



NOTICE AND AGENDA FOR REGULAR MEETING

DATE/TIME: Wednesday, June 12, 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.

JUNE 12, 2019 CONTRA COSTA LAFCO AGENDA

1. Call to Order and Pledge of Allegiance
2. **Welcome Returning Commissioners**
3. Roll Call
4. Adoption of Agenda
5. Public Comment Period (please observe a three-minute time limit):
Members of the public are invited to address the Commission regarding any item that is not scheduled for discussion as part of this Agenda. No action will be taken by the Commission at this meeting as a result of items presented at this time.
6. Approval of minutes for the April 17, 2019 regular LAFCO meeting

SPHERE OF INFLUENCE (SOI) AMENDMENTS/CHANGES OF ORGANIZATIONS

7. **LAFCO 18-03 – SOI Amendments – City of Richmond (reduce) and City of El Cerrito (expand)** – consider removal of Assessor Parcel Number (APN) 509-110-017 from the City of Richmond’s SOI and adding the same parcel to the City of El Cerrito’s SOI. The property comprises 0.07± acres and is located on Jefferson Avenue in the City of Richmond. The Commission will also consider related actions under the California Environmental Quality Act (CEQA) **Public Hearing**
8. **LAFCO 19-01 – SOI Amendment – East Contra Costa Irrigation District (ECCID) (McCauley)** -consider expanding ECCID’s SOI to include APNs 057-060-014 and -015. The area comprises 40± acres and is located on the west side of Deer Valley Road where Balfour intersects (7901 and 7921 Deer Valley Road). The Commission will also consider related actions under CEQA **Public Hearing**

MUNICIPAL SERVICE REVIEWS (MSRs)/SOI UPDATES

9. **“City Services” MSR/SOI Updates (2nd Round)** – consider accepting the Final MSR report, making the required MSR and SOI determinations, updating SOIs for the cities and districts covered in the MSR report, and taking related actions under CEQA **Public Hearing**

BUSINESS ITEMS

10. **City of Martinez Annexations** – receive an update from the City of Martinez regarding future annexations
11. **Fiscal Year 2019-20 Final Budget/Work Plan** - consider approving the final FY 2019-20 budget/work plan **Public Hearing**
12. **Legislative Report – Update and Position Letters** – receive a legislative update
13. **Contract Extension – Lamphier-Gregory** - consider approving a one-year contract extension with Lamphier-Gregory, which provides environmental planning services to Contra Costa LAFCO

INFORMATIONAL ITEMS

14. Commissioner Comments and Announcements
15. Staff Announcements
 - Pending Projects
 - Newspaper Articles
 - CCCERA Correspondence

ADJOURNMENT

The next regular LAFCO meeting is July 10th, 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

April 17, 2019

Board of Supervisors Chambers
Martinez, CA

June 12, 2019
Agenda Item 6

1. Chair Tom Butt called the meeting to order at 1:32 p.m. and the Pledge of Allegiance was recited.
2. Roll was called. A quorum was present of the following Commissioners:

County Members Candace Andersen and Federal Glover and Alternate Diane Burgis.
Special District Members Igor Skaredoff and Alternate Stan Caldwell. Special District Member Mike McGill arrived at 1:36 p.m.

City Members Tom Butt and Rob Schroder and Alternate Sean Wright.

Public Members Don Blubaugh and Alternate Charles Lewis.

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

3. Approval of the Agenda

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

AYES: Andersen, Blubaugh, Butt, Glover, Schroder, Skaredoff

NOES: none

ABSENT: McGill (M)

ABSTAIN: none

4. Public Comments

There were no public comments.

5. Approval of February 13, 2019 Meeting Minutes

Upon motion of Andersen, second by Skaredoff, the February 13, 2019 meeting minutes were approved by a vote of 6-0.

AYES: Andersen, Blubaugh, Butt, Glover, Schroder, Skaredoff

NOES: none

ABSENT: McGill (M)

ABSTAIN: none

6. Special Presentation (CASA: Bay Area Housing Crisis)

Chair Butt introduced Ken Kirkey, Director of Planning for the Regional Planning Program serving the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG). City of Clayton Councilmember Julie Pierce and City of Orinda Councilmember Amy Worth were also in attendance.

Mr. Kirkey presented a brief report on CASA, the Committee to House the Bay Area, a panel of experts and leaders convened to address the region's housing affordability crisis by identifying and unifying bold, game-changing ideas. As ABAG and MTC were working on Plan Bay Area 2040, every issue seemed to become a housing issue when the public weighed in. He noted the significant gap between job growth and new housing between 2010 and 2016. An optimal ratio is 1.5 jobs created to 1 house permitted; no county in the Bay Area achieves this. Additionally, housing needs vs. housing production as rated by income level show the greatest disparity between low income and high income categories.

The basic premise for CASA was to look at production of adequate housing for all income levels; preservation of existing affordable housing; and protection of current residents from displacement. In December 2018 the CASA Steering Committee adopted various elements focused on protection

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against displacement, removing barriers to Accessible Dwelling Units, production of housing; assessing underused public land and how it might be used for affordable housing; identifying potential funding options needed to do these things, and creating a potential framework for distributing funding once obtained.

As a result of the CASA Compact, MTC/ABAG convened a Housing Legislative Working Group composed of city and county representatives from the nine counties in the Bay Area. Staff is also analyzing bills and will bring forward recommendations to MTC/ABAG in May.

Housing is the top issue for the State this year, led by Governor Newsom, who has proposed \$750 million in funding for local and regional planning efforts. Currently there are over 200 housing bills that have been introduced in this legislative session.

Commissioner Skaredoff remarked on the imbalance of housing in proximity to jobs. Mr. Kirkey responded that some funding options for the legislature to consider specifically address this, but he doesn't believe they've been taken up yet.

Commissioner Glover noted that this county's northern waterfront development initiative needs help from the state. They've done housing production in that area, but now they need job development. The state and legislature should put into place incentives. Commissioner Glover believes they have opportunities in this county, especially in the northern waterfront initiative, for pilot projects that can be developed quickly. Mr. Kirkey noted that the U.S. Economic Development Administration approved the economic development district application for the Bay Area, so this will go forward. He believes that the northern waterfront is a signature project.

Commissioner Burgis added that East Contra Costa County has affordable housing, but the jobs-to-housing ratio is unacceptable. Senate Bill 50 wants to "upzone" near jobs-rich areas, but in her district they would like to "upzone" jobs to housing-rich areas. She's concerned that metropolitan areas are able to dictate where the jobs go, leaving the areas providing the housing without those opportunities to create a better jobs-to-housing balance.

Commissioner McGill thanked Amy Worth, Julie Pierce, and Ken Kirkey for coming to the meeting. He noted that the northern waterfront and eastern part of the county have acute needs that are largely different from other regions in the Bay Area. LAFCO doesn't have direct land use authority, but it has an ability to influence projects through applying conditions while respecting local control, and it should be part of the team looking at solutions. There is a need to move this issue quickly. Mr. Kirkey agreed that the northern waterfront is the signature project for the economic development district plan, which is specific to the Bay Area in its approach to the uneven distribution of jobs and housing. He believes that the economic development district will meet first in May, and the northern waterfront will be discussed shortly thereafter. A lot will be happening this year, and it's up to all of us to

Commissioner Butt stated that he would like to see more emphasis on transportation and mobility, which does not seem to be in the discussion enough at this time.

Kristen Altbaum, a member of the public, has often wondered why there can't be more of a push by developers to bring jobs to the low-income housing rather than the low-income housing to the jobs. She would encourage CASA to develop certain areas of California that would be more conducive to a good quality of life in those regions that are more affordable.

7. LAFCO 18-14 – Santiago Island Village (SIV) Reorganization: Annexations to Contra Costa Water District (CCWD) and Diablo Water District (DWD)

The Executive Officer presented background on the annexation of Santiago Island Village (SIV) Mobile Home Park property and a portion of Gateway Road to CCWD and DWD, following the March SOI expansion for both districts to accommodate this reorganization. The purpose of the annexations is to allow for the extension of municipal water service to 211 connections in the mobile home park, serving 300 residents and 100 visitors daily. The property currently relies on a single groundwater well which poses reliability, supply and contamination issues. The State Water Resources

Control Board (SWRCB) recommends annexation. DWD will provide treated water and CCWD will supply wholesale water. Both water agencies indicate they have the capacity to serve the area.

Staff noted that one letter was received from a resident of SIV, with several questions as to how the service would change residents' situation. All questions were answered to his satisfaction.

Commissioner McGill wondered how LAFCO can address an application that intends to serve only part of an area that has been identified as a Disadvantaged Unincorporated Community (DUC); is there some way to address the rest of that DUC area?

Dan Muelrath, DWD General Manager, acknowledged that SIV is part of a bigger water needs assessment on Bethel Island. DWD is currently working with the Department of Water Resources and the SWRCB to better identify the needs there.

Commissioner Burgis commented on the need for fire hydrants in the area.

Commissioner Lewis asked about the resident's questions. Staff responded that they had to do with the water lines, the new water supply, and whether there would be individual meters placed on the connections. The SIV owners responded to all of the questions to the satisfaction of the resident.

Commissioner Glover asked how the water supply will get to Bethel Island. Mr. Muelrath responded that the line has already been installed there for the Delta Coves project.

The Chair opened the public hearing. No one spoke, so the public hearing was closed.

Upon motion of Glover, second by Blubaugh, Commissioners, by a 7-0 unanimous vote, certified that it reviewed and considered the information contained in the CEQA documentation; approved the proposal known as Santiago Island Village Reorganization: Annexations to CCWD and DWD, with specified conditions; determined that the territory being annexed is liable for the continuation of taxes, assessments and charges; found that the subject territory is uninhabited and received no objections to annexation; waived the protest proceeding, and directed staff to complete the proceeding.

AYES: Andersen, Blubaugh, Butt, Glover, McGill, Schroder, Skaredoff
NOES: none
ABSENT: none
ABSTAIN: none

8. "City Services" MSR/SOI Updates (2nd Round)

The Executive Officer provided background on the "City Services" MSR/SOI Updates (2nd Round), which covers all 19 cities and 4 community services districts (CSDs), being presented for a public hearing at this meeting. Lamphier-Gregory and Berkson Associates prepared the draft MSR report, which was released on March 27th, with the public comment period ending on April 25th. Each agency was encouraged to share the draft report with their Councils and Boards.

Most municipal services are covered in this MSR except for fire, water and wastewater, which were covered in previous 2nd Round MSRs. Focus areas in this MSR include shared services, infill/urban sprawl/islands, agricultural and open space preservation, and updating data from the 1st round MSRs. The MSR also includes information relating to growth and population, capacity including infrastructure needs and deficiencies, and financial ability to provide services as required by statute.

Staff thanked the cities and districts for their participation in the MSR process. To date several cities have provided comments on the Draft MSR; also, LAFCO has received several public comment letters, and comments from Commissioner Lewis. In addition, LAFCO received several anonymous phone calls, and over 100 emails expressing concern over the use of public funds to maintain Calle Arroyo Road in the Diablo CSD, which we believe has been deemed a private road by the court. Some individuals have also asked that the MSR language regarding this matter be more definitive. Following the comment period deadline, the consultants will prepare a comment log with responses to comments.

Staff introduced Sharon Wright from Lamphier-Gregory and Richard Berkson from Berkson Associates, who together made a brief presentation on their findings.

Sharon Wright opened the briefing noting that much of the demographic data in the MSR was obtained from ABAG; they found that cities have mostly recovered from the Great Recession. Between 2010 and 2015, Contra Costa County experienced a 10% increase in jobs, while the Bay Area as a whole saw a 17.6% increase in the same period. Permitting for housing construction is trending away from single-family to multi-family housing. They looked at development within Priority Development Areas, which serve the needs of residents and workers in a pedestrian and transit friendly environment.

Aging infrastructure and deferred maintenance are a concern and potential challenge for several cities, with roadways at the heart of these concerns. The Metropolitan Transportation Commission (MTC) identified a target pavement index and the majority of cities in the county do not meet the target of 75. The average for the county is 70, with one city at risk of failing and many others below the MTC target.

Population growth is predicted to increase pressure on housing, with Brentwood, Concord, Oakley, Pittsburg, and Richmond bearing the brunt of that growth from 2010 to 2040. The jobs-housing ratio of 1:1 is the ideal; two cities, Lafayette and Pinole are projected to come closest to achieving that ratio. Taking into account the projected high employment and housing growth for Richmond and Oakley, the 2040 projection for Richmond would be 1.1 job for every occupied housing unit, while Oakley would remain the same at .32 job per household. There are numerous benefits in a jobs-to-housing balance for both the cities and their residents.

The Regional Housing Need Allocation is a state-mandated process to identify the number of housing units by affordability level that each jurisdiction must accommodate. The combined Contra Costa County/cities allocation is just over 19,000 residential units, and the city housing elements overall identified sites appropriately zoned for more than 41,000 units, more than double what is required.

Most agencies prepared and published their CAFRs within six months of their fiscal year end, with some exceptions. Richard Berkson added that they looked at three years of annual financial reports to determine whether there were any particular trends—in addition to the most recent available budget. Most agencies are operating with a general fund surplus, with the exception of Antioch, Concord, Pinole, Pittsburg, and San Ramon. General fund expenditures vary significantly. Richmond has the highest per capita expenditures at just over \$1,400, and Clayton the lowest at \$366. Many factors contribute to the variations, including the range of services provided by the cities. The average for the county is \$784.

Most agencies report declining debt obligations. In looking at debt per capita, two cities, Clayton and Pleasant Hill, have no debt per capita (pc). In other cities, the range was from a low of \$52 pc in Walnut Creek and a high of \$3,600 pc in Richmond. Looking at FY 2017 liquidity ratios, most cities are able to meet their fiscal obligations in the short run, with the exception of El Cerrito, Hercules, and Richmond. Mr. Berkson added that this is just one indicator of fiscal conditions based on City CAFRs; agencies have a range of resources available to fund ongoing operations, but they have found that agencies with liquidity ratios that drop significantly below 1 usually are correlated with other fiscal problems as well, so it's a useful flag to suggest other research.

Overall, most agencies appear to have sufficient resources to continue provision of municipal services and accommodate infrastructure expansion or replacement.

Regarding SOI determinations, Ms. Wright noted that this MSR did not study water, sewer, or fire protection, as they have been covered in other MSRs. There are no anticipated changes in the type of public services and facilities required within the SOIs for the cities and CSDs reviewed. However, the level of demand for these services and facilities will increase commensurate with anticipated population growth over the next five years. The present capacity of these agencies appears adequate, and the agencies anticipate they will continue to have adequate capacity for the next five years.

Ms. Wright noted that Contra Costa LAFCO has identified contiguous populations with specific social or economic interests relevant to Danville, Lafayette, Pleasant Hill, San Pablo, and Walnut Creek. Other agencies have disadvantaged communities (annual median household income less than 80% of the statewide annual median income) within their boundary, their SOI, or contiguous to their SOI.

Ms. Wright stated that the report confirms maintaining and reaffirming all existing SOIs at this time. Additionally, the report suggests conditional recommendations for future SOI updates pending additional study due to one or more concerns regarding ability to provide services, or because there was insufficient information available from the agencies related to municipal services and future growth patterns. Thus, the consultants recommend that SOIs for the cities of Concord, Hercules, Moraga, and Richmond, and Crockett CSD include a condition stipulating that future annexation applications from these agencies include information needed to demonstrate capacity, adequacy, and ability to provide services to the areas under consideration. The consultants also recommend a similar condition for El Cerrito, stipulating that future SOI and annexation applications include information needed to demonstrate financial ability to provide services to the areas under consideration.

Commissioner Schroder asked about the additional studies recommended. Ms. Wright responded that these cities did not provide the full range of information that was requested for the review; the exception in this short list is El Cerrito, which provided adequate information but the information was such that it warrants another look in the event of any SOI and annexation applications.

At this time, Commissioner Burgis left the meeting.

Commissioner Schroder asked about city islands, and whether the consultants have taken these into account, given this Commission's push to annex islands and concern about out of area service applications. Ms. Wright noted that there is a discussion in each chapter for those cities that have islands, especially if they are 150 acres or less and can be annexed through an expedited process, and that LAFCO encourages annexation of islands.

Commissioner Blubaugh asked if LAFCO should pursue these agencies for further information now, or simply put them on notice that if they come forward with annexation applications, they should be prepared to prepare supplemental material. Ms. Wright confirmed the latter option. She also noted that since the Public Review Draft was published, some of the cities mentioned providing additional information. She also confirmed that this list could change by the time the Final Draft is presented.

Chair Butt asked if the comments received will be submitted to the Commission. Staff confirmed that all comments received between initial publication of the Public Review Draft and the Final Draft will be included in a comment log and incorporated or responded to appropriately. Chair Butt, referring to the Richmond chapter, noted that there were a number of years referenced in that chapter, and that there would be value in picking a date with consistency. Ms. Wright responded that while the consultants tried to establish and maintain consistency and set FY 2017 as the "snapshot in time" that they would review, there was not adequate data available from 2017 specifically across all of the areas reviewed. At that point, the consultants relied on census and ABAG data to provide more of an "apples-to-apples" comparison.

Commissioner Blubaugh noted that there are people in the audience and communications the Commission has received regarding a change in the SOIs of the cities of Pleasant Hill and Lafayette, as well as removal from Pleasant Hill Recreation and Park District (PHRPD). How do the Commissioners respond to this? Is this something they can deal with or is it a separate process? Staff responded that this MSR culminates in the updating of SOIs of each city and CSD covered in the report; it's possible that this could result in changes in Pleasant Hill's and Lafayette's SOIs. In 2009, when the previous cities MSRs were done, the Commissioners did approve some sphere changes; it's part of the purpose of MSRs. Regarding PHRPD, this district is not part of this MSR so there can be no sphere adjustments until either there is an MSR for Recreation and Park Districts or a special study for that district. Removing Brookwood Park, located in the Reliez Valley, from PHRPD's SOI and service boundary would have an effect on the District.

Commissioner Blubaugh then asked if the cities of Pleasant Hill and Lafayette would have an opportunity to weigh in on this sphere request so that Commissioners hear not only from the residents but also from the agencies. Staff noted that the cities were sent the residents' letter when LAFCO received it. They will have a chance to respond before the Final Draft MSR is presented.

The Chair opened the public hearing.

Alan Kalin, Danville resident, spoke regarding the issue of private roads, public funds, and public safety in Diablo Community Services District (DCSD), where residents have secured a court ruling on public use of Calle Arroyo, indicating that the road is private; the judge also reminded the district that if the road is private then district funds should not be used for upkeep on the road. His concern, and that of fellow bicyclists, is that closing this road to the public is forcing bicyclists onto a very dangerous road. Diablo residents are trying to intimidate non-residents who come into the district. Mr. Kalin has been threatened and harassed since submitting a complaint to LAFCO.

Nicola Place, resident on Mt. Diablo Scenic Boulevard, spoke regarding a mile-long stretch of road, which is privately owned, but on which Diablo State Park has an easement (since 1931). According to State law, if you hold an easement you're required to participate in the maintenance and upkeep of that property. In all the years since acquiring that easement, the Park has not come to the table to work on an agreement, complaining that there are too many parties involved and they can't work with that many. In 2011, the remaining eight of about 25 properties were annexed into DCSD in order to more logically address maintenance of this road. Nothing has happened since. She has provided some edits to the DCSD chapter, including that DCSD cannot and will not maintain that stretch of road. What they need from DCSD is assistance in working with Diablo State Park and the County to resolve the road maintenance issue. She has highlighted eight items in the report that are inaccurate about what DCSD is doing—which they are not doing. The residents on Mt. Diablo Scenic Boulevard need help in coming up with an evaluation and a long-term plan on addressing this issue.

Kristen Altbaum, Reliez Valley resident, drew Commissioners' attention to the letter regarding unincorporated territory between Pleasant Hill and Lafayette (between Withers Avenue and Grayson Road). That territory is in Pleasant Hill's SOI, but it is divided topographically, by school district, and by neighborhood unity. She would like to see the area that she is in moved into Lafayette's SOI.

The Chair asked the Executive Officer what happens with these comments. Does the Commission take them under consideration, does the staff include them in the MSR? Staff indicated they will work with the consultants on the comment log, which will include these comments, and develop options and recommendations for the Commissioners to consider.

The Chair closed the public hearing and requested a motion.

Upon motion of McGill, second by Schroder, Commissioners voted unanimously, 7-0, to direct LAFCO to set a public hearing for June 12, at which time the Commission will be asked to accept the Final MSR, make the required determinations, and update the SOIs of the 19 cities and four community services districts in the report.

AYES: Andersen, Blubaugh, Butt, Glover, McGill, Schroder, Skaredoff
NOES: none
ABSENT: none
ABSTAIN: none

9. LAFCO Staffing Plan & Personnel System Updates

The Executive Officer reported that the tenant improvements at 40 Muir Road are nearly complete, and LAFCO will relocate its office in the near future—thus, at last, allowing LAFCO to move forward with a staffing plan.

LAFCO is currently staffed with a full-time Executive Officer (EO) and a full-time Executive Assistant/LAFCO Clerk (EA). The proposed staffing plan maintains the full-time EO, adds a full-time

Analyst, and decreases the EA to half time. LAFCO's current EA will retire later this summer and some of the current EA tasks will be assumed by the new Analyst.

In conjunction with the proposed staffing plan, it is recommended that the Commission adopt the proposed job description for the Analyst position, along with updates to the LAFCO salary plan. The recommended salary ranges are based on the average of comparable positions of the Bay Area/Urban LAFCOs and current market conditions. The proposed adjustments to the salary ranges will not result in adjustments to employee salaries. LAFCO employee salary adjustments are based solely on an annual review and performance. LAFCO employees do not receive annual cost-of-living adjustments. The employee benefits and salary ranges are provided at the discretion of the Commission and may be modified as deemed appropriate. The benefit package and salary ranges should be reviewed periodically to keep pace with market conditions.

Upon motion of Blubaugh, second by Skaredoff, commissioners unanimously, by a 7-0 vote, approved Resolution 2019-01, creating the LAFCO Analyst position.

AYES: Andersen, Blubaugh, Butt, Glover, McGill, Schroder, Skaredoff
NOES: none
ABSENT: none
ABSTAIN: none

Upon motion of Blubaugh, second by Skaredoff, commissioners unanimously, by a 7-0 vote, approved Resolution 2019-02, updating the LAFCO Salary Plan, adding the Analyst position salary range and increasing the salary ranges for the Executive Officer and LAFCO Executive Assistant/Clerk positions.

AYES: Andersen, Blubaugh, Butt, Glover, McGill, Schroder, Skaredoff
NOES: none
ABSENT: none
ABSTAIN: none

10. Fiscal Year 2019-20 Proposed Budget and Work Plan

The Executive Officer presented a proposed budget for Fiscal Year 2019-20, which reflects an overall increase of 8% as compared to the approved FY 2018-19 budget, which is primarily attributable to relocation of the LAFCO office and adding an Analyst position. Services & Supplies expenses are expected to be slightly less than the current year budget, due to incurring most of the costs associated with the relocation in the current year budget.

The current year budget includes funding associated with the relocation, partial year rent at the new location, and moving costs. The move was delayed due to occupancy and other issues. However, staff is pleased to report that the tenant improvements are nearly complete, and we anticipate moving in the near future. The proposed budget includes increased costs in several accounts (e.g., Tel Exchange, Minor Equipment, Computer Software, Building Occupancy, Building Maintenance, Other Travel Employees, Document Imaging, Data Processing, Courier, Telecom Rents, etc.), most of which are associated with relocating the LAFCO office.

The budget also includes two new lines, a **minor furniture/equipment account**, which includes funding in the current year for office furniture, and funding in the proposed 2019-20 budget for additional office furniture; and a **fixed assets account**, which will fund a new server and backup for LAFCO's computers and archives, as the current refurbished server is at the end of its useful life.

As in previous years, the budget also includes an \$80,000 contingency reserve for unanticipated expenses, which is re-appropriated each year, an annual contribution of \$40,000 to prefund LAFCO's OPEB liability, and a contribution of \$30,000 to prefund LAFCO's retirement liability through CCCERA. The Commission began prefunding the OPEB liability in FY 2011-12, and the retirement liability in FY 2017-18. The budget assumes the ongoing funding of these liabilities.

Revenue sources include local agency contributions and application fees. The most significant portion of LAFCO's revenue comes from the funding agencies – the County, cities and independent special districts. Per the Government Code, LAFCO's net operating budget is apportioned to these agencies, with the County paying 1/3, the cities paying 1/3, and the special districts paying 1/3. The County Auditor calculates and collects the apportionment based on general revenues reported to the State Controller. Based on the proposed budget, the revenue needed from our funding agencies is approximately 5% more than the current year contributions. The FY 2019-20 estimate for application and related fees is comparable to the current year budgeted amount based on a multi-year historical average, and recent application activity.

As in the past, the year-end fund balance will be used to offset the contributions from the County, cities, and special districts.

Major accomplishments this current fiscal year include Commission action on 12 proposals, including four district dissolutions; processing eight new applications; releasing and expecting to complete 2nd round city services MSR covering all 19 cities and four CSDs; conducting three protest hearings; working with the Mayors Conference on appointment of two city members; completing a third actuarial valuation; working on a first employer audit with CCCERA; responding to two grand jury reports; approving updates to various LAFCO policies & procedures; and soon completing an update to the LAFCO Directory of Local Agencies.

The proposed 2019-20 work plan includes completing the relocation of the LAFCO office; conducting staff recruitments; initiating a 2nd round MSR covering CSAs or park & recreation services; resuming work on LAFCO policies & procedures; processing LAFCO applications; completing annual financial audit and employer audit (CCCERA); conducting an election for one special district LAFCO seat; working with the Commission on appointment of public member seats; and continuing involvement with CALAFCO and on statewide issues involving LAFCO.

Chair Butt opened the public hearing, with one speaker.

Roger Chelemedos, representing residents of unincorporated Lafayette, asked Commissioners to consider a Recreation and Parks MSR for FY 2019-20. As a resident of an area that lies within the Pleasant Hill Recreation and Park District (PHRPD), he stated that he speaks for his neighbors in saying that their area has been misaligned with the PHRPD for at least 25 years, and that they feel that this is “not their district, and not their community.” They do not use the park operated by PHRPD in their area, and they feel that the \$150,000 in taxes that they pay annually is not appropriate.

Commissioner Blubaugh asked if this issue is something that would need an MSR; staff affirmed that.

Commissioner Andersen stated that she would support moving forward with a Recreations and Parks MSR in FY 2019-20; other commissioners agreed.

Upon motion of Blubaugh, second by Glover, Commissioners, by a 7-0 unanimous vote, approved the budget as proposed for FY 2019-20; directed staff to distribute the proposed budget to the County, cities, and special districts; and scheduled a public hearing for June 12 to adopt the Final FY 2019-20 LAFCO budget.

11. Legislative Report – Update and Position Letters

The Executive Officer noted that this year marks the first year of a two-year legislative session in Sacramento. CALAFCO is sponsoring two bills: **AB 1822**, the **annual omnibus bill**, and **AB 1253** (*Rivas*), which would establish one-time grant funding for LAFCOs to prepare reorganization studies in conjunction with the 2017 Little Hoover Commission report relating to special districts and DUCs. Due to a lack of funding in last year's version of this bill, the Governor vetoed it. This year, CALAFCO will attempt to secure funding in the May Revise Budget so there is no General Fund appropriation.

CALAFCO will also embark on a two-year process with other state associations to rewrite LAFCO protest provisions.

CALAFCO is currently tracking about 20 bills that have direct and indirect impact on LAFCOs as shown on the CALAFCO Legislative Report.

On February 27, CALAFCO issued an urgent call for legislative action requesting that LAFCOs send letters of support for the two bills which will impact LAFCOs. The first is **AB 1253** – the CALAFCO sponsored bill as described above; the second is **AB 213** which restores funding for inhabited annexations (through ERAF and backfilled by the general fund). CALAFCO and Contra Costa LAFCO have historically supported this bill. In accordance with our legislative policy, and in consultation with the LAFCO Chair, we sent letters of support for these two bills. On April 16th, Contra Costa LAFCO received a new request from CALAFCO to send letters on three bills, which staff will coordinate with the Chair.

Upon motion of Andersen, second by Skaredoff, Commissioners unanimously, by a 7-0 vote, received the Legislative Report.

AYES: Andersen, Blubaugh, Butt, Glover, McGill, Schroder, Skaredoff
NOES: none
ABSENT: none
ABSTAIN: none

12. FY 2018-19 Third Quarter Budget Report

The Executive Officer reported that expenditures to date for the first three quarters of this fiscal year are approximately 54% of total appropriations, and total revenues exceed 100% of projected revenues, including fund balance. Application activity through the 3rd quarter is slightly less than the FY 2017-18 activity for the same period. No budget adjustments are needed at this time. LAFCO staff will continue to closely monitor the budget and keep the Commission apprised.

Upon motion of Andersen, second by Skaredoff, Commissioners unanimously, by a 7-0 vote, received the FY 2018-19 Third Quarter Budget Report.

AYES: Andersen, Blubaugh, Butt, Glover, McGill, Schroder, Skaredoff
NOES: none
ABSENT: none
ABSTAIN: none

13. Contract Extension – Lamphier-Gregory/Berkson Associates

The Executive Officer provided an update on the contract with Lamphier-Gregory/Berkson Associates to prepare the 2nd round “City Services” MSR covering all 19 cities and four CSDs. The current schedule provides for completing the 2nd round “City Services” MSR/SOI updates by April 30, 2019. However, due to a protracted data collection effort, more time is needed to complete the MSR/SOI updates.

Upon motion of Andersen, second by Blubaugh, Commissioners unanimously, by a 7-0 vote, authorized LAFCO staff to execute a contract amendment with Lamphier-Gregory/Berkson Associates to extend the term of the contract from April 30, 2019 to June 30, 2019.

AYES: Andersen, Blubaugh, Butt, Glover, McGill, Schroder, Skaredoff
NOES: none
ABSENT: none
ABSTAIN: none

14. Commissioner Comments and Announcements

Commissioner McGill recounted the CALAFCO meeting he had attended (Legislative Committee, 3/22), noted those he will be attending (Finance, 4/22; Legislative Committee, 5/3; Board, 5/10), and noted that a major dues reform is coming, but that there is significant disagreements among the regions regarding this. He added that he will also be working on a special statewide County Drought Committee on behalf of CALAFCO.

15. Staff Announcements

The Executive Officer thanked Commissioners for supporting staff's attendance at the 2019 CALAFCO Staff Workshop April 10-12 in San Jose.

The Executive Officer announced that there were no actionable items for a May meeting, so the May meeting will be cancelled.

The meeting adjourned at 3:20 p.m.

Final Minutes Approved by the Commission June 12, 2019.

AYES:

NOES:

ABSTAIN:

ABSENT:

By _____
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> |

June 12, 2019 (Agenda)

June 12, 2019
Agenda Item 7

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

Sphere of Influence Amendments – Cities of El Cerrito and Richmond

Dear Commissioners:

This is a proposal to amend the spheres of influence of the cities of El Cerrito and Richmond. A corresponding boundary change application was also submitted to LAFCO.

The applicant and the cities are compiling additional information and responding to questions from LAFCO staff. Therefore, it is necessary to continue this item to the July 10, 2019 LAFCO meeting.

RECOMMENDATION: Continue the matter to the July 10, 2019 LAFCO meeting.

Sincerely,

Lou Ann Texeira
Executive Officer

- c: Kathy Truong, Landowner Representative
- Liane Garcia, Josehart Construction Management
- Pat Tami, R.E.Y. Engineers, Inc.

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

June 12, 2019
Agenda Item 8

June 12, 2019 (Agenda)

LAFCO 19-01 McCauley Property –Sphere of Influence (SOI) Amendment – East Contra Costa Irrigation District (ECCID)

APPLICANTS ECCID – Resolution 2019-04 – February 12, 2019 and Sean McCauley, Landowner

ACREAGE & LOCATION The applicant proposes to expand ECCID’s SOI by 40± acres. The subject area comprises two parcels (APNs 057-060-014 and -015) and is located at 7901 and 7921 Deer Valley Road in the City of Antioch. The subject area is within the City of Antioch’s Urban Growth Boundary and 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 same property to ECCID.

PURPOSE The purpose of the proposal is to allow for the extension of irrigation water to support the agriculture operations of future olive orchards and potentially two single family residential dwelling units and an agricultural structure.

BACKGROUND In 2006, the subject properties were annexed to the City of Antioch and Delta Diablo as part of the 2006 Roddy Ranch boundary reorganization. The “Roddy Ranch Focus Area” designation was instituted by Measure K, which was a voter initiative that approved the Roddy Ranch development in 2005. Since then, much of the project was abandoned and the East Bay Regional Parks District acquired most of the property within the project site – excluding these two parcels, which are privately owned. City of Antioch staff indicates that the language in the initiative prevents the City from amending the General Plan designation until 2020, at which time the City will likely designate the area *Open Space* and *Agricultural Estate*. The current landowner intends to farm these two parcels and construct up to two residential units. The City of Antioch is unable to extend water to the subject parcels due to lack of nearby water infrastructure. City staff is supportive of LAFCO approving extension of non-treated water to these parcels for the stated uses.

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 currently vacant and is surrounded by agricultural land. The City of Antioch General Plan designation for the properties is “Roddy Ranch Focus Area” and the zoning designation is “S – Study Area.” The proposed SOI amendment and pending annexation are consistent with the land use designations and will have no impact on agricultural and open space lands.

2. ***The present and probable need for public facilities and services in the area*** – The landowner proposes to plant an olive orchard and construct up to two single family dwellings and one agricultural building on the property. The proposed uses will require irrigation water through ECCID. The landowner indicates that there will be a well (ground water) on the property to serve the dwelling units and agricultural structure.

Although the subject area is not contiguous to the ECCID boundary, the area can be added to the District’s SOI and service boundary pursuant to the District’s principal act (Water Code section 56875). Further, ECCID serves an area just west of the subject properties.

3. ***The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide*** – While the subject parcels are in the City of Antioch, and the City provides treated water, the City of Antioch indicates there is no water infrastructure located near the subject parcels. Consequently, water will be provided by ECCID and the City of Brentwood, as needed; and the City of Brentwood will convey the water as explained below.

ECCID will use ground water to serve the subject property. ECCID currently serves properties to the west. The ECCID General Manager indicates that the District has long term water capacity to serve the subject area.

The underground facility that conveys ECCID non-potable water to the subject area (former Roddy Ranch Golf Course) was constructed by the City of Brentwood in 1999 following annexation of the Roddy Ranch Golf Course into the District; and the City of Brentwood owns the conveyance infrastructure. The City of Brentwood staff has confirmed that pursuant to an agreement between the cities of Antioch and Brentwood and the property owner, that Brentwood will convey the ECCID water and can supply irrigation (recycled) water as needed to be used only for crops (olive trees). In sum, both ECCID and the City of Brentwood indicate they have the capacity to provide water to the subject area.

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 40-acre subject area is in the City of Antioch and is currently vacant. There are no social or economic communities of interest in the subject area.
5. ***Nature, location, extent, functions & classes of services to be provided*** – ECCID encompasses 40± square miles covering the City of Brentwood, portions of cities of Oakley and Antioch, and the Knightsen community. ECCID supplies irrigation water for agricultural and golf course uses, raw water for treatment and delivery to urban uses, and agricultural land drainage (Brentwood, Knightsen, Oakley, Antioch).

Environmental Impact of the Proposal – ECCID, as Lead Agency for the extension of water service to the subject property found the project to be exempt pursuant to CEQA Guidelines section 15061(b)(3).

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 expansion to ECCID’s SOI adding 40± acres to the District’s SOI as depicted on the attached map (Exhibit A).

- A. Determine that the ECCID, as Lead Agency, found the project exempt pursuant to CEQA Guidelines section 15061(b)(3).
- B. Adopt this report and amend ECCID’s SOI as described 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.

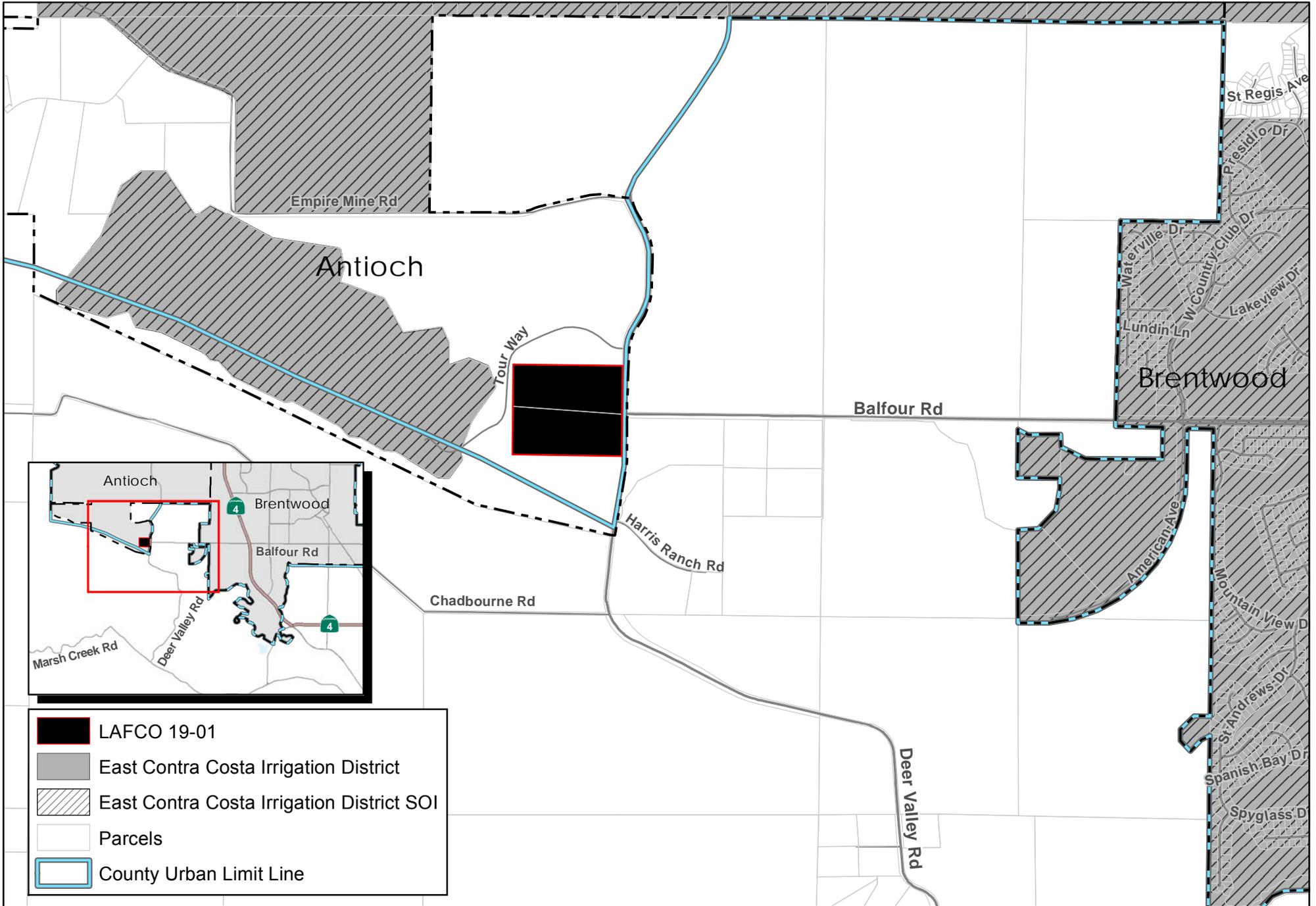
RECOMMENDATION Option 1 – approve the SOI amendment as proposed.

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

Exhibit A - Map – Proposed ECCID SOI Amendment
Attachment 1 - Draft LAFCO Resolution – ECCID SOI Amendment

c: Aaron Trott, General Manager, ECCID
Jagtar (Jack) Dhaliwal, Assistant Director of Public Works/Engineering, City of Brentwood
Forrest Ebbs, Community Development Director, City of Antioch
Sean McCauley, Landowner

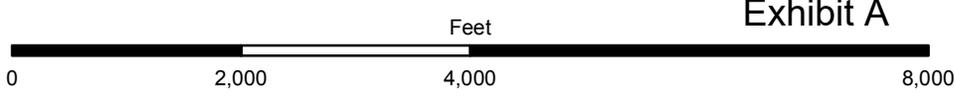
LAFCO 19-01 – East Contra Costa Irrigation District SOI Amendments (McCauley)



-  LAFCO 19-01
-  East Contra Costa Irrigation District
-  East Contra Costa Irrigation District SOI
-  Parcels
-  County Urban Limit Line

Map created 05/13/2019
 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.



SPHERE OF INFLUENCE RESOLUTION NO. 19-01

RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
 MAKING DETERMINATIONS AND EXPANDING THE SPHERE OF INFLUENCE
 OF EAST CONTRA COSTA IRRIGATION (McCAULEY)

WHEREAS, a proposal to expand the sphere of influence (SOI) of East Contra Costa Irrigation District (ECCID) 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 ECCID's SOI to include 40± acres, including Assessor Parcel Numbers 057-060-014 and -015, located at 7901 and 7921 Deer Valley Road in the City of Antioch.
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 15061(b)(3), consistent with the determination of ECCID acting as Lead Agency.
3. The SOI of ECCID is hereby expanded to include the area as shown on the attached map (Exhibit A).
4. ECCID 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 subject property is currently vacant and is surrounded by agricultural land. The proposed land use includes an olive orchard and construction of two single family dwelling units and an agricultural structure. The City of Antioch General Plan designation for the properties is “Roddy Ranch Focus Area” and the zoning designation is “S – Study Area.” The proposed SOI amendment and pending annexation are consistent with the land use designations and will have no impact on agricultural and open space lands.

The present and probable need for public facilities and services in the area – The landowner proposes to plant an olive orchard and construct up to two single family dwellings and one agricultural building on the property. The proposed uses will require irrigation water through ECCID.

The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide – While the subject parcels are in the City of Antioch, and the City provides treated water, the City of Antioch indicates there is no water infrastructure located near the subject parcels. The City of Brentwood owns infrastructure in the area and will convey the ECCID water and may supply irrigation (recycled) water as needed to be used only for crops (i.e., olive trees). The ECCID serves property to the west and indicates it can serve the subject parcels.

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 40-acre subject area is in the City of Antioch and is currently vacant. There are no social or economic communities of interest in the subject area.

Nature, location, extent, functions & classes of services to be provided – ECCID encompasses 40± square miles covering the City of Brentwood, portions of cities of Oakley and Antioch, and the Knightsen community. ECCID supplies irrigation water for agricultural and golf course uses, raw water for treatment and delivery to urban uses, and agricultural land drainage (Brentwood, Knightsen, Oakley, Antioch).

* * * * *

PASSED AND ADOPTED THIS 12th day of June 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: June 12, 2019

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> |

June 12, 2019 (Agenda)

June 12, 2019
Agenda Item 9

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

**2nd Round “City Services” Municipal Services Review and
 Sphere of Influence Updates**

Dear Members of the Commission:

OVERVIEW

On April 17, 2019, the Commission received an overview of LAFCO’s Public Review Draft “*City Services*” *Municipal Services Review (MSR)*, which covers all 19 cities and four community services districts (CSDs) including Crockett, Diablo, Discovery Bay and Kensington.

Municipal services covered in the 2nd round “*City Services*” MSR include the following:

- | | | | |
|---------------------|-------------------|----------------------|-------------------------------------------------|
| • Animal Control | • Law Enforcement | • Parks & Recreation | • Stormwater |
| • Broadband | • Library | • Solid Waste | • Utilities (gas, electric
community choice) |
| • Building/Planning | • Lighting | • Streets/Roads | |

The 2nd round “*City Services*” MSR focuses on the following:

- ✚ Updating profile data including growth and population, jobs/housing, finances (expenses, revenues, debt, reserves, related fiscal indicators), and staffing
- ✚ Shared services (i.e., joint powers/joint use agreements, contracts between public agencies, public-private partnerships)
- ✚ Infill development/sprawl prevention/islands
- ✚ Agricultural/open space preservation

Lamphier-Gregory and Berkson Associates prepared the MSR report. On March 27th, the *Public Review Draft MSR* report was released. On April 17, 2019, LAFCO held a public hearing on the *Public Review Draft MSR* report, at which time, the consultants provided an overview of the report. Following the presentation, the Commission and members of the public provided comments. The public comment period on the *Public Review Draft MSR* ended on April 25, 2019. The consultants prepared a comment log summarizing the comments and responses to comments (Attachment 1). Additional public comments are included in Attachment 5. Based on comments received during the public comment period, the

consultants made revisions and updates to the report, as reflected in the *Final Draft MSR* (available online at <http://contracostalafco.org>).

On May 18, LAFCO released the Final Draft MSR report and provided an additional public comment period that ends on June 12, 2019. Following the hearing on June 12th, the MSR consultants will produce the Final MSR.

The structure of the MSR report is as follows:

- + Introduction and Municipal Service Review Summary
- + Individual chapter for each of the 23 subject agencies
- + Acronyms, Glossary and Bibliography
- + Attachment A – Summary of City Agricultural and Open Space Policies
- + Attachment B – Service Level Statistics
- + Attachment C – Agency Fiscal Profiles
- + Attachment D – Public Comment Log with Responses to Comments

On June 12th, the Commission will be asked to 1) accept the MSR report, and 2) adopt resolutions for each subject city and district containing the required MSR and SOI determinations and SOI updates (Attachments 2a-2w). A table summarizing the SOI recommendations is provided in Attachment 3.

DISCUSSION

Municipal Service Review Focus Areas - The 2nd round “City Services” MSR includes several focus areas. In addition to updating the data from the last MSR, the 2nd round MSR includes information regarding shared services/JPAs; infill development/sprawl prevention/islands; and agricultural/open space preservation. A brief summary of these focus areas is presented below.

Shared Services/JPAs

All agencies included in this MSR participate in shared services. Most of the cities have agreements with the County for library services and facilities. The cities of San Pablo, San Ramon, Martinez, Walnut Creek, and Pleasant Hill share in law enforcement related services (e.g., dispatch, records, SWAT, 911 call center). Several cities have joint use arrangements with school districts. The City of Walnut Creek owns several facilities that are leased by other agencies. The Discovery Bay CSD leases an old fire station from the East Contra Costa Fire Protection District for landscaping services (i.e., crew and equipment). Also, all cities and DBCSD and KPPCSD are parties to various joint powers agreements/authorities.

Infill Development/Urban Sprawl/Islands

This focus area relates only to the cities (land use agencies). Regarding infill, all cities have development opportunities within their existing boundaries. And except for the City of Orinda, all cities have spheres of influence (SOIs) that extend beyond their corporate boundaries, which provide opportunity for expansion.

As part of Plan Bay Area, local jurisdictions have identified Prior Development Areas (PDAs) providing opportunities for new development in transit-oriented areas. All cities in Contra Costa County, except for Brentwood and Clayton, have identified PDAs within their boundaries. Promoting development

within PDAs reduces development pressure on open space and agricultural lands and potential for urban sprawl – which are key interests of LAFCOs.

In conjunction with development, the MSR also considers overall growth and population, jobs and housing opportunities. Contra Costa County is the ninth largest county in the state. The Association of Bay Area Governments (ABAG) projects growth within cities and counties. The ABAG forecast 2010-2040 projects that Contra Costa County will experience an estimated 32% increase in population; city population increases ranges from a low of 5.5% in Clayton to a high of 62.8% in Concord. Overall, Contra Costa County anticipates modest increases in jobs per employed resident and jobs/housing ratio between 2010 and 2040.

Regarding islands, LAFCO has identified 17 small islands that can be annexed through an expedited LAFCO process. The following cities contain small islands: Antioch, Brentwood, Clayton, Concord, Pleasant Hill, San Pablo, San Ramon and Walnut Creek. LAFCO encourages the annexation of islands.

Agricultural/Open Space Preservation

Included among LAFCOs' charges is discouraging urban sprawl and preserving agricultural and open space lands. In 2016, Contra Costa LAFCO adopted local policies to help guide development and protect land resources. The purpose of LAFCO's policy is threefold: 1) to provide guidance to the applicant on how to assess the impacts on prime agricultural, agricultural and open space lands of applications submitted to LAFCO, and enable the applicant to explain how the applicant intends to mitigate those impacts; 2) to provide a framework for LAFCO to evaluate and process in a consistent manner, applications before LAFCO that involve or impact prime agricultural, agricultural and/or open space lands; and 3) to explain to the public how LAFCO will evaluate and assess applications that affect prime agricultural, agricultural and/or open space lands.

In addition, there are various regional efforts that help guide orderly, efficient patterns of urban development, prevent urban sprawl, and preserve agricultural and open space lands. Such efforts include the ABAG/MTC Plan Bay Area, the Regional Housing Needs Plan, voter approved urban limit lines/urban growth boundaries, regional transportation plans, and habitat conservation plans. Plan Bay Area identifies 16 Priority Conservation Areas, three of which are located in unincorporated Contra Costa County and 13 located in cities within the County (i.e., Brentwood, El Cerrito, Hercules, Lafayette, Moraga, Oakley, Pinole, San Ramon, and Walnut Creek).

Also, the cities of Brentwood, Clayton, Concord, Martinez, Moraga, Oakley, Pittsburg and Walnut Creek have specific provisions and/or policies in their General Plans relating to the preservation of agricultural and open space lands.

Municipal Service Review Determinations - In accordance with the MSR, LAFCO must prepare written determinations relating to various factors including the following:

1. Growth and population projections for the affected area.
2. The location and characteristics of any disadvantaged unincorporated communities (DUCs) within or contiguous to the SOI.
3. Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any DUCs within or contiguous to the SOI.
4. Financial ability of agencies to provide services.
5. Status of, and opportunities for, shared facilities.

6. Accountability for community service needs, including governmental structure and operational efficiencies.
7. Any other matter related to effective or efficient service delivery, as required by commission policy.

The MSR determinations are included in the attached resolutions. The MSR report includes an analysis of each of these factors. LAFCO staff would like to emphasize the following:

Disadvantaged Communities – There are disadvantaged communities within the boundary, SOI, or contiguous to the SOIs of the cities of Antioch, Brentwood, Concord, El Cerrito, Martinez, Oakley, Pinole, Pittsburg, Pleasant Hill, Richmond, San Pablo, and Walnut Creek. These disadvantaged communities have access to fire, sewer and water services.

Financial Ability of Agencies to Provide Services – Several agencies, including the City of Concord, Town of Moraga, cities of El Cerrito, and Richmond, and the Crockett CSD are experiencing fiscal challenges. The consultants recommend that future changes to the SOIs for these agencies be subject to further review of fiscal and service capacity. The MSR/SOI resolutions for these agencies include special provisions relating to fiscal and service concerns. Regarding shared facilities and accountability, all agencies included in this MSR participate in shared services and/or JPAs and demonstrate outreach and accountability to their communities.

Sphere of Influence (SOI) Updates – The requirement for LAFCOs to conduct MSRs was established by the Cortese Knox Hertzberg Local Government Reorganization Act of 2000 (CKH) as an acknowledgment of the importance of SOIs, and recognition that periodic updates of SOIs should be conducted on a five-year basis [Gov. Code §56425(g)], with the benefit of better information and data through MSRs [Gov. Code §56430(a)].

SOI is defined as a “*plan for the probable physical boundaries and service area of a local agency, as determined by the commission.*” SOIs define the logical, long-term service boundary for an agency. SOIs can be the same, larger, or smaller than the existing local agency boundary. Contra Costa LAFCO has used various SOI designations including “zero,” which signals that services will ultimately be provided by another agency, “provisional” SOI, which delineates that a future restructuring or change of organization is needed, and “pending” SOI which indicates there are pending issues to resolve before updating the SOI.

The MSR culminates in updating the SOIs of the agencies covered in the MSR report. LAFCOs are required to make written determinations in accordance with Gov. Code §56425(e) when establishing, amending, or updating an SOI for any local agency that address the following:

1. The present and planned land uses in the area, including agricultural and open-space lands.
2. The present and probable need for public facilities and services in the area.
3. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.
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.
5. For an update of an SOI of a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, the present and probable need for those public facilities and services of any DUC with the existing SOI.

Additionally, when updating the SOIs for districts, LAFCOs are also required to establish the nature, location, and extent of any functions or classes of services provided [Section 56425(i)]. The attached resolutions include the SOI determinations.

The “City Services” MSR includes SOI recommendations as summarized in Attachment 3. The MSR consultants and LAFCO staff are recommending retaining the existing SOIs for the cities and districts covered in the MSR with some stipulations.

There are several SOI issues LAFCO staff would like to highlight.

Existence of any Social or Economic Communities of Interest – There are various communities of interest within the SOIs of cities, some of which include islands as noted above.

Some of the factors associated with “community of interest” include physical address, access to neighborhoods through city streets, attend city schools, utilize and/or participate in city facilities (e.g., parks) and/or programs (e.g., sports), shop and/or work in the city, etc.

In addition to 17 islands, the MSR identifies several other communities of interest. There are communities of interest located in the East Danville and Camino Tassajara areas that are within Danville’s SOI. There has been some growth and development in and around these areas. Also, there has been interest by some of the residents in these areas for enhanced police services and annexation to the Town of Danville. The MSR recommends that the Town consider annexing these areas.

In the past several years, there has been interest by neighborhood groups in the Newell Ave/Olympic Blvd and Reliez Valley areas to annex to the City of Lafayette. The Newell Ave/Olympic Blvd area is within Lafayette’s SOI, and the Reliez Valley area is within Pleasant Hill’s SOI.

There is a request from Reliez Valley residents that LAFCO remove their area from Pleasant Hill’s SOI (with the exception of Brookwood Park) and add it to the Lafayette’s SOI. The subject area is shown on Attachment 4. The City of Pleasant Hill has indicated “no position” on removal of this area from its SOI. On May 28, 2019, the Lafayette City Council voted 4-1 to oppose adding this area to Lafayette’s SOI. City staff indicates that this area is not included in the City’s General Plan and that adding to the City’s SOI would necessitate a General Plan amendment and corresponding environmental review. City staff identified additional concerns regarding infrastructure, funding and service needs, noting that a special tax would be necessary to fund the needs services and improvements to serve this area. Also, given the growth potential in the Reliez Valley, expanding Lafayette’s SOI to include this area would require an environmental review. LAFCO’s practice of amending SOIs in conjunction with MSRs has been to require the interested party to fund the environmental review.

As noted above, an SOI is a *plan for the probable physical boundaries and service area of a local agency*. Both the consultants and LAFCO staff believe that the requested SOI amendments are premature.

ENVIRONMENTAL ANALYSIS

The MSR is a study, intended to serve as an informational tool to help LAFCO, local agencies and the public better understand the public service structure in Contra Costa County. The service review and determinations are a study and are Categorically Exempt under §15306, Class 6 of the California

Environmental Quality Act (CEQA) Guidelines. The proposed LAFCO actions on the SOI updates are to retain the status quo and are exempt under the General Rule exemption §15061(b)(3) of the CEQA Guidelines.

RECOMMENDATIONS

1. Receive the staff and consultants' presentation and open the public hearing to consider accepting the Final MSR, adopting the MSR determinations and updating the SOIs;
2. After receiving public comments close the hearing;
3. Determine that the MSR project is Categorically Exempt pursuant to §15306, Class 6 of the CEQA Guidelines;
4. Determine that the SOI updates are Categorically Exempt pursuant to §15061(b)(3) of the CEQA Guidelines;
5. Accept the Final MSR report;
6. Adopt the MSR determinations by resolution attached hereto; and
7. Adopt the SOI updates attached hereto.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

c: Distribution

Attachment 1- Public Review Draft MSR Comment Log
Attachment 2a – Resolution Adopting MSR Determinations and Updating the SOI - City of Antioch
Attachment 2b – Resolution Updating the SOI City of Brentwood
Attachment 2c – Resolution Updating the SOI - City of Clayton
Attachment 2d – Resolution Updating the SOI - City of Concord
Attachment 2e – Resolution Updating the SOI - Town of Danville
Attachment 2f – Resolution Updating the SOI - City of El Cerrito
Attachment 2g – Resolution Updating the SOI - City of Hercules
Attachment 2h – Resolution Updating the SOI - City of Lafayette
Attachment 2i – Resolution Updating the SOI - City of Martinez
Attachment 2j – Resolution Updating the SOI - Town of Moraga
Attachment 2k – Resolution Updating the SOI - City of Oakley
Attachment 2l – Resolution Updating the SOI - City of Orinda
Attachment 2m – Resolution Updating the SOI - City of Pinole
Attachment 2n – Resolution Updating the SOI - City of Pittsburg
Attachment 2o – Resolution Updating the SOI - City of Pleasant Hill
Attachment 2p – Resolution Updating the SOI - City of Richmond
Attachment 2q – Resolution Updating the SOI - City of San Pablo
Attachment 2r – Resolution Updating the SOI - City of San Ramon
Attachment 2s – Resolution Updating the SOI - City of Walnut Creek
Attachment 2t – Resolution Updating the SOI – Crockett CSD
Attachment 2u – Resolution Updating the SOI – Diablo CSD
Attachment 2v – Resolution Updating the SOI – Discovery Bay CSD
Attachment 2w – Resolution Updating the SOI – Kensington CSD
Attachment 3 – SOI Summary Table
Attachment 4 – Pleasant Hill/Lafayette SOI Request Map
Attachment 5 – Additional Public Comments

ATTACHMENT D

RESPONSE TO PUBLIC COMMENTS

The Contra Costa LAFCO Municipal Service Review Update was published on March 27, 2019, initiating a 30-day public review and comment period that ended April 25, 2019. A public hearing was held on April 17, 2019, from 1:30 – 3:30 PM at the Board of Supervisors Chambers, 651 Pine Street, Martinez, California. A summary of the MSR was presented to the Commissioners and the public at this meeting, where the Commissioners and the public had the opportunity to ask questions and provide comments.

Responses to comments are provided in the tables below. **Table D.1** contains response to comments received during the public comment period and **Table D.2** contains responses to comments received at the public hearing. The Final MSR includes the revisions noted in these tables and will be publicly posted on the Contra Costa LAFCO website.

**TABLE D.1
PUBLIC COMMENTS AND RESPONSES**

COMMENT NUMBER	DATE COMMENT RECEIVED	NAME & ORGANIZATION	COMMENTS	RESPONSE
1.	3.27.2019	Alan Kalin COL, USA (Ret.) (925-640-7055)	<p>Comment: “Ref: Diablo CSD, 22.2.10, page 22-7 LAFCO has the wrong date in the paragraph below. Should say Diablo CSD in 1969. In conjunction with formation of the Diablo CSD in 1996, the stated purpose of the formation was to provide the territory with lighting services, police protection, and to maintain roads which are subject to right-of-way by the public but have not been accepted into the County road system, and to implement needed safety measures on said roads, as well as to construct and improve bridges, culverts, curbs, gutters, etc.”</p>	Revision made on page 22-7 in the Diablo CSD chapter.
2.	3.27.2019	Kathy Torru, Diablo CSD	<p>Comment: “On page 485 of the MSR released this month, the third paragraph from the bottom, first sentence incorrectly reads “1996”. The correct date should be 1969.” Commenter also provided a number of clarifying edits.</p>	Revisions made on pp. 22-7 and 22-11 in the Diablo CSD chapter.
3.	3.28.2019	Greg Fuz, City of Pleasant Hill	<p>Comment: “Attached is the additional information that you requested for the MSR. Below is additional information pertaining to street lights/signals that was also requested: ‘Lighting (street and traffic) is provided by and maintained by the City of Pleasant Hill Maintenance Division, Contra Costa County,</p>	Revisions made on page 16-7 of the City of Pleasant Hill chapter.

COMMENT NUMBER	DATE COMMENT RECEIVED	NAME & ORGANIZATION	COMMENTS	RESPONSE
4.	3.29.2019	Roger Chelemedos	<p>and Pacific Gas & Electric. City expenditures for light and signal maintenance were \$178,000 in FY 2017, up from \$151,000 in FY 2015. Contra Costa County maintains the City's 40 signalized intersections. The number of street lights maintained by the City is 505. PG&E maintains 1,614 street lights in the City."</p> <p>Commenter provided a letter from 40 Reliez Valley residents requesting a review and ultimate removal from the Pleasant Hill Parks and Recreation District.</p>	<p>Recommendations for updating the SOI for the cities of Lafayette and Pleasant Hill are included in the MSR. This MSR does not cover the Pleasant Hill Recreation & Park District. LAFCO has indicated it will undertake MSR/SOI Updates for Parks and Recreation districts in FY 2020.</p> <p>The comment is noted and hereby made part of the public record.</p> <p>The City of Pleasant Hill has indicated it will not be taking a position on the SOI request.</p>
5.	4.2.2019	Mike Davies, Town of Discovery Bay CSD	<p>Comment contained revisions of an editorial nature for the Town of Discovery Bay CSD. Data corrections were also provided.</p>	<p>Revisions made to pp. 23-1, 23-3, 23-9, and 23-10 in the Town of Discovery Bay CSD chapter, and a clarification added regarding the authorization to provide flood control/levee services.</p> <p>The CSD provided calculations showing change over the current year, not prior year as noted in their comments. Accordingly, we did not make this change.</p>

COMMENT NUMBER	DATE COMMENT RECEIVED	NAME & ORGANIZATION	COMMENTS	RESPONSE
6.	4.2.2019	Suzie Martinez, City of Walnut Creek	<p>Comment:</p> <p>“After a review, we found some minor corrections related to Walnut Creek in the LAFCO Report.</p> <ul style="list-style-type: none"> · Section 1.3.5, Page 1-18, 4th bullet: This bullet mentions City owned property that is leased to other agencies. It incorrectly lists "Heather Farm," instead of the "Gardens at Heather Farm," and "The Walnut Creek Model Railroad Center" instead of the "Walnut Creek Model Railroad Society." · Page 20-20: Again, the Walnut Creek Model Railroad Society as the "Walnut Creek Model Railroad Center." <p>Also in looking at what was reported for Solid Waste Services from other JPA jurisdictions, wondering why the same language for each of city that participates in the JPA (Danville, Orinda, Lafayette, Moraga & Walnut Creek) was not listed the same. Walnut Creek was the only jurisdiction that reported RecycleSmart's waste disposal per capita, for the entire service area. The other jurisdictions just say, " The FY 2017 solid waste disposal rates were not reported or were unavailable at the time of this MSR." Also worth noting that Danville is the only city that listed expenditures, while other cities reported that expenditure information was not available. We said we don't have any direct solid waste expenditures. Lafayette & Moraga have the wrong provider (Allied Services) listed - Republic Services currently provides services.”</p>	<p>Revisions made to page 1-18 in the Introduction Chapter and page 20-21 in the City of Walnut Creek chapter.</p> <p>Overall, this MSR Update relied on data provided by individual jurisdictions, which may account for minor inconsistencies in the information reported and noted by the commenter.</p>

COMMENT NUMBER	DATE COMMENT RECEIVED	NAME & ORGANIZATION	COMMENTS	RESPONSE
7.	4.3.2019	Kristen Altbaum	Commenter provided a letter and related photo regarding a potential SOI change.	<p>Recommendations for updating the SOI for the cities of Lafayette and Pleasant Hill are included in the MSR. This MSR does not cover the Pleasant Hill Recreation & Park District. LAFCO has indicated it will undertake MSR/SOI Updates for Parks and Recreation districts in FY 2020.</p> <p>The comment is noted and hereby made part of the public record.</p> <p>The City of Pleasant Hill has indicated it will not be taking a position on the SOI request.</p>
8.	4.3.2019	Kristen Altbaum	Commenter provided a petition regarding a potential SOI change.	<p>Recommendations for updating the SOI for the cities of Lafayette and Pleasant Hill are included in the MSR. This MSR does not cover the Pleasant Hill Recreation & Park District. LAFCO has indicated it will undertake MSR/SOI Updates for Parks and Recreation districts in FY 2020.</p> <p>The comment is noted and hereby made part of the public record.</p> <p>The City of Pleasant Hill has indicated it will not be taking a position on the SOI request.</p>
9.	4.9.2019	Commissioner Charles R. Lewis, IV	Comment contained requests for additional clarifying information, including with regard to SOI recommendations, city-provided animal control services, library services, and	Clarifying information provided in Chapter 1 of the MSR (page 1-14) and on page 15-12 in the City of Pittsburg Chapter.

COMMENT NUMBER	DATE COMMENT RECEIVED	NAME & ORGANIZATION	COMMENTS	RESPONSE
			OPEB liabilities.	<p>Additional information on City of Antioch-provided animal control services included on page 2-5 in the City of Antioch chapter.</p> <p>Library services are provided by Contra Costa County for all cities except for the City of Richmond and thus the information in those sections is the same. City-specific library service data was available and reported for the Richmond library services.</p> <p>Footnotes were added to the City of Concord chapter (p. 5-23), Town of Moraga chapter (p. 11-22), and City of Richmond chapter (p. 17-23) summarizing the missing information.</p>
10.	4.12.2019	David Biggs, City Manager, City of Hercules	Comment contained additional data to include in the City's MSR chapter. In several areas, the City provided data for Fiscal Year 2018.	<p>Revisions made to pp. 8-6, 8-7, 8-8, 8-9, 8-11, 8-12, and 8-19 in the City of Hercules chapter.</p> <p>The FY 2018 data was not included in the MSR revisions as it extended beyond the scope of this MSR Update.</p>
11.	4.17.2019 – 4.25.2019	Aaron Beardsley, Alex Oei, Andrew Judd, Andy Hollingsworth, Andy May, Angelo Colaci, Arleen Sakamoto, Ben Etling, Ben Rohrs, Berit Gamsky, Beth Tirapelli-Morlelan, Bill Gonsalves, Bill Powning, Bob Davenport, Brad Crow, Brian McAndrews, Bridget Moar, Bruce Ohlson, Bruce Young, carol@carolclick.net, Clive	<p>Comment:</p> <p>"I am unable to attend your public hearing on April 17th but want to express my concerns that public money is being spent to maintain private roads in Diablo. I am happy to have Diablo residents use public roads elsewhere in the County, which some of my taxes are used</p>	<p>The MSR contains information regarding the Calle Arroyo issue; however, the resolution of the Calle Arroyo use issue is beyond the scope of this MSR Update. The comment is noted and hereby made part of the public record.</p>

COMMENT NUMBER	DATE COMMENT RECEIVED	NAME & ORGANIZATION	COMMENTS	RESPONSE
		<p>Harrison, Dan Leonard, Dan Schaefer, Daniel Kanaan, Daryl Liggins, Dave Dalton, David Block, David Brown, David Douglas, David Fisch, David Sussman, David Otten, David Rossiter, David Simpson, David Weiner, David Willhoite, Deb Donovan, Deepinder Singh, Derek Ching, Diana Lowe, Dianne Glynn, Domenick Treccase, Donald Palmer, Mark Koenen, Elizabeth Hillis, Ellen Booth, Eric Grove, Erika Rowen, Gary Booth, Gary Goldhawk, Gary Johnson, Gayle Lightfoot, Geoffrey Sylvester, Gerald Coil, Gerald Smith, Gina Matrone, Gisselle Rullier, Glenda Smith, Gregory Kennedy, J.A. Zaitlin, Jake Michenfelder, Jamey Jacobs, Jamuel Starkey, Jaynette Rossiter, Jeff Mock, Jeffrey Brenner, Jennifer Schulze, Jennifer Tryon, Jim Cooper, Jum Van Dyke, Joe Allen, Joe Ungerer, Jon Usvathongkul, Kathleen Koos, Kathryn Woodford, Kevin Comerford, Kevin Dielssen, Kevin Metcalfe, Kim Chan, Kit Johnson, Larry Feigenbaum, Laurie Anderson, Lenny Lesser, Linda Curtis, Linda Kwong, Lynda and John Hansen, Mac Rogers, Margie Kirk, Mark Dedon, Mary Hernandez, Matt Beck, Matt Evans, Michael Kinney, Michael Gill, Michael Koved, Mike Chung, Nathan Martin, Nathan Parks, Neil Rapmund, Nikki Grimes, Nora Crans, Morman Lisy, Olin Timoth Jones, Parry Andvik, Pat O'Neil, Patricia Frantz, Patricia Sampson, Patti Davis, Paul</p>	<p>to maintain, but in return I expect to be able to use other roads maintained with public funds.</p> <p>I heard that a judge has decided that Calle Arroyo in Diablo is private and not subject to public access. This is of concern to me because I (frequently/occasionally) ride my bike from Danville to and from Mt Diablo State Park, and traveling on the roads of the Diablo Community Services District (DCSD) represents the only safe route for me. I ride through Diablo because Diablo Road (1.5miles) is too dangerous for bicycles and the only safe route is through Diablo. I am concerned that the DCSD, as a public entity, takes tax money but doesn't believe that it needs to provide a public benefit in return. I also don't think it is right that I must commit a misdemeanor (by violating the Ordinances of the DCSD) in order to use a road maintained with tax money by a public agency in order to protect my own safety.</p> <p>I support the conclusions in the LAFCO MSR that the DCSD should no longer be using public funds to maintain Calle Arroyo. Additionally, I believe that DCSD should be prevented from using public funds to maintain any road that the public lacks the right to use. Alternatively, I hope this problem can be worked out sensibly, allowing taxpayer money to maintain roads that should allow public access.</p> <p>Thank you for your time and consideration of</p>	

COMMENT NUMBER	DATE COMMENT RECEIVED	NAME & ORGANIZATION	COMMENTS	RESPONSE
		Cardinet, Peter Culshaw, Philippa Erlank, Rachel McQueen, Richard Angelis, Richard Reed, Rick Edmondson, Rob Williams, Robert Gray, Rod Hooper, Rodrigo Prudencio, Russ Frisk, Rusty Stapp, Ruth Ann Pearsons, Ryan Schmidt, Sara Rowe, Sarah Cyper, Sarah Liron, Scott Bartelegaugh, Sean McCreary, Sean Perry, Shawn Richardson, Shelly Sack, Sheri Bjornson, Sherri O'Neill, Sppshop@mac.com, Stacey Murphy, Stephanie and Tom DiPalma, Stephen Wienker, Steve Whelan, Steven Payne, Ted Selbach, tjipto@sugijoto.com, Tom Magill, Van Sutton, Vic DeOrnelas, William Monsen, William Stubbs, Adele Madelo, Amanda Rewcastle, Barbara Hailey, Ben Foroodian, Charles Donovan, Chris Pham, Garrett Lew, Gary Hong, Heath Maddox, John Harvey, Karen Martin, Lauren Heumann, Rebecca Woods, Tony Flushce, Tracey Loftus, William Liss, Anthony Ertassi, Betty Simpson, Byron Pogir, Chuck Roncancio, Elizabeth Brathwaite, Jackie Dahlgard, Karin Poe, Roz Duncan, Scott LaPerle	my comment.”	
12.	4.17.2019	Brad Crow	Comment: “What a crazy world we live in that I help pay taxes for that road, but can't ride on it.”	The MSR contains information regarding the Calle Arroyo issue; however, the resolution of the Calle Arroyo use issue is beyond the scope of this MSR Update. The comment is noted and hereby made part of the public record.

