



NOTICE AND AGENDA FOR REGULAR MEETING

DATE/TIME: Wednesday, October 11, 2017, 1:30 PM

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

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

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

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

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

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

Campaign Contribution Disclosure

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

Notice of Intent to Waive Protest Proceedings

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

American Disabilities Act Compliance

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

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

OCTOBER 11, 2017 CONTRA COSTA LAFCO AGENDA

1. Call to Order and Pledge of Allegiance
2. Roll Call
3. Adoption of Agenda
4. Public Comment Period (please observe a three-minute time limit):
Members of the public are invited to address the Commission regarding any item that is not scheduled for discussion as part of this Agenda. No action will be taken by the Commission at this meeting as a result of items presented at this time.
5. Approval of Minutes for the August 9, 2017 and September 13, 2017 regular LAFCO meetings

BUSINESS ITEMS

6. *Reclamation District (RD) 2121 (Bixler Tract)* – receive update and consider governance options, including dissolution, for RD 2121
7. *Fire & Emergency Medical Services Update* – receive an update on fire & emergency medical services in conjunction with the 2016 LAFCO Municipal Services Review/Sphere of Influence updates; provide input and direction
8. *FY 2017-18 First Quarter Budget*– receive the first quarter budget report for FY 2017-18
9. *2018 LAFCO Meeting Schedule* – consider approving the 2018 LAFCO meeting schedule
10. *Legislative Report – Update and Position Letters* – receive a legislative update

CORRESPONDENCE

11. Correspondence from Contra Costa County Employees' Retirement Association (CCCERA)
12. Special District Risk Management Authority - President's Special Acknowledgement Award – Property/Liability Program

INFORMATIONAL ITEMS

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

ADJOURNMENT

Next regular LAFCO meeting November 8, 2017 at 1:30 pm.

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

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MINUTES OF MEETING

August 9, 2017

Board of Supervisors Chambers
Martinez, CA

October 11, 2017
Agenda Item 5a

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

County Member Alternate Diane Burgis.
Special District Members Mike McGill and Alternate Stanley Caldwell.
City Members Don Tatzin 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 Tatzin, second by McGill, Commissioners, by a vote of 6-0, adopted the agenda.

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

5. Public Comments

There were no comments from the public.

6. Approval of July 12, 2017 Meeting Minutes

Upon motion of Caldwell, second by Tatzin, the minutes were approved by a vote of 6-0.

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

7. LAFCO 17-04 - North Peak Equestrian Center Annexation to Contra Costa Water District (CCWD)

The Executive Officer provided background on this proposal, noting that the proposed annexation of one parcel and adjacent road right of way will extend treated water to the North Peak Equestrian Center, which currently boards up to 150 horses on a year-round basis and supports classes for children and community events. This parcel is outside the ULL; however, its groundwater system is no longer able to provide the necessary quantity or quality of water to serve the property according to County Environmental Health, which surveyed the property in June 2016 and concluded that municipal water through CCWD is the only available option that would resolve the water supply and water quality issues on the property.

Commissioner Tatzin asked, given that this parcel is outside the ULL, if a condition can be added to the resolution limiting the water service to the current equestrian center purposes. The Executive Officer confirmed that such a condition will be added. Commissioner McGill asked about surrounding land uses, and Commissioner Burgis asked if the water quality/quantity issues

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are recent, and if there are more properties with similar challenges. Commissioner Butt commented on an equestrian center in Richmond and the importance of these facilities.

Mark Seedall, representing CCWD, and Peter Paul, the landowner, verified that this property is used strictly for the purposes outlined in the application and staff report.

The Chair opened and closed the public hearing; there were no persons to speak on the item.

Upon motion of Tatzin, second by McGill, the Commissioners, by a 6-0 vote, determined that the project is exempt pursuant to CEQA Guidelines, Section 15303 and 15319; approved the proposal to be known as North Peak Equestrian Center Annexation to Contra Costa Water District, 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: Blubaugh, Burgis (A), Butt (A), Caldwell (A), McGill, Tatzin
NOES: none
ABSENT: Andersen (M), Glover (M), Schroder (M), Skaredoff (M)
ABSTAIN: none

8. West Contra Costa Healthcare District Update

The Executive Officer provided brief background on WCCHD, the LAFCO special study completed in December 2016, and the decision by Commissioners to defer any action stemming from the study pending completion of the bankruptcy proceedings. The District and the County are currently working with the affected parties and bankruptcy team on a plan of adjustment, which deals primarily with financial matters. It is anticipated that the bankruptcy proceedings will conclude this year.

To minimize the District's operating costs under the bankruptcy plan, there is a desire to change from an elected board to a board of directors that is appointed by the County Board of Supervisors (BOS). On August 1, 2017, the BOS voted to seek special legislation to support such a change. Such legislation could be drafted to allow one or more members of the BOS to sit on the WCCHD's board of directors.

LAFCO is being asked to support the County's effort to seek special legislation to change the District's board from an elected board to a board that is appointed by the BOS. Pursuit of special legislation was one of the governance options identified in LAFCO's special study, as it would enable the continuation of the WCCHD and of critical healthcare services to West Contra Costa County.

In response to Commissioner McGill's question, LAFCO Legal Counsel Anderson noted that the bankruptcy attorneys would prefer to not have the uncertainty that might come with a LAFCO dissolution at this time; the change in District status could concern the bondholders.

Wendy Lack, Alliance of Contra Costa Taxpayers, spoke against special legislation and suggested that the County BOS has a clear conflict of interest as they have invested heavily in the District. She would prefer to see the District dissolved.

Commissioner McGill noted that if the District is dissolved, tax monies for health services would disappear, and he is concerned about West County residents having no access to health services at that point.

Commissioner Tatzin asked Legal Counsel Anderson if she had any comments. After noting that, as both County and LAFCO legal counsel, she too has an overriding concern about providing health services in West County.

Marilynne Mellander, West County resident, spoke in support of shutting down the District, and added that government should not be involved in health care. She is opposed to continuing the District in any way.

Colin Coffey, attorney for WCCHD, noted that the District supports pursuit of special legislation, thanked LAFCO for its process and requested that Commissioners approve a letter supporting the overall plan as put forward by the bankruptcy team.

Commissioner Butt asked Mr. Coffey if the District will continue to incur election costs if there is no special legislation; Mr. Coffey responded “yes.”

Following further questions and discussion regarding the District board’s autonomy from the County and future actions, upon motion of Butt, second by Burgis, the Commissioners, by a 6-0 vote, supported the pursuit of special legislation to change the WCCHD board from an elected board to a board of directors appointed by the BOS, found that this is a preferred governance option as it would enable the continuation of the WCCHD and of critical healthcare services to West Contra Costa County, and further directed staff to prepare and send a letter to the bankruptcy attorney confirming these findings and LAFCO’s position.

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

9. CALAFCO 2017 Annual Conference Material and Call for Board of Directors Candidates and Achievement Award Nominations

The Executive Officer presented the 2017 CALAFCO Annual Conference nomination materials to the Commission and asked for recommendations for any nominations and appointment of voting delegates.

Commissioners discussed options and declined to make any Board of Director or Achievement Award nominations for 2017.

Upon motion of McGill, second by Tatzin, Commissioners, by a 6-0 vote, designated Commissioner Blubaugh, as current chair, as the voting delegate for the upcoming annual conference.

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

Upon motion of Tatzin, second by Blubaugh, Commissioners, by a 6-0 vote, designated Commissioner McGill, as current vice chair, as the voting alternate for the upcoming annual conference.

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

10. Legislative Report – Update and Position Letters

The Executive Officer provided an update on the three bills (AB 1725, AB 464, AB 979) that CALAFCO is sponsoring this session: AB 1725 was amended and is on the Senate floor until session reconvenes on Aug 21st; AB 464 was signed by the Governor; and AB 979 is on the senate floor awaiting passage.

Included among the bills CALAFCO is tracking is SB 448 which deals with accountability of special districts and LAFCO's authority to dissolve them, and AB 1361 which essentially allows water districts to provide service to Indian tribal lands that are not within district boundaries and without going through the LAFCO approval process. Last month, CALAFCO issued two urgent calls for legislative action requesting that LAFCOs send letters supporting SB 448 and opposing AB 1361. Letters were sent, and CALAFCO staff has worked, and will continue to work, with the bill authors and staff on amendments.

Also, as a result of the June 22nd Little Hoover Commission (LHC) roundtable on special districts and LAFCOs, the LHC has developed a number of recommendations that focus on LAFCO, including providing one-time grant funding to assist LAFCOs with MSRs and special studies; ways to bolster LAFCO's authority such as in dissolving districts and through the protest proceedings; and enhancing transparency.

The Executive Officer added that Pamela Miller, CALAFCO Executive Director, is to be commended for her hard work with the Legislature.

11. Correspondence -CCCERA

There were no comments regarding correspondence.

12. Commissioner Comments and Announcements

Commissioner McGill reported that he will participate in a panel discussion at the annual conference on controversial LAFCO projects. He plans to focus his presentation on the transition of Mt. Diablo Health Care District to the Concord/Pleasant Hill Health Care District.

Commissioner McGill also reported that he will attend the CALAFCO Board meeting in Irving on August 18, and the CALAFCO Legislative Committee meeting by phone on August 25.

13. Staff Announcements

The Executive Officer reported that she attended the Contra Costa Special District Association in July and presented a LAFCO 101 at the Mayor Conference in August.

The meeting adjourned at 2:30 p.m.

Final Minutes Approved by the Commission September 13, 2017.

AYES:

NOES:

ABSTAIN:

ABSENT:

By _____
Executive Officer

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
COMMISSION STRATEGIC WORKSHOP

MINUTES OF LAFCO MEETING

October 11, 2017
Agenda Item 5b

September 13, 2017

Multipurpose Room
Central Contra Costa Sanitary District
5019 Imhoff, Martinez, CA

1. Chair Don Blubaugh called the meeting to order at 11:07 a.m.
2. Roll was called. A quorum was present of the following Commissioners:
City Member Don Tatzin. City Member Rob Schroder arrived at 11:30 a.m.
County Member Candace Andersen.
Public Members Don Blubaugh and Alternate Sharon Burke.
Special District Members Michael McGill and Igor Skaredoff, and Alternate Stanley Caldwell.

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

3. Commission Strategic Workshop

In a strategic workshop facilitated by Chair Don Blubaugh, the commissioners and staff discussed accomplishments and upcoming priorities for municipal service reviews, island annexations, use of terms and conditions, and policies and procedures. Additionally, they reviewed the 2017-18 work plan and goals, legislation, and LAFCO's future (facility, staffing, etc.)

The meeting adjourned at 1:06 p.m.

Final Minutes Approved by the Commission on October 11, 2017.

AYES:

NOES:

ABSTAIN:

ABSENT:

By _____
Executive Officer

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Lou Ann Texeira
 Executive Officer

MEMBERS

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

ALTERNATE MEMBERS

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

October 11, 2017
 Agenda Item 6

October 11, 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:

In May 2017, the Commission received an update on the status of Reclamation District (RD) 2121 and an overview of governance options (refer to May 10, 2017 staff report for background information). The Commission requested a subsequent update in the fall, as provided below.

BACKGROUND

LAFCO Municipal Service Reviews (MSRs) - Since 2004, RD 2121 has been included in three LAFCO MSRs, all of which concluded that the District is inactive, not functioning as a government agency and not providing services or fulfilling its corporate powers. Specifically, RD 2121 was found to be 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 has 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 are severely constrained. The District does not participate in State subvention programs, and is 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 2009 MSR identified the following governance options for RD 2121: 1) consolidation with RD 2024, 2) consolidation with RD 2065, and 3) dissolution. Consolidation of RD 2121 with RD 2024 or RD 2065 was found 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. Further, RD 2121 reported no changes or improvements in its governance, operations or financial status. The District was again found to be inactive, not functioning as a governmental agency, and not recording financial transaction reports with the SCO.

The 2015 MSR concluded that unless RD 2121 activates 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 - Following the 2015 LAFCO MSR, 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?*” This report raised concerns about the condition of the County’s levee system, and associated physical and financial risks. The report noted the fragility of the levee system and the lack of funding, and recommended the following: sharing of resources and knowledge among RDs; education of residents of the RDs; and increased involvement and participation by the various entities that benefit from the levee system.

The 2015 LAFCO MSR report contained similar recommendations and suggested 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 to consider 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 acknowledge that efforts to repair and improve the levee system are difficult given the cost, time to implement and political controversy.

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. The SCO indicates it is cleaning up its records in an effort to have inactive districts dissolved and removed from the State’s rolls, as summarized below:

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 SCO 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 that meet the criteria above. Of those, 19 have been inactive since at least the FY 2009-10. There are 14 LAFCOs that received the letter: *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. The SCO also identified a number of dependent special districts (e.g., CSAs) using the same criteria and letters were sent to those respective counties requesting the same action.

LAFCOs received these letters with a request for information to help the SCO update their records and to facilitate dissolution of inactive districts. The SCO knows that LAFCO has the power to dissolve and reorganize districts and expects LAFCOs to take the appropriate action.

In response to the SCO’s letter of January 2017, Contra Costa LAFCO staff confirmed that RD 2121 is inactive and that in November 2015, Contra Costa LAFCO adopted a zero SOI for RD 2121 signaling a future change of organization (e.g., dissolution). Further, that a proposed dissolution would be submitted to the Commission for consideration.

LAFCO staff shared with RD 2121 the SCO’s letter and LAFCO’s response. Mr. Bloomfield, RD 2121 Board Member, contacted the LAFCO office and indicated that he was currently looking into State funding opportunities and did not wish for RD 2121 to be dissolved.

Legislation Enacted to Address Inactive Districts – On September 27, 2017, the Governor signed Senate Bill 448 (Attachment 1) which defines “inactive districts” and requires the SCO to publish a list of inactive special districts and notify LAFCOs of inactive districts in their county. The bill requires LAFCO to initiate dissolution of inactive districts by resolution within 90 days of receiving notification from the SCO, unless LAFCO determines that the district does not meet the criteria for “inactive district.” SB 448 also establishes an expedited process for LAFCOs to dissolve inactive districts. SB 448 becomes effective January 1, 2018.

DISCUSSION

In May 2017, the Commission received an update on the status of RD 2121. The Commission requested a subsequent, more comprehensive update in the fall. LAFCO staff sent RD 2121 a detailed request for information (RFI) relating to infrastructure, finances and governance (Attachment 2); attached is the District’s response (Attachment 3).

RD 2121’s Response to LAFCO’s RFI: The District indicates that they strongly disagree with any attempt to dissolve RD 2121, and provided the following responses to specific issues identified in LAFCO’s RFI:

1. Infrastructure:

a. Current condition of levees – *Currently, Reclamation District 2121 levees do not meet the State or Federal standards. We are in the process of working on the levees. In fact, we have spent the last 6 months identifying qualified fill and subcontractors to support weak areas and create a good foundation. 60% of our levee is at a conforming height (11' 3") and GPS level. The remaining 40% is a top priority. Fill dirt has been added to the dry side of the levee.*

b. Capital improvement Plan (CIP) – *There has been no formal CIP to address long term capital planning issues. We have used every available dollar and resource to improve the levees.*

c. Levee Inspections - *We have not instituted formal levee inspection procedures and/or written inspections.*

2. Fiscal

a. Funding – *There has been a change in the District's infrastructure expenses. We are in the process of a multi-year levee stabilization project. There will be no annual assessments. The income source comes from our family's farm. We would be interested in being eligible for State or Federal funding in the coming years, but we have never applied for State or Federal funding.*

3. Transparency

a. Website – *We do not have a website, at this time.*

Other LAFCO Questions: *No, we have never applied for State or Federal funding. But we believe that without Reclamation District 2121, we would never have the formal vehicle to apply for matching funds to protect the 10,500 feet of levees surrounding our parcels and the Burlington Northern tracks.*

If Reclamation District 2121 dissolves, what will happen in the event of a system wide failure of California delta levees? What agency do we call? Who will help support the levees that are not protected by a Reclamation District?

Again, since 1984, Reclamation District 2121 has been INACTIVE, with no issues. In 2017, the State of California and LAFCO attempts to DISSOLVE the only avenue available for a small business to improve and conform levees in the delta.

In light of this year's catastrophic precipitation, we request that Reclamation District 2121 not be dissolved. We ask to remain INACTIVE.

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.

LAFCO assigned a zero SOI to the District signaling future dissolution; and in 2016, the SCO identified RD 2121 as an inactive district, also signaling dissolution.

Existing law requires local agencies to furnish the SCO with an annual financial report, and to prepare and submit to the SCO financial audits prepared by a certified public accountant.

SB 448 includes the following new requirements and provisions:

- Requires special districts to file their audits with the SCO and with LAFCO.
- Requires the SCO to prepare an annual list of inactive districts (dependent and independent), publish the list on its website and notify LAFCOs of the inactive districts in their county.
- Requires LAFCO to initiate proceedings to dissolve inactive districts within 90 days of receiving notice from the SCO, unless LAFCO determines the district does not meet the criteria defining “inactive district.”
- LAFCO shall hold one public hearing in conjunction with the dissolution; the second hearing (protest hearing) is waived.
- “Inactive district” means a special district that meets all of the following:
 - (a) The special district is as defined in Section 56036.
 - (b) The special district has had no financial transactions in the previous fiscal year.
 - (c) The special district has no assets and liabilities.
 - (d) The special district has no outstanding debts, judgments, litigation, contracts, liens, or claims.

Both the 2009 and 2015 LAFCO MSR's concluded that RD 2121 is inactive. The District recognizes that it is inactive and wishes to remain so. Further RD 2121 acknowledges that since its formation in 1984, it has never applied for State or Federal funding.

Both MSR's note that RD 2121 does not adopt an annual budget, does not prepare financial statements, and does not report to the SCO. In conjunction with the MSR's, the District reported annual expenses of \$5,000 and annual revenues of \$5,000. It appears no formal assessments or fees were charged to the landowner, and that RD 2121 has no long term debt. The District also reported a \$23,000 infrastructure investment in FY 2013-14. We assume this was related to improvements on the levees with rock materials, but no value to the District was recorded. No other financial information was provided by the District.

According to SB 448, the District cannot remain inactive. However, while it appears that RD 2121 is inactive, without current financial information it is difficult to determine if RD 2121 meets all of the criteria contained in SB 448.

Next Steps – Staff recommends that we continue the discussion relating to the dissolution of RD 2121 until the January 2018 LAFCO meeting, at which time SB 448 will be effective.

In the meanwhile, LAFCO staff will formally advise the District of the new requirements under SB 448. In addition, we will request current financial information relating to FY 2016-17 expenditures, revenues and assessments, as well as assets, liabilities, outstanding debts, judgments, litigation, contracts, liens, and claims.

Finally, we will advise RD 2121 that should they remain an independent district, they must address the issues and concerns identified in the LAFCO MSR's, as LAFCO required of the Castle Rock County Water District. These issues include the following:

1. Infrastructure

- a. Provide LAFCO with a plan/timeline for bringing the District's levees up to State standards.
- b. Provide LAFCO with a timeline for preparing a Capital Improvement Plan.
- c. Provide LAFCO with a timeline for preparing a levee inspection procedures and/or program.
- d. Provide LAFCO with an update on levee improvement activities as described in the District's recent update (i.e., fill, multi-year stabilization, etc.).

2. Fiscal

- a. Provide LAFCO with the last three annual budgets (FY 2016-17, 2015-16, 2014-15).
- b. Provide LAFCO with information pertaining to assessments, assets, liabilities, outstanding debts, judgments, litigation, contracts, liens, and claims.
- c. Provide LAFCO with a plan and timeline as to when RD 2121 will apply for State and/or Federal funding.
- d. Provide LAFCO with a timeline as to when RD 2121 will prepare a financial audit as required by current statute.
- e. Provide LAFCO with a timeline as to when RD 2121 will submit its financial report to the SCO as required by current statute.

3. Transparency

- a. Provide LAFCO with a timeline as to when RD 2121 will launch its website. Streamline (<http://www.getstreamline.com/>) as well as the California Special Districts Association offer services to assist small districts with website development.

RECOMMENDATIONS

Continue the discussion regarding dissolution of RD 2121 to the January 10, 2018 LAFCO meeting; and direct staff to send RD 2121 a letter requesting the information summarized above, along with any other information the Commission desires.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

Attachments:

1. Senate Bill 448
2. LAFCO Request for Information (RFI)
3. Reclamation District 2121's Response to LAFCO's RFI

c: RD 2121
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SB-448 Local government: organization: districts. (2017-2018)

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Date Published: 09/28/2017 09:00 PM

Senate Bill No. 448

CHAPTER 334

An act to amend Sections 26909, 56073.1, and 56375 of, to add Sections 12463.4 and 56042 to, and to add Article 6 (commencing with Section 56879) to Chapter 5 of Part 3 of Division 3 of Title 5 of, the Government Code, relating to local government.

[Approved by Governor September 27, 2017. Filed with Secretary of State September 27, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

SB 448, Wieckowski. Local government: organization: districts.

(1) Existing law requires the officer of each local agency, as defined, who has charge of the financial records of the local agency, to furnish to the Controller a report of all the financial transactions of the local agency during the next preceding fiscal year within 7 months after the close of each fiscal year. Existing law also 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 instead require special districts defined by a specified provision to file those audit reports with the Controller and special districts defined by another specified provision to file those audit reports with the Controller and 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, with each local agency formation commission within each county in which the district is located. The bill would also require the Controller to publish on the Controller's Internet Web site a comprehensive list of special districts on or before July 1, 2019, and to annually update that list.

(2) 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.

This bill would require the Controller to create a list of special districts that are inactive, as provided. The bill would also require the Controller to publish this list and to notify a local agency formation commission in the county or counties in which the special district is located if the Controller has included the special district in this list. The bill would require a local agency formation commission to initiate proceedings for the dissolution of any special district that is an inactive district and to dissolve those districts. The bill would define the term "inactive district" for these purposes. This bill would also make conforming changes. By increasing the duties of local officials, this bill would impose a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 12463.4 is added to the Government Code, to read:

12463.4. On or before July 1, 2019, the Controller shall publish on the Controller's Internet Web site a comprehensive list of special districts. The Controller shall update the list every year thereafter. For purposes of this section, the term "special district" means an "independent district" or "independent special district" as those terms are defined in Section 56044.

SEC. 2. Section 26909 of the Government Code, as amended by Section 1 of Chapter 164 of the Statutes of 2016, is amended to read:

26909. (a) (1) The county auditor shall either make or contract with a certified public accountant or public accountant to make an annual audit of the accounts and records of every special district within the county for which an audit by a certified public accountant or public accountant is not otherwise provided. In each case, the minimum requirements of the audit shall be prescribed by the Controller and shall conform to generally accepted auditing standards.

(2) (A) If an audit of a special district's accounts and records is made by a certified public accountant or public accountant, the minimum requirements of the audit shall be prescribed by the Controller and shall conform to generally accepted auditing standards.

(B) A report of the audit required pursuant to subparagraph (A) shall be filed within 12 months of the end of the fiscal year or years under examination as follows:

(i) For a special district defined in paragraph (2) of subdivision (d) of Section 12463, with the Controller.

(ii) For a special district defined in Section 56036, with the Controller and with the local agency formation commission of the county in which the special district is located, unless the special district is located in two or more counties, then with each local agency formation commission within each county in which the district is located.

(3) Any costs incurred by the county auditor, including contracts with, or employment of, certified public accountants or public accountants, in making an audit of every special district pursuant to this section shall be borne by the special district and shall be a charge against any unencumbered funds of the district available for the purpose.

(4) For a special district that is located in two or more counties, this subdivision shall apply to the auditor of the county in which the treasury is located.

(5) The county controller, or ex officio county controller, shall effect this section in those counties having a county controller or ex officio county controller.

(b) A special district may, by unanimous request of the governing board of the special district and with unanimous approval of the board of supervisors, replace the annual audit required by this section with one of the following, performed in accordance with professional standards, as determined by the county auditor:

(1) A biennial audit covering a two-year period.

(2) An audit covering a five-year period if the special district's annual revenues do not exceed an amount specified by the board of supervisors.

(3) An audit conducted at specific intervals, as recommended by the county auditor, that shall be completed at least once every five years.

(c) (1) A special district may, by unanimous request of the governing board of the special district and with unanimous approval of the board of supervisors, replace the annual audit required by this section with a financial review, or an agreed-upon procedures engagement, in accordance with the appropriate professional standards, as determined by the county auditor, if the following conditions are met:

(A) All of the special district's revenues and expenditures are transacted through the county's financial system.

(B) The special district's annual revenues do not exceed one hundred fifty thousand dollars (\$150,000).

(C) The special district shall pay for any costs incurred by the county auditor in performing an agreed-upon procedures engagement. Those costs shall be charged against any unencumbered funds of the district available for that purpose.

(2) If the board of supervisors is the governing board of the special district, it may, upon unanimous approval, replace the annual audit of the special district required by this section with a financial review, or an agreed-upon procedures engagement, in accordance with the appropriate professional standards, as determined by the county auditor, if the special district satisfies the requirements of subparagraphs (A) and (B) of paragraph (1).

(d) (1) A special district may, by annual unanimous request of the governing board of the special district and with annual unanimous approval of the board of supervisors, replace the annual audit required by this section with an annual financial compilation of the special district to be performed by the county auditor in accordance with professional standards, if all of the following conditions are met:

(A) All of the special district's revenues and expenditures are transacted through the county's financial system.

(B) The special district's annual revenues do not exceed one hundred fifty thousand dollars (\$150,000).

(C) The special district shall pay for any costs incurred by the county auditor in performing a financial compilation. Those costs shall be a charge against any unencumbered funds of the district available for that purpose.

(2) A special district shall not replace an annual audit required by this section with an annual financial compilation of the special district pursuant to paragraph (1) for more than five consecutive years, after which a special district shall comply with subdivision (a).

(e) Notwithstanding this section, a special district shall be exempt from the requirement of an annual audit if the financial statements are audited by the Controller to satisfy federal audit requirements.

(f) Upon receipt of the financial review, agreed-upon procedures engagement, or financial compilation, the county auditor shall have the right to appoint, pursuant to subdivision (a), a certified public accountant or a public accountant to conduct an audit of the special district, with proper notice to the governing board of the special district and board of supervisors.

(g) This section shall remain in effect only until January 1, 2027, and as of that date is repealed.

SEC. 3. Section 26909 of the Government Code, as added by Section 2 of Chapter 164 of the Statutes of 2016, is amended to read:

26909. (a) (1) The county auditor shall either make or contract with a certified public accountant or public accountant to make an annual audit of the accounts and records of every special district within the county for which an audit by a certified public accountant or public accountant is not otherwise provided. In each case, the minimum requirements of the audit shall be prescribed by the Controller and shall conform to generally accepted auditing standards.

(2) (A) If an audit of a special district's accounts and records is made by a certified public accountant or public accountant, the minimum requirements of the audit shall be prescribed by the Controller and shall conform to generally accepted auditing standards.

(B) A report of the audit required pursuant to subparagraph (A) shall be filed within 12 months of the end of the fiscal year or years under examination as follows:

(i) For a special district defined in paragraph (2) of subdivision (d) of Section 12463, with the Controller.

(ii) For a special district defined in Section 56036, with the Controller and with the local agency formation commission of the county in which the special district is located, unless the special district is located in two or more counties, then with each local agency formation commission within each county in which the district is located.

(3) Any costs incurred by the county auditor, including contracts with, or employment of, certified public accountants or public accountants, in making an audit of every special district pursuant to this section shall be

borne by the special district and shall be a charge against any unencumbered funds of the district available for the purpose.

(4) For a special district that is located in two or more counties, this subdivision shall apply to the auditor of the county in which the treasury is located.

(5) The county controller, or ex officio county controller, shall effect this section in those counties having a county controller or ex officio county controller.

(b) A special district may, by unanimous request of the governing board of the special district and with unanimous approval of the board of supervisors, replace the annual audit required by this section with one of the following, performed in accordance with professional standards, as determined by the county auditor:

(1) A biennial audit covering a two-year period.

