



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

DATE/TIME: Wednesday, May 10, 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.**

## MAY 10, 2017 CONTRA COSTA LAFCO AGENDA

1. Call to Order and Pledge of Allegiance
2. Roll Call
3. Adoption of Agenda
4. ***Resolution Celebrating the Life and Honoring the Memory of John T. Knox***
5. Public Comment Period (please observe a three-minute time limit):  
Members of the public are invited to address the Commission regarding any item that is not scheduled for discussion as part of this Agenda. No action will be taken by the Commission at this meeting as a result of items presented at this time.
6. Approval of Minutes for the March 8, 2017 regular LAFCO meeting

### SPHERE OF INFLUENCE (SOI)/BOUNDARY CHANGES

7. ***Reclamation District (RD) 2121 (Bixler Tract)*** – consider governance options, including dissolution, for RD 2121

### BUSINESS ITEMS

8. ***LAFCO Strategic Planning Workshop*** – provide input regarding LAFCO strategic planning workshop
9. ***FY 2017-18 Final Budget*** - consider approving the Final Budget for FY 2017-18 ***Public Hearing***
10. ***Award Contract – Healthcare Services Municipal Services Review/SOI Updates*** - consider approving a contract with the recommended consultants
11. ***FY 2016-17 Third Quarter Budget Report*** – receive the third quarter budget report
12. ***Legislative Report – Update and Position Letters*** – receive a legislative update
13. ***Contract Extension – Lamphier Gregory*** - consider authorizing staff to execute a one-year contract extension and additional funding with Lamphier Gregory, which provides environmental planning services to Contra Costa LAFCO
14. ***Plan Bay Area 2040 Update*** - receive an informational update on the Draft Plan Bay Area 2040

### CORRESPONDENCE

15. Thank You Letter from CALAFCO
16. CCCERA Correspondence

### INFORMATIONAL ITEMS

17. Commissioner Comments and Announcements
18. Staff Announcements
  - CALAFCO Updates/Staff Workshop Highlights
  - Pending Projects
  - Newspaper Articles

### ADJOURNMENT

*We will adjourn today's meeting in memory of former Assemblyman John T. Knox from West Contra Costa County, who passed away on April 5, 2017. Mr. Knox was the "father" of LAFCO (Knox-Nisbet Act of 1963) and the driving force behind the 1970 creation of the California Environmental Quality Act (CEQA). A Contra Costa LAFCO resolution, signed by LAFCO Commissioners, will be presented to the Knox family.*

*Next regular LAFCO meeting – July 12, 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)

# RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

## Celebrating the Life and Honoring the Memory of John T. Knox

May 10, 2017  
Agenda Item 4

**WHEREAS**, the 58 Local Agency Formation Commissions (LAFCOs) and local government throughout California have lost a valued member and leader with the passing of John T. Knox on April 3, 2017; and

**WHEREAS**, John T. Knox was elected to the State Assembly where he represented Contra Costa County from 1960 through 1980 and served as the Assembly speaker pro tem for four years; and

**WHEREAS**, John T. Knox worked tirelessly for 20 years on monumental and historic legislation, including the landmark *California Environmental Quality Act* (CEQA); the *Knox-Keen Health Care Service Plan*, which regulated California's health maintenance organizations (HMOs); the law creating the *San Francisco Bay Conservation and Development Commission* (BCDC); the *Knox-Nisbet Act of 1963*, which established LAFCOs; and the *District Reorganization Act of 1965*, which extended LAFCO jurisdiction to districts and provided uniformity in the way districts formed and annexed territory; and

**WHEREAS**, according to Knox's long-time committee consultant Tom Willoughby, "as the new LAFCOs began operations, Knox was called upon to describe his vision of how these new LAFCOs might perform. Knox quickly got 'hooked' on local government issues"; and

**WHEREAS**, in 2007, John T. Knox was awarded the first-ever California Association of LAFCOs (CALAFCO) Lifetime Achievement Award, recognizing his significant contributions to LAFCOs;

### **NOW, THEREFORE, BE IT RESOLVED:**

That the Contra Costa Local Agency Formation Commission recognizes and honors the life and legacy of John T. Knox and his many contributions to state and local government.

### **BE IT FURTHER RESOLVED:**

That the Contra Costa Local Agency Formation Commission extends its heartfelt condolences to family and friends of John T. Knox.

**PRESENTED THIS** 10<sup>th</sup> day of May 2017

\_\_\_\_\_  
Candace Andersen, Commissioner, County

\_\_\_\_\_  
Federal Glover, Commissioner, County

\_\_\_\_\_  
Don Blubaugh, Commissioner, Public

\_\_\_\_\_  
Michael R. McGill, Commissioner, District

\_\_\_\_\_  
Diane Burgis, Commissioner, County

\_\_\_\_\_  
Rob Schroder, Commissioner, City

\_\_\_\_\_  
Sharon Burke, Commissioner, Public

\_\_\_\_\_  
Igor Skaredoff, Commissioner, District

\_\_\_\_\_  
Tom Butt, Commissioner, City

\_\_\_\_\_  
Don Tatzin, Commissioner, City

\_\_\_\_\_  
Stanley Caldwell, Commissioner, District

### **LAFCO Staff:**

Sharon Anderson, Legal Counsel

Kate Sibley, Executive Assistant/Clerk

Lou Ann Texeira, Executive Officer

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
MINUTES OF MEETING

March 8, 2017

Board of Supervisors Chambers  
Martinez, CA

May 10, 2017  
Agenda Item 6

1. Chair Don Blubaugh called the meeting to order at 1:32 p.m.
2. The Pledge of Allegiance was recited.
3. Roll was called. A quorum was present of the following Commissioners:  
County Members Candace Andersen and Federal Glover and Alternate Diane Burgis.  
Special District Members Mike McGill (arrived at 1:34 p.m.) and Igor Skaredoff and Alternate Stanley Caldwell.  
City Members Rob Schroder and Alternate Tom Butt.  
Public Member Don Blubaugh.  
  
Present were Executive Officer Lou Ann Texeira, Legal Counsel Sharon Anderson, and Clerk Kate Sibley.
4. Approval of the Agenda  
Upon motion of Andersen, second by Butt, Commissioners, by a vote of 7-0, adopted the agenda.  
AYES: Andersen, Blubaugh, Butt (A), Caldwell (A), Glover, Schroder, Skaredoff  
NOES: none  
ABSENT: McGill (M), Tatzin (M)  
ABSTAIN: none
5. Public Comments  
Commissioners wished Chair Blubaugh a happy birthday—followed by a similar greeting to Executive Officer Texeira.  
There were no public comments.
6. Approval of February 8, 2017 Meeting Minutes  
Upon motion of Glover, second by Andersen, the minutes were approved by a vote of 7-0.  
AYES: Andersen, Blubaugh, Butt (A) Glover, McGill, Schroder, Skaredoff  
NOES: none  
ABSENT: Tatzin (M)  
ABSTAIN: none
7. LAFCO 16-11 – Reorganization 191 (Faria Preserve West): Annexations to Central Contra Costa Sanitary District (CCCSD) and East Bay Municipal Utility District (EBMUD)  
The Executive Officer provided background on this proposal submitted by CCCSD to annex 9.7± acres to CCCSD and EBMUD. The subject area is located within the City of San Ramon, west of Bollinger Canyon Road, north of Deerwood Drive, and West of San Ramon Valley Blvd. Annexation to the two districts will allow for the extension of sanitary sewer and water services to the property to serve 17 townhouse units.

**DRAFT**

In 2009, when LAFCO approved the Faria Preserve Reorganization, which included annexations to the City of San Ramon, CCCSD and EBMUD, the Commission voted to exclude this area from the annexations to CCCSD and EBMUD as it was designated open space and intended to house EBMUD water tanks, there was no apparent need for municipal water & sewer services to the area; and the area is outside the countywide ULL. However, recent project design revisions have resulted in the need to relocate 17 townhouse units to the 9.7± acre property. These residential units were part of the original total units approved by the City of San Ramon, for which CCCSD and EBMUD services were anticipated and considered as part of LAFCO's 2009 approval. The area proposed for annexation is within the City limits and also within the SOIs of the districts. Also, the City has confirmed that the property is within the City's Urban Growth Boundary (UGB).

Cindy Yee, representing the City of San Ramon, answered a number of questions from Commissioners, noting that the City is preserving over 80% of the 9.7± acres for open space/trail use; that the name *Faria Preserve* was given to the area by the original owner; that the conservation easement is held by the City's Geological Hazard Abatement District (GHAD). Commissioner Andersen noted that nearly every development in the western end of the San Ramon Valley has created or joined an existing GHAD (independent district that collects fees from homeowners) to protect from landslides and other geological hazards.

Additionally, Ms. Yee noted that these 17 units were part of the original plan, but in 2014, the new owner of the project modified its boundaries and moved these units north; they are simply a relocation. Less than one acre of the 9.7± acres will be used for these townhouses.

Russ Leavitt, representing CCCSD, added that the Commission has the option of drawing a different line for annexation, but it was easier to do the application for the entire area, as EBMUD will have a water tank in another part of this area, and the GHAD will be responsible for the entire open space.

Discussion ensued about the Countywide ULL, San Ramon's UBG (which, according to City staff, was established as part of the City's General Plan before the Countywide ULL was adopted), and LAFCO's policy of respecting ULLs and UGBs without being bound by them.

Upon motion of Schroder, second by Andersen, the Commission found that it has reviewed and considered the information contained in the CEQA documentation; approved the proposal to be known as Reorganization 191: Annexations to CCCSD and EBMUD, with specified conditions; determined that the territory being annexed is liable for the continuation of taxes, assessments and charges; found that the subject territory is uninhabited, has 100% landowner consent; waived the protest proceeding, and directed staff to complete the proceeding.

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

#### 8. Fire and Emergency Medical Services (EMS) Update

The Executive Officer noted that the 2<sup>nd</sup> Round Fire & EMS MSR, which was completed in August 2016, adopted provisional SOIs for East Contra Costa FPD (ECCFPD) and Rodeo Hercules FD (RHFD) based on ongoing and fiscal challenges, and requested an update in six months. ECCFPD provided a written update, which was included in the agenda packet.

The Commission also deferred SOI updates for the West County fire service providers based on recommendations in the MSR for these agencies to explore and pursue collaborative efforts relating to a standards of cover study, and other cooperative efforts. LAFCO requested an update regarding these efforts in six months. Kensington FPD (KFPD) provided an update via email, distributed today, with copies available for the public.

Chair Blubaugh invited representatives agencies present to provide oral updates.

Lewis Broschard, Contra Costa County FPD (CCCFFPD), reported that CCCFFPD, City of Pinole Fire Department, and RHFD had been working for 11 months to reach agreement on a collaboration whereby Pinole and RHFD would share the recruitment and hiring of a fire chief. In early February, RHFD began its own process for hiring a chief, thereby closing the door on collaboration. Pinole's police chief is currently serving as fire chief during the recruiting process.

Hugh Henderson, ECCFFPD Fire Chief, reported that in November 2016, voters approved having an elected board, and the first election will be held in November 2018. Both funding measures on the ballot in November to help fund ECCFFPD were defeated. The District will likely close its fourth station at the end of June 2017.

Commissioner McGill asked Chief Henderson if he could explain why ECCFFPD's past measures to increase funding for the District failed. Chief Henderson responded that people don't seem to understand the "insurance" concept of a fire district, despite the community education blitz mounted by board members. As for consolidation, Chief Henderson added that ECCFFPD doesn't have anything to offer to other agencies in consolidation discussions. ECCFFPD is serving 117,000 people with 12 firefighters. At any given time, there may be no resources available, and response time has gone from six minutes to 10 minutes, with 20-30 calls daily. A shift in public perception is needed.

Commissioners thanked Chief Henderson, who will retire at the end of March, for his service and perseverance. All agreed that he has excelled in his efforts to find solutions to a problem with no easy answers, and wished him all the best upon his retirement.

Upon motion of Andersen, second by Glover, Commissioners unanimously, by a 7-0 vote, directed staff to invite the fire chiefs and one of their elected representatives to report back to LAFCO in six months with further updates.

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

9. Fiscal Year 2017-18 Proposed Budget and Work Plan

The Executive Officer presented a proposed budget for Fiscal Year 2017-18, which is a status quo budget reflecting an overall decrease of 0.42%. A slight decrease in salary & benefit costs is anticipated due to a credit in LAFCO's retirement account. Services & Supplies expenses are expected to be comparable with the current year budget, and include carryover funding for two MSRs [healthcare and cities/community services districts (CSDs)]. These two MSRs were delayed this year due to the two special studies that were completed in 2016. Last month, LAFCO released an RFP for the healthcare services MSR. Proposals are due on March 17<sup>th</sup>.

Regarding Commissioner Tatzin's question about LAFCO prefunding or paying down its retirement liability through CCCERA, this option is possible. CCCERA indicates that there are little to no administrative costs, should Commissioners wish to add this to the budget.

As in the past, the year-end fund balance will be used to offset the apportioned contributions from the County, cities, and special districts. The FY 2017-18 estimate revenues associated with applications is based on a multi-year historical average and recent application activity, which has been steady. Staff also reviewed LAFCO's major responsibilities, FY 2016-17 accomplishments, and goals for FY 2017-18.

The current year budget included funding associated with a relocation, including five months rent at the new location and moving expenses. Unfortunately, the move has been delayed due to the prospective second floor tenant at 40 Muir Road backing out, making the move cost prohibitive for LAFCO. Recently, it has been suggested that 40 Muir Road may be needed to house County offices in conjunction with the County's plans to build a new County Administration building. Construction on the new building is expected to begin in 2018, with anticipated occupancy in December 2019. LAFCO staff will continue working with the County on relocation of the LAFCO office.

Regarding LAFCO staffing, while LAFCO staff believes that additional staff is reasonable, it is premature to add a staff position at this time due to office space limitations and uncertainties. Relocation is a prerequisite to adding staff, as there is no additional office space at our current location. Commissioner Andersen encouraged LAFCO staff to continue to work with the County Administrator's Office on relocation plans.

The proposed FY 2017-18 work plan includes completing the 2<sup>nd</sup> round MSR's covering healthcare services and cities/CSDs; completing reorganizations for West Contra Costa Healthcare District and Rollingwood Wilart Park Recreation & Park District; continued work on policies to address disadvantaged communities, MSR's, and procedures for processing multi-county boundary change applications; hosting a LAFCO strategic planning session; updating the LAFCO website and Directory of Local Agencies; and continuing our involvement with CALAFCO activities. Additionally, last month Commissioners discussed possibly including a 3<sup>rd</sup> MSR in FY 2017-18. Should the Commission wish to do so, adjustments to the FY 2017-18 work plan to accommodate a third MSR may be needed given the other projects on the horizon.

Chair Blubaugh opened the public hearing, but no one wished to speak, so the public hearing was closed and discussion returned to the Commissioners.

Discussion ensued regarding holding a strategic planning workshop separately from the regular meeting schedule, adding a staff member, and moving the LAFCO offices. Also of interest was setting up prepayments of retirement liabilities and if that could be done using the fund balance. Commissioners expressed support for an earlier move, which would allow for earlier hiring of an additional staff member, rather than waiting for the proposed new County Administration building to be completed.

Upon motion of McGill, second by Andersen, Commissioners, by a 7-0 unanimous vote, approved the budget as proposed for FY 2017-18 with an addition of \$30,000 for retirement liability prepayment; directed staff to distribute the proposed budget to the County, cities, and special districts; and scheduled a public hearing for May 10 to adopt the Final FY 2017-18 LAFCO budget.

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

10. Call for Nominations - 2017 Special Districts Risk Management Authority (SDRMA) Board of Directors

The Executive Officer presented a letter calling for nominations for the SDRMA Board of Directors. SDRMA provides LAFCO's workers' compensation and property/liability insurance through a joint powers agreement. There are four director seats (four-year terms) up for election in 2017. The term of office for the newly elected directors will begin January 1, 2018. The deadline for nominations is May 5, 2017.

Upon motion of Schroder, second by Butt, Commissioners unanimously, by a 7-0 vote, declined to nominate any candidates and appointed the current chair and vice chair to review the nominations when they are announced later this year, with recommendations for Commissioners' vote.

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

11. Correspondence

There were no comments regarding correspondence.

12. Commissioner Comments and Announcements

Commissioner McGill reported that he attended the CALAFCO Legislative Committee meeting on February 24 in Irvine.

Commissioner Skaredoff called Commissioners' attention to a March 15 Economic Forum on the Impact of the East Bay Regional Park District (EBRPD) of the Regional Economy, sponsored by that district.

13. Staff Announcements

The Executive Officer reported that she also attended the CALAFCO Legislative Committee meeting on February 24, and would attend the next Legislative Committee meeting in Sacramento on March 24. Also, in addition to the bills that CALAFCO is sponsoring and tracking, she noted that Assemblymember Frazier has introduced two spot bills to reallocate property taxes for fire service, one statewide and one exclusively for Contra Costa County.

A CALAFCO U course on "legislative advocacy" scheduled for March 13 has been postponed to May 4<sup>th</sup>, and it will be in Sacramento. Further details are forthcoming soon.

This afternoon Commissioner Tatzin is speaking to the Assembly Local Government Committee regarding healthcare districts and Contra Costa LAFCO's success with reorganizing the Mt. Diablo Health Care District into a subsidiary district of the City of Concord.

The Executive Officer and Commissioner McGill will be meeting with Assemblymember Tim Grayson on March 17 to discuss legislation relating to LAFCOs.

Finally, the Executive Officer reported that with no actionable items scheduled for April, the April meeting will be cancelled.

The meeting adjourned at 2:50 p.m.

Final Minutes Approved by the Commission May 10, 2017.

AYES:

NOES:

ABSTAIN:

ABSENT:

By \_\_\_\_\_  
Executive Officer



Lou Ann Texeira  
 Executive Officer

**MEMBERS**

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

**ALTERNATE MEMBERS**

<b>Diane Burgis</b> <i>County Member</i>
<b>Sharon Burke</b> <i>Public Member</i>
<b>Tom Butt</b> <i>City Member</i>
<b>Stanley Caldwell</b> <i>Special District Member</i>

May 10, 2017  
 Agenda Item 7

May 10, 2017 (Agenda)

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

**Reclamation District 2121 Update**

Dear Members of the Commission:

This is an update on the status of Reclamation District (RD) 2121 and a discussion of governance options.

**BACKGROUND**

RD 2121 is an independent district formed in 1984 to improve and maintain levee, drainage and irrigation systems on Bixler Tract. RD 2121 covers 584± acres and is located along the western edge of the Delta, approximately three miles east of the City of Brentwood (Attachment 1).

RD 2121 is located within the Primary Zone of the Delta. The Primary Zone consists of about two-thirds of the Delta area, and is defined as “*land and water of primary state concern and statewide significance situated within the boundaries of the Delta... and not within either the urban limit line (ULL) or sphere of influence (SOI) of any local government’s general plan or studies existing as of January 1, 1992*” pursuant to the Delta Protection Act of 1992 (California Public Resources Code §29728). The Primary Zone was to remain relatively free from urban and suburban encroachment to protect agriculture, wildlife habitat and recreation uses.

RD 2121 maintains two miles of levees, 4.3 miles of drainage ditches and one pumping station. Key infrastructure in the District includes approximately one mile of levee on the north side along Dead Dog Slough, and one mile of levee on the east side along Werner Dredger Cut. Levees are constructed out of earthen material with concrete rubble and some rip-rap on the water side, but do not meet any particular standard.

The District bounds encompass agricultural activities with farm headquarter buildings consisting of offices, farm worker housing, and storage structures. Land uses are primarily agricultural, including grapes, alfalfa, and pasture for cattle grazing; some of the acreage is fallow and

provides habitat for birds and animals. The State Farmland Mapping and Monitoring Program classifies the District's agricultural land as Prime Farmland (250± acres), Farmland of Statewide Importance (30± acres), Unique Farmland (60± acres), and Farmland of Local Importance (230± acres). There is no Williamson Act contracted land within the District.

The District is a family-run operation (the Bloomfield family) that provides maintenance services to non-project levees and internal drainage facilities. RD 2121 has a population of five persons. The District does not have any employees; maintenance activities are carried out by employees of the Bloomfield family and Bloomfield Vineyards. Like most RDs, RD 2121 has a volunteer board currently comprising three landowners and one vacant seat.

## **DISCUSSION**

***LAFCO Municipal Service Reviews (MSRs):*** Prior to Contra Costa LAFCO embarking on comprehensive MSRs in 2006, the Commission conducted abbreviated MSRs, including an MSR on reclamation districts in 2004. At that time, RD 2121 was found to be inactive and not providing services.

In 2009, Contra Costa LAFCO completed its first comprehensive MSR covering reclamation services. The 2009 MSR found RD 2121 deficient in the following areas:

- RD 2121 was the only district in total non-compliance with the Federal Emergency Management Agency (FEMA) requirements; the entire two-mile levee system was below FEMA Hazard Mitigation Plan (HMP) standards. All districts were on target to implement the State Department of Water Resources (DWR) required five-year plan, with the exception of RD 2121.
- The District had prepared no financial or planning documents (i.e., audit, budget, capital plan, etc.), and does not file annual reports with the State Controller's Office (SCO).
- RD 2121's financial resources were severely constrained. The District did not participate in State subvention programs, and was solely dependent on funding commitments of the landowner.
- As with a number of the reclamation districts, RD 2121 does not have a formal levee inspection procedure and does not keep written inspection reports.

The MSR concluded that RD 2121 was not functioning as a public agency and not fulfilling all of its corporate powers pursuant to Government Code §56871. The District Manager agreed that RD 2121 was inactive, and there was no indication provided by the District as to why it should continue to exist.

