



NOTICE AND AGENDA FOR REGULAR MEETING

DATE/TIME: Wednesday, May 9, 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.

MAY 9, 2018 CONTRA COSTA LAFCO AGENDA

1. Call to Order and Pledge of Allegiance
2. **Welcome Returning Commissioners**
3. Roll Call
4. Adoption of Agenda
5. Public Comment Period (please observe a three-minute time limit):
Members of the public are invited to address the Commission regarding any item that is not scheduled for discussion as part of this Agenda. No action will be taken by the Commission at this meeting as a result of items presented at this time.
6. Approval of Minutes for the April 18, 2018 regular LAFCO meetings

SPHERE OF INFLUENCE/BOUNDARY CHANGES

7. ***LAFCO 17-06 – Bay Point Regional Shoreline Annexation to Delta Diablo (DD) Zone 1*** – consider proposed annexation to DD sanitation district of 2.74± acres of the Bay Point Regional Shoreline located at the end of McAvoy Road in unincorporated Bay Point. The annexation area includes 2.58± acres of EBRPD land (APN 098-020-021) along with a 0.16+ acre strip of a Contra Costa Water District parcel (APN 098-020-002); and consider related actions under the California Environmental Quality Act ***Public Hearing***

BUSINESS ITEMS

8. ***Reclamation District (RD) 2121 (Bixler Tract) Update*** – receive correspondence from RD 2121 and an update from the subcommittee; provide input and direction regarding dissolution of RD 2121
9. ***FY 2018-19 Final Budget and Work Plan*** - consider approving the final budget and work plan for FY 2018-19 ***Public Hearing***

INFORMATIONAL ITEMS

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

ADJOURNMENT

Next regular LAFCO meeting June 13, 2018 at 1:30 pm

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

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MINUTES OF MEETING

April 18, 2018

Board of Supervisors Chambers
Martinez, CA

May 9, 2018
Agenda Item 6

1. Chair Mike McGill called the meeting to order at 1:31 p.m. and the Pledge of Allegiance was recited.
2. The Chair welcomed Special District Member Igor Skaredoff and Special District Alternate Stan Caldwell to their renewed terms.

County Counsel Sharon L. Anderson administered the oath of office to Charles R. Lewis, IV, newly appointed Alternate Public Member.

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

County Member Candace Andersen.

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

City Members Rob Schroder and Don Tatzin.

Public Member Alternate Charles Lewis.

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

4. Approval of the Agenda

Upon motion of Tatzin, second by Andersen, Commissioners approved the agenda unanimously, 6-0.

AYES: Andersen, Lewis (A), McGill, Schroder, Skaredoff, Tatzin

NOES: none

ABSENT: Blubaugh (M), Glover (M)

ABSTAIN: none

5. Public Comments

There were no public comments.

6. Approval of March 14, 2018 Meeting Minutes

Upon motion of Tatzin, second by Andersen, the March 14, 2018 meeting minutes were approved by a vote of 4-0.

AYES: Andersen, McGill, Skaredoff, Tatzin

NOES: none

ABSENT: Blubaugh (M), Glover (M)

ABSTAIN: Lewis (A), Schroder

7. LAFCO 17-11 - Kirkpatrick Drive Annexation to West County Wastewater District (WCWD)

The Executive Officer noted that this proposal was submitted by the landowner to annex property, located at 39 Kirkpatrick Drive in unincorporated El Sobrante, to WCWD. There is one single family residential unit on the property that is already connected to the District's sewer system, and no further development on the property is proposed. Staff also recommended that a neighboring property located southwest of the subject parcel be included in the annexation as this parcel is already partially in the District's service boundary. The partial parcel is vacant, and including it would avoid creating an island.

DRAFT

Prior to submitting the annexation proposal, the applicant contacted his neighbor regarding annexation. She indicated that she was not interested as she was selling the property. LAFCO staff also reached out to the neighboring parcel and no response was received. Given that this proposed annexation has less than 100% landowner consent, the Commission's action is subject to a protest hearing. If the Commission approves the annexation of both properties as recommended, a subsequent notice and protest hearing will follow. Authority to conduct the protest hearing is delegated to the LAFCO Executive Officer.

Commissioner Tatzin asked if the demurring landowner could defeat the annexation at the protest hearing. Staff responded that because the outcome is determined by land value, that the neighboring property owner will not be able to terminate the annexation.

Chair McGill opened and closed the public hearing, as no one wished to speak.

Upon motion of Andersen, second by Skaredoff, Commissioners unanimously, by a 6-0 vote, found the project exempt pursuant to CEQA Guidelines; approved the proposal to be known as Kirkpatrick Drive Annexation to West County Wastewater District; determined that the territory being annexed is liable for the continuation of taxes, assessments and charges; found that the subject territory is uninhabited, has less than 100% consent of the affected landowners, is subject to a protest hearing; and authorized LAFCO staff to conduct the protest proceedings.

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

8. LAFCO 17-14 - Delta Diablo (DD) Sphere of Influence (SOI) Amendment (Bay Point Regional Shoreline)

The Executive Officer reported that the landowner, East Bay Regional Park District (EBRPD), submitted an application to expand DD's SOI to include a 2.74 acre portion of the 69-acre Bay Point Regional Shoreline parcel. The purpose of the SOI amendment is to allow for future annexation of this portion of the parcel in conjunction with upgrading the restroom facility from a vault system to a flush toilet to better serve users of the Bay Point Regional Shoreline. Also included in the proposal is a strip of a Contra Costa Water District parcel to avoid creating a gap. The park district has also submitted a corresponding annexation proposal.

The Bay Point Regional Shoreline is outside the County ULL and includes a trail, access to fishing, and wetland and marsh areas. Staff also noted that the proposed LAFCO condition provides that sewer service be limited to the EBRPD restroom facility.

In response to questions from Commissioners Schroder and Skaredoff, Karla Cuero, representing EBRPD, noted that the park has its own water source, and that the other "finger" of annexed territory serves a yacht harbor that was annexed into DD long ago. Commissioner Tatzin noted that, with the proper conditions in the upcoming annexation resolution, it makes sense for LAFCO to extend service to this limited area outside the ULL.

Upon motion of Schroder, second by Andersen, the Commissioners, by a 6-0 vote, approved the proposed expansion of DD's SOI, limited DD service to the EBRPD restroom, and determined that EBRPD's CEQA document is acceptable for LAFCO's use.

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

9. Award Contract – City Services Municipal Services Review/SOI Updates

The Executive Officer reported that two consulting groups (Lamphier-Gregory/Berkson Associates and RSG) submitted proposals for the 2nd round City Services MSR, covering all 19 cities plus four of the six community services districts. Interviews were held by a screening committee of LAFCO professionals, who agreed that both of the consultant groups were well qualified to take on the project. However, the screening committee believes that Lamphier-Gregory/Berkson Associates offers several advantages; both Lamphier-Gregory and Berkson Associates are familiar with Contra Costa County. Lamphier-Gregory is currently on contract with Contra Costa LAFCO for as-needed planning services. Berkson Associates prepared Contra Costa LAFCO's fire/EMS and healthcare services MSRs, and has prepared three special studies for Contra Costa LAFCO. Earlier this year, Lamphier-Gregory completed a city services MSR for Alameda LAFCO, and the form they used is desirable for Contra Costa LAFCO. Finally, the team submitted a competitive schedule and cost.

Commissioner McGill asked about the proposed schedule. Staff responded that it will take time to gather information from all of the agencies being reviewed, and a first draft should be out in January, with completion by the end of April 2019.

Upon motion of Tatzin, second by Lewis, Commissioners unanimously, by a 6-0 vote, authorized staff to execute a contract with Lamphier-Gregory/Berkson Associates to prepare the 2nd round city services MSR/SOI updates for the term May 1, 2018 through April 30, 2019 in an amount not to exceed \$90,000.

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

10. Alternate Legal Services Contract

The Executive Officer reported that two potential changes of organization will be presented to the Commission in the next several months that involve Contra Costa County as a possible successor agency, including a LAFCO-initiated dissolution of the Rollingwood Wilart Park Recreation & Park District, and an application submitted by the County to dissolve the Los Medanos Community Healthcare District.

As LAFCO's legal counsel is also Contra Costa County Counsel (a common practice among LAFCOs throughout the State), it is possible that the interests of the Board of Supervisors and LAFCO's interests may not be in accord. Thus, when a conflict occurs, the Commission should have alternate legal counsel available to advise it. The Government Code provides that the Commission appoint its legal counsel and alternate legal counsel when needed. Staff recommends that recommends that Contra Costa LAFCO enter into a contract with Best, Best & Krieger for the services of Kara K. Ueda, who works out of the firm's Sacramento office, for an amount not to exceed \$20,000.

Commissioner Andersen asked if we would be covering travel costs from the Sacramento office; staff responded that the agreement includes travel charges from the firm's closest office (Walnut Creek).

Upon motion by Andersen, second by Tatzin, Commissioners, by a 6-0 vote, authorized staff to execute a contract with Best, Best & Krieger for legal services on an as-needed basis, at the discretion of the Executive Officer, commencing May 1, 2018, in an amount not to exceed \$20,000.

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

11. Legislative Report – Update and Position Letters

The Executive Officer reported on legislation that CALAFCO is sponsoring: AB 3254, the annual omnibus bill, and AB 2258, which would provide one-time grant funding to LAFCOs to prepare special studies in conjunction with the LHC’s recommendations relating to special districts. Additionally, CALAFCO is tracking a number of bills that have direct and indirect impact on LAFCOs, a summary of which is included with the Commission’s agenda packet.

In March, CALAFCO issued an urgent call for support letters for the two CALAFCO sponsored bills, along with two other bills – AB 2600, which provides a much-needed amendment to requirements for establishing a Regional Park & Open Space District, and AB 2491, sponsored by the League of CA Cities, which seeks to reinstate VLF funding for future city incorporations. In accordance with the Commission’s policy, LAFCO staff worked with Chair McGill and sent support letters to the Legislators. Copies of these letters were included in the Commission’s agenda packet.

12. FY 2017-18 Third Quarter Budget Report

The Executive Officer reported that expenditures to date for the first three quarters of this fiscal year are approximately 53% of total appropriations, and total revenues exceed 100% of projected revenues, including fund balance. Application activity through the 3rd quarter significantly exceeds the FY 2016-17 activity for the same period. No budget adjustments are needed at this time. LAFCO staff will continue to closely monitor the budget and keep the Commission apprised. The Chair thanked staff for their work on the budget. The report was received.

13. Correspondence from CCCERA

There were no comments on this item.

14. Commissioner Comments and Announcements

Commissioner McGill reported that he attended the CALAFCO Legislative Committee meeting, and a CALAFCO Ad Hoc Finance Committee meeting, on March 16. He will attend the next CALAFCO Legislative Committee meeting on May 4, and the next CALAFCO Board meeting on May 11, 2018.

Commissioner Skaredoff noted that Contra Costa Resource Conservation District will celebrate John Muir’s birthday and Earth Day at John Muir House on Saturday, April 21.

15. Staff Announcements

The Executive Officer reported that staff attended the CALAFCO Staff Workshop April 11-13, and thanked Commissioners for their support of this.

Also, the Executive Officer will take part in the CALAFCO Legislative Committee meeting on May 4.

The meeting adjourned at 2:11 p.m.

Final Minutes Approved by the Commission May 9, 2018.

AYES:

NOES:

ABSTAIN:

ABSENT:

By _____
Executive Officer

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

May 9, 2018 (Agenda)

May 9, 2018
Agenda Item 7

LAFCO 17-06 Bay Point Regional Shoreline Annexation to Delta Diablo (DD) Zone 1
PROPONENT East Bay Regional Park District (EBRPD) by Resolution No. 2017-12-330 adopted December 5, 2017

SYNOPSIS This is a proposal to annex 2.74± acres of the Bay Point Regional Shoreline (BPRS) to DD sanitary district as shown on the attached map (Attachment 1). The annexation area includes 2.58± acres of EBRPD land (APN 098-020-021), along with a 0.16+ acre strip of a Contra Costa Water District parcel (APN 098-020-002). The annexation area is located at the end of McAvoy Road in unincorporated Bay Point, and is outside the Urban Limit Line.

PURPOSE The purpose of the proposal is to facilitate an upgrade to the existing vault toilet restroom and allow for a flush toilet restroom at the BPRS staging area. Installing a sewer line to the new restroom would require connection to a DD pipeline.

DISCUSSION

Government Code §56668 sets forth factors that the Commission must consider in evaluating a proposed boundary change as discussed below. In the Commission's review, no single factor is determinative. In reaching a decision, each is to be evaluated within the context of the overall proposal.

1. **Consistency with the Sphere of Influence (SOI) of Any Local Agency:**

In April, 2018, the Commission amended the SOI for DD to coincide with the proposed annexation. Thus, the area proposed for annexation is within DD's SOI.

2. **Land Use, Planning and Zoning - Present and Future:**

The County's General Plan designation for the subject property is Parks and Recreation (PR) and the zoning is Planned Unit (P-1). The land uses in the area are park and recreation and the area provides access to the shorelines, trails and picnic facilities. Adjacent to and north of the parkland is marsh owned by the California State Lands Commission that is leased to the EBRPD. The Shore Acres/ Bay Point neighborhood is south of the project site, McAvoy Harbor is to the east, and marshland owned by the federal government is to the west.

In 2001, the EBRPD prepared a Land Use Plan (LUP) for the BPRS. Consistent with prior planning efforts, the parkland will be managed to conserve natural resources including wetlands and uplands habitat, provide recreational opportunities, and improve shoreline access and public safety in the area. The LUP includes a recreation/staging unit development component on 7+ acres. The staging area includes shade structures, parking, a bus turnaround and restrooms. Recreational amenities in this area include picnic facilities, carry-in boat access to the channel, and trailheads for two trails, along with related utility infrastructure.

