



## **NOTICE AND AGENDA FOR REGULAR MEETING**

DATE/TIME: Wednesday, September 12, 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.**

## **September 12, 2018 CONTRA COSTA LAFCO AGENDA**

1. Call to Order and Pledge of Allegiance
2. Roll Call
3. Adoption of Agenda
4. Public Comment Period (please observe a three-minute time limit):  
Members of the public are invited to address the Commission regarding any item that is not scheduled for discussion as part of this Agenda. No action will be taken by the Commission at this meeting as a result of items presented at this time.
5. Approval of Minutes for the August 8, 2018 regular LAFCO meeting

### **CHANGES OF ORGANIZATION/REORGANIZATIONS**

6. ***LAFCO 18-06 – Chang Property Reorganization – Annexations to City of San Ramon, Central Contra Costa Sanitary District (CCCSD) and East Bay Municipal Utility District (EBMUD) and Corresponding Detachment from County Service Area (CSA) P-6*** – on August 8, 2018, the Commission approved the Chang Property Reorganization which includes annexation of 63.5± acres (APNs 208-240-039/038/009) to the City of San Ramon, CCCSD and EBMUD and corresponding detachment from CSA P-6. The area is located at the intersection of Bollinger Canyon Road and Crow Canyon Road. The proposal has less than 100% landowner consent and is subject to a protest hearing. On September 12<sup>th</sup>, the Commission will receive the results of the September 10<sup>th</sup> protest hearing.
7. ***LAFCO 18-08 – Dissolution of Rollingwood Wilart Park Recreation & Park District (RWPRPD)*** – on August 8, 2018, the Commission approved dissolution of the RWPRPD located in unincorporated San Pablo. The proposal was initiated by LAFCO and the Commission’s approval is subject to a protest hearing. On September 12<sup>th</sup>, the Commission will receive the results of the September 11<sup>th</sup> protest hearing.
8. ***LAFCO 17-13 - Dissolution of Los Medanos Community Healthcare District (LMCHD)*** – consider approving a proposal submitted by Contra Costa County to dissolve the LMCHD and associated actions including a potential sphere of influence update; and consider related actions under the California Environmental Quality Act. The District comprises 90.5± square miles and serves a population of over 97,000 primarily in the Bay Point/Pittsburg area. ***Public Hearing***

### **BUSINESS ITEMS**

9. ***Legislative Report – Update and Position Letters*** – receive a legislative update

### **CORRESPONDENCE**

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

### **INFORMATIONAL ITEMS**

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

### **ADJOURNMENT**

*Next regular LAFCO meeting – October 10, 2018 at 1:30 pm*

LAFCO STAFF REPORTS AVAILABLE AT [http://www.contracostalafco.org/meeting\\_archive.htm](http://www.contracostalafco.org/meeting_archive.htm)

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
MINUTES OF MEETING

August 8, 2018

September 12, 2018  
Agenda Item 5

Board of Supervisors Chambers  
Martinez, CA

1. Chair Mike McGill called the meeting to order at 1:30 p.m. and the Pledge of Allegiance was recited.
2. Roll was called. A quorum was present of the following Commissioners:

County Member Alternate Diane Burgis.

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

City Members Don Tatzin and Alternate Tom Butt.

Public Members Don Blubaugh and Alternate Charles Lewis.

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

3. Approval of the Agenda

Upon motion of Tatzin, second by Burgis, Commissioners approved the agenda by a vote of 6-0.

AYES: Blubaugh, Burgis (A), Butt (A), McGill, Skaredoff, Tatzin

NOES: none

ABSENT: Andersen (M), Glover (M), Schroder (M)

ABSTAIN: none

4. Public Comments

There were no public comments.

5. Approval of July 11, 2018 Meeting Minutes

Upon motion of Blubaugh, second by Burgis, the July 11, 2018 meeting minutes were approved by a vote of 6-0.

AYES: Blubaugh, Burgis (A), Butt (A), McGill, Skaredoff, Tatzin

NOES: none

ABSENT: Andersen (M), Glover (M), Schroder (M)

ABSTAIN: none

6. LAFCO 18-10 - City of Concord Out of Agency Service (Laurel Place II, Bailey Road/Myrtle Drive)

The Executive Officer presented this proposal by the City of Concord to provide municipal wastewater service to a 3.8-acre parcel located at the southwest corner of Bailey Road and Myrtle Drive in the unincorporated Ayers Ranch area, outside the City boundary but within the City's SOI and contiguous to the City boundary. The landowner is constructing 7 single family homes through the County. The City provides wastewater service in the area and indicates that it has adequate capacity to serve the property. Following completion of the project, the landowner will comply with LAFCO's condition that an annexation application be submitted in accordance with Contra Costa LAFCO policy.

Following brief discussion regarding the City of Concord's history with the Ayers Ranch area, and upon motion of Blubaugh, second by Tatzin, Commissioners, by a 6-0 vote, certified that it reviewed and considered the information contained in the CEQA documents; and authorized the City of Concord to extend municipal wastewater service outside its jurisdictional boundary to the 3.8± acre parcel at the southwest corner of Bailey Road and Myrtle Drive in the unincorporated Ayers Ranch area, subject to specified terms and conditions.

AYES: Blubaugh, Burgis (A), Butt (A), McGill, Skaredoff, Tatzin

NOES: none

ABSENT: Andersen (M), Glover (M), Schroder (M)

ABSTAIN: none

**DRAFT**

7. LAFCO 18-06 – Chang Property Reorganization – Annexations to City of San Ramon, Central Contra Costa Sanitary District (CCCSD) and East Bay Municipal Utility District (EBMUD), and Detachment from County Service Area (CSA) P-6

The Executive Officer provided background on this proposal to annex 67± acres to the City of San Ramon, CCCSD and EBMUD and detach the same area from CSA P-6. The proposed boundary changes will facilitate development of 43 single-family large lot homes, 18 accessory dwelling units, a tot lot and related facilities. The property is located at the intersection of Bollinger Canyon Rd and Crow Canyon Rd in unincorporated San Ramon, and includes a 61± acre portion of the 195± acre Chang parcel, plus the Mast parcel (0.44± acre) and Panetta parcel (2.5± acres).

The project site and surrounding areas are active grazing land. In order to mitigate for the loss of agricultural land, the landowner has agreed to preserve approximately 134± acres as permanent open space.

Staff addressed two areas not included in this application or the SOI amendments which was approved at the July meeting. A 4.4± acre portion of Crow Canyon Rd, which is a landscaped median and not in either CCCSD's or EBMUD's SOI or boundary, and a sliver of land south of Crow Canyon Rd and east of Pradera Way, which is in EBMUD's SOI/boundary but not in CCCSD's SOI/boundary, concerned the Commissioners, who requested that staff investigate these areas and report back on whether they should be included in this proposal. Neither of these areas will need sewer service; the Crow Canyon Rd area is already served by an EBMUD water meter and the smaller area is already in EBMUD's boundary. Staff noted that the Commission can approve the proposal as submitted, or condition its approval on a subsequent proposal to annex the 4.4± acre median strip.

Finally, staff noted that one of the three property owners opposes the boundary reorganization. On July 30, LAFCO received a letter from Mr. Panetta expressing his opposition to the annexation. Should the Commission approve the proposal, a protest hearing will be required.

Commissioners discussed the options regarding the two areas excluded from the proposal under consideration, and while they agreed that these areas need to be annexed, Commissioner Tatzin suggested it would make more sense to have staff ask the City of San Ramon to include them in a future annexation application, rather than trying to add them to this action. Additionally, Commissioner Tatzin noted that, in reviewing the application in light of LAFCO's Ag & Open Space Preservation Policy, the application is found compliant, and further, the amount of acreage being set aside for open space in this application is greater than anything being done elsewhere in the State.

Commissioners further discussed the open space designation, and it was noted that over 130± acres of the Chang parcel, which are outside the City's Urban Growth Boundary (UGB), will remain open space with a conservation easement, as noted in both the City's conditions of approval for the project and LAFCO's resolution.

Chair McGill opened the public hearing.

**David Bowlby**, representing Ms. Chang, the applicant, noted that the project also dedicates over 40± acres of land for open space within UGB, which will include a public trail system. He noted that currently the land outside the UGB is being grazed, and there will also be a Geological Hazards Abatement District (GHAD) that will manage the open space within the UGB.

**Brian Winter**, with Miller Starr Regalia, suggested that there could be a condition mandating fire protection maintenance, although he also said that San Ramon Valley Fire Protection District would in fact require fire hazard mitigation.

**Cindy Yee**, speaking for the City of San Ramon, confirmed that the City can take responsibility for the open space, both within and outside the UGB, and can also work with the County if necessary. She reiterated that the City's conditions of approval specify that an easement will be put in place.

Discussion ensued among Commissioners, the Chang property representative and city representatives regarding fire hazard prevention/protection as well as habitat and wildlife preservation. Related to this is

the question of who will have responsibility for these protection measures in perpetuity, and if it is possible to make that part of the LAFCO conditions.

Following the discussion, Commissioners agreed to approve the resolution with condition 5.d. amended as below; request that staff bring back further details on the easement in light of fire hazard mitigation and wildlife and habitat protection; and require that a draft grant deed of easement be brought to the Commissioners for approval before it is recorded and LAFCO Resolution 18-06 be subsequently recorded.

Amended condition 5.d. (changes in **bold**):

*The recordation of LAFCO's Certificate of Completion is conditioned on the owner(s) of the Chang property providing **the Commission** with a certified copy of a recorded grant of open space easement from the Chang property owner(s) to the City of San Ramon **and/or another public agency or land trust** that prohibits urban development and permanently preserves the existing open space and agricultural uses on 134± acres (Parcel G on the project's Vesting Tentative Map 9458) that is outside of the urban growth boundary and designated for open space and agricultural uses, **and makes provision for fire prevention and habitat preservation**. This easement shall remain in effect in perpetuity, and shall be consistent with the conditions of approval imposed on the Chang property by the project's Vesting Tentative Map 9485 by the City of San Ramon.*

Upon motion of Blubaugh, second by Tatzin, Commissioners unanimously, by a 6-0 vote, certified that it reviewed and considered the information contained in the CEQA documents; approved the proposal known as Chang Property Reorganization: Annexations to City of San Ramon, CCCSD and EBMUD, and Detachment from CSA P-6 with specified conditions including amendments to condition 5.d.; 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: Blubaugh, Burgis (A), Butt (A), McGill, Skaredoff, Tatzin  
NOES: none  
ABSENT: Andersen (M), Glover (M), Schroder (M)  
ABSTAIN: none

8. LAFCO 18-08 - Dissolution of Rollingwood Wilart Park Recreation & Park District (RWPRPD)

The Executive Officer provided a brief background on this LAFCO initiated proposal to dissolve the RWPRPD, which was formed in 1956 to operate and maintain the Rollingwood Recreation Center. Following several LAFCO studies and a Grand Jury report, it became clear that the District was struggling with fiscal, administrative and governance issues. In 2016, the District closed its doors. The District is currently inactive and the recreation center is no longer serving the purpose for which it was established. LAFCO's 2017 special study of the District identified a number of governance options, the two most feasible being annexation of the Rollingwood community to the City of San Pablo and dissolution of the District and naming the County as successor.

In November 2017, the City of San Pablo, after considering a feasibility study of its own, notified LAFCO that they were not interested in annexing the area, but are interested in acquiring the recreation center. Subsequently, LAFCO and County staff discussed the option of dissolving the District and naming the County as successor, and the County was amenable. In January 2018, the Commission adopted a resolution initiating dissolution of the District.

Chair McGill opened the public hearing.

Lori Berry, a resident of Rollingwood, asked if this action will increase her family's taxes, and added that they never knew the recreation center could be rented. She was assured that her taxes will not increase as a result of the dissolution.

Staff further explained that the County, as successor to the building, could rent it to individuals, or to the City of San Pablo, or it could sell the building.

Lorraine Humes, with the Rollingwood Lutheran Church, noted that the recreation center has become the site of dumping and it is not being cleaned up. Is LAFCO in charge of this?

Staff responded that currently the District is in charge of maintaining the property, but assured Ms. Humes that the County will have more of a presence in the area immediately.

Chair McGill closed the public hearing.

Upon motion of Tatzin, second by Burgis, the Commissioners, by a 6-0 vote, approved the proposal known as Dissolution of Rollingwood Wilart Park Recreation & Park District; designated Contra Costa County as successor agency to RWPRPD; determined that the project is exempt pursuant to CEQA Guidelines Section 15320; found that the subject territory is inhabited and the proposal is subject to a protest hearing; and authorized LAFCO staff to conduct the protest proceedings.

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

9. Dissolution of Reclamation District (RD) 2121

The Executive Officer presented a summary of the LAFCO initiated proposal to dissolve RD 2121 (Bixler Tract) located in unincorporated East Contra Costa County, north of Discovery Bay and outside the ULL. Comprising 584± acres, with a population of 10± residents, agriculture is the predominant land use. The District was formed in 1984 to improve and maintain a levee system within the District. As a family-run operation that provides maintenance services to non-project levees and internal drainage and irrigation facilities, the District receives no property tax and relies solely on self-imposed assessments.

Several LAFCO studies identified issues with RD 2121's struggles with administrative, governance, financial and infrastructure matters. In January 2017, LAFCO received a letter from the State Controller's Office indicating that RD 2121 is an inactive district and should be dissolved. Also in 2017, SB 448 was enacted which provides an expedited process for dissolving inactive districts that meet specific criteria. RD 2121 meets these criteria.

A LAFCO subcommittee attempted to work with RD 2121 on a plan to become active, but after learning of the statutory requirements for remaining an independent special district, RD 2121 notified LAFCO earlier this year that the requirements place a burden on their small operation, and they can no longer remain an independent district.

Members of the subcommittee (Commissioners Burgis, McGill, and Skaredoff) agreed that, while they made every effort to help the District meet the requirements, it was ultimately the District's choice and they support that.

Chair McGill opened and closed the public hearing, there being no public in attendance.

Upon motion of Skaredoff, second by Butt, Commissioners, by a 6-0 vote, approved the proposal known as Dissolution of Reclamation District 2121; determined that the project is exempt pursuant to CEQA Guidelines Section 15320; found that the subject territory is uninhabited, meets the criteria of an inactive district pursuant to GC §56042 and waived the protest proceedings pursuant to GC §56879.

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

10. "City Services" MSR/SOI Update

The Executive Officer updated Commissioners on progress that has been made on the current 2<sup>nd</sup> round "City Services" MSR, covering all 19 cities and four of the six CSDs. Both Ms. Teixeira and the consultant have been in close contact with the city managers and district managers numerous times since the kick-off

meeting on May 10<sup>th</sup>. As of August 8<sup>th</sup>, LAFCO has received full or partial responses from 17 of the 19 cities. Staff also summarized concerns raised by the Hercules City Manager and staff's response.

Commissioner Tatzin commended staff on the progress made.

11. Correspondence from CCCERA

There were no comments on this item.

12. Commissioner Comments and Announcements

Commissioner McGill reported that he attended a meeting of the CALAFCO Board on July 20, the CALAFCO Ad Hoc Finance Committee on August 3, and there will be another CALAFCO Ad Hoc Finance Committee meeting on August 13, and a special CALAFCO Board meeting on August 17.

Commissioner Butt read an email regarding a large parcel of land given to the City of Richmond that the city is now responsible to maintain.

13. Staff Announcements

The Executive Officer reported that Governor Brown has signed SB 522, Senator Steve Glazer's bill to change West Contra Costa Healthcare District's board from an elected to appointed one. They are still working on AB 2258 (Caballero), which provides grant funding for LAFCOs to dissolve inactive districts; it's set for an August 13 hearing. Also, SB 1215 (Hertzberg) continues to progress. And the three CALAFCO supported validation bills (SB 1496, 1497, and 1499) were signed by the Governor. The next Legislative Committee conference call meeting is scheduled for August 17.

The meeting adjourned at 3:23 p.m.

Final Minutes Approved by the Commission September 12, 2018.

AYES:

NOES:

ABSTAIN:

ABSENT:

By \_\_\_\_\_  
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  
*County Member*  
 Tom Butt  
*City Member*  
 Stanley Caldwell  
*Special District Member*  
 Charles R. Lewis, IV  
*Public Member*

September 12, 2018  
 Agenda Item 6

September 12, 2018 (Agenda)

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

**Results of Protest Hearing - Chang Property Reorganization - Annexations to the City of San Ramon, Central Contra Costa Sanitary District and East Bay Municipal Utility District and Corresponding Detachment from County Service Area P-6**

Dear Commissioners:

This report provides the results of the protest hearing held on September 10, 2018, along with additional information relating to habitat conservation and fire prevention/protection measures as discussed in August.

**Results of Protest Hearing** - At a public hearing on August 8, 2018, the Commission approved the *Chang Property Reorganization - Annexations to the City of San Ramon, Central Contra Costa Sanitary District (CCCSD) and East Bay Municipal Utility District (EBMUD) and Corresponding Detachment from County Service Area (CSA) P-6*. This is a proposal to annex 63.5± acres (APNs 208-240-039/038/009) to the City of San Ramon, CCCSD and EBMUD and corresponding detachment from CSA P-6. The area is located at the intersection of Bollinger Canyon Road and Crow Canyon Road in unincorporated San Ramon. The purpose of the proposal is to allow for the extension of municipal city, wastewater and water services to facilitate the development of 43 single-family large lot homes and 18 accessory dwelling units on the Chang property.

The proposal has less than 100% landowner consent and is subject to a protest hearing. Pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 LAFCO is the agency to conduct the protest hearing, the purpose of which is to receive written protests from affected landowners regarding the proposal and determine whether a majority protest exists. With regard to this reorganization, which is uninhabited (i.e., contains fewer than 12 registered voters), the Commission shall take one of the following actions:

- **Order the reorganization** if written protests have been filed by less than 50% of the landowners owning less than 50% of the assessed value of land within the affected territory; or
- **Terminate the proceedings** if a majority protest exists. A majority protest constitutes 50% or more of the landowners owning at least 50% of the assessed value of land.

The protest hearing was noticed and will be held on Monday, September 10, 2018, at 10:00 a.m. in the LAFCO office located at 651 Pine Street, Sixth Floor in Martinez. The hearing will be conducted by the LAFCO Executive Officer, who is delegated the authority to conduct the protest hearing on behalf of the Commission. At the conclusion of the hearing, the number of protests received prior to and during the hearing will be counted. LAFCO staff will report the results of the protest hearing at the September 12, 2018 LAFCO meeting.

**Habitat Conservation and Fire Prevention/Protection Measures** - In addition to reporting the results of the protest hearing, we are also responding to the Commission's concerns relating to protection of the 135± acres as permanent open space and provisions relating to habitat conservation and fire prevention/protection.

On August 8<sup>th</sup>, following deliberation, the Commission modified the LAFCO resolution (Attachment 1) as follows:

- d. The recordation of LAFCO's Certificate of Completion is conditioned on the owner(s) of the Chang property providing LAFCO with a certified copy of a recorded grant of open space easement from the Chang property owner(s) to the City of San Ramon and/or other public agency or land trust that prohibits urban development and permanently preserves the existing open space and agricultural uses on 134± acres (Parcel G on the project's Vesting Tentative Map 9458) that is outside of the urban growth boundary and designated for open space and agricultural uses, and makes provisions for habitat preservation in accordance with the City of San Ramon's Mitigation Monitoring and Reporting Program and fire prevention in accordance with the San Ramon Valley Fire Protection District's Planning Application Review. This easement shall remain in effect in perpetuity, and shall be consistent with the conditions of approval imposed on the Chang property by the project's Vesting Tentative Map 9485 by the City of San Ramon (Attachment 2).

In conjunction with the Chang project, the City of San Ramon adopted a Mitigation Monitoring and Reporting Program (MMRP) (Attachment 3). The MMRP includes 10 mitigation measures related to biological resources and habitat conservation. The City of San Ramon is responsible for enforcing these measures which are intended to protect sensitive habitat in the area.

Regarding fire prevention/protection, the subject area is served by the San Ramon Valley Fire Protection District (SRVFPD). In its planning application review of the Chang project, SRVFPD submitted to the City a set of conditions relating to hazardous watershed fire area, vegetation management, ingress/egress, access and water (see Attachment 4).

Further, according to the City's 2035 General Plan, the subject area is located in a "moderate" (versus "High" or "Very High") fire hazard severity zone. The City's General Plan *Safety Element* (Attachment 5) provides a number of "Guiding" and "Implementing" policies to minimize risk associated with wildland and urban fire and related hazards in the incorporated and unincorporated San Ramon area. These measures aim to protect the community from risks associated with wildland and urban fire, hazardous materials accidents, flooding, surface, ground and other geologic hazards.

As noted above, the City of San Ramon and SRVFPD have measures in place to address habitat conservation and fire prevention and protection. The local agencies are responsible for enforcing these measures.

As discussed at the August 8<sup>th</sup> LAFCO meeting, the Commission requests that the open space easement include conditions relating to habitat conservation and fire prevention/protection. Further, once there is tentative agreement among the landowner(s) and other parties regarding the easement, the Commission would like to review the easement prior to recordation.

## RECOMMENDATIONS

It is recommended that the Commission 1) receive the results of the protest hearing and direct staff to execute the determination (Attachment 6); and 2) provide any additional direction.

Sincerely,

Lou Ann Texeira  
Executive Officer

c: Distribution List

### Attachments

- 1 – LAFCO Resolution Approving Chang Boundary Reorganization
- 2 - Vesting Tentative Map 9485 – City of San Ramon
- 3 – Mitigation Monitoring and Reporting Program - City of San Ramon
- 4 - Chang Planning Application Review - San Ramon Valley Fire Protection District
- 5 - City of San Ramon's Safety Element
- 6 – Protest Hearing Determination

**RESOLUTION NO. 18-06**

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
MAKING DETERMINATIONS AND APPROVING  
CHANG PROPERTY REORGANIZATION: ANNEXATIONS TO THE CITY OF SAN RAMON,  
CENTRAL CONTRA COSTA SANITARY DISTRICT AND EAST BAY MUNICIPAL UTILITY  
DISTRICT, AND DETACHMENT FROM COUNTY SERVICE AREA P-6**

WHEREAS, the Chang Property Reorganization proposal 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 Chang Property Reorganization proposal; and

WHEREAS, the Commission held a public hearing on August 8, 2018, on the Chang Property Reorganization 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; and

WHEREAS, no subsequent change may be made to the general plan or zoning for the annexed territory that is not in conformance to the rezoning designations for a period of two years after the completion of the annexations, unless the legislative body for the city makes a finding at a public hearing that a substantial change has occurred in circumstances that necessitate a departure from the rezoning in the application to the Commission [Government Code §56375(e)];

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

1. Find that, as a Responsible Agency under CEQA, the Commission has reviewed and considered the information contained in the City of San Ramon's Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program in conjunction with the Chang Property Project.
2. Said reorganization is hereby approved.
3. The subject proposal is assigned the distinctive short-form designation:  

**CHANG PROPERTY REORGANIZATION: ANNEXATIONS TO CITY OF SAN RAMON,  
CENTRAL CONTRA COSTA SANITARY DISTRICT AND EAST BAY MUNICIPAL UTILITY  
DISTRICT, AND DETACHMENT FROM COUNTY SERVICE AREA P-6**
4. The boundaries of the affected territory are found to be definite and certain as approved and set forth in Exhibits A1-A3, attached hereto and made a part hereof.
5. Approval of the Chang Property Reorganization 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 agency.

Contra Costa LAFCO  
Resolution No. 18-06

- b. The landowner applicant has delivered an executed indemnification agreement between the landowner applicant and Contra Costa LAFCO providing for the landowner applicant to indemnify LAFCO against any expenses arising from any legal actions challenging the Chang Property Reorganization.
  - c. Water service is conditioned upon the East Bay Municipal Utility District (EBMUD) receiving acceptance for inclusion of the annexed areas from the United States Bureau of Reclamation (USBR), pursuant to the requirements in EBMUD's contract with USBR for supplemental water supply from the Central Valley Project.
  - d. The recordation of LAFCO's Certificate of Completion is conditioned on the owner(s) of the Chang property providing LAFCO with a certified copy of a recorded grant of open space easement from the Chang property owner(s) to the City of San Ramon and/or other public agency or land trust that prohibits urban development and permanently preserves the existing open space and agricultural uses on 134± acres (Parcel G on the project's Vesting Tentative Map 9458) that is outside of the urban growth boundary and designated for open space and agricultural uses, and makes provisions for fire prevention in accordance with the San Ramon Valley Fire Protection District's planning application review, and habitat preservation in accordance with the City of San Ramon's Mitigation Monitoring and Reporting Program. This easement shall remain in effect in perpetuity, and shall be consistent with the conditions of approval imposed on the Chang property by the project's Vesting Tentative Map 9485 by the City of San Ramon (Attachment 2).
6. Find that the subject territory is uninhabited, and that not all affected landowners have provided written consent to the proposed boundary reorganization; thus, a protest hearing is required.
7. All subsequent proceedings in connection with the Chang Property Reorganization shall be conducted only in compliance with the approved boundaries set forth in the attachments and any terms and conditions specified in this resolution.

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PASSED AND ADOPTED THIS 8<sup>th</sup> day of August 2018, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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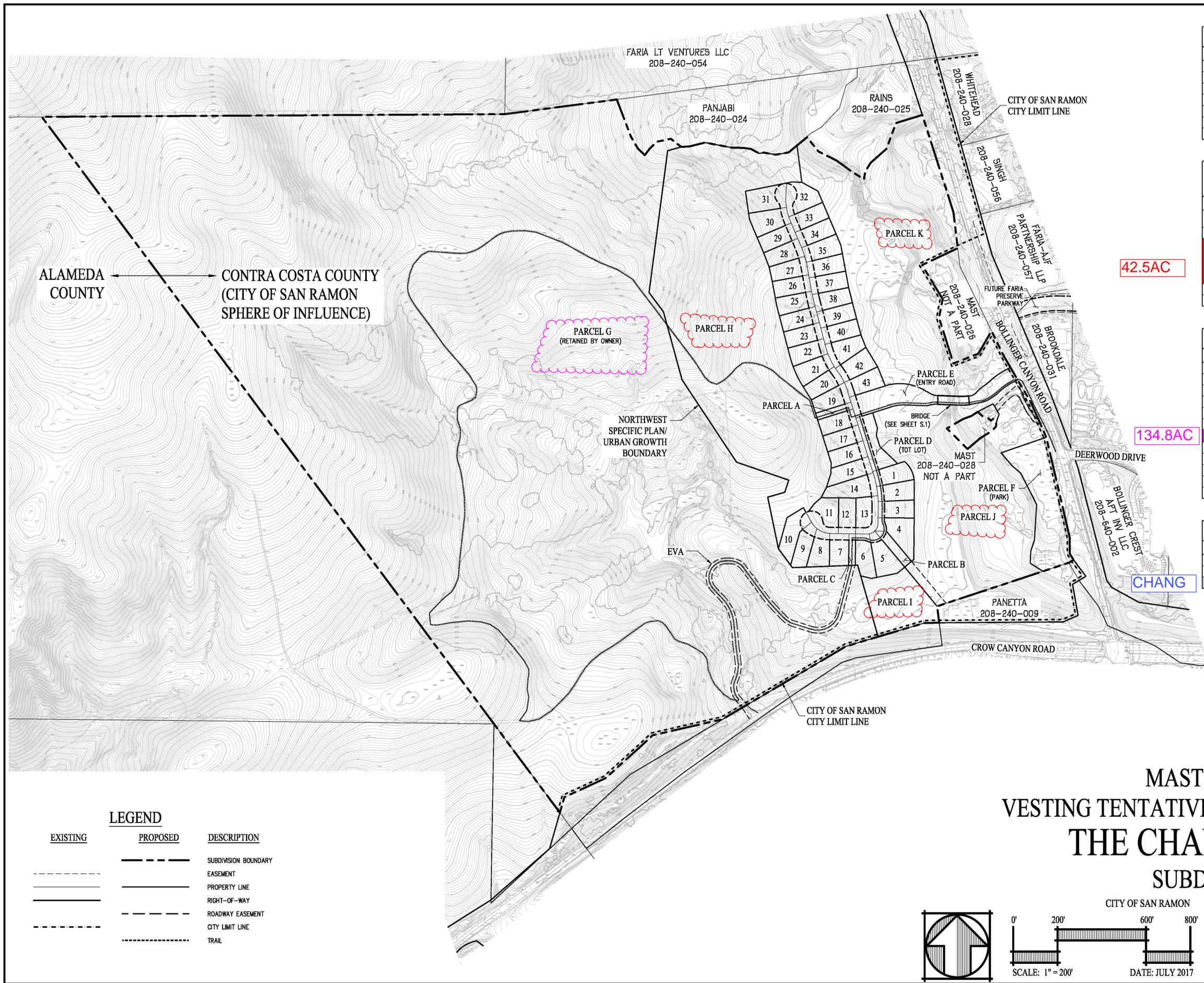
MICHAEL R. MCGILL, CHAIR, CONTRA COSTA LAFCO

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

Dated: August 8, 2018

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Lou Ann Texeira, Executive Officer



DEVELOPMENT AREA SUMMARY		
DESCRIPTION	AREA (AC)	USE
LOTS 1-43	13.90	RESIDENTIAL LOTS
PARCEL A	0.10	OPEN SPACE ACCESS
PARCEL B	0.20	ACCESS EASEMENT
PARCEL C	0.10	EMERGENCY VEHICULAR ACCESS
PARCEL D	0.50	TOT LOT
PARCEL E	1.20	ENTRY ROAD
TOTAL	16.0	

NORTHWEST SPECIFIC PLAN AREA SUMMARY		
DESCRIPTION	AREA (AC)	USE
DEVELOPMENT AREA	16.0 AC	RESIDENTIAL LOTS, PARCELS & ENTRY ROAD
PARCEL F	2.0 AC	PARK
PARCEL H	17.6 AC±	OPEN SPACE
PARCEL I	1.5 AC±	OPEN SPACE
PARCEL J*	10.9 AC±	OPEN SPACE
PARCEL K	12.5 AC±	OPEN SPACE
PANETTA	2.5 AC±	EXISTING PARCEL
TOTAL	63 AC±	

COMMON AREA PARCEL SUMMARY		
PARCEL	AREA	USE
A	0.1 AC±	OPEN SPACE ACCESS
B	0.2 AC±	ACCESS EASEMENT
C	0.1 AC±	EMERGENCY VEHICULAR ACCESS
D	0.5 AC±	TOT LOT
E	1.2 AC±	ENTRY ROAD
F	2.0 AC	PARK
G	134.8 AC±	RETAINED BY OWNER
H	17.6 AC±	OPEN SPACE
I	1.5 AC±	OPEN SPACE
J	10.9 AC±	OPEN SPACE
K	12.5 AC±	OPEN SPACE
TOTAL	181.4 AC±	

TOTAL SITE AREA SUMMARY		
DESCRIPTION	AREA (AC)	USE
LOTS 1-43	13.9 AC±	RESIDENTIAL LOTS
PARCELS A-K	181.4 AC±	OPEN SPACE, ROADWAY, & PARKS
TOTAL	195.3 AC±	

+ PANETTA = 2.5  
 +MAST = 0.5  
 TOTAL 198.3

ALAMEDA COUNTY ← CONTRA COSTA COUNTY (CITY OF SAN RAMON SPHERE OF INFLUENCE)

42.5 AC

134.8 AC

CHANG

**LEGEND**

EXISTING	PROPOSED	DESCRIPTION
---	---	SUBDIVISION BOUNDARY
---	---	EASEMENT
---	---	PROPERTY LINE
---	---	RIGHT-OF-WAY
---	---	ROADWAY EASEMENT
---	---	CITY LIMIT LINE
---	---	TRAIL

MASTER SITE PLAN  
 VESTING TENTATIVE MAP/DEVELOPMENT PLAN  
**THE CHANG PROPERTY**  
 SUBDIVISION 9458

CITY OF SAN RAMON CONTRA COSTA COUNTY CALIFORNIA

**cba** Carlson, Barbee & Gibson, Inc. CIVIL ENGINEERS • SURVEYORS • PLANNERS  
 2833 CAMINO RAMON, SUITE 350 SAN RAMON, CALIFORNIA 94583 (925) 866-0322 www.cbang.com

SHEET NO. **TM.2**  
 OF 7 SHEETS

## Mitigation Monitoring and Reporting Program for the Chang Property Development Initial Study/Mitigated Negative Declaration City of San Ramon, California

Prepared for:  
**City of San Ramon**  
Planning and Community Development Department  
2401 Crow Canyon Road  
San Ramon, CA 94583

Contact: Ms. Cindy Yee, Senior Planner, City of San Ramon

Prepared by:  
**FirstCarbon Solutions**  
1350 Treat Boulevard, Suite 380  
Walnut Creek, CA 94597  
925.357.2562

Contact: Mary Bean, Project Director  
Andrew Hill, Project Manager

Report Date: October 12, 2017

Attachment: B. DRAFT PC RESOLUTION NO. 08-17 (1678 : Chang Property Development (DP 16-300-002, MJ 16-900-001, IS 17-250-002))



**Table 1: Chang Property Development Mitigation Monitoring and Reporting Program**

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p><b>1. Aesthetics</b></p> <p><b>MM AES-1: Design Standards</b>                      As part of the design review process for the Project, the Applicant shall include the following features in its design review submittal:</p> <ol style="list-style-type: none"> <li>All structures facing any public street or neighboring property shall use minimally reflective glass and all other materials and colors used on the exterior of buildings and structures shall be selected with attention to minimizing reflective glare.</li> <li>Building windows shall be tinted with an antireflective material.</li> </ol>	Design Review submittal	With Design Review submittal	San Ramon Planning/Community Development Department		
<p><b>4. Biological Resources</b></p> <p><b>MM BIO-1: Special status plant species</b></p> <p>1. Prior to site grading, property timed, focused rare plant surveys should be conducted by a qualified botanist in all suitable habitats (primarily annual grasslands) that are to be disturbed. To effectively survey for the following six species as needed to identify absence /presence during their blooming season, a minimum of three surveys shall be conducted, one in March, one in May, and one in September: bent-flowered fiddleneck (<i>Amsinckia lunaris</i>), Congdon's tarplant (<i>Blepharizonia plumosa</i>), Diablo helianthella (<i>Helianthella castanea</i>), Lobb's aquatic buttercup (<i>Ranunculus lobbii</i>), saline clover (<i>Trifolium hydrophilum</i>), and northern California black walnuts (<i>Juglans hindsii</i>). The actual timing and number of surveys may be modified if local reference populations can be checked to establish when the target species are actually blooming and, therefore, identifiable in the field. Survey guidelines developed by the CNPS shall be employed for all surveys conducted for special-status plant species. If no</p>	On-site surveys, submittal of survey documents	Prior to site grading and during blooming season	San Ramon Planning/Community Development Department; California Department of Fish and Wildlife		

Attachment: B. DRAFT PC RESOLUTION NO. 08-17 (1678 : Chang Property Development (DP 16-300-002)

populations of these plants species are detected during focused rare plant surveys, then no additional mitigation is warranted.

2. Any populations of special-status plant detected within the development envelope and identified as potentially subject to disturbance shall be mapped, and the Project shall avoid disturbance to those populations, if feasible.
3. In the event that special-status plant populations are subject to impacts from site disturbance, the Project sponsor shall provide compensatory mitigation within areas on-site that are being preserved. Compensatory mitigation shall consist of the relocation of impacted special-status plant species according to a relocation plan prepared by a qualified botanist and consisting of the following elements:
  - Identification of a suitable relocation site having similar soils, aspect, and associated plant species as the impact population;
  - Description of seed collection methodology at the location of impacts to a given special-status plant species;
  - Methodology for seed dispersal at relocation site;

**Table 1 (cont.): Chang Property Development Mitigation Monitoring and Reporting Program**

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<ul style="list-style-type: none"> <li>• Management of the relocation site during 5-year establishment period to optimize relocation success;</li> <li>• Development of success criteria that must be met for the relocation effort to be considered a success;</li> <li>• Monitoring methodology to be employed during a 5-year monitoring period that will be effective in demonstrating the success or lack thereof of the relocation effort;</li> <li>• A contingency plan that shall be implemented in the event that the relocation effect has failed to meet</li> </ul>					

Table 1 (cont.): Chang Property Development Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>defined success criteria at the conclusion of the 5-year monitoring period.</p> <p><b>MM BIO-2: Impacts to steelhead</b></p> <p>1. To the maximum extent practicable, the Project shall strive to construct the two outfalls above OHW (i.e., USACE Jurisdiction) so as not to require temporary dewatering of the creek.</p> <p>2. The Project shall employ best management practices (BMPs) incorporated into the SWPPP issued for the Project. A biological monitor shall be on-site to confirm and verify that these measures are being fully implemented and are effective prior to construction activities. The outfalls shall be constructed after June 1 and before October 15, when little to no precipitation is expected to occur. Thus, there shall be no stormwater generated by any storms during the construction period. Finally, temporary coffer-dams shall be installed up- and downstream of the work area, which would temporarily dewater a relatively small portion of the creek (i.e., 40 to 60 feet). This would minimize or eliminate possible sediment generated in the construction area from entering the downstream water column.</p> <p>3. A qualified biologist shall survey the entire reach of Bollinger Canyon Creek on the Project site the morning prior to initiation of work, particularly when installing the coffer-dams. The monitor shall be present during all construction activities related to construction of the outfalls, including initial ground disturbance or vegetation clearing or other periods during construction, as necessary. If steelhead are detected during the installation of the coffer-dams, the qualified biologist would capture and move any individuals that are discovered during the surveys or construction monitoring to a suitable location up- or downstream from the work zone. Any individuals that</p>	<p>On-site monitoring by qualified biologist,</p> <p>Site surveys, submittal of survey documents,</p>	<p>Biological monitor present during construction of outfalls,</p> <p>On the first day of construction, prior to initiation of construction,</p>	<p>San Ramon Planning/Community Development Department</p>		

Attachment: B. DRAFT PC RESOLUTION NO. 08-17 (1678) : Chang Property Development (DP 16-300-002,

Table 1 (cont.): Chang Property Development Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>are captured will be held for the minimum amount of time necessary to release them back into the creek out of the work zone.</p> <p>4. Permanent and temporary construction disturbances and other types of project-related disturbances shall be confined to the Project site. To ensure that disturbances be constrained within the predetermined work zone, all project-related vehicle traffic shall be restricted to established roads, staging areas, and construction areas. No work vehicles will be permitted outside the work zone. These areas also shall be included in preconstruction surveys and, to the maximum extent possible, shall be established in locations disturbed by previous activities to prevent further adverse effects. Sensitive habitat areas shall be delineated with high visibility flagging or fencing to prevent encroachment of construction personnel and equipment into any sensitive areas during project work activities.</p> <p>5. All workers for bridge or outfall construction must attend a tailgate training that includes a description of minimization measures and instructions on what to do if steelhead or a special-status amphibian or reptile is observed on the Project site.</p>	<p>Incorporation in to construction documents</p>	<p>Prior to issuance of building permit</p>			
<p><b>MM BIO-3: Impacts to California Red-Legged Frogs and Western Pond Turtles</b></p> <p>1. While the bridge is being designed as a clearspan structure, construction of one or both outfalls may result in fill within USACE jurisdiction (i.e., below OHW). To the maximum extent practicable, the Project shall strive to construct these two outfalls above OHW so as not to require temporary dewatering of the creek.</p> <p>2. A qualified biologist shall survey the entire reach of Bollinger Canyon Creek on the Project site the morning prior to initiation of work, particularly if constructing the outfalls requires the</p>	<p>Confirmation in final site plans,</p> <p>On-site survey by qualified biologist,</p>	<p>Prior to issuance of building permit</p> <p>On the first day of construction, prior to initiation of construction,</p>	<p>San Ramon Planning/Community Development</p>		

Attachment: B. DRAFT PC RESOLUTION NO. 08-17 (1678 : Chang Property Development (DP 16-300-002,

Table 1 (cont.): Chang Property Development Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>Installation of coffer-dams. The monitor shall be present during all construction activities related to constructing the outfalls, including Initial ground disturbance or vegetation clearing or other periods during construction, as necessary. If CRLF or WPT are detected during the preconstruction surveys, the qualified biologist will halt work until such time the Individual(s) either move clear of the construction zone on their own or, if authorized by the agencies, the biologist will capture and move Individuals to a suitable protected area on-site. Any Individuals that are captured shall be held for the minimum amount of time necessary to release them back into the riparian corridor and out of the work zone.</p> <p>3. Should CRLF or WPT be observed during pre-construction surveys, an exclusion fence shall be installed, and a qualified biologist shall survey the site each day prior to the start of daily construction until the qualified biologist has determined that neither of these species is present on-site, after which construction can continue without a qualified biologist present.</p> <p>4. All workers associated with constructing the bridge or outfalls shall attend a tailgate training that includes a description of minimization measures and instructions on what to do if a special-status amphibian or reptile is observed on the Project site</p>	<p>On-site survey by qualified biologist,</p> <p>Incorporation into construction management plan</p>	<p>If required, on each day of construction, prior to construction activities until determination by biologist</p> <p>Submittal of attendance list</p>			
<p><b>MM BIO-4: Impacts to Western Burrowing Owls</b></p> <p>1. In order to avoid impacts to active burrowing owl nests, a qualified biologist shall conduct pre-construction surveys for burrowing owls within the Development Envelope and within 250 feet of the Development Envelope no more than 14 days prior to the onset of ground disturbance. These surveys shall be conducted in a manner consistent with the CDFW's burrowing owl survey methods.</p> <p>2. If burrowing owls are detected within or immediately adjacent</p>	<p>On-site survey by qualified biologist, submittal of survey documents</p>	<p>Prior to construction and no more than 14 days prior to onset of ground disturbance</p>	<p>San Ramon Planning/Community Development Department</p>		

Attachment: B. DRAFT PC RESOLUTION NO. 08-17 (1678 : Chang Property Development (DP 16-300-002,

Table 1 (cont.): Chang Property Development Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>to the Residential Development Area (i.e., within 250 feet) during the breeding season (February 1 through August 31), a construction-free buffer of up to 250 feet shall be established around all active owl nests. The buffer area shall be enclosed with temporary fencing, and construction equipment and personnel shall not enter the enclosed setback areas. Buffers shall remain in place for the duration of the breeding season or until it has been confirmed by a qualified biologist that all chicks have fledged and are independent of their parents. After the breeding season, passive relocation of any remaining owls may take place under the conditions described below.</p> <p>3. During the non-breeding season (September 1 through January 31), any burrows occupied by resident owls in areas planned for development shall be protected by a construction-free buffer with a radius of up to 250 feet around each active burrow. Passive relocation of resident owls is not recommended by CDFW where it can be avoided. If passive relocation is not avoidable, resident owls may be passively relocated according to a relocation plan prepared by a qualified biologist.</p> <p>4. All construction personnel shall attend a tailgate training that includes minimization measures and instructions on what to do if a burrowing owl is observed on the Project site.</p>					
<p><b>MM BIO-5: Impacts to nesting raptors and migratory birds, including yellow warblers</b></p> <p>1. If tree removal, brushing, grading, or construction is planned to occur within the breeding period (i.e., between February 1 and August 31), a qualified biologist shall conduct pre-construction surveys for active nests of birds of prey and migratory birds within 14 days of the onset of these activities. If construction is planned to commence outside the breeding period, no pre-construction surveys are required for nesting birds and raptors.</p> <p>2. If nesting raptors or other migratory birds are detected on the</p>	<p>On-site survey by qualified biologist, submittal of survey documents</p>	<p>Prior to commencement of construction activities or prior to tree removal</p>	<p>San Ramon Planning/Community Development Department</p>		

**Table 1 (cont.): Chang Property Development Mitigation Monitoring and Reporting Program**

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>site during the survey, a suitable construction-free buffer shall be established around all active nests. The precise dimension of the buffer, which is typically up to 250 feet, would be determined at that time and may vary depending on such factors as location, species, topography, and line of sight to the construction area. The buffer area shall be enclosed with temporary fencing, and construction equipment and personnel shall not enter the enclosed area. Buffers shall remain in place for the duration of the breeding season or until it has been confirmed by a qualified biologist that all chicks have fledged and are independent of their parents.</p> <p>3. All workers on-site shall be trained by a qualified biologist. The training shall include a description of the Migratory Bird Treaty Act, instructions on what to do if an active nest is located, and the importance of capping pipes and pipe-like structures standing upright in order to avoid birds falling into the pipes and getting stuck.</p>					
<p><b>MM BIO-6: Impacts to Bat Nursery Sites or Roosting Bats</b></p> <p>1. A detailed bat survey shall be conducted within and around the trees to be removed to determine if bats are roosting or breeding in the on-site trees. A qualified biologist will look for individuals, guano, staining, and vocalization by direct observation. The survey shall be conducted during the time of year when bats are active, between April 1 and September 15. If tree removal is planned within this timeframe, the survey shall be conducted within 30 days of demolition. An initial survey could be conducted to provide early warning if bats are present, but a follow-up survey will be necessary within 30 days. If demolition is planned outside of this timeframe (September 16 through March 31), the survey shall be conducted in September prior to tree removal. If no bats are observed to be roosting or breeding in these trees, then no</p>	<p>On-site survey by qualified biologist, submittal of survey documents</p>	<p>Between April 1 and September 15 within 30 days of tree removal</p>	<p>San Ramon Planning/Community Development Department</p>		

Attachment: B, DRAFT PC RESOLUTION NO. 08-17 (1678) : Chang Property Development (DP 16-300-002,

Table 1 (cont.): Chang Property Development Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>further action would be required, and tree removal can proceed.</p> <p>2. If a non-breeding bat colony is found in the crevices of trees to be removed, the individuals shall be humanely evicted via the partial trimming and topping of the trees prior to their removal under the direction and monitoring of a qualified biologist to ensure that no harm or —take would occur to any bats as a result of tree removal activities. If a maternity colony is detected in any tree, then a construction-free buffer shall be established around the tree and remain in place until it has been determined that the nursery is no longer active. Tree removal shall preferably be done between March 1 and April 15 or August 15 and October 15 to avoid interfering with an active nursery.</p>					
<p><b>MM BIO-7: Impacts to San Francisco Dusky-Footed Woodrats</b></p> <p>1. A qualified biologist shall conduct a pre-construction survey for San Francisco dusky-footed woodrat nests no more than 30 days prior to the onset of construction activities within 50 feet of riparian corridor. This survey shall be conducted prior to vegetation removal.</p> <p>2. Identified nests shall be avoided, where possible. If avoidance is not possible, the nest(s) shall be manually deconstructed when helpless young are not present, typically during the nonbreeding season (October through January).</p> <p>3. If it is determined that young may be present during the pre-construction survey (e.g., during the breeding season), a suitable buffer shall be established around the nest until the young are independent enough to successfully move from the nest.</p>	On-site survey, submittal of survey documents	30 days prior to construction	San Ramon Planning/Community Development Department		
<p><b>MM BIO-8: Impacts to American Badgers</b></p> <p>1. During the course of the preconstruction surveys for other</p>	On-site survey, submittal of survey documents	Prior to start of construction	San Ramon Planning/Community		

Attachment: B. DRAFT PC RESOLUTION NO. 08-17 (1678 : Chang Property Development (DP 16-300-002,

**Table 1 (cont.): Chang Property Development Mitigation Monitoring and Reporting Program**

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>species, a qualified biologist shall also determine the presence or absence of badgers prior to the start of site disturbance within the grassland habitat. If badgers are found to be absent, a report shall be written to the Applicant so stating and no other mitigations for the protection of badgers shall be warranted.</p> <p>2. If an active badger den is identified during pre-construction surveys within or immediately adjacent to an area subject to construction, a construction-free buffer of up to 300 feet shall be established around the den. Once the biologist has determined that the badger has vacated the burrow, the burrow can be collapsed or excavated, and ground disturbance can proceed. Should the burrow be determined to be a natal or reproductive den, and because badgers are known to use multiple burrows in a breeding burrow complex, a biological monitor shall be present on-site during construction activities in the vicinity of the burrows to ensure the buffer is adequate to avoid direct impact to individuals or natal/reproductive den abandonment. The monitor shall be required on-site until it is determined that young are of an independent age and construction activities would not harm individual badgers.</p> <p>3. All workers for each of the work component projects shall attend a tailgate training that includes minimization measures and instructions on what to do if an American badger is observed on the Project site.</p>			Development Department		
<p><b>MM BIO-9: Riparian Impacts and 1602 Streambed Alteration Agreement</b></p> <p>1. The preferred method of mitigation would be avoidance of all waters of the U.S. and State by designing the Project so that it avoids the placement of fill within potential jurisdictional waters and riparian habitat. All Project elements have been designed to occur above the ordinary high water line of</p>	On-site riparian habitat replacement; Habitat and Mitigation and Monitoring Plan Implementation	During and 5 years after construction	California Department of Fish and Wildlife		

Attachment: B. DRAFT PC RESOLUTION NO. 08-17 (1678) : Chang Property Development (DP 16-300-002,

Table 1 (cont.): Chang Property Development Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>Bollinger Creek and its tributaries. With the exception of the two bridge crossings and the outfall, the proposed project conforms to the creek setback set forth within the City's zoning ordinance. However, because of the Project's need for vehicular access and proper site drainage, full avoidance of the riparian corridor is not feasible.</p> <p>2. Because full avoidance is not possible, actions shall be taken to minimize impacts to the riparian corridor. Measures taken during construction activities shall include placing construction fencing around the aquatic features or riparian areas to be preserved to ensure that construction activities do not inadvertently impact these areas. As part of Project buildout and development plans, all proposed lighting associated with the development (e.g., homes and street lighting) shall be designed to avoid any significant light and glare impacts to the riparian corridor. Light sources shall not be visible from riparian areas and shall not illuminate riparian areas or cause glare on the opposite side of the creek (e.g., to neighboring properties). Additionally, proposed development activities shall be designed and situated to avoid the loss of trees within the riparian area to the maximum extent practicable.</p> <p>3. The Project would impact approximately 0.3 acre of riparian habitat, including the removal of riparian trees, resulting from construction of the bridges and two outfalls. As a result, a 1602 Streambed Alternation Agreement with the California Department of Fish and Wildlife is required to ensure that impacts to riparian habitat are properly mitigated. Therefore, the Project shall replace the lost habitat value resulting from this impact through the creation, restoration, and/or enhancement of riparian habitat at the impact location or at one or more appropriate locations near the impacted areas at a minimum of a 1:1 replacement-to-loss ratio and no more than</p>					

Attachment: B. DRAFT PC RESOLUTION NO. 08-17 (1678 : Chang Property Development (DP 16-300-002,

Table 1 (cont.): Chang Property Development Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>3:1 for permanent acreage impacts (up to 3 acres created for each acre permanently impacted) as well as reseeded or replanted of vegetation in temporarily disturbed areas according to a site-specific mitigation plan. The final mitigation amounts will be based on actual impacts to be determined during the design phase. If impacts are lessened, then the amount of mitigation shall be appropriately reduced. It is expected that all compensation measures can be accommodated on-site along Bollinger Canyon Creek and its tributaries.</p> <p>4. An on-site habitat mitigation and monitoring plan (HMMP) shall be developed with the goal of creating, restoring, and/or enhancing riparian habitats with habitat functions and values greater than or equal to those existing in the impact zone. As such, compensation measures shall include, but would not be limited to:</p> <ul style="list-style-type: none"> <li>Replacement of all riparian trees (i.e., trees typically associated with riparian woodland habitats) at a replacement-to-removal ratio that conforms to the City's tree replacement standard and any regulating agency's mitigation standard (e.g., mitigation standards set forth in a Streambed Alteration Agreement issued by the CDFW). To the maximum extent practicable, removed trees shall be replaced with like species or, if such trees are non-native, with species that are known to occur naturally within riparian habitats in the region. These trees shall be planted within the Bollinger Canyon Creek riparian corridor or in other on-site areas designated for riparian restoration. Replacement trees shall be grown from seeds, acorns, or other planting stock collected from the site or from nearby creeks within the same watershed.</li> </ul>					

Attachment: B. DRAFT PC RESOLUTION NO. 08-17 (1678 : Chang Property Development (DP 16-300-002,

Table 1 (cont.): Chang Property Development Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<ul style="list-style-type: none"> <li>• Reseeding or replanting of riparian vegetation (i.e., a combination of trees, shrubs, and herbaceous vegetation) in temporarily impacted areas and designated habitat restoration areas.</li> <li>• At a minimum, the HMMP shall include:</li> <li>• The location of all enhancement and/or restoration activities;</li> <li>• Evidence of a suitable water budget to support any created habitats;</li> <li>• Planting specifications;</li> <li>• Site maintenance and management requirements;</li> <li>• Monitoring requirements;</li> <li>• Final success criteria;</li> <li>• Adaptive management procedures; and</li> <li>• A long-term funding mechanism for site management into perpetuity.</li> <li>• The monitoring period shall be a minimum of 5 years to ensure that the success criteria have been achieved.</li> </ul>					
<p>MM BIO-10: Potential Impacts to jurisdictional waters and wetland mitigation</p> <ol style="list-style-type: none"> <li>1. Prior to the issuance of a grading permit, the Applicant will obtain the necessary jurisdictional determination from the USACE to ensure that all jurisdictional waters impacts are either avoided or otherwise minimized with adequate protection. If the Project construction does not result in the fill or partial fill of wetlands as identified by the jurisdictional determination, then no mitigation is necessary.</li> <li>2. If Project construction does result in the fill or partial fill of wetlands as identified by the jurisdictional determination, then the applicant shall do the following: Apply for a Section 404</li> </ol>	Jurisdictional determination from USACE	Submittal of Jurisdictional determination documents	San Ramon Planning/Community Development Department		

Attachment: B. DRAFT PC RESOLUTION NO. 08-17 (1678 : Chang Property Development (DP 16-300-002,

Table 1 (cont.): Chang Property Development Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
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<p>permit from the USACE after verification of the wetland delineation by the U.S. Army Corps of Engineers (USACE). Any waters of the U.S. that would be lost or disturbed shall be replaced or rehabilitated on a "no net loss" basis in accordance with the USACE mitigation guidelines. On-site creation of wetland habitat is preferred to off-site mitigation. Habitat restoration, rehabilitation, and/or replacement shall be at a location and by methods agreeable to the USACE.</p> <p>3. Obtain a Section 401 water quality waiver of certification from the RWQCB.</p> <p>4. A mitigation plan shall be implemented that includes one of the following:                      Completion of an on-site Mitigation and Monitoring Plan that includes on-site creation/preservation of the wetlands; or                      Credits may be obtained at an approved mitigation bank.</p> <p>5. The Project Applicant shall provide written evidence to the County from the USACE and the RWQCB that this measure has been complied with prior to project approval.</p> <p>5. Cultural Resources</p> <p><b>MM CUL-1:</b> An archaeologist who meets the Secretary of Interior's Professional Qualification Standards for archaeology should be present during the initial phase of ground disturbance in order to check for the inadvertent exposure of cultural materials. This may be followed by regular periodic or "spot-check" archaeological monitoring during ground disturbance as needed, but full-time archaeological monitoring is not required at this time. In the event a potentially significant cultural resource is encountered during subsurface earthwork activities, all construction activities within a 100-foot radius of the find shall cease and workers should avoid altering the materials until an archaeologist has evaluated the situation. The Applicant shall include a standard inadvertent discovery clause in every</p>	<p>On-site Inspection and monitoring; submittal of findings and documentation</p>	<p>During the initial phase of ground disturbance</p>	<p>San Ramon Planning/Community Development Department</p>		

Attachment: B. DRAFT PC RESOLUTION NO. 08-17 (1678) : Chang Property Development (DP 16-300-002,

Table 1 (cont.): Chang Property Development Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>construction contract to inform contractors of this requirement. Potentially significant cultural resources consist of but are not limited to stone, bone, glass, ceramics, fossils, wood, or shell artifacts, or features including hearths, structural remains, or historic dumpsites. The archaeologist shall make recommendations concerning appropriate measures that will be implemented to protect the resource, including but not limited to excavation and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines. Any previously undiscovered resources found during construction within the Project site shall be recorded on appropriate Department of Parks and Recreation (DPR) 523 forms and will be submitted to the City of San Ramon, the Northwest Information Center, and the State Historic Preservation Office (SHPO), as required.</p> <p><b>MM CUL-2:</b> A professional paleontologist should be present during the initial phase of ground disturbance in order to check for the inadvertent exposure of fossils or other resources of paleontological value. This may be followed by regular periodic or "spot-check" paleontological monitoring during ground disturbance as needed, but full-time monitoring is not required at this time. In the event that fossils or fossil-bearing deposits are discovered during construction activities, excavations within a 100-foot radius of the find shall be temporarily halted or diverted. The Project contractor shall notify a qualified paleontologist to examine the discovery. The Applicant shall include a standard Inadvertent discovery clause in every construction contract to inform contractors of this requirement. The paleontologist shall document the discovery as needed in accordance with Society of Vertebrate Paleontology standards and assess the significance of the find under the criteria set forth in CEQA Guidelines Section 15064.5. The paleontologist shall notify the appropriate agencies to determine procedures</p>	On-site inspection and monitoring; submittal of findings and documentation	During the initial phase of ground disturbance	San Ramon Planning/Community Development Department		

Attachment: B. DRAFT PC RESOLUTION NO. 08-17 (1678 : Chang Property Development (DP 16-300-002,

**Table 1 (cont.): Chang Property Development Mitigation Monitoring and Reporting Program**

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial

that would be followed before construction activities are allowed to resume at the location of the find. If the Applicant determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of construction activities on the discovery. The plan shall be submitted to the City of San Ramon for review and approval prior to implementation, and the Applicant shall adhere to the recommendations in the plan.