The 2009 MSR identified three governance options for RD 2121, including: 1) consolidation with RD 2024, 2) consolidation with RD 2065, and 3) dissolution. Consolidation of RD 2121 with either RD 2024 or RD 2065 was determined to be infeasible for financial and liability reasons. The MSR consultants and LAFCO staff recommended adopting a zero SOI for RD 2121, signaling a future change of organization (e.g., dissolution). However, the Commission voted to retain the existing coterminous SOI, and required RD 2121 to report back to LAFCO

within two years as to its progress in meeting operational and infrastructure challenges as identified in the MSR report. LAFCO has no record of a progress report being provided.

In 2015, LAFCO completed its second round MSR covering reclamation services. The 2015 MSR updated information contained in the 2009 MSR, and provided a status report on the more significant issues identified in the 2009 MSR. In conjunction with the 2015 MSR, RD 2121 property owners reported that some improvements on the levees have been made with rock materials, but no value to the District was recorded.

RD 2121 reported no changes or improvements in its governance, operations or financial status. The District was inactive, not functioning as a governmental agency, and not recording financial transaction reports with the State Controller's Office.

The 2015 MSR concluded that unless RD 2121 reactivates its financial reporting and makes physical improvements to its levees, no State Levee Subvention or Special Project funding will be available. Further, as currently functioning, RD 2121 will be unable to maintain levee infrastructure and financial stability. At a minimum, a budget and financial and capital improvement plans are needed to improve District operations.

The 2015 MSR identified one SOI option: adoption of a zero SOI, signaling a future "reorganization." In November 2015, the Commission, by resolution, adopted a zero SOI for RD 2121.

**Grand Jury Report** – In June 2016, the Contra Costa County Grand Jury issued Report No. 1607 "*Delta Levees in Contra Costa County: How Well Do We Protect This Vital Safety System?*" The Grand Jury report came on the heels of LAFCO's second round MSR, and raised concerns about the condition of the County's levee system, what's at risk, financial challenges, and future opportunities. In preparing this report, the Grand Jury relied on numerous publications, including the 2015 the Contra Costa LAFCO MSR.

The Grand Jury report noted that many of the levees are fragile, subject to degradation from natural forces and from the effects of human activities. While the RDs that own and/or manage the levees have done much to protect and maintain them, often aided by State financial support, more can be done, even within the limits of the Districts' financial resources.

The Grand Jury report recommended focusing on three major areas: sharing of resources and knowledge among RDs, education of residents of the RDs as to the reasons behind levee rules and regulations, and increased involvement and participation by the various entities that benefit from the protection afforded by the levee system.

The 2015 LAFCO MSR report contained similar focus areas and recommended that RDs explore the feasibility of entering into mutual aid agreements with adjacent RDs to formalize a plan for assistance and the use and distribution of resources in times of need and/or emergency situations; and explore a shared website with the other RDs in Contra Costa County.

Both the LAFCO and Grand Jury reports recognize that the Delta levees are vulnerable, in need of repair and maintenance, and pose a risk to Contra Costa and surrounding counties. We also

recognize that efforts to repair and improve the levee system are difficult given that cost, time to implement and political controversy as discussed in a recent article published by the Public Policy Institute of California (Attachment 2).

**California State Controller's Office (SCO) - Notice of Inactive Districts** – In January 2017, the SCO sent letters to 14 LAFCOs and to a number of County Auditors asking for updates regarding identified inactive districts. Both Contra Costa LAFCO and the Contra Costa County Auditor received letters. See attached letter to Contra Costa LAFCO (Attachment 3).

The SCO is trying to clean up records in an effort to have inactive districts dissolved and removed from the State's rolls.

Pamela Miller, Executive Director, CALAFCO contacted the SCO for additional information regarding their letter. Here is a summary of her conversation with the SCO:

1. **Why are they doing this?** Cleaning up inactive districts is a project they have been working on for a while as directed by the Executive Office of the SCO.
2. **How are they defining "inactive"?** The SCI defines "inactive" as, *in a fiscal year the district: (1) has had no financial transactions; AND (2) the district has no assets; AND (3) the district has no fund equity; AND (4) the district has no outstanding debt.*
3. **How many of these districts are we talking about and which LAFCOs received these letters?** In total, there are 22 independent special districts they have identified meeting the criteria in #2 above. Of those, 19 have been identified as inactive since at least the FY 2009-10. There are 14 LAFCOs that received this letter. They are: *Contra Costa, Fresno, Kern, Madera, Merced, Plumas, San Joaquin, Shasta, Sierra, Solano, Sonoma, Stanislaus, Tehama and Tulare.*
4. **Are they focusing on just independent special districts?** No. They have also identified a number of dependent special districts using the same criteria and letters have been sent to those respective counties requesting the same action.

***If you were a LAFCO that received this letter --*** LAFCOs received these letters with a request for information in the hopes of assisting the SCO in updating their records. If the district is in fact inactive pursuant to the SCO's criteria, the SCO's expectation is that LAFCO take the initiative to dissolve the district. The SCO knows that LAFCO has the power to dissolve and reorganize districts. Ms. Miller explained to the SCO that the LAFCO must go through a process to do this and that process takes time and resources.

CALAFCO strongly encourages LAFCOs to initiate the dissolution process if in fact the district meets the appropriate criteria relating to being inactive. Ms. Miller notes *there is a great deal of attention being paid to districts and LAFCOs by many state entities these days, and this action will demonstrate that LAFCOs are in fact fulfilling a part of their legislative responsibilities.*

As noted in Contra Costa LAFCO's response to the SCO (Attachment 3), we confirmed that RD 2121 is inactive and noted that in November 2015, Contra Costa LAFCO adopted a "zero" SOI RD 2121 signaling a future change of organization (e.g., dissolution, consolidation). Further, that a proposed dissolution would be submitted to the Commission for consideration.

Upon receipt of the letter from the SCO, LAFCO staff forwarded a copy to Tom Bloomfield, RD 2121 Board Member (and landowner). LAFCO also sent Mr. Bloomfield a copy of LAFCO's response. Mr. Bloomfield contacted the LAFCO office and indicated that he was currently looking into State funding opportunities.

LAFCO staff also share with Mr. Bloomfield a draft copy of this staff report and requested comments. As of this writing, no comments or questions were received.

***RD 2121 and Governance Options*** – As indicated above, the LAFCO MSRs included governance options relating to RD 2121, including consolidation and dissolution. It was determined during the MSR process that consolidation was not feasible due to fiscal and liability issues. Further, there was no interest by the neighboring RDs to consolidate.

At this time, it appears that the Commission has at least two options:

1. Initiate dissolution; or
2. Defer dissolution pending an update from Mr. Bloomfield in a specific period of time (e.g., 6 months, 12 months). At a minimum, the update should address the status of the District's finances [e.g., budget (e.g., expenses, revenues), audits, reports to the SCO), infrastructure (i.e., levee maintenance), governance (e.g., board actions/activities, efforts to improve governance and transparency), and capital planning.

## **RECOMMENDATION**

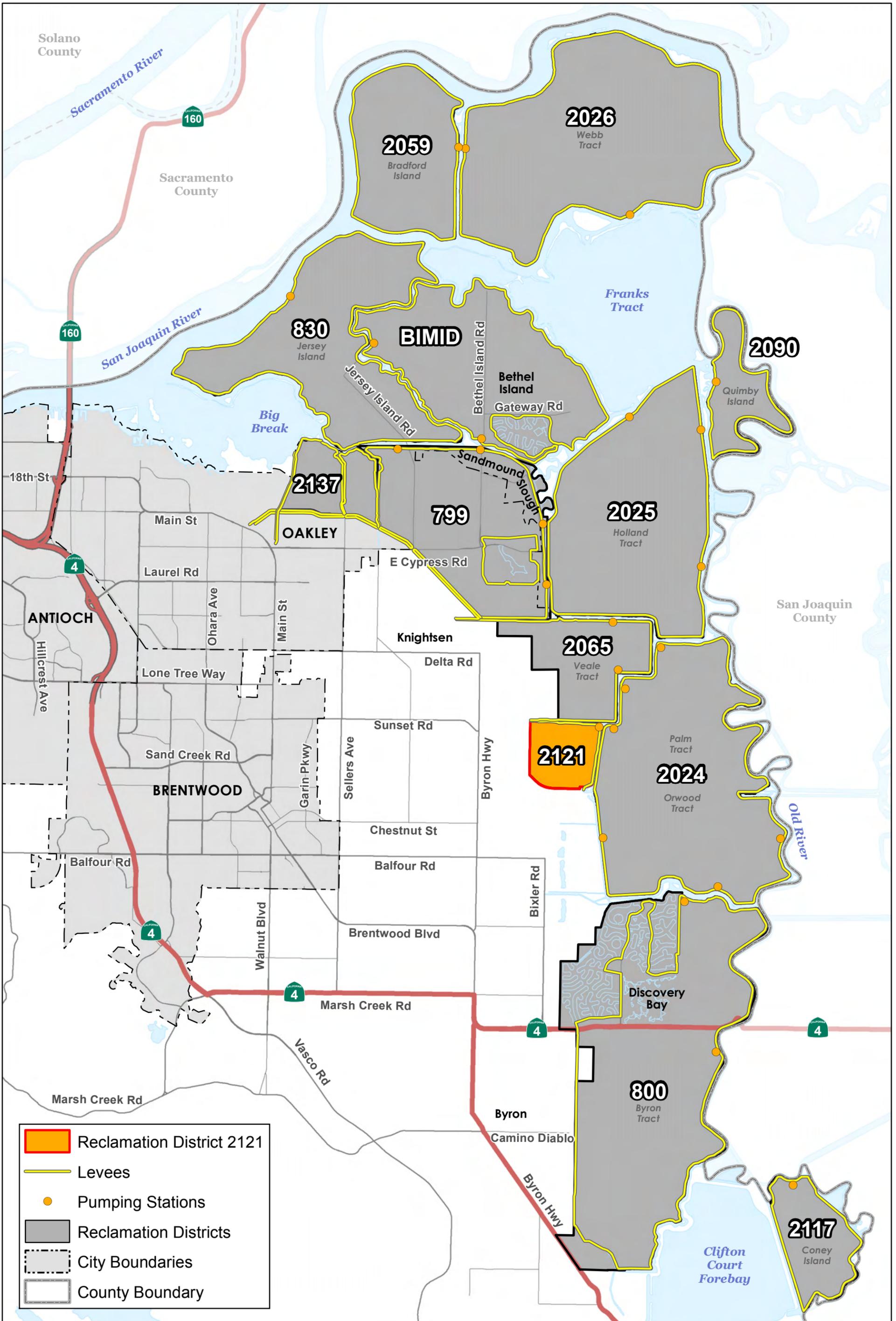
Provide direction to LAFCO staff regarding next steps.

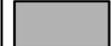
Sincerely,

LOU ANN TEXEIRA  
EXECUTIVE OFFICER

Attachments

1. Map of RD 2121
2. Article on the Delta - Public Policy Institute of California
3. Letter from the State Controller's Office to Contra Costa LAFCO and LAFCO's Response



	Reclamation District 2121
	Levees
	Pumping Stations
	Reclamation Districts
	City Boundaries
	County Boundary

Map created 04/12/2017 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

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The PPIC Blog



# The High Cost of Fixing Levees

JEFFREY MOUNT FEBRUARY 23, 2017

The crisis at Oroville brought dams to the forefront of state and national discussions about aging infrastructure. Now, as full dams release high flows into rivers hemmed in by levees, this element of the state's flood management system is in the spotlight.

Many of our levees are very old—much older than most of the state's dams—and in need of modernization. Nowhere in California is the issue more important—or more challenging—than in the Central Valley, and particularly, the Sacramento-San Joaquin Delta.

The levees of the Central Valley are being tested this winter by sustained high flows. Some have failed, resulting in evacuations—including along the Cosumnes and San Joaquin Rivers. More challenges are in store in the Delta as flood waters move downstream later this week and into the spring.

The scale of modernization needed to avoid damaging floods—particularly as the climate changes and population on the floodplain grows—is vast. At least 1,600 miles of levees line the rivers and flood bypasses upstream of the Delta, forming the federally authorized Central Valley Flood Control Project. The most robust levees in this project protect cities like Sacramento, involving hundreds of millions of dollars' worth of upgrades. But most of the project has weak and outdated levees that are unreliable in large floods.

The Delta has its own unique network of more than 1,100 miles of levees, which ring islands that lie well below sea level. The Delta levees are the least reliable in the Central Valley and are under threat from sea level rise, continued sinking of the islands, and earthquakes.

The good news for Central Valley levees is that there is consensus that the system needs a substantial upgrade, and there has been significant progress in envisioning what that might entail. In 2006, the legislature instructed the Department of Water Resources to develop a comprehensive plan for improving flood management within the region. The Central Valley Flood Protection Plan—released in

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2012 and updated every five years—identifies a range of options, including new infrastructure, updated operation systems, and land use changes that could improve flood protection for the Sacramento and San Joaquin Valleys.

In the Delta, a 2009 law instructed the Delta Stewardship Council to develop a plan for prioritizing state investments in levees, balancing local needs with statewide interests. A draft plan now under review is expected to be adopted later this year.

The bad news is that doing anything about these levees is going to be difficult for three reasons: it would be very expensive, take a very long time to implement, and be very controversial. The Central Valley plan has a price tag of \$17–\$21 billion over 30-plus years. For the Delta, the council has identified more than \$2 billion in high-priority upgrades.

These costs far outstrip the resources of local flood management entities—particularly in the Delta, where low land values and farm revenues make it hard to generate funds for major upgrades. State bonds and some federal dollars have provided key support, but there is still a large gap—in the range of \$800 million to \$1 billion annually. Indeed, flood management remains one of the water sector's most prominent "fiscal orphans," with one of the biggest funding gaps compared to need.

State policymakers will need to assess what is achievable with known or likely resources and make tough choices about priorities based on state interests and public safety. This is not an easy task. There is usually strong local pressure to do something for as many people as possible with the limited funds available. While this approach appears equitable, it is unlikely to yield significant reductions in flood risk. Investments will need to be concentrated to be effective.

As noted in our recent blog post, the silver lining of this winter's flooding is renewed attention to the urgent need to modernize the state's flood management infrastructure. These discussions have begun in the legislature. Sustained leadership on this issue will be needed to sustain the urgency to act once the sun shines again. The good news is that the legislature has taken the all-important first step in tackling this difficult but very important problem.

#### LEARN MORE

Visit the [PPIC Water Policy Center flood resources page](#)

Read *California's Water: Paying for Water* (from *California's Water* briefing kit, October 2016)

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BETTY T. YEE  
California State Controller



January 19, 2017

Executive Officer  
Contra Costa Local Agency Formation Commission  
651 Pine Street, Suite #6  
Martinez, CA 94553

**SUBJECT: Inactive Special Districts**

Dear Executive Officer:

We are attempting to update our special district records and seek your assistance in providing us with any information you may have.

The enclosed list contains special district(s) within your jurisdiction that have reported no financial activity to the State Controller's Office (SCO) for at least the 2014-15 reporting period. Government Code section 53891 requires special districts to submit their financial transactions reports to the SCO annually.

Please complete the "status" (dissolving, active, etc.) and "comments" portions of the enclosed spreadsheet and return it, along with any supporting documentation, by email to [SDsupport@sco.ca.gov](mailto:SDsupport@sco.ca.gov) or by mail to:

State Controller's Office  
Local Government Programs and Services Division  
Local Government Reporting Section  
P.O. Box 942850  
Sacramento, CA 94250

If any of the districts should be dissolved, please take appropriate action. If you have questions, please contact the Special Districts Reporting Unit by telephone at (916) 327-1017, or by email at [SDsupport@sco.ca.gov](mailto:SDsupport@sco.ca.gov).

Your response by February 28, 2017, will be appreciated. Thank you for your assistance.

Sincerely,

GEORGE LOLAS  
Chief Operating Officer

Enclosure

State Controller's Office  
 Contra Costa Local Agency Formation Commission - Inactive Special District

January 19, 2017

#	Entity Name	No Financial Activity Reported				Status	Comments
		2014-15	2013-14	2012-13	Prior to 2012-13*		
1	Reclamation District No 2121	X	X	X	X	Inactive	In Nov. 2015, Contra Costa LAFCO adopted a "zero" sphere of influence for Reclamation District 2121 signaling a future change of organization (e.g., dissolution, consolidation). A proposed dissolution will be submitted to the Commission.

\*No financial activity reported for three years prior to 2012-13.



Lou Ann Texeira  
Executive Officer

**MEMBERS**

**Candace Andersen**  
*County Member*

**Donald A. Blubaugh**  
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**Michael R. McGill**  
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*City Member*

**ALTERNATE MEMBERS**

**Diane Burgis**  
*County Member*

**Sharon Burke**  
*Public Member*

**Tom Butt**  
*City Member*

**Stanley Caldwell**  
*Special District Member*

May 10, 2017

May 10, 2017  
Agenda Item 8

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

**LAFCO Strategic Planning Session**

**DISCUSSION**

On May 10<sup>th</sup>, 2017, the Commission will be asked to approve the FY 2017-18 LAFCO budget, which includes funding for a Contra Costa LAFCO strategic planning session.

**Background:** In the past, LAFCO has conducted strategic planning workshops to proactively plan for short and long-range projects, help prioritize staff efforts, and ensure the most efficient allocation of resources.

The last strategic planning session was in 2013, and before that, 2011. At the prior sessions, Commissioners and staff discussed general topics, including current and emerging issues; opportunities and challenges; expectations and leadership; roles, powers and responsibilities. In addition, we used the strategic planning process to discuss specific issues including municipal service reviews (MSRs), policies and procedures, and to identify priorities and goals.

LAFCO priorities identified through the prior strategic planning sessions include the following:

1. Second round MSRs
2. Incoming proposals/expand use of terms & conditions
3. Fire/EMS services and active participation in the County studies
4. Policies and procedures
5. Island annexations
6. Dissolution/consolidation of special districts
7. Out of agency service and annexation

The Commission’s priority issues continue to be prominent in LAFCO’s efforts, as highlighted in the accomplishments below.

- **MSRs** – To date, LAFCO has completed three 2<sup>nd</sup> round MSRs covering a total of 9 cities and 42 districts, including water/wastewater (2014), reclamation/levees (2015), fire/emergency medical services (2016); LAFCO is embarking on a 2<sup>nd</sup> round healthcare services MSR.
- **Terms & Conditions** – In the last several years, LAFCO has utilized a number of distinct terms and conditions with several proposals, including Northeast Antioch Reorganizations (Areas 1 and 2B), Dougherty Valley Reorganization #16, Laurel Place/Pleasant View Annexation, Out of Agency Service Sierra Ave (City of Martinez), and Montreux Reorganization (City of Pittsburg).
- **Policies & Procedures** – Since 2013, LAFCO has developed and updated policies and procedures dealing with the following: city annexations/detachments, district annexations/detachments, district mergers and establishment of subsidiary districts, LAFCO-initiated proposals, new or different services, district dissolution, district formation, district consolidation, city consolidation, disincorporation, and reorganization. Also, the Commission adopted new policies addressing out of agency service, legislation, and agricultural & open space preservation; and approved amendments to MSR policies relating to broadband services and disadvantaged communities.
- **Island Annexations** – LAFCO has approved two island annexations (Northeast Antioch), one of which was approved (Area 2B – Viera), and the other was terminated (Area 2A – Marina) due to voter protest. In addition, LAFCO staff regularly provides comments to local agencies (e.g., in response to CEQA) encouraging island annexations.
- **Dissolution/consolidation of special districts** – LAFCO has been in recent discussions regarding three potential reorganizations/dissolutions – West Contra Costa Healthcare District (WCCHD), Rollingwood Wilart Park Recreation & Park District (RWPRPD), and Reclamation District (RD) 2121.
- **Out of agency service** – LAFCO has successfully resolved out of agency service issues with the cities of Concord and Martinez.

In the coming year, LAFCO can anticipate the following activities:

- ❖ Completing 2<sup>nd</sup> round MSRs covering healthcare and cities/community services districts
- ❖ Considering complex governance issues (i.e., WCCHD, RWPRPD, RD 2121), and several potentially controversial boundary applications
- ❖ Continuing policy and procedure work covering spheres of influence, disadvantaged communities, multi-county boundary proposals, environmental review, and other matters
- ❖ Growing Contra Costa LAFCO

In anticipation of these and other issues, it would be useful to hold another strategic planning session to discuss the Commission's priority issues and focus on some of the upcoming activities, projects and other matters of interest to the Commission.

**2017-18 Strategic Planning Session:** Each year, in conjunction with the proposed budget, the Commission receives a proposed work plan which includes updates on the priorities identified through the strategic planning process. In the coming year, LAFCO anticipates a number of activities as noted above.

At this time, it would be useful to receive the Commission's input regarding the 2017-18 strategic planning session (e.g., format, topics, logistics, etc.).

**Format** – The strategic planning workshop can take various forms. LAFCO can use a professional facilitator, or LAFCO staff and/or Commissioners can lead the discussion.

Both the 2011 and 2013 strategic planning sessions were facilitated by Bill Chiat, who is a professional facilitator and served as the CALAFCO Executive Director for eight years. Mr. Chiat has conducted strategic planning sessions for a number of LAFCOs including Alameda, Marin, Napa, Santa Barbara, Sonoma and others. Another potential facilitator is Juan Lopez who was recently hired by CALAFCO to conduct the CALAFCO Board’s strategic planning workshop in January 2017. Mr. Lopez is cofounder of Amistad Associates, an Oakland based firm that works with local governments on strategic planning, organizational and leadership development, and other planning and coaching skills development.

The FY 2017-18 budget includes \$4,000 for the strategic planning session, which would cover venue rental, the cost of a facilitator, should the Commission choose to use one, and other incidentals.

**Topics** – The strategic planning workshop can focus on short-term or long-term issues, specific strategies, or other issues as identified by the Commission. Some ideas are presented below:

- ❖ LAFCO’s work plan (e.g., MSRs, proposals, policy development, growing Contra Costa LAFCO) and prioritization
- ❖ Education and outreach
- ❖ LAFCO’s mission/vision
- ❖ Constraints/opportunities
- ❖ Other?