(2) An audit covering a five-year period if the special district's annual revenues do not exceed an amount specified by the board of supervisors.

(3) An audit conducted at specific intervals, as recommended by the county auditor, that shall be completed at least once every five years.

(c) (1) A special district may, by unanimous request of the governing board of the special district and with unanimous approval of the board of supervisors, replace the annual audit required by this section with a financial review, in accordance with the appropriate professional standards, as determined by the county auditor, if the following conditions are met:

(A) All of the special district's revenues and expenditures are transacted through the county's financial system.

(B) The special district's annual revenues do not exceed one hundred fifty thousand dollars (\$150,000).

(2) If the board of supervisors is the governing board of the special district, it may, upon unanimous approval, replace the annual audit of the special district required by this section with a financial review in accordance with the appropriate professional standards, as determined by the county auditor, if the special district satisfies the requirements of subparagraphs (A) and (B) of paragraph (1).

(d) Notwithstanding this section, a special district shall be exempt from the requirement of an annual audit if the financial statements are audited by the Controller to satisfy federal audit requirements.

(e) This section shall become operative on January 1, 2027.

SEC. 4. Section 56042 is added to the Government Code, to read:

56042. "Inactive district" means a special district that meets all of the following:

(a) The special district is as defined in Section 56036.

(b) The special district has had no financial transactions in the previous fiscal year.

(c) The special district has no assets and liabilities.

(d) The special district has no outstanding debts, judgments, litigation, contracts, liens, or claims.

SEC. 5. Section 56073.1 of the Government Code is amended to read:

56073.1. "Resolution of application" means the document adopted by a local agency or school district initiating a change of organization or reorganization pursuant to Section 56654 or the document adopted by a commission pursuant to paragraph (2) of subdivision (a) of Section 56375 or by subdivision (c) of Section 56879.

SEC. 6. Section 56375 of the Government Code is amended to read:

56375. The commission shall have all of the following powers and duties subject to any limitations upon its jurisdiction set forth in this part:

(a) (1) To review and approve with or without amendment, wholly, partially, or conditionally, or disapprove proposals for changes of organization or reorganization, consistent with written policies, procedures, and

guidelines adopted by the commission.

(2) The commission may initiate proposals by resolution of application for any of the following:

(A) The consolidation of a district, as defined in Section 56036.

(B) The dissolution of a district.

(C) A merger.

(D) The establishment of a subsidiary district.

(E) The formation of a new district or districts.

(F) A reorganization that includes any of the changes specified in subparagraph (A), (B), (C), (D), or (E).

(G) The dissolution of an inactive district pursuant to Section 56879.

(3) A commission may initiate a proposal described in paragraph (2) only if that change of organization or reorganization is consistent with a recommendation or conclusion of a study prepared pursuant to Section 56378, 56425, or 56430, and the commission makes the determinations specified in subdivision (b) of Section 56881.

(4) A commission shall not disapprove an annexation to a city, initiated by resolution, of contiguous territory that the commission finds is any of the following:

(A) Surrounded or substantially surrounded by the city to which the annexation is proposed or by that city and a county boundary or the Pacific Ocean if the territory to be annexed is substantially developed or developing, is not prime agricultural land as defined in Section 56064, is designated for urban growth by the general plan of the annexing city, and is not within the sphere of influence of another city.

(B) Located within an urban service area that has been delineated and adopted by a commission, which is not prime agricultural land, as defined by Section 56064, and is designated for urban growth by the general plan of the annexing city.

(C) An annexation or reorganization of unincorporated islands meeting the requirements of Section 56375.3.

(5) As a condition to the annexation of an area that is surrounded, or substantially surrounded, by the city to which the annexation is proposed, the commission may require, where consistent with the purposes of this division, that the annexation include the entire island of surrounded, or substantially surrounded, territory.

(6) A commission shall not impose any conditions that would directly regulate land use density or intensity, property development, or subdivision requirements.

(7) The decision of the commission with regard to a proposal to annex territory to a city shall be based upon the general plan and rezoning of the city. When the development purposes are not made known to the annexing city, the annexation shall be reviewed on the basis of the adopted plans and policies of the annexing city or county. A commission shall require, as a condition to annexation, that a city rezone the territory to be annexed or present evidence satisfactory to the commission that the existing development entitlements on the territory are vested or are already at build-out, and are consistent with the city's general plan. However, the commission shall not specify how, or in what manner, the territory shall be rezoned.

(8) (A) Except for those changes of organization or reorganization authorized under Section 56375.3, and except as provided by subparagraph (B), a commission shall not approve an annexation to a city of any territory greater than 10 acres, or as determined by commission policy, where there exists a disadvantaged unincorporated community that is contiguous to the area of proposed annexation, unless an application to annex the disadvantaged unincorporated community to the subject city has been filed with the executive officer.

(B) An application to annex a contiguous disadvantaged community shall not be required if either of the following apply:

(i) A prior application for annexation of the same disadvantaged community has been made in the preceding five years.

(ii) The commission finds, based upon written evidence, that a majority of the registered voters within the affected territory are opposed to annexation.

- (b) With regard to a proposal for annexation or detachment of territory to, or from, a city or district or with regard to a proposal for reorganization that includes annexation or detachment, to determine whether territory proposed for annexation or detachment, as described in its resolution approving the annexation, detachment, or reorganization, is inhabited or uninhabited.
- (c) With regard to a proposal for consolidation of two or more cities or districts, to determine which city or district shall be the consolidated successor city or district.
- (d) To approve the annexation of unincorporated, noncontiguous territory, subject to the limitations of Section 56742, located in the same county as that in which the city is located, and that is owned by a city and used for municipal purposes and to authorize the annexation of the territory without notice and hearing.
- (e) To approve the annexation of unincorporated territory consistent with the planned and probable use of the property based upon the review of general plan and rezoning designations. No subsequent change may be made to the general plan for the annexed territory or zoning that is not in conformance to the rezoning designations for a period of two years after the completion of the annexation, unless the legislative body for the city makes a finding at a public hearing that a substantial change has occurred in circumstances that necessitate a departure from the rezoning in the application to the commission.
- (f) With respect to the incorporation of a new city or the formation of a new special district, to determine the number of registered voters residing within the proposed city or special district or, for a landowner-voter special district, the number of owners of land and the assessed value of their land within the territory proposed to be included in the new special district. The number of registered voters shall be calculated as of the time of the last report of voter registration by the county elections official to the Secretary of State prior to the date the first signature was affixed to the petition. The executive officer shall notify the petitioners of the number of registered voters resulting from this calculation. The assessed value of the land within the territory proposed to be included in a new landowner-voter special district shall be calculated as shown on the last equalized assessment roll.
- (g) To adopt written procedures for the evaluation of proposals, including written definitions consistent with existing state law. The commission may adopt standards for any of the factors enumerated in Section 56668. Any standards adopted by the commission shall be written.
- (h) To adopt standards and procedures for the evaluation of service plans submitted pursuant to Section 56653 and the initiation of a change of organization or reorganization pursuant to subdivision (a).
- (i) To make and enforce regulations for the orderly and fair conduct of hearings by the commission.
- (j) To incur usual and necessary expenses for the accomplishment of its functions.
- (k) To appoint and assign staff personnel and to employ or contract for professional or consulting services to carry out and effect the functions of the commission.
- (l) To review the boundaries of the territory involved in any proposal with respect to the definiteness and certainty of those boundaries, the nonconformance of proposed boundaries with lines of assessment or ownership, and other similar matters affecting the proposed boundaries.
- (m) To waive the restrictions of Section 56744 if it finds that the application of the restrictions would be detrimental to the orderly development of the community and that the area that would be enclosed by the annexation or incorporation is so located that it cannot reasonably be annexed to another city or incorporated as a new city.
- (n) To waive the application of Section 22613 of the Streets and Highways Code if it finds the application would deprive an area of a service needed to ensure the health, safety, or welfare of the residents of the area and if it finds that the waiver would not affect the ability of a city to provide any service. However, within 60 days of the inclusion of the territory within the city, the legislative body may adopt a resolution nullifying the waiver.
- (o) If the proposal includes the incorporation of a city, as defined in Section 56043, or the formation of a district, as defined in Section 2215 of the Revenue and Taxation Code, the commission shall determine the property tax revenue to be exchanged by the affected local agencies pursuant to Section 56810.
- (p) To authorize a city or district to provide new or extended services outside its jurisdictional boundaries pursuant to Section 56133.

(q) To enter into an agreement with the commission for an adjoining county for the purpose of determining procedures for the consideration of proposals that may affect the adjoining county or where the jurisdiction of an affected agency crosses the boundary of the adjoining county.

(r) To approve with or without amendment, wholly, partially, or conditionally, or disapprove pursuant to this section the annexation of territory served by a mutual water company formed pursuant to Part 7 (commencing with Section 14300) of Division 3 of Title 1 of the Corporations Code that operates a public water system to a city or special district. Any annexation approved in accordance with this subdivision shall be subject to the state and federal constitutional prohibitions against the taking of private property without the payment of just compensation. This subdivision shall not impair the authority of a public agency or public utility to exercise eminent domain authority.

SEC. 7. Article 6 (commencing with Section 56879) is added to Chapter 5 of Part 3 of Division 3 of Title 5 of the Government Code, to read:

Article 6. Inactive Special Districts

56879. (a) On or before November 1, 2018, and every year thereafter, the Controller shall create a list of special districts that are inactive, as defined in Section 56042, based upon the financial reports received by the Controller pursuant to Section 53891. The Controller shall publish the list of inactive districts on the Controller's Internet Web site. The Controller shall also notify the commission in the county or counties in which the district is located if the Controller has included the district in this list.

(b) The commission shall initiate dissolution of inactive districts by resolution within 90 days of receiving notification from the Controller pursuant to subdivision (a), unless the commission determines that the district does not meet the criteria set forth in Section 56042. The commission shall notify the Controller if the commission determines that a district does not meet the criteria set forth in Section 56042.

(c) The commission shall dissolve inactive districts. The commission shall hold one public hearing on the dissolution of an inactive district pursuant to this section no more than 90 days following the adoption of the resolution initiating dissolution. The dissolution of an inactive district shall not be subject to any of the following:

(1) Chapter 1 (commencing with Section 57000) to Chapter 7 (commencing with Section 57176), inclusive, of Part 4.

(2) Determinations pursuant to subdivision (b) of Section 56881.

(3) Requirements for commission-initiated changes of organization described in paragraph (3) of subdivision (a) of Section 56375.

56880. This article shall not apply to a special district formed by special legislation that is required by its enabling statute to obtain funding within a specified period of time or be dissolved. That district shall not be subject to this article during that specified period of time.

SEC. 8. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.



Lou Ann Teixeira
Executive Officer

MEMBERS

Candace Andersen
County Member

Donald A. Blubaugh
Public Member

Federal Glover
County Member

Don Tatzin
City Member

Michael R. McGill
Special District Member

Rob Schroder
City Member

Igor Skaredoff
Special District Member

ALTERNATE MEMBERS

Diane Burgis
County Member

Sharon Burke
Public Member

Tom Butt
City Member

Stanley Caldwell
Special District Member

August 29, 2017

Tom Bloomfield
Reclamation District 2121
2030 Newton Road
Brentwood, CA 94513

Subject: Status of Reclamation District 2121

Dear Mr. Bloomfield,

This is a follow-up to the May 10, 2017 meeting of the Contra Costa LAFCO at which time the Commission discussed the future of Reclamation District (RD) 2121.

As you know, in November 2015, LAFCO adopted a zero sphere of influence (SOI) for RD 2121, signaling a future change of organization for the District (i.e., consolidation, dissolution). The SOI update followed two LAFCO Municipal Service Reviews (MSRs) in 2009 and 2015 which found deficiencies in the District's administration and governance, including failure to meet the State's minimum levee standards; lack of financial documents/reporting, capital planning, inspection records; and transparency.

At the LAFCO meeting in May 2017, the Commission deferred initiating dissolution of RD 2121, pending receipt of an update on various issues as summarized below.

ISSUES IDENTIFIED IN THE MSRs

1. Infrastructure

- a. *Current condition of levees* – do the RD 2121 levees meet minimum State and/or Federal standards? If not, is there a plan to bring the levees up to State and/or federal standards, and what is the timeframe?
- b. *Capital Improvement Plan (CIP)* - has the District developed a CIP to address long term capital planning issues? If not, when will a CIP be developed?
- c. *Levee inspections* – has RD 2121 instituted formal levee inspection procedures and/or written inspection reporting? If not, when will procedures and reports be developed?

2. Fiscal

- a. *Funding* – Both the 2009 and 2015 LAFCO MSRs indicated the District's finances were constrained; and that RD 2121 had minimal expenditures (\$5,000), minimal revenues (\$5,000), and no assessments. Has there been any change in the District's expenditures, revenues and/or assessments since completion of the November 2015 MSR? If so, please explain. If not, will RD 2121 impose any assessments in the upcoming year? If

so, please provide details. Will RD 2121 apply for State and/or Federal funding in the upcoming year? If so, please provide details. If not, please explain.

- b. *Financial Documents* – the MSRs noted that RD 2121 does not adopt annual budgets, prepare audits, and/or submit financial transaction reports to the State Controller’s Office (SCO), as required by law. What actions will the District take to prepare/submit these required financial documents?

3. Transparency

- a. *Website* - the MSRs noted that RD 2121 has no website. At a minimum, special districts should maintain a website which includes the names of the Board Members (and terms of office), staff and contact information; information regarding the District’s services and a map of the District’s service boundary; Board meeting schedule and location, agendas and minutes; financial information including annual budgets and financial audits, contact information and other important information. Does RD 2121 have plans to develop a website?

Other Questions – Previously, the District acknowledged that it is inactive, has no board actions or activities, no efforts to improve governance; no assessments or taxes; no finances, budgets, revenues, audits or SCO reports. Further, the District indicated that the purpose of forming RD 2121 in 1984 was to create an entity that would be eligible to apply for matching funds. In that regard, *has RD 2121 ever applied for State or Federal funding? If so, what was the outcome? It would also be useful to know why it is important that RD 2121 continue to exist in its current form, and what would change if RD 2121 is dissolved. Finally, what resources does RD 2121 currently utilize that otherwise would not be available as a non-public agency?*

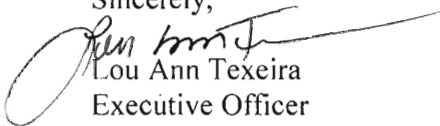
STATE CONTROLLER’S OFFICE URGES DISSOLUTION OF INACTIVE DISTRICTS

In January 2017, the SCO sent letters to 14 LAFCOs and to various County Auditors asking for updates regarding identified inactive districts, in an effort clean up records and have inactive districts dissolved and removed from the State’s rolls. Contra Costa LAFCO received one of the letters. The SCO identified 22 independent special districts as being inactive. RD 2121 was included on the SCO’s list of inactive districts. The SCO and the California Association of LAFCOs (CALAFCO) urge LAFCOs to dissolve these inactive districts.

Next Steps - At the October 11, 2017 LAFCO meeting, the Commission will discuss governance options for RD 2121, including dissolution. It is important that RD 2121 provide a written update and responses to the above questions by **September 30, 2017** so that we can provide this information to the Commission. LAFCO staff is available to meet and/or discuss the update. Feel free to contact us at (925) 335-1094.

Thank you and we look forward to receiving an update.

Sincerely,



Lou Ann Texeira
Executive Officer

c: Each Member, Contra Costa LAFCO
Mitchell Bloomfield

From: Ann Adams [<mailto:ann.adams1991@gmail.com>]
Sent: Friday, September 29, 2017 11:02 AM
To: Lou Ann Teixeira
Cc: Tom Bloomfield (cell); Mitch@BloomfieldCherries.com
Subject: LAFCO response to August 29th letter

September 29, 2017

Contra Costa LAFCO
Board of Directors
651 Pine Street #6
Martinez, CA 94553

Dear LAFCO Agency Members,

Thank you for this opportunity to respond to the Contra Costa LAFCO email dated August 29th, 2017.

As the director of Reclamation District 2121, I strongly disagree with any final attempt to dissolve Reclamation District 2121.

In our April 21st letter, we detailed the following:

Reclamation District 2121 constitutes 10,500 feet of levees surrounding the following Contra Costa County parcels: 015-120-006, 015-120-004, 015-120-005, and 015-120-003. These parcels are owned by Bloomfield family members and farmed by Bloomfield Vineyards, a small business. These parcels have no outside owners, governmental agencies or utility companies. Reclamation District 2121 has no board. Therefore, there are no board actions, activities, efforts to improve or governance.

There are no assessments or taxes issued by Reclamation District 2121. With no income, the Bloomfield family members carry the burden of maintenance for the levees. Therefore, Reclamation District 2121 has no finances, budgets, revenues, audits or SCO reports.

Issues identified in the MSRs included: Infrastructure, Fiscal, and Transparency. The following will address these issues.

1. Infrastructure:

- a. *Current condition of levees* - Currently, the Reclamation District 2121 levees do not meet the State or Federal standards. We are in the process of working on the levees. In fact, we have spent the last 6 months identifying qualified fill and subcontractors to support weak areas and create a good foundation. 60% of our levee is at a conforming height (11' 3") and GPS level. The remaining 40% is a top priority. Fill dirt has been added to the dry side of the levee.
- b. *Capital improvement Plan (CIP)* - There has been no formal CIP to address long term capital planning issues. We have used every available dollar and resource to improve the levees.
- c. *Levee Inspections* - We have not instituted formal levee inspection procedures and/or written inspections.

2. Fiscal

- a. *Funding* - There has been a change in the District's infrastructure expenses. We are in the process of a multi-year levee stabilization project. There will be no annual assessments. The income source comes from our family's farm. We would be interested in being eligible for State or Federal funding in the coming years, but we have never applied for State or Federal funding.

3. Transparency

- a. *Website* - we do not have a website, at this time

Other LAFCO Questions:

No, we have never applied for State or Federal funding. But we believe that without Reclamation 2121, we would never have the formal vehicle to apply for matching funds to protect the 10,500 feet of levees surrounding our parcels and the Burlington Northern tracks.

If Reclamation District 2121 dissolves, what will happen in the event of a system wide failure of California delta levees? What agency do we call? Who will help support the levees that are not protected by a Reclamation District.

Again, since 1984, Reclamation District 2121 has been INACTIVE, with no issues. In 2017, the State of California and LAFCO attempts to DISSOLVE the only avenue available for a small business to improve and conform levees in the delta.

In light of this year's catastrophic precipitation, we request that Reclamation District 2121 not be dissolved.

We ask to remain INACTIVE.

Sincerely,

Tom Bloomfield
Director, Reclamation District 2121
Owner, Bloomfield Vineyards

(
this email will be mailed 9/29/17, as a follow up.)

*Ann Bloomfield Adams
10700 NE 4th Street #702 **new address**
Bellevue, WA 98004
(425)750-2713 cell*



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

October 11, 2017 (Agenda)

October 11, 2017
 Agenda Item 7

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

Fire and Emergency Medical Services Update

Dear Members of the Commission:

BACKGROUND

In August 2016, the Commission approved its 2nd round Fire & Emergency Services (EMS) Municipal Service Review (MSR) which covered three cities and eight special districts. In conjunction with the MSR, the Commission updated the spheres of influence (SOIs) for five of the districts, and deferred SOI updates for three of the fire districts pending updates from the local agencies. The Commission also deferred SOI updates for the three cities covered in the EMS/Fire MSR pending completion of the upcoming cities/community services districts MSR (see summary table below).

Agency	Status of SOI Update
City of El Cerrito	Pending City MSR (2017-18)
City of Pinole	Pending City MSR (2017-18)
City of Richmond	Pending City MSR (2017-18)
County Service Area (CSA) EM-1	Retained existing SOI
Contra Costa County Fire Protection District (CCCFPD)	SOI update pending
Crockett Carquinez Fire Protection District (CCFPD)	SOI update pending
East Contra Costa Fire Protection District (ECCFPD)	Adopted provisional SOI
Kensington Fire Protection District (KFPD)	SOI update pending
Moraga Orinda Fire District (MOFD)	Retained existing SOI
Rodeo Hercules Fire District (RHFD)	Adopted provisional SOI
San Ramon Valley Fire Protection District (SRVFPD)	Retained existing SOI

LAFCO adopted provisional SOIs for ECCFPD and RHFD pending various issues and concerns identified in the MSR, noting that both districts face ongoing fiscal and service challenges. LAFCO also deferred SOI updates for CCCFPD, CCFPD and KFPD pending an update from the West County fire service providers on collaborative fire/EMS efforts in West County. The MSR

noted that there were opportunities in West County to develop and implement a West County standards of cover study, apply for grants, refine operational practices, and develop cooperative agreements to improve services through collaborative efforts. The Commission requested that these updates be provided within six months of completion of the MSR.

DISCUSSION: In March 2017, the Commission received updates from ECCFPD, CCCFPD, City of El Cerrito, and KFPD. The Commission requested further updates in the fall, and asked that an elected member of each agency, along with the Fire Chief, participate in the next update.

Following the March LAFCO meeting, and again in early September, LAFCO staff communicated with the fire/EMS providers and their elected officials regarding the requested updates, and invited each Fire Chief and a member of their elected body to provide updates (e.g., written, verbal) and attend the LAFCO meeting on October 11, 2017.

To date, LAFCO has received written updates from CCCFPD, CSA EM-1 and ECCFPD. The CCCFPD report provides updates on coordination and collaborative efforts in West County and on various other activities within the District's service area (Attachment 1). The CSA EM-1 report provides an update on the success of the partnership to provide ambulance services in Contra Costa County (Attachment 2). The ECCFPD report provides updates on District governance and the upcoming shift to a directly elected Board of Directors, and the status of fire stations, staffing and finances (Attachment 3). Also, the Pinole City Manager has advised LAFCO that Scott Kouns will start as the new Fire Chief on October 9th; the City will provide additional information at the LAFCO meeting. We thank these agencies for their written updates and anticipate the other agencies will provide verbal updates at the LAFCO meeting on October 11, 2017.

RECOMMENDATIONS: Receive updates and provide input and direction.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

Attachments

1. Update from CCCFPD
2. Update from CSA EM-1
3. Update from ECCFPD

c: Distribution

Contra Costa County**Fire Protection District**

September 19, 2017

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

RE: Fire District Update

Dear Ms. Texeira:

In West County, our proposal to provide fire management to the City of Pinole and the Rodeo-Hercules Fire Protection District (RHFD) failed in the eleventh hour. Unfortunately, after they were successful in obtaining a parcel tax, the RHFD board chose not to utilize our services. Providing services to only the City of Pinole was not financially feasible, and the proposal was abandoned.

We continue to explore opportunities with Pinole Fire and Rodeo-Hercules Fire related to joint training, purchasing, and fire prevention. However, at this time, nothing is in contract.

With regard to a Standards of Cover study, as addressed in the MSR, there has been no movement on that issue. Contracting for a study is costly, and no one has the extra funding required to enter into such an agreement.

We continue to make progress on the rebuild and relocate of Fire Station 70 in San Pablo. We have completed the CEQA process, and it was recently accepted by our Board. We hope to break ground in Q1 2018.

In East County, we renegotiated an automatic-aid agreement with the East Contra Costa Fire Protection District after they reduced their station number to three. We are approximately 45 days into this new agreement, and we are still analyzing the numbers to make sure the arrangement remains as equal as possible.

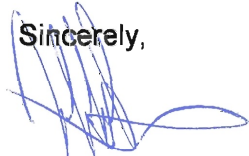
In Central County, we continue the process to rebuild Fire Station 16 in Lafayette. Station 16 was closed in 2012 and was red-tagged due to structural deficiencies caused by an earthquake. The salary costs for reopening the station have been added to our FY 18/19 budget. The District is close to going to bid and receiving a building permit, and we hope to break ground by January 1, 2018.

The ambulance program has been a great success. We have added additional ambulances and reduced response times in most areas by two to three minutes. Our fracture performance runs between 96-97% which is well above the 90% requirement.

Two stations and three companies will remain closed after Station 16 reopens next year – Station 4 in downtown Walnut Creek, Station 12 in Martinez, and Engine 1 in Walnut Creek. We have requested a FEMA grant to reopen Engine 1 (entails adding a second company in Fire Station 1). By the end of September, we will know whether or not we received the grant. If we do not, the reopening of this company will be our top priority, as the budget permits. Stations 4 and 12 are lower priorities for us as their closures did not significantly degrade performance. We will undertake a study this year to determine our next priorities after reopening Engine 1. This study will determine whether we open one of our closed stations or add a second company at one or more of our busier fire stations.

The District continues to make strides both financially and with regard to staffing. For the population we serve and the call volume we experience, we continue to be both busy and understaffed.

Sincerely,




Jeff Carman
Fire Chief



**County of Contra Costa
EMERGENCY MEDICAL SERVICES
Memorandum**

DATE: September 28, 2017

To: Lou Ann Texeira, Executive Officer LAFCO

FROM: Patricia Frost, EMS Director 

SUBJECT: **LAFCO EMS/Fire Service Update**

On January 2016 the Contra Costa Fire Protection District in partnership with legacy private ambulance provider American Medical Response, assumed emergency ambulance services for the Exclusive Operating Areas covering West, Central and East County under a first of its kind ambulance service delivery model known as the "Alliance".

The Alliance has been highly successful in improving ambulance response times in all communities including reducing the incidence of excessive delays in ambulance response.

- 2017 Compliance Summary: <http://cchealth.org/ems/pdf/websummary-ccfd-2017.pdf>
- 2016 Compliance Summary: <http://cchealth.org/ems/pdf/websummary-ccfd-2016.pdf>

Countywide EMS System performance is detailed in the recently published Contra Costa Emergency Medical Services 2016 EMS System Performance Report posted at: <http://cchealth.org/ems/pdf/annual-report-2016.pdf>.

Modifications to the new performance-based emergency ambulance contract were based on the findings of the publically vetted June 2014 EMS System Modernization Study posted at: <http://cchealth.org/ems/pdf/2014-EMS-System-Modernization-Study.pdf>. Under the terms of the current contract the Board of Supervisors is provided flexibility in adjusting response times and response areas to support efficiencies over the duration of the contract period.

Under the new ambulance service delivery model the Alliance and EMS Agency is actively engaged to enhance the Countywide EMS System through improved integration between the prehospital and health care community in the areas of bi-directional health

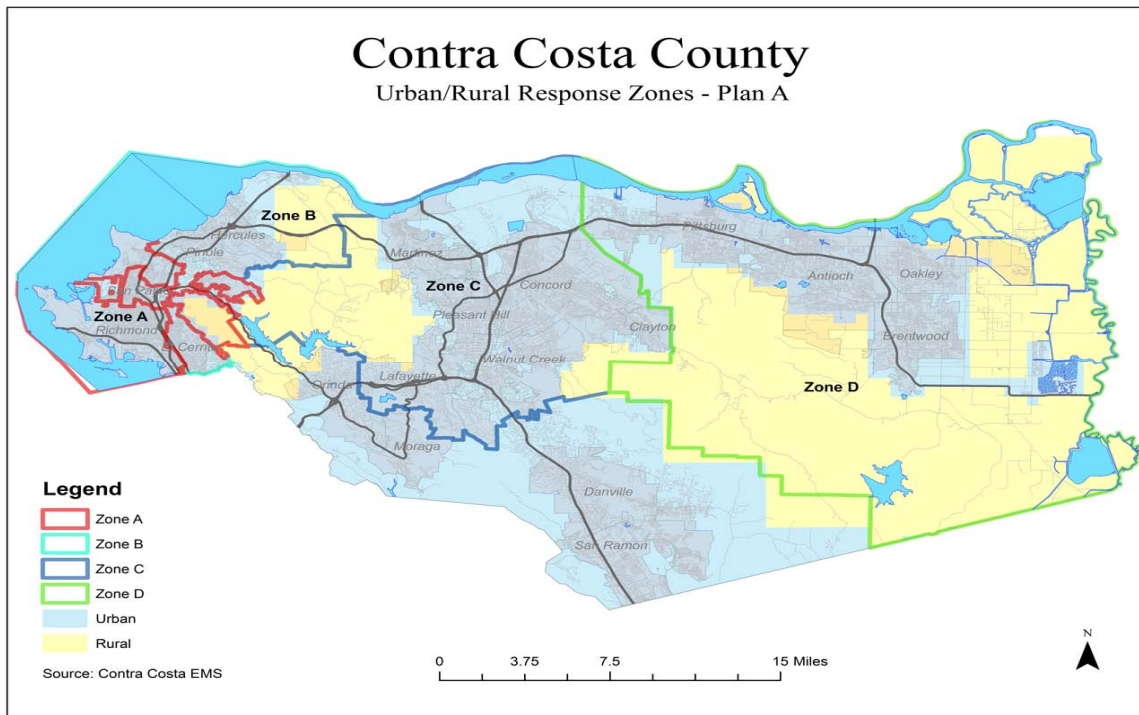
information exchange with hospitals such as the POLST (Physician Orders for Life Sustaining Treatment) project <http://www.chcf.org/media/press-releases/2016/polst-registry>. New behavioral health and 5150 patient care initiatives that included EMS are also moving forward. See the report from February 22, 2017 5150 Summit at <http://cchealth.org/ems/pdf/AAR-5150-Summit.pdf>.

