



NOTICE AND AGENDA FOR REGULAR MEETING

DATE/TIME: Wednesday, December 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.

December 12, 2018 CONTRA COSTA LAFCO AGENDA

1. Call to Order and Pledge of Allegiance
2. **Welcome New/Returning Commissioners**
3. Roll Call
4. Adoption of Agenda
5. Public Comment Period (please observe a three-minute time limit):
Members of the public are invited to address the Commission regarding any item that is not scheduled for discussion as part of this Agenda. No action will be taken by the Commission at this meeting as a result of items presented at this time.
6. Approval of Minutes for the November 14, 2018 regular LAFCO meeting

CHANGES OF ORGANIZATION/REORGANIZATIONS

7. ***LAFCO 18-11 - Spinnaker Cove Waterline Extension - Annexation to Contra Costa Water District*** - consider approving the annexation of 35.37+ acres (multiple parcels) located at 4100 Sandmound Blvd in the unincorporated Oakley area; and consider related actions under the California Environmental Quality Act. ***Public Hearing***
8. ***LAFCO 17-13 – Dissolution of Los Medanos Community Healthcare District (LMCHD)*** – on September 12, 2018, the Commission approved dissolution of the LMCHD which serves the Bay Point/Pittsburg area. The proposal was initiated by Contra Costa County and the Commission’s approval is subject to a protest hearing. On December 12th, the Commission will receive information regarding the November 30th protest hearing. ***Informational Item***
9. ***County Service Area (CSA) M-9*** – receive update and consider initiating dissolution of CSA M-9.

BUSINESS ITEMS

10. ***2019 LAFCO Meeting Schedule*** – consider proposed modification to the March 2019 meeting
11. ***Executive Officer’s Performance Review and Compensation*** - consider salary increase for the Executive Officer in conjunction with her recent performance review.

CORRESPONDENCE

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

INFORMATIONAL ITEMS

13. Commissioner Comments and Announcements
14. Staff Announcements
 - CALAFCO Updates
 - Pending Projects
 - Newspaper Articles

ADJOURNMENT

Next regular LAFCO meeting January 9, 2019 at 1:30 pm

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

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MINUTES OF MEETING

November 14, 2018

Board of Supervisors Chambers
Martinez, CA

December 12, 2018
Agenda Item 6

1. Chair Mike McGill called the meeting to order at 1:30 p.m. and the Pledge of Allegiance was recited.
2. Roll was called. A quorum was present of the following Commissioners:
County Members Candace Andersen and Federal Glover (arrived at 1:35) and Alternate Diane Burgis (arrived at 1:41).
Special District Members Mike McGill and Alternate Stan Caldwell.
City Members Rob Schroder and Don Tatzin.
Public Members Don Blubaugh and Alternate Charles Lewis.

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

3. Approval of the Agenda

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

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

NOES: none

ABSENT: Glover (M), Skaredoff (M)

ABSTAIN: none

4. Public Comments

Debra Mason spoke on a recent fire in the Pittsburg area and related problems with Ambrose Recreation and Park District and requested that LAFCO look into that district's practices and conduct a municipal services review on the district.

Charles Smith spoke on a former annexation of the El Pueblo area and asked who owns the land and whether it is served by the County or the City of Pittsburg.

5. Approval of September 12, 2018 Meeting Minutes

Upon motion of Blubaugh, second by Andersen, the September 12, 2018 meeting minutes were approved by a vote of 7-0.

AYES: Andersen, Blubaugh, Caldwell, Glover, McGill, Schroder, Tatzin

NOES: none

ABSENT: Skaredoff (M)

ABSTAIN: none

6. Consider Request for Reconsideration: LAFCO 17-13 – Dissolution of Los Medanos Community Healthcare District (LMCHD)

The Executive Officer provided a brief update on the September 12, 2018 Commission decision to approve the County's application for dissolution of LMCHD noting that at the September 12 LAFCO meeting, the Commissioners amended one of the conditions and added two new conditions to the LAFCO resolution as reflected in the record and in the final resolution.

On October 12th, the final day of the reconsideration period, LAFCO received a request for reconsideration from the District's special legal counsel. The primary procedural concern appeared to be that the final LAFCO resolution was not made available until the week of October 8th and that LAFCO staff did not have authority to finalize the resolutions or to set the date for the protest

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hearing. Additionally, the District also raised concerns regarding a potential conflict of interest on the part of a LAFCO commissioner.

In response to the first concern, staff note that the resolution amendments were all discussed during the public hearing at which the District was present; further, each change was made for the benefit of District's residents. The Commission's approval in Sept included voting on the resolutions, and noted that staff would set a protest hearing upon adoption of the resolutions.

As for the potential conflict of interest, LAFCO staff has not been provided any information that such a conflict exists or could exist.

Staff provided the following Commission options in response to the request for reconsideration: 1) disapproving and proceeding with the protest hearing as currently scheduled for November 30, 2018; 2) disapproving and directing LAFCO staff to continue the November 30, 2018 protest hearing to January 29, 2019, the maximum amount of time LAFCO can continue a protest proceeding; 3) approving the request for reconsideration if the Commission believes the request meets the statutory requirements, and then considering the reconsideration request's merits, either during the November 14 public hearing or at a different time; 4) continuing the matter to December 12, 2018, if the Commission needs more information, and simultaneously continuing the protest hearing to a date no later than January 29, 2019; or 5) ratifying or readopting the LAFCO resolution, at the same time restarting the clock with a new 30-day reconsideration period, and scheduling and renoticing the protest hearing (and thus negating the work the District has done to date in collecting signatures).

The Executive Officer then read an email from Jack Weir, President of the Contra Costa Taxpayers Association, reiterating his support of the dissolution of LMCHD.

Commissioner Schroder stated that, although he was not present at the September meeting, he has listened to the recording of the meeting and has reviewed all materials.

The Chair reiterated the purpose of the public hearing (reconsideration) and noted that LAFCO is a separate entity and not part of the County. He then opened the public hearing. He also, with concurrence of Commissioners, set the speaker time limit to two minutes, and noted that LAFCO will not allow speakers to cede their time to someone else.

Elizabeth Calciano of Hensley Law Group, Special Counsel for LMCHD, requested additional time to speak as the project proponent. Upon the motion of Commissioner Andersen and the agreement of all Commissioners, the Chair agreed to a 10 minute limit for this speaker, and added that the County would be provided equal time if desired.

Ms. Calciano presented five points for LAFCO's reconsideration of the dissolution:

- 1) In reviewing the five options, the District prefers Option 3, which would approve the request for reconsideration and rescind the September 12, 2018 resolutions;
- 2) The District, as a public entity, has the right to spend funds to defend itself;
- 3) Regarding Option 5, in which the Commissioners would ratify or readopt the September 12, 2018 Resolutions 17-13A and 17-13B, it is not legal under the Brown Act as such an action was not noticed on the agenda and, further, would be seen as an attempt to nullify more than 11,000 signatures already gathered in protest of this action;
- 4) LAFCO's special legal counsel has a conflict of interest that could lead to invalidation of these proceedings in a court of law, in that the longstanding LMCHD general counsel on September 17, 2018 joined the same firm as that of LAFCO's special legal counsel. As general counsel the law presumes that his firm has an intimate knowledge of the District's legal issues and thus client confidential information, and assumes that knowledge to both him and the rest of the attorneys in that firm. The District's general counsel has had numerous communications with LAFCO

since 1998 on various issues—the very same issues that form the core of the present dispute between the District and LAFCO. The District’s general counsel did not resign this position until October 18, 2018, and only after the District raised this concern with LAFCO’s special counsel law firm. The District’s special counsel has had extensive ongoing correspondence with LAFCO’s special counsel in the hope that the firm would withdraw, but it has not. Ms. Calciano urged LAFCO to discuss this issue with its special counsel.

- 5) LAFCO attorneys are saying that the record is fine; Ms. Calciano says it is not. She suggests that the courts can decide; with the current record she believes LAFCO may be providing the District with enough errors to allow the District to obtain a Temporary Restraining Order (TRO) to keep the District alive while the issue is litigated. Ms. Calciano added that, even if the decision is not reversed, it should be slowed down to provide more time to really study this and the impact LAFCO’s decision will have on the District and its community.

Commissioner Tatzin asked if there was anything else, besides the allegation of LAFCO’s special legal counsel conflict of interest, that was new information that they couldn’t have heard before that constituted the basis for reconsideration. Ms. Calciano responded that her written letter of October 12, 2018 listed a number of items, pointing out that the protest hearing notice referenced the LAFCO resolution on the website, which was not posted there, and that the resolution itself was only created on October 12. She added that the District would be in favor of continuing the protest hearing to January if other options are not going to be exercised by LAFCO.

Patt Young, LMCHD Board Member, quoted the Centers for Disease Control to support her contention that social connectedness in the community has been shown to be associated with improved mental and physical health and that providing social support deters unhealthy activity. This is at the core of what LMCHD supports, provides, and funds. The District has collected 11,000 protest signatures to date, and that number is still growing. If LAFCO respects the voice of the District residents, it will honor their wishes and stop the dissolution.

Itika Greene, LMCHD Interim Executive Director, stated that the District is a community asset. The County should support the local community’s efforts, see it as a strength, and work collaboratively with it. The District wishes to continue a collaborative relationship with the County. Many of the organizations funded by and working with LMCHD are small and fly under the radar of County funders. Put the dissolution to a vote and let the people decide. The District currently has collected over 11,000 protest signatures in a very limited time. If LAFCO respects the voice of the District residents, give them more time to collect signatures and ensure a vote on the issue.

Timothy Ewell, Assistant County Administrator, Contra Costa County, reminded everyone that what was being considered at this hearing was a request for reconsideration. He stated that the County concurred with all of the findings made by LAFCO staff in her report, and would recommend that Commissioners adopt Option 1 (disapprove the request for reconsideration and proceed with the November 30, 2018 protest hearing). He stated that they saw no reason to extend the protest period any further; if the District has collected over 11,000 signatures they have already surpassed the number needed to drive the matter to a vote. The District has entered into several consultant contracts, using healthcare dollars to fund a political campaign. Extending the protest period simply means expending further healthcare funds.

The County Board of Supervisors adopted a resolution on November 6, 2018 augmenting the Los Medanos Health Advisory Committee (LMHAC) with two more seats, making a total of seven members, five of which are local community members.

The Chair reminded speakers again that they will be allowed two minutes, and that this hearing is to consider new information only.

Patt Young, , LMCHD Board Member, reiterated that this entire process is extremely difficult; the system is designed to prevent LMCHD from succeeding. This disenfranchisement of community health would be just another blow to the community. The District has cut its administrative expenses, which was the only valid criticism of the studies. This pressure has a negative effect on health outcomes.

The Chair again reminded speakers that they need to speak to the matter at hand, which is the request for reconsideration, and provide new information in support of this request.

Itika Greene, LMCHD Interim Executive Director, when called upon, chose to not speak again.

Barbara Hunt, St. Vincent de Paul of Contra Costa County, stated her understanding that this hearing was about procedure and process. As an observer of the process she feels that the District and the community were not being given adequate time to analyze the situation and make their opinions known. The residents need a voice, and she asked that the process be paused in order to allow that to happen.

Chair McGill noted in response that the law governing LAFCO (Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, or “CKH”), is a very prescriptive document, and LAFCO needs to follow the process as defined in the law. He stated that the hearing was getting off topic, but in asking for input from the Commissioners, the decision was made to allow speakers to say what they need to say.

Charles Smith, resident, protested the restricted speaking time, and showed a past County resolution congratulating LMCHD for its work in the community and signed by Supervisor Federal Glover. Is LMCHD a sacrificial lamb that is being offered up for waterfront development?

Cassandra Cromartie, when called on, did not come forward.

Mary Ziegler, resident, pointed out that LMCHD belongs to the community, and the residents of the area use it and need it. LMCHD provides a grant to the 50+ Club for services to the elderly that are stimulating and life-supporting.

Commissioner Andersen asked Ms. Ziegler if, in pointing out that her children and grandchildren “use it,” she is speaking of the Pittsburg Health Center (PHC). She replied affirmatively.

Commissioner Glover commented that the PHC is not going anywhere. All of the services it provides now will continue to be provided. The 50+ Club will still be eligible to apply for grants for its services. If people are being told that the PHC is going away, it’s not right. If people are being told that the LMCHD grant programs are going away, they are not; they will be administered by a community committee, the LMHAC.

Janice Semanick, resident, would like to see that LMCHD be kept within East County; her taxes pay for LMCHD. Yes, they have heard the clinic will be closed, and she felt better to know that it will not. But she does feel any dissolution should be a decision made by the voters.

Elizabeth Calciano and Itika Greene responded to Ms. Semanick’s comment that the public is hearing that the clinic will be closed. That is an erroneous comment.

Carolyn Jones, Greater Faith Food Pantry, did not speak.

Aaronique Gordon, LMCHD staff member, clarified that the District is not giving community members erroneous information, and stated that LAFCO does not care about the community and that what is being done is wrong.

Barbara Lee Bryant, Greater Faith Missionary Baptist Church member, noted out that the church runs a food pantry that is supported by LMCHD as a necessary service to community members who need food. This will be dissolved if LMCHD is dissolved.

Jeanette Ortiz, resident, goes to the clinic on a regular basis. If the PHC is going to stay open, where will it go if the County takes the building? Let the community vote on the dissolution; this is not a democracy.

Commissioner Andersen reiterated that the PHC is run by the County, and it's not going anywhere; LMCHD owns the building but does not run the PHC. This misimpression needs to be cleared up.

Commissioner Glover added that all documents in this process support continuing and enhancing the health services provided by the PHC and, by extension, the County if LMCHD is dissolved.

Commissioner Burgis pointed out that, if the County is the successor agency to LMCHD after dissolution, 85% of the LMCHD tax revenues will be used for the grant program to continue funding the organizations that LMCHD has been supporting.

Regina Tucker requested reconsideration and stated that the people have a right to vote on this.

Deborah Polk, East County resident, expressed her concern, and that she doesn't understand why the County wants to take over LMCHD. She would like to see the people vote on this.

Ahmad Al Namyouti (?), resident of Pittsburg, wished to speak but no translator had been requested in advance, and none was available in the hearing room.

Rubalyn Turner chose not to speak.

Anuson Asvakavith (?) chose not to speak.

Linda Departe (?) chose not to speak.

Gail Kellough asked why this dissolution is happening over a building; why can't the arrangement stay the same as it has been? What is the problem?

The Chair pointed out that there is no problem with the building, and there is no problem with the services the County is providing in the PHC, which occupies that building. LAFCO is following a prescribed process, which was caused by an application for dissolution, and is going through all the legal steps required. LAFCO's approval of the dissolution was followed by a request for reconsideration, supposedly based on new information not made available at the time of LAFCO's approval of the dissolution.

