



NOTICE AND AGENDA FOR REGULAR MEETING

DATE/TIME: Wednesday, July 10, 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.

JULY 10, 2019 CONTRA COSTA LAFCO AGENDA

1. Call to Order and Pledge of Allegiance
2. Roll Call
3. **Introduction of New LAFCO Employee**
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 June 12, 2019 regular LAFCO meeting

OUT OF AGENCY SERVICE REQUESTS

7. **LAFCO 19-03 – City of Martinez – 1052 Plaza Drive** – consider a request by City of Martinez to extend municipal water service outside its jurisdictional boundary to one parcel (APN 375-311-028) located at 1052 Plaza Drive in unincorporated Martinez; and consider related actions per the California Environmental Quality Act (CEQA)

SPHERE OF INFLUENCE (SOI) AMENDMENTS/CHANGES OF ORGANIZATIONS

8. **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 per CEQA **Public Hearing**
9. **LAFCO No. 19-02 – McCauley Annexation to East Contra Costa Irrigation District (ECCID)** - consider annexing two parcels (APNs 057-060-014 and -015) to ECCID. The area comprises 40± acres and is located at 7901 and 7921 Deer Valley Road in the City of Antioch. The Commission will also consider related actions under CEQA **Public Hearing**
10. **LAFCO 18-06 – Chang Property Reorganization: Annexations to City of San Ramon, Central Contra Costa Sanitary District, and East Bay Municipal Utility District and Detachment from County Service Area P-6** – consider landowner’s request for extension of time to record the boundary reorganization

BUSINESS ITEMS

11. **Contra Costa LAFCO Policies** – receive information regarding LAFCO’s policies relating to meeting minutes and provide comments and direction
12. **Lease Agreement for LAFCO Office Space** - approve a lease agreement with Contra Costa County for office space at 40 Muir Road in Martinez
13. **2019 “City Services” Municipal Services Review (MSR)/Sphere of Influence (SOI) Updates** – approve corrections to the MSR/SOI resolutions for the cities of Hercules and Pinole and the Town of Discovery Bay Community Services District
14. **Special District Risk Management Authority (SDRMA) Board Election** – receive information and appoint an ad hoc committee to review candidates and make recommendations to the Commission
15. **Legislative Report – Update and Position Letters** – receive a legislative update
16. **Farewell to Kate Sibley – Executive Assistant/LAFCO Clerk**

INFORMATIONAL ITEMS

17. Commissioner Comments and Announcements
18. Staff Announcements
 - Pending Projects
 - Newspaper Articles
 - CCCERA Correspondence

ADJOURNMENT

The next regular LAFCO meeting is August 14th, 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

June 12, 2019

Board of Supervisors Chambers
Martinez, CA

July 10, 2019
Agenda Item 6

1. Chair Tom Butt called the meeting to order at 1:30 p.m. and the Pledge of Allegiance was recited.
2. The Chair welcomed returning City Members Rob Schroder and Alternate Sean Wright, who were recently re-elected to their seats on LAFCO.
3. Roll was called. A quorum was present of the following Commissioners:
County Members Candace Andersen and Federal Glover. Alternate County Member Diane Burgis arrived at 1:45 p.m.
Special District Members Mike McGill and Igor Skaredoff and Alternate Stan Caldwell.
City Members Tom Butt and Alternate Sean Wright.
Public Member Don Blubaugh.
Present were Executive Officer Lou Ann Texeira, Legal Counsel Sharon Anderson, and Clerk Kate Sibley.
4. Approval of the Agenda
Upon motion of McGill, second by Blubaugh, Commissioners approved the agenda unanimously, 7-0.
AYES: Andersen, Blubaugh, Butt, Glover, McGill, Skaredoff, Wright (A)
NOES: none
ABSENT: Schroder (M)
ABSTAIN: none
5. Public Comments
Kathy Griffin, representing Alliance for a Better Brentwood, spoke regarding Brentwood's growth plans, its sphere of influence, and the urban limit line.
6. Approval of April 17, 2019 Meeting Minutes
Upon motion of McGill, second by Andersen, the April 17, 2019 meeting minutes were approved unanimously, 7-0.
AYES: Andersen, Blubaugh, Butt, Glover, McGill, Skaredoff, Wright (A)
NOES: none
ABSENT: Schroder (M)
ABSTAIN: none
7. LAFCO 18-03 – SOI Amendments – City of Richmond (reduce) and City of El Cerrito (expand)
The Executive Officer reported that this item requires additional information before it can be heard.
Upon motion of Blubaugh, second by Glover, Commissioners unanimously voted to continue the item to the July 10, 2019 regular LAFCO meeting.
AYES: Andersen, Blubaugh, Butt, Glover, McGill, Skaredoff, Wright (A)
NOES: none
ABSENT: Schroder (M)
ABSTAIN: none

DRAFT

8. LAFCO 19-01 – SOI Amendment – East Contra Costa Irrigation District (ECCID) (McCauley)

The Executive Officer presented background on this proposal to expand the SOI of ECCID to include two parcels totaling 40 acres located in the City of Antioch; a corresponding annexation application has been submitted for extending irrigation water to support future olive orchards and potentially two single family dwelling units. Due to lack of water infrastructure in the area, the City of Antioch is unable to extend water service to the properties. The cities of Antioch and Brentwood and ECCID have agreed that ECCID can supply the water and the City of Brentwood can convey the water, subject to LAFCO approval.

The Chair opened the public hearing.

Kathy Griffin, Alliance for a Better Brentwood, questioned whether the water is being extended for residential or agricultural use, and was told it was for two residential units.

The Chair closed the public hearing.

Commissioners McGill and Skaredoff asked questions about the use of the ECCID water as well as the well water that is proposed for the two residential units. Staff noted that if the ECCID water is inadequate, the City of Brentwood will provide backup.

Landowner Sean McCauley responded that there are three wells on the property, and they have all been tested for their quality.

Upon motion of Glover, second by Wright, Commissioners, by a 7-0 unanimous vote, determined that the ECCID, as Lead Agency, found the project exempt pursuant to CEQA Guidelines section 15061(b)(3); approved the proposed expansion to ECCID's SOI adding 40± acres to the District's SOI; and amended ECCID's SOI as described and shown on the attached map.

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

9. “City Services” MSR/SOI Updates (2nd Round) – Final Report

The Executive Officer provided background on the “City Services” MSR/SOI Updates (2nd Round), which covers all 19 cities and four community services districts (CSDs), being presented for a final public hearing at this meeting. Lamphier-Gregory and Berkson Associates prepared the final draft MSR report, which was released on March 27th, with the final comment period ending at this meeting.

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/population, capacity including infrastructure needs and deficiencies, and financial ability to provide services as required by statute.

The MSR process involved working with the subject agencies on data collection, information gathering, and fact checking; preparing an Administrative Draft, a Public Review Draft, a Final Draft, and a Final report; receiving and incorporating public comments; and two LAFCO Public Hearings. The MSR culminates in updating the SOI for each agency. Staff noted that the consultants and LAFCO staff recommend maintaining the existing SOI for each of the 19 cities and four CSDs. Included with this item is a resolution for each subject agency which contains SOI and MSR determinations.

Four noteworthy issues are: 1) the MSR discusses 17 small islands that can be annexed using an expedited LAFCO process, which staff encourages; 2) as noted in the MSR/SOI resolutions, several agencies are required to provide additional information about services and financial capacity prior to any future SOI amendments; and two of these agencies – City of El Cerrito and Crockett CSD – are asked to provide a report to LAFCO by June 2020 addressing financial concerns raised in the MSR; 3) there has been an ongoing issue in the Diablo community regarding the District's use of public funds

to maintain Calle Arroyo Road, which has been deemed a private road by the court. One of the purposes for which the district was formed was to maintain roads subject to right-of-way by the public. We encourage the District to seek a legal opinion to resolve this matter; and 4) there is a request from residents of the Reliez Valley area to be removed from Pleasant Hill's SOI and added to Lafayette's SOI as a community of interest with the City of Lafayette, raising several logistical and financial issues.

Consultant Richard Berkson noted that he did the financial review and that none of the reviews found impending serious fiscal issues, although there were a couple of cautionary flags that resulted in LAFCO's request that certain agencies report back in a year. Consultant Sharon Wright noted that new data was provided by some agencies after the public review draft was issued; that information was added unless it didn't coincide with the initial data timelines

Commissioner McGill congratulated the consultants and LAFCO staff on the report and commended the consultants on their substantial work.

The Chair opened the public hearing.

Debra Mason, Bay Point resident, commented on the City of Pittsburg in relation to Ambrose Recreation and Park District.

The following speakers spoke in support of removing their Reliez Valley neighborhood from the City of Pleasant Hill SOI and adding it to the City of Lafayette SOI:

Lindy Evans, Reliez Valley resident
Kerry Inserra, Reliez Valley resident
Kristen Altbaum, Reliez Valley resident
Janet Haukaas, Reliez Valley resident
Norm Haukaas, Reliez Valley resident
Barry Silberman, Reliez Valley resident
Barbara Silberman, Reliez Valley resident
John Cumbers, Reliez Valley resident
Ken Madderra, Reliez Valley resident
Lane Altbaum, Reliez Valley resident

Commissioners discussed the process the Reliez Valley residents would have to go through to move their area from one SOI and add it to the other, and the actual benefit to the residents. Staff noted that the residents could apply and pay costs associated with the application. Also, this SOI adjustment would trigger an environmental review. LAFCO does not have a budget for such a review, and typically the applicant funds this review. Commissioners agreed that this is a challenging situation.

In response to Mr. Madderra's comment that the original intent of LAFCOs was to clean up unincorporated islands, staff noted that there are 17 small islands in the County that are under 150 acres and thus able to be annexed to cities without protest; however, the master tax transfer agreements do not typically provide adequate funding to address needed improvements in these unincorporated areas.

Commissioner Butt asked how this SOI change would affect the issues these Reliez Valley residents have brought up. Staff responded that there would be no effect on the school and commute issues or on their ability to participate in city politics.

Jeff Eorio, Diablo CSD Board Member, voiced his concern regarding the private vs. public road issue in the Diablo community. Commissioner Andersen suggested that the issue would need to be challenged by a taxpaying resident of Diablo CSD.

The Chair closed the public hearing.

Upon motion of Blubaugh, second by Andersen, Commissioners unanimously, 7-0, accepted the Final MSR report; determined that the MSR project is categorically exempt pursuant to §15306, Class 6 of the CEQA Guidelines and §15061(b)(3) of the CEQA Guidelines; adopted the MSR determinations;

adopted the SOI updates as recommended for the 19 cities and four community services districts; and appointed Commissioners Andersen and Blubaugh to form an ad hoc subcommittee to investigate the request of the Reliez Valley residents to have their area removed from the City of Pleasant Hill SOI and added to the City of Lafayette SOI.

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

10. City of Martinez Annexations – Update

The Executive Officer reported that the City of Martinez, which has seen an increase in applications to LAFCO for out of agency service, submitted an update on their plans to annex the Mt. View/Pacheco Corridor and Alhambra Valley areas and the possible timetable for that. The Martinez City Council has identified annexations as one of its top five goals over the next two years, and within the next year will explore an annexation study of these areas.

Upon motion of Glover, second by McGill, Commissioners unanimously, by a 7-0 vote, accepted the report from the City of Martinez.

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

11. Fiscal Year 2019-20 Final Budget and Work Plan

The Executive Officer presented the final budget for Fiscal Year 2019-20, which reflects an overall increase of 9% 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.

Currently, LAFCO has two full-time employees, an Executive Officer and an Executive Assistant/LAFCO Clerk. In April, the Commission approved a new staffing plan that includes one FT EO, one FT Analyst and one half-time EA. The current EA/LAFCO Clerk will retire on July 31, 2019. In accordance with the new staffing plan, and in anticipation of Kate's retirement, LAFCO initiated a recruitment for the EA position, received 23 applications, interviewed the top four candidates, and anticipates making a job offer this week.

Costs associated with the new office space include rent/debt service; approximately \$12,000/year, which is comparable to current rent. The FY 2019-20 budget also 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. In April, County staff informed LAFCO that its share of the TI costs is \$175,000, which is a significant increase over the prior year estimates. The cost increase is primarily due to increased construction costs and the addition of a prorated share of a conference room, breakroom and restroom. County and LAFCO staff have tentatively agreed that LAFCO will pay \$12,000 annually but only during the time in which LAFCO leases the space. Should LAFCO vacate the space, the TI improvement payments will cease.

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.

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 the funding agencies is approximately 10% 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.

Chair Butt opened and closed the public hearing, as there were no speakers.

Upon motion of Blubaugh, second by McGill, Commissioners, by a 7-0 unanimous vote, approved the final budget for FY 2019-20 as presented, and directed staff to distribute the final budget to the County, cities, and special districts.

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

12. 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. CALAFCO is also embarking on a 2-year process with other state associations to rewrite the protest provisions.

CALAFCO is currently tracking 21 bills that have direct and indirect impact on LAFCOs as shown on the CALAFCO Legislative Report.

On April 16th, CALAFCO issued an urgent call for legislative action requesting that LAFCOs send support letters for two bills: **AB 1822**, the annual CALAFCO omnibus bill, and **AB 818** sponsored by the League of Cities to reinstate ERAF funding; and one oppose letter for **AB 600** which creates requirements for cities, counties and certain special districts to develop accessibility plans if they have DUCs. In accordance with our legislative policy, and in consultation with the LAFCO Chair, we sent position letters for these three bills.

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

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

13. Contract Extension – Lamphier-Gregory

The Executive Officer presented an amendment to the ongoing contract with Lamphier-Gregory for environmental planning. The contract amendment is for a one-year extension, and additional funding as included in the FY 2019-20 budget.

Upon motion of Skaredoff, second by McGill, Commissioners unanimously, by a 7-0 vote, authorized LAFCO staff to execute a contract amendment with Lamphier-Gregory to extend the term of the contract to June 30, 2020, and add funding as provided in FY 2019-20 budget.

AYES: Andersen, Blubaugh, Butt, Glover, McGill, Skaredoff, Wright (A)
NOES: none

ABSENT: Schroder (M)

ABSTAIN: none

14. Commissioner Comments and Announcements

Commissioner McGill noted that he had attended two CALAFCO meetings in the period since the last Contra Costa LAFCO meeting: a Legislative Committee meeting on May 3rd and a Board meeting on May 10th at which time the Board discussed the dues increase. The June 7 Legislative Committee meeting was cancelled.

15. Staff Announcements

The Executive Officer had no comments.

The meeting adjourned at 3:00 p.m.

Final Minutes Approved by the Commission July 10, 2019.

AYES:

NOES:

ABSTAIN:

ABSENT:

By _____
Executive Officer

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

July 10, 2019 (Agenda)

July 10, 2019
Agenda Item 7

LAFCO 18-12 City of Martinez - Out of Agency Service Request – 1052 Plaza Drive

SYNOPSIS

This is a request by the City of Martinez to provide municipal water service outside its jurisdictional boundary to one parcel (APN 375-311-028) located at 1052 Plaza Drive in unincorporated Martinez (Attachment 1). The lot is currently vacant and the landowner proposes to construct a single-family home and an in-law unit.

The subject property is located within the City's sphere of influence (SOI) and Urban Limit Line. Surrounding land uses include single family residential to the north, south east and west. The City is currently providing water service to the neighborhoods surrounding the subject property. The subject property is also within the Mt. View Sanitary District (MVSD) service boundary.

DISCUSSION

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

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

City's Prior and Future Commitment to Annexations – As noted in LAFCO's previous Municipal Service Reviews (MSRs), the City is providing water services beyond its corporate limits to an estimated 1,500 water connections. The LAFCO MSRs recommend that the City of Martinez annex areas receiving city services, as appropriate. The MSRs note that the 1,500 water connections serve residents do not have representation in terms of electing the Martinez City Council and governance issues. However, these residents may address the City Council regarding policy decisions; and have equal rights under Proposition 218 to protest water rate increases.

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

While the City has taken actions in furtherance of future annexations of most of these areas, the outcome of the fiscal studies shows a negative fiscal impact to the City; thus, annexation of most of these areas, including the Mt. View area, is not financially viable.

In addition to prior annexation efforts, the City has adopted resolutions stating the City's intent to pursue annexation of the Alhambra Valley area by 2020, and annexation of the Pacheco Boulevard corridor including the Mt. View area by the year 2030.

Since 2012, the City of Martinez has submitted 12 out of agency service applications to LAFCO including the subject proposal. In response to a recent increase in the number of out of agency service requests, the Commission asked the City to provide an update on future annexation activity. In June 2019, the City provided LAFCO with an update indicating that 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.

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

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

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

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

The out of agency service request is intended to serve development of a single-family residential unit and an in-law unit.

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

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

The subject area is adjacent to the City boundary; however, the City does not support annexing a single parcel in a neighborhood.

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

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

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

The City has indicated its commitment to the future study and annexation of the Mt. View area. The City has also obtained and recorded a deferred annexation agreement on the subject parcels.

Water Supply to the Subject Property – The subject property is located in the Mt. View area, which is characterized by high density single family residential use. The Mt. View area is partially served with water service through the City of Martinez and sewer service through the MVSD.

The City indicates that it has adequate water to serve the subject property. Water service will be provided from the existing 6-inch main on Plaza Drive. The water service lateral will consist of approximately 20 linear feet of one-

inch diameter pipe, a water meter and a backflow prevention device. The one-inch water service line will be used for combined domestic water and fire supply.

Environmental Review – The City of Martinez found the extension of water service to the subject exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines section 15061(b)(3), and has filed a Notice of Exemption. The LAFCO Environmental Coordinator has reviewed the City's CEQA documentation and finds its adequate for LAFCO purposes.

ALTERNATIVES FOR COMMISSION ACTION

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

Option 1 **Approve** the out of agency service request as proposed and approve Resolution No. 19-03 (Attachment 3).

- A. Find that the project is exempt pursuant to section 15061(b)(3) of the CEQA Guidelines, consistent with the determinations of the City of Martinez.
- B. Authorize the City of Martinez to extend water service outside its jurisdictional boundary to 1052 Plaza Drive in unincorporated Martinez subject to the following terms and conditions:
 - 1. Water infrastructure and service is limited to one single family dwelling unit and one in-law unit,
 - 2. The City of Martinez has delivered to LAFCO an executed deferred annexation agreement (DAA), and the DAA was recorded as prescribed by law and runs with the land so that future landowners have constructive notice that their property is encumbered by the DAA, and
 - 3. The City of Martinez has delivered to LAFCO an executed indemnification agreement providing for the City to indemnify LAFCO against any expenses arising from any legal actions to challenging the out of agency service.