COMMENT NUMBER	DATE COMMENT RECEIVED	NAME & ORGANIZATION	COMMENTS	RESPONSE
13.	4.17.2019	Brad Williams	<p>Comment:</p> <p>“I am unable to attend your public hearing on April 17th but want to express my concerns that public money is being spent to maintain private roads in Diablo. This is absolutely absurd that the wealthy landowners of this community would not allow pedestrians and cyclists of the area to use the streets but expect public money to fund their community. The fact there is even a hearing on the use of public funds for a private Uber wealthy community is infuriating.”</p>	<p>The MSR contains information regarding the Calle Arroyo issue; however, the resolution of the Calle Arroyo use issue is beyond the scope of this MSR Update. The comment is noted and hereby made part of the public record.</p>
14.	4.17.2019	Britt Harvey	<p>Comment:</p> <p>“I have lived in the East Bay for over 30 years. I bike up Mount Diablo several times a year. Access from the south is much safer and more pleasant on Calle Arroyo than Diablo Road. I am not surprised that owners of a private road would try to limit access. I am surprised to learn that taxpayers are funding maintenance of a private road. Any road receiving taxpayer funding should, I would say obviously, be open to the public. It is particularly important in this case, due to the popularity of the bike ride up Mount Diablo and the dangerous alternative to the private road. Please improve bicyclist safety and end public subsidies to private individuals.</p> <p>Thank you for your attention to this matter.”</p>	<p>The MSR contains information regarding the Calle Arroyo issue; however, the resolution of the Calle Arroyo use issue is beyond the scope of this MSR Update. The comment is noted and hereby made part of the public record.</p>
15.	4.17.2019	Carl Nielson	<p>Comment:</p> <p>“I am a concerned cyclist, taxpayer, and resident of Contra Costa County. On my way</p>	<p>The MSR contains information regarding the Calle Arroyo issue; however, the resolution of the Calle</p>

COMMENT NUMBER	DATE COMMENT RECEIVED	NAME & ORGANIZATION	COMMENTS	RESPONSE
16.	4.17.2019	Dan Kappes	<p>to Mount Diablo State Park (eastbound), I cycle on Calle Arroyo. There's been an effort to close this road to public use. However, county funds contribute to the maintenance of this road. If the residents succeed in closing this road to public use, NO PUBLIC FUNDS SHOULD BE ALLOTTED FOR THE MAINTENANCE OF CALLE ARROYO!</p> <p>Thank you."</p> <p>Comment: "No public money should be spent maintaining private roads in Diablo. This is an easy decision."</p>	<p>Arroyo use issue is beyond the scope of this MSR Update. The comment is noted and hereby made part of the public record.</p> <p>The MSR contains information regarding the Calle Arroyo issue; however, the resolution of the Calle Arroyo use issue is beyond the scope of this MSR Update. The comment is noted and hereby made part of the public record.</p>
17.	4.17.2019	David Glazer	<p>Comment: "I am unable to attend your public hearing on April 17th but wish to provide this comment, in the hope that it will be given consideration. I understand that a lower court ruling has held that one road within the Diablo Country Club property is private and may be closed to public use. If that is the case, I do not see how public moneys (to which my tax dollars contribute) can be used to maintain that road. There seems to be no legal basis for allowing the residents of Diablo Country Club to have it both ways - barring public use while taking advantage of public money.</p> <p>I therefore strongly support a decision that no further public funds will be spent to maintain</p>	<p>The MSR contains information regarding the Calle Arroyo issue; however, the resolution of the Calle Arroyo use issue is beyond the scope of this MSR Update. The comment is noted and hereby made part of the public record.</p>

COMMENT NUMBER	DATE COMMENT RECEIVED	NAME & ORGANIZATION	COMMENTS	RESPONSE
18.	4.17.2019	Gail Fugere	<p>this supposedly private road. Thank you for your attention.”</p> <p>Comment: “I am unable to attend your public hearing on April 17th but want to express my concerns that public money is being spent to maintain private roads in Diablo. I am happy to have Diablo residents use public roads elsewhere in the County, which some of my taxes are used to maintain, but in return I expect to be able to use other roads maintained with public funds.</p> <p>I heard that a judge has decided that Calle Arroyo in Diablo is private and not subject to public access. This is of concern to me because I frequently ride my bike from Danville to and from Mt Diablo State Park, and traveling on the roads of the Diablo Community Services District (DCSD) represents the only safe route for me. I ride through Diablo because Diablo Road (1.5miles) is too dangerous for bicycles and the only safe route is through Diablo. I am concerned that the DCSD, as a public entity, takes tax money but doesn't believe that it needs to provide a public benefit in return. I also don't think it is right that I must commit a misdemeanor (by violating the Ordinances of the DCSD) in order to use a road maintained with tax money by a public agency in order to protect my own safety.</p> <p>I support the conclusions in the LAFCO MSR that the DCSD should no longer be using public funds to maintain Calle Arroyo.</p>	<p>The MSR contains information regarding the Calle Arroyo issue; however, the resolution of the Calle Arroyo use issue is beyond the scope of this MSR Update. The comment is noted and hereby made part of the public record.</p>

COMMENT NUMBER	DATE COMMENT RECEIVED	NAME & ORGANIZATION	COMMENTS	RESPONSE
19.	4.17.2019	Glenn Woodson	<p>Additionally, I believe that DCSD should be prevented from using public funds to maintain any road that the public lacks the right to use. Alternatively, I hope this problem can be worked out sensibly, allowing taxpayer money to maintain roads that should allow public access.</p> <p>Furthermore, I live at the east end of Green Valley Road in Alamo, very close to Macedo staging area. Almost daily the Monte Vista High School cycling team rides up Green Valley, past my house. It brings a smile to my face to see these young people cycling on our public roads. There is no hate in my heart. If you only knew how many times an angry driver has threatened us with an angry horn honk, driving too close, even yelling at us, perhaps you would have a better idea why we choose to ride on Mt. Diablo. If there were a safe route to the mountain, we would take it. Diablo Road is not that route. And, my tax dollars are as equal as the one or two haters that live in Diablo on Calle Arroyo.</p> <p>Thank you for your time and consideration of my comment.”</p>	<p>The MSR contains information regarding the Calle Arroyo issue; however, the resolution of the Calle Arroyo use issue is beyond the scope of this MSR Update. The comment is noted and hereby made part of the public record.</p>

COMMENT NUMBER	DATE COMMENT RECEIVED	NAME & ORGANIZATION	COMMENTS	RESPONSE
			<p>community planner, it is unconscionable that local residents would, after filing a lawsuit to make their road private, want to continue using county funds to maintain their roads in Diablo.</p> <p>As a father of a young cyclist, I find their actions over the past months self-centered and at times abusive to fellow residents who are not privileged enough to live in Diablo. Of specific concern is that traffic entering Mt Diablo State Park is NOT always safe and aware of cyclists. We have ridden Calle Arroyo multiple time because, quite frankly it is quiet and safe. As a public road, Calle Arroyo is a road that provides us access without my having to worry that a slight mistake can cost my son his life.</p> <p>If the local residents on the street are offended and put out by our being there that is their right in this state. If they then take this further, which they have now, and made the road a private road for the entire width (homes on one half and golf course on other half), then they have additional rights to restrict our access since the land and access do not fall under purvey of the California Coastal Commission or similar jurisdictional regulation.</p> <p>BUT they cannot make this private AND then ask us, as fellow taxpayers to provide maintenance to their roads. Where is our community return on investment?</p> <p>Most importantly, how can the local residents</p>	

COMMENT NUMBER	DATE COMMENT RECEIVED	NAME & ORGANIZATION	COMMENTS	RESPONSE
20.	4.17.2019	Jody and Steve Archer	<p>demand continued maintenance when this is in direct conflict with California Code Section 845, which provides that when a private roadway exists for the benefit of multiple owners, the cost of maintaining the road is proportional to the use made by the easement. If the public is no longer an owner of the easement, we, as taxpayers who do not live along Calle Arroyo, have ZERO obligation to pay for their requirements.</p> <p>DCSD must not use public funds to maintain any road the public does not have access. With that in mind, this argument is really about quality of life. Local residents want to maintain a level of solitude and security and local cyclists and hikers desire similar. As such. I would hope that all sides here can work out their differences and not let a minority of residents turn this into a both restrictive area and a costly nightmare.</p> <p>Thank you for taking time to read and consider my comments.”</p>	<p>The MSR contains information regarding the Calle Arroyo issue; however, the resolution of the Calle Arroyo use issue is beyond the scope of this MSR Update. The comment is noted and hereby made part of the public record.</p>
			<p>Comment:</p> <p>“I am not able to attend public hearing to express concerns over public monies being used to maintain private roads in Diablo Country club. I expect to be able to have public access to roads which my taxes are used.</p> <p>I heard a judge decided that Calle Arroyo in Diablo Country Club is private and not subject to public access. I ride my bike from Alamo to Mtdiablo state park. Traveling through DCSD</p>	

COMMENT NUMBER	DATE COMMENT RECEIVED	NAME & ORGANIZATION	COMMENTS	RESPONSE
			<p>is the only safe route. Many of my fiends have been run off the road or hit on Diablo rd. With no shoulder it is not safe for ridding with the kids to enjoy the stage park. I am concerned that the DCSD takes public money to maintain a private road and does not believe they need to provide a public benefit in return. I should not have to be threatened by homeowners for prosecution in order to use a road that is paid for with public money for our personal safety.</p> <p>I support the conclusions in the LAFCO MSR that the DCSD should no longer be able to use public funds to maintain their roads. Additionally I feel that DCSD should be prevented from receiving any public funds to maintain roads that do not have public access.”</p>	
21.	4.17.2019	Joe Allen	<p>Comment: “I heard about this hearing and I can’t make this date. However, Ms. Sibley, I am a resident of CC County and wish that you would pass along my strong objection to using general public taxpayer dollars to support a private, exclusive club. Thank you for registering my view.”</p>	<p>The MSR contains information regarding the Calle Arroyo issue; however, the resolution of the Calle Arroyo use issue is beyond the scope of this MSR Update. The comment is noted and hereby made part of the public record.</p>
22.	4.17.2019	Mark Nienberg	<p>Comment: “As a Contra Costa County resident and property owner, I wish to comment on the draft MSR that you will discuss at your meeting on April 17th. Specifically, I am interested in the section related to the Diablo Community Services District. I would like to</p>	<p>The MSR contains information regarding the Calle Arroyo issue; however, the resolution of the Calle Arroyo use issue is beyond the scope of this MSR Update. The comment is noted and hereby made part of the public record.</p>

COMMENT NUMBER	DATE COMMENT RECEIVED	NAME & ORGANIZATION	COMMENTS	RESPONSE
			<p>see the concluding paragraph of Section 22.2.10 strengthened to clarify that public taxpayer money may not be spent to maintain any street in the district unless that street is open to public access, including pedestrians and bicycles.</p> <p>As I'm sure you know, a few residents on Calle Arroyo Road in Diablo have waged a legal battle to declare their street private and prevent public use. They seem particularly hostile to bicyclists, who often use the street to access the public facilities at Mount Diablo State Park. The reason bicyclists use Calle Arroyo is simply that there is no safe alternative. Diablo Road is far too dangerous. But the reasons aren't really important to your decision. If the residents succeed in excluding the public from the road, then clearly they cannot expect the public to pay for maintenance.</p> <p>Please note that in my suggested re-wording of the concluding paragraph I referred to any road that is not open to public access rather than specifying Calle Arroyo. That is because some residents of other roads in the district have said they may try to replicate the Calle Arroyo restrictions on "their roads".</p> <p>Ultimately, I hope common sense will prevail and DCSD will allow full public access to district roads and public funding will be available to maintain the roads. In the meantime, a clear statement from LAFCO in the MSR will have a positive effect on moving</p>	

COMMENT NUMBER	DATE COMMENT RECEIVED	NAME & ORGANIZATION	COMMENTS	RESPONSE
23.	4.17.2019	Mark Skrivanich	<p>toward that resolution.</p> <p>Thank you for your time and consideration of my comment.”</p> <p>Comment:</p> <p>“Since I am unable to attend the public hearing tonight, April 17th, I’ll echo the sentiments expressed by Bike East Bay and no doubt, many, many others (cyclist included!) Simply, no one, no community, no association or organization, etc. can or should have a monopoly on SAFE access for all to Southgate Road, Mt. Diablo STATE Park or any public area.</p> <p>In the horribly inexcusable event of denied access, then not only will public funding of the Diablo Community Services District need to cease, the DCSD must payback all funds used to determine the Diablo Community roads to be private. There is no defensible rationale for using public funds to declare roadways to be private. Nor is there one for taking public funds yet not providing for public safety at a minimum in return.</p> <p>There is no inherent nuisance in allowing human powered through-traffic. There is no exhaust pollution, no excessive noise, no litter and no visual blight, even taking in to consideration some of poorly designed cyclist jerseys.)</p> <p>I appreciate your time and understanding on this.”</p>	<p>The MSR contains information regarding the Calle Arroyo issue; however, the resolution of the Calle Arroyo use issue is beyond the scope of this MSR Update. The comment is noted and hereby made part of the public record.</p>

COMMENT NUMBER	DATE COMMENT RECEIVED	NAME & ORGANIZATION	COMMENTS	RESPONSE
24.	4.17.2019	Matt Jacoby	<p>Comment:</p> <p>“I’m writing you in regard to the question of public access vs public funding on Calle Arroyo. Though I have never taken this route, I ride my bike to Diablo frequently, so this is a matter that concerns me.</p> <p>I was very disappointed that cyclists would be prevented from using this much safer route to access Mt. Diablo State park. It seems like this is really a very unfortunate case of overblown reactions and lack of mutual respect between some cyclists and some property owners. It’s a shame, but if this is where it’s gotten then here we are.</p> <p>However, it violates my sense of civic fairness that, being denied access to this route, tax-paying cyclists would still have to fund its maintenance. I expect there are many cases where public funds are used for private benefit - but it seems like we should be minimizing those. And, certainly, it seems unfair and unwise to reward the reactionary behavior that caused the road to be fully privatized.</p> <p>I would ask that the staff and commissioners do what is within their power to deny public funds for this road if it is to remain private, or else help in revisiting the question of shared access and mutual respect.”</p>	<p>The MSR contains information regarding the Calle Arroyo issue; however, the resolution of the Calle Arroyo use issue is beyond the scope of this MSR Update. The comment is noted and hereby made part of the public record.</p>
25.	4.17.2019	Rick Rickard	<p>Comment:</p> <p>“As you know from our PAC interactions, I am a regular road bicyclist. Although I live in Oakland, I do occasionally ride up Mt Diablo,</p>	<p>The MSR contains information regarding the Calle Arroyo issue; however, the resolution of the Calle Arroyo use issue is beyond the scope of this MSR Update. The</p>

COMMENT NUMBER	DATE COMMENT RECEIVED	NAME & ORGANIZATION	COMMENTS	RESPONSE
26.	4.17.2019	Will Leben	<p>usually climbing up Southgate Drive, accessed through the community of Diablo. Needless to say as a Board Member of Bike East Bay, I have closely followed the saga of public access to Calle Arroyo.</p> <p>I'm not able to attend tonight's public hearing, but I do want to share my concerns with you. As you have no doubt heard from many bicyclists, this stretch of Diablo Road is a dangerous and unpleasant place to ride a bicycle, with high-speed traffic and minimal shoulders. The roads through Diablo are a much safer alternative for bicyclists.</p> <p>I have been disappointed to learn that the Diablo Community Services District is using public funds to maintain these private roadways while seeking to restrict public access to the roadways. Thus, I am supportive of the conclusions of the LAFCO MSR that DCSD should be prevented from using public funds to maintain any road that the public lacks the right to use. Ideally, of course, I would hope this problem can be worked out sensibly, allowing taxpayer money to maintain the roads while also allowing public access.</p> <p>Thanks for hearing me out. Hope you are well."</p>	comment is noted and hereby made part of the public record.
			<p>Comment: "As a bicyclist whose only safe option for getting to Mt. Diablo State Park is Calle Arroyo (because Diablo Road is too dangerous for cycling), I think that the Diablo Community Services District as a public entity</p>	<p>The MSR contains information regarding the Calle Arroyo issue; however, the resolution of the Calle Arroyo use issue is beyond the scope of this MSR Update. The comment is noted and hereby</p>

COMMENT NUMBER	DATE COMMENT RECEIVED	NAME & ORGANIZATION	COMMENTS	RESPONSE
27.	4.19.2019	Richard Nicoll	<p>should not be allowed to take tax money, as it is currently doing, without providing a public benefit in return.</p> <p>Public funds should not be used to maintain Calle Arroyo or any road not fully open to the public.”</p> <p>Comment: “I understand that the Local Agency Formation Commission (LAFCO) is reviewing whether or not the Diablo Community Service District, the agency charged with maintaining roads in Diablo, should continue funding maintenance of private roads. Apparently, public funds are used to finance private roads in Diablo. Clearly, such actions constitute a gift of public funds, which I understand to be prohibited in California. If not, where do the rest of us sign up for public assistance for our private driveway repairs, kitchen remodels or house painting?”</p>	<p>made part of the public record.</p> <p>The MSR contains information regarding the Calle Arroyo issue; however, the resolution of the Calle Arroyo use issue is beyond the scope of this MSR Update. The comment is noted and hereby made part of the public record.</p>
28.	4.20.2019	Craig Hagelin	<p>Comment: “I live in Walnut Creek and frequently ride a loop of up North Gate to the junction and then down to South Gate. Being able to cut through Calle Arroyo in Diablo is a much safer route for me to get back to Walnut Creek. Cars on Diablo Road travel very fast and cyclists get hit there. I am 72 and have been doing the route for years, and if I get hit on Diablo Road I will not heal fast if at all. Please consider the lives at skate here, and do not revoke access that has been in place for long time and does not</p>	<p>The MSR contains information regarding the Calle Arroyo issue; however, the resolution of the Calle Arroyo use issue is beyond the scope of this MSR Update. The comment is noted and hereby made part of the public record.</p>

COMMENT NUMBER	DATE COMMENT RECEIVED	NAME & ORGANIZATION	COMMENTS	RESPONSE
29.	4.23.2019	Bryan Montgomery, City Manager, City of Oakley	<p>cause any harm.</p> <p>I support the conclusions in the LAFCO MSR that the DCSD should no longer be using public funds to maintain Calle Arroyo. Additionally, I believe that DCSD should be prevented from using public funds to maintain any road that the public lacks the right to use. Alternatively, I hope this problem can be worked out sensibly, allowing taxpayer money to maintain roads that should allow public access.</p> <p>Thank you for your consideration on this matter.”</p> <p>Comment:</p> <p>“In two locations (pages 12-17 and 12-21), there is a reference to "18th St" - which is a street located in the City of Antioch. I believe the correct reference in both locations should be "Main Street."</p> <p>On page 12-19 under "Liquidity, Debt, ..." there is a reference to OPEB liabilities - the City of Oakley has none (as is previously stated in the MSR).</p> <p>On page 12-21 under the paragraph "Existence of Any Social or Economic Communities of Interest" the verbiage could be re-worded to make clear that the City did proceed with the large annexation of territory in 2006 and only a small portion, now within the existing SOI, that we chose not to annex.”</p>	<p>Revisions made to pp. 12-17, 12-19, and 12-21 in the City of Oakley chapter.</p>

COMMENT NUMBER	DATE COMMENT RECEIVED	NAME & ORGANIZATION	COMMENTS	RESPONSE
30.	4.25.2019	Dale McDonald, General Manager, Crockett CSD	<p>Comments:</p> <p>21.4.3 CSD Services MSR. Determinations - Current Shared Sen/ices - pa. 21-16: The CSD provides park and recreation services. It does not provide solid waste services. As mentioned in section 21.2.8 solid waste services are provided to the Crockett CSD via franchise agreement between the County and Richmond Sanitary Service, doing business as Crockett Garbage Company. For correction we recommend removing the reference to solid waste services from 21.4.3.</p> <p>21.4.4 Financial Determinations - Operating General Fund and Reserve Trends - do. 21-17: The second paragraph states that "The CSD's reserve goal is unknown,". To clarify it should state that "The CSD's Port Costa Department reserve goal is unknown," as the remaining departments of the CSD have established reserve funds. This section was specifically discussing Port Costa and it could be misleading if left unchanged.</p> <p>21.5.2 Sphere of Influence Determination for the Crockett CSD - Present and Probable Need for Public Facilities and Services - oa. 21-20: Within the SOI there are approximately twelve properties at the far west of town off Vista Del Rio that are on septic tank. Currently there is no plan to expand public sewer service to this area but it may be probable if development were to occur on the west end of Vista Del Rio. It is suggested that the following be added to this section: "Public sewers may be extended</p>	<p>Revisions made to pp. 21-3, 21-16, and 21-17 in the Crockett CSD chapter.</p> <p>The information provided about the probable need for future sewer services was not included in the MSR revisions as sewer services were not reviewed as part of this MSR Update.</p>

COMMENT NUMBER	DATE COMMENT RECEIVED	NAME & ORGANIZATION	COMMENTS	RESPONSE
31.	4.25.2019	Christopher Deppe, Kensington Police Protection and CSD	to properties that are currently on septic tank if future development on Vista Del Rio occurs and it is required by the County." Comment contained revisions of an editorial nature for the Kensington Police Protection and CSD.	Revisions made to pp. 24-1, 24-16, and 24-17 in the Kensington Police Protection and CSD chapter.
32.	4.25.2019	Bernadette Fatehi	Comment: "It is my understanding that Kristen Altbaum and Roger Chelemedos are spearheading efforts to get a sphere of influence change for our area. They are the first "leaders" to represent our neighborhood for as long as I've lived here. Our commute patterns take us in and through Lafayette daily - we are entrenched in Lafayette, not Pleasant Hill. Please consider this request."	Recommendations for updating the SOI for the cities of Lafayette and Pleasant Hill are included in the MSR. This MSR does not cover the Pleasant Hill Recreation & Park District. LAFCO has indicated it will undertake MSR/SOI Updates for Parks and Recreation districts in FY 2020. The comment is noted and hereby made part of the public record. The City of Pleasant Hill has indicated it will not be taking a position on the SOI request.
33.	4.25.2019	Nathan Mahlik	Comment: "Please include this message in the MSR public review period....I am writing to support an SOI change request by Kristen Altbaum for our area in north Reliez Valley. We should have been in Lafayette's SOI years ago, it seems. Our daily shopping, schools to be, commute, and entertainment is associated with Lafayette, not Pleasant Hill. Thank you for your help in designing logical boundaries."	Recommendations for updating the SOI for the cities of Lafayette and Pleasant Hill are included in the MSR. This MSR does not cover the Pleasant Hill Recreation & Park District. LAFCO has indicated it will undertake MSR/SOI Updates for Parks and Recreation districts in FY 2020. The comment is noted and hereby made part of the public record. The City of Pleasant Hill has

COMMENT NUMBER	DATE COMMENT RECEIVED	NAME & ORGANIZATION	COMMENTS	RESPONSE
34.	4.25.2019	Kathy Hemmenway	<p>Comment:</p> <p>“I am writing to voice support for an SOI change for neighborhoods between Withers and Grayson in Lafayette.</p> <p>Our family & our neighbors do not identify ourselves as Pleasant Hill residents.</p> <p>We would be grateful for your support.”</p>	<p>indicated it will not be taking a position on the SOI request.</p> <p>Recommendations for updating the SOI for the cities of Lafayette and Pleasant Hill are included in the MSR. This MSR does not cover the Pleasant Hill Recreation & Park District. LAFCO has indicated it will undertake MSR/SOI Updates for Parks and Recreation districts in FY 2020.</p> <p>The comment is noted and hereby made part of the public record.</p> <p>The City of Pleasant Hill has indicated it will not be taking a position on the SOI request.</p>
35.	4.25.2019	Valerie Barone, City Manager, City of Concord	<p>Comment contained revisions of an editorial nature for the City of Concord. Data corrections were also provided. In several areas, the City provided data for Fiscal Year 2018.</p>	<p>Revisions made to pp. 5-5, 5-6, 5-7, 5-8, 5-9, 5-11, and 5-23 in the City of Concord chapter.</p> <p>The FY 2018 data was not included in the MSR revisions as it extends beyond the scope of this MSR Update.</p>
36.	4.25.2019	Lara Mahlik	<p>Comment:</p> <p>“Hi, please include this message in the MSR public review period....I am writing to support an SOI change request by Kristen Altbaum for our area in north Reliez Valley. We should have been in Lafayette’s SOI years ago, it seems. Thank you for your help in designing logical boundaries.”</p>	<p>Recommendations for updating the SOI for the cities of Lafayette and Pleasant Hill are included in the MSR. This MSR does not cover the Pleasant Hill Recreation & Park District. LAFCO has indicated it will undertake MSR/SOI Updates for Parks and Recreation districts in FY 2020.</p>

COMMENT NUMBER	DATE COMMENT RECEIVED	NAME & ORGANIZATION	COMMENTS	RESPONSE
37.	4.25.2019	Frank Hanny	Comment: “It appears self evident to me that public tax dollars should not be spent to maintain a private road that excludes the public that pays the taxes.”	The comment is noted and hereby made part of the public record. The City of Pleasant Hill has indicated it will not be taking a position on the SOI request. The MSR contains information regarding the Calle Arroyo issue; however, the resolution of the Calle Arroyo use issue is beyond the scope of this MSR Update. The comment is noted and hereby made part of the public record.
38.	4.26.2019	LaShonda White, Administrative Chief, City of Richmond	Comment contained revisions of an editorial nature for the City of Richmond. Data corrections were also provided.	Revisions made to pp. 17-3, 17-4, 17-7, 17-8, 17-13, 17-19, and 17-21 in the City of Richmond chapter.

Note: Some suggested revisions were not made where they would result in inconsistencies in the information presented.

TABLE D.2
PUBLIC HEARING COMMENTS
APRIL 17, 2019

COMMENT NUMBER	NAME & ORGANIZATION	COMMENTS	RESPONSE
1.	Commissioner Rob Schroder	Commissioner Schroder asked about the additional studies recommended.	<p>The cities for which additional study was recommended did not provide the full range of information that was requested for the MSR; the exception in this short list is El Cerrito, which provided adequate information but the information was such that it warrants further review in the event of any annexation applications.</p> <p>Footnotes were added to the City of Concord chapter (p. 5-23), Town of Moraga chapter (p. 11-22), and City of Richmond chapter (p. 17-23) summarizing the missing information.</p>
2.	Commissioner Rob Schroder	Commissioner Schroder asked about cities' islands, and whether the consultants have taken these into account, given this Commission's push to annex islands and concern about out of area service applications.	<p>One of the MSR focus areas is infill development/sprawl prevention/islands. And while the MSR was more focused on the service and financial information provided by the reviewed agencies, there is a discussion in each chapter for those cities that do have islands, especially of those islands that are 150 acres or less and can be annexed through an expedited process. These discussions encourage those particular cities to annex the islands.</p>
3.	Commissioner Donald Blubaugh	Commissioner Blubaugh asked if LAFCO should pursue these agencies for further information now, or simply put them on notice that if they come forward with annexation applications, they should be prepared to provide supplemental material.	<p>Since the Public Review Draft MSR was published, some of the agencies reviewed have provided additional information which has been included in their respective chapters. The City of Hercules and the Crockett CSD have been removed from the initial list of agencies requiring further study. And while the cities of Concord and Richmond did provide some missing information, enough critical information is missing to warrant them remaining on the list of agencies requiring further study should they come before LAFCO with an annexation application.</p>

COMMENT NUMBER	NAME & ORGANIZATION	COMMENTS	RESPONSE
4.	Chair Tom Butt	Chair Butt asked if the comments received will be submitted to the Commission.	All comments received between initial publication of the Public Review Draft MSR and the Final Draft MSR will be included in a comment log and incorporated or responded to appropriately.
5.	Chair Tom Butt	Chair Butt, referring to the Richmond chapter, noted that there were a number of years referenced in that chapter, and that there would be value in picking a date with consistency.	While a goal of the data gathering and reporting in the MSR is to maintain consistency (e.g., establishing FY 2017 as the “snapshot in time” for review), adequate 2017 data was not available for all the data points. Census and ABAG data provided a better opportunity for “apples-to-apples” comparisons, specifically with regard to demographic data. In the financial sections, budgets were reviewed to provide a future look at agency finances.
6.	Commissioner Donald Blubaugh	Commissioner Blubaugh noted that there are people in the audience and communications the Commission has received regarding a change in the SOIs of the cities of Pleasant Hill and Lafayette, as well as removal from Pleasant Hill Recreation & Park District (PHRPD). How do the Commissioners respond to this? Is this something they can deal with or is it a separate process?	This MSR culminates in the updating of SOIs of each city and CSD covered in the report; it’s possible that this could result in changes in Pleasant Hill’s and Lafayette’s SOIs. PHRPD is not part of this review, however, so there can be no SOI adjustments until either there is an MSR for Recreation and Park Districts or a special study for that district. Removing Reliez Valley from the PHRPD would have an effect. LAFCO has indicated it will undertake MSR/SOI Updates for Park and Recreation districts in FY 2020. Recommendations for updating the SOIs for the cities of Lafayette and Pleasant Hill are included in the MSR. Further, the City of Pleasant Hill has indicated it will not be taking a position on the SOI request.
7.	Commissioner Donald Blubaugh	Commissioner Blubaugh then asked if the cities of Pleasant Hill and Lafayette would have an opportunity to weigh in on this sphere request so that Commissioners hear not only from the residents but also from the agencies.	The cities of Pleasant Hill and Lafayette were sent the residents’ letter when LAFCO received it and were provided an opportunity to respond. The City of Pleasant Hill has indicated it will not be taking a position on the SOI request. The cities will have another opportunity to comment in response to the Final Draft MSR. Recommendations for updating the SOIs for the cities of

COMMENT NUMBER	NAME & ORGANIZATION	COMMENTS	RESPONSE
8.	Alan Kalin, Danville resident	Alan Kalin, Danville resident, spoke regarding the issue of private roads, public funds, and public safety in Diablo Community Services District (DCSD), where residents have secured a court ruling on public use of Calle Arroyo, indicating that the road is private; the judge also reminded the district that if the road is private then district funds should not be used for upkeep on the road. His concern, and that of fellow bicyclists, is that closing this road to the public is forcing bicyclists onto a very dangerous road. Diablo residents are trying to intimidate non-residents who come into the district. Mr. Kalin has been threatened and harassed since submitting a complaint to LAFCO.	Lafayette and Pleasant Hill are included in the MSR. The MSR contains information regarding the Calle Arroyo issue; however, the resolution of the Calle Arroyo use issue is beyond the scope of this MSR Update. The comment is noted and hereby made part of the public record.
9.	Nicola Place, resident on Mt. Diablo Scenic Boulevard	Nicola Place, resident on Mt. Diablo Scenic Boulevard, spoke regarding this mile-long stretch of road, which is privately owned, but on which Diablo State Park has an easement (since 1931). According to State law, if you hold an easement you're required to participate in the maintenance and upkeep of that property. In all the years since acquiring that easement, the Park has not come to the table to work on an agreement, complaining that there are too many parties involved and they can't work with that many. In 2011, the remaining eight of about 25 properties were annexed into DCSD in order to more logically address maintenance of this road. Nothing has happened since. She has provided some edits to the DCSD chapter, including that DCSD cannot and will not maintain that stretch of road. What they need from DCSD is assistance in working with Diablo State Park and the County to figure out what can be done to maintain this road. She has highlighted eight items in the report that are inaccurate about what DCSD is doing—which they are not doing. The residents on Mt. Diablo Scenic	Resolution of the Mt. Diablo Scenic Boulevard maintenance issue is complex and beyond the scope of this MSR/SOI Update. LAFCO staff is aware of the history and is willing to help the interested parties. The comment is noted and hereby made part of the public record.

COMMENT NUMBER	NAME & ORGANIZATION	COMMENTS	RESPONSE
10.	Kristen Altbaum, Reliez Valley resident	<p>Boulevard need help in coming up with an evaluation and a long-term plan on addressing this issue.</p> <p>Kristen Altbaum, Reliez Valley resident, drew Commissioners' attention to the letter regarding unincorporated territory between Pleasant Hill and Lafayette (between Withers Avenue and Grayson Road). That territory is in Pleasant Hill's SOI, but it is divided topographically, by school district, and by neighborhood unity. She would like to see the area that she is in moved into Lafayette's SOI.</p>	<p>Recommendations for updating the SOI for the cities of Lafayette and Pleasant Hill are included in the MSR. This MSR does not cover the Pleasant Hill Recreation & Park District. LAFCO has indicated it will undertake MSR/SOI Updates for Parks and Recreation districts in FY 2020.</p> <p>The comment is noted and hereby made part of the public record.</p> <p>The City of Pleasant Hill has indicated it will not be taking a position on the SOI request.</p>

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION
COMMISSION ADOPTING MUNICIPAL SERVICE REVIEW AND SPHERE OF INFLUENCE
DETERMINATIONS FOR THE CITY OF ANTIOCH**

WHEREAS, the Cortese-Knox-Hertzberg Local Governmental Reorganization Act of 2000 (California Government Code §56000 et seq.) provides that a Local Agency Formation Commission (LAFCO) shall adopt Spheres of Influence (SOIs) for each local governmental agency within its jurisdiction [§56425(a)] and that it must update each SOI every five years, as necessary (§56425(g)); and

WHEREAS, the SOI is the primary planning tool for LAFCO and defines the probable physical boundary and service area of a local agency as determined by LAFCO; and

WHEREAS, §56430 requires that in order to prepare and to update SOIs, the Commission shall conduct a Municipal Service Review (MSR) prior to or in conjunction with the SOI update; and

WHEREAS, the Commission has undertaken its 2nd round “*City Services*” MSR covering all 19 cities and four community services districts (CSDs) including Crockett CSD, Diablo CSD, Discovery Bay CSD and Kensington CSD; and

WHEREAS, this MSR, as prepared by Lamphier-Gregory and Berkson Associates, consultants to LAFCO, covers the following services: animal control, broadband, building/planning, law enforcement, library, lighting, parks & recreation, solid waste, streets/roads, stormwater, and utilities (gas, electric/community choice); and

WHEREAS, this MSR focuses on: 1) updating profile data including growth and population, jobs/housing, finances (expenses, revenues, debt, reserves, related fiscal indicators), and staffing; 2) shared services (i.e., joint powers/joint use agreements, contracts between public agencies, public-private partnerships); 3) infill development/sprawl prevention/islands; and 4) agricultural/open space preservation; and

WHEREAS, on April 17, 2019, the Commission held a public hearing to receive an overview of the Public Review Draft MSR, receive public comments, and provide input; and

WHEREAS, on June 12, 2019, the Commission held a public hearing to receive the Final Draft MSR and recommended determinations and SOI updates for all agencies covered in the MSR, including the City of Antioch; and

WHEREAS, at the public hearings, the Commission heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given an opportunity to hear and be heard with respect to the MSR and SOI updates; and

WHEREAS, the MSR contains the determinations required by §§56425 and 56430 relative to the SOI update and MSR, respectively, for the City of Antioch as incorporated in this resolution; and

WHEREAS, the proposed action consists of adopting the MSR determinations and updating the SOI for the City of Antioch as presented in the 2nd round “*City Services*” MSR; and

WHEREAS, adoption of the MSR is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA), as MSRs are feasibility and planning studies for possible future actions that have not been approved, adopted, or funded, pursuant to State CEQA Guidelines Section 15262; and

WHEREAS, as set forth in State CEQA Guidelines section 15061(b)(3), approval of the SOI update is not subject to CEQA because it can be seen with certainty that there is no possibility that the SOI update will have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED that Contra Costa LAFCO does hereby adopt the following MSR pursuant to §56430 and SOI determinations pursuant to §56425 for the City of Antioch and retain the existing SOI for the City of Antioch as depicted in Exhibit A (attached):

MUNICIPAL SERVICE REVIEW (MSR) DETERMINATIONS

- 1) *Growth and population projections for the affected area* – According to the 2018 California Department of Finance estimates, the City of Antioch serves 113,061 residents. The Association of Bay Area Governments (ABAG) projects that the City of Antioch will grow at an annual rate of approximately 0.8% to a population of 130,725 between 2010 and 2040. The City is also projected to experience an approximate 0.81% annual growth rate in jobs between 2010 and 2040. Overall, the City’s planning is expected to accommodate the growth projected by ABAG.

The MSR also reviewed jobs/housing, planning for an aging population, and anticipated growth patterns. Regarding jobs/housing, as of 2010, the City of Antioch had a jobs/housing balance of 0.58 which reflects an imbalance (Sources: U.S. Census, ABAG); and the City’s 2015-2023 Housing Element identified adequate sites to meet and exceed its 2014-2022 assigned regional housing needs allocation. Regarding planning for an aging population, the City provides various programs/services to serve adults age 50+. Regarding anticipated growth patterns, the City reported an estimated 625 undeveloped entitled residential acres in FY 2017. The City reports approximately 2,300 dwelling units and 685,500 square feet of commercial and light industrial space as either approved or in the approval process. There are two Priority Development Areas in the City of Antioch - Hillcrest BART Station (planned) designated “Suburban Center” and Rivertown Waterfront (potential) designated “Transit Town Center” - which are anticipated to accommodate 49% of the projected growth in households and 13% of the projected growth in employment. There are no Priority Conservation Areas in the City of Antioch. The City does not anticipate that current or projected growth patterns will expand beyond its existing municipal boundary.

- 2) *The location and characteristics of any Disadvantaged Unincorporated Communities (DUCs) within or contiguous to the SOI* – According to the American Community Survey 5-Year Estimates (2013-2017), there are no DUCs adjacent to the City of Antioch. However, there are disadvantaged incorporated communities in and adjacent to the City of Antioch.
- 3) *Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any DUCs within or contiguous to the SOI* – There are no DUCs adjacent to the City of Antioch; however, there are disadvantaged incorporated communities in and adjacent to the City of Antioch. These disadvantaged communities receive municipal water, sewer and fire services.
- 4) *Financial ability of agency to provide services* – In determining the financial ability of the City to provide services, the MSR considered operating general fund and reserve trends; liquidity, debt, and pension liabilities; and timeliness and accuracy of financial reporting. While the City of Antioch presently has sufficient resources to continue providing services and accommodate infrastructure expansions, improvement, and replacements over the next five years, the City anticipates General Funds deficits in the foreseeable future. The City's enterprise operations include water, sewer, marina, and waterpark. Enterprise revenues have generally grown, and positive net positions have increased overall, except for the marina. The City’s General Fund subsidizes the water park. As with other public agencies, rising pension costs are expected to reduce funding for other priorities. The City has budget stabilization and reserve funds in place to address financial challenges. The City prepares timely financial reports. The MSR includes recommendations to improve transparency, presentation, comparability and readability of its financial reports.
- 5) *Status of, and opportunities for, shared facilities* – The City contracts with other public agencies and private service providers for various services including broadband, library, solid waste and utilities; and is party to several JPAs. The City did not identify any other shared services, overlapping/duplication of services, or excess service or facility capacity.
- 6) *Accountability for community service needs, including governmental structure and operational efficiencies* – The City’s website provides information regarding public meetings, services, financial and planning documents, and opportunities for public involvement demonstrating access and accountability.
- 7) *Any other matter related to effective or efficient service delivery, as required by Commission policy* – Contra Costa LAFCO’s local policies provide that MSRs focus on target services including water, sewer, drainage,

libraries, roads, parks, health care, broadband (high-speed internet access and use), police, and fire protection. The “*City Services*” MSR excludes review of water, sewer, healthcare and fire services as these services were recently reviewed in 2nd round focused MSRs.

Contra Costa LAFCO recently added broadband services as an MSR focus area. The City of Antioch does not provide public broadband service and is served by various private cable/ broadband service providers. The City of Antioch did not indicate concerns about the ability of broadband providers to serve the City’s existing or growing population. However, the East Bay Broadband Consortium’s 2013 East Bay Broadband Report Card noted that Antioch’s internet service providers did not meet the CPUC’s minimum 6 Mbps download and 1.5 Mbps upload standards.

SPHERE OF INFLUENCE (SOI) DETERMINATIONS

- A. *The present and planned land uses in the area, including agricultural and open-space lands* – The City of Antioch plans for a variety of urban uses within its boundary, representing a continuation of the current mix of uses including industrial, residential, office, commercial, transit-oriented development, retail, mixed use, agricultural, and open space. Present and planned land uses are adequate for existing residents as well as future growth and maintaining compatibility with agricultural and open space uses, as demonstrated in the General Plan (2003).
- B. *The present and probable need for public facilities and services in the area* – There are no anticipated changes in the type of public services and facilities required within the SOI for the City of Antioch. The level of demand for these services and facilities, however, will increase commensurate with anticipated population growth over the next five years.
- C. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – The present capacity of public facilities in the City of Antioch appears adequate. The City anticipates it will continue to have adequate capacity during the next five years.
- D. *The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency* – There are three small islands (less than 150 acres) within Antioch’s SOI. These islands represent communities of interest and can be annexed through an expedited LAFCO process. LAFCO encourages the annexation of small islands.
- E. *The present and probable need for sewers, municipal and industrial water, or structural fire protection services and facilities of any DUC within the existing SOI* – There are disadvantaged communities in and adjacent to the City of Antioch. These areas receive municipal sewer, water and fire services.

PASSED AND ADOPTED this 12th day of June 2019.

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 the Commission on the date stated above.

Lou Ann Texeira, Executive Officer

City of Antioch Boundary, SOI, and Urban Growth Boundary



By LAFCO action on 3/10/2010, the City of Antioch boundary and SOI were confirmed. Subsequent annexations and SOI amendments have occurred.

- City of Antioch
- Antioch SOI
- City Boundaries
- Antioch Urban Growth Bnd

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION
COMMISSION ADOPTING MUNICIPAL SERVICE REVIEW AND SPHERE OF
INFLUENCE DETERMINATIONS FOR THE CITY OF BRENTWOOD**

WHEREAS, the Cortese-Knox-Hertzberg Local Governmental Reorganization Act of 2000 (California Government Code §56000 et seq.) provides that a Local Agency Formation Commission (LAFCO) shall adopt Spheres of Influence (SOIs) for each local governmental agency within its jurisdiction [§56425(a)] and that it must update each SOI every five years, as necessary (§56425(g)); and

WHEREAS, the SOI is the primary planning tool for LAFCO and defines the probable physical boundary and service area of a local agency as determined by LAFCO; and

WHEREAS, §56430 requires that in order to prepare and to update SOIs, the Commission shall conduct a Municipal Service Review (MSR) prior to or in conjunction with the SOI update; and

WHEREAS, the Commission has undertaken its 2nd round “*City Services*” MSR covering all 19 cities and four community services districts (CSDs) including Crockett CSD, Diablo CSD, Discovery Bay CSD and Kensington CSD; and

WHEREAS, this MSR, as prepared by Lamphier-Gregory and Berkson Associates consultants to LAFCO, covers the following services: animal control, broadband, building/planning, law enforcement, library, lighting, parks & recreation, solid waste, streets/roads, stormwater, and utilities (gas, electric/community choice); and

WHEREAS, this MSR focuses on: 1) updating profile data including growth and population, jobs/housing, finances (expenses, revenues, debt, reserves, related fiscal indicators), and staffing; 2) shared services (i.e., joint powers/joint use agreements, contracts between public agencies, public-private partnerships); 3) infill development/ sprawl prevention/islands; and 4) agricultural/open space preservation; and

WHEREAS, on April 17, 2019, the Commission held a public hearing to receive an overview of the Public Review Draft MSR, receive public comments, and provide input; and

WHEREAS, on June 12, 2019, the Commission held a public hearing to receive the Final Draft MSR and recommended determinations and SOI updates for all agencies covered in the MSR, including the City of Brentwood; and

WHEREAS, at the public hearings, the Commission heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given an opportunity to hear and be heard with respect to the MSR and SOI updates; and

WHEREAS, the MSR contains the determinations required by §§56425 and 56430 relative to the SOI update and MSR, respectively, for the City of Brentwood as incorporated in this resolution; and

WHEREAS, the proposed action consists of adopting the MSR determinations and updating the SOI for the City of Brentwood as presented in the 2nd round “*City Services*” MSR; and

WHEREAS, adoption of the MSR is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA), as MSRs are feasibility and planning studies for possible future

actions that have not been approved, adopted, or funded, pursuant to State CEQA Guidelines Section 15262; and

WHEREAS, as set forth in State CEQA Guidelines section 15061(b)(3), approval of the SOI update is not subject to CEQA because it can be seen with certainty that there is no possibility that the SOI update will have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED that Contra Costa LAFCO does hereby adopt the following MSR pursuant to §56430 and SOI determinations pursuant to §56425 for the City of Brentwood and retain the existing SOI for the City of Brentwood as depicted in Exhibit A (attached):

MUNICIPAL SERVICE REVIEW (MSR) DETERMINATIONS

- 1) *Growth and population projections for the affected area* – According to the 2018 California Department of Finance estimates, the City of Brentwood serves 63,041 residents. The Association of Bay Area Governments (ABAG) projects that the City of Brentwood will grow at an annual rate of approximately 1.6% to a population of 84,460 between 2010 and 2040. The City is also projected to experience an approximate 0.1% annual growth rate in jobs between 2010 and 2040. Overall, the City’s planning is expected to accommodate the growth projected by ABAG.

The MSR also reviewed jobs/housing, planning for an aging population, and anticipated growth patterns. Regarding jobs/housing, as of 2010, the City of Brentwood had a jobs/housing balance of 0.66 which reflects an imbalance (Sources: U.S. Census, ABAG); and the City’s 2015-2023 Housing Element identified adequate sites to meet and exceed its 2014-2022 assigned regional housing needs allocation. Regarding planning for an aging population, the City provides a variety of programs and services to serve adults age 50 and older, along with various classes, activities and events at the Brentwood Senior Activity Center. Regarding anticipated growth patterns, there are no Priority Development Areas in the City of Brentwood. The City reported 310.5 undeveloped entitled residential acres in 2017. However, projects identified as part of the projected growth for the City (dwelling units and commercial space) that have been approved or are in the approval process were not reported. The City reports that current or projected growth patterns within areas identified in the General Plan (SPA 1 – southwest Brentwood and SPA 2 – northeast Brentwood) will expand beyond its existing municipal boundary and SOI.

- 2) *The location and characteristics of any Disadvantaged Unincorporated Communities (DUCs) within or contiguous to the SOI* – According to the American Community Survey 5-Year Estimates (2013-2017), there is a DUC adjacent to the City of Brentwood and disadvantaged incorporated communities within the City of Brentwood.
- 3) *Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any DUCs within or contiguous to the SOI* – The DUC adjacent to the City of Brentwood and disadvantaged incorporated communities within the City of Brentwood receive municipal water, sewer and fire services.
- 4) *Financial ability of agency to provide services* – In determining the financial ability of the City to provide services, the MSR considered operating general fund and reserve trends; liquidity, debt, and pension liabilities; and timeliness and accuracy of financial reporting. The City of

Brentwood presently has sufficient resources to continue providing services and accommodate infrastructure expansions, improvement, and replacements over the next five years. The City anticipates growing pension and OPEB liabilities, as well as a number of significant capital and operating costs including increased funding of fire protection services. The City anticipates budget stabilizing, pre-payment and other measures to address these costs. The City's enterprise activities (water, wastewater, solid waste) have experienced operating deficits in the past several years; these shortfalls are being addressed through rate studies. The City prepares timely financial reports.

- 5) *Status of, and opportunities for, shared facilities* – The City contracts with other public agencies and private service providers for various services including animal control, broadband, library, solid waste and utilities; and the City is party to several JPAs. The City did not identify any other shared services, overlapping/ duplication of services, or excess service or facility capacity.
- 6) *Accountability for community service needs, including governmental structure and operational efficiencies* – The City's website provides information regarding public meetings, services, financial and planning documents, and opportunities for public involvement, demonstrating access and accountability.
- 7) *Any other matter related to effective or efficient service delivery, as required by Commission policy* – Contra Costa LAFCO's local policies provide that MSRs focus on target services including water, sewer, drainage, libraries, roads, parks, health care, broadband (high-speed internet access and use), police, and fire protection. The "City Services" MSR excludes review of water, sewer, healthcare and fire services as these services were recently reviewed in 2nd round focused MSRs.

Contra Costa LAFCO recently added broadband services as an MSR focus area. The City of Brentwood does not provide public broadband service and is served by various private cable/ broadband service providers. The East Bay Broadband Consortium's 2013 East Bay Broadband Report Card noted that Brentwood's internet service providers meet the CPUC's minimum 6 Mbps download and 1.5 Mbps upload standards. The City of Brentwood did not indicate concerns about the ability of broadband providers to serve the City's existing or growing population.

SPHERE OF INFLUENCE (SOI) DETERMINATIONS

- A. *The present and planned land uses in the area, including agricultural and open-space lands* – The City of Brentwood plans for a variety of urban uses within its boundary, representing a continuation of the current mix of uses including industrial, residential, commercial, mixed use, public, agricultural, and open space. Present and planned land uses are adequate for existing residents as well as future growth and maintaining compatibility with agricultural and open space uses, as demonstrated in the General Plan (2014).
- B. *The present and probable need for public facilities and services in the area* – There are no anticipated changes in the type of public services and facilities required within the existing SOI for the City of Brentwood. The level of demand for these services and facilities, however, will increase commensurate with anticipated population growth over the next five years. Future expansions to the City's SOI will need to address impacts to City services.

- C. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – The present capacity of public facilities in the City of Brentwood appears adequate. The City anticipates it will continue to have adequate capacity during the next five years.

- D. *The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency* – There are two unincorporated islands within the City SOI and urban limit line. These areas are located in northeast Brentwood. One of the islands is less than 150 acres and can be annexed through an expedited LAFCO process. These islands represent communities of interest. LAFCO encourages the annexation of these islands.

- E. *The present and probable need for sewers, municipal and industrial water, or structural fire protection services and facilities of any DUC within the existing SOI* - There is a DUC adjacent to the City of Brentwood and disadvantaged incorporated communities within the City of Brentwood. These areas receive municipal sewer, water and fire services.

PASSED AND ADOPTED this 12th day of June 2019.

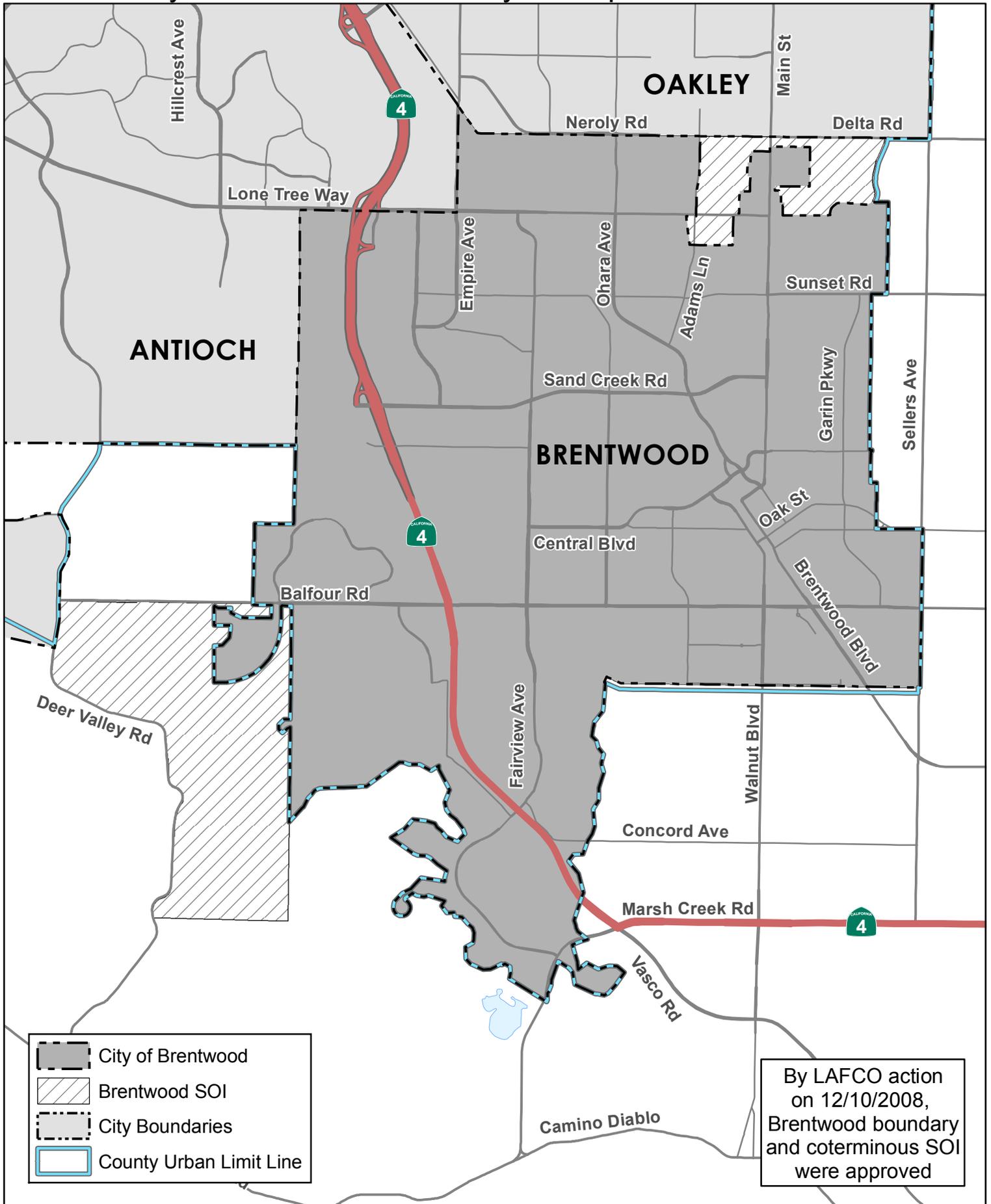
AYES:
NOES:
ABSTENTIONS:
ABSENT:

Tom Butt, Chair, Contra Costa LAFCO

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

Lou Ann Texeira, Executive Officer

City of Brentwood Boundary and Sphere of Influence



-  City of Brentwood
-  Brentwood SOI
-  City Boundaries
-  County Urban Limit Line

By LAFCO action on 12/10/2008, Brentwood boundary and coterminous SOI were approved

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION
COMMISSION ADOPTING MUNICIPAL SERVICE REVIEW AND SPHERE OF
INFLUENCE DETERMINATIONS FOR THE CITY OF CLAYTON**

WHEREAS, the Cortese-Knox-Hertzberg Local Governmental Reorganization Act of 2000 (California Government Code §56000 et seq.) provides that a Local Agency Formation Commission (LAFCO) shall adopt Spheres of Influence (SOIs) for each local governmental agency within its jurisdiction [§56425(a)] and that it must update each SOI every five years, as necessary (§56425(g)); and

WHEREAS, the SOI is the primary planning tool for LAFCO and defines the probable physical boundary and service area of a local agency as determined by LAFCO; and

WHEREAS, §56430 requires that in order to prepare and to update SOIs, the Commission shall conduct a Municipal Service Review (MSR) prior to or in conjunction with the SOI update; and

WHEREAS, the Commission has undertaken its 2nd round “*City Services*” MSR covering all 19 cities and four community services districts (CSDs) including Crockett CSD, Diablo CSD, Discovery Bay CSD and Kensington CSD; and

WHEREAS, this MSR, as prepared by Lamphier-Gregory and Berkson Associates consultants to LAFCO, covers the following services: animal control, broadband, building/planning, law enforcement, library, lighting, parks & recreation, solid waste, streets/roads, stormwater, and utilities (gas, electric/community choice); and

WHEREAS, this MSR focuses on: 1) updating profile data including growth/population, jobs/housing, finances (expenses, revenues, debt, reserves, related fiscal indicators), and staffing; 2) shared services (i.e., joint powers/joint use agreements, among between public agencies, public-private partnerships); 3) infill development/ sprawl prevention/islands; and 4) agricultural/open space preservation; and

WHEREAS, on April 17, 2019, the Commission held a public hearing to receive an overview of the Public Review Draft MSR, receive public comments, and provide input; and

WHEREAS, on June 12, 2019, the Commission held a public hearing to receive the Final Draft MSR and recommended determinations and SOI updates for all agencies covered in the MSR, including the City of Clayton; and

WHEREAS, at the public hearings, the Commission heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given an opportunity to hear and be heard with respect to the MSR and SOI updates; and

WHEREAS, the MSR contains the determinations required by §§56425 and 56430 relative to the SOI update and MSR, respectively, for the City of Clayton as incorporated in this resolution; and

WHEREAS, the proposed action consists of adopting the MSR determinations and updating the SOI for the City of Clayton as presented in the 2nd round “*City Services*” MSR; and

WHEREAS, adoption of the MSR is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA), as MSRs are feasibility and planning studies for possible future actions that have not been approved, adopted, or funded, pursuant to State CEQA Guidelines section 15262; and

WHEREAS, as set forth in State CEQA Guidelines section 15061(b)(3), approval of the SOI update is not subject to CEQA because it can be seen with certainty that there is no possibility that the SOI update will have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED that Contra Costa LAFCO does hereby adopt the following MSR pursuant to §56430 and SOI determinations pursuant to §56425 for the City of Clayton and retain the existing SOI for the City of Clayton as depicted in Exhibit A (attached):

MUNICIPAL SERVICE REVIEW (MSR) DETERMINATIONS

- 1) *Growth and population projections for the affected area* – According to the 2018 California Department of Finance estimates, the City of Clayton serves 11,431 residents. The Association of Bay Area Governments (ABAG) projects that the City of Clayton will grow at an annual rate of approximately 0.2% between 2010 and 2040. The City is also projected to experience an approximate 0.2% annual growth rate in jobs between 2010 and 2040. Overall, the City’s planning is expected to accommodate the growth projected by ABAG.

The MSR also reviewed jobs/housing, planning for an aging population, and anticipated growth patterns. Regarding jobs/housing, as of 2010, the City of Clayton had a jobs/housing balance of 0.49 which reflects an imbalance (Sources: U.S. Census, ABAG). The City’s 2015-2023 Housing Element identified adequate sites to meet and exceed its 2014-2022 assigned regional housing needs allocation. Regarding planning for an aging population, the City did not report any programs and services to serve adults age 50. Regarding anticipated growth patterns, there are no Priority Development Areas in the City of Clayton. The City reported nine undeveloped entitled residential acres in 2017; and a total of eight dwelling units currently under construction. The City of Clayton is mostly built out and does not anticipate the current or projected growth patterns will expand beyond its existing municipal boundary and SOI.

- 2) *The location and characteristics of any Disadvantaged Unincorporated Communities (DUCs) within or contiguous to the SOI* – According to the American Community Survey 5-Year Estimates (2013-2017), there are no disadvantaged communities within or contiguous to the City of Clayton.
- 3) *Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any DUCs within or contiguous to the SOI* – There are no disadvantaged communities within or contiguous to the City of Clayton.
- 4) *Financial ability of agency to provide services* – In determining the financial ability of the City to provide services, the MSR considered operating general fund and reserve trends; liquidity, debt, and pension liabilities; and timeliness and accuracy of financial reporting. The City appears to have sufficient resources to continue providing services and accommodate infrastructure expansions, improvement, and replacements over the next five years. The City has operated with a surplus in their General Fund for the past several years, and currently exceeds its 50% reserve goal. The City has one enterprise activity (Endeavor Hall rental facility) which operates at a minimal deficit. The City anticipates improved rentals to result from its improved website and online reservation system.
- 5) The City anticipates growing pension and OPEB liabilities and has implemented measures to address these. The City prepares timely financial reports. The MSR includes recommendations for improving transparency of financial documents.
- 6) *Status of, and opportunities for, shared facilities* – The City contracts with other public agencies and private service providers for various services including animal control, broadband, library, solid waste and utilities; and the City is party to several JPAs. The City did not identify any other shared services, overlapping/ duplication of services, or excess service or facility capacity.
- 7) *Accountability for community service needs, including governmental structure and operational efficiencies* – The City’s website provides information regarding public meetings, services,

financial and planning documents, and opportunities for public involvement demonstrating access and accountability. The “CityTV” shared government channel airs Clayton City Council meetings.

- 8) *Any other matter related to effective or efficient service delivery, as required by Commission policy* – Contra Costa LAFCO’s local policies provide that MSRs focus on target services including water, sewer, drainage, libraries, roads, parks, health care, broadband (high-speed internet access and use), police, and fire protection. The “*City Services*” MSR excludes review of water, sewer, healthcare and fire services as these services were recently reviewed in 2nd round focused MSRs.

Contra Costa LAFCO recently added broadband services as an MSR focus area. The City does not provide public broadband service and is served by various private cable/ broadband service providers. The East Bay Broadband Consortium’s 2013 East Bay Broadband Report Card noted that Clayton’s internet service providers did not meet the CPUC’s minimum 6 Mbps download and 1.5 Mbps upload standards. The City did not indicate concerns about the ability of broadband providers to serve the City’s existing or growing population.

SPHERE OF INFLUENCE (SOI) DETERMINATIONS

- A. *The present and planned land uses in the area, including agricultural and open-space lands* – The City of Clayton plans for a variety of urban uses within its boundary, representing a continuation of the current mix of uses. Present and planned land uses are adequate for existing residents as well as future growth and maintaining compatibility with agricultural and open space uses, as demonstrated in the General Plan (2007).
- B. *The present and probable need for public facilities and services in the area* – There are no anticipated changes in the type of public services and facilities required within the existing SOI for the City of Clayton. The level of demand for these services and facilities, however, will increase commensurate with anticipated population growth over the next five years.
- C. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – The present capacity of public facilities in the City of Clayton appears adequate. The City anticipates it will continue to have adequate capacity during the next five years.
- D. *The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency* – There is one unincorporated island within the City of Clayton’s SOI and urban limit line. The island is located east of Mitchell Canyon Road and is primarily built out with equestrian use. LAFCO encourages the annexation of islands.
- 9) *The present and probable need for sewers, municipal and industrial water, or structural fire protection services and facilities of any DUC within the existing SOI* – There are no disadvantaged communities within or contiguous to the City of Clayton.

PASSED AND ADOPTED this 12th day of June 2019.

AYES:

NOES:

ABSTENTIONS:

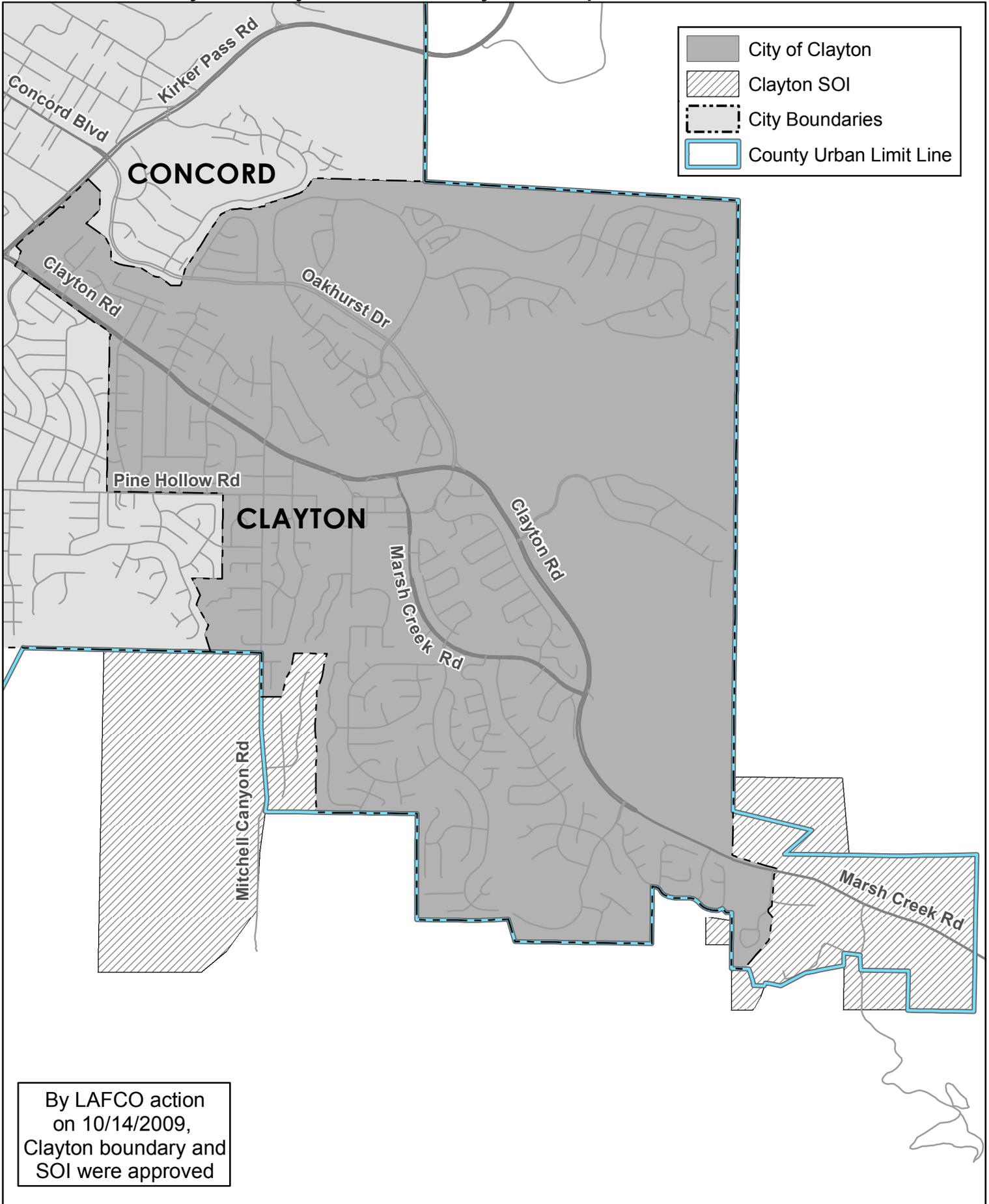
ABSENT:

Tom Butt, Chair, Contra Costa LAFCO

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

Lou Ann Texeira, Executive Officer

City of Clayton Boundary and Sphere of Influence



**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION
COMMISSION ADOPTING MUNICIPAL SERVICE REVIEW AND SPHERE OF INFLUENCE
DETERMINATIONS FOR THE CITY OF CONCORD**

WHEREAS, the Cortese-Knox-Hertzberg Local Governmental Reorganization Act of 2000 (California Government Code §56000 et seq.) provides that a Local Agency Formation Commission (LAFCO) shall adopt Spheres of Influence (SOIs) for each local governmental agency within its jurisdiction [§56425(a)] and that it must update each SOI every five years, as necessary (§56425(g)); and

WHEREAS, the SOI is the primary planning tool for LAFCO and defines the probable physical boundary and service area of a local agency as determined by LAFCO; and

WHEREAS, §56430 requires that in order to prepare and to update SOIs, the Commission shall conduct a Municipal Service Review (MSR) prior to or in conjunction with the SOI update; and

WHEREAS, the Commission has undertaken its 2nd round “*City Services*” MSR covering all 19 cities and four community services districts (CSDs) including Crockett CSD, Diablo CSD, Discovery Bay CSD and Kensington CSD; and

WHEREAS, this MSR, as prepared by Lamphier-Gregory and Berkson Associates consultants to LAFCO, covers the following services: animal control, broadband, building/planning, law enforcement, library, lighting, parks & recreation, solid waste, streets/roads, stormwater, and utilities (gas, electric/community choice); and

WHEREAS, this MSR focuses on: 1) updating profile data including growth/population, jobs/ housing, finances (expenses, revenues, debt, reserves, related fiscal indicators), and staffing; 2) shared services (i.e., joint powers/joint use agreements, among between public agencies, public-private partnerships); 3) infill development/ sprawl prevention/islands; and 4) agricultural/open space preservation; and

WHEREAS, on April 17, 2019, the Commission held a public hearing to receive an overview of the Public Review Draft MSR, receive public comments, and provide input; and

WHEREAS, on June 12, 2019, the Commission held a public hearing to receive the Final Draft MSR and recommended determinations and SOI updates for all agencies covered in the MSR, including the City of Concord; and

WHEREAS, at the public hearings, the Commission heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given an opportunity to hear and be heard with respect to the MSR and SOI updates; and

WHEREAS, the MSR contains the determinations required by §§56425 and 56430 relative to the SOI update and MSR, respectively, for the City of Concord as incorporated in this resolution; and

WHEREAS, the proposed action consists of adopting the MSR determinations and updating the SOI for the City of Concord as presented in the 2nd round “*City Services*” MSR; and

WHEREAS, adoption of the MSR is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA), as MSRs are feasibility and planning studies for possible future actions that have not been approved, adopted, or funded, pursuant to State CEQA Guidelines section 15262; and

WHEREAS, as set forth in State CEQA Guidelines section 15061(b)(3), approval of the SOI update is not subject to CEQA because it can be seen with certainty that there is no possibility that the SOI update will have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED that Contra Costa LAFCO does hereby adopt the following MSR pursuant to §56430 and SOI determinations pursuant to §56425 for the City of Concord and retain the existing SOI for the City of Concord as depicted in Exhibit A (attached). Further, any future changes to City of Concord’s SOI should not be considered until such time as a more complete review has been conducted to examine capacity, adequacy and financial ability to provide services.

MUNICIPAL SERVICE REVIEW (MSR) DETERMINATIONS

- 1) *Growth and population projections for the affected area* – According to the 2018 California Department of Finance estimates, the City of Concord serves 129,159 residents. The Association of Bay Area Governments (ABAG) projects that the City of Concord will grow at an annual rate of approximately 1.4% to a population of 185,850 between 2010 and 2040. The City is also projected to experience an approximate 1.9% annual growth rate in jobs between 2010 and 2040. Overall, the City’s planning is expected to accommodate the growth projected by ABAG.

The MSR also reviewed jobs/housing, planning for an aging population, and anticipated growth patterns. Regarding jobs/housing, as of 2010, the City of Concord had a jobs/housing balance of 1.15 which reflects a balance (Sources: U.S. Census, ABAG). The City’s 2015-2023 Housing Element identified adequate sites to meet and exceed its 2014-2022 assigned regional housing needs allocation. Regarding planning for an aging population, the City did not report any programs/services to serve adults age 50+. Regarding growth patterns, there are three planned Priority Development Areas (PDAs) in the City – two Community Reuse Area/Los Medanos PDAs (Suburban Center and Transit Neighborhood) and the Downtown PDA (City Center). These PDAs are anticipated to accommodate approximately 87% of the projected growth in households and 73% of the projected growth in employment. The City did not report the number of undeveloped entitled residential acres or the number of dwelling units and commercial space that have been approved or are in the approval process. The City is currently working with Lennar Concord, LLC to prepare a Specific Plan for 2,300± developable acres of the 5,028-acre property formerly known as the Inland Area of the Concord Naval Weapons Station. The City does not anticipate the current or projected growth patterns will expand beyond its existing municipal boundary and SOI.

- 2) *The location and characteristics of any Disadvantaged Unincorporated Communities (DUCs) within or contiguous to the SOI* – According to the American Community Survey 5-Year Estimates (2013-2017), there are two DUCs located within the City’s SOI, including portions of the Pacheco and Bay Point communities. There is also a disadvantaged community located within the City’s boundary located in the Concord Avenue and Olivera Road area.
- 3) *Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any DUCs within or contiguous to the SOI* - There are disadvantaged communities within and contiguous to the City of Concord. These areas have access to municipal fire, sewer and water services.
- 4) *Financial ability of agency to provide services* – In determining the financial ability of the City to provide services, the MSR considered operating general fund and reserve trends; liquidity, debt, and pension liabilities; and timeliness and accuracy of financial reporting. The City has operated with a surplus in its General Fund but anticipates a 7-year deficit beginning in 2020 absent measures to secure additional funds and reduce expenditures. The City has strong financial reserves upon which to rely. The City's enterprise operations include wastewater and a golf course. Total enterprise revenues in recent years have generally grown 8% to 10%, outpacing expenditure growth of 3% to 4%. The City anticipates growing pension and OPEB costs which currently account for 20% of General Fund expenditures. The City’s fiscal sustainability ordinance prioritizes annual contributions to help address unfunded liabilities. The City’s wastewater and golf course enterprise fund net positions relative to expenditures exceeded a ratio of 2.0 indicating strong balance sheets. The City prepares timely financial reports.
- 5) *Status of, and opportunities for, shared facilities* – The City contracts with other public agencies and private service providers for various services including animal control, broadband, library, solid waste and some utilities; and the City is party to several JPAs. The City did not identify any other shared services, overlapping/duplication of services, or excess service or facility capacity.
- 6) *Accountability for community service needs, including governmental structure and operational efficiencies* – The City’s website provides information regarding public meetings, services, financial and planning documents, and opportunities for public involvement demonstrating access and accountability. Newsletters are also distributed to City residents.

- 7) *Any other matter related to effective or efficient service delivery, as required by Commission policy* – Contra Costa LAFCO’s local policies provide that MSRs focus on target services including water, sewer, drainage, libraries, roads, parks, health care, broadband (high-speed internet access and use), police, and fire protection. The “*City Services*” MSR excludes review of water, sewer, healthcare and fire services as these services were recently reviewed in 2nd round focused MSRs.

Contra Costa LAFCO recently added broadband services as an MSR focus area. The City does not provide public broadband service and is served by various private cable/broadband service providers. The East Bay Broadband Consortium’s 2013 East Bay Broadband Report Card gave the City of Concord a grade of A- indicating that internet service providers meet the CPUC’s minimum 6 Mbps download and 1.5 Mbps upload standards.

