



NOTICE AND AGENDA FOR REGULAR MEETING

DATE/TIME: Wednesday, February 14, 2018, 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.

FEBRUARY 14, 2018 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 January 10, 2018 regular LAFCO meetings

BUSINESS ITEMS

6. *Knightsen Town Community Services District Update* – receive update regarding the District’s services and recent activities.
7. *Fiscal Year 2018-19 Budget Schedule/Work Plan Preview* - receive FY 2018-19 proposed budget schedule and work plan preview and provide input.
8. *2nd Round Municipal Services Review (MSR)/Sphere of Influence (SOI) Updates – Cities and Community Services Districts (CSDs)* – review draft Request for Proposals (RFP), provide input and authorize staff to release RFP for consulting services to assist with the 2nd round “City Services” MSR/SOI updates.
9. *Request to Transfer Jurisdiction from Alameda LAFCO to Contra Costa LAFCO* – consider assuming jurisdiction and authorizing staff to send a request to Alameda LAFCO to transfer jurisdiction in order to consider a proposal to annex territory to the East Bay Municipal Utility District (Chang Property Reorganization).

CORRESPONDENCE

10. Correspondence from Contra Costa County Employees’ Retirement Association (CCCERA)

INFORMATIONAL ITEMS

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

ADJOURNMENT

Next regular LAFCO meeting March 14, 2018 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

January 10, 2018

Board of Supervisors Chambers
Martinez, CA

February 14, 2018
Agenda Item 5

1. Chair Don Blubaugh called the meeting to order at 1:30 p.m. and the Pledge of Allegiance was recited.

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

County Member Candace Andersen.

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

City Members Rob Schroder and Don Tatzin.

Public Member Don Blubaugh.

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

3. Approval of the Agenda

The agenda was adopted unanimously, 6-0, as presented.

AYES: Andersen, Blubaugh, McGill, Schroder, Skaredoff, Tatzin

NOES: none

ABSENT: Glover (M)

ABSTAIN: none

4. Selection of Chair and Vice Chair

Commissioner McGill was unanimously, 6-0, named as Commission Chair for 2018.

Commissioner Tatzin was unanimously, 6-0, named as Commission Vice Chair for 2018.

AYES: Andersen, Blubaugh, McGill, Schroder, Skaredoff, Tatzin

NOES: none

ABSENT: Glover (M)

ABSTAIN: none

5. Welcome New/Returning Commissioners

There have been no changes in Commissioners or Commissioner terms at this time.

Commissioner Blubaugh was recognized for his service as the 2017 Chair of the Commission.

AYES: Andersen, Blubaugh, McGill, Schroder, Skaredoff, Tatzin

NOES: none

ABSENT: Glover (M)

ABSTAIN: none

6. Public Comments

Trish Bello-Kunkel spoke regarding Knightsen residents' concerns about the steep tax hike recently passed by the Knightsen Town Community Services District. Of primary concern is that the District board did not communicate this increase to the residents. Further, the board has not yet responded to a letter sent to them on this issue. The residents Ms. Bello-Kunkel represents wish to have this tax repealed.

DRAFT

Debra Mason, a resident of Bay Point, requested that LAFCO conduct a Municipal Services Review (MSR) on Ambrose Recreation & Park District (ARPD). She noted that she requested a copy of the last MSR from LAFCO staff but had not received anything. Ms. Mason believes that the ARPD is being mismanaged, and is not providing adequate service to the community.

Willie Mims, representing East County NAACP, stated that he has major concerns about LAFCO and its directions from the State Controller's Office. He urged Commissioners to listen to the people who come before LAFCO.

Charles Smith, a resident of Pittsburg, spoke regarding the SOIs of the cities of Pittsburg and Antioch, as well as the 1979 El Pueblo Annexation to the City of Pittsburg. He stated that the El Pueblo housing is deteriorating and that the infrastructure needs work, and he wonders who is responsible for handling these issues.

7. Approval of December 13, 2017 Meeting Minutes

Upon motion of Blubaugh, second by Tatzin, the December 13, 2017 meeting minutes were approved by a vote of 6-0.

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

8. Healthcare Services MSR/SOI Updates (2nd Round)

The Executive Officer noted that on December 13th, the Commissioners received a presentation from Richard Berkson of Berkson Associates regarding the 2nd Round Healthcare Services Municipal Services Review (MSR) and Sphere of Influence (SOI) Updates. The public comment period ended on December 29th, and a Final Draft is being presented today for adoption, along with recommendations for governance options and SOI updates for each district.

Richard Berkson, who was assisted in this MSR process by The Abaris Group, briefly reviewed the changes that were made to the Public Review Draft MSR in response to public and Commissioner comments. He noted that Los Medanos Community Healthcare District (LMCHD) prepared and submitted an updated strategic plan with some revisions to their goals. Mr. Berkson also corrected his previous information about LMCHD's lease revenues: Currently this is \$100,000 per year (\$500,000 per year for the next two years); all revenue will continue to be passed-through to the State until after 2026.

Mr. Berkson added that LMCHD provided, along with its comments on the Public Review Draft, some additional unaudited actual figures for FY 2016-17, but the MSR has not incorporated those numbers. Representatives of the District felt that use of their actuals would result in a more representative cost ratio because certain costs are higher this year, including legal costs associated with their negotiations with the County. Mr. Berkson recognizes that cost ratio calculations will vary from year to year. Mr. Berkson reported there is a new Table 12b in the report that reallocates some of the personnel costs to Community Health Programs and includes lease revenues, which makes the cost ratio 43% instead of 51%.

Commissioner Blubaugh asked if the District's pass-through payments to the State continue to 2026 or beyond then? Mr. Berkson confirmed that those payments end in 2026.

Commissioner Skaredoff noted that, while the administrative costs for LMCHD have been corrected with further information from the District, 43% is still very high. He asked if there any kind of temporary costs that would drive this number higher? Mr. Berkson said that the District

feels its legal costs might be higher than normal this year (currently budgeted at \$50-60,000 this year). The District is looking at other costs that can be reduced with further review.

Commissioner Tatzin asked if the Concord/Pleasant Hill Health Care District (CPHHCD) overhead is unusually low or high; Mr. Berkson thought it was probably average, as CPHHCD's costs, as a subsidiary district, are likely less than those of an independent district like LMCHD.

Chair McGill confirmed with Legal Counsel Anderson that the actions the Commissioners is being asked to take are to receive the report, adopt the MSR determinations, and make SOI determinations.

At the request of Commissioner Tatzin and Chair McGill, the Executive Officer drew Commissioners' attention to the governance and SOI options and recommendations included in the report.

The Chair opened the public hearing.

Dr. J. Vern Cromartie, LMCHD Board President, requested a vote in favor of maintaining the District's status quo. Since the December 13, 2017 LAFCO meeting, the board has already taken the following corrective actions: 1) completed and approved a strategic plan for 2017-2022; 2) completed and approved a revised 2017 health profile to include data from more recent reports; 3) updated its website to include the new strategic plan and the revised 2017 health profile; and 4) engaged in analyzing ways to reduce administrative overhead costs; their goal is to reduce it to 20-25%. In December 2018 they will gladly provide LAFCO with an update on their progress. He requests that LMCHD be allowed to continue its programs and services to its residents.

Charles Smith, resident of Pittsburg, agrees with Dr. Cromartie that LMCHD should be allowed to continue. He felt that the County has not lived up to its promises.

Dorlissa Smith, Greater Faith Food Pantry, stated that LMCHD should be supported. It is working with the community on wellness programs. She urges Commissioners to listen to the people. Opposes dissolution.

Carolyn Jones, Greater Faith Food Pantry, noted that over 200 households (hundreds of individuals) are served daily by the Food Pantry, which is supported by LMCHD. Opposes dissolution.

Jearline Graham Wheeler, Greater Faith Food Pantry, stated that the dissolution of LMCHD will hurt many people who need the services provided by organizations funded by LMCHD. Opposes dissolution.

Godfrey Wilson, Executive Director, LMCHD, made three requests on behalf of the LMCHD Board: 1) that its board resolution objecting to the County's application for dissolution be placed in the record; 2) that the letter from Colantuono, Highsmith & Whatley be placed in the record noting inaccuracies in the MSR; and 3) that the work of the 39 organizations that are funded by LMCHD to provide wellness programs be recognized for the value of their services to over 4,500 people each year.

In response to a question from Commissioner Tatzin, Mr. Wilson confirmed that the LMCHD Board supports the staff recommendation that the current District SOI be retained.

Aaronique S. Gordon, resident of Pittsburg and LMCHD employee, noted that the staff is limited and worked hard to provide all the materials requested by LAFCO. She was disappointed at the number of errors in the report, and praised the programs that are funded by LMCHD.

Arthur Fountain, LMCHD Board Member, stated his support of the LAFCO staff recommendation, as well as his agreement with the comments of Dr. Cromartie and Mr. Wilson.

Shirley Kalinowski, Reading Advantage Inc. (READ), noted that LMCHD provides excellent support to her organization in its recognition that literacy is crucial to a healthy community. As one of fewer than 10 programs that directly partner with LMCHD to support healthy growth.

Joe Rubi, resident of Pittsburg and former LMCHD Board member, noted that he is simply a voter and a taxpayer, but he has been deeply involved in LMCHD, including as a board member, since he first moved to Pittsburg. Mr. Rubi urged Commissioners to talk directly to Godfrey Wilson, LMCHD Executive Director, to get further information on the District.

Marzel Price, East County Junior Warriors/East County Midnight Basketball, asked Commissioners to allow LMCHD to continue to exist, as without the District, his programs, as well as so many others, would cease to exist, as the City of Pittsburg has done away with all of its funding for recreational programs.

Phil Thomas, Greater Faith Food Pantry, urged Commissioners to maintain the status quo. He believes that the LMCHD does more than he's seen in the past 50-plus years that he has lived in the District.

Torry Hines, Academic Participation through Sports (APT Sports), noted that the City of Pittsburg has expected nonprofit organizations to make up for the programs that it no longer supports. Without LMCHD, these nonprofits would find it difficult to continue.

Ray Harts, Healthy Hearts Institute Executive Director, supports the LAFCO staff recommendation to maintain LMCHD's status quo and give the District time to make the corrections that have been recommended. Without LMCHD's support his organization and its programs would not have been able to start, and would have difficulty in continuing.

Delano Johnson, Bay Point Community All in One Executive Director, reiterated the importance of LMCHD in providing funds to organizations and programs serving the community, especially the youth in the area. He supports maintaining the status quo.

Gregory Soonis (?) handed out posters for an upcoming talk on MLK Jr. Day by one of the most prominent physicians in sickle cell anemia (funded by LMCHD). He also noted comparisons in the MSR between LMCHD and CPHHCD on their cost ratios, noting that "stand-alone" businesses always have higher costs than those that are not. He praised the LMCHD Board members for the hard work they do. He urged Commissioners to maintain the status quo.

Barbara Hunt, St. Vincent de Paul, reiterated that the free clinic they operate, which is funded by LMCHD, provides free medical services that would cost the County over \$1.5 million dollars if those people had to go to the Contra Costa Regional Medical Center emergency room. Ms. Hunt supports the LAFCO staff's recommendation to maintain the status quo.

Willie Mims, East County AACP and Pittsburg Black Political Association, supports the LAFCO staff recommendation, and stated that the County overstepped its bounds in applying for dissolution of LMCHD. He is baffled, as LMCHD is not an inactive district.

Johann Vethauanam, Sports & Fitness for Kids, stated that his organization has been working with youth in the District for the past five years, and would not have been able to do what they've done without the support of LMCHD. They support maintaining the status quo as recommended.

Timothy Ewell, Contra Costa County Senior Deputy Administrator, thanked LAFCO for integrating the County's public comment into the public record and the final draft of the MSR. He wished to clarify that the County submitted its application for dissolution of LMCHD on November 14, not December 17.

Craig D. Collins, CPA and consultant to LMCHD, drew the Commission's attention to his letter, included in the agenda packet, in which he addressed the District's administrative costs, noting that the unaudited actuals show a much lower overhead. He reminded Commissioners that budgets are estimates, and that history has shown that LMCHD has not experienced high election costs for some years.

Doug Helmick, CPR Fast, stated that his organization, which has been working with LMCHD for almost 10 years, through the District's grants has been able to furnish AEDs in public spaces and train many people, including high school students, in lifesaving skills. They wish LMCHD be able to continue its status quo.

Chair McGill closed the public hearing.

Commissioner Schroder responded to public comments about inaccuracies in the report, but he didn't really hear specifics on this. He pointed out that Commissioners are looking at all three healthcare districts, not just LMCHD. In general he supports staff recommendations for all three districts. He was pleased to see that the LMCHD Board and staff have already been proactive in addressing areas that need improvement, was encouraged by the number of organizations that have expressed their support for LMCHD, and wanted to reassure the organizations that the funding will not go away in the future. He supports the staff recommendation.

Commissioner Blubaugh commended speakers for their brevity and directness in speaking to the topic at hand. He reminded the public that the MSRs are meant to produce information on the services provided to the community, and they do not pick out agencies arbitrarily. Commissioner Blubaugh noted that he has never seen any agency move so quickly as LMCHD has to remedy problems noted in an MSR. No matter what LAFCO decides today, the County's application for dissolution of LMCHD will return to the Commission later this year, unless the County withdraws the application. He is inclined to support staff recommendations with the proviso that the districts report back at the end of this year. It would always be his intent to ensure that community-based health organizations are recognized in the community.

Commissioner Tatzin noted that, like his fellow Commissioners, he appreciated everyone's presence and comments, and wondered how these comments would be included in the MSR. Staff responded that the comments made today will be included in the minutes, and asked the consultant how he would handle them.

Mr. Berkson replied that the oral comments made last month, which largely described programs funded by LMCHD, were helpful and he did include some in the final draft of the report, but they did not provide specifics pertinent to the report. He highlighted some of the changes he made in response to written comments.

Commissioner Tatzin clarified that he was primarily interested in the new letter from Colantuono, Highsmith & Whatley submitted by Godfrey Wilson at the meeting.

Staff noted that the letter would be referenced in the minutes.

Commissioner Tatzin added that they had received no comments about either of the other two districts. He agrees with the staff recommendation to leave the LMCHD SOI unchanged. It was unfortunate that the County dissolution application came in the middle of the MSR process, because it could be confusing. He asked when the LMCHD dissolution will come before the Commissioners; staff responded that it will be another five or six months before that application will be heard—but that will likely happen before the District returns with a follow-up report.

Commissioner Tatzin agreed with the other Commissioners on supporting the staff recommendation.

Commissioner Andersen thanked the community for their input and confirmed her support of the staff recommendation. She noted that the intention of the Board of Supervisors in applying for dissolution of LMCHD is simply to ensure efficient and effective services and that funding be kept in the community for the benefits of health and well-being..

Commissioner Skaredoff agreed with the other Commissioners, and commended the public speakers on their valuable services and programs and their comments at the meeting. He referenced the letter submitted by Supervisor Mitchoff which notes that the LMCHD does not provide direct services, and he questioned the current definition of a healthcare district that does not run a hospital.

Commissioner Caldwell echoed the Commissioner comments.

Chair McGill commended the consultant and LAFCO staff on the report.

Upon motion by Tatzin, second by Blubaugh, Commissioners, by a 6-0 vote, accepted the Final MSR Report; determined that the MSR project is categorically exempt pursuant to §15306, Class 6 of the CEQA Guidelines and §15061(b)(3) of the CEQA Guidelines; adopted the MSR determinations; and adopted the SOI updates as recommended.

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

9. Reclamation District (RD) 2121 (Bixler Tract) Update

Commissioner McGill, a member of the ad hoc committee along with Commissioners Burgis and Skaredoff, reported that he met with Mr. Bloomfield on December 4th, and subsequently met with the committee on December 12th to summarize that meeting, in which Mr. Bloomfield reiterated that his family would prefer to remain a district so long as it doesn't require a lot of paperwork. As a result, the committee laid out the minimal requirements for RD 2121 to be an active district, as well as further steps it recommends for RD 2121 to be in full compliance with the law.

The subcommittee was directed to communicate these requirements to Mr. Bloomfield along with a request that he provide an update on the district's activities by June 30, 2018.

10. Rollingwood Wilart Park Recreation & Park District Update

The Executive Officer provided brief background on the Rollingwood Wilart Park Recreation & Park District (RWPRPD). The special study finalized in early 2017 provided a number of governance options, including dissolution and annexation to the City of San Pablo, which are the most viable options. The Rollingwood community is a small island within San Pablo's SOI and could be annexed through an expedited process given its size and island status. However, the City has determined that it is not interested in annexing the District as a whole, but it would like to acquire the recreation center.

On January 4, LAFCO received a letter signed by District 1 Supervisor John Gioia and County Administrator David Twa supporting the dissolution of the District and naming the County as successor. As noted in the letter, the County will work with the City of San Pablo regarding the District's assets.

Commissioner Blubaugh stated that it is time to do something about this district. Commissioner McGill agreed that RWPRPD should be annexed to the City of San Pablo. However, as staff pointed out, the City of San Pablo probably couldn't make annexation work financially at this time, and LAFCO is unable to initiate an annexation.

Upon motion by Blubaugh, second by Andersen, Commissioners, by a 6-0 vote, adopted a resolution initiating dissolution and naming Contra Costa County as the successor agency; and directed staff to work with the County on a succession plan subject to future consideration by the Commission.

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

11. LAFCO Policies and Procedures Committee Appointment

The Executive Officer noted that with the resignation of Commissioner Burke from LAFCO, there is a need for another Commissioner to serve on the Ad Hoc Policies and Procedures Committee. In the upcoming year, this committee will work on updating some of the Commission's policies and procedures.

Upon motion by Tatzin, second by Schroder, Commissioners, by a 6-0 vote, appointed Commissioner Blubaugh to the Ad Hoc Policies and Procedures Committee.

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

12. FY 2017-18 Second Quarter Budget Report

The Executive Officer reported that expenditures to date for the first half of this fiscal year are approximately 42% of total appropriations. This includes the annual \$40,000 OPEB and \$30,000 CCCERA liability contributions. Total revenues received to date exceed 100% of projected revenues, including fund balance. All local agencies have paid their LAFCO contribution, and application activity through the 2nd quarter significantly exceeds the FY 2016-17 activity for the same period.

The Chair thanked staff for the usual outstanding job.

13. Special District Risk Management Authority

The Executive Officer explained that, as a member of the Special District Risk Management Authority (SDRMA), LAFCO purchases its workers' compensation and property/liability insurance through this authority. LAFCO recently received a letter from SDRMA requesting members to adopt a resolution in order to continue covering governing body members and/or volunteers. Under LAFCO's current agreement with SDRMA, Commissioners are considered employees for workers' compensation purposes, and are currently covered. Adoption of the resolution reflects current coverage and will not result in any change in coverage or increased costs.

Upon motion by Andersen, second by Blubaugh, Commissioners, by a vote of 6-0, approved the resolution confirming workers' compensation coverage for Commissioners, as presented.

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

14. Executive Officer's Performance Review and Compensation

Chair McGill reported that during the closed session at the end of the December 13, 2017 meeting Commissioners had confirmed their continued support of the exceptional work done by the Executive Officer. The Commission recommends 3.5% increase to the Executive Officer's base salary effective January 1, 2018.

Upon motion by Blubaugh, second by Tatzin, Commissioners unanimously, by a 6-0 vote, approved a 3.5% increase to the Executive Officer's base salary effective January 1, 2018.

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

15. Commissioner Comments and Announcements

Commissioner McGill reported that he attended the CALAFCO Legislative Committee meeting on December 15, and will attend the CALAFCO Legislative Committee meeting on January 19, 2018.

16. Staff Announcements

The Executive Officer drew Commissioners' attention to the upcoming CALAFCO U session and to the 2018 CALAFCO calendar, as well as the legislative update. She noted that Senator Glazer's bill (SB 522) changing the selection of the West Contra Costa Healthcare District from election to appointment by the Contra Costa County Board of Supervisors was being considered by the Senate Governance and Finance Committee that day.

The Executive Officer reported that she had received a letter from Trish Bello-Kunkel and numerous other Knightsen residents who were protesting the tax increase recently imposed by the Knightsen Town Community Services District (KTCSD). She has asked KTCSD to present an update on its activities at a upcoming LAFCO meeting.

The meeting adjourned at 3:29 p.m.

Final Minutes Approved by the Commission February 14, 2018.

AYES:
NOES:
ABSTAIN:
ABSENT:

By _____
Executive Officer



Lou Ann Teixeira
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>
Tom Butt <i>City Member</i>
Stanley Caldwell <i>Special District Member</i>
VACANT <i>Public Member</i>

February 14, 2018 (Agenda)

February 14, 2018
Agenda Item 6

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

Update – Knightsen Town Community Services District

Dear Members of the Commission:

BACKGROUND: In 2014, Contra Costa LAFCO approved its 2nd round Water/Wastewater Municipal Service Review (MSR) which covered eight cities and 21 special districts. In conjunction with the MSR, the Commission updated the spheres of influence (SOIs) for all of the districts. The Knightsen Town Community Services (KTCS D) was one of the districts covered in the MSR.

KTCS D was formed in 2005 to provide flood control and water quality (drainage services) for the unincorporated community of Knightsen, which is an area of low elevation that receives runoff flow from nearby areas. The area is largely agricultural, with an estimated population of 1,600 residents. The area is in need of detention basins and facilities to treat storm water runoff. The 2008 MSR identified concerns with the District and lack of services/programs. KTCS D did not provide any physical services related to its original purpose due to a lack of funds to construct facilities; and the district owned no physical assets or improvements at that time.

During the 2nd round MSR hearings in 2014, LAFCO received updates from Linda Weekes, then Chair of the KTCS D, and Mitch Avalon, from Contra Costa County Flood Control (CCCFC). Both individuals spoke of the work being done by KTCS D to address flooding in the Knightsen area. In addition, the District provided updates on its planning and funding efforts, including two grant proposals to the Department of Water Resources, and a land acquisition proposal.

In conjunction with the 2014 MSR, LAFCO adopted a resolution affirming the existing SOI for the KTCS D. Included in LAFCO resolution is a provision requiring the District *to provide LAFCO with annual updates until the next MSR cycle. The updates should include a progress report addressing services, facilities, funding, administrative and governance issues identified in the 2014 MSR report.*

DISCUSSION: At the February 2017 LAFCO meeting, Steve Ohmstede, Chair of KTCS D and Mitch Avalon from CCCFC presented an update to LAFCO covering the following activities and projects:

- ❖ Current KTCSO board and staff
- ❖ Form 700 compliance
- ❖ Adopted budgets
- ❖ Adopted major project list
- ❖ Completed financial reports (year-end report, financial audits, financial statements, etc.)
- ❖ Major flood control project
 - Parties involved (i.e., KTCSO, CCCFC, East Bay Regional Parks District, East Contra Costa County Habitat Conservancy).
 - 680 acre land purchase
 - MOU
 - Coordination with County Public Works
- ❖ New Hydrology study with ESA/Environmental Hydrology
- ❖ Activities Timetable

Since the 2017 LAFCO update, the District has completed a number of other projects, including the following:

- Initiated hydrology and culvert capacity calculations reports
- Created a website
- Project implementation (i.e., Curlew Connex infiltration basin, Knightsen Ave bioswale, Eden Plains Road wetland basin, Railroad bioswale & infiltration trench, Eagle Lane bioswale, Byron Hwy & Ironhorse Road infiltration basin & bioswale, Byron Hwy/Delta Road drainage & bioswale)

The District provided LAFCO with various reports and documents regarding these activities. These documents and links to the reports are available through the KTCSO and LAFCO office.