Attachment: B. DRAFT PC RESOLUTION NO. 08-17 (1678 : Chang Property Development (DP 16-300-002,

Table 1 (cont.): Chang Property Development Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p><b>MM CUL-3:</b> In the event of the accidental discovery or recognition of any human remains, CEQA Guidelines Section 15064.5, Health and Safety Code Section 7050.5, and Public Resources Code Section 5097.94 and Section 5097.98 must be followed. If during the course of project development there is accidental discovery or recognition of any human remains, the following steps shall be taken:</p> <ol style="list-style-type: none"> <li>1. There shall be no further excavation or disturbance within 100 feet of the remains until the County Coroner is contacted to determine if the remains are Native American and if an investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the most likely descendant (MLD) of the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work within 48 hours, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98.</li> <li>2. Where the following conditions occur, the landowner or his or her authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the most likely descendant or on the project site in a location not subject to further subsurface disturbance: <ul style="list-style-type: none"> <li>• The NAHC is unable to identify a most likely descendant or the most likely descendant failed to make a recommendation within 48 hours after being notified by the commission.</li> <li>• The descendant identified fails to make a recommendation.</li> </ul> </li> </ol>	On-site inspection and monitoring; submittal of findings and documentation	If needed	San Ramon Planning/Community Development Department; Contra Costa County Coroner's Office; Native American Heritage Commission		

Attachment: B. DRAFT PC RESOLUTION NO. 08-17 (1678 : Chang Property Development (DP 16-300-002,

**Table 1 (cont.): Chang Property Development Mitigation Monitoring and Reporting Program**

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<ul style="list-style-type: none"> <li>The landowner or his authorized representative rejects the recommendation of the descendant, and mediation by the NAHC fails to provide measures acceptable to the landowner.</li> </ul> <p>Additionally, California Public Resources Code Section 15064.5 requires the following relative to Native American Remains:</p> <ul style="list-style-type: none"> <li>When an initial study identifies the existence of, or the probable likelihood of, Native American Remains within a project, a lead agency shall work with the appropriate Native Americans as identified by the Native American Heritage Commission as provided in Public Resources Code Section 5097.98. The applicant may develop a plan for treating or disposing of, with appropriate dignity, the human remains and any items associated with Native American Burials with the appropriate Native Americans as identified by the Native American Heritage Commission.</li> </ul> <p><b>6. Geology and Soils</b></p> <p>MM GEO-1: Design of proposed structures on the site shall be done in conformance with the seismic provisions of the 2013 CBC and the recommendations of the ENGEO Geotechnical report dated July 29, 2016, including minimum design loads in accordance with ASCE 7-10 Section. A qualified geotechnical engineer shall review the final foundation and building plans to ensure conformance with the recommendations.</p>	Confirmation on final plans and foundation review by Geotechnical engineer	With submittal of final plans	San Ramon Development Engineering		

Attachment: B. DRAFT PC RESOLUTION NO. 08-17 (1678 : Chang Property Development (DP 16-300-002,

**Table 1 (cont.): Chang Property Development Mitigation Monitoring and Reporting Program**

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p><b>MM GEO-2:</b> To address existing slope stability hazards, the proposed corrective grading shall include selective removal of colluvium and landslide deposits under the development and replacement with engineered fill buttresses, construction of a subsurface drain system and debris bench, as well as construction of proposed 2:1 slopes with geogrid reinforcement. Excavation of a deep keyway and installation of a geogrid slope reinforcement shall be used to stabilize the slope due to the proximity of the nearby creek bank. Fill slopes inclined at 2:1 should be overcut and reconstructed as drained slope buttresses reinforced with geogrid in accordance with the recommendations of the ENGEO Preliminary Geotechnical Exploration, dated July 29, 2016.</p>	Grading plan review	With submittal of final grading plan	San Ramon Development Engineering		
<p><b>MM GEO-3:</b> To address the relatively nutrient-poor soils, which have potential for slope erosion, revegetation of graded slopes shall be recommended. The Applicant shall retain the organic-rich strippings and spread these materials in a thin layer (approximately 6 inches thick) on the graded slopes prior to the winter rains and following rough grading. All landscaped slopes shall be maintained in a vegetated state after Project completion. Drought-tolerant vegetation requiring infrequent drip irrigation during summer shall be used. No pressurized irrigation lines shall be placed on or near the tops of graded slopes.</p>	On-site inspection by a qualified geotechnical engineer	During grading activities; regularly after Project completion	San Ramon Development Engineering; GHAD		
<p><b>MM GEO-4:</b> Before any construction work is stopped, a positive gradient away from the tops of slopes shall be provided to carry the surface runoff away from the slopes to areas where erosion can be controlled. No completed slope shall be left standing through a winter season unless erosion control measures have been implemented.</p>	On-site inspection by a qualified geotechnical engineer	Before construction is stopped	San Ramon Development Engineering		
<p><b>MM GEO-5:</b> Grading operations should meet the requirements</p>	On-site inspection by a	During grading	San Ramon		

**Table 1 (cont.): Chang Property Development Mitigation Monitoring and Reporting Program**

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
of the Supplemental Recommendations found in the appendix of the ENGEO preliminary Geotechnical Report (dated July 29, 2016), and must be observed and tested by ENGEO's field representatives. Existing slope stability hazards will be addressed by conceptual corrective grading, which will include construction of a subsurface drain system, a debris bench behind Lots 10 through 31, and drained keyways at the Project perimeter with supplemental geogrid slope reinforcement where required.	qualified geotechnical engineer	operations	Development Engineering		
MM GEO-6: The recommendation of the Chang Property Preliminary Geotechnical Exploration Report (Appendix F), and the geotechnical engineer's recommendations regarding site clearing, toe keyways, debris catchment, and placement of fill shall be implemented. Areas to receive fill shall be scarified to a depth of 12 inches, moisture conditioned and recompacted to provide adequate bonding with the initial lift of fill. All fills shall be placed in thin lifts. The lift thickness shall not exceed 8 inches or the depth of penetration of the compaction equipment used, whichever is less. In addition to track rolling to compact faces of slopes, slopes should be overfilled a minimum of 2 feet and cut back to design grades. Fills shall be compacted at higher than optimum moisture contents to reduce the effects of swell and/or hydrocompression. This recommendation of the ENGEO Preliminary Exploration dated July 29, 2016, regarding site clearing, toe keyways, debris catchment, and placement of fill shall be implemented.	On-site Inspection	When areas will receive fill	San Ramon Development Engineering		

Attachment: B. DRAFT PC RESOLUTION NO. 08-17 (1678) : Chang Property Development (DP 16-300-002),

Table 1 (cont.): Chang Property Development Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<b>B. Hazards and Hazardous Materials</b>					
<b>MM HAZ-1:</b> All excavation activities should cease at once if any indications (visual or olfactory) of subsurface contamination are discovered. The Project Applicant shall contact FCS immediately, at which point the need for additional studies, such as a Phase 2, will be determined.	Visual or olfactory confirmation	During development activity	Construction contractor		
<b>MM HAZ-2:</b> In accordance with National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines, an asbestos survey shall be performed on all structures proposed for demolition that are known or suspected to have been constructed prior to 1980. If asbestos-containing materials (ACMs) are determined to be present, the materials shall be abated by a certified asbestos abatement contractor in accordance with the regulations and notification requirements of BAAQMD. Demolition and disposal of ACMs will be completed in accordance with the procedures specified by BAAQMD's Regulation 11, Rule 2.	Asbestos survey	Before structure demolition	San Ramon Building and Safety Services		
<b>MM HAZ-3:</b> A lead-based paint survey shall be performed on all structures proposed for demolition that are known or suspected to have been constructed prior to 1980. If lead-based paint is identified, then federal and state construction worker health and safety regulations shall be followed during renovation or demolition activities. If loose or peeling lead-based paint is identified at the building, it shall be removed by a qualified lead abatement contractor and disposed of in accordance with existing hazardous waste regulations. Requirements set forth in the California Code of Regulations shall be followed during demolition activities, including employee training, employee air monitoring, and dust control. Any debris or soil containing lead-based paint or coatings shall be disposed of at landfills that meet acceptance criteria for the waste being disposed.	Lead based paint survey of structure	Before demolition	San Ramon Building and Safety Services		

Attachment: B. DRAFT PC RESOLUTION NO. 08-17 (1678 : Chang Property Development (DP 16-300-002,

**Table 1 (cont.): Chang Property Development Mitigation Monitoring and Reporting Program**

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<b>9. Hydrology and Water Quality</b>					
<b>MM HYDRO-1:</b> Prior to construction, the Applicant or its consultant shall prepare a site-specific SWPPP for coverage under the "General Permit for Discharges Related to Construction Activity" (Construction General Permit), for submittal to the San Francisco Bay RWQCB before any construction, demolition, or grading activities begin. The SWPPP describe site-specific and construction phase-specific activities such as BMPs, consistent with the requirements of the NPDES permit, to reduce the potential for contaminated runoff, such as limiting ground-disturbing activities during the winter rainfall period, minimizing exposure of disturbed areas and soil stockpiles to rainfall, and minimizing construction activities near or within drainage facilities.	Preparation of a site-specific SWPPP	Prior to issuance of building permit	San Francisco Bay RWQCB		
<b>MM HYDRO-2:</b> The Applicant shall place covenants, conditions and restrictions (CC&Rs) on the homes in the Residential Development Area that require regular maintenance of water quality facilities including debris control, drainage inspections, and silt removal. These maintenance activities will be required at least once per year, with maintenance documentation retained for a 5-year period.	Submittal of maintenance documentation	Annually	San Ramon Public Works Department		
<b>MM HYDRO-3:</b> The Applicant shall work with Contra Costa Clean Water Program and City of San Ramon to educate buyers at the Project regarding suburban pollutants with the goal of reducing source pollutants to the maximum extent practical. Education will include printed materials suggesting avoiding landscape over-watering, reducing the use of fertilizers and herbicides, and not hosing walkways.	Distribution of educational documents	Ongoing	San Ramon Public Works Department		
<b>12. Noise</b>					
<b>MM NOI-1:</b> Implementation of the following multi-part	Record in contract	Prior to issuance of	San Ramon		

Attachment: B. DRAFT PC RESOLUTION NO. 08-17 (1678) : Chang Property Development (DP 16-300-002).

Table 1 (cont.): Chang Property Development Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>attenuation measure pursuant to General Plan Policy 10.1-I-14 is required to ensure that potential construction period noise impacts remain less than significant:</p> <ul style="list-style-type: none"> <li>The construction contractor shall ensure that all equipment driven by internal combustion engines shall be equipped with mufflers, which are in good condition and appropriate for the equipment.</li> <li>The construction contractor shall ensure that unnecessary idling of internal combustion engines (i.e., idling in excess of 5 minutes) is prohibited.</li> <li>The construction contractor shall utilize “quiet” models of air compressors and other stationary noise sources where technology exists.</li> <li>At all times during project grading and construction, the construction contractor shall ensure that stationary noise-generating equipment shall be located as far as practicable from sensitive receptors and placed so that emitted noise is directed away from adjacent residences.</li> <li>The construction contractor shall ensure that the construction staging areas shall be located to create the greatest feasible distance between the staging area and noise-sensitive receptors nearest the Project site.</li> <li>All on-site demolition and construction activities, including deliveries and engine warm-up, shall be restricted to the hours between 7:30 a.m. and 7:00 p.m., Monday through Friday. No such activities shall be permitted on weekends or federal holidays.</li> </ul>	<p>specifications</p> <p>Periodic submittal of on-site inspection monitoring reports</p>	<p>grading and building permits</p> <p>Prior to and during construction</p>	<p>Planning/Community Development Department</p>		

Attachment: B. DRAFT PC RESOLUTION NO. 08-17 (1678 : Chang Property Development (DP 16-300-002,



# SAN RAMON VALLEY FIRE PROTECTION DISTRICT

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06/16/2016

Permit: CP164441471 - Submitted Plan: Planning and site development review

Project: Chang Residential Development DP 16-300-002 & MJ 16-900-001 - Business: null

City of San Ramon Planning Services Division  
2401 Crow Canyon Road  
San Ramon, CA 94583

**RE: PLANNING APPLICATION REVIEW AT  
18895 Bollinger Canyon RD  
Contra Costa Cty, CA 94583  
APN: 208240039**

Dear Project Planner Yee:

The District has reviewed the planning application for the above address. Based upon the information provided, comments and requirements have been made as conditions of approval (see the attached report).

If during the course of the entitlement process the project changes, additional requirements may apply. Thank you for the opportunity to comment on this proposed project. If you have any questions please contact me at (925) 838-6687 or [rwendel@srvfire.ca.gov](mailto:rwendel@srvfire.ca.gov)

Sincerely,

A handwritten signature in blue ink that reads "Roy Wendel". The signature is fluid and cursive, with a long horizontal line extending to the right.

Roy Wendel  
Code Compliance Officer

1500 Bollinger Canyon Road, San Ramon, CA 94583  
Phone: (925) 838-6600 Fax: (925) 838-6696  
[www.firedepartment.org](http://www.firedepartment.org)

# San Ramon Valley Fire Protection District Planning Application Review

## Submittal Information

Permit Number	CP164441471	Submittal Number	SN3337437
Submittal Type	Planning and site development review	Submitted Date	06/13/2016 07:38:37

Condition #	Category	Condition
5848765	General	Hazardous Watershed Fire Area- This project and/or portions are located in a Hazardous Watershed Fire Area and all structures shall meet hazardous fire area Building Code requirements of Chapter 7a of the California Building Code. Contact the Building Department for requirements. [FIRE-A26]
5848799	General	Site Access- Two (2) means of ingress/egress shall be provided to the development in accordance with Fire District access standards. [FIRE-A15]
5848894	General	Must comply with all the provisions and standards of the Fire District.
5851830	Access & Water	<p>1. An onsite access road width of 36 feet shall be provided when parking is not restricted. [FIRE-A1]</p> <p>2. An onsite access road width of 28 feet and parallel parking on one side shall be provided. Parking is permitted on the side of the street absent fire hydrants. . (Only use when approved) [FIRE-A2]</p> <p>3. An onsite access road width of 20 feet, no on street parking permitted. [FIRE-A3]</p> <p>4. Where one-way traffic and off-street parking occurs, a 20 foot street width shall be provided. (Note: limited use only and not for high hazard occupancies: H, R-1 over 2-story, R-2) [FIRE-A4]</p>
5851831	Access & Water	Turning Radius- The access road shall be of sufficient width to allow for a 40 foot outside turning radius at all turns in the road. [FIRE-A8]
5851842	Access & Water	<p>Fire Hydrant Plan- Prior to construction, the applicant shall submit plans to the Fire District for placement of fire hydrants. On plans, show existing hydrants within 300 feet of the development. Indicate the type of hydrant, number and size of outlets. [FIRE-A19]</p> <p>Fire Hydrant(s) Required- Fire hydrant(s) shall be provided in accordance with current adopted edition of the International Fire Code, Appendix C and adopted amendments. On-site fire hydrants may be required as determined by the Fire District. [FIRE-A20]</p> <p>Fire Hydrant Access - Adjacent to fire hydrants, fire apparatus roadways shall be a minimum of 28 feet in width for at least 20 feet in both directions from fire hydrant. [FIRE-A21]</p> <p>Fire Flow- The minimum fire flow required shall be determined as specified by the current adopted edition of the California Fire Code Appendix B with adopted Amendments and the applicable Water Manual for the jurisdiction (which ever is more restrictive).</p>

Condition #	Category	Condition
5851843	Access & Water	Turnarounds- Approved turnaround areas for fire apparatus shall be provided when dead-end Fire District access roads / driveways exceed 150 feet and at ½ mile intervals along the access road. Turnaround areas shall not exceed a 5% cross slope in any direction and shall be located within 150 feet of the end of the access road / driveway. Turnaround areas shall not be used for parking and shall be kept free of obstructions at all times. Turnaround areas shall be posted as Fire Lanes in accordance with Fire District Fire Lane Standards. [FIRE-A10]
5851844	Access & Water	<p>Hazard Abatement- All grass or brush exposing any structure(s) to fire hazards shall be cleared for a distance of 100 feet prior to construction of any structure and shall be maintained in accordance with SRVFPD Ordinance. [FIRE-A27]</p> <p>Hazard Abatement- All grass and brush shall be cleared to a distance of ten (10) feet on each side of all access roads / driveways. [FIRE-A28]</p> <p>Vegetation Management - Provide an open space management plan for review and approval by the Fire District. The Plan should address the establishment and maintenance of both fuel modification and emergency access. Plan must include details on how plan will be maintained in the future. [FIRE-A29]</p> <p>Fire Trails- Provide access to open space and fire trails that may be obstructed. [FIRE-A30]</p>





**CITY OF SAN RAMON**  
**PLANNING SERVICES DIVISION**  
 2401 CROW CANYON ROAD, SAN RAMON, CA 94583  
 TELEPHONE: 925. 973.2560 FAX: 925. 838.3231

**REQUEST FOR COMMENTS**

**DRC Meeting Date:** June 15, 2016  
**Project Name:** Chang Residential Development  
**File Numbers:** DP 16-300-002 & MJ 16-900-001  
**Project Planner:** Cindy Yee, Associate Planner

**This application is subject to Time and Material (T&M) Charges**

- |     |   |   |  |
|-----|---|---|--|
| TO: | <input checked="" type="checkbox"/> BUILDING              | <input checked="" type="checkbox"/> EBMUD             | <input type="checkbox"/> ALAMEDA CO PLNG             |
|     | <input checked="" type="checkbox"/> PUBLIC SERVICES       | <input checked="" type="checkbox"/> ENVIRON. HEALTH   | <input checked="" type="checkbox"/> TOWN OF DANVILLE |
|     | <input checked="" type="checkbox"/> PARKS & COMMUN. SER   | <input checked="" type="checkbox"/> CCCSD             | <input type="checkbox"/> CITY OF DUBLIN              |
|     | <input checked="" type="checkbox"/> ENGINEERING           | <input checked="" type="checkbox"/> DSRSD             | <input type="checkbox"/> TRI VALY TRAN COUNL         |
|     | <input checked="" type="checkbox"/> ENGINEERING - TRAFFIC | <input checked="" type="checkbox"/> SRVFPD            | <input type="checkbox"/> CCTA                        |
|     | <input checked="" type="checkbox"/> TRANSPORTATION (Lisa) | <input checked="" type="checkbox"/> SRVUSD            | <input type="checkbox"/> WCCTAC                      |
|     | <input checked="" type="checkbox"/> ECONOMIC DEVELOPMENT  | <input checked="" type="checkbox"/> FISH & WILDLIFE   | <input type="checkbox"/> SWAT                        |
|     | <input checked="" type="checkbox"/> POLICE SERVICES       | <input type="checkbox"/> CALTRANS                     | <input type="checkbox"/> TRANSPAC                    |
|     | <input type="checkbox"/> AT&T/TCI CABLE                   | <input checked="" type="checkbox"/> VALLEY WASTE MGMT | <input type="checkbox"/> TRANSPLAN                   |
|     | <input checked="" type="checkbox"/> PG&E                  | <input checked="" type="checkbox"/> CONTRA COSTA C&D  |  |

Note: Agencies marked with an "\*" receive hard copies of plans.

<b><u>Applicant</u></b>	<b><u>Owner</u></b>	<b><u>Date Application Submitted</u></b>
David Bowlby The Bowlby Group 3000 F Danville Blvd #404 Alamo, CA 94507	Hsientein Project Inv. LLC	May 27, 2016

<b><u>Project Address</u></b>	<b><u>Project Name</u></b>	<b><u>Assessor's Parcel Number</u></b>
Northwest Corner of Bollinger Canyon Rd. and Crow Canyon Rd.	Chang Residential Development	208-240-039

**Completeness/Incompleteness of Application/CEQA Comments**

**COMMENTS DUE:** June 17, 2016

**Project Conditions of Approval**

**COMMENTS DUE:** June 17, 2016

**Tentative Action Dates**

**ZONING ADMINISTRATOR:** N/A  
**PLANNING COMMISSION:** To Be Determined  
**CITY COUNCIL:** N/A

This referral is being forwarded to all responsible agencies for review and written comments. As required by state law (Govt. Code 65943), the responsible agencies must provide written comments in a timely manner. Please return this form with your comments prior to the designated due date.

The Development Review Committee (DRC) meeting is held alternate Wednesday's beginning at 2:00 P.M. in the Community Conference Room, 2401 Crow Canyon Road. The scheduled DRC meeting date is noted on page 1. All interested agencies are invited to attend; it is recommended that you contact the project planner prior to attending the DRC meeting to confirm that it is still on the agenda.

**Please direct all correspondence to the project planner: Cindy Yee, Associate Planner (925) 973-2562**

**CITY OF SAN RAMON  
REQUEST FOR COMMENTS**

**DRC Meeting Date:** June 15, 2016  
**Project Name:** Chang Residential Development  
**File Number(s):** DP 16-300-002 & MJ 16-900-001

**Project Description**

In December 2015, the Hsientein (also known as Chang) property owners filed a concept review application for 43 single-family dwelling units on their 198-acre parcel north of the Panetta property. The property is located approximately 400 feet northwest of the intersection of Bollinger Canyon Road and Crow Canyon Road. The proposed entrance into the development would occur slightly south of the entrance to Merrill Gardens, where Bollinger Creek is the narrowest. In February 2016, the Planning Commission held a Study Session to discuss the concept review and provided feedback on the proposed site plan. On May 27, 2016, the applicant formally submitted a Development Plan and Subdivision application for 43 single-family dwelling units, with a minimum of 12,500 sq. ft. lot size.

**Potential Issues:**

1. Conformance to the NWSP
2. Site and EVA Access
3. Environmental Impact

A Development Review Committee (DRC) meeting is scheduled for **Wednesday, June 15, 2016** at 2:00 p.m. in the Community Conference Room at 2401 Crow Canyon Road, San Ramon, CA 94583.

Please provide all comments by **Friday, June 17, 2016**.

**Attachments:**

1. Vicinity map
2. Project Plans, date received June 3, 2016

**CITY OF SAN RAMON  
REQUEST FOR COMMENTS**

**DRC Meeting Date:** June 15, 2016  
**Project Name:** Chang Residential Development  
**File Number(s):** DP 16-300-002 & MJ 16-900-001

<b>Growth Management Plan—Measure “J” Compliance:</b>  In accordance with the City’s General Plan Growth Management Program, the Review Authority must find that upon approval of the project that it complies with each of the following identified performance standards for full urban services as outlined in the General Plan Growth Management Element. Please review the Performance Standards that are your agency’s responsibility and confirm compliance or identify conditions of approval to ensure compliance.	<b>Does Not Meet</b>	<b>Meets</b>
<u>Community Centers – Responsibility San Ramon Parks and Comm. Services</u> <b>Performance Standard:</b> The proposed project will not result in new Community Center demand that will change service levels or alter current standard to provide a minimum ratio of 1.2 square feet of Community Center space per 1,000 residents at General Plan build-out.	<input type="checkbox"/>	<input type="checkbox"/>
<u>Fire - Responsibility SRVFPD</u> <b>Performance Standard:</b> Prior to project approval, require written verification from the District that a 5-minute total response time can be maintained for 90 percent of emergency calls in urban and suburban areas and/or that there will be a fire station within 1.5 miles of all development.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Flood Control - Responsibility San Ramon Engineering Services</u> <b>Performance Standard:</b> Prior to project approval, applicants shall obtain written verification from the San Ramon Engineering Services Department stating that the new development will provide adequate storm drain facilities to accommodate 25-year storm events, or other at the discretion of the City Engineer. Runoff from the development shall not increase the 100-year peak flow in the City’s flood control channels and shall be substantially equal to pre-development conditions	<input type="checkbox"/>	<input type="checkbox"/>
<u>Libraries - Responsibility San Ramon Parks and Comm. Services</u> <b>Performance Standard:</b> The proposed project will not result in new library demand that will change service levels to alter current Standard to provide a minimum ratio of 0.5 square feet of library space per capita and 3 volumes per capita at General Plan build-out.	<input type="checkbox"/>	<input type="checkbox"/>
<u>Parks - Responsibility San Ramon Parks and Comm. Services</u> <b>Performance Standard:</b> Require new development projects to contribute their fair-share to meet park demand based on the City Subdivision Ordinance, Quimby Act and City park dedication requirements, to achieve a ratio of 6.5 acres of Public Park per 1,000 residents, with a goal to have park and recreation facilities within one-half mile of all residences at General Plan build-out.	<input type="checkbox"/>	<input type="checkbox"/>
<u>Police - Responsibility San Ramon Police Services</u> <b>Performance Standard:</b> Prior to project approval, require written verification from the San Ramon Police Department that a 3-5 minute response time for emergency calls and a 20-minute response for all other calls can be maintained 95 percent of the time.	<input type="checkbox"/>	<input type="checkbox"/>
<u>Sanitation Facilities - Responsibility CCCSD or DSRSD</u> <b>Performance Standard:</b> Prior to project approval, require written verification from the approved service provider that adequate sanitation facilities and services will be available to serve the project	<input type="checkbox"/>	<input type="checkbox"/>
<u>Schools - Responsibility SRVUSD</u> <b>Performance Standard:</b> Require new development to provide necessary land, finding and/or capital facilities for the school system, as determined by the San Ramon Valley Unified School District and applicable State law.	<input type="checkbox"/>	<input type="checkbox"/>
<u>Water - Responsibility DSRSD or EBMUD</u> <b>Performance Standard:</b> Prior to project approval, require written verification from the approved service provider that adequate water quality, quantity, and distribution will be available to serve the project.	<input type="checkbox"/>	<input type="checkbox"/>

I have included comments on the next page.

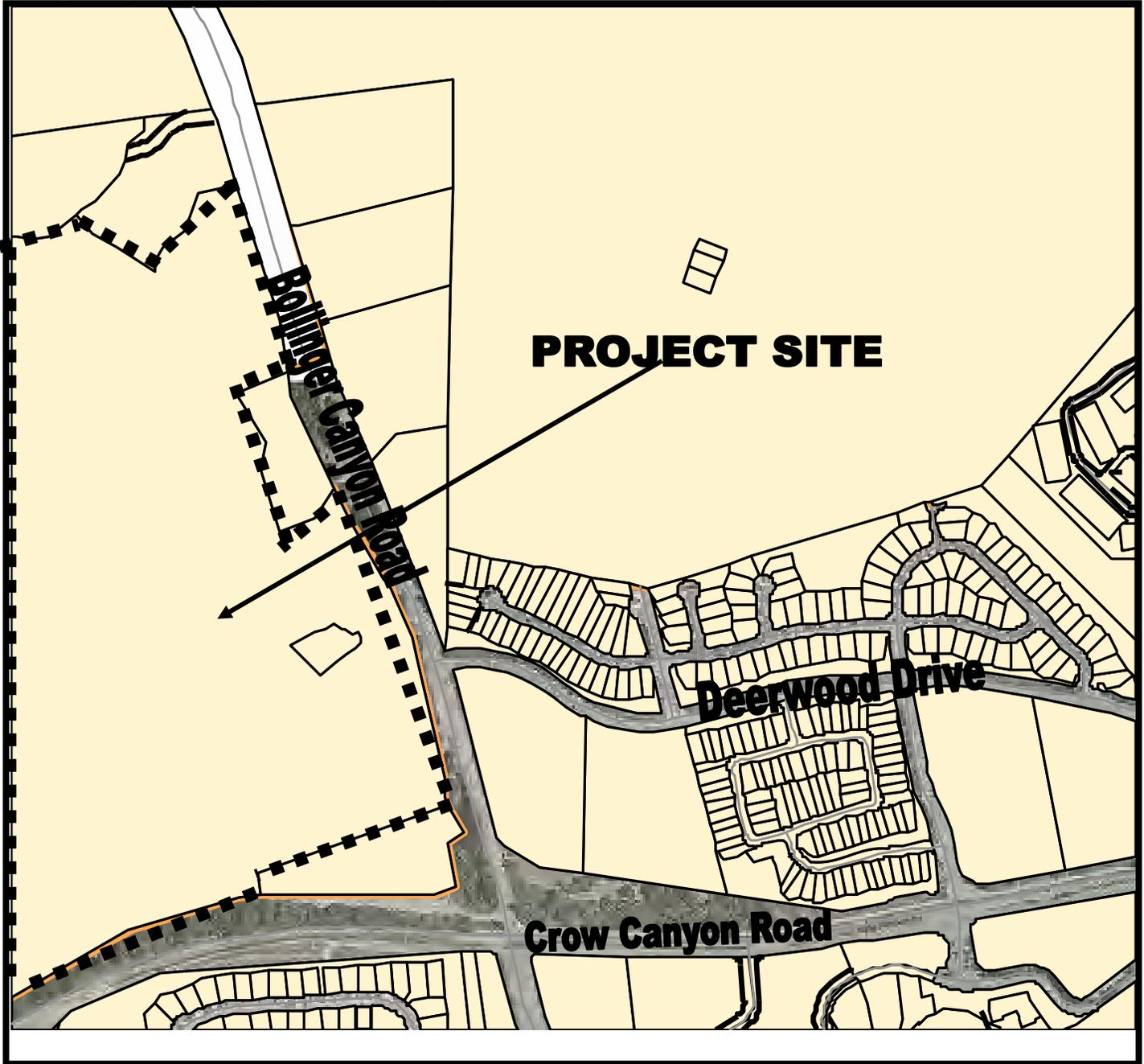
**If you have no comments on this project on behalf of your organization and acknowledge that the proposed project complies with the performance standards as required by Measure J, please sign below and return it to the attention of the project planner indicated on Page1 of this Request for Comments form.**

San Ramon Valley Fire  
Agency

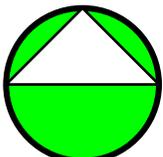
  
Representative

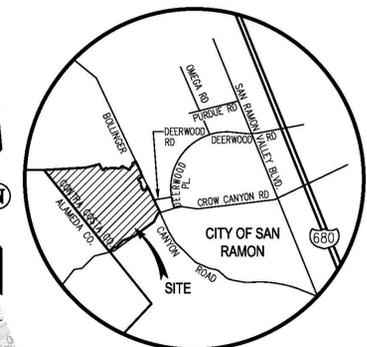
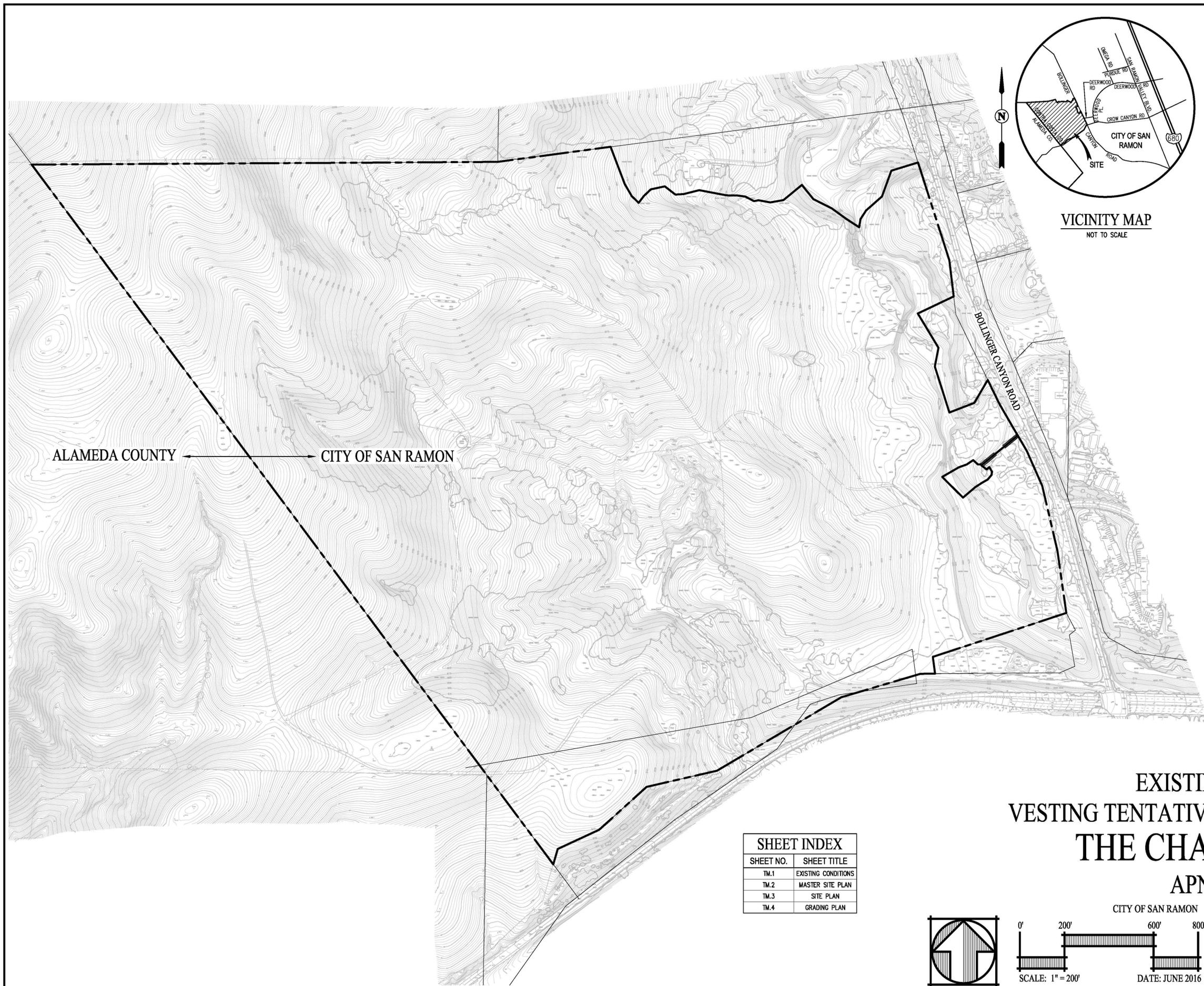
06/16/2016  
Date





**CITY OF SAN RAMON PLANNING SERVICES**  
**Vicinity Map**

 <p>San Ramon CALIFORNIA INCORPORATED - 1982</p>	<p><b>DP 16-300-002 &amp; MJ 16-900-001</b></p> <p><b>Chang Residential Development</b> <b>Northwest Corner of</b> <b>Bollinger Canyon Road and Crow Canyon Rd.</b></p> <p><b>(APN: 208-240-039)</b></p>	<p><b>N</b></p>  <p><b>(Not to Scale)</b></p>
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VICINITY MAP  
NOT TO SCALE

**CONTACTS:**

1. DEVELOPER: THE BOWLEY GROUP, INC.  
3000 F DANVILLE BLVD. #409  
ALAMO, CA 94507  
(925) 988-9424  
DAVID BOWLEY
2. ENGINEER: CARLSON, BARBEE & GIBSON, INC.  
2633 CAMINO RAMON, SUITE 350  
SAN RAMON, CALIFORNIA 94583  
(925) 866-0322  
LEE ROSENBLATT, RCE 65489
3. SOILS ENGINEER: ENCEO  
CROW CANYON PLACE, SUITE 250  
SAN RAMON, CALIFORNIA 94583  
(925) 866-9000

**GENERAL NOTES:**

1. ASSESSORS PARCEL NUMBER: 208-240-039
2. SITE AREA: 196.0 AC± (SEE BOUNDARY NOTE #3 BELOW)
3. BOUNDARY: THE BOUNDARY INFORMATION SHOWN IS PER RECORD DATA ONLY. ALL AREAS SHOWN ARE PER RECORD DATA
4. EXISTING ZONING: PER NORTHWEST SPECIFIC PLAN  
PROPOSED ZONING: PER NORTHWEST SPECIFIC PLAN
5. EXISTING LAND USE: PER NORTHWEST SPECIFIC PLAN  
PROPOSED LAND USE: PER NORTHWEST SPECIFIC PLAN
6. NUMBER OF RESIDENTIAL UNITS: 43 SINGLE FAMILY LOTS
7. PHASING: THIS PROJECT WILL BE ONE PHASE WITH ONE FINAL MAP FILED.
8. EXISTING STRUCTURES: ALL EXISTING STRUCTURES TO BE REMOVED UNLESS OTHERWISE NOTED.
9. EXISTING UTILITIES: ALL EXISTING UTILITIES TO BE REMOVED UNLESS OTHERWISE NOTED.
10. STREETS: ALL STREETS WITHIN THE PROJECT TO BE PRIVATE AND TO BE PRIVATELY MAINTAINED WITH A PUBLIC ACCESS EASEMENT.
11. STREET TREES: STREET TREES WITHIN THE PROJECT WILL BE INSTALLED PER CITY OF SAN RAMON STANDARD AND WILL BE PRIVATELY MAINTAINED.
12. STREET LIGHTS: STREET LIGHTS WITHIN THE PROJECT WILL BE INSTALLED PER CITY OF SAN RAMON STANDARDS (OR APPROVED EQUAL) AND WILL BE PRIVATELY MAINTAINED.
13. WALLS: ALL WALLS WILL BE PRIVATE AND WILL BE PRIVATELY MAINTAINED.
14. UTILITIES:  
WATER: EAST BAY MUNICIPAL UTILITY DISTRICT (EBMUD)  
SANITARY SEWER: CONTRA COSTA COUNTY SANITARY DISTRICT (CCCSD)  
STORM DRAIN: CITY OF SAN RAMON  
GAS & ELECTRIC: PACIFIC GAS & ELECTRIC  
TELEPHONE: ATT  
FIRE: SAN RAMON VALLEY FIRE PROTECTION DISTRICT
15. LANDSCAPING: ALL LANDSCAPING WITHIN THE PROJECT BOUNDARY WILL BE PRIVATE AND WILL BE PRIVATELY MAINTAINED.
16. FLOOD ZONE: ZONE X  
REFER TO:  
FLOOD INSURANCE RATE MAP  
PANEL 06013C0463F (JUNE 16, 2009)
17. WELLS ONSITE: NONE

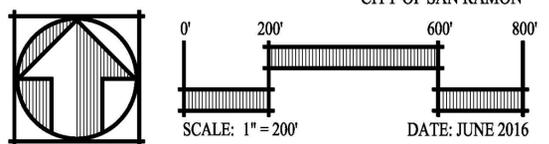
ALAMEDA COUNTY ← → CITY OF SAN RAMON

EXISTING CONDITIONS  
VESTING TENTATIVE MAP/DEVELOPMENT PLAN  
**THE CHANG PROPERTY**

APN: 208-240-039

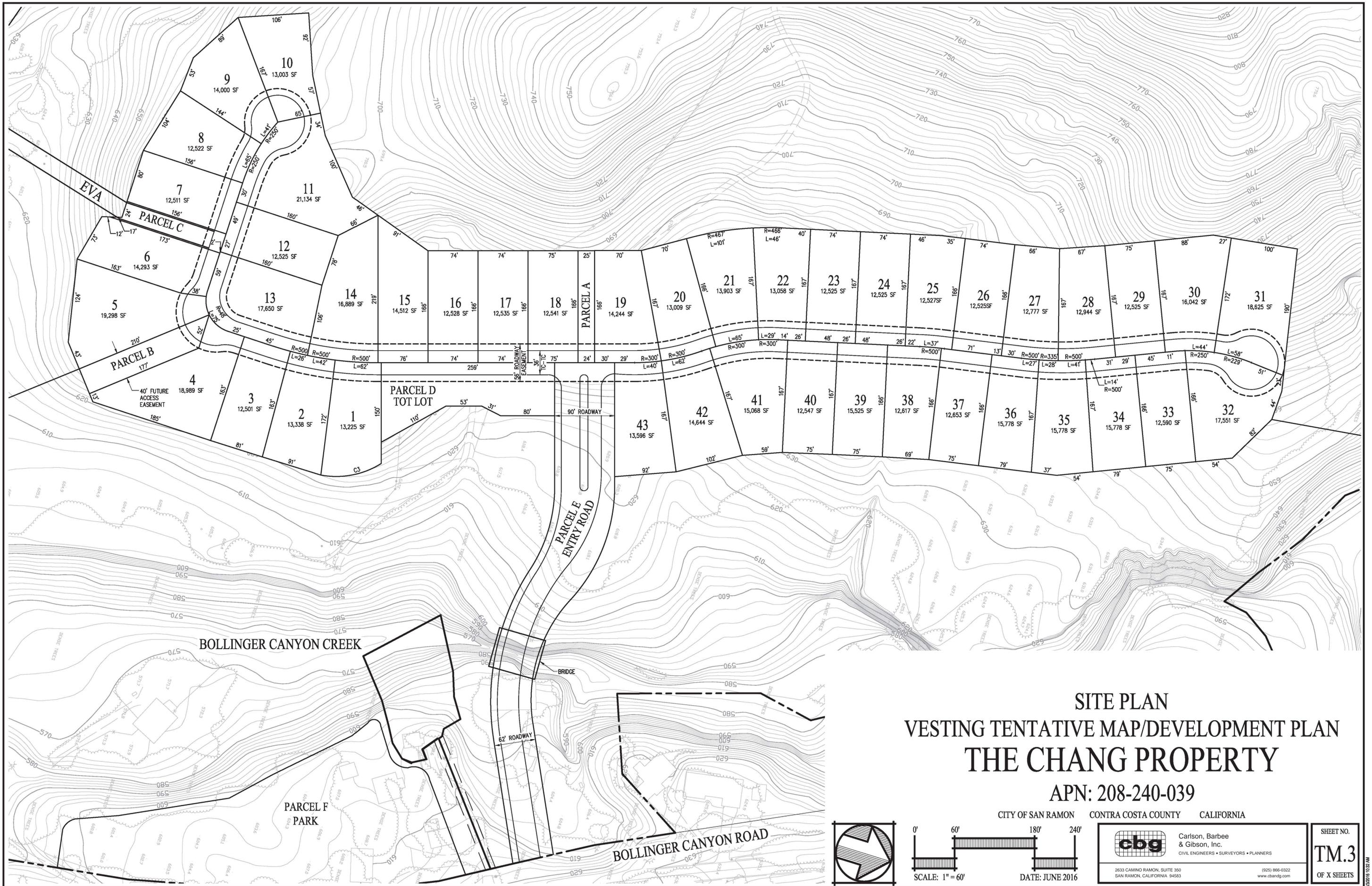
CITY OF SAN RAMON CONTRA COSTA COUNTY CALIFORNIA

SHEET INDEX	
SHEET NO.	SHEET TITLE
TM.1	EXISTING CONDITIONS
TM.2	MASTER SITE PLAN
TM.3	SITE PLAN
TM.4	GRADING PLAN



**cbg** Carlson, Barbee & Gibson, Inc.  
CIVIL ENGINEERS • SURVEYORS • PLANNERS  
2633 CAMINO RAMON, SUITE 350  
SAN RAMON, CALIFORNIA 94583  
(925) 866-0322  
www.cbang.com

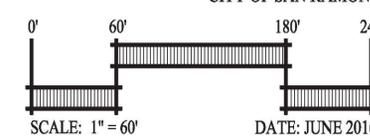
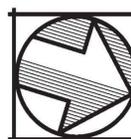
SHEET NO.  
**TM.1**  
OF 4 SHEETS



SITE PLAN  
 VESTING TENTATIVE MAP/DEVELOPMENT PLAN  
**THE CHANG PROPERTY**

APN: 208-240-039

CITY OF SAN RAMON CONTRA COSTA COUNTY CALIFORNIA



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SHEET NO.  
**TM.3**  
 OF X SHEETS

# 9

## Safety

The Safety Element of the General Plan is to provide information “for the protection of the community from unreasonable risks associated with the effects of seismically induced surface rupture, ground shaking, ground failure, and dam failure; slope instability leading to landslides, subsidence, and other geological hazards; flooding; hazardous material accidents; and wildland and urban fire” (Government Code §65302 [g]). One of the City’s highest priorities is the protection of its residents from geologic and soils hazards, hazardous materials, flooding, and fires.

A new component of the safety element is a discussion of the City’s Emergency Operations Plan. The Emergency Operation Plan premise is to reduce injury and loss of life, property, and natural resources through the effective management of emergency resources.

### **9.1 SAN RAMON EMERGENCY OPERATIONS PLAN**

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In 2006, the City of San Ramon City Council adopted its Emergency Operations Plan and a subsequent update to the plan was initiated in 2009. The Emergency Operations Plan identifies the appropriate actions to take when an event occurs due to a major earthquake, hazardous materials incident, flood, national security emergency, wildfire, landslide, and dam failure.

The City’s plan complies with existing state and federal laws. The objectives of the plan are to reduce injury, and loss of life, property, and natural resource through effective management of emergency resources. The Emergency Operations Plan identifies the City’s emergency planning, organizational, and response policies and procedures, while integrating and coordinating these with other governmental levels when required. The Emergency Operations Plan institutes the Incident Command System, the Standardized Emergency Management System, and the National Incident Management System, which provide a common system that is recognized throughout the State of California as a basis for managing large emergency incidents that could involve multiple agencies and jurisdictions.

The City’s response to disasters is based on four phases including: increased readiness, initial response operations, extended response operations, and recovery operations. All individual departmental plans support the Emergency Operations Plan and inform staff of the procedures for recalling departmental personnel, disaster assignments, and departmental resource lists. Response to emergencies follows the Incident Command System, ensuring unified command by all emergency response teams. Depending on the type of incident, the most appropriate agency will become the lead agency and will be supported by the other emergency response teams.

**GUIDING POLICIES**

9.1-G-1 Maintain the City's Emergency Operations Plan as the guide for emergency management in San Ramon.

**IMPLEMENTING POLICIES**

9.1-I-1 Maintain and update the City's Emergency Operations Plan, as required by State and Federal laws, to minimize the risk to life and property of seismic and geologic hazards, hazardous materials and waste, and fire.

*Disseminate information to community and business leaders and residents regarding all aspects of emergency and disaster preparedness, including plans for evacuation and alternate access routes and provisions of Emergency Operation Plan. The City will participate in a coordinated emergency response in the event of any local or regional, natural or man-made disaster.*

9.1-I-2 In collaboration with other agencies, maintain and disseminate emergency preparedness information.

*The City participates in a Joint Powers Agreement (JPA) Citizen Corps Council program as encouraged by Federal Emergency Management Agency (FEMA) in collaboration with the San Ramon Valley Fire Protection District, San Ramon Valley Unified School District, and Town of Danville. The joint program conducts an annual emergency preparedness community fair, provides a Community Emergency Response Team (CERT) program, and conducts regular trainings and drills with interested residents and businesses. Public education and emergency preparedness information are shared between the agencies for common dissemination to the public, consistent with the "be ready" federal and state campaigns.*

9.1-I-3 Coordinate regular exercises and drills with emergency organizations. Provide training opportunities for all City staff to be adequately trained to State and Federal requirements.

*The City maintains regular employee training programs to meet the National Incident Management System (NIMS) and California Standardized Emergency Management System (SEMS) requirements.*

**9.2 GEOLOGIC, SEISMICITY AND SOILS HAZARDS**

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**GEOLOGY**

The San Ramon Planning Area is located in the East Bay Hills of the Coast Ranges in the western part of Contra Costa County, California. The East Bay Hills are part of a block of folded and faulted Upper Cretaceous age (about 62 to 98 million years ago) marine sedimentary rocks of the Great Valley Sequence. The local hills are formed from younger rocks, uplifted between the Hayward and Calaveras fault zones. The Planning Area includes a series of northwest-trending ridges and valleys, and is underlain by Tertiary (about 2 to 62 million years ago) marine and non-marine sedimentary rocks.

## Safety

### **SEISMICITY**

The major active fault with rupture potential in San Ramon is the Calaveras Fault, which lies parallel to and just west of San Ramon Valley Boulevard. The California Legislature has established an Alquist-Priolo Earthquake Fault Zone along the fault, requiring detailed studies of rupture hazards prior to new construction. Two smaller faults, the Dublin Fault and the Bollinger Fault, also traverse portions of the City and its Sphere of Influence and are not regarded as active. Minor faults, presumed inactive, intersect active or potentially active faults and any movement of the master fault could trigger adjustments (earthquakes) on minor cross faults or adjacent subparallel faults.

In 1990, the State Legislature passed the Seismic Hazards Mapping Act, which became effective on April 1, 1991. The purpose of the Act is to protect public safety from the effects of strong ground shaking, liquefaction, landslides, or other ground failure and hazards caused by earthquakes. The program and actions mandated by the Seismic Hazards Mapping Act closely resemble those of the Alquist-Priolo Earthquake Fault Zoning Act. The Seismic Hazards Mapping Act requires the State Geologist to delineate the various seismic hazard zones and requires cities to regulate certain development projects within the zones. If a project is located in this zone, development permits for a site may not be issued until the geologic and soil conditions of the project site are investigated and appropriate mitigation measures, if any, are incorporated into development plans.

The United States Geological Survey and the State Department of Conservation's California Geologic Survey prepare geologic maps and reports, which should be consulted for locations of additional minor faults. The existence of any fault line, whether it is inside or outside of an earthquake fault zone, should be given serious consideration and thorough evaluation prior to any development decisions.

### **SOILS**

The San Ramon Planning Area is dominated by generally northwest-trending, broad, rounded ridges, and intervening valleys with steep side slopes. Sandstone bedrock crops out locally on ridge crests and underlies upper hill slopes at shallow depths. Northern and eastern portions of the Planning Area are underlain by non-marine conglomerate, sandstone, and mudstone. Alluvial terraces are locally present along major drainages. Soils are thin to non-existent on ridges, crests, and hill slopes, thicken toward the base of hill slopes, and generally are thick in colluvium-filled swales.

Soils within the San Ramon Planning Area frequently contain clays with high shrink-swell potential. Soils in the valley floors generally consist of alluvium and a mixture of sand, silt, and clay. These areas have an elevated risk of experiencing localized liquefaction in the event of strong ground shaking. Figure 9-1 illustrates the geotechnical hazards in San Ramon.

Slopes range from level and gently sloping along the valley floor to slopes exceeding 75 percent in hilly areas where rock outcrops occur. In these areas, there are high to severe erosion hazards on slopes where bare soil is exposed as well as elevated risks of landslides. Much of the Tassajara Valley and Bollinger Canyon Subareas are steeply sloped, with existing and potential for new landslides posing concerns for new development in these areas.

The Bay Area's seismic activity requires that the City be vigilant with regard to safety. Crucial measures may include the avoidance of geologic and seismic hazards in building, and the adequate provision of public information regarding seismic safety.

In the steeper portions of the Planning Area, such as Bollinger Canyon, the Westside, and Tassajara Valley, active landslides (debris flows, earth flows, and slumps) and severe erosion potential represent major constraints to development. Any development in valley floors would require careful siting, grading, and building techniques because these areas have an elevated risk of experiencing localized liquefaction in the event of strong ground shaking.

#### **GUIDING POLICY**

- 9.2-G-1 Minimize risks of personal injury and property damage posed by geologic and seismic hazards.

#### **IMPLEMENTING POLICIES**

- 9.2-I-1 Review proposed development sites during the planning process to identify and mitigate any potential geologic or seismic hazards.

*Following receipt of a development proposal, engineering staff shall review the plans to determine whether a geotechnical review is required.*

- 9.2-I-2 Require the preparation of a fault investigation study to identify appropriate setbacks for any proposed structure intended for human occupancy within 50 feet of an active fault trace.

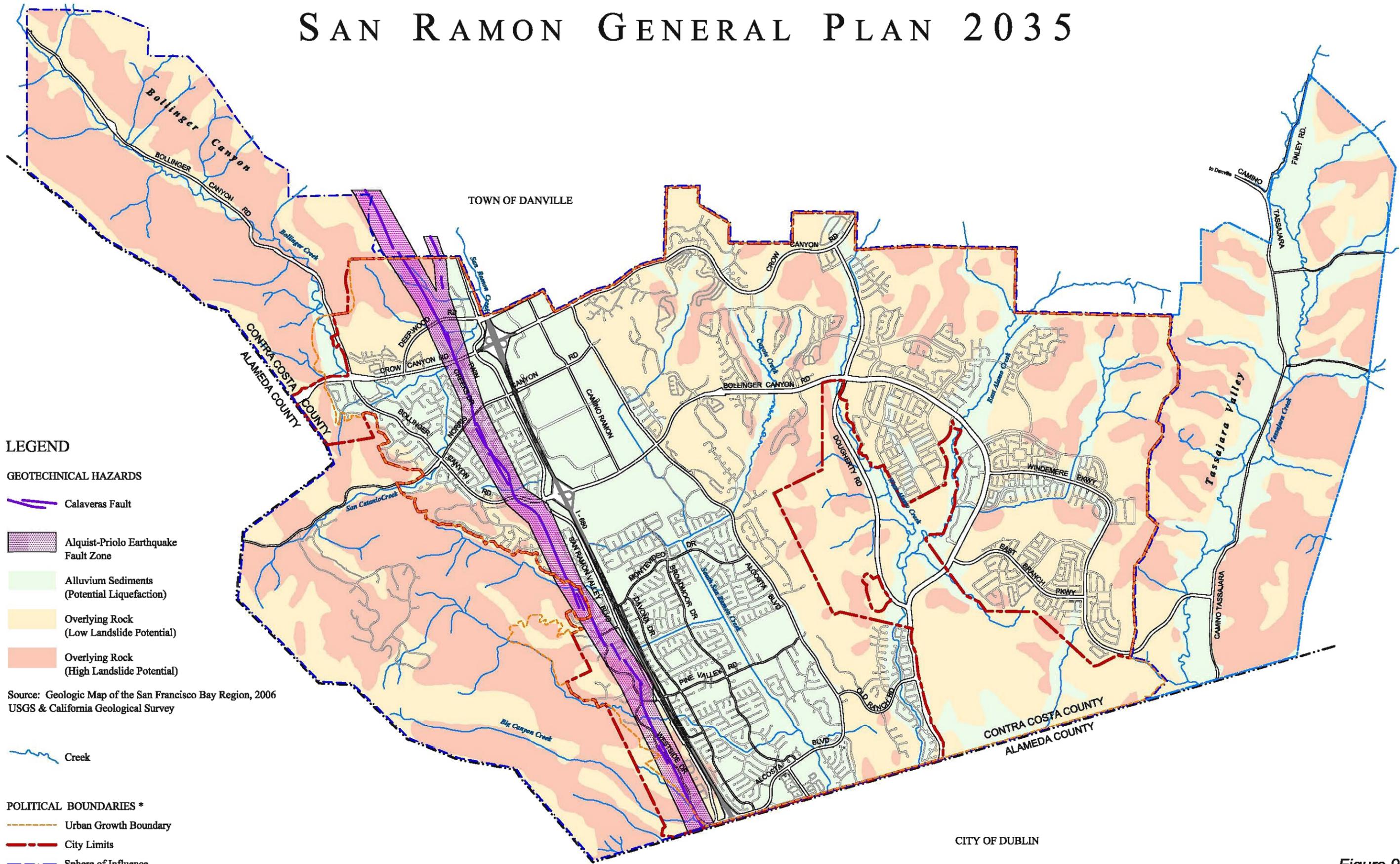
*It is also the City's intent to discourage homes, offices, hospitals, public buildings, and other similar structures over the trace of an inactive fault, but to allow non-habitable uses such as landscaping, parking lots, and noncritical storage, within seismic setback areas that could experience displacement without undue risk to people and property. Roads may be built over active faults only where alternatives are impractical and where no utility lines are placed in the right-of-way.*

- 9.2-I-3 Where appropriate, require an independent registered engineering geologist or geotechnical engineer to review geotechnical reports submitted by applicants on sites in seismically hazardous areas.

- 9.2-I-4 Require comprehensive geologic and engineering studies of critical structures regardless of location.