Ms. Kellough then asked why this has been done without the citizens' involvement.

Elizabeth Green chose not to speak.

Linda Strong was not available to speak at the time.

Carlos Uher chose not to speak.

Allen Tatomer, former LMCHD Board member, spoke at length regarding his perspective as a former board member, indicating that he has seen the board frequently engage in unprofessional behavior. He commented on Board stipends and benefits. He felt that the grant program was designed primarily as a strategic public relations effort; that the Contra Costa Health Plan is a good example of service to low and moderate income people in the region; and that dissolution is a positive and proper step forward for a district that has become superfluous and redundant.

Willie Mims, East County AACP and Pittsburg Black Political Association, stated that the previous speaker provided misinformation; where is his evidence? He asked if the current board members could correct his misstatements. He asked if it is fair for Commissioners to make this decision, when two County members made the decision to move forward with the dissolution; they should not have been allowed to vote on this (when it came before the Commission). He also noted that the State Controller's Office sent a letter listing inactive districts at the end of 2016, and LMCHD was not listed there.

The Chair responded that LAFCO Commissioners are not required by law to recuse themselves when items having to do with their agencies come before the Commission.

Debra Mason, Bay Point resident, stated that she doesn't want to see Contra Costa County become polarized like Washington D.C.; it's possible for people to have two different opinions on either side of an issue and neither one be completely wrong. She noted that the people who are being paid to collect signatures are lying; she has witnessed them telling people they will lose their clinic and their community programs if they don't sign the petition. She suggested that LMCHD could tell the signature gatherers that it is important to give the public accurate information.

Linda Strong, LMCHD Board member, pointed out that board members do not receive payment for every meeting they attend.

Dr. J. Vern Cromartie, LMCHD Board President, clarified that board members each receive \$100 per meeting that they attend, up to a maximum of \$400 per month.

As the Chair prepared to close the public hearing, Special Counsel Kara Ueda noted out that there is still one person, Ahmad Al Namyouti, who wishes to speak if a translator can be found. The Chair thus closed the public hearing with the exception that, if a translator is found, the public hearing will be reopened for his comments.

Commissioner Tatzin asked Special Counsel Kara Ueda about Elizabeth Calciano's comments regarding Colin Coffey and the alleged conflict of interest within Best Best & Krieger (BB&K) that could invalidate LAFCO's decision.

Special Counsel Ueda noted that there are two points in Ms. Calciano's testimony that she wished to address. Regarding the allegation of an ethical conflict of interest in BB&K, she confirmed that they have had a series of correspondence with Hensley Law Group. It is true that Colin Coffey has served as legal counsel to LMCHD, and he did join the BB&K Walnut Creek office. They have been reviewing Ms. Calciano's statements in terms of assessing an appropriate response. At no point has Ms. Ueda had access to any confidential information on the District; similarly, neither Mr. Coffey nor any of his colleagues who came to BB&K has provided any confidential information to her.

Commissioner Andersen asked Ms. Ueda to explain why she feels this satisfies the ethical obligation issue brought up by Ms. Calciano.

Ms. Ueda reiterated that she has had no access to any confidential information, nor has she had any contact with Mr. Coffey. An ethical firewall was set up so that neither party can have access to either's documents, and they have complied with ethical rules. She understands that this has become a distraction to the Commission's proceedings, and stated that they are trying to address it as quickly as possible.

Commissioner Tatzin asked Ms. Ueda about Ms. Calciano's suggestion that there may be grounds for a TRO against LAFCO.

Ms. Ueda stated that everything BB&K has received has also been received by LAFCO and is in the public record. She has had no individual discussions with Ms. Calciano or anyone else at that firm regarding the possibility of a lawsuit or a TRO.

Commissioner Lewis asked Ms. Ueda about when Mr. Coffey joined BB&K. Ms. Ueda indicated sometime in September. Commission Lewis asked whether Mr. Coffey still represents the District. Ms. Ueda indicated that Mr. Coffey no longer represents the District. Commissioner Lewis asked if Ms. Ueda could help him see where the conflict is; she responded that BB&K also does not believe there is a conflict of interest, the firm has established a firewall, and they continue to evaluate the claims and cases the District has presented, and the wall between Ms. Ueda and Mr. Coffey remains.

Commissioner Tatzin asked staff about the process by which a vote can be taken by the residents. The Executive Officer explained the CKH law for written protests and the threshold that would lead to a vote by the residents of the District on this action.

Commissioner Andersen stated that she has not heard of any new information that would allow Commissioners to reconsider its September 12 decision. She suggested that she would like to move approval of Option 2 (disapprove the request for reconsideration but continue the November 30 protest hearing to January 29, 2019) out of an abundance of caution to ensure that everyone feels heard and to try to avoid future litigation on this matter.

Commissioner Tatzin seconded the motion for purpose of discussion.

Commissioner Glover pointed out that there has been no business transaction on the part of his wife that presents a conflict. He added that the LAFCO vote in September conditioned that there would be no sale of the property, and that any use of the property would be for healthcare services. He stressed that he always looks out for the best interests of the community. The rhetoric and scare tactics that he has seen are disturbing; he sees nothing new in the request for reconsideration, and he feels that there is no reason to continue this matter further. He would prefer Option 1.

Chair McGill noted that there is currently a motion and second for Option 2, and that there are still comments pending from other Commissioners as well as staff. The public hearing has also been kept open depending on finding a translator. Upon confirmation that a translator was not found, the Chair closed the public hearing and brought the discussion back to the Commissioners.

The Executive Officer noted that the protest hearing is primarily for receiving written protests. LAFCO staff conducts the hearing, and there will be no Commissioners in attendance. Testimony is not typically taken; however, the protest hearing is a public hearing. Once the protest hearing is closed, no more written protests will be accepted.

Commissioner Schroder noted that he has been on LAFCO for 16 years, and it took him about four years to figure it out; the LAFCO law is very complicated. He understands the confusion about the process, but it is a law that must be followed by Commissioners. Contra Costa LAFCO's Executive Officer is a true expert on it. He visited some of the grant recipients in the LMCHD community, and he was very impressed with what he saw. At the time of the vote on dissolution, he was absent but if he had been in attendance he would have voted to continue the matter until the end of the year to see how much more improvement could be made based on LAFCO's Healthcare Services MSR. But that decision has been made, and he saw no new information in the materials presented. He will not vote for reconsideration.

Commissioner Lewis has seen something that wasn't available in September: The County Public Records Act letter to LMCHD requesting a copy of the contract between the District and PCI Consultants for signature gathering and petition management services, not to exceed \$240,000, and additionally a draft contract between the District and Tribune Direct for printing and mailing services, not to exceed \$90,000. These are examples of administrative overhead spending that has not gone to direct healthcare services. He believes that LAFCO's approval of dissolution with the condition that the County will spend 85% of the District revenues on direct healthcare services, instead of overhead and this kind of expenditure, is the correct one.

Commissioner Glover asked that the motion for Option 2 be withdrawn in favor of moving Option 1 forward. Commissioners Andersen and Tatzin agreed to withdraw that motion.

Commissioner Blubaugh stated that he understood the passion of the audience but resented the implication that Commissioners are doing something morally wrong. Commissioners have been listening very carefully to grant recipients for months. Even though the Healthcare Services MSR suggested that the District should continue to do its work, they could not dismiss the County's application for dissolution, and they spent considerable time reviewing numerous reports going back

years. He saw nothing new in the request for reconsideration, and he noted that the residents of the District will get a chance to vote if they get enough signatures. He agreed with Option 1.

Upon motion of Glover, second by Blubaugh, Commissioners, by a 7-0 roll call vote, disapproved Los Medanos Community Healthcare District's request for reconsideration and directed staff to proceed with the protest hearing as scheduled for November 30, 2018.

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

7. LAFCO 17-13 - Dissolution of LMCHD - Informational Update

The Executive Officer provided an informational update on the Commission-approved dissolution of the LMCHD, covering four issues: 1) the final resolution adopted by the Commission on Sept 12th with the requested amendments; 2) information regarding the upcoming protest hearing scheduled for November 30th; 3) information regarding the District's request for reconsideration, which was covered in the previous agenda item; and 4) information regarding the District's Public Records Act (PRA) request to LAFCO.

At the September 12th LAFCO meeting, the Commission requested one amendment and two added conditions. The amendment increases the number of the County's newly formed Los Medanos Health Advisory Committee from five to seven members; and the two added conditions include one capping the amount of funding the County can spend on administrative costs, and another specifying that any proceeds from the sale, transfer, or redevelopment of PHC property be directed to healthcare related services and programs in the community. Staff also commented on the upcoming protest hearing and status of the response to the PRA request.

8. Policies & Procedures Update

Commissioners Tatzin and Blubaugh, as members of the Policies and Procedures Ad Hoc Subcommittee, presented proposed revisions relating to *Rules and Procedures, CALAFCO, Roster of Cities and Special Districts, City Annexations and Detachments, and District Annexations and Detachments*, along with a status report on the LAFCO *Agricultural & Open Space Preservation Policy (AOSPP)*. They recommended adoption by the Commissioners.

Upon motion of Andersen, second by Tatzin, Commissioners, by a unanimous 7-0 vote, approved the revisions and the status report on the AOSPP.

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

LAFCO staff noted a comment received from *Friends of the Creek* indicating their satisfaction with the proposed amendments to the AOSPP.

9. FY 2018-19 First Quarter Budget Report

The Executive Officer reported that total revenues are at approximately 60% of projected revenues, as a several agencies have not yet paid their LAFCO appropriations; expenditures are at 12% of projected expenses. Contributions to the OBEP and CCCERA accounts are not reflected in the 1st quarter report. First quarter application activity is less than FY 2017-18 activity, with two new applications received in the 1st quarter of this fiscal year, compared to four applications received in the 1st quarter of FY 2017-18. Further, that no budget adjustments are needed at this time, and staff will continue to keep the Commission apprised of any budget issues.

Upon motion of Andersen, second by Blubaugh, Commissioners, by a unanimous 7-0 vote, received the report.

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

10. 2019 LAFCO Meeting Schedule

The Executive Director presented the 2019 meeting schedule, noting that the schedule proposes one modification - to hold the April 2019 meeting on the third instead of the second Wednesday of the month to accommodate the 2019 annual CALAFCO staff workshop (April 10-12).

Upon motion of Andersen, second by Glover, Commissioners, by a unanimous 7-0 vote, approved the schedule with the proposed modification.

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

11. Correspondence from CCCERA

There were no comments on this item.

12. Commissioner Comments and Announcements

Commissioner McGill noted that he attended the CALAFCO Annual Conference along with other Contra Costa LAFCO Commissioners. He was reelected to the CALAFCO Board there, and was also elected to the Vice Chair position during the CALAFCO Board meeting. He attended a CALAFCO Legislative Committee meeting on October 26 and will attend the upcoming Board and Legislative Committee meetings in December.

13. Staff Announcements

The Executive Officer drew Commissioners' attention to CALAFCO updates, which included highlights of the 2018 Annual Conference, a letter from CALAFCO Executive Director Pamela Miller, and the 2019 CALAFCO calendar.

At 3:35 p.m., Commissioners adjourned to Closed Session to discuss employee performance evaluation.

At 3:44 p.m., Commissioners reconvened and the Chair reported that the Commissioners had discussed the performance evaluation and will discuss with the Executive Officer.

The meeting adjourned at 3:45 p.m.

Final Minutes Approved by the Commission December 12, 2018.

AYES:
NOES:
ABSTAIN:
ABSENT:

By _____
Executive Officer

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

December 12, 2018
Agenda Item 7

December 12, 2018 (Agenda)

LAFCO 18-11

Spinnaker Cove Waterline Extension - Annexation to Contra Costa Water District

PROPONENT

Contra Costa Water District by Resolution No. 18-0004 adopted April 18, 2018

SYNOPSIS

The applicant proposes to annex 35.37± acres (numerous parcels) located at 4100 Sandmound Blvd, adjacent to Sandmound Slough on the Hotchkiss Tract, in the unincorporated Oakley area (Exhibit 1). Annexation will bring the property and a portion of road right-of-way into the service boundary of CCWD, and will allow for the extension of municipal water service to 91 approved residential units including 27 single family units and 64 condominium units; 12 of the units are constructed and are currently without water service.

The proposed waterline extension will enable the allocation of untreated water from CCWD and delivery of treated water by the Diablo Water District (DWD). The subject area is within the sphere of influence (SOI) of CCWD, and is within the boundary and SOI of DWD. The area proposed for annexation is partially outside the County's Urban Limit Line (ULL) as shown on the attached map.

DISCUSSION

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

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

The area proposed for annexation is within CCWD's SOI.

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

The subject property consists of graded land with 91 approved homes, 12 of which are constructed. The County's land use designations include Single Family Residential High Density and Agricultural Lands & Off Island Bonus Area (General Plan) and Planned Unit Development (zoning). The project site is bounded on the east by Sandmound Slough, boat docks, and unimproved land/open space; on the west and south by unimproved land/open space; and on the north by the Summer Lakes community; residential homes along Sandmound Blvd, and boat docks. The proposed annexation will have no effect on the land uses.

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

There are no proposed land use changes associated with the annexation. The 91-unit residential development project was approved by the County in 1986. No portion of the subject area is subject to a Williamson Act contract. The area directly east is water. Immediately east of the waterway is land designated Delta Recreation (General Plan) and zoned A-3 (Heavy Agriculture) (parcel 10 acre minimum). Impacts to agricultural land was analyzed in a project-level environmental report prepared in 1980 in conjunction with the development project and in the 2017 Mitigated Negative declaration. In 2002, LAFCO relied on the County's 1980 CEQA environmental when it approved annexation of the project site to DWD. The proposed annexation to CCWD will have no direct impact on agricultural lands.

4. Topography, Natural Features and Drainage Basins:

The subject property is a generally flat site which previously underwent rough grading. The project site is bounded by Sandmound Slough on the east.

5. Population:

No development is proposed in conjunction with the annexation, and no population increase will result from this proposal. The 91 home development was approved by the County in 1986. The development project will result in an increase in population of approximately 300 people.

6. Fair Share of Regional Housing:

In its review of a proposal, LAFCO must consider the extent to which the proposal will assist the receiving entity in achieving its fair share of the regional housing needs as determined by the regional council of governments. Regional housing needs are determined by the State Department of Housing and Community Development; the councils of government throughout the State allocate to each jurisdiction a "fair share" of the regional housing needs.

In Contra Costa County, the Association of Bay Area Governments (ABAG) determines each city's fair share of regional housing needs. Each jurisdiction is required, in turn, to incorporate its fair share of the regional housing needs into the housing element of its General Plan. In July 2013, ABAG adopted the 2014-2022 Regional Housing Needs Allocation (RHNA) Plan for the San Francisco Bay Area. None of the Spinnaker Cove residential units are designated "above moderate", "moderate", "low" and/or "very low" income units.

