



NOTICE AND AGENDA FOR REGULAR MEETING

DATE/TIME: Wednesday, March 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.

MARCH 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 February 14, 2018 regular LAFCO meeting

OUT OF AGENCY SERVICE REQUESTS

6. **LAFCO 18-02 – City of Martinez – 2415 Donald Avenue** – consider a request by the City of Martinez to provide municipal water service outside its jurisdictional boundary to a 0.10± acre parcel (APN 378-091-007) located on Donald Avenue in the unincorporated Mt. View area to serve a proposed residential duplex; and consider related actions under CEQA.

BUSINESS ITEMS

7. **Selection of Alternate Public Member** – the Commission will receive a report from the screening committee, be asked to interview the top five applicants for the alternate public member seat, and be asked to appoint the alternate public member.
8. **FY 2018-19 Proposed Budget and Work Plan** - consider approving the proposed budget and work plan for FY 2018-19 - **Public Hearing**
9. **Proposed Update to Contra Costa LAFCO's Legislative Platform** - the Commission will be asked to approve minor revisions to its Legislative Platform consistent with the CALAFCO 2018 Legislative Policies.

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 **April 18, 2018 at 1:30 pm (third Wednesday)**

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

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MINUTES OF MEETING

February 14, 2018

Board of Supervisors Chambers
Martinez, CA

March 14, 2018
Agenda Item 5

1. Chair Mike McGill 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 Members Candace Andersen and Federal Glover.
Special District Members Mike McGill and Igor Skaredoff and Alternate Stanley Caldwell.
City Members Rob Schroder and Don Tatzin.

Present were Executive Officer Lou Ann Texeira, Legal Counsel Sharon Anderson, and Clerk Kate Sibley.
3. Approval of the Agenda
Upon motion of Tatzin, second by Andersen, the agenda was adopted, 6-0, as presented.
AYES: Andersen, Glover, McGill, Schroder, Skaredoff, Tatzin
NOES: none
ABSENT: Blubaugh (M)
ABSTAIN: none
4. Public Comments
There were no public comments.
5. Approval of January 10, 2018 Meeting Minutes
Upon motion of Tatzin, second by Andersen, the January 10, 2018 meeting minutes were approved by a vote of 6-0.
AYES: Andersen, Glover, McGill, Schroder, Skaredoff, Tatzin
NOES: none
ABSENT: Blubaugh (M)
ABSTAIN: none
6. Knightsen Town Community Services District (KTCSD) Update
The Executive Officer introduced the item by noting that in 2014, LAFCO completed its 2nd round MSR covering water/wastewater services, which included KTCSD and identified concerns regarding the lack of facilities, services and programs by the District. Similar concerns were raised in the 2008 1st round MSR. Both MSRs recommended a zero SOI for the District, as the District had not provided any physical services since its inception in 2005. However, at the LAFCO hearing in 2014, the District and the County spoke in favor of retaining the District's SOI, given the District was making progress on grant funding and land acquisition. The Commission adopted a resolution retaining the existing SOI and requiring the KTCSD to provide annual progress reports to LAFCO until the next MSR cycle.

Staff introduced Steve Ohmstede, Chair of KTCSD, who provided Commissioners with a brief update on the District's progress: since March 2017, the District has had a full five-member board; completed a hydrology study and created a capital improvement projects list; created a budget for

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FY 2017-18; retained an attorney and purchased insurance; conducted independent audits; created a website; updated their bylaws; developed a manager job description in anticipation of hiring staff; and is working with reclamation districts, Nunn Farms, East Bay Regional Park District and County Flood Control on plans to prevent flooding in the Knightsen area.

Mr. Ohmstede then introduced Mitch Avalon, project consultant with Contra Costa County Flood Control, and Mark Lindley with ESA Engineering.

Mr. Lindley, who has been involved with the Knightsen project since 2000, made a presentation regarding the challenges that the District faced when it was formed and the progress they have made since then. They completed a hydrology study in 2002 with the County, which developed hydrology and water quality best management practice (BMP) recommendations and identified implementation hurdles, such as property ownership and funding. He commended Linda Weekes, former chair of KTCSD, for identifying the 645-acre Nunn property as an ideal and obtainable location for BMPs.

Seven BMPs have been proposed: 1) Curlew Connex Infiltration Basin; 2) Knightsen Avenue Bioswale; 3) Eden Plains Road Wetland Basin; 4) Railroad Bioswale & Infiltration Basin; 5) Eagle Lane Bioswale; 6) Byron Highway and Ironhorse Road Infiltration Basin & Bioswale; and 7) Delta Road and Byron Highway Bioswale. Also, restoration with East Contra Costa Habitat Conservancy is moving forward.

In response to a question from Commissioner Tatzin about the very low parcel assessment revenues for KTCSD, Mitch Avalon stated that most grants require a match, and this is one of the primary factors delaying progress on the projects.

Commissioner Skaredoff asked a series of questions relating to habitat conservation and flood prevention and the level of protection these systems would provide to the Knightsen community. Mr. Lindley responded that this depends on the community and its growth decisions, and what sort of buildout might occur there, adding that a system is only as good as one clogged culvert.

Commissioner Glover commended KTCSD and the consultants, as well as Linda Weekes, for their perseverance and progress, wishing them well in the next steps. Mr. Lindley responded that they're excited to see it coming together.

Mitch Avalon added that it takes a long time to build something like this, and that without KTCSD in place this initial project/partnership with all the involved parties would not have happened.

The Chair opened the floor for public comments and suggested that if speakers had nothing new to add to comments made before their turn, perhaps they could simply state their agreement.

Tricia Bello-Kunkel, Concerned Citizens of Knightsen, stated that there is a large and vocal opposition to KTCSD building due to the large tax increase that was levied without communication to the community. They feel that these projects are too large and unsupportable for the relatively small number of parcels in KTCSD, which they believe was never meant to do large scale projects. Also, the KTCSD Board shows no transparency and a lack of compliance with the Brown Act.

Chester (Chet) Holm, Knightsen resident, noted that this is his first LAFCO meeting, he is disturbed by the increase in taxes, and commented on the bylaws.

Gilbert Somerhalder, Knightsen resident, stated that they don't need KTCSD and questioned why they are directing water where it's going to go naturally.

Albert Bello, Knightsen resident, remembered heavy flooding in the 1950s and noted that there have been few problems since then, aside from some standing water. If culverts were maintained and cleaned there would be no problem.

Mike Espindola, Knightsen resident, stated that he is a fourth-generation farmer in the Knightsen area, and that the only flooding he recalls was in 1997; even in the heavy rains of 2017 he didn't see a problem. Further, some people just don't have the additional money for the higher taxes.

Mark Whitlock, Bethel Island resident, pointed out that while he too does not want to pay more taxes, he believes that the work being done by KTCSD, the County, and the other partners in this is necessary for looking ahead 25 years or more. If they don't work on this now, they'll run into the same problems Bethel Island is facing now. The challenge comes with the reality of needing to "hurry up and wait" for grant funding.

Paul Kunkel, Knightsen resident, stated that Knightsen residents *are* attending meetings and want to be involved in the process.

Chair McGill thanked the KTCSD presenters and community speakers, noting that he was pleased to see the LAFCO process working.

Upon motion by Glover, second by Tatzin, Commissioners, by a 6-0 vote, received the District's report.

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

7. Fiscal Year 2018-19 Budget Schedule/Work Plan Preview

The Executive Officer introduced a preliminary work plan for FY 2018-19, which includes goals and objectives such as MSR's & SOI updates, policies & procedures updates, and other projects.

One of the more significant continuing programs is 2nd round MSR's. The current year budget provides funding for two MSR's - healthcare services (completed January 2018), and city services. Staff recommends moving forward with the "city services" MSR, as discussed in agenda item #8, which will carry over to FY 2018-19. Additionally, staff recommends funding in the FY 2018-19 budget for another 2nd round MSR.

Also to be carried over in the FY 2018-19 budget will be costs for moving the office and hiring a third staff person. The most recent communication with County staff indicates that tenant improvements will begin in April with an anticipated move in September 2018. The FY 2018-19 budget will include funding associated with the move and new location. Once the offices have been relocated, the Executive Officer will begin the search for a part-time analyst, who will assist with reviewing LAFCO applications, project management (MSR's, special studies), policy work, and general staff services.

The Executive Officer presented a table summarizing the status of 2nd round MSR's and possible candidates for FY 2018-19. After brief discussion, Commissioners felt that focusing on County Service Areas (CSAs) and Park and Recreation services would be most advantageous.

Upon motion by Tatzin, second by Skaredoff, Commissioners, by a 6-0 vote, received the report and the proposed budget schedule.

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

8. 2nd Round Municipal Services Review (MSR)/Sphere of Influence (SOI) Updates - Cities and Community Services Districts (CSDs)

The Executive Officer presented a Draft Request for Proposals (RFP) for a “city services” MSR, which will cover the 19 cities and four of the six community services districts, as two of the CSDs provide only water/wastewater services and were covered in the 2014 2nd round W/WW MSR.

The RFP lists the various services to be reviewed, along with several focus areas including: 1) updating profile data including growth and population, jobs/housing, finances, and staffing; 2) shared services (i.e., joint powers/joint use agreements, contracts between public agencies, public-private partnerships); 3) infill development/sprawl prevention/islands; and 4) agricultural/open space preservation.

Staff proposes posting the RFP, as has been the custom, on the Contra Costa LAFCO website, the CALAFCO website, and the CSDA website. The plan is to also post this on the League of California Cities website.

Commissioner Tatzin suggested including a question regarding the way cities’ independence benefits their residents, giving the cities (and CSDs) an opportunity to make a positive statement about their services and strengths. Commissioners Andersen and Glover offered additional comments in response to this suggestion. Staff responded that a question like this could be folded into the “other” review category.

Upon motion by Andersen, second by Glover, Commissioners, by a 6-0 vote, authorized the circulation of the RFP for the 2nd round “city services” MSR/SOI updates and directed staff to return to the Commission with a recommended contract award at the April 18, 2018 regular LAFCO meeting.

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

9. Request to Transfer Jurisdiction from Alameda LAFCO to Contra Costa LAFCO

The Executive Officer reported that Contra Costa LAFCO recently received a letter from an applicant indicating they will seek annexation of their property to the City of San Ramon and to EBMUD and CCCSD, as well as corresponding SOI amendments to the two districts, in conjunction with the Chang Property Development of 43 single-family homes and related infrastructure at the northwest corner of Bollinger Canyon and Crow Canyon Roads intersection.

In addition to State laws that govern boundary changes and the transfer of jurisdiction, Alameda and Contra Costa LAFCOs have adopted *Procedures for Processing Multi-County Changes of Organization or Reorganization - Alameda and Contra Costa LAFCOs*. Alameda and Contra Costa LAFCOs have a history of transferring jurisdiction. These procedures provide for an initial review and consultation by the LAFCO Executive Officers, which has occurred.

Upon motion by Andersen, second by Schroder, Commissioners, by a 6-0 vote, agreed to assume exclusive jurisdiction for this proposal, and authorized staff to send a letter to Alameda LAFCO requesting a transfer of jurisdiction in conjunction with this proposal.

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

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

There were no comments on this item.

11. Commissioner Comments and Announcements

Commissioner McGill reported that he attended the CALAFCO Legislative Committee meeting, and a CALAFCO Ad Hoc Finance Committee meeting, on January 19, and will attend the CALAFCO Legislative Committee meeting on February 16, 2018, and the CALAFCO Board meeting on February 23, 2018.

Commissioner Tatzin reported that he and the Executive Officer met with the Executive Director and Board Chair of Los Medanos Community Healthcare District regarding the County application to dissolve that district.

Commissioners Skaredoff noted that Contra Costa County Resource Conservation District has a new executive director, and is coming out of a stormy period.

12. Staff Announcements

The Executive Officer reported that she would be attending the CALAFCO Legislative Committee meeting on February 16, 2018. CALAFCO is tracking various bills; a list was included in the agenda packet.

Also, staff made a LAFCO 101 presentation to the Association of California Healthcare Districts, which was well received.

The meeting adjourned at 3:01 p.m.

Final Minutes Approved by the Commission March 14, 2018.

AYES:
NOES:
ABSTAIN:
ABSENT:

By _____
Executive Officer

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

March 14, 2018 (Agenda)

March 14, 2018
Agenda Item 6

LAFCO 18-02 City of Martinez - Out of Agency Service Request (2415 Donald Avenue)

SYNOPSIS

This is a request by the City of Martinez to provide municipal water service outside its jurisdictional boundary to one parcel located at 2415 Donald Avenue in the unincorporated Mt. View area. The parcel (APN 378-091-007) is 0.10± acre (see Attachment 1). The property owner is constructing a residential duplex on the property through Contra Costa County; construction is currently underway.

The County zoning for the property is D-1 (Two Family Residential - 8,000 square foot minimum lot size), and the County's General Plan designation is ML (Multiple Family Residential – Low). The City's current General Plan and pre-zoning designation for this property is "Industrial." The City is in the process of updating its General Plan and zoning designations, and this property will be addressed through the City's process. The subject parcel is located within the City of Martinez sphere of influence (SOI) and within the City's Urban Limit Line. Surrounding uses include single family residential to the north, east and west, and commercial to the south.

According to the City's application, the City is currently providing water service to the neighborhood surrounding the subject property. The area is also within the Mt. View Sanitary District service boundary.

DISCUSSION

Statutory Framework – Out of Agency Service – The Government Code and local LAFCO policies (Attachment 2) regulate the extension of out of agency service. Government Code §56133 states that "A city or district may provide new or extended services by contract or agreement outside of its jurisdictional boundary only if it first requests and receives written approval from the Commission." Further, the law provides that LAFCO may authorize a city or district to provide new or extended services under specific circumstances: a) outside the agency's jurisdictional boundary but within its SOI in anticipation of a future annexation; or b) outside its jurisdictional boundary and outside its SOI in response to an existing or impending threat to the public health or safety.

The Commission's current policies regarding out of agency service are consistent with State law in that annexations to cities and special districts are generally preferred for providing municipal services. However, there may be situations where health and safety, emergency service, or other concerns warrant out of agency service. Historically, out of agency service is considered a temporary measure, typically in response to an existing or impending public health and safety threat (e.g., failing septic system, contaminated well); or in anticipation of a future annexation.

City's Prior Commitment to Annexations – As noted in the 2008 and 2014 *Water/Wastewater* and the 2009 *Central County Sub-regional LAFCO Municipal Service Reviews (MSRs)*, the City is providing water services beyond its corporate limits to 1,500± water connections. The LAFCO MSRs recommend that the City of Martinez annex areas receiving city services, as appropriate. The MSRs note that the 1,500 water connections serve residents who do not have representation in terms of electing the Martinez City Council and governance issues. City staff indicates that those residents who receive out of agency water service have the right to address the City Council regarding policy decisions. Further, they have equal rights under Proposition 218 to protest water rate increases.

The City of Martinez has demonstrated commitment to annexing these unincorporated areas through prior actions including preparing fiscal studies analyzing the impacts of annexing these areas to the City (i.e., Alhambra Valley, North Pacheco, Mt. View); rezoning these areas; adopting resolutions affirming the City's pledge to annex these areas (i.e., Alhambra Valley, Mt. View); and prior annexation efforts including the successful annexation of a portion of Alhambra Valley, and the attempted annexation of North Pacheco, which was approved by LAFCO, but rejected by the voters. Further, the City requires property owner(s) to sign and record a deferred annexation agreement when applying for out of agency service.

While the City has taken actions in furtherance of future annexations of most of these areas, the outcome of the fiscal studies show a negative fiscal impact to the City; thus, annexation of most of these areas, including the Mt. View area, are not financially viable.

Consistency with LAFCO Policies – The City has applied to LAFCO to extend out of agency water service to the subject property, which is located in the Mt. View area. There are currently no public health/safety issues on the property. The extension of water service will enable development of the property.

Contra Costa LAFCO's policies are consistent with Government Code §56133, in that out of agency service can be extended either in response to a threat to the health and safety of the public (e.g., failed septic system, contaminated or dry well, etc.), or in anticipation of annexation.

In addition, the LAFCO policies contain the following provisions which are relevant to this proposal:

3) *Objective – Out of agency service is generally not intended to support new development.*

The out of agency service request is intended to serve infill development of a residential duplex.

4) *Out of Agency Service Policies: General Statements*

a) *Annexation to cities and special districts involving territory located within the affected agency's SOI is generally preferred to out of agency service.*

As noted in the City's letter (Attachment 3), annexation of the subject parcel is not feasible at this time due to service, cost, access, and other factors.

b) *LAFCO will consider applicable MSRs and discourage out of agency service extensions that conflict with adopted MSR determinations or recommendations.*

The previous LAFCO MSRs recommended annexing properties that are receiving, or will require, City water service, as appropriate.

5) *Form of Request*

Request in Anticipation of Annexation

An out of agency service application must be accompanied by a change of organization or reorganization application, including an approved tax sharing agreement, in order for LAFCO to determine that the out of agency service is in anticipation of a change of organization (i.e., annexation) within the next 12 months. This dual application requirement may be waived in certain situations by the Commission if compelling justification is provided. Circumstances which may warrant such a waiver include, but are not limited to, the following:

- *Lack of contiguity (e.g., city boundary) when the project was approved prior to 2011*

The subject parcel is contiguous to the City boundary.

- *Service is only needed to serve a portion of a larger parcel, and annexation of the entire parcel is not desirable*
- *Other circumstances which are consistent with LAFCO statute and the polices of Contra Costa LAFCO*

The City notes that onsite systems (i.e., septic, well) are not feasible due to physical restrictions on the property.

- *If immediate annexation (i.e., within 12 months) is not a feasible alternative, then the extension of services may be approved in anticipation of a later annexation if the agency provides LAFCO with a resolution of intent to annex, as well as appropriate assurances (e.g., rezoning, plan for annexation, deferred annexation agreement, etc.) which demonstrate that out of agency service is an intermediate steps toward eventual annexation.*

As noted in the City's letter, the City intends to annex the Mt. View area in the future. The City Council adopted two resolutions affirming the City's intent to pursue annexation of the Mt. View area, along with a non-binding strategy and timeline for annexation of the area by the year 2030. Further, the City has obtained and recorded a deferred annexation agreement on the subject parcel.

The subject property is contiguous to the City boundary. Consequently, the property owner previously applied to LAFCO to annex the property to the City. Subsequently, City staff informed LAFCO that the City cannot support annexation at this time due to service and cost concerns. LAFCO staff explored the possibility of the county continuing to provide municipal services to the property (i.e., law enforcement, public works, etc.) post annexation. The County was agreeable; however, this arrangement could result in service confusion and inconsistency, and would necessitate a new property tax transfer agreement between the City and County. Consequently, the annexation application could not proceed and was voided. Accordingly, LAFCO staff, City staff and the property owner agree that the most desirable and expedient approach is to proceed with an out of agency service request.

Water Supply to the Subject Property – The subject property is located in the Mt. View area, which is mostly developed and characterized primarily by residential with some commercial, industrial and public uses. Most of the developed properties in the Mt. View area receive water service through the City of Martinez.

The City indicates that it has adequate water to serve the subject property. According to the City, water service could be provided to the parcel from the City's existing 6-inch water main on Donald Avenue. Infrastructure includes lateral(s), meter(s), and backflow prevention device(s). The service line will be used for domestic and fire supply.

The property owner is responsible for all site development, improvement and start-up costs including those associated with the domestic water system; operational and maintenance costs will be funded through water service and water usage fees collected by the City of Martinez.

Environmental Review – The City of Martinez found the project exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15303, and has filed a Notice of Exemption. The LAFCO Environmental Coordinator has reviewed this document and finds it adequate for LAFCO purposes.

ALTERNATIVES FOR COMMISSION ACTION

LAFCOs were formed for the primary purpose of promoting orderly development through the logical formation and determination of local agency boundaries, and facilitating the efficient provision of public

services. The CKH provides that LAFCO can approve with or without amendments, wholly, partially, or conditionally, or deny a proposal. The statute also provides LAFCO with broad discretion in terms of imposing terms and conditions. The following options and recommended terms and conditions are presented for the Commission's consideration.

Option 1 **Approve** the out of agency service request as proposed and approve Resolution No. 18-02 (Attachment 4).

- A. Find that the project is exempt pursuant to section 15303 of the CEQA Guidelines, consistent with the determinations of the City of Martinez.
- B. Authorize the City of Martinez to extend water service outside its jurisdictional boundary to APN 378-091-007 located at 2415 Donald Avenue in unincorporated Contra Costa County subject to the following terms and conditions:
 - 1. Water infrastructure and service is limited to one residential duplex unit,
 - 2. The City of Martinez has delivered to LAFCO an executed deferred annexation agreement (DAA), and the DAA was recorded as prescribed by law and runs with the land so that future landowners have constructive notice that their property is encumbered by the DAA, and
 - 3. The City of Martinez has delivered to LAFCO an executed indemnification agreement providing for the City to indemnify LAFCO against any expenses arising from any legal actions to challenging the out of agency service.
 - 4. Pursuant to LAFCO's policies, waive the condition to require a corresponding annexation application due to the City's inability to extend City services, with the exception of water, to the parcel at this time.

Option 2 **Deny** the request, thereby prohibiting the City of Martinez from providing water service to the subject property.

Option 4 **Continue** this matter to a future meeting in order to obtain more information.

RECOMMENDATION

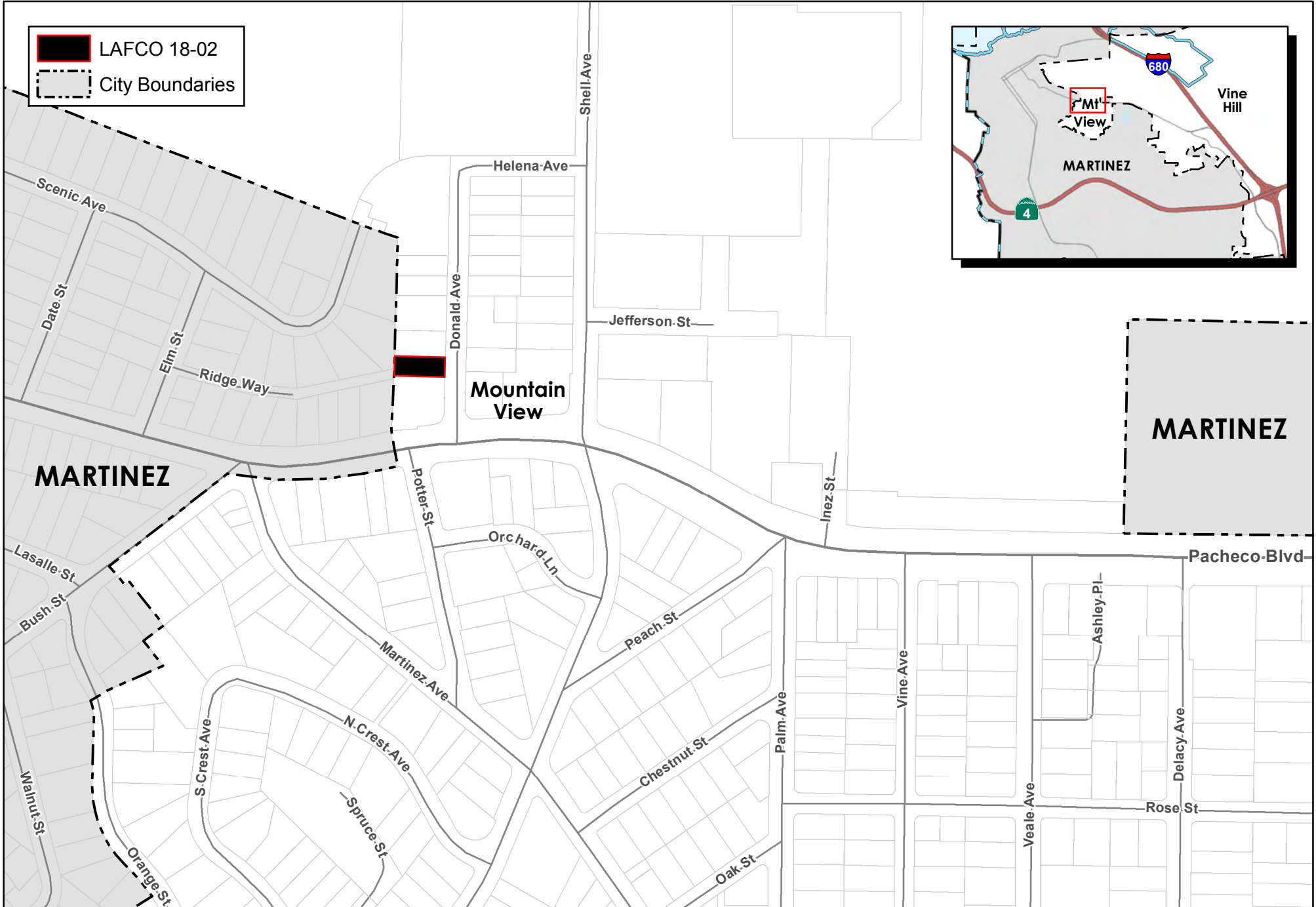
Option 1 – Approve out of agency service request with conditions as noted.

LOU ANN TEXEIRA, EXECUTIVE OFFICER
CONTRA COSTA LAFCO

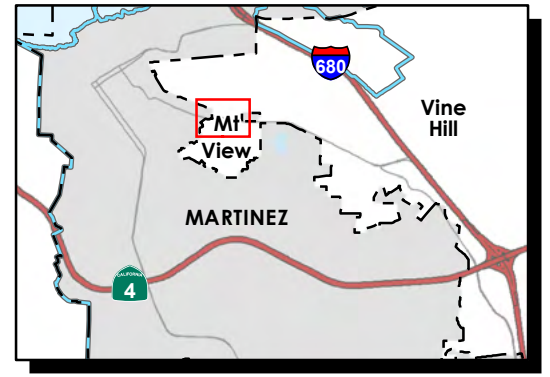
Attachments

- 1. Map of Subject Parcel
 - 2. LAFCO Policies for Out of Agency Service Agreements
 - 3. City of Martinez Letter
 - 4. Draft LAFCO Resolution 18-02
- c: Tim Tucker, City of Martinez
Christina Ratcliffe, Community and Economic Development Director
Robert Christie and Delia Estrada, Property Owners

LAFCO No.18-02 City of Martinez Out of Agency Service (2415 Donald Ave, 378-091-007)

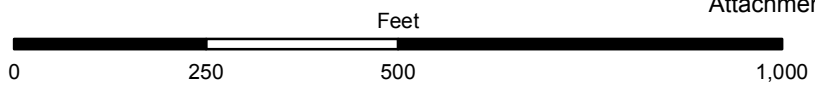


LAFCO 18-02
 City Boundaries



Map created 02/21/2018
 by Contra Costa County Department of
 Conservation and Development, GIS Group
 30 Muir Road, Martinez, CA 94553
 37.59:41.791N 122.07:03.756W

This map or dataset was created by the Contra Costa County Department of Conservation
 and Development with data from the Contra Costa County GIS Program. Some
 base data, primarily City Limits, is derived from the CA State Board of Equalization's
 tax rate areas. While obligated to use this data the County assumes no responsibility for
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Attachment 1



2.1 POLICIES AND STANDARDS

J. Policies for Out of Agency Service Agreements

I. Introduction

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH) requires a city or special district to obtain written approval from LAFCO prior to providing new or extended service outside its jurisdictional boundary, with certain exceptions (Gov. Code §56133). This section of the CKH sets forth a two-pronged test or criteria under which requests for out of agency services may be approved: either in response to an existing or impending threat to the health or safety of the public, or in anticipation of a later change in organization (i.e., annexation) for areas within the subject agency's sphere of influence (SOI). Specific procedures for submitting an out of agency service application can be found in Contra Costa LAFCO's Commissioner Handbook, section 3.15 *Provision of Services by Contract*.