**Logistics**

Date/time – Possible options for dates include August, September or another future. Regarding August, one option is to hold the strategic planning session on the LAFCO meeting date (in lieu of a LAFCO meeting) given that date is already on our calendars.

In the past, the LAFCO strategic planning sessions have spanned approximately four hours. The 2011 session was from 8:00 am until noon, and the 2013 session was from 1:00 – 5:00 pm.

Location – The prior two sessions were held in central Contra Costa County at the Lafayette Community Center (2011) and Walnut Creek Library (2013). LAFCO staff has obtained preliminary information on the possible use of the new Pleasant Hill Community Center or one of three potential facilities in Walnut Creek (Civic Center, Library, Heather Farm).

**RECOMMENDATIONS**

Provide input and direction to staff regarding a LAFCO strategic planning session (i.e., format, topics, logistics, etc.) and other matters as desired.

Sincerely,

LOU ANN TEXEIRA  
EXECUTIVE OFFICER



Lou Ann Teixeira  
 Executive Officer

**MEMBERS**

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

**ALTERNATE MEMBERS**

<b>Diane Burgis</b> <i>County Member</i>
<b>Sharon Burke</b> <i>Public Member</i>
<b>Tom Butt</b> <i>City Member</i>
<b>Stanley Caldwell</b> <i>Special District Member</i>

May 10, 2017 (Agenda)

May 10, 2017  
 Agenda Item 9

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

**FY 2017-18 Final LAFCO Budget**

Dear Members of the Commission:

**SYNOPSIS**

The Contra Costa Local Agency Formation Commission (LAFCO) is responsible for adopting a proposed and final budget each year. On March 8, 2017, the Commission approved the FY 2017-18 Proposed Budget and Work Plan (available at [www.contracostalafco.org](http://www.contracostalafco.org)). The Proposed Budget was distributed to the County, cities, special districts and other interested parties. The FY 2017-18 Final Budget (attached) will be presented to the Commission on May 10<sup>th</sup>.

The Final FY 2017-18 budget includes appropriations totaling \$945,210 and reflects an overall increase of 5.45% as compared to the FY 2016-17 budget. The FY 2017-18 Final Budget will enable Contra Costa LAFCO to focus on the following priorities as identified by the Commission:

- ❖ 2<sup>nd</sup> round Municipal Service Reviews (MSRs)
- ❖ Completing reorganizations in conjunction with 2016 special studies
- ❖ Processing incoming applications
- ❖ Policies and procedures
- ❖ Hosting a strategic planning session
- ❖ Growing Contra Costa LAFCO (office relocation and staffing plan)

LAFCO's **expenditures** consist of *Salaries & Benefits, Services & Supplies, Contingency Reserve, Other Post Employment Benefit (OPEB) Trust, and Contra Costa County Employees' Retirement Association (CCCERA) fund*. The Final Budget reflects an overall increase of 5.45% in expenditures as compared to the FY 2016-17 budget. The increase is primarily attributable to the addition of the new CCCERA fund of \$30,000 to begin paying down LAFCO's retirement liability as directed by the Commission in March.

LAFCO's **revenue** sources include funding from the County, cities and independent special districts, application fees, interest earnings, and available fund balance. The FY 2017-18 budget reflects steady application activity and associated fees.

The FY 2017-18 Final Budget is discussed below and summarized on the attached. \*For details regarding the FY 2017-18 LAFCO budget and work plan, please refer to the March 8, 2017 LAFCO staff report.

## **EXPENDITURES**

The Final Budget, as proposed, includes expenditures totaling \$945,210, which consists of *Salaries & Benefits*, *Services & Supplies*, *Contingency Reserve*, *OPEB Trust* and the new *CCCERA fund*.

FY 2017-18 *Salaries & Benefits* total \$404,370, maintain the current staffing of two full-time employees, and reflect an increase of 0.28% which is primarily attributable to projected increases in health care premium costs, which are mostly offset by a projected reduction in retirement costs resulting from a higher investment return.

FY 2017-18 *Services & Supplies* total \$390,840 and fund a range of items including rents/leases, equipment/supplies, communications, training/conferences, insurance, memberships, and professional/specialized services (i.e., audit/fiscal, legal, planning, mapping, MSRs/special studies, website maintenance, etc.) some of which supplement LAFCO staffing. The FY 2017-18 budget maintains the existing contract service providers, and includes funding for two MSRs (healthcare services and cities/community services districts), a new copier lease, and a strategic planning session. Services & Supplies expenses are expected to increase by 5.21% due primarily to the anticipated relocation of the LAFCO office, and increased MSR and legal costs.

The FY 2017-18 budget includes an \$80,000 *Contingency Reserve*, which is comparable to prior years. It should be noted that the Commission has a policy which provides that "*the annual budget shall include a contingency reserve (i.e., 10% of budget) as determined by the Commission.*" The Commission has discretion to set the amount of the annual contingency.

The FY 2017-18 budget also a \$40,000 annual contribution to the *OPEB Trust* to fund LAFCO's unfunded liability; and the newly added \$30,000 annual contribution to fund LAFCO's unfunded retirement (*CCCERA liability*).

*Growing Contra Costa LAFCO* - During the FY 2016-17 budget deliberations, the Commission expressed an interest in growing Contra Costa LAFCO in order to:

- keep pace with increased application activity
- meet State directives to update SOIs every five years and conduct corresponding MSRs
- initiate special studies and embark on other inventive projects and programs
- continue work on policy development including updating existing policies and procedures, developing new policies to address recently enacted legislation (e.g., disadvantaged

communities, water agency consolidations, fire service contracts), and developing policies to address future legislative mandates

- expand public outreach and education efforts
- maintain involvement at a statewide level with CALAFCO and other stakeholders

**Office Space** - The Commission recognizes that in order to expand and enhance our activities, LAFCO will need to grow. Our current location at 651 Pine Street does not afford this opportunity.

In conjunction with both the FY 2016-17 and FY 2017-18 budgets, the Commission discussed office space and staffing options. For the past two years, LAFCO staff has been in discussions with the County regarding office relocation options. County staff recently informed LAFCO that the County will utilize 40 Muir Road (Martinez) space in conjunction with the construction of the new County Administration Building, and that space at 40 Muir Road can be made available to LAFCO in early 2018.

LAFCO staff's preferred option is to relocate to 40 Muir Road. Advantages of this location include close proximity to County GIS/Demographics with whom LAFCO has regular interaction. In addition, being close to County Planning provides for a "one-stop-shop" for those looking to develop their property and obtain needed municipal services through annexation.

The FY 2017-18 Final Budget includes costs associated with relocation of the LAFCO office to 40 Muir Road, with a projected relocation date of February 2018. The annual cost to lease space at 40 Muir Road reflect an increase in rent, building life cycle and related costs of approximately 10% over current lease costs.

LAFCO staff has also discussed with the County the option of leasing a space in the new County Administration Building. In February 2017, the Board of Supervisors approved moving forward with plans for the new building and demolishing the existing building at 651 Pine Street. LAFCO staff was consulted and was offered space in the new building, which staff has tentatively reserved. The County's project manager indicates that construction on the new building is expected to begin in 2018, with anticipated occupancy in December 2019. LAFCO staff requested estimate costs associated with leasing space in the new building; however, we did not receive a response. We expect the cost to lease space in the new building will exceed costs associated with leasing space at 40 Muir Road.

**Staffing** - In addition to office space, we discussed with the Commission increasing LAFCO staff in order to accomplish the goals and objectives outlined in the Commission's work plan, enhance LAFCO activities, and continue our involvement in CALAFCO and other regional and state activities.

While LAFCO staff believes that additional staff is reasonable and necessary, it is premature to add a staff position at this time due to office space limitations and uncertainties. Relocation is a prerequisite to adding staff, as there is no additional office space at our current location. LAFCO staff is developing a staffing plan that will be presented in the future.

## **REVENUES**

LAFCO's primary source of **revenue** is funding from 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. The FY 2017-18 budget reflects application fees which are comparable to the current year. Finally, when available, LAFCO uses year end fund balance to help offset costs to the funding agencies.

## **CONCLUSION**

The Commission and LAFCO staff exercise fiscal prudence, and recognize the financial constraints on local government. Approval of the Final Budget will enable LAFCO to perform its core responsibilities effectively, and continue its work on MSRs/SOI updates, policies & procedures, and other special projects.

## **RECOMMENDATIONS**

1. Receive this report and open the public hearing to accept testimony on the Final FY 2017-18 LAFCO Budget,
2. After receiving public comments close the hearing,
3. After Commission discussion, adopt the FY 2017-18 Final Budget, with any desired changes, and authorize staff to distribute the Final Budget to the County, cities and independent special districts as required by Government Code Section 56381.

Respectfully submitted,

LOU ANN TEXEIRA  
EXECUTIVE OFFICER

Attachment - Final FY 2017-18 LAFCO Budget

c: Distribution

**FINAL FY 2017-18 LAFCO BUDGET**

	<b>FY 2016-17</b>	<b>FY 2016-17</b>	<b>FY 2017-18</b>	
	<b>Approved</b>	<b>Year-end (Estimated)</b>	<b>Proposed</b>	<b>% Change</b>
<b>Salaries and Employee Benefits</b>				
Permanent Salaries- 1011	\$ 213,401	\$ 211,322	\$ 219,803	
Deferred Comp Cty Contribution - 1015	\$ 1,020	\$ 1,020	\$ 1,020	
FICA- 1042	\$ 16,432	\$ 14,776	\$ 16,925	
Retirement expense- 1044	\$ 97,418	\$ 97,418	\$ 83,576	
Employee Group Insurance- 1060	\$ 53,410	\$ 56,310	\$ 61,378	
Retiree Health Insurance- 1061	\$ 20,000	\$ 18,609	\$ 20,000	
Unemployment Insurance- 1063	\$ 576	\$ 585	\$ 593	
Workers Comp Insurance- 1070	\$ 1,000	\$ 1,021	\$ 1,075	
<b>Total Salaries and Benefits</b>	<b>\$ 403,257</b>	<b>\$ 401,061</b>	<b>\$ 404,370</b>	<b>0.28%</b>
<b>Services and Supplies</b>				
Office Expense- 2100	\$ 4,000	\$ 1,944	\$ 5,000	
Publications -2102	\$ 30	\$ 20	\$ 30	
Postage -2103	\$ 1,800	\$ 652	\$ 1,800	
Communications - 2110	\$ 1,000	\$ 711	\$ 2,130	
Tele Exchange Services 2111	\$ 1,404	\$ 1,405	\$ 1,551	
Minor Comp Equipment - 2132	\$ 1,000	\$ 1,000	\$ 1,000	
Pubs & Legal Notices 2190	\$ 2,000	\$ 2,364	\$ 3,000	
Memberships - 2200	\$ 9,579	\$ 9,538	\$ 10,228	
Rents & Leases - 2250 (copier)	\$ 4,000	\$ 3,605	\$ 4,291	
Computer Software - 2251	\$ 500	\$ 500	\$ 500	
Bldg Occupancy Costs - 2262	\$ 14,865	\$ 7,091	\$ 15,003	
Bldg Life Cycle Costs - 2265	\$ 422	\$ 422	\$ 1,565	
Bldg Maintennace - 2284		\$ 143	\$ 150	
Auto Mileage Emp. - 2301	\$ 1,000	\$ 238	\$ 500	
Other Travel Employees - 2303	\$ 11,000	\$ 9,717	\$ 12,000	
Prof & Spec Services - 2310	\$ 274,250	\$ 127,410	\$ 277,414	
Assessor	\$ 13,000	\$ 1,342	\$ 10,000	
Financial Audit	\$ 7,900	\$ 7,900	\$ 8,000	
GIS/Mapping	\$ 24,000	\$ 7,870	\$ 20,000	
Legal	\$ 40,000	\$ 60,906	\$ 70,000	
MSRs	\$ 117,950	\$ 8,960	\$ 140,000	
Planning	\$ 38,000	\$ 10,718	\$ 22,000	
Special Projects (document imaging)	\$ 4,900	\$ 4,814	\$ 3,414	
Investment Services				
LAFCO Sponsored Training	\$ 1,500	\$ -	\$ 4,000	
Special Studies	\$ 27,000	\$ 24,900	\$ -	
Contracted Temp Help - 2314 (Web)	\$ 3,380	\$ 3,380	\$ 3,380	
Data Processing Services - 2315	\$ 3,500	\$ 3,861	\$ 7,000	
Data Processing Security - 2326	\$ 173	\$ 158	\$ 221	
Courier - 2331	\$ 1,963	\$ 1,963	\$ 2,460	
Other Inter-Dept Costs - 2340	\$ 110	\$ 121	\$ 217	
Liability/E&O Insurance - 2360	\$ 4,200	\$ 4,244	\$ 4,700	
Commission Training/Registration/Stipends - 2467	\$ 30,000	\$ 35,668	\$ 36,000	
NOD/NOE Filings - 2490	\$ 300	\$ 650	\$ 700	
<b>Total Services &amp; Supplies</b>	<b>\$ 370,476</b>	<b>\$ 216,805</b>	<b>\$ 390,840</b>	<b>5.21%</b>
<b>Fixed Assets</b>				
Office Equipment & Furniture - 4951				
<b>Total Fixed Assets</b>				
<b>Total Expenditures</b>	<b>\$ 773,733</b>	<b>\$ 617,866</b>	<b>\$ 795,210</b>	<b>2.70%</b>
<b>Contingency Reserve</b>	<b>\$ 80,000</b>		<b>\$ 80,000</b>	
<b>OPEB Trust</b>	<b>\$ 40,000</b>	<b>\$ 40,000</b>	<b>\$ 40,000</b>	
<b>CCCERA Pre-Fund</b>			<b>\$ 30,000</b>	
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 893,733</b>	<b>\$ 657,866</b>	<b>\$ 945,210</b>	<b>5.45%</b>
<b>TOTAL REVENUES</b>	<b>\$ 893,733</b>	<b>\$ 751,249</b>	<b>\$ 945,210</b>	<b>5.45%</b>
Agency contributions - 9500 & 9800	\$ 723,733	\$ 723,733	\$ 755,210	4.17%
Application & other revenues	\$ 20,000	\$ 27,516	\$ 20,000	
Interest Earnings				
Fund Balance	\$ 150,000		\$ 170,000	



Lou Ann Teixeira  
Executive Officer

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*Special District Member*

May 10, 2017  
Agenda Item 10

May 10, 2017 (Agenda)

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

**Authorize Service Contract - Countywide 2<sup>nd</sup> Round Municipal Service Review  
and Sphere of Influence Updates – Healthcare Services**

Dear Members of the Commission:

DISCUSSION

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH Act) requires that on or before January 1, 2008, and every five years thereafter, LAFCO review and update the sphere of influence (SOI) of each local agency, as necessary. As part of the SOI update, LAFCO must prepare a corresponding Municipal Service Review (MSR) to determine the range and adequacy of governmental services provided.

In April 2013, Contra Costa LAFCO completed its inaugural MSR cycle covering all 19 cities and 75 special districts. In conjunction with the MSRs, LAFCO updated the SOIs for most agencies. In August 2013, LAFCO initiated its 2<sup>nd</sup> round MSRs/SOI updates. To date, LAFCO has completed 2<sup>nd</sup> round MSRs covering water/wastewater, reclamation (levee), and fire and emergency medical services.

In 2007, Contra Costa LAFCO completed its first round healthcare services MSR/SOI updates covering healthcare services. The 2007 MSR covered the three independent healthcare districts (HCDs) - Mt. Diablo HCD (MDHCD), Los Medanos Community HCD (LMCHD) and West Contra Costa Healthcare District (WCCHD) – along with Contra Costa County Health Services. Since that time, there have been notable changes in the districts that provide healthcare services in Contra Costa County, with the 2012 reorganization of the MDHCD – now the Concord/Pleasant Hill HCD; the closure of Doctors Hospital in 2015, WCCHD’s recent bankruptcy and the potential to reorganize WCCHD as discussed in LAFCO’s 2016 special study; and the recent change in the provision of ambulance services in Contra Costa County. Further, municipal healthcare is a current topic of conversation in Sacramento (Little Hoover Commission), and at the federal level (i.e., future of the Affordable Care Act). A 2<sup>nd</sup> round healthcare MSR is timely.

In conjunction with the FY 2016-17 LAFCO budget, the Commission directed staff to move forward with the 2<sup>nd</sup> round MSR covering healthcare services. The 2<sup>nd</sup> round healthcare services MSR will focus on the following:

- ❖ Updating information presented in the 2007 MSR,
- ❖ Assessing the ability of healthcare service providers to maintain relevance and meet the changing healthcare landscape, and
- ❖ Identifying opportunities for coordination/collaboration among healthcare service providers in Contra Costa County.

**Consultant Recruitment Process** - Contra Costa LAFCO relies primarily on consultants to prepare MSRs. In February 2017, the Commission approved release of a Request for Proposals (RFP) and Scope of Services for the healthcare services MSR. The RFP was released on February 9<sup>th</sup>, was sent to over 30 firms, and posted on the Contra Costa LAFCO, CALAFCO and California Special Districts Association websites. Proposals were submitted by the following three firms (copies of the proposals are available upon request):

- **Harvey M. Rose Associates, LLC**
- **Berkson Associates (BA) and Abaris Group**
- **RSG**

The proposals varied in terms of approach, number of team members and timelines; and costs ranged from \$42,840 to \$100,305.

The screening committee was composed of LAFCO professionals including **Mona Palacios**, Executive Officer, Alameda LAFCO and **Dunia Noel**, LAFCO Analyst, Santa Clara LAFCO, both of whom have extensive experience with healthcare MSRs and special studies. Your Executive Officer also participated in the review of the written proposals and interviews.

The three firms were interviewed on April 14<sup>th</sup>. The interviews were structured, with questions designed to gauge the consultants' understanding of the required tasks, proposed approach to the MSR, experience and familiarity with LAFCO, knowledge of healthcare services, qualifications of personnel assigned to work on the MSR, budget, timeline and other factors. All firms included at least one healthcare professional on their team.

Following the interviews, the committee deliberated and concluded that while all firms are qualified and could provide the needed services, it is recommended that the Commission hire Berkson Associates/The Abaris Group to prepare the 2<sup>nd</sup> round healthcare services MSR. Subsequent to the interviews, LAFCO staff conducted a reference check and reviewed some of the firms' sample MSR work products; all were positive and support the committee's recommendation. The project team has significant experience working with LAFCOs, local agencies, and the healthcare industry.

- ❖ **Richard L. Berkson**, Principal, Berkson Associates, has over 30 years of experience working with local agencies throughout California. Areas of expertise include government

organization, fiscal, financial and market analysis, and public finance. Richard has prepared numerous LAFCO governance studies and MSRs; studies addressing incorporations, annexations, special district formations, consolidations, and dissolutions; design and preparation of financial strategy studies, capital and infrastructure plans, fee, tax and related studies. Mr. Berkson has worked with Contra Costa LAFCO on a number of MSRs and special studies, including the EMS/Fire MSR (2016), and special studies for the West Contra Costa Healthcare District (2016), the Rollingwood Wilart Park Recreation & Park District (2016) and the Mt. Diablo Healthcare District Reorganization (2011).

- ❖ **Mike Williams**, President, The Abaris Group, a Martinez based company, specializing in regional and provider healthcare studies. Mr. Williams has conducted hundreds of studies on improving healthcare performance at the system, provider and payer levels. Mr. Williams is an expert on local healthcare issues, having worked with Contra Costa County in an effort to salvage Doctors Hospital (San Pablo), and with Contra Costa LAFCO on the first round healthcare services MSR in 2007. Mr. Williams is also a senior faculty member for the Robert Wood Johnson Foundation’s Urgent Matters Project, a 10-hospital national collaborative; and volunteers his time to assist the homeless, Alcoholics Anonymous, and other local organizations. His philanthropic efforts have raised thousands of dollars to fund healthcare, emergency medical and various community programs.

#### FINANCING

Adequate funding is included in the LAFCO budget to cover costs associated with this MSR.

#### RECOMMENDATION

Authorize staff to execute a contract with Berkson Associates/The Abaris Group to prepare the 2<sup>nd</sup> round healthcare services MSR/SOI updates for the term June 1, 2017 through January 31, 2018 in an amount not to exceed \$50,750.

Sincerely,

LOU ANN TEXEIRA  
EXECUTIVE OFFICER

c: Distribution



Lou Ann Texeira  
 Executive Officer

**MEMBERS**

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May 10, 2017  
 Agenda Item 11

May 10, 2017 (Agenda)

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

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

Dear Members of the Commission:

This is the third quarter budget report for FY 2016-17, which compares adopted and actual expenses and revenues for the period July 1, 2016 through March 31, 2017.

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

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

DISCUSSION

On May 11, 2016, LAFCO adopted its final FY 2016-17 budget with appropriations totalling \$893,733 (including contingency/reserve and OPEB Trust).

**Expenditures** - With 75% of the fiscal year elapsed, the Commission’s third quarter expenditures total \$465,807 (including the \$40,000 OPEB Trust contribution) or 53% of total appropriations. The Commission budgeted \$403,257 in *salaries/benefits* for FY 2016-17; at the end of the third quarter, actual expenses total \$303,215 or 76% of the total budgeted amount. The Commission budgeted \$370,476 in *services/supplies*; and at the end of the third quarter, actual expenses total \$162,592 or 44%. The reason expenditures are low is that there was a delay in initiating the MSRs scheduled for FY 2016-17 due to work on two special studies completed in 2016. Also, the FY 2016-17 budget includes funding for relocation of the LAFCO to 40 Muir

Road and five months at a higher rate. Relocation will not occur this fiscal year. The budget also includes an \$80,000 contingency/reserve; no funds have been expended from this account.

**Revenues** - The primary sources of revenues are local agency contributions and application fees. Total revenues received as of March 31, 2017 are \$741,491. All local agencies have paid their prorated contributions to the LAFCO budget.