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

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

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

The subject property is without the boundaries of a number of municipal service agencies including Contra Costa County, DWD, East Contra Costa Fire Protection District, and Ironhouse Sanitary District.

The proposal before the Commission is to annex the property to CCWD for the provision of municipal water service for domestic and fire suppression purposes. Municipal water service is needed to support the 91-home development project. The subdivision is located within DWD's service boundary and within CCWD's SOI. CCWD supplies untreated water to DWD, and DWD provides treated water service.

The Spinnaker Cove project was originally approved by Contra Costa County in 1986 with authorization for use of ground wells, subject to water quality testing and County Health Department approval. Analysis of the well water shows that the levels of iron, manganese, and

nickel present in the water are significantly in excess of the allowable County and State standards. Further, that the ability to treat and maintain acceptable water quality over time through a privately maintained system is questionable.

Following receipt of all local, state, and federal permits, the developer completed all subdivision grading and site improvements, including roadways, utilities, street lights, drainage, etc. Twelve single-family homes have been built within the overall 91-unit subdivision, but none have yet been occupied due to the lack of a reliable source of acceptable water. Municipal water is needed to serve the project.

8. Timely Availability of Water and Related Issues:

Pursuant to the CKH, LAFCO must consider the timely and available supply of water in conjunction with a boundary change proposal. Contra Costa LAFCO policies state that any proposal for a change of organization that includes the provision of water service shall include information relating to water supply, storage, treatment, distribution, and waste recovery; as well as adequacy of services, facilities, and improvements to be provided and financed by the agency responsible for the provision of such services, facilities and improvements.

The proposal before the Commission includes annexation of the subject property to CCWD. CCWD's boundary encompasses 220± square miles in central and eastern Contra Costa County. CCWD's untreated water service area includes Antioch, Bay Point, Oakley, Pittsburg, and portions of Brentwood and Martinez. The District's treated water service area includes Clayton, Clyde, Concord, Pacheco, Port Costa, and parts of Martinez, Pleasant Hill, and Walnut Creek. CCWD also treats and delivers water to the City of Brentwood, Golden State Water Company (Bay Point), Diablo Water District (Oakley), and the City of Antioch. CCWD serves approximately 500,000 (61,085 water connections). The primary sources of water are the USBR CVP and delta diversions. One of CCWD's prerequisites for service, including annexation, is inclusion in the CVP service area. The CVP inclusion review is a separate process, and requires specific environmental documents. The landowners and CCWD will work together to complete the CVP process.

The District's water delivery will be facilitated through construction of a new potable water transmission line by DWD, who will be the retail water service provider. The line will extend east from a point within the existing East Cypress Road/Summer Lake Drive intersection, approximately 1,700 feet within the existing street right-of-way of Sandmound Blvd, and then south approximately 2,700 feet within the existing right-of-way of Sandmound Blvd into the entrance of Spinnaker Cove. At project buildout there will be 91 residential one-inch water meters, one recreation building one-inch water meter, and three one-inch irrigation water meters. Fire hydrants will be installed approximately every 500 feet.

Based on the development of the 91 residential units, one recreation facility and three irrigation services, the maximum demand for service is approximately 80,000 gallons of water per day. Both CCWD and DWD indicate they have the capacity to serve the project.

9. Assessed Value, Tax Rates and Indebtedness:

The annexation area is within tax rate area 72027. The assessed value for the annexation area is \$3,631,636 (2018-19 roll). The territory being annexed shall be liable for all authorized or existing taxes and bonded debt comparable to properties presently within the annexing agencies.

10. Environmental Impact of the Proposal:

The original entitlements for the Spinnaker Cove development were approved by Contra Costa County, following preparation of an Environmental Impact Report (EIR) in 1980. The previous EIR was also relied on by LAFCO in its 2002 annexation of the Spinnaker Cove development into DWD's service boundary. In 2017, DWD, as Lead Agency, prepared a Mitigated Negative Declaration (MND) in conjunction with the Spinnaker Cove Waterline Extension project and proposed annexation to CCWD. The LAFCO environmental coordinator has reviewed the MND and determines that it is acceptable for LAFCO purposes.

11. Landowner Consent and Consent by Annexing Agency:

According to County Elections, there are zero registered voters in the subject area; thus, the area proposed for annexation is considered uninhabited. The applicant indicates that less than 100% of the affected landowners have provided written consent to the annexation. Should LAFCO receive opposition from the landowner, a protest hearing will be required. All landowners and registered voters within the proposal area and within 300 feet of the exterior boundaries of the area have also received notice of the LAFCO hearing.

12. Boundaries and Lines of Assessment:

The annexation area is within the SOI of CCWD. A map and legal description to implement the proposed annexation has been received and is subject to final approval by the County Surveyor.

13. Environmental Justice:

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

14. Disadvantaged Communities:

In accordance with Senate Bill 244, local agencies and LAFCOs are required to plan for disadvantaged unincorporated communities (DUCs). Many of these communities lack basic infrastructure, including streets, sidewalks, storm drainage, clean drinking water, and adequate sewer service. LAFCO actions relating to Municipal Service Reviews, SOI reviews/ amendments, and annexations must take into consideration DUCs, and specifically the adequacy of public services, including sewer, water, and fire protection needs or deficiencies, to these communities. According to the County's Department of Conservation and Development, the annexation area does not meet the criteria of a DUC.

15. Comments from Affected Agencies/Other Interested Parties:

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

16. Regional Transportation and Regional Growth Plans:

In its review of a proposal, LAFCO shall consider a regional transportation plan adopted pursuant to Section 65080 [Gov. Code section 56668(g)]. Further, the commission may consider the regional growth goals and policies established by a collaboration of elected officials only,

formally representing their local jurisdictions in an official capacity on a regional or subregional basis (Gov. Code section 56668.5).

Regarding these sections, LAFCO looks at consistency of the proposal with the regional transportation and other regional plans affecting the Bay Area.

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

The Plan Bay Area directs future development to infill areas within the existing urban footprint and focuses the majority of growth in self-identified Priority Development Areas (PDAs). PDAs include infill areas that are served by transit and are located close to other amenities, allowing for improved transit, bicycle and pedestrian access thereby reducing the amount of transportation related GHG generated. Plan Bay Area also aims to protect open space and agricultural land by directing 100% of the region's growth inside the year 2010 urban footprint, which means that all growth occurs as infill development or within established urban growth boundaries or urban limit lines. As the plan assumes that all urban growth boundaries/urban limit lines are held fixed through the year 2040, no sprawl-style development is expected to occur on the region's scenic or agricultural lands.

Plan Bay Area also includes projections for the region's population, housing and job growth, and indicates that the region has the capacity to accommodate expected growth over the next 25 years without sprawling further into undeveloped land on the urban fringe.

ABAG and MTC are in the process of updating the Plan Bay Area. The final Plan and EIR are expected to be approved this summer.

The subject property is not designated as a "Priority Conservation Area" or a "PDA", and the proposed annexation will have no impact on the regional plan.

ALTERNATIVES FOR COMMISSION ACTION

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

- Option 1** Approve the annexation as proposed.
- A. Find that, as a Responsible Agency under CEQA, the Commission has reviewed and considered the information contained in Diablo Water District's Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program in conjunction with the *Spinnaker Waterline Extension Project*.
 - B. Adopt this report, approve LAFCO Resolution No. 18-11 (Exhibit 2), and approve the proposal, to be known as the *Spinnaker Cove Waterline Extension Project – Annexation to CCWD* subject to the following terms and conditions:

1. This annexation will allow the delivery of treated water exclusively for use by the future residents of the Spinnaker Cove residential development project, and related uses including fire suppression.
 2. The territory being annexed shall be liable for the continuation of any authorized or existing special taxes, assessments and charges comparable to properties presently within the annexing agencies.
 3. CCWD has delivered an executed indemnification agreement providing for the District to indemnify LAFCO against any expenses arising from any legal actions challenging the annexation.
 4. Water service to the annexation area is conditioned upon CCWD receiving Central Valley Project (CVP) inclusion approval from the USBR, pursuant to the requirements in CCWD's contract with USBR for the use of CVP water.
- C. Find that the subject territory is uninhabited, and the proposal has less than 100% landowner consent. Thus, if the affected landowner protests the annexation, a protest hearing will be required. If no protests are received, the protest proceedings will be waived.

Option 2 Accept this report and DENY the proposal.

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

RECOMMENDED ACTION:

Option 1 – Approve the annexation as proposed.

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

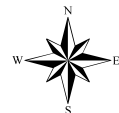
Exhibits

1 – Annexation Map

2 – Draft LAFCO Resolution 18-11

c: Distribution

LAFCO 18-11 – Spinnaker Cover Waterline Extension Annexation to Contra Costa Water District (CCWD)



RESOLUTION NO. 18-11**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS AND APPROVING
SPINNAKER COVE WATERLINE EXTENSION
ANNEXATION TO CONTRA COSTA WATER DISTRICT**

WHEREAS, the Spinnaker Cove Waterline Extension Project annexation to Contra Costa Water District proposal (“Spinnaker Cove annexation 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 Spinnaker Cove annexation proposal; and

WHEREAS, the Commission held a public hearing on December 12, 2018, on the Spinnaker Cove annexation proposal; and

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

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

1. Find that, as a Responsible Agency under CEQA, the Commission has reviewed and considered the information contained in the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program in conjunction with the Spinnaker Cove annexation proposal.
2. Said annexation is hereby approved.
3. The subject proposal is assigned the distinctive short-form designation:
SPINNAKER COVE ANNEXATION PROPOSAL
4. The boundaries of the affected territory are found to be definite and certain as approved and set forth in Exhibit 1, attached hereto and made a part hereof.
5. Approval of the Spinnaker Cove annexation proposal is subject to the following:
 - a. This annexation will allow the delivery of treated water exclusively for use by the future residents of the Spinnaker Cove residential development project, and related uses including fire suppression.
 - b. 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.
 - c. CCWD has delivered an executed indemnification agreement providing for the District to indemnify LAFCO against any expenses arising from any legal actions challenging the annexation.

Contra Costa LAFCO
Resolution No. 18-11

- d. Water service to the annexation area is conditioned upon CCWD receiving Central Valley Project (CVP) inclusion approval from the acceptance for inclusion of the annexed area from the United States Bureau of Reclamation (USBR), pursuant to the requirements in CCWD's contract with USBR for the use of CVP water.
- 6. Find that the subject territory is uninhabited, and no landowners have protested the annexation; thus, the protest proceedings are waived.
- 7. All subsequent proceedings in connection with the Spinnaker Cove annexation proposal shall be conducted only in compliance with the approved boundaries set forth in the attachments and any terms and conditions specified in this resolution.

* * * * *

PASSED AND ADOPTED THIS 12th day of December 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: December 12, 2018

Lou Ann Texeira, Executive Officer



Lou Ann Texeira
 Executive Officer

MEMBERS

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

ALTERNATE MEMBERS

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

December 12, 2018
 Agenda Item 8

December 12, 2018 (Agenda)

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

Protest Hearing - Dissolution of Los Medanos Community Healthcare District – Informational Report

Dear Commissioners:

At a noticed public hearing on September 12, 2018, the Commission approved dissolution of the Los Medanos Community Healthcare District (LMCHD). The District serves the Pittsburg/Bay Point area. The proposal to dissolve the LMCHD was submitted by Contra Costa County.

At a subsequent hearing on November 14, 2018, the Commission considered a request for reconsideration submitted by the LMCHD and disapproved the request for reconsideration. At both the September and November LAFCO hearings, LAFCO received opposition to the dissolution from the District and members of the public, at least some of whom were presumably either landowners and/or are registered voters within the affected area. Consequently, a protest hearing was required under the law. At the November hearing, the Commission directed LAFCO staff to proceed with the protest hearing.

The protest hearing was properly noticed and was held on Friday, November 30, 2018, at 11:00 a.m. at 651 Pine Street, 1st Floor (Board of Supervisors Chambers) in Martinez, CA. The hearing was conducted by the LAFCO Executive Officer, who is delegated the authority to conduct the protest hearing on behalf of the Commission pursuant to the CKH [section 57000(c)] and local LAFCO policy (1.4 Rules and Procedures, subsection G). Approximately 12 people attended the hearing.

At the conclusion of the hearing, the number of protests received were submitted to the Contra Costa County Elections Office for certification. The District reported collecting 16,539 signatures; County Elections subsequently reported a total of 16,702 signatures.

County Elections is currently verifying the protests. Pursuant to State law, County Elections has up to 30 working days to complete the verification. County Elections will review and verify all protests submitted versus using a random sample. We anticipate receiving the election results prior to the January 9, 2019 LAFCO meeting.

Sincerely,

Lou Ann Texeira
 Executive Officer

c: Distribution List



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

December 12, 2018
 Agenda Item 9

December 12, 2018 (Agenda)

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

County Service Area M-9 – Inactive District

Dear Members of the Commission:

SYNOPSIS

In November 2018, Contra Costa LAFCO received a letter from the California State Controller’s Office (SCO) informing LAFCO of an inactive district in Contra Costa County – County Service Area (CSA) M-9, and the requirements to dissolve inactive districts pursuant to Government Code section 56879 (see Attachment 1). In 2017, the County received a similar letter from the SCO regarding CSA M-9.

LAFCO staff consulted with the County Assessor’s Office, Auditor’s Office and County Public Works, and we agree that CSA M-9 is inactive based on Government Code sections 56042 and 56879 (see Attachment 2), and that the district should be dissolved.

DISCUSSION

CSA M-9 (see Attachment 3) was formed in 1969 and was authorized to provide the following services: street lighting facilities and services; street sweeping services; and parkway maintenance services to territory in what was then unincorporated Orinda.

When the City of Orinda incorporated in 1985, the City assumed the services previously provided by CSA M-9. According to County records, CSA M-9 has been active since June 30, 1990. However, given the district was never officially dissolved, it continues to show up on the State’s reporting list.

In 2017, Senate Bill 448 was enacted. This legislation defines “inactive districts” and requires the SCO to publish a list of inactive special districts and notify LAFCOs of inactive districts in their

county. The bill requires LAFCO to initiate dissolution of inactive districts by resolution within 90 days of receiving notification from the SCO, unless LAFCO determines that the district does not meet the criteria for "inactive district." SB 448 also establishes an expedited process for LAFCOs to dissolve inactive districts. The Commission recently employed this process to dissolve Reclamation District (RD) 2121.

Typically, when LAFCO dissolves a district, it names a successor agency (e.g., county, city). However, as noted above, the City of Orinda became the successor agency when it incorporated in 1985 and assumed the services previously provided by CSA M-9. Further, CSA M-9 has no assets, liabilities, outstanding debts, judgments, contracts, or claims; nor does CSA M-9 receive a tax increment. Therefore, as with RD 2121, there is no need to designate a successor agency to CSA M-9.