II. Purpose

The purpose of these policies is to guide the Commission in reviewing city and district requests to provide new or extended services by agreement outside their jurisdictional boundaries. This includes establishing policies and procedures to ensure that the application meets one of the two criteria under which approval may be granted, and to ensure consistency with respect to form, review and consideration of requests.

III. Objective:

The objective of these policies is to ensure that the extension of services by cities and districts outside their jurisdictional boundaries is logical and consistent with supporting orderly growth and development in Contra Costa County. Out of agency service is generally not intended to support new development.

IV. Out of Agency Service Policies

A. General Statements

- 1) Annexation to cities and special districts involving territory located within the affected agency's sphere of influence (SOI) is generally preferred to out of agency service.
- 2) LAFCO will consider applicable Municipal Service Reviews (MSRs) and discourage out of agency service extensions that conflict with adopted MSR determinations or recommendations.
- 3) Requests for out of agency service agreements are subject to the applicable provisions of the California Environmental Quality Act (CEQA).
- 4) Commission approval is not required for cities or districts to provide new or extended services outside their jurisdictional boundaries if any of the exemptions apply in accordance with §56133(e) – see Section 3.15 for exceptions. The Commission encourages cities and districts to work with the Executive Officer in determining when the statutory exemptions may apply.

B. Form of Request

1. All Requests

Requests to authorize out of agency service shall be filed with the Executive Officer by the affected city or district. The application shall be signed by an authorized representative of the city or district. Requests shall be made in writing with a completed LAFCO application, payment in the amount prescribed under the Commission's adopted fee schedule, appropriate environmental document, proposed service agreement, and an executed and recorded deferred annexation agreement (DAA) and waiver of property owner protest rights. The recorded DAA shall run with the land and be binding on all future owners of the property. An indemnification agreement will be required with each application.

All requests for out of agency service are subject to the applicable provisions of CEQA.

2. Requests Due to Health or Safety Emergency

The Commission may authorize a city or district to provide new or extended services outside their jurisdictional boundary and outside or inside their SOI in response to an existing or impending threat to public health or safety ("emergency" – e.g., failing well or septic system) with documentation from the County Environmental Health Division, and in accordance with §56133(c) and LAFCO procedures. If LAFCO approves an emergency out of agency service request, and the city or district fails to initiate the provision of services within six months of the Commission's approval, the out of agency service approval shall expire, unless otherwise specified by LAFCO.

The Commission authorizes the LAFCO Executive Officer, in consultation with the Chair or Vice Chair, to approve a city's or district's request for out of agency service if there is an existing or impending public health or safety emergency, as documented by the County Environmental Health Division. The Executive Officer shall report to the Commission on his or her administrative approval of any emergency out of agency service agreements at the next regularly scheduled LAFCO meeting. Such administrative approval can be made if the following criteria are met:

- The property is currently developed
- The lack of service being requested constitutes an *immediate* (i.e., approval needed within two months) health and safety concern as documented by County Environmental Health
- There are physical restrictions on the property that prohibit a conventional service delivery method (i.e., septic tank, private well, etc.)

3. Requests in Anticipation of Annexation

An out of agency service application must be accompanied by a change of organization or reorganization application, including an approved tax sharing agreement, in order for LAFCO to determine that the out of agency service is in anticipation of a change of organization (i.e., annexation) within the next 12 months. This dual application requirement may be waived in certain situations by the Commission if compelling justification is provided. Circumstances which may warrant such a waiver include, but are not limited to, the following:

- Lack of contiguity (e.g., city boundary) when the project was approved prior to 2011
- Service is only needed to serve a portion of a larger parcel, and annexation of the entire parcel is not desirable

- Other circumstances which are consistent with LAFCO statute and the policies of Contra Costa LAFCO

If immediate annexation (i.e., within 12 months) is not a feasible alternative, then the extension of services may be approved in anticipation of a later annexation if the agency provides LAFCO with a resolution of intent to annex, as well as appropriate assurances (e.g., rezoning, plan for annexation, deferred annexation agreement, etc.) which demonstrate that out of agency service is an intermediate steps toward eventual annexation.

C. Review of Request

The Executive Officer shall review the request in accordance with CKH and LAFCO's policies and procedures.

D. Consideration of Request

Once a request is deemed complete, the Executive Officer will prepare a written report with a recommendation. The Executive Officer will present his or her report and recommendation at a public hearing for Commission consideration in accordance with CKH and LAFCO's policies and procedures. The Executive Officer's written report will be made available to the public for review prior to the scheduled hearing and include an evaluation of the following factors:

- 1) The ability of the applicant to extend the subject service to the affected land without adversely affecting current service levels within the existing service boundary.
- 2) If the request is to address a health or safety emergency, whether the documentation satisfactorily demonstrates compliance with CKH and LAFCO policies and procedures.
- 3) If the request is in anticipation of future annexation, whether the application provides adequate assurances in furtherance of a future annexation.
- 4) The application's consistency with the policies and general plans of affected local agencies.
- 5) The application's effect on growth and development within and adjacent to the affected land; and whether the out of agency service extension will contribute to premature development of fringe areas or development in areas designated for non-urban uses.
- 6) Whether the proposal contributes to the premature conversion of agricultural land or other open space land.

The Commission and the Executive Officer, as authorized by the Commission, may approve the request for out of agency service with or without conditions, or may deny the request. Unless otherwise specified in the LAFCO resolution of approval, out of agency service is allowed for the subject application only, and any future extension or expansion of service is subject to LAFCO's approval.

If the request to provide out of agency service is approved or denied, the applicant may request reconsideration within 30 days citing the reasons for reconsideration.



City of Martinez

525 Henrietta Street, Martinez, CA 94553-2394

February 28, 2018

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

Subject: Mountain View Out of Agency Water Service Requests

Dear Ms. Texeira:

The City is aware that the issue of municipal services in unincorporated areas is a concern to LAFCO. There is a long history of out of agency service (OAS) in some areas, including Martinez. LAFCO law and local policies discourage OAS and encourage annexation in order to meet LAFCO policies and reduce sprawl. The City supports LAFCO's goals and is, in fact currently processing an annexation in preparation of bringing it to LAFCO that would eliminate a "cherry stem" configuration in the southwestern edge of the City.

However, there are parcels in the Mountain View area, where the City cannot support annexation at this time (see map, attached). The parcels are located outside of the City limits, but within the water service area and the Sphere of Influence. For many years, the City has processed applications for out of agency water service in the area in anticipation of future annexation, requiring deferred annexation agreements. To that end, the City Council of the City of Martinez adopted Resolutions No. 101-16 and No. 102-16 on December 21, 2016 (Resolutions attached).

Resolution No. 101-16 affirms the City Council's intent to pursue annexation of the entire unincorporated Mountain View area. Resolution No. 102-16 establishes a non-binding strategy and timeline for the future annexation of the area. The process includes informing residents of accomplishments in the City that benefit residents, polling residents on ideas for improvements and programs in the City, and a staff report to Council every five years on the status, quantity and location of deferred annexation agreements. The resolution notes the non-binding intent to annex the area by the year 2030.

LAFCO is currently processing three out of agency water service requests for the Mountain View area. There are a handful of additional vacant parcels within the area. The City believes that annexation of individual parcels is not feasible at this time and that the appropriate means to provide water service is through an Out of Agency Agreement, concurrent with a deferred annexation agreement.

It is not cost effective, or feasible, for the City to provide full City services to the few remaining vacant parcels within the Mountain View area. Such an annexation would result in the City providing water service, while the County would continue to provide a majority of services such as road maintenance and Sheriff. Further, as the County would maintain these responsibilities, they would require certain taxes to continue with the County. This would require a new tax sharing agreement for each of these individual parcels. Creating a new tax sharing agreement for a few parcels to be annexed in an area that is largely developed is not feasible, nor does it serve the goals of LAFCO.

Further, City staff believes that the LAFCO Policy supports the Out of Agency Service agreement in these particular cases. Per the LAFCo Policy:

...The Executive Officer shall report to the Commission on his or her administrative approval of any emergency out of agency service agreements at the next regularly scheduled LAFCO meeting. Such administrative approval can be made if the following criteria are met:

- *There are physical restrictions on the property that prohibit a conventional service delivery method (i.e., septic tank, private well, etc.)* [emphasis added]

In the case of the few remaining vacant parcels within the Mountain View area, a private well is not possible. The majority of the Mountain View area is almost fully developed and served solely by City water. It is far easier and supports the goals of LAFCo to serve these parcels with an Out of Agency Service agreement and deferred annexation agreement.

The LAFCO Policy also states:

c) Requests in Anticipation of Annexation

An out of agency service application must be accompanied by a change of organization or reorganization application, including an approved tax sharing agreement, in order for LAFCO to determine that the out of agency service is in anticipation of a change of organization (i.e., annexation) within the next 12 months. *This dual application requirement*

may be waived in certain situations by the Commission if compelling justification is provided. Circumstances which may warrant such a waiver include, but are not limited to, the following:

- Lack of contiguity (e.g., city boundary) when the project was approved prior to 2011
- Service is only needed to serve a portion of a larger parcel, and annexation of the entire parcel is not desirable
- *Other circumstances which are consistent with LAFCO statute and the policies of Contra Costa LAFCO*

If immediate annexation (i.e., within 12 months) is not a feasible alternative, then the extension of services may be approved in anticipation of a later annexation if the agency provides LAFCO with a resolution of intent to annex, as well as appropriate assurances (e.g., rezoning, plan for annexation, deferred annexation agreement, etc.) which demonstrate that out of agency service is an intermediate step toward eventual annexation. [Emphasis added]

The City of Martinez has provided LAFCO with resolutions of intentions to annex the area, as well as rezoning most of the area to be in conformance with the current County zoning. In addition, the City will require deferred annexation agreements to all parcels within the area that request Out of Agency service.

City staff notes that General Plan designation and pre-zoning for the property on Donald Avenue is Industrial. Staff is aware that this does not match the current uses of the area. In the course of the General Plan Update, anticipated to be completed this year, and subsequent Zoning Code update, the City plans to correct the map to be in keeping with current County land uses.

The City will continue to pursue the strategy outlined in Resolution No. 102-16 and follow the strategy and timeline for annexation by 2030. In this way, services are provided that are in conformance with LAFCO policies, while ensuring the eventual annexation of the area.

The City supports LAFCO's goals of "discouraging urban sprawl, preserving open space and prime agricultural lands, efficiently providing government services and encouraging the orderly formation and development of local agencies based upon local conditions and circumstances."

We believe that in the case of the few remaining scattered parcels within the Mountain View area, individual annexations of these small parcels are not feasible. The City has met the policy guidelines of LAFCO for exceptions to annexation requirements by adopting two resolutions committing to annexation

of the entire area by 2030, and requiring deferred annexation agreements for any parcels served with City water that remain in the County.

We look forward to our continued coordination of orderly development with LAFCO and the County, and support LAFCO staff's recommendation to approve the out of agency service.

Kindest Regards,

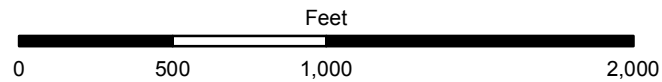
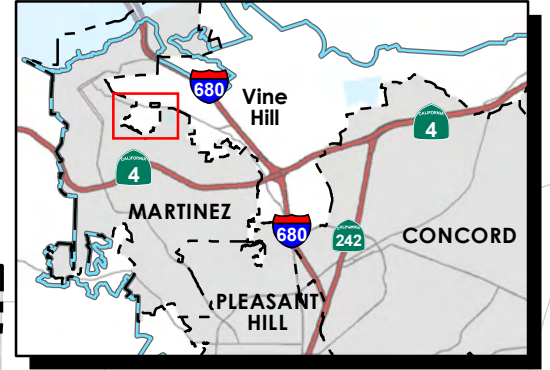
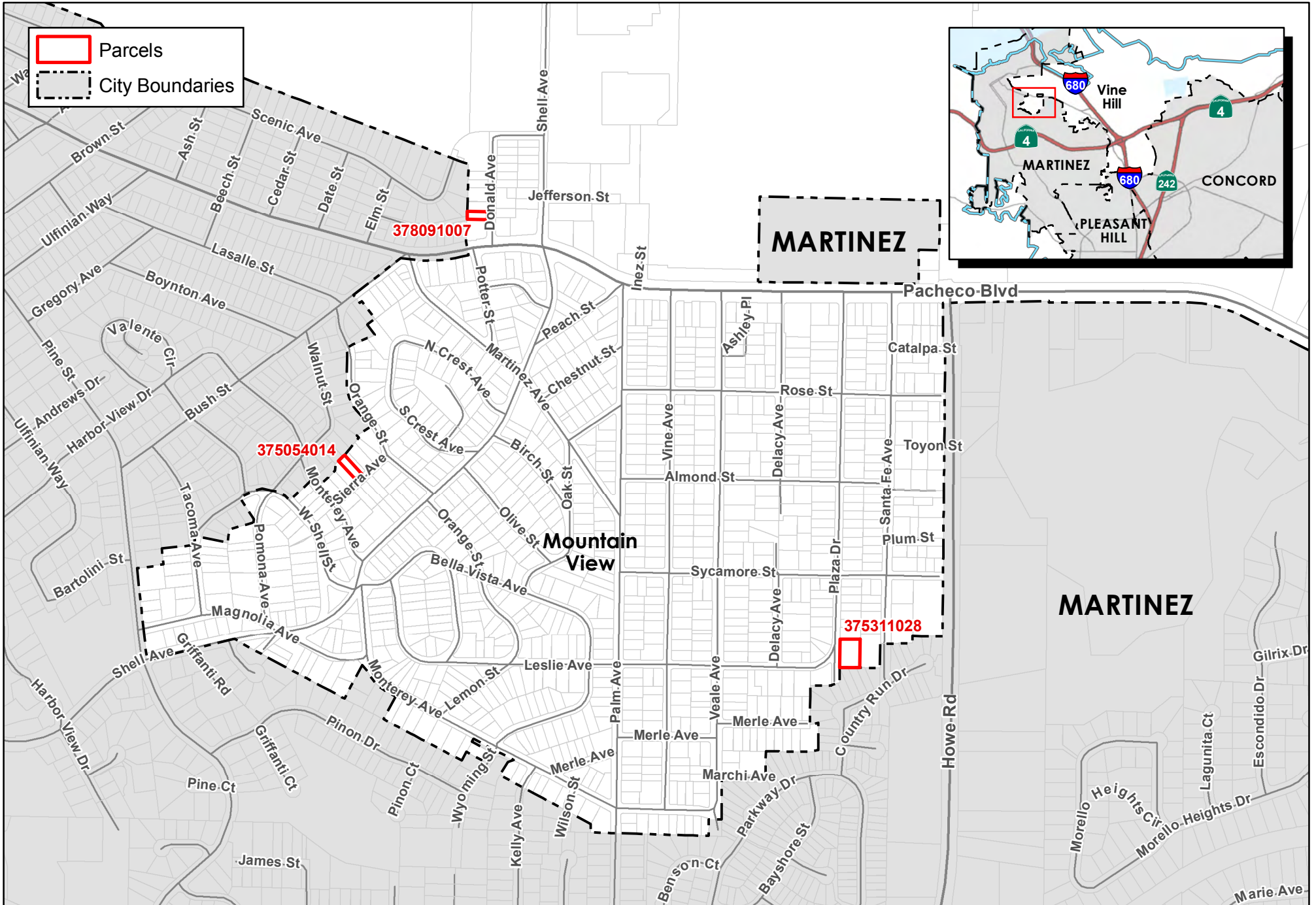
A handwritten signature in blue ink that reads "Christina Ratcliffe". The signature is written in a cursive, flowing style.

Christina Ratcliffe, AICP
Community and Economic Development Director

Attachments:

Map showing three active OAS requests in Mountain View Area
Martinez City Council Resolution 101-16
Martinez City Council Resolution 102-16

Mt View Area



RESOLUTION NO. 101-16

**AFFIRMING THE CITY COUNCIL INTENT TO PURSUE ANNEXATIONS
WITHIN THE CITY'S SPHERE OF INFLUENCE IN THE UNINCORPORATED MOUNTAIN VIEW AREA**

WHEREAS, the City Council of the City of Martinez (Council) has previously included the area commonly known as Mountain View within their Sphere of Influence (SOI); and

WHEREAS, Mountain View is general bordered by Pacheco Boulevard, Howe Road, Monterey Avenue and Bush Street; and

WHEREAS, the Council has dedicated funding and directed staff to investigated annexations within portion of the City of Martinez's Sphere of Influence (SOI) including the area commonly known as Mountain View; and

WHEREAS, the Council has pre-zoned the Mountain View SOI to be consistent with current Contra Costa County zoning; and

WHEREAS, the Council direct staff to report to the Council every five year at a minimum the feasibility additional annexations.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Martinez affirms the Council intent to pursue annexations within the City's Sphere of Influence in the unincorporated Mountain View area.

* * * * *

I HEREBY CERTIFY the foregoing is a true and correct copy of a resolution duly adopted by the City Council of the City of Martinez at a Regular Meeting of said Council held on the 21st day of December, 2016, by the following vote:

AYES: Councilmembers Lara DeLaney, Noralea Gipner, Mark Ross, Vice Mayor Debbie M^cKillop, and Mayor Rob Schroder

NOES: None

ABSENT: None


RICHARD G. HERNANDEZ, CITY CLERK
CITY OF MARTINEZ

RESOLUTION NO. 102-16

**ESTABLISHING A NON-BINDING STRATEGY AND TIMELINE FOR FUTURE ANNEXATIONS
WITHIN MOUNTAIN VIEW**

WHEREAS, in the past the City Council of the City of Martinez (Council) has pursued annexations within the City of Martinez's Sphere of Influence (SOI) including the area commonly known as Mountain View; and

WHEREAS, Mountain View is general bordered by Pacheco Boulevard, Howe Road, Monterey Avenue and Bush Street; and

WHEREAS, the Council believes that a non-binding multi-phase iterative process to annex unincorporated properties along the Pacheco Boulevard corridor is the most likely process for annexing the Mountain View within the Martinez Sphere of Influence; and

WHEREAS, the Council direct staff inform residents of Mountain View SOI on a regular basis of accomplishments within the City Limits that benefit non-residents such as park, road and water system improvements; and

WHEREAS, the Council direct staff poll residents of Mountain View SOI on a regular basis regarding ideas and desires for improvements and programs the City could implement or maintain that also benefit residents and non-residents; and

WHEREAS, the Council requests staff report to the Council every five year at a minimum the status, quantity and location of Differed Annexation Agreements; and

WHEREAS, it is the non-binding intent to annex property along the Pacheco Boulevard corridor which includes the Mountain View area by the year 2030.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Martinez establishing a non-binding strategy and timeline for future annexations within Mountain View.

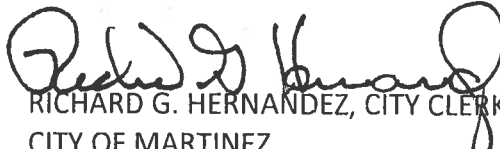
* * * * *

I HEREBY CERTIFY the foregoing is a true and correct copy of a resolution duly adopted by the City Council of the City of Martinez at a Regular Meeting of said Council held on the 21st day of December, 2016, by the following vote:

AYES: Councilmembers Lara DeLaney, Noralea Gipner, Mark Ross, Vice Mayor Debbie M^cKillop, and Mayor Rob Schroder

NOES: None

ABSENT: None


RICHARD G. HERNANDEZ, CITY CLERK
CITY OF MARTINEZ

RESOLUTION NO. 18-02**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
AUTHORIZING THE CITY OF MARTINEZ TO PROVIDE OUT-OF-AGENCY WATER SERVICE
TO APN 378-091-007 (2415 DONALD AVENUE)**

WHEREAS, the above-referenced request has been filed with the Executive Officer of the Contra Costa Local Agency Formation Commission pursuant to the Cortese/Knox/Hertzberg Local Government Reorganization Act (Section 56000 et seq. of the Government Code); and

WHEREAS, at the time and in the manner required by law the Executive Officer has given notice of the Commission's consideration of this request; and

WHEREAS, the Commission heard, discussed and considered all oral and written testimony related to this request including, but not limited to, the Executive Officer's report and recommendation; and

WHEREAS, out of agency service approval is needed in order to provide water services to the property in anticipation of a future annexation; and

WHEREAS, the City of Martinez and the property owners have entered into a Deferred Annexation Agreement in support of the future annexation of the property to the City of Martinez.

NOW, THEREFORE, BE IT RESOLVED DETERMINED AND ORDERED by the Contra Costa Local Agency Formation Commission as follows:

- A. Find that the project is exempt pursuant to section 15303 of the CEQA Guidelines, consistent with the determination of the City of Martinez.
- B. Authorize the City of Martinez to extend water service outside its jurisdictional boundary to APN 378-091-007, located at 2415 Donald Avenue in unincorporated Contra Costa County subject to the following terms and conditions:
 1. Water infrastructure and service is limited to one residential duplex unit on the parcel,
 2. The City of Martinez has delivered to LAFCO an executed indemnification agreement providing for the City to indemnify LAFCO against any expenses arising from any legal actions to challenging the out of agency service, and
 3. The City of Martinez and the property owner(s) have signed the deferred annexation agreement (DAA), and the DAA was recorded as prescribed by law and runs with the land so that future landowners have constructive notice that their property is encumbered by the DAA.
- C. Approval to extend City of Martinez services beyond those specifically noted herein is withheld and is subject to future LAFCO review.

* * * * *

PASSED AND ADOPTED AS REVISED THIS 14th day of March 2018, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Michael R. McGill, CHAIR, CONTRA COSTA LAFCO

I hereby certify that this is a correct copy of a resolution passed and adopted by this Commission on the date stated above.

Dated: March 14, 2018

Lou Ann Texeira, 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> |

March 14, 2018 (Agenda)

March 14, 2018
 Agenda Item 7

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

Appointment of Alternate Public Member

Dear Commissioners:

This report is submitted by the Public Member Ad Hoc Screening Committee (“Committee”) composed of Commissioners Andersen, McGill and Tatzin. Pursuant to LAFCO’s policies and procedures, the Committee was convened to assist with the recruitment and screening of applicants for the Alternate Public Member seat on LAFCO, and to make recommendations to the full Commission.

In December 2017, Alternate Public Member Sharon Burke resigned from Contra Costa LAFCO to pursue other interests. In accordance with LAFCO’s policies and procedures, the Commission approved the selection process to fill the vacancy and directed LAFCO staff to commence the recruitment. Notices of the vacancy were published in all editions of the *Contra Costa Times* and sent to interested parties and local agencies in Contra Costa County.

A total of 13 applications were received and forwarded to the Committee (Attachment 1). Interviews of all 13 candidates were conducted over the course of two days (February 20th and March 2nd). Committee members asked each applicant a standard set of questions (Attachment 2); and in some cases, Committee members asked follow-up questions. Following the interviews, the Committee agreed that the Commission interview the following five candidates for the position (listed in alphabetical order).

- Dave Dolter
- Diane Hedler
- Barbara Hockett
- Chuck Lewis
- Victoria Smith

On March 7th, the Executive Officer notified the five applicants that they were selected as finalists for interview by the full Commission. These individuals were sent an email indicating the format for discussion with the Commission as recommended by the Committee.

The recommended format is that each applicant provide a brief introduction and respond to the following question:

LAFCO has received an application to annex a large parcel to City X. The parcel is within the City's sphere of influence. A recently completed LAFCO Municipal Services Review identified a number of deficiencies with regard to City X, including financial and service challenges. What kind of terms & conditions might the Commission impose if it were inclined to approve the annexation?

Following each candidate's remarks, the Chair will call on members of the Commission to ask other questions. We expect the discussion with each applicant will take approximately 10-15 minutes.

RECOMMENDATION

Pursuant to statute and local policy, the city, county and special district members appoint the regular and alternate public members. Selection of the public members is subject to an affirmative vote of at least one city, one county and one special district member.

The Screening Committee recommends that the Commission appoint the Alternate Public Member with the unexpired term ending May 4, 2020.

Attachments:

Attachment 1 – Public Member/Alternate Public Member List and Applications

Attachment 2 – Screening Committee Interview Questions

**Alternate Public Member Applicants
March 2018**

Barbara A. Arriaga, Richmond

David L. Barclay, Alamo

Ryan Buckley, Walnut Creek

Louis M. Cosso, Lafayette

David Dolter, Alamo

Diane M. Hedler, Richmond

Barbara Hockett, Alamo

Charles R. Lewis, IV, Martinez

Norman Meites, Walnut Creek

Ron Mintz, Walnut Creek

Iman Novin, Walnut Creek

David Rowsey, Pinole

Victoria R. Smith, Orinda

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION (LAFCO)

651 Pine Street, Sixth Floor ♦ Martinez CA 94553
♦ Phone: (925) 335-1094 ♦ Email: LouAnn.Teixeira@lafco.cccounty.us

APPLICATION FOR PUBLIC MEMBER ALTERNATE

Name: [David Dolter](#) _____

Address: _____

Phone: _____

E-mail: _____

Employer/Occupation: [Development Entitlement/Planning Consultant/RE Broker](#)

1. Please briefly describe your experience in local government and/or with local community organizations: [Former city manager, planning director, assistant city manager \(5 California cities\); planning commissioner & chair \(Moraga\); former member, Contra Costa County Airport Advisory Committee; former regent, JFKU; member, Alamo Police Services Advisory Committee; Town of Alamo Incorporation board of directors; former member Contra Costa Council; docent, Blackhawk Museum](#)

2. Please briefly describe your employment background (you may attach a *brief* resume, if desired): [SEE ATTACHED RESUME](#)

3. Please briefly describe your educational background: [AA, Fullerton Community College; BA \(Political Science\), CSUF; graduate work at CSUH, SDSU; certified land use planner \(AICP\).](#)

4. Please briefly summarize why you wish to serve on LAFCO and your qualifications to serve as a member of the Commission (you may attach a one-page statement, if desired): [SEE ATTACHED STATEMENT](#)

5. Please specify whether you are applying for the Public Member seat, the Public Member Alternate seat, or both. [Public Member Alternate Seat](#)

*Applications must be received in the LAFCO office by **5:00 pm on January 31, 2018.**
Thank you for your interest in the Contra Costa LAFCO.*



SUMMARY STATEMENT OF DESIRE TO SERVE & QUALIFICATIONS

**RE: ITEM #4; APPLICATION TO FILL ALTERNATE PUBLIC MEMBER VACANCY
LAFCO**

As a young person, I took President Kennedy's words to heart regarding what I could do for my country and made local government public service a priority during my public and private sector careers. My Contra Costa volunteer service includes the Alamo Police Services Advisory Committee (P2B - current), the County Airport Advisory Committee, the Moraga Planning Commission and the Contra Costa Council among others. I would be honored to continue my county community service as the LAFCO Alternate Public Member.

I also believe it is important for this LAFCO to maintain diversity by having representation from someone who resides in the unincorporated area and who is from South County.

Finally, while it is not typical for LAFCO Public Members or their alternates to necessarily have hands-on experience with LAFCO processes, I'm fortunate in that regard. I was on the board of directors for the most recent Alamo incorporation effort. Additionally, as the project manager for the Ferrari Ranch project, I recently participated in one of the largest inhabited annexations in Merced County history, which, incidentally, was approved with virtually no protests. (Contact Bill Nicholson, Merced LAFCO Executive Officer).

I believe my California local government experience combined with that of a private sector development entitlements practitioner and land use planner would be useful to the commission and applicants alike.

David Dolter

David Dolter

- **Expertise Areas**
 - California Planning & Development Laws
 - CEQA
 - Team Building, Management
 - Resource Agency Permitting Processes
- **Director & Management Level Experience – Public**
 - City Manager (Redondo Beach; Santa Monica [Interim])
 - Planning Director (Coronado)
 - Assistant City Manager (Santa Monica)
- **Senior Executive Level Experience – Real Estate, Private**
 - Co-Founder & Partner of two development entitlement consultancies
 - Division Vice President for two major builders
- **Senior Executive Level Experience – Real Estate, Public**
 - Executive Director of two City Redevelopment Agencies
- **Director & Management Level Experience – Real Estate, Private**
 - Director & Manager for four real estate development firms
- **Consulting Experience**
 - RTC Workouts
 - Complex Development Entitlement Projects; commercial, mixed-use, residential
- **Community & Professional Involvement**
 - American Planning Association
 - American Institute of Certified Planners
 - Home Builder Association
 - Contra Costa Council
 - Contra Costa County Airport Advisory Committee
 - Regent, John F. Kennedy University
 - Town of Alamo Incorporation Board of Directors
 - Chair, Town of Moraga Planning Commission
 - Alamo Police Services Advisory Committee

DAVID DOLTER

Experience and Qualifications

I have over 30 years of experience as a Vice President and Senior Development executive for large, vertically integrated, publicly held and private developers and builders. These include Centex Homes, Western Pacific Housing, The Seeno Companies, Presley Homes, SNK Development, H.R. Remington Properties, The Grupe Company and Cadillac Fairview. My entitlement expertise includes CEQA, the Subdivision Map Act, the State Planning Law, resource agency permitting (RWQCB, CDFG, USFWS, USACE), annexations and detachments, mitigation monitoring plans, Habitat Conservation Plans and more.

Employment History

REAL ESTATE DEVELOPMENT SERVICES

Principal
7/06-present

Consultancy specializing in complex entitlements and project management for private and public land owners and financial institutions. Projects include master-planned communities, commercial/retail office parks.

CENTEX HOMES NORTHERN CALIFORNIA

Vice President, Planning & Entitlements
4/05 – 7/06

Organize, direct and manage project development entitlements for Division residential projects as directed by Division Senior Vice President. Coordinate project planning with Acquisition, Sales & Marketing, Construction, and Land Development departments. Direct and manage special projects including managing interdisciplinary consultants for complex master planned communities, environmentally sensitive sites and lands requiring remediation. Responsibility includes consultant selection, project planning and design, securing entitlements including general and specific plans, annexations, subdivision maps, CWA 404 & 401 permits (Corps, USFWS, RWQCB, CFG) and HCP's.

WESTERN PACIFIC HOUSING, INC. – NORTH BAY/SACRAMENTO DIVISION

Vice President
2/03 – 2/05

Direct and manage land acquisition, project entitlement and project management for Division residential projects as directed by Division President. Coordinate project planning with Acquisition, Sales & Marketing, Construction, and Land Development departments. Direct and manage special projects including managing interdisciplinary consultants for complex master planned communities, environmentally sensitive sites and lands requiring remediation. Responsibility includes consultant selection, project planning and design, securing entitlements including general and specific plans, annexations, subdivision maps, CWA 404 & 401 permits (Corps, USFWS, RWQCB, CFG) and HCP's.

SEECON

Director of Community Development/Forward Planning
12/99 – 2/03

Directed all new project preliminary design and local, state and federal agency entitlements and permits. Directed development project management for residential, industrial and commercial

projects ranging from a 525-acre light industrial park to a 2,500 + unit master planned residential community. Total management responsibility including consultant selection, project planning and design, securing entitlements including general and specific plans, annexations, subdivision maps, CWA 404 & 401 permits (Corps, USFWS, RWQCB, CFG), HCP's, coordinating bidding, estimating contracting for land improvements.

MANAGEMENT & PLANNING CONSULTANT

5/98 – 12/99 & 1989 – 1995

Land acquisition, planning and entitlement, development project management consultant for R.W. Hertel, the Olson Company, Richmond American Homes, RTC, HomeFed Bank, Haseko California, all throughout the Greater Bay Area and northern California.

SNK DEVELOPMENT INC.
Senior Development Director
10/98 – 5/99

Directing the acquisition, entitlement and development of multi-family and mixed-use communities in the South Bay, East Bay, North Bay and Utah markets for a vertically integrated, non-REIT, and portfolio developer.

PRESLEY HOMES
Senior Project Director
1/98 - 10/98

Directed the development of a 575-acre, 550-unit master-planned development in San Jose, CA including golf course, clubhouse. Complex entitlements including Habitat Conservation Plan, Planned Development Permits, subdivision maps. Directed multi-disciplinary consulting teams of engineers, architects, habitat specialists, land planners, attorneys.

JM CONSULTING GROUP, INC.
Regional Director
1995 - 1997

Acquired, planned and constructed 250 sites for a major commercial telecom project in the West San Francisco Bay area (Santa Clara, San Mateo, San Francisco, Marin, and Sonoma counties).

Municipal experience includes five California cities:

| | |
|----------------|--|
| Placentia: | Administrative Intern; Junior Planner |
| Tracy: | Assistant to the City Manager |
| Coronado: | Planning Director/Assistant to the City Manager-Planning |
| Santa Monica: | Assistant City Manager; Interim City Manager |
| Redondo Beach: | City Manager; Executive Director, Redevelopment Agency, Parking Authority, Housing Authority |

Education, Licenses

- California State University, Fullerton, BA, Public Administration
- University of Southern California, Graduate Program, Public Administration
- Licensed California Real Estate Broker

**CONTRA COSTA
LOCAL AGENCY FORMATION COMMISSION (LAFCO)**

651 Pine Street, Sixth Floor ♦ Martinez CA 94553
♦ Phone: (925) 335-1094 ♦ Email: LouAnn.Texeira@lafco.cccounty.us

APPLICATION FOR PUBLIC MEMBER ALTERNATE

Name: Diane M. Hedler _____

Address: _____

Phone: _____

E-mail: _____

Employer/Occupation: Retired _____

=====

1. Please briefly describe your experience in local government and/or with local community organizations: (See attached resume)

2. Please briefly describe your employment background (you may attach a *brief* resume, if desired): (See attached resume)

3. Please briefly describe your educational background: (See attached resume)

4. Please briefly summarize why you wish to serve on LAFCO and your qualifications to serve as a member of the Commission (you may attach a one-page statement, if desired): (See attached page 2)

5. Please specify whether you are applying for the Public Member Alternate seat, or both. Public Member Alternative seat _____

*Applications must be received in the LAFCO office by **5:00 pm on January 31, 2018.**
Thank you for your interest in the Contra Costa LAFCO.*

4. Why do I wish to apply?

This is the perfect time for me to apply for LAFCO. It gives me the opportunity to use a lifetime of knowledge and experience to make a difference in Contra Costa County.

Local government is important. I have participated in various community initiatives during my lifetime. I believe that at the local level is where the greatest impact can be made. In my resume there is a list of achievements that have influenced local and large system change. I have had the privilege to work in large complex systems as well as smaller ones.

What I bring to LAFCO is a lifetime of work in setting strategic direction, reorganizing and developing processes and standards for efficiency. I believe that only with collaboration and partnering with others can more efficient structures be developed. I believe that legislation and regulations can be used for improvement of systems and outcomes. Some solutions are clear and straight forward and others are more complicated. Listening and hearing others opinions are critical to successful outcomes.

I do my homework, pay attention to details, work to understand issues, and make my decisions based on facts.

As an alternate member of LAFCO, you will find that I am a quick learner and will learn what issues LAFCO has on its agenda. I also believe that West County needs to have representation.

Thank you for considering me.

Diane M. Hedler

COMMUNITY CONTRIBUTIONS

Rosie the Riveter Trust Board of Directors: 2000 to present
Current President, Previous Secretary and Vice President

- Partners with the National Park Service (NPS) as a Cooperating and Friends Organization.
- Engaged with the NPS and other partners in scoping and planning for Rosie the Riveter World War II Home Front National Historical Park.
- Led the development of the Strategic Plan and Work Plan and developed Trust's committee structure.
- Led the work to unwind the Maritime Childcare Center Loan, develop a Capital Plan and other Maritime management needs.
- Manages the Trust's Executive Director to implement the direction set by the Board of Directors.
- Represents Trust in the greater community through speaking at events such as the Rosie Rally and Home Front Festival.
- Led the initiative that resulted in the development of the Trust's brand and marketing strategy.
- Initiated fundraisers and the annual dinner as well as securing sponsors and supporters.
- Chairs Governance Committee and developed a process to recruit board and committee members.
- Initiated meetings with the other three East Bay National Park nonprofit Presidents.

The Masquer's Playhouse, Board of Directors Member 1997 to 2017

- Fundraising and Nonprofit organization support

Richmond Historic Preservation Committee (2000-2003)

- Participated in initial implementation of Historic Preservation Committee in Richmond

Marina Bay Neighborhood Council (MBNC) 1991 to 2009
President, Vice President, member and various committees

- Member of Marina Bay Action Committee that developed a noise ordinance for the Marina Bay Parks.
- Developed a Landscape Committee that was precursor to the Lighting and Landscape District.
- Active in the new Marina Bay development including reviewing and presenting Marina Bay position to various government agencies, developers, and public.

Diane M. Heder
Resume (continued)

- Restructured MBNC Executive Board to increase community input and engagement so each Homeowner Association Board appoints a member.
- Attended Richmond Neighborhood Coordinating Council.
- Participated in the development of the Rosie the Riveter Memorial and the Rosie the Riveter World War II Home Front National Historical Park.

Marina Bay Townhomes Association Board of Directors **1993 to 1998**
Former President, Architectural Committee, Legal Committee, and MBNC Liaison

- Led the association to a successful completion of litigation against the developer.
- Developed architectural guidelines for the association.

West County Forum **2014 to present**
Member

Westside Women Improvement Club **2017 to present**
Member

PROFESSIONAL COMPETENCIES

| | | |
|------------------------|--------------------------|---------------------------|
| Leadership | Team Development | Strategic Thinking |
| Consensus Building | Quality Improvement | System Change |
| Information Technology | Project Management | Care Delivery Management |
| Partnerships/Alliances | Motivation | Innovation |
| Regulation | Legal Analysis/Alignment | Acute and Ambulatory Care |
| Analysis/Alignment | Patent Safety | |

PROFESSIONAL HISTORY/ACCOMPLISHMENTS

Kaiser Permanente **1988 to 2013**

The Permanente Federation **1995 - 2013**
Director, National Permanente Quality

- Led various Programwide initiatives such as the Quality and Safety Chart Accuracy Work Group on behalf of the Kaiser Permanente National Quality Committee.
- Directed as Executive co-leader the Licensing, Certification, Registration, and Competency Program and staff.
- Managed and was a member of the Kaiser Permanent National Quality Committee and its supporting groups including redesigning of the Committee as the Kaiser Permanente national quality oversight committee.
- Led and participated in various quality improvement programs, such as the Interregional National Nursing Leadership Council Quality and various work groups.
- Managed Physicians Peer Review Assessment Committee (PPRAC) and Data Governance Program on behalf of the Federation.

- Directed the Medical Directors' Quality Review program, with national and regional KFHP/H and Permanente leaders and staff as well as other quality initiatives.
- Directed the development and implementation of the Medical Director Quality Review and Programwide quality management standards for the Kaiser Permanente Medical Care Program.
- Led and trained national teams that report quality findings to the Kaiser Foundation Health Plan and Hospitals (KFHP/H) Boards of Directors' Quality and Health Improvement Committee and the Federation Executive Committee.
- Led for business the \$27 million National Provider Identifier Project that resulted in the remediation of over 70 information technology systems, and was completed on time and on budget.
- Led the Licensing, Certification, Registration, and Competency Project that consistently tracks in the Human Resource software in all eight region's legal qualifications of nonphysician caregivers.
- Evaluated and designed quality programs for new ventures such as Laser Vision.
- Led two national quality work groups that developed program standards for credentialing, privileging, and proctoring.
- Coordinated and participated in the development of practitioner oversight and peer review programs.
- Developed and completed reviewer training programs for 62 peer reviewers each year from 1995 – 2004.
- Developed and implemented a credentialing auditor training program for Kaiser Foundation Health Plan internal auditors in 1997, 1999, and 2001.
- Represented the Permanente Medical Groups' quality initiatives to internal and external audiences, including international health care professionals.
- Appointed as the first RN by the State of California to the Department of Health Service's Clinical Laboratory Advisory Committee to review and advise on clinical laboratory issues and regulations representing California Healthcare Association and nursing.
- Initiated and led the Kaiser Permanente support and participation in the Rosie the Riveter/World War II Home Front National Historical Park.

Northern California Region

Accreditation and Regulation Consultant

1991 – 95

- Consulted and interpreted accreditation, regulation and licensing requirements for the 17 Medical Centers and 33 Medical Offices in the Northern California Region. Developed compliance strategies for JCAHO, CAP, DHS, CLIA, HCFA, MQSA, Medi-Cal, and DOC requirements.
- Provided operational consultation and lobbying on proposed regulations and legislation, including development and passage of State of California Laboratory legislation.

Administrative Supervisor (Part-time)

1988 - 91

- Managed hospital and patient care at the South San Francisco Medical Center as a liaison between the medical center staff and senior management. Performed studies on nursing quality of care and service

Diane M. Heder
Resume (continued)

California Emergency Physicians, Oakland, California
Quality Assurance Coordinator

1989 - 91

- Developed the Quality Improvement Program for the California Emergency Physicians (CEP) Partnership, including an implementation guidebook.
- Consulted on quality program development, implementation, and regulatory compliance for the 25 contracted emergency departments and six ambulatory care centers.
- Coordinated the CEP Quality Improvement/Risk Management Committee.
- Developed the CME Programs for the semi-annual CEP Partnership meetings.
- Coordinated the American College of Emergency Physician's (ACEP) Continuing Medical Education programs.

Various Hospital and Healthcare Administration, Academic Teaching, and Consulting Positions

Prior to 1988

PUBLICATIONS

"QA/QI or CQI or TQM: What Does It All Mean to Medical Practice? ", with Julie J. Schwengels, M.D.; CAL/ACEP Emergency Source Guide; Manhattan Beach, CA: AL/ACEP; 1992.

"Quality Assurance/Quality Improvement" chapter; with Elizabeth Brophy, R.N., Ph.D.; Mental Health - Psychiatric Nursing: A Holistic Life-Cycle Approach, Third Edition; edited by Rawlins, Ruth Parmelee et.al. St. Louis, MO: Mosby - Year Book, 1993.

EDUCATION

M.S., University of Hawaii at Manoa
B.S. in Nursing, University of North Dakota

PROFESSIONAL LICENSES

Current California Registered Nurse License

**CONTRA COSTA
LOCAL AGENCY FORMATION COMMISSION (LAFCO)**

651 Pine Street, Sixth Floor ♦ Martinez CA 94553
♦ Phone: (925) 335-1094 ♦ Email: LouAnn.Teixeira@lafco.cccounty.us

APPLICATION FOR PUBLIC MEMBER ALTERNATE

Name: Barbara Hockett

Address: _____

Phone: _____

E-mail: _____

Employer/Occupation: CSU East Bay/Community Health Nursing faculty

=====

1. Please briefly describe your experience in local government and/or with local community organizations: I served on the Central Contra Costa Sanitary District Board (CCCSD) for twenty years. In that role, the Board made decisions on annexations to reduce the number of pockets of unannexed properties and to provide services in our sphere of influence, as well as other important public policy decisions regarding the efficient provision of wastewater services.

2. Please briefly describe your employment background (you may attach a *brief* resume, if desired): I have worked in the healthcare industry for many years in a hospital setting and have taught EMT's at the Community College level and Nursing in both the Community College system and at CSU East Bay.

3. Please briefly describe your educational background: I have a Bachelor of Science Degree in Nursing and a Master of Science Degree in Education.

4. Please briefly summarize why you wish to serve on LAFCO and your qualifications to serve as a member of the Commission (you may attach a one-page statement, if desired): I would like to continue service to the public through involvement with LAFCO because I respect the work it does in promoting logical service area boundaries, orderly development and efficient service provision. While on the CCCSD Board I became aware of the role of LAFCO regarding annexations and how LAFCO decisions impact the delivery of services and land use in the County in a positive way. I feel the knowledge and expertise I gained while serving on the CCCSD Board would be an asset to the work LAFCO conducts.

5. Please specify whether you are applying for the Public Member seat, the Public Member Alternate seat, or both. I am applying for the Public Member Alternate seat.

*Applications must be received in the LAFCO office by **5:00 pm on January 31, 2018.**
Thank you for your interest in the Contra Costa LAFCO.*

**CONTRA COSTA
LOCAL AGENCY FORMATION COMMISSION (LAFCO)**

651 Pine Street, Sixth Floor ♦ Martinez CA 94553
♦ Phone: (925) 335-1094 ♦ Email: LouAnn.Texeira@lafco.cccounty.us

APPLICATION FOR PUBLIC MEMBER ALTERNATE

Name: CHARLES R. LEWIS, IV

Address: _____

Phone: _____

E-mail: _____

Employer/Occupation: PACIFIC GAS AND ELECTRIC - ATTORNEY

1. Please briefly describe your experience in local government and/or with local community organizations: PLEASE SEE ATTACHED.

2. Please briefly describe your employment background (you may attach a *brief* resume, if desired): PLEASE SEE ATTACHED.

3. Please briefly describe your educational background: _____

PLEASE SEE ATTACHED.

4. Please briefly summarize why you wish to serve on LAFCO and your qualifications to serve as a member of the Commission (you may attach a one-page statement, if desired): PLEASE SEE ATTACHED.

5. Please specify whether you are applying for the Public Member seat, the Public Member Alternate seat, or both. ALTERNATE

Applications must be received in the LAFCO office by 5:00 pm on January 31, 2018.
Thank you for your interest in the Contra Costa LAFCO.

Statement of Interest: Charles R. Lewis, IV

I am applying for the Public Member seat on the Contra Costa County Local Agency Formation Commission. I believe that my education, experience and long-time interest in viable city-centered development, the efficient and economical delivery of public services and preservation of Contra Costa farm, ranch and open space lands commend me for this position on LAFCO.

As an undergraduate at UC Berkeley, I studied local government and urban planning. While at Berkeley, I stopped-out for a semester to work as Director of Parks and Recreation for a city (Half Moon Bay) and again to work as Assistant Director of P&R for San Joaquin County. This time provided an invaluable opportunity to learn, literally from the ground-up, about the provision of public services and development of dedicated park and open space lands.

Upon graduation, I was accepted to UC Berkeley's Goldman School of Public Policy. My focus was on efficient urban development. My master's thesis was an econometric model of the local development process. The computer model, called the Cost-Revenue Impact System or CRIS, allowed local planners and elected officials to balance urban development with reasonable expansion of local services so that existing residents were not made to subsidize growth with higher taxes or reduced access to local services. I continued to work on the CRIS Model as an economist for the Association of Bay Area Government (ABAG) and, in 1980, CRIS received national awards from both the American Planning Association (APA) and the International City Management Association (ICMA).

After serving three terms on the El Cerrito Planning Commission and Design Review Board, I was elected to the City Council, serving one term as Mayor. I was appointed to the East Bay Regional Parks Advisory Committee (PAC) by both the Contra Costa Mayors' Conference and the Board of Supervisors and served EBRPD for twelve years, including PAC Chair. I was also appointed to the Executive Board of ABAG and the ABAG Regional Planning Committee.

In 1985, while serving as Mayor, I entered Boalt Hall (now Berkeley) Law School. My focus was again on state and local government, land use and environmental law. After graduation, I went to work as a local government and environmental lawyer for PG&E.

I am currently on the Board of Directors (immediate past chair) of the John Muir Land Trust. As a board member, I serve on the JMLT Land Stewardship and Land Acquisition Committees.

I am a member of the Board of the East Brother Light Station in Richmond and a regular volunteer (called "wickie") at EBLs. I also volunteer on the Audit Committee for the Rosie the Riveter Trust.

My wife and I attended the Contra Costa LAFCO hearings during consideration of the Agricultural and Open Space Preservation Policy. As owners of a small horse and cattle farm on Rodeo Creek, (Wyvern Farm) we were encouraged by the Commission's adoption of this well-reasoned approach and I am excited to work with my fellow Commission members and alternates to preserve farm land while providing for thoughtful development.

I know and worked with both Rich Bartke and Marty McNair, former occupants of this seat. I will be honored to fill this seat as a Public Member or Alternate and look forward to making a positive contribution to LAFCO and all Contra Costa County.

CHARLES R. LEWIS, IV

PROFESSION

Attorney at Law, Member of California Bar; U.S. Courts, Northern & Eastern Districts of California; Ninth Circuit Court of Appeals

EDUCATION

- J.D. 1988, Berkeley School of Law (Boalt Hall) University of California, Berkeley
Honors: Vice President Berkeley Law Foundation, U.C. Academic Senate Outstanding Student Teaching Award, Ecology Law Quarterly
- M.P.P. Public Policy, 1976, Graduate (Goldman) School of Public Policy, University of California, Berkeley
Honors: University of California Regents Fellow, University of California Honor Society, Highly Distinguished Graduate
- A.B. Political Science, 1974, University of California, Berkeley
Honors: California State Scholar, University of California Alumni Scholar, Maybelle Reinecke Memorial Award, University of California Honor Students Society, Life Membership Alpha Gamma Sigma Honor Society, Highly Distinguished Graduate

EXPERIENCE

- May 1988 — Present Attorney at Law
Pacific Gas and Electric Company; San Francisco
- April 83 — October 84 Principal Economist
John M. Sanger, Associates; San Francisco
- July 80 — October 82 Executive Vice President, Senior Economist
DIAMetrics, Decision Information & Analysis; Berkeley
- June 75 — July 80 Principal Economist/Fiscal Analyst
Association of Bay Area Governments (ABAG); Berkeley
- January 74 — September 74 Research Associate
Institute of Governmental Studies, U.C. Berkeley
- March 73 — October 73 Assistant Director of Parks and Recreation
County of San Joaquin; Stockton, California
- March 72 — August 72 Director of Parks and Recreation
City of Half Moon Bay, California

AWARDS

Contra Costa County Commendation: "Outstanding Vietnam Veteran" 1979
American Planning Association Award of Merit: "The CRIS Model" 1980
International City Management Association "Management Innovation" 1980
Contra Costa Crime Prevention Commendation: "Justice In America" 1983
City of El Cerrito "Public Service Award" 1983, 1987, 1991, 2002
Contra Costa Police Chiefs Association: "Citizen Service Award" 1986
Selective Service Administration: "Outstanding Service Award" 1990
PG&E "Frederick W. Mielke, Jr. Community Service Award" 1994
Bar Ass'n of San Francisco, "Outstanding Pro Bono Lawyer" 1995, 1996, 1999
John Muir Land Trust "Volunteer Award" 2008

PUBLICATIONS

Authored more than a dozen articles and monographs on local government, law and public policy, including:

"The Effects of Proposition 13 on the City of El Cerrito"
The Public Interest University of Kansas (Spring 1979).

"More For Less: Information Systems in an Era of Limits"
Urban and Regional Information Systems Association (1979).

"The Economic Effects of Air Quality Controls" Proceedings of the Eighteenth Annual Meeting,
Western Regional Science Association, (1979).

"The Role of New Source Review Policy in the San Francisco Air Quality Maintenance Plan"
(Co-author), Journal of Air Pollution Control (September 1978).

COMMUNITY SERVICE

Mayor, City of El Cerrito
Chair, John Muir Land Trust
President, El Cerrito Foundation
Chair, El Cerrito Planning Commission
President, Board of Directors, Willows Theatre
Member, Board of Directors, East Brother Light Station
Chair, East Bay Regional Park District Advisory Committee
Executive Board Member, Association of Bay Area Governments
Vice Chair, Contra Costa County Solid Waste Management Committee
Vice Chair, U.C. Berkeley Chancellor's Committee for Campus Recreation
Board Member, El Cerrito Architectural Design Review Board
Vice Chair, El Cerrito Redevelopment Land Use Committee
Chair, San Francisco Foundation Public Works Committee
Member, El Cerrito Municipal Code Review Committee
Chair, United States Selective Service (Draft) Board
Chair, Board of Directors, Rubicon Programs, Inc.
Member, ABAG Regional Planning Committee
Chair, El Cerrito Redevelopment Agency

MILITARY SERVICE

U.S. Army 1966 – 1969 Vietnam 1968: Platoon Sergeant, A Company, 1st Battalion, 501st Parachute
Regiment, 101st Airborne Division; Vietnam 1969: Team Leader, Long-Range Reconnaissance Patrol, Love
Company, 75th Airborne Ranger Regiment.

VICTORIA R. SMITH

January 26, 2018

Chair, Don Blubaugh
Commissioners,
Contra Costa Local Agency Formation Commission
651 Pine Street, Sixth Floor
Martinez, CA 94553

Re: *Alternate Public Member Seat*

Dear Chair Blubaugh and Commissioners:


Thank you very much for the opportunity to apply for the Alternate Public Member seat on the Contra Costa Local Agency Formation Commission. I appreciate the work LAFCO has done to enhance the quality of life in Contra Costa County, by making thoughtful decisions to provide necessary and important services in an impactful and cost-efficient way for current residents, while planning for the needs of future residents. I want to contribute to that work.

I believe that I am qualified to serve on LAFCO for the following reasons:

- As the Chair of the Contra Costa County Mayor's Conference, I worked cooperatively towards common goals with the representatives of the Contra Costa 19 cities. I understand the people and issues involved in planning for the future throughout our County;
- As a former Mayor and Orinda Council Member, I have expertise in the revenue issues facing local government, and the need to make land use decisions which benefit the larger community while preserving the characteristics that make each of our smaller communities unique and beloved;
- As a former RecycleSmart Board Member Chair and Board Member, I have a proven track record of working collaboratively with Board Members from the County and 5 other cities to provide excellent recycling, re-use and garbage services;
- As a former Orinda Planning Commissioner, I am experienced in land use decisions.

I am very excited about this opportunity to serve the residents of our county in a new way. Thank you all for your service to our community

Very truly yours.


Victoria Smith

VRS:ca
Enclosures

**CONTRA COSTA
LOCAL AGENCY FORMATION COMMISSION (LAFCO)**

651 Pine Street, Sixth Floor ♦ Martinez CA 94553
♦ Phone: (925) 335-1094 ♦ Email: LouAnn.Teixeira@lafco.cccounty.us

APPLICATION FOR PUBLIC MEMBER ALTERNATE

Name: Victoria Smith

Address: _____

Phone: _____

E-mail: _____

Employer/Occupation: Attorney, Self-Employed

=====

1. Please briefly describe your experience in local government and/or with local community organizations: Orinda Planning Commission-2 years;
Orinda City Council – 12 years, including 3 terms as Mayor;
Central Contra Costa Solid Waste Authority – 12 years, including as Chair;
Chair, Contra Costa County Mayor’s Conference.

2. Please briefly describe your employment background (you may attach a *brief* resume, if desired): Please see attached resume.

3. Please briefly describe your educational background:
University of California Berkeley. CA A.B. 1978
Hastings College of the Law, San Francisco, CA J.D. 1981

4. Please briefly summarize why you wish to serve on LAFCO and your qualifications to serve as a member of the Commission (you may attach a one page statement, if desired): Please see attached letter.

5. Please specify whether you are applying for the Public Member seat, the Public Member Alternate seat, or both. Open Public Member Alternate Seat.

*Applications must be received in the LAFCO office by 5:00 pm on January 31,
2018.*
Thank you for your interest in the Contra Costa LAFCO.

Victoria Smith

Education

| | |
|--|------------|
| University of California, Berkeley, CA | A.B., 1978 |
| Hastings College of the Law, San Francisco, CA | J.D., 1981 |

Public Service

Mayor, City of Orinda (2008, 2010, 2016), City Council Member, City of Orinda--2004–2016

Orinda Infrastructure Committee

Public Works Aesthetic Review Committee

Liaison to the Moraga-Orinda Fire District

Liaison to the East Bay Regional Park District

Liaison to the Friends of the Creeks

Liaison to the Orinda Unified School District

Liaison to the Acalanes Unified High School District

Alternate Member: School Bus Committee Liaison, Southwest Region Planning Committee (CCTA),

Lamorinda Project Management Committee, Lamorinda Fee & Financing Authority

Planning Commissioner, City of Orinda, 2003-2004

Board Member/Chair, Central Contra Costa Solid Waste Authority -2005-2016

Chair, Contra Costa Mayor's Conference - 2014

Chair, Contra Costa County Sustainability Commission – 2017 – current

Board Member, Strive for Change Foundation - 2015–current

Board Member, Orinda Senior Village – 2017 - current

Board Member, Contra Costa County Family and Children's Trust Committee – 2000-2004

Registered Adult Leader, Boy Scouts of America -1992–current

Professional Experience - Law Practice

1995 - present - Law Office of Victoria Robinson Smith, Orinda, CA

Practice areas: Real property, contracts, business and commercial matters.

1987-1995 - Partner, Alborg & Dictor, Oakland and Walnut Creek, CA

Practice areas: Real property, professional negligence defense and financial services litigation.

Professional Memberships

Contra Costa County Bar Association - Board Member/President, Women's Section (1997-2003)

Licensed California Real Estate Broker

Orinda Chamber of Commerce

CONTRA COSTA LAFCO REGULAR/ALTERNATE PUBLIC MEMBER INTERVIEW QUESTIONS

1. Briefly describe your background and experience as it relates to the position of Public Member on LAFCO and what motivated you to consider service on LAFCO.
2. What knowledge/experience do you have regarding organization and operation of local government (i.e., cities, the County, special districts)?
3. LAFCO is simultaneously responsible for ensuring logical and orderly boundaries that lead to growth *and* for the preservation of agriculture and open space. How do you believe that this incongruity can be best resolved?
4. The LAFCO Public Members are expected to represent the broadest interest of the public. How do you interpret and how will you meet this objective?
5. The LAFCO Public Members cannot be employees or officers of the County or any city or special district within the County - this includes service on an advisory body to the County, a city or special district in Contra Costa County. Would appointment to LAFCO present any potential conflicts?
6. LAFCO usually meets on the second Wednesday of each month at 1:30 pm. Would you have any difficulty attending the meetings?
7. What do you believe are the most significant issue facing your local community/city; the County; and the nation?
8. Those of us who are conducting this interview are currently involved in LAFCO. What questions do you have of us that would help in your understanding of LAFCO?

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION (LAFCO)

651 Pine Street, Sixth Floor ♦ Martinez CA 94553
♦ Phone: (925) 335-1094 ♦ Email: LouAnn.Teixeira@lafco.cccounty.us

APPLICATION FOR PUBLIC MEMBER ALTERNATE

Name: Barbara A. Arriaga

Address: _____

Phone: _____

E-mail: _____

Employer/Occupation: Self-employed Realtor & Bookkeeper

=====

1. **Please briefly describe your experience in local government and/or with local community organizations:** I currently serve on the GRIP (Greater Richmond Interfaith Prgram) Board of Directors, am active on the John Muir Council of Trails and Space, I serve on the Finance committee with the United Methodist Church Association of West County and part of a group for the California Bay Area Coastal Trail and the Bay Area Ridge Trail

2. **Please briefly describe your employment background** (you may attach a *brief* resume, if desired): I am currently a Realtor with a local boutique real estate firm, Feagley Realtors in Point Richmond, I also maintain a bookkeeping business and have several clients. I worked for 2000-2011 Alameda County Community Development and 1996-1999 the Alameda Lead Poisoning Prevention Program. I have experience working in Public Health and the Oakland Museum

3. **Please briefly describe your educational background:** I attended St. Pauls School in San Pablo, Presentation High School in Berkeley and obtained a BA in Anthropology at USF Bookkeeping and accounting classes at Holy Names University and RealEstate classes at Contra Costa College

4. **Please briefly summarize why you wish to serve on LAFCO and your qualifications to serve as a member of the Commission** (you may attach a one-page statement, if desired): I love open space. I am an avid hiker, trail runner and outdoor enthusiast. I believe in access to open space and agricultural lands is important. I believe in fiscal responsibility and stewardship of public monies and lands. I would love the opportunity to be of service.

*Applications must be received in the LAFCO office by **5:00 pm on January 31, 2018.**
Thank you for your interest in the Contra Costa LAFCO.*

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION (LAFCO)

651 Pine Street, Sixth Floor ♦ Martinez CA 94553
♦ Phone: (925) 335-1094 ♦ Email: LouAnn.Texeira@lafco.cccounty.us

APPLICATION FOR PUBLIC MEMBER ALTERNATE

Name: David L Barclay

Address: _____

Phone: _____

E-mail: _____

Employer/Occupation: Self Employed w/Greenpoint Homes - Real Estate Development

=====

1. Please briefly describe your experience in local government and/or with local community organizations: I've been a member of the Alamo Municipal Advisory Council since its formation in 2010. I served as a Court Appointed Special Advocate for foster children from 2010 to 2014.

2. Please briefly describe your employment background (you may attach a *brief* resume, if desired): I have 35 years of experience in homebuilding and real estate development. I worked for a large public homebuilder for 23 years serving in senior management. I'm currently a partner in Greenpoint Homes, building one to two custom homes per year primarily in Lamorinda and the 680 corridor.

3. Please briefly describe your educational background: I have a BS an MS in Civil Engineering from the University of Kansas and an MBA from Florida Atlantic University which is located in Boca Raton, Florida.

4. Please briefly summarize why you wish to serve on LAFCO and your qualifications to serve as a member of the Commission (you may attach a one-page statement, if desired): Since I am now semi retired, I enjoy serving the community and I have the time. My background in land use, entitlements, and real estate development fits well with the Alamo MAC and would fit well with LAFCO.

*Applications must be received in the LAFCO office by **5:00 pm on January 31, 2018.**
Thank you for your interest in the Contra Costa LAFCO.*

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION (LAFCO)

651 Pine Street, Sixth Floor ♦ Martinez CA 94553
♦ Phone: (925) 335-1094 ♦ Email: LouAnn.Texeira@lafco.cccounty.us

APPLICATION FOR PUBLIC MEMBER ALTERNATE

Name: David Rowsey

Address: _____

Phone: _____

E-mail: _____

Employer/Occupation: Retired

1. **Please briefly describe your experience in local government and/or with local community organizations:** Member, Contra Costa Civil Grand Jury, 2014 - 2015; parent member and past President, Pinole Seals Swim Club; former member, Contra Costa County Sheriff's Search and Rescue Team; Writer coach, WriterCoach Connection 2015 - 2016

2. **Please briefly describe your employment background (you may attach a *brief* resume, if desired):** 1979 - 2007: Police Officer, BART Police Department. Includes 5 years Detective (Juvenile Officer) and nearly three years as Special Projects Officer in Planning & Research Unit; BART Contract Safety Monitor, 2010 - 2014

3. **Please briefly describe your educational background:** BS, Administration of Justice, San Jose State University, San Jose, CA; Master of Public Administration, public management emphasis, Cal State East Bay

4. **Please briefly summarize why you wish to serve on LAFCO and your qualifications to serve as a member of the Commission (you may attach a one-page statement, if desired):** _____

5. **Please specify whether you are applying for the Public Member seat, the Public Member Alternate seat, or both.** I am applying for both seats.

*Applications must be received in the LAFCO office by **5:00 pm on January 31, 2018.**
Thank you for your interest in the Contra Costa LAFCO.*

Please briefly summarize why you wish to serve on LAFCO and your qualifications to serve as a member of the Commission (you may attach a one-page statement, if desired):

I am interested in being a member of Contra Costa County LAFCO in order to apply my knowledge, skills, and abilities to work for the residents and businesses of Contra Costa County.

Over the course of 28 years as a police officer in general and specialized assignments, I objectively investigated innumerable complaints, conflicts, and sometimes self-serving claims and appropriately enforced rules. During a total of nearly eight of those years, I worked closely with professionals in disciplines as diverse as civil and structural engineering, information technology, real estate and finance, project management, education, the juvenile justice system, transportation, and community relations. I came to some understanding of (and a great appreciation for) the often-complex and sometimes contentious relationships between and within government agencies and private interest groups, even in matters of mutual interest. I also discovered an aptitude for policy analysis, interpretation, and implementation.

As a member of the 2014 – 2015 Contra Costa Civil Grand Jury, I developed a deeper understanding of government operations. The Grand Jury interviewed public and private citizens, and closely read and interpreted a variety of documents, including government policies, operating procedures, and budgets in order to ascertain facts. The Grand Jury followed up on official Interviews and document reviews by writing reports that reached logical conclusions and made recommendations for reasonable changes.

I have studied public administration academically and successfully practiced it in real time. As a member of Contra Costa County LAFCO, I will be able to continue to contribute my knowledge, skills, and abilities to matters of countywide interest.

**CONTRA COSTA
LOCAL AGENCY FORMATION COMMISSION (LAFCO)**

651 Pine Street, Sixth Floor ♦ Martinez CA 94553
♦ Phone: (925) 335-1094 ♦ Email: LouAnn.Texeira@lafco.cccounty.us

APPLICATION FOR PUBLIC MEMBER ALTERNATE

Name: Iman Novin

Address: _____

Phone: _____

E-mail: _____

Employer/Occupation: Novin Development - self

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1. Please briefly describe your experience in local government and/or with local community organizations: served 4 years on the Walnut Creek planning Commission. Board member for the chamber of commerce.

2. Please briefly describe your employment background (you may attach a *brief* resume, if desired): See attached.

3. Please briefly describe your educational background: B.S. Structural Engineering
B.A. Urban studies & planning

4. Please briefly summarize why you wish to serve on LAFCO and your qualifications to serve as a member of the Commission (you may attach a *one-page* statement, if desired): I live in an unincorporated island in the Walnut Creek sphere of influence. Through my work in Real Estate Development & ^{Public} Policy I've come to understand & appreciate the important role LAFCO plays in balancing economic/growth interests & local land use matters.

5. Please specify whether you are applying for the Public Member seat, the Public Member Alternate seat, or both. either.

Applications must be received in the LAFCO office by **5:00 pm on January 31, 2018.**
Thank you for your interest in the Contra Costa LAFCO.



Iman Novin, Principal | Novin Development Corp (NDC)



Iman Novin founded NDC's consulting practice in 2013 and has provided acquisition, feasibility and project management consulting to a variety of for-profit and non-profit clients across California including MidPen Housing, BRIDGE Housing and Related CA.

Iman has over 12 years of experience in the real estate development sector with a focus in affordable housing, mixed-use and transit-oriented development. Iman has significant experience with the acquisition and project management of both new construction and acquisition/rehabilitation type projects.

Iman previously worked at MidPen Housing as Director of Acquisitions and at BRIDGE Housing as a Project Manager in both northern and southern California. While at MidPen, Iman managed MidPen's acquisition efforts across the Bay Area closing dozens of deals and managing broker and investor relationships.

While at BRIDGE, Iman helped secure entitlements for MacArthur Transit Village, a 624 unit mixed-income TOD development in Oakland with 42,500 square feet of ground floor retail. Through BRIDGE's innovative CalPERS partnership, BRIDGE Urban Infill Land Development (BUILD) Iman gained experience with a wide variety of development and investment types including mixed-income, workforce housing, mixed-use, large master-plan, TOD and a portfolio of market-rate value-add investment properties acquired with CalPERS equity.

Prior to BRIDGE, Iman worked in the Real Estate and Planning Divisions of the Centre City Development Corporation (CCDC) on redevelopment and affordable housing initiatives within the Downtown San Diego Redevelopment Project Area, as well as with Keyser Marston Associates (KMA) in their San Diego office.

CONTRA COSTA
LOCAL AGENCY FORMATION COMMISSION (LAFCO)



APPLICATION FOR PUBLIC MEMBER ALTERNATE

Name: Louis M. Cosso

Address: _____

Phone: _____

E-mail: _____

Employer/Occupation: retired | banker (wells Fargo, 35 yrs.)

1. Please briefly describe your experience in local government and/or with local community organizations: _____

No local government experience; Board member of Goodwill Industries of Greater East Bay (Chairman of the Board, 2 years), Board of Oakland East Bay Symphony; also, Board member of Big Brothers / Sister of East Bay.

2. Please briefly describe your employment background (you may attach a brief resume, if desired): _____

35 years Wells Fargo Bank 2002-2009, Group Group Head of Auto Finance; also Regional Manager Oakland / East Bay Region. Resume attached.

3. Please briefly describe your educational background: _____

Univ. of California Berkeley, B.S. Business
San Jose State, M.A. Economics

4. Please briefly summarize why you wish to serve on LAFCO and your qualifications to serve as a member of the Commission (you may attach a one-page statement, if desired): _____

I have ~~been~~ recently on the Board of 2 banks. One is based in L.A. & I have retired from that Board. The other one is TriValley Bank in San Ramon, CALIF. & we are being sold. So I am looking for new challenges.

I bring a long track record of successful business experience. Also, I grew up in Lafayette & have lived in Orinda and Lafayette almost all my life.

Applications must be received in the LAFCO office by **5:00 pm on January 31, 2018.**

Thank you for your interest in the Contra Costa LAFCO.

Currently a member of the Board of Directors of
Tri Valley Bank, San Ramon, California, Vice Chairman of the Board
Retired from Wells Fargo Bank, July 2009.

Wells Fargo Bank, 1996-2009

Head of Auto Finance including Dealer Commercial Services and Strategic Auto Investments, June 2002 to July 2009.

Auto Dealer Business: Revenues and net profits after tax grew by double digit percentages each year from 2003 to 2007. There were no loan losses from 2003 to 2007; in 2008 net loan losses were 0.20% (20 basis points) and in 2009, 0.50% (50 basis points)---so while the business was still profitable, profits declined.

Strategy from 2003 focused on

- #1.) building a core of customers who were “best in class” and,
- #2.) having the best people in the industry.

Note: in 2010, loan losses were zero.

Strategic Auto Investments Business: Invested in over \$30 billion in high quality consumer auto loan facilities (average size \$2 billion). All performed better than plan.

Consumer Loans and Leasing: strategy focused on higher quality, lower risk part of the market; exited business in 2006 because pricing /spreads became too low for a meaningful period of time.

Regional Manager, San Francisco Commercial Banking Region, August 1996 thru June 2002.

Revenues and profits grew by double digit percentages every year, including the years 2000 to 2002—the years after the dot com bubble burst.

Bank of America, 1991-1996

Director of Portfolio Management, August 1991 to August 1996.

Created “from scratch” a portfolio management system/process based on the principles of modern portfolio theory for the loan and related asset portfolio of Bank of America. In addition, created and implemented a state-of-the-art computer system to gather the information worldwide.

Wells Fargo Bank, 1969-1991

Regional Manager, San Francisco Commercial Banking Region, Jan 1988 to August 1991.

Regional Manager, Oakland Commercial Banking Region, April 1981 to Jan 1988.

International Banking Group, Jan 1977 to April 1981.

Trade Finance Department, 1980 and 1981; Mexico Regional Manager , Merchant Banking 1978 to 1980. Led one of the first billion dollar international syndicated loans in 1980.

Project Manager, Corporate Responsibility Committee, 1975 to 1977.

Created the Social Service Leave Program and President’s Award for Social Service; totally reworked Contributions Policy.

Investment Advisors Division, 1969 to 1975.

2 jobs: 1971 to 1975, Portfolio Manager, Trust Accounts; and 1969-1971, Municipal and Corporate Bond Analyst.

Private Sector Company Board of Directors

Dealer Track, 2002-2005. Dealer Track began as an internet company furnishing auto consumer

loan information primarily loan terms ---including competing interest rate bids to auto dealers to finance auto purchases at the auto dealership. Dealer Track has added to its products and services over the years and is now a major source of assistance to auto dealers. Dealer Track was bought by a large company in 2015 for 4 times its IPO price.

BBCN Bank Director, 2010 to 2014. Chairman of Directors Loan Committee, 2010 to 2011 (Nara Bank before Merger of Equals with Center Bank); Vice Chairman of Director's Loan Committee 2011-2014; Chairman of Asset Liability Committee 2010-2014.

Education

Master of Arts, Economics, San Jose State University, 1974.

Bachelor Degree in Business Administration, University of California Berkeley, 1965.

Volunteer Work

Board of Directors, Goodwill Industries of Greater East Bay, 1982-1988, Chairman of the Board, 1986-1987.

Board of Directors, Oakland Symphony, 1981-1987. Finance Chairman, 1986-1987.

Also, Board of Directors of St Luke's Hospital in San Francisco, Big Brothers and Sisters of the East Bay, and Junior Achievement of San Francisco.

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION (LAFCO)

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APPLICATION FOR PUBLIC MEMBER ALTERNATE

Name: Norman Meites

Address: _____

Phone: _____

E-mail: _____

Employer/Occupation: Cello & Maudru Construction Co., Napa. Partner & Chief Estimator. www.cello-maudru.com

- =====
- Please briefly describe your experience in local government and/or with local community organizations:** Working with Cello & Maudru Construction involves interacting with planning and building departments throughout the Bay Area. I'll retire from C&M in a year and look forward to a broader and deeper involvement with my government. I've also built for low-income clients with the Saint Lawrence County Housing Council, a non-profit in New York, and trained women for construction jobs while with the Oakland Housing Authority. Please see page 2.
 - Please briefly describe your employment background (you may attach a *brief* resume, if desired):** 40 years in top-end residential and winery construction. Chief Estimator and Partner with Cello & Maudru, one of the Bay Area's most capable firms, for 15 years. Long practice working on large collaborative teams. Deep knowledge of budgeting methods. Effective listener and speaker. Able to assemble, unite, spur, and hold strong teams together. Please visit www.cello-maudru.com for verification and detail.
 - Please briefly describe your educational background:** I have a high school diploma, three years of college courses in philosophy and literature; one year of study at a seminary; and professional training in design, graphics, and statistical process control.
 - Please briefly summarize why you wish to serve on LAFCO and your qualifications to serve as a member of the Commission (you may attach a one-page statement, if desired):** I want to serve my community working in a collaborative group. My wife's service on the Civil Grand Jury offers an example of dedicated, skillful service in a group of capable equals; I would like to serve similarly. If selected, I will bring studious attention; read carefully and fully, and listen to others before forming an opinion.
 - Please specify whether you are applying for the Public Member seat, the Public Member Alternate seat, or both.** Both, please.

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Thank you for your interest in the Contra Costa LAFCO.*

Please briefly describe your experience in local government and/or with local community organizations:

In addition to experience with for-profit, non-profit, and governmental housing organizations, I've been active in Toastmasters International for over six years. Toastmasters teaches groups to create supportive learning environments; to work collaboratively, with no authoritative leader; and, beyond all else, to listen to one another.

References will be provided upon request.

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION (LAFCO)

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APPLICATION FOR PUBLIC MEMBER ALTERNATE

Name: Ron Mintz

Address: _____

Phone: _____

E-mail: _____

Employer/Occupation: Golden Gate Sotheby's International Realty/Regional V. P.

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1. Please briefly describe your experience in local government and/or with local community organizations:

In 1996 I served on the Community Services Commission for the City Of Clayton, CA. - Was part of the planning and future development of a Dog Park for the City. In 1994 I was a Member of the Santa Clara County AIDS/HIV Consortium - Was part of the planning and implementation to turn the County from a Consortium into having an actual Planning Council which I served on as well in 2002. I am familiar with what it takes to work in the government arena. I was the 2016 President of the Contra Costa Association Of Realtors after having served as the Treasurer in 2014 and President Elect in 2015.

2. Please briefly describe your employment background (you may attach a *brief* resume, if desired):

Please see attached

3. Please briefly describe your educational background:

I am a graduate of Beverly Hills High School and took a few classes as an Extension Student at San Diego State university and Santa Monica City College before going to work full time and getting my Real Estate License

4. Please briefly summarize why you wish to serve on LAFCO and your qualifications to serve as a member of the Commission (you may attach a one-page statement, if desired):

Working in the Housing industry both in the "For Profit" and "Not For Profit" I believe Housing is a right. To work in forming and/or modifying boundaries to make sure that housing is available is a dream. In addition, being involved in establishing policies and procedures to allow for smart urban sprawl is essential to preserve the incredible County we live in. I would love to be part of the team! Finally, anything we can do to modify CEQA to close the holes that effect the ability for housing development is essential!

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Thank you for your interest in the Contra Costa LAFCO.*

EXPERIENCE:

Golden Gate Sotheby's International Realty, Danville, Lafayette, Berkeley and Oakland, CA Regional Vice President – East Bay - November 2013 – Present

Oversight of six real estate offices consisting of approximately 200 agents, recruiting, agent retention, budgeting and financial oversight including all operating expenses and expenditure approval. Research, planning and management of all agent services. Oversight and Supervision of all company (6 offices) staff of approximately 25 people including annual evaluations and salary oversight. Too much to list in this small space. I can elaborate upon request.

Coldwell Banker Residential Brokerage, Walnut Creek, CA Realtor® - July 2013 - October 2013

Consistently ranked in the top 13% of Coldwell Banker agents.

Responsibilities include representation of both Buyers and Sellers of single-family homes, multi-residential and commercial properties. Marketing, contract negotiating along with all other aspects involved with the transfer of Title.

Prudential CA Realty, San Ramon, CA

Sales Manager & Realtor® - August 2012 - July 2013

Primarily responsible for the growth of the office, including but not limited to the Walnut Creek area, primarily through recruiting. Reports directly to the President. In addition, help with training or real estate brokerage counseling or other various tasks to assist the company. In addition, represents both Buyers and Sellers of single-family homes, multi-residential and commercial properties. Marketing, contract negotiating along with all other aspects involved with the transfer of Title.

Better Homes & Gardens Mason McDuffie Real Estate (Formerly Prudential CA Realty), Danville, CA – Dajani Real Estate Group

Realtor® – December 2006 – August 2012

Consistently ranked in the top 5 teams in the Company

Responsibilities include every part of Real Estate including the organization and functional aspects of running a very successful real estate business from Short Sale negotiations to interaction with both Buyers & Sellers in contract negotiation & marketing. Representation of both Buyers and Sellers of single-family homes, multi-residential and commercial properties along with all other phases involved with the transfer of Title.

Coldwell Banker Residential Brokerage, Beverly Hills, CA

Realtor® - December 2003 - 2006

Consistently ranked in the top 13% of Coldwell Banker agents.

Responsibilities include representation of both Buyers and Sellers of single-family homes, multi-residential and commercial properties. Marketing, contract negotiating along with all other aspects involved with the transfer of Title.

Prudential California Realty, Danville, CA

Realtor® - December 2002 - December 2003

Responsibilities included representation of both Buyers and Sellers of single-family homes, multi-residential and commercial properties. Marketing, contract negotiating along with all other aspects involved with the transfer of Title.

AIDS Resources Information & Services (ARIS) of Santa Clara County, San Jose, CA

Director of Housing & Client Services - October 2000 - December 2002

Responsibilities included the supervision and overall management of ARIS' AIDS Housing Program & Client Services Department. Including the oversight of a Residential Care Facility for the Chronically Ill (a California State licensed facility) to ensure compliance with all regulatory requirements. In addition responsibilities included the supervision of 6 staff, over 300 volunteers, program assessment and development, service and program planning, policy and procedure development, budget development, fiscal management, and ensure compliance with Federal, State, County, and other contracts and grants, regulations and scopes of work.

Ben & Jerry's of CA Inc., Manhattan Beach, CA

Regional Supervisor - July 1998 - October 2000

Responsibilities included the supervision and oversight of all operations of seven retail ice cream scoop shops throughout Northern California. In addition, responsibilities included marketing, staffing, goal setting, supervision of 45 associates, inventory control and acting as the liaison between Corporate Headquarters and Franchisee.

Eden Housing Management Incorporated, Hayward, CA

Property Supervisor - February 1996 - July 1998

Responsibilities included the supervision of apartment communities and mixed-use properties ranging in size from 20 to 75 units each. The regulatory agencies involved ranged from the Rental Housing Construction Program (RHCP), California Rehabilitation Program (CHRP), Tax Credit Allocation Committee (TCAC) to the U.S. Housing and Urban Development (H.U.D.). The territory consisted of approx. 295 units with over 1000 Multi Cultural low to very low-income residents. These residents included Families, Seniors, Homeless and the Disabled. Additional responsibilities included supervising a staff of 15, developed advertising for rental units (newspaper and magazine) and monitored complex waiting lists to assure compliance. This position required being on call 24 hours a day 7 days a week, to respond to emergency crises situations.

AIDS Resources Information & Services (ARIS) of Santa Clara County, San Jose, CA

Coordinator of Housing Services - November 1994 - December 1995

Responsibilities included assisting the Manager of the AIDS Housing Program in the overall management of five houses and additional Housing Program Services, including program assessment and development, assess residents' needs, mediate disagreements, assess household relationships and monitor household agreements. Interact with other organizations such as Housing for Independent People, Eden Housing Management Inc., Visiting Nurse Association AIDS Project, Valley Medical Center ICH Clinic, Department of Social Services County of Santa Clara, and County of Santa Clara Early Intervention Program. Provide training to volunteers, staff and other agencies as needed and requested.

G & K Management Co., Inc., Culver City & San Jose, CA

Asst. Director of Property Management - August 1989 - November 1994

Responsibilities included supervising staff consisting of Property Supervisors and office personnel. Assisted the Director of Property Management in maintaining adherence to H.U.D. and C.H.F.A. policies and procedures. This involved assessment of current, and development of new polices to meet the changing regulations. Assisted Director to assure staff compliance to G & K policies and procedures.

Director of Purchasing

Responsibilities included the purchase of all items necessary to maintain and improve complexes. Other responsibilities included special projects, preparing project specifications, obtaining bids, negotiating pricing/contracts, inspecting work to assure adherence to specifications, and approving completion of work so payment could be made.