As for applications, FY 2016-17 application activity is below FY 2015-16 activity. During the first nine months of FY 2015-16, LAFCO received five new applications; whereas, four new applications were received during the first nine months of FY 2016-17.

In the past, LAFCO has received investment earnings. Due to current market conditions, LAFCO is not currently investing, and awaits the County Treasurer’s notice to resume investment activity.

Finally, when available, we budget fund balance to offset agency contributions. The FY 2016-17 budget includes \$150,000 in budgeted fund balance. A portion of available fund balance may be used at the end of the fiscal year, if needed. See table below for a summary of budget activity.

<b>Account</b>	<b>FY 2016-17 Final Budget</b>	<b>Third Quarter Actuals</b>	<b>Percentage</b>
Salaries & Benefits	\$403,257	\$303,215	76%
Services & Supplies	370,476	162,592	44%
Contingency/Reserve	80,000	-	-
OPEB Trust	40,000	40,000	100%
<b>Total Appropriations</b>	<b>\$893,733</b>	<b>\$465,807</b>	53%
Agency Contributions	\$723,733	\$723,733	100%
Application/Other Revenue	20,000	17,758	89%
Interest Earnings		-	-
Fund Balance	150,000	-	-
<b>Total Revenues</b>	<b>\$893,733</b>	<b>\$741,491</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 third quarter budget report.

Sincerely,

LOU ANN TEXEIRA  
 EXECUTIVE OFFICER



Lou Ann Texeira  
 Executive Officer

**MEMBERS**

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May 10, 2017  
 Agenda Item 12

May 10, 2017

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

**Legislative Report - Update and Position Letters**

Dear Members of the Commission:

This year marks the first year of a two-year legislative session in Sacramento. Presently, CALAFCO is sponsoring two bills and tracking a number of bills that have direct and indirect impact on LAFCOs (Attachment 1 - CALAFCO Legislative Report).

In early April, CALAFCO issued a call for legislative action requesting that each LAFCO send letters of support for three bills, two of which are CALAFCO sponsored.

The first bill is **AB 464** (Gallagher). This bill makes the necessary corrections to LAFCO law to allow LAFCOs to continue to approve annexations of areas already receiving services via an out of area service agreement. This bill is set to be heard in the Assembly Local Government Committee (ALGC) on May 3<sup>rd</sup>.

The second bill is **AB 1725**, CALAFCO's annual Omnibus bill which makes technical, non-substantive changes to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. Currently, this bill includes one proposed item; however, the bill will be amended later this year to add five additional items, all of which were approved by the CALAFCO Legislative Committee. This bill is also likely to be heard in the ALGC on May 3<sup>rd</sup>. Once the bill is amended, CALAFCO will ask each LAFCO to send a second letter of support, which will be later this year.

The third bill - **AB 979** (Lackey) - is co-sponsored by CALAFCO and the California Special Districts Association (CSDA). This bill streamlines the process of seating special districts on LAFCO by mirroring the existing statute for electing special district representatives in the 30 counties that already have LAFCO representation. The CALAFCO Legislative Committee has vetted the bill and all requested amendments have been included as of the April 6, 2017 amended

version. This bill is an outcome of CALAFCO's experience this past year with the Little Hoover Commission and a proactive action to help streamline existing processes.

The deadline for letters on these bills was late April.

Contra Costa LAFCO's legislative policy provides our LAFCO with flexibility to respond to urgent legislation that affects LAFCO. Specifically, the policy provides that in "*situations when proposed legislation affecting LAFCO cannot be considered by the full Commission due to timing, the Executive Officer, in consultation with the LAFCO Chair (or Vice Chair in the absence of the Chair), is authorized to provide written or email comments communicating the Commission's position if the position is consistent with the adopted legislative policies of the Commission. The Chair or Vice Chair would review the letter or email prior to it being submitted. The Executive Officer will forward the email or letter to the Commission as soon as possible. The item will be placed on the next regular LAFCO meeting agenda as either "informational" or for discussion purposes.*"

In response to CALAFCO's request, and in accordance with the Commission's policy, letters of support for AB 464, AB 1725 and AB 979 were sent in April (Attachments 2, 3 and 4).

***Little Hoover Commission (LHC) Update*** - In addition to the legislation matters, we also want to provide an update on the Little Hoover Commission. Last year, the LHC held hearings and workshops on special districts and LAFCOs. CALAFCO and several LAFCOs attended these meetings. Subsequently, the LHC staff prepared a draft report for the Commission's consideration (not yet made public). The draft report included many of CALAFCO's recommendations identified in the August testimony. For example, the Legislature should (1) curtail a growing practice of introducing and passing bills that override existing LAFCO processes and authority; (2) streamline the process for LAFCOs to dissolve inactive districts; (3) consider fixed terms for LAFCO Commissioners (to avoid random removal); (4) update the principal act for healthcare districts (HCDs); and (5) require HCDs to create community needs assessments, annually report their progress of meeting those needs, and file all reports with LAFCO for inclusion in MSR.

However, several of the LHC Commissioners expressed concern that their staff's recommendations were too "status quo" and they desired something more extreme. One of the LHC's concerns is that LAFCOs are not doing enough in terms of oversight and management of many of the districts and therefore another oversight entity may need to be created. Ultimately there was no agreement among the Commission on how to move forward. As a result, the final report was tabled and another hearing will occur in the fall.

Since that meeting, CALAFCO met with LHC staff as well as their Chair and Vice Chair and heard directly the general concerns of the LHC. CALAFCO was afforded the opportunity to clarify facts and data, and to share CALAFCO's efforts and future opportunities. CALAFCO was encouraged to reach out directly to the LHC Commissioners, and has since convened a small working group to help shape outreach and education efforts to all LHC Commissioners, including the Legislators appointed to the Commission. CALAFCO will continue to engage with LHC staff and monitor any further developments. Individual LAFCOs and LAFCO

Commissioners are also encouraged to reach out directly to the LHC Commissioners to educate them about the important role of LAFCO (see attached roster).

**RECOMMENDATION** – Receive legislative update.

Sincerely,

LOU ANN TEXEIRA  
EXECUTIVE OFFICER

Attachment 1 - CALAFCO Legislative Update – May 3, 2017

Attachment 2 - Letter of Support - AB 464

Attachment 3 – Letter of Support – AB 1725

Attachment 4 – Letter of Support – AB 979

Attachment 5 – Little Hoover Commissioner Roster

## CALAFCO Daily Legislative Report as of Wednesday, May 03, 2017

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**AB 464 (Gallagher R) Local government reorganization.**
**Current Text:** Amended: 3/14/2017 [Text](#)
**Introduced:** 2/13/2017

**Last Amended:** 3/14/2017

**Status:** 3/15/2017-Re-referred to Com. on L. GOV.

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

**Calendar:**

5/3/2017 1:30 p.m. - State Capitol, Room 126 ASSEMBLY LOCAL GOVERNMENT, AGUIAR-CURRY, Chair

**Summary:**

Under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, current law requires that an applicant seeking a change of organization or reorganization submit a plan for providing services within the affected territory that includes, among other requirements, an enumeration and description of the services to be extended to the affected territory and an indication of when those services can feasibly be extended. This bill would specify that the plan is required to also include specific information regarding services currently provided to the affected territory, as applicable, and make related changes.

**Attachments:**
[CALAFCO Letter of Support April 2017](#)
**Position:** Sponsor

**Subject:** Annexation Proceedings

**CALAFCO Comments:** This bill makes a fix to Gov. Code Sec. 56653 based on the court finding in the case of The City of Patterson v. Turlock Irrigation District. The court found that because the services were already being provided via an out of area service agreement, the application for annexation was deemed incomplete because it was not a new service to be provided. By making the fix in statute, any pending/future annexation for a territory that is already receiving services via an out of area service agreement will not be in jeopardy.

As amended, corrections were made to: 56653(b)(3) reading "proposed" rather than "provided", and in Government Code Section 56857 an exemption added pursuant to Public Utilities Code Section 9608 for territory already receiving electrical service under a service area agreement approved by the Public Utilities Commission pursuant to Public Utilities Code Section 9608.

**AB 979 (Lackey R) Local agency formation commissions: district representation.**
**Current Text:** Amended: 4/27/2017 [Text](#)
**Introduced:** 2/16/2017

**Last Amended:** 4/27/2017

**Status:** 5/1/2017-Re-referred to Com. on L. GOV.

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

**Calendar:**

5/10/2017 1:30 p.m. - State Capitol, Room 447 ASSEMBLY LOCAL

GOVERNMENT, AGUIAR-CURRY, Chair

**Summary:**

Current law requires a local agency formation commission, if it does not have representation from independent special districts on January 1, 2001, to initiate proceedings for representation of those districts upon the commission if requested by independent special districts, and specifies the procedures for those proceedings. This bill would revise the procedures for special district representatives to initiate those proceedings, and would authorize the commission to combine proceedings for appointing a member representing independent special districts on an oversight board pursuant to those proceedings, as specified.

**Attachments:**

[CALAFCO Sponsor/Support Letter April 2017](#)

**Position:** Sponsor

**Subject:** CKH General Procedures

**CALAFCO Comments:** This bill is co-sponsored by CALAFCO and CSDA. As amended, the bill amends code Sec. 56332.5 to streamline the process of seating special districts on LAFCo by mirroring current statute 56332 (the process for electing special district representatives into the special district seats). Keeping the process voluntary, it allows for voting by mail whether or not the district wants to have special districts represented on LAFCo. Further, it will allow for the consolidation of that question with the independent special district selection committee appointment to a countywide redevelopment agency oversight board pursuant to Health and Safety Code 34179 (j)(3).

**[AB 1725](#) (Committee on Local Government) Local agency formation.**

**Current Text:** Amended: 5/2/2017 [Text](#)

**Introduced:** 3/20/2017

**Last Amended:** 5/2/2017

**Status:** 5/2/2017-From committee chair, with author's amendments: Amend, and re-refer to Com. on L. GOV. Read second time and amended.

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

**Calendar:**

5/10/2017 1:30 p.m. - State Capitol, Room 447 ASSEMBLY LOCAL GOVERNMENT, AGUIAR-CURRY, Chair

**Summary:**

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 provides the exclusive authority and procedure for the initiation, conduct, and completion of changes of organization and reorganization for cities and districts, as specified. The act authorizes a local agency formation commission to establish a schedule of fees and a schedule of service charges for proceedings taken pursuant to the act, as specified. This bill would revise that provision to authorize a local agency formation commission to establish a schedule of fees and a schedule of service charges pursuant to the act.

**Attachments:**

[CALAFCO Letter of Support April 2017](#)

**Position:** Sponsor

**Subject:** CKH General Procedures

**CALAFCO Comments:** This is the annual Omnibus bill. The bill currently has one item and will be amended soon to include five (5) additional items.

**[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:** 4/3/2017-April 3 hearing: Placed on APPR. suspense file.

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, 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.

**Attachments:**

[CALAFCO Support Letter Feb 2017](#)

**Position:** Support

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

**CALAFCO Comments:** This bill is identical to SB 817 (Roth, 2016), SB 25 (Roth, 2015) and SB 69 (Roth, 2014) with the exception of the chaptering out language included in the 2016 version (which addressed the companion bill AB 2277 (Melendez, 2016)). 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 2017/18 year for cities that incorporated between 1-1-2004 and 1-1-2012.

**SB 448 (Wieckowski D) Local government: organization: districts.**

**Current Text:** Amended: 5/2/2017 [Text](#)

**Introduced:** 2/15/2017

**Last Amended:** 5/2/2017

**Status:** 5/2/2017-Read second time and amended. Re-referred to Com. on APPR.

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

**Summary:**

Current law requires a report of an audit of a special district's accounts and records made by a certified public accountant or public accountant to be filed with the Controller and the county auditor of the county in which the special district is located within 12 months of the end of the fiscal year or years under examination. This bill would require that those audit reports also be filed with the local agency formation commission of either the county in which the special district is located or, if the special district is located in 2 or more counties, the county containing the greatest percentage of the assessed value of taxable property of the district.

**Attachments:**

[CALAFCO Oppose Unless Amended Letter](#)

**Position:** Oppose unless amended

**Subject:** CKH General Procedures

**CALAFCO Comments:** As amended, this bill authorizes LAFCo to dissolve inactive districts by holding one hearing and without conducting a special study and with the waiver of protest proceedings. The bill creates an "idle" status for districts based on certain criteria, and authorizes LAFCo to dissolve idle districts under certain conditions.

The bill requires districts to conduct a biennial audit and submit to the State

Controller's Office (SCO). The SCO will create a listing of idle districts based on those audits. Idle districts are defined as either: (1) no financial transactions and no revenue in the audit period; OR (2) district failed to submit the audit. The bill also adds a definition of inactive district as outlined in the bill. Once a district has been labeled idle, they have 180 days to file a statement of purpose with the SCO (criteria for content of the statement of purpose also outlined in the bill).

CALAFCO has several concerns with the processes identified in the bill, the location (code section) being used to address these new LAFCo powers, and several other minor technical issues. CALAFCO will work with the author's office and key stakeholders on amendments.

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**3**

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**[AB 267](#) (Waldron R) Community services districts.**

**Current Text:** Introduced: 2/1/2017 [Text](#)

**Introduced:** 2/1/2017

**Status:** 2/2/2017-From printer. May be heard in committee March 4.

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

**Summary:**

Current law provides for the organization and powers of community services districts, including the continuation of any community services district, improvement district of a community services district, or zone of a community services district, that was in existence on January 1, 2006. This bill would make nonsubstantive changes to these provisions.

**Position:** Watch

**CALAFCO Comments:** According to the author's office this is a spot bill.

**[AB 548](#) (Steinorth R) Omnitrans Transit District.**

**Current Text:** Amended: 4/4/2017 [Text](#)

**Introduced:** 2/14/2017

**Last Amended:** 4/4/2017

**Status:** 4/28/2017-Failed Deadline pursuant to Rule 61(a)(2). (Last location was TRANS. on 3/23/2017)(May be acted upon Jan 2018)

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

**Summary:**

Would create the Omnitrans Transit District in the County of San Bernardino. The bill would provide that the jurisdiction of the district would initially include the Cities of Chino, Chino Hills, Colton, Fontana, Grand Terrace, Highland, Loma Linda, Montclair, Ontario, Rancho Cucamonga, Redlands, Rialto, San Bernardino, Upland, and Yucaipa, and unspecified portions of the unincorporated areas of the County of San Bernardino. The bill would authorize other cities in the County of San Bernardino to subsequently join the district.

**Position:** None at this time

**CALAFCO Comments:** This bill, as amended, appears to dissolve the Omnitrans JPA and form a new independent special district to be known as the Omnitrans Transit District. The formation process does not include LAFCo. CALAFCO is reaching out to the author's office for more details.

**[AB 577](#) (Caballero D) Disadvantaged communities.**

**Current Text:** Amended: 3/9/2017 [Text](#)

**Introduced:** 2/14/2017

**Last Amended:** 3/9/2017

**Status:** 4/28/2017-Failed Deadline pursuant to Rule 61(a)(2). (Last location was E.S. & T.M. on 2/27/2017) (May be acted upon Jan 2018)

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

**Summary:**

Current law defines a disadvantaged community as a community with an annual median household income that is less than 80% of the statewide annual median household income for various purposes, that include, but are not limited to, the Water Quality, Supply, and Infrastructure Improvement Act of 2014, eligibility for certain entities to apply for funds from the State Water Pollution Cleanup and Abatement Account, and authorization for a community revitalization and investment authority to carry out a community revitalization plan. This bill would expand the definition of a disadvantaged community to include a community with an annual per capita income that is less than 80% of the statewide annual per capita income.

**Position:** Watch

**Subject:** Disadvantaged Communities

**CALAFCO Comments:** Sponsored by the Environmental Justice Coalition for Water, this bill is intended to expand the definition of disadvantaged communities to include multi-family households. According to the author's office this will be a two-year bill. CALAFCO will retain a Watch position until any amendments are in print.

**[AB 645](#) (Quirk D) Local government: organization: dissolution.**

**Current Text:** Introduced: 2/14/2017 [Text](#)

**Introduced:** 2/14/2017

**Status:** 3/2/2017-Referred to Com. on L. GOV.

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

**Summary:**

Under current law, if a change of organization consists of a dissolution, the commission is required to order the dissolution subject to confirmation of voters if, among other things, the proposal was not initiated by the commission and if a subject agency has not objected to the proposal, the commission has found that, for an inhabited territory protests have been signed by either 25% of the number of landowners within the affected territory who own at least 25% of the assessed value of land within the territory or 25% of the voters entitled to vote as a result of residing or owning land within the affected territory. This bill would decrease that threshold to 10% of the number of landowners within the affected territory who own at least 25% of the assessed value of land within the territory or 10% of the voters entitled to vote as a result of residing or owning land within the affected territory.

**Position:** Watch

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

**CALAFCO Comments:** According to the author's office this is a spot bill pending the outcome of the Alameda LAFCo special study on Eden Healthcare District. Update: The author's office indicates they will hold off moving this bill. CALAFCO will continue to Watch.

**[AB 892](#) (Waldron R) Municipal water districts: water service: Indian tribes.**

**Current Text:** Amended: 3/23/2017 [Text](#)

**Introduced:** 2/16/2017

**Last Amended:** 3/23/2017

**Status:** 3/27/2017-Re-referred to Com. on L. GOV.

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

**Summary:**

Current law, upon the request of certain Indian tribes and the satisfaction of certain conditions, requires a district to provide service of water at substantially the same terms applicable to the customers of the district to the Indian tribe's lands that are not within a district, as prescribed. This bill would authorize, rather than require, a district to provide this service of water. The bill would apply this authorization to all Indian tribes whose lands are owned by the tribe.

**Position:** Watch

**Subject:** Water

**CALAFCO Comments:** According to the author's office, this may very well become a two-year bill. The intent of the bill was to make it permissive for an Indian tribe to negotiate directly with a water provider to obtain water services. This would circumvent LAFCo. This bill expands on last year's bill by Gonzalez-Fletcher, AB 2470. The author's office has indicated the bill will not move forward in it's current version. They understand CALAFCO's concerns. CALAFCO will continue to monitor the bill for any amendments and will consider a position if/when amendments are in print.

**AB 1728 (Committee on Local Government) Health care districts: board of directors.**

**Current Text:** Introduced: 3/22/2017 [Text](#)

**Introduced:** 3/22/2017

**Status:** 4/27/2017-From committee: Do pass and re-refer to Com. on APPR. with recommendation: To Consent Calendar. (Ayes 9. Noes 0.) (April 26). Re-referred to Com. on APPR.

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

**Summary:**

Each health care district has a board of directors with specific duties and powers respecting the creation, administration, and maintenance of the district, including purchasing, receiving, having, taking, holding, leasing, using, and enjoying property. This bill would require the board of directors to adopt an annual budget in a public meeting, on or before September 1 of each year, that conforms to generally accepted accounting and budgeting procedures for special districts, establish and maintain an Internet Web site that lists contact information for the district, and adopt annual policies for providing assistance or grant funding, if the district provides assistance or grants.

**Attachments:**

[AB 1728 CALAFCO Letter of Support](#)

**Position:** Support

**Subject:** Other

**CALAFCO Comments:** As introduced, this bill requires healthcare districts to adopt annual budgets, establish and maintain a website (and prescribes the required site content), and adopt policies for grant funding.

**SB 206 (Committee on Governance and Finance) Validations.**

**Current Text:** Introduced: 2/1/2017 [Text](#)

**Introduced:** 2/1/2017

**Status:** 3/23/2017-Read third time. Urgency clause adopted. Passed. (Ayes 37. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.

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

1st House	2nd House	Conc.
-----------	-----------	-------

**Summary:**

Would enact the First Validating Act of 2017, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities. This bill would declare that it is to take effect immediately as an urgency statute.

**Attachments:**

[CALAFCO Support Feb 2017](#)

**Position:** Support

**Subject:** LAFCo Administration

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

**[SB 207](#) (Committee on Governance and Finance) Validations.**

**Current Text:** Introduced: 2/1/2017 [Text](#)

**Introduced:** 2/1/2017

**Status:** 3/23/2017-Read third time. Urgency clause adopted. Passed. (Ayes 37. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.

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

**Summary:**

Would enact the Second Validating Act of 2017, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities. This bill would declare that it is to take effect immediately as an urgency statute.

**Attachments:**

[CALAFCO Support Feb 2017](#)

**Position:** Support

**Subject:** LAFCo Administration

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

**[SB 208](#) (Committee on Governance and Finance) Validations.**

**Current Text:** Introduced: 2/1/2017 [Text](#)

**Introduced:** 2/1/2017

**Status:** 3/23/2017-Read third time. Passed. (Ayes 37. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.

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

**Summary:**

Would enact the Third Validating Act of 2017, 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 Feb 2017](#)

**Position:** Support

**Subject:** LAFCo Administration

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

**[SB 365](#) (Dodd D) Regional park and open-space districts: County of Solano.**

**Current Text:** Introduced: 2/14/2017 [Text](#)

**Introduced:** 2/14/2017

**Status:** 4/3/2017-Read second time. Ordered to third reading.

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

**Calendar:**

5/4/2017 #49 SENATE SEN THIRD READING FILE - SEN BILLS

**Summary:**

Current law authorizes proceedings for the formation of a regional park and open-space or regional open-space district in specified counties in the state to be initiated by resolution of the county board of supervisors adopted after a noticed hearing, and specifies the contents of the resolution. This bill, in addition, would authorize the formation of a regional district in the County of Solano to be initiated by resolution of the county board of supervisors after a noticed hearing. The bill would specify the contents of the resolution, including the calling of an election, as prescribed.

**Attachments:**

[SB 365 CALAFCO Letter of Oppose\\_03\\_28\\_17](#)

**Position:** Oppose

**Subject:** LAFCo Administration

**CALAFCO Comments:** This bill calls for the formation of a regional park and open space district which will circumvent the LAFCo formation process. CALAFCO discussed our concerns with the author's office, who has made it clear they will not be considering any potential amendments unless requested by Solano LAFCo.