Also, in 2017, the District Board voted to increase its special tax from \$50 per year to \$200 per year for developed parcels, and from \$25 per year to \$133.76 per year for undeveloped parcels. The purpose of the tax increase is to fund projects to address flooding and stormwater runoff issues. A number of Knightsen residents have expressed concern with the tax increase and lack of notice to the local taxpayers, along with concerns regarding the District's activities and financial commitments as summarized in their letters (see attached) which were signed by approximately 50 residents.

On February 14, 2018, the District will provide an annual update. Also, we anticipate that members of the Knightsen community will attend the LAFCO meeting and provide public comment.

RECOMMENDATIONS: Receive the KTCSO update and public comments; and provide comments and direction.

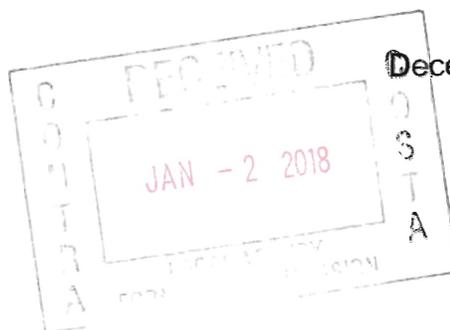
Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

Attachment – Letters from Knightsen Residents

c: Steve Ohmstede, Chair, KTCSO
Mitch Avalon, CCCFC
Distribution

P.O. Box 62
Knightsen, Ca
December 28, 2017



Contra Costa County LAFCO
651 Pine Street, 6th Floor
Martinez, CA 94553

Honorable Members of the Commission:

We are writing you regarding constituent concerns that are detailed in the enclosed letter sent to the board of the Knightsen Town Community Services District (KTCS D), dated November 15, 2017. This letter documents the key concerns and desired responses a large number of Knightsen community members have about KTCS D's decision to increase their property tax assessment from \$50 per year to \$200 per year for developed parcels, and from \$25 per year to \$133.76 per year for undeveloped parcels. Also enclosed is the cover letter dated November 22, 2017.

The enclosed letters were sent by certified mail on November 22, 2017 and we received proof that the letters were received by KTCS D President, Steve Ohmstede on December 4, 2017. The KTCS D board held their monthly meeting on December 7, 2017, and the KTCS D board made no mention that the correspondence was received. To date no response has been received from the KTCS D board.

We understand that LAFCO provides oversight to KTCS D. Therefore, we are forwarding these letters to you so you are aware of the community's concerns and desired responses.

Sincerely,

Tricia Bello-Kunkel & Paul Kunkel

Mailing Address: PO Box 62, Knightsen CA, 94548

Residence Address: 2351 Tule Lane, Knightsen CA

Enclosures – Letter to KTCS D Board dated 11/15/2017 and cover letter dated 11/22/2017.

Mailed via
Certified mail
return receipt

November 22, 2017

Knightsen Town Community Services District Board
Steve Ohmstede, Chairperson
Al Simas, Vice Chair
Kim Carone, Board Member
Greg Williams, Board Member
Lori Abreu, Board Member
P.O. Box 763
Knightsen, CA 94548

Dear Board Members:

Enclosed is a letter to the KTCSD Board dated November 15, 2017, signed by a large number of community members. Many community members are continuing to circulate this letter throughout the community and we will submit additional signatures at a later date(s). This letter, along with this first round of signatures, is being submitted now, well in advance of your December 7, 2017 meeting, so that the Board will have ample time to consider the concerns as well as the desired responses of letter signers.

Sincerely,

Concerned Community Members of Knightsen

Enclosure – Letter to KTCSD Board, 11/15/2017

November 15, 2017

Knightsen Town Community Services District Board
Steve Ohmstede, Chairperson
Al Simas, Vice Chair
Kim Carone, Board Member
Greg Williams, Board Member
Lori Abreu, Board Member
P.O. Box 763
Knightsen, Ca 94548

Dear Board Members:

As your fellow Knightsen community members and as your constituents, we the undersigned have concerns about the Knightsen Town Community Services District's (KTCSD) decision to raise the KTCSD property tax assessment. The following describes many of our key concerns and responses we would like KTCSD to consider:

1. We are disappointed that KTCSD increased the property tax assessment at their meeting on June 1, 2017, without providing community members with sufficient notice of this action. We understand that Measure Z, passed in 2005, authorized KTCSD to increase the tax, but we believe that 12 years later, **KTCSD should have given advance notification to community members and invited public comment before raising the tax.** To date, in a public meeting, only one board member, Kim Carone, has acknowledged that the board could have done a better job communicating to the public. The Brentwood/Oakley Press article dated November 10, 2017, states that KTCSD Chairperson Steve Ohmstede, "admitted the district could have done a better public outreach campaign." None of the other board members who voted for the tax increase have made such a statement.

Desired KTCSD response: Public acknowledgement from ALL board members that there should have been better communication and that a public hearing should have been held prior to increasing the tax. Also, a statement by all board members that prior to implementing any tax increases, community members will be given CLEAR notification and offered the opportunity for public comment.

2. During the meeting on November 2, 2017, KTCSD board members admitted they do not know how much revenue will need to be raised for the projects being planned, yet three members voted to increase the tax to \$200 for developed parcels and \$133.76 for undeveloped parcels. Kim Carone voted against the tax

increase and stated that she believed the board was raising the tax too much and too quickly. Lori Abreu also stated she would have voted against the tax increase. **Thus, it is clear that at the very least, there is disagreement amongst board members as to how much the tax needed to be increased.**

Community members asked that the tax increase be repealed and/or reduced. Kim Carone stated that she would commit to looking into the request that the tax be reduced. None of the other board members, including all three board members who voted in favor of the tax, made any statements regarding repeal or reduction of the tax.

Desired KTCSD response: Acknowledgement by KTCSD board members that the board will evaluate options to repeal and/or reduce the tax assessment. In addition, we ask that the Board take action to reduce the tax back to the \$50 per developed parcel/\$25 per undeveloped parcel, or repeal the tax entirely.

3. During the meeting on 11/2/17 KTCSD board members indicated that the Local Agency Formation Commission (LAFCO) has pressured the board to implement a project(s), or else KTCSD will be dissolved. We are concerned that the Board is being pressured into approving and funding a project(s) merely to remain in existence. **We do not believe in the concept of, “government for the sake of government.”**

During the 11/2/17 meeting there was discussion that KTCSD was originally founded to provide the community with a border in order to forestall annexation by the cities of Brentwood and/or Oakley. It is entirely unclear whether the existence of KTCSD is in fact an effective barrier to encroachment by these cities long term. Pressure from LAFCO, or any other agency to “do something” merely for the sake of continued KTCSD existence is not a valid reason to justify project expenditures.

Desired KTCSD response: Acknowledgement by KTCSD board members that pressure from outside agencies such as LAFCO will not be a consideration with regard to the approval, continuation and/or funding of projects.

4. We are very concerned that KTCSD will begin entering into contracts, or approve recurring cost expenditures which will require the continuation of the increased tax assessment and perhaps necessitate additional tax increases. We believe this is a very valid concern because during the 11/2/17 meeting a Knightsen resident asked what would happen if more money needed to be raised to support projects. **Board member Al Simas stated that if that happened the board**

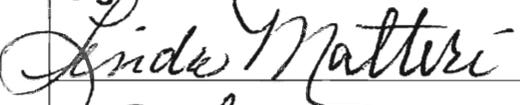
would have “no choice” but to raise more revenue. We are very concerned that this board will make financial commitments that will impose impossible financial obligations on this community and future KTCSD board members. We do not want KTCSD to continue down the path of implementing a project(s) that may someday grow to the point where they are considered to be “too big to fail.”

Desired KTCSD response: Acknowledgement by KTCSD that the board will not enter into any contracts or approve recurring cost expenditures pending the following: A) a clear determination regarding how much funding is needed for proposed projects; and, B) repeal and/or reduction of the tax increase; and, C) open public hearing to consider community feedback prior to imposition of a tax.

We appreciate your service to this community and we believe that in your own hearts you believe you are serving this community to the best of your abilities. However, we don't believe our concerns are being heard by ALL board members. We understand that KTCSD's sole responsibility is drainage and flood control and KTCSD cannot consider other community priorities. Nevertheless, we as a community must evaluate drainage and flood control in relation to other priorities because we have limited financial resources.

We ask you to consider our concerns and respond accordingly.

Sincerely,

Signature	Printed Name	Date
	LINDA MATTERI	11/15/17
	DAVID MATTERI	11/15/17
	John Wheeler	11-15-17
	STEVEN LIMRITE	11-15-17
	Laurie Limrite	11-15-17
	CHESTER C. HOCM	11-15-2017

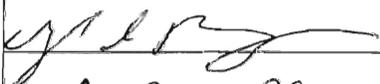
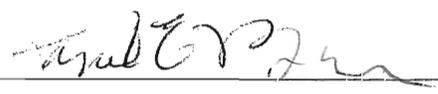
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Sincerely,

Signature	Printed Name	Date
	James deFremery III	11/15/17
	Angela deFremery	11/20/17
P. Gail Martin	P. GAIL MARTIN	11/20/17
Lois Ann Caldwell	Lois Ann Caldwell	11/20/17
	JANET E BROWN	11/20/17

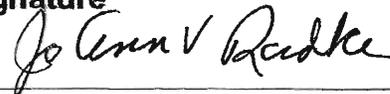
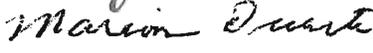
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Sincerely,

Signature	Printed Name	Date
	Jo Ann V RADKE	11-16-17
	Colleen EVERHART	11-16-17
	BARR EVERHART	11-16-2017
	Charles C. Fetterman	11-17-2017
	Penny FETTERMAN	11-17-2017
	Marisa Duarte	11-19-2017

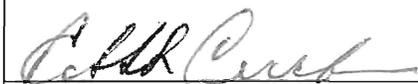
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Sincerely,

Signature	Printed Name	Date
	ALLISON CECCHINI	11/20/17
	Barbara Cecchini	11/20/2017
	Robert L. Cecchini	11/20/17
	Jim de Fremery	11/20/17

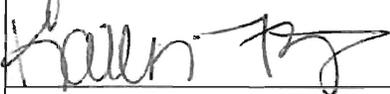
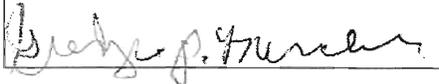
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Sincerely,

Signature	Printed Name	Date
	Mike Espindole	11-20-17
Duplicate ★ → 	STEVE LIMBRITE	11-20-17
	Jennifer Erskine	11-20-17
	Kaitlin Foutz	11/20/17
	Charles Wade Foutz	11/20/17
	Gladys P. Mercer	11/21/17

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Sincerely,

Signature	Printed Name	Date
<i>William D. Martin</i>	WILLIAM D. MARTIN	11/20/17
<i>Bryon Bollinger</i>	Bryon Bollinger	11/20/17
<i>Loyd D. Galloway</i>	LOYD D. GALLOWAY	11/21/17
<i>Marilee Galloway</i>	MARILEE GALLOWAY	11/21/17

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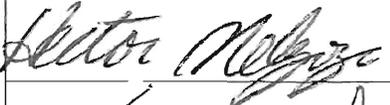
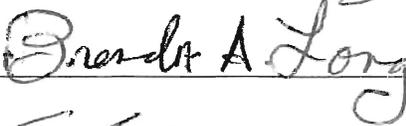
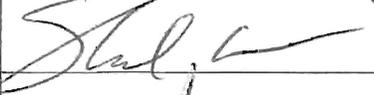
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We ask you to consider our concerns and respond accordingly.

Sincerely,

Signature	Printed Name	Date
<i>Barbara M. de Fremery</i>	Barbara M. deFremery	11-18-2017
<i>Lindy Theilen</i>	Lindy Theilen	11-18-2017
<i>Shane Theilen</i>	Shane Theilen	11-18-2017

Signature	Printed Name	Date
	Jerry E. Duarte	11/15/17
	Gilbert Somerhalder	11-15-17
	ALBERT BELLO	11-15-17
	DINO MELOZZI	11-15-17
	Hector Melozzi	11-15-17
	Kenneth Smith	11-15-17
	Sean McKinney	11/15/17
	PAUL KUNKEL	11/19/17
	ARTEMIO CORTAZ	11/20/17
	BRENDA A. LONG	11-21-17
	Sharnoi Killian	11-21-17
	Michael Killian	11-21-17
	Robert Haged	11-24-17

Signature	Printed Name	Date
Judith A Holm	Judith A. Holm	11.19.2017
Bob Rueddick	Bob Rueddick	11-19-17
Donna Rueddick	DONNA Rueddick	11-19-17
Trish Bello-Kunkel	TRISH Bello-Kunkel	11/19/17



Lou Ann Teixeira
 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
County Member

Tom Butt
City Member

Stanley Caldwell
Special District Member

VACANT
Public Member

February 14, 2018 (Agenda)

February 14, 2018
 Agenda Item 7

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

Fiscal Year 2018-19 Budget Schedule and Work Plan Preview

Dear Members of the Commission:

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH Act) establishes a specific process for preparing and adopting LAFCO’s budget. Government Code §56381 provides that the Commission shall annually adopt a proposed budget by May 1 and final budget by June 15, following noticed public hearings. Contra Costa LAFCO generally adopts a proposed budget in March and a final budget in May each year.

WORK PLAN PREVIEW

In conjunction with a proposed budget, the Commission sets out a work plan in March. The work plan typically includes goals and objectives such as preparing Municipal Service Reviews (MSRs)/Sphere of Influence (SOI) updates and special studies, updating the Commission’s policies and procedures, and other projects and activities.

In September 2017, the Commission participated in a strategic planning session and discussed accomplishments and upcoming priorities including MSRs, island annexations, use of terms and conditions, and policies and procedures. The Commission also reviewed the current work plan, goals, legislation, and the future of Contra Costa LAFCO (relocation, staffing, etc.)

MSRs/SOI Updates - LAFCO law provides that every five years the Commission shall, as necessary, review and update each SOI [Gov. Code §56425(g)]. The statute also provides that in order to prepare and update an SOI, the Commission shall conduct a MSR.

In 2013, the Commission completed its inaugural round of MSRs/SOI updates, and initiated 2nd round MSRs. To date, the following 2nd round MSRs/SOI updates have been completed:

- June 2014 - Water/wastewater covering eight cities, 19 special districts, and private water companies
- November 2015 - Reclamation services covering 14 special districts

- October 2016 – Fire/EMS covering three cities and eight special districts
- January 2018 – Healthcare services covering three special districts and Contra Costa County health services

As part of the FY 2017-18 work plan and budget, the Commission approved preparing two 2nd round MSR's one covering healthcare services and one covering “*city services*.”

As noted above, the 2nd round healthcare services MSR/SOI updates was completed in January 2018. It is timely to move forward with the “*city services*” MSR covering the 19 cities and four community services districts (CSDs). One of the items included on the February 14th LAFCO meeting agenda is the draft Request for Proposals related to the “*city services*” MSR.

Given the magnitude of the “*city services*” MSR, it is likely that work will carry-over to FY 2018-19; therefore, staff recommends that the FY 2018-19 work plan include one new MSR. Other services that are potential candidates for a 2nd round MSR in FY 2018-19 include parks & recreation (2010), county service areas (CSAs) (2008-2013), cemetery (2010), mosquito & vector control (2010), and resource conservation (2010) – see attached MSR log.

Policies and Procedures Updates – In the past several years, the Commission made significant progress updating its policies and procedures, and adopted new *procedures* for the following changes of organization: city annexations/detachments, district annexations/detachments, district mergers, establishment of subsidiary districts, LAFCO-initiated proposals, new or different services, district dissolution, district formation, district consolidation, city consolidation, disincorporation, reorganization and out of agency service. Contra Costa LAFCO now has procedures for each type of change of organization. The Commission also updated the *Membership and Rules and Procedures* policies. More recently, the Commission adopted a legislative policy, updated its policies to include broadband, and adopted an Agricultural & Open Space preservation policy. Next in the queue are policies relating to the following:

- ✚ Disadvantaged Unincorporated Communities (DUCs)
- ✚ Sphere of Influence
- ✚ Updating Procedures for Processing Multi County Boundary Change

Island Annexations - LAFCO continues to encourage local agencies to annex islands. County GIS recently updated LAFCO’s island map which depicts islands that are 150 acres or less, which can be annexed without a protest hearing pursuant to Gov. Code §§56375.3. Since the map was originally created in 2012, no small islands have been annexed and one new island was created (Northeast Antioch Area 2A – Marina). We expect the island issue to be addressed in more detail in the 2nd round MSR covering cities/CSDs.

Growing Contra Costa LAFCO – Over the past two years, staff has discussed with the Commission the possibility of growing Contra Costa LAFCO. The discussion focused on relocating the LAFCO and adding a position.

- ❖ **LAFCO Office** - Contra Costa LAFCO currently leases office space at 651 Pine Street in Martinez. In 2016, LAFCO staff learned of an opportunity to relocate to 40 Muir Road in Martinez. This would allow LAFCO to expand its office space. The Commission was

supportive and approved costs associated with relocating the LAFCO in the FY 2016-17 and FY 2017-18 budgets. Unfortunately, the relocation has been delayed. The County recently informed LAFCO staff that tenant improvements will begin in April 2018 and should be completed by July/August 2018. The anticipated move should occur in the fall of 2018.

- ❖ **LAFCO Staffing** – Contra Costa LAFCO currently employs two full-time staff – an Executive Officer and an Executive Assistant/LAFCO Clerk. In addition, we contract for a number of services including environmental planning, financial auditing, GIS/mapping, legal, webmaster, MSR and special studies. There is a desire to expand LAFCO staff in the future, as application activity increases, as we continue/expand our work on policies and procedures, to take on some inventive projects and programs, and to maintain our current level of involvement at a statewide level with CALAFCO and other stakeholders. In addition, it is desirable to have some level of “back-up” for the current LAFCO staff – either part-time or full-time. Adding an Analyst position could help meet these needs. As noted above, adding staff is contingent on expanding the LAFCO office space.

Updated information regarding LAFCO office space and staffing will be included in the Proposed FY 2018-19 Budget to be presented to the Commission in March.

Other Items of Interest – The LAFCO office is currently busy with other ongoing activities including the following:

- Conducting election for two LAFCO special districts seats with terms expiring in May 2018
- Filling the Alternate Public Member seat following the departure of Sharon Burke
- Conducting an election to fill the RDA Oversight Board seat
- Proceeding with the dissolution of the Rollingwood Wilart Park Recreation & Park District
- Receiving regular and periodic MSR updates (i.e., Knightsen Town CSD, Reclamation District 2121; EMS/fire services)
- Keeping up with the increase in application activity

It would be valuable to hear from the Commission regarding priorities and other items of interest in anticipation of preparing the FY 2018-19 LAFCO budget.