The response areas and times are illustrated below:

AMBULANCE EMERGENCY RESPONSE ZONE (ERZ)		RESPONSE TIME REQUIREMENTS BY MINUTES AND RESPONSE PERCENT ¹		
ERZ Provider	Geographic Area	High Density	Low Density	Response %
ERZ A (AMR)	City of Richmond	10:00	20:00	90%
ERZ B (AMR)	West County (non-Richmond)	11:45	20:00	90%
ERZ C (AMR)	Central County	11:45	20:00	90%
ERZ D (AMR)	East Contra Costa County	11:45 16:45 (in Bethel Island)	20:00	90%
ERZ Moraga Orinda	Moraga Orinda Fire Protection District ²	11:59	20:00	90%
ERZ San Ramon	San Ramon Valley Fire Protection District ²	10:00	20:00	95%

Source: Contra Costa EMS Agency Verified Provider Dispatch Data

¹ Current ambulance response performance requirements for the contracted ambulance provider
² A fire protection district provides emergency ambulance service in this zone. A fire district board is the local authority for establishing response requirements in this service area.



Summary: The new service delivery model has provided a significant number of benefits to the community and EMS System at large. Over the duration of the contract there is the potential to dramatically improve care for patients, their families and their communities through improved coordination of services provided by EMS and health care providers.

EAST CONTRA COSTA FIRE PROTECTION DISTRICT

MEMO

TO: Lou Ann Texeira, Executive Officer Contra Costa LAFCO

FROM: Brian Helmick, Interim Fire Chief

DATE: October 01, 2017

SUBJECT: East Contra Costa Fire Protection District's Update

This memo is to meet the LAFCO Executive Director request for an update on the District.

Elected Board

The District's Board of Directors placed Measure N on the November, 2016 ballot to allow the voters to determine whether the District should have an elected Board, rather than a Board appointed by the County Board of Supervisors and the City Councils of the cities of Brentwood and Oakley. That measure passed.

In February 2017, the Board of Directors adopted resolution 2017-03 calling for the first election of District directors to be consolidated with the Statewide General Election in each even year beginning on November 6, 2018. This move was proposed to save the District from having to hold its own election, at a cost of approximately \$300,000.00, each election cycle. The County subsequently approved the District's request.

At its October 02, 2017 meeting, the District's Board of Directors will discuss a plan to reduce the size of the Board from 9 directors to 5, and possibly to use electoral divisions rather than at-large elections, in preparation for the first Board election in November 2018.

Stations & Staffing

From May 2015 through June 30, 2017, the District operated a 4th station using one-time monies contributed by the cities of Brentwood and Oakley as well as Contra Costa County. This temporary funding ran out June 30, 2017.

On July 01, 2017, the District closed Station 94 (Knightsen) and converted to operating with three stations.

The District's current and projected revenues cannot fund a 4th station. The District's current three-station model does not adequately serve and protect the jurisdiction as defined in the District's Master Plan. With that said, as a three-station rural operation, the District is in sound financial condition for the next 10 years and is meeting all financial and organizational reserve obligations.

Next Steps: *Develop long-range strategic and funding plan*

The District has stabilized the District's operations at three stations with 10-year financial stability. Starting in January 2018, the District's next steps are to develop a strategic and funding plan to implement the recommendations contained in the Master Plan produced by City Gate, explore funding options, and engage and educate the community. The funding plan will consider all options including Development Impact Fees, Special Taxes (including Utility User Taxes and Parcel Taxes), CFD's, Benefit Assessments, etc.

Office of the Fire Chief

The Board of Directors appointed an Interim Fire Chief on March 31, 2017 to serve the District from April 1, 2017 through March 31, 2018. The Board of Directors will report at either the October or November meeting on its plans for filling the Fire Chief position on a permanent basis.



Lou Ann Texeira
 Executive Officer

MEMBERS

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

ALTERNATE MEMBERS

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

October 11, 2017
 Agenda Item 8

October 11, 2017

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

First Quarter Budget Report - Fiscal Year 2017-18

Dear Members of the Commission:

This is the first quarter budget report for FY 2017-18, which compares adopted and actual expenses and revenues for the period July 1, 2017 through September 30, 2017.

The LAFCO operating budget includes three components: salaries/benefits, services/supplies, and contingency/OPEB Trust/CCCERA Pre-fund. 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 10, 2017, LAFCO adopted its final FY 2017-18 budget with total appropriations of \$945,210, which includes an \$80,000 contingency/reserve fund, a contribution of \$40,000 to fund the Other Post-Employment Benefits (OPEB) liability, and a contribution of \$30,000 to pre-fund LAFCO’s retirement account with the Contra Costa County Employees’ Retirement Association (CCCERA).

With 25% of the fiscal year elapsed, the Commission’s first quarter expenditures are \$142,200 or 15% of total appropriations. The Commission budgeted \$404,370 in *salaries/benefits* for FY 2017-18; at the end of the first quarter, actual expenses total \$69,550 or 18% of the total budgeted amount. The Commission budgeted \$390,840 in *services/supplies*; and at the end of the first quarter, actual expenses total \$42,650 or 11%. The \$30,000 payment toward the CCCERA liability was made and is reflected in the FY 2017-18 first quarter budget report. The \$40,000

payment toward the OPEB liability was made and will be reflected in the FY 2017-18 second quarter budget report.

The primary sources of revenues are local agency contributions, application fees, and interest earnings. Total revenues received during the first quarter are \$895,854 (including fund balance) or 95% of projected revenues. With the exception of the City of Richmond and Reclamation District 2059, all local agencies have paid their prorated contributions to the LAFCO budget. LAFCO staff is currently working with the Auditor’s Office to collect appropriations from the remaining two agencies.

As for application fees, FY 2017-18 application activity exceeds FY 2016-17 activity. During the first quarter of FY 2017-18, LAFCO received four new applications; during the first quarter of FY 2016-17, LAFCO received one new application.

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

Finally, when available, we budget fund balance to offset agency contributions. The FY 2017-18 budget includes \$170,000 in budgeted fund balance. See table below for a summary.

Account	FY 2017-18 Final Budget	First Quarter Actuals
Salaries & Benefits	\$404,370	\$ 69,550
Services & Supplies	390,840	42,650
Contingency/Reserve	80,000	0
OPEB Trust	40,000	0
CCCERA Pre-Fund	30,000	\$ 30,000
Total Appropriations	\$945,210	\$142,200
Agency Contributions	\$755,210	\$706,662
Application/Other Revenue	20,000	19,192
Interest Earnings	-	-
Fund Balance	170,000	170,000
Total Revenues	\$945,210	\$895,854

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 2017-18 first quarter budget report.

Sincerely,

LOU ANN TEXEIRA
 EXECUTIVE OFFICER



Lou Ann Texeira
 Executive Officer

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October 11, 2017
 Agenda Item 9

October 11, 2017 (Agenda)

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

2018 LAFCO Meeting Schedule

Dear Commissioners:

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

The 2018 meeting schedule proposes one modification, which is to hold the April 2018 meeting on the third instead of the second Wednesday of the month in order to accommodate the 2018 Annual CALAFCO Staff Workshop (April 11-13).

The proposed 2018 meeting schedule is as follows. Following approval, the meeting schedule will be posted on the LAFCO website.

January 10	April 18	July 11	October 10
February 14	May 9	August 8	November 14
March 14	June 13	September 12	December 12

RECOMMENDATION

It is recommended the Commission approve the 2018 LAFCO meeting schedule as proposed.

Sincerely,

LOU ANN TEXEIRA
 EXECUTIVE OFFICER



Lou Ann Teixeira
 Executive Officer

MEMBERS

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October 11, 2017
 Agenda Item 10

October 11, 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 is an update on legislative activities that have direct and indirect effects on LAFCOs (see CALAFCO Legislative Update – Attachment 1). This year, CALAFCO sponsored the following three bills, all of which were signed by the Governor:

- **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.
- **AB 1725** is the annual Omnibus bill which makes technical, non-substantive changes to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.
- CALAFCO and the California Special Districts Association co-sponsored **AB 979** which facilitates the seating of special district members on LAFCO.

CALAFCO is tracking a number of bills including the following:

- **SB 448** (Wieckowski) which authorizes LAFCO to dissolve inactive districts (after determining they meet the specific criteria) without a special study, holding one hearing, and waiving protest proceedings. This bill was signed by the Governor.
- **AB 1728** (Assembly Local Government Committee) focuses on healthcare districts and requires them to adopt annual budgets and have a website, among other things. This bill was signed by the Governor.
- **AB 1361** (Garcia) would allow water districts to extend services to Indian Tribal land in trust without annexation. CALAFCO worked hard on amendments to this bill and was successful in getting some amendments; however, much was left on the table. As of this writing, AB 1361 is on the Governor’s desk. October 15th is the last day for the Governor to sign or veto bills.

In late August, CALAFCO issued an urgent call for legislative action requesting that LAFCOs send letters urging the Governor to sign **AB 979**, which we did on September 1st (Attachment 2).

Also, in early September, CALAFCO issued an urgent call for legislative action requesting that LAFCOs send letters urging the Governor to sign **AB 1725**, which we sent on September 7th (Attachment 3).

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 addition to the bills CALAFCO is tracking, Contra Costa LAFCO is following **SB 522** introduced by Senator Glazer on September 12, 2017. This bill would change the governance of the West Contra Costa Healthcare District (WCCHD) from an elected board to a board appointed by the Contra Costa County Board of Supervisors (BOS) with the intent of reducing administrative costs, increasing operational efficiencies, and maximizing the use of health care funding through collaboration with the county, which is the only other public agency provider of medical services in the region.

In August, at the request of the County and the WCCHD bankruptcy attorneys, LAFCO sent a letter in support of the County's effort to seek special legislation to change the WCCHD board from an elected board to a board of directors appointed by the BOS. LAFCO's 2016 special study of WCCHD identified such special legislation as a governance option as it would enable the continuation of the WCCHD and of critical healthcare services to West Contra Costa County, which Contra Costa LAFCO supports.

In addition to the attached CALAFCO legislative update, there will be a full Legislative Briefing at the annual CALAFCO conference on October 27th.

RECOMMENDATION – Receive legislative update.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

Attachment 1 - CALAFCO Legislative Update – October 4, 2017
Attachment 2 - Letter Urging the Governor to Sign AB 979
Attachment 3 - Letter Urging the Governor to Sign AB 1725

CALAFCO Daily Legislative Report as of Wednesday, October 04, 2017

 1

[AB 464](#) ([Gallagher R](#)) **Local government reorganization.**

Current Text: Chaptered: 7/10/2017 [Text](#)

Introduced: 2/13/2017

Last Amended: 3/14/2017

Status: 7/10/2017-Approved by the Governor. Chaptered by Secretary of State - Chapter 43, Statutes of 2017.

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

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 Requesting Governor Signature](#)

[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: Chaptered: 9/1/2017 [Text](#)

Introduced: 2/16/2017

Last Amended: 5/15/2017

Status: 9/1/2017-Approved by the Governor. Chaptered by Secretary of State - Chapter 203, Statutes of 2017.

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

Summary:

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 provides

for the selection of representatives of independent special districts on each local agency formation commission by an independent special district selection committee pursuant to a nomination and election process. This bill would additionally require the executive officer to call and hold a meeting of the special district selection committee upon the adoption of a resolution of intention by the committee relating to proceedings for representation of independent special districts upon the commission pursuant to specified law.

Attachments:

[CALAFCO Request Governor Signature August 2017](#)

[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 1361](#) ([Garcia, Eduardo D](#)) **Municipal water districts: water service: Indian tribes.**

Current Text: Chaptered: 10/3/2017 [Text](#)

Introduced: 2/17/2017

Last Amended: 9/8/2017

Status: 10/3/2017-Signed by the Governor

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

Summary:

The Municipal Water District Law of 1911 provides for the formation of municipal water districts and grants to those districts specified powers. Current law permits a district to acquire, control, distribute, store, spread, sink, treat, purify, recycle, recapture, and salvage any water for the beneficial use of the district, its inhabitants, or the owners of rights to water in the district. 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 a district to apply to the applicable local agency formation commission to provide this service of water to Indian lands, as defined, that are not within the district.

Attachments:

[CALAFCO Oppose letter 09 01 17](#)

[CALAFCO Oppose letter 07 12 17](#)

Position: Oppose

Subject: Water

CALAFCO Comments: As amended, this bill allows water districts to provide service to an Indian tribe's lands that are not within the district boundaries without going through the current statutory process of approval by the local agency formation commission (LAFCo). Amendments were taken by the author during the Senate Governance and Finance Committee hearing July 19 that include LAFCo's ability to apply certain terms and conditions to the application by the water agency and limits the land to be served to lands in trust. However, CALAFCO still has a number of concerns and will continue to work with the author and sponsor.

AB 1725 (Committee on Local Government) Local agency formation.

Current Text: Chaptered: 9/28/2017 [Text](#)

Introduced: 3/20/2017

Last Amended: 7/20/2017

Status: 9/28/2017-Approved by the Governor. Chaptered by Secretary of State - Chapter 353, Statutes of 2017.

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

Summary:

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 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 defines various terms for these purposes, including the term “contiguous,” which the act defines as territory adjacent to territory within the local agency. This bill would instead define “contiguous” as territory that abuts or shares a common boundary with territory within a local agency.

Attachments:

[CALAFCO Letter Requesting Governor Signature](#)

[CALAFCO Letter of Support April 2017](#)

Position: Sponsor

Subject: CKH General Procedures

CALAFCO Comments: This is the annual Omnibus bill. The bill makes only minor, non-substantive technical changes to CKH.

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: 5/26/2017-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/25/2017)(May be acted upon Jan 2018)

Desk	Policy	2 year	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: Chaptered: 9/27/2017 [Text](#)

Introduced: 2/15/2017

Last Amended: 7/17/2017

Status: 9/27/2017-Approved by the Governor. Chaptered by Secretary of State. Chapter 334, Statutes of 2017.

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 instead require special districts defined by a specified provision to file those audit reports with the Controller and special districts defined by another specified provision to file those audit reports with the Controller and 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, with each local agency formation commission within each county in which the district is located.

Attachments:

[CALAFCO Support Letter July 2017](#)

[CALAFCO Oppose Unless Amended Letter](#)

Position: Support

Subject: CKH General Procedures

CALAFCO Comments: As amended on July 17, this bill authorizes LAFCo to dissolve inactive districts (after determining they meet the criteria set forth in the statute) by holding one hearing, without conducting a special study and with the waiver of protest proceedings. The State Controller is required to notify LAFCo when a district is inactive. LAFCo then has 90 days to initiate dissolution, and another 90 days in which to hold the hearing to dissolve. Should the LAFCo determine the district does not meet the criteria, no dissolution occurs and LAFCo notifies the Controller the district is not inactive. Should the LAFCo determine the district does meet the criteria then it is ordered to be dissolved. The bill also requires a district to provide LAFCo with their audits at the same time they provide them to the Controller.

All of our issues have been resolved with the current version and as a result our position has been changed from Oppose Unless Amended to Support.

AB 267 (Waldron R) Community services districts.

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

Introduced: 2/1/2017

Status: 5/12/2017-Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 2/1/2017)(May be acted upon Jan 2018)

2 year	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: 5/12/2017-Failed Deadline pursuant to Rule 61(a)(3). (Last location was L. GOV. on 3/2/2017)(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:

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: 5/12/2017-Failed Deadline pursuant to Rule 61(a)(3). (Last location was L. GOV. 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:

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 1479 (Bonta D) Public records: custodian of records: civil penalties.

Current Text: Enrolled: 9/13/2017 [Text](#)

Introduced: 2/17/2017

Last Amended: 9/1/2017

Status: 9/19/2017-Enrolled and presented to the Governor at 3 p.m.

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

Summary:

Would, until January 1, 2023, require public agencies to designate a person or persons, or office or offices to act as the agency’s custodian of records who is responsible for responding to any request made pursuant to the California Public Records Act and any inquiry from the public about a decision by the agency to deny a request for records. The bill also would make other conforming changes. Because the bill would require local agencies to perform additional duties, the bill would impose a state-mandated local program.

Position: Oppose

Subject: Public Records Act

CALAFCO Comments: As amended this bill requires any public agency to designate a person/office to act as the agency’s custodian of records who will be responsible for responding to all public records requests and to respond to an inquiries as to why the agency denied the request for records. Further the bill adds a failure to respond for records or an improperly assessed fee can be considered a civil penalty and allows the courts to issue fines ranging from \$1000 - \$5000.

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

Current Text: Chaptered: 9/23/2017 [Text](#)

Introduced: 3/22/2017

Status: 9/23/2017-Approved by the Governor. Chaptered by Secretary of State - Chapter 265, Statutes of 2017.

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: Chaptered: 7/10/2017 [Text](#)

Introduced: 2/1/2017

Status: 7/10/2017-Approved by the Governor. Chaptered by Secretary of State. Chapter 57, Statutes of 2017.

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

Summary:

This bill would enact the First Validating Act of 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 contains other related provisions.

Attachments:

- [CALAFCO Letter Requesting Governor Signature_06_26_17](#)
- [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: Chaptered: 7/10/2017 [Text](#)

Introduced: 2/1/2017

Status: 7/10/2017-Approved by the Governor. Chaptered by Secretary of State. Chapter 58, Statutes of 2017.

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

Summary:

This bill would enact the Second Validating Act of 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 contains other related provisions.

Attachments:

- [CALAFCO Letter Requesting Governor Signature_06_26_17](#)
- [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: Chaptered: 7/10/2017 [Text](#)

Introduced: 2/1/2017

Status: 7/10/2017-Approved by the Governor. Chaptered by Secretary of State. Chapter 59, Statutes of 2017.

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

Summary:

This bill would enact the Third Validating Act of 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 Letter Requesting Governor Signature_06_26_17](#)
- [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: Chaptered: 9/1/2017 [Text](#)

Introduced: 2/14/2017

Last Amended: 7/13/2017

Status: 9/1/2017-Approved by the Governor. Chaptered by Secretary of State. Chapter 216, Statutes of 2017.

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

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 a requirement that the resolution call 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.

[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: 5/25/2017-May 25 hearing: Held in committee and under submission.

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.

Attachments:

[CALAFCO Support Letter_May 2017](#)

Position: Support
Subject: Ag Preservation - Williamson
CALAFCO Comments: This bill renews partial subvention funding for the Williamson Act as a fiscal incentive to lift contract moratoria, implements solar use easements and Farmland Security Zone Contracts, and increases subvention funding for counties that adopt conservation planning strategies for agriculturally zoned property that further our state's sustainable community goals.

[SB 522](#) (Glazer D) West Contra Costa Healthcare District.

Current Text: Amended: 9/12/2017 [Text](#)

Introduced: 2/16/2017

Last Amended: 9/12/2017

Status: 9/15/2017-Withdrawn from committee. Re-referred to Com. on RLS.

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

Summary:

Current law provides for the formation of local health care districts and specifies district powers. Under existing law, the elective officers of a local hospital district consist of a board of hospital directors consisting of 5 members, each of whom is required to be a registered voter residing in the district and whose term shall be 4 years, except as specified. This bill would dissolve the existing elected board of directors of the West Contra Costa Healthcare District, effective January 1, 2019, and would require the Board of Supervisors of the County of Contra Costa, at its election, to either serve as the district board or appoint a district board, as specified.

Position: Watch

Subject: Special Districts Governance

[SB 623](#) ([Monning D](#)) **Water quality: Safe and Affordable Drinking Water Fund.**

Current Text: Amended: 8/21/2017 [Text](#)

Introduced: 2/17/2017

Last Amended: 8/21/2017

Status: 9/1/2017-From committee: Without recommendation. (Ayes 11. Noes 0.) (September 1) Re-referred to Com. on RLS.

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

Summary:

Would establish the Safe and Affordable Drinking Water Fund in the State Treasury and would provide that moneys in the fund are continuously appropriated to the State Water Resources Control Board. The bill would require the board to administer the fund to secure access to safe drinking water for all Californians, while also ensuring the long-term sustainability of drinking water service and infrastructure. The bill would authorize the state board to provide for the deposit into the fund of federal contributions, voluntary contributions, gifts, grants, bequests, and settlements from parties responsible for contamination of drinking water supplies.

Position: None at this time

Subject: Water

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

Current Text: Enrolled: 9/19/2017 [Text](#)

Introduced: 2/17/2017

Last Amended: 9/8/2017

Status: 9/21/2017-Enrolled and presented to the Governor at 5:30 p.m.

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.

Attachments:

[CALAFCO Letter Removing Opposition_06_26_17](#)

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

Position: Neutral

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. As statute does not allow the local LAFCo to deny the application when both district boards have adopted resolutions of support, the amendments of May 26 address all of CALAFCO's concerns. As a result CALAFCO has removed our opposition and now is neutral on the bill.

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

Current Text: Chaptered: 10/3/2017 [Text](#)

Introduced: 2/17/2017

Last Amended: 7/3/2017

Status: 10/3/2017-Approved by the Governor. Chaptered by Secretary of State. Chapter 466, Statutes of 2017.

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

Summary:

Would specifically authorize the establishment of the Lower 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 members to, and the executive officer of the conservancy to serve as a member on, 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 a majority of the LAFCo process intact. CALAFCO will keep watching to ensure it stays that way.

Total Measures: 22

Total Tracking Forms: 22

10/4/2017 10:20:56 AM

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

651 Pine Street, Sixth Floor • Martinez, CA 94553-1229

e-mail: LouAnn.Teixeira@lafco.cccounty.us

(925) 335-1094 • (925) 335-1031 FAX



Lou Ann Teixeira
Executive Officer

MEMBERS

Candace Andersen
County Member

Donald A. Blubaugh
Public Member

Federal Glover
County Member

Don Tatzin
City Member

Michael R. McGill
Special District Member

Rob Schroder
City Member

Igor Skaredoff
Special District Member

ALTERNATE MEMBERS

Diane Burgis
County Member

Sharon Burke
Public Member

Tom Butt
City Member

Stanley Caldwell
Special District Member

August 24, 2017

The Honorable Governor Edmund G. Brown, Jr.
State of California
State Capitol Building
Sacramento, CA 95814

RE: Request to Sign AB 979 (Lackey) Local Agency Formation Commissions District Representation

Dear Governor Brown:

The Contra Costa Local Agency Formation Commission (LAFCO) respectfully requests that you sign **Assembly Bill 979 (Lackey)** which is now before you for action. **AB 979** facilitates streamlining the process of seating special district representation on LAFCOs.

The statutory mission of LAFCOs is to discourage urban sprawl, preserve agricultural and open space lands, encourage the orderly formation and development of local agencies, and ensure the efficient provision of municipal services. 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 into representation on LAFCOs; and since 1972, special districts members have been seated on 30 of the 58 LAFCOs.

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 Board resolutions 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 those 28 counties with no special district representation on LAFCO 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.

We respectfully urge you to sign **AB 979**.

Sincerely,

Donald A. Blubaugh, Chair
Contra Costa LAFCO

c: Honorable Tom Lackey, Assembly Member
Tom Dyer, Chief Deputy Legislative Secretary to the Governor
Pamela Miller, Executive Director, CA Association of Local Agency Formation Commissions



Lou Ann Teixeira
 Executive Officer

MEMBERS

Candace Andersen
 County Member
 Donald A. Blubaugh
 Public Member
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ALTERNATE MEMBERS

Diane Burgis
 County Member

Sharon Burke
 Public Member

Tom Butt
 City Member

Stanley Caldwell
 Special District Member

September 7, 2017

The Honorable Governor Edmund G. Brown, Jr.
 State of California
 State Capitol Building
 Sacramento, CA 95814

RE: **Request to Sign AB 1725 - Assembly Local Government Committee Omnibus Bill**

Dear Governor Brown:

The Contra Costa Local Agency Formation Commission (LAFCO) respectfully requests that you sign **Assembly Bill 1725** (Assembly Local Government Committee) which is now before you for action. **AB 1725** makes changes and clarifications to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("CKH").

This annual bill includes technical changes to the CKH which governs the work of LAFCOs. These changes are necessary as commissions implement the CKH and small inconsistencies are found or clarifications are needed to make the law as unambiguous as possible. **AB 1725** makes several minor technical changes, corrects obsolete and incorrect code references, and makes minor updates to outdated sections. Without making any policy changes, the revised language clarifies the laws and eliminates outdated and confusing language thereby creating a significant increase in the clarity of the CKH for all stakeholders.

Because this legislation helps insure that the CKH remains a vital and practical law that is consistently applied around the state, and clearer to all who use the CKH, we respectfully urge you to sign **AB 1725**.

Sincerely,

Donald A. Blubaugh, Chair
 Contra Costa LAFCO

c: Honorable Cecilia Aguiar-Curry, Chair, Assembly Local Government Committee
 Misa Lennox, Principal Consultant, Assembly Local Government Committee
 Tom Dyer, Chief Deputy Legislative Secretary to the Governor
 Pamela Miller, Executive Director, CALAFCO



AGENDA

October 11, 2017
Agenda Item 11

RETIREMENT BOARD MEETING

REGULAR MEETING
September 13, 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 July 12, 2017 meeting.
4. Routine items for September 13, 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. The Board will go into closed session pursuant to Govt. Code Section 54957 to consider recommendations from the Medical Advisor and/or staff regarding the following disability retirement applications:

<u>Member</u>	<u>Type Sought</u>	<u>Recommendation</u>
a. Marilyn Gouvaia	Service Connected	Service Connected
b. Frank Gomez	Service Connected	Service Connected
c. Angela Parga	Non-Service Connected	Non-Service Connected

OPEN SESSION

6. Consider and take possible action to accept the GASB 68 report from Segal Consulting.
7. Consider and take possible action regarding non-service connected disability retirement allowance of deceased member Paul Crouch.
8. Presentation of Semi-Annual Disability Retirement Report.

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

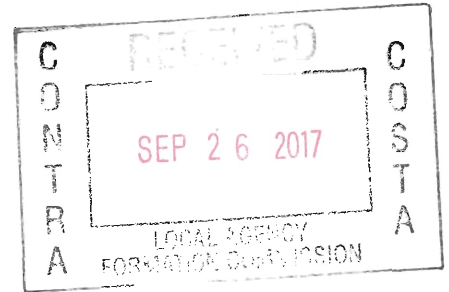
9. Consider authorizing the attendance of Board:
 - a. 2017 Fall Conference, CII, September 13-15, 2017, San Diego, CA.
 - b. Roundtable for Consultants & Institutional Investors, Institutional Investor, October 4-6, 2017, Chicago, IL.
 - c. 2017 Fall Conference, CRCEA, October 23-25, 2017, Emeryville, CA. (Note: Conflict with meeting)
 - d. 31st Annual Northern CA Public Retirement Seminar, Public Retirement Journal, October 26, 2017, Sacramento, CA.
 - e. StepStone Investor Dinner & Conference, October 24-25, 2017, New York, NY. (Note: Conflict with meeting)
 - f. Annual Limited Partners Meeting, The Carpenter Community Bancfund, October 26, 2017, New York, NY.