**[SB 435](#) (Dodd D) Williamson Act: payments to local governments.**

**Current Text:** Amended: 5/2/2017 [Text](#)

**Introduced:** 2/15/2017

**Last Amended:** 5/2/2017

**Status:** 5/2/2017-Read second time and amended. Re-referred to Com. on APPR.

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

**Summary:**

Would, under the Williamson act, reduce the amount per acre paid to a city, county, or city and county under these provisions to \$2.50 for prime agricultural land, \$0.50 for all other land devoted to open-space uses of statewide significance, and, for counties that have adopted farmland security zones, \$4 for land that is within, or within 3 miles of the sphere of influence of, each incorporated city.

**Position:** Watch

**Subject:** Ag Preservation - Williamson

**CALAFCO Comments:** According to the author's office, this bill (originally sponsored by the CA Farm Bureau but no longer) is intended to ensure ongoing subvention funding for counties and cities to enter into contracts with owners of agricultural land that commit to protecting and preserving the property as resource land and farmland. The current language is placeholder language and at present the author is working with the Dept. of Conservation and stakeholder groups to determine a reasonable path forward for the reinstatement of the Williamson Act funding.

CALAFCO will watch the bill for pending amendments.

**[SB 634](#) (Wilk R) Santa Clarita Valley Water District.**

**Current Text:** Amended: 5/2/2017 [Text](#)

**Introduced:** 2/17/2017

**Last Amended:** 5/2/2017

**Status:** 5/2/2017-Read second time and amended. Re-referred to Com. on APPR.

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

**Summary:**

Current law, the Castaic Lake Water Agency Law, created the Castaic Lake Water Agency and authorizes the agency to acquire water and water rights, including water from the State Water Project, and to provide, sell, and deliver water at wholesale for municipal, industrial, domestic, and other purposes. This bill would repeal the Castaic Lake Water Agency Law. This bill contains other related provisions and other current laws.

**Attachments:**

[CALAFCO Letter Oppose Unless Amended 03 27 17](#)

**Position:** Oppose unless amended

**Subject:** Special District Consolidations

**CALAFCO Comments:** As amended, this bill consolidates two independent water districts in Los Angeles. The bill was amended to include LAFCo in the process via an application for binding conditions. There are still several minor technical changes that have been requested to the sponsors and author, and CALAFCO will retain our oppose unless amended position until those changes are in print.

**[SB 693](#) ([Mendoza D](#)) Lower San Gabriel River Recreation and Park District.**

**Current Text:** Introduced: 2/17/2017 [Text](#)

**Introduced:** 2/17/2017

**Status:** 5/1/2017-Set for hearing May 8.

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

**Calendar:**

5/8/2017 10:30 a.m. - John L. Burton Hearing Room (4203)

SENATE APPROPRIATIONS, LARA, Chair

**Summary:**

Would specifically authorize the establishment of the Lower San Gabriel River Recreation and Park District, by petition or resolution submitted to the Los Angeles County Local Agency Formation Commission before January 1, 2020, subject to specified existing 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.

**Position:** Watch

**Subject:** LAFCo Administration

**CALAFCO Comments:** This bill forms the Lower San Gabriel River Recreation and Park District while leaving the LAFCo process intact. CALAFCO will keep watching to ensure it stays that way.

Total Measures: 18

Total Tracking Forms: 18

5/3/2017 8:38:28 AM

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
 651 Pine Street, Sixth Floor • Martinez, CA 94553-1229  
 e-mail: LouAnn.Teixeira@lafco.cccounty.us  
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April 10, 2017

Assembly Member James Gallagher  
 California State Assembly  
 State Capital Room 2158  
 Sacramento, CA 95814

Subject: Support of AB 464 as Amended

Dear Assembly Member Gallagher:

The Contra Costa Local Agency Formation Commission (LAFCO) is pleased to support your bill **AB 464**, as amended on March 14, 2017. Sponsored by the California Association of Local Agency Formation Commissions (CALAFCO), the bill makes necessary technical changes to existing LAFCO law to solidify the current practice of LAFCOs when approving annexations of areas already being served by a local agency (e.g., city, special district) through an out of area service agreement (Government Code §56133).

As a result of a court decision in 2014 in the case of *City of Patterson v. Turlock Irrigation District*, all future annexations of an area receiving services through an approved out of area service agreement will not be valid. What began as a local issue has now become a critical statewide concern. This bill seeks to remedy that problem by ensuring that within certain conditions, LAFCOs can continue to evaluate applications which include the annexation of territory where services are already being provided via an out of area service agreement. Further, it allows for common sense boundary alignments and more predictable growth planning.

By allowing the annexation of these areas, **AB 464** also ensures the people paying for and receiving the services, can participate in elections and potentially serve on the governing board of the service provider.

It is important to note that this bill does not change the current rights of a city or district to oppose an annexation, nor does it change any protest provisions in current law. It simply ensures the ability for LAFCOs to continue the practice of common sense boundary oversight for service providers. As there are many pending annexations throughout the state that are associated with previously approved out of area service extensions, this legislation is critical to the successful annexation of these areas. In Contra Costa County, we have several areas (e.g., Concord, Martinez) where LAFCO

periodically approves out of area service in anticipation of annexation. AB 464 would allow for the continuation of this practice, which is common among LAFCOs.

For these reasons, Contra Costa LAFCO is pleased to support **AB 464**. Thank you for carrying this important piece of legislation.

Sincerely,



Donald A. Blubaugh, Chair  
Contra Costa LAFCO

- c: Members, Assembly Local Government Committee
- Misa Lennox, Assembly Local Government Committee
- William Weber, Consultant, Assembly Republican Caucus
- Pamela Miller, Executive Director, CALAFCO

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April 10, 2017

Honorable Cecilia Aguiar-Curry, Chair  
Assembly Local Government Committee  
California State Assembly  
State Capitol, Room 5144  
Sacramento, CA 95814

**RE: SUPPORT of AB 1725: Local Government Committee Omnibus Bill**

Dear Chair Aguiar-Curry:

The Contra Costa Local Agency Formation Commission (LAFCO) is pleased to support the Assembly Local Government Committee bill **AB 1725** which makes technical, non-substantive changes to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (the Act).

This annual bill includes technical changes to the Act which governs the work of local agency formation commissions. These changes are necessary as commissions implement the Act and small inconsistencies are found or clarifications are needed to make the law as unambiguous as possible. **AB 1725** currently makes minor technical corrections to language used in the Act. The Contra Costa LAFCO and the California Association of Local Agency Formation Commissions (CALAFCO) are grateful to the members of our Legislative Committee and to your Committee and staff, all of whom worked diligently on this language to ensure there are no substantive changes while creating a significant increase in the clarity of the Act for all stakeholders.

This legislation helps ensure the Cortese-Knox-Hertzberg Act remains a vital and practical law that is consistently applied around the state. The Contra Costa LAFCO appreciates your Committee's authorship and support of this bill, and your support of the mission of LAFCOs.

Sincerely,

  
Donald A. Blubaugh, Chair  
Contra Costa LAFCO

c: Members, Assembly Local Government Committee  
Misa Lennox, Associate Consultant, Assembly Local Government Committee  
William Weber, Consultant, Assembly Republican Caucus  
Pamela Miller, Executive Director, CALAFCO

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April 13, 2017

Assemblymember Tom Lackey  
California State Assembly  
State Capitol, Room 2174  
Sacramento, CA 95814

**RE: SUPPORT of AB 979 as Amended**

Dear Assemblymember Lackey:

The Contra Costa Local Agency Formation Commission (LAFCO) is pleased to support your bill, **AB 979**, as amended on April 6, 2017. Co-sponsored by the California Association of Local Agency Formation Commissions (CALAFCO), this bill facilitates streamlining the process of seating special district representation on Local Agency Formation Commissions (LAFCOs).

The statutory mission of LAFCOs is to discourage urban sprawl, preserve agricultural land and open space, encourage the orderly formation and development of local agencies, and ensure the efficient provision of services by those local agencies. By statute, each LAFCO is composed of representatives from the county, cities within the county, and a member of the public (with each seat having an alternate). Special districts have the ability to "opt in" to representation on LAFCOs and since 1972, special districts have chosen to obtain representation on 30 of the 58 LAFCOs. Special Districts have served on Contra Costa LAFCO since 1994.

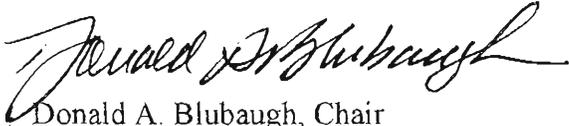
Under current law, special districts may acquire representation on a LAFCO if a majority of all special districts in the county adopt a Board resolution supporting such action, with all of them having to be adopted within a one-year period. This can be a time intensive process requiring resources and an organized effort.

**AB 979** simplifies this process by mirroring the existing election process for appointment of LAFCO commissioners through the independent special districts selection committee. The change would allow special district representation on LAFCO to be achieved through a more streamlined process while still allowing for each district to vote on the matter.

Simplifying the LAFCO representation process would empower special districts in the 28 counties with no special district representation to more effectively consider their participation on LAFCO. We believe special district representation on LAFCO provides a more diverse and balanced decision-making foundation to the LAFCO process.

For these reasons, we are pleased to support *AB 979* and thank you for authoring this important piece of legislation.

Yours sincerely,



Donald A. Blubaugh, Chair  
Contra Costa LAFCO

- c: Members, Assembly Local Government Committee
- Misa Lennox, Associate Consultant, Assembly Local Government Committee
- William Weber, Consultant, Assembly Republican Caucus
- Pamela Miller, Executive Director, California Association of Local Agency Formation Commissions
- Kyle Packham, Legislative Director, California Special Districts Association

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Please direct all  
communications to the  
Commission office:

**Little Hoover Commission**  
925 L Street, Suite 805  
Sacramento, CA 95814  
(916) 445-2125 or  
(916) 322-7709 (fax)  
[littlehoover@lhc.ca.gov](mailto:littlehoover@lhc.ca.gov)

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- **Scott Barnett**
- **David Beier**
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May 10, 2017 (Agenda)

May 10, 2017  
Agenda Item 13

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

**Contract Extension – Lamphier-Gregory**

Dear Commissioners:

Contra Costa LAFCO contracts with Lamphier-Gregory for “as-needed” environmental planning services. Under the contract, Nat Taylor, Senior Planner/Project Manager, supports LAFCO as follows:

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

The firm is familiar with projects and issues in Contra Costa County, and has extensive experience working with Contra Costa and other LAFCOs. The firm is currently working with LAFCO on various projects including several complex boundary change proposals and development of new policies. Given the firm’s exemplary work and familiarity with Contra Costa LAFCO issues, staff recommends an extension of the current contract, as provided for in the FY 2017-18 budget.

**RECOMMENDATION:** Authorize LAFCO staff to execute a one-year contract extension with Lamphier-Gregory extending the term of the contract through June 30, 2018. The amendment includes no increase to hourly rates and the addition of \$20,000 to the contract amount. Adequate funds are included in the FY 2017-18 LAFCO budget.

Sincerely,

Lou Ann Teixeira  
Executive Officer

Attachment: Amendment Agreement

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

PO Number: \_\_\_\_\_

**AGREEMENT AMENDMENT**

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

Said contract is hereby amended:

TERM will be from July 1, 2011 through **June 30, 2018**.

PAYMENT LIMIT will be increased by \$20,000

HOURLY RATES (Exhibit B) are amended as follows:

Principal	\$225/hour
Senior Planner	\$180/hour
Associate Planner	\$170/hour

This amendment is effective July 1, 2017.

IN WITNESS THEREOF, the parties hereto have executed this amendment this 10<sup>th</sup> day of May 2017.

CONTRA COSTA LAFCO

CONTRACTOR  
LAMPHIER GREGORY

By: \_\_\_\_\_  
LAFCO Executive Officer

By: \_\_\_\_\_

Taxpayer ID#: \_\_\_\_\_

APPROVED AS TO FORM

\_\_\_\_\_  
LAFCO Legal Counsel

I hereby certify under penalty of perjury that the Executive Officer of the Contra Costa LAFCO was duly authorized to execute this document on behalf of the Contra Costa LAFCO by a majority vote of the Commission on May 10, 2017.

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Contra Costa LAFCO Clerk



Lou Ann Texeira  
Executive Officer

**MEMBERS**

**Candace Andersen**  
County Member

**Donald A. Blubaugh**  
Public Member

**Federal Glover**  
County Member

**Michael R. McGill**  
Special District Member

**Rob Schroder**  
City Member

**Igor Skaredoff**  
Special District Member

**Don Tatzin**  
City Member

**ALTERNATE MEMBERS**

**Diane Burgis**  
County Member

**Sharon Burke**  
Public Member

**Tom Butt**  
City Member

**Stanley Caldwell**  
Special District Member

May 10, 2017  
Agenda Item 14

May 10, 2017 (Agenda)

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

**Release of Draft Plan Bay Area 2040**

Dear Members of the Commission:

On April 4<sup>th</sup>, following two years of public discussion and technical work, the Draft Plan Bay Area 2040 was released for public review (available online at [2040.planbayarea.org](http://2040.planbayarea.org)).

As noted in the release message, *the Draft Plan Bay Area 2040 is an updated long-range Regional Transportation Plan and Sustainable Communities Strategy for the 9-county San Francisco Bay Area. This document discusses how the Bay Area will grow over the next 20 years and identifies transportation and land use strategies to enable a more sustainable, equitable and economically vibrant future. Starting with the current state of the region, this document describes Plan Bay Area 2040 and its goals, a proposed growth pattern and supporting transportation investment strategy, and key actions needed to address ongoing and long-term regional challenges.*

The plan is a joint effort of the Metropolitan Transportation Commission (MTC), the region's transportation planning, financing, and coordinating agency, and the Association of Bay Area Governments (ABAG), the Council of Governments and official regional planning agency for the 101 cities and towns, and nine counties of the Bay Area.

Plan Bay Area 2040 is a limited and focused update of the region's previous integrated transportation and land use plan, [Plan Bay Area](http://Plan Bay Area), adopted in 2013. For more information, including workshop dates and locations, please visit [www.PlanBayArea.org](http://www.PlanBayArea.org).

*This is an informational item; no action by the Commission is required.*

Sincerely,

LOU ANN TEXEIRA  
EXECUTIVE OFFICER

March 9, 2017

May 10, 2017  
Agenda Item 15

Chair Donald Blubaugh  
Contra Costa LAFCo  
651 Pine Street, 6<sup>th</sup> Floor  
Martinez, CA 94553

Chair Blubaugh and Commission:

On behalf of the Board of Directors of CALAFCO, I want to acknowledge and thank Commissioner Don Tatzin for testifying at yesterday's Assembly Local Government Committee (ALGC) oversight hearing on healthcare districts and LAFCOs. Taking an entire day away from his regular responsibilities and even missing your LAFCo meeting, he traveled to Sacramento for this hearing.

Commissioner Tatzin's testimony was very well received and a strong example of the good work being done by your LAFCo and many other LAFCOs with respect to improving the delivery of healthcare services in the communities we serve. His frank and honest conveyance of the current landscape of healthcare districts in Contra Costa County, as well as the process your commission used in determining the best outcome for the Mt. Diablo Healthcare District (now the Concord/Pleasant Hill Healthcare District), highlighted LAFCo's ability to take action as appropriate in a thoughtful and deliberative manner.

We truly appreciate Commissioner Tatzin's willingness to share your story and his insights with the ALGC, and doing so with the utmost professionalism and integrity.

The Board of Directors and I thank you for your ongoing partnership and support of CALAFCO.

Sincerely,



Pamela Miller  
Executive Director



**AGENDA**

May 10, 2017  
Agenda Item 16

**RETIREMENT BOARD MEETING**

SECOND MONTHLY MEETING  
March 22, 2017  
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 February 8, 2017 meeting.

***CLOSED SESSION***

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

Agency designated representatives:  
Gail Strohl, Chief Executive Officer  
Christina Dunn, Admin/HR Manager  
Joe Wiley, CCCERA's Chief Negotiator

Employee Organization: AFSCME, Local 2700  
Unrepresented Employees: All CCCERA unrepresented positions

5. The Board will continue in closed session pursuant to Govt. Code Section 54956.9(d)(4) to confer with legal counsel regarding initiation of litigation (one potential case).

***OPEN SESSION***

6. Review of total portfolio performance for period ending December 31, 2016.
7. Presentation from Chief Investment Officer and Verus on updated capital market assumptions and suggested revisions to strategic asset allocation.
8. Educational presentation on Composition of Diversifying sub-portfolio.
9. Presentation of Liquidity Report for February 2017.

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.

10. Consider and take possible action on SACRS Board of Directors Election.
11. Consider and take possible action on SACRS Voting Proxy Form.
12. Consider authorizing the attendance of Board and/or staff:
  - a. CRCEA Spring Conference, CRCEA, April 24-26, 2017, Ventura, CA  
*(Note: conflict with April 26, 2017 Board Meeting)*
  - b. SACRS Spring Conference, SACRS, May 16-19, 2017, Napa, CA
  - c. NCPERS Annual Conference & Exhibition, NCPERS, May 21-24, 2017, Hollywood, FL  
*(Note: conflict with May 24, 2017 Board Meeting)*
13. Miscellaneous
  - a. Staff Reports
  - b. Outside Professionals' Report
  - c. Trustees' comments

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



## AGENDA

### RETIREMENT BOARD MEETING

REGULAR MEETING  
April 12, 2017  
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. Recognition of Anne Sommers for 30 years of service.
3. Accept comments from the public.
4. Routine items for April 12, 2017.
  - a. Approve certifications of membership.
  - b. Approve service and disability allowances.
  - c. Accept disability applications and authorize subpoenas as required.
  - d. Approve death benefits.
  - e. Accept Asset Allocation Report

### ***CLOSED SESSION***

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

Agency designated representatives:  
Gail Strohl, Chief Executive Officer  
Christina Dunn, Admin/HR Manager  
Joe Wiley, CCCERA's Chief Negotiator

Employee Organization: AFSCME, Local 2700  
Unrepresented Employees: All CCCERA unrepresented positions

6. The Board will continue in closed session pursuant to Govt. Code Section 54956.9(d)(1) to confer with legal counsel regarding pending litigation:
  - a. *Peter J. Nowicki v. CCCERA, et al.*, U.S. District Court, N.D. Cal., Case No.: 17 cv-00629
  - b. *CCCERA v. Fleming*, Contra Costa Superior Court, Case No.: 16-01443
  - c. *Marianne Irvin v. CCCERA, et al.*, Court of Appeal, Case No.: A149642
  - d. *Debra Fernandez v. CCCERA, et al.*, Contra Costa Superior Court, Case No.: N17-0366

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.

***OPEN SESSION***

7. Consider and take possible action to adopt the Memorandum of Understanding between CCCERA and United Clerical, Technical & Specialized Employees (AFSCME), Local 2700, January 1, 2017 through December 31, 2018 and authorize CEO to execute said MOU.
8. Consider and take possible action to adopt the CCCERA pay schedules for all CCCERA classifications effective April 16, 2017.
9. Presentation on travel reimbursement and educational tracking process.
10. Consider authorizing the attendance of Board & Staff:
  - a. 28<sup>th</sup> Annual Pension and Financial Services Conference, National Association of Securities Professionals, June 26-28, 2017, Los Angeles, CA
11. Miscellaneous
  - a. Staff Report
  - b. Outside Professionals' Report
  - c. Trustees' comments



**AGENDA**

**RETIREMENT BOARD**  
**AUDIT COMMITTEE MEETING**

April 12, 2017  
11:00 am or  
after the Retirement Board meeting adjourns

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

THE AUDIT COMMITTEE MAY DISCUSS AND TAKE ACTION ON THE FOLLOWING:

1. Accept comments from the public.
2. Approve minutes from the November 2, 2016 Audit Committee Meeting.
3. 2016 Audit Presentation by Brown Armstrong, CCCERA's External Auditor.
4. Consider and make possible recommendation to Board on Icon Integration and Design, Inc. to provide pension administration information management and reporting audit services.
5. Presentation of CCCERA 2017 Compliance Activity Plan.
6. Presentation on Employer Contribution and Reporting Monitoring Process.
7. Staff Status Updates.

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.

# M E M O R A N D U M

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**CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION**  
651 Pine Street, Sixth Floor ♦ Martinez CA 94553 ♦ (925) 335-1094 ♦ Fax (925) 335-1031

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May 10, 2017

May 10, 2017  
Agenda Item 18a

**TO:** Each Member of the Commission

**FROM:** Contra Costa LAFCO Staff

**SUBJECT:** Highlights of 2017 Annual CALAFCO Staff Workshop

Your Executive Officer attended the 2017 Annual CALAFCO Staff Workshop in Fresno (April 5-7) hosted by Fresno LAFCO. The workshop was well attended by over 100 participants and guests representing 36 of the 58 LAFCOs.

The workshop program offered a mobile workshop which included a tour of the *Forestiere Underground Gardens* and a visit to Fresno State University to tour the department of Viticulture & Enology – both visits were fascinating and informative.

The workshop provided practical and hands-on courses, including general (G) and breakout (B) sessions, staff roundtables, and CALAFCO legislative and business updates (see below). Contra Costa LAFCO staff presented at the session on healthcare districts and at the legislative briefing.

- How to Increase the Odds of You and Your Organization Avoiding an Ethics Crisis (G)
- Staff Roundtables (B)
- LAFCO 101 (B)
- Board of Equalization Mapping Processes and Requirements (B)
- Healthcare Districts and LAFCOs (B)
- Sustainable Groundwater Management Act and LAFCOs (G)
- Disadvantaged Unincorporated Communities (B)
- To be Sued or Not to be Sued (B)
- Making Sense Out of Out of Agency Service Agreements (B)
- All Things Cannabis: Land Use, Cultivation, Water and Ag Land Preservation and Impacts (B)
- SB 88/SB 552 – Consolidation of Water Systems (B)
- MSR Accountability in an Open Data Climate (B)
- CEQA – What to Look for in CEQA Documents (B)
- CALAFCO Organization & Legislative Updates (G)

The staff workshop provided hands-on training focusing on day-to-day LAFCO operations and timely issues of significance. The workshop also provided a valuable opportunity to network with other LAFCO professionals. CALAFCO has posted workshop handouts on the CALAFCO website at [www.calafco.org](http://www.calafco.org).