Since the project approval in 2001, some of the project components have been constructed. To date, parking, bus turnaround, vault toilet, picnic facilities, electrical services, and the two trailheads are all in place; components not yet implemented include shade structures, potable water, non-motorized watercraft launch, and the marsh restoration project and natural unit management elements. The EBRPD now proposes some modifications to the original plan, along with construction of the remaining components, including marsh restoration, two trails, a non-motorized watercraft launch, and a municipal sewer connection to upgrade the existing restroom.

The proposed annexation will have no effect on any of the above described land uses.

3. The Effect on Maintaining the Physical and Economic Integrity of Agricultural Lands and Open Space Lands:

There is no proposed land use change associated with the annexation; the subject area will remain a regional shoreline. No portion of the subject area is subject to a Williamson Act contract; and the proposed annexation will have no impact on agricultural or open space lands.

4. Topography, Natural Features and Drainage Basins:

The property proposed for annexation is located on an upland area, and on an existing graded parking lot/staging area.

5. Population:

No development is proposed in conjunction with the annexation, and no population increase will result from this proposal.

6. Fair Share of Regional Housing:

In its review of a proposal, LAFCO must consider the extent to which the proposal will assist the receiving entity in achieving its fair share of the regional housing needs as determined by the regional council of governments, which in Contra Costa County, is the Association of Bay Area Governments (ABAG). The proposed annexation will have no effect on regional housing, as no development is proposed.

7. Governmental Services and Controls - Need, Cost, Adequacy and Availability:

Whenever a local agency submits a resolution of application for a change of organization or reorganization, the local agency shall also submit a plan for providing services within the affected territory (Gov. Code §56653). The plan shall include all of the following information and any additional information required by the Commission or the Executive Officer:

- (1) An enumeration and description of the services to be extended to the affected territory.
- (2) The level and range of those services.
- (3) An indication of when those services can feasibly be extended to the affected territory.
- (4) An indication of any improvement or upgrading of structures, roads, sewer or water facilities, or other conditions the local agency would impose or require within the affected territory if the change of organization or reorganization is completed.
- (5) Information with respect to how those services will be financed.

The subject property receives municipal services from a number of public agencies including Contra Costa County and Contra Costa County Fire Protection District (CCCFPD).

The proposal before the Commission is to annex the property to DD for the provision of municipal sewer service to upgrade the restroom facility from a vault toilet to a flush toilet which will better serve the shoreline visitors. No other changes to services are proposed.

8. Timely Availability of Water and Related Issues:

Pursuant to the CKH, LAFCO must consider the timely and available supply of water in conjunction with a boundary change proposal. Contra Costa LAFCO policies state that any proposal for a change of organization that includes the provision of water service shall include information relating to water supply, storage, treatment, distribution, and waste recovery; as well as adequacy of services and facilities. The area proposed for annexation will rely on ground water from an on-site well which is expected to have adequate yield to meet anticipated demands.

The proposal before the Commission is to annex the subject property to DD sanitary district. DD serves the cities of Antioch and Pittsburg and the unincorporated Bay Point community. DD serves approximately 212,000 residents in a service area of 54± square miles. DD has over 49 miles of gravity sewer main, 14 miles of pressure force mains, and five pump stations. DD's treatment plant has an average dry weather flow capacity of 19.5 million gallons per day (mgd). During the most recent reporting period (2016), the average dry weather flow was 12.3 mgd. In 2010, 2013, and 2014, the average dry weather flows at the plant were 13.4, 13.1 and 12.5 mgd, respectively. The subject area is located in Zone 1 of DD's service area. DD estimates that the proposed flush toilets will generate approximately 220 gallons per day of wastewater discharge. DD indicates that it has adequate capacity to serve the restroom at the BPRS.

9. Assessed Value, Tax Rates and Indebtedness:

The annexation area is within tax rate area 79076. The area proposed for annexation is publicly owned and shows \$0 assessed value (2017-18 roll). The territory being annexed shall be liable for all authorized or existing taxes and bonded debt comparable to properties presently within the annexing agencies.

10. Environmental Impact of the Proposal:

The EBRPD, as Lead Agency, prepared a Mitigated Negative Declaration (MND) in 2001, and an Addendum in 2017; no environmental impacts from the proposed project have been identified. The Addendum specifically addresses annexation to DD and is adequate for LAFCO purposes.

11. Landowner Consent and Consent by Annexing Agency:

According to County Elections, there are fewer than 12 registered voters in the subject area; thus, the area proposed for annexation is considered uninhabited. The applicant indicates that 100% of the affected landowners have provided written consent to the annexation. Thus, if the Commission approves the annexation, the Commission may waive the protest hearing (Gov. Code §56662). All landowners and registered voters within the proposal area and within 300 feet of the exterior boundaries of the area have received notice of the LAFCO hearing.

12. Boundaries and Lines of Assessment:

The annexation area is within the SOI of DD; an SOI amendment was approved by the Commission on April 18, 2018 to include the subject area. A map and legal description to implement the proposed boundary change has been received and is subject to final approval by the County Surveyor.

13. Environmental Justice:

LAFCO is required to consider the extent to which a proposal will promote environmental justice. As defined by statute, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services. The proposed annexation is not expected to promote or discourage the fair treatment of minority or economically disadvantaged groups.

14. Disadvantaged Communities:

In accordance with recent legislation (SB 244), local agencies and LAFCOs are required to plan for disadvantaged unincorporated communities (DUCs). Many of these communities lack basic

infrastructure, including streets, sidewalks, storm drainage, clean drinking water, and adequate sewer service. LAFCO actions relating to Municipal Service Reviews, SOI reviews/amendments, and annexations must take into consideration DUCs, and specifically the adequacy of public services, including sewer, water, and fire protection needs or deficiencies, to these communities. Based on State criteria, Bay Point is a DUC. Although Bay Point is a DUC, it receives critical services including police (Contra Costa County), fire (CCCFPD), water (Golden State Water) and wastewater (DD). Further, the improvements to the Bay Point Regional Shoreline will benefit the greater Bay Point community.

15. **Comments from Affected Agencies/Other Interested Parties:**

To date, LAFCO has received no comments from affected agencies or other interested parties.

16. **Regional Transportation and Regional Growth Plans:**

In its review of a proposal, LAFCO shall consider a regional transportation plan adopted pursuant to Gov. Code §65080 [Gov. Code §56668(g)]. Further, the Commission may consider the regional growth goals and policies established by a collaboration of elected officials only, formally representing their local jurisdictions in an official capacity on a regional or subregional basis (Gov. Code §56668.5). Regarding these sections, LAFCO looks at consistency of the proposal with the regional transportation and other regional plans affecting the Bay Area.

SB 375 requires California's regions to adopt plans and policies to reduce the generation of greenhouse gases (GHG), primarily from transportation. To implement SB 375, in July 2013, ABAG and the Metropolitan Transportation Commission (MTC) adopted Plan Bay Area as the "Regional Transportation Plan and Sustainable Communities Strategy" for the San Francisco Bay Area through 2040. Plan Bay Area focuses on where the region is expected to grow and how development patterns and the transportation network can work together to reduce GHG emissions. The Plan's key goals are to reduce GHG emissions by specified amounts; and to plan sufficient housing for the region's projected population over the next 25 years.

In July 2017, ABAG and MTC adopted Plan Bay Area 2040, which updates the 2013 Plan Bay Area and reaffirms the goals and targets identified in the earlier version. Plan Bay Area establishes "Priority Conservation Areas" (PCAs) and "Priority Development Areas" (PDAs), and focuses growth and development in nearly 200 PDAs. These existing neighborhoods are served by public transit and have been identified as appropriate for additional, compact development. The area proposed for annexation is not within a PCA or a PDA; the proposed annexation does not appear to conflict with the regional transportation or growth plans.

ALTERNATIVES FOR COMMISSION ACTION

After consideration of this report and any testimony or additional materials submitted, the Commission should consider taking one of the following actions:

- Option 1** Approve the annexation as proposed.
- A. Determine that the EBRPD, as Lead Agency, prepared a Mitigated Negative Declaration (2001) and an Addendum (2017) to the MND.
 - B. Certify that LAFCO has reviewed and considered the information contained in these CEQA documents as prepared by the EBRPD.
 - C. Adopt this report, approve LAFCO Resolution No. 17-06 (Attachment 2), and approve the proposal, to be known as the *Bay Point Regional Shoreline Annexation to Delta Diablo* subject to the following terms and conditions:

1. The territory being annexed shall be liable for the continuation of any authorized or existing special taxes, assessments and charges comparable to properties presently within the annexing agencies.
 2. EBRPD has delivered an executed indemnification agreement providing for the District to indemnify LAFCO against any expenses arising from any legal actions challenging the annexation.
 3. DD's wastewater service is limited to serving the restroom facility located in the annexation area.
- D. Find that the subject territory is uninhabited, the proposal has 100% landowner consent, and the conducting authority (protest) proceedings are hereby waived.

Option 2 Accept this report and DENY the proposal.

Option 3 If the Commission needs more information, CONTINUE this matter to a future meeting.

RECOMMENDED ACTION:

Option 1 – Approve the annexation as proposed.

LOU ANN TEXEIRA, EXECUTIVE OFFICER
CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

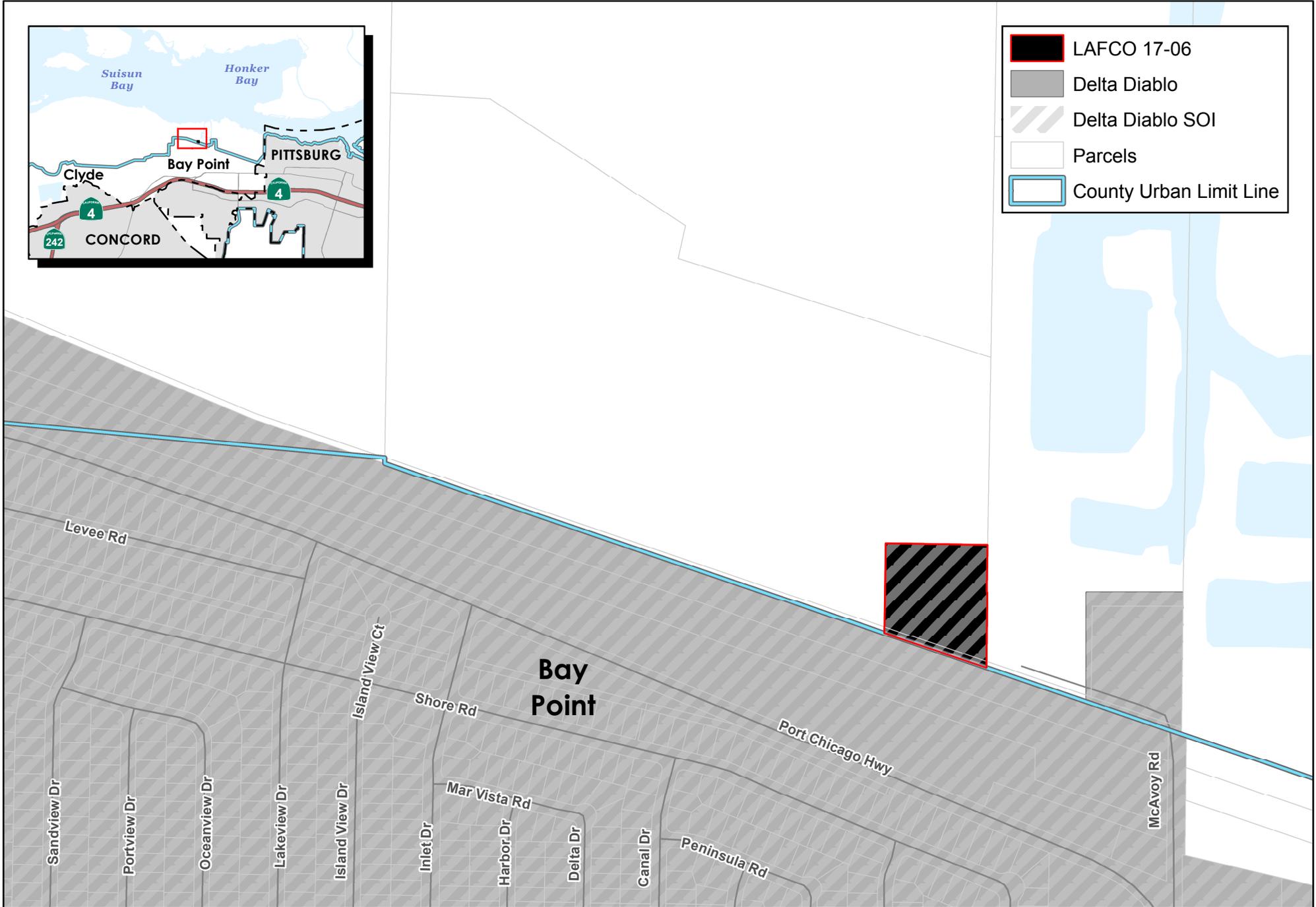
Attachments

1 – Annexation Map

2 – Draft LAFCO Resolution 17-06

c: Distribution

LAFCO No.17-06 - Bay Point Regional Shoreline Partial Parcel Annexation to Delta Diablo



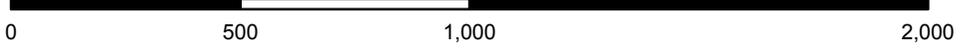
-  LAFCO 17-06
-  Delta Diablo
-  Delta Diablo SOI
-  Parcels
-  County Urban Limit Line

Map created 04/19/2018
 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 its accuracy. This map contains copyrighted information and may not be altered. It may be reproduced in its current state if the source is cited. Users of this map agree to read and accept the County of Contra Costa disclaimer of liability for geographic information.