*Critical structures are those most needed following a disaster or those that could pose hazards of their own if damaged. They include utility centers and substations, water reservoirs, hospitals, fire stations, police and emergency communications facilities, and bridges and overpasses.*

# SAN RAMON GENERAL PLAN 2035



- LEGEND**
- GEOTECHNICAL HAZARDS**
- Calaveras Fault
  - Alquist-Priolo Earthquake Fault Zone
  - Alluvium Sediments (Potential Liquefaction)
  - Overlying Rock (Low Landslide Potential)
  - Overlying Rock (High Landslide Potential)
- POLITICAL BOUNDARIES \***
- Urban Growth Boundary
  - City Limits
  - Sphere of Influence
  - Planning Area Boundary
  - County Boundary

Source: Geologic Map of the San Francisco Bay Region, 2006  
USGS & California Geological Survey

- Creek

\* The locations of political boundaries are shown adjacent to each other for ease of identification. Actual political boundaries are coterminous when shown as contiguous, parallel, or overlap.



Figure 9-1  
Geotechnical Hazards

## Safety

- 9.2-I-5 Require geotechnical field review during the construction phase of any new development as determined by the City Engineer.

*While proper grading techniques can effectively reduce risks of geologic hazards, it is important that a geotechnical engineer and/or engineering geologist provide onsite field inspection and testing during construction to ensure compliance with geotechnical recommendations.*

- 9.2-I-6 Require preparation of a soils report as part of the development review and/or building permit process.

*The City is underlain by moderately to highly expansive soils, which must be taken into account during building design to minimize potential cracking and settling of structures. The report, however, would not be necessary when soil characteristics are known, and the City's Building Official determines it is not needed.*

- 9.2-I-7 Limit cut-and-fill slopes to 3:1 (33 percent slope) except where an engineering geologist or geotechnical engineer can establish to the satisfaction of the City Engineer that a steeper slope would not pose undue risk to people and property.

*This grading standard is applied to new development throughout the City to reduce the appearance of angled contours and to maintain slope stability. The City encourages less steep slopes wherever possible so that the visual impacts of grading are minimized. Encourage the use of 3D modeling to assure visual mitigation. The San Ramon Valley Fire Protection District should also ensure that emergency access to hillside development is maintained.*

- 9.2-I-8 Blend cut-and-fill slopes with existing contours to avoid the appearance of artificial slopes.

*Grading plans should provide variation in horizontal and vertical contours that mimic the surrounding terrain such that development blends with the existing environment and avoids the visual impacts that result from high cut slopes and steep embankments.*

- 9.2-I-9 Provide information and establish incentives for property owners to rehabilitate existing buildings using construction techniques to protect against seismic hazards.

*San Ramon requires compliance to the City-adopted California Building Code, which specifies seismic standards for new construction, as well as for additions or expansions to buildings. It is in the community's best interest to do all that is necessary to ensure that all structures meet current seismic standards. Incentives may include free inspections, assistance in obtaining loans, and possibly reduced fees.*

- 9.2-I-10 Control erosion of graded areas with revegetation or other acceptable methods.

*Plant materials for re-vegetation should not be limited to hydro-seeding and mulching with annual grasses. Trees add structure to the soil and take up moisture while adding color and diversity.*

- 9.2-I-11 Require financial protection for public agencies and individuals as a condition of development approval where geologic conditions indicate a potential for high maintenance costs for areas of public benefit.

*The formation of Geological Hazard Abatement Districts (GHAD) is one mechanism that can ensure geotechnical mitigation measures are maintained over the long term for areas of public benefit. Financial risks are to be equitably shared among owners and not borne by the City.*

- 9.2-I-12 Encourage continued investigation by State agencies of geologic conditions within the City's Planning Area to promote public awareness of potential geologic and seismic hazards.

*The City's requirement for independent review of geologic reports shall consider the most recent available information regarding seismic hazards, including the potential for seismic shaking and fault rupture within the Mt. Diablo fold-and-thrust belt.*

- 9.2-I-13 Review and update, as appropriate, City Code requirements for excavation, grading and filling to ensure that they conform to currently accepted standards.

### **9.3 HAZARDOUS MATERIALS**

---

Some topics regarding public safety can be dealt with only at a regional level, or fall within the responsibility of public agencies other than the City of San Ramon. The use and transportation of hazardous substances is one example for which public safety depends in large part on the actions taken by the state and federal governments.

Pursuant to state law, the City has adopted by reference Contra Costa County's Hazardous Waste Management Plan. The Plan establishes a comprehensive approach to management of hazardous wastes in Contra Costa County, including siting criteria for new waste management facilities, educational and enforcement efforts to minimize and control the hazardous waste stream, and policies to maintain a unified database on businesses that generate hazardous waste.

The California Environmental Protection Agency (CEPA) lists all leaking Underground Storage Tank (UST) sites and all solid waste disposal facilities from which there is a migration of hazardous waste. Contaminated sites threaten the quality of the City's groundwater and shall be cleaned through decontamination of soils and filtration of groundwater. Clean-up shall be required in conjunction with development of property or alteration of existing uses.

In San Ramon, waste oil is collected at the curb by the franchised waste hauler, and household hazardous wastes are collected on weekends at various locations throughout the County. Central Contra Costa Sanitary District (Central San) and Mt. View Sanitary District (MVSD) jointly operate Contra Costa County's first permanent Household Hazardous Waste Facility (HHW) located in Martinez. The HHW collection facility collects household cleaners, automotive care products, paint and paint-related products, and garden care and pest control products at no charge for cities in its service area, which includes the City of San Ramon.

## Safety

Although San Ramon does have businesses that use hazardous materials, hazardous waste is not generated in large amounts and a waste disposal facility is not likely to be sited in the City. However, a concern exists because of the transportation of hazardous materials along the I-680 corridor and other routes of regional significance that pass through or are in close proximity to San Ramon.

### GUIDING POLICY

9.3-G-1 Minimize the risk of property damage and personal injury resulting from the production, use, storage, disposal, or transportation of hazardous materials.

### IMPLEMENTING POLICIES

9.3-I-1 Promote the reduction, recycling, and safe disposal of household hazardous wastes through public education and awareness.

9.3-I-2 Continue to investigate options for establishing household hazardous waste drop off locations that are convenient to San Ramon residents

*Central Contra Costa Household Hazardous Waste Collection Facility was constructed in Martinez in approximately 1997 for the collection of hazardous waste generated by the residents and businesses of Contra Costa County. The Martinez facility is over 20 miles from San Ramon. In order to accommodate the San Ramon residents, financially viable options and ventures through local businesses and agencies to enhance household hazardous waste collection and disposal programs should be explored.*

9.3-I-3 Require the clean-up of sites contaminated with hazardous substances.

*The California Environmental Protection Agency publishes the Hazardous Waste and Substances Sites List, which identifies properties in the City that have the potential for hazardous materials contamination. Contaminated sites are threats to the quality of groundwater and shall be cleaned through decontamination of soils and filtration of groundwater. Clean-up shall be required in conjunction with new development, reconstruction, property transfer of ownership, and/or the continued operation after the discovery of contamination. Continual business operation may be permitted during the conduct of clean-up or remediation of the contamination as long as the clean-up proceeds in accordance with an approved clean-up plan.*

9.3-I-4 Support and implement policies contained in the Contra Costa County Hazardous Waste Management Plan that encourage and assist the reduction of hazardous waste from businesses and homes in San Ramon.

9.3-I-5 Require businesses generating hazardous waste to pay necessary costs for local implementation of programs specified in the County Hazardous Waste Management Plan, as well as the costs associated with emergency response services for a hazardous materials release.

- 9.3-I-6 Work with the San Ramon Valley Fire Protection District to minimize potentially dangerous conditions from storing, dispensing, using and handling of hazardous materials.

*The San Ramon Valley Fire Protection District reviews and approves plans for new and existing businesses with hazardous material, and may require new developments and change of use of existing facilities to conform to the California Fire Code with respect to storing, dispensing, using and/or handling of hazardous materials.*

#### **9.4 FLOOD AND STORM DRAINAGE**

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According to the Federal Emergency Management Agency (FEMA), a majority of Contra Costa County's creeks and shoreline lie within the 100-year floodplain. Drainage facilities in Contra Costa County are provided by the cities, the County, and the Contra Costa County Flood Control and Water Conservation District (FCWCD). The FCWCD collects special assessments to finance drainage improvements in areas with adopted drainage plans.

In the unincorporated parts of the San Ramon Planning Area, lands immediately abutting Alamo Creek in Dougherty Valley and Tassajara Creek in Tassajara Valley are within the 100-year floodplain. Neither Dougherty Valley nor Tassajara Valley is currently in a formal drainage area. The maintenance of Dougherty Valley flood control facilities will be undertaken by County Service Area (CSA) M-29. These facilities will be maintained by the City of San Ramon once they are annexed to the City as provided for in the Dougherty Valley Settlement Agreement.

The City is generally responsible for maintaining the publicly owned elements of the flood control system within the incorporated area, except for the San Ramon Creek downstream of Crow Canyon Road and the Canyon Lakes area, which are the responsibility of the FCWCD.

The 100-year flood is the flood elevation that has a one percent chance of being equaled or exceeded each year. Areas that are within the 100-year flood zone, as determined by FEMA at the time of preparation of this document are indicated on Figure 9-2.

The City's potential vulnerability to flooding makes the maintenance of the creeks system and the location of structures above the 100-year floodplain important considerations. Maintenance tactics, detention of increased runoff, and the grading of land so that buildings remain above the 100-year floodplain should be a priority in areas of new development and re-development.

Maintenance practices for existing creeks and drainage systems should also be re-evaluated and adjusted because of the changes in the awareness of drainage systems and their associated environments, as well as public attitudes and the regulatory climate. Changing the maintenance practices will require considerable resources, and new funding mechanism, should be explored.

Dougherty Valley's development concept maintains major creek channels and places development above the 100-year floodplain. In addition, the FCWCD and the Contra Costa County Public Works Department have employed flood detention basins and channeling systems to control the flows of both Alamo Creek and Tassajara Creek in the Tassajara

## Safety

Valley, and the FCWCD has designed storm drainage improvements that are expected to accommodate creek flows at development build-out.

### GUIDING POLICY

- 9.4-G-1 Protect the community from risks to lives and property posed by flooding and stormwater runoff.

### IMPLEMENTING POLICIES

- 9.4-I-1 Reduce hazards caused by local flooding through improvements and ongoing maintenance to the storm drain system and/or creek corridors.

- 9.4-I-2 Require new development to prepare hydrologic studies to assess storm runoff impacts on the local and subregional storm drainage systems and/or creek corridors. New development shall implement all applicable and feasible recommendations from the studies.

*Developers shall provide an assessment of a project's potential impacts on the local and subregional storm drainage systems, so that the City can determine appropriate mitigation to ensure that system capacity and peak flow restrictions are not exceeded.*

- 9.4-I-3 Require new development to provide a funding mechanism for ongoing maintenance of drainage facilities and other stormwater control measures. Maintenance may be by the City under contract, or by a private entity.

*If wetlands are affected, maintenance of drainage facilities may include mitigation monitoring in compliance with regulatory requirements until these requirements have been met.*

- 9.4-I-4 Establish landscape and maintenance guidelines for required detention basins to ensure that such facilities achieve a look and quality that is consistent with the landscape of San Ramon and applicable regulatory requirements.

*Detention ponds provide aesthetic as well as safety benefits. Landscape and maintenance guidelines incorporated into a maintenance manual and ongoing monitoring would ensure that ponds in San Ramon are integral to the look and feel of the City landscape.*

- 9.4-I-5 Maintain flood insurance rate maps and post for public education.

*Encourage all property owners within flood hazard areas to carry flood insurance.*

- 9.4-I-6 Explore new funding mechanisms for enhancing the riparian environment and converting, where possible, flood control channels back to a more natural setting while keeping the existing uses and maintaining sufficient carrying capacity of the channels.

- 9.4-I-7 All new developments shall not increase runoff to the 100-year peak flow in the City's flood control channels or to local creeks and shall be substantially equal to pre-development conditions. All new storm water systems shall be in compliance

with the requirements of the City's Stormwater Municipal Regional Permit issued by the San Francisco Regional Water Quality Control Board.

*All cities within the Contra Costa County, including the City of San Ramon, are part of the Contra Costa Clean Water Program and are co-permittees of the Municipal Regional Permit issued by the San Francisco Bay Regional Water Quality Control Board. The Permittees are required within their respective jurisdictions to effectively prohibit the discharge of non-stormwater into the storm drain systems and watercourses through the enforcement of the Municipal Permit requirements at the local level.*

- 9.4-I-8 New development shall be required to locate buildings above the 100-year floodplain and outside the special flood hazard area to minimize potential flood damages.

## **9.5 WILDLAND AND URBAN FIRES**

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The San Ramon Valley Fire Protection District (SRVFPD) provides fire protection services to the incorporated and unincorporated portions of San Ramon.

The risk of both urban and wildland fires exists in the San Ramon Planning Area (Figure 9-3).

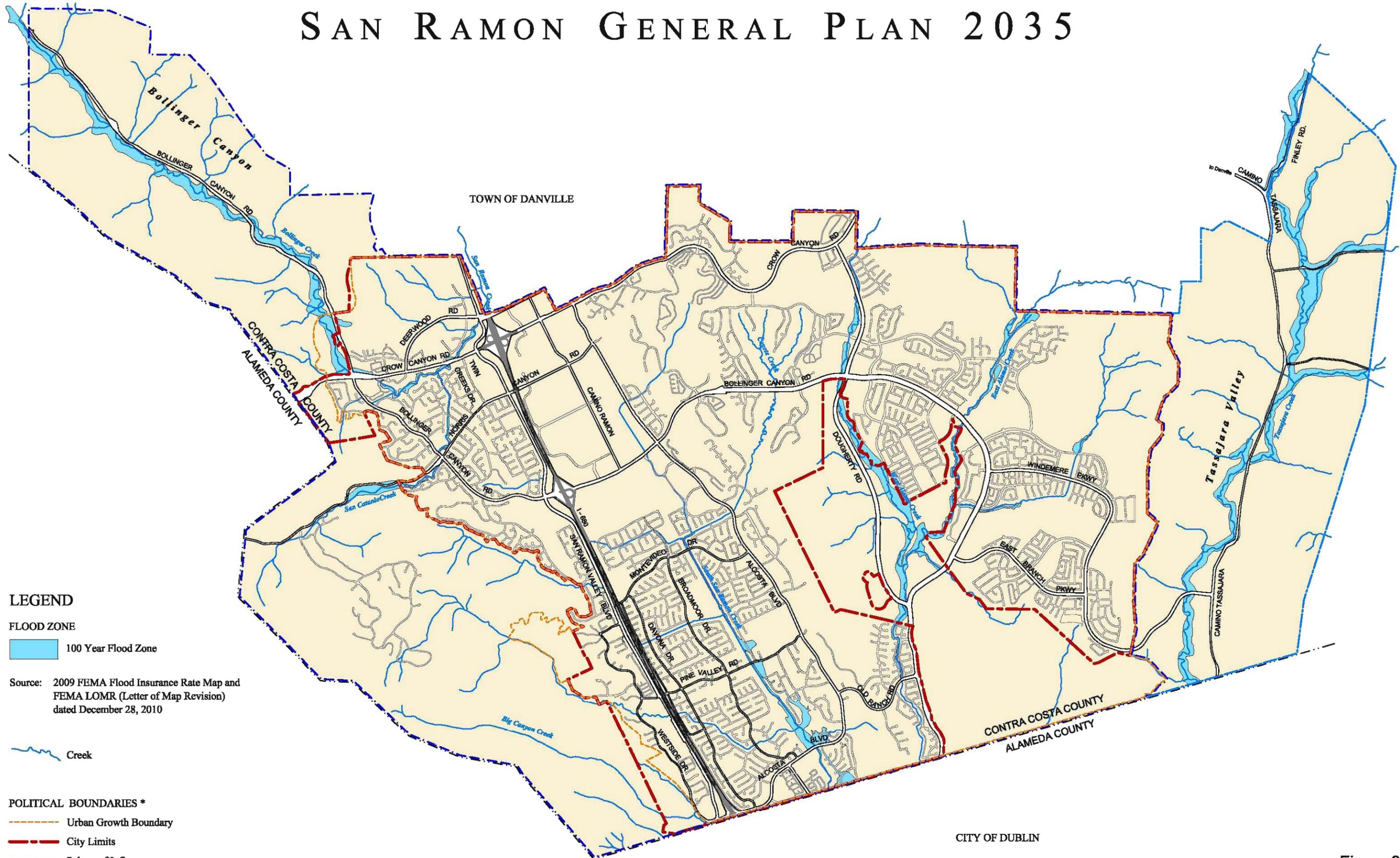
The hazards related to wildland fires are related to a combination of factors including winds, temperatures, humidity levels, fuel moisture content of vegetation and topography. The risk to the community is increased in some areas because of the combustibility of building materials including roofs, adequacy of access roads, water supply duration, and pressure and maintenance of flammable vegetation surrounding structures.

To quantify this potential hazard, the California Department of Forestry and Fire Protection (Cal Fire) has developed a fire modeling and mapping process that utilizes three main criteria in order to evaluate and recommend potential fire hazards in wildland areas. The criteria are type of vegetation, fire weather, and topography. The maps developed by Cal Fire identify areas as Fire Hazard Severity Zones and include three severity classifications: moderate, high, and very high.

Fire hazards in San Ramon are usually created by increases in the number of homes adjoining open space; therefore, much of the threat of wildland fires is due to open grasslands abutting residential developments. Many neighborhoods within the City are located in remote regions and are surrounded by grasslands. As San Ramon continues to expand, more of these wildland urban interface areas are created. This situation creates extreme fire hazards, and San Ramon is committed to planning development, with the help of fire protection agencies, that minimizes the risk of fire to the greatest extent possible.

Because of an extended dry season with low humidity, San Ramon has many days where fire danger is critical. Within the City, fuel loading is light and wildfire hazard is moderate, except in areas adjacent to the City where steep woodland slopes and rolling grassy hills create high to extreme hazards. Areas in San Ramon representing the greatest risk are the Dougherty Valley and Tassajara Valley areas to the east of the City Limit and the wildland areas at the Planning Area's western edge and northwestern corner.

# SAN RAMON GENERAL PLAN 2035



**LEGEND**  
**FLOOD ZONE**  
 100 Year Flood Zone

Source: 2009 FEMA Flood Insurance Rate Map and FEMA LOMR (Letter of Map Revision) dated December 28, 2010

**POLITICAL BOUNDARIES \***  
 Urban Growth Boundary  
 City Limits  
 Sphere of Influence  
 Planning Area Boundary  
 County Boundary

\* The locations of political boundaries are shown adjacent to each other for ease of identification. Actual political boundaries are coterminous when shown as contiguous, parallel, or overlap.



Figure 9-2  
**Flood Zones**

# SAN RAMON GENERAL PLAN 2035

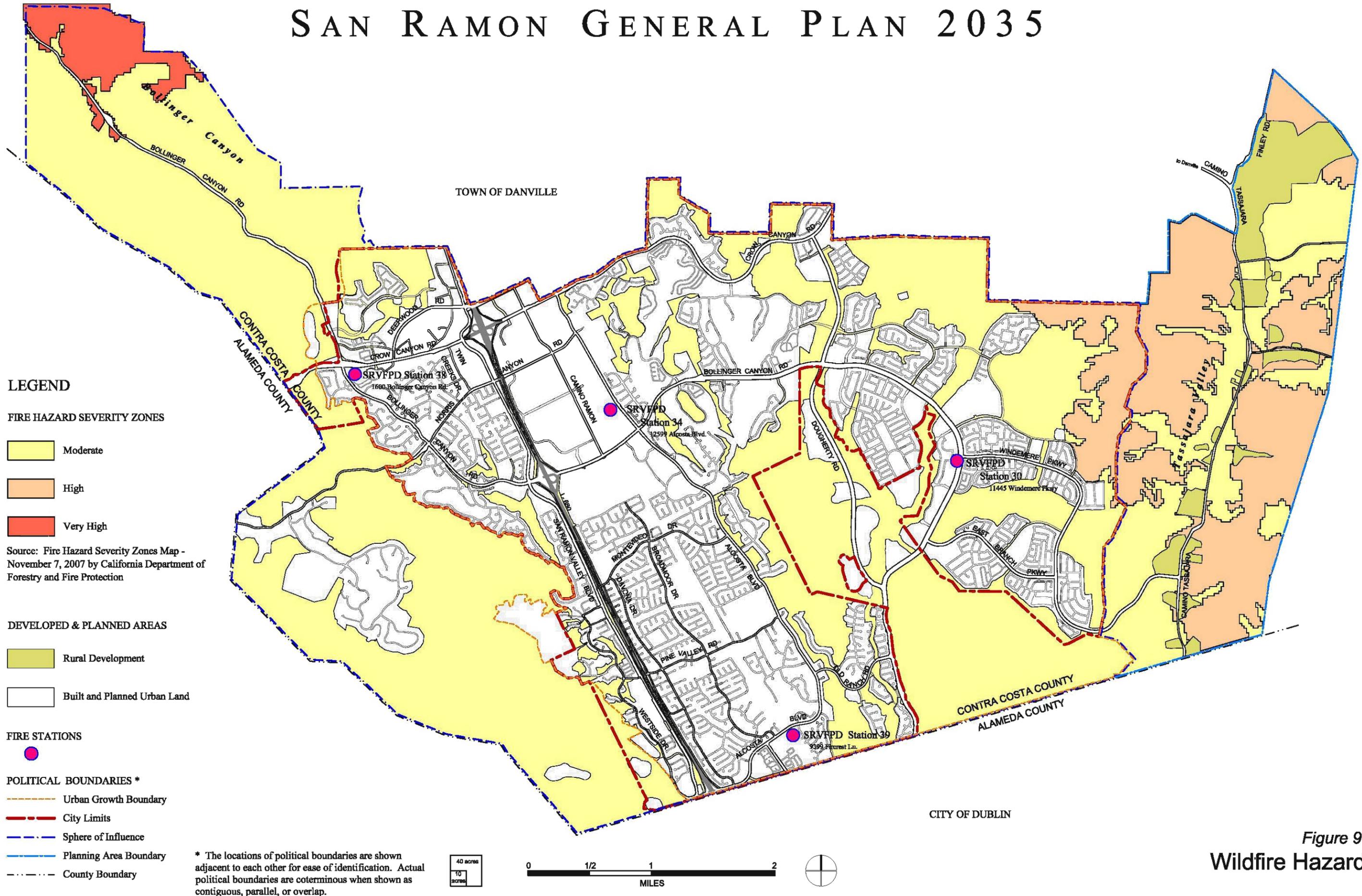


Figure 9-3  
Wildfire Hazards

\* The locations of political boundaries are shown adjacent to each other for ease of identification. Actual political boundaries are coterminous when shown as contiguous, parallel, or overlap.

## Safety

New development will likely create increased fire hazards caused by interactions between open grassland and dense residential development. Therefore, projected development in the City's Planning Area will likely require the construction of fire suppression services facilities for new subareas. The budgeting and timing of such construction should be considered with respect to safety and the pace of new development. Moreover, community design techniques that allow optimal fire services response time should remain a priority.

### GUIDING POLICY

9.5-G-1 Minimize the risks to lives, property, and natural environment due to fire hazards.

### IMPLEMENTING POLICIES

9.5-I-1 Require site design features, which are based on a wildfire risk assessment, and fire retardant building materials to reduce the risk of fire within the City.

*While the City enforces the International Building Code on all development and redevelopment proposals in San Ramon, the San Ramon Valley Fire Protection District may determine, during the initial application review, whether a project is located in a Fire Hazard Area and require developments to utilize best development practices that allow for both the protection of the structure and the preservation of the open space.*

9.5-I-2 Require the completion of a Fire Protection Plan for new development adjacent to a Fire Hazard Area in order to determine which mitigation measures are appropriate to minimize fire hazard.

9.5-I-3 Work with the Fire Protection District on planning for a new training facility at an appropriate location where neighborhood impacts would be mitigated.

9.5-I-4 Require sprinklers in new homes located more than 1.5-miles from a fire station.

9.5-I-5 Require sprinklers in all mixed-use development to protect residential uses from non-residential uses, which typically pose a higher fire risk.

*Appropriate fire protection measures are necessary in mixed-use developments since residential units are typically in close proximity—either above or adjoining—to higher fire load non-residential occupancies, such as retail stores, offices, restaurants, etc.*

## CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

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### DETERMINATION OF THE EXECUTIVE OFFICER OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION FINDING THERE ARE INSUFFICIENT WRITTEN PROTESTS TO TERMINATE THE PROCEEDINGS FOR THE CHANG PROPERTY REORGANIZATION: ANNEXATIONS TO THE CITY OF SAN RAMON, CENTRAL CONTRA COSTA SANITARY DISTRICT AND EAST BAY MUNICIPAL UTILITY DISTRICT AND CORRESPONDING DETACHMENT FROM COUNTY SERVICE AREA P-6 (LAFCO 18-06)

1. This action is taken pursuant to the Cortese Knox Hertzberg Local Government Reorganization Act (Government Code §56000 et seq.) and policies of the Contra Costa Local Agency Formation Commission (hereafter Commission).

2. Proceedings for *Chang Property Reorganization* were initiated by the landowner and filed with the Executive Officer of Contra Costa LAFCO in March 2018, proposing annexation of 63.5± acres (APNs 208-240-039/038/009) to the City of San Ramon, Central Contra Costa Sanitary District (CCCSD) and East Bay Municipal Utility District (EBMUD) and corresponding detachment from County Service Area (CSA)P-6.

3. On August 8, 2018, the Commission adopted Resolution No. 18-06, making determinations and approving the proposal subject to certain conditions. A true copy of said Resolution is attached hereto and incorporated by this reference, containing the terms and conditions of the Commission's approval of this proposal.

4. The purpose of the reorganization is to bring the parcels into the City of San Ramon and service areas of CCCSD and EBMUD and WCWD and to remove the area from CSA P-6.

5. Acting on delegated authority from the Commission, as Executive Officer, on September 10, 2018, I conducted a properly noticed public hearing to receive protests filed against the reorganization and, following conclusion of the hearing, found that >>> landowners within the subject area filed written protests against the proposal.

6. Finding there are insufficient protests to terminate the proceedings, Contra Costa LAFCO hereby orders the Chang Property Reorganization (LAFCO 18-06) subject to the terms and conditions contained within the Commission's resolution of approval.

This order is made on and is effective from September 12, 2018.

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Lou Ann Texeira, Executive Officer  
Contra Costa Local Agency Formation Commission



Lou Ann Texeira  
Executive Officer

**MEMBERS**

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

**ALTERNATE MEMBERS**

Diane Burgis <i>County Member</i>
Tom Butt <i>City Member</i>
Stanley Caldwell <i>Special District Member</i>
Charles R. Lewis, IV <i>Public Member</i>

September 12, 2018  
Agenda Item 7

September 12, 2018 (Agenda)

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

**Results of Protest Hearing  
Dissolution of Rollingwood Wilart Park Recreation & Park District**

Dear Commissioners:

This report provides the results of the protest hearing held on September 11, 2018, along with additional information regarding the Rollingwood Recreation Center.

**Results of Protest Hearing** - At a public hearing on August 8, 2018, the Commission approved dissolution of the Rollingwood Wilart Park Recreation & Park District (RWPRPD). The District is located in unincorporated San Pablo, east of the City of San Pablo and south of the City of Richmond. The dissolution was initiated by LAFCO in response to various studies and reports noting that the RWPRPD has struggled for many years with service, administration and governance; and in 2016, the District closed its doors.

Although LAFCO received no opposition to the dissolution, a protest hearing is required given this is a LAFCO initiated proposal. Further, the protest hearing must be held within the boundary of the RWPRPD.

In accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 LAFCO is the agency to conduct the protest hearing, the purpose of which is to receive written protests from affected landowners/registered voters regarding the proposal and determine whether a majority protest exists. With regard to this dissolution, which is inhabited (i.e., contains 12 or more registered voters), the Commission shall take one of the following actions:

- **Order the dissolution** if written protests have been filed by less than 25% of registered voters or landowners owning less than 25% of the assessed value of land within the subject area; or
- **Order the dissolution subject to an election** if at least 25% but less than 50% of voters, or at least 25% of landowners owning 25% or more of the assessed value of land protest; or
- **Terminate the proceedings** if written protests have been filed by a majority of voters in the subject area.

The protest hearing was properly noticed and will be held on Tuesday, September 11, 2018, at 11:00 a.m. at the Rollingwood Lutheran Church located at 2393 Greenwood Drive in San Pablo, CA, next door to the Rollingwood Recreation Center. The hearing will be conducted by the LAFCO Executive Officer, who is delegated the authority to conduct the protest hearing on behalf of the Commission.

At the conclusion of the hearing, the number of protests received prior to and during the hearing will be counted. LAFCO staff will report the results of the protest hearing at the September 12, 2018 LAFCO meeting.

***Rollingwood Recreation Center*** – On August 22, 2018, LAFCO received a letter from the City of San Pablo City Manager indicating the City’s continued interest in acquiring the Rollingwood Recreation Center following dissolution (Attachment 1). As successor agency, the County will have control of the District’s assets, including the Recreation Center and can choose to retain or dispose of the building. Should the City of San Pablo acquire the building, the City may be subject to paying property tax on the Rollingwood Recreation Center, as the property is outside the City boundary.

In response to the LAFCO hearing notice, we received a number of calls from Rollingwood residents who expressed interest in being annexed to the City of San Pablo. The Rollingwood community is an island surrounded by the cities of Richmond and San Pablo, and is within the City of San Pablo’s sphere of influence. The island is less than 150 acres and can be annexed to the City of San Pablo through an expedited process pursuant to Government Code section 56375.3. LAFCO encourages the City of San Pablo to annex the Rollingwood community.

#### RECOMMENDATION

It is recommended that the Commission receive the results of the protest hearing and direct staff to execute the determination (Attachment 2).

Sincerely,

Lou Ann Texeira  
Executive Officer

c: Distribution List

Attachment 1 – Letter from City of San Pablo  
Attachment 2 – Protest Hearing Determination

CITY OF SAN PABLO  
City Manager



August 21, 2018

Ms. Karen Laws  
Real Estate Division Manager  
County of Contra Costa  
255 Glacier Drive  
Martinez, CA 94553

RE: Rollingwood Wilart Facility  
2395 Greenwood Avenue, San Pablo (APN 416-074-004)

Dear Ms. Laws:

I am writing to express the City of San Pablo's (City) continued interest in acquiring the Rollingwood Wilart Facility located at 2395 Greenwood Avenue in unincorporated Contra Costa County (Facility). Although the building is in need of substantial repair, we believe it could be a valuable asset for the City and neighboring community, including those in the unincorporated Rollingwood subdivision.

I understand that the County will be in possession of the Facility in late September. The City will be ready to receive the Facility shortly after it does its due diligence. This may include among other things:

1. Inspection of the Facility.
2. Review of a Preliminary Title Report (please forward if you have one).
3. We understand that the Facility would have needed a Conditional Use Permit to operate with the County's General Plan designation of SH – Single Family, High and R-6 zoning district designation. We would appreciate receiving a copy of that use permit, but our understanding is that, once the City owns the Facility, any future building or use would be governed by the City.
4. Information as to who currently provides utilities (water, sewer, fire, garbage) to the property.

*Karen Laws*  
*Re: Rollingwood Wilart Facility*  
*August 21, 2018*  
*Page 2*

In addition, please send us any documents and records related to the Facility, including: copies of building, fire and code enforcement inspections; any environmental or other reports, surveys, engineering studies, soil reports, environmental impact reports, and negative declarations; maps; permits; plans; recorded or unrecorded agreements; and any other material information relating to the Facility at your earliest convenience so we may expedite our due diligence. Once staff has completed due diligence, the conveyance would be brought to the San Pablo City Council for ultimate approval.

Please feel free to reach out to Charles Ching for any questions or assistance the City can provide. Charles can be reached at 510-215-3031 or via email at [charlesc@sanpabloca.gov](mailto:charlesc@sanpabloca.gov).

Sincerely,

  
Reina Schwartz  
Acting City Manager

cc: Matt Rodriguez, City Manager  
Charles Ching, Community and Economic Development Director

## CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

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### DETERMINATION OF THE EXECUTIVE OFFICER OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION FINDING THERE ARE INSUFFICIENT WRITTEN PROTESTS TO TERMINATE THE PROCEEDINGS FOR DISSOLUTION OF THE ROLLINGWOOD WILART PARK RECREATION AND PARK DISTRICT (LAFCO 18-08A)

1. This action is taken pursuant to the Cortese Knox Hertzberg Local Government Reorganization Act (Government Code §56000 et seq.) and policies of the Contra Costa Local Agency Formation Commission (hereafter Commission).

2. Proceedings for *Dissolution of the Rollingwood Wilart Park Recreation and Park District* were initiated by the Contra Costa Local Agency Formation Commission (LAFCO) in January 2018 following various studies and reports noting that the RWPRPD has struggled for many years with service, administration and governance; and in 2016, the District closed its doors.

3. On August 8, 2018, the Commission adopted Resolution No. 18-08A, making determinations and approving the dissolution subject to certain conditions, including naming Contra Costa County as successor agency. A true copy of said Resolution is attached hereto and incorporated by this reference, containing the terms and conditions of the Commission's approval of this proposal.

4. Acting on delegated authority from the Commission, as Executive Officer, on September 11, 2018, I conducted a properly noticed public hearing to receive protests filed against the dissolution and, following conclusion of the hearing, found that >>> landowners/registered voters within the subject area filed written protests against the proposal.

5. Finding there are insufficient protests to terminate the proceedings, Contra Costa LAFCO hereby orders the dissolution of (LAFCO 18-08) subject to the terms and conditions contained within the Commission's resolution of approval.

This order is made on and is effective from September 12, 2018.

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Lou Ann Texeira, Executive Officer  
Contra Costa Local Agency Formation Commission

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
EXECUTIVE OFFICER'S REPORT

September 12, 2018 (Agenda)

September 12, 2018  
Agenda Item 8

**LAFCO 17-11**

Dissolution of the Los Medanos Community Healthcare District

**APPLICANT**

Contra Costa County Resolution 2017/384 (Attachment 1) adopted November 7, 2017

**ACREAGE &  
LOCATION**

The Los Medanos Community Healthcare District (LMCHD) encompasses the City of Pittsburg, small portions of the cities of Antioch, Clayton and Concord, unincorporated Bay Point and surrounding unincorporated areas, and serves a community of over 97,000 residents within 90.5± square miles (Attachment 2).

**SUMMARY**

The LMCHD was formed in 1948 by a vote of local residents to build and operate a community hospital. LMCHD operated the Los Medanos Community Hospital until 1994, when the hospital closed due to financial difficulties and the District was forced to declare bankruptcy. LMCHD has since recovered, and the bankruptcy debt was largely repaid five years ahead of schedule. Since 1998, the District has leased the hospital building to Contra Costa County, which houses the County's largest health clinic – the *Pittsburg Health Center (PHC)*, with over 100,000 patient visits per year.

Today, the District no longer operates a healthcare facility and presently provides community-based healthcare services to its residents through sponsoring and funding programs and activities related to health, wellness and prevention. LMCHD serves a largely disadvantaged community of over 97,000 people encompassing the City of Pittsburg, small portions of the cities of Antioch, Clayton and Concord, unincorporated Bay Point and surrounding unincorporated areas. The District has a directly elected board composed of five members. The Board typically meets monthly with special meetings as needed. In addition, the Board currently has six subcommittees that include either two or five Board members as follows: Community Garden (2), Community Outreach (2), Finance (5), Grants & Policies (5), Programs & Activities (2), and Real Estate, Administration & Legal (2). The Committees meet as needed.

In November 2017, the County filed an application with LAFCO to dissolve LMCHD and name the County as successor agency, meaning that LMCHD would stop operating and its existence would be terminated. The County's principal reasons for the proposed dissolution are summarized below:

1. The District was formed in 1948 to operate the Los Medanos Community Hospital, but the District has not been a direct provider of healthcare services since declaring bankruptcy in 1994. Instead, the District provides financial support to third parties that provide programs and activities related to health, wellness and disease prevention. In fiscal year 2016, approximately 25% of the District's revenue was provided to third parties; the balance of the District's revenue was spent on program and general administration and operating expenses.
2. The County is the primary provider of healthcare services to low-income persons in the County, including those within the LMCHD's boundary. The County operates a robust indigent healthcare delivery system comprised of a hospital and a satellite health clinic system. The County currently operates the PHC through a lease with LMCHD. The PHC offers a multitude of health related services.
3. LMCHD owns the property where the PHC is located. The County leases the property from the District under a 20-year lease that expired July 31, 2018. We understand that the County and District currently have a month-to-month lease arrangement. Under the terms of the lease, the County has paid rent in the amount of \$100,000 per year since August 1, 1998. Pursuant to a 1998 settlement agreement between LMCHD and the State Office of Health Planning and Development, all of the rent payments made by the County are passed through to the State.
4. In keeping with the County's commitment to providing quality healthcare services in safe, modern facilities, the County has made significant capital improvements in excess of \$24 million to the PHC during the term of the lease.

## **BACKGROUND**

***A Little About Healthcare Districts*** - In 1945, the Legislature enacted the Local Hospital District Law (later renamed the *Local Health Care District Law* – Health & Safety Code Section 32000 et seq.). The legislation was in response to California's severe shortage of hospital beds near the end of World War II. The Local Hospital District Law provided communities an opportunity to create new governmental agencies – independent of local and county jurisdictions – that have the power to impose taxes and charge for services, enter into contracts, purchase properties, issue debt, and hire staff.

In 1994, SB 1169 (Maddy) was enacted which renamed hospital districts “healthcare districts,” better reflecting the focus of healthcare services outside of hospital settings. The powers and duties granted to healthcare districts have remained largely unchanged, while demographics of areas served by these districts, access and provision of healthcare services, and districts themselves have vastly changed. Today, there are 79 healthcare districts, 34 of which operate hospitals. Healthcare districts operate in rural, suburban and urban communities.

Healthcare district law establishes the powers that local healthcare districts may exercise, which include operating healthcare facilities including hospitals, clinics, skilled nursing facilities, adult day health centers, nurses' training schools, and child care facilities; providing ambulance services within and outside of the district; operating programs that provide chemical dependency services, health education, wellness and prevention, rehabilitation, and aftercare; carrying out activities through corporations, joint ventures, and partnerships; establishing and participating in managed care; contracting with and making grants to provider groups and clinics in the community; and other activities that support good physical and mental health.

Most healthcare districts receive a share of local property taxes; some levy special parcel taxes, and some charge for services. Some healthcare districts generate revenues from district resources, such as property lease income; and some districts receive grants from public and private sources.

There has been recent attention in Sacramento regarding special districts, including healthcare districts, with regard to fiscal management, accountability and transparency, and the provision of direct services.

In 2012, the Assembly Committee on Accountability and Administrative Review conducted several hearings regarding healthcare districts, and focused specifically on healthcare districts that do not operate hospitals, but were maintaining reserve balances in the tens of millions of dollars. Also in 2012, the Legislative Analyst's Office (LAO) produced a report entitled, "Overview of Health Care Districts" in response to several healthcare districts that have declared bankruptcy since 2000 [see discussion below (“***Other Reports***”)].

In March 2017, the Assembly Local Government Committee held an oversight hearing on “The Evolution of Healthcare Districts” featuring a number of case studies, including the Mt. Diablo Healthcare District (MDHCD) reorganization, which is now a subsidiary district to the City of Concord (Concord Pleasant Hill HCD).

Also in 2017, the Little Hoover Commission (LHC) released a report entitled “Special Districts: Improving Oversight & Transparency,” which included recommendations to strengthen oversight of California's independent special districts. The report recommended that the State “eliminate unnecessary hurdles for district dissolutions and consolidations to improve service delivery, expand transparency by requiring every district to have a website with basic information, and standardize current reporting requirements on revenues, expenditures and reserves.”

The LHC report also focused on healthcare districts, including those that no longer operate hospitals. The LHC found that the statutory language that governs healthcare districts should be updated to reflect “the shift from hospital-based healthcare to modern preventative care models.” The report also recommended updating the outdated principal act that governs these districts. [See discussion below (“***Other Reports***”)].

**1999 Proposal to Dissolve LMCHD** – In 1999, an application to dissolve LMCHD was submitted to Contra Costa LAFCO by a petition of registered voters. A petition has a minimum 10% threshold (i.e., registered voter, landowners). As stated in the application, the reasons for the proposed dissolution were that the District no longer operates an acute care hospital, is not expected to operate such a facility in the near future, and that property taxes were being collected for the purpose of providing direct hospital and healthcare services but such services were not being provided.

Following several months of public hearings, in September 2000, the Commission denied the proposal to dissolve LMCHD. Commissioners expressed concern about confusion and inaccuracy in the petition regarding dissolution and potential tax relief to the taxpayers; the District's ongoing debt; and that dissolution was premature given the District's upcoming contested election. The Commission indicated its intent to revisit dissolution of LMCHD in 2004 in conjunction with the healthcare Municipal Services Review (MSR).

**LAFCO Municipal Service Reviews (MSRs)** – To date, Contra Costa LAFCO has completed three MSRs covering healthcare services – in 2004, 2007 and 2018 as discussed below. LAFCO MSRs are available online at <http://contracostalafco.org/agencies/municipal-service-reviews/>.

In accordance with the MSRs, the Commission adopts required determinations and updates the SOIs for the cities and districts. The determinations cover various issues including growth and population, location and characteristics of disadvantaged unincorporated communities (DUCs), service and infrastructure needs and capacity, financial ability of agencies to provide services, opportunities for collaboration, and accountability and efficiencies.

The first round **2004 MSR** series was an abbreviated format prepared by Commission subcommittees that focused on the statutory determinations. The 2004 MSR included the following determinations for LMCHD:

- The District has generally adequate infrastructure in terms of services provided by other agencies. It cannot provide healthcare services to its residents beyond those afforded by current levels of grant funding.
- Expected growth in the next 20 years will increase the need for healthcare services. The District's budget will increase with increased tax revenue, and a higher share of the District's revenue will be available for health care programs after the existing debt is retired.
- The District met its obligations to repay bonds, and expects to soon retire additional debt, which will release more funds for other uses. The District is a passive landlord of a facility leased by the County and cannot expect to receive more funds in the future.
- The District operates with part-time staff; relatively large expenses are for legal services, records storage, and other administrative costs. The District uses funds to provide healthcare programs and expects to increase the share of funds used for this purpose in the future. The District has not explored sharing costs with other healthcare districts or other entities. There is no information regarding how much, if any, could be saved as a result of such cost sharing.
- The District uses space in the facility it leases to the County.
- The District is conducting a survey of its constituency to determine if they believe it should be dissolved; the results are not yet available.
- The District's financial records received a "clean" audit opinion. Administrative costs comprise a large share of the District's revenue.
- The District conducts its meetings in public with proper notice. It has a website that includes meeting dates. A review of meeting minutes shows that attendance at District meetings is generally limited.

The **2007 MSR** was a comprehensive review covering the three healthcare districts. The 2007 MSR found that *each of the districts experienced significant financial constraints, with LMCHD and West Contra Costa Healthcare District (WCCHD) going through bankruptcy and MDHCD dealing with major legal expenses.*

The 2007 MSR noted that *LMCHD collaborates with other agencies through sharing facilities with Contra Costa Health Services, and providing funding support for programs at the Bay Point Health Center and Los Medanos College.* Regarding local accountability and governance, the MSR noted that *all three of the healthcare districts encourage public participation by making district information and documents available on their website and holding meetings that are open and accessible to the public. Recent elections have been contested; this is evidence of public interest in healthcare district management, policies, and operations.*

The 2007 MSR identified several governance options for LMCHD including consolidation, formation of a subsidiary district, dissolution and status quo. The MSR consultants recommended that LAFCO retain the existing coterminous sphere of influence (SOI) for LMCHD, and re-evaluate the costs/benefits of a consolidation with MDHCD with the next MSR. Following completion of the 2007 MSR, LAFCO retained the existing SOI for LMCHD, signaling no anticipated change in the District's service boundary.

The **2018 MSR** covered the three healthcare districts and focused on: 1) updating information presented in the 2007 healthcare services MSR, 2) assessing the ability of healthcare service providers to maintain relevance and meet the changing healthcare landscape, and 3) identifying opportunities for coordination and collaboration among healthcare service providers in Contra Costa County.

The MSR noted that as population increases, healthcare needs are likely to grow along with pressure for increased access to healthcare and preventative health programs. Healthcare districts can provide needed funding to help address these issues, including helping reduce demands on emergency room care and costly treatment of chronic conditions.

Demographic changes will also influence future healthcare needs. An aging population will create increasing demand for geriatric care. Disadvantaged communities, areas with incomes less than 80% of State median income, exist within all three Contra Costa healthcare districts and generally correlate with medically underserved State designations. Analysis of healthcare needs highlights healthcare inequities in these communities.

The 2018 MSR also included a number of determinations including the following pertaining to LMCHD:

- LMCHD relies largely on relatively stable and growing property tax revenues to fund grants.
- LMCHD has adopted goals for improving health in its community, and requires grant recipients to document how grant-funded programs will address health needs and the number of residents served. The LMCHD reporting of persons served does not appear to clearly distinguish total persons served by a program, vs. the portion or share reasonably attributable to LMCHD grant funding. LMCHD prioritizes funding of programs addressing issues of access to health services which would benefit underserved communities, generally consistent with MSR findings related to disadvantaged communities.
- LMCHD has relatively high overhead/administrative costs which indicates a less efficient use of available funds for healthcare. The overhead ratio could be lower in future years depending on changes to future lease revenues on PHC.
- LMCHD continues to repay bankruptcy debts. After State obligations are repaid in 2026, the County lease pass-through payments to the State, currently \$100,000 annually, will be available for healthcare purposes in addition to additional rent, if any, from the County at that point in time.

- LMCHD collaborates to some extent with existing health providers, particularly those receiving grants and support from the district. Broader collaboration with the County, non-profit hospitals, and other healthcare districts is less evident. LMCHD should utilize health needs assessments or State data to target health needs.
- LMCHD participates in events of the Statewide Association of California Healthcare Districts.
- LMCHD has an extensive Strategic Plan, which needs to be updated.
- LMCHD generally follows best practices for transparency; however, the website needs updating.

The 2018 MSR identified various governance options for LMCHD, not all of which are viable. Options include maintaining the status quo, dissolution, reorganization by creating a new County Service Area (CSA) to continue service, reorganization as a subsidiary district to a city, consolidation with another HCD, consolidation with CSA EM-1, and special legislation (appointed board).

The Commission held two public hearings on the 2018 Healthcare Services MSR – in December 2017 and January 2018. During these hearings, LAFCO received verbal and written comments from over 50 individuals and community organizations praising the work and services of LMCHD and the benefits of decision making at the local level, and opposing dissolution of the District.

Following the public hearings, the Commission retained the existing SOI for LMCHD, signaling no anticipated change in the agency's service boundary. The Commission also required the District to provide an update on issues identified in the MSR in December 2018.

**Grand Jury Reports** – Since 1998, the Contra Costa County Grand Jury issued several reports covering LMCHD, including the 1998, 2003, 2010 and 2018 reports as discussed below.

The **1998 report** (No. 9806 – “Los Medanos Community Hospital District”) noted that *“due to the cumulative pressures of inept management, changing healthcare systems, heavy borrowing without voter approval, loss of market share, and misguided leadership, the District filed for protection in the U.S. Bankruptcy Court.”*

The 1998 report also noted the District's failure to maintain financial records and adopt budgets, and a lack of internal financial controls; failure to direct district operations (i.e., lack of written procedures, excessive legal expenses); and failure to advance the public interest (i.e., lack of transparency). The Grand Jury recommended dissolution of the District.

The **2003 Grand Jury report** (No. 0309 – “Where have All the Hospitals Gone?”) covered all three healthcare districts: LMCHD, MDHCD and WCCHD. The report noted that all three districts were forced to lease or merge their hospitals due to bankruptcy or threat of financial insolvency; none of these districts provides direct hospital, physician, nurse, or emergency medical services; the majority of the districts' annual revenues is used to pay administrative and operating expenses (i.e., legal, accounting, elections, board stipends, salaries/benefits, bond repayment); and in recent years, after obligations were paid, remaining funds were used to award community grants to local health programs and to build up financial reserves.

The 2003 Grand Jury report concluded that 1) the three districts should not continue in their present form; 2) even though these districts do not directly provide healthcare services, they have publicly tried to justify their continued existence by claiming they are needed healthcare providers under local control; 3) instead of being directly involved in managing and overseeing healthcare programs, the district boards function as real estate trusts, bond/bankruptcy administrators and grant allocators; 4) following dissolution, Contra Costa County Health Services Department can oversee each healthcare district's grant allocations; and 5) following dissolution, the County Auditor/Controller and Treasurer can assume administration and management of the financial obligations of each district.

Further, the Grand Jury recommended that the County and LAFCO initiate steps to dissolve the three healthcare districts; that for the purpose of winding up the affairs of the districts, the County be named as the successor agency; and that all taxes collected after dissolution of the three healthcare districts be directed to existing healthcare programs in the communities in which the monies originated.

The **2009-10 report** (No. 1009 “Lost Medanos Community Healthcare District: Awash in a Sea of Inefficiency”) noted that the LMCHD pursues its goals in an inefficient manner; spends half its revenue on administrative costs, thus providing minimal outcomes relative to identified priority health needs; awards numerous small grants, thus preventing LMCHD from making a substantial impact on priority healthcare needs in the community; and minimizes collaboration and participation with other healthcare consortia.

The Grand Jury concluded that “*LMCHD should live up to its mission and focus on awarding grants based on identifiable healthcare needs in its jurisdiction. Community Health Indicators for Contra Costa County clearly delineate this information every three years; and it is imperative that the District track the expenditure of funds granted and measure the outcomes to determine future funding efforts. Fewer dollars must be directed from superfluous projects such as the costly Community Garden. The taxpayers of Bay Point, Pittsburg, and portions of Clayton, Antioch and Clyde deserve more for their money!*”

The Grand Jury report also included various findings and recommendations aimed at improving the District’s grant allocation program and strategic planning efforts, reducing administrative costs, and collaborating with other healthcare agencies.

The **2018 report** (No. 1802 - “Los Medanos Community Healthcare District”) included the following findings: 1) LMCHD does not provide any hospital, physician, or emergency medical services. Instead, LMCHD funds grants to third party agencies that provide healthcare programs and activities related to health, wellness, and disease prevention; and 2) LMCHD grant program administrative expenses are high compared to the amount spent on grants. For example, in FY 2016-17, LMCHD spent 40% of its revenue on grants and 36% administering those grants, with the remaining 24% going to reserves. LMCHD’s FY 2017-18 budget allocates 42% for grant programs, and 51% for grant program administration. Prior years administrative expenditures were similarly distributed. Typically, comparable local governmental administrative entities devote 10-20% to administrative expenses.

Based on these findings, the Grand Jury recommended that LAFCO consider dissolving LMCHD. The Grand Jury also recommended that the grants for healthcare programs currently funded by LMCHD be maintained by a successor agency, noting that these healthcare programs are important to the community, and that any savings from the dissolution could be applied to improvement and expansion of healthcare programs.

***Other Reports*** – In recent years, the State has issued various reports dealing with healthcare districts.

In 2012, the LAO released the “Overview of Health Care Districts” which provides a summary of the authority, governance, powers, operations, funding and challenges of healthcare districts. The report speaks to the evolution and uniqueness of healthcare districts, funding and local challenges.

The 2017 LHC “Special Districts: Improving Oversight & Transparency” includes recommended measures to strengthen oversight of California’s independent special districts. The LHC also focused specifically on healthcare districts, including those that no longer operate hospitals. In sum, the report:

- explored concerns about the relevance of healthcare districts
- documented successful examples where healthcare districts successfully shifted their focus from direct healthcare services and hospital operations to preventive care health services

- cited research from the Centers for Disease Control showing that "70% of chronic illnesses are preventable, and healthcare cost savings associated with keeping people healthy and out of hospitals are substantial"
- emphasized the importance of coordination between counties and healthcare districts to avoid redundancies and to increase collaboration
- recommended that the statutory language that governs healthcare districts be updated to reflect "the shift from hospital-based healthcare to modern preventative care models"

The hearings conducted by the LHC led to the enactment of Health and Safety Code Section 32139. This statute requires that administrative practices be adopted by healthcare districts including "transparency" and website content. The legislation also requires healthcare districts to adopt annual policies for providing assistance or grant funding including: (1) a nexus between the allocation of assistance and grant funding with healthcare and the mission of the district; and (2) a process for the district to ensure allocated grant funding is spent consistently with the grant application and the mission and purpose of the district.

## **DISCUSSION**

***County's Application to Dissolve LMCHD*** – On November 7, 2017, the Contra Costa County Board of Supervisors (BOS) adopted Resolution 2017/384 requesting that Contra Costa LAFCO initiate proceeding for dissolution of LMCHD. The purpose of the County's proposal is summarized on page 1 of this staff report. On November 14, 2017, the County submitted an application to LAFCO to dissolve the District. On August 16, 2018, County staff provided LAFCO with the final amended application (Cent 3over letter, Attachment 3) based on the following actions taken by the BOS on July 10, 2018, all of which are contingent upon dissolution of LMCHD by LAFCO:

- Adopted Resolution 2018/218 (Attachment 4) authorizing County staff to submit to LAFCO an amended application and plan for service.
- Adopted Resolution 2018/436 (Attachment 5) establishing the *Los Medanos Health Advisory Committee* to develop and implement the Los Medanos Area Health Plan Grant Program which will identify disparities within the boundary of the District and make recommendations for funding health-related services through the grant program. The County's resolution provides details regarding the committee's purpose and duties, membership, terms of office, operation and procedural rules. As proposed, the Committee will include five members appointed by the BOS, including one member nominated by the City of Pittsburg, one member nominated, respectively by, the Bay Point Municipal Advisory Council (MAC), the County Public Health Division, and the County Behavioral Health Division, and one at-large member from the LMCHD community appointed by the County's Internal Operations Committee.
- Adopted Resolution 2018/228 (Attachment 6) determining the property tax exchange for the area currently served by LMCHD upon dissolution of the District.
- Directed the County Auditor-Controller to establish the Los Medanos Community Healthcare revenue fund, a special revenue fund with the County Treasury, to segregate the property tax revenue received by the County.
- Authorized the County Administrator, or designee, to remit a settlement payment from the County to California's Office of Statewide Health Planning and Development (OSHPD) to resolve the outstanding balance of the District's bankruptcy debt (Attachment 7).

***LAFCO Factors for Consideration*** - Government Code (GC) §56668 sets forth factors that the Commission must consider in evaluating any change of organization, including dissolution. In the Commission's review and evaluation, no single factor is determinative. In reaching a decision, each is to be evaluated within

the context of the overall proposal. These factors are analyzed in Attachment 8. In addition, other factors are discussed below.

**Tax Rates, Assessed Value, Assets and Liabilities** - The subject area includes numerous tax rate areas. The assessed value for the proposal area is \$8,763,294,804 based on the 2017-18 roll.

In FY 2017-18, LMCHD received \$912,256 in annual property tax revenue. The District's FY 2018-19 budget projects \$998,379 in annual revenue, which includes \$917,983 in property tax, \$67,396 in Redevelopment Property Tax Trust Fund (RPTTF) monies, \$11,400 in interest income, and \$1,600 in miscellaneous income.

Following dissolution, and upon the County becoming successor agency, the District's share of the 1% property tax, along with other assets, would transfer to the County pursuant to LAFCO's terms and conditions. The County's property tax agreement is specific to "base tax and annual increment" pursuant to the Revenue & Taxation Code §99, and does not address redevelopment funds, which account for approximately 7% of the District's total revenue. Should the Commission approve dissolution of LMCHD, staff recommends that LAFCO include a condition specifying that the RPTTF monies currently going to LMCHD be transferred to the County, and that the County use these funds to support the provision of healthcare services in the LMCHD community.

Regarding assets, as noted in the 2018 LAFCO MSR, the District's assets totaled \$4.2 million at the end of June 30, 2016. About half of the total assets, or \$2.47 million, consists of the depreciated capital asset value of the former hospital building and its land value. Unrestricted assets total \$1.67 million.

Regarding District employees, LMCHD currently has two employees (Executive Assistant and Administrative Assistant), and hires contract personnel as needed. County staff indicates that in developing a transition budget for the District, the County anticipates District employees would remain through December 31, 2018 to assist the County with the transition of records, contracts, bank accounts, etc. After that, the County would explore opportunities for District employees to fill appropriate County vacancies if interested and if they meet the education, experience and background requirements.