LAFCO staff thanks the Commission for the opportunity to attend.

c: Sharon Anderson, LAFCO Legal Counsel  
Kate Sibley, LAFCO Clerk  
Nat Taylor, LAFCO Planner

**CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
PENDING PROPOSALS – MAY 10, 2017**

May 10, 2017  
Agenda Item 18b

<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
Heyden-Montalbo Annexation to City of Martinez – proposed annexation of 0.12+ acres (one parcel) on Sierra Avenue	Jan 2017	Under review
151 Circle Drive – Annexation to City of Walnut Creek – proposed annexation of 0.179± acres located at 151 Circle Drive	Mar 2017	Under review

## **Napa County LAFCO pondering its role in shaping county's future**

- [BARRY EBERLING beberling@napanews.com](mailto:beberling@napanews.com)
- **Mar 8, 2017** Updated 18 hrs ago

The Local Agency Formation Commission of Napa County wants to go from being the agency many people have never heard of to a proactive player helping to shape the county's future.

Perhaps LAFCO will take a comprehensive look at how to balance housing needs in coming decades with agricultural preservation. That could include signaling where growth makes the most sense for cities such as Napa, which will soon update its general plan.

The commission could lead a discussion on local cities and the county sharing services to save money, be it police or financial services or corporation yards. It could leave the bureaucratic shadows and enter the public policy fray, at the very least as a hot-topic conversation catalyst.

“Big-picture thinking” is how Commissioner and county Supervisor Diane Dillon put it at Monday's LAFCO workshop.

All 58 California counties have LAFCOs under state law passed in 1963. The state-imposed responsibilities range from protecting agriculture to limiting sprawl to ensuring orderly growth of public services.

Commission powers include approving annexations by cities, the creation of new cities and service boundary extensions by sewer districts and other special districts.

That said, individual LAFCOs have elasticity. Some might press forward aggressively doing such things as annexing "island" pockets of unincorporated land to cities and others might simply approve requested annexations from cities and rarely meet.

“What's right for the Alameda LAFCO might not be right for Napa LAFCO,” said consultant William Chiat, who led Monday's workshop.

The workshop amounted to the Napa LAFCO searching for an expanded identity. Local commissioners are elected officials from Napa County and its cities and public representatives.

Commissioner and county Supervisor Ryan Gregory said LAFCO could set certain expectations on what cities must do before it will expand their growth boundaries, such as having higher densities or building taller housing projects.

“To help us explain, for example, why we need density on Old Sonoma Road,” Gregory said.

Napa County wants to redevelop its 8.6-acre, former Health and Human Services Agency site on Old Sonoma Road with housing. It plans to seek approval from the city of Napa so a developer can build apartments and townhouses there, given the property is within city boundaries.

But Napa City Councilwoman Juliana Inman had a reply for Gregory.

“LAFCO shouldn’t determine that the city of Napa should be having high rises on Old Sonoma Road,” Inman said. “LAFCO doesn’t go there.”

Chiat said that LAFCO can’t regulate land use, though its decisions affect how land is used.

Inman noted the city of Napa will soon be updating its general plan. That raises questions of when in coming decades the city will need to expand its boundaries to accommodate housing growth and how to balance growth with agricultural protection.

Most of the Stanly Ranch area annexed by the city of Napa decades ago in the Carneros area will never be urban, Inman said. She suggested that LAFCO could someday return it to the county for agricultural preservation and let the city annex land more suitable for development.

Chiat said LAFCO has this power. It could condition a future annexation on detaching land at another location from the city for agriculture.

The city of Napa has approved the VieVage hotel and resort for 93 acres of the 700-acre Stanly Ranch. The rest of the land is to be vineyards and wineries.

Resident John Stewart suggested LAFCO explore having a municipal utility district serving the Napa Valley. He mentioned water and wastewater as possible utilities.

A well-known, regional municipal utility district is East Bay Municipal Utility District, which provides water to 1.4 million people in Contra Costa and Alameda counties. The alternative is for each city to provide the service.

Napa LAFCO has only one full-time employee – Executive Officer Brendon Freeman – and a half-time secretary. It has an annual budget of about \$500,000 that could also be used to hire a staff analyst or consultants.

At a future meeting, LAFCO commissioners will take another look at their dreams for the agency and decide which can be realized, given the limited resources.

## East Bay Times

# Danville: New developer hoping to revive Magee Ranch housing project



Doug Duran/Staff

Bicyclists travel on Diablo Road between Mt. Diablo Scenic Boulevard and Green Valley Road in Danville, Calif., near the proposed Magee Ranch housing development, in 2015. The housing project has a new developer, Davidon Homes.

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

PUBLISHED: **March 10, 2017** at 6:40 am | UPDATED: March 10, 2017 at 7:49 am

DANVILLE — The saga of the proposed 69-home Magee Ranch housing development continues, with a developer stepping in the approval process largely starting anew.

Meanwhile, the open space preservation group that has fought the project since 2013, when it sued the Danville Town Council over environmental concerns, is looking for essentially the same concessions it has sought all along — a smaller project, and protecting bicyclists who use nearby Diablo Road on their way to and from Mount Diablo State Park.

Walnut Creek-based Davidon Homes became the developer, and applicant, for the project in February. San Ramon-based SummerHill Homes, Magee Ranch's lead developer since its inception in 2010, walked away soon after Contra Costa County Superior Court Judge Barry Goode ruled in March 2016 that the project's environmental impact report must be redone to address bicycle safety.

The bicycle safety issue, the judge said, is affected by the design of the housing project itself, including the entryways from the new houses onto Diablo Road; simply adding more thorough bicycling information to the old data, Goode said, wasn't enough.

After SummerHill's, the Magee family became the de-facto developers. The project was essentially in limbo until Davidon stepped in.

David Crompton, Danville's senior planner, said the environmental impact report work should begin soon.

“The town has to go back and do additional work to address bicycle safety” along Diablo Road, Crompton said Thursday. The town will commission the new EIR work, Crompton said, and Davidon will pay for it.

Steve Abbs, Davidon’s vice president of land acquisition and development, didn’t return calls for comment.

In 2013, the group SOS-Danville filed a lawsuit that attracted the attention not only of locals concerned about developing agricultural space, but also of bicycling enthusiasts from throughout the region who pay attention to safety along Diablo Road — a popular route.

The winding, narrow Diablo Road already is dangerous for bicyclists even without the new traffic Magee Ranch homes would generate, said SOS-Danville member Maryann Cella.

“Our group is prepared to continue our opposition to what we consider to be an appalling project” proposed on historic ranch land, Cella said. An acceptable compromise, she said, could be fewer homes and a full bike lane on the south side of Diablo Road. A separate 8-foot-wide bike lane built into the hillside south of Diablo Road, she said, is not a workable option.



Published March 22nd, 2017

## ConFire Station 16: Process defeating progress

By Nick Marnell

The Lafayette Design Review Commission approved plans for Contra Costa County Fire Protection District Fire Station 16 in February, and the project next proceeds to the Lafayette Planning and Building department for issuance of a building permit.



"Station 16 is about half the size of a normal fire station for us," Deputy Chief Lewis Broschard told the commission. The rebuilt station will include 2,713 square feet of living quarters for three firefighters plus a 1,100-square-foot apparatus bay.

"The station will look like a ranch-style home, and will look better than what has resided on that spot for the past 20 years," Broschard said, referring to the mobile structure that sat on the site since 1995.

Proposed Station 16 in Lafayette. Photo courtesy ConFire

Broschard explained that because of the small space, the Station 16 apparatus bay can only allow the engines to

back in to the garage, though ConFire prefers a drive-in facility. He said that the apparatus bay is more than just a garage but also serves as a storage area for personal protective gear and decontamination equipment.

The district has scheduled meetings with an energy consultant, as the building has to adhere to the Contra Costa County sustainable energy requirements. The fire station must also receive a Leadership in Energy and Environmental Design rating indicating that the station is green-certified.

The ConFire project manager, Kitchell Northern California, has begun the prequalification of building contractors. In the meantime, the district is drafting its construction and design plans to submit to the city building department. Broschard said that since a fire station is an essential services facility, it must not only be strong enough to respond to community needs but also become the focal point for relief efforts in a major disaster, and so the construction and design requirements are far more rigid than for a single-family home.

Lafayette resident Erling Horn, a member of the ConFire advisory fire commission, implored officials to move quickly on the project. "I urge approval posthaste before the county decides to spend its money someplace else," he said.

Reach the reporter at: [nick@lamorindaweekly.com](mailto:nick@lamorindaweekly.com)

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Published March 22nd, 2017

## MOFD unrestricted general fund deficit soars to \$60 million

By Nick Marnell

The Moraga-Orinda Fire District board unanimously approved revised financial reports from 2105 and 2016 at its March 15 district meeting, the MOFD financial reporting ad hoc committee having recommended a write off of \$23 million for an incorrectly recorded prepaid item on the district balance sheet. But one director was furious that the committee failed to provide its information to the rest of the board members prior to the district meeting.

The district purchased a \$28 million pension obligation bond in 2005 to pay down its unfunded pension liability, and recorded the amount as a prepaid item on its balance sheet. Accounting rules changed in 2015 and no longer should the district have recorded that figure as a prepaid item. After research and evidence collected by the ad hoc committee, comprising directors John Jex and Craig Jorgens, and a conference call that included a senior staff member of the Governmental Standards Accounting Board, the district staff revised the financial reports, writing off the \$23 million balance of the bond and increasing the district's unrestricted general fund deficit to more than \$60 million.

Jex, a retired Deloitte audit partner, later put into perspective the complexity of the accounting involved. "I cannot remember, in my 35 years as an auditor, ever going to the Financial Accounting Standards Board with a question," he said.

Though he did not disagree with its findings, Director Steve Anderson chastised the committee for not including other board members in the loop prior to the district meeting. "The ad hoc committee does not serve the ad hoc committee. The ad hoc committee serves the whole board," he said. Anderson demanded that if another director requests information of an ad hoc committee, it should supply the information, regardless of the inconvenience it might cause.

Anderson was not finished. "I was extremely perturbed when I discovered that a member of my division called me and told me all of the information," he said.

Jorgens did not consider that communication to be seditious. "It's not a Brown Act violation to communicate to an outsider as long as that person is not acting as an agent of a board member," he said, referring to legislation that regulates how public meetings are conducted.

MOFD outside counsel John Bakker said that ad hoc committee meetings may be held privately but a third director cannot be present unless the meeting is posted and noticed to the public. The ad hoc committee may provide a purely informational, one-way transmission of its findings to the board without posting a public meeting.

The district voted to terminate its financial reporting ad hoc committee, and created one to search for a new district auditor.

Reach the reporter at: [nick@lamorindaweekly.com](mailto:nick@lamorindaweekly.com)

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## East Bay Times

# Fire district directors support Brentwood fire station proposal



A sign notifies people that the East Contra Costa Fire Station 54 has been closed for service in Brentwood on Sept. 28, 2015. (Jose Carlos Fajardo/Bay Area News Group)

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

PUBLISHED: **April 5, 2017** at 5:04 pm | UPDATED: April 6, 2017 at 4:41 am

**BRENTWOOD** — The East Contra Costa Fire Protection District’s board has voted to go forward with negotiating funding for a fourth fire station to be located in Brentwood.

This decision comes on the heels of the Brentwood [city council’s decision on March 28](#) to either pay for the fourth fire station in Knightsen with help from Oakley and Contra Costa County, or to fund a fourth fire station in Brentwood.

Brentwood city councilmembers and the council’s Fire and Medical Ad Hoc Committee argued that the need for action was imminent, since the fourth fire station in Knightsen would need to begin winding down operations in mid- to late-April before its closure in June.

In response, the fire district directors voted 7 to 2 to negotiate a partnership with Brentwood and to let the fire station in Knightsen close. Director Doug Hardcastle of Oakley and director Robert Kenny from the county were both in the dissent.

While the station will be located in Downtown Brentwood, it will service the entire district. Brentwood will be responsible for \$3 million of the costs, which would come from unallocated community facility district funds. The remaining \$4.2 million would be funded by the district.

Joe Young, Brentwood's appointed member on the fire district board, said that the board saw a lack of support from Contra Costa County supervisor Diane Burgis and Oakley City Councilmember Kevin Romick.

"The board is concerned that we are already losing firefighters that are going to other jobs. It costs \$20,000 to train one of these guys," Young said. "This is a time driver and the board felt we should try to put something in place in the city of Brentwood as quickly as possible to keep those firefighters from leaving and to allow us to have a fourth fire station."

Doug Hardcastle, Oakley city councilmember and the city's representation on the fire district board, voted against the decision to go with Brentwood alone.

Hardcastle said that the Oakley City Council was never informed of the urgency of this vote by its representatives to Brentwood's ad hoc committee.

"We are elected for the safety of the people who put us on the city council, whether it's fire or police services," Hardcastle said. "We didn't do that. The ball was dropped."

Oakley Councilmember Kevin Romick represented the city during meetings with Brentwood's Fire and Medical Ad Hoc committee. He argued that Brentwood surprised the city of Oakley with the decision to fund the fire station alone.

In Oakley's March 28 city council meeting, Romick reported to the city council that Brentwood was potentially pursuing funding the fourth station alone. "Knock yourselves out, guys. If you want to fund the fourth fire station with your (facilities) money and with the fire district money, I'm all for it. Keep it going."

Brentwood's city manager, Gus Vina, said that neither Oakley nor the county could say they didn't have enough time.

"To say that people didn't know or didn't have enough time to decide is not appropriate," Vina said. "We very directly asked them in February if they wanted to participate in the current (funding extension). That's not new. We were very candid that the results would go to the city council on March 28."

The Brentwood City Council is expected to approve the partnership in a vote on April 11. The next step would be to bring the agreement and the authorization of funds back to the Brentwood City Council meeting on April 25. The fire district board of directors would then cast a final vote on the agreement during their meeting on May 1.

Brentwood currently has a closed fire station at 739 First St. that would be the only fire station in the city that could accommodate firefighters by June 1.

## East Bay Times

# East Contra Costa County: Bill would take money from parks for fire safety

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

PUBLISHED: **April 5, 2017** at 12:53 pm | UPDATED: April 5, 2017 at 6:01 pm

A state lawmaker on Wednesday proposed a novel idea to solve a local fire district's budget woes: Take \$10.5 million from the regional park district.



Jim Frazier

Assemblyman Jim Frazier, D-Oakley, introduced a bill to reopen three shuttered fire stations in far eastern Contra Costa County by using property tax funds from the East Bay Regional Park system.

The park district took no time to label the proposal a thinly veiled money grab that would strip the district of about 8 percent of its operating budget, triggering park closures or reduced operating hours and the postponement of opening a long-awaited new regional park at the old Concord Naval Weapons Station.

“This is robbing money from Concord, Oakland, Fremont and other East Bay communities and giving to an area where we don’t even get property taxes,” said Bob Doyle, general manager of the regional park district covering Contra Costa and Alameda counties.

Frazier said the money redistribution is necessary to protect lives and property in the East Contra Costa Fire Protection District, where local voters rejected have three different tax or fee measures.

“The park district has done some great things, but it comes down to whether you want to spend the money on parks or to save lives,” Frazier said of his Assembly Bill 898. “How do you put out a fire when you cannot respond in a timely manner? We’re in a desperate situation.”

Voters have made clear they aren’t willing to pay more for fire protection, Frazier said. In November, voters in Brentwood and Oakley rejected utility tax measures for fire services.

The fire district once had eight stations but is down to four to serve some 110,000 people in Brentwood, Oakley, Discovery Bay, Knightsen and Bethel Island. And the station in Knightsen is set to close in June unless the fire district lines up more funds.

Frazier said East Contra Costa fire district is allocated an unreasonably small share of local property taxes because of rigid state rules from the late 1970s on carrying out the Proposition 13 tax-slashing measure.

Because the district had a small population back then, it was allocated only about 7 percent of property taxes, a half or a third of what many other Contra Costa fire districts get. The east county fire district's percentage share of the tax pie has not grown despite the area's huge population growth.

Frazier, he believes the park district is in a much better position to give up "discretionary" funds than cities or school districts in eastern Contra Costa County because it has a healthy reserve and its budget has grown as it bought more park land.

He said he also singled out the park district because it received an exemption from a 1992 state reallocation of local government funds to school districts. After benefiting from that exemption for 25 years, the park district should be willing to give up some of those funds, Frazier asserted.

"We are not stealing money," he said. "The park district benefited from this exemption and preferential treatment for many years."

Park district officials, however, said the agency qualified for the exemption because it is a multi-county special district that provided fire and police services. The park district also operates the popular state-owned Del Valle, East Shore and Crown Beach parks without state operating funds.

Doyle contends the fire district should not be rewarded with a tax reallocation when it failed to win voter support for local tax measures — in contrast to the regional park district which won voter approval for a \$500 million bond measure in 2008 to buy and improve parkland.

"Property tax diversion from one high performing agency, which has the trust of voters, to another agency, which has not built the sufficient support of voters, is a dangerous precedent," Doyle said.

Joel Byrant, president of the East Contra Costa fire board, said he thinks Frazier's bill should be considered "as a way to save lives in our area" even though the fire board hasn't yet taken a stand on the bill.

In a related matter, the fire board earlier this week agreed to work with the city of Brentwood toward developing an agreement for Brentwood to pay to keep a fire station open.

The fire district also is talking with the city of Oakley and Contra Costa County to see if those agencies would consider helping pay to keep a station open.

Published April 5th, 2017

## Fire Chief Paige Meyer: the Joe Montana of fire service

By Nick Marnell



Courtesy San Ramon Valley Fire

Intelligence combined with people skills, passion and a solid work ethic invariably produce an effective leader. Lafayette's Paige Meyer, fire chief of the San Ramon Valley Fire Protection District, personifies that formula, even drawing a comparison to the San Francisco 49ers' all-time great quarterback.

### Early career

Meyer grew up in Stockton. He says his mother was a big influence in his life, teaching him to be the hardest worker he could be and do something you love and are passionate about.

His career in public service began as a lifeguard on the state beach circuit where he learned the severity and importance of helping those in distress. "I was doing something that mattered, with the self-satisfaction of making a difference."

On injury calls the fire department would come to the beach. The firefighters all thought Meyer had the greatest job in the world, but he felt a calling to theirs, and Meyer volunteered at the Stockton Fire Department. A true sense of purpose hit him as a volunteer.

### Public Service in Sunnyvale

Meyer became obsessed to score a firefighter job. He changed his Chico major to public policy, he commuted between school and Stockton for fire meetings and he tested for every fire job that came up. He landed his first paid position in Sunnyvale, in its public service department, where he worked as both a police officer and a firefighter. "I had little or no interest in being a police officer, though I have a ton of respect for them. I was terrified. I was a firefighter in a cop's world."

He learned on one of his first fire calls the importance of thinking and working smart. Meyer attacked a structure fire, into the smoke, the fire ripping and blowing, his helmet melting, his face burning - hard core firefighters love to "feel the fire." A colleague bailed him out. "It taught me that you should never have any close calls. You need to control your atmosphere when you walk in that building. If you can't, then the victim is dead. You have to understand that there's more to putting out a fire than adding water."

Meyer was bored with police work and he applied for firefighter positions. "I got job offers from Stockton and Vallejo on the same day. I leaned toward Stockton, my wife didn't want Stockton." He took the job in Vallejo in 1997.

### Sixteen years in Vallejo

His head nearly exploded with what Vallejo offered. "Diverse calls. Fires, shootings, stabbings, you name it. I loved it!" He got involved with the union on the negotiating committee. Meyer worked as a firefighter, captain and battalion chief but he twice turned down the fire chief position.

In 2011, City Manager Phil Batchelor, a published author, used his way with words when he offered Meyer the fire chief job again. "I've got a question for you," Batchelor said. "Are you going to live your life with fear, or are you going to empower yourself to be as great as you can be? Answer that question, and you'll find the answer to whether you'll take this job."

"I took it," Meyer said. "He knew what would make me tick."

Meyer was 41 and never felt so stressed out in his life. He dealt with a math nightmare. Because of its dire financial plight the city had cut the fire staff in half, responding to 13,000 calls a year with four engine companies, down from eight. Fires burned longer because it often took longer to get to them. How do you keep people safe when you're doing more with less?

"You have to do things by the book. You have to think. Everyone wants to be a hero but you can't be a hero

alone. Three firefighters might be on a fire a long time, and they have to make great decisions. You cannot operate the same way with a staffing reduction."

Meyer brought in command and control training. He had to deal with disciplinary issues. The firefighters' code? "The code is to give victims their best chance for survival, and to go home safe. The code isn't running around and getting yourself hurt or killed."

He loved leading a gritty department but he demanded that his personnel think and that they understand the job and the risks. The Vallejo crews didn't always do things the right way and Meyer had to change the mindset. If he didn't, he'd be handing a flag to someone's family member.

"I've met a couple of people who could outrun a fire, and I've met a couple of people who could grab me by the neck and drag me out of a burning building in 10 seconds. But 99.9 percent of us can't do it like in the movies."

San Ramon Valley today

The Vallejo Fire Department was just that - a city department, with Meyer the department head. He jumped at the opportunity in 2013 to lead the San Ramon Valley Fire Prevention District - an independent, special district with its own governing board. Meyer loved that he could live and die on his own merits. Again he had to change a culture.

"We had financial problems we shouldn't have had. We were building a \$10 million fire station but the firefighters were taking a pay cut. It didn't make sense!"

Meyer changed the staffing model, redeployed resources and with the help of a better economy the district solved its fiscal problems. He lowered the station cost to under \$5 million.