10. Miscellaneous
 - a. Staff Report
 - b. Outside Professionals' Report
 - c. Trustees' comments

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

September 19, 2017

Mr. Donald Blubaugh
Chair
Contra Costa Local Agency Formation Commission
651 Pine Street, 6th Floor
Martinez, California 94553-1229



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

October 11, 2017
Agenda Item 12

Dear Mr. Blubaugh:

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

A "paid" claim for the purposes of this recognition represents the first payment on an open claim during the prior program year and excludes property claims. Your agency's efforts have resulted in no "paid" property/liability claims for the prior 5 consecutive program years including 2016-17. This is an outstanding accomplishment that serves as an example for all SDRMA members!

It is through the efforts of members such as Contra Costa Local Agency Formation Commission that SDRMA has been able to continue providing affordable property/liability coverage to over 500 public agencies throughout California. While 408 members or 81% in the property/liability program had no "paid" claims in program year 2016-17, 259 members or 52% had no paid claims for the prior 5 consecutive years.

In addition to this annual recognition, members with no "paid" claims during 2016-17 earned 2 credit incentive points (CIPs) reducing their annual contribution amount and members with no "paid" claims for the prior 5 consecutive program years earned 3 additional bonus CIPs. Also, members with no "paid" claims for at least 3 consecutive program years may receive a lower "risk factor" which also helps to reduce the annual contribution amount.

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

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

Sincerely,
Special District Risk Management Authority


Jean Bracy, President
Board of Directors



SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY

President's Special Acknowledgement Award

THE PRESIDENT OF THE SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY

HEREBY GIVES SPECIAL RECOGNITION TO

Contra Costa Local Agency Formation Commission

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



Jean Bracy, SDA, SDRMA Board President

September 19, 2017

Date

[District Logo]

FOR IMMEDIATE RELEASE

Month Day, Year

Contact: Donald Blubaugh
Chair
(925) 335-1094

**SDRMA President's Special Acknowledgement Award Presented to
2017-18**

Martinez, CA — The Contra Costa Local Agency Formation Commission received the "President's Special Acknowledgement Award" from the Special District Risk Management Authority (SDRMA) to formally acknowledge the dedicated efforts of the Contra Costa Local Agency Formation Commission's Governing Body, management and staff towards proactive risk management and loss prevention training.

The Award is to recognize members with no "paid" claims during the prior five consecutive program years in SDRMA's Property/Liability Program. It is through the efforts of members such as Contra Costa Local Agency Formation Commission that SDRMA has been able to continue providing affordable property/liability coverage to over 500 public agencies throughout California.

In addition to this recognition, members with no "paid" claims during 2016-17 earned Credit Incentive Points (CIPs) reducing their annual contribution amount and members with no "paid" claims for the prior 5 consecutive program years earned additional bonus CIPs.

Special District Risk Management Authority is a public agency formed under California Government Code Section 6500 et seq. and has provided a full-service risk management program for California's local governments for over 30 years.

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

October 11, 2017
Agenda Item 14b

LAFCO APPLICATION	RECEIVED	STATUS
Town of Discovery Bay Community Services District (DBCSD) sphere of influence (SOI) Amendment (Newport Pointe): proposed SOI expansion of 20+ acres bounded by Bixler Road, Newport Drive and Newport Cove	July 2010	Currently incomplete
DBCSD Annexation (Newport Pointe): proposed annexation of 20+ acres to supply water/sewer services to a 67-unit single family residential development	July 2010	Currently incomplete
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 and corresponding detachment from CSAs L-100 and P-6 – proposed boundary reorganization of 0.12+ acres (one parcel) on Sierra Avenue	Jan 2017	Currently incomplete
151 Circle Drive – Annexation to City of Walnut Creek – proposed annexation of 0.179+ acres located at 151 Circle Drive	Mar 2017	Currently incomplete
West County Wastewater District Annexation 316 (Goodrick Avenue) – proposed annexation of 13.89+ acres located south of the intersection of Protectocoat Lane and Goodrick Ave in unincorporated North Richmond	June 2017	Currently incomplete
Pittsburg/Antioch SOI Amendments (Tuscany Meadows) – proposed amendments to the SOIs of the cities of Pittsburg and Antioch totaling 193.48+ acres located south of Buchanan Road (APNs 089-150-015, -016 and adjacent road right-of-ways)	July 2017	Under review
Tuscany Meadows Reorganization: Annexations to the cities of Pittsburg and Antioch, Contra Costa Water District, Delta Diablo and detachment from CSA P-6 – proposed annexations and corresponding detachment of 193.48+ acres located south of Buchanan Road (APNs 089-150-015/-016 and adjacent roadways)	July 2017	Under review
West County Wastewater District (WCWD) Annexation 317 (Sunborne Nursery) – proposed annexation of 6.981+ acres (APNs 408-203-006/-011) located at the intersection of Brookside Drive and Central Street in unincorporated North Richmond	Aug 2017	Under review
2415 Donald Avenue Annexation to City of Martinez and corresponding detachment from CSAs L-100 and P-6 - proposed reorganization of 0.10 acres (APN 375-091-007) located on Donald Avenue	Sept 2017	Under review

THE LAST STAND: JULIAN-CUYAMACA IS ONLY VOLUNTEER FIRE DISTRICT THAT HAS NOT YET JOINED COUNTY FIRE AUTHORITY



August 2017

Story and photos by Julie Pendray

Photo: County Fire Authority Chief Tony Mecham addressed about 100 people at a special meeting of Julian/Cuyamaca Fire Protection District on July 27.

August 9, 2017 (Julian) – Impassioned pleas to save the volunteer fire operation in this historic California gold mining town were rebutted by cold, hard, financial facts at a special public meeting of the Julian/Cuyamaca Fire Protection District.

As the last rural fire district holding out against dissolving into the County Fire Authority (CFA), Julian will lose its County subsidy on January 1, 2018. Julian-Cuyamaca's district will not be able to provide the current level of fire and ambulance services without it, according to its chief. The County's dissolution proposal is the result of a 2015 contract between the district and County in exchange for subsidies. It would establish Cal-Fire as the operator of Julian and Cuyamaca fire stations under the CFA.

Under that contract, the district was supposed to file dissolution papers by July 1 but has not done so. Residents are holding their ground in the wake of public regrets and warnings by other rural districts who have allowed the County to take over. At issue are possible

slower emergency response times, as well as loss of knowledgeable volunteers and community identity.

The July 27 meeting was a calm gathering of about 100 people, in spite of years of threats of lawsuits against the board and board member replacement, a contentious town hall meeting, and an allegation of a violation of the Brown Act (state public meeting law) regarding negotiations with the County.

Some residents see the County as strong-arming locals to opt for big government. One current board member, Brian Kramer, was quoted in meeting minutes on the district web site as describing a meeting with the CFA: "Threatens and then schmoozing is how the meeting went with Reddick and Meechum (sic.)"

Tony Mecham, the CFA Chief, gave a presentation at the nearly three-hour recent meeting at Julian's brand new fire station on Highway 79, which will be turned over to the County if the dissolution goes ahead. Hermann Reddick, County Fire Program Manager, also attended, along with Julian's part-time fire chief Rick Marinelli, who Mecham said will be offered a job with the County if the district dissolves.

Marinelli summed up the district's problem: "The money simply isn't there."

The 2017-2018 budget, available on the district's web site, shows a transfer to reserve of just \$54,000 for fire services and \$8,000 for the ambulance operation. Financial reports show projected income from fire services of \$557,100 and expenses of \$503,000. That includes the current County subsidy of \$60,000, which will no longer be offered. The ambulance services income is projected at \$517,000, with expenses of \$509,000. No County ambulance subsidy is noted.

Previous reports on *East County Magazine (ECM)* indicate that the ambulance service operated in the red for seven out of 10 years prior to 2013. That year, an anonymous donor provided \$85,000 to keep the district in the black. The ambulance side of the operation has frequently been the money problem, according to information shared at the meeting, due to increasing costs of upgrading technology, plus Julian's older population (median age is 53.7 according to CityData.com) and services provided to patients without insurance compared to a shortfall in compensation from Medi-Cal and Medicare.

Under the County proposal, Julian would continue to get assistance during emergencies but priority would go to areas under the CFA and Julian would be billed for help that was offered, Mecham said.

The County proposal for Julian has these provisions:

1. CFA would provide a Cal-Fire-level fire chief and the office would be at a Cal-Fire station in Julian. Two career Cal-Fire staff would be posted at each station. Stipends would be offered to volunteers. The area of responsibility would expand to include Shelter Valley and Ocotillo Wells.
2. The district board would become an advisory board. Julian would have a seat on Community Service Area (CSA) 135.

3. All existing volunteers could apply to become CFA volunteers but they'd have to take and pass a physical exam and background test to be accepted.
4. Emergency medical services would be opened up for bidding.

One fear expressed by residents about the move to merge into CFA operations is that the San Diego County charter does not include fire services. That begs the question: could the County back out of serving unincorporated areas in the future? *ECM* asked County Supervisor Dianne Jacob, who represents Julian, if she thought fire service should be added to the charter, <http://www.sandiegocounty.gov/cob/docs/charter.pdf> which currently does not even contain the word "fire," and also, what her response is to the backcountry's expressed concerns. She was not at the meeting but responded by email afterward.

"Ultimately, it's up to the fire district to determine if it wants to consolidate or remain a stand-alone department," said Jacob, who was a driving force behind the CFA when it was established in 2007, after the Witch Creek Fire that began near Santa Ysabel, ripped through Julian and all the way to Rancho Bernardo, killing two people, destroying 1,125 residential structures and injuring 45 firefighters. The cost to suppress the conflagration was \$18 million.

Jacob continued, "The recent decision by the Rural Fire District and Pine Valley Fire District Boards answers many of the questions and concerns raised by residents on whether or not to join the San Diego County Fire Authority (SDCFA). Their respective boards made the decision that to join SDCFA would enhance fire and emergency medical services in their communities and improve coordination of resources throughout the region."

Pine Valley Fire Protection District dissolved this week. The district served its community for 70 years. Fire Chief Bob Uribe notified residents via Valley Views, a community newsletter, attached to this story.

In 2013, Jacob told *ECM* that putting all the rural fire districts under the CFA would give the agency "the same regional importance as the Sheriff's Department, the District Attorney's Office and the Probation Department."

"That would happen whether fire protection is added to the county charter or not," she said in 2013. "Public safety operations, such as those within the Sheriff's Department, are currently not included in the San Diego County charter. As part of the consolidation process, the county must provide a long-range plan to ensure that the level of fire protection is adequate. In other words, the county wouldn't be able to just walk away. That's a big improvement over the current situation. Never before has fire protection been a part of county government."

County financial support for fire services to unincorporated areas ended in 1978, after passage of Prop. 13. That caused communities to start their own volunteer services. However, the County of San Diego did not add fire services to its charter like other major counties have, such as Los Angeles. <http://file.lacounty.gov/lac/charter.pdf>

ECM also asked Supervisor Bill Horn for comments about the charter because his district includes a large swath of backcountry, such as Pala and Borrego Springs. He referred the question to Mecham, who said fire services don't need to be in the charter.

"With the creation of County Service Area 135 and the associated transfer of duties and responsibilities for latent powers of fire protection and emergency medical services, the County now has a legal mandate to provide fire protections and a percentage of the property tax revenue is dedicated solely to this function," Mecham said by email. "CSA 135 is not different than a fire district other than it is considered a dependent special district under the County Board of Supervisors. Los Angeles, Ventura and Santa Barbara County Fire Departments are also operated as dependent districts under the Board. In the 1970s the County did not have CSA 135 or any legal requirement to provide fire protection, it was purely discretionary. Now, it is not discretionary revenue but dedicated revenue."

However, George Lucia, who retired as Palomar Mountain Fire District chief in 2013, has warned the Julian district not to join the County Fire Authority, which his former district did, as reported by ECM. "If I could turn back time, I would never put pen to paper with the County," he said. NBC news reported Lucia saying, "I have regretted it every day since then," according to the *ECM* account.

In recent years, a Campo fire district board member, Craig A. Williams, wrote a letter that was posted on a Julian community web site, saying his district had more "dark" unstaffed days since the change. He urged Julian residents to raise money to keep their independent operation. Cal-Fire agreed there were dark days but not as many as Williams said and no lack of coverage, but simply lesser-trained personnel.

According to then Palomar Mountain Volunteer Fire Department Assistant Chief Cliff Kellogg in 2013, CFA has had staffing problems that have caused "as many as six or seven unstaffed fire stations a day throughout the county," the Valley News Roadrunner [reported](#).

Under CFA, Cal-Fire firefighters could be dispatched somewhere else, so the fear of rural communities is that they could be caught in a wildfire without speedy assistance. Julian and Cuyamaca, near Cleveland National Forest, are vulnerable settings, where residents still well remember the death of a state firefighter in nearby Wynola during the Cedar Fire of 2003. Cuyamaca was leveled by the fire and the historic downtown of Julian narrowly escaped destruction. Volunteer firefighters were critical in saving homes -- some lost their own, while saving those of others. <http://www.sandiegouniontribune.com/sdut-julian-survives-cedar-fire-38-percent-contained-2003oct31-story.html>

At the special board meeting in Julian, the public referred to a more recent Shelter Valley fire in which a Cal-Fire employee with less experience was stationed there on his own and had insufficient training to deal with the vehicle during an emergency. But Mecham said that was just one incident. He asked the public to consider all the other times when fire service goes well.

While the CFA can offer paid staffing 24/7 and possibly lower insurance rates, districts that have moved under the County have complained about "promises made but not kept," according to *ECM* articles. Some have questioned whether lower insurance rates will be

available if longer response times give wildfires a chance to grow, due to Cal-Fire's lack of knowledge of backcountry roads.

Discussions about Julian's possible dissolution have been ongoing since 2013, after Marinelli approached the CFA for financial assistance soon after he was hired.

At the July 27 special meeting, his blunt financial summary was like a splash in the face with cold water in response to some speakers' more subjective concerns. After one resident talked about the cohesive community spirit, in which people would continue to help the district and urged Marinelli and the board to "forget the money," Marinelli said with a frown, "We can't forget the money." In response to speakers declaring that the local operation in this tiny mountain town reflects the spirit of the backcountry, Marinelli was emphatic. "I don't want a quaint little historical fire department. I want a state-of-the-art fire service."

In the early 2000s, the district had a reported reserve of nearly \$400,000, according to ECM accounts. But it has faced litigation, workers comp claims, increased insurance rates, increasing high technology costs, equipment replacement, radio system costs, loss of property tax revenue due to wildfires and loss of County funds that offset salaries. In recent years, the County has provided an annual \$60,000 subsidy. In 2013, the subsidy was as much as \$100,00 to cover all station operations and dispatch fees.

Julian property owners pay an assessment fee of \$50 per parcel and that hasn't changed in at least 30 years. In 2013, the board considered putting the possible dissolution or an assessment increase to a public vote. However, the cost of a 2014 special election was deemed too expensive, according to *ECM* articles. That decision came after a board vote about dissolution ended in a tie (2-2) which meant no action took place. The board president then and now, Jack Shelver, voted then for joining the County. Aida Tucker, who also is still on the board, voted against. At the July 27 special meeting, board member Kirsten Starlin said she was uncomfortable making a decision without putting the issue before the community for a vote. That would mean the item would go on the ballot during a primary or general election. There is no current move to do that, Shelver told *ECM* on Aug. 8, after the regular board meeting.

At the recent special meeting, a volunteer firefighter, David Loader, with 25 years serving the district, told the gathering, "We're at this stage now because our board let us down. We should have been doing this two years ago. If the community as a whole believes we should (dissolve) this district, then we can do this with a consensus. Get in touch with the board, let them know what you think, then they don't have to be burdened with it, because they haven't made a decision in two years anyway."

None of the public who spoke said they were in favor of the dissolution.

For many people present, the heart of this matter resides with the longtime volunteers. One resident told the board, "These people are like family." Others asked whether current volunteers could continue to operate under a CFA controlled station, given the state's grueling standards for the qualifying physical test, which many agree most of Julian's volunteers wouldn't be able to pass.

Mecham said the CFA is still exploring possibilities.

“There’s no age cut off,” he said. “There is a value to the district even if they can’t crawl under buildings anymore. I will come up and have a cup of coffee with the volunteers. We need to hear from them what they want. I have great respect for the people who have been here. The volunteers have been a central part of the community. There has to be a willingness by both parties to compromise.” He said there might be home-based duties that some volunteers could perform. The CFA has previously suggested volunteers who don’t pass the physical could do crowd control or help with water tenders, according to ECM reports.

No action was taken at the special meeting. After it adjourned, Shelver told ECM that the subject “is a complex issue.”

In 2013, board member Aida Tucker (now vice president) told the public at a board meeting that she and fellow members of the Julian/Cuyamaca district weren’t “accountants or lawyers” or “backroom dealing politicians with hidden agendas” but rather they are “Julian locals trying to do what is right.”

At the recent special meeting, several of them nodded in concurrence when Starlin mentioned she’d been losing sleep over the issue. She said she knew Mecham had, too.

To dissolve or stay independent. It is considered “one of the most important decisions to be made in the history of Julian,” according to one member of the public, Bob Adams, in a previous *ECM* article. He added, “Boards like this are the bedrock of America.”

If the district does dissolve, the new fire station where the recent meeting was held – for which residents raised funds – would transfer to the CFA along with all the district’s other assets and liabilities. The dissolution would be performed through LAFCO (Local Agency Formation Commission).

No action was taken at the Aug. 8 regular Julian-Cuyamaca board meeting. Board president Jack Shelver told *ECM* by phone, “We went into closed session to discuss strategy on the issue. We’ll be having talks again with the County in two or three weeks.”

East Bay Times

East Bay reservoir expansion plan wins support of environmental groups



The Los Vaqueros Reservoir dam south of Brentwood would be raised 55 feet under a plan to expand the reservoir. (Doug Duran/Bay Area News Group)

By [Denis Cuff](#) | dcuff@bayareanewsgroup.com | Bay Area News Group

PUBLISHED: **August 14, 2017** at 2:25 pm | UPDATED: August 14, 2017 at 4:08 pm

BRENTWOOD — A \$914 million plan to expand the Los Vaqueros Reservoir as drought insurance for millions of Bay Area residents picked up endorsements Monday from six conservation groups in a rare display of environmental support for new water development.

Environmental groups are pleased because the project would provide large amounts of water for Central Valley wetlands, habitat for ducks, geese and other wildlife, in addition to storing water for people and farms.

“As a coalition, we consider these wildlife refuge benefits to be critically important,” the Nature Conservancy, Audubon California, and four other groups wrote to the California Water Commission. “The problem is so significant that some refuges ... are left virtually dry in drought years.”

The environmental coalition urged the state commission to look favorably on a request for \$434 million in voter-approved state bond money to expand the reservoir southeast of Brentwood.

A coalition of 12 water agencies are cooperatively planning to raise the Los Vaqueros earthen dam by 55 feet, increasing its storage capacity from 160,000 acre feet to 275,000-acre feet, enough water to meet the annual needs of 1.4 million people.

The Contra Costa Water District, owner of Los Vaqueros, is coordinating the grant application. Other partnering agencies include the Santa Clara Valley Water District, East Bay Municipal Utility District, San Francisco Public Utilities Commission, Alameda County Zone 7 Water District, Alameda County Water District and Grassland Water District. The latter manages wildlife refuges near Los Banos in Merced County.

Meanwhile, further studies on the expansion have raised its tentative price tag to \$914 million, up from a previous estimate of some \$800 million, the Contra Costa Water District reported Monday in submitting its grant application.

An expanded Los Vaqueros Reservoir would provide 46,000 acre feet of water annually on average for Central Valley refuges, the six environmental groups said.

Only five percent of the Central Valley's wetlands remain because most were drained, diked, developed, plowed over and built on, the groups wrote.

The letter signers also include the Planning and Conservation League, California Waterfowl Association, Defenders of Wildlife, and Point Blue Conservation Science.

The proposed reservoir expansion project calls for a new pipeline enabling Contra Costa Water District to ship Delta water to the state's Bethany Reservoir, where it could be moved south of the Delta to wildlife refuges.

"The potential expansion of Los Vaqueros into a regional facility presents a significant opportunity for our customers, the environment and local agency partners," said Lisa Borba, the Contra Costa Water District Board president.

The California Water Commission is scheduled in June 2018 to decide on grants from state Proposition 1, passed by voters in 2014. If funded, the Los Vaqueros expansion could begin in 2022 and finish in 2026 or 2027.

63 million Americans exposed to unsafe drinking water

Agnel Philip, Elizabeth Sims, Jordan Houston and Rachel Konieczny, News21 Published 3:00 p.m. ET Aug. 14, 2017 | Updated 6:30 p.m. ET Aug. 15, 2017



The United Nations' goals for 2030 look like they could come up short.

As many as 63 million people — nearly a fifth of the United States — from rural central California to the boroughs of New York City, were exposed to potentially unsafe water more than once during the past decade, according to a News21 investigation of 680,000 water quality and monitoring violations from the Environmental Protection Agency.

The findings highlight how six decades of industrial dumping, farming pollution, and water plant and distribution pipe deterioration have taken a toll on local water systems.

Those found to have problems cleaning their water typically took more than two years to fix these issues, with some only recently resolving decades-old violations of EPA standards and others still delivering tainted water, according to data from the agency's Safe Drinking Water Information System.

Many local water treatment plants, especially those in small, poor and minority communities, can't afford the equipment necessary to filter out contaminants. Those can include arsenic found naturally in rock, chemicals from factories and nitrates and fecal matter from farming. In addition, much of the country's aging distribution pipes delivering the water to millions of people are susceptible to lead contamination, leaks, breaks and bacterial growth.

Experts warn contamination in water can lead to cancer, gastrointestinal diseases and developmental delays in children. The EPA estimates local water systems will need to invest \$384 billion in the coming decades to keep water clean. The cost per person is more than twice as high in small communities as it is in large towns and cities.

The EPA and water treatment industry consider the coming years a crucial period for American drinking water safety as pipes and treatment plants built in the mid-20th century reach the end of their useful lives.

“We’re in this really stupid situation where, because of neglect of the infrastructure, we’re spending our scarce resources on putting our fingers in the dike, if you will, taking care of these emergencies, but we’re not doing anything to think about the future in terms of what we should be doing,” said Jeffrey Griffiths, a former member of the Drinking Water Committee at the EPA’s Science Advisory Board.



Trey Brown, 11, of Belmont, N.C., hasn't been allowed to swim in his family's pool since harmful chemicals were discovered in their water. (Photo: Chelsea Rae Ybanez, NEWS21)

As water systems age, 63% of Americans are now concerned a “great deal” about drinking water pollution, according to a Gallup poll released in March that showed such worries at their highest level since 2001. Drinking water pollution has long been a top environmental concern for Americans — above air pollution and climate change, according to the same poll.

Many of the nation’s largest city systems violated EPA safety standards during the past decade, potentially exposing tens of millions of people to dangerous contaminants. New York City’s system, which serves 8.3 million people, failed standards meant to protect its water from viruses and bacteria two times during that period. The system still hasn’t addressed its most recent violation from February for not building a cover for one of its water reservoirs, according to EPA records.

The problems extend to the country’s large suburbs. Tacoma, Wash.’s, system failed to meet a federally mandated timeline for installing a treatment plant meant to kill the parasite cryptosporidium. Chris McMeen, deputy superintendent for the Seattle suburb’s system, which serves 317,600 people, said the pathogen has never been found in dangerous levels in the city’s water. The system was also cited for failing to test for dozens of chemicals during the past decade.

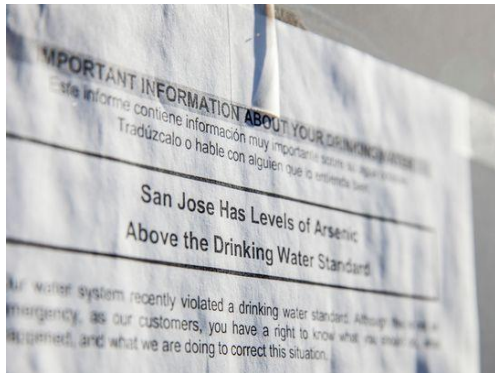
In Waukesha, Wis., 18 miles west of Milwaukee, decades of radium contamination from the city’s underground aquifer prompted officials to draft a proposal to draw water from Lake Michigan for its 71,000 residents. The Great Water Alliance, a \$200 million project, is expected to be completed by 2023.

Thousands of rural towns have the most problems because communities often lack the expertise and resources to provide safe drinking water.

In several Southwestern states, 2 million people received groundwater tainted with arsenic, radium or fluoride from their local water systems, with many exposed to these chemicals for years before hundreds of small, low-income communities could afford to filter them out. Some still haven’t cleaned up their water.

Contamination in rural areas from these naturally occurring chemicals, found in the bedrock of aquifers, made Texas, Oklahoma and California the top states for EPA drinking water quality violations during the past decade.

“Sometimes it’s orange, sometimes it’s green, sometimes it’s brown,” said Melissa Regeon, a lifelong resident of Brady, Texas, which is trying to secure money for water system upgrades to filter out the radium in its water. “You just never know. It looks horrible.”



A public notice outside a water treatment facility at the Community Center in San Jose, Calif. (Photo: Maria Esquinca, NEWS21)

Small water systems in California’s San Joaquin Valley have battled both farming pollution and natural contamination from arsenic for years. High levels of nitrate from farm runoff and groundwater rock are linked to low oxygen levels in babies and cancer. Those levels have been found in systems serving 317,000 people during the past decade in the valley, 10,000 square miles of concentrated farming in the state’s center.

The crash of the coal mining industry in southern West Virginia has left hundreds of residents in charge of their own small water systems — some of which date to the Civil War. Residents in the mountains of Wyoming and Fayette counties say they are getting too old to maintain water treatment plants and pipes, and they lack funding to carry out proper treatment on the water, which comes from springs in old coal mines.

“What is pretty clear is that a lot of these small communities, especially in lower-income areas, have a real problem ensuring compliance or even treating the water,” said Erik Olson, director of the health program at the National Resources Defense Council. “A lot of these smaller communities, they don’t even have the wherewithal to apply for available funding.”

Drinking water quality is often dependent on the wealth and racial makeup of communities, according to News21’s analysis. Small, poor communities and neglected urban areas are sometimes left to fend for themselves with little help from state and federal governments.



Contaminated water runs toward the Grand Calumet River and Lake Michigan, the source of drinking water for East Chicago, Ind. (Photo: Michael M. Santiago/News21)

In recent years, drinking water crises in minority communities, like Flint, Michigan, and East Chicago, Indiana, made national news when old pipes leached lead into the water of thousands for

months before state and federal officials responded. In Texas, Corpus Christi's water system shut down for nearly four days in December because of a chemical spill at an asphalt plant, closing schools and businesses throughout the predominantly Hispanic city.

"These are not isolated incidences, the Flints of the world or the Corpus Christis or the East Chicagos," said Manuel Teodoro, a researcher at Texas A&M University who co-authored a report on the disproportionate effect of drinking water quality problems on poor minority communities.

"These incidents are getting media attention in a way that they didn't a few years ago, but the patterns that we see in the data suggest that problems with drinking water quality are not just randomly distributed in the population — that there is a systemic bias out there."



A water main break forced Tallulah, La., to completely shut off water to residents. (Photo: Michael M. Santiago, NEWS21)

Many residents of Tallulah, La., where 77% of the population is black and 40% lives in poverty, have turned to bottled water as their crumbling utility failed to keep water free of toxic disinfectant byproducts. Systems serving thousands of others in predominantly black communities around the state have struggled to keep these carcinogens out of their taps. Many Latinos along the U.S.-Mexico border who live in unincorporated low-income rural areas lack the resources to maintain their systems or don't have access to treated water.

Although the EPA sets minimum drinking water standards, almost all state governments are in charge of testing requirements and operator licensing, creating a maze of regulations and protections that differ from state to state.

