

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

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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."

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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

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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

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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](#).



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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.

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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

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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.

San Jose Mercury News

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.

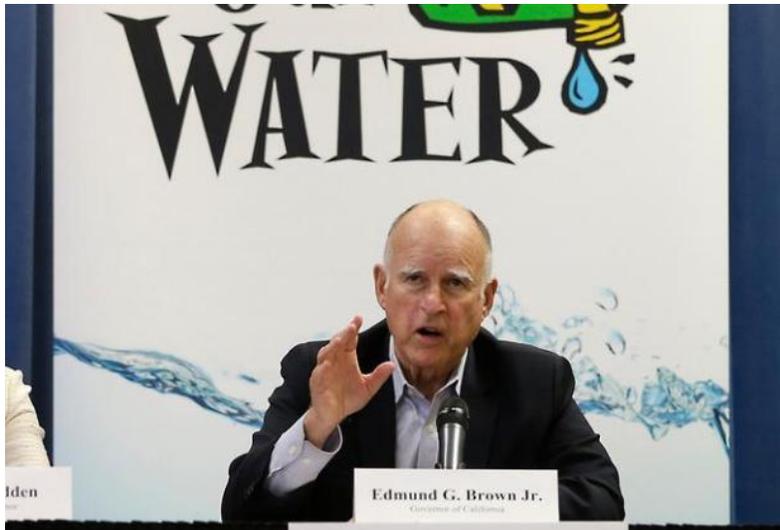
Cape Town officials have been scrambling to tap deeper underground aquifers and set up desalination plants. But Mayor Patricia de Lille said on Jan. 16 that due to a failure to reduce water use, Cape Town has reached a point of no return and Day Zero is inevitable.

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.

Ken Carlson: [209-578-2321](tel:209-578-2321), @KenCarlson16

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.

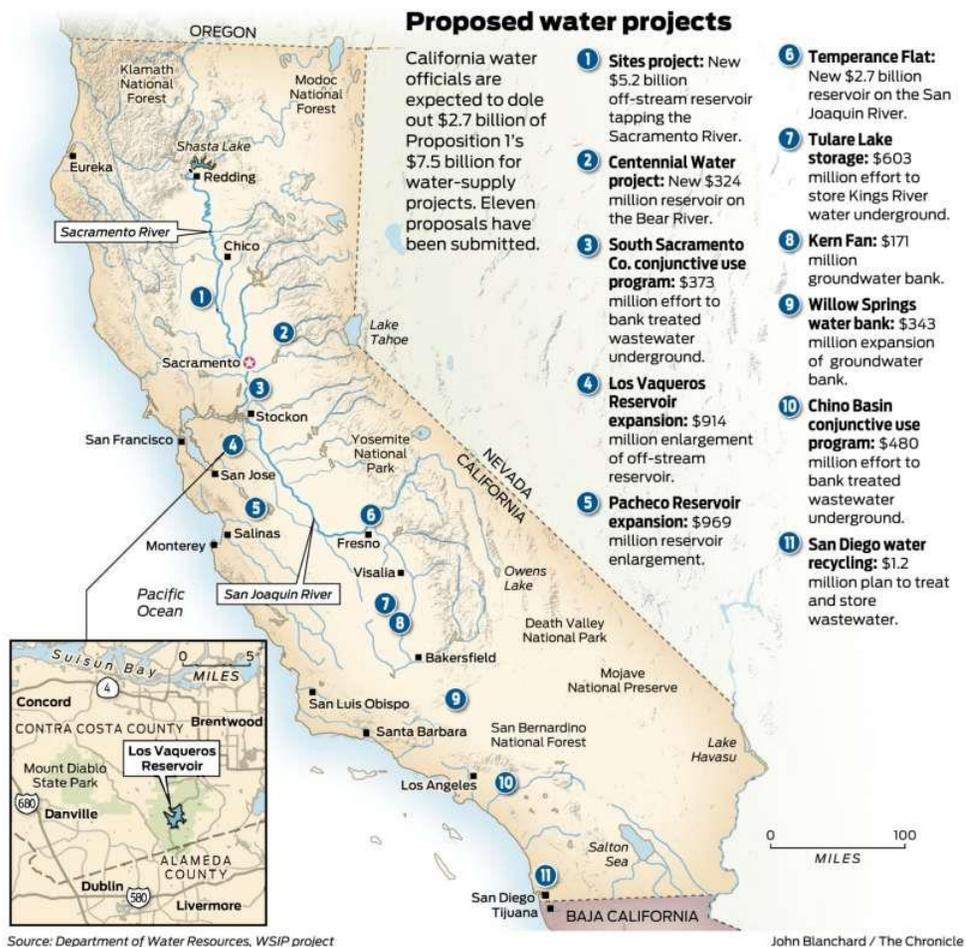
Several Bay Area communities say the lake could hold far more water. With memories of California's drought still fresh, and concern growing of more dry times ahead, about a dozen water agencies are pushing to expand the Contra Costa County reservoir into a regional giant that would share its bounty with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

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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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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.

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[back](#)

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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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