The district runs 90 percent emergency medical calls. "So we better be the best at it." Meyer brought in a medical director and added training, constantly trying to improve quality. He ran the district as a business.

With the new deployment, the district cardiac save rate hovers at near 50 percent. "That's where we make an impact. But we can always do better." He plans to revamp the Fire Prevention Division from an enforcement arm into a business-friendly department, and to become more involved in disaster preparedness.

"Paige is doing an excellent job," said district board president Donald Parker. "He has brought about a harmony of the board, the union and the community unlike any chief I have ever seen."

Concurred by Capt. Mike Mohun, Local 3546 president, who said that Meyer and he share the same goals: To provide a high degree of service to the community, to give all employees the opportunity to succeed and to treat people with respect. "Paige relates well to others and recognizes their strengths. With his high level of energy and intelligence, I sometimes feel that I'm working with Joe Montana," Mohun said.

Meyer spends most of his off time with his wife, two daughters and son. His oldest plays on the Campolindo High School girls basketball team, the 2017 Northern California champions. (See page C1)

"My board believes in saving lives and property. My firefighters believe the same thing. The union and the administration are second to none. That makes my life easy.

"I'm a small part of big things that are going on."

Best-selling author Michael Lewis ("Moneyball") profiled Meyer and his Vallejo performance in "Boomerang: Travels in the New Third World."

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Published April 5th, 2017

## Emergency response times in north Orinda rise since sinkhole

By Nick Marnell



Photo Gint Federas

stationed closer to Miner Road.

According to district records, for the two months prior to the sinkhole, first-responding units arrived at 15 Code 3 north Orinda calls in an average of eight minutes and 33 seconds. For the two months since the sinkhole, first-arriving crews responded to 11 calls in the same area in an average of nine minutes and 49 seconds.

One of the calls in the post-sinkhole time frame included a Feb. 20 response to a car fire in the far western end of north Orinda, on Bobolink Road. Because the first due responding unit from Fire Station 45 was on an emergency medical call, the crew from Station 43 ran the call and took more than 12 minutes to arrive. The car fire turned out to be a false alarm.

Comparing the arrival of first-responding units to the scene of all Orinda emergency calls of February 2016 to February of this year, average response time increased 24 seconds in 2017 to nine minutes and 17 seconds. For Moraga, average response time decreased 10 seconds between the same periods to six minutes and six seconds.

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## East Bay Times

# John T. Knox, longtime Contra Costa Assemblyman, dies



Herman Bustamante Jr./Times archive

Former Assemblyman John T. Knox from West Contra Costa died Tuesday at 92.

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

PUBLISHED: April 5, 2017 at 11:02 am | UPDATED: April 5, 2017 at 5:44 pm

RICHMOND — Former state Assemblyman John T. Knox, a liberal Democrat who was a driving force behind the 1970 creation of the California Environmental Quality Act (CEQA) and the San Francisco Bay Conservation and Development Commission in 1965, died Monday at Kaiser Permanente Hospital in Richmond after a long illness. He was 92.

Knox represented Contra Costa County in the Assembly from 1960 through 1980 and served as the Assembly speaker pro tem for the last four years of that time. Because of CEQA, state and local agencies are required to identify and mitigate significant environmental impacts of development, construction or other actions. The BCDC's mission is to enhance and protect San Francisco Bay and ensure responsible development along the water.

John H. Knox, the Assemblyman's son, believes those may be his most important accomplishments, his greatest legacies in a political career with a long resume that also included authoring the Knox-Keen Health Care Service Plan, which regulated California's health-maintenance organizations (HMOs).



Gov. Ronald Reagan signs the California Environmental Quality Act in 1970 with Assemblyman John T. Knox, D-Richmond, second from right, and son John H. Knox. At left is Knox's friend, Republican Senator Bob Beverly. (Courtesy of John H. Knox)

“He liked to say he was very proud of being a politician, and that wasn’t a dirty word to him at all,” said the younger Knox. “He was a master negotiator; he got (Gov.) Ronald Reagan to sign the Environmental Quality Act, if that tells you something.”

Former Congressman George Miller said Wednesday that Knox approached his job like the lawyer he was — he prepared thoroughly and presented his arguments smartly and concisely.

“He wasn’t interested in small issues or small ideas — he wanted to save San Francisco Bay and rewrite how local government works,” said Miller, who said he was mentored by Knox much as Knox was mentored by his father, former state Sen George Miller Jr. “He saw what it was that government was for, to get change for the people, to get things done. And he wouldn’t let himself be derailed.”

John T. Knox was born Sept. 30, 1924, in Reno, moving to California at age 5. He earned a bachelor of arts degree from Occidental College in Los Angeles in 1949 and a law degree from Hastings College of Law in San Francisco in 1952. He set up a private law practice in Richmond soon thereafter.

He joined the Assembly in November 1960 after a special election to replace S.C. Masterson, who had resigned. He represented District 11, which at that time represented most of West Contra Costa as well as parts of Orinda and other areas east of the Caldecott Tunnel. He was elected Assembly speaker pro tem for the first time in January 1976 and was re-elected each of the following three years, retiring in 1980.

Knox’s son said creation of the San Francisco Bay Conservation and Development Commission may have saved the bay from a dramatic downsizing, as plans were afoot to fill in large parts of it, including most of the stretch between Richmond and Berkeley, where some sought to build an airport.

“There was rampant filling of the bay going on,” he said. “They had to fight hard to get that bill through.”

There also was the Knox-Nisbet Act of 1963, which helped establish Local Agency Formation Commissions through which cities now annex new lands. That allowed the construction of the 6½-mile stretch of Interstate 580 between the I-80 interchange near Golden Gate Fields west to the Richmond-San Rafael Bridge, which is formally called the John T. Knox Freeway.

“That stretch used to be Highway 17, a four-lane undivided highway known as ‘Blood Alley’ because of all the traffic collisions,” John H. Knox said. “It was unsafe and congested.” The freeway was built from 1987 until 1991, with funding coming years after Knox left the Assembly.

And then there is Miller/Knox Regional Park near Point Richmond, named for him and George Miller Jr., as well as the John & Jean Knox Performing Arts Center at Contra Costa College, where Jean Knox — John T. Knox’s wife of 67 years — was a founding faculty member.

“There is a reason things are named after him; he got things done,” said Contra Costa County Supervisor John Gioia of Richmond. “He did the heavy lifting and the hard work needed to make things happen.”

After leaving the Assembly, Knox joined the San Francisco office of the Los Angeles-based law firm Nossaman, Krueger & Marsh (later Nossaman, Krueger & Knox) as an attorney and lobbyist. He worked for the firm as an attorney and lobbyist for almost 20 years. Later, embracing his “elder statesman’s” role, Gioia said, Knox would often be seen eating lunch at the Hotel Mac in Point Richmond, talking issues with whoever sat down with him. He had done a similar service years earlier, talking to civics classes at Kennedy High School taught by John Gioia’s father. “He was willing to be out in the community like that,” Gioia said.

In addition to his son, John T. Knox is survived by his wife, Jean, daughters Charlotte Knox and Mary Knox and seven grandchildren. Memorial arrangements are pending.

# John Knox, former Contra Costa County assemblyman, dies at 92

By [Bob Egelko](#)

Updated 1:09 pm, Saturday, April 8, 2017

When **Republican Ronald Reagan** was elected governor of California in 1966, ousting Democratic Gov. Pat Brown in a hard-fought campaign, a Bay Area Democrat, Assemblyman John T. “Jack” Knox, decided to calm the waters by inviting Reagan to a private, getting-to-know-you dinner with fellow legislators.

The assemblyman, who died Monday at the age of 92, often spoke of that dinner afterward, describing how Reagan, over drinks, “proceeded to regale the group with decidedly off-color jokes,” said his son, attorney John H. Knox. And it may have paved the way for a working relationship in 1970, when Reagan signed a Knox bill, the landmark California Environmental Quality Act, which requires environmental review of all planned construction projects.

Later, Assemblyman Knox regularly hosted dinners at his Sacramento apartment, attended by fellow lawmakers, staff, lobbyists and sometimes Reagan’s Democratic successor, Jerry Brown.

Assemblyman Knox was a shining example of a time when Democrats and Republicans, or at least some of them, were willing to work together, said Bill Bagley, a former Republican assemblyman from Marin County who was first elected in the same year, 1960.

“We didn’t (even) have partisan aisles,” but sat alongside one another, Bagley said. He described Mr. Knox as “one of California’s greatest legislators ... the greatest legislator I’ve ever known.”

“He did what we’re supposed to do here, work on the big things,” said Assemblyman Tony Thurmond, D-Richmond, who now holds the Assembly seat and described Assemblyman Knox as a mentor.

He spent 20 years in the Assembly, representing western Contra Costa County. Besides the state’s environmental law, he sponsored laws creating the San Francisco Bay Conservation and Development Commission, which was signed by Reagan and thwarted

plans to fill in parts of the bay; authorizing state regulation of health maintenance organizations, rewriting standards for sales of stock and other corporate securities in California, and establishing regional planning agencies.

Nationwide, he was the “foremost authority on local government as it relates to state government” and “also an incredible lawyer,” said Willie Brown, the former San Francisco mayor, Assembly speaker and current Chronicle columnist, who served alongside Assemblyman Knox from 1964 to 1980.

He presided over Assembly sessions as speaker pro tem from 1976 to 1980. Even after he retired from the Legislature and joined a law firm, Brown, then the speaker, brought him back at times to preside as the house parliamentarian.

A section of Interstate 580 leading to the Richmond-San Rafael Bridge is named the John T. Knox Freeway because of his success in obtaining funding to rebuild a dangerous, undivided highway. He also secured funding for converting industrial land in Point Richmond to a park now called the Miller-Knox Regional Park, named for the assemblyman and his onetime mentor, state Sen. George Miller.

John T. Knox was born in Reno in 1924 and moved to California with his family in 1929. He served in the Army Air Corps during World War II, part of the time as a radio announcer in Nome, Alaska. He returned to graduate from Occidental College in Los Angeles, where he met his future wife, Jean Henderson.

After attending law school at what was then Hastings College in San Francisco, he practiced law in Richmond from 1953 until his election in 1960. He returned to law practice 20 years later and started the San Francisco office of the firm Nossaman, Guthner, Knox & Elliott, where he worked until retirement in 2008.

He died in a Richmond hospital. Survivors include his wife of 67 years, Jean; their son, John; daughters, Charlotte and Mary; and seven grandchildren. Plans for a memorial service are pending.

## East Bay Times

# How the drought changed California forever



Looking south, one can see the dried up Guadalupe River near Santa Clara Street in San Jose, Calif., on Friday, July 17, 2015. (Jim Gensheimer/Bay Area News Group)

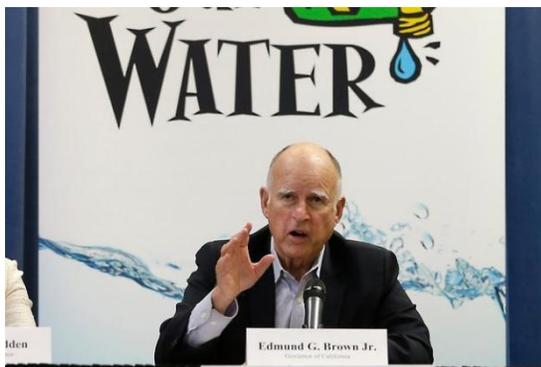
By [Paul Rogers](#) | [progers@bayareanewsgroup.com](mailto:progers@bayareanewsgroup.com) |

PUBLISHED: **April 15, 2017** at 9:45 am | UPDATED: **April 17, 2017** at 5:28 am

California's historic five-year drought is officially over, washed away with the relentlessly drenching rains, floods and snowstorms of this winter.

But just as tougher building codes and better emergency planning follow major earthquakes, the brutally dry years from 2012 to 2016 are already leaving a legacy, experts say, changing the way Californians use water for generations to come.

“There’s no question that we’ll be better prepared for the next drought because of the lessons learned in this one,” said Felicia Marcus, chairwoman of the State Water Resources Control Board in Sacramento. “This was the wake-up call of the century.”



During the drought, Gov. Jerry Brown ordered the state's first mandatory water conservation restrictions on communities throughout California. Some of the rules — such as banning lawn watering within 48 hours of rain and hosing off pavement — remain. (AP Photo/Rich Pedroncelli)

The drought's legacy includes landmark new laws aimed at limiting farmers from over-pumping groundwater; homeowners removing thousands of suburban lawns; voters approving billions in funding for new reservoirs; and vast expanses of forests dying off across the Sierra Nevada.

“Every drought has a lasting impact,” said Jeff Mount, a senior fellow at the Public Policy Institute of California Water Center in San Francisco. “That probably goes all the way back to the Depression.”

The era of massive dam building in California began after the 1929-34 drought. Urban water conservation started in earnest during the 1976-77 drought. And the state's brutal 1987-92 drought prompted water departments in the Bay Area and Southern California to connect their networks of pipes together, to build huge groundwater storage banks and new local reservoirs, and to develop a statewide system of buying and selling water.

As a result of those changes, Californians were better prepared to handle the most recent drought, which saw the driest four-year period of any time back to 1895, when modern records began. Although some farm communities with limited groundwater suffered severely, California's overall economy grew during the drought, up 10 percent to \$2.2 trillion from 2012 to 2015.

“We lost a third of our water supply,” said Jay Lund, director of the Center for Watershed Sciences at UC-Davis. “And the impact to the agricultural economy was a 2-3 percent loss and the urban economy had almost no economic impact. To me that's remarkable.”

The drought nevertheless left a lasting impact in at least five key ways:

**1) Groundwater:** After 100 years of allowing cities and farms to pump as much water as they wanted from the ground, without reporting it to the state or being limited, dozens of communities across California found themselves with precariously dropping water tables as the drought began. A study using NASA satellites in February found the ground in some areas between Merced and Bakersfield dropped as much as two feet as underground aquifers collapsed during the drought, cracking roads, water canals and pipelines.



A low-flow water emitter sits on some of the dry, cracked ground of an almond orchard in the Sacramento-San Joaquin Delta near Stockton in 2015. As the state entered a fourth year of drought, huge amounts of water were mysteriously vanishing from the Sacramento-San Joaquin Delta, and farmers whose families for generations have tilled fertile soil there were the prime suspects. (AP Photo/Rich Pedroncelli)

In 2014, Gov. Jerry Brown signed the Sustainable Groundwater Management Act, requiring local government agencies in areas with severely overdrawn groundwater to draw up plans by 2020 to

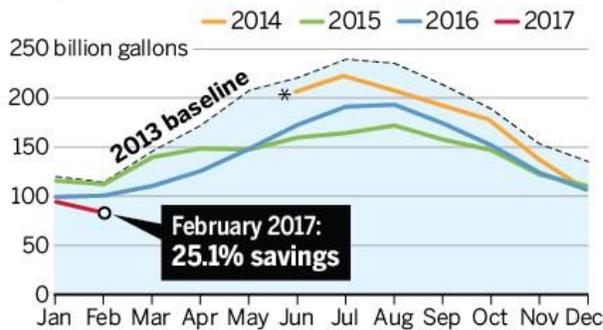
bring it into balance. They will then have 20 years to do that, which will mean taking some farmland out of production, buying water from other areas, building percolation ponds to recharge aquifers and other costly solutions.

“We had to do something,” said Paul Wenger, president of the California Farm Bureau Federation. “There’s no argument on that from me. But some areas are going to really suffer.”

**2) Water wasting:** Several high-profile rules put into place by the State Water Resources Control Board during the drought will continue forever. They include bans on watering lawns within 48 hours of rain, or washing cars without a shut-off nozzle on the hose, or cities watering grass on road medians using potable water. It’s also illegal now to run a fountain that doesn’t recycle water. And the state’s 410 largest cities, water districts and private water companies will have to continue to report every month to the state water board how much water they are using.

### STATEWIDE URBAN WATER USE

Californians cut water use 22.5 percent during the drought compared to 2013 levels, and are continuing to conserve.



\*State first begins closely tracking monthly use.

Source: California Water Boards

BAY AREA NEWS GROUP

“It would be bad if the message from this wet year went out that the problem is over,” said Peter Gleick, co-founder of the Pacific Institute, an Oakland nonprofit that studies water issues. “We don’t have enough water to waste. That’s a hard one when you see floods and endless rain.”

**3) Proposition 1:** In November 2014, during some of the worst months of the drought, California voters approved a \$7.5 billion water bond to fund new reservoirs, recycled water projects, desalination and stormwater capture efforts. It passed with 67 percent of the vote. By comparison, the last water bond, Proposition 84, a \$5.4 billion measure in 2006, passed with just 54 percent.

Water agencies are lining up to submit detailed plans for the money, which could pay up to half the cost of new reservoirs, and is scheduled to be awarded next year. Long-stalled projects like Sites Reservoir in Colusa County may finally be funded, and existing dams could be built higher.

“We had so much water this year that we could have caught if we had the storage,” said Wenger. “I’m hoping we learned our lesson.”



Homeowners across the state saved billions of gallons of water by removing lawns. (Courtesy of City of Santa Barbara)

**4) Lawn removal and conservation:** Urban Californians cut water use 22.5 percent between June 2015 and February 2017. Over that time, 2.6 million acre-feet of water was saved — enough to supply more than 13 million people for a year. Water agencies spent hundreds of millions of dollars during the drought giving rebates to people to install low-flush toilets, efficient washing machines, gray water systems and dishwashers. The Metropolitan Water District in Southern California spent \$310 million alone in rebates for people to remove 160 million square feet of grass, which will save 21,000 acre feet of water every year.

Those lawns and water-wasting appliances aren't coming back. Lawns use 50 percent of all urban water during summer months, and as cities wrote new local rules limiting lawns in new homes and businesses, neighbors looked askance at homeowners who had bright green turf. Already, big water agencies in Los Angeles, Oakland, San Jose and other areas are using less water now than they were in 1990, despite population growth. Almost nobody expects water use to return to pre-drought levels.

"I'm not an advocate that every blade of grass has to be taken out of California, but I think you'll see a lot less lawn in the future," said Tim Quinn, CEO of the Association of California Water Agencies.

**5) Environmental harm:** Dry creeks and rivers led 18 fish species to crash to near extinction. And the drought killed 102 million trees across the state, most in the Sierra. That could increase fire risk for years to come.

"If the climate continues to be as warm as it has been recently," said Lund, "we could see very big changes in the mountains. We can't really manage it. We aren't going to put sprinkler systems in the forests."

Overall, experts say, the drought left nearly all residents of California — a state where even in a normal year most cities get only 15 inches of rain a year, the same as Casablanca, Morocco — much more aware of their water.

"This was a prolonged, very deep drought, many believe the worst in the historic record," said Quinn. "It was really dry, and now here we are with the wettest year ever. Welcome to California."

## East Bay Times

# Editorial: Lawmaker proposes stealing \$10.5 million from East Bay Regional Park District



By [East Bay Times editorial board](#) |

PUBLISHED: **April 17, 2017** at 8:15 am | UPDATED: April 17, 2017 at 9:36 am

Assemblyman Jim Frazier's proposal to steal \$10.5 million annually from the East Bay Regional Park District to fund a local fire agency ranks as one of the dumbest pieces of legislation we've seen.

East Bay residents should be outraged at his attempt to raid the coffers of their treasured park district. Frazier, D-Oakley, should be embarrassed by his dimwitted bill, [AB 898](#). And every other East Bay legislator should vehemently oppose it.

There's little doubt the East Contra Costa Fire Protection District is underfunded. Because of historical anomalies of Proposition 13, the statewide 1978 property tax-cutting initiative, the fire district receives a disproportionately small share of property tax revenues.

But that doesn't mean that the regional park district, which serves Alameda and Contra Costa counties, should be singled out as the savior for a single fire district serving Oakley, Brentwood and six unincorporated areas.

At issue is the distribution of base property tax, which is 1 percent of the assessed value of property. Not only does the fire district receive an unusually small share, so does the park district in East County.

The portion going to the park district from residents within the fire district is about \$381,000 annually. Frazier's bill would require the park district to give up that money and kick in an additional \$10.1 million each year.

It's mind-boggling. You think maybe residents of the 31 other East Bay cities, who also pay taxes to fund the park district, might object?

Imagine what would happen if every underfunded city, school system or special district that was in financial trouble sought legislation so it could reach into the pockets of its better-financed neighbor. We'd have a free-for-all in Sacramento.

Fire district directors also have themselves to blame for the predicament they're in. In 2012, they asked voters to pass a 10-year parcel tax. But the proposal [lacked a viable financial plan](#) to address the district's debts. Voters wisely said no.

The district came back in 2014 with a legally questionable and complex [assessment district levy](#). Again voters said no. Finally, in 2016, the Oakley and Brentwood councils asked their voters to approve [utility tax increases](#) to help fund the fire district. But there were no legal restrictions on the use of the money. Those measures failed too.

To be sure, there is a rational argument for considering reallocation of tax dollars from properties *within the fire district* to provide more money for firefighting.

But that should require a negotiated deal among all public agencies that receive a cut of East Contra Costa property tax dollars. And it should require the fire district produce a viable, long-range financial plan, and stick to it.

That's very different from what Frazier proposes. His bill is not reallocation. It's robbery.

## East Bay Times

# Opinion: Assembly Bill 898 may solve fire district funding crisis



East Contra Costa firefighter captain Robert Ruddick, of Station 52, lowers the fire truck cab after performing a regular maintenance checkup at the fire station in Brentwood, Calif., on Monday, Sept. 28, 2015. Over the past decade, the number of fire stations operated by the East Contra Costa Fire District has dropped from eight to three. (Jose Carlos Fajardo/Bay Area News Group)

By [Bryan Scott](#) |

PUBLISHED: **April 3, 2017** at 8:57 am | UPDATED: **April 17, 2017** at 9:33 am

Lives and property in East Contra Costa County may become a bit safer in the near future.

Assemblyman Jim Frazier has recently announced details of a property tax reallocation plan that could go a long way towards correcting the structural funding deficiency plaguing the East Contra Costa Fire Protection District.