Property Supervisor

Responsibilities included supervising both conventional mixed-use properties with retail space and H.U.D. subsidized complexes ranging in size from 79 to 320 units each. The territory consisted of 12 retail stores, 1200 units with over 4000 Multi Cultural low to very low-income residents. These residents also included Seniors, Homeless and the Disabled. Developed extensive experience with tenant mediation in working with tenant disputes. Interacted with other management organizations such as Palo Alto Housing Corporation, Chinese Community Housing, Tenderloin Neighborhood Development Corporation and the San Jose Redevelopment Agency. Additional responsibilities included supervising a staff of 30 employees, develop advertising for rental units (newspaper and magazine) and monitor complex waiting lists to assure compliance. This position required being on call 24 hours a day 7 days a week, to respond to emergency crises situations.

Education:

Beverly Hills High School
San Diego State University
California Real Estate License
Certified Occupancy Specialist

Designations

SFR – Short Sale & Foreclosure Resource
CDPE – Certified Distressed Property Expert

Community Activities:

2016 President - Contra Costa Association of REALTORS® Board of Directors

Region 5 Director - California Association of REALTORS®

Member of the Contra Costa Association of REALTORS® - Present

Member of the National Association of REALTORS® - Present

Member of the California Association of REALTORS® - Present

Member of the Southland Regional Association of REALTORS® - 2003

Member of the Santa Clara County HIV Health Services Planning Council - 2002

Candidate for City Council, City of Clayton, CA – 1996

Member of Community Services Commission, City of Clayton, CA - 1996

Member of the Santa Clara County AIDS/HIV Consortium - 1994

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651 Pine Street, Sixth Floor ♦ Martinez CA 94553
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APPLICATION FOR PUBLIC MEMBER ALTERNATE

Name: Ryan Buckley

Address: _____

Phone: _____

E-mail: _____

Employer/Occupation: Self-employed online business owner

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1. Please briefly describe your experience in local government and/or with local community organizations: Please see attached.

2. Please briefly describe your employment background (you may attach a *brief* resume, if desired): Please see attached.

3. Please briefly describe your educational background: Please see attached.

4. Please briefly summarize why you wish to serve on LAFCO and your qualifications to serve as a member of the Commission (you may attach a one-page statement, if desired): Please see attached.

*Applications must be received in the LAFCO office by **5:00 pm on January 31, 2018.**
Thank you for your interest in the Contra Costa LAFCO.*

RYAN BUCKLEY

January 15, 2018

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

Dear Ms. Texeira:

Thank you for considering my application for the public member alternate position on the Contra Costa County LAFCO.

My answers to the application questions are below.

1. I bought my home in Walnut Creek in 2015 after moving from San Francisco. In San Francisco I was involved in local campaigns for county supervisor and mayor. I also was a founding member of and served as president of the College of Natural Resources Alumni Association at UC Berkeley.
2. For the past year I have run my own online business from home which gives me the flexibility now to participate in local government. Prior to running my home business, I spent 10 years as co-founder and CEO of another internet startup in San Francisco that raised \$16MM and employed 40 people. I also worked for Lieutenant Governor John Garamendi and the California Bureau of State Audits.
3. I received my Master's in Public Policy from the Kennedy School of Government at Harvard University. I was also in the dual degree program with the Massachusetts Institute of Technology where I received my MBA from MIT Sloan. My undergraduate degrees are from UC Berkeley where I received a B.S. in Environmental Sciences and a B.A. in Economics.
4. I am now 35-years-old and moved from San Francisco to Walnut Creek so my wife, two young daughters, and I can enjoy the open spaces in Contra Costa County. I have

hiked through most of the trailheads our region has to offer. I'm in Briones Regional Park with my daughter and my dog several times a week. I am passionate about preserving open spaces. I also see LAFCO's responsibilities similarly to my own as a CEO in the private sector: to review proposals, look for efficiencies, and reorganize only when necessary to benefit as many constituents as possible. I enjoy doing research. I'm data-driven and like to come prepared to meetings. Finally, I am eager to get involved in city and county government. Although this would be my first official seat in the county, I am confident that I would serve it well.

Thank you again for considering my application.

Sincerely,

A handwritten signature in black ink that reads "Ryan Buckley". The signature is written in a cursive, flowing style.

Ryan Buckley



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

March 14, 2018 (Agenda)

March 14, 2018
 Agenda Item 8

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

Proposed FY 2018-19 LAFCO Budget

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. This report presents the proposed budget and work plan for FY 2018-19.

BUDGET SUMMARY: The proposed FY 2018-19 budget (attached) includes appropriations totaling \$990,735 and reflects an overall increase of 5% as compared to the approved FY 2017-18 budget. The increase is primarily attributable to relocation of the LAFCO office (September 2018), an increase in staffing, and ongoing second round Municipal Service Reviews (MSRs). Included in the total appropriations for FY 2018-19 are annual pre-funding contributions of \$40,000 to fund LAFCO’s Other Post-Employment Benefits (OPEB) liability and \$30,000 to fund LAFCO’s retirement liability (Contra Costa County Employees’ Retirement Association – CCCERA), along with an \$80,000 contingency reserve fund, all of which are comparable to current year funding. Details regarding expenditures and revenues are presented below.

EXPENDITURES: The expenditure portion of the budget is divided into three main objects: *Salaries & Benefits*, *Services & Supplies*, and *Contingency/Liability*. A summary of expenditures and notable variances is provided below.

Salaries & Benefits

In FY 2017-18, Contra Costa LAFCO maintained a staffing level of two full-time employees. As previously discussed with the Commission, LAFCO will add an Analyst position following relocation of the LAFCO office. As indicated below, we anticipate moving the LAFCO office to 40 Muir Road (Martinez) in September 2018.

In accordance with the relocation schedule, we anticipate bringing in the new Analyst on April 1, 2019. As proposed, the FY 2018-19 budget includes full year funding for the current two-full time positions (Executive Officer and Executive Assistant/Clerk), plus partial year funding for a new Analyst position (April – June 2019). The estimated salary for the Analyst position is based on a salary survey of comparable LAFCO Analyst positions. A job description and proposed salary range will be presented to the Commission at a future meeting.

The FY 2018-19 *Salaries & Benefits* total \$454,106, reflecting an increase of 11% over the approved FY 2017-18 budget. The increase is primarily attributable to partial year funding of salary/benefits for an Analyst position.

In comparing the FY 2017-18 approved budget to year-end estimates, we note the following variances:

- 12% overage in retirement expense due to representation of prior year overpayment
- 15% savings in employee group health insurance due to changes in benefit tier structure
- 19% savings in unemployment insurance due to reserves in the unemployment trust fund

In addition to the LAFCO employees, staff support is supplemented by private and public service providers on an as-needed basis. The County provides fiscal, drafting, mapping and legal services. Also, LAFCO contracts with private firms for website maintenance, financial auditing, environmental planning, and to assist with Municipal Service Reviews (MSRs) and special studies. The FY 2018-19 budget assumes the continuation of these contract services as reflected in the Services & Supplies accounts.

Services & Supplies

The *Services & Supplies* account includes funding for a variety of services, programs and projects including administrative (e.g., office, insurance, rent, utilities, equipment/systems, training, memberships, etc.), contract services (assessor, auditing, GIS, legal, planning, website, etc.), and programs/projects (e.g., MSRs, special studies, etc.).

The proposed FY 2018-19 budget includes \$386,629 for *Services & Supplies*, and is comparable to the FY 2017-18 budget. The proposed budget includes funding associated with relocating the LAFCO office, along with funding to complete the “city services” MSR and initiated a 2nd round MSR covering either community service areas (CSAs) or park & recreation services.

In February 2018, LAFCO released a Request for Proposals (RFP) for 2nd round “city services” covering 19 cities and four community services districts (CSDs). The schedule calls for awarding a contract in April 2018 and initiating work in May 2018. Following completion of the “city services” MSR, LAFCO will move forward with another 2nd round MSR (i.e., CSAs, parks & recreation).

In comparing the FY 2017-18 approved budget to year-end estimates, we note savings in several accounts (i.e., office expenses, communications, rents & leases, building occupancy, data processing services, inter-departmental costs) associated with the anticipated move in FY 2017-18, which will not occur. In addition, we note the following other variances:

- 30% overage in Publications & Legal Notices due to increased application activity and the Alternate Public Member vacancy
- 94% savings in legal costs due to fewer matters requiring legal services
- 212% savings in MSR expenses due to delay in initiating “city services” MSR

- 95% savings in contract planning services due to fewer matters requiring planning services
- 1,494% savings in LAFCO sponsored training due to use of an in-house facilitator versus a paid facilitator for the Commission's strategic planning session

Contingency Reserve Fund

Each year, the Commission appropriates \$80,000 for unanticipated expenses (i.e., special studies, potential litigation, etc.). The contingency funds do not accrue, and are re-appropriated each year. Use of the contingency funds is subject to Commission approval. No contingency funds have been used this fiscal year. The FY 2018-19 budget, as proposed, includes an \$80,000 contingency reserve fund, which is consistent with prior years.

Other Post-Employment Benefits (OPEB)

Since FY 2011-12, LAFCO has included in its budget an annual expense to pre-fund its OPEB liability. The FY 2011-12 through FY 2014-15 budgets included an appropriation of \$10,000 per year to fund this liability.

Following LAFCO's first actuarial valuation in 2014, the Commission increased its annual appropriation to \$40,000. In September 2016, LAFCO completed its second actuarial valuation. The report showed an Employer-Paid Accrued Liability of \$546,116, an unfunded accrued liability of \$463,815, and an annual required contribution of \$52,505. The OPEB funds are currently held in the PARS Public Agencies Post-Retirement Healthcare Plan Trust; LAFCO is a sub-account under the County's OPEB trust. To date, LAFCO has accrued \$181,633 (including interest earned).

Pre-funding Retirement Liability (CCCERA)

The FY 2017-18 budget includes a \$30,000 contribution to fund LAFCO's unfunded retirement liability. The Commission added this expense to begin prepaying a portion of its unfunded retirement liability in order to have a better contribution rate. LAFCO's current Net Pension Liability (net after plan assets) is \$359,329 (12/31/16).

LAFCO entered into an agreement with CCCERA and CCCERA's actuary determines the liability and impact of pay down. The payments made to CCCERA are added to fiduciary plan assets and earn investment income like all other assets. CCCERA does not require a separate trust like an OPEB irrevocable trust because CCCERA, by definition, is a fiduciary trust fund. CCCERA's actuary tracks payments made against the LAFCO liability, which will reduce the liability and annual contributions from employer and employees because the liability is decreasing. Every three years, an experience is performed to confirm if the valuation and assumptions used to determine the liability are on track and accurate.

REVENUES

Revenues consist primarily of application charges, available year-end fund balance, miscellaneous revenues (e.g., interest earnings), and County, city and independent special district contributions, with each group paying one-third of the net operating LAFCO budget. The city and district shares are prorated based on general revenues reported to the State Controller.

Application Charges and Other Revenues

The FY 2017-18 budget includes an anticipated \$20,000 in proposal processing fees based on a multi-year historical average. It is projected that LAFCO will receive approximately \$40,259 in application

fees this year, significantly more than budgeted. Application activity remains high. Accordingly, the proposed FY 2018-19 budget includes \$25,000 in anticipated application fees.

Fund Balance

Government Code §56381(c) provides: “If at the end of the fiscal year, the Commission has funds in excess of what it needs, the Commission may retain those funds and calculate them into the following fiscal year’s budget.”

The FY 2017-18 fund balance is currently unknown and will be calculated at year end (typically by October). However, based on the beginning year fund balance, and projected FY 2017-18 revenues and expenses, it is estimated that the available fund balance will be over \$170,000.

The LAFCO fund balance, or any portion thereof, can be used to offset the FY 2018-19 revenues, thereby reducing contributions from the funding agencies (County, cities, districts); or placed in a reserve account, separate from the contingency reserve that is appropriated each year.

The proposed FY 2018-19 budget provides that, to the extent possible, the available fund balance be used to offset FY 2018-19 revenues.

Revenues Received from the County, Cities and Independent Special Districts

After processing fees, available fund balance and other miscellaneous revenues, the balance of LAFCO’s financial support comes from local governmental agencies. Agency contributions represent the most significant LAFCO revenue source.

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (“CKH”) requires that the net operational costs of LAFCO be apportioned one-third to the County, one-third to the cities, and one-third to the independent special districts. The CKH describes how the County Auditor is to make the apportionment and collect the revenues once LAFCO adopts a Final Budget (Gov. Code §56381). The city and district allocations are based on revenues reported to the State Controller and vary year to year.

As indicated above, the overall budget is expected to increase by approximately 5%. The proposed use of the available fund balance will offset agency contributions for FY 2018-19. The amount of revenue from other government agencies required to fund the FY 2017-18 budget was \$755,210. As proposed, the total amount of revenue from other government agencies needed to fund the FY 2018-19 budget is \$795,735, reflecting a 5% increase.

BUDGET ENHANCEMENTS

During the FY 2016-17 and FY 2017-18 budget deliberations, the Commission discussed the future of Contra Costa LAFCO and succession planning. The Commission directed staff to include in these budgets costs associated with relocation of LAFCO offices and additional staff.

Office Space - LAFCO currently leases 580± sq. ft. of office space (plus common area) at 651 Pine Street, 6th Floor in Martinez. The office space is somewhat restricted with limited opportunity to expand.

Since 2016, Contra Costa LAFCO has planned to relocate and lease office space at 40 Muir Road in Martinez. This location offers several advantages, including close proximity to the County GIS division with whom we have regular interaction, and the opportunity to lease additional office space

than is currently available at 651 Pine Street. Unfortunately, the move was delayed due to the occupancy and other issues.

We understand now that tenant improvements are underway and we have an anticipated move in date of September 2018. Costs associated with the move, rent, and related expenses are reflected in the *Services & Supplies* accounts.

LAFCO Staffing- Contra Costa LAFCO currently employs two full-time staff – an Executive Officer and an Executive Assistant/LAFCO Clerk.

For the past two years, the Commission discussed the potential to augment LAFCO staff in the future. The Commission agreed that in order to meet increased application activity demands, expand our work on local policies and procedures, embark on inventive projects and programs, enhance our public outreach and education, and maintain our current level of involvement at a statewide level with CALAFCO and other stakeholders, it is desirable to enhance LAFCO staff.

LAFCO staff is currently developing a staffing/succession plan, along with a job description and salary range for an Analyst position. This information, along with necessary amendments to LAFCO's classification, salary and benefit plans, will be presented to the Commission in the near future.

LAFCO RESPONSIBILITIES, ACCOMPLISHMENTS & GOALS

In accordance with the 2018-19 Budget Schedule approved by the Commission in February, the hearing for the Proposed Budget is scheduled for March 14th, and the hearing for the Final Budget is scheduled for May 9th. The time between these Commission actions is to allow for review and comment by those agencies that fund LAFCO and by other interested parties, and to update budget information.

Major LAFCO Responsibilities

LAFCO receives its authority and statutory obligations from the CKH Act. Included among LAFCO's major responsibilities are:

- Act on proposals for changes of organization and reorganizations (i.e., annexations/ detachments, out of agency service extensions, consolidations/mergers, district formations/ dissolutions, city incorporations/disincorporations, etc.)
- Establish, review and update spheres of influence (SOIs) for cities and special districts
- Conduct MSRs prior to or in conjunction with establishing or updating SOIs
- Perform special studies relating to services and make recommendations about consolidations, mergers or other governmental changes to improve/enhance services and efficiencies
- Serve as the Lead or Responsible Agency for compliance with the California Environmental Quality Act (CEQA)
- Serve as the conducting authority to conduct protest hearings relating to changes of organization/reorganizations
- Provide public information about LAFCO and public noticing of pending LAFCO actions
- Establish and maintain a website
- Adopt and update written policies and procedures
- Adopt an annual budget

Highlights of FY 2017-18

The following represents some of LAFCO's major accomplishments in the current fiscal year:

Boundary Change and Related Applications

- a. Completed proceedings for six changes of organization/reorganization proposals
- b. Received 11 new applications including five annexations, three SOI amendments, one reorganization, one dissolution and one out of agency service request
- c. Requested approval for one transfer of jurisdiction related to a proposed annexation (Alameda LAFCO)

MSRs/SOI Updates

- a. Completed 2nd round Healthcare Services MSR
- b. Issued Request for Proposals for 2nd round “city services” MSR
- c. Received updates on West Contra Costa Healthcare District, Reclamation District (RD) 2121, EMS/Fire services, and Knightsen Town Community Services District

Special Projects/Activities

- a. The Commission participated in a strategic planning workshop (September 2017)
- b. The Commission adopted a resolution initiating dissolution of the Rollingwood Wilart Park Recreation & Park District (RWPRPD) (January 2018)

Administrative and Other Activities

- a. Appointed 2018 LAFCO Chair and Vice Chair
- b. Conducted recruitment for Alternate Public Member
- c. Appointed an ad hoc committee (Commissioners Burgis, McGill, Skaredoff) to work with RD 2121
- d. Appointed Commissioner Blubaugh to the ad hoc policies & procedures committee
- e. Completed FY 2015-16 audit
- f. Completed comprehensive website update
- g. Completed update to Directory of Local Agencies
- h. Received quarterly budget reports
- i. Completed annual employee performance reviews
- j. Provided comments on various local agency environmental documents
- k. Approved amendments to LAFCO Employee Benefit Plan (adding new health insurance options and deleting catastrophic leave provisions)
- l. Approved amendments to liability insurance policy
- m. Recognized outgoing Alternate Public Member Sharon Burke
- n. Submitted position letters on various bills affecting LAFCOs
- o. Participated in and cast a vote in SDRMA Board election
- p. Participated in and supported CALAFCO

FY 2018-19 Work Plan

The recommended work plan for FY 2018-19 includes the following activities:

- ❖ Complete 2nd round MSR/SOI updates covering “city services”
- ❖ Initiate 2nd round MSRs/SOI updates covering either CSAs or park & recreation services
- ❖ Complete dissolution of RWPRPD
- ❖ Process applications including proposed dissolution of the Los Medanos Community Healthcare District
- ❖ Resume work on updating/enhancing Commissioner Handbook including developing policies to address SOIs, disadvantaged communities, procedures for processing multi-county boundary changes, environmental guidelines, etc.
- ❖ Relocate the LAFCO office to 40 Muir Road, Martinez

- ❖ Complete LAFCO staffing/succession plan and related staffing enhancements
- ❖ Complete update to LAFCO Directory of Local Agencies
- ❖ Complete FY 2016-17 audit
- ❖ Continue to refine electronic records for easier access
- ❖ Develop a Clerk's desk manual
- ❖ Continue to participate in and support CALAFCO

In addition to the above, LAFCO staff will continue ongoing activities including processing applications; supporting Commission/Committee meetings; administering the budget; managing records, purchasing, and contracts; and performing other administrative activities. Staff will facilitate inter-agency communications; conduct education and outreach as time allows; participate in regional forums as appropriate; participate in CALAFCO training and activities (i.e., Legislative Committee, Staff Workshop, Annual Conference, CALAFCO U). LAFCO staff currently serves as Vice Chair of the Legislative Committee and is a regular presenter at the CALAFCO Annual Conference and Staff Workshop.

In conclusion, the Commission and LAFCO staff continue to exercise fiscal prudence, recognizing the financial constraints faced by our funding agencies. Approval of the proposed budget will enable the Commission to perform its core responsibilities effectively, and continue its work on MSRs/SOI updates, special studies, policy development and other projects.

RECOMMENDATIONS

1. Receive the staff report and open the public hearing to accept testimony on the Proposed FY 2018-19 LAFCO Budget,
2. After receiving public comments close the hearing,
3. After Commission discussion, adopt the Proposed Budget for FY 2018-19, with any desired changes, and authorize staff to distribute the Proposed Budget to the County, cities and independent special districts as required by Government Code Section 56381, and
4. Schedule a public hearing for May 9, 2018 to adopt the Final FY 2018-19 LAFCO Budget.

Respectfully submitted,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

Attachment – Proposed FY 2018-19 LAFCO Budget

c: Distribution

PROPOSED FY 2018-19 LAFCO BUDGET

| | FY 2017-18 | FY 2017-18 | FY 2018-19 | |
|--|-------------------|--------------------|-------------------|-----------------|
| | Approved | Year-end | Proposed | % Change |
| | | (Estimated) | | |
| Salaries and Employee Benefits | | | | |
| Permanent Salaries– 1011 | \$ 219,803 | \$ 218,333 | \$ 244,970 | |
| Deferred Comp Cty Contribution - 1015 | \$ 1,020 | \$ 1,020 | \$ 1,020 | |
| FICA- 1042 | \$ 16,925 | \$ 15,594 | \$ 18,740 | |
| Retirement expense- 1044 | \$ 83,576 | \$ 94,683 | \$ 109,514 | |
| Employee Group Insurance- 1060 | \$ 61,378 | \$ 53,458 | \$ 59,575 | |
| Retiree Health Insurance- 1061 | \$ 20,000 | \$ 18,609 | \$ 19,100 | |
| Unemployment Insurance- 1063 | \$ 593 | \$ 499 | \$ 122 | |
| Workers Comp Insurance- 1070 | \$ 1,075 | \$ 1,001 | \$ 1,065 | |
| Total Salaries and Benefits | \$ 404,370 | \$ 403,197 | \$ 454,106 | 11% |
| Services and Supplies | | | | |
| Office Expense- 2100 | \$ 5,000 | \$ 2,207 | \$ 6,000 | |
| Publications -2102 | \$ 30 | \$ 21 | \$ 30 | |
| Postage -2103 | \$ 1,800 | \$ 1,195 | \$ 1,800 | |
| Communications - 2110 | \$ 2,130 | \$ 830 | \$ 2,524 | |
| Tele Exchange Services 2111 | \$ 1,551 | \$ 1,551 | \$ 1,599 | |
| Minor Comp Equipment - 2132 | \$ 1,000 | \$ 2,600 | \$ 1,000 | |
| Pubs & Legal Notices 2190 | \$ 3,000 | \$ 4,309 | \$ 4,000 | |
| Memberships - 2200 | \$ 10,228 | \$ 10,173 | \$ 10,503 | |
| Rents & Leases - 2250 (copier) | \$ 4,291 | \$ 5,655 | \$ 5,500 | |
| Computer Software - 2251 | \$ 500 | \$ 400 | \$ 500 | |
| Bldg Occupancy Costs - 2262 | \$ 15,003 | \$ 7,496 | \$ 18,622 | |
| Bldg Life Cycle Costs - 2265 | \$ 1,565 | \$ 1,565 | \$ 1,455 | |
| Bldg Maintennace - 2284 | \$ 150 | \$ - | \$ 150 | |
| Auto Mileage Emp. – 2301 | \$ 500 | \$ 334 | \$ 500 | |
| Other Travel Employees – 2303 | \$ 12,000 | \$ 10,633 | \$ 12,000 | |
| Prof & Spec Services – 2310 | \$ 277,414 | \$ 135,280 | \$ 266,075 | |
| Assessor | \$ 10,000 | \$ 10,000 | \$ 12,011 | |
| Financial Audit | \$ 8,000 | \$ 8,000 | \$ 8,650 | |
| GIS/Mapping | \$ 20,000 | \$ 20,000 | \$ 26,000 | |
| Legal | \$ 70,000 | \$ 36,047 | \$ 55,000 | |
| MSRs | \$ 140,000 | \$ 44,888 | \$ 150,000 | |
| Planning | \$ 22,000 | \$ 11,280 | \$ 11,000 | |
| Special Projects (document imaging) | \$ 3,414 | \$ 4,814 | \$ 3,414 | |
| LAFCO Sponsored Training | \$ 4,000 | \$ 251 | \$ - | |
| Special Studies | \$ - | \$ - | \$ - | |
| Contracted Temp Help - 2314 (Web) | \$ 3,380 | \$ 3,380 | \$ 2,880 | |
| Data Processing Services - 2315 | \$ 7,000 | \$ 2,776 | \$ 7,500 | |
| Data Processing Security - 2326 | \$ 221 | \$ 221 | \$ 231 | |
| Courier - 2331 | \$ 2,460 | \$ 2,460 | \$ 392 | |
| Other Inter-Dept Costs - 2340 | \$ 217 | \$ 84 | \$ 232 | |
| Liability/E&O Insurance - 2360 | \$ 4,700 | \$ 4,990 | \$ 5,436 | |
| Commission Training/Registration/Stipends - 2467 | \$ 36,000 | \$ 36,610 | \$ 37,000 | |
| Application Refund - 2479 | | \$ 515 | \$ - | |
| NOD/NOE Filings - 2490 | \$ 700 | \$ 700 | \$ 700 | |
| Total Services & Supplies | \$ 390,840 | \$ 235,985 | \$ 386,629 | -1% |
| Fixed Assets | | | | |
| Office Equipment & Furniture - 4951 | | | | |
| Total Fixed Assets | | | | |
| Total Expenditures | \$ 795,210 | \$ 639,182 | \$ 840,735 | 5% |
| Contingency Reserve | \$ 80,000 | \$ 80,000 | \$ 80,000 | |
| OPEB Trust | \$ 40,000 | \$ 40,000 | \$ 40,000 | |
| CCCERA Pre-Fund | \$ 30,000 | \$ 30,000 | \$ 30,000 | |
| TOTAL APPROPRIATIONS | \$ 945,210 | \$ 709,182 | \$ 990,735 | 5% |
| TOTAL REVENUES | \$ 945,210 | \$ 795,469 | \$ 990,735 | |
| Agency contributions - 9500 & 9800 | \$ 755,210 | \$ 755,210 | \$ 795,735 | 5% |
| Application & other revenues | \$ 20,000 | \$ 40,259 | \$ 25,000 | |
| Fund Balance | \$ 170,000 | | \$ 170,000 | |



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

March 14, 2018 (Agenda)

March 12, 2018
 Agenda Item 9

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

Proposed Update to Contra Costa LAFCO’s Legislative Platform

Dear Members of the Commission:

In 2015, the Commission adopted its legislative policies (Attachment 1) along with a legislative platform that mirrors the CALAFCO Legislative Policies (Attachment 2). The CALAFCO Legislative Policies are comprehensive and cover a range of issues including *LAFCO Purpose and Authority, LAFCO Organization, Agricultural and Open Space Protection, Orderly Growth, Service Deliver* and *Local Agency Effectiveness* and *Legislative Priorities*.

CALAFCO’s Legislative Policies support legislation that enhances LAFCO’s authority to carry out the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 based on local conditions. CALAFCO’s Legislative Policies also serve as a guide for its Legislative Committee. Commissioner McGill and your Executive Officer currently serve as members of the CALAFCO Legislative Committee, which acts on behalf of the CALAFCO Board in developing and taking positions on legislation based on the Board’s legislative policies and priorities.

The CALAFCO Legislative Committee conducts an annual review of the CALAFCO Legislative Policies and makes recommendations to the Board regarding policy modifications. Subsequently, the CALAFCO Board reviews and annually adopts its legislative policies and recommendations, as proposed by the CALAFCO Legislative Committee.

On February 23, 2018, the CALAFCO Board adopted minor changes to its Legislative Policies as recommended by the CALAFCO Legislative Committee (Attachment 2). The amended policies are more inclusive with respect to agricultural lands and the viability of local services to disadvantaged communities.

RECOMMENDATION: The Policy & Procedures Committee recommends that the Commission approve minor changes to the Commission’s legislative platform to coincide with recent changes to CALAFCO Legislative Policies, along with any other changes as desired.

