



NOTICE AND AGENDA FOR REGULAR MEETING

DATE/TIME: Wednesday, February 13, 2019, 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.

FEBRUARY 13, 2019 CONTRA COSTA LAFCO AGENDA

1. Call to Order and Pledge of Allegiance
2. **Welcome New Commissioner/Oath of Office**
3. Adoption of Agenda
4. Approval of minutes for the January 9, 2019 regular LAFCO meeting
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.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Government Code section 54956.9(d)(1))

Name of case: *Los Medanos Community Healthcare District v. Contra Costa Local Agency Formation Commission*, Contra Costa Superior Court Case No. C19-00048

OUT OF AGENCY SERVICE REQUESTS

6. ***LAFCO 18-16 – City of Martinez – (2 Millican Court)*** – consider a request by City of Martinez to extend municipal water service outside its jurisdictional boundary to APN 367-111-002 (0.65± acres) located at 2 Millican Court; and consider related actions under the California Environmental Quality Act (CEQA)

SPHERE OF INFLUENCE (SOI) AMENDMENTS/CHANGES OF ORGANIZATIONS

7. ***LAFCO 18-13 – Contra Costa Water District (CCWD) and Diablo Water District (DWD) Spheres of Influence (SOIs) Amendments (Santiago Village)*** – consider a proposal to amend the SOIs of CCWD and DWD by 23.11± acres (APN 029-050-038) located at 3505 Gateway Road in unincorporated Bethel Island; and consider related actions under CEQA ***Public Hearing***

BUSINESS ITEMS

8. ***Fiscal Year 2019-20 Budget Schedule/Work Plan Preview*** – provide input on the FY 2019-20 proposed budget schedule and work plan preview
9. ***Call for Nominations – 2019 Special Districts Risk Management Authority (SDRMA) Board of Directors*** – receive information regarding a call for nominations for the SDRMA Board of Directors and consider submitting a nomination
10. ***2017 GASB 75 Alternative Measurement Method (AMM) Report*** – receive 2017 AMM report

INFORMATIONAL ITEMS

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

ADJOURNMENT

The March 13, 2019 LAFCO Meeting is cancelled. The next regular LAFCO meeting is April 17 (3rd Wednesday), 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

January 9, 2019

Board of Supervisors Chambers
Martinez, CA

February 13, 2019
Agenda Item 4

1. Chair Mike McGill called the meeting to order at 1:35 p.m. and the Pledge of Allegiance was recited.
2. Chair McGill read the "Resolution of Detachment" recognizing Commissioner Tatzin's significant contributions to LAFCO in the years since his appointment in January of 1997.
3. Roll was called. A quorum was present of the following Commissioners:

County Members Candace Andersen and d Alternate Diane Burgis (arrived 1:50 p.m.).
Special District Members Mike McGill and Igor Skaredoff and Alternate Stan Caldwell.
City Members Tom Butt and Rob Schroder.
Public Member Alternate Charles Lewis.

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

4. Approval of the Agenda

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

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

5. Selection of Chair and Vice Chair

Commissioner Butt was unanimously, 6-0, named as Commission Chair for 2019.

Commissioner Andersen was unanimously, 6-0, named as Commission Vice Chair for 2019.

Commissioner McGill was recognized for his service as the 2018 Chair of the Commission.

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

6. Public Comments

Michael Donner, new board member for Moraga-Orinda Fire District, introduced himself to the Commission as his District's designated liaison to LAFCO.

Charles Smith, resident of Pittsburg, expressed his personal discontent regarding Commissioner McGill's performance as the 2018 Commission Chair.

7. Approval of December 12, 2018 Meeting Minutes

Upon motion of Schroder, second by Lewis, the December 12, 2018 meeting minutes were approved unanimously by a vote of 7-0.

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

DRAFT

8. LAFCO 18-12 – City of Martinez Out of Agency Service (Subdivision 7069, Creekside Oaks)

The Executive Officer presented this proposal from the City of Martinez to provide municipal water service to a seven-lot residential subdivision located at Castle Creek Court in Alhambra Valley, outside the City boundary but within the City's sphere of influence (SOI) and urban limit line (ULL). The Alhambra Valley is partially served by the City for water and by CCCSD for wastewater service. The City indicates that it has adequate water to serve the subject area.

Commissioner Lewis stated that he would like to reinforce that LAFCO would like to hear an expanded commitment from the City to annex this and other areas. Relying on the City's prior fiscal studies undercuts the commitment to annex per Government Code §56133, which allows out of agency service as a temporary measure in certain circumstances. Given there are 1,500 parcels receiving out of agency service from the City, it seems appropriate to ask the City about its annexation timeline.

Commissioner Schroder noted that the map in this proposal shows a large area that was annexed in 2011. There are a couple more areas in Alhambra Valley that will be coming to LAFCO soon for annexation.

Upon motion of Andersen, second by Lewis, Commissioners, by a 7-0 unanimous vote, found the project exempt pursuant to §15061(b)(3) of the CEQA Guidelines; and authorized the City of Martinez to extend municipal water service outside its jurisdictional boundary to the 16.89±-acre property located at Castle Creek Court and Casa de Campo in the unincorporated Alhambra Valley, subject to specified terms and conditions, and directed staff to request a report on an estimated timeframe on future annexation activity from City of Martinez staff within six months of this date.

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

9. LAFCO 17-13 – Dissolution of LMCHD – Update on Protest Proceedings

The Executive Officer drew Commissioners' attention to the supplemental report provided on January 8, which reported on the results of the protest as verified by the County Elections Office, which has completed its verification of the written protests within the prescribed time, and included a three level review process. On January 8, LAFCO received a letter and protest results from County Elections, which reported that the number of valid written protests received did not meet the 25% threshold required to submit the question of dissolution to the voters; therefore, pursuant to LAFCO law, the Commission must order the dissolution of LMCHD without an election.

Kara Ueda, LAFCO Special Counsel, reported that this morning the District filed a lawsuit against LAFCO and the County, seeking to prevent LAFCO from approving the resolution of dissolution or recording the resolution of dissolution if approved. The District also sought from the Court an immediate order to prevent LAFCO from taking final action today to dissolve the District. The Court this morning considered arguments and decided to give the District additional time to more fully brief and explain its position. In doing so, the Court is permitting LAFCO to take the recommended action today at the meeting, but staff will not be allowed to record the resolution of dissolution. The Court has scheduled a hearing on the District's request for a preliminary injunction for February 7, 2019, and has also set a briefing schedule. The Court's order today does not change the recommended action but does prevent staff from recording the resolution of dissolution. Ms. Ueda will follow up with further information in the near future.

The Chair opened the floor to public comment.

Charles Smith, Pittsburg resident, spoke against the dissolution and accused LAFCO, the County, and the City of Pittsburg of holding secret meetings. He stated his belief that the County does not have roots in the District, and that only the District is serving the underserved.

Patt Young, LMCHD Board Member, stated that the District would in fact like to reconcile with the County. Mistakes have been made in the past, but they have cut administrative costs and are willing to collaborate so that the District can continue to serve its residents. Health issues in the District are better served by the District, which has more cultural credibility.

Dr. J. Vern Cromartie, LMCHD Board President, thanked Commissioner Tatzin for his years of service, and itemized five points:

- 1) The District collected thousands of signatures favoring the retention of the District
- 2) LMCHD provides direct services in addition to its grant programs
- 3) LMCHD reduced its administrative costs to 25% of its overall budget
- 4) LMCHD would like to have the County accept the lease offer it made to LMCHD in July of 2017 because the District will accept it
- 5) The District recognizes and values the County medical services provided at its location and they want to continue to have that collaborative relationship

Elizabeth Calciano, Hensley Law Group, representing LMCHD, asked that the Commissioners not take action today and consider the issues they have raised. She stated that LAFCO chose the date of the protest hearing and chose and gave the District a definite number of registered voters and the number of valid signatures needed based on that number, then “moved the finish line.” It is a matter of fairness to be consistent in the number used at the beginning of the protest period. The District built its campaign on that number.

In response to Commissioner Andersen’s question, LAFCO Special Counsel Ueda stated that the law requires 25% or more of registered voters to trigger an election. All LAFCO did was choose the date of the protest hearing; it did not give a definite number of registered voters needed; rather, it was an approximate number based on the number of voters provided at the beginning of the LAFCO process. The number of registered voters is constantly changing, and the protest hearing period spanned a general election, which drew many new voter registrations.

Upon motion of Andersen, second by Lewis, Commissioners unanimously, by a 7-0 vote, adopted the resolution finding that valid protests were filed by less than 25% of the registered voters in the subject area and ordering the dissolution but staying the recordation.

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

10. County Service Area (CSA) M-9

The Executive Officer presented a report on the dissolution of the inactive district, CSA M-9, which was formed in 1969 to provide street lighting facilities, street sweeping and parkway maintenance services to territory in what was then unincorporated Orinda. When the City of Orinda incorporated in 1985, the City assumed these services. According to County records, CSA M-9 has been inactive since 1990, with no assets, liabilities or debt.

In accordance with legislation enacted in 2017 that defines “inactive districts” and provides an expedited process for dissolving these districts, at its December 12, 2018 meeting LAFCO moved to initiate the dissolution of CSA M-9, which now consists of one parcel of 0.41± acre owned by East Bay Municipal Utility District.

Upon motion of Andersen, second by McGill, Commissioners, by a unanimous 7-0 roll call vote, approved the proposal known as Dissolution of County Service Area M-9; determined that the project is exempt pursuant to CEQA Guidelines Section 15320; found that the subject territory is uninhabited, meets the criteria of an inactive district pursuant to GC §56042 and waived the protest proceedings pursuant to GC §56879.

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

11. LAFCO Policies and Procedures Committee Appointment

The Executive Officer noted that with Commissioner Tatzin's departure from LAFCO, his seat on the ad hoc Policies and Procedures Committee is open. In 2018, the Commission appointed Commissioner Blubaugh to serve as a member of the committee, replacing Commissioner Burke. A new member for that committee is now needed to move forward on updating some of the Commission's policies and procedures.

Upon motion of Skaredoff, second by Schroder, Commissioners, by a unanimous 7-0 vote, voted to appoint Chuck Lewis as the second member of the ad hoc Policies and Procedures Committee.

AYES: Andersen, Burgis (A), Butt, Lewis (A), McGill, Schroder, Skaredoff

NOES: none

ABSENT: Blubaugh (M), Glover (M)

ABSTAIN: none

12. Fiscal Year 2018-19 2nd Quarter Budget Report

The Executive Officer reported that expenditures to date for the first half of this fiscal year are approximately 36% of total appropriations. This includes the annual \$40,000 OPEB liability contribution, but the \$30,000 CCCERA liability contribution is not reflected in the second quarter. Total revenues received to date are just under 100% of projected revenues, including fund balance. Local agencies have paid their LAFCO contributions, and application activity through the 2nd quarter is slightly lower than the FY 2017-18 activity for the same period.

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

AYES: Andersen, Burgis (A), Butt, Lewis (A), McGill, Schroder, Skaredoff

NOES: none

ABSENT: Blubaugh (M), Glover (M)

ABSTAIN: none

13. Commissioner Comments and Announcements

Commissioner Butt reminded Commissioners that the first Richmond Ferry will launch at 6:10 a.m. on Thursday, January 10, and formal opening events will begin at 1:30 p.m. The City of Richmond will host the Mayors' Conference meeting at the Richmond Craneway following the opening of the ferry.

Commissioner McGill thanked the Executive Officer for covering his CALAFCO December activities at the December LAFCO meeting. He has a CALAFCO Finance Committee meeting on January 14, and another CALAFCO Legislative Committee meeting on January 25.

14. Staff Announcements

The Executive Officer had no additional comments.

The meeting adjourned at 2:30 p.m.

Final Minutes Approved by the Commission February 13, 2019.

AYES:

NOES:

ABSTAIN:

ABSENT:

By _____
Executive Officer

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

February 13, 2019
Agenda Item 6

February 13, 2019 (Agenda)

LAFCO 18-16 City of Martinez - Out of Agency Service Request (2 Millican Court)

SYNOPSIS

This is a request by the City of Martinez to provide municipal water service outside its jurisdictional boundary to one vacant parcel (APN 367-111-002) located at 2 Millican Court in the Alhambra Valley in unincorporated Martinez (see Attachment 1). The property is 0.65± acres and development of a single family residential unit is proposed for the site in accordance with the Alhambra Valley Specific Plan.

The subject property is located within the City of Martinez sphere of influence (SOI) and is within and abuts the City's Urban Limit Line (ULL). Surrounding land uses include low density single family residential (SL) to the north, south and east; and land designated by the County as "Agricultural Land (A-2) to the west. The County General Plan designation for the parcel is Single Family Residential – Low (SL) and the County's zoning is Single Family Residential R-20 (lot size 20,000 sq. ft. minimum). The City's land use designation for the parcel is Rural Residential (RR-40P).

The City indicates that the subject property is surrounded by existing homes that are currently being served by the City's water system. The subject property is also within the Central Contra Costa Sanitary District (CCCSD) service boundary.

DISCUSSION

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

The Commission's current policies regarding out of agency service (Attachment 2) are consistent with State law in that annexations to cities and special districts are generally preferred for providing municipal services. However, there may be situations where health and safety, emergency service, or other concerns warrant out of agency service. Historically, out of agency service is considered a temporary measure, typically in response to an existing or impending public health and safety threat (e.g., failing septic system, contaminated well); or in anticipation of a future annexation.

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

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

While the City has taken actions in furtherance of future annexations of most of these areas, the outcome of the fiscal studies shows a negative fiscal impact to the City; thus, annexation of most of these areas, including the Alhambra Valley, is not financially viable. It should be noted that the subject parcel is included in the Alhambra Valley Specific Plan, but was not part of the City's 2011 Alhambra Valley annexation application.

Since 2012, the City of Martinez has submitted 11 out of agency service applications to LAFCO including the subject proposal. Of the 11 proposals submitted in the last six years, eight are in the Alhambra Valley area and three are in the Mt. View area.

As noted below, in 2011-12, the City previously attempted to annex a portion of the Alhambra Valley and was partially successful. The City has adopted two resolutions stating the City's intent to pursue annexation of the Alhambra Valley area by 2020. In 2016, the City adopted two resolutions indicating its intent to annex property along the Pacheco Boulevard corridor including the Mt. View area by the year 2030. In accordance with the Commission's request in January 2019, the City will provide an update and estimated timeframe on future annexation activity to LAFCO by June 30, 2019.

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

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

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

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

The out of agency service request is intended to serve development of a single family residential unit.

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

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

The subject area is not adjacent to the City boundary and cannot be annexed at this time.

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

The previous LAFCO MSRs recommended annexing properties that are receiving, or will require, City water service, as appropriate. The City has committed to the future annexation of the Alhambra Valley.

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

The City has previously attempted to annex a portion of the Alhambra Valley and has been partially successful. To affirm its commitment to the future annexation of this area, the City Council adopted two resolutions (2012 and 2014) asserting the City's intent to pursue annexation of this area by 2020.

In addition, the City has obtained and recorded a deferred annexation agreement on the subject parcel.

Water Supply to the Subject Property – The subject property is located in the Alhambra Valley, characterized as an established semi-rural community. The Alhambra Valley is partially served with water service through the City of Martinez and sewer service through CCCSD. The subject property is within the CCCSD service boundary.

The City indicates that it has adequate water to serve the subject property. According to the City, the water service lateral will consist of approximately 45 linear feet of one-inch diameter pipe, a meter and a backflow device. The service laterals will be used for a combined domestic water and fire supply. Water service will be provided from an existing 4-inch water main on Millican Court in front of the subject property. The area is steep, most of which is over 10% slope. City staff has confirmed that the City's infrastructure is adequate for this topography. The property owner is responsible for all site development, improvements and start-up costs including those associated with the domestic water system; operational and maintenance costs will be funded through water service and water usage fees collected by the City of Martinez.

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

ALTERNATIVES FOR COMMISSION ACTION

LAFCOs were formed for the primary purpose of promoting orderly development through the logical formation of local agency boundaries, and facilitating the efficient provision of public services. The CKH provides that LAFCO can approve with or without amendments, wholly, partially, or conditionally, or deny a proposal. The statute also provides LAFCO with broad discretion in terms of imposing terms and conditions.

The following options and recommended terms and conditions are presented for the Commission's consideration. In addition, it is recommended that the Commission request the City to provide an update to LAFCO on future annexation activity within a timeframe specified by the Commission.

Option 1 **Approve** the out of agency service request as proposed and approve Resolution No. 18-12 (Attachment 3).

- A. Find that the project is exempt pursuant to section 15303(d) of the CEQA Guidelines, consistent with the determinations of the City of Martinez.
- B. Authorize the City of Martinez to extend water service outside its jurisdictional boundary to one vacant parcel (APN 367-111-002) located at 2 Millican Court (Alhambra Valley) in unincorporated Martinez subject to the following terms and conditions:
 - 1. Water infrastructure and service is limited to one single family residential unit,
 - 2. The City of Martinez has delivered to LAFCO an executed deferred annexation agreement (DAA), and the DAA was recorded as prescribed by law and runs with the land so that future landowners have constructive notice that their property is encumbered by the DAA, and
 - 3. The City of Martinez has delivered to LAFCO an executed indemnification agreement providing for the City to indemnify LAFCO against any expenses arising from any legal actions to challenging the out of agency service.

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

Option 3 **Continue** this matter to a future meeting in order to obtain more information.

RECOMMENDATION

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

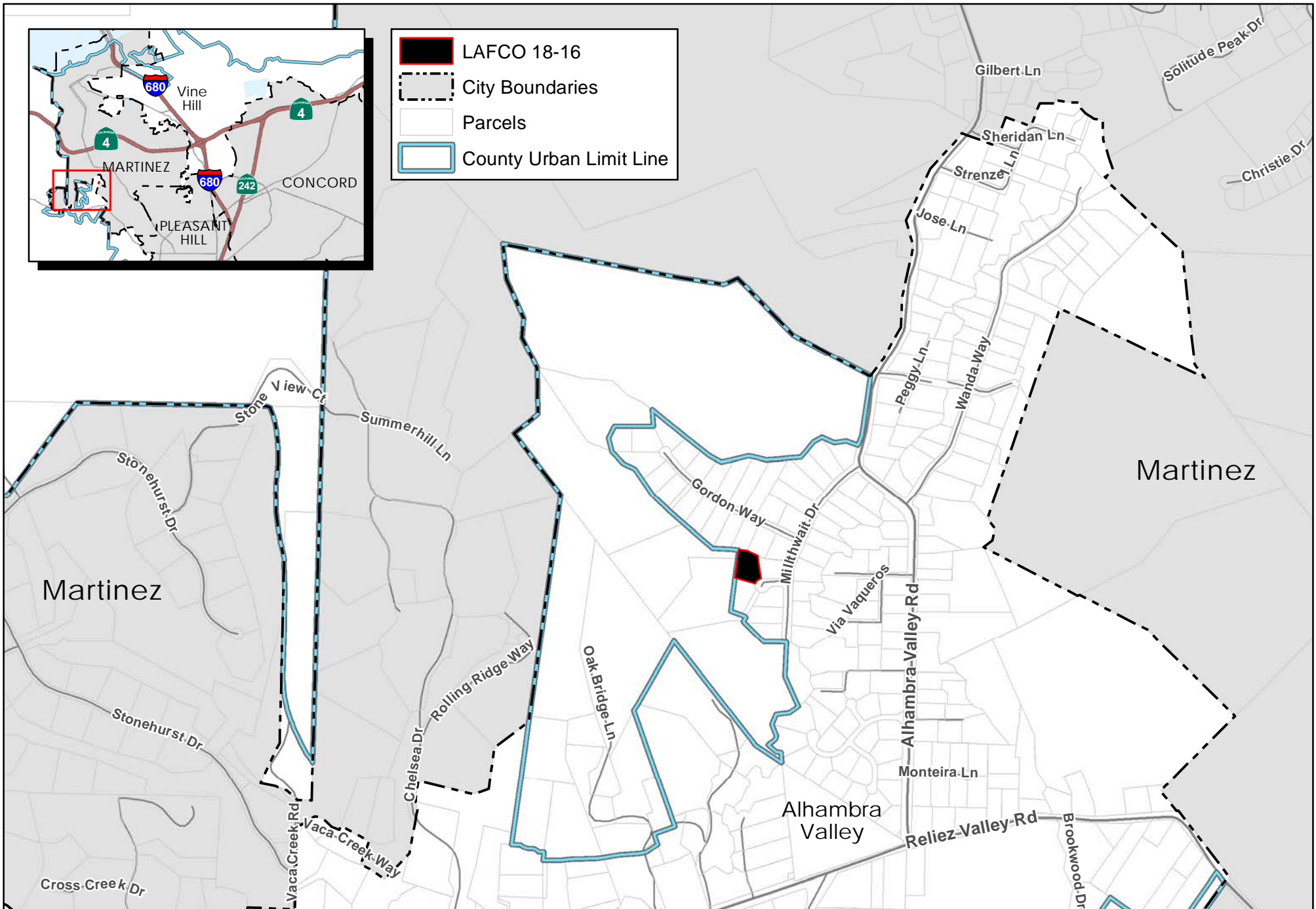
LOU ANN TEXEIRA, EXECUTIVE OFFICER
CONTRA COSTA LAFCO

Attachments

- 1. Map of APN 367-111-002
- 2. LAFCO Policies for Out of Agency Service Agreements
- 3. Draft LAFCO Resolution 18-16

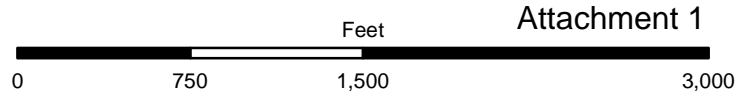
c: Tim Tucker, City of Martinez
 Khalil Yowakim, City of Martinez
 Ryan Spencer, Property Owner

LAFCO No.18-16 City of Martinez Out of Agency Service (2 Millican Ct, 367-111-002)



Map created 01/17/2019
 by Contra Costa County Department of
 Conservation and Development, GIS Group
 30 Muir Road, Martinez, CA 94553
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Attachment 1



2.1. POLICIES AND STANDARDS

J. Policies for Out of Agency Service Agreements

1) Introduction:

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

2) Purpose:

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

3) Objective:

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

4) Out of Agency Service Policies: General Statements

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

5) Form of Request:

a) All Requests

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

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

b) Requests Due to Health or Safety Emergency

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

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

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

c) Requests in Anticipation of Annexation

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

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

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

6) Review of Request

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

7) Consideration of Request

Once a request is deemed complete, the Executive Officer will prepare a written report with a recommendation. The Executive Officer will present his or her report and recommendation at a public

hearing for Commission consideration in accordance with CKH and LAFCO's policies and procedures. The Executive Officer's written report will be made available to the public for review prior to the scheduled hearing and include an evaluation of the following factors:

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

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

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

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
AUTHORIZING THE CITY OF MARTINEZ TO PROVIDE OUT-OF-AGENCY WATER SERVICE
2 MILLICAN COURT (APN 367-111-002)**

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

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

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

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

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

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

- A. Find that the project is exempt pursuant to section 15303(d) of the CEQA Guidelines, consistent with the determination of the City of Martinez.
- B. Authorize the City of Martinez to extend water service outside its jurisdictional boundary to 2 Millican Court (APN 367-111-002), located in the unincorporated Alhambra Valley subject to the following terms and conditions:
 - 1. Water infrastructure and service is limited to one single family residential dwelling unit on the subject parcel,
 - 2. The City of Martinez has delivered to LAFCO an executed indemnification agreement providing for the City to indemnify LAFCO against any expenses arising from any legal actions challenging the out of agency service, and
 - 3. The City of Martinez and the property owner have signed a deferred annexation agreement (DAA), and the DAA was recorded as prescribed by law and runs with the land so that future landowners have constructive notice that their property is encumbered by the DAA.
- C. Approval to extend City of Martinez services beyond those specifically noted herein is withheld and is subject to future LAFCO review.

* * * * *

PASSED AND ADOPTED THIS 13th day of February 2019, by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

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: February 13, 2019

Lou Ann Texeira, Executive Officer

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

February 13, 2019
Agenda Item 7

February 13, 2019 (Agenda)

LAFCO 18-13 Santiago Village – Contra Costa Water District (CCWD) and Diablo Water District (DWD) Sphere of Influence (SOI) Amendments

APPLICANT Diablo Water District – Resolution 2018-11, October 24, 2018

ACREAGE & LOCATION The applicant proposes to expand the CCWD and DWD SOIs by 23.11± acres, which includes the Santiago Island Village Mobile Home Park (“SIV”). The subject area comprises 21.87± acres and a 1.24± acre portion of Gateway Road for the extension of the DWD treated water line.

The subject area is located at 3505 Gateway Blvd (APN 029-050-038) in unincorporated Bethel Island, and is within the Contra Costa County Urban Limit Line (ULL) - see attached map (Exhibit A). The applicant has also submitted a corresponding proposal to annex the property to CCWD and DWD.

PURPOSE The purpose of the proposal is to allow for the extension of municipal water to serve the SIV as recommended by the State Water Resources Control Board (SWRCB). CCWD will provide wholesale water and DWD will provide treated water to the property. This will eliminate the need for reliance on a single groundwater well. The single well could potentially fail, and this creates a water supply issue as well as a potential for contamination within the mobile home park. Further, the existing groundwater well exceeds the secondary maximum contaminant level for manganese.

BACKGROUND The SIV is a mobile home park located on Gateway Road in unincorporated Bethel island. The existing community water system serves approximately 300 residents and 100 daily visitors through 211 connections. The water system has one groundwater source – Well 01. According to the SWRCB (Division of Drinking Water), the treatment system is limited, and there is no distribution system storage or pumping facilities. The average monthly demand for 2016 and 2017 was 926,117 gallons, and a maximum monthly demand of 2,051,600 gallons during September 2017. The SWRCB recommends that the SIV consolidate with DWD to obtain reliable drinking water and discontinue Well 01. This consolidation will address two main water deficiencies: 1) water source and facilities and capacity, and 2) water quality. The SWRCB is aware of the current effort to address the water issues through annexation; and therefore, has not taken enforcement action to require the SIV to correct these deficiencies by a specific deadline.

DISCUSSION The Cortese-Knox-Hertzberg Act (CKH Act) empowers LAFCO with the responsibility for developing and determining the SOI of each local agency within the County, and for enacting policies designed to promote the logical and orderly development of areas within the spheres.

An SOI is defined as *a plan for the probable physical boundaries and service area of a local agency, as determined by LAFCO*. The intent of an SOI is to identify the most appropriate area for an agency’s extension of services in the foreseeable future (e.g., 10-20 year horizon). Accordingly, territory included in an agency’s SOI is an indication that the probable need for service has been established, and that the subject agency has been determined by LAFCO to be the most logical service provider for the area.