RECOMMENDATION

Provide input as desired.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

Attachment – Contra Costa LAFCO MSR/SOI Log

- c: All Contra Costa County Cities
All Contra Costa County Special Districts
Contra Costa County Administrator
Contra Costa County Auditor-Controller

CONTRA COSTA LAFCO

Status of Municipal Service Reviews (MSRs)/Sphere of Influence (SOI) Updates February 2018

Local Agency	Current MSR/SOI	Type of MSR	Next MSR
Cities City of Antioch	MSR (Dec 2008); SOI <i>reduced</i> (Mar 2010)	East County Sub-Regional	Included in Water/Wastewater(May 2014) 2018
City of Brentwood	MSR/SOI <i>reduced</i> (Dec 2008)	East County Sub-Regional	Included in Water/Wastewater(May 2014) 2018
City of Clayton	MSR (Sept 2009); SOI <i>reduced</i> (Oct 2009)	Central County Sub-Regional	2018
City of Concord	MSR (Sept 2009); SOI retained (Oct 2009)	Central County Sub-Regional	Included in Water/Wastewater(May 2014) 2018
Town of Danville	MSR (Sept 2009); SOI update pending	Central County Sub-Regional	2018
City of El Cerrito	MSR/SOI <i>retained</i> (Nov 2009)	West County Sub-Regional	2018
City of Hercules	MSR/SOI <i>retained</i> (Nov 2009)	West County Sub-Regional	Included in Water/Wastewater(May 2014) 2018
City of Lafayette	MSR (Sept 2009); SOI <i>retained</i> (Oct 2009)	Central County Sub-Regional	2018
City of Martinez	MSR (Sept 2009); SOI <i>reduced</i> (Oct 2009)	Central County Sub-Regional	Included in Water/Wastewater(May 2014) 2018
Town of Moraga	MSR (Sept 2009); SOI <i>reduced</i> (Oct 2009)	Central County Sub-Regional	2018
City of Oakley	MSR/SOI <i>retained</i> (Dec 2008)	East County Sub-Regional	2018
City of Orinda	MSR (Sept 2009); SOI <i>retained</i> (Oct 2009)	Central County Sub-Regional	2018
City of Pinole	MSR/SOI <i>retained</i> Nov 2009	West County Sub-Regional	Included in Water/Wastewater(May 2014) 2018
City of Pittsburg	MSR (Dec 2008); SOI <i>expanded</i> (July 2009)	East County Sub-Regional	Included in Water/Wastewater(May 2014) 2018
City of Pleasant Hill	MSR (Sept 2009); SOI <i>reduced</i> (Oct 2009)	Central County Sub-Regional	2018
City of Richmond	MSR/SOI <i>reduced</i> (Nov 2009)	West County Sub-Regional	Included in Water/Wastewater(May 2014) 2018
City of San Pablo	MSR/SOI <i>reduced/expanded</i> (Nov 2009)	West County Sub-Regional	2018
City of San Ramon	MSR (Sept 2009); SOI update pending	Central County Sub-Regional	2018
City of Walnut Creek	MSR (Sept 2009); SOI <i>reduced</i> (Oct 2009)	Central County Sub-Regional	2018

Local Agency	Most Current MSR/SOI	Type of MSR	Next MSR
<u>Cemetery Districts</u>			
Alamo-Lafayette Cemetery District	MSR/SOI <i>retained</i> (Apr 2010);	Countywide Cemetery, Park & Recreation	TBD
Byron-Brentwood-Knightsen-Union Cemetery District	MSR/SOI <i>retained</i> (Apr 2010);	Countywide, Cemetery, Park & Recreation	TBD
<u>Community Service Districts</u>			
Crockett CSD (formed 2006)	MSR/SOI <i>expanded</i> SOI (June 2014)	Countywide Water/Waste-water	2018
Diablo CSD	MSR <i>retained</i> SOI (Oct 2009)	Central County Sub-Regional	2018
Dublin San Ramon CSD	MSR (May 2014)	Countywide Water/Waste-water - Alameda LAFCO is principal	TBD
Kensington Police Protection and CSD	MSR/SOI <i>retained</i> (Nov 2009); MSR (2011)	West County Sub-Regional (2009); Law Enforcement (2011)	2018
Town of Discovery Bay CSD	MSR/SOI <i>expanded</i> SOI (June 2014)	Countywide Water/Waste-water	2018
Town of Knightsen CSD (formed 2005)	MSR/SOI <i>retained</i> SOI (June 2014)	Countywide Water/Waste-water	TBD
<u>County Service Areas</u>			
CSA D-2 (Drainage - Walnut Creek)	MSR/ <i>retained</i> SOI (Apr 2013)	Misc CSAs	TBD
CSA EM-1 (Countywide – Emergency Medical)	MSR (Aug 2016); SOI <i>retained</i> (Oct 2016)	Countywide Fire/EMS	TBD
CSA L-100 (Countywide - Streetlighting)	MSR/ <i>zero</i> SOI (Apr 2013)	Misc CSAs	TBD
CSA LIB-2 (Library - Rancho El Sobrante)	MSR/SOI <i>retained</i> Feb 2013	Countywide Library	TBD
CSA LIB-10 (Library - City of Pinole)	MSR/SOI <i>retained</i> Feb 2013	Countywide Library	TBD
CSA LIB-12 (Library - Town of Moraga)	MSR/SOI <i>retained</i> Feb 2013	Countywide Library	TBD
CSA LIB-13 (Library - cities of Concord and Walnut Creek)	MSR/SOI <i>expanded</i> SOI Feb 2013	Countywide Library	TBD
CSA M-1 (Misc Services - Delta Ferry)	MSR/ <i>retained</i> SOI (Apr 2013)	Misc CSAs	TBD
CSA M-16 (Misc Services – Community of Clyde)	MSR/SOI <i>retained</i> (Apr 2010)	Countywide Park & Rec	TBD
CSA M-17 (Misc Services - Tara Hills, Montlvin Manor, West Contra Costa)	MSR/SOI <i>retained</i> (Apr 2010)	Countywide Park & Rec	TBD
CSA M-20 (Misc Services - View Pointe Subdivision)	MSR/ <i>retained</i> SOI (Apr 2013)	Misc CSAs	TBD
CSA M-23 (Misc Services - San Ramon, Blackhawk, Danville)	MSR/ <i>retained</i> SOI (Apr 2013)	Misc CSAs	TBD
CSA M-28 (Misc Services – Bethel Island)	MSR/SOI <i>retained</i> zero SOI (June 2014)	Countywide Water/Waste-water	TBD
CSA M-29 (Misc Services – San Ramon, Dougherty Valley)	MSR/SOI <i>retained</i> (Apr 2010); MSR (2011)	Countywide Park & Rec (2010); Law Enforcement (2011)	TBD

Local Agency	Most Current MSR/SOI	Type of MSR	Next MSR
CSA M-30 (Misc Services – Alamo)	MSR (Apr 2010); <i>SOI affirmed</i> (Aug 2010); MSR (2011)	Countywide Park & Rec (2010); Law Enforcement (2011)	TBD
CSA M-31 (TDM Services – Pleasant Hill)	MSR/ <i>expanded SOI</i> (Apr 2013)	Misc CSAs	TBD
CSA P-2 (Police – Zone A – Blackhawk, Zone B - Alamo)	MSR (Aug 2011); SOI update pending	Law Enforcement (2011)	TBD
CSA P-5 (Police Protection – Roundhill)	MSR (Aug 2011); SOI update pending	Law Enforcement (2011)	TBD
CSA P-6 (Police Protection – Unincorporated Area)	MSR (Aug 2011); SOI update pending	Law Enforcement (2011)	TBD
CSA R-4 (Recreation – Moraga)	MSR (Apr 2010); <i>retained</i> (May 2013)	Countywide Park & Rec	TBD
CSA R-7A (Recreation – Alamo)	MSR (Apr 2010); SOI update/expansion (Apr 2012)	Countywide Park & Rec	TBD
CSA R-9A (Recreation - El Sobrante)	MSR/SOI <i>retained</i> (Apr 2010)	Countywide Park & Rec	TBD
CSA R-10 (Recreation – Rodeo)	MSR/SOI <i>retained</i> (Apr 2010)	Countywide Park & Rec	TBD
CSA RD-4 (Roads - Bethel Island)	MSR/SOI <i>retained</i> (Dec 2008)	East County Sub-Regional	TBD
CSA T-1 (Transit – San Ramon) (formed 2006)	MSR/adopted <i>provisional SOI</i> (Apr 2013)	Misc CSAs	TBD
<u>Fire Service</u> Contra Costa County Fire Protection District	MSR (Aug 2016); SOI update pending	Countywide Fire/ Emergency Service MSR	TBD
Crockett-Carquinez Fire Protection District	MSR (Aug 2016); SOI update pending	Countywide Fire/ Emergency Service	TBD
East Contra Costa Fire Protection District	MSR (Aug 2016); <i>provisional SOI</i> (Oct 2016)	Countywide Fire/ Emergency Service	TBD
Kensington Fire Protection District	MSR (Aug 2016); SOI update pending	Countywide Fire/ Emergency Service	TBD
Moraga-Orinda Fire Protection District	MSR (Aug 2016); SOI <i>retained</i> (Oct 2016)	Countywide Fire/ Emergency Service	TBD
Rodeo-Hercules Fire Protection District	MSR (Aug 2016); <i>provisional SOI</i>	Countywide Fire/ Emergency Service	TBD
San Ramon Valley Fire Protection District	MSR (Aug 2016); SOI <i>retained</i> (Oct 2016)	Countywide Fire/ Emergency Service	TBD
<u>Health Care Districts (HCDs)</u> Los Medanos HCD	MSR/SOI <i>retained</i> (Jan 2018)	Countywide Healthcare	2018
Mt. Diablo HCD	MSR/SOI <i>retained</i> (Jan 2018)	Countywide Healthcare	2018
West Contra Costa HCD	MSR/SOI <i>retained</i> (Jan 2018)	Countywide Healthcare	2018
<u>Irrigation</u> Byron-Bethany Irrigation District	MSR (May 2014)	Countywide Water/Waste-water - San Joaquin LAFCO is principal	TBD

Local Agency	Most Current MSR/SOI	Type of MSR	Next MSR
East Contra Costa Irrigation District	MSR/SOI <i>retained</i> (May 2014)	Countywide Water/Wastewater	TBD
<u>Mosquito Abatement</u> Contra Costa Mosquito and Vector Control District	MSR (Apr 2010); SOI <i>retained</i> (May 2010)	Countywide	TBD
<u>Municipal Improvement</u> Bethel Island Municipal Improvement District	MSR/SOI <i>retained</i> (Nov 2015)	Countywide Reclamation	Included in RD MSR (Nov 2015)
<u>Municipal Utility</u> East Bay MUD	MSR (May 2014)	Countywide Water/Wastewater - Alameda LAFCo is principal	Included in Water/Wastewater(May 2014)
<u>Reclamation Districts (RD)</u> RD 799 (Hotchkiss Tract)	MSR/SOI <i>retained</i> (Nov 2015)	Countywide Reclamation	TBD
RD 800 (Byron Tract)	MSR/SOI <i>retained</i> (Nov 2015)	Countywide Reclamation	TBD
RD 830 (Jersey Island)	MSR/SOI <i>retained</i> (Nov 2015)	Countywide Reclamation	TBD
RD 2024 (Orwood and Palm Tracts)	MSR/SOI <i>retained</i> (Nov 2015)	Countywide Reclamation	TBD
RD 2025 (Holland Tract)	MSR/SOI <i>retained</i> (Nov 2015)	Countywide Reclamation	TBD
RD 2026 (Webb Tract)	MSR/SOI <i>retained</i> (Nov 2015)	Countywide Reclamation	TBD
RD 2059 (Bradford Island)	MSR/SOI <i>retained</i> (Nov 2015)	Countywide Reclamation	TBD
RD 2065 (Veale Tract)	Adopted coterminous SOI (Nov 2015)	Countywide Reclamation	TBD
RD 2090 (Quimby Island)	MSR/SOI <i>retained</i> (Nov 2015)	Countywide Reclamation	TBD
RD 2117 (Coney Island)	MSR/SOI <i>retained</i> (Nov 2015)	Countywide Reclamation	TBD
RD 2121	Adopted zero SOI (Nov 2015)	Countywide Reclamation	TBD
RD 2122 (Winter Island)	MSR/SOI <i>retained</i> (Nov 2015)	Countywide Reclamation	TBD
RD 2137	MSR/SOI <i>retained</i> (Nov 2015)	Countywide Reclamation	TBD
<u>Park & Recreation</u> Ambrose Recreation & Park District	MSR (Apr 2010); SOI <i>retained</i> (May 2010)	Countywide Park & Rec	
East Bay Regional Park District	N/A	Alameda LAFCo is principal	TBD
Green Valley Recreation & Park District	MSR (Aug 2008); SOI <i>reduced</i> (Oct 2009)	Agency-specific MSR	TBD
Pleasant Hill Recreation & Park District	MSR (Apr 2010); SOI <i>expanded/reduced</i> SOI (May 2010)	Countywide Park & Rec	TBD
Rollingwood-Wilart Recreation & Park District	MSR (Apr 2010); SOI update pending	Countywide Park & Rec	TBD

Local Agency	Current MSR	Type of MSR	Next MSR
<u>Resource Conservation</u> Contra Costa Resource Conservation District	MSR (Apr 2010); SOI <i>retained</i> (May 2010)	Countywide	TBD
<u>Wastewater</u> Byron Sanitary District	MSR/SOI <i>expanded</i> SOI (June 2014)	Agency-specific	TBD
Central Contra Costa Sanitary District	MSR/SOI <i>expanded</i> SOI (June 2014)	Countywide Water/ Wastewater	TBD
County Sanitation District 6 (Alhambra Valley)	MSR/SOI <i>retained zero</i> SOI (June 2014)	Countywide Water/ Wastewater	TBD
Delta Diablo Sanitary District	MSR/SOI <i>reduced</i> SOI (June 2014);	Countywide Water/ Wastewater	TBD
Ironhouse Sanitary District	MSR/SOI <i>expanded</i> SOI (June 2014)	Countywide Water/ Wastewater	TBD
Mt. View Sanitary District	MSR/SOI <i>retained</i> (May 2014)	Countywide Water/ Wastewater	TBD
Rodeo Sanitary District	MSR/SOI <i>retained</i> (May 2014)	Countywide Water/ Wastewater	TBD
Stege Sanitary District	MSR/SOI <i>retained</i> (May 2014)	Countywide Water/ Wastewater	TBD
West County Wastewater District	MSR/SOI <i>retained</i> (May 2014)	Countywide Water/ Wastewater	TBD
<u>Water</u> Castle Rock County Water District	MSR/SOI <i>adopted zero</i> SOI (Oct 2014)	Countywide Water/ Wastewater	TBD
Contra Costa Water District	MSR/SOI <i>reduced/expanded</i> (June 2014)	Countywide Water/ Wastewater	TBD
Diablo Water District	MSR/SOI <i>expanded</i> SOI (June 2014)	Countywide Water/ Wastewater	TBD



Lou Ann Teixeira
 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>
Tom Butt <i>City Member</i>
Stanley Caldwell <i>Special District Member</i>
VACANT <i>Public Member</i>

February 14, 2018
 Agenda Item 8

February 14, 2018 (Agenda)

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

**Requests for Proposals – 2nd Round “City Services”
 Municipal Service Review and Sphere of Influence Updates**

Dear Commissioners:

BACKGROUND

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH Act) requires that every five years, as necessary, LAFCO review and update the sphere of influence (SOI) of each local agency. As part of the SOI update, LAFCO must prepare a corresponding Municipal Service Review (MSR) to evaluate projected growth/population; financial ability of the agencies to provide services; status of, and opportunities for, shared services; present and planned capacity of public facilities and adequacy of public services, infrastructure needs and deficiencies; characteristics and service needs of disadvantaged unincorporated communities (DUCs); and any other issues related to the effective and efficient delivery of municipal services as determined by the Commission.

In April 2013, Contra Costa LAFCO completed its inaugural MSR cycle and the comprehensive review of all 19 cities and 75 special districts and corresponding SOI updates for most agencies. In accordance with the CKH Act, LAFCO initiated its 2nd round MSR/SOI updates. To date, LAFCO has completed 2nd round MSRs covering water/wastewater services (2014); reclamation (levee) services (2015), Fire/EMS (2016), and healthcare (2018).

DISCUSSION

As part of the FY 2017-18 work plan and budget, the Commission approved preparing two 2nd round MSRs - *healthcare services* covering three healthcare districts and County healthcare services, and *city services* covering cities and community services districts (CSDs). The 2nd round *healthcare services* MSR is now complete; it is timely to begin the *city services* MSR.

The city services MSR will cover the 19 cities and four of the six CSDs, excluding the Dublin San Ramon Services District (DSRSD) and Knightsen Town CSD as these districts were

reviewed in the 2014 2nd round water/wastewater MSR. Further, Alameda LAFCO is the principal LAFCO for DSRSD and also conducts a MSR and establishes the SOI for this district.

Contra Costa LAFCO's first round city MSRs were prepared by sub-region (central, east and west), and were completed in 2009. The CSDs were previously covered in various MSRs including sub-regional and service-specific MSRs (e.g., parks/recreation, law enforcement, etc.).

Draft Request for Proposals (RFP) and Scope of Services – 2nd Round City Services MSR/SOI Updates - Staff has prepared a draft RFP and Scope of Services for the Commission's consideration. As proposed, municipal services to be covered in the "city services" MSR will include those listed below. Water, wastewater, and fire/emergency medical services will not be reviewed as they were covered in recent 2nd round MSRs.

- Animal control
- Broadband
- Building/planning
- Law enforcement
- Library
- Lighting
- Parks & recreation
- Solid waste
- Streets/roads
- Stormwater
- Utilities (gas, electricity/community choice aggregation)

As proposed, the 2nd round "city services" MSR will focus on the following:

- ❖ Updating profile data including growth and population, jobs/housing, finances (expenses, revenues, debt, reserves, related fiscal health indicators), and staffing
- ❖ Shared services (i.e., joint powers/joint use agreements, contracts between public agencies, public-private partnerships)
- ❖ Infill development/sprawl prevention/islands
- ❖ Agricultural/open space preservation

Proposed Selection Process - In accordance with our previous MSRs, LAFCO staff proposes to establish a selection committee to help review and screen the written proposals, conduct the interviews, and make a recommendation. The selection committee will be composed of LAFCO and/or other municipal service professionals.

The review of proposals will include an assessment of written proposals, followed by interviews with the most qualified firms. Written proposals will be evaluated based on various criteria including, but not limited to, experience and qualifications of the firm, understanding of the required tasks, approach to conducting MSRs/SOI updates, experience and familiarity with LAFCO, qualifications of personnel who would be assigned to work with the Contra Costa LAFCO, and cost.

Following an assessment of the written proposals, the most qualified candidates will be invited to participate in an interview. Following the interviews, a summary of proposals and a recommendation will be presented to the Commission in accordance with the proposed timeline as shown in the RFP.

Staff has compiled a list of potential bidders. A notice regarding the RFP will be sent to these firms. In addition, we propose posting the RFP on the Contra Costa LAFCO, CALAFCO, and CSDA websites (no fees) and on the League of California Cities website (\$250).

FINANCING

Adequate funding is included in the FY 2017-18 budget to cover the anticipated costs associated with the “*city services*” services MSR/SOI updates. The “*city services*” MSR will carry over to FY 2018-19. Adequate funding will be included in the FY 2018-19 budget to cover these costs.

RECOMMENDATIONS

1. Provide input;
2. Authorize the circulation of the RFP for the 2nd round *city services* MSR/SOI updates;
and
2. Direct staff to return to the Commission with a recommended contract award in accordance with the proposed timeline.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

Attachments

1. Draft RFP – 2nd Round City Services MSR/SOI Updates (with Attachments A & B)
2. Draft Scope of Services – 2nd Round City Services MSR/SOI Updates

**Attachment 1
DRAFT
REQUEST FOR PROPOSALS FOR
2ND ROUND CITY SERVICES
MUNICIPAL SERVICE REVIEW/
SPHERE OF INFLUENCE UPDATES**

The Contra Costa Local Agency Formation Commission (LAFCO) is soliciting proposals from qualified consultants to prepare a 2nd round municipal service review and sphere of influence updates of city services in Contra Costa County.

REQUEST FOR PROPOSALS

2nd Round City Services

Municipal Service Review/Sphere of Influence Updates

I. Objective

LAFCO seeks proposals from professional consulting firms to prepare a 2nd round municipal service review (MSR) and sphere of influence (SOI) covering the 19 cities in Contra Costa County and four community services districts (CSDs) (see Scope of Services).

This work is to be completed in compliance with applicable California Government Code provisions (Attachment A) and Contra Costa LAFCO MSR guidelines (Attachment B).

An MSR is a comprehensive review of municipal services in a designated geographic area which provides information and evaluates the provision of services, and recommend actions when necessary, to promote the efficient provision of those services. MSRs are intended to serve as tools to help LAFCO, local agencies and the public better understand the municipal service structure and to develop information to update the SOIs of cities and special districts in the county.

LAFCO uses MSRs to highlight best practices for local agency transparency and public accountability, such as maintaining comprehensive financial records, preparing/submitting timely audits, adopting capital improvement and other long-range plans, evaluating agencies' performance, complying with legal requirements, such as the Brown Act, and customer outreach and education. MSRs have also been used to evaluate potential governance structure options for local agencies, such a consolidation, merger, and dissolution. LAFCO is not required to initiate boundary or governance changes based on MSRs; however, LAFCO, local agencies and the public may subsequently use the MSRs, together with additional research and analysis where necessary, to pursue changes in jurisdictional boundaries.

II. Background

In 1963, the State Legislature created LAFCOs to help direct and coordinate California's growth in a logical, efficient and orderly manner. Each of the 58 counties in California has a LAFCO. LAFCOs are charged with discouraging urban sprawl, encouraging orderly boundaries and formation of local agencies, preserving agricultural lands and open space, and regulating the extension of services outside jurisdictional boundaries.

In 2001, pursuant to the enactment of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("CKH Act"; Government Code §56000 et seq.), LAFCO acquired responsibility for preparing MSRs. On or before January 1, 2008, and every five years thereafter, LAFCO shall, as necessary, review and update the SOI for each local agency. In conjunction with the SOI updates, LAFCO shall prepare corresponding MSRs.

Contra Costa LAFCO is responsible for reviewing and updating SOIs for 94 local agencies in Contra Costa County (19 cities and 75 special districts). In 2013, Contra Costa LAFCO completed its inaugural MSR cycle, and is currently working on 2nd round reviews. All Contra Costa LAFCO MSRs are available online at http://www.conracostalafco.org/municipal_service_reviews.htm.

IV. Scope of Services

This project consists of reviewing the 19 cities in Contra Costa County and four CSDs. Municipal services covered in the MSR include the following:

- Animal control
- Broadband
- Building/planning
- Law enforcement
- Library
- Lighting
- Parks and recreation
- Solid waste
- Streets/roads
- Stormwater
- Utilities (gas, electric/
community choice
aggregation)

As proposed, the 2nd round city services MSR will focus on the following:

- ❖ Updating profile data including growth and population, jobs/housing, finances (expenses, revenues, debt, reserves, related fiscal indicators), and staffing
- ❖ Shared services (i.e., joint powers/joint use agreements, contracts between public agencies, public-private partnerships)
- ❖ Infill development/sprawl prevention/islands
- ❖ Agricultural/open space preservation

The CKH Act requires LAFCO to prepare an analysis of each service provider and a written statement of determinations with respect to each of the following:

- (1) Growth and population projections for the affected area.
- (2) The location and characteristics of any disadvantaged unincorporated communities within or contiguous to the SOI.
- (3) Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any disadvantaged, unincorporated communities within or contiguous to the SOI.
- (4) Financial ability of agencies to provide services.
- (5) Status of, and opportunities for, shared facilities.
- (6) Accountability for community service needs, including governmental structure and operational efficiencies.
- (7) Any other matter related to effective or efficient service delivery, as required by commission policy.

A draft scope of services is enclosed with this RFP (Attachment 2). A final scope of services will be negotiated with the firm selected to conduct these service reviews and will be included with the professional services agreement to be approved by LAFCO.

V. Budget

Proposals that demonstrate that the final product will meet the requirements of the CKH Act and provide useful information in a concise format at the lowest cost will be looked upon most favorably.

VI. Schedule

The schedule associated with this RFP is as follows:

RFP Issue Date	February 16, 2018
Proposals Due	March 23, 2018
Screening/Consultant Interviews	March 26 – April 6, 2017
Commission consideration of contract approval	April 18, 2018
Consultant work begins	May 1, 2018

VII. Proposal Requirements

Responses to this RFP must include all of the following:

1. Statement about the firm that describes history, competencies and resumes of the principal and of all professionals who will be involved in the work, including the following:
 - Management level understanding of how municipal services are financed and delivered
 - Familiarity with the CKH Act, the role and functions of LAFCOs, and the MSR process
 - Experience in governmental organization analysis, including performance measurement and evaluation
 - Ability to facilitate and synthesize input from a variety of sources
 - Ability to interpret varied financial, budget and planning documents
 - Experience with the public input process and presentation and dissemination of information to local agencies and the public for review and comment
 - Availability of all professionals who will be involved in the work, including any sub-consultants.
2. Identification of the lead professional responsible for the project and others who will be involved in the day-to-day work.
3. Identification of any sub-consultants who will be involved. If sub-consultants are proposed, describe the work they will perform and include the same information for each sub-consultant as required for items 1 and 2 above.
4. Description of the anticipated approach for this project, discussion of any suggested changes and/or additional details relating to the draft scope of services.
5. Statement of similar or related experience completed within the last three years and references for each such project, including contact name, address, phone number and email address.
6. An overall project schedule, including the timing of major work tasks.
7. Disclosure of potential conflicts of interest with local agencies in Contra Costa County.
8. Identification of any information, materials and/ or work assistance required from the Contra Costa LAFCO to complete the project.
9. The anticipated project cost, including:
 - a. A not-to-exceed total budget amount.
 - b. The cost and estimated work hours for each major work task identified in the draft scope of services.
 - c. The hourly rates for each person who will be involved in the work, including the rates for any sub-consultants.