A 2011 Government Accountability Office report found the EPA's database isn't complete, with some states incorrectly reporting or failing to report many violations. The EPA also hasn't created a rule for a new contaminant since 2000.

Millions of Americans are also exposed to suspect chemicals the EPA and state agencies don't regulate. Two of these chemicals, perfluorinated compounds PFOA and PFOS, remain unregulated after decades of use as an ingredient in firefighting foam, Teflon and other consumer products. These perfluorinated compounds have been linked to low birth weights in children, cancer and liver tissue damage, according to the EPA.

"When we talk about upgrading our nation's infrastructure, we should work with states and localities to identify critical water infrastructure needs and support their efforts to modernize outdated systems," said EPA spokesperson Liz Bowman.

The EPA did not make any officials available to News21 for an interview.

While most Americans get their water from local utilities, the 15 million homes with private wells, especially in rural areas, are vulnerable to the same contamination issues but are not required to

install treatment systems. The limited data available shows wells in many parts of the country draw groundwater containing dangerous levels of toxins from naturally occurring elements and man-made sources.



Water in La Union, N.M., had tested above the limit for arsenic since 2009. Residents fill at the local filling station. (Photo: Maria Esquinca, NEWS21)

Small systems, big problems

The majority of local water systems serve fewer than 5,000 people, accounting for a majority of the 97,800 instances when regulators cited water systems for having too many contaminants during the past decade.

For example, Wolfforth and Brady, two small communities in western and central Texas, received the most citations for water quality in the U.S.

Wolfforth, where the tallest structure is a blue and white water tower, racked up 362 violations in 10 years for arsenic and fluoride in its groundwater source. Since arsenic can cause cancer and fluoride can weaken bones, the contaminants required a rapid solution.

The city of 4,400 is rapidly growing like much of suburban Texas, but City Manager Darrell Newsom said it still took time to find funding for the \$8.5 million water treatment project.

“There’s a lot of angst about how much money we spent, and there was a tremendous amount of angst about how long it took,” Newsom said. “It was just so long and so much money that we had tied up for so long.”



Eli Copeland, 6, wears a nose plug when he showers, and he drinks bottled water in Terrebonne Parish, La. (Photo: Jasmine Spearing-Bowen, NEWS21)

Even though the system is running, the city will send water notices to residents until the system doesn't violate the arsenic standard for a full year. Many continue to buy bottled water instead of drinking from the tap.

"We need some more clean water," said Shreejana Malla, who co-owns a convenience store in Wolfforth with her husband. "So I would want them to, as soon as possible, to get the clean water. I don't feel comfortable taking a shower, but we've got to take a shower."

The city got a loan and raised water rates about 30% to pay for the upgrades, Newsom said.

Generally, systems rely on customers to pay for upgrades, presenting a challenge for small communities who have fewer people to charge for water. Areas without growth are often forced to choose between keeping up with maintenance costs or keeping water payments low. The EPA and state governments provide some grants and low-interest loans, but there isn't enough money available to meet most needs, and they often require complicated applications.

"The average person looks at (water) like electricity," said Alan Roberson, executive director of the Association of State Drinking Water Administrators. "They just want it to be there, and they want it to be at a fair price."

For instance, 260 miles southeast of Wolfforth is Brady, a city proudly known as the "Heart of Texas." The community is trying to secure funding from the state's Economically Distressed Areas Program for a \$22 million water system project to get rid of the underground radium contaminating its drinking water. This fund only has \$50 million left, and Brady is not the only city in contention for the money, leaving some concerned about the future of Brady's water if it doesn't receive part of the last allocation.

"If we don't get it this time and the state doesn't reauthorize that program, I don't know what we'll do," said Amy Greer, a sixth-generation farmer at the locally operated Winters Family Beef. "I really want our state legislators to know how terrible it is that they are not renewing a program that will help small rural communities face and tackle these kind of massive health and safety problems, and I'm just ashamed of them."

Despite funding uncertainty and mounting pressure from the Texas Commission on Environmental Quality, the state's drinking water authority, the city is determined to get clean water for its 5,400 residents.

"The answer is solving the water problem because EPA and TCEQ has placed a timeline on us," Mayor Tony Groves said. "If we don't do that, there's always the risk that they could come in and say, 'OK, you lose your water system, and we're gonna pay somebody to operate your water system better than you're operating it and you're gonna pay for it.'"



Araceli Silva's sons drilled and installed a well in the backyard of her home in Wall Lane, Ariz. (Photo: Maria Esquinca, NEWS21)

What's in the water?

While many communities with small systems, like Wolfforth and Brady, struggle to address contamination issues, thousands more of these communities aren't sure if their water is safe because their systems don't test properly or report the results.

In southern West Virginia coal country, a number of communities failed to test their water hundreds of times after the miners that operated them left when their camps shut down. Many of these systems are now run by the residents.

In Garwood, a 55-person Wyoming County town surrounded by coal mines, the community water system stopped testing in 2014.

"Everybody just up and quit," said lifelong resident Jessica Griffith, who drank untreated water from an old coal mine for nine months before learning it wasn't being tested. "There was no warning, no nothing. Nobody handed it over to anybody else."

The stay-at-home mom and her neighbors say maintenance seems like a full-time job, and they can only afford to patch up leaks and fix busted pipes.

"We've just been trying to keep the water flowing because we don't have the money to treat it," Griffith said. "We don't know how to treat it."

Two hours north, Kanawha Falls Community Water in Fayette County was cited for not testing or reporting more than 2,000 times in 10 years, the most in the country. No one is sure when the system stopped being maintained, but residents say they experience the consequences daily. Joe Underwood, who had skull surgery after a four-wheeler accident, said he showers with a cap after doctors told him the town's water gave him two infections near his brain.



Kanawha Falls resident Joe Underwood had skull surgery after an ATV crash. He uses a shower cap to avoid infections. (Photo: Rachel Konieczny, NEW21)

"The old-style ways of getting water is not healthy," Underwood said. "And I'm meaning that for people that have serious injuries. I'm meaning that for little babies. I'm meaning that for anybody that has any kind of health problems."

The unincorporated community relies on volunteers like Bobby Kirby, nominated by his neighbors to be water system treasurer, to pour chlorine into the storage tanks to disinfect the water. After years of not testing and reporting, Kirby says the state threatened to arrest him for failing to turn in paperwork.

"They came here and said they was going to lock me up," he said. "Well, I told them, 'You can lock me up if you want to, but I don't own it. I'm just a property owner that wants water.'"

The West Virginia Infrastructure and Jobs Development Council, the agency responsible for improving infrastructure in the state, announced several projects to link communities like Kanawha Falls and Garwood to surrounding city water systems. Kanawha Falls' \$1.8 million extension is scheduled to be completed by the end of the summer.

While some systems in West Virginia have no operators, other small systems throughout the country don't have the money to ensure full-time maintenance.



Bobby Kirby sometimes performs maintenance on the Civil War-era system of Kanawha Falls, W.Va. (Photo: Rachel Konieczny, NEW21)

Scotts Mills, a city of 370 tucked away in the tree-lined foothills of northwest Oregon, cannot afford to hire a full-time staff for its water system and relies on local volunteers to step up.

“We rely on a neighbor complaining about an odor or something like that. We really don't have any staff to drive around and look,” said Dick Bielenberg, the city councilman in charge of water. “If there's a water leak or something like that we'll take care of that, sometimes with volunteer labor, sometimes we'll hire an outside contractor, depends upon how big the project is.”

Resident Jake Ehredt volunteered to be the water commissioner when he moved into community three years ago. However, Ehredt is also a full-time water system operator for the neighboring city of Molalla and said he can only spend an hour or two a day in Scotts Mills for routine checks. While he is away, residents with water problems are directed to call Bielenberg by a sticky note on the city hall door.

“One thing we have out here is contact with our elected officials. We know them,” said Ron Hays, whose family has lived in and around Scotts Mills since 1899. “If the water main breaks, you know who to call.”

Though surveys from the Oregon Health Authority showed the city's water system hasn't violated any safety standards, Bielenberg says the city needs a plan for at least the next 20 years should any problems arise.

“There's not a lot of money so you learn to get by and improvise,” Ehredt said. “We are going to work on updating little small things.”

Replacement Era

According to the EPA, most of the \$384 billion needed to keep the country's water systems safe should go toward upgrading pipes buried underground that distribute the water — out of sight and mind to most Americans until one of them bursts.

“The plants are visible. If EPA makes a regulation, and you have to comply with it, then the utility manager can go to the board and say, ‘Hey, I have to do this, EPA is making me do it,’ and then get the money to build the treatment improvements,” said Roberson, of the Association of State Drinking Water Administrators. “It’s a little harder, then, when you’re talking about the pipes that are buried in the ground because you don’t see the pipes. You don’t know if you have a problem until you get a big leak or a big geyser comes out in the street.”



East Chicago, Ind. The city has long been surrounded by various industries, with many contributing to contamination. (Photo: Michael M. Santiago, NEWS21)

Even if water service is not disrupted by a pipe break, millions of miles of lead pipes in the U.S. are at risk of leaching the toxic metal into drinking water without proper oversight from system operators. In Milwaukee, about 70,000 homes are connected to the city’s water system with aging lead pipes, many of which run under low-income and African-American communities in the city’s north-side neighborhoods. Many residents fear this has contributed to the city’s high rate of lead poisoning among children.

Pipes that leak or break can also introduce bacteria and chemicals from the surrounding soil after the water has already been treated.

Government officials acknowledge the daunting challenges ahead for water utilities. In the final months of the Obama administration, the EPA’s Office of Water published a report highlighting aging infrastructure, unregulated contaminants and financial support for small and poor communities as top concerns for drinking water quality going forward.

“The actions proposed here go far beyond what EPA alone can do; all levels of government, utilities, the private sector and the public each have critical roles to play,” the report said. “Utilities ultimately must take many of the critical actions needed to strengthen drinking water safety, and communities must be actively engaged in supporting these actions.”

Industry groups are sounding the alarm about the bill coming due for water infrastructure as it enters a “replacement era.”

The American Society of Civil Engineers gave the U.S. a “D” grade for the quality of its drinking water systems based on an evaluation of their safety, condition, capacity and other criteria. Of the 25 states with individual grades, none scored higher than a “C+.” Pennsylvania, Louisiana, Arkansas and Alaska all received “D” grades.

The American Water Works Association estimated water systems will need about \$1 trillion in investment during the next 25 years just to maintain and expand water service. This price tag doesn’t include the costs associated with getting rid of lead service lines or upgrading water treatment plants.

“A part of that, not all of it, but a part of it, is a lack of investment when it should have started earlier,” Steve Via, American Water Works Association director of federal relations, said about the upgrades necessary in coming years.



Residents of La Union, N.M., keep plenty of bottles of water on hand after officials discovered arsenic in their water. (Photo: Maria Esquinca, NEWS21)

Methodology

News21 analyzed 680,000 violations from a 10-year period starting Jan. 1, 2007, in the EPA’s Safe Drinking Water Information System. The database only contains active community water systems in U.S. states and tribal lands because they are the most likely to serve homes. The EPA data also shows how many people were affected by violations. The EPA has acknowledged this database might not reflect all violations that have occurred and some information may be incorrect.

The violations included two types: health-based violations and monitoring/reporting violations. Health-based violations are instances when water was found to be contaminated or not properly treated for contaminants. The story refers to these violations as water quality violations.

Monitoring/reporting violations occur when a water system either fails to test for a contaminant or report its test result to the state and customers.

This report is part of a project on drinking water contamination in the United States produced by the Carnegie-Knight News21 program. For the complete Troubled Water project, visit troubledwater.news21.com.

East Bay Times

First-ever water tax proposed to tackle unsafe drinking water in California



AP Photo/John Locher

In this Sept. 18, 2015 photo, a man loads a truck on farmland near Fresno, Calif. U.S. officials with the Geological Survey's Sacramento office and elsewhere believe the amount of uranium increased in Central Valley drinking-water supplies over the last 150 years with the spread of farming.

By [Katy Murphy](#) | kmurphy@bayareanewsgroup.com |

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SACRAMENTO — For the first time Californians would pay a tax on drinking water — 95 cents per month — under legislation aimed at fixing hundreds of public water systems with unsafe tap water.

Senate Bill 623, backed by a strange-bedfellows coalition of the agricultural lobby and environmental groups but opposed by water districts, would generate \$2 billion over the next 15 years to clean up contaminated groundwater and improve faulty water systems and wells. The problem is most pervasive in rural areas with agricultural runoff.

“My message is short and direct: We are not Flint, Michigan,” co-author Sen. Robert Hertzberg, D-Van Nuys, said at a Wednesday rally outside the Capitol, where demonstrators held signs reading “Clean water is not a luxury” and “Water is a human right.”

Ironically, many Californians are more aware of the crisis in Flint — where state and local officials in 2015 told residents about lead contamination in the drinking water, after claiming it was safe to drink — than about the water problems in their home state, said the measure's main author, Sen. Bill Monning, D-Monterey. He called this “a pivotal time in our state's history to do the right thing.”

SB 623 has been moving through the Legislature for months, but was amended Monday to include the tax on water for both homes and businesses. It also imposes fees on farms and dairies, roughly \$30 million annually, to address some of the contamination caused by fertilizers and other chemicals. Because it includes new taxes, the proposal will need a two-thirds vote in each house to pass, which supporters concede will be a battle.

Still, Monning has been able to forge the unusual alliance of farmers and environmental groups, which rarely agree on public policy. He also has the support of at least one Republican lawmaker: Sen. Andy Vidak, a cherry farmer who said his Central Valley district — which includes Hanford and parts of Fresno and Bakersfield — is the epicenter of the drinking-water problem.

“This is very, very important to my constituents,” he said after the rally, as some of them began chanting on the Capitol steps. “This is one of the most important things in my district.”

But water agencies say taxing drinking water sets a dangerous precedent and that the bill would turn them into state tax collectors. “Water is essential to life. Should we tax drinking water? We don’t think so,” said Cindy Tuck, a spokeswoman for the Association of California Water Agencies.

Sue Stephenson, a spokeswoman for the Dublin San Ramon Services District, said she supported the intent of the proposal — potable drinking water for all — but argued that lawmakers should use the money in existing coffers.

“The whole purpose of the general fund is to help take care of disadvantaged communities,” she said. “There’s no reason that they could not also fund communities that need access to drinking water.”

Marie Barajas, of San Jose, had a similar reaction. “That’s not fair. We’re not responsible for that,” she said. “That’s why we pay taxes.”

Monning, however, argues that the general fund isn’t a reliable funding source and that the proposed tax on households, amounting to roughly \$11.40 per year, is negligible. “You’re not going to notice it on your water bill,” he said.

The bill is now relegated with hundreds of others in the “suspense file” of the Assembly Appropriations Committee. The panel must decide by Sept. 1 to move it to the Assembly floor for a vote.

Selerina Chavez took a day off from work to drive from the Kern County city of Arvin for the rally. She said she hoped lawmakers would try to fix the problem posing health risks to her family and her neighbors, many of whom are farm workers or living on fixed incomes.

When she moved from Ventura County more than 20 years ago, she said, it never occurred to her that the water would be unsafe for her family to drink. They drank it for years, she said, before she learned a few years ago that it contained unsafe levels of arsenic.

“I thought about my children,” she said in Spanish. “How many years have we been drinking this water?”

In addition to her regular water bill, she spends \$40 per week buying drinking water. She also buys water for cooking.

Now, she said, “I have three water bills.”

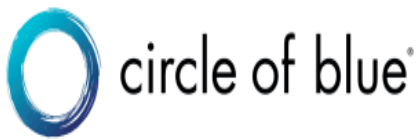
SENATE BILL 623

What is it? SB 623, by Sen. Bill Monning, D-Monterey, would generate \$2 billion over 15 years for a Safe and Affordable Drinking Water Fund, which would provide emergency water and longer-term system fixes for hundreds of communities whose tap water doesn’t meet safe drinking-water standards.

Where would the money come from? The proposal would generate roughly \$110 million per year through a 95-cent monthly fee on home water bills as well as taxes on businesses of up to \$10 per month. Another \$30 million would come from higher fees on agricultural and dairy businesses, industries whose chemicals contribute to the problem of contaminated groundwater.

Who’s for it? Who’s against it? The bill is backed by the agriculture and dairy lobbies, as well as by a long list of environmental, social justice and civic groups — an unusual combo. Water districts are against the bill, saying that taxing water users creates a bad precedent and that collecting the money would be burdensome.

Will it pass? If the Assembly Appropriations Committee moves the bill to the floor, it needs a two-thirds vote of each house, which is always a challenge. What’s more, Assembly Republican Leader Chad Mayes has faced [intense blow-back](#) for his bipartisan collaboration to extend California’s landmark climate program, called “cap and trade.” But SB 623 does have one Republican co-author: Sen. Andy Vidak, of Hanford.

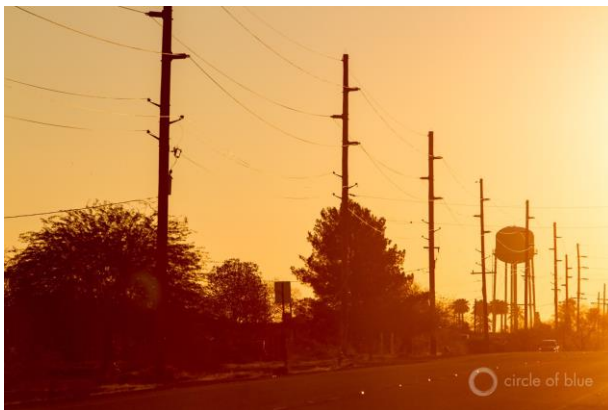


[WaterNews](#)

When It Comes To Water Service How Expensive Is Too Expensive?

August 24, 2017/in [Water Management](#), [Water News](#), [Water Pricing](#) /by [Brett Walton](#)

As rates rise, water authorities question longstanding affordability measurement.



Sunset colors the sky a pastel orange above a water tower on the Gila River Nation, in central Arizona. Photo © J. Carl Ganter / Circle of Blue

By Brett Walton, Circle of Blue

Earlier this year, Manny Teodoro, a Texas A&M University associate professor, sat in a meeting with a committee that advises the Phoenix Water Department on rates to discuss the increasingly fraught relationship between household water bills and the ability of residents to pay for water service.

Teodoro, a scholar who evaluates the consequences of public policy, was developing a method to measure the financial burden of water bills on the poor. Phoenix officials wanted fresh insight they could perhaps incorporate in aid programs and rates.

At some point the conversation took a slight, but revealing, turn. Affordability is a comparative concept, the place where income and expenditures cross. Teodoro was talking about measuring that relationship. In the water utility industry few tasks are as perplexing or misunderstood as gauging which customers can afford to pay their water bills and how much they can pay.

The committee members, though, wanted a definition. Household incomes at the economic bottom have stagnated. How many people will not be able to pay?

“Are our rates affordable?” they asked, posing a question that has become a defining issue for U.S. water utilities in the second decade of the 21st century.

Teodoro, reflecting on his work, instead redirected the query. “It’s up to you, not me,” he replied. “I’m showing you how to measure it.”

According to the U.S. Census Bureau, the number of households earning less than \$US 15,000 per year grew more between 2000 and 2015 than any equivalent segment of the income distribution. At the same time water rates, driven by the cost to maintain or replace water treatment plants and delivery pipes, are rising at double or triple the rate of inflation. The trend, for booming cities and sleepy villages alike, shows no sign of slowing. The need to measure, define, and understand what is meant by affordable water, rates experts say, has never been more imperative.

Teodoro is a candid critic of established metrics and one of a number of researchers, utility officials, and government representatives who are pushing the industry toward a more nuanced analysis. That means tussling with questions — like the definition of affordability — that are in many ways philosophical, which is novel thinking for utilities that are accustomed to ticking boxes that were drawn by regulators.

“People are used to having a standard,” Teodoro told Circle of Blue. “The tendency is to look at the standard like a checklist without thinking through what affordability means. What is affordable is a normative question. In a democratic society it is up to our governing institutions to decide what that means. It might mean different things in different places.”

Utilities, being pushed into a larger social services role by City Hall and advocacy groups, are coming at the question from several angles. Phoenix is testing an analytical approach developed by Teodoro that incorporates disposable income and local wages. The Northeast Ohio Regional Sewer District, which serves the Cleveland metro area, and the water department for Raleigh, the capital of North Carolina, are using fine-grained U.S. Census data to define more clearly which households need financial aid.

Even Congress, where water affordability legislation is now a perennial topic, has taken action. Lawmakers ordered the National Academy of Public Administration, a research group chartered by Congress, to study alternative ways of measuring household water affordability. The report is due at the end of September.

A common theme among these endeavors is rejection of the prevailing wisdom, which is a two-decade-old standard used by the U.S. Environmental Protection Agency to assess the cost to water utilities of meeting federal pollution-control requirements. That is the standard that Teodoro and others want to upend.

The Old Way

When they fail to meet Clean Water Act obligations to cut the flow of untreated sewage and dirty street runoff into rivers, the EPA often requires cities to install system upgrades that can run into the billions of dollars for a large metro. Part of the regulatory process is a financial analysis, which assesses the community’s ability to pay for the improvements. If the best technology is too much of a burden, the community can get a waiver to use a less costly fix.

The EPA's method, put in place in 1997, is rudimentary, a club not a scalpel. The agency compares the median household income (MHI) for the utility's service area to the area's average sewer bill. If the average bill after sewer system upgrades is not above two percent of MHI, the community passes the residential affordability part of the financial test. A similar metric is applied for drinking water improvements, except that the bar for "high" financial impact is set at 2.5 percent of MHI.

That community-level standard has taken on a life of its own. It has been applied broadly — mistakenly, some say — as an indicator of water and sewer bill affordability for individuals and households.

Critics of the EPA standard — both in its intended and unintended uses — are easy to find. Teodoro argues that MHI is used only because it is "convenient and conventional," and it results in "lazy and deceptive" analysis. Jason Mumm, a rates analyst with JMa Municipal Advisers, a consultancy based in Colorado, says that the standard is a "ham-fisted" way of estimating financial capacity that ignores demographic and economic distributions that vary from city to city.

The MHI metric has four flaws, Teodoro asserts. One, it looks at average demand across the community instead of essential household needs. Average demand includes water that nourishes grassy yards as well as water consumption by the rich, who tend to use more. Average demand, in effect, inflates the amount of water a household needs. Utility leaders who have looked closely at the issue agree. "We don't want to define affordability as being able to afford a lawn," Kathryn Sorensen, Phoenix Water Department director, told Circle of Blue.

A second flaw is that using median income obscures the financial pressure on poor residents. Like for average demand, median income is a balance point between a community's richest and poorest. A high median income can veil a large group of poorer residents.

Ed Buchan, a water department analyst for the City of Raleigh, recognizes this problem with MHI. "While the Raleigh service area overall is in good standing, there are highly stressed areas within the city," Buchan told Circle of Blue. "If you used median household income for the whole service area, no one would qualify as stressed."

Third, the EPA measure ignores the local cost of living, which varies widely within and between states. If other goods are cheap, then a higher water bill may not be as debilitating.

Lastly, the numbers used for the financial assessment — two percent of MHI for sewer bills and 2.5 percent for drinking water — appear to be somewhat arbitrary. A [white paper](#) prepared for the National Association of Clean Water Agencies by the engineering firm CH2M Hill notes that MHI as a measure of financial capacity originated in the Farm Home Loan program in the 1970s. Teodoro has found little documentation on why two percent was selected as the break point.

"It appears to be a pure 'golden number,' one with no empirical or theoretical rationale at all," he said. "It's become a number that people point to in an appeal to authority."

There are more detailed records for the roots of the drinking water standard. The EPA [considered a range of values](#), between 1.5 percent of MHI and three percent. The agency settled on 2.5 percent after looking at national-level averages for household spending on transportation, energy, telephone service, entertainment, and other categories, as well as at the cost of using faucet filters

or bottled water for in-home drinking water. The agency reckoned that 2.5 percent was less than spending on home heating and air conditioning and more than the cost of filters or bottled water.

The EPA press office said their financial specialists were not available for an interview to discuss the origins and application of the MHI standard.

An Affordability Metric That Focuses on the Poor

Teodoro is poised to address the deficiencies with fresh analysis. He submitted [a paper that outlines his methods](#) and applies them to the 25 largest U.S. cities to an academic journal. The paper is in a second round of the peer-review process.



Migrant communities in southern California have to rely on unsafe groundwater supplies or drive to access clean supplies. A water filtration station at a mobile home park in the Coachella Valley removes arsenic from groundwater. It was paid for largely with state grants. Photo © J. Carl Ganter / Circle of Blue

Teodoro employs two approaches. One equates water bills with labor, tallying the number of hours at the local minimum wage that a person would need to work in order to pay for a monthly water bill at 50 gallons per day, which is an estimate of water needed for basic hygiene, drinking, and cooking. Cities can adapt this measure, but Teodoro proposes eight hours of minimum-wage labor as a starting point for discussion.

The second, called the affordability ratio, compares a water bill to disposable income for households at the twentieth percentile of the income distribution, meaning the bottom fifth, which is where affordability problems begin to be most apparent.

To calculate disposable income he subtracts essential expenses such as food, housing, energy, taxes, and health care. Then he calculates a monthly water bill for a household using 50 gallons per person per day. The water bill is then divided by disposable income to get the affordability ratio. Teodoro suggests that water bills are affordable for households at the twentieth percentile if they consume no more than 10 percent of disposable income. The method is, in fact, a template. Cities can fiddle with the input variables to match their assumptions about what affordability means.

There are drawbacks, though. The measurements do not work for renters, who often do not directly pay their water bill. Also, the calculations can be complex because cities need data on

household income and expenditures. “It’s really difficult to pin down necessary versus discretionary spending,” said Mumm, who provided comments to Teodoro on the paper. Nonetheless, Mumm endorses alternative measurements and said that Teodoro is one of the sharper people thinking about the topic.

“Affordability is one of the most important issues for our industry and a defining issue for some time to come,” Mumm said.

Mumm, when he worked as an analyst for MHW Global, an engineering firm, had a hand in developing an affordability measurement of his own. Called WARi, the tool pairs utility billing data with financial data sorted by census block. Census blocks are the smallest unit of measurement in the federal survey, and they encompass several thousand people.

The Northeast Ohio Regional Sewer District used WARi to identify which neighborhoods to target for enrollment in the district’s bill assistance program, which offers a 40 percent discount to customers who are below 200 percent of the federal poverty level. The response rate from customers increased significantly, according to Ken Duplay, the chief financial officer.

Use What Is Available

Because it’s handy, utilities still refer to MHI in their affordability planning. But sometimes in more nuanced ways than comparing it to a bill averaged across the entire utility service area.

Last December, when it approved its first program to provide water bill aid to poor customers, the Raleigh City Council wanted to know how many people might need financial assistance. The city, after all, had only so many dollars it could expend.

The water department developed a needs assessment based, in part, on the EPA methodology. The department used median household income data — but for census blocks, not for the city as a whole.

The department calculated an average household water and sewer bill based on a city-wide average of five hundred cubic feet (3,740 gallons) per month. Staff then compared the average bill to the median household income for each census block. If the bill was more than 4.5 percent of income — a figure based on the maligned EPA standard — then it was deemed unaffordable and the households in that block could qualify for bill assistance.

By looking at census block data, the department was able to see the scope of the problem in detail. The analysis showed that some 20,000 households, or roughly 10 percent in the city service area, qualified for the subsidy.

“It was a sobering number,” Buchan said.

Congress Orders Fresh Ideas

Perhaps the most anticipated assessment is a [pending report](#) from the National Academy of Public Administration, a body chartered by Congress to explore fundamental public policy matters. The report is designed to assist the EPA in revising its community affordability guidelines, if the agency chooses to do so.

Mandated as part of the 2016 federal budget resolution, the report is due to Congress in late September and will be released to the public soon thereafter, according to Brenna Isman, the project director.

A five-member panel, each of whom is an academy fellow, will write the report with the help of NAPA's professional staff. Panel members are either academics or local government officials. The chair, Stan Czerwinski, is the chief operating officer of the National Governors Association.

