduce emissions even further to a sustainable level to avoid catastrophic effects like massive sea-level rise, temperature change and dramatic changes in ecosystems.

The state has played a really critical role in our national negotiations leading to the Paris agreement last year. There's a lot of work going on to continue both mitigation of climate change and to adapting to the changes that we're already seeing. There's a lot going on in California in the climate realm. That's going to continue no matter what happens in Washington D.C.

### **Lohan: California currently has the most ambitious greenhouse gas targets in the country. Can anti-science action at the federal level put that in jeopardy?**

**Gomberg:** Certainly. In the past, the state has been granted waivers to go above and beyond federal legislation. For example, California took the lead in setting higher fuel efficiency standards for vehicles, and a number of states later followed. If there's federal action to try to roll back those allowances for the states, that could hamper some of our work. On the other hand, ideological conservatives in Congress are fond of promulgating the idea that the federal government should leave decisions up to the states, so they might find themselves in a quandary there.

**Lohan: Taking a step back, what do we actually know about California's climate in the past, and what should we expect in the future?**

**Christian-Smith:** We know that we're already experiencing climate change. It's not something that is going to happen later; it's happening now, and it will get worse.

The statewide average temperature in winter is already more than 5 degrees [fahrenheit] (2.8C) warmer than it was historically. In 2015, for the first time ever in recorded history, temperatures in the Sierra Nevada were above freezing during the winter time. That's a big problem for a state with a water system that is heavily counting on snowmelt. A third of our water comes from snowpack that melts into some of the major reservoirs that were created by the state and federal government in the 1950s. Those projects are seeing huge reductions in the amount of snow and they're also seeing big changes in the timing of snowmelt. The peak snowmelt events occur now 30 days earlier than average. The timing of water supply is out of phase with the timing of water demand and that's a problem for management.

Because of the system of traditional surface waters – lakes, rivers, reservoirs – is failing, we have seen a huge shift toward relying on groundwater.

**Lohan: Max, the state is already working toward sustainability on groundwater. In 2014, California passed the Sustainable Groundwater Management Act. Its implementation has begun and will continue for quite some time. What else can water managers be doing except for relying on groundwater to plan for changes in the amount and timing of water they receive?**

**Gomberg:** It partly depends on who they're supplying, urban areas or agricultural operations. However, generally speaking, we still have a long way to go on efficiency. Part of the reason that the governor issued the [executive order](#) last May was to ensure that we're moving toward a very highly efficient water-use future across the state. We can really gain a lot of water simply from more efficient practices. That will enable us to become more resilient for the droughts ahead, which we know under climate change are going to be more severe.

**Lohan: Is there anything we need from an infrastructural point of view, whether that's reservoirs or smaller or green infrastructure like stormwater capture?**

**Gomberg:** Absolutely. There was a lot not to like in the [federal water law](#) that the president just signed, but some of the money in there is for additional flood control projects. That's important because we know from the drought that when it's wet, it's going to be very wet. Because we may see really extreme precipitation events, with very powerful atmospheric rivers, that dump a ton of rain and put us in danger of devastating floods, we need to continue investing in our flood management infrastructure.

In terms of water supply, we need to store as much water in the ground as possible when we have it. We built a lot of reservoirs in this state in the past century and a half, all the good spots are

taken. Even if we do build another reservoir, it's not going to make a major influence in terms of increasing our ability to respond to climate change. So new research is looking at whether we can use agricultural fields to let water percolate into the ground and replenish groundwater basins when that water is available.

We also need to do more with respect to stormwater and recycled water. We need to fund more. We need to make the regulatory pathways for doing more of and make it easier than it is now.

**Christian-Smith:** We have more than three times the amount of storage underground than we have aboveground. Therefore, groundwater is a huge new area for us to think much more strategically about using. But we haven't had any formal regulatory framework for groundwater until very recently.

The Union of Concerned Scientists and other groups were instrumental in helping to pass the Sustainable Groundwater Management Act. Right now, local entities are putting together groundwater sustainability agencies. Importantly, the state will be allowed to step in when those plans don't look like they're actually going to achieve sustainability or if the agencies get off track. We're very hopeful that this state enforcement mechanism will be taken seriously. Groundwater is really our buffer to climate change impacts in California.

**Lohan: The state imposed mandatory conservation measures for water agencies and then [switched to the stress test](#). How does the state, as a regulator, bridge the gap in terms of making sure that water agencies have a reliable supply for the near future, but are also thinking long term?**

**Gomberg:** It means we're working twice as hard. We've provided emergency drinking water supplies to communities that ran out of water, imposed emergency conservation regulation for the rest of the state, provided funding from Proposition 1, the water bond that was passed in 2014, for a number of critical infrastructure and conservation measures as well as habitat restoration. And we're going to continue to do that.