VIII. Submittal Requirements

- One reproducible, unbound hard copy and one electronic copy in Adobe PDF format (disk) of the proposal shall be received no later than **4:00 p.m., on Friday, March 23, 2018**, at the Contra Costa LAFCO office, located at 651 Pine Street, 6th, Martinez, CA 94553 Attn: Executive Officer. No faxed or e-mailed proposals will be accepted. Proposals received after the deadline will not be considered. If delivery is to be in person, please call the LAFCO office at (925) 335-1094 to arrange a delivery time.
- Each proposal shall be submitted in a sealed envelope and marked with the title of the RFP.

- All proposals will become property of the Contra Costa LAFCO.
- Cost of preparation of proposals shall be borne by the proposers.
- Proposals shall be signed by an authorized employee or officer in order to receive consideration.
- Contra Costa LAFCO is not responsible for proposals delivered to a person/location other than that specified herein.
- LAFCO reserves the right to reject any and all proposals.

Summary of Insurance Requirements

Insurance Type	Coverage Limit
General Liability	\$1,000,000
Professional Liability	\$1,000,000
Motor Vehicle Liability	\$ 500,000
Employers' Liability	\$ 100,000
Workers' Compensation	Statutory

IX. Selection Process

Based on relevant work experience, the completeness of the responses, cost and the overall project approach identified in the proposals received, the most qualified firms will be invited, at their expense, for an interview with the selection committee. Tentatively, interviews will be scheduled for the week of April 2, 2018.

Following interviews, the most qualified firm will be selected and a proposed contract for services, including budget, schedule and scope of services will be negotiated. Final selection will be made by LAFCO by approving a contract for services. Action by the Contra Costa LAFCO on a proposed contract is tentatively scheduled for Wednesday, April 18, 2018.

X. LAFCO Contact

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

Phone: (925) 335-1094
 Email: LouAnn.Teixeira@lafco.cccounty.us

XI. Attachments

1. California Government Code sections relating to MSRs and SOI updates (Attachment A)
2. Contra Costa LAFCO MSR Guidelines (Attachment B)
3. Draft Scope of Services (Attachment 2)

XII. Reference Information

For general information about the Contra Costa LAFCO, including previously completed MSRs, please visit our website: www.contracostalafco.org

ATTACHMENT A – Relevant California Government Code Sections

56430

(a) In order to prepare and to update spheres of influence in accordance with Section 56425, the commission shall conduct a service review of the municipal services provided in the county or other appropriate area designated by the commission. The commission shall include in the area designated for service review the county, the region, the subregion, or any other geographic area as is appropriate for an analysis of the service or services to be reviewed, and shall prepare a written statement of its determinations with respect to each of the following:

- (1) Growth and population projections for the affected area.
- (2) The location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere of influence.
- (3) Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any disadvantaged, unincorporated communities within or contiguous to the sphere of influence.
- (4) Financial ability of agencies to provide services.
- (5) Status of, and opportunities for, shared facilities.
- (6) Accountability for community service needs, including governmental structure and operational efficiencies.
- (7) Any other matter related to effective or efficient service delivery, as required by commission policy.

(b) In conducting a service review, the commission shall comprehensively review all of the agencies that provide the identified service or services within the designated geographic area. The commission may assess various alternatives for improving efficiency and affordability of infrastructure and service delivery within and contiguous to the sphere of influence, including, but not limited to, the consolidation of governmental agencies.

(c) In conducting a service review, the commission may include a review of whether the agencies under review, including any public water system as defined in Section 116275, are in compliance with the California Safe Drinking Water Act (Chapter 4 (commencing with Section 116270) of Part 12 of Division 104 of the Health and Safety Code). A public water system may satisfy any request for information as to compliance with that act by submission of the consumer confidence of water quality report prepared by the public water system as provided by Section 116470 of the Health and Safety Code.

(d) The commission may request information, as part of a service review under this section, from identified public or private entities that provide wholesale or retail supply of drinking water, including mutual water companies formed pursuant to Part 7 (commencing with Section 14300) of Division 3 of Title 1 of the Corporations Code, and private utilities, as defined in Section 1502 of the Public Utilities Code.

(e) The commission shall conduct a service review before, or in conjunction with, but no later than the time it is considering an action to establish a sphere of influence in accordance with Section 56425 or 56426.5 or to update a sphere of influence pursuant to Section 56425.

56425

(e) In determining the sphere of influence of each local agency, the commission shall consider and prepare a written statement of its determinations with respect to each of the following:

(1) The present and planned land uses in the area, including agricultural and open-space lands.

(2) The present and probable need for public facilities and services in the area.

(3) The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.

(4) The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.

(5) For an update of a sphere of influence of a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, that occurs pursuant to subdivision (g) on or after July 1, 2012, the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence.

(f) Upon determination of a sphere of influence, the commission shall adopt that sphere.

(g) On or before January 1, 2008, and every five years thereafter, the commission shall, as necessary, review and update each sphere of influence.

(h) In determining a sphere of influence, the commission may assess the feasibility of governmental reorganization of particular agencies and recommend reorganization of those agencies when reorganization is found to be feasible and if reorganization will further the goals of orderly development and efficient and affordable service delivery. The commission shall make all reasonable efforts to ensure wide public dissemination of the recommendations.

(i) When adopting, amending, or updating a sphere of influence for a special district, the commission shall establish the nature, location, and extent of any functions or classes of services provided by existing districts.

ATTACHMENT B – Contra Costa LAFCO Municipal Service Review Guidelines

- 1) Purpose - To provide guidance to the Contra Costa Local Agency Formation Commission in preparing and conducting municipal service reviews.
- 2) Background - Effective January 1, 2001, the CKH Act requires LAFCO to review municipal services. The requirement for Municipal Service Reviews (MSRs) is in response to the identified need of a more coordinated and efficient public service structure to support California's growth. The MSR provides LAFCO with a tool to comprehensively study existing and projected public service conditions and to evaluate organizational options for accommodating growth, preventing urban sprawl, and ensuring that critical services are efficiently and cost-effectively provided.
- 3) Goals and Objectives - LAFCOs are required to conduct MSRs and prepare written statements of determinations with respect to each of the following [§56430], as revised 1/1/11.
 - a) Growth and population projections for the affected area.
 - b) The location and characteristics of any disadvantaged unincorporated communities (DUCs) within or contiguous to the SOI.
 - c) Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any DUCs within or contiguous to the SOI.
 - d) Financial ability of agencies to provide services.
 - e) Status of, and opportunities for, shared facilities.
 - f) Accountability for community service needs, including governmental structure and operational efficiencies.
 - g) Any other matter related to effective or efficient service delivery, as required by Commission policy.

As part of the MSR, the Commission may assess various alternatives for improving efficiency and affordability of infrastructure and service delivery within and contiguous to the SOI, including, but not limited to, the consolidation of governmental agencies.

In conducting an MSR, the Commission may include a review of whether the agencies under review, including any public water system as defined in 56430, are in compliance with the California Safe Drinking Water Act. Further, the Commission may request information, as part of an MSR, from identified public or private entities that provide wholesale or retail supply of drinking water, including mutual water companies as defined in 56430.

The MSR process does not require LAFCO to initiate changes of organization based on service review findings; it only requires that LAFCO make determinations regarding the provision of public services per §56430. However, LAFCO, other local agencies and the public may subsequently use the information contained in the MSRs as a basis to pursue changes of organization or reorganization or sphere of influence amendments.

- 4) When Prepared - LAFCO will determine when MSR's are necessary. Generally, reviews will be prepared in conjunction with SOI studies or updates; however, MSR's may also be conducted independent of SOI updates based on a number of factors to be determined by the Commission. Such factors may include public health or safety issues, service provision issues associated with areas of potential growth or development, etc.

Minor amendments to a sphere of influence, as determined by LAFCO, will not require an MSR.

- 5) Services Addressed - MSR's will address identified services within the service review boundary of those agencies under LAFCO's jurisdiction and are associated with growth and development. Target services include, but are not limited to, water, sewer, drainage, libraries, roads, parks, healthcare, broadband (high-speed internet access and use), police, and fire protection. General government services such as courts, social services, human resources, treasury, tax collection and administrative services will not be included.

- 6) Agencies Included - Local agencies whose boundary changes are subject to LAFCO review, or are required to have an SOI, are subject to MSR's, and LAFCO shall encourage those local agencies to fully participate in the service review process. Services provided by other agencies (i.e., federal, state, private) may be included in the service review in order to provide a comprehensive overview of service and provide context.

- 7) Boundaries - LAFCO will determine the geographic boundaries and agencies that will be the subject of an MSR. Factors that may be considered in determining a service review boundary include, but are not limited to, existing city and special district jurisdictional and sphere boundaries; topography; geography; community boundaries; tax/assessment zones; infrastructure locations; transportation systems and roads; areas with shared facilities; areas with shared social and economic communities of interest; plus other factors as determined by LAFCO.

Service reviews may be conducted for a single agency, multiple agencies, on a sub-regional or countywide basis. An MSR may review services outside Contra Costa County, in conjunction with multi-county service providers (e.g., Byron Bethany Irrigation District, Dublin San Ramon Services District, East Bay Municipal Utility District, East Bay Regional Park District). Generally, multi-county MSR's will be prepared by the LAFCO of the principal county (§56066). Inter-agency coordination is encouraged.

- 8) Environmental Determination - The California Environmental Quality Act (CEQA) encourages the consideration of multiple related actions where appropriate. Whenever possible, LAFCO will work to streamline the MSR process by a) integrating SOI proposal processing and related CEQA processes with the MSR process; b) placing high priority on reviews of services affected by pending or anticipated proposals; c) working with city and county planners to identify areas where the short-term conduct of service reviews is needed to support orderly growth and development; and d) requesting that technical information needed for service reviews be included in the General, Specific and Master Service Plans of land use agencies and special districts.

Most MSRs will qualify for Categorical or Statutory Exemption under CEQA, as they are studies and are not typically accompanied by specific development proposals. Subsequent SOI actions may require additional environmental review.

9) Types of Service Reviews - Municipal Service Reviews will fall into two general categories:

- a) Routine reviews are anticipated to be uncomplicated and straightforward with few concerns about the adequacy of public services. Routine service reviews may be conducted for single agencies or for multiple agencies that provide similar services. The boundary of a routine service review may cover a sub-region, region or the County.
- b) Intensive reviews are anticipated to require detailed analysis of complex and controversial issues. An intensive MSR may result from a pending LAFCO proposal, or of service provision concerns otherwise identified by LAFCO.

10) Preparation

- a) The Commission will determine the priority, schedule, procedure and content for service reviews.
- b) LAFCO staff will provide a survey/questionnaire to the affected agency(ies) identified in the service review work plan.
- c) If needed, LAFCO may hold scoping meetings. All affected agencies, interested agencies and persons or entities requesting notice will receive a mailed notice.
- d) LAFCO staff will review submitted MSR information, coordinate and follow-up with the affected agencies.
- e) LAFCO will prepare or cause to be prepared a Draft MSR for circulation to affected agencies and other interested parties for review and comment.
- f) The Draft MSR will be considered at a public hearing, at which time the Commission may accept the report with or without modifications, adopt the required determinations, direct staff to prepare the Final MSR, and take other actions as appropriate.
- g) The cost associated with conducting the baseline MSRs will be incorporated in the annual LAFCO budget, and will be shared by the funding agencies. Agencies requiring a separate or expedited review will be required to fund the MSR.

11) Timing

On or before January 1, 2008, and every five years thereafter, the Commission shall, as necessary, review and update every sphere of influence [§56425(g)]. MSRs will be completed, as necessary, concurrent with SOI formations, updates or substantial amendments, but not less than every five years.

12) Factors for Analysis - As part of its review of municipal services, LAFCO must prepare a written statement of its determination with respect to the following factors. [§56430]

Determination 1: Growth and population projections for the affected area.

The efficient provision of public services is linked to an agency's ability to plan for future needs. Such factors as projected growth in and around the agency's service areas and impact of land use plans and growth patterns on service

demands may be reviewed. In making a determination on growth and population projections, LAFCO may consider an agency's ability to plan for future need.

Determination 2: *The location and characteristic of any DUCs within or contiguous to the SOI.*

Determination 3: *Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any DUCs within or contiguous to the SOI.*

The present and planned capacity of public facilities and services is linked to an agency's ability to plan for future needs, including infrastructure (e.g., water, sewer, fire, broadband, etc.). The term "infrastructure needs and deficiencies" refers to the status of existing and planned infrastructure and its relationship to the quality of levels of service that can or need to be provided. In making a determination on infrastructure needs or deficiencies, LAFCO may consider ways in which the agency has the ability and capacity to provide service. LAFCO shall consider service and infrastructure needs related to sewer, water and fire protection within a DUC as defined by LAFCO.

Determination 4: *Financial ability of agencies to provide services.*

LAFCOs must weigh a community's public service needs against the resources available to fund the services. In making a determination on the financial ability of an agency to provide services, LAFCO may review such factors as an agency's potential for shared financing and/or joint funding applications, cost avoidance opportunities, rate structures, and other fiscal constraints and opportunities.

Determination 5: *Status of, and opportunities for, shared facilities.*

If service providers develop strategies for sharing resources, public service costs may be reduced and service efficiencies increased. In making a determination on opportunities for shared facilities, LAFCO may consider if an agency's facilities are currently being utilized to capacity and whether efficiencies can be achieved by accommodating the facility needs of adjacent agencies.

Determination 6: *Accountability for community service needs, including governmental structure and operational efficiencies.*

The service review may include options to provide more logical service boundaries to the benefit of customers and regional planning goals and objectives. In making a determination on government structure, LAFCO may consider possible consolidations, mergers and/or reorganizations. The service review may also consider the agency's management efficiencies in terms of operations and practices in relation to the agency's ability to meet current and future service demands.

Determination 7: *Any other matter related to effective or efficient service delivery, as required by Commission policy.*

Attachment 2
REQUEST FOR PROPOSALS
2nd Round “City Services” Municipal Service Review
DRAFT SCOPE OF SERVICES

Contra Costa LAFCO will conduct a 2nd round municipal service review (MSR) and sphere of influence (SOI) updates of “*city services*” covering 19 cities and four community services districts (CSDs). Contra Costa LAFCO completed its inaugural review of these services in 2008-09. All MSR reports are available online at www.contracostalafco.org.

The geographic area for this MSR is all of Contra Costa County. Municipal service providers, including the 19 cities and four CSDs, will be the primary focus of the MSR. Upon completion of the MSR, LAFCO will update the spheres of influence (SOIs) for the cities and CSDs, as necessary.

OTHER AGENCIES

Other agencies that provide “*city services*” such as private and other entities may also be included in the MSR to the extent necessary to establish relationships, quantify services and provide a comprehensive overview of services countywide.

Background

California Government Code §56430 requires LAFCO to conduct MSRs in order to develop information for updating SOIs. The statute requires LAFCO to prepare and adopt a written determination relating to each of the following:

- (1) Growth and population projections for the affected area
- (2) The location and characteristics of any disadvantaged unincorporated communities (DUCs) within or contiguous to the SOI
- (3) Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any DUCs within or contiguous to the SOI
- (4) Financial ability of agencies to provide services
- (5) Status of, and opportunities for, shared facilities
- (6) Accountability for community service needs, including governmental structure and operational efficiencies
- (7) Any other matter related to effective or efficient service delivery, as required by commission policy

LAFCO staff will provide information concerning the location of DUCs. The MSR report will include recommended determinations for each local agency covered in the report.

California Government Code §56425 requires LAFCO, when determining an SOI, to prepare and adopt a written statement of determination for each local agency regarding the following:

1. The present and planned land uses in the area, including agricultural and open-space lands.
2. The present and probable need for public facilities and services in the area.
3. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.
4. The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.
5. For an update of an SOI of a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, that occurs pursuant to subdivision

(g) on or after July 1, 2012, the present and probable need for those public facilities and services of any DUCs within the existing SOI.

6. The nature, location, and extent of any functions or classes of services provided by existing districts.

The MSR will include recommended SOI determinations for each SOI update covered in the MSR report.

Focus Areas

The “city services” MSR will focus on the following:

- ❖ Updating profile data including growth and population, jobs/housing, finances (expenses, revenues, debt, reserves, related fiscal health indicators), and staffing
- ❖ Shared services (i.e., joint powers/joint use agreements, contracts between public agencies, public-private partnerships)
- ❖ Infill development/sprawl prevention/islands
- ❖ Agricultural/open space preservation

Municipal services to be covered in the “city services” MSR will include those listed below. Water, wastewater, and fire/emergency medical services will not be reviewed as they were covered in recent 2nd round MSRs.

- Animal control
- Broadband
- Building/planning
- Law enforcement
- Library
- Lighting
- Parks & recreation
- Solid waste
- Streets/roads
- Stormwater
- Utilities (gas, electricity/community choice aggregation)

Service Review Task Overview

The “city services” MSR will be conducted in accordance with the California Government Code and local LAFCO guidelines. Preparation of the MSR will include the following steps, although other activities may be necessary:

1. Data Collection and Review

- Work with LAFCO staff to identify appropriate criteria to be used in service review
- Work with LAFCO staff to develop and distribute initial and supplemental requests for information (RFIs)
- Collect information through survey, research, interview, meetings and other appropriate means
- Compile information in a database or other appropriate format
- Verify compiled information with agencies

Timing and work products: On or before (insert deadline), Consultant shall deliver to LAFCO staff complete information for each agency

2. Administrative Draft MSR Report

- Following compilation and analysis of data, prepare an administrative draft MSR report that includes the following: table of contents, executive summary, agency profiles (i.e., population, services/programs, user info, budget/financial info, other relevant info) tables, graphs and

agency maps (mapping will be provided by LAFCO), quantitative and qualitative information relating to the MSR and SOI factors including discussion of critical issues facing service providers, recommended determinations per 56425 and 56430, governance/boundary options, and recommended SOI updates

- In conjunction with LAFCO staff, distribute administrative draft to the districts and the County for staff-to-staff review and comment
- Discuss/address comments with local agencies and LAFCO staff

Timing and work products: On or before (insert deadline), Consultant shall deliver to LAFCO staff administrative draft MSR

3. Public Review MSR Report

- Prepare a Public Review MSR report including updated information from Task 2
- In conjunction with LAFCO staff, distribute or make available the Public Review Draft to LAFCO, local agencies and the general public
- Present Public Review MSR report to LAFCO at a public hearing

Timing and work products: On or before (insert deadline), Consultant shall deliver to LAFCO a Public Review MSR (Word and PDF formatted versions)

4. Final MSR Report

- Prepare a Final MSR report incorporating written and oral comments for consideration by the Commission at a public hearing (prepare a comment log, if necessary)
- Present Final MSR report along with recommended determinations and SOI recommendations to LAFCO at a public hearing for adoption
- Based on direction from the Commission and LAFCO staff, and subsequent to the public hearing on the Final MSR report, finalize the MSR report for circulation and posting on the LAFCO website

Timing and work products: On or before (insert deadline), Consultant shall deliver to LAFCO a MS Word formatted and PDF formatted version of the Final MSR report

In accordance with the work plan, Consultant is expected to:

- Conduct the service review process in a collaborative fashion with opportunities for input and review by each of the agencies being reviewed.
- Encourage public participation in the service review process.
- Conduct the required analysis in the most cost-effective manner possible.
- Utilize information that is currently available, including prior LAFCO MSRs, city and county general and specific plans, local agency financial reports, budgets, and related information.
- Create a product that will be useful to the Commission in reviewing and updating SOIs and future proposals for changes of organization, beneficial to agencies as a planning tool, and readily accessible to, and easily understandable by, the general public.



Lou Ann Teixeira
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

Tom Butt
City Member

Stanley Caldwell
Special District Member

VACANT
Public Member

February 14, 2018
Agenda Item 9

February 14, 2018 (Agenda)

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

Request to Transfer Principal County Responsibility from Alameda LAFCO to Contra Costa LAFCO – Chang Property Development – Proposed Sphere of Influence Amendments and Corresponding Boundary Changes

Dear Members of the Commission:

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

The CKH (i.e., §§56123, 56124, 56387, 56388) provides a mechanism to transfer jurisdiction over such proposals to a commission other than the commission of the principal county. In order to transfer exclusive jurisdiction over a change of organization, the commission of the principal county must agree to relinquish jurisdiction and designate a specific commission to assume jurisdiction. The commission so designated must agree to assume exclusive jurisdiction.

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

On February 1, 2018, Contra Costa LAFCO received correspondence from the landowner and her representative to amend the SOIs of the Central Contra Costa Sanitary District (CCCSD) and the East Bay Municipal Utility District (EBMUD), and amend the service boundaries of the City of San Ramon, CCCSD, EBMUD and County Service Area P-6 (Attachment 1).

The site is located at the northwest corner of the Bollinger Canyon Road and Crow Canyon Road intersection. The LAFCO application will cover a 16± acre residential development, 2± acre

neighborhood park areas, and adjacent properties, all of which are located within the City's Urban Growth Boundary and within the City's Northwest Specific Plan area. The adopted Alameda and Contra Costa LAFCO procedures provide for an initial review and consultation by the LAFCO Executive Officers. The Executive Officers have consulted and concluded that transferring jurisdiction for this proposal would greatly simplify processing.

RECOMMENDATION – It is recommended that Contra Costa LAFCO agree to assume exclusive jurisdiction for this proposal, and authorize LAFCO staff to send a letter (Attachment 2) to Alameda LAFCO requesting a transfer of jurisdiction in conjunction with this proposal.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

Attached – Draft Letter to Alameda LAFCO Requesting Transfer of Jurisdiction

c: Joni Pattillo, Interim Executive Officer, Alameda LAFCO
Andrew Lee, EBMUD
Russ Leavitt, CCCSD
Vicky Chang, Landowner
Nadia L. Costa, Landowner Representative
David Bowlby, Landowner Agent



Lou Ann Teixeira
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
- Tom Butt**
City Member
- Stanley Caldwell**
Special District Member
- VACANT**
Public Member

February 14, 2018

Joni Pattillo, Interim Executive Officer
Alameda LAFCO
1221 Oak Street, Room 555
Oakland, CA 94612

Dear Ms. Pattillo:

Contra Costa LAFCO recently received a proposal involving the annexation of 20± acres to the City of San Ramon, the Central Contra Costa Sanitary District (CCCSD) and the East Bay Municipal Utility District (EBMUD), along with associated sphere of influence amendments (Chang Property Development).

The project site is located adjacent to the City of San Ramon’s boundary at the intersection of Bollinger Canyon Road and Crow Canyon Road. The project consists of the development of 43 single family homes and up to 18 second dwelling units, along with related infrastructure and improvements including roadways, landscaping and utilities; and dedicated of open space/passive parkland.