Feet

Attachment 1 / Exhibit A





RESOLUTION NO. 17-06

RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
 MAKING DETERMINATIONS AND APPROVING
BAY POINT REGIONAL SHORELINE ANNEXATION TO DELTA DIABLO, ZONE 1

WHEREAS, the Bay Point Regional Shoreline Annexation to Delta Diablo (DD) was filed with the Executive Officer of the Contra Costa Local Agency Formation Commission pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Government Code §56000 et seq.); and

WHEREAS, at the time and in the manner required by law the Executive Officer has given notice of the Commission's consideration of the Bay Point Regional Shoreline Annexation proposal; and

WHEREAS, the Commission held a public hearing on May 9, 2018 to consider the Bay Point Regional Shoreline Annexation proposal; and

WHEREAS, the Commission heard, discussed and considered all oral and written testimony related to this proposal including, but not limited to, the Executive Officer's report and recommendation, the environmental documents and determinations, Spheres of Influence and applicable General and Specific Plans.

NOW, THEREFORE, the Contra Costa Local Agency Formation Commission DOES HEREBY RESOLVE, DETERMINE AND ORDER as follows:

1. Determine that the East Bay Regional Park District (EBRPD) as applicant and Lead Agency, prepared a Mitigated Negative Declaration (2001) and an Addendum (2017) to the MND, and that LAFCO has reviewed and considered the information contained in these CEQA documents.
2. Said annexation is hereby approved.
3. The subject proposal is assigned the distinctive short-form designation:
BAY POINT REGIONAL SHORELINE ANNEXATION TO DELTA DIABLO, ZONE 1
4. The boundaries of the affected territory are found to be definite and certain as approved and set forth in Exhibit A, attached hereto and made a part hereof.
5. Approval of the Bay Point Regional Shoreline Annexation is subject to the following:
 - a. The territory being annexed shall be liable for the continuation of any authorized or existing special taxes, assessments and charges comparable to properties presently within the annexing agencies.
 - b. EBRPD has delivered an executed indemnification agreement between EBRPD and Contra Costa LAFCO providing for EBRPD to indemnify LAFCO against any expenses arising from any legal actions challenging the Bay Point Regional Shoreline Annexation.
 - c. DD's wastewater service is limited to serving the restroom facility located in the annexation area.
6. The territory proposed for annexation is uninhabited, the proposal has 100% landowner consent, and the conducting authority (protest) proceedings are hereby waived.

Contra Costa LAFCO
Resolution No. 17-06

7. All subsequent proceedings in connection with the Bay Point Regional Shoreline Annexation shall be conducted only in compliance with the approved boundary set forth in the attachments and any terms and conditions specified in this resolution.

* * * * *

PASSED AND ADOPTED THIS 9th day of May 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.

Dated: May 9, 2018

Lou Ann Texeira, Executive Officer



Lou Ann Texeira
Executive Officer

MEMBERS

| | |
|--|---|
| Candace Andersen <i>County Member</i> | Michael R. McGill <i>Special District Member</i> |
| Donald A. Blubaugh <i>Public Member</i> | Rob Schroder <i>City Member</i> |
| Federal Glover <i>County Member</i> | Igor Skaredoff <i>Special District Member</i> |
| | Don Tatz in <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> |
| Charles R. Lewis, IV <i>Public Member</i> |

May 9, 2018 (Agenda)

May 9, 2018
Agenda Item 8

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

Reclamation District 2121

Dear Members of the Commission:

SUMMARY: In January 2018, the Commission received an update on the status of Reclamation District (RD). At that time, the Commission’s subcommittee (Commissioners Burgis, McGill and Skaredoff) provided an update on their tour of the RD 2121 property/levee and follow-up communications with the District.

The subcommittee’s report included historical information pertaining to RD 2121, along with information concerning recent activities in Sacramento to address inactive districts [i.e., Little Hoover Commission report, new legislation (SB 448), letters from the State Controller’s Office (SCO), etc.]. As requested by the Commission, the subcommittee’s report also included a summary of basic legal requirements that districts must meet to operate lawfully (e.g., prepare/file financial reports/audits, comply with State laws relating to public records, ethics training, Brown Act requirements, elections, etc.).

Following the January 2018 LAFCO meeting, LAFO sent a letter to RD 2121 reiterating the basic requirements for districts and requesting an update to the Commission by June 30, 2018 (Attachment 1).

On April 4, 2018, LAFCO received a letter from RD 2121 thanking LAFCO for explaining the State requirements and for acknowledging the challenges faced by the District (Attachment 2). District representatives explained that they operate a small family farm and the State’s requirements place a burden on their small operation. Consequently, their small family-run District can no longer remain an independent district.

DISCUSSION: For many years, RD 2121 has struggled with administrative, governance, financial and infrastructure matters, as detailed in the 2009 and 2015 LAFCO Municipal Service Reviews (MSRs) and in the 2015 Contra Costa County Grand Jury Report No. 1607. Like other reclamation districts, RD 2121 does not receive property tax; income is derived from

assessments which are self-imposed. Further, in January 2017, Contra Costa LAFCO received a letter from the SCO which identified RD 2121 as an inactive district and a candidate for dissolution.

Following the 2015 MSR, LAFCO adopted a zero sphere of influence (SOI) for RD 2121 signaling a future change of organization (e.g., dissolution).

In November 2017, the LAFCO subcommittee and staff met with Tom Bloomfield, RD 2121 Board Member and landowner. The subcommittee toured the levee and learned that RD 2121 was successful in acquiring fill material at little/no cost; also that RD 2121 had improved a portion of its levees, which, as reported by the District, now meets/exceeds FEMA standards. Both the LAFCO subcommittee and RD 2121 acknowledge that the District has little/no funding, no assets, no liabilities and no financial documents; is inactive; and does not currently function as a public agency.

LAFCO staff recently confirmed with District representatives the following:

- All assets (e.g., land, property, etc.) are wholly owned by two partnerships: *Jack Bloomfield Family Limited Partnership* and *Nancy C. Bloomfield Family Limited Partnership*.
- RD 2121 has no assets, property or funds.
- RD 2121 has no liabilities and the District is aware of no claims against RD 2121.
- Any improvements made on behalf of RD 2121 were funded by family farming income.
- No taxes were filed by RD 2121, as there was no income or expenses.

Members of the subcommittee offered aid to RD 2121 with governance matters (e.g., posting meeting agendas, etc.) and administrative matters (e.g., compliance, financial reporting, etc.). As a follow-up, Commissioner McGill met with Mr. Bloomfield in December 2017 to discuss next steps. Commissioner McGill provided a summary of his meeting with Mr. Bloomfield to the subcommittee, noting at that time that RD 2121 would prefer to remain a district so long as it didn't require a lot of paperwork.

However, based on the recent letter, it appears that RD 2121 has determined that it can no longer remain an independent special district due to onerous State requirements. The Commission should consider whether or not LAFCO should initiate dissolution of RD 2121 and provide direction to staff.

By statute the County is the entity that the law requires to be named as successor agency to the District, because the territory of the District is located entirely within the unincorporated area. In this unique situation, however, because the District does not appear to have any assets or liabilities, the designation of County as successor is likely to be in name only, without any actual responsibilities. Therefore, if the Commission chooses to adopt a resolution initiating dissolution, the resolution will appoint the County as the successor agency to wind up the affairs of District "if any." If successor responsibilities arise in the future, the County will have the authority to resolve the matters that fall within its jurisdiction as successor agency.

ALTERNATIVES FOR COMMISSION ACTION: After consideration of this report and any additional materials submitted, the Commission should consider taking one of the following actions:

Option 1 Adopt a resolution initiating dissolution and naming the County as successor agency (Attachment 3), and direct LAFCO staff to work with the parties on dissolution subject to future consideration by the Commission. This is consistent with LAFCO law as Government Code §57451(b)] provides that *“For the purpose of winding up the affairs of a dissolved district...if the territory of a dissolved district is located entirely within the unincorporated territory of a single county, the county is the successor.”*

Option 2 If the Commission needs more information, CONTINUE this matter to a future meeting.

RECOMMENDED ACTION: Option 1.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

Attachments:

- 1 – January 23, 2018 LAFCO Letter to RD 2121
- 2 – April 4, 2018 Letter from RD 2121 to LAFCO
- 3 – Draft Resolution Initiating Dissolution of RD 2121

c: Tom Bloomfield, RD 2121

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
 651 Pine Street, Sixth Floor • Martinez, CA 94553-1229
 e-mail: LouAnn.Texeira@lafco.cccounty.us
 (925) 335-1094 • (925) 335-1031 FAX



Lou Ann Texeira
 Executive Officer

MEMBERS

Candace Andersen
 County Member

Donald A. Blubaugh
 Public Member

Federal Glover
 County Member

Michael R. McGill
 Special District Member

Rob Schroder
 City Member

Igor Skaredoff
 Special District Member

Don Tatzin
 City Member

ALTERNATE MEMBERS

Diane Burgis
 County Member

Sharon Burke
 Public Member

Tom Butt
 City Member

Stanley Caldwell
 Special District Member

January 23, 2018

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

Subject: Status of Reclamation District 2121

Tom
 Dear Mr. Bloomfield,

This is a follow-up to the January 10, 2018 Contra Costa LAFCO meeting at which time the Commission received a report from the subcommittee – Commissioners Burgis, McGill and Skaredoff. The Commissioners discussed the status of Reclamation District (RD) 2121 and the basic requirements for RD 2121 remaining an independent special district under state law as summarized in the subcommittee’s report (attached).

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

During the recent tour of RD 2121’s levees, Commissioners and LAFCO staff learned that the District has made improvements to a portion of its levees. LAFCO acknowledges the progress and importance of physical improvements to the levee system.

As noted in the attached LAFCO report, there are a number of administrative duties that are required under state law in order to remain an independent district, including filing the District’s financial reports such annual audits and reports to the State Controller’s Office; and complying with various state laws including the Brown Act, Public Records Act, and Political Reform Act. Diane Burgis, Contra Costa County Supervisor (District 3) and Igor Skaredoff, Board Member, Contra Costa Resource Conservation District have offered assistance to RD 2121 with compliance measures.

The Commission has requested an update from RD 2121 the District’s compliance efforts by **June 30, 2018**. The subcommittee members and LAFCO staff are available to meet and/or discuss the update. Feel free to contact us at (925) 335-1094.

Thank you and we look forward to receiving an update.

Sincerely,

Diane Burgis, Mike McGill and Igor Skaredoff

Attachment – January 10, 2018 Subcommittee Report

April 4th, 2018

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

Subject: Status of Reclamation District 2121
LAFCO Letter dated January 23, 2018

Dear Ms Texeira,

Our family wishes to thank you and the LAFCO District Commissioners Burgis, McGill and Skaredoff for explaining the new Reclamation District guidelines and understanding the Reclamation District 2121's challenges. It is your field trip to our property that exposed the State's burden placed on our small family farm.

Based on the growing documentation and operational requirements required under the California state law, our small family-run Reclamation District can no longer remain an independent district. With reservation, we must rescind the Reclamation District 2121 designation.

Please confirm the receipt of our email via email to Mitch@BloomfieldCherries.com

Sincerely,

Tom Bloomfield

Tom Bloomfield
Managing Partner of Bloomfield Bixler
Reclamation District 2121
2030 Newton Drive
Brentwood, CA 94513
(925)550-5540

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION
COMMISSION TO INITIATE PROCEEDINGS FOR DISSOLUTION OF
RECLAMATION DISTRICT (RD) 2121 AND APPOINTING
CONTRA COSTA COUNTY AS SUCCESSOR AGENCY TO
WIND UP THE AFFAIRS OF THE RD 2121**

WHEREAS, the Commission desires to initiate a proposal pursuant to the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000 (CKH Act), commencing with section 56000 of the California Government Code, for the dissolution of the Reclamation District (RD) 2121 and appointment of Contra Costa County as successor agency to wind up the affairs of RD 2121 pursuant to Government Code §57451(b); and

WHEREAS, in accordance with Government Code §56375(a)(3), LAFCO may initiate a dissolution if it is consistent with a recommendation or conclusion of a study prepared pursuant to Government Code §56378, 56425 or 56430, and LAFCO makes the determinations specified in §56881(b); and

WHEREAS, in 2009 and 2015, Contra Costa LAFCO completed Municipal Service Reviews (MSRs) covering reclamation services, including RD 2121; and

WHEREAS, in November 2015, the Commission adopted a zero sphere of influence (SOI) for RD 2121, signaling a future change of organization (i.e., dissolution); and

WHEREAS, dissolution of the RD 2121 is consistent with the findings and recommendations of the MSRs and the Commission's prior action adopting a zero SOI for RD 2121; and

WHEREAS, this proposed dissolution is being initiated because, for many years, RD 2121 has experienced financial, operational and governance challenges. According to MSRs, the District has limited financial resources; governance, accountability and transparency challenges; lack of capital planning documents and levee inspection records; and infrastructure challenges; and

WHEREAS, RD 2121 currently has no assets or liabilities; and

WHEREAS, pursuant to Government Code §57451(b), for the purpose of winding up the affairs of a dissolved district, if the territory of a dissolved district is located entirely within the unincorporated territory of a single county, the county is the successor; and

WHEREAS, pursuant to Government Code §56886, terms and conditions relating to the proposed dissolution and appointment of Contra Costa County as the successor agency to wind up the affairs of the RD 2121 will be developed as part of LAFCO's proposal; and

WHEREAS a map of the affected territory is set forth in Exhibit A, attached hereto and by reference incorporated herein; and

WHEREAS, the LAFCO Executive Officer shall be designated as the contact person for this proposal; and

WHEREAS, the Commission determined, as lead agency for the purposes of the California Environmental Quality Act (CEQA), that the proposed dissolution is exempt under §15320 of the CEQA Guidelines, and directs staff to file a Notice of Exemption.

NOW, THEREFORE, this resolution is hereby adopted by Contra Costa LAFCO to initiate proceedings for dissolution of RD 2121 and appointment of Contra Costa County as successor agency to wind up the affairs of the RD 2121, if any, in the manner provided by the CKH Act.