The panel has convened four times, Isman told Circle of Blue, but its report will be based on the grunt work of NAPA's professional staff, work that includes hundreds of interviews with water sector leaders, several roundtable discussions, and [industry surveys](#). The surveys asked whether the two percent MHI figure is appropriate, whether it should be replaced, and what its successor should be. Roundtable participants included water industry trade groups and local government organizations: National Association of Clean Water Agencies, National Association of Counties, National League of Cities, U.S. Council of Mayors, Natural Resources Defense Council, American Water Works Association, National Rural Water Association, and others.

The U.S. Council of Mayors has been one of the most vocal groups lobbying the EPA to change how it evaluates affordability. Local and state governments, after all, account for [more than 95 percent](#) of capital spending on water infrastructure. "They're dealing with it on the front line," Mumm said. At their annual meeting in July 2016, the mayors adopted [a resolution](#) that encourages the EPA to be more comprehensive in its evaluation of a community's ability to pay by including all federal mandates, and not just for water, in the assessment.

A Matter of Priorities

Mumm says that even though the EPA numbers are flawed, there still is value in providing guidance to water utilities as they take on unfamiliar tasks.

"Manny [Teodoro] doesn't like the two percent figure, but from a policy perspective we need something that gives a sense that the cost of service is getting up there, a barometer if you will," Mumm said. "I think the EPA needs to have something that is an effective tool: 'Is this too much to ask for a community?' The question is how to change how the EPA measures it, to get a better barometer."

Sorensen, the Phoenix Water Department director, says that though affordability will require local solutions, collective leadership is also necessary: "It is incumbent on the water industry as a whole to come up with guidelines that are reasonable."

Teodoro, for his part, recognizes that getting an industry to change its ways will be a challenge. If better measurements are a means to that end, then he has a path laid out. After profiling 25 cities for the journal article, Teodoro wants to expand the analysis to cover several hundred U.S. utilities. He'll provide the measurement, but utilities will have to decide where, in the relationship between prices and incomes, to mark the transition from affordable to unaffordable.

"I'm evangelizing right now," Teodoro added. "Getting people to break habits is difficult. It will take time but more utilities are looking so they're taking it seriously."

California's drift away from levees continues

By Staff and wire reports

Posted **Aug 25, 2017** at 7:50 PM Updated Aug 25, 2017 at 7:50 PM

After more than a century of building levees higher to hold back its rivers, California took another step Friday toward a flood-control policy that aims to give raging rivers more room to spread out instead.

The plan, adopted by the flood-control board for the Central Valley, covers a 500-mile swath from Mount Shasta to Bakersfield that includes the state's two largest rivers and the United States' richest agricultural region. It emphasizes flood plains, wetlands and river bypasses as well as levees.

The plan is [especially important for Stockton](#), which sits at the bottom of the San Joaquin River watershed. Floods in the watershed are expected to worsen by about 60 to 80 percent due to climate change, meaning a severe future flood could kill nearly 900 people, according to the state, and cause \$9 billion in damage.

To help alleviate that threat, the plan includes a new flood bypass at Paradise Cut, a widely supported local project that would better protect downstream Lathrop and Stockton. The plan also includes the restoration of flows through blighted Mormon Slough and the improvement of levees along the western edges of Stockton.

It does not include all that local officials hoped for, though, including more substantial improvements to the San Joaquin River levee that runs from Weston Ranch all the way to Lathrop, protecting 46,000 people and safeguarding facilities including the County Jail and hospital. The plan appears to "obstruct rather than facilitate increased flood protection" for that area, Stockton attorney Dante Nomellini wrote in comments to the state earlier this year.

Backers say the shift in thinking toward giving rivers room to breathe will better handle the rising seas and heavier rain of climate change.

The idea: "Spread it out, slow it down, sink it in, give the river more room," said Kris Tjernell, special assistant for water policy at California's Natural Resources Agency.

Handled right, the effort will allow farmers and wildlife — including native species harmed by the decades of concrete-heavy flood-control projects — to make maximum use of the rivers and adjoining lands as well, supporters say.

They point to Northern California's Yolo Bypass, which this winter again protected California's capital, Sacramento, from near-record rains. Wetlands and flood plains in the area allow rice farmers, migratory birds and baby salmon all to thrive there.

For farmers, the plan offers help moving to crops more suitable to seasonally flooded lands along rivers, as well as payments for lending land to flood control and habitat support.

Farmers, environmental leaders and sporting and fishing groups joined in praising the plan Friday, a rarity in California's fierce water politics. "Savor the moment," Justin Fredrickson of the California Farm Bureau joked to the flood board.

San Joaquin-area flood control officials have praised certain aspects of the plan, like the Paradise Cut bypass, but have been critical of others and say their formal comments to state officials are not reflected in the plan approved Friday.

Five years in negotiation, the flood proposal moves away from "two overarching themes in the history of our flood management. One has been build the levees bigger and get the water out" to the ocean. "Another theme has been don't talk to each other," said Rene Henery, state science director for the Trout Unlimited conservation organization.

California's Central Valley before Western settlement annually transformed into an inland sea in the rainy season. Settlers transformed the Valley, building levees along the Sacramento and San Joaquin rivers to create land for farm fields and cities.

The state doesn't have the funding for the nearly \$20 billion in projects envisioned by the plan, including thousands of acres of proposed new wetlands along the San Joaquin. But the outline is meant to guide work and funding, including \$89 million the state announced for Central Valley wetlands earlier this week.

East Bay Times

East Bay water supplier eyes revamping rates to promote conservation

The Contra Costa Water District is considering revamping its water rate structure in the Central County to add price tiers to promote conservation. (Gary Reyes/ Mercury News)

By [Denis Cuff](mailto:dcuff@bayareanewsgroup.com) | dcuff@bayareanewsgroup.com | Bay Area News Group

PUBLISHED: **September 8, 2017** at 7:45 am | UPDATED: September 8, 2017 at 10:23 am

CONCORD — Responding to calls to continue conservation after the drought, the Contra Costa Water District is considering revamping its rates to encourage saving water among 208,000 central county residents.

The district currently uses a uniform rate for household water, while also collecting an additional excess use charge on homes using more than 1,000 gallons a day and using more they did in 2013.

On Wednesday, district consultants urged the board to consider switching to tiered rates, which impose a progressively higher volume price as customers use larger amounts.

Two or three price tiers should be considered, the consultants said. A three-tier price system would provide the biggest incentive for customers to save but also place the largest financial burden on high-volume users with large lots and landscaping, experts with Raftelis Financial Consultants Inc. told the water board.

Before drawing up rate proposals for public view, the water board said Wednesday it wants more information about how several rate options would affect bills of customers at various consumption levels.

“We want to reward conservation,” said board President Lisa Borba, of Concord, “and we don’t want to be unfair. We don’t want to penalize someone who has made the decision to have a large piece of property.”

The average central county household pays \$60.62 per month for 260 gallons of water a day in a territory that includes Concord, Clayton, Pleasant Hill, Pacheco and parts of Walnut Creek and Martinez.

The water board is investigating ways to revamp its rate structure for the first time in more than a decade in part because of the widespread calls for conservation during the drought.

“The world has changed since the drought,” Borba said. “We’re taking this very seriously and studying it very carefully.”

The goal of a rate overhaul isn't to collect more revenue but to reallocate how that the burden for payments is distributed among low, medium and big users, said Jennifer Allen, a district spokeswoman.

If the district approves three tiers, the consultants suggest that lowest price should go to households using 170 gallons per day or less, enough to provide 55 gallons per day of indoor use for each of three people.

The highest price in a third tier would be charged for water use in excess of 390 gallons per day, the consultants suggested.

If a two-tier structure were used, the consultants suggest the lowest price be charged for consuming less than 390 gallons per day.

After the district develops some detailed rate proposals, a series of public meetings and workshops will be announced and a formal report mailed out to customers. The revamped rates might be voted upon in early January, but no date is yet set.

The district also is reviewing whether rate changes are warranted for wholesale water supplies sold to local water systems in Antioch, Pittsburg, Oakley, Bay Point and Martinez.

Among other nearby water suppliers, the East Bay Municipal Utility District has a three-tier rate structure, and the Fremont-based Alameda County Water District has a single uniform rate.

East Bay Times

Sale of bankrupt hospital to owner of San Pablo Lytton Casino pending

The Lytton Rancheria would pay \$13 million for 8.3 acres that its attorney says will be used for parking

Doctors Medical Center is seen in San Pablo on May 7, 2014.

By [Tom Lochner](#) | tlochner@bayareanewsgroup.com | Bay Area News Group

PUBLISHED: **September 8, 2017** at 7:55 am | UPDATED: September 8, 2017 at 12:17 pm

SAN PABLO — Officials of defunct Doctors Medical Center hope to soon complete a \$13 million sale of the hospital campus to the Lytton Rancheria, owner of the adjacent San Pablo Lytton Casino.

An attorney for the tribe said the property will be used for parking.

“It will take over two years to tear down the hospital buildings and construct the surface parking,” the attorney, Larry Stidham, said in an email this week. “There is a continuing need for patron and employee parking.”

The property for sale is about 8.3 acres of what used to be a 10.8-acre campus. In 2015, the West Contra Costa Healthcare District, which owns the bankrupt hospital, sold the city of San Pablo a 2.5-acre slice of the campus that the casino currently uses for parking under a 20-year easement that began in 2014.

The health care district board approved negotiating and executing a \$13 million purchase-and-sale agreement with the Lytton Rancheria in late 2016. The district is currently in bankruptcy proceedings in federal court. Interim CEO Kathy White has said the formalities of a sale are in progress, but she could not predict when the deal might close.

“Things are moving along although not as fast as we would like,” White said in an email this week. On Thursday, she added that leases for rooftop cell boxes are a complication — the property is supposed to be sold free and clear of all liens, claims, and encumbrances.

“But it’s all moving in the right direction,” she said.

Opened in 1954 as Brookside Hospital, DMC closed in April 2015 after years of multi-million-dollar deficits that officials blamed on a payer mix that included about 80 percent Medi-Cal and Medicare and 10 percent uninsured patients.

The campus property is zoned Commercial Mixed Use under a General Plan amendment approved by the San Pablo City Council in January 2016.

City Manager Matt Rodriguez, asked if he knew of any plans for the property, said in an email: “It would be very premature for the City to officially comment on any future development opportunities by the new prospective owner until the City actually receives a formal application for development for its due consideration and review, including meeting all necessary environmental review and permitting requirements.”

San Pablo Lytton Casino sits on the reservation of the Lytton Band of Pomo Indians, also known as the Lytton Rancheria, created by the U.S. Congress in 2000. The reservation consists of a tract a little over 9 acres in size along San Pablo Avenue at the intersection with San Pablo Dam Road. The San Pablo Lytton Casino is on part of the reservation, with the rest used for parking.

The casino, at 13255 San Pablo Ave. is open 24 hours, with more than 31,000 square feet of gaming space, including 1,450 gaming machines and 13 table and poker games, according to the website [Casino City](#). The property also has three restaurants.

The Lytton band also owns at least two nearby off-reservation properties, including the adjacent 1.7-acre former Moose Lodge site, which it bought in 2016, and an office building a short distance south of the casino.

Asked whether the tribe plans to expand its gambling operation on the reservation by shifting parking off-reservation to the adjacent hospital campus, Stidham said in an email:

“There are no plans to expand the current gaming footprint after the sale is complete.”

Asked whether the tribe might contemplate building upward and increasing the number of stories on the current building footprint, Stidham responded, “No such plans.”

Under current legislation, the tribe cannot offer Nevada-style “Class III” slot machines at the San Pablo Lytton Casino and is restricted to “Class II” electronic bingo machines.

San Francisco Chronicle

Town tapped out: Moraga's fiscal crisis shocks, baffles residents

By Alison Graham

September 15, 2017 Updated: September 15, 2017 6:00am



Photo: Santiago Mejia, The Chronicle

Image 1 of 3

The town of Moraga declared a fiscal emergency June 28.

After six months of searching for the perfect home, Lisa Koltun moved into a four-bedroom house in Moraga in July. Now she wonders if she will regret it.

She hadn't even unpacked her moving boxes when she learned that her new hometown had declared a fiscal emergency. She had attended dozens of open houses and no one mentioned the city's financial problems. She felt blindsided.

"I'm shocked. I'm dismayed. I'm scared to death," she said. "I just spent my life savings on a house here."

With a property tax bill of \$19,000 a year, she worries that the city will ask for more tax dollars.

It's no wonder no one mentioned the fiscal crisis to Koltun. In a sleepy residential community whose council meetings rarely draw more than a dozen people, it was hardly the talk of town.

But now, residents have bombarded online message boards with their questions and concerns — and they packed a recent town hall meeting to find out why the city that has passed a balanced budget every year is suddenly in crisis.

Residents who paid attention to town hall matters understood Moraga wasn't drawing a ton of revenue. But things didn't seem dire either: On June 14, the council approved a 6 percent salary increase for all town employees. Two weeks later, at an otherwise routine meeting, the council declared the fiscal emergency.

The only resident in the audience was Seth Freeman, a regular attendee who is a vocal critic of the town's management. He waited two hours — the council first discussed a playground and then a town poet laureate — so he could get three minutes at the podium.

“If we are about to declare a fiscal emergency, then I think we should act as though we have an emergency,” he said. “I think it's very inconsistent to be declaring a fiscal emergency and spending this nonessential money (on a park) on the same meeting date.”

Freeman posted their decision on the neighborhood social network Nextdoor, and residents responded with confusion and anger.

Since the declaration, tensions are rising between council members and Moraga residents as they demand answers about the town's budget and spending, particularly the salary increases.

The raises helped keep Moraga's wages competitive with other cities, said Amy Cunningham, Moraga's administrative services director.

But some Moraga residents are beginning to question the town government's staffing.

Moraga, with a population of about 17,000, has 36 full-time employees. Seventeen of them make a six-figure salary, and personnel costs account for nearly 64 percent of Moraga's operating budget each year.

Other cities in Contra Costa County about the size of Moraga have more employees, but use far less of their operating budgets on salaries and benefits. Pinole, with 18,946 residents, has about 100 full-time employees and uses 24 percent of its budget on personnel.

Similarly, the city of Orinda, with a population of 17,643, has about 40 employees whose salaries and benefits account for about 14 percent of the overall budget.

The Town Council has complained it has a revenue problem. Cunningham said the town [isn't earning enough money](#) because Proposition 13 keeps its property tax revenue stagnant and the lack of business growth keeps sales taxes low.

Adding to its problems, Moraga faced a string of catastrophes over the past year — a 15-foot sinkhole and a crumbling bridge — that total \$5 million in repairs. Those costs all but drained the town's reserve fund, which officials say is what prompted the emergency declaration.

With the emergency declaration in place, the town can hold a special election asking voters to pass a tax measure to increase revenues. Moraga needs to rebuild its dwindling reserve funds and start repairing the tangle of 40-year-old storm drains running underneath the streets, officials say.

Some residents, including Freeman, think the town should cut back salaries before pursuing a tax measure.

Other California cities that have declared fiscal emergencies have taken similar routes. La Mirada (Los Angeles County), which declared an emergency in 2012, cut the city's workforce by 27 percent. Montebello (Los Angeles County), which declared an emergency in May, imposed a hiring freeze on all city departments except police and fire.

Freeman suggested that the town cut back on spending, and wants the council to rescind the emergency declaration.

"I think it's bad for the town's image and reputation," he said. "It takes away the pride of ownership and of being a Moraga resident."

*Alison Graham is a San Francisco Chronicle staff writer. Email: agraham@sfgchronicle.com
Twitter: [@alisonkgraham](https://twitter.com/alisonkgraham)*

Marin Independent Journal

Mill Valley, Southern Marin fire agencies explore sharing chief post



Mill Valley and Southern Marin firefighters drill at Station 9 in Mill Valley on Thursday. The annual budgets for two departments add up to nearly \$23 million. (Robert Tong/Marin Independent Journal)

By [Adrian Rodriguez](#), Marin Independent Journal

Posted: **09/16/17**, 6:02 PM PDT | Updated: 51 secs ago

Mill Valley and Southern Marin fire officials want to operate under a single fire chief after each department studied the potential benefits of sharing services.

“We’re trying to be as efficient as possible,” said Mill Valley fire Chief Tom Welch. “The battalion chief sharing has been really successful, so now we’re looking at additional opportunities in fire prevention and chief sharing.”

The Mill Valley Fire Department and the Southern Marin Fire Protection District are among several Marin fire agencies making moves to improve service while seeking some possible cost savings. Other fire districts are also exploring options for shared services, many pointing to the example set by Larkspur and Corte Madera and the successful formation of what will become the Central Marin Fire Department.

The proposal is to form a committee that would produce a cost-benefit analysis of sharing a fire chief, a deputy fire chief and a fire marshal in addition to the other positions and services shared already.

Welch and Southern Marin fire chief Chris Tubbs said that sharing a management staff would reduce redundancies and help with workflow and communication among the ranks. With two Mill Valley battalion chiefs soon retiring, the chiefs hope to also expand their candidate pool so that they could have a succession plan in place.

During a presentation on Sept. 5, Mill Valley council members said the moves raise questions of which district is responsible for what costs. Tubbs replied: “We don’t have the answers to those questions yet, which is why ... maybe this is a good opportunity for both of the governing bodies to get together and begin to decide what areas we want to further explore.”

The Mill Valley department operates with 24 firefighters on a \$5.5 million budget. The Southern Marin district has 50 firefighters and a \$17.1 million budget. Sharing battalion chiefs has saved more than \$500,000 annually in operating costs.

The two departments are not discussing a full merger just yet, although Tubbs and Welch said that could be in the cards far down the line. If they do end up sharing a management team, one of them would likely move into the deputy chief position, as neither one is planning to retire soon, they said.

The latest example of a merger between fire departments is in Central Marin.

Scott Shurtz, fire chief of the Larkspur and Corte Madera fire departments, said the consolidated Central Marin Fire Department will have 35 firefighters and a \$8.5 million annual budget, with financial support from each municipality.

Shurtz said Central Marin benefited from seasoned staff and elected officials who were eager to collaborate. He encourages other departments to consider shared services when it provides benefits to both sides.

“In the end, some partnerships just make more sense than others,” he said. “One size does not fit all.”

There are several shared emergency services in place across the county, including the Central Marin Training Consortium, the Southern Marin Emergency Medical Paramedic System, the Ross Valley Paramedic Authority, the Marin County Hazardous Materials Response Waste Team and several other joint powers agreements between districts and departments.

In Novato, the fire district, which has 69 firefighters and a \$31.2 million budget, works with the county fire department for fire marshal and investigative services, among other shared services.

The Marinwood Community Services District has begun discussing the future of its fire department, now that fire Chief Tom Roach announced he will retire at the end of the fiscal year. He has spent 26 years with the department and 14 years as chief.

There are 10 firefighters in the department, which has a \$2.8 million annual budget.

On Tuesday, the Marinwood district board approved forming a nine-person committee to explore “all options”, said Eric Dreikosen, district manager.

“This is not entirely spurred by the fact that the chief is retiring,” he said. “It’s time to just review our fire protection services and what makes most sense operationally and financially.”

There had been talks in the past to expand shared services between Marinwood and the San Rafael Fire Department, said San Rafael fire chief Chris Gray, who said the relationship between the departments remains strong.

“We will continue being interested in working with our neighboring fire departments, as we have demonstrated over the past years,” Gray said. “Fire service is one of the most transportable services.”

The San Rafael department has 72 firefighters and an annual budget of \$25 million.

The Ross Valley Fire Department is also seeking a new chief while exploring options for shared services. The department has 30 firefighters and \$9.8 million budget.

Retired chief Roger Meagor, who left the department in 2014, returned in August to serve as acting chief to fill a void left by Mark Mills. Mills was injured last year and has been approved to receive an industrial disability retirement plan, said department spokeswoman JoAnne Lewis.

Kentfield fire Chief Mark Pomi manages 10 firefighters and a \$5.7 million budget. He said the Kentfield Fire Protection District is always willing to help its neighbors, but possible consolidations are not always a good fit.

“Sometimes you get more out of sharing services,” Pomi said. He said a merger requires review of multiple governing bodies, including the Local Agency Formation Commission.

This was made evident in the ongoing formation process of the Central Marin department. The merger is being reviewed by LAFCO and the California Public Employees’ Retirement System, which has slowed the process.

The Marin County Fire Department has 90 firefighters, 70 seasonal firefighters and a \$26.4 million budget, and consistently works with other departments throughout the county.

When it comes to mergers, said Marin County fire Chief Jason Weber, “you don’t want to create a winner and a loser situation; it has to be a mutual benefit.”

“The truth is we all work together, and all the chiefs in Marin all get along and are supportive of each other,” he said.

Schroder: Alhambra Valley Annexation

September 18, 2017 | [0 Comments](#)

By ROB SCHRODER

Mayor of Martinez



During the Sept 6 meeting of the Martinez City Council considered, and approved, a waiver of city fees to process an annexation application for a single parcel in the Alhambra Valley. Annexations in every county is governed by Local Agency Formation Commissions (LAFCO) which review applications and either approve or disapprove annexation requests. LAFCO law is very confusing so the history of annexations in the Alhambra Valley is important to note.

In 2010 the City of Martinez annexed the Stonehurst and Alhambra Valley Ranch neighborhoods after consideration of all parcels in the city's Sphere of Influence (SOI) in the Alhambra Valley. After several public meetings it became apparent that the city would not be successful in any LAFCO protest hearings that included the entire valley. It was decided to annex the contiguous parcels with Deferred Annexation Agreement that were required by LAFCO in order to obtain water service from the city. We also included other contiguous parcels of willing property owners. None of the property owners that were annexed into the city in 2010 paid any City or LAFCO fees. All were paid by the City of Martinez.

The Dunivan property was originally included in the 2010 annexation application, but was removed as it is bifurcated by the Urban Limit Line (ULL). Under Measure J (1/2 cent sales tax used for transportation projects and roads and administered by CCTA) any city that annexes property outside of the ULL will lose their share of the Measure J funds, which for Martinez is millions of dollars over several years. It was not the property owner's choice to remove their property from the 2010 annexation application, it was removed by city staff to protect Martinez's share of transportation funds.

Every 5 years every community in the county has the opportunity to make minor adjustments (30 acres or less) to the Urban Limit Line (ULL). Now that the city can make minor adjustments to the ULL of 30 acres or under, we can move the ULL to include the entire 10 acre Dunivan parcel and eliminate what the LAFCO Executive Officer calls an "illogical boundary and service challenge." It also eliminates a "cherry stem" and creates a logical boundary that eliminates confusion on what agency is providing municipal services.

Although the annexation of multiple parcels at the same time is preferred, it is my position that the city continue to waive all city fees on individual parcels if the property meets three criteria:

- 1) The parcel is contiguous to other parcels in the city limits
- 2) The parcel is developed
- 3) The parcel has existing Martinez city water service

If a parcel, or parcels, are undeveloped and does not have Martinez city water service I do not support waiving city fees to annex the property.

The goal of the city has always been to eventually annex all parcels in our SOI, including the balance of the Alhambra Valley, Mt. View, Vine Hill, and North Pacheco. In fact, over time we have passed resolutions stating our intent to annex the remainder of the valley. This intent was critical to convincing LAFCO to approve Out of Area Service Agreements, thus allowing the city to provide water service to new developments such as the Alhambra Valley including the new subdivision at the "T" of Alhambra Valley Road and Reliez Valley Road. Unfortunately, we are not able to annex the new subdivision at this time as the parcels are not contiguous to other parcels that are in the city limits, but we are working to resolve this issue in the future, and this new procedure will assist in moving that plan forward.

Keep in mind that over time, waiving the City's annexation application processing fees will eventually be offset by the collection of property tax generated from these annexed parcels, while also helping these new residents acquire essential Municipal Services such as public safety and public work to these areas. It will also give residents a voice in the operation and planning the future of Martinez.

As we move forward with the annexation process in the Alhambra Valley, a great deal of communication and education will be needed. It is important that property owners who fit the recommended criteria are given an incentive to annex into the City of Martinez, thus becoming a win-win situation for both sides

Rob Schroder is the mayor of Martinez. Email him at rschroder@cityofmartinez.org.

The Sacramento Bee

Farming district says it won't pay for Delta tunnels in a vote that could kill the project

By Dale Kasler and Ryan Sabalow

September 19, 2017 3:17 PM

Fresno

An influential group of San Joaquin Valley farmers Tuesday voted against helping to pay for the Delta tunnels, denying Gov. Jerry Brown crucial financial support for the \$17.1 billion project.

Citing concerns about costs to individual farmers, Westlands Water District's board of directors voted 7-1 against participating in the project, known officially as California WaterFix.

Westlands is the first major water agency to vote on the project, and other big districts are expected to make their decisions in the coming weeks. Because the sprawling agricultural district in Fresno and Kings counties would have shouldered about a quarter of the project's costs, the vote could represent a fatal blow.

"I am not certain the project can go forward," said Westlands General Manager Tom Birmingham shortly after the vote. Earlier, he cast the decision in starker terms, saying if Westlands voted against the project, the tunnels "will die, the project will be over."

Brown's office insisted Tuesday that the vote would not doom the tunnels, one of the governor's major initiatives.

"There is one thing on which everyone agrees: Our aging water infrastructure needs to be modernized," John Laird, Brown's Natural Resources Agency secretary, said in a prepared statement. "Failing to act puts future water supply reliability at risk. This vote, while disappointing, in no way signals the end of WaterFix."

A spokeswoman for Brown, who was in Connecticut on Tuesday, referred to Laird's statement.

The "no" vote from a key potential backer of the largest water infrastructure project planned in California in decades reverberated through the state's water-policy world on Tuesday.

"Absent Westlands, you don't have a (tunnels) project," said Jeff Kightlinger, general manager of the Metropolitan Water District of Southern California.

Metropolitan, serving 19 million Southern Californians, had been the tunnels project's primary cheerleader outside of Brown's office. Metropolitan is expected to vote on the project next month.

"This was designed to be a comprehensive solution for California – both ag and urban, and really cover all the major parties," Kightlinger said. "We would have designed a different project if it was just for the urban sector or something like that. But we didn't. My board has been pretty clear ... they're not in the business of subsidizing agriculture."

With its millions of ratepayers, Metropolitan has a far easier case to make to its member agencies to persuade them to pay for the tunnels. Metropolitan estimates the average monthly bills for its customers likely would increase by just \$1.90 to \$3.10 a month.

It's a tougher sell for farmers.

Westlands directors said they were uncomfortable with the costs that would be borne by the 600 farming families in the sprawling district. Westlands predicted the cost for its water would climb from \$160 per acre-foot to more than \$600.

"We just can't afford it," said board member Jim Anderson.

Directors also were leery about spending a lot of money on a project that, while intended to improve water deliveries, included no guarantee that the supply of water would grow. "There's just too many unknowns," said director Larry Enos. "The only guarantee is that once we do it, we have to pay the bonds back."

Not a single Westlands director was ready to vote in favor of the proposal. Westlands Chairman Don Peracchi, the only dissenting vote, said he wanted to give the Bureau of Reclamation a chance to reconsider its funding plan for the project.

Tunnels foes rejoiced at news of the Westlands vote.

Barbara Barrigan-Parrilla, of the group Restore the Delta, called it "a good day for California," but she said she isn't ready to declare victory in the fight against the project, which is vociferously opposed by many residents of the Delta.

"It isn't over till Gov. Brown declares it's over," she said.

Westlands directors acknowledged that something needs to be done to fix the Delta, whose fish populations have plummeted in part because of decades of water pumping by the State Water Project and the federal Central Valley Project. Board members said they want state and federal officials to come up with a new solution that would be more affordable.

The tunnels, by rerouting how water moves through the Delta, are intended to help protect fish while enabling the project pumps to operate more reliably. The pumps deliver millions of acre-feet of water each year to the San Joaquin Valley and Southern California.

Birmingham warned it's doubtful that a cheaper solution is in the offing. The longer California waits to fix the Delta, the more expensive it will get, he argued.

"Just the passage of time in this planning process (for the tunnels) has cost billions of dollars," he said.