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

- Option 1** Adopt a resolution initiating dissolution of CSA M-9 (see Attachment 4) and direct staff to proceed with the dissolution proceedings.
- Option 2** Do not adopt a resolution initiating dissolution of CSA M-9.
- Option 3** If the Commission needs more information, CONTINUE this matter to a future meeting.

RECOMMENDED ACTION: Option 1.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

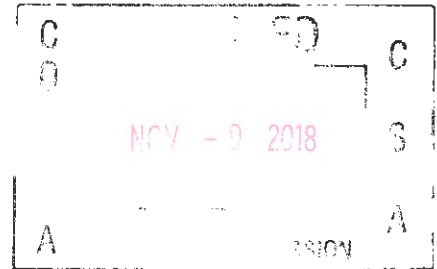
Attachments:

- 1 – November 6, 2018 Letter to Contra Costa LAFCO from the State Controller's Office
- 2 – Government Code Sections 56042 and 56879
- 3 – Map of CSA M-9
- 4 – Draft Resolution Initiating Dissolution of CSA M-9

c: Contra Costa County Assessor's Office
 Contra Costa County Auditor-Controller's office
 Contra Costa County Public Works Department



BETTY T. YEE
California State Controller



November 6, 2018

Lou Ann Texeira
651 Pine Street, 6th Floor
Martinez, CA, 94553

SUBJECT: Amended Notification of Inactive Special Districts in County

Dear Ms. Texeira:

This is a follow-up to the letter we sent you dated October 31, 2018 (see enclosed). The State Controller's Office (SCO) discovered that some special districts were not included in the original notice sent to you on October 31, 2018 due to a coding error in our database. The enclosed document provides an amended list of the special districts within your jurisdiction that are inactive, based on financial data in each special district's fiscal year 2016-17 Financial Transactions Report. The complete list of California inactive special districts may be found here: https://www.sco.ca.gov/ard_local_rep_freq_requested.html.

Pursuant to Government Code (GC) 56879, within 90 days of receiving this notice, the Commission is required to initiate dissolution of inactive districts by resolution, unless the Commission determines that a district does not meet the criteria set forth in GC 56042. The Commission is required to notify the SCO if it determines that a district does not meet the criteria for dissolution in GC 56042. Once the dissolution process is complete, please notify SCO using the contact information below.

Please accept our apologies for this error. If you have questions or need to notify us of a district's status, please contact Derek Miller by phone at (916) 322-5579, or email at dmiller@sco.ca.gov.

Sincerely,

PHILLIP PANGILINAN
Manager
Local Government Reporting Section

Enclosures: October 31, 2018 letter
2016-17 County Inactive Districts List (amended)



BETTY T. YEE
California State Controller

October 31, 2018

Lou Ann Texeira
Contra Costa Local Agency Formation Commission
651 Pine Street, 6th Floor
Martinez, CA 94553

SUBJECT: Notification of Inactive Special Districts in County.

Dear Ms. Texeira:

Chapter 334, Statutes of 2017 (Senate Bill 448) added various provisions to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 regarding special districts that are inactive. SB 448 requires the State Controller's Office (SCO) to create a list of inactive special districts based on information in the special district's Financial Transactions Reports (FTR), publish the list of inactive special districts on its website annually, and notify a local agency formation commission in the county or counties in which the inactive special district is located.

Pursuant to Government Code (GC) section 56042, an "inactive special district" meets all of the following:

- (a) The special district is as defined in Section 56036.
- (b) The special district has had no financial transactions in the previous fiscal year.
- (c) The special district has no assets and liabilities.
- (d) The special district has no outstanding debts, judgments, litigation, contracts, liens, or claims.

Within 90 days of receiving this notice, the commission is required to initiate dissolution of inactive special district(s), unless you determine that the district(s) does not meet the criteria set forth in GC section 56042. The commission shall also notify the SCO if you determine that the district(s) does not meet the criteria set forth in GC section 56042.

The enclosed document lists the special districts within your jurisdiction that are inactive, based on financial data in the special district's fiscal year 2016-17 FTR. The complete list of inactive special districts is found here: https://www.sco.ca.gov/ard_local_rep_freq_requested.html

Lou Ann Texeira
October 31, 2018
Page 2

If you have any questions or need assistance, please contact Derek Miller by telephone at (916) 322-5579, or by email at dmiller@sco.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Phillip Pangilinan", with a long, sweeping horizontal stroke at the end.

PHILLIP PANGILINAN
Manager
Local Government Reporting Section

Enclosure: 2016-17 County Inactive Districts List

State Controller's Office
2016-17 Inactive Districts for Contra Costa County

County Name	District Name	District Type	Email Address	Street Address 1	Street Address 2	P.O. Box	City	Zip
Contra Costa	County Service Area M-9 (Contra Costa)	Dependent		Auditor-Controller	Finance Building, 625 Court Street		Martinez	94553-1282

Note: Email Address belongs to the Financial Transactions Report preparer; in some cases this may be an outside consultant.

District Book for county: 07 Contra Costa

Roll Year	Change No	Effective Date	Action Type	Name or Number of Action	Ord/Res	Location
D Code: 0254						
				AREA NO. LIB-13, YGNACIO VALLEY AREA	COUNTY SERVICE	<input type="checkbox"/> Has the district been canceled?
1971	476B	12/1 /1970	09	FORMATION	70/812	63,73A,B,C,
1977	555D	6 /22/1976	01	LIME RIDGE AREA BOUNDARY REORG.	76/519	45
1980	606D	7 /24/1979	01	ANNEXATION AREA ALREADY IN (0229)	3851	35,45
D Code: 9263						
				AREA NO. LIB-4	COUNTY SERVICE	<input checked="" type="checkbox"/> Has the district been canceled?
1959	249A	7 /8 /1958	09	FORMATION LEVY 3 GOVT. 25210		
1968	427D	10/31/1967	08	DISSOLVED	67-811	
D Code: 9264						
				AREA NO. LIB-5	COUNTY SERVICE	<input checked="" type="checkbox"/> Has the district been canceled?
1959	2551	11/18/1959	09	FORMATION LEVY 3 GOVT 25210		DET. 34,35,
1962	327F	1 /23/1962	01	ANNEXATION MOST OF CITY OF PLEASANT HILL	576	
1963	354B	1 /22/1963	01	ANNEXATION	1599	DET. 34,35,
1964	365A		01	ANNEXATION		
1965	384E	12/15/1964	01	WHITE FRONT AREA ANNEXATION	3588	63
1969	443A		03	BOUNDARY REVISION		63C
1971	483B	2 /6 /1970	01	RANCHO VIEW KNOLLS	70-38	72,73A
1973	505E	11/30/1972	08	DISSOLVED	72/790	62,63,63C,7
D Code: 9265						
				AREA NO. LIB-6	COUNTY SERVICE	<input checked="" type="checkbox"/> Has the district been canceled?
1961	288	8 /30/1960	09	FORMATION LEVY 3 GOVT. 25210		2,9
1970	462E	12/17/1969	08	DISSOLVED	69/847	DET. 71
D Code: 9266						
				AREA NO. LIB-7	COUNTY SERVICE	<input checked="" type="checkbox"/> Has the district been canceled?
1964	364F	11/5 /1963	09	FORMATION GOVT. 25210	2429	CO. MAP, D
1968	431E	12/29/1967	08	DISSOLVED	67/974	CO. MAP, D
D Code: 9267						
				AREA NO. LIB-9	COUNTY SERVICE	<input checked="" type="checkbox"/> Has the district been canceled?
1967	418D	12/27/1966	09	FORMATION GOVT 25210	5832	54,55
1968	431F	12/29/1967	08	DISSOLUTION	67/975	54,55,64
D Code: 0255						
				AREA NO. M-01	COUNTY SERVICE	<input type="checkbox"/> Has the district been canceled?
1960	278E	1 /5 /1960	09	FORMATION LEVY 3 GOVT 25210		CP. MAP
D Code: 0257						
				AREA NO. M-09	COUNTY SERVICE	<input type="checkbox"/> Has the district been canceled?



District Book for county: 07 Contra Costa

Roll Year	Change No	Effective Date	Action Type	Name or Number of Action	Ord/Res	Location
1970	450E	3 /4 /1969	09	FORMATION LEVY 3 GOVT 25210 (ORINDA AREA)	69/157	DET. 72
1975	522A		03	BOUNDARY REVISION		43
D Code: 9278		AREA NO. M-10		COUNTY SERVICE	<input checked="" type="checkbox"/> Has the district been canceled?	
1970	450F	3 /4 /1969	09	FORMATION LEVY 3 GOVT 25210 (WEST PITTSBURG AREA)	69/158	DET. 54
1974	514D	6 /20/1973	08	DISSOLVED	73/413	DET. 54
D Code: 9279		AREA NO. M-11		COUNTY SERVICE	<input checked="" type="checkbox"/> Has the district been canceled?	
1970	454D	4 /29/1969	09	FORMATION	69/290	DET. 82
1983	635D	4 /20/1982	01	ANNEXATION DP 3068-7814 (0121)	82-314	53
1985	668B	8 /10/1984	01	L-42/M-11 BOUNDARY REORG. (PAR. 2) (0133)	84/327	52
1997	97-029	10/28/1996	08	DISSOLVED	96-383	
D Code: 9282		AREA NO. M-13		COUNTY SERVICE	<input checked="" type="checkbox"/> Has the district been canceled?	
1971	478A	4 /14/1970	11	NAME CHANGED FROM NO. RD-2	70/213	CO. MAP, S
1973	503E	10/27/1972	01	ANNEXATION MINOR SUBDIVISION 5-71, BETHEL ISLAND AREA	72/655	CO. MAP, S
1988	683F	4 /16/1987	08	TERRITORY TO CSA L-100 (0113)	87-80	
D Code: 9283		AREA NO. M-14		COUNTY SERVICE	<input checked="" type="checkbox"/> Has the district been canceled?	
1971	478B	5 /26/1970	09	FORMATION	70/304	DET. 74
1972	489C	8 /23/1971	01	ANNEXATION SUBDIVISION 4012 (CLAYTON AREA)	71/499	74
1972	489C	2 /19/1971	01	ANNEXATION SUBDIVISION 4011 (CLAYTON AREA)	71/52	74
1973	501D	7 /17/1972	01	ANNEXATION SUBDIVISION 4013 (CLAYTON AREA)	72/440	74
1974	519E	11/7 /1973	01	ANNEXATION SUBDIVISION 4015 (CLAYTON AREA)	73/794	74
1975	526A	1 /2 /1974	01	ANNEXATION SUBDIVISION 4504 (CLAYTON AREA)	73/948	45
1976	538B	7 /10/1975	01	ANNEXATION SUBDIVISION 4014	75/486	46
1977	555B	4 /30/1976	01	ANNEXATION SUBDIVISION 4016	76/344	46
1977	565I	12/27/1976	01	ANNEXATION SUBDIVISION 4017	76/1116	46
1988	683F	4 /16/1987	08	TERRITORY TO CSA L-100 (0113)	87-80	
D Code: 9284		AREA NO. M-15		COUNTY SERVICE	<input checked="" type="checkbox"/> Has the district been canceled?	
1972	489D	9 /7 /1971	09	FORMATION YGNACIO VALLEY AREA	71/596	73A
1973	501C	3 /7 /1972	01	ANNEXATION SUBDIVISION 4269 YGNACIO VALLEY AREA	72/132	73A,73B

"Inactive district"

56042. "Inactive district" means a special district that meets all of the following:

- (a) The special district is as defined in Section 56036.
- (b) The special district has had no financial transactions in the previous fiscal year.
- (c) The special district has no assets and liabilities.
- (d) litigation, contracts, liens, or claims.

Inactive special district list

56879. (a) On or before November 1, 2018, and every year thereafter, the Controller shall create a list of special districts that are inactive, as defined in Section 56042, based upon the financial reports received by the Controller pursuant to Section 53891. The Controller shall publish the list of inactive districts on the Controller's Internet Web site. The Controller shall also notify the commission in the county or counties in which the district is located if the Controller has included the district in this list.

**Inactive special district:
Dissolution**

(b) The commission shall initiate dissolution of inactive districts by resolution within 90 days of receiving notification from the Controller pursuant to subdivision (a), unless the commission determines that the district does not meet the criteria set forth in Section 56042. The commission shall notify the Controller if the commission determines that a district does not meet the criteria set forth in Section 56042.

(c) The commission shall dissolve inactive districts. The commission shall hold one public hearing on the dissolution of an inactive district pursuant to this section no more than 90 days following the adoption of the resolution initiating dissolution. The dissolution of an inactive district shall not be subject to any of the following:

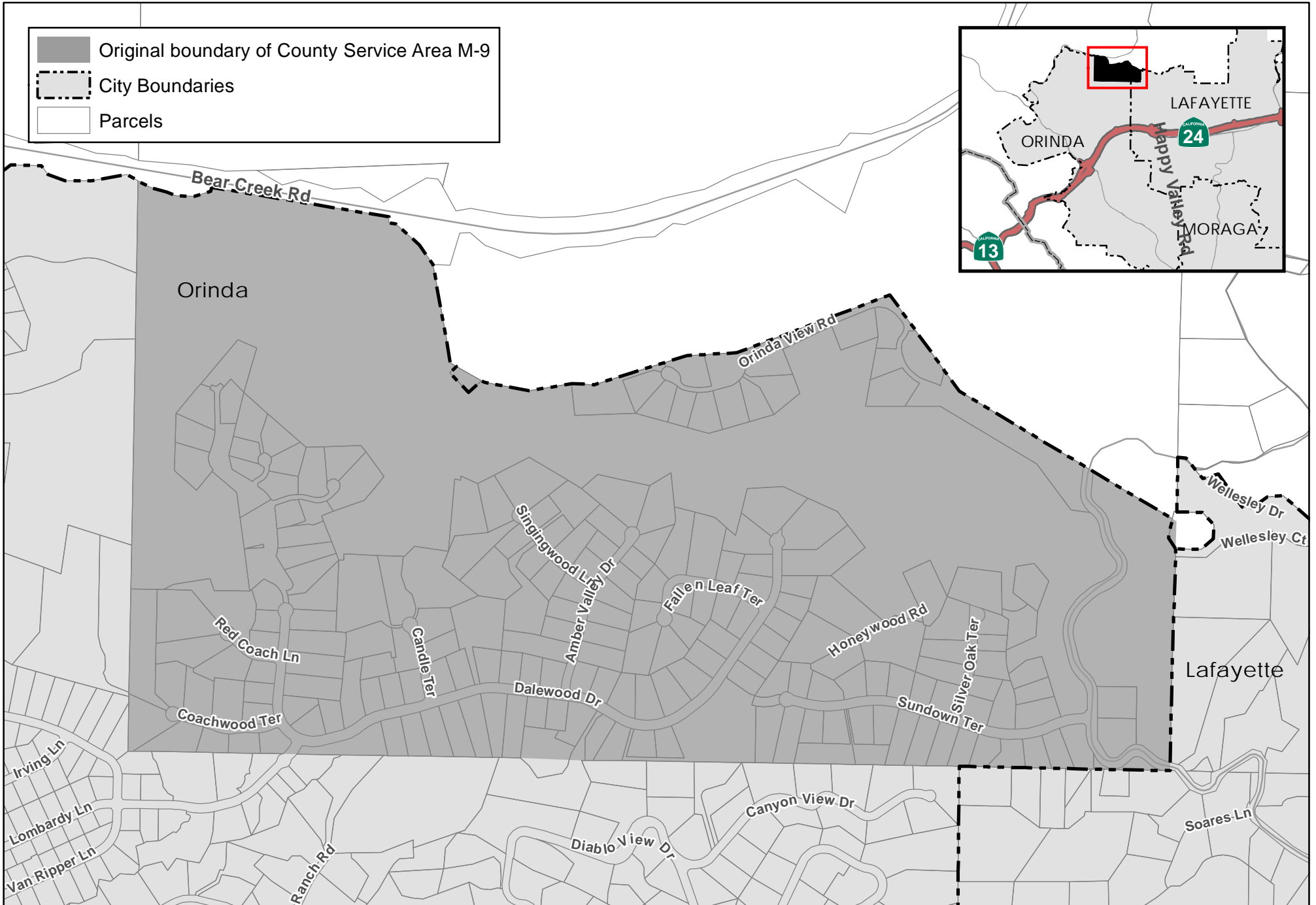
- (1) Chapter 1 (commencing with Section 57000) to Chapter 7 (commencing with Section 57176), inclusive, of Part 4.
- (2) Determinations pursuant to subdivision (b) of Section 56881.
- (3) Requirements for commission-initiated changes of organization described in paragraph (3) of subdivision (a) of Section 56375.