PASSED AND ADOPTED this 9th day of May 2018

AYES:

NOES:

ABSTENTIONS:

ABSENT:

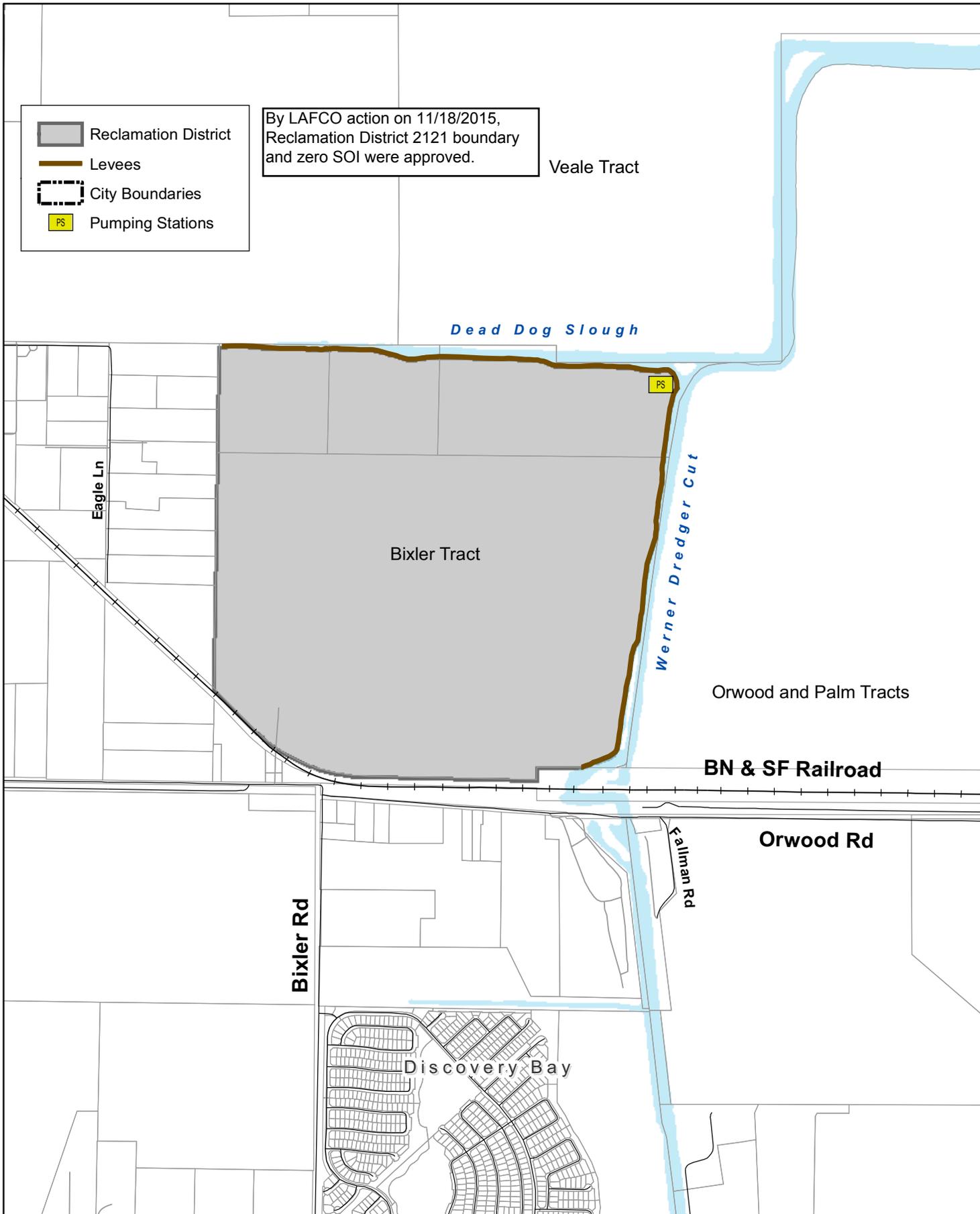
Michael R. McGill, CHAIR, CONTRA COSTA LAFCO

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

Dated: May 9, 2018

Lou Ann Texeira, Executive Officer

RD 2121 Boundary and Zero SOI





Lou Ann Texeira
 Executive Officer

MEMBERS

| | |
|--|---|
| Candace Andersen <i>County Member</i> | Michael R. McGill <i>Special District Member</i> |
| Donald A. Blubaugh <i>Public Member</i> | Rob Schroder <i>City Member</i> |
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| Stanley Caldwell <i>Special District Member</i> |
| Charles R. Lewis, IV <i>Public Member</i> |

May 9, 2018 (Agenda)

May 9, 2018
 Agenda Item 9

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

FY 2018-19 Final LAFCO Budget

Dear Members of the Commission:

SYNOPSIS: The Contra Costa Local Agency Formation Commission (LAFCO) must adopt a proposed and final budget each year. On March 14, 2018, the Commission approved the FY 2018-19 Proposed Budget & Work Plan (available at www.contracostalafco.org). The Proposed Budget was distributed to the County, cities, special districts and other interested parties. The FY 2018-19 Final Budget (attached) will be presented to the Commission on May 9th.

The Final FY 2018-19 budget includes appropriations totaling \$996,415 and reflects an overall increase of 5% as compared to the FY 2017-18 budget. The increase is primarily attributable to relocation of the LAFCO office and adding an Analyst position, and will enable Contra Costa LAFCO to focus on the following priorities as identified by the Commission:

- ❖ 2nd round Municipal Service Reviews (“city services” MSR currently underway)
- ❖ Completing LAFCO-initiated dissolutions (i.e., Rollingwood Wilart Park Recreation & Park District, and potentially Reclamation District 2121)
- ❖ Processing incoming applications
- ❖ Updating and developing policies and procedures
- ❖ Growing Contra Costa LAFCO (office relocation and staffing enhancement plan)

LAFCO’s **expenditures** consist of *Salaries & Benefits, Services & Supplies, Contingency Reserve, Other Post Employment Benefit (OPEB) Trust Fund, and Contra Costa County Employees’ Retirement Association (CCCERA) pre-fund.*

LAFCO’s **revenue** sources include funding from the County, cities and independent special districts, application fees, interest earnings, and available fund balance. The FY 2018-19 budget reflects steady application activity and associated fees.

The FY 2018-19 Final Budget is discussed below and summarized on the attached. For additional details, including goals, accomplishments and a work plan, please refer to the *FY 2018-19 Proposed LAFCO Budget* as presented in the March 14, 2018 LAFCO staff report.

EXPENDITURES: The Final Budget, as proposed, includes expenditures totaling \$996,415, which consists of *Salaries & Benefits, Services & Supplies, Contingency Reserve, OPEB Trust Fund* and the *CCCERA pre-fund*.

FY 2018-19 *Salaries & Benefits* total \$454,786, 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.

FY 2018-19 *Services & Supplies* total \$391,629 and fund a range of items including rents/leases, equipment/supplies, communications, training/conferences, insurance, memberships, and professional/specialized services (i.e., audit/fiscal, legal, planning, mapping, MSRs/special studies, website maintenance, etc.) some of which supplement LAFCO staffing. The FY 2018-19 budget maintains the existing contract service providers, and includes funding for MSR work. The 2nd round “city services” MSR is just underway. A second MSR will likely be initiated in the spring of 2019. Services & Supplies expenses are expected to remain status quo.

The FY 2018-19 budget includes an \$80,000 *Contingency Reserve*, which is comparable to prior years. The Commission’s policy provides that “*the annual budget shall include a contingency reserve (i.e., 10% of budget) as determined by the Commission.*” The Commission has discretion to set the amount of the annual contingency.

The FY 2018-19 budget also includes a \$40,000 annual contribution to the *OPEB Trust* for LAFCO’s unfunded liability, and a \$30,000 annual contribution toward LAFCO’s unfunded retirement (*CCCERA*) liability.

Growing Contra Costa LAFCO

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

Office Space - LAFCO currently leases office space at 651 Pine Street, 6th Floor in Martinez. The office space is 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 advantages including close proximity to the County GIS division, with whom LAFCO has regular interaction, and the opportunity to lease additional office space than is currently available at 651 Pine Street. We understand 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 various *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 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 any amendments to LAFCO's classification, salary and benefit plans, will be presented to the Commission in the near future.

REVENUES: LAFCO's primary source of **revenue** is funding from the County, cities and independent special districts, with each group paying one-third of the LAFCO budget. The city and district shares are prorated based on general revenues reported to the State Controller's Office. LAFCO also receives revenue through application fees and interest earnings. Application activity has increased. The FY 2018-19 budget includes an increase in revenues based on increased application activity and a multi-year historical average. In addition, LAFCO receives interest earnings through its pre-funding of retirement and OPEB trust accounts; however interest earnings are nominal and subject to market fluctuations, and are not reflected in the revenue estimates.

Finally, when available, LAFCO uses year end fund balance to help offset costs to the funding agencies. 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 \$175,000. 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). The proposed FY 2018-19 budget provides that, to the extent possible, the available fund balance be used to offset FY 2018-19 revenues.

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

RECOMMENDATIONS:

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

Respectfully submitted,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

Attachment - Final FY 2018-19 LAFCO Budget

c: Distribution

FINAL FY 2018-19 LAFCO BUDGET

Attachment

| | FY 2017-18 Approved | FY 2017-18 Year-end (Estimated) | FY 2018-19 Final | % Change |
|--|--------------------------------|--|-----------------------------|-----------------|
| Salaries and Employee Benefits | | | | |
| Permanent Salaries- 1011 | \$ 219,803 | \$ 218,321 | \$ 244,970 | |
| Deferred Comp Cty Contribution - 1015 | \$ 1,020 | \$ 1,020 | \$ 1,700 | |
| FICA- 1042 | \$ 16,925 | \$ 15,574 | \$ 18,740 | |
| Retirement expense- 1044 | \$ 83,576 | \$ 94,681 | \$ 109,514 | |
| Employee Group Insurance- 1060 | \$ 61,378 | \$ 53,477 | \$ 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 | \$ 403,182 | \$ 454,786 | 11% |
| Services and Supplies | | | | |
| Office Expense- 2100 | \$ 5,000 | \$ 2,232 | \$ 6,000 | |
| Publications -2102 | \$ 30 | \$ 21 | \$ 30 | |
| Postage -2103 | \$ 1,800 | \$ 944 | \$ 1,800 | |
| Communications - 2110 | \$ 2,130 | \$ 811 | \$ 2,524 | |
| Tele Exchange Services 2111 | \$ 1,551 | \$ 1,552 | \$ 1,599 | |
| Minor Comp Equipment - 2132 | \$ 1,000 | \$ 2,547 | \$ 1,000 | |
| Pubs & Legal Notices 2190 | \$ 3,000 | \$ 3,514 | \$ 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 | \$ 7,792 | \$ 18,622 | |
| Bldg Life Cycle Costs - 2265 | \$ 1,565 | \$ 1,565 | \$ 1,455 | |
| Bldg Maintennace - 2284 | \$ 150 | \$ - | \$ 150 | |
| Auto Mileage Emp. - 2301 | \$ 500 | \$ 408 | \$ 500 | |
| Other Travel Employees - 2303 | \$ 12,000 | \$ 11,155 | \$ 12,000 | |
| Prof & Spec Services - 2310 | \$ 277,414 | \$ 142,753 | \$ 271,075 | |
| 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 | \$ 43,810 | \$ 75,000 | |
| MSRs | \$ 140,000 | \$ 44,888 | \$ 135,000 | |
| Planning | \$ 22,000 | \$ 10,990 | \$ 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 | \$ 3,073 | \$ 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 | \$ 36,138 | \$ 37,000 | |
| Application Refund - 2479 | \$ - | \$ 515 | \$ - | |
| NOD/NOE Filings - 2490 | \$ 700 | \$ 700 | \$ 700 | |
| Total Services & Supplies | \$ 390,840 | \$ 243,083 | \$ 391,629 | 0% |
| Fixed Assets | | | | |
| Office Equipment & Furniture - 4951 | | | | |
| Total Fixed Assets | | | | |
| Total Expenditures | \$ 795,210 | \$ 646,265 | \$ 846,415 | 6% |
| Contingency Reserve | \$ 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 | \$ 716,265 | \$ 996,415 | 5% |
| TOTAL REVENUES | \$ 945,210 | \$ 795,469 | \$ 996,415 | |
| Agency contributions - 9500 & 9800 | \$ 755,210 | \$ 755,210 | \$ 796,415 | 5% |
| Application & other revenues | \$ 20,000 | \$ 40,259 | \$ 25,000 | |
| Fund Balance | \$ 170,000 | | \$ 175,000 | |

CALAFCO Daily Legislative Report as of Wednesday, May 02, 2018

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|--------------------------------|
| May 9, 2018 Agenda Item 11a |
|--------------------------------|

1

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

Current Text: Amended: 4/17/2018 [html](#) [pdf](#)

Introduced: 2/6/2018

Last Amended: 4/17/2018

Status: 4/26/2018-From committee: Do pass and re-refer to Com. on APPR. (Ayes 6. Noes 1.) (April 25). Re-referred to Com. on APPR.

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

Summary:

Would 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, no later than March 1, 2019, would require the state board to provide written notice to cure to all public agencies, private water companies, or mutual water companies that operate a public water system that has either less than 3,000 service connections or that serves less than 10,000 people, and are not in compliance with one or more state or federal primary drinking water standard maximum contaminant levels as of December 31, 2018, and for 4 consecutive quarters, as specified.

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 authority. 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 a new public agency.

LAFCo will be responsible for dissolving any state mandated public agency dissolution, and the formation of the new water authority. The SWRCB's appointed Administrator will act as the applicant on behalf of the state. LAFCo will have ability to approve with modifications the application, and the new agency will have to report to the LAFCo annually for the first 3 years.

CALAFCO continues to work with the author and sponsor on additional amendments including giving the authority to levy fines to the SWRCB (rather than the LAFCo); addressing process and timing issues/details; ensuring proper LAFCo funding language (a more generic statement rather than a not-to-exceed amount), and other issues.