Since Alameda is the principal county for EBMUD, this is a formal request, pursuant to Government Code §§56387 and 56388 and our *Procedures for Processing Multi-County Changes of Organization or Reorganization – Alameda and Contra Costa LAFCOs*, that Alameda LAFCO grant exclusive jurisdiction to Contra Costa LAFCO for the boundary changes and SOI amendments. This request for transfer of jurisdiction was approved by the Contra Costa LAFCO on February 14, 2018, at which time the Commission agreed to assume exclusive jurisdiction for the proposed boundary changes and SOI amendments subject to Alameda LAFCO’s approval of a transfer of jurisdiction.

We have enclosed a check for the transfer of jurisdiction, and respectfully request that this matter be placed on your March 8, 2018 LAFCO agenda for consideration. Please contact me if you have any questions. Thank you for your assistance.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

- c: Vicky Chang, Landowner
- Cindy Yee, City of San Ramon
- Andrew Lee, EBMUD
- Russ Leavitt, CCCSD
- Nadia L. Costa, Landowner Representative
- David Bowlby, Landowner Agent



**MILLER STARR
REGALIA**

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www.msrlgal.com

Nadia L. Costa
Direct Dial: 925 941 3235
nadia.costa@msrlgal.com

February 1, 2018

VIA U.S. MAIL AND E-MAIL at LouAnn.Texeira@lafco.cccounty.us

Attn: Lou Ann Texeira
Executive Officer
Contra Costa County
Local Agency Formation Commission
651 Pine Street, 6th Floor
Martinez, CA 94553

Re: Transfer Request: Chang Property Reorganization

Dear Lou Ann:

This office represents Hsientein Project Inv. LLC, owner of the Chang Property (APN: 208-240-039) ("Project Site"), located in unincorporated Contra Costa County and adjacent to the municipal boundaries of the City of San Ramon ("City"). As you know, the City recently approved a plan to develop 43 single-family homes and related improvements ("Project") on a small portion of the Project Site, consistent with the City's General Plan and the Northwest Specific Plan.

As the property owner of the Project Site, our client intends to seek annexation of this small portion of the Project Site into the City of San Ramon, as well as the relevant utility districts (EBMUD and CCCSD), along with the required sphere amendments to EBMUD and CCCSD. In addition to this proposed annexation to allow for development of the Project, the reorganization proposal will include two additional small parcels in order to avoid the creation of islands. The Proposed Annexation Area is shown as Exhibit A in the enclosed Petition.

However, because an annexation to EBMUD is involved, we are seeking a jurisdictional transfer from Alameda LAFCO to Contra Costa LAFCO pursuant to Government Code sections 56375 and 56700. To that end, please find enclosed (1) the Landowner Annexation Petition and (2) maps of the existing agency boundaries and spheres (Exhibit B to the Petition) as well as the proposed boundary changes and related sphere amendments (Exhibit A to the Petition), for purposes of processing this request.

Please let us know if you have any questions or concerns or if you need additional information to proceed with this transfer request. We look forward to working with

Lou Ann Texeria
February 1, 2018
Page 2

you on this matter, and are hopeful that you will present this request at Contra Costa LAFCO's February Commission meeting.

Very truly yours,

MILLER STARR REGALIA


Nadia L. Costa

NLC/SGR/sls
Enclosures

cc: Vicky Chang
David Bowlby
Debbie Chamberlain, City of San Ramon
Cindy Yee, City of San Ramon

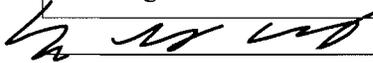
A LANDOWNER PETITION
INITIATING PROCEEDINGS FOR A REORGANIZATION

The undersigned, by its signature hereon, petition the Contra Costa Local Agency Formation Commission for approval of a proposed reorganization proposal and stipulate as follows:

1. This proposal is made, and it is requested that proceedings be taken, pursuant to the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000, commencing with section 56000 of the California Government Code.
2. This proposal consists of the following: annexation of the Proposed Annexation Area (as defined below) into the City of San Ramon, the East Bay Municipal Utility District (EBMUD) and Central Contra Costa Sanitary District (CCCSD), along with the required sphere amendment(s) of EBMUD and CCCSD.
3. A description of the boundaries and a map of the affected territory are set forth in attached Exhibit A (Proposed Annexation Area). For ease of reference, please also find attached an additional map showing the existing boundaries as these relate to the relevant area (Exhibit B).
4. It is desired that the proposal not be subject to any terms or conditions.
5. The reason for this proposal is to allow for the development of the Project, consisting of 43 single-family homes and related improvements, which will implement relevant provisions of the City of San Ramon General Plan and the Northwest Specific Plan. Additional information regarding the justification for the proposal will be submitted to Contra Costa LAFCO under separate cover.
6. The proposal is not consistent with the current Spheres of Influence of EBMUD and CCCSD, and therefore related sphere amendments are hereby requested to be processed concurrently.
7. The person signing this petition has signed as the landowner.
8. The following person is designated as the chief petitioner to receive copies of the notice of hearing and the Executive Officer's Report on this proposal at the addresses

shown: Attn: David Bowlby (Agent of Landowner), David Bowlby & Associates, 3000 F Danville Blvd. #409, Alamo, CA 94507

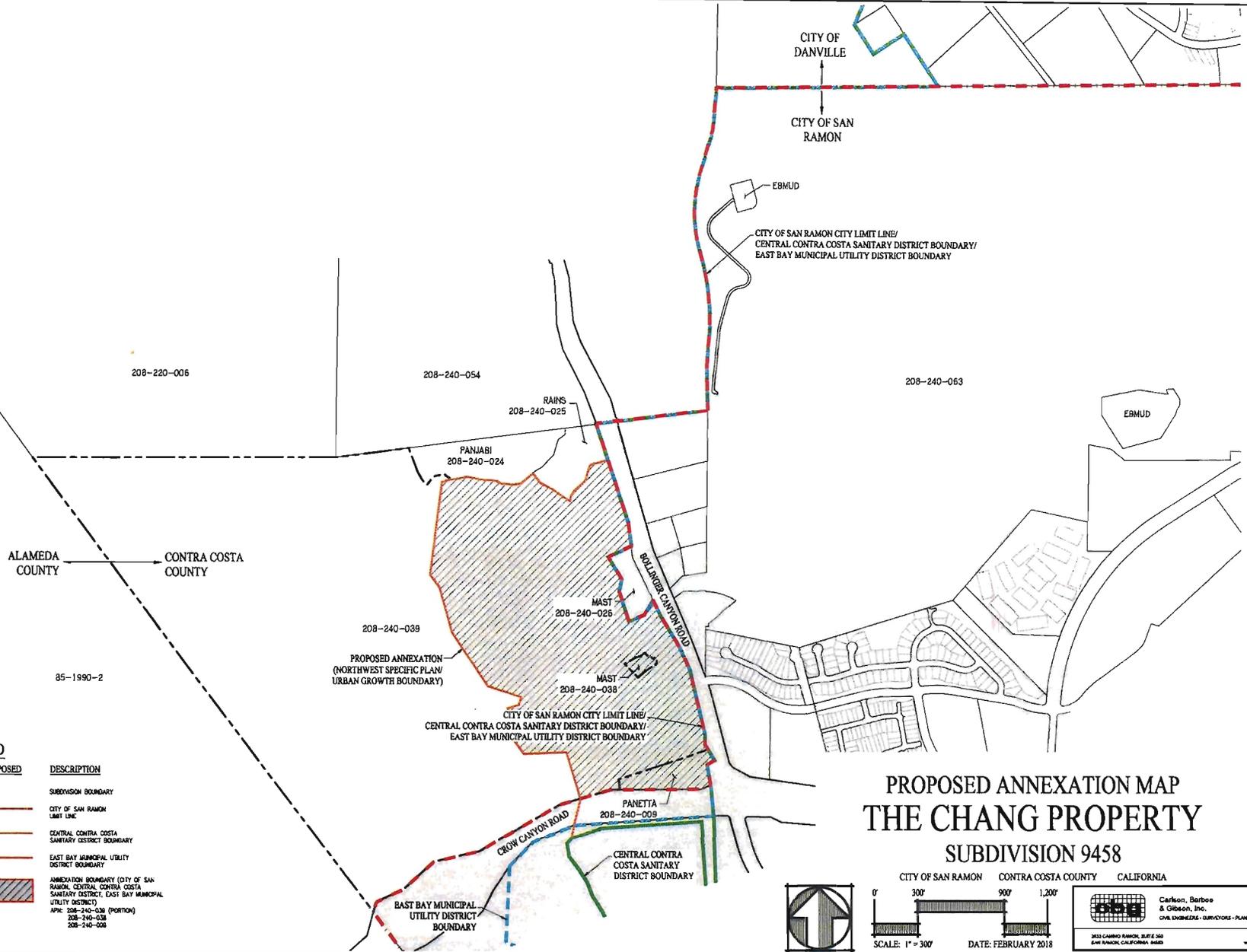
Wherefore, the petitioner herewith affixes her signature as follows:

Signature and date	Print and sign Name	Identification*
	Vicky Chang	APN: 208-240-039

* For registered voters, this means the residential address of the petitioner; for landowners, it means identification of the land owned.

Reference: Government Code Section 56700

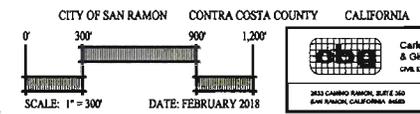
Exhibit A



LEGEND

EXISTING	PROPOSED	DESCRIPTION
---	---	SUBDIVISION BOUNDARY
---	---	CITY OF SAN RAMON LIMIT LINE
---	---	CENTRAL CONTRA COSTA SANITARY DISTRICT BOUNDARY
---	---	EAST BAY MUNICIPAL UTILITY DISTRICT BOUNDARY
[Hatched Box]	[Hatched Box]	ANNEXATION BOUNDARY (CITY OF SAN RAMON, CENTRAL CONTRA COSTA SANITARY DISTRICT, EAST BAY MUNICIPAL UTILITY DISTRICT) APR: 208-240-038 (PORTION) 208-240-038 208-240-008

PROPOSED ANNEXATION MAP THE CHANG PROPERTY SUBDIVISION 9458



Carlson, Berbee & Olson, Inc.
CIVIL ENGINEERS - SURVEYORS - PLANNERS

3633 CAMINO RAMON, SUITE 200
SAN RAMON, CALIFORNIA 94583

925.886.0222
www.carlsonberbee.com

01113AC02-ANEXATION-ANNEXATION CHANG.PDF

**CONTRA COSTA
LOCAL AGENCY FORMATION COMMISSION**

Notice of Intent to Circulate Petition

Government Code § 56700.4(a) - Before circulating any petition for change of organization, the proponent shall file with the Executive Officer a notice of intention that shall include the name and mailing address of the proponent and a written statement, not to exceed 500 words in length, setting forth the reasons for the proposal. The notice shall be signed by a representative of the proponent. (b) After the filing required pursuant to subdivision (a), the petition may be circulated for signatures.

NAME AND ADDRESS OF PROPONENT: Vicky Chang, Hsientein Project Inv., LLC, 451 West Le Roy Avenue, Arcadia, CA 91007

NOTICE IS HEREBY GIVEN OF THE INTENTION TO CIRCULATE A PETITION PROPOSING TO: annex property into the City of San Ramon, the East Bay Municipal Utility District (EBMUD) and Central Contra Costa Sanitary District (CCCSD), along with any required sphere amendment(s).

THE REASONS FOR THE PROPOSAL ARE: to allow for the development of the Project, consisting of 43 single-family homes and related improvements, which will implement relevant provisions of the City of San Ramon General Plan and the Northwest Specific Plan.



SIGNED BY: _____

DATE: Feb 1 2018

Before circulating a petition, file this notice with the Executive Officer, Contra Costa LAFCO, 651 Pine Street, Sixth Floor, Martinez, CA 94553. (925) 335-1094



AGENDA

February 14, 2018
Agenda Item 10

RETIREMENT BOARD MEETING

SECOND MONTHLY MEETING
January 24, 2018
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 December 13, 2017 meeting.

CLOSED SESSION

4. The Board will go into closed session pursuant to Govt. Code Section 54956.9(d)(1) to confer with legal counsel regarding pending litigation:
 - a. *Marianne Irvin v. CCCERA, et al.*, Contra Costa County Superior Court, Case No. CIV MSN15-1024

OPEN SESSION

5. Consider and take possible action to adopt a cost-of-living increase for retirees as of April 1, 2018.
6. Educational Presentation on Asset Allocation.
7. Report from Audit Committee Chair on December 13, 2017 Audit Committee meeting.
8. Consider authorizing the attendance of Board:
 - a. CALAPRS Trustees' Round Table, February 2, 2018, Glendale, CA.
9. 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.

CALAFCO Daily Legislative Report as of Wednesday, February 07, 2018

February 14, 2018
Agenda Item 12a

1

[AB 272](#) ([Gipson D](#)) **Water utility service: sale of water utility property by a city.**

Current Text: Amended: 1/10/2018 [html](#) [pdf](#)

Introduced: 2/1/2017

Last Amended: 1/10/2018

Status: 1/20/2018-Failed Deadline pursuant to Rule 61(b)(2). (Last location was APPR. SUSPENSE FILE on 1/18/2018)

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

Summary:

Would permit a city that owns and operates a public utility for furnishing water service to sell the public utility for the purpose of consolidating its public water system with another public water system pursuant to the procedures that are generally applicable to the sale of real property by a city, only if the potentially subsumed water system is wholly within the boundaries of the city, if the city determines that it is uneconomical and not in the public interest to own and operate the public utility and if certain requirements are met.

Position: Watch

Subject: LAFCo Administration, Water

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

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

Introduced: 12/5/2016

Status: 1/20/2018-Failed Deadline pursuant to Rule 61(b)(2). (Last location was APPR. SUSPENSE FILE on 5/25/2017)

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

Summary:

Beginning with the 2004–05 fiscal year and for each fiscal year thereafter, 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 778](#) ([Hertzberg D](#)) **Water systems: consolidations: administrative and managerial services.**

Current Text: Amended: 7/13/2017 [html](#) [pdf](#)

Introduced: 2/17/2017

Last Amended: 7/13/2017

Status: 9/1/2017-Failed Deadline pursuant to Rule 61(a)(12). (Last location was APPR. on 8/23/2017)(May be acted upon Jan 2018)

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

Summary:

Would require, on or before March 1, 2018, and regularly thereafter, as specified, the State Water Resources Control Board to track and publish on its Internet Web site an analysis of all voluntary and ordered consolidations of water systems that have occurred on or after July 1, 2014. The bill would require the published information to include the resulting outcomes of the consolidations and whether the consolidations have succeeded or failed in providing an adequate supply of safe drinking water to the communities served by the consolidated water systems.

Position: Watch

Subject: Municipal Services

3

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

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

Introduced: 2/1/2017

Status: 1/20/2018-Failed Deadline pursuant to Rule 61(b)(2). (Last location was PRINT on 2/1/2017)

Dead	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 [html](#) [pdf](#)

Introduced: 2/14/2017

Last Amended: 4/4/2017

Status: 1/13/2018-Failed Deadline pursuant to Rule 61(b)(1). (Last location was TRANS. on 3/23/2017)

Desk	Dead	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: According to the author's office, they are not moving forward with this bill.

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

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

Introduced: 2/14/2017

Last Amended: 3/9/2017

Status: 1/13/2018-Failed Deadline pursuant to Rule 61(b)(1). (Last location was E.S. & T.M. on 3/13/2017)

Desk	Dead	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: According to the author's office, the member will not be moving this bill forward.

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

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

Introduced: 2/14/2017

Status: 1/20/2018-Failed Deadline pursuant to Rule 61(b)(2). (Last location was L. GOV. on 3/2/2017)

Desk	Dead	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 [html](#) [pdf](#)

Introduced: 2/16/2017

Last Amended: 3/23/2017

Status: 1/20/2018-Failed Deadline pursuant to Rule 61(b)(2). (Last location was L. GOV. on 3/23/2017)

Desk	Dead	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: In place of this bill, AB 1361 (Garcia) was passed and signed in 2017.

AB 1889 (Caballero D) Santa Clara Valley Water District.

Current Text: Introduced: 1/18/2018 [html](#) [pdf](#)

Introduced: 1/18/2018

Status: 2/5/2018-Referred to Com. on L. GOV.

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

Summary:

The Santa Clara Valley Water District Act authorizes the district to impose special taxes at minimum rates according to land use category and size. The district act authorizes the district to provide an exemption from these taxes for residential parcels owned and occupied by one or more taxpayers who are at least 65 years of age, or who qualify as totally disabled, if the household income is less than an amount approved by the voters of the district. This bill would authorize the district to require a taxpayer seeking an exemption from these special taxes to verify his or her age, disability status, or household income, as prescribed. The bill would authorize the board of directors of the district to provide the exemption.

Position: Watch

AB 2019 (Aguiar-Curry D) Health care districts.

Current Text: Introduced: 2/5/2018 [html](#) [pdf](#)

Introduced: 2/5/2018

Status: 2/6/2018-From printer. May be heard in committee March 8.

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

Summary:

Current law authorizes local health care districts to exercise specified powers, including purchasing and using property for the benefit of the district and exercising the power of eminent domain to acquire real or personal property necessary to the exercise of the district's powers. Current law authorizes a district to include incorporated or unincorporated territory, or both, or territory in one or more counties, subject to specified limitations. This bill would make technical, nonsubstantive changes to a provision of the Local Health Care District Law.

Position: Watch

SB 435 (Dodd D) Williamson Act: payments to local governments.

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

Introduced: 2/15/2017

Last Amended: 5/2/2017

Status: 2/1/2018-Returned to Secretary of Senate pursuant to Joint Rule 56.

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: 1/3/2018 [html](#) [pdf](#)

Introduced: 2/16/2017

Last Amended: 1/3/2018

Status: 1/30/2018-In Assembly. Read first time. Held at Desk.

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

Summary:

Current law provides for the formation of local health care districts and specifies district powers. Under existing law, the elective officers of a local health care 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 561](#) (Gaines R) Fallen Leaf Lake Community Services District: elections.

Current Text: Amended: 1/23/2018 [html](#) [pdf](#)

Introduced: 2/17/2017

Last Amended: 1/23/2018

Status: 1/30/2018-Read third time. Passed. (Ayes 36. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.

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

Summary:

Under current law, the Fallen Leaf Lake Community Services District is a resident voting district. This bill, notwithstanding existing law, would provide that voters who are residents of the district, and voters who are not residents but either own a real property interest in the district or have been designated by the owner of a real property interest to cast the vote for that property, may vote in a district election in the Fallen Leaf Lake Community Services District.

Position: Watch

Subject: Special Districts Governance

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

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

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 922](#) (Nguyen R) Local government: planning.

Current Text: Introduced: 1/23/2018 [html](#) [pdf](#)

Introduced: 1/23/2018

Status: 2/1/2018-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, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, makes certain findings and declarations relating to local government organizations, including, among other things, the encouragement of orderly growth and development, and the logical formation and modification of the boundaries of local agencies, as specified. This bill would make nonsubstantive changes to these findings and declarations.

Position: Watch

Subject: LAFCo Administration

CALAFCO Comments: This is a spot bill. CALAFCO will watch.

Total Measures: 15

Total Tracking Forms: 15

2/7/2018 11:04:09 AM

**CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
PENDING PROPOSALS – FEBRUARY 14, 2018**

February 14, 2018
Agenda Item 12b

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 detachments from County Service Areas (CSAs) L-100 and P-6 – proposed boundary reorganization of 0.12+ acre (one parcel) on Sierra Avenue	Jan 2017	Currently incomplete
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	Currently incomplete
2415 Donald Avenue Annexation to City of Martinez and corresponding detachments from CSAs L-100 and P-6 – proposed boundary reorganization of 0.10 acre (APN 378-091-007) located on Donald Avenue	Sept 2017	Under review
39 Kirkpatrick Drive Annexation to WCWD – proposed annexation of 0.73± acre (APN 430-161-021) in unincorporated El Sobrante near Argyle Road and Appian Way	Oct 2017	Under review
Plaza Drive Annexation to City of Martinez and corresponding detachments from CSAs L-100 and P-6 – proposed boundary reorganization of 0.32 acres (APN 375-311-028) located on Plaza Drive	Nov 2017	Under review
Dissolution of Los Medanos Community Healthcare District	Nov 2017	Under review
Bay Point Regional Shoreline Annexation to Delta Diablo	Dec 2017	Under review
Delta Diablo SOI Amendment (Bay Point Regional Shoreline)	Dec 2017	Under review
West County Wastewater District (WCWD) Annexation 318 (Hillside Dr & Castro Ranch Rd) – proposed annexation of 1.68± acres (APN 433-110-015) located at 5917 Hillside Drive	Jan 2018	Under review

NORTH RICHMOND ANNEXATION COULD RAISE TAXES \$700 ANNUALLY

Author: *East Bay Times Editorial Board*

Richmond officials should slow their push to annex the unincorporated community of North Richmond to ensure that current and prospective new city residents understand the full costs and benefits.

If Richmond were to bring the territory into its city limits, it would provide municipal services such as fire, police, building and planning that are currently performed by Contra Costa County.

The annexation process will eventually provide North Richmond residents an opportunity to nix the deal if they don't like it. So it's important they fully understand it.

There are sound public safety reasons for annexation. The 900-acre unincorporated community currently receives substandard police services from the county sheriff's department.

But there are significant costs. Richmond leaders burden their residents with higher taxes while failing to responsibly pay off city debts.

If North Richmond residents agree to join the city, many could end up paying roughly \$700 a year in higher taxes and fees, give up some home equity and take on part of Richmond's half-billion dollar debt for city worker retirement benefits.

Current city residents would be affected too. A consultant's financial projections show that, at first, annexation would require the city to spend \$2.2 million more annually providing services to North Richmond than it would receive in additional taxes.

That projection relies on assumptions about how Richmond and Contra Costa would split property tax revenues currently going to the county. Before proceeding, they should resolve that issue. It's critical to realistic financial analyses.

Meanwhile, the push by Councilman Jael Myrick to complete the annexation in time for North Richmond residents to participate in next year's city election is unrealistic and unnecessary. If North Richmond residents feel annexation was rushed, bitterness will linger for generations.

North Richmond is an island of unincorporated land surrounded by Richmond and San Francisco Bay. About one-third of its residents live below the poverty level.

They deserve better law enforcement. It's logistically difficult for the county sheriff's office to serve the isolated area. It makes more sense for the adjoining city to provide police.

But North Richmond residents should understand the additional costs of joining the city:

- A special pension tax to partially fund city worker retirement costs would add \$350 a year to the property tax bill of a house assessed at \$250,000.
- City taxes on utility, telephone and cell phone bills would add about \$220 a year to bills totaling \$200 a month. Cable TV bills would increase by \$90 a year for someone with a \$150 monthly bill. And garbage fees would rise nearly \$40 a year.
- The city's higher property transfer tax would siphon an additional \$1,750 from the proceeds of a \$250,000 sale, effectively reducing the equity in a home.

North Richmond residents would also take on part of the city's \$500 million debt for its underfunded city employee pension and retiree health programs. Paying that debt will require future tax increases or municipal service reductions.

There's a lot to consider. For that, residents deserve complete information. Right now, they don't have it.

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McClatchy DC Bureau

Utilities celebrate Trump's tax cuts, but will customers benefit?

By Stuart Leavenworth

sleavenworth@mcclatchydc.com

January 09, 2018 05:54 PM

WASHINGTON

The tax cut just signed into law by President Trump will be a boon to the nation's utilities, but will their customers share in the good fortune?

Utilities from California to Florida are seeing their expenses drop dramatically with the GOP tax overhaul, which could save these regulated electric, gas and water utilities billions of dollars each year. But some state regulators nationwide have been slow to recognize this potential windfall and ensure that consumers also benefit — either with a reduction in rates or a mandate for utilities to invest more in safety measures, such as replacing aging gas pipelines.

Massachusetts, Kentucky, Oklahoma and Montana are some of the states that have seized on the new law to demand that utilities reduce charges to consumers, forgo planned rate increases, or at the least, keep track of the reduced expenses they are enjoying. But industry observers say many states have yet to respond.

“There's a real need here for states to act, and act quickly,” said David J. Hayes, a former Interior Department official who now directs the [State Energy and Environmental Impact Center](#), a group that works with state attorneys general on regulatory issues. “The argument for tax reform is that a lot of these savings would trickle down to ordinary Americans. In this case, that is a big question mark.”

One challenge is the complexity of the 503-page tax bill that President Trump signed into law on Dec. 22. The law reduces the corporate tax rate from 35 percent to 21 percent but also includes numerous other provisions that affect utilities, including tax credits that the industry lobbied heavily to retain.

No one knows how much savings the new law will produce for utilities, but the figure is sure to reach several billions of dollars.

Utilities are now trying to determine how the law will affect them individually, said Eric Grey, senior director of government relations for the Edison Electric Institute, a group that represents more than 300 electric companies and suppliers.

“This new law is super complex,” Grey said. “All of our companies are digesting it right now, working with their accountants and seeing how it applies to their financial situation.” Some have already started conversations with state regulators, he added.

States are not the only entities with a role in regulating utility profits. The Federal Energy Regulatory Commission (FERC) regulates natural gas pipelines and electricity transmission lines that cross state lines, and it sets the rates these monopolies can charge customers. Those customers are now paying charges based on pipeline and transmission companies paying a 35 percent corporate tax, instead of 21 percent. Some groups are frustrated FERC hasn’t moved quickly to reduce those charges.

The American Public Gas Association, which represents 1,000 communities that own their own gas system, wrote FERC a Jan. 3 letter protesting that its members continue to pay “unjust and unreasonable” rates. The association’s CEO and president, Bert Kalisch, urged FERC to promptly reduce the rates in response to the new law. FERC did not immediately respond for comment.

Massachusetts is one state that has moved aggressively after passage of the new tax law. In December, Massachusetts Attorney General Maura Healey asked the state Department of Public Utilities to recalculate rate hikes that the DPU had granted a month earlier to [Eversource](#), an electric and gas utility in three northeastern states. Eversource [responded by pledging](#) to pass on almost \$56 million in savings from the new tax bill to its 1.4 million customers in Massachusetts.

Oklahoma Attorney General Mike Hunter has also called for “[an immediate reduction in customer rates](#)” for that state’s regulated utilities. In Kentucky, the Public Service Commission [ordered utilities to start tracking](#) their savings from the new law just five days after Trump signed it.

In Florida, the Public Services Commission is taking a slower approach. “The Florida PSC is currently studying the law to establish an appropriate course of action,” spokeswoman Cindy Muir said in an email. The new law has prompted Florida Power & Light to [hold off on asking regulators](#) for approval to recoup [\\$1.3 billion in costs](#) incurred from Hurricane Irma. Muir said the utility delayed that decision on its own, not because of a request from the PSC.

Ben Wilcox, director of the watchdog organization [Integrity Florida](#), said his group will be watching the state’s investor-owned utilities to see what kind of hurricane cost recovery they request, given the new tax law. In October, Integrity Florida [released a report](#) accusing the state PSC of being a “captured” agency of the big utilities, a charge that commission leaders [have rejected](#).

California is home to numerous investor-owned utilities, ranging from Pacific Gas & Electric to private water companies. Terrie Prosper, a spokeswoman for the California Public Utilities Commission, said that all the state’s gas and electric utilities “are tracking the savings from the tax law changes and will be required to refund the savings to their customers.”

Normally, she said, the refunds would be made as part of a utility's next general rate case, a proceeding to address the costs of operating and maintaining a utility. "Given the size of the savings from these tax law changes, the CPUC may take action to refund the money to customers sooner," Prosper added.

Bob Finkelstein, general counsel for The Utility Reform Network, a San Francisco-based consumer group, said the CPUC appears to have mechanisms in place to track utility savings, and return those to ratepayers. His group estimates that one utility alone, Southern California Edison, will save \$100 million yearly from the new tax law.

Finkelstein said he wasn't surprised that some companies will need time to calculate their savings from the tax law, given its complexities. "This is one rare instance where I am sympathetic to utilities," he said.

While state regulators are under pressure to reduce rates, some may instead prod utilities to use tax-law savings to upgrade aging infrastructure. In California, for instance, watchdog groups want PG&E to invest more in gas pipeline safety following [the 2010 San Bruno gas pipeline disaster](#). More recently, there's been concern about the utility's [power lines blowing down](#) and causing wildfires.

Hayes, of the State Impact Center, said attorneys general can play roles to ensure that consumers, not just utility shareholders, benefit from the tax law. "We will be seeing how quickly the regulatory institutions can step up," he said. "Consumers should not be penalized by slow regulatory review of something that can put money in people's pockets."

Stuart Leavenworth: [202-383-6070](tel:202-383-6070), [@sleavenworth](https://twitter.com/sleavenworth)

East Bay Times

Pittsburg suggests public uses for lot slated to be sold to Seeno



Pittsburg Center is the first stop in the 10-mile eBART line, which will run from the Pittsburg-Bay Point BART station to Hillcrest Avenue station in Antioch. Pittsburg has been setting plans in motion to improve parking, biking and walking around the anticipated eBART station. (Aric Crabb/Bay Area News Group)

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

PUBLISHED: January 11, 2018 at 4:57 pm | UPDATED: **January 12, 2018** at 5:27 am

City staff are suggesting that two lots owned by the former redevelopment agency could be better used for BART and city transit goals as opposed to being sold to a Seeno-owned real estate company.

The two properties next to 1595 Railroad Ave. are being looked at for public use, but that use is still up in the air as the city considers all of its options to ease traffic and improve connectivity to the upcoming BART station.

The properties were owned by the successor agency to the former redevelopment agency of Pittsburg. As part of a state-mandated dissolution of redevelopment agencies, the city has been [selling its portfolio](#) of properties.

In March, the Oversight Board, which supervises the winding down of the agency, agreed to sell the properties to Forecast Land LLC., a Concord-based company owned by Albert D. Seeno.

While negotiations on the properties with Forecast Land Investment are scheduled for Tuesday's meeting, staff also prepared a report recommending the properties be used to "address the traffic conditions that are becoming worse, the concerns related to pedestrian safety," and possible parking for the new BART station.

“The city council gave staff direction to be aggressive in finding opportunities for parking, trails and anything to alleviate traffic concerns,” said Jill Hecht, director of community development for the city.

Although parking is one of the suggested uses for the two lots, they are also right next to a crosswalk used by Pittsburg High School students.

“City staff is always on the lookout for any way to meet future needs for BART. It might be a drop-off, bus stop or pedestrian trail. It’s that last mile, once you get off the train, how do you get to where you’re ultimately going?” Hecht said.

In June, the city was also awarded \$4.5 million from the One Bay Area Grant and Measure J transportation funds.

One use for the funds placed a [multimodal transit facility](#) few hundred yards down the street from the two lots, at the corner of Railroad and California avenues, where people can drop-off or pickup riders. The construction has been completed and landscaping is set to go in next week.

The funds have gone toward the BART parking lot projects and the BART Ped/Bike Connectivity Project — three trails and a buffered bike lane that lead to the BART station.



The BART Ped/Bike Connectivity Project will include three Class 1 trails and one Class 4 buffered bike lane that will provide access to the new BART facility in Pittsburg. (Courtesy of the City of Pittsburg)

The Power Avenue bike and pedestrian path running from Railroad Avenue to the west has already been completed.

The city is also planning trails that will bring pedestrians and bicyclists from parking on Bliss Avenue.

A trail running along Railroad Avenue will connect with the Delta DeAnza trail at Alvarado Avenue.

The fate of the two lots will be decided at Tuesday’s City Council meeting.

Los Angeles Times

A silver lining from California's drought: Water conservation led to reduced energy use and less pollution

[Deborah Netburn](#) [Contact Reporter](#)

January 12, 2018

In April 2015, Gov. Jerry Brown called on the people of the most populous state to reduce their water use by 25% in response to a punishing four-year drought.

It was an audacious goal, and Californians came close to meeting it. Between June 2015 and April 2016, when restrictions were in effect, residents reduced the amount of water they used by 24.5%.

Now, research has revealed there were some unintended side effects to this massive water-conservation experiment. It turns out that California residents weren't just saving water, they were saving energy as well.

A lot of it.

In a new [report](#) published Thursday in Environmental Research Letters, a team from UC Davis found that in addition to saving 524,000 million gallons of water over the mandate period, state residents also saved 1830 gigawatt hours of electricity — enough to power 274,000 average homes for a year.

That electricity savings meant a reduction of 521,000 metric tons of greenhouse gases, the equivalent of taking about 110,000 cars off the road for a year, the authors wrote.

“The severity of this drought created a unique circumstance that allowed us to make a natural experiment,” said Edward Spang, associate director of the Center for Water-Energy Efficiency at UC Davis and the first author on the report. “We wanted to demonstrate that there were additional benefits to all the hard work that everyone did to save water.”

So, how did all these savings come to be?

California has what Spang describes as “energy intensive water.” The amount of energy required to extract the water we use, treat it and distribute it varies depending on where in California you live, but overall, it is quite high.

“We have one of the largest scale conveyance systems in the country,” Spang said. “Part of that is because of our geography. We have a lot more water in the north and a lot more people in the south.”

Spang and his colleagues cite previous work that found that roughly 19% of California’s electricity demand is related to the pumping, conveying, distributing, heating and treatment of water. So when residents use less water, the state uses less electricity.

The authors also report that all the electricity and greenhouse gas emissions we saved when we thought we were only saving water is comparable to the results of statewide energy-efficiency programs that encourage people to change out lightbulbs and update appliances.

“The scale of these integrated water-energy-greenhouse gas savings, achieved over such a short period, is remarkable,” said Frank Loge, a co-author of the work and a professor of environmental engineering at UC Davis. “Even more interesting is that the cost of achieving these savings through water conservation was competitive with existing programs that specifically target electricity or greenhouse gas reductions.”

This led researchers to conclude that water conservation should be included in the state’s slate of initiatives to reduce overall energy consumption.

“There is quite a bit of valuable energy savings here,” Spang said.

Curious to see how much water and energy individual regions of the state saved during Brown’s mandate? You’re in luck. The authors created a [website](#) that allows you to do just that.

East Bay Times

Creating voting districts an imprecise process for cities, school districts

By [Sam Richards](#) | srichards@bayareanewsgroup.com | Bay Area News Group

PUBLISHED: January 15, 2018 at 7:43 am | UPDATED: **January 15, 2018** at 8:41 am

MARTINEZ — The process of dividing a city or a school district into sections, to enable “district-based” City Council and school board elections, can be messy and imprecise. Whether it brings more people into the civic process, or pits one local group against others, is now being addressed in Martinez and Concord.

Based on early discussions in Martinez, there’s no crystal ball showing how it may work out.

“The most important thing is that we establish boundaries that are inclusive and diversified, and not little kingdoms fighting each other,” said Martinez Councilwoman Noralea Gipner, in a statement read at the Jan. 10 council meeting (she was absent on vacation).

The cities of Morgan Hill and Antioch, and school districts in Dublin and Martinez, have either already moved to a district-based voting system or are in the process of doing so.

All were triggered by Kevin Shenkman, a Malibu-based attorney, who has threatened to sue dozens of cities and districts that don’t conform to the California Voting Rights Act of 2001. That law asserts local at-large voting systems are discriminatory if they “impair the ability of a protected class ... to elect candidates of its choice or otherwise influence the outcome of an election.”

Shenkman focused most of these efforts in Southern California until late last year, when Northern California cities and districts started getting demand letters calling for district-based elections.

More Bay Area cities, especially racially and culturally diverse ones that don’t already elect council members from separate geographical districts, may receive demand letters from Shenkman in the coming weeks and months.

Only a few cities have challenged Shenkman, and all failed. There was some brief talk at the Dec. 20 Martinez council meeting about resistance, but the expense of legal action has prompted Martinez and other entities to act on Shenkman’s letters.

Concord is also in the midst of similar district-creation hearings, having been contacted by Shenkman in November, a month after Martinez. With a population of 123,000 as of the 2010 census, Concord has more than three times as many residents as does Martinez.

Concord also has specific areas where such “protected classes” exist, and could form their own districts. In the Monument Boulevard corridor, home to about a quarter of Concord’s population, 56 percent of the residents are Latino.

Such districts don’t exist in Martinez, said Chalise Tilton, an analyst with National Demographics Corp., hired by the city to help create maps of the soon-to-be districts. Though 15 percent of Martinez residents are Latino and 10 percent fall into various Asian and Pacific Islander groups, “It’s not possible to draw a ‘majority/minority’ district” based on where those people live.

There are few absolute criteria in drawing these voting district maps, but one is that districts within a city must have similar-sized populations, no more than 10 percent variance among all of them.

Also, while creating districts based on “communities of interest” is permissible and encouraged, doing so strictly by race is not allowed. So while creating districts that specifically cluster Latinos is technically illegal, districts founded upon similar income levels, school attendance, education level or even “linguistic isolation” is fine.

So Tilton and her colleagues were given some other criteria for drawing districts. One such “community of interest” could be the area south of Highway 4, some of whose residents either identify more with Pleasant Hill than with Martinez, or want to be more involved with Martinez and don’t feel a part of it.

While some council members said splitting Martinez up by north-south lines — giving all districts pieces of downtown and the south-of-Highway 4 area — would be best, others said those areas may be their own districts.

Three council members supported creating four districts, with the elected-at-large mayor to remain in place, at least for the time being.

The third (of five) public hearing on Martinez district-based elections is scheduled for Jan. 24.

PUBLIC CEO

At-Large Elections Pose Litigation Risk Under CVRA

Posted by: [BBK Law](#) January 18, 2018

Facing Expensive and Lengthy Litigation, Many California Public Agencies are Moving to District-Based Elections

By Thomas Rice, Best Best & Krieger LLP

California's local election landscape is shifting.

Confronted with threats of drawn-out litigation under the California Voting Rights Act and costly settlements, cities, counties and other public entities statewide are embracing new district-based voting systems theoretically designed to more widely represent ethnically diverse populations.

A Mounting Problem for Agencies

Adopted in 2001, the CVRA expanded upon the federal Voting Rights Act of 1965 with the goal of preventing the marginalization of minority voters and increasing opportunities for minorities to elect a representative of their choice.

Historically, federal voting rights challenges had failed in California where plaintiffs struggled to demonstrate that ethnic groups are sufficiently concentrated to form their own majority district. Although modeled after the FVRA, the CVRA explicitly removed key standards that plaintiffs must prove under federal law — making it easier for private parties to challenge at-large elections.

The state's counties and largest cities, including Los Angeles and San Diego, already elect officials based upon geographical districts. But smaller agencies, some of which have populations of just a few thousand voters, typically have every voter weigh in on all candidates.

The CVRA's broad standards have made racially diverse cities and agencies with few minority officials that hold at-large elections highly susceptible to challenges. These election systems can be exposed to litigation based exclusively on proof that racially polarized voting occurred. Simply, the law says racially polarized voting occurs when different racial groups vote contrarily to one another — an extremely low threshold.

Challenges so far haven't proven successful for agencies in court.

The first major lawsuit filed under the CVRA came in 2004 and sent a loud message to cities.

The City of Modesto was sued by a group of Latino voters claiming the city's at-large voting system for electing city council members diluted their votes. The complaint alleged the system, coupled with a history of racially polarized voting, prevented Latino voters from electing an officeholder of their choice.

Modesto challenged the claim, arguing that the CVRA was unconstitutional. A decisive ruling came in late 2006 when a Court of Appeal sided with the plaintiffs and upheld the State's voting rights law. The City appealed to both the California and the U.S. Supreme Courts, but upon their refusal to hear the case, settled.

In the end, Modesto settled for about \$3 million and switched over to by-district elections.

More recently, the City of Palmdale engaged in a three-year legal battle over its voting system and the results of its November 2013 city council elections. In a show of the range of remedies, and overall power courts have in these cases, the trial court issued a preliminary injunction prohibiting the certification of the City's election results.

While ultimately able to certify the results, the City settled and agreed to hold district elections for all four of its council seats in 2016. It also paid some \$4.5 million in attorney's fees, not including its own.

A Challenge to the CVRA

Recently the Act itself, and its constitutionality, has also come into question.

In October, former Poway Mayor Don Higginson filed a federal lawsuit against the Attorney General and the City of Poway challenging the CVRA and the City's newly adopted district maps. The lawsuit, takes a CVRA provision to task that has led several agencies to move away from at-large voting methods.

Higginson asked for a preliminary injunction that could halt voting changes being made statewide.

The lawsuit questions the CVRA's constitutionality under the 14th Amendment's Equal Protection Clause, which, Higginson's lawyer writes, prevents a state from "separating its citizens into different voting districts on the basis of race." He is being represented by the nonprofit The Project for Fair Representation that has argued voting rights cases before the U.S. Supreme Court.

Poway hesitantly switched to district elections last month after receiving a demand letter from Malibu attorney Kevin Shenkman threatening litigation if the City didn't change its voting system.

In his letter, Shenkman claimed the City was in violation of the CVRA by discriminating against Latino voters. Shenkman, whose firm successfully represented plaintiffs in a voting-rights case against the City of Palmdale, has sent similar letters to many other California communities.

At the time of writing, Higginson's motion for a preliminary injunction is set to be heard by the court in January 2018. Already, several other agencies have filed amicus briefs in the matter.

Legislative Signs of Hope

Regardless of the outcome of Higginson's lawsuit, recent legislation offers some hope to public agencies.

When the law was initially passed, cities had no option but to put voting method changes up to voters.

This was the case in the City of Highland. In 2014, the City placed the matter into the hands of voters. But when the transition to by-district elections was rejected, the City was sued. A court eventually ordered the transition and chose the plaintiff's proposed district map over the City's proposed map, despite the City's entitlement to deference in such matters.

Assembly Bill 493 sought to streamline the transition process by authorizing legislative bodies of cities with fewer than 100,000 people to adopt an ordinance moving away from at-large elections without voter approval. In 2016, Senate Bill 2220 went a step further and deleted the previously set population limit.

Prior to AB 350's passage in September 2016, there was no timeline for public agencies to rectify a voting system before plaintiffs could move forward with a lawsuit and plaintiffs could file suit even without first warning the public agency. Because of the CVRA's pro-plaintiff slant, public agencies were often forced into very expensive settlement negotiations with aggressive plaintiffs who knew the law worked in their favor.

AB 350 set a clear process for transitions to district-based elections, including:

- A plaintiff must send a letter and wait 45 days before filing a lawsuit;
- A public agency may pass a Resolution of Intention, indicating its intent to transition to district-based elections;
- If an agency adopts a Resolution of Intention, it has 90 days to adopt a transitioning ordinance;
- An agency must hold two public hearings before maps are drawn;
- An agency must hold two public hearings after maps are drawn;
- An agency must then adopt an ordinance and
- If an agency follows the process for transition, recovery for a prospective plaintiff's work to produce a demand letter is capped at \$30,000.

If your agency receives a demand letter, here is a list of recommended actions:

1. **Act fast:** Agencies are granted a 45-day safe-harbor period to decide how to proceed. Given the short timeframe, don't put action off.
2. **Get an attorney involved:** Then, call a closed session to brief the governing body. Receiving a letter alleging a CVRA violation can be considered "significant exposure to

litigation” and warrants a closed session. Gauge the body’s sense of direction — do officials want to fight the allegations or transition from at-large to district-based elections?

3. **Assess the risk:** Hire a demographer immediately to evaluate likely risks under the CVRA.
4. **Have a flexible schedule:** Build flexibility into the schedule to give the agency time to act and make needed adjustments. As mentioned above, if transitioning to by-district elections, the body must adopt an ordinance. This triggers the 90-day (litigation-free) period that will include public hearings, district maps drawing and the eventual adopting of the by-district election system by ordinance.
5. **Monitor the politics:** Try to avoid making assumptions with your elected officials. These issues can be highly political, extremely sensitive and can cut to the heart of local politics.

It’s important to note, timelines are tight and the risk of litigation high. There isn’t time to spare in responding to demand letters. Move quickly, efficiently, and schedule in time to make adjustments. Learn more by watching a recent webinar by clicking [here](#).



Thomas Rice, an associate in the Municipal Law, Special Districts and Labor & Employment practice groups of Best Best & Krieger LLP, provides services to cities, special districts and private clients across Southern California. Based in the firm’s Ontario office, he serves as assistant city attorney for the Cities of Azusa and Ontario and as assistant town attorney for the Town of Apple Valley. He can be reached at Thomas.Rice@bbklaw.com.

Nevada researchers warn of more ‘snow droughts,’ even in wet years

By Henry Brean Las Vegas Review-Journal
January 21, 2018 - 10:32 am

There’s a term for what’s going on right now in the Sierra Nevada and the mountains that feed the Colorado River. It’s called a “snow drought,” and Nevada climate scientists warn that Westerners had better get used to the phenomenon.

Periods of below-average snowpack have become increasingly common in some Western mountain ranges, and more frequent snow droughts are likely as global temperatures continue to rise, according to Benjamin Hatchett, a postdoctoral fellow in meteorology and climatology at the Desert Research Institute in Reno.

“We’re kind of seeing all these things coming together, and not just in California but all over the West,” he said.

Hatchett and fellow DRI climate researcher Daniel McEvoy are studying trends and changes to mountain snowpack and their impact on regional watersheds and the economies in places where winter recreation fuels tourism. They hope their research will help water managers and others plan for a future that is likely to involve longer dry spells, changes in runoff patterns and an increased risk of flooding.