Respectfully submitted,
Don Blubaugh and Don Tatzin

Attachment 1 – Contra Costa LAFCO’s Legislative Policy
 Attachment 2 – Contra Costa LAFCO’s Legislative Platform (CALAFCO’S Legislative Policies) with Proposed Amendments

1.4 RULES AND PROCEDURES

J. Legislative Policy

- 1) The Commission shall consider adoption of a Legislative Policy annually, or as needed.
- 2) In situations when proposed legislation affecting LAFCO cannot be considered by the full Commission due to timing, the Executive Officer, in consultation with the LAFCO Chair (or Vice Chair in the absence of the Chair), is authorized to provide written or email comments communicating the Commission's position if the position is consistent with the adopted legislative policies of the Commission.
- 3) The Chair or Vice Chair would review the letter or email prior to it being submitted.
- 4) The Executive Officer will forward the email or letter to the Commission as soon as possible.
- 5) The item will be placed on the next regular LAFCO meeting agenda as either "informational" or for discussion purposes.

Adopted October 14, 2015



CALAFCO 2018 Legislative Policies

As adopted by the Board of Directors on 23 February, 2018

1. LAFCo Purpose and Authority

- 1.1. Support legislation which enhances LAFCo authority and powers to carry out the legislative findings and authority in Government Code §56000 et seq., and oppose legislation which diminishes LAFCo authority.
- 1.2. Support authority for each LAFCo to establish local policies to apply Government Code §56000 et seq. based on local needs and conditions, and oppose any limitations to that authority.
- 1.3. Oppose additional LAFCo responsibilities which require expansion of current local funding sources. Oppose unrelated responsibilities which dilute LAFCo ability to meet its primary mission.
- 1.4. Support alignment of responsibilities and authority of LAFCo and regional agencies which may have overlapping responsibilities in orderly growth, preservation, and service delivery, and oppose legislation or policies which create conflicts or hamper those responsibilities.
- 1.5. Oppose grants of special status to any individual agency or proposal to circumvent the LAFCo process.
- 1.6. Support individual commissioner responsibility that allows each commissioner to independently vote his or her conscience on issues affecting his or her own jurisdiction.

2. LAFCo Organization

- 2.1. Support the independence of LAFCo from local agencies.
- 2.2. Oppose the re-composition of any LAFCo to create special seats and recognize the importance of balanced representation provided by cities, the county, the public, and special districts in advancing the public interest.
- 2.3. Support representation of special districts on all LAFCos in counties with independent districts and oppose removal of special districts from any LAFCo.
- 2.4. Support communication and collaborative decision-making among neighboring LAFCos when growth pressures and multicounty agencies extend beyond a LAFCo's boundaries.

3. Agricultural and Open Space Protection

- 3.1. Support legislation which clarifies LAFCo authority to identify, encourage and ensure the preservation of agricultural and open space lands.
- 3.2. Encourage a consistent definition of agricultural and open space lands.
- 3.3. Support policies which encourage cities, counties and special districts to direct development away from all types of agricultural lands, including prime agricultural lands and open space lands.
- 3.4. Support policies and tools which protect all types of agricultural lands, including prime agricultural lands and open space lands.
- 3.5. Support the continuance of the Williamson Act and restoration of program funding through State subvention payments.

4. Orderly Growth

- 4.1. Support the recognition and use of spheres of influence as a management tool to provide better planning of growth and development, and to preserve agricultural and open space lands.
- 4.2. Support recognition of LAFCo spheres of influence by other agencies involved in determining and developing long-term growth and infrastructure plans.
- 4.3. Support orderly boundaries of local agencies and the elimination of islands within the boundaries of agencies.
- 4.4. Support communication among cities, counties, and special districts through a collaborative process that resolves service, housing, land use, and fiscal issues, prior to application to LAFCo.
- 4.5. Support cooperation between counties and cities on decisions related to development within the city's designated sphere of influence.

5. Service Delivery and Local Agency Effectiveness

- 5.1. Support the use of LAFCo resources to review Regional Transportation Plans, including sustainable communities strategies and other growth plans to ensure reliable services, orderly growth, sustainable communities, and conformity with LAFCo's legislative mandates. Support efforts that enhance meaningful collaboration between LAFCOs and regional planning agencies.
- 5.2. Support LAFCo authority as the preferred method of local governance. Support the availability of LAFCo tools which provide ~~communities with options for~~ local governance and efficient service delivery ~~options~~, including the authority to impose conditions that assure a proposal's conformity with LAFCo's legislative mandates.
- 5.3. Support the creation or reorganization of local governments in a deliberative, open process which will fairly evaluate the proposed new or successor agency's long-term financial viability, governance structure and ability to efficiently deliver proposed services.
- 5.4. Support the availability of tools for LAFCo to insure equitable distribution of revenues to local government agencies consistent with their service delivery responsibilities.
- 5.5. Support collaborative efforts among agencies and LAFCOs that encourage opportunities for sharing of services, staff and facilities to provide more efficient and cost effective services. Support legislation which provides LAFCo with additional opportunities to encourage shared services.

2018 Legislative Priorities

Primary Issues

Authority of LAFCo

Support legislation that maintains or enhances LAFCo's authority to condition proposals to address any or all financial, growth, service delivery, and agricultural and open space preservation issues. Support legislation that maintains or enhances LAFCo's ability to make decisions regarding boundaries and formations, as well as to enact recommendations related to the delivery of services and the agencies providing them, including ~~consolidations, changes of organization and~~ reorganizations ~~or dissolutions~~.

Agriculture and Open Space Protection

Support policies, programs and legislation that recognize LAFCo's mission to protect and mitigate the loss of [all types of agricultural lands, including](#) prime agricultural [lands](#) and open space lands and that encourage other agencies to coordinate with local LAFCos on land preservation and orderly growth. Support efforts that encourage the creation of habitat conservation plans.

Water Availability

Support policies, programs and legislation that promote an integrated approach to water availability and management. Promote adequate water supplies and infrastructure planning for current and planned growth as well as to support the sustainability of [all types of agricultural lands, including prime agricultural lands, agricultural and open space lands](#). Support policies that assist LAFCo in obtaining accurate and reliable water supply information to evaluate current and cumulative water demands for service expansions and boundary changes including impacts of expanding water company service areas on orderly growth, and the impacts of consolidation or dissolution of water companies providing services.

Viability of Local Services

Support legislation that maintains or enhances LAFCo's ability to review and act to determine the efficient and sustainable delivery of local services and the financial viability of agencies providing those services to meet current and future needs including those identified in regional planning efforts such as sustainable communities strategies. Support legislation which provides LAFCo and local communities with options for local governance and service delivery to ensure efficient, effective, and quality service delivery. Support efforts which provide tools to local agencies to address aging infrastructure, fiscal challenges, ~~and~~ the maintenance of services, [and services to disadvantaged communities](#).

Issues of Interest

Housing

Provision of territory and services to support housing plans consistent with regional land use plans and local LAFCo policies.

Transportation

Effects of Regional Transportation Plans and expansion of transportation systems on future urban growth and service delivery needs, and the ability of local agencies to provide those services.

Flood Control

The ability and effectiveness of local agencies to maintain and improve levees and protect current infrastructure. Carefully consider the value of uninhabited territory, and the impact to public safety of proposed annexation to urban areas of uninhabited territory which is at risk for flooding. Support legislation that includes assessment of agency viability in decisions involving new funds for levee repair and maintenance. Support efforts that encourage the creation of habitat conservation plans.

Adequate Municipal Services in Inhabited Territory

Expedited processes for inhabited annexations should be consistent with LAFCo law and be fiscally viable. To promote environmental justice for underserved inhabited communities, funding sources should be identified for extension of municipal services, including options for annexation of contiguous disadvantaged unincorporated communities. [Support policies, programs, and legislation which would provide municipal services to disadvantaged communities](#). Promote the delivery of adequate, sustainable, efficient, and effective levels of service through periodic updates of Municipal Service reviews, Spheres of Influence, and other studies.



March 14, 2018
Agenda Item 10

AGENDA

RETIREMENT BOARD MEETING

SECOND MONTHLY MEETING
February 28, 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.

CLOSED SESSION

3. 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. *Peter J. Nowicki v. CCCERA, et al.*, Contra Costa County Superior Court, Case No. C17-01266
 - b. *Contra Costa County Deputy Sheriffs Association, et al., v. Board of Retirement of CCCERA, et al.*, Court of Appeal, 1st Appellate District, Case No. A141913
 - c. *Marianne Irvin v. CCCERA, et al.*, Contra Costa County Superior Court, Case No. CIV MSN15-1024

OPEN SESSION

4. Review of total portfolio performance for period ending December 31, 2017.
5. Presentation from staff and Parametric regarding a potential commitment to Parametric Defensive Equity.
6. Consider and take possible action regarding a commitment to Parametric Defensive Equity.
7. Annual Statement of Compliance with Board Resolutions.
8. Consider and take possible action approving and authorizing the Chief Executive Officer to execute a contract with the Office of Administrative Hearings.
9. Consider authorizing the attendance of Board:
 - a. 2018 CRCEA Spring Conference, Santa Barbara County, April 16-18, 2018, Santa Barbara, CA.
 - b. Angelo, Gordon & Co.'s 2018 Investor Conference, Angelo, Gordon & Co., April 17, 2018, New York, NY.

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.

- c. Portfolio Concepts and Management, International Foundation of Employee Benefit Plans, April 23-26, 2018, Philadelphia, PA. (Note: Conflict with meeting.)
- d. Annual Institutional Symposium, Dimensional Fund Advisors, April 23-25, 2018, Austin, TX. (Note: Conflict with meeting.)
- e. Siguler Guff & Company's 2018 Annual Conference, Siguler Guff, April 25-26, 2018, New York, NY. (Note: Conflict with meeting.)
- f. Public Funds Roundtable, Institutional Investor, April 25-27, 2018, Los Angeles, CA. (Note: Conflict with meeting.)

10. Miscellaneous

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

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

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

March 14, 2018
 Agenda Item 12a

 1

[AB 2050](#) (Caballero D) Small System Water Authority Act of 2018.

Current Text: Introduced: 2/6/2018 [html](#) [pdf](#)

Introduced: 2/6/2018

Status: 2/7/2018-From printer. May be heard in committee March 9.

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

Summary:

Would create the Small System Water Authority Act of 2018 and state legislative findings and declarations relating to authorizing the creation of small system water authorities that will have powers to absorb, improve, and competently operate noncompliant public water systems. The bill would define various terms and require a change in organization to be carried out as set forth in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

Position: Watch

Subject: LAFCo Administration, Municipal Services, Water

CALAFCO Comments: This bill is sponsored by Eastern Municipal Water District and the CA Municipal Utilities Assoc. The intent is to give the State Water Resources Control Board (SWRCB) authority to mandate the dissolution of existing drinking water systems (public, mutual and private) and authorize the formation of a new public water system. The focus is on non contiguous systems. The SWRCB already has the authority to mandate consolidation of these systems, this will add the authority to mandate dissolution and formation of new public agencies.

CALAFCO met with the sponsors several times and they indicate a desire to work with LAFCos on creating a process that works. However, it is our understanding that LAFCo will lack any discretion in the dissolution of any public water agency mandated by the SWRCB and the formation of a new entity as mandated by the SWRCB. CALAFCO will continue to work with the sponsors and author.

[AB 2238](#) (Aguiar-Curry D) Change of organization or reorganization: local agency formation commission review: hazard mitigation plan: safety element.

Current Text: Introduced: 2/13/2018 [html](#) [pdf](#)

Introduced: 2/13/2018

Status: 3/1/2018-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 Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 specifies the factors that a local agency formation commission is required to consider in the review of a proposal for a change of organization or reorganization, including, among other things, the proposal's consistency with city or county general and specific plans. This bill would additionally require the commission to consider any relevant hazard mitigation plan or safety element of a general plan, and the extent to which the proposal will affect any land identified as a very high fire hazard severity zone or land determined to be in a state responsibility area, as provided.

Position: Watch

Subject: Climate Change, Growth Management

CALAFCO Comments: This bill seeks to add another factor for LAFCo consideration in the review of a proposal. That factor is any relevant hazard mitigation plan or safety element of a general plan, and the extent to which the proposal will affect any land identified as a very high fire hazard severity zone (pursuant to Gov. Code Sc. 51178) or land determined to be in a state responsibility area (pursuant to PRC Sec. 4102).

This bill is in response to the rash of wildfires throughout the state over the past several years and the ongoing threat of same as a result of climate change.

[AB 2258](#) (Caballero D) Local government.

Current Text: Introduced: 2/13/2018 [html](#) [pdf](#)

Introduced: 2/13/2018

Status: 2/14/2018-From printer. May be heard in committee March 16.

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

Summary:

Current law requires a local agency formation commission in each county to encourage the orderly formation and development of local agencies based upon local conditions and circumstances, among other things. Current law requires the county auditor to apportion, as specified, the net operating expenses of the local agency formation commission among the county, cities, and special districts within the commission’s jurisdiction. This bill would make a nonsubstantive change to that provision.

Position: Sponsor

Subject: Other

CALAFCO Comments: As introduced this is a spot bill. This is a CALAFCO sponsored bill following up on the recommendation of the Little Hoover Commission report of 2017 for the Legislature to provide LAFcos one-time grant funding for in-depth studies of potential reorganization of local service providers. CALAFCO is working with the Strategic Growth Council in preparing a process and actual language will be coming soon.

[AB 2320](#) (Brough R) Local agency formation: spheres of influence: municipal service review.

Current Text: Introduced: 2/13/2018 [html](#) [pdf](#)

Introduced: 2/13/2018

Status: 2/14/2018-From printer. May be heard in committee March 16.

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

Summary:

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires a local agency formation commission to develop and determine the sphere of influence of each city and each special district within the county and enact policies designed to promote the logical and orderly development of areas within each sphere. Current law requires the commission, in order to prepare and update spheres of influence in accordance with this requirement, to conduct a service review of the municipal services provided in the county or other appropriate area designated by the commission, as specified. This bill would make a nonsubstantive change to this provision.

Position: Watch

CALAFCO Comments: This is a spot bill. CALAFCO is waiting to hear back from the author on the intent.

[AB 2600](#) (Flora R) Regional park and open space districts.

Current Text: Introduced: 2/15/2018 [html](#) [pdf](#)

Introduced: 2/15/2018

Status: 2/16/2018-From printer. May be heard in committee March 18.

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

Summary:

Would authorize the formation of a district by the adoption of a resolution of application by the legislative body of any county or city that contains the territory proposed to be included in the district. The bill would require the resolution to contain certain information, including the methods by which the district would be financed. The bill would require a public hearing before the adoption of the resolution, as provided.

Position: Watch

CALAFCO Comments: This bill would expand the process of initiating the formation of a regional pack and open space district by adding that a local governing body may adopt a resolution proposing to form a new district. This would be in lieu of having a 5,000 signature petition. The LAFCo process remains intact.

The intent of this bill is to create an easier way to proposed the formation of these types of districts, thereby removing the need for special legislation to do so. The bill is author-sponsored.

[SB 1215](#) ([Hertzberg D](#)) **Drinking water systems and sewer systems: consolidation and extension of service.**

Current Text: Introduced: 2/15/2018 [html](#) [pdf](#)

Introduced: 2/15/2018

Status: 3/1/2018-Referred to Coms. on EQ. and GOV. & F.

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

Summary:

Current law declares it to be the established policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This bill would also authorize the state board to set timeline and performance measures to facilitate completion of extension of service of drinking water. This bill contains other related provisions and other current laws.

Position: Watch

Subject: Disadvantaged Communities, Water

CALAFCO Comments: This bill would authorize the State Water Resources Control Board (SWRCB) to mandate extension of service or consolidation of wastewater systems - both public and private, under certain circumstances. The process mirrors the process set forth in SB 88 giving the SWRCB authority to mandate the same for drinking water systems.

[SB 1496](#) ([Committee on Governance and Finance](#)) **Validations.**

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

Introduced: 3/1/2018

Status: 3/2/2018-From printer. May be acted upon on or after April 1.

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

Summary:

Would enact the Second Validating Act of 2018, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities. This bill would declare that it is to take effect immediately as an urgency statute.

Position: Watch

[SB 1497](#) ([Committee on Governance and Finance](#)) **Validations.**

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

Introduced: 3/1/2018

Status: 3/2/2018-From printer. May be acted upon on or after April 1.

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

Summary:

Would enact the First Validating Act of 2018, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities. This bill would declare that it is to take effect immediately as an urgency statute.

Position: Watch

Subject: LAFCo Administration

[SB 1499](#) ([Committee on Governance and Finance](#)) **Validations.**

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

Introduced: 3/1/2018

Status: 3/2/2018-From printer. May be acted upon on or after April 1.

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

Summary:

Would enact the Third Validating Act of 2018, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

Position: Watch

Subject: LAFCo Administration

AB 2268 (Reyes D) Local government finance: property tax revenue allocations: vehicle license fee adjustments.

Current Text: Introduced: 2/13/2018 [html](#) [pdf](#)

Introduced: 2/13/2018

Status: 3/1/2018-Referred to Com. on L. GOV.

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

Summary:

Would, for the 2018–19 fiscal year, instead require the vehicle license fee adjustment amount to be the sum of the vehicle license fee adjustment amount in the 2004–05 fiscal year, if a specified provision did not apply, and the product of the amount as so described and the percentage change in gross taxable assessed valuation within the jurisdiction of that entity between the 2004–05 fiscal year to the 2018–19 fiscal year. This bill, for the 2019–20 fiscal year, and for each fiscal year thereafter, would require the vehicle license fee adjustment amount to be the sum of the vehicle license fee adjustment amount for the prior fiscal year and the product of the amount as so described and the percentage change from the prior fiscal year in gross taxable assessed valuation within the jurisdiction of the entity.

Position: Watch

Subject: Tax Allocation

CALAFCO Comments: Sponsored by the League, this bill will reinstate ERAF funding for inhabited annexations.

AB 2491 (Cooley D) Local government finance: vehicle license fee adjustment amounts.

Current Text: Introduced: 2/14/2018 [html](#) [pdf](#)

Introduced: 2/14/2018

Status: 3/5/2018-Referred to Com. on L. GOV.

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

Summary:

Would establish a separate vehicle license fee adjustment amount for a city incorporating after January 1, 2012, and for a qualified city, as defined, incorporating after January 1, 2012, would establish an additional separate vehicle license fee adjustment amount. This bill contains other related provisions and other existing laws.

Position: Watch

Subject: Tax Allocation

CALAFCO Comments: Sponsored by the League, this bill will reinstate ERAF funding for incorporations.

AB 2501 (Chu D) Drinking water: consolidation and extension of service.

Current Text: Introduced: 2/14/2018 [html](#) [pdf](#)

Introduced: 2/14/2018

Status: 2/15/2018-From printer. May be heard in committee March 17.

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

Summary:

The California Safe Drinking Water Act authorizes the State Water Resources Control Board to order extension of service to an area within a disadvantaged community that does not have access to an adequate supply of safe drinking water so long as the extension of service is an interim extension of service in preparation of consolidation. The act defines "disadvantaged community" for these purposes to mean a disadvantaged community that is in an unincorporated area, is in a mobilehome park, or is served by a mutual water company or small public water system. This bill would redefine "small public water system" for these purposes as a system with 200 connections of less.

Position: Watch

Subject: Disadvantaged Communities, Water

3

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

CALAFCO Comments: This is a spot bill.

AB 2179 (Gipson D) Municipal corporations: public utility service: water and sewer service.

Current Text: Introduced: 2/12/2018 [html](#) [pdf](#)

Introduced: 2/12/2018

Status: 3/1/2018-Referred to Com. on L. GOV.

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

Summary:

Would authorize a municipal corporation to utilize the alternative procedures to lease, sell, or transfer that portion of a municipal utility used for furnishing sewer service outside the boundaries of the municipal corporation.

Position: Watch
Subject: Municipal Services

AB 2339 (Gipson D) Water utility service: sale of water utility property by a city.

Current Text: Introduced: 2/13/2018 [html](#) [pdf](#)

Introduced: 2/13/2018

Status: 3/1/2018-Referred to Coms. on W.,P., & W. and L. GOV.

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

Calendar:

3/20/2018 9 a.m. - State Capitol, Room 444 ASSEMBLY WATER, PARKS AND WILDLIFE, GARCIA, Chair

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. The bill would prohibit the city from selling the public utility for one year if 50% of interested persons, as defined, protest the sale.

Position: Watch
Subject: Water

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: Watch
Subject: Water

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 |
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| 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

SB 929 (McGuire D) Special districts: Internet Web sites.

Current Text: Amended: 3/6/2018 [html](#) [pdf](#)

Introduced: 1/25/2018

Last Amended: 3/6/2018

Status: 3/6/2018-From committee with author's amendments. Read second time and amended. Re-referred to Com. on RLS.

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

Summary:

The California Public Records Act requires a local agency to make public records available for inspection and allows a local agency to comply by posting the record on its Internet Web site and directing a member of the public to the Web site, as specified. This bill would, beginning on January 1, 2020, require every independent special district to maintain an Internet Web site

that clearly lists contact information for the special district, except as provided. Because this bill would require local agencies to provide a new service, the bill would impose a state-mandated local program.

Position: Watch

SB 1084 (**Berryhill R**) **Counties: boundaries.**

Current Text: Introduced: 2/12/2018 [html](#) [pdf](#)

Introduced: 2/12/2018

Status: 2/22/2018- 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 provides that proceedings for the alteration of current county boundaries are not subject to the provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. This bill would make a nonsubstantive change to this provision.

Position: Watch

CALAFCO Comments: This is a spot bill.

SB 1459 (**Cannella R**) **Local government organization: disincorporated cities.**

Current Text: Introduced: 2/16/2018 [html](#) [pdf](#)

Introduced: 2/16/2018

Status: 2/20/2018- From printer. May be acted upon on or after March 22.

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

Summary:

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 provides the authority and procedures for the initiation, conduct, and completion of changes of organization and reorganization of cities and districts by local agency formation commissions. Under that act, upon disincorporation of a city, on and after the effective date of that disincorporation, the territory of the disincorporated city, all inhabitants within the territory, and all persons formerly entitled to vote by reason of residing within that territory, are no longer subject to the jurisdiction of the disincorporated city. This bill would make a nonsubstantive change to this provision.

Position: Watch

Subject: Disincorporation/dissolution

CALAFCO Comments: This is a spot bill.

SB 1498 (**Committee on Governance and Finance**) **Local Government Omnibus Act of 2018.**

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

Introduced: 3/1/2018

Status: 3/2/2018- From printer. May be acted upon on or after April 1.

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

Summary:

Current law sets forth various provisions governing cities that reference various officers and employees. This bill would make these references gender neutral.

Position: Watch

CALAFCO Comments: This is the annual Senate Governance & Finance Committee Omnibus bill.

Total Measures: 24

Total Tracking Forms: 24

3/7/2018 11:12:18 AM

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

March 14, 2018
Agenda Item 12b

| LAFCO APPLICATION | RECEIVED | STATUS |
|---|-----------------|---|
| LAFCO No. 10-09 - 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 |
| LAFCO No. 10-10 - 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 |
| LAFCO No. 13-04 - 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 |
| LAFCO No. 14-05 - 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 |
| LAFCO No. 16-07 - 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 |
| LAFCO No. 16-06 - 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 |
| LAFCO No. 17-09 - 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 |
| LAFCO No. 17-11 - 39 Kirkpatrick Drive Annexation to WCWD – proposed annexation of 0.73± acre (APN 430-161-021) in unincorporated EI Sobrante near Argyle Road and Appian Way | Oct 2017 | Under review |
| LAFCO No. 17-13 - Dissolution of Los Medanos Community Healthcare District | Nov 2017 | Under review |
| LAFCO No. 17-06 - Bay Point Regional Shoreline Annexation to Delta Diablo | Dec 2017 | Under review |
| LAFCO No. 17-14 - Delta Diablo SOI Amendment (Bay Point Regional Shoreline) | Dec 2017 | Under review |
| LAFCO No. 18-01 - 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 |

Drought Conditions Spread Across the West – Are We Ready?

Concerning forecasts for runoff into the Rio Grande and the Colorado River are just the start of the bad news for the West as California and other southwestern states face warm weather, below average precipitation and paltry snowpack.

Written by [Alastair Bland](#) Published on σ Feb. 14, 2018 Read time Approx. 4 minutes



Minimal snow was found at the Phillips Station meadow on January 3 before the start of the first snow survey of 2018, conducted by the California Department of Water Resources. *Kelly M. Grow/ California Department of Water Resources*

The driest December in California’s recorded history was followed by a relieving gush of rain in January, when it seemed there was a chance the state would be on track to receive at least its average level of precipitation.

Now, shortly after a record-breaking midwinter heatwave and seemingly endless blue skies, general optimism is waning as February shapes up to be even drier than December, despite a soaking Los Angeles received on Monday. A formidable high-pressure ridge has settled off the West Coast, deflecting storms northward in much the same pattern observed in 2013, 2014 and 2015, and though scientists and policy experts debate the definition of “drought,” few would disagree that the American West is in the grip of another extraordinary dry spell.

According to the [U.S. Drought Monitor](#), most of California is either abnormally dry or experiencing drought, and about two-thirds of Arizona and three-fourths of New Mexico are facing severe or extreme drought. The Rio Grande, a major water source for much of the Southwest, contains just half the water it did during recent drought years. Currently, the rate of flow at the Otowi Bridge in New Mexico is 21 percent of average – what hydrologists say could be the lowest such reading in 70 years.

“The river is going to be critically dry this year,” said Jen Pelz, WildEarth Guardians’ wild rivers program director and a specialist in Rio Grande hydrology.

She said that according to current projections, most of the Rio Grande downstream of Colorado is likely to be running at a trickle of less than 100 cubic feet (2.8 cubic meters) per second. Such conditions are likely to devastate the Rio Grande silvery minnow, an endangered species that occurs in a 174-mile (280-km) length of the lower river in New Mexico. The fish lives a lifespan of just two years, which means multiple years in a row of poor conditions can have serious population impacts. Pelz said the silvery minnow’s numbers spiked after 2017’s abundant precipitation.

“The population bloomed, and this year virtually all of them could die,” said Pelz, who noted that a handful of other birds and fishes will be imperiled by a dry winter.

If relief for the ecosystem doesn’t come from Pacific Ocean storms, it isn’t likely to arrive from the mountains where the Rio Grande begins, either.

“We would need to get so much snow in the next two months to get to just half of normal,” Pelz said.

At most survey sites in New Mexico and southern Colorado, snowpack levels were recently logged at [less than 25 percent of average](#). Angus Goodbody, a forecast hydrologist with the U.S. Department of Agriculture’s National Water and Climate Center, said many sites are at 30-year lows. At several stations, he said, there hasn’t been so little snow in 50 to 80 years. Winter and spring storms, as well as summer monsoons, could give a boost to the Rio Grande, though the odds of such relief seem low.

“If things remain dry, a record-low runoff year is nearly assured,” Goodbody said.



Dry conditions on top of Monarch Pass, which sits at 11,312 feet above sea level, as seen on January 4, 2018. Colorado is experiencing a record low snowfall during the 2017-18 winter season. (Aaron Ontiveroz/The Denver Post via Getty Images)

Throughout the Rocky Mountain headwaters of the Colorado River, snowpack levels are [67 percent](#) of the 1980-to-2010 median.

“That’s really, really low,” said Jennifer Pitt, director of the National Audubon Society’s Colorado River program.