Assembly Bill 898, though still in the draft stage, will move \$10.5 million of property tax funding from the East Bay Regional Parks District to the local fire district.

“To me, public safety trumps everything else,” Assemblyman Frazier said.

Brentwood residents Hal Bray and Bryan Scott, co-chairs of the citizens action committee East Contra Costa Voters for Equal Protection, were surprised and pleased at learning of Assemblyman Frazier’s plan.

“We see Assemblyman Frazier’s planned bill as a validation of the property tax reallocation concept, and appreciate his taking the lead in addressing the community problem,” Bray said.

ECV sees the proposed legislation as validating the dire need for increased funding for fire and emergency medical services in East Contra Costa County, and also establishing a method, reallocating property tax revenue, as the correct way to address the fire district’s structural funding problem.

ECCFPD provides fire and emergency medical services to 110,000 residents of 250 square miles of eastern Contra Costa County. Fire districts throughout California are primarily funded by state property taxes, disbursed according to allocation rates set 35 years ago. ECCFPD receives property tax funding at a rate one-fourth to one-third of what other fire districts in Contra Costa County receive.

The proposed legislation also validates the roles of the legislature and local government agencies in solving the crises, according to Bray and Scott.

The EBRPD, in their 2017 Proposed Budget, show Total Resources of \$210,260,270 (Page 56). Of this amount \$123,004,400 are listed as Property Tax resources. The budget shows that this figure grew by 7.15%, or \$8,204,400, when compared with 2016.

AB 898's \$10.5 million property tax reallocation amount is 8.54% of the property tax funds the park district is budgeted to receive in 2017, or 4.99% of their total resources.

The process of how Frazier's reallocation program will be implemented has not yet been made public. If the plan is implemented over a four-year period, as has been suggested by ECV reallocation proposals, EBRPD would gradually transfer a portion of the growth in property tax funding to ECCFPD for each of the next four years.

If the plan were implemented for 2017 this would mean EBRPD property tax funding would grow by 4.9% (\$5,519,400) instead of 7.15%, with \$2,625,000 being transferred to the fire district.

This means that the park district's property tax funding would grow by nearly five percent even while California improves the safety of lives and property in East County.

This process would continue, with the reallocation amount increasing each year by about \$2,625,000. EBRPD property tax funding would just grow a little slower than normal until the full \$10.5 million has been reallocated to the ECCFPD.

At that point the park district property tax funding would grow normally, and the fire district would have funding at a property tax allocation rate of about 13.86%, which is about the average for county fire districts and second lowest.

Assembly Bill 898 requires approval of two-thirds of the California Assembly and Senate in order for it to become law.

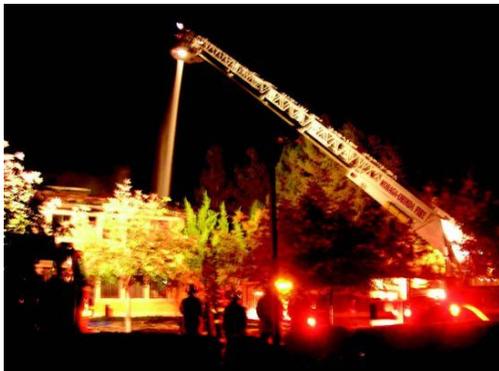
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*Bryan Scott is a Brentwood resident and Co-Chair of East County Voters for Equal Protection, a non-partisan citizens action committee whose aim is to improve funding for the ECCFPD. He can be reached at [scott.bryan@comcast.net](mailto:scott.bryan@comcast.net), or 925-418-4428. The group's Facebook page is <https://www.facebook.com/EastCountyVoters/>.*

Published April 19th, 2017

## MOFD fire suppression rating improves, and lower insurance rates may follow for residents

By Nick Marnell



Courtesy MOFD

Moraga-Orinda Fire District Chief Stephen Healy announced that the district achieved an improved rating from the Insurance Services Office for its fire suppression efforts, and that improved rating may help lower fire insurance rates for many district residents.

The ISO is a privately owned assessment company that collects statistical data on how effectively fire departments put out fires. Through its Public Protection Classification program the company rates a community's effort to provide adequate fire service on a scale of 1 to 10, the lower number equating better fire protection. MOFD had registered a 3 rating since its inception in 1997, but effective April 1, the district rating improved to 2, a score attained by fewer than 3 percent of all fire districts nationwide.

According to the ISO, 10 percent of its rating reflects the community's emergency communications capabilities, including 911 telephone and dispatching systems, for which MOFD contracts with the Contra Costa County Fire Protection District. Fifty percent of the rating reflects the quality of the fire department, including its equipment, staffing, level of training and the geographic distribution of fire stations. Evaluation of the water supply constitutes the remaining 40 percent of the ISO rating. The company looks at the condition and maintenance of the EBMUD hydrants, existence of alternative water sources, and the amount of available water, both in terms of volume and pressure, compared with the amount needed to suppress fires.

"We received extra credit for our reserve ladder truck, keeping better training records and our fire season staffing levels," Healy said.

ConFire will undergo its ISO review this year. "We have a split rating of 3/8B," said Deputy Fire Chief Lewis Broschard. "The rating of 3 exists within all the cities we serve and many of the unincorporated areas. The 8B rating is applicable only in those rural and remote areas, such as Briones, where a fire hydrant supplied by a municipal water system is more than 1,000 feet from a structure." Unincorporated areas of MOFD with no hydrants received a 2X rating.

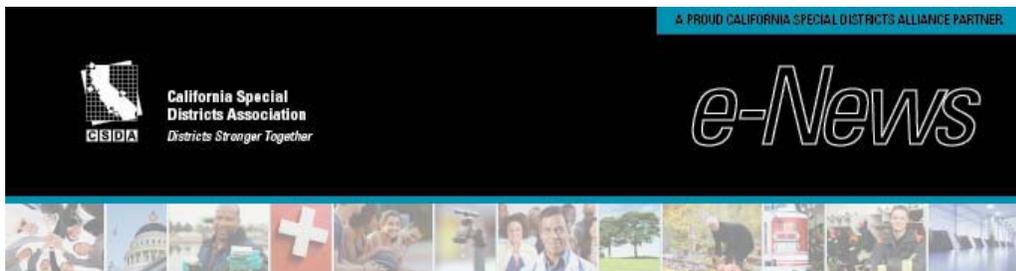
In 2015 structure fires caused \$10.3 billion in damage, according to the National Fire Protection Association. It therefore behooves insurance companies to encourage communities to lower their ISO rating, generally resulting in lower premiums for communities with better protection. Representatives of the Farmers Insurance Group and State Farm Insurance - the country's leading property-casualty insurance company - would not comment on any specific correlation between an ISO rating and insurance premiums for Lamorinda homeowners.

The ISO rates only structure fire suppression efforts. The company does not consider vegetation fires in its rating, nor does it review emergency medical service procedures.

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## Little Hoover Commission Refining Special Districts Review

At its business meeting last week, the Little Hoover Commission set direction for the next steps in its review of special districts that began last August. Several Commissioners articulated an evolution in their opinion on special districts and the approach the Commission should be taking. Generally, the Commission expressed a desire to focus on how special districts and the State can provide the public with better information about local services providers. The Commission will now call a "roundtable" meeting in June with key stakeholders in order to refine the recommendations it is drafting for its final report.

Commissioners in attendance were in consensus that extreme approaches to local governance, such as the 10-year sunset idea referred to as a "special district death sentence" by a Commissioner in a previous meeting, are not the right approach. Rather, Commissioners articulated a desire to provide local communities with the information they need to best make determinations at the local level. They also expressed a desire to help local agency formation commissions perform their mission of reviewing municipal services and overseeing formations, dissolutions, and reorganizations of local agencies.

Five of the 12 sitting Commissioners (there is currently one vacancy) participated in last week's business meeting, including Commission Chair Pedro Nava, Vice-Chair Sean Varner, Assembly Member Chad Mayes, David Beier, and Jana Sidley.

Many of the Commissioners noted the value of the work special districts perform, including Commissioner Beier who commented that "Special Districts serve an important and vital purpose." Commissioner Sidley noted that she has met with several special district officials and among them, "All are well run and doing important work that I think the communities appreciate." However, these Commissioners also discussed room for improvement.

Commissioner Beier stated that, "There is an opportunity to enhance efficiency through transparency." Commissioner Sidley shared that she would like to ensure taxpayers know who to call to address concerns related to their services, and Commissioner Varner added that, "Transparency is key and taxpayers need to know this information."

CSDA Advocacy and Public Affairs Director Kyle Packham was present at the business meeting and spoke to special districts' ongoing commitment to transparency and accountability. Packham noted that CSDA supports opportunities to work together with the Commission to improve upon these efforts, which were highlighted in [CSDA's August 8, 2016 written testimony](#) to the Commission. CSDA looks forward to further discussions with the Commission, and will attend the upcoming roundtable meeting on behalf of all special districts.

Little Hoover Commission Chair, Pedro Nava, will serve as the keynote speaker at Special Districts Legislative Days May 16-17 in Sacramento. It's not too late to register at [legislatedays.csda.net](http://legislatedays.csda.net). Check out a sneak peek of the agenda [here](#).

[California Special Districts Association](http://www.csda.net) | 1112 I Street | Suite 200 | Sacramento, CA 95814 | 877.924.CSDA (2732)



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## CSDA Voices Opposition to District Dissolution without Due Process

CSDA staff [testified in opposition](#) to SB 448 (Wieckowski) during last week's Senate Governance and Finance Hearing. SB 448 seeks to provide a definition for "inactive" and "idle" districts, makes changes to the dissolution process for special districts, and

increases special district financial reporting requirements. As outlined in its [position letter](#), CSDA pointed out the need for amendments to allow local agency formation commissions (LAFCOs) to consider other options besides dissolution when appropriate, allow special districts to testify on their own dissolution, and reduce redundant paperwork requirements. SB 448 ultimately passed out of committee with the Author and Chair committing to work with CSDA on our concerns. In addition to hearing SB 448, last week the Legislature passed SB 496 (Cannella) and postponed a hearing on AB 979 (Lackey).

CSDA [opposed](#) legislation on design professional indemnity, [SB 496](#) (Cannella), was voted out of the Assembly to the Governor on a 47-15 vote. SB 496 was gutted-and-amended in early April to require special districts and other local agencies to defend private engineers and architects against lawsuits related to the private design professionals' work. The bill became part of a package of measures passed in conjunction with the recent transportation funding legislation.

CSDA sponsored AB 979 (Lackey) was rescheduled to be heard in the Assembly Local Government Committee on May 10. AB 979 improves the process for special districts to gain representation on LAFCOs. Read the full text of [AB 979](#) and download a [sample support letter today](#).

Read more about bills that would impact special districts' in this week's [Legislative Hot Sheet](#).

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## East Bay Times

# Antioch demands equal access to clean, affordable water



The city of Antioch is demanding that the state grant equal rights to fresh water after a 2016 sweetheart deal gave Contra Costa Water District a fresh water pipeline in exchange for its silence on the State Water Project. (Susan Tripp Pollard/Staff)

By [Aaron Davis](#) | [aarondavis@bayareanewsgroup.com](mailto:aarondavis@bayareanewsgroup.com) | Bay Area News Group

PUBLISHED: **May 1, 2017** at 2:59 pm | UPDATED: May 1, 2017 at 7:50 pm

ANTIOCH — With discussions having ceased, the city has filed a claim with the state to be “made whole” from the increased impact on the city’s water supply from the state’s WaterFix project.

The claim argues that the Contra Costa Water District’s deal struck last year with the state Department of Water Resources is “substantially more favorable” than the city’s agreement with the state.

The county water district [gave up a pending protest](#) over the WaterFix project in exchange for upstream fresh water from the Sacramento River.

“The bottom line is we want to be made whole,” City Manager Ron Bernal said. “We have one of the most superior water rights in the state. We’ve been taking water since 1850 and that source of water is hard to come by these days.”

Antioch has rights dating back to before 1914 to pump without the need for a state permit. A 1968 agreement with the state required the state to pay for one-third of Antioch’s costs to purchase water when its normal supply is not usable due to increased salinity levels.

Also included in that agreement is a “me-too” clause, which requires the state to offer the same terms to Antioch that it offers to other water users in the region. With the county water district’s agreement pulling fresh water from farther up the Sacramento River, the city feels that this new deal will also impact the supply of fresh water.

“By virtue of (the state) entering into an agreement with CCWD and not even discussing things with us, we believe that we’re being ignored,” Bernal said. “At the end of the day, we want to be able to assure our ratepayers that the impacts of an upstream project have been mitigated. The proponents (of that project) have an obligation to mitigate and we don’t believe that’s been done.”

With the WaterFix pumping more and more water from the region to the San Joaquin Valley and Southern California, many areas around the Delta will be feeling the pressure to increase water rates to pay for an increasing need for treatment.

Restore the Delta, a community advocacy group that has fought the state water plan, estimated that there are around 40,000 people in the Delta that could be classified as environmental justice communities. Environmental justice laws require the equal treatment of all people with respect to environmental issues, such as access to clean water.

Specifically, the cities of Antioch and Stockton have larger environmental justice populations that would experience significant difficulty were water pollution levels or water rates to increase.

“What the state is proposing for Antioch and Stockton is to take away the good fresh water from the Sacramento River and leave both cities with degraded San Joaquin water, which is one of the most polluted waters in the United States,” said Barbara Barrigan-Parrilla, the executive director of Restore the Delta.

In 2016, the San Joaquin River placed second among the country’s most endangered rivers, according to [American Rivers, a national advocacy group](#). In 2014, the San Joaquin and its principal tributaries — the Merced, the Tuolumne and the Stanislaus Rivers — placed first.

Barrigan-Parilla said that the state had never surveyed populations around the Delta to determine the population of the environmental justice community and never considered the impact on marginalized communities.

“Frankly, the CCWD provides water to more affluent communities, a more up-and-up tech community and predominantly white community,” Barrigan-Parilla said. “It’s very similar to Flint, Michigan... here, you are left with a degraded source of water, you will need more for treatment costs and you will have a lot of poor people that won’t be able to afford to pay more and more for water.”

CCWD provides water to the communities of Clayton, Clyde, Concord, Pacheco, Port Costa and parts of Pleasant Hill, Martinez and Walnut Creek.

The Department of Water Resources would not comment, citing pending litigation.

Published May 3rd, 2017

## Oakland Fire steps up to help MOFD cover Canyon

By Nick Marnell



Locked up and ready to respond into Canyon.  
Courtesy MOFD

On the evening of April 18, the town of Moraga closed the Canyon Road bridge over Moraga Creek between Constance Place and the Valle Vista staging area, compromising the ability of the Moraga-Orinda Fire District to quickly respond into the Canyon community.

"Our first thought was to use the Lafayette-Moraga Trail," Fire Chief Stephen Healy said. "We could use a bulldozer and scrape out a road." But the landslide along the trail was too big and it was pushing toward the bridge, nixing that approach. The muddy fire trails nearby need regraded and that option remained out until the summer. The district requested assistance from the Oakland Fire Department and from Paramedics Plus, the Alameda County ambulance provider, and the agencies immediately entered into a mutual aid agreement. "It was a lot to ask of Oakland Fire," Healy said.

Under mutual aid, either agency may decline to respond if it is unable to perform, so MOFD will respond to Canyon incidents out of Moraga Station 41 using a unique procedure. The district parked a reserve engine and a reserve ambulance on the Canyon side of the Canyon bridge, and locked them behind a fence topped with barbed wire. If Fire Station 41 is dispatched, the firefighters will shuttle to the bridge and walk across to the staged vehicles. "It's part of our job to take risks in order to save lives," said the chief, who noted that, should the bridge become impassable for even MOFD crews, they will use the trail at the end of Augusta Drive.

Healy said that under normal conditions, Station 41 responses take eight minutes of travel time to Canyon. Adding five minutes for the crew to cross the bridge and start the engine would result in a 13 minute total travel time.

Should the Station 41 crew be unavailable, an engine from Orinda Station 45 and an ambulance from Orinda Station 44 will respond to Canyon through Oakland and Pinehurst Road.

Travel time to Canyon via Highway 24 from Station 44 is 25 minutes; from Station 45, 22 minutes. Crews from Oakland Fire Station 6, on Colton Boulevard near Skyline, would arrive in Canyon in 11 minutes.

"Only when we receive word from Oakland Fire that they are on the scene will we send our guys back to their stations," Healy said.

The Oakland firefighters came to Canyon the day after the bridge closure and endeared themselves to the community. Crews toured the town, mapped the area, checked the water supply, pretty much socialized themselves to an area they knew very little about. "They were great and we are grateful," said Canyon Steinzig, Canyon Community Association president.

In the 365 days preceding the bridge closure, MOFD responded to 22 calls into Canyon, including eight emergency medical calls, five vehicle accidents and no structure fires.

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Published May 3rd, 2017

## School access is the No. 1 concern for Canyon residents

By Nick Marnell



Everyone is welcome, but they'll have a tough time getting there. Photo Nick Marnell

secluded, sparsely populated community of 250 that shares his name. "We're a resilient bunch," he said. And while Steinzig noted that residents will travel to Oakland to satisfy most of the needs of their daily lives, he agreed that getting kids to school and getting them back home has become a real issue.

According to school officials, 18 students from outside the district attend Canyon Elementary and 16 kids who live in Canyon go to school in Lamorinda. "If they would only open the bridge to foot traffic, we could shuttle the kids across," Steinzig said. But Moraga Town Manager Bob Priebe told Canyon residents at an April 24 community meeting that the bridge was unsafe. "A sudden landslide would take out the bridge," Priebe said.

Canyon residents said they fear that school and community evacuations will be impeded if either Pinehurst Road or Redwood Road shuts down, as occurred April 20 when a big rig jackknifed on Pinehurst and closed the artery for six hours. "Parents are hysterical and very concerned. You can't run a school when there is no safe access," said Sullivan, who suggested that the school may lose interdistrict transfers because of the access inconvenience. Canyon Elementary Superintendent Gloria Faircloth pleaded with the supervisors to repair the slides and metal plate on Pinehurst, which will now carry more traffic. "It could be a matter of life or death," she said.

The tone of the community meeting was not entirely negative. Residents praised the performance of the Oakland Fire Department, which will respond into the community under a mutual aid agreement with the Moraga-Orinda Fire District. "They came the next day," Sullivan said of OFD. "They toured our area, had lunch with the kids, let them play on the fire truck." Meeting attendees cheered Battalion Chief Nick Luby after he assured Canyon that it will receive the same resources as the city of Oakland.

Spirits remained high when officials confirmed that Republic Services will not miss a beat with garbage collection and recycling, and that Horsemen's Association members will be able to care for their horses by going through the road barrier near the Valle Vista staging area. Lt. Jason Haynes said that, considering the curiosity seekers who may come to the community, the county sheriff's office will beef up its Canyon patrol during the bridge closure. Residents appealed for signage alerting the visitors to stay off of the community's private roads.

But the focus always returned to access. "Caesar could cross the Rhine in 10 days," barked a resident at the community meeting. "We can't wait years to fix this problem."

The closure of the Canyon bridge may present an inconvenience to Moragans seeking a traffic-free route to Oakland, but to Canyon residents, the closure poses a serious life safety issue.

"On April 18, the town of Moraga precipitously closed the Canyon Road bridge, endangering the Canyon community and especially the Canyon school students," Canyon Elementary School board member Brian Coyle told the county Board of Supervisors, his statement an allusion to the opening sentence of Pulitzer Prize-winning "The Bridge of San Luis Rey." He said that Moraga has demonstrated engineering incompetence by not providing a temporary walkway, and he asked the supervisors to assume authority of the project. Moraga closed the bridge indefinitely after it determined earth movement had compromised the structural integrity of the bridge.

School Principal Lucia Sullivan also requested that the county step in.

"Moraga may believe they are acting in the best interests of Moraga, but this issue is greater than the town," she said. The supervisors, though sympathetic, acknowledged that the bridge lies under jurisdiction of the town of Moraga.

Canyon Steinzig, the president of the Canyon Community Association, was born and raised in the

"It's a strain on our emergency resources too," Priebe said. "We have a vested interest in getting this solved."

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Published May 3rd, 2017

## Moraga-Orinda Fire District board: architect responsible for Station 43 cost overruns

By Nick Marnell

The Moraga-Orinda Fire District board refused to approve a \$100,000 contract increase requested for construction of Fire Station 43, insisting that many of the extra charges were incurred because of mistakes made by the station architect.

Steve Stewart, Station 43 project manager, told the board April 19 that the piers at the base of the fire station on Via Las Cruces in Orinda had to be redesigned due to modifications to the original design and revised geotechnical requirements. "We're adding \$25,000 because the work wasn't done right in the first place?" asked Director Craig Jorgens.

The architect also requested more money to secure project approval from the California Department of Fish and Wildlife and to rebuild an interior countertop to have it fully comply with the Americans with Disabilities Act. "They thought they had all of the permits needed," Stewart said of the architect.

"It is their sole responsibility to get every permit that is required. There is no exception to it," Jorgens said. "They had to go back and check the changes in the code, and obviously they did not."

According to the Nov. 17, 2015 agreement between Shaw Kawasaki Architects of Oakland and MOFD, the architect "shall review the most recent version of the California Building Code and make all necessary changes to the Station 43 design to meet the current code." The Station 43 rebuild had been placed on hiatus in 2013 while the district worked out a joint venture with the Contra Costa County Fire Protection District to build and staff a fire station in western Lafayette, but the project fell apart.

"Nothing has changed, except that a bunch of people didn't do their jobs," Jorgens said. "Why are we going to pay them to manage the mistakes that they made?"

The board tabled both the architect's fee request and also a decision on installation of solar panels at the station. Directors Jorgens and John Jex complained about the project's lengthy capital payback and the lack of a district solar tax credit.

Fire Chief Stephen Healy said that he, not Stewart, will talk with Shaw Kawasaki about honoring the terms of its Station 43 contract.

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