SPHERE OF INFLUENCE (SOI) DETERMINATIONS

- A. *The present and planned land uses in the area, including agricultural and open-space lands* – The City of Concord plans for a variety of urban uses within its boundary, representing a continuation of the current mix of uses including residential, commercial, retail, and open space. Present and planned land uses are adequate for existing residents as well as future growth and maintaining compatibility with agricultural and open space uses, as demonstrated in the General Plan (2007).
- B. *The present and probable need for public facilities and services in the area* – There are no anticipated changes in the type of public services and facilities required within the existing SOI for the City of Concord. The level of demand for these services and facilities, however, will increase commensurate with anticipated population growth over the next five years.
- C. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – The present capacity of public facilities in the City of Concord appears adequate; however, this may change with future phased development of the Concord Reuse Project. The City anticipates it will continue to have adequate capacity during the next five years.
- D. *The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency* – There are two unincorporated islands within the City’s SOI – a 183± acre residential development (Ayers Ranch) located near Bailey Road and Concord Boulevard; and a 58± acre undeveloped area at the end of Kaiser Quarry Road. The City provides sewer services within the Ayers Ranch island area, which is a community of interest. In 2015, the Concord City Council adopted a resolution establishing a non-binding strategy to annex Ayers Ranch by the year 2030. This signals the City’s intent to annex the area in the future. LAFCO encourages the annexation of islands.
- E. *The present and probable need for sewers, municipal and industrial water, or structural fire protection services and facilities of any DUC within the existing SOI* – There are disadvantaged communities within and contiguous to the City of Concord.

PASSED AND ADOPTED this 12th day of June 2019.

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Tom Butt, Chair, Contra Costa LAFCO

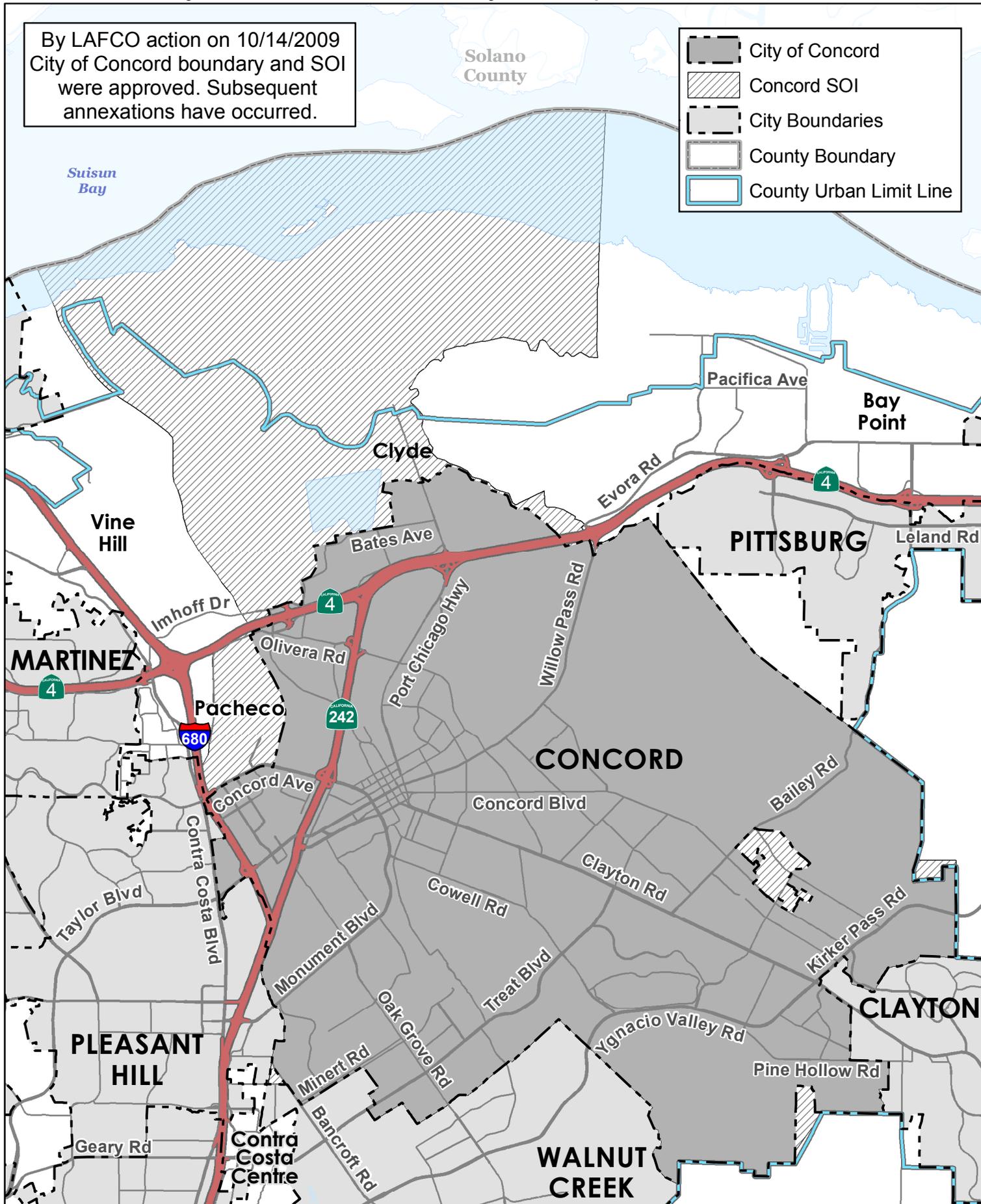
I hereby certify that this is a correct copy of a resolution passed and adopted by the Commission on the date stated above.

Lou Ann Texeira, Executive Officer

City of Concord Boundary and Sphere of Influence

By LAFCO action on 10/14/2009 City of Concord boundary and SOI were approved. Subsequent annexations have occurred.

-  City of Concord
-  Concord SOI
-  City Boundaries
-  County Boundary
-  County Urban Limit Line



**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION
COMMISSION ADOPTING MUNICIPAL SERVICE REVIEW AND SPHERE OF INFLUENCE
DETERMINATIONS FOR THE TOWN OF DANVILLE**

WHEREAS, the Cortese-Knox-Hertzberg Local Governmental Reorganization Act of 2000 (California Government Code §56000 et seq.) provides that a Local Agency Formation Commission (LAFCO) shall adopt Spheres of Influence (SOIs) for each local governmental agency within its jurisdiction [§56425(a)] and that it must update each SOI every five years, as necessary (§56425(g)); and

WHEREAS, the SOI is the primary planning tool for LAFCO and defines the probable physical boundary and service area of a local agency as determined by LAFCO; and

WHEREAS, §56430 requires that in order to prepare and to update SOIs, the Commission shall conduct a Municipal Service Review (MSR) prior to or in conjunction with the SOI update; and

WHEREAS, the Commission has undertaken its 2nd round “*City Services*” MSR covering all 19 cities and four community services districts (CSDs) including Crockett CSD, Diablo CSD, Discovery Bay CSD and Kensington CSD; and

WHEREAS, this MSR, as prepared by Lamphier-Gregory and Berkson Associates consultants to LAFCO, covers the following services: animal control, broadband, building/planning, law enforcement, library, lighting, parks & recreation, solid waste, streets/roads, stormwater, and utilities (gas, electric/community choice); and

WHEREAS, this MSR focuses on: 1) updating profile data including growth/population, jobs/ housing, finances (expenses, revenues, debt, reserves, related fiscal indicators), and staffing; 2) shared services (i.e., joint powers/joint use agreements, among between public agencies, public-private partnerships); 3) infill development/ sprawl prevention/islands; and 4) agricultural/open space preservation; and

WHEREAS, on April 17, 2019, the Commission held a public hearing to receive an overview of the Public Review Draft MSR, receive public comments, and provide input; and

WHEREAS, on June 12, 2019, the Commission held a public hearing to receive the Final Draft MSR and recommended determinations and SOI updates for all agencies covered in the MSR, including the Town of Danville; and

WHEREAS, at the public hearings, the Commission heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given an opportunity to hear and be heard with respect to the MSR and SOI updates; and

WHEREAS, the MSR contains the determinations required by §§56425 and 56430 relative to the SOI update and MSR, respectively, for the Town of Danville as incorporated in this resolution; and

WHEREAS, the proposed action consists of adopting the MSR determinations and updating the SOI for the Town of Danville as presented in the 2nd round “*City Services*” MSR; and

WHEREAS, adoption of the MSR is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA), as MSRs are feasibility and planning studies for possible future actions that have not been approved, adopted, or funded, pursuant to State CEQA Guidelines section 15262; and

WHEREAS, as set forth in State CEQA Guidelines section 15061(b)(3), approval of the SOI update is not subject to CEQA because it can be seen with certainty that there is no possibility that the SOI update will have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED that Contra Costa LAFCO does hereby adopt the following MSR pursuant to §56430 and SOI determinations pursuant to §56425 for the Town of Danville and retain the existing SOI for the Town of Danville as depicted in Exhibit A (attached):

MUNICIPAL SERVICE REVIEW (MSR) DETERMINATIONS

- 1) *Growth and population projections for the affected area* – According to the 2018 California Department of Finance estimates, the Town of Danville serves an estimated 44,396 residents. The Association of Bay Area Governments (ABAG) projects that the Town of Danville will grow at an annual rate of approximately 0.4% to a population of 47,350 between 2010 and 2040. The Town is also projected to experience an approximate 0.3% annual growth rate in jobs between 2010 and 2040. Overall, the Town’s planning is expected to accommodate the growth projected by ABAG.

The MSR also reviewed jobs/housing, planning for an aging population, and anticipated growth patterns. Regarding jobs/housing, as of 2010, the Town of Danville had a jobs/housing balance of 0.74 which reflects a slight imbalance (Sources: U.S. Census, ABAG). The Town’s 2015-2023 Housing Element identified adequate sites to meet and exceed its 2014-2022 assigned regional housing needs allocation. Regarding planning for an aging population, the Town did not report any programs/services to serve adults age 50+. As for anticipated growth patterns, there is one potential Priority Development Area in the Town – “Downtown” characterized as *Transit Town Center*. The Town did not report the number of undeveloped entitled residential acres. The Town reports approximately 323 dwelling units either as approved or in the approval process. The Town does not anticipate that current or projected growth patterns will expand beyond its existing municipal boundary and SOI.

- 2) *The location and characteristics of any Disadvantaged Unincorporated Communities (DUCs) within or contiguous to the SOI* – According to the American Community Survey 5-Year Estimates (2013-2017), there are no DUCs located within or contiguous to the Town’s SOI, nor are there any disadvantaged communities located within the Town’s boundary or SOI.
- 3) *Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any DUCs within or contiguous to the SOI* – There are no disadvantaged communities within or contiguous to the Town of Danville.
- 4) *Financial ability of agency to provide services* – In determining the financial ability of the Town to provide services, the MSR considered operating general fund and reserve trends; liquidity, debt, and pension liabilities; and timeliness and accuracy of financial reporting. The Town appears to have sufficient financial resources to accommodate infrastructure expansion, improvements, or replacement over the next five years. The Town operates with a surplus in its General Fund and currently exceeds their 20% reserve goal. The Town provides a defined contribution retirement plan and has no unfunded pension liabilities. The Town prepares timely financial reports.
- 5) *Status of, and opportunities for shared facilities* – The Town contracts with other public agencies and private service providers for various services including animal control, broadband, law enforcement, library, solid waste and utilities; and the Town is party to several JPAs. The Town did not identify any other shared services, overlapping/ duplication of services, or excess service or facility capacity.
- 6) *Accountability for community service needs, including governmental structure and operational efficiencies* – The Town’s website provides information regarding public meetings, services, financial and planning documents, and opportunities for public involvement demonstrating access and accountability. Town meetings are livestreamed via Granicus. Newsletters are distributed to Town residents.
- 7) *Any other matter related to effective or efficient service delivery, as required by Commission policy* – Contra Costa LAFCO’s local policies provide that MSRs focus on target services including water, sewer, drainage, libraries, roads, parks, health care, broadband (high-speed internet access and use), police, and fire protection. The “*City Services*” MSR excludes review of water, sewer, healthcare and fire services as these services were recently reviewed in 2nd round focused MSRs.

Contra Costa LAFCO recently added broadband services as an MSR focus area. The Town does not

provide public broadband service and is served by various private cable/ broadband service providers. The East Bay Broadband Consortium's 2013 East Bay Broadband Report Card indicated that the Town's internet service providers did not meet the CPUC's minimum 6 Mbps download and 1.5 Mbps upload standards. The Town of Danville did not indicate concerns about the ability of broadband providers to serve the Town's existing or growing population.

SPHERE OF INFLUENCE (SOI) DETERMINATIONS

- A. *The present and planned land uses in the area, including agricultural and open-space lands* – The Town of Danville plans for a variety of urban uses within its boundary, representing a continuation of the current mix of uses including residential, commercial, public, open space and agricultural. Present and planned land uses are adequate for existing residents as well as future growth and maintaining compatibility with agricultural and open space uses, as demonstrated in the General Plan (2013).
- B. *The present and probable need for public facilities and services in the area* – There are no anticipated changes in the type of public services and facilities required within the existing SOI for the Town of Danville. The level of demand for these services and facilities, however, will increase commensurate with anticipated population growth over the next five years.
- C. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – The present capacity of public facilities in the Town of Danville appears adequate. The Town anticipates it will continue to have adequate capacity during the next five years.
- D. *The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency* – There are several communities located in the East Danville and Camino Tassajara areas that are within Danville's SOI and are communities of interest. There has been some growth and development in and around these areas. Also, there has been interest by some of the residents in these areas for enhanced police services and annexation to the Town of Danville. The MSR report recommends that the Town consider annexing these areas.
- E. *The present and probable need for sewers, municipal and industrial water, or structural fire protection services and facilities of any DUC within the existing SOI* – There are no disadvantaged communities within or contiguous to the Town of Danville and therefore no present or probable need for services.

PASSED AND ADOPTED this 12th day of June 2019.

AYES:

NOES:

ABSTENTIONS:

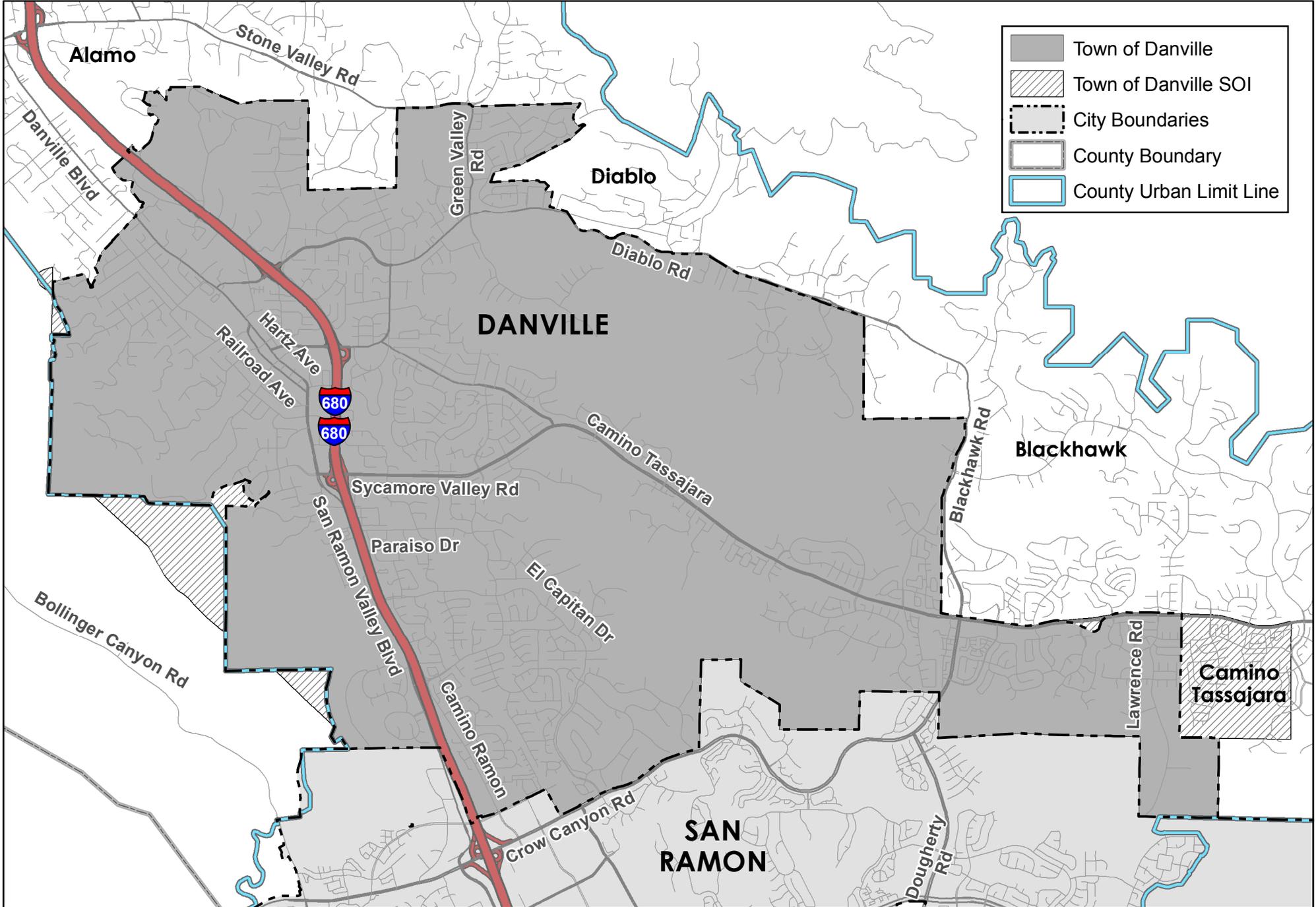
ABSENT:

Tom Butt, Chair, Contra Costa LAFCO

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

Lou Ann Texeira, Executive Officer

Town of Danville Boundary and Sphere of Influence



Map created 09/21/2015
 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.



Att 2e/Exhibit A



**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION
COMMISSION ADOPTING MUNICIPAL SERVICE REVIEW AND SPHERE OF INFLUENCE
DETERMINATIONS FOR THE CITY OF EL CERRITO**

WHEREAS, the Cortese-Knox-Hertzberg Local Governmental Reorganization Act of 2000 (California Government Code §56000 et seq.) provides that a Local Agency Formation Commission (LAFCO) shall adopt Spheres of Influence (SOIs) for each local governmental agency within its jurisdiction [§56425(a)] and that it must update each SOI every five years, as necessary (§56425(g)); and

WHEREAS, the SOI is the primary planning tool for LAFCO and defines the probable physical boundary and service area of a local agency as determined by LAFCO; and

WHEREAS, §56430 requires that in order to prepare and to update SOIs, the Commission shall conduct a Municipal Service Review (MSR) prior to or in conjunction with the SOI update; and

WHEREAS, the Commission has undertaken its 2nd round “*City Services*” MSR covering all 19 cities and four community services districts (CSDs) including Crockett CSD, Diablo CSD, Discovery Bay CSD and Kensington CSD; and

WHEREAS, this MSR, as prepared by Lamphier-Gregory and Berkson Associates consultants to LAFCO, covers the following services: animal control, broadband, building/planning, law enforcement, library, lighting, parks & recreation, solid waste, streets/roads, stormwater, and utilities (gas, electric/community choice); and

WHEREAS, this MSR focuses on: 1) updating profile data including growth/population, jobs/ housing, finances (expenses, revenues, debt, reserves, related fiscal indicators), and staffing; 2) shared services (i.e., joint powers/joint use agreements, among between public agencies, public-private partnerships); 3) infill development/ sprawl prevention/islands; and 4) agricultural/open space preservation; and

WHEREAS, on April 17, 2019, the Commission held a public hearing to receive an overview of the Public Review Draft MSR, receive public comments, and provide input; and

WHEREAS, on June 12, 2019, the Commission held a public hearing to receive the Final Draft MSR and recommended determinations and SOI updates for all agencies covered in the MSR, including the City of El Cerrito; and

WHEREAS, at the public hearings, the Commission heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given an opportunity to hear and be heard with respect to the MSR and SOI updates; and

WHEREAS, the MSR contains the determinations required by §§56425 and 56430 relative to the SOI update and MSR, respectively, for the City of El Cerrito as incorporated in this resolution; and

WHEREAS, the proposed action consists of adopting the MSR determinations and updating the SOI for the City of El Cerrito as presented in the 2nd round “*City Services*” MSR; and

WHEREAS, adoption of the MSR is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA), as MSRs are feasibility and planning studies for possible future actions that have not been approved, adopted, or funded, pursuant to State CEQA Guidelines section 15262; and

WHEREAS, as set forth in State CEQA Guidelines section 15061(b)(3), approval of the SOI update is not subject to CEQA because it can be seen with certainty that there is no possibility that the SOI update will have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED that Contra Costa LAFCO does hereby adopt the following MSR pursuant to §56430 and SOI determinations pursuant to §56425 for the City of El Cerrito and retain the existing SOI for the City of El Cerrito as depicted in Exhibit A (attached). *The City of El Cerrito shall provide LAFCO with a financial update by June 2020 addressing the financial concerns identified in the MSR report. Any future SOI and*

boundary changes to the City of El Cerrito will require that the City demonstrate its financial ability to serve the proposed annexation area.

MUNICIPAL SERVICE REVIEW (MSR) DETERMINATIONS

- 1) *Growth and population projections for the affected area* – According to the 2018 California Department of Finance estimates, the City of El Cerrito serves 24,939 residents. The Association of Bay Area Governments (ABAG) projects that the City of El Cerrito will grow at an annual rate of approximately 0.7% to a population of 29,075 between 2010 and 2040. The City is also projected to experience an approximate 0.4% annual growth rate in jobs between 2010 and 2040. Overall, the City’s planning is expected to accommodate the growth projected by ABAG.

The MSR also reviewed jobs/housing, planning for an aging population, and anticipated growth patterns. Regarding jobs/housing, as of 2010, the City of El Cerrito had a jobs/housing balance of 0.50 which reflects an imbalance (Sources: U.S. Census, ABAG). The City’s 2015-2023 Housing Element identified adequate sites to meet and exceed its 2014-2022 assigned regional housing needs allocation. Regarding planning for an aging population, the City provides a variety of programs and services in the areas of health, education, and recreation to serve adults age 50+. As for anticipated growth patterns, there are two planned Priority Development Areas in the City, both characterized as *Mixed-Use Corridor* - the “San Pablo Avenue Corridor (SPAC) “Del Norte Station” and the SPAC “South of Del Norte.” The City did not report the number of undeveloped entitled residential acres. The City reports that there are 251 units under construction or approved within the City including 86 very low-income units, 38 low income units, 18 moderate income units, and 114 above moderate income units. There are three Priority Conservation Areas within the City. The City does not anticipate the current or projected growth patterns will expand beyond its existing municipal boundary and SOI.

- 2) *The location and characteristics of any Disadvantaged Unincorporated Communities (DUCs) within or contiguous to the SOI* – According to the American Community Survey 5-Year Estimates (2013-2017), there is one disadvantaged community located within the City’s SOI and boundary. The area is located along Highway 123 and Potrero Avenue.
- 3) *Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any DUCs within or contiguous to the SOI* – The disadvantaged community within the City of El Cerrito has access to municipal fire, sewer and water services.
- 4) *Financial ability of agency to provide services* – In determining the financial ability of the City to provide services, the MSR considered operating general fund and reserve trends; liquidity, debt, and pension liabilities; and timeliness and accuracy of financial reporting. The City of El Cerrito is experiencing fiscal challenges that may affect its ability to provide services, particularly in the event of unexpected funding needs. The City’s capital spending has not kept pace with asset depreciation. The City faces rising pension costs, and the City has not identified measures to address the increasing pension debt. The City’s ability to accommodate infrastructure expansion, improvements, or replacement over the next five years may be compromised absent identification of additional funding opportunities. The additional revenue from the 2018 passage of Measure W will aid in addressing some of the City’s fiscal challenges. The City has been operating with a surplus in its General Fund. However, the City’s reserves are declining and are now at 3.4% which is below the City’s 15% reserve goal. The City’s liquidity ratio is less than 1.0; however, the City reports sufficient cash to cover current liabilities and short-term debt. The City has one enterprise activity – integrated waste management. Past years show a moderate positive change to this enterprise net position. The City’s most recent CAFR was not issued in a timely manner. The CAFR was audited by an independent CPA and received a clean opinion.
- 5) *Status of, and opportunities for, shared facilities* – The City contracts with other public agencies and private service providers for various services including animal control, broadband, library, solid waste, stormwater

and utilities; and the City is party to several JPAs. The City did not identify any other shared services, overlapping/duplication of services, or excess service or facility capacity.

- 6) *Accountability for community service needs, including governmental structure and operational efficiencies* – The City’s website provides information regarding public meetings, services, financial and planning documents, and opportunities for public involvement demonstrating access and accountability. City Council meetings are livestreamed and broadcast on radio and television. The City uses social media, OpenGov, radio, printed media, and in-person workshops to notify, engage and educate residents and customers. Newsletters are also distributed to City residents.
- 7) *Any other matter related to effective or efficient service delivery, as required by Commission policy* – Contra Costa LAFCO’s local policies provide that MSRs focus on target services including water, sewer, drainage, libraries, roads, parks, health care, broadband (high-speed internet access and use), police, and fire protection. The “City Services” MSR excludes review of water, sewer, healthcare and fire services as these services were recently reviewed in 2nd round focused MSRs.

Contra Costa LAFCO recently added broadband services as an MSR focus area. The City does not provide public broadband service and is served by various private cable/ broadband service providers. The East Bay Broadband Consortium’s 2013 East Bay Broadband Report Card noted that the City of El Cerrito’s internet service providers meet the CPUC’s minimum 6 Mbps download and 1.5 Mbps upload standards.

SPHERE OF INFLUENCE (SOI) DETERMINATIONS

- A. *The present and planned land uses in the area, including agricultural and open-space lands* – The City of El Cerrito plans for a variety of urban uses within its boundary, representing a continuation of the current mix of uses including residential, commercial, and open space. Present and planned land uses are adequate for existing residents as well as future growth and maintaining compatibility with open space uses, as demonstrated in the City’s General Plan (1999).
- B. *The present and probable need for public facilities and services in the area* – There are no anticipated changes in the type of public services and facilities required within the existing SOI for the City of El Cerrito. The level of demand for these services and facilities, however, will increase commensurate with anticipated population growth over the next five years.
- C. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – The present capacity of public facilities in the City of El Cerrito appears adequate, and the City indicates it will continue to have adequate capacity over the next five years.
- D. *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 unincorporated community of Kensington is within El Cerrito’s SOI and is a community of interest.
- E. *The present and probable need for sewers, municipal and industrial water, or structural fire protection services and facilities of any DUC within the existing SOI* – There is one disadvantaged community located within the City’s SOI and boundary. The area is located along Highway 123 and Potrero Avenue. This disadvantaged community has access to municipal fire, sewer and water services.

PASSED AND ADOPTED this 12th day of June 2019.

AYES:

NOES:

ABSTENTIONS:

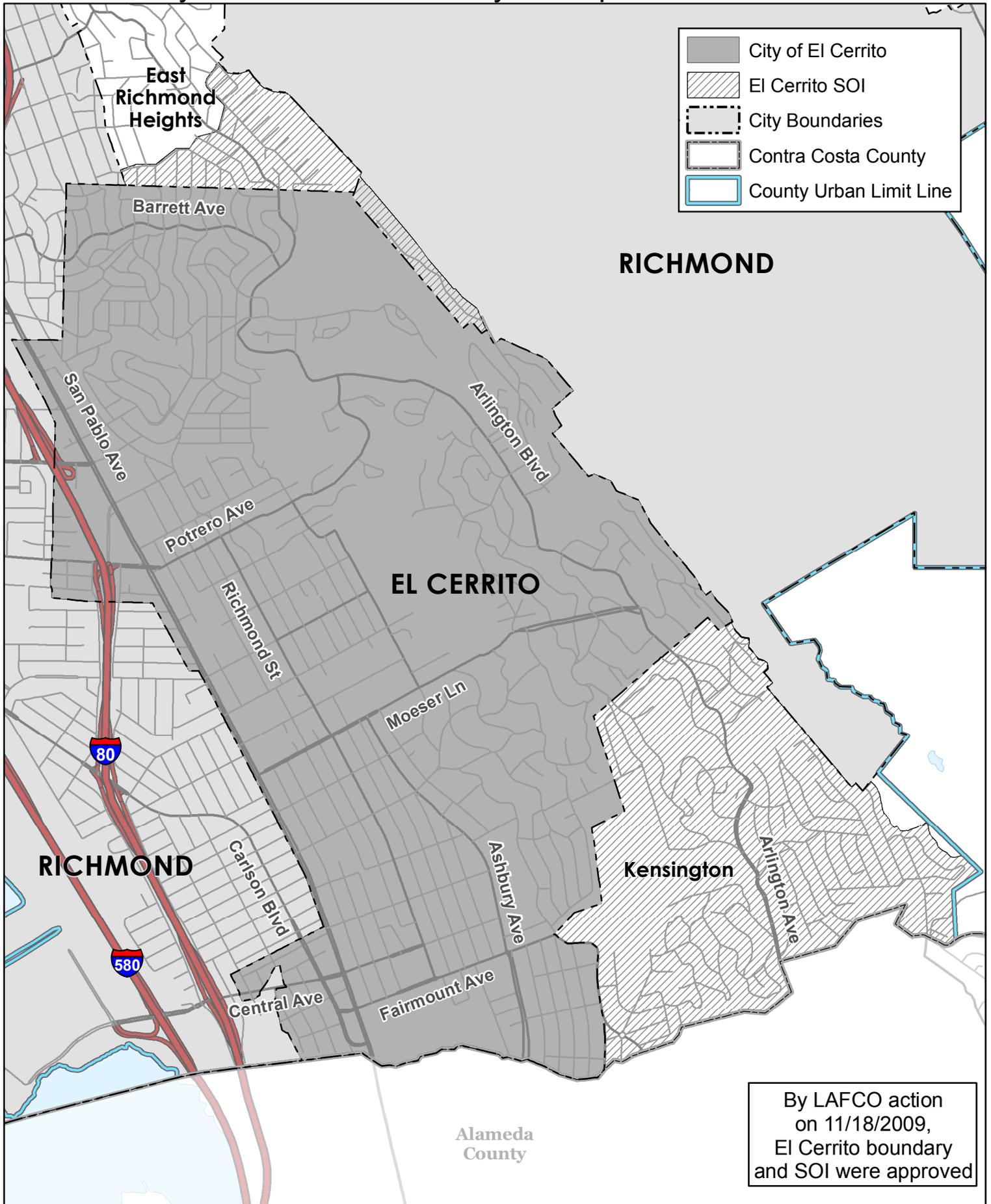
ABSENT:

Tom Butt, Chair, Contra Costa LAFCO

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

Lou Ann Texeira, Executive Officer

City of El Cerrito Boundary and Sphere of Influence



**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION
COMMISSION ADOPTING MUNICIPAL SERVICE REVIEW AND SPHERE OF INFLUENCE
DETERMINATIONS FOR THE CITY OF HERCULES**

WHEREAS, the Cortese-Knox-Hertzberg Local Governmental Reorganization Act of 2000 (California Government Code §56000 et seq.) provides that a Local Agency Formation Commission (LAFCO) shall adopt Spheres of Influence (SOIs) for each local governmental agency within its jurisdiction [§56425(a)] and that it must update each SOI every five years, as necessary (§56425(g)); and

WHEREAS, the SOI is the primary planning tool for LAFCO and defines the probable physical boundary and service area of a local agency as determined by LAFCO; and

WHEREAS, §56430 requires that in order to prepare and to update SOIs, the Commission shall conduct a Municipal Service Review (MSR) prior to or in conjunction with the SOI update; and

WHEREAS, the Commission has undertaken its 2nd round “*City Services*” MSR covering all 19 cities and four community services districts (CSDs) including Crockett CSD, Diablo CSD, Discovery Bay CSD and Kensington CSD; and

WHEREAS, this MSR, as prepared by Lamphier-Gregory and Berkson Associates consultants to LAFCO, covers the following services: animal control, broadband, building/planning, law enforcement, library, lighting, parks & recreation, solid waste, streets/roads, stormwater, and utilities (gas, electric/community choice); and

WHEREAS, this MSR focuses on: 1) updating profile data including growth/population, jobs/ housing, finances (expenses, revenues, debt, reserves, related fiscal indicators), and staffing; 2) shared services (i.e., joint powers/joint use agreements, among between public agencies, public-private partnerships); 3) infill development/ sprawl prevention/islands; and 4) agricultural/open space preservation; and

WHEREAS, on April 17, 2019, the Commission held a public hearing to receive an overview of the Public Review Draft MSR, receive public comments, and provide input; and

WHEREAS, on June 12, 2019, the Commission held a public hearing to receive the Final Draft MSR and recommended determinations and SOI updates for all agencies covered in the MSR, including the City of Hercules; and

WHEREAS, at the public hearings, the Commission heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given an opportunity to hear and be heard with respect to the MSR and SOI updates; and

WHEREAS, the MSR contains the determinations required by §§56425 and 56430 relative to the SOI update and MSR, respectively, for the City of Hercules as incorporated in this resolution; and

WHEREAS, the proposed action consists of adopting the MSR determinations and updating the SOI for the City of Hercules as presented in the 2nd round “*City Services*” MSR; and

WHEREAS, adoption of the MSR is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA), as MSRs are feasibility and planning studies for possible future actions that have not been approved, adopted, or funded, pursuant to State CEQA Guidelines section 15262; and

WHEREAS, as set forth in State CEQA Guidelines section 15061(b)(3), approval of the SOI update is not subject to CEQA because it can be seen with certainty that there is no possibility that the SOI update will have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED that Contra Costa LAFCO does hereby adopt the following MSR pursuant to §56430 and SOI determinations pursuant to §56425 for the City of Hercules and retain the existing SOI for the City of Hercules as depicted in Exhibit A (attached):

MUNICIPAL SERVICE REVIEW (MSR) DETERMINATIONS

- 1) *Growth and population projections for the affected area* – According to the 2018 California Department of Finance estimates, the City of Hercules serves 26,317 residents. The Association of Bay Area Governments (ABAG) projects that the City of Hercules will grow at an annual rate of approximately 0.6% to a population of 28,700 between 2010 and 2040. The City is also projected to experience an approximate 0.4% annual growth rate in jobs between 2010 and 2040. Overall, the City’s planning is expected to accommodate the growth projected by ABAG.

The MSR also reviewed jobs/housing, planning for an aging population, and anticipated growth patterns. Regarding jobs/housing, as of 2010, the City of Hercules had a jobs/housing balance of 0.58 which reflects an imbalance (Sources: U.S. Census, ABAG). The City’s 2015-2023 Housing Element identified adequate sites to meet and exceed its 2014-2022 assigned regional housing needs allocation. Regarding planning for an aging population, the City did not report any programs/services serving adults age 50+. Regarding anticipated growth patterns, there are two planned Priority Development Areas in the City – Central Hercules (Transit Neighborhood) and Waterfront District (Transit Town Center), both of which will add housing to the city. Also, there are two Priority Conservation Areas within the City. The City reported one undeveloped parcel (Parcel C – Muir Pointe) which includes development of 144 single family housing unit. The City reported several other development projects (dwelling units and commercial space). The City does not anticipate the current or projected growth patterns will expand beyond its existing municipal boundary and SOI.

- 2) *The location and characteristics of any Disadvantaged Unincorporated Communities (DUCs) within or contiguous to the SOI* – According to the American Community Survey 5-Year Estimates (2013-2017), there are no disadvantaged communities within or contiguous to the City’s SOI or boundary.
- 3) *Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any DUCs within or contiguous to the SOI* – There are no disadvantaged communities within or contiguous to the City’s SOI or boundary.
- 4) *Financial ability of agency to provide services* – In determining the financial ability of the City to provide services, the MSR considered operating general fund and reserve trends; liquidity, debt, and pension liabilities; and timeliness and accuracy of financial reporting. The City of Hercules is experiencing fiscal challenges that may affect its ability to provide services. After operating at a surplus the past few years, the City is operating at a deficit for FY 2018-19, which will be addressed using unallocated fund balances. As with other cities, the City of Hercules faces growing pension and OPEB liabilities; and the City has not identified measures to address these increasing liabilities. The City' has one enterprise operation – wastewater. Past years show an overall positive change for combined enterprise net position. The City’s most recent CAFR was not issued in a timely manner. The CAFR was audited by an independent CPA and received a clean opinion. The MSR includes recommendations for improving the transparency of the City’s financial reports.
- 5) *Status of, and opportunities for, shared facilities* – The City contracts with other public agencies and private service providers for various services including animal control, broadband, library, solid waste, and utilities; and the City is party to several JPAs. The City did not identify any other shared services, overlapping/ duplication of services, or excess service or facility capacity.
- 6) *Accountability for community service needs, including governmental structure and operational efficiencies* – The City’s website provides information regarding public meetings, services, financial and planning documents, and opportunities for public involvement demonstrating access and accountability.
- 7) *Any other matter related to effective or efficient service delivery, as required by Commission policy* – Contra Costa LAFCO’s local policies provide that MSR’s focus on target services including water, sewer, drainage, libraries, roads, parks, health care, broadband (high-speed internet access and use), police, and fire

protection. The “City Services” MSR excludes review of water, sewer, healthcare and fire services as these services were recently reviewed in 2nd round focused MSRs.

Contra Costa LAFCO recently added broadband services as an MSR focus area. The City does not provide public broadband service and is served by various private cable/ broadband service providers. The East Bay Broadband Consortium’s 2013 East Bay Broadband Report Card noted that the City of Hercules’s internet service providers did not meet the CPUC’s minimum 6 Mbps download and 1.5 Mbps upload standards. The City did not indicate any specific concerns about the ability of the current broadband providers to serve the City.

SPHERE OF INFLUENCE (SOI) DETERMINATIONS

- A. *The present and planned land uses in the area, including agricultural and open-space lands* – The City of Hercules plans for a variety of urban uses within its boundary, representing a continuation of the current mix of uses including industrial, residential, research and development, commercial, and open space. Present and planned land uses are adequate for existing residents as well as future growth and maintaining compatibility with open space uses, as demonstrated in the City’s General Plan (1998).
- B. *The present and probable need for public facilities and services in the area* – There are no anticipated changes in the type of public services and facilities required within the existing SOI for the City of Hercules. The level of demand for these services and facilities, however, will increase commensurate with anticipated population growth over the next five years.
- C. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – The present capacity of public facilities in the City of Hercules appears adequate, and the City indicates it will continue to have adequate capacity over the next five years.
- D. *The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency* – All communities of interest within the City’s boundary are included in the SOI. Contra Costa LAFCO has not identified any specific social or economic communities of interest relevant to the City of Hercules.
- 8) *The present and probable need for sewers, municipal and industrial water, or structural fire protection services and facilities of any DUC within the existing SOI* – There are no disadvantaged communities within or contiguous to the City’s SOI or boundary, and therefore, no present or probable need for such services.

PASSED AND ADOPTED this 12th day of June 2019.

AYES:

NOES:

ABSTENTIONS:

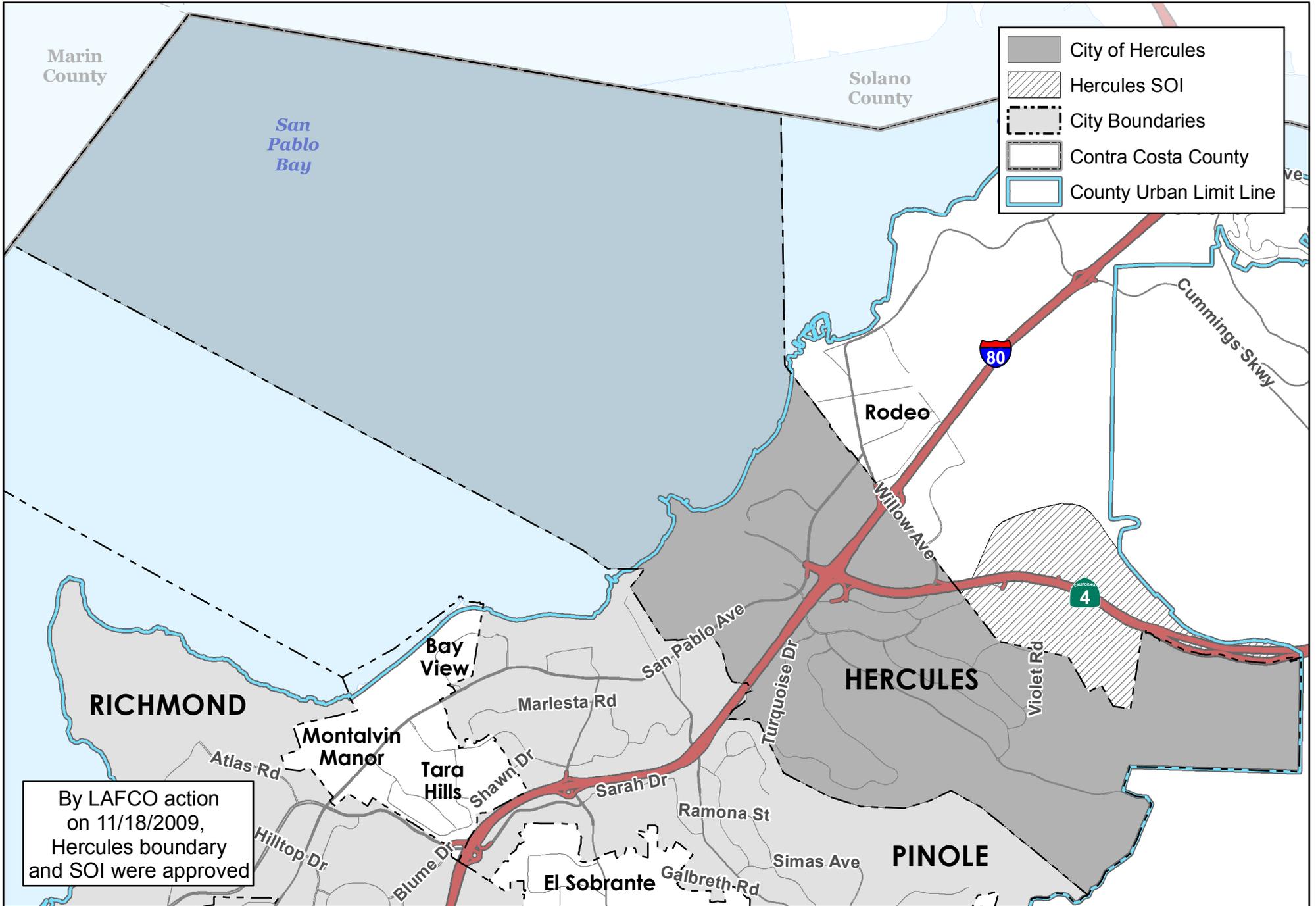
ABSENT:

Tom Butt, Chair, Contra Costa LAFCO

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

Lou Ann Texeira, Executive Officer

City of Hercules Boundary and Sphere of Influence



- City of Hercules
- Hercules SOI
- City Boundaries
- Contra Costa County
- County Urban Limit Line

By LAFCO action on 11/18/2009, Hercules boundary and SOI were approved

Map created 10/04/2018 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.



Att 2g/Exhibit A



**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION
COMMISSION ADOPTING MUNICIPAL SERVICE REVIEW AND SPHERE OF INFLUENCE
DETERMINATIONS FOR THE CITY OF LAFAYETTE**

WHEREAS, the Cortese-Knox-Hertzberg Local Governmental Reorganization Act of 2000 (California Government Code §56000 et seq.) provides that a Local Agency Formation Commission (LAFCO) shall adopt Spheres of Influence (SOIs) for each local governmental agency within its jurisdiction [§56425(a)] and that it must update each SOI every five years, as necessary (§56425(g)); and

WHEREAS, the SOI is the primary planning tool for LAFCO and defines the probable physical boundary and service area of a local agency as determined by LAFCO; and

WHEREAS, §56430 requires that in order to prepare and to update SOIs, the Commission shall conduct a Municipal Service Review (MSR) prior to or in conjunction with the SOI update; and

WHEREAS, the Commission has undertaken its 2nd round “*City Services*” MSR covering all 19 cities and four community services districts (CSDs) including Crockett CSD, Diablo CSD, Discovery Bay CSD and Kensington CSD; and

WHEREAS, this MSR, as prepared by Lamphier-Gregory and Berkson Associates consultants to LAFCO, covers the following services: animal control, broadband, building/planning, law enforcement, library, lighting, parks & recreation, solid waste, streets/roads, stormwater, and utilities (gas, electric/community choice); and

WHEREAS, this MSR focuses on: 1) updating profile data including growth/population, jobs/ housing, finances (expenses, revenues, debt, reserves, related fiscal indicators), and staffing; 2) shared services (i.e., joint powers/joint use agreements, among between public agencies, public-private partnerships); 3) infill development/ sprawl prevention/islands; and 4) agricultural/open space preservation; and

WHEREAS, on April 17, 2019, the Commission held a public hearing to receive an overview of the Public Review Draft MSR, receive public comments, and provide input; and

WHEREAS, on June 12, 2019, the Commission held a public hearing to receive the Final Draft MSR and recommended determinations and SOI updates for all agencies covered in the MSR, including the City of Lafayette; and

WHEREAS, at the public hearings, the Commission heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given an opportunity to hear and be heard with respect to the MSR and SOI updates; and

WHEREAS, the MSR contains the determinations required by §§56425 and 56430 relative to the SOI update and MSR, respectively, for the City of Lafayette as incorporated in this resolution; and

WHEREAS, the proposed action consists of adopting the MSR determinations and updating the SOI for the City of Lafayette as presented in the 2nd round “*City Services*” MSR; and

WHEREAS, adoption of the MSR is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA), as MSRs are feasibility and planning studies for possible future actions that have not been approved, adopted, or funded, pursuant to State CEQA Guidelines section 15262; and

WHEREAS, as set forth in State CEQA Guidelines section 15061(b)(3), approval of the SOI update is not subject to CEQA because it can be seen with certainty that there is no possibility that the SOI update will have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED that Contra Costa LAFCO does hereby adopt the following MSR pursuant to §56430 and SOI determinations pursuant to §56425 for the City of Lafayette and retain the existing SOI for the City of Lafayette as depicted in Exhibit A (attached):

MUNICIPAL SERVICE REVIEW (MSR) DETERMINATIONS

- 1) *Growth and population projections for the affected area* – According to the 2018 California Department of Finance estimates, the City of Lafayette serves 25,655 residents. The Association of Bay Area Governments (ABAG) projects that the City of Lafayette will grow at an annual rate of approximately 0.4% to a population of 26,815 between 2010 and 2040. The City is projected to experience an approximate 0.3% annual growth rate in jobs between 2010 and 2040. Overall, the City’s planning is expected to accommodate the growth projected by ABAG.

The MSR also reviewed jobs/housing, planning for an aging population, and anticipated growth patterns. Regarding jobs/housing, as of 2010, the City of Lafayette had a jobs/housing balance of 0.93 which reflects a balance (Sources: U.S. Census, ABAG). The City’s 2015-2023 Housing Element identified adequate sites to meet and exceed its 2014-2022 assigned regional housing needs allocation. Regarding planning for an aging population, the City provides a variety of programs/services in the areas of health, education and recreation to meet the needs of adults age 50+. Regarding anticipated growth patterns, there is one Priority Development Area in the City – Downtown PDA (Transit Neighborhood) which will add housing to the city. There are two Priority Conservation Areas (PCAs) within the City – the Burton Ridge PCA and the Lafayette Ridge PCA. The City reports 35± undeveloped entitled residential acres, including projects with new residential units where previously the site was vacant or non-residential and projects entitled prior to and including FY 2017, which remain under construction or are unbuilt as of 3/1/19. The City reports 225± dwelling units approved in 2017, that are either under construction or not yet built (200 multi-family, 25 single-family). Regarding near- and long- term development, the City estimates 250± near-term and 850± long-term housing units; and 25,000 SF near-term and 125,000 SF long-term commercial and/or office space. The City does not anticipate the current or projected growth patterns will expand beyond its existing municipal boundary and SOI.

- 2) *The location and characteristics of any Disadvantaged Unincorporated Communities (DUCs) within or contiguous to the SOI* – According to the American Community Survey 5-Year Estimates (2013-2017), there is a disadvantaged community contiguous to the City’s SOI.
- 3) *Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any DUCs within or contiguous to the SOI* – The disadvantaged community contiguous to Lafayette’s SOI receives municipal fire, sewer and water services.
- 4) *Financial ability of agency to provide services* – In determining the financial ability of the City to provide services, the MSR considered operating general fund and reserve trends; liquidity, debt, and pension liabilities; and timeliness and accuracy of financial reporting. Overall, the City of Lafayette appears to have sufficient financial resources to continue providing services to accommodate infrastructure expansion, improvements, or replacement over the next five years. The City has been operating with a surplus in their General Fund and currently exceeds its 60% reserve goal. The City contributes to a defined contribution plans and has no unfunded pension liabilities. The City has one enterprise activity – recreation. The enterprise’s positive net position has improved from FY 2014 – 2017; the fund’s revenues slightly exceed expenditures. The City’s most recent CAFR was issued in a timely manner. The CAFR was audited by an independent CPA and received a clean opinion.
- 5) *Status of, and opportunities for, shared facilities* – Services related to animal control, broadband, law enforcement, library, parks and recreation, solid waste, and utilities are provided via contract with other public agencies and private and public vendors; and the City is party to various JPAs. The City did not identify any other shared services, overlapping/duplication of services, or excess service or facility capacity.
- 6) *Accountability for community service needs, including governmental structure and operational efficiencies* – The City’s website provides information regarding public meetings, services, financial and planning documents, and opportunities for public involvement demonstrating access and accountability. Audio

recordings of City Council and various city commission meetings are available on the City's website. Newsletters area also distributed to City residents.

- 7) *Any other matter related to effective or efficient service delivery, as required by Commission policy - Contra Costa LAFCO's local policies provide that MSRs focus on target services including water, sewer, drainage, libraries, roads, parks, health care, broadband (high-speed internet access and use), police, and fire protection. The "City Services" MSR excludes review of water, sewer, healthcare and fire services as these services were recently reviewed in 2nd round focused MSRs.*

Contra Costa LAFCO recently added broadband services as an MSR focus area. The City does not provide public broadband service and is served by various private cable/ broadband service providers. The East Bay Broadband Consortium's 2013 East Bay Broadband Report Card noted that the City of Lafayette's internet service providers meet the CPUC's minimum 6 Mbps download and 1.5 Mbps upload standards. The City did not indicate any specific concerns about the ability of the current broadband providers to serve the City.

SPHERE OF INFLUENCE (SOI) DETERMINATIONS

- A. *The present and planned land uses in the area, including agricultural and open-space lands – The City of Lafayette plans for a variety of urban uses within its boundary, representing a continuation of the current mix of uses including residential, commercial, and open space. Present and planned land uses are adequate for existing residents as well as future growth and maintaining compatibility with open space uses, as demonstrated in the City's General Plan (2002).*
- B. *The present and probable need for public facilities and services in the area – There are no anticipated changes in the type of public services and facilities required within the existing SOI for the City of Lafayette. The level of demand for these services and facilities, however, will increase commensurate with anticipated population growth over the next five years.*
- C. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide – The present capacity of public facilities in the City of Lafayette appears adequate, and the City indicates it will continue to have adequate capacity over the next five years.*
- D. *The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency – All communities of interest within the City's boundary are included in the SOI. There is interest by Reliez Valley and Olympic Boulevard residents to annex to the City of Lafayette as they feel a community of interest with the City.*
- 8) *The present and probable need for sewers, municipal and industrial water, or structural fire protection services and facilities of any DUC within the existing SOI - There is a disadvantaged community contiguous to the City's SOI. This area receives municipal fire, sewer and water services.*

PASSED AND ADOPTED this 12th day of June 2019.

AYES:

NOES:

ABSTENTIONS:

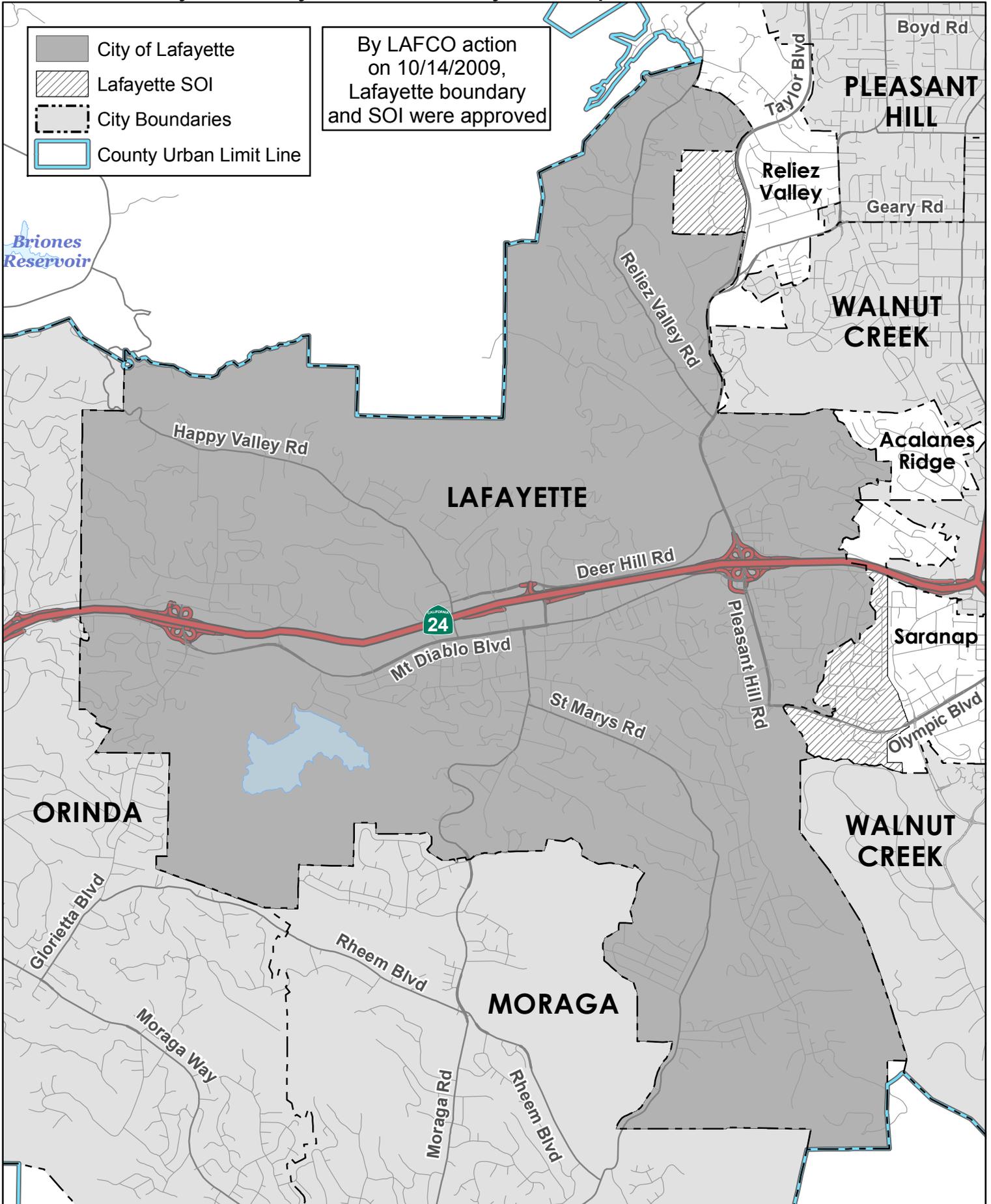
ABSENT:

Tom Butt, Chair, Contra Costa LAFCO

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

Lou Ann Texeira, Executive Officer

City of Lafayette Boundary and Sphere of Influence



**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION
COMMISSION ADOPTING MUNICIPAL SERVICE REVIEW AND SPHERE OF INFLUENCE
DETERMINATIONS FOR THE CITY OF MARTINEZ**

WHEREAS, the Cortese-Knox-Hertzberg Local Governmental Reorganization Act of 2000 (California Government Code §56000 et seq.) provides that a Local Agency Formation Commission (LAFCO) shall adopt Spheres of Influence (SOIs) for each local governmental agency within its jurisdiction [§56425(a)] and that it must update each SOI every five years, as necessary (§56425(g)); and

WHEREAS, the SOI is the primary planning tool for LAFCO and defines the probable physical boundary and service area of a local agency as determined by LAFCO; and

WHEREAS, §56430 requires that in order to prepare and to update SOIs, the Commission shall conduct a Municipal Service Review (MSR) prior to or in conjunction with the SOI update; and

WHEREAS, the Commission has undertaken its 2nd round “*City Services*” MSR covering all 19 cities and four community services districts (CSDs) including Crockett CSD, Diablo CSD, Discovery Bay CSD and Kensington CSD; and

WHEREAS, this MSR, as prepared by Lamphier-Gregory and Berkson Associates consultants to LAFCO, covers the following services: animal control, broadband, building/planning, law enforcement, library, lighting, parks & recreation, solid waste, streets/roads, stormwater, and utilities (gas, electric/community choice); and

WHEREAS, this MSR focuses on: 1) updating profile data including growth/population, jobs/ housing, finances (expenses, revenues, debt, reserves, related fiscal indicators), and staffing; 2) shared services (i.e., joint powers/joint use agreements, among between public agencies, public-private partnerships); 3) infill development/ sprawl prevention/islands; and 4) agricultural/open space preservation; and

WHEREAS, on April 17, 2019, the Commission held a public hearing to receive an overview of the Public Review Draft MSR, receive public comments, and provide input; and

WHEREAS, on June 12, 2019, the Commission held a public hearing to receive the Final Draft MSR and recommended determinations and SOI updates for all agencies covered in the MSR, including the City of Martinez; and

WHEREAS, at the public hearings, the Commission heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given an opportunity to hear and be heard with respect to the MSR and SOI updates; and

WHEREAS, the MSR contains the determinations required by §§56425 and 56430 relative to the SOI update and MSR, respectively, for the City of Martinez as incorporated in this resolution; and

WHEREAS, the proposed action consists of adopting the MSR determinations and updating the SOI for the City of Martinez as presented in the 2nd round “*City Services*” MSR; and

WHEREAS, adoption of the MSR is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA), as MSRs are feasibility and planning studies for possible future actions that have not been approved, adopted, or funded, pursuant to State CEQA Guidelines section 15262; and

WHEREAS, as set forth in State CEQA Guidelines section 15061(b)(3), approval of the SOI update is not subject to CEQA because it can be seen with certainty that there is no possibility that the SOI update will have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED that Contra Costa LAFCO does hereby adopt the following MSR pursuant to §56430 and SOI determinations pursuant to §56425 for the City of Martinez and retain the existing SOI for the City of Martinez as depicted in Exhibit A (attached):

MUNICIPAL SERVICE REVIEW (MSR) DETERMINATIONS

- 1) *Growth and population projections for the affected area* – According to the 2018 California Department of Finance estimates, the City of Martinez serves 38,097 residents. The Association of Bay Area Governments (ABAG) projects that the City of Martinez will grow at an annual rate of approximately 0.4% to a population of 40,035 between 2010 and 2040. The City is projected to experience an approximate 0.8% annual growth rate in jobs between 2010 and 2040. Overall, the City’s planning is expected to accommodate the growth projected by ABAG.

The MSR also reviewed jobs/housing, planning for an aging population, and anticipated growth patterns. Regarding jobs/housing, as of 2010, the City of Martinez had a jobs/housing balance of 1.40 which reflects a balance (Sources: U.S. Census, ABAG). The City’s 2015-2023 Housing Element identified adequate sites to meet and exceed its 2014-2022 assigned regional housing needs allocation. Regarding planning for an aging population, the City provides a variety of programs/services for adults age 50 and older, including a range of health, education, recreation, volunteer, and other social interaction opportunities for participants that enhance dignity, support independence, and encourage community involvement. Regarding anticipated growth patterns, there is one Priority Development Area in the City – “Downtown,” which is characterized as *Transit Neighborhood* and will add jobs and housing to the city. No Priority Conservation Areas (PCAs) were identified in the City of Martinez. The City reports eight approved housing units in the past 12 months, including those not built; and one project in the entitlement process that includes 173 market and nine below market rate rental units (density bonus project). Regarding near- and long- term development, the City reports a 300,000± SF mini storage facility currently under review. The City does not anticipate the current or projected growth patterns will expand beyond its existing municipal boundary and SOI.

- 2) *The location and characteristics of any Disadvantaged Unincorporated Communities (DUCs) within or contiguous to the SOI* – According to the American Community Survey 5-Year Estimates (2013-2017), there a disadvantaged community within or contiguous to the City’s SOI located in the northwest area of the City.
- 3) *Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any DUCs within or contiguous to the SOI* – The disadvantaged community within and contiguous to Martinez’s SOI receives municipal fire, sewer and water services.
- 4) *Financial ability of agency to provide services* – In determining the financial ability of the City to provide services, the MSR considered operating general fund and reserve trends; liquidity, debt, and pension liabilities; and timeliness and accuracy of financial reporting. Overall, the City of Martinez appears to have sufficient financial resources to continue providing services to accommodate infrastructure expansion, improvements, or replacement over the next five years. The City has been operating with a surplus in their General Fund and currently meets its 20% reserve goal. The City’s enterprise operations include water, marina and parking. which showed improving ending balances FY 2015 through FY 2017. More recently, the City’s water system budget shows annual revenue shortfalls. The parking revenue fund is positive but declining; and the marina budget projects negative ending fund balances. As with other cities, rising pension costs are expected to reduce funding for other priorities. The City’s most recent CAFR was issued in a timely manner. The CAFR was audited by an independent CPA and received a clean opinion.
- 5) *Status of, and opportunities for, shared facilities* – Services related to animal control, broadband, library, solid waste, and utilities are provided via contract with other public agencies and private and public vendors; and the City is party to several JPAs. The City did not identify any other shared services, overlapping/ duplication of services, or excess service or facility capacity.
- 6) *Accountability for community service needs, including governmental structure and operational efficiencies* – The City’s website provides information regarding public meetings, services, financial and planning documents, and opportunities for public involvement demonstrating access and accountability.
- 7) *Any other matter related to effective or efficient service delivery, as required by Commission policy* – Contra

Costa LAFCO's local policies provide that MSRs focus on target services including water, sewer, drainage, libraries, roads, parks, health care, broadband (high-speed internet access and use), police, and fire protection. The "City Services" MSR excludes review of water, sewer, healthcare and fire services as these services were recently reviewed in 2nd round focused MSRs.

Contra Costa LAFCO recently added broadband services as a MSR focus area. The City does not provide public broadband service and is served by various private cable/ broadband service providers. The East Bay Broadband Consortium's 2013 East Bay Broadband Report Card noted that the City of Martinez's internet service providers meet the CPUC's minimum 6 Mbps download and 1.5 Mbps upload standards. The City did not indicate any specific concerns about the ability of the current broadband providers to serve the City.

SPHERE OF INFLUENCE (SOI) DETERMINATIONS

- A. *The present and planned land uses in the area, including agricultural and open-space lands* - The City of Martinez plans for a variety of urban uses within its boundary, representing a continuation of the current mix of uses including industrial, residential, commercial, agricultural and open space. Present and planned land uses are adequate for existing residents as well as future growth and maintaining compatibility with agricultural and open space uses, as demonstrated in the City's General Plan (2016).
- B. *The present and probable need for public facilities and services in the area* - There is a recent increase in the number of out of agency water service requests for the City to extend municipal water outside its jurisdictional boundary. LAFCO encourages the City to annex areas within its SOI that need city services. The level of demand for City services and facilities will also increase commensurate with anticipated population growth over the next five years.
- C. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* - With the exception of City roads/streets, the present capacity of public facilities in the City of Martinez appears adequate, and the City indicates it will continue to have adequate capacity over the next five years. The City's roads/streets are "at risk." The City will use new funding sources for pavement repair.
- D. *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 City's SOI includes the unincorporated communities of Vine Hill, Mt. View, North Pacheco, and the Alhambra Valley. Mt. View is an unincorporated island which is substantially surrounded by the City. These areas could benefit from receiving City services. The City Council recently identified annexation of these as one of its top five goals for the next two years.
- 8) *The present and probable need for sewers, municipal and industrial water, or structural fire protection services and facilities of any DUC within the existing SOI* - There is a disadvantaged community within and contiguous to the City's boundary and SOI. This area receives municipal fire, sewer and water services.

PASSED AND ADOPTED this 12th day of June 2019.

AYES:

NOES:

ABSTENTIONS:

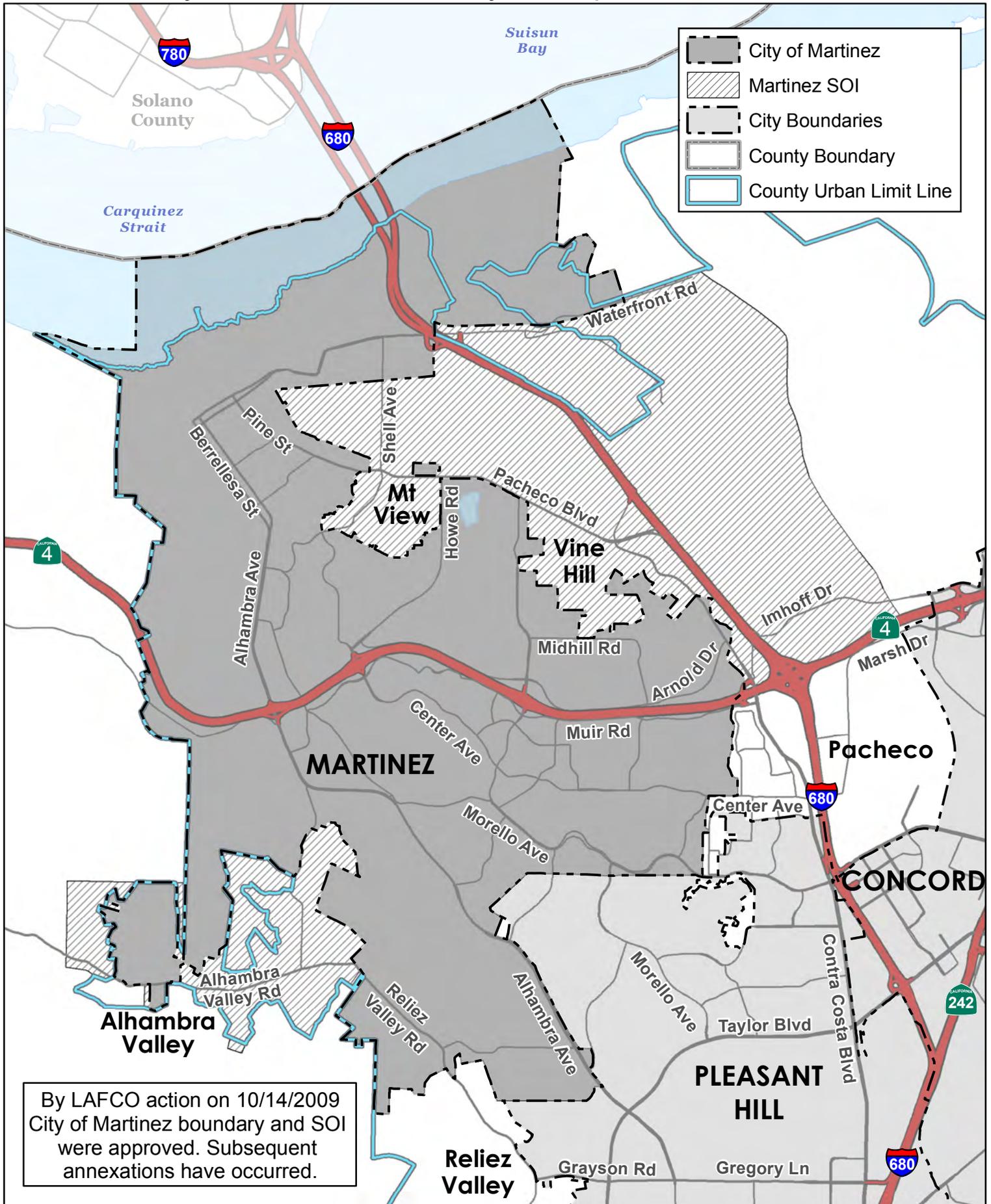
ABSENT:

Tom Butt, Chair, Contra Costa LAFCO

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

Lou Ann Texeira, Executive Officer

City of Martinez Boundary and Sphere of Influence



By LAFCO action on 10/14/2009 City of Martinez boundary and SOI were approved. Subsequent annexations have occurred.

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION
COMMISSION ADOPTING MUNICIPAL SERVICE REVIEW AND SPHERE OF INFLUENCE
DETERMINATIONS FOR THE TOWN OF MORAGA**

WHEREAS, the Cortese-Knox-Hertzberg Local Governmental Reorganization Act of 2000 (California Government Code §56000 et seq.) provides that a Local Agency Formation Commission (LAFCO) shall adopt Spheres of Influence (SOIs) for each local governmental agency within its jurisdiction [§56425(a)] and that it must update each SOI every five years, as necessary (§56425(g)); and

WHEREAS, the SOI is the primary planning tool for LAFCO and defines the probable physical boundary and service area of a local agency as determined by LAFCO; and

WHEREAS, §56430 requires that in order to prepare and to update SOIs, the Commission shall conduct a Municipal Service Review (MSR) prior to or in conjunction with the SOI update; and

WHEREAS, the Commission has undertaken its 2nd round “*City Services*” MSR covering all 19 cities and four community services districts (CSDs) including Crockett CSD, Diablo CSD, Discovery Bay CSD and Kensington CSD; and

WHEREAS, this MSR, as prepared by Lamphier-Gregory and Berkson Associates consultants to LAFCO, covers the following services: animal control, broadband, building/planning, law enforcement, library, lighting, parks & recreation, solid waste, streets/roads, stormwater, and utilities (gas, electric/community choice); and

WHEREAS, this MSR focuses on: 1) updating profile data including growth/population, jobs/ housing, finances (expenses, revenues, debt, reserves, related fiscal indicators), and staffing; 2) shared services (i.e., joint powers/joint use agreements, among between public agencies, public-private partnerships); 3) infill development/ sprawl prevention/islands; and 4) agricultural/open space preservation; and

WHEREAS, on April 17, 2019, the Commission held a public hearing to receive an overview of the Public Review Draft MSR, receive public comments, and provide input; and

WHEREAS, on June 12, 2019, the Commission held a public hearing to receive the Final Draft MSR and recommended determinations and SOI updates for all agencies covered in the MSR, including the Town of Moraga; and

WHEREAS, at the public hearings, the Commission heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given an opportunity to hear and be heard with respect to the MSR and SOI updates; and

WHEREAS, the MSR contains the determinations required by §§56425 and 56430 relative to the SOI update and MSR, respectively, for the Town of Moraga as incorporated in this resolution; and

WHEREAS, the proposed action consists of adopting the MSR determinations and updating the SOI for the Town of Moraga as presented in the 2nd round “*City Services*” MSR; and

WHEREAS, adoption of the MSR is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA), as MSRs are feasibility and planning studies for possible future actions that have not been approved, adopted, or funded, pursuant to State CEQA Guidelines section 15262; and

WHEREAS, as set forth in State CEQA Guidelines section 15061(b)(3), approval of the SOI update is not subject to CEQA because it can be seen with certainty that there is no possibility that the SOI update will have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED that Contra Costa LAFCO does hereby adopt the following MSR pursuant to §56430 and SOI determinations pursuant to §56425 for the Town of Moraga and retain the existing SOI for the Town of Moraga as depicted in Exhibit A (attached). Further, any future changes to the Town of

Moraga's SOI should not be considered until such time as a more complete review has been conducted to examine capacity, adequacy and financial ability to provide services.

MUNICIPAL SERVICE REVIEW (MSR) DETERMINATIONS

- 1) *Growth and population projections for the affected area* – According to the 2018 California Department of Finance estimates, the Town of Moraga serves an estimated 16,991 residents. The Association of Bay Area Governments (ABAG) projects that the Town of Moraga will grow at an annual rate of approximately 0.4% to a population of 18,080 between 2010 and 2040. The Town is also projected to experience an approximate 0.8% annual growth rate in jobs between 2010 and 2040. Overall, the Town's planning is expected to accommodate the growth projected by ABAG.

The MSR also reviewed jobs/housing, planning for an aging population, and anticipated growth patterns. Regarding jobs/housing, as of 2010, the Town of Moraga had a jobs/housing balance of 0.08 which reflects an imbalance (Sources: U.S. Census, ABAG). The Town's 2015-2023 Housing Element identified adequate sites to meet and exceed its 2014-2022 assigned regional housing needs allocation. Regarding planning for an aging population, the Town did not report any programs/services to serve adults age 50+. As for anticipated growth patterns, there is one potential Priority Development Area in the Town: "Moraga Center" which is characterized as a *Transit Town Center*. The Town has also identified one Priority Conservation Area. The Town reports 530± undeveloped entitled residential acres, and 323± dwelling units either as approved or in the approval process. The Town did not report that current or projected growth patterns will expand beyond its existing municipal boundary and SOI, as there is a potential for annexation (Camino Pablo).

- 2) *The location and characteristics of any Disadvantaged Unincorporated Communities (DUCs) within or contiguous to the SOI* – According to the American Community Survey 5-Year Estimates (2013-2017), there are no DUCs located within or contiguous to the Town's SOI, nor are there any disadvantaged communities located within the Town's boundary or SOI.
- 3) *Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any DUCs within or contiguous to the SOI* – There are no disadvantaged communities within or contiguous to the Town of Moraga.
- 4) *Financial ability of agency to provide services* – In determining the financial ability of the Town to provide services, the MSR considered operating general fund and reserve trends; liquidity, debt, and pension liabilities; and timeliness and accuracy of financial reporting. The Town has recovered from its 2017 fiscal emergency resulting from unplanned infrastructure repairs which cost the Town \$5 million and drained their reserve fund. Overall, the Town appears to have sufficient financial resources to accommodate infrastructure expansion, improvements, or replacement over the next five years. The Town currently does not meet its 50% reserve goal due to the 2017 fiscal emergency. As with other cities, the Town's pension retirement and OPEB liabilities continue to grow. The Town prepares timely financial reports.
- 5) *Status of, and opportunities for, shared facilities* – The Town contracts with other public agencies and private service providers for various services including animal control, broadband, law enforcement, library, solid waste and utilities; and the Town is party to several JPAs. The Town did not identify any other shared services, overlapping/duplication of services, or excess service or facility capacity.
- 6) *Accountability for community service needs, including governmental structure and operational efficiencies* – The Town's website provides information regarding public meetings, services, financial and planning documents, and opportunities for public involvement demonstrating access and accountability. Town Council meetings are livestreamed and broadcast on cable TV.
- 7) *Any other matter related to effective or efficient service delivery, as required by Commission policy* –

Contra Costa LAFCO's local policies provide that MSRs focus on target services including water, sewer, drainage, libraries, roads, parks, health care, broadband (high-speed internet access and use), police, and fire protection. The "City Services" MSR excludes review of water, sewer, healthcare and fire services as these services were recently reviewed in 2nd round focused MSRs.

Contra Costa LAFCO recently added broadband services as an MSR focus area. The Town does not provide public broadband service and is served by various private cable/ broadband service providers. The East Bay Broadband Consortium's 2013 East Bay Broadband Report Card indicated that the Town's internet service providers did not meet the CPUC's minimum 6 Mbps download and 1.5 Mbps upload standards. The Town of Moraga did not indicate concerns about the ability of broadband providers to serve the Town's existing or growing population.

SPHERE OF INFLUENCE (SOI) DETERMINATIONS

- A. *The present and planned land uses in the area, including agricultural and open-space lands* – The Town of Moraga plans for a variety of urban uses within its boundary, representing a continuation of the current mix of uses including residential, office, commercial, public institution, and open space. Present and planned land uses are adequate for existing residents as well as future growth and maintaining compatibility with agricultural and open space uses, as demonstrated in the General Plan (2002).
- B. *The present and probable need for public facilities and services in the area* – There are no anticipated changes in the type of public services and facilities required within the existing SOI for the Town of Moraga. The level of demand for these services and facilities, however, will increase commensurate with anticipated population growth over the next five years.
- C. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* - The present capacity of public facilities in the Town of Moraga appears adequate. The Town anticipates it will continue to have adequate capacity during the next five years.
- D. *The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency* – LAFCO did not identify any communities of interest located outside Moraga's SOI.
- E. *The present and probable need for sewers, municipal and industrial water, or structural fire protection services and facilities of any DUC within the existing SOI* – There are no disadvantaged communities within or contiguous to the Town of Moraga and therefore no present or probable need for services.

PASSED AND ADOPTED this 12th day of June 2019.

AYES:

NOES:

ABSTENTIONS:

ABSENT:

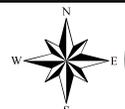
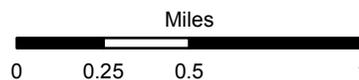
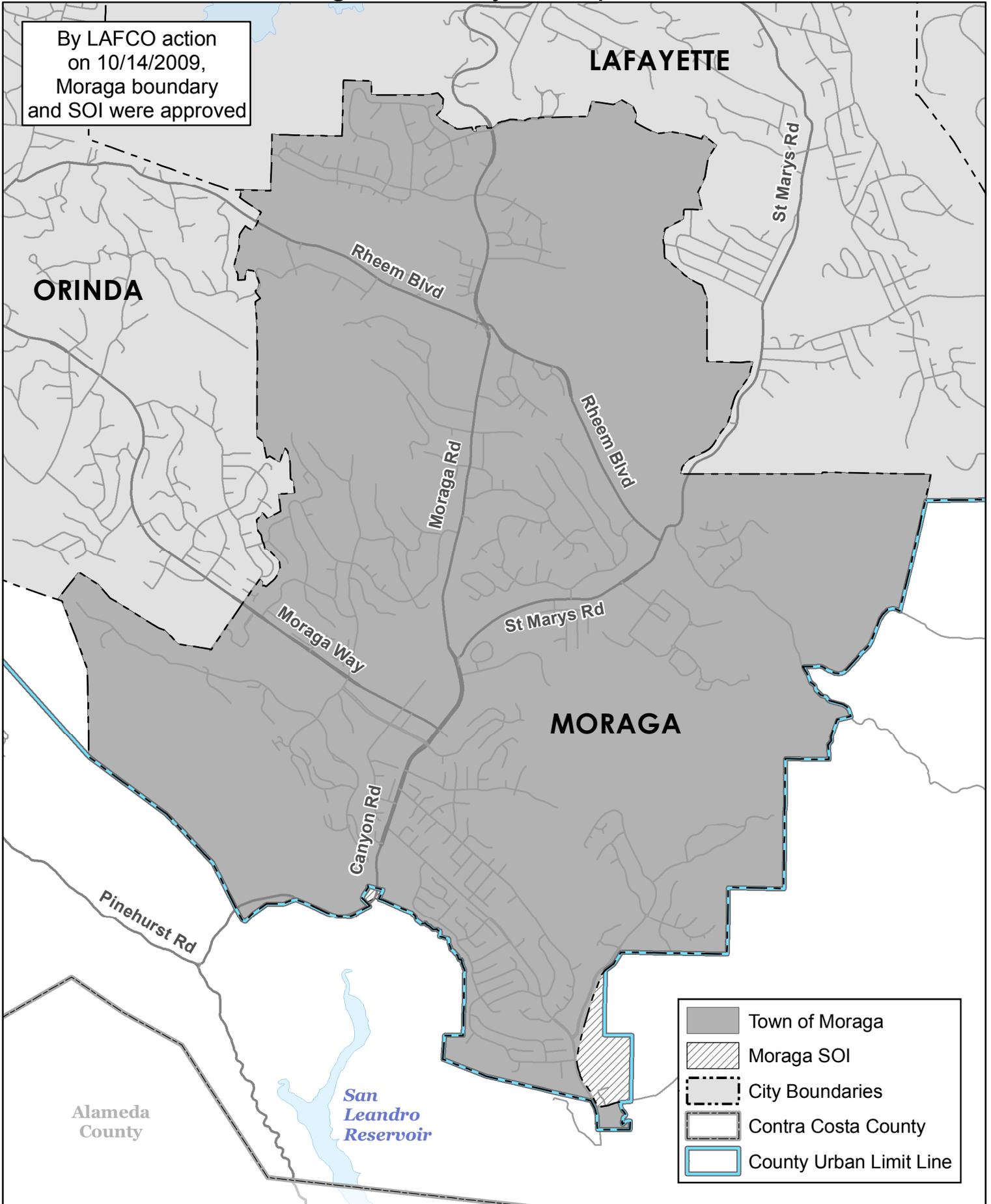
Tom Butt, Chair, Contra Costa LAFCO

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

Lou Ann Texeira, Executive Officer

Town of Moraga Boundary and Sphere of Influence

By LAFCO action on 10/14/2009, Moraga boundary and SOI were approved



**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION
COMMISSION ADOPTING MUNICIPAL SERVICE REVIEW AND SPHERE OF INFLUENCE
DETERMINATIONS FOR THE CITY OF OAKLEY**

WHEREAS, the Cortese-Knox-Hertzberg Local Governmental Reorganization Act of 2000 (California Government Code §56000 et seq.) provides that a Local Agency Formation Commission (LAFCO) shall adopt Spheres of Influence (SOIs) for each local governmental agency within its jurisdiction [§56425(a)] and that it must update each SOI every five years, as necessary (§56425(g)); and

WHEREAS, the SOI is the primary planning tool for LAFCO and defines the probable physical boundary and service area of a local agency as determined by LAFCO; and

WHEREAS, §56430 requires that in order to prepare and to update SOIs, the Commission shall conduct a Municipal Service Review (MSR) prior to or in conjunction with the SOI update; and

WHEREAS, the Commission has undertaken its 2nd round “*City Services*” MSR covering all 19 cities and four community services districts (CSDs) including Crockett CSD, Diablo CSD, Discovery Bay CSD and Kensington CSD; and

WHEREAS, this MSR, as prepared by Lamphier-Gregory and Berkson Associates consultants to LAFCO, covers the following services: animal control, broadband, building/planning, law enforcement, library, lighting, parks & recreation, solid waste, streets/roads, stormwater, and utilities (gas, electric/community choice); and

WHEREAS, this MSR focuses on: 1) updating profile data including growth and population, jobs/housing, finances (expenses, revenues, debt, reserves, related fiscal indicators), and staffing; 2) shared services (i.e., joint powers/joint use agreements, contracts between public agencies, public-private partnerships); 3) infill development/sprawl prevention/islands; and 4) agricultural/open space preservation; and

WHEREAS, on April 17, 2019, the Commission held a public hearing to receive an overview of the Public Review Draft MSR, receive public comments, and provide input; and

WHEREAS, on June 12, 2019, the Commission held a public hearing to receive the Final Draft MSR and recommended determinations and SOI updates for all agencies covered in the MSR, including the City of Oakley; and

WHEREAS, at the public hearings, the Commission heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given an opportunity to hear and be heard with respect to the MSR and SOI updates; and

WHEREAS, the MSR contains the determinations required by §§56425 and 56430 relative to the SOI update and MSR, respectively, for the City of Oakley as incorporated in this resolution; and

WHEREAS, the proposed action consists of adopting the MSR determinations and updating the SOI for the City of Oakley as presented in the 2nd round “*City Services*” MSR; and

WHEREAS, adoption of the MSR is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA), as MSRs are feasibility and planning studies for possible future actions that have not been approved, adopted, or funded, pursuant to State CEQA Guidelines Section 15262; and

WHEREAS, as set forth in State CEQA Guidelines section 15061(b)(3), approval of the SOI update is not subject to CEQA because it can be seen with certainty that there is no possibility that the SOI update will have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED that Contra Costa LAFCO does hereby adopt the following MSR pursuant to §56430 and SOI determinations pursuant to §56425 for the City of Oakley and retain the existing SOI for the City of Oakley as depicted in Exhibit A (attached).

MUNICIPAL SERVICE REVIEW (MSR) DETERMINATIONS

- 1) *Growth and population projections for the affected area* – The 2018 California Department of Finance estimates that the City of Oakley serves 41,742 residents. The Association of Bay Area Governments

(ABAG) projects that the City will grow at an annual rate of approximately 1.4% to a population of 54,435 between 2010 and 2040. The City reports that its General Plan buildout (68,000) is higher than ABAG's estimate. The City is also projected to experience an estimated 1.5% annual growth rate in jobs between 2010 and 2040. Overall, the City's planning is expected to accommodate the growth projected by ABAG.

The MSR reviewed jobs/housing, planning for an aging population, and anticipated growth patterns. As for jobs/housing, as of 2010, the City of Oakley had a jobs/housing balance of 0.30 which reflects an imbalance (Sources: U.S. Census, ABAG). The City's 2015-2023 Housing Element identified adequate sites to meet and exceed its 2014-2022 assigned regional housing needs allocation. Regarding planning for an aging population, the City provides programs and services for adults age 50+. Also, *Oakley Seniors*, a nonprofit organization, provides services to seniors in the area at the Oakley Senior Center. Regarding anticipated growth patterns, there are three potential Priority Development Areas (PDAs) in the City of Oakley – *Employment Area* characterized as “Suburban Center,” *Downtown* characterized as “Transit Town Center,” and *Potential Planning Area* characterized as “Transit Neighborhood.” These PDAs are expected to accommodate approximately 90% of the projected growth in households and 75% of the projected growth in employment. The City reported an estimated 2,500 undeveloped entitled residential acres in FY 2017. Several projects are identified as part of the projected growth for the City include 4,500 dwelling units and 75,000 square feet of commercial space. These projects are either approved or in the approval process. The City of Oakley does not anticipate that current or projected growth patterns will expand beyond its existing municipal boundary and SOI prior to the next MSR/ SOI update.

- 2) *The location and characteristics of any Disadvantaged Unincorporated Communities (DUCs) within or contiguous to the SOI* – According to the American Community Survey 5-Year Estimates (2013-2017), there is a disadvantaged community within the City of Oakley's boundary and SOI (northwest area).
- 3) *Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any DUCs within or contiguous to the SOI* – The disadvantaged community within the City receives municipal water, sewer and fire services.
- 4) *Financial ability of agency to provide services* – In determining the financial ability of the City to provide services, the MSR considered operating general fund and reserve trends; liquidity, debt, and pension liabilities; and timeliness and accuracy of financial reporting. The City of Oakley appears to have sufficient financial resources to continue providing services and accommodate infrastructure expansions, improvement, and replacements over the next five years. The City was operating with a surplus until FY 2017. The City currently exceeds its 20% reserve goal. As with other cities, the City's pension liability continues to grow; however, the City funds a trust to address this liability. The City has no OPEB liabilities. The City prepares timely financial reports.
- 5) *Status of, and opportunities for, shared facilities* – The City contracts with other public agencies and private service providers for various services including animal control, broadband, library, solid waste and utilities; and the City is party to several JPAs. The City did not identify any other shared services, overlapping/ duplication of services, or excess service or facility capacity.
- 6) *Accountability for community service needs, including governmental structure and operational efficiencies* – The City's website provides information regarding public meetings, services, financial and planning documents, and opportunities for public involvement demonstrating access and accountability.
- 7) *Any other matter related to effective or efficient service delivery, as required by Commission policy* – Contra Costa LAFCO's local policies provide that MSRs focus on target services including water, sewer, drainage, libraries, roads, parks, health care, broadband (high-speed internet access and use), police, and fire protection. The “*City Services*” MSR excludes review of water, sewer, healthcare and fire services as these services were recently reviewed in 2nd round focused MSRs.

Contra Costa LAFCO recently added broadband services as a MSR focus area. The City of Oakley does

not provide public broadband service and is served by various private cable/ broadband service providers. The East Bay Broadband Consortium's 2013 East Bay Broadband Report Card noted that Oakley's internet service providers meet the CPUC's minimum 6 Mbps download and 1.5 Mbps upload standards. The City of Oakley did not indicate concerns about the ability of broadband providers to serve the City's existing or growing population.

SPHERE OF INFLUENCE (SOI) DETERMINATIONS

- A. *The present and planned land uses in the area, including agricultural and open-space lands* – The City of Oakley plans for a variety of urban uses within its boundary, representing a continuation of the current mix of uses including industrial, residential, office, commercial, institution, retail, agricultural, and open space. Present and planned land uses are adequate for existing residents as well as future growth and maintaining compatibility with agricultural and open space uses, as demonstrated in the General Plan (2002).
- B. *The present and probable need for public facilities and services in the area* – There are no anticipated changes in the type of public services and facilities required within the existing SOI for the City of Oakley. The level of demand for these services and facilities, however, will increase commensurate with anticipated population growth over the next five years.
- C. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – The present capacity of public facilities in the City of Oakley appears adequate. The City anticipates it will continue to have adequate capacity during the next five years.
- D. *The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency* – Most communities of interest within the City's municipal boundary are included within the City's SOI. There are two areas within the City's SOI and Urban Limit Line – Sandmound Slough (504± acres) and a small area in northeast Oakley (Dutch Slough) – which are substantially surrounded by the City and represent communities of interest. In 2006, the City attempted to annex the Sandmound area in conjunction with the 3-part East Cypress Corridor boundary reorganization. Due to resident resistance, the City abandoned the annexation. LAFCO encourages the future annexation of these areas, as they represent communities of interest. The small island is less than 150 acres and can be annexed to the City through an expedited LAFCO process. These islands represent communities of interest. LAFCO encourages the annexation of these islands.
- E. *The present and probable need for sewers, municipal and industrial water, or structural fire protection services and facilities of any DUC within the existing SOI* – There is a disadvantaged community within the City of Oakley. This area receives municipal sewer, water and fire services.

PASSED AND ADOPTED this 12th day of June 2019.

AYES:

NOES:

ABSTENTIONS:

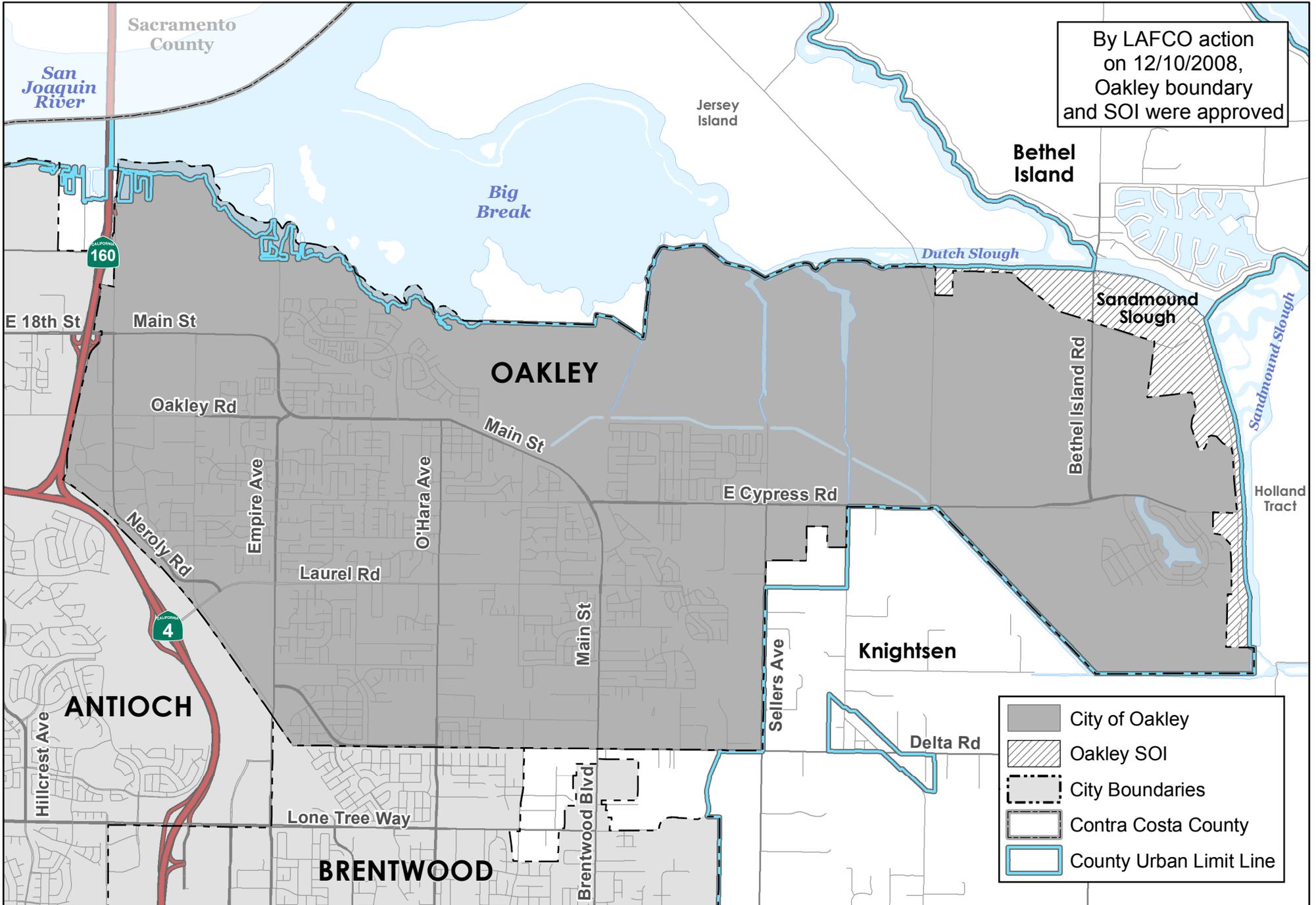
ABSENT:

Tom Butt, Chair, Contra Costa LAFCO

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

Lou Ann Texeira, Executive Officer

City of Oakley Boundary and Sphere of Influence



**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION
COMMISSION ADOPTING MUNICIPAL SERVICE REVIEW AND SPHERE OF INFLUENCE
DETERMINATIONS FOR THE CITY OF ORINDA**

WHEREAS, the Cortese-Knox-Hertzberg Local Governmental Reorganization Act of 2000 (California Government Code §56000 et seq.) provides that a Local Agency Formation Commission (LAFCO) shall adopt Spheres of Influence (SOIs) for each local governmental agency within its jurisdiction [§56425(a)] and that it must update each SOI every five years, as necessary (§56425(g)); and

WHEREAS, the SOI is the primary planning tool for LAFCO and defines the probable physical boundary and service area of a local agency as determined by LAFCO; and

WHEREAS, §56430 requires that in order to prepare and to update SOIs, the Commission shall conduct a Municipal Service Review (MSR) prior to or in conjunction with the SOI update; and

WHEREAS, the Commission has undertaken its 2nd round “*City Services*” MSR covering all 19 cities and four community services districts (CSDs) including Crockett CSD, Diablo CSD, Discovery Bay CSD and Kensington CSD; and

WHEREAS, this MSR, as prepared by Lamphier-Gregory and Berkson Associates consultants to LAFCO, covers the following services: animal control, broadband, building/planning, law enforcement, library, lighting, parks & recreation, solid waste, streets/roads, stormwater, and utilities (gas, electric/community choice); and

WHEREAS, this MSR focuses on: 1) updating profile data including growth/population, jobs/ housing, finances (expenses, revenues, debt, reserves, related fiscal indicators), and staffing; 2) shared services (i.e., joint powers/joint use agreements, among between public agencies, public-private partnerships); 3) infill development/ sprawl prevention/islands; and 4) agricultural/open space preservation; and

WHEREAS, on April 17, 2019, the Commission held a public hearing to receive an overview of the Public Review Draft MSR, receive public comments, and provide input; and

WHEREAS, on June 12, 2019, the Commission held a public hearing to receive the Final Draft MSR and recommended determinations and SOI updates for all agencies covered in the MSR, including the City of Orinda; and

WHEREAS, at the public hearings, the Commission heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given an opportunity to hear and be heard with respect to the MSR and SOI updates; and

WHEREAS, the MSR contains the determinations required by §§56425 and 56430 relative to the SOI update and MSR, respectively, for the City of Orinda as incorporated in this resolution; and

WHEREAS, the proposed action consists of adopting the MSR determinations and updating the SOI for the City of Orinda as presented in the 2nd round “*City Services*” MSR; and

WHEREAS, adoption of the MSR is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA), as MSRs are feasibility and planning studies for possible future actions that have not been approved, adopted, or funded, pursuant to State CEQA Guidelines section 15262; and

WHEREAS, as set forth in State CEQA Guidelines section 15061(b)(3), approval of the SOI update is not subject to CEQA because it can be seen with certainty that there is no possibility that the SOI update will have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED that Contra Costa LAFCO does hereby adopt the following MSR pursuant to §56430 and SOI determinations pursuant to §56425 for the City of Orinda and retain the existing SOI for the City of Orinda as depicted in Exhibit A (attached):

MUNICIPAL SERVICE REVIEW (MSR) DETERMINATIONS

- 1) *Growth and population projections for the affected area* – According to the 2018 California Department of Finance estimates, the City of Orinda serves 19,199 residents. The Association of Bay Area Governments (ABAG) projects that the City of Orinda will grow at an annual rate of approximately 0.3% between 2010 and 2040. The City is projected to experience an approximate 0.4% annual growth rate in jobs between 2010 and 2040. Overall, the City’s planning is expected to accommodate the growth projected by ABAG.

The MSR reviewed jobs/housing, planning for an aging population, and anticipated growth patterns. As for jobs/housing, as of 2010, the City had a jobs/housing balance of 0.71 which reflects a slight imbalance (Sources: U.S. Census, ABAG). The City’s 2015-2023 Housing Element identified adequate sites to meet and exceed its 2014-2022 assigned regional housing needs allocation. Regarding planning for an aging population, the City provides extensive programs/services directly and through nonprofit and other agencies in the areas of health, education, recreation and transportation to meet the needs of adults age 50+. The City also has a Senior Service Committee. Regarding anticipated growth patterns, there is one potential Priority Development Area in Orinda – “Downtown” characterized as *Transit Town Center*. There are no Priority Conservation Areas in Orinda. The City reported an estimated 450 undeveloped entitled residential aces in FY 2017. During FY 2017, 43 new housing units were constructed. The City does not anticipate the current or projected growth patterns will expand beyond its existing municipal boundary and coterminous SOI.

- 2) *The location and characteristics of any Disadvantaged Unincorporated Communities (DUCs) within or contiguous to the SOI* – According to the American Community Survey 5-Year Estimates (2013-2017), there are no disadvantaged communities within or contiguous to the City’s SOI.
- 3) *Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any DUCs within or contiguous to the SOI* – There are no disadvantaged communities within or contiguous to the City of Orinda’s SOI.
- 4) *Financial ability of agency to provide services* – In determining the financial ability of the City to provide services, the MSR considered operating general fund and reserve trends; liquidity, debt, and pension liabilities; and timeliness and accuracy of financial reporting. Overall, the City of Orinda appears to have sufficient financial resources to continue providing services to accommodate infrastructure expansion, improvements, or replacement over the next five years. The City has been operating with a surplus in their General Fund and currently exceeds its 20% reserve goal. The City contributes to a defined contribution plans and has no unfunded pension liabilities. The City’s most recent CAFR was not issued in a timely manner. The CAFR was audited by an independent CPA and received a clean opinion. The MSR includes recommendations for improving the transparency of the City’s financial reports.
- 5) *Status of, and opportunities for, shared facilities* – Services related to animal control, broadband, building/planning, law enforcement, library, solid waste, and utilities are provided via contract with other public agencies and private and public vendors; and the City is party to several JPAs. The City also operates the Orinda Library through a cooperative agreement with the County. The City did not identify any other shared services, overlapping/ duplication of services, or excess service or facility capacity.
- 6) *Accountability for community service needs, including governmental structure and operational efficiencies* – The City’s website provides information regarding public meetings, services, financial and planning documents, and opportunities for public involvement demonstrating access and accountability. The City also livestreams City Council and Planning Commission meetings.
- 7) *Any other matter related to effective or efficient service delivery, as required by Commission policy* – Contra Costa LAFCO’s local policies provide that MSR’s focus on target services including water, sewer, drainage, libraries, roads, parks, health care, broadband (high-speed internet access and use), police, and fire protection. The “*City Services*” MSR excludes review of water, sewer, healthcare and fire services as these services were recently reviewed in 2nd round focused MSR’s.

Contra Costa LAFCO recently added broadband services as a MSR focus area. The City does not provide public broadband service and is served by various private cable/ broadband service providers. The East Bay Broadband Consortium's 2013 East Bay Broadband Report Card noted that the City of Orinda's internet service providers did not meet the CPUC's minimum 6 Mbps download and 1.5 Mbps upload standards. The City did not indicate any specific concerns about the ability of the current broadband providers to serve the City.

SPHERE OF INFLUENCE (SOI) DETERMINATIONS

- A. *The present and planned land uses in the area, including agricultural and open-space lands* – The City of Orinda plans for a variety of urban uses within its boundary, representing a continuation of the current mix of uses including residential, office, commercial, and open space. Present and planned land uses are adequate for existing residents as well as future growth and maintaining compatibility with open space uses, as demonstrated in the City's General Plan (1987).
- B. *The present and probable need for public facilities and services in the area* – There are no anticipated changes in the type of public services and facilities required within the existing coterminous SOI for the City of Orinda. The level of demand for these services and facilities, however, will increase commensurate with anticipated population growth over the next five years.
- C. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – The present capacity of public facilities in the City of Orinda appears adequate, and the City indicates it will continue to have adequate capacity over the next five years.
- D. *The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency* – All communities of interest within the City's boundary are included in the City's coterminous SOI.
- 8) *The present and probable need for sewers, municipal and industrial water, or structural fire protection services and facilities of any DUC within the existing SOI* – There are no disadvantaged communities within or contiguous to the City's SOI and boundary.

PASSED AND ADOPTED this 12th day of June 2019.

AYES:

NOES:

ABSTENTIONS:

ABSENT:

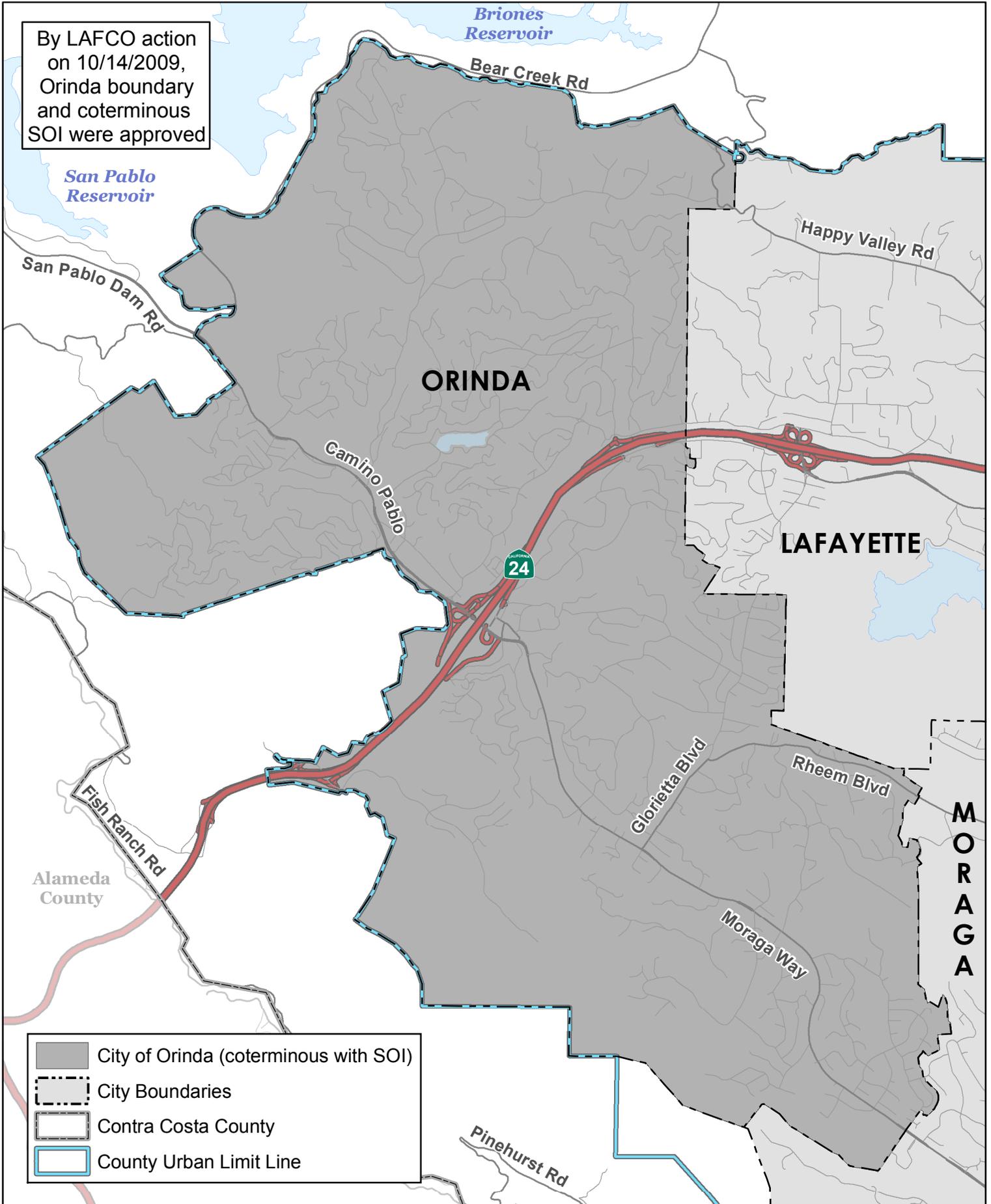
Tom Butt, Chair, Contra Costa LAFCO

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

Lou Ann Texeira, Executive Officer

City of Orinda Boundary and Coterminous Sphere of Influence

By LAFCO action on 10/14/2009, Orinda boundary and coterminous SOI were approved



- City of Orinda (coterminous with SOI)
- City Boundaries
- Contra Costa County
- County Urban Limit Line



**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION
COMMISSION ADOPTING MUNICIPAL SERVICE REVIEW AND SPHERE OF INFLUENCE
DETERMINATIONS FOR THE CITY OF PINOLE**

WHEREAS, the Cortese-Knox-Hertzberg Local Governmental Reorganization Act of 2000 (California Government Code §56000 et seq.) provides that a Local Agency Formation Commission (LAFCO) shall adopt Spheres of Influence (SOIs) for each local governmental agency within its jurisdiction [§56425(a)] and that it must update each SOI every five years, as necessary (§56425(g)); and

WHEREAS, the SOI is the primary planning tool for LAFCO and defines the probable physical boundary and service area of a local agency as determined by LAFCO; and

WHEREAS, §56430 requires that in order to prepare and to update SOIs, the Commission shall conduct a Municipal Service Review (MSR) prior to or in conjunction with the SOI update; and

WHEREAS, the Commission has undertaken its 2nd round “*City Services*” MSR covering all 19 cities and four community services districts (CSDs) including Crockett CSD, Diablo CSD, Discovery Bay CSD and Kensington CSD; and

WHEREAS, this MSR, as prepared by Lamphier-Gregory and Berkson Associates consultants to LAFCO, covers the following services: animal control, broadband, building/planning, law enforcement, library, lighting, parks & recreation, solid waste, streets/roads, stormwater, and utilities (gas, electric/community choice); and

WHEREAS, this MSR focuses on: 1) updating profile data including growth/population, jobs/ housing, finances (expenses, revenues, debt, reserves, related fiscal indicators), and staffing; 2) shared services (i.e., joint powers/joint use agreements, among between public agencies, public-private partnerships); 3) infill development/sprawl prevention/islands; and 4) agricultural/open space preservation; and

WHEREAS, on April 17, 2019, the Commission held a public hearing to receive an overview of the Public Review Draft MSR, receive public comments, and provide input; and

WHEREAS, on June 12, 2019, the Commission held a public hearing to receive the Final Draft MSR and recommended determinations and SOI updates for all agencies covered in the MSR, including the City of Pinole; and

WHEREAS, at the public hearings, the Commission heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given an opportunity to hear and be heard with respect to the MSR and SOI updates; and

WHEREAS, the MSR contains the determinations required by §§56425 and 56430 relative to the SOI update and MSR, respectively, for the City of Pinole as incorporated in this resolution; and

WHEREAS, the proposed action consists of adopting the MSR determinations and updating the SOI for the City of Pinole as presented in the 2nd round “*City Services*” MSR; and

WHEREAS, adoption of the MSR is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA), as MSRs are feasibility and planning studies for possible future actions that have not been approved, adopted, or funded, pursuant to State CEQA Guidelines section 15262; and

WHEREAS, as set forth in State CEQA Guidelines section 15061(b)(3), approval of the SOI update is not subject to CEQA because it can be seen with certainty that there is no possibility that the SOI update will have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED that Contra Costa LAFCO does hereby adopt the following MSR pursuant to §56430 and SOI determinations pursuant to §56425 for the City of Pinole and retain the existing SOI for the City of Pinole as depicted in Exhibit A (attached):

MUNICIPAL SERVICE REVIEW (MSR) DETERMINATIONS

- 1) *Growth and population projections for the affected area* – According to the 2018 California Department of Finance estimates, the City of Pinole serves 19,236 residents. The Association of Bay Area Governments (ABAG) projects that the City of Pinole will grow at an annual rate of approximately 0.4% to a population of 21,290 between 2010 and 2040. The City is also projected to experience an approximate 0.8% annual growth rate in jobs between 2010 and 2040. Overall, the City’s planning is expected to accommodate the growth projected by ABAG.

The MSR also reviewed jobs/housing, planning for an aging population, and anticipated growth patterns. Regarding jobs/housing, as of 2010, the City of Pinole had a jobs/housing balance of 0.94 which reflects a balance (Sources: U.S. Census, ABAG). The City’s 2015-2023 Housing Element identified adequate sites to meet and exceed its 2014-2022 assigned regional housing needs allocation. Regarding planning for an aging population, the City has a senior center which offers a robust activity and class schedule, and trips and travel for adults age 50+. Regarding anticipated growth patterns, there are two planned Priority Development Areas in the City- “Old Town San Pablo Avenue” and “Appian Way Corridor” both characterized as *Mixed-Use Corridor*. No Priority Conservation Areas were identified within the City. The City reported 1.7 undeveloped entitled residential acres in FY 2017. Several projects were identified as part of projected growth for the City including 13 dwelling units and 143,061 square feet of commercial space. These projects are either approved or in the approval process. The City does not anticipate the current or projected growth patterns will expand beyond its existing municipal boundary and SOI.

- 2) *The location and characteristics of any Disadvantaged Unincorporated Communities (DUCs) within or contiguous to the SOI* – According to the American Community Survey 5-Year Estimates (2013-2017), there is a disadvantaged community within and contiguous to the City’s boundary and SOI.
- 3) *Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any DUCs within or contiguous to the SOI* – The disadvantaged community within and contiguous to the City’s SOI or boundary receives fire, sewer and water services.
- 4) *Financial ability of agency to provide services* – In determining the financial ability of the City to provide services, the MSR considered operating general fund and reserve trends; liquidity, debt, and pension liabilities; and timeliness and accuracy of financial reporting. The City is experiencing fiscal challenges and anticipates moving from a surplus trend to a deficit in its General Fund after FY 2019; this may affect the City’s ability to provide services, particularly in the event of unexpected funding needs. As with other cities, the City of Pinole faces growing pension and OPEB liabilities; the City has not identified any measures to address these increasing liabilities. However, the City appears to meet its \$5 million plus 10% reserve goal, which will allow the City to maintain services. The City’s sole enterprise activity is its wastewater utility. FY 2016 and FY 2017 show declines in the net value of enterprise assets; however, completion of a Water Pollution Control Plant Upgrade Project anticipated for Spring 2019 should result in a significant increase in net value of enterprise assets. The City’s most recent CAFR was not issued in a timely manner. The CAFR was audited by an independent CPA and received a clean opinion.
- 5) *Status of, and opportunities for, shared facilities* – The City contracts with other public agencies and private service providers for various services including animal control, broadband, library, solid waste, and utilities; and the City is party to several JPAs. The City did not identify any other shared services, overlapping/ duplication of services, or excess service or facility capacity.
- 6) *Accountability for community service needs, including governmental structure and operational efficiencies* – The City’s website provides information regarding public meetings, services, financial and planning documents, and opportunities for public involvement demonstrating access and accountability. The City televises City Council and Planning Commission meetings and send newsletters to residents.

- 7) *Any other matter related to effective or efficient service delivery, as required by Commission policy* – Contra Costa LAFCO’s local policies provide that MSRs focus on target services including water, sewer, drainage, libraries, roads, parks, health care, broadband (high-speed internet access and use), police, and fire protection. The “*City Services*” MSR excludes review of water, sewer, healthcare and fire services as these services were recently reviewed in 2nd round focused MSRs.

Contra Costa LAFCO recently added broadband services as an MSR focus area. The City does not provide public broadband service and is served by various private cable/ broadband service providers. The East Bay Broadband Consortium’s 2013 East Bay Broadband Report Card noted that the City of Pinole’s internet service providers meet the CPUC’s minimum 6 Mbps download and 1.5 Mbps upload standards. The City did not indicate any specific concerns about the ability of the current broadband providers to serve the City.

SPHERE OF INFLUENCE (SOI) DETERMINATIONS

- A. *The present and planned land uses in the area, including agricultural and open-space lands* – The City of Pinole plans for a variety of urban uses within its boundary, representing a continuation of the current mix of uses including residential, commercial, retail, mixed use and open space. Present and planned land uses are adequate for existing residents as well as future growth and maintaining compatibility with open space uses, as demonstrated in the City’s General Plan (2010).
- B. *The present and probable need for public facilities and services in the area* – There are no anticipated changes in the type of public services and facilities required within the existing SOI for the City of Pinole. The level of demand for these services and facilities, however, will increase commensurate with anticipated population growth over the next five years.
- C. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – The present capacity of public facilities in the City of Pinole appears adequate, and the City indicates it will continue to have adequate capacity over the next five years.
- D. *The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency* – All communities of interest, including Bay View, Montalvin Manor and Tara Hills, are within Pinole’s SOI. Contra Costa LAFCO has not identified any other specific social or economic communities of interest relevant to the City of Pinole.
- 8) *The present and probable need for sewers, municipal and industrial water, or structural fire protection services and facilities of any DUC within the existing SOI* – There is a disadvantaged community within and contiguous to the City’s SOI. This area receives fire, sewer and water services.

PASSED AND ADOPTED this 12th day of June 2019.

AYES:

NOES:

ABSTENTIONS:

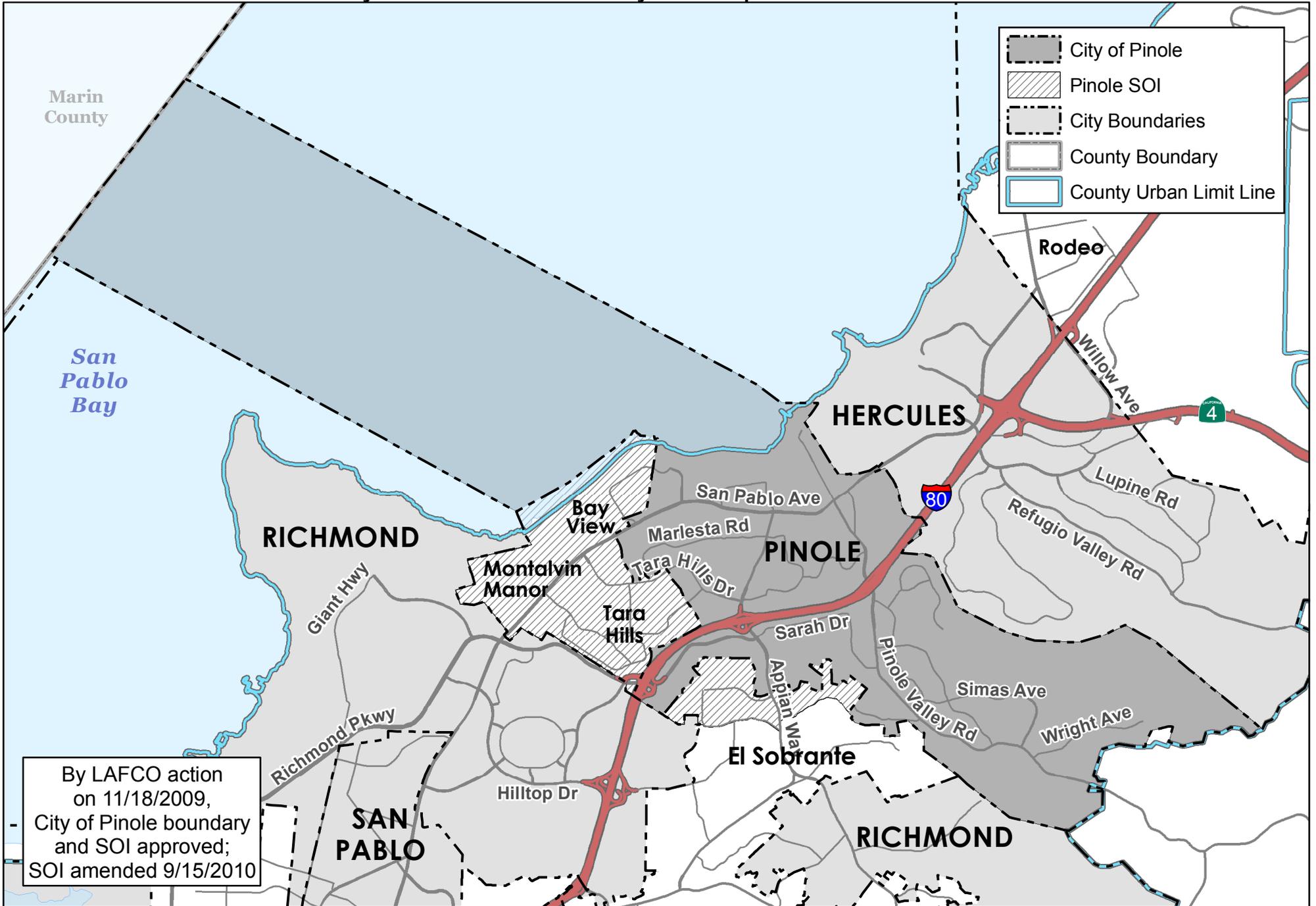
ABSENT:

Tom Butt, Chair, Contra Costa LAFCO

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

Lou Ann Teixeira, Executive Officer

City of Pinole Boundary and Sphere of Influence



By LAFCO action on 11/18/2009, City of Pinole boundary and SOI approved; SOI amended 9/15/2010



**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION
COMMISSION ADOPTING MUNICIPAL SERVICE REVIEW AND SPHERE OF INFLUENCE
DETERMINATIONS FOR THE CITY OF PITTSBURG**

WHEREAS, the Cortese-Knox-Hertzberg Local Governmental Reorganization Act of 2000 (California Government Code §56000 et seq.) provides that a Local Agency Formation Commission (LAFCO) shall adopt Spheres of Influence (SOIs) for each local governmental agency within its jurisdiction [§56425(a)] and that it must update each SOI every five years, as necessary (§56425(g)); and

WHEREAS, the SOI is the primary planning tool for LAFCO and defines the probable physical boundary and service area of a local agency as determined by LAFCO; and

WHEREAS, §56430 requires that in order to prepare and to update SOIs, the Commission shall conduct a Municipal Service Review (MSR) prior to or in conjunction with the SOI update; and

WHEREAS, the Commission has undertaken its 2nd round “*City Services*” MSR covering all 19 cities and four community services districts (CSDs) including Crockett CSD, Diablo CSD, Discovery Bay CSD and Kensington CSD; and

WHEREAS, this MSR, as prepared by Lamphier-Gregory and Berkson Associates consultants to LAFCO, covers the following services: animal control, broadband, building/planning, law enforcement, library, lighting, parks & recreation, solid waste, streets/roads, stormwater, and utilities (gas, electric/community choice); and

WHEREAS, this MSR focuses on: 1) updating profile data including growth/population, jobs/ housing, finances (expenses, revenues, debt, reserves, related fiscal indicators), and staffing; 2) shared services (i.e., joint powers/joint use agreements, among between public agencies, public-private partnerships); 3) infill development/ sprawl prevention/islands; and 4) agricultural/open space preservation; and

WHEREAS, on April 17, 2019, the Commission held a public hearing to receive an overview of the Public Review Draft MSR, receive public comments, and provide input; and

WHEREAS, on June 12, 2019, the Commission held a public hearing to receive the Final Draft MSR and recommended determinations and SOI updates for all agencies covered in the MSR, including the City of Pittsburg; and

WHEREAS, at the public hearings, the Commission heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given an opportunity to hear and be heard with respect to the MSR and SOI updates; and

WHEREAS, the MSR contains the determinations required by §§56425 and 56430 relative to the SOI update and MSR, respectively, for the City of Pittsburg as incorporated in this resolution; and

WHEREAS, the proposed action consists of adopting the MSR determinations and updating the SOI for the City of Pittsburg as presented in the 2nd round “*City Services*” MSR; and

WHEREAS, adoption of the MSR is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA), as MSRs are feasibility and planning studies for possible future actions that have not been approved, adopted, or funded, pursuant to State CEQA Guidelines section 15262; and

WHEREAS, as set forth in State CEQA Guidelines section 15061(b)(3), approval of the SOI update is not subject to CEQA because it can be seen with certainty that there is no possibility that the SOI update will have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED that Contra Costa LAFCO does hereby adopt the following MSR pursuant to §56430 and SOI determinations pursuant to §56425 for the City of Pittsburg and retain the existing SOI for the City of Pittsburg as depicted in Exhibit A (attached):

MUNICIPAL SERVICE REVIEW (MSR) DETERMINATIONS

- 1) *Growth and population projections for the affected area* – According to the 2018 California Department of Finance estimates, the City of Pittsburg serves 72,647 residents. The Association of Bay Area Governments (ABAG) projects that the City of Pittsburg will grow at an annual rate of approximately 1.2% to a population of 91,615 between 2010 and 2040. The City is also projected to experience an approximate 0.9% annual growth rate in jobs between 2010 and 2040. Overall, the City’s planning is expected to accommodate the growth projected by ABAG.

The MSR also reviewed jobs/housing, planning for an aging population, and anticipated growth patterns. Regarding jobs/housing, as of 2010, the City of Pittsburg had a jobs/housing balance of 0.56 which reflects an imbalance (Sources: U.S. Census, ABAG). The City’s 2015-2023 Housing Element identified adequate sites to meet and exceed its 2014-2022 assigned regional housing needs allocation. Regarding planning for an aging population, the City reported that it has general plan policies related to senior housing included in its housing element. Regarding anticipated growth patterns, there are two planned Priority Development Areas in the City – *Railroad Avenue eBART Station* characterized as “Transit Town Center” and *Downtown* characterized as “Transit Neighborhood.” No Priority Conservation Areas were identified within the City of Pittsburg. The City reported 575 undeveloped entitled residential acres in FY 2017. Several projects were identified as part of projected growth for the City including 1,035 approved housing units, 119 near-term housing units, and 3,894 long-term future housing units, along with 1.13 million square feet (sq. ft.) of commercial and office space which can be built around the BART stations, and an additional 870,000 sq. ft. of commercial and industrial space (in progress). The City does not anticipate the current or projected growth patterns will expand beyond its existing municipal boundary and SOI.

- 2) *The location and characteristics of any Disadvantaged Unincorporated Communities (DUCs) within or contiguous to the SOI* – According to the American Community Survey 5-Year Estimates (2013-2017), there are disadvantaged communities within and contiguous to the City’s boundary and SOI, including the Bay Point community.
- 3) *Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any DUCs within or contiguous to the SOI* – The disadvantaged communities within and contiguous to the City’s boundary and SOI receive fire, sewer and water services.
- 4) *Financial ability of agency to provide services* – In determining the financial ability of the City to provide services, the MSR considered operating general fund and reserve trends; liquidity, debt, and pension liabilities; and timeliness and accuracy of financial reporting. The City of Pittsburg is experiencing fiscal challenges and recurring budget deficits which may affect the City’s ability to provide services, particularly in the event of unexpected finding needs. The City has used reserves to fill budget deficits. The City currently meets its 30% reserve goal which allows the City to maintain acceptable service levels. As with other cities, the City of Pittsburg faces growing pension and OPEB liabilities; the City has established a trust to help address these liabilities. City enterprises include water, sewer, marina, Pittsburg Power and Waterfront Operations. The City indicates that the General Fund subsidized the City-owned golf course until its closure in FY 2018. Overall, the City has maintained a significant positive net position for governmental and enterprise activities. The City’s most recent CAFR was issued in a timely manner and was audited by an independent CPA and received a clean opinion.
- 5) *Status of, and opportunities for, shared facilities* – The City contracts with other public agencies and private service providers for various services including animal control, broadband, library, lighting, solid waste, and utilities. The City is party to several JPAs and shares aquatic programs with the Ambrose Recreation & Park District. The City did not identify any other shared services, overlapping/ duplication of services, or excess service or facility capacity.

- 6) *Accountability for community service needs, including governmental structure and operational efficiencies* – The City’s website provides information regarding public meetings, services, financial and planning documents, and opportunities for public involvement demonstrating access and accountability. City Council and Commission meetings are streamed on the City’s website and broadcast on CCTV.
- 7) *Any other matter related to effective or efficient service delivery, as required by Commission policy* – Contra Costa LAFCO’s local policies provide that MSRs focus on target services including water, sewer, drainage, libraries, roads, parks, health care, broadband (high-speed internet access and use), police, and fire protection. The “City Services” MSR excludes review of water, sewer, healthcare and fire services as these services were recently reviewed in 2nd round focused MSRs.

Contra Costa LAFCO recently added broadband services as an MSR focus area. The City does not provide public broadband service and is served by various private cable/broadband service providers. The East Bay Broadband Consortium’s 2013 East Bay Broadband Report Card noted that the City’s internet service providers did not meet the CPUC’s minimum 6 Mbps download and 1.5 Mbps upload standards. The City did not indicate any specific concerns about the ability of the current broadband providers to serve the City.

SPHERE OF INFLUENCE (SOI) DETERMINATIONS

- A. *The present and planned land uses in the area, including agricultural and open-space lands* – The City of Pittsburg plans for a variety of urban uses within its boundary, representing a continuation of the current mix of uses including residential, commercial, industrial, and open space. Present and planned land uses are adequate for existing residents as well as future growth and maintaining compatibility with open space uses, as demonstrated in the City’s General Plan (2001).
 - B. *The present and probable need for public facilities and services in the area* – There are no anticipated changes in the type of public services and facilities required within the existing SOI for the City of Pittsburg. The level of demand for these services and facilities, however, will increase commensurate with anticipated population growth over the next five years, and in conjunction with recent annexations (Montreux, Tuscany Meadows).
 - C. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – The present capacity of public facilities in the City of Pittsburg appears adequate, and the City indicates it will continue to have adequate capacity over the next five years.
 - D. *The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency* – All communities of interest, including Bay Point, are within Pittsburg’s SOI. Contra Costa LAFCO has not identified any other specific social or economic communities of interest relevant to the City of Pittsburg.
- 8) *The present and probable need for sewers, municipal and industrial water, or structural fire protection services and facilities of any DUC within the existing SOI* – There are disadvantaged communities within and contiguous to the City’s boundary and SOI. These areas receive fire, sewer and water services.

PASSED AND ADOPTED this 12th day of June 2019.

AYES:

NOES:

ABSTENTIONS:

ABSENT:

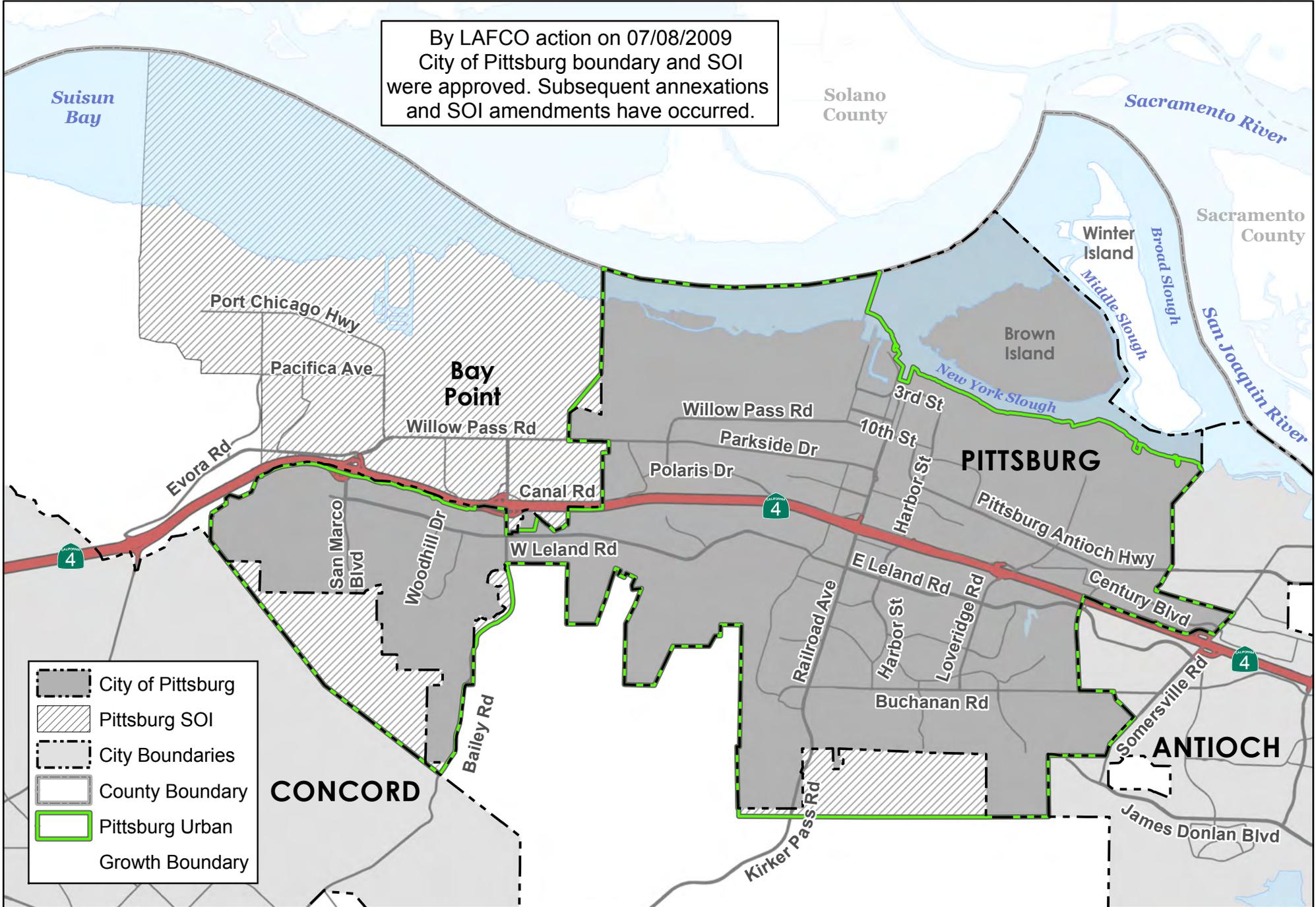
Tom Butt, Chair, Contra Costa LAFCO

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

Lou Ann Texeira, Executive Officer

City of Pittsburg Boundary and Sphere of Influence

By LAFCO action on 07/08/2009
 City of Pittsburg boundary and SOI
 were approved. Subsequent annexations
 and SOI amendments have occurred.



- City of Pittsburg
- Pittsburg SOI
- City Boundaries
- County Boundary
- Pittsburg Urban Growth Boundary



**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION
COMMISSION ADOPTING MUNICIPAL SERVICE REVIEW AND SPHERE OF INFLUENCE
DETERMINATIONS FOR THE CITY OF PLEASANT HILL**

WHEREAS, the Cortese-Knox-Hertzberg Local Governmental Reorganization Act of 2000 (California Government Code §56000 et seq.) provides that a Local Agency Formation Commission (LAFCO) shall adopt Spheres of Influence (SOIs) for each local governmental agency within its jurisdiction [§56425(a)] and that it must update each SOI every five years, as necessary (§56425(g)); and

WHEREAS, the SOI is the primary planning tool for LAFCO and defines the probable physical boundary and service area of a local agency as determined by LAFCO; and

WHEREAS, §56430 requires that in order to prepare and to update SOIs, the Commission shall conduct a Municipal Service Review (MSR) prior to or in conjunction with the SOI update; and

WHEREAS, the Commission has undertaken its 2nd round “*City Services*” MSR covering all 19 cities and four community services districts (CSDs) including Crockett CSD, Diablo CSD, Discovery Bay CSD and Kensington CSD; and

WHEREAS, this MSR, as prepared by Lamphier-Gregory and Berkson Associates consultants to LAFCO, covers the following services: animal control, broadband, building/planning, law enforcement, library, lighting, parks & recreation, solid waste, streets/roads, stormwater, and utilities (gas, electric/community choice); and

WHEREAS, this MSR focuses on: 1) updating profile data including growth/population, jobs/ housing, finances (expenses, revenues, debt, reserves, related fiscal indicators), and staffing; 2) shared services (i.e., joint powers/joint use agreements, among between public agencies, public-private partnerships); 3) infill development/ sprawl prevention/islands; and 4) agricultural/open space preservation; and

WHEREAS, on April 17, 2019, the Commission held a public hearing to receive an overview of the Public Review Draft MSR, receive public comments, and provide input; and

WHEREAS, on June 12, 2019, the Commission held a public hearing to receive the Final Draft MSR and recommended determinations and SOI updates for all agencies covered in the MSR, including the City of Pleasant Hill; and

WHEREAS, at the public hearings, the Commission heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given an opportunity to hear and be heard with respect to the MSR and SOI updates; and

WHEREAS, the MSR contains the determinations required by §§56425 and 56430 relative to the SOI update and MSR, respectively, for the City of Pleasant Hill as incorporated in this resolution; and

WHEREAS, the proposed action consists of adopting the MSR determinations and updating the SOI for the City of Pleasant Hill as presented in the 2nd round “*City Services*” MSR; and

WHEREAS, adoption of the MSR is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA), as MSRs are feasibility and planning studies for possible future actions that have not been approved, adopted, or funded, pursuant to State CEQA Guidelines section 15262; and

WHEREAS, as set forth in State CEQA Guidelines section 15061(b)(3), approval of the SOI update is not subject to CEQA because it can be seen with certainty that there is no possibility that the SOI update will have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED that Contra Costa LAFCO does hereby adopt the following MSR pursuant to §56430 and SOI determinations pursuant to §56425 for the City of Pleasant Hill and retain the existing SOI for the City of Pleasant Hill as depicted in Exhibit A (attached):

MUNICIPAL SERVICE REVIEW (MSR) DETERMINATIONS

- 1) *Growth and population projections for the affected area* – According to the 2018 California Department of Finance estimates, the City of Pleasant Hill serves 35,068 residents. The Association of Bay Area Governments (ABAG) projects that the City of Pleasant Hill will grow at an annual rate of approximately 0.3% to a population of 35,925 between 2010 and 2040. The City is projected to experience an approximate 0.6% annual growth rate in jobs between 2010 and 2040. Overall, the City’s planning is expected to accommodate the growth projected by ABAG.

The MSR also reviewed jobs/housing, planning for an aging population, and anticipated growth patterns. Regarding jobs/housing, as of 2010, the City of Pleasant Hill had a jobs/housing balance of 1.14 which reflects a balance (Sources: U.S. Census, ABAG). The City’s 2015-2023 Housing Element identified adequate sites to meet and exceed its 2014-2022 assigned regional housing needs allocation. Regarding planning for an aging population, the City did not provide any specific information regarding programs or services to meet the needs of adults age 50+. Regarding anticipated growth patterns, there are two potential Priority Development Areas (PDA) in the City – *Diablo Valley College* characterized as “Transit Neighborhood” and *Buskirk Avenue Corridor* characterized as “Mixed-Use Corridor,” both of which will increase jobs and housing. There are no Priority Conservation Areas identified within the City. The City reported approximately 49± undeveloped entitled residential acres in FY 2017. Several new projects have been identified as part of the projected growth including an estimated 17 residential projects and 16 commercial projects. The City does not anticipate the current or projected growth patterns will expand beyond its existing municipal boundary and SOI.

- 2) *The location and characteristics of any Disadvantaged Unincorporated Communities (DUCs) within or contiguous to the SOI* – According to the American Community Survey 5-Year Estimates (2013-2017), there is a disadvantaged community within the City’s boundary and SOI (Oak Park Blvd and Patterson Blvd).
- 3) *Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any DUCs within or contiguous to the SOI* – The disadvantaged community within the City’s boundary and SOI receives municipal fire, sewer and water services.
- 4) *Financial ability of agency to provide services* – In determining the financial ability of the City to provide services, the MSR considered operating general fund and reserve trends; liquidity, debt, and pension liabilities; and timeliness and accuracy of financial reporting. The City of Pleasant Hill is experiencing some fiscal challenges that may affect its ability to provide services, particularly in the event of unexpected funding needs. The City has been operating with an overall deficit trend in its General Fund and anticipates this trend to continue through 2023. As with other cities, the City’s pension and OPEB debts continue to grow. The City is considering funding options to address these liabilities. The City’s only enterprise is the Diablo Vista Water System, which provides irrigation water to an area with 474 homes within the City. The net positive position of the City’s enterprise activity increased from FY 2015 to FY 2017 and is fiscally solvent. The City indicates it has sufficient resources to meet its funding and infrastructure needs over the next five years. The City’s most recent CAFR was issued in a timely manner. The CAFR was audited by an independent CPA and received a clean opinion.
- 5) *Status of, and opportunities for, shared facilities* – Services related to animal control, broadband, library, lighting, parks and recreation, solid waste, and utilities are provided via contract with other public agencies and private and public vendors; and the City is party to several JPAs. The City did not identify any other shared services, overlapping/duplication of services, or excess service or facility capacity.
- 6) *Accountability for community service needs, including governmental structure and operational efficiencies* – The City’s website provides information regarding public meetings, services, financial and planning documents, and opportunities for public involvement demonstrating access and accountability.

The City livestreams City Council and Planning Commission meetings utilizes social media and distributes newsletters to its residents.

- 7) *Any other matter related to effective or efficient service delivery, as required by Commission policy* - Contra Costa LAFCO's local policies provide that MSRs focus on target services including water, sewer, drainage, libraries, roads, parks, health care, broadband (high-speed internet access and use), police, and fire protection. The "City Services" MSR excludes review of water, sewer, healthcare and fire services as these services were recently reviewed in 2nd round focused MSRs.

Contra Costa LAFCO recently added broadband services as an MSR focus area. The City does not provide public broadband service and is served by various private cable/ broadband service providers. The East Bay Broadband Consortium's 2013 East Bay Broadband Report Card noted that the City of Pleasant Hill's internet service providers meet the CPUC's minimum 6 Mbps download and 1.5 Mbps upload standards. The City did not indicate any specific concerns about the ability of the current broadband providers to serve the City.

SPHERE OF INFLUENCE (SOI) DETERMINATIONS

- A. *The present and planned land uses in the area, including agricultural and open-space lands* – The City of Pleasant Hill plans for a variety of urban uses within its boundary, representing a continuation of the current mix of uses including industrial, residential, institutional, commercial, and open space. Present and planned land uses are adequate for existing residents as well as future growth and maintaining compatibility with open space uses, as demonstrated in the City's General Plan (2003).
- B. *The present and probable need for public facilities and services in the area* – There are no anticipated changes in the type of public services and facilities required within the existing SOI for the City of Pleasant Hill. The level of demand for these services and facilities, however, will increase commensurate with anticipated population growth over the next five years.
- C. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – The present capacity of public facilities in the City of Pleasant Hill appears adequate, and the City indicates it will continue to have adequate capacity during the next five years.
- D. *The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency* – LAFCO has identified three islands within the City's SOI that represent communities of interest. LAFCO encourages the annexation of these small islands.
- E. *The present and probable need for sewers, municipal and industrial water, or structural fire protection services and facilities of any DUC within the existing SOI* – There is a disadvantaged community within the City's boundary and SOI. This area receives municipal fire, sewer and water services.

PASSED AND ADOPTED this 12th day of June 2019.

AYES:

NOES:

ABSTENTIONS:

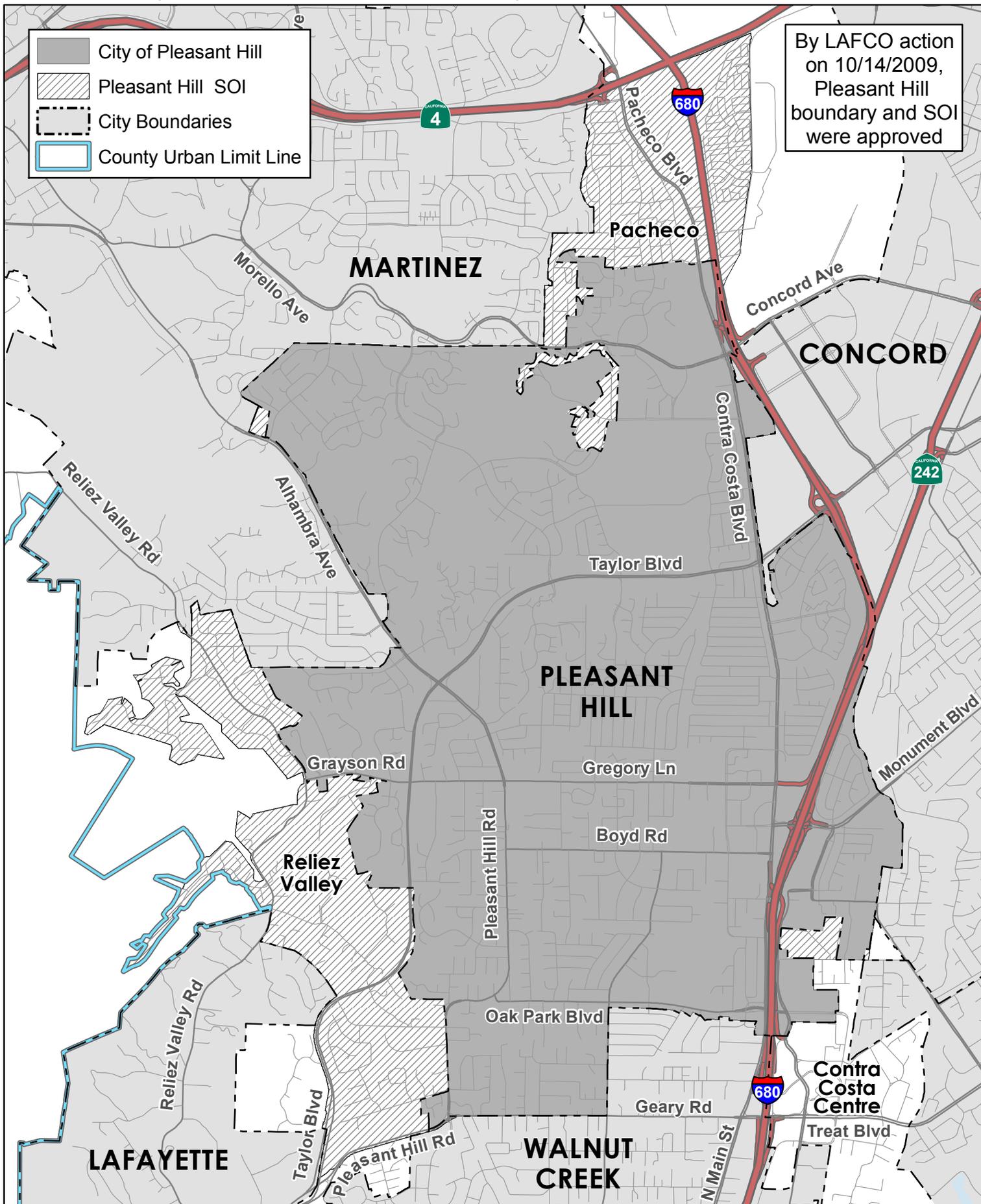
ABSENT:

Tom Butt, Chair, Contra Costa LAFCO

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

Lou Ann Teixeira, Executive Officer

City of Pleasant Hill Boundary and Sphere of Influence



- City of Pleasant Hill
- Pleasant Hill SOI
- City Boundaries
- County Urban Limit Line

By LAFCO action on 10/14/2009, Pleasant Hill boundary and SOI were approved

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION
COMMISSION ADOPTING MUNICIPAL SERVICE REVIEW AND SPHERE OF INFLUENCE
DETERMINATIONS FOR THE CITY OF RICHMOND**

WHEREAS, the Cortese-Knox-Hertzberg Local Governmental Reorganization Act of 2000 (California Government Code §56000 et seq.) provides that a Local Agency Formation Commission (LAFCO) shall adopt Spheres of Influence (SOIs) for each local governmental agency within its jurisdiction [§56425(a)] and that it must update each SOI every five years, as necessary (§56425(g)); and

WHEREAS, the SOI is the primary planning tool for LAFCO and defines the probable physical boundary and service area of a local agency as determined by LAFCO; and

WHEREAS, §56430 requires that in order to prepare and to update SOIs, the Commission shall conduct a Municipal Service Review (MSR) prior to or in conjunction with the SOI update; and

WHEREAS, the Commission has undertaken its 2nd round “*City Services*” MSR covering all 19 cities and four community services districts (CSDs) including Crockett CSD, Diablo CSD, Discovery Bay CSD and Kensington CSD; and

WHEREAS, this MSR, as prepared by Lamphier-Gregory and Berkson Associates consultants to LAFCO, covers the following services: animal control, broadband, building/planning, law enforcement, library, lighting, parks & recreation, solid waste, streets/roads, stormwater, and utilities (gas, electric/community choice); and

WHEREAS, this MSR focuses on: 1) updating profile data including growth/population, jobs/ housing, finances (expenses, revenues, debt, reserves, related fiscal indicators), and staffing; 2) shared services (i.e., joint powers/joint use agreements, among between public agencies, public-private partnerships); 3) infill development/ sprawl prevention/islands; and 4) agricultural/open space preservation; and

WHEREAS, on April 17, 2019, the Commission held a public hearing to receive an overview of the Public Review Draft MSR, receive public comments, and provide input; and

WHEREAS, on June 12, 2019, the Commission held a public hearing to receive the Final Draft MSR and recommended determinations and SOI updates for all agencies covered in the MSR, including the City of Richmond; and

WHEREAS, at the public hearings, the Commission heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given an opportunity to hear and be heard with respect to the MSR and SOI updates; and

WHEREAS, the MSR contains the determinations required by §§56425 and 56430 relative to the SOI update and MSR, respectively, for the City of Richmond as incorporated in this resolution; and

WHEREAS, the proposed action consists of adopting the MSR determinations and updating the SOI for the City of Richmond as presented in the 2nd round “*City Services*” MSR; and

WHEREAS, adoption of the MSR is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA), as MSRs are feasibility and planning studies for possible future actions that have not been approved, adopted, or funded, pursuant to State CEQA Guidelines section 15262; and

WHEREAS, as set forth in State CEQA Guidelines section 15061(b)(3), approval of the SOI update is not subject to CEQA because it can be seen with certainty that there is no possibility that the SOI update will have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED that Contra Costa LAFCO does hereby adopt the following MSR pursuant to §56430 and SOI determinations pursuant to §56425 for the City of Richmond and retain the existing SOI for the City of Richmond as depicted in Exhibit A (attached). Further, any future changes to the City of Richmond’s SOI should not be considered until such time as a more complete review has been conducted to examine capacity, adequacy and financial ability to provide services.

MUNICIPAL SERVICE REVIEW (MSR) DETERMINATIONS

- 1) *Growth and population projections for the affected area* – According to the 2018 California Department of Finance estimates, the City of Richmond serves 119,067 residents. The Association of Bay Area Governments (ABAG) projects that the City of Richmond will grow at an annual rate of approximately 1.6% to a population of 166,220 between 2010 and 2040. The City is also projected to experience an approximate 2.3% annual growth rate in jobs between 2010 and 2040. Overall, the City’s planning is expected to accommodate the growth projected by ABAG.

The MSR also reviewed jobs/housing, planning for an aging population, and anticipated growth patterns. Regarding jobs/housing, as of 2010, the City of Richmond had a jobs/housing balance of 0.78 which reflects an imbalance (Sources: U.S. Census, ABAG). The City’s 2015-2023 Housing Element identified adequate sites to meet and exceed its 2014-2022 assigned regional housing needs allocation. Regarding planning for an aging population, the City provides extensive services, programs and activities directed at the educational, social, recreational, nutritional, health and human service needs for adults age 50+. Regarding anticipated growth patterns, there are three Priority Development Areas (PDAs) in the City – two *Central Richmond & 23rd Street Corridor* characterized as “City Center” and “Mixed-Use Corridor” and *South Richmond* characterized as “Transit Neighborhood.” These PDAs are expected to accommodate approximately 83% of the projected growth in households and 70% of the projected growth in employment. There were no Priority Conservation Areas identified in the City of Richmond. The City reported 15± acres of undeveloped entitled residential land as of FY 2017. As of March 2019, the City reports 977± residential units approved and not yet built; an estimated 701± near and long term housing units under review; an estimated 616,742± SF of approved commercial and/or office space, and two 100± room hotels (near and long term commercial and/or office space). The City does not anticipate the current or projected growth patterns will expand beyond its existing municipal boundary and SOI.

- 2) *The location and characteristics of any Disadvantaged Unincorporated Communities (DUCs) within or contiguous to the SOI* – According to the American Community Survey 5-Year Estimates (2013-2017), there are disadvantaged communities located within and contiguous to the City’s boundary and SOI, including unincorporated North Richmond.
- 3) *Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any DUCs within or contiguous to the SOI* – The disadvantaged communities within and contiguous to the City of Richmond boundary and SOI have access to municipal fire, sewer and water services.
- 4) *Financial ability of agency to provide services* – In determining the financial ability of the City to provide services, the MSR considered operating general fund and reserve trends; liquidity, debt, and pension liabilities; and timeliness and accuracy of financial reporting. The City is experiencing fiscal challenges that may affect its ability to provide services, particularly in the event of unexpected funding needs. Like other cities, Richmond’s unfunded pension and OPEB liabilities continue to grow; however, the City has implemented measures to help address these liabilities. The City exceeds its 20% reserve goal, allowing it to maintain an acceptable level of services. The City provides a range of enterprise services, including the Richmond Housing Authority, Port of Richmond, municipal sanitary and storm sewer, cable television, and marina. Enterprises are experiencing a decline in asset value. The City’s most recent CAFR was not issued in a timely manner. The CAFR was audited by an independent CPA and received a clean opinion.
- 5) *Status of, and opportunities for, shared facilities* – The City contracts with other public agencies and private service providers for various services including animal control, broadband, solid waste, stormwater in North Richmond and some utilities; and the City is party to several JPAs. The City did not identify any other shared services, overlapping/duplication of services, or excess service or facility capacity.

- 6) *Accountability for community service needs, including governmental structure and operational efficiencies* – The City’s website provides information regarding public meetings, services, financial and planning documents, and opportunities for public involvement demonstrating access and accountability. The City broadcasts City Council and other public meetings on the City’s cable channel. The City also utilizes social media, electronic billboards and multiple City list serves, as well as neighborhood councils to promote public involvement.
- 7) *Any other matter related to effective or efficient service delivery, as required by Commission policy* – Contra Costa LAFCO’s local policies provide that MSRs focus on target services including water, sewer, drainage, libraries, roads, parks, health care, broadband (high-speed internet access and use), police, and fire protection. The “*City Services*” MSR excludes review of water, sewer, healthcare and fire services as these services were recently reviewed in 2nd round focused MSRs.

Contra Costa LAFCO recently added broadband services as an MSR focus area. The City does not provide public broadband service and is served by various private cable/ broadband service providers. The East Bay Broadband Consortium’s 2013 East Bay Broadband Report Card found that the City of Richmond’s internet service providers meet the CPUC’s minimum 6 Mbps download and 1.5 Mbps upload standards.

SPHERE OF INFLUENCE (SOI) DETERMINATIONS

- A. *The present and planned land uses in the area, including agricultural and open-space lands* – The City of Richmond plans for a variety of urban uses within its boundary, representing a continuation of the current mix of uses including industrial, residential, research and development, commercial, agricultural and open space. Present and planned land uses are adequate for existing residents as well as future growth and maintaining compatibility with agricultural and open space uses, as demonstrated in the General Plan (2012).
- B. *The present and probable need for public facilities and services in the area* – There are no anticipated changes in the type of public services and facilities required within the existing SOI for the City of Richmond. The level of demand for these services and facilities, however, will increase commensurate with anticipated population growth over the next five years.
- C. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – The present capacity of public facilities in the City of Richmond appears adequate. The City anticipates it will continue to have adequate capacity during the next five years.
- D. *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 communities of North Richmond and portions of El Sobrante and East Richmond Heights are within the City’s SOI and are communities of interest.
- E. *The present and probable need for sewers, municipal and industrial water, or structural fire protection services and facilities of any DUC within the existing SOI* – There are disadvantaged communities within and contiguous to the City of Richmond. These areas receive municipal fire, sewer and water services.

PASSED AND ADOPTED this 12th day of June 2019.

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Tom Butt, Chair, Contra Costa LAFCO

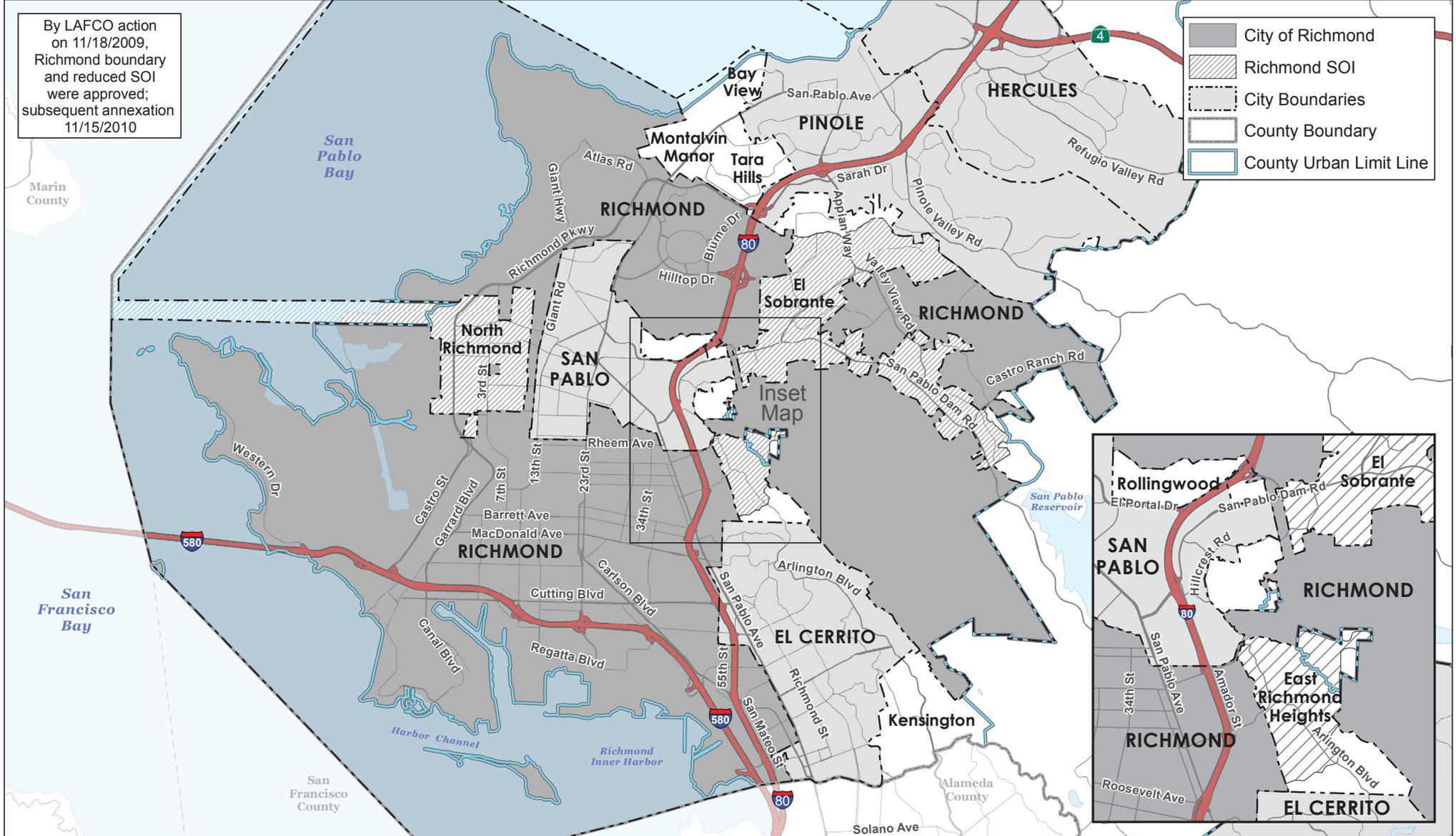
I hereby certify that this is a correct copy of a resolution passed and adopted by the Commission on the date stated above.

Lou Ann Texeira, Executive Officer

City of Richmond Boundary and Sphere of Influence

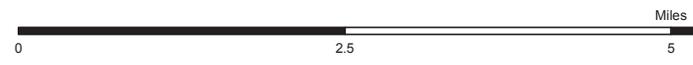
By LAFCO action on 11/18/2009, Richmond boundary and reduced SOI were approved; subsequent annexation 11/15/2010

-  City of Richmond
-  Richmond SOI
-  City Boundaries
-  County Boundary
-  County Urban Limit Line



Map created 05/13/2013 by Contra Costa County Department of Conservation and Development, GIS Group 30 Muir Road, Martinez, CA 94553 37.5941.791N 122.07.03.756W

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**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION
COMMISSION ADOPTING MUNICIPAL SERVICE REVIEW AND SPHERE OF INFLUENCE
DETERMINATIONS FOR THE CITY OF SAN PABLO**

WHEREAS, the Cortese-Knox-Hertzberg Local Governmental Reorganization Act of 2000 (California Government Code §56000 et seq.) provides that a Local Agency Formation Commission (LAFCO) shall adopt Spheres of Influence (SOIs) for each local governmental agency within its jurisdiction [§56425(a)] and that it must update each SOI every five years, as necessary (§56425(g)); and

WHEREAS, the SOI is the primary planning tool for LAFCO and defines the probable physical boundary and service area of a local agency as determined by LAFCO; and

WHEREAS, §56430 requires that in order to prepare and to update SOIs, the Commission shall conduct a Municipal Service Review (MSR) prior to or in conjunction with the SOI update; and

WHEREAS, the Commission has undertaken its 2nd round “*City Services*” MSR covering all 19 cities and four community services districts (CSDs) including Crockett CSD, Diablo CSD, Discovery Bay CSD and Kensington CSD; and

WHEREAS, this MSR, as prepared by Lamphier-Gregory and Berkson Associates consultants to LAFCO, covers the following services: animal control, broadband, building/planning, law enforcement, library, lighting, parks & recreation, solid waste, streets/roads, stormwater, and utilities (gas, electric/community choice); and

WHEREAS, this MSR focuses on: 1) updating profile data including growth/population, jobs/ housing, finances (expenses, revenues, debt, reserves, related fiscal indicators), and staffing; 2) shared services (i.e., joint powers/joint use agreements, among between public agencies, public-private partnerships); 3) infill development/ sprawl prevention/islands; and 4) agricultural/open space preservation; and

WHEREAS, on April 17, 2019, the Commission held a public hearing to receive an overview of the Public Review Draft MSR, receive public comments, and provide input; and

WHEREAS, on June 12, 2019, the Commission held a public hearing to receive the Final Draft MSR and recommended determinations and SOI updates for all agencies covered in the MSR, including the City of San Pablo; and

WHEREAS, at the public hearings, the Commission heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given an opportunity to hear and be heard with respect to the MSR and SOI updates; and

WHEREAS, the MSR contains the determinations required by §§56425 and 56430 relative to the SOI update and MSR, respectively, for the City of San Pablo as incorporated in this resolution; and

WHEREAS, the proposed action consists of adopting the MSR determinations and updating the SOI for the City of San Pablo as presented in the 2nd round “*City Services*” MSR; and

WHEREAS, adoption of the MSR is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA), as MSRs are feasibility and planning studies for possible future actions that have not been approved, adopted, or funded, pursuant to State CEQA Guidelines section 15262; and

WHEREAS, as set forth in State CEQA Guidelines section 15061(b)(3), approval of the SOI update is not subject to CEQA because it can be seen with certainty that there is no possibility that the SOI update will have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED that Contra Costa LAFCO does hereby adopt the following MSR pursuant to §56430 and SOI determinations pursuant to §56425 for the City of San Pablo and retain the existing SOI for the City of San Pablo as depicted in Exhibit A (attached):

MUNICIPAL SERVICE REVIEW (MSR) DETERMINATIONS

- 1) *Growth and population projections for the affected area* – According to the 2018 California Department of Finance estimates, the City of San Pablo serves 31,593 residents. The Association of Bay Area Governments (ABAG) projects that the City of San Pablo will grow at an annual rate of approximately 0.5% to a population of 34,090 between 2010 and 2040. The City is also projected to experience an approximate 0.7% annual growth rate in jobs between 2010 and 2040. Overall, the City’s planning is expected to accommodate the growth projected by ABAG.

The MSR also reviewed jobs/housing, planning for an aging population, and anticipated growth patterns. Regarding jobs/housing, as of 2010, the City of San Pablo had a jobs/housing balance of 0.78 which reflects an imbalance (Sources: U.S. Census, ABAG). The City’s 2015-2023 Housing Element identified adequate sites to meet and exceed its 2014-2022 assigned regional housing needs allocation. Regarding planning for an aging population, the City provides various programs/services to meet the educational, recreational, social, health/nutritional and transportation needs of adults age 50+. Regarding anticipated growth patterns, there is one planned Priority Development Area (PDA) in the City – “San Pablo Avenue & 23rd Street Corridors” characterized as *Mixed-Use Corridor*, and one potential PDA – “Rumrill Boulevard” also characterized as *Mixed-Use Corridor*, both of which will add housing and jobs to the city. There are no Priority Conservation Areas within the City. The City identified two projects (residential and mixed use) as part of the projected growth for the City. The City did not report on the estimated number of undeveloped entitled acres or the estimated number of dwelling units or commercial office space square footage. The City does not anticipate the current or projected growth patterns will expand beyond its existing municipal boundary and SOI.

- 2) *The location and characteristics of any Disadvantaged Unincorporated Communities (DUCs) within or contiguous to the SOI* – According to the American Community Survey 5-Year Estimates (2013-2017), the City of San Pablo is a disadvantaged community. There are also disadvantaged incorporated and unincorporated communities surrounding the City.
- 3) *Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any DUCs within or contiguous to the SOI* – the disadvantaged communities within and contiguous to the City’s boundary and SOI have access to municipal fire, sewer and water services.
- 4) *Financial ability of agency to provide services* – in determining the financial ability of the City to provide services, the MSR considered operating general fund and reserve trends; liquidity, debt, and pension liabilities; and timeliness and accuracy of financial reporting. Overall, the City of San Pablo appears to have sufficient financial resources to continue providing services and accommodate infrastructure expansion, improvements and replacement over the next five years. The City projects a \$38 million reserve fund. As with other cities, the City of San Pablo faces growing pension and OPEB liabilities; the City’s funding strategy includes OPEB pay-as-you-go financing. The City’s most recent CAFR was not issued in a timely manner. The CAFR was audited by an independent CPA and received a clean opinion. The MSR includes recommendations for improving the transparency of the City’s financial reports.
- 5) *Status of, and opportunities for, shared facilities* – The City contracts with other public agencies and private service providers for various services including animal control, broadband, library, lighting, solid waste, and utilities; and the City is party to various JPAs. The City share police dispatch and a records management system with cities of Hercules and Pinole. The City also has a joint use agreement with the West Contra Costa Unified School District. The City did not identify any overlapping/duplication of services or excess service or facility capacity.
- 6) *Accountability for community service needs, including governmental structure and operational efficiencies* – The City’s website provides information regarding public meetings, services, financial and planning documents, and opportunities for public involvement demonstrating access and accountability. The City also provides various public notices and newsletters to its residents.

- 7) *Any other matter related to effective or efficient service delivery, as required by Commission policy* – Contra Costa LAFCO’s local policies provide that MSRs focus on target services including water, sewer, drainage, libraries, roads, parks, health care, broadband (high-speed internet access and use), police, and fire protection. The “*City Services*” MSR excludes review of water, sewer, healthcare and fire services as these services were recently reviewed in 2nd round focused MSRs.

Contra Costa LAFCO recently added broadband services as an MSR focus area. The City does not provide public broadband service and is served by various private cable/ broadband service providers. The East Bay Broadband Consortium’s 2013 East Bay Broadband Report Card noted that the City of San Pablo’s internet service providers meet the CPUC’s minimum 6 Mbps download and 1.5 Mbps upload standards. The City did not indicate any specific concerns about the ability of the current broadband providers to serve the City.

SPHERE OF INFLUENCE (SOI) DETERMINATIONS

- A. *The present and planned land uses in the area, including agricultural and open-space lands* – The City of San Pablo plans for a variety of urban uses within its boundary, representing a continuation of the current mix of uses including residential, commercial, institutional, retail and open space. Present and planned land uses are adequate for existing residents as well as future growth and maintaining compatibility with open space uses, as demonstrated in the City’s General Plan (2011).
- B. *The present and probable need for public facilities and services in the area* – There are no anticipated changes in the type of public services and facilities required within the existing SOI for the City of San Pablo. The level of demand for these services and facilities, however, will increase commensurate with anticipated population growth over the next five years.
- C. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – The present capacity of public facilities in the City of San Pablo appears adequate, and the City indicates it will continue to have adequate capacity over the next five years.
- D. *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 City’s SOI includes two communities of interest - the Rollingwood community to the north, and an area to the east bounded by Hillcrest Road and Wildcat Canyon. Both areas are small islands that can be annexed via an expedited process. LAFCO encourages the City of San Pablo to annex these small islands.
- E. *The present and probable need for sewers, municipal and industrial water, or structural fire protection services and facilities of any DUC within the existing SOI* - There are disadvantaged communities within and contiguous to the City’s boundary and SOI. These areas have access to fire, sewer and water services.

PASSED AND ADOPTED this 12th day of June 2019.

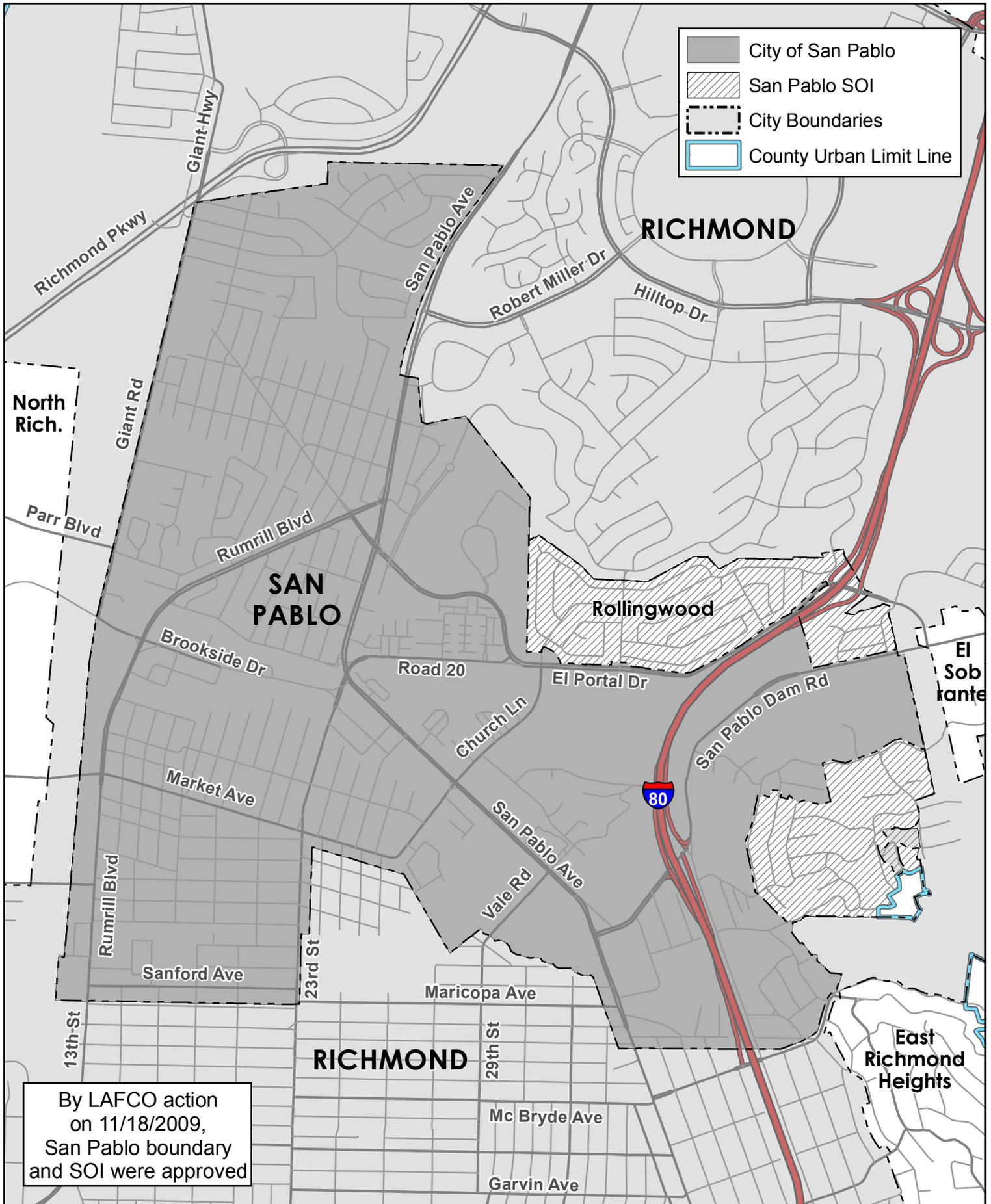
AYES:
NOES:
ABSTENTIONS:
ABSENT:

Tom Butt, Chair, Contra Costa LAFCO

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

Lou Ann Texeira, Executive Officer

City of San Pablo Boundary and Sphere of Influence



	City of San Pablo
	San Pablo SOI
	City Boundaries
	County Urban Limit Line

By LAFCO action
on 11/18/2009,
San Pablo boundary
and SOI were approved



**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION
COMMISSION ADOPTING MUNICIPAL SERVICE REVIEW AND SPHERE OF INFLUENCE
DETERMINATIONS FOR THE CITY OF SAN RAMON**

WHEREAS, the Cortese-Knox-Hertzberg Local Governmental Reorganization Act of 2000 (California Government Code §56000 et seq.) provides that a Local Agency Formation Commission (LAFCO) shall adopt Spheres of Influence (SOIs) for each local governmental agency within its jurisdiction [§56425(a)] and that it must update each SOI every five years, as necessary (§56425(g)); and

WHEREAS, the SOI is the primary planning tool for LAFCO and defines the probable physical boundary and service area of a local agency as determined by LAFCO; and

WHEREAS, §56430 requires that in order to prepare and to update SOIs, the Commission shall conduct a Municipal Service Review (MSR) prior to or in conjunction with the SOI update; and

WHEREAS, the Commission has undertaken its 2nd round “*City Services*” MSR covering all 19 cities and four community services districts (CSDs) including Crockett CSD, Diablo CSD, Discovery Bay CSD and Kensington CSD; and

WHEREAS, this MSR, as prepared by Lamphier-Gregory and Berkson Associates consultants to LAFCO, covers the following services: animal control, broadband, building/planning, law enforcement, library, lighting, parks & recreation, solid waste, streets/roads, stormwater, and utilities (gas, electric/community choice); and

WHEREAS, this MSR focuses on: 1) updating profile data including growth/population, jobs/ housing, finances (expenses, revenues, debt, reserves, related fiscal indicators), and staffing; 2) shared services (i.e., joint powers/joint use agreements, among between public agencies, public-private partnerships); 3) infill development/ sprawl prevention/islands; and 4) agricultural/open space preservation; and

WHEREAS, on April 17, 2019, the Commission held a public hearing to receive an overview of the Public Review Draft MSR, receive public comments, and provide input; and

WHEREAS, on June 12, 2019, the Commission held a public hearing to receive the Final Draft MSR and recommended determinations and SOI updates for all agencies covered in the MSR, including the City of San Ramon; and

WHEREAS, at the public hearings, the Commission heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given an opportunity to hear and be heard with respect to the MSR and SOI updates; and

WHEREAS, the MSR contains the determinations required by §§56425 and 56430 relative to the SOI update and MSR, respectively, for the City of San Ramon as incorporated in this resolution; and

WHEREAS, the proposed action consists of adopting the MSR determinations and updating the SOI for the City of San Ramon as presented in the 2nd round “*City Services*” MSR; and

WHEREAS, adoption of the MSR is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA), as MSRs are feasibility and planning studies for possible future actions that have not been approved, adopted, or funded, pursuant to State CEQA Guidelines section 15262; and

WHEREAS, as set forth in State CEQA Guidelines section 15061(b)(3), approval of the SOI update is not subject to CEQA because it can be seen with certainty that there is no possibility that the SOI update will have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED that Contra Costa LAFCO does hereby adopt the following MSR pursuant to §56430 and SOI determinations pursuant to §56425 for the City of San Ramon and retain the existing SOI for the City of San Ramon as depicted in Exhibit A (attached):

MUNICIPAL SERVICE REVIEW (MSR) DETERMINATIONS

- 1) *Growth and population projections for the affected area* – According to the 2018 California Department of Finance estimates, the City of San Ramon serves an estimated 82,643 residents. The Association of Bay Area Governments (ABAG) projects that the City of San Ramon will grow at an annual rate of approximately 0.6% to a population of 84,165 between 2010 and 2040. The City is also projected to experience an approximate 1.3% annual growth rate in jobs between 2010 and 2040. Overall, the City’s planning is expected to accommodate the growth projected by ABAG.

The MSR also reviewed jobs/housing, planning for an aging population, and anticipated growth patterns. Regarding jobs/housing, as of 2010, the City of San Ramon had a jobs/housing balance of 1.83 which reflects a balance (Sources: U.S. Census, ABAG). The City’s 2015-2023 Housing Element identified adequate sites to meet and exceed its 2014-2022 assigned regional housing needs allocation. Regarding planning for an aging population, the City provides various classes, events and trips for adults age 55+. As for anticipated growth patterns, there are two Priority Development Areas (PDAs) in the City of San Ramon. “City Center” characterized as *Suburban Center* is a planned PDA, and “North Camino Ramon” characterized as *Transit Town Center*, is a potential PDA. There is one Priority Conservation Area within San Ramon’s SOI – Big Canyon Preserve. The City reported an estimated 26 undeveloped entitled residential acres in FY 2017, which includes Phases 4 and 5 of “The Preserve.” The City reports approximately 1,943 dwelling units and 2.2 million square feet of commercial office space as either approved or in the approval process. The City does not anticipate that current or projected growth patterns will expand beyond its existing municipal boundary and SOI.

- 2) *The location and characteristics of any Disadvantaged Unincorporated Communities (DUCs) within or contiguous to the SOI* – According to the American Community Survey 5-Year Estimates (2013-2017), there are no DUCs located within or contiguous to the City’s SOI, nor are there any disadvantaged communities located within the City’s boundary or SOI.
- 3) *Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any DUCs within or contiguous to the SOI* – There are no disadvantaged communities within or contiguous to the City of San Ramon.
- 4) *Financial ability of agency to provide services* – In determining the financial ability of the City to provide services, the MSR considered operating general fund and reserve trends; liquidity, debt, and pension liabilities; and timeliness and accuracy of financial reporting. Overall, the City of San Ramon appears to have sufficient financial resources to accommodate infrastructure expansion, improvements, or replacement over the next five years. However, the City has been operating with a deficit trend in its General Fund. As with other cities, the City has unfunded pension and is considering options to address this liability. The City’s OPEB trust is fully funded. The City currently meets its 40% reserve goal. The City’s CAFR was issued in a timely manner and was audited and received a clean opinion.
- 5) *Status of, and opportunities for, shared facilities* – The City contracts with other public agencies and private service providers for various services including animal control, broadband, library, solid waste and utilities; and the City is party to various JPAs. The City’s Police Department participates in the Central County SWAT Team. The City also shares capital facilities with the San Ramon Valley Unified School District and the County Library system.
- 6) *Accountability for community service needs, including governmental structure and operational efficiencies* – The City’s website provides information regarding public meetings, services, financial and planning documents, and opportunities for public involvement demonstrating access and accountability. City Council and Planning Commission meetings are available online and on local cable networks; and newsletters are distributed to City residents.
- 7) *Any other matter related to effective or efficient service delivery, as required by Commission policy* –

Contra Costa LAFCO's local policies provide that MSRs focus on target services including water, sewer, drainage, libraries, roads, parks, health care, broadband (high-speed internet access and use), police, and fire protection. The "City Services" MSR excludes review of water, sewer, healthcare and fire services as these services were recently reviewed in 2nd round focused MSRs.

Contra Costa LAFCO recently added broadband services as an MSR focus area. The City does not provide public broadband service and is served by various private cable/ broadband service providers. The East Bay Broadband Consortium's 2013 East Bay Broadband Report Card indicated that the City's internet service providers did not meet the CPUC's minimum 6 Mbps download and 1.5 Mbps upload standards. The City of San Ramon did not indicate concerns about the ability of broadband providers to serve the City's existing or growing population.

SPHERE OF INFLUENCE (SOI) DETERMINATIONS

- A. *The present and planned land uses in the area, including agricultural and open-space lands* – The City of San Ramon plans for a variety of urban uses within its boundary, representing a continuation of the current mix of uses including residential, office, commercial, retail, mixed use and open space. Present and planned land uses are adequate for existing residents as well as future growth and maintaining compatibility with agricultural and open space uses, as demonstrated in the General Plan (2015).
- B. *The present and probable need for public facilities and services in the area* – There are no anticipated changes in the type of public services and facilities required within the existing SOI for the City of San Ramon. The level of demand for these services and facilities, however, will increase commensurate with anticipated population growth over the next five years, and in conjunction with recent annexations (Dougherty Valley, Chang).
- C. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – The present capacity of public facilities in the City of San Ramon appears adequate. The City anticipates it will continue to have adequate capacity during the next five years.
- D. *The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency* – There are several communities of interest within the City's SOI including the Dougherty Valley (inside the City's UGB), and Norris Canyon and Bollinger Canyon areas (outside the City's UGB). There is a small island located west of I-680 which is a remnant from the Faria Preserve annexation. LAFCO encourages the City to annex this small island.
- E. *The present and probable need for sewers, municipal and industrial water, or structural fire protection services and facilities of any DUC within the existing SOI* – There are no disadvantaged communities within or contiguous to the City of San Ramon and therefore no present or probable need for services.

PASSED AND ADOPTED this 12th day of June 2019.

AYES:

NOES:

ABSTENTIONS:

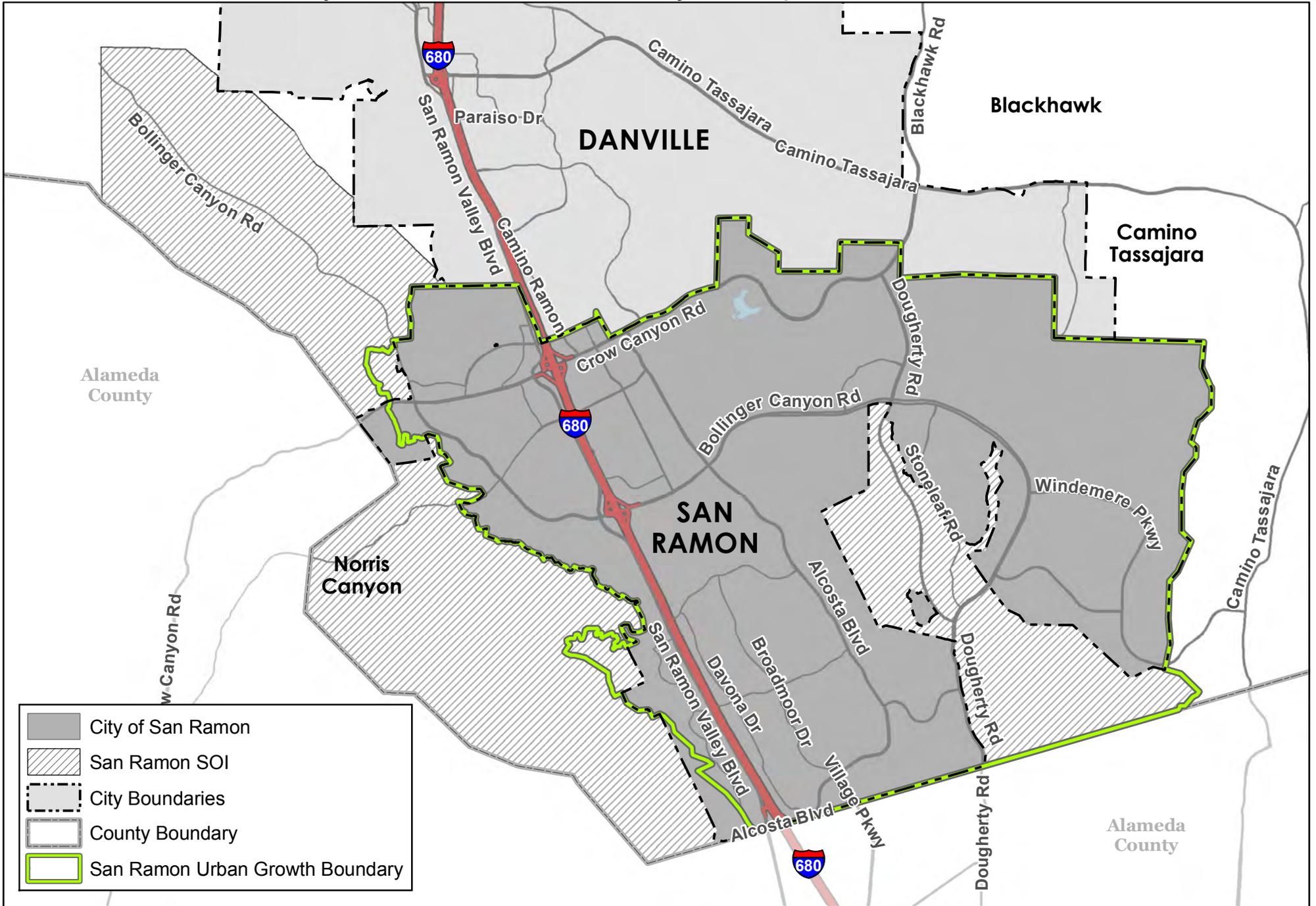
ABSENT:

Tom Butt, Chair, Contra Costa LAFCO

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

Lou Ann Texeira, Executive Officer

City of San Ramon Boundary and Sphere of Influence



Map created 01/08/2019
 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.



Att 2r/Exhibit A



**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION
COMMISSION ADOPTING MUNICIPAL SERVICE REVIEW AND SPHERE OF INFLUENCE
DETERMINATIONS FOR THE CITY OF WALNUT CREEK**

WHEREAS, the Cortese-Knox-Hertzberg Local Governmental Reorganization Act of 2000 (California Government Code §56000 et seq.) provides that a Local Agency Formation Commission (LAFCO) shall adopt Spheres of Influence (SOIs) for each local governmental agency within its jurisdiction [§56425(a)] and that it must update each SOI every five years, as necessary (§56425(g)); and

WHEREAS, the SOI is the primary planning tool for LAFCO and defines the probable physical boundary and service area of a local agency as determined by LAFCO; and

WHEREAS, §56430 requires that in order to prepare and to update SOIs, the Commission shall conduct a Municipal Service Review (MSR) prior to or in conjunction with the SOI update; and

WHEREAS, the Commission has undertaken its 2nd round “*City Services*” MSR covering all 19 cities and four community services districts (CSDs) including Crockett CSD, Diablo CSD, Discovery Bay CSD and Kensington CSD; and

WHEREAS, this MSR, as prepared by Lamphier-Gregory and Berkson Associates consultants to LAFCO, covers the following services: animal control, broadband, building/planning, law enforcement, library, lighting, parks & recreation, solid waste, streets/roads, stormwater, and utilities (gas, electric/community choice); and

WHEREAS, this MSR focuses on: 1) updating profile data including growth/population, jobs/ housing, finances (expenses, revenues, debt, reserves, related fiscal indicators), and staffing; 2) shared services (i.e., joint powers/joint use agreements, among between public agencies, public-private partnerships); 3) infill development/sprawl prevention/islands; and 4) agricultural/open space preservation; and

WHEREAS, on April 17, 2019, the Commission held a public hearing to receive an overview of the Public Review Draft MSR, receive public comments, and provide input; and

WHEREAS, on June 12, 2019, the Commission held a public hearing to receive the Final Draft MSR and recommended determinations and SOI updates for all agencies covered in the MSR, including the City of Walnut Creek; and

WHEREAS, at the public hearings, the Commission heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given an opportunity to hear and be heard with respect to the MSR and SOI updates; and

WHEREAS, the MSR contains the determinations required by §§56425 and 56430 relative to the SOI update and MSR, respectively, for the City of Walnut Creek as incorporated in this resolution; and

WHEREAS, the proposed action consists of adopting the MSR determinations and updating the SOI for the City of Walnut Creek as presented in the 2nd round “*City Services*” MSR; and

WHEREAS, adoption of the MSR is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA), as MSRs are feasibility and planning studies for possible future actions that have not been approved, adopted, or funded, pursuant to State CEQA Guidelines section 15262; and

WHEREAS, as set forth in State CEQA Guidelines section 15061(b)(3), approval of the SOI update is not subject to CEQA because it can be seen with certainty that there is no possibility that the SOI update will have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED that Contra Costa LAFCO does hereby adopt the following MSR pursuant to §56430 and SOI determinations pursuant to §56425 for the City of Walnut Creek and retain the existing SOI for the City of Walnut Creek as depicted in Exhibit A (attached):

MUNICIPAL SERVICE REVIEW (MSR) DETERMINATIONS

- 1) *Growth and population projections for the affected area* – According to the 2018 California Department of Finance estimates, the City of Walnut Creek serves 70,667 residents. The Association of Bay Area Governments (ABAG) projects that the City of Walnut Creek will grow at an annual rate of approximately 0.7% to a population of 81,265 between 2010 and 2040. The City is projected to experience an approximate 0.4% annual growth rate in jobs between 2010 and 2040. Overall, the City’s planning is expected to accommodate the growth projected by ABAG.

The MSR also reviewed jobs/housing, planning for an aging population, and anticipated growth patterns. Regarding jobs/housing, as of 2010, the City of Walnut Creek had a jobs/housing balance of 1.56 which reflects a balance (Sources: U.S. Census, ABAG). The City’s 2015-2023 Housing Element identified adequate sites to meet and exceed its 2014-2022 assigned regional housing needs allocation. Regarding planning for an aging population, the City provides a range of programs/services in the areas of health, education and recreation to meet the needs of adults age 50+. Regarding anticipated growth patterns, there is one planned Priority Development Area in the City – “Core Area” characterized as *City Center* located in the west downtown area which will increase housing and jobs. There is one Priority Conservation Area (PCA) identified within the City – Acalanes Ridge Open Space PCA. The City reports they are at “build-out” (only a nominal amount of vacant residential land), and new development will be in the form of redevelopment. The City reports approximately 1,843 dwelling units and 534,620 square feet of commercial space as either approved or in the approval process. The City of Walnut Creek, which is mostly built out, does not anticipate the current or projected growth patterns will expand beyond its existing municipal boundary and SOI.

- 2) *The location and characteristics of any Disadvantaged Unincorporated Communities (DUCs) within or contiguous to the SOI* – According to the American Community Survey 5-Year Estimates (2013-2017), there is a disadvantaged community within the City’s boundary and SOI (Rossmoor).
- 3) *Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any DUCs within or contiguous to the SOI* – The disadvantaged community within the City’s boundary and SOI receives municipal fire, sewer and water services.
- 4) *Financial ability of agency to provide services* – In determining the financial ability of the City to provide services, the MSR considered operating general fund and reserve trends; liquidity, debt, and pension liabilities; and timeliness and accuracy of financial reporting. Overall, the City of Walnut Creek appears to have sufficient financial resources to continue providing services; however, the City reports that it does not have adequate funds to replace facilities or build new ones. The City has been operating with a surplus in its General Fund, and projects a General Fund reserve of 48% for FY 2019. As with other cities, the City’s pension and OPEB debts continue to grow. The City has established a trust to address these liabilities. The City’s enterprise operations include the Boundary Oaks public golf course and the Downtown Parking operation. The golf course revenues appear sufficient to cover City golf course administration and debt service related to recent clubhouse improvements. Revenues from the parking operation cover the Downtown Parking & Enhancement Fund operations and a portion of revenues are transferred to the Capital Program. The City’s most recent CAFR was issued in a timely manner. The CAFR was audited by an independent CPA and received a clean opinion. The MSR includes recommendations for improve the readability and transparency of the City’s financial reports.
- 5) *Status of, and opportunities for, shared facilities* – Services related to animal control, broadband, library, lighting, parks and recreation, solid waste, and utilities are provided via contract with other public agencies and private and public vendors; and the City is party to numerous JPAs. The City shares library services with Contra Costa County. The City owns various facilities which are leased by other agencies. The City did not identify overlapping/duplication of services or excess service or facility capacity.
- 6) *Accountability for community service needs, including governmental structure and operational efficiencies* – The City’s website provides information regarding public meetings, services, financial and

planning documents, and opportunities for public involvement demonstrating access and accountability. The City Council meetings are streamed online and on local cable television. The City offers electronic subscriptions on various topics and distributes newsletters to its residents.

- 7) *Any other matter related to effective or efficient service delivery, as required by Commission policy* – Contra Costa LAFCO’s local policies provide that MSRs focus on target services including water, sewer, drainage, libraries, roads, parks, health care, broadband (high-speed internet access and use), police, and fire protection. The “*City Services*” MSR excludes review of water, sewer, healthcare and fire services as these services were recently reviewed in 2nd round focused MSRs.

Contra Costa LAFCO added broadband services as an MSR focus area. The City does not provide public broadband service and is served by various private cable/ broadband service providers. The East Bay Broadband Consortium’s 2013 East Bay Broadband Report Card noted that the City of Walnut Creek’s internet service providers meet the CPUC’s minimum 6 Mbps download and 1.5 Mbps upload standards. The City did not indicate any specific concerns about the ability of the current broadband providers to serve the City.

SPHERE OF INFLUENCE (SOI) DETERMINATIONS

- A. *The present and planned land uses in the area, including agricultural and open-space lands* – The City of Walnut Creek plans for a variety of urban uses within its boundary, representing a continuation of the current mix of uses including residential, business park, commercial, retail, mixed uses, agricultural and open space. Present and planned land uses are adequate for existing residents as well as future growth and maintaining compatibility with open space uses, as demonstrated in the City’s General Plan (2006).
- B. *The present and probable need for public facilities and services in the area* – There are no anticipated changes in the type of public services and facilities required within the existing SOI for the City of Walnut Creek. The level of demand for these services and facilities, however, will increase commensurate with anticipated population growth over the next five years, particularly as higher density development replaces older lower density development.
- C. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – The present capacity of public facilities in the City of Walnut Creek appears adequate, and the City indicates it will continue to have adequate capacity during the next five years.
- D. *The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency* – There are several islands within the City’s SOI that represent communities of interest. LAFCO encourages the annexation of these small islands.
- E. *The present and probable need for sewers, municipal and industrial water, or structural fire protection services and facilities of any DUC within the existing SOI* – There a disadvantaged community within the City’s boundary and SOI. This area receives municipal fire, sewer and water services.

PASSED AND ADOPTED this 12th day of June 2019.

AYES:

NOES:

ABSTENTIONS:

ABSENT:

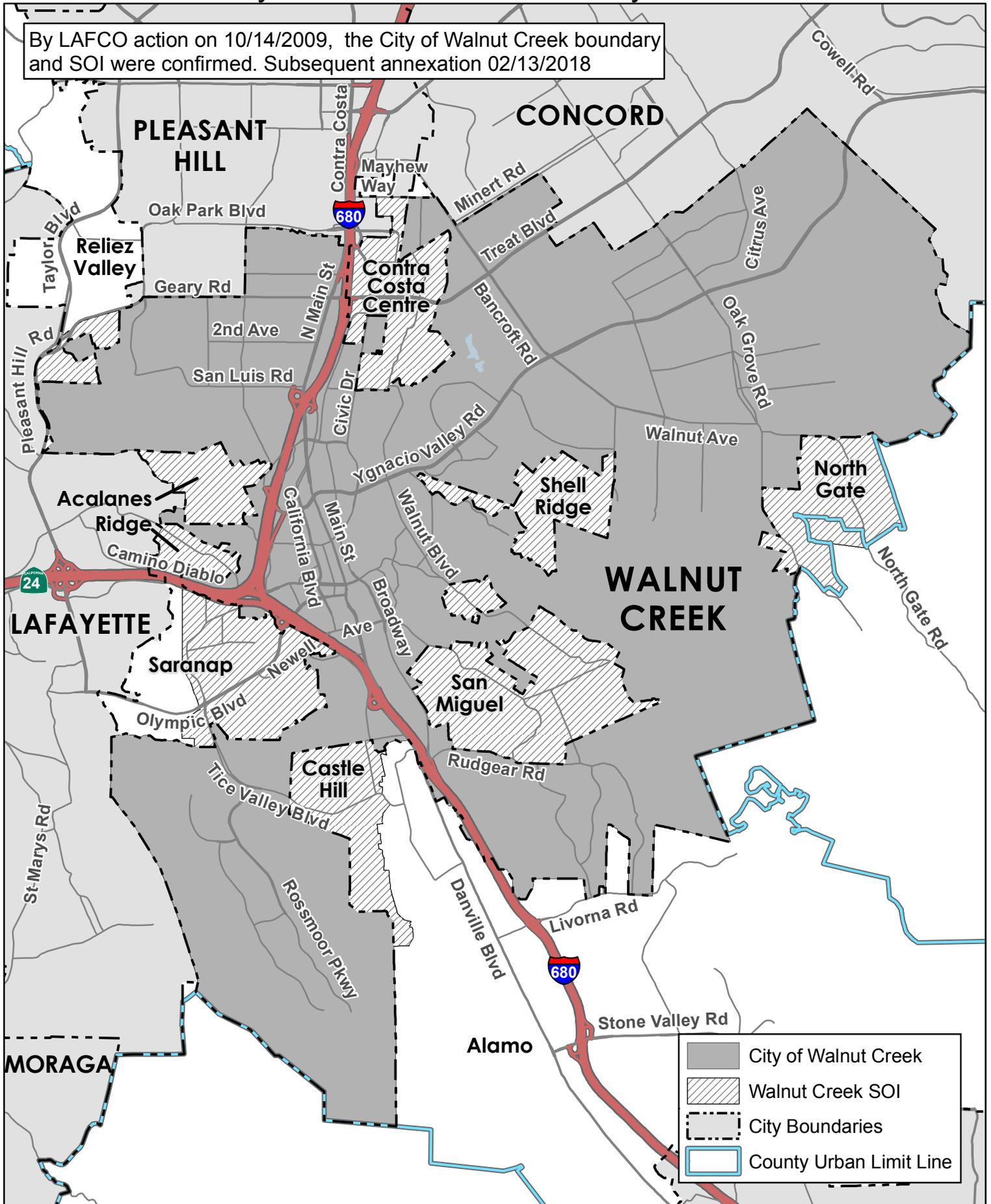
Tom Butt, Chair, Contra Costa LAFCO

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

Lou Ann Teixeira, Executive Officer

City of Walnut Creek Boundary and SOI

By LAFCO action on 10/14/2009, the City of Walnut Creek boundary and SOI were confirmed. Subsequent annexation 02/13/2018



**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION
COMMISSION ADOPTING MUNICIPAL SERVICE REVIEW AND
SPHERE OF INFLUENCE DETERMINATIONS FOR THE
CROCKETT COMMUNITY SERVICES DISTRICT**

WHEREAS, the Cortese-Knox-Hertzberg Local Governmental Reorganization Act of 2000 (California Government Code §56000 et seq.) provides that a Local Agency Formation Commission (LAFCO) shall adopt Spheres of Influence (SOIs) for each local governmental agency within its jurisdiction [§56425(a)] and that it must update each SOI every five years, as necessary (§56425(g)); and

WHEREAS, the SOI is the primary planning tool for LAFCO and defines the probable physical boundary and service area of a local agency as determined by LAFCO; and

WHEREAS, §56430 requires that in order to prepare and to update SOIs, the Commission shall conduct a Municipal Service Review (MSR) prior to or in conjunction with the SOI update; and

WHEREAS, the Commission has undertaken its 2nd round “*City Services*” MSR covering all 19 cities and four community services districts (CSDs) including Crockett CSD, Diablo CSD, Discovery Bay CSD and Kensington CSD; and

WHEREAS, this MSR, as prepared by Lamphier-Gregory and Berkson Associates consultants to LAFCO, covers the following services: animal control, broadband, building/planning, law enforcement, library, lighting, parks & recreation, solid waste, streets/roads, stormwater, and utilities (gas, electric/community choice); and

WHEREAS, this MSR focuses on: 1) updating profile data including growth and population, jobs/housing, finances (expenses, revenues, debt, reserves, related fiscal indicators), and staffing; 2) shared services (i.e., joint powers/joint use agreements, contracts between public agencies, public-private partnerships); 3) infill development/sprawl prevention/islands; and 4) agricultural/open space preservation; and

WHEREAS, on April 17, 2019, the Commission held a public hearing to receive an overview of the Public Review Draft MSR, receive public comments, and provide input; and

WHEREAS, on June 12, 2019, the Commission held a public hearing to receive the Final Draft MSR and recommended determinations and SOI updates for all agencies covered in the MSR, including the Crockett Community Services District (CCSD); and

WHEREAS, at the public hearings, the Commission heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given an opportunity to hear and be heard with respect to the MSR and SOI updates; and

WHEREAS, the MSR contains the determinations required by §§56425 and 56430 relative to the SOI update and MSR, respectively, for the CCSD incorporated in this resolution; and

WHEREAS, the proposed action consists of adopting the MSR determinations and updating the SOI for the CCSD as presented in the 2nd round “*City Services*” MSR; and

WHEREAS, adoption of the MSR is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA), as MSRs are feasibility and planning studies for possible future actions that have not been approved, adopted, or funded, pursuant to State CEQA Guidelines Section 15262; and

WHEREAS, as set forth in State CEQA Guidelines section 15061(b)(3), approval of the SOI update is not subject to CEQA because it can be seen with certainty that there is no possibility that the SOI update will have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED that Contra Costa LAFCO does hereby adopt the following MSR pursuant to §56430 and SOI determinations pursuant to §56425 for the CCSD and retain the existing SOI for the CCSD as depicted in Exhibit A (attached).

MUNICIPAL SERVICE REVIEW (MSR) DETERMINATIONS

- 1) *Growth and population projections for the affected area* – According to the 2016 American Community Survey data, the CCSD serves 3,331 residents. The Association of Bay Area Governments (ABAG) projects that unincorporated Contra Costa County will grow at an annual rate of approximately 0.7% between 2010 and 2040. Unincorporated Contra Costa County is also projected to experience an approximate 0.5% annual growth rate in jobs between 2010 and 2040.

The MSR also reviewed jobs/housing, planning for an aging population, and anticipated growth patterns. The Bay Area Census and ABAG project the unincorporated County's jobs/housing balance to be 0.59 by 2040, which reflects an imbalance. Regarding planning for an aging population, the number of adults age 50 and older in Contra Costa County is projected to increase approximately 45% by 2040. The CCSD offers low interest loans to seniors related to replacement of sewer laterals. Also, CCSD offers senior programs and services directly and through a contract with Contra Costa County. Regarding anticipated growth patterns, there are no Priority Development or Priority Conservations Areas within the CCSD. The CCSD does not anticipate that current or projected growth patterns will expand beyond its existing municipal boundary and SOI.

- 2) *The location and characteristics of any Disadvantaged Unincorporated Communities (DUCs) within or contiguous to the SOI* – According to the American Community Survey 5-Year Estimates (2013-2017), there are DUCs within and contiguous to the CCSD.
- 3) *Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any DUCs within or contiguous to the SOI* – The CCSD indicates that it adequately serves all areas within its service boundary and is likely to continue to do so in the foreseeable future. The disadvantaged communities within and contiguous to the CCSD receive municipal water, sewer and fire services.
- 4) *Financial ability of agency to provide services* – In determining the financial ability of the CCSD to provide services, the MSR considered operating general fund and reserve trends; liquidity, debt, and pension liabilities; and timeliness and accuracy of financial reporting. The CCSD is experiencing some fiscal challenges primarily related to its sewer services (i.e., capital investments, asset depreciation, operating revenue, reserves, pension obligation). However, the District currently has the means available to cover its existing obligations in the short term and continue providing services absent any significant unexpected funding needs. The District's ability to accommodate infrastructure expansion, improvements, or replacement over the next five years may be compromised absent the identification of additional funding opportunities. As with other public agencies, rising pension costs are expected to reduce funding for other priorities. The District prepares timely financial reports. The MSR includes recommendations to improve transparency of its financial reports. *The CCSD shall provide LAFCO with a financial update by June 2020. The update should describe the District's progress in improving Port Costa's financial status, and the District's efforts to improve the clarity of its financial reporting.*
- 5) *Status of, and opportunities for, shared facilities* – The Crockett/Port Costa communities are unincorporated and served by Contra Costa County and various other public and private service providers for various services including animal control, broadband, building/planning, law enforcement, library, lighting, solid waste, stormwater and utilities. The District is not party to any JPAs. The District did not identify any other shared services, overlapping/duplication of services, or excess service or facility capacity.
- 6) *Accountability for community service needs, including governmental structure and operational efficiencies* – The CCSD's website provides information regarding public meetings, services, policies, financial and other reports and documents. Newsletters are also distributed to residents within the CCSD.
- 7) *Any other matter related to effective or efficient service delivery, as required by Commission policy* – Contra Costa LAFCO's local policies provide that MSRs focus on target services including water, sewer, drainage,

libraries, roads, parks, health care, broadband (high-speed internet access and use), police, and fire protection. The “*City Services*” MSR excludes review of water, sewer, healthcare and fire services as these services were recently reviewed in 2nd round focused MSRs.

Contra Costa LAFCO recently added broadband services as an MSR focus area. The CCSD does not provide public broadband service and is served by various private cable/broadband service providers. In 2013, the East Bay Broadband Consortium’s issued its East Bay Broadband Report Card noting that Contra Costa County’s internet service providers met the CPUC’s minimum 6 Mbps download and 1.5 Mbps upload standards.

SPHERE OF INFLUENCE (SOI) DETERMINATIONS

- A. *The present and planned land uses in the area, including agricultural and open-space lands* – Contra Costa County, of which Crockett CSD is a part, plans for a variety of land uses within the unincorporated county, representing a continuation of the current mix of uses. Present and planned land uses are adequate for existing residents as well as future growth and maintaining compatibility with agricultural and open space uses, as demonstrated in the County General Plan.
- B. *The present and probable need for public facilities and services in the area* – There are no anticipated changes in the type of public services and facilities required within the SOI for the CCSD. The level of demand for these services and facilities, however, will increase commensurate with anticipated population growth over the next five years.
- C. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – The present capacity of public facilities in the CCSD appears adequate. The CCSD is likely to have adequate capacity during the next five years.
- D. *The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency* – Other than territory served by the CCSD, LAFCO did not identify any other social or economic communities of interest relevant to the CCSD.
- E. *The present and probable need for sewers, municipal and industrial water, or structural fire protection services and facilities of any DUC within the existing SOI* – According to the American Community Survey 5-Year Estimates (2013-2017), there are disadvantaged communities in and adjacent to the CCSD. These areas receive municipal sewer, water and fire services.
- F. *Nature, location, extent, functions & classes of services to be provided* – The CCSD service boundary encompasses approximately 1.3± square miles. The District is authorized to provide recreation, lighting, landscaping and sewer services within its boundary. CCSD provides and maintains 1.8 park acres per 1,000 residents within its boundary. District facilities include the Crockett Community Center, Crockett Aquatics Center, Alexander Park, and adjacent hillside.

PASSED AND ADOPTED this 12th day of June 2019.

AYES:

NOES:

ABSTENTIONS:

ABSENT:

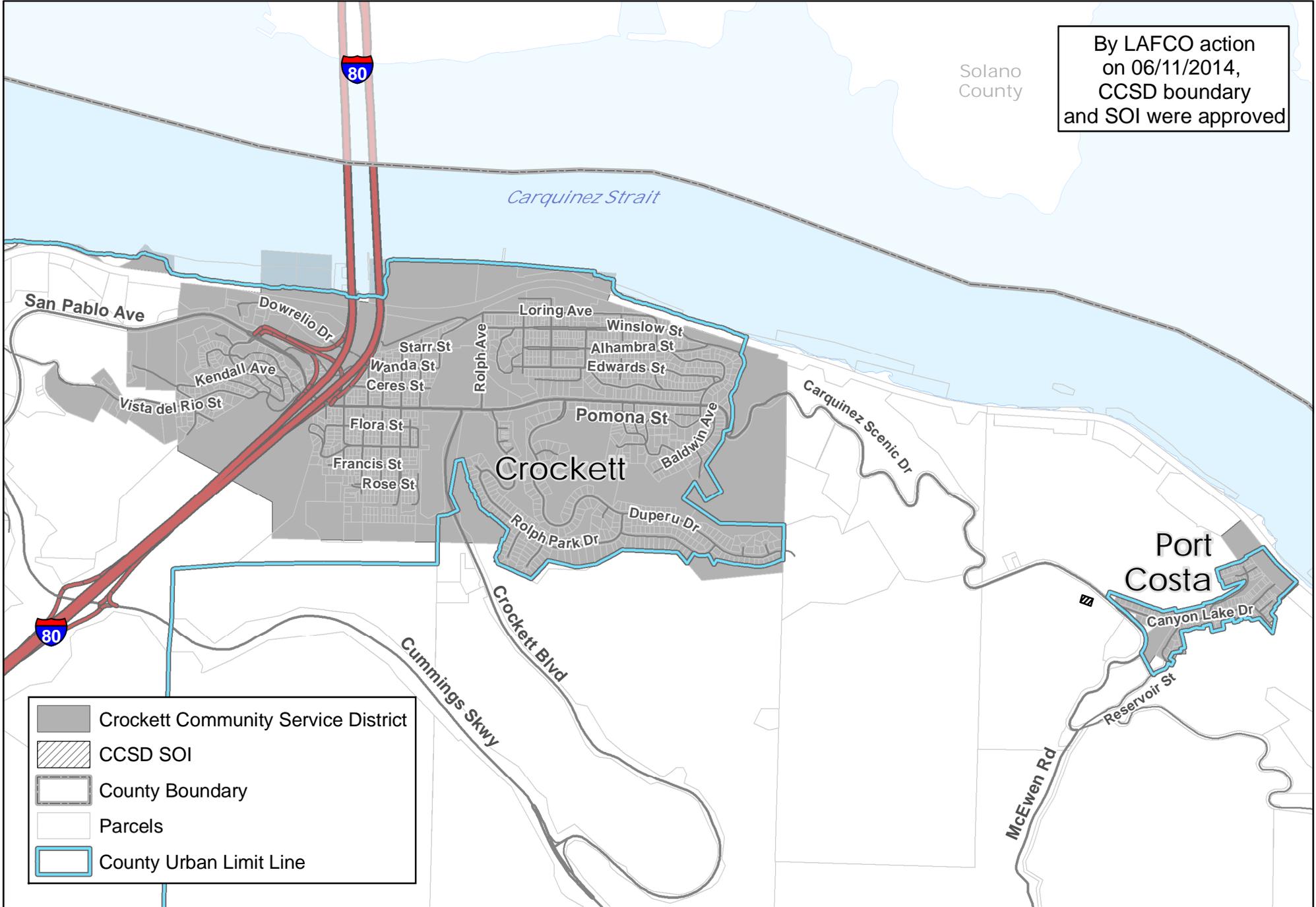
Tom Butt, Chair, Contra Costa LAFCO

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

Lou Ann Texeira, Executive Officer

Crockett Community Service District Boundary and SOI

By LAFCO action on 06/11/2014, CCSD boundary and SOI were approved



-  Crockett Community Service District
-  CCSD SOI
-  County Boundary
-  Parcels
-  County Urban Limit Line

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION
COMMISSION ADOPTING MUNICIPAL SERVICE REVIEW AND
SPHERE OF INFLUENCE DETERMINATIONS FOR THE
DIABLO COMMUNITY SERVICES DISTRICT**

WHEREAS, the Cortese-Knox-Hertzberg Local Governmental Reorganization Act of 2000 (California Government Code §56000 et seq.) provides that a Local Agency Formation Commission (LAFCO) shall adopt Spheres of Influence (SOIs) for each local governmental agency within its jurisdiction [§56425(a)] and that it must update each SOI every five years, as necessary (§56425(g)); and

WHEREAS, the SOI is the primary planning tool for LAFCO and defines the probable physical boundary and service area of a local agency as determined by LAFCO; and

WHEREAS, §56430 requires that in order to prepare and to update SOIs, the Commission shall conduct a Municipal Service Review (MSR) prior to or in conjunction with the SOI update; and

WHEREAS, the Commission has undertaken its 2nd round “*City Services*” MSR covering all 19 cities and four community services districts (CSDs) including Crockett CSD, Diablo CSD, Discovery Bay CSD and Kensington CSD; and

WHEREAS, this MSR, as prepared by Lamphier-Gregory and Berkson Associates consultants to LAFCO, covers the following services: animal control, broadband, building/planning, law enforcement, library, lighting, parks & recreation, solid waste, streets/roads, stormwater, and utilities (gas, electric/community choice); and

WHEREAS, this MSR focuses on: 1) updating profile data including growth and population, jobs/housing, finances (expenses, revenues, debt, reserves, related fiscal indicators), and staffing; 2) shared services (i.e., joint powers/joint use agreements, contracts between public agencies, public-private partnerships); 3) infill development/sprawl prevention/islands; and 4) agricultural/open space preservation; and

WHEREAS, on April 17, 2019, the Commission held a public hearing to receive an overview of the Public Review Draft MSR, receive public comments, and provide input; and

WHEREAS, on June 12, 2019, the Commission held a public hearing to receive the Final Draft MSR and recommended determinations and SOI updates for all agencies covered in the MSR, including the Diablo Community Services District (DCSD); and

WHEREAS, at the public hearings, the Commission heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given an opportunity to hear and be heard with respect to the MSR and SOI updates; and

WHEREAS, the MSR contains the determinations required by §§56425 and 56430 relative to the SOI update and MSR, respectively, for the DCSD incorporated in this resolution; and

WHEREAS, the proposed action consists of adopting the MSR determinations and updating the SOI for the DCSD as presented in the 2nd round “*City Services*” MSR; and

WHEREAS, adoption of the MSR is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA), as MSRs are feasibility and planning studies for possible future actions that have not been approved, adopted, or funded, pursuant to State CEQA Guidelines Section 15262; and

WHEREAS, as set forth in State CEQA Guidelines section 15061(b)(3), approval of the SOI update is not subject to CEQA because it can be seen with certainty that there is no possibility that the SOI update will have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED that Contra Costa LAFCO does hereby adopt the following MSR pursuant to §56430 and SOI determinations pursuant to §56425 for the DCSD and retain the existing SOI for the DCSD as depicted in Exhibit A (attached).

MUNICIPAL SERVICE REVIEW (MSR) DETERMINATIONS

- 1) *Growth and population projections for the affected area* – According to the 2016 American Community Survey data, the DCSD serves 807 residents. The Association of Bay Area Governments (ABAG) projects that unincorporated Contra Costa County will grow at an annual rate of approximately 0.7% between 2010 and 2040. Unincorporated Contra Costa County is also projected to experience an approximate 0.5% annual growth rate in jobs between 2010 and 2040.

The MSR also reviewed jobs/housing, planning for an aging population, and anticipated growth patterns. The Bay Area Census and ABAG project the unincorporated County's jobs/housing balance to be 0.59 by 2040, which reflects an imbalance. Regarding planning for an aging population, the number of adults age 50 and older in Contra Costa County is projected to increase approximately 45% by 2040. The DCSD does not provide specific programs for adults age 50 and older. Regarding anticipated growth patterns, there are no Priority Development or Priority Conservation Areas within the DCSD. The DCSD does not anticipate that current or projected growth patterns will expand beyond its existing municipal boundary and SOI.

- 2) *The location and characteristics of any Disadvantaged Unincorporated Communities (DUCs) within or contiguous to the SOI* – According to the American Community Survey 5-Year Estimates (2013-2017), there are no DUCs within or contiguous to the DCSD.
- 3) *Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any DUCs within or contiguous to the SOI* – There are no disadvantaged communities within or contiguous to the DCSD.
- 4) *Financial ability of agency to provide services* – In determining the financial ability of the DCSD to provide services, the MSR considered operating general fund and reserve trends; liquidity, debt, and pension liabilities; and timeliness and accuracy of financial reporting. Overall, the DCSD appears to have sufficient financial resources to continue providing services and accommodate infrastructure expansion, improvements or over the next five years. The DCSD has been operating with a deficit in its General Fund, and the FY 2019 budget shows that expenditures exceed revenues. The DCSD's reserve goal is unknown. The FY 2019 ending fund balance is projected to be approximately 30% of expenditures. The DCSD has no outstanding debt obligations, and does not provide pension or other post-employment retirement benefits. The District prepares timely financial reports.
- 5) *Status of, and opportunities for shared facilities* – The Diablo community is unincorporated and served by Contra Costa County and various other public and private service providers for various services including animal control, broadband, building/planning, law enforcement, library, traffic lighting, solid waste, stormwater and utilities. The District is not party to any JPAs. The District did not identify any other shared services, overlapping/duplication of services, or excess service or facility capacity.
- 6) *Accountability for community service needs, including governmental structure and operational efficiencies* – The DCSD's website provides information regarding public meetings, services, policies, financial and other reports and documents.
- 7) *Any other matter related to effective or efficient service delivery, as required by Commission policy* – Contra Costa LAFCO's local policies provide that MSRs focus on target services including water, sewer, drainage, libraries, roads, parks, health care, broadband (high-speed internet access and use), police, and fire protection. The "City Services" MSR excludes review of water, sewer, healthcare and fire services as these services were recently reviewed in 2nd round focused MSRs.

Contra Costa LAFCO recently added broadband services as an MSR focus area. The DCSD does not provide public broadband service and is served by various private cable/broadband service providers. In 2013, the East Bay Broadband Consortium's issued its Broadband Report Card noting that Contra Costa County's internet service providers met the CPUC's minimum 6 Mbps download and 1.5 Mbps upload standards.

SPHERE OF INFLUENCE (SOI) DETERMINATIONS

- A. *The present and planned land uses in the area, including agricultural and open-space lands* – Contra Costa County, of which Diablo CSD is a part, plans for a variety of land uses within the unincorporated county, representing a continuation of the current mix of uses. Present and planned land uses are adequate for existing residents as well as future growth and maintaining compatibility with agricultural and open space uses, as demonstrated in the County General Plan.
- B. *The present and probable need for public facilities and services in the area* – There are no anticipated changes in the type of public services and facilities required within the SOI for the DCSD. The level of demand for these services and facilities, however, will increase commensurate with anticipated population growth over the next five years.
- C. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – The present capacity of public facilities in the DCSD appears adequate. The DCSD is likely to have adequate capacity during the next five years.
- D. *The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency* – Other than territory served by the DCSD, LAFCO did not identify any other social or economic communities of interest relevant to the DCSD.
- E. *The present and probable need for sewers, municipal and industrial water, or structural fire protection services and facilities of any DUC within the existing SOI* – According to the American Community Survey 5-Year Estimates (2013-2017), there are no disadvantaged communities in or adjacent to the DCSD.
- F. *Nature, location, extent, functions & classes of services to be provided* – The DCSD service boundary encompasses approximately 1.4± square miles. The District is authorized to provide recreation, street lighting, police/security services, road maintenance and Municipal Advisory Council services.

PASSED AND ADOPTED this 12th day of June 2019.

AYES:

NOES:

ABSTENTIONS:

ABSENT:

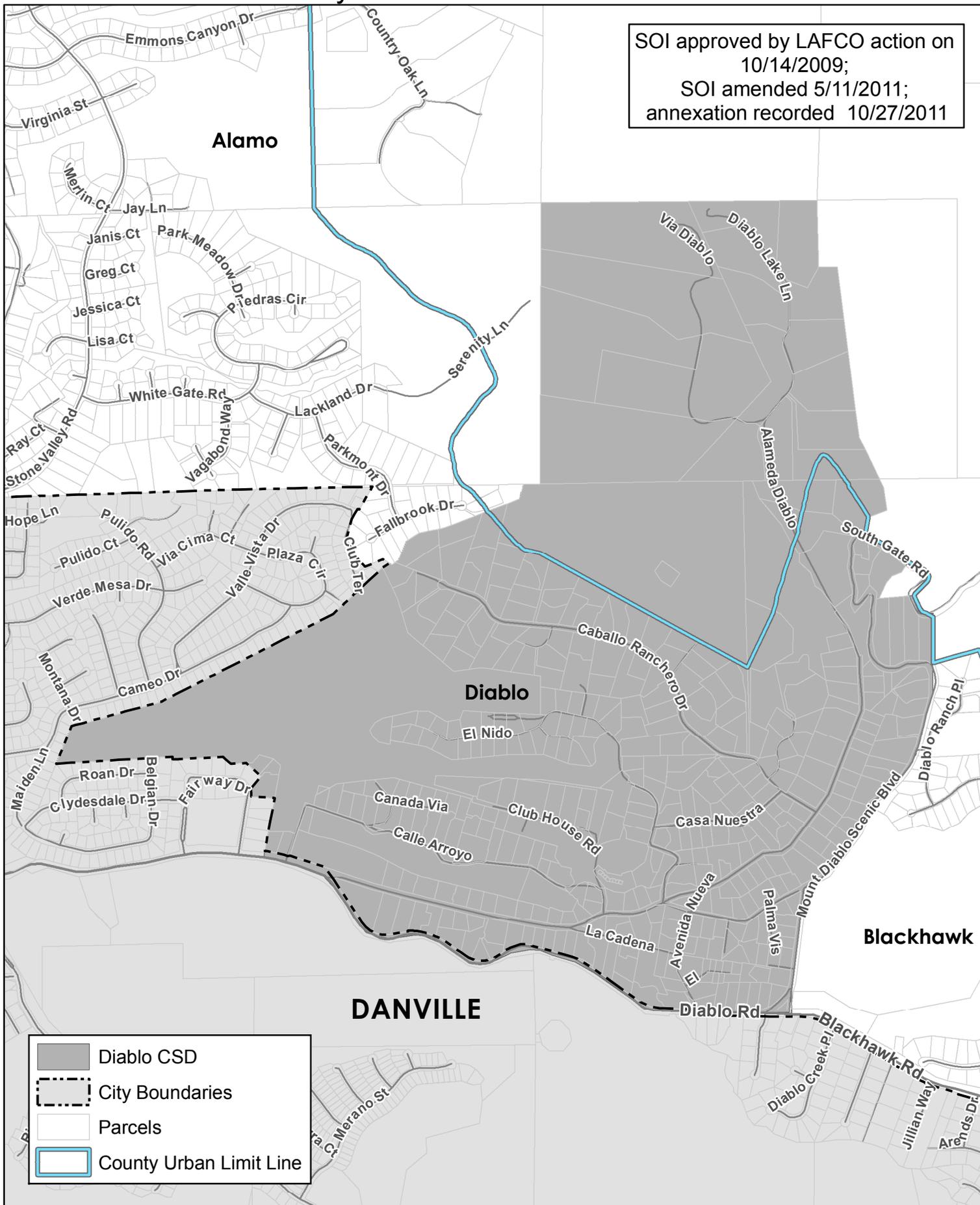
Tom Butt, Chair, Contra Costa LAFCO

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

Lou Ann Texeira, Executive Officer

Diablo Community Services District and Coterminous SOI

SOI approved by LAFCO action on 10/14/2009;
SOI amended 5/11/2011;
annexation recorded 10/27/2011



**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION
COMMISSION ADOPTING MUNICIPAL SERVICE REVIEW AND
SPHERE OF INFLUENCE DETERMINATIONS FOR THE
TOWN OF DISCOVERY BAY COMMUNITY SERVICES DISTRICT**

WHEREAS, the Cortese-Knox-Hertzberg Local Governmental Reorganization Act of 2000 (California Government Code §56000 et seq.) provides that a Local Agency Formation Commission (LAFCO) shall adopt Spheres of Influence (SOIs) for each local governmental agency within its jurisdiction [§56425(a)] and that it must update each SOI every five years, as necessary (§56425(g)); and

WHEREAS, the SOI is the primary planning tool for LAFCO and defines the probable physical boundary and service area of a local agency as determined by LAFCO; and

WHEREAS, §56430 requires that in order to prepare and to update SOIs, the Commission shall conduct a Municipal Service Review (MSR) prior to or in conjunction with the SOI update; and

WHEREAS, the Commission has undertaken its 2nd round “*City Services*” MSR covering all 19 cities and four community services districts (CSDs) including Crockett CSD, Diablo CSD, Discovery Bay CSD and Kensington CSD; and

WHEREAS, this MSR, as prepared by Lamphier-Gregory and Berkson Associates consultants to LAFCO, covers the following services: animal control, broadband, building/planning, law enforcement, library, lighting, parks & recreation, solid waste, streets/roads, stormwater, and utilities (gas, electric/community choice); and

WHEREAS, this MSR focuses on: 1) updating profile data including growth and population, jobs/housing, finances (expenses, revenues, debt, reserves, related fiscal indicators), and staffing; 2) shared services (i.e., joint powers/joint use agreements, contracts between public agencies, public-private partnerships); 3) infill development/sprawl prevention/islands; and 4) agricultural/open space preservation; and

WHEREAS, on April 17, 2019, the Commission held a public hearing to receive an overview of the Public Review Draft MSR, receive public comments, and provide input; and

WHEREAS, on June 12, 2019, the Commission held a public hearing to receive the Final Draft MSR and recommended determinations and SOI updates for all agencies covered in the MSR, including the Discovery Bay Community Services District (DBCSD); and

WHEREAS, at the public hearings, the Commission heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given an opportunity to hear and be heard with respect to the MSR and SOI updates; and

WHEREAS, the MSR contains the determinations required by §§56425 and 56430 relative to the SOI update and MSR, respectively, for the DBCSD incorporated in this resolution; and

WHEREAS, the proposed action consists of adopting the MSR determinations and updating the SOI for the DBCSD as presented in the 2nd round “*City Services*” MSR; and

WHEREAS, adoption of the MSR is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA), as MSRs are feasibility and planning studies for possible future actions that have not been approved, adopted, or funded, pursuant to State CEQA Guidelines Section 15262; and

WHEREAS, as set forth in State CEQA Guidelines section 15061(b)(3), approval of the SOI update is not subject to CEQA because it can be seen with certainty that there is no possibility that the SOI update will have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED that Contra Costa LAFCO does hereby adopt the following MSR pursuant to §56430 and SOI determinations pursuant to §56425 for the DBCSD and retain the existing SOI for the DBCSD as depicted in Exhibit A (attached).

MUNICIPAL SERVICE REVIEW (MSR) DETERMINATIONS

- 1) *Growth and population projections for the affected area* – According to the 2016 American Community Survey data, the DBCSD serves 14,765 residents. The Association of Bay Area Governments (ABAG) projects that unincorporated Contra Costa County will grow at an annual rate of approximately 0.7% between 2010 and 2040. Unincorporated Contra Costa County is also projected to experience an approximate 0.5% annual growth rate in jobs between 2010 and 2040.

The MSR also reviewed jobs/housing, planning for an aging population, and anticipated growth patterns. The Bay Area Census and ABAG project the unincorporated County's jobs/housing balance to be 0.59 by 2040, which reflects an imbalance. Regarding planning for an aging population, the number of adults age 50 and older in Contra Costa County is projected to increase approximately 45% by 2040. The DBCSD provides activities and resource information for adults age 50+. Regarding anticipated growth patterns, there are no Priority Development or Priority Conservation Areas within the DBCSD. The DBCSD does not anticipate that current or projected growth patterns will expand beyond its existing municipal boundary and SOI.

- 2) *The location and characteristics of any Disadvantaged Unincorporated Communities (DUCs) within or contiguous to the SOI* – According to the American Community Survey 5-Year Estimates (2013-2017), there are no DUCs within or contiguous to the DBCSD.
- 3) *Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any DUCs within or contiguous to the SOI* – There are no disadvantaged communities within or contiguous to the DBCSD.
- 4) *Financial ability of agency to provide services* – In determining the financial ability of the DBCSD to provide services, the MSR considered operating general fund and reserve trends; liquidity, debt, and pension liabilities; and timeliness and accuracy of financial reporting. Overall, the DBCSD appears to have sufficient financial resources to continue providing services and accommodate infrastructure expansion, improvements or over the next five years. The DBCSD was operating with a surplus in its General Fund until a deficit in FY 2017. The DBCSD's reserve goal is unknown; however, the projected FY 2019 reserve balances are 39% of total operations and debt service. The District's total debt is increasing. The DBCSD does not provide pension or other post-employment retirement benefits and has no related liabilities. The District prepares financial reports as required for submittal to the State in January following the end of the prior fiscal year. The DBCSD's audited financial reports are published in the third quarter of the fiscal year following the audited fiscal year.
- 5) *Status of, and opportunities for, shared facilities* – The Discovery Bay community is unincorporated and served by Contra Costa County and various other public and private service providers for various services including animal control, broadband, building/planning, law enforcement, library, traffic lighting, solid waste, stormwater and utilities. DBCSD is a member of one JPA. Also, the District leases an old fire station from East Contra Costa Fire Protection District for landscaping services. DBCSD did not identify any other shared services, overlapping/duplication of services, or excess service or facility capacity.
- 6) *Accountability for community service needs, including governmental structure and operational efficiencies* – The DBCSD's website provides information regarding public meetings, services, policies, financial and other reports and documents. The District sponsors open houses and town halls and distributes newsletters to its residents.
- 7) *Any other matter related to effective or efficient service delivery, as required by Commission policy* – Contra Costa LAFCO's local policies provide that MSRs focus on target services including water, sewer, drainage, libraries, roads, parks, health care, broadband (high-speed internet access and use), police, and fire protection. The "City Services" MSR excludes review of water, sewer, healthcare and fire services as these services were recently reviewed in 2nd round focused MSRs.

Contra Costa LAFCO added broadband services as an MSR focus area. The DBCSD does not provide public broadband service and is served by various private cable/broadband service providers. In 2013, the East Bay Broadband Consortium's issued its Broadband Report Card noting that Contra Costa County's internet service providers met the CPUC's minimum 6 Mbps download and 1.5 Mbps upload standards.

SPHERE OF INFLUENCE (SOI) DETERMINATIONS

- A. *The present and planned land uses in the area, including agricultural and open-space lands* – Contra Costa County, of which Discovery Bay CSD is a part, plans for a variety of land uses within the unincorporated county, representing a continuation of the current mix of uses. Present and planned land uses are adequate for existing residents as well as future growth and maintaining compatibility with agricultural and open space uses, as demonstrated in the County General Plan.
- B. *The present and probable need for public facilities and services in the area* – There are no anticipated changes in the type of public services and facilities required within the SOI for the DBCSD. The level of demand for these services and facilities, however, will increase commensurate with anticipated population growth over the next five years.
- C. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – The present capacity of public facilities in the DBCSD appears adequate. The DBCSD is likely to have adequate capacity during the next five years.
- D. *The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency* – Other than territory served by the DBCSD, LAFCO did not identify any other social or economic communities of interest relevant to the DBCSD.
- E. *The present and probable need for sewers, municipal and industrial water, or structural fire protection services and facilities of any DUC within the existing SOI* – According to the American Community Survey 5-Year Estimates (2013-2017), there are no disadvantaged communities in or adjacent to the DBCSD.
- F. *Nature, location, extent, functions & classes of services to be provided* – The DBCSD service boundary encompasses approximately 6.2± square miles. The District is authorized to provide water supply; sewage collection, treatment and disposal; levee maintenance; recreation; lighting; landscaping; and maintenance.

PASSED AND ADOPTED this 12th day of June 2019.

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Tom Butt, Chair, Contra Costa LAFCO

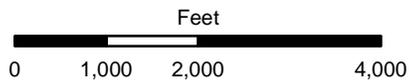
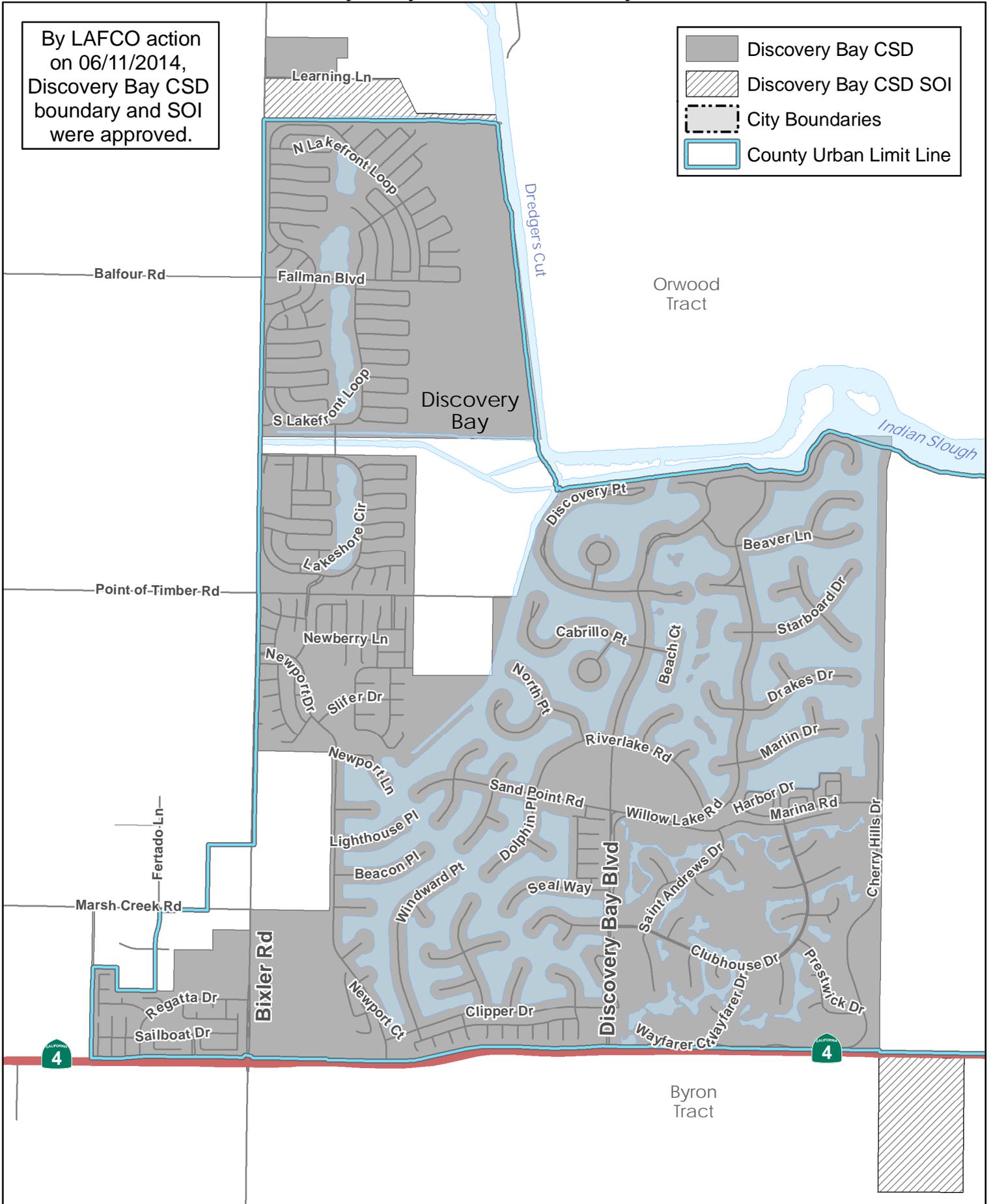
I hereby certify that this is a correct copy of a resolution passed and adopted by the Commission on the date stated above.

Lou Ann Teixeira, Executive Officer

Discovery Bay CSD Boundary and SOI

By LAFCO action on 06/11/2014, Discovery Bay CSD boundary and SOI were approved.

-  Discovery Bay CSD
-  Discovery Bay CSD SOI
-  City Boundaries
-  County Urban Limit Line



**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION
COMMISSION ADOPTING MUNICIPAL SERVICE REVIEW AND
SPHERE OF INFLUENCE DETERMINATIONS FOR THE
KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT**

WHEREAS, the Cortese-Knox-Hertzberg Local Governmental Reorganization Act of 2000 (California Government Code §56000 et seq.) provides that a Local Agency Formation Commission (LAFCO) shall adopt Spheres of Influence (SOIs) for each local governmental agency within its jurisdiction [§56425(a)] and that it must update each SOI every five years, as necessary (§56425(g)); and

WHEREAS, the SOI is the primary planning tool for LAFCO and defines the probable physical boundary and service area of a local agency as determined by LAFCO; and

WHEREAS, §56430 requires that in order to prepare and to update SOIs, the Commission shall conduct a Municipal Service Review (MSR) prior to or in conjunction with the SOI update; and

WHEREAS, the Commission has undertaken its 2nd round “*City Services*” MSR covering all 19 cities and four community services districts (CSDs) including Crockett CSD, Diablo CSD, Discovery Bay CSD and Kensington Police Protection and CSD; and

WHEREAS, this MSR, as prepared by Lamphier-Gregory and Berkson Associates consultants to LAFCO, covers the following services: animal control, broadband, building/planning, law enforcement, library, lighting, parks & recreation, solid waste, streets/roads, stormwater, and utilities (gas, electric/community choice); and

WHEREAS, this MSR focuses on: 1) updating profile data including growth and population, jobs/housing, finances (expenses, revenues, debt, reserves, related fiscal indicators), and staffing; 2) shared services (i.e., joint powers/joint use agreements, contracts between public agencies, public-private partnerships); 3) infill development/ sprawl prevention/islands; and 4) agricultural/open space preservation; and

WHEREAS, on April 17, 2019, the Commission held a public hearing to receive an overview of the Public Review Draft MSR, receive public comments, and provide input; and

WHEREAS, on June 12, 2019, the Commission held a public hearing to receive the Final Draft MSR and recommended determinations and SOI updates for all agencies covered in the MSR, including the Kensington Police Protection and Community Services District (KPPCSD); and

WHEREAS, at the public hearings, the Commission heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given an opportunity to hear and be heard with respect to the MSR and SOI updates; and

WHEREAS, the MSR contains the determinations required by §§56425 and 56430 relative to the SOI update and MSR, respectively, for the KPPCSD incorporated in this resolution; and

WHEREAS, the proposed action consists of adopting the MSR determinations and updating the SOI for the KPPCSD as presented in the 2nd round “*City Services*” MSR; and

WHEREAS, adoption of the MSR is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA), as MSRs are feasibility and planning studies for possible future actions that have not been approved, adopted, or funded, pursuant to State CEQA Guidelines Section 15262; and

WHEREAS, as set forth in State CEQA Guidelines section 15061(b)(3), approval of the SOI update is not subject to CEQA because it can be seen with certainty that there is no possibility that the SOI update will have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED that Contra Costa LAFCO does hereby adopt the following MSR pursuant to §56430 and SOI determinations pursuant to §56425 for the KPPCSD and retain the existing SOI for the KPPCSD as depicted in Exhibit A (attached).

MUNICIPAL SERVICE REVIEW (MSR) DETERMINATIONS

- 1) *Growth and population projections for the affected area* – According to the 2016 American Community Survey data, the KPPCSD serves 5,602 residents. The Association of Bay Area Governments (ABAG) projects that unincorporated Contra Costa County will grow at an annual rate of approximately 0.7% between 2010 and 2040. Unincorporated Contra Costa County is also projected to experience an approximate 0.5% annual growth rate in jobs between 2010 and 2040.

The MSR also reviewed jobs/housing, planning for an aging population, and anticipated growth patterns. The Bay Area Census and ABAG project the unincorporated County's jobs/housing balance to be 0.59 by 2040, which reflects an imbalance. Regarding planning for an aging population, the number of adults age 50 and older in Contra Costa County is projected to increase approximately 45% by 2040. The KPPCSD does not provide specific programs for adults age 50 and older. Regarding anticipated growth patterns, there are no Priority Development or Priority Conservation Areas within the KPPCSD. The KPPCSD does not anticipate that current or projected growth patterns will expand beyond its existing municipal boundary and SOI.

- 2) *The location and characteristics of any Disadvantaged Unincorporated Communities (DUCs) within or contiguous to the SOI* – According to the American Community Survey 5-Year Estimates (2013-2017), there are no DUCs within or contiguous to the KPPCSD.
- 3) *Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any DUCs within or contiguous to the SOI* – There are no disadvantaged communities within or contiguous to the KPPCSD.
- 4) *Financial ability of agency to provide services* – In determining the financial ability of the KPPCSD to provide services, the MSR considered operating general fund and reserve trends; liquidity, debt, and pension liabilities; and timeliness and accuracy of financial reporting. Overall, the KPPCSD appears to have sufficient financial resources to continue providing services and accommodate infrastructure expansion, improvements or over the next five years. The KPPCSD has been operating with a surplus in its General Fund. The KPPCSD's reserve goal is unknown. The FY 2019 projected ending cash balance of \$2.5 represents about 78% of expenditures. The District's total debt was approximately \$111 per capita in FY 2017 and has been declining. The District's unfunded pension and OPEB liabilities continue to grow; KPPCSD has not identified measures to address these increasing liabilities. The District prepares required financial reports.
- 5) *Status of, and opportunities for, shared facilities* – The Kensington community is unincorporated and served by Contra Costa County and various other public and private service providers for various services including animal control, broadband, building/planning, library, lighting, stormwater, streets and utilities. KPPCSD is a member of one joint powers authority – the East Bay Regional Communications System. The District has a dispatch agreement with the City of Albany in Alameda County. KPPCSD has a lease agreement with the Kensington Fire Protection District to house its police department and KPPCSD administration. The District did not identify any other overlapping/duplication of services, or excess service or facility capacity.
- 6) *Accountability for community service needs, including governmental structure and operational efficiencies* – The KPPCSD's website provides information regarding public meetings, services, policies, financial and other reports and documents.
- 7) *Any other matter related to effective or efficient service delivery, as required by Commission policy* –

Contra Costa LAFCO's local policies provide that MSRs focus on target services including water, sewer, drainage, libraries, roads, parks, health care, broadband (high-speed internet access and use), police, and fire protection. The "City Services" MSR excludes review of water, sewer, healthcare and fire services as these services were recently reviewed in 2nd round focused MSRs.

Contra Costa LAFCO recently added broadband services as an MSR focus area. The KPPCSD does not provide public broadband service and is served by various private cable/broadband service providers. In 2013, the East Bay Broadband Consortium's issued its Broadband Report Card noting that Contra Costa County's internet service providers met the CPUC's minimum 6 Mbps download and 1.5 Mbps upload standards.

SPHERE OF INFLUENCE (SOI) DETERMINATIONS

- A. *The present and planned land uses in the area, including agricultural and open-space lands* – Contra Costa County, of which KPPCSD is a part, plans for a variety of land uses within the unincorporated county, representing a continuation of the current mix of uses. Present and planned land uses are adequate for existing residents as well as future growth and maintaining compatibility with agricultural and open space uses, as demonstrated in the County General Plan.
- B. *The present and probable need for public facilities and services in the area* – There are no anticipated changes in the type of public services and facilities required within the SOI for the KPPCSD. The level of demand for these services and facilities, however, will increase commensurate with anticipated population growth over the next five years.
- C. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – The present capacity of public facilities in the KPPCSD appears adequate. The KPPCSD is likely to have adequate capacity during the next five years.
- D. *The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency* – Other than territory served by the KPPCSD, LAFCO did not identify any other social or economic communities of interest relevant to the KPPCSD.
- E. *The present and probable need for sewers, municipal and industrial water, or structural fire protection services and facilities of any DUC within the existing SOI* – According to the American Community Survey 5-Year Estimates (2013-2017), there are no disadvantaged communities in or adjacent to the KPPCSD.
- F. *Nature, location, extent, functions & classes of services to be provided* – The KPPCSD service boundary encompasses approximately 1.2± square miles. The District is authorized to provide law enforcement, parks and recreation, and solid waste collection services.

PASSED AND ADOPTED this 12th day of June 2019.

AYES:

NOES:

ABSTAIN:

ABSTENTIONS:

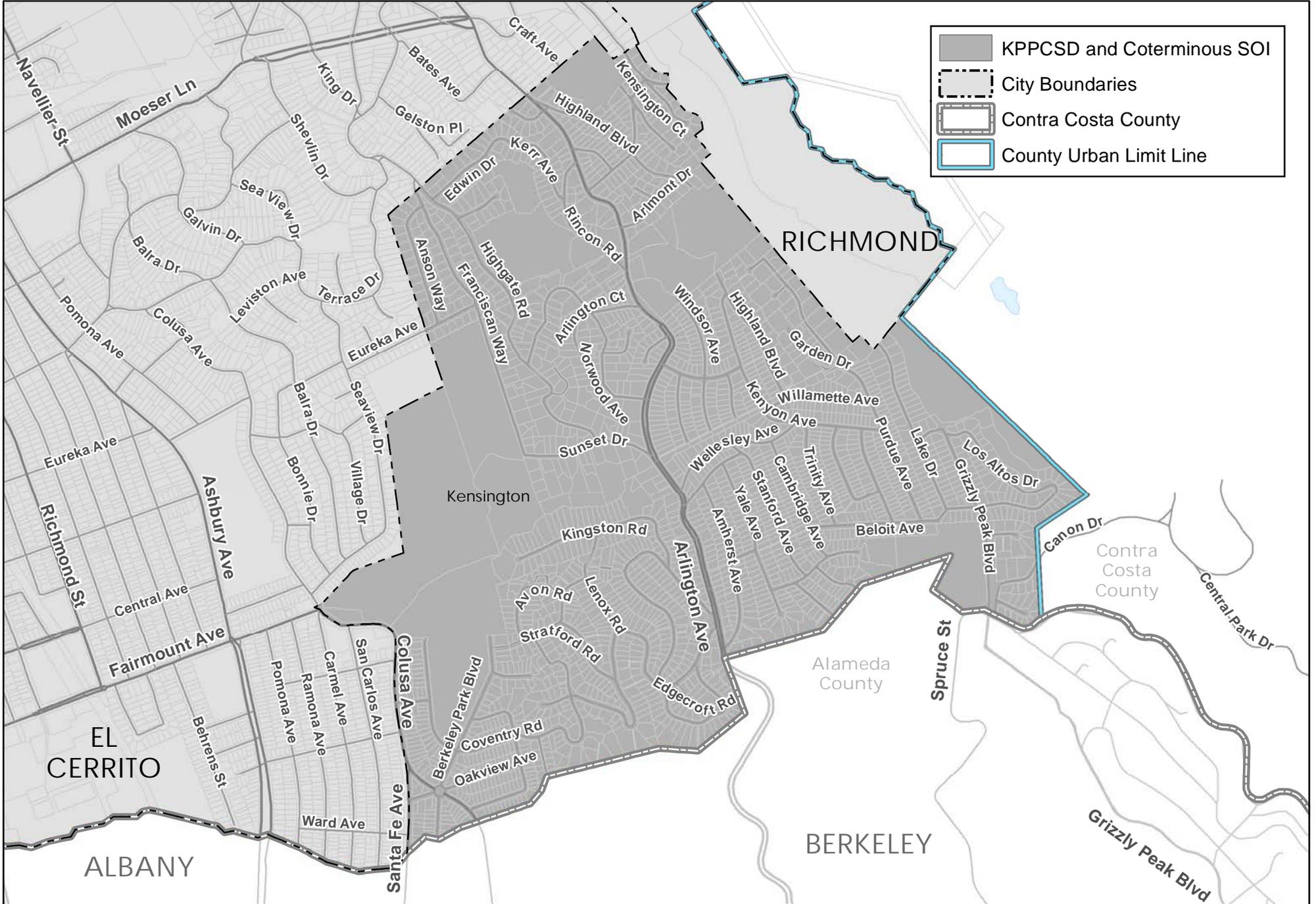
ABSENT:

Tom Butt, Chair, Contra Costa LAFCO

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

Lou Ann Texeira, Executive Officer

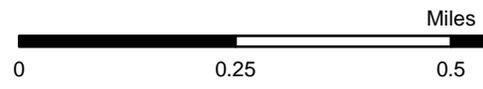
Kensington Police Protection and Community Services District and Coterminous SOI



-  KPPCSD and Coterminous SOI
-  City Boundaries
-  Contra Costa County
-  County Urban Limit Line

Map created 06/04/2019
 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.

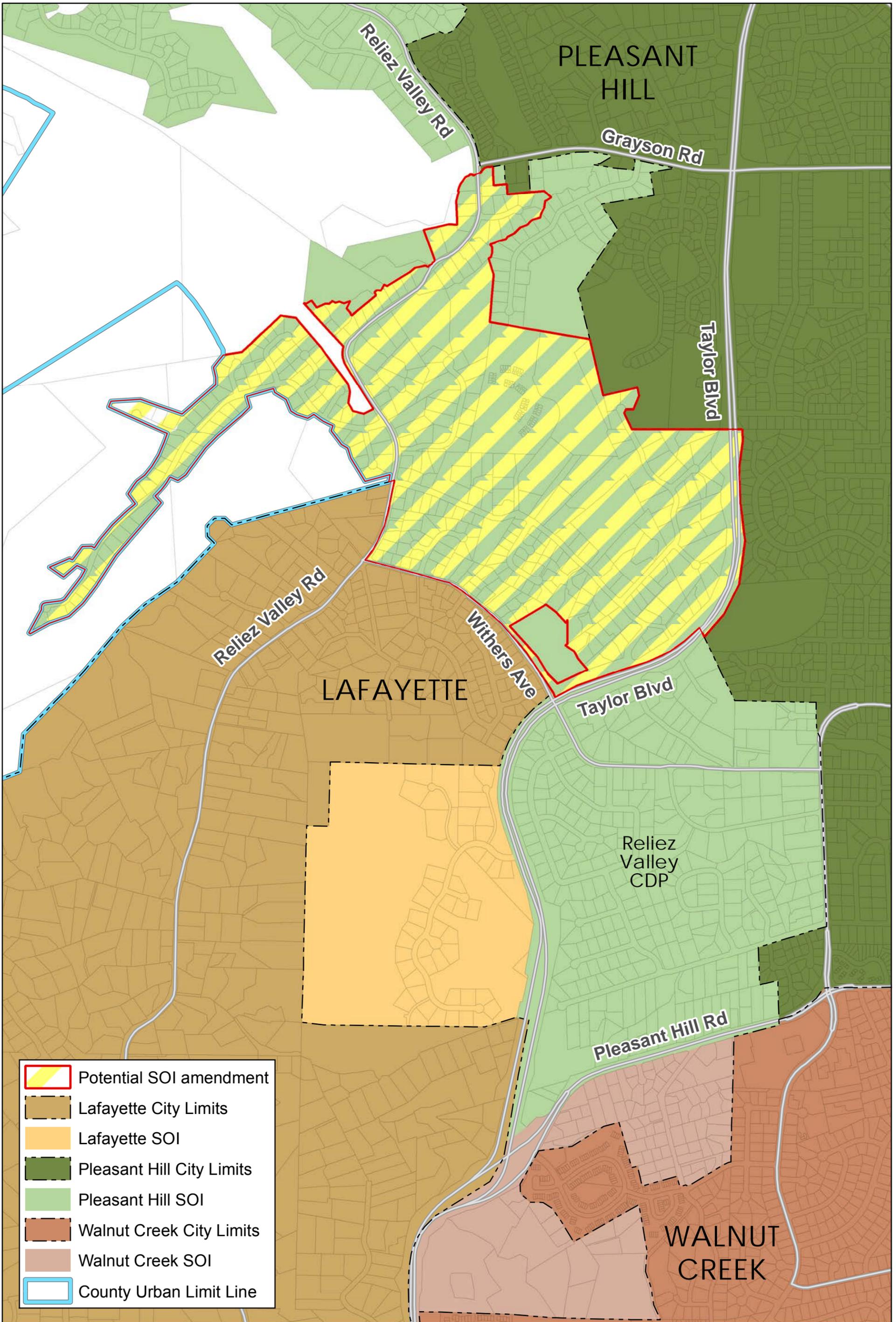


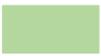
Att 2w/Exhibit A

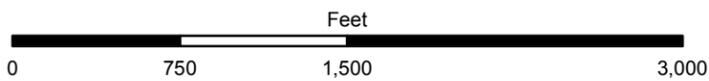


**2019 “CITY SERVICES” MUNICIPAL SERVICES REVIEW
SPHERE OF INFLUENCE (SOI) SUMMARY TABLE**

Agency	SOI Recommendation	Comments
City of Antioch	Retain existing SOI	LAFCO encourages the City to annex its small islands.
City of Brentwood	Retain existing SOI	LAFCO encourages the City to annex its small islands.
City of Clayton	Retain existing SOI	LAFCO encourages the City to annex its small islands.
City of Concord	Retain existing SOI	Future SOI changes are subject to further review of City’s service capacity and finances. LAFCO encourages the City to annex its small islands.
Town of Danville	Retain existing SOI	
City of El Cerrito	Retain existing SOI	Future SOI changes are subject to further review of City’s finances and service capacity; City to provide LAFCO with a financial update in one year.
City of Hercules	Retain existing SOI	
City of Lafayette	Retain existing SOI	There is interest by Reliez Valley and Olympic Blvd residents in annexing to the City. The Reliez Valley residents request that LAFCO add their area to the City’s SOI.
City of Martinez	Retain existing SOI	
Town of Moraga	Retain existing SOI	Future SOI changes are subject to further review of City’s service capacity and finances.
City of Oakley	Retain existing SOI	
City of Orinda	Retain existing SOI	
City of Pinole	Retain existing SOI	
City of Pittsburg	Retain existing SOI	
City of Pleasant Hill	Retain existing SOI	LAFCO encourages the City to annex its small islands.
City of Richmond	Retain existing SOI	Future SOI changes are subject to further review of City’s service capacity and finances.
City of San Pablo	Retain existing SOI	LAFCO encourages the City to annex its small islands.
City of San Ramon	Retain existing SOI	LAFCO encourages the City to annex its small island.
City of Walnut Creek	Retain existing SOI	LAFCO encourages the City to annex its small islands.
Crockett Community Services District (CSD)	Retain existing SOI	Future SOI changes are subject to further review of City’s service capacity and finances. Encourage CCSD to annex the parcel receiving out of agency service.
Diablo CSD	Retain existing SOI	
Discovery Bay CSD	Retain existing SOI	
Kensington Police Protection & CSD	Retain existing SOI	



-  Potential SOI amendment
-  Lafayette City Limits
-  Lafayette SOI
-  Pleasant Hill City Limits
-  Pleasant Hill SOI
-  Walnut Creek City Limits
-  Walnut Creek SOI
-  County Urban Limit Line



From: [Kristen Altbaum](#)
To: [Lou Ann Texeira](#); [Kate Sibley](#)
Subject: Fwd: SOI change request -
Date: Friday, May 31, 2019 10:02:59 AM

LouAnn, Kate,
 Can you please forward this to all of the LAFCO commissioners? I forgot to CC them.
 Thanks.
 Kristen

Begin forwarded message:

From: Kristen Altbaum <altbaum@icloud.com>
Subject: SOI change request
Date: May 30, 2019 at 9:52:41 PM PDT
To: District5 <district5@BOS.CCCounty.us>
Cc: Roger Chelemedos <rchelemedos@comcast.net>

Supervisor Glover,

This is a follow up to my letter to LAFCO (Reliez Valley potential SOI change) which I'm sure you've read...I am wondering if you could help us with our request to get out of the PH SOI and into Lafayette SOI? With a 4-1 "no" vote by Lafayette Council on Monday night, it's clear to us that Council considers our request a low priority and are afraid to allow us into their SOI because they don't want to have to incur any costs related to SOI, or potential annexation, if and when they might agree to annexation. We don't find "costs related to a possible annexation" to be a valid excuse to deny us logical SOI.

Also, we've been made aware that annexations in CCC, and other county's annexations throughout CA, have largely resulted in no fees paid by residents. Although these annexations are often initialed by cities and counties, the reasonings for annexation are all too familiar to us: to give persons a vote on issues that affect them, and to better service the areas more efficiently.

I was a very satisfied unincorporated resident for 16 years and my community focus was volunteering for our schools. Over the past 4 years however, my community focus has changed: volunteering to reduce traffic in my neighborhood and protecting the commutes of our school kids has been the bulk of my community efforts. Opposing development at our grade F- Deer Hill/ Pleasant Hill Rd. intersection has been a priority and unearthing the political will for PH RD to become multimodal and perhaps carpool/bus only for 45 minutes during the school commute both ran contrary to our previous city leader's priorities, who have admitted a past 10 year urbanization agenda and have focused fairly exclusively on downtown. I understand the current pressures of SB50, but our previous Council was pro urbanization way before SB50 and I was a critic only because their plans for expansion did not come with plans for simultaneous circulation efficiencies, particularly for our corridor. While our city manager was championing urbanization, he was also championing wide medians along Mt

Diablo that serve little practical purpose and are opposite of NACTO inspired design. My criticisms are the opinions of my neighbors and the vast majority of N.E. Lafayette constituents who are simply desperate for representation.

Fast forward to this week, a previous and very respected ex-Council member writes Council 4 hours before the vote Monday night and I believe his letter was the catalyst to scaring Council into denying us. Was his intention to deny us, so that we aren't one step closer to a vote on a *different set* of city priorities? It sure feels that way and it sure feels like he is still running the same city urbanization agenda from his arm chair. Urbanization is certainly easier when you silence you periphery, the people who have to move around town in cars and are the most impacted.

You've been our County Supervisor for quite awhile and stepped up huge when we needed you... Thank you for the signs that have helped keep the Wazers out of our neighborhood. They have made a difference. Unfortunately for us though, those signs were the first of many things that need to be done within our corridor, particularly to help our district kids get to school safely and efficiently. Unravelling the complicated and illogical boundaries out here, so that citizens can effect leader's priorities, is hugely important. We are trying to be proactive and helpful community members.

Can you help us? Can the County make this SOI change and annexation enticing and affordable for Lafayette? Can there be a property tax exchange that would help us move forward more effectively within the community we align ourselves with?

Please give us your thoughts and thanks so much for listening.
Sincerely,
Kristen Altbaum

From: [Lou Ann Texeira](#)
To: [Kate Sibley](#)
Subject: FW: Baywood resident
Date: Friday, May 31, 2019 11:30:05 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

From: McCarthy, Jack <jmccarthy@stifel.com>
Sent: Friday, May 31, 2019 11:26 AM
To: Lou Ann Texeira <LouAnn.Teixeira@lafco.cccounty.us>
Subject: Baywood resident

Ms Texeira,

I am a resident of Baywood off of Reliez Valley Road. I just would like to express my displeasure with the situation for residents on non-incorporated Lafayette and the fact that we are not considered Lafayette citizens. Please pass onto the LAFCO commissioners that this is a bunch of baloney and we should have the ability to vote in the town in which we live. We support this town in many ways and are leaders in the community yet we are snubbed like ugly stepchildren.

Make this right!

Jack McCarthy
Managing Director
(415) 364-6851 direct | jmccarthy@stifel.com

STIFEL | One Montgomery Street, Suite 3700
San Francisco, California 94104
Investment Services Since 1890

Visit my web site at:
www.jackmccarthywealthadvisory.com



From: [Lou Ann Texeira](#)
To: [Judi Ragsdale](#)
Cc: [Kate Sibley](#)
Subject: RE: Let us remember to include ALL of our Lafayette residents!
Date: Friday, May 31, 2019 12:26:53 PM

[Thank you for your email which we will share with the Commissioners.](#)

From: Judi Ragsdale <alohayal@yahoo.com>
Sent: Friday, May 31, 2019 12:08 PM
To: Lou Ann Texeira <LouAnn.Teixeira@lafco.cccounty.us>
Subject: Let us remember to include ALL of our Lafayette residents!

Subject: Let us remember to include all of our Lafayette residents!

Copied from the Facebook of Reliez Valley Residents for Reduced Traffic (RVRRT): "It has been brought to my attention that some sections of Lafayette aren't included in RVRRT: At 9:00 this morning, Lafayette hosted a public meeting - Developing a comprehensive Community INCLUSION strategy and their working session is: REACHING UNDERREPRESENTED GROUPS. I'm just wondering if Lafayette citizens know that between Withers and Grayson, there are approximately 350 households with Lafayette 94549 addresses and within the Lafayette/Acalanes school districts that are desperate to vote in City elections and on referendums that impact us and that we are being denied our constitutional right to vote on issues within our community because 4 out of 5 of Lafayette Council members don't want to take the time to negotiate a city-beneficial tax agreement with County for us to become Lafayette citizens? (Susan was the only Council member who supported us). Greenhills is yet another example of an area without rights to vote on city matters despite being 94549 and Lafayette schools. Orinda, by comparison, has city/school boundaries that are consistent with one another as do a huge percentage of CA cities that have prioritized the annexation and inclusion of underrepresented/unincorporated citizens through streamlined processes because "it is the right thing to do" and "to give those on the periphery the ability to vote on issues that impact them" (all googleable).

It just feels disingenuous and sad for the city to spend \$230k on art for the BART parking lot and have an "inclusion of underrepresented persons" committee, when they don't want to take the time to make underrepresented N.E. residents a priority. My neighbors are current and past PTA presidents, LMYA and LLL coaches, Lafayette parishioners, room parents, Lafayette team parents, etc. We've manned Lafayette phone banks, worked to solve traffic problems and hosted LPIE parties. We feel as much a part of the Lafayette citizenry as actual Lafayette citizens.

We would appreciate being included and fought for by our friends and neighbors in City. If you agree, please write LouAnn Texiera at LouAnn.Teixeira@lafco.cccounty.us and ask her to pass on to the LAFCO commissioners that you support our area's request to become Lafayette citizens.

We, your neighbors, would be so grateful for your support!

Thanks!!”

This is an extremely important issue. One which needs to be at the top of discussion and voted towards implementation. I live between Shangri La Rd and Silver Dell Roads and have met some of the people that live either between Withers and Grayson or on Greenhills. These residents have been very involved in participating in school and town functions for the last twenty years(my time in the area). Although, I am a grandmother I have grandchildren who have attended school with the residents in these areas. I am flabbergasted that they would be ignored as they are as much a Lafayette City member as any others who might live closer to town or at the other end of Lafayette. Please listen to their needs and give them the rights of all other Lafayette citizens! Inclusion! Inclusion! Inclusion!

Thank you.

Aloha,
Judi Victor Ragsdale
1603 B Reliez Valley Rd
Lafayette, CA 94549

From: [Lou Ann Texeira](#)
To: [Sharon Wright](#); [Richard Berkson](#)
Cc: [Kate Sibley](#)
Subject: FW: Time for a Kensington MSR
Date: Wednesday, June 5, 2019 8:23:13 AM

Public comment on the MSR

-----Original Message-----

From: Andrew Reed <ajpr@sonic.net>
Sent: Tuesday, June 4, 2019 6:33 PM
To: Lou Ann Texeira <LouAnn.Teixeira@lafco.cccounty.us>
Subject: Re: Time for a Kensington MSR

Thank you!

What precipitated this email is the Fire District's need to make the Public Safety Building seismically compliant. And that means if both Fire and Police are in the same new building, it needs to be relocated. One of the few and maybe the only option is to locate this new building in the park owned by the Police Service District. If they are not co-located in a new space, the fire district says they will remodel their existing building with only room for their functions, which leaves the police location in limbo.

Combining the two districts because of this large capital project - that requires the cooperation of both - makes lots of sense at this time.

Andrew

> On Jun 4, 2019, at 3:54 PM, Lou Ann Texeira <LouAnn.Teixeira@lafco.cccounty.us> wrote:

>

> Thank you for your email which I will share with the MSR consultants and LAFCO Commissioners.

>

> -----Original Message-----

> From: Andrew Reed <ajpr@sonic.net>
> Sent: Tuesday, June 4, 2019 3:17 PM
> To: Lou Ann Texeira <LouAnn.Teixeira@lafco.cccounty.us>
> Subject: Time for a Kensington MSR

>

> Ms. Texeira:

>

> Kensington is facing financial and services challenges like never before. We desperately need to combine our two public services districts in order to meet said challenges and set up a governance structure for future success. One governing entity would combine all district funds for the betterment of the community. It would allow for the hire of professional management staff that we so desperately need. Our boards act like super volunteers instead of policy/governance boards and this continues to cause serious problems.

>

> Thank you for your time and consideration.

>

> Please call me if you would like more evidence to justify immediate action on an MSR for Kensington.

>

> Respectfully,

>

> Andrew Reed
> 510-528-7215

>

> P.S. I am guessing that you would agree with the following supposition: If an unincorporated community was to

start from scratch today they would form one organization for public services. Not two.

>

From: [Lou Ann Texeira](#)
To: [jackie mann](#); JRobbins@ci.lafayette.ca.us
Cc: [Kate Sibley](#)
Subject: RE: SOI update for Lafayette
Date: Wednesday, June 5, 2019 3:52:39 PM

Thank you for your comments which LAFCO staff will share with the LAFCO Commissioners and the MSR consultants.

From: jackie mann <jackiemann@att.net>
Sent: Wednesday, June 5, 2019 3:41 PM
To: Lou Ann Texeira <LouAnn.Teixeira@lafco.cccounty.us>; JRobbins@ci.lafayette.ca.us
Subject: SOI update for Lafayette

Dear Lafayette Council AND the Community Inclusion Subcommittee,

I am a Lafayette city resident, and I strongly support the unincorporated area of Lafayette neighbors between Withers and Grayson in getting an up to date SOI change for their neighborhood. These neighbors are an integral part Lafayette. They are coaches, school volunteers and help make our community great. They deserve the effort and cooperation to get this done. Looking ahead, I also support a future annexation of these Lafayette residents and our city manager negotiating a tax transfer agreement with County to make this a win-win for unincorporated residents and city residents.

Thanks,

*Jackie and Jeff Mann
40 Prado Way Lafayette, Ca 94549*

Please send to any friends/neighbors, who might also support us and ask them for support.



Lou Ann Texeira
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

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County Member
- Stanley Caldwell**
Special District Member
- Charles R. Lewis, IV**
Public Member
- Sean Wright**
City Member

June 12, 2019 (Agenda)

June 12, 2019
Agenda Item 10

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

City of Martinez Annexation Update

Dear Members of the Commission:

The City of Martinez provides a range a municipal services including treated water to properties within the City’s water service boundary. Some of these properties are outside the City limits, and located in the Alhambra Valley, Mt. View, North Pacheco and Vine Hill areas.

In order to extend services outside its jurisdictional boundary, the City must request and receive LAFCO’s approval. These out of agency service requests are typically in anticipation of future annexation and accompanied by deferred annexation agreements that are signed by the landowner(s).

The City has adopted resolutions specific to the Alhambra Valley and Mt. View areas which provide for a non-binding process for annexing these areas by 2030. Also, there have been prior attempts to annex these areas. In 2012, the City was successful in annexing a portion of the Alhambra Valley. Additionally, in 2012, the City’s proposal to annex North Pacheco was approved by LAFCO but rejected by the voters.

In response to a recent increase in the number of out of agency service requests to extend water outside the City’s jurisdictional boundary, the Commission asked the City to provide an update on future annexation activity (see attached memo). As noted in the City’s memo, the City Council identified annexations as one of its top five goals over the next two years, and within the next year will explore an annexation study for the Mt. View/Pacheco Corridor and the Alhambra Valley areas.

RECOMMENDATIONS: Receive this report and provide comments and direction as desired.

Sincerely,

Lou Ann Texeira
Executive Officer

Attachment – City of Martinez Memo
c: Distribution



Date: May 30, 2019
To: LAFCO Board
From: Christina Ratcliffe, Community and Economic Director, City of Martinez
Subject: Future Annexation of Mountain View/Pacheco Corridor area and the Alhambra Valley area into the City of Martinez

This is an update of the annexation policies of the City of Martinez and the progress regarding the annexation of the Mountain View/Pacheco Corridor area and the Alhambra Valley area into the City of Martinez.

For many years, the City has processed applications for out of agency water service in these areas in anticipation of future annexation, requiring deferred annexation agreements. As part of the City's commitment to annex these areas, the City adopted resolutions 038-14, 101-16 and 102-16; calling out non-binding process for annexing these areas by 2030.

Earlier this month, during the City Council goal-setting meeting for the two-year budget, the City Council identified these annexations as one of their top five goals for the next two years. To that end, city staff will be exploring an annexation study for the Mountain View/Pacheco Corridor, as well as the Alhambra Valley within the next year.

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

We look forward to working with LAFCO and continuing our coordination of orderly development within the County.



Lou Ann Texeira
 Executive Officer

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Tom Butt <i>City Member</i>	Rob Schroder <i>City Member</i>
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Sean Wright <i>City Member</i>

June 12, 2019 (Agenda)

June 12, 2019
 Agenda Item 11

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

FY 2019-20 Final LAFCO Budget

Dear Members of the Commission:

SYNOPSIS: The Contra Costa Local Agency Formation Commission (LAFCO) must adopt a proposed and final budget each year. On April 17, 2019, the Commission approved the FY 2019-20 Proposed Budget & Work Plan (available at www.contracostalafco.org). The FY 2019-20 Final Budget (attached) will be presented to the Commission on June 12th.

The Final FY 2019-20 budget includes appropriations totaling \$1,080,493 and reflects an overall increase of 9% as compared to the FY 2018-19 budget. The increase is primarily attributable to relocation of the LAFCO office, adding an Analyst position, and purchase of office furniture and a new server. The FY 2019-20 budget will enable Contra Costa LAFCO to focus on the following priorities as identified by the Commission:

- ❖ Growing Contra Costa LAFCO (office relocation and staffing enhancements)
- ❖ Continuing work on 2nd round Municipal Service Reviews (i.e., parks & recreation services, county service areas)
- ❖ Resuming work on updating, developing and enhancing LAFCO policies and procedures

LAFCO's **revenue** sources include funding from the County, cities and independent special districts, application fees, interest earnings, and available fund balance. The FY 2019-20 budget reflects steady application activity and associated fees.

The FY 2019-20 Final Budget is discussed below and summarized on the attached. For additional details, including goals, accomplishments and work plan, please refer to the *FY 2019-20 Proposed LAFCO Budget* as presented in the April 17, 2019 LAFCO staff report.

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

FY 2019-20 **Salaries & Benefits** total \$530,435, reflecting an increase of 14% over the approved FY 2018-19 budget. The increase is primarily attributable to funding for a full-time Analyst position.

FY 2019-20 *Services & Supplies* total \$380,058 and fund a range of services, programs and projects including administrative (e.g., office, insurance, rent, utilities, equipment/systems, training/ conferences, memberships, etc.), contract services (assessor, auditing, mapping/GIS, legal, planning, website, etc.), and programs/projects (i.e., MSRs). The FY 2019-20 budget maintains the existing contract services and includes funding for MSR work. The FY 2019-20 *Services & Supplies* expenses reflect a 3% decrease as compared to the FY 2018-19 budget, as some of the costs associated with the relocation are being absorbed in the FY 2018-19 budget, including purchase of some of the office furniture and costs associated with relocation of the LAFCO office.

The FY 2019-20 budget includes an \$80,000 *Contingency Reserve*, which is comparable to prior years. The Commission's policy provides that "*the annual budget shall include a contingency reserve (i.e., 10% of budget) as determined by the Commission.*" The Commission has discretion to set the amount of the annual contingency.

The FY 2019-20 budget also includes a \$40,000 annual contribution to the *OPEB Trust* for LAFCO's unfunded liability, and a \$30,000 annual contribution to LAFCO's unfunded retirement liability.

Growing Contra Costa LAFCO

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

LAFCO Office Relocation - In the next several weeks, the LAFCO office will relocate to 40 Muir Road in Martinez. The new office space includes three offices and use of a conference room, break room and restroom. Since 2016, Contra Costa LAFCO planned to relocate to 40 Muir Road given our current office space at 651 Pine Street is limited in terms of space and duration.

Costs associated with the new office space include rent/debt service of \$12,569 per year, which is comparable to our current rent. Also, the FY 2019-20 budget includes a new annual cost of \$12,000 for LAFCO's share of tenant improvements (TI) at 40 Muir Road. For the past four years, the County provided LAFCO an estimate of \$60,000 for TI costs to be paid over a 5-year period. The County recently informed LAFCO that its share of the TI costs is \$175,000, which is a significant increase over the prior year estimates. LAFCO's share of the TI costs covers the three LAFCO offices and a prorated share of a conference room, breakroom and restroom. Subject to the Commission's approval, County and LAFCO staff have tentatively agreed that LAFCO will pay \$12,000 annually and only during the time in which LAFCO leases the space. Should LAFCO vacate the space, the TI improvement payments will cease.

Costs associated with the relocation are split between the current year and FY 2019-20. The current year budget includes costs of office furniture (two offices). The FY 2019-20 budget includes expenses for office furniture (one office space), one new computer, new phones and moving expenses. The FY 2019-20 budget also includes the cost of a new server and backup, as the existing equipment has reached the end of its useful life. These expenses are reflected in various *Services & Supplies* accounts.

LAFCO Staffing- Contra Costa LAFCO currently employs two full-time staff – an Executive Officer ("EO") and an Executive Assistant/LAFCO Clerk ("EA"). For the past several years, the Commission discussed augmenting LAFCO staff. The Commission agreed that to meet increased application activity demands, expand our work on policies and procedures, embark on inventive projects and programs, enhance our public outreach and education, and maintain our current level of involvement at a statewide level with CALAFCO and other stakeholders, it is desirable to enhance LAFCO staff.

In April 2019, the Commission approved a new staffing plan that provides for one full-time EO, one full-time Analyst and one half-time EA. Also, in April, the Commission learned that Kate Sibley, the current EA, will retire on July 31, 2019. In accordance with the revised staffing plan, and in anticipation of Kate's retirement, LAFCO initiated a recruitment for the half-time EA position. LAFCO received 23 applications. The first round of interviews is scheduled for June 7, 2019.

REVENUES: LAFCO's primary source of **revenue** is funding from the County, cities and independent special districts, with each group paying one-third of the LAFCO budget. The city and district shares are prorated based on general revenues reported to the State Controller's Office. LAFCO also receives revenue through application fees and interest earnings. Application activity is steady. The FY 2019-20 budget includes \$25,000 in application fees, which is comparable to the FY 2018-19 budget and consistent with the historical average. In addition, LAFCO receives interest earnings through its pre-funding of retirement and OPEB trust accounts. Interest earnings are nominal, subject to market fluctuations, and are not reflected in the revenue estimates.

When available, LAFCO uses year end fund balance to help offset costs to the funding agencies. The FY 2018-19 fund balance is currently unknown and will be calculated at year end (typically by October). However, based on the beginning year fund balance, and projected FY 2018-19 revenues and expenses, it is estimated that the available fund balance will be over \$175,000. The LAFCO fund balance, or any portion thereof, can be used to offset the FY 2019-20 revenues, thereby reducing contributions from the funding agencies (County, cities, districts). The FY 2019-20 budget provides that, to the extent possible, the available fund balance be used to offset FY 2019-20 revenues.

CONCLUSION: The Commission and LAFCO staff exercise fiscal prudence and recognize the financial constraints on local government. Approval of the FY 2019-20 Final Budget will enable LAFCO to perform its core responsibilities, continue its work on MSRs/SOI updates, policies & procedures, and grow Contra Costa LAFCO.

RECOMMENDATIONS:

1. Receive this report and open the public hearing on the Final FY 2019-20 LAFCO Budget,
2. After receiving public comments close the hearing,
3. After Commission discussion, adopt the FY 2019-20 Final Budget, with any desired changes, and authorize staff to distribute the Final Budget to the County, cities and independent special districts as required by Government Code Section 56381.

Respectfully submitted,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

Attachment - Final FY 2019-20 LAFCO Budget

c: Distribution

FINAL FY 2019-20 LAFCO BUDGET

	FY 2018-19		FY 2019-20		
	<u>FY 2018-19</u>	<u>Year-end</u>	<u>FY 2019-20</u>	<u>% Change</u>	
	<u>Approved</u>	<u>(Estimated)</u>	<u>Proposed</u>		
Salaries and Employee Benefits					
Permanent Salaries- 1011	\$ 244,970	\$ 228,634	\$ 286,575		
Deferred Comp Cty Contribution - 1015	\$ 1,700	\$ 2,040	\$ 1,105		
FICA- 1042	\$ 18,740	\$ 17,491	\$ 21,923		
Retirement expense- 1044	\$ 109,514	\$ 97,068	\$ 117,971		
Employee Group Insurance- 1060	\$ 59,575	\$ 53,841	\$ 73,039		
Retiree Health Insurance- 1061	\$ 19,100	\$ 18,609	\$ 28,406		
Unemployment Insurance- 1063	\$ 122	\$ 114	\$ 143		
Workers Comp Insurance- 1070	\$ 1,065	\$ 1,161	\$ 1,273		
Total Salaries and Benefits	\$ 454,786	\$ 418,958	\$ 530,435		14%
Services and Supplies					
Office Expense- 2100	\$ 6,000	\$ 3,500	\$ 5,000		
Publications -2102	\$ 30	\$ 21	\$ 25		
Postage -2103	\$ 1,800	\$ 1,041	\$ 1,800		
Communications - 2110	\$ 2,524	\$ 850	\$ 1,334		
Tele Exchange Services 2111	\$ 1,599	\$ 1,584	\$ 3,120		
Minor Furniture/Equipment - 2131		\$ 16,589	\$ 2,000		
Minor Comp Equipment - 2132	\$ 1,000		\$ 1,800		
Pubs & Legal Notices 2190	\$ 4,000	\$ 3,821	\$ 3,800		
Memberships - 2200	\$ 10,503	\$ 10,303	\$ 12,036		
Rents & Leases - 2250 (copier)	\$ 5,500	\$ 4,554	\$ 5,500		
Computer Software - 2251	\$ 500		\$ 612		
Bldg Occupancy Costs - 2262	\$ 18,622	\$ 7,108	\$ 24,569		
Bldg Life Cycle Costs - 2265	\$ 1,455	\$ 1,500	\$ 1,463		
Bldg Maintennace - 2284	\$ 150	\$ -	\$ 500		
Auto Mileage Emp. - 2301	\$ 500	\$ 336	\$ 500		
Other Travel Employees - 2303	\$ 12,000	\$ 11,736	\$ 17,370		
Prof & Spec Services - 2310	\$ 271,075	\$ 200,338	\$ 235,653		
Assessor	\$ 12,011	\$ 3,600	\$ 8,500		
Financial Audit	\$ 8,650	\$ 8,650	\$ 8,700		
GIS/Mapping	\$ 26,000	\$ 8,000	\$ 12,000		
Legal	\$ 75,000	\$ 71,100	\$ 60,000		
MSRs	\$ 135,000	\$ 95,000	\$ 130,000		
Planning	\$ 11,000	\$ 8,480	\$ 11,000		
Special Projects (document imaging)	\$ 3,414	\$ 3,413	\$ 5,213		
LAFCO Sponsored Training	-		\$ -		
Misc Investment Services/CCCERA Fees		\$ 220	\$ 240		
Special Studies	\$ -	\$ 1,875	\$ -		
Moving Service			\$ 1,500		
Contracted Temp Help - 2314 (Web)	\$ 2,880	\$ 3,360	\$ 3,060		
Data Processing Services - 2315	\$ 7,500	\$ 14,609	\$ 19,582		
Data Processing Security - 2326	\$ 231	\$ 196	\$ 210		
Courier - 2331	\$ 392	\$ 384	\$ 1,678		
Telcomm Rents, Leases, Labor - 2335		\$ 710			
Other Inter-Dept Costs - 2340	\$ 232	\$ 444	\$ 564		
Liability/E&O Insurance - 2360	\$ 5,436	\$ 5,029	\$ 5,682		
Commission Training/Registration/Stipends - 2467	\$ 37,000	\$ 30,000	\$ 30,000		
Application Refund - 2479		\$ -	\$ -		
NOD/NOE Filings - 2490	\$ 700	\$ 850	\$ 700		
Total Services & Supplies	\$ 391,629	\$ 318,863	\$ 380,058		-3%
Fixed Assets					
Office Equipment & Furniture - 4951			\$ 20,000		
Total Fixed Assets			\$ 20,000		
Total Expenditures	\$ 846,415	\$ 737,821	\$ 930,493		9%
Contingency Reserve	\$ 80,000		\$ 80,000		
OPEB Trust	\$ 40,000	\$ 40,000	\$ 40,000		
CCCERA Pre-Fund	\$ 30,000	\$ 30,000	\$ 30,000		
TOTAL APPROPRIATIONS	\$ 996,415	\$ 807,821	\$ 1,080,493		8%
TOTAL REVENUES					
Agency contributions - 9500 & 9800	\$ 796,415	\$ 755,210	\$ 885,493		10%
Application & other revenues	\$ 25,000	\$ 40,259	\$ 25,000		
Fund Balance	\$ 175,000		\$ 170,000		



Lou Ann Texeira
 Executive Officer

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Sean Wright <i>City Member</i>

June 12, 2019

June 12, 2019
 Agenda Item 12

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

Legislative Report - Update and Position Letters

Dear Members of the Commission:

This year marks the first year of a two-year legislative session in Sacramento. Presently, CALAFCO is sponsoring two bills: **AB 1822**, the **annual omnibus bill** (*Assembly Local Government Committee*) which includes seven items (**AB 1822**), and **AB 1253** (*Rivas*) which would establish one-time grant funding for LAFCOs to prepare reorganization studies in conjunction with the 2017 Little Hoover Commission report relating to special districts. **AB 1253** also changes the protest threshold for LAFCO initiated actions, exclusive to actions funded pursuant to this bill. The focus of this bill is service providers serving disadvantaged communities. The fiscal request is \$1.5 million over five years. Last year, the Governor vetoed this bill as funding was not included in the budget. This year, CALAFCO will attempt to secure funding in the May Revise Budget so there is no General Fund appropriation, which was the reason for Governor Brown’s veto last year.

CALAFCO will also embark on a two-year process with other state associations to rewrite the protest provisions.

In addition, CALAFCO is tracking a number of bills that have direct and indirect impact on LAFCOs (see Attachment 1 – CALAFCO Legislative Report).

On April 16th, CALAFCO issued an urgent call for legislative action requesting that each LAFCO send position letters for the following bills which will impact LAFCOs. In addition, on May 7, CALAFCO issued a second request for opposition to AB 600 “as amended.”

AB 600 (*Chu*) – this bill creates a requirement for all cities, counties and certain special districts to develop an accessibility plan if they have disadvantaged unincorporated communities (DUCs) identified in the land use element of the respective city or county. The accessibility plan is intended to be a plan for services to get those DUCs drinking water, wastewater and fire services. The bill lacks clarity, imposes unfunded mandates, proposes to remove some of LAFCO’s authority and

discretion relating to annexations and out of agency service, and would require LAFCO action that conflicts with other proposed changes for which there is no existing authority. For these and other reasons, CALAFCO, a number of individual LAFCO's, as well as other state associations, oppose the bill (see Attachments 2 and 3 – Contra Costa LAFCO letters of opposition).

AB 818 (*Cooley*) – this bill, sponsored by the League of California Cities, reinstates ERAF funding for cities incorporating after 2018. This is the same bill as AB 2491 from 2018 (see Attachment 4 – LAFCO letter of support).

AB 1822 (CALAFCO Sponsored Omnibus Bill) – This is CALAFCO's annual omnibus bill which makes technical, non-substantive changes to the CKH which governs the work of LAFCOs. These changes are necessary as LAFCOs implement the CKH and small inconsistencies are found or clarifications are needed to make the law as unambiguous as possible (see Attachment 5 – LAFCO letter of support).

Contra Costa LAFCO's legislative policy provides our LAFCO with flexibility to respond to urgent legislation that affects LAFCO. Specifically, the policy provides that in *“situations when proposed legislation affecting LAFCO cannot be considered by the full Commission due to timing, the Executive Officer, in consultation with the LAFCO Chair (or Vice Chair in the absence of the Chair), is authorized to provide written or email comments communicating the Commission's position if the position is consistent with the adopted legislative policies of the Commission. The Chair or Vice Chair would review the letter or email prior to it being submitted. The Executive Officer will forward the email or letter to the Commission as soon as possible. The item will be placed on the next regular LAFCO meeting agenda as either “informational” or for discussion purposes.”*

In response to CALAFCO's request, and in accordance with the Commission's policy, position letters for the above referenced bills were sent on April 18, 2019.

RECOMMENDATION – Receive legislative update.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

Attachment 1 - CALAFCO Legislative Update – June 5, 2019
Attachment 2 - Letter of Opposition - AB 600
Attachment 3 – Letter of Opposition - AB 600 as Amended
Attachment 4 - Letter of Support – AB 818
Attachment 5 – Letter of Support – AB 1822

CALAFCO Daily Legislative Report as of Wednesday, June 05, 2019

1

AB 508 (Chu D) Drinking water: consolidation and extension of service: domestic wells.
Current Text: Amended: 5/6/2019 [html](#) [pdf](#)
Introduced: 2/13/2019

Last Amended: 5/6/2019

Status: 5/24/2019-In Senate. Read first time. To Com. on RLS. for assignment.

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

Summary:

The California Safe Drinking Water Act requires the State Water Resources Control Board, before ordering consolidation or extension of service, to, among other things, make a finding that consolidation of the receiving water system and subsumed water system or extension of service to the subsumed water system is appropriate and technically and economically feasible. This bill would modify the provision that authorizes consolidation or extension of service if a disadvantaged community is reliant on a domestic well described above to instead authorize consolidation or extension of service if a disadvantaged community, in whole or in part, is reliant on domestic wells that consistently fail to provide an adequate supply of safe drinking water.

Position: Watch

Subject: Disadvantaged Communities, Water

CALAFCO Comments: This bill allows the SWRCB to order an extension of service in the case a disadvantaged community has at least one residence that are reliant on a domestic well that fails to provide safe drinking water. It allows members of the disadvantaged community to petition the SWRCB to initiate the process. It allows the owner of the property to opt out of the extension. The bill also places limitations on fees, charges and terms and conditions imposed as a result of the extension of service. Finally, the extension of service does not require annexation in the cases where that would be appropriate.

AB 600 (Chu D) Local government: organization: disadvantaged unincorporated communities.
Current Text: Amended: 4/29/2019 [html](#) [pdf](#)
Introduced: 2/14/2019

Last Amended: 4/29/2019

Status: 5/22/2019-Referred to Com. on GOV. & F.

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

Summary:

Under current law, an application to annex a contiguous disadvantaged community is not required if, among other things, a local agency formation commission finds that a majority of the registered voters within the disadvantaged unincorporated community are opposed to the annexation, as specified. This bill would additionally provide that an application to annex a contiguous disadvantaged community is not required if the commission finds that a majority of the registered voters within the affected disadvantaged unincorporated community would prefer to address the service deficiencies through an extraterritorial service extension.

Attachments:
[CALAFCO Oppose letter 05 07 19](#)
[LAFCo Oppose letter template 05 07 19](#)
[CALAFCO Oppose Letter REV April 19, 2019](#)
[LAFCo Oppose letter template REVISED](#)
[CALAFCO Oppose Letter April 16, 2019](#)
[LAFCo Oppose letter template](#)
Position: Oppose

Subject: Disadvantaged Communities, Water

CALAFCO Comments: As amended on April 29, the bill still has a number of issues. The bill

still allows for an extension of service in lieu of annexation.

The bill adds (8)(C) to Government Code Section 56375. As written, this section creates confusion and contradicts §56375(8)(A). It appears the intention is to prohibit LAFCo from approving the annexation of two or more contiguous disadvantaged communities within five years that are individually less than ten acres but cumulatively more than ten acres. If so, then this language conflicts with §56375(8)(A), which allows for commission policies to guide the commission in determining the size of the area to be annexed. Further, the term "paragraph" as used in this section creates uncertainty as to what section or subsection is actually being addressed.

The bill does nothing to address the engineering and financial issues that must be solved in order to ensure sustainable service. Further it does not allow for local circumstances and conditions to be considered by offering a "one size fits all" approach.

AB 1253 (Rivas, Robert D) Local agency formation commissions: grant program.

Current Text: Introduced: 2/21/2019 [html](#) [pdf](#)

Introduced: 2/21/2019

Status: 5/24/2019-In Senate. Read first time. To Com. on RLS. for assignment.

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

Summary:

This bill would require the Strategic Growth Council, until July 31, 2025, to establish and administer a local agency formation commissions grant program for the payment of costs associated with initiating and completing the dissolution of districts listed as inactive, the payment of costs associated with a study of the services provided within a county by a public agency to a disadvantaged community, as defined, and for other specified purposes, including the initiation of an action, as defined, that is limited to service providers serving a disadvantaged community and is based on determinations found in the study, as approved by the commission. The bill would specify application submission, reimbursement, and reporting requirements for a local agency formation commission to receive grants pursuant to the bill. The bill would require the council, after consulting with the California Association of Local Agency Formation Commissions, to develop and adopt guidelines, timelines, and application and reporting criteria for development and implementation of the program, as specified, and would exempt these guidelines, timelines, and criteria from the rulemaking provisions of the Administrative Procedure Act. The bill would make the grant program subject to an appropriation for the program in the annual Budget Act, and would repeal these provisions on January 1, 2026. This bill contains other existing laws.

Attachments:

- [LAFCo Support Letter Template](#)
- [CALAFCO Support letter Feb 2016](#)

Position: Sponsor

Subject: Disadvantaged Communities, LAFCo Administration, Municipal Services, Special District Consolidations

CALAFCO Comments: This is a CALAFCO sponsored bill following up on the recommendation of the Little Hoover Commission report of 2017 for the Legislature to provide LAFCos one-time grant funding for in-depth studies of potential reorganization of local service providers. Last year, the Governor vetoed AB 2258 - this is the same bill. The Strategic Growth Council (SGC) will administer the grant program. Grant funds will be used specifically for conducting special studies to identify and support opportunities to create greater efficiencies in the provision of municipal services; to potentially initiate actions based on those studies that remove or reduce local costs thus incentivizing local agencies to work with the LAFCo in developing and implementing reorganization plans; and the dissolution of inactive districts (pursuant to SB 448, Wieckowski, 2017). The grant program would sunset on July 31, 2024.

The bill also changes the protest threshold for LAFCo initiated actions, solely for the purposes of actions funded pursuant to this new section. It allows LAFCo to order the dissolution of a district (outside of the ones identified by the SCO) pursuant to Section 11221 of the Elections code, which is a tiered approach based on registered voters in the affected territory (from 30% down to 10% depending).

The focus is on service providers serving disadvantaged communities. The bill also requires LAFCo pay back grant funds in their entirety if the study is not completed within two years and requires the SGC to give preference to LAFCOs whose decisions have been aligned with the goals of sustainable communities strategies.

The fiscal request is \$1.5 million over 5 years. CALAFCO is attempting to get this in the May revise budget so there is no General Fund appropriation (the reason Gov. Brown vetoed the bill).

AB 1389 (Eggman D) Special districts: change of organization: mitigation of revenue loss.

Current Text: Introduced: 2/22/2019 [html](#) [pdf](#)

Introduced: 2/22/2019

Status: 5/3/2019-Failed Deadline pursuant to Rule 61(a)(3). (Last location was L. GOV. on 3/14/2019)(May be acted upon Jan 2020)

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

Summary:

Would authorize the commission to propose, as part of the review and approval of a proposal for the establishment of new or different functions or class of services, or the divestiture of the power to provide particular functions or class of services, within all or part of the jurisdictional boundaries of a special district, that the special district, to mitigate any loss of property taxes, franchise fees, and other revenues to any other affected local agency, provide payments to the affected local agency from the revenue derived from the proposed exercise of new or different functions or classes of service.

Position: Watch

Subject: CKH General Procedures

CALAFCO Comments: This bill allows LAFCo, when approving a proposal for new or different functions or class of service for a special district, to propose the district provide payments to any affected local agency for taxes, fees or any other revenue that may have been lost as a result of the new service being provided.

AB 1751 (Chiu D) Water and sewer system corporations: consolidation of service.

Current Text: Amended: 5/1/2019 [html](#) [pdf](#)

Introduced: 2/22/2019

Last Amended: 5/1/2019

Status: 5/24/2019-In Senate. Read first time. To Com. on RLS. for assignment.

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

Summary:

Current law authorizes the State Water Resources Control Board to order consolidation of public water systems where a public water system or state small water system serving a disadvantaged community consistently fails to provide an adequate supply of safe drinking water, as provided. This bill, the Consolidation for Safe Drinking Water Act of 2019, would authorize a water or sewer system corporation to file an application and obtain approval from the commission through an order authorizing consolidation with a public water system or state small water system, or to implement rates for the subsumed water system.

Position: Watch

Subject: Water

CALAFCO Comments: This bill allows for water (public or state small) or sewer systems corps to file an application for consolidation with the SWRCB.

AB 1822 (Committee on Local Government) Local Government: omnibus.

Current Text: Amended: 4/8/2019 [html](#) [pdf](#)

Introduced: 3/11/2019

Last Amended: 4/8/2019

Status: 5/22/2019-Referred to Com. on GOV. & F.

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

Calendar:

6/5/2019 9:30 a.m. - Room 112 SENATE GOVERNANCE AND FINANCE, MCGUIRE, Chair

Summary:

Current law requires a commission to develop and determine the sphere of influence of each city and each special district within the county and enact policies designed to promote the logical and orderly development of areas within each sphere. Current law requires the commission, in order to prepare and update spheres of influence in accordance with this requirement, to conduct a service review of the municipal services provided in the county or other appropriate area designated by the commission, as specified. Current law defines "sphere of influence" to mean a plan for the probable physical boundaries and service area of a local agency. Current law defines the term "service" for purposes of the act to mean a specific governmental activity established within, and as a part of, a general function of the special district, as specified. This bill would revise the definition of the term "service" for these purposes to mean a specific governmental activity established within, and as a part of, a function of the local agency.

Attachments:

- [CALAFCO Support letter April 16, 2019](#)
- [LAFCo Support letter template](#)

Position: Sponsor

Subject: LAFCo Administration

CALAFCO Comments: This is the annual Omnibus bill.

SB 272 (Morrell R) Fire Protection District Law of 1987.

Current Text: Amended: 4/4/2019 [html](#) [pdf](#)

Introduced: 2/13/2019

Last Amended: 4/4/2019

Status: 5/3/2019-Failed Deadline pursuant to Rule 61(a)(3). (Last location was GOV. & F. on 2/21/2019)(May be acted upon Jan 2020)

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

Summary:

The Fire Protection District Law of 1987 provides that whenever a district board determines that it is in the public interest to provide different services, to provide different levels of service, or to raise additional revenues within specific areas of the district, it may form one or more service zones by adopting a resolution that includes specified information, fixing the date, time, and place for public hearing on the formation of the zone, publishing notice, as specified, hearing and considering any protests to the formation of the zone at the hearing, and, at the conclusion of the hearing, adopting a resolution ordering the formation of the zone. If a resolution adopted after the public hearing would substantially expand the provision of services outside of an existing service zone and the extension of service would result in those persons in the expanded area paying charges for the expansion of services, this bill would provide that the resolution does not become effective unless approved by a majority of the voters within the expanded service area.

Position: Watch

CALAFCO Comments: As amended, the bill amends the Health & Safety code regarding the formation of zones within a fire protection district by requiring the district hold an election, regardless of the protest level, if the district wants to substantially expand (as defined in the bill) services outside the zone. This is unrelated to 56133. CALAFCO will retain a Watch position.

SB 414 (Caballero D) Small System Water Authority Act of 2019.

Current Text: Amended: 5/17/2019 [html](#) [pdf](#)

Introduced: 2/20/2019

Last Amended: 5/17/2019

Status: 5/24/2019-In Assembly. Read first time. Held at Desk.

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

Summary:

Would create the Small System Water Authority Act of 2019 and state legislative findings and declarations relating to authorizing the creation of small system water authorities that will have powers to absorb, improve, and competently operate noncompliant public water systems. The bill, no later than March 1, 2020, would require the state board to provide written notice to cure

to all public agencies, private water companies, or mutual water companies that operate a public water system that has either less than 3,000 service connections or that serves less than 10,000 people, and are not in compliance, for the period from July 1, 2018, through December 31, 2019, with one or more state or federal primary drinking water standard maximum contaminant levels, as specified.

Position: Support

Subject: Water

CALAFCO Comments: This bill is very similar to AB 2050 (Caballero) from 2018. Several changes have been made. This bill is sponsored by Eastern Municipal Water District and the CA Municipal Utilities Assoc. The intent is to give the State Water Resources Control Board (SWRCB) authority to mandate the dissolution of existing drinking water systems (public, mutual and private) and authorize the formation of a new public water authority. The focus is on non contiguous systems. The SWRCB already has the authority to mandate consolidation of these systems, this will add the authority to mandate dissolution and formation of a new public agency.

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

SB 646 (Morrell R) Local agency utility services: extension of utility services.

Current Text: Amended: 5/7/2019 [html](#) [pdf](#)

Introduced: 2/22/2019

Last Amended: 5/7/2019

Status: 5/30/2019-Referred to Com. on L. GOV.

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

Calendar:

6/19/2019 1:30 p.m. - State Capitol, Room 447 ASSEMBLY LOCAL GOVERNMENT, AGUIAR-CURRY, Chair

Summary:

The Mitigation Fee Act, among other things, requires fees for water or sewer connections, or capacity charges imposed by a local agency to not exceed the estimated reasonable cost of providing the service for which the fee or charge is imposed, unless a question regarding the amount of the fee or charge imposed in excess of the reasonable cost of providing the service or materials is submitted to and approved by 2/3 of the electors voting on the issue. The Mitigation Fee Act defines the term "fee" for these purposes. This bill would revise the definition of "fee" to mean a fee for the physical facilities necessary to make a water connection or sewer connection, and that the estimated reasonable cost of labor and materials for installation of those facilities bears a fair or reasonable relationship to the payor's burdens on, or benefits received from, the water connection or sewer connection.

Position: Neutral

Subject: CKH General Procedures

CALAFCO Comments: UPDATE AS OF THE 4/11/19 AMENDMENTS: These amendments address all of our concerns and the bill now only addresses fees.

This bill does 3 things. (1) Seeks to add a provision to 56133 that requires LAFCo to approve an extension of service regardless of whether a future annexation is anticipated or not. It further requires the service provider to extend the provision of service to a property owner regardless of a whether there is a pending annexation or pre-annexation agreement. The newly proposed subsection directly contradicts subsection (b). (2) Changes the definition of "fee" by requiring the new few "is of proportional benefit to the person or property being charged." There is no reasonable definition or application of "proportional benefit". (3) Narrows the scope of application of Section 56133 to water or sewer service; and prohibits the service provider to charge higher fees and charges to those outside the jurisdictional boundaries.

[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: 5/24/2019-In Senate. Read first time. To Com. on RLS. for assignment.

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

Summary:

Would, 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.

Attachments:

[CALAFCO Support Letter](#)

Position: Support

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.

[AB 818](#) (Cooley D) Local government finance: vehicle license fee adjustment amounts.

Current Text: Introduced: 2/20/2019 [html](#) [pdf](#)

Introduced: 2/20/2019

Status: 5/17/2019-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 4/3/2019)(May be acted upon Jan 2020)

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

Summary:

Current property tax law, for the 2006–07 fiscal year, and for each fiscal year thereafter, requires the vehicle license fee adjustment amount to be the sum of the vehicle license fee adjustment amount for the prior fiscal year, if specified provisions did not apply, and the product of the amount as so described and the percentage change from the prior fiscal year in the gross taxable valuation within the jurisdiction of the entity. Current law establishes a separate vehicle license fee adjustment amount for a city that was incorporated after January 1, 2004, and on or before January 1, 2012. This bill would establish a separate vehicle license fee adjustment amount for a city incorporating after January 1, 2012, including an additional separate vehicle license fee adjustment amount for the first fiscal year of incorporation and for the next 4 fiscal years thereafter.

Attachments:

[LAFCo Support letter template](#)

[CALAFCO Support March 2019](#)

Position: Support

Subject: Financial Viability of Agencies

CALAFCO Comments: Sponsored by the League, this bill will reinstate ERAF funding for cities incorporating after 2018. This is the same bill as AB 2491 from 2018.

[AB 1304](#) (Waldron R) Water supply contract: Native American tribes.

Current Text: Amended: 5/6/2019 [html](#) [pdf](#)

Introduced: 2/22/2019

Last Amended: 5/6/2019

Status: 5/29/2019-Referred to Com. on N.R. & W.

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

Calendar:

6/25/2019 9:30 a.m. - Room 112 SENATE NATURAL RESOURCES AND WATER, STERN, Chair

Summary:

Current law provides for the establishment and operations of various water districts. This bill

would specifically authorize a water district, as defined, to enter into a contract with a Native American tribe to receive water deliveries from an infrastructure project on tribal lands. The bill would repeal its provisions on January 1, 2025.

Position: Watch

Subject: Municipal Services, Water

CALAFCO Comments: This bill amends the water code to allow a Native American tribe to sell/deliver water to a water district (as defined in the water code section 20200). The bill sunsets on January 1, 2025.

SB 379 (Committee on Governance and Finance) Validations.

Current Text: Introduced: 2/20/2019 [html](#) [pdf](#)

Introduced: 2/20/2019

Status: 5/2/2019-Referred to Com. on L. GOV.

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

Calendar:

6/19/2019 1:30 p.m. - State Capitol, Room 447 ASSEMBLY LOCAL GOVERNMENT, AGUIAR-CURRY, Chair

Summary:

This bill would enact the First Validating Act of 2019, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

Attachments:

[CALAFCO Support March 2019](#)

Position: Support

Subject: LAFCo Administration

CALAFCO Comments: This is one of three annual validating acts.

SB 380 (Committee on Governance and Finance) Validations.

Current Text: Introduced: 2/20/2019 [html](#) [pdf](#)

Introduced: 2/20/2019

Status: 5/2/2019-Referred to Com. on L. GOV.

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

Calendar:

6/19/2019 1:30 p.m. - State Capitol, Room 447 ASSEMBLY LOCAL GOVERNMENT, AGUIAR-CURRY, Chair

Summary:

This bill would enact the Second Validating Act of 2019, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

Attachments:

[CALAFCO Support March 2019](#)

Position: Support

Subject: LAFCo Administration

CALAFCO Comments: This is one of three annual validating acts.

SB 381 (Committee on Governance and Finance) Validations.

Current Text: Introduced: 2/20/2019 [html](#) [pdf](#)

Introduced: 2/20/2019

Status: 5/2/2019-Referred to Com. on L. GOV.

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

Calendar:

6/19/2019 1:30 p.m. - State Capitol, Room 447 ASSEMBLY LOCAL GOVERNMENT, AGUIAR-CURRY, Chair

Summary:

This bill would enact the Third Validating Act of 2019, which would validate the organization,

boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

Attachments:

[CALAFCO Support March 2019](#)

Position: Support

Subject: LAFCo Administration

CALAFCO Comments: This is one of three annual validating acts.

[AB 134](#) (Bloom D) Safe Drinking Water Restoration.

Current Text: Amended: 5/20/2019 [html](#) [pdf](#)

Introduced: 12/5/2018

Last Amended: 5/20/2019

Status: 5/30/2019-In Senate. Read first time. To Com. on RLS. for assignment.

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

Summary:

Would require the State Water Resources Control Board to report to the Legislature by July 1, 2025, on its progress in restoring safe drinking water to all California communities and to create an internet website that provides data transparency for all of the board’s activities described in this measure. The bill would require the board to develop metrics to measure the efficacy of the fund in ensuring safe and affordable drinking water for all Californians.

Position: Watch

Subject: Water

[AB 530](#) (Aguilar-Curry D) The Fairfield-Suisun Sewer District.

Current Text: Amended: 4/22/2019 [html](#) [pdf](#)

Introduced: 2/13/2019

Last Amended: 4/22/2019

Status: 5/8/2019-Referred to Com. on GOV. & F.

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

Summary:

The Fairfield-Suisun Sewer District Act creates the Fairfield-Suisun Sewer District and grants to the district various powers relating to the treatment and disposal of sewage. The current act provides for the election of a board of directors for the district and administrative procedures for the operation of the district. Violation of regulations adopted by the board is a misdemeanor. This bill would make various administrative changes to the act, including removing the requirement that the district appoint a clerk and changing the posting requirements for regulations.

Position: Watch

Subject: Special District Powers, Special Districts Governance

CALAFCO Comments: This bill makes administrative changes to this special act district. It also allows for an extension of service pursuant to 56133 (keeping that LAFCo process intact).

[AB 1053](#) (Dahle R) Fallen Leaf Lake Community Service District.

Current Text: Amended: 3/25/2019 [html](#) [pdf](#)

Introduced: 2/21/2019

Last Amended: 3/25/2019

Status: 5/22/2019-Referred to Com. on GOV. & F.

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

Summary:

Would prohibit, on and after January 1, 2020, the Fallen Leaf Lake Community Services District from providing any services or facilities except fire protection, including medical response and emergency services, and parks and recreation services or facilities.

Position: Watch

CALAFCO Comments: CALAFCO will watch this bill to determine if the outcome of the State Audit on this district will have an impact on all CSDs.

AB 1457 (Reyes D) Omnitrans Transit District.

Current Text: Amended: 5/24/2019 [html](#) [pdf](#)

Introduced: 2/22/2019

Last Amended: 5/24/2019

Status: 5/29/2019-In Senate. Read first time. To Com. on RLS. for assignment.

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

Summary:

Would create the Omnitrans Transit District in the County of San Bernardino. The bill would provide that the jurisdiction of the district would initially include the Cities of Chino, Chino Hills, Colton, Fontana, Grand Terrace, Highland, Loma Linda, Montclair, Ontario, Rancho Cucamonga, Redlands, Rialto, San Bernardino, Upland, and Yucaipa, and specified portions of the unincorporated areas of the County of San Bernardino. The bill would authorize other cities in the County of San Bernardino to subsequently join the district.

Attachments:

[CALAFCO Oppose unless amended letter April 2019](#)

Position: Neutral

CALAFCO Comments: This is a special act district formation. The bill takes what is currently a JPA and transforms it into a special district. CALAFCO has been working with the author and sponsor on amendments and the May 24 version addresses the vast majority of concerns. CALAFCO continues to work with the author and sponsor on minor technical amendments which are supposed to be taken in the Senate Governance & Finance Committee.

SB 654 (Moorlach R) Local government: planning.

Current Text: Introduced: 2/22/2019 [html](#) [pdf](#)

Introduced: 2/22/2019

Status: 3/14/2019-Referred to Com. on RLS.

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

Summary:

Current law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, makes certain findings and declarations relating to local government organizations, including, among other things, the encouragement of orderly growth and development, and the logical formation and modification of the boundaries of local agencies, as specified. This bill would make nonsubstantive changes to these findings and declarations.

Position: Watch

CALAFCO Comments: This is a spot bill. The author indicates he has no plans to use this for LAFCo law.

SB 780 (Committee on Governance and Finance) Local Government Omnibus Act of 2019.

Current Text: Amended: 4/11/2019 [html](#) [pdf](#)

Introduced: 2/28/2019

Last Amended: 4/11/2019

Status: 5/30/2019-Referred to Com. on L. GOV.

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

Summary:

Current law requires the governing body of a public agency, within 70 days after the commencement of the agency's legal existence, to file with the Secretary of State, on a form prescribed by the secretary, and also with the county clerk of each county in which the public agency maintains an office, a specified statement of facts about the agency. Current law requires this information to be updated within 10 days of a change in it. Current law requires the Secretary of State and each county clerk to establish and maintain an indexed Roster of Public Agencies that contains this information. This bill would instead require the Secretary of State

and each county clerk to establish and maintain an indexed Registry of Public Agencies containing the above-described information.

Position: Watch

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

Total Measures: 21

Total Tracking Forms: 21

6/5/2019 8:52:54 AM

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

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Executive Officer

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Stanley Caldwell
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Charles R. Lewis, IV
Public Member

Sean Wright
City Member

April 18, 2019

The Honorable Kansen Chu
California State Assembly
State Capital Room 3126
Sacramento, CA 95814

Subject: *Oppose AB 600* (as amended April 11, 2019)

Dear Assembly Member Chu:

The Contra Costa Local Agency Formation Commission (LAFCO) joins the California Association of Local Agency Formation Commissions (CALAFCO) to oppose **AB 600**. LAFCOs are aware of and concerned with the disparity of local public services, especially for residents and properties located within disadvantaged unincorporated communities (DUCs). All Californians deserve adequate and safe drinking water and wastewater facilities. We support your efforts to address these problems, which persist in many counties; however **AB 600** in its current version does not represent a collective stakeholder dialogue with reasonable and systemic solutions to the problem.

Annexations concerns. Changes proposed to Government Code §56375 pose several problems. First, the proposed changes in §56375(a)(8)(A) and (B) seem to confuse the annexation of territory into an incorporated city and the annexation of territory into a special district. When the Legislature created LAFCOs in 1963, one of LAFCOs' primary missions was and still is to ensure orderly growth and development. This is done in a variety of ways including the authority to adopt spheres of influence (SOIs) for local agencies and approve annexations. To ensure orderly growth, when the LAFCO approves a service extension outside the jurisdictional boundary but within the SOI, they do so in anticipation of a later change of organization (i.e., annexation), pursuant to §56133(b). Changes to §56375(a)(8)(A) add the exclusion of annexation into a qualified special district.

Further, changes to §56375(a)(8)(B) create an inconsistent exception for protest proceedings which removes rights that have long been established in governmental reorganizations in California. The residents of the DUC are afforded the right to file protests for boundary changes but other residents living within a larger annexation boundary that are not part of the DUC would lose their right to protest.

Removes LAFCO discretion. When considering a change of organization pursuant to §56133, LAFCO has the discretion to consider unique local circumstances and conditions. This is an important and basic construct within the legislatively stated purpose of LAFCOs. AB 600 would remove that discretion and authority through proposed changes to §56375(a)(9), §56425(k)(1) and (2), and §56425(l).

Lack of clarity. The bill proposes changes to §56301 by adding “considerations of equity” as an additional basis upon which LAFCOs fulfill their purposes. Yet the bill does not define “considerations of equity”, which leads to broad and varying interpretation. Each LAFCO will need create their own local policies related to “considerations of equity”.

Accessibility plans. AB 600 would require LAFCO, within five years of the approval of an accessibility plan (pursuant to §56440), to hold a noticed public hearing for the purposes of reviewing the status of every DUC that is subject to an accessibility plan. This has the potential of requiring vast number of public hearings and comprehensive reviews without the resources to implement such a requirement.

Additionally, the bill requires LAFCO to initiate a change of organization, reorganization or service extension should the commission determine that the needs of the DUC remain unaddressed. LAFCO-initiated actions are costly to the LAFCO (as there is no funding source to support the action) and like all other changes of organization or reorganization, are subject to protest proceedings. Further, a service extension without annexation would not be a likely LAFCO-initiated action.

The required contents of the accessibility plan are confusing. First, §56440(a)(5)(A) states: “*Any actions and alternatives necessary to be taken by the commission, if any, to enable the entity determined pursuant to paragraph (2) to provide services to the affected territory.*” How is a county, city or special district best positioned and informed to prescribe to the LAFCO commission what actions the LAFCO should be taking?

Second, §56440(a)(6)(B) requires the commission to approve or approve with conditions the accessibility plan. Once again there is a divestiture in LAFCO authority. Further, we fail to see LAFCOs’ authority to enforce any conditions that may be applied to the accessibility plan.

Third, §56440(a)(2) requires the commission to determine which entity is best positioned to provide adequate water or wastewater services to the affected territory. Without a thorough study of surrounding service providers, this may be difficult to determine.

One size does not fit all. We are concerned that the bill has unintended consequences in the ability to provide necessary services to an existing DUC. For example, if it is reasonable to extend services to a specific DUC but not to others, this bill prevents the extension of services to the area that can reasonably be serviced. The same is true for those areas currently contained within a city’s SOI, where it may be more logical for another service provider to extend the needed service. These changes are complicated by the fact the bill interchangeably uses the term “disadvantaged community” and “disadvantaged unincorporated community”.

Creates a significant unfunded mandate to LAFCO and local agencies. The studies, analyses, preparation of recommendations regarding underserved disadvantaged communities and public hearings on all accessibility plans and potential subsequent actions initiated by LAFCO that would be required, all impose unfunded mandates on counties, cities, qualified special districts and LAFCOs. By law LAFCO is forced to pass their costs on to cities, counties – and in 30 counties – special districts, which fund the commissions.

We support workable and sustainable policy solutions to the disparities in service delivery to disadvantaged communities. However, a major obstacle remains the infrastructure and operational funding for these services. We believe that addressing the needs of disadvantaged communities through the planning process and finding tools to support the infrastructure deficiencies and implementation actions remain a very important part of the solution.

For all the reasons noted above, Contra Costa LAFCO is opposed to **AB 600**. Please contact us should you have any questions.

Sincerely,



Tom Butt, Chair
Contra Costa LAFCO

- c: Members, Assembly Local Government Committee
- Jimmy MacDonald, Consultant, Assembly Local Government Committee
- William Weber, Consultant, Assembly Republican Caucus
- Pamela Miller, Executive Director, CALAFCO

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



Lou Ann Texeira
 Executive Officer

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Igor Skaredoff
 Special District Member

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May 7, 2019

The Honorable Kansen Chu
 California State Assembly
 State Capital Room 3126
 Sacramento, CA 95814

Subject: *Oppose AB 600 (as amended April 29, 2019)*

Dear Assembly Member Chu:

The Contra Costa Local Agency Formation Commissions (LAFCO) joins the California Association of Local Agency Formation Commissions (CALAFCO) to remain opposed to your bill, ***Assembly Bill 600***. LAFCOs are aware of and concerned about the disparity of local public services, especially for residents and properties located within disadvantaged unincorporated communities (DUCs). All Californians deserve adequate and safe drinking water and wastewater facilities. CALAFCO supports your efforts to address these problems, which persist in many counties, however ***AB 600*** in its current version does not represent a collective stakeholder dialogue with reasonable and systemic solutions to the problem.

The bill allows for an extension of service in lieu of annexation and we remain greatly concerned about extension of service without annexation. One of the primary statutory purposes of LAFCO is to ensure orderly growth. Extending services on an individual basis or by service type without annexation only serves to undermine the very purpose of jurisdictional boundaries and sphere of influence plans and conflicts with existing statute, Government Code Section 56133(b).

Another of LAFCOs' statutory purposes is to ensure the effective and efficient provision of municipal services. Ultimately, the annexation of a DUC does not ensure they will receive adequate, safe drinking water. The reality is there are engineering and financial issues that must be solved in order to ensure service and this bill does not address those ongoing issues. We want to ensure that local circumstances and conditions are taken into consideration and this bill offers a "one size fits all" approach that may not be effective in many instances.

The bill adds (8)(C) to Government Code Section 56375. As written, this section creates confusion and contradicts §56375(8)(A). We believe the intention is to prohibit LAFCO from approving the annexation of two or more contiguous disadvantaged communities within five years that are

individually less than 10 acres but cumulatively more than 10 acres. If so, then this language conflicts with §56375(8)(A), which allows for commission policies to guide the commission in determining the size of the area to be annexed. Further, the term “paragraph” as used in this section creates uncertainty as to what section or subsection is actually being addressed.

We support workable and sustainable policy solutions to the disparities in service delivery to disadvantaged communities. However, a major obstacle remains the infrastructure and operational funding for these services. We believe that addressing the needs of disadvantaged communities through the planning process and finding tools to support the infrastructure deficiencies and implementation actions remain a very important part of the solution.

For all the reasons noted above, the Contra Costa LAFCO remains opposed to **AB 600**. Please contact me should you have any questions.

Sincerely,



Tom Butt, Chair
Contra Costa LAFCO

c: Jimmy MacDonald, Consultant, Assembly Local Government Committee
William Weber, Consultant, Assembly Republican Caucus
Pamela Miller, Executive Director, CALAFCO

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April 18, 2019

Assembly Member Ken Cooley
 California State Assembly
 State Capital Room 3013
 Sacramento, CA 95814

Subject: Support of AB 818

Dear Assembly Member Cooley:

The Contra Costa Local Agency Formation Commission (LAFCO) is pleased to support *Assembly Bill (AB) 818*, which would assist the fiscal viability of future city incorporations that meet all other state requirements.

The VLF gap created by SB 89, one of the 2011 budget bills, created a financial disincentive for future city incorporations and annexations of inhabited territory. For the past seven years, no new cities have formed. Given the growing population in our state and the need for orderly growth and adequate municipal services, this policy issue needs to be addressed.

AB 818 by no means guarantees that a community wishing to incorporate will become a city. In order to incorporate, local communities must overcome many hurdles, including compliance with state LAFCO policies, negotiations with counties, and ultimately a public vote. This bill simply gives communities considering incorporation the same opportunity to incorporate afforded to other California cities before them.

In 2017, the Legislature addressed the financial harm caused by SB 89 (2011) to four recently incorporated cities via the passage of SB 130 (Budget). SB 130 provides the legislature a template to address the fiscal viability of future incorporations. *AB 818* adopts the template provided by SB 130 and extends the fix to future incorporations. The state budget conditions have vastly improved since 2011 and the fiscal challenges of the four most recently incorporated cities have finally been addressed with the passage of SB 130. *AB 818* provides the same option for any future incorporations.

There are several unincorporated communities in Contra Costa County that could benefit from incorporation. However, under the current funding structure, are precluded from doing so.

Reinstating revenues for incorporations is consistent with policies of providing communities with local governance and efficient service delivery options, including the ability to incorporate. The inability to do so creates a tremendous detriment to the creation of logical development boundaries and to the prevention of urban sprawl. Because **AB 818** reinstates a critical funding component to future cities incorporating, Contra Costa LAFCO supports this bill.

Please do not hesitate to contact me with any questions you may have on our position.

Sincerely,



Tom Butt, Chair
Contra Costa LAFCO

c: Pamela Miller, Executive Director, CALAFCO

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April 18, 2019

Honorable Cecilia Aguiar-Curry, Chair
Assembly Local Government Committee
California State Assembly
State Capitol, Room 5144
Sacramento, CA 95814

RE: SUPPORT - AB 1822: Local Government Committee Omnibus Bill (as amended April 8, 2019)

Dear Chair Aguiar-Curry:

The Contra Costa Local Agency Formation Commission (LAFCO) is pleased to support the Assembly Local Government Committee bill **AB 1822** (amended April 8, 2019) which makes technical, non-substantive changes to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("Act").

This annual bill includes technical changes to the Act which governs the work of LAFCOs. These changes are necessary as Commissions implement the Act and small inconsistencies are found or clarifications are needed to make the law as unambiguous as possible. **AB 1822** currently makes minor technical corrections to language used in the Act. The Contra Costa LAFCO is grateful to your Committee, staff and CALAFCO, all of whom worked diligently on this language to ensure there are no substantive changes while creating a significant increase in the clarity of the Act for all stakeholders.

This legislation helps insure the Cortese-Knox-Hertzberg Act remains a vital and practical law that is consistently applied around the state. We appreciate your Committee's authorship and support of this bill, and your support of the mission of LAFCOs.

Sincerely,



Tom Butt, Chair

Contra Costa LAFCO

cc: Members, Assembly Local Government Committee
Jimmy MacDonald, Consultant, Assembly Local Government Committee
William Weber, Consultant, Assembly Republican Caucus
Pamela Miller, Executive Director, CALAFCO



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
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<i>Special District Member</i> | |

ALTERNATE MEMBERS

- | |
|-----------------------------------------------------------|
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| Sean Wright
<i>City Member</i> |

June 12, 2019 (Agenda)

June 12, 2019
 Agenda Item 13

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

Contract Extension – Lamphier-Gregory

Dear Commissioners:

Contra Costa LAFCO contracts with Lamphier-Gregory for “as-needed” environmental planning services. Under the contract, Nat Taylor, Senior Planner, supports LAFCO as follows:

- Reviews and provides comments on LAFCO applications and projects
- Reviews and provides comments on environmental documents prepared by outside agencies
- Assists with preparing environmental documents for LAFCO projects
- Assists with development of new, and reviews existing, LAFCO policies and procedures
- Attends LAFCO hearings, meetings with applicants, and other meetings as needed

The firm is familiar with projects and issues in Contra Costa County, has extensive experience working with Contra Costa and other LAFCOs, and has been a speaker at CALAFCO annual staff workshops and conferences. Mr. Taylor is currently working with LAFCO on various projects including several upcoming complex boundary change proposals and development of new policies. Given the firm’s exemplary work and familiarity with Contra Costa LAFCO issues, staff recommends an extension of the current contract, as provided for in the FY 2019-20 budget.

RECOMMENDATION: Authorize LAFCO staff to execute a one-year contract extension with Lamphier-Gregory extending the term of the contract through June 30, 2020. The contract amendment also includes the addition of \$9,000 to the contract amount. The FY 2019-20 budget includes funding for as-needed contract planning services.

Sincerely,

Lou Ann Texeira
 Executive Officer

Attachment: Amendment Agreement

c: Nat Taylor, Lamphier-Gregory
 County Auditor-Controller

PO Number: _____

AGREEMENT AMENDMENT

Reference is made to that contract entered into on the 1st day of July 2011, by and between the Contra Costa Local Agency Formation Commission (LAFCO) and Lamphier Gregory.

Said contract is hereby amended:

TERM will be from July 1, 2011 through **June 30, 2020**.

PAYMENT LIMIT will be increased by \$9,000

IN WITNESS THEREOF, the parties hereto have executed this amendment this 12^h day of June 2019.

CONTRA COSTA LAFCO

CONTRACTOR
LAMPHER GREGORY

By: _____
LAFCO Executive Officer

By: _____

Taxpayer ID#: _____

APPROVED AS TO FORM

LAFCO Legal Counsel

I hereby certify under penalty of perjury that the Executive Officer of the Contra Costa LAFCO was duly authorized to execute this document on behalf of the Contra Costa LAFCO by a majority vote of the Commission on June 12, 2019.

Date: _____

ATTEST:

Contra Costa LAFCO Clerk

**CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
PENDING PROPOSALS – June 12, 2019**

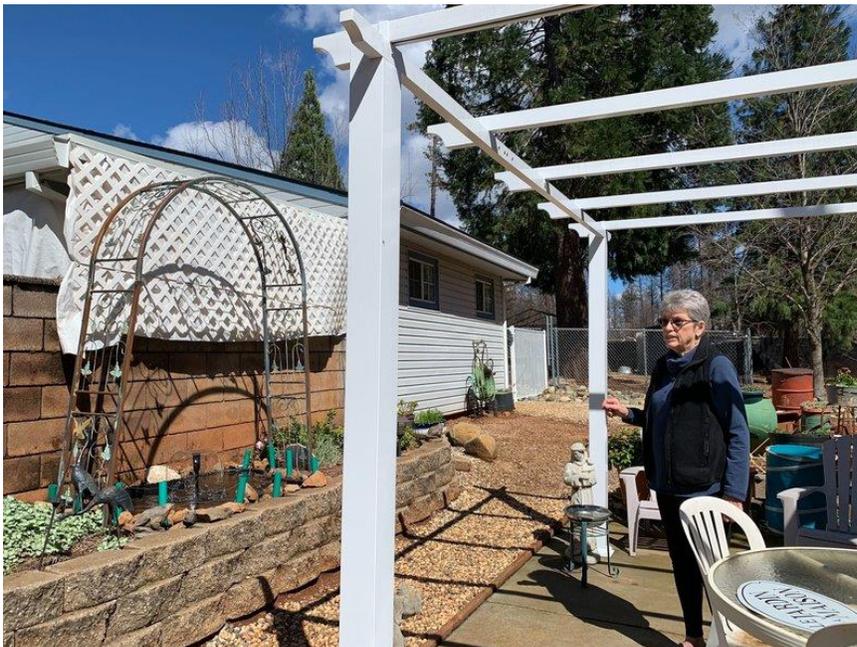
June 12, 2019
Agenda Item 15a

LAFCO APPLICATION	RECEIVED	STATUS
LAFCO No. 10-09 - Town of Discovery Bay Community Services District (DBCSD) sphere of influence (SOI) Amendment (Newport Pointe): proposed SOI expansion of 20± acres bounded by Bixler Road, Newport Drive and Newport Cove	July 2010	Currently incomplete
LAFCO No. 10-10 - DBCSD Annexation (Newport Pointe): proposed annexation of 20± acres to supply water/sewer services to a 67-unit single family residential development	July 2010	Currently incomplete
LAFCO No. 13-04 - Bayo Vista Housing Authority Annexation to Rodeo Sanitary District: proposed annexation of 33± acres located south of San Pablo Avenue at the northeastern edge of the District's boundary	Feb 2013	Continued from 11/12/14 meeting
LAFCO No. 14-05 - Reorganization 186 (Magee Ranch/SummerHill): proposed annexations to Central Contra Costa Sanitary District (CCCSD) and East Bay Municipal Utility District (EBMUD) of 402± acres; 9 parcels total to CCCSD (8 parcels) and EBMUD (7 parcels)	June 2014	Removed from Commission's calendar pending further notice
LAFCO No. 16-07 - Tassajara Parks Project – proposed SOI expansions to CCCSD and EBMUD of 30± acres located east of the City of San Ramon and the Town of Danville	May 2016	Currently incomplete
LAFCO No. 16-06 - Tassajara Parks Project – proposed annexations to CCCSD and EBMUD of 30± acres located east of the City of San Ramon and the Town of Danville	May 2016	Currently incomplete
LAFCO No. 18-03 – 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
LAFCO No. 19-02 – McCauley Annexation to East Contra Costa Irrigation District	March 2019	Under review
LAFCO No. 19-03 – City of Martinez Out of Agency Service (1052 Plaza Drive)	May 2019	Under review

Paradise, Calif., Water Is Contaminated But Residents Are Moving Back Anyway

April 16, 2019 11:36 AM ET
Heard on [All Things Considered](#)

[Kirk Siegler](#)



Pat Zinn's home survived the Camp Fire. She moved back in a few months ago despite warnings that the water supply could be contaminated. She says her goldfish survived the fire and are still thriving in the water coming through the taps.
Kirk Siegler/NPR

Five months after the deadliest and most destructive wildfire in California history, the town of Paradise remains a disaster zone. Only 6 percent of the debris from last November's Camp Fire has been hauled away. Burned out skeletons of cars, piles of toxic rubble and blackened old-growth pine trees can still be seen everywhere.

Before the wildfire, the population of Paradise was about 26,000. Today, it's in the hundreds.

The extent of the latest crisis unfolding in Paradise is yet unknown: The deadly fire may also have contaminated up to 173 miles of pipeline in the town's water system with cancer-causing benzene and other volatile organic compounds, or VOCs. Preliminary results have shown contamination in about a third of the lines tested, though only about 2 percent of the entire system has been sampled.

Still, the water crisis is just the latest setback that has called into question whether the town was ready to reopen.

And some have had no choice but to move back.

"As soon as the house was cleaned, our insurance company told us that we had to come home," says Kyla Awalt.

Awalt's home off Bille Road is the only one still eerily standing in the rubble of what used to be her neighborhood. Her family had planned to move back, eventually. In January, though, they were notified that their "additional living expenses" had run out. But there was no potable water in town then, nor is there today.

They considered selling. But how do you put a home on the market if it doesn't have any water?

"You can't," Awalt says. "That's part of the inspection process."

So they bought a huge water tank, out of pocket, for \$6,500. It's sitting beneath the shade of an old walnut tree along the fence line of her property. On the other side of the fence is the rubble of what used to be her neighbor's home. There are piles of debris and a couple of mangled, burnt lawn mowers waiting to be hauled away.

The Awalts spend \$250 to fill the water tank every few weeks. It's expensive, but it's peace of mind.

"It's kind of up to the homeowner," Awalt says. "It's on them to figure it out."

Before the Camp Fire, Paradise was known as a bedroom community as well as an affordable haven for retirees. Much of the population tended to skew lower income, and the idea that they're now being left to fend for themselves is alarming to experts like Andrew Whelton.

"That's not protecting public health," says Whelton, a civil engineer who built his career advising the U.S. military on how to restore water infrastructure after disasters. "That's not what we're supposed to be doing with a population that has gone under trauma like this; we're supposed to help them."

Whelton, now at Purdue University, has recently been consulting with the town's primary water supplier, the Paradise Irrigation District. The utility is trying to pinpoint the source of the contamination, whether it's from burnt plastic pipes and meters or from the toxic waste from burnt structures that was flushed into the town's water pipes. Much of the town's housing stock was older and didn't have back-flow protection.

"The scale of the recovery effort and the testing that's needed in my experience here will be unprecedented," Whelton says.

It's likely unprecedented, but it's also a warning to other cities in high risk wildfire zones.

The district's manager, Kevin Phillips, says his staff is overwhelmed.

"There is no playbook for a wildfire that destroys a town and you have a depressurization of a system that creates contamination," Phillips says.

There are 10,500 service lines in the district's system, which was built in the 1950s and already had a reputation of being outdated and haphazardly designed. Phillips says the plan is to prioritize testing in neighborhoods where homes are still standing and to shut down and isolate the contaminated places.

The system will take years to fix. The testing alone could take more than two years.

"We feel like we are under the microscope of the nation right now, that we are going to be the reason why the town doesn't rebuild. ... If there's no water, there's no town," Phillips says.

But Phillips says they won't do anything hastily that would jeopardize public health. As more people try to move back, the utility hopes to buy and deliver tanks with potable water — a program will hopefully begin later this month. But no one knows yet who will pay for that.

Whelton worries that means folks living here will continue to be exposed to yet unknown risks.



Paradise Irrigation District manager Kevin Phillips shows a sample of the town's water pipes, which were frequently woven between underground root systems that were likely burned during the fire.
Kirk Siegler/NPR

"In a disaster of this scale, that is one of the takeaways here," he says. "In the absence of any credible authority providing help to a population, they will do what it takes to survive."

For now, there are strict warnings that people moving back in should not drink or even boil the water, let alone use it for any household activity unless it has been tested. Whelton says some

residents are buying water filtration systems that aren't proven to be safe enough to handle the high VOC readings, or they're relying on a single-point-in-time test for contaminants.

Seventy-nine-year-old Pat Zinn, whose home of four decades was spared, got her water tested three months ago. It showed the all clear.

"They did say it could change so I should have it retested, but it's \$100 every time you have it tested, so I guess I'm gambling," Zinn says.

Zinn is drinking the free bottled water, but she's using tap water for most everything else.

"Something's going to get me one of these days anyway," Zinn says. "So I'm not really that concerned about it."

She chuckles as she tries to make light of the latest setback in front of her town's recovery. She's mostly concerned about Paradise's survival, which she says hinges on its water crisis being solved.

"That's the big thing," she says. "If we don't have that taken care of the town is going to die."

The Sacramento Bee

A California town could finally get clean water – if its neighbor is willing to help

[By Cresencio Rodriguez-Delgado](#)

April 22, 2019 04:29 PM, Updated 5 hours 19 minutes ago

The 80 homes that make up Tooleville nestle against the mighty Friant-Kern Canal, thousands of gallons of fresh water flowing each day past the two-street town.

But none of that water can help Tooleville's decades-old problem of contaminated water, chronicled at the start of this decade in a three-part series by The Bee on the San Joaquin Valley water crisis.

Nearby Exeter might, though, giving a rise of newfound hope.

The last year has proven to be the most productive in the town's battle. Members of the [Tooleville Mutual Nonprofit Water Association](#), with help from other organizations, have lobbied the neighboring [city of Exeter](#) for help. Last May, Exeter agreed to undergo a review of its own water system and consider a connection for Tooleville.

After years of unwillingness from city leaders, residents now hope the several parts in motion could soon fix Tooleville's troubles. Exeter City Council meetings are regularly attended by members of the water board along with other interested residents.

And they're getting help. Pedro Hernandez, policy advocate with [Leadership Counsel for Justice and Accountability](#), has intervened on behalf of Tooleville as it negotiates with its neighbor a mile to the west, a slow-moving process that residents are glad is at least a possibility.

Residents in Tooleville say they have felt a sense of relief ever since Leadership Counsel stepped in. They've also been aided by [Self-Help Enterprises](#). Delay after delay, it has been the outside help that has kept things moving forward in the tiring process, residents said.

"It's very hard to live in these conditions," said Yolanda Cuevas, a Tooleville resident and member of the Tooleville Mutual Nonprofit Water Association, the town's community-run water system. "If I had the money to move out, I would do it."

It's been almost one year since Cuevas and her husband Benjamin Cuevas Martinez moved into their home on Spruce Road. If they had known their water wouldn't be clean, they would have chosen to live elsewhere, they said.

The problem

Two recent [Consumer Confidence Reports](#) on Tooleville's water system indicated contaminants were present in the water, as they have been for years. Tooleville's location, an area with a high concentration of pesticides from surrounding citrus groves, doesn't help in combating the issue.

The most recent water assessment conducted by [Tulare County Department of Health Services](#) showed the town's water had nitrate levels above 5 milligrams per liter but under 10, a level that is in compliance with state and federal standards but still concerning to residents.

There were traces of coliform bacteria, a sign of sewage contamination, which has potential to cause diseases; the county report showed Tooleville's water system was out of compliance three months in 2017. The report also found a high volume of hexavalent chromium, an unregulated contaminant that experts believe can cause cancer if consumed over many years.

A bleach odor in the water and rashes that appear after showers are just some of the immediate problems with living with contaminated water, Cuevas said. During laundry, black clothes often lose their color. Rumors swirl that the water causes children's hair to thin. And cooking requires extra steps in order to avoid washing meats and vegetables with the kitchen sink water.

In past years, Tooleville has been close to getting state funds to address its water problem, only to be left in the dust each time due to technicalities beyond local control.

As a temporary remedy, residents get shipments of 5-gallon water jugs twice a month. That's the safe option for drinking and cooking. Cuevas said she even uses it to rinse herself after showering to wash away the contaminants that come through the pipes.

Those concerns have taken a mental toll on residents.

"It's very, very hard," Cuevas said. "Sometimes I get sad because I'm working and I'm not in the house to tell the kids, 'Don't drink that water,' and I'm just scared that they're going to go and wash the fruits with the faucet water and I'm not there to tell them not to do it. It's very stressful."

Last year, [a McClatchy analysis of data](#) from the State Water Resources Control Board found that an estimated 360,000 Californians are served by water systems with unsafe drinking water. The analysis also found that the problem was much broader when considering that 6 million Californians in the state were served by unsafe water at some point since 2012.

Residents in Tooleville have lived with the risks of unsafe water for much longer, and patience is running out. Residents here have one question in mind: Will their neighbor help them?

Two solutions

Two possible ways to fix Tooleville's water problems have emerged from a back-and-forth between Hernandez and Tooleville residents and the city of Exeter in the last year and half.

The first is an option for Exeter to bill Tooleville monthly for water it sells to the small town through a master meter plan. The residents in Tooleville would still manage their own water system under that plan.

The second option is for Exeter's full consolidation of Tooleville's water system. That would mean the Tooleville water board would dissolve and Exeter would manage the town's water.

Exeter City Administrator Adam Ennis said the city wants to help Tooleville, but the council doesn't yet know how it can. A shuffle in city staff over the years has also resulted in stalling. The latest moves, though, show the city is putting aside past concerns.

A private firm has been conducting a water master plan evaluation for several months. It's looking at Exeter's hydraulic infrastructure and analyzing its capacity to aid, in some way, Tooleville's water system.

"We're trying to go through and do a comprehensive look so we really know what we've got," Ennis said. "It's a pretty big deal, so we want to understand what's going to happen." He said new water infrastructure, such as a new water well and pipes, will inevitably be needed under any plan to help nearby Tooleville.

Ennis, like the Tulare Water Division, is expected to review the analysis by the private firm before it goes to the full Exeter City Council for review and possible vote.

Ennis said he's new to the job as city administrator and has had to catch up on the previous work. At a recent council meeting, he stepped outside to speak with concerned Tooleville residents. He told them progress was being made.

Hope in Tooleville

Thinking back to that moment, Cuevas' eyes well up.

"Nothing is going to happen if we don't do something about it," she said. "So we have to do something about it. Not just for us, but for the rest of the people that live here."

Those who make up the town's water board say they have begun to lose confidence in their own water system and no longer see benefit in managing it or charging residents for water they should not be using.

Luckily, the monthly water rate is \$40. The rate is seen as affordable since many residents have low income or are retired, like Olivera.

But there are still challenges in the small community.

The Tulare County Strategic Growth Council in 2017 assessed Tooleville and found the average income is \$29,455, lower than the county's average of \$42,031 and much lower than the state's average of \$61,818.

By those standards, Tooleville falls into the category of one of the state's "severely disadvantaged" communities. It's data like that which has the community members pushing for change.

"We really need something serious," said Maria Olivera, the secretary of the water board. "I am so tired, all this work that we have to do and the dirty water you can't use."

The Californian

San Diego Local Agency Formation Commission to revise planned policy changes on open space and agricultural land preservation

By
[Joe Naiman](#)

April 24, 2019

San Diego County's Local Agency Formation Commission has a policy on preserving open space and agricultural lands, and LAFCO staff had intended for the LAFCO board to send proposed updates to local agencies and other stakeholders for public review at the March 4 LAFCO meeting, but dissatisfaction with portions of the policy led to an alternate course. LAFCO initially planned to provide a revised proposed update at the April 8 board meeting, but the potential changes have now been postponed indefinitely.

"I think LAFCO is trying to assert itself much too far in this case," said LAFCO board public member Andy Vanderlaan. LAFCO is responsible for jurisdictional boundary changes including annexations, city incorporations, consolidations, detachments, and dissolutions.

"I think that this is just an overreach of this agency," said County Supervisor Jim Desmond. "I just see this as an overreach of LAFCO's orderly development clause. We shouldn't be taking on housing issues."

LAFCO initially adopted a policy on preservation of open space and agricultural lands in November 1978 and most recently amended that policy in November 1998.

The policy discourages proposals which would convert prime agricultural or open space lands to other uses unless that denial would not promote the planned orderly, efficient development of an area or unless the jurisdiction has identified all prime agricultural land within its sphere of influence and has adopted measures to preserve prime agricultural lands for agricultural uses. For cities the policy requires pre-zoning of territory to identify areas subject to agricultural preservation and planned development.

The policy also references procedures to define agricultural and open space lands and to determine if a proposal may adversely affect such lands.

The state's Department of Conservation inventories changes in land use within all of the state's 58 counties and publishes reports every two years. The report covering the 2014-16 period

indicated that San Diego County has 212,928 acres of important farmland. The County of San Diego's annual crop reports cite total commercial agriculture land of 268,582 acres in 2014, 251,147 acres in 2015, and 250,720 acres in 2016. The state report claims that San Diego's loss of prime farmland has been three times the statewide rate since 1992.

Six amendments were proposed by LAFCO staff for the update: a new policy statement to coordinate with land use authorities to reduce the current average annual loss by one-half by 2040, eliminating the requirement for cities to pre-zone territory to demonstrate specific land uses (the elimination would be due to redundancy since current LAFCO law requires cities to pre-zone territory or show vested entitlements as a precondition to request boundary changes), identifying housing for all incomes as a factor to determine if a proposal which would otherwise be discouraged would promote orderly growth and therefore be appropriate, address inconsistencies with general plans, a new policy statement to determine when extending municipal services to agricultural lands may be appropriate, and eliminating cross-reference to LAFCO's Procedures Guide in favor of directly adding the applicable procedures as an appendix.

"This is really just checking to make sure we're on the right path," said LAFCO executive officer Keene Simonds.

"The county or the Board of Supervisors is the one who should be calling the shots for housing projects," Desmond said. "To me this is a cause looking for a problem."

East Bay Times

New Bay Area crown: Most expensive place in the world to build

High demand, tight labor and tariffs lead to record prices

By [Louis Hansen](#) | lhansen@bayareanewsgroup.com | Bay Area News Group

PUBLISHED: April 25, 2019 at 6:00 am | UPDATED: **April 25, 2019** at 9:13 am

The Bay Area is the most expensive place in the world to build an apartment building, office tower, hospital, warehouse or school.

And it's not even close — the region is 13 percent more costly to develop than second-place New York, according to a new report by UK-based consultant Turner & Townsend.

“Another dubious award for the Bay Area,” said Russell Hancock, CEO of the non-partisan, regional think-tank Joint Venture Silicon Valley.

The report blamed high costs on a combustible mixture of high demand, labor shortages, steel tariffs and rapid economic growth.

Even as the expanding Bay Area economy demands more homes, offices, roads and transit projects, rising costs could threaten development, forcing project delays or changes in size and scope.

The region eclipsed New York for the first time last year, and also outstripped London, Zurich and Hong Kong for the top spot. The average construction cost per square foot in the Bay Area is now \$417, besting New York's average of \$368 per square foot.

Costs for commercial development, including apartments, grew 5 percent in the Bay Area last year, tied with Seattle for the fastest-rising market in North America, according to Turner & Townsend. And it could get worse — the real estate consultant firm expects Bay Area prices to grow 6 percent more this year.

John Robbins, North American managing director at Turner & Townsend, said Bay Area developers have been forced to bring in [labor from outside the region](#) to handle the demand, and also raise prices as tariffs drive up the cost of steel, aluminum and other materials.

“It's good old supply and demand,” Robbins said. “Contractors are stretched.”

The labor needs have pushed wages up for Bay Area construction workers, whose earnings now only trail workers in New York and Zurich. The region is also one of many in the world facing a shortage of skilled labor, according to the report.

Bay Area prices have also been pushed higher by tech giants desire to create more inventive and complex buildings, Robbins said. Facebook last year unveiled its sprawling new campus in Menlo Park designed by renowned architect Frank Gehry. The social media company [spent an estimated \\$1 billion](#) on recent construction in Menlo Park, according to city permits. Two years ago, Apple opened its vast, spaceship headquarters in Cupertino, [estimated to cost \\$5 billion](#).

Google also has ambitious plans in Mountain View and San Jose. “These are not just square boxes anymore,” Robbins said. “They’re going to make some beautiful spaces.”

Although the study focused on commercial construction, Robbins said the labor and materials crunch is felt acutely in the residential home building market as well. He added that major tech companies definitely recognize and want to help address the region’s shortage of affordable housing and reliable transit.

It’s another hurdle for Bay Area policymakers to leap — rising construction costs have made it unprofitable for developers to bring homes for low- and middle-income residents to market.

Josh Roden, president of Brookfield Residential in the Bay Area, said the region’s labor shortage started about a decade ago during the last recession, when construction workers found other jobs and moved to cheaper areas.

During the recent economic boom, residential developers have had to compete for skilled workers with major commercial and municipal projects, driving up prices. “It becomes a feeding frenzy,” Roden said. “Some projects don’t get started.”

According to a study by Joint Venture Silicon Valley, the region is running a housing deficit of more than 100,000 units. More than 80 percent of the new homes permitted in the last four years were priced at the top of the market, affordable only to residents in the top-quarter of all earners.

Hancock said Bay Area developers plan for a long, costly public process to build a project, often complicated by legal and regulatory challenges. Cash-rich companies and individuals are also willing to pay a premium to get projects done, inflating prices. “We have a marketplace for affluence,” he said.

High construction prices means higher costs for building new apartments, often driving up rents in new projects. Government subsidies could help add more affordable housing, Hancock said, but “at the moment, that’s not a conversation we’re having.”

East Bay Times

Richmond picks So-Cal developer for Point Molate development



The main building and former Naval officer's homes, foreground, are seen from this drone view at Winehaven in Richmond, Calif., on Monday, Aug. 14, 2018. Winehaven was the world's largest winery from 1907-1919, and then became a fuel depot for the U.S. Navy. The city will be selling the Point Molate property to SunCal to develop at least 670 units of housing. (Jane Tyska/Bay Area News Group)

By [Ali Tadayon](#) | atadayon@bayareanewsgroup.com | Bay Area News Group

PUBLISHED: April 24, 2019 at 8:59 am | UPDATED: **April 25, 2019** at 5:20 am

RICHMOND — After narrowing down the list of developers who bid on Richmond's plan to build at least 670 housing units on a 270-acre site in Point Molate with views of San Francisco Bay, city officials have sided with SunCal, the Southern California developer building the Oak Knoll complex in Oakland and the Beachwalk on the Mandalay Coast in Oxnard in Southern California.

Richmond's City Council, on Tuesday, opted to enter into an exclusive agreement with Winehaven LLC — a subsidiary of SunCal — to sell it the Point Molate site for \$45 million, and negotiate the development's specifics over the next six months. All of the council members voted in favor of the agreement except for Eduardo Martinez, who has voiced concern over having a housing development at the site, and Melvin Willis, who was absent.

Under a lawsuit settlement between Richmond, the Indian tribe Guidiville Rancheria of California and Upstream Point Molate, the city must approve a plan by April 2020 to develop a community of at least 670 housing units on 30 percent of the property and keep the rest as open

space. Otherwise, the city must sell the 270 acres to Guidiville Rancheria and Upstream Point Molate for \$300.

The city would split the profits from the land sale with the Guidiville and Upstream, who sued the city after the council denied their plan to build a casino there.

Councilman Jael Myrick said siding with SunCal allows the city more flexibility on what the development will look like. While other developers who bid on the project submitted specific proposals, SunCal representatives at a February council meeting said they want to have a partnership with the city and build what the city's residents ask for.

The lawsuit agreement calls for a minimum of 670 units, and SunCal is planning to build as many as 1,200.

Richmond and SunCal will hash out details of the development over the next six months, including the incorporation of commercial retail and office space, a "community lawn and kayaking center" as well as a long-term plan for the pier, a shoreline park, open space areas and trails, and the preservation and adaptive reuse of the Winehaven Historic District buildings. SunCal, under the agreement, will also look into the feasibility of a hotel at Point Molate.

The agreement calls for a minimum of 67 affordable units at the site, or for the developer to pay required in lieu fees.

After six months, the city and the developer will enter an agreement as to how the land will be used, and the developer will pay Richmond \$45 million for the property.

"The (disposition and development agreement) is really where the action is at, that's the defining document," Myrick said.

Public speakers expressed both concern and support for the negotiating agreement at Tuesday's meeting. Several labor union members said they were happy that the agreement specified that the developer must commit to enter into an agreement with local unions before the work is contracted out.

Richmond resident Tarnel Abbott said the agreement is a "bad deal." She sees it as a giveaway of a prized asset.

"Point Molate is worth more than \$45 million. That's a ludicrous, low-ball amount of money to ask for this beautiful jewel; it's crazy. Why are you letting SunCal make the profit at the expense of Richmond's general fund? This is an equity issue that affects everybody in Richmond," Abbott said.

Other developers who bid on the project included Orton Development, which pitched building somewhere between 670 and 2,200 apartments, mostly in the Winehaven District, in addition to a public waterfront. Point Molate Partners — a joint venture of Cal-Coast Companies and Mar Ventures — laid out a similar housing scenario, but also planned a 150-room hotel and

converting the Winehaven building into a “food hall and brewery similar to Emeryville’s Public Market or the Ferry Building in San Francisco.”

Samuelson Schafer proposed a development with 2,000 residential units, a mixture of apartments, condos, townhouses and houses as well as a retirement community, a public beach and a retail district.

Late last year, the City Council approved a set of requirements for the proposals that limited the area for housing to the historic Winehaven District and some surrounding areas, as well as calling on developers to aim to make two-thirds of the units affordable and cover all associated infrastructure costs. Those requirements were scrapped after developers said they were too stringent and threatened to back out.

A group of people have been critical of the settlement with the casino developers and the plans to build a large-scale housing development at Point Molate. They have voiced concern over the development’s safety, environmental effects and impact on the rest of the city’s housing prices.

Martinez News-Gazette

Planning Commission moves forward Dunivan annexation request, shooting range zones

[Donna Beth Weilenman](#) | [April 28, 2019](#) | [0 Comments](#)



604 Ferry Street in downtown Martinez.

Martinez Planning Commission met Tuesday and unanimously approved an annexation request for 10 acres owned by the Dunivan Family Trust and also unanimously approved a conditional permitted use for an indoor shooting ranges in the Central Commercial zoning district.

The annexation request is for a narrow parcel at 1030 Vaca Creek Road that is bounded on three sides by the city limits, although it's currently in unincorporated Contra Costa County.

The county has zoned it as Agricultural Lands, and it likely would have Alhambra Valley Agricultural District zoning if it's admitted into Martinez, according to a staff report.

The land has a single home and road access, the report said. In addition, receives city water service.

Before the property could be annexed, the Contra Costa Transit Authority must approve the Urban Limit Line adjustment, although the Authority has said the change would comply with its Growth Management Program.

Once the Planning Commission decides whether to recommend the annexation, the City Council will decide whether to approve the Annexation General Plan Amendment, pre-zoning and Urban Limit Line amendment after the public gets a chance to comment during an open hearing.

If that happens, city staff will work with county officials on a tax exchange agreement, then file an annexation application with the Local Agency Formation Commission (LAFCo) which will conduct its own public hearing prior to rendering a decision.

Should the application clear those hurdles, Martinez staff will make the changes to city map.

The other main agenda item was Off Trail/Brandon Varise Flexsquare LLC's request to put a shooting gallery in an enclosed building at 604 Ferry St., creating an experiential sporting goods store, providing an all-weather place to practice and become proficient with firearms.

To accommodate this request, the city would need to consider a zoning text amendment (ZTA) to add the definition for "shooting gallery within an enclosed building" and to allow those ranges as a permitted use in any Central Commercial (CC) District in the city.

Brandon Varise can a short presentation to the Commission and explained his idea for a retail sporting good store for downtown Martinez. Varise owns several properties in downtown Martinez, including 718 and 724 Main Street.

"An indoor range within a large flagship retail store will immediately contribute to the revitalization of downtown Martinez," Varise explained to the Planning Commission. "With an extensive in-store product catalog spanning several categories, including fishing, boating, camping, clothing/footwear, and hunting, it will draw customers from all over the Bay Area to downtown Martinez.

"It will also benefit other downtown businesses by attracting a significant cross-section of the shopping public to the city center. Shopping districts with anchor stores have consistently outperformed those areas without them, and have been proven to attract other retailers to the area. Brick and Mortar retail has been on the decline in the US for several years. Amazon has made it easy to shop without ever leaving the house.

"We believe that by offering an experience that customers are not able to get anywhere else, it will bring customers from surrounding cities to downtown Martinez."

Varise commented the store would employ 20-25 people and hours of operation would be 7 days a week from 10 a.m – 9 p.m., although he was willing to close at an earlier time.

Currently, there are two CC zones in Martinez, one along Arnold Drive and the other in the downtown business area.

According to a staff report, the city allows shooting galleries within an enclosed building by right in Commercial Recreation areas, and outdoor shooting galleries are conditionally-permitted uses in the same zone.

While shooting galleries aren't common in central Contra Costa County, the Martinez Gun Club is an outdoor club on 900 Waterbird Way and another outdoor club, United Sportsman Inc, is in Concord.

There isn't an enclosed shooting gallery nearby, the report said.

Martinez Police Department said it had no objection to the shooting gallery, nor did a building official. However, an application to have an enclosed shooting gallery as a conditional use in the Service Commercial District was denied in 1999, the report said, because of concerns raised about noise and proximity to residential areas.

The report noted several considerations. Among them is general safety, although the Building Code has specifications that apply that would require barriers to make sure bullets wouldn't escape the enclosed space and requirements for the business operation to assure safety of those inside the building.

The operator would need to require that all patrons have licenses for their guns, and noise canceling headphones would be needed by those in the building.

Varise told the panel that "noise concerns related to an indoor range would be mitigated by the implementation of concrete with noise absorbing baffles as well as Dura-Panel products, and would result in an internal building noise level equivalent to 60 db or less which is the average volume inside of an office. The average street noise in a residential neighborhood is 70+ db. There will not be a noise disturbance to pedestrians or other businesses in the area."

Because firing weapons indoors can reduce air quality, a study would be needed to assure the building's ventilation system would be adequate before any permit would be issued, the report said.

Still the indoor shooting gallery would be "within the parameters of acceptable uses of the CC district, the report said.

Varise commented that he had spoken to nearby business owners. Noise was the main concern expressed to him. "People are supportive, no one has come out against it," Varise said. "(The Martinez downtown area) needs a stronger retail presence."

Commission chairperson Sigrid Fallentine noted that "all we are doing is changing the zoning, a lot more has to be done before this comes back to us again. Noise and air, all those concerns will be addressed."

Published May 1st, 2019

MOFD ramps up fire prevention efforts to allay rough fire season ahead

By Nick Marnell



District aide Patrick Carrillo with the new MOFD wood chipper Photo MOFD

The Moraga-Orinda Fire District solidified its commitment to increased fire prevention by upping Emergency Preparedness Coordinator Dennis Rein's position to full time and adding equipment, programs and personnel to fend off a potentially devastating fire season. The district commitment is in addition to the \$6 million state grant for creation of a shaded fuel break in north Orinda and along the Lafayette Ridge.

Rein, who retired as fire chief of the East Bay Regional Park District in 2006, has been with MOFD since 2011 on a part-time basis refining emergency operations plans and preparing emergency operations drills, plus working with local groups like the Lamorinda Community Emergency Response Team. He will work his increased hours through December organizing and supporting district fire operations, including the North Orinda Fuel Break program.

"The extra hours are going to allow us to go to the next level," Rein said. "We are getting much more involved with the community right now."

The district will continue its pilot Fuels Mitigation Program, which includes a manager and four part-time personnel whose job is to reduce hazardous fuels in the community. In addition to outreach and education, a major component of the FMP is a community wood chipping program under which MOFD will chip vegetation that has been cut and stacked on the roadway.

Only vegetation can go through the chipper, trees must be less than 6 feet in diameter and the chipped vegetation will not be hauled away but repurposed on the property. The program is intended for neighborhoods, not individuals, and complete program details can be found on the MOFD website.

The board approved the purchase of two utility pickup trucks, one of which will be used in the chipping program and the other for out-of-county deployments by personnel who travel to wildland mutual aid incidents. Fire Chief Dave Winnacker said that through these deployments, district personnel gain invaluable experience on large-scale wildland incidents that is transferable to the local area.

MOFD further beefed up its apparatus fleet with the board-approved purchase of a new Type 6 fire engine, a small vehicle used to transport firefighters to the scene of hard-to-reach wildland fires, like those that could occur in district high fire hazard severity zones.

A major component of any fire prevention plan is the cooperation of district residents. Rein said that everyone needs to comply with the fire code and maintain a defensible space on their property, and observe the district June 15 weed abatement deadline. "We're all in this together and we're all part of the solution," Rein said. "We need the residents to do their part to prepare for a very rough fire season ahead."

MOFD open house May 4 offers exhibits on wildfire preparedness

The Moraga-Orinda Fire District hosts an open house May 4 at Fire Station 45 in Orinda, with the theme of community wildfire preparedness weaving through the exhibits, events and presentations. "It's going to be the most informative open house in years," Fire Marshal Kathy Leonard said. "We have received an enormous response from our sponsors. In all the time I've been here, I have not seen the level of interest and concern that I have seen this year."

Based on property owners' reactions at recent MOFD meetings, wildfire prevention is certainly top-of-mind for district residents, and staff from the Diablo Firesafe Council will explain how mini-grants are available for defending the home against wildfires. Representatives from Firewise USA will explain how neighborhoods can become Firewise communities - empowering neighbors to take action to prevent devastating wildfires. "The Firewise model gives neighborhoods an example of what they can do to protect themselves," Leonard said.

Hands-only CPR training and fire safety training will be offered by district personnel, and there will be fun events for families, too, including hanging out with the firefighters and checking out the fire apparatus. Plenty of entertainment is planned for the kids as well, with appearances by Smokey Bear and Sparky the Fire Dog. The firefighters will cook "firehouse hot dogs" for purchase, with proceeds going to the Muscular Dystrophy Association of the Greater Bay Area.

But make no mistake: community involvement for wildfire prevention is the driving force of this open house. "The recent tragedies show us that we must work collaboratively," Leonard said. "We don't want to see another Napa."

The open house runs from 10 a.m. until 1 p.m. May 4 at Fire Station 45, 33 Orinda Way in Orinda Village.

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Published May 1st, 2019

Governor discusses urgent need for fuel reduction this wildfire season

By Nick Marnell



Gov. Newsom outlines North Orinda Fuel Break program. Photo Steven Danziger

Gov. Gavin Newsom traveled to the Moraga-Orinda Fire District April 23 to outline his major statewide fire prevention plan, encompassing 35 projects he approved for areas in California most vulnerable to a devastating wildfire.

When Newsom took office in January, he asked the California Department of Forestry and Fire Protection for a list of state areas in urgent need of fuel reductions and other preventive measures to ward off wildfires. Cal Fire submitted a list of 35 statewide projects, including the North Orinda Fuel Break, a 14-mile shaded fuel break from near the top of Eagle's Nest Trail, down Wildcat Canyon Road to Bear Creek Road and along Lafayette Ridge to Pleasant Hill Road.

"This is one of the larger projects of the 35," Newsom said, speaking at a press conference in Tilden Park, about one mile from the site of the 1991 Oakland Hills fire and adjacent to the western terminus of the North Orinda Fuel Break project, and within MOFD jurisdiction. The 1,700-acre north Orinda project, No. 9 on the Cal Fire list, affects more than 500,000 people in 30 East Bay communities. "You are as vulnerable as Butte County," said Newsom, referring to the 2018 Camp Fire, which killed 85 and destroyed more than 13,000 homes.

The governor said that the 1991 Oakland Hills fire was seared into everyone's memory, and it has presented new standards and expectations. "We've been scattershot, but not as deliberate as we are today," Newsom said. "I signed a declaration of emergency in advance of an emergency."

Newsom acknowledged that transferring the money to the jurisdictions that are spearheading the projects has been a complex process. MOFD, which will partner with various public agencies to complete the north Orinda project, had not received a contract with grant terms from Cal Fire by the date of the press conference. But Cal Fire Director Thom Porter said that the agency is committed to having state workers and contractors on the job in north Orinda in early May. "We'll also see some National Guard that we've pulled off the border to do some real work," Newsom said, a dig at President Donald Trump.

Porter also said that the MOFD North Orinda Fuel Break grant has been increased to \$6 million. Once the contracts between Cal Fire and MOFD have been finalized, the grant will go to the fire district board for acceptance.

Newsom echoed what MOFD officials have been stressing now more than ever. "We can't do it alone," the governor said. "We need folks to work on defensible space. Nothing is more important than localism."

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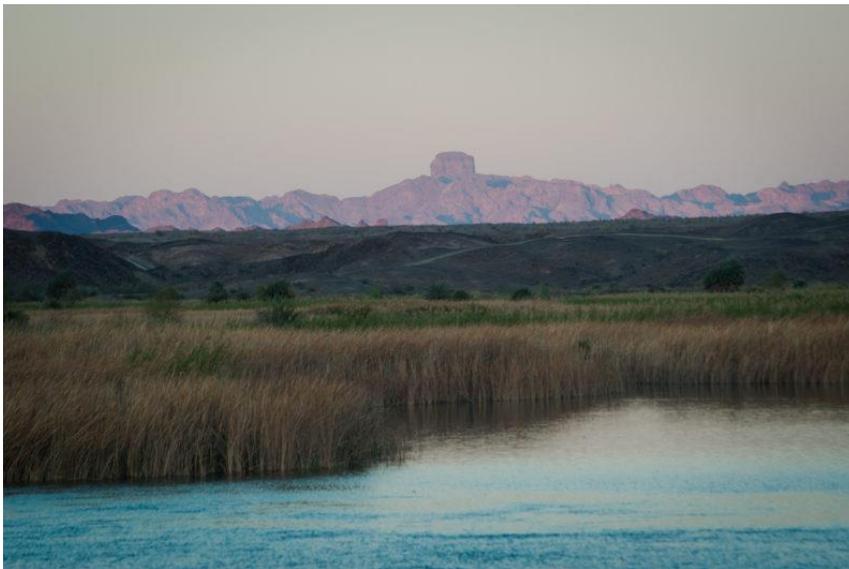
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Voice of San Diego

A Little-Known Company Is Quietly Making Massive Water Deals

In the past several years, Los Angeles-based Renewable Resources Group has helped sell 33,000 acres of land to California's most powerful water agency, the Metropolitan Water District of Southern California. Documents obtained by VOSD raise fresh questions about those deals. Now, Renewable may be working on another deal that could rearrange the distribution of water in California forever.



The Imperial Valley has more rights to water from the Colorado River than entire states. Here, at the Imperial Dam, it's sent to the valley. Now, investors may want to make money by sending the water elsewhere. / Photo by Andrew Cullen

In 2011, Harvard University and a small private company began buying up rights to the West's most important water source: the Colorado River.

Within a year, they owned nearly 13,000 acres near the small Riverside County farming community of Blythe.

Farmers in Blythe and the surrounding Palo Verde Valley are supposed to keep getting water even after nearly everyone else in the Southwestern United States runs dry. That's thanks to [a complex and bizarre system of water rights](#) that California, six other states and Mexico use to share the Colorado.

Harvard's partner in the deal was Los Angeles-based Renewable Resources Group, a quiet but increasingly important developer of water, energy and farming projects. Renewable has found ways to speculate on and make lots of money from land deals that involve water.

In the past several years, Renewable has helped sell 33,000 acres of land to California's most powerful water agency, the Metropolitan Water District of Southern California.

In 2015, Metropolitan bought the land around Blythe and the water that comes with it for \$255 million. Tax filings suggest that was twice what Harvard and Renewable had paid for the land just a few years earlier.

Within months, Renewable was wrapping up another deal with Metropolitan. This time the company was working on behalf of a Swiss insurance company.

By spring 2016, Metropolitan had agreed to pay \$175 million for 20,000 acres of farmland south of Sacramento. Again, Metropolitan paid a premium for the land – and again, Renewable was reaping the rewards. A 5-year-old appraisal showed the land was worth about half what Metropolitan paid.

Both deals set off alarm bells across the state, largely because of Metropolitan's involvement. Fear and hate of the Los Angeles-based water district runs deep in state water politics.

Metropolitan, which delivers water used by 19 million Southern Californians, defends both recent deals as necessary to help secure water supplies for the state's most populous areas.

But tax filings, a previously confidential real estate appraisal and memos from closed-door Metropolitan board meetings raise fresh questions about both deals. They suggest Metropolitan may have overpaid by millions of dollars and, in turn, unnecessarily increased the cost of water for customers across the region, including in San Diego.

Renewable's role in both deals also largely escaped notice.

Now, Renewable may be working on another deal that could rearrange the distribution of water in California forever.

Operating under two different names, the company now controls thousands of acres of land in another place with special ties to the Colorado: the Imperial Valley.

Remarkably, farmers there can use more of the Colorado than anyone else. All told, the Imperial Valley, with less than 200,000 people, has rights to as much Colorado River water as Arizona and Nevada combined.

With very little fanfare, Renewable is now one of the largest private landowners in the Imperial Valley. For now, the company says it wants the land for farming, but its recent history suggests it eventually hopes to make money from the valley's water rights.

Cole and Ari

Cole Frates met Ari Swiller [playing basketball](#) in Los Angeles around 1999. Both men were just barely 30-somethings but with impressive resumes.

Swiller had worked on both of Bill Clinton's presidential campaigns and on Capitol Hill. At that time, Swiller was out West handling politics and fundraising for billionaire investor Ron Burkle, [a Clinton associate](#).

Frates was a developer in the obscure but lucrative international water industry.

In 1999, [Enron bought](#) Frates' company, [Samda](#), which did water projects in the United States, Argentina, Cyprus and Saudi Arabia. After about a month, [he transferred](#) to Enron's water-related spinoff, Azurix.

Frates spent about a year and a half there before he left.

Within a few years, Frates and Swiller decided to go into business together. They called their new company Renewable Resources Group.

Frates and Swiller declined to be interviewed for this story. Their personal history is based on depositions the men later gave in a lawsuit and brief resumes they submitted while working with public agencies.

They've worked together under many names across California. ReNuable, ReNu, Homer LLC and Western Development and Storage are just a few.

Even for those who do business with them, their various company names can be confusing. Dan Bartel is the assistant general manager of a Bakersfield water agency that signed a deal with Homer.

"Homer aka Renu aka ????" he wrote in an email to Voice of San Diego when asked about his agency's relationship with Renewable.

In 2011, Frates' name began appearing on deeds to buy land in Riverside's Palo Verde Valley.

On paper, Frates was working with a company known as Verbena. The company was buying land from the investment arm of the Church of Jesus Christ of Latter-day Saints, which is a major landowner across the West.

Few people realized Verbena had a big-name silent partner. Harvard's investment arm was the majority owner of Verbena, [according to nonprofit tax filings the university made](#).

Between 2011 and 2012, Verbena became one of the largest landowners in the Palo Verde Valley.

While farming there is profitable, the company had its eye on another prize: the water.

Frates and Swiller began shopping around an audacious plan.

The Plan

Water had been leaving the Palo Verde Valley since 2005, after the Palo Verde Irrigation District and Metropolitan came up with a way to idle farmland in the valley. The practice, known as fallowing, is controversial. Farmers get paid to stop irrigating their fields. Then unused water is sent somewhere else that needs it, Southern California cities in this case.

The program depended on cooperation from farmers. For the most part, that wasn't a problem – [Metropolitan paid them millions](#). But Metropolitan knew there was a more dependable, easier and cheaper way to get the water: [Just buy the land](#).

It knew this because in 2001 it paid \$41 million to buy 16,000 acres of Palo Verde land from San Diego Gas & Electric. Metropolitan then leased the land to farmers, with one big catch: They *had* to fallow their fields whenever Metropolitan asked, since they were now on its land.

Since Metropolitan generally has rights to whatever Colorado River water Palo Verde doesn't use, a bucket of water unused in Palo Verde is a bucket of water that can be used by Metropolitan.

Metropolitan had even tried to buy the land that Renewable eventually bought from the Mormon church.

Renewable entered the mix with a wildly different idea. With nearly 13,000 acres in hand, Frates and Swiller began trying to create their own sort of fallowing program. That's [according to a confidential memo](#) that Metropolitan staff later prepared, obtained by Voice of San Diego through a public records request.

Renewable tried several times to transfer water from its land near Blythe to the Central Valley, a giant swath of farmland over 300 miles away.

To be clear, the Central Valley doesn't touch the Colorado River – at all – but farmers everywhere need water. The Central Valley's two main water sources are rivers running down from the Sierra Nevada mountains and water pumped up from underground aquifers. Thanks to droughts, stricter environmental regulations and the farmers' own overzealous pumping, both sources are now less reliable and more expensive.

Renewable saw a business opportunity. What if these farmers could buy water from the Colorado?

According to Metropolitan, Renewable offered to sell Palo Verde water to several water agencies in the Central Valley, including the Fresno-based Westlands Water District.

If Metropolitan is the state's most powerful water agency, Westlands is a close runner-up. Westlands is probably the only Central Valley agency with a realistic chance of pulling off such a spectacularly complicated deal.

Renewable would fallow its Palo Verde land. That's where the problems began. Normally, according to the Colorado River rights system, that water would then automatically become Metropolitan's for free.

Renewable still wanted Metropolitan to take the water, but with a twist. Metropolitan would agree to give up water it gets from the Sierra and allow that water to stay in the Central Valley.

Metropolitan had to agree to all of this, since it's the only major water agency with physical and legal access to water from both the Colorado River and the Sierra.

At first this may sound like robbing Peter to pay Paul, but Central Valley farmers would suddenly have more water than they had before, while Metropolitan wouldn't have any less. What would be in it for Renewable and Harvard? Since Colorado River water is cheaper than Sierra water, Renewable could sell the water in the Central Valley at a markup.

Renewable looked at the West's arcane system of water rights, and saw a chance to make money from its absurdity.

But there was a problem with the plan.

Metropolitan said no.

Plan B

After Metropolitan passed on Renewable's water trading idea, Renewable and Harvard offered to sell off all the Palo Verde land.

Riverside County property tax records indicate Renewable and Harvard likely paid the Mormon church between \$10,000 and \$11,000 an acre for most of the land. The Mormon church's investment arm, Harvard and Renewable declined to comment on the terms of the deal.

Four years later, Metropolitan bought the land for \$20,000 an acre.

Metropolitan justified the purchase, which was unanimously approved by its board, by citing other people's interest in some sort of Palo Verde deal, including from Westlands and also [Saudi interest](#) in buying land that comes with water rights.

Metropolitan also figured that paying farmers to fallow land would end up costing [\\$15,000 to \\$21,000 an acre](#) over the next few decades. If Harvard and Renewable hadn't sold the land, they could have still collected payments from Metropolitan for fallowing the land. So Metropolitan bet that even by paying a premium for the land at the time, it would save money in the future.

"We expect to probably be in Palo Verde Valley for generations to come," said Metropolitan's general manager, Jeffrey Kightlinger.

Soon after the Palo Verde deal closed, Renewable and Metropolitan were back negotiating over another major chunk of important California real estate.

The Delta Islands



Corn fields on Bacon Island, one of the inland islands the Metropolitan Water District bought for \$175 million. / Photo by Robert Durell, courtesy of the Metropolitan Water District

In January 2011, tragedy struck a Renewable site. An experienced crop duster pilot, Steve Allen, was flying over Webb Tract, one of the strange inland islands formed amid the convergence of rivers in the Sacramento-San Joaquin River Delta.

Since the mid-1980s, investors have wanted to take Webb Tract and another nearby island known as Bacon Island and turn them into reservoirs. Basically that involves flooding the islands and using them to store water.

This idea kept running into obstacles.

In 2007, the islands' owners, an American subsidiary of Switzerland-based Zurich Insurance Group, [turned to Frates for help](#).

Zurich hired Renewable-affiliated Western Development and Storage to look at new ways to make money from the land. Their agreement made clear the more money Zurich made on any deal, [the more Renewable would make](#).

One idea was to turn the land into a wind farm. So, they hired another company to put up a 197-foot tower to measure wind currents.

The tower didn't have any warning signs on it, [making it nearly invisible for pilots](#). The tower broke the wing off Allen's plane.

It crashed, and he died.

The tragedy led to changes in state law. Now [such towers must be marked](#).

The crash also prompted [a lawsuit against Renewable and others by Allen's family](#). They eventually settled for \$6.7 million.

In the course of the lawsuit, Renewable turned over documents and made comments that shed light on the company's inner workings and, more specifically, on how much it thought the land in the delta was worth.

One such document has been long sought by critics of Metropolitan's deal in the delta: [an appraisal of the land](#).

Zurich asked real estate experts at San Diego-based Cushman & Wakefield to appraise the delta land, some 20,000 acres in all.

In December 2010, Cushman & Wakefield said the land was worth \$93 million.

If the reservoir project ever happened, it could be worth \$750 million, according to the appraisal. That number was hard to believe, even to people who stood to make money from the project.

In 2014, Roger Dreyer, a Sacramento lawyer who represented the Allen family, deposed [Swiller, Frates](#) and his sister, [Lloys Frates](#), who also worked at the company.

Dreyer asked Swiller whether the land could really ever be worth \$750 million.

"It's higher than what I think, but I wouldn't tell Delta Wetlands that," Swiller said, referring to Zurich's subsidiary, Delta Wetlands Properties.

Zurich also had an attorney in the room.

“OK,” Dreyer said. “Well, I think you just did.”

“Sorry,” Swiller said.

Nevertheless, Renewable tried to sell the project to Metropolitan for hundreds of millions of dollars, Kightlinger said. Metropolitan never had much interest in the island-flooding idea, though.

Renewable also explored other ways to make money off the land for Zurich.

With [the help of Doug Boxer](#) – former Sen. Barbara Boxer’s son – they looked at whether they could capture carbon dioxide on the islands.

They, of course, looked at wind energy, but decided to stop work on that after Allen’s death.

“The enormous tragedy had a chilling effect on both the morale inside of my shop, and I’m sure – and just the whole thing around it was a terrible thing,” [Frates told Dreyer](#) in the deposition. “And so I – it was – I mean, it’s just something that I don’t think anybody wanted to do anymore.”

But, it turns out, Gov. Jerry Brown’s plan to build a pair of tunnels to move water from Northern California to Southern California ran through part of two islands Zurich owned.

Metropolitan was doing everything it could to make sure those tunnels were built.

Now, Metropolitan was interested in Zurich’s land.

When Metropolitan paid \$175 million to buy four delta islands and part of a fifth island in spring 2016, Central Californians freaked out. People living in and around the delta said Metropolitan was working on a “water grab.” The Sacramento Bee said the agency had just “[parachuted into enemy territory](#).”

Metropolitan also caught flak from its southern flank.

Officials at the San Diego County Water Authority asked to see an appraisal of the land in 2016. For years, San Diego water officials have been fighting with Metropolitan and accusing it of wantonly spending money. Metropolitan said it didn’t have one.

About a year later, Kightlinger said publicly he’d seen a 4-year-old appraisal of the land. When San Diego officials filed a public records request to get a copy of that document, [Metropolitan again said it didn’t have one](#).

When Voice of San Diego sent Metropolitan the appraisal that Renewable turned over in the plane crash case, Kightlinger said he wasn’t sure if that was the one he’d seen.

Still, he defended the deal. Metropolitan had [examined the sales price of other delta land](#), though it’s not clear if that land was truly comparable to the islands.

It’s also apparently rare for large chunks of land in the delta to become available.

“There was nothing quite like it in the delta,” Kightlinger said.

Plus, he said, buying the land spared the state what could have been a lengthy dispute with Zurich when the state or Metropolitan went to build the tunnels.

But now the tunnel project is on hold. Despite a big push by Metropolitan and Brown last year, Gov. Gavin Newsom is reconfiguring the project, a delay that could last who knows how long.

Metropolitan recently agreed to sell part of one of the islands to the state. Between the money it borrowed to buy the land and the property taxes it now pays, Metropolitan is losing about \$7 million a year.

On to Imperial

Over the past several years, two companies – Alphabet Farms and Imperial Farming – have been buying up farmland in the Imperial Valley.

Renewable controls both.

Collectively, the companies own about 16,000 acres of land in the valley, according to Imperial County property records.

Alphabet Farms alone is [the second-largest property taxpayer in the county](#). As of June 2018, the company owned land with an assessed value of about \$180 million. (The name Alphabet Farms comes from Renewable’s way of naming the various ranches it owns – Ranch A, Ranch B, Ranch C and so on.)

The Imperial Valley covers a half-million acres of Imperial County and has a right to 2.6 million acre feet of Colorado River water. That’s enough water for nearly 8 million Southern California homes.

Speculators have been going after Imperial’s water for years. If enough farmers followed their land, there’d be a lot of water that could be sold elsewhere in the state.

In the 1990s, billionaire investors known as the Bass Brothers [bought up 40,000 acres in the valley](#). They apparently thought they could fallow land and sell the unused water to the San Diego County Water Authority.

Except water rights in Imperial don’t work quite like they do in Palo Verde and some other irrigation districts in the West. The Imperial Irrigation District holds the valley’s rights in trust, meaning the water can’t be moved anywhere outside of the district without its approval. That makes it the most powerful political player in the county.

That doesn’t mean arm-twisting can’t work, though. After the Bass Brothers sparked San Diego’s interest, [water officials here worked for years](#) to strike a deal to get water out of Imperial. [San Diego eventually agreed to pay the Imperial Irrigation District](#). For years, IID has taken that money and paid its farmers to use less water, which frees up water now used in San Diego.

Renewable’s intentions are far from clear.

“In the Imperial Valley farming community, it’s no secret that we are Alphabet Farms and Imperial Farming,” Renewable spokesman Tom Eisenhauer said in an email. “Working with a number of local growers, we’ve produced crops spanning the range of what Imperial Valley agriculture offers, from alfalfa and Bermuda, to lettuce and onions, to lemons and dates.”

It's true that Renewable is farming in Imperial and elsewhere in the state. It owns both Sun World, a major grape grower, and Woodspur Farms, the country's largest grower of organic dates.

Yet Frates and Swiller's history of water-related deals suggest they may be trying to do something with the land beyond using it for farming. Renewable's chief operating officer, Nicole Neeman Brady, is now a member of the [Colorado River Board of California](#), an eight-member board that represents the state in discussions and negotiations about management of the river. Eisenhower said she does that in her personal capacity.

Almost everyone in the West is betting that when push comes to shove, the key to making sure cities have enough water is to pay farmers to fallow their land or farm with less water. There is also money to be made selling water from one farm to another.

A snowy winter recently spared the Colorado River and the millions of people who depend on it a first-ever water shortage. But climate change is going to make the already overused river increasingly undependable. So, farmers and other companies with water rights could soon be making a lot of money.

That's what Kightlinger assumes Renewable is up to in Imperial, some sort of deal like the one it tried to pull off in the Central Valley with Palo Verde water.

"I think they are still just trying that same game," Kightlinger said.

A Westlands spokeswoman said she was "not aware of any ongoing discussions." Renewable didn't comment on its future plans.

If the game doesn't go Renewable's way in Imperial, Metropolitan doesn't seem interested in buying the company's land this time.

Renewable also may not own enough of the valley yet to make a huge difference even if it could fallow its land and sell off the water. Kightlinger said someone would need 50,000 acres or more to free up enough water to make a deal worth it for Metropolitan. It's possible Renewable may have options on more land in Imperial, because such options don't have to be disclosed the way land ownership is.

So far, farmers in Imperial do not seem to be panicking about the company in their midst.

Part of that, though, may be because they don't realize how much Renewable has already done.

Reno Gazette Journal

Wildfire burn zones depleting snowpack across West, which fuels more fires and snow loss, research shows

[Benjamin Spillman](#), Reno Gazette Journal Published 6:00 a.m. PT May 8, 2019 | Updated 12:35 p.m. PT **May 8, 2019**

Story Highlights

- Researchers studying the relationship between wildfire and snowmelt made 'astonishing' findings
- They found snow in burn zones across 11 western states melts five days earlier than in unburned spots
- The increased melt rate due to fire is in addition to faster melt due to climate change
- The phenomenon is a 'vicious cycle' that's expected to intensify as the climate warms

Wildfires that increasingly plague the American West are contributing more than previously known to the deterioration of the region's snowpack, according to newly published research.

The effect of wildfires on snowmelt is more widespread and longer lasting than people thought and has ramifications across the region, where cities such as Las Vegas, Phoenix, Los Angeles, Reno and Salt Lake rely heavily on melting snow to replenish water supplies.

What's more, human-caused global warming is feeding the spread of fires, which contributes more to the deterioration of snow, thus extending and intensifying the fire season. The resulting burn areas then contribute to the snow melting faster, perpetuating the cycle.

"I'm astonished," Kelly Gleason, an assistant professor of ecohydrology at Portland State University, said of the findings.

Gleason was the lead author on a paper that disclosed the findings in the journal *Nature Communications*. Joseph McConnell, a hydrology professor at Desert Research Institute in Reno, was among the co-authors. Other co-authors included Monica Arienzo and Nathan Chellman from DRI and Wendy Calvin from University of Nevada, Reno.

"This fire effect on snowmelt is much more widespread and persistent than we originally thought," said Gleason. "Forest fires could have a big impact on the timing and availability of our water resources and trigger, potentially, more, bigger, hotter fires in the future."

Satellite imagery reveals impact

The research looked not only at how wildfires contribute to the depletion of snowpack, it looked at how widespread the phenomenon is across 11 Western states.

Researchers used satellite data to study the rate of snowmelt in burn zones left behind by about 850 fires since 2000.

The data showed snow melted, on average, five days sooner within burn zones than in places that hadn't burned. The shift was in addition to other factors, such as human-caused climate change, that also contribute to an earlier melt.

The satellite data also showed the phenomenon was widespread across 11 states, meaning it's likely happening just about anywhere there are forest fires and snow.



Kelly Gleason, an assistant professor of environmental science at Portland State University, on skis collecting snow samples in the Hogback Basin of Wyoming in 2017. Gleason's work showed the link between wildfires and snowmelt was more widespread and persistent than previously known. (Photo: Contributed photo)

“That was the first time we observed this phenomenon at that scale,” Gleason said. “We were shocked. We did not expect it to be observable from space.”

The observation that snow was melting more quickly in burned areas was enough to suggest to researchers the connection between wildfire and snowmelt was widespread. But it wasn't enough to conclusively blame fires for earlier melt.

To identify the link, they hiked into burn areas in Colorado, Wyoming and Utah to collect snow samples they sent to DRI's Ultra-Trace Ice Core Analytical Laboratory in Reno.

The lab is one of the few places on the planet with the equipment and expertise to measure how dust and other contaminants contribute to snowmelt.

It's about 'albedo'

The results showed the main contributors to earlier snowmelt in burn areas was the loss of tree canopy which exposed the snow to more sun and the increased presence of black carbon and other debris that made the snow absorb more heat instead of reflecting it back to the sky.

The tree loss effect was expected. The widespread persistence of the debris effect was more surprising.

“Snow is typically very reflective, which is why it appears white, but just a small change in the albedo or reflectivity of the snow surface can have a profound impact on the amount of solar energy absorbed by the snowpack,” McConnell said. “This solar energy is a key factor driving snowmelt.”

Although a difference of five days seems minor, spread across hundreds of burn areas across the West, it's significant, Gleason said.

Snowpack acts as a reservoir for about 50 to 70 percent of the water across the Intermountain West. In some areas, depending on seasonal variation, it can be even greater.

During this past winter, the Central Sierra Snow Laboratory in Truckee, Calif., showed that more than 80 percent of precipitation came in the form of snow.

Ecological impact

The high reliance on snow as an actor in the ecosystems of the West means changes in the timing of the melt can make a big difference for plants, animals and people.

“So many ecosystem processes cue off that timing,” Gleason said.

Examples include plants and trees that “wake up” from winter to conduct photosynthesis to fuel their life cycle, salmon that sense when to swim upstream to spawn and reservoir managers who want to operate storage basins to reduce flooding while capturing the maximum amount of water possible to help communities survive hot, dry summers.

Abrupt changes in timing of snowmelt can create chaos, Gleason said, and disrupt those processes.

“By the time the users need it, be it forests, fish or people, it may no longer be there,” she said.

The effect is expected to become more profound in the future as the West copes with global warming, which is the result of fossil fuel burning releasing carbon into the atmosphere that traps and holds heat, like a greenhouse.

Global warming is already contributing to the spread and intensification of fires and increasing the rate of snowmelt.

And the increased rate of snowmelt is contributing to longer periods of dry fuels which extends the fire season which creates more burn zones that speed snow melt.

The research shows an annual 9 percent growth in Western forests burned since 1984 and a 372 to 443 percent increase in solar energy absorbed by snowpack on charred forest over 20 years.

In 2018, burn zones affected the rate of snowmelt in as much as 11 percent of western forests, according to the research.

The effect is particularly potent in the headwater regions of the Rocky Mountains where there is an anticipated 300 to 700 percent increase in burned area for every 1-degree Celsius increase in global average temperature.

“There is this sort of vicious cycle occurring between fire and snowmelt,” Gleason said. “We are already at a threshold in terms of fires getting bigger, hotter and longer lasting on the landscape.”

Benjamin Spillman covers the outdoors and environment in Northern Nevada, from backcountry skiing in the Sierra to the latest from Lake Tahoe's ecosystem. [Support his work by subscribing to RGJ.com right here.](#)

East Bay Times

In Bay Area housing shortage, fees can hinder projects big and small

A small San Jose renovation brings big headaches

By [Louis Hansen](#) | lhansen@bayareanewsgroup.com | Bay Area News Group

PUBLISHED: May 8, 2019 at 6:00 am | UPDATED: **May 9, 2019** at 4:44 am

Property manager and new developer Jeff Zell wanted to convert a rec room into two studios in a San Jose apartment building he owns.

But a project he thought would take a few months and \$75,000 has turned into a two-year, nearly \$200,000 odyssey of frustration, fees and false starts. City charges almost killed the project, Zell said.

The city initially assessed Zell's renovation a mandatory park fee of \$48,800 — revenue designed to support public recreation spaces in San Jose. Zell balked. For that kind of money, he could buy his two tenants season tickets to the 49ers and Warriors, with money left over for a pair of annual passes to the National Parks.

Zell hasn't raised a wall or driven a nail, yet. "It just never ends," he said. He's losing \$100 in potential rent every day the project is delayed. "I'm super frustrated."

Amid a state-wide housing shortage, developers say they feel increasingly burdened by unpredictable government service and impact fees that are almost three times higher than the national average. They say it's an additional drag on residential development in a region already battling [the highest construction costs in the world](#).

Fees are a long-time bugaboo and budget-buster for developers. But towns and cities feel the fiscal pinch of Proposition 13, which limits property tax revenues from long-time property owners. So many municipalities raise service and impact fees to make up for those budget shortfalls to pay for parks, schools, roads and other city priorities. The charges also reimburse governments for staff time spent on projects.

Fees also provide an added bonus for cities resisting growth — high add-on costs can curb development and sink projects, especially for low- and moderate-income housing, developers say.

Pro-housing bills in Sacramento this year would trim fees, and at least one includes waivers to encourage construction of more accessory dwelling units. The bills also would insist municipalities become more transparent and regularly file fee schedules with the state.

Service and impact fees in California in 2015 were nearly triple the national average, according to a study by the Turner Center for Innovative Housing at UC Berkeley. The costs add between 6 and 18 percent to the median price of a new home, according to a sample of seven cities by Berkeley researchers.

For example, Oakland charged \$34,500 per unit for new apartments in a large development, while Fremont assessed \$75,100 for each new rental, according to the study. For new construction in a 20-home subdivision, the center estimated fees of \$62,100 per unit in Oakland and \$156,600 in Fremont.

Cities and counties maintain that the fees are needed to pay for staff time spent reviewing and inspecting projects, as well as for improvements to roads, schools and water systems for a growing population.

David Garcia, policy director at the Turner Center, said the municipal charges were one of several factors driving up construction costs, along with high costs for land, materials and labor. “It’s a complex issue,” he said. “It’s not as simple as saying, ‘We should cap fees.’”

Fees can fall especially hard on homeowners looking to build a backyard unit, he said. Often, cities charge the same rate for an accessory dwelling unit (or ADU) as a single family home, driving up costs for the granny flats and killing the project ambitions of many homeowners.

State lawmakers have ordered a review of local charges, with a report expected from the Department of Housing and Community Development in June.

Assemblyman Tim Grayson, D-Concord, authored a new bill that would require cities and counties to report fees to the state and create a database for lawmakers and developers to get a better handle on costs.

Grayson said he expects the data to give state and local decision makers a clearer picture of how to address rising costs. The goal is to bring clarity and certainty for developers, he said, and “get those housing units off paper and on to land.”

Builders say more transparency in fees would lead to fewer surprises and a smoother, faster timeline for projects.

Developers pass costs directly on to new buyers, housing experts and developers say. The inflated prices also drive up values and sale prices for surrounding homes. One East Bay builder budgeted \$150,000 for inspection fees on a 36-unit development, only to see actual costs reach \$500,000.

Jim Ghielmetti, CEO of Signature Homes in Pleasanton, said the issues have been accumulating for years. “Fees are only part of the housing problem we have,” he said.

On recent projects, Signature Homes paid about \$500,000 to the City of Oakley for seven homes and \$264,000 to Livermore for three homes, company records show. “We have to pass them along,” he said. If not, he added, “we’d all be broke.”

In San Jose, Mayor Sam Liccardo has pledged to add 25,000 homes and apartments to the city by 2022. But in March, the city revealed that it had issued about 3,000 permits for new units in 2018, far short of city leaders’ goal to approve 5,000 annually.

Liccardo said the city will be looking to reduce fees for large, dense downtown residential buildings. He expects the city to consider action in June. He also wants city fees to be more transparent, giving developers a better handle on costs before investing heavily in a project.

Liccardo said in an interview the city has to seriously look at reducing fees.

But any cut in fees would be too late to help Zell. He bought the 37-unit apartment complex on Richfield Drive three years ago and looked to upgrade the property. The two-story, square building, with a leafy courtyard and pool, is two miles from the Apple campus. Tech employees rent most of the one-bedroom units.

San Jose’s fee schedule has a base charge of about \$10,000 for staff time and various review costs, a city planner said.

The city initially told Zell park fees would cost \$24,400 per unit, a total of \$48,800 to support public spaces in the city.

“Screw the city,” he thought. He simmered and sat on the project for six months.

He went back to city planners, and they discovered the fees should actually be about \$38,000, still too rich for Zell’s budget. “I’d rather put the money in the property than give it to the city,” he said.

The two sides reached a compromise. Zell agreed to build an outdoor dining space — two barbecue pits, three picnic tables and some trash cans — in the courtyard. The city dropped the fees to \$19,000.

Zell hopes to start construction next month.

East Bay Times

City kicks in extra money to expand planned affordable housing complex in Concord

A new project would house veterans, seniors



A proposed affordable housing project in Concord on Galindo St. would house veterans, seniors, families and people with disabilities. Plans call for 39 one-bedroom units, 19 two-bedroom units and four three-bedroom apartments in the five-story complex. (Image courtesy of City of Concord)

By [Annie Sciacca](#) | asciaccia@bayareanewsgroup.com | Bay Area News Group
PUBLISHED: May 10, 2019 at 2:52 pm | UPDATED: **May 13, 2019** at 3:44 am

A planned affordable housing project in Concord will add a dozen more units for low-income and formerly homeless residents, thanks to a \$2.3 million infusion the Concord City Council allocated this week.

The council [previously approved](#) spending \$5.5 million to help Berkeley-based nonprofit Resources for Community Development build a five-story, 44-unit affordable-housing complex on Galindo Street just south of downtown. Since then, the developer has come up with a plan to acquire an adjacent property that will allow it to expand the project to 62 units.

The five-story complex at 1313-1321 Galindo St. would house veterans, seniors, families and people with disabilities in 39 one-bedroom units, 19 two-bedroom units and four three-bedroom units.

The project is estimated to cost a total of about \$41.2 million, to be financed through a combination of private loans, tax credit equities and other government sources. Resources for Community Development still needs to secure other funding sources, project manager Adam Levine said, but Concord's contribution will help make it more competitive in getting that money.

If the project is approved by the design review and planning commissions and all the property is acquired by the end of this year, construction could start in early 2021 and end by the beginning of 2022.

The housing will be available for people with income ranging from 30 to 60 percent of the area median income. One-bedroom apartments would range between \$654 and \$1,308, depending on tenants' income, and three-bedroom units between \$906 and \$1,812. If the nonprofit secures money for rental subsidies, which it's trying to do, Levine said the rent could drop dramatically.

In addition to low rent, the project will provide financial literacy education and job readiness workshops to tenants and partner with the Veterans Administration to help vets, Klein said.

The project is part of an effort to fulfill the city's housing plan, whose goal is to provide 1,200 units for extremely low, very low and low-income tenants by 2022.

At their meeting Tuesday, council members praised the project for helping the city approach that goal.

Alicia Klein, associate director of housing development for Resources in Community Development, told council members the organization works hard to keep project costs low, which is difficult in the pricey Bay Area.

The nonprofit has four other housing properties in Concord and more throughout the Bay Area.

Published May 15th, 2019

MOFD makes history with all-female engine company

By Nick Marnell



From Left: Katy Himsl, Julie Murphy and Janet Brandi-Routt Photo Andy Scheck

For the first time in the 22-year history of the Moraga-Orinda Fire District, an all-female crew was assigned to a shift, with acting Capt. Janet Brandi-Routt partnering with acting engineer Julie Murphy and firefighter-paramedic Katy Himsl. The landmark engine company worked out of Fire Station 42 in Moraga on May 8.

"I'm actually surprised it's taken this long for it to happen," said Brandi-Routt, a 21-year district veteran. According to Brandi-Routt, having the required job classifications fall in such perfect alignment was the reason that the all-female crew finally came together. She and Murphy are regularly assigned to Station 42, and when Himsl pulled the overtime shift to fill a crew vacancy, district history was made.

MOFD has been ahead of the curve in the employment of female firefighters for many years, and earlier this decade, prior to a retirement and a firefighter moving to a district nearer her home, nearly 10 percent of the district suppression roster included women. Today, three of the 48 district fire suppression personnel are women, still above the national average of 4 percent.

"It's good for the community," Himsl said. "People know that Julie and I grew up here, and they like seeing us on the job." Murphy added that it is empowering for young girls to know that they have role models in a traditionally male occupation.

"Moraga-Orinda has always been forward thinking and has always recognized equal opportunity," said Vince Wells, Local 1230 president. "This (landmark event) was especially significant considering the small size of the district."

Jerry Lee, the battalion chief on duty that day, reflected his pride in the close-knit ties among all district personnel. "Member diversity has never been a problem here," Lee said. "This milestone is just another example of great things going on in our organization."

Reach the reporter at: nick@lamorindaweekly.com

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East Bay Times

Valley Water's farm subsidy to remain, for now

The district will put off changes to a subsidy for farm water for two years while it looks for other money to keep funding it



A worker clears weeds along a row of romaine lettuce at B&T Farms in Gilroy, Calif., on Tuesday, April 9, 2019. (Randy Vazquez/Bay Area News Group)

By [Thy Vo](#) | tvo@bayareanewsgroup.com | Bay Area News Group

PUBLISHED: May 14, 2019 at 4:00 pm | UPDATED: **May 15, 2019** at 4:22 am

SAN JOSE — Like everyone else in Santa Clara Valley who uses wells, farmers will see their groundwater production charges go up 6.8 percent this year. But unlike the others, they'll continue to receive substantial subsidies.

In approving the increased charges for well users, the Santa Clara Valley Water District board left intact for at least two years the current structure that allows farmers to pay only 6 percent of the amount residents and businesses pay. The water district absorbs the rest of the cost for farmers, mostly through property tax revenue.

Farmers have received subsidized water for decades as part of the district's effort to reduce their financial pressures and thus motivate them to continue growing crops instead of selling their land for development.

But if the water district can't find outside funding to sustain the subsidy, such as through government grants or private donations, the board has decided it will eliminate the subsidy altogether.

District staff last month asked the board to consider approving [a 19.2 percent water production cost increase](#) to farmers, from \$27.02 to \$32.23 per acre foot, but most board directors balked and farmers complained.

And at its meeting Tuesday, the board approved a 6.8 percent increase in groundwater charges to everyone in south county. As a result, residents and businesses will see their bills go up from \$450 to \$481 per acre foot and farmers will pay \$1.84 more per acre foot.

The district levies the charges to recoup its cost of recharging water pumped out of the ground; those expenses include debt and new infrastructure projects such as the seismic retrofitting of the Anderson Dam.

The cost of subsidizing farm water, referred to as "open space credit," is expected to grow over the next decade from \$8.1 million this coming fiscal year to \$22 million in 10 years.

District officials say [paying for that subsidy is unsustainable](#) long-term. The district has talked about reducing the subsidy several times over the last decade.

"We can't tap into other funds the district might have to offset this," board director Barbara Keegan said.

Christopher Hoem, a representative from county Supervisor Mike Wasserman's office, said he's worried about the board's apparent willingness to eliminate the subsidy if it can't find other money.

"I'm a little concerned that the decision is made right now, that in two years, (the subsidy) would by default go away," Hoem said. "I would hope there would be more discussion about that before that decision is made."

Director Linda LeZotte responded that now is the time for people who support the subsidy to step up and help find a permanent solution.

"We have a lot of people telling us what they hope will happen and we hope they will join us in finding a solution," LeZotte said.

Los Angeles Times

California could bring radical change to single-family-home neighborhoods

By Liam Dillon

Los Angeles Times, May 15, 2019

If you live in a single-family home in California, it's likely everyone else in your neighborhood does too.

That could change under a state measure that would require California cities and counties to permit duplexes, triplexes and fourplexes on much of the residential land now zoned for only one house. The proposal was recently added to Senate Bill 50, legislation by Sen. Scott Wiener, D-San Francisco, that also would allow midrise apartment construction near mass transit and small apartment complexes and townhomes in wealthy communities in large counties including Los Angeles.

The bill would not spell the end of single-family housing in the state. Developers could continue to build such homes on their land if they chose, and the legislation prohibits the demolition of single-family homes to build fourplexes without further government review. Even so, allowing as many as four homes on land where now just one is permitted would trigger significant change compared with how California has grown over much of the last century.

Nearly two-thirds of the residences in California are single-family homes, according to U.S. Census data. And between half and three-quarters of the developable land in much of the state is zoned for single-family housing only, according to a 2018 survey by UC Berkeley's Turner Center for Housing Innovation that included responses from half the state's cities and counties.

The state can no longer dedicate that much land to single-family housing if California is to become more affordable and if political leaders want to meet aggressive goals to reduce greenhouse gas emissions, said Carol Galante, director of the Turner Center.

"I do not think it's possible to solve housing affordability problems and meet climate change goals without dealing with this issue of single-family homes only," Galante said. "We have population growth. We have job growth. People need to live somewhere, and they're now competing for a very limited supply."

But doing away with single-family-only zoning would unalterably diminish California for current and future residents, said Zev Yaroslavsky, director of the Los Angeles Initiative at the UCLA Luskin School of Public Affairs and a former Los Angeles County supervisor.

“When people around the world think of L.A., one of the things they think of is a home with a backyard,” Yaroslavsky said. “I think much of it should be preserved.”

In the city of Los Angeles, 62% of the developable area is zoned for single-family homes only. Neighborhoods such as Tarzana, Bel-Air, Brentwood and Jefferson Park are examples of communities dominated by single-family zoning.

In San Francisco, the percentage of land zoned for single-family homes only is much smaller — about 37% — and includes the Sunset District, Forest Hill, Excelsior, Portola and other neighborhoods concentrated in the city’s south and west.

But by other metrics, the city still reserves a lot of its land for low-density building. Nearly three-quarters of the privately owned parcels in San Francisco are zoned for single-family homes or duplexes only, according to the city’s planning department.

Across the state, communities big and small, wealthy and poor, north and south, coastal and inland have large sections zoned for single-family homes. The wealthy Bay Area town of Atherton sets aside at least 95% of its land for single-family housing, according to the UC Berkeley survey. Between half and three-quarters of the developable land in Sacramento and Stockton is also reserved for single-family homes, the survey said.

Recently, policymakers in California and across the country have scrutinized single-family zoning as housing affordability problems have become more acute.

Three years ago, state legislators passed two bills aimed at making it easier to build small accessory homes in backyards. Since then, applications to build secondary units have increased by the hundreds in Los Angeles, San Francisco and other larger coastal communities.

In some areas in counties with more than 600,000 residents, including Los Angeles, San Diego, Orange, Santa Clara and San Francisco, Wiener’s bill would also allow larger apartment buildings on land previously zoned single-family only — though local height limits would remain intact. To qualify for density increases, such neighborhoods would have to be high-income and near quality jobs and public schools.

Mayors in some of California’s biggest cities are considering doing away with zoning that only allows for single-family homes. At a housing forum in the Bay Area last week, Oakland Mayor Libby Schaaf and Sacramento Mayor Darrell Steinberg said they supported ending single-family only zoning in their communities while San Jose Mayor Sam Liccardo said his city was considering doing so. The trio has endorsed SB 50, as has San Francisco Mayor London Breed.

Earlier this year, Los Angeles Mayor Eric Garcetti, who hasn’t taken a position on SB 50, told The Times he was considering a proposal that would allow triplexes in the city’s single-family communities.

“You could have one generation of a family, their parents, their kids in the back house, all living together,” Garcetti said. “That would probably overnight add about 50% more housing stock to Los Angeles in a way that is also neighborhood compatible.”

Garcetti cited Minneapolis as inspiration for the idea. In 2018, Minneapolis became the nation’s first big city to do away with single-family zoning by allowing duplexes and triplexes on parcels that previously allowed just one home. Conversation there focused on the history of single-family zoning, which originated out of the desire to exclude poor people or nonwhites from certain communities.

In the early 20th century, court rulings blocked zoning rules that explicitly barred nonwhite people from living in certain neighborhoods. But in 1926 the U.S. Supreme Court decided that proposals allowing only single-family homes in neighborhoods were constitutional, even though many supporters of those plans pushed the zoning as a means to segregate their communities, according to the book “Segregation by Design” by Jessica Trounstein, an associate professor at UC Merced.

In addition, racist deed covenants barred people from selling homes to nonwhites, and government sponsored lending practices provided low-cost mortgages only to whites through the middle of the 20th century.

Some single-family neighborhoods have changed over time — many communities in South L.A., for example, that once were reserved for whites are now home to predominantly black and Latino residents. But the exclusionary effects of single-family zoning remain today, especially between low-density suburbs and their higher-density neighbors, Trounstein said.

“Communities with a predominance of single-family homes still contribute to race and class segregation,” she said.

Trounstein believes that even if SB 50 passes, wealthier single-family-only communities will still take advantage of the bill’s restrictions or use other political or legal means to ensure their areas remain as they are.

As it stands, the bill has limits on where developers could build fourplexes. Under the legislation, developers would not be able to demolish a single-family house to build a fourplex without local government approval, but a single-family home could be remodeled into a fourplex if it doesn’t increase in size by more than 15%. The bill also places restrictions on building fourplexes in single-family areas that are in floodplains, communities at high risk of wildfire and some historic zones.

These limitations would blunt the bill’s ability to spur construction of fourplexes in single-family-only neighborhoods, says Mott Smith, a principal at Civic Enterprise Development in Los Angeles. But he still expects a significant number of property owners to be able to take advantage.

Voice of San Diego

San Diego County Is Disregarding Fire Risk to an Astonishing Degree

California can't solve its housing shortages with homes that are essentially built to burn.

Tiffany Yap

May 16, 2019

As San Diego County prepares for another wildfire season, California is re-evaluating its approach to fire risk. But have county officials and state leaders drawn the right lessons from last year's tragic conflagrations in Paradise and Malibu?

Fire experts applauded when a new [report](#) from Gov. Gavin Newsom's wildfire strike force rightly noted two key contributors to our state's fire risk: Both climate change and [the construction of more homes in the wildland-urban interface](#) "magnify the wildfire threat and place substantially more people and property at risk than ever before."

A [new University of California study](#) mirrored that report's conclusions, finding that housing and human infrastructure in fire-prone wilderness areas are the main drivers of fire ignitions and structure loss. To reduce this risk, the governor's strike force recommended building homes away from wildfire-prone areas and retrofitting existing homes with fire-reduction features.

Troublingly, Newsom himself expressed reservations about curbing sprawl development in fire-prone wilderness areas. The governor worried it might violate the "wild and pioneering spirit" of Californians.

Newsom has rightly committed to averting further tragedy from fire, but to do so he must heed his own experts and avoid giving cover to local officials who want to ignore how poorly planned development feeds fire dangers.

In San Diego, the Board of Supervisors has disregarded fire risk to an astonishing degree. Supervisors have recently approved or will soon consider the approval of eight large developments that would collectively build almost [14,000 homes in places naturally prone to fire](#).

These developments, including Newland Sierra and the Otay Ranch Villages, would be located in or near areas where fires have historically burned. State agencies like Cal Fire have identified these areas as posing a very high fire threat to people.

Based on Census Bureau estimates, these eight projects could put about 40,000 new residents at risk, not to mention the risk to firefighters and first responders who will be called on to protect lives and homes when the next fires hit.

County officials aren't alone in approving such risky developments. With the Fanita Ranch project, the city of Santee is considering the construction of about 3,000 homes with almost 9,000 residents within areas designated by Cal Fire as [very high fire hazard zones](#).

Sprawl development has many harmful consequences, from destruction of wildlife habitat to increased air pollution from long commutes. But one of its worst outcomes is heightened fire risk.

The developments in San Diego County would be built in areas dominated by chaparral, sage scrub and grasslands. These native California habitats are adapted to survive fires, but when fires occur too frequently, indigenous plants are replaced by non-native grasses that further increase fire threat.

Putting houses in the heart of fire country doesn't just put people in harm's way. It also increases the risk of fires starting. Studies have found that 97 percent of wildfires in Southern California's Mediterranean landscapes are ignited by human sources like power lines and equipment sparks.

Climate change is ramping up the threat. The state is getting hotter and drier, creating ideal fire conditions, as scientists explained in the federal government's 2018 [National Climate Assessment](#).

None of this should be news to San Diego County officials.

Nearly 1,000 homes have burned every year in Southern California since 2000. The county has seen big fires, including the 2014 Cocos Fire, which burned in and around areas where developers now want to build two of the planned projects — the Valiano development and Harmony Grove Village South.

In their defense, county officials have pointed to fire-mitigation practices built into these projects. But these measures will not be enough to protect the people who move here.

Even the best mitigation can't make a development fire-proof. Homes can add fuel to fires. Even with state-required fire-resistant roofing and vents, property owners must be vigilant by maintaining defensible space and keeping flammable materials a safe distance away from homes.

Despite false claims by the Trump administration, more logging won't stop fires or reduce such threats, and neither will clear-cutting chaparral. Instead, we need better land-use planning that puts community safety first by recognizing that California ecosystems — including those in San Diego — will continue to experience fires.

Wildfires are natural processes in the state. To protect families, firefighters and native biodiversity, politicians have to stop letting developers build in areas prone to blazes. California can't solve its housing shortages with homes that are essentially built to burn.

Tiffany Yap is a scientist at the Center for Biological Diversity, based in Oakland.

San Francisco Chronicle

Supes Oppose Plan To Reactivate Railway Through Popular Richmond Park

Bay City News Service

Published 4:24 pm PDT, Tuesday, May 21, 2019

The Contra Costa County Board of Supervisors voted unanimously Tuesday morning for a motion backing the East Bay Regional Park District's opposition to reactivating a section of old railroad that goes through the Miller/Knox Regional Shoreline Park in Richmond.

The tracks are owned by BNSF Railway Company, a Berkshire Hathaway company owned by Warren Buffett. It used to serve Richmond's Terminal 1 and Ferry Point, before the surrounding real estate was purchased and converted into a public park.

Running trains through that park now would create a significant safety hazard, especially for children, according to county staff. However, BNSF sent the district a letter threatening to legally challenge public access back in October.

"It's just a bad idea for BNSF to do this," Supervisor John Gioia said while introducing the matter.

In addition to the risk of injury or death associated with pedestrians struck by trains, reactivating the railway would present a health risk due to increased diesel emissions. Rail traffic in the area could involve train cars carrying hazardous materials.

Given the scenic nature of the shoreline, there would also be visual impacts.

"This is a very, very frustrating situation," park district General Manager Robert Doyle, who happened to be in Martinez for jury duty, said during public comment.

"This is truly an environmental justice issue for the people of Richmond," Doyle added.

Other people who spoke up during public comment, including the presidents of several Richmond neighborhood councils, were unanimous in their opposition to running trains through the park.

"Don't let the railroad railroad us," Bruce Beyaert said. "They've really gone off the tracks."

BNSF spokesperson Lena Kent said in a statement Tuesday afternoon that there have been tough negotiations with the park district dating back to at least the 1960s, when these tracks were owned by the Santa Fe Railway.

BNSF has offered to relocate the tracks on a different path through the park as part of a joint-use plan that would include building a trail along the current right-of-way.

"Moving the rail line away from the shore and providing a trail in the current rail line location makes practical sense and is a much better environmental outcome than the Park's present plan, which will face regulatory and environmental hurdles," Kent said. "We look forward to continuing to work in good faith with the Park District on a joint-use plan."

When asked about that part of the plan, however, district staff told the supervisors it isn't viable.

As a result of the board's unanimous vote, the county will be writing a letter to BNSF asking them to abandon their plans immediately. They'll also be contacting the appropriate regulatory agencies, and asking their legislative advocates at the state and federal level to oppose the reactivation of the tracks.

Meanwhile, the office of the county counsel has been directed to work with the city of Richmond and the park district in search of a legal remedy.

The Richmond City Council is scheduled to consider a resolution opposing the railway's plans at their meeting Tuesday, which starts at 6:30 p.m. in the council chambers at 440 Civic Center Plaza.

The meeting for the agenda is available online at <https://bit.ly/30zCLRZ>.

Los Angeles Times

Late-season rains mask looming fire danger as lush plants turn dry and explosive

By [Joseph Serna](#) and [Hannah Fry](#)

May 24, 2019 | 5:55 AM



Invasive mustard grass grows along the hiking trails in Griffith Park last month. (Luis Sinco / Los Angeles Times)

Giant green stems with budding yellow flowers greeted hikers along a narrow path beneath the soaring Santa Monica Mountains on a recent drizzly day.

This is where, just seven months ago, the worst fire in Los Angeles County history swept through, destroying more than 1,000 homes and blackening miles of hillsides and canyon. But thanks to one of the wettest seasons in years, rains have transformed the fire zone back to life with great speed.

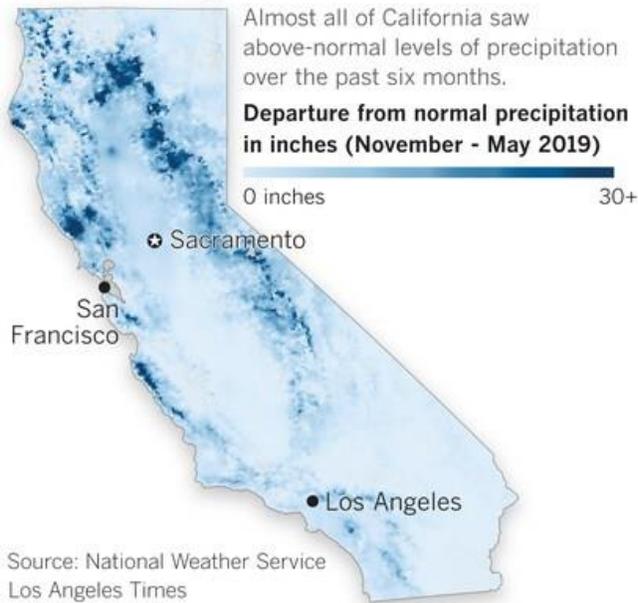
[And all those flowering black mustard plants](#) point to a looming disaster once the rains finally end and Southern California shifts to its dry, hot, windy summer and fall.

California's [wet winter is set to extend](#) well into May thanks to some new storms, but fire experts and climatologists said the extra moisture is likely to worsen the fire outlook because it will allow brush to grow even more.

Mike Mohler, a spokesman for the California Department of Forestry and Fire Protection, estimates that this latest rainstorm will create at least the third layer of dried, dead grass that will blanket the state through the summer and into the fall.

“It will probably cure and die in the next seven to 10 days,” he said. “Now we have all that fuel bed again.”

An abnormally wet winter



(Priya Krishnakumar / Los Angeles Times Graphics)

Wet springs have historically been linked to more severe fires later in the year across much of the state, as the added moisture allows for increased vegetation growth, experts say.

In areas hit repeatedly by fires, [non-native plants — like mustard — can grow faster than native species](#). Those plants eventually dry out during warm summer months and become fuel for wildfires. There are also still tens of millions of drought- and bark beetle-ravaged dead trees standing in the Sierra, ready to act as kindling for the next big blaze.

“The good news is we need the water, but the bad news is it’s building the fuel load for what has always been our fire season,” said Bill Patzert, a local weather expert and former climatologist with the Jet Propulsion Laboratory.

A look at recent fire activity in the Central Valley and inland desert provide a sense of what the future could hold for the fire season across much of the state, Mohler said.

Earlier this month, Kern County firefighters scrambled to extinguish a wind-driven grass fire that ran across [2,500 acres in a day](#). In Thermal, a vegetation fire that broke out Saturday night grew amid 50 mph winds to [more than 100 acres](#) and injured a firefighter in the process.

“That’s almost a precursor to what we can see statewide,” Mohler warned.

The placement of the jet stream, a high-altitude river of air running from the Pacific across the United States, is a key factor playing into the state’s unusually wet and snowy May. The meandering jet stream has hammered California with a series of storms out of the South Pacific through winter and into the spring.

The atmospheric rivers that have made up much of this winter’s rain has [bolstered the snowpack](#) — a key source of the state’s water supply — [filled reservoirs](#) and streams, and [lifted California](#)

[out of drought](#) conditions for the first time in nearly a decade. However, the storms typically move too fast and dump too much water at one time to have the kinds of long-lasting benefits California's parched soil needs.

Experts say the widespread rainfall will likely delay the start of the state's grass fire season, which typically begins in May or early June, by at least a few weeks.

Also, most of California's native grasses have gone dormant for the season and won't sprout for the latest storms, said Robert Krohn, a U.S. Forest Service meteorologist in Riverside County.

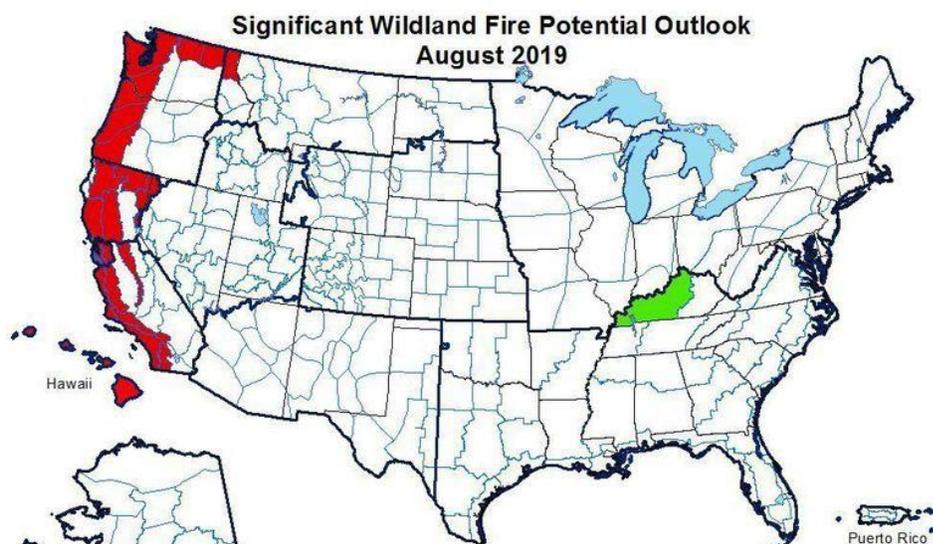
"We're just stalling for time going into the drier part of the year," Krohn said.

Indeed, [a report published](#) earlier this month by the [National Interagency Fire Center](#) found that while the fire season was off to a slow start, California can still expect "above normal" potential for large wildfires this summer as heavy crops of grasses sprouted by the wet winter dry out.

Below-normal wildland fire potential is expected in the southern Sierra in June and July thanks to [the heavy snowpack](#) slowly melting. But heavy grass loads and a [high number of dead trees](#) in the Sierra foothills will lead to above-normal fire potential in many lower-elevation valleys.

Southern California experienced the typical transition from cool, rainy weather to a warmer, drier pattern in April, and most storms that hit the West Coast were too far north or weren't wet enough to provide widespread rain, according to the [National Interagency Fire Center's outlook report](#).

The study said cooler temperatures could help Southern California during its fire season.



California and the west coast have heightened wildfire risk this summer (National Interagency Fire Center)

But by June, the mountains and forests around the Bay Area as well as the Sacramento Valley and nearby foothills are projected to have above-normal fire potential. The areas with above-normal fire potential are expected to expand north to the Oregon border in August. The report also noted that there is a large number of dead and downed trees and plants in the northern

Sacramento Valley because of a heavy snowstorm in February that caused extensive damage. That will increase the potential of significant wildfires.

In 2017, heavy rains were followed by devastating fires that hit wine country. Krohn said that the conditions there are different from what Southern California experienced this year.

In 2017, Southern California received the bulk of its rain in the late fall and early winter before the spigot was completely shut off by March, essentially “flash-drying” the landscape, Krohn said.

This year, the storms are stretched out, giving communities time to prepare. Once the storms are gone the area is poised to see some grass fire activity within two or three weeks after the final rainfall.

“Take advantage,” Mohler said. “Take this window — don’t get a false sense of security — to clear your property while moistures are up. Work on evacuation plans. Almost take this as a call to action. This doesn’t happen every often.”

Officials are particularly concerned about the [yellow bloom](#) of the invasive plant *Brassica nigra*, better known as black mustard, that have covered the hillsides throughout the Santa Monica Mountains and much of the West.

The tough plant [germinates early in winter before](#) native plants have taken hold, shoots up more than 6 feet tall, hogs the sunlight with its thick stalks and lays down a deep system of roots that beats out native plants for water. The weeds tend to dry up by July or August, and along with invasive European grasses they serve as kindling during Southern California’s long wildfire season.

In the Sequoia and Kings Canyon national parks in Tulare County, prescribed burns that typically happen in the spring may have to wait until the summer, park spokesman Mike Theune said. That could include one in the area near the General Sherman tree set for a few weeks from now, he said.

Even those burns will only happen if conditions are right and firefighters aren’t busy battling a blaze elsewhere.

“What our concern becomes is, eventually the grasses and other vegetation will dry out. We don’t want to let our guard down. We want to remain vigilant because at some point a wildfire *will* happen,” he said.

“Just because it’s raining now — four months from now, six months from now — no one is going to remember when everything is dried or cured.”

Times staff writers Richard Winton, Javier Panzar and Ralph Vartabedian contributed to this report.



Published May 29, 2019

Firefighters and MOFD board clash over staffing

By Nick Marnell

With a projected \$1.8 million surplus in its 2019-20 fiscal year operating budget, the Moraga-Orinda Fire District board, despite pleas from the firefighters, chose to not restore full-time staffing of the ambulance at Fire Station 45 in Orinda, but opted to allocate the extra money to fund its pension stabilization and retiree health care trusts.

In 2013, with the financial problems brought about by the Great Recession, the district cut its daily on-duty staffing from 19 to 17 personnel, changing the Station 45 ambulance from fully staffed to cross-staffed; meaning, unlike Station 41 which has an engine company and a dedicated two-person ambulance crew, Station 45 has only a three-person engine company which also responds to medical calls in its ambulance when so dispatched, leaving that portion of Orinda unprotected.

To help beef up staffing, Battalion Chief Jerry Lee applied for a federal grant under the Staffing for Fire and Emergency Response program in 2016. The district requested the grant to hire four firefighters "to restore the designated 2-person ambulance company (Medic 145) at Station 45," as Lee wrote twice in the application.

MOFD was awarded the \$1.4 million SAFER grant in 2017, but Lee explained to the district board that it was not bound to any specific staffing model by accepting the money, notwithstanding what he wrote in the application.

"The grant is not concerned with your daily staffing, just the overall staffing," wrote Danielle Shelton of the Federal Emergency Management Agency, which runs the SAFER program. The district had to hire four new firefighters for the three years of the grant performance period and was committed to not laying off any of them for those three years.

Based on that guidance, the board voted in 2017 to accept the SAFER grant, but declined to require the full-time staffing of Medic 145, deferring any other staffing option to a future date. As a result, MOFD daily staffing remained at 17, with the four SAFER firefighters used to fill daily vacancies.

That staffing model has not sat well with the firefighters, who have continuously lobbied the MOFD board to restore mandatory daily staffing to the prerecession level of 19. They pushed to include a staffing increase in the 2019-20 district budget, adamant that the SAFER grant money should be used for what it was intended - restoring the full-time ambulance at Station 45.

"All that is needed is a new directive from the current board to change the existing directive from the previous board as to how the personnel hired under the SAFER grant are to be used," said Capt. Mark McCullah, district labor representative. "The proposed 2020 budget accounts for a total of 57 firefighters, or 19 per day, which are all the personnel necessary to restaff a full-time ambulance at Station 45."

The district does not see it that way. Fire Chief Dave Winnacker explained that if daily minimum staffing were increased from 17 to 19, the district would incur a minimum of \$1 million in additional overtime expense, or the staffing change would require an increase in the number of rostered firefighters from 57 to 63, boosting payroll by \$1.4 million.

At the May 15 district meeting, the MOFD board did not issue the directive that McCullah sought, voting to use the operational surplus to fund its pension stabilization and retiree health care trusts to help offset the \$49 million of district net pension liability and \$15 million of net retiree health care liability. The board directed Winnacker to maintain the daily minimum staffing of 17 firefighters.

"I would not want to see those positions funded if it's to the detriment of the district," said MOFD President Steven Danziger, regarding the full-time staffing of Medic 145. "But if it's going to make our community safer and our firefighters safer, we need to take a further look at it."

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Published May 29, 2019

What exactly is a shaded fuel break anyway?

By Nick Marnell

Thanks to the initiative of the Moraga-Orinda Fire District, a systematic study by the state fire agency and rapid action by the governor, work on the North Orinda Shaded Fuel Break project will soon begin on the northern edges of Lamorinda.



But what is a shaded fuel break?

According to the California Department of Forestry and Fire Protection, fuel breaks are wide strips of land where trees and vegetation have been reduced or removed. A shaded fuel break is constructed in a forest-type setting, not unlike the northern rim of the NOSFB project along Bear Creek Road and the Lafayette Ridge. As shown in the photos, the vegetation at ground level has been removed, and the tree canopy has been thinned, reducing the likelihood that a dangerous wildfire will head into an urban area.

Photo Sora O'Doherty Before and after photo Photo courtesy Cal Firey

At a May 22 public meeting in Orinda, MOFD Chief Dave Winnacker outlined the details of the fuel break project to about 50 attendees. The chief explained how hot, dry, north and northeast winds descend upon Lamorinda in the fall, bringing the potential of a serious wildfire as occurred in 1923 and in 1991 in the East Bay hills. The fuel break will reduce this threat to Lamorinda.

The idea to create the shaded fuel break was presented to Cal Fire by MOFD Battalion Chief Jerry Lee in November. The state fire agency expanded the breadth of the proposal and presented it to Gov. Gavin Newsom in January, who expedited the project, along with 34 others in high-risk wildfire areas of California. MOFD, the de facto project manager, has partnered with various public agencies to complete the work that encompasses 14 miles of open space between Tilden Park and Acalanes High School.

Winnacker explained that the \$4 million, seven-month project will begin in mid-June, and Orinda residents should be prepared for smoke as prescribed burns of annual grasses get underway. Road closures may be necessary but major Lamorinda arteries should not be impacted.

Environmental issues were of concern to the public. Though Newsom has exempted the project from state environmental regulations, Winnacker explained that federal and local regulations will be closely followed and monitored by a biologist and an archaeologist. Nesting birds will not be displaced. Even with all of the fuel removal, the natural appearance of the area will be preserved.

The chief stressed that the fuel break is only one part of a system to reduce the regional threat of a wildfire, and reminded homeowners about the critical need to create defensible space around their property. He also urged residents to sign up for the county Community Warning System, to schedule a date for the MOFD wood chipper to come to their neighborhood and to regularly check the Ready for Wildfire website.

Reach the reporter at: nick@lamorindaweekly.com

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San Francisco Chronicle

1 million Californians use tainted water. Will state pass a clean-water tax?

[Alexei Koseff](#) May 30, 2019 Updated: **May 30, 2019** 4 a.m.



Resident Jose Hernandez uses large containers to collect rainwater for his garden at the San Jerardo Cooperative where he lives. Water that comes through the local water system is expensive, he says. Photo: Santiago Mejia / The Chronicle

SAN JERARDO, Monterey County — José Hernández has two plastic barrels in his front yard, filled to the brim with water collected during the recent rains. Half a dozen buckets, a trash can and a cooking pot sit close by, nearly overflowing.

It should be enough for Hernández to tend to his garden for the next few weeks — and slight relief for a water bill that sets him back \$130 to \$170 each month. A retired farmworker, Hernández, 64, supports his wife and two daughters primarily on a \$950 monthly Social Security check.

In San Jerardo, a farmworker cooperative in Salinas, water is a precious — and expensive — commodity. The 250 or so residents have long been plagued by water contaminated by agricultural runoff from the surrounding cauliflower, broccoli and strawberry fields. Their bills more than quadrupled nine years ago when the county dug a new well for San Jerardo, pumping clean water from two miles away.

Hundreds of communities, and more than 1 million Californians, facing a similar struggle for safe and affordable water are now at the center of a budget fight at the state Capitol over how to fix the problem. After several failed attempts, there is momentum this legislative session to establish a fund for small water agencies unable to provide customers with clean drinking water because of the high treatment costs.

But several hurdles remain before the June 15 deadline for the Legislature to pass a budget — most precariously, a resistance among lawmakers to tax millions of residential water users and others while California enjoys a surplus of more than \$21 billion.

Activists and Gov. Gavin Newsom have pushed to establish a dedicated clean-water fee on customers and agribusiness that would not be at risk of cuts if the economy sours. Many lawmakers, however, prefer that the money come from the state’s general fund, not another tax.

“If this was a problem in Beverly Hills, people would be outraged,” said Kelsey Hinton, communications manager for the Community Water Center, which works on drinking water access in California and has been sponsoring legislation to establish a clean water fund since 2016.

“It’s not that solutions to this problem don’t exist. It’s about historically where the resources and attention in our state have gone for these issues.”



Residents in San Jerardo Cooperative have to pay a \$72 per month fee on their water bills. They worry it may go higher.

Photo: Santiago Mejia / The Chronicle

Statewide, 372 water agencies serving nearly 1 million of California’s almost 40 million residents are [out of compliance](#) with state standards on contamination levels or treatment techniques. Advocates say the number is even higher when including people in those areas who rely on private wells.

The pollution is largely concentrated in agricultural communities in the Central Valley and Salinas Valley. Water systems there are often contaminated by nitrates from pesticides, fertilizer runoff and dairy waste, and arsenic, which scientists [believe](#) is released into aquifers by overpumping. Cancer-causing chemicals have been found in the groundwater in some places.

State-mandated testing has also [identified](#) hundreds of schools, many of them in urban areas, with elevated lead levels from corroding pipes and taps.

Federal drinking water grants are available, and California has provided some assistance in the past. Proposition 1, a bond measure that voters approved in 2014, set aside \$260 million to help small, poor communities pay for water treatment projects.

But operating and maintaining those systems after they are built is another challenge. The clean-water fund that Newsom proposed in his budget plan would be the first source dedicated to that purpose.

Lanare, an unincorporated town of about 600 in Fresno County, opened a \$1.3 million facility in 2007 to treat its arsenic-tainted drinking water. Six months later, the local water district [shut down](#) the plant because it was too expensive to operate. It has remained idle since then.

“Great, you have a water treatment plant. How are you going to pay for that without doubling, tripling water costs?” said Hinton of the Community Water Center.



Horacio Amezcuita, general manager of the San Jerardo Cooperative, is seen with the first and now outdated water system.

Photo: Santiago Mejia / The Chronicle

San Jerardo first found out that its water was not safe to drink in 1990. Residents shut down the well and dug another, but that well also became contaminated within three years. A third well became too polluted to use by 2001.

For years, Monterey County provided San Jerardo with bottled water. Then residents began complaining about rashes and ill health that they believed was caused by their use of the toxic water to bathe and wash their clothes. The county installed a filtration system, and in 2010 dug the well that San Jerardo now relies on.

It's expensive to operate, so the county is looking to sell the system to a private company, which residents fear would raise their rates even higher. They already pay a \$72 connection fee on their monthly bills.

Twenty miles away, at a farmworkers camp near Soledad, Maria Ramirez and her family spend about \$9 to fill up three five-gallon water bottles twice a week.

Three years ago, camp residents were told their water was contaminated with coliform bacteria and should be boiled. Since then, the owner has provided each household with an extra five-gallon bottle weekly.

Ramirez, 29, carefully plans out the meals she makes for her husband and two young daughters to avoid using too much drinking water on beans, soup or rice. But she still cleans and washes with the camp water, even though it makes her feel itchy when she showers.

Ramirez said her family is willing to make the sacrifice because their rent would be several hundred dollars more in town: "That's how us Mexicans take it," she said.



Horacio Amezcuita, general manager of San Jerardo Cooperative walks by an outdated water system. The community is on its fourth well since 1990, due to pollutants in the first three.

Photo: Photos by Santiago Mejia / The Chronicle

Newsom signaled his commitment to the clean water fund in the first week of his governorship, when he [visited](#) a community in Stanislaus County that had been forced to rely on bottled water after its wells were polluted with nitrates and arsenic.

His [plan](#) would raise about \$140 million a year by taxing fertilizer sales and milk production, charging dairies a fee and adding a monthly surcharge to Californians' water bills. Most

customers would pay an extra 95 cents a month, though the surcharge would be as high as \$10 for the largest users.

Agricultural interests, which say they need to help solve a problem they created, generally support the idea. But water agencies object that it would raise costs for consumers and complicate their business by turning them into tax collectors.

“We think it’s not good policy to tax a resource that is essential to life,” said Cindy Tuck, deputy executive director for government relations for the Association of California Water Agencies. “It would work against water affordability.”

There appears to be support for the governor’s approach in the Assembly, which has steadily advanced a [bill](#) by Assemblyman Eduardo Garcia, D-Coachella (Riverside County), that proposes a similar mix of fertilizer and dairy taxes and a monthly surcharge of 50 cents for water users. Assembly Speaker Anthony Rendon, a Paramount (Los Angeles County) Democrat who rarely carries his own legislation, recently signed on as a co-author.

But in the Senate, Democrats have resisted fee plans. Earlier this month, several lawmakers settled on a proposal, backed by Senate President Pro Tem Toni Atkins, D-San Diego, to set aside \$150 million in the budget each year. Senate Democrats said their plan “strengthens the middle class with no new taxes on middle- and lower-income Californians.”

Advocates of a dedicated fund worry that the money would be on the chopping block the next time the state has budget problems. Newsom and legislative leaders will work through their different approaches during budget negotiations over the next two weeks.

Residents in San Jerardo, meanwhile, wonder how much longer their fourth well will last.

Horacio Amezcuita, the cooperative’s general manager, said the arsenic level in their water has doubled over the past decade, as farmers pumped more groundwater during the drought. Tests last year found as much as 8 micrograms per liter of arsenic in the water — anything above 10 is considered unsafe.

“Your land is worthless,” Amezcuita said, “if you don’t have clean water.”

*Alexei Koseff is a San Francisco Chronicle staff writer. Email: alexi.koseff@sfchronicle.com
Twitter: [@akoseff](https://twitter.com/akoseff)*

The Press

Solution to public safety crisis presented to Brentwood residents

- East County Voters for Equal Protection, Brentwood
- **May 30, 2019** Updated 19 hrs ago

Editor: This past Tuesday afternoon, more than two dozen mostly Brentwood residents learned just how bad the public safety services situation is in East Contra Costa County, and what they could do to help improve the dangerous situation.

With coordination and promotional help from Mike Sloan, residents of the Summerset IV community gathered in the Lodge ballroom and heard Bryan Scott, Chair of East County Voters for Equal Protection (ECV), describe the dramatic under-funding of the local fire district, East Contra Costa Fire Protection District (ECCFPD). Because of this under-funding, ECCFPD is unable to respond to emergency calls for significant periods of time each month.

In 2018, this time totaled over one full 24-hour day each quarter. ECCFPD is unable to fight a structure fire, like a house fire, without receiving the assistance of six firefighters and two fire engines from a neighboring fire district. Response times throughout the 249-square mile jurisdiction of ECCFPD far exceed industry standards, causing increased risk to life and property of area residents.

A workable solution to this government-pending problem was also presented.

Scott described a grass-roots plan to increase public safety services funding by nearly \$9 million in the region, with no increase in taxes, using the voter initiative process. A summary of the ‘Brentwood Emergency Response for All Initiative’ was distributed, and Scott described how the initiative’s plan would require the cities of Brentwood and Oakley to spend \$7,912,005 of the growth in sales and property-tax revenues on public safety services, as defined in California’s Fire Protection District Law of 1987.

There would be no new taxes, and the plan would be a first step to correct an egregious fiscal policy. The initiative process is defined in the California constitution and has been used repeatedly since it was enacted in 1911 to cure legislative inactivity.

ECCFPD has stated publically and in press releases that it is unable to provide adequate service to area residents. This under-funding problem has been documented by the county’s grand jury, the Local Agency Formation Commission, an inter-governmental task force and fire services industry consultants. Previous attempts to remedy the under-funding situation involved various forms of new taxes – attempts which all failed.

ECV is now engaged in fundraising the nearly \$50,000 necessary to cover the costs of getting the two voter initiatives, in Brentwood and Oakley, on the November 2020 ballot.

Checks can be mailed to East County Voters for Equal Protection, 1300 Crescent Drive, Brentwood, CA, 94513. Donations may be made online at <https://donorbox.org/east-county-public-safety-services>.

East County Voters for Equal Protection is a nonpartisan citizens' action committee whose aim is to improve funding for the ECCFPD. They can be reached at scott.bryan@comcast.net or 925-418-4428.

The group's Facebook page is www.facebook.com/EastCountyVoters.



June 12, 2019
Agenda Item 15c

AGENDA

RETIREMENT BOARD MEETING

SECOND MONTHLY MEETING
April 24, 2019
9:00 a.m.

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

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

1. Pledge of Allegiance.
2. Accept comments from the public.
3. Approve minutes from the March 27, 2019 meeting.

CLOSED SESSION

4. The Board will go in to closed session pursuant to Govt. Code Section 54956.9(d)(1) to confer with legal counsel regarding pending litigation:
 - a. *Contra Costa County Deputy Sheriffs Association, et al., v. Board of Retirement of CCCERA, et al.*, Supreme Court of the State of California, Case No. S247095

OPEN SESSION

5. Review of Report on Liquidity Sub-Portfolio.
6. Consider and take possible action to amend the Investment Policy Statement.
7. Consider and take possible action to issue a Request for Proposal (RFP) for a Pension Administration System Consulting Firm.
8. Death During Active Membership – Non-Service Connected Disability and Optional Settlement 2 information.
9. Discussion concerning new board room.
10. Consider authorizing the attendance of Board:
 - a. Annual Institutional Symposium, Dimensional Fund Advisors, May 6-8, 2019, Charlotte, NC.
 - b. 2019 Investor Conference & Dinner Reception, Angelo Gordon, May 15, 2019, New York, NY.
 - c. Annual Meeting & Dinner, DBL Investors, June 19, 2019, San Francisco, CA.

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

- d. Public Pension Investment Management Program, SACRS, July 22-24, 2019, Berkeley, CA. (Note: Conflict with Meeting)

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

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



AGENDA

RETIREMENT BOARD MEETING

SPECIAL BOARD MEETING
May 1, 2019
9:00 a.m.

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

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

1. Pledge of Allegiance.
2. Recognition of Jerrie Davis for 30 years of service.
3. Accept comments from the public.
4. Approve minutes from the April 10, 2019 meeting.
5. Routine items for May 1, 2019.
 - a. Approve certifications of membership.
 - b. Approve service and disability allowances.
 - c. Accept disability applications and authorize subpoenas as required.
 - d. Approve death benefits.
 - e. Accept travel report.
 - f. Accept Asset Allocation Report.
 - g. Accept Liquidity Report.

CLOSED SESSION

6. The Board will go into closed session pursuant to Govt. Code Section 54957 to consider recommendations from the Medical Advisor and/or staff regarding the following disability retirement applications:

<u>Member</u>	<u>Type Sought</u>	<u>Recommendation</u>
a. Miguel Aguilera	Service Connected	Service Connected
b. Sean McGee	Service Connected	Service Connected

OPEN SESSION

7. Presentation from Segal Consulting: Review of Actuarial Assumptions.
8. Miscellaneous
 - a. Staff Report
 - b. Outside Professionals' Report
 - c. Trustees' comments

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AGENDA

RETIREMENT BOARD MEETING

SECOND MONTHLY MEETING
May 22, 2019
9:00 a.m.

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

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

1. Pledge of Allegiance.
2. Accept comments from the public.
3. Approve minutes from the April 24, 2019 meeting.

CLOSED SESSION

4. CONFERENCE WITH LABOR NEGOTIATOR
(Government Code Section 54957.6)

Agency designated representative:
Joe Wiley, CCCERA's Chief Negotiator

Unrepresented Employee: Chief Executive Officer

OPEN SESSION

5. Presentation from Segal Consulting: Review of Actuarial Assumptions.
6. Presentation of Actuarial Audit Report by Cheiron.
7. Consider and take possible action to adopt the actuarial assumptions to be utilized in the December 31, 2018 actuarial valuation report.
8. Consider and take possible action to adopt the Declining Employer Payroll Actuarial Funding Policy.
9. Consider and take possible action to amend the Actuarial Funding Policy.
10. Review of total portfolio performance for period ending March 31, 2019.
 - a. Presentation from Verus.
 - b. Presentation from staff.

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

11. Consider authorizing the attendance of Board:
 - a. The Private Equity Exclusive, The Pension Bridge, July 22-23, 2019, Chicago, IL.
 - b. 2019 Public Funds Forum, ValueEdge Advisors, September 3-5, 2019, Park City, UT.

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

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