Unusually high temperatures and dry air, Pitt said, could make things worse by turning what little snow there is directly into water vapor rather than melting it.

“When that happens, what looks like will be a drier-than-average year can quickly become a very dry year,” she said.

The reservoirs of the Colorado River are seriously depleted, with Lake Powell just 56 percent full and Lake Mead 41 percent full. Pitt said Lake Mead’s surface elevation has rarely been so low since the reservoir was first filling with water during World War II.

In California, there is scarcely more, if any, snow blanketing the mountains than there was in 2015, when [climate scientists concluded](#) the season’s threadbare mountains were covered with the wispiest snowpack in 500 years. Currently, the central Sierra Nevada snowpack is 24 percent of average. In the Trinity Alps in the north and the southern Sierra Nevada, the snowpack is 17 percent of average.

“Fortunately, our reservoirs are in pretty good shape,” said Jay Lund, director of the University of California, Davis Center for Watershed Sciences. [Lake Shasta](#), the state’s biggest reservoir, is three-fourths full.

“But forests don’t see a benefit from full reservoirs,” Lund said. “People do, and so do farmers, and sometimes fish – but not forests.”

He expects many more trees to perish in the state’s inland mountains, where more than 129 million trees – mostly conifers – have died since 2010. This will mean still more fuel for wildfires, which caused severe destruction in 2017 in spite of a very wet winter and spring.

“Fires are my biggest environmental concern,” Lund said. “It’s hard to know what to do about it except to be prepared.”

As the dry winter proceeds, Lund said the chances of a normal water year diminish.

“March would have to be incredibly wet to get us out of this hole,” he said.

However, Lund said the first year of a drought is generally relatively easy to manage, thanks to high reservoir levels.

“It’s the second, third and fourth years of drought that become more difficult,” he said.

Correction: This story has been updated to reflect that Lake Mead’s surface elevation is not the lowest since it first filled but has rarely been so low.

California drought: Water conservation slipping statewide as dry weather returns

By [Paul Rogers](#) | progers@bayareanewsgroup.com and [Leigh Poitinger](#) | lpoitinger@bayareanewsgroup.com |

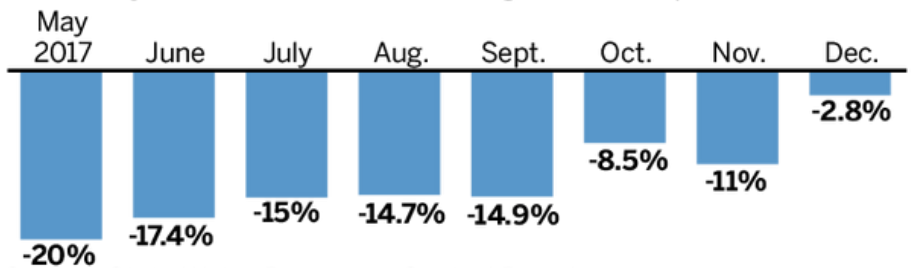
PUBLISHED: February 14, 2018 at 6:00 am | UPDATED: February 14, 2018 at 2:58 pm

As California suffers through another dry winter, increasing fears that drought conditions may be returning, the state's residents are dropping conservation habits that were developed during the last drought and steadily increasing their water use with each passing month.

A new analysis of state water records by this news organization found California's urban residents used 13.7 percent less water last year in the first eight months after Gov. Jerry Brown declared an end to the drought emergency than they used in the same eight-month period in 2013. But in each of those eight months last year, the water savings dropped from 20 percent in May to 2.8 percent in an unseasonably dry December.

CONSERVING LESS

The state has been saving less water almost every month since Gov. Jerry Brown declared the drought over in April, 2017.



Source: State Water Resources Control Board

BAY AREA NEWS GROUP

“We are having a very dry winter again,” said Heather Cooley, water program director at the Pacific Institute, an Oakland non-profit that studies water use patterns. “That wet winter we saw last year could have been one wet winter in a 10-to-12 year drought period. We have to be very cautious about our water use.”

But it's not clear Californians are getting that message. After last winter's record rains, the governor on April 7 ended statewide emergency water conservation targets imposed on cities and water districts. Many eased, or dropped entirely, their mandatory water restrictions, rebate programs and other incentives to conserve, because they wanted to make more money by selling more water, and in part because it was difficult to convince their customers of the urgency when the state had just seen its wettest winter in 20 years.

But with each passing month, the savings have shrunk. Californians opened the spigots to water their lawns, took longer showers and returned to pre-drought habits, state records show.

By July, statewide water use was down 15 percent, then 8.5 percent in October. By December, the most recent month for which the State Water Resources Control Board has data, statewide water use was only down 2.8 percent, compared with December 2013, the baseline year that state water regulators use for monthly water conservation reports.

Usually after California droughts, some conservation is locked in permanently. That happened after the 1976-77 drought, the 1987-92 drought and the 2007-2009 drought.

People who install low-flush toilets or replace lawns with water-efficient landscaping don't go back and remove them when it starts raining again, experts note. But as the memories of bone-dry conditions fade, it's common for residents to use more water, and for cities and water districts to drop tough rules, and limit rebates, which cost them money.

In recent months, all of those trends have been underway. But very hot, very dry weather, particularly in Southern California, where temperatures this winter have reached the 90s in Los Angeles and rainfall levels are below 25 percent of historic averages, have quickly sped the return to heavier water use.

Meanwhile, the Sierra snow pack level on Tuesday was just [22 percent of its historic average](#). That's lower than any Feb. 13 even during the worst years of the most recent drought, including 2015, when it was 26 percent on the same date.

That year, in the most stark depths of the drought, snow levels ended at 5 percent of normal on April 1, an all-time record low that led Brown that day to travel to a grassy meadow at Echo Summit near Lake Tahoe that should have been under five feet of snow and declare the first statewide mandatory water restrictions in California history, [with a target of reducing urban water use by 25 percent](#) — a goal the state nearly met.

“We're in better shape this year with our reservoir levels,” said Felicia Marcus, chairwoman of the State Water Resources Control Board. “But if we don't get any more snow — every day the news comes out that it's dry and the high pressure ridge is upon us again — I just get more nervous and more nervous. We learned a big lesson in that drought. Let's not forget it.”

Even though the drought emergency ended, the Brown administration required the state's 410 largest cities, water districts and private water companies to continue reporting their monthly use to the state. The administration also kept in place water wasting rules, such as making it illegal to hose off sidewalks, wash cars without a hose nozzle or rent hotel rooms without notifying guests that they can choose not to have their sheets and towels washed every day.

Those water wasting rules, which carried fines of up to \$500 for violators, lapsed in November when their emergency status expired. The state water board is scheduled to vote Feb. 20 to make them permanent, and two bills in the Legislature would give all cities the power to enforce them.

Ever since [Brown declared the drought over](#), some parts of California have conserved more than others.

The news organization's analysis shows that cities on the Central Coast saved the most water, 20.5 percent, in the May-December 2017 period, when compared with May-December 2013. Cities around the Bay Area saved 15.5 percent, and cities on in the South Coast region, mostly Los Angeles, San Diego and Orange County, saved the least, 11.7 percent.

Looking at individual communities, the Humboldt Bay Municipal Water District led the list, with a 56 percent reduction in water use in May-December, compared to the same period in 2013. But that's because of a fluke: a local power plant near Eureka that is a major water user was not operating. Next up on the savings list was Santa Barbara, which cut use 43.2 percent, and has had far less rainfall than other parts of the state.

In the Bay Area, Menlo Park saved the most, cutting use 29.4 percent. The city continues to offer \$125 rebates for people who buy low-flush toilets, along with paying \$2 per square foot for people who remove lawns. It also has a water wasting hotline, and hands out free low-flow showerheads, faucet aerators and other gear at City Hall, and passed an ordinance last year requiring all large new commercial buildings to have dual plumbing to use recycled water for toilets.

WATER USAGE BY DISTRICT

Here are the percentage change of water usage from May-Dec. 2017 compared to the same period in 2013 — the state's baseline year — by water district. (Source: State Water Resources Control Board)

“All the programs are still in place. Conservation is part of our water strategy,” said Azalea Mitch, Menlo Park's city engineer.

Among the Bay Area's largest water providers, San Jose Water Company, which raised its basic monthly service charge 26 percent and hiked its most commonly used tiered water rate 39 percent since June, 2016, reported a 22.5 percent reduction in water use from May-December 2017 compared to May-December 2013.

Contra Costa Water District cut by 19.2 percent, Santa Cruz by 19.5 percent, Palo Alto by 12.2 percent, San Francisco by 9 percent, Marin Municipal Water District by 8.9 percent and the East Bay Municipal Utility District by 12.1 percent.

Farther away, Los Angeles cut water use 9.1 percent and Sacramento, which still only allows residential lawn watering once a week until March 1, when it goes to twice a week, with fines of up to \$500 for multiple violators, showed a 20.9 percent reduction.

“You can get a lot of water savings, even voluntary savings, if you give people the impression that it's really important,” said Jay Lund, director of the UC-Davis Center for Watershed Sciences. “Most people try to be good citizens. They like to do their part. But if you don't remind them, their mind goes to other things.”

San Francisco Chronicle

Dry weather expected to persist in most of California

By [Kurtis Alexander](#) and [Sophie Haigney](#)

Updated 6:03 pm, Thursday, February 15, 2018

The odds of a March miracle rescuing California from a desperately dry winter are not looking good.

Thursday's monthly report from the federal Climate Prediction Center cites below-average rain and snow as the most likely weather scenario for almost all of the state for the next three months.

California has seen only a fraction of its average rainfall since December, with parts of the southern state getting less than 2 inches during what's historically the rainiest part of the year. Water managers have been holding out hope that the end of winter or early spring might bring a turnaround.

The three-month forecast, however, favors dry weather for all but a thin slice of northeast California. North of Redding, the probability of drier-than-normal conditions is only slightly greater than the chance of normal or wet conditions, according to the report. But for points south of Redding, the likelihood of normal or wet weather drops off sharply while the chances of drier weather increase to 40 percent or better.

Projections by the Climate Prediction Center, a division of the National Weather Service, are purposely broad because of the difficulty making long-term forecasts.

California water managers have yet to raise alarm about the lack of precipitation, but they are starting to worry.

"Worried is not a bad word. It's reality. This is not a good place to be," said David Rizzardo, chief of snow surveys for the Department of Water Resources.

As Rizzardo noted, the mountain snowpack that makes up nearly a third of the state's water supply was just 20 percent of average Thursday, lower than at this point during any of California's recent drought years.

For the state to get back to average, the next month and a half would have to deliver four to five times the amount of snow that's typical, Rizzardo said. This is what happened in 1991, when a series of late-season storms pounded California and popularized the concept of a March miracle. A repeat this year, though, is unlikely.

“If we’re betting men, that’s not something we put a lot of coin into,” he said.

Fortunately, California’s big reservoirs are holding more water than they normally do at this point because of last year’s drought-breaking storms. Most water agencies say these reserves will allow them to avoid water restrictions, at least in the near future.

Much of California, including the Bay Area, has not seen rain for three weeks, and the short-term forecast shows little sign of things changing.

A cooling trend is expected to begin this weekend, when temperatures are expected to drop into the mid-50s in San Francisco on Sunday and into the 40s on Monday and Tuesday. Other cities across the region — Half Moon Bay, Napa and San Jose, to name a few — could see even colder days, with the temperature dropping into the 30s.

“We could be hovering around records in some places, including San Francisco,” said Anna Schneider, a meteorologist with the National Weather Service in Monterey.

The last week of February could offer a slight chance of precipitation, said Schneider, who added that it’s still too early to say for certain. Until then, the forecast will be cold and dry.

“There’s a slight chance there might be some rain with this next system,” Schneider said. “But it would be slight, and it would be minimal at best.”

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East Bay Times

My Word: Sen. Glazer is ignoring 115,000 East County folks

By [Bryan Scott](#) |

PUBLISHED: February 18, 2018 at 9:42 am | UPDATED: February 19, 2018 at 11:07 am

East of Clayton and Antioch lies a broad swath of what used to be Contra Costa County farmland. The California senator representing this area, Sen. Steve Glazer, seems to be ignoring the public safety needs of the people who now live there.

While East County used to contain just 8,000 residents and the largest irrigated orchard west of the Mississippi, the 249-square-mile area now contains the cities of Brentwood (2016 population: 60,532) and Oakley (population 40,622), along with the unincorporated communities of Bethel Island, Byron, Discovery Bay, Knightsen, and Morgan Territory.

All combined East County has a rapidly growing population of more than 115,000 Californians.

A 2016 report by the Contra Costa County Local Agency Formation Commission (LAFCO) stated that emergency medical and fire services provided by the East Contra Costa Fire Protection District (ECCFPD) were funded at a rate of \$94 per person. The report also said that these same services were funded at the rate of \$449 and \$370 per person in central parts of the county.

This low funding level has forced ECCFPD to close five of the eight fire stations operational in 2010, and drastically reduce staff. Response times are at levels that far exceed any industry standards or goals.

Yet, in East Contra Costa, have steadily deteriorated and the population and development grew. In 2016 ECCFPD recognized the funding crisis, called a “public safety emergency” by another elected official, and passed a resolution pleading for help from Senator Glazer and others in the legislature. You can view Resolution No. 2016-21 on the ECCFPD website.

The crisis was also the subject of reports by the Contra Costa County Grand Jury and a government task force, and it was noted by industry consultants as well as the media. Concerned residents have erected a billboard along Vasco Road, a major arterial route into East County, drawing attention to the crisis.

“The District lacks sufficient funds to provide fire and emergency response to the communities it was created to serve,” said a three- page letter the ECCFPD Board sent to Sen. Glazer in 2016, signed by then Board President Joel Bryant.

So far, Sen. Glazer has done little or nothing to address this issue.

A review of bills authored or co-authored by Sen. Glazer shows a wide range of subjects. He's sponsored ten "Awareness" month/week/day bills, several bills to ban smoking on public beaches and in parks, and one bill to change the names of California places because the names commemorate Civil War-era figures.

But he's authored or co-authored no bills to improve the public safety of his ECCFPD constituents.

The Courage Campaign is a group of mostly online organizations that advocate for progressive causes in California. Representing an estimated 1.4 million members, the Courage Campaign uses digital tools with grassroots community organizers and targeted messaging.

The group focuses on the areas of Economic Justice, Human Rights and Corporate and Political Accountability. It annually ranks California Senators and Assembly Members, and for 2017 Courage Campaign gives Senator Glazer a letter grade of "F," along with a numeric score of 32 out of 100.

The "Courage Score" as it is called, grades California legislators on political courage, how well they stand up for their constituents. While 16 percent of all California Senators received an "A" grade, 40 percent received an "F" grade in 2017, including Sen. Glazer.

According to the California Senate website, each Senator represents 931,349 Californians. So the residents of the ECCFPD service area represent only about one-eighth (12.35 percent) of Sen. Glazer's district.

It is clear that Sen. Glazer is not acting to address or improve the public safety emergency involving his constituents of the ECCFPD service area.

Bryan Scott is Co-Chair of East County Voters for Equal Protection, a non-partisan citizen's action committee striving to improve funding for the ECCFPD. He can be reached at scott.bryan@comcast.net, or 925-418-4428. The group's Facebook page is <https://www.facebook.com/EastCountyVoters/>.



Published February 21st, 2018

MOFD denies monetary claim from former fire chief

By *Nick Marnell*

The Moraga-Orinda Fire District board voted to reject damage claims of former Fire Chief Pete Nowicki, who had his \$20,076 monthly pension lowered by the district retirement plan manager because it claimed that Nowicki's retirement benefits had been improperly calculated.

Nowicki retired on Feb. 1, 2009, and in September 2015, the chief learned that the Contra Costa County Employees' Retirement Association demanded that he repay \$586,000, plus interest, in pension overpayments and began deducting \$9,227 monthly from his retirement benefit. CCCERA plans to continue the adjustment until May 2022, when Nowicki's monthly benefit will be permanently reduced to \$14,296. In his filing against the district, Nowicki stated that "the reduction of my monthly retirement benefits has been and continues to be a breach (of) my employment agreement with the Fire District." He requested that the district repay all past and future pension deductions, plus other charges including legal expenses.

A federal court dismissed Nowicki's cause of action in June, and the Contra Costa Superior Court ruled against his claim in October, citing that the case had not been filed on time. The court also failed to determine how MOFD caused CCCERA to deprive Nowicki of his due process rights by reducing his pension, nor did the court find any breach of employment agreement between Nowicki and MOFD.

The district rejected Nowicki's complaint in January on similar grounds. "It wasn't the district that reduced Nowicki's pension, it was CCCERA," said district counsel Jonathan Holtzman.

Neither Nowicki nor his lawyer, Peter Janiak, would comment on the decision, nor would they discuss any future course of action.

Reach the reporter at: nick@lamorindaweekly.com

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KQED

Will California's Water Wars Create A Constitutional Conundrum?



Soapy water flows into a drain at Divisadero Touchless Car Wash on March 20, 2015 in San Francisco, California. (Justin Sullivan/Getty Images)

By [Amel Ahmed](#) February 23, 2018

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With nearly half the state [back in drought](#), California's water regulator held a contentious hearing in Sacramento on Tuesday on whether to make permanent the temporary water bans enacted by Governor Jerry Brown during the 2014-2017 drought.

The board announced it will revisit the proposed measures in March while it makes some minor revisions to the draft proposals.

Some of the proposed measures [relate to restrictions](#) against over watering lawns; hosing down driveways and sidewalks; washing vehicles with hoses not equipped with a shut-off nozzle; and running non-recirculated water in an ornamental fountain. Certain exceptions would apply for public health and safety reasons or commercial agricultural purposes.

‘Lost in these debates is the understanding that water is a different kind of property right.’

The Water Resources Control Board, which wants to make these rules permanent, holds that even though the measures were passed in a time of emergency they should be understood as part of a broader effort to make conservation a way of life in the [drought-prone state](#).



A worker uses a hose to wash the sidewalk in front of a residential hotel on July 15, 2014 in San Francisco, California. (*Justin Sullivan/Getty Images*)

Water Board Chairwoman Felicia Marcus said that climate change is causing more frequent and longer droughts in California. She pointed to the Sierra Nevada snowpack, which remains at levels well below the average. The Sierra snowpack, a source of about a third of the state's water supply, is [currently at 22 percent](#) of the long term average for early February.

“This is why making conservation in California a way of life is so important,” said Marcus. “The Sierra water content shows we are worse off than we were three years ago, at the peak of the drought.”

Only “Reasonable” Use

But the proposed rules, which would carry fines of up to \$500 per violation, faced strong push back from some water agencies who accuse the regulatory board [of a power grab](#).

The issue, opponents say, is constitutional. The California Constitution contains a provision that prohibits the “waste or unreasonable use” of water.

Water administrators fear that the board is going to rely on the constitutional provision to erode the water rights belonging to California landowners.

“Erratic individuals can occupy great positions of power in government, and you had better believe they will occupy your chair someday,” said Jackson Minasian, an attorney for Stanford Vina Ranch Irrigation Co. “Their view of what is ‘waste and unreasonable use’ will be radically different than yours.”

Jeff Stephenson, of the San Diego County Water Authority, said the proposal marks an unauthorized expansion of the water board's authority.

“The board appears intent on expanding and exceeding its jurisdictional authority on this matter and several others,” said Stephenson.

The board pushed back however, arguing that it was operating within its statutory authority to prevent [wasteful water](#) uses.

“We feel confident that the board is acting squarely within its authority,” said David Rose, Water Board staff counsel. “We made sure specific uses were being addressed and that they would not impact water rights.”



Sprinklers water the lawn in Golden Gate Park on April 2, 2015 in San Francisco, California. (Photo by Justin Sullivan/Getty Images)

Rose added that water banned for use in one area, could always be put to another use.

“Prohibiting these specific discreet, wasteful and unreasonable water uses would allow suppliers, water users and water rights holders to use any amount of water that they couldn’t use . . . on a reasonable and beneficial use,” he said.

Water: Private or Public Right?

Richard M. Frank, director of the [California Environmental Law & Policy Center](#) at UC Davis, says that lost in these debates is the understanding that water is a different kind of property right, compared to for example owning a car or home.

“It’s a limited property right, which is something that is lost on a lot of people in the ongoing California debate on water. The courts have long held that water is owned by the public, and that is also embedded in California statutes. “

Private parties who seek to appropriate water have since 1914 had to first obtain a license from the state to use water and that license is subject to restrictions, he said.

“The most important of these restrictions is the constitutional provision stating that all water use must be ‘reasonable,’” Frank said. “And the state can limit, ban, and penalize unreasonable uses of water.”



Water officials say people often forget to turn off lawn sprinklers when it starts raining. (iStock/Getty Images)

Heather Welles, an attorney who works on water rights at the law firm [O'Melveny in Los Angeles](#), says the courts have been pretty deferential to the board's authority to identify specific practices as wasteful or unreasonable. And in this case, the board has provided safeguards within the proposed regulations to allow water users to protest a citation.

"As a general matter, if the board is going to take action that limits specific water rights, it would have to engage in a process that would give water rights holders the ability to dispute the grounds," said Welles.

"Here, the proposed regulations incorporate a process by which if the board is actually issuing a notice or penalty, then the water user may request a hearing before the board and, of course, seek judicial review."

Frank noted that if Governor Brown declares another drought emergency, the move will only strengthen the board's hand.

"The board will have broader legal authority than it has now," he said.

And as the state plunges back into drought, just months after emerging from the last one, permanent water restrictions in California may be eminent.

"We're not in an emergency right now, but shame on us if we just bury our heads in the sand," Marcus, Water Board Chairwoman, [told](#) the *Santa Rosa Press Democrat*.

Legal observers expect a protracted battle ahead.

Los Angeles Times

Alarming dry conditions in California setting new records

By [Rong-Gong Lin II](#)

Feb 23, 2018 | 7:25 AM

California is headed to a dry finish to February, historically one of the state's wettest months.

The state has been getting cold storms in recent days, which have been responsible for plunging temperatures, but the systems have been dry because they've been coming inland, north from Canada, instead of over the Pacific Ocean, where they can soak up moisture.

"The West Coast is under what we call the Arctic Express — and so it's cold, but it's dry," climatologist Bill Patzert said. "Whether it's warm or cold, the rain story is the same, and here in Southern California, there's been scattered showers, but downtown L.A. hasn't seen more than a trace.

"We don't see any white horse charging on the horizon to change what's been a pretty disappointing rain year," Patzert said.

In fact, this month could be one for the record books as far as the driest February, or one of the driest, on record. Sacramento has received no rain at all this month; its record for driest February was in 1899, when the state's capital recorded 0.04 inch of rain

| Driest Februaries | | |
|--|--|---|
| Redding, CA 2018 so far 0.00" | Sacramento, CA 2018 so far 0.00" | Stockton, CA 2018 so far 0.00" |
| 1. 0.41" 1971 | 1. 0.04" 1899 | 1. 0.06" 1953 |
| 2. 0.58" 2013 | 2. 0.16" 1913 | 2. 0.21" 2013 |
| 3. 0.72" 1997 | 3. 0.19" 1995 | 3. 0.29" 1997 |
| 4. 0.75" 1953 & 1967 | 4. 0.21" 1953 | 4. 0.33" 1967 |
| 5. 0.88" 1955 | 5. 0.26" 1997 & 2013 | 5. 0.38" 1995 |
| Paradise, CA 2018 so far 0.00" | Modesto, CA 2018 so far 0.00" | Blue Canyon, CA 2018 so far 0.01" |
| 1. 0.29" 1967 | 1. 0.07" 1953 | 1. 0.64" 2013 |
| 2. 0.39" 1997 | 2. 0.08" 1997 | 2. 1.05" 1967 |
| 3. 0.66" 1971 | 3. 0.10" 1913 | 3. 1.33" 2015 |
| 4. 1.36" 2013 | 4. 0.21" 1967 | 4. 1.44" 1953 |
| 5. 1.95" 1965 | 5. 0.32" 2013 | 5. 2.16" 1971 |

After most sites had above average rainfall in January, February has turned bone dry. Despite the chance of spotty showers from a couple of weather systems for the rest of this month, rainfall for the month of February looks as if it will end up to be (well) below normal.

San Francisco recorded its first measurable rain of the month on Thursday, but the city got only 0.01 inch; it typically gets about 4 inches in February.

The last time L.A. had no rain in February was in 1933, Patzert said; Los Angeles, however, has recorded 0.01 inch of rain so far this month. If downtown L.A. gets no more rain this month, this year's January-February period could be among the top three driest in the record books.

"What we've been having recently are these showers here and there. There's just not much moisture," said Jayme Laber, hydrologist with the National Weather Service's Oxnard office.

The conditions in the Sierra Nevada, California's greatest mountain range, have been dismal. The [water content of the Lake Tahoe basin snowpack](#) is just 20% of average for this time of year. At one station at Fallen Leaf, at elevation 6,242 feet, the land is dry and the snowpack is at 0% of normal. Farther up, at Heavenly Valley at 8,534 feet above sea level, the snowpack is at 47% of normal, said meteorologist Scott McGuire of the National Weather Service office in Reno.

Even the cold storms that have come through the Sierra recently have "all been fairly insignificant," McGuire said. "They have not been major contributors to the snowpack at all."

The snowpack stored in the Sierra Nevada over the winter is an important source for California's water supply.

Yosemite Ski & Snowboard Area announced it will not open this winter. "Unfortunately, there is not enough snow right now, or in the near forecast to open," the area said in a [statement](#) Wednesday. "We are contacting all season pass holders via email to offer the option of a season pass roll over to the 2018-19 season or a refund."

The recent weather pattern is a flip to the weather pattern that has seen California basking in a hot winter and the Midwest and East Coast shivering from frigid air. Now, a mass of high pressure is no longer affecting California and is instead now in place to the East, which is now seeing record high temperatures.

On Wednesday, it was 78 degrees at New York City's Central Park and 82 at Washington's Reagan National Airport. Records for the day fell again on Thursday in the southeast, with Charlotte, N.C., hitting 80, and Roanoke, Va., topping out at 84.

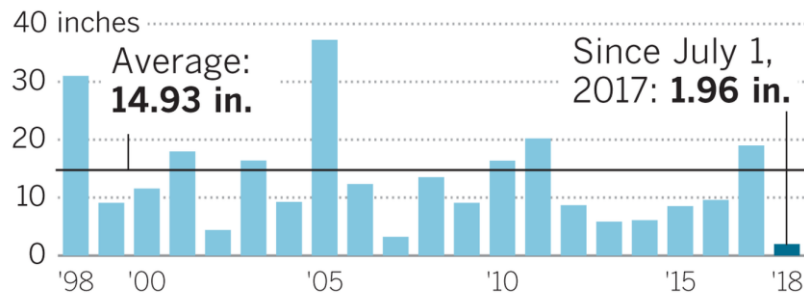
Record low temperatures for the date have been seen in the Bay Area, with Gilroy dipping to 30 on Wednesday and 27 in Napa a day earlier.

Farmers earlier this week feared that freezing temperatures [could possibly endanger](#) California's almond and other lucrative Central Valley crops.

This winter's lackluster rain season demonstrates how in some respects, it may have been premature for Californians to celebrate the end of the drought. Patzert said a look at the last 20 years of rainfall in downtown L.A. shows that, counting this year, 14 of them have been below average.