[AB 2238](#) (Aguiar-Curry D) Local agency formation: regional housing need allocation: fire hazards: local health emergencies: hazardous and medical waste.

Current Text: Amended: 4/3/2018 [html](#) [pdf](#)

Introduced: 2/13/2018

Last Amended: 4/3/2018

Status: 4/19/2018-From committee: Do pass and re-refer to Com. on APPR. (Ayes 9. Noes 0.) (April 18). Re-referred to Com. on APPR.

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

Calendar:

5/2/2018 9 a.m. - State Capitol, Room 4202 ASSEMBLY APPROPRIATIONS, GONZALEZ FLETCHER, Chair

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 require the commission to consider information contained in a local hazard mitigation plan, information contained in a safety element of a general plan, and any maps that identify land as a very high fire hazard zone or maps that identify land determined to be in a state responsibility area if it is determined that such information is relevant to the area that is the subject of the proposal.

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 information contained in a local hazard mitigation plan, information contained in a safety element of a general plan, and any maps that identify land as a very high fire hazard zone pursuant to Section 51178 or maps that identify land determined to be in a state responsibility area pursuant to Section 4102 of the Public Resources Code, if it is determined that such information is relevant to the area that is the subject of the proposal.

The bill also adds two non-LAFCo-related sections pertaining to the update of a housing element.

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 agency formation commissions: grant program.

Current Text: Amended: 4/23/2018 [html](#) [pdf](#)

Introduced: 2/13/2018

Last Amended: 4/23/2018

Status: 4/24/2018-Re-referred to Com. on APPR.

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

Summary:

Current law establishes the Strategic Growth Council in state government and assigns to the council certain duties, including providing, funding, and distributing data and information to local governments and regional agencies that will assist in the development and planning of sustainable communities. This bill would require the Strategic Growth Council, until January 1, 2024, to establish and administer a local agency formation commissions grant program for the payment of costs associated with initiating and completing the dissolution of districts listed as inactive, the payment of costs associated with a study of the services provided within a county by a public agency, and for other specified purposes, including the initiation of an action, based on determinations found in the study, as approved by the commission.

Attachments:

[CALAFCO Support_March 2018](#)

[CALAFCO Support_March 2018](#)

Position: Sponsor

Subject: Other

CALAFCO Comments: 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 (SGC) who has agreed to administer the grant program. Grant funds will be used specifically for conducting special studies to identify and support opportunities to create greater efficiencies in the provision of municipal services; to potentially initiate actions based on those studies that remove or reduce local costs thus incentivizing local agencies to work with the LAFCo in developing and implementing reorganization plans; and the dissolution of inactive districts (pursuant to SB 448, Wieckowski, 2017). The grant program would sunset on December 31, 2023.

The bill also changes the protest threshold for LAFCo initiated actions, solely for the purposes of actions funded pursuant to this new section. It allows LAFCo to order the dissolution of a district

(outside of the ones identified by the SCO) pursuant to a majority protest (mirroring existing language in Government Code Section 57077.1.c). For all other changes of organization or reorganization pursuant to this section, the threshold would be 25% rather than 10%, in accordance with Government Code Section 57075.

A separate budget ask of \$2 million over 5 years is being done as a companion to this bill.

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

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

Introduced: 2/15/2018

Status: 4/23/2018-Read third time. Passed. Ordered to the Senate. In Senate. Read first time. To Com. on RLS. for assignment.

| 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.

Attachments:

[CALAFCO Support_March 2018](#)

Position: Support

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.

AB 3254 (Committee on Local Government) Local government organization: omnibus.

Current Text: Introduced: 3/14/2018 [html](#) [pdf](#)

Introduced: 3/14/2018

Status: 3/22/2018-Referred to Com. on L. GOV.

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

Calendar:

5/9/2018 1:30 p.m. - State Capitol, Room 447 ASSEMBLY LOCAL GOVERNMENT, AGUIAR-CURRY, Chair

Summary:

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (the Act) provides the authority and procedure for the initiation, conduct, and completion of changes of organization, reorganization, and sphere of influence changes for cities and districts, as specified. Current law defines various terms for purposes of that Act, including the terms "affected territory" and "inhabited territory." This bill would revise those definitions to include territory that is to receive extended services from a local agency, and additionally define the term "uninhabited territory" for purposes of the Act.

Attachments:

[CALAFCO Support](#)

Position: Sponsor

CALAFCO Comments: This is the annual Assembly Local Government Committee Omnibus bill, sponsored by CALAFCO. Amendments are pending to add several items.

SB 1215 (Hertzberg D) Provision of sewer service: disadvantaged communities.

Current Text: Amended: 4/30/2018 [html](#) [pdf](#)

Introduced: 2/15/2018

Last Amended: 4/30/2018

Status: 4/30/2018-Read second time and amended. Re-referred to Com. on APPR. (Corrected April 30).

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

Summary:

This bill would authorize the State Water Resources Control Board to order the provision of sewer service by a special district, city, or county to a disadvantaged community, as defined, under specified circumstances. By authorizing the state board to require a special district, city, or county to provide sewer service, this bill would impose a state-mandated local program.

Position: Watch With Concerns

Subject: Disadvantaged Communities, Water

CALAFCO Comments: As amended, this bill authorizes 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.

The current version includes a number of amendments that address previous CALAFCO concerns, however several still remain. Some of those remaining concerns have been addresses by suggested amendments from the Senate Governance & Finance Committee, which should be in print any time now. Even with those, the main outstanding issue of annexing territory to which services were extended into a city has not been addressed. (However, the bill now calls for a mandatory annexation into a district should the services be extended by them.)

SB 1496 (Committee on Governance and Finance) Validations.

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

Introduced: 3/1/2018

Status: 4/23/2018-Referred to Com. on L. GOV.

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

Calendar:

5/9/2018 1:30 p.m. - State Capitol, Room 447 ASSEMBLY LOCAL GOVERNMENT, AGUIAR-CURRY, Chair

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.

Attachments:

[CALAFCO Support March 2018](#)

Position: Support

SB 1497 (Committee on Governance and Finance) Validations.

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

Introduced: 3/1/2018

Status: 4/23/2018-Referred to Com. on L. GOV.

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

Calendar:

5/9/2018 1:30 p.m. - State Capitol, Room 447 ASSEMBLY LOCAL GOVERNMENT, AGUIAR-CURRY, Chair

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.

Attachments:

[CALAFCO Support March 2018](#)

Position: Support
Subject: LAFCo Administration

SB 1499 (Committee on Governance and Finance) Validations.

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

Introduced: 3/1/2018

Status: 4/23/2018-Referred to Com. on L. GOV.

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

Calendar:

5/9/2018 1:30 p.m. - State Capitol, Room 447 ASSEMBLY LOCAL GOVERNMENT, AGUIAR-CURRY, Chair

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.

Attachments:

[CALAFCO Support March 2018](#)

Position: Support
Subject: LAFCo Administration

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

Current Text: Amended: 4/16/2018 [html](#) [pdf](#)

Introduced: 2/13/2018

Last Amended: 4/16/2018

Status: 4/17/2018-Re-referred to Com. on APPR.

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

Calendar:

5/2/2018 9 a.m. - State Capitol, Room 4202 ASSEMBLY APPROPRIATIONS, GONZALEZ FLETCHER, Chair

Summary:

for the 2018–19 fiscal year, would require the vehicle license fee adjustment amount to be the sum of the vehicle license fee adjustment amount in the 2017–18 fiscal year, the product of that sum and the percentage change in gross taxable assessed valuation within the jurisdiction of that entity between the 2017–18 fiscal year to the 2018–19 fiscal year, and the product of the amount of specified motor vehicle license fee revenues that the Controller allocated to the applicable city in July 2010 and 1.17.

Position: Support
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: Amended: 4/2/2018 [html](#) [pdf](#)

Introduced: 2/14/2018

Last Amended: 4/2/2018

Status: 4/25/2018-In committee: Set, first hearing. Referred to APPR. suspense file.

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

Summary:

Would establish a separate vehicle license fee adjustment amount for a city incorporating after January 1, 2012, including an additional separate vehicle license fee adjustment amount for the

first fiscal year of incorporation and for the next 4 fiscal years thereafter. This bill contains other related provisions and other existing laws.

Attachments:

[CALAFCO Support March 2018](#)

Position: Support

Subject: Tax Allocation

CALAFCO Comments: Sponsored by the League, this bill will reinstate ERAF funding for cities incorporating after 2017.

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

Current Text: Amended: 4/17/2018 [html](#) [pdf](#)

Introduced: 2/14/2018

Last Amended: 4/17/2018

Status: 4/25/2018-From committee: Do pass and re-refer to Com. on APPR. (Ayes 7. Noes 0.) (April 24). Re-referred to Com. on APPR.

| Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
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| 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 "disadvantaged community" for these purposes to also include a disadvantaged community that is served by a state small water system or domestic well.

Position: Watch

Subject: Disadvantaged Communities, Water

[AB 3023](#) (Medina D) California Environmental Quality Act.

Current Text: Amended: 3/19/2018 [html](#) [pdf](#)

Introduced: 2/16/2018

Last Amended: 3/19/2018

Status: 4/27/2018-Failed Deadline pursuant to Rule 61(b)(5). (Last location was NAT. RES. on 3/19/2018)

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

Summary:

Would require lead agencies to post the notices required by CEQA and any environmental review document for a project on their Internet Web sites, if any, or to submit those notices and environmental review documents to the State Clearinghouse for inclusion in the database as specified. Because this bill would impose additional duties on lead agencies, this bill would impose a state-mandated local program.

Position: Watch

Subject: CEQA

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

Current Text: Amended: 4/4/2018 [html](#) [pdf](#)

Introduced: 1/18/2018

Last Amended: 4/4/2018

Status: 4/26/2018-Read third time. Passed. Ordered to the Senate. In Senate. Read first time. To Com. on RLS. for assignment.

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

Position: Watch

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

Current Text: Amended: 4/30/2018 [html](#) [pdf](#)

Introduced: 2/5/2018

Last Amended: 4/30/2018

Status: 5/1/2018-Re-referred to Com. on APPR.

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

Summary:

The Local Health Care District Law provides for local health care districts that govern certain health care facilities. The bill would require a district that is authorized and elects to use the design-build process, as specified, for the construction of housing to require that at least 20% of the residential units constructed be subject to a recorded affordability restriction for at least 55 years and be affordable to lower income households, very low income households, extremely low income households, and persons and families of low or moderate income, as defined, unless the city, county, or city and county in which the district is predominantly located has adopted a local ordinance that requires a greater percentage of the units be affordable to those groups. This bill contains other related laws and provisions.

Position: Watch

CALAFCO Comments: This bill places a number of statutory requirements on healthcare districts (HCDs). One provision that directly affects LAFCo is the HCDs will be required to notify their respective LAFCo when they file for bankruptcy.

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 |
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| 1st House | | | | 2nd House | | | | | | | |

Calendar:

5/9/2018 1:30 p.m. - State Capitol, Room 447 ASSEMBLY LOCAL GOVERNMENT, AGUIAR-CURRY, Chair

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 2262 (Wood D) Coast Life Support District Act: urgent medical care services.

Current Text: Amended: 4/16/2018 [html](#) [pdf](#)

Introduced: 2/13/2018

Last Amended: 4/16/2018

Status: 4/23/2018-Read third time. Passed. Ordered to the Senate. In Senate. Read first time. To Com. on RLS. for assignment.

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

Current law, the Coast Life Support District Act, establishes the Coast Life Support District and specifies the powers of the district. The district is authorized, among other things, to supply the inhabitants of the district emergency medical services, as specified. This bill would additionally authorize the district to provide urgent medical care services.

Attachments:

- [CALAFCO Oppose Unless Amended](#)
- [CALAFCO Support as amended](#)

Position: Support

Subject: LAFCo Administration, Special District Powers

CALAFCO Comments: This is a single district bill in which the district is seeking to add the power of providing urgent care (actually to codify powers they have been performing for a number of years). As amended, the bill cleans up the outdated reference to the Act and adds a provision requiring the district to seek LAFCo approval to activate the new power. As a result of these amendments, CALAFCO has removed our opposition and now supports the bill.

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

Current Text: Amended: 4/3/2018 [html](#) [pdf](#)

Introduced: 2/13/2018

Last Amended: 4/3/2018

Status: 4/25/2018-In committee: Set, first hearing. Referred to APPR. suspense file.

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

Summary:

Would permit a city that owns and operates a public utility for furnishing water service to sell the public utility for the purpose of consolidating its public water system with another public water system pursuant to the specified procedures, 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: 4/19/2018-Referred to Com. on L. GOV.

| Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
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| 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: 4/19/2018-Referred to Coms. on L. GOV. and E. & R.

| Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
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| 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 |
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| 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: 4/30/2018-Referred to Com. on L. GOV.

| Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. | Enrolled | Vetoed | Chaptered |
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| 1st House | 2nd House | Conc. |
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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 1498 (Committee on Governance and Finance) Local Government Omnibus Act of 2018.

Current Text: Amended: 4/18/2018 [html](#) [pdf](#)

Introduced: 3/1/2018

Last Amended: 4/18/2018

Status: 4/27/2018-Set for hearing May 7.

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

Calendar:

5/7/2018 10:30 a.m. - John L. Burton Hearing Room (4203) SENATE APPROPRIATIONS, LARA, Chair

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

5/2/2018 10:17:23 AM

**CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
PENDING PROPOSALS – MAY 9, 2018**

May 9, 2018
Agenda Item 11b

| 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. 17-13 - Dissolution of Los Medanos Community Healthcare District | Nov 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 |
| LAFCO 18-05 – Chang Property SOI Amendments – proposed SOI expansions to CCCSD and EBMUD of 66.92± acres located northwest of the intersection of Bollinger Canyon Road and Crow Canyon Road in unincorporated San Ramon | March 2018 | Under review |
| LAFCO 18-06 - Chang Property Reorganization – proposed annexations to City of San Ramon, CCCSD and EBMUD of 66.92± acres located northwest of the intersection of Bollinger Canyon Road and Crow Canyon Road in unincorporated San Ramon | March 2018 | Under review |

Divided Council waives Dunivan annexation fees

[Donna Beth Weilenman](#) | April 22, 2018 | [0 Comments](#)

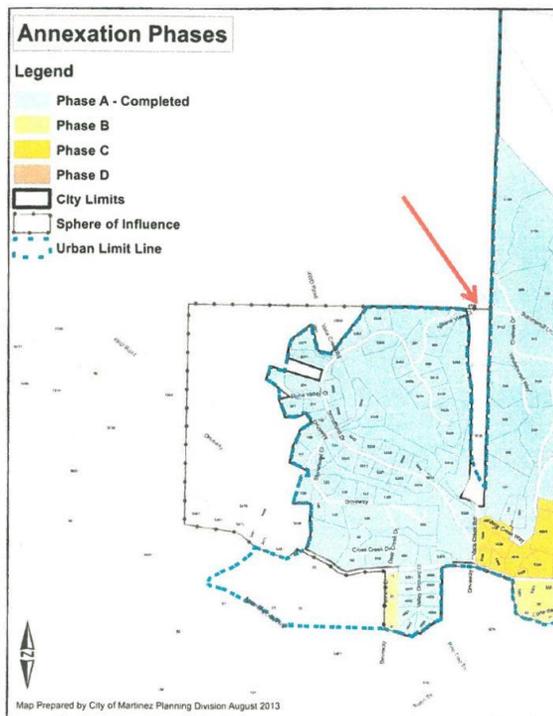
MARTINEZ, Calif. – A divided Martinez City Council voted 3-2 to spend up to \$5,000 in reserves to cover the costs of an annexation request by the Dunivan Family Trust.

Proponents were Mayor Rob Schroder and Councilmembers Mark Ross and Noralea Gipner, who saw the approach as cleaning up a complication in a past annexation that left a long, narrow 10-acre strip of unincorporated land nearly surrounded by the city boundary.

Vice Mayor Lara DeLaney and Councilmember Debbie McKillop opposed the resolution, with DeLaney concerned that it continued setting a costly precedent the city can't afford – one that started in September, when the Council agreed to waive application fees.

The Council chose to wait to determine whether future annexation applications should be eligible for fee waivers and what conditions those applications must meet to get that financial break.

DUNIVAN ANNEXATION & URBAN LIMIT LINE



Martinez city staff requested the Council clarify its intent when it voted Sept. 6, 2017, with DeLaney opposing and McKillop absent, to waive annexation fees for the Dunivan Family Trust application. It also directed staff to waive fees for properties that were continuous to the city limit, that had a public water system in place and that had existing development on the lands to be annexed.

Since then, Martinez has received several applications for annexation, some of which meet those three requirements, and staff posed several questions to the Council for clarification:

Did the Council want those waivers only for Alhambra Valley properties, or would Mountain View or other lands in the city's "sphere of influence" be eligible? Would this include Urban Limit Line adjustments that don't trigger public votes? Is the waiver limited to just the application fee, or does it cover cost of application materials and fees due to the Contra Costa County Local

Agency Formation Commission (LAFCO)? Should waiver requests be decided by the Council or by staff?

Answers to those questions will come later, at a future meeting; Wednesday night, the panel focused on the Dunivan Family Trust application.

The city, which provides water to the land, had requested annexation of that acreage along with other parcels in the Alhambra Valley annexation.

When Martinez extends water service to property outside the city limits, it can require landowners in exchange to give up their right to object to annexation.

Because the city initiated the action, application fees were waived for all parcels in the Alhambra Valley annexation. As Ross explained, property owners who didn't ask to be annexed wouldn't want to be saddled with application fees for something they didn't request.

However, at the time of the Alhambra Valley annexation, county rules on Urban Limit Line (ULL) changes would have forced Martinez to give up Contra Costa County transportation revenues if the Dunivan property were included in the annexation, Schroder told the Council. "This completes what was started in 2010."

"We spend a lot of money cajoling people (to annex into the city)," Ross said. "This is a unique situation."

He said the Council at the time "did not want to [go] against the county. It was foisted upon us."

Gipner noted the city paid fees for those who were allowed to join the city. "We should pay."

"The reason the property was not in the original annexation was it was bifurcated by the Urban Limit Line," Schroder said. The city, which had requested the annexation, then had to ask the family trust to withdraw the land from the process, subject to future consideration should county rules changed.

The ULL is not established by the city, said Veronica Nebb, the city's legal counsel, and Martinez had to ask the trust to remove the land from consideration so the half-cent sales tax transportation funds Martinez receives wouldn't be jeopardized.

Since September, representatives of the Dunivan Family Trust have asked not only that the city fees be waived, but that Martinez pick up the costs of preparing a land map and the land's legal description.

The trust has agreed to pay the \$8,500 LAFCO application fees. City staff requested the Council clarify whether the city should pay for the other documents.

"I'm not surprised we're in this quandary," DeLaney said. "I didn't support it at the time, and I will not support this. Pointing out that city staff already has spent.... We have fees for a reason."

She said if the Council proceeded, it would be \$15,000 in revenue lost. If three more areas get the same treatment, that's \$45,000 lost at a time the city is in a financial crisis, she said.

"I'm not against annexation," DeLaney said, saying she welcomed those who want their land inside the city limits.

However, she criticized the staff report, saying it didn't provide background on the impact of the ULL rules on the 2010 action.

She also disagreed with Ross, who said there was no policy to guide the Council's decision in this case.

The city does have a policy, she contended – its fees and fee schedules. "There should have been no waiver," she said.

Two speakers suggested the waiver was based not on the 2010 situation but because the Dunivan family contributes to incumbents' campaigns, particularly those of the mayor.

Ross said he hasn't received any campaign donations from the family since 2002.

Another speaker, John Stevens, said if any other name were associated with the matter, it wouldn't be politicized. However, he cautioned the city about annexing properties with the thought that property taxes would cover costs of services.

"Can we give them the services they expect?" he asked.

He also worried that the city was not being consistent in its fee waivers.

Susan Gustofson told the Council she was disappointed that voters had turned down the chance to annex part of the Pacheco community, which would have given Martinez land on which to establish industries that would improve the city's tax base.

McKillop worried that existing criteria could lead to piecemeal annexation of individual parcels, and said she preferred larger, contiguous areas be acquired instead.

"I have mixed feelings," she said. She's heard from people who have bought property thinking it was in the city limits. "There are people who want to be part of Martinez. I'd like to find a way to incentivize people to be part of Martinez."

East Bay Times

Sacramento made us do it: Cities blame lawmakers for unpopular housing decisions

‘If the neighbors complain, you can blame those bastards in Sacramento’

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

PUBLISHED: April 16, 2018 at 11:41 am | UPDATED: **April 23, 2018** at 3:09 pm

Carefully, like a doctor explaining treatment options to a sick patient, a consultant for a tiny Peninsula city laid out a stark choice: Allow 2,000 homes to be built on a barren 684 acres or risk tangling with state lawmakers who have threatened to jam through a development twice as large.

“We talked to the council about everything between doing a full-throated fight with Sacramento to doing a very quick and dirty compromise, which is done in Sacramento all the time,” attorney Tom McMorrow told the small group of residents at a recent Brisbane City Council meeting, assuring them that a full environmental clean-up of the contaminated Baylands site was part of the deal.

In the Capitol, he said, “Issues don’t just go away because you’ve defeated them once. The way you get them to go away is responsible compromise.”

A huge redevelopment proposal, the Brisbane Baylands, would develop the 684-acre property in northern San Mateo County west of Highway 101.

Brisbane — which to outsiders has become emblematic of development gridlock and NIMBYism — is one of many cities grappling with Sacramento’s forceful response to California’s housing crisis. As renters, would-be buyers and employers reel from runaway prices, powerful lawmakers are aiming to boost the supply of homes, one reluctant city at a time.

This week, cities [managed to fend off](#) the most contentious of housing bills, Senate Bill 827, which would have overridden single-family zoning near transit hubs throughout the state, allowing for more apartments. But at least 200 other proposals have been introduced this year alone, according to the League of California Cities — many of them directed squarely at local governments. In the weeks and months ahead, lawmakers will debate legislation to force cities to OK development on [BART station parking lots](#); to more aggressively [plan for needed low-income housing](#); to stop collecting local fees for new granny units; to ease parking requirements; and to speed approvals of long-term [apartments for the homeless](#).

At least one city, anticipating a local backlash, has already mounted a public relations effort to clarify who is responsible for changing the rules.

Lafayette, an upscale East Bay suburb that also has been a flashpoint for housing development, will be expanding its social media presence and holding meetings to explain how the legislation could affect the city, said Steven Falk, a longtime city manager.

“As projects come down the line that may be denser and encroach upon single-family neighborhoods in a way that people aren’t comfortable with,” Falk said, “I know my public officials want to have the residents know very clearly that it is the doing of the state and not the city.”

But some lawmakers and pro-development activists argue that the weakening of local control actually could be a political gift to local elected officials.

“If the neighbors complain, you can blame those bastards in Sacramento and say, ‘my hands are tied,’ ” said Brian Hanlon, a lobbyist for the pro-housing development coalition California YIMBY, which sponsored SB 827, at a recent briefing in the Capitol.

State Sen. Jerry Hill, a San Mateo Democrat who helped broker a deal with Brisbane officials to allow housing on the Baylands site — pending voter approval — has heard similar sentiments.

“It has, I’ve been told, relieved local elected officials from the pressure of local constituencies by placing the blame on Sacramento for things they feel are necessary but would have a difficult time doing on their own,” he said in an interview. “That, I have heard from some council members in my district.”

Developers already have used one new law, Senate Bill 35, to fast-track stalled developments of affordable and market-rate housing in [Berkeley](#), San Francisco and at [the dead Vallco mall](#) in Cupertino.

Still, some worry that in the rush to build more homes, the state is giving too much authority to developers and concocting policies out of step with local needs and concerns — in the case of Brisbane, pushing development on a former landfill and rail yard without a full understanding of the health risks. One woman speaking at the Brisbane council meeting, who had come from a town hall meeting with Hill, said the erosion of local control will not go over well in California.

“If you think there are people who are happy with the loss of local rule, you should have been at (Hill’s) offices today,” she said, “because there is a large number of people who will come out against losing local rule.”

New research from Boston University professors suggests that this cherished form of direct democracy can actually perpetuate inequality. The researchers analyzed public comments at council and planning commission meetings in 97 Massachusetts cities and towns. By matching the speakers to the state’s voter file, they found that the participants were more likely to be older, male, and homeowners — and that the speakers came out overwhelmingly against new housing development, even when public opinion statewide favored the construction of needed homes.

“When we consider these projects on an individual basis,” Boston University Assistant Professor Katherine Levine Einstein said, “we’re going to motivate opponents to show up much more than proponents because opponents are the ones who stand to lose something.”

Oakland resident Pamela Drake, who is active in Democratic politics, said she wants to see more housing density and less sprawl in California — changes she doubts can be made, city by city, because of overwhelming opposition to change. She is watching some of the bills closely and helped organize a forum on SB 827. But she also is worried the state is approaching the problem backwards, moving to add development without properly investing in affordable housing subsidies or public transportation.

“Until we have a governor who says we have to put money into this,” she said, “it’s a whole bunch of bandages on a gaping wound.”

Cupertino Mayor Darcy Paul, roundly criticized for his recent assertion that the housing and jobs imbalance in his city — home to a new Apple campus — [was “not dire.”](#) said he doubts laws to spur new housing will solve the affordability problem.

“If we’re truly looking at a shortage of housing and housing that’s much too expensive,” he said in an interview, “we can’t suddenly say we’re going to create a whole bunch of housing that’s not expensive, because that’s not how the market works.”

Some leaders, such as Richmond Mayor Tom Butt, say their cities don’t fit into the NIMBY narrative. In Richmond, where rents are lower than other Bay Area cities but the cost of construction is just as high, he said, housing development is a tough sell.

“Clearly in some places NIMBYism has been an impediment to getting housing built,” he said. “In my city, it’s different. We’re actually looking for people to come to Richmond to build. Come to Richmond, we’re open for business.”

Sacramento housing bills

Five key proposals to get cities to boost housing supply:

More apartments: Senate Bill 827, from Sen. Scott Wiener, D-San Francisco, would have required cities to allow apartment buildings that are four to five stories high within a half mile from all rail stations as well as bus stops with high-frequency service. The bill died in its first committee hearing on Tuesday after getting backing from just four of the 13 lawmakers.

More teeth: Senate Bill 828, Wiener: Would overhaul a major California law — little-known to the general public — that guides planning for housing needs, adding new requirements and penalties for falling short. (Wondering about this Reena person that planning types are always talking about? They’re probably complaining about RHNA, the Regional Housing Needs Allocation.)

Homeless housing: Assembly Bill 2162, from Assemblyman David Chiu, D-San Francisco, would fast-track approvals of housing that is entirely below-market rate with at least 35 percent of the units set aside for the homeless.

BART living: Assembly Bill 2923, from Chiu, gives Bay Area cities two years to update their zoning to allow for housing on BART property (mostly, parking lots) or risk ceding control over projects to the transit agency.

Granny units: Senate Bill 831, Sen. Bob Wieckowski, D-Fremont, would make it illegal to charge any connection or impact fees to homeowners adding a granny unit — or to require off-street parking when a garage is converted into living space.

Water Deeply

Long Road Still Ahead for California's Delta Tunnels Plan

Despite getting a financial boost earlier this month, California's project to build two new water tunnels still faces big regulatory and legal challenges.

Written by [Tara Lohan](#) Published on σ April 24, 2018 Read time Approx. 4 minutes



The Sacramento-San Joaquin River Delta between Jersey and Bradford islands. *Kelly M. Grow / California Department of Water Resources*

A decision by California's largest water supplier on April 10 ended months of uncertainty over its role in the funding of [California Water Fix](#), the state's plan to build new water conveyance infrastructure in the Sacramento-San Joaquin Delta.

The board of the Metropolitan Water District of Southern California [voted to chip in \\$10.8 billion](#) to help Water Fix's nearly \$17 billion price tag for two tunnels that would transport water under the Delta.

Metropolitan's decision puts the project on a much firmer financial footing, but Lisa Lien-Mager, deputy secretary for communications at the California Natural Resources Agency, said there are a few water agencies that still need to take specific funding commitments to their boards and more details on the project funding will be available in May.

Financing is not the only issue that needs to be addressed. There is still a long list of regulatory and legal hurdles the project needs to clear.

A lengthy hearings process is already under way with the State Water Resources Control Board (SWRCB), which will decide whether to approve a [water right change petition](#) filed by

California's Department of Water Resources (DWR) and the U.S. Bureau of Reclamation. The tunnels would require three new points of diversion on the Sacramento River and the hearings, which began in 2016, have been split into several parts.

The first part of the hearings explored whether there were potential impacts on other legal users of water, such as downstream municipalities. And the second part of the hearings, which began in February, is examining the potential impacts on fish and wildlife, as well as how much water needs to flow through the Delta. Those hearings are expected to conclude later this year.

The possibility of a third part to the hearings was discussed earlier this year when the state floated the idea of pursuing a phased construction approach – building one tunnel first and another later – but that's looking less likely at the moment. Water board staff also said it's possible that they will have a limited reopening of part one of the hearings if information presented in the second part warrants revisiting previously discussed issues.

The water board has no specific timeline for making its decision and there will be only one ruling for all of the issues addressed in the hearings. "The board's staff would develop a draft decision acting upon the petition, and then we would bring that draft decision to the board for consideration, so it really depends upon how long that process takes," said Diane Riddle, assistant deputy director in the SWRCB's division of water rights. "It depends upon the complexity of the issues we have to address and what comes out of the hearing process."

Considering the lengthy hearing record already, she said, it could be as short as six or nine months, or as long as several years. "It really depends upon the process and the feedback we get from the board as we draft the order, what decisions they want to make and how much additional time that takes," she added.

There's also one other role the state water board plays in the process: it needs to approve the application for a [water quality certification](#) indicating that the project complies with requirements in the federal Clean Water Act.

Then there are the lawsuits filed over Water Fix – nearly 20 have been filed in state court and two in federal court. Most of the cases have been coordinated before one judge in the Sacramento County Superior Court. The initial case management conference was held on March 23 and the next will be on May 24.

[Robert Wright](#), an attorney representing several environmental organizations involved in the litigation against the tunnels project, said that judging by previous lawsuits of a similar nature it could be two or three years before decisions are reached on these legal challenges. And it's "likely parties would seek a preliminary injunction if they tried to go ahead with the project while litigation was still pending," he added.

Wright said that Water Fix "violates the California Environmental Quality Act for a number of reasons, but the biggest and most important is the long-term failure to consider what we call a 'reasonable range of alternatives,'" he said. Those alternatives include recycling and

conservation and increasing flows of freshwater through the Delta by decreasing water exports. “It’s as wasteful economically as it would be destructive environmentally,” he said.

Other legal challenges center on the federal Endangered Species Act and the use of bonds to pay for construction of the project.

The DWR does not comment on pending litigation, but Lien-Mager said officials “look forward to continued discussions with our local water agency partners – including those on the federal side – to finalize details and begin construction on this project.”

But if or when that happens is still a long way off.

East Bay Times

Pittsburg: Grand Jury says Los Medanos Healthcare District should dissolve



Greg Stidham/Times archive

The former Los Medanos Community Hospital building, which closed in 1994, is shown here in 1997 before it reopened as the Pittsburg Health Clinic.

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

PUBLISHED: April 26, 2018 at 10:20 am | UPDATED: **April 26, 2018** at 2:50 pm

PITTSBURG — A Contra Costa Grand Jury has recommended that the Los Medanos Community Healthcare District be dissolved, considering it no longer runs a community hospital, spends more money administering grants than on the grants themselves and does not track the effectiveness of its programs.

The report, which was issued on April 19, details what it sees as the fiscal mismanagement, duplication of services, and a lack of transparency.

The district's 2017-2018 budget anticipates bringing in \$1 million in property taxes and spending half of that — \$510,000 — on administrative overhead and \$412,000 on the grants themselves. In the past six budgets, four have allocated more money for administering grants than on the grants themselves.

Similar local government entities spend around 10 to 20 percent of their budgets on administration.

The Los Medanos Community Healthcare District did not return calls requesting comment.

Additionally, the report indicated there was no evidence that the district collaborated with the county or any other entities in administering the grants. LMCHD gave out similar grants to the same groups as the county, through the Keller Canyon Mitigation Fund, though the two did not collaborate.

In terms of measuring impact, the grand jury found that LMCHD didn't measure the outcomes of its grants in any transparent way, nor did it use a community health needs assessment to determine where grants should go.

After exit interviews with grand jury members, a Community Health Profile appeared on the district's website. The profile was prepared by Dr. Vern Cromartie, a district board member and chair of the sociology department at Contra Costa College.

"When we did the investigation that report was not available," said Mario Gutierrez, grand jury foreman. "It's good they are proactive."

The district came under fire in recent years following the arrest of a director, Emmanuel Ogunleye, of felony assault with a deadly weapon in 2014. A jury narrowly failed to convict Ogunleye in 2015 in an 11-1 vote. Throughout it all, Ogunleye continued to serve on the board and was promoted to president, until he was convicted in a retrial in 2017 and was [sentenced](#) to six years in state prison.

The scathing report wouldn't be the first grand jury report critical of the healthcare district's operational inefficiencies. It was [the fourth](#).

A [2009-2010 grand jury](#) report, titled "'Lost' Medanos Community Health Care District: Awash in a Sea of Inefficiency," identified numerous grants that were dubious in nature, including \$5,000 for a children's reading corner at the Pittsburg Health Clinic with no books. The district said that the kids had taken the books home.

The grand jury recommended that the Local Agency Formation Commission dissolve the district, set the county up as the successor, maintain current funding levels and use the savings on administrative costs to expand these programs.

"Our recommendation is to expand the healthcare programs that are in that area," Gutierrez said. "They don't have an emergency center. I'm not saying the savings would cover that expense, but it could help."

The district was initially formed in 1948 to operate the Los Medanos Community Hospital. The hospital went bankrupt and shuttered in 1994 and the district has lived on, leasing the former building to the Pittsburg Health Center.

The story is as old as healthcare districts. It took four grand jury reports to finally close the Mount Diablo Healthcare District in Concord in 2012. The [Mt. Diablo Medical Center](#), which was the reason that district was formed, closed in 1996 and the district was criticized for spending more of its money on administration than healthcare.

Water Deeply

California Delta a Flash Point for Conflict as Climate Change Unfolds

Sea level rise and changing streamflows are converging with uncertain results in the Sacramento-San Joaquin Delta. Ronald Melcer, a senior environmental scientist at the Delta Stewardship Council, explains what the future may hold.

Written by [Matt Weiser](#) Published on σ April 27, 2018 Read time Approx. 5 minutes



The California Aqueduct is the state's largest and longest water transport system, fed by the Sacramento-San Joaquin Delta. Climate change is expected to make water delivery and flood management more challenging in the estuary, the largest on the West Coast of the Americas. *Citizens of the Planet/Education Images/ UIG via Getty Images*

California's Sacramento-San Joaquin Delta is vital to water supplies for 25 million people and 4 million acres of farmland. It is linked to the Pacific Ocean via San Francisco Bay, which makes this water supply uniquely vulnerable to sea level rise.

Yet understanding sea level rise in the Delta is complicated. The largest estuary on the West Coast of the Americas, it consists of some 70 islands and more than 1,000 miles of levees. It is also fed by California's two largest rivers, which drain the Sierra Nevada range.

All of this complicates how sea level rise “propagates” through the Delta. It also increases the urgency of the need to understand how changing weather patterns caused by climate change will affect streamflow through the estuary.

To help with these questions, the Delta Stewardship Council, a state government agency, recently published a comprehensive new white paper on the issue: “[Climate Change and the Delta: A Synthesis](#).” To summarize the paper, Water Deeply interviewed Ronald Melcer, a senior environmental scientist at the council.

Water Deeply: What is the purpose of this report? Is it a first?



Ron Melcer is a senior environmental scientist at the Delta Stewardship Council, which has released a new white paper examining climate change impacts on the Sacramento-San Joaquin Delta. (Photo Courtesy Delta Stewardship Council)

Ronald Melcer: We’ve set out to do a series of synthesis papers that try and really distill the new science since 2013 related to various topics. We see climate change as a major one.

I don’t believe there’s been a synthesis of climate change specific to the Delta, though. So in that sense, this is new. It’s a more definitive look at climate change in the Delta than we’ve had before. We were really trying to set the stage for how we think about restoration in the Delta, and at the same time be as comprehensive as possible.

Water Deeply: What is your sea level rise projection in this report?

Melcer: There is nearly a 70 percent chance that by 2100 we’re going to see 2.4ft of sea level rise at the Golden Gate Bridge. That’s with a low-emissions scenario, which is based on the Paris climate agreement. So if we were to do some significant work, it would take really relying on the best available technology, doing carbon sequestration and coupling that with a zero-emissions way of living. The way we operate on the planet would fundamentally change. It’s pretty optimistic to think that we’ll get there. But that’s what the Paris agreement calls for.

The high emissions scenario is more akin to the trajectory that we’re on at this point. That’s sort of a business as usual scenario. So if we don’t do anything, that’s where we’re headed. That shows 3.4ft of sea level rise by 2100.

Water Deeply: Will the Delta see the same magnitude of sea level rise as the Golden Gate?

Melcer: Depending on where you are, it will be less than these maximum numbers. But there are some interesting interactions that happen as land elevation changes and the forces of streamflow come in to meet with the tidal waters. That actually drives the water surface elevation up a little bit in localized areas.

Currently we're working on engaging some technical expertise to do a climate vulnerability assessment within the Delta. This is a key question we would be looking to answer: What do water surface elevations look like within the Delta? We'll be identifying assets and vulnerabilities.

Water Deeply: How will water flows change through the estuary?

Melcer: There is not universal agreement on the total amount of precipitation we would expect. But the big takeaways are that we expect to see higher streamflow due to rainfall in the winter across all the models. That ties back to atmospheric temperature, ocean temperature, warmer storms coming onboard. And on average, the peak of runoff would shift by one month earlier in the season.

Water Deeply: What sort of management issues does this raise?

Melcer: The system is really predicated on a large snowpack that slowly feeds the reservoirs and river systems. So if we see shifts in runoff, that system starts to require changes in how we operate reservoirs. And that then has downstream impacts on our ability to provide for water supply and water quality management. There's this cascading effect across all the functions that we rely on our reservoir systems for.

Water Deeply: What are the potential downstream effects?

Melcer: The Department of Water Resources has done some interesting modeling that shows the effects of just an increase in the frequency and magnitude of flood flows. There's also an expectation that the occurrence of atmospheric rivers will increase. So on average, we expect flood volumes to increase 60–80 percent on the San Joaquin River, and 10–20 percent on the Sacramento River. That has to do with elevations of the mountain ranges in those different basins.

These are significant increases in the amount of water that's flowing across the landscape during a flood event. Whereas, historically we would see some of that contributing to snowpack and then being released slowly through the melting process later in the year.

For some San Joaquin basin streams, we expect to see more than a 50 percent increase in 100-year flood events. That's a massive increase in risk. We have an opportunity to start to figure out what that means, what our flood management infrastructure should look like, with some of the modeling work that's come out. We should be thinking about what we need on the landscape to pass that magnitude of water.

Water Deeply: How will salinity change in the estuary?

Melcer: There are a couple of implications. An increase in water surface elevation increases the amount of salt water that makes its way into the Delta. We really focus on the implications for habitat, for fish species. That mixing point between freshwater and salt water is really important for the aquatic ecosystem.

If we are to continue to manage water quality in the Delta with reservoirs, it really is going to require increased reservoir releases to counter that influx of salinity. Some studies have shown that, with 1ft of sea level rise, it would require almost 500,000 acre-feet of additional Delta outflow, generally in the form of reservoir releases, to meet salinity requirements as they stand at this point.

Water Deeply: That sounds like a lot of additional pressure on the state's water system.

Melcer: It starts to paint a picture where we're having difficulty meeting all of those objectives. The implications of increasing streamflow in winter and less runoff later in the year leave us with reservoirs that are not full, and then we're unable to really use managed flows to deal with things like salinity intrusion in the Delta.

We release flow at certain times of year to protect fish and their spawning activities. Supporting these fish becomes really difficult in these future scenarios where that flexibility continues to be reduced by dynamics of precipitation, sea level rise and salinity intrusion.

East Bay Times

Showdown looms as counter-initiative for Antioch development proposed



Mount Diablo can be seen in the distance along the closed portion of Empire Mine Road which runs through the Sand Creek Focus Area. (Susan Tripp Pollard/Bay Area News Group)

By [Aaron Davis](#) | aarondavis@bayareanewsgroup.com | Bay Area News Group
PUBLISHED: April 30, 2018 at 4:32 pm | UPDATED: **May 1, 2018** at 4:09 am

ANTIOCH — Dueling interest groups will ask for your signature on similar initiatives for the November ballot to preserve either all or a portion of the Sand Creek Focus Area.

The Sand Creek Focus Area is an approximately 2,783-acre area sitting between the city of Brentwood on the east and the Black Diamond Mines Regional Preserve on the west.