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

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

RECOMMENDATION

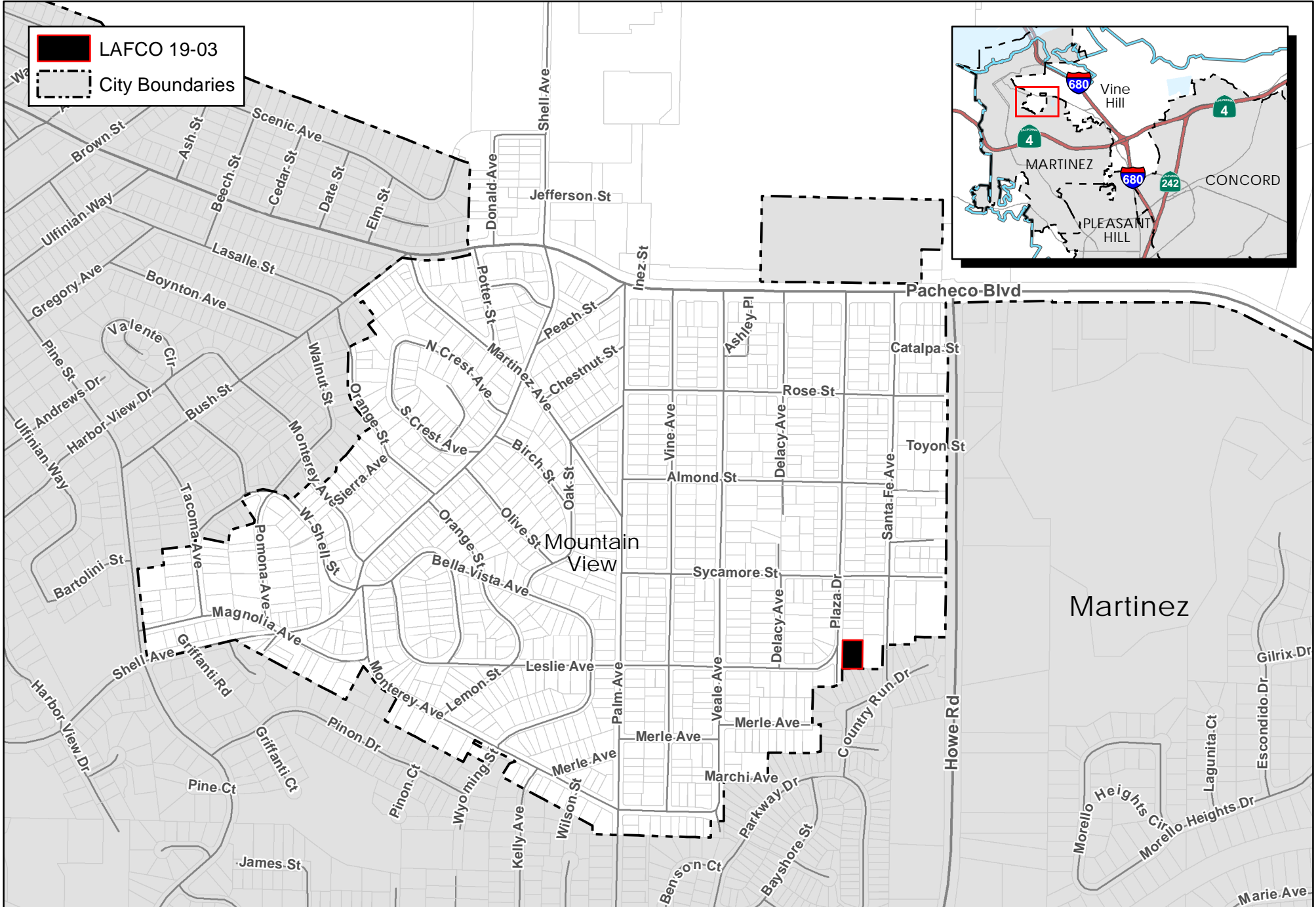
Option 1 – Approve out of agency service request with conditions as noted.

LOU ANN TEXEIRA, EXECUTIVE OFFICER
CONTRA COSTA LAFCO

Attachments

- 1. Map of 1052 Plaza Drive
 - 2. LAFCO Policies for Out of Agency Service Agreements
 - 3. Draft LAFCO Resolution 19-03
- c: Randy Leptien, City of Martinez
 Khalil Yowakim, City of Martinez
 Marco Rodriguez, Property Owner

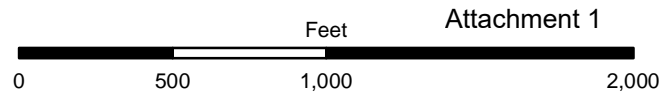
LAFCO No.19-03 City of Martinez Out of Agency Service (1052 Plaza Drive)



LAFCO 19-03
 City Boundaries

Map created 06/24/2019
 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.



2.1. POLICIES AND STANDARDS

J. Policies for Out of Agency Service Agreements

1) Introduction:

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

2) Purpose:

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

3) Objective:

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

4) Out of Agency Service Policies: General Statements

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

5) Form of Request:

a) All Requests

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

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

b) Requests Due to Health or Safety Emergency

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

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

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

c) Requests in Anticipation of Annexation

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

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

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

6) Review of Request

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

7) Consideration of Request

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

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

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

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

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

RESOLUTION NO. 19-03**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
AUTHORIZING THE CITY OF MARTINEZ TO PROVIDE OUT-OF-AGENCY WATER SERVICE
TO 1052 PLAZA DRIVE**

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

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

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

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

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

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

- A. Find that the project is exempt pursuant to section 15061(b)(3) of the CEQA Guidelines, consistent with the determination of the City of Martinez.
- B. Authorize the City of Martinez to extend water service outside its jurisdictional boundary to property located at 1052 Plaza Drive (APN 375-311-028) located in unincorporated Contra Costa County subject to the following terms and conditions:
 1. Water infrastructure and service is limited to one single family dwelling unit and one in-law unit on the subject parcel,
 2. The City of Martinez has delivered to LAFCO an executed indemnification agreement providing for the City to indemnify LAFCO against any expenses arising from any legal actions to challenging the out of agency service, and
 3. The City of Martinez and the property owner have signed a deferred annexation agreement (DAA), and the DAA was recorded as prescribed by law and run with the land so that future landowners have constructive notice that their property is encumbered by the DAA.
- C. Approval to extend City of Martinez services beyond those specifically noted herein is withheld and is subject to future LAFCO review.

* * * * *

PASSED AND ADOPTED THIS 10th day of July 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: July 10, 2019

Lou Ann Texeira, Executive Officer

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

July 10, 2019
Agenda Item 8

June 12, 2019 (Agenda)

LAFCO 18-03 Sphere of Influence (SOI) Amendments – City of El Cerrito (Expansion) and City of Richmond (Reduction)

APPLICANT Kevin Wang - Landowner

PURPOSE The City of El Cerrito has approved a mixed-use development project that encompasses two parcels which are separated by the jurisdictional boundary lines of the cities of El Cerrito and Richmond. The project is a five-story building with ground floor commercial, off-street parking and 50 residential units. The two cities have a process to address development projects that straddle city boundaries. The City of El Cerrito is the lead agency on this project.

The landowner has applied to LAFCO to bring the Richmond parcel into the City of El Cerrito's SOI and service area to ensure a more logical and orderly boundary.

ACREAGE & LOCATION The proposal would expand the City of El Cerrito's SOI by 0.07± acres and reduce the City of Richmond's SOI by the same acreage. The subject area involves one parcel (APN 509-110-017) and is located on Jefferson Avenue in the City of Richmond. The subject area is within the Contra Costa County Urban Limit Line (ULL) - see attached map (Exhibit A). The landowner also submitted a corresponding proposal to annex the same parcel to the City of El Cerrito and detach the parcel from the City of Richmond.

BACKGROUND In 2014, the City of El Cerrito adopted the San Pablo Avenue Specific Plan (SPASP) which provides guidance for the future development along a stretch of San Pablo Avenue. The SPASP provides the basis for future development of 1,706 residential units, and 243,112 square feet of commercial space. In adopting the SPASP, the City of El Cerrito certified an EIR that addressed the environmental effects anticipated to result from implementation of the SPASP. In accordance with the SPASP, the City of El Cerrito is the jurisdiction with the regulatory control, and has been coordinating with the City of Richmond regarding this proposal.

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 existing land use includes a one-story retail building and surface parking. The current zoning designations include TOM-IMU (Transit Oriented Mid-Intensity Mixed Use) - City of El Cerrito, and RM-1 (Medium Density Multi-Family Residential) - City of Richmond; and the General Plan designations include TOM-IMU - City of El Cerrito, and Medium Density Residential - City of Richmond. The proposed SOI amendments and pending boundary changes 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 proposed development includes commercial use, parking, 50 residential units, and related amenities. The project site currently receives a full range of municipal services including water, sewer, fire, streets/roads, drainage, and other urban services. Should the subject property be detached from the City of Richmond and annexed to the City of El Cerrito, the City of El Cerrito will assume the provision of municipal services to the combined project site. The applicant has provided a Plan for Providing Services as part of the boundary change proposal.
3. ***The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide*** – Following the SOI amendment and annexation of the subject parcel to the City of El Cerrito, the City will be required to provide services to the property, including police, fire, streets/roads, and other city services. The recently completed LAFCO *City Services Municipal Services Review (MSR)* notes that “the City of El Cerrito has financial challenges due to unfunded mandates and regulatory requirements, tax limitation measures, and unfunded pension liability. These challenges may impact the City’s ability to maintain existing service levels and meet infrastructure needs. Further, the MSR indicates that the City’s ability to accommodate infrastructure expansion, improvements, or replacement over the next five years may be compromised absent the identification of additional funding opportunities.” *The MSR recommends that future annexation applications require that the City demonstrate its financial ability to provide services to the subject area.* The City has provided a letter indicating it is able and willing to serve the subject area (Attachment 1).
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 subject area is adjacent to the City of El Cerrito and is part of the City’s future planning area.
5. ***For an update of a SOI a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, that occurs pursuant to subdivision (g) on or after July 1, 2012, the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing SOI*** – The City of El Cerrito provides fire service within the City’s existing boundary, and will provide fire service to the subject property following annexation. The subject area is not a disadvantaged community. However, there is an area along State Highway 123 and Potrero Avenue within the City’s boundary that is considered a disadvantaged community. This area receives fire service from the City of El Cerrito and receives municipal water and sewer services from other public agencies.

Environmental Impact of the Proposal – In 2014, the City of El Cerrito, as Lead Agency, prepared an Environmental Impact Report (EIR) in conjunction with the SPASP. Also, in 2018, the City prepared a consistency analysis confirming that the subject area and proposed development project are within the planning area of the SPASP, and would have no new significant environmental effects nor substantially increase the

severity of previously identified significant effects. Further, that no new mitigation measures are required beyond those identified in the SPASP EIR.

In conjunction with the SOI and boundary change proposals, the City of El Cerrito has determined that the inclusion of APN 509-110-017 within El Cerrito’s SOI and the removal of the subject parcel from the City of Richmond and the corresponding proposed boundary changes (i.e., annexation, detachment) are actions that are exempt from further review under the California Environmental Quality Act (CEQA) pursuant to Section 15319 of the CEQA Guidelines and the general rule contained in 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 2) approving the proposed SOI changes including expanding the City of El Cerrito’s SOI and reducing City of Richmond’s SOI by 0.07± acres (APN 509-110-017) as depicted on the attached map (Exhibit A).
- A. Determine that the proposed SOI amendments and subsequent boundary changes are exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15319 of the CEQA Guidelines and the general rule contained in Section 15061(b)(3), consistent with the determinations made by the City of El Cerrito.
 - B. Adopt this report and amend the SOIs of the cities of El Cerrito and Richmond 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 SOI changes

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

Exhibit A - Map – Proposed SOI Amendments

Attachment 1 – Will Serve Letter from City of El Cerrito

Attachment 2 - Draft LAFCO Resolution – City of El Cerrito SOI Expansion and City of Richmond SOI Reduction

- c: Kevin Wang - Landowner
Sean Moss, Planning Manager, City of El Cerrito
Lina Velasco, Director of Planning and Building Services, City of Richmond
Kathy Truong, Wang Bros. Investments
Patrick Tami, R.E.Y. Engineers, Inc.
Chris Martin, R.E.Y. Engineers, Inc.

LAFCO 18-03 – SOI Amendments, El Cerrito & Richmond (Wang)





July 1, 2019

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

Dear Ms. Texeira:

As you are aware, the parcel located at 10963 San Pablo Avenue (APNs 509-110-015 and 509-110-017) straddles the city limits of the cities of El Cerrito and Richmond. The portion of the site currently in Richmond is approximately 3,092 square feet and the portion in El Cerrito is approximately 15,167 square feet. The site consists of one parcel that has been assigned two APNs by the Contra Costa County Assessor and is within the City of El Cerrito's San Pablo Avenue Specific Plan area. The San Pablo Avenue Specific Plan states that "parcels in both jurisdictions [El Cerrito and Richmond] shall be subject to the entitlement process of the jurisdiction in which it has the majority of its lot acreage." Accordingly, on May 2, 2018, the City of El Cerrito Design Review Board approved a project at the site consisting of a new 5-story building containing 50 residential units, 34 automobile parking spaces and approximately 3,000 square feet of commercial space. Upon acting to approve the project, the Design Review Board determined that the project was consistent with the Program Environmental Impact Report certified for the San Pablo Avenue Specific Plan, pursuant to CEQA Guidelines *Sections 15168(c)* and *15182* and no further environmental analysis was required for the project.

Subsequent to the approval of the project, the property owner, Kevin Wang, submitted an application to the Contra Costa County Local Agency Formation Commission (LAFCO) to amend the spheres of influence of the cities of El Cerrito and Richmond and to detach APN 509-110-017 from the City of Richmond and to annex it to the City of El Cerrito.

The City of El Cerrito is willing and able to provide municipal services to the portion of the site which is currently within the City of Richmond (APN 509-110-017).

Further, the City of El Cerrito determines that the inclusion of APN 509-110-017 within El Cerrito's Sphere of Influence and the further detachment of APN 509-110-017 from the City of Richmond and annexation to the City of El Cerrito is exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15319 of the CEQA Guidelines and the general rule contained in Section 15061(b)(3).

We appreciate LAFCO's recommendation of a Condition of Approval to the annexation action, that the applicant be required to fund a study to inform any revenue sharing agreement that the cities might enter into, as we previously discussed.

Please contact me with any questions or concerns.

Sincerely,



Sean Moss, AICP
Planning Manager

c: Karen Pinkos, City Manager, City of El Cerrito
Melanie Mintz, Community Development Director, City of El Cerrito

SPHERE OF INFLUENCE RESOLUTION NO. 18-03

RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS AND EXPANDING THE SPHERE OF INFLUENCE (SOI) OF THE
CITY OF EL CERRITO AND REDUCING THE SOI OF THE CITY OF RICHMOND

WHEREAS, a proposal to expand the SOI of the City of El Cerrito and reduce the SOI of the City of Richmond was filed with the Contra Costa Local Agency Formation Commission (LAFCO) pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code §56425); and

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

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

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

1. The matter before the Commission is the proposed expansion of the SOI of the City of El Cerrito and corresponding detachment from the City of Richmond's SOI of 0.07± acres (Assessor Parcel Number 509-110-017) located on Jefferson Avenue in the City of Richmond.
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 15319 and 15061(b)(3), consistent with the determination of the City of El Cerrito acting as Lead Agency.
3. The SOI of the City of El Cerrito is hereby expanded and the SOI of the City of Richmond is hereby reduced as depicted on the attached maps (Exhibit A and B).
4. 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 existing land use includes a one-story retail building and surface parking. The current zoning designations include TOM-IMU (Transit Oriented Mid-Intensity Mixed Use) - City of El Cerrito, and RM-1(Medium Density Multi-Family Residential) - City of Richmond); and the General Plan designations include TOM-IMU - City of El Cerrito and Medium Density Residential - City of Richmond. The proposed SOI amendments and subsequent boundary changes 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 proposed development includes commercial use, parking, 50 residential units, and related amenities. The project site currently receives a full range of municipal services including water, sewer, fire, streets/roads, drainage, and other urban services. Should the subject property be detached from the City of Richmond and annexed to the City of El Cerrito, the City of El Cerrito will assume the provision of municipal services to the combined project site. The applicant has provided a Plan for Providing Services as part of the boundary change proposal.

The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide – Following the SOI amendment and

annexation of the subject parcel to the City of El Cerrito, the City will be required to provide services to the property, including police, fire, streets/roads, and other city services. The recently completed LAFCO *City Services Municipal Services Review (MSR)* notes that “the City of El Cerrito has financial challenges due to unfunded mandates and regulatory requirements, tax limitation measures, and unfunded pension liability. These challenges may impact the City’s ability to maintain existing service levels and meet infrastructure needs. Further, the MSR indicates that the City’s ability to accommodate infrastructure expansion, improvements, or replacement over the next five years may be compromised absent the identification of additional funding opportunities.” *The MSR recommends that future annexation applications require that the City demonstrate its financial ability to provide services to the subject area.* The City has provided a letter indicating it is able and willing to serve the subject area.

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 subject area is adjacent to the City of El Cerrito and is part of the City’s future planning area.

For an update of a SOI a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, that occurs pursuant to subdivision (g) on or after July 1, 2012, the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing SOI – The City of El Cerrito provides fire service within the City’s existing boundary, and will provide fire service to the subject property following annexation. The subject area is not a disadvantaged community. However, there is an area along State Highway 123 and Potrero Avenue within the City’s boundary that is considered a disadvantaged community. This area receives fire service from the City of El Cerrito and also receives municipal water and sewer services from other public agencies.

* * * * *

PASSED AND ADOPTED THIS 10th day of July 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: July 10, 2019

Lou Ann Texeira, Executive Officer

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

July 10, 2019 (Agenda)

July 10, 2019
Agenda Item 9

LAFCO 19-02 McCauley Annexation to East Contra Costa Irrigation District (ECCID)

PROPONENT ECCID - Resolution 2019-04, February 12, 2019
Sean McCauley, Landowner

SYNOPSIS This is an application to annex 40± acres comprised of two parcels (APNs 057-060-014 and -015) located at 7901 and 7921 Deer Valley Road in the City of Antioch (Exhibit 1).

Annexation will bring the subject property into the service boundary of ECCID and will allow for the extension of municipal water service to support the agricultural operations of future olive orchards and potentially two single family residential dwelling units and an agricultural structure. As proposed, ECCID will use ground water to serve the property. Details regarding water service and infrastructure are provided below.