The directors also said they were particularly leery of how the federal government structured the plan. The Bureau of Reclamation had exempted certain federal water districts from having to pay for the tunnels.

Reclamation, citing complicated arrangements in how the CVP functions, has said it believes those districts don't have to participate.

That decision shifted more of the burden to Westlands and its growers.

Some Westlands directors said they might be willing to delay a vote if they thought the Bureau of Reclamation would revisit the funding issue. Birmingham said he considered that unlikely.

The state and federal water projects pump enough of Northern California's river water through the Delta to fuel the multimillion-dollar agricultural bounty of the San Joaquin Valley. The Delta also provides much of the drinking water to more than 25 million people in Southern California and the Silicon Valley.

But decades of pumping have contributed to a disastrous decline of fish in the Delta, with species such as the Delta smelt teetering on the brink of extinction.

The pumps are so powerful that they can cause portions of the San Joaquin River to flow in reverse at critical points, pulling fish toward the pumps and predators. Because of the Endangered Species Act, the pumps often have to be turned off or throttled back, allowing water to spill out into the ocean instead of being delivered to the south-of-Delta customers.

Brown's administration said the tunnels would fix that. By diverting a portion of the Sacramento River at Courtland, well upstream of the pumping stations, the 40-mile-long twin tunnels would dramatically alter water flows through the estuary and largely correct the reverse-flow phenomenon. That would allow pumping to proceed more reliably, increasing deliveries to Westlands and other contractors, the administration said.

Nearly \$250 million has been spent planning the project over the past decade, with most of the funding coming from south-of-Delta agencies like Metropolitan. The Southern California water wholesaler also bought tracts of land in the Delta along the proposed tunnels route.

Tunnels proponents achieved crucial victories earlier this summer, when two federal agencies that oversee the fish populations signed off on the project. Brown's regulators also ruled that the tunnels would comply with the state's strict environmental laws.

But the project has been highly controversial.

Environmentalists argued that the project would harm fish, not help them. Delta farmers and other residents called the project a “water grab” that would devastate the Delta economy. “Stop the Tunnels” signs dot Delta roads and are displayed in many store-front windows.

Sacramento County, one of several area governments suing to block the project, argued in court papers that the project would bring ruin to small Delta towns at the south end of the county.

The project was dealt another blow earlier this month when a federal audit revealed that it had received an [improper \\$50 million subsidy](#) from the Bureau of Reclamation. The U.S. Department of the Interior’s inspector general said the money was spent helping Central Valley Project contractors, such as Westlands, plan the tunnels project. Brown’s office had insisted that no taxpayer funds would go to the tunnels.

“After duping their own investors and hiding \$50 million in what can only be seen as an illegal subsidy from the U.S. Bureau of Reclamation, Westlands saw the writing on the wall that they can’t afford this project,” state Assemblyman Jim Frazier, D-Discovery Bay, said in a prepared statement. “This is a tiny victory as we continue to demand greater transparency to the true costs of this boondoggle.”

Rep. John Garamendi, D-Walnut Grove, said he knows Delta residents were cheering Tuesday, but they shouldn’t assume the project won’t be resurrected.

“There’s a considerable relief, but we also know it’s not the end of the issue,” Garamendi said. “We know the Delta remains at risk.”

Dale Kasler: [916-321-1066](tel:916-321-1066), [@dakasler](https://twitter.com/dakasler)

Published September 20th, 2017

Spirited assistant chief takes over ConFire operations division

By Nick Marnell



New Assistant Chief Ed Gonzales addresses the ConFire board Sept. 12. Photo Nick Marnell

The Contra Costa County Fire Protection District promoted Battalion Chief Ed Gonzales to assistant chief of emergency operations in a restructuring of the district divisions in August. Gonzales replaces Assistant Chief Lon Goetsch, who takes over the district training division.

Gonzales climbed the rungs from firefighter to engineer to captain to lead the district's busiest battalion, No. 8, since 2014. It makes one wonder how the energetic assistant chief will adjust to the office in Pleasant Hill, away from the action in east Contra Costa County.

"On a day like today, I ask myself that," said Gonzales, waiting over an hour in the lobby for a preceding meeting to end.

Gonzales said that the staffing for Fire Station 16 in Lafayette is a priority, and that the problem with the sewer line at the station site has been resolved with the Contra Costa Central Sanitary District. The fire district expects to reopen the station in November 2018.

ConFire will find out this fall if it receives a federal grant for the hiring of another company at Fire Station 1 in Walnut Creek. "If we qualify, that will help our response into Lafayette," Gonzales said.

The new assistant chief said a huge priority will be to develop the ConFire personnel. "The average age is lower than in any time in my career," said Gonzales, a 28-year district veteran. "There is not a lot of experience among the personnel, and call volumes are going up every year. We have firefighters on the staff who were not even born when I started."

The newest firefighters will not be assigned to the district station with the lowest call volume, Lafayette Fire Station 17, Gonzales said. ConFire does not like to put new firefighters there, as they need to gain experience at a busier station.

Gonzales said that those who choose to work at Station 17 - and not many bid for the assignment - include firefighters who are recovering from injuries, those who have worked at a busy station and may need a down year, and those who are studying for a test. It's the same job, with the same demands, just fewer of them.

Not only will Gonzales spearhead the development of new firefighters, he will also mentor new battalion chiefs. Of 10 battalion chiefs, six will soon be retiring, he said.

Gonzales scored No. 1 on the promotional lists for both his 2003 appointment to captain and his 2014 battalion chief appointment. "I've got a chance to impart my years of operational experience to a new group who can benefit," Gonzales said.

Reach the reporter at: nick@lamorindaweekly.com

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Published September 20th, 2017

Higher costs and protracted completion date for MOFD Station 43

By Nick Marnell

After the absence of construction activity over the lost summer of 2017, the projected costs to rebuild Moraga-Orinda Fire District Station 43 jumped more than \$1 million and completion of the station has been delayed until late 2018.

At a Sept. 6 special meeting, the district terminated its agreement with Pacific Mountain Contractors, the company originally chosen to rebuild Fire Station 43, and awarded a new construction contract to Federal Solutions Group, a San Ramon-based minority-owned federal contractor.

Pacific pulled out of its agreement with MOFD over what it cited were significant errors in the plans and specifications for the rebuilt fire station. Rather than litigate, the district attempted to renegotiate, but MOFD determined that Pacific was unwilling to build the station at any price, demanding release from the contract in June.

According to the separation agreement, Pacific paid MOFD \$54,000 to walk away and agreed to assign \$110,000 of preparatory work owed to its subcontractors. The district absorbed the subcontractor charges and built them into the terms of its \$3.34 million contract with Federal.

Adding costs incurred by Pacific, legal charges and the projected increases for labor and materials, the estimate for the rebuilt fire station rose from \$4 million to \$5.4 million, though the district has not approved \$500,000 of the recommended architectural, construction manager and contingency costs.

Things could have been worse.

The district was able to quickly secure the agreement with Federal, one of the original bidders on the station project, which resubmitted the lowest revised pricing to complete the fire station. That saved MOFD from another round of competitive bidding to select a contractor, likely pushing the project completion into mid-2019.

"It's a very unfortunate situation," said Kathleen Famulener, MOFD board president. "The original contractor underbid the project, and we couldn't continue. We are lucky to have worked out a deal and the new contractor is ready to go to work within weeks."

Louis Parsons, who signed the Pacific termination agreement, did not return calls seeking further explanation for the company's action.

Reach the reporter at: nick@lamorindaweekly.com

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Published September 20th, 2017

Healy reflects on his years with MOFD

By Nick Marnell



MOFD Fire Chief Stephen Healy: More mountains to climb Photo Andy Scheck

Stephen Healy spent barely any time talking about what he accomplished as fire chief of the Moraga-Orinda Fire District.

Rather, a relaxed Healy, who leaves the district Sept. 20, talked over coffee and toast almost exclusively about those he worked with in his 12 years with MOFD.

"I'll most miss the people," the chief said. "Since 2006, I have been involved with the hiring or promotion of just about everyone in the district."

His interactions with people gave Healy his highest highs, but also provided his top challenge once he moved into the fire chief seat. "Deciding who to hire," Healy said. "The final say on hiring a firefighter was the biggest difference I felt as chief. You have the responsibility to hire the best people, and for some, it was tough telling them this was not a career for them."

From day one, the chief set out to establish trust in communication. If Healy had the chance to improve one aspect of his job, it would have been figuring out a way to better communicate. "We've always struggled with this. Do I send emails? Do I do station visits? Should I go through the battalion chiefs? Hold more captain meetings? The firefighters still bring it up - communication (stinks)."

The human resources and the legal aspects of the fire chief job Healy struggled with the most. "It's unpleasant, and it's all gray. That's where you sink or swim - how you handle personnel issues. The public knows nothing about those issues. The firefighters know nothing. The board knows nothing. I will not miss that."

When Healy took over as fire chief in 2013, he jumped right into the firefighter contract negotiations. The chief bore the brunt of the rhetoric and emotion along the way, as he tried to remain sensitive to both the board and the union.

His peers helped him through that tough time, and Paige Meyer, fire chief of the San Ramon Valley Fire Protection District, sat at the top of the help list. "During negotiations, I would call Paige, worried that the whole thing would blow. I'd call him at the end of the day, 'Dude, I'm worried, I'm nervous.' Paige was empathetic. 'I've been there. I've done it. You'll be OK. You're doing the right thing.' He was always there when I needed him."

As for the negotiated contract, "I felt good about everything except the pay cuts. The emotional impact had a big effect on a lot of people."

Operationally, Healy said he was happy with the district's lowered score assigned by the Insurance Services Office, which improved the district rating from a 3 to a 2, helping lower fire insurance premiums for some residents. And the chief repeated with pride that not one home in the district has been destroyed by a vegetation fire since 1988.

The rift between the two municipalities of the eponymous district over a perceived inequitable tax allocation barely registered on Healy's radar. "It's exaggerated. A small group of people are trying to make something more than what it is. I respect their passion, but I do not agree with their philosophy. MOFD is more than just Moraga and Orinda. We cover the reservoirs, Tilden Park, Canyon, what is it, 38 different tax zones?"

The chief may have downplayed his efforts, but others recognized his legacy. "It was great working with Chief Healy," said Local 1230 President Vince Wells. "He understood the importance of a good labor-management relationship."

"Chief Healy came in at a very difficult time and did a tremendous job getting everyone together to save the district," said Kathleen Famulener, MOFD board president. "The lights in the district remained on because of him."

Healy will continue to announce the football and lacrosse games at Monte Vista High School, where his son plays both sports. As a highpointer, the chief has scaled the highest peaks in all of the western states except for those in Wyoming, Montana and Colorado, and he intends to complete the list. "And I want to see a Steelers football game in Pittsburgh, a Denver Broncos game and a hockey game in Montreal."

But he likely will not have a lot of free time. "You can let everyone know that I am definitely looking for a job," the chief said, as his phone buzzed with another inquiry from a recruiter.

Reach the reporter at: nick@lamorindaweekly.com

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Bay Area News Group

East Bay water board backs Delta tunnels project



This file shows some of the Sacramento San Joaquin River Delta, where the state wants to build two giant tunnels to move water to export pumps near Tracy. The Alameda County Zone 7 Water Agency board has endorsed the tunnel project on a 5-2 vote. (Bob Pepping/Bay Area News Group Archives)

By [Denis Cuff](mailto:dcuff@bayareanewsgroup.com) | dcuff@bayareanewsgroup.com | Bay Area News Group

PUBLISHED: **September 21, 2017** at 4:03 pm | UPDATED: September 22, 2017 at 9:53 am

LIVERMORE — One day after the largest water district in America pulled out of a \$17 billion state project to build twin tunnels under the Delta, a water supplier for 220,000 Alameda County residents supported the plan and said it wants to join in.

In a 5-2 decision Wednesday night, Alameda County's Zone 7 Water Agency endorsed the California WaterFix, which proposes to build tunnels under the Delta as a means of making state water supplies more reliable for buyers like Zone 7.

The agency also agreed to commit up to \$250,000 more toward state planning of the project.

Zone 7 managers recommended backing the project as a way to increase the reliability of state supplies that Zone 7 relies on for 80 percent of its water on average. The agency supplies wholesale water to Pleasanton, Livermore and Dublin water agencies that sell it to local residents.

"We need more water," said Jill Duerig, the agency's general manager.

On Tuesday, the Westland Water District Board's voted to pull out of the Delta project, likely making it more expensive for remaining partners like Zone 7.

Still, Duerig said Thursday that state officials have assured her the project can go ahead.

Joining the project would increase consumer water prices in the Tri-Valley about 20 percent over the next 10 to 15 years, according to a Zone 7 report.

“While the cost is significant,” the report concluded, “it’s half the cost of pursuing other water supply options based on multiple staff reports and evaluations.”

The two board members who voted against backing the tunnels project were Angela Ramirez Holmes and Jim McGrail.

California Resources Secretary John Laird said Thursday that in voting to support the project, the Zone 7 Board members ” demonstrated their commitment to securing a clean and sustainable water supply for their community.”

Laird said the project is “the best solution to a problem that affects 25 million Californians, 3 million acres of farmland and the state’s economy.”

East Bay Times

Guest Commentary: ECCFPD must lobby Sacramento for equal protection

By [Bryan Scott](#) |

PUBLISHED: September 24, 2017 at 9:06 am | UPDATED: September 26, 2017 at 10:46 am

For years now the local fire district has pleaded poverty as the reason it cannot provide the adequate and necessary fire and emergency medical services that the East County community deserves. Stations have been closed, firefighters have been laid off, all because of lack of funds, the community has been told.

It is time for the East Contra Costa Fire Protection District to ask our state legislators for help. It is imperative that it take action to secure the additional funds to adequately operate the fire district.

The most likely source of these funds is the state's property tax revenues, which in California, are the traditional source of funding for fire districts. The historically low allocation rate in East County, set decades ago, needs to be changed, and state lawmakers must do the changing.

Other fire districts in the county are funded at a rate that is two, three, and as much as five times greater than ECCFPD, according to a county Local Agency Formation Commission report.

While East County is funded at just \$94 per person, residents in central parts of the county have the same services funded at rates of \$370 and \$449 per person, according to a June, 2016, LAFCO report. Residents of the Kensington community have their fire services funded at the rate of \$593 per person.

East County residents deserve equal protection of their lives and property. East County residents deserve a fairer allocation of the county's property tax funds.

State law prohibits any government agency from advocating for a ballot measure that comes before the voters. But there is no law that prevents a government agency from appealing to state lawmakers to change the property tax allocation rate.

The ECCFPD must demand, continually and persuasively, that state lawmakers change the four-decades old property tax allocation rate to an allocation rate that more appropriately reflects the needs of the community.

The ECCFPD Board should create a "Committee for Legislative Outreach," to work alongside today's Finance Committee and the Outreach-Public Education Committee. This Committee

should engage the public and undertake to help any and all state legislation that would improve funding for the fire district.

The ECCFPD can, and should, spend the money necessary to accomplish this. The recently discovered \$6.2 million, unbudgeted for any other need, is an ideal source of funds for this purpose.

Today our fire district is trying to operate with funding levels that may have been sufficient decades ago, when the area was sparsely populated and rural. There is no way those ancient funding levels can provide adequate protection for today's 115,000 residents spread over 249-square miles.

And East County's population of residents and businesses is still growing. Today's needs are so much greater, yet stations have closed until we have but three stations left.

This is wrong!

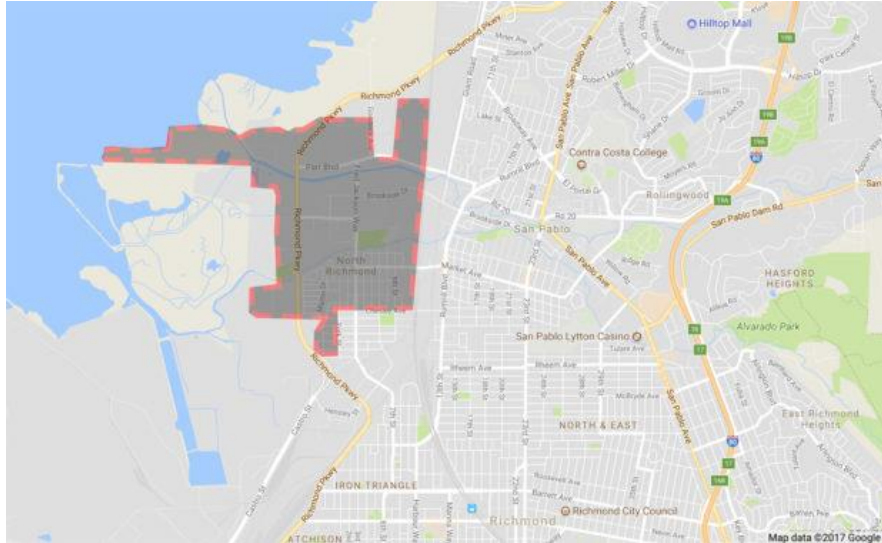
It is unfair that these essential government services are funded to such a greater extent in other parts of Contra Costa County when all residents of the county pay property taxes, under the same state taxation scheme. When the taxation programs are the same, the level of vital benefits provided to the residents ought to be the same, too.

Adequate funding for fire and emergency services must be provided immediately, before more people die, and more homes burn down.

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

Richmond Confidential

Should city incorporate North Richmond? Residents divided on eve of official decision.



The 3,700 residents of North Richmond (highlighted) could join the city of Richmond at large. Image generated by Google Maps.

By [Josh Slowiczek](#) Posted **September 24, 2017** 10:14 pm

Public opinion is divided. Officials are mostly tight-lipped. And after more than 50 years, Tuesday night could bring political isolation to a close for North Richmond: City council is scheduled to decide on whether to begin the process to incorporate the community into Richmond at-large.

Mayor Tom Butt said annexing North Richmond is not an easy decision. He is inclined to support doing so, and has advocated for incorporation since his election. He thinks Richmond could provide better services than the county, but says “that’s not a criticism of the county; it’s just the way things are set up.”

There are strong voices coming from both sides of the debate. Public safety, gentrification and higher taxes are just a few of the issues that associated with this decision. Yet after four community meetings this summer, there remains very little clarity how the vote will play out tomorrow night.

In fact, Butt was the only Richmond official to respond to requests to discuss the issue; other councilmembers, the Richmond Progressive Alliance and law-enforcement agencies did not respond.

Currently, North Richmond is an unincorporated, 1.5 square-mile area surrounded by the city of Richmond but governed by the Contra Costa board of supervisors. For the roughly 3,700 residents who live within this boundary, basic services such as policing, public works and planning are provided by the county.

If North Richmond were to be annexed, fulfilling those services and more would become the city's responsibility. A draft of the financial impact report, released in July, indicated that annexation would cost the city between \$2 and \$2.3 million annually, after factoring in the revenue that it would receive from a slight increase in taxes and fees.

The bump in sales tax, and utility and business-license fees has become a point of contention for some, but others say it is a step in the right direction.

Some say outreach about the nuts and bolts of annexation improved during this latest attempt at incorporation. "For probably the first time in history, we are much more informed about what it will cost and what the challenges may be," said LaSaunda Tate, vice chairperson of the North Richmond Municipal Advisory Committee (NRMAC). "We are much more informed about what it will take."

Tate, a North Richmond resident and homeowner since 2013, said the area's unincorporated status has had negative impacts on both public safety and also health, which are compounded by a lack of political representation at the local level.

"When you are isolated from the larger community—when you don't have political representation and the same municipalities as your bordering city—it's easy for things to fall through the cracks," Tate said.

A memo released in July by county Supervisor John Gioia's office echoed Tate's stance. It suggested that annexation has the potential to improve public safety through the "elimination of a longstanding political line that divides police jurisdictions."

The Contra Costa County Sheriff's Office provides most services for the area, but splits a single police beat between North Richmond and East Richmond Heights, roughly four miles away. This poses a logistical challenge, according to Gioia.

The role of the sheriff's office in North Richmond came under fire in 2014 when The Mercury News reported that, over the course of four years, charges were only filed in five of the 19 killings that occurred in the area. Department policy, cut backs and geographic separation were cited as driving reasons for the lack of follow-up.

If North Richmond were to be annexed, the Richmond Police Department (RPD) would take over jurisdiction, which would require the presence of additional patrol officers and a new captain. The sheriff's office declined to discuss the possible annexation, and RPD's public information officer was unavailable.

“I do believe there are some advantages to their [North Richmond’s] annexation into Richmond, but I also respect that there is a higher tax burden,” Gioia said. “Ultimately, the residents must weigh in about whether that extra tax is worth it.”

For some, it’s not.

Henry Clark, longtime NRMAC member, said he knows many residents against annexation. He cited the increased taxes as a reason.

If annexed, residents would see the sales tax raised by 1 percent, and utility users would see a fee increase between 5 and 10 percent.

There would also be additional fee increases for business licenses and property taxes.

However, the renters of North Richmond—approximately 73 percent of residents—would benefit from the city’s Rent Control Ordinance, which includes eviction protections and an annual 3 percent cap on rent increases.

Clark is not sold on annexation, though. He said Richmond has never shown any interest in providing services to North Richmond, and he argued there is no need for an additional police presence with the joint efforts of the sheriff’s office, RPD and the California Highway Patrol.

“This idea of providing services is just a flat out lie,” Clark said. “It’s gentrification and a land grab. Bottom line, that’s what it comes down to.”

Fellow NRMAC member Tate said she thinks Clark raises valid concerns, but argued the realities of the Bay Area prove that gentrification will occur whether or not North Richmond is annexed.

“I think that these are two isolated issues,” she said. “Helping to improve the livelihoods of those that live here by having annexation does not create gentrification.”

This difference in perspectives among NRMAC members was reflected during a committee vote earlier this month: Three members were against annexation, two abstained, and one, Aaron Morgan, voted in favor. With four votes needed to pass a motion, no recommendation was provided.

Now, the decision rests with Richmond City Council. If officials decide to continue the process, annexation will be initiated with the Local Agency Formation Commission, which can approve, edit or deny.

Approval will result in a hearing, where residents can share their views, and if more than 50 percent of commenters protest, the annexation process will be terminated.

No one seems to know whether Tuesday’s city council decision will be the last word in a long history of attempts to incorporate. Tate urged everyone to study the issue.

“There is a reason why unincorporated areas in our country, that are in low-income communities, are not thriving,” she said.

Clarification: This story originally reported that LaSaunda Tate voted in favor of annexation. That is incorrect. The member who supported annexation was Aaron Morgan. Tate was absent from the vote, but submitted a letter supporting annexation, which was read into public record by the chairperson, Donald Gilmore.

Filed under: [Development](#), [Economy](#), [Featured](#), [Front](#), [Government](#), [North Richmond](#), [Uncategorized](#)

Tagged: [city council](#), [Development](#), [gentrification](#), [land grab](#), [North Richmond](#), [Richmond CA](#), [Richmond City Council](#), [unincorporated](#)

4 Comments

1.  *Gary Levy*

[September 25, 2017 at 7:00 am](#)

Richmond can not handle the duties that would be needed to be done. Just look at Richmond Annex. They do not do much for the Annex. No Police patrols, no street cleaning, no street maintenance, etc. In twenty-five years, maybe I have seen a Richmond police officer in the area 10 times..

[Reply](#)

2.  *Commenter*

[September 25, 2017 at 11:14 am](#)

Of course Mayor Butt is the only one ready to comment on this issue. He is the only person on the council with the depth of knowledge and experience to gauge what annexation will mean. Everyone else on the council are relatively recent residents of the area and/or new to city government.

The annexation of North Richmond is something that has been discussed for some 60 years now. In the 1960's it was considered that the citizens of North Richmond were for annexation so that they could benefit from services and especially police services to combat the high crime in the area. Those against annexation were the industrial and agriculture businesses and landowners who didn't want the additional taxes and regulations it would bring. A 1970 study from UC Berkeley noted that the criminal elements in North Richmond were also against annexation for the obvious reasons. It will be interesting to see how this turns out.

[Reply](#)

3.  [Ardy Leenders](#)

[September 26, 2017 at 3:58 pm](#)

Why is this a choice between annexation to the City of Richmond or the status quo with the County. Why don't we incorporate North Richmond as an independent city. The new city would get the county funds presently spent on police and fire services. The new city could get state and federal grants to expand services or levy the same or less taxes that the City of Richmond would be levying. The new city could have preferred hiring from the community.

The City of Richmond is only interested in expanding its' tax base in order to pay the outrageous retirement benefits of it's city workers.

[Reply](#)

4.  *Commenter*

[September 26, 2017 at 6:14 pm](#)

“The City of Richmond is only interested in expanding its' tax base in order to pay the outrageous retirement benefits of it's city workers.”

You did read where the fiscal study determined that Richmond would LOSE money by doing this, right?

I am no expert on this, but North Richmond is a very poor area. Becoming an independent bankrupt city wouldn't likely benefit them either. I would assume that someone would have suggested it after some 50-60 years now if it was a better option, but perhaps it is. Why don't you bring it up at the meeting tonight?

The Sacramento Bee

Delta tunnels dead? Southern California ready to plow ahead

By Dale Kasler
dkasler@sacbee.com

September 26, 2017 3:55 PM

Southern California's mammoth water agency appeared ready to plow ahead with the Delta tunnels project Tuesday, despite a ["no" vote by a giant bloc](#) of San Joaquin Valley farmers that could doom the \$17 billion proposal.

The Metropolitan Water District's board of directors signaled that it's ready to vote Oct. 10 on whether to pay for about one-fourth of the tunnels project, a \$4 billion commitment. Metropolitan's general manager, Jeff Kightlinger, urged directors to proceed with a vote as a way of determining whether the controversial project can be salvaged.

"We need to take our action because we need to understand who's in this project, and who's not," Kightlinger said during a board meeting at Metropolitan's Los Angeles headquarters.

Metropolitan's share of the tunnels would be larger than anyone's. "We're an anchor tenant," Kightlinger said. "No one's going to make a decision to be in or out of this project until they really know what Metropolitan is going to do."

Board member Larry McKenney agreed, saying a "yes" vote from Metropolitan could boost other potential partners' confidence in the tunnels. He told fellow directors to set aside the implications of last week's rejection by directors at Westlands Water District, an agricultural irrigation agency that was counted on to supply about \$3 billion worth of funding.

"I don't want to be influenced by them," said McKenney, who represents Orange County on the Metropolitan board. "We can lead the way."

Westlands voted against participating in the tunnels, known officially as California WaterFix, out of sheer sticker shock. U.S. water officials have settled on a cost-allocation plan that essentially excuses several major agricultural districts, ballooning the costs for other federal districts such as Westlands. South-of-Delta customers of the State Water Project, on the other hand, have been told they must participate financially or find another state contractor to take their share.

Because costs are being spread more widely, the project is more affordable for state contractors. If Westlands and other federal water customers won't jump in, Kightlinger and other proponents have begun floating the idea of a [scaled-down tunnels project](#) that would only serve State Water Project customers.

But opponents of the tunnels say Westlands' rejection effectively kills the plan altogether.

"All funding plans are out the window," said Brenna Norton of the environmental group Food & Water Watch, in comments to the Metropolitan board.

The tunnels are designed to enhance deliveries to south-of-Delta water agencies by rerouting how water flows through the troubled Sacramento-San Joaquin Delta. By diverting a portion of the Sacramento River at a point near Courtland, and shipping it directly to the giant pumping stations 40 miles south via underground tunnels, the project would protect endangered fish species. That means pumping could proceed more reliably.

Opponents say California WaterFix would worsen the Delta's environmental problems and bring more harm to fish.

Dale Kasler: [916-321-1066](tel:916-321-1066), [@dakasler](https://twitter.com/dakasler)

East Bay Times

North Richmond leader's response to Richmond mayor's annexation effort: 'You have lost your mind, period'

Talk of annexation gets heated at Richmond City Council meeting; vote on issue postponed three weeks

By [Gary Peterson](#) | gpeterson@bayareanewsgroup.com | Bay Area News Group
PUBLISHED: **September 27, 2017** at 10:45 am | UPDATED: September 27, 2017 at 11:47 am

Let's begin with a disclaimer. A lot of people have done a lot of work toward the proposed annexation of North Richmond by Richmond — a process only slightly less detailed and technical than the splitting of an atom.