A drought that’s wet

In a paper published recently in the journal *Earth Interactions*, they used hourly, daily and monthly data to analyze the progression of eight historic snow droughts that occurred in the northern Sierra Nevada between 1951 and 2017. What they found were two distinct types of snow drought: the familiar “dry” variety caused by low levels of precipitation and a “wet” drought that results when mountain areas usually blanketed with snow get rain instead.

Hatchett said the most recent drought in the Sierra was “pretty similar” to previous dry spells in terms of precipitation, “but it was this increase in temperature that really exacerbated the severity.”

“As the climate grows warmer and more precipitation falls as rain instead of snow, we are seeing that we can have an average or above-average precipitation year and still have a well-below-average snowpack,” said Hatchett, who has noticed the difference firsthand over a lifetime of backcountry skiing.

In November, he published research outlining a 1,200-foot rise in the average snow level — the elevation at which rain turns to snow — in the Northern Sierra over the past 10 years. Over that same period, the region was experiencing its warmest decade on record, he said.

Snowpack is crucial even in communities that rarely see any snow. The Las Vegas Valley draws 90 percent of its water supply from Lake Mead, and nearly all of that water comes from snowmelt in the mountains that feed the Colorado River.

Hatchett said the Colorado is more susceptible to the dry form of snow drought because the mountains that feed the critical watershed are higher and farther inland. The river also benefits from having “a bigger catcher’s mitt” of mountain ranges feeding into it, so it might be dry in some areas but wet in others, he said.

A dam emergency

But Hatchett said warming temperatures also can lead to an increase in so-called “rain-on-snow events,” in which powerful and unseasonably warm rainstorms cause the snowpack to melt all at once. Suddenly, “water is moving through the system very quickly and has to be dealt with as a hazard, not a resource,” he said.

Just last year, almost 190,000 California residents had to be evacuated when the spillways failed at Oroville Dam during the region’s wettest winter in 100 years.

With more variability and volatility likely on the way, Hatchett said, “we need to step up our infrastructure maintenance.”

We also need to prepare for lean times that could last far longer than we’re used to, he said.

Hatchett helped author another paper — recently accepted for publication but not yet published — that suggests the past century or so was actually one of wettest periods in the last 4,000 years in the mountains that feed water into Walker Lake, 325 miles northwest of Las Vegas.

Previous centuries have been marked by so-called “paleo mega-droughts” that stretched on for decades, he said, but no one living in the West since 1880 has experienced anything like that, at least not yet.

“Our goal is to provide actionable science to inform adaptive water management strategies,” Hatchett said.

Contact Henry Brean at hbrean@reviewjournal.com or 702-383-0350. Follow [@RefriedBrean](https://twitter.com/RefriedBrean) on Twitter.

On the web

The study by climate scientists Benjamin Hatchett and Daniel McEvoy from the Desert Research Institute is called “Exploring the Origins of Snow Droughts in the Northern Sierra Nevada, California.”

A full version is available online from the American Meteorological Society at <http://journals.ametsoc.org/doi/10.1175/EI-D-17-0027.1>.

East Bay Times

Another East Bay city sues oil companies over climate change



Chevron, which operates this oil refinery in Richmond, is one of 29 energy companies accused in a lawsuit of hiding information that fossil fuel use was contributing to rising sea levels. (file photo)

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

PUBLISHED: January 22, 2018 at 4:17 pm | UPDATED: **January 23, 2018** at 4:57 am

RICHMOND — Accusing the oil industry of concealing that it knew long ago that gasoline and oil use was warming up the planet, Richmond has joined the ranks of cities and counties suing oil companies to cover the cost of shoring up shorelines from rising sea levels.

Richmond — home to the Chevron oil refinery, largest in the Bay Area — named Chevron, Shell, Exxon-Mobil, BP, Conoco Phillips and 24 other oil, gas and coal companies in a lawsuit filed Monday in Contra Costa County Superior Court.

The lawsuit alleges that the oil companies knew for 50 years that greenhouse gases from widespread fossil fuel use would contribute to rising sea levels, but the industry spent large sums on public relations campaigns to hide the truth.

“The fossil fuel industry could have taken steps to transition to a lower carbon future, but they didn’t,” Richmond Mayor Tom Butt said. “Instead, they continue to spend billions fighting public policies intended to reduce greenhouse gases, even in some cases, while their own assets are endangered by rising seas.”

Richmond is particularly vulnerable to rising sea levels because it has 32 miles of shoreline, more than any city in the Bay Area, as well as 3,000 acres of waterfront parks, Butt said.

Oakland and San Francisco announced similar lawsuits in September that accused the oil companies of contributing to a public nuisance that will cost huge sums to deal with.

Sea level lawsuits against the oil industry also have been filed by the counties of Santa Cruz, Marin, and San Mateo, and the cities of Santa Cruz and Imperial Beach in San Diego County.

A Chevron spokesman dismissed the lawsuits as narrowly focused and counterproductive to solving a serious worldwide problem.

“As we have said, such lawsuits will do nothing to address the serious issue of climate change,” said Braden Reddall, a Chevron Corp. external affairs advisor. “Reducing greenhouse gas emissions is a global issue that requires global engagement.”

Richmond officials said that many coastal communities will need to spend large sums to build or raise seawalls and establish coastal wetlands to blunt the flood risks from rising sea levels.

Linda Kelly, general counsel for the National Manufacturers Association, criticized the Richmond lawsuit as part of a trend of activist attorneys “seeking to score headlines rather than solutions” for climate change.

Kelly said activist attorneys are stretching the limits of “public nuisance” definitions and shopping around the country for favorable state courts in an attempt to blame energy companies for greenhouse gas cases that should be decided by lawmakers, not the courts.

“From Richmond, California, to New York City, activist-driven lawsuits are being filed to undermine manufacturers in America without regard to the facts,” Kelly said.

Could a major California city run dry like drought-stricken Cape Town?

By [John Woolfolk](#) | jwoolfolk@bayareanewsgroup.com |

PUBLISHED: January 24, 2018 at 5:00 am | UPDATED: **January 24, 2018** at 5:27 am

A dystopian drama is unfolding in Cape Town, a popular tourist destination of nearly 4 million on the coast of South Africa that in April is expected to become the modern world's first major city to run out of water after three years of drought.

For Californians, who panted through five years of record drought before last winter and have seen a fairly dry winter so far this year, it raises the worrisome question: Could it happen here?

State officials and water experts think not, or at least that [things would have to get a whole lot worse](#) than they did in the last drought.

“I hate to say don't fret, because who knows?” said Leon Szeptycki, executive director of Water in the West at the Stanford Woods Institute for the Environment. “But the chances of it happening in California are very, very low.”

The reason, Szeptycki said, is that most California cities draw water from a highly diversified and interconnected network of local and state reservoirs and wells, with aggressive groundwater recharge and conservation measures such as wastewater reuse stretching supplies.



The Guadalupe River dried up near Santa Clara Street in San Jose during the drought in 2015. (Jim Gensheimer/Bay Area News Group)

“We just suffered our worst five-year drought and we didn’t run out of water,” Szeptycki said. “For a major city to run out of water, we’d have to have a drought a lot worse than one we just had.”

Which, of course, is quite possible, Szeptycki noted: “Nobody predicted that kind of drought in South Africa.”

Cape Town, a diverse city of nearly 450,000 in a metropolitan area of 3.7 million, is not unlike many coastal California cities, with a Mediterranean climate and sandy beaches that draw legions of tourists. By comparison, about 3 million live in the San Diego area.

A three-year drought has overtaxed the six reservoirs that supply Cape Town’s water. A recent spike in population, a failure to plan alternative water sources and a refusal by some 60 percent of residents to abide by water limits are also blamed for the impending crisis.

The result: Residents are girding for “Day Zero,” projected to come April 21, when Cape Town’s reservoir levels drop so low that residents will have to stand in line at 200 collection points under armed guard to be rationed just 6.6 gallons of water a day each. They are currently being asked to use no more than 23 gallons a day, a figure that will drop to 13 gallons in February.

By comparison, the average American uses 88 gallons of water a day at home, according to the U.S. Environmental Protection Agency. The average Californian used 85 gallons a day in 2016 as the state eased water restrictions from the drought, according to the Legislative Analyst’s Office.

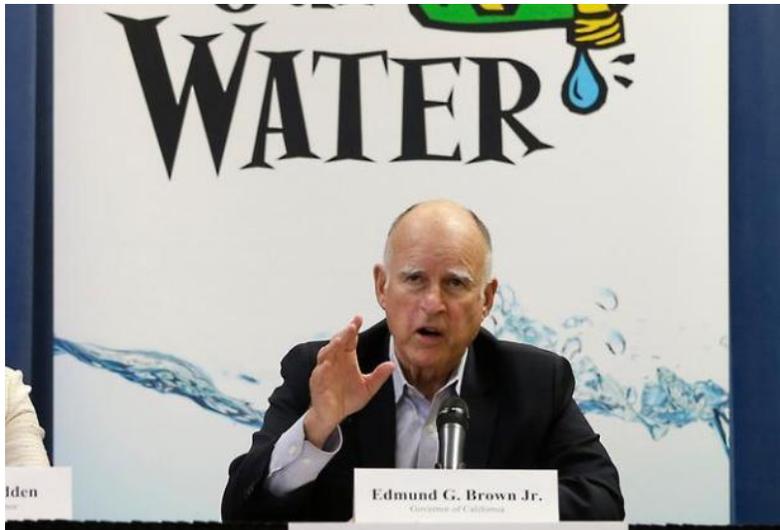
Cape Town officials have been scrambling to tap deeper underground aquifers and set up desalination plants. But Mayor Patricia de Lille said on Jan. 16 that due to a failure to reduce water use, Cape Town has reached a point of no return and Day Zero is inevitable.

The drama has certainly caught the attention of state water officials like Felicia Marcus, chair of the State Water Resources Control Board, which oversees California’s water rights, drinking water and water quality control programs.

“We watch, and of course we don’t want to get anywhere near that,” Marcus said of the Cape Town situation. “We’re in much better shape, for a variety of reasons. In the last drought, the mandatory urban conservation wasn’t because we were going to run out of water. It was because we wanted to be safe rather than sorry, and not get anywhere near where Cape Town is now.”

California’s last drought did see some smaller rural communities that rely on shallow, private wells run out of water, most notably East Porterville, a Tulare County town of 7,300.

But California’s big cities don’t have those problems, Marcus said. What’s more, the state kicks in aggressive conservation long before water levels reach a crisis, and residents take those conservation calls seriously. That’s what got the Golden State through its worst drought on record, which ended with last year’s record rains: Gov. Jerry Brown ordered a 25 percent reduction in urban water use across California, the state’s first mandatory restrictions ever.



Gov. Jerry Brown issued the state's first mandatory water restrictions with California in the grip of a five-year historic drought that ended after last winter's record rains. (AP Photo/Rich Pedroncelli)

“The public did an incredible job, folks responded really well,” Marcus said. “We use 50 percent of our water on outdoor ornamental landscaping, so cutting back isn't as onerous as might seem.”

State officials monitor and learn lessons from problems overseas, such as Australia's decade-long Millennial Drought and Brazil's drought that almost saw São Paulo — population 12 million — run dry until rains rescued it two years ago.

Part of the problem, Marcus said, is that water officials are “prisoners of the length of our experience” with weather. In Australia, Brazil and now Cape Town, officials were stunned the dry spell lasted as long as it did. California's last drought also lasted longer than those in recorded history, Marcus said, but geologic records suggest the state has seen much longer droughts over time.

“It's always a reminder that you can never be too prepared,” Marcus said, “because you never know how long these things will last. Our drought was the wake up call of the century, São Paulo and Cape Town remind us not to press the snooze button.”

Wire services contributed services to this report.

Richmond Standard

Residents encouraged to apply for LAFCO alternate role

January 25, 2018



Community members are encouraged to apply by Jan. 31 to become an alternate member of the Contra Costa Local Agency Formation Commission (LAFCO), a part-time paid role.

LAFCO is an independent, state-created commission tasked with “encouraging orderly growth, discouraging urban sprawl and preserving agricultural and open space lands,” according to the agency. The commission is composed of seven voting members and four alternates who are appointed to four-year terms and must be Contra Costa County residents.

Commissioners typically meet on the second Wednesday each month at 1:30 p.m., although additional meetings may be scheduled. Commissioners are paid a \$150 stipend per meeting.

Click [here](#) for the application. For further details, see below:

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

PUBLIC ANNOUNCEMENT

(For Immediate Release)

The Contra Costa Local Agency Formation Commission (LAFCO) is currently accepting applications for the Alternate Public Member seat.

LAFCO is an independent agency created by the State of California. It is charged with encouraging orderly growth, discouraging urban sprawl, and preserving agricultural and open space lands. The Commission meets these objectives by regulating the boundaries of cities and special districts and conducting municipal services reviews and special studies.

Contra Costa LAFCO is composed of seven voting members and four alternates. These include two members and an alternate from the Board of Supervisors, two members and an alternate from City Councils, two members and an alternate from independent Special District Boards, and one Public Member and one Alternate Public Member. Alternate members participate in meetings, but vote only when the regular member is absent or has a conflict of interest.

The city, county and special district members of LAFCO appoint the Public and Alternate Public members. All members are appointed to four-year terms. The current Alternate Public Member vacancy is to fill an unexpired term on the Commission until May 4, 2020.

LAFCO meetings are typically held on the second Wednesday of each month at 1:30 p.m. in Martinez. The Commission can call special meetings if necessary. Commissioners receive a \$150 stipend per meeting.

Applicants must be a resident of Contra Costa County, able to regularly attend LAFCO meetings, have a general understanding of LAFCO functions and authorities, and cannot be officers or employees of the County, a city or a special district in the County. The Public Member is a public official and is required to file a standard annual financial disclosure statement with the California Fair Political Practices Commission.

The Commission will screen applications and make the appointment. In order to be considered, a completed application form must be received in the Contra Costa LAFCO office, 651 Pine Street, Sixth Floor, Martinez, CA 94553 by 5:00 p.m. on Wednesday, **January 31, 2018**. Applications may be submitted by e-mail or U.S. mail; postmarks will **not** be accepted. Contra Costa County residents interested in serving on this Commission should contact the LAFCO office at (925) 335-1094. For more information about Contra Costa LAFCO please visit our website at www.contracostalafco.org.

East Bay Times

With rents soaring, Concord to invest millions in affordable housing

By [Lisa P. White](#) | lwhite@bayareanewsgroup.com | Bay Area News Group

PUBLISHED: January 29, 2018 at 1:18 pm | UPDATED: **January 30, 2018** at 9:14 am

CONCORD — Affordable housing is expensive to build, so the city plans to pitch in several million dollars to fund two projects.

Housing developers have until March 1 to submit proposals to the city for funds to build new affordable apartment complexes or to purchase and rehabilitate existing rental units.

The nearly \$9 million in Concord's affordable housing fund is projected to grow to \$14 million by 2023, enough to finance 140 to 160 units, based on an average subsidy of \$75,000 to \$100,000 per unit, according to the city.

City leaders have said they want to use the funds to provide housing for seniors, veterans and teachers.

Councilwoman Carlyn Obringer has called for Concord to invest in existing housing stock — particularly a group of rundown apartment buildings along Clayton Road and Marclair and Bel Air drives — to achieve the goal of creating more permanent affordable housing.

“Quite frankly, we have pockets of this community where the living conditions are not what they should be,” Obringer said during a recent council discussion.

“These units are also not guaranteed affordable housing; and so an acquisition and a rehabilitation ... would help to provide some long-term stability for the families that are living there.”

Citing per unit construction costs of up to \$500,000 for a pair of recent affordable housing projects in nearby cities, Councilwoman Laura Hoffmeister agreed that fixing up existing apartment complexes may provide “more bang for your buck” and improve property values in a neighborhood.

The Housing and Economic Development Committee will review the development proposals and recommend one or two to the full council in April.

There are 1,859 rental units with some affordability restrictions in 26 apartment buildings in Concord, most of them clustered in the area around Monument Boulevard.

The Association of Bay Area Governments has estimated the city needs to add 1,242 housing units that are affordable to extremely low-, very low- and low-income families between 2014 and 2022.

In this context, affordable means tenants pay a maximum of 30 percent of their gross monthly income for rent and utilities. For a family of four earning \$52,150 (50 percent of the area median income) an affordable three-bedroom unit would cost \$1,303 per month.

In the past, the city has provided long-term loans to nonprofit affordable housing developers to build new developments or to rehabilitate existing rental units.

For example, Concord loaned Resources for Community Development \$1.1 million to renovate 16 apartment buildings the nonprofit affordable housing developer owns on Camara Circle and Riley Court in exchange for keeping affordability restrictions in place for 55 years.

Dan Hardy, associate director of housing development for Resources for Community Development, told the council that the Berkeley organization is negotiating to purchase a downtown property that could house 60 to 70 families with some units reserved for homeless and disabled veterans.

Council members had expressed interest in partnering with BART to build affordable housing on a 9-acre property the transit agency owns near the skate park. However, since the site would not be available until the end of 2020 and construction likely would not begin until 2022, city staffers urged the council not to reserve funds for a BART project.

The Modesto Bee

Some of these homes in west Modesto are almost 100 years old. They are finally getting sewer service.

By Ken Carlson

kcarlson@modbee.com

January 30, 2018 01:49 PM

Updated **January 30, 2018** 02:51 PM

Stanislaus County is moving ahead with bringing wastewater service to three unincorporated neighborhoods in west Modesto, but it is not going to happen overnight.

The three areas were chosen because they are disadvantaged economically and have trouble with septic tank failures. By showing the improvements are cost-effective, the county hopes to position the West Modesto Sewer Project for millions of dollars in state funding.

More than 140 lots on Spencer and Marshall avenues, off California Avenue near Mellis Park, are first in line for the improvements. County Public Works Director Matt Machado said construction could begin in spring 2019.

The two other priority areas include: 465 lots along Beverly Drive and Waverly Drive, on both sides of Carpenter Road, bordered by Chicago Avenue on the north and Paradise Road on the south; and 333 parcels in the Rouse-Colorado neighborhood east of John Thurman Field.

County officials roughly estimate a total cost of \$14.7 million for bringing wastewater service to the three neighborhoods. Those neighborhoods were assigned a higher priority last March over seven other unincorporated pockets in west and south Modesto and north Ceres.

Tuesday, county supervisors approved a \$1.3 million contract with Modesto-based O'Dell Engineering for design and engineering services.

Sewer lines will be constructed to connect the neighborhoods with Modesto's wastewater system. Completing the entire west Modesto project could take from three to five years or almost 10 years, various staff members said.

"We will be holding community meetings once we have something to show to people," Machado said. Modesto won't annex the residential areas but approval from the Local Agency Formation Commission is needed for providing service outside city boundaries.

Machado said the county has some community development grant funds to start with the Spencer-Marshall area and will apply to the state for construction money. The county will need millions of dollars in additional funding to bring wastewater service to the Beverly-Waverly and Rouse-Colorado unincorporated pockets.

The county was encouraged in getting Clean Water State Revolving Fund support for wastewater projects in the Airport and Parklawn neighborhoods.

Tom Crain was one of 30 people who attended a meeting on the Spencer-Marshall project in December. He said the septic system for his Spencer Avenue home works fine, though an initial system had to be replaced. Some neighbors living in homes built in 1928 have dealt with septic tank problems and may want to connect to city service, he said.

“This is a good use of grant money for residents,” Crain said. “My wife and I have no pressing need to connect. But who knows what will happen. We were reassured at the meeting it is no cost to us.”

With these kind of projects, public funds pay for putting in the sewer lines, while homeowners are responsible for a service line to the home and septic tank removal, Machado said. Those items may cost a homeowner around \$3,000.

Homeowners are taking advantage of municipal service in the Parklawn area of south Modesto, an old county pocket that serves as a model for the west Modesto effort. About 40 percent of the 326 lots in Parklawn have connected to modern wastewater service and 24 additional lots have been issued permits to connect. Another 28 lots are in the application process, the city said.

Miguel Galvez, deputy director of planning and community development, said the county may work with the nonprofit Self-Help Enterprises to seek funding for a feasibility study, planning and assistance to help west Modesto property owners with connection costs.

“If there is no assistance, it can be difficult to pay for that connection,” Galvez noted.

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East Bay Times

California water: Desalination projects move forward with new state funding



(AP Photo/Lenny Ignelzi, File)

In this Sept. 4, 2015 photo is the Carlsbad, Calif. desalination plant. America's largest seawater desalination plant, the \$1 billion facility produces 50 million gallons of drinking water for the San Diego area each day, but at a cost double the price of other sources.

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

PUBLISHED: January 29, 2018 at 1:27 pm | UPDATED: **January 30, 2018** at 2:48 pm

California water officials have approved \$34.4 million in grants to [eight desalination projects](#) across the state, including one in the East Bay city of Antioch, as part of an effort to boost the water supply in the wake of the state's historic, five-year drought.

The money comes from Proposition 1, a water bond passed by state voters in November 2014 during the depths of the drought, and it highlights a new trend in purifying salty water for human consumption: only one of the projects is dependent on the ocean.

Instead, six of the winning proposals are for brackish desalination and one is for research at the University of Southern California. In brackish desalination, salty water from a river, bay or underground aquifer is filtered for drinking, rather than taking ocean water, which is often up to three times saltier and more expensive to purify.

“Desalination can play an important role in California’s water future,” said Richard Mills, water recycling and desalination chief for the state Department of Water Resources, which chose the grant winners from 30 applicants.

“But we want to be protective of the environment and provide water at reasonable cost,” he said. “That’s been the challenge for desalination, in terms of why we can’t just build a lot of plants anywhere.”

Ocean desalination costs between \$2,000 and \$2,500 an acre-foot, Mills noted. Brackish desalination can range from \$1,000 to \$2,000. An acre-foot is 325,851 gallons, or roughly the amount of water a family of five uses in a year.

Water experts say it’s not surprising that the state is throwing more money behind projects that don’t rely on seawater.

“More communities are looking at brackish desal because it’s less expensive, it can have fewer environmental impacts and it isn’t limited to coastal communities,” said Heather Cooley, water program director for the Pacific Institute, a nonprofit research organization in Oakland.

Three projects were awarded \$10 million each to help with construction. Among them is the Antioch Brackish Water Desalination Project, which is estimated to cost \$62.2 million. The city already takes water from the San Joaquin River on the Antioch waterfront as it is flowing from the Delta into San Francisco Bay and uses it as part of the water supply for 110,000 people. But in the summer and fall months, when less Sierra snow is melting and less freshwater is flowing into the Delta, the water becomes too salty to drink.

Under the plan, the city would build a desalination facility at its existing water treatment plant to generate 6 million gallons a day of freshwater. The 2 million gallons of brine left over each day would be sent through a new 4-mile-long pipeline to the Diablo Wastewater Treatment Plant near Pittsburg, where it would be blended with treated sewage that already is pumped back into the bay.