At the same time, we're going to focus on building resilience, both on the demand side – water efficiency and conservation – as well as when it comes to the supplies that we need to build more security in our water systems – better groundwater management, additional stormwater capture and reuse, and more recycled water.

**Lohan: Is there any additional work that the state should be doing in terms of investments in climate change adaptation?**

**Gomberg:** There's so much work we could be doing on climate change adaptation. On the mitigation side, the state's cap and trade program creates emission allowances and a pot of money that can be used to fund additional actions, whether it's public transit or other things to reduce emissions.

We don't have the same kind of funding source on the adaptation side, but we certainly need to use the funds we have, and potentially explore new funds, for actions ranging from upper



watershed ecosystem restoration, to more green infrastructure to minimize flooding in urban areas, to managed retreat for crucial infrastructure.

There was a great article in the New York Times a couple of months back on sea-level rise in Florida. One of the mayors interviewed basically said that in the end, the ocean is going to win. That's the truth. We can try to minimize the amount of sea-level rise by reducing greenhouse gas emissions, but no amount of infrastructure is going to prevent sea-level rise from really changing the character of our coastal zone. We need to be proactive, and it's going to cost a lot of money.

**Christian-Smith:** Another key piece of adaptation is taking the information that was already put together and applying it to our planning processes and our investment decisions. This legislative session, we sponsored a successful bill called [Climate-Safe Infrastructure bill](#), which was all about getting state engineers to talk to climate scientists who have been doing groundbreaking work in California so that we can understand impacts better and apply that information to real-world decisions around dams, bridges, highways, buildings.

Another example is the Water Bond. The very first drafts did not include the words climate change or any kind of climate science. Together with the California Water Commission, we were successful in getting climate change projections brought into the criteria that project applications need to put together.

“We're in uncharted territory and we really need to use the scientific tools that the state has invested in and apply those to our real-world management decisions.”

We know that we can't use the past as a predictor of the future, that's the biggest problem with climate change and adaptation planning. We're in uncharted territory and we really need to use the scientific tools that the state has invested in and apply those to our real-world management decisions.

**Lohan: We talked a little about the environmental impacts of climate change, but what are you seeing in terms of the social impact of climate change and the drought in California? Who are the people that are being affected and are most at risk?**

**Christian-Smith:** We've been doing work with the [Community Water Center](#) in Visalia, in the southern San Joaquin Valley. They represent largely disadvantaged communities who are primarily groundwater dependent. These communities are some of the hardest hit by the drought because domestic wells are typically shallower than irrigation wells. When there [aren't] water supplies from surface water systems, agriculture typically shifts to groundwater. That draws down the groundwater and leaves these folks with no potable water.

These areas – who have some of the lowest household incomes – are now paying very high prices for water that doesn't even come out of their taps. It's really a human rights travesty. The U.N. special rapporteur declared the situation in the Central Valley a human rights crisis because a million residents don't have access to clean drinking water.



**Gomberg:** This really is a human rights travesty. In 2012, California was the first state to pass a bill titled the “Human Right to Water,” making it a policy of the state to provide safe, affordable and clean drinking water to all of our residents. We’ve made a lot of progress toward that goal, but we still have some critical funding gaps. Without divulging too much, I can tell you that it will be a very big priority for the administration in 2017 to try to close those gaps.

**Lohan: What do you think is the No. 1 priority that California should be focusing on next year when it comes to climate change and water?**

**Gomberg:** It’s the issue we’ve just been talking about. The most vulnerable communities are the most vulnerable to drought, water supply restrictions and reductions. At the state level, we’re looking at all the levers we can pull, at all the policy options available to close the gap. It’s an environmental justice issue, it’s a climate change resilience issue and it’s a human rights issue.

**Christian-Smith:** I agree and I’ll bring in one more thread from our conversation. Many of these communities are primarily dependent on groundwater for their drinking water supplies. The new [groundwater sustainability agencies](#) will play a key role in putting basins on a path to more sustainable groundwater management and therefore guaranteeing more drinking water for these communities.

Therefore, it’s crucial that these communities have a seat at the table in these new governance structures and can talk about the real-world impacts of climate change and the drought. The water world can be very insular, and in order for things to change, the people in the room have to change.

*This transcript was condensed and edited for clarity.*

## East Bay Times

# Eden Health District operations on track, study finds

## Dissolving district and distributing assets could have mixed benefits, drawbacks

By [Darin Moriki](#) | [dmoriki@bayareanewsgroup.com](mailto:dmoriki@bayareanewsgroup.com)

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HAYWARD — A report that evaluated the Eden Health District’s management, operations and financial health has given the oft-criticized special district a clean bill of health but did not discount possible options to dissolve it.