Regarding liabilities, as noted in the 2018 LAFCO MSR, the District's total liabilities of \$1,096,512 primarily consist of the remaining principal balance due of \$948,651 on its obligation to OSHPD arising from the District's bankruptcy. The District's current amortization schedule indicates that the principal balance remaining as of August 2017 was \$768,463. OSHPD's original bankruptcy claim secured by the rents from the former hospital building was \$1.4 million, which was addressed in the agreement with LMCHD to assigned rental payments from the former hospital facility. The payment obligations are as follows:

08/01/1998 – 07/31/2018	\$100,000 per year
08/01/2018 – 07/31/2020	\$500,000 per year, minimum, regardless of the amount of rent actually paid/collected
08/01/2020 – 01/31/2026	all rental income, if any

Interest accrues on OSHPD obligation outstanding principal balances at an interest rate of 6.5% annually.

**Designation of Successor Agency and Plan for Service** - The Cortese Knox Hertzberg Local Government Reorganization Act of 2000 (GC §56000 et seq.) provides that should LAFCO dissolve a district, it shall identify the effective date of dissolution, designate a successor agency to wind up the affairs of the district, and may apply other terms and conditions pursuant to GC §§57450-57463 and §§56885 – 56890. GC §§57450-57463, relating to the "effect of dissolution," provide specific provisions for determining a successor agency (i.e., city, county, district). Also, §§56886-56890, relating to "terms and conditions," provide LAFCO with authority to designate a successor agency. The "terms and conditions" imposed by LAFCO shall prevail in the event of a conflict with other general provisions contained in Part 5 of the CKH.

The LMCHD encompasses the City of Pittsburg, small portions of the cities of Antioch, Clayton and Concord, unincorporated Bay Point and surrounding unincorporated areas. In its application to LAFCO to dissolve the LMCHD, the County requests that LAFCO name the County as successor as the County operates a robust indigent healthcare delivery system composed of a hospital and a satellite health clinic system; is the primary provider of healthcare services to low-income persons in the County, including those within the LMCHD's boundary; and currently operates the PHC through a lease with LMCHD.

Upon the effective date of dissolution, the County would have control over all of the moneys and funds, including cash on hand and moneys due but uncollected, and all property, real or personal, of the dissolved LMCHD. The County, and its officers and legislative body, will have the same powers as the dissolved district relating to real and personal property, assets and obligations, and legal authority (i.e., settle claims, sue or be sued), and other authority pursuant to statute.

In conjunction with the application, the County submitted a number of supporting documents, all of which are available through the LAFCO office. Included with the County's application is a "Justification for Proposal" (Attachment 9) which provides background and information relating to the District's role in the community, the County's role in the community, and information about the PHC. The County also submitted a report on the PHC which includes a summary of patient visits and type of care provided (2017), and a report on the Contra Costa Regional Medical Center & Health Centers 2015-2020 Strategic Plan.

As required by statute, the County submitted a "Plan for Providing Services" (Attachment 10) which includes two components: 1) the continuation of healthcare services the County provides in the LMCHD community, and 2) implementation of a grant program to replace the District's existing grant program.

The County's "Plan for Providing Services" provides that the County would continue the provision of healthcare services in the LMCHD community, including operating and maintaining the Pittsburg Health Center. Also, the County would implement a grant program to replace the LMCHD's existing grant program and increase grant funding. The County indicates it would honor existing contracts the District has with community-based organizations during the transition period.

As noted above, the County created the *Los Medanos Health Advisory Committee* which, if activated, will develop an area health plan to identify major health disparities that impact residents within the LMCHD community. This will enable the Committee to establish priorities for addressing community health and wellness needs. The plan will serve as a basis for seeking community partners, awarding grants and evaluating outcomes. The plan will be updated not less than every five years. However, the County has not indicated if it anticipates continuing the programs the District currently offers, such as the community garden.

As noted in the County's Plan for Service, the County expects that funding made available for health and wellness programs in the community will increase under the County's direction because the County will have lower administrative costs (see table below). Also, the County anticipates additional revenue through "match funding" from the federal government, which is not reflected in the table below.

**Summary - Approved District Budgets and Projected County Budget**

Accounts	District		County
	FY 2017/18 <u>Approved Budget</u>	FY 2018/19 <u>Approved Budget</u>	FY 2019-20 <u>Projected Budget</u>
<b>Sources:</b>			
<b>Total Revenue</b>	<b>\$991,758 100%</b>	<b>\$998,379 100%</b>	<b>\$1,024,940 100%</b>
<b>Uses:</b>			
Program Expenditures	411,875 42%	727,528 73%	869,337 85%
Administrative Expenditures	509,698 51%	267,174 27%	104,356 10%
Transfers/Reserve Contributions	58,135 6%	15,676 2%	51,247 5%
<b>TOTAL EXPENDITURES</b>	<b>979,708</b>	<b>1,010,378</b>	<b>1,024,940</b>
<b>NET COST</b>	<b>(12,050)</b>	<b>11,999</b>	<b>0</b>

Also, the County has negotiated a settlement of the District's outstanding debt with OSHPD, which resulted from OSHPD's role in the District's 1994 bankruptcy. According to OSHPD, the District currently owes OSHPD \$2.2 million. As a result of negotiations between the County and OSHPD, OSHPD has agreed to settle the District's debt for \$1.38 million, only if LAFCO approves the County's application to dissolve the District. Following payment in full, OSHPD will release its liens on the District's real and personal property. These numbers do not reflect the \$500,000 payment due by the District to OSHPD in August 2018.

**Public Comments** – One of the factors the Commission must consider is comments from affected and other local agencies and from landowner or owners, voters, and residents of the affected territory.

As of this writing, LAFCO has received no comments from affected or other local agencies.

LAFCO has received comment letters (Attachment 11) from the following community groups and individuals supporting the continuance of LMCHD and opposing dissolution: *Larry Sly, Executive Director - Food Bank of Contra Costa & Solano, Raymond Conner (UC Master Gardner), Itika Greene – BS, RN, NP, MPH, Janette Kennedy, Development Director – Loaves and Fishes of Contra Costa, Deborah Polk, Vice President - REadingADvantage, Inc. (READ), Johann Vethavanam, Sports & Fitness for Kids, and Mary Ziegler, Member, Pittsburg Fifty Plus Club.*

Comments expressed in the letters are summarized below:

- ✚ LMCHD provides funding for needed programs to support healthy lifestyles for low-income people
- ✚ LMCHD, through partnerships with the community, has helped to improve health outcomes and close health disparities to an at-risk community.
- ✚ LMCHD has made significant improvements at LAFCO's request – reduced its administrative costs to 25%, updated its health profile data, website and strategic plan, and agreed to extend the County lease of the PHC
- ✚ LMCHD serves an underserved community and helps fill the void the County is unable to fill; the County alone cannot match what LMCHD provides with the assistance of its many community partners
- ✚ Without the continued financial support from LMCHD, programs like READ would be unable to reach families in the Pittsburg and Bay Point Communities

- ✚ LMCHD has done a great job of taking care of disadvantaged people in Contra Costa County. Funding of youth programs like *Sports & Fitness for Kids* helps keep kids healthy and safe and off the streets and out of trouble. The Board of Supervisors (BOS) has a lot on its plate taking care of a growing population. There is no guarantee that the BOS will have time to hand out grants to organizations that help the needy; and there is no guarantee that the BOS will not sell the clinic building to a developer, which will hurt low income people in the area.
- ✚ LMCHD has been a significant partner in helping the aging population through funding programs that enhance cognitive ability, offer physical activity and support a social network to stave off isolation.

***Commission Proceedings*** – A dissolution may be initiated by an affected local agency, a petition of landowner or registered voters, or by LAFCO; and must be consistent with a recommendation or conclusions of a study prepared pursuant to GC §§56378, 56425, or 56430. Sections 56378, 56425, and 56430 require LAFCO to study existing agencies, make determinations regarding SOIs and conduct MSRs.

In January 2018, LAFCO completed an MSR that included LMCHD. In conjunction with the MSR, LAFCO retained the existing SOI for LMCHD. Should the Commission wish to dissolve the LMCHD, it is recommended that the Commission first adopt a zero SOI for the LMCHD, signaling a future change of organization. The Commission's existing policy provides that SOIs generally will not be amended concurrently with an action on the related change of organization or reorganization. Consequently, the Commission would also need to waive its policy to proceed with the SOI amendment and subsequent dissolution, if the Commission desires to proceed with dissolution.

Also, before LAFCO can dissolve a district, LAFCO must hold a public hearing on the proposed dissolution. In conjunction with today's hearing, LAFCO published a display ad in the *Contra Costa Times* (all editions), as required by statute.

Should dissolution of LMCHD be approved by LAFCO, and should any affected landowner or registered voter object to the dissolution, LAFCO must conduct a protest hearing to allow landowners and voters within the district boundary an opportunity to protest the dissolution. The protest hearing cannot be conducted less than 30 days after the Commission's approval of the dissolution. The Commission has delegated authority to conduct the protest hearing to the LAFCO Executive Officer. As of this writing, LAFCO has received objections from landowners and voters within the District who benefit from the District's grants and programs. Therefore, should the Commission approve the dissolution on September 12, 2018, LAFCO staff will conduct a noticed protest hearing in October 2018 and report the results of the protest hearing in November 2018.

***Environmental Impact of the Proposal*** – As Lead Agency, the County finds the proposal to dissolve LMCHD is a jurisdictional change and has no physical effects on land use or the environment. The County finds the project exempt pursuant to the California Environmental Quality Act (CEQA) section 15061(b)(3). The LAFCO Environmental Coordinator reviewed the document and finds it adequate for LAFCO purposes.

## **CONCLUSION**

At the State level, there have been numerous reports and committee hearings regarding the role of healthcare districts, and recognition that healthcare districts have evolved from operating hospitals, to providing and funding preventative healthcare, noting the importance of these services. There are also concerns regarding lack of collaboration and potential for redundancies with County services, fiscal challenges, lack of transparency; and that healthcare districts should improve both the nexus between allocation of funds and the mission of the

districts, and the process for ensuring that grant funding is spent consistently with the grant application and the mission and purpose of healthcare districts.

At the local level, as noted in the Contra Costa Grand Jury reports, LMCHD has struggled with fiscal, administrative/management and service issues. The Grand Jury also notes challenges and deficiencies of local healthcare districts relating to lack of direct services and high administrative costs; lack of strategic planning and collaboration; and a disconnect in identifying health needs, funding programs that address these needs, and measuring outcomes.

Contra Costa LAFCO has also studied healthcare districts in three MSR. The MSR make recommendations for improvements and features best practices by local agencies. The MSR also emphasize the increased need for healthcare services to reduce the demand on emergency rooms and prevent chronic illness, and that local healthcare districts can help meet these needs. The MSR also provide an opportunity to initiate changes of organization (e.g., consolidation, dissolution). The reorganization of the former MDHCD was discussed in the 2007 MSR. In 2012, LAFCO reorganized the MDHCD following a LAFCO initiated study and an application from the City of Concord. The 2018 MSR includes various governance options for the three healthcare districts, including dissolution. In conjunction with the 2018 MSR, LAFCO held two public hearings on the healthcare services MSR in December 2017 and January 2018. Following the hearings, the Commission voted to retain the existing SOI for LMCHD.

In conclusion, one of the fundamental goals of LAFCO is to ensure the efficient and effective provision of municipal services in an accountable manner. Staff has presented information and data required for the Commission to evaluate the proposal and make findings. Staff has presented options below, including approving the dissolution and denying the dissolution. Staff has also provided the actions necessary to pursue these options with conditions of approval as detailed in the report and draft resolutions.

## **OPTIONS FOR COMMISSION ACTION**

### **Option 1**

If the Commission determines, based on the staff report and testimony presented at the hearing, that LMCHD should be dissolved, then staff recommends that the Commission:

1. Find that the project is Categorically Exempt pursuant to the California Environmental Quality Act (CEQA) Section 15061(b)(3) based on the determination that there is no possibility that dissolution of LMCHD may have a significant effect on the environment, consistent with the determination of Contra Costa County; and
2. Waive the Commission's policy which indicates that SOIs generally will not be amended concurrently with an action on the related change of organization or reorganization, and adopt LAFCO Resolution 17-13A (Attachment 12) approving a zero SOI for LMCHD and setting forth determinations; and
3. Adopt LAFCO Resolution 17-13B (Attachment 13) approving dissolution of the LMCHD and setting forth the Commission's terms, conditions, findings and determinations; and
4. Assign the following distinctive short-term designation to the proposal and description of the affected territory:

### **DISSOLUTION OF THE LOS MEDANOS COMMUNITY HEALTHCARE DISTRICT**

5. Designate Contra Costa County as successor agency to the LMCHD; and
6. Find that the subject territory is inhabited, and the proposal is subject to protest proceedings to be conducted no less than 30 days following the Commission's approval of the proposal.

- Option 2** If the Commission determines, based on the staff report and testimony presented at the hearing, that the dissolution of LMCHD be disapproved, then staff recommends that the Commission:
1. Disapprove the proposed dissolution and adopt LAFCO Resolution 17-13C (Attachment 14); and
  2. Require LMCHD to provide LAFCO with annual updates beginning December 2018 through December 2022, or as otherwise determined by LAFCO. The annual updates should address budget, grants, services and programs, administration, strategic planning, and status of lease negotiations with Contra Costa County.

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

**RECOMMENDED ACTIONS: Take action as desired and provide direction to staff.**

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

Attachments:

1. Contra Costa County Resolution 2017/384 Initiating Proceedings
2. Map of LMCHD
3. August 15, 2018 Letter from Contra Costa County Transmitting Amended Application
4. Contra Costa County Resolution 2018-218 Submitting Amended Application
5. Contra Costa County Resolution 2018/436 Establishing the *Los Medanos Health Advisory Committee*
6. Contra Costa County Resolution 2018/228 Determining Property Tax Exchange
7. Letter from OSHPD Regarding Debt Repayment
8. Factors for Consideration (GC §56668)
9. Contra Costa County's Justification for Proposal
10. Contra Costa County's Plan for Providing Services
11. Letters from Affected and Interested Parties
12. Draft LAFCO Resolution No. 17-13A Adopting a Zero SOI
13. Draft LAFCO Resolution No. 17-13B Approving Dissolution
14. Draft LAFCO Resolution No. 17-13C Disapproving Dissolution

c: Distribution

**THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA**  
and for Special Districts, Agencies and Authorities Governed by the Board

Adopted this Resolution on 11/07/2017 by the following vote:

**AYE:**  5  **John Gioia**  
 **Candace Andersen**  
 **Diane Burgis**  
 **Karen Mitchoff**  
 **Federal D. Glover**

**NO:**

**ABSENT:**

**ABSTAIN:**

**RECUSE:**



Resolution No. 2017/384

**A RESOLUTION OF APPLICATION  
BY THE COUNTY COSTA COUNTY BOARD OF SUPERVISORS  
REQUESTING THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
TO INITIATE PROCEEDINGS FOR THE  
DISSOLUTION OF THE LOS MEDANOS COMMUNITY HEALTHCARE DISTRICT**

**RESOLVED** by the Board of Supervisors of the County of Contra Costa that:

- A. The Board of Supervisors of the County of Contra Costa (the "County") desires to initiate proceedings pursuant to the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000, Division 3, commencing with Section 56000 of the California Government Code for the dissolution of the Los Medanos Community Healthcare District (the "District").
- B. The District's boundaries encompass the Pittsburg/Bay Point area as well as unincorporated portions of Clayton, Ciyde, Antioch and Concord. A map of the District is attached as Exhibit A and incorporated by reference.

C. The principal reasons for the proposed dissolution of the District are as follows:

1. The District was formed in 1945 to operate the Los Medanos Community Hospital, but the District has not been a direct provider of healthcare services since declaring bankruptcy in 1994. Instead, the District provides financial support to third parties that provide programs and activities related to health, wellness and disease prevention. In fiscal year 2016, approximately 25% of the District's revenue was provided to third parties; the balance of the District's revenue was used to pay for program administration, general administration and operating expenses.
2. The County is the primary provider of healthcare services to low-income persons residing in Contra Costa County, including within the District's boundaries. The County operates a robust indigent healthcare delivery system comprised of a hospital and a satellite health clinic system. A 130,900-square-foot County health clinic known as the Pittsburg Health Center (the "Health Center") is located within the District's boundaries at 2311 Loveridge Road, Pittsburg, California. The Health Center is the former Los Medanos Community Hospital. The services provided by the County at the Health Center include, but are not limited to, family health services, women's health services, primary health care, pediatrics, neurology, cancer treatment, immunizations, ophthalmology, mental health services, health care for the homeless and dental services.
3. The District owns the real property where the Health Center is located. The County leases the property from the District under a 20-year lease that expires July 31, 2018. Under the terms of the lease, the County has paid rent in the amount of \$100,000 per year since August 1, 1998. Pursuant to a settlement agreement between the District and the State Office of Health Planning and Development (the "State") dated September 10, 1998, all of the rent payments made by the County are paid to the State.
4. In keeping with the County's commitment to providing quality healthcare services in safe, modern facilities, the County has made significant capital improvements to the Health Center during the term of the lease. Since 1998, the County has paid in excess of \$24 million for capital improvements to the Health Center.

D. The County requests that the dissolution of the District be taken pursuant to Government Code section 56654, which authorizes the legislative body of an affected local agency to propose a change of organization by adopting a resolution of application.

E. The County further requests that, under the Contra Costa Local Agency Formation Commission's conditioning powers

under Government Code section 56886, the dissolution of the District be subject to the following terms and conditions: All of the assets, rights and responsibilities of the District are to be transferred to the County as the successor to the District.

**NOW, THEREFORE, BE IT RESOLVED** that this Resolution of Application is hereby approved and adopted by the Board of Supervisors of the County of Contra Costa. The Contra Costa Local Agency Formation Commission is hereby requested to take proceedings for the dissolution of the Los Medanos Community Healthcare District, according to the terms and conditions stated above and in the manner provided by the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000.

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

Contact: Timothy Ewell, (925) 335-1036

**ATTESTED** November 7, 2017

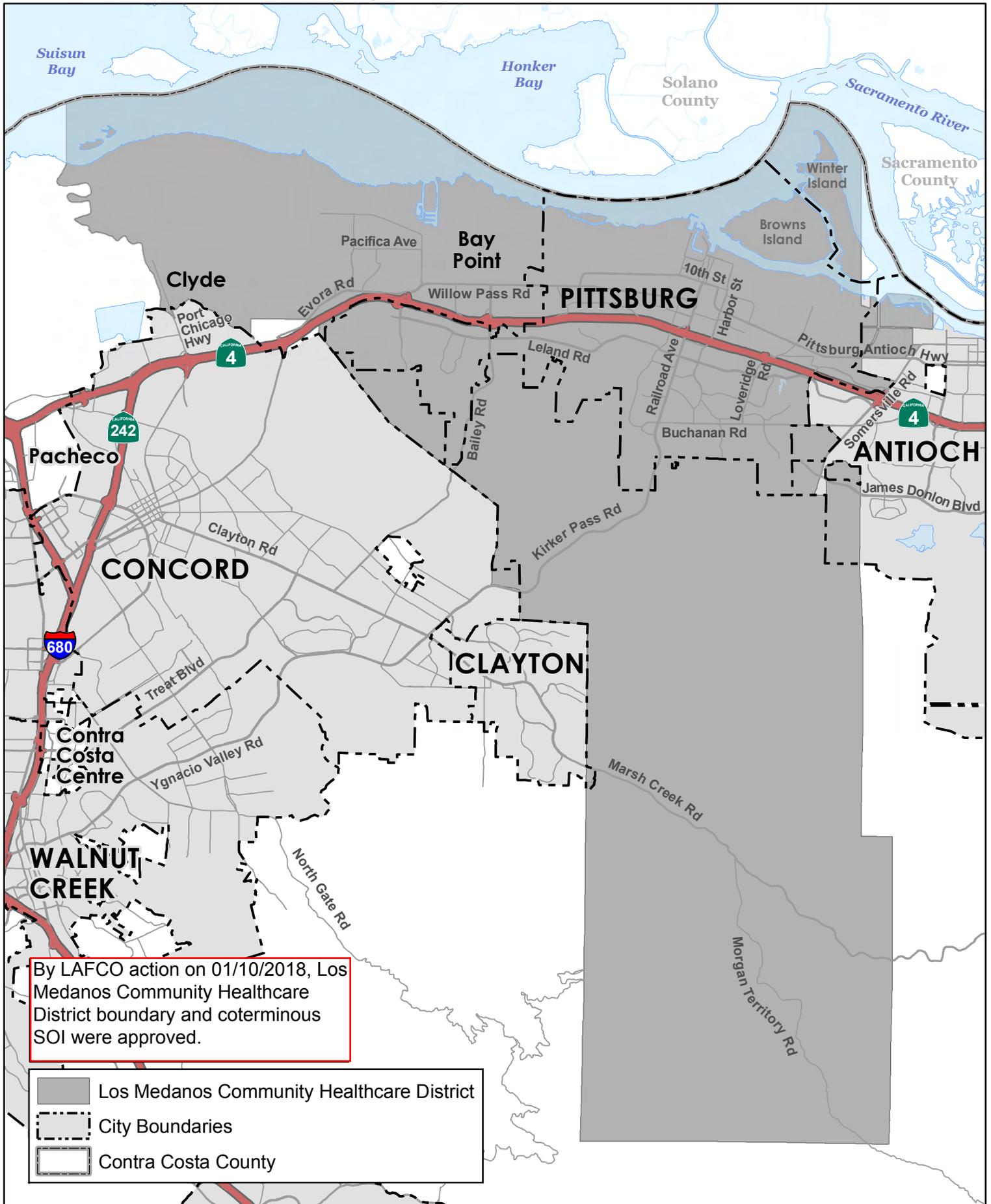
David J. Tava, County Administrator and Clerk of the Board of Supervisors

By: Jane McHuen, Deputy



cc: Lou Ann Texeira, Contra Costa LAFCO, Hon. Robert R. Campbell, Auditor-Controller

# Los Medanos Community Healthcare District and Coterminous SOI



By LAFCO action on 01/10/2018, Los Medanos Community Healthcare District boundary and coterminous SOI were approved.

-  Los Medanos Community Healthcare District
-  City Boundaries
-  Contra Costa County



# County Administrator

County Administration Building  
651 Pine Street, 10th Floor  
Martinez, California 94553-1229  
(925) 335-1080  
(925) 335-1098 FAX

**David J. Twa**  
County Administrator

# Contra Costa County



Attachment 3  
Board of Supervisors

**John M. Gioia**  
1<sup>st</sup> District

**Candace Andersen**  
2<sup>nd</sup> District

**Diane Burgis**  
3<sup>rd</sup> District

**Karen Mitchoff**  
4<sup>th</sup> District

**Federal D. Glover**  
5<sup>th</sup> District

August 15, 2018

*Via Hand Delivery*

The Honorable Michael R. McGill  
Chair, Contra Costa Local Agency Formation Commission  
651 Pine Street, 6<sup>th</sup> Floor  
Martinez, California 94553

## **RE: Proposed Dissolution of the Los Medanos Community Healthcare District**

Dear Mr. McGill,

Contra Costa County submits this amended proposal to dissolve the Los Medanos Community Healthcare District (the District) under the provisions of the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000 (commencing with Government Code § 56000 *et seq.*). The attached proposal amends the County's initial proposal to dissolve the District filed with LAFCO on November 14, 2017.

The County is filing this amended proposal to provide LAFCO with more detailed information on how the County will assume the functions of the District if LAFCO votes to dissolve the District.

- This proposal describes how the County, as the successor agency to the District, will operate a grant program for the benefit of the District's residents. This proposal explains that the grant program will fund health programs in the District's territory and provides details on how the County will administer its grant program.
- This proposal explains how the County will track the tax increment to ensure that it continues to benefit District residents.
- This proposal describes how the County will handle the remaining debt that the District owes the California Office of Statewide Health Planning and Development (OSHPD). The County has negotiated a settlement agreement with OSHPD that will enable the County to repay the District's outstanding debt in full once the District is dissolved.
- This proposal describes the County's compliance with Revenue and Taxation Code section 99 *et seq.*, related to the process of allocating property tax revenue when there is a jurisdictional change.

Attached to this letter is a revised Questionnaire for Annexation, Detachments and Reorganization, along with (i) a revised Attachment A, which responds to Question No. 4 (reasons for the proposal), (ii) a revised Attachment B, which responds to Question No. 15 (the plan for providing services), and (iii) a revised Attachment C, which responds to Question No. 21.C. (accompanying staff reports and supporting documents attached to the proposal).

Hon. Michael R. McGill  
August 15, 2018  
Page 2 of 2

The County is pleased to submit this amended proposal for the dissolution of the Los Medanos Community Healthcare District to LAFCO for consideration. If you require any additional information, please do not hesitate to contact me by phone at (925) 335-1036 or by email at [timothy.ewell@cao.cccounty.us](mailto:timothy.ewell@cao.cccounty.us).

Sincerely,

A handwritten signature in blue ink, appearing to read "Timothy M. Ewell". The signature is fluid and cursive, with the first name "Timothy" and last name "Ewell" being the most prominent parts.

TIMOTHY M. EWELL  
Chief Assistant County Administrator  
Contra Costa County

*Enclosures*

**THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA**  
**and for Special Districts, Agencies and Authorities Governed by the Board**

Adopted this Resolution on 07/10/2018 by the following vote:

		<b>John Gioia</b>
		<b>Candace Andersen</b>
<b>AYE:</b>	<input type="text" value="5"/>	<b>Diane Burgis</b>
		<b>Karen Mitchoff</b>
		<b>Federal D. Glover</b>
<b>NO:</b>	<input type="text" value="/"/>	
<b>ABSENT:</b>	<input type="text" value="/"/>	
<b>ABSTAIN:</b>	<input type="text" value="/"/>	
<b>RECUSE:</b>	<input type="text" value="/"/>	



**Resolution No. 2018/218**

**A RESOLUTION OF AMENDED APPLICATION  
BY THE CONTRA COSTA COUNTY BOARD OF SUPERVISORS  
TO THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
RELATED TO PROCEEDINGS FOR THE  
DISSOLUTION OF THE LOS MEDANOS COMMUNITY HEALTHCARE DISTRICT**

**RESOLVED** by the Board of Supervisors of the County of Contra Costa that:

**WHEREAS**, on November 14, 2017, the Board of Supervisors of the County of Contra Costa (the "County") initiated proceedings pursuant to the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000, Division 3, commencing with Section 56000 of the California Government Code for the dissolution of the Los Medanos Community Healthcare District (the "District"). A map of the District is attached as Attachment A and incorporated by reference (the "Subject Territory").

**WHEREAS**, The Board of Supervisors of the County desires to amend its November 2017 application to the Contra Costa Local Agency Formation Commission ("LAFCO") for the following reasons:

1. To provide information to LAFCO regarding the grant program that the County will implement for the benefit of the District's residents upon the dissolution of the District;
2. To provide information to LAFCO regarding the County's compliance with the requirements of Revenue and Taxation Code section 99 *et seq.*;
3. To provide information to LAFCO regarding the steps the County is taking to ensure that, upon the dissolution of the District, the tax increment generated within the Subject Territory for health-related purposes is used for the benefit of the residents of the Subject Territory for health-related purposes;
4. To provide information to LAFCO regarding the manner in which the County intends, upon the dissolution of the District, to address the District's outstanding debt to the California Office of Statewide Health Planning and Development ("OSHPD").

**NOW, THEREFORE, BE IT RESOLVED** that this Resolution of Amended Application is hereby approved and adopted by the Board of Supervisors of the County of Contra Costa. The Contra Costa Local Agency Formation Commission is hereby requested to dissolve the Los Medanos Community Healthcare District according to the terms and conditions stated Attachment B and in the manner provided by the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000.

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

Contact: Timothy M. Ewell, (925) 335-1036

**ATTESTED: July 10, 2018**

David J. Twa, County Administrator and Clerk of the Board

By: *June McHuen*  
June McHuen, Deputy



**cc:** Hon. Robert R. Campbell, Auditor-Controller, Hon. Michael R. McGill, Chair, Local Agency Formation Commission

**RESOLUTION NO. 2018/218**

**Terms and Conditions**

The County requests that under LAFCO's conditioning powers under Government Code section 56886, the dissolution of the District be subject to the following terms and conditions:

1. Successor Agency. Upon and after the date of recording in the official records of Contra Costa County of LAFCO's final and complete approval of the District's dissolution and the County's assumption of the District's duties and obligations, including the time for appeal of such approval(s) (the "Effective Date"), the County shall be the successor to the District. All of the assets, rights and responsibilities of the District are to be transferred to the County as the successor to the District.
2. Grant Program. From and after the Effective Date, the County shall develop and conduct a grant program within the Subject Territory that is focused on comprehensive health-related services. The grant program is to be funded by the *ad valorem* property tax revenue received by the County as a result of the dissolution of the District and any other funds made available to the grant program. In conducting the grant program within the Subject Territory, the County Board of Supervisors will rely on evidence-based research and input from the Los Medanos Health Advisory Committee, discussed below.
3. Formation of the Los Medanos Health Advisory Committee. Prior to the Effective Date, the County Board of Supervisors shall (i) form a Los Medanos Health Advisory Committee that reports directly to the County Board of Supervisors to identify major health disparities that impact residents within the Subject Territory and to make recommendations to the County Board of Supervisors for funding grants that are used within the Subject Territory for programs that are known, on the basis of established research, to improve health, and (ii) appoint five members to the Los Medanos Health Advisory Committee effective upon the Effective Date.
4. Property Tax Transfer. Before LAFCO issues the Certificate of Completion for the dissolution of the District, the County Board of Supervisors shall commence and complete a property tax transfer process, as outlined in Section 99 *et seq.* of the Revenue and Taxation Code, to transfer the District's health-related *ad valorem* property tax revenues to the County.
5. Creation of Special Fund in the County Treasury. Prior to the Effective Date, the County Board of Supervisors shall direct the Auditor-Controller to establish a new special fund in the County Treasury to track the receipt and disbursement of the *ad valorem* property tax revenues received by the County pursuant to the property tax transfer process discussed above. All such tax revenues shall be collected or collectible by the County for the exclusive use of funding a comprehensive health-related grant program within the Subject Territory and shall not be available for other County purposes.

## ATTACHMENT B

6. Transfer by Operation of Law. As of the Effective Date, the County shall have ownership, possession, and control of all books, records, papers, offices, equipment, supplies, moneys, funds, appropriations, licenses, permits, entitlements, agreements, contracts, claims, judgments, land, and other assets and property, real or personal, owned or leased by, connected with the administration of, or held for the benefit or use of the District.
  
7. Transfer in “As-Is” Condition. The County shall accept all real and personal property, books, records, papers, offices, equipment, supplies, moneys, funds, appropriations, licenses, permits, entitlements, agreements, contracts, claims, judgments, and all other assets and obligations transferred from the District in “as-is” condition, without any payment or repair obligations from the District. All incidental liabilities, such as accounts payable, and contract obligations shall be transferred to the County as of the Effective Date.

# THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA

Adopted this Resolution on July 10, 2018 by the following vote:

**AYES:** Gioia, Andersen, Burgis, Mitchoff, Glover

**NOES:** None

**ABSENT:** None

**ABSTAIN:** None



**SUBJECT: Resolution Establishing the Los Medanos Health Advisory Committee ) Resolution No. 2018/436**

**WHEREAS**, the Board of Supervisors of the County of Contra Costa (the "County") has submitted an application to the Contra Costa Local Agency Formation Commission ("LAFCO") for the dissolution of the Los Medanos Community Healthcare District (the "District") pursuant to the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000, Division 3, commencing with Section 56000 of the California Government Code;

**WHEREAS**, the Board of Supervisors of the County (the "Board of Supervisors") desires to promote the health and well-being of the people who live within the boundaries indicated on the map attached as Attachment A and incorporated herein by reference (the "Subject Territory");

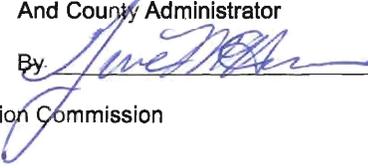
**WHEREAS**, contingent upon the dissolution of the District by LAFCO, the Board of Supervisors desires to create a grant program to provide comprehensive health-related services to residents of the Subject Territory (the "Los Medanos Area Health Plan Grant Program");

**WHEREAS**, contingent upon the dissolution of the District by LAFCO, the Board of Supervisors desires to create an advisory committee to make recommendations to the Board of Supervisors to enable the development and implementation of the Los Medanos Area Health Plan Grant Program.

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown

ATTESTED: July 10, 2018

DAVID J. TWA, Clerk of the Board of Supervisors  
And County Administrator

By  Deputy

cc: Hon. Robert R. Campbell, Auditor-Controller  
Hon. Michael R. McGill, Chair, Local Agency Formation Commission



**RESOLUTION NO. 2018/436**

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors as follows:

1. Establishment of the Los Medanos Health Advisory Committee.

Contingent upon the dissolution of the District by LAFCO pursuant to the application submitted to LAFCO by the County in November 2017, as amended, the Los Medanos Health Advisory Committee (the "Committee") is established.

2. Territorial Area.

The area the Committee will serve is the Subject Territory.

3. Membership.

The Committee will consist of five (5) members, who are to be selected and appointed by the Board of Supervisors, as follows: (i) one nominated by the City of Pittsburg; (ii) one nominated by the Bay Point Municipal Advisory Committee; (iii) one nominated by the County's Public Health Division, (iv) one nominated by the County's Behavioral Health Division; and (v) one At-Large member, residing or working within the Subject Territory, nominated by the County's Internal Operations Committee.

4. Term of Office.

The initial term of office of the members will be (i) two years for the members appointed upon the recommendation of the City of Pittsburg, the County's Public Health Division and the County's Internal Operations Committee, and (ii) three years for the members appointed upon the recommendation of the Bay Point Municipal Advisory Committee and the County's Behavioral Health Division. Following their initial terms, each seat will have a three-year term.

If a vacancy occurs, a replacement will be selected and appointed by the Board of Supervisors upon the nomination of the entity that nominated the prior holder of the seat. The newly-appointed member will serve the remainder of the term of the prior holder of the seat.

Upon the expiration of a member's term, the member is eligible to be reappointed by the Board of Supervisors.

5. Removal from Office.

Each appointed member of the Committee serves at the pleasure of the Board of Supervisors and may be removed, at will, by a majority vote of the Board of Supervisors.

6. Committee Purpose and Duties.

The Committee will advise the Board of Supervisors on the development and implementation of the Los Medanos Area Health Plan Grant Program and shall:

- Develop an area health plan that identifies the major health disparities that impact residents of the Subject Territory, and priorities for improving health outcomes. The plan will be presented to the Board of Supervisors for review and will not be final unless adopted by the Board of Supervisors. The Committee may engage an outside consultant to assist in developing the plan. The Committee shall submit an updated plan for approval by the Board of Supervisors no less than every five years.
- Solicit proposals from service providers interested in participating the Los Medanos Area Health Plan Grant Program and capable of addressing the priorities outlined in the adopted plan. Funding for grants will be provided from (i) a special fund established by the Auditor-Controller, at the direction of the Board of Supervisors, that is used to segregate the property tax revenue received by the County as a result of the dissolution of the District, and (ii) any other funds made available to the grant program.
- Monitor the efficacy of the programs to which grants are made.
- Report to the Board of Supervisors no less than once per year on the execution of the adopted plan, the grants provided under the grant program, the results achieved through the adopted plan and the grant program, and other matters that relate to the Committee's purpose and duties.

7. Quorum and Vote Necessary for Action.

A quorum is a majority vote of the total number of authorized positions on the Committee, not a majority of the total number of filled positions. The Committee may only take action by a majority vote of the total number of authorized positions, not by a majority vote of the quorum. (With 5 authorized positions, a quorum is 3 members; 3 affirmative votes are necessary for action.)

8. Compensation.

Committee members will serve without compensation of any kind, and the Board of Supervisors will not provide funds for the payment of Committee meeting stipends.

9. Administrative Support.

Administrative support will be provided to the Committee by the County's Health Services Department.

10. Committee Funds.

Any funds transferred to or received by the County as a result of the dissolution of the District may only be used for the benefit of the residents of the Subject Territory.

11. Committee Operation and Procedural Rules.

Within the parameters of this Resolution, the Committee may organize itself and operate as it determines but shall hold regular meetings, at intervals to be established by the Committee, at an established time and place. The Committee may develop bylaws for the operation of the Committee, but such bylaws must be approved by the Board of Supervisors to be effective. The Committee meetings are to be conducted in accordance with the provisions of the Brown Act (Government Code sections 54950 et seq.), including the pre-meeting posting of meeting calendar notices, and the County Better Government Ordinance (County Ordinance Code, Division 25). In addition, the Committee must fully comply with the Board of Supervisors' policy concerning conflict of interest and open meetings (Resolution No. 2002/375), and the Board's policy governing appointments to boards, committees, and commissions (Resolution No. 2002/377), as applicable.

**PASSED AND ADOPTED** by the Board of Supervisors at a regular meeting held on July 10, 2018.

# THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA

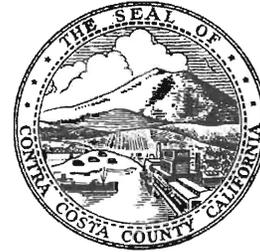
Adopted this Resolution on July 10, 2018 by the following vote:

**AYES:** Gioia, Andersen, Burgis, Mitchoff, Glover

**NOES:** None

**ABSENT:** None

**ABSTAIN:** None



**SUBJECT: In the Matter of Approving the ) Resolution No. 2018/228**  
**Property Tax Exchange Pertaining to the )**  
**Dissolution of the Los Medanos Community)**  
**Healthcare District )**

**WHEREAS**, Section 99(b)(5) of the California Revenue and Taxation Code provides that in the event that a jurisdictional change would affect the service area or service responsibility of one or more special districts, the board of supervisors of the county or counties in which the districts are located shall, on behalf of the district or districts, negotiate any exchange of property tax revenues; and

**WHEREAS**, prior to entering into negotiation on behalf of a district for the exchange of property tax revenue, the board shall consult with the affected district. The consultation shall include, at a minimum, notification to each member and executive officer of the district board of the pending consultation and provision of adequate opportunity to comment on the negotiation; and

**WHEREAS**, on March 28, 2018, County staff sent letters to each special district that is a taxing entity in the area served by the District (the "Subject Territory," shown on map in Attachment 1) notifying them of the pending negotiation regarding the exchange of property tax revenues in connection with the dissolution of the District, and each has had adequate opportunity to comment on the exchange of proper tax revenues (a sample letter is attached

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown

ATTESTED: July 10, 2018

DAVID J. TWA, Clerk of the Board of Supervisors  
 And County Administrator

By  Dept



cc: Hon. Robert R. Campbell, Auditor-Controller  
 Hon. Michael R. McGill, Chair, Local Agency Formation Commission

**RESOLUTION NO. 2018/228**

as Attachment 2, and a list of the taxing entities, including contacts and addresses on record with the Auditor-Controller, is attached as Attachment 3);

**WHEREAS**, although the District was formed in 1945 to operate the Los Medanos Community Hospital, the District has not been a direct provider of healthcare services since declaring bankruptcy in 1994, and, instead, provides financial support to third parties; and

**WHEREAS**, according to the Contra Costa County Civil Grand Jury, the cost of administering the District's grant program is high compared to the amount spent on grants, when, for example, in fiscal year 2017/18, the District budget allocates approximately 42% of the District's revenue to community programs and 51% to general administration; and

**WHEREAS**, the County is the primary provider of healthcare services to low-income persons residing in Contra Costa County, including within the District's boundaries; and

**WHEREAS**, the County intends to develop and conduct a grant program within the Subject Territory that is focused on comprehensive health-related services and that is funded by tax revenue received by the County pursuant to this Resolution.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of Contra Costa County finds that the above recitals are true and correct; and

**HEREBY DETERMINES** that the property tax exchange for the Subject Territory upon the dissolution of the District shall be in accordance with the following for the fiscal year in which the State Board of Equalization makes the tax rate area change for this jurisdictional change, and each year thereafter:

All of the District's share of the base tax and the annual tax increment in the Subject Territory shall be allocated to Contra Costa County by allocating the base tax that would otherwise be allocated to the District, and the annual tax increment that would otherwise be allocated to the District, to Contra Costa County. The resulting new tax increment allocation factors for the Subject Territory will be used to allocate the annual tax increment for the effective year of the dissolution as well as in the future years.

# County Administrator

County Administration Building  
651 Pine Street, 10th Floor  
Martinez, California 94553-1229  
(925) 335-1080  
(925) 335-1098 FAX

**David J. Twa**  
County Administrator

# Contra Costa County



## Board of Supervisors

**John M. Gioia**  
1<sup>st</sup> District

**Candace Andersen**  
2<sup>nd</sup> District

**Diane Burgis**  
3<sup>rd</sup> District

**Karen Mitchoff**  
4<sup>th</sup> District

**Federal D. Glover**  
5<sup>th</sup> District

March 28, 2018

*Via U.S. Mail*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

The Contra Costa Local Agency Formation Commission (LAFCo) has received an application entitled "Dissolution of the Los Medanos Community Healthcare District" proposing that the Los Medanos Community Healthcare District be dissolved (LAFCO 17-13).

After receiving LAFCO 17-13, LAFCo's Executive Officer gave notice of the filing to the County Assessor and the County Auditor, in accordance with Revenue and Taxation Code section 99(b). The notice specified each local agency whose service area or responsibility will be altered by the proposed jurisdictional change. On March 16, 2018, the County Auditor sent a letter to affected agencies, including yours, which provides information regarding property tax revenue estimated to be subject to a negotiated exchange if LAFCO 17-13 is approved.

Revenue and Taxation Code section 99(b)(5) requires the County to negotiate any exchange of property tax revenues on behalf of the district(s) affected by a jurisdictional change. Specifically, the Revenue and Taxation Code provides:

*"In the event that a jurisdictional change would affect the service area or service responsibility of one or more special districts, the board of supervisors of the county or counties in which the districts are located shall, on behalf of the district or districts, negotiate any exchange of property tax revenues. Prior to entering into negotiation on behalf of a district for the exchange of property tax revenue, the board shall consult with the affected district. The consultation shall include, at a minimum, notification to each member and executive officer of the district board of the pending consultation and provision of adequate opportunity to comment on the negotiation."*

We do not anticipate that the negotiations will result in a significant change in the allocation for most special districts.

Please accept this letter as notification of the pending consultation and as providing you with an adequate opportunity to comment on the negotiation. If you wish to comment, we would appreciate your written comments by April 26, 2018, but no later than May 26, 2018.

Best regards,

TIMOTHY M. EWELL  
Chief Assistant County Administrator  
Contra Costa County

cc: Lou Ann Texeira, LAFCo Executive Officer

**OSHDP** Office of Statewide Health Planning and Development**Cal-Mortgage Loan Insurance Division**

2020 West El Camino Avenue, Suite 1231

Sacramento, CA 95833

(916) 319-8800

(916) 445-2837 Fax

cminsure@oshpd.ca.gov

www.oshpd.ca.gov/calmort

July 10, 2018

Timothy M. Ewell  
Chief Assistant County Administrator  
Contra Costa County  
651 Pine St., 10<sup>th</sup> Floor  
Martinez, CA 94553

RE: Settlement of Debt by Contra Costa County  
Pending Proposed Dissolution of the Los Medanos Community Healthcare District

Dear Mr. Ewell:

On behalf of Contra Costa County (County), you contacted our office and expressed that, subject to approval of the County's application to the Contra Costa County Local Agency Formation Commission (LAFCO) for the dissolution of the Los Medanos Community Healthcare District (District), the County desires to settle the outstanding debt owed to the Office of Statewide Health Planning & Development (OSHDP) by the District for a payment of \$1,383,956.

OSHDP agrees to accept \$1,383,956 as payment to settle the District's outstanding debt and execute a full reconveyance of the District's real and personal properties subject to the following conditions:

1. LAFCO approves the County's application for the dissolution of the District; and
2. OSHDP receives payment of \$1,383,956, inclusive of any payments received from the District to date in 2018.

This offer will expire at 5:00 p.m. on December 31, 2018, unless extended by OSHDP at the request of the County.

If you have any questions, please contact Lauren Hadley at (916) 319-8819 or electronically at lauren.hadley@oshpd.ca.gov.

Very truly yours,

Handwritten signature of Jeremy P. Marion in black ink.

Jeremy P. Marion  
Deputy Director

cc: Kathleen M. Andrus, Deputy County Counsel, Office of the County Counsel  
Ryan Buckley, Attorney, OSHPD  
Mabel Chan, Supervisor, OSHPD, Cal-Mortgage  
Lauren Hadley, Account Manager, OSHPD, Cal-Mortgage

**Dissolution of Los Medanos Community Healthcare District  
Factors for Consideration (California Government Code §56668)**

FACTOR	COMMENTS
(a) Population and population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years.	The subject area includes the City of Pittsburg, small portions of the cities of Antioch, Clayton and Concord, unincorporated Bay Point and surrounding unincorporated areas, and serves a community of over 97,000 residents (42,000 voters) within 90.5± square miles. Land uses and topography are mixed and the area is primarily built out. There is likelihood of growth in the area.
(b) The need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion; and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.  “Services,” as used in this subdivision, refers to governmental services whether or not the services are services that would be provided by local agencies subject to this division, and includes the public facilities necessary to provide those services.	There is an ongoing need for healthcare services and programs. The County, as successor, would have responsibility for the extension of these services, and is capable of assuming this role.
(c) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.	Based on the County’s proposal and indication it will continue to provide services to the LMCHD community, it is not anticipated that dissolution of the District would affect adjacent areas or the local government structure of the County.
(d) The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities in Section 56377. ( <i>Note: Section 56377 encourages preservation of agricultural and open space lands</i> )	The dissolution would have no effect on development or on policies and priorities in Section 56377.
(e) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016.	The dissolution would have no effect on agricultural lands.
(f) The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.	The parcels that comprise the subject territory have specific boundary lines that are certain and identifiable.
(g) A regional transportation plan adopted pursuant to Section 65080.	N/A
(h) The proposal's consistency with city or county general and specific plans.	The dissolution will have no effect on City or County General Plans.

FACTOR	COMMENTS
(i) The sphere of influence (SOI) of any local agency which may be applicable to the proposal being reviewed.	The dissolution will have no effect on the SOIs of any local agency.
(j) The comments of any affected local agency or other public agency.	As of this writing, no comments were received from any affected local or public agency.
(k) The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.	As successor, the County would receive the District's assets, which include property, residuals and other tax allocations.
(l) Timely availability of water supplies adequate for projected needs as specified in Section 65352.5.	N/A
(m) The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments consistent with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7.	N/A
(n) Any information or comments from the landowner or owners, voters, and residents of the affected territory.	A display ad was published in the <i>Contra Costa Times</i> (all editions). As of this writing, LAFCO has received seven letters and emails opposing the dissolution (Attachment 11). Refer to staff report for a summary of comments.
(o) Any information relating to existing land use designations.	The City and County General Plan and zoning designations include various residential, commercial, industrial, public/semi-public, park & recreation, open space, agricultural, landfill and other uses. No changes to the present or planned land uses will result from this change of organization.
(p) The extent to which the proposal will promote environmental justice. As used in this subdivision, "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 dissolution will have no effect on environmental justice or to the fair treatment of people of all races, cultures and incomes.
56668.5. The commission may, but is not required to, 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. This section does not grant any new powers or authority to the commission or any other body to establish regional growth goals and policies independent of the powers granted by other laws.	Dissolution of the LMCHD is a governance change and will not affect or be affected by Plan Bay Area, and will not impact any Priority Development Areas (PDAs) or Priority Conservation Areas (PCAs).

## CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

### Amended Application for the Dissolution of the Los Medanos Community Healthcare District

#### Attachment A Justification of Proposal

##### Introduction

The Los Medanos Community Healthcare District, originally known as the Los Medanos Community Hospital District, was established in 1946 to operate the Los Medanos Community Hospital. In 1994, the District declared bankruptcy, closed the hospital, and stopped providing direct services to the public. The District now operates a grant program, but spends the majority of its budgeted funds on administrative costs. Contra Costa County, by contrast, provides numerous effective healthcare and wellness services directly to the residents of the area served by the District. Since 1994, the County has operated the Pittsburg Health Clinic at the former hospital and made \$24 million in improvements to the building.

The County is proposing the dissolution of the District to continue and expand the quality health services that the County already provides to residents of the District. As explained more fully in this document, the dissolution of the District is justified for the following reasons:

- The County proposes to replace the District's grant program with a new grant program that will fund more health-related programs more efficiently. The District's existing grant program is burdened by high overhead costs. The County's proposal would reduce administrative costs significantly, freeing up more funds to spend on effective health-related grant programs.
- Under the County's proposal, grant funds will be directed to community-based organizations based on input from the community. The County has created a Los Medanos Health Advisory Committee that will make recommendations for grant funding to the Board of Supervisors. The committee will be comprised of appointments made by the Board of Supervisors, based on recommendations from the City of Pittsburg, the Bay Point Municipal Advisory Committee, the County's Public Health Division, the County's Behavioral Health Division and the Board's Internal Operations Committee.
- The County has the financial resources to maintain and expand the Pittsburg Health Center.
- The County has the financial resources to continue and expand the effective health-related programs that already serve District residents.
- The dissolution of the District has been contemplated since the District's bankruptcy in 1994 and was recommended most recently by the 2017-2018

Contra Costa County Grand Jury, in Report 1802, following similar recommendations from three prior grand juries.

## **Background**

### *District's Role in the Community*

When the District declared bankruptcy in 1994, it closed its hospital and ceased being a direct provider of healthcare services. Contra Costa County and the California Office of Statewide Health Planning and Development (OSHPD) assisted the District in restructuring its debt, allowing the District to exit bankruptcy. Under the bankruptcy reorganization plan, (i) OSHPD repaid the District's outstanding debt and became a creditor of the District, and (ii) the County reopened what had been the District's hospital, creating the Pittsburg Health Center, and became a long-term tenant of the District. For the last twenty years, lease payments from the County have been used to reduce the District's debt to OSHPD. In addition to paying \$100,000 per year in rent directly to OSHPD, the County has paid approximately \$24 million for capital improvements to the building since 1998. Together, these payments equate to annual rent payments by the County equal to approximately \$1.3 million.

After emerging from bankruptcy, the District changed its name to become a "healthcare" district. As a healthcare district, its stated mission is to "advance solutions to health disparities." The Centers for Disease Control and Prevention defines health disparities as "preventable differences in the burden of disease, injury, violence, or opportunities to achieve optimal health that are experienced by socially disadvantaged populations."<sup>1</sup> In pursuing its current mission, the District provides grants to third parties in support of various programs that those third parties have designed and implemented within the District. It also operates a community garden, a student eyeglass program and a summer internship program for local youth.

Some of the programs supported by the District are targeting issues that health professionals recognize as having an impact on a community's health, such as hunger and the supply of fresh fruit and vegetables.<sup>2</sup> Other programs supported by the District appear to be more tangentially related to solving health disparities, such as a cheer leading clinic, youth basketball, ombudsman services, and spiritual guidance.<sup>3</sup>

The criteria used by the District to select the programs it supports is unclear. It is also unclear how closely the District monitors the programs it supports to determine how and where grant funds are used or how effective the programs are in terms of reducing health disparities. In March 2018, the County submitted a Public Records Act request to the District, requesting a copy of all writings from 2013 to the present that (i) mention or evaluate how recipients of grant

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<sup>1</sup> CDC. Community Health and Program Services (CHAPS): Health Disparities Among Racial/Ethnic Populations. Atlanta: U.S. Department of Health and Human Services; 2008.

<sup>2</sup> For example, the District supports the Food Bank of Contra Costa and Solano, Fresh Approach, Healthy Hearts Institute, La Clinica de la Raza, Loaves and Fishes, and Meals on Wheels. (See Minutes of Regular Board Meeting of March 12, 2018, (pp. 21 of 89) showing the District's check register for January 2018.) (Attached as Exhibit 1).

<sup>3</sup> For example, the District supports All Star Cheer Reaction, Ombudsman Services of Contra Costa, and Souljahs House. (See Minutes of Regular Board Meeting of March 12, 2018, (pp. 21 of 89) showing the District's check register for January 2018.) (Attached as Exhibit 1).

funds are selected, including any scoring criteria, (ii) identify the amounts awarded to each recipient and any criteria for drawing down and using grant funds, or (iii) pertain to the nexus between the programs to which grant funds have been awarded and the District's mission. The Public Records Act request also requested a copy of all agenda for meetings of the District's Board of Directors at which the solicitation, award or use of grant funds was discussed and all related documents presented to the District's Board of Directors from 2013 to the present. A copy of the Public Records Act request and the District's response, in its entirety, are attached as Exhibit 2 and Exhibit 3.

The District's response to the Public Records Act request, received April 24, 2018, includes a copy of the District's "Funding for Health Grant Program Guidelines."<sup>4</sup> The Guidelines are not dated. Nowhere in the District's response to the Public Records Act request is there any indication that the process laid out in the Guidelines is followed, as no forms completed by applicants were included in the District's response.

The documents included in the District's response suggest that the District uses a scoring system when considering proposals.<sup>5</sup> But no documents were supplied to indicate the basis of the scores given by the District Board members or how the scores were used to determine whether an award was given, or what role, if any, the score played in determining the size of an award. No documents were provided that address the County's question regarding the nexus between the programs supported by the District and the District's mission.

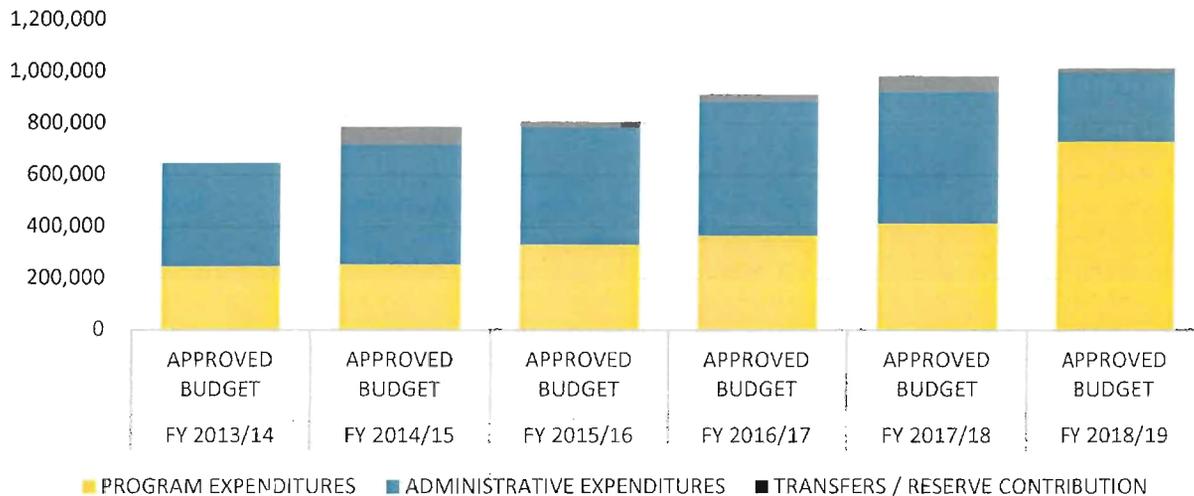
### District Costs

While the District's effectiveness in combatting health disparities is uncertain, the inefficiency of its operation is evident. In its approved budgets for fiscal year 2014 through fiscal year 2018, the District budgeted between 33% and 42% of its revenue to its grant program. Most of the remaining funds were directed to administrative expenses. In other words, for the last five years the District has consistently spent between 51% and 61% of its revenue on administrative expenses, with the balance going to reserves. A spreadsheet that shows the District's budgeted revenues and expenditures for the last five years is attached as Exhibit 4. A graph depicting the District's budgeted use of funds for the last six years is shown below.

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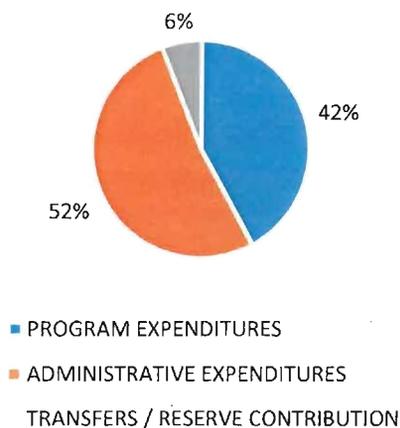
<sup>4</sup> Part I of the Guidelines sets forth the date by which proposals must be submitted, the District's goals and the duration of grants. Part II of the Guidelines set forth the mechanics of applying for a grant. Part III includes the forms that applicants are to use when applying.