*****56879.5.** This article shall not apply to a special district formed by special legislation that is required by its enabling statute to obtain funding within a specified period of time or be dissolved.

That district shall not be subject to this article during that specified period of time.

(Amended by Stats. 2018, Ch. 86)

LAFCO No 18-15 - Dissolution of County Service Area M-9.



- Original boundary of County Service Area M-9
- City Boundaries
- Parcels

Map created 11/29/2018
 by Contra Costa County Department of
 Conservation and Development, GIS Group
 30 Muir Road, Martinez, CA 94553
 37:59:41.791N 122:07:03.756W

This map or dataset was created by the Contra Costa County Department of Conservation and Development with data from the Contra Costa County GIS Program. Some base data, primarily City Limits, is derived from the CA State Board of Equalization's tax rate areas. While obligated to use this data the County assumes no responsibility for its accuracy. This map contains copyrighted information and may not be altered. It may be reproduced in its current state if the source is cited. Users of this map agree to read and accept the County of Contra Costa disclaimer of liability for geographic information.

Miles

Attachment 3

0 0.125 0.25 0.5



**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
TO INITIATE PROCEEDINGS FOR DISSOLUTION OF
COUNTY SERVICE AREA M-9 (LAFCO 18-15)**

WHEREAS, the Commission desires to initiate a proposal pursuant to the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000 (CKH Act), commencing with section 56000 of the California Government Code, for the dissolution of County Service Area (CSA) M-9; and

WHEREAS, in accordance with Government Code §56375(a)(2)(G), LAFCO may initiate a dissolution of an inactive district pursuant to section 56879; and

WHEREAS, in 2017, Contra Costa County received a letter from the State Controller's Office (SCO), and in November 2018, Contra Costa LAFCO received a similar letter from the SCO informing the County and LAFCO that CSA M-9 appears to be an inactive district and should be dissolved; and

WHEREAS, Government Code section 56042 defines "inactive" district and CSA M-9 meets the criteria in section 56042; and

WHEREAS, CSA M-9 currently has no assets, liabilities, outstanding debts, judgments, contracts, or claims and can be dissolved through an expedited process pursuant to Government Code §56879; and

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

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

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

NOW, THEREFORE, this resolution is hereby adopted by Contra Costa LAFCO to initiate proceedings for dissolution of CSA M-9 in the manner provided by the CKH Act.

PASSED AND ADOPTED this 12th day of December 2018

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Michael R. McGill, CHAIR, CONTRA COSTA LAFCO

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

Dated: December 12, 2018

Lou Ann Texeira, Executive Officer



Lou Ann Texeira
Executive Officer

MEMBERS

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

ALTERNATE MEMBERS

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

December 12, 2018
Agenda Item 10

December 12, 2018 (Agenda)

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

2019 LAFCO Meeting Schedule

Dear Commissioners:

In November, the Commissioner approved the 2019 LAFCO meeting schedule. In accordance with the Commissioner’s Handbook, regular meetings of the Commission are typically held on the second Wednesday of each month commencing at 1:30 p.m. in the Board of Supervisors Chambers, 651 Pine Street in Martinez.

The approved 2019 meeting schedule includes one modification, which is to hold the April 2019 meeting on the third instead of the second Wednesday of the month in order to accommodate the 2019 Annual CALAFCO Staff Workshop (April 10-12).

Recently, LAFCO staff was informed that the Board Chambers is not available on March 13, 2019, due to another meeting. The Commission typically receives the preliminary budget in March. However, LAFCO law provides that “the commission shall adopt annually, following noticed public hearings, a proposed budget by May 1 and final budget by June 15.” Thus, the preliminary budget can be presented in April.

LAFCO staff submits the following meeting options for the Commission’s consideration:

1. Hold the LAFCO meeting on the regular date/time – March 13, 2019 at 1:30 pm at the County’s Zoning Administration Room located at 30 Muir Road in Martinez. (County staff advises that parking is limited at this location).
2. Change the March meeting date to either March 6th or March 20th at the regular meeting location (Board Chambers) and time.
3. Cancel the March meeting and consider the preliminary budget in April.

RECOMMENDATION: Provide direction to staff regarding the March 2019 meeting.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER



Lou Ann Texeira
Executive Officer

MEMBERS

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

ALTERNATE MEMBERS

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Charles R. Lewis, IV <i>Public Member</i>

**December 12, 2018
Agenda Item 11**

December 14, 2018 (Agenda)

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

Executive Officer’s Performance Review and Compensation

Dear Members of the Commission:

DISCUSSION

The Commission met on November 14, 2018 in Closed Session to discuss staff performance.

Thereafter, Chair McGill and Vice Chair Tatzin met with the Executive Officer to discuss her performance review and recommendation as summarized in the attached memo.

Thank you for your consideration of the recommendation.

RECOMMENDATION

Consider the recommendation per the attached memo.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

Attachment

MEMORANDUM

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

651 Pine Street, Sixth Floor ♦ Martinez CA 94553 ♦ (925) 335-1094 ♦ Fax (925) 646-1228

December 12, 2018

TO: Members of the Commission

FROM: Chair McGill and Vice Chair Tatzin

SUBJECT: Executive Officer's Compensation

The Commission met in Closed Session on November 14, 2018, to discuss Executive Officer Lou Ann Texeira's performance evaluation.

The Chair and Vice Chair subsequently met with the Executive Officer to provide input regarding her performance review. During that meeting we expressed to the Executive Officer comments from the Commission as to the exceptional work being performed by the Executive Officer.

It is recommended that the Commission approve a 5% increase to the Executive Officer's base salary effective 1/1/19.



December 12, 2018
Agenda Item 12

AGENDA

RETIREMENT BOARD MEETING

SECOND MONTHLY MEETING
November 28, 2018
9:00 a.m.

Retirement Board Conference Room
The Willows Office Park
1355 Willow Way, Suite 221
Concord, California

THE RETIREMENT BOARD MAY DISCUSS AND TAKE ACTION ON THE FOLLOWING:

1. Pledge of Allegiance.
2. Accept comments from the public.

CLOSED SESSION

3. CONFERENCE WITH LABOR NEGOTIATORS
(Government Code Section 54957.6)

Agency designated representatives:
Gail Strohl, Chief Executive Officer
Anne Sommers, Admin/HR Manager
Joe Wiley/Christopher Boucher, CCCERA's Chief Negotiator(s)

Employee Organization: AFSCME, Local 2700

4. The Board will continue in closed session pursuant to Govt. Code Section 54957 to evaluate the performance of the following public employee:

Title: Chief Executive Officer

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. A152100
- c. Nowicki v. CCCERA, et al., Contra Costa County Superior Court, Case No. C17-01266
- d. Fernandez v. CCCERA, et al., Contra Costa County Superior Court, Case No. CIVMSN17-036

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.

OPEN SESSION

6. Consider and take possible action to authorize the CEO to execute a contract with PARS (Public Agency Retirement Services) for Other Post-Employment Benefit (“OPEB”) Trust Fund Management Services and to adopt Board of Retirement Resolution 2018-4 approving the adoption of the PARS Public Agencies Post-Employment Benefits Trust.
7. Consider and take possible action to authorize the CEO to execute a contract with one of the below firms for actuarial consulting services:
 - a. Presentation from Segal Consulting
 - b. Presentation from Cheiron
8. Review of total portfolio performance for period ending September 30, 2018.
 - a. Presentation from Verus
 - b. Presentation from staff
9. Consider and take possible action to adopt the 2019 CCCERA Budget.
10. Report from Audit Committee Chair on November 7, 2018 Audit Committee meeting.
11. 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 – December 12, 2018**

December 12, 2018
Agenda Item 14b

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 Rodeo Sanitary District: 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. 18-12 – City of Martinez Out of Agency Service (Subdivision 7609 Creekside Oaks)	October 2018	Under review
LAFCO 18-13 – Santiago Island Village - proposed SOI expansions to CCWD and Diablo Water District (DWD) of 23.11± acres located at 3505 Gateway Road in unincorporated Bethel island	October 2018	Under review
LAFCO 18-14 - Santiago Island Village Reorganization - proposed annexations to CCWD and DWD of 23.11± acres located at 3505 Gateway Road in unincorporated Bethel island	October 2018	Under review
LAFCO No. 18-15 Dissolution of County Service Area M-9 - LAFCO initiated dissolution of CSA M-9 as it is an inactive district	December 2018	Currently incomplete
LAFCO No. 18-16 – City of Martinez Out of Agency Service (2 Millican Court)	December 2018	Under review

Brentwood invests in projects to promote agritourism, wine region



Families transport ladders as they search for the right tree to pick cherries while at Mike's U-Pick in Brentwood, Calif., on Sunday, May 27, 2018. (Jose Carlos Fajardo/Bay Area News Group)

By [Judith Prieve](mailto:jprieve@bayareanewsgroup.com) | jprieve@bayareanewsgroup.com | Bay Area News Group

PUBLISHED: November 16, 2018 at 2:47 pm | UPDATED: **November 19, 2018** at 5:44 am

BRENTWOOD — The City Council this week agreed to invest in the Brentwood Agricultural Business Program, seeking a winegrowers' appellation status and exploring a pilot project to bring trolleys to transport visitors to and from the popular U-Pick farms.

The Brentwood Agricultural Business Program is an umbrella for a variety of projects, including those of a local winegrowers group and Harvest Time, a group of farmers that promotes Brentwood-area agritourism, city senior analyst Peggy Berglund said. All of the projects are geared toward improving regional marketing and branding of agriculture and its benefits to the region, she said.

Approved unanimously, all of the projects were developed over the last 10 months as part of the city's strategic goal to find ways to maintain and enhance Brentwood's quality of life and develop a diverse economy. The city's agricultural enterprise committee vetted the projects, which will cost almost \$53,000, before bringing them to council, Mayor Bob Taylor said.

As part of the branding effort, the Contra Costa Winegrowers Association had requested \$17,000 to gather information as a first step toward becoming part of the Central Coast Appellation region or starting its own region to establish an identity for its grapes and wine. The accreditation that comes with such a study allows the region to be recognized as part of the federal registry of approved American Viticultural Areas.

“An agricultural viticultural area has several benefits,” Berglund said. “Potentially, there would be higher grape prices, wine prices, and a greater opportunity to market and sell grapes and wine.”

Other economic benefits to the region include bringing a better consumer awareness of winegrowing in the region and establish a unique identity for the grapes and wine in the region.

“There’s that multiplier effect,” she said. “This will help hotels, bed-and-breakfasts, shops and restaurants.”

The appellation would be beneficial, Mayor Bob Taylor said.

“I see it as an asset for the wine region,” he said.

Peter Petersen of Petersen Vineyards in Knightsen and Winegrowers Association director said he favored the move.

“It would have a big impact on our area,” he said. “It’s not only that it affects us in regards to price. . . . We are actually today limited . . . we will not be able to sell to wineries these grapes due to the fact that we are not part of an AVA.”

The Harvest Time proposals, meanwhile, include \$6,110 to reconstruct its website and include a feature allowing members to update their farm hours and product availability in real time, as well as offer customers ways to quickly find information regarding the local farm stands. Also included is a \$9,600 proposal to enhance the use of social media over a two-year period.

“This is an opportunity for customers to speak directly to Harvest Time and see what is open,” Berglund said. “This will provide a more organized and enjoyable experience for customers.”

The council also approved the group’s request for \$19,000 to create and install directional signs to help tourists — especially U-Pick customers — when visiting the area. The group plans to install more than 200 new signs on 25 poles in and around Brentwood.

“This will help keep traffic moving moving — hopefully in the proper direction — and bring a very cohesive look to our area and show that we are an agricultural destination,” Berglund said.

The council also agreed to launch a study of a Trolley Pilot Program that would bring free trolleys to guide visitors to area farm stands. The city estimates that every year during the U-Pick season, between 180,000 to 200,000 visitors come to the area to pick fresh fruits and vegetables

at the local farms. A trolley could help relieve parking and traffic issues as well as help connect visitors with other local businesses, they said.

The proposal calls for soliciting potential operators to explore the costs and feasibility of the trolleys, which would also offer opportunities for local businesses to advertise. The cost is yet to be determined.

The final project calls for a study of an expanded Farm to Fork program, which promotes serving local food at area businesses.

“We would look at other cities for best practices and bringing them to our community and weaving them into our community,” Berglund said. “Restaurants and anyone whose contributing to the ag community would be bound with us (the city) — restaurants, wineries, tasting rooms, distilleries. We would have cooking classes, tours and an educational program.”

In considering the costs of the four projects, Vice Mayor Joel Bryant indicated they were minimal.

“Basically, you are going to be investing the princely sum of about 2 cents per visitor to the area, and I assure you they spend substantially more than 2 cents per visitor when they are here,” he said.

“Brentwood has always been an agricultural destination,” he added. “Our farmers, our growers were the original attraction. There are a large amount of families that now have roots in the communities that would not have been aware Brentwood existed if it had not been for coming out here and taking advantage of the ag we have around here ...”

East Bay Times

California fires: Why there will be more disasters like Paradise



PARADISE, CA – NOVEMBER 15: Aerial footage shows homes destroyed by the Camp Fire near the Paradise Plaza off Clark Road in Paradise, California, on Thursday, November 15, 2018. (LiPo Ching/Bay Area News Group)

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

PUBLISHED: November 19, 2018 at 6:00 am | UPDATED: November 19, 2018 at 9:42 am

Fire crews are still working to contain the deadly inferno that leveled the town of Paradise, virtually wiping it off the map. Thousands of people are homeless, living in tents, trailers and parking lots. Dozens are dead. Hundreds are still missing. And massive, choking plumes of smoke continue to blanket Northern California.

Forecasters say rain might arrive by Thanksgiving to clear away the smoke and mercifully reduce fire danger. But the optimism is tempered by a grim reality. Scientists say as temperatures continue to warm, drying out brush, grasses and trees into explosively flammable fuel by late summer and autumn, catastrophic fires and the unhealthy smoke they spew hundreds of miles away will almost certainly become more frequent in California and across the West in the coming years.

“Climate change is not the cause of these fires,” said Park Williams, a climate scientist at Columbia University’s Lamont–Doherty Earth Observatory in New York. “But the warmer atmosphere is causing most fires to be harder to contain. They are burning bigger and hotter.”

The numbers are stark. California has warmed roughly 3 degrees Fahrenheit since 1980 during the autumn months of September, October and November. Rainfall in those months has fallen by about one-third over the same time. And the result has been a state increasingly on fire.

From 1980 to 1990, roughly 300,000 to 400,000 acres a year burned in California. Last year, 1.4 million acres burned. This year, so far, 1.8 million acres — an area six times the city of Los Angeles — of federal, state and private land has been incinerated. Similar trends are afoot in other Western states.

“We don’t even say ‘fire season’ any more. It’s year round,” said Scott McLean, deputy chief of Cal Fire, the state’s primary firefighting agency. “The climate change we are dealing with is related to that.”



Firefighters battle flames in the Oak Forest Mobile Estates area of Westlake Village last week. Many homes were destroyed in the complex as the Woolsey Fire continued to burn towards the coast in Los Angeles and Ventura counties. (photo by Andy Holzman)

Put another way, [15 of the 20 largest fires in California history have occurred since 2000](#). Four of the five largest have happened since 2012. And the two all-time biggest in terms of acres burned — the Mendocino Complex Fire centered in Lake County this summer and the Thomas Fire in Ventura and Santa Barbara counties last December — both happened in the last 12 months.

“We’re in a new abnormal,” a grim Gov. Jerry Brown said last Sunday at a news conference to discuss the Paradise disaster. “Things like this will be part of our future. Things like this and worse.”

Even Ryan Zinke, Interior Secretary in the Trump administration, which has been skeptical, if not hostile, of climate science, conceded the changing conditions on Wednesday during a visit to Paradise.

Zinke said he did not “want to finger point” and said there were multiple reasons for the worsening fires. But those include the fact that “fire seasons have gotten longer and the temperatures have gotten hotter,” Zinke said.

The climate is warming because burning fossil fuels traps heat in the atmosphere. The 10 hottest years on Earth since modern temperature records began in 1880 all have occurred since 1998, according to NASA and NOAA. But climate change is not the only reason for the growth in wildfires, scientists and firefighters say.

Centuries ago, lightning and Native Americans clearing land burned more acres a year than are burning now in California. But those fires were mostly low-intensity affairs, helping clear dead underbrush. Today, because fire crews have put out blazes for generations, many forests have so much dead and living vegetation that they often explode out of control, wiping out large trees and seeds.

More than a century ago, it was not uncommon for whole towns to burn down. The 1871 Peshtigo Fire killed about 1,500 people in Wisconsin and Michigan, with so many fatalities that there weren’t enough survivors in some communities to identify the dead. The Great Fire of 1910 burned 3 million acres in Washington, Idaho and Montana, killing 86 and sending smoke plumes to New York. Afterward, the U.S. Forest Service set a policy of putting out fires by 10 a.m. the next morning, and radios, helicopters, planes and other equipment improved safety dramatically over the generations.

But now, with hotter, larger fires growing ever more intense in a warming world, creating “fire tornadoes” and walls of flame hundreds of feet tall, whole towns could again burn down, fire experts say.

“This is the kind of urban conflagration Americans thought they had banished in the early 20th century,” [wrote Stephen Pyne, an Arizona State University fire historian, last week, of the Paradise disaster.](#) “It’s like watching measles or polio return.”

Earlier this year, California lawmakers passed a bill that promises \$1 billion in state funding over the next five years in grants to cities, counties, fire departments and nonprofit groups to thin overgrown forests around towns, cut fuel breaks and conduct controlled burns to restore some natural balance.

Scott Stephens, a fire scientist at UC Berkeley, has estimated that the state and federal government will need to increase such thinning and controlled burning tenfold from current levels to make a difference. That will cost billions of dollars.

Another challenge is population growth.

From 1990 to 2010, there was a 41 percent increase in the number of houses in America's "wild land-urban interface" — the area where homes and forests meet, and where wildfire problems are most pronounced, according to [a study last year led by the University of Wisconsin](#). One in three Americans now lives in those fire-prone areas.

Add to that California's 2012-2017 drought, which killed 129 million trees, mostly in the Sierra Nevada and its foothills. That left enormous amounts of dead vegetation, primed to burn.

McLean, of Cal Fire, said the solution going forward must be more vigilance. More education campaigns to teach people how to create "defensible space" around their homes. More forest thinning. More controlled burns. More escape route drills. More firefighting equipment.



The San Francisco skyline is barely visible from Vista Point in Sausalito, Calif. on Monday, Nov. 12, 2018. Smoke from the Camp Fire in Paradise has drifted south over much of the Bay Area. (Alan Dep/Marin Independent Journal)

Others say that tougher building codes are needed. Some suggest burying power lines, which cause many of California's worst fires. But that costs 10 times as much as stringing them on poles. And there are 176,000 miles of power lines in California.

While 3 degrees of warming in the past 40 years might not seem like a lot, it makes a big difference in the moisture levels of plants, said Daniel Swain, a climate scientist at UCLA.

Moisture levels in vegetation across California remain today at some of the lowest levels ever recorded, even as autumn wind conditions increase fire risk.

Normally, by mid-November, the ground and the vegetation is damp. So sparks from cars, power lines and campfires have a difficult time growing into large fires, Swain noted. But increasingly, the storms that once soaked California have been blocked in the fall and spring months because of ridges of high pressure in the Pacific Ocean. Some scientists are tying those “ridiculously resilient ridges” to changes driven by melting sea ice in the Arctic.

“Unfortunately, the later and later extent of the fire season into autumn is something we are going to have to cope with,” Swain said. “We are already starting to see it. We didn’t really get major wildfires into November and December before, but we are now. This really is a new thing.”

WaterNews

Counting Homes Cut Off From Water Is A Data Collection Nightmare

November 20, 2018/in [Water News](#), [Water Policy & Politics](#) /by [Brett Walton](#)

California utilities revolt against state attempt for more water shutoff information.



Water utilities do not collect shutoff data in a way that is helpful for understanding links to the rising cost of water service, researchers say. Photo © J. Carl Ganter/Circle of Blue

By Brett Walton, Circle of Blue

Earlier this year, state regulators sent California’s roughly 3,000 community water systems an annual report that included what the authors thought was a reasonable question. How many times in 2017, the State Water Resources Control Board asked, had local providers turned off water to their residential customers?

What the question stirred instead was an information revolt, according to Max Gomberg of the Water Board. The data wasn’t there, utilities said. At least not in a useful format.

“We had systems saying, ‘We don’t track that,’” Gomberg told Circle of Blue. “They said, ‘We can give you a number, but we can’t tell you how many are repeat shutoffs, how many are because the households couldn’t pay, or how many are because the people may have moved.’”

The utilities, Gomberg recalled, were worried that the data would be wielded against them, to publicly shame them or make them look bad for turning off water. “It was a protest, if you will, to the question,” Gomberg said.

Shutting off a home’s water service can cause health problems and worsen a poor family’s financial distress. The data the Water Board sought are essential to understanding a crucial social justice issue in a state with, by [one measure](#), the nation’s highest poverty rate due to high costs of living. A large number of shutoffs is seen as an indicator of a mismatch between the cost of

water service and the ability of customers to pay for it. But how direct is the link? The Water Board wanted to gain a clearer understanding about how the [rising cost of municipal water](#) affects access to water for the poor.

The same data are also valuable to researchers who are trying to track the progress of the state's six-year-old human right to water statute, a path-breaking law intended to ensure every state resident, regardless of their income, has "safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes." The law resulted in [substantial changes](#) in water policy and practice.

"We don't have a comprehensive idea of how many people are getting water shut off, which is why the Board is trying to collect data. And we really don't know much about the causes for shutoffs," Greg Pierce, a researcher at UCLA's Luskin Center for Innovation who studies water affordability and access, told Circle of Blue.

A third consideration is that California water providers, in less than two years, will be obligated to track the number of water shutoffs as part of data reporting requirements. On September 28, Governor Jerry Brown signed [Senate Bill 998](#), which requires utilities, starting in February 2020, to post on their web sites and report to the Water Board the annual number of shutoffs for inability to pay. Shutoff data today is generally not publically accessible and must be gained through a public records request.

The Association of California Water Agencies, which represents large utilities, objected to the "inability to pay" language, arguing that its members may not know the reasons for a shutoff. However, Heather Engel, a spokeswoman, told Circle of Blue that the association will not challenge the requirement.

"It's important for the state to know," Gomberg said. "We know that drinking water costs are going up. People across the state are struggling with basic needs. If more people are getting water shut off, it's a public health issue. That requires a policy response from the state."

Imprecise Data Is A Common Problem

California water utilities are not the only ones splashing around in a shallow pool of shutoff data. Few utilities nationwide set up their billing systems and data collection processes to adequately parse their numbers, according to several recent reports and interviews with utility managers.

Disconnections, for instance, might have nothing to do with household poverty. Phoenix, with a resident population that fluctuates with the change of seasons, has homes that are empty for part of the year. "We have people who move in and move out," Kathryn Sorensen, director of the Phoenix Water Department, told Circle of Blue. "You have to look carefully at the numbers. A shutoff for nonpayment is not necessarily indicative of affordability problems. People leave town and forget to make arrangements. Or, they're too wealthy to be bothered with such details."

Utilities turn off water service when customers do not pay their bills on time. Every utility has [different protocols](#) for when the disconnection occurs and how much residents must pay to get their water turned on again. Before shutting off service, most utilities make several attempts to contact the homeowner, and some offer repayment plans.

Food and Water Watch, a prominent national research and advocacy group, tried a fresh approach earlier this year. To get a handle on the most basic data — the number of shutoffs — the group sent requests to the two largest water utilities in each state. The group asked for the

number of residential households disconnected from water service in 2016 and the number of residential accounts.

Seventy-three utilities responded. Shutoff rates — the number of shutoff households divided by the number of accounts — varied widely, according to Food and Water Watch’s [report](#), which was published in October. Rates ranged from 23 percent in Oklahoma City and 20 percent in Tulsa, to 1 percent in Baltimore, Boston, and Dallas. Three utilities — Eau Claire, Wisconsin; Leominster, Massachusetts; and the Champlain Water District in Vermont — did not shut off any homes in 2016.

After comparing the number of shutoffs with economic factors, the Food and Water Watch researchers found connections in the high-shutoff cities to poverty, household income, and unemployment. But overall, they found it difficult to draw national conclusions with the limited data: “Overall, the shutoff rates have no obvious direct association with poverty rates, bottom household income quintiles, or unemployment rates. There are likely too many other various factors that influence shutoffs, including housing characteristics, water bill burdens, and local policies.”

Even Food and Water Watch’s relatively straightforward request was more detail than some utilities could provide. Instead of the number of unique homes shut off, 15 utilities provided the total number of shutoffs. Total shutoffs could include a single home being cut off multiple times, which would inflate the figures.

“We didn’t often get more data or more fine-tuned data than what we asked for,” Mary Grant, the lead researcher on the report, told Circle of Blue.



“They said, ‘They should just go to the Detroit River and get their water,’” said Baxter Jones, a wheelchair-bound Detroit resident, referring to statements made by city officials. “That’s just a mean-spirited thing to say to people.” Jones was among 19 people arrested for civil disobedience when they blocked crews from shutting off residential water connections in July 2014. Photo © J. Carl Ganter/Circle of Blue

Another water research group ran into the same obstacles. A [report](#) published at the end of October by the Pacific Institute, an Oakland-based organization, looked at shutoff rates for 15

California utilities. While most had shutoff rates below 4 percent, one small utility in the Central Valley disconnected three in 10 households.

Laura Feinstein, the report author, urged caution in interpreting the data because utilities count shutoffs in different ways and not all shutoffs indicate overwhelming water bills.

“Our goal was to put out the little bit of information we had to frame the debate, to point out that it is worth exploring further,” Feinstein told Circle of Blue.

Feinstein’s top recommendation is for utilities to submit consistent, comparable data. At minimum, utilities should document whether a home is occupied or unoccupied when water is shut off. They could also report data monthly, which would identify homes with multiple shutoffs, and track how long water is turned off.

Some of those recommendations are being employed elsewhere. The Detroit Water and Sewage Department, maligned for [mass shut offs in 2014](#) that affected thousands of households, now instructs its shutoff crew to note whether the home appears to be occupied.

Since it began tracking data this way in May, the department has deemed 39 percent of homes where it disconnected water service to be vacant. Because the assessment is done from the street, the number is a crude estimate, acknowledges Bryan Peckinpaugh, a department spokesman.

“It could be more or less, because the vacant number is done by visual check from the outside of the property,” Peckinpaugh told Circle of Blue.

In California, the State Water Board scrapped the initial data-gathering plan from earlier this year. The Board is now working with a group of three dozen utilities and non-governmental organizations to develop a better way of tracking and collecting shutoff data, something that the utilities requested.

“Moving forward, any data requests should be well-formulated and amply vetted through an open and transparent stakeholder process. The current one-sided closed process is unlikely to result in improved data quality or a better informed process,” wrote Michael Carlin, deputy general manager of the San Francisco Public Utilities Commission [in a letter](#) to the Water Board on May 31, 2018.

The Los Angeles Department of Water and Power is one of the utilities in the working group.

“LADWP is cooperating as an active participant in [the Board’s] stakeholder group working to develop guidelines for reporting data. The group meets monthly in Sacramento and LADWP will continue to be a part of the ongoing conversation through 2019,” said Christina Holland, a spokeswoman, in a statement emailed to Circle of Blue.

LADWP did not want to comment on its data collection methods while still in discussion with the working group.

[Brett Walton](#)

Brett writes about agriculture, energy, infrastructure, and the politics and economics of water in the United States. He also writes the [Federal Water Tap](#), Circle of Blue’s weekly digest of U.S. government water news. He is the winner of two Society of Environmental Journalists reporting awards, one of the top honors in American environmental journalism: [first place for explanatory reporting for a series on septic system pollution in the United States](#)(2016) and third place for beat reporting in a small market (2014). Brett lives in Seattle, where he hikes the mountains and bakes pies. [Contact Brett Walton](#)

San Francisco Chronicle

Deadline Extended For Los Medanos Health Advisory Committee Applicants

Bay City News Service

Published 8:12 am PST, Wednesday, **November 21, 2018**

The Contra Costa County Board of Supervisors has extended an application period for those interested in applying for a position on the Los Medanos Community Health Advisory Committee until the end of this month.

The volunteer position is a 2-year appointment on the committee, county officials said, which focuses on developing an area health plan to determine community health needs, identify priorities in the county to address the needs and facilities requests for proposals.

The committee was developed in July 2018 as part of a plan to dissolve the Los Medanos Community Healthcare District - according to county officials - to increase funding available for healthcare programming in the Pittsburg/Bay Point areas.

Residents and those who work in the territory of the district are welcome to apply.

The committee will hold an inaugural meeting in January 2019 if the plan to dissolve the district is finalized by the Contra Costa Local Agency Formation Commission. No timeline for final approval of the dissolution was provided by the county.

Anyone wishing to apply by the Nov. 30, 5 p.m. deadline can visit <https://ca-contracostacounty2.civicplus.com/6408/Boards-and-Commissions-Database> or by calling the clerk of the Board of Supervisors at (925) 335-1900.

Applicants should be ready for public interviews in Martinez on Monday, Dec. 10, county officials said.

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East Bay Times

LAFCO rejects Los Medanos health district's request to stay in business



Greg Stidham/Times archive

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

By [Judith Prieve](mailto:jprieve@bayareanewsgroup.com) | jprieve@bayareanewsgroup.com | Bay Area News Group

PUBLISHED: November 20, 2018 at 2:20 pm | UPDATED: **November 21, 2018** at 12:11 pm

A Contra Costa County healthcare district that has long outlived the Pittsburg hospital it once operated — Los Medanos Community Hospital — will dissolve unless advocates collect enough signatures in time to put it to a popular vote or stop the process outright.

The embattled district has survived several attempts at dissolution since the hospital closed in 1994, but last week the Local Agency Formation Commission, an independent agency that oversees the expansion or dissolution of local governments, rejected its request to reconsider the ordered shutdown. A protest hearing has been set for Nov. 30, when petitioners can present signatures and appeal.

If at least 10,500 signatures are certified, the issue will go to a public vote. If the district collects roughly double that many signatures, it can stop the dissolution proceedings.

Itika Greene, Los Medanos Community Hospital's interim executive director, urged the commission at its Nov. 14 meeting to save the healthcare district, calling it a community asset.

"The county should be supporting the local community efforts, see it (district) as a strength and work collaboratively with that," she said. "... Keeping the control local indicates that you respect the voice of the community, that you respect the efforts by people who live in the community and serve the community. Why not put it to a vote, let the community decide?"

District board member Patt Young called the dissolution and the transfer of the district to the county, which the commission approved in mid-September, a "power grab."

"If you truly respect the voices of the district's residents, you will stop the dissolution," she said.

Los Medanos Community Healthcare District, which has served Pittsburg, Bay Point and parts of Antioch, Concord, Clayton and Clyde since 1948, is the last survivor of three county health care districts. It operated the Pittsburg hospital from 1948 until 1994, when it declared bankruptcy and shuttered the facility. In 2000, a residents' petition called for the district's dissolution, saying it wasted taxpayers' money, but LAFCO rejected it.

Seventeen years later, in the fall of 2017, the Contra Costa County Board of Supervisors applied to LAFCO to begin the dissolution process and transfer all of the district's assets and debts to the county. Despite its past financial problems, the district still owns the former hospital building on Leland and Loveridge roads, though the county has leased it and operated a health clinic there since 1998.

Questions about what would happen to the county's largest clinic, the Pittsburg Health Center, and myriad health and social programs operated by the district dominated the two-hour Nov. 14 LAFCO hearing, which saw more than a dozen speakers present their cases for and against dissolution. But because LAFCO already approved the dissolution on Sept. 12, the commission could only reconsider the matter based on new information that was previously unavailable.

Even so, Elizabeth Calciano of the Hensley Law group, special counsel for the district, urged LAFCO to reverse its decision, noting 11,000 signatures already had been collected in an effort to force a public vote on the dissolution.

"We ask you to slow it down and provide more time to really study this. What will be lost with this dissolution?"

Calciano also suggested there's a conflict of interest because the district's attorney went to work for LAFCO's general counsel in September and did not resign from the district until October.

But Kara Ueda of BB&K, LAFCO's general counsel, noted a firewall had been set up, the attorneys worked in different cities and the LAFCO voted for dissolution before the attorney went to work for the same firm the commission was using.

Others also urged LAFCO to allow voters to decide, noting they fear local health programs would be lost without the district.

Jeanette Ortiz of Pittsburg said she goes to the Pittsburg Health Center on a regular basis, and fears what will happen if the county takes over.

“You want the building?” she asked. “Where is the healthcare going to go? We need a place to have our healthcare clinic. Stop this and let the community vote — give it back to the people because we are the ones supporting our communities — this is not a democracy — this is more of a dictatorship.”

County Supervisor Federal Glover, however, assured her and others that the clinic was not going away.

“The grant program is part of the agreement of dissolution of the district,” he said. “...The services will still be provided — hopefully, a major enhancement of services will be provided.”

Supervisor Diane Burgis echoed that sentiment, noting that under the county, 85 percent of the grant funding will go toward nonprofit health programs and only 10 percent for administrative costs and 5 percent to reserves.

“We will be able to increase local funding to nonprofits by 70 percent,” she said.

As part of its Sept. 12 resolution dissolving the district, LAFCO expanded the number of local representatives from five to seven on a new citizens’ committee that would advise the county on the grants, and also stipulated that if the former Los Medanos Community Hospital hospital building were ever sold, proceeds would have to be used in the Pittsburg area for healthcare programs.

Earlier this year, a Contra Costa Grand Jury recommended that the beleaguered healthcare district be dissolved, noting it spends more on administrative costs than it allocates in grants, and no longer runs a hospital. The April 19 report also detailed what the jury called fiscal mismanagement, duplication of services and a lack of transparency.

The report was [the fourth](#) one critical of the district’s operations.

Former district board member Allen Tatomer said the district has had an “ongoing pattern of controversy” and “protectionistic behavior that spanned the past 20 years.”

“The district has refused to consider dissolution as an option for their future and has dedicated vast sums of money to (fight) efforts to call for its dissolution,” said Tatomer, who served from 2000 to 2005.

“It’s really time to close these superfluous and redundant healthcare districts, which seems to be a trend in this state,” he said. “They are no longer serving to manage the hospitals that they were created to serve.”

Commissioner Don Blubaugh said he understood the passion residents have for the healthcare district, but added that he stood by the earlier decision to dissolve it.

“When the county application came in — the district does not have clean hands — we had to look at the district’s history, the grand jury report,” he said. “What really matters is people who are being served by health care and not the bureaucracies that provide that service.”

Published **November 28th, 2018**

Halfway through, Alliance contract a financial and operational success

By Nick Marnell



Photo courtesy ConFire

There were times when Contra Costa County Fire Protection District Chief Jeff Carman felt unsure about the future of the Alliance, the business model that he spearheaded to provide ambulance transport service for most of Contra Costa County, which has performed better than critics expected.

When the county hired Carman in 2013 to run the struggling fire district, he was charged with finding new sources of revenue. "The ambulance contract was the low-hanging fruit," Carman said, as the county contract with American Medical Response to provide ambulance service was expiring at the end of 2015. Carman reasoned that ConFire could not only provide faster ambulance response times but also provide them more cost effectively by eliminating the duplication of resources on medical calls.

But many thought the chief was taking on too much, and was dangerously shifting the financial risks of an ambulance service from a private company to taxpayers. "There were people saying we couldn't even run a fire department, so how were we going to run an ambulance service?" Carman said.

The chief quickly learned that he could not do it by himself. Consultants convinced Carman that the prudent thing to do was to team up with AMR as a subcontractor and pitch for the ambulance contract as the Alliance. For \$200 million over five years, AMR agreed to provide ConFire a trained and knowledgeable workforce, equipment and unmatched buying power.

Not all of Carman's experiences with consultants were positive. An early presentation to the board of directors by a poorly prepared consultant nearly derailed the project. "That presentation was inaccurate, terrible. Were it not for me being new and the board understanding, I think that could have shot us down," Carman said.

Citygate Associates, a consultant that the county hired to project Alliance financial data, told the board that the numbers would be only 10 percent of what the chief had forecast. "Although it still showed us as being profitable, it wasn't what I was sharing with my bosses. At the end of the day we were right and they were wrong," Carman said.

After ConFire secured the five-year contract, things did not begin smoothly, mainly due to technology issues in the district dispatch center. Response times were long. It took over a month for the AMR dispatch center to merge with ConFire's. "I called for meetings to talk about the issues every morning and ultimately we got it worked out. But for me, it was a nightmare," Carman said.

Problems also arose with the billing agency. "Things they said they could do they were now saying they couldn't," the chief said. "I was watching the finances like a hawk, and with every little glitch I would have someone on the phone. It all worked out, but it was just that there were so many naysayers out there that I didn't want anything to go wrong."

Thirty months into the 60-month contract, not much has gone wrong.

According to its 2017 annual report, Alliance 2017 response times on 74,000 transports dropped a minimum of 32 seconds from the 2015 response times under AMR. District records show that Lafayette 2017 response times improved nearly three minutes over the 10 minutes, 37 seconds of 2015, the final year of the county AMR contract.

The county reports Alliance financial information in a special Emergency Medical Services Transport Fund. Revenue for 2017-18 totaled \$51 million with expenses of \$44 million, and as of June 30 the Alliance reported a surplus of nearly \$17 million for its first 30 months of operation.

Perils lie ahead, like the uncertainties of the Affordable Care Act and potentially disgruntled AMR employees who opposed the passage of Proposition 11, requiring ambulance workers to remain on call through their meal and rest breaks. Also hovering is the decision of the California Emergency Medical Services Agency to take away ConFire's exclusive right to provide county ambulance service, alleging that the county Board of Supervisors suppressed competition in awarding the contract to a company - ConFire - for which it also

serves as the governing board. The county has appealed the decision.

Carman agreed that securing the ambulance contract was a career accomplishment, though he still gets nervous knowing that nationwide many are watching the Alliance business model, which is the first of its kind in California.

In 2016, the chief resisted high fives until he saw results after six months. "Now, three years later, we are going strong," Carman said. "Providing excellent service, using resources efficiently, and remaining financially sustainable - everything we promised."

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East Bay Times

Access denied: Judge blocks cyclists' popular East Bay cut-through

Calle Arroyo has been used for decades to avoid Diablo Road in Danville

By [Erin Baldassari](#) | ebaldassari@bayareanewsgroup.com | Bay Area News Group
PUBLISHED: November 28, 2018 at 6:00 am | UPDATED: **November 28, 2018** at 9:25 am

DIABLO — A judge's ruling to block public access to a popular cut-through for cyclists on their way to Mount Diablo State Park could put people's lives at risk, biking advocates say.

For decades, bicyclists have been turning down oak-lined Calle Arroyo at the entrance to Diablo Country Club to avoid Diablo Road in Danville, which is notorious for its narrow lanes, fast-moving traffic and blind curves. Two cyclists were [seriously injured there last year](#) by a hit-and-run driver, reopening a long-standing debate over safety along the scenic corridor.

But that may be the only quick option for cyclists now. A Contra Costa County Superior Court judge on Monday officially signed a [ruling](#) declaring the public has no right to access the road — even if it may be a difficult ruling to enforce.



A group of students from the San Ramon High School mountain bike club along with friends from other schools ride up Calle Arroyo Road to bypass a stretch of Diablo road on their way up to Mt. Diablo State Park in Danville, Calif., on Monday, Feb. 19, 2018. (File photo by Laura A. Oda/Bay Area News Group)

Limiting access to the country club disproportionately impacts students in the area who use the route to get to school and for training on the high school mountain biking team, said Al Kalin, president of the [Mount Diablo Cyclists](#), a bicycling advocacy organization.

“The judge’s ruling affects tens of thousands of cyclists,” Kalin said, “but specifically the local mountain bike high school teams who have for years rode down Calle Arroyo.”

The alternative, however, of having cyclists barreling down the barely two-lane, unmarked roads in Diablo is also perilous, contends Robert Tiernan, the lead plaintiff in the suit. He [filed the suit](#) earlier this year on behalf of several other homeowners along the road after seeing a growing number of cyclists riding in “loud packs,” overtaking cars and endangering seniors and small children. His parents, who are both in their 90’s and live on the same road, have had cyclists clip their car or yell at them, he said.

“After all that,” Tiernan said, “it was becoming too dangerous.”



Cyclist Al Kalin, a member of the Mt. Diablo Cyclists talks about the route that leads cyclists through the Diablo County Club on Calle Arroyo Road in Danville, Calif., on Friday, Feb. 16, 2018. (File photo by Laura A. Oda/Bay Area News Group)

In the end, the court case hinged not on questions about which road is safer — but who can control its access. And it was here the plaintiffs prevailed.

They argued that because the country club community was formed as a private community, there has never been any express or implied public access, said Dominic Signorotti, the plaintiffs’ attorney. An attorney for [Bike East Bay](#), a cycling advocacy organization and defendant in the suit, argued the Diablo Community Services District, which governs the country club community, received public funds to make improvements on Calle Arroyo. That would imply the roads are meant for public use, or else that the district used the funds illegally.

The judge said that wasn't enough.

“There is no evidence that any of this money is spent on Calle Arroyo. And even if it did, so what?” Judge Charles Treat wrote in his ruling. “If the district is illegally spending money, it ought to stop doing so. But that doesn't mean the district can create an easement over its members' properties by spending money.”

The comment, while not dismissing the suit, did open another question: Has the Diablo Community Service District, which governs the bucolic community, been spending taxpayers' money on private roads?

“It's sort of an open question,” said Dave Campbell, the advocacy director for Bike East Bay.

The district is looking into it and will adjust future spending accordingly, said Christie Crawl, an attorney for the district.



Bob Tiernan, longtime resident of the Diablo Country Club shows photos of some of the crowds of bicyclists that pass his home off Calle Arroyo Road in Danville, Calif., on Friday, Feb. 16, 2018. (File photo by Laura A. Oda/Bay Area News Group)

But that still leaves the question of how to enforce the ruling. The judge determined the district has no authority to prevent the general public from using Calle Arroyo, Crawl said. And, doing so could easily violate people's constitutional rights, said Lt. Jason Haynes, a sheriff's deputy in charge of the Diablo subdivision. As long as the person in question agrees to move along, there is no way to cite them for trespassing, he said.

“If it's private property but publicly accessible, it will be very difficult to take any enforcement action,” he said. “We can't proactively patrol and try to ID people within the community, or that would be a blatant disregard for people's rights.”

For now, however, Campbell is recommending cyclists avoid Calle Arroyo, if they can. The judge's ruling applies only to the single street of Calle Arroyo, though the plaintiffs recently filed an amendment to expand the ruling's reach to include a tiny path over private property that links to a public road leading to Mount Diablo State Park. If the judge rules in favor of the amendment, it will constrict access to the park even further and could have serious implications for cyclists' safety — implications with legal precedent backing it, Campbell said.

The city of Danville is redoing an environmental review of a proposed development because a judge ruled it would [create more traffic on Diablo Road and endanger cyclists](#). Campbell is hoping the same thinking will apply here if cyclists are forced onto Diablo Road.

“If you attempt to close that path, that is subject to (the California Environmental Quality Act) and you need to do an (environmental impact report),” he said, “because that affects the safety of people bicycling.”

The Daily Journal

New face: Sequoia Healthcare District board takes shape

Nayfack tops Hickey; Faro, Shefren re-elected

- By Anna Schuessler Daily Journal staff
- Nov 27, 2018 Updated Nov 27, 2018

A long campaign to dissolve the Sequoia Healthcare District faltered on Election Day when voters voiced support for incumbents Arthur Faro and Jerry Shefren and newcomer and physician Aaron Nayfack, who unseated 16-year board member Jack Hickey.

Earning more than 66 percent support from district voters in Zone C, Nayfack hoped his victory over Hickey could help bring an end to a debate over whether the district should be dissolved or continue to allocate funds to a variety of organizations providing health care programs. Led by Hickey and supported by candidates Harland Harrison and Art Kiesel, the yearslong call to dissolve the district became a defining issue in the first set of zone-based elections held in the district after officials voted unanimously to switch from at-large elections late last year.

Nayfack prevailed over Hickey in Zone C, which includes San Carlos and Emerald Hills, while Faro garnered 44.8 percent of the vote in Zone A, which includes Redwood Shores and Foster City, and held off Kiesel, a former Foster City mayor who earned 24.3 percent of the vote, and retired nonprofit CEO Michael Garb, who received 30.9 percent support from voters. In Zone E, which extends from Portola Valley to parts of Belmont, Shefren received about 76 percent support from voters and maintained his seat on the board despite Harrison's challenge.

"I'm really thrilled with the results and was excited to kind of have my views on the future of the [Sequoia] Healthcare District validated," said Nayfack, who noted the elections results across all three zones indicated voters were supportive of the district's work and didn't align with a call to dissolve it. "Hopefully we can lay that debate to rest and move forward in a productive manner."

Arguing that because the district no longer supports the Sequoia Hospital as was its purpose when it was formed in 1946, it should no longer collect taxes for health care services unless voters approve, Hickey has long raised questions about the district's role in the community. Though the district oversaw Sequoia Hospital for decades, it was eventually handed to the nonprofit now known as Dignity Health and, in 2007, it contributed some \$75 million to construct a new facility while releasing its supervisory role by giving up seats on the hospital's governing board.

Largely bounded by parts of Foster City and Menlo Park as well as Woodside to the west, the district is expected to generate some \$12.5 million in taxes for distribution toward grants and programs in the 2018-19 fiscal year and has supported the operations of Samaritan House's medical clinic in Redwood City, the Ravenswood Family Health Center in East Palo Alto and a variety of other

programs and nonprofits, such as Peninsula Volunteers and the Boys and Girls Club of the Peninsula, according to a previous staff report

For Hickey, whether information he said misrepresented the value of the health benefits he received while serving as a district board member and spread in the weeks leading up to the election had an effect on his bid for re-election remained a question, alongside the lack of editorial endorsements from local media and forums for candidates running in the district's zones this year.

And though he said he doesn't plan to run for a seat on the board again, he didn't waver from his belief that voters should have a chance to decide whether they want to dissolve the district or merge it with the Peninsula Health Care District, which funds community health care programs and resources for residents of Burlingame, Foster City, Hillsborough, Millbrae, San Bruno and San Mateo.

"They either need to expand countywide or they need to dissolve, that's the path," he said.

He said he plans to reach out to other stakeholder agencies, such as fire and school districts, to petition the San Mateo County Local Agency Formation Commission to call an election and let voters decide the fate of the district.

Opposing the dedication of district funds to programs that had the potential to benefit residents outside the district and taking the lead on a successful referendum in 2003 to derail a plan to demolish the Sequoia Hospital and rebuild it near Highway 101 were among the accomplishments for which Hickey was most proud. He previously alleged the referendum effort ultimately led to a major seismic upgrade of the hospital at its current location at Whipple Avenue and Alameda de las Pulgas in Redwood City.

'A more harmonious board'

For Faro, the elections results showed a pretty clear message from voters that they don't agree with the approach Hickey, Harrison and Kiesel were proposing in the weeks leading up to the election. He said he looked forward to serving on a board that would work more collaboratively toward serving the community, noting Hickey's requests of district staff have been disruptive of their work and his challenges to district priorities have cost taxpayers hundreds of thousands of dollars in legal fees without any justification.

"We now have five people who strongly support helping the community," he said. "We will have a more harmonious board and be able to get our business done a lot more expeditiously than in the past."

Shefren didn't think the elections results would incite much change in the direction district officials have taken, but noted the addition of someone with medical expertise and who believes in the district's mission could lead to improved decision-making. He also acknowledged the results demonstrated voters overwhelmingly voiced support for keeping the district in play, and looked to an upcoming strategic planning session to shed light on the board's funding priorities in the coming months.

“Mental health is the very big issue everywhere,” he said. “We don’t have enough money to solve it all; we have to figure out where we can invest and make a difference.”

Acknowledging Hickey had been against the district from the beginning, board President Kathleen Kane said she was pleased with the elections results as well as the addition of Nayfack to the board, noting his insights and enthusiasm for the board’s work will be a great benefit. Kane and Vice President Kim Griffin’s terms are set to expire in 2020.

Kane expected district officials to stay committed to investing taxpayer revenue in community health programs.

“Those programs just would not be there and those benefits just would not be there without our support,” she said. “I’m happy to being able to provide that to the community.”

Currently serving as the board’s vice president, Kim Griffin also welcomed Nayfack to the board, noting his experience as a pediatrician and goals for the board will be a boon to the district’s work.

Priorities

Griffin pegged a proposed merger between Dignity Health and Catholic Health Initiatives and ensuring adequate mental health services are provided for district residents of all ages as among the priorities for district officials going forward. Though she acknowledged the district already invests a lot in the mental health services offered by its nonprofit partners and the Healthy Schools Initiative, Griffin pegged working with the Peninsula Health Care District board to scope a mental health center for teens as among the projects she hopes to tackle in the coming months.

“There’s still a big need for [mental health] services that are really not being filled in the Bay Area,” she said. “It’s not just a problem isolated to our particular district.”

Though she acknowledged Hickey’s views often countered those of others on the board, Sequoia Healthcare District CEO Pamela Kurtzman noted his vote usually wasn’t successful in sidetracking the work of district officials and didn’t expect the elections results to have a drastic impact on the projects on which district officials are focused. But she did acknowledge Nayfack’s election to the board could mark a shift toward a more collaborative, strategic approach to the district’s future work.

For Kurtzman, the elections results also settled the question of whether the district should exist by showing voters were not supportive of an effort to dissolve it.

“I see it just as less of a road block in terms of just having to deal with a contentious person and then having someone who’s strategic and open-minded in supporting the work,” she said. “That’s the other piece, is that we’re recognized for the work that we do and the work that we want to do going forward.”

Signatures submitted in bid to put Los Medanos health care's future on ballot

If enough of the signatures collected are certified, a public vote will decide the district's future



Itika Greene, a volunteer with REading ADvantages in 2016 and a retired public health nurse, is now the executive director of Los Medanos Community Healthcare District. (Kristopher Skinner/Bay Area News Group archives)

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In a move they hope will save the Los Medanos Community Health Care District from being dissolved, district employees and advocates submitted more than 16,500 signatures Friday to put its fate in the hands of voters.

The embattled district had until Friday to present 10,874 verifiable signatures to temporarily halt the dissolution, which the Local Agency Formation Commission approved earlier this fall and reaffirmed Nov. 14 when it rejected the district's request to reconsider the ordered shutdown.

Itika Greene, Los Medanos' executive director, said advocates had only five weeks to collect the signatures from residents of Pittsburg, Bay Point and parts of Antioch, Concord, Clayton and Clyde who are served by the district.

"We feel very positive that we have been as successful as we have been," she said. "We are going to see what happens."

Had the district collected about 21,000 signatures, it could have stopped the dissolution proceedings outright. LAFCO now has 30 days to check the signatures, and if enough are certified, the Contra Costa County Board of Supervisors has 45 days to set a special election date. In addition, the board must determine whether the voting will be by precinct or mail-in ballot.

Greene has urged the commission to save the healthcare district, calling it a community asset. In addition to the signatures, she noted the district has collected thousands of letters of support.

“Voters — not politicians — should decide on the future of our public community healthcare district,” Greene said. “We stand ready to work with the county to avoid the expense of a special election...”

Although Los Medanos Community Hospital closed in 1994, the district that ran it has continued to operate since then, distributing and overseeing a variety of health-related grants for local programs. The district has survived several attempts to dismantle it. In 2000, a residents’ petition called for the district’s dissolution, saying it wasted taxpayers’ money since there’s no more hospital to oversee, but LAFCO rejected it.

Last fall, the Contra Costa County Board of Supervisors asked LAFCO to begin the dissolution process again and transfer all of the district’s assets and debts to the county. Despite its past financial problems, the district still owns the former hospital building on Leland and Loveridge roads, though the county has leased it and operated a health clinic there since 1998.

Greene, a retired public health nurse manager who joined Los Medanos as director two months ago, said the healthcare district wants to maintain its relationship with the county but does not want to see its program lose local control.

“The county is trying to seize our district assets at a time when the number of uninsured is anticipated to increase, with at-risk and immigrant populations among the most affected,” she said. “In spite of everything, we stand ready to work with the county as partners.”

Despite county assurances, Greene said she’s also concerned about losing support for programs and services, such as the community garden that serves 90 families, the REading ADvantages Program, Loaves and Fishes meals, and more. Such smaller programs could go away under county control, she said.

“The county does great, but I don’t support this part (the district dissolution),” she said. “I want to see a community asset remain in the community and expand and do things even better.”

Earlier, County Supervisor Federal Glover assured district supporters the clinic was not going away and could even see improvements under county control.

Supervisor Diane Burgis also noted that under the county, 85 percent of the grant funding will go toward nonprofit health programs and only 10 percent for administrative costs and 5 percent into

reserves. That means 70 percent more grant money would go toward health programs than does now with the district handling the grants, she said.

Others criticized what the district spends outside of its health programs, including as much as \$240,000 for the paid signature gatherers and \$90,000 for printing and mailing services involved in the ballot initiative effort.

“These are examples of administrative overhead that the district has been seeing that is not going directly to health care services,” Commissioner Charles Lewis said at the Nov. 14 LAFCO meeting. “This reinforces the commission’s decision to dissolve this district and transfer the responsibility to the county.”

Earlier this year, the Contra Costa Grand Jury recommended that the district be dissolved, noting it spends more on administrative expenses than it allocates in grants, and no longer runs a hospital.

East Bay Times

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Tax-funded fight to save health district abhorrent
Editorial

If there was any doubt that the Los Medanos Health Care District should be dissolved, the board's \$400,000 taxpayer-funded campaign to save it should be the final straw.

The district has hired a professional petition firm and is paying, using public money, \$11 a signature in a misguided effort to stop the long-overdue closure of the dysfunctional agency.

Residents of Pittsburg and Bay Point should be outraged that money that should be going for health care services is being used for such blatantly political purposes.

And they shouldn't swallow the false claims that closing the agency would reduce services in the community and endanger the future of the county's health care clinic in Pittsburg.

It's just the opposite.

Closing the district would end the agency's wasteful expenditures of property tax money on administrative overhead, leave more funds for health services within the district and help ensure the survival of the county clinic.

The district hasn't operated a hospital since 1994, when the district went bankrupt. Its only significant asset, the old hospital building, is now leased to the county, which has refurbished it to house the clinic.

Meanwhile, the district continues to collect roughly \$1 million a year from property taxes, and over the past six fiscal years spent about 46 percent of its income on administrative costs, according to data collected by the Contra Costa County grand jury. It spent more on administration than on health-related grants and programs.

The district should be disbanded, as the grand jury recommended in April. In September, the county Local Agency Formation Commission, which has authority under state law to close government agencies that have outlived their usefulness, voted to dissolve the Los Medanos district and turn over its assets and income to the county.

The county would use that money to continue providing much-needed health care to residents of the district. Indeed, there would be more money available for health care because the county would be required to spend at least 85 percent of the income on programs and grants within the district. No more than 15 percent would go to administrative overhead and reserves.

But opponents of the deal can force the LAFCO decision to the ballot by submitting 10,874 petition signatures, representing 25 percent of the registered voters in the district. That's what health care district officials plan to do today, the deadline for submitting the petitions.

It would be one thing if this was some sort of grassroots effort to save this district. But that's not what's going on here.

The district has budgeted \$400,000 for the signature gathering drive, legal expenses, a media consultant, charter buses to transport protesters to LAFCO hearings and, if sufficient signatures are collected, the cost of the district- wide election.

For what? To save a district that hasn't provided significant health care for 24 years.

As a general rule, state law and court decisions forbid expenditure of public funds for political advocacy. However, the district claims the restrictions do not apply to a protest petition effort like this one.

If there's any legal ambiguity here, the Legislature needs to step in with corrective legislation. The notion that a wasteful district, which should have been disbanded years ago, can use taxpayer money to try to buy its own survival is abhorrent.



Los Medanos Community Hospital in Pittsburg was closed in 1994, when the health care district went bankrupt. It now houses Contra Costa County's largest health care clinic.
STAFF FILE PHOTO

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