DISCUSSION

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

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

The subject area is within ECCID's SOI as approved by the Commission on June 12, 2019; and is within the City of Antioch's Urban Growth Boundary and Contra Costa County's Urban Limit Line.

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

The subject property is currently vacant. The City's "Roddy Ranch Focus Area" designation was instituted by Measure K, which was a voter initiative that approved the Roddy Ranch development in 2005; and the City's zoning designation is "S – Study Area.". 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.

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

The subject property is currently vacant and is surrounded by agricultural land. The future land use is primarily agricultural. The proposed annexation is consistent with the land use designations and will have no impact on agricultural and open space lands. The area is not subject to a Williamson Act contract.

4. Topography, Natural Features and Drainage Basins:

The topography of both the subject property and surrounding areas is generally flat with some rolling hills.

5. Population:

The current population in the area is zero, as the land is vacant. The proposal includes potential construction of two single family dwelling units. The potential population resulting from this proposal is estimated at 3-10 based on U.S. Census Bureau; American Community Survey, 5-Year Estimates 2013-2017.

6. Fair Share of Regional Housing:

In its review of a proposal, LAFCO must consider the extent to which the proposal will assist the receiving entity in achieving its fair share of the regional housing needs as determined by the regional council of governments. The two proposed single-family residential units will be market value and will have no effect on regional housing needs.

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

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

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

The subject property is without the boundaries of various municipal service agencies including the City of Antioch and East Contra Costa Fire Protection District.

The proposed annexation will bring the subject area into the service boundary of ECCID to enable the extension of water services.

8. Timely Availability of Water and Related Issues:

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

The proposal before the Commission includes annexation of the subject property to ECCID for water service. ECCID's boundary encompasses 40± square miles and includes the City of Brentwood, portions of the cities of Antioch and Oakley, and the Knightsen community. The District serves approximately 8,000 irrigated acres, and a population of approximately 95,000. ECCID supplies irrigation water for agricultural, landscape and recreational uses, and raw water for

treatment and delivery to urban uses. The District's primary source of water supply is water diverted from Indian Slough on Old River (1912 appropriative rights).

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 District General Manager indicates that ECCID 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.

To serve the subject parcels, the City of Brentwood will extend irrigation lines from the existing 12-inch non-potable water line that serves the Roddy Ranch area. The estimated demand for water usage is 70 acre-feet per year. The landowner will install and maintain a meter; and all other improvements will be paid by the landowner.

9. Assessed Value, Tax Rates and Indebtedness:

The annexation area is within tax rate area 01007. The assessed value for the annexation area is \$401,492 (2018-19 roll). The territory being annexed shall be liable for all authorized or existing taxes and bonded debt comparable to properties presently within the annexing agencies.

10. Environmental Impact of the Proposal:

ECCID, as Lead Agency, found the project exempt pursuant to CEQA Guidelines sections 15061(b)(3). LAFCO staff concurs with this finding.

11. Landowner Consent and Consent by Annexing Agency:

All landowners within the proposal area and within 300 feet of the subject area received notice of the LAFCO hearing. The sole landowner is the applicant and has consented to the proposed annexation. County Elections reports there are no registered voters in the subject area; therefore, the subject area is considered uninhabited and the protest hearing is waived.

12. Boundaries and Lines of Assessment:

Maps and legal descriptions to implement the proposed annexations have been received and are subject to final approval by the County Surveyor.

13. Environmental Justice:

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

14. **Disadvantaged Communities:**

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

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

To date LAFCO has received no comments.

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

In its review of a proposal, LAFCO shall consider a regional transportation plan adopted pursuant to Section 65080 [Gov. Code section 56668(g)]. Further, the commission may consider the regional growth goals and policies established by a collaboration of elected officials only, formally representing their local jurisdictions in an official capacity on a regional or subregional basis (Gov. Code section 56668.5).

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

SB 375, a landmark state law, requires California's regions to adopt plans and policies to reduce the generation of greenhouse gases (GHG), primarily from transportation. To implement SB 375, in July 2013, the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC) adopted Plan Bay Area. In 2017, ABAG/MTC released Plan Bay Area 2040, which updated the 2013 Plan Bay Area; and in August/September 2019, ABAG/MTC will kick off the Plan Bay Area 2050 process.

The Plan focuses on where the region is expected to grow and how development patterns and the transportation network can work together to reduce GHG emissions.

The Plan also directs future development to infill areas within the existing urban footprint and focuses most growth in self-identified Priority Development Areas (PDAs). PDAs include infill areas that are served by transit and located close to other amenities, allowing for improved transit, bicycle and pedestrian access thereby reducing GHG. The Plan also aims to protect open space and agricultural land by directing 100% of the region's growth inside the year 2010 urban footprint, which means that all growth occurs as infill development or within established urban growth boundaries or urban limit lines.

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

ALTERNATIVES FOR COMMISSION ACTION

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

Option 1 Approve the annexation as proposed.

- A. Find that the project is exempt pursuant to CEQA Guidelines sections 15061(b)(3) consistent with the determination of ECCID, as Lead Agency.

B. Adopt this report, approve LAFCO Resolution No. 19-02 (Exhibit 2), and approve the proposal, to be known as the *McCauley Annexations to ECCID* subject to the following terms and conditions:

1. This annexation will allow the delivery of water for use by the landowner for agricultural uses and to serve two single family residential dwelling units and an agricultural structure.
2. The territory being annexed shall be liable for the continuation of any authorized or existing special taxes, assessments and charges comparable to properties presently within the annexing agencies.
3. The landowner has delivered an executed indemnification agreement providing for the landowner to indemnify LAFCO against any expenses arising from any legal actions challenging the annexation.
4. The territory proposed for annexation is uninhabited.
5. The proposal has 100% landowner consent, and the conducting authority (protest) proceedings are hereby waived.

Option 2 Accept this report and DENY the proposal.

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

RECOMMENDED ACTION:

Option 1 – Approve the annexation ECCID proposed.

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

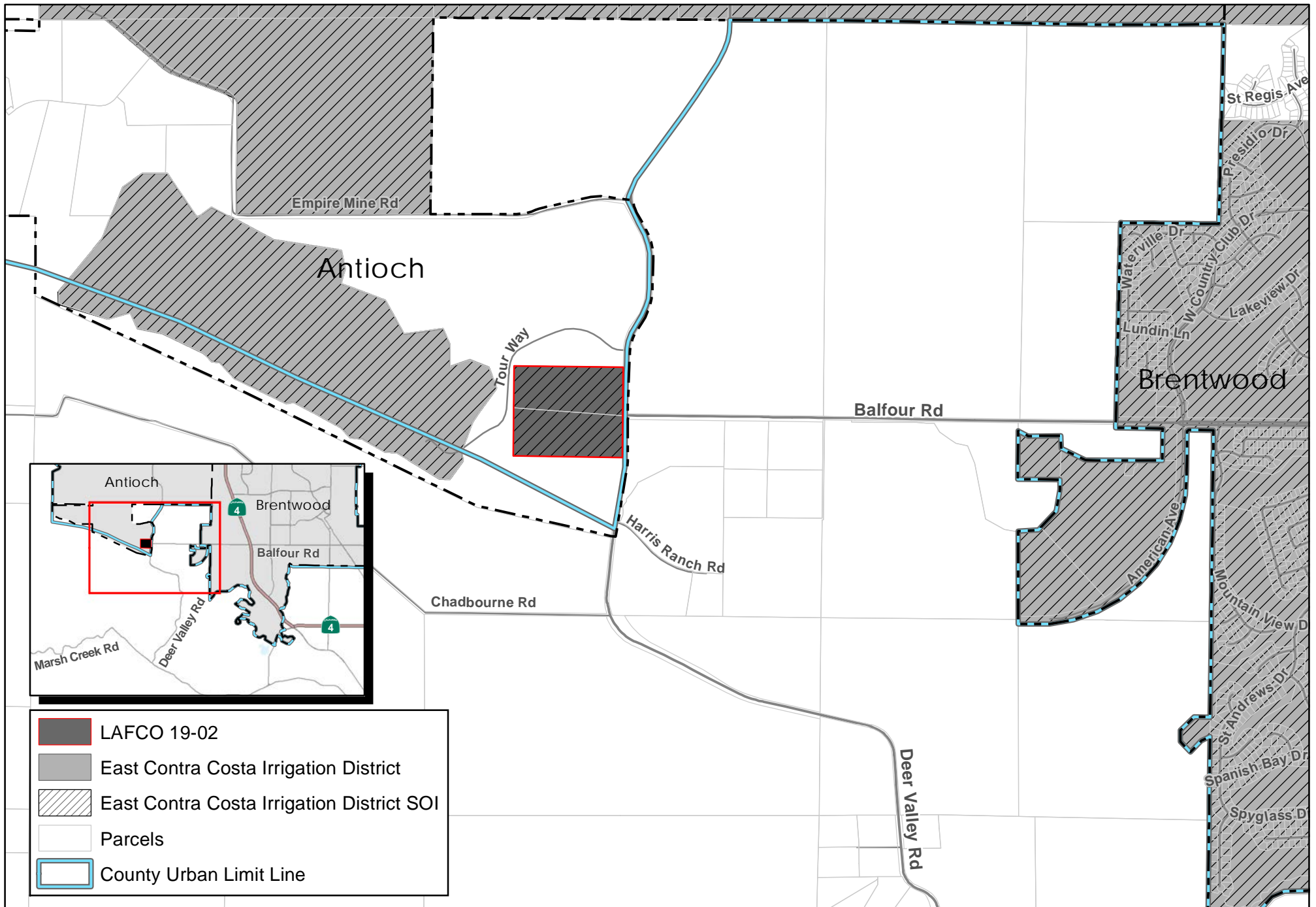
Exhibits:

1 – Annexation Map

2 – Draft LAFCO Resolution 19-02

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

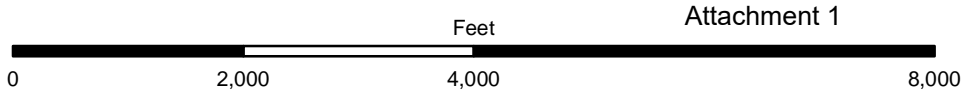
LAFCO 19-02 - McCauley Annexation to East Contra Costa Irrigation District



- LAFCO 19-02
- East Contra Costa Irrigation District
- East Contra Costa Irrigation District SOI
- Parcels
- County Urban Limit Line

Map created 06/18/2019
 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.



RESOLUTION NO. 19-02

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS AND APPROVING
McCAULEY ANNEXATION TO EAST CONTRA COSTA IRRIGATION DISTRICT (ECCID)**

WHEREAS, the McCauley annexation proposal was filed with the Executive Officer of the Contra Costa Local Agency Formation Commission pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Government Code §56000 et seq.); and

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

WHEREAS, the Commission held a public hearing on July 10, 2019, on the McCauley annexation proposal; and

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

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

1. Find that the project is exempt pursuant to CEQA Guidelines sections 15061(b)(3) consistent with the determination of ECCID, as Lead Agency.
2. Said annexation is hereby approved.
3. The subject proposal is assigned the distinctive short-form designation:
McCAULEY ANNEXATION TO ECCID
4. The boundaries of the affected territory are found to be definite and certain as approved and set forth in Exhibit 1, attached hereto and made a part hereof.
5. Approval of the McCauley Annexation to ECCID subject to the following:
 - a. The territory being annexed shall be liable for the continuation of any authorized or existing special taxes, assessments and charges comparable to properties presently within the annexing agency.
 - b. The landowner applicant has delivered an executed indemnification agreement between the landowner and Contra Costa LAFCO providing for the landowner to indemnify LAFCO against any expenses arising from any legal actions challenging the McCauley Annexation.
 - c. The annexation will allow the delivery of water for use by the landowner for agricultural uses and to serve two single family residential dwelling units and an agricultural structure.
6. Said territory is found to be inhabited. LAFCO will conduct a protest hearing should the Commission receive an objection from any registered voter residing with the subject area. Absent any objection received before the conclusion of the commission proceedings on July 10, 2019, the Commission will waive the protest proceedings.
7. The territory proposed for reorganization is uninhabited, the proposal has 100% landowner consent, and the conducting authority (protest) proceedings are hereby waived.

Contra Costa LAFCO
Resolution No. 19-02

8. All subsequent proceedings in connection with the McCauley Annexation shall be conducted only in compliance with the approved boundaries set forth in this resolution.

PASSED AND ADOPTED THIS 10th day of July 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.

Dated: July 10, 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>

July 10, 2019 (Agenda)

July 10, 2019
 Agenda Item 10

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

Request for Extension of Time – Chang Property Boundary Reorganization

Dear Members of the Commission:

On August 8, 2018, the Commission approved the *Chang Property Reorganization – Annexations to the City of San Ramon, Central Contra Costa Sanitary District (CCCSD) and East Bay Municipal Utility District (EBMUD) and Corresponding Detachment from County Service Area (CSA) P-6*. The proposal includes annexation of 63.5± acres to the City of San Ramon, CCCSD and EBMUD and corresponding detachment from CSA P-6. The area is located at the intersection of Bollinger Canyon Road and Crow Canyon Road in unincorporated San Ramon. The proposal will extend city, wastewater and water services to facilitate the development of 43 single-family large lot homes, 18 accessory dwelling units and related facilities on the Chang property.

One of LAFCO’s conditions of approval is that *the property owner provide LAFCO with a certified copy of a recorded grant of open space easement from the Chang property owner(s) to the City of San Ramon and/or other public agency or land trust that prohibits urban development and permanently preserves the existing open space and agricultural uses on 134± acres that are outside of the urban growth boundary and designated for open space and agricultural uses. Further, that the easement remains in effect in perpetuity, and that is consistent with the conditions of approval in accordance with the Vesting Tentative Map 9485.*

In accordance with Government Code §57001, if a Certificate of Completion is not filed within one year after the Commission approves a proposal, the proceeding shall be deemed abandoned unless prior to the expiration of that year the Commission authorizes an extension of time to complete the proceedings. The landowner submitted a request for an extension of

time, indicating that more time is needed to coordinate timing of the open space easement with the City of San Ramon and the resource agencies (see attached). The landowner requests a 12-month time extension.

RECOMMENDATION: It is recommended that the Commission approve an extension of time to file the Certificate of Completion to July 9, 2020, as requested by the landowner to coordinate timing of the open space easement with the City of San Ramon and the resource agencies.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

Attachment – Letter from Vicky Chang, Landowner

c: Vicky Chang, Hsientein Project Investment, LLC
Cindy Yee, City of San Ramon
Russell Leavitt, CCCSD
Jack Flynn, EBMUD

June 25, 2019

To:

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

From:

Vicky Chang (Property Owner)
Hsientein Project Investment, LLC
451 W. Le Roy
Arcadia, CA 91007

Re: Resolution No. 18-06 - Request of Extension

Dear Lou Ann,

I am writing to request a twelve (12) months extend for the Resolution No. 18-06 passed and adopted on 8/8/2018. The request for the extension is due to working out the detail of the open space easement with the resource agencies.

Sincerely,

A handwritten signature in black ink, appearing to read 'Vicky Chang', with a stylized flourish at the end.

Vicky Chang
Hsientein Project Investment, LLC



Lou Ann Texeira
 Executive Officer

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July 10, 2019 (Agenda)

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

July 10, 2019
 Agenda Item 11

Policies and Procedures Update

Dear Members of the Commission:

This is a report from the LAFCO Policies & Procedures Committee.

LAFCO staff recently discussed with the Committee policies relating to LAFCO meeting minutes. The current policies (***Section 1.4 – Rules and Procedures*** – attached) include the following provisions relating to LAFCO meeting minutes:

B. Chair Pro Tem – If both the Chair and Vice Chair are absent or for any reason unable to act, the members of the Commission present will select one of the members to act as Chair Pro Tem, said selection to be entered into the minutes. The Chair Pro Tem will have all the powers and duties of the Chair while the Chair and Vice Chair are absent or for any reason unable to act.

D. 8) Action Minutes – Minutes of the Commission meetings will be action minutes that include final motions with the votes cast. The minutes will also reflect the names of public speakers, reasons for legally required abstentions from voting, and comments noted for the record. Detailed Commission and staff discussion, comments, and questions and answers are not reflected in the minutes.

D. 9) Comments for the Record – If a Commissioner desires that a comment be included in the minutes, it is his or her responsibility to indicate the statement is “for the record” before making the comment.

LAFCO staff advises the Committee that LAFCO has veered from using “action” minutes to using “summary” minutes. Staff recommends that LAFCO resume the use of “action” meeting minutes going forward with full knowledge that there are audio recordings of LAFCO meetings available on the LAFCO website.

RECOMMENDATION: Resume the use of action meeting minutes as provided in LAFCO’s Policies & Procedures.

Respectfully submitted,
Don Blubaugh and Chuck Lewis

c: Distribution
 Attached – Contra Costa LAFCO Policies & Procedure Section 1.4 – Rules and Procedures

1.4. RULES AND PROCEDURES

POLICY

Contra Costa LAFCO conducts public meetings in accordance with the requirements of the Ralph M. Brown Act and all other applicable governing legislation. The Commission strives to govern and work together in an effective, efficient, ethical and courteous manner in the highest tradition of public service and in the best interests of those who live, work and visit Contra Costa County.

A. Authority

These rules are adopted pursuant to the CKH Act and apply to Contra Costa LAFCO and proceedings conducted before that Commission.

B. Officers

Selection of Officers – The members of the Commission will elect a Chair and Vice Chair at the first meeting of the Commission held in January of each year or as soon thereafter as practicable. The Chair and Vice Chair serve for one-year terms, or until their successors are elected, whichever occurs later. Officers will be selected from the categories of members in the following order:

County Member 1
 Public Member
 Special District Member 1
 City Member 1
 County Member 2
 Special District Member 2
 City Member 2

Chair – The Chair presides at all meetings of the Commission and conducts the business of the Commission in the manner prescribed by State law and by these rules. The Chair will preserve order and decorum and decide all questions of order, subject to the action of a majority of the Commission.

Vice Chair – In the event that the Chair is absent or unable to act, the Vice Chair acts as Chair and exercise all the powers and duties of the Chair.

Chair Pro Tem – If both the Chair and Vice Chair are absent or for any reason unable to act, the members of the Commission present will select one of the members to act as Chair Pro Tem, said selection to be entered into the minutes. The Chair Pro Tem will have all the powers and duties of the Chair while the Chair and Vice Chair are absent or for any reason unable to act.

