



NOTICE AND AGENDA FOR REGULAR MEETING

DATE/TIME: Wednesday, April 17, 2019, 1:30 PM

PLACE: Board of Supervisors Chambers
651 Pine Street, Martinez, CA 94553

NOTICE IS HEREBY GIVEN that the Commission will hear and consider oral or written testimony presented by any affected agency or any interested person who wishes to appear. Proponents and opponents, or their representatives, are expected to attend the hearings. From time to time, the Chair may announce time limits and direct the focus of public comment for any given proposal.

Any disclosable public records related to an open session item on a regular meeting agenda and distributed by LAFCO to a majority of the members of the Commission less than 72 hours prior to that meeting will be available for public inspection in the office at 651 Pine Street, Six Floor, Martinez, CA, during normal business hours as well as at the LAFCO meeting.

All matters listed under CONSENT ITEMS are considered by the Commission to be routine and will be enacted by one motion. There will be no separate discussion of these items unless requested by a member of the Commission or a member of the public prior to the time the Commission votes on the motion to adopt.

For agenda items not requiring a formal public hearing, the Chair will ask for public comments. For formal public hearings the Chair will announce the opening and closing of the public hearing.

If you wish to speak, please complete a speaker's card and approach the podium; speak clearly into the microphone, start by stating your name and address for the record.

Campaign Contribution Disclosure

If you are an applicant or an agent of an applicant on a matter to be heard by the Commission, and if you have made campaign contributions totaling \$250 or more to any Commissioner in the past 12 months, Government Code Section 84308 requires that you disclose the fact, either orally or in writing, for the official record of the proceedings.

Notice of Intent to Waive Protest Proceedings

In the case of a change of organization consisting of an annexation or detachment, or a reorganization consisting solely of annexations or detachments, or both, or the formation of a county service area, it is the intent of the Commission to waive subsequent protest and election proceedings provided that appropriate mailed notice has been given to landowners and registered voters within the affected territory pursuant to Gov. Code sections 56157 and 56663, and no written opposition from affected landowner or voters to the proposal is received before the conclusion of the commission proceedings on the proposal.

American Disabilities Act Compliance

LAFCO will provide reasonable accommodations for persons with disabilities planning to attend meetings who contact the LAFCO office at least 24 hours before the meeting, at 925-335-1094. An assistive listening device is available upon advance request.

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

APRIL 17, 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 February 13, 2019 regular LAFCO meeting
6. ***Special Presentation*** – Julie Pierce and Ken Kirkey

SPHERE OF INFLUENCE (SOI) AMENDMENTS/CHANGES OF ORGANIZATIONS

7. ***LAFCO 18-14 – Santiago Island Village Reorganization: Annexations to Contra Costa Water District (CCWD) and Diablo Water District (DWD)*** – the Commission will consider approving annexation of 23.11± acres (APN 029-050-038) to CCWD and DWD. The property is located at 3505 Gateway Road in unincorporated Bethel Island. The Commission will also consider related actions under the California Environmental Quality Act (CEQA) ***Public Hearing***

MUNICIPAL SERVICE REVIEWS (MSRs)/SOI UPDATES

8. ***“City Services” MSR/SOI Updates (2nd Round)*** – receive overview of the Public Review Draft MSR, along with public comments, and provide input. The MSR covers all 19 cities and four of the six community services districts ***Public Hearing***

BUSINESS ITEMS

9. ***LAFCO Staffing Plan and Personnel System Updates*** - consider approving the LAFCO Analyst job description, and updates to the LAFCO salary schedule.
10. ***Fiscal Year 2019-20 Proposed Budget and Work Plan*** - consider approving the proposed budget and work plan for FY 2019-20 ***Public Hearing***
11. ***Legislative Report – Update and Position Letters*** – receive a legislative update
12. ***FY 2018-19 Third Quarter Budget Report*** – receive FY 2017-18 third quarter budget report.
13. ***Contract Extension – Lamphier-Gregory/Berkson Associates*** - consider approving a contract amendment to extend the term of the agreement to complete the “City Services” MSR/SOI updates.

INFORMATIONAL ITEMS

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

ADJOURNMENT

The next regular LAFCO meeting is May 8th, 2019 at 1:30 pm.

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

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MINUTES OF MEETING

February 13, 2019

Board of Supervisors Chambers
Martinez, CA

April 17, 2019
Agenda Item 5

1. Chair Tom Butt called the meeting to order at 1:30 p.m. and the Pledge of Allegiance was recited.
2. Chair Tom Butt welcomed new Alternate City Member Sean Wright, who was sworn in by County Counsel Anderson.
3. Roll was called. A quorum was present of the following Commissioners:

County Members Candace Andersen and Alternate Diane Burgis.
Special District Members Mike McGill and Igor Skaredoff and Alternate Stan Caldwell.
City Members Tom Butt and Rob Schroder and Alternate Sean Wright.
Public Members Don Blubaugh and Alternate Charles Lewis.

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

4. Approval of the Agenda

Upon motion of Blubaugh, second by McGill, Commissioners approved the agenda by a vote of 7-0.

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

5. Approval of January 9, 2019 Meeting Minutes

Upon motion of Andersen, second by Skaredoff, the January 9, 2019 meeting minutes were approved by a vote of 6-0, with correction of a typo in the roll call listing. Commissioner Blubaugh abstained.

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

6. Public Comments

There were no public comments.

At 1:34 p.m., Commissioners adjourned to Closed Session to discuss litigation.

At 2:06 p.m., Commissioners reconvened and the Chair reported that there was nothing to report.

7. LAFCO 18-16 – City of Martinez Out of Agency Service (2 Millican Court)

The Executive Officer presented this proposal from the City of Martinez to provide municipal water service to a single vacant parcel located on Millican Court in the Alhambra Valley area surrounded by low density residential and agricultural land, outside the City boundary, and within the City's SOI and ULL. The Alhambra Valley is partially served by the City for water and by CCCSD for wastewater service. The City indicates that it has adequate water to serve the subject area.

Chair Butt and Commissioner McGill offered comments about cleaning up unincorporated islands.

Upon motion of Blubaugh, second by Andersen, Commissioners, by a 7-0 unanimous vote, found the project exempt pursuant to §15303(d) of the CEQA Guidelines; and authorized the City of Martinez to extend municipal water service outside its jurisdictional boundary to the 0.65±-acre property located at 2 Millican Court in the unincorporated Alhambra Valley, subject to specified terms and conditions.

DRAFT

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

8. LAFCO 18-13 – Contra Costa Water District (CCWD) and Diablo Water District (DWD) Spheres of Influence (SOIs) Amendments

The Executive Officer presented a proposal, submitted by DWD, to expand the SOIs of CCWD and DWD to include the Santiago Island Village Mobile Home Park in unincorporated Bethel Island. The subject area comprises 23± acres and includes the mobile home park and a portion of Gateway Road. The purpose of the SOI proposal is to allow for annexation and eventual extension of municipal water service to the mobile home park, with 211 connections serving 300 residents and 100 daily visitors. The property currently relies on a single groundwater well which poses reliability, supply and contamination issues. The State Water Resources Control Board recommends annexation.

Upon motion of Andersen, second by Blubaugh, Commissioners unanimously, by a 7-0 vote, approved the proposed expansion of CCWD's and DWD's SOIs by adding 23.11± acres, and determined that the project is exempt pursuant to CEQA Guidelines, Sections 15303(d) and 15319(a).

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

9. Fiscal Year 2019-20 Budget Schedule/Work Plan Preview

The Executive Officer introduced a preliminary work plan for FY 2019-20, which includes goals and objectives such as MSRs & SOI updates, policies & procedures updates, and other projects.

One of the more significant programs is 2nd round MSRs. Staff and consultants are currently working on the 2nd round "city services" MSR covering all 19 cities and four of the six community services districts, and expect to release the Public Review Draft MSR in March, and finalize this MSR in June.

The FY 2019-20 budget will include funding for 2nd round MSRs. Potential round two MSR candidates include County Service Areas (CSAs) and park & recreation services. There has been a public request by Debra Mason that LAFCO review park & recreation services, and specifically, the Ambrose Recreation & Park District. Also, on February 7th, LAFCO received a letter from Dave Dolter, member of the Alamo Police Services Advisory Committee, recommending that LAFCO review CSAs, and specifically CSA P-2. In his letter, Mr. Dolter identifies a number of boundary and tax irregularities, all of which were also identified in LAFCO's 2011 law enforcement MSR. Following the 2011 MSR, LAFCO sent the Sheriff's Office a letter summarizing the police ("P") district boundary and tax irregularities, to which no response was received.

Additionally, as part of the upcoming work plan, staff has identified policy matters relating to disadvantaged communities (DACs/DUCs), SOIs, updating the multi county boundary policy we have with Alameda LAFCO, and records retention.

The relocation of LAFCO offices from 651 Pine Street to 40 Muir Road is finally moving forward, with a tentative moving date of June 2019. Costs for this move, which were roughly estimated in the FY 2018-19 budget, may also carry over into FY 2019-20. Concurrent with this move are plans to hire an analyst, who will assist with reviewing LAFCO applications, project management (MSRs, special studies), policy work, and general staff services, as well as a new executive assistant to replace Kate Sibley, who will retire later in the summer of 2019. The Executive Officer will present a staffing plan to the Commission in April.

The Executive Officer presented a table summarizing the status of 2nd round MSRs and possible candidates for FY 2019-20.

Discussion ensued regarding the MSR priorities for FY 2019-20. Regarding the “P” CSAs, staff explained that the irregularities cannot be corrected by LAFCO; the County would have to apply to LAFCO for the boundary cleanups, and this would not necessarily require voter approval depending on taxation issues, which would require further research.

The Chair opened the floor for public comment.

David Dolter, representing the Alamo Police Services Advisory Committee, noted that the Committee wants three things: 1) to complete a new MSR on CSA “P” services as soon as possible; 2) implement the MSR recommendations, and if there are boundary anomalies they should be corrected (the Committee is happy to write support letters for this); and 3) assistance from LAFCO in fulfilling the concept of “return to source.”—i.e., funds collected through P-6 in their area should remain in their area.

Commissioner Andersen responded that the Sheriff, in response to that MSR, assured that the P-6 funds would be used, and accounted for, in their specific areas.

Commissioner Lewis asked if Mr. Dolter knows the steps that must be taken in remedying this issue.

Mr. Dolter agreed that if areas are to be annexed into a CSA “P” area, those residents should be able to vote on whether or not they will assume any special taxes assessed in that district.

10. Call for Nominations – 2019 Special Districts Risk Management Authority (SDRMA) Board of Directors

The Executive Officer reported that the SDRMA is calling for nominations for their Board of Directors. There are three director seats up for election to a term of office that will begin January 1, 2020. The deadline for nominations is May 1, 2019.

There were no nominations for these offices.

11. 2017 GASB 75 Alternative Measurement Method (AMM) Report

The Executive Officer reported that Contra Costa LAFCO provides post-employment healthcare benefits for its retired employees, and funds the employer’s share of these benefits for the retirees. In order to fund this benefit and minimize future fiscal impacts to LAFCO, the Commission initiated a plan that includes: 1) funding future costs, 2) participating in a trust to hold the funds, and 3) conducting an actuarial valuation. Under current law, LAFCO must conduct an actuarial valuation at least every other year. LAFCO’s small size allows it to prepare an alternative measurement method report (AMM) in lieu of a full actuarial valuation. LAFCO is part of a consortium thru CSDA and the California School Boards Association and the actuarial firm of Demsey, Filliger & Associates (DFA). This is the 3rd AMM prepared for LAFCO by DFA. A summary of the AMM is included with the staff report.

The report shows an Employer-Paid Accrued Liability of \$513,413, an unfunded accrued liability of \$380,867, and an annual required contribution of \$43,396. LAFCO has set aside funds for this liability starting in FY 2011-12. To date, LAFCO has accrued \$132,546 (including interest earned), which is held in the PARS trust account and reflected in the 2017 AMM report.

Commissioners received the report.

12. Commissioner Comments and Announcements

Commissioner McGill noted the CALAFCO meetings he has attended and will be attending: Legislative Committee, 1/25, 2/22, and 3/22; Board of Directors Strategic Planning Retreat and Board Meeting, 2/28-3/1, and a myriad of other subcommittee meetings, primarily the Ad Hoc Finance Committee (AHFC). The AHFC is recommending to the full board a 32% increase in dues to eliminate a structural deficit that CALAFCO has struggled with for some time. After the 2020 census, they will revisit the dues structure again.

Commissioner McGill and the Executive Officer are working on scheduling meetings with all legislators representing parts of Contra Costa County, with an agenda of “meet and greet” and education on issues facing LAFCOs in the state. He will keep Commissioners informed.

Commissioner McGill also reported on a meeting of EC Squared where transportation agencies, planning, and needs were discussed. He suggested that the presentations made at that meeting by Kristen Connolly, Amy Worth, Julie Pierce, and others be presented to LAFCO.

13. Staff Announcements

The Executive Officer reported that the CALAFCO Staff Workshop will be held April 10-12. Also, the March LAFCO meeting is cancelled, and the April LAFCO meeting will be held on the *third* Wednesday, April 17.

The meeting adjourned at 2:40 p.m.

Final Minutes Approved by the Commission April 17, 2019.

AYES:

NOES:

ABSTAIN:

ABSENT:

By _____
Executive Officer

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

April 17, 2019 (Agenda)

April 17, 2019
Agenda Item 7

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

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

SYNOPSIS The applicant proposes to annex 23.11± acres composed of one parcel (APN 029-050-038), which includes the Santiago Island Village (SIV) Mobile Home Park and a portion of Gateway Road. The subject area is located at 3505 Gateway Road in unincorporated Bethel Island. (Exhibit 1).

Annexation will bring the subject property and a portion of road right-of-way into the service boundary of CCWD and DWD, and will allow for the extension of municipal water service to approximately 300 residents (211 connections and 100 daily visitors) as recommended by the State Water Resources Control Board (SWRCB). As proposed, CCWD will provide wholesale water and DWD will provide treated water to the property. This will eliminate the need for reliance on a single groundwater well. The single well could potentially fail, which would create a water supply issue as well as a potential for contamination within the mobile home park. Further, the existing groundwater well exceeds the secondary maximum contaminant level for manganese.

DISCUSSION

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

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

The subject area is within the SOIs of CCWD and DWD as approved by the Commission on February 13, 2019; and is within the Contra Costa County Urban Limit Line (ULL).

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

The existing land use is a mobile home park. The County's land use designations for the subject area include Mobile Home/Manufactured Home Park and Flood Hazard. The proposed annexations will have no effect on the land uses.

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

There are no proposed land use changes or impacts to agricultural/open space lands associated with the proposed annexations. No portion of the subject area is designated for agricultural or open space, nor is the subject area subject to a Williamson Act contract.

Surrounding land uses include limited development around the mobile home park, including a golf course to the north (Park & Recreation), commercial uses to the east, the Delta Coves residential development site and water to the south, and rural residential (low density) to the west.

4. **Topography, Natural Features and Drainage Basins:**

The subject property is located on Bethel Island and is largely flat with a ditch on the west side of the property. To the south is the Delta Coves development site and open water.

5. Population:

No development is proposed in conjunction with the proposed annexations, and no population increase will result from this proposal. The population of the subject area is approximately 300.

6. Fair Share of Regional Housing:

In its review of a proposal, LAFCO must consider the extent to which the proposal will assist the receiving entity in achieving its fair share of the regional housing needs as determined by the regional council of governments. No new residential development is proposed; thus, the proposed annexations will have no effect on regional housing needs.

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

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

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

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

The proposed annexation will bring the subject area into the service boundaries of CCWD and DWD and will allow for the extension of municipal water service to approximately 300 residents (211 connections and 100 daily visitors) as recommended by the SWRCB. As proposed, CCWD will provide wholesale water and DWD will provide treated water to the property. As noted above, this will eliminate the need for reliance on the existing single groundwater well, which has existing water quality issues and could potentially fail.

8. Timely Availability of Water and Related Issues:

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

The proposal before the Commission includes annexation of the subject property to CCWD for wholesale water. CCWD's boundary encompasses 220± square miles in central and eastern Contra Costa County. CCWD's untreated water service area includes Antioch, Bay Point, Oakley, Pittsburg, and portions of Brentwood and Martinez. The District's treated water service area includes Clayton, Clyde, Concord, Pacheco, Port Costa, and parts of Martinez, Pleasant Hill, and Walnut Creek. CCWD also treats and delivers water to the City of Brentwood, Golden State Water Company (Bay Point), DWD (Oakley), and the City of Antioch. CCWD serves approximately 500,000 (61,085 water connections). CCWD's primary sources of water are the U.S. Bureau of

Reclamation (USBR) Central Valley Project (CVP) and delta diversions. One of CCWD's prerequisites for service, including annexation, is inclusion in the CVP service area. The CVP inclusion review is a separate process and requires specific environmental documents. The landowner and CCWD will work together to complete the CVP process.

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

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

According to the SWRCB, the existing water treatment system is limited, and there is no distribution system storage or pumping facilities. Based on current use, the average monthly demand for 2016 and 2017 was 926,117 gallons, and a maximum monthly demand of 2,051,600 gallons during September 2017. According to their recent future water supply studies and urban water management plans, both CCWD and DWD indicate they have the capacity to serve the project.

9. Assessed Value, Tax Rates and Indebtedness:

The annexation area is within tax rate area 82006. The assessed value for the annexation area is \$9,756,167 (2018-19 roll). The territory being annexed shall be liable for all authorized or existing taxes and bonded debt comparable to properties presently within the annexing agencies.

10. Environmental Impact of the Proposal:

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

11. Landowner Consent and Consent by Annexing Agency:

All landowners and registered voters within the proposal area and within 300 feet of the subject area received notice of the LAFCO hearing. The sole landowner has consented to the proposed annexations. County Elections reports there are more than 12 registered voters in the subject area; therefore, the subject area is considered inhabited. Thus, if the Commission receives objection from any registered voter residing with the subject area, LAFCO must conduct a protest hearing. Absent any objection received before the conclusion of the commission hearing on April 17, 2017, the Commission will waive the protest proceedings.

12. Boundaries and Lines of Assessment:

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

13. Environmental Justice:

LAFCO is required to consider the extent to which proposals will promote environmental justice. As defined by statute, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services. The subject area is located on Bethel Island, which is, in its entirety, a disadvantaged

community. Thus, the proposed annexation will promote the fair treatment of minority or economically disadvantaged groups by supplying reliable, quality water to the subject area.

14. Disadvantaged Communities:

Pursuant to SB 244, local agencies and LAFCOs are required to plan for disadvantaged unincorporated communities (DUCs). Many of these communities lack basic infrastructure, including streets, sidewalks, storm drainage, clean drinking water, and adequate sewer service. LAFCO actions relating to Municipal Service Reviews, SOI reviews/ amendments, and annexations must take into consideration DUCs, and specifically the adequacy of public services, including sewer, water, and fire protection needs or deficiencies, to these communities. According to the County's Department of Conservation and Development, the annexation area meets the criteria of a DUC. The extension of municipal water to the SIV will better serve this community.

15. Comments from Affected Agencies/Other Interested Parties:

To date, LAFCO has received one comment letter from James Tackitt (Exhibit 2). Mr. Tackitt raises questions regarding the metering, water rates and water requirements relating to landscape maintenance. With help from CCWD, DWD and Santiago Communities, Inc., LAFCO staff has responded to Mr. Tackitt. To date, LAFCO has received no other comments from affected agencies or other interested parties.

16. Regional Transportation and Regional Growth Plans:

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

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

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

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

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

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

ALTERNATIVES FOR COMMISSION ACTION

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

Option 1 Approve the annexation as proposed.

- A. Find that the project is exempt pursuant to CEQA Guidelines sections 15303(d) – *New Construction or Conversion of Small Structures* and section 15319(a) Annexations of Existing Facilities and Lots for Exempt Facilities, consistent with the determination of DWD, as Lead Agency.
- B. Adopt this report, approve LAFCO Resolution No. 18-14 (Exhibit 3), and approve the proposal, to be known as the *Santiago Island Village Reorganization: Annexations to CCWD and DWD* subject to the following terms and conditions:
 1. This annexation will allow the delivery of treated water for use by the SIV mobile home park and related uses including fire suppression.
 2. The territory being annexed shall be liable for the continuation of any authorized or existing special taxes, assessments and charges comparable to properties presently within the annexing agencies.
 3. DWD has delivered an executed indemnification agreement providing for the District to indemnify LAFCO against any expenses arising from any legal actions challenging the annexation.
 4. Water service is conditional upon CCWD receiving acceptance for inclusion of the annexed area from the USBR, pursuant to the requirements in CCWD's contract with USBR for supplemental water supply from the CVP.
 5. Find that the subject territory is inhabited. Should the Commission receive an objection from any registered voter within the subject area, LAFCO will conduct a protest hearing. Absent any objection received before the conclusion of the commission proceedings on April 17, 2019, the Commission will waive the protest proceedings.

Option 2 Accept this report and DENY the proposal.

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

RECOMMENDED ACTION:

Option 1 – Approve the annexations to CCWD and DWD as proposed.






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

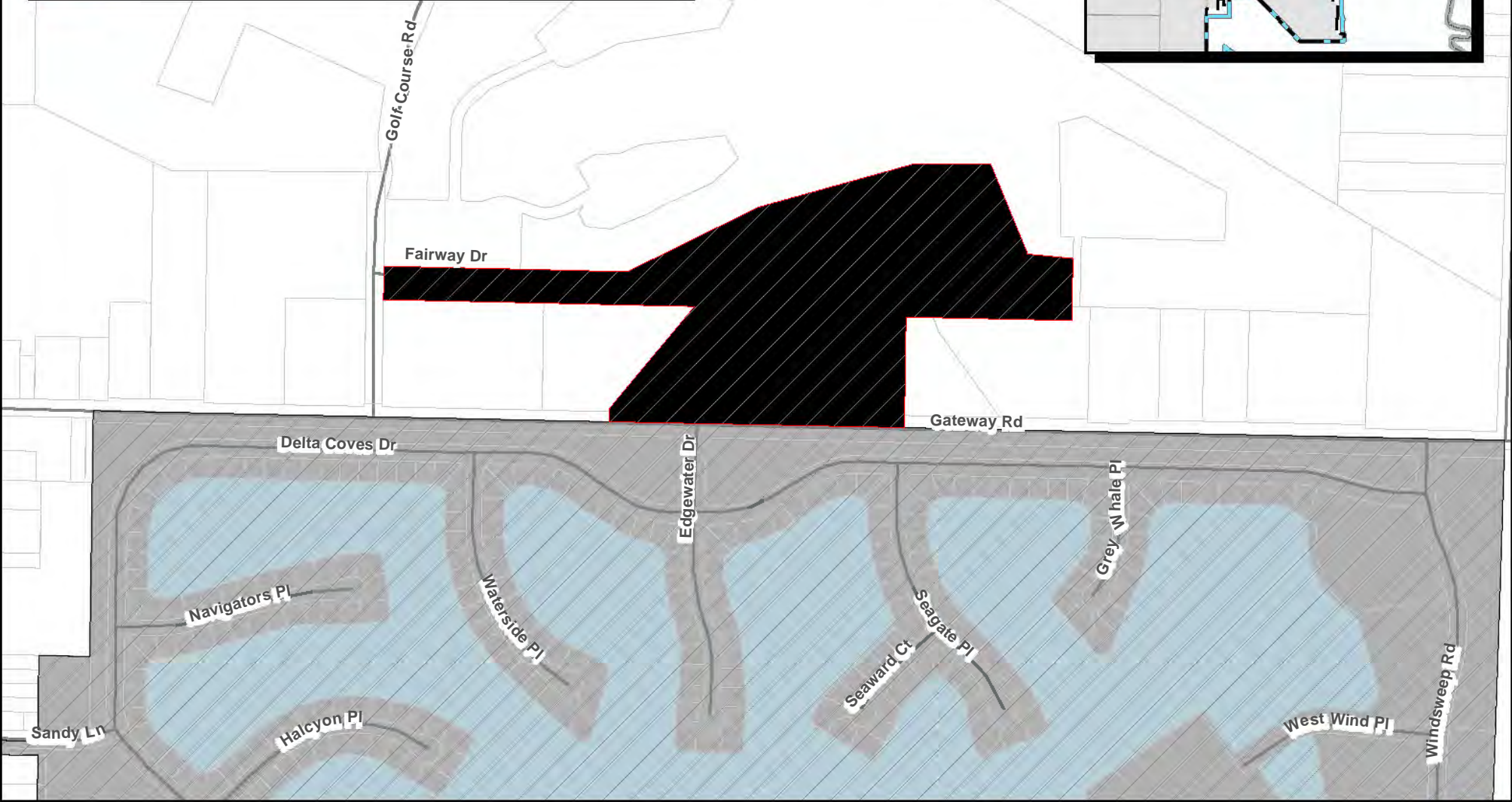
Exhibits

- 1 – Annexation Map
- 2 – Letter from James Tackitt
- 3 – Draft LAFCO Resolution 18-14

c: Distribution

LAFCO No. 18-14 - Santiago Island Village Annexation to CCWD and DWD

-  LAFCO 18-14
-  Contra Costa Water District, Diablo Water District
-  Contra Costa Water District SOI, Diablo Water District SOI
-  Parcels
-  County Urban Limit Line



Map created 03/18/2019
 by Contra Costa County Department of
 Conservation and Development, GIS Group
 30 Muir Road, Martinez, CA 94553
 37:59:41.791N 122:07:03.756W

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

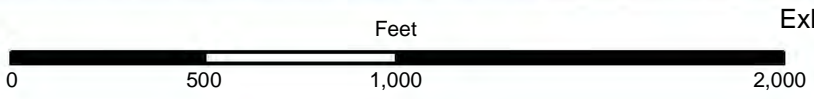


Exhibit 1

RECEIVED

APR 04 2019

Per KS

4-2-19

James W. Tackitt II
PO Box Bethel Island Ca.
94511

Contra Costa LAFCO,

I'm a concerned, new resident to SIV at 3505 Gateway Road, Bethel Island Ca. I just purchased a mobile unit here, in July 2018. I was relocated here, by eminent domain, by the city of Oakley, Ca., with the help of ARWS, (Associated Right of Way Services, Inc.). California Gov. Code 7260 Title 25, Chapter 6.

Like so many others who reside in Santiago Island Village, I'm living under my means, on low income. I'm very concerned about my budget and these, "charges and fees", you mentioned in your letter.

Also, I received this letter of, "Notice of Public Hearing", just two weeks before April 17th, the date of you public meeting regarding these changes to our water supply. Not nearly time enough to unit my neighbors on this matter. Unfortunately, because of this short notice, the time of your meeting, and my unfortunate position of employment, I wont be able to make this Public Hearing.

It's my understanding that the decision to supply city water to us, has already been established. That's fine with me, I could us an improvement to my water and I'm very appreciative for it.

I have several questions but will only address the ones I believe affect the park residence's as a whole.

1). Are we going to be on independent metering?

Note,

I live by myself and use very little water. The park rules require us to maintain landscapes, Lawns, currently and the water, at the moment, cost us nothing to achieve this requirement.

2). Is the new water supply being delivered to us, (individual unit/lots), in separate lines or does the water district plan on using existing water lines?

Note,

Santiago has a history of having very bad water lines. (I believe, they are old). They have constant leaks, and no independent mains, at the street.

Also, It's my understanding, the water district plans on the later, using existing lines. This means, there will be no will water, as a choice, to water our landscapes with. (If this is the case, we will be using costly water to water our landscape with).

We are restricted, by park rules to NOT, put in low maintenance landscape and are regulated by them on when we can and can't water.

It's my worries that, if the park has control over our prices and bills with our water usage then things may get out of control.

I myself, prefer to have a meter on my own unit/lot AND, the supply to be separated from the parks well water. This would suit all needs and conserve water in the summertime months.

If the above, is not an option?, then, I expect our cost to be substantially less then the general public.

Please consider, James Tackitt, at M-21 Santiago Island Village.

RESOLUTION NO. 18-14

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS AND APPROVING
SANTIAGO ISLAND VILLAGE REORGANIZATION: ANNEXATIONS TO CONTRA COSTA
WATER DISTRICT (CCWD) AND DIABLO WATER DISTRICT (DWD)**

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

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

WHEREAS, the Commission held a public hearing on April 17, 2019, on the SIV Reorganization proposal; and

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

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

1. Find that the project is exempt pursuant to CEQA Guidelines sections 15303(d) – *New Construction or Conversion of Small Structures* and section 15319(a) Annexations of Existing Facilities and Lots for Exempt Facilities, consistent with the determination of DWD, as Lead Agency.
2. Said reorganization is hereby approved.
3. The subject proposal is assigned the distinctive short-form designation:
SANTIAGO ISLAND VILLAGE REORGANIZATION: ANNEXATIONS TO CCWD AND DWD
4. The boundaries of the affected territory are found to be definite and certain as approved and set forth in Exhibit 1, attached hereto and made a part hereof.
5. Approval of the Santiago Island Village Reorganization - Annexations to CCWD and DWD subject to the following:
 - a. The territory being annexed shall be liable for the continuation of any authorized or existing special taxes, assessments and charges comparable to properties presently within the annexing agency.
 - b. DWD has delivered an executed indemnification agreement between DWD and Contra Costa LAFCO providing for DWD to indemnify LAFCO against any expenses arising from any legal actions challenging the SIV Reorganization.
 - c. Water service is conditional upon CCWD receiving acceptance for inclusion of the annexed area from the USBR, pursuant to the requirements in CCWD's contract with USBR for supplemental water supply from the CVP.

Contra Costa LAFCO
Resolution No. 18-14

6. Said territory is found to be inhabited. LAFCO will conduct a protest hearing should the Commission receive an objection from any registered voter residing with the subject area. Absent any objection received before the conclusion of the commission proceedings on April 17, 2019, the Commission will waive the protest proceedings.
7. The territory proposed for reorganization is inhabited, the proposal has 100% landowner consent, and the conducting authority (protest) proceedings are hereby waived.
8. All subsequent proceedings in connection with the SIV Reorganization shall be conducted only in compliance with the approved boundaries set forth in this resolution.

* * * * *

PASSED AND ADOPTED THIS 17th day of April 2019, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

TOM BUTT, CHAIR, CONTRA COSTA LAFCO

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

Dated: April 17, 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> |

April 17, 2019
 Agenda Item 8

April 17, 2019 (Agenda)

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

**Second Round “City Services” Municipal Services Review
 Public Review Draft Report**

Dear Members of the Commission:

BACKGROUND: The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH Act) requires that every five years the Commission shall, as necessary, review and update each sphere of influence (SOI); and that in conjunction with the SOI update, the commission shall conduct a municipal service review (MSR).

MSRs provide an assessment of the range and adequacy of municipal services provided in the County and serve as an important tool for LAFCO in fulfilling its legislative mandate to coordinate the efficient and logical development of local government agencies and services. The MSR serves as a basis for SOI updates and future boundary changes.

Contra Costa LAFCO continues to work on its 2nd round MSRs, having completed reviews of water and wastewater services (2014), reclamation services (2015), EMS/fire services (2016), and healthcare (2018).

SUMMARY: In May 2018, LAFCO initiated its 2nd round “city services” MSR covering all 19 cities and four of the six community services districts (CSDs).

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

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

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

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

The MSR Process - Following a formal Request for Proposal and selection process, Lamphier-Gregory and Berkson Associates were hired to prepare the MSR report.

To date, the MSR process has entailed the following:

- ✚ May 10, 2018 - “City Services” MSR Kick-off presentation to Public Managers Association
- ✚ June 15, 2018 - Transmittal of MSR Questionnaire and Agency Profile Workbook (pre-populated by consultants) to local agencies
- ✚ August 9, 2018 – Follow-up Meeting with Public Managers Association
- ✚ January 14, 2019 – Transmittal of Administrative Draft chapter to each local agency for review
- ✚ March 27, 2019 – release of Public Review Draft MSR

The Public Review Draft MSR was released on March 27, 2019 and posted on the LAFCO website (<http://contracostalafco.org/agencies/municipal-service-reviews/>). Local agencies and interested parties were notified of the availability of the report and 30-day public comment period, which ends on April 25, 2019. Local agencies are encouraged to place the Public Review Draft MSR on their City Council/ Board of Directors agenda for public discussion and input.

To date, we have received comments from the cities of Pleasant Hill, Richmond, and Walnut Creek, the Town of Discovery Bay Community Services District, and from several residents, including letters from Kristen Altbaum and Roger Chelemedos (see attached).

On April 17th, LAFCO will hold the first of two public hearings on the “City Services” MSR. At this hearing, the MSR consultant will present a summary of the MSR report and major findings. Following the presentation, LAFCO staff will receive public comment and remarks and direction from the Commission. No final action on the Draft MSR report will be taken on April 17th.

The Commission will be asked to set a public hearing for June 12th, at which time the Commission will be asked to accept the Final MSR report, adopt the required MSR and SOI determinations, and update the SOIs for the 19 cities and four districts covered in the MSR report.

RECOMMENDATIONS:

1. Receive the staff report and consultant’s presentation,
2. Open the public hearing and receive comments,
3. Close the public hearing and provide comments and direction to the MSR consultant and LAFCO staff, and
4. Direct LAFCO staff to set a public hearing for June 12th, at which time the Commission will be asked to accept the Final MSR, make the required determinations, and update SOIs.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

Exhibit: See <http://contracostalafco.org/agencies/municipal-service-reviews/>

Attachment 1 – Letter from Kristen Altbaum

Attachment 2 – Letter from Roger Chelemedos

c: Distribution

Sphere of Influence Change for unincorporated territory between Grayson and Withers in Lafayette, 94549 and within Lafayette/Acalanes school districts

This petition by residents is an adjunct document in support of the following letter written by Kristen Altbaum supporting changing our Sphere of Influence (SOI) from Pleasant Hill to Lafayette during the current Municipal Services Review period. This petition will be forwarded to Pleasant Hill and Lafayette City Managers. Given that LAFCO, a taxpayer funded agency, is responsible for helping facilitate logical boundaries, we residents are asking for support of this SOI change for our neighborhood:

March 27, 2019

LouAnn Texeira
Contra Costa County LAFCO
651 Pine Street, 6th Floor
Martinez, CA 94553

Dear Lou Ann,

Thank you very much for meeting with us and answering our questions!

In anticipation of LAFCO releasing a city services review which culminates in an SOI update, we support a SOI change for our area as described:

Unincorporated territory on Reliez Valley Road, or feeders off Reliez Valley Rd., south of the intersection of Grayson Rd./Reliez Valley Road, and all consistent with a Lafayette 94549 address and within the Acalanes/Lafayette school districts (map attached).

Our unincorporated territory, as described above, is currently illogically placed in the Pleasant Hill SOI, and further, illogically *combined within* the same island, as unincorporated Pleasant Hill parcels to the north east of us. These north east parcels comprise a completely separate community from ours, separated by significant topographical “barriers”. Grayson Creek separates Reliez Valley parcels in unincorporated Lafayette from unincorporated Pleasant Hill parcels on Mohawk, which are accessed by Grayson Road. This creek is within a very steep ravine and is surrounded by ivy and berry bushes that make traversing through it, to access our Pleasant Hill island neighbors, through yards, impossible. Further, unincorporated Lafayette parcels off Gloria Terrace are separated from unincorporated Pleasant Hill parcels to the north by a steep hill and subsequent ravine. Any attempts at co-mingling with our Pleasant Hill neighbors would have to be done by car, or biking/walking on arterials in many areas without sidewalks, versus through open space areas, yards, paths or residential streets.

Besides significant topographical barriers and Lafayette 94549 versus Pleasant Hill 94523 addresses, unincorporated Lafayette is separated by our unincorporated Pleasant Hill island neighbors by:

- A. Community identity: Our island neighbors identify themselves as “residents of Pleasant Hill”, whereas we identify ourselves as “residents of Lafayette”.
- B. Neighborhood unity: We are unified with our Lafayette City neighbors through attending the same parishes, coaching Lafayette sports, volunteering for Lafayette schools and patronizing local Lafayette businesses and restaurants. Our island neighbors are unified with Pleasant Hill City residents by these same standards.
- C. Schools: Our children attend Lafayette and Acalanes districts schools. Our island neighbors’ children attend Mt. Diablo district schools.
- D. Access roads and commute patterns: We access our homes via Withers/Reliez Valley Roads and make multiple trips per week in and through Lafayette. Our island neighbors drive in and through Pleasant Hill and access their homes via Grayson Road.

Pleasant Hill Planning Department Staff has confirmed that our island is not mentioned in Pleasant Hill’s general plan and no record has been found as to why we were ever part of Pleasant Hill’s SOI to begin with. Our original island boundaries were likely established prior to significant residential buildout, prior to 1960, and have been outdated and illogical for many years. They no longer make sense from a “community identity” and “neighborhood unity” standpoint. We are bordered on our southern edge by the City of Lafayette. Our island neighbors are bordered on their eastern and northern edges by the City of Pleasant Hill. This makes neither side of our island a stand alone island, detached from the community we/they identify with.

We respectfully ask that you split our island during the city services review period so that all territory south of the intersection of Grayson Rd/Reliez Valley Road on, or feeders to Reliez Valley Road be changed to a Lafayette SOI; and all territory which accesses Grayson Rd. continues to reside in the Pleasant Hill SOI. This SOI change mirrors the much more recently imposed and logical school districts boundaries. A majority of all neighbors, if not all, will agree with this determination.

Thank you for your consideration.

Sincerely,
Kristen Altbaum (and neighbors within the Reliez Valley corridor)
(925) 285-8309

altbaum@icloud.com

.cc Niroop Srivatsa, June Catalano

sphere-of-influence-change-for-unincorporated

#	Name	Date	Comments
1	Kris Altman	2019-03-27 22:36:04	
2	Jack McCarthy	2019-03-27 22:46:13	Lafayette not pleasant hill
3	Rick Keely	2019-03-27 23:00:37	
4	Heidi Veeder Keely	2019-03-27 23:06:44	
5	Ron altbaum	2019-03-27 23:15:15	
6	Catherine McCarthy	2019-03-27 23:15:28	
7	Jocelyn Werner	2019-03-27 23:17:38	
8	Nanette Heffernan	2019-03-27 23:43:52	
9	Tom Heffernan	2019-03-27 23:44:21	
10	Nathan Mahlik	2019-03-27 23:51:50	
11	Roger Chelemedos	2019-03-28 00:10:52	
12	Yumi Chelemedos	2019-03-28 00:15:13	
13	Marina Kagan	2019-03-28 00:31:42	
14	Andrew Torson	2019-03-28 00:43:50	
15	D Lee Kirbach	2019-03-28 00:45:13	
16	Karen Yuen	2019-03-28 00:57:16	
17	Shira Abel	2019-03-28 01:23:26	
18	Marjorie Briner	2019-03-28 01:30:22	
19	Deborah ONeal	2019-03-28 01:31:39	
20	Thomas Barber	2019-03-28 01:50:26	I am a business owner in the area and respectfully request that our unincorporated area of Lafayette be pulled into the city limits. We Love Lafayette and that is the city we and our children most closely identify with, and I have have 4 children in the Lafayette school district.
21	sharon silveri	2019-03-28 02:02:00	
22	Sharyn Harrington	2019-03-28 02:34:07	If our zip code is 94549 it only makes sense that we fall under Lafayette
23	Pamela Chapman	2019-03-28 03:05:17	
24	Rahima Warren	2019-03-28 03:06:05	It makes sense to make this change.
25	Lane Altbaum	2019-03-28 03:27:52	
26	Debbie Warren	2019-03-28 03:46:11	
27	Fred Warren	2019-03-28 03:54:40	
28	Bruce Meyers	2019-03-28 03:57:33	
29	Maria Nelson	2019-03-28 03:59:21	
30	Linda Meyers	2019-03-28 04:00:04	
31	Don Smaglia	2019-03-28 04:13:49	

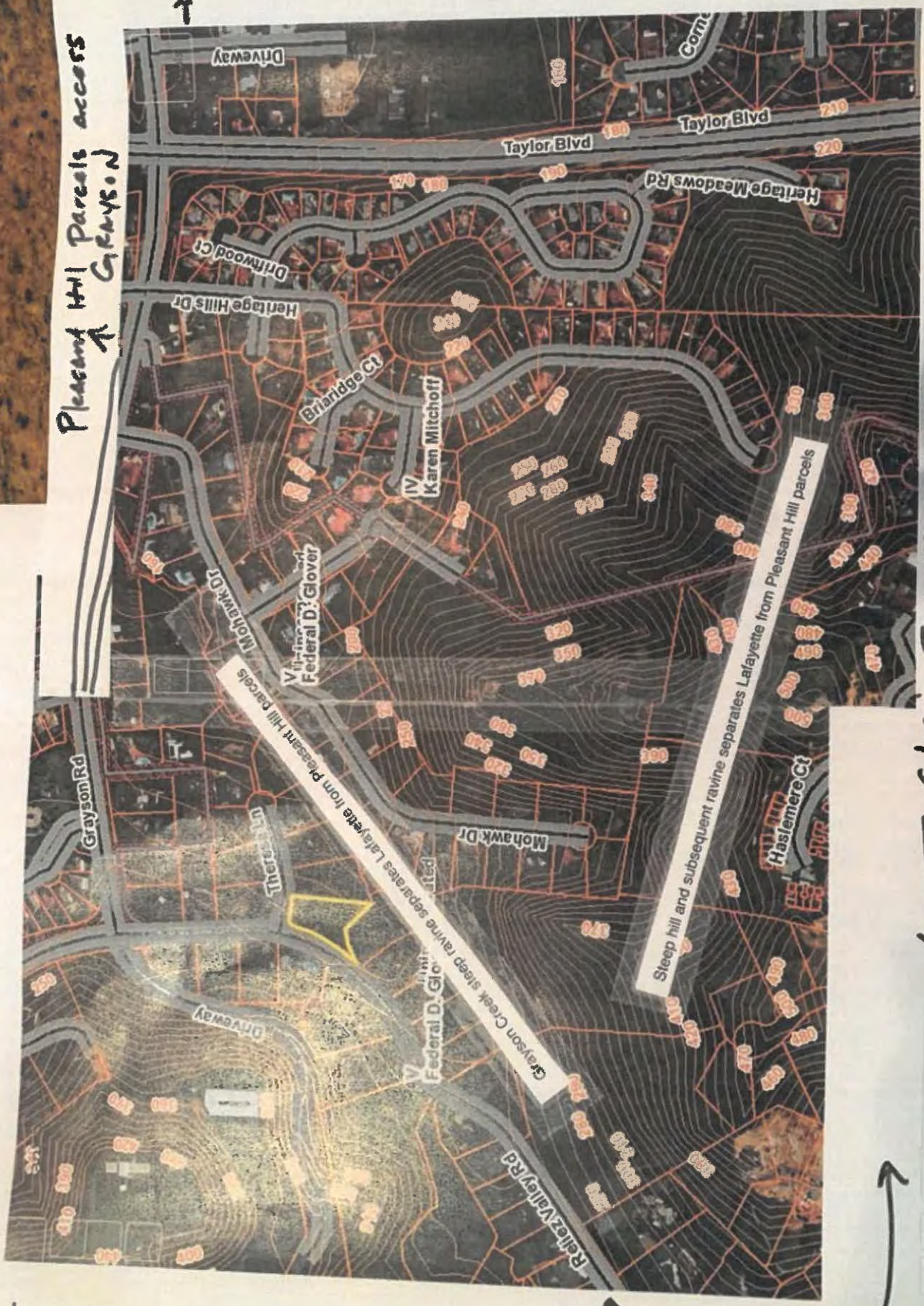
32	Beth Goldberg	2019-03-28 04:15:08	
33	Melissa Murphy	2019-03-28 04:34:03	
34	Matt Nelson	2019-03-28 04:56:42	
35	Darcy talbot	2019-03-28 06:43:40	
36	Patty Topkis	2019-03-28 07:39:49	
37	Hillary Gerlings	2019-03-28 13:53:05	
38	Theresa Chaparro	2019-03-28 14:56:18	
39	Albert Chaparro	2019-03-28 14:57:55	
40	Del Ponte family	2019-03-28 15:47:39	
41	Brian f topkis	2019-03-28 16:52:15	
42	Alicia Cervenka	2019-03-28 17:50:41	
43	Jean Schultz	2019-03-28 18:17:00	
44	Carol Kinney	2019-03-28 18:23:47	
45	Brad Altbaum	2019-03-28 19:01:50	
46	Chris Evans	2019-03-28 19:06:37	
47	Erin Park	2019-03-28 21:25:20	
48	Brianna Spraker	2019-03-28 23:12:05	
49	Todd Bielawski	2019-03-29 03:23:02	I support.
50	Kathleen Davis	2019-03-29 04:40:23	
51	Kent Davis	2019-03-29 04:43:18	
52	Kristy Hubbard	2019-04-01 03:44:19	
53	Steven Hubbard	2019-04-01 03:45:42	
54	David Rainero	2019-04-01 15:30:29	
55	Lara Mahlik	2019-04-01 16:34:53	
56	Rachel Dreyer	2019-04-03 16:43:12	
57	Kathy Hemmenway	2019-04-03 17:35:57	
58	Rachel Dreyer	2019-04-03 17:47:16	
59	Terrence Dreyer	2019-04-03 17:47:54	
60	Bernadette Fatehi	2019-04-03 23:34:38	
61	Renee Parnell	2019-04-03 23:39:37	
62	Brian Parnell	2019-04-03 23:50:05	
63	Lindy evans	2019-04-03 23:55:11	
64	Kelly wood	2019-04-04 00:01:48	
65	Sadi Adri	2019-04-04 12:06:04	
66	Kyle Parnell	2019-04-05 04:30:07	



Pleasant Hill



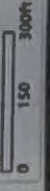
Pleasant Hill parcels access
Grayson



Steep hill and subsequent ravine separates Lafayette from Pleasant Hill parcels

← Gloia Terrace

Lafayette ↓



Lafayette parcels access Relief Valley Rd.



Ms. Texeira,

As per my earlier email, please find a letter signed by forty Lafayette City and County residents who are also in the Pleasant Hill Parks and Recreation District (the "district"). We are kindly requesting a review of the district boundaries, and ultimately the removal of all Lafayette citizens from the district.

Our letter calls out the fundamental inequity of today's circumstance, and revised districting as we suggest would align the school districts and recreation districts/locales for both Lafayette and Pleasant Hill. There is a separate letter you will receive asking to change Reliez Valley from the Pleasant Hill to Lafayette sphere-of-influence, which arguably goes hand-in-hand with our request, and we support whole-heartedly.

If you have any questions about our submission, please feel free to reach me at 925-330-5440.

Thank you and kind regards,

Roger Chelemedos

March 29, 2019

Contra Costa Local Agency Formation
Commission
651 Pine St, 6th Floor

Attn: Ms. Lou Ann Texeira

Dr. Commission Members and Staff

On behalf of the Lafayette residents of Reliez Valley, we kindly request a review of the district boundaries of the Pleasant Hill Parks and Recreation District a("the District or PPHRD") and ultimately the removal of all Lafayette residents (city and county) from the District.

As you know, the District was established in 1951, before incorporation of the cities of Pleasant Hill and Lafayette. Since then, much has changed. Very importantly, with the incorporation of Lafayette, and the change in school district for Reliez Valley residents from the Pleasant Hill to Lafayette schools (~30 years ago), the Lafayette Reliez Valley residents find themselves in a predicament...paying huge sums to the Pleasant Hill Parks and Recreation District for services and facilities they barely, if ever, use. This was significantly exacerbated by the passage of Measure E in 2009, which will cause many of Lafayette's residents to pay in excess of \$10,000 over the 30-year term of the Measure E bond, the proceeds of which were largely used to build Pleasant Hill's Senior Center, Pleasant Hill's Teen Center, the Pleasant Hill community center, significantly upgrade Pleasant Hill's Pleasant Oaks Park, and upgrade bathroom facilities at various parks primarily serving Pleasant Hill citizens. These facilities are lightly, if ever, used by Lafayette residents.

PHPRD is awesome, and we admire the District and its leaders, but we are served by the Lafayette Parks and Recreation Department and Lafayette Moraga Youth Association and have been for many years. It is simply unfair for our constituents to pay such large sums to PPHRD. We estimate that our Lafayette neighbors pay between \$50,000 and \$100,000 annually for the facilities that we do not use. And since we only represent a small fraction of the constituents of the district (~300 of 16,000 households, <2%), we are totally disenfranchised and kindly need help to separate from the District. It is our view, supported by activities and investments in the District, that the District's focus is squarely on central and eastern Pleasant Hill, as the use of the Measure E proceeds proves, and as further evidenced by the District's recent agreement to purchase a \$3 million , 5-acre parcel on Oak Park Boulevard, adjacent to Pleasant Hill Middle School, for future park development.

Separately, our residents are submitting to have the sphere of influence for our area reviewed and changed from Pleasant Hill to Lafayette. We support this effort

wholeheartedly, and also believe this is a change that should have been made many years ago, probably when the school district in this area was changed.

We understand that there is a financial downside to removing our constituents from the District. That said, there may be no better time than now to separate., and keeping us in the district just because provide money, but do not use the facilities, is fundamentally unfair. We note that the District has operated at a significant surplus for 5 years in a row, ending the most recent year with a \$400,000 surplus and an unheard of A+ credit rating from Standard Poor's.

We read the report by Burr Consulting from the last time a district review was undertaken. We noted that the consultant called out "In areas where PHRPD boundaries overlap city boundaries there would appear to be a duplication of services, as both PHRPD and the cities of Lafayette and Walnut Creek provide park and recreation services" and that different boundary options were considered, including the exclusion of Lafayette residents from the district. Based on the report, it appears that the primary reason for not separating Lafayette from the district is the adjacency of Brookwood Park to Lafayette. More than once, the report indicates that "residents in this area visit the park frequently due to the proximity". While the adjacency is undeniable, very few residents use the park. It is aging, with no investment made in over 15 years (with exception of the installation of 2 port-a-potties from Brookwood Park's portion of the Measure E funds), and, most importantly, it is poorly located. The park is at the corner of two very busy streets, Taylor Blvd and Withers Avenue. There are very few sidewalks in proximity to the park, so getting to the park is treacherous. From our observations over the past several years, the park is scantily utilized except for occasional dog walkers from the immediate (< 50 home) neighborhood. There are many options here, but none of them should fairly ask the citizens of Lafayette to pay \$50,000 -\$100,000 per year so a small number of dog walkers can use Brookwood Park. If separated, we would hope to work with the District to find a more equitable funding solution for ongoing maintenance at Brookwood Park.

Again, on behalf of the Lafayette city and county residents of Reliez Valley, we kindly and respectfully ask for separation from the Pleasant Hill Parks and Recreation District. We are simply not connected to the District in vision, strategy, recreational facilities and services and do not share the view that District should be concentrically focused on Pleasant Hill with us as a part of the District. While it might have made sense for our neighborhood to belong to the district in the past, that is simply not the case any longer, and has become, financially, heavily burdensome and fundamentally unfair.

Thank you for you consideration.

Respectfully, Lafayette City & County Residents and District Members,

Electronically signed by:

Shira Abel

Tom Barber

Roger Chelemedos

Yumi Chelemedos

Franca Del Ponte

Dave Dorian

Rachel Dreyer

Tom Dreyer

Brian Dunton

Shawna Dunton

Chris Evans

Lindy Evans

John Hemmenway

Kathy Hemmenway

Leonora Holmes

Neil Holmes

Hayes Hollar

Heidi Keely

Rick Keely

Rosemary Kirbach

Raj Krishna

Rupy Krishna

Lynda Lurie

Cathy McCarthy

Jack McCarthy

Maria Nelson

Matt Nelson

Dan O'Toole

Stephanie O'Toole

Erin Park

April Raffel

Robert Raffel

Ashley Stevens

Mike Stevens

Pete Stevens

Penny Stevens

Deborah Warren

Fred Warren

Jocelyn Werner

Peter Werner



Lou Ann Teixeira
Executive Officer

MEMBERS

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

ALTERNATE MEMBERS

Diane Burgis
County Member

Stanley Caldwell
Special District Member

Charles R. Lewis, IV
Public Member

Sean Wright
City Member

April 17, 2019 (Agenda)

April 17, 2019
 Agenda Item 9

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

LAFCO Staffing Plan and Personnel System Updates

Dear Members of the Commission:

BACKGROUND

LAFCO is an independent entity created by the State Legislature. Pursuant to the Government Code (§56000 et seq.), LAFCO hires (or contracts) for its own staff and provides employee benefits, including health, dental, retirement and other benefits for its employees. Contra Costa LAFCO purchases most of its employee benefits from Contra Costa County and its retirement benefits from the Contra Costa County Employees’ Retirement Association (CCCERA).

In 2007, LAFCO adopted its own personnel system including an employee benefit plan, job descriptions, and employee salary ranges. Since then, the employee benefit plan has been updated several times in accordance with County benefit changes, most of which were administrative.

Contra Costa LAFCO currently employs two full time employees – an Executive Assistant/LAFCO Clerk (“Clerk”) and an Executive Officer (“EO”). The current staffing level is derived from a staffing assessment conducted in 2004, prior to your current EO being hired. The 2004 staffing assessment provided that based on workload, a minimum of three positions is needed to support the operations of the Contra Costa LAFCO. At a minimum, a full-time EO and a full-time Clerk are needed. In addition, a third position – analyst, planner or other professional – is also needed, but could be filled using independent consulting services.

Based on the 2004 staffing assessment, the Commission has since included in its annual budget funding for two full-time LAFCO positions. In addition, LAFCO contracts with a number of County departments and independent consultants for various services including legal, planning, GIS/mapping, financial auditing, Municipal Service Reviews (MSRs) and special studies.

Due to a number of new statutory responsibilities and other increases in workload as discussed below, the Commission decided it is timely to grow Contra Costa LAFCO.

DISCUSSION

Staffing Plan - For the past several years LAFCO has included funding in its budget and annual work plan for relocation of the LAFCO office and adding an Analyst position. Due to current office space constraints at 651 Pine Street, and a delay in moving the LAFCO office to 40 Muir Road, LAFCO has been unable to add staff. The tenant improvements at 40 Muir Road are now underway and we have been provided a move in date of June 2019. Consequently, it is timely to move forward with a LAFCO staffing plan.

The Commission determined it is timely and beneficial to grow Contra Costa LAFCO for a number of reasons, including the following:

- compliance with new statutory duties and requirements (i.e., JPAs, website expansion, dissolution of inactive districts, disadvantaged communities tracking, etc.)
- keep pace with increased application activity
- maintain the second round MSR/sphere of influence (SOI) update schedule
- resume policy/procedure work
- continue involvement with CALAFCO and other state activities
- enhance outreach and education efforts
- embark on new projects/activities

The current LAFCO Clerk (Kate Sibley) will retire in the summer of 2019, and LAFCO will soon need to recruit and fill the Clerk position. Kate currently serves as clerk to the Commission, office manager, records manager, finance and contract administrator, and provides administrative and research support to the EO (see attached job description adopted in 2007).

LAFCO staff has assessed the LAFCO staffing needs, and believes that the LAFCO staffing plan should include a total of 2.5 full-time positions, as follows:

- one (1) full-time EO
- one half-time (0.5) Clerk
- one (1) full-time Analyst

As proposed, the LAFCO Clerk position will focus primarily on *servicing as clerk to the Commission* [i.e., clerking LAFCO meetings, compiling/distributing agenda packets, preparing resulting documents (e.g., minutes, resolutions, etc.); and *managing LAFCO records, finances and contracts*. Given these primary duties of the LAFCO Clerk position, LAFCO staff explored with several County departments the possibility of sharing a Clerk; however, this was not feasible.

Some of the other Clerk duties/responsibilities will be performed by the Analyst, such as reviewing/processing incoming LAFCO applications; creating/managing LAFCO databases; coordinating with consultants and contractors (e.g., auditor, GIS, webmaster, etc.); conducting research; assisting with LAFCO agenda packets; and performing other duties as assigned.

In conjunction with the proposed staffing plan, it is recommended that the Commission adopt Resolution 2019-01 (Attachment 1) creating the analyst position and approving the job description for the position. The Analyst job description is similar to other LAFCO Analyst position descriptions.

Following the Commission's approval of the staffing plan and related documents, LAFCO staff will initiate recruitment for the Analyst and Clerk positions. Job announcements will be posted on the CALAFCO, CSDA and Contra Costa County websites, as well as on various online employment websites.

Salary Plan - In conjunction with the proposed updates to the LAFCO staffing plan, it is recommended that the Commission adopt Resolution 2019-02 (Attachment 2) establishing the salary range for the Analyst position and updating the salary ranges for the EO and LAFCO Clerk positions. The recommended salary range for the Analyst position is based on the average of comparable positions of the Bay Area/Urban LAFCOs. Also, the Commission recently directed staff to update the salary ranges for the EO and Clerk positions, as these have not been updated since 2007. The recommended salary ranges for EO and Clerk positions, as shown on Attachment 2, are also based on the current employment market for comparable Bay Area/Urban LAFCOs.

The proposed adjustments to the salary ranges will not automatically result in adjustments to employee salaries. LAFCO employee salary adjustments are based solely on performance. The Commission conducts an annual performance review for the EO and approves salary adjustments based on performance. The EO conducts the performance review for the Clerk position and will conduct the performance review for the Analyst position. The EO authorizes salary adjustments based solely on performance. LAFCO employees do not receive annual cost-of-living adjustments.

The employee benefits and salary ranges are provided at the discretion of the Commission, and may be modified as deemed appropriate. The benefit package and salary ranges should be reviewed periodically to keep pace with market conditions.

FINANCING

Costs associated with the creation of the Analyst position and change in the Clerk's position from full time to half time can be absorbed in the current budget, and are reflected in the proposed FY 2019-20 budget.

RECOMMENDATIONS

It is recommended that the Commission approve LAFCO Resolution 2019-01 approving creation of and the job description for the LAFCO Analyst position, and LAFCO Resolution 2019-02 adopting an updated LAFCO Salary Plan, adding the Analyst position salary range and updating the salary ranges for the Executive Officer and LAFCO Executive Assistant/Clerk positions.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

Attachments

1. Draft Resolution 2019-01 and Job Description for LAFCO Analyst Position
2. Draft Resolution 2019-02 and Updated LAFCO Salary Plan

RESOLUTION NO. 2019-01

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
CREATING POSITION AND ADOPTING JOB DESCRIPTION FOR
LAFCO ANALYST I / II**

WHEREAS, the Contra Costa Local Agency Formation Commission (LAFCO) is an independent regulatory agency created by the State Legislature; and

WHEREAS, pursuant to Government Code §56384, LAFCO shall appoint an Executive Officer and may appoint other staff as needed; and

WHEREAS, LAFCO currently employs an Executive Officer to carry out the functions of the Commission, and an Executive Assistant/LAFCO Clerk to provide administrative support; and

WHEREAS, in accordance with the Commission’s adopted work plan, LAFCO is adding an Analyst position to provide analytical, project management and staff support.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED:

- 1) That the Contra Costa LAFCO does hereby create the position of LAFCO Analyst I/II which may be filled at either the Analyst I or Analyst level; and
- 2) That the Contra Costa LAFCO does hereby adopt the job description for the LAFCO Analyst I/II position, attached hereto as Exhibit A.

PASSED AND ADOPTED THIS 17TH day of April 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: April 17, 2019

Lou Ann Texeira, Executive Officer

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION (LAFCO) ANALYST I / ANALYST II

DEFINITION:

Under direction of the LAFCO Executive Officer, the LAFCO Analyst provides analytical, technical and administrative staff support services for Contra Costa LAFCO. The position involves data collection and analysis, report preparation, public contact, and other related duties as required. The position is appointed by the LAFCO Executive Officer, is “at will,” and exempt from FLSA overtime.

CHARACTERISTICS:

The LAFCO Analyst works as a member of the LAFCO team of three employees and provides review and analysis of LAFCO applications; serves as project manager to implement the LAFCO work program; assists with complex studies; and provides administrative assistance to the Executive Officer. The Analyst is expected to exercise considerable initiative and judgement in performing the duties of the position.

The position is further distinguished by regular contact with government officials and staff, members of the Commission, all levels of local, regional and state government, representatives of business and community organizations, and the public.

The LAFCO Analyst should display a professional and positive attitude; be a self-starter who is resourceful and a problem-solver; knowledgeable about local government and LAFCO law; and experienced working with elected boards, councils and/or commissions. Familiarity with Contra Costa County and its jurisdictions is desirable.

MINIMUM QUALIFICATIONS:

The desired knowledge, skills and abilities would typically be acquired through possession of a Bachelor’s degree in Public Administration, Public Policy, Political Science, City/Regional/Urban Planning, or a closely related field; and a minimum of two years of professional experience (Level I), or a minimum of four years of professional experience (Level II) in public administration, public policy, land use planning or a closely related field that demonstrates the ability to perform the typical tasks and acquire the knowledge, skills and abilities described below. Based on the level of experience and education, the Analyst position will be filled at either Level I or Level II.

TYPICAL TASKS:

- Conduct research and collect data that is complex and specialized in nature; perform basic (Level I) to intermediate (Level II) qualitative and quantitative analysis
- Prepare staff reports for the Commission and related documents (e.g., spreadsheets, tables, charts, graphs, etc.)
- Assist with special studies and reports
- Serve as project manager for assigned studies, programs and projects
- Provide technical assistance to the Executive Officer involving land use planning, environmental review, financial and data management, legislation and other technical matters under LAFCO’s purview
- Review, analyze and process LAFCO applications

- Assist with administrative functions and general office duties (e.g., budget, fee schedules/forms, contracts, surveys, policies/procedures, application processing, agenda preparation and notification, etc.)
- Respond to inquiries and provide information and technical assistance to the public, local agencies and others
- Organize work, set priorities and meet critical deadlines
- Interact with local, regional and State government agencies, representatives of business and community organizations, and the general public
- Make presentations relating to LAFCO projects, programs and proposals

KNOWLEDGE, SKILLS AND ABILITIES:

Knowledge:

- LAFCO law, purposes, role and functions
- Role and functions of local agencies, and specifically counties, cities and special districts
- Public administration, urban and regional planning principles and practices, and environmental assessment and protection
- Modern office procedures, practices, systems, and computer applications including Microsoft Office and GIS; and map reading
- Analysis and statistical methods; public finance; budgeting; public infrastructure; and interagency relationships
- Communication techniques required for gathering, evaluating and transmitting information

Skills/Abilities:

- Provide critical thinking and objective reporting
- Prepare clear and concise reports, correspondence, and other written material
- Organize and manage projects and programs effectively and efficiently
- Establish and maintain effective working relationships with other LAFCO staff, LAFCO Commissioners, other governmental agencies, applicants and the public
- Exercise sound independent judgment in performing assignments
- Demonstrate honesty and integrity in all interactions
- Represent LAFCO and/or act as LAFCO spokesperson as directed
- Maintain accurate records and files
- Work independently

WORKING CONDITIONS: Most of the duties of the Analyst position are performed in an office environment, which include sitting/standing at a desk; using a computer, telephone and other office equipment; lifting and moving objects typically under 25 pounds; and traveling with or without others to project sites and outside meetings and conferences.

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
UPDATING THE SALARY PLAN FOR LAFCO EMPLOYEES**

WHEREAS, the Contra Costa Local Agency Formation Commission (LAFCO) is an independent regulatory agency created by the State Legislature; and

WHEREAS, pursuant to Government Code §56384, LAFCO shall appoint an Executive Officer and may appoint other staff as needed; and

WHEREAS, LAFCO currently employs an Executive Officer to carry out the functions of the Commission, and an Executive Assistant/ LAFCO Clerk to provide administrative support; and

WHEREAS, at the April 17, 2019 LAFCO meeting, the Commission approved adding an Analyst position to provide analytical, project management and staff support; and

WHEREAS, in 2007, the Commission adopted a salary plan which included salary ranges for the LAFCO employee positions; and

WHEREAS, the salary ranges were last adjusted in 2007; and

WHEREAS, it is timely to add the new Analyst I/II position to the salary schedule and update the salary ranges for the Executive Officer and Executive Assistant/ LAFCO Clerk positions; and

WHEREAS, the salary ranges should be reviewed and adjusted periodically to keep pace with market conditions.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED that:

1. The Contra Costa LAFCO hereby updates the LAFCO salary schedule to add a salary range for the Analyst I/II position and update the salary ranges for the Executive Officer and Executive Assistant/ LAFCO Clerk positions as shown in Exhibit A. These salary ranges reflect a recent survey of comparable Bay Area and urban LAFCOs and current market conditions.
2. Contra Costa LAFCO employees receive no Cost of Living Adjustments (COLAs) and may receive an annual salary increase based on performance.

PASSED AND ADOPTED THIS 17TH day of April 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: April 17, 2019

Lou Ann Texeira, Executive Officer

EXHIBIT A

**2019 CONTRA COSTA LAFCO
EMPLOYEE SALARY RANGES**

<u>JOB TITLE</u>	<u>BEGINNING MONTHLY</u>	<u>MAXIMUM MONTHLY</u>
CLERK/EXECUTIVE ASSISTANT	\$4,702	\$5,865
ANALYST I/II	I - \$ 5,877	I - \$ 7,795
	II - \$ 6,202	II - \$ 8,219
EXECUTIVE OFFICER	\$10,133	\$14,082



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> |

April 17, 2019 (Agenda)

April 17, 2019
 Agenda Item 10

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

Proposed FY 2019-20 LAFCO Budget

Dear Members of the Commission:

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH Act) establishes a specific process for preparing and adopting LAFCO’s budget. Government Code §56381 provides that the Commission shall annually adopt a proposed budget by May 1 and final budget by June 15, following noticed public hearings. This report presents the proposed budget and work plan for FY 2019-20.

BUDGET SUMMARY: The proposed FY 2019-20 budget (attached) includes appropriations totaling \$1,083,703 and reflects an overall increase of 8% as compared to the FY 2018-19 budget. The increase is primarily attributable to relocation of the LAFCO office (May or June 2019), the addition of an Analyst position, and purchase of new office furniture and a new server. Also included in the total appropriations for FY 2019-20 are annual pre-funding contributions of \$40,000 to fund LAFCO’s Other Post-Employment Benefits (OPEB) liability and \$30,000 to fund LAFCO’s retirement liability (Contra Costa County Employees’ Retirement Association – CCCERA), along with an \$80,000 contingency reserve fund, all of which are comparable to current year funding. Details regarding expenditures and revenues are presented below.

EXPENDITURES: The expenditure portion of the budget is divided into three main objects: *Salaries & Benefits*, *Services & Supplies*, and *Contingency/Liability*. A summary of expenditures and notable variances is provided below.

Salaries & Benefits

In FY 2018-19, Contra Costa LAFCO maintained a staffing level of two full-time employees. As previously discussed with the Commission and detailed in the LAFCO Staffing Plan (agenda item #9) LAFCO will add an Analyst position and reduce the LAFCO Executive Assistant/LAFCO Clerk position to half-time following relocation of the LAFCO office to 40 Muir Road in Martinez, which is scheduled for May or June 2019. In accordance with the relocation schedule, we anticipate hiring new staff as soon as practicable.

As proposed, the FY 2019-20 budget includes full year funding for the full-time Executive Officer and Analyst positions, along with funding for a half-time Executive Assistant/LAFCO Clerk as discussed in the LAFCO Staffing Plan (agenda item #9), subject to approval by the Commission.

The FY 2019-20 *Salaries & Benefits* total \$530,435, reflecting an increase of 14% over the approved FY 2018-19 budget. The increase is primarily attributable to funding of salary/benefits for an Analyst position, subject to approval by the Commission.

Regarding FY 2018-19 budget compared to year-end estimates, we note that the year-end estimate for *Salaries & Benefits* is approximately 9% lower than the budgeted amount. The FY 2018-19 budget included partial year funding for the new Analyst position. Given the office relocation was delayed, we were unable to fill the Analyst position in FY 2018-19.

In addition to the LAFCO employees, staff support is supplemented by private and public service providers on an as-needed basis. The County provides fiscal, drafting, mapping and legal services. Also, LAFCO contracts with private firms for website maintenance, financial auditing, environmental planning, and to assist with Municipal Service Reviews (MSRs) and special studies. The FY 2019-20 budget assumes the continuation of these contract services as reflected in the *Services & Supplies* accounts.

Services & Supplies

The *Services & Supplies* account includes funding for various services, programs and projects including administrative (e.g., office, insurance, rent, utilities, equipment/systems, training, memberships, etc.), contract services (assessor, auditing, GIS, legal, planning, website, etc.), and programs/projects (e.g., MSRs, special studies, etc.).

The proposed FY 2019-20 budget includes \$381,568 for *Services & Supplies* and reflects a decrease of 3% as compared to the FY 2018-19 budget. Some of the costs associated with the relocation will be absorbed in the FY 2018-19 budget, including the purchase of office furniture, and moving expenses.

The proposed FY 2019-20 budget also includes funding associated with relocating the LAFCO office as reflected in the following accounts: *Office Expense, Tele Exchange Services, Minor Data Processing Services, Computer Equipment, Computer Software, Bldg Occupancy Costs, Bldg Lifecycle Costs, Bldg Maintenance, Courier, and Telecom/Rents/Leases/Labor*.

In addition to *Services & Supplies* we have added a new account for *Fixed Assets*. This account includes funding for office furniture and a new server.

Regarding FY 2018-19 budget compared to year-end estimates, we note savings in several accounts (i.e., *Postage, Minor Computer Equipment, and Building Occupancy*) most of which are associated with the delay in relocating the LAFCO office.

Contingency Reserve Fund

Each year, the Commission appropriates \$80,000 for unanticipated expenses (i.e., special studies, potential litigation, etc.). The contingency funds do not accrue, and are re-appropriated each year. Use of the contingency funds is subject to Commission approval. No contingency funds have been used this fiscal year. The FY 2019-20 budget, as proposed, includes an \$80,000 contingency reserve fund, which is consistent with prior years.

Other Post-Employment Benefits (OPEB)

Since FY 2011-12, LAFCO has included in its budget an annual expense to pre-fund its OPEB liability. The FY 2011-12 through FY 2014-15 budgets included an appropriation of \$10,000 per year to fund this liability.

Following LAFCO's first actuarial valuation in 2014, the Commission increased its annual appropriation to \$40,000. The FY 2019-20 includes a \$40,000 contribution to fund the OPEB liability.

Earlier this year, LAFCO completed its third actuarial valuation. The 2019 report shows an Employer-Paid Accrued Liability of \$513,413, an unfunded accrued liability of \$380,867, and an actuarially determined contribution of \$43,396. The OPEB funds are currently held in the PARS Public Agencies Post-Retirement Healthcare Plan Trust; LAFCO is a sub-account under the County's OPEB trust. To date, LAFCO has accrued \$224,217 (including interest earned), which is held in the PARS trust account.

Pre-funding Retirement Liability (CCCERA)

The FY 2019-20 budget includes a \$30,000 contribution to fund LAFCO's unfunded retirement liability. The Commission added this expense in FY 2017-18 to begin prepaying a portion of its unfunded retirement liability in order to have a better contribution rate. LAFCO's proportionate share of net pension liability measured 12-31-17 and reported as of 6-30-18 is \$181,268.

LAFCO entered into an agreement with CCCERA and CCCERA's actuary determines the liability and impact of pay down. The payments made to CCCERA are added to fiduciary plan assets and earn investment income like all other assets. CCCERA does not require a separate trust like an OPEB irrevocable trust because CCCERA, by definition, is a fiduciary trust fund. CCCERA's actuary tracks payments made against the LAFCO liability, which will reduce the liability and annual contributions from employer and employees because the liability is decreasing. Every three years, an experience is performed to confirm if the valuation and assumptions used to determine the liability are on track and accurate.

REVENUES

Revenues consist primarily of application charges, available year-end fund balance, miscellaneous revenues (e.g., interest earnings), and County, city and independent special district contributions, with each group paying one-third of the net operating LAFCO budget. The city and district shares are prorated based on general revenues reported to the State Controller.

Application Charges and Other Revenues

The FY 2018-19 budget included an anticipated \$25,000 in proposal processing fees based on a multi-year historical average. It is projected that LAFCO will receive approximately \$40,259 in application fees in the current fiscal year, significantly more than budgeted. Application activity is steady. The proposed FY 2019-20 budget includes \$25,000 in anticipated application fees.

Fund Balance

Government Code §56381(c) provides: "If at the end of the fiscal year, the Commission has funds in excess of what it needs, the Commission may retain those funds and calculate them into the following fiscal year's budget."

The FY 2018-19 fund balance is currently unknown and will be calculated at year end (typically by October). However, based on the beginning year fund balance, and projected FY 2018-19 revenues and expenses, it is estimated that the available fund balance will be over \$175,000.

The LAFCO fund balance, or any portion thereof, can be used to offset the FY 2019-20 revenues, thereby reducing contributions from the funding agencies (County, cities, districts); or placed in a reserve account, separate from the contingency reserve that is appropriated each year.

The proposed FY 2019-20 budget provides that, to the extent possible, the available fund balance be used to offset FY 2019-20 revenues.

Revenues Received from the County, Cities and Independent Special Districts

After processing fees, available fund balance and other miscellaneous revenues, the balance of LAFCO's financial support comes from local governmental agencies. Agency contributions represent the most significant LAFCO revenue source.

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("CKH") requires that the net operational costs of LAFCO be apportioned one-third to the County, one-third to the cities, and one-third to the independent special districts. The CKH describes how the County Auditor is to make the apportionment and collect the revenues once LAFCO adopts a Final Budget (Gov. Code §56381). The city and district allocations are based on revenues reported to the State Controller and vary year to year.

As indicated above, the overall budget is expected to increase by approximately 8%. The proposed use of the available fund balance will offset agency contributions for FY 2019-20. The amount of revenue from other government agencies required to fund the FY 2018-19 budget was \$796,415. As proposed, the total amount of revenue from other government agencies needed to fund the FY 2019-20 budget is \$883,703, reflecting a 10% increase.

BUDGET ENHANCEMENTS

During the past three budget cycle deliberations, the Commission discussed the future of Contra Costa LAFCO, including relocation staffing. Accordingly, the Commission directed staff to include costs associated with relocation of LAFCO office and staff augmentation.

Office Space - LAFCO currently leases 580+ sq. ft. of office space (plus common area) at 651 Pine Street, 6th Floor in Martinez. The office space is restricted with limited opportunity to expand. Further, the County is currently constructing a new administration building, and the 651 Pine Street building will be demolished.

Since 2016, Contra Costa LAFCO has planned to relocate and lease office space at 40 Muir Road in Martinez. This location offers advantages, including additional office space to accommodate added LAFCO staff, and close proximity to the County GIS division with whom we have regular interaction. The move was delayed due to the remodel of the building.

We are happy to report that tenant improvements at 40 Muir Road are nearly complete and we anticipate moving in May or June 2019. Costs associated with the move, rent, and related expenses are reflected in the *Services & Supplies* accounts.

LAFCO Staffing - Contra Costa LAFCO currently employs two full-time staff – an Executive Officer and an Executive Assistant/LAFCO Clerk.

For the past three years, the Commission discussed the potential to augment LAFCO staff. The Commission agreed that in order to meet increased activity and demands, expand work on local policies and procedures, embark on inventive projects and programs, enhance public outreach and education, maintain our current level of involvement at a statewide level with CALAFCO and other stakeholders, and have staff back-up, it is desirable to enhance LAFCO staff.

On April 17, 2019, the Commission received a LAFCO Staffing Plan and other personnel system updates, including a proposed job description and salary range for an Analyst position.

LAFCO RESPONSIBILITIES, ACCOMPLISHMENTS & GOALS

In accordance with the FY 2019-20 budget schedule and work plan presented to the Commission in February, the hearing for the Proposed Budget is scheduled for April 17th, and the hearing for the Final Budget is scheduled for June 12th. The time between these Commission actions is to allow for review and comment by those agencies that fund LAFCO and by other interested parties, as well as to update budget information.

In accordance with the work plan and proposed budget, staff provides a summary of LAFCO responsibilities, accomplishments as follows.

Major LAFCO Responsibilities

LAFCO receives its authority and statutory obligations from the CKH Act. Included among LAFCO's major responsibilities are:

- Act on proposals for changes of organization and reorganizations (i.e., annexations/ detachments, out of agency service extensions, consolidations/mergers, district formations/dissolutions, etc.)
- Establish, review and update spheres of influence (SOIs) for cities and special districts
- Conduct MSRs prior to or in conjunction with establishing or updating SOIs
- Perform special studies relating to services and make recommendations about consolidations, mergers or other governmental changes to improve/enhance services and efficiencies
- Serve as the Lead or Responsible Agency for compliance with the California Environmental Quality Act (CEQA)
- Serve as the conducting authority to conduct protest hearings relating to changes of organization/ reorganizations
- Provide public information about LAFCO and public noticing of pending LAFCO actions
- Establish and maintain a website
- Adopt and update written policies and procedures
- Adopt an annual budget

Highlights of FY 2018-19

The following is a list of LAFCO's major accomplishments to date in FY 2018-19:

Boundary Change and Related Applications

- a. Completed proceedings for 12 changes of organization/reorganizations including four district dissolutions
- b. Received 8 new applications including one annexations, one SOI amendment, two reorganizations, one dissolution and three out of agency service requests
- c. Processed one request for reconsideration
- d. Conducted three protest hearings

MSRs/SOI Updates

- a. Initiated 2nd round “City Services” MSR covering all 19 cities and four community services districts – Public Review Draft released in March 2019; final report to be presented to the Commission in June 2019

Special Projects/Activities

- a. The Commission initiated and completed dissolution of County Service Area M-9
- b. Pending Litigation (Los Medanos Community Health Care District vs. Contra Costa LAFCO)
- c. Relocation of the LAFCO office to 40 Muir Road
- d. Initiate recruitments for Analyst and Executive Assistant/LAFCO Clerk positions

Administrative and Other Activities

- a. Appointed 2019 LAFCO Chair and Vice Chair
- b. Bade farewell to Commissioner Tatzin (City member) and welcomed Commissioner Wright (City member)
- c. Worked with the Contra Costa Mayors Conference on appointment of two city members
- d. Appointed Commissioner Lewis to the ad hoc policies & procedures committee
- e. Completed FY 2016-17 financial audit
- f. Currently working with CCCERA on employer audit
- g. Completed third actuarial valuation (OPEB)
- h. Will complete update to LAFCO Directory of Local Agencies (June 2019)
- i. Ongoing website updates
- j. Received quarterly budget reports
- k. Completed annual employee performance reviews
- l. Provided comments on various local agency environmental documents
- m. Responded to two Grand Jury reports
- n. Approved updates to LAFCO Policies & Procedures relating to *Rules and Procedures, CALAFCO, Roster of Cities and Special Districts, Document Retention and Destruction City Annexations and Detachments, and District Annexations and Detachments* and received an update on the LAFCO *Agricultural & Open Space Preservation Policy*
- o. Submitted position letters on various bills affecting LAFCOs
- p. Participated in and supported CALAFCO

FY 2019-20 Work Plan

The recommended work plan for FY 2019-20 includes the following activities:

- ❖ Complete relocation of the LAFCO office
- ❖ Hire a full-time Analyst
- ❖ Hire a half-time Executive Assistant/LAFCO Clerk
- ❖ Initiate 2nd round MSRs/SOI updates covering either CSAs, parks & recreation services, or other service as determined by the Commission
- ❖ Resume work on updating/enhancing Commissioner Handbook including developing policies to address SOIs, disadvantaged communities, procedures for processing multi-county boundary changes, environmental guidelines, etc.
- ❖ Complete FY 2017-18 financial audit

- ❖ Complete CCCERA audit
- ❖ Conduct election for one LAFCO Special District seat and work with Commission on appointment of public member seats
- ❖ Continue to participate in and support CALAFCO

In addition to the above, LAFCO staff will continue ongoing activities including processing applications; supporting Commission/Committee meetings; administering the budget; managing records, purchasing, and contracts; and performing other administrative activities. Staff will facilitate inter-agency communications; conduct education and outreach as time allows; participate in regional forums as appropriate; participate in CALAFCO training and activities (i.e., Legislative Committee, Staff Workshop, Annual Conference, CALAFCO U). The Contra Costa LAFCO Executive Officer currently serves as Vice Chair of the CALAFCO Legislative Committee and is currently presiding over two CALAFCO legislative subcommittees; and the LAFCO Executive Assistant served as a key member of the 2019 CALAFCO staff workshop program committee. In addition, LAFCO staff will continue to monitor and participate in ongoing litigation (LMCHD).

In conclusion, the Commission and LAFCO staff continue to exercise fiscal prudence, recognizing the financial constraints faced by our funding agencies. Approval of the proposed budget will enable the Commission to perform its core responsibilities effectively, and continue its work on MSRs/SOI updates, special studies, policy development and other projects.

RECOMMENDATIONS

1. Receive the staff report and open the public hearing to accept testimony on the Proposed FY 2019-20 LAFCO Budget,
2. After receiving public comments close the hearing,
3. After Commission discussion, adopt the Proposed Budget for FY 2019-20, with any desired changes, and authorize staff to distribute the Proposed Budget to the County, cities and independent special districts as required by Government Code Section 56381, and
4. Schedule a public hearing for June 12, 2019 to adopt the Final FY 2019-19 LAFCO Budget.

Respectfully submitted,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

Attachment – Proposed FY 2019-20 LAFCO Budget

c: Distribution

PROPOSED FY 2019-20 LAFCO BUDGET

FY 2018-19

Attachment

	FY 2018-19	FY 2018-19	FY 2019-20	
	Approved	Year-end (Estimated)	Proposed	% Change
Salaries and Employee Benefits				
Permanent Salaries- 1011	\$ 244,970	\$ 225,621	\$ 286,575	
Deferred Comp Cty Contribution - 1015	\$ 1,700	\$ 2,040	\$ 1,105	
FICA- 1042	\$ 18,740	\$ 16,035	\$ 21,923	
Retirement expense- 1044	\$ 109,514	\$ 97,068	\$ 117,971	
Employee Group Insurance- 1060	\$ 59,575	\$ 53,653	\$ 73,039	
Retiree Health Insurance- 1061	\$ 19,100	\$ 18,609	\$ 28,406	
Unemployment Insurance- 1063	\$ 122	\$ 86	\$ 143	
Workers Comp Insurance- 1070	\$ 1,065	\$ 1,161	\$ 1,273	
Total Salaries and Benefits	\$ 454,786	\$ 414,273	\$ 530,435	14%
Services and Supplies				
Office Expense- 2100	\$ 6,000	\$ 5,992	\$ 3,500	
Publications -2102	\$ 30	\$ 21	\$ 25	
Postage -2103	\$ 1,800	\$ 1,011	\$ 1,800	
Communications - 2110	\$ 2,524	\$ 1,278	\$ 1,334	
Tele Exchange Services 2111	\$ 1,599	\$ 1,584	\$ 3,120	
Minor Comp Equipment - 2132	\$ 1,000	\$ -	\$ 1,800	
Pubs & Legal Notices 2190	\$ 4,000	\$ 3,371	\$ 3,500	
Memberships - 2200	\$ 10,503	\$ 10,303	\$ 12,036	
Rents & Leases - 2250 (copier)	\$ 5,500	\$ 5,014	\$ 5,500	
Computer Software - 2251	\$ 500	\$ 500	\$ 612	
Bldg Occupancy Costs - 2262	\$ 18,622	\$ 7,808	\$ 24,569	
Bldg Life Cycle Costs - 2265	\$ 1,455	\$ 1,266	\$ 1,463	
Bldg Maintennace - 2284	\$ 150	\$ 150	\$ 500	
Auto Mileage Emp. - 2301	\$ 500	\$ 336	\$ 500	
Other Travel Employees - 2303	\$ 12,000	\$ 12,236	\$ 17,370	
Prof & Spec Services - 2310	\$ 271,075	\$ 203,593	\$ 241,653	
Assessor	\$ 12,011	\$ 4,802	\$ 8,500	
Financial Audit	\$ 8,650	\$ 8,650	\$ 8,700	
GIS/Mapping	\$ 26,000	\$ 11,853	\$ 18,000	
Legal	\$ 75,000	\$ 73,100	\$ 60,000	
MSRs	\$ 135,000	\$ 90,000	\$ 130,000	
Planning	\$ 11,000	\$ 8,480	\$ 11,000	
Special Projects (document imaging)	\$ 3,414	\$ 3,413	\$ 5,213	
LAFCO Sponsored Training	-		\$ -	
Misc Investment Services/CCCERA Fees		\$ 220	\$ 240	
Special Studies	\$ -	\$ 1,875	\$ -	
Moving Service		\$ 1,200		
Contracted Temp Help - 2314 (Web)	\$ 2,880	\$ 3,360	\$ 3,060	
Data Processing Services - 2315	\$ 7,500	\$ 10,044	\$ 19,582	
Data Processing Security - 2326	\$ 231	\$ 196	\$ 210	
Courier - 2331	\$ 392	\$ 384	\$ 1,678	
Telcomm Rents, Leases, Labor		\$ 230	\$ 710	
Other Inter-Dept Costs - 2340	\$ 232	\$ 512	\$ 564	
Liability/E&O Insurance - 2360	\$ 5,436	\$ 5,029	\$ 5,682	
Commission Training/Registration/Stipends - 2467	\$ 37,000	\$ 27,109	\$ 30,000	
Application Refund - 2479		\$ -	\$ -	
NOD/NOE Filings - 2490	\$ 700	\$ 850	\$ 800	
Total Services & Supplies	\$ 391,629	\$ 302,177	\$ 381,568	-3%
Fixed Assets				
Office Equipment & Furniture - 4951		\$ 16,856	\$ 21,700	
Total Fixed Assets		\$ 16,856	\$ 21,700	
Total Expenditures	\$ 846,415	\$ 733,306	\$ 933,703	9%
Contingency Reserve	\$ 80,000		\$ 80,000	
OPEB Trust	\$ 40,000	\$ 40,000	\$ 40,000	
CCCERA Pre-Fund	\$ 30,000	\$ 30,000	\$ 30,000	
TOTAL APPROPRIATIONS	\$ 996,415	\$ 803,306	\$ 1,083,703	8%
TOTAL REVENUES	\$ 996,415	\$ 795,469	\$ 1,083,703	
Agency contributions - 9500 & 9800	\$ 796,415	\$ 755,210	\$ 883,703	10%
Application & other revenues	\$ 25,000	\$ 40,259	\$ 25,000	
Fund Balance	\$ 175,000		\$ 175,000	



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>

April 17, 2019

April 17, 2019
 Agenda Item 11

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

Legislative Report - Update and Position Letters

Dear Members of the Commission:

This year marks the first year of a two-year legislative session in Sacramento. Presently, CALAFCO is sponsoring two bills: **AB 1822**, the **annual omnibus bill** (*Assembly Local Government Committee*) which includes nine items (bill number to be determined), and **AB 1253** (*Rivas*) which would establish one-time grant funding for LAFCOs to prepare reorganization studies in conjunction with the 2017 Little Hoover Commission report relating to special districts. This bill also changes the protest threshold for LAFCO initiated actions, exclusive to actions funded pursuant to this bill. The focus of this bill is service providers serving disadvantaged communities. The fiscal request is \$1.5 million over five years. Last year, the Governor vetoed this bill as funding was not included in the budget. This year, CALAFCO will attempt to secure funding in the May Revise Budget so there is no General Fund appropriation, which was the reason for Governor Brown’s veto last year.

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

In addition, CALAFCO is tracking a number of bills that have direct and indirect impact on LAFCOs (see Attachment 1 - CALAFCO Legislative Report).

On February 27th, CALAFCO issued an urgent call for legislative action requesting that each LAFCO send letters of support for the following two bills which will impact LAFCOs.

AB 1253 (*Rivas*) – CALAFCO sponsored bill as described above (see Attachment 2 – LAFCO letter of support).

AB 213 (*Reyes*) – this bill restores funding for inhabited annexations (through ERAF and backfilled by the general fund). CALAFCO and Contra Costa LAFCO have historically supported this bill (see Attachment 3 – LAFCO letter of support).

Contra Costa LAFCO's legislative policy provides our LAFCO with flexibility to respond to urgent legislation that affects LAFCO. Specifically, the policy provides that in "*situations when proposed legislation affecting LAFCO cannot be considered by the full Commission due to timing, the Executive Officer, in consultation with the LAFCO Chair (or Vice Chair in the absence of the Chair), is authorized to provide written or email comments communicating the Commission's position if the position is consistent with the adopted legislative policies of the Commission. The Chair or Vice Chair would review the letter or email prior to it being submitted. The Executive Officer will forward the email or letter to the Commission as soon as possible. The item will be placed on the next regular LAFCO meeting agenda as either "informational" or for discussion purposes.*"

In response to CALAFCO's request, and in accordance with the Commission's policy, letters of support for the above referenced bills were sent in late February.

RECOMMENDATION – Receive legislative update.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

Attachment 1 - CALAFCO Legislative Update – April 9, 2019
Attachment 2 - Letter of Support - AB 1253
Attachment 3 – Letter of Support – AB 213

CALAFCO Daily Legislative Report as of Tuesday, April 09, 2019

1

AB 508 (Chu D) Drinking water: consolidation and extension of service: domestic wells.
Current Text: Amended: 3/25/2019 [html](#) [pdf](#)
Introduced: 2/13/2019

Last Amended: 3/25/2019

Status: 3/26/2019-Re-referred to Com. on E.S. & T.M.

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

Calendar:

4/9/2019 1:30 p.m. - State Capitol, Room 444 ASSEMBLY ENVIRONMENTAL SAFETY AND TOXIC MATERIALS, QUIRK, Chair

Summary:

The California Safe Drinking Water Act requires the State Water Resources Control Board, before ordering consolidation or extension of service, to, among other things, obtain written consent from any domestic well owner for consolidation or extension of service and make a finding that consolidation of the receiving water system and subsumed water system or extension of service to the subsumed water system is appropriate and technically and economically feasible. The act makes any domestic well owner within the consolidation or extended service area who does not provide written consent ineligible, until consent is provided, for any future water-related grant funding from the state, except as provided. This bill would modify the provision that authorizes consolidation or extension of service if a disadvantaged community is reliant on a domestic well described above to instead authorize consolidation or extension of service if a disadvantaged community has one or more residences that are reliant on a domestic well described above.

Position: Watch

Subject: Disadvantaged Communities, Water

CALAFCO Comments: This bill allows the SWRCB to order an extension of service in the case a disadvantaged community has at least one residence that are reliant on a domestic well that fails to provide safe drinking water. It allows members of the disadvantaged community to petition the SWRCB to initiate the process. It allows the owner of the property to opt out of the extension. The bill also places limitations on fees, charges and terms and conditions imposed as a result of the extension of service. Finally, the extension of service does not require annexation in the cases where that would be appropriate.

AB 600 (Chu D) Local government: organization: disadvantaged unincorporated communities.
Current Text: Amended: 3/25/2019 [html](#) [pdf](#)
Introduced: 2/14/2019

Last Amended: 3/25/2019

Status: 3/26/2019-Re-referred to Com. on L. GOV.

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

Calendar:

4/24/2019 1:30 p.m. - State Capitol, Room 127 ASSEMBLY LOCAL GOVERNMENT, AGUIAR-CURRY, Chair

Summary:

The Planning and Zoning Law requires a city or county, on or before the due date for the next adoption of its housing element, to review and update the land use element of its general plan based on available data, including, but not limited to, the data and analysis of unincorporated island, fringe, or legacy communities inside or near its boundaries, as provided. That law requires the updated land use element to include, among other things, an analysis of water, wastewater, stormwater drainage, and structural fire protection needs or deficiencies for each identified community. This bill would define the term "needs or deficiencies" for these purposes to mean both deficient services and lack of services, as specified.

Position: Oppose

Subject: Disadvantaged Communities, Water

CALAFCO Comments: This bill creates a requirement for all cities, counties and certain special districts to develop an accessibility plan if they have DUCs identified in the land use element of the respective city or county. The accessibility plan is intended to be a plan for services to get those DUCs drinking water, wastewater and fire services. Contents of the plan are questionable (at best) and include things such as the identification of the entity best positioned to provide the service; actions necessary to be taken by the LAFCo to enable the provision of services to the DUC; any action the local agency feels the LAFCo will require them to take; cost/benefit analysis; and funding analysis. The agency then must submit the plan to the LAFCo, who is required to approve or conditionally approve within 90 days of receiving in a public hearing.

The bill includes as a purpose of the commission, to consider "equity" in addition to local circumstance and conditions, yet the bill leaves this term undefined.

The bill allows extension of service without annexation if a majority of residents (not registered voters) oppose the annexation.

The bill also requires each LAFCo to conduct a public hearing with two years of the approval of an accessibility plan for each entity to review the status of the plan, and if insufficient action has been taken, to authorize and initiate a change of organization, reorg or extension of service. In addition to the many troubling part of this process, the timing does not make sense because the bill also requires the service provider to issue reports to the state at the same time.

The bill also prohibits a LAFCo for adopting, amending or updating a SOI if: (1) a disadvantaged community is being removed from the sphere (unless the LAFCo can make findings that the removal of the area will result in an improvement in service delivery, (2) a sphere that fails to include a disadvantaged community that is contiguous to the proposed sphere unless the commission finds the exclusion of the area results in improved access to drinking or waste water; and if the service provider has not taken action pursuant to their accessibility plan two or more years prior to the amendment or update of the SOI.

All of these actions for LAFCos, cities, counties and special districts are unfunded mandates.

AB 1253 (Rivas, Robert D) Local agency formation commissions: grant program.

Current Text: Introduced: 2/21/2019 [html](#) [pdf](#)

Introduced: 2/21/2019

Status: 4/3/2019-In committee: Set, first hearing. Referred to APPR. suspense file.

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

Summary:

This bill would require the Strategic Growth Council, until July 31, 2025, to establish and administer a local agency formation commissions grant program for the payment of costs associated with initiating and completing the dissolution of districts listed as inactive, the payment of costs associated with a study of the services provided within a county by a public agency to a disadvantaged community, as defined, and for other specified purposes, including the initiation of an action, as defined, that is limited to service providers serving a disadvantaged community and is based on determinations found in the study, as approved by the commission. The bill would specify application submission, reimbursement, and reporting requirements for a local agency formation commission to receive grants pursuant to the bill. The bill would require the council, after consulting with the California Association of Local Agency Formation Commissions, to develop and adopt guidelines, timelines, and application and reporting criteria for development and implementation of the program, as specified, and would exempt these guidelines, timelines, and criteria from the rulemaking provisions of the Administrative Procedure Act. The bill would make the grant program subject to an appropriation for the program in the annual Budget Act, and would repeal these provisions on January 1, 2026. This bill contains other existing laws.

Attachments:

[CALAFCO Support letter Feb 2016](#)

Position: Sponsor

Subject: Disadvantaged Communities, LAFCo Administration, Municipal Services, Special District Consolidations

CALAFCO Comments: This is a CALAFCO sponsored bill following up on the recommendation of the Little Hoover Commission report of 2017 for the Legislature to provide LAFCos one-time grant funding for in-depth studies of potential reorganization of local service providers. Last year, the Governor vetoed AB 2258 - this is the same bill. The Strategic Growth Council (SGC) will administer the grant program. Grant funds will be used specifically for conducting special studies to identify and support opportunities to create greater efficiencies in the provision of municipal services; to potentially initiate actions based on those studies that remove or reduce local costs thus incentivizing local agencies to work with the LAFCo in developing and implementing reorganization plans; and the dissolution of inactive districts (pursuant to SB 448, Wieckowski, 2017). The grant program would sunset on July 31, 2024.

The bill also changes the protest threshold for LAFCo initiated actions, solely for the purposes of actions funded pursuant to this new section. It allows LAFCo to order the dissolution of a district (outside of the ones identified by the SCO) pursuant to Section 11221 of the Elections code, which is a tiered approach based on registered voters in the affected territory (from 30% down to 10% depending).

The focus is on service providers serving disadvantaged communities. The bill also requires LAFCo pay back grant funds in their entirety if the study is not completed within two years and requires the SGC to give preference to LAFCos whose decisions have been aligned with the goals of sustainable communities strategies.

The fiscal request is \$1.5 million over 5 years. CALAFCO is attempting to get this in the May revise budget so there is no General Fund appropriation (the reason Gov. Brown vetoed the bill).

AB 1389 (Eggman D) Special districts: change of organization: mitigation of revenue loss.

Current Text: Introduced: 2/22/2019 [html](#) [pdf](#)

Introduced: 2/22/2019

Status: 3/14/2019-Referred to Com. on L. GOV.

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

Summary:

Would authorize the commission to propose, as part of the review and approval of a proposal for the establishment of new or different functions or class of services, or the divestiture of the power to provide particular functions or class of services, within all or part of the jurisdictional boundaries of a special district, that the special district, to mitigate any loss of property taxes, franchise fees, and other revenues to any other affected local agency, provide payments to the affected local agency from the revenue derived from the proposed exercise of new or different functions or classes of service.

Position: Watch

Subject: CKH General Procedures

CALAFCO Comments: This bill allows LAFCo, when approving a proposal for new or different functions or class of service for a special district, to propose the district provide payments to any affected local agency for taxes, fees or any other revenue that may have been lost as a result of the new service being provided.

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

Current Text: Amended: 3/21/2019 [html](#) [pdf](#)

Introduced: 2/22/2019

Last Amended: 3/21/2019

Status: 3/25/2019-Re-referred to Com. on E.S. & T.M.

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

Calendar:

4/9/2019 1:30 p.m. - State Capitol, Room 444 ASSEMBLY ENVIRONMENTAL SAFETY AND TOXIC MATERIALS, QUIRK, Chair

Summary:

Current law authorizes the State Water Resources Control Board to order consolidation of public water systems where a public water system or state small water system serving a disadvantaged community consistently fails to provide an adequate supply of safe drinking water, as provided. This bill, the Consolidation for Safe Drinking Water Act of 2019, would authorize a water or sewer system corporation to file an application and obtain approval from the commission through an order authorizing consolidation with a public water system or state small water system, or to implement rates for the subsumed water system.

Position: Watch

Subject: Water

CALAFCO Comments: This bill allows for water (public or state small) or sewer systems corps to file an application for consolidation with the SWRCB.

AB 1822 (Committee on Local Government) Local Government: