



Lou Ann Teixeira
Executive Officer

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
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(925) 313-7133

NOTICE AND AGENDA FOR REGULAR MEETING

DATE/TIME: Wednesday, September 11, 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 40 Muir Road, 1st 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 925-313-7133. An assistive listening device is available upon advance request.

As a courtesy, please silence your cell phones during the meeting.

SEPTEMBER 11, 2019 CONTRA COSTA LAFCO AGENDA

1. Call to Order and Pledge of Allegiance
2. Roll Call
3. Adoption of Agenda
4. Public Comment Period (please observe a three-minute time limit):
Members of the public are invited to address the Commission regarding any item that is not scheduled for discussion as part of this Agenda. No action will be taken by the Commission at this meeting as a result of items presented at this time.
5. Approval of minutes for the August 14, 2019 regular LAFCO meeting

OUT OF AGENCY SERVICE REQUESTS

6. **LAFCO 19-04 – City of Martinez – 2913 Merle Avenue** – consider a request by the City of Martinez to extend municipal water service outside its jurisdictional boundary to one parcel (APN 375-301-024) located at 2913 Merle Avenue in unincorporated Martinez; and consider related actions per the California Environmental Quality Act (CEQA)
7. **LAFCO 19-05 – City of Martinez – 66 Quail Lane** – consider a request by the City of Martinez to extend municipal water service outside its jurisdictional boundary to one parcel (APN 365-100-015) located at 66 Quail Lane in unincorporated Martinez; and consider related actions per the CEQA

BUSINESS ITEMS

8. **2nd Round Municipal Services Review (MSR)/Sphere of Influence (SOI) Updates – Parks & Recreation Services** – review draft Request for Proposals (RFP), provide input and authorize staff to release RFP for consulting services to assist with the 2nd round “Parks & Recreation Services” MSR/SOI updates
9. **Temporary Hire of LAFCO Retiree and Waiver of 180 day “Sit Out Period”**- consider approving the temporary hire of Kate Sibley, LAFCO retiree and waiving the 180 day sit out period
10. **2020 LAFCO Meeting Schedule** – consider approving the 2020 LAFCO meeting schedule
11. **Contra Costa LAFCO Policies & Procedures** – consider approving proposed amendments to LAFCO’s island policy

INFORMATIONAL ITEMS

12. Commissioner Comments and Announcements
13. Staff Announcements
 - Pending Projects
 - Newspaper Articles
 - CCCERA Correspondence

ADJOURNMENT

The next regular LAFCO meeting is October 9th, 2019 at 1:30 pm.

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

AUGUST 14, 2019 CONTRA COSTA LAFCO
ANNOTATED AGENDA AND AMENDED MINUTES

Sept 11, 2019
Agenda Item 5

1. Call to Order and Pledge of Allegiance

2. Roll Call
County Members Candace Andersen (participated by telephone pursuant to Gov. Code 54953) and Federal Glover
Special District Members Mike McGill and Igor Skaredoff and Alternate (A) Stan Caldwell
City Members Tom Butt and Sean Wright (A), who arrived at 1:47 pm
Public Members Charles Lewis (A)

3. Adoption of Agenda
Upon motion of McGill, second by Glover, Commissioners approved the agenda unanimously, 6-0
AYES: Andersen, Butt, Glover, Lewis, McGill, Skaredoff
NOES:
ABSENT: Blubaugh (M), Schroder (M), Wright (A)
ABSTAIN: None

4. Public Comment Period (please observe a three-minute time limit):
There were no public comments.

5. Approval of minutes for the July 10, 2019 regular LAFCO meeting
Upon motion of Glover, second by McGill, Commissioners approved the July 10, 2019 meeting minutes unanimously, 6-0
AYES: Andersen, Butt, Glover, Lewis, McGill, Skaredoff
NOES:
ABSENT: Blubaugh (M), Schroder (M), Wright (A)
ABSTAIN: None

SPHERE OF INFLUENCE (SOI) AMENDMENTS/CHANGES OF ORGANIZATIONS

6. ***LAFCO 18-04 – Wang Reorganization: Annexation to City of El Cerrito and Corresponding Detachment from City of Richmond*** – consider annexing Assessor Parcel Number (APN) 509-110-017 to City of El Cerrito and detaching the same parcel from City of Richmond. The property comprises 0.07± acres and is located on Jefferson Avenue in the City of Richmond. The Commission will also consider related actions under CEQA

Acting Chair McGill opened the Public Hearing. There were no public comments and the Acting Chair closed the public hearing.

Upon motion of Glover, second by Lewis, Commissioners, by a 6-0 vote, unanimously approved the boundary changes as proposed

AYES: Andersen, Glover, Lewis, McGill, Skaredoff
NOES:
ABSENT: Blubaugh (M), Schroder (M), Wright (A)
ABSTAIN: Butt (M)

DRAFT

BUSINESS ITEMS

7. ***Special District Risk Management Authority (SDRMA) Board Election*** – receive report from ad hoc committee and consider voting for candidates in the 2019 SDRMA Board Election

Upon motion of McGill, second by Skaredoff, Commissioners unanimously, by a 6-0 vote, approved the ad hoc committee's selected board election candidates.

AYES: Andersen, Butt, Glover, Lewis, McGill, Skaredoff

NOES:

ABSENT: Blubaugh (M), Schroder (M), Wright (A)

ABSTAIN: None

8. ***CALAFCO 2019 Conference Material and Call for Board of Directors Candidates and Achievement Award Nominations*** – receive the annual CALAFCO conference packet, appoint voting delegate(s), and provide direction regarding nominations and other matters as desired

Upon motion of Glover, second by Lewis, Commissioners unanimously, by a 6-0 vote, appointed the Chair as voting delegate and the Vice Chair and Commissioner McGill as voting alternates.

Commissioners also approved their being nominated by staff for a 2019 CALAFCO Achievement Award.

AYES: Andersen, Butt, Glover, Lewis, McGill, Skaredoff

NOES:

ABSENT: Blubaugh (M), Schroder (M), Wright (A)

ABSTAIN: None

9. ***Lafayette/Pleasant Hill Sphere of Influence Subcommittee*** – receive update from ad hoc subcommittee
Informational item

Upon motion of McGill, second by Glover, Commissioners unanimously, by a 7-0 vote, acknowledged and received the update report from the Subcommittee.

AYES: Andersen, Butt, Glover, Lewis, McGill, Skaredoff, Wright

NOES:

ABSENT: Blubaugh (M), Schroder (M)

ABSTAIN: None

10. ***2019 Contra Costa County Employees' Retirement Association Employer Audit: Contra Costa LAFCO*** – receive audit – *Informational item*

Upon motion of Glover, second by Skaredoff, Commissioners unanimously, by a 7-0 vote, acknowledged and received the report.

AYES: Andersen, Butt, Glover, Lewis, McGill, Skaredoff, Wright

NOES:

ABSENT: Blubaugh (M), Schroder (M)

ABSTAIN: None

11. ***FY 2019-20 Budget Adjustment*** – consider moving funds from Fixed Assets to Services and Supplies in conjunction with a change in computer equipment

Upon motion of Glover, second by McGill, Commissioners unanimously, by a 7-0 vote, approved the FY 2019-20 budget adjustment to allow purchasing a virtual server as opposed to a physical server.

AYES: Andersen, Butt, Glover, Lewis, McGill, Skaredoff, Wright

NOES:

ABSENT: Blubaugh (M), Schroder (M)

ABSTAIN: None

INFORMATIONAL ITEMS

12. Commissioner Comments and Announcements

- Chair Butt reported that former Lafayette City Manager, Steven Falk, was appointed as Richmond's Interim City Manager
- Commissioner McGill reported on the CALAFCO increase of dues which will be determined at the 2019 CALAFCO Annual Conference
- Commissioner Skaredoff commented on attending the Alhambra Creek walk – a planning project to improve the surrounding environment

13. Staff Announcements

- CALAFCO Updates
- Pending Projects
- CCCERA Correspondence

The meeting adjourned at 2:00 pm

Final Minutes Approved by the Commission September 11, 2019.

AYES:

NOES:

ABSTAIN:

ABSENT:

ADJOURNMENT

The next regular LAFCO meeting is September 11th, 2019 at 1:30 pm.

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

By _____

Executive Officer

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

Sept 11, 2019
Agenda Item 6

September 11, 2019 (Agenda)

LAFCO 19-04 City of Martinez - Out of Agency Service Request – 2913 Merle Avenue

SYNOPSIS

This is a request by the City of Martinez to provide municipal water service outside its jurisdictional boundary to one parcel (APN 375-301-024) located at 2913 Merle Avenue in unincorporated Martinez (Attachment 1). The lot is currently vacant, and the landowner proposes to construct a single-family home.

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 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 14 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 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.

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 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 Merle Avenue. The water service lateral will consist of approximately 20 linear feet of one-

inch diameter pipe and a water meter. 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 sections 15303(a) and (d), 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. 19-04 (Attachment 2).

- A. Find that the project is exempt pursuant to sections 15303(a) and (d) of the CEQA Guidelines, consistent with the determinations of the City of Martinez.
- B. Authorize the City of Martinez to extend water service outside its jurisdictional boundary to 2913 Merle Avenue in unincorporated Martinez subject to the following terms and conditions:
 - 1. Water infrastructure and service is limited to one single family dwelling 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 to obtain more information.

RECOMMENDATION

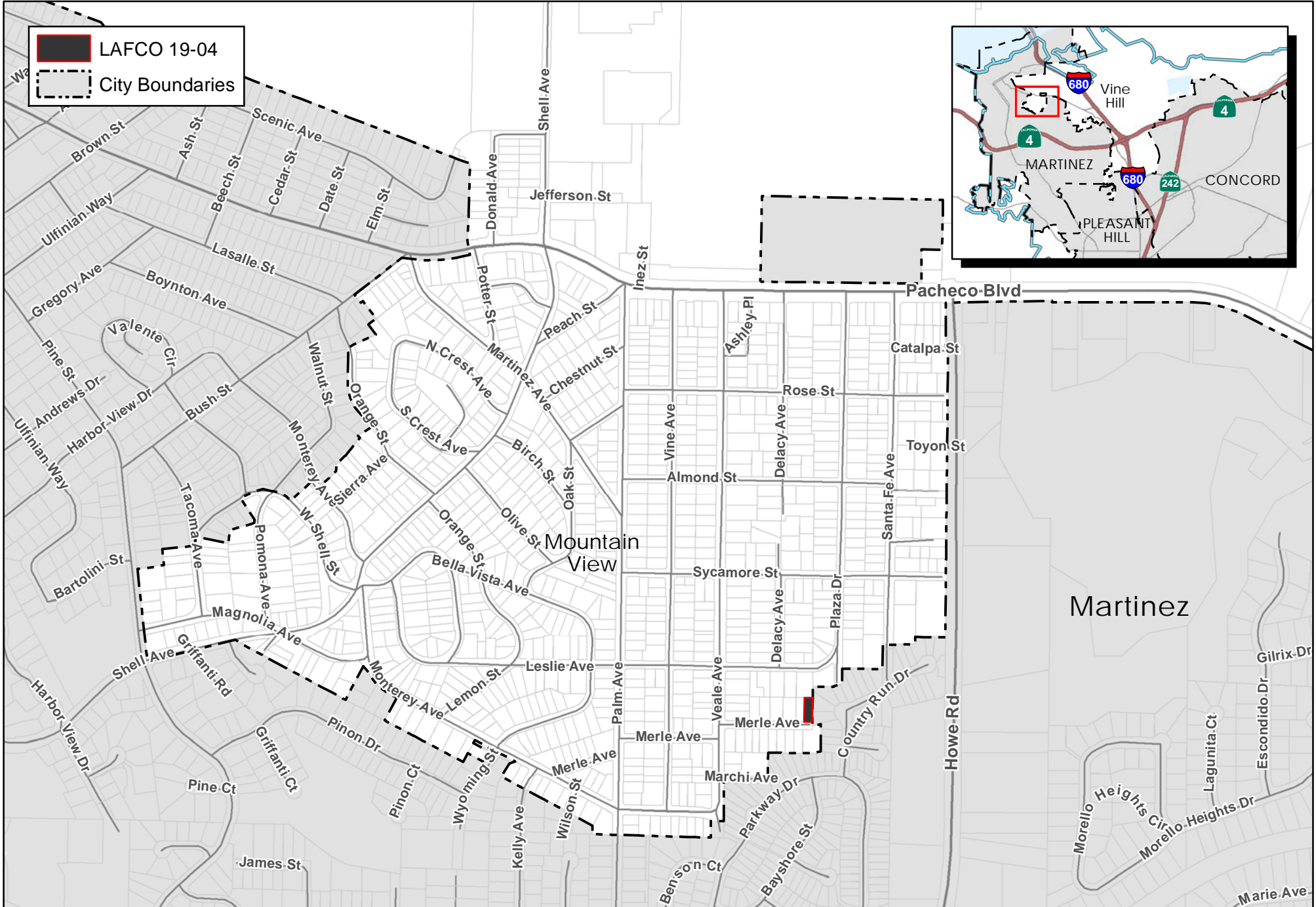
Option 1 – Approve out of agency service request with conditions as noted.