The other projects that received \$10 million each are the Doheny Ocean Desalination Plant in Orange County, which would drill slant wells under the ocean floor at Dana Point and is estimated to cost \$110 million, and the North Pleasant Valley Desalter Project, a \$32 million brackish water project in Camarillo, in Ventura County.

The remaining grant winners received between \$650,000 and \$1.5 million to pay for studies and pilot projects, all in Southern California.

State officials still have \$58 million in Proposition 1 funds to award for desalination projects. Among the projects looking for funding in the next round is a proposal by Cal-Am Water in Monterey County that state officials said needed more detail. The plan would drill slant wells under the sandy beach at Marina near a sand mining plant to generate drinking water.

Although ocean desalination is a major source of drinking water in Israel, Saudi Arabia and other Middle Eastern countries, in California there are just five active ocean desalination plants that provide less than 1 percent of the state's drinking water.

The largest, by far, is a \$1 billion plant on the coast in Carlsbad, 35 miles north of San Diego, that opened in 2015. The largest desalination plant in the United States, it generates up to 56,000 acre-feet of water a year — roughly 8 percent of San Diego County's water supply. But the cost is high, from \$2,131 to \$2,367 an acre-foot, depending on how much is produced, which is double the price that Metropolitan Water District of Southern California charges for the same amount of water from other sources such as local dams, the Colorado River or the Sacramento-San Joaquin Delta. By comparison, the Santa Clara Valley Water District in San Jose pays about \$400 an acre foot for water from the Delta.

The other ocean desalination plants are in Santa Barbara, Catalina Island, Marina and San Nicholas Island. Together they can produce about 4,000 acre-feet a year.

About a dozen other ocean desalination projects are still pending or are in various states of environmental studies, design or funding. One of the most prominent is in Huntington Beach, where Poseidon, the company that built the Carlsbad plant, has proposed a similarly sized plant but is running into opposition from environmental groups worried about the impact on fish and other aquatic life.

“Even after last year's rain in California, good planning is still going forward for both brackish and ocean desalination,” said Paul Kelley, executive director of Cal Desal, an industry group. “Hopefully a couple of new ocean desalination projects will break ground in the next two or three years, and on the brackish side, I think anywhere from five to 10 will move forward.”

Some places have rejected projects over concerns about energy use, ocean life and growth. Santa Cruz city leaders withdrew plans for a \$115 million desalination plant after voters in 2012 approved a ballot measure banning desalination unless approved by a vote of the people.

Brackish desalination is growing faster. As of 2013, there were roughly 24 brackish plants in California, which produced about 96,000 acre-feet of water a year. Another three were in design or under construction, with 9,000 acre-feet more, and 17 were proposed with 81,000 acre-feet capacity.

The Alameda County Water District opened a brackish desalination plant in Newark that has been desalting about 14,000 acre-feet of water a year since 2013 — about 20 percent of the district's supply.

“Technological advancements are happening all the time,” said Kelley. ” And the cost of water keeps going up, so the cost of desalinated water isn't as out of proportion.”

Los Vaqueros: Water Commission Considers Phase 2 Expansion

Storing water is as important as ever today. Expanding our ability to store water must be a central part of the state's future water supply conversation. We experienced the significance of storage in the last drought where our expanded Los Vaqueros Reservoir proved immensely important. In August, we submitted a state funding application for the next expansion of Los Vaqueros Reservoir. We expect the state to unveil its initial funding decisions by the middle of this year.

Los Vaqueros is an off-stream reservoir. That means the water it holds is not collected by damming a river or stream. Instead, all of its water is pumped in from the Sacramento-San Joaquin Delta. At its current height, the reservoir can hold 160,000 acre feet—that's about 52 billion gallons of water. Today, 14 agencies are interested in joining Contra Costa Water District in expanding Los Vaqueros Reservoir to a new capacity of 275,000 acre feet and building new pipes and pumps to move the water to where it would need to go.

Expanding Los Vaqueros with state involvement is a unique opportunity and one that represents a positive step forward toward greater water reliability for the entire Bay Area region.

Why expand Los Vaqueros Reservoir?

Expanding the reservoir means expanding the reach of the facility to the entire Bay Area. Water agencies around the region need greater reliability. Storage in Los Vaqueros represents a possible pathway to achievement of that need. That decision is theirs to make. Expanding Los Vaqueros offers the ability to help them meet that need while also realizing new benefits for our customers. Each of the agencies benefiting from the expansion would fund the project and their share of operating costs. There are risks, but we will structure the project to avoid new burdens on Contra Costa Water District customers.

Our customers funded the existing Los Vaqueros Project facilities. Partner agencies would pay the District their share for the existing facilities. This recoupment is new revenue that would compensate for the risks and help defray system costs that would otherwise be covered by water rates. In addition, partner agencies would pay their share of proposed facilities under the expansion project. You can read more about the Los Vaqueros Expansion Project at www.ccwater.com/lvstudies.

To protect our customers, the reservoir expansion project must:

- Adhere to the commitment of "beneficiaries pay"
- Ensure continued ownership and control over the reservoir and watershed by the District only
- Reimburse for the past financial investment of District customers
- Not increase water rates for District customers
- Not diminish—and, instead, possibly improve—drought supplies and water quality for District customers
- Not export water to Southern California or to the twin tunnels
- Provide long-term environmental benefits to the Delta ecosystem
- Enhance terrestrial habitat and recreational opportunities

Investing in Our System

Regular maintenance and system upgrades keep safe, clean water flowing from your tap every minute of every day. Whether your water payment goes to Contra Costa Water District or one of our retail partners, those dollars ensure a well-maintained and efficient water system.

Capital improvement projects are competitively bid to ensure we get the best value from every dollar spent. Preventive maintenance is effective in avoiding major system failures and extended water outages. We forecast expenses and revenues 10 years into the future to ensure timely improvements in a cost-effective manner.



Potential Partners

- 1 Contra Costa Water District
- 2 City of Brentwood
- 3 East Contra Costa Irrigation District
- 4 Byron Bethany Irrigation District
- 5 East Bay Municipal Utility District
- 6 San Francisco Public Utilities Commission
- 7 Zone 7 Water Agency
- 8 Bay Area Water Supply and Conservation Agency
- 9 Alameda County Water District
- 10 Santa Clara Valley Water District
- 11 Del Puerto Water District
- 12 Grassland Water District
- 13 San Luis Water District
- 14 San Luis & Delta-Mendota Water District
- 15 Westlands Water District

Some of the investments we're currently making are:

- In Oakley, we're set to replace approximately 5,500 feet of unlined Contra Costa Canal with a 10-foot concrete pipe. This will prevent degradation of your water quality and will protect public safety and security.
- In Oakley and in Antioch, we'll replace electrical substations that have reached the end of their useful life. These upgrades will maintain our Rock Slough Intake as a reliable source of water.
- In north Concord, we're refurbishing the five-mile Shortcut Pipeline. These significant improvements guarantee reliable water for industrial customers and the City of Martinez.

East Bay Times

Housing shortage: New report shows how California cities and counties stack up

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

PUBLISHED: February 1, 2018 at 3:34 pm | UPDATED: **February 2, 2018** at 7:31 am

SACRAMENTO — Nearly all the cities and counties in California — 97.6 percent — are failing to approve the housing needed to keep pace with population growth and will be subject to a new law that aims to fast-track development, according to a report released by the state Thursday.

The state's housing department [released lists](#) showing that more than 500 cities and counties are not on track to meet guidelines for the development of market-rate housing, affordable housing or both. Those jurisdictions will now lose the ability to reject certain types of development projects under legislation that was signed into law last fall.

Only 13 cities and counties, including Foster City, Hillsborough, San Anselmo and Beverly Hills, made the grade.

“When 97 percent of cities are failing to meet their housing goals,” the bill’s author, Sen. Scott Wiener, D-San Francisco, said in a statement Thursday, “it’s clear we need to change how we approach housing in California.”

Senate Bill 35, which Wiener carried last year, kicks in when cities or counties lag behind on annual progress reports. It applies only to projects that comply with a city’s zoning rules, pay the prevailing wage, and ensure that at least 10 percent of the new units are affordable, or priced below market rate. (The prevailing-wage requirement only applies to projects with more than 10 units.)

For cities such as Oakland, Berkeley, Fremont, Walnut Creek and San Jose — which met their market-rate housing goals but didn’t issue enough permits for affordable housing to stay on track — the law applies only to proposed developments in which at least half of the units are affordable, or below market rate.

Others, including Menlo Park, Richmond, Santa Rosa, Carmel and Alameda and San Mateo counties, came up short on both market-rate and affordable development, which means the new law would apply to both kinds of projects.

SB 35 aims to make the permitting process faster and less cumbersome in those areas, with the hope of boosting the housing supply and stabilizing soaring housing costs over time.

The progress report was published by the California Department of Housing and Community Development, which is managing the new law’s implementation. The department found that 70.1

percent of all cities and counties fell short of the state's guidelines for both market rate and affordable housing. Another 27.5 percent approved enough market-rate housing, but not enough affordable housing.

California has set guidelines for development, measured by permits issued to builders, since 1969 in an effort to discourage cities from impeding growth. Those guidelines are set during 8-year cycles through the bureaucratically titled Regional Housing Needs Allocation, which housing policy wonks call RHNA (pronounced REE-na).

Critics say the state lacks power to enforce the guidelines, however, and many cities lobby to have their goals reduced, or ignore them altogether. Wiener has a pending proposal, Senate Bill 828, to change how those numbers are set.

The very short list of cities and counties that are on track to meeting the state's affordable housing development goals was not a shock to Matt Schwartz, president CEO of the California Housing Partnership, a non-profit housing organization based in San Francisco. He believes the state needs to offer more rewards to local governments that are approving affordable housing projects — and perhaps withhold some transportation funding for those that don't.

“What's the penalty if I don't meet my RHNA affordable housing goal? What's the incentive if I meet or exceed those goals?” he asked. “Not much.”

Reporter Louis Hansen contributed to this story.

These Bay Area cities and counties are failing to meet all of their housing goals — both market rate and affordable:

Alameda County, Capitola, Carmel, Clayton, Concord, East Palo Alto, Emeryville, Hayward, Los Altos Hills, Martinez, Menlo Park, Mill Valley, Millbrae, Monterey, Moraga, Newark, Novato, Pacifica, Pinole, Pleasant Hill, Redwood City, Richmond, San Bruno, San Leandro, San Mateo County, Santa Cruz County, Sausalito, South San Francisco, Tracy, Union City, Vallejo

The Bay Area cities and counties below are not issuing enough permits for affordable (below market rate) housing, but are on track to meet their goals for market-rate housing:

Alameda, Albany, Antioch, Atherton, Berkeley, Brisbane, Burlingame, Campbell, Contra Costa County, Cupertino, Daly City, Danville, Dublin, El Cerrito, Fremont, Gilroy, Hercules, Lafayette, Los Altos, Los Gatos, Marin County, Milpitas, Morgan Hill, Mountain View, Oakland, Orinda, Palo Alto, Piedmont, Pittsburg, Pleasanton, San Francisco, San Jose, San Mateo, San Pablo, San Rafael, San Ramon, Santa Clara, Santa Clara County, Sunnyvale, Walnut Creek, Woodside

Statewide, just 13 cities or counties are on track to meet both goals. They include Foster City, Hillsborough, San Anselmo, and Napa and Sonoma counties.

San Francisco Chronicle

Major water projects hit funding barriers as California questions value

By [Kurtis Alexander](#)

February 2, 2018 Updated: **February 3, 2018** 1:19pm



Photo: Michael Macor, The Chronicle

Looking out over the Los Vaqueros Reservoir from the dam in Brentwood. More than a dozen local water agencies are trying to tap a windfall of state funds to expand Los Vaqueros Reservoir into a regional giant.

In a remote canyon tucked into the East Bay hills, the glassy waters of Los Vaqueros Reservoir were nearly brimming last week, a welcome sight in a winter that's been desperately short on rain.

Several Bay Area communities say the lake could hold far more water. With memories of California's drought still fresh, and concern growing of more dry times ahead, about a dozen water agencies are pushing to expand the Contra Costa County reservoir into a regional giant that would share its bounty with San Francisco and the South Bay.

But the \$914 million plan has hit a financing snag. In a report released Friday, California water officials found that Los Vaqueros Reservoir managers haven't shown that enough public benefit will come with the expansion. As a result, they may get little or no state funding.

The same was said of 10 other water-supply projects competing for dollars from voter-approved Proposition 1. Among them are the biggest dams proposed in California in decades, including Temperance Flat on the San Joaquin River east of Fresno and Sites along the Sacramento River in Colusa County. The report could doom or delay any of these efforts.

While Prop. 1 was passed with the intention of advancing such drought-response ventures, the 2014 measure requires water-supply projects to do more than store water. They have to boost water flows for fish, for example, or create recreational opportunities like boating — and it's these areas where state officials say the proposals fall short.

“If you're asking for \$1 million, we'd like to know you're giving \$1 million in public benefit,” said Chris Orrock, a spokesman for the California Water Commission, which is awarding the money.



Proponents of Los Vaqueros and other projects insist they have plenty to offer beyond water storage. They plan to submit a challenge to the state's analysis, which the water commission will welcome through Feb. 23.

"It's very difficult when you're talking about a project this complex," said Marguerite Patil, special assistant to the general manager for the Contra Costa Water District, which operates Los Vaqueros. "But we're (still) feeling pretty confident that we'll do well."

As Patil stood atop the reservoir's roughly 225-foot earthen dam, she pointed to a crest on a hillside that would mark the new high-water point if the lake is extended. The grassy shoreline below would be submerged, as would a small marina that would eventually be rebuilt — bigger and better, according to the district.

It says its project would yield other benefits, such as greater fishing opportunities, more water to restore wetlands, and emergency drinking water reserves.

The proposal calls for draining the lake before elevating the dam 55 feet, which would increase the reservoir's capacity by 70 percent. The larger facility would store 275,000 acre-feet of water, enough to supply more than a half million households for a year and plenty for the district to pass along to its Bay Area neighbors.

The San Francisco Public Utilities Commission, Santa Clara Valley Water District and East Bay Municipal Utility District are among the partners hoping to tap into the expansion. The coalition is seeking \$434 million of Prop. 1 money. About \$2.7 billion of the measure's total \$7.5 billion is available for water storage.

The competition includes four other reservoir projects, including the expansion of Pacheco Reservoir in eastern Santa Clara County. Most other applications are for underground storage, in which surface water is stashed in aquifers during wet times and taken out during dry ones.

In recent decades, reservoirs have been a tough sell in California. The rush to dam rivers, resulting in more than 1,000 reservoirs last century, slowed in the 1970s. Completion of the New Melones Dam on the Stanislaus River in 1979 marked the last major facility.

The reasons for the drop-off are numerous. Not only are the best spots for dams taken, but water managers have a better understanding of the harm that dams do to rivers and fish. Meanwhile, government funding for the pricey endeavors has largely dried up.

Efforts to revive the era of big dams have occasionally surfaced, especially during dry spells. Prop. 1, which emerged in the throes of the recent five-year drought, presents perhaps the biggest opportunity for new projects.

But the measure's fine print seeks to deter repeats of the ecologically damaging and less economical reservoirs of the 1900s. Those pitching new projects must show that their public benefit matches the funding they seek. The money will not cover the costs of building new storage alone.

“This is to keep folks from just building big water-supply projects,” said Jeffrey Mount, a senior fellow at the Public Policy Institute of California’s Water Policy Center, noting that many reservoirs have historically been highly subsidized affairs that serve specific interests. “In most of these big projects in the past, if the people who benefited from the water had to pay for it, they couldn’t afford it.”

As good as the intentions of Prop. 1 may be, the financing conditions are proving difficult, Mount said.

Friday’s report took issue with the purported benefits of the 11 projects. For instance, while the application for the Los Vaqueros Reservoir expansion said every dollar spent on the effort would yield a public benefit of \$3.60, the state countered that the demonstrated benefit was just 46 cents.

None of the projects produced a public benefit equal to their cost, according to the state.

“There is the possibility we’ve painted ourselves into a corner with this bond language,” Mount said.

If the proposals can’t demonstrate greater value, he added, state officials would probably have to go back to voters to amend the proposition.

Orrock, the water commission spokesman, said the agency expects to get the money out and will begin reviewing challenges to the report as soon as they’re submitted. Final decisions are expected this summer.

For many of the projects, including Los Vaqueros, Friday’s report cited missing information and inadequate modeling, which proponents said they could easily address.

As the sun beat down on the lake and a pelican splashed in the water, Patil said Los Vaqueros Reservoir has a built-in advantage: its location. The dam is not on a river and therefore doesn’t damage the health of a waterway.

The reservoir pipes in water from the Sacramento-San Joaquin River Delta, several miles to the east. The expansion, she said, would add another pipeline able to move water to Central Valley wetlands. A commitment to sending supplies to environmental refuges has won the project rare support from conservation groups.

“This water supply could dramatically improve conditions for birds, snakes, turtles and many other critters,” said Rachel Zwillinger, a water policy adviser at Defenders of Wildlife. “In the Central Valley, we’ve lost about 95 percent of our historic wetlands.”

Zwillinger is pleased that the state is scrutinizing Prop. 1 applications and trying to weed out projects without environmental benefits, but she thinks Los Vaqueros Reservoir should qualify.

Contra Costa Water District officials hope to finish the planning and approval process for the expansion over the next three years. Construction is expected to take another six years.

The added capacity would far exceed the district's water-storage needs, allowing the agency to hold water for other Bay Area suppliers as well as a handful of Central Valley irrigation districts.

The plan, the district says, is for water surpluses to be collected during wet years and kept until they're needed in dry years. Initial projections show that the San Francisco Public Utilities Commission would be one of the biggest recipients.

"The old version of dams was trying to figure out how to squeeze as much water out of our rivers as possible. That's not what Contra Costa is doing here," said Barry Nelson, a water consultant and project supporter.

"This is water in the bank," he said. "It's really important to make sure San Francisco, Silicon Valley and the East Bay don't run out of water during droughts."

*Kurtis Alexander is a San Francisco Chronicle staff writer. Email: kalexander@sfchronicle.com
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Published February 7th, 2018

Down goes 16!

By Nick Marnell



Photo courtesy ConFire

Lafayette Fire Station 16 bit the dust Jan. 31, one step closer to the opening of the new Los Arabis Drive station, scheduled for March 2019.

The Contra Costa County Fire Protection District announced another facilities change at the end of January, as the company headquarters will move from Pleasant Hill to north Concord effective Feb. 20. The new central office will house administration, operations and the emergency medical services division.

"It will be a much larger, more professional facility," said Assistant Chief Aaron McAlister. "We barely had enough room to walk around in the old building."

The ConFire dispatch center, which also serves the Moraga-Orinda Fire District, remains in Pleasant Hill.

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[back](#)

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Published February 7th, 2018

Lamorinda mayors balk at proposed CPUC resolution

By Nick Marnell



MCE Solar One, a new 60-acre, 10.5 MW solar farm in Richmond. Photo provided

Mayors Dave Trotter of Moraga and Don Tatzin of Lafayette have urged the California Public Utilities Commission to vote against implementing a registration process for new community choice aggregators, arguing that the registration process is an improper de facto freeze on CCA implementation.

"It is inappropriate for CPUC staff to now attempt to forcibly implement a freeze," Trotter wrote in a Jan. 16 letter to Michael Picker, PUC president. "Adoption of the resolution would unreasonably delay new communities from joining or forming CCAs."

the aggregators to comply with its resource adequacy program, which ensures that the CCAs have contracted for enough power generation to meet peak customer demand, relieving the prior utility - locally, PG&E - of the cost and responsibility. According to the commission, many new CCAs are not incorporated into the resource adequacy program and the draft resolution will require their compliance.

Community choice aggregation is a nonprofit alternative to investor-owned utilities that allows government entities to purchase energy for their communities, choosing a power generating source that provides cheaper or greener energy products, or both. With the rapid emergence of CCAs, the PUC says it wants to force

Marin Clean Energy is California's first community choice aggregator, providing a basic 50 percent renewable energy service to its customers, with an option to upgrade to 100 percent renewable energy. "We are concerned that the CPUC is overreaching its authority," said Dawn Weisz, MCE chief executive officer.

Weisz and Trotter, an MCE board member, agree that the issues of expanding CCA communities and resource adequacy should be resolved transparently in a formal regulatory proceeding. "The draft is an inappropriate procedural pathway to solving a cost allocation issue," said Weisz. The commission's reliance solely on confidential data supplied by PG&E also troubled Weisz, she said.

Tatzin, an MCE board member, said that had the proposed PUC resolution been in place when his city applied to MCE, customers would have waited 15 months longer to receive electricity from the company, costing customers more money for nonrenewable PG&E energy. If Lafayette had joined a new CCA, Tatzin said the delay would have caused startup costs to go on for 15 more months, decreasing the financial viability of the new CCA and depriving consumers of a choice.

"Even if a subsidy exists, the PUC has other means to correct that situation without delaying growth and formation of CCAs," said Tatzin who presented his arguments to the commission in January.

The PUC has scheduled a Feb. 8 vote on the draft resolution.

Moraga will join MCE in April. Lafayette has been an MCE member since September 2016, while Orinda has declined to join a community choice aggregator.

Reach the reporter at: nick@lamorindaweekly.com

[back](#)

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Published February 7th, 2018

MOFD to add firefighters in time for fire season

By Nick Marnell

The Moraga-Orinda Fire District board authorized Fire Chief Dave Winnacker to hire six new firefighters, which, barring any sudden departures, will boost to 58 the number of district fire suppression personnel by the beginning of the fire season in July.

Four of the firefighters were technically approved in 2017 as part of the district \$1.4 million Staffing for Adequate Firefighter and Emergency Response grant that MOFD accepted in September. The four were to begin the Alameda County Fire Department Academy in January but Winnacker said that one recruit dropped out. The district was able to replace the dropout from its 2017 hiring list.

The two additional MOFD hires will enter an academy put on by the city of Alameda in April.

Winnacker explained that the addition of a firefighter costs \$18,000 more per year than using an employee on overtime to perform the same work. But the chief said there are hidden costs to excessive overtime that contribute to the potential for injury and a potential decrease in efficiency. "One single shift of overtime means an 80-hour work week," Winnacker said.

The firefighters union affirmed its position on MOFD staffing at the Jan. 17 district meeting. "Our expectation is that the board approves a move to a 19 daily staffing model and to fully staff the second district ambulance," Vince Wells, Local 1230 president, told the board.

The union complained in October about what it determined was the district misuse of the SAFER grant funds.

"The grant was written for a reason, and should be accepted for that reason," Capt. Mark McCullah, MOFD union representative, said at the time. The grant was written by Battalion Chief Jerry Lee, who requested that the funds be used to fully staff Medic 145, but the acceptance of the award did not lock the district into how it uses the money.

Winnacker said that the hiring authorization had neither a positive nor a negative impact on the district staffing model, including the full-time staffing of a second district ambulance.

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[back](#)

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