<sup>5</sup> The response to the Public Records Act request included a "score card" for grant programs in 2013 (the fall program), 2014 (the fall program), 2016 (the fall program, although the headings are illegible) and 2018 (the fall and summer programs).



Government watchdog agencies have expressed concern over the size of the District’s overhead expenses relative to its program expenditures. For example, in its April 2018 report advocating for the dissolution of the District, the Contra Costa County Civil Grand Jury noted that the District’s approved budget for fiscal year 2017/18 allocated \$411,875, or 42%, of revenue to community health programs, and allocated \$509,698, or 52%, of revenue to general administration, as shown in the chart below:

FY 2017/18 LMCHD Approved Budget



The Grand Jury’s report further noted that comparable local governmental entities typically devote only 10-20% to administrative expenses.”<sup>6</sup> The 2017/2018 Grand Jury recommended dissolution of the District.

<sup>6</sup> Contra Costa County Grand Jury Report 1802, Los Medanos Community Healthcare District. (pp. 1) (Attached as Exhibit 5.)

Similarly, in an August 2017 report on special districts statewide, the Little Hoover Commission noted the District's administrative and operating expenses, stating in relevant part:

*"...three grand juries over a decade criticized Pittsburg-based Los Medanos Community Healthcare District in Contra Costa County, which reportedly spent half of its 2010-2011 revenue on [a] community and health program and half on 'administrative and operating expenses, including stipends for the board of directors, travel and election fees and a board retreat'."*<sup>7</sup>

### County's Role in the Community

The County is the largest provider of indigent healthcare services in the County and is mandated to provide those services pursuant to state law. The County-operated Pittsburg Health Center, which is the District's former hospital, has expanded to become the largest clinic in the County health system. In 2017, members of the community made more than 217,000 distinct patient visits to the Pittsburg Health Center. The Center provides a wide variety of primary and specialty clinical services, mental health services and public health services to members of the community, including:<sup>8</sup>

- Prenatal and newborn care
- Cancer and palliative care
- Care for patients with pain and addiction
- Dental Services
- Optometry Services
- Nutritional Services
- Laboratory Services
- Radiology Services

But the services provided by the County to the residents of the District's territory are not limited to the medical services provided at the Pittsburg Health Center. The County, like an increasing number of healthcare providers, offers a variety of services and programs that aim to improve outcomes by reducing health disparities.

Over the last several years, the County's efforts to reduce health disparities has been spurred by the recognition that the effect of satisfying certain basic needs, including shelter, food, transportation, and electricity in the home, is so profound that it often matches or exceeds the influence of medications. The importance of addressing these needs is reflected in the Contra Costa Regional Medical Center & Health Centers 2015-2020 Strategic Plan adopted and implemented by the County's Health Services

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<sup>7</sup> Special Districts: Improving Oversight and Transparency. Little Hoover Commission, August 2017 (pp. 44) (Attached as Exhibit 6.)

<sup>8</sup> A summary of the number of patient visits and the type of care provided by the County at the Pittsburg Health Center in 2017 is attached as Exhibit 7.

Department in 2015.<sup>9</sup> The County's commitment to reducing health disparities is further reflected in an article published on the Health Services Department's website in 2016.<sup>10</sup>

Both the Strategic Plan and the 2016 article highlight an increased emphasize on the importance of taking a broader view of what it takes to be healthy when striving to achieve optimum health outcomes. Some of the programs and partnerships the County has established to address patients' critical social needs are described below.

- *Food Programs*

According to health professionals, food security is a health issue. For that reason, the County partners with a number of non-profit organizations that have food delivery programs. Those partnerships include Meals on Wheels, which provides food to the elderly, and the Food Bank of Contra Costa & Solano, which distributes food bags directly from the County's health centers. And because Medi-Cal and Cal-Fresh (also known as food stamps) have similar eligibility thresholds, the County works directly with the State to make sure patients who qualify for one program are also signed up for the other. The County has also modified its health intake protocol at the County's health centers to include food security screening questions. And some physicians are piloting a program under which they write "prescriptions" for food, as a way to help patients understand how important healthy eating is. Of course, the prescriptions have no effect at a pharmacy, but the County's health professionals have learned that some people take these "prescriptions" to the food bank and ask for healthier items.

- *Partnership with Health Leads USA*

Health Leads is a national organization that for more than twenty years has worked with leading healthcare organizations to create sustainable, high-impact and cost-effective social needs interventions by connecting patients to the community-based resources they need to be healthy – from food to transportation to healthcare benefits. In 2014, the County initiated its use of Health Leads volunteers at the West County Health Center in San Pablo. When the program began, student volunteers from local universities, colleges, and high schools from Health Leads staffed an advocates' desk at the West County Health Center, ready to help anyone who needs to fill out a Cal-Fresh application, paperwork for subsidized child care or housing, or a Pacific Gas & Electric form for a discount on their energy bill. While the student volunteers remain engaged in serving our communities, given the success of the program, the County now trains its community health workers and other staff to use Health Leads' tools so they can be applied elsewhere in the County's systems. And the Health Leads program has been expanded to include all of the County's major clinical hubs, including the

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<sup>9</sup> The Contra Costa Regional Medical Center & Health Centers 2015-2020 Strategic Plan is attached at [Exhibit 8](#).

<sup>10</sup> [Message from the CEO: Going Beyond the Exam Room to Meet Our Patients' Needs](#), Contra Costa Health Services August 2017. (Attached as [Exhibit 9](#).)

Pittsburg Health Center. Through these efforts, thousands of patients have been connected to urgently-needed local resources.

- *Whole Person Care Program*

The County's whole person care program, known as Community Connect, is co-funded by the County and the Federal government. Under the program, the County assigns a unique risk score to each patient to identify those most in need of a multifaceted support system. To date, the County has enrolled over 14,000 of the County's most vulnerable patients into the Community Connect program. The support provided to participants includes case management, medical and mental health, transportation assistance, social and legal services. The County's case managers and public health nurses drive out and meet with patients wherever they live, including on the street, in shelters, or at board and care or skilled nursing facilities. Other public health nurses specialize in supporting new mothers, babies and foster children. The program also provides special transitional services for patients leaving detention facilities.

- *School-Based Health Clinics*

The County operates school-based health clinics throughout the County. In East County, the Pittsburg Unified School District, the Antioch Unified School District, and the Liberty Union High School District all work closely with the County to increase on-campus access to medical, dental, mental health and preventative services for students. The availability of services varies by site, but generally includes comprehensive well child exams, physicals and sports clearance, hearing and vision screening, immunizations, treatment of minor infections and illnesses, dental examinations, cleanings and treatments, pre-screening and referrals for mental health and other behavioral health services, and reproductive healthcare.

- *Community Events*

The County participates in annual health fairs throughout the County. These community events allow the County to stay connected to the community and help the County promote healthy living and to screen for diabetes, high blood pressure, breast cancer and other medical conditions.

The County's group medical visits program allows patients to connect with other patients who are similarly situated and to find community – a vital human need. The program includes pregnancy and parenting groups, diabetes groups, chronic pain groups, pediatric obesity and addiction medicine groups. The County's behavioral health services division conducts a variety of groups for patients, and families of patients, suffering from mental health disorders and substance abuse.

The County has partnered with the East Bay Regional Park system to create a “walk with a doc” program, to build community connections while promoting a healthy lifestyle.

### **Pittsburg Health Center: An Important Community Resource**

Since the County established the Pittsburg Health Center in 1998 at the District’s former hospital, the facility has flourished – becoming the largest clinic in the County’s health system. Over the years, the County has invested approximately \$24 million in capital improvements in the facility. Those improvements have enabled the County to offer a broad array of health services, from primary adult and pediatric care to specialty services, in one central East County location. There is no question that the site is an important community and healthcare resource. Given the facility’s presence in the community, its stellar location and the opportunity for further expansion onsite, the County envisions that the clinic’s role as a major healthcare delivery site will become even greater if the proposed dissolution is approved. As the owner of the property, the County is much more likely to invest in capital improvements – potentially even new construction – than it could responsibly undertake as a tenant.

### **Proposal for Dissolution**

The County requests that the District be dissolved pursuant to Government Code section 56654, which authorizes the legislative body of an affected local agency to propose a change of organization by adopting a resolution of application.

The County further requests that, under the Contra Costa Local Agency Formation Commission’s conditioning powers under Government Code section 56886, the dissolution of the District be subject to the terms and conditions set forth in Resolution 2018/218,<sup>11</sup> adopted by the County Board of Supervisors on July 10, 2018, and as summarized below:

1. Successor Agency. All of the assets, rights and responsibilities of the District are to be transferred to the County as the successor to the District.
2. Grant Program. The County is to develop and conduct a grant program within the area served by the District that is focused on comprehensive health-related services. In conducting the grant program, the County Board of Supervisors is to rely on evidence-based research and input from the Los Medanos Health Advisory Committee, discussed below.
3. Formation of Los Medanos Health Advisory Committee. The County Board of Supervisors is to form the Los Medanos Health Advisory Committee to identify major health disparities that impact residents in the District’s territory and to make recommendations for funding grants that are used within the District’s territory.

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<sup>11</sup> See Exhibit 1 to Staff Report of July 10, 2018 (Tab E).

4. Property Tax Transfer. The County Board of Supervisors is to complete the property tax transfer process, as outlined in Section 99 *et seq.* of the Revenue and Taxation Code, to transfer the District's health-related ad valorem property tax revenues to the County.<sup>12</sup>
5. Creation of Segregated Fund. The County Board of Supervisors is to direct the Auditor-Controller to establish a separate fund in the County Treasury to track the receipt and disbursement of the ad valorem property tax revenue received by the County pursuant to the property tax transfer process discussed above. All such revenue is to be collected or collectible by the County for the exclusive use of funding a comprehensive health-related grant program within the area served by the District and is not to be used for other County purposes.

This proposal is consistent with the Little Hoover Commission report findings released in August 2017 and the findings described in Contra Costa County Grand Jury Report 1802, entitled "Los Medanos Community Healthcare District," filed in April 2018.<sup>13</sup> It is also consistent with the findings of prior grand juries and a dissolution governance option presented to LAFCO in its 2007 Healthcare District Municipal Services Review (MSR). More importantly, this proposal is in the best interest of the community being served within the District's territory, because the District's unnecessary and costly overhead would be eliminated. It is also in the best interest of the District's vulnerable population, whose quality of life is profoundly impacted by the caliber and breadth of health-related services available through public sources.

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<sup>12</sup> Pursuant to Revenue and Taxation Code 99(b), the County has adopted Resolution 2018/228, which determines the property tax exchange for the area currently served by the District upon the dissolution of the District, satisfying this proposed condition. See Exhibit 3 to Staff Report of July 10, 2018 (Tab E).

<sup>13</sup> Contra Costa Grand Jury Report 1802 can be found in Exhibit 5.

**CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION**

**Amended Application for the Dissolution of the  
Los Medanos Community Healthcare District**

**Attachment B  
Plan for Providing Services  
(Pursuant to Government Code § 56653)**

**A. Describe the services to be extended to the territory affected by this proposal.**

There are two components to the services the County will extend to the affected territory. First, the County will continue the healthcare services the County has long provided in the affected territory. Second, the County will implement a grant program to replace the grant program operated by the District.

*Healthcare Services*

The County is the largest provider of indigent healthcare services to the community served by the District. The need for a broad array of healthcare services is critical, and the County is committed to continuing to provide these services in the affected territory.

The County's largest health clinic, the Pittsburg Health Center, is located in the affected territory. The Pittsburg Health Center is integral to the healthcare services currently provided by the County in the District's territory. The clinic's size, which enables the County to offer a wide variety of services in one place, and its central location in East County, make it ideally suited to its current use. In addition to the clinic's size and location, the clinic's campus has ample room for expansion to meet the increasing demand for healthcare and health-related services onsite. These unique qualities, taken together, mean that the Pittsburg Health Center will continue to be an important strategic location for providing health and wellness services in the affected territory.

*Grant Program*

The County intends to establish and operate a grant program to benefit the residents of the affected territory. The County, however, plans to take a different approach to operating a grant program than the District has taken.

The County has created the Los Medanos Health Advisory Committee. The Committee will become operative if LAFCO approves the dissolution. The Committee will be comprised of five (5) members appointed by the Board of Supervisors, based on recommendations from the City of Pittsburg, the Bay Point Municipal Advisory Committee, the County's Public Health Division, the County's Behavioral Health Division and the Board's Internal Operations Committee. By including both local residents and

healthcare professionals on the Committee, the grant-making process will benefit from input from the community and from established research in combating health disparities.

The first task of the Committee will be to develop an area health plan. The health plan will identify major health disparities that impact residents within the District's boundaries. This will enable the Committee to establish priorities for addressing the community's health and wellness needs. The health plan and the identified priorities will then inform the Committee as it makes recommendations to the Board of Supervisors related to seeking community-based partners, awarding grants and evaluating outcomes. The plan will be updated no less than every five years.

Once the area health plan is adopted by the Board of Supervisors, the Committee will request proposals from service providers. Proposals will be ranked on the basis of how well the proposed service addresses the priorities established by the area health plan. After grants are awarded, the Committee will work with service providers to ensure the proposed programs are launched and receive all necessary support from the County. It is anticipated that the grants will be larger than the grants currently provided by the District and that the term of each grant will span several years. This approach, when combined with feedback from the service provider to the Committee at established intervals, will allow programs to become well established in the community and to be tailored to best serve the community's needs. The Committee will closely monitor each programs' results to ensure goals are met and to ensure grant funds are used in a way that has a meaningful impact on residents' lives.

**B. Describe the level and range of the proposed services.**

*Healthcare Services*

For a discussion of the variety of services provided by the County and the volume of patients seen in 2017 in the affected territory, see Attachment A, Justification of Proposal. Also, please see Exhibit 6, which provides a summary of patient visits to the Pittsburg Health Center in 2017. To review the Contra Costa Regional Medical Center & Health Centers 2015-2020 Strategic Plan, which includes increasing efforts to meet patients' social needs, see Exhibit 7. For a further discussion of the County's commitment to addressing the social needs of patients, see Attachment A, Justification of Proposal. Also, please see Exhibit 8, a message from the Chief Executive Officer of the County's Health Services Department.

*Grant Program*

The grant program to be operated by the County in the District's territory will be funded by the tax increment currently allocated to the District. Although the tax increment will remain the same, the amount available for wellness programs in the community will increase because the County will lower the administrative costs of operating a grant program in the area served by the District.

As shown in the table below, the County is projecting that the administrative costs associated with conducting its grant program in fiscal year 2019/20 will be only 10% of projected tax increment revenue. This assumption reflects the expected (fully-loaded) cost of the person dedicated to monitoring grant program expenditures and outcomes. The table below also shows the District's approved budget for fiscal years 2017/18 and 2018/19 for reference<sup>1</sup> and includes the District's administrative expenses for these fiscal years.

Summary Approved District Budgets and Projected County Budget

Accounts	District		County	
	FY 2017/18	FY 2018/19	FY 2019/20	
<b>SOURCES:</b>	<b>APPROVED BUDGET</b>	<b>APPROVED BUDGET</b>	<b>PROJECTED</b>	
<b>TOTAL REVENUE</b>	<b>991,758 100%</b>	<b>998,379 100%</b>	<b>1,024,940 100%</b>	
<b>USES:</b>				
<b>PROGRAM EXPENDITURES</b>	<b>411,875 42%</b>	<b>727,528 73%</b>	<b>869,337 85%</b>	
<b>ADMINISTRATIVE EXPENDITURES</b>	<b>509,698 51%</b>	<b>267,174 27%</b>	<b>104,356 10%</b>	
<b>TRANSFERS / RESERVE CONTRIBUTION</b>	<b>58,135 6%</b>	<b>15,676 2%</b>	<b>51,247 5%</b>	
<b>TOTAL EXPENDITURES</b>	<b>979,708</b>	<b>1,010,378</b>	<b>1,024,940</b>	
<b>NET COST</b>	<b>(12,050)</b>	<b>11,999</b>	<b>0</b>	

This table shows that if the County's lower-cost grant program had been in effect during fiscal year 2017/18, twice as much money would have been available for grants.<sup>2</sup> The following graph shows the impact of administrative expenses when comparing the District's budget for fiscal year 2017/18 and the County's budget for fiscal year 2019/20.

FY 2017/2018 LMCHD Approved Budget



- PROGRAM EXPENDITURES
- ADMINISTRATIVE EXPENDITURES
- TRANSFERS

FY 2019/2020 County Projected Budget



- PROGRAM EXPENDITURES
- ADMINISTRATIVE EXPENDITURES
- RESERVES

Even under the District's optimistic projections for fiscal year 2018/19, more actual dollars will be available for grants under the County's program. Based on these projections, whether

<sup>1</sup> A more comprehensive version of the table below is shown in Exhibit 4.

<sup>2</sup> The District budgeted \$411,875 for programs in 2017/18. If the County's lower-cost program had been in effect then, an additional \$410,522 would have been available for programs. ( $\$509,698 - (\$991,758 \times .10) = \$410,522$ .)

one looks at the District's administrative expenses being in the range that they have historically been projected to be (i.e., 50-60%), or in the range the District is hoping to be able to achieve in fiscal year 2018/19 (i.e., 27%),<sup>3</sup> the amount available for grants under the County's proposal is significantly higher.

In addition to increasing available funds through cost savings, the County anticipates that additional funds will be available through "match funding" from the Federal government. The availability of matching funds will depend on the programs funded under County grants. For example, the program known as "Whole Person Care," which serves the most vulnerable residents of the District's territory with home visits and an array of case-manager-coordinated care, receives a dollar-for-dollar match from the Federal government. As the Committee considers funding proposals, one factor it will be able to consider is the availability of match funding to maximize the resources available to the community.

The range of proposed services available as part of the grant program will be driven by the area health plan developed by the Los Medanos Health Advisory Committee and approved by the Board of Supervisors. The area health plan will establish priorities, based on the community's needs and the available programs best suited to address those needs. As discussed above, it is expected that under the new grant program, larger grant commitments will be made for longer periods of time than under the District's grant program. For example, rather than awarding \$10,000 to a service provider in a lump payment during an annual grant cycle, the new program is more likely to award a higher amount over a multi-year contract on a reimbursement basis, with quarterly or semi-annual milestones to enable the provider and the Committee to assess the effectiveness of the program.

**C. Indicate when the services can feasibly be provided to the proposal area.**

*Healthcare Services*

Direct healthcare services are currently being provided by the County and are planned to be continuously provided during the LAFCO dissolution process without interruption.

*Grant Program*

The Board of Supervisors created the Los Medanos Health Advisory Committee, contingent on the dissolution of the District. As outlined in Section A above, after the District is dissolved, the Board of Supervisors will make appointments to the Committee and the Committee will be tasked with developing the area health plan for review and approval by the Board of Supervisors.

If the County's proposal is approved, the County, as the successor to the District, will honor the outstanding service contracts the District has with community-based organizations during the transition period. This will allow services to the community to continue while the Committee is established and begins work on the area health plan, which will determine

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<sup>3</sup> Whether the District can achieve this reduction in administrative expenses is questionable. The District currently has no executive director and no employee to administer its grant program.

funding priorities. The anticipated time frame for implementing the County's grant program using the priorities identified in the area health plan is fiscal year 2019/2020.

**D. Indicate any improvements or upgrading of structures, roads, sewers or water facilities or other conditions that will be required as a result of the proposal.**

The District's primary asset, the Pittsburg Health Center, has been substantially upgraded by the County over the course of the County's 20-year lease of the property from the District. However, given the uncertain outcome of this proposal and the fact that the County does not currently have control of the facility under a long-term lease, the County has delayed making significant capital outlays to improve the building over the last year or two. One project that has been deferred is replacement of the elevators in the clinic. The elevator replacement project is expected to cost approximately \$2.1 million.

If this proposal is not approved, it is unclear how the elevator replacement project, or any other major capital project, will be carried out. The County is prepared to move forward with the elevator replacement project upon the approval of this proposal.

**E. Indicate how these services will be financed. Include both capital improvements and ongoing maintenance and operation.**

*Healthcare Services*

The County will continue to pay for the cost of providing healthcare services as set forth in its adopted budget.

*Grant Program*

If the proposal is approved, the new grant program, operated under the guidance of the Los Medanos Health Advisory Committee, will be funded by a transfer to the County of the tax increment money formerly allocated to the District. The transfer of the tax increment money will be effected in conformance with Revenue and Taxation Code section 99 *et seq.*

Through a board order dated July 10, 2018, the Board of Supervisors directed the Auditor-Controller to establish the Los Medanos Community Healthcare revenue fund, a special revenue fund within the County Treasury to track the receipt and disbursement of the tax increment. Through Resolution No. 2018/218, adopted by the Board of Supervisors on July 10, 2018, the Board of Supervisors recommended that approval of the proposal be conditioned on such tax revenues being used exclusively for funding a comprehensive health-related grant program within the District's borders and such tax revenues not being made available for other County purposes.

*District's Outstanding Debt*

The County has negotiated a settlement of the District's outstanding debt to the California Office of Statewide Health Planning and Development (OSHPD), which resulted from

OSHPD's role in the District's 1994 bankruptcy. Under the terms of the settlement, if the County's proposal is approved, the amount due to OSHPD to repay the debt in full is \$883,956,<sup>4</sup> assuming the District has paid the \$500,000 that was due to OSHPD on August 1, 2018.

Through a board order dated July 10, 2018, the Board of Supervisors authorized the County Administrator to remit \$883,956 to OSHPD once the District is dissolved. Following its receipt of payment in full, OSHPD will release its liens on the District's real and personal property. This action would, in effect, bring the District's bankruptcy to a close and release all encumbrances on the building.

#### *Elevator Replacement Project*

If this proposal is approved, the County will pay for the cost of replacing the elevators in the Pittsburg Health Center, as set forth in the County's budget adopted by the Board of Supervisors.

**F. Identify any alternatives for providing the services listed in Section (A) and how these alternatives would affect the cost and adequacy of service.**

#### *Healthcare Services*

The County is mandated to provide indigent healthcare services within the County and will continue to do so as outlined in Attachment A and in Section (A) of this Attachment B.

#### *Grant Program*

The Board of Supervisors has already acted to create the Los Medanos Health Advisory Committee, subject to the approval of this proposal. The first task of the Committee will be to identify priorities for improving health outcomes in the area served by the District. In addition, the Board of Supervisors has already completed the process established by Revenue and Taxation Code 99(b), through which the County agreed to accept the tax increment currently allocated to the District, to be used to fund a grant program to benefit District residents. If the proposal is approved, there is no alternative to providing the grant program described in Sections (A), (B) and (E) of this Attachment B.

Grant recipients will be selected through a request-for-proposal process. The area health plan created by the Los Medanos Health Advisory Committee will serve as the basis for selecting the programs to be pursued and the size of each grant. It is anticipated that grant recipients will include organizations whose programs are known on the basis of established research to improve health.

The County's proposal will reduce the cost of providing health-related services to District residents and improve the efficacy of the grant program.

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<sup>4</sup> Letter agreement between the County and OSHPD, dated July 10, 2018, is attached as Exhibit 10.



MAILING ADDRESS  
P.O. Box 6324  
Concord, CA 94524  
www.foodbankccs.org  
Federal Tax ID# 94-2418054

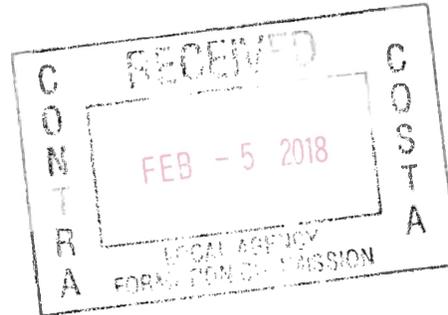
CONCORD LOCATION:  
4010 Nelson Avenue  
Concord, CA 94520  
P: (925) 676-7543  
F: (925) 671-7933

FAIRFIELD LOCATION:  
2339 Courage Drive, Suite F  
Fairfield, CA 94533  
P: (707) 421-9777  
F: (707) 421-0205



Board of Supervisors  
Contra Costa County  
651 Pine St.  
Martinez, CA 94533

January 31, 2018



Dear Board of Supervisors:

The Food Bank of Contra Costa and Solano strongly opposes the dissolution of the Los Medanos Community Healthcare District (LMCHD).

The LMCHD has been a supporter of the Food Bank and our programs since 2008. This year, the district awarded us a grant of \$10,000 to fund the Community Produce Program in Bay Point and Pittsburg. With the help of this funding, we anticipate serving 450,000 pounds of fresh fruits and vegetables to 3,500 low-income people.

Please consider the impact of the loss of this funding should the Los Medanos Community Healthcare District be dissolved.

Thank you.

Sincerely,

A handwritten signature in blue ink that reads "Larry Sly".

Larry Sly  
Executive Director

CC: Los Medanos Community Healthcare District  
Local Agency Formation Commission

May 3, 2018



To whom it may concern.

Being a part of the community garden has provided my family of friends and church members with a place to grow our own food, mix with the community of differing ethnicities and get needed outdoor exercise time. The current board addresses the needs that the community has for healthy lifestyles. I do not wish the association with the Los Medanos Community Health Care District to end. It is a benefit to having this community focus.

Raymond Conner (UC Master Gardener)

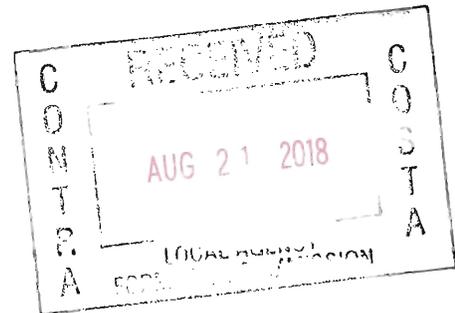
18 Kingswood Drive

925-203-8852

**Itika Greene BS, RN, NP, MPH**  
**280 Heron Dr.**  
**Pittsburg, CA. 94565**  
**(925) 431-9015**  
[lgotgreene@comcast.net](mailto:lgotgreene@comcast.net)

August 15, 2018

**Chairman Mike McGill**  
**Members of the Commission**  
**651 Pine Street, 6<sup>th</sup> Floor**  
**Martinez, CA. 94553**



Dear Mr. McGill:

I am writing a letter of support for the Los Medanos Community Health Care District (LMCHD). I am an 18- year resident of Pittsburg, a retired public health nurse manager from Contra Costa County Health Services Dept., and for five years I volunteered for several of the nonprofit programs funded by LMCHD.

It is well accepted that access to quality health services is an integral part of a healthy community. In addition, social factors have a far-reaching impact on the health of a community. Addressing social factors and building community capacity are best practice approaches to improving community health and closing the disparities in health.

According to a *Contra Costa County Health Services Community Health Indicators Report, 2010*, Baypoint/Pittsburg rank highest in high school dropout rates, lowest income, and poorer health outcomes compared to most other cities in Contra Costa County. These are all risk factors contributing to higher mortality/morbidity rates, resulting in an expected seven-year shorter lifespan among these residents compared to the residents of more affluent cities in Contra Costa.

I briefly want to share two of my volunteer experiences with LMCHD-funded non-profit programs. One program promoted reading literacy, and the other program addressed improving breastfeeding rates among vulnerable populations. One model educated incarcerated parents on the importance of reading to young children, provided recorded books from parents for their children, worked with guardians of the children to assure daily reading

habits, and provided slots for Head Start Programs. The responses from guardians and parents who participated were overwhelmingly positive. Some participants reported children going to sleep with the recorded books, they shared positive responses to daily reading and the Head Start linkages. A second model supported breastfeeding in the black community and sustainability through church models. Pregnant women were educated on the importance and techniques of breastfeeding and were provided breastfeeding support from peer counselors. Fathers and grandparents participated. Each participating church received technical support, guidance and resources to create a lactation room and to continue the messages and support for congregants. These are just two examples. There are many others.

LMCHD should be recognized as an example of how members of a community, through partnerships, have come together to improve health outcomes, and close health disparities. Do not take away support from an already at-risk community.

I urge the Commission members to have a bigger vision and see the significance and asset of LMCHD. I urge you to support the continuance of LMCHD.

Thank you for your support!

Sincerely,

A handwritten signature in blue ink, appearing to read 'Itika Greene', with a long, sweeping horizontal line extending to the right.

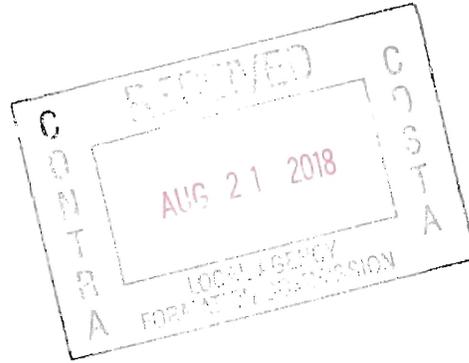
Itika Greene



*Loaves and Fishes*  
OF CONTRA COSTA  
*Nourishing Lives*

August 20, 2018

Chairman Mike McGill  
Member of the Commission  
LAFCO  
651 Pine Street, 6<sup>th</sup> Floor  
Martinez, CA 94553



Dear Chairman McGill:

I'm writing to you to express my grave concern about the proposal to dissolve Los Medanos Community Healthcare District (LMCHD). Loaves and Fishes of Contra Costa (LFCC) is a community partner of LMCHD and serves a hot nutritious meal to anyone who needs it. LFCC serves 650-800 meals a week, 137,000 meals last fiscal year and 452 tons of groceries through our food pantry from our five dining rooms located throughout Contra Costa County. We fill a void that the County is unable to fill for those in need who are trying to make ends meet with the high-cost of living in the Bay Area. LFCC relies on the support of many individuals and organizations for funding, including LMCHD.

As I understand it, LMCHD has made significant improvements at LAFCO's request: reduced administrative costs to 25%, updated their health profile data, website and strategic plan. Additionally, LMCHD agreed to extend the County's lease of the Pittsburg Health Center.

LMCHD serves the underserved in a community where there are many health disparities. The County alone can not replace what LMCHD provides with the assistance of its many community partners like, LFCC.

For a better understanding of the impact LMCHD and LFCC are making in the community, please see the enclosed client story.

Mr. Chariman, LMCHD has done everything that was asked of it and is a vital resource in a community that needs more services, not less. Please vote to keep LMCHD intact.

Thank you for your consideration,

Janette Kennedy  
Development Director  
Loaves and Fishes of Contra Costa  
janettekennedy@loavesfishescc.org

## *“The Key is Hope”*

### *Barbara Watkins Client Story*

My story starts out in 2010 when I moved from Nashville, TN to live in Pittsburg to live with my God family. In Nashville, I was a retired military person, and also ran a daycare center. I was very active in community activities.

I arrived in Pittsburg and lived with my God Family for a short time, but unknown to me, they decided to move to Colorado and didn't inform me. I was very worried because my income situation was stark and I also had medical issues. I didn't have any family in the Bay Area to ask for help. So, shortly after they moved, I became homeless.

My days consisted of me walking from sunup to sundown, with no destination. One of the most difficult parts of being homeless was the isolation and fear, I prayed constantly to God. During this time I slept on people's porches, and occasionally a kind person would let me sleep in their home. I would sometimes ask strangers for a few dollars to buy food, but I was always hungry. It was a very hard time and there were times when I didn't want to live anymore, but when I prayed, God always gave me hope that things would get better. Daily, I didn't know where I would sleep, what I would eat, or wear.

During a daily walk, I saw the Loaves and Fishes sign in Pittsburg. I went into the dining room and immediately felt welcomed by Debbie, the dining room manager, and the volunteers. I began to eat at the LFCC dining room daily. For the first time, I wasn't hungry all the time. The volunteers were caring and compassionate for the guest's circumstances, and acted to help guests however they could. For the first time since my homeless ordeal began, I felt hopeful, and began to be focused on helping myself get out of my situation. I wanted to give back to Loaves and Fishes, so I began volunteering a few times per week. Volunteering at Loaves helped me to regain my confidence, and self-esteem, after being homeless, hungry, and feeling hopeless. Also, I was able to focus on others, and it allowed me to see the good that Loaves was doing in the community.

Now I am employed full time, have a lovely home to live in, and am active in my church and community. I miss volunteering with Loaves and Fishes, but know that they will always be part of my family of friends.

To close, I want you to know that while I was a client, then a volunteer, Loaves and Fishes was the beginning of my journey out of being homeless and without hope. I want you to know that the key is hope, even when all seems hopeless, you should never stop hoping. Loaves and Fishes helped me to take that first step of hope.





August 22, 2018

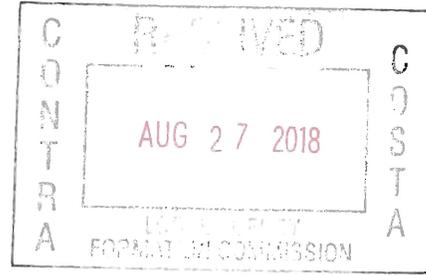
**ReadingADvantage, Inc** Local Agency Formation Commission  
501 (c) (3) nonprofit - Tax ID #46-574221 651 Pine Street  
Martinez, CA 94553

**FOUNDERS/OFFICERS**

Sherry Caraballo Dorfman  
Board Chair  
Shirley Kalinowski  
President/CEO  
Deborah Polk  
Vice-President/Secretary

**DIRECTORS**

Balbina Bernal  
Steven Bibby  
Josette Brennan  
Marilyn Condit  
Sandi Luce  
Caren Lucich  
Amy Mockoski  
Christina Reich



**RE: LMCHD Support Letter**

Reading ADvantage Inc., (READ) is a small, volunteer-based non-profit organization with an important message to the health care district community. Our mission is relatively simple; we encourage parents to read to their children twenty minutes per day to improve their chances of success in school and in life. We then provide free books to the children and share that parents no longer have excuses not to read daily. The demand for READ services continues to increase in the Pittsburg and Bay Point communities. Without the continued financial support of Los Medanos Health Care District (LMCHD) READ would have been unable to reach families in these communities.

Community partnerships with WIC, Head Start, Welcome Home Baby, and Public Health Nursing and the Contra Costa Housing Authority have been instrumental in reaching low-income and underserved communities with literacy information. We teach parents about the value of reading to their children from birth (and before) and building home libraries. With the initial LMCHD grant in 2015, READ established two children's libraries in two housing authority developments, one in El Pueblo in Pittsburg and one in Bay Point in DeAnza Gardens. Families are encouraged to visit the library and take books home to supplement their home libraries. According to Susan B. Neuman, PhD. from the University of Michigan's Center for Improvement of Early Reading Achievement, access to books . . . is the single biggest barrier to literacy development in the United States and beyond.

READ volunteers are passionate about the work that we do and appreciate the support provided by LMCHD. The board understands the importance of literacy in reducing health disparities and understands the needs of the Pittsburg and Bay Point communities. Please see the attached document which further addresses the link between literacy and health.

Thank you for your consideration.

Sincerely,

Deborah Polk

READ Vice President



## Why READ?

- ♥ 25% of California's student population cannot perform basic reading skills
- ♥ 6 out of 10 households do not buy a single book in a year
- ♥ 46 to 51% Americans live below the poverty line because of illiteracy
- ♥ 1/3 of fourth-graders reach the proficient reading level
- ♥ 50% of the unemployed between the ages of 16 and 21 cannot read well enough to be considered functionally literate
- ♥ 50% of adults cannot read a book written at an eighth grade level
- ♥ 85% of juvenile offenders have problems reading
- ♥ Some prisons determine how many beds they will need by monitoring the reading scores of elementary students
- ♥ 45 million Americans are functionally illiterate
- ♥ Approximately 50% of Americans read so poorly that they are unable to perform simple tasks such as reading prescription drug labels

(Source: National Institute for Literacy, National Center for Adult Literacy, The Literacy Company, U.S. Census Bureau)



## QUICK GUIDE TO HEALTH LITERACY

**DEFINITION OF HEALTH LITERACY:** Choosing a healthy lifestyle, knowing how to seek medical care and taking advantage of preventive measures require that people understand and use health information. The ability to obtain, process and understand health information needed to make informed decisions is known as Health Literacy.

Persons with limited health literacy are:

- More likely to not use preventative services, therefore, entering the health care system sicker
- More likely to have chronic illness and less able to manage the illness
- Increased preventable hospital visits and admissions
- More likely to report that their health is poor
- Increased health care costs due to higher emergency rooms and hospitals rather than using preventative services
- Have stigma/shame that cause many with low literacy to hide their difficulty with reading

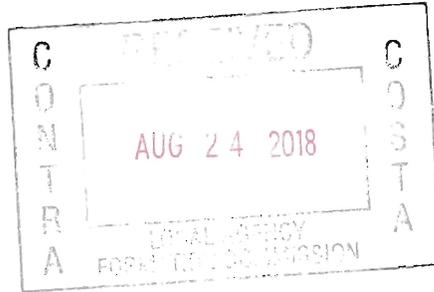
U.S. Department of Health and Human Services



## *Sports & Fitness for Kids*

August 21<sup>st</sup>, 2018

Chairman Mike McGill  
LAFCO  
651, Pine Street  
Martinez, CA 94553



**RE: Dissolution of LMCHD**

Sir,

I am writing this letter in response to the Contra Costa County Supervisors attempt to dissolve the LMCHD and take control of its assets.

I would like to state that as a citizen of this county and small business owner that I vehemently oppose this hostile takeover. The county boards of supervisors at present have a lot on their hands taking care of a population of 1.2million people growing at a rate of 9.4%, than worrying about running the LMCHD.

LMCHD has done a great job taking care of the disadvantaged populace of Contra Costa County. Our organization for example has received grants for the past 6 years to run 4 one week summer basketball camps for youth 8-10 years of age. This is done to help disadvantaged youth from low income families to get an opportunity to learn a skill and also the benefits of living healthy. In the past 6 years LMCHD has been instrumental through our organization and The Ambrose Center at Bay Point in providing over 250 youth with nutritious snacks, drinks and all the water they want during the camps. Plus at the end of the camp we have given out over 250 basketballs and medals in addition to tee shirts to these youth. There is so much of demand for programs such as ours, that these children try sign up for the camp 2 and 3 times.

Without LMCHDs generous grants these youth would have spent the summers hanging out on street corners getting into trouble and eating unhealthy foods. Now we see them using the basketballs we give them playing at various city playgrounds. Also we feel with our training these children get an insight into living a healthy and active life style.

There is no guarantee that the Board of Supervisors with all its other commitments will be able to spend time handing out grants to organizations to help the needy. Also there is no guarantee that the Board of Supervisors will not sell the clinic building to a developer which most certainly hurt a lot of the low income people in the area.

In conclusion, sir, I would like to please ask you to vote against the dissolution of LMCHD.

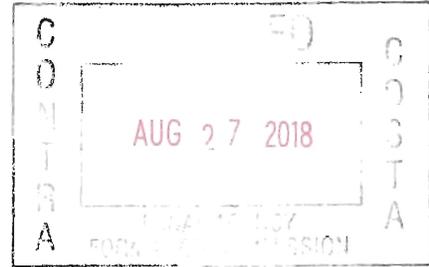
Sincerely,

Johann Vethavanam

A Non Profit Corporation

Mary Ziegler  
640 Bailey Road, #168  
Pittsburg, CA 94565

August 21, 2018



Mike McGill, Chairman  
Contra Costa Local Agency Formation Commission (LAFCO)  
651 Pine Street, 6<sup>th</sup> Floor  
Martinez, CA 94535

Re: Possible Dissolution of Los Medanos Community Healthcare District (LMCHD)

Dear Sirs:

I am a member of the Pittsburg Fifty Plus Club, a recipient of an LMCHD grant award last year. As an active member and volunteer of the Club, I am urging you to **decline** Contra Costa County's request to dissolve LMCHD. I urge you to **oppose** relinquishing LMCHD's assets, building and tax revenue generated in the District to the County.

The Pittsburg Fifty Plus Club has over 300 members and operates entirely on the strength and ingenuity of its member volunteers. LMCHD has been a significant partner in the Club's success in working with the aging population in Pittsburg. The LMCHD grant awarded to the Club was applied entirely to fund, implement and operate projects. This grant was essential to the success of our projects. Fundraising and membership dues were our only other means of financing our endeavors.

We strive to offer and encourage our elders, who are a vital part of Pittsburg's community, to participate in physical and mental exercises in group settings. Our objective is to enhance cognitive ability, offer physical activity and introduce them to a social network to stave off isolation.

It is a heartfelt pleasure to see smiles appear on lonely faces suddenly recognizing the lyrics of a song from long ago. Or eyes light up listening to a poem or watching a dance once known but now forgotten. We like to think that perhaps our Sunshine Committee has had some part in easing the loneliness of isolation with a simple card when they are sick or injured, or a telephone call just to say "Hi," or a condolence card when they are grieving. Just so they know they are not alone – someone cares. It's delightful to see the look of satisfaction and pride when they know they have done well in Tai Chi Chih class. Or lifted their voice in song with the Chorale. The hula dancers always bring a smile and chuckle. The joy of performing for these special people fulfills a sense of calm and purpose to be able to help those who need it.

We offer our members a \$4.00 gift card to the once-a-month movie day, and a \$5.00 gift card at the monthly potluck birthday dinner. There is bocce ball to play at John Buckley Park every week, bowling the second week of the month with one free game and free shoe rental. The book club can get rowdy depending on the book of the month.

Our cancer survivors are active participants in the yearly Relay for Life.

And we proudly present three \$1,000 scholastic scholarships to graduating seniors from Pittsburg each spring.

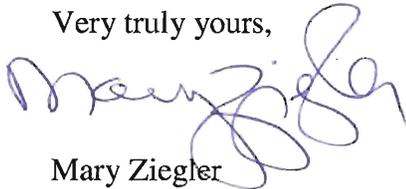
This is how LMCHD helps the Pittsburg Community and the Fifty Plus Club every year. Without LMCHD's help we would trudge onward and continue with our programs and fundraising, but it would undoubtedly have to be severely cut back due to lack of funds.

LMCHD has a long commendable list of organizations it helps by awarding grants. Each well deserved. We are grimly aware, however, there is no guarantee that with LMCHD gone there will be another entity as interested and caring and concerned for the Pittsburg Community and its citizens.

Please help us help Pittsburg. Decline Contra Costa County's request to dissolve LMCHD. Vote to oppose the dissolution.

Thank you.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Mary Ziegler', with a large, stylized flourish at the end.

Mary Ziegler

**RESOLUTION NO. 17-13A**

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
MAKING DETERMINATIONS AND ADOPTING A ZERO SPHERE OF INFLUENCE FOR  
LOS MEDANOS COMMUNITY HEALTHCARE DISTRICT**

**WHEREAS**, in November 2017, Contra Costa County filed a proposal to dissolve the Los Medanos Community Healthcare District (LMCHD) with Contra Costa Local Agency Formation Commission (LAFCO) pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Government Code (GC) §56425; and

**WHEREAS**, the County's proposal also requests that LAFCO name the County as successor to take over services from LMCHD; and

**WHEREAS**, a dissolution must be consistent with a recommendation or conclusions of a study, a sphere of influence (SOI) update, or a Municipal Service Review (MSR) prepared pursuant to GC §§56378, 56425, or 56430, respectively; and

**WHEREAS**, the matter before the Commission is adoption of a zero SOI for the LMCHD signaling a future change of organization (i.e., dissolution); and

**WHEREAS**, at the time and in the manner required by law the Executive Officer has given notice of a public hearing by this Commission regarding the SOI action; and

**WHEREAS**, the SOI update was duly considered at a public meeting on September 12, 2018; and

**WHEREAS**, the Commission heard, discussed and considered all oral and written testimony related to this matter including, but not limited to, the Executive Officer's report and recommendations, the environmental determination, and all testimony and communications received during the public hearing.

NOW, THEREFORE, the Contra Costa LAFCO DOES HEREBY RESOLVE, DETERMINE AND ORDER as follows:

1. Waive the Commission's policy which provides that SOIs generally will not be amended concurrently with an action on the related change of organization or reorganization, and adopt a zero SOI for LMCHD.
2. Determine, as lead agency for the purposes of the California Environmental Quality Act (CEQA), that the SOI action is categorically exempt under §15061(b)(3) of the CEQA Guidelines, and direct LAFCO staff to file a Notice of Exemption.
3. Determine that the Commission has considered the criteria set forth in GC §56425(e) as follows:

**The present and planned uses in the area, including agricultural and open space lands.**

The LMCHD encompasses the City of Pittsburg, small portions of the cities of Antioch, Clayton and Concord, unincorporated Bay Point and surrounding unincorporated areas, and serves a community of over 97,000 residents within 90.5± square miles. The land uses in the area include residential, commercial, industrial, open space, agricultural land, public/semi-public, office, parks and recreation, and landfill. There is Williamson Act land within the District's boundary and SOI. The District has no land use authority; city and County plans include land use and population growth that may impact the District's services. Healthcare services do not induce or encourage growth, and no changes to the present or planned land uses will result from adopting a zero SOI.

**The present and probable need for public facilities and services in the area.**

LMCHD provides funding to support healthcare services to a largely disadvantaged community. The District does not operate any facilities, and leases its medical facility to Contra Costa County, with over 100,000 patient visits per year. Expected growth in the area will increase the need for healthcare services, including access to healthcare and preventative healthcare programs. Healthcare services are needed to meet increasing service demands. Adopting a zero SOI will not impact the present and probable need for facilities and services in the area.

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

The LMCHD was formed in 1948 to build and operate a community hospital, which the District did until 1994, when the hospital closed due to financial difficulties and LMCHD declared bankruptcy. Since 1998, the District has leased the hospital building to Contra Costa County, which houses the County’s largest health clinic – the *Pittsburg Health Center (PHC)*, with over 100,000 patient visits per year. Today, the District no longer operates a healthcare facility and provides funding to support healthcare services, programs and activities related to health, wellness and prevention.

Reports and studies indicate that over the years, the LMCHD has struggled with fiscal, management and service issues, including high administrative costs; lack of strategic planning and collaboration; and a disconnect in identifying health needs, funding programs that address healthcare needs, and measuring outcomes.

Contra Costa County has filed an application with LAFCO to dissolve the LMCHD and be named the successor agency. The County is the primary provider of healthcare services to low-income people in the County, including those within the LMCHD’s boundary. The County operates a robust indigent healthcare delivery system composed of a hospital and a satellite health clinic system. The County currently operates the PHC through a lease with LMCHD.

**The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency.**

The social and economic communities of interest include the City of Pittsburg, small portions of the cities of Antioch, Clayton and Concord, the unincorporated community of Bay Point and other unincorporated areas. The District is funded primarily through property taxes; property owners within the District have an economic interest in receiving services from this investment.

**The nature, location, and extent of any functions or classes of services provided by the existing district.**

The LMCHD provides community-based healthcare services to its residents through sponsoring and funding programs and activities related to health, wellness and prevention. The District serves a largely disadvantaged community including the City of Pittsburg, small portions of the cities of Antioch, Clayton and Concord, and unincorporated areas including Bay Point within 90.5± square miles.

\*\*\*\*\*

PASSED AND ADOPTED THIS 12<sup>th</sup> day of September 2018, by the following vote:

- AYES:
- NOES:
- ABSTENTIONS:
- ABSENT:

\_\_\_\_\_  
MICHAEL R. MCGILL, CHAIR, CONTRA COSTA LAFCO

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

Dated: September 12, 2018

\_\_\_\_\_  
Lou Ann Texeira, Executive Officer

**RESOLUTION NO. 17-13B****RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
MAKING DETERMINATIONS AND APPROVING DISSOLUTION OF THE  
LOS MEDANOS COMMUNITY HEALTHCARE DISTRICT**

WHEREAS, on November 7, 2017, the Contra Costa County (“County”) Board of Supervisors (BOS) adopted Resolution 2017/384 initiating dissolution of Los Medanos Community Healthcare District (LMCHD) pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Section 56000 et seq. of the Government Code), and requesting that Contra Costa LAFCO name the County as successor agency; and

WHEREAS, on September 4, 2018, the Executive Officer issued a certificate of filing deeming the County’s application complete; and

WHEREAS, at the time and in the manner required by law the Executive Officer gave notice of the Commission’s consideration of the proposal; and

WHEREAS, the Executive Officer reviewed available information and prepared a report including her recommendations therein, and the report and related information were presented to and considered by the Commission; and

WHEREAS, on September 12, 2018, the Commission heard, discussed and considered all oral and written testimony related to the proposal including, but not limited to, the Executive Officer's report and recommendations, the environmental document or determination, SOI and related factors and information; and

WHEREAS, on September 12, 2018, the Commission waived its policy which indicates that Spheres of Influence (SOIs) generally will not be amended concurrently with an action on the related change of organization or reorganization, and adopted Resolution 17-13A adopting a zero SOI for LMCHD signaling a future change of organization for the LMCHD; and

WHEREAS, LMCHD was formed in 1948 to build and operate a community hospital, and operated the Los Medanos Community Hospital until 1994, when the hospital closed due to financial difficulties and the District was forced to declare bankruptcy; and

WHEREAS, since 1998, the District has leased the hospital building to the County which houses the County’s largest health clinic – the *Pittsburg Health Center (PHC)*, with over 100,000 patient visits per year; and

WHEREAS, currently, LMCHD provides community-based healthcare services to its residents through sponsoring and funding programs and activities related to health, wellness and prevention; and

WHEREAS, there are various Grand Jury reports and LAFCO Municipal Service Reviews (MSRs) covering LMCHD that noted that the District is not a direct provider of service, and identified challenges including high administrative costs and ongoing debt, outdated strategic plans and website information, and needed improvements in grant allocations and outcome measurement; and

WHEREAS, the LAFCO MSRs included governance options for LMCHD including dissolution; and

WHEREAS, in its application to dissolve LMCHD, the County has set forth a plan for providing services which includes continuation of grant funding for community programs; and

WHEREAS, LAFCO determines that dissolution of LMCHD and naming Contra Costa County as successor agency is in the best interest of the affected area and the total organization of local governmental agencies within Contra Costa County.

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

1. As determined by Contra Costa County, as Lead Agency, LAFCO finds that the project is Categorically Exempt pursuant to the California Environmental Quality Act (CEQA) Section 15061(b)(3) based on the determination that there is no possibility that dissolution of LMCHD may have a significant effect on the environment, consistent with the determination of Contra Costa County; and
2. The subject proposal is assigned the distinctive short-form designation and description:

**DISSOLUTION OF THE LOS MEDANOS COMMUNITY HEALTHCARE DISTRICT**

LMCHD encompasses the City of Pittsburg, small portions of the cities of Antioch, Clayton and Concord, unincorporated Bay Point and surrounding unincorporated areas and serves a community of over 97,000 residents within 90.5± square miles within Contra Costa County. 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.

3. Notice of the Commission's hearing regarding this proposal was advertised in the *Contra Costa Times* (all editions).
4. Contra Costa County shall be the successor agency of LMCHD and all assets and liabilities of LMCHD shall be transferred to the County pursuant to Government Code sections 57450-57463.
5. In reviewing this proposal, the Commission has considered each of the factors required by Government Code section 56668.
6. The effective date of the dissolution shall be the date of filing the certificate of completion of the proposal.
7. Approval of the dissolution of LMCHD is subject to the following terms and conditions pursuant to Government Code section 57450-57463 and sections 56885 – 56890:
  - a. Contra Costa County, as applicant, has delivered an executed indemnification agreement between the County and Contra Costa LAFCO providing for the County as applicant to indemnify LAFCO against any expenses arising from any legal actions challenging the Dissolution of the Los Medanos Community Healthcare District.
  - b. The subject territory is inhabited, objections to the dissolution were received by affected landowners and registered voters with the LMCHD boundaries, and the proposal is subject to protest proceedings to be conducted no less than 30 days following the Commission's approval of the proposal.
  - c. In accordance with County Resolution 2018/436, the County shall establish the *Los Medanos Health Advisory Committee* to develop and implement the Los Medanos Area Health Plan Grant Program, which will identify disparities within the boundary of the LMCHD and make recommendations for funding health-related services through the grant program. The County shall ensure that the advisory committee operates in a manner consistent with County Resolution 2018/436 in terms of the committee's purpose and duties, membership, terms of office, operation and procedural rules. The Committee shall, consistent with the County's resolution, include five members appointed by the BOS, including one member nominated by the City of Pittsburg, one member nominated, respectively by, the Bay Point Municipal Advisory Council, the County Public Health Division, and the County Behavioral Health Division, and one at-large member appointed by the County's Internal Operations Committee.
  - d. In accordance with County Resolution 2018/228, the County approved the property tax exchange in accordance with dissolution of LMCHD pursuant to the Revenue & Taxation Code. The property tax exchange shall also include transfer of the Redevelopment Property Tax Trust Fund (RPTTF) monies currently going to LMCHD to Contra Costa County. These funds will be used exclusively for health-related purposes within the LMCHD community.

Contra Costa LAFCO  
Resolution No. 17-13B

- e. In accordance with the BOS actions on July 10, 2018, the County Auditor-Controller shall establish the Los Medanos Community Healthcare revenue fund, a special revenue fund with the County Treasury, to segregate the property tax revenue received by the County, and to use the property tax revenue exclusively for health-related purposes within the LMCHD community.
- f. In accordance with the County "Plan for Providing Services," the County will provide for the continuation of healthcare services in the LMCHD community, including operating and maintaining the Pittsburg Health Center. Also, the County will implement a grant program to replace the LMCHD's existing grant program and increase grant funding. The County will honor existing contracts the District has with community-based organizations during the transition period.

The County created the *Los Medanos Health Advisory Committee*, which will develop an area health plan to identify major health disparities that impact residents within the LMCHD community. This will enable the Committee to establish priorities for addressing community health and wellness needs. The plan will serve as a basis for seeking community partners, awarding grants and evaluating outcomes. The plan will be updated not less than every five years.

- g. In accordance with the County's Plan for Services and the BOS actions on July 10, 2018, the County Administrator will remit a settlement payment from the County to California's Office of Statewide Health Planning and Development (OSHPD) to resolve the outstanding balance of the District's bankruptcy debt.
- h. The two current LMCHD employees holding the positions of Executive Assistant and Administrative Assistant will have the option to retain their positions through December 31, 2018 to assist the County with the transition of records, contracts, bank accounts, etc. Subsequently, the County will explore opportunities for these two former District employees to fill appropriate County vacancies if interested and if they meet the education, experience and background requirements.
- i. The County will provide LAFCO with annual progress reports through 2025, with the first annual report to be submitted by January 31, 2020. The annual reports shall address the continuation of healthcare services in the LMCHD community, status of the grant program, the status of area health plan, and any other relevant information.