LOU ANN TEXEIRA, EXECUTIVE OFFICER
CONTRA COSTA LAFCO

Attachments

- 1. Map of 2913 Merle Avenue
 - 2. Draft LAFCO Resolution 19-04
- c: Scott Alman, City of Martinez
 Randy Leptien, City of Martinez
 Khalil Yowakim, City of Martinez
 Jim Farr, Property Owner

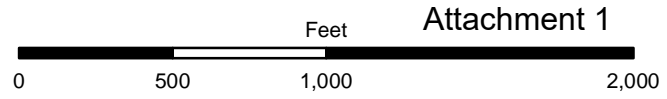
LAFCO No.19-04 City of Martinez Out of Agency Service (Merle Avenue)



LAFCO 19-04
 City Boundaries

Map created 07/09/2019
 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. 19-04

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
AUTHORIZING THE CITY OF MARTINEZ TO PROVIDE
OUT-OF-AGENCY WATER SERVICE TO 2913 MERLE AVENUE**

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 California Government Code); and

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

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

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

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

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

- A. Find that the project is exempt pursuant to section 15303(a) and (d) of the CEQA Guidelines, consistent with the determination of the City of Martinez.
- B. Authorize the City of Martinez to extend water service outside its jurisdictional boundary to property located at 2913 Merle Avenue (APN 375-301-024) 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 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 11th day of September 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: September 11, 2019

Lou Ann Texeira, Executive Officer

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

Sept 11, 2019
Agenda Item 7

September 11, 2019 (Agenda)

LAFCO 19-05 City of Martinez - Out of Agency Service Request – 66 Quail Lane

SYNOPSIS

This is a request by the City of Martinez to provide municipal water service outside its jurisdictional boundary to one parcel (APN 365-100-015) located at 66 Quail Lane in the unincorporated Alhambra Valley (Attachment 1). The lot is currently vacant, and the landowner proposes to construct a single-family home.

The subject property is located within the City's sphere of influence (SOI) and Urban Limit Line. Surrounding land uses include very low-density single family residential to the north, south, east and west. The City is currently providing water service to six parcels to the south, east, northeast and southwest of the subject property. The subject property is also within the Central Contra Costa Sanitary District (CCCSD) service boundary.

DISCUSSION

Statutory Framework – Out of Agency Service – The Government Code (GC) and local LAFCO policies regulate the extension of out of agency service. GC §56133 states that “*A city or district may provide new or extended services by contract or agreement outside of its jurisdictional boundary only if it first requests and receives written approval from the Commission.*” Further, the law 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 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 Alhambra Valley, 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 Mt. View/Pacheco Corridor areas by 2030.

Since 2012, the City of Martinez has submitted 15 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 Alhambra Valley and Mt. View/Pacheco Corridor areas.

Consistency with LAFCO Policies – The City has applied to LAFCO to extend out of agency water service to the subject property, which is in the Alhambra Valley 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.

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 previously annexed a portion of the Alhambra valley and has committed to the future annexation of this 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 Alhambra Valley 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 in the Alhambra Valley area, which is characterized by low density single family residential use. The Alhambra Valley area is partially served with water service through the City of Martinez and partially served by CCCSD and County Sanitation District 6 for sewer service.

The City indicates that it has adequate water to serve the subject property. Water service will be provided from the existing 12-inch main on Alhambra Valley Road; there is no existing water public water main on Quail Lane (a private street). The water service lateral will consist of approximately 25 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 15303(d) 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. 19-05 (Attachment 2).

- A. Find that the project is exempt pursuant to section 15303(d) of the CEQA Guidelines, consistent with the determinations of the City of Martinez.
- B. Authorize the City of Martinez to extend water service outside its jurisdictional boundary to 66 Quail Lane in unincorporated Martinez subject to the following terms and conditions:
 - 1. Water infrastructure and service is limited to one single family dwelling 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 to obtain more information.

RECOMMENDATION

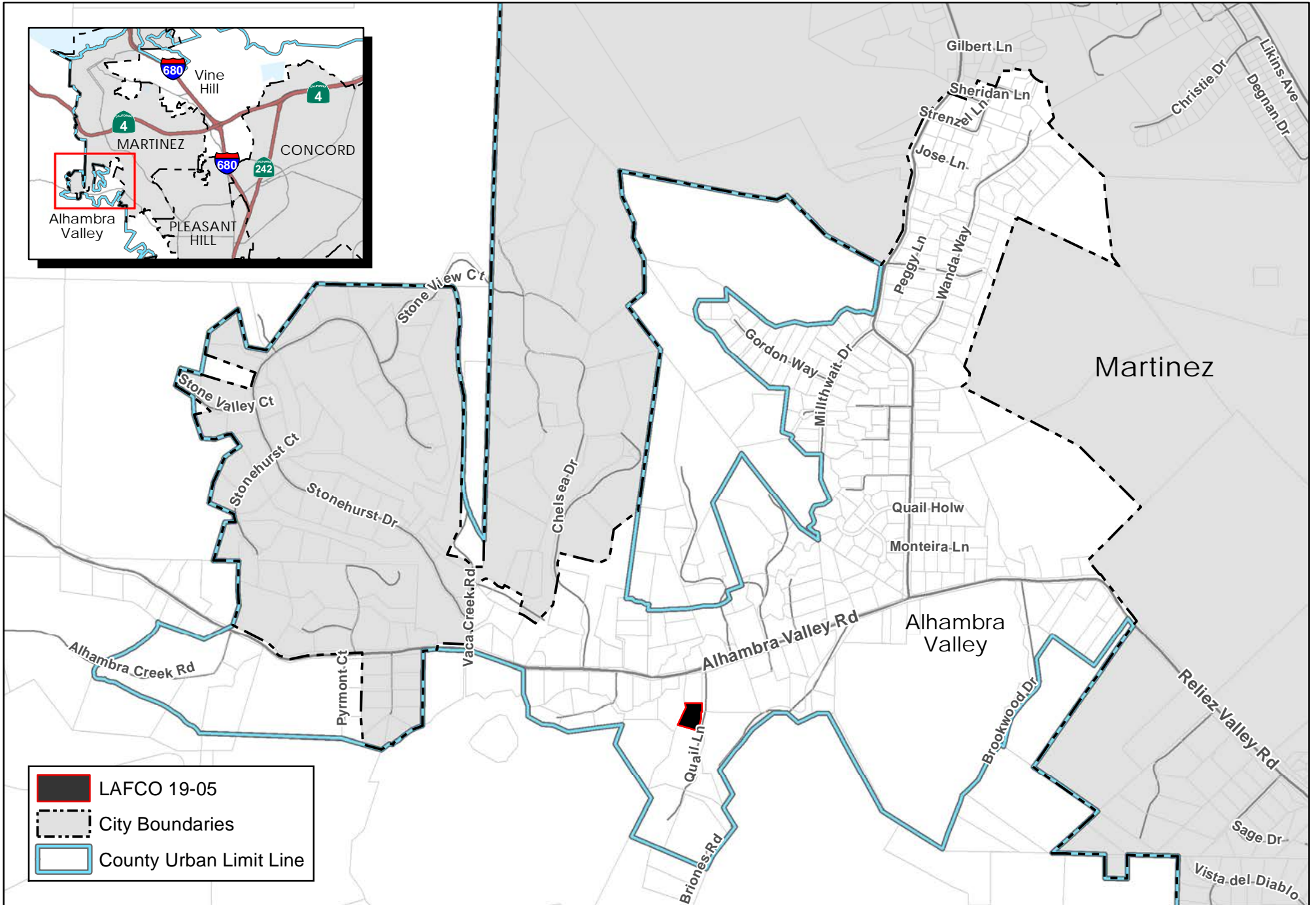
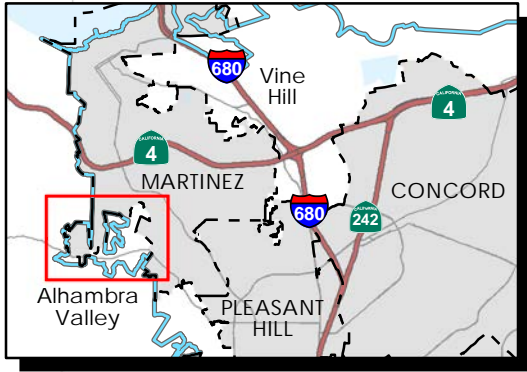
Option 1 – Approve out of agency service request with conditions as noted.