C. Meetings

Date and Time of Regular Meetings – The regular meetings of the Commission are held the second Wednesday of each month commencing at 1:30 p.m., unless otherwise noticed.

Location of Regular Meetings – Regular meetings are held at the Board of Supervisors Chambers, 651 Pine Street, Martinez, California, unless otherwise noticed.

Special Meetings – Special meetings may be called in a manner provided by State law. The order calling the special meeting must specify the time and place of the meeting and the business to be transacted at such meeting, and no other business can be considered at that meeting.

Request for Special Meeting – Any interested party may request that the Commission hold a special meeting by submitting a written request to the LAFCO Executive Officer indicating the specific reasons for such a meeting. The request will be considered by the Commission at its next regular meeting for which adequate notice can be provided. If the request is granted, the applicant is responsible for all costs associated with the conduct of the special meeting.

Major Hearings – Meetings regarding major or significant agenda items, especially those that will require lengthy or multiple hearings, may be held in proximity to the affected project area. The determination of what constitutes a major agenda item is made by the LAFCO Executive Officer and is subject to modification by the Commission.

D. Conduct of Meetings

1) Order of Business – The business of each regular meeting of the Commission will be transacted to the extent practicable in the following order:

- Call to order and roll call.
- Adoption of the Agenda and any modifications
- Public comment period
- Approval of minutes of previous meeting or meetings
- Presentations
- Consent Agenda items
- Boundary/Sphere of Influence (SOI) Changes
- Municipal Service Reviews/SOI Updates
- Business items
- Informational items
- Commissioner and staff announcements
- Closed Session
- Adjournment

- 2) Quorum – Four members of the Commission constitute a quorum for the transaction of business. In the absence of a quorum, the remaining members or, if no members are present, the Clerk, will adjourn the meeting to another date and time in accordance with Government Code section 54955 and will post a Notice of Adjournment.
- 3) Voting – Four affirmative votes are required to approve any proposal or other action. A tie vote, or any failure to act by at least four affirmative votes shall constitute a denial. An abstention is not counted as an affirmative vote.
- 4) Roll Call Voting
 - The roll need not be called in voting upon a motion except when requested by a member of the Commission.
 - If the roll is not called, and no objection is raised by a member of the Commission, the Chair may order the motion unanimously approved.
 - When the roll is called on any motion, if the clerk does not hear an audible vote, he/she calls the name(s) of those who failed to answer to obtain the vote.
 - Each roll call will be in alphabetical order, except that the Chair will be called last.
- 5) Authorization to Vote – Review of Record – A member may not participate in a final vote on a matter on which a hearing has been held at which such member was not in attendance, until that member becomes familiar with the substance of such hearing.

For example, this may be done by reviewing the written material presented at the hearing and by listening to the recording of such hearing or reading a transcript of the proceeding if one has been prepared.
- 6) Commission Actions – The Commission may act by resolution or motion. All final determinations of the Commission on boundary changes and spheres of influence will be made by resolution.
- 7) Consent Calendar – Routine proposals that do not require a public hearing may be placed on the Commission’s consent calendar. Approval of all items on the consent calendar may be made in one motion. Matters placed on the consent calendar may be removed by any Commissioner, LAFCO staff or members of the public in order to allow discussion or postponement.
- 8) Action Minutes – Minutes of the Commission meetings will be action minutes that include final motions with the votes cast. The minutes will also reflect the names of public speakers, reasons for legally required abstentions from voting, and comments noted for the record. Detailed Commission and staff discussion, comments, and questions and answers are not reflected in the minutes.

- 9) Comments for the Record – If a Commissioner desires that a comment be included in the minutes, it is his or her responsibility to indicate the statement is “for the record” before making the comment.
- 10) Recordings of Meetings – Commission meetings are typically digitally recorded and archived for two years. Digital audio recordings of the LAFCO meetings are available on the LAFCO website for approximately six months following the meeting. Copies of meeting digital recordings are available upon request. Meetings may be transcribed upon request and receipt of a deposit to cover transcription costs (§56379). Failure to record a meeting does not negate the results of a meeting.
- 11) Informational Presentations – Informational presentations will be placed on the Commission agenda by the LAFCO Executive Officer. At the discretion of the Chair, time allowed for such presentations will be limited and will typically not exceed 20 minutes.
- 12) Public Comment
 - At each regular and special meeting the Commission must allow any member of the public to address the Commission on a matter within its jurisdiction.
 - The Chair may establish reasonable regulations including, but not limited to, limiting the amount of time allocated for public testimony on particular issues and for each speaker (i.e., three minutes). An allocated time limit of three minutes per speaker may be changed at the discretion of the Chair.
 - Any person wishing to address the Commission will be asked to complete and submit a “Request to Speak” form prior to the time that the Public Comment period commences; the form should identify the subject the speaker wishes to address.
 - Comments on agenda items are appropriate when the item is being discussed by the Commission. The “Public Comment” portion of the meeting is for the purpose of receiving comments from members of the public on matters within the jurisdiction of the Commission but not listed on the agenda.
 - The Commission may act only on items appearing on the agenda unless the action is authorized by §54954.2. The Chair may refer matters raised during the “Public Comment” period to the appropriate staff.
 - Members of the public are encouraged to submit comments in writing in advance to the Commission relating to any items within LAFCO’s subject-matter jurisdiction, whether on the Commission agenda or otherwise. If received in time, staff will provide such written comments to all members of the Commission, which, in its judgment, will decide whether to act on such matter as it deems appropriate.

E. Public Hearing Procedure

Unless the Chair in his or her discretion directs otherwise, public hearings will generally be conducted as follows:

1. The Chair will announce the agenda item and open the public hearing.
2. Presentation by staff.
3. With the permission of the Chair, the Commissioners may ask technical questions for the purpose of clarification.
4. Presentation by applicant (optional).
5. With the permission of the Chair, Commissioners may ask questions of staff and applicant.
6. The Chair will invite public comment and announce when public comment has concluded.
7. The Chair may ask for concluding comments by staff, if any.
8. If any new documents have been offered as evidence since the agenda packet was prepared, the Chair should acknowledge receipt of the documents into the record.
9. The Chair will close the public hearing.
10. The Chair may invite Commission discussion of the agenda item including additional questions of staff.
11. The Chair will invite a motion from the Commission and determine if any Commissioner wishes to second the motion. The Chair may restate or clarify the motion for the record and/or indicate whether the motion includes all staff recommendations.
12. The Chair will invite Commission discussion of the motion.
13. The Chair will request a vote and, if appropriate, announce the results of the vote.

F. Procedure for Discussing Deliberation Items on the Agenda that do not require a Public Hearing

Unless the Chair in his or her discretion directs otherwise, the general order for presentation of items on the Commission's agenda for discussion and decision is as follows:

1. The Chair will announce the agenda item.
2. Presentation by staff.
3. With permission of the Chair, Commissioners may ask technical questions of staff and/or the presenter for purposes of clarification.
4. The Chair will invite public comment and announce when the public comment has concluded.

5. The Chair may invite Commission discussion of the agenda item including additional questions of staff.
6. The Chair will invite a motion from the Commission and determine if any member of the Commission wishes to second the motion. The Chair may restate or clarify the motion for the record and/or indicate whether the motion includes all staff recommendations.
7. The Chair will invite Commission discussion of the motion.
8. The Chair will request a vote and, if appropriate, announce the results of the vote.

G. Conducting Authority Proceedings

- 1) The Commission delegates to the LAFCO Executive Officer the responsibility to conduct protest hearings as provided for in §57000(c) and to order a change of organization or reorganization that complies with §57075(a)(3) or §57075(b)(2).
- 2) The purpose of delegating certain duties to the Executive Officer is to increase scheduling flexibility, to avoid extending Commission meetings to conduct non-discretionary procedures, and to expedite the boundary change process.
- 3) The staff will comply with statutory requirements respecting noticing, scheduling and conducting protest hearings. At the conclusion of the protest hearing the LAFCO Executive Officer will determine the value of written protests filed and not withdrawn.
- 4) Within thirty (30) days of the hearing the Executive Officer will, based on the value of protests filed either order the change, terminate the proposal or, when required, return the matter to the Commission to request the County or city to call and conduct an election.
- 5) The Executive Officer will report to the Commission at its next meeting the outcome of any protest hearings that are conducted.

H. Commission Representation

- 1) *Chair to Act as Ceremonial Representative* – The Chair is delegated to act as the Commission’s ceremonial representative at public events and functions. In the Chair’s absence, the Vice Chair is delegated to assume this responsibility. In both the Chair and Vice Chair’s absence, the Chair may appoint another Commission member or alternate to assume this responsibility.
- 2) *Ministerial Duties* – The Chair is delegated to sign Commission correspondence and resolutions and perform other ministerial functions as needed.
- 3) *Spokesperson* – The Commission may, from time to time, designate a spokesperson to represent the Commission on a particular matter.

- 4) *Commission Member Participation in Community Activities* – From time to time, Commission members and alternates may participate in community activities, committees, events and task forces.

Unless specifically authorized by the Commission, when a Commission member or alternate participates in such activities, the member or alternate is acting as an interested party rather than acting on behalf of the Commission.

Acting or participating on behalf of the Commission is limited to those instances when the Commission has formally designated the Commission members or alternate as its representative for the matter.

- 5) *Representation* - LAFCO members will represent the official policies or positions of Contra Costa LAFCO to the best of their ability when designated by the Commission as delegates and/or spokespersons for this purpose. When presenting their individual opinions and positions, Commissioners must explicitly state they are not doing so on behalf of Contra Costa LAFCO.

I. Ethics Training

The California Government Code (Gov. C.) requires that all legislative body or local agency officials who receive compensation, salary, stipends or reimbursement for expenses, receive ethics training as specified in Gov. Code sections 53234-53235.2. LAFCO is not one of the legislative bodies or local agencies covered by these statutes, so service on LAFCO alone does not trigger the statutory requirement for ethics training. Commissioners who are County Supervisors, City Council members, or Special District board members are required to receive this training in their respective roles as county/city/special district officials. LAFCO Public Members are required by this policy to receive ethics training. LAFCO staff will advise the Public Members of opportunities to receive this training. Commissioners who receive this training should file their certificate of training with the LAFCO office.

J. Legislative Policy

- 1) The Commission shall consider adoption of a Legislative Policy annually, or as needed.
- 2) 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.
- 3) The Chair or Vice Chair would review the letter or email prior to it being submitted.
- 4) The Executive Officer will forward the email or letter to the Commission as soon as possible.
- 5) The item will be placed on the next regular LAFCO meeting agenda as either “informational” or for discussion purposes.



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>
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Sean Wright <i>City Member</i>

July 10, 2019 (Agenda)

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

Lease Agreement for LAFCO Office Space

July 10, 2019
 Agenda Item 12

Dear Members of the Commission:

DISCUSSION

Contra Costa LAFCO currently leases office space at 651 Pine Street, 6th Floor in Martinez. As previously discussed with the Commission, the LAFCO office will relocate to 40 Muir Road in Martinez in July 2019.

For the past several years, Contra Costa LAFCO has planned to relocate and add a staff person. Our current space at 651 Pine Street is approximately 580 square feet of office space plus common areas. We have no room to expand at our current location. The County recently completed the remodel of 40 Muir Road in Martinez, and the space is now available. LAFCO will occupy approximately 620 square feet of dedicated office space (i.e., two workstations, one private office, storage space). LAFCO will also have access to a conference room, breakroom, restroom, and common areas.

In accordance with the relocation, County staff is preparing a new lease agreement. The lease will include provisions relating to monthly rent for the dedicated LAFCO office space, monthly payments associated with LAFCO’s share of the tenant improvement (TI) costs (i.e., conference room, breakroom, restroom), and other standard provisions such as maintenance/repairs, insurance/indemnification, alterations, inspections, etc.

The lease provides for an initial 5-year term with two 5-year renewal options, along with provisions for lease termination and extension. The lease also specifies that should LAFCO vacate the space, both the rent and payments associated with the TI costs will terminate.

LAFCO staff has been advised that the Contra Costa County Board of Supervisors will be asked to approve the lease agreement with Contra Costa LAFCO for space at 40 Muir Road on July 23, 2019. LAFCO anticipates completing its relocation on or before that date.

FISCAL IMPACT

The base rent for LAFCO's office space in this building is a percentage of building operation costs. For FY 2019-20 the monthly base rent is approximately \$1,047 per month. In addition to the base rent, LAFCO is required to pay its prorated share of TI costs associated with the common areas. The TI repayment cost will be approximately \$1,000 per month for approximately 15 years, the full potential term of the lease. Adequate funds are included in the FY 2019-20 LAFCO budget.

RECOMMENDATIONS

1. Approve a lease agreement with Contra Costa County for a five-year term beginning July 22, 2019 and ending July 21, 2024 for 620 square feet of dedicated office space (i.e., two workstations, one private office, storage space), and two five-year renewal options, for a base monthly rent starting at \$1,047, plus a monthly charge of \$1,000 for tenant improvements, for a total monthly cost of \$2,047. The lease provides for access to a conference room, breakroom and restroom. Should LAFCO vacate the space, both the rent and payments associated with the TI costs will terminate; and
2. Authorize the LAFCO Executive Officer to execute the lease, subject to approval as to form by the LAFCO Legal Counsel.

Please contact the LAFCO office if you have any questions.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

- c: Stacey Sinclair, County Real Estate Division
John Kopchik, Director, Department of Conservation and Development
Robert R. Campbell, County Auditor



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> |

July 10, 2019

July 10, 2019
Agenda Item 13

Contra Costa Local Agency Formation Commission
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:

On June 12, 2019, the Commission accepted the Final 2nd round “City Services” Municipal Services Review (MSR) and updated the sphere of influence (SOI) for each city and district covered in the MSR report. Following the Commission’s action, LAFCO staff notified each subject agency of the Commission’s approval and provided each agency with a copy of their adopted MSR/SOI resolution.

In response, the cities of Hercules and Pinole and the Town of Discovery Bay Community Services District (DBCSD) notified LAFCO staff of errors in their resolutions. While these agencies’ comments/edits were included in the Final MSR report, some of their comments were inadvertently missed in the LAFCO resolutions. In response to these concerns, LAFCO staff recommends adopting the attached revised resolutions for the cities of Hercules and Pinole and the DBCSD.

RECOMMENDATION: Adopt the revised MSR/SOI resolutions for the cities of Hercules and Pinole and the DBCSD.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

- Attachment 1 – Revised MSR/SOI Resolution – City of Hercules
- Attachment 2 – Revised MSR/SOI Resolution – City of Pinole
- Attachment 3 – Revised MSR/SOI Resolution – DBCSD

- c: Michelle Fitzer, City Manager, City of Pinole
- David Biggs, City Manager, City of Hercules
- Michael Davies, General Manager, Town of Discovery Bay Community Services District

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

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’s FY 19 budget shows a small ~~is operating at a~~ deficit, ~~for FY 2018-19,~~ which ~~the City expects to eliminate~~ will be addressed using unallocated fund balances, if needed. As with other cities, the City of Hercules faces growing pension and OPEB liabilities; ~~and~~ the City established a Section 115 Trust in FY 2018 ~~has not identified measures, negotiated an employee cost-sharing of 3% of the CalPERS employer rate, and created an OPEB trust which it funded~~ 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 more than six months after end of the prior fiscal year; and the City reports that the FY 2017-18 audit was done prior to 12/31/18 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 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 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.
- 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’s SOI or boundary, and therefore, no present or probable need for such services.

PASSED AND ADOPTED this 10th day of July 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

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

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 or contiguous to 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* – The disadvantaged community within or 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. [To address these liabilities the City Council approved an IRS Section 115 Irrevocable Pension Trust and has funded over \\$16 million to pay pension obligations through 2036](#) ~~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 sends 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.
- 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 or contiguous to the City’s SOI. This area receives fire, sewer and water services.

PASSED AND ADOPTED this 10th day of July 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

**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 - REVISED**

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 [Newport Pointe and Pantages projects could impact DBCSD's](#) ~~does not anticipate that~~ current/~~or~~ projected growth patterns [and the District's will expand beyond its](#) existing ~~service~~ [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 [District's FY 2017 financial statements showed annual expenditures exceeding annual revenues; however, the District ended the year with a positive fund balance](#) ~~BCSD 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 10th day of July 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



Lou Ann Teixeira
 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>

July 10, 2019 (Agenda)

July 10, 2019
 Agenda Item 14

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

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

Dear Commissioners:

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

In February, the Commission received correspondence from the SDRMA calling for nominations to fill three (3) seats on the SDRMA Board of Directors.

Recently, LAFCO received an election packet with information regarding the election process and the candidates (attached). The SDRMA requests action by LAFCO to select up to three candidates for the SDRMA Board of Directors. Ballots must be cast by **August 21, 2019**.

In the past, the Commission has appointed an ad hoc committee comprised of two Commissioners to review the candidates and report back to the Commission with recommendations.

Recommendation: Advise as to appointment of an ad hoc committee.

Sincerely,

Lou Ann Teixeira
 Executive Officer

Attachment – 2019 SDRMA Board Election Packet



SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY

2019 BOARD OF DIRECTORS ELECTION

OFFICIAL ELECTION BALLOT ENCLOSED

This is an official election packet that contains items that require ACTION by your Agency's governing body for the selection of up to three (3) candidates to the SDRMA Board of Directors.

ELECTION PACKET ENCLOSURES

- Election Ballot Instructions
- Official Election Ballot (Action Required)
- Candidate's Statements of Qualifications (5)
- Self-addressed, Stamped Envelope



SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY

1112 I Street, Suite 300
Sacramento, California 95814-2865
T 916.231.4141 or 800.537.7790 * F 916.231.4111

Maximizing Protection. Minimizing Risk. * www.sdrma.org

SDRMA'S BOARD OF DIRECTORS ELECTION BALLOT INSTRUCTIONS

Notification of nominations for three (3) seats on the Special District Risk Management Authority's (SDRMA's) Board of Directors was mailed to the membership in January 2019.

On May 2, 2019, SDRMA's Election Committee reviewed the nomination documents submitted by the candidates in accordance with SDRMA's Policy No. 2017-10 Establishing Guidelines for Director Elections. The Election Committee confirmed that five (5) candidates met the qualification requirements and those names are included on the Official Election Ballot.

Enclosed is the Official Election Ballot along with a Statement of Qualifications as submitted by each candidate. Election instructions are as follows:

1. The enclosed Official Election Ballot must be used to ensure the integrity of the balloting process.
2. After selecting up to three (3) candidates, your agency's governing body must approve the enclosed Official Election Ballot at a public meeting. **Ballots containing more than three (3) candidate selections will be considered invalid and not counted.**
3. The signed Official Election Ballot MUST be sealed and received by mail or hand delivery at SDRMA's office on or before 4:30 p.m. on Wednesday, August 21, 2019 to the address below. A self-addressed, stamped envelope is enclosed. Faxes or electronic transmissions are NOT acceptable.

Special District Risk Management Authority
Election Committee
1112 "I" Street, Suite 300
Sacramento, California 95814

4. The four-year terms for newly elected Directors will begin on January 1, 2020 and terminate on December 31, 2023.

5. Important balloting and election dates are:

August 21, 2019:	Deadline for members to return the signed Official Election Ballot
August 22, 2019:	Ballots are opened and counted
August 23, 2019:	Election results are announced, and candidates notified
September 25, 2019:	Newly elected Directors are introduced at the SDRMA Annual Breakfast to be held in Anaheim at the CSDA Annual Conference
November 6-7, 2019:	Newly elected Directors are invited to attend SDRMA board meeting (Sacramento)
January 2020:	Newly elected Directors are seated, and Board officer elections are held

If you have any questions regarding the election and balloting process, please do not hesitate to call SDRMA's Chief Operating Officer Paul Frydendal at 800.537.7790.



**OFFICIAL 2019 ELECTION BALLOT
SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY
BOARD OF DIRECTORS**

VOTE FOR ONLY THREE (3) CANDIDATES

Mark each selection directly onto the ballot, voting for no more than three (3) candidates. Each candidate may receive only one (1) vote per ballot. A ballot received with more than three (3) candidates selected will be considered invalid and not counted. All ballots must be sealed and received by mail or hand delivery in the enclosed self-addressed, stamped envelope at SDRMA on or before 4:30 p.m., Wednesday, August 21, 2019. Faxes or electronic transmissions are NOT acceptable.

- BOB SWAN (INCUMBENT)**
Board Member, Groveland Community Services District
- JESSE D. CLAYPOOL**
Board Chair, Honey Lake Valley Resource Conservation District
- PATRICK K. O'ROURKE, MPA/CFRM**
Board Member, Redwood Region Economic Development Commission
- SANDY SEIFERT- RAFFELSON (INCUMBENT)**
Finance Manager/Treasurer, Herlong Public Utility District
- JAMES (Jim) M. HAMLIN**
Board President, Burney Water District

ADOPTED this ____ day of _____, 2019 by the Contra Costa Local Agency Formation Commission at a public meeting by the following votes:

AYES: _____
 NOES: _____
 ABSTAIN: _____
 ABSENT: _____

ATTEST:

APPROVED:

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

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

Candidate* Bob Swan

District/Agency Groveland Community Services District (GCSD)

Work Address P.O. Box 350, Groveland, CA 95321

Work Phone (209) 962-7161

Home Phone (408) 398-4731

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

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

I am a current Board member. I would like to be elected to a second term because:

1. As a board member of Groveland CSD, I am particularly aware of the great value that smaller districts get from SDRMA, and I'd like to continue to do my part to make sure that this important agency continues to operate smoothly and stably into the indefinite future.
2. The insurance market in California (and nationwide) is going through a period of rapid change. The Board and staff are engaged in a major re-evaluation of SDRMA's approach to fulfilling its mission of providing cost-effective risk management services to its members. I believe that it is important to maintain Board continuity in this effort.
3. SDRMA Board members are either board members ("electeds") or employees of a member agency. I think there is value in having a balance between elected and employee Board members. The Board seats that are NOT up for election are currently 3 employees / 1 elected. I'd like to make sure the new Board has at least 2 elected members.

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

1. SDRMA Board Member since 2016. This year (2019), I serve as Secretary. During our "no CEO" period in late 2017 - early 2018, I was a member of the ad hoc Personnel Committee. I am also a member of the Alliance Executive Council, and a backup member of the Legislative Committee.
2. Groveland CSD Board Member since I was appointed in June 2013. For the years 2014-2018, I served as Board President. (We finally implemented mandatory rotation of the office in 2019).
3. Member of the Board of Southside Community Connections, a local nonprofit in Groveland that provides educational, social, and recreational services to seniors, as well as free transportation to those who cannot drive.
4. Board Member (currently Treasurer) of Pine Cone Performers, a local choral and acting group, since 2010.
5. Back during my work life, I was a corporate representative on an IEEE standards committee concerned with wireless networking. It was very educational being on a committee where the members had widely differing (competing) goals.

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

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

History: BS Physics, MS Computer Science. 3 years in USAF. 30 years in the semiconductor industry, first as an engineering manager, later as a business unit manager. Now retired (so I have plenty of time).

Skills, etc.: Very familiar with financial reports, cost accounting, quantitative analysis. Working knowledge of modern computer and communications technology. Managed distributed organizations with up to 150 technical people and up to \$120M in annual sales. Pretty good at listening to different views, and helping to achieve consensus (or, at least, compromise).

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

Well, obviously I support our (newly revised) vision statement: "To be the exemplary public agency risk pool of choice for California special districts and other public agencies". In order to achieve this vision, I believe the key issues are:

1. Maintain long term financial stability. This includes ensuring that there is a fair allocation of cost versus risk across the pool membership.
2. Continue to retain / acquire highly qualified staff, and ensure that this is a desirable place to work.
3. Remember who are our target clientele, which in my opinion are small to mid-sized districts with limited options for insurance.
4. In light of ever-evolving California workers-compensation law, expand risk-management training even further than we now provide.
5. Maintain good relations with our re-insurers (who insulate us from catastrophe). In the long run, explore the possibility of joining a "captive" re-insurer to improve stability.

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

Candidate Signature

 Date 4-24-2019

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

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

My experience with special districts and governance, belief in the importance of quality governing policies, the ability to work effectively with the other board members and staff and a desire to give back to SDRMA and its membership will be what I bring to the SDRMA Board of Directors.

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

For SDRMA to continually advance as an industry leader providing affordable solutions for special districts of any size enabling them to be effective within the communities they serve.

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

Candidate Signature



Date

4-26-19

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

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

Candidate* Patrick K. O'Rourke, MPA/CFRM
District/Agency Redwood Region Economic Development Commission (RREDC)
Work Address 520 E Street Eureka, CA 95501
Work Phone 707-445-9651 Home Phone 707-726-6700

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

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

I have considerable interest, knowledge, and experience in board leadership; board service; and board governance/policy development & oversight in for-profits, nonprofits, a joint powers authority/SDRMA member organization, and as an elected city councilman. I also have considerable experience (as a top-level executive board leader and manager) in organizational risk management and risk mitigation/prevention. I would like to share my knowledge, skills, abilities, and experience in service to SDRMA members, via my service on SDRMA's board of directors. I believe that my knowledge, experience, and dedication to excellence and implementation of best practices in governance and policy development/oversight will serve SDRMA well, and will assist SDRMA in maintaining its "Excellence" accreditation via the California Association of Joint Powers Authorities (CAJPA).

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

Having served in board leadership roles (25+ years in for-profit entities; 25+ years in nonprofit & private/public foundations; and 2+ years in a Joint Powers Authority [SDRMA member organization]), I am well-versed and experienced in board governance; policy development; financial statement analysis and budget review; executive management search/selection, oversight and evaluation; organizational risk management/mitigation; litigation oversight; and best practices in organizational governance. At SDRMA member organization, Redwood Region Economic Development Commission (RREDC), I have served as 2019 Immediate Past Chair; 2018 Board Chair; 2017 Vice Chair; Chair of Executive Committee; and Member of the Loan Committee. I have in-depth knowledge of policy governance (Culver, et al.); I am an advocate for transparency & best practices; and I am knowledgeable & experienced in California's Ralph M. Brown Act and Roberts Rules of Order. I have also served in board governance and board leadership roles in several nonprofit organizations and in both public and private foundations, including as Board Chair (12+ years) and in President & Vice President roles. I have also Chaired Search/Selection committees; Public Relations committees; Fund Development committees; and Finance/Audit committees.

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

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

Besides holding a Master of Public Affairs degree, with a specialty in nonprofit management; having completed all coursework and written/oral exams (all except dissertation) for a PhD in Mass Communication, with a specialty in public relations and a cognate in organizational communication management, I have several other directly-relevant skills/talents/experience including: I am expertly adept at executive-level relationship development and stewardship, and have served as an organizational & industry advocate and liaison working closely with community organizations, local/county/state elected officials, and public/private entities/organizations and foundations. I am expertly adept at financial and operational analysis, and at asset/portfolio management and risk mitigation. I have taught for-credit university courses in corporate leadership; in entrepreneurial leadership research and practice; as well as having published peer-reviewed academic research on leadership in public relations.

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

My vision for SDRMA would be for SDRMA to continue to add value to its members; operate with the highest ethical practices and transparency; continue in providing excellence in service, education, safety and compliance training; help members to mitigate and reduce risk; provide expedient claims review and response; provide members with state-of-the-art education and information; educate members to minimize losses/risk in member workplaces; and to continue to provide members with comprehensive coverage for property/liability, workers comp, and health benefits.

I would envision SDRMA management and staff enjoying a quality of life that will ensure their happiness and continue an atmosphere of dedicated service to SDRMA members. I would also envision that SDRMA will continue to operate with efficiencies that minimize costs/expenses, continue to enable SDRMA to maintain competitive premium rates, and (when possible) lower organizational and member costs. I would also envision a governing board that embraces and employs best governing practices in all areas of policy development; executive management oversight; financial review/audit; and in investing and spreading portfolio assets to minimize portfolio investment risks and maximize return on investments. Finally, I would envision SDRMA, and its management team/staff, operating in ways that will continue to earn accreditation "Excellence" from the California Association of Joint Powers Authorities (CAJPA).

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

Candidate Signature _____

Date _____

3/25/1959 2019

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

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

Candidate* Sandy Seifert-Raffelson

District/Agency Herlong Public Utility District

Work Address 447-855 Plumas St., P o Box 115, Herlong, CA 96113

Work Phone (530) 827-3150 Cell Phone (530) 310-4320

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

Why do you want to serve on the SDRMA Board of Directors?

I am a current Board member of SDRMA and feel that I have added my financial background to make better informed decisions for our members. As a Board member, I continue to improve my education of insurance issues and look forward to representing small District's and Northern California as a voice on the SDRMA Board. I feel I am an asset to the Board with my degree in Business and my 30 plus years' experience in accounting and auditing.

I understand the challenges that small District face every day when it comes to managing liability insurance, worker's compensation and health insurance for a few employees with limit revenue and staff. My education and experience give me an appreciation of the importance of risk management services and programs, especially for smaller District that lack expertise with insurance issues on a daily basis.

I feel I am an asset to this Board, and would love a chance to stay on 4 more years!

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

While serving on the SDRMA Board, I have been privilege to be Secretary of the Board for two years, and currently the Vice-President. I have served on CSDA's Audit and Financial Committee's for 6 years; I have served on the SDLF Board; Northeastern Rural Health Clinic Board; Fair Board; School and Church boards; 4-H Council and leader for 15 years; and UC Davis Equine Board. In the past 25 years, I have learn that there is no "I" in Board and it can be very rewarding to be part of a team that makes a difference for others.

As part of my many duties working with Herlong PUD, I worked to form the District and was directly involved with LAFCo, Lassen County Board of Supervisors and County Clerk to establish the initial Board of Directors and first Policies for HPUD. I have administered the financial portion of 2 large capital improvement project with USDA as well as worked on the first ever successful water utility privatization project with the US Army and Department of Defense. I am currently working on a 4.2 million grant from California for new infrastructure for the small District HPUD absorb through LAFCo in 2017. I am also the primary administrator of a federal contract for utility services with the Federal Bureau of Prison and the US Army.

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

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

I have my Bachelor's Degree in Business with a minor in Sociology. I have audited Small Districts for 5 years, worked for a Small District for almost 15 years and have over 30 years of accounting experience. I am a good communicator and organizer. I have served on several Boards and feel I work well within groups or special committee. I am willing to go that extra mile to see things get completed.

I believe in recognition for jobs well done. I encourage incentive programs that get members motivated to participate and strive to do their very best to keep all losses at a minimum and reward those with no losses.

I have completed my Certificate for Special District Board Secretary/Clerk Program in both regular and advance course work through CSDA and co-sponsored by SDRMA. I have completed the CSDA Special District Leadership Academy and Special District Governance Academy. I am in the processes of getting my small District re-certified for their District of Transparency and hope one day to attain our District of Distinction.

I work for a District in Northeastern California that has under gone major changes from a Cooperative Company to a 501c12 Corporation, to finally a Public Utility District. I have worked with LAFCo to become a District. Also our small District consolidated another small District into our District. Through past experience I feel I make a great Board member representing the small districts of Northern California and their unique issues and will make decisions that would help all rural/small districts.

What is your overall vision for SDRMA?

For SDRMA to be at the top of the risk management field and to continue communicating and listening to the needs of all California Special Districts and meeting those needs at a reasonable price that Special Districts can afford. I would like to continue education and rewards for no claims and explore avenues of financial endeavors that will benefit our customers.

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

Candidate Signature  Date 4/16/19

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

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

Candidate* James (Jim) M. Hamlin
District/Agency Burney Water District
Work Address 20222 Hudson St. Burney, Ca. 96013
Work Phone (530) 335-3582 Cell Phone _____

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

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

Hope to serve and help with decisions being made to both strengthen SDRMA and
move into new areas. Our districts are facing new challenges constantly.

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

See Next

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

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

September 1972 until January 2014, owned and operated a Insurance brokerage
Sold business and retired.

Board Member of Mayers Memorial Hospital Districr From 1990 until 2014
Served on the Associal of Hospital Districts for six years.

Served on the board of Burney Water District the previous six years. Current
Serving on Mayers Memorial Hospital Financial Board.

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

SDRMA Board must be strong and protect the concerns of their members. Need
to have a listening ear for the districts that are represented. Need to
use caution when jumping into new areas, not jepordise their strong programs
and beliefs for new programs.

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

Candidate Signature James M. Hendler Date 3-27-2019



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>

July 10, 2019

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

July 10, 2019
 Agenda Item 15

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 1253 (Rivas)** which, among other things, establishes one-time grant funding for LAFCOs to prepare reorganization studies in conjunction with the 2017 Little Hoover Commission report relating to special districts; and the **annual omnibus bill – AB 1822 (Assembly Local Government Committee)**.

CALAFCO has also embarked on a two-year process with other state associations to rewrite the protest provisions. In addition, CALAFCO is tracking various bills that have direct and indirect impact on LAFCOs (see Attachment 1 – CALAFCO Legislative Report).

Regarding, **AB 1253**, CALAFCO’s request for \$1.5 million (grant funding) did not make it into the budget. Consequently, CALAFCO will need to request an appropriation from the General Fund. At this time, it is unclear how the new Governor will approach these requests. The bill author would prefer to make this a 2-year bill and work to get it in the budget next year. The bill is now parked in Senate Governance & Finance Committee where it would stay until next year. CALAFCO is meeting with the Strategic Growth Council and the Department of Conservation, who may lend their support. In the upcoming weeks, the CALAFCO Legislative Committee and Board of Directors will discuss the path forward for this bill.

On June 19th, CALAFCO issued an urgent call for legislative action requesting that each LAFCO send a letter supporting **AB 1822** - the CALAFCO sponsored omnibus bill which passed out of the Legislature on June 18th and was sent to the Governor. In response to CALAFCO’s request, and in accordance with the Commission’s policy (see below), a letter supporting **AB 1822** was sent to the Governor on June 24th. On June 26th, the Governor signed the bill.

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."

Another bill of critical importance is AB 600 (*Chu*) which deals with drinking water service extensions. In May 2019, CALAFCO, Contra Costa LAFCO and other LAFCOs sent letters opposing this bill, which would allow extension of service in lieu of annexation which is contrary to LAFCO's statutory purpose to ensure orderly growth. The bill contains numerous flaws, in that it conflicts with Government Code Section 56133(b), does not ensure the provision of adequate, safe drinking water, does not address engineering and financial issues associated with the provision of water, does not take into account local circumstances and conditions, and creates confusion and contradictions in LAFCO law. Despite the LAFCO community's best efforts, the bill made its way to the Senate floor. Another CALAFCO call for legislative action is likely forthcoming.

RECOMMENDATION – Receive legislative update.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

Attachment 1 – CALAFCO Legislative Report

Attachment 2 - Letter Requesting Governor's Signature - AB 1822

CALAFCO Daily Legislative Report as of Wednesday, July 03, 2019

1

[AB 508](#) (Chu D) Drinking water: consolidation and extension of service: domestic wells.
Current Text: Amended: 6/6/2019 [html](#) [pdf](#)
Introduced: 2/13/2019

Last Amended: 6/6/2019

Status: 6/12/2019-In committee: Hearing postponed by committee.

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

Calendar:

7/3/2019 8:30 a.m. - Room 3191 SENATE ENVIRONMENTAL QUALITY, ALLEN, Chair

7/10/2019 9:30 a.m. - Room 112 SENATE GOVERNANCE AND FINANCE, MCGUIRE, Chair

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: 6/24/2019-Read second time. Ordered to third reading.

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

Calendar:

7/5/2019 #54 SENATE ASSEMBLY BILLS - THIRD READING FILE

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: 6/18/2019-In committee: Set, first hearing. Hearing canceled at the request of author.

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.

We were unsuccessful in getting the \$1.5 M into the budget so the request will be an appropriation from the General Fund.

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 1628 (Rivas, Robert D) Environmental justice.

Current Text: Amended: 6/14/2019 [html](#) [pdf](#)

Introduced: 2/22/2019

Last Amended: 6/14/2019

Status: 6/26/2019-From committee: Do pass and re-refer to Com. on APPR. (Ayes 7. Noes 1.) (June 25). Re-referred to Com. on APPR.

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

Calendar:

7/8/2019 10 a.m. - John L. Burton Hearing Room (4203)

SENATE APPROPRIATIONS, PORTANTINO, Chair

Summary:

Current law requires the Secretary for Environmental Protection, on or before January 1, 2002, to convene a Working Group on Environmental Justice composed of various representatives, as specified, to assist the California Environmental Protection Agency in developing by July 1, 2002, an agencywide environmental justice strategy. Current law requires the Office of Planning and Research to be the coordinating agency in state government for environmental justice programs. Current law requires the Director of State Planning and Research to consult with specified entities, including the Secretary for Environmental Protection. Current law defines "environmental justice" for these purposes. This bill would require the director to additionally consult with the Attorney General and the Bureau of Environmental Justice in the Environment Section of the Department of Justice.

Position: Watch With Concerns

Subject: Environmental Justice

CALAFCO Comments: Recently amended, this bill changes one of the factors considered by LAFCo in the review of an application pertaining to environmental justice. Specifically it changes the definition of "environmental justice" to: "(A) The availability of a healthy environment for all people.(B) The prevention, reduction, and elimination of pollution burdens for populations and communities experiencing the adverse effects of that pollution, so that the effects of the pollution are not disproportionately borne by those populations and communities. (C) Government entities conducting direct outreach and providing capacity-building assistance and technical assistance to populations and communities most impacted by pollution. (D) Including populations and communities most impacted by pollution as active partners in the decisions or activities that affect their environment or health, and incorporating recommendations from those populations and communities into environmental and land use decisions."

It is unclear how LAFCo is to actually consider several of these definition factors.

AB 1751 (Chiu D) Water and sewer system corporations: consolidation of service.

Current Text: Amended: 6/26/2019 [html](#) [pdf](#)

Introduced: 2/22/2019

Last Amended: 6/26/2019

Status: 6/26/2019-Read second time and amended. Re-referred to Com. on EQ.

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

Calendar:

7/3/2019 8:30 a.m. - Room 3191 SENATE ENVIRONMENTAL QUALITY, ALLEN, Chair

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 the water or sewer system corporation to consolidate with a public water system or state small water system that has fewer than 3,300 service connections and serves a disadvantaged community, 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: Chaptered: 6/26/2019 [html](#) [pdf](#)

Introduced: 3/11/2019

Last Amended: 4/8/2019

Status: 6/26/2019-Approved by the Governor. Chaptered by Secretary of State - Chapter 20, Statutes of 2019.

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

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: 6/25/2019 [html](#) [pdf](#)

Introduced: 2/20/2019

Last Amended: 6/25/2019

Status: 7/2/2019-VOTE: Do pass and be re-referred to the Committee on [Local Government] (PASS)

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

Calendar:

7/10/2019 1:30 p.m. - State Capitol, Room 444 ASSEMBLY LOCAL GOVERNMENT, AGUIAR-CURRY, Chair

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: Enrolled: 7/1/2019 [html](#) [pdf](#)

Introduced: 2/22/2019

Last Amended: 5/7/2019

Status: 6/27/2019-Read third time. Passed. Ordered to the Senate. In Senate. Ordered to engrossing and enrolling.

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

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: 6/26/2019-From committee: Do pass and re-refer to Com. on APPR. (Ayes 7. Noes 0.) (June 26). Re-referred to Com. on APPR.

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

Calendar:

7/8/2019 10 a.m. - John L. Burton Hearing Room (4203)
SENATE APPROPRIATIONS, PORTANTINO, Chair

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: 6/13/2019-In committee: Set, first hearing. Hearing canceled at the request of author.

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

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: Enrolled: 7/1/2019 [html](#) [pdf](#)

Introduced: 2/20/2019

Status: 6/27/2019-Read third time. Urgency clause adopted. Passed. Ordered to the Senate. In Senate. Ordered to engrossing and enrolling.

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

Summary:

This bill would enact the First Validating Act of 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: Enrolled: 7/1/2019 [html](#) [pdf](#)

Introduced: 2/20/2019

Status: 6/27/2019-Read third time. Urgency clause adopted. Passed. Ordered to the Senate. In Senate. Ordered to engrossing and enrolling.

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

Summary:

This bill would enact the Second Validating Act of 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: Enrolled: 7/1/2019 [html](#) [pdf](#)

Introduced: 2/20/2019

Status: 6/27/2019-Read third time. Passed. Ordered to the Senate. In Senate. Ordered to engrossing and enrolling.

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

Summary:

This bill would enact the Third Validating Act of 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: 6/25/2019-In committee: Set, first hearing. Hearing canceled at the request of author.

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 (Aguiar-Curry D) The Fairfield-Suisun Sewer District.

Current Text: Enrolled: 7/2/2019 [html](#) [pdf](#)

Introduced: 2/13/2019

Last Amended: 4/22/2019

Status: 7/1/2019-Bill in its final form passes. NULL Ordered to Engrossing and Enrolling.

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 948 (Kalra D) Coyote Valley Conservation Program.

Current Text: Amended: 6/18/2019 [html](#) [pdf](#)

Introduced: 2/20/2019

Last Amended: 6/18/2019

Status: 6/26/2019-From committee: Do pass and re-refer to Com. on APPR. (Ayes 7. Noes 0.) (June 26). Re-referred to Com. on APPR.

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

Calendar:

7/8/2019 10 a.m. - John L. Burton Hearing Room (4203)

SENATE APPROPRIATIONS, PORTANTINO, Chair

Summary:

Would authorize the Santa Clara Valley Open-Space Authority to establish and administer the Coyote Valley Conservation Program to address resource and recreational goals of the Coyote Valley, as defined. The bill would authorize the authority to collaborate with state, regional, and local partners to help achieve specified goals of the program. The bill would authorize the authority to, among other things, acquire and dispose of interests and options in real property.

Attachments:

[CALAFCO Support Letter 06 27 19](#)

Position: Support

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: 6/25/2019-From committee: Do pass and re-refer to Com. on GOV. & F. (Ayes 11. Noes 0.) (June 25). Re-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 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: 7/1/2019 [html](#) [pdf](#)

Introduced: 2/28/2019

Last Amended: 7/1/2019

Status: 7/1/2019-From committee with author's amendments. Read second time and amended. Re-referred to Com. on L. GOV.

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

1st House	2nd House	Conc.
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Calendar:

7/10/2019 1:30 p.m. - State Capitol, Room 444 ASSEMBLY LOCAL GOVERNMENT, AGUIAR-CURRY, Chair

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: 23

Total Tracking Forms: 23

7/3/2019 9:04:47 AM

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
 651 Pine Street, Sixth Floor • Martinez, CA 94553-1229
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Lou Ann Teixeira
 Executive Officer

MEMBERS

Candace Andersen
County Member

Donald A. Blubaugh
Public Member

Tom Butt
City Member

Igor Skaredoff
Special District Member

Federal Glover
County Member

Michael R. McGill
Special District Member

Rob Schroder
City Member

ALTERNATE MEMBERS

Diane Burgis
County Member

Stanley Caldwell
Special District Member

Charles R. Lewis, IV
Public Member

Sean Wright
City Member

June 24, 2019

The Honorable Governor Gavin Newsom
 State of California
 State Capitol Building
 Sacramento, CA 95814

Subject: Request to Sign AB 1822
Assembly Local Government Committee Omnibus Bill

Dear Governor Newsom:

The Contra Costa Local Agency Formation Commission (LAFCO) respectfully requests that you sign **Assembly Bill 1822** (Assembly Local Government Committee) which is now before you for action. **AB 1822** makes changes and clarifications to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (“CKH”).

This annual bill includes technical changes to the Act which governs the work of local agency formation commissions. 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** makes several minor technical changes, corrects obsolete and incorrect code references, and makes minor updates to outdated sections. Without making any policy changes, the revised language greatly clarifies the laws and eliminates outdated and confusing language thereby creating a significant increase in the clarity of the Act for all stakeholders.

Because this legislation helps insure that the CKH remains a vital and practical law that is consistently applied around the state, and clearer to all who use the Act, we respectfully urge you to sign **AB 1822**.

Yours sincerely,

Tom Butt, Chair
 Contra Costa LAFCO

c: Honorable Cecilia Aguiar-Curry, Chair, Assembly Local Government Committee
 Jimmy MacDonald, Consultant, Assembly Local Government Committee
 Ronda Paschal, Deputy Legislative Secretary to the Governor
 Pamela Miller, Executive Director, CALAFCO

**CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
PENDING PROPOSALS – July 10, 2019**

July 10, 2019
Agenda Item 18a

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. 18-04 – Wang Reorganization: Annexation to El Cerrito and Detachment from Richmond	Jan 2019	Under review

Western Water

June 13, 2019 Gary Pitzer

July 10, 2019
Agenda Item 18b

As Californians Save More Water, Their Sewers Get Less and That's a Problem

WESTERN WATER NOTEBOOK: Lower flows damage equipment, concentrate waste and stink up neighborhoods; should water conservation focus shift outdoors?



[Corrosion is evident in this wastewater pipe from Los Angeles County. \(Image: Los Angeles County Public Works Department\)](#)

Californians have been doing an exceptional job [reducing their indoor water use](#), helping the state survive the most recent drought when water districts were required to meet conservation targets. With more droughts inevitable, Californians are likely to face even greater calls to save water in the future.

However, less water used in the home for showers, clothes washing and toilet flushing means less water flowing out and pushing waste through the sewers. That has resulted in corroded wastewater pipes and damaged equipment, and left sewage stagnating and neighborhoods stinking. Less wastewater, and thus more concentrated waste, also means higher costs to treat the sewage and less recycled water for such things as irrigating parks, replenishing groundwater or discharging treated flows to rivers to keep them vibrant for fish and wildlife.

It's a complex problem with no easy answers. Some water agencies even have suggested the state needs to push more conservation efforts to outdoor water use rather than indoor use to keep wastewater flowing. For now, local sanitation agencies are beginning to assess how best to respond with changes in how they operate – and how they plan for a future that will inevitably include more droughts.

“Indoor water savings are good, but the flip side is, as you get lower [use] ... at what point are you causing more harm than the benefit you are getting from saving those drops of water?” said Adam Link, director of operations with the [California Association of Sanitation Agencies](#).

Link said his organization had heard anecdotal accounts of problems, but that they varied depending on location. Wastewater agencies generally handled problems through operational changes such as increased chemical treatment.

A recent report by the Public Policy Institute of California (PPIC) quantified the problem, finding in a survey of wastewater agencies, that one-fifth of respondents indicated increased corrosion of collection systems due to declining influent quality.

The PPIC's report released in April, [Managing Wastewater in a Changing Climate](#), said the wastewater treatment sector “is at a turning point,” with drought posing the biggest challenge. The report suggested action is needed to improve coordination between water suppliers and wastewater agencies to ensure that water conservation efforts in the urban sector can be accounted for as part of the short- and long-term planning on the treatment side.

“Wastewater managers would benefit from knowing which demand management strategies are deployed, when and where the strategies are being implemented, and how much indoor water savings are expected over time,” according to the report. It noted that the [California Department of Water Resources](#) and the [State Water Resources Control Board](#) could help facilitate better exchange of information and provide guidance for integrating water supply and wastewater planning.

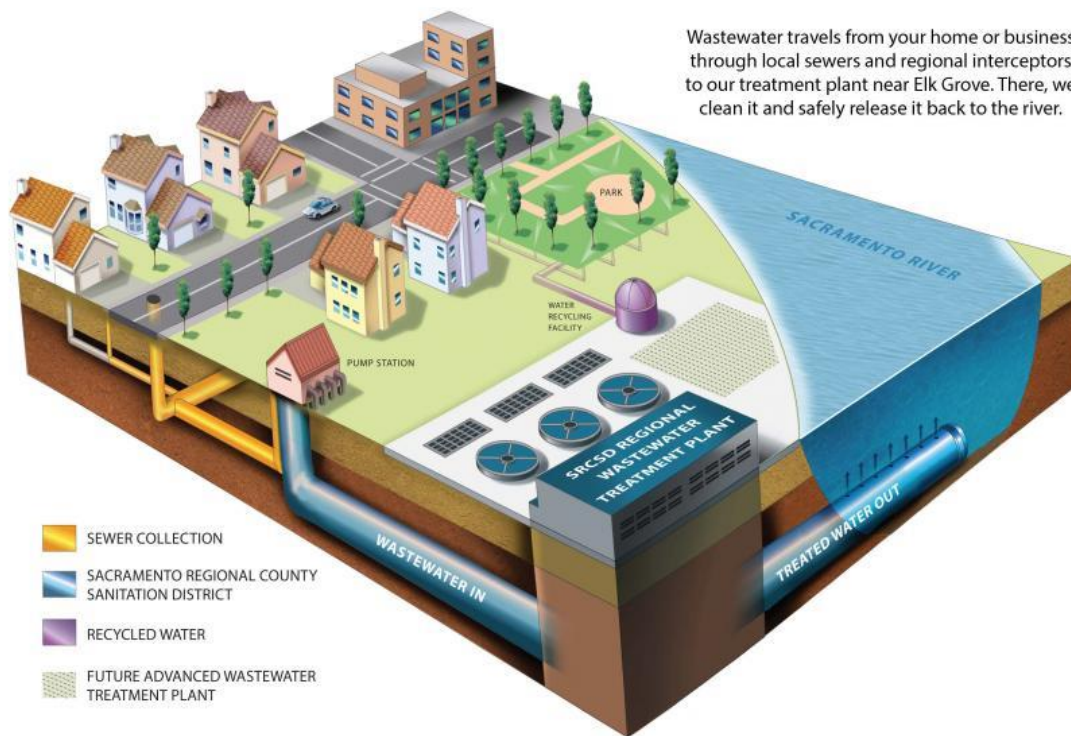
“Indoor water savings are good, but the flip side is, as you get lower [use] ... at what point are you causing more harm than the benefit you are getting from saving those drops of water?”
~Adam Link, director of operations with the California Association of Sanitation Agencies

Link agreed that as wastewater agencies plan for future treatment capacity and the projected demand for recycled water, they should be included in discussions about further reductions in water use — and how reduced flows affect the planning and sizing of recycled water projects.

The state has set a goal of developing at least 2.5 million acre-feet a year of recycled water by 2030.

Rob Thompson, assistant general manager of the [Orange County Sanitation District](#), said his agency has planned for changing flow patterns based on factors such as economic activity and the amount of rain received.

“When people talk about low flow, it’s really one of a plethora of items which are really about resilience,” he said. “We are consistently planning ... with our operations, maintenance and engineering to deal with those changes.”



[This schematic from Sacramento Regional County Sanitation District is an example of how wastewater systems work. \(Image: Sacramento Regional County Sanitation District \)](#)

The district receives about 185 million gallons of sewage each day from more than 2 million people in north central Orange County (185 million gallons would fill a football field 515 feet deep). One hundred million gallons of that treated wastewater is put back to work to irrigate parks, schools and golf courses and help combat seawater intrusion.

The district’s collection system and manholes have been protected from corrosion since the 1960s and for the last decade, chemical treatment has been used to block formation of odorous and corrosion-causing compounds, said Thompson, noting that the district has been granted patents for its processes.

Re-evaluating Water Conservation Strategies

The 2012-2016 drought was the driest in recorded state history. The extent of the impacts from reduced sewage flows – corrosion, odor problems as sewage pools in neighborhood pipes and increased salinity – surprised some people. The episode highlights what’s needed in the future.

“We know the next drought is coming. This is our reality to manage and adapt to,” said Jelena Hartman, senior scientist with the State Water Board, at PPIC’s April panel presentation on the report.

“California policy on long-term water use efficiency should prioritize outdoor water use restrictions, which will have a lower impact on interconnected water systems, to achieve statewide demand management goals.”

~ 2017 California Urban Water Agencies white paper, [*Adapting to Change: Utility Systems and Declining Flows*](#)

Because many rivers rely on treated wastewater for water quality and flow, reductions in discharges can add to the environmental impacts on rivers when drought strikes, Hartman said. Less water flowing to rivers — whether from treatment plants, street runoff or stormwater flows — affects overall environmental quality.

“It’s not just water recycling,” she said. “We are talking about low-impact development, capturing storm flows and reducing urban runoff.”

Meanwhile, the drive to ratchet down water use in California begs the question of whether conservation efforts could eventually shift because of the impacts to the wastewater sector. A 2018 law sets indoor consumption goals at 55 gallons per person per day, with the figure dropping to 52.5 gallons in 2025 and 50 gallons in 2030. It’s up to water agencies to work with users to meet the goals.

In a 2017 white paper, [*Adapting to Change: Utility Systems and Declining Flows*](#), California Urban Water Agencies (CUWA) noted that while saving water indoors is an important element of water management programs, more must be done to manage all future water demands. CUWA is an association of 11 major California urban water agencies.

“California policy on long-term water use efficiency should prioritize outdoor water use restrictions, which will have a lower impact on interconnected water systems, to achieve statewide demand management goals,” the white paper said.

Outdoor water use varies greatly in the state, accounting for as little as 25 percent of a household’s use in coastal areas and as much as 80 percent in the hotter inland regions.

On the environmental side, work is underway to quantify the impact of reduced discharges to surface waters. In Los Angeles, a coalition of state and local agencies are collaborating with the [Southern California Coastal Water Research Project](#) on a two-year study launched last fall to

determine what happens when treated wastewater effluent and runoff usually sent to the Los Angeles River is diverted for recycling.

Researchers are looking at how vulnerable species and habitats along a 45-mile stretch of the lower reach of the river respond to flow reductions with an eye toward developing recommended flow targets by season and section of the river.

What's Next

When drought returns to California and people do their part to conserve water, use levels will again drop, perhaps even to record-low levels. Wastewater treatment agencies will again be faced with even less flows. Thompson, with the Orange County Sanitation District, said agencies should use their regular retrofit and upgrade schedule to measure their resilience.



[Part of a wastewater treatment plant in Contra Costa County. \(Image: File\)](#)

“You don’t design for one little problem,” he said. “You look at the overall condition of your treatment plant and look at opportunities to replace outdated infrastructure with more focused infrastructure that meets the new needs you are facing.”

The state, PPIC said, should help the wastewater sector and direct its funding assistance toward regional approaches to planning and research.

“The state also has a responsibility to evaluate its own policies for areas of conflict between water use efficiency, recycled water production and environmental flows,” the report said. “The

state needs to be clear about the inevitable tradeoffs associated with these goals and help set priorities.”

There also needs to be better delineation between what’s happening with the long-term trend of reduced indoor water use and the impact drought has on that use.

“That is one of the unanswered questions,” Link said. “Is there going to be a bounce back [in water use after a drought] or is there where we are and what we have to plan for?”

Win-loss budget outcomes for ag climate programs

By [Todd R. Hansen](#) / June 14, 2019

FAIRFIELD — The California Climate & Agriculture Network had a mixed day of success and failure in the state budget votes Thursday.

The Legislature approved \$1.4 billion in climate-change appropriations, supporting the Healthy Soils Program at \$28 million – up from \$15 million in 2018-19 – while eliminating support for the State Water Efficiency and Enhancement Program.

CalCAN called the State Water Efficiency and Enhancement Program the most popular of the Climate Smart Agriculture Programs, and the only program that offered incentives for on-farm water conservation practices.

The program, according to CalCAN, is credited with saving more than 100,000 acre-feet of water annually.

“Today’s budget vote is a mix of wins and losses for advancing agricultural solutions to climate change,” Jeanne Merrill, policy director with the California Climate and Agriculture Network, said in a statement released Thursday.

The dairy methane program saw its budget cut by two-thirds to \$7 million, CalCAN reports.

“We must continue to invest in our farmers and ranchers to support Climate Smart Agriculture that keeps producers on the land, our communities healthy and our food security thriving. Governor Newsom and legislative leaders embraced one important strategy – Healthy Soils – to support our farms and ranches to become carbon sinks,” Merrill said.

“But the stripping of funding for water-smart farming and the bare bones funding for the most popular dairy methane program in the state are steps backward in California’s leadership on climate change and agriculture issues. We cannot address the climate crisis or the health and economic crises in our rural and agricultural communities without resources,” Merrill said. “California was a global leader on these issues. Will it remain one?”

The Healthy Soils Program funds farmers to adopt soil management practices such cover crops, compost, mulch and conservation tillage “to increase carbon sinks and lower greenhouse gas emissions overall.”

CalCAN said the funding is just over half the \$50 million investment it feels is needed to reach the state’s goal of 1 million acres under Healthy Soils management by 2030.

The Alternative Manure Management Program funds dairies and livestock operations to turn wet manure into dry manure to reduce methane, a potent greenhouse gas. Most of the projects are turning manure into compost.

Ninety-one dairies and livestock operators applied for the program, seeking \$55 million in funding.

“That will not only hurt methane reduction efforts in the state, but it will also hurt industry efforts to address water quality issues at time of steep declines in dairy prices,” the CalCAN report states.

CALmatters

Why fighting for clean water with climate change money worries some California lawmakers

By [Rachel Becker](#) | [June 17, 2019](#) | [CLIMATE CHANGE](#), [ENVIRONMENT](#), [LEGISLATURE](#), [POLITICS](#), [WATER](#)

Combat climate change, or clean up California's water? Those alarmed by the Legislature's decision to dip into a greenhouse gas fund to pay for clean drinking water may need to get used to it: constitutional restrictions on spending that money are set to expire in 2021.

At issue is the decision to address one environmental crisis—the lack of clean water for [one million](#) Californians—with money set aside for fighting another: climate change. It's a [move that pits](#) those committed to curbing greenhouse gases against environmental allies over [\\$1.4 billion dollars](#) of polluters' money, even as the state boasts [a \\$20.6 billion surplus](#).

Environmentalists who worked for years to find money for clean water are celebrating the decision as a victory despite the message for climate change goals. Sen. [Bill Monning](#), a Carmel Democrat who has [pushed for safe drinking water funding](#) in the past, called it the right thing to do on the Senate floor on Thursday.

“We will make history today by making good on that promise of addressing the human right of every Californian for access to clean, safe drinking water,” he said.

Sen. [Bob Wieckowski](#), a Democrat from Fremont, didn't dispute the need for clean water funding. But he voiced concerns over its source: income from cap and trade, a program that requires major greenhouse gas producers to reduce their emissions or buy credits to compensate. The money from selling those credits goes into a piggy bank called the Greenhouse Gas Reduction Fund, which is supposed to pay for efforts to do exactly that: reduce greenhouse gases.

Those [efforts have included](#) high-speed rail, reducing [emissions from transportation](#), [clean air](#) programs, and [promoting housing density](#)—efforts that, at least arguably, could be related to greenhouse gas pollution. The fund also has been used for tasks less clearly connected, like a [\\$500 million dollar loan](#) to the general fund and [paying for a tax break](#) for manufacturers.

Adding water to the mix dilutes the fund's emphasis on climate change prevention, making it more of an environmental catchall fund. It's a controversial shift in political direction for a finite pot of money.

“It’s morally reprehensible that there are more than a million Californians that don’t have clean water,” [Kathryn Phillips](#), director of the Sierra Club, told CALmatters. But, she said, “We think it would have made more sense to take the money out of the general fund. That way you could continue to use cap-and-trade funds to reduce air pollution and greenhouse gas pollution.”

Wieckowski warned the Senate before the budget vote on Thursday that the Greenhouse Gas Reduction Fund shouldn’t be tapped for every worthy cause. “To finance worthy, and non-carbon reducing programs, would move us farther, not closer, to the ambitious greenhouse gas reduction goals we have set for 2030.”

Across the room—and across the aisle—Sen. [Jeff Stone](#), a Riverside County Republican, agreed. “We could have very easily funded this through our budget surplus,” he said.

Contaminated drinking water: “a moral disgrace”

State political leaders looking to compromise thought otherwise. Gov. Gavin Newsom threw down the gauntlet during his [state of the state](#), calling drinking water contamination “a moral disgrace and a medical emergency.” He called for sustained funding to ensure all Californians have access to clean water.

But Newsom initially proposed creating the [funding from fees](#) on water users, animal farms, dairies, and fertilizer companies, a plan that was [criticized as a new tax](#) and met with resistance. The Assembly floated its own [collection of charges](#) and fees for water providers and polluters. The Senate instead opted for an ongoing flow of [\\$150 million](#) from the general fund, the state’s discretionary account. Ultimately, all three dropped their proposals in favor of the cap-and-trade piggy bank.

The [compromise](#) is a package of safe drinking water funding that includes \$100 million from cap-and-trade and another \$30 million from the general fund for this budget year. Going forward, 5 percent or \$130 million of cap and trade revenues will continue to pay for safe and affordable drinking water every year through 2030. If there isn’t enough in the cap-and-trade purse, then the general fund will fill in the rest.

“We made the best of a negotiation across three parties,” Senate President Pro Tem Toni Atkins said on the Senate floor. “We did what we had to do—somewhat reluctantly—in order to get it done.”

The move, however, is legally murky. Right now, cap-and-trade revenues are only supposed to pay for efforts that “reasonably relate to the reduction of [greenhouse gas] emissions,” according to an opinion by the [Legislative Counsel](#). H.D. Palmer, deputy director for external affairs at the California Department of Finance, told CALmatters the funding helps advance the state’s climate resiliency goals and support disadvantaged communities. “Climate change adversely impacts water availability and can affect drinking water quality,” he said in an email. “Rising temperatures will impact precipitation amounts and result in less reliable water supplies.”

Still, it can be hard to say what really constitutes a reasonable relationship. “Everybody has an incentive to describe their project as being related to greenhouse gas reduction,” says [Danny Cullenward](#), policy director at climate change think-tank Near Zero and member of the Independent Emissions Market Advisory Committee. But when it comes to evaluating their effects, he said, “There’s not a lot of rigor, and no independent review.”

He points to the [25 percent yearly allocation](#) for the controversial high-speed rail project, which, once completed, will need to be cheap enough to draw people away from emissions-intensive air travel. “There are a lot of contingencies that have to come true for that to be a major climate reduction,” Cullenward said.

Some of those legal restrictions on fund use end in 2021, according to the [Legislative Counsel’s opinion](#), when the cap-and-trade extension kicks in. At that point, “The handcuffs are off the Legislature in terms of how the Legislature can use these funds,” said [Cara Horowitz](#), co-executive director of UCLA Law’s Emmett Institute on Climate Change and the Environment. “The Legislature may very well decide to continue prioritizing projects that reduce greenhouse gases and promote climate resilience after 2021, but it won’t be obligated to do so,” Horowitz said.

That lack of obligation worries lawmakers like Wiekowski and Assemblywoman [Cristina Garcia](#), a Bell Gardens Democrat. “At least with the safe drinking water there’s still an environmental justice component, which has constantly been my argument about thinking locally, but acting globally,” she said.

Yet she’s concerned the move could set up the fund for future plunder. “What’s going to happen if we have a downturn in the economy and we’re desperate for money—are we going to have money grabs for anything else from this pot? Because we’ve opened that door,” she said.

That precedent becomes more critical as the money in the greenhouse gas fund ebbs and flows. Observers expect the fund to grow over the next decade as industry relies more heavily on credits to meet more stringent climate goals. That expectation changes over time. Longer term, the hope is that industry and fossil fuel companies will need to buy fewer credits as they clean up their emissions. That means this tap of environmental funding eventually could run dry.

“We have generations of man-made disasters that we need to clean up, and we know how expensive that is,” Garcia said. “People keep telling me, ‘Why are you so worried? You have enough money right now.’ I know that, but I know that down the road, there’s not going to be enough money—and I want to have that discussion now.”

[Phoebe Seaton](#), co-executive director of Leadership Counsel for Justice and Accountability, which helped lead the push for safe drinking water with the Community Water Center and Clean Water Action, thinks that water quality belongs in that conversation. “I think everybody would cut up the pie a little differently, and everybody has opinions over what’s the most bang for your buck,” she said. If the fund were to prioritize climate resilience, greenhouse gas reductions, adaptation, and environmental justice, she said, “It would absolutely include safe drinking water and drinking water resilience.”

The Washington Post

Wet California winter is a boon for skiers and water supply. But it brings a threat: Wildfires.

By [Scott Wilson](#)
June 17 at 1:02 PM

MAMMOTH LAKES, Calif. — This early June morning is Boyd Shepler’s birthday, No. 66, and he is spending it in a classic California way: a few hours of skiing in a snowflake-filled morning, then a round of golf in the dry afternoon sun.



Heavy snow coats the Eastern Sierra, located five hours north of Los Angeles along Highway 395, on March 21, near Mammoth Lakes, Calif. A massive winter snowpack means lots of water supply in Northern California, but while that water solves some problems, it can create others. (George Rose/Getty Images)

The snow here in the Sierra Nevada is epic, packed into a base that is more than double the historic average for early summer. Here on [Mammoth Mountain](#), the ski lifts will be running into August. At lower altitudes, a spring of atmospheric rivers and hard rain has filled the state’s once-languishing reservoirs.

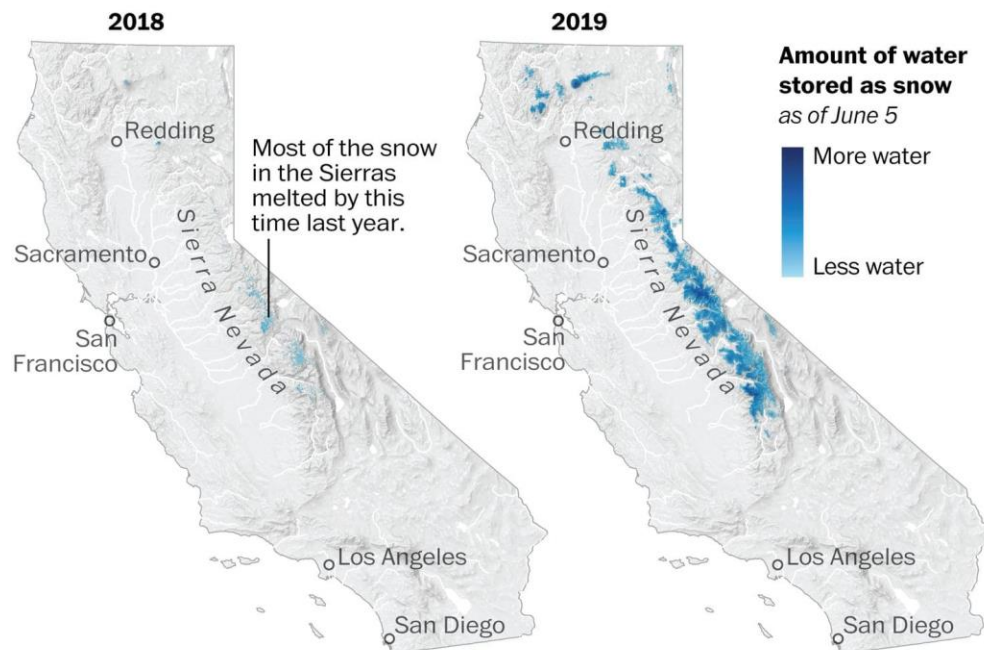
“The coverage at the top is as good as I have seen it in 30 years,” said Shepler, stoked after skiing Hangman’s Hollow in June for the first time in years before trading his waterproof pants for a pair of shorts and flip-flops. “We live for these summers up here.”

But the bounty of California's have-it-both-ways climate has evolved into a can't-win challenge, something former governor Jerry Brown called the "new abnormal."

Awash in precious snow and water that will help meet the demands of the state's 40 million residents, the wetness also is forcing California to confront an even greater threat of wildfire. The soaking spring nourishing the Jeffrey pines and sagebrush is giving way to a desert dry as soaring heat scorches the new growth into blankets of kindling.

More snow in California

A heavy snow season and lingering cool weather has ended California's drought, but could be setting up trouble for the upcoming fire season.



Source: Snow Data Assimilation System (SNODAS) Data Products at NSIDC
LAUREN TIERNEY/THE WASHINGTON POST

At least eight wildfires already have flared during the past week to the north and west of here, and the Bay Area is hitting record-high temperatures for early June. The utility company responsible for the state's deadliest fire, which reduced [the town of Paradise](#) to ash last year, has begun pre-emptively shutting down power to tens of thousands of customers in fire-prone areas.

The shift to climate extremes also highlights years of inadequate forest management that has turned places such as the [Inyo National Forest](#), which surrounds this mountain resort, into overgrown stands of fuel. Forest managers here are setting "controlled" fires months earlier than usual, and they have adopted plans that will allow vast stretches of state forest to burn if wildfires begin naturally.

"We've gotten really good at putting out fires under all circumstances, except for extreme weather conditions," said [Alan Taylor](#), a Pennsylvania State University professor of geology and ecology who has found that the historic link between wet winters followed by mild fire seasons no longer exists. "And that is how they are burning in California now."

Since taking office, [President Trump has blamed irresponsible forest management](#) for California's severe wildfires, which have followed wet springs. He has failed to mention that more than half the forest land in the state is under federal control.

But Trump's push for more aggressive fuel-clearing measures — including controlled burns often opposed by the public and in conflict with state air quality regulations — is a rare point of agreement between those who manage the forests and his administration.

The U.S. Forest Service has been ordered to increase by threefold the amount of fire fuel it clears each year through controlled burns and “thinning,” the more selective cutting down of trees. The agency also has been told to step up timber production, a policy that has traditionally bothered environmentalists.

California, too, has strengthened its approach.

Brown (D) allocated \$1 billion from the state's carbon-tax revenue to the lead fire agency, CalFire, for the purpose of managing forests to prevent fires rather than simply fighting them. His successor, Gov. Gavin Newsom (D), has continued that approach.

“Sometimes California feels like this entirely different country than the United States, and people love to disparage the state, sometimes for good reason,” said [Malcolm North](#), a forest service scientist who runs a lab at the University of California at Davis. “But this is an issue in the West that we are not going to fix without a financial commitment, and California is making that financial commitment.”

The long-term goal is to return California forests to their conditions before 1850, when decades of European settlement culminated with the rapid population increase that accompanied the Gold Rush. What that means: Forests with far fewer trees.

The success of modern, aggressive fire suppression techniques has meant that forests, which once burned naturally, have for decades been prevented from doing so, leaving dangerous consequences.

About 10 percent, or 500,000 acres, of Sierra forest now under federal management burned each year before 1850. Forest scientists say that is roughly the natural fuel quota that should be eliminated annually.

But, in those same forests today, managers are clearing just 33,000 acres of fuel each year. The result is that forests dry out faster because, as North puts it, “there are too many straws in the ground.” The fires burn hotter and longer.

“We're not even close, we're off by an order of magnitude, and you cannot just thin your way out of the problem,” he said of meeting adequate fuel-clearing quotas. “We're behind the eight ball on this and we should use every tool we have.”

The Inyo National Forest's 1.9 million acres include the Sierra's pine forests, steep canyons, expansive calderas and the highest peak in the Lower 48 states, Mount Whitney. There is no timber industry here in what is a rain shadow formed by the surrounding range.

“We are basically a forest on top of a desert,” said Eric Vane, the U.S. Forest Service’s vegetation planning manager for the northern Inyo.

Vane is 32 years old, a Michigan native, who has worked here for three years. Before that he was in [Stanislaus National Forest](#) to the north where, unlike in the Inyo, a commercial timber industry thrived.

Inyo’s challenges are different — from its climate to its trees to its closer contact with a public that doesn’t always weigh the long-term goals of forest management against short-term challenges and inconveniences of controlled burns.

Outside Vane’s U.S. Forest Service office, a carved wooden Smokey Bear displayed a green sign one recent morning declaring fire danger “low.”

There are patches of snow on the ground at 7,800 feet, the peaks above coated in white. But the clear air is dry and the sun hot when the windblown clouds reveal it.

“It changes so fast right now,” Vane said. “This combination of dryness and heat just sucks the moisture out of the plants. We’ll go from Smokey saying ‘low’ to ‘extreme’ very quickly.”

The Inyo is made up primarily of Jeffrey pine, a tree that has adapted to fire. Its bark is thick and reddish, and on those that existed before the Gold Rush, its horizontal branches begin far up the trunk. The trees shed their lower branches to prevent flames from climbing into their crowns.

Some stands here are a tangle of old and young pines, pale sage and bitter brush covering the small patches of ground between them. This is unnatural, the bunching too close together to allow for healthy growth or the right allocation of water for all these straws.

“You read accounts from the mid-1800s, and people were taking horse and buggy through here,” Vane said, pointing at a stand so dense a hiker would have a hard time passing.

But, as the dirt road climbs and dips through the forest, signs of the last fire appear. Charred trunks, cut down by the forest service after the blaze, lie in haphazard piles.

In 2016, the [Owens River Fire](#) charred nearly 5,500 acres, about 700 of which burned here along the steep roadside. This was a “high-intensity” event because the flames reached into the tree canopy, spreading quickly through high branches rather than across the ground.

Over the next rise, a patch of blackened forest fills the valley before climbing along the canyon’s far wall toward the top of Bald Mountain. The trees here are black spikes, branchless.

“This was an area that had not seen fire in a hundred years, so all these dense patches were primed to burn at high-severity,” Vane said. “The way this burned was an abnormality compared to how it would have a century ago.”

The severity of the state’s recent fire seasons, which have been longer and more intense than any in memory, prompted officials to update forest-management plans. The one for Inyo had not been revised since 1988.

At the state level, all 175 fire districts have done the same. Among the most significant measures adopted in some of the revised plans is the designation of large tracks of forest as “let it burn” zones. In the three districts in the Sierras, the designation encompasses between 150,000 and 300,000 acres of forest that would be allowed to burn if a wildfire were to begin.

Cinematic storm clouds blow in quickly, casting the approach to the Bald Mountain summit in shadow. A light snow dusts the roadside, heated only minutes before by a summer sun. Then hail begins to pelt the windshield. Nearing the summit, it turns to balls of ice and snow that pound down and make the summit unreachable.

Minutes later, and a thousand feet lower, the sun is out.

“I’ve never seen it like that before,” Vane said. “I guess we decided to show you all the weather we have on one day.”

The readings are promising — light wind, blowing away from town, and humidity above 50 percent. Conditions auspicious enough to start a fire and, with much planning and dozens of well-trained men and women, control it.

On this June day, the forest service is going to burn 120 acres of the Inyo National Forest, an operation that would commonly wait until fall. But fire season seems to start — if it ends at all — earlier each year here.

“We want to keep this fire on the ground — scorch height, but no higher,” Jason Wingard, the burn boss, told his crew in the preignition briefing.

“What are we stressing most here?” asked Bren Townsend, a “holding team” leader assigned to keep the fire within its parameters.

“The wind,” Wingard answered.

The planning for even a burn of this modest size is painstaking and politically fraught. One mistake, one wind shift, could turn a tool for wildfire prevention into a wildfire itself.

As a result, these burns are tiny bites of a very large apple. California air quality rules limit prescribed burns to 200 acres a day, and even after extending the window for these operations, the goal for the year here is about 3,000 acres.

The crew breaks into groups — holding, ignition, water. Those who will be starting the fire with drip torches, each containing a mix of diesel and gasoline, huddle around the team leader who is sketching the contours of the slope in front of them in the dirt.

The strategy is to bring the fire down the hill, against the wind, and into the flats. The sage and bitter brush is the primary target, not the larger trees that, at least here, are spaced far enough apart to indicate a healthy forest.

Soon a half dozen men and women are crisscrossing the hill, setting fires. The lines are organized, close together, and the boundaries defined by “black lines” that prevent flames from jumping “out of the box.”

The work is slow. Stumps take special care, as do piles of bone-dry trees cut down in previous thinning operations. The smell of man-made fuel — hauled up hills in 50-pound jerrycans — is strong. So is the flat heat from nearby, chest-high walls of flame.

The burn will take all day. But the weather holds and after several hours Wingard is pleased with the fire's course.

"It's going about as well as it could be going," he said.

Tusks is the indoor-outdoor bar at the foot of Mammoth Mountain, a deck of picnic tables and a fire pit unlit on a recent summer afternoon.

It is the perfect vantage to watch the skiers and snowboarders delight in a June bonanza, launching from end-of-run jumps, skidding wildly into lift lines, and pounding upstairs for a beer after a few hours of traversing the cornice.

To Liam Corrigan, the snow is simply a boon. He jumped in his car in Orange, Calif., one recent morning and drove hundreds of miles north, reaching the slopes here before noon.

"The farther you go up the mountain, the better it is," said Corrigan, 23, who works at the REI in his Orange County town.

Light snow, then a thin rain begins to fall. Three shirtless guys reach the bottom of the slope with a noisy stop, a pair of resting kids drinking hot chocolate giggling at the spectacle.

"I'm from the East Coast, and I'm skiing in June," Corrigan said. "Believe me, I have nothing to complain about."



Published June 26th, 2019

Grand jury comes down on ConFire over fire inspections and record keeping

By Nick Marnell

A Contra Costa County grand jury issued a report in May recommending that the Contra Costa County Fire Protection District upgrade and periodically audit its record management system to maintain compliance with state-mandated fire inspection regulations and to ensure accurate and timely fire inspection reporting. The report also recommended that ConFire hire additional inspectors and make the status of fire inspections available to the public through an online address-based program.

The Oakland Ghost Ship fire killed 36 in 2017, and lax fire inspections on the property were alleged in victim lawsuits. Ensuing media coverage in 2018 found that many fire agencies, including ConFire, had failed to keep up with annual state-mandated fire inspections for schools and multifamily residences. ConFire acknowledged that it fell behind on its inspections, blaming budget cutbacks because of the Great Recession and the inability to hire qualified personnel.

With improved finances and a sharper focus on the lagged inspections, ConFire hired new fire inspectors in mid-2018 and reassigned inspectors from the engineering department to help out with the backlog. ConFire then added temporary clerks to input data for the field inspectors, which allowed the inspectors to spend more time in the field. As the district caught up on its inspections, it allowed this newspaper access to its Lafayette inspection reports and to accompany it on Lafayette state-mandated fire inspections, which ConFire completed, as well as all mandatory annual inspections in its database, by the end of the year. To help ensure that fire inspections are conducted on time in the future, the grand jury recommended that the district increase its number of fire inspectors. Seven current inspectors conduct 8,000 state-mandated inspections each year, exceeding the 900 annual inspections each code officer can average, the report said. The grand jury urged ConFire to replace its time-consuming data recording system with a mobile digital system, allowing code officers to enter inspection data directly into an electronic device on site rather than having to input the data later at the district office. The report also recommended that the district periodically conduct audits of its record management system, publish a quarterly report on the status of fire inspections and make the information readily available to the public through a web-based program.

Neither Fire Chief Lewis Broschard nor his board of directors commented on the grand jury report at the June 11 district meeting. "By law, we have 90 days to prepare and submit a response, which we will do," ConFire spokesman Steve Hill said. "I expect this response may be addressed at either the July or August fire board meeting and will likely be posted on the grand jury website, along with other such responses, some time thereafter."

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[back](#)

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Published June 26th, 2019

Full-time staffing of MOFD Medic 45 not dead yet

By Nick Marnell

Still frustrated over the refusal of the Moraga-Orinda Fire District board of directors to allocate money to restore full-time staffing of the ambulance at Fire Station 45 in Orinda, Capt. Lucas Lambert, speaking as the district labor representative, tore into the board at the June 19 district meeting.

Lambert's remarks stemmed from the district's 2017 application for federal grant money to hire four firefighters, who were to be used to fully staff Medic 45 in Orinda. The ambulance had been and continues to be cross-staffed, as the grant money was used by the district to fill overtime positions, a permitted use of the grant funds notwithstanding the reason given in the application.

"I resent the fact that the statement was made that this money was to provide adequate staffing for our community and firefighter safety when in actuality that was never going to be the case," Lambert said. "I resent the fact that the line of duty deaths by two firefighters within this county were used in vain and quoted in an effort to sell the need for this grant." The MOFD grant application referred to the July 2008 line of duty deaths of two Contra Costa County Fire Protection District firefighters as a need for adequate ground support.

Lambert received support from two new directors, with Greg Baitx pushing for fully staffing Medic 45 immediately and Michael Donner insisting that safety of the firefighters and district residents called for the staffing increase. The fire chief agreed that a staffing increase is not a bad thing.

"More is undoubtedly better," Fire Chief Dave Winnacker said. "More firefighters equals greater certainty that there will be an engine or an ambulance at the patient's side or the resident's side in the shortest time possible."

Donner proposed that some of the \$1.8 million earmarked for district pension and retiree health care trust funds be shifted to increase on-duty staffing. "The climate has changed," Donner said. "Fires aren't the same as they were three to five years ago."

Using overtime to fully staff the Station 45 ambulance would cost an extra \$1 million a year, and increasing the firefighter roster from 57 to 63 to fully staff Medic 45 would cost \$1.44 million per year, the difference due largely to pension costs.

Board President Steven Danziger said that he would add an item to a future agenda, or even call a special meeting, to discuss a district staffing increase.

Which was exactly the request Lambert made of the board that evening.

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[back](#)

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Published June 26th, 2019

Grand opening ceremony for Station 43

By Nick Marnell



Moraga-Orinda Fire District Director Michael Donner, left, and President Steven Danziger cut the ribbon at the June 15 grand opening ceremony for rebuilt Fire Station 43 in north Orinda. The crews had occupied the new facility in May as final work continued on the station.

Fire Chief Dave Winnacker told his board that he was still working out a "punch list" with the contractor and hoped to have it completed in July. "Things don't get identified until you move in," the chief said. "We want to make sure all the little things are corrected before the contractor clears the scene."

MOFD officials make it official Photo Sora O'Doherty



Folks gather for the June 15 grand opening of Fire Station 43 in north Orinda. Photo Sora O'Doherty

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[back](#)

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Published June 26th, 2019

2019-20 budget: Moraga in cash flow crisis no longer

By Nick Marnell

The town of Moraga forecasts a financially stable 2019-20 fiscal year, having come a long way from the fiscal emergency and cash flow crisis the town operated under two years ago. The receipt of federal reimbursements for expenses related to the Rheem sinkhole and the temporary Canyon Road bridge projects enabled the town to restore its general fund reserve to 50% of expenditures in 2018-19, where it is forecast to remain in 2019-20. Long-term financial concerns include the town's unfunded pension liability and insufficient funds to repair an aging infrastructure.

The total proposed budget for 2019-20 equals \$18.24 million, including a \$10.3 million general fund operating budget, and a \$7.94 million capital budget. The budget projects a surplus of \$95,913 and a general fund reserve balance of \$4.7 million, \$362,000 more than 2018-19.

With Moraga having developed comprehensive pavement and storm drain plans in 2019, and having identified funding for each, there is no extraordinary pressure on operations to fund those projects beyond a \$145,000 contribution from the general fund. But with the Audit and Finance Committee in 2015 having projected \$600,000 per year needed for deferred maintenance and asset replacement, and less than \$400,000 allotted in four years for those programs, the town plans to hire a consultant to reevaluate infrastructure needs.

Moraga provides a defined benefit retirement plan for its employees, the only Lamorinda municipality to do so. Because of investment losses and incorrect cost assumptions by the California Public Employees' Retirement System, the town pension administrator, Moraga carries an unfunded pension liability of nearly \$6 million. In order to pay down the liability, the town must make a payment of \$392,000 in 2019-20, escalating to \$673,000 in five years, based on CalPERS' calculations. That figure is in addition to current retirement costs, which total \$357,000 for 2019-20 after employee cost sharing.

In her summary report, Town Manager Cynthia Battenberg said that the budget "includes funding to acquire outside actuarial analysis of the Town's anticipated contribution rate projections, including an asset return sensitivity study, and the options the Town may have to accelerate and/or smooth payment of unfunded liability." The Moraga-Orinda Fire District used a similar strategy in 2017 and established a pension stabilization trust which it funds over and above the required payments to its pension manager.

With the general fund reserve projected to dip below 50% in five years, a placeholder was inserted into the budget in anticipation of a possible revenue-generating measure. Moraga put aside \$42,000 for a public opinion poll, \$25,000 for community outreach and \$33,000 for legal fees to be spent if the town council gives a go-ahead to pursue the measure.

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[back](#)

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Published June 26th, 2019

No imminent crises in Lafayette financial condition, but ...

By Nick Marnell

The city of Lafayette projects a fairly solid financial picture for fiscal year 2019-20 as well as five years forward, but problem areas include high maintenance costs, mounting legal expenses and a shrinking general fund reserve.

General fund revenue for 2019-20 is forecast at \$16.59 million, and after a reclassification adjustment, comes in at \$428,000 more than the estimated final figure for 2018-19. With expenses forecast at \$16.55 million, the city projects a surplus of \$39,000 for the next fiscal year, with a general fund reserve of \$9.85 million, equaling 63% of general fund expenditures.

Lafayette has no defined benefit retirement plan for its employees so it avoids any unfunded pension liability, the scourge of many California municipalities and special districts. The city's financial albatross is its expense for legal fees, which have risen from \$290,000 in 2012 to \$869,000 in 2018-19, primarily due to land use lawsuits. According to a city staff report, the city budgeted for \$665,000 in legal costs for next year but warned that the number may be optimistic due to the "contentiousness of the current environment surrounding development projects."

The city also struggles with maintenance costs. In order to maintain a Pavement Condition Index of 76 - considered "good" by the Metropolitan Transportation Commission - the city projects a \$1.8 million annual expense, far more than the \$1 million that has been budgeted, due to rising construction costs. "Based on current market trends, \$1 million a year toward street maintenance will not keep Lafayette streets in their current condition; their condition would become worse," said Tracy Robinson, administrative service director.

A similar problem exists with maintenance of the downtown core. Lafayette runs a \$265,000 annual deficit in core maintenance funding, as costs have increased over the last 23 years whereas the assessments have not. Any assessment increase must be approved by property owners, and since the city has been unsuccessful in increasing the assessments the general fund plugs the gap.

Though Lafayette forecasts a balanced budget not only for this coming year, but for the next five, the pressure put on the general fund by rising expenses - like the ones listed above - will see the general fund reserve shrink from 64% of expenditures in 2019 to 54% in 2024, less than the 60% figure targeted by the city.

And while a \$9.85 million reserve is a reasonably healthy figure, the city remains concerned that an economic downturn or a major disaster, like the 2017 Northern California wildfires, could significantly eat into that figure.

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[back](#)

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Published June 26th, 2019

Unincorporated Reliez Valley Road residents want influence in Lafayette

By Pippa Fisher

SOI Option – Cities of Lafayette and Pleasant Hill

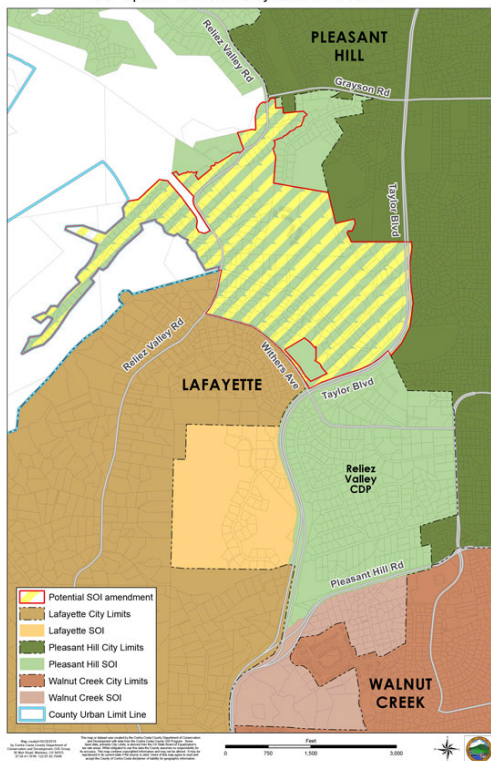


Image provided

Despite a 4-1 vote from the Lafayette City Council at its May 28 meeting - with Council Member Susan Candell the only one opposing - to notify the Local Agency Formation Commission of its opposition to any change in sphere of influence for unincorporated Reliez Valley area residents, the issue is not necessarily over quite yet. LAFCO, while not approving any changes to SOI, subsequently decided to form a subcommittee to further discuss the topic.

□ Kristen Altbaum and Roger Chelemedos, representing an area of roughly 300 homes in unincorporated Contra Costa County along Reliez Valley Road between Grayson and Withers that share the Lafayette zip code, have Lafayette addresses and send their children to Lafayette schools, had requested that LAFCO remove them from the Pleasant Hill SOI and that they be placed in the Lafayette SOI.

□ Residents of this area say they want to simplify jurisdictional boundaries. They want school districts and city boundaries to align. They say they identify with Lafayette and that their area is home to coaches and involved community members. They point out they patronize Lafayette restaurants and businesses, spend their time in activities and sports with their Lafayette school-attending children in Lafayette and as such should be under the Lafayette SOI enabling them to vote in elections on Lafayette matters that affect them, such as traffic and safety along the RVR corridor.

□ Interim City Manager Niroop Srivatsa explained to the council in her presentation that an SOI change is the first step and that the next logical step is annexation. And in such a scenario she warned the costs could be high.

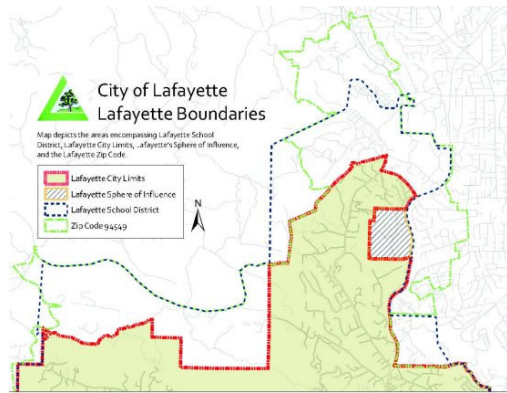
□ Altbaum made the point before both the city council and LAFCO that they are simply asking for change in SOI, not annexation to the city. This was a point that Council Member Cam Burks took issue with. "It is clear to me that

the SOI change is solely geared towards annexation," he said.

□ LAFCO Executive Officer Lou Ann Teixeira explained that the agency can amend the SOI for each district and city. "Sphere of influence, by definition, means a plan for the probable physical boundaries and service area of a local agency, as determined by the commission," she said. "If there is no indication that an area will be annexed to a local agency (i.e., city, district), then LAFCO would typically have no reason to place that area in the SOI. The city of Lafayette does not currently include the Reliez Valley in its General Plan, which indicates they are not planning to serve this area in the future."

□ Referring to an email sent to council just hours before the meeting from Former Mayor Don Tatzin urging a "no" vote on the matter, Altbaum told the LAFCO hearing, "Don still puppeteers our city." She went on to say that the letter was full of fear mongering and absent truths. "Costs associated with a potential annexation was the excuse he laid out, but if costs are so prohibitive, how then did 17 annexations to the city of Lafayette occur prior to 1983 in the span of just 11 years and how do boundary changes happen all the time, up and down the state of California?" asked Altbaum.

□ It is not known when the LAFCO subcommittee will report back to the commission with an update, but Altbaum says that she appreciates the thoughtfulness of the LAFCO commissioners in forming the committee. "I'm cautiously optimistic that the adhoc committee can work with Lafayette and County to make us feel included in Lafayette's demographic and that costs to residents will be consistent with the past 17 Lafayette annexations."



From the city's staff report, showing the area in question.

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[back](#)

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AGENDA

RETIREMENT BOARD MEETING

July 10, 2019
Agenda Item 18c

SECOND MONTHLY MEETING
June 26, 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 May 22, 2019 meeting.
4. Presentation from Brown Armstrong on the audit of the December 31, 2018 financial statements.
5. Discussion regarding funding of I.R.C. Section 115 Trust for Other Post-Employment Benefits for CCCERA employees.
6. Presentation of Annual Investment Funding Plan.
7. Consider and take possible action to adopt Board of Retirement Resolution No. 2019-4, Investment Asset Allocation Targets and Ranges.
8. Presentation of 2018 CCCERA budget vs. actual expenses report.
9. Consider authorizing the attendance of Board:
 - a. Principles of Pension Governance, CALAPRS, August 26-29, Malibu, CA. (Note: Conflict with Meeting)
 - b. Invesco Global Client Conference, November 5-7, La Jolla, CA. (Note: Conflict with Meeting)
10. 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.