\* \* \* \* \*

PASSED AND ADOPTED THIS 12<sup>th</sup> day of September 2018, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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MICHAEL R. MCGILL, CHAIR, CONTRA COSTA LAFCO

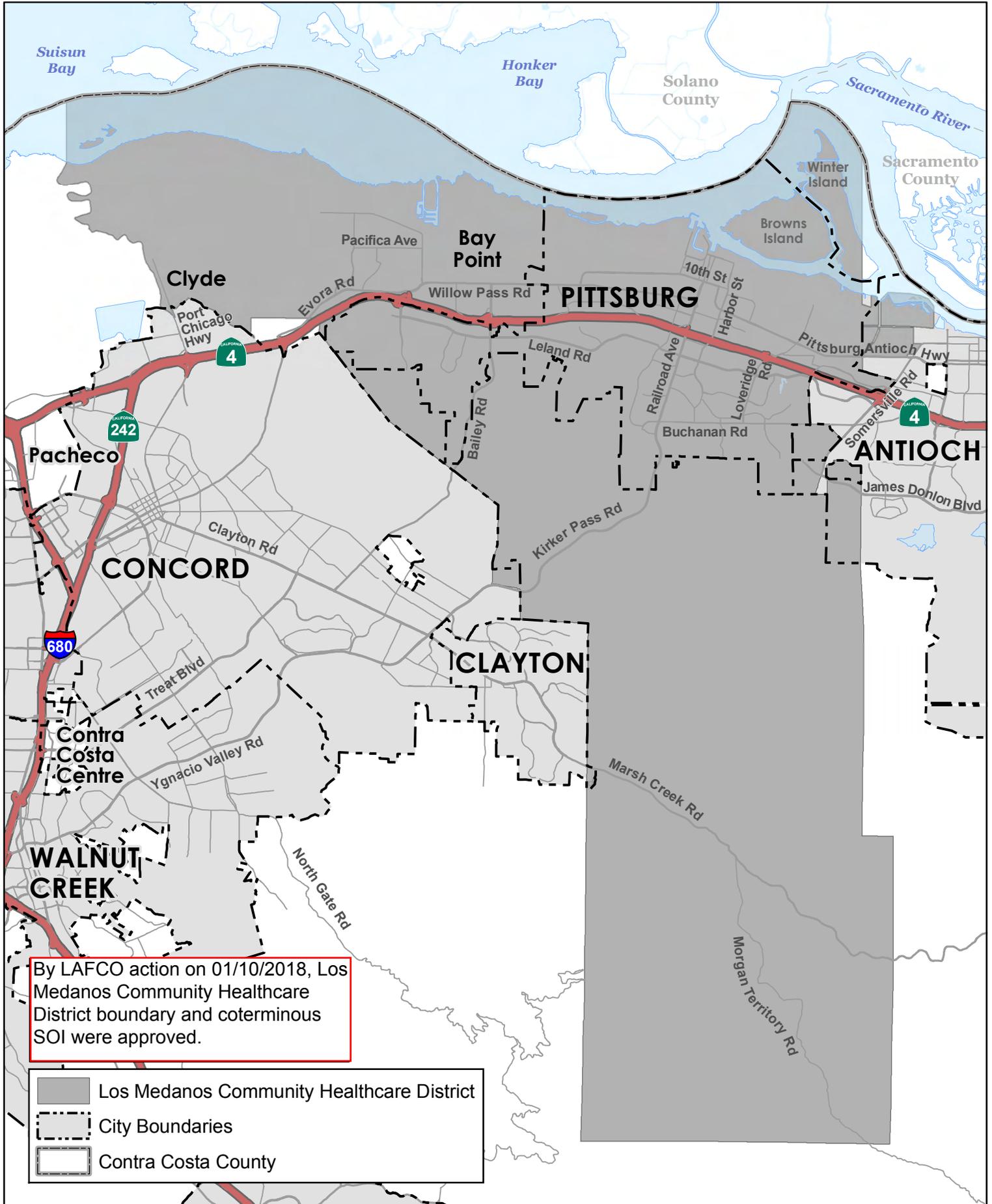
*I hereby certify that this is a correct copy of a resolution passed and adopted by this Commission on the date stated.*

Dated: September 12, 2018

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Lou Ann Texeira, Executive Officer

# Los Medanos Community Healthcare District and Coterminous SOI



By LAFCO action on 01/10/2018, Los Medanos Community Healthcare District boundary and coterminous SOI were approved.

	Los Medanos Community Healthcare District
	City Boundaries
	Contra Costa County



**RESOLUTION NO. 17-13C**

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
MAKING DETERMINATIONS AND DISAPPROVING DISSOLUTION OF THE LOS MEDANOS  
COMMUNITY HEALTHCARE DISTRICT**

**WHEREAS**, on November 7, 2017, the Contra Costa County (“County) Board of Supervisors (BOS) adopted Resolution 2017/384 initiating dissolution of Los Medanos Community Healthcare District (LMCHD) pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Section 56000 et seq. of the Government Code), and requesting that Contra Costa LAFCO name the County as successor agency; and

**WHEREAS**, the Executive Officer reviewed the proposal and prepared a report and recommendations thereon; the proposal and report having been presented to, and considered by, this Commission; and

**WHEREAS**, this Commission called for and held a public hearing on the proposed dissolution and sphere of influence action on September 12, 2018. At the hearing, the Commission heard and received all oral and written protests and evidence which were made, presented and filed, and all people present were given an opportunity to hear and be heard with the respect to the proposal and report and recommendations of the Executive Officer; and

**WHEREAS**, based on the determination and findings contained in the LAFCO Municipal Services Reviews (MSRs), the Commission’s action in January 2018 to reaffirm the District’s existing coterminous sphere of influence, and the District’s efforts to address the issues identified in the 2018 MSR relating to reducing administrative costs, updating its strategic plan and website, the Commission hereby denies the dissolution.

**NOW, THEREFORE**, the Contra Costa LAFCO DOES HEREBY RESOLVE, DETERMINE, ORDER and FIND as follows:

1. The proposed dissolution of the LMCHD is denied without prejudice;
2. LMCHD shall provide LAFCO with annual updates beginning December 2018 through December 2022, or as otherwise determined by LAFCO. The annual updates should address budget, grants, services and programs, administration, strategic planning, and status of lease negotiations with Contra Costa County;
3. No further action is required, either of this Commission or of any other local agency; and
4. The Executive Officer is authorized and directed to mail copies of this resolution to the proponent and affected local agencies pursuant to Government Code section 56882.

\*\*\*\*\*

PASSED AND ADOPTED THIS 12<sup>th</sup> day of September 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: September 12, 2018

\_\_\_\_\_  
Lou Ann Texeira, Executive Officer



Contra Costa County

Proposal to Dissolve the Los Medanos  
Community Healthcare District

September 12, 2018



# History

- ▶ **Hospital District Act of 1945**: 3 Hospital Districts created in Contra Costa County.
- ▶ **Bankruptcy**: Bankrupt in 1994. District ceased providing direct healthcare services.
- ▶ **County Assistance**: County provided technical support to assist District in emerging from bankruptcy.
- ▶ **County Lease**: County lease of former hospital achieved two important goals:
  - Restored critical healthcare services to the community.
  - Provided a mechanism for the County to pay down the District's bankruptcy debt – through the payment of \$100k in annual base rent and taking over responsibility for all capital and maintenance costs.



# What We Do

- ▶ Hospital/Healthcare public policy in California has evolved since 1945.
- ▶ Over the last 70 years, counties have become the primary provider of indigent healthcare.
- ▶ Contra Costa operates a public hospital and 10 clinics. In the current fiscal year the County has appropriated...
  - \$1.8 billion for all public health services functions.
  - \$625.7 million for the hospital and clinic system.
- ▶ In fiscal year 2016/17, the County spent \$33.7 million to operate the Pittsburg Health Center.



# Watchdog Agencies

- ▶ Repeated criticism and calls for dissolution
  - Civil Grand Juries in 1998, 2003, 2010 and 2018
    - *“Los Medanos Health Care District must live up to its mission and focus on awarding grants based upon identifiable health care needs in its jurisdiction.” (2010 Grand Jury)*
    - *“To shift the current healthcare landscape in the community and offer more preventative healthcare services, dissolution of the LMCHD is recommended. Any cost savings can be directed toward enhancing current healthcare preventive services...” (2018 Grand Jury)*
  - Little Hoover Commission, August 2017
    - *“...three grand juries over a decade criticized Pittsburg-based Los Medanos Community Healthcare District in Contra Costa County, which reportedly spent half of its 2010–2011 revenue on [a] community and health program and half on ‘administrative and operating expenses, including stipends for the board of directors, travel and election fees and a board retreat.’”*



# District Problems

- ▶ No material changes despite repeated calls for action by outside agencies.
- ▶ Continued high overhead costs (consistently 50%–60% of approved budget).
- ▶ Inefficient use of public resources.
- ▶ Identifiable healthcare needs not prioritized in allocation of grant funding.



# County Plan

	Accounts	District			County	
		FY 2016/17 APPROVED BUDGET	FY 2017/18 APPROVED BUDGET	FY 2018/19 APPROVED BUDGET	FY 2019/20 PROJECTED	
A	<b>SOURCES:</b>					
	GENERAL TAX REVENUES	905,572	975,758	985,379	1,014,940	
	INTEREST INCOME	3,600	5,000	11,400	10,000	
	GRANT INCOME	0	10,000		0	
	MISC INCOME	1,000	1,000	1,600	0	
	<b>TOTAL REVENUE</b>	<b>910,172 100%</b>	<b>991,758 100%</b>	<b>998,379 100%</b>	<b>1,024,940 100%</b>	
B	<b>USES:</b>					
	DISTRICT SPONSORED PROGRAMS	159,875	170,875	438,223	0	
	HEALTH & WELLNESS GRANTS	174,000	227,000	237,305	818,090	
	PROGRAM OUTREACH EXPENSES	31,500	14,000	52,000	0	
	<b>PROGRAM EXPENDITURES</b>	<b>365,375 40%</b>	<b>411,875 42%</b>	<b>727,528 73%</b>	<b>869,337 85%</b>	
	ADMINISTRATIVE SERVICES	58,600	58,350	32,250	0	
	BOARD ELECTION CHARGES	71,316	0	0	0	
	BOARD MEMBER STIPENDS	24,000	24,000	24,000	0	
	FEES/DUES	22,600	23,600	7,203	0	
	INSURANCE	36,500	36,500	31,264	0	
C	LEGAL SERVICES	50,000	60,000	20,000	0	
	OFFICE EXPENSES	30,200	34,148	13,696	0	
	SEMINARS/TRAVEL	14,000	15,000	0	0	
	WAGES/PAYROLL	214,400	258,100	138,761	104,356	
	<b>ADMINISTRATIVE EXPENDITURES</b>	<b>521,616 57%</b>	<b>509,698 51%</b>	<b>267,174 27%</b>	<b>104,356 10%</b>	
	D	<b>TRANSFERS / RESERVE CONTRIBUTION</b>	<b>23,100 3%</b>	<b>58,135 6%</b>	<b>15,676 2%</b>	<b>51,247 5%</b>
		<b>TOTAL EXPENDITURES</b>	<b>910,091</b>	<b>979,708</b>	<b>1,010,378</b>	<b>1,024,940</b>
	<b>(B + C + D) - A</b>	<b>NET COST</b>	<b>(81)</b>	<b>(12,050)</b>	<b>11,999</b>	<b>0</b>



# County Plan

- ▶ Continue to direct the property tax revenue towards healthcare.
- ▶ Track revenue, expenditures and balance in a special revenue fund.
- ▶ Cut administrative costs from the District's historical average of 50%–60% down to 10%.
- ▶ Create the Los Medanos Health Advisory Committee.
- ▶ Spending recommended by community members and doctors.
- ▶ Ensure long-term County control and operation of the Pittsburg Health Center for the benefit of the local community.



# Current County Health Programs

- ▶ Pittsburg Health Center – our largest health center!
- ▶ Over 200,000 visits per year:
  - Primary, specialty and mental care services
  - Prenatal and newborn care
  - Dental services
  - Optometry services
  - Laboratory services
  - Radiology services
  - Nutrition services
  - Care for patients with pain and addiction



# County Addresses Social Conditions Affecting Health

- ▶ Screening for and addressing food insecurity.
- ▶ Community building through group medical visits.
- ▶ Care Navigation – connecting people to services through Whole Person Care program, partnership with Health Leads, USA.
- ▶ Bringing Care to the Community: school based clinics, partnership with regional parks.
- ▶ Housing security and homeless services.
- ▶ Transportation services.



# County is Prepared

- The Board of Supervisors has already implemented the County's dissolution plan
  - Created the Los Medanos Health Advisory Committee (*Resolution No. 2018/436*)
    - Composed of (3) Community Members and (2) Healthcare Professionals
    - Will develop the Los Medanos Area Health Plan used to identify health disparities within the District area and prioritize funding needs
    - Will develop a comprehensive request for proposals and make funding recommendations to the Board of Supervisors.
  - Settled the District's bankruptcy debt with the California Office of Statewide Health Planning and Development for cost savings (OSHPD). (*County Application, Exhibit 10*)
  - Created the "Los Medanos Community Healthcare Special Revenue Fund" in the County Treasury to track ad valorem property tax revenue and expenditures. (Agenda Item D.5, July 10, 2018)



# County is Prepared

- The County is successor to other struggling Districts:
  - Rollingwood Wilart Park Recreation & Park District (Dissolution)
  - West Contra Costa Healthcare District (BOS to serve as Governing Board effective January 1, 2019)



# Summary

- This proposal is in the best interest of the community being served within the District's territory because the District's unnecessary and costly overhead would be eliminated.
- It is also in the best interest of the District's vulnerable population, whose quality of life is profoundly impacted by the caliber and breath of health-related services available through public sources.



# Questions / Discussion



# LMCHD Opposes Dissolution

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- Vern Cromartie, LMCHD Board President
- Tomi Riley, Interim Executive Director
- Gary Bell, Legal Counsel
- Craig Collins, Chief Financial Officer

# BACKGROUND: 1998-2017

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- **June 1994: LMCHD files for bankruptcy and transforms into healthcare district focused on disparities & prevention**
- **August 1998: LMCHD signs a 20 year lease with Contra Costa County for \$8,000 per month for Health Center**
- **July 2017: Lease Negotiations Begin**
- **November 2017: Contra Costa County Board of Supervisors approves a resolution to request that LAFCO dissolve LMCHD.**



# The County's Rationale to Dissolve is Insufficient

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- 1. The County said LMCHD is not a direct healthcare provider and funds dedicated to programs were too low and funds dedicated to administration were too high.**
- 2. The County is the primary provider of healthcare services to low-income persons and it has a robust indigent healthcare delivery system.**
- 3. The District owns a Building that the County wants.**
- 4. The County has made \$24mm in capital improvements**

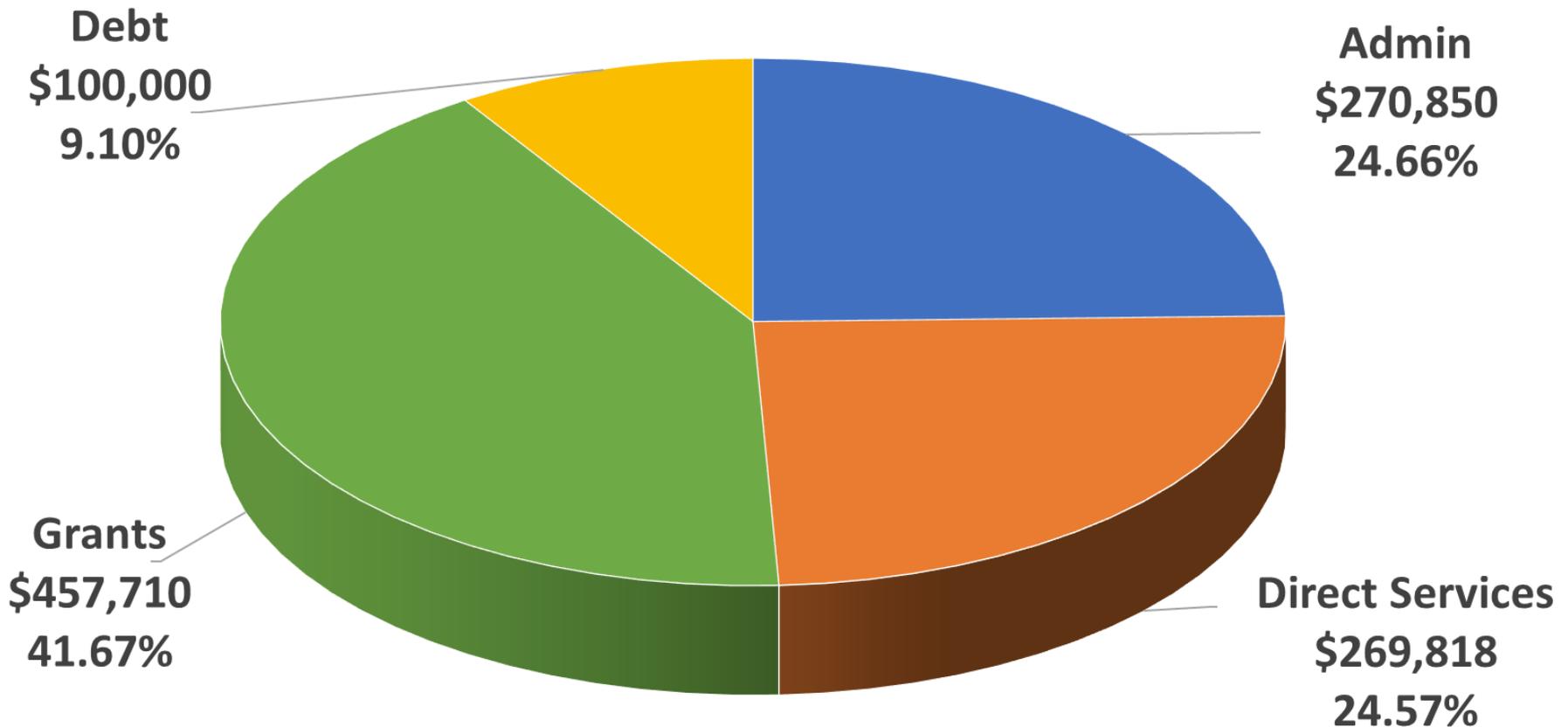
## **CORRECTION: LMCHD Has Direct Programs and Budget Limits Administration to 25%**

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**County says LMCHD is not a direct provider, funds dedicated to programs were too low, and funds dedicated to administration were too high.**

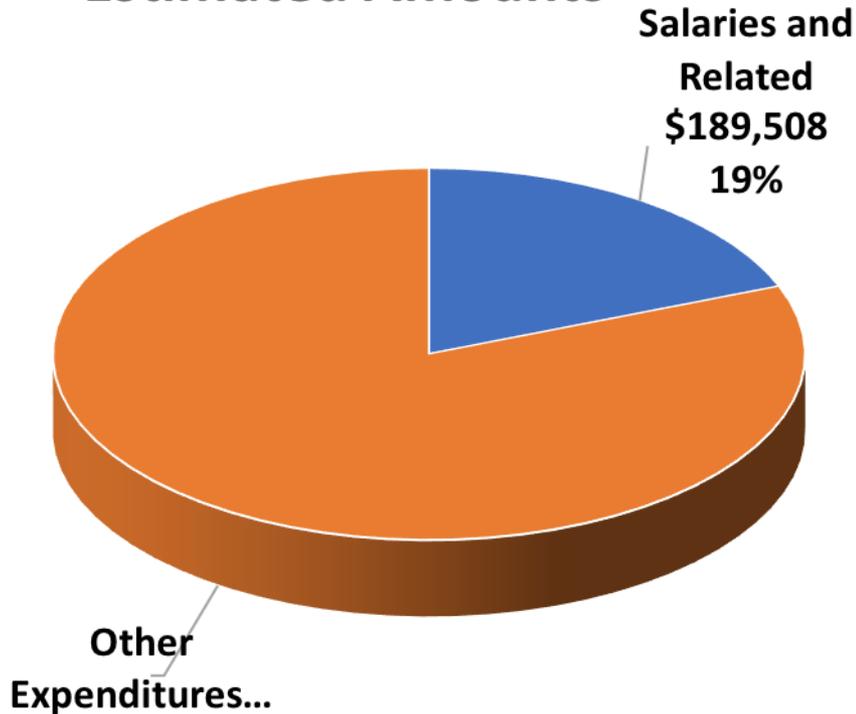
- County Relies on Old Information**
- LMCHD Budget Administration at 25%**
- LMCHD Budget – Direct Services at 25%**
- LMCHD Budget - Grant Program at 42%**
- LMCHD Budget – Debt at 9.1%**

# Fiscal Year 2018-2019 Expenditures Budgeted from Current Year Revenue

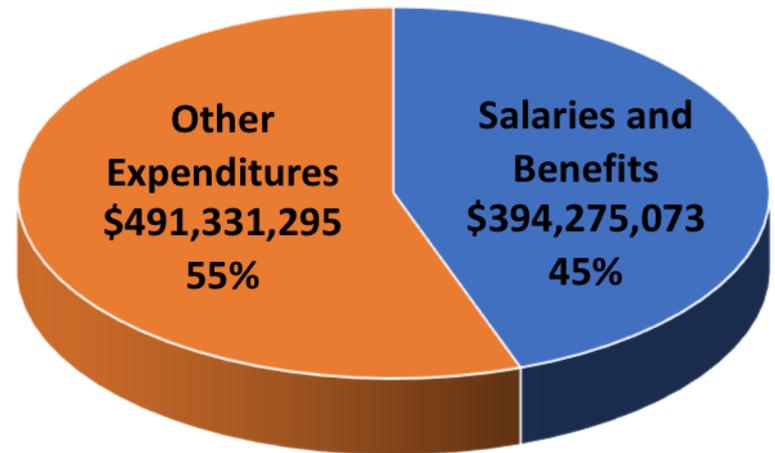


# Fiscal Year 2018-2019 Comparison

## LMCHD General Fund Estimated Amounts



## Contra Costa Health Services Budget



## **CORRECTION: LMCHD Funds what County Does Not Cover – The safety net's safety net!**

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**The County says it is the primary provider of healthcare services to low-income persons**

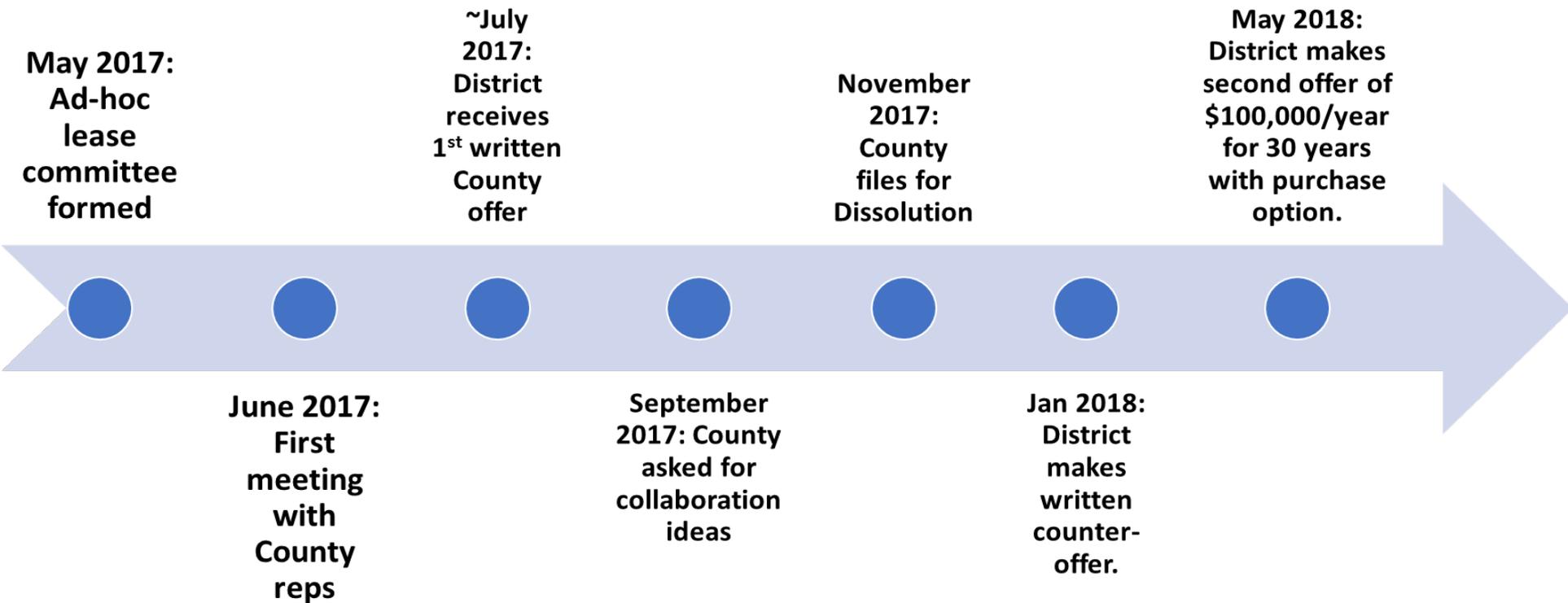
- **County often relies on others**
- **Saint Vincent DePaul: 704 patient visits**
- **Fall Prevention - LMCHD Direct Service**
- **Student Eye Glass Program for Students - LMCHD Direct Service**
- **HIV/AIDS Outreach augments County in our services area – LMCHD Direct Service**
- **Nutrition Program/Community Garden – LMCHD Direct Service**
- **LMCHD makes 45,000 contacts annually**

## **CORRECTION: Lease Negotiations Should Not be Resolved by Dissolving a District**

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- 1. The District owns a Building that the County wants. LMCHD discussed market rate so County going for zero.**
- 2. MSR - LMCHD made needed corrections, such as reducing administrative costs, updating the website, health profile, and strategic plan.**
- 3. MSR – LAFCO indicated LMCHD made Significant Progress and to return in December. Why are we here now?**
- 4. Last Offer - LMCHD submitted lease offer of \$100,000 for 30 years, far below market rate. No formal response from County beyond verbal “that ship has sailed.”**

# Lease Negotiation Timeline



# **CORRECTION: Nature of Healthcare**

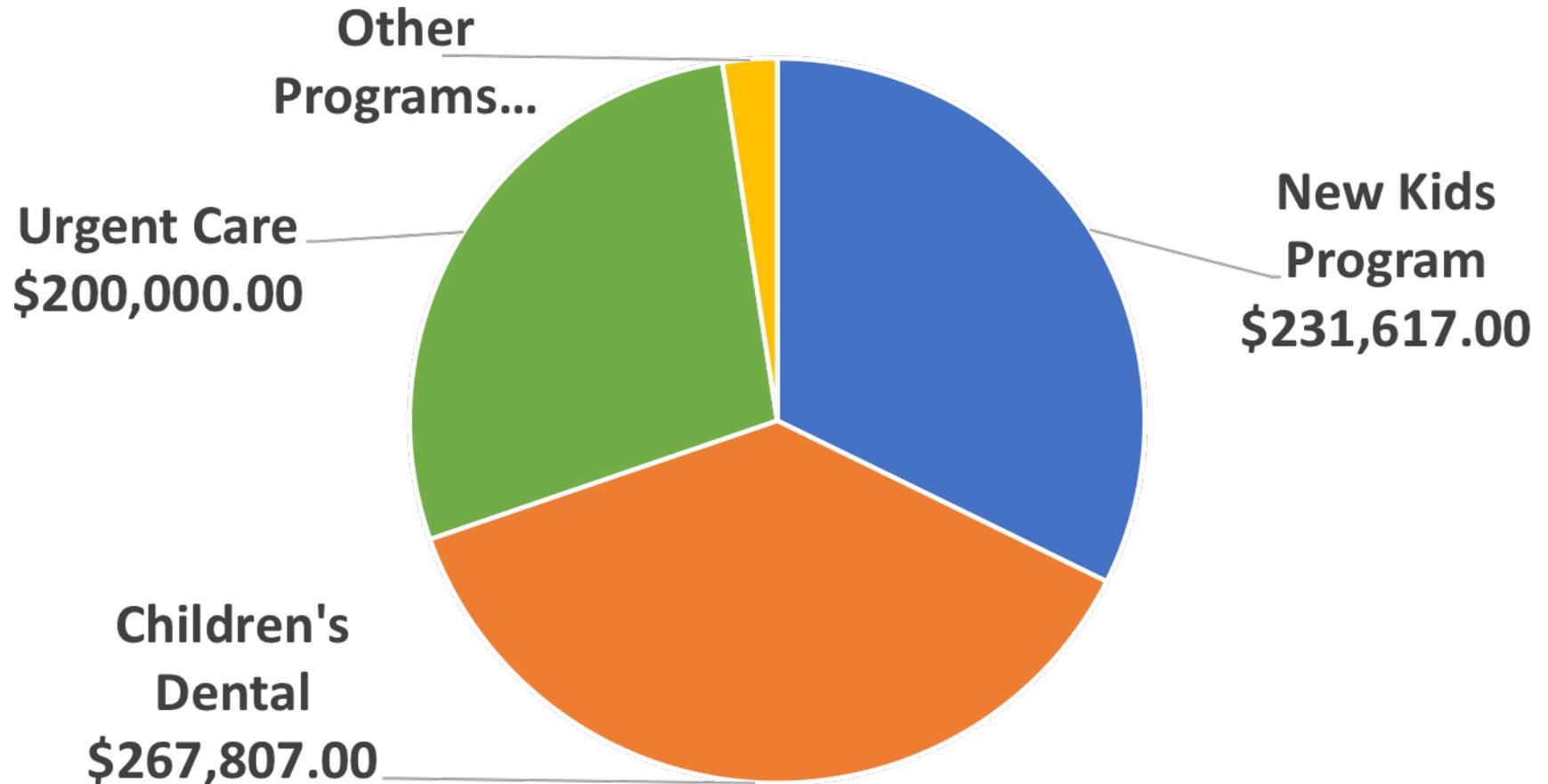
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- 1. The County has made \$24mm in capital improvements.**
  - Capital Improvements would need to be made at any building due to healthcare regulations.**
  - Likely less in CI given bldg. was a hospital.**
  - Not a reason to dissolve an agency.**
  - If building was in private sector lease the needs would have been the same but lease would be at market rate.**
  - We've offered a long-term lease of \$100,000 for 30 years but the Count refuses to negotiate.**

# County Tenant Improvements 1998-2016



# \$716,581.98 Granted by LMCHD to County or Foundation Since 2006



420 Sierra College Drive, Suite 140  
Grass Valley, CA 95945-5091  
Voice (530) 432-7357  
Fax (530) 432-7356

**COLANTUONO**  
**HIGHSMITH**  
**WHATLEY, PC**

Gary B. Bell  
(530) 208-5346  
GBell@chwlaw.us

Our File No. 42032.0002

September 11, 2018

**VIA E-MAIL (LouAnn.Texeira@lafco.cccounty.us) AND U.S. MAIL**

Chairman and Commissioners  
Contra Costa Local Agency Formation Commission  
651 Pine Street, Sixth Floor  
Martinez, CA 94553-1229

Re: *LAFCO 17-13 – Dissolution of Los Medanos Community Healthcare District (LMCHD) – Agenda Item 8. for September 12, 2018 Regular Meeting of the Commission*

Honorable Chairman and Commissioners:

The Los Medanos Community Healthcare District (LMCHD) respectfully urges the Commission to select option #2 presented in the accompanying staff report for this item, disapproving the dissolution. LMCHD appreciates this opportunity to provide the following written comments on the proposed dissolution and the County's justifications for its effort to dissolve the District, acquire its assets, and use them in the County-wide health care system without compensation to the communities which funded the accumulation of those assets:

1. The County argues only 25% of LMCHD's revenues fund programs and activities related to health, wellness, and disease, and the remainder fund program administration, general administration, and operating expenses. As the Commission's and LMCHD's responses to the April 20, 2018 Contra Costa Grand Jury report each noted, this is no longer true. LMCHD's 2018-2019 budget reduced its administrative costs to approximately 25% with approximately 66% of its budget now dedicated to direct services and grants and approximately 9% to preexisting debts. LMCHD continues to implement more efficient means of tracking staff time between administrative tasks and programs and services. LMCHD provides direct services in programs such as

Falls Prevention, Student Eye Glasses, HIV/AIDS awareness outreach, nutrition awareness, and others.

2. The County argues it "is the primary provider of healthcare services to low-income persons residing in Contra Costa County, including within [LMCHD's] boundaries." The County's services are recognized and appreciated, as well as other providers of indigent health care services such as Sutter, Kaiser, and John Muir, and indeed LMCHD has partnered with the County for many years to provide vital healthcare services to the District's underserved population. The County's Department of Public Health has specifically requested LMCHD's support as a partner in its programs precisely because we are a locally accountable organization led by those elected to speak for our communities. While the County provides these services, LMCHD allows local control over its programs and activities to ensure its funds and assets benefit the communities which provide them. Those without medical insurance utilize the services of St. Vincent de Paul as well as LMCHD's Student Eye Glass and senior mobility programs. In fact, LMCHD provided \$200,000 to the Pittsburg Health Center to establish an urgent care center desperately needed by the community but the County failed to establish one despite the continued need. If LMCHD were dissolved, the County may decide that these funds are better used elsewhere in the County to the detriment of our historically disadvantaged communities. The many recipients and partners of LMCHD's programs and services who have provided public comment on the County's dissolution proposal demonstrate real-life consequences of this proposal.
3. The County argues it leases the Pittsburg Health Center from LMCHD under a lease that expired July 31, 2018, and pays rent of \$100,000 per year that is paid to the State Office of Statewide Health Planning and Development (OSHPD) under a settlement agreement between the state and LMCHD. The terms of the settlement agreement between the state and LMCHD must be satisfied whether or not LMCHD owns the Pittsburg Health Center. LMCHD's remaining obligations must still be satisfied even if the County succeeds to those obligations. LMCHD has negotiated in good faith with the County to renew the lease of the Pittsburg Health Center, has offered very favorable terms for a long-term lease, but the County has refused to negotiate. LMCHD offered a 30 year lease at \$100,000 per year — the same rate the

County has paid since 1998 and significantly below market value for the property. Rather than negotiate with LMCHD, as LMCHD has consistently sought, the County has negotiated directly with OSHPD – without involvement by LMCHD – on terms by which it might settle LMCHD's outstanding debt upon dissolution. The County seems to take for granted the Commission's approval of dissolution, without negotiating with LMCHD to renew the lease. Dissolution is not necessary to reframe the terms of the OSHPD obligation. If the County prefers to pay it upfront (as we understand it has proposed to OSHPD), LMCHD will be happy to reframe the lease accordingly. What is needed is genuine dialog between the County and LMCHD. That apparently will not occur until your Commission puts this proposal behind us. We urge you to do so for the good of the communities we serve.

4. The County argues it made approximately \$24 million in capital improvements to the Pittsburg Health Center during the term of the lease since 1998. LMCHD contends many of these improvements may have been needed due to changing regulatory and business needs, and may be lower than otherwise expected in a different building due to the building's existing health center use. The County has not provided a detailed analysis of the necessity of these expenditures and LMCHD encourages the Commission to look beyond the County's bare assertion. Some of these expenditures may also have been offset by the County's revenues from a \$100,000 annual sublease with T-Mobile for an antennae, which was not disclosed to LMCHD prior to its approval. As mentioned above, LMCHD has attempted to negotiate a long-term lease with the County to no avail. LMCHD has offered favorable terms and is disappointed the County has refused to negotiate. We are hopeful the County will return to lease negotiations when this proposal is resolved. However, we hope your Commission will not use discord of the County's making to justify giving the County what it wants – ownership of LMCHD's assets with no means for the community to govern their use and, indeed, no assurance the valuable land under the hospital will not be sold for development.
5. In the County's recent justification for the dissolution, included as Attachment "9" to this agenda item, the County argues it will replace LMCHD's grant program with a new grant program that will fund more health-related

Chairman and Commissioners

September 11, 2018

Page 4

programs more efficiently. As mentioned above, LMCHD's administrative costs are approximately 25% of its 2018-2019 budget. The County's 2016-2017 reported budget for health services shows that salaries alone account for 43% of total expenditures. Based on these numbers, the County's justification that it will provide the same or similar grant programs as LMCHD "more efficiently" seems implausible. Moreover, efficiency cannot alone be an excuse for a loss of community input and local control. Democracy is less efficient than other governance systems, but our country is devoted to it nevertheless.

Finally, regarding the dissolution, the Commission must consider the factors listed in Government Code section 56668. These factors are detailed in Attachment "8" to this agenda item. With these factors in mind, the District respectfully urges you to find the County's justifications for dissolution do not warrant it. LMCHD provides important services to an underserved population and keeping these resources under local control is the best way to ensure this continues.

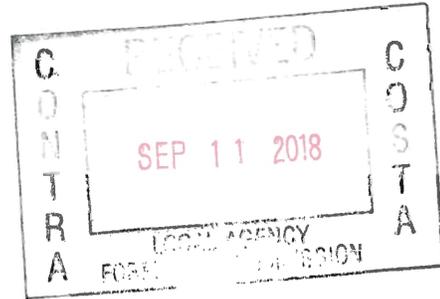
Very truly yours,

*Gary B. Bell*

Gary B. Bell, Esq. <sup>(HBU)</sup>

GBB:gbb

Mike McGill, Chairman  
LAFCO  
651 Pine St, 6th Floor  
Martinez CA 94535



September 8, 2018

Dear Mr. McGill,

I am the Newsletter Editor of our wonderful senior club and hearing about the possible dissolution of Los Medanos Community Healthcare District just breaks my heart. Our club does so much for the senior community of Pittsburg and vicinity. It truly benefits seniors' health and well-being.

I have chosen to send you a recent newsletter and brochure to give you a glimpse into our activities and causes.

We have been a very happy recipient of an LMCHD grant and hope to be considered in the future.

I beg you to share this information with your board members and vote to keep LMCHD going!

Sincerely,

Annette Jenkins  
Fifty Plus Club Corporation  
300 Presidio Ln  
Pittsburg CA 94565  
(925) 439-2135 voicemail



In 1974, a group of like-minded senior citizens established the Pittsburg Fifty Plus Club to address the unique needs and challenges of the aging population of Pittsburg, CA. The Club incorporated in 1977 as a non-profit organization, operating under IRS Section 501(c)(3) and is registered in the California Attorney General's Registry of Charitable Trusts. For the first few years, they gathered at the homes of Club members until they successfully petitioned the City Council for space in the building next to the old City Gym on Crestview Drive where they met for over 25 years. In 2003, the Club moved to its present location at 300 Presidio Lane.

With a minimum age of 50 years, the Club boasts two centenarians among our 35 Lifetime Members (90 years and over). Currently, our Club has a total of 350 members and is still growing. Our members come from all walks of life, with varied backgrounds and life experiences. Club members live in Pittsburg as well as the surrounding community (Antioch, Bay Point, Bethel Island, Brentwood, Concord, and Walnut Creek).

Due to our proximity to low-income senior housing [Stoneman Village (SV), Stoneman Village II (SVII), and Presidio Village], a significant portion of our membership consists of low-income senior citizens who walk conveniently across the street to participate in Club functions. The Club has three permanent seats on the Board of Directors of SV and SVII.

The Club offers activities and events for senior citizens, all with the ultimate goal of improving quality of life. The annual dues of \$15 entitles Club members to our free physical exercise classes, which include weekly T'ai Chi Chih, Hula, and Fifty Plus Chorale, and our monthly Bowling. In addition to providing socialization, our low-cost Friday and Sunday Bingo Games (open to the community) help improve mental agility, stimulate the audiovisual cortex and train hand-eye coordination. A popular social activity is our Monthly Birthday Potluck Dinner Karaoke Dance. We go to the movies once a month and host tour buses to various destinations. There are also many opportunities for volunteering.

The Executive Board meets at least once a month to ensure that the Club continues to comply with all Federal, State and City laws while attending to the financial stewardship. And, we hold monthly meetings to update the General Membership on Executive Board actions. Our monthly Newsletters keep our members current on Club happenings.

As part of our charitable acts, we provide three annual scholarships to deserving high school seniors. Two scholarships are awarded to graduating seniors attending Pittsburg High School. The third scholarship is awarded to a Club member's Direct Descendant attending any high school in the United States. We also donate and participate as a team in the American Cancer Society's Relay for Life.

We invite you to discover for yourself how the Fifty Plus Club can enrich your life as you remain a vital part of our community.

## Our Mission

To improve the quality of life during the retirement years by addressing the needs and challenges of the aging population of the City of Pittsburg and surrounding communities.

~~~~~

## Our Motto

Committed to apply our **Wisdom** to show **Compassion** and **Generosity** to all members of our Community

Pittsburg Fifty Plus Club activities and events are partially funded by grants from the following:



### Keller Canyon Mitigation Fund

A mitigation fund administered by Supervisor Federico D. Glover  
On Behalf of the Board of Supervisors



**amazon**smile  
You shop. Amazon gives.

Amazon.com donates 0.5% of your purchase amount to the Pittsburg Fifty Plus Club when you click on <https://smile.amazon.com/ch/94-2410900> before shopping at Amazon.com

Pittsburg Fifty Plus Club Corporation  
300 Presidio Lane  
Pittsburg CA 94565  
(925) 439-2135 voicemail only  
pitt50plus@gmail.com



# OPEN TO EVERYONE

(INQUIRE ABOUT FEES)



**BINGO!**



**POTLUCK DINNER  
KARAOKE DANCE**



**BOOK CLUB**

Hope Lives Here



**RELAY FOR LIFE!**

Cherokee Council



"If you put a cucumber on your middle instead of a cherry, it floats on a salad."

**FRIENDSHIP COMPANY  
(NO-HOST BREAKFAST)**



**BUS TOURS  
(FEES DEPEND ON  
DESTINATION)**



**T'AI CHI CHIH  
(\$1/CLASS  
NON-MEMBERS, FREE  
FOR ALL MEMBERS)**

## CALENDAR OF MONTHLY ACTIVITIES (weekly unless noted)

| SUN                          | MON                                                                      | TUE                                                  | WED                                                                  | THU                                | FRI                           |
|------------------------------|--------------------------------------------------------------------------|------------------------------------------------------|----------------------------------------------------------------------|------------------------------------|-------------------------------|
| <b>SPECIAL EVENTS</b><br>TBD | <b>FRIENDSHIP COMPANY BREAKFAST</b><br>9-11 am<br>(2 <sup>ND</sup> WEEK) | <b>T'AI CHI CHIH</b><br>9-10:15 am                   | <b>GENERAL MEETING</b><br>1-3 pm<br>(3 <sup>RD</sup> WEEK)           | <b>T'AI CHI CHIH</b><br>9-10:15 am | <b>BINGO</b><br>12:45-2:30 pm |
|                              | <b>T'AI CHI CHIH</b><br>5:00-6:15 pm                                     | <b>BOOK CLUB</b><br>1-2 pm<br>(1 <sup>ST</sup> WEEK) | <b>BOWLING, DELTA BOWL</b><br>2:30-4:30 pm<br>(2 <sup>ND</sup> WEEK) | <b>CHOIR</b><br>2-4 pm             |                               |
|                              | <b>BIRTHDAY POTLUCK DINNER</b><br>5-7 pm<br>(LAST WEEK)                  |                                                      | <b>MOVIES, MAYA CINEMAS</b><br>(4 <sup>TH</sup> WEEK)                | <b>HULA</b><br>4-5 pm              |                               |

### Annual Events

- Ongoing Fundraising Events
- General Membership Annual Luncheon, June
- Relay for Life Team
- Great Italian Festival in Reno, NV, October
- Volunteer Appreciation, TBA

### Annual Awards & Charitable Contributions

- Annual Direct Descendant Scholarship to Graduating HS Senior, \$1000
- Two Scholarships to Pittsburg High School Graduating Seniors, \$1000 each
- Relay for Life Donation to American Cancer Society, \$500
- Condolence Gifts for Deceased Members, per annual Guidelines

# MEMBERS ONLY

(FREE)



**BOWLING**  
(FIRST GAME FREE TO 1<sup>ST</sup> 10 MEMBERS WHO SHOW UP; FREE SHOE RENTAL)



**CHORALE**



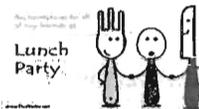
**MOVIES**  
(MUST ATTEND GENERAL MEETING TO OBTAIN MOVIE GIFT CARD)



**BOARD & GENERAL MEETINGS**



**HULA**



**ANNUAL LUNCHEON**

### Qualifications for Membership

- At least 50 years of age
- Live or work in Pittsburg OR surrounding community
- Dues \$15/year



**PRESIDENT'S  
CORNER**  
Sam Vaughn

Greetings Brothers and Sisters!

I hope this message find you and your family well and in good spirits. With the onset of summer I encourage you to be aware of the dog days of the season and make sure you keep hydrated and out of the hot weather. I also encourage you to keep active in doing something exciting. May I suggest finding a cool spot at the local park and reading a book? If not a book, attend one of the many free concerts in the area, and if you really want to do something, try writing a short story of something dear to you.

In speaking of club activity we are looking to have an "Old School Dance", you know, a sock hoop. We are looking to have this event in the fall. So, dust off your shoes and grab a partner, and who knows, do the Cha Cha, along other dances we did many years ago. On a learning note let us learn how we can make the next event better than the last. As always from your slip and sliding president, be well and safe.

**SENIOR SCAM STOPPER**

Assemblymember Grayson & the Contractor State License Board invite you to attend this seminar!  
**Wednesday, July 11, 2018, 9:00 - 11:00 a.m.**  
Marina Event Center, 200 Marina Blvd, Pittsburg



From the desk of  
*Joy Walker*  
Recreation Supervisor

July 3rd All American Dance/Luncheon  
July 19th Abner Jett Domino Tournament 1:00 pm



*Editor's Notes*

Annette Jenkins, Editor  
Email: fifty\_plus\_club@aol.com



When I saw this article on the internet, I remembered the torture my mother went through after getting shingles. For months she dealt with the itching and pain from the rash. Nothing seemed to make them disappear!

I had chickenpox in my 30's, which was not a fun experience. I'm glad I chose to get the vaccination against Shingles in my 60's. I think I'm all set!



**From the New York Times**  
Why You Should Get the New Shingles Vaccine

**Did you know...?**

By Jane E. Brody

There are about a million new cases of shingles each year in the United States.

Anyone who has had chicken pox can get shingles. That means 95% of adults are at risk.

Approximately one-third of the U.S. population will get shingles. The risk rises after 50 years of age. Half of people living to age 85 have had or will get shingles.

More than half of older adults do not understand the seriousness of shingles and its complications.

Among those who get shingles, more than one-third will develop serious complications. The risk of complications rises after 60 years of age.

Prompt treatment is essential to control acute symptoms.

There is a new vaccine that can lower the risk of getting shingles.



## Financial Report

*Benjamin Brisjar,*  
Financial Secretary

### May 31, 2018

|                                    |             |
|------------------------------------|-------------|
| Gross Income.....                  | \$1,011.42  |
| Cost of Golds Sold.....            | (\$0.00)    |
| Total Expenses.....                | (\$913.28)  |
| Net Income.....                    | \$98.14     |
|                                    |             |
| Total Assets as of 05/02/2018..... | \$42,620.45 |

I am also still looking for a Club member from the General Membership to participate on my Finance Committee. We meet on the first Friday of the month at 11 am at the Senior Center.



## Membership

*Jeannette Stotts,* Chair  
(925) 297-9396  
Membership Table Hours  
Monday/Wednesday/Friday  
10:30 am - 11:30 am

### April 2018

|                                |          |
|--------------------------------|----------|
| Membership Dues Collected..... | \$240.00 |
| Number of New Members.....     | 16       |

### Membership Status as of May 31, 2018

|                                   |     |
|-----------------------------------|-----|
| Number of Paid Members 2018.....  | 260 |
| Number of Lifetime Members.....   | 35  |
| Total Number of Members 2018..... | 295 |

### Correction to last month's report:

Total Number of Members 279, not 314.  
Sorry for the miscalculation!

The City of Pittsburg 2018 Recreation Guide has a misprint on page 19. Our Membership Dues are only **\$15.00 per year**, not per month!

\*\*\*This nation will remain to be the land of the free so long as it is the home of the brave.

*Elmer Davis*

## REASONS TO RENEW YOUR MEMBERSHIPS

Annual dues of \$15 must be paid by Club members each year

You must be a Club member in good standing to participate in and benefit from "members only" Club activities

There is no need to fill out a form. Simplify verify your information with any Membership Committee volunteer at the Membership Table

Membership Committee is ready for you now!  
(MON/WED/FRI 10:30 am - 11:30 am)



## Fundraising

*Linda Dotson,* Chair  
[mlindad2014@gmail.com](mailto:mlindad2014@gmail.com)  
(925) 864-5567



Hi All:

I'm looking forward to working with all of you on our next fundraiser, "**Pittsburg Dining Out**", happening in September (date to be announced).

Here's how it works. Once the 5 restaurants have agreed to participate then we all get busy spreading the great news to our friends, family, your church family, your doctor, lawyer, co-workers or have your children get their co-workers to mark their calendars to come out on that night to have dinner at one of the restaurants on the list. My committee will be preparing a "SAVE THE DATE" flyer for you to hand out. The flyer will also explain how "**Pittsburg Dining Out**" works.

We really need you to be *cheerleaders* and spread the word. That's really the key to success in this fundraising event...*word-of-mouth*. Once you've decided on the restaurant and your party has finished your meal, make sure your receipt and the merchant receipt has "Pittsburg Fifty Plus Club" at the bottom. Turn your receipts into me so we can have an accounting of what was spent and what amount we should have coming to 50+ Club.

Example: La Veranda donates 20% of food receipts that day from people who come in and identify themselves with the 50+ Club. The food receipts total \$500, 20% = \$100 goes to 50+ Club. It's that simple.

The date will be **September 17**, so start spreading the news. We'll talk later.



## *T'ai Chi Chih* Joy Thru Movement

Monday 5:15 – 6:15 pm  
Tuesday & Thursday 9:00 -10:15 am

First of all, I like to state, how happy I'm to have found a group of people in my town, so committed, as you are, to the practice Tai Chi Chih! (TCC). I became a TCC teacher in 1993, and after that I helped in my teacher's classes for several years and briefly taught for Pittsburg Parks and Recreation, in 1996. In later years, I mostly have been practicing alone or, once in a while, with other teachers. To find a group, to practice regularly, is a real pleasure. As I practice with all of you, the TCC teacher, inside of me, comes alive, that is why I'm prompted to write something for your newsletter.

What follows is paraphrased from the book T'ai Chi Chih!, written in 1974, by Justin Stone, the originator of this form of T'ai Chi:

'While practicing TCC, one's attention is kept primarily on the soles of the feet (so called in acupuncture, bubbling spring) or 2 inches below your navel (the 'tan t'ien', pronounced 'dantien').'

This is very important, because TCC is a moving meditation, which purpose is the flow of the Chi, a Chinese term, translated as Vital Force. Quieten the mind is one of the basis of this practice, focusing your attention in the soles of the feet or two inches below your navel, will help you do that. For me, and I noticed, for most people, it is easier to focus on the soles of the feet.

Although TCC will keep you in shape, it is not a workout. It is very important to keep a 'beginner's mind' and to be mindfully paying attention to the details explained by your teacher. After more than 20 years, I still discover new things if I pay close attention to the principles of TCC while practicing.

See you in class. Rosa Fallon, Instructor



## *Relay for Life*

*Katy Castro (pictured)  
and Jeannette Stotts*

Co-Captains

2018



June 23 and 24 were the days chosen for this event. Little did anyone know how hot it would be! Team members were: Benj Brisjar, Jeannette Stotts, Theresa Bruno, Iris Cooper, Katy Castro and Annette Jenkins. SURVIVORS: Sam Vaughn, Janice Semanick, Nora Warren, Woodie Williams, Peaches Roberts and Judy Silva. Our Club donated \$500.00! Overall, as of June 24th, there were 70 Relay Teams and those teams raised \$112,675.00! You may donate until August 31!

[http://main.acsevents.org/site/TR/RelayForLife/RFLCY18WER?pg=entry&fr\\_id=85540](http://main.acsevents.org/site/TR/RelayForLife/RFLCY18WER?pg=entry&fr_id=85540)



Our team captain Katy Castro and Theresa Bruno held down the fort in temperature of 105 degrees!



Barbara Riley & Steve Slipka on the track in the Survivor Lap at Los Medanos College



**ANNUAL  
MEMBERSHIP  
LUNCHEON**

I am happy to report that our Luncheon this year was a success. 112 club members, band members, students and guests attended. The program was filled with wonderful music and dancing. Congratulations to our members, who were recognized with awards! I hope you all had a good time. Thank you for coming!



Harriet Howell receiving a special "Inspiration Award".  
L-R: Mary Ziegler, Harriet Howell, Sam & Almetta Vaughn with flowers



Karen Ward receiving the "Member of the Year Award" from Sam Vaughn, our President



Here is Harriet's Chorale performing one beautiful song after another for us. Thank you!



Meg Goble receiving a special Award from Harriet Howell, our Chorale Director, and playing keyboard



Ehukai and her students showing us the beautiful art of Hula, where every move has a special meaning. Her husband's band accompanying the dancers in the background.  
Thank you for doing such a beautiful job,  
Ka Papa O Pittsburg!



Practicing the HULA are L-R: Benj Brisjar, Mary Ziegler, June Guiang and Marian Gutierrez, student





**HAPPY BIRTHDAY!**  
July Birthdays



*Birthday Potluck*

Last Monday 5:00 - 7:00 pm  
JoJo Ortiz, Coordinator

- 01 Josie Cheney
- 01 Hailey Ellis
- 02 LTM Conchita Strickland
- 03 Lynn Dogherty
- 03 Mary Ferrer
- 03 Debbie Jeremy
- 04 JoJo Ortiz
- 08 Doris Collins Crosley
- 10 Cindy Williams
- 13 Rosie Ragler
- 13 Ethel Johnson
- 15 Robert Pavel
- 18 Freddie Allen
- 20 Lisa Segovia
- 21 LTM Margaret DeMers
- 21 Penny Fagen
- 24 Clarice Chandler
- 27 Kathryn Carterelliot
- 28 Joanne Henderson
- 28 Cheryl Turner
- 29 Mary Burkett
- 29 Beatrice Mitchell
- 30 Guadalupe Fierro
- 30 Ehukai Sako

( as of May 29th)

Since we have volunteers for serving now our potlucks have been going a lot smoother. Sadly Ethel Johnson is moving to So California by month end. We wish her only the best and thank her for all her help! If you can help please let me know!

**BIRTHDAY POTLUCK DINNER ETIQUETTE**

- Bring enough food/drinks, plates, utensils, and cups for any guests you invite.
- Help set up.
- Help clean up after potluck. All food must be taken home or thrown into the trash.
- Help Clean Up.
- **HELP CLEAN UP!**

At each of our general meetings we are holding a 50/50 Raffle. On June 20th the happy winner was **Roberta Washington**. Come join us at the next one!



**20 LUCKY CLUB MEMBERS RECEIVE A \$4 MAYA CINEMAS GIFT CARD AT EACH GENERAL MEETING!!!**



Barbara Robertson (R) was the only birthday celebrant present at our June potluck. She received her \$5.00 WinCo card from Benj Brisjar.

Next date: Wednesday, July 25, 2018  
In order to receive your free movie ticket you need to stay from beginning to end of the General Meeting. There will be a sign-up sheet passed around. If there are more members interested, we draw numbers. Thanks for joining us!  
Annie Panganiban

**amazonsmile**  
You shop. Amazon gives.

Smile Amazon.com donates 0.5% of your purchase amount to the Pittsburg Fifty Plus Club when you click on <https://smile.amazon.com/ch/94-2410900> before shopping at Amazon.com



**Chorale Notes**  
 Thursday, 2-4 pm  
 Harriet Howell, Director  
 harriettlouise44@gmail.com  
 (650) 224-8288



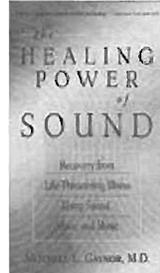
**Dates to Remember**

July



- 03 All American Dance/Luncheon by City
- 04 Sr. Center closed; 4th of July
- 09 Friendship Co. at Revi Rev's, 9:00 am \*
- 10 S.F Craig Smith Tour
- 11 Tim Grayson's Sr. Scam Seminar 9 -11 am
- 18 General Membership Meeting, 1:00 pm
- 19 Abner Jett Domino Tournament 1pm (City)
- 23 Newsletter Deadline for August
- 30 Birthday Potluck Dinner 5:00 - 7:00 pm

The following are excerpts from  
**"The Healing Power of Sound"**  
 by Mitchell L Gaynor, MD,  
 a Cancer Specialist



According to numerous scientific studies there is evidence that music has healing potential, which includes a variety of physiological functions.

It can:  
 Reduce anxiety  
 Lower blood pressure  
 Lower heart rate  
 Lower respiratory rate  
 Reduce cardiac complications  
 Increase immune response (cell messengers)  
 Boost our natural opiates

It was found that the human voice carries something in it's vibration that makes it more powerful than any musical instrument, called "consciousness".

Remember that music is good for your health and your soul and improves physical health.  
 If you would like to get started with us, please come see me on Thursdays at 1:30 pm to test your voice.

**Save the Date:**

Italian Festival in **Reno**, Saturday, October 6, 2018  
 More information on flyer, page 8!

**Ongoing Activities**

- Bingo ..... FRI, 12:45-2:30 pm
- Bocce..... Summer participation pending
- Book Club..... 1<sup>st</sup> TUE, 1:00-2:00 pm
- Bowling, Delta Bowl..... 2<sup>nd</sup> WED 2:30 pm
- Chorale Rehearsal..... THUR, 2:00-4:00 pm
- Friendship Company ..... 2<sup>nd</sup> MON, 9:00 am
- Hula Class..... THUR 4:00-5:00 pm
- Movie Date at Maya Theatre... 4th WED, afternoon
- T'ai Chi Chih .MON 5:00 pm, TUE/THUR 9:00 am



**WANTED**

Piano Accompanist  
 for Chorale Rehearsal  
 Every Thursday 2:00 - 4:00 pm

**Friendship Company**

2<sup>nd</sup> Monday of each month, 9:00 am  
 Irene Neil, (702) 788-1687



Our next breakfast meeting will be on Monday, July 9th at 9:00 am at Revi Revs Soul Food Connection, 2376 Buchanan Rd, Antioch. It will be a special buffet just for us for about \$10.00, including coffee or juice! Reserve your place! If you have room in your car for someone, meet at the center at 8:30



**Fifty Plus Club Logo**

Baseball Caps & Shirts!  
 Irene Neil, (702) 788-1687



If you would like to order club logo products, please contact me! Also, the products below are immediately available.

- T Shirts: (XL) 2 (3XL) 1
- Sweatshirts: (XL) 1 (2XL) 1
- Hooded Zip Front: (XL) 5 (3XL) 2
- Logo Baseball Caps: 13

If you don't see what you want in stock, see page 10 for ordering information. Call me or look for me at the Senior Center.



**Bowling at Delta Bowl**  
 Every 2<sup>nd</sup> Wednesday, 2:30 pm  
*First 20 members bowl for free*  
*Free shoe rental*



**Constitution & By-Laws**  
 Almetta Vaughn, Chair  
 Cell: (925) 872-2890



On June 13, Fifty Plus Club fellow bowlers -- Benj Brisjar, Joanne Henderson, Janice Semanick, Carolyn Smith and Jeannette Stotts -- bid farewell to Allison Parr at Delta Bowl. To help us remember her, Allison shows excellent form as she trounced us all with the highest score of 122. Allison moved permanently to Buffalo NY on June 16.

A motion to change the By-Laws and Constitutions for the Educational Scholarship Committee in Article VII, Section 8 was presented to our general membership at the meeting on June 20, 2018 by Nancy Peters. It will read: "Each year the club awards three (3) academic scholarships to deserving students in their final year of high school who wish to further their education. The Educational Scholarship Committee shall select the annual scholarship recipients from a pool of eligible applicants consistent with policies and written guidelines developed by the Committee and approved by the Board." This motion was passed.



Allison Parr with a little assistance from Benj Brisjar

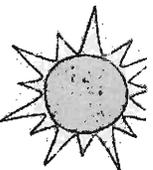


**Hula Class**  
**Ka Papa O Pittsburg**  
 Thursday 4-5 pm  
 Ehukai, Kumu Hula

| Player | 1  | 2  | 3  | 4  | 5  | 6  | 7  | 8  | 9  | 10 | Total |
|--------|----|----|----|----|----|----|----|----|----|----|-------|
| BENJI  | 9  | 76 | 19 | 47 | 26 | 37 | 1  | X3 | 69 | 18 | 102   |
| ALLISO | X7 | 7  | X4 | 33 | 43 | 58 | 3  | 78 | 7  | 2  | 122   |
| CAROLY | 9  | 26 | 35 | 36 | 41 | 60 | 69 | 77 | 95 |    | 95    |

Our Hula class did a wonderful job performing at our Annual Luncheon. While we were enjoying a delicious meal the sounds and moves of Hawaii took us away like gentle breezes. Ka Papa means "class"

...and "the proof is in the puddin' " or in this case on the score board!



**Sunshine**

Annie Panganiban, Chair



Get Well Wishes to our dear members:

Joey Rodrigues, Annie Panganiban and Lynn Dougherty.

We are wishing a speedy recovery, so you can soon be among us again!

Back row L-R: Bob Momono, Leigh Faunce, Meg Goble, Marilyn Jong Low, Diane Velez, Mary Ziegler, 1/2 of Nora Warren  
 Front Row: L-R: Ehukai Sako, Robert Alden, Carolyn Martinez, June Guiang, Debbie Jeremy



## Nominations

Ron Wilborn, Chair



**ELECTION**  
**WED. DEC. 20**

As of May 18, 2018 the following persons have been nominated for offices:

President: Sam Vaughn, Joy Walker  
Recording Secretary: Janice Semanick, Lela Harvey  
Treasurer: Ron Wilborn, Vivian Lee

Keep thinking about who YOU would like to see as officers for the next 2 years. The openings will be for President, Treasurer, and Recording Secretary. Get involved in your Fifty Plus Club. Thanks!

Your Nomination Committee



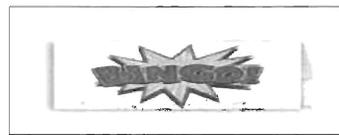
**Low Impact Senior Exercise Program**  
Mon/Wed/Fri at Senior Center  
9:15 am to 10:15 am

Instructor Mary Ann Crawford is giving new students a free one day pass and showing us some of the fun her class is having below.



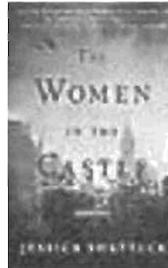
## Book Club

First Tuesday of the month 1-2 pm  
Samuel Vaughn  
(925) 439-2890, (925) 872-2891  
vaug\_assoc@sbcglobal.net



Fridays  
at 12:45 pm  
Come join us!

**July 3rd:** *Women of the Castle* by Jessica Shattuck is set at the end of World War II in a crumbling Castle. A powerful and compulsive story of three widows whose lives and fates become intertwined. An affecting, shocking and ultimately redemptive novel.



We still have no Bingo Chair or new volunteer members to work on the Sunday Bingo. At present, Sunday Bingo is still suspended. Nora Warren has graciously accepted the position of chairperson for our Friday Bingo games!

### Ethel's Quotes

In a world where you can be anything! Be yourself.  
Club Member

Why not go out on a limb that's where the fruit is.  
Mark Twain

### Penny's Quotes

"When fear knocks, let faith answer the door."  
Robin Roberts

"Courage is nothing more than taking one step more than you think you can."  
Holly Lisle

"There is no such thing as too late in life."  
Professor Morrie Schwartz

"Enjoy life. Be healthy. Share a smile."



**August 7:** *The Girl with Seven Names* by Hyeonseo Lee is a powerful, fascinating true story about a young girl who manages to escape from North Korea. She gives a very honest view of living in North Korea and her escape and later helping her mother and brother escape.

\*\*\*In the truest sense, freedom cannot be bestowed; it must be achieved. *Theodore D. Roosevelt*

**What Can I Do With My Membership Card?**

Present your membership card to the Pittsburg merchants below for exclusive Club Member benefits. If you know of any merchants who deserve to be added to this list, please call and leave a voice message at (925) 439-2135 or email [pitt50plus@gmail.com](mailto:pitt50plus@gmail.com).

|                                                                                                 |                                                                                                                                  |                                                                                                                                                                                |                                                                                                                                                      |
|-------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Tony's Auto Repair</b></p> <p>1436C Bobo Ct<br/>Pittsburg CA 94565<br/>(925) 439-7777</p> | <p>Yelp*: 10 Best Auto Repair Shops in Pittsburg</p> <p>Call Peter Struzas for Club Member exclusive: 10% discount on labor.</p> | <p><b>Little J's</b></p>  <p>3350 Loveridge Rd<br/>Pittsburg CA 94565<br/>(925) 432-7648</p> | <p>Best Tri-tip in town! Aron Locke has been "Feeding the Hungry since 2003"</p> <p>Dine-in or take-out, Club Members receive 10% on all orders.</p> |
|-------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                       |                                                                                                                       |                                                                                                                                                                                                                                                                        |
|-------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>R&amp;R Auto Body Repair</b></p> <p>1436D Bobo Ct<br/>Pittsburg CA 94565<br/>(925) 432-2130</p> | <p>Owned and operated by Romeo Rones Since 1996</p> <p>Club Members receive 10% discount on insurance deductible.</p> |  <p>Our much anticipated trip to the Italian Festival in Reno will take place again. Tish Rodrigues and Sandra McQuade are organizing this day trip. Please see flyer on page 10.</p> |
|-------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                   |                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                 |
|-----------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <p>On behalf of the C.C. Café, I would like to acknowledge and give a special Thank You to the Board Members of the 50 Plus Club for their generous \$600. donation towards the yearly operational cost of the Café.</p> |  <p><b>"Our Favorite Recipes for YOU!"</b><br/>"We still have a few cook books available. Ideal for Birthdays, Weddings and Baby Showers! Special donation amount \$10.00 each or two for \$15.00. E-mail: <a href="mailto:pitt50plus@gmail.com">pitt50plus@gmail.com</a></p> |
|-----------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

The C.C. Café Site Council's White Elephant Sale was a success. Thank you to everyone who donated their treasures and to all who came to support it.

Sandra McQuade,  
CC Café Manager

**CABBAGE SALAD** *Meg Goble*  
*Refreshing with your 4th of July BBQ!*

|                    |                         |
|--------------------|-------------------------|
| 1 Cabbage head,    | 1/2 cup almonds, sliced |
| chopped & shredded | 1 pkg chicken ramen     |
| 2 T sesame seeds   | noodles                 |

Combine all ingredients in a large bowl, except seasoning pkg for noodles. Toss with dressing below.

**Dressing**

|                              |                                    |
|------------------------------|------------------------------------|
| 3 T rice vinegar, unseasoned | 2 T sugar                          |
| 1 tsp pepper                 | soy sauce to taste                 |
| 1/2 cup sesame oil           | 1/8 tsp garlic powder              |
|                              | 1 seasoning pkg from ramen noodles |

Combine all ingredients for dressing. Pour over salad and toss



**Pittsburg Seafood & Music Festival**

It's coming! And we may be participating this year! Save the dates and volunteer at our booth!

Are you coming?  
**September 8 & 9, 2018**  
Possible shifts available:  
10 am-1:00 pm; 1:00-4:00 pm; 4:00 pm-closing

# PITTSBURG FIFTY PLUS CLUB



presents  
the Annual Bus Trip to



## Reno's Great Italian Festival Saturday, October 6, 2018

---

Leave Pittsburg 7:00 AM  
45 Civic Ave, Pittsburg CA (parking lot  
across from City Park)

Play in Reno for 6 hours!  
Leave Reno at 6:00 pm  
Silver legacy Resort & Casino  
\$10 free play

Return to Pittsburg around 10:00 PM

### Activities include:

- No-host breakfast at
- Denny's in Rocklin
- Bus Bingo
- Movie on-board bus
- Casinos, live entertainment
- Italian Festival food and novelty booths, & more

**\$44 per person**  
(includes driver's tip)

Make checks payable to Pittsburg Fifty Plus Club,  
300 Presidio Lane, Pittsburg CA 94565  
Deadline to turn in money is August 31<sup>st</sup>.  
Seats are assigned when money is received.

Contact: Tish Rodrigues (925) 339-3141

**JULY 2018**

**C.C. CAFE**

**JULY 2018**

**Monday**

**Tuesday**

**Wednesday**

**Thursday**

**Friday**

2

3

4

5

6

**NEW NAPIS KICK OFF**

**4TH OF JULY CELEBRATION**

- COLD PLATE**
- Mock Crab Salad
- Chicken & Rice Soup
- Pickled Beets & Onions
- Carrot Raisin Salad
- Lettuce, Tomato & Onion
- French Bread
- \* Mandarin Oranges

- Cheeseburger
- Baked Beans
- Corn on the Cob
- Mixed Green Salad w/Ranch Dressing
- Catsup, Mustard, Mayo Bun
- \* Strawberries



- Creamy Mushroom Chicken over Penne Noodles
- Mixed Vegetables
- Broccoli Florets
- Raspberry Gelatin w/Pears (Diet Raspberry Gelatin w/Pears)

- Stuffed Pepper
- Mushroom Barley Soup
- Spring Bean Medley
- Rice Pilaf
- Tossed Salad w/1000 Island Dressing
- \* Cantaloupe

9

10

11

12

13

- Cheese Tortellini w/Pesto and Parmesan Cheese
- \* California Blend
- Tossed Salad w/Creamy Italian Dressing
- \* Tropical Fruit

- Turkey a la King over a Biscuit
- Sliced Carrots
- \* Spinach Salad w/Balsamic Vinaigrette
- Seasonal Fresh Fruit

- HERCULES BRING A FRIEND DAY**
- Oven Fried Chicken
  - Chicken Orzo Soup
  - Whipped Sweet Potatoes
  - Green Beans w/Onions
  - \* Big Cookie (Fresh Fruit)

- RODEO - HEARING HEALTH PRESENTATION**
- Sweet and Sour Pork over Brown Rice
  - Capri Vegetables
  - Green Peas
  - \* Coleslaw
  - \* Watermelon

- COLD PLATE**
- Summer Shrimp Salad on Lettuce Leaf
  - Corn Chowder
  - \* Broccoli Pasta Salad
  - Whole Wheat Roll w/Butter
  - Lemon Gelatin w/Whipped Topping (Diet Lemon Gelatin)

16

17

18

19

20

- COLD PLATE**
- Curried Chicken Salad on Mixed Greens
  - Lentil Soup
  - Garden Pea Salad
  - Carrot Raisin Salad
  - WW Roll w/Butter
  - \* Citrus Fruit

- CONCORD - HEARING HEALTH PRESENTATION**
- Swedish Meatballs
  - \* Stewed Tomatoes
  - Spring Bean Medley
  - Herb Noodles
  - Ice Cream (Fresh Fruit)

- BAY POINT - HEARING HEALTH PRESENTATION**
- Beer Batter Fish and Chips
  - \* Capri Vegetables
  - \* Pineapple
  - Coleslaw
  - Tartar Sauce, Vinegar
  - \* Cantaloupe

- CROCKETT - HEARING HEALTH PRESENTATION**
- COLD PLATE**
- Corned Beef Sandwich
  - Split Pea Soup
  - Marinated Zucchini Salad
  - Lettuce & Tomato
  - Mustard
  - Rye Bread
  - Tropical Fruit

- Turkey Tamale Pie w/Corn Bread Topping
- Mixed Vegetables
- Pinto Beans
- Mixed Green Salad w/Ranch Dressing
- \* Mandarin Oranges

23

24

25

26

27

- Pork Camitas
- Salsa
- California Blend
- Spanish Rice
- \* Tossed Salad w/1000 Island Dressing
- Tropical Fruit

- COLD PLATE**
- Cobb Salad
  - \* Orange Juice
  - Minestrone Soup
  - Marinated Beets & Onions
  - Blue Cheese Dressing
  - WW Roll w/Butter
  - Sliced Peaches

- WALNUT CREEK - HEARING HEALTH PRESENTATION**
- Spinach & Mushroom Alfredo
  - Pasta w/Parmesan Cheese
  - \* Stewed Tomatoes
  - Italian Vegetables
  - Orange Gelatin w/Mandarins (Diet Orange Gelatin w/Mandarins)

- PITTSBURG - HEARING HEALTH PRESENTATION**
- Southern Style BBQ Chicken
  - Garlic Mashed Potatoes
  - Corn on the Cob
  - Broccoli Florets
  - Banana Pudding (Fresh Fruit)

- CONCORD - COOL KIDS CAMP**
- Beef Sukiyaki
  - Green Beans w/Red Peppers
  - Brown Rice
  - \* Cabbage Salad w/Poppyseed Dressing
  - \* Watermelon

30

31

- Chicken Marsala
- Cauliflower
- Mixed Vegetables
- Buttered Vermicelli Noodles
- Whole Wheat Roll w/Butter
- \* Mandarin Oranges

- Breaded Cod Fish w/Lemon & Tartar Sauce
- Clam Chowder
- Capri Vegetables
- \* Potato Wedges
- \* Pineapple
- Coleslaw
- Tapoca Pudding (Fresh Fruit)

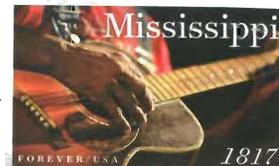


= Item is higher in sodium  
 \* = Vitamin C  
 = Vitamin A  
 ( ) = Dessert of Choice  
 All meals served w/low fat milk.



**DELICIOUS DECISIONS! DON'T FORGET TO STOP BY FOR OUR SPECIAL EVENT MEALS ON JULY 2, 3 AND 11. 4 DAILY ALTERNATE ENTREE CHOICES: CHEESEBURGER, GARDEN BURGER, CHEF'S SALAD OR SEAFOOD LOUIE SALAD!**

\*\*\*\*\* PLEASE CALL THE DAY BEFORE BY NOON TO MAKE A RESERVATION FOR LUNCH! \*\*\*\*\*



### Pittsburg Fifty Plus Club

300 Presidio Lane  
Pittsburg CA 94565  
(925) 439-2135 voicemail

www.pittsburg50plusclub.com  
pitt50plus@gmail.com  
Editor: fifty\_plus\_club@aol.com



### Return Service Requested

Mike McGill, Chairman  
LAFCO  
651 Pine St, 6th Floor  
Martinez CA 94535

94553#1229 0001

### 2018 Executive Board of Directors Elected Officers

- President.....Samuel A Vaughn
- Vice-President.....Mary Ziegler
- Recording Secretary.....Janice Semanick
- Treasurer.....Ron Wilborn
- Financial Secretary.....Benjamin Z Brisjar

### Our Motto

Committed to apply our **WISDOM**, to show  
**COMPASSION** and **GENEROSITY**  
to all members of our Community.

### Appointed Standing Committee Chairs:

- lingo.....Vacant
- Constitution & By-Laws.....Almetta Vaughn
- Educational Scholarship.....lantha Cooper
- Fundraising.....Linda Dotson
- Membership.....Jeannette Stotts
- Newsletter Editor.....Annette Jenkins
- Relay for Life.....Katy Castro
- Sunshine.....Annie Panganiban

### Pittsburg Senior Center Staff

- Recreation Supervisor.....Joy Walker
- Office Assistant.....Vivian Lee
- Office Assistant Aide.....Barbara Lynch
- Maintenance.....Elijah Jones



If you would like to purchase a Club t-shirt or sweatshirt, please contact Meg Goble (925) 768-2790. Indicate the **STYLE**, **SIZE** and **QUANTITY**.

Also see Page 4.

| STYLE                   | S-XL  | 2XL   | 3XL   | 4XL   | 5X    |
|-------------------------|-------|-------|-------|-------|-------|
| (T) T-SHIRT, UNISEX     | 10.00 | 12.00 | 13.00 | 14.00 | 15.00 |
| (C) CREWNECK SWEATSHIRT | 18.00 | 20.00 | 21.00 | 22.00 | 23.00 |
| (P) PULLOVER, HOODIE    | 20.00 | 22.00 | 23.00 | 24.00 | 25.00 |
| (Z) ZIP FRONT, HOODIE   | 23.00 | 25.00 | 26.00 | 27.00 | 28.00 |

Payment: Cash / \*Debit Card / \*Credit Card / Check  
(\*3% surcharge for debit/credit card transactions;  
returned check charge \$12.00)

Sammie Lewis  
175 Clyde Street  
Pittsburg, California 94565  
September 6, 2018



Lou Ann Texeira  
Contra Costa LAFCO  
651 Pine Street 6<sup>th</sup> Floor  
Martinez California 94553

Dear Executive Officer:

I--Sammie Lewis is The Assistant Coordinator of The Greater Faith Food Pantry in Pittsburg, California. If you dissolve the Los Medanos Community Healthcare District many people will suffer and many beneficial programs will not be available to the most needy people in our Community such as:

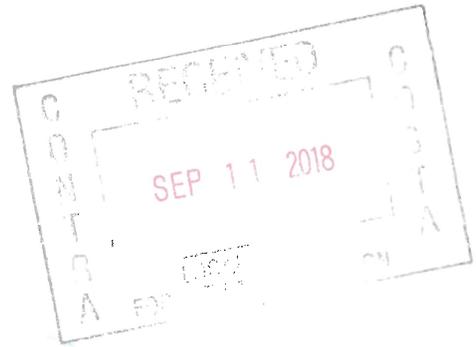
1. Greater Faith Food Pantry where we provide the community with a three-day food package for a family of four every second and fourth Saturday of the month and emergency food is provided if needed. We now serve 1800 households and 7200 individuals. These people would not have any place to go most of them walk to pick up supplies. We serve all those who are in need.
2. Other needed Programs would suffer also: The Student Eye Glasses; (Vision Care) The community Out Reach and The Community Garden; Violence Prevention Programs; Anti-Bullying Programs and many more.

Please consider all these very needed programs when you are considering dissolving the LMCHD Programs.

Sincerely

Sammie Lewis,  
Greater Faith Food Pantry,  
Assistant Coordinator

NUNLEY'S KARATE-DO  
760 RAILROAD AVENUE  
PITTSBURG, CA 94565  
925-628-8454



September 7, 2018

Chairman Mike McGill  
Members of the Commission  
651 Pine Street, 6th. Floor  
Martinez, Ca 94553

To LAFCO Commissioners:

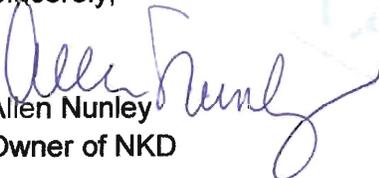
This is a formal letter to appeal the decision to dissolve Los Medanos Community Healthcare District (LMCHD) Nunley's Karate-Do have only been working with LMCHD for just a short time, but within that time we has accomplished a lot together. LMCHD has granted NKD funds to help out with a new flooring of the new facility and stipend 20 kids for our summer program.

In the summer program we were able to teach the youth a number of programs, the students managed to achieve discipline, courtesy, integrity, perseverance, self control, increased confidence, leadership skills, accountability, self empowerment, fitness endurance and improving overall life skills.

This year LMCHD scholarship program will help send 4 youth students of Nunley's Karate-Do (NKD) to the World Kickboxing Championships in Palazzo Del Turismo Jesolo, Venice - Italy to represent the United States for the gold medals. These kids trained and worked very hard, "ALL" season long to make this huge accomplishment, because of programs like LMCHD, this wouldn't have been possible for 4 inter-city kids of Pittsburg to represent their country.

On behalf of Nunley's Karate-Do (NKD) I'm asking that you reconsider your opinion to dissolve Los Medanos Community Healthcare District (LMCHD).

Sincerely,

  
Allen Nunley  
Owner of NKD

August 31, 2018

Certified Letter

Local Agency Formation Commission (LAFCO)

Chairman Michael McGill and

Members of the Commission

651 Pine Street, Sixth Floor

Martinez, CA. 94553



**“Judge not.... Let me pull out the mote (small particle) out of thine eye and, behold, a beam is in thine own eye....) Matthew 7:1-5**

**I oppose dissolution of the Los Medanos Community Healthcare District.**

**Introduction**

I am Charles D. Smith, a citizen of Pittsburg, California for over 58 years, a veteran of the Vietnam conflict and now at the age of 70, a semi active political and environmental advocate. I am also one the organic gardeners at the Hospital site.

**My experiences and training in Environmental Health and Safety issues gives me reason to believe I can also understand best/better grass roots community healthcare needs.** I have worked with regulatory agencies such as EPA (CWA, CAA, Air Toxics, TSCA, RCRA, and SARA), BAAQMD, EBMUD, DOT and other Regional Control Boards.

I was once appointed as the City of Pittsburg trustee to the County’s Mosquito and Vector Control Board. That was a very short appointment of about one month. After a heated discussion with the former City Manager, I resigned. Lesson learned: appointees are supposed to follow the flow. My other county connection was a minor writing contributor and planning group participant for the development of the “Kirker Creek Watershed Management Plan, January 2004”.

The Los Medanos Community Health Care District (LMCHD) must remain an independent special district. The County’s actions are a forced takeover.

## **Background**

In an almost criminal action, the county of Contra Costa has filed a request with LAFCO to dissolve LMCHD. The County also engaged the county Grand Jury to issue a report supporting the County's weak rationale. This may be an attempt to either (1) gain leverage during contract negotiations (2) extract funds or commitment to county related programs. The county has filed papers for dissolving the district and pirating a valuable Pittsburg citizens' assets primarily a five story hospital and a large parcel of land.

LAFCO reviewed a prejudiced lengthy document (MSR) which mixed apples and oranges in its version of documenting LMCHD operations. There were a couple of very fixable items. But nothing serious such as mismanagement of funds. The MSR report also failed to document LMCHD actual collaborations with others.

I have since learned that LAFCO issued a more concise and directed report. I apologize for not having read that report. However, I write to oppose any actions dissolving the district or binding the district to any formalized financial relationships or considerations except as required by law.

A Grand Jury (county appointees) without legal standing added its flawed misunderstanding by calling for dissolution. But this report almost makes the case for LMCHD. Please note from the Grand Jury Report 1802:

### ***"Growth and population projection***

***Chronic diseases are linked to income, education and ethnicity and are thus more prevalent in ... communities of color. Because of the rapid growth of these communities, preventative healthcare programs are important ...." (GJR)***

**This is the focus of the Los Medanos Community Health Care District.**

It is proper and consistent with past Federal actions that due to their socioeconomic status, Pittsburg and Richmond are underserved and deserve focused attention. The county's programs are not and have not been focused on communities of color. One GJR recommendation was that LMCHD should collaborate with the county's Stop Smoking program. **72% of all tobacco sales are in the communities of color.** LMCHD should not be forced to function outside of its focus.

The GJR also looked at mortality rates. Not surprising, people of color in the LMCHD district lived shorter lives than the county' rate. People with money usually visit their physicians and specialists regularly. People without funds oft times become county patients. Finally, people living in healthy communities live longer lives. Pittsburg/Bay Point communities are not environmental healthy communities.

### **Fact Check**

Does the county's actions represent the concerns of the district or needs of people of color?

- The county is leasing the hospital building from LMCHD and pays about \$0.06/sf. That is about as **collaborative** (short of free), a corporate agency can be.
- To get that deal, the county promised **to include an Emergency Station in its operations**. Pittsburg remains a city without an emergency room.
- The county (which appointed the grand jury) has shown serious a serious lack of oversight; paying a fraudulent employee over \$900,000 until she was caught. There is little excuse for this dereliction to duty. Yet they are to become our successor agency.
- The County clinic operations has had serious health violations. Most recently, leading to a fine and reduction in Medicare funding.
- The GJR Methodology/investigation is absent one element. The affected community was not consulted. This not an investigation; it should be labeled a five year one side observation.

### **Discussions**

Environmental impacts create the need for a special district.

- Does Alamo have/once had a cannery? Antioch did.
- Does Dublin or Discovery Bay have a Dow Chemical?
- Other than Richmond and Martinez, who has refineries?
- Does San Ramon have a closed Crown Zellerbach?

- Are all oil storage tanks at the non-operating PG&E plant empty?
- Which city once had a thriving Asbestos plant.
- Which cities had a cannery?
- Does Pleasant Hill have a PG&E power plant?
- Only one city has steel mill.
- What can be noted as environmentally impacting Walnut Creek or Orinda?
- How many Chemical Plants have been/are located near the river?
- Why is railroad traffic located near the river?
- Which area/city have a landfill?
- Which city has a transfer/storage (TS) waste storage facility?
- Do all cities have a TS facility?
- 75% of last year Keller Canyon grants was spent in Bay Point, the bulk going to CCC Sheriff Office
- Pittsburg spends most of its Keller Canyon funds on Police programs

### **Industry and the Environment**

For the LMCHD, the impact of past and current industrial operations have only been partially determined. John Manville and its asbestos operations have ceased, but has its past effluent releases been fully contained?

DuPont operates under permitted conditions. This mean a regulated amount of pollutant release is ok. All facilities needing permits are potential polluters. Pittsburg's PG&E operations are legendary for regular releases in the community. PG&E would routinely issue funds for car washes. The City of Pittsburg would issue sand bags during heavy rains for the Carpino/ St. Mark Church area. Uncovered large piles of coal material for shipment to Korea was common for many years at the Pittsburg waterfront. Occasionally, large heaps of landfill are noted at some construction sites.

The Northern shoreline of the river, once called the 17 mile run (Pittsburg to Richmond) is still home to a variety of light/heavy industry. Environmental degradation is mainly manifested in "bad air" conditions. So I do not find it strange that over 90% of emergency rooms visits by area residents are related to respiratory problems. Emergency facilities are not available in Pittsburg.

Belatedly, the BAAQMD has installed an (1) air sampling station at the LMCHD garden area. Because of its siting, I find this single source data collection site inadequate. Area meteorology and distance to any problematic or potential air pollution source makes its value debatable.

The county has many environmental health programs, some of which require permits. I am unsure of its Air Toxics focus.

### **Not In My Back Yard (Nimby hits Pittsburg/Point)**

The citizens of Pittsburg/Bay Point have been besieged by undesirable and unhealthy environmental projects pushed by the county. The latest was WesPac. The county needed a dump site. No other city wanted a landfill; Pittsburg/Bay Point got Keller Canyon. The city and county got millions \$. Environmental health considerations are not a county focus. Keller Canyon mitigation money to District 5 funds county safety efforts and beefs up the Sheriff's office.

### **Lesson Learned**

However, there has been much gained through this affair. The healthcare district realized its true value and worth in this community. Although it has not held press conferences or photo shoot occasions, it has learned the importance of district wide communication and touting its own horn. An unencumbered board can move forward on active projects/issues not covered by the county.

### **Conclusion**

The citizenry of Pittsburg/Bay Point need direct access to all governing bodies. Taxation without representation is unconstitutional. The voting public of the district should prevail over appointees. The Los Medanos Community Health Care District is on the verge of becoming a major cultural, political, environmental and community health part of Pittsburg. **Therefore, LMCHD must be allowed to flourish as an elected entity in this city.**

Sincerely, 

Charles D. Smith (Retired) Environmental Staff Scientist

Department of Energy /University of California Regents

Lawrence Berkeley National Lab

CC: Bay Area Air Quality Management District  
Bay Point Municipal Advisory Committee  
CA, Department of Public Health  
CA. Toxic Substances Control  
Center for Disease Control  
Contra Costa County Board of Supervisors  
East Bay Contra Costa Times  
Kaiser Hospitals  
City Council of Pittsburg  
Los Medanos Community Health Care District  
State Controller Office  
TBD



Lou Ann Texeira  
*Executive Officer*

**MEMBERS**

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

**ALTERNATE MEMBERS**

Diane Burgis  
*County Member*  
 Tom Butt  
*City Member*  
 Stanley Caldwell  
*Special District Member*  
 Charles R. Lewis, IV  
*Public Member*

September 12, 2018  
 Agenda Item 9

September 12, 2018

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

**Legislative Report - Update and Position Letters**

Dear Members of the Commission:

This year, CALAFCO is sponsoring two bills including **AB 3254** (Assembly Local Government Committee), the annual omnibus bill; and **AB 2258** (Caballero), which would provide one-time grant funding to LAFCOs to prepare reorganization studies in response to the 2017 Little Hoover Commission report relating to special districts. The status of these and other bills of interest to LAFCO is summarized below. See the CALAFCO Legislative Report for details (Attachment 1).

**Chaptered Bills**

- **AB 2600** (Flora) Regional Park & Open Space Districts – changes formation process for regional park & open space districts to coincide with formation of all other districts.  
*CALAFCO Support*
- **AB 3254** (Assembly Committee on Local Government) – annual CALAFCO omnibus bill  
*CALAFCO Support*
- **SB 1496, SB 1497, SB 1499** (Senate Committee on Governance and Finance) – Validations  
*CALAFCO Support*
- **SB 522** (Glazer) – West Contra Costa Healthcare District – allows for an appointed Board  
*CALAFCO Watch*

**Enrolled Bills**

- **AB 2258** – (Caballero) – Local agency formation commissions: grant program  
*CALAFCO Support*
- **AB 2050** (Caballero) – Small Water Systems – small water system reorganizations  
*CALAFCO Support*
- **AB 1889** (Caballero) – Santa Clara Valley Water District – special tax provisions  
*CALAFCO Watch*
- **AB 2019** (Aguilar-Curry) – Healthcare Districts – new website requirements  
*CALAFCO Watch*

- **AB 2179** (Gipson) – Municipal Corporations: Public Utility Service: Water and Sewer Service – Alternative procedures to lease, sell or transfer sewer service  
*CALAFCO Watch*
- **AB 2339** (Gipson) – Water Utility Service: Sale of Water Utility Property by a City - would authorize three cities to sell their public utility (water) for the purpose of consolidating under specific conditions  
*CALAFCO Watch*
- **SB 929** (McGuire) - Special Districts: Internet Websites - new website requirements  
*CALAFCO Support*
- **SB 1498** (Senate Committee on Governance and Finance) – new requirements for gender neutral city employee designations  
*CALAFCO Watch*

On September 2<sup>nd</sup>, CALAFCO issued an urgent call for legislative action requesting that each LAFCO send letters urging the Governor to sign **AB 2258**. This bill establishes a funding program to provide grants to LAFCOs for conducting in-depth studies and analyses of local government agencies and services for the purpose of creating efficiencies and dissolving inactive districts (see Attachment 2 – LAFCO letter of support).

Contra Costa LAFCO’s legislative policy provides our LAFCO with flexibility to respond to urgent legislation that affects LAFCO. Specifically, the policy provides that in *“situations when proposed legislation affecting LAFCO cannot be considered by the full Commission due to timing, the Executive Officer, in consultation with the LAFCO Chair (or Vice Chair in the absence of the Chair), is authorized to provide written or email comments communicating the Commission’s position if the position is consistent with the adopted legislative policies of the Commission. The Chair or Vice Chair would review the letter or email prior to it being submitted. The Executive Officer will forward the email or letter to the Commission as soon as possible. The item will be placed on the next regular LAFCO meeting agenda as either “informational” or for discussion purposes.”*

In response to CALAFCO’s request, and in accordance with the Commission’s policy, a letter of support for **AB 2258** was sent on September 4, 2018.

**RECOMMENDATION** – Receive legislative update.

Sincerely,

LOU ANN TEXEIRA  
EXECUTIVE OFFICER

Attachment 1 - CALAFCO Legislative Update – September 5, 2018  
Attachment 2 - Letter of Support - AB 2258

## CALAFCO Daily Legislative Report as of Wednesday, September 05, 2018

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 1
 

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

**Current Text:** Enrolled: 8/29/2018 [html](#) [pdf](#)

**Introduced:** 2/6/2018

**Last Amended:** 8/6/2018

**Status:** 8/27/2018-Senate amendments concurred in. To Engrossing and Enrolling.

| 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, for 4 consecutive quarters, with one or more state or federal primary drinking water standard maximum contaminant levels as of December 31, 2018, as specified.

**Attachments:**

[CALAFCO Support Letter June 2018](#)

**Position:** Support

**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.

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

**Current Text:** Enrolled: 9/4/2018 [html](#) [pdf](#)

**Introduced:** 2/13/2018

**Last Amended:** 8/24/2018

**Status:** 8/30/2018-Senate amendments concurred in. To Engrossing and Enrolling.

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

**Summary:**

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 provides the authority and procedures for the initiation, conduct, and completion of changes of organization and reorganization of cities and districts. The act 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, per capita assessed valuation and the proposal's consistency with city or county general and specific plans This bill would require the commission to consider the assessed valuation rather than per capita assessed valuation.

**Attachments:**

[CALAFCO Support Letter May 2018](#)

**Position:** Support

**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:** Enrolled: 9/4/2018 [html](#) [pdf](#)

**Introduced:** 2/13/2018

**Last Amended:** 8/24/2018

**Status:** 8/30/2018-Senate amendments concurred in. To Engrossing and Enrolling.

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

**Summary:**

Would require the Strategic Growth Council, until July 31, 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 to a disadvantaged community, as defined, and for other specified purposes, including the initiation of an action, as defined, that is limited to service providers serving a disadvantaged community and is 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. The Strategic Growth Council (SGC) will 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 July 31, 2024.

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 Section 11221 of the Elections code, which is a tiered approach based on registered voters in the affected territory (from 30% down to 10% depending).

Amendments taken in Senate Governance & Finance and Natural Resources & Water narrow the scope of the bill to focus on service providers serving disadvantaged communities; requires LAFCo pay back grant funds in their entirety if the study is not completed within two years; and requires the SGC to give preference to LAFCos whose decisions have been aligned with the goals of sustainable communities strategies.

Recent amendments remove the fiscal portion of the bill, which was \$1.5 million over 5 years. The bill is now based on an appropriation in the annual Budget Act. CALAFCO will attempt again next year to get the funding into the budget. The grant program will be in place pending the funding.

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

**Current Text:** Chaptered: 8/28/2018 [html](#) [pdf](#)

**Introduced:** 2/15/2018

**Last Amended:** 6/26/2018

**Status:** 8/27/2018-Approved by the Governor. Chaptered by Secretary of State - Chapter 218, Statutes of 2018.

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

**Summary:**

Current law authorizes proceedings for the formation of a regional park, park and open-space, or open-space district to be initiated pursuant to a petition signed by at least 5,000 electors residing within the proposed district territory and presented to the county board of supervisors, as specified. Existing law also authorizes proceedings for district formation in specified counties to be initiated by resolution of the county board of supervisors adopted after a noticed hearing, and specifies the contents of the resolution. This bill would, in lieu of the petition described above, 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.

**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 (not to replace but in addition to existing process) 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:** Chaptered: 7/9/2018 [html](#) [pdf](#)

**Introduced:** 3/14/2018

**Last Amended:** 5/17/2018

**Status:** 7/9/2018-Approved by the Governor. Chaptered by Secretary of State - Chapter 86, Statutes of 2018.

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

**Summary:**

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (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:**

[Request Governor Signature\\_June 2018](#)

[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: 8/24/2018 [html](#) [pdf](#)

**Introduced:** 2/15/2018

**Last Amended:** 8/24/2018

**Status:** 8/31/2018-Assembly amendments concurred in. (Ayes 29. Noes 10.) Ordered to engrossing and enrolling.

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

**Summary:**

The Porter-Cologne Water Quality Control Act requires each California regional water quality control board to adopt water quality control plans and to establish water quality objectives in those plans, considering certain factors, to ensure the reasonable protection of beneficial uses and the prevention of nuisance. would, except as provided, authorize the regional 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 regional board to require a special district, city, or county to provide sewer service, this bill would impose a state-mandated local program.

**Attachments:**

[CALAFCO Coalition Oppose Floor Alert\\_August 2018](#)

**Position:** Oppose

**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. However, the bill allows for an extension up to 3 miles with no requirements for annexation of the territory; does not provide a definitive source of funding; does not require those will failing systems to connect to the new system; and charges opt-out fees to those who do not.

CALAFCO attempted to work with the author's office on the primary issues of annexation and the allowable extension limit, but were unsuccessful in securing those amendments. As a result, we joined with CASA, CSDA, CSCA, RCRC and the League to oppose.

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

**Current Text:** Chaptered: 6/1/2018 [html](#) [pdf](#)

**Introduced:** 3/1/2018

**Status:** 6/1/2018-Approved by the Governor. Chaptered by Secretary of State. Chapter 23, Statutes of 2018.

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

**Summary:**

This bill would enact the Second Validating Act of 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

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

**Current Text:** Chaptered: 6/1/2018 [html](#) [pdf](#)

**Introduced:** 3/1/2018

**Status:** 6/1/2018-Approved by the Governor. Chaptered by Secretary of State. Chapter 24, Statutes of 2018.

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

**Summary:**

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

**Attachments:**

[CALAFCO Support March 2018](#)

**Position:** Support

**Subject:** LAFCo Administration

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

**Current Text:** Chaptered: 6/1/2018 [html](#) [pdf](#)

**Introduced:** 3/1/2018

**Status:** 6/1/2018-Approved by the Governor. Chaptered by Secretary of State. Chapter 25, Statutes of 2018.

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

**Summary:**

This bill would enact the Third Validating Act of 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:** 5/25/2018-Failed Deadline pursuant to Rule 61(b)(8). (Last location was A. APPR. SUSPENSE FILE on 5/2/2018)

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

**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.

**Attachments:**

[CALAFCO Support Letter May 2018](#)

**Position:** Support

**Subject:** Tax Allocation

**CALAFCO Comments:** Sponsored by the League, this bill would have reinstated 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:** 5/25/2018-Failed Deadline pursuant to Rule 61(b)(8). (Last location was A. APPR. SUSPENSE FILE on 4/25/2018)

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

**Summary:**

Would establish a separate vehicle license fee adjustment amount for a city incorporating after January 1, 2012, 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 would have reinstated ERAF funding for cities incorporating after 2017.

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

**Current Text:** Enrollment: 8/31/2018 [html](#) [pdf](#)

**Introduced:** 2/14/2018

**Last Amended:** 8/24/2018

**Status:** 8/31/2018-Re-referred to Com. on E.S. & T.M. pursuant to Assembly Rule 77.2. Joint Rule 62(a), file notice suspended. From committee: That the Senate amendments be concurred in. (Ayes 6. Noes 1.) (August 31). Senate amendments concurred in. To Engrossing and Enrolling.

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

**Summary:**

The California Safe Drinking Water Act requires the State Water Resources Control Board, before ordering consolidation or extension of service, to fulfill certain requirements, including, among other things, to hold a public meeting, and to establish a reasonable deadline, as prescribed, for a potentially receiving water system and a potentially subsumed water system to negotiate consolidation or another means of providing an adequate supply of affordable, safe drinking water. The act requires the state board to conduct a public hearing at the expiration of the reasonable deadline, as specified. This bill would revise and recast these provisions.

**Position:** Watch With Concerns

**Subject:** Disadvantaged Communities, Water

**[AB 1577](#) (Gipson D) California Safe Drinking Water Act: Sativa-Los Angeles County Water District.**

**Current Text:** Enrollment: 8/31/2018 [html](#) [pdf](#)

**Introduced:** 2/17/2017

**Last Amended:** 8/24/2018

**Status:** 8/31/2018-Read third time. Urgency clause adopted. Passed. Ordered to the Assembly. In Assembly. Concurrence in Senate amendments pending. Re-referred to Com. on L. GOV. pursuant to Assembly Rule 77.2. Joint Rule 62(a), file notice suspended. From committee: That the Senate amendments be concurred in. (Ayes 9. Noes 0.) (August 31). Urgency clause adopted. Senate amendments concurred in. To Engrossing and Enrolling.

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

**Summary:**

The California Safe Drinking Water Act provides for the operation of public water systems and imposes on the State Water Resources Control Board various responsibilities and duties. The act authorizes the state board to order consolidation with a receiving water system where a public water system or a state small water system, serving a disadvantaged community, consistently fails to provide an adequate supply of safe drinking water. This bill would require the state board to order the Sativa-Los Angeles County Water District to accept administrative and managerial services, including full management and control, from an administrator selected by the state board.

**Attachments:**

[CALAFCO Support Letter June 2018](#)

**Position:** Support  
**Subject:** Disincorporation/dissolution, Water

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

**Current Text:** Enrollment: 8/24/2018 [html](#) [pdf](#)

**Introduced:** 1/18/2018

**Last Amended:** 7/3/2018

**Status:** 8/24/2018-Enrolled and presented to the Governor at 4:30 p.m.

|           |        |        |       |           |        |        |       |             |                 |               |                  |
|-----------|--------|--------|-------|-----------|--------|--------|-------|-------------|-----------------|---------------|------------------|
| Desk      | Policy | Fiscal | Floor | Desk      | Policy | Fiscal | Floor | Conf. Conc. | <b>Enrolled</b> | <b>Vetoed</b> | <b>Chaptered</b> |
| 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 (Aguiar-Curry D) Health care districts.**

**Current Text:** Enrollment: 8/28/2018 [html](#) [pdf](#)

**Introduced:** 2/5/2018

**Last Amended:** 8/15/2018

**Status:** 8/28/2018-Enrolled and presented to the Governor at 3 p.m.

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

**Summary:**

The Local Health Care District Law provides for local health care districts that govern certain health care facilities. Each health care district has a board of directors with specific duties and powers respecting the creation, administration, and maintenance of the district. Current law requires the board of directors to establish and maintain an Internet Web site that may include specified information, such as a list of current board members and recipients of grant funding or assistance provided by the district, if any, and to adopt annual policies for providing assistance or grant funding, as specified. This bill would require the board of directors to include specified information, such as the district's policy for providing assistance or grant funding, on the district's Internet Web site.

**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:** Enrolled: 8/29/2018 [html](#) [pdf](#)

**Introduced:** 2/12/2018

**Last Amended:** 8/15/2018

**Status:** 8/28/2018-Senate amendments concurred in. To Engrossing and Enrolling.

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

**Summary:**

Current law authorizes a municipal corporation to sell or dispose of any public utility it owns. Current law requires that a resolution authorizing the sale of a public utility be passed by 2/3 of the members of the legislative body of the municipal corporation and be passed by a 2/3 vote of all voters voting at an election to authorize the sale in the ordinance calling the election. Current law establishes an alternative procedure whereby a municipal corporation can lease, sell, or transfer that portion of a water utility used for furnishing water service outside the boundaries of the municipal corporation. This bill would additionally 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:** 8/31/2018-Ordered to inactive file at the request of Senator Monning.

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

**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:** Enrolled: 8/29/2018 [html](#) [pdf](#)

**Introduced:** 2/13/2018

**Last Amended:** 8/15/2018

**Status:** 8/28/2018-Senate amendments concurred in. To Engrossing and Enrolling.

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

**Summary:**

Would authorize the City of El Monte, the City of Montebello, and the City of Willows, until January 1, 2022, to sell its public utility for furnishing water service 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:** Chaptered: 7/18/2018 [html](#) [pdf](#)

**Introduced:** 2/16/2017

**Last Amended:** 1/3/2018

**Status:** 7/18/2018-Approved by the Governor. Chaptered by Secretary of State. Chapter 133, Statutes of 2018.

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

**Summary:**

Current law provides for the formation of local health care districts and specifies district powers. Under existing law, the elective officers of a local health care district consist of a board of

hospital directors consisting of 5 members, each of whom is required to be a registered voter residing in the district and whose term shall be 4 years, except as specified. This bill would dissolve the existing elected board of directors of the West Contra Costa Healthcare District, effective January 1, 2019, and would require the Board of Supervisors of the County of Contra Costa, at its election, to either serve as the district board or appoint a district board, as specified.

**Position:** Watch  
**Subject:** Special Districts Governance

**SB 561 (Gaines R) Fallen Leaf Lake Community Services District: State audit.**

**Current Text:** Amended: 6/26/2018 [html](#) [pdf](#)  
**Introduced:** 2/17/2017  
**Last Amended:** 6/26/2018  
**Status:** 8/17/2018-Failed Deadline pursuant to Rule 61(b)(15). (Last location was A. APPR. on 6/28/2018)

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

**Summary:**

Current law requires the county auditor to either perform an audit, or contract with a certified public accountant or public accountant to perform an audit, of the accounts and records of every special district within the county, as specified. Current law authorizes a special district, by unanimous request of its governing board and unanimous approval by the board of supervisors, to replace the annual audit with an audit over a longer period of time or with a financial review, as specified. This bill would require, by August 1, 2019, the California State Auditor to complete an audit of the Fallen Leaf Lake Community Services District that includes, among other things, an analysis of the district’s financial condition and ongoing financial viability.

**Position:** Watch  
**Subject:** Special Districts Governance

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

**Current Text:** Amended: 8/21/2017 [html](#) [pdf](#)  
**Introduced:** 2/17/2017  
**Last Amended:** 8/21/2017  
**Status:** 9/1/2017-From committee: Without recommendation. (Ayes 11. Noes 0.) (September 1) Re-referred to Com. on RLS.

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

**Summary:**

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

**Position:** Watch  
**Subject:** Water

**SB 778 (Hertzberg D) Water systems: consolidations: administrative and managerial services.**

**Current Text:** Amended: 7/13/2017 [html](#) [pdf](#)  
**Introduced:** 2/17/2017  
**Last Amended:** 7/13/2017  
**Status:** 8/17/2018-Failed Deadline pursuant to Rule 61(b)(15). (Last location was A. 2 YEAR on 9/1/2017)

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

**Summary:**

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

**Position:** Watch  
**Subject:** Municipal Services

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

**Current Text:** Enrollment: 8/28/2018 [html](#) [pdf](#)

**Introduced:** 1/25/2018

**Last Amended:** 8/16/2018

**Status:** 8/28/2018-Enrolled and presented to the Governor at 3:30 p.m.

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

**Summary:**

The California Public Records Act requires a local agency to make public records available for inspection and allows a local agency to comply by posting the record on its Internet Web site and directing a member of the public to the Internet 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.

**Attachments:**  
[CALAFCO Support letter May 2018](#)

**Position:** Support

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

**Current Text:** Enrollment: 8/30/2018 [html](#) [pdf](#)

**Introduced:** 3/1/2018

**Last Amended:** 8/6/2018

**Status:** 8/30/2018-Enrolled and presented to the Governor at 5 p.m.

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

**Summary:**

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

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

Total Measures: 24  
 Total Tracking Forms: 24

9/5/2018 10:35:29 AM

## 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 Teixeira  
Executive Officer

## MEMBERS

Candace Andersen  
County Member

Donald A. Blubaugh  
Public Member

Federal Glover  
County Member

Michael R. McGill  
Special District Member

Rob Schroder  
City Member

Igor Skaredoff  
Special District Member

Don Tatzin  
City Member

## ALTERNATE MEMBERS

Diane Burgis  
County Member

Tom Butt  
City Member

Stanley Caldwell  
Special District Member

Charles R. Lewis, IV  
Public Member

September 4, 2018

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

Re: **AB 2258** (Caballero): Local agency formation commissions: grant program  
Request for Signature

Dear Governor Brown:

The Contra Costa Local Agency Formation Commission (LAFCO) joins the California Association for Local Agency Formation Commissions (CALAFCO) in respectfully **requesting your signature on Assembly Bill 2258** by Assembly Member Anna Caballero. Sponsored by CALAFCO, **AB 2258** establishes a grant program administered by the Strategic Growth Council for California's 58 LAFCOs to provide grants to LAFCOs to address known service and governance concerns in disadvantaged communities.

The five-year grant funding program provides financial assistance to conduct studies and analyses of local government agencies and services serving disadvantaged communities for the purposes of creating improved efficiencies in the delivery of services and to complete the process to terminate inactive special districts. The bill authorizes the grant program for a limited time period, upon appropriation in the annual Budget Act and sunsets July 31, 2024.

LAFCOs are responsible for meeting important statutory directives to maintain orderly boundaries and seek greater efficiencies in delivering local services, and yet these directives often cannot be consistently met under current funding mechanisms. As a result, much-needed LAFCO actions are sometimes delayed or rejected due to lack of funds. In fact, an August 2017 Little Hoover Commission report on special districts outlined these concerns about LAFCOs and recommended the Legislature consider one-time grant funding to help fund specified activities, suggesting a small amount of funding could save taxpayers money in the long-term if local government services are streamlined and efficiency is improved.

This year, Contra Costa LAFCO initiated and dissolved two independent special districts which were inactive – the Rollingwood Wilart Park Recreation & Park District and Reclamation District 2121

(Bixler Tract). Both of these districts supported dissolution. On September 12<sup>th</sup>, Contra Costa LAFCO will consider dissolving a third independent special district – the Los Medanos Community Healthcare District. This proposal was initiated by Contra Costa County. Two of the three dissolution proposals involve disadvantaged communities.

It is sometimes necessary to dissolve local agencies, particularly if they are inactive, have outlived their usefulness, or if it will result in service and fiscal efficiencies as noted in the Little Hoover Commission report. The time and resources involved in dissolving special districts is significant. **AB 2258** would provide much needed funding to facilitate the necessary LAFCO actions.