LOU ANN TEXEIRA, EXECUTIVE OFFICER
CONTRA COSTA LAFCO

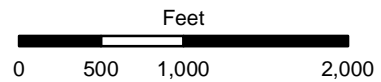
Attachments

- 1. Map of 66 Quail Lane
 - 2. Draft LAFCO Resolution 19-05
- c: Randy Leptien, City of Martinez
 Khalil Yowakim, City of Martinez
 Richard and Marian Samson, Property Owners

LAFCO No.19-05 City of Martinez Out of Agency Service (66 Quail Lane)



	LAFCO 19-05
	City Boundaries
	County Urban Limit Line



RESOLUTION NO. 19-05**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
AUTHORIZING THE CITY OF MARTINEZ TO PROVIDE
OUT-OF-AGENCY WATER SERVICE TO 66 QUAIL LANE**

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 California Government Code); and

WHEREAS, at the time and in the manner required by law the Executive Officer gave 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 to provide water services to the property in anticipation of a future annexation; and

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

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

- A. Find that the project is exempt pursuant to section 15303(d) of the CEQA Guidelines, consistent with the determination of the City of Martinez.
- B. Authorize the City of Martinez to extend water service outside its jurisdictional boundary to property located at 66 Quail Lane (APN 365-100-015) 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 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 11th day of September 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: September 11, 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> |

September 11, 2019 (Agenda)

Sept 11, 2019
 Agenda Item 8

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

**Requests for Proposals – 2nd Round “Parks & Recreation Services”
 Municipal Service Review and Sphere of Influence Updates**

Dear Commissioners:

BACKGROUND

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH Act) requires that every five years, as necessary, LAFCO review and update the sphere of influence (SOI) of each local agency. As part of the SOI update, LAFCO must prepare a corresponding Municipal Service Review (MSR) to evaluate projected growth/population; financial ability of the agencies to provide services; status of, and opportunities for, shared services; present and planned capacity of public facilities and adequacy of public services, infrastructure needs and deficiencies; characteristics and service needs of disadvantaged unincorporated communities (DUCs); and any other issues related to the effective and efficient delivery of municipal services as determined by the Commission.

In April 2013, Contra Costa LAFCO completed its inaugural MSR cycle and the comprehensive review of all 19 cities and 76 special districts and corresponding SOI updates for most agencies. In accordance with the CKH Act, LAFCO initiated its 2nd round MSR/SOI updates. To date, LAFCO has completed 2nd round MSRs covering water/wastewater services (2014); reclamation (levee) services (2015), Fire/EMS (2016), healthcare (2018) and “city services: covering all 19 cities and four community services districts (2019).

DISCUSSION

As part of the FY 2019-20 work plan and budget, the Commission approved preparing a 2nd round MSR covering *parks & recreation services*. This MSR will focus on park & recreation services provided by the cities, dependent districts (County Service Areas - CSAs) and independent districts including parks & recreation districts (RPDs) and community services districts (CSDs) as listed in the table below.

• City of Antioch*	• City of Pinole*	• CSA R-7
• City of Brentwood*	• City of Pittsburg*	• CSA R-9
• City of Clayton*	• City of Pleasant Hill*	• CSA R-10
• City of Concord*	• City of Richmond*	• Ambrose RPD
• Town of Danville*	• City of San Pablo*	• East Bay Regional Park District*
• City of El Cerrito*	• City of San Ramon*	• Green Valley RPD
• City of Hercules*	• City of Walnut Creek*	• Pleasant Hill RPD
• City of Lafayette*	• CSA M-16	• Crockett CSD*
• City of Martinez*	• CSA M-17	• Diablo CSD*
• Town of Moraga*	• CSA M-29	• Town of Discovery Bay CSD*
• City of Oakley*	• CSA M-30	• Kensington Police Protection & CSD*
• City of Orinda*	• CSA R-4	

*No SOI update

As proposed, the 2nd round parks & recreation services MSR will focus on the following:

- ❖ Updating profile data including growth and population, finances (expenses, revenues, debt, reserves, rates/fee schedules, other fiscal indicators), staffing
- ❖ Capacity of public services, programs and facilities; service to disadvantaged communities
- ❖ Shared services/facilities and collaboration
- ❖ Accountability, structure and efficiencies
- ❖ Governance structure options

Request for Proposals (RFP), Scope of Services, Selection Process and Timeline - Staff has prepared a draft RFP (Attachment 1) and Scope of Services (Attachment 2) for the Commission’s consideration.

The scope of services will address the MSR and SOI factors and focus areas. The MSR will also include a review and update of the SOIs, excluding the SOIs of those agencies that were covered in the 2019 “*City Services*” MSR as well as East Bay Regional Park District (Alameda LAFCO is principal LAFCO) as noted in the table above.

Regarding the proposed selection process, as with previous MSRs, LAFCO staff proposes to establish a selection committee to help review and screen the written proposals, conduct the interviews, and make a recommendation. The selection committee will include LAFCO and/or other municipal service professionals.

The review of proposals will include an assessment of written proposals, followed by interviews with the most qualified firms. Written proposals will be evaluated based on various criteria including, but not limited to, experience and qualifications of the firm, understanding of the required tasks, approach to conducting MSRs/SOI updates, experience and familiarity with

LAFCO, qualifications of personnel who would be assigned to work with the Contra Costa LAFCO, and cost.

Following an assessment of the written proposals, the most qualified candidates will be invited to participate in an interview. Following the interviews, a summary of proposals and a recommendation will be presented to the Commission in accordance with the proposed timeline as shown in the RFP.

Staff have compiled a list of potential bidders. A notice regarding the RFP will be sent to these firms. In addition, we propose posting the RFP on the Contra Costa LAFCO, CALAFCO, and CSDA websites (no cost).

FINANCING

Adequate funding is included in the FY 2019-20 budget to cover the anticipated costs associated with the “*parks & recreation services*” services MSR/SOI updates.

RECOMMENDATIONS

1. Provide input;
2. Authorize the circulation of the RFP for the 2nd round *parks & recreation services* MSR/SOI updates; and
2. Direct staff to return to the Commission with a recommended contract award in accordance with the proposed timeline.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

Attachments

1. Draft RFP – 2nd Round Parks & Recreation Services MSR/SOI Updates (with Attachments A & B)
2. Draft Scope of Services – 2nd Round Parks & Recreation Services MSR/SOI Updates

Attachment 1

REQUEST FOR PROPOSALS FOR 2ND ROUND PARKS & RECREATION SERVICES MUNICIPAL SERVICE REVIEW/ SPHERE OF INFLUENCE UPDATES

The Contra Costa Local Agency Formation Commission (LAFCO) is seeking proposals from qualified consultants to prepare a 2nd round municipal service review and sphere of influence updates.

REQUEST FOR PROPOSALS

2nd Round Parks & Recreation Services

Municipal Service Review/Sphere of Influence Updates

I. Objective

LAFCO seeks proposals from professional consulting firms to prepare a 2nd round municipal service review (MSR) and sphere of influence (SOI) updates covering parks & recreation services in Contra Costa County.

The work is to be completed in compliance with applicable California Government Code provisions (Attachment A) and Contra Costa LAFCO MSR guidelines (Attachment B).

An MSR is a comprehensive review of municipal services in a designated geographic area which provides information and evaluates the provision of services, and recommends actions when necessary, to promote the efficient provision of those services. MSRs are intended to serve as tools to help LAFCO, local agencies and the public better understand the municipal service structure and to develop information to update the SOIs of cities and special districts in the county.

LAFCO uses MSRs to review the provision and adequacy of municipal services; local agency transparency and accountability such as maintaining comprehensive financial records, preparing and submitting timely audits, adopting capital improvement and other long-range plans; evaluating agencies' performance; customer outreach and education; and other factors. MSRs are also used to evaluate potential governance structure options for local agencies, such a consolidation, merger, and dissolution. LAFCO is not required to initiate boundary or governance changes based on MSRs; however, LAFCO, local agencies and the public may use MSRs, together with additional research and analysis where necessary, to pursue changes in organization and jurisdictional boundaries.

II. Background

In 1963, the State Legislature created LAFCOs to help direct and coordinate California's growth in a logical, efficient and orderly manner. Each of the 58 counties in California has a LAFCO. LAFCOs are charged with discouraging urban sprawl, encouraging orderly boundaries and formation of local agencies, preserving agricultural and open space lands, and regulating the extension of services outside jurisdictional boundaries.

In 2001, pursuant to the enactment of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("CKH Act"; Government Code §56000 et seq.), LAFCO acquired responsibility for preparing MSRs. On or before January 1, 2008, and every five years thereafter, LAFCO shall, as necessary, review and update the SOI for each local agency. In conjunction with the SOI updates, LAFCO shall prepare corresponding MSRs.

Contra Costa LAFCO is responsible for reviewing and updating SOIs for 92 local agencies in Contra Costa County (19 cities and 73 special districts). In 2013, Contra Costa LAFCO completed its inaugural MSR cycle, and is currently working on 2nd round reviews. All Contra Costa LAFCO MSRs are available online at http://www.contracostalafco.org/municipal_service_reviews.htm.

IV. Scope of Services

This project consists of reviewing parks & recreation services for the agencies listed in the table below. SOI updates will be prepared only for the CSAs and park & recreation as indicated below.

• City of Antioch*	• City of Pinole*	• CSA R-7
• City of Brentwood*	• City of Pittsburg*	• CSA R-9
• City of Clayton*	• City of Pleasant Hill*	• CSA R-10
• City of Concord*	• City of Richmond*	• Ambrose RPD
• Town of Danville*	• City of San Pablo*	• East Bay Regional Park District*
• City of El Cerrito*	• City of San Ramon*	• Green Valley RPD
• City of Hercules*	• City of Walnut Creek*	• Pleasant Hill RPD
• City of Lafayette*	• CSA M-16	• Crockett CSD*
• City of Martinez*	• CSA M-17	• Diablo CSD*
• Town of Moraga*	• CSA M-29	• Town of Discovery Bay CSD*
• City of Oakley*	• CSA M-30	• Kensington Police Protection & CSD*
• City of Orinda*	• CSA R-4	

*No SOI update

As proposed, the 2nd round parks & recreation services MSR will focus on the following:

- ❖ Updating profile data including growth and population, finances (expenses, revenues, debt, reserves, rates/fee schedules, other fiscal indicators), and staffing/management
- ❖ Capacity of public services, programs and facilities; service to disadvantaged communities
- ❖ Shared services/facilities and collaboration
- ❖ Accountability, structure and efficiencies
- ❖ Governance structure options

The CKH Act requires LAFCO to prepare an analysis of each service provider and a written statement of determinations with respect to each of the following:

- (1) Growth and population projections for the affected area.
- (2) The location and characteristics of any disadvantaged unincorporated communities within or contiguous to the SOI.
- (3) Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any disadvantaged, unincorporated communities within or contiguous to the SOI.
- (4) Financial ability of agencies to provide services.
- (5) Status of, and opportunities for, shared facilities.
- (6) Accountability for community service needs, including governmental structure and operational efficiencies.
- (7) Any other matter related to effective or efficient service delivery, as required by commission policy.

A draft scope of services is enclosed with this RFP (Attachment 2). A final scope of services will be negotiated with the firm selected to conduct the MSR/SOI updates and will be included with the professional services agreement to be approved by LAFCO.

V. Budget

Proposals that demonstrate that the final product will meet the requirements of the CKH Act and provide useful information in a concise format at the lowest cost will be looked upon most favorably.