Pursuant to Government Code section 56425, when amending an SOI for a local agency, LAFCO is required to consider and prepare a written statement of determinations with respect to the following:

1. ***The present and planned uses in the area, including agricultural and open space lands*** – The subject property is developed with 211 mobile homes. The County General Plan designation for the property is “MO” (Mobile Home) and the Zoning designations include “T-1” (Mobile Home/Manufactured Home Park) and “FH” (Flood Hazard). The proposed SOI amendments and pending annexations will not facilitate new development or changes in land use and will have no impact on agricultural land.
2. ***The present and probable need for public facilities and services in the area*** – The existing residential land use requires public services, including water, wastewater and fire. As noted above, the existing single groundwater well is no longer adequate to serve the property; municipal water service through CCWD and DWD is needed.
3. ***The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide*** – Regarding wholesale water, 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 United States Bureau of Reclamation (USBR) Central Valley Project (CVP) and delta diversions. One of CCWD’s prerequisites for service, including future annexation, is inclusion in the CVP service area. The CVP inclusion review is a separate process, and requires specific environmental documents.

Regarding retail water, DWD encompasses 21± square miles including Oakley, downtown Knightsen, parts of Bethel Island including Delta Coves, and unincorporated areas including the Hotchkiss Tract, East Cypress Corridor Specific Plan Area, and the Summer Lakes development. DWD collects, treats and supplies municipal water to over 40,000 residents. The District’s primary sources of water include CVP (purchased from CCWD) and groundwater extracted from Tracy sub-basin.

The DWD intends to serve the SIV with a treated water line extension from the adjacent Delta Coves residential subdivision that already lies within the DWD SOI and service area. The SIV will construct a water service line from the DWD meter to connect to the existing water system.

Based on their recent future water supply studies and urban water management plans, both CCWD and DWD indicate they have the capacity to serve the project. The districts and landowners will work together to complete the CVP inclusion process.

4. ***The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency*** – The 23-acre subject area is located in unincorporated Bethel Island. Both CCWD and DWD have a presence in the area as both districts provide water service to an adjacent development (Delta Coves) in Bethel island and to the City of Oakley, south of Bethel Island. Further, the entirety of Bethel Island is a Disadvantaged Unincorporated Community (DUC). In considering an SOI update, LAFCO must consider needs or deficiencies related to sewer, municipal and industrial water, and structural fire protection in any DUC within or contiguous to the subject agency’s SOI.
5. ***Nature, location, extent, functions & classes of services to be provided*** – CCWD provides treated water service to 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. CCWD is expected to provide wholesale water to the subject area.

DWD provides retail water to the City of Oakley, downtown Knightsen, parts of Bethel Island including Delta Coves, and unincorporated areas including the Hotchkiss Tract, East Cypress Corridor Specific Plan Area, and the Summer Lakes development. DWD collects, treats and supplies municipal water to over 40,000 residents. The District's primary sources of water include CVP (purchased from CCWD) and groundwater extracted from San Joaquin Valley Basin. DWD is expected to provide retail water to the subject area.

Environmental Impact of the Proposal – DWD, as Lead Agency, found the project exempt pursuant to CEQA Guidelines sections 15303(d) – *New Construction or Conversion of Small Structures* and section 15319(a) Annexations of Existing Facilities and Lots for Exempt Facilities.

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** Adopt the resolution (Attachment 1) approving the proposed expansions to the SOIs of CCWD and DWD adding 23.11± acres to the SOIs as depicted on the attached map (Exhibit A).
- A. Determine that the DWD, as Lead Agency, found the project exempt pursuant to CEQA Guidelines sections 15303(d) – *New Construction or Conversion of Small Structures* and section 15319(a) Annexations of Existing Facilities and Lots for Exempt Facilities
 - B. Adopt this report and amend the SOIs of CCWD and DWD as described herein and shown on the attached map.

Option 2 Adopt this report and DENY the proposal.

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






RECOMMENDATION **Option 1 – approve the SOI amendments as proposed.**

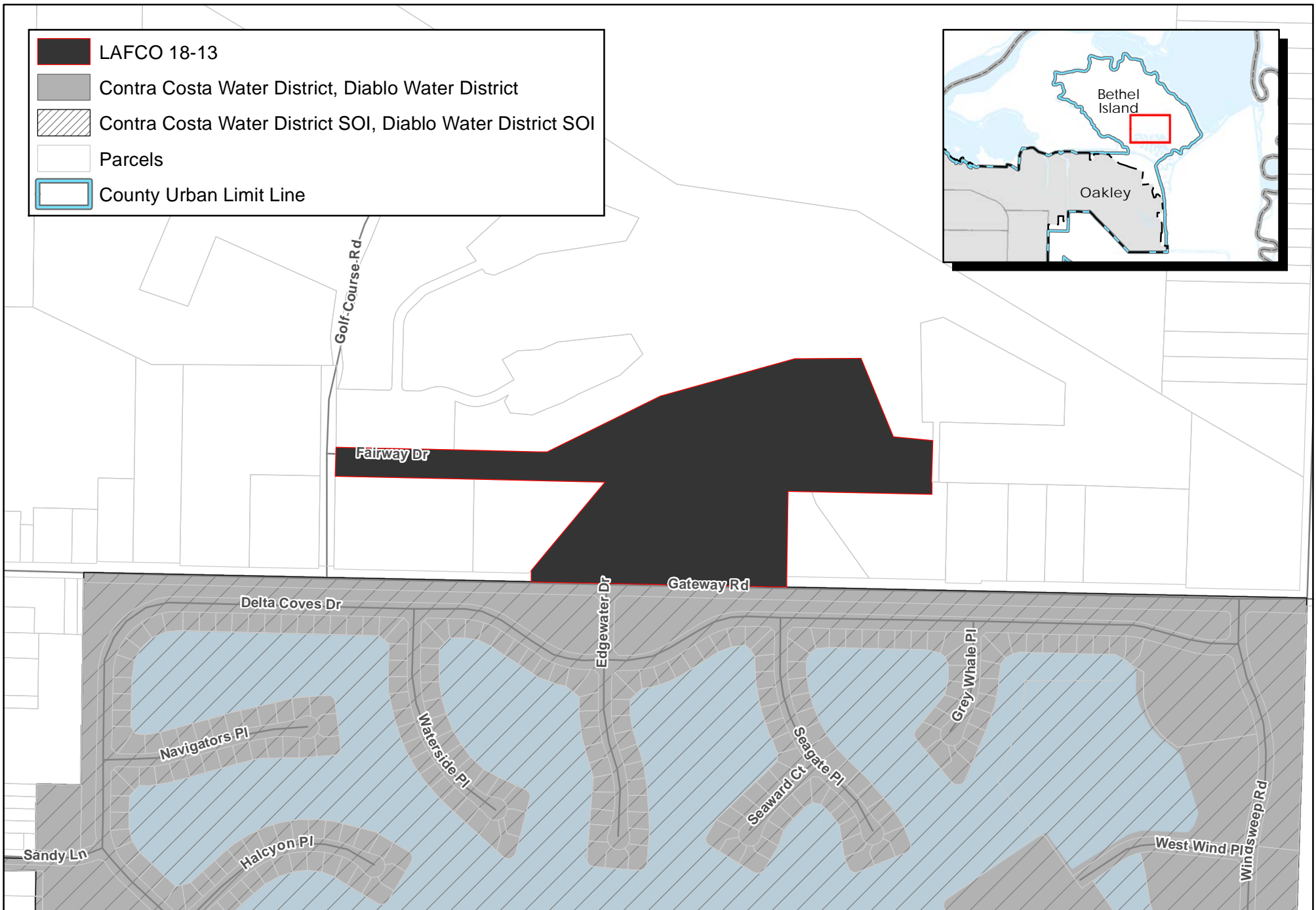
LOU ANN TEXEIRA, EXECUTIVE OFFICER
CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

Exhibit A - Map – Proposed CCWD and DWD SOI Amendments
Attachment 1 - Draft LAFCO Resolution – CCWD and DWD SOI Amendments

- c: Dan Muelrath, General Manager, Diablo Water District
Mark A. Seedall, *Principal Planner, Contra Costa Water District*
Aimee Molsberry, Santiago Communities, Inc.

LAFCO No. 18-13 - CCWD, DWD SOI Amendment (Santiago Island Village)

-  LAFCO 18-13
-  Contra Costa Water District, Diablo Water District
-  Contra Costa Water District SOI, Diablo Water District SOI
-  Parcels
-  County Urban Limit Line



Map created 11/19/2018
 by Contra Costa County Department of
 Conservation and Development, GIS Group
 30 Muir Road, Martinez, CA 94553
 37:59:41.791N 122:07:03.756W

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

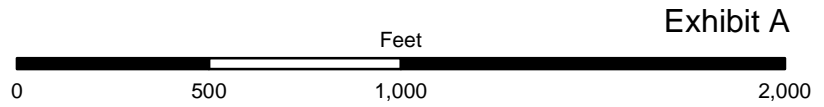


Exhibit A



SPHERE OF INFLUENCE RESOLUTION NO. 18-13

RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
 MAKING DETERMINATIONS AND EXPANDING THE SPHERES OF INFLUENCE
 OF CONTRA COSTA WATER DISTRICT AND DIABLO WATER DISTRICT (SANTIAGO VILLAGE)

WHEREAS, a proposal to expand the spheres of influence (SOI) of Contra Costa Water District (CCWD) and Diablo Water District (DWD) was filed with the Contra Costa Local Agency Formation Commission (LAFCO) pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code §56425); 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 proposal; and

WHEREAS, the Commission heard, discussed and considered all oral and written testimony related to the proposal including, but not limited to, the Executive Officer's report and recommendation, the environmental document or determination, SOIs and applicable General and Specific Plans and all testimony, correspondence and exhibits received during the public hearing, all of which are included herein by reference;

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

1. The matter before the Commission is the proposed expansion of the SOIs of CCWD and DD to include 23.11± acres, including Assessor Parcel Number 029-050-038, located at 3505 Gateway Road in unincorporated Bethel Island.
2. The Commission is a Responsible Agency under the California Environmental Quality Act (CEQA); and in accordance with CEQA, finds the project is exempt pursuant to CEQA Guidelines, Section 15303 and 15319, consistent with the determination of DWD acting as Lead Agency.
3. The SOIs of CCWD and DWD are hereby expanded to include the areas as shown on the attached map (Exhibit A).
4. CCWD and DWD services are limited to serving the subject property.
5. The Commission has considered the criteria set forth in Government Code §56425 and determines as follows:

The present and planned uses in the area, including agricultural and open space lands – The County General Plan designation for the property is “MO” (Mobile Home) and the zoning designations include “T-1” (Mobile Home/Manufactured Home Park) and “FH” (Flood Hazard). The proposed SOI amendments and pending annexations will not facilitate new development or changes in land use and will have no impact on agricultural land.

The present and probable need for public facilities and services in the area – The existing residential land use requires public services, including water, wastewater and fire. As noted above, the existing single groundwater well is no longer adequate to serve the property; and municipal water service through CCWD and DWD is needed.

The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide – DWD intends to serve the subject area with a treated water line extension from the adjacent Delta Coves residential subdivision that already lies within the DWD SOI and service area. The property owner will construct a water service line from the DWD meter to connect to the existing water system. Based on their recent future water supply studies and urban water management plans, CCWD and DWD indicate they have the capacity to serve the project. The districts and landowners will work together to complete the Central Valley Project (CVP) inclusion process.

The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency – The 23± acre subject area is located in unincorporated Bethel Island. Both CCWD and DWD have a presence in the area as both districts provide water service to an adjacent development (Delta Coves) in Bethel island and to the City of

Oakley, south of Bethel Island. Further, the entirety of Bethel Island is a Disadvantaged Unincorporated Community (DUC). In considering an SOI update, LAFCO must consider needs or deficiencies related to sewer, municipal and industrial water, and structural fire protection in any DUC within or contiguous to the subject agency's SOI.

Nature, location, extent, functions & classes of services to be provided – CCWD provides treated water service to 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), DWD (Oakley), and the City of Antioch. CCWD serves approximately 500,000 (61,085 water connections). The primary sources of water are the U.S. Bureau of Reclamation CVP and delta diversions. CCWD is expected to provide wholesale water to the subject area.

DWD provides retail water to the City of Oakley, downtown Knightsen, parts of Bethel Island including Delta Coves, and unincorporated areas including the Hotchkiss Tract, East Cypress Corridor Specific Plan Area, and the Summer Lakes development. DWD collects, treats and supplies municipal water to over 40,000 residents. The District's primary sources of water include CVP (purchased from CCWD) and groundwater extracted from San Joaquin Valley Basin. DWD is expected to provide retail water to the subject area.

PASSED AND ADOPTED THIS 13th day of February 2019, by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

TOM BUTT, 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: February 13, 2017

Lou Ann Texeira, Executive Officer



Lou Ann Texeira
 Executive Officer

MEMBERS

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

ALTERNATE MEMBERS

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

February 13, 2019
 Agenda Item 8

February 13, 2019 (Agenda)

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

Fiscal Year 2019-20 Budget Schedule and Work Plan Preview

Dear Members of the Commission:

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH Act) establishes a specific process for preparing and adopting LAFCO’s budget. Government Code §56381 provides that the Commission shall annually adopt a proposed budget by May 1 and final budget by June 15, following noticed public hearings.

WORK PLAN PREVIEW

In conjunction with the proposed budget, the Commission sets out an annual work plan. The work plan includes a summary of recent activities/accomplishments and upcoming goals/objectives, such as preparing Municipal Service Reviews (MSRs)/Sphere of Influence (SOI) updates and special studies, updating the Commission’s policies and procedures, and other projects and activities.

In September 2017, the Commission participated in a strategic planning session and discussed accomplishments and priorities including MSRs, island annexations, use of terms and conditions, and policies and procedures. The Commission also reviewed its annual work plan, goals, legislation, and the future of Contra Costa LAFCO (relocation, staffing, etc.); updates on these activities are provided below.

MSRs/SOI Updates - LAFCO law provides that every five years the Commission shall, as necessary, review and update each SOI [Gov. Code §56425(g)]. The statute also provides that in order to prepare and update an SOI, the Commission shall conduct a MSR.

In 2013, the Commission completed its inaugural round of MSRs/SOI updates, and initiated 2nd round MSRs. To date, the following 2nd round MSRs/SOI updates have been completed:

- June 2014 - Water/wastewater covering eight cities, 19 special districts, and private water companies
- November 2015 - Reclamation services covering 14 special districts
- October 2016 – Fire/EMS covering three cities and eight special districts
- January 2018 – Healthcare services covering three special districts and Contra Costa County health services

As part of the FY 2018-19 work plan and budget, the Commission approved preparing a 2nd round MSR covering “*City Services*” (i.e., all 19 cities and four community services districts). The FY 2018-19 budget also includes funding to initiate another 2nd round MSR to be determined by the Commission.

The “*City Services*” MSR is underway and we expect to release the Public Review Draft in March 2019. Regarding the second MSR to be initiated in FY 2018-19, potential candidates include parks & recreation, county service areas (CSAs), cemetery, mosquito & vector control, and resource conservation – see attached MSR log (Attachment 1).

Policies and Procedures Updates – In the past several years, the Commission made significant progress updating its policies and procedures, and adopted new *procedures* for the following changes of organization: city annexations/detachments, district annexations/detachments, district mergers, establishment of subsidiary districts, LAFCO-initiated proposals, new or different services, district dissolution, district formation, district consolidation, city consolidation, disincorporation, reorganization and out of agency service. Contra Costa LAFCO now has procedures for each type of change of organization.

In 2018, the Commission updated its Legislative Platform and updated its policies and procedures relating to *Rules and Procedures*, *CALAFCO*, *Roster of Cities and Special Districts*, *City Annexations and Detachments*, *District Annexations and Detachments*, and *Agricultural & Open Space Preservation*. Next in the queue are policies and procedures relating to the following:

- ✚ Disadvantaged Unincorporated Communities (DUCs)
- ✚ Sphere of Influence
- ✚ Updating Procedures for Processing Multi County Boundary Change
- ✚ Records Retention

Island Annexations - LAFCO continues to encourage local agencies to annex islands. County GIS recently updated LAFCO’s island map, which depicts city islands that are 150 acres or less, which can be annexed via an expedited process pursuant to Gov. Code §§56375.3 - see attached island map (Attachment 2). Since the island map was originally created in 2012, one small island was annexed (Northeast Antioch Area 2B - Viera Ave). Also, one new island was created (Northeast Antioch Area 2A – Marina) due to voter rejection. The islands will be discussed in more detail in the soon-to-be-released 2nd round *City Services* MSR.

Growing Contra Costa LAFCO – Over the past two years, staff has discussed with the Commission growing Contra Costa LAFCO. The discussion focused on relocating the LAFCO office and adding a position.

- ❖ **LAFCO Office** - Contra Costa LAFCO currently leases office space at 651 Pine Street in Martinez. In early 2016, LAFCO staff learned of an opportunity to relocate to 40 Muir Road in Martinez. This would allow LAFCO to expand its office space. The Commission was supportive and approved costs associated with the relocation in the FY 2016-17, FY 2017-18 and FY 2018-19 budgets. Unfortunately, the relocation has been delayed. The County informed LAFCO staff that tenant improvements began in April 2018 and should be completed in the next several months. The anticipated move now should occur in the summer of 2019.
- ❖ **LAFCO Staffing** – Contra Costa LAFCO currently employs two full-time staff – an Executive Officer and an Executive Assistant/LAFCO Clerk. In addition, we contract for a number of services

including environmental planning, GIS/mapping, legal, webmaster, financial auditing, MSRs and special studies. There is a desire to expand LAFCO staff in the future, to meet the increase in application activity, expand work on policies and procedures, continue MSR work, undertake some new activities, and maintain our current level of involvement at a statewide level with CALAFCO and other stakeholders. In addition, it is desirable to have some level of “back-up” for the current LAFCO staff – either part-time or full-time. Adding an Analyst position would help meet these needs. As noted above, adding staff is contingent on expanding the LAFCO office space.

LAFCO staff is currently developing a job description for the Analyst position and will bring to the Commission proposed updates to the LAFCO classification and salary plans in the next few months. In addition, LAFCO will need to fill the Executive Assistant/LAFCO Clerk position in conjunction with the upcoming retirement of Kate Sibley in the summer of 2019.

Updated information regarding LAFCO office space and staffing will be included in the Proposed FY 2019-20 Budget to be presented to the Commission in April 2019.

Other Items of Interest – The LAFCO office is currently busy with other activities including the following:

- Processing boundary change applications
- Finalizing the 2nd round “*City Services*” MSR
- Preparing the FY 2019-20 budget
- Updating the LAFCO Directory of Local Agencies
- Wrapping up dissolution of the Los Medanos Community Healthcare District and related issues
- Preparing the FY 2017-18 financial audit
- Working with CCCERA on the 2019 Employer Audit
- Completing the Clerk’s Desk Manual and preparing for new staff training

It would be valuable to hear from the Commission regarding priorities and other items of interest in anticipation of preparing the FY 2019-20 LAFCO budget.

RECOMMENDATION: Provide input as desired.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

Attachments

1. Contra Costa LAFCO MSR/SOI Log
2. Island Map

c: All Contra Costa County Cities
All Contra Costa County Special Districts
Contra Costa County Administrator
Contra Costa County Auditor-Controller

CONTRA COSTA LAFCO

Status of Municipal Service Reviews (MSRs)/Sphere of Influence (SOI) Updates February 13, 2019

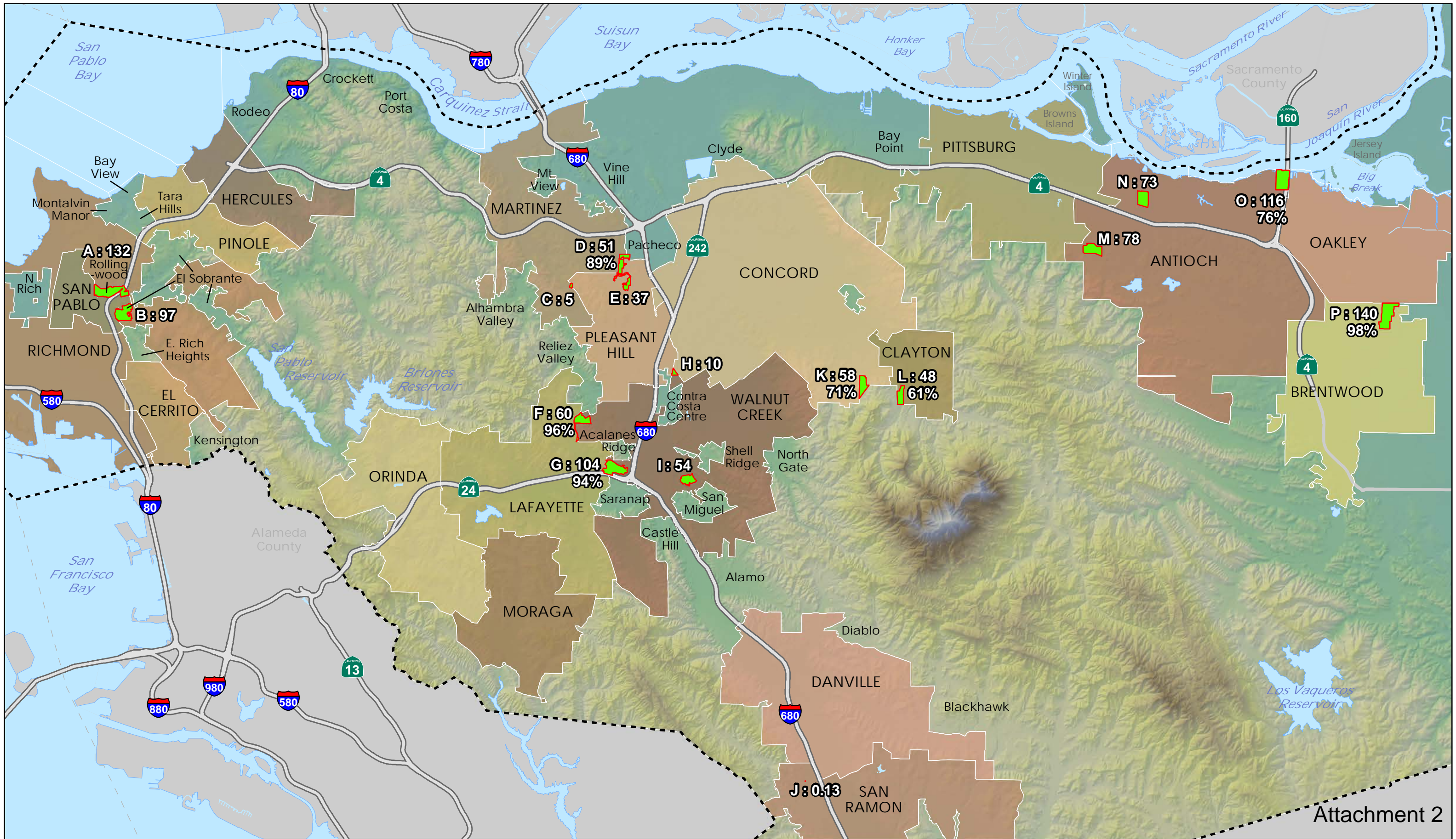
Local Agency	Prior MSR/SOI Update	Next MSR/SOI UPDATE
<u>Cities</u>	MSR (2008); SOI <i>reduced</i> (2010)	2018-19 MSR underway
*City of Antioch		
*City of Brentwood	MSR/SOI <i>reduced</i> (2008)	2018-19 MSR underway
*City of Clayton	MSR/SOI <i>reduced</i> (2009)	2018-19 MSR underway
*City of Concord	MSR/SOI <i>retained</i> (2009)	2018-19 MSR underway
*Town of Danville	MSR/SOI (2009); SOI update pending	2018-19 MSR underway
*City of El Cerrito	MSR/SOI <i>retained</i> (2009)	2018-19 MSR underway
*City of Hercules	MSR/SOI <i>retained</i> (2009)	2018-19 MSR underway
*City of Lafayette	MSR/SOI <i>retained</i> (2009)	2018-19 MSR underway
*City of Martinez	MSR/SOI <i>reduced</i> (2009)	2018-19 MSR underway
*Town of Moraga	MSR/SOI <i>reduced</i> (2009)	2018-19 MSR underway
*City of Oakley	MSR/SOI <i>retained</i> (2008)	2018-19 MSR underway
*City of Orinda	MSR/SOI <i>retained</i> (2009)	2018-19 MSR underway
*City of Pinole	MSR/SOI <i>retained</i> (2009)	2018-19 MSR underway
*City of Pittsburg	MSR/SOI <i>expanded</i> (2009)	2018-19 MSR underway
*City of Pleasant Hill	MSR/SOI <i>reduced</i> (2009)	2018-19 MSR underway
*City of Richmond	MSR/SOI <i>reduced</i> (2009)	2018-19 MSR underway
*City of San Pablo	MSR/SOI <i>reduced/ expanded</i> (2009)	2018-19 MSR underway
*City of San Ramon	MSR/SOI (2009); SOI update pending	2018-19 City underway
*City of Walnut Creek	MSR/SOI <i>reduced</i> (2009)	2018-19 MSR underway
<u>Cemetery Districts</u>		
Alamo-Lafayette Cemetery District	MSR/SOI <i>retained</i> (2010);	TBD
Byron-Brentwood-Knightsen-Union Cemetery District	MSR/SOI <i>retained</i> (2010);	TBD
<u>Community Services Districts</u>		
*Crockett CSD		
	MSR/SOI <i>expanded</i> SOI (2014)	2018-19 MSR underway
*Diablo CSD	MSR/SOI <i>retained</i> (2009)	2018-19 MSR underway
*Dublin San Ramon CSD	MSR (2014)	TBD
*Kensington Police Protection and CSD	MSR/SOI <i>retained</i> (2009); MSR (2011)	2018-19 MSR underway
*Town of Discovery Bay CSD	MSR/SOI <i>expanded</i> SOI (2014)	2018-19 MSR underway
*Town of Knightsen CSD	MSR/SOI <i>retained</i> SOI (June 2014)	TBD
<u>County Service Areas</u>		
CSA D-2 (Drainage - Walnut Creek)	MSR/ <i>retained</i> SOI (2013)	TBD
*CSA EM-1 (Countywide – Emergency Medical)	MSR (2016); SOI <i>retained</i> SOI (2016)	TBD
CSA L-100 (Countywide - Streetlighting)	MSR/SOI “zero” (2013)	TBD
CSA LIB-2 (Library - Rancho El Sobrante)	MSR/SOI <i>retained</i> SOI (2013)	TBD
CSA LIB-10 (Library - City of Pinole)	MSR/SOI <i>retained</i> SOI (2013)	TBD
CSA LIB-12 (Library - Town of Moraga)	MSR/SOI <i>retained</i> SOI (2013)	TBD
CSA LIB-13 (Library - cities of Concord and Walnut Creek)	MSR/SOI <i>expanded</i> SOI (2013)	TBD

LOCAL AGENCY	PRIOR MSR/SOI UPDATE	NEXT MSR/SOI UPDATE
CSA M-1 (Misc Services - Delta Ferry)	MSR/ <i>retained</i> SOI (2013)	TBD
CSA M-16 (Misc Services – Community of Clyde)	MSR/SOI <i>retained</i> (2010)	TBD
CSA M-17 (Misc Services - Tara Hills, Montlavin Manor, West Contra Costa)	MSR/SOI <i>retained</i> (2010)	TBD
CSA M-20 (Misc Services - View Pointe Subdivision)	MSR/SOI <i>retained</i> (2013)	TBD
CSA M-23 (Misc Services - San Ramon, Blackhawk, Danville)	MSR/SOI <i>retained</i> (2013)	TBD
CSA M-28 (Misc Services – Bethel Island)	MSR/SOI “zero” SOI (2014)	TBD
*CSA M-29 (Misc Services – San Ramon, Dougherty Valley)	MSR/SOI <i>retained</i> (2010); MSR (2011)	TBD
*CSA M-30 (Misc Services – Alamo)	MSR/SOI <i>affirmed SOI</i> (2010)	TBD
CSA M-31 (TDM Services – Pleasant Hill)	MSR/SOI <i>expanded</i> SOI (2013)	TBD
CSA P-2 (Police – Zone A – Blackhawk, Zone B - Alamo)	MSR/SOI (2011); SOI update pending	TBD
CSA P-5 (Police Protection – Roundhill)	MSR/SOI (2011); SOI update pending	TBD
CSA P-6 (Police Protection – Unincorporated Area)	MSR/SOI (2011); SOI update pending	TBD
CSA R-4 (Recreation – Moraga)	MSR/SOI (2010); <i>retained SOI</i> (2013)	TBD
CSA R-7A (Recreation – Alamo)	MSR/SOI (2010); SOI update/expansion (2012)	TBD
CSA R-9A (Recreation - El Sobrante)	MSR/SOI <i>retained</i> (2010)	TBD
CSA R-10 (Recreation – Rodeo)	MSR/SOI <i>retained</i> (2010)	TBD
CSA RD-4 (Roads - Bethel Island)	MSR/SOI <i>retained</i> (2008)	TBD
CSA T-1 (Transit – San Ramon) (formed 2006)	MSR/SOI <i>provisional</i> SOI (2013)	TBD
<u>Fire/EMS</u>		TBD
*Contra Costa County Fire Protection District	MSR/SOI (2016); SOI update pending	TBD
*Crockett-Carquinez Fire Protection District	MSR/SOI (2016); SOI update pending	TBD
*East Contra Costa Fire Protection District	MSR/SOI (2016); <i>provisional</i> (2016)	TBD
*Kensington Fire Protection District	MSR/SOI (2016); SOI update pending	TBD
*Moraga-Orinda Fire Protection District	MSR/SOI (2016); <i>retained</i>	TBD
*Rodeo-Hercules Fire Protection District	MSR/SOI (2016); <i>provisional</i>	TBD
*San Ramon Valley Fire Protection District	MSR/SOI (2016); <i>retained</i> (2016)	TBD
<u>Health Care Districts (HCDs)</u>		TBD
*Los Medanos Community HCD	MSR/SOI <i>retained</i> (2018)	TBD
*Concord-Pleasant Hill HCD (formerly Mt. Diablo HCD)	MSR/SOI <i>retained</i> (2018)	TBD
*West Contra Costa HCD	MSR/SOI <i>retained</i> (2018)	TBD
<u>Irrigation</u>		TBD
Byron-Bethany Irrigation District	MSR (2014)	TBD
*East Contra Costa Irrigation District	MSR/SOI <i>retained</i> (May 2014)	TBD

LOCAL AGENCY	PRIOR MSR/SOI UPDATE	NEXT MSR/SOI UPDATE
<u>Mosquito Abatement</u> Contra Costa Mosquito and Vector Control District	MSR/SOI <i>retained</i> (2010); SOI	TBD
<u>Municipal Improvement</u> *Bethel Island Municipal Improvement District	MSR/SOI <i>retained</i> (2015)	TBD
<u>Municipal Utility</u> East Bay MUD	MSR (2014)	TBD
<u>Reclamation Districts (RD)</u> *RD 799 (Hotchkiss Tract)	MSR/SOI <i>retained</i> (2015)	TBD
*RD 800 (Byron Tract)	MSR/SOI <i>retained</i> (2015)	TBD
*RD 830 (Jersey Island)	MSR/SOI <i>retained</i> (2015)	TBD
*RD 2024 (Orwood and Palm Tracts)	MSR/SOI <i>retained</i> (2015)	TBD
*RD 2025 (Holland Tract)	MSR/SOI <i>retained</i> (2015)	TBD
*RD 2026 (Webb Tract)	MSR/SOI <i>retained</i> (2015)	TBD
*RD 2059 (Bradford Island)	MSR/SOI <i>retained</i> (2015)	TBD
*RD 2065 (Veale Tract)	Adopted coterminous SOI (2015)	TBD
*RD 2090 (Quimby Island)	MSR/SOI <i>retained</i> (2015)	TBD
*RD 2117 (Coney Island)	MSR/SOI <i>retained</i> (2015)	TBD
*RD 2122 (Winter Island)	MSR/SOI <i>retained</i> (2015)	TBD
*RD 2137	MSR/SOI <i>retained</i> (2015)	TBD
<u>Park & Recreation</u> Ambrose Rec & Park District	MSR/SOI <i>retained</i> (2010)	
*East Bay Regional Park District	MSR (2010)	TBD
*Green Valley Rec & Park District	MSR/SOI <i>reduced</i> (2009)	TBD
Pleasant Hill Rec & Park District	MSR/SOI <i>expanded/reduced</i> (2010)	TBD
<u>Resource Conservation</u> Contra Costa Resource Conservation District	MSR/SOI <i>retained</i> (2010)	TBD
<u>Wastewater</u> *Byron Sanitary District	MSR/SOI <i>expanded</i> (2014)	TBD
*Central Contra Costa Sanitary District	MSR/SOI <i>expanded</i> (2014)	TBD
*County Sanitation District 6 (Alhambra Valley)	MSR/SOI "zero" (2014)	TBD
*Delta Diablo Sanitary District	MSR/SOI <i>reduced</i> (2014);	TBD
*Ironhouse Sanitary District	MSR/SOI <i>expanded</i> (2014)	TBD
*Mt. View Sanitary District	MSR/SOI <i>retained</i> (2014)	TBD
*Rodeo Sanitary District	MSR/SOI <i>retained</i> (2014)	TBD
*Stege Sanitary District	MSR/SOI <i>retained</i> (2014)	TBD
*West County Wastewater District	MSR/SOI <i>retained</i> (2014)	TBD
<u>Water</u> Castle Rock County Water District	MSR/SOI "zero" (2014)	TBD
*Contra Costa Water District	MSR/SOI <i>reduced/ expanded</i> (2014)	TBD
*Diablo Water District	MSR/SOI <i>expanded</i> (2014)	TBD

* Indicates the agency was reviewed in more than one MSR (e.g., 1st and 2nd round, subregional, service specific, etc.)

Unincorporated "Islands" 150 Acres or less in Contra Costa County



Attachment 2

Map created 02/04/2019
 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.

 Unincorporated "Islands" 150 acres or less





Lou Ann Teixeira
Executive Officer

MEMBERS

Candace Andersen
County Member

Donald A. Blubaugh
Public Member

Tom Butt
City Member

Igor Skaredoff
Special District Member

Federal Glover
County Member

Michael R. McGill
Special District Member

Rob Schroder
City Member

ALTERNATE MEMBERS

Diane Burgis
County Member

Stanley Caldwell
Special District Member

Charles R. Lewis, IV
Public Member

Sean Wright
City Member

February 13, 2019 (Agenda)

February 13, 2019
Agenda Item 9

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

Special District Risk Management Authority (SDRMA) – 2019 Board Election

Dear Commissioners:

Contra Costa LAFCO purchases its workers’ compensation and property/liability insurance through SDRMA, which is a joint powers public agency formed under California Government Code and provides a full-service risk management program for California's local governments. SDRMA provides risk financing and risk management services to over 760 member agencies, including numerous special districts, municipalities, joint powers authorities and LAFCOs. In conjunction with participation in the SDRMA, LAFCO is also a member of the California Special Districts Association (CSDA).

On January 28, 2019, LAFCO received correspondence from the SDRMA calling for nominations for the SDRMA Board of Directors (attached). According to the announcement, there are three (3) director seats up for election. Directors are elected to 4-year terms. The term of office for the newly elected directors will be January 1, 2020 through December 31, 2023.

Nominees must be a member of the agency’s governing body or a management employee, and must be an active member agency of both SDRMA’s property/liability and workers’ compensation programs. Candidates must be nominated by resolution of their member agency’s governing body (i.e., LAFCO) and must complete and submit a Candidate’s Statement of Qualifications. The deadline for nominations is May 1, 2019. Ballots will be mailed out in mid-May and will be due by August 21, 2019.

The attached material provides information regarding the nomination and election process, and role and responsibilities of the Board members. Briefly, the SDRMA Board of Directors meets an average of eight times annually. Meetings average 4-6 hours each, and most meetings are held in Sacramento. The commitment is approximately 15-20 hours per month.

Recommendation: Advise as to any nomination(s).

Sincerely,

Lou Ann Teixeira
Executive Officer

Attachment – Notification of Nominations – 2019 Election SDRMA Board of Directors

**Notification of Nominations – 2019 Election
SDRMA Board of Directors**

January 24, 2019

Mr. Tom Butt
Chair
Contra Costa Local Agency Formation Commission
651 Pine Street, 6th Floor
Martinez, California 94553-1229

RECEIVED

JAN 28 2019

Per KS

Dear Mr. Butt:

Notice of Nominations for the Special District Risk Management Authority (SDRMA) Board of Directors 2019 Election is being provided in accordance with the SDRMA Sixth Amended and Restated Joint Powers Agreement. The following nomination information is enclosed: Nomination Packet Checklist, Board of Director Fact Sheet, Nomination/Election Schedule, SDRMA Election Policy No. 2017-10, sample Resolution for Candidate Nomination and Candidate's Statement of Qualifications Form.

General Election Information - Three Director seats are up for election. The nomination filing deadline is Wednesday, May 1, 2019. Ballots will be mailed to all SDRMA member agencies in mid-May. Mail-in ballots will be due back to SDRMA not later than 4:30 p.m. Wednesday, August 21, 2019.

Nominee Qualifications - Nominees must be a member of the agency's governing body or a management employee (see SDRMA Election Policy 2017-10, Section 4.1) and be an active member agency of both SDRMA's Property/Liability and Workers' Compensation Programs. Candidates must be nominated by Resolution from their member agency's governing body and complete and submit a "Candidate's Statement of Qualifications".

Nomination Documents and Information - Nomination documents (Nominating Resolution and Candidate's Statement of Qualifications) and nomination guideline information may also be obtained on SDRMA's website at www.sdrma.org. To obtain documents electronically:

From the SDRMA homepage, scroll down and click on the "2019 Nomination & Election Information" box. All necessary nomination documents and election information may be downloaded and printed.

Term of Office – Directors are elected to 4-year terms. The term of office for the newly elected Directors will begin January 1, 2020 and expire December 31, 2023.

Nomination Filing Deadline – Nomination documents must be received in SDRMA's office no later than 4:30 P.M. on Wednesday, May 1, 2019.

Please contact SDRMA Chief Operating Officer Paul Frydendal at 800.537.7790, if you have any questions regarding the 2019 SDRMA Board of Director Nominations or the election process.

Sincerely,
Special District Risk Management Authority



Laura S. Gill
Chief Executive Officer

2019 Nomination Packet Checklist



SDRMA BOARD OF DIRECTORS NOMINATION AND ELECTION GUIDELINES

January 9, 2019, marked the official commencement of the election process for the SDRMA Board of Directors. Three seats on the Board of Directors are up for election in 2019.

For your convenience we have enclosed the necessary nomination documents and election process schedule. Please note that some items have important deadlines. All documents contained in this packet, as well as additional information regarding SDRMA Board elections, are available on our website www.sdrma.org and/or by calling SDRMA Chief Operating Officer Paul Frydendal at 800.537.7790.

- ___ **Attachment One:** **SDRMA Board of Directors Fact Sheet:** This document reviews the Board of Directors' Roles and Responsibilities along with other important information.

- ___ **Attachment Two:** **SDRMA Board of Directors 2019 Nomination/Election Schedule:** Please review this document for important deadlines.

- ___ **Attachment Three:** **SDRMA Election Policy No. 2017-10:** A Policy of the Board of Directors of the Special District Risk Management Authority establishing guidelines for Director elections.

- ___ **Attachment Four:** **Sample Resolution for Candidate Nomination:** A resolution of the Governing Body of the Agency nominating a candidate for the Special District Risk Management Authority Board of Directors.

- ___ **Attachment Five:** **Candidate's Statement of Qualifications:** Please be advised that no candidate statements are endorsed by SDRMA. Candidate's Statements of Qualification will be distributed to the membership with the SDRMA election ballot, "exactly as submitted" by the candidate.

Please complete and return all required nomination and election documents to:

SDRMA Election Committee
C/O Paul Frydendal, COO
Special District Risk Management Authority
1112 "I" Street, Suite 300
Sacramento, California 95814



**SDRMA BOARD OF DIRECTORS
FACT SHEET**

SDRMA BOARD OF DIRECTORS ROLE AND RESPONSIBILITIES

Special District Risk Management Authority (SDRMA) is a public entity Joint Powers Authority established to provide cost-effective property/liability, worker’s compensation, health benefit coverages and comprehensive risk management programs for special districts and other public agencies throughout California. SDRMA is governed by a Board of Directors elected from the membership by the programs’ members.

Number of Board Members	SDRMA Board of Directors consists of seven Board Members , who are elected at-large from members participating in either program.
Board of Directors’ Role	SDRMA Board of Directors provide effective governance by supporting a unified vision, ensuring accountability, and setting direction based on SDRMA’s mission and purpose, as well as establishing and approving policy to ensure SDRMA meets its obligations and commitment to its members.
Board of Directors’ Responsibilities	Board Member responsibilities include a commitment to: serve as a part of a unified governance body; govern within Board of Directors’ policies, standards and ethics; commit the time and energy to be effective; represent and make policy decisions for the benefit, and in the best interest, of all SDRMA members; support collective decisions; communicate as a cohesive Board of Directors with a common vision and voice; and, operate with the highest standards of integrity and trust.
Three Seats For this Election	Elections for Directors are staggered and held every two years, four seats during one election and three seats in the following election. Three seats are up for election this year.
Term of Directors	Directors are elected for four-year terms . Terms for directors elected this election begin January 1, 2020 and end on December 31, 2023.
Board Member Travel Reimbursement	Board Members are reimbursed for reasonable travel and lodging in accordance with SDRMA Board Policy Manual 2017-01 and applicable laws and are allowed to claim a stipend of \$195 per meeting day or for each day’s service rendered as a Member of the Board.
Number of Meetings per Year	The Board meets from seven to ten times annually with an average of eight board meetings per year. Generally, the Board does not meet more than one meeting per month.
Meeting Location	SDRMA office in Sacramento, CA and at two conference locations.
Meeting Dates	Typically the first Wednesday and Thursday of the month.
Meeting Starting Times	Meetings are typically held 1:00 to 5:30 p.m. Wednesday and 8:00 to 10:00 a.m. Thursday.
Meeting Length	Meetings are four to six hours on average.
Average Time Commitment	Commitment per month ranges from 15 to 20 hours .

“The mission of Special District Risk Management Authority is to provide risk financing and risk management services through a financially sound paal ta California public agencies, delivered in a timely and responsive cost-efficient manner.”



SDRMA BOARD OF DIRECTORS
2019 NOMINATION/ELECTION SCHEDULE

2019 Nomination/Election Schedule



JANUARY						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

FEBRUARY						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28		

MARCH						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

APRIL						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

MAY						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

JUNE						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

JULY						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

AUGUST						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

SEPTEMBER						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

OCTOBER						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

NOVEMBER						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

DECEMBER						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

TASK TIMELINE	
1/9	Board approves Election Schedule
1/24-25	Mail Notification of Election and Nomination Procedure to Members in January at least 90 days prior to mailing Ballots (111 actual days)
5/1	Deadline to return Nominations
5/2	Tentative Election Comm. Reviews Nominations
5/16-17	Mail Ballots at least 60 days prior to ballot receipt deadline (96 actual days)
8/21	Deadline to Receive Ballots
8/22	Tentative Election Comm. Counts Ballots
8/23	Election Committee Notifies Successful Candidates and Provides Them With Upcoming Board Meeting Schedule
9/25	Directors' Elect Invited to CSDA Annual Conf/SDRMA Breakfast/Super Session
11/6-7	Directors' Elect Invited to SDRMA Board Meeting
1/2020	Newly Elected Directors Seated and Election of SDRMA Board Officers

**SDRMA BOARD OF DIRECTORS
ELECTION POLICY NO. 2017-10**



A POLICY OF THE BOARD OF DIRECTORS OF SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY ESTABLISHING GUIDELINES FOR DIRECTOR ELECTIONS, DIRECTOR APPOINTMENTS, AND CREATION OF A SUPERVISING ELECTION COMMITTEE

- WHEREAS, SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY (SDRMA) is a joint powers authority, created pursuant to Section 6500, et. seq. of the California Government Code; and
- WHEREAS, the Board of Directors recognizes that it is in the best interest of the Authority and its members to adopt a written policy for conducting the business of the Board; and
- WHEREAS, establishing guidelines for Director elections and appointments will help ensure a process that is consistent for all nominees and candidates, will promote active participation by SDRMA members in the election/appointment process, and will help ensure election/appointment of the most qualified candidate(s); and
- WHEREAS, the Bylaws provide the Board with the option of conducting the election using a mail-in ballot process; and
- WHEREAS, the Board of Directors of SDRMA has an overriding and compelling interest in insuring the accuracy of the election/appointment process of its Board members through the creation of an election committee;

NOW, THEREFORE, it is the policy of the Board of Directors of SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY, until such policy shall have been amended or rescinded, that the following procedures shall be followed when conducting Director elections or filling a Director vacancy by appointment:

1.0. Election Schedule

- 1.1. Not later than the first Board meeting of each election year, the Board of Directors shall approve an election schedule based on the following criteria and time frames.

2.0. Election Committee

- 2.1. The Board of Directors herein establishes an election committee with the following composition, duties and responsibilities; The five (5) members of the Election Committee shall include two presently sitting members of the Board of Directors of SDRMA whose seats are not up for election, the Chief Operating Officer of SDRMA, and the CPA/auditor regularly used and retained by SDRMA at the time of counting ballots of and for an election to the Board of Directors. For good reason found and stated, the Board of Directors of SDRMA may appoint any CPA/auditor who, in the discretion of the Board of Directors, would appropriately serve the Election Committee. The General Counsel for SDRMA shall also sit as a member of the Election Committee with the additional obligation of providing legal advice to the balance of the Committee as legal questions may arise.

3.0. Member Notification of Election

- 3.1. Authority staff shall provide written notification, of an election for the Board of Directors, to all member agencies during January of each election year. Such written notification shall be provided a minimum of ninety (90) days prior to the distribution of ballots and shall include; (1) the number of Director seats to be filled by election; (2) a copy of this nomination and election procedure; and (3) an outline of nomination/election deadline dates.

4.0. Qualifications

- 4.1. A candidate seeking election, re-election or appointment to SDRMA's Board of Directors must be a member of the Governing Body or a management employee of an SDRMA member participating in both the Property/Liability and Workers' Compensation Programs. To qualify as a "management employee," the candidate must be a management-level (as determined by the Governing Body) employee whose wages are reported to the IRS on a "W-2" form. Only one (1) representative from any Member may serve on the Board of Directors at the same time. [Per Bylaws, Article II, (2) (b)]
- 4.2. Each nominated candidate must submit a properly completed "Statement of Qualifications" (required form attached) with an original signature (electronic signatures are not acceptable) on or before the filing deadline in May in order for the candidate's name to be placed on the official ballot. A candidate shall provide responses to all questions on the candidate's "Statement of Qualifications". Each nominated candidate's "Statement of Qualifications" must be filed in SDRMA's office on or before the aforementioned deadline by: (1) personal delivery; (2) U.S. mail; or (3) courier. When ballots are mailed to the membership, each candidate's "Statement of Qualifications" form will be distributed to the membership exactly as submitted by the candidate to SDRMA. However, any attachments submitted by the candidate(s) with the Statement of Qualifications will not be sent by SDRMA with the ballots to any members.
- 4.3. If a nominated candidate elects not to use the provided form "Statement of Qualifications," and prepares instead the candidate's own completed form, the candidate's form must include the title "Statement of Qualifications" and contain exactly all information required and requested by the provided form.

NOTE: The candidate's "Statement of Qualifications" form must be submitted as a part of the nominating process. When ballots are mailed to the membership, each candidate's "Statement of Qualifications" form will be distributed "exactly as submitted" to SDRMA, except that any attachments submitted by the candidate will not be sent to any SDRMA members.

- 4.4. A candidate who does not submit a Candidate's Statement of Qualifications that complies with Section 4.2 or 4.3 will be disqualified by the SDRMA Election Committee.

5.0. Nominating Procedure

- 5.1. Candidates seeking election or reelection must be nominated by action of their respective Governing Body. Only one (1) candidate may be nominated per member agency and one (1) candidate shall not represent more than one (1) member agency. A resolution from the candidate's district/agency Governing Body nominating the candidate must be received by the Authority on or before the scheduled date in May. (A sample of the resolution is enclosed). Actual receipt by the Authority on or before the scheduled deadline date in May is required. The resolution nominating the candidate may be hand-delivered to the Authority or sent by U.S. mail. In the event a candidate is nominated by two (2) or more member agencies, he or she shall represent the member agency whose nominating resolution is first received by the Authority. The other member agency or agencies that nominated the candidate shall be entitled to select a replacement nominee as long as a resolution nominating the replacement is received by the Authority prior to the scheduled deadline date.
- 5.2. A member may not nominate a candidate unless that member is participating in both the Property/Liability and Workers' Compensation Programs and is in "good standing" on the date the nominations are due. "Good standing" is defined as no accounts receivable due to SDRMA which is more than ninety (90) days past due.
- 5.3. No earlier than the day after the deadline for receipt of nominations, the Election Committee, as hereinabove defined and comprised, shall review all nominations received from members, and will reject any nominations that do not meet all of the qualifications specified and set forth in this policy. The Election



Committee's decisions regarding the qualification of nominees are final. Following the Election Committee's review of all nominations, the Election Committee shall direct that a ballot be prepared stating and listing all of the qualified nominees. The ballot of qualified nominees shall be distributed to the membership for election by mail as described below.

- 5.4. Upon verification or rejection of each nominee by the Election Committee, staff will mail acknowledgment to both the nominee and the district/agency of its acceptance or rejection as a qualified nominee for election.
- 5.5. A nominee requesting that his/her nomination be withdrawn prior to the election, shall submit such requests in writing to SDRMA's office a minimum of three (3) days prior to the scheduled date for mailing the ballots. After that date, all qualified nominees names shall appear on the ballot mailed to the membership.

6.0. Terms of Directors

- 6.1. The election of directors shall be held in each odd-numbered year. The terms of the directors elected by the Members will be staggered. Four directors will serve four-year terms, to end on December 31 of one odd-numbered year. Three directors will serve four-year terms, to end on December 31 of the alternate off-numbered year. [Per Bylaws, Article II, (3), paragraph 1].

7.0. Campaigning

- 7.1. SDRMA staff will mail each qualified candidate's "Statement of Qualifications", "exactly as submitted" by the candidate with the ballots to the membership.
- 7.2. Candidates, at their own expense, may distribute additional information to member agency(s) after the ballots have been mailed and prior to the election.
- 7.3. SDRMA staff is prohibited from actively promoting a candidate or participating in the election process while on Authority premises.
- 7.4. SDRMA staff may provide member information, mailing lists, financial reports or operational data and information, that is normally available through the Public Records Act, to candidates to assist them in their research and campaigning. In addition to obtaining such information under the Public Records Act, candidates may request SDRMA staff prepare mailing labels for the distribution of campaign materials to member agencies. Under existing policy, charges will apply for this service. The SDRMA logo is trademarked for use by SDRMA only. Neither the logo, nor any other Trademark of SDRMA may be used in any campaign literature. No campaign literature is to imply support of any candidate by SDRMA.
- 7.5. SDRMA election mailings to the membership, including ballots and candidates' "Statement of Qualifications", shall be sent via first class mail.

8.0. Limitations on Campaigning

- 8.1. As used in this section the following terms have the following meanings:

"Campaign Activity" means any activity that expressly advocates the election or defeat of a candidate or provides direct support to a candidate for his or her candidacy. "Campaign activity" does not include the incidental and minimal use of public resources, such as equipment or office space, for campaign purposes or the use of public resources to nominate a candidate or vote in any Board of Directors election.

"Candidate" means an individual who has been nominated by the Member Agency to have his or her name listed on the ballot for election to the Board of Directors.

"Expenditure" means a payment of Member Agency funds that is used for communications that expressly advocate the election or defeat of a clearly identified candidate. "Expenditure" does not include the use of public funds to nominate a candidate or vote in any Board of Directors election.

"Public resources" means any property or asset owned by the Member Agency, including, but not limited to, land, buildings, facilities, funds, equipment, supplies, telephones, computers, vehicles, travel, and Member Agency-compensated time.

- 8.2. An officer, official, employee, or consultant of a Member Agency may not expend or authorize the expenditure of any of the funds of the Member Agency to support or oppose the election or defeat of a candidate for the Board of Directors.
- 8.3. No officer, official, employee, or consultant of a Member Agency shall use or permit others to use public resources for campaign activity.
- 8.4. At any time during an election campaign, if a Member Agency or its officers, officials, employees or consultants violate this section, that Member Agency shall be ineligible to nominate a candidate for the Board of Directors election in which the violation occurred. Any candidate of an offending Member Agency shall be deemed to have withdrawn his or her candidacy. Prior to declaring a Member Agency ineligible to nominate a candidate or a specific candidate's candidacy withdrawn, the Elections Committee shall hold a hearing to determine whether or not a violation of this section occurred. The hearing shall be conducted pursuant to reasonable procedures that the Elections Committee shall prescribe, provided that the affected Member Agency or candidate shall have an opportunity to dispute the violation. At the conclusion of the hearing, the Elections Committee shall determine by a majority vote whether the violation occurred.

9.C. Balloting

- 9.1. A ballot containing nominees for the Board of Directors, accepted and approved by the Election Committee, shall be mailed by first class mail, to each SDRMA member agency, except as provided in Section 9.2 below, no less than sixty (60) days prior to the deadline for receiving ballots and the closing date for voting. Ballots shall show the date and time the ballots must be received in SDRMA's office. A self-addressed, stamped, return envelope shall be mailed with each ballot.
- 9.2. In the event that the number of qualified/approved nominees is equal to or less than the number of director seats up for election, the mailing of the ballots as outlined in Section 9.1 shall be waived.
- 9.3. Only those qualified nominees approved by the Election Committee will be eligible candidates on the ballot. Write-in candidates shall not be accepted.
- 9.4. It is required that the Governing Body of each member vote on behalf of their agency at a public meeting and the ballot MUST be signed by the agency's Presiding Officer.
- 9.5. A member may not vote unless the member was a member of the Authority in "good standing" on or before the nomination due date for the pending election. "Good standing" is defined as no accounts receivable due to SDRMA which is more than ninety (90) days past due.
- 9.6. A member may cast only one (1) vote for the same candidate. By way of example, if there are four (4) candidates on the ballot, a member may not cast two (2) to four (4) votes for any single candidate. Any ballot casting more than one (1) vote for the same candidate will be considered void.



- 9.7. A member may vote by using the official ballot provided by SDRMA, or a copy of SDRMA's original ballot, or a reasonable duplicate prepared by the member agency. Whichever of the three foregoing formats is used, the ballot must contain an original signature and confirmation that the ballot was approved at a public meeting of the agency's Governing Body. Ballots submitted without an original signature and/or without confirmation that the form of the ballot was approved at a public meeting of the agency's Governing Body will be considered void.
- 9.8. Ballots may be returned using either hand-delivered or mailed in ballots - faxed or e-mailed ballots will not be accepted. Mailed in ballots must be addressed to, and hand-delivered ballots must be delivered to, the Special District Risk Management Authority office presently located at 1112 I Street, Suite 300, Sacramento, California 95814-2865.
- 9.9. Any ballot received after the specified deadline will not be counted and will be considered void.

10.0. Election Results

- 10.1. All ballots will be opened and counted at SDRMA's office only after the deadline for receiving ballots. Ballots will be opened by SDRMA's Election Committee, no more than five (5) days after the closing deadline. Candidates receiving the highest number of votes shall be declared the elected director(s).
- 10.2. In the event of a tie, a coin toss shall be used to determine the elected director. The coin toss shall be conducted by the Election Committee at the time and place of the conclusion of counting ballots.

PROCEDURE: In the event more than two (2) candidates tie, the coin toss shall be between two (2) candidates at a time based on the order in which their name appeared on the ballot. This process shall be repeated, as needed, in cases where there are more than two (2) candidates.

- 10.3. Excluding tie votes, within five (5) days after the ballots are opened and tabulated Authority staff shall advise the candidates and their respective agency in writing of the final election results. Copies of the results shall also be mailed/distributed to SDRMA's Board of Directors, staff and consultants and published in the first available CSDA newsletter.
- 10.4. If a director-elect withdraws after the election or fails to accept the Director seat prior to December 31, the Board shall name a new director-elect by going back to the ballots and awarding the seat to the candidate receiving the next highest number of votes during the election.
- 10.5. Staff shall invite newly elected director(s) to attend the Annual Membership meeting and all scheduled Board meeting(s) after confirmation of election results until the director(s) elect assume office. Director(s) elect will be reimbursed for expenses, except for director stipends, in accordance with approved director reimbursement policy (copy of policy shall be provided to newly elected directors).
- 10.6. A member or candidate dissatisfied with the election result may, within ten (10) days after the ballots are opened and tabulated, file with the Authority a written challenge and appeal. The challenge and appeal must clearly set forth the complaint and any and all facts in support of the challenge and appeal. Within ten (10) days after the ballots are opened and tabulated, the challenge and appeal shall be delivered and received by the Authority. Within five (5) days of receipt of the challenge and appeal, the Authority shall deliver the same to the Election Committee for decision. The Election Committee shall have absolute authority for deciding the challenge and appeal. Notice of the decision of the Election Committee shall be provided to the party filing the challenge and appeal within ten (10) days.

11.0. Director Vacancy

11.1. If a director vacancy(s) occurs (Note 1), appointment of a replacement director for the balance of the unexpired term will be made by the remaining members of the SDRMA Board. In order to accomplish this in an orderly and consistent manner, when a vacancy(s) of an elected Director(s) occurs, the SDRMA Board of Directors, after discussion and consideration, shall, when deemed appropriate, instruct staff to:

- a) notify all then member entities that a vacancy has occurred; and
- b) said notice shall refer to the applicable Article in the By-laws in advising member entities and their eligible candidates of the steps to take to apply for appointment; and
- c) the SDRMA Board shall establish the closing date for the receipt of applications; and
- d) candidates shall submit the following, by the date specified in the notice:
 - i) a letter of interest; and
 - ii) a resume, with particular emphasis on the candidate's knowledge of special districts and risk management; and
 - iii) a resolution from, or a letter approved by, the candidate's Governing Body nominating the candidate; and
- e) the Election Committee shall review all applications received, and shall reject any that do not meet all of the qualifications specified and set forth in this policy; and
- f) upon verification or rejection of each application by the Election Committee, staff will mail acknowledgement to both the applicant and the district/agency of its acceptance or rejection of the applicant as a qualified candidate for appointment; and
- g) candidates shall be interviewed at the next regularly scheduled meeting of the SDRMA Board of Directors following the date of closure for the applications. Interviews shall be in person, or if an unforeseen emergency arises, the interview may be by telephone at the same scheduled time; and
- h) the SDRMA Board shall make the appointment without undue delay, but need not act at the same meeting.

Note 1: If the Director vacancy occurs within nine (9) months after the date the ballots were counted and certified by the Election Committee or within nine (9) months after a candidate was appointed to fill a vacancy, then the Board shall have the option to interview and appoint the candidate(s) who did not receive sufficient votes to be elected OR to interview and appoint from the pool of candidates from 11.1.g) above. If the Director vacancy occurs in an election year after the Notification of Election is sent to the members, the Board may determine to fill the vacancy by appointing the candidate who receives the next highest number of votes in the election. If the Board determines in its sole discretion that none of these options is appropriate, then staff shall be instructed to proceed with the process described above in steps 11.1 a) to h).

Revised and adopted this 2nd day of November 2017, by the Board of Directors of Special District Risk Management Authority, at a regular meeting thereof.

This Policy No. 2017-10 supercedes Policy No. 2017-03 and all other policies inconsistent herewith.

APPROVED:



Jean Bracy, President
Board of Directors

ATTEST:



Gregory S. Hall, ARM
Chief Executive Officer



**SAMPLE
RESOLUTION FOR
CANDIDATE NOMINATION**

Available for download in Microsoft Word file format
visit our website at www.sdrma.org

[AGENCY NAME]
RESOLUTION NO.

A RESOLUTION OF THE GOVERNING BODY OF THE [AGENCY NAME] NOMINATING [CANDIDATE'S NAME]
AS A
CANDIDATE FOR ELECTION TO THE SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY BOARD OF
DIRECTORS

WHEREAS, the Special District Risk Management Authority (SDRMA) is a Joint Powers Authority formed under California Government Code, Section 6500 et.seq., for the purpose of providing risk management and risk financing for California Special Districts and other local government agencies; and

WHEREAS, the Joint Powers Agreement (JPA) and Bylaws of SDRMA set forth director qualifications, terms of office and election requirements; and

WHEREAS, the Board of Directors of SDRMA established procedures and guidelines for the Director Election process; and

WHEREAS, the Board of Directors of SDRMA established a policy requiring candidates seeking election to the SDRMA Board of Directors to be: 1) a member of the agency's governing body or management employee per SDRMA Election Policy 2017-10, Section 4.1 and be an active member agency of both SDRMA's Property/Liability and Workers' Compensation Programs, and 2) be nominated by Resolution of their member agency's governing body, and 3) each nominated candidate must submit a completed and signed "Candidate's Statement of Qualifications" on or before the May 1, 2019 filing deadline in order for the candidate's name to be placed on the official ballot.

NOW, THEREFORE, BE IT RESOLVED:

1. The governing body of [AGENCY NAME] nominates [CANDIDATE'S NAME], its [POSITION TITLE], as a candidate for the Board of Directors of the Special District Risk Management Authority.

2. [ONLY IF CANDIDATE IS NOT A MEMBER OF THE AGENCY'S GOVERNING BODY: The governing body of [AGENCY NAME] has determined that [CANDIDATE'S NAME] is a management employee for purposes of SDRMA Election Policy 2017-10, Section 4.1].

3. The governing body of [AGENCY NAME] further directs that a copy of this Resolution be delivered to SDRMA on or before the May 1, 2019 filing deadline.

ADOPTED this [DATE] of [MONTH/YEAR] by the Governing Body of [AGENCY NAME] by the following roll call votes:

AYES:	[LIST NAMES of GOVERNING BOARD VOTES]
NAYES:	"
ABSTAIN:	"
ABSENT:	"

APPROVED

ATTEST

President – Governing Body

Secretary

**CANDIDATE'S STATEMENT
OF
QUALIFICATIONS**

Available for download in Microsoft Word file format
visit our website at www.sdrma.org

**Special District Risk Management Authority
Board of Directors
Candidate's Statement of Qualifications**

This information will be distributed to the membership with the ballot, "exactly as submitted" by the candidates – **no attachments will be accepted**. No statements are endorsed by SDRMA.

Candidate* _____
District/Agency _____
Work Address _____
Work Phone _____ Cell Phone _____

*The name or nickname and any designations (i.e. CPA, SDA, etc.) you enter here will be printed on the official ballot, exactly as submitted.

Why do you want to serve on the SDRMA Board of Directors? (Response Required)

What Board or committee experience do you have that would help you to be an effective Board Member? (SDRMA or any other organization) (Response Required)

**Special District Risk Management Authority
Board of Directors
Candidate's Statement of Qualifications**

What special skills, talents, or experience (including volunteer experience) do you have? **(Response Required)**

What is your overall vision for SDRMA? **(Response Required)**

I certify that I meet the candidate qualifications as outlined in the SDRMA election policy. I further certify that I am willing to serve as a director on SDRMA's Board of Directors. I will commit the time and effort necessary to serve. Please consider my application for nomination/candidacy to the Board of Directors.

Candidate Signature _____ Date _____



Lou Ann Texeira
 Executive Officer

MEMBERS

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

ALTERNATE MEMBERS

Diane Burgis
County Member

Stanley Caldwell
Special District Member

Charles R. Lewis, IV
Public Member

Sean Wright
City Member

February 13, 2019 (Agenda)

February 13, 2019
 Agenda Item 10

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

Actuarial Valuation – Post-Employment Healthcare Benefits

Dear Members of the Commission:

Contra Costa LAFCO provides post-employment healthcare benefits for its retired employees and their spouses and dependents. LAFCO currently funds the employer’s share of these benefits for the three retirees. In order to fund this benefit and minimize future liabilities to LAFCO, in FY 2011-12, the Commission initiated a plan to fund future costs. LAFCO participates in a trust to hold the funds, and conducts an actuarial valuation as required to calculate the future liability for retiree healthcare and other post-employment benefits and the employer’s annual contribution rate.

In FY 2011-12, LAFCO began funding its post-employment healthcare liability at \$10,000 per year. In 2014, LAFCO entered into an agreement with Contra Costa County and the Public Agencies Post-Retirement Health Care Plan Trust (“Trust”) administered by Public Agency Retirement Services (PARS).

In order to participate in the PARS trust, and to comply with federal accounting rules Government Accounting Standard Board Statement 45 (GASB 45), which require LAFCO to disclose any unfunded post-employment benefits in its annual audits, LAFCO entered into an agreement with the California School Boards Association and the actuarial firm of Demsey, Filliger & Associates, LLC to prepare an actuarial report. If an employer has less than 100 “plan members” it is eligible to prepare an alternative measurement method (AMM) report in lieu of an actuarial valuation. The information contained in the AMM is also used in preparing LAFCO’s annual audits and budgets.

In March 2014, LAFCO completed its first AMM report, and in September 2016, LAFCO completed its second AMM report. Previously, LAFCO was required to prepare an AMM report at least every three years due to having fewer than 200 members. However, the law recently changed and LAFCO must now prepare an AMM at least every other year.

In December 2018, LAFCO completed its third AMM report. The report shows an Employer-Paid Accrued Liability of \$513,413, an unfunded accrued liability of \$380,867, and an actuarially determined contribution of \$43,396, as reflected in the AMM report and on the GASB 75 AMM Summary (attached).

In FY 2015-16, following completion of its first AMM, the Commission increased its annual funding from \$10,000 to \$40,000 per year. As of June 30, 2017, LAFCO has accrued \$132,546 (including interest earned), which is held in the PARS trust account and reflected in the 2017 AMM report.

RECOMMENDATION: Receive report.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

Attachment – GASB 75 AMM Summary



Lou Ann Teixeira
 Executive Officer

MEMBERS

Candace Andersen
County Member

Donald A. Blubaugh
Public Member

Tom Butt
City Member

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Special District Member

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Sean Wright
City Member

GASB 75 AMM Summary

The components of Contra Costa Local Agency Formation Commission's net OPEB liability are as follows:

Total OPEB liability	513,413
Plan fiduciary net position	132,546
Net OPEB liability (asset)	\$380,867
Measurement date	June 30, 2017
Reporting date	June 30, 2018

The following shows Contra Costa Local Agency Formation Commission's present value of future benefits, total OPEB liability, and normal cost as of July 1, 2017 (June 30, 2017):

	<i>Actives</i>	<i>Retirees</i>	<i>Total</i>
Employer present value of future benefits	450,849	168,356	619,205
Employer Total OPEB Liability	345,057	168,356	513,413
Employer Normal Cost	29,086	0	29,086

Actuarially Determined Contribution

The following shows the actuarial determined contribution for year ending June 30, 2018:

Service Cost	29,368
Net OPEB Liability Amortization Payment (30-year)	14,028
Total	\$43,396

Valuation Date	July 1, 2017
Discount Rate	4.00%
Salary Increases	3.00%

**CALAFCO Daily Legislative Report
as of Wednesday, February 06, 2019**

**February 13, 2019
Agenda Item 12a**

AB 213 (Reyes D) Local government finance: property tax revenue allocations: vehicle license fee adjustments.

Current Text: Introduced: 1/15/2019 [html](#) [pdf](#)

Introduced: 1/15/2019

Status: 2/4/2019-Referred to Com. on L. GOV.

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

Summary:

Would, for the 2019–20 fiscal year, require the vehicle license fee adjustment amount to be the sum of the vehicle license fee adjustment amount in the 2018–19 fiscal year, the product of that sum and the percentage change in gross taxable assessed valuation within the jurisdiction of that entity between the 2018–19 fiscal year to the 2018–19 fiscal year, and the product of the amount of specified motor vehicle license fee revenues that the Controller allocated to the applicable city in July 2010 and 1.17.

Position: Watch

Subject: Tax Allocation

CALAFCO Comments: Sponsored by the League, this bill will reinstate ERAF funding for inhabited annexations. This bill is the same as AB 2268 (Reyes) from last year.

SB 99 (Nielsen R) Agricultural land.

Current Text: Introduced: 1/10/2019 [html](#) [pdf](#)

Introduced: 1/10/2019

Status: 1/24/2019-Referred to Com. on RLS.

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

Summary:

The California Land Conservation Act of 1965, also known as the Williamson Act, authorizes a city or county to contract with a landowner to limit the use of agricultural land located in an agricultural preserve designated by the city or county. Current law requires the Department of Conservation to submit a report to the Legislature on or before May 1 of every other year regarding the implementation of the Williamson Act. This bill would make nonsubstantive changes to that provision.

Position: Watch

Subject: Ag Preservation - Williamson

CALAFCO Comments: This is a spot bill.

Total Measures: 2

Total Tracking Forms: 2

2/6/2019 9:00:26 AM

**CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
PENDING PROPOSALS – February 13, 2019**

February 13, 2019
Agenda Item 12b

LAFCO APPLICATION	RECEIVED	STATUS
LAFCO No. 10-09 - Town of Discovery Bay Community Services District (DBCSD) sphere of influence (SOI) Amendment (Newport Pointe): proposed SOI expansion of 20± acres bounded by Bixler Road, Newport Drive and Newport Cove	July 2010	Currently incomplete
LAFCO No. 10-10 - DBCSD Annexation (Newport Pointe): proposed annexation of 20± acres to supply water/sewer services to a 67-unit single family residential development	July 2010	Currently incomplete
LAFCO No. 13-04 - Bayo Vista Housing Authority Annexation to 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 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 18-03 – El Cerrito and Richmond Spheres of Influence Amendments (Wang Reorganization)	February 2018	Under review
LAFCO No. 18-04 – Wang Reorganization: Annexation to El Cerrito and Detachment from Richmond	January 2019	Under review

DELTA VOICE

The voice of those who live, work and play in the Delta

February 13, 2019
Agenda Item 12c

A publication of the Delta Protection Commission

Winter 2019

Contents

Natural Resources <i>page 1</i>	The People Behind Dutch Slough
Agriculture <i>page 3</i>	Steve Mello of Mello Farms
Heritage <i>page 4-5</i>	Metal artisans Roger Berry and Patrick Daniel
Tourism & Recreation <i>page 6</i>	Water tour operators Emil Gagliardi and Kathy Bunton
Agency <i>page 7</i>	Meet Gil Labrie
Events <i>page 8</i>	Chinese New Year, Duck Days, and more!

ADVOCATES, CHAMPIONS & PRIME MOVERS

The people behind the
Dutch Slough Tidal Marsh
Restoration Project

The Dutch Slough Tidal Marsh Restoration Project is more than a restoration of tidal marsh wetlands. It is more than a success story of perseverance by people who believed it could be a good project to enhance the Delta's wildlife habitat, especially for juvenile fish. And it is more than a story about how nearly 1,200 acres of land slated for mixed-use development (including some 6,000 residences that would have required major flood protection structures) is instead welcoming flood waters as a tidal marsh restoration that will buffer existing developed communities such as the city of Oakley from the possible future effects of sea level rise. It is a story of how a group of people from different backgrounds saw the project as an opportunity to create a broad spectrum of benefits.

...continued on page 2



...continued from page 1

The champions in this story showed us that urbanization in the Delta can be re-thought and improved over time, even where land may have already been zoned for development. The Dutch Slough site was zoned for development in 1989 in the Contra Costa County General Plan, when development of all the agricultural lands seemed inevitable. Yet when Oakley incorporated in 1999, environmental advocate John Cain saw the restoration potential in the Dutch Slough site and began suggesting to the landowners and local leaders that the “highest and best use” might actually be tidal marsh restoration and associated alleviation of flood risk.



Piecing together the project required tireless work and could have failed at many junctures. Diane Burgis, a former non-profit advocate for Marsh Creek (later Mayor of Oakley and now Contra Costa Supervisor and Commission member) embraced and advocated for restoration rather than the mixed-use housing project that had been proposed. It took vision by players at key moments, such as planner Mary Small at the State Coastal Conservancy who was convinced of the project’s merits and helped pursue funding for initial studies. It also took perseverance by the Department of Water Resources, especially project manager Patty Finrock (pictured left at the site). Together with planners and technical specialists across many different fields, Patty made her way through the maze of permitting, environmental documentation, public and stakeholder input, design and re-design, and re-engineering to arrive at the final project highlighted at an official ground-breaking in October 2018.

The project will give Contra Costa County residents and visitors a new, continuous stretch of nature-oriented Delta shoreline and a connection via trails and shore to amenities like Big Break Regional Shoreline and Marsh Creek State Park. The reach from Oakley to the Nejedly Bridge is evolving into an open, natural waterfront, complementing amenities to the west such as Antioch Dunes National Wildlife Refuge and Down Wetlands Preserve in Antioch and Pittsburg.

It took patience and perseverance, but thanks to the people dedicated to the project the results from flood risk reduction and park improvements will provide benefits now and for generations to come.



Published January, 9th 2019

Former MOFD director Steve Anderson has not lost his passion

By Nick Marnell

Always one to willingly speak his mind, Steve Anderson - the district director ousted from the board in the general election - slammed the Moraga-Orinda Fire District board as dysfunctional, may or may not have helped rig its 2019 election of officers and under certain circumstances would again run for a board seat. Anderson spent six years at the district helm, and though disappointed in the outcome, he understands what he could have done better in the election. "You've got to spend money and you need a campaign organization," he said of two strategies he eschewed.

His change of heart during the recent labor contract negotiations, which resulted in a 13 percent wage increase for the rank and file over three years, Anderson feels hurt him politically. "The pay raise went over what I would have given. I was prepared to vote no. But we would have gone into litigation over an unfair labor practice. It would have taken a year and we would have wasted a lot of money. Voting yes was the right thing to do for the future of the district."

Having learned how to organize a more effective campaign, would Anderson run in 2022? "If Danziger chose to run again, I would not. If he doesn't, I would consider it," he said, speaking of Division 3 Director Steven Danziger, to whom he lost.

Anderson thinks highly of the newly elected board members, and he spent time mentoring them before they took office. Anderson neither confirmed nor denied that he explained to the three new directors how to disrupt the MOFD election process and secure the board presidency for newcomer Danziger. "I did mention to them how the order of succession works. But that in order to become an officer, you only need to be a director and get a majority of the votes. That's it. Did a light go off for them? I have no idea," said Anderson, barely hiding a smirk.

Anderson's frustration with the five-member board that he termed dysfunctional may have played a part in his mentoring of the new directors. "Two of the board members see MOFD as a commodity. It's not a commodity. It's a service organization that protects lives and property. Two directors do not understand that," he said. "Hopefully the board will not remain that way."

He ranks his top accomplishment as being part of a board that put MOFD on the path to fiscal sustainability. The hiring of Gloriann Sasser as administrative services director, improving the financial reporting and developing a long-range financial plan he calls the highlights of his tenure.

To that list Anderson adds the hiring of Fire Chief Dave Winnacker, beginning his second year with the district. "We gave him three years to bring MOFD into the 21st century. And he will do it. I have a lot of confidence in him. He didn't come on board to be a babysitter. He understands a mission and what it takes to get it done," Anderson said of the Marine Corps veteran.

Anderson names fire prevention as an example. "The chief has more done in one year than in the five years prior. But fire prevention will always be a problem. Can more be done? Absolutely. Can we reduce the risk to zero? No. I think it's good that they're looking at it, but there are no easy answers."

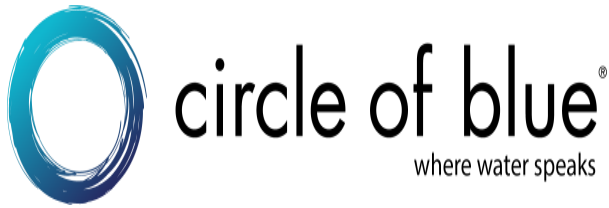
As for the talk about Fire Station 41 and district headquarters renovation: "Yes, expand the staff work area and add a large conference room, but maintain the fire station. It is more than adequate, and is not in such a sad case of disrepair. Maybe move the training area to the pear orchard," said Anderson, speaking of the vacant lot abutting Joaquin Moraga Intermediate School.

Depending on the agenda, the former director plans to attend future board meetings. "If it's something I'm interested in I definitely will. If tax equity comes up, I'll present an analysis that will destroy the argument," Anderson said, though he did not tip his hand. The 2019 MOFD board meetings should be exciting enough, but if the Moraga-Orinda tax equity topic arises, that meeting figures to be a performance not to be missed. "In my six years I learned a tremendous amount," Anderson said. "It enabled me to learn what the fire service really is, and it was a privilege to lead the outstanding men and women. To them, I owe a thank you."

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[WaterNews](#)

California Water Board Outlines \$606M Bill Assistance Program

January 8, 2019/in [Water News](#), [Water Policy & Politics](#) /by [Brett Walton](#)

The state looks for ways to help poor households with the increasing cost of drinking water.

California officials are developing the nation's first state program to assist poor families who have trouble paying their water bill. Photo © Matt Black

By Brett Walton, Circle of Blue

To subsidize drinking water bills for poor households, California regulators recommend new taxes on bottled water and incomes above \$1 million a year, according to a [draft proposal](#) released by the State Water Resources Control Board.

If the \$606 million proposal, or an alternate version, is accepted by the Legislature, California would be the first state in the country to run a water bill assistance program. With the affordability of water and sewer service a hot topic nationally and utility aid programs either underfunded, non-existent, or [handcuffed by state laws](#), other states will be watching the outcome.

“It’s quite complex,” Max Gomberg, a water board staff member involved in drafting the proposal, told Circle of Blue.

The proposal for new revenue to address drinking water access follows a failed attempt in the Legislature last year to fund water infrastructure upgrades in poor communities by increasing fertilizer taxes and imposing a \$0.95 per month fee on residential water bills. Utilities objected to the fee.

Across the country, the cost of drinking water is rising faster than inflation as utilities replace worn-out distribution pipes, invest in new sources of supply, and respond to stricter state and federal water treatment requirements. That trend is expected to continue for the foreseeable future, utility analysts say.

California’s proposal, prompted by legislation passed in 2015 but also informed by its landmark human-right-to-water law from 2012, aims to bridge the gap between utility resources and

customer needs. A U.S. Environmental Protection Agency [survey](#) of 795 utilities nationwide found that more than seven out of 10 did not have a bill assistance program for poor customers. California, meanwhile, has the nation's [highest poverty rate](#) when taking into account housing, food, and other costs of living.

Few of the trade groups that represent the state's water utilities wanted to discuss the board's proposal before they had a chance to review it in depth. Both the Association of California Water Agencies and the California Urban Water Agencies are still assessing the document, they told Circle of Blue.

Those organizations represent public water agencies. The California Water Association speaks for the state's regulated water companies, which serve about 6 million people in the state.

Jack Hawks, the association's executive director, told Circle of Blue that his group will be interested in how existing assistance programs will be handled. About a decade ago, state regulators required the largest water companies, those with more than 10,000 customer accounts, to establish assistance programs, which are funded by ratepayer dollars.

Laura Feinstein, a researcher at the Pacific Institute who tracks state drinking water policy, said the proposal is an important step for California, but it needs to be enacted in tandem with other reforms, such as funding for small systems with frequent water quality violations. Many families served by these systems turn to bottled water instead, which is far more expensive per unit than tap water.

"If a serious proposal gets off the ground to reform and support the underperforming small systems, then bottled water become a luxury for everyone, rather than a necessity for some," Feinstein wrote in an email.

Delving into the Details

California lawmakers have to answer four main questions when designing the aid program: Who is eligible? How large will the benefits be? How will benefits be distributed? How will the program be funded?

The water board's draft proposal answers each.

On the first question, households whose income is less than 200 percent of the federal poverty level are eligible. The water board estimates that 5.8 million households — a third of the state's 40 million people — are below that threshold.

Fewer than half of Californians get water from a utility that offers a bill subsidy for poor residents or another program to lower the cost of water. The programs that do exist are often limited by available funding and constrained by state statutes that prohibit public utilities from using ratepayer funds to reduce customer bills. Only one in five low-income households in the state are part of a utility aid program, the water board estimates.

For a small utility in a poor region, running an aid program could be financially untenable: nearly all of its customers might qualify for assistance. For instance, if the eligibility threshold was set at 200 percent of the federal poverty level, five out of six households in Mendota, a San Joaquin Valley farm town of 11,000 people, would qualify for aid. Few, if any, utilities could afford to subsidize that many of their own customers.

Unlike for energy bills, there is no federal water bill assistance program. Recent attempts to pass legislation in Congress have failed.

“Really the hard part is finding the political will to fund a program like this when we fund programs for everything else,” Gomberg said, referring to state and federal welfare for food, energy, and healthcare.

The second question is the size of the benefits, which determines the cost of the program. The water board’s proposal divides the benefit into three tiers.

The first tier, corresponding to bills below \$90 per month, is a 20 percent discount. The second tier, for bills between \$90 and \$120 per month, is a 35 percent discount. Tier 3 — bills above \$120 per month — is a 50 percent discount. The discount is specific to each utility and is derived from the monthly cost of 12 CCFs of water, roughly 9,000 gallons.

How does the calculation work? Customers of a utility where 12 CCFs cost \$60 per month would have bills reduced by \$12 per month, regardless of consumption. That means a household using 8 CCFs gets the same \$12 discount as one using 13 CCFs.

Customers of a utility where 12 CCFs cost \$100 per month would have bills reduced by \$35 per month, regardless of consumption.

More than 93 percent of eligible households would fall into Tier 1, the water board reckons.

The board chose 12 CCFs as the benchmark because it allowed for sufficient indoor use, a little bit of outdoor use, and it accounted for larger-than-average households. There was also already self-reported utility data on customer costs at that level.

Distribution of benefits is complicated by the fact that three-quarters of eligible households do not directly receive a water bill. Many of these households are served by a single meter, as in an apartment complex, or the landlord receives the water bill.

The proposal lists the pros and cons of a half dozen different distribution methods, from a credit applied to electric or gas bills to a tax credit or a debit card similar to food stamp payments. Each option comes with different data needs, administrative costs, and coordination with other state agencies.

“We want to minimize customer confusion,” Hawks said.

The final, and perhaps most visible, question is funding. The water board suggests two sources to cover the estimated \$619 million cost: a bottled water sales tax (\$153 million) and a quarter-percent tax increase on income above \$1 million (\$466 million).

There are obstacles to funding: allowing state sales tax to apply to bottled water requires a ballot referendum, while raising taxes requires a two-thirds vote in the Legislature.

The board is taking public comments on the draft that will be incorporated into the final report to the Legislature later this year.

Comments are due February 1. Submit them, in pdf format, to commentletters@waterboards.ca.gov with the subject line, Comment Letter — Options for Implementation of a Statewide Low-Income Water Rate Assistance Program.

East Bay Times

Los Medanos health care district granted stay, temporarily halting dissolution

LAFCO votes to dissolve LMCHD, but it won't take effect until district gets its day in court.



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: January 9, 2019 at 8:57 pm | UPDATED: **January 10, 2019** at 4:28 am

A Contra Costa Superior Court judge on Wednesday granted Los Medanos Community Health Care District a temporary stay, halting its potential dissolution by the commission that oversees such agencies.

The health-care district filed a lawsuit for a preliminary injunction to prevent the Local Agency Formation Commission from making a decision on its dissolution at its regular meeting later that same day.

While giving the long-embattled district a temporary reprieve, Judge Steven Austin also allowed the commission to move forward with a dissolution vote as long as it was not recorded before the next court hearing on Feb. 7.

“We do, in fact, want to reconcile with the county,” LMCHD board member Patt Young told the commission.

“We are very much aware of how we got to this point and we are also very much aware of what we need to do to re-establish credibility,” she added. “And we are very much aware of what the needs are of the people who voted for us to serve them.”

Los Medanos Community Hospital closed in 1994, but the district that ran it has continued to operate since then, overseeing a variety of health-related grants for local programs. Over the years, though, the district, which serves the Pittsburg/Bay Point, and parts of Antioch, Concord, Clayton and Clyde, has been plagued by high administrative costs, fiscal mismanagement and more.

Elizabeth Caciano, of the Hensley Law group, special counsel for the district, urged the commission to hold off on its vote, saying several issues need to be resolved first regarding the signatures it collected to stop the dissolution.

The primary question raised is the number of verified protest signatures required to halt the commission’s earlier order to dissolve the district. The required number is 25 percent of district’s registered voters, but that number fluctuates depending on the date chosen, which in this case was Nov. 30, the date of the protest hearing.

“In our view, the commission chose the amount (the number of votes needed),” Caciano said, noting that on several occasions LAFCO staff told the district staff that 10,500 votes were needed, but later in January, after the votes were counted, changed the number to 11,013.

“If you look at these facts, that you will hopefully re-examine that and be consistent with the statements that your staff made (earlier) rather than take the staff recommendation now of making it 11,000 votes,” she said.

But Kara Ueda of BB&K, LAFCO’s general counsel, noted the number of registered voters fluctuates on a daily basis as some people move and others register to vote.

Election officials in early January determined the health-care district presented 10,594 valid signatures, though it collected 16,635. That was 419 votes short to halt the dissolution.

No matter the exact numbers, Dr. J. Vern Cromartie, president of the LMCHD board, asked the commission to consider that thousands of people signed the petition for LMCHD to remain an independent special district.

“We value the services provided by county and we want to continue having that collaborative relationship,” he said.

The County Board of Supervisors first asked LAFCO to dissolve the district and transfer all of the district's assets and debts to the county this fall, a proposal the commission approved on Sept. 12.

But on Nov. 14, LMCHD requested the commission reconsider the dissolution. Although it was denied, the number of public protests triggered a protest hearing, during which the district presented the signatures it had collected over a five-week period in an effort to force a public vote on its future.

The embattled district has survived several attempts at dissolution. In 2000, a residents' petition called for the district's dissolution, saying it wasted taxpayers' money, but LAFCO rejected it.

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.

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.

The Sacramento Bee

Gavin Newsom budget calls for drinking water tax to help poor communities

[By Dale Kasler,](#)

Ryan Sabalow and Alexei Koseff

January 10, 2019 11:52 AM,

Tackling what promises to be a controversial issue, Gov. Gavin Newsom proposed a tax on drinking water Thursday to help disadvantaged communities clean up contaminated water systems.

Newsom's plan for a "safe and affordable drinking water fund," included in the new governor's first budget proposal, attempts to revive an idea that [died in the Legislature](#) last year.

A McClatchy investigation last year showed that at least 360,000 Californians rely on water that does not meet state standards for toxins. McClatchy also found that 6 million Californians have water providers that have violated state standards at some point since 2012.

"That is a disgrace," Newsom told reporters at a budget press conference, citing a figure of 1 million people without access to safe drinking water.

Newsom said he also wants to earmark \$25 million for safe drinking water, to jump-start the effort. His proposal was immediately hailed by safe drinking water advocates.

"These are our fellow Californians, and it's past time to get this crisis resolved," said Jonathan Nelson, policy director at a nonprofit advocacy group, the Community Water Center.

But Jon Coupal of the Howard Jarvis Taxpayer Association said he thinks improvements for water systems shouldn't be addressed with a new tax when the state is sitting on a [\\$14.8 billion budget surplus](#).

Coupal called Newsom's proposal an example "of California's knee-jerk reaction to default to a new tax whenever there's a new problem."

Details of Newsom's plan weren't immediately available, and state Sen. Bill Monning, D-Carmel, who spearheaded the tax proposal last year, said it could take several weeks to figure out the specifics.

Last year's proposal would have taxed residential customers 95 cents a month, to raise about \$110 million a year. Most of the Californians with unsafe drinking water resources live in the Southern San Joaquin Valley and the Mojave Desert, McClatchy found.

Dairy producers and feedlot operators would have contributed about \$30 million in fees, for a total annual fund of \$140 million. The dairy industry largely supported the bill, which provided some relief from disciplinary action as long as dairies followed "best practices" to limit toxins such as nitrate from cattle manure from leaching into drinking water.

"We're excited," said Anja Raudabaugh, CEO of Western United Dairymen. "We appreciate Gov. Newsom's commitment to providing long-term solutions to drinking water in our communities, and we're looking forward to providing a solution that includes certainty for our dairy producers."

The Legislature scrapped the idea after protests from some segments of the agricultural community and the Association of California Water Agencies, which represents more than 400 water districts. It became clear that the proposal would have trouble; it was proving increasingly difficult to secure the two-thirds super-majority needed to impose a new tax. Former Gov. Jerry Brown tried to resurrect the program last fall as a voluntary tax, but that died in the Legislature as well.

Cindy Tuck, a deputy executive director at the water agency association, said her group still has major concerns about the proposal.

"We think the problem can be solved without a tax," she said.

Democrats' success in the November elections means the tax could have a better chance of passing this year. Democrats now hold super-majorities in both houses of the Legislature, unlike last year.

But it's no sure thing the proposed tax will make it through the Legislature even with Democrats firmly in charge. In November, California voters rejected the \$8.9 billion Proposition 3 water bond that promised \$500 million to clean up drinking water.

And within hours of Newsom's announcement, some Democrats were expressing anxiety about a new tax.

Assemblyman Phil Ting, a San Francisco Democrat, said it would be a "very tough lift" in the Legislature to tax all Californians, most of whom have clean drinking water, to pay to fix pollution in a "very specific area."

"It really comes down to how much time he and his staff are going to put toward it," Ting said. "One of Gov. Brown's strengths was really having a very narrow list of things to work on and get done, and because of that, he was able to get them done."

[Legal & Regulatory Issues](#)

California hospital district's dissolution temporarily halted

Written by Morgan Haefner | **January 11, 2019**

The Los Medanos Community Healthcare District in Pittsburg, Calif., received a judicial reprieve to make a case for continuing operations, according to the [East Bay Times](#).

Three things to know:

1. Contra Costa County Superior Court Judge Steven Austin issued a temporary stay for the hospital district Jan. 9, hours before a crucial vote could have dissolved it. The stay prevented the Local Agency Formation Commission from dismantling the district before a Feb. 7 protest hearing.
2. While the Los Medanos Community Hospital closed in 1994, the district has continued operations by managing grants for local health-related programs. Critics of the hospital district said the county could perform those tasks and have accused the district of fiscal mismanagement. However, the district urged LAFCO to refrain from voting on the proposed dissolution until several issues are resolved.
3. A commission approved a proposal to dissolve the district and transfer its assets and debts to the county Sept. 12, 2018. Other Bay Area healthcare districts have faced similar questions concerning whether they should remain in operation. California has 78 healthcare districts, which build and operate hospitals and other healthcare services through local taxpayer funding, according to the *East Bay Times*.

Los Angeles Times

More wildfires, drought and climate change bring devastating changes to California wildlands

By [Bettina Boxall](#)

Jan 12, 2019 | 8:40 AM

Summer had not yet arrived, but already the hillside on the edge of Los Padres National Forest was the color of toast.

Even a brilliantly sunny day couldn't dress up the dull palette of invasive grasses that had transformed the slope into a dried-up weed patch.

Only a sprinkling of young shrubs provided a hint of what the spot looked like before it had burned — again and again and again.

In the last 22 years, three wildfires have swept across the area, all but erasing the cover of gray-green sage scrub documented in 1930s aerial photographs.

Southern California's native shrublands are famously tough. Conservationist John Muir celebrated them as Mother Nature at her "most ruggedly, thornily savage."

They evolved along with long, hot summers, at least six rainless months a year and intense wildfires.

But not this much fire, this often.

The combination of too-frequent wildfires and drought amplified by climate change poses a growing threat to wildlands that deliver drinking water to millions, provide refuge from Southland sprawl and — 142 years after Muir penned his mash note — are still home to mountain lions, bears and big-eared woodrats.



The footprint of the 2003 Piru fire can be seen atop a ridge in the Lake Piru Recreation Area. After the wildfire, invasive grasses (brown) replaced native shrub growth (green). Al Seib / Los Angeles Times

Burn maps show the astonishing extent of the wildfires that have seared the southern portion of the Los Padres forest and adjacent lands.

The border of the 2007 Zaca fire bleeds into the even bigger 2017 Thomas fire, which in turn runs into the footprint of the 2006 Day fire. Together they incinerated an area roughly twice the combined size of Los Angeles and San Francisco.

Dozens of other wildfires have raced across the forest's crumpled terrain in recent decades, including the 1997 Hopper, 2003 Piru and 2007 Ranch fires that blackened the grassy hill near Lake Piru.

“There are not that many places where there's really old habitat left, that hasn't seen a fire in the 30 years I've been here,” said Los Padres forest biologist Kevin Cooper, who retired last month.

Since 1950, hundreds of wildfires have burned in and around the southern portion of Los Padres National Forest. Sources: Cal Fire, Nextzen and OpenStreetMap

Wipe the steep mountainsides clean with flames and there is nothing to hold on to rainfall and let it seep into the ground, recharging aquifers.

There is nothing to prevent soil from washing away and silting up reservoirs and fish streams.

There is nothing to stop rivers of mud and rocks from crashing into foothill communities.

The Thomas fire was barely contained when [monster debris flows](#) roared down denuded slopes last January, killing at least 21 people and destroying more than 100 homes in the Montecito area.

Across Southern California, oft-scorched shrublands have given way to monotonous expanses of quick-to-dry invasive grasses that are of little ecological value, don't anchor the soil as well as deep-rooted chaparral plants and ignite easily, fueling more and more fires.

Frequent fire is driving chaparral loss in the Santa Monica Mountains, which burned yet again in November. Roughly a quarter of the 97,000-acre Woolsey fire was a reburn of land charred in wildland blazes over the last two decades.

Once gone, the chaparral and sage scrub that drape the wildest parts of Southern California are proving ominously difficult to restore.

“For so long, people thought of chaparral landscapes as being so resilient that papers came out in the '70s on ‘How do you get rid of this stuff — it keeps growing back,’” said Nicole Molinari, the U.S. Forest Service ecologist for Southern California.

“And here we are finding ourselves at a time when we're actually concerned about its ability to persist and trying to restore it and having challenges in doing so. That to me is a little frightening.”

When scrubland turns to grass

Southern California's native chaparral and sage scrub aren't so much adapted to wildfire as they are to a certain pattern of fire — periodically burning in hot, intense blazes that consume all the vegetation.

Rebirth begins almost immediately. Certain species, such as toyon and scrub oak, resprout from underground root systems or burls. Within months of the Thomas fire, bouquets of bright green shoots studded the bare, ashen mountainsides lining Highway 33.

Other shrubs, such as ceanothus, regenerate when heat from the flames or chemicals from charred wood stimulate the germination of their dormant seeds.

But the spread of two things — people and non-native grasses — are helping disrupt that pattern by putting too much fire on the landscape too often.

Lightning accounts for less than a quarter of the fire starts in Southern California's four national forests. Most ignitions are human-related.

Ranch hands repairing a pipe started the Zaca. A transient burning trash ignited the Day. Laborers doing construction work on a boat launch sparked the Piru.

Officials have not declared a cause of the Thomas blaze, which burned into the Los Padres forest from adjoining land. But Southern California Edison has said its electrical equipment [probably helped start](#) the fire, thought to have had at least two ignition points.

The prevalence of human ignitions means wildfires are more likely to erupt when sundowner and Santa Ana winds can whip them into a fury, as happened with the Woolsey and the Thomas, the state's second-largest wildland fire on record.

Frequent big fires mean that shrublands that would naturally burn at intervals of 30 to 60 years — or even a century or more — are sometimes torched at intervals of a decade or less.

When that happens, resprouting species don't have sufficient time to regrow. Non-sprouting shrubs can't reach maturity and shower the ground with a new seed bank.

Invaders can then take over in a process ecologists call type conversion.

Slopes that wore a thick green jacket of wildlife-supporting shrubs turn brown under a blanket of exotic annual grasses that are dry and dead most of the year.

Native wildflowers struggle to take root in the thick mats of non-natives. Erosion increases. Biodiversity declines. The fire cycle accelerates.

“The more grass you get, the more likely you are to have fire,” said Carla D’Antonio, a professor of ecology at UC Santa Barbara. “That’s a point that a lot of people don’t appreciate.”

She is overseeing restoration research as part of a multifaceted fire recovery program in the Los Padres forest.



UC Santa Barbara ecology professor Carla D'Antonio inspects cuttings of native chaparral plants in a campus greenhouse. Researchers will plant them at restoration sites in Los Padres National Forest. Al Seib / Los Angeles Times



Shane Dewees, right, and other researchers clean native shrub seeds in a botany lab. The seeds of some chaparral plants need to be treated with heat or liquid smoke to simulate the fire conditions that would naturally trigger germination. Al Seib / Los Angeles Times

Now in its third year, the work is painstaking and, so far, disheartening.

Students collected native shrub seeds by hand from local watersheds to maintain genetic purity. They cleaned the seeds in a campus botany lab. They soaked some in hot water to simulate the heat from a fire.

They experimented with different pre-planting methods at restoration sites near Lake Piru. Some patches were weeded, some were scraped bare. Others were left alone.

They planted more than 1,200 baby ceanothus, toyon, sage and other natives that were grown in a campus greenhouse using a special mix of potting soil and dirt from the sites.

They spread 40,000 seeds on the ground.

On a June afternoon in the field, UC researchers Stephanie Ma, Shane Dewees and Sameer Saroa hunted for survivors.

“This guy is kind of alive,” DeWees said, kneeling near a tiny ceanothus seedling. Ma, crawling on her hands and knees, spied another. “We have some survival here,” she reported.

But mostly they found shriveled twigs or bare dirt next to the planting flags, which doubled as little tombstones.

“Long hot days with a lot of death,” is the way Dewees described the team’s field checks. “So if you can get one little leaf, it’s not all despair.”

All told, nearly three-quarters of the infant shrubs died. The seeding was an almost total failure, producing a paltry five plants.



When the research team checked spots marked by small flags where they had planted native seedlings in 2017 and early 2018, they often found bare dirt or shriveled twigs. Al Seib / Los Angeles Times

D’Antonio suspects that rodents, accustomed to dining on an abundance of invasive grass seeds, gobbled up most of the native seeds before they could sprout.

The previous winter’s meager rainfall contributed to the seedling mortality, as did crowding by a medley of non-natives: mustard, red brome, wild oat and foxtail.

“Shrub seedlings just can’t hack competition from the grasses,” D’Antonio said.

The more grass you get, the more likely you are to have fire. That’s a point that a lot of people don’t appreciate.

Carla D’Antonio, UC Santa Barbara ecology professor

Southern Californians tend to dismiss their native flora as a bunch of brush — something to be whacked and cleared and feared.

When Dewees explains his project to private landowners in the Piru area, he said some of them ask “why we’re restoring to chaparral and not grass for grazing.”

Wildland firefighters detest chaparral for its ability to burn with untamable ferocity when driven by Santa Ana or sundowner winds. A 1960 Times story recounted efforts by the L.A. County Fire Department and the U.S. Forest Service to find “fire-resistant shrubs” to replace the natives.

“There is always the chance that scientists will find a slow-burning plant that will smother the chaparral,” a county fire official said hopefully.

The California Department of Forestry and Fire Protection plans to clear 14,000 acres of shrublands a year as part of a [statewide fuels treatment program](#).

“Every Cal Fire person I know ... wants to cut it down wherever they possibly can,” D’Antonio said. “[But] every time they cut a new fuel break, they put another strip of grasses on the landscape.”



University of California wildfire specialist Max Moritz in front of a dead stand of bigcone Douglas firs that burned in the 2007 Zaca fire. Mel Melcon / Los Angeles Times

Fire, then drought

Max Moritz slowly made his way up a hill, through a jumble of shrubs and fallen branches, to a graveyard.

Surrounded by dead bigcone Douglas firs, he scanned the slope for seedlings, searching for a sign that this patch of a unique Southern California mountain tree would survive.

“You don’t see anything,” he observed. “It has a fairly depressing quality to it, given the mortality and no regeneration.”

More than 11 years after the Zaca cut a 240,000-acre swath across Santa Barbara’s jagged backcountry, the landscape still bears scars.

The reach of 75-foot-tall flames is etched in towering tree trunks. Oak skeletons pepper the edge of the Dick Smith Wilderness.

Hillsides once blanketed with pygmy forests of chaparral are mottled with bare ground and clumps of young chamise and ceanothus shrubs. The ghostly profiles of dead bigcones rise from ridgelines.

Armed with thick bark and the ability to resprout from branches, bigcone Douglas firs are one of the world’s most fire-resistant conifers — built to survive the high-intensity wildfires that periodically chew through the chaparral that typically surrounds them.

The trees can be massive; one bigcone in the San Gabriel Mountains is as tall as a 15-story building. They can live for several hundred years.



Researcher Ryan Salladay extracts a coring from a dead bigcone Douglas fir. The tree burned in the Zaca fire but survived, only to die some years later. Mel Melcon / Los Angeles Times

So what doomed this old stand of bigcones off the Deal Trail? Was it the shooting flames of the Zaca, the brutal five-year drought that followed, or the one-two punch of both? Will these slightly goofy-looking conifers endure in the only part of the world they naturally grow?

Moritz, a cooperative extension wildfire specialist at the Bren School of Environmental Science & Management at UC Santa Barbara, and research assistant Ryan Salladay were looking for the answers.

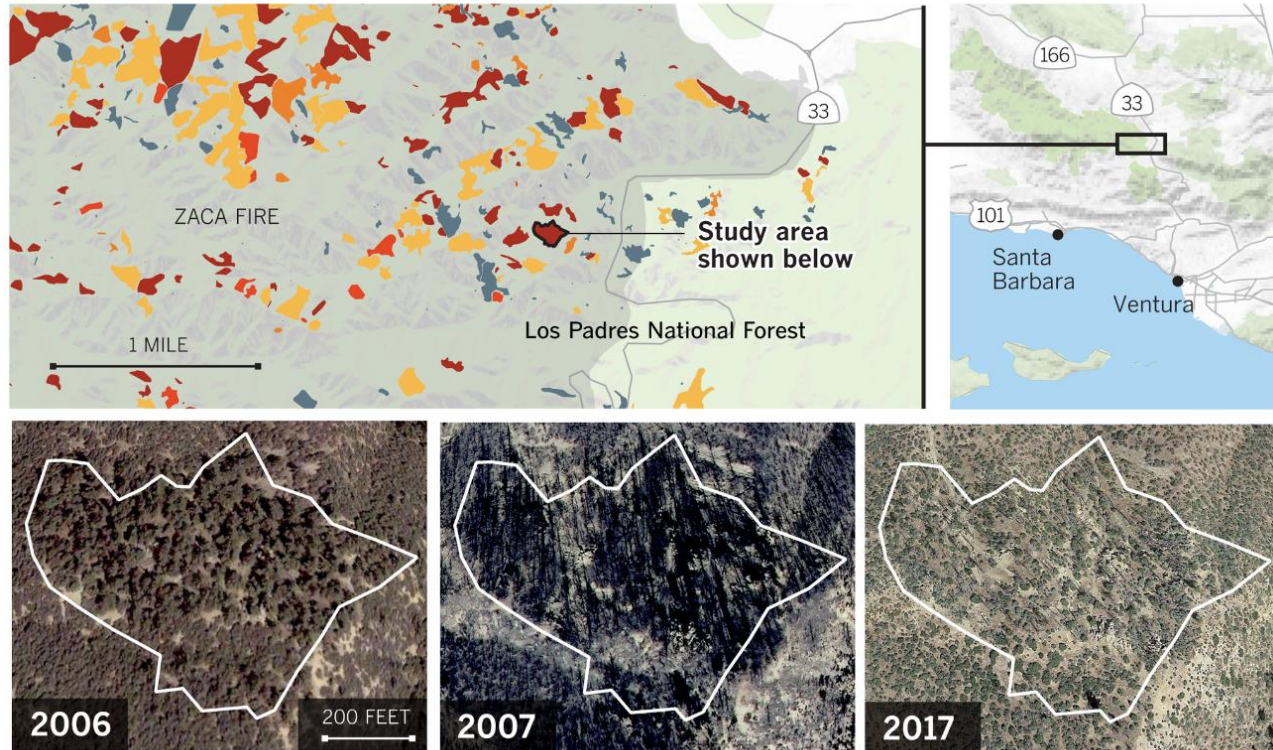
Salladay spent hundreds of hours poring over satellite imagery and aerial photographs, looking for the distinctive star-shaped spread of bigcone branches. He digitally mapped bigcone patches in the footprint of the Zaca burn and created a time series of pre- and post fire images to date tree mortality.

Will bigcone Douglas firs endure?

Using aerial photographs, researchers mapped patches of bigcone Douglas firs and their condition before and after the 2007 Zaca fire and years of severe drought. In the stand highlighted on the map, no trees survived.

Mortality rates

■ No bigcone Douglas firs died ■ Less than 25% died ■ 25-50% ■ 50-75% ■ 75-100%



Sources: Ryan Salladay, Google, Nextzen and OpenStreetMap

@latimesgraphics

Out in the Los Padres, research teams staked out 34 bigcone plots, each a tenth of an acre. They recorded the aspect of the slope and measured water stress in living trees. They studied post-fire soil surveys to see how severely the area burned in the Zaca. They checked for bigcone seedlings.

At Plot 3, Salladay drilled into a bigcone corpse with a simple T-shaped instrument and extracted a pencil-thin 3-inch coring.

Back in his lab, he would mount the core on a board, gently sand it and examine it under a microscope. The width of the outer growth rings would tell the story of the tree's final four decades.

The slender twigs still dangling from its bare branches provided a clue that the tree had managed to survive the Zaca and resprouted, only to die some years later.

“The drought-following-fire issue is a total reshuffling of what might come back or survive,” Moritz said.



Runoff from wildfires filled this pool in Rattlesnake Creek near Santa Barbara. The pool was once so deep that fisheries biologist Kristie Klose had to wear chest waders to check on rainbow trout, which disappeared after the blazes. Brian van der Brug / Los Angeles Times

A mounting toll

Kristie Klose, Los Padres' fisheries biologist, hiked along a stream in Rattlesnake Canyon on the outskirts of Santa Barbara, stopping at a 2-foot-deep pool rimmed with boulders and mud.

Before the 2008 Tea fire and the 2009 Jesusita fire, the water was so deep that Klose wore chest waders when she checked the pool's rainbow trout residents.

Now the water doesn't even reach her knees. There are no fish to count.

The Tea and the Jesusita weren't that big as recent Los Padres fires go. But they were cheek by jowl. The Jesusita burned the upper watershed and the Tea, the lower. Runoff from naked slopes dumped dirt and rocks into frontcountry creeks.

Hundreds of speckled native trout vanished. "They all got killed, buried and washed out to sea," Klose said. "They've never recovered."

These fires are so big — they take out so much contiguous country at once.

Kevin Cooper, Los Padres forest biologist

Many of the Los Padres' most imperiled species live in or near water: Southern California steelhead, red-legged frogs, arroyo southwestern toads and western pond turtles. When most of their watersheds go up in flames, they have no place to go.

"We've had back-to-back and juxtaposed big fires," said Cooper, the forest biologist. "That doesn't leave many refugia for these species to hide out in and recover and then repopulate and move back into the burned areas."

One of those spots is miles to the north of Santa Barbara, just outside the boundary of the San Rafael Wilderness.

"You look at this and think, 'This is nothing,'" Klose said, standing next to a shallow, slow-moving stretch of Munch Creek vital to steelhead spawning. "But it can be crucial to the whole system."



Los Padres National Forest biologist Kevin Cooper stands next to Munch Creek, which provided refuge for steelhead after the Zaca fire. Brian van der Brug / Los Angeles Times

Endangered Southern California steelhead are the seagoing version of rainbow trout. Born in coastal streams, they migrate to the ocean as juveniles, mature there and then, salmon-like, return to natal streams to breed.

The 1993 Marre fire filled Munch Creek with fine sediment, driving out a small steelhead population. Five years later, rains cleaned out the silt. The steelhead returned, swimming some 35 winding miles from the Pacific Ocean.

Later, when runoff from the Zaca fire clogged a downstream creek, the fish hung out in Munch and Davy Brown creeks.

“It’s been tough. But they’re still in there,” Cooper said. “We want to maintain this habitat so they have a place they can survive in.”



An SUV drives across Davy Brown Creek on a concrete apron, which will be removed and replaced with a bridge to allow fish passage. Brian van der Brug / Los Angeles Times

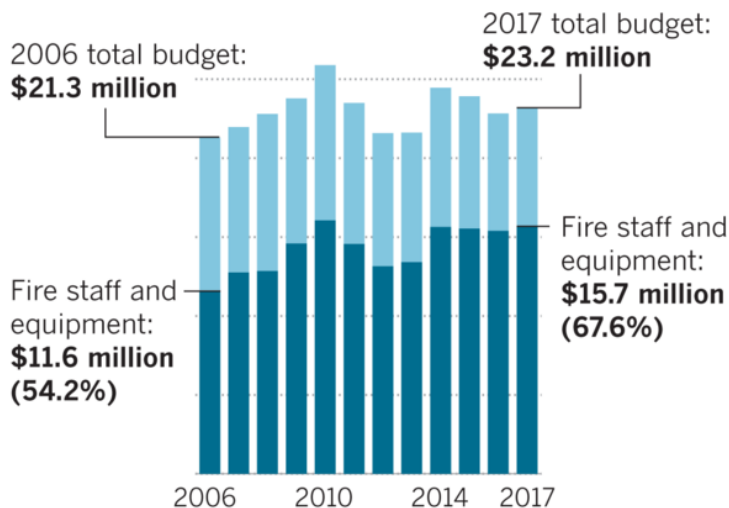
To that end, the Forest Service is tearing out old concrete streambed crossings and replacing them with fish-friendly bridges to connect steelhead creeks.

But the money to do that — as well as pay for the Moritz and D’Antonio projects — comes from a one-time windfall of \$20 million, which the forest collected in legal settlements with companies accused of negligently sparking the Zaca, Jesusita and Piru blazes.

As fire takes an ever bigger bite out of the Los Padres budget, there is less money for recreation, fish and wildlife management and trail maintenance. The permanent fire staff in the forest is now nearly four times the size of the non-fire staff.

Bigger slice of the pie

Nearly 68% of Los Padres National Forest's overall budget goes to firefighting staff and equipment.



NOTE: By fiscal year, which runs from Oct. 1 to Sept. 30.

Source: Los Padres National Forest
Graphics reporting by Bettina Boxall

@latimesgraphics

In fiscal year 2006, firefighter salaries, equipment and fire station maintenance ate up 54% of the forest’s budget. In fiscal year 2017, nearly 68% of a \$23.2-million budget went to fire. That doesn’t even include the enormous cost of fighting the conflagrations, which is covered by national Forest Service funds.

On the drive back to the forest office in Goleta, Klose and Cooper stopped at a turnout on Highway 154 south of Lake Cachuma.

Cooper looked across the rippling expanses of the Los Padres. That area burned in the Zaca and again in the 2016 Rey fire, he said. Over there was the 2009 La Brea fire. There, the 2013 White fire.

A distant ridge resembled a balding head.

“This piece by Little Pine Mountain is pretty bare now because of two fires in a row and the drought,” he said. “These fires are so big — they take out so much contiguous country at once.”

Produced by [Sean Greene](#). Graphics by [Thomas Suh Lauder](#).

Kensington police settle suit alleging shocking, rampant misconduct

By [Nate Gartrell](mailto:ngartrell@bayareanewsgroup.com) | ngartrell@bayareanewsgroup.com and [Thomas Peele](mailto:tpeelee@bayareanewsgroup.com) | tpeelee@bayareanewsgroup.com | Bay Area News Group

PUBLISHED: January 16, 2019 at 9:56 am | UPDATED: **January 17, 2019** at 3:35 pm

OAKLAND — The small, affluent unincorporated town of Kensington has agreed to settle an explosive lawsuit against its tiny police force, filed by a couple who alleged abuse of power by several officers, including the interim chief.

Residents Fadi Saba and Chih Lin filed the suit last year, alleging that Saba was arrested under false pretenses as part of a string of retaliatory moves by the police force that started after they complained of racism and a spanking incident at a local camp. It contained shocking allegations, including that Kensington interim police Chief Ricky Hull pulled out his gun during a private meeting in an attempt to intimidate Saba.

Per the terms of the settlement, which is expected to be completed within a month, Kensington will pay \$89,888 to the couple. There was also a factual finding of Saba's innocence related to a January 2017 arrest, when police accused him of robbing a door-to-door salesman who went to the couple's home.

Kensington and its police department have been the subject of several controversies, beginning when this news organization reported that then-Detective Sgt. Keith Barrow's gun, badge and ammunition were stolen by a Reno prostitute after a sexual encounter in a hotel room in 2014. The scandal cost former Police Chief Greg Harmon his job after residents reacted in an uproar when it was revealed that Barrow had received a light punishment.

Questions about the police department's leadership remain. In December, the Kensington Police Protection and Community Service District board extended the contract for Hull, appointed as interim chief in 2016, to June, but the town's general manager said he still hasn't decided who the permanent chief should be.

The lawsuit alleged, among other things, that police detained the door-to-door salesman and forced him to sign a statement saying Saba robbed him, then put out a "defamatory" press release identifying Saba as the robber.

The Contra Costa County District Attorney declined to charge Saba with a crime, writing that he was the one who called police and that his conduct was "reasonable protection of his property." U.S. Magistrate Judge Laurel Beeler said at a Nov. 29 court hearing that the arrest is "now viewed as a wrongful arrest under the law."

Per the settlement, Kensington police were not required to admit wrongdoing. The terms of the agreement were made public in a court hearing last November, but the settlement has not yet been signed.

Phillip Downs, an attorney for Kensington, said they did not oppose Saba's move for a factual innocence finding out of an interest in resolving the case. He said his clients continue to deny the allegations.

"This is a case we believe we would prevail at in trial, but sometimes you have economic decisions that need to be made," Downs said. "With that in mind, most cases do end up settling. This happened to be one of those that did."

Attorneys for the Saba and Lin did not respond to requests for comment.

The [February 2018 lawsuit](#) alleged:

- In 2012, the couple's 5-year-old son went to a local Kensington-run camp, where he was subjected to "racially inappropriate comments as well as one incident where a counselor picked him up, suspended him upside down and slapped him on his behind." When Saba complained to the police, Hull first asked him to drop his complaint as a "personal favor," then invited him alone into a room where he placed a gun on the table.
- During a birthday celebration for Kensington Officer Kevin Hui the following month, the suit alleges, Hull and Hui gave Saba brownies he later found out were laced with marijuana, and he had a bad reaction.
- Hui persuaded Saba not to report the Hull threat, and said he himself would investigate it. It also alleges Hull tried to get another resident to file a restraining order against Saba around the same time.
- In 2013, Saba got into an argument with his neighbor, who pushed him. Saba told responding officers he didn't want to press charges, but Hull showed up and lied to Saba's neighbor, saying Saba had placed the man under citizen's arrest, and convinced the neighbor to file a restraining order, according to the lawsuit.
- Hull "intended to harm Saba in his profession." Hull knew that Saba needed a security clearance for his work, and also knew that a restraining order listed in the CLETS1 database could impact a person's security clearance, and possibly cost him his job.
- Kensington Officer Ramos convinced Saba to meet with him at a Thai restaurant, where Ramos warned him that, "Hull was out to get him, and had threatened to obtain a warrant to search his house and shoot him in the course of a search."
- In January 2017, after Hull was appointed interim chief, a man was caught trespassing on the plaintiffs' property. When they called police, the suit alleges the trespasser told police there were active arrest warrants.
- Police detained the man, forced him to sign a false statement saying he was a door-to-door salesman and Saba had robbed him, and then interviewed Saba at the police station, with his family in a different room. It alleges Officer Barrow threatened to arrest Saba for "interfering with a witness" if he spoke to his wife. Saba was booked into jail on a robbery charge, bailed out and the district attorney did not pursue charges.

East Bay Times

San Ramon shifting to district city council elections

City schedules Jan. 29 meeting after being threatened with a lawsuit from Bay Area Voting Rights Initiative.

By [Jon Kawamoto](#) | jkawamoto@bayareanewsgroup.com | Bay Area News Group
January 17, 2019 at 6:23 am

SAN RAMON — Faced with a threat of a lawsuit, San Ramon is planning to switch from citywide City Council elections to district ones.

The city will hold the first in a series of community meetings Jan. 29 to get residents' feedback on the proposed change. Another four meetings are planned but have not been scheduled.

In district elections, voters vote for an at-large mayor, but will only select a city council candidate who lives in the district where they reside.

At the meeting, an overview of the district election process will be presented.

The change was prompted by a Nov. 5 letter sent on behalf of the Bay Area Voting Rights Initiative, which urged San Ramon to implement district elections or risk being sued. The letter said that “at-large voting dilutes minority electoral influence in the election of each of the legislative bodies in the San Ramon Valley, thus violating Elections Code Section 14047.”

According to Assistant City Manager Eric Figueroa, the City Council discussed the issue in December and most recently Jan. 8. He said the council decided that “the most prudent path was going toward district elections” in light of the unlikelihood of prevailing with litigation, which could potentially cost the city millions of dollar in legal fees.

Figueroa said the city is now working with the Bay Area Voting Rights Initiative on the transition. He said a resolution affirming the transition will be considered by the council at its Feb. 12 meeting.

“The City Council wants to ensure that every resident has the opportunity to participate in the transition to district elections and provide input on how the district maps are drawn,” Mayor Bill Clarkson said in a statement.

In addition to San Ramon, the letter threatening the legal action was sent to the Danville Town Council, San Ramon Valley Unified School District, San Ramon Valley Fire District and Dublin San Ramon Services District.

In recent months, a number of Bay Area cities, including Sunnyvale, Fremont, Menlo Park and Martinez, have switched to district elections. Most cities have voluntarily adopted district elections to avoid costly legal battles.

The 6 p.m. Jan. 29 informational meeting will be at San Ramon City Hall, 7000 Bollinger Canyon Road.

For more information on the district election process and to view the [letter from Bay Area Voting Rights Initiative](#), go to San Ramon's district election webpage at www.sanramon.ca.gov/residents/district_elections.

In addition, San Ramon has created an email residents can write to for more information: DistrictElections@SanRamonGov.ca.gov.

East Bay Times

Firm's plan to build fish processing plant on Bethel Island opposed by residents

Global Quality Foods still might set up organic compost site



Bethel Island is best known for its boating and recreational activities. Now, a Hayward company is proposing locating a composting operation and possible saltwater fish ponds on Taylor Road on the island.

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

PUBLISHED: January 18, 2019 at 7:46 am | UPDATED: January 19, 2019 at 9:10 am

A firm that planned to build a fish-processing plant on Bethel Island will go back to the drawing board after residents there gave its proposal a resounding thumbs down.

The proposed plant could bring a number of jobs to this unincorporated far East Contra Costa County community, but neighbors said they were worried it could also create odor, traffic and water contamination problems.

Hayward-based Global Quality Foods has proposed a 30,000-square-foot fish processing plant, a 5,000-square-foot fish nursery, 100 acres of saltwater fish ponds, 168 acres of orchards, 20 acres of fish compost and six semi-trailer truck docks on the Delta island known mainly for its boating and recreational activities. The operation on the 436-acre parcel would be bordered by Bethel Island, Canal and portions of Taylor roads.

The company sought comments on the project from about a dozen agencies before taking its land-use request to Contra Costa County. But, at a crowded meeting last week, the Bethel Island Municipal Advisory Council unanimously took a position against the project after listening to the

concerns and objections of about 80 residents. Its vote is an advisory one and the Contra Costa Board of Supervisors has final say.

Global Quality Foods minority owner Jeff Hall, along with other company representatives, presented what he called a “vision for a small family business” that would be “healthy, natural, organic, good for the earth.”

Advisory council members weren’t swayed.

“This is an agricultural piece of property,” council Vice Chairman Mark A. Whitlock Sr. said. “I don’t see this as a (fish) processing plant. This property was used for grazing cattle since the beginning of time.”

The proposal calls for the raising, harvesting and/or processing of imported and domestic seafood including crab and other shellfish as well as various fin-fish such as white sturgeon, which would be raised in saltwater ponds on site.

But some advisory council members and residents questioned whether the saltwater would contaminate groundwater, which most island residents draw from wells to drink.

“Any seepage of that saltwater into the ground will have some effect on our water quality,” Whitlock said. “If the saltwater was leaking into the (nearby) canal, we could really have a problem.”

Traffic from trucks hauling in crabs and other shellfish as early as 4 a.m. also was disconcerting, he said.

Resident Pat Ziobro, whose property is just across from the proposed project, cited other quality-of-life issues. Since she first learned about the project, the 18-year island resident and former chemist has been leading a social media campaign against it.

Ziobro’s home looks out to fields and grazing cattle, but that view would become a 20-acre compost site if the project proceeds.

“It will drive away our recreational and tourism, it will hurt visitors and businesses,” she said in an interview this week.

Ziobro, a retired district director for the San Francisco office of the Food and Drug Administration, also was concerned about potential odors from the processing operation.

“I have been inside fish processing plants and they stink,” she said.

“It’s not the right kind of industry for here,” she added. “It should be way out in the boonies where it is not going to impact businesses, recreation and residents.”

But Hall said the company planned on using only a small percentage of fish in the compost, a portion of the project it still hopes to pursue. It is also looking into composting the troublesome water hyacinth, which has clogged Delta waterways and been difficult to dispose of, he said.

“When you compost food waste, there is a problem with the odor,” he said in a phone interview. “We are not going to process food waste, only 2 to 3 percent of fish, a very small percentage. Mostly we want to compost green waste.”

Hall, who said he has helped start more than 700 small businesses in Contra Costa County during his career, said Global Foods heard all the concerns, “took them to heart,” and on Thursday decided to revamp the project.

“They were really into providing a healthy, organic food product,” Hall said of Global Quality Foods, which recently purchased the certified organic land with dreams of creating a sustainable agricultural project.

“We understand residents don’t want the fish processing, but if we grew fish there, we could supply organic fish to the restaurants there,” he said. “We wouldn’t do any fish processing on the island. We are trying to be as accommodating and reasonable as possible.”

Hall said the company’s goal is “to be organic,” and it may even consider adding a community garden along with the compost operation and orchards.

“The idea is you take from the earth and give back to the earth,” he said.

After hearing complaints, Hall said company officials want to reconnect with the community to learn more about what residents would like to see on the property. They hope to form a committee of concerned residents to consider ideas for the land, he said.

“There were two different perspectives and they collided and we learned that we have to change,” Hall said. “We want to take that land and create valuable resources for the agriculture industry around us — organic and good for human health — no chemicals, no herbicides.”

Global Quality Foods is a multimillion-dollar company with annual revenues estimated at \$26 million. Its Hayward facility retails fresh, frozen and cured meats and fish products in a 10,000-square-foot plant that employs 30.

Lake Mendocino now can hold 22 billion gallons of water, most since its creation in 1958

[GUY KOVNER](#)

THE PRESS DEMOCRAT | January 18, 2019, 6:19PM

Heavy rains this week left Lake Mendocino, the North Bay region's second-largest reservoir, with an extra 2 billion gallons of water that until now officials would have been obliged to release into the Russian River and eventually the Pacific Ocean.

With less than an inch of rain expected over the weekend and a subsequent long dry spell beginning next week, the Army Corps of Engineers plans to retain the water, enough for nearly 50,000 people for a year.

"We're in new territory," said Nick Malasavage, chief of operations and readiness at the Army Corps office in San Francisco. "We're excited."

Officials at Sonoma Water, the agency that delivers Russian River water to 600,000 Sonoma and Marin county residents, are equally pleased.

"Mother Nature is cooperating with us," said Jay Jasperse, the agency's chief engineer.

They are happy because this winter — for the first time since the Coyote Valley Dam was built in 1958, creating Lake Mendocino near Ukiah — they can hold more than 68,400 acre feet (22 billion gallons) of water for future use by fish, farmers and residents.

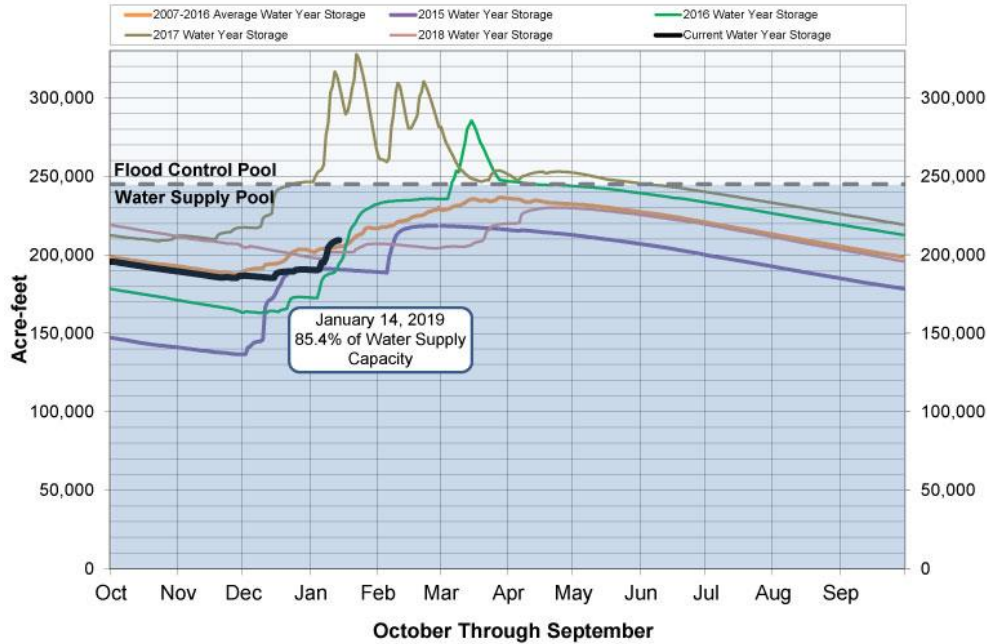
Thanks to a \$10 million program that blends high-tech weather forecasting with novel computer programming, the Army Corps has the latitude to retain an additional 11,650 acre feet of water, and Lake Mendocino has now impounded a little more than half that much.

If a drenching storm were on the near horizon, dam operators would be releasing water now to maintain capacity for flood control, the dam's primary mission. Malasavage said the Army Corps checks National Weather Service five-day forecasts twice a day, and the high-tech program — called Forecast Informed Reservoir Operation, or FIRO — provides a 15-day weather outlook.

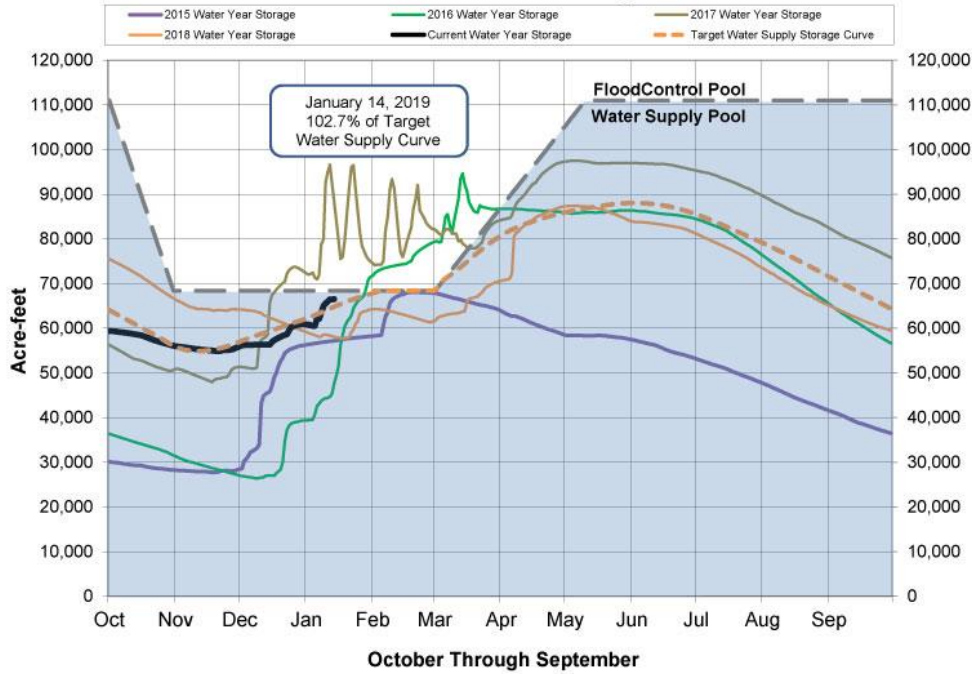
On Friday, he said, the forecasts indicated "there is no need to release the water."

Accuweather, a private forecasting service used by The Press Democrat, predicts that Monday will be the start of 12 straight dry days with temperatures in the low- to mid-60s.

Lake Sonoma Storage



Lake Mendocino Storage



The idea behind FIRO is to get through the rainy season with as much water as possible in Lake Mendocino.

The program sprang from the hard lesson learned in 2012 and 2013, when reservoir inflow from a major storm in December was released, per the rules. Unfortunately, the storm marked the start of a prolonged drought that dropped Lake Mendocino to a mere 25,000 acre feet a year later.

You can reach Staff Writer Guy Kovner at 707-521-5457 or guy.kovner@pressdemocrat.com. On Twitter @guykovner.

Benito Link

Union Heights developer keeps pressing for action on County Service Area

posted on Tue, 01/22/2019 - 08:30am [by Noe Magaña](#), *BenitoLink Staff Reporter*

Union Heights developer Richard Ferreira continued his years-long pressure on the county to provide services to County Service Area (CSA) 35 at the Jan. 15 meeting of the San Benito County Board of Supervisors. He also questioned Resource Management Agency Director John Guertin's qualifications.

Ferreira was involved in drafting the agreement to form CSA 35 for Union Heights in the mid-1990s and has been at odds with the county since 2009, urging that the local government live up to its agreement which includes providing road, lighting and landscape maintenance.

During public comment at the supervisors' Jan. 15 meeting, Ferreira said he obtained from the county clerk's office a copy of the agreement between CSA 35 and San Benito County for services to be provided to the gated community. He said he provided copies of the agreement to most of the supervisors and questioned why Guertin did not do this himself.

"Wouldn't any RMA director with just the basic qualifications for the job be the first thing he would do if presented with the same problems?" Ferreira asked.

According to Ferreira, CSA 35 Union Heights submitted multiple written requests to the RMA for maintenance to be scheduled for February 2018, but it did not receive a response. And according to a timeline submitted to supervisors, Ferreira made several calls requesting work in September 2017, and a response was delayed. When the RMA did respond, the timeline showed the work requests were not approved.

"Not long after my first encounter with the RMA [director] I questioned his qualifications,"

Ferreira continued. "I've openly questioned his qualifications many times since."

Ferreira also said that a Dec. 11 report to supervisors by [Precision Civil Engineering, Inc.](#) on inactive CSAs completely excluded CSA 35 from its review. (The [San Benito County Local Agency Formation Commission](#) (LAFCO) initiated the dissolution of 11 inactive CSAs at its Jan. 10 regular meeting.)

An Aug. 6, 1996 agreement between San Benito County and CSA 35 states that the county will maintain and repair the roadway and provide street lighting services through CSA-collected monies. It also allows for the placement of a gate at the entrance to Union Heights as long as it allows access to emergency vehicles.

The agreement was unanimously approved by the Board of Supervisors at the time.

“As I stated before, I told the RMA multiple times that agreement existed,” Ferreira said.

Ferreira went on to tell supervisors on Jan. 15 that he explained to Guertin the CSA was fully funded through a special tax. Guertin’s response at the time, according to Ferreira, was that he didn’t care and stated that he could use county funds any way he wanted, and that the county was not obligated to perform any work in gated communities.

Saying he has spent two years pointing out the existence of the documents to the supervisors, Ferreira said Guertin’s actions have resulted in damage to Union Heights properties and roads from lack of maintenance.

Guertin did not comment at the Jan. 15 meeting. However, he did speak after Precision Civil Engineering’s presentation on Dec. 11, saying there was no excuse for why the county is not providing services to the CSAs. He also said he was trying to “find solutions within the laws and regulations” for the gated communities.

“We’re not making recommendations on the gated community right now because it’s a complex issue,” Guertin said at the time.

CSAs are great when run properly, which CSA 35 was for 20 years, according to Ferreira.

The actions taken by Guertin, Ferreira said, have consequences.

“For the county, it has left you exposed and liable for failure to maintain the property as per the agreements,” Ferreira said.

CSAs were created in the 1950s to “fund the long-term and maintenance of public infrastructure within specific communities that the county would not otherwise be able to fund through traditional sources” like property, sales or fuel taxes, according to the [county website](#).

East Bay Times

January storms added 580 billion gallons of water to California reservoirs

After lackluster November and December, 2019 rains have boosted water supplies and Sierra snow pack to normal levels

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

PUBLISHED: January 23, 2019 at 6:00 am | UPDATED: **January 23, 2019** at 11:13 am

Storms that soaked California during the first half of January did more than bring tons of snow to Sierra Nevada ski resorts. They also significantly boosted the state's water supplies.

Over the three weeks from Jan. 1 until this Tuesday, 47 key reservoirs that state water officials closely monitor added 580 billion gallons of water, according to an analysis by this newspaper. That's as much water as about 9 million people use in a year.

Nearly all of the major reservoirs around California are now at or above their historical averages for this time of year, swelled by runoff that continues to pour in from brimming creeks, rivers and rising water tables.

Meanwhile, the statewide Sierra Nevada snow pack, which provides about one-third of California's water, on Tuesday was at 114 percent of normal, up from just 69 percent on Jan. 1.

"January brought us some good snow and precipitation," said Chris Orrock, a spokesman for the state Department of Water Resources. "We're hoping for more of the same in February and March."

How much water has been captured? Shasta Lake near Redding, the state's largest reservoir, at 35 miles long, has risen 25 feet since Jan. 1, and is now 61 percent full, or 92 percent of its historical average for this time of year. Closer to the Bay Area, San Luis Reservoir between Gilroy and Los Banos has risen 15 feet over the past three weeks, and is now 82 percent full, or 109 percent of its historical average.

The combined storage in the 47 key reservoirs, which include critical components of California's water supply like Shasta Lake, Folsom, Hetch Hetchy and San Luis Reservoir, has expanded from 15.96 million acre feet on New Year's Day to 17.74 million acre feet now. Each acre foot is enough water to flood an acre of land a foot deep, or 325,851 gallons.

To be sure, the rain has stopped. Dry, balmy weather is forecast over the next week from the Bay Area to Los Angeles, with more rain possible the first few days of February. This month's wet weather could give way to sunny, warm conditions through the rest of the winter.

But for now, the powerful atmospheric river storm that roared in from the Pacific Ocean last week, following other storms and dumping half a foot of rain in some places, and five feet of snow in the Sierra, has washed away a disappointing November and December. The trend is boosting the spirits of water managers, whose memories are still fresh of California's brutal five-year drought from 2012 to 2017. Across the Bay Area, water agencies say their supplies are in good shape, and they are not expecting summer shortages.

"It looks like a normal winter now. And normal is good," said Toby Goddard, water conservation manager for the city of Santa Cruz. "January has been a nice boost."

Loch Lomond Reservoir, the main storage source for Santa Cruz, was 95 percent full on Tuesday afternoon, having gone up 7 feet since Jan. 1, when it was 83 percent full.

In the East Bay, the seven reservoirs owned by the East Bay Municipal Utility District, which serves 1.5 million people in Alameda and Contra Costa counties, were 81 percent full.

"We're very happy to be where we are," said Nelsy Rodriguez, a spokeswoman for East Bay MUD.

Nearby, Los Vaqueros Reservoir, the biggest lake owned by the Contra Costa Water District, which provides water to 500,000 people, was 93 percent full Tuesday.

In the North Bay, the seven reservoirs owned by the Marin Municipal Water District were 95 percent full, up from 72 percent on Jan. 1, with five spilling over this week.



Nicasio Reservoir is ready for more rain in Nicasio, Calif. on Friday, Dec. 14, 2018. (James Cacciatore/Marin Independent Journal)

And in Santa Clara County, groundwater levels in the northern part of the county have recovered to pre-drought conditions, and in the agriculturally heavy South County are nearly there, said Marty Grimes, a spokesman for the Santa Clara Valley Water District.

The district's 10 reservoirs were 42 percent full Tuesday, up from 24 percent on New Year's Day, and 84 percent of the historical average. But Grimes noted that the district through the year lowers its reservoirs to recharge groundwater, a system that most other Bay Area water agencies don't have.

"There's a lot of winter left to go, but at this point, our early prediction is that we'll end the year with good groundwater levels, which means we wouldn't have any water shortages in the summer," he said.

The district continues to ask for voluntary 20 percent conservation from 2013 water use totals. Last year, county residents achieved 19 percent.

This week is an important winter milestone, water experts say.

On average, half of California's annual precipitation falls in December, January and February. With that span now half over for this winter season, Jay Lund, director of the Center for Watershed Sciences at UC-Davis, noted that one key water indicator is exactly halfway full.

The eight-station Sierra Nevada Index, a daily report that measures how much precipitation has fallen in eight key watersheds near some of the largest reservoirs in Northern California, has so far received 26 inches this winter, Lund noted. The historical average for a whole year is 52 inches.

"We are on track to average, which is good. The historical average is better than the recent average," Lund joked, referring to the five-year drought.

Lund noted that one of the state's primary reservoirs, Oroville, still hasn't fully recovered from a disaster two years ago. In February, 2017, the spillway at Oroville Dam, the tallest dam in the United States, crumbled during heavy storms, and authorities evacuated 188,000 residents, fearing an uncontrolled release of water.

On Tuesday, despite the lake level having risen 39 feet in the past three weeks, Oroville was only 37 percent full, or 57 percent of its historical average. State officials have kept it low during repairs.

One trend of note this year: Southern California has received significant rain after several years of lagging behind the north. While San Francisco's rainfall was 87 percent of the historical average through Tuesday, Los Angeles' was at 147 percent.

There's plenty of winter left, said Orrock, with the state Department of Water Resources.

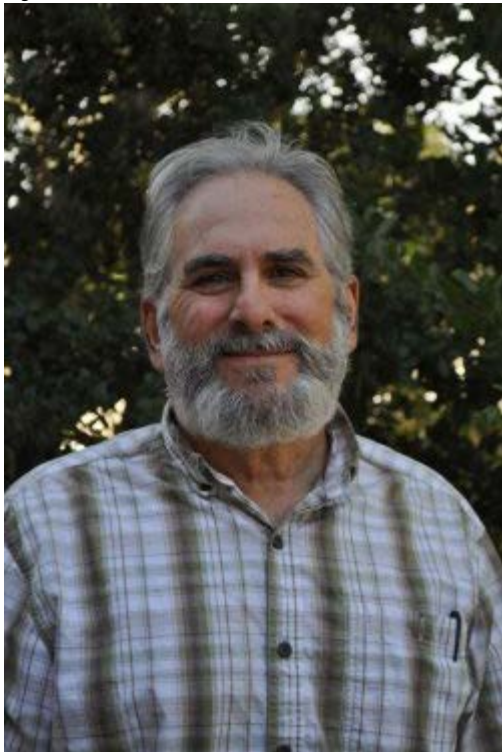
"We're only about halfway through our three wettest months," he said. "We have to wait and see what Mother Nature brings us for the rest of the winter. The only thing constant about California's climate is that it's so variable."

Mercury News researcher Leigh Poitinger contributed to this report.

Published January 23rd, 2019

MOFD board president determined to reverse poor public perception

By Nick Marnell



Steven Danziger Photo provided

Rarely does an interviewee ask for more time as the session winds down, but Steven Danziger, high-energy president of the Moraga-Orinda Fire District board of directors, did just that, as he outlined his plans to change the negative perception of the district board. "We as a new board can turn that around," he said.

Danziger has his work cut out for him.

The MOFD board made national news in 2009 for enabling the pension spiking of its retiring fire chief, providing him an annual retirement benefit higher than his salary; five years later, in a rare public spat between government agencies, a Contra Costa County supervisor rebuked the district board, calling MOFD "a perfect example of a special district with a poor governance structure"; in 2018, despite a public plea from town officials to support the Moraga storm drain measure, the MOFD directors could not decide among themselves which way to vote and declined to submit a ballot; and a recently retired district director called the board he served on "dysfunctional."

Then, with a chance to ease public concerns that the firefighters union planned to "take over the fire district" - since the three newly elected, union-supported directors formed a board majority - the board laid to waste years of district tradition and elected Danziger, one of the union-backed directors, as its 2019 president.

not smiling when he said it.

"I got a lot of emails on that," Danziger said, and he was

Key to the turnaround that Danziger envisions is accessibility, and he will soon begin holding open public sessions every other Thursday at Si Si Caffe in Moraga. He also plans to urge frequent board member attendance at public meetings. Danziger cited director Michael Donner, who attended the Jan. 10 meeting of the Local Agency Formation Commission. "It was the first time we've seen anyone from MOFD in more than five years," said Lou Ann Texiera, LAFCO executive officer.

Danziger listed visibility and responsiveness as further components to the board turnaround. "The chief is out there a lot," he said, referring to the intense outside schedule that Fire Chief Dave Winnacker keeps. "We need to support him and see how the public is responding."

Also in need of support are the firefighters, said Danziger, who worked for many years as an administrator in the Oakland Fire Department. "Oakland firefighters were always looked at as heroes. Here, they don't get that same treatment," he said, though wary MOFD stakeholders will be quick to call out the board if it goes too far in support of the rank and file.

The bottom line is simply that Danziger and his fellow MOFD directors will be evaluated on how successfully they carry out the mission of the board, as stated on the district website: To provide strategic leadership, policy and direction as well as fiscal oversight.

"Give us a chance," said Danziger, still sensitive to the mixed public reaction over his election as board president. "Give us time, and we'll show by our actions that we are looking out for the whole district and not just for special interests."

Reach the reporter at: nick@lamorindaweekly.com

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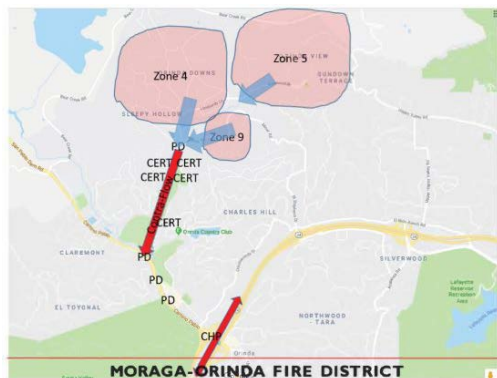
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Published January 23rd, 2019

North Orinda wildfire evacuation exercise planned for Jan. 26

By Nick Marnell



Evacuation areas and traffic flow guide for north Orinda exercise. Image MOFD

Camino Pablo to the Highway 24 on ramps. All roads will reopen and revert to normal driving patterns by 8 a.m.

The Moraga Country Club area was chosen as the site for the December evacuation because of its relatively small size, the cooperation from the MCC homeowners association and because the country club has only one way in and one way out. The drill included 360 residents, 120 cars and 74 CERT members - the largest turnout of the group ever, according to Fire Chief Dave Winnacker. The exercise continued along Moraga Way to the Glorietta Boulevard intersection.

The north Orinda drill will encompass three major zones, with 1,400 homes having been notified of the evacuation exercise.

As traffic will be routed to Highway 24, the drill will provide information on what the on ramps would look like during an evacuation. "That is the critical juncture," Winnacker said. "We will work with our partners at the CHP to facilitate the rapid exit from the district through the use of those on ramps."

Once north Orinda evacuees arrive at Camino Pablo during the Jan. 26 drill, those in the right lane will be directed to Highway 24 westbound with drivers in the left lane directed eastbound. "The idea is to get folks onto the freeway and out of the district," Winnacker said. "We're not worried about where you're trying to get. We're only concerned about getting you out of the district."

Drivers should also note that, according to Orinda Police Chief Mark Nagel, when police officers are directing traffic, drivers must follow their instructions, even if the instructions conflict with traffic lights or signs.

Those who have yet to sign up for the Jan. 26 evacuation exercise should go to <https://sites.google.com/view/orinda-evacuation->

[exercise/home](https://sites.google.com/view/orinda-evacuation-exercise/home). Winnacker urges all district residents to register for alerts from the Contra Costa County Community Warning System at cwsalerts.com.

Wildfire evacuations are complex procedures, with law enforcement directing residents out of the burning area as fire personnel and apparatus are storming in, and the data collected in these drills will aid future multiagency efforts. Observers will be posted along the evacuation route to record time, the number of vehicles, and identify areas subject to congestion. Participants will receive an email poll later that day to collect their feedback on the exercise.

Lafayette plans to conduct its own evacuation drill in March, according to Ben Alldritt, chief of police. "Initial thoughts are the Springhill or Happy Valley areas," he said. The chief said he will sit down with Dennis Rein, Lamorinda emergency preparedness coordinator, and lay out the parameters based on what was learned in the Moraga and Orinda drills.

Reach the reporter at: nick@lamorindaweekly.com

East Bay Times

Lafayette's divisive Deer Hill housing proposal is back — again

Developer's original 2011 plan for 315 apartments on 22-acre site will be the subject of public hearings in spring.



A proposed housing development site along Deer Hill Road is photographed on Wednesday, March 7, 2018 in Lafayette, Calif. (Aric Crabb/Bay Area News Group)

By [Jon Kawamoto](#) | jkawamoto@bayareanewsgroup.com | Bay Area News Group

PUBLISHED: January 24, 2019 at 6:00 am | UPDATED: January 24, 2019 at 12:22 pm

LAFAYETTE — Proposed development of the 22-acre Deer Hill site — the lightning rod of a divisive fight in the community and the subject of a ballot measure rejected by voters last year — is back, with hearings planned for this spring.

The Terraces housing development, first proposed in March 2011, has been marked by controversy and contentiousness from virtually the very beginning. It called for 315 moderately priced apartment units, which alarmed several residents who spoke against the plan at public meetings. Those community concerns led the city and developer to strike a deal in 2013 for a scaled-down version with 44 houses, a community park, an athletic field, playground, a dog park and a parking lot.

In 2016, Save Lafayette, a group of residents opposed to the project, sued the city over the plan, and the lawsuit ended up going to a state appellate court. The court ruled against Lafayette, leading to the City Council's decision to hold a referendum — called Measure L — on the scaled-down housing plan in June 2018.

Voters rejected Measure L — 54.4 percent of Lafayette voters opposed the housing development and 45.6 percent supported it. In response to the election, on June 15 developer O'Brien Land Company of Menlo Park resubmitted its original application for 315 apartments at the southwest corner of Deer Hill and Pleasant Hill roads near Highway 24.

And a battle is brewing over new Lafayette Councilwoman Susan Candell, the top vote-getter in the November election, who is a vocal critic and staunch opponent of the development.

Bryan Wenter, an attorney with Miller Starr Regalia, which represents O'Brien Land Company, has written the city on repeated occasions since the November election, calling for Candell to recuse herself from anything to do with the Deer Hill development.



Lafayette Planning Commission Vice Chair Steven Bliss answers a question posed by Councilwoman Susan Candell at a special meeting Jan. 10. Bliss was chosen by the Lafayette City Council to fill the vacancy created by the death of Councilman Mark Mitchell in November. (Jon Kawamoto/Bay Area News Group)

Candell, when contacted as to whether she has decided whether to recuse herself, replied, “Nothing yet.”

In addition, Lafayette just updated its [Terraces website](#), including posting [detailed letters and emails from the developer and its attorney](#), as well as [from the Save Lafayette group](#) that led the opposition to Measure L in June 2018.

“The updated web page is there to help inform discussions around the project and by including all project documentation, we want to ensure that the process is completely transparent and public,” said Lafayette city spokesman Jeffrey Heyman.

Heyman said no date had been set for the public hearings on the development, but they would be held in the spring.

In a Nov. 30 letter, Wenter wrote, with 14 attachments, “the unequivocally-expressed bias of newly elected City Council member Susan Candell with respect to the project,” and said she has been “a long, frequent and ardent adversary” and is “irretrievably biased against the project. In addition, she has made clear she also holds material animosity to our clients.”

On her campaign website, Candell said her “intense civic involvement began five years ago with the Deer Hill project, first as 315 apartments then with 44 homes.”

Wenter has repeated his request for Candell’s recusal in letters dated Dec. 5, Jan. 9 and, most recently, on Jan. 14.

In a Jan. 17 letter, Save Lafayette’s Michael Griffiths said Wenter’s letters “misstates or distorts the activities of council member Candell.”

“In presenting its objections to council member Candell, even if valid, O’Brien ignores the role of three other elected council members who were key participants and leaders in the Measure L campaign,” Griffiths wrote.

Of the five council members serving at the time of the June 2018 election, all but one — former council member Ivor Samson — endorsed Measure L. Then-Mayor Don Tatzin, then-Vice Mayor and current Mayor Cameron Burks, council member Mike Anderson and the late council member Mark Mitchell all endorsed the measure.

“The result, of course, is that four, and possibly five, of the (current and previous) council members have potential conflicts and a probability or appearance of bias on the grounds originally asserted by O’Brien,” Griffiths wrote in his letter. “This results in the absence of a quorum or ability to conduct business and hearings on O’Brien and the Deer Hill property.”

Griffiths wrote, “The O’Brien challenge to council member Candell is of no effect.”

East Bay Times

Concord kicks into next step of possible downtown soccer stadium project



(Courtesy of Google Maps)

An aerial view of a 3-acre vacant property near the downtown Concord BART station where developer Mark Hall has proposed building a professional soccer stadium for his United Soccer League East Bay franchise.

By [Annie Sciacca](#) | asciacca@bayareanewsgroup.com | Bay Area News Group

PUBLISHED: January 23, 2019 at 5:00 am | UPDATED: January 24, 2019 at 6:31 am

CONCORD — Professional soccer could get a toehold here.

An 18,000-seat soccer stadium would be the main attraction in an ambitious downtown development that got a boost this week, along with a convention center, hotels, retail, housing and office space.

The Concord City Council voted 4-1 Tuesday, with Laura Hoffmeister dissenting, to authorize staff to enter into an initial exclusive negotiating agreement with Walnut Creek developer Mark Hall to explore the feasibility of such a project.

Of the roughly 33 acres that Hall wants to use, about 20 percent is city-owned, consisting of about four sites near the Concord police station and the BART station. The rest of the land is owned by BART.

The agreement would allow Hall's company, Hall Equities Group, to work with Concord to assess the costs and other details and discuss the proposal with BART.

"BART wants to see support from Concord," Hall said in an interview Tuesday night. His firm has talked briefly with BART staff and directors, Hall said, but it has not formally approached the BART board or submitted a proposal.

Hall's firm, Hall Sports Ventures, acquired the rights for an East Bay franchise of the United Soccer League, a Division II professional league, in 2017. The proposed stadium would house that team and host other sporting events, concerts and a myriad of performances. The vision includes a convention center, two or three hotels, office space, retail and housing, Hall said.

He declined Tuesday night to give an estimate of the total cost of the project, although [he said last year the price could reach \\$750 million](#).

The exclusive negotiating agreement will require Hall to deposit \$100,000 to cover feasibility studies and any staff or consultant time used for the exploration.

Roughly 20 people spoke during the meeting's public comment period, most of them against the project. Many said the city needs to focus on affordable housing instead. Speakers also said the city should have done more to get public input on the site's potential use, including reaching out to affordable housing developers.

"We have a tremendous housing crisis in Concord," Debra Ballinger Bernstein, executive director of nonprofit Monument Impact, said in an interview before Tuesday's meeting. "I really believe in the adage that public land should be for public good and with public input. There has been no public input. ... We need affordable housing."

Others expressed similar statements during the public comment period.

"This is involving public land," said Concord resident Laura Nakamura. "Last I checked, we are in a housing crisis, not a stadium crisis."

Hall pointed out the project does include a significant housing component, noting that "well over half" of the land would be dedicated for residences, compared to only about seven acres for a stadium.

Some people also questioned how economically beneficial a stadium would be to the surrounding businesses, considering there won't be a lot of games and that fans tend to go straight to and from stadiums without frequenting nearby restaurants or other businesses.

Among the few people who expressed support for the project were BART District 1 Director Debora Allen and Assemblymember Tim Grayson, a Concord resident.

“A creative group of people are exploring bringing this project to our community,” Allen said. “It’s more than a stadium. ... There is housing and there are other types of buildings and structures and potential uses being explored.”

She noted that at least 35 percent of housing built on BART land must be affordable under state law.

Grayson urged the council to “gather all the facts” through the negotiating agreement before deciding whether to approve or reject the project.

Council members acknowledged the concerns expressed about creating more housing and traffic congestion but decided it’s worth exploring the project’s viability.

“I can live with a stadium if I can get the housing,” Councilmember Edi Birsan said of the plan. Both Birsan and Vice Mayor Tim McGallian said they do not want to see the city spend any money on the project, however.

Mayor Carlyn Obringer called the project exciting, particularly the convention center. She urged the community and fellow council members to consider the economic development opportunity for the downtown area, which is at risk of being neglected when the Concord Naval Weapons Station land is redeveloped.

Councilmember Dominic Aliano similarly noted the project would bring jobs to the area, turning Concord from a bedroom community into a place to “live, work and play.”

Hoffmeister, who cast the only no vote, applauded Hall’s idea but said the location isn’t ideal.

“I don’t think this is the right location for it,” Hoffmeister said, adding that the negotiating agreement would send the city down a “slippery slope” toward a flawed project.

The potential development could require a change to the city’s general plan — the guiding document for future development.

“Do we want to change the vision for our downtown? I haven’t heard an uprising of ‘yes,’ and I see this as a change of vision,” Hoffmeister said. A stadium could attract street vendors and more homeless people, she added, and the development would create low-wage retail, restaurant and hospitality jobs. “I’m looking for jobs that provide higher wages.

The initial exclusive negotiating agreement will last 18 months, at which point the city could enter into an exclusive negotiating agreement to further define the project.

East Bay Times

Borenstein: Stop deepening Bay Area transportation, housing crisis

Tired of subsidizing irresponsible billionaires? Here's a plan to provide more housing in the right places

By [Daniel Borenstein](#) | dborenstein@bayareanewsgroup.com | Bay Area News Group

PUBLISHED: January 29, 2019 at 5:10 am | UPDATED: **January 29, 2019** at 8:43 am

Here's an idea to address the Bay Area's transportation and housing crisis: Stop making it worse.

Since the Great Recession, the Bay Area has added 722,000 jobs but constructed only 106,000 housing units.

Little wonder rents and home prices have soared – and even people with jobs live in cars or on the streets. Little wonder freeways are gridlocked and commuter trains are packed.



CalTrain speeds across rush hour traffic on Interstate 280 into downtown San Jose.

It's time to stop digging this housing deficit hole deeper. We need more housing. But we need it in the right places.

Bay Area cities with housing shortfalls – San Francisco, Cupertino, Menlo Park and Palo Alto, for example – should stop adding more buildings for jobs unless they provide commensurate new housing.

Conversely, areas with serious job deficits – East Contra Costa is the poster child – should be barred from adding new housing without new places for residents to work.

Here's the fundamental problem: San Francisco and most of Silicon Valley generally have more jobs than workers living there. The East Bay has more workers than jobs.

Consequently, our freeways and public transit systems overflow in the morning with commuters headed toward San Francisco and Silicon Valley. In the evening, the crush runs in the opposite direction.

And the intra-county imbalance between jobs and housing exacerbates the gridlock. For example, in Santa Clara County, while Palo Alto imports workers every morning, San Jose exports them.

We keep raising taxes to increase commute capacity, but long-term that's an exorbitantly costly fool's errand – especially when we ignore underutilized capacity in the counter-commute direction. We are only making the situation worse.

The key is to put jobs next to housing and housing next to jobs.

That won't happen on its own. Our convoluted property and sales tax systems discourage housing construction. So, this will require action by the Legislature and Gov. Gavin Newsom.



Traffic on Highway 101 in San Francisco.

What's needed are rules that prohibit cities with housing deficits from approving commercial and office buildings unless they also approve new housing for employees who would work in those buildings.

And in cities with severe job deficits, the rules should be reversed. Residential development approvals should require construction of commensurate facilities for jobs.

Before business leaders, especially from tech companies, and local politicians howl about killing economic growth and impinging on local control, they should admit that they're a big part of the problem.

They should recognize that current unaffordable housing prices and ridiculous commutes already threaten to undermine the long-term success of the region.

And they should acknowledge the obvious, that companies keep expanding – and local governments keep letting them – without meaningful regard for providing adequate housing.

For example, Cupertino, even before the opening of the massive new Apple campus, had 1.5 jobs for every member of the labor force who lives in the city, according to 2016 U.S. Census data compiled by the Metropolitan Transportation Commission. Palo Alto had 2.8 jobs per worker; Santa Clara and Mountain View had about 1.7 jobs per worker; and San Francisco had 1.3.

Conversely, in the South Bay, San Jose, with a 0.8 ratio of jobs to workers, needs more employers. In the East Bay, the same goes for Oakland, at just below 0.9 – that's nine jobs for every 10 residents in the workforce.

And, in East Contra Costa County, the cities of Pittsburg, Antioch, Oakley and Brentwood should be prohibited from approving more housing. They have a combined ratio of 0.4 – just four jobs for every 10 residents in the workforce.

It's absurd. For more than four decades, leaders of those four cities, backed by politically powerful developers, have tried to convince voters that if they keep building residential homes the jobs would follow. It's not going to happen.

As for cities with job surpluses, state mandates requiring commensurate housing would force employers wanting new space to partner with housing developers to ensure homes are built. Or, better yet, those employers might opt to locate where workers already live.

Either way it would ease future stress on our transportation systems – and environment. As a taxpayer, I'm tired of paying for more road and transit expansions to meet the needs of multi-billion-dollar companies that refuse to do the responsible thing.

Some caveats to the housing mandate: The affordability of the required housing should be matched to likely jobs that would fill the new offices and commercial centers. And, to encourage public transit use, the mandates might include leeway for homes or business construction near commuter rail stations or existing major bus corridors.

Local and state leaders understand the Bay Area faces a housing crisis. Unfortunately, solutions under discussion are incremental steps that don't address the fundamental problem: Not only have we failed to build enough housing, we've also failed to put it near jobs.

It's time to fix that.

East Bay Times

Have what it takes for this ‘dream job’ on an island in the San Francisco Bay?

Perks include free room and board and living in a historic light station



RICHMOND, CA – JAN. 27: The historic East Brother Light Station, a fixture off the coast of Richmond, Calif. for 146 years, shines in the morning light, Sunday, Jan. 27, 2019. (Karl Mondon/Bay Area News Group)

By [Erin Baldassari](#) | ebaldassari@bayareanewsgroup.com | Bay Area News Group
PUBLISHED: January 29, 2019 at 7:00 am | UPDATED: **January 29, 2019** at 8:21 am

RICHMOND — It sounds too good to be true: Get paid around \$130,000 to live for free in a Victorian lighthouse on a private island in the bay.

But, of course, there’s a catch.

The historic [East Brother Light Station](#) off the coast of Richmond in the San Pablo Strait is [seeking two new innkeepers](#), preferably a couple, to take over running the bed and breakfast there come May. Job applications are due by the end of the month.

But applicants beware: It’s no walk in the park. For the privilege of 360-degree bay views, there’s coffee to make and breakfast to serve on the four days guests share the island, a short history lesson to deliver and a historic fog horn to bring to life. There are guests to ferry back to the mainland, beds to turn, rooms to clean, and a four-course dinner to prep before fetching the next round of guests. Then there’s champagne to pour, hors-d’oeuvres to pass, dinner to serve and dishes to wash.

Days “off” are no less full. The innkeepers haul laundry back to Richmond for washing, perform a deep cleaning of the historic property, do small maintenance jobs, plan menus and stock up on provisions for the next four nights of service. It can be chaotic at times, said Che Rodgers, who’s been running the inn with his partner, Jillian Meeker, for the past two years.

“It’s never boring,” she said. And, even though they’d never trade what they call an experience of a lifetime, they’re ready to leave.

They had applied for the position on a lark while touring New Zealand together in a van, Rodgers said. It was a job uniquely suited to both of their abilities. Meeker had spent four years working at the [Old Consulate Inn](#) in Port Townsend, Washington, a Victorian bed and breakfast where employees dress in quasi-period garb and the guests are treated to authentic gourmet meals.

High-quality professional culinary experience is a must, said Richmond Mayor Tom Butt, who also serves as president of the board of directors for the nonprofit that maintains the historic site. The menus change daily, Meeker said, and are tailor-made to guests’ food allergies and diets.

On a recent Sunday, that meant Meeker and Rodgers were planning dinner and breakfast for two pescatarians and one guest who doesn’t eat carbohydrates, a challenging feat to accomplish in the same meal.



One of the pair must also have a Coast Guard’s commercial boat operator’s license, Butt said. That’s where Rodgers’ background was particularly useful. He earned his captain’s license at the tender age of 19, having already spent several years working on a charter fishing boat and sailing classic yachts. Rodgers also studied traditional sail-making and rope rigging, ran sailing schooners and chartered small expedition cruise ships, among other jobs at sea.

He has a genuine love of maritime history, and that’s critical for any successful candidate, he said.

“The job is so full-time, it really does require an absolute love for the place and its history,” Rodgers said. “Otherwise, you just get burnt out.”

The light station was built in 1873 as an aid to mariners navigating the rugged 2-mile strait connecting the San Francisco and San Pablo bays. Early lighthouse keepers tended to both the lard oil-fueled light and steam-powered fog signal, the latter of which was replaced in 1934 with a powerful mechanical diaphone horn that Rodgers brings back to life daily to the delight of guests.

But, by the 1960s, automated technology threatened to end the light station’s run. The Coast Guard erected an automatic rotating beacon and decommissioned the keepers, according to a

[history of the island](#) by Frank Perry. Local activists, however, lobbied to place the property on the National Register of Historic Places, a designation the site received in 1971.

For the next decade, the building sat derelict, as birds and nature reclaimed the island, a solitude punctuated only by Coast Guard service crew's periodic checks of the light and electronic fog signal. In the meantime, local activists tried to find another public agency to steward the island, appealing to the National Park Service, the East Bay Regional Parks District and the city of Richmond, Butt said. None had the funds to fix the peeling paint on the buildings' facades, restore the rusting iron or seal cracks in the cement.

So, a group of locals started a nonprofit instead, organizing hundreds of people to restore the Victorian lighthouse keeper's home, a small schoolhouse that now serves as the innkeepers' quarters, the fog horn building, a water cistern and other small outbuildings to their original glory. Some, like Walter Fanning, had personal connections to the site. Fanning's father had served as a keeper on the island, said Fanning's daughter, Nancy Fanning, and he remembered playing on the stone walls after World War I when he spent time there as a child.

Later in life, as a woodworker and machinist, Walter Fanning was instrumental in restoring the Victorian trim on the building's exterior and resurrecting the old diaphone fog signal, she said. They even named the fog signal building after him.

"His personality was such that he wasn't a gushy kind of guy; the way he showed he cared was to do things for people," Nancy Fanning said. "And, he did that for the lighthouse."



Jillian Meeker leads a group of visitors up the steep ramp to the historic East Brother Light Station off the coast of Richmond, Calif., Sunday, Jan. 27, 2019. (Karl Mondon/Bay Area News Group)

It's a tiny sliver of living history on the bay, one that's easily overlooked by residents today, said Karen Reutlinger, a recent guest to East Brother. The New England native grew up feeling deeply connected to that region's maritime history, something that felt rooted in the sea's

brooding skies, the shrieks of seagulls and smell of salt air. But, living in San Francisco, she said it's easy to feel removed from that same history here.

Visiting the East Brother Light Station is a way to reconnect, she said.

"I go to bed and don't think about the history," Reutlinger said, "But (on the island), you can't not think about it, because you have the fog horn, you have the birds, you have everything."

Arizona Republic

Arizona Legislature passes historic Colorado River drought plan hours before deadline

[Dustin Gardiner, Andrew Nicla and Ian James](#), Arizona Republic Published 5:00 p.m. MT Jan. 31, 2019 | Updated 5:10 p.m. MT **Jan. 31, 2019**



A boat goes by silt banks towering more than 50 feet above the Colorado River near Pearce Ferry. (Photo: David Wallace/The Republic)

Arizona lawmakers approved a Colorado River drought deal Thursday afternoon, about seven hours before a midnight deadline set by the federal government.

But their hours of rushed work could be overshadowed, as a California irrigation district's demands threaten to delay efforts to finish the Drought Contingency Plan, which aims to protect levels in Lake Mead.

Nevertheless, Arizona officials were eager to meet the midnight deadline set by federal Reclamation Commissioner Brenda Burman.

In a major act of bipartisanship, lawmakers in the Arizona House and Senate voted almost unanimously to approve a plan aimed at stopping reservoirs from plunging to critical levels.

Gov. Doug Ducey and leaders across the state urged swift action on the plan given a 19-year drought that could lead to drastic water cuts for Western states.

The governor was expected to sign the deal shortly after its passage Thursday evening.

Race to meet deadline, avert risk

Arizona gets nearly 40 percent of its water from the river. If Lake Mead continue to drop, the state could lose 17 percent of that water, which could have a severe impact on cities, farmers and Indian tribes.

The plan's final approval came after the House and Senate spent the afternoon debating its details. Most lawmakers voted for it, but there were a handful of critics.

Senators voted 27-3 to approve a package of bills that would make possible Arizona's participation, together with California and Nevada, in the Lower Basin plan, which lays out plans for the states to share in water cutbacks between 2020 and 2026.

Meanwhile, lawmakers in the Arizona House of Representatives voted 59-0, with one abstention, to pass the deal around 5 p.m. Thursday evening.

Sen. Sine Kerr, R-Buckeye, said although not everyone is "completely happy," a deal needed to get done. Kerr added that more work is needed to help Pinal County farmers affected by proposed cuts to not "leave them hanging."

"Let this not be a last vote for Pinal agriculture, while (the plan) is done on paper, it's still our responsibility to finish what we say would do," Kerr said.

Sen. Lisa Otondo, D-Yuma, who was sat on the committee of water stakeholders that crafted the deal, said although the plan isn't perfect, that's the nature of such delicate negotiations.

"There's something in there that everyone doesn't like," Otondo said. "But this is not a band-aid, this is not a solution, this is an intervention."

The legislation also includes a package of measures that would outline Arizona's implementation plan for the proposed water cutbacks, which emerged from a series of negotiations over the past seven months.

Lawmakers got the deal done with little time to spare before a midnight deadline.

Bureau of Reclamation Commissioner [Brenda Burman gave Arizona and other states until midnight](#) Thursday to act or she could step in and decide what cuts would be necessary to prevent reservoir levels from falling.

Arizona had been the last state to sign onto the plan, though California's Imperial Irrigation District could have the last word.

District officials have demanded federal funding, possibly \$200 million, to help restore the badly polluted and fast-drying Salton Sea, according to a report in the Palm Springs *Desert Sun*.

What does the plan do?

One of the measures grants Department of Water Resources Director Tom Buschatzke the authority to sign the three-state plan on the state's behalf

The three-state Lower Basin Drought Contingency Plan would reduce the risks of Lake Mead crashing. Nineteen years of drought, rising temperatures and chronic overuse have pushed the reservoir's levels lower and lower.

Sen. Juan Mendez, D-Tempe, one of three senators who opposed the plan, called it a "free-for-all special interest grab bag," and said it was a short-sighted plan that ignored the larger issues of climate change, water scarcity and conservation.

"We owe the environment a better plan," Mendez said, adding that the state's plan should have more to, "better protects our rivers" and "shift to crops that use less water."

"We should be planning for the future now instead of whatever this plan is."

The proposed Drought Contingency Plan wouldn't prevent a first-ever shortage, which is expected to be declared as soon as next year.

But the deal is aimed at preventing a worst-case scenario of continued declines in Lake Mead water levels, which otherwise could lead the reservoir toward a scenario of "dead pool" — at which point water would no longer flow past Hoover Dam.

Arizona's implementation plan focuses on spreading the water cutbacks among entities and lessening the economic blow for farmers in central Arizona who have the lowest priority for water.

The plan provides them "mitigation" water and funding for infrastructure to begin pumping more groundwater.

The plan also involves paying more than \$100 million in compensation to other entities that would contribute. Much of the money would go toward paying for water from the Gila River Indian Community and the Colorado River Indian Tribes.

The legislation includes several tweaks to state law, such as a loosening of some provisions of Arizona's groundwater management rules, to make the plan work.

If signed, the plan would represent a temporary fix on top of the existing rules for managing shortages, and would be in force until 2026. The three-state agreement has been in discussion for the past several years.

The four states in the Upper Colorado River Basin — Colorado, New Mexico, Utah and Wyoming — approved their Drought Contingency Plan in December.

What happens next?

The process and timeline for signing the Drought Contingency Plan remains unclear.

Central Arizona Project General Manager Ted Cooke has suggested that once the legislation passes and is signed by Gov. Doug Ducey, finalizing the three-state plan may still take more time.

That's because the proposed resolution grants Buschatzke authority to sign on Arizona's behalf provided two other steps occur: Congress should authorize the federal Interior secretary to enter into the agreement, and all parties in other states must have authorization to sign.

Cooke said he expects there will be an uncertain "separation of time" between the passage of Arizona's legislation and the signing.

The Associated Press

It's Deadline Day For Arizona's Debate Over Colorado River Drought Plan

By The Associated Press Jan 31, 2019



In this May 31, 2018, file photo, the low level of the water line is shown on the banks of the Colorado River in Hoover Dam, Ariz.

Ross D. Franklin, File/AP Photo

Arizona lawmakers [face a Thursday deadline](#) to let the state join a drought plan for the Colorado River or risk blowing up a compromise years in the making for the seven states that draw water from the constrained river.

Arizona is the only state that requires legislative approval to join the agreement, which will require the states to take less water from the river in hopes of keeping major reservoirs from reaching catastrophically low levels.

The House and Senate are scheduled to debate the legislation in marathon sessions on Thursday.

The Legislature's approval would be the [final puzzle piece](#) that avoids potentially more severe cutbacks imposed by the federal government. U.S. Bureau of Reclamation director Brenda Burman has said she's facing pressure from other states to limit Arizona's water deliveries without a complete drought plan. Arizona has the junior rights to river water and would be hit first and hardest if Lake Mead on the state's border with Nevada drops to shortage levels.

Burman [set a Jan. 31 deadline](#) for all parties to agree to voluntary cutbacks before she'll begin proceedings to impose them.

The river serves 40 million people in Wyoming, Colorado, Utah, New Mexico, Arizona, Nevada and California.



Map of the Colorado River Basin.
public domain/USGS

In Arizona, most residents would not see an impact from the cutbacks, which would primarily hit farmers in Pinal County between Phoenix and Tucson, who have the lowest-priority access to Colorado River water and stand to lose the most.

The Arizona legislation is the product of months of negotiations between major water users in the state, who agreed to reduce their own water take in exchange for cash or access to groundwater in the future. The farmers, who reluctantly supported the agreement, said the agreement would still require them to fallow as much as 40 percent of the county's farmland.

Arizona water officials say joining the agreement is critical to the state's water future.

"The drought is real, and there's less water in the river," Dennis Patch, chairman of the Colorado River Indian Tribes, told lawmakers this week. "We can see it. We must all take a realistic view of this river and realize it does not have as much water as it used to."

Gov. Doug Ducey, who pushed hard for the plan and deemed it the No. 1 priority for lawmakers this year, urged support Thursday for the plan.

"Today is the day," he [said on Twitter](#). "It's time to ratify the Drought Contingency Plan."

Opposition came from Sen. Juan Mendez, who characterized the deal as a giveaway to interest groups that promotes unsustainable water policy, ignores climate change and doesn't address the fact that Arizona will have less water in the future.

"It's really hard to see this as anything other than an effort to keep the value in the land for development and special interests," said Mendez, a Tempe Democrat who was the only lawmaker to vote against the plan during committee hearings this week. "We owe the environment a better plan."

Lawmakers are considering two measures. One would allow Arizona to join the multi-state agreement. The other includes a variety of measures to help the Pinal County farmers. Those include \$9 million for the farmers to drill wells, dig ditches and build other infrastructure needed for them to change from the river to groundwater. Tucson would get more groundwater credits for treated wastewater, allowing the city to pump more in the future in exchange for providing water to Pinal farmers.

The drought plan requires Arizona to find a way to reduce its use of Colorado River water by up to 700,000 acre-feet — more than twice Nevada's yearly allocation under the drought plan. An acre-foot is enough for one to two households a year.

[Colorado](#), Wyoming, Utah and New Mexico had their [plans done in December](#). If Arizona's proposal collapses and the federal government steps in, those states could put some of their plans in motion to meet their obligation to other states, water managers said. That includes sending water from reservoirs upstream of Lake Powell on the Arizona-Utah line to keep it from dropping so low that water could not be delivered to Lake Mead.

Arizona Republic

Colorado River plan in question as top federal water official tells Arizona and California: 'Close isn't done'

[Ian James](#), Arizona Republic Published 10:24 a.m. MT Feb. 1, 2019 | Updated 1:26 p.m. MT Feb. 1, 2019

Arizona Gov. Doug Ducey signs the Drought Contingency Plan in a ceremony at the Arizona state Capitol on Jan. 31, 2019. Thomas Hawthorne, The Republic | azcentral.com

A top federal water official announced Friday that because California and Arizona haven't finished Colorado River drought plans, the Interior Department is asking the governors of all seven states that rely on the river for recommendations on how to prevent reservoirs from continuing to drop.

Federal Reclamation Commissioner Brenda Burman said there has been tremendous progress toward a deal, including the Arizona Legislature's quick passage of drought legislation before a Thursday night deadline. But she said that doesn't change the fact that the states haven't completed the Drought Contingency Plan for the river's lower basin, which aims to reduce the risks of Lake Mead falling to perilously low levels.

"Neither California nor Arizona have completed all of the necessary work," Burman told reporters on a conference call. "Close isn't done."

Her announcement came the day after Arizona's political leaders hailed the Legislature's endorsement of the state's plan for dealing with a shortage on the river. The federal government's step toward intervention calls those efforts into question and raises the possibility that Washington might end up as the arbiter that metes out water cutbacks across the Southwest.

Even though the federal government is stepping in, the states still could handle the situation on their own — if they act within the next month. Burman said that while the government asks the states for recommendations, the whole process could be called off and the notice could be rescinded if California and Arizona sign the plan.

"If all seven states are able to complete the Drought Contingency Plan before March 4, we will rescind and terminate that request," Burman said.

Burman had set the Jan. 31 deadline in December while pressing for the states to wrap up the deal. With the agreements not yet finished, the Interior Department submitted a notice to the Federal Register requesting the seven governors' recommendations "for protective actions Interior should take amid ongoing severe and prolonged drought."

The federal government plans to accept input from the states for a 15-day period starting March 4. The notice says the Interior Department is considering “potential federal actions to revise Colorado River operations in an effort to enhance and ensure sustainability of Colorado River water supplies for the southwestern United States.”

The three-state Drought Contingency Plan is aimed at preventing Lake Mead, which is now just 40 percent full, from crashing. Nineteen years of drought, rising temperatures and chronic overuse have pushed the reservoir's levels lower and lower.

If the deal is signed, Arizona, California and Nevada would share in water cutbacks during the next seven years. The plan would represent a temporary fix on top of the existing rules for managing shortages, and would be in force until 2026.

The agreement has been in discussion for the past several years. The four states in the Upper Colorado River Basin — Colorado, New Mexico, Utah and Wyoming — approved their Drought Contingency Plan in December. The Bureau of Reclamation said “efforts among the Lower Basin states of California and Arizona have delayed DCP completion” past the Jan. 31 deadline set by Burman.

Patrick Ptak, a spokesman for Gov. Doug Ducey’s office, said the deliberations in Arizona are done. He said the state took the necessary action before Burman’s Jan. 31 deadline.

“We met the deadline yesterday with the passage of the legislation,” Ptak told *The Arizona Republic*. “And now it’s time for California, the lone state that has not passed DCP, to do so.”

In California, water agencies including the Imperial Irrigation District and Coachella Valley Water District failed to meet the deadline to sign on. IID’s board has placed conditions on participating. They’ve said they want to be the last to sign the deal, and they want \$200 million in federal funds for projects to control dust and build wetlands around the shrinking Salton Sea.

Burman said even after Arizona’s “giant step” of approving the drought plan in the Legislature, there still are several agreements within Arizona that need to be completed.

“Arizona took a very important step yesterday and I applaud their efforts,” she said. “But we’re not done yet.”

*Environmental coverage on azcentral.com and in *The Arizona Republic* is supported by a grant from the Nina Mason Pulliam Charitable Trust. Follow *The Republic* environmental reporting team at environment.azcentral.com and at OurGrandAZ on [Facebook](#), [Twitter](#) and [Instagram](#).*

Bisnow, LLC

What Housing-Starved Cities Can Learn From This Major City's Single-Family Zoning Ban

February 3, 2019 Cameron Sperance, Bisnow Boston

The term “Manhattanization” is often wielded in city planning meetings around the U.S. to stoke fear of high prices and displacement that could come from density luxury developments. But Minnesota’s largest city now has urban planners desperately seeking “Minneapolisization.”

In December, the city passed Minneapolis 2040, a comprehensive development plan that promotes density around transit hubs and eliminates single-family-only zoning, enabling triplex developments on lots once reserved for single-family homes.

The move has garnered envious headlines from newspapers in the country's largest cities, questioning why their region can't do something similar.

“[Minneapolis] is trying to get in front of the housing affordability issue before it’s too late, as opposed to getting into a situation where only a select few can afford to live in the city and you wish you had done something 20 years ago,” Minneapolis-based JLL Managing Director Steven Buss said.

In a 12-to-1 vote the Minneapolis City Council approved the master plan, which aims to “eliminate racial disparities, fight climate change, increase transportation options and improve access to jobs.” The city's old single-family zoning was created in the 1960s, when many other U.S. cities were adopting similar measures. Urban planners have since criticized single-family zoning for fostering segregation and enabling urban sprawl.

City officials noted something had to give, as nearly 60% of Minneapolis land fell under single-family zoning, and the city’s population has grown 10% since 2010, its fastest growth rate since 1950.

“We knew that many people who might want to stay in Minneapolis as they age, and leave a single-family home, had very few options,” city of Minneapolis Director of Long Range Planning Heather Worthington wrote in an email. “We also knew that those missing middle properties would be good options for people who were just starting out, or living here early in their housing tenure.”

While the median home price in Minneapolis (\$300K) pales in comparison to San Francisco’s (\$1.3M), first-time homebuyers are struggling to find available housing stock in the Twin Cities and often compete on offers with downsizing baby boomers.

The master plan’s supporters originally pushed for fourplexes to be allowed on single-family lots, but they compromised with a triplex maximum. City planners and the region’s real estate

community view the measure as a necessary way to tackle affordability with density and grow the city's housing stock.

"They want to accommodate growth, and they don't have their head in the sand about the urban population that is growing," Buss said. "It wasn't a ban on single-family homes so much as a recognition to have these big swaths of areas zoned for single-family opened up to triplexes. It gives more people access to good, quality neighborhoods."

The sweeping change in Minneapolis is attributed to the progressive makeup of the City Council, which is composed of 12 Democrats and a member of the Green Party. Similarly progressive parts of the country are hoping to pass their own zoning reform to catalyze more housing development and promote affordability.

Portland, Oregon, is looking to allow fourplexes in single-family zoned neighborhoods. In Seattle, where 75% of residential land is zoned for single-family housing, the City Council is looking to upzone about 6% of single-family zoned areas. A coalition of Greater Boston mayors announced in October 2018 a production target of 185,000 new units of housing by 2030.

In San Francisco, the most expensive housing market in the country where new, dense development is scarce, California state Sen. Scott Wiener is working a bill through his state's legislature that would eliminate all density restrictions near train stations or high-frequency bus stops.

Wiener's first attempt, S.B. 827, called for allowing eight-story buildings near major transit stops "even if local communities object" and ultimately failed over opposition from numerous community groups and fears it would lead to resident displacement and gentrification. The senator from San Francisco revived the bill, now named S.B. 50, in December.

The new version includes tenant protections, allows communities to defer implementation to give time to plan for low-income resident protection and has the support of environmental and labor groups who opposed Wiener's initial bill. While he aims to have a broader coalition the second time around, Wiener recognizes it will take more than his bill to fix California's urban sprawl.

"There's no silver bullet," he said. "This is such a complicated program that has grown for 30 to 40 years because of California's systematic clamping down on new housing. We're trying to reverse that, but it can't happen with one bill overnight."

The sentiment is echoed in Boston, where Boston Mayor Martin Walsh is targeting 69,000 units of new housing to be created by 2030. Developers struggle to make affordable or middle-market housing pencil out at a time when it can cost as much as \$450K to develop a one-bedroom residential unit, so density is the most-utilized housing tool.

Developers have begun to offer micro-units, which are roughly 450 SF for a studio apartment, within greater market-rate projects that also include full-sized units. They still aren't exactly cheap.

A new micro-unit condo development in the city's South End neighborhood has an asking price of \$489K and up. It is still an affordable alternative compared to the neighborhood median condo price of \$975K, according to Zillow. Micro-apartments in Boston's Seaport District can fetch \$2,400/month.

“If you look on a price-per-square-foot basis, it’s often more expensive than a two-bedroom or one-bedroom unit, but, because it’s a smaller unit, it ends up being more affordable,” Colliers International Director of Research Aaron Jodka said. “That appeals to a renter.”

Boston is weighing a variety of other measures to tackle affordability, including removing a minimum square footage restriction on multifamily developments to allow even more micro-unit developments. The city is also pushing for more transit-oriented development and density, but the city’s developers and urban planners have made the same argument as their counterparts in other cities: The housing crisis can’t be solved by the central city alone. The question remains if neighboring communities are listening.

“In some of these towns and communities, you would have to change the way they operate,” Jodka said. “That may not be the identity they want to have for their community.”



Published February 6th, 2019

Lafayette officials fire back at regional housing recommendations

By Nick Marnell



A speaker attacks the Metropolitan Transportation Commission at the Jan. 28 council meeting. Photo Jeff Heyman, City of Lafayette

recommends 10 policy changes and five calls for action, including the production of 35,000 housing units a year, of which 21,000 are affordable to lower- and moderate-income households; the preservation of 300,000 affordable housing units; and the protection of 300,000 lower-income households from displacement. The Compact also calls for stiffer tenant protections, minimum transit zoning requirements and the unlocking of public land for affordable housing.

Implementation of the recommendations will "require bills to be passed in Sacramento ... regional ballot measure campaigns in 2020 and beyond ... and every local government in the Bay Area to do their part," according to the Compact.

"This is a very scary document, and it includes things we know do not work," Vice Mayor Mike Anderson said at the Jan. 28 city council meeting. Anderson said that rent control only drives rents higher, and that many of the Compact recommendations would in effect take away local control of zoning and housing.

The vice mayor cited the example of BART zoning requirements. Assembly Bill 2923 allows BART to develop housing on property it owns, but the Compact calls for the zoning to extend to one-quarter mile beyond the BART stations, putting even more pressure on local municipalities - like Lafayette - that are producing housing in compliance with their established development standards.

By suggesting a new quarter-percent sales tax to pay for its recommendations, the Compact may prevent Lafayette from implementing taxes for its own purposes, said Niroop Srivatsa, interim city manager. And she bristled at the extra work the Compact would require of her staff. "We should be spending our time building the housing units instead of on paperwork and bureaucracy," Srivatsa said.

Anderson later expanded on his Compact concerns. "It's a regional effort to influence state legislation, but it's hard to get a grip on where to apply the pressure," he said. Anderson pointed to the high-tech industry, which promised to allow its employees to work from home. "It didn't happen," he said. "You have all of these people driving for miles to their jobs. We need to get these companies to decentralize their operations. They don't need to build Salesforce buildings. Put the work where the people live, and put the jobs where the housing already is."

Anderson added that there are plenty of vacant storefronts in Lafayette.

Mayor Cam Burks expressed misgivings about transparency, including how the Compact ideas were generated and how few people were engaged in the process. Burks also noted that many of the suggested bills are already on the fast track to passage in Sacramento. "It's very troubling," he said.

"All we did was select the three co-chairs and they filled out the rest of the committee," said John Goodwin, MTC spokesman. "It may seem like only a few people, but they represent a diversity of interests and a breadth of experience."

Council members recommended that the Compact become the focus of the April Tri-City meeting, which will be hosted by Lafayette, with MTC representatives available to explain the details of the Compact to

Lamorinda residents.

But with his concerns about proposed legislation already on the way to Sacramento, Burks pushed for an even earlier meeting date, possibly in March. He also made clear that the city should feel no guilt over its own efforts to cope with the housing crisis.

"Lafayette has done and continues to do our part, and a cookie-cutter approach is just not right," Burks said.

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Published February 6th, 2019

Wells elected to California Professional Firefighters executive board

By Nick Marnell



Vince Wells, new CPF vice president Photo provided
fire agencies."

Vince Wells, president of the United Professional Firefighters of Contra Costa County, Local 1230, has been elected the 4th District vice president for the California Professional Firefighters organization. Wells took office Jan. 25.

CPF, the largest statewide organization dedicated exclusively to serving the needs of career firefighters, includes more than 175 local affiliates, representing some 30,000 front line firefighters and paramedics. CPF services include legislative work and advocacy on behalf of the fire services and are directed to members through the leadership of these local affiliates. The 4th District, one of eight in California, comprises the nine-county Bay Area.

An Air Force veteran with more than 20 years in the fire service, Wells has served for 11 years as Local 1230 president. In that role, he represents members from five different agencies, including the Moraga-Orinda Fire District and the Contra Costa County Fire Protection District. Wells, a ConFire captain, led firefighters from both Lamorinda fire districts through their recent labor negotiations.

CPF President Brian Rice noted that Wells has been an active and engaged participant in local and state issues on behalf of firefighters and all working people. "You become an advisor to a lot of fire agencies through the 1230 job," Wells said. "With that experience comes a lot of knowledge that I look forward to passing on to other

Wells said that continuing to secure local funding from state cap-and-trade revenue to advance wildfire protection will be a top goal in his new position. The cap-and-trade program, which began in 2012 and targets greenhouse gas reduction, has brought in billions of dollars of revenue to California.

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