**AB 2258** establishes a grant program – contingent upon an appropriation in a future budget – administered by the Strategic Growth Council, to provide LAFCOs with funding to initiate and complete dissolution of inactive districts as identified by the State Controller’s Office, prepare special studies, and potentially initiate actions based on determinations contained in the study. The program includes specific eligible activities, limited to services provided in disadvantaged communities, and a requirement to report to the Strategic Growth Council as to the use of grant funds.

Through **AB 2258**, LAFCOs and service providers can work together to create greater efficiencies in the provision of sustainable municipal services, focusing on disadvantaged communities throughout California, by directing much needed resources to these areas.

We respectfully request your signature on **AB 2258** when it comes before you for action. Please don’t hesitate to reach out with questions or concerns.

Sincerely,



Michael R. McGill, Chair  
Contra Costa LAFCO

cc: The Honorable Anna Caballero, California State Assembly  
The Honorable Tim Grayson, co-author, California State Assembly  
The Honorable Robert Hertzberg, co-author, California State Senate  
Mr. Tom Dyer, Chief Deputy Legislative Secretary to the Governor  
Ms. Pamela Miller, CALAFCO Executive Director  
Each Commissioner, Contra Costa LAFCO



## ***MEMORANDUM***

September 12, 2018  
Agenda Item 10

Date: August 13, 2018  
To: Participating Employers  
From: Gail Strohl, Chief Executive Officer  
Subject: August 22, 2018 Board Meeting

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This week, you will be receiving the agenda for the Retirement Board meeting on August 22, 2018. Of particular importance, Segal Consulting will present the results of the annual *Actuarial Valuation and Review as of December 31, 2017* starting at 1PM. The report will include proposed employer and member contribution rates for the period July 1, 2019 through June 30, 2020.

Beginning August 17, 2018, hard copies will be available for participating employers to pick up in the CCCERA office. Copies of the full valuation report will also be available on CCCERA's website at [www.cccera.org](http://www.cccera.org).

This is an opportunity for all interested parties, including staff and Boards of our participating employers, to learn more about the actuarial process. Segal Consulting will present their findings and answer questions regarding the valuation.

You are invited to attend this meeting, ask questions and learn more about this important information.





## AGENDA

### RETIREMENT BOARD MEETING

SECOND MONTHLY MEETING  
August 22, 2018  
9:00 a.m.

Retirement Board Conference Room  
The Willows Office Park  
1355 Willow Way, Suite 221  
Concord, California

THE RETIREMENT BOARD MAY DISCUSS AND TAKE ACTION ON THE FOLLOWING:

1. Pledge of Allegiance.
2. Accept comments from the public.
3. Approve minutes from the July 25, 2018 and August 8, 2018 meetings.

#### ***CLOSED SESSION***

4. The Board will go into closed session pursuant to Govt. Code Section 54957 to consider the disability application for Rebecca Halvorson.
5. The Board will continue in closed session pursuant to Govt. Code Section 54956.9(d)(1) to confer with legal counsel regarding pending litigation:
  - a. *Contra Costa County Deputy Sheriffs Association, et al., v. Board of Retirement of CCCERA, et al.*, Supreme Court of the State of California, Case No. S247095
  - b. *Wilmot v. CCCERA, et al*, Court of Appeal, Case No. A15200
  - c. *Nowicki v. CCCERA, et al.*, Contra Costa County Superior Court, Case No. C17-01266
  - d. *Batis v. CCCERA, et al.*, Contra Costa County Superior Court, Case No. N18-0553

#### ***OPEN SESSION***

6. Consider and take possible action regarding non-service connected disability retirement allowance of deceased member James Ozment.
7. Review of total portfolio performance for period ending June 30, 2018.
  - a. Presentation from Verus
  - b. Presentation from staff
8. Review of portfolio rebalancing report.
9. Presentation from staff and Invesco regarding a potential commitment to Invesco Real Estate.

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

10. Consider and take possible action regarding a commitment to Invesco Real Estate.
11. Presentation from Segal regarding the December 31, 2017 Valuation Report.
12. Consider and take possible action to revise Attachment B of the Board of Retirement Resolution 2018-1 providing health plan monthly premium subsidies for unrepresented employees of CCCERA effective January 1, 2019.
13. Consider authorizing the attendance of Board:
  - a. SACRS Fall Conference, November 13-16, 2018, Indian Wells, CA.
14. Miscellaneous
  - a. Staff Report
  - b. Outside Professionals' Report
  - c. Trustees' comments

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

**CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
PENDING PROPOSALS – September 12, 2018**

September 12, 2018  
Agenda Item 12a

| 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 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. 18-11 – Spinnaker Cove Waterline Extension Annexation to Contra Costa Water District                                                                                                                                                                  | July 2018 | Under review                                              |

# **Hospital district moves toward long-term acute care and urgent care, closure of ER**

- By E.I. Hillin Staff Writer e.hillin@sonomawest.com
- Aug 7, 2018 Updated **Aug 7, 2018**

## **Singh looked to as district's 'Hail Mary'**

Palm Drive Health Care District board members voted unanimously to move forward with negotiations to transition the hospital from general acute care with an emergency room to a long term acute care with an urgent care facility.

"I do think Dr. Singh (American Advanced Management Group, Inc.) represents a possible success for this place," said Dennis Colthurst, PDHCD board president.

With a pledge to keep the hospital open, while keeping current hospital staff employed, providing urgent care, providing outpatient surgery and keeping the radiology, ICU and lab open the board was overwhelmingly in agreement with approval of AAMG's plan of action.

"I just think to me it represents the 'Hail Mary' if you will," Colthurst said. "And you have a history of winning."

In the crowded three-hour-long joint meeting of the PDHCD governing body and board of directors, two proposals were heard and questioned. Dr. Gurpreet Singh, AAMG President and his staff, including Chief Executive Officer Gia Smith, presented their business plan while being grilled with questions from the public, the district boards and SWMC staff.

The main objection voiced from the board was AAMG's lack of interest in keeping the hospital's emergency room open. Singh commented on his historical research done on the district's financial failures and called the hospital a "parasite" on the community. He said an emergency room does not work for the hospital.

According to AAMG's presentation, long term acute care (LTAC) facilities are primarily for chronically, critically ill patients, many on ventilators or undergoing extensive wound care, and serves them with treatment and rehabilitation. LTACs are mandated to average a 25-day length of stay.

Singh and staff said they would assume financial responsibility for the hospital's transition by paying staff and keeping the hospital running. They also pledged to purchase the hospital at some point.

Singh said it will take six to eight months to obtain documentation to open the urgent care facility, but the hospital would be able to function as a long-term acute care facility without need to obtain a different license.

Larry Anderson with CURA Healthcare, Inc., spoke after the AAMG presentation about his own proposal. The main differences pointed out by the public and the boards involved Anderson's lack of financial investment to bridge the gap during the hospital's transition and his lack of experience dealing with small community hospitals.

Anderson was willing to keep the hospital as an acute care facility with an emergency room and was open to the proposal of contracting with the county to operate a mental health facility unit in the hospital building.

All members from the two boards weighed in on who would be able to keep the hospital healthy. Several members were on the brink of tears as they shared stories about their connection to the hospital.

The only board member showing favor for Anderson was Gail Thomas. She said keeping the emergency room is ultimately what she would want for the hospital.

To lawfully close the emergency room, a 30-day notice must be given. According to the latest cash flow projections reported at the meeting, SWMC will run out of money at the end of August.

SWMC staff was assured by Dan Smith, SWMC board chairman, and Barbara Vogelsang, SWMC chief nursing officer, that money has been reserved to pay them what they are owed, including paid time off.

"I do want to assure all employees that we have kept in reserve \$950,000 to make sure employees, even if we had to close, would be paid their final pay and PTO (paid time off)," Smith said.

AAMG operates 13 facilities and services in California, with headquarters in Modesto. They have been operating for seven years and have expanded rapidly in that time.

As current contractors with the district, Sonoma West Medical Center, Inc. would have to be involved in the transition of contracts. Smith said he is committed to working with AAMG to making that transition happen.

There are still concerns about how the transition would impact the \$155 annual parcel tax on each taxable parcel in the district. PDHCD issued revenue bonds secured by the parcel tax.

Bill Arnone, the district's attorney, said his consultation with the bond counsel is ongoing and he believes if changes in the contract's wording are necessary they will be made.

Another concern involves the absence of an emergency room and the original intention of formation of the district. According to the resolution of the Local Agency Formation Commission of the County of Sonoma (LAFCO), "the purpose of the proposed district is to ensure local access to emergency, acute care and other medical services to residents and visitors of the district area."

The PDHCD board is expected to work through negotiations with AAMG and come back with a contract for approval by the end of the week.

## East Bay Times

# East Contra Costa Fire loaning Oakley \$1.9 million interest-free to build station



Dan Rosenstrauch/staff archives

The East Contra Costa Fire Protection District Station 53, above, on O'Hara Avenue in Oakley is set to have a sister station in town now that an interest-free \$1.9 million loan from the ECCFPD will help the city cover a funding gap to pay for it. Station 55 will be built on East Cypress Road, directly across from Summer Lake Drive, and construction is expected to be done by next spring or early summer.

By [Judith Prieve](mailto:jprieve@bayareanewsgroup.com) | [jprieve@bayareanewsgroup.com](mailto:jprieve@bayareanewsgroup.com) | Bay Area News Group

PUBLISHED: August 15, 2018 at 8:31 pm | UPDATED: August 19, 2018 at 11:43 pm

**OAKLEY** — A \$1.9 million loan from East Contra Costa Fire Protection District will help the city cover a funding gap to pay for a new fire station.

The city had planned to fund the station with money from a developer that agreed to give \$3.6 million for the building, the lot and an engine. But because of rising construction costs, the city will now need \$5.7 million to build the proposed fire station. Future development fees will also help cover the funding shortfall. Developer Shea Homes agreed to pay the \$3.6 million in lieu of developer fees at its Summer Lake subdivision. Without the \$1.9 million zero-interest loan authorized by the East Contra Costa Fire Protection District board, Oakley officials said they would be unable to build the station.

“It’s a long process trying to get that station built,” ECCFPD Chief Brian Helmick said after the Aug. 6 board meeting. “It has been part of the plan for years, long before I was here.”

City Manager Bryan Montgomery said that as subcontractor bids started coming in this summer, it was obvious costs would be higher than first projected, something he said most projects are seeing at this time.

“Early on we knew the \$3.6 million would be tight, but some additional scope and the crazy increases in construction costs led to the need for additional funding,” Montgomery wrote in an email. “Rather than reduce the scope of the project, the additional funding made the most sense to the district and the city.”

Helmick said the money will come from the district’s operating reserves, which are more than \$5 million over the 20 percent required. The reserves include \$6.2 million an external audit had discovered in a Contra Costa County bank account last year that the financially strapped fire district should have received as savings from staff reductions and fire station closures over the past several years. Although the board approved the loan 6-1, with two directors absent, some objected to the deal.

“If Oakley wanted to build the fire station ... they could go to a bank or some other municipal lending source as well as come to the fire district,” resident Bryan Scott said. “It’s obvious they recognize the fire district discovered it had \$6.2 million — and it’s been sitting there all this time — so the city has recognized here’s a potential source of funds, and if we ask them and apply this time-sensitive motivation, we can get them to loan us the money for free.”

Board member Erick Stonebarger also questioned the loan.

“I understand the loan, the concept,” Stonebarger said. “But they are going to build a fire station that we can’t staff that we will have to pay to maintain. In order to staff it, we are going to have to ask for more money.”

Helmick agreed that there’s no money to staff the station but said it’s still necessary to get the infrastructure in place. If the district were to get money for additional firefighters now, there would be no place for them to work.

“This is the most cost-effective way to be able to build a station and improve our infrastructure,” Helmick said. “It is mutually beneficial for the city and the fire district.”

Stonebarger objected to using operating reserve funds for the loan.

“The operating reserve is going to suffer. It won’t generate any interest for nine or 10 years (the estimated loan payback period). Right now it generates some interest to allow us to last a little longer,” he said.

Director Joe Young questioned the details of the loan, which were not available at the Aug. 6 board meeting, but in the end gave his approval.

“This is a very complex set of issues,” he said. “In order to save \$500,000 to \$1 million, we need to approve this loan, but I guess we can hold our nose while we do it.”

Station 55 will be built on East Cypress Road, directly across from Summer Lake Drive, midway between the two stations that are no longer operable — in Knightsen and Bethel Island. The price tag shot up because of rising construction costs and a design modification to include a multipurpose room and storage areas, two items the district said was needed if the station is to last 50 years as planned, Helmick said. Helmick touted the loan proposal as a way to get the project started now, before costs shoot up even more.

“The reason this came so quickly, one of the driving factors, was locking in those construction costs,” he said. “It will take a long time to collect the money and that is why we need to lock in the bids and construction costs; the bids will expire.”

The city awarded Ascent Builders the contract in January, and construction should be completed by next spring or early summer, Montgomery said. Helmick contended that in the end the city will deed the district the \$5.7 million station, so it will be an asset.

“I’m confident we will get that money back,” Helmick said. “I couldn’t agree to this without having those agreements to recover the money. They (developer fees) continue to go to the fire district until the amount is recovered nine or 10 years from now.”

Oakley estimates the \$200,000 from impact fees it collects each year will go toward paying off the loan. The exact terms of the agreement are still being worked out, which is one of the reasons Stonebarger said he would not approve it.

“It’s a no-cost loan with no term when it is due, and there’s a lack of our ability to structure the loan so we can call the loan (if needed),” he said. “I’m not going to approve a \$1.9 million loan without first seeing the agreement.”

The road to building another Oakley fire station has been a long one, with residents in the Summer Lake area waiting more than a decade. Summer Lake was first approved by Contra Costa County in the 1990s, and in 2006 Oakley approved a development agreement stipulating that Shea Homes needed to build the station “prior to the occupancy of the 600th residence.” Despite the agreement, Shea delayed giving the money to Oakley.

The city filed suit against Shea Homes in March 2016 and settled late last year. Under the settlement agreement, Shea Homes paid \$3,120,000 and gave a 1-acre parcel on the northwest corner of East Cypress Road and Summer Lake Drive to the city to build the fire station. The developer also agreed to pay \$623,000 for a new fire engine. In return, the fire district agreed to waive all rights to Oakley developer fees from the developer of the Summer Lake project.

# UPDATE: Palm Drive Health Care District accepts plan to turn hospital into long-term acute care facility

- By Rollie Atkinson and E.I. Hillin
- Aug 17, 2018 Updated **Aug 18, 2018**

Directors of the Palm Drive Health Care District voted 4-1 in a special meeting Friday afternoon (Aug. 17) to accept an offer from Modesto-based American Advanced Management Group to replace the Sonoma West Medical Center team and begin to convert the former Palm Drive Hospital to a long-term acute care facility with an urgent care center.

The decision was made on the eve of a likely hospital closure as SWMC had recently announced it would run out of money before the end of the month. The vote also means, steps will begin right away to close the west county hospital's emergency room in as soon as 30 days.

Dennis Colthurst, chair of the PDHCD board of directors confirmed the vote late Friday afternoon which was held in a public open session at the hospital. He pointed out that the agreement with AAMG is available to the public at the district's website (<http://palmdrivehealthcaredistrict.org>.)

The approved agreement between the health care district and AAMG is for 10 years and includes a \$100,000 monthly hospital management fee to be paid by the taxpayer district to AAMG.

At an Aug. 10 district meeting, PDHCD attorney Bill Arnone reported to the board that entering into a contract without assuming financial responsibilities for loss would not be compliant with Internal Revenue Service requirements.

Dr. Gurpreet Singh, president of AAMG previously told the PDHCD board that it will take six to eight months to obtain documentation to open the urgent care facility, but the hospital would be able to function as a long-term acute care facility without needing to obtain a different license.

Critics of the move to convert the hospital to a long term care facility and eliminate emergency medicine services have complained that doing away with the emergency room would run counter to the original intention behind the formation of the hospital district. According to the 1999 resolution of the Local Agency Formation Commission of the County of Sonoma (LAFCO), "the purpose of the proposed district is to ensure local access to emergency, acute care and other medical services to residents and visitors of the district area."

### **(8) comments**

[lulu](#) Aug 20, 2018 11:51am

People who accuse others of showing WRATH are guilty of exactly that themselves. I would like to detach from the detachment which was selfish, unkind, mean act across the board.

[Lovethyneighbor](#) Aug 20, 2018 11:28am

I was at the meeting Friday and heard many moving comments regarding the lives the hospital had saved for those who would have died if they had gone to Santa Rosa. The appreciation for the hospital by those in attendance was a pleasure to experience. Fortunately, Dr. Singh and his group will be able to keep the hospital open for most of its regular services during and after the transition, they will have an expanded urgent care available with hours that meet the community needs with all the ICU, x-ray, CT scanning and other services already present in the hospital, and they will allow most current personnel to keep their jobs while expanding employment opportunities when the hospital transitions to accommodate the long term care patients in a LTAC facility our county desperately needs. Being a long term West County resident who has supported our hospital as a vital element of our community, believing that we should include health care, just as we support our schools, police, fire department, libraries and other social services. I am continually dismayed and saddened by those who fail to value a human life saved, who denigrate the heroic doctors and staff of the hospital, and who care more for their \$13 a month tax than they do for the loved ones a hospital treats and saves. Our whole medical system has been under assault for the past few decades. Would we expect our schools or police or firefighters to be part of "financially profitable" institutions? Health care should be a basic human right and one we all gladly support. We have happily avoided the closing of the hospital and I know the majority of our West County community continue to support it, regardless of the very vocal detractors, some of whom would rather see condominiums or shopping centers in its place.

[Consumer's watch](#) Aug 18, 2018 5:54pm

Congratulations to the Russian River communities who were quick to detach after the new board majority was voted in. The river communities will not receive the wrath of Gail Thomas, Dennis Colthurst, Dr. Powers and Eira Klick-Heart as a result of their vote to incur more debt. Our condolences to the taxpayers left in the district. They will absorb this \$4.7 Million in debt until a possible sale occurs. Note, we said "possible sale." It is written in the agreement there is no guarantee of a purchase. It's just a one sided "option to purchase" without a financial consequence. Also, written into their management agreement is a 10 year lease. Imagine that over the next 10 years the district taxpayers parcel taxes will go to sustain a long term patient facility with admissions from hospitals all over the region. And, pity the poor past employee's and creditor's of the bankruptcy. This District board majority has "no plan" to exit this bankruptcy going on 5 years. Shame, shame on this board majority, this is a disgraceful stream of events. The only way to change things is to vote them out of office. Will parcel taxpayer's boot them out? We'll see.

[BLD](#) Aug 19, 2018 10:11am

Oh, we'll still receive their wrath. It's going to take longer to pay off our share of the debt. Instead of a plan to pay off bankruptcy over, say a nine or ten year period, they could string of our longer. That Board is supposed to uphold the vote of the public, which, according to the formation of the district was to maintain an acute care facility, emergency department AND

other medical services. Two out of three are down now and it should be up to voters to change those terms. The District is a mere shell of the original intent approved by taxpayers.

[dogandpony](#) Aug 18, 2018 1:24pm

FYI...Regarding Chapter 9 Bankruptcy. Under 11 U.S. Code 930 - Dismissal:  
After notice and a hearing, the court may dismiss a case under this chapter for cause, including-  
(2) unreasonable delay by the debtor that is prejudicial to creditors;  
(3) failure to propose a plan within the time fixed under section 941 of this title;

[FED UP](#) Aug 18, 2018 9:14am

This is nothing more than another desperate attempt to keep the doors open! Yes sell the parcel and pay the former employees!!!!

I, as a former employee lost everything in the Tubbs fire 10 months ago and am in dire need of any funds owed to me. It has been almost 5 years now and still no plan to repay the hard working people that made the former hospital what it was, And now this puppet show needs to end!! STOP wasting more of the tax payers money and pay what you owe!!!!!!!!!!

[Beef](#) Aug 18, 2018 7:59am

The Board of 'Directors' and Dr. Singh should announce their intention to cut all ties to taxpayers as a source of funding their schemes.

Again, where are regulators? They were there with approval when the hospital scheme was initially proposed, and now they are nowhere to be found. If it weren't for Sonoma West and local activists that put personal resources into detachment from the district I would still be paying for a bunch of knuckleheaded riverboat gamblers running an alleged hospital. Wow! Hard to believe the conversation about the facility continues down the path of long-term acute care. My idea of using the facility as a Farmers Market is just as ridiculous and a better idea as well. Sad.

[SFerguson](#) Aug 17, 2018 10:15pm

Good intentions with likely a bad outcome sadly. The board took away the firewall for new debt to the district, allowing for taxpayers to fund a 3rd bankruptcy should this fail. The 2014 bankruptcy is not even in the courts with an exit plan at this time, and all the former employees are still owed over 1.2 million dollars in last months pay from April 2014. The new type of acute care will not serve West County, it will serve mostly North Bay patients that have a very specific criteria to be admitted. There will not be health care provided for the tax payers of the district. The board should have listened to Mr Horn and the audience and voted no to the plan with a potential 4 million dollar debt tag in the next 6 months. The Board needs to get out of the hospital business and sell the property. A rural hospital is not financially feasible and they are failing their fiduciary responsibility to the tax payers.

**KQED**

## **San Francisco Is Fighting California's Plan to Save Salmon. Wait. What?**

August 20, 2018



More than 2.5 million Bay Area residents get their water from Hetch Hetchy Reservoir. *(Lauren Sommer/KQED)*

California water officials are poised to approve a revolutionary plan that could redefine the way water is allocated.

'It's a big deal and trying to fix it is not for the faint of heart.'

*Felicia Marcus, State Water Resources Control Board*

At stake are the state's oldest water rights, known as “senior rights,” which have long been seen as untouchable, and that includes San Francisco's.

For a century, San Francisco has enjoyed a pristine source of water, dodging the shortages others have faced during California's chronic water wars. Now, as key rivers continue a downward ecological spiral, the city is being pulled into the fray.

The state plan has sparked a fierce debate. Environmental groups say it doesn't go far enough to save imperiled salmon. San Francisco doesn't agree and it's allied itself with some unexpected bedfellows: conservative agricultural districts in the Central Valley.

That might be surprising for San Francisco, known for its solar-powered, food-composting climate-friendly reputation. Yet when it comes to water, some say the city is lagging behind others that are on the leading edge of reusing and recycling their supplies.

## A Separate Piece

Like most California cities, San Francisco gets the majority of its from far beyond its borders; in this case, it's 150 miles away in Yosemite National Park. That's where Hetch Hetchy Reservoir traps snowmelt that feeds the Tuolumne River.

From there, the water [flows through a chain of reservoirs](#) and pipelines that carry it directly to San Francisco. It also supplies much of the Bay Area. About 2.7 million people from Alameda County to Silicon Valley rely on it as well.

San Francisco's right to the water goes back to 1901, when leaders in the booming city were desperately searching for a new supply. As the story goes, the claim was tacked to an 8-inch diameter oak tree on a riverbank.



Flows on the Tuolumne River in 1912. (*J.G. Spaack, USGS*)

"When you filed for water rights, you basically had to post a notice where you proposed to divert water from," explains Steve Ritchie, assistant general manager at the San Francisco Public Utilities Commission, "which in effect was filing a piece of paper to a tree that was hanging over the Tuolumne River."

Following its natural course, water in the Tuolumne flows into the Sacramento-San Joaquin Delta, the great nexus of California's supply and the trenches of the fiercest battles over water. By sinking a straw into the Tuolumne to take out water far upstream of the Delta, San Francisco has avoided those fights.

"San Francisco has been able to stay out of the water wars because the San Francisco system is separate from other systems," says Ritchie.

## Water Wars Flow Uphill

Now, the ecological crisis in the Delta has gotten so bad, the water wars are reaching all the way upstream.

Before it gets to the Delta, the Tuolumne joins up with the San Joaquin, a major river that often runs completely dry.

“In some years, up to 90 percent of the water is taken out of the river by humans,” says Jon Rosenfield, a biologist with the Bay Institute, an environmental group. “Once the river loses that much, it’s not really functioning like a river anymore. The salmon fishery has plummeted.”

Chinook salmon, the species that fishermen catch in the Pacific Ocean, must return to California’s rivers to reproduce and lay their eggs. In 1984, about 70,000 Chinook returned to the San Joaquin River basin. By 2014, it was down to 8,000.

California is required by federal law to regulate water quality in the Delta. [The Bay-Delta Water Quality Control Plan](#), as it’s known, was last updated more than 20 years ago.

Now, the State Water Resources Control Board has put together a new plan that attempts to balance both the health of the environment and the needs of farms and cities.

“It’s a big deal and trying to fix it is not for the faint of heart,” says Felicia Marcus, chair of the water board. “We’re simply bound to rebalance a system that has had too much water removed from it for it to survive as a healthy ecosystem.”

The plan marks a new approach to how the Delta would be managed. Traditionally, protecting water quality and endangered species there has fallen to a few water users that have major pumping infrastructure in the Delta. They’re the ones who’ve faced cutbacks when water quality has degraded.

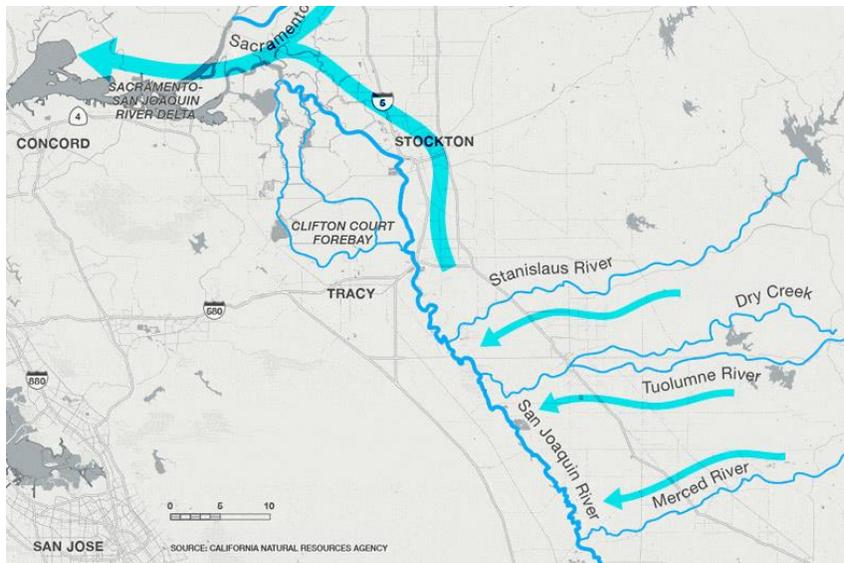
But in 2009, California lawmakers passed legislation requiring agencies to look at upstream river flows or “flow criteria.” It’s a more holistic approach, looking at the entire watershed.

“This is really a now-or-never moment,” says Rosenfield. “This proposal is the single most important event in California water in a generation. And it will take a generation to correct any mistakes that are made now.”

A [scientific report](#) that followed passage of the law, recommended restoring a natural springtime surge of water to help both the San Joaquin River and the Delta ecosystem. On the San Joaquin, the report concluded that the ecosystem needs 60 percent of “unimpaired flow,” meaning the flow that would naturally go down the river if humans weren’t siphoning off water along the way.

The state water board considered that number, but also is charged with balancing it with the needs of farms and cities.

“The issue isn’t about choosing one over the other,” says Marcus. “It’s about sharing the river as thoughtfully as we can.”



In a final draft plan released this year, the water board proposed returning 40 percent of the unimpaired flow to the San Joaquin and three of its tributaries: the Tuolumne, Stanislaus and Merced Rivers. The flows could fluctuate within a flexible range of 30 to 50 percent. Currently, flows range from 21 to 40 percent on average.

The numbers disappointed environmental groups, which argued the science supported higher flow in the river.

“Thirty to 50 percent of unimpaired flow is not going to address the problems the board is required to address,” says Rosenfield. “State and federal policy is not just to keep salmon from going extinct, but actually to restore them to benefit all of us and the commercial fishery.”

It also disappointed the water districts faced with giving up some of their water, including San Francisco.

### **Bottom Feeders**

“It’s an aggressive stance to take because it means a lot of water,” says SFPUC’s Steve Ritchie. “It’s a big deal for the Bay Area, not the just the city and county of San Francisco.”

Even with its senior water rights, San Francisco has found itself, for the first time, at the bottom of the food chain.

On the Tuolumne River, the two other major water users, the Turlock Irrigation District and the Merced Irrigation District, have even earlier water rights, making them more senior. In California, the doctrine is generally “first in time, first in right,” so San Francisco would be facing cutbacks before those rural districts do.

In wet years, there would be plenty of water. But with the Bay Area growing, SFPUC predicts the cuts would mean rationing during droughts and billions of dollars of economic impact, though state board staff have challenged those numbers.

“We might have to, in the second year of a drought, go to 30 or 40 percent rationing and get to 50 percent in the fourth or fifth year,” says Ritchie. “All of a sudden, you’re having to save a lot more water really fast to know you have enough to get to the end of a drought.”

During the last drought, SFPUC’s customers conserved about 13 percent compared to pre-drought water use. Ritchie says to get deeper cuts, commercial and industrial customers would have to cut back.

## **Finding New Water**

As SFPUC and other water districts filed increasingly alarmed comments on the proposed plan, the state board had a response: Get creative.

“Water users can adapt by switching crops, become more efficient, and putting more water away in wet or normal times for the inevitable dry times,” says Marcus.

That’s been common in some Southern California cities, which have led the way in water recycling, conservation and capturing storm water runoff for reuse.

San Francisco has been a bit late to the party.

“If you just look at their recycled water numbers, they’re pretty low,” says Heather Cooley of the Pacific Institute, a water policy think tank. “They certainly could do more.”

Last year, SFPUC broke ground on its first water recycling project. The [Westside Enhanced Water Recycling Project](#) will clean up wastewater and use it to irrigate Golden Gate Park and local golf courses.

Other cities have already taken water recycling to the next level. Orange County and San Jose treat some of their wastewater to drinking water quality so it can be added back to the area’s water supply.

Ritchie says SFPUC is in very early conversations for a similar project, but they take time.

“We’re being as progressive as we can,” says Ritchie. “We’re looking at taking wastewater from the Peninsula, treating it to a high level and put it in Crystal Springs reservoir, and blend it there into our local Bay Area supplies.”

Today, San Francisco residents use less water than average Californians do, thanks to a cool climate and the city’s lack of expansive lawns. Other parts of the Bay Area that use SFPUC’s water have higher water use.

“San Francisco certainly trails behind Los Angeles in terms of its efforts to conserve water,” says Rosenfield. “Los Angeles has grown its population by over a million people and reduced its total water demand.”

Still, San Francisco has a groundbreaking water efficiency policy, passed in 2012. New buildings of 250,000 square feet or more must have “[on-site reuse systems](#),” which could include recycling potable water and using it a second time to flush toilets.

“They’re the first city in California that has done that,” says Cooley. “It’s an innovative strategy for leveraging private investment in recycled water.”

If SFPUC does face cutbacks during a drought, the agency could buy water from farmers who would in turn fallow their land, a strategy known as “water transfers.”

Ritchie says SFPUC tried it during the last drought, but was unsuccessful in finding farmers willing to sell. Several other California water districts were able complete water transfer deals.

During a long-term drought, the SFPUC could buy water from an irrigation district at a price that would compensate farmers, laborers, processors and distributors for what they would have made -- but without having to do any work, and at a price lower than what the SFPUC charges its wholesale customers.

According to Peter Drekmeier of the Tuolumne River Trust, “That’s a pretty sweet incentive for irrigation districts to sell water to the Bay Area.”

### **A Road to Compromise**

Following the nearly inevitable course of water battles in California, the water board’s plan is likely headed to court.

Asked whether San Francisco will be in line at the courthouse steps if the plan is formally adopted, Ritchie doesn't shrink from the question.

“Yeah, that’s a very real possibility because the consequences are so great,” he replies.

To avoid that, the water board has repeatedly asked for a deal to be struck. Water users, including SFPUC, could come up with a different plan that includes strategies to help salmon and other fish, like restoring floodplain habitat.

Despite several years of negotiations, a deal still isn’t on the table. SFPUC has argued that the “unimpaired flow” approach -- leaving more water in the Tuolumne River -- isn’t necessary and that restoration and other projects should be enough.

State officials and biologists, so far, haven’t agreed.

“Habitat restoration alone is not going to cut it,” says Rosenfield. “In order for restored habitat to work, there needs to be enough water for fish to use that habitat and migrate out of the river.”

The state water board delayed its final vote on the plan and will be taking more comments on Tuesday.

Whichever way it goes, it could be a wake-up call for San Francisco, which is now facing the same water-strapped realities as the rest of California.

“The future is challenging no matter what happens,” Ritchie says.

## East Bay Times

# As wildfire costs reach new heights, will homeowners get socked on insurance?

By [John Woolfolk](#) | [jwoolfolk@bayareanewsgroup.com](mailto:jwoolfolk@bayareanewsgroup.com) | Bay Area News Group

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Last year's California wildfires set benchmarks for costly destruction on a scale unheard of before, with the more than \$12 billion in losses topping the combined tab for the state's worst wildfires dating back decades.

There are no estimates yet for losses from this year's blazes. But halfway through the fire season, the state has [already seen its largest fire ever](#) with the Mendocino Complex Fire eclipsing December's Thomas Fire in scorched acreage. Last month's Carr Fire near Redding was the [sixth most destructive to property](#), comparable to San Diego's devastating 2007 Witch Fire.

And soon, state officials warn, the more than 3 million homeowners near wildland areas and the 1 million considered at high risk for wildfires will face a new worry: home insurance rates will rise, and insurers will drop coverage in some areas, making it hard to get a policy at all.

In Santa Rosa's Coffey Park neighborhood, hard-hit by last year's wildfires, neighborhood association president Jeff Okrepkie said many residents are worried that insurers will cancel their policies as soon as they legally can.

"We know insurers out there that have said as soon as we aren't legally obligated, we're out," said Okrepkie, who also works in commercial property insurance. "As far as rates go, they are going to go up."

California Insurance Commissioner Dave Jones acknowledged that "we're going to see more nonrenewals, more insurers declining to issue policies in some areas and rate increases" as a result of the wildfires.

It isn't just homeowners in designated high-risk areas that are vulnerable. Jones said that insurers are re-evaluating how they gauge wildfire risk in the Golden State, noting that in Sonoma County, 16.5 percent of homes were rated high or very high risk, but significant areas thought to be lower risk burned down. Insurers charge more for higher risk areas.

"There's no question insurers are going to reassess," Jones said. "What I anticipate we're going to see is the number or percentage of homes rated high or very high risk going to go up. So this phenomenon is not just limited to areas that burned or counties where fires have occurred."

The average California homeowner premium, excluding earthquake and flood insurance, was \$1,045 last year, up about 10 percent from \$954 a decade ago, according to the insurance

department. Rates vary widely based on the size and value of the home, deductibles, amount of insured coverage and fire risk.

“The days of people paying under \$1,000 for insurance are fast coming to a close in California,” said Amy Bach, executive director of the consumer group United Policyholders. “People can expect to be edging up well over \$1,000 in these rural areas, nudging above \$2,000.”

It’s hard to say yet what the exact impact will be on homeowners because the fires are so recent and the state heavily regulates insurers. State law requires insurance companies to renew homeowners’ policies at least once following a catastrophic loss. Insurers must seek state approval to change rates, and they must spread recovery for catastrophic losses over at least 20 years, so increases would be gradual.

But the costs of last year’s wildfires raise the specter that with a warming climate expected to fuel more frequent and destructive blazes, wildfires could produce damage on a scale of historically more costly disasters such as earthquakes, tornadoes, hurricanes and floods.

As Californians know from their experience with earthquakes, catastrophic costs on that scale can lead insurers to abandon the market.

“I don’t think fire risk is as acute as flood and earthquake,” Jones said, “but it could get there.”

Last October’s fires in and around California’s Wine Country alone caused more than \$9.7 billion in insured losses. The yearly total, including December’s massive Thomas Fire in Ventura and Santa Barbara counties, tops \$12.3 billion.

That’s about four times the toll of what had been the country’s costliest fire disaster before last year — the Oakland Hills Fire. That 1991 blaze caused \$1.7 billion in insured losses, more than \$2.7 billion in today’s dollars, [according to the Insurance Information Institute](#), a nonprofit industry-supported organization.

By contrast, the country’s most devastating hurricanes and earthquakes are typically much more costly because they tend to strike major metropolitan areas. [Hurricane Katrina, the nation’s costliest disaster, caused an estimated \\$41.1 billion](#) in insured losses in 2005 along the Gulf Coast and New Orleans, about \$50 billion today, according to the institute. Last year’s Hurricane Harvey, which inundated Houston, [caused an estimated \\$19 billion](#) in insured losses.

California’s [Northridge earthquake caused \\$15.3 billion](#) in insured losses in 1994, about \$25.6 billion today, according to the institute. The Loma Prieta earthquake caused \$960 million in insured losses in 1989, about \$1.9 billion today.

Losses from the Northridge quake were so high that many insurers bailed on California, forcing the state to create the California Earthquake Authority to help homeowners obtain coverage. But the [Los Angeles Times reported](#) that, today, only about one in 10 insured California homeowners has earthquake coverage. Those who decline often cite concerns about high premiums and deductibles for earthquake coverage. Earthquake premiums averaged \$1,033 last year, according to the insurance department.

A similar program, the California FAIR Plan, already exists to provide fire insurance for homeowners unable to get coverage in the insurance market. It was set up in the 1960s after the Watts riots prompted insurers to drop coverage in some urban areas. It provides bare-bones fire coverage at an average premium of \$637 but not other risks such as water damage covered in a typical homeowner policy. So those homeowners need supplemental coverage on the insurance market for that.

Among the 3 million homes near wildland areas, the number with FAIR Plan policies has grown by about 2,000 a year over the last four years, totaling 30,000 today, or about 1 percent of homes in those areas. A big spike in FAIR Plan policies could signal trouble in the private fire insurance market.

“They’re the canary in the coal mine,” Jones said.

State lawmakers could make matters much worse — they’re kicking around a proposal to ease utilities’ liability for wildfires caused by their equipment. Currently, utilities are liable if their equipment was a factor in starting a wildfire, even if they properly maintained it, and that helps insurers recoup their losses and keep a lid on premiums.

“That would fundamentally change the ability of insurers to recover from the responsible party,” said Mark Sektnan, vice president of the Property Casualty Insurers Association of America, which represents the homeowner insurance industry. And that, in turn, would likely boost insurance rates further.

Still, with many more homes outside of wildfire risk areas, California’s insurance market is resilient when it comes to wildfire risk, Jones and industry representatives said.

“There are some companies that are re-evaluating risk, and there may be some companies pulling out of some areas,” Sektnan said. “But some of our member companies specialize in writing in high-risk areas.”

## East Bay Times

# Bradford Island seeks quick levee fix to avoid major floods



Karen Cunningham walks across the boat dock in front of her home on Bradford Island where she lives and raises cattle, Friday July 22, 2011. Cunningham loves the lifestyle of living on Brandon Island , but dislikes the fact her property is subject to intrusive surveys by water officials who want to build a tunnel beneath Bradford Island because of fears the levees will collapse. (Dan Rosenstrauch/Staff)



A new salinity barrier has been built in an attempt to keep the more salty water, right, away from Delta waters near Fisherman's Cut on Bradford Island, Calif., on Thursday, June 4, 2015. Crews add more rocks to the area at upper left. Some believe the barrier has made tides heavier in the area. The Jersey Island Ferry got stuck recently. (Susan Tripp Pollard/Bay Area News Group)

By [Judith Prieve](mailto:jprieve@bayareanewsgroup.com) | [jprieve@bayareanewsgroup.com](mailto:jprieve@bayareanewsgroup.com) | Bay Area News Group

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On the Delta's tiny Bradford Island in eastern Contra Costa County, grazing cattle and wandering goats overwhelmingly outnumber humans, but for the eight full-time residents and

ranchers there, plus a handful more of vacation homeowners, boat club members and occasional visitors, a steady flow of water seeping through the levee could spell big trouble.

On Friday, Reclamation District 2059, which maintains the island's 7.4 miles of levees along the Sacramento-San Joaquin River, formally declared a state of emergency on the remote private island, with hopes the resolution would help district board directors secure funding to make necessary repairs.

District engineer Blake Johnson of DHG Engineering has been monitoring the seepage for several months and says now is the time to fix the problem, before it enlarges and unleashes a fury of water that could flood the entire island.

“It’s not a water faucet — it’s not coming out really fast — but it’s ponding at the toe of the levee on the north side of the island,” he said of the 25-foot-wide levee seepage. “You don’t want active seepage through a levee. At some point it could start moving material through, and then it becomes problematic.”



After just leaving the dock at Bradford Island, the Victory II Jersey Island Ferry heads to Webb Tract as a motorboat heads in the opposite direction near Bradford Island, Calif., on the Delta on Thursday, June 4, 2015. The island's levee is experiencing seepage and officials are concerned that it needs to be fixed because at some point it could burst and cause a flood. (Susan Tripp Pollard/Bay Area News Group)

Bradford is one of the eight Delta islands the State Department of Water Resources deems critical to the region's water quality by preventing seawater intrusion into the fresh river water. If one floods, there could be a domino effect, flooding others and affecting the entire region's water quality, officials say.

“You’re only as strong as your weakest point,” Reclamation District 2059 director Michael Craig said. “We need to get it corrected before it gets worse.”

The 2,500-acre island has seen a few seepages “here and there” over the years, Johnson said, but when the clear water turns brown and begins moving the dirt, levee failure could be imminent.

“The water typically dries up — we’ve seen that before with water under the levee,” he said. “But right now what we are seeing is active seepage through the levee, and if and when we see dirty water coming through, that’s a bad sign. That means the water pressure has built up and you’re looking at imminent failure at that point.”



Karen Cunningham looks over her cattle that she raises on Bradford Island in the Delta on Friday, July 22, 2011. Cunningham’s property is subject to intrusive surveys by water officials who want to build a tunnel beneath Bradford Island because of fears the levees will collapse. (Dan Rosenstrauch/Staff Archives)

The seepage is on the northern side of the island between Smith and Karen Cunningham’s home and Port of Stockton property. Smith Cunningham, who happens to be the levee’s superintendent, has been monitoring the situation, but he and wife Karen are concerned about how long it’s taking to fix the problem.

“This seepage has been getting worse by the day and they’ve basically done nothing for two months except talk about it,” Karen Cunningham said.

Smith Cunningham said the moisture collecting at the base of his small home, which sits on the levee, is causing the structure to sink a bit at one corner and has made his driveway and land around it unusable.

“It’s like a tidal marsh,” he said. “I can’t get into the driveway or put the horses there anymore.”

Although no one knows why the seepage is occurring, Johnson says the home’s location between two berms built to prevent seepage has left a 130-foot window of levee frontage property vulnerable. The Cunninghams’ property was not included in the 2014 levee maintenance project because the state did not approve the cost of raising and moving the home farther inland, he said.

So far, though, the erosion is only minor, but Johnson said continued seepage could cause trouble.

“If it does open up, it’s hard to predict how big this could be,” Johnson said. “It could flood the island before we could get in and place rock in the scour hole, plug the hole and pump out the island.”

That's just what happened to the island on Dec. 3, 1983, when a storm pummeled the levees and caused a 600-foot-wide breach, flooding all of the land. Residents escaped by ferry, the only way on and off the remote picturesque isle north of Bethel Island. Most did not return to the island, with its rich peat soil perfect for growing wheat and gazing at panoramic views of Mt. Diablo, though some did rebuild after the water was painstakingly pumped out.

Then it happened again, though not as severe, in August 2009 when a 570-foot freighter from the Port of Stockton grounded, lost its steering and hit the levee. The impact damaged a 150-foot section of the levee, causing a serious breach. It took crews three days of round-the-clock work to repair the levees at a cost of \$800,000.

A similar fate could befall the island if it doesn't find a quick fix soon, Johnson said.

"It could potentially be adding more salinity as the water gets to the pumps, and if you are pumping brackish water, that would be another cost," he said. "We wanted to make sure the fix that is chosen fixes it so we are not repairing it over and over again."

Department of Water Resources Board officials say they have not been asked yet for help, but are standing by in case a formal request is made.

Andrea Lobato, DWR manager of the Delta Levees Program with the Division of Flood Management said seepage does occur occasionally and agreed with Johnson that if there's a major breach it could affect the salinity of the fresh water.

"When an island floods, it would draw water in toward the island — there is always that symbiosis of fresh and saltwater mix, with a draw into a flooded island, that changes that fresh water," she said. "It could possibly pull more saline water in to the Delta."

Johnson said engineers considered building a berm and moving the Cunningham house at a cost of \$400,000. Another option was using vinyl sheet piles to shore up the hole, but they have a potential for breaking apart. That left them with the final option — using steel sheet piles to plug the hole, at a price tag of \$200,000.

"Because we are asking for funding from the state — the steel sheet piles are the viable option," he said, noting the district will request \$50,000 in one-time state Flood Control Subventions Program money, and seek reimbursements later for the rest of the project.

## East Bay Times

# Vision for Concord Naval Weapons Station takes shape; developer to draft ‘specific plan’



A view of the Concord Naval Weapons Station land is seen during a community and city employee tour in Concord, Calif., on Wednesday, May 23, 2018. The city and the chosen reuse developer, Lennar Concord LLC, have agreed to extend by a year the initial studies for development of the 2,300-acre area. (Jane Tyska/Bay Area News Group)

By [Annie Sciacca](#) | [asciacca@bayareanewsgroup.com](mailto:asciacca@bayareanewsgroup.com) | Bay Area News Group

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CONCORD — A vision for redevelopment of the Concord Naval Weapons Station is coming into focus and a plan could be ready by early next year, according to city officials.

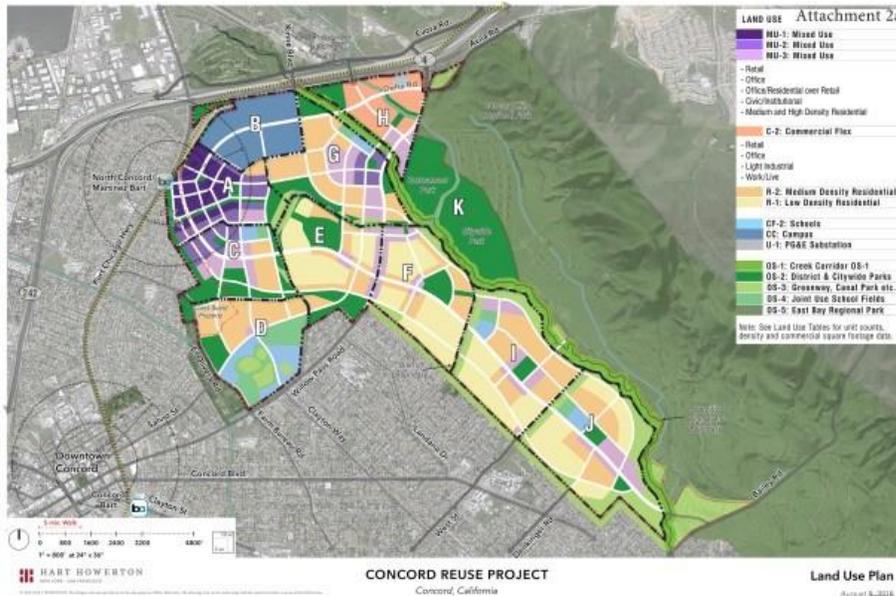
With that goal in mind, the Concord City Council on Wednesday directed developer Lennar Corp. to draft a specific plan and do an environmental analyses of the proposed redevelopment.

The specific plan will be based on a land use document staff presented to the council that envisions 13,000 housing units, including 800 units to be built on former Coast Guard-owned property adjacent to the naval weapons station site and 360 units next to BART.

Construction is planned in three phases, with 4,392 housing units in the first phase, 4,241 in the second phase and 3,207 in the third phase. Construction won't begin any time soon, however.

Guy Bjerke, the city's director of the Concord Reuse Project, said Lennar likely will bring a specific plan draft back to the council and the public in February 2019 and an environmental

analysis by June 2019. At those times, he said, there will be more opportunity for the council and public to provide input.



A map of the land use plan for redevelopment of the former Concord Naval Weapons Station shows the areas that will be dedicated to housing, commercial, schools, parks and other elements of the development. (Hart Howerton/Courtesy of the City of Concord)

The decision comes after 18 months of collecting public input and questions for the specific plan at community sessions, council and planning commission meetings and various neighborhood workshops.

The overall project has been about 12 years in the making, and people from housing groups, business organizations, chambers of commerce and other interests noted that point Wednesday in urging the council to authorize Lennar to move forward with drafting the specific plan.

Almost 20 people spoke during the public comment section of the meeting, mostly in support of the mix of housing and commercial space laid out in the plan. According to the staff report, about 55 percent of the homes would be single-family and 45 percent multi-family; overall, 25 percent would be designated as affordable. The plan also calls for about 8.4 million square feet of either commercial or campus space (including office space on the BART-owned property) in three phases.

A couple of residents were wary about the proposed density in some areas of the project, particularly around the BART station in North Concord. Previous iterations of the plan did not account for the 800 housing units expected to go up on the Coast Guard property along East Olivera Road.

Vice Mayor Carlyn Obringer echoed their concerns, saying that without knowing how housing on the BART and Coast Guard properties will look, she wants the two properties to be studied further before a specific plan is prepared.

She also expressed concern that there may not be enough green space included in the plan for the dense housing and mixed-use property near BART.

Obringer was the only council member to vote against having Lennar now move forward with a specific plan. The other four council members — Tim McGallian, Ron Leone, Laura Hoffmeister and Mayor Edi Birsan — said the concerns can be addressed when the developer returns with a specific plan.

“We can’t be into micromanaging,” Birsan said. “We’re here to set big policy.”

## The Sacramento Bee

# Jolting California officials, Trump administration looks to rewrite rules for Delta water

By Dale Kasler

August 23, 2018 12:17 PM

Updated **August 24, 2018** 09:18 AM

The Trump administration is trying a bold new tactic to bring more water to Central Valley farmers — one that could come at the expense of millions of urban Southern Californians.

In an unprecedented move, the U.S. Bureau of Reclamation served notice to California officials Aug. 17, stating it wants to renegotiate a landmark 1986 agreement governing the big federal and state water projects and how they pump water through the Sacramento-San Joaquin Delta to their member agencies in southern half of the state.

Reclamation's efforts could significantly alter the balance of power between the state and federal governments as they share control of the water that flows through the Delta. The estuary is the hub of California's complex north-to-south water delivery system.

The complicated 1986 deal requires both sides to surrender water at times from their reservoirs, to serve [Delta environmental needs](#) and other purposes. Now the feds want to keep more of their water on hand, for delivery to Valley farm-irrigation districts and other customers of the federal government's Central Valley Project, leaving less for the State Water Project. Experts say hundreds of thousands of acre-feet of water could be at stake.

The two sides have been discussing possible revisions to the agreement for a while, and there's considerable uncertainty whether the feds can successfully wrest more water away from the state. But Reclamation's move is clearly ratcheting up tensions between state and federal officials over how to divide and deliver the state's precious water supply.

State officials "were hoping this day would not come," said Greg Gartrell, a Bay Area water policy expert with 30 years of experience in Delta issues.

The feds recently threatened to sue the state over a proposal to reallocate the flows on the San Joaquin River, [giving more water to fish](#) and less to Valley farmers. Interior Secretary Ryan Zinke, who oversees Reclamation, then ordered aides to [develop an action plan](#) aimed at "maximizing water deliveries" to agriculture and other Central Valley Project customers.

During the 2016 campaign, President Donald Trump told a [rally in Fresno](#) he would deliver more water to Valley farmers, who have struggled for years with reduced supplies.

Meanwhile, Central Valley Project and State Water Project members are in conflict over Gov. Jerry Brown's plans to build the Delta tunnels, which are supposed to ease the estuary's environmental troubles and enable both projects to pump water more reliably. So far the big farm-irrigation districts in the CVP have refused to help pay for the tunnels, increasing the burden on State Water Project agencies.

Now comes the attempt by Reclamation to rewrite the rules on Delta pumping. Although the two sides informally have been discussing revisions for two years, Reclamation's formal "notice of negotiation" landed the same day as Zinke's bluntly worded memo on water deliveries and sent a jolt through the halls of state government.

If the feds get their way in the Delta, there would be less water for the State Water Project and its most important customer: the Metropolitan Water District of Southern California, which serves 19 million residents of Los Angeles and surrounding areas. That leaves state officials anxious, experts say.

"You have 19 million people who are caught up in the State Water Project," said Sacramento water lawyer Stuart Somach, who helped negotiate the 1986 agreement while serving in the federal government. "If you have leverage over 19 million Californians ... you've got quite a bit of leverage."

## San Francisco Chronicle

# Climate change report: California to see 77 percent more land burned

[Kurtis Alexander](#) Aug. 27, 2018 Updated: **Aug. 27, 2018** 8:29 p.m.

This year's wildfire season is not the worst that California will see.

The number of large fires across the state will likely increase by 50 percent by the end of the century while the amount of land that burns annually will rise 77 percent, according to a new, far-reaching state report that seeks to document the impacts of climate change.

And the problems don't end here. California's Fourth Climate Change Assessment, released Monday by the governor's office with other state agencies, portrays a multiheaded threat that promises more wildfires at the same time that higher seas overrun beaches, less water fills state reservoirs and drier weather shrivels Central Valley crops.

"It's all of these things happening in combination. That's the scary part," said Bob Weisenmiller, chair of the California Energy Commission, one of the agencies that helped compile the report. "There were times when people thought we had the rest of the century to act on climate change. But climate change is upon us now, and we have to act right now."

The report draws on previously published studies about California's future and includes new research from dozens of scientists, all of whom underscore the state's numerous vulnerabilities in coming decades, even amid efforts to fight and adapt to climate change. Policies of the Trump administration, which has de-emphasized the reduction of planet-warming carbon dioxide, have only exacerbated matters.

"In California, facts and science still matter," said Gov. Jerry Brown in a prepared statement. "These findings are profoundly serious and will continue to guide us as we confront the apocalyptic threat of irreversible climate change."

Already, [wildfires are becoming fiercer](#), says LeRoy Westerling, a climate scientist at UC Merced and one of the contributors to the state assessment.

The deadly Carr Fire in Redding and the record-big Mendocino Complex near Clear Lake are among the blazes that have cumulatively charred 1.1 million acres in California this year — about as much land as the state of Delaware. It's more than three times the five-year average.

"We're on a trajectory of a lot more area burned than even what we've been projecting," Westerling said.

Westerling's new projections suggest fires of at least 25,000 acres will occur 50 percent more often by 2100 if greenhouse gas emissions continue at their current rate. Those projections are based on models that simulate higher temperatures and more variable rainfall, meaning longer dry spells.

While Westerling expects burned acreage to rise by the end of the century by 77 percent of the current average, some years will see nearly three times as much land go up in smoke, according to his research.

This dire forecast can be tempered, he said, if state and federal land managers [commit to more aggressive forest management](#), including precision thinning of woodlands and setting controlled fires. These strategies have long faced resistance, however, for reasons ranging from fear of damaging forests to complaints about smoke from prescribed burns.

Westerling's research suggests if 30 percent of the Sierra Nevada was appropriately managed, the amount of land that burns could drop nearly a third.

"We can totally do it," Westerling said. "It's all about political will."

The state report warns that if wildfires aren't mitigated, the impacts will cascade beyond the fire lines. Smoke will drive [more respiratory illness](#), the power grid will lose more lines and equipment to flames, and even the cost of homeownership will rise. The price of wildfire insurance, for example, is projected to increase 18 percent by 2055 as fires become more damaging.

California's water supply also faces risk of disruption, according to the report, threatening a \$46 billion agricultural economy and portending increased water restrictions in cities and towns.

The basic problem is snow. As temperatures warm, the Sierra snowpack that provides much of the state's water will melt earlier and become gradually more limited. By 2100, the snowmelt will be as much as 80 percent scarcer, the report said. That will mean less water flows into reservoirs in summer when demand is greatest.

"Our system was built for a different climate," said John Andrew, assistant deputy director for the California Department of Water Resources, which oversees the State Water Project and its nearly two dozen reservoirs.

While issues with water have been identified in older studies, the report provides new estimates for how much won't be available for export through the Sacramento-San Joaquin River Delta, the state's water-supply hub: about 10 percent less will flow by 2060.

"It's not the end of the world," Andrew said, "but 10 percent in a system that's already strained is something to pay attention to."

In the future, Californians will have to rely less for their water on big reservoirs managed by the state and federal governments, the report advises, and more on local initiatives, from desalination plants to water recycling to conservation.

The dip in water supplies will come as the demand for water on agricultural lands will rise as a result of increased evaporation, by 8 percent by midcentury, according to the report. Nearly 70 percent of California's winemaking area is thought to be vulnerable.

The Climate Change Assessment also provides new projections for sea-level rise. Between 31 and 67 percent of Southern California beaches may wash away by the end of the century without large-scale intervention, according to the report.

Statewide damages from rising seas could approach \$18 billion by 2100.

The authors of the new assessment hope the report serves as a call for action as well as provides guidance on where the most immediate threats lie and ways to address them. The document updates scientific projections made in the prior assessment, in 2012, and contains new sections that pinpoint the problems of specific regions.

"The basic message is that changes are happening fast, and they're not good changes," said Weisenmiller, with the Energy Commission. "We need to rise to the challenge."

*Kurtis Alexander is a San Francisco Chronicle staff writer. Email: [kalexander@sfchronicle.com](mailto:kalexander@sfchronicle.com)  
Twitter: [@kurtisalexander](https://twitter.com/kurtisalexander)*

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## Firefighter strike teams face new challenges

By Nick Marnell



MOFD Capt. Jon Bensley, center, at the Carr Fire. Photo courtesy MOFD Firefighters Association

The Bay Area firefighters returning from deployments at the recent California wildfires agree: The fire behavior that they have seen this year is unlike anything they have ever witnessed.

Jon Bensley came home in August after eight days at the Carr Fire, a wildfire that burned more than 200,000 acres in Shasta and Trinity counties and caused 38,000 evacuations. "It was a big fire, but it was the behavior that put us all on edge," said the Moraga-Orinda Fire District captain. "We're always thinking about fire behavior, and trying to predict what we might see, but that surpassed anyone's expectations."

The fire created its own weather system, and produced a fire whirl - a tornado - with winds over 140 mph. The whirl remained on the ground for 30 minutes and reached a height of 18,000 feet, destroying property and killing three in Redding.

Capt. Brent Boling of the Contra Costa County Fire Protection District was at a pizza shop with his crew in Redding when the fire tornado hit. "We got caught in evacuation traffic, on our way to base camp," Boling said. "Usually we're dealing with fire in the brush. The progression of this fire was house to house. You wouldn't expect that behavior."

"It reminds us to step back for a moment and think about what we are doing, and how best to serve the situation," said Bensley of the fire, which killed two firefighters. "It makes you re-evaluate the risks you are taking and how you are going to operate."

Both firefighters praised the community for its support. One boy wearing a firefighter outfit carried a sign along base camp every day thanking the crews, as did two young girls riding along on horseback. Families delivered food and treats to the camp. "You couldn't pay for a meal in Redding yourself," Bensley said.

Receiving encouraging cards from local residents helped cheer up the firefighters, many of whom were missing their families. "It's incredible what our families handle while we're gone," said Bensley, whose wife tends to a 5- and a 3-year-old, plus a 4-acre farm. "She says, 'As soon as you leave, the kids get sick, something breaks and I get forced to go to work. With no babysitter.' She's fighting the fire at home."

Boling has two daughters enrolled at Saint Mary's College. "It never ends being a dad," Boling said. While he worked on the strike team, one daughter on a trip with a friend called him when the headlights went out in her car. "She caught me on Face Time, with flames shooting in the background, and asked me to help her fix them. 'Ah, I'm a little busy now ...'" Boling told her to get a hotel room and deal with the headlights the next day, which she did.

For Boling, the Carr Fire was his 17th out-of-district assignment. "My first strike team, the Fountain Fire in Shasta County, remained in the Top 10 until the last two years," he said, emphasizing the ferocity and destruction of the recent wildfires. The Fountain Fire marked its 26th anniversary Aug. 20.

Bensley was on edge for most of his interview, not because he was uncomfortable sharing his story but because he had to wrap up his captain's workload at MOFD Station 43.

That night, he was leaving Orinda to work the Mendocino Complex Fire, the largest fire in California recorded history.

Reach the reporter at: [nick@lamorindaweekly.com](mailto:nick@lamorindaweekly.com)

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## MOFD chief offers strategies to cope with PG&E power shutdowns

By Nick Marnell

To allay concerns about power shutdowns that the Pacific Gas and Electric Company plans to institute during high fire-threat weather conditions, Moraga-Orinda Fire District Chief Dave Winnacker outlined steps residents can take to ensure that they always receive proper emergency notifications and evacuation alerts. According to the utility, "For public safety, it may be necessary for us to temporarily turn off electricity to customers who are served by PG&E electric lines that run through extreme fire-threat areas." But if PG&E shuts down power, how will residents be made aware of an approaching fire or to evacuate, especially in the era of internet-based phone systems and hands-free phones?

Winnacker recommended the purchase of an uninterruptible power source, which for about \$75 will provide adequate power for up to six hours. "And that gives you your Wi-Fi connection," he said. He also suggested the purchase a battery-powered AM/FM/weather alert radio to receive notifications during a power outage. The chief said he found one on Amazon for \$29.

The chief eschewed the use of sirens. "They are not designed to reach into buildings to communicate what is going on outside," Winnacker said. Rather, he favors relying on the Contra Costa County Community Warning System, which provides automated phone calls, text messages and weather alerts and allows for targeted evacuations of those who face the highest risk. For residents who sign up for Reverse 911, a feature of the warning system, "We can determine to the lot where the emergency is," Winnacker said. The chief also recommended signing up for Nixle alerts, emergency notifications provided by public agencies.

PG&E said it will make every effort to contact customers in advance of a power shutdown. Customers can sign up for the alerts on the utility website.

The chief offered perspective on the utility's power shutdown policy. "There is very little likelihood that this will happen," Winnacker said. Even in this record-setting fire season, PG&E has not yet reached the threshold for a preemptive power shutdown anywhere in California.

Reach the reporter at: [nick@lamorindaweekly.com](mailto:nick@lamorindaweekly.com)

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