VI. Schedule

The schedule associated with this RFP is shown below:

RFP Issue Date	September 12, 2019
Proposals Due	October 17, 2019
Screening/Consultant Interviews	October 18 – 29, 2019
Commission consideration of contract approval	November 13, 2019
Consultant work begins	December 1, 2019

VII. Proposal Requirements

Responses to this RFP must include all of the following:

1. Statement about the firm that describes history, competencies and resumes of the principal and of all professionals who will be involved in the work, including the following:
 - Management level understanding of how municipal services are financed and delivered
 - Familiarity with the CKH Act, the role and functions of LAFCOs, and the MSR process
 - Experience in governmental organization analysis, including performance measurement and evaluation
 - Ability to facilitate and synthesize input from a variety of sources
 - Ability to interpret varied financial, budget and planning documents
 - Experience with the public input process and presentation and dissemination of information to local agencies and the public for review and comment
 - Availability of all professionals who will be involved in the work, including any sub-consultants.
2. Identification of the lead professional responsible for the project and others who will be involved in the day-to-day work.
3. Identification of any sub-consultants who will be involved. If sub-consultants are proposed, describe the work they will perform and include the same information for each sub-consultant as required for items 1 and 2 above.
4. Description of the anticipated approach for this project, discussion of any suggested changes and/or additional details relating to the draft scope of services.
5. Statement of similar or related experience completed within the last three years and references for each such project, including contact name, address, phone number and email address.
6. An overall project schedule, including the timing of major work tasks.
7. Disclosure of potential conflicts of interest with local agencies in Contra Costa County.
8. Identification of any information, materials and/ or work assistance required from the Contra Costa LAFCO to complete the project.
9. The anticipated project cost, including:
 - a. A not-to-exceed total budget amount.
 - b. The cost and estimated work hours for each major work task identified in the draft scope of services.
 - c. The hourly rates for each person who will be involved in the work, including the rates for any sub-consultants.

VIII. Submittal Requirements

- One reproducible, unbound hard copy and one electronic copy in Adobe PDF format (disk) of the proposal shall be received no later than **4:00 p.m., on Thursday, October 17, 2019**, at the Contra Costa LAFCO office, located at 40 Muir Road, 1st Floor, Martinez, CA 94553 Attn: Executive Officer. No faxed or e-mailed proposals will be accepted. Proposals received after the deadline will not be considered. If delivery is to be in person, please call the LAFCO office at (925) 313-7133 to arrange a delivery time.
- Each proposal shall be submitted in a sealed envelope and marked with the title of the RFP.
- All proposals will become property of the Contra Costa LAFCO.
- Cost of preparation of proposals shall be borne by the proposers.
- Proposals shall be signed by an authorized employee or officer in order to receive consideration.

- Contra Costa LAFCO is not responsible for proposals delivered to a person/location other than that specified herein.
- LAFCO reserves the right to reject any and all proposals.

Summary of Insurance Requirements

Insurance Type	Coverage Limit
General Liability	\$1,000,000
Professional Liability	\$1,000,000
Motor Vehicle Liability	\$ 500,000
Employers' Liability	\$ 100,000
Workers' Compensation	Statutory

IX. Selection Process

Based on relevant work experience, the completeness of the responses, cost and the overall project approach identified in the proposals received, the most qualified firms will be invited, at their expense, for an interview with the selection committee. Tentatively, interviews will be scheduled sometime between October 22nd and October 29th.

Following interviews, the most qualified firm will be selected and a proposed contract for services, including budget, schedule and scope of services will be negotiated. Final selection will be made by LAFCO by approving a contract for services. Action by the Contra Costa LAFCO on a proposed contract is tentatively scheduled for Wednesday, November 13, 2019.

X. LAFCO Contact

Lou Ann Texeira, Executive Officer
 Contra Costa LAFCO
 40 Muir Road, 1st Floor
 Martinez, CA 94553

Phone: (925) 313-7133
 Email: LouAnn.Texeira@lafco.cccounty.us

XI. Attachments

1. California Government Code sections relating to MSRs and SOI updates (Attachment A)
2. Contra Costa LAFCO MSR Guidelines (Attachment B)
3. Draft Scope of Services (Attachment 2)

XII. Resource Information

For general information about the Contra Costa LAFCO, including previously completed MSRs, please visit our website: www.contracostalafco.org

ATTACHMENT A – Relevant California Government Code Sections**56430**

(a) In order to prepare and to update spheres of influence in accordance with Section 56425, the commission shall conduct a service review of the municipal services provided in the county or other appropriate area designated by the commission. The commission shall include in the area designated for service review the county, the region, the subregion, or any other geographic area as is appropriate for an analysis of the service or services to be reviewed, and shall prepare a written statement of its determinations with respect to each of the following:

- (1) Growth and population projections for the affected area.
- (2) The location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere of influence.
- (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 disadvantaged, unincorporated communities within or contiguous to the sphere of influence.
- (4) Financial ability of agencies to provide services.
- (5) Status of, and opportunities for, shared facilities.
- (6) Accountability for community service needs, including governmental structure and operational efficiencies.
- (7) Any other matter related to effective or efficient service delivery, as required by commission policy.

(b) In conducting a service review, the commission shall comprehensively review all of the agencies that provide the identified service or services within the designated geographic area. The commission may assess various alternatives for improving efficiency and affordability of infrastructure and service delivery within and contiguous to the sphere of influence, including, but not limited to, the consolidation of governmental agencies.

(c) In conducting a service review, the commission may include a review of whether the agencies under review, including any public water system as defined in Section 116275, are in compliance with the California Safe Drinking Water Act (Chapter 4 (commencing with Section 116270) of Part 12 of Division 104 of the Health and Safety Code). A public water system may satisfy any request for information as to compliance with that act by submission of the consumer confidence of water quality report prepared by the public water system as provided by Section 116470 of the Health and Safety Code.

(d) The commission may request information, as part of a service review under this section, from identified public or private entities that provide wholesale or retail supply of drinking water, including mutual water companies formed pursuant to Part 7 (commencing with Section 14300) of Division 3 of Title 1 of the Corporations Code, and private utilities, as defined in Section 1502 of the Public Utilities Code.

(e) The commission shall conduct a service review before, or in conjunction with, but no later than the time it is considering an action to establish a sphere of influence in accordance with Section 56425 or 56426.5 or to update a sphere of influence pursuant to Section 56425.

56425

(e) In determining the sphere of influence of each local agency, the commission shall consider and prepare a written statement of its determinations with respect to each of the following:

(1) The present and planned land uses in the area, including agricultural and open-space lands.

(2) The present and probable need for public facilities and services in the area.

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

(4) The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.

(5) For an update of a sphere of influence of 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 sphere of influence.

(f) Upon determination of a sphere of influence, the commission shall adopt that sphere.

(g) On or before January 1, 2008, and every five years thereafter, the commission shall, as necessary, review and update each sphere of influence.

(h) In determining a sphere of influence, the commission may assess the feasibility of governmental reorganization of particular agencies and recommend reorganization of those agencies when reorganization is found to be feasible and if reorganization will further the goals of orderly development and efficient and affordable service delivery. The commission shall make all reasonable efforts to ensure wide public dissemination of the recommendations.

(i) When adopting, amending, or updating a sphere of influence for a special district, the commission shall establish the nature, location, and extent of any functions or classes of services provided by existing districts.

ATTACHMENT B – Contra Costa LAFCO Municipal Service Review Guidelines

- 1) Purpose - To provide guidance to the Contra Costa Local Agency Formation Commission in preparing and conducting municipal service reviews.
- 2) Background - Effective January 1, 2001, the CKH Act requires LAFCO to review municipal services. The requirement for Municipal Service Reviews (MSRs) is in response to the identified need of a more coordinated and efficient public service structure to support California's growth. The MSR provides LAFCO with a tool to comprehensively study existing and projected public service conditions and to evaluate organizational options for accommodating growth, preventing urban sprawl, and ensuring that critical services are efficiently and cost-effectively provided.
- 3) Goals and Objectives - LAFCOs are required to conduct MSRs and prepare written statements of determinations with respect to each of the following [§56430], as revised 1/1/11.
 - a) Growth and population projections for the affected area.
 - b) The location and characteristics of any disadvantaged unincorporated communities (DUCs) within or contiguous to the SOI.
 - c) 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.
 - d) Financial ability of agencies to provide services.
 - e) Status of, and opportunities for, shared facilities.
 - f) Accountability for community service needs, including governmental structure and operational efficiencies.
 - g) Any other matter related to effective or efficient service delivery, as required by Commission policy.

As part of the MSR, the Commission may assess various alternatives for improving efficiency and affordability of infrastructure and service delivery within and contiguous to the SOI, including, but not limited to, the consolidation of governmental agencies.

In conducting an MSR, the Commission may include a review of whether the agencies under review, including any public water system as defined in 56430, are in compliance with the California Safe Drinking Water Act. Further, the Commission may request information, as part of an MSR, from identified public or private entities that provide wholesale or retail supply of drinking water, including mutual water companies as defined in 56430.

The MSR process does not require LAFCO to initiate changes of organization based on service review findings; it only requires that LAFCO make determinations regarding the provision of public services per §56430. However, LAFCO, other local agencies and the public may subsequently use the information contained in the MSRs as a basis to pursue changes of organization or reorganization or sphere of influence amendments.

- 4) When Prepared - LAFCO will determine when MSRs are necessary. Generally, reviews will be prepared in conjunction with SOI studies or updates; however, MSRs may also be conducted independent of SOI updates based on a number of factors to be determined by the Commission. Such factors may include public health or safety issues, service provision issues associated with areas of potential growth or development, etc.

Minor amendments to a sphere of influence, as determined by LAFCO, will not require an MSR.

- 5) Services Addressed - MSRs will address identified services within the service review boundary of those agencies under LAFCO's jurisdiction and are associated with growth and development. Target services include, but are not limited to, water, sewer, drainage, libraries, roads, parks, healthcare, broadband (high-speed internet access and use), police, and fire protection. General government services such as courts, social services, human resources, treasury, tax collection and administrative services will not be included.

- 6) Agencies Included - Local agencies whose boundary changes are subject to LAFCO review, or are required to have an SOI, are subject to MSRs, and LAFCO shall encourage those local agencies to fully participate in the service review process. Services provided by other agencies (i.e., federal, state, private) may be included in the service review in order to provide a comprehensive overview of service and provide context.

- 7) Boundaries - LAFCO will determine the geographic boundaries and agencies that will be the subject of an MSR. Factors that may be considered in determining a service review boundary include, but are not limited to, existing city and special district jurisdictional and sphere boundaries; topography; geography; community boundaries; tax/assessment zones; infrastructure locations; transportation systems and roads; areas with shared facilities; areas with shared social and economic communities of interest; plus other factors as determined by LAFCO.

Service reviews may be conducted for a single agency, multiple agencies, on a sub-regional or countywide basis. An MSR may review services outside Contra Costa County, in conjunction with multi-county service providers (e.g., Byron Bethany Irrigation District, Dublin San Ramon Services District, East Bay Municipal Utility District, East Bay Regional Park District). Generally, multi-county MSRs will be prepared by the LAFCO of the principal county (§56066). Inter-agency coordination is encouraged.

- 8) Environmental Determination - The California Environmental Quality Act (CEQA) encourages the consideration of multiple related actions where appropriate. Whenever possible, LAFCO will work to streamline the MSR process by a) integrating SOI proposal processing and related CEQA processes with the MSR process; b) placing high priority on reviews of services affected by pending or anticipated proposals; c) working with city and county planners to identify areas where the short-term conduct of service reviews is needed to support orderly growth and development; and d) requesting that technical information needed for service reviews be included in the General, Specific and Master Service Plans of land use agencies and special districts.

Most MSRs will qualify for Categorical or Statutory Exemption under CEQA, as they are studies and are not typically accompanied by specific development proposals. Subsequent SOI actions may require additional environmental review.