Five community meetings were conducted over the summer. Tuesday night, the Richmond City Council received a comprehensive report that included fiscal analysis and a service plan study. Fine work. Good people. One problem:

While the What and How of the oft-contemplated annexation was explained in excruciating detail, the Why of the matter was never apparent.

I can see you tilting your head. Hang on — Dr. Henry Clark will be along shortly to enlighten and entertain you. But first, a spoiler: a vote on the proposal was postponed until Oct. 17 amid heated acrimony.

The conceptual rationality for an arranged marriage between Richmond and North Richmond (some might characterize it as a shotgun wedding) was expressed passionately by Richmond Mayor Tom Butt, who seemed to have the most emotional skin in the game. The genesis of North Richmond, Butt said Tuesday, was largely due to racism. During the 1940s, people of color were relegated to a 1.5-square-mile plot that was prone to flooding, downwind from the oil refinery and next door to the dump.

Annexing North Richmond and its 3,700 residents, Butt said, would be about “making it right.” But wait, there's more. An annexed North Richmond, Butt said, would receive better police services than the current tag-team coverage afforded the community by the Contra Costa Sheriff's Office and Richmond Police. It would give North Richmond a bigger say in local government; currently it is overseen by the county Board of Supervisors (though it has a municipal advisory committee). The cost of annexation to Richmond, according to an analysis awash in assumptions and scenarios, would be \$2 million to \$2.3 million annually.

Butt said a small marijuana grow in annexed North Richmond could offset that cost. “We have a 5 percent tax on that,” he said. “It’s possible one property could generate enough money to cover the deficit.” Butt also wondered out loud if the county could be persuaded to share the financial burden.

Then came the public commenters. There were only a few, but they were packing attitude.

“I, unlike some members of the council, haven’t made up my mind up yet because I don’t have enough facts,” said Richmond resident Don Gosney, whose comments hinted at the council’s dysfunctional history. “At least one of you has publicly stated you refuse to listen to anyone who disagrees with you, and one of you has not made her contact information public. How are you supposed to know the viewpoints of the public?”

Gosney then cut straight to the Why question.

“I know there have been numerous public meetings in North Richmond,” he said, “but I can’t see where a single meeting was held in Richmond to ask this all-important question: Do the people of Richmond want to make this happen? How exactly will we benefit from this?”

As good as Gosney was, Clark was the show stopper.

“No one was doing a diddly nothing for North Richmond until we organized the (municipal advisory committee),” Clark said. “The festivals and other improvements out there in North Richmond happened under our leadership. Now Tom Butt wants to come riding in on his white horse, talking some nonsense about growing marijuana in North Richmond? You have lost your mind, period.”

Yes, few speakers. But they had the audience voicing its support to the point that Butt threatened to have people removed from the council chamber. Ultimately, while Butt pushed for a vote Tuesday, he got no seconds on a motion and the vote was kicked down the road.

“People need to understand,” he said, “this is not the end of a process. It’s the beginning of a process.”

Wanna bet?

Richmond Standard

North Richmond residents can expect bills to rise with annexation

September 27, 2017

North Richmond residents can expect their bills to go up if the city of Richmond is successful in annexing the unincorporated area of Contra Costa County, according to a financial analysis presented to Richmond City Council on Tuesday.

For years, Richmond Mayor Tom Butt and other elected officials have proposed bringing North Richmond under the city's jurisdiction, saying in part that annexation would better address public safety by having the Richmond Police Department monitoring the area rather than the Contra Costa County Office of the Sheriff. Annexation, the mayor added, would correct an injustice that dates back before WWII, when Richmond neglected to incorporate North Richmond "because it was largely poor and black."

But the mayor has acknowledged that annexation is a complex process that is expected to be costly to the city, and to also increase costs for North Richmond's roughly 3,700 residents. On Tuesday, analysts with Willdan Financial Services presented its findings on those cost impacts to council.

Council did not vote Tuesday on whether to move forward with the annexation process, deciding to discuss the matter further at its Oct. 17 meeting.

The cost

The city of Richmond, which has struggled in recent years to balance budget deficits, would need to pay an extra \$2.2 million annually after incorporating North Richmond, as the cost to provide services to the community would surpass the revenue generated by North Richmond. That doesn't account for one-time and ongoing capital needs, analysts say.

North Richmond residents will also pay more. Richmond residents pay higher property taxes, so someone who owns a North Richmond home valued at \$100,000 would need to pay an extra \$140 annually in property taxes, according to the financial analysis.

Table 20: Changes in Costs to Residents

<u>Item</u>	<u>Increase / Fees</u>	
<u>Utility User Tax</u>		
Telecommunications		9.5%
Prepaid Wireless		9.0%
Video (Cable TV) ¹		5.0%
Electricity		10.0%
Gas		10.0%
<u>Property Tax</u>		
Annual Property Tax Override		\$140 per \$100,000 assessed valuation
<u>Sales Tax</u>		
County		8.25%
Richmond		9.25%
<u>Rental Inspection Program</u>		
Registration/Processing Fee	\$	79
Initial Inspection Fee (per unit)		157
Re-inspection Fee (per unit)		66
<u>Business License Tax</u>		
County - Base Fee	\$	100.00
County - Per Employee		10.00
Richmond - Base Fee	\$	234.10
Richmond - Per Employee (First 25 Employees)		46.80
Richmond - Per Employee (26+ Employees)		40.10

¹ This service is also charged a 5% franchise fee in Richmond.

Sources: City of Richmond; Willdan Financial Services.

North Richmond

residents don't currently pay utility user taxes, which they would be required to pay in Richmond. Also, Richmond's sales tax is 1 percent higher than the county's. And in Richmond, garbage collections for three months is \$10 higher than in North Richmond.

Additionally, business license fees are two times higher in Richmond (per employee it's about four times higher than county).

North Richmond would also support Richmond's rent control program at \$98 per unit. And there is also Richmond's rental inspection fee that the county doesn't require. Finally, there would be cost impacts for impact, building, development and traffic fees, which vary.

Community reaction

In public hearings about annexation, North Richmond residents have expressed concerns about the increased costs, including the impact on seniors and residents on fixed incomes, according to analysts. Others have expressed concern over the possibility for gentrification.

While some residents see patrols by the Richmond Police Department as beneficial, others said they were happy with the Contra Costa County Office of the Sheriff.

Some residents have also objected to Butt's belief that North Richmond land could be used for cannabis grow operations.

"If this were purely a business decision...I think we would have to say no, it's a bad deal," Butt said, citing the costs. "It's unclear that we can quantify any advantages to it."

However, Butt says there is an intangible benefit in that annexation would correct an injustice against North Richmond residents years ago, when the city didn't want the low-income area under its jurisdiction.

"Recognizing that isolating people in a small area because of their economic position and race is just not what we do in America," the mayor said.

The process

If council ultimately decides to move forward with annexation, the process will be lengthy and difficult.

Richmond would submit an application to the Local Agency Formation Commission (Lafco), which would review the application and set a hearing.

Lafco has the ability to either approve the city's application, modify it or deny it. If approved, possible objections by residents would lead to a protest hearing.

If less than 25-percent of registered voters or landowners disagree with annexation, Lafco would still confirm annexation. If between 25 percent and 50 percent of landowners or registered voters are opposed, then there will be an election. If over 50-percent of landowners and registered voters oppose, then annexation is terminated.

Union City Patch

Governor Signs Sen. Wieckowski's Bill To Streamline Government

The legislation makes it easier to eliminate districts that are no longer performing the services for which they were established.

By [News Desk \(Patch Staff\)](#) - Updated **Sep 28, 2017** 4:02 pm ET

From The State of California: Today Governor Jerry Brown signed SB 448, a bill by state Sen. Bob Wieckowski (D-Fremont) that will increase transparency on special districts and make it easier to eliminate districts that are no longer performing the services for which they were established.

Special districts often serve narrow and technical purposes, which helps to render them largely opaque and often unaccountable. SB 448 will improve oversight of California's special districts.

“While many of these districts perform important services for our communities, it turns out some of them are not so special,” said Wieckowski, a member of the Senate Budget and Fiscal Review Committee. “Twenty-nine districts have not reported revenues to the state Controller’s Office since 2003 yet they still exist. SB 448 creates a streamlined process for Local Agency Formation Commissions (LAFCOs) to dissolve districts whose audits show they are no longer performing.”

Apart from self-reported audits and a municipal review from a LAFCO every five years, there is little oversight of these districts. Their services vary from fire protection and highway lighting to pest abatement and water service. California has no single, comprehensive list of how many special districts exist.

SB 448 requires the state Controller’s Office to create a comprehensive list of special districts by July 1, 2019 and to update it annually. Inactive districts will be dissolved by their local LAFCO within 90 days of notification from the Controller’s Office.

The state’s Little Hoover Commission supports SB 448 and had urged the Governor to sign the bill.

“After a year-long study on special districts, the commission found numerous barriers that make it difficult for LAFCOs to initiate dissolutions or consolidations of special districts when deemed necessary and appropriate,” said Carole D’Elia, the commission’s executive director. “SB 448 gives LAFCOs the authority to efficiently eliminate inactive special districts and the commission is pleased that this important bill was signed today.

Currently, LAFCOs have the authority to dissolve special districts, but costly report requirements and small budgets prevent them from eliminating even districts that no longer perform.

SB 448 was supported by the California Association of Realtors, CALAFCO, health care districts, water agencies, and counties.

Senator Wieckowski's 10th District, includes southern Alameda County and parts of Santa Clara County.

Image Courtesy of State of California

The Sacramento Bee

In 1939, the feds made a Central Valley water deal. It may doom the Delta tunnels.

By Dale Kasler and Ryan Sabalow

dkasler@sacbee.com

October 02, 2017 4:00 AM

Dam builders from President Franklin Roosevelt's administration wanted to bring water to the parched eastern half of the San Joaquin Valley, but first they had to deal with a cluster of landowners whose ancestors had been there since the 1800s.

The deal they cut in 1939 paved the way for much of the Central Valley Project, an engineering marvel that helped turn the Valley into one of the world's most productive farming regions.

It has also formed the basis, nearly 80 years later, of a major funding impasse that threatens to unravel California WaterFix – Gov. Jerry Brown's plan to build a pair of tunnels beneath the Sacramento-San Joaquin Delta to modernize the aging water delivery system begun during Roosevelt's New Deal.

The issue came to a head when the board of Westlands Water District, the largest of all the water agencies served by the Central Valley Project, [voted Sept. 19 against paying](#) for its share of the expected \$17.1 billion cost of the tunnels.

The vote by Westlands, which represents hundreds of farmers in Fresno and Kings counties, left a multibillion-dollar hole in the construction budget for WaterFix, which is designed to improve water deliveries to farms and cities south of the Delta. WaterFix advocates have since floated the idea of a [scaled-back, less-expensive](#) version of the tunnels.

Westlands' decision was rooted in a cost-allocation formula imposed by the U.S. Bureau of Reclamation – a formula that has its origins in the 1939 deal and serves as a reminder of the convoluted nature of water distribution in California.

“This just comes with the territory to some degree,” said Jay Lund, director of UC Davis' Center for Watershed Sciences.

In a nutshell, Reclamation's formula effectively exempts a large group of water users who get their supplies from Friant Dam, the facility made possible by the Roosevelt-era agreement, from having to help pay for the Delta tunnels. This group includes the city of Fresno and a string of farm-irrigation districts stretching 150 miles south.

For Westlands and many other Central Valley Project customers, Reclamation's system inflates their costs for participating in WaterFix by several billion dollars. Westlands said farmers' water costs could quadruple, to more than \$600 an acre-foot, if the district jumped into the project.

"I don't know that we can afford those numbers," said Westlands director Todd Neves, a tomato and almond grower, as he prepared to cast his "no" vote. So far, not a single CVP contractor has committed to paying for WaterFix.

Reclamation operates its Central Valley Project alongside the State Water Project; both pump water out of the Delta to a variety of cities and farm districts in the San Joaquin Valley, Bay Area and Southern California. Brown's administration says the tunnels would improve the Delta's crumbling ecosystem while enabling the pumps to operate more reliably, increasing water deliveries to the two projects' customers.

The idea has been that south-of-Delta water districts would pay for the tunnels, in amounts that correspond to the volume of water they get. Brown's Department of Water Resources has said all State Water Project customers south of the Delta must pay, or find another state contractor to take their share.

For federal contractors, the Bureau of Reclamation has taken a different approach – to Westlands' frustration. Although Reclamation has [contributed millions to the planning](#) process, the bureau says that because WaterFix hasn't been authorized by Congress, it lacks legal standing to compel all of its south-of-Delta contractors to contribute. Participation is voluntary.

What's more, Reclamation signaled to a major group of customers – the districts getting water out of Friant Dam – that their supplies are probably secure enough that they don't need the tunnels.

With that assurance in mind, the Friant districts have said they're probably willing to contribute only a small sum to WaterFix's budget but not nearly a "full" share. Friant customers get at least 800,000 acre-feet of water a year from the Central Valley Project, enough to nearly fill Folsom Lake to capacity, making them one of the largest customers of the Central Valley Project.

The funding dilemma can be traced directly to the 1939 agreement.

Two years after Congress authorized construction of the Central Valley Project, officials at Reclamation faced a problem. They wanted to build a dam on the San Joaquin River at Friant, just outside of Fresno, to deliver water to the east side of the valley. But they couldn't build Friant without first making peace with a group of downstream landowners descended from legendary California cattleman and land baron Henry Miller. These landowners had been farming along the San Joaquin since the 1800s, had some of the most ironclad water rights in the state and weren't eager to let Reclamation dam their river.

"There's a property right in water. Those users have to be negotiated with," said Jennifer Harder, a water-law expert at the University of the Pacific's McGeorge School of Law.

A deal was signed July 27, 1939. Under the “Contract for the Exchange of Waters,” the landowners allowed the government to dam the river at Friant, creating the eastern branch of the Central Valley Project.

In return, the landowners, known as Exchange Contractors, were guaranteed 840,000 acre-feet of water a year, pumped out of the Delta from the Sacramento Valley. To this day, their water costs are shouldered by the Friant water districts.

The Exchange Contractors make no apologies for their special stature, noting that similar arrangements were made with senior water-rights holders in the Sacramento Valley to permit the construction of Shasta and Oroville dams.

“It’s just the reality of the way the system was set up,” said Cannon Michael, an Exchange Contractor in the Los Banos area and the great-great-great grandson of Henry Miller. “It was set up a long time ago and it’s the way California water law came into play...People accept the water rights system for what it is.”

The water rights system, though, has left the tunnels project with one less major group of customers to pay for it.

Not the Exchange Contractors – no one is arguing that these farmers, who’ve never had to pay for their Central Valley Project water, should now have to pitch in for the tunnels.

The Friant customers are another story.

For one thing, they’ve always paid their share of costs for the Central Valley Project, including the cost of water that’s shipped from the Delta to the Exchange Contractors.

For another, even though they don’t get water from the Delta – it all comes from the San Joaquin River, by way of Friant Dam – the Friant group depends on the Delta to operate smoothly. Why? Because if the Exchange Contractors don’t get their full allotment from the Delta, they have the right to pull water away from the Friant districts. It’s happened twice, during the drought years of 2014 and 2015.

Tom Birmingham, general manager at Westlands, said Friant’s unusual status in the Central Valley Project should compel the Friant districts to pay for a full share of the Delta tunnels.

“That’s consistent with Reclamation’s historic practice,” Birmingham said.

Friant water users see it differently. True, their supplies get jeopardized if the Exchange Contractors get shorted. But they’ve been told by Reclamation that the tunnels probably aren’t needed to make sure the Exchange Contractors get all they’ve been promised. So they’re looking at making a modest investment in the tunnels, as a kind of insurance policy to ensure that the Delta pumps can operate more reliably.

“We have an interest in making sure that things get better in the Delta,” said Jason Phillips, chief executive of the Friant Water Authority. Friant’s board of directors issued a statement Thursday saying “we are generally supportive” of WaterFix.

But Phillips said Friant’s member agencies aren’t willing to pay at anywhere near the level Westlands is suggesting.

“We’re probably in the single digits of the percentage of the project,” Phillips said.

For now, Friant officials aren’t in a rush to commit to WaterFix. In its statement of support for the tunnels, the Friant board said it’s premature to say how much it will invest.

“Until we have certain key questions answered and are able to obtain a fuller grasp of how are member agencies could potential benefit, (Friant) is unable to make any additional determinations at this time,” the board said.

Dale Kasler: [916-321-1066](tel:916-321-1066), [@dakasler](https://twitter.com/dakasler)

East Bay Times

Developer to update Concord Naval Weapons Station plans

By [Lisa P. White](#) | lwhite@bayareanewsgroup.com | Bay Area News Group

PUBLISHED: **October 2, 2017** at 11:13 am | UPDATED: October 3, 2017 at 10:01 am

CONCORD — The city is holding two study sessions this month on the specific plan for the first phase of the Concord Naval Weapons Station redevelopment.

The Planning Commission meeting is 6:30 p.m. Oct. 4, at the Civic Center, 1950 Parkside Drive. The City Council is scheduled to hold a study session at 6:30 p.m. Oct. 11, also at the Civic Center.

The Concord Reuse Project Area Plan calls for building up to 12,200 housing units and 6.1 million square feet of commercial space on about 2,300 acres of the former military base. The East Bay Regional Park District will receive 2,600 acres for the future Concord Hills Regional Park. The Navy is scheduled to begin transferring land to the city in late 2018.

Developer Lennar-Five Point's plans for the first 500 acres of the former military base include 4,392 housing units, 1.7 million square feet of commercial space, two community centers, a new school and 79 acres of parks and open space.

Based on feedback from the community, Lennar has proposed several changes to phase one, including removing the commercial site between Willow Pass Road and Highway 4; adding 63 acres for housing; and reorienting the development near the North Concord BART station to create a Main Street and connect with the new development area.

With input from the city and an 11-member community advisory committee, Lennar is working on the project specific plan which defines land uses, describes the components of private and public transportation, creates development standards, addresses natural resources and water, sewage and solid waste disposal. Details about affordable housing also will be included.

OPEN FORUM On California Water

State must advance delta tunnel plan

By John Laird



Rich Pedroncelli / Associated Press 2016 The Bay Area relies on the Sacramento-San Joaquin River Delta and its tributaries for about 70 percent of its water supply. If the status quo continues in the delta, 25 million people and 3 million acres of farmland are at risk of losing up to 20 percent of their future water supplies.

The Bay Area imports most of its water and relies on the Sacramento-San Joaquin River Delta and its tributaries for about 70 percent of its supply. Those supplies face an uncertain future as a changing climate shrinks the Sierra snowpack and raises sea levels, and a declining ecosystem results in further restrictions — all while the Bay Area's population and economy continue to grow.

The stark reality is that 25 million people and 3 million acres of farmland are at risk of losing up to 20 percent of their future water supplies if the status quo continues in the delta.

And though voters backed a portfolio of water alternatives in the 2014 water bond — including more conservation, storage and water recycling — and California adopted a new process to get to sustainable groundwater management, these actions are not enough to stabilize the system, address ecosystem woes and meet future needs.

We must have action in the delta. California WaterFix, which would construct new intakes in the northern delta and move water through tunnels to reduce conflicts with endangered species habitats, is the state's science-driven proposal to upgrade our aging water system and protect water supply reliability. Engineers, scientists, water experts and business groups have voiced their support.

Without the WaterFix upgrade, it's clear that water supplies will steeply decline over time, with the loss of up to 1 million acre-feet a year or nearly 20 percent of what is delivered today.

WaterFix is not about extracting more water from the delta. It's about avoiding further declines in a supply that millions of Bay Area residents and others in the state have invested in for decades. We need increased investments in conservation, recycling and other supplies, but must also modernize our existing water delivery system. In fact, some strategies such as conservation and recycling can't work in the future without the reliable water WaterFix will provide.

A companion state initiative known as California EcoRestore will enhance 30,000 acres of habitat in the delta. Add to that the Brown administration's ongoing effort to secure voluntary, collaborative agreements to improve flows and habitat in the delta and the Sacramento and San Joaquin river watersheds, plus significant dollars in a bond measure headed for the 2018 ballot, and these actions together represent our best, most comprehensive approach to protecting the delta ecosystem.

After 10 years of review, tens of thousands of pages of environmental analyses, extensive modeling and public comment, it is now up to local public water agencies to define their level of participation in WaterFix over the coming weeks.

Though Westlands Water District has decided not to participate in WaterFix under current financing scenarios, Zone 7 Water Agency in eastern Alameda County has voted to come in. Others will as well. If necessary, the project could be scaled to the needs of agencies that decide to participate.

The state is not going to walk away from advancing a solution. We have an obligation to pursue this upgrade. To do nothing would be irresponsible. It's time to move forward with WaterFix.

John Laird is the California Natural Resources Secretary.

Published October 4th, 2017

Festive sendoff for MOFD Chief Healy

By Nick Marnell



Paige Meyer, left, with MOFD Fire Chief Stephen Healy Photo Nick Marnell

Family, friends and coworkers of Fire Chief Stephen Healy celebrated his 31-year fire service career and his 12 years with the Moraga-Orinda Fire District during a farewell party at the Hacienda de Las Flores in Moraga Sept. 20.

County Supervisor Candace Andersen recognized Healy with a resolution from the Board of Supervisors, and officials from Moraga and Orinda read proclamations from their municipalities. Current and former members of the district board and friends from other fire agencies honored the outgoing chief, with the firefighters presenting him an axe, a tool put into service while Healy was fire chief and symbolizing the history and experience of all of the fire service members.

the only chief officer not in Class A dress blues. It was payback from a meeting years ago when Meyer looked in the audience for Healy and asked him to please stand. Except that Healy was standing.

Healy read a short, emotional speech, thanking his family, the firefighters, the district staff and board members. "This is the best place I have ever worked," Healy said. "Nowhere else has even come close."

The dozens in attendance applauded MOFD Director Steve Anderson's concluding words. "The true test of someone's character is if they do the right thing when no one is looking," Anderson said.

"The chief did the right thing when no one was looking."

Healy is succeeded by Interim Fire Chief Jerry Lee, who was sworn in earlier that evening at a district board meeting.

Reach the reporter at: nick@lamorindaweekly.com

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Published October 4th, 2017

Public expects next MOFD chief to thoroughly grasp the numbers

By Nick Marnell

Above all else, the fire chief of the Moraga-Orinda Fire District must have a handle on finances, district residents told the board at a Sept. 27 community workshop designed to gather input on what qualities and experience the public wants in its new chief.

Financial problems have dominated district headlines for eight years, beginning with the fallout from an incorrect pension the board approved for a retiring fire chief that the district pension manager later reduced by \$1 million. The district misapplied \$2 million earmarked to pay down its pension obligation bond and its auditor incorrectly recorded a \$23 million prepaid item in its 2015 and 2016 financial reports. Since 2016 the board includes a majority of directors with private industry financial experience.

Dozens filled the Moraga Library conference room for the MOFD workshop, even with attendance likely suppressed by a high-profile Moraga Town Council meeting. Interim Fire Chief Jerry Lee and his board received plenty of advice from passionate district residents.

"We need somebody with the background to be able to manage the underfunded employee pension plan," said Orinda resident Kathy Finch, referring to the more than \$60 million in net pension and retiree health care liabilities carried by the district. Other Orinda residents talked about the tax allocation discrepancy between the two major district municipalities. "The new chief must take care of Orinda," said Janet Maiorana.

Former MOFD director and Moraga resident Dick Olsen said it was essential that any required financial sacrifices be equitably shared while maintaining services and fairly compensating employees. Olsen also recommended that the new chief live within 10 miles of the heart of the district in order to respond timely to emergencies.

"It is important that the chief you hire have the prospect of remaining for at least five years," said former director John Wyro, noting that without longevity it will be difficult for the chief to maintain credibility within the community. Superlative political skills to deal with the board and the district factions were a fire chief must, added Canyon resident Jonathan Goodwin.

With a reminder that the job is more than just financially driven, Vince Wells, president of Local 1230 of the firefighters union, advised the board to be sure to hire a chief with a thorough knowledge of fire operations. "We put our lives on the line for that person," Wells said.

Lee said he is considering applying for the permanent job but is weighing personal and family considerations. "I have not made my final decision," Lee said.

The district has retained Roseville-based Bob Murray and Associates to conduct the search for the new fire chief.

Reach the reporter at: nick@lamorindaweekly.com

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Richmond Confidential

City council delays North Richmond annexation decision after divided views and questions about logistics, costs



Councilmember Jovanka Beckles asks a county official about the logistics of policing North Richmond during last week's meeting, which was supposed to see a vote on the annexation process. (Photo by Josh Slowiczek)

By [Josh Slowiczek](#) Posted **October 3, 2017** 3:13 pm

Last week, city council pushed back a decision to take the next step in annexing North Richmond after councilmembers expressed concern over logistics and public opinion. The vote will now occur on October 17, extending the already long and contentious debate.

According to Councilmember Jovanka Beckles, the city council needed more input from the public in order to make an informed decision. "It seems to me that we are putting the cart before the horse," she said at the meeting.

Her concern seemed to drive the discussion last Tuesday, September 26, with councilmembers Jael Myrick and Melvin Willis expressing similar sentiments.

The mayor, however, argued that there would be plenty of time for both the residents of North Richmond and also the city of Richmond to back out if the situation was not agreeable.

“The residents and businesses in unincorporated North Richmond will have a full opportunity to vote on this proposition,” he said. “No matter what we do, if a majority of the community does not want to do it, then they can stop it.”

Lou Ann Texeira, a representative from Contra Costa’s Local Agency Formation Commission (LAFCO), explained that all it would take is a single statement of protest from a registered voter or homeowner to throw the decision into public forum.

At that point, if written protests were received from more than 25 percent of the qualified population, the matter would be decided in a vote by North Richmond residents.

Beckles appeared concerned with the logistics of that process, claiming that requiring a written statement places an extra burden on communities of color. She said there were merits to other options, though, such as voting.

City Manager Bill Lindsay pointed out that, as an alternative to Richmond initiating the process, residents of North Richmond could bring annexation to a vote by submitting an application to LAFCO by petition, which would require the support of 25 percent of registered voters and homeowners. Alternatively, Contra Costa County could put forth an advisory measure to gauge public support.

Butt said that the county has shown no interest in spending additional costs and resources for such an option.

As for public opinion, only three speakers addressed the council on the matter. And they were equally as divided.

Mike Parker, a member of the Richmond Progressive Alliance claimed that North Richmond was a part of the city in every sense, “except in the way that somebody drew the lines.” He added that the community should begin the annexation process as a gesture of goodwill.

Henry Clark, a North Richmond resident and member of the municipal advisory council, said that annexation was an attempt at gentrification, and North Richmond did not need any help from the city.

“We’re taking care of ourselves,” he said.

Robert Rogers, a district coordinator in Supervisor John Gioia’s office, also spoke at the meeting. He explained that current North Richmond residents represent less than a third of a percent of eligible voters in the county. As a part of Richmond, they would represent 3 percent.

At this point in the process, there appear more questions than answers—a fact compounded by an inquiry raised by another public speaker, Don Gosney.

“Do the people of Richmond want this to happen,” he asked.

“How exactly will we benefit from this?”

Filed under: [Development](#), [Featured](#), [Front](#), [Gentrification](#), [Government](#)

Tagged: [Annexation](#), [city council meeting](#), [North Richmond](#)

One Comment

1.  *Jarmon Kelly*

[October 4, 2017 at 6:42 am](#)

It feels like buying a neighbors car that's always been broke that we feel we can fix. It has value in the land and rights but the air is bad, crime is unchecked and we take on all the assumed risk. If we're helping as a reason then by all means forge through make it happen but if the money, taxes and land is a driving force... It'll bite you in the end. You don't go into foster care for the money you'll mess up a lot of kids. You don't slow or speed up annexing North Richmond for the same reason.