Downtown L.A. rainfall

For the rain year that ends June 30:



Source: Climatologist Bill Patzert

@latimesgraphics

(Thomas Suh Lauder / Los Angeles Times)

"Last winter was a temporary respite," Patzert said. "People are too quick to call an end to the drought. Droughts don't come and go in one year...When you call an end to the drought after one wet year, that's false hope."

At the moment, another cold storm is expected to come into California on Monday and Tuesday, although at the moment it doesn't look like that system will produce much rain.

A more promising bet comes about a week from now, on March 1, when some forecast models predict the arrival of a storm that could be a decent rainmaker.

But few are holding out hope that even a March miracle could bring California to the average annual precipitation level.

"It's virtually impossible to end up at average snowpack by April 1," McGuire said.

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California Could Upend City Building Rules in Bid to Make Housing Cheaper

Housing prices in California continue to soar, in part because many cities have discouraged dense development. That's led to a big fight in Sacramento over whether the state should force cities to allow apartment and condo buildings near transit stations.

BY: [Daniel C. Vock](#) | February 26, 2018

Frustrated with cities that repeatedly block dense development, one California state senator has set off a huge debate by proposing that the state should sweep aside local restrictions to allow more concentrated housing near major transit stations.

Astronomically high housing costs have long plagued California, and the problem has only grown worse in recent years, particularly for Southern California and the Bay Area. Housing prices statewide are up 74 percent since their lowest point in the Great Recession, according to [Zillow](#). The average home in California in 2015 [cost](#) two-and-a-half times the national average, and California's average monthly rents were 50 percent higher than the rest of the country. Half of Californians said affordable housing was an "extremely serious" problem in a [poll](#) last year, and a quarter of respondents said they had thought of moving out of the state because of it.

But the proposal from Scott Wiener, the state senator who represents all of San Francisco, goes beyond the traditional housing fights. It would be an overt act of state preemption in a blue state, at a time when Democrats routinely criticize Republican leaders in red states for overriding their local control. By doing so, state lawmakers would essentially be blaming local governments for stymying development, pushing up housing prices and forcing residents to commute for hours to find affordable housing.

More than that, it would be a loud declaration that the California of [Silicon Valley office parks](#), vast freeways and bucolic suburban neighborhoods should give way to a more crowded, centrally controlled and environmentally conscious future. It would be an admission that spreading out is not always the answer to high housing prices, and that it may even be part of the problem. And it would clear the way for development to thrive along major transit routes the same way it seems to naturally spring up along highways.

Wiener says the state needs to step in because localities now have basically unlimited power over what kind of housing gets built and where. Most local governments, he adds, have misused that power to serve parochial interests rather than the goals of the whole state, which include reducing carbon dioxide emissions, promoting diversity, and promoting shared prosperity.

"Every city or town acts as if it lives in its own universe. There's always an incentive for people to say they don't want more density here. They love that they can live across from the transit station in a single-family house. They love that their neighborhood by the BART [the Bay Area's subway system] station has the small town feel," Wiener says.

"But when you look statewide, the impact of low-density zoning around transit stations is huge. It pushes people to move further and further away," he adds, because demand forces prices up for the limited number of housing units nearby. Those longer commutes lead to worse traffic, more pollution and a host of other problems.

Some prominent city leaders have backed Wiener's legislation. San Jose Mayor Sam Liccardo supports it, and Oakland Mayor Libby Schaaf and Sacramento Mayor Darrell Steinberg have been receptive. On Friday night, Los Angeles Mayor Eric Garcetti said he's "all for" Wiener's bill, so long as it includes protections

against demolishing existing rent-controlled units near transit stations.

But many cities see it as a direct challenge to their authority. Berkeley Mayor Jesse Arreguin called it “a declaration of war against our neighborhoods.”

The California League of Cities opposes what it calls “another housing bill that takes away local discretion and authority.”

California lawmakers passed a package of 15 laws last year designed to alleviate the housing crisis. The package included new money to help build low-income housing, more latitude for cities to impose affordable housing requirements on new developments, and imposes new requirements on cities to promote the construction of new residences.

One of those new laws, also sponsored by Wiener, allows developers who build multiunit housing to bypass certain local government reviews in areas that have fallen behind their state-mandated housing goals. Ninety-seven percent of localities fell short of at least some of those goals, which means they will be subject to streamlining requirements.

But Wiener says more changes are needed. “Our job is not done,” he says. “We didn’t deal with this issue of low-density zoning around transit.”

The League of Cities, though, warns that Wiener’s current proposal, [Senate Bill 827](#), would “give developers and transit agencies, who are unaccountable at the local level, the power to exempt themselves from locally developed and adopted building height limitations, densities, parking requirements and design review standards.”

In its current form, Wiener’s legislation would affect neighborhoods within a half-mile of a major transit stop or a quarter mile from a major transit corridor. Developments in those areas would be exempt from local regulations on residential density, maximum floor area ratio and parking minimums. It would also preempt height restrictions lower than 45 feet to 85 feet, depending on the characteristics of the street.

The bill is still in its introductory stage and California lawmakers won’t take it up until they start committee work next month. It would likely take months before it could reach the governor’s desk, and it is likely to be amended as it moves forward.

But the proposal has already attracted an inordinate amount of attention for a bill in such an early stage.

The Sierra Club, for example, has weighed in against it, because it preempts local ordinances. Other states, it notes, have used the same tactic to prevent cities from enacting affordable housing mandates for developers.

“This bill has the right aim, but the wrong method,” said Lindi von Mutius, Sierra Club chief of staff, in a [statement](#). “We know that some members of the legislature are working to refine the bill to make it less damaging in approach. We hope they are successful, because we need more transit-oriented development that is appropriately sited to ensure smart, walkable communities that improve quality of life, reduce pollution, and fight climate change.”

Act LA, a Los Angeles-area coalition that works on affordable housing and transit access issues, also came out against the proposal. The group points out that Los Angeles has passed several programs to encourage developers to build affordable housing, and it says the new proposal could undermine those efforts with “an open the floodgates approach” toward building new housing.

“It is clear that in the City of Los Angeles, SB 827 will exacerbate the very issue it seeks to remedy, especially in low-income communities and communities of color,” it explained in a [letter](#) to Wiener.

Wiener is trying to address those concerns and will likely file amendments this week to try to ensure that the state program doesn’t interfere with local affordable-housing initiatives.

But the measure has gathered a lot of support, too. More than 120 of the state's tech leaders are backing the legislation, because they say high housing costs makes it difficult for them to attract workers to their California operations.

"The housing shortage places a huge burden on workers, many of whom face punishingly long commutes and pay over half of their incomes on rent," they wrote in a letter to Wiener, as first [reported](#) by the *Los Angeles Times*.

"Caltrain and BART receive significant state funding and are the backbones of our regional transit infrastructure," they added, "and yet these systems are not able to realize their full potential because too few people are able to take advantage of them to shorten their commutes."

Wiener cautions that, even if his bill takes effect, it will take a while before neighborhoods start changing. "This will play out over years and decades," he says, but it's vital for the future. "California has always been a beacon to the world, where people want to come. We want to keep it that way, but housing threatens that."

This article was printed from: <http://www.governing.com/topics/transportation-infrastructure/gov-california-housing-transit-oriented-development.html>

Water Deeply

Californians Are Struggling to Pay for Rising Water Rates

Water rates are rising in many California communities faster than some residents can keep up. While the state works to come up with a plan to tackle affordability issues, one bill seeks to protect against water shutoffs.

Written by [Alastair Bland](#) Published on σ Feb. 27, 2018 Read time Approx. 5 minutes



The Owens River Aqueduct system near Los Angeles. The series of pipelines and constructed rivers divert and transport water via gravity into the city of Los Angeles from more than 230 miles away. Upgrades to infrastructure projects are driving up water rates in many California cities, including Los Angeles. *Ted Soqui/Corbis via Getty Images*

California has been blessed with the distinction of being home to some of the richest and the poorest income-earning Americans, according to a 2015 [report](#) by the Social Science Research Council. This stark division of wealth between the extravagantly rich and the destitute is displayed vividly in how the state's residents consume water. On the one hand, some estate owners have been publicly shamed for watering their lawns during extreme drought with thousands of gallons per day – sometimes five or 10 times the average household rate. While other Californians live in communities where there isn't enough water or the [water isn't safe to drink](#).

But it's not just access to water that's a problem, it's also the cost. Many California residents, in both small towns and big cities, are struggling to keep up with the rising price of water. The State Water Resources Control Board has been tasked with coming up with a plan to tackle affordability, but it's been slow going.

Max Gomberg, the State Water Resources Control Board's climate and conservation manager, says the price of water has increased at six times the rate of inflation across the state. Gomberg's agency is currently drafting a set of recommendations that will help the state legislature develop a financial assistance program for residents with soaring water rates. The water board, which already missed a February 1 deadline on the task, aims to submit the guidelines this year, though Gomberg says the legislature is not required to follow them.

Water prices are rising in California for a variety of reasons. For one thing, much of the state is either a desert or is dominated by an arid Mediterranean climate, so water is naturally scarce. Because water must often be obtained from distant sources, large infrastructure projects are necessary – and much of this infrastructure is aging. Gomberg says many water agencies are catching up on deferred maintenance of pipes, pumps and wells and passing associated costs on to their customers. In some districts, water has become contaminated and must be treated – another cost that gets distributed through residential water bills.

“But one of the big drivers is climate change,” Gomberg says. “Climate change is making hydrology more variable. We're having longer droughts and warmer hot spells. Water districts that could once rely on rain and reliable groundwater reserves no longer can.”

In the small San Joaquin Valley communities of Cantua Creek and El Porvenir, hundreds of residents are paying above-average rates for water that they cannot even safely drink. It's a situation that Erica Fernandez Zamora, a policy advocate with the Leadership Counsel for Justice and Accountability, says violates the California [Human Right to Water](#) law of 2012, which states that, “every human being has the right to safe, clean, affordable and accessible water.”

Cantua Creek and El Porvenir both receive water from Fresno County via Westlands Water District, a wealthy agricultural region that obtains water from the federal Central Valley Project run by the U.S. Bureau of Reclamation. The 2012–16 drought affected supplies, forcing Westlands to pay more. In turn, the 600 residents of Cantua Creek and El Porvenir were faced with rate increases, which the communities of mostly low-income farm workers didn't believe they could pay. Rates were \$110 a month in El Porvenir and \$72 a month in Cantua Creek for water that the state deemed unsafe. Facing water shutoffs, the state stepped in with emergency funds to reduce costs and provide bottled water, but the grants expire this spring.

“We're trying to find permanent solutions for these people,” Zamora says.

But the San Joaquin Valley isn't the only area where water affordability is a problem.

According to the water news agency [Circle of Blue](#), between 2010 and 2017 water rates in Los Angeles jumped 71 percent. The biggest increase was for households of four that used 100 gallons per capita a day, which saw monthly water bills increase from \$58.49 to \$100.14. In San Francisco water rates increased 119–127 percent (depending on usage) during the same period. Bills increased from \$86.31 to \$195.86 a month for a household of four using 150 gallons per person a day. For those using only 50 gallons per person a day, rates jumped \$30.63 to \$67.07. Both cities have undertaken costly infrastructure upgrades.

Even in relatively affluent smaller communities, the cost of water has escalated, too. The wine country town of St. Helena in the Napa Valley, which is grappling with infrastructure upgrades, is one example.

“Our rates are now two-and-a-half times those in the city of Napa,” says Geoff Ellsworth, a member of the St. Helena City Council.

State senator Bill Dodd, a Democrat from Napa, recently introduced legislation that would make it more difficult for utilities to abruptly discontinue service for customers unable to pay their water bills. Currently, he says, cell-phone companies face tighter restrictions in cutting off services than do water agencies.

The water board reports that the state spends more than \$2.5 billion per year to aid low-income residents with gas, electric and telecommunication services, but more than half the state’s residents have a water provider that doesn’t offer rate assistance for low-income customers.

Dodd’s proposed law, Senate Bill 998, seeks to model California’s water deliveries more like electricity and phone services, where failure to pay bills may result in soft enforcement – first warnings, followed by opportunities to appeal and probably fines. Only as a last resort, he explains, do phone and electricity providers terminate service.

But Dodd says that with water service, missing a due date on a payment can mean dry taps in just days. His proposed law would prohibit service cuts for at least 60 days if a customer fails to pay a bill. It would require advanced written warning that service might be discontinued and would prohibit cutting of water supplies for the ill or elderly if a local health agency determines doing so would seriously threaten their health.

The bill, which is currently pending in the Senate, would also provide clear instructions to help people in restoring discontinued service and would waive reconnection fees for low-income households.

Dodd says many of the poorest Californians are paying as much as a fifth of their incomes for water. In the East Bay Municipal Utility District alone, which provides drinking water for 1.4 million people, household water deliveries were interrupted for more than 8,000 residences in 2015 due to unpaid bills, according to a press release from his office. In July 2017, the utility’s board voted to increase rates 19 percent over two years.

California is served by more than 400 large public water agencies. Additionally, many people receive water from private wells or small water systems. This decentralized system makes providing water for all in an equitable way a difficult task.

When it comes to the state’s Right to Water law, “It’s great to have this right written on paper, but it’s more important to have that right realized,” says Dodd.

The Dangerous Return of Water Privatization

Community waters systems have sustainably provided safe drinking water for generations but corporations are now using local fiscal crises to push for water privatization.

By Maude Barlow and Wenonah Hauter, from Sojourners
|Utne Reader, March 2, 2018

The United States has one of the best public water supply systems in the world. More than 250 million people count on local governments to provide safe drinking water. Over the last 40 years, federal, state, and municipal governments have worked together to improve and protect water resources. The Clean Water Act, the Safe Drinking Water Act, and the Endangered Species Act have kept the U.S. on target for preserving rivers, lakes, watersheds, wetlands, natural aquifers, and other sources of fresh water.

Great strides have been made in managing waste water and storm water. More than 90 percent of community water systems in 2012 met all federal health standards. Public water utilities have been a tremendously successful model for the U.S. and continue to keep drinking water safe, accessible, and affordable for all Americans.

It hasn't always been this way.

During the 1800s, private companies controlled the water systems of several large U.S. cities—to dire effect. Because the companies were more interested in making a profit than providing good service, many poor residents lacked access to water. As a result, cholera outbreaks were common in poor neighborhoods; water pressure was sometimes too low to stop fires, which destroyed both homes and businesses.

By the turn of the 20th century, city governments, including Baltimore, Boston, New Orleans, and New York City, had taken over drinking water provision from private companies. The goal of government was to improve service, reduce waterborne diseases, and increase water pressure to better fight fires. New York City, for example, assumed control of its drinking water services from the bank and holding company called the Manhattan Company, the predecessor of JPMorgan Chase, after an outbreak of cholera killed 3,500 people and a devastating fire caused extensive property damage.

These cities learned the hard way just how important public water provision is for human and environmental health. The shift to a public utility system, responsive to community needs, allowed local public control of water and sewer services. Public utilities helped local

governments manage water resources, growth, and development, and ensured that safe and reliable services were available to all.

Now, just past the turn of the 21st century, our national water framework needs rethinking with climate change and sustainability in mind. It's time for an integrated, holistic national water policy, including the establishment of a federal water trust fund. Instead we face the cannibalization of our public utilities by private corporations.

Despite our success over the last 100 years, public water utilities face daunting challenges in the days ahead:

1. Water systems nationwide are aging and wearing out. Last summer more than 150,000 residents in the greater Washington, D.C. region faced the specter of being without water for days because of a stuck valve on a major water main. Delayed maintenance on the valve due to funding cuts led to the crisis.

There are 237,600 water line-related breaks in the United States each year, resulting in \$2.8 billion lost in potential revenue and tax dollars annually. An influx of money is needed for repairs and replacements to prevent leaks and to maintain reliable service. In total, U.S. drinking water systems will need \$384 billion in improvements over the next 20 years to continue to provide safe water, according to the EPA.

2. As water needs rise, federal funding dwindles. With a U.S. population of more than 316 million, the need for clean water continues to grow. Yet water systems are among the first on the chopping block during congressional budget battles. From 1977 to 2009, federal funding for water and sewer systems fell by 75 percent (after accounting for inflation). Following a brief respite from the 2009 national stimulus, federal water funding continues its downward trajectory. Cuts in federal funding shift a greater financial burden to local governments. Local governments are still grappling with budget shortfalls carried over from the recession.

3. Enter climate change into this equation. Climate change may pose a serious risk to water supplies in about 70 percent of U.S. counties—a third of these counties will be at high or extreme risk of water shortages. Warmer temperatures worsen water pollution and cause more extreme weather events. As we saw with Hurricane Sandy, extreme weather can destroy water facilities and infrastructure, with seawater seeping into reservoirs. Climate change will continue to stress water supplies and create water shortages.

But sustainable water management isn't just about our water infrastructure. Every well developed for fracking uses 3 to 5 million gallons of water as part of the process. According to some estimates, 20 percent of that water can be reused for more fracking, but 80 percent is highly salinized wastewater.

All these problems intersect to create the Great American Water Crisis.

Whenever a crisis arises there are those who battle it and, unfortunately, those who take advantage of it for personal gain. Private water corporations and investment banks once again are

stepping in to take advantage of this crisis through takeovers and buyouts of public water systems. The aggressive strategy of private water utility companies in the last 10 years raises fears that the public may be losing control of its most vital resource.

These corporations work to undermine federal funding for public utilities, while seeking special tax benefits and government subsidies for themselves. They target local governments with offers of upfront cash in exchange for long-term control of water resources. Currently, about 12 percent of the U.S. population receives water service from privately owned community water systems. These private water providers, which include both nonprofit associations and for-profit companies, primarily serve subdivisions and areas outside municipal limits.

In many ways, water privatization can leave poor households high and dry. Private water utilities are businesses, and like any business they are accountable first and foremost to their owners. As a result, their primary objectives are often different than those of a local government, which is accountable to constituents and voters. This impacts decisions about where to extend service and the price and quality of that service.

As a matter of public policy, a city seeks to provide water service to every neighborhood within its borders and may aim to keep water rates as affordable as possible. Private companies, however, base their decisions on profitability. When they expand water service areas, they tend to exclude households with the greatest need. Private companies are prone to cherry-pick service areas to avoid low-income communities where low water use and frequent bill collection problems can hurt earnings. Instead, private companies may enter into deals with real estate developers to provide water service to new suburban developments, which can promote urban sprawl.

When private players take over public water systems, prices typically increase much faster than inflation. In general, compared to local governments, for-profit water utilities charge customers considerably higher prices. On average, private financing costs one-and-a-half to two-and-a-half times as much as public financing, translating into higher rates for consumers. A survey of the largest water utilities in the Great Lakes region, for example, found that privately owned systems charged households more than twice as much as municipal systems charged for the same amount of water. The researchers attributed this difference to private companies' profits, rate-making practices, higher overall service costs, and taxes.

Water prices are regressive. When households are unable to pay for service, private players usually respond by cutting existing connections. This deprives low-income households of their human right to water, with potentially disastrous health and social welfare consequences.

Water privatization may also interfere with local government efforts to prepare for climate change and protect water supplies. Sustainable management of water resources requires coordination across government divisions and jurisdictions in a watershed, but private utilities have no incentive or requirement to participate in integrated water management programs. Private companies are in the business of making money, not delivering clean water at the lowest cost.

Despite these dangers, some local governments continue to fall prey to the quick-fix and budget gimmicks proffered by privatization advocates.

The good news is that faith-based, consumer, labor, and other community organizations have teamed up to fend off many attempted takeovers to keep their water under local public control, for the health of the poorest and the strength of the whole community. A few examples:

In February 2008, Akron's Mayor Don Plusquellic ended his State of the City address with a proposal to lease the city's sewers to private interests under the guise of raising money for a scholarship program. Greg Coleridge, director of the Economic Justice and Empowerment Program at the Northeast Ohio American Friends Service Committee, responded quickly. He brought together stakeholders throughout the city to form a broad coalition of labor, faith, and community organizations known as Citizens to Save Our Sewers and Water, or Citizens SOS.

Citizens SOS decided that the best way to counter the mayor's proposal was to require voter approval before the privatization of any public utility. To do this, they needed to pass a ballot referendum. They had to collect enough signatures to get their proposal on the November 2008 ballot, then educate voters about the issue.

In May 2008, Citizens SOS kick-started its petition drive with a community meeting attended by more than 150 people. With this auspicious beginning, they had no trouble collecting the necessary signatures to get their issue on the ballot. Next, Citizens SOS educated their constituency about privatization and countered Plusquellic's aggressive campaign promoting his own ballot initiative to authorize the lease.

On Election Day 2008, with a county-wide voter turnout of more than 70 percent, Akron overwhelmingly rejected privatization and overwhelmingly supported the public's right to have a voice in what happens to their utilities, by a margin of two-to-one. "It's just a wonderful collective victory with so many people having a role that was so powerful," Coleridge told Food and Water Watch after the victory.

Plusquellic was not alone in his misguided quest to privatize public services, but community groups around the country continue to organize to keep their water in public hands.

In 2008, the comptroller of Milwaukee suggested leasing its water utility to a corporation for 75 to 99 years in exchange for a one-time cash infusion to help fund city operations. By June 2009, a broad coalition named Keep Public Our Water (KPOW) helped shelve the lease of Milwaukee's water system.

In 2010, a Trenton community coalition beat back the proposed sale of part of their city's water system to American Water. A resounding 80 percent of voters rejected the deal, even though the water company spent more than \$1 million to curry their favor, nearly 32 times as much as the stop-the-sale campaign.

In 2011, community organizing stopped privatization deals in Franklin Township, New Jersey, and Muskogee, Oklahoma. In 2012, the city council of Grand Island, Nebraska, unanimously

rejected a waste-water privatization deal with Veolia Water because of public opposition. In 2013, residents of Bethel, Connecticut, soundly defeated a proposal to sell their water system to Aquarion Water Company. More than 70 percent of voters rejected the sale.

Because water is fundamental to life and human dignity, the United Nations has recognized access to safe water and sanitation as a basic human right. Involving private enterprises in water operations can conflict with the human right to water. It is up to consumer groups, civil society, and faith communities to stop corporate takeovers of public water systems established for the common good to ensure universal access to safe water.

Together, we can protect our water supplies in the face of growing challenges. We can establish a federal water trust fund to provide dedicated monies for our water and sewer systems; we can ban fracking to protect our water resources; and we can enshrine the human right to water in federal and state law. Responsible public provision of our water and sewer services, along with these three policy steps, is the best way to safeguard water, uphold the human right to water, make sure that no one suffers from lack of this essential element, and move our country toward a sustainable integrated national water policy.

Water is the lifeblood of our communities. It is essential for health and well-being. Its substance is beyond value and transcends the physical—it's sacred. Let us cherish—and protect—this precious resource.

Maude Barlow is a cofounder of the Blue Planet Project and board chair of Food and Water Watch. Wenonah Hauter is executive director of Food and Water Watch. Reprinted from [Sojourners](#) (November 2013), a monthly Christian magazine on a mission to integrate spiritual renewal and social justice.



Published March 7th, 2018

ConFire chooses general contractor for Fire Station 16

By *Nick Marnell*

Contra Costa County Fire Protection District Assistant Chief Aaron McAlister announced that D.L. Falk Construction of Hayward submitted the winning bid for the Lafayette Fire Station 16 construction project. Falk's bid came in at \$3.43 million, just under the \$3.5 million estimate, a minor miracle of sorts considering the sky-high construction costs in the Bay Area. Five other bidders were prequalified by the county, but only Falk submitted a number.

ConFire has four fire stations in various stages of construction or design, but because of its small size and location, Fire Station 16 will be the only station of the four with a back-in apparatus bay. The district prefers a drive-through bay because it lessens the probability of damage to its trucks and engines. "This station will not become a future ConFire template," McAlister said at the Feb. 26 Advisory Fire Commission meeting. The general contractor appeared undaunted by the unique specifications of the Lafayette fire station. "We've built fire stations the size of a house, within a housing development," said Greg Schmidt, Falk director of operations. Schmidt said the company has also built a fire station in San Jose with a back-in apparatus bay. The formal award of the bid for Fire Station 16 should occur at the March board of directors meeting. Kitchell Northern California remains the station construction manager.

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Published March 7th, 2018

New MOFD chief tackles a longstanding Orinda problem

By Nick Marnell



MOFD aides Connor Rowan, left, and Pete Stathakos conduct hydrant testing in north Orinda. Photo MOFD

Rehnstrom, EBMUD manager of water distribution.

Fire Chief Dave Winnacker outlined his plans to maximize the available water supply in north Orinda and to mitigate the hazards presented by the area's wildland terrain at the Feb. 21 meeting of the Moraga-Orinda Fire District. The chief's presentation made clear that the district, whose hands have been tied by financial limitations, outside agency policies and voter indifference, will focus on what it can do, rather than complain about or remain hostage to what other parties say they cannot or will not do.

The East Bay Municipal Utility District, which owns most of the fire hydrants and water infrastructure in the fire district, replaces underground pipes on its own terms, on its own timetable. "EBMUD will not, as the only participating agency, undertake system modifications solely to improve fire flow," the district states in its Fire Flow Improvement Program. Since 1999, the water district has replaced 19 miles of the 130 miles of underground pipe in Orinda, according to David

Studies concluded that \$50 million was needed to update the inadequate piping infrastructure, which Orinda voters declined to fund via three different ballot measures. So Winnacker began the search for the worst of the worst of underperforming north Orinda hydrants by doing fire flow measurements with EBMUD, which will insert the calculations into a shared database. MOFD will test 15 hydrants per week, with hydrants flowing at less than 500 gallons per minute as the top priorities. "Once these are completed, we will have an updated report on where the problems are," the chief said.

Concurrently, MOFD will prominently label acceptable water sources, so that when outside agencies flood into the area to help fight a major fire, suppression personnel will be able to easily identify reliable water sources. The district will also identify supplemental water sources, like pools and ponds, privately maintained water tanks, and water supplies along Bear Creek Road and the Briones Reservoir.

The second part of Winnacker's plan features heightened levels of fire mitigation. A wildfire spreading down from the Bear Creek Road and Briones areas is a major threat to north Orinda, and noting that the best fire attack is fire prevention, the chief said the district will quarterback the efforts of wildland fire mitigation among various agencies and private citizen groups.

EBMUD owns open space adjacent to north Orinda, PG&E owns several large parcels in north Orinda and the county road maintenance crews are responsible for maintaining the shoulder of Bear Creek Road. Winnacker said that the district will assist the agencies to make sure that mitigation efforts are reinforced and complementary, such as arranging for the Cal Fire Delta Crew to trim back vegetation in the Bear Creek area. The chief noted that, though often not popular, the PG&E tree trimming efforts have real value for fire prevention.

MOFD will also coordinate efforts of neighborhood groups to carry out fuel mitigation efforts, and will encourage homeowner associations to create safe, defensible spaces. Notification and evacuation plans have been updated, though the chief said that an early warning is needed for a wildfire that starts on the north side of the ridge.

"We want to identify things we can do now within our existing budget, utilizing and leveraging people's money through the grant process and engaging the community to buy in to everything they can do to prevent a catastrophic wildfire from spreading," Winnacker said. The chief pledged that, though north Orinda has been identified as the No. 1 target area, the water flow and mitigation programs will eventually be rolled out into the rest of the district.

Dick Olsen, a former MOFD director and a revered founding father of the fire district, praised the chief's attempt to fix a problem that has frustrated the district since its 1997 inception. "This is way beyond what anybody else has ever done," Olsen told the board.