9) Types of Service Reviews - Municipal Service Reviews will fall into two general categories:

- a) Routine reviews are anticipated to be uncomplicated and straightforward with few concerns about the adequacy of public services. Routine service reviews may be conducted for single agencies or for multiple agencies that provide similar services. The boundary of a routine service review may cover a sub-region, region or the County.
- b) Intensive reviews are anticipated to require detailed analysis of complex and controversial issues. An intensive MSR may result from a pending LAFCO proposal, or of service provision concerns otherwise identified by LAFCO.

10) Preparation

- a) The Commission will determine the priority, schedule, procedure and content for service reviews.
- b) LAFCO staff will provide a survey/questionnaire to the affected agency(ies) identified in the service review work plan.
- c) If needed, LAFCO may hold scoping meetings. All affected agencies, interested agencies and persons or entities requesting notice will receive a mailed notice.
- d) LAFCO staff will review submitted MSR information, coordinate and follow-up with the affected agencies.
- e) LAFCO will prepare or cause to be prepared a Draft MSR for circulation to affected agencies and other interested parties for review and comment.
- f) The Draft MSR will be considered at a public hearing, at which time the Commission may accept the report with or without modifications, adopt the required determinations, direct staff to prepare the Final MSR, and take other actions as appropriate.
- g) The cost associated with conducting the baseline MSRs will be incorporated in the annual LAFCO budget, and will be shared by the funding agencies. Agencies requiring a separate or expedited review will be required to fund the MSR.

11) Timing

On or before January 1, 2008, and every five years thereafter, the Commission shall, as necessary, review and update every sphere of influence [§56425(g)]. MSRs will be completed, as necessary, concurrent with SOI formations, updates or substantial amendments, but not less than every five years.

12) Factors for Analysis - As part of its review of municipal services, LAFCO must prepare a written statement of its determination with respect to the following factors. [§56430]

Determination 1: Growth and population projections for the affected area.

The efficient provision of public services is linked to an agency's ability to plan for future needs. Such factors as projected growth in and around the agency's service areas and impact of land use plans and growth patterns on service demands may

be reviewed. In making a determination on growth and population projections, LAFCO may consider an agency's ability to plan for future need.

Determination 2: *The location and characteristic of any DUCs within or contiguous to the SOI.*

Determination 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 present and planned capacity of public facilities and services is linked to an agency's ability to plan for future needs, including infrastructure (e.g., water, sewer, fire, broadband, etc.). The term "infrastructure needs and deficiencies" refers to the status of existing and planned infrastructure and its relationship to the quality of levels of service that can or need to be provided. In making a determination on infrastructure needs or deficiencies, LAFCO may consider ways in which the agency has the ability and capacity to provide service. LAFCO shall consider service and infrastructure needs related to sewer, water and fire protection within a DUC as defined by LAFCO.

Determination 4: *Financial ability of agencies to provide services.*

LAFCOs must weigh a community's public service needs against the resources available to fund the services. In making a determination on the financial ability of an agency to provide services, LAFCO may review such factors as an agency's potential for shared financing and/or joint funding applications, cost avoidance opportunities, rate structures, and other fiscal constraints and opportunities.

Determination 5: *Status of, and opportunities for, shared facilities.*

If service providers develop strategies for sharing resources, public service costs may be reduced and service efficiencies increased. In making a determination on opportunities for shared facilities, LAFCO may consider if an agency's facilities are currently being utilized to capacity and whether efficiencies can be achieved by accommodating the facility needs of adjacent agencies.

Determination 6: *Accountability for community service needs, including governmental structure and operational efficiencies.*

The service review may include options to provide more logical service boundaries to the benefit of customers and regional planning goals and objectives. In making a determination on government structure, LAFCO may consider possible consolidations, mergers and/or reorganizations. The service review may also consider the agency's management efficiencies in terms of operations and practices in relation to the agency's ability to meet current and future service demands.

Determination 7: *Any other matter related to effective or efficient service delivery, as required by Commission policy.*

Attachment 2
REQUEST FOR PROPOSALS
2nd Round “Parks & Recreation Services” Municipal Service Review
DRAFT SCOPE OF SERVICES

Contra Costa LAFCO will conduct a 2nd round municipal service review (MSR) and sphere of influence (SOI) updates covering “*parks & recreation services*” provided by the cities, dependent districts (County Service Areas - CSAs) and independent districts including parks & recreation districts (RPDs) and community services districts (CSDs) as listed in the table below. The geographic area for this MSR is all of Contra Costa County.

• City of Antioch*	• City of Pinole*	• CSA R-7
• City of Brentwood*	• City of Pittsburg*	• CSA R-9
• City of Clayton*	• City of Pleasant Hill*	• CSA R-10
• City of Concord*	• City of Richmond*	• Ambrose RPD
• Town of Danville*	• City of San Pablo*	• East Bay Regional Park District*
• City of El Cerrito*	• City of San Ramon*	• Green Valley RPD
• City of Hercules*	• City of Walnut Creek*	• Pleasant Hill RPD
• City of Lafayette*	• CSA M-16	• Crockett CSD*
• City of Martinez*	• CSA M-17	• Diablo CSD*
• Town of Moraga*	• CSA M-29	• Town of Discovery Bay CSD*
• City of Oakley*	• CSA M-30	• Kensington Police Protection & CSD*
• City of Orinda*	• CSA R-4	

*No SOI update

Background

California Government Code §56430 requires LAFCO to conduct MSRs to develop information for updating SOIs. The statute requires LAFCO to prepare and adopt a written determination relating to each of the following:

- (1) Growth and population projections for the affected area
- (2) The location and characteristics of any disadvantaged unincorporated communities (DUCs) within or contiguous to the SOI
- (3) Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any DUCs within or contiguous to the SOI
- (4) Financial ability of agencies to provide services
- (5) Status of, and opportunities for, shared facilities
- (6) Accountability for community service needs, including governmental structure and operational efficiencies
- (7) Any other matter related to effective or efficient service delivery, as required by commission policy

LAFCO staff will provide information concerning the location of disadvantaged communities. The MSR report will include recommended determinations for the local agencies covered in the report.

California Government Code §56425 requires LAFCO, when determining an SOI, to prepare and adopt a written statement of determination for each local agency regarding the following:

1. The present and planned land uses in the area, including agricultural and open-space lands.
2. The present and probable need for public facilities and services in the area.

3. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.
4. The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.
5. For an update of an SOI of a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, 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 DUCs within the existing SOI (*not applicable for this MSR*).
6. The nature, location, and extent of any functions or classes of services provided by existing districts.

The MSR will include recommended SOI determinations for the CSAs and park and recreation districts noted in the table above.

Focus Areas

As proposed, the 2nd round parks & recreation services MSR will focus on the following:

- ❖ Updating profile data including growth and population, finances (expenses, revenues, debt, reserves, rates/fee schedules, other fiscal indicators), and staffing/management
- ❖ Capacity of public services, programs and facilities; service to disadvantaged communities
- ❖ Shared services/facilities and collaboration
- ❖ Accountability, structure and efficiencies
- ❖ Governance structure options

Service Review Task Overview

The “parks & recreation services” MSR will be conducted in accordance with the California Government Code and local LAFCO guidelines.

Preparation of the MSR will include the following tasks and activities:

1. Data Collection and Review

- Work with LAFCO staff to identify appropriate criteria to be used in service review
- Work with LAFCO staff to develop and distribute initial and supplemental agency requests for information (RFIs)
- Collect information through survey, research, interview, meetings and other appropriate means
Note: In June 2019, Contra Costa LAFCO completed its 2nd round “city services” MSR/SOI updates covering all 19 cities and four CSDs. Some of the general city and CSD information needed for the “parks & recreation” MSR may be found in the 2019 “city services” MSR.
- Compile information in a database or other appropriate format
- Verify compiled information with local agency staff

Timing and work products: On or before (insert deadline), Consultant shall deliver to LAFCO staff complete information for each agency

2. Administrative Draft MSR Report

- Following compilation and analysis of data, prepare an administrative draft MSR report that includes the following: table of contents, executive summary, agency profiles (i.e., population, services/programs, user info, budget/financial info, other relevant info) tables, graphs and agency maps (*mapping will be provided by LAFCO*), quantitative and qualitative information relating to the MSR and SOI factors including discussion of critical issues facing service providers, recommended determinations per 56425 and 56430, governance/boundary options, and recommended SOI updates

- In conjunction with LAFCO staff, distribute administrative draft to agency staff for staff-to-staff review and comment
- Discuss/address comments with local agencies and LAFCO staff

Timing and work products: On or before (insert deadline), Consultant shall deliver to LAFCO staff administrative draft MSR

3. Public Review MSR Report

- Prepare a Public Review MSR report including updated information from Task 2
- In conjunction with LAFCO staff, distribute or make available the Public Review Draft to LAFCO, local agencies and the public (LAFCO typically allows a 30-day comment period)
- Present Public Review MSR report to LAFCO at a public hearing

Timing and work products: On or before (insert deadline), Consultant shall deliver to LAFCO a Public Review MSR (Word and PDF formatted versions)

4. Final MSR Report

- Prepare a Final MSR report incorporating written and oral comments for consideration by the Commission at a public hearing (prepare a comment log, if necessary)
- Present Final MSR report along with recommended determinations and SOI recommendations to LAFCO at a public hearing for adoption
- Based on direction from the Commission and LAFCO staff, and subsequent to the public hearing on the Final MSR report, finalize the MSR report for circulation and posting on the LAFCO website

Timing and work products: On or before (insert deadline), Consultant shall deliver to LAFCO a MS Word formatted and PDF formatted version of the Final MSR report

In accordance with the work plan, Consultant is expected to:

- Conduct the service review process in a collaborative fashion with opportunities for input and review by the local agencies being reviewed.
- Encourage public participation in the service review process.
- Conduct the required analysis in the most cost-effective manner.
- Utilize information that is currently available, including prior LAFCO MSRs, city and county general and specific plans, local agency financial reports, budgets, capital improvement and other planning documents, and related information.
- Create a product that will be useful to the Commission in reviewing and updating SOIs and future proposals for changes of organization, beneficial to agencies as a planning tool, and readily accessible to, and easily understandable by, the general public.

Sample Outline for Parks & Recreation MSR

Given the number of agencies covered in this report, we anticipate using multiple comparative tables and graphs, particularly for the cities, CSAs and CSDs. As shown on the attached, we suggest individual chapters for the four independent parks & recreation districts covered in this report, and summary chapter for the cities, CSDs and CSAs. A sample outline is provided on the attached. Alternative MSR report formats will also be considered.

Sample Outline for Parks & Recreation Municipal Service Review Report

I. Introduction

- 1.1 - LAFCO's Authority and Objective
- 1.2 - MSRs and SOI Updates – Requirements and Determinations
- 1.3 - Local LAFCO Policies
- 1.4 - Acknowledgments

II. Executive Summary

- 2.1 - Report Organization
- 2.2 - Overview of Services Reviewed, Service Providers and Focus Areas
- 2.3 - Key Conclusions and Recommendations
- 2.4 - Global MSR and SOI Determinations

III. Ambrose Recreation & Park District

- 3.1 - Agency Overview
- 3.2 - Boundaries and Demographics
- 3.3 - Services and Facilities
- 3.4 - Finances
- 3.5 - Shared Facilities and Collaboration
- 3.6 - Governance, Transparency and Accountability
- 3.7 - MSR and SOI Determinations and Governance Options

IV. Green Valley Recreation & Park District

- 4.1 - Agency Overview
- 4.2 - Boundaries and Demographics
- 4.3 - Services and Facilities
- 4.4 - Finances
- 4.5 - Shared Facilities and Collaboration
- 4.6 - Governance, Transparency and Accountability
- 4.7 - MSR and SOI Determinations and Governance Options

V. Pleasant Hill Recreation & Park District

- 5.1 - Agency Overview
- 5.2 - Boundaries and Demographics
- 5.3 - Services and Facilities
- 5.4 - Finances
- 5.5 - Shared Facilities and Collaboration
- 5.6 - Governance, Transparency and Accountability
- 5.7 - MSR and SOI Determinations and Governance Options

VI. East Bay Regional Park District

- 6.1 - Agency Overview
- 6.2 - Boundaries and Demographics
- 6.3 - Services and Facilities
- 6.4 - Finances
- 6.5 - Shared Facilities and Collaboration
- 6.6 - Governance, Transparency and Accountability

VII. City Parks & Recreation Services

- 7.1 - Growth and Population Summary
- 7.2 - Disadvantaged Communities Summary
- 7.3 - Existing and Future Facilities and Service Needs Summary
- 7.4 - Financing, Rates and Fees Summary
- 7.5 - Management, Governance and Collaboration Summary

VIII. Community Services Districts Park & Recreation Services

- 8.1 - Growth and Population Summary
- 8.2 - Disadvantaged Communities Summary
- 8.3 - Existing and Future Facilities and Service Needs Summary
- 8.4 - Financing, Rates and Fees Summary
- 8.5 - Management, Governance and Collaboration Summary

IX. County Service Areas – Parks & Recreation

- 9.1 - Growth and Population Summary
- 9.2 - Disadvantaged Communities Summary
- 9.3 - Existing and Future Facilities and Service Needs Summary
- 9.4 - Financing, Rates and Fees Summary
- 9.5 - Management, Governance and Collaboration Summary

X. Acronyms, Glossary and Bibliography



Lou Ann Texeira
 Executive Officer

MEMBERS

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

ALTERNATE MEMBERS

Diane Burgis
County Member

Stanley Caldwell
Special District Member

Charles R. Lewis, IV
Public Member

Sean Wright
City Member

September 11, 2019

Sept 11, 2019
 Agenda Item 9

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

Temporary Hire of LAFCO Retiree and Waiver of 180-day Sit Out Period

Dear Commissioners:

Kate Sibley served as Executive Assistant/LAFCO Clerk (“EA”) since 2004 and retired from service on July 31, 2019. The EA position is complex and involves preparing and distributing LAFCO meeting agenda packets, processing incoming LAFCO applications, bill paying, office and records management and other administrative duties. Kate was uniquely qualified to perform these duties.

In anticipation of Kate’s retirement, LAFCO hired Lauren Talbott who began her employment with LAFCO on July 1, 2019. In accordance with the Commission’s staffing plan, the EA position is now half-time (20 hours per week). Lauren shadowed Kate for most of July. However, the LAFCO office relocation, also in July, impacted training time. Given the limited training period, and the complexity of the position, additional training time is needed. Further, the LAFCO office may need coverage during staff absences.

RECOMMENDATIONS:

1. Find that the temporary appointment of Kate Sibley is needed to fill this critical position;
2. Consider waiving the 180 day sit out period for Kate Sibley; and
3. Approve and authorize the hiring of retiree Kate Sibley as a temporary employee effective September 12, 2019 through March 29, 2020.

Sincerely,

LOU ANN TEXEIRA
 EXECUTIVE OFFICER

c: Contra Costa County Employees Retirement Association
 Contra Costa County Human Resources Department



Lou Ann Texeira
Executive Officer

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Public Member
- Sean Wright**
City Member

Sept 11, 2019
Agenda Item 10

September 11, 2019 (Agenda)

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

2020 LAFCO Meeting Schedule

Dear Commissioners:

The Commissioner’s Handbook states that regular meetings of the Commission are held on the second Wednesday of each month commencing at 1:30 p.m. in the Board of Supervisors Chambers, 651 Pine Street in Martinez. Although the LAFCO office has moved to 40 Muir Road in Martinez, the LAFCO meetings will continue to be held at 651 Pine Street.

The proposed 2020 meeting schedule is as follows. Following approval, the meeting schedule will be posted on the LAFCO website.

- | | | | |
|--------------------|----------------|--------------------|--------------------|
| January 8 | April 8 | July 8 | October 14 |
| February 12 | May 13 | August 12 | November 11 |
| March 11 | June 10 | September 9 | December 9 |

RECOMMENDATION

It is recommended the Commission approve the 2020 LAFCO meeting schedule as proposed.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER



Lou Ann Texeira
Executive Officer

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September 11, 2019 (Agenda)

Sept 11, 2019
Agenda Item 11

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

Policies and Procedures Update

Dear Members of the Commission:

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

In 2014, Contra Costa LAFCO adopted policies relating to islands. Since then, there have been non-substantive changes to the island statutes (Government Code section 56375.3).

The Committee recommends minor amendments to ensure consistency with current statutes. Also, the Committee recommends adding a reference to Government Code section 56744 relating to restrictions regarding the creation of islands to enhance the LAFCO island policy.

RECOMMENDATION: Approve proposed amendments to Section 2.1 Policies and Standards – Section E. Island Annexation Policies.

Respectfully submitted,
Don Blubaugh and Chuck Lewis

Attached – Contra Costa LAFCO Policies & Procedures - Section 2.1 Policies and Standards
Section E. Island Annexation Policies. Section 1.4

E. Island Annexation Policies

1) General Policies

Recognizing that cities are the most logical providers of municipal services, and that unincorporated islands can be more effectively and efficiently served by surrounding cities, LAFCO is committed to the annexation of urban island areas.

LAFCO will collaborate with the County and cities in facilitating annexation of unincorporated urban islands.

LAFCO encourages the County and cities to coordinate development standards in urban island areas to facilitate the annexation of urban islands.

The Government Code contains special provisions for annexing small islands, which facilitate the annexation of islands of less than 150 acres (§56375.3).

In the interest of orderly growth and development, cities should annex urban unincorporated islands within their current SOIs before seeking to add new lands to their boundaries.

2) Annexation of Small Islands

The Legislature has delegated to local LAFCOs the authority to determine the boundary of any proposal. The purpose of this section is to recognize and harmonize existing legislation with a June 1, 2012, Opinion of the California Attorney General [95 Ops. Cal. Atty. Gen. 16 (2012)] regarding island annexations under Government Code section 56375.3. This policy will apply to the annexation of islands that were created prior to January 1, 2014 pursuant to only until January 1, 2014, unless Government Code sections 56375.3(a)(1)(A), or a successor statute, is amended to apply to changes of organization initiated on or after January 1, 2014 and 56375.4.

- a) Whether unincorporated territory is an “island,” an “entire island or entire unincorporated island,” “part of a larger island,” “surrounded,” or “substantially surrounded,” are determinations to be made by the Commission, on a case by case basis, based on the evidence before it at the time those determinations are made.
- b) A small island of unincorporated territory that is connected to and an integral or essential part of a large unincorporated island is not an entire island and may not be annexed to a city without a protest proceeding under Government Code section 56375.3(a).
- c) A small island of unincorporated territory that is connected to, but not an integral or essential part of a large island, may be determined by the Commission to be an entire island or an entire unincorporated island under Government Code section 56375.3(b).
- d) The following factors may be considered by the Commission in determining whether unincorporated territory is an integral or essential part of a large unincorporated island: (a) topography, (b) geography, (c) land uses, (d) infrastructure and (e) patterns of service delivery.

3) LAFCO is precluded from creating islands pursuant to Government Code section 56744 unless the Commission can make required findings pursuant to Government Code section 56375(m).

**CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
 PENDING PROPOSALS – September 11, 2019**

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

Sept 11, 2019
 Agenda Item 13b

California Water Research

Independent research and analysis of California's developed water systems



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Vanishing funds for levee upgrades for smaller, vulnerable Delta communities Posted by: [Deirdre Des Jardins](#) | August 20, 2019

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The Delta Stewardship Council will be adopting **regulations to implement the Delta Levees Investment Strategy** (DLIS) on August 22, 2019. Maps of the priorities for levee investments are available [here](#).

The proposed regulations make investments in upgrading urban levees in West Sacramento and Stockton and adjacent areas “very high priority.” These investments are long needed, particularly for Stockton. Stockton is the 7th largest city in California, and the levees are **badly in need of improvement**.

Funding for improvements to urban levees has typically been tied to federal projects and funded separately from improvements to levees in the primary zone of the Delta. Improvements to the levees in the primary zone have been funded by the Delta Levees Subvention and Special Projects Programs, separate pots of money.

The Delta Levees Investment Strategy also prioritizes investments in improving levees protecting Bethel Island in the South Delta. The US Census estimated Bethel Island’s population at 2,379 in 2017. This is also an important investment.

But Rio Vista, population 9,009, and Discovery Bay, population 15,525, are second priority for levee improvements. And the Delta legacy towns of Clarksburg, Courtland, Locke, and the eastern bank of Walnut Grove are the lowest priority, even though Clarksburg and Courtland have public

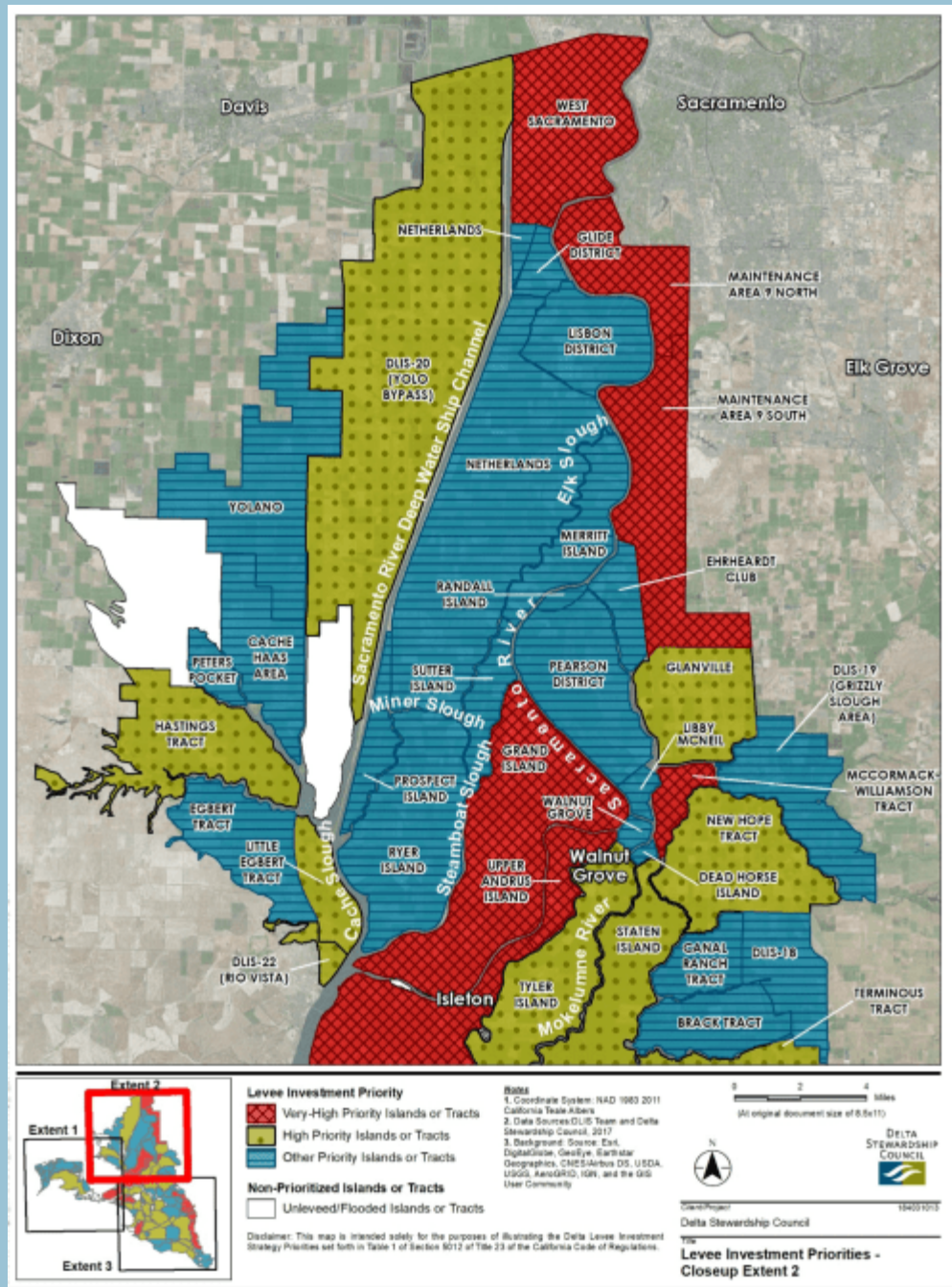
CATEGORIES

- [Bay-Delta Water Quality Control Plan](#)
- [BDCP](#)
- [Central Valley floods](#)
- [Climate Change](#)
- [Dams](#)
- [Delta fish](#)
- [Delta tunnel](#)
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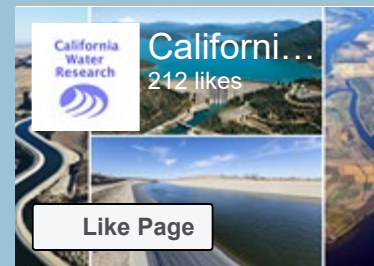
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schools. (Walnut Grove is on both sides of the Sacramento River.)



Delta Levee Investment Priorities — Closeup of North Delta

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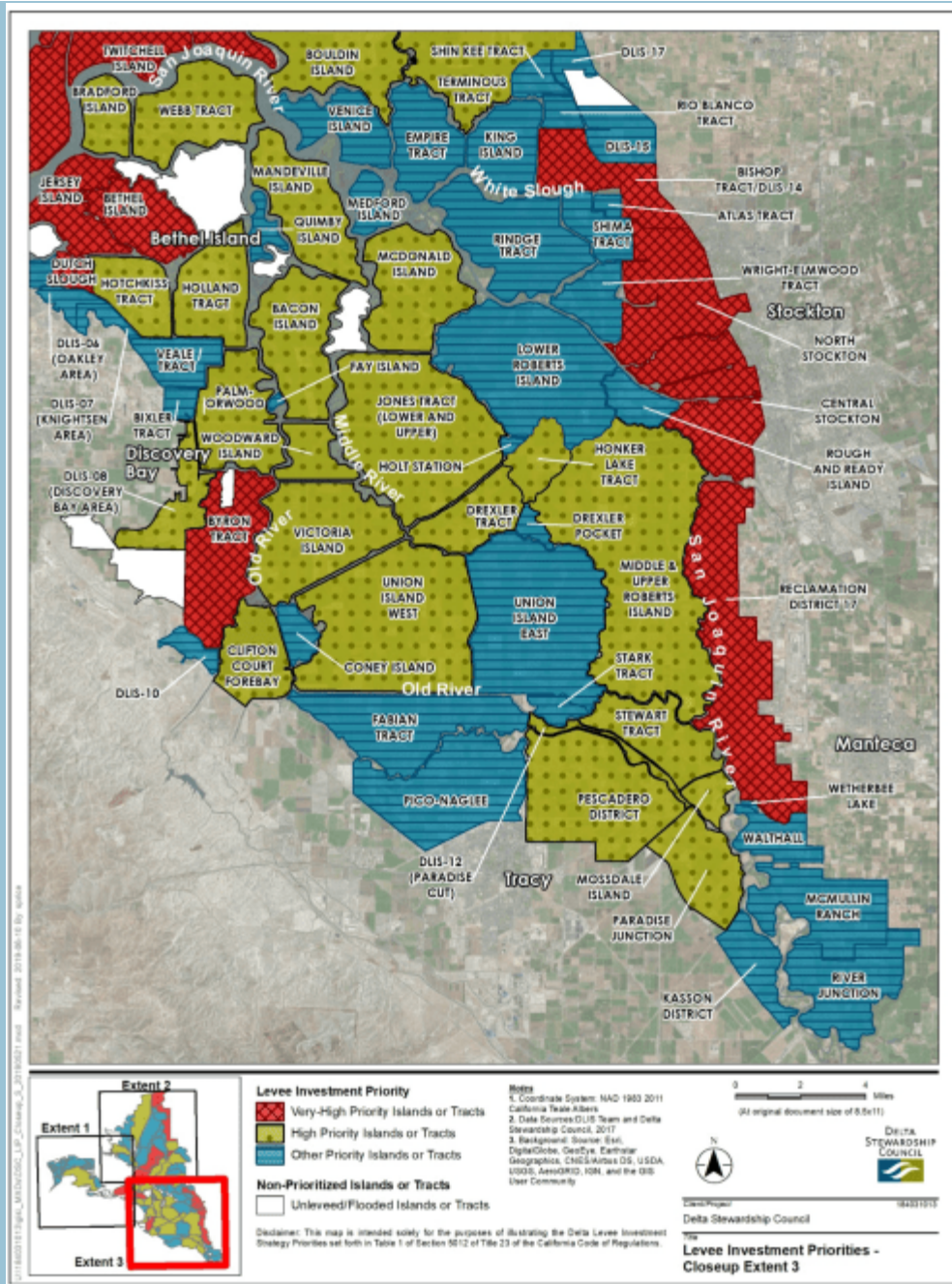


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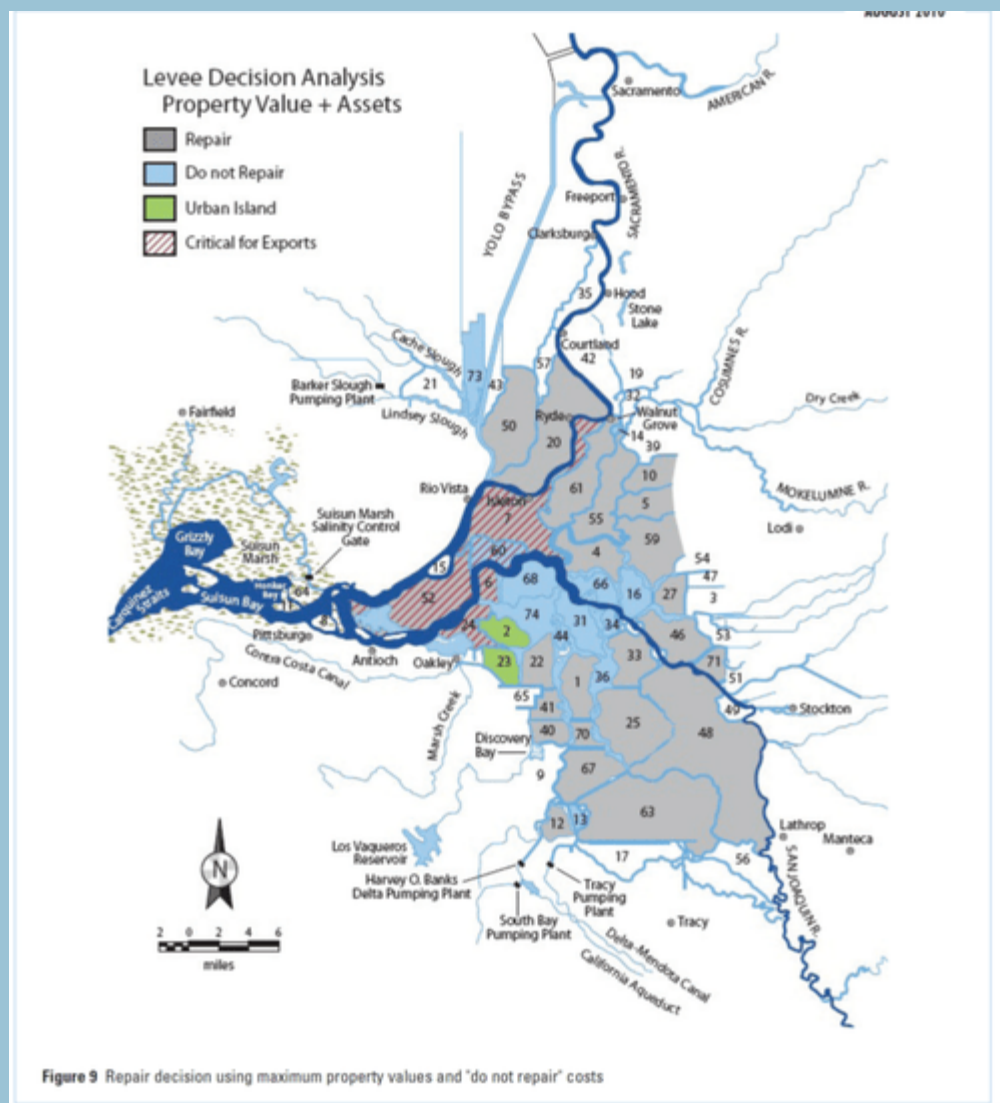
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Delta Levee Investment Priorities — Closeup of South Delta

The Central Delta Water Agency **has commented** that, given the shortage of funds for the Delta Levees Subvention and Special Projects Programs, no or almost no funds will be available for levee improvements for islands in the second tier, and none for the lowest tier. Thus the Delta Levees Investment Strategy codifies the somewhat chilling calculus that protecting smaller, vulnerable Delta communities from flooding is not in the state interest.

One of the main reasons there are insufficient funds to protect smaller Delta communities is that the Delta Levees Investment Strategy also assumes that public funds must be spent to protect Delta exports and pay for mitigation of impacts of the State Water Project and Central Valley Project.