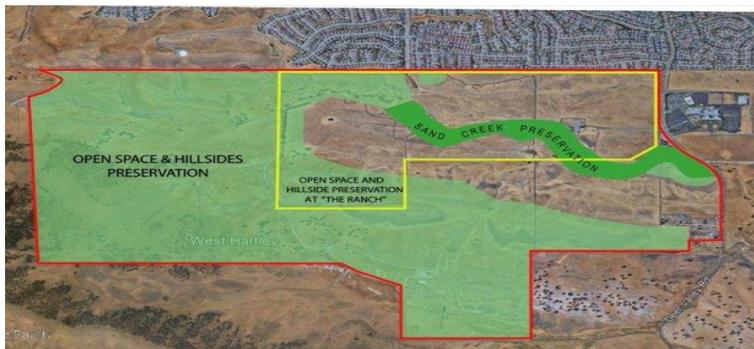
The area east of Deer Valley Road already has two approved developments, so both initiatives are focusing on the area between Deer Valley Road and Black Diamond Mines.

Most residents know of the efforts from a [coalition of citizens](#) and conservation groups, known as the Antioch Community to Save Sand Creek. The initiative, which is called “[Let Antioch Voters Decide](#),” aims to designate 1,800 acres of land that lies west of Deer Valley Road as rural residential, agriculture and open space.

The initiative would also make it so that any big developments or changes to the city limit line be approved by voters first. The backers include residents, Save Mount Diablo, the Greenbelt Alliance, the Sierra Club and the California Native Plant Society.

Recently, the campaign has advertised for temporary, paid signature gatherers, offering \$3 per signature collected.

On Friday, residents and backers of a different initiative submitted their plans to the city. The “West Sand Creek Open Space Protection” initiative aims to zone 1,244 acres west of Deer Valley Road as rural residential, agriculture and open space. The remaining land in the western portion of the Sand Creek Focus Area — approximately 608 acres — would be open for [“The Ranch,”](#) which the developer has agreed to drop from 1,307 new homes down to 1,177.



Area affected by the initiative is outlined in red. Green areas would be zoned for rural residential, agricultural and open space purposes. The Ranch project area is outlined in yellow and would be single family homes, executive estate housing, senior housing and commercial uses. (Photo courtesy of Gene Endicott of Endicott Communications)

The proposal was brought about by resident Terry Ramus, a director on the board of the Chamber of Commerce and member of the chamber’s Government Affairs committee. Co-signers on the proposal are former city councilor Manny Soliz Jr. and Matthew Malyemezian.

The proposal also has big backers: Richland Communities, the planner and developer behind The Ranch project.

“We are listening to the citizens of Antioch and substantially revising our project so that it includes fewer homes and protects the hills, ridgelines, and valuable open space and environmentally sensitive areas around Sand Creek,” wrote Matt Bray, CEO of Richland Communities, in a news release. “We see ourselves as a community partner and want to do the right thing.”

The West Sand Creek Protection initiative aims to allow only development on the lower lying portion of Sand Creek, maintaining The Ranch development rights but rezoning the proposed Zeka development to the west.

The current General Plan allows for [up to 4,000 homes](#) to be built throughout the Sand Creek Focus Area.

The developer of The Ranch agreed to charge a \$1,000 fee on each new home to generate \$1 million for Deer Valley High School sports and performing arts facilities and ban development on hills, ridges and along Sand Creek in the western portion of the Sand Creek Focus Area.

The plan intends to preserve “at least 98 percent” of the trees in The Ranch and establish an open-space corridor approximately 430-feet wide along Sand Creek.

The plan will also require developers to donate a site near Deer Valley Road and Sand Creek Road for a future fire station, widen and improve Deer Valley Road and provide a “Village Center” across from Kaiser Permanente Antioch Medical Center.

Seth Adams, a land conservation director with Save Mount Diablo, sees the conservation-minded tilt in The Ranch project as a win for their movement.

“Our initiative is resonating with people and obviously already having an effect, so they are making some changes to their project,” Adams said.

Adams said that their organization had anticipated a counter-initiative, suggesting that the goal may be to muddle the issue or confuse voters before they head to the polls.

A common element to both plans is giving Antioch voters the right to determine whether Antioch’s Urban Limit Line can be extended. Voters reserved the right to decide when the line would be extended in a vote in 2005, but this right sunsets in 2020.

Both initiatives need a little more than 5,100 signatures from Antioch voters to be placed on the November ballot.

Learn more about the “Let Antioch Voters Decide” initiative at letantiochvotersdecide.org

Read the West Sand Creek Open Space Protection initiative at docdro.id/qiq4T9i

East Bay Times

Discord rules in contentious Lafayette development election



This is an artist's rendition of the community park area of the 44-unit Deer Hill housing development plan that's part of Lafayette's Measure L. Voters will decide the fate of the plan on June 5. (Courtesy of Yes on L)

By [Jon Kawamoto](#) | jkawamoto@bayareanewsgroup.com | Bay Area News Group
PUBLISHED: May 1, 2018 at 2:59 pm | UPDATED: **May 2, 2018** at 5:01 am

LAFAYETTE — Voters will decide on June 5 whether to allow 44 houses to be built on 22 acres, and while opponents have been vocal, they say they would prefer a scaled-down project.

The campaign surrounding Measure L has been contentious, with accusations of misinformation over air pollution, a sports field, a playground and traffic concerns; scare tactics; and threats of litigation pending the outcome.

The Lafayette City Council's decision to hold a referendum on Deer Hill is itself rooted in controversy. In February, the council agreed to an election after a state appellate court ruled that city leaders had erred when they refused to allow the public to vote on proposed zoning changes on the site. Voters have to decide whether to accept or reject a 2015 ordinance that changed the zoning on the Deer Hill parcel to single-family residential.

What further complicates the election — and is looming as a potential option should Measure L fail — is the original plan for the site, a 315-unit apartment complex called the Terraces. The Terraces proposal, which first came before the city in 2011, was put on hold after the city negotiated the current 44-house plan, with amenities that would include a sports field and playground.

Other features of the Deer Hill plan include 11 acres of public parklands and trails; a 2.9-acre dog park; a 78-vehicle parking lot near Acalanes High School; and more than \$500,000 in bicycle and pedestrian improvements such as a roundabout and walkways. The houses would range from 2,000- to 3,000-square feet and be priced at market rate.

Michael Griffiths, president of the preservationist group Save Lafayette, is opposed to the plan, saying the houses, sports field and playground will put people at risk because of unhealthy pollution levels and will add to traffic congestion.

“You can have a modified project,” Griffiths said. “Put the sports field somewhere else. That also gets rid of 60 percent of the traffic. Reduce the number of homes, maybe move them back from the polluted area a bit. Those kinds of things are a possibility.”

In 2015, Lafayette conducted an environmental impact report on the Terraces plan and concluded there would be no significant risk of air pollution with mitigation measures such as watering the construction site daily and installing air filters in the apartment residential ventilation systems.

In addition, a report was released last week by PlaceWorks of Berkeley, which was commissioned by the developer, O’Brien Land Company. The report confirmed no significant health risk and “no mitigation measures are required” based on air pollution standards by the state Office of Environmental Health Hazard Assessment and the Bay Area Air Quality Management District.

Save Lafayette says the Bay Area Air Quality Management District has identified Deer Hill as an area “with elevated levels of air pollution,” and cites an April 2 letter by environmental author James Leach of Sustainable Lafayette to the City Council. “My objection to constructing a sports field and play area at the Deer Hill project is that the level of air pollution close to Highway 24, Pleasant Hill Road and Deer Hill Road, is unhealthy for such activities,” Leach wrote. “These conditions are especially hazardous for children.”

“I’ve been on the City Council for 14 years and been through the whole process of the Terraces conversion to the Deer Hill project that we have today,” Lafayette Councilman Mike Anderson said. “Watching this whole process has given me a clear sense that this is a better alternative for that particular site.”

Anderson added: “There is a great deal of misinformation that’s being generated by those who are opposed to Measure L. It is not the assigned fact, and it’s basically being used to scare people. ... We have folks who are simply making up things.”

The two sides disagree about what could happen if Measure L is defeated. Supporters say the private property’s developer could pursue the Terraces apartment plan. Opponents said the Terraces would be subject to another referendum vote, which supporters dispute.

Both sides are optimistic of their support. Yes on L’s spokeswoman Angela Ramirez Holmes cited a growing list of endorsers. These include: current and former mayors and current City Council members; Lafayette Chamber of Commerce members; Lafayette school board trustees;

Lafayette Parks, Trails and Recreation Commission members; Sustainable Lafayette members; and several sports groups such as the Lafayette Little League and Lamorinda Rugby.

Griffiths is counting on the support in Lafayette that led to the defeat of Measure C, a city sales tax in 2016, as well as the city's new, restrictive policy on conflict of interest. "With the conflict of interest (policy) a step in the right direction, if we can put this in the right direction, we can make a positive policy for the city and the voters," Griffiths said. "Once the word gets out, we'll win."

Should Measure L win, Griffiths said, "litigation is a possible option, since the project appears to be inconsistent with numerous important land use policies."

"There will always be some percentage of people who don't want anything to happen," said former Lafayette Mayor Brandt Andersson, a Measure L endorser. "I tell people that everybody who moved to Lafayette thought it was absolutely perfect the day they moved in — and any change to that is a direct assault on their future lives."

If you're interested

Yes on L: www.yesonl2018.org

Save Lafayette: <http://savelafayette.org>



Published May 2nd, 2018

MOFD board splits over proposed Moraga stormwater fee measure

By Nick Marnell

Despite pleas from Moraga stormwater fee measure proponents, the Moraga-Orinda Fire District declined to return a ballot on the stormwater fee proposed for its two town parcels, the board unable to justify using Orinda tax dollars to fund a Moraga capital expenditure.

Moraga Town Manager Cynthia Battenberg and Council Member Kymberleigh Korpus provided the board background for the proposed fee: The Moraga storm drain system is aging and requires \$29 million in repairs which the town is unable to squeeze out of its \$8.6 million operating budget; the fee would bring in \$800,000 a year, with no sunset, and would cover capital improvements, maintenance and operation of the system; and only Moraga property owners would be charged. Dick Olsen, speaking as a representative of the Moraga Save Our Storm Drains Committee, told the board that the fee was insurance against future sinkholes, and would have a positive impact on district emergency response times.

No one disputed that the work needed done, but the board divided mainly on the philosophical issue of fair taxation.

Orinda Director Craig Jorgens said that Orinda fixed its storm drain infrastructure by issuing a bond, which owners of taxable city property pay for. (MOFD, which owns three fire stations in Orinda, is exempt from paying property tax.) "We shouldn't be paying taxes to one entity that we don't to a different one for exactly the same purpose," said Jorgens, who bristled at the use of the word fee. "It's semantics," he said.

"The city has known about this a long time, but has failed to develop adequate reserves," said Moraga Director John Jex of the town's prior actions.

"Yes, the town should have saved money for this, but they didn't," said Moraga Director Kathleen Famulener. "We need to do something." Director Steve Anderson, who resides in Orinda but whose division comprises portions of both municipalities, called the proposed \$2,540 annual fee on the two Moraga district parcels cheap insurance, which would allow MOFD to better fulfill its mission of saving lives and property. But it came down to what the board termed a taxation issue. "They didn't want people who don't live there to affect the outcome - they only wanted property owners to do it," Jorgens said of the town's strategy of having only Moraga property owners vote on the proposed fee. "In reality, you're asking people who live in Orinda to vote for something for Moraga."

That was the crux of the stance by President Brad Barber, who agreed that it is in the interest of MOFD that roads and infrastructure remain in excellent condition. "But I feel awkward voting to increase taxes in a jurisdiction that I do not reside in," said Barber, an Orinda resident.

Barber chose to abstain from every possible vote on the stormwater ballot: yes, no or abstain. The resultant perpetual deadlock of Jorgens and Jex voting no, and Anderson and Famulener voting yes, left the district no alternative.

"In the absence of direction from the board, we will not turn in a ballot," said Fire Chief Dave Winnacker at the conclusion of the April 18 meeting.

"It is unfortunate that there was a split vote at the MOFD meeting on the town's proposed stormwater fee measure," said Battenberg, who added that the town will provide the district further information on how the storm drain infrastructure supports emergency response. She said she understood the challenge for the multijurisdictional district to consider a fee that would apply to only Moraga.

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Democratic Party of Contra Costa County honors Local 1230 president

By Nick Marnell



Vince Wells, center, surrounded by firefighters as he receives the Robert Reich Award. Photo provided

Vince Wells, president of Local 1230 of the firefighters union, received the inaugural Robert Reich Award from the Democratic Party of Contra Costa County at the 2018 Franklin D. and Eleanor Roosevelt President's Award Dinner April 21 in Concord.

The Robert Reich Award, named after the former U.S. Secretary of Labor during the Clinton administration, recognizes an individual "who is a tireless advocate for union labor and strengthens the partnership with the Democratic Party," according to party chair Maria Alegria.

"I am honored to receive this award and to represent the members of a well respected profession," Wells said. "I have been the union president for the last 10 years and it has allowed me to build relationships throughout the county and state. These relationships have helped me help our members as we fight for adequate staffing as well as pay and benefits."

Wells, a Contra Costa County Fire Protection District captain, has had to walk a fine leadership line throughout his representation of firefighters from both Lamorinda fire agencies. During the economic downturn after the Great Recession, Wells struggled with seven ConFire station closures and the precarious financial situation of the Moraga-Orinda Fire District. By agreeing to defer wage increases for the rank and file, Wells attempted to not only maintain a high level of service to the community but also help the agencies stay afloat.

The party also recognized Wells' support of political campaigns, ballot measures and other legislative initiatives that impact working families across the state of California.

Reich, Professor of Public Policy at UC Berkeley, congratulated Wells on receiving the eponymous award. "May we all be inspired by his work and leadership and continue striving to fulfill the vision of our nation - as one that allows for the achievement of the American Dream - no matter your background or history," Reich wrote in a letter to the party.

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