That 82-page study by Berkson Associates, of Berkeley, found that the district “provides a service of value, including significant expenditure of funds for community health care purposes consistent with its mission as a healthcare district.”

It also found that the district’s expenditures for administrative and overhead costs “are not excessive relative to total costs.”

Still, the study noted that dissolving the health district and transferring its assets to a nonprofit, new county service area or public agency “could reduce certain costs and improve decision-making.”

The report was released publicly last week and commissioned by the Alameda County Local Agency Formation Commission in July.

Hayward leaders had asked the board to conduct an analysis focused on two questions: what specific needs and priorities should the health district address, and how could its services be provided in other ways, such as dissolving the district and transferring its assets to another organization or public agency.

Hayward’s appeal came amid growing calls to the commission to dissolve Eden Health District, which awards community grants to nonprofit groups that provide health care and derives that money from its commercial real estate holdings.

The district owns the San Leandro Medical Arts Building, part of the Dublin Gateway Building and the Eden Medical Building, across the street from Eden Medical Center in Castro Valley.

“In a sense, the district is a ‘hybrid’ agency that operates a traditionally private, for-profit commercial real estate enterprise but is organized as a healthcare district with elected board members,” the report read.

“This ‘hybrid’ organization offers financial benefits, but also incurs additional financial risks and costs, and creates other management issues,” it said.

The health district previously owned Eden Hospital, now called Eden Medical Center, but sold it to Sutter Health. The title to San Leandro Hospital was later transferred from the health district to Sutter, following a multi-year legal battle over the hospital’s ownership.

Eden Health District has not collected property taxes since 1976, nearly 22 years after Eden Hospital first opened its doors and 28 years after the special district was created to build the hospital.

From 1999 to the 2015 fiscal year, the health district gave out about \$11.6 million in grants to nonprofit health care service providers, averaging about \$640,000 each year, and provided \$340,000 in sponsorships, according to the report.

“The district’s grants and sponsorships are generally consistent with health care needs identified by assessments prepared by other agencies, however, coordination with other county agencies could be improved,” the report found.

Other suggested improvements include amending the district’s strategic plan at least once year; tracking hours and resources allocated to real estate activities and community services; and crafting a multi-year capital improvement program for its real estate holdings.

The report, however, identified possible benefits to dissolving the health district and transferring assets to a nonprofit, the county or a joint agreement with southern Alameda County cities, or a new county service area that provides expanded services, such as police and fire protection, to unincorporated county areas where residents are willing to pay for the extra service.

Dissolving the district and distributing its assets may reduce some expenses, including staff, legal and election costs, according to the report.

Leaders from the Washington Township Healthcare District, which serves Fremont, Newark, Union City, a part of South Hayward and Sunol, said they are “unwilling to consolidate” with the Eden Health District, the report said.

The Local Agency Formation Commission would be responsible for dissolving the health district. This includes creating the terms and conditions for the transfer of assets or requiring that any new successor entity produces a plan to provide services.

The commission will meet 6 p.m. Jan. 31 at the Castro Valley Library, 3600 Norbridge Ave., to present the study and collect public comments.

The study’s public review period will end Feb. 3.

Written comments can be submitted online at [www.acgov.org/lafco](http://www.acgov.org/lafco), sent to the board Executive Director Mona Palacios at [mona.palacios@acgov.org](mailto:mona.palacios@acgov.org) or mailed to 1221 Oak S., Room 555, Oakland, CA 94612.

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## East Bay Times

# Pittsburg: Fire Station 87 reopens Wednesday



Susan Tripp Pollard/Staff archives

Contra Costa County Fire 87 along West Leland Road is set to reopen Wednesday, after being closed 2 1/2 years.

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

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PITTSBURG — A fire station on West Leland Road that closed in 2013 will reopen Wednesday, a few days later than originally expected.

Contra Costa Fire Station 87, near John Henry Johnson Park and the Delta View Golf Course, will again serve western Pittsburg and parts of unincorporated Bay Point. It closed in July 2013 amid fire budget problems stemming largely from a downfall in property tax revenues. But the improving economy and a Pittsburg city fee designed to help pay for fire protection have enabled the reopening of the station built in 2000.

It had originally been set to open before Jan. 1.

Pittsburg is the first city within the Contra Costa County Fire Protection District to establish a fee to help pay for fire protection in this way. The district includes Antioch, Pittsburg, Martinez, Concord, Pleasant Hill, Walnut Creek, Lafayette, Clayton, El Sobrante and San Pablo.

A reopening celebration is scheduled for Saturday, Jan. 7, starting at 10 a.m. at the station, 800 W. Leland Road, and the public is welcome.