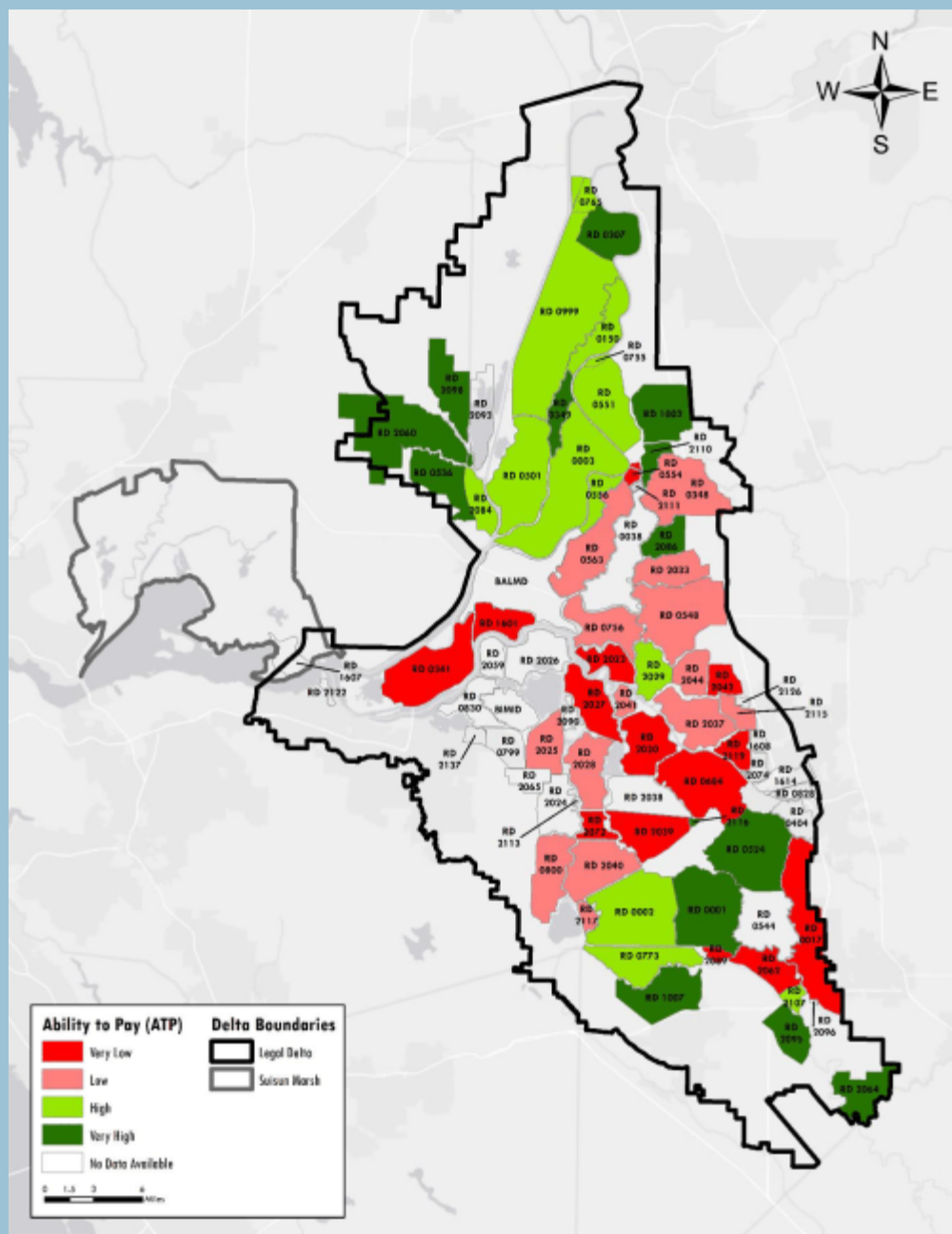
The Delta Levees Investment Strategy designates as “very high priority” upgrades to the Delta islands marked as “critical for Delta exports” in a 2010 PPIC report, *Levee Decisions and Sustainability for the Sacramento-San Joaquin Delta*. One of these islands has the town of Isleton, but the rest are more sparsely inhabited.



According to the proposed Delta Levees Investment Strategy regulations, the levees on these islands must be fully improved before *any* state funds can be spent improving levees protecting Rio Vista, Discovery Bay, Clarksburg, Courtland, Locke, or the east bank of Walnut Grove.

The “Ability to Pay” analysis for the Delta Levees Investment Strategy did not take into account that revenues from the State Water Project could be used to improve the Delta islands that are “critical for water supply,” even though two of the islands are owned by the Department of Water Resources. Most of the land on Sherman and Twitchell Islands was acquired by DWR in the early 1990s. The acquisition and conversion of the lands to grazing and wildlife uses allowed the Department of Water Resources to move the salinity compliance point for their contract with North Delta Water Agency upstream. This was estimated in to provide a

benefit to critical period SWP deliveries of more than 100,000 acre-feet per year.



Ability to Pay analysis for Delta Levees Investment Strategy (Arcadis)

The Delta Levees Investment Strategy also makes public investments in tidal habitat restoration on Dutch Slough and McCormack-Williamson Tract highest priority. These islands are being restored as part of **8,000 acres of intertidal and subtidal habitat restoration** required for mitigation of the impacts of the State Water Project and Central Valley Project. The Ability to Pay analysis for the Delta Levees Investment Strategy includes no revenues from the State Water Project for the habitat restoration, even though mitigation of impacts of the State Water Project is legally the responsibility of the State Water Project Contractors.

Thus the result of the analysis for the Delta Levees Investment Strategy

combining pots of money for upgrades to urban Delta levees, upgrades to levees in the Delta primary zone, and habitat restoration, is that funding for protecting smaller Delta communities basically vanishes. Combining the pots of money is contrary to the originally recommended cost allocation methodology for the DLIS, the **Separable Costs — Remaining Benefits method (SCRB)**. Under SCRB, costs and benefits of projects for water supply reliability and habitat restoration would have been analyzed both jointly *and* separately from protection of lives and property.

The DLIS also exposes the state to considerable liability. Many of the levees protecting North Delta legacy communities are State Plan of Flood Control Levees. The Central Valley Flood Control Association **commented** that “[d]eviating from existing definitions of levee maintenance that results in the state reducing investments in maintenance of SPFC levees will ultimately increase state liability and costs to pay for flood damage caused by levee failures.” The Central Valley Flood Control Association comments reference the 1986 SPFC Project levee failure near Yuba City “which resulted in evacuations, deaths, and hundreds of millions of dollars in property losses.” In the **Paterno** decision, this failure to adequately maintain the State Plan of Flood Control Levees resulted in liability by the state of \$467 million.

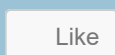
It is difficult to see how the DLIS is consistent with the legislative mandate that the Delta Plan “attempt to reduce risks to people, property, and state interests in the Delta by promoting effective emergency preparedness, appropriate land uses, and strategic levee investments.”

This post was updated on 8/21 to include links to comment letters on the Delta Levees Investment Strategy, more maps, and the originally proposed method of cost allocation.

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Danville: Opponents submit referendum petition over Magee Preserve housing project

County election officials working to verify signatures; 3,000 valid names needed

by Ryan J. Degan

The long-debated Magee Preserve residential development could be headed to the ballot, after a group of opponents last week filed a referendum petition seeking to overturn the Danville Town Council's July approval of the project.

The petition, delivered to town staff last Tuesday by a resident group dubbed Danville Open Space Committee, contained 5,487 signatures from Danville residents, according to the proponents. They would need 3,000 valid signatures to potentially force a referendum.

The document has been forwarded to the Contra Costa County Registrar of Voters' Office for signature verification. If an adequate number of signatures are verified by the county, then the Town Council would have the option to reverse course and deny the Magee Preserve project outright, or put it on the ballot for consideration by Danville voters in a future election.

"I personally validated probably half of (the signatures)," Bob Nealis, a former Town Council candidate and leader of the Danville Open Space Committee, told DanvilleSanRamon.com. "And I can assure you that voter signatures came from all four corners of Danville not just out of one area."

Danville Open Space Committee is a different citizen group than Save Open Space Danville (SOS-Danville), which previously sued to prevent a previous iteration of Magee Ranch development -- though there are some common members, Nealis said. The group is also not affiliated with the town government, which does not have an open space advisory committee like some municipalities, including San Ramon.

To oppose the council's approval of the most recent project, Nealis said a collection of approximately 30 paid and volunteer signature gatherers fanned out throughout the town and over about two weeks -- from grocery store parking lots, to churches, to residents' front doorsteps.

Proposed by Walnut Creek-based developer Davidon Homes, [the Magee Preserve project](#) would consist of building 69 single-family homes on the south side of Diablo and Blackhawk roads, as well as a series of hiking and biking trails that would be open to the public.

Located on a 410-acre project site, the Magee Preserve would develop approximately 29 acres -- or 7% -- of the site, with the remaining 381 acres of open space preserved by the town on a permanent basis.

The project was endorsed by the Town Council during its [July 2 regular meeting](#), and then confirmed for adoption by the council two weeks later. However some residents have taken issue with the project, claiming it will create more traffic, limit evacuation routes in an emergency situation such as a fire, and obstruct parts of the area's open space.

A similar Magee development project -- proposed at the time by developer [SummerHill Homes](#) -- was approved by the council in 2013 but was eventually halted after SOS-Danville sued the town.

"You know it's not that hard to get signatures when you have paid signature gatherers," countered Steve Abbs, vice president of land acquisition and development at Davidon Homes.

When asked if he considered if public support was still in favor for the project, Abbs said "absolutely," citing the multiple groups that support the project such as the Town Council, Planning Commission, Save Mount Diablo, Bike East Bay and Mount Diablo Cyclists, as indicators that public support is with the project.

"If they are successful in getting the required signatures (validated), Davidon will continue its efforts in making sure that the town of Danville is properly informed about this project by having on site hikes and tours and open houses," Abbs told [DanvilleSanRamon.com](#).

He added that Davidon officials are still reviewing possible next steps, but if the petition is validated then community members can count on hikes and other events taking place this fall.

As of Monday, county election officials are working on validating signatures. They have 30 days after filing to complete their count.



AGENDA

RETIREMENT BOARD MEETING

SECOND MONTHLY MEETING
August 28, 2019
9:00 a.m.

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

NOTICE OF TELECONFERENCE MEETING

ONE OR MORE MEMBERS OF THE BOARD OF RETIREMENT FOR THE CONTRA COSTA COUNTY EMPLOYEES' RETIREMENT ASSOCIATION MAY PARTICIPATE IN THE BOARD MEETING, SCHEDULED FOR AUGUST 28, 2019, VIA TELECONFERENCE AT THE LOCATION LISTED BELOW, WHICH IS OPEN TO THE PUBLIC.

TELECONFERENCE LOCATION:

1516 KAMOLE STREET
HONOLULU, HAWAII 96821

THE LOCATION LISTED ABOVE IS ACCESSIBLE TO THE PUBLIC (6:00 A.M. LOCAL TIME), INCLUDING THOSE WITH DISABILITIES.

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

1. Pledge of Allegiance.
2. Accept comments from the public.
3. Approve minutes from the July 24, 2019 meeting.
4. Review of total portfolio performance for period ending June 30, 2019.
 - a. Presentation from Verus
 - b. Presentation from staff
5. Review of portfolio rebalancing report.
6. Update from Chief Investment Officer on Trident and TPG Healthcare Partners.
7. Investment education session: currency
8. Consider authorizing the attendance of Board:
 - a. 2019 Annual Limited Partners Meeting, DLJ Real Estate Capital Partners, September 24, 2019, Boston, MA.
 - b. 7th Annual California Institutional Forum, Markets Group, December 4, 2019, Santa Rosa, CA.

The Retirement Board will provide reasonable accommodations for persons with disabilities planning to attend Board meetings who contact the Retirement Office at least 24 hours before a meeting.

9. Miscellaneous
 - a. Staff Report
 - b. Outside Professionals' Report
 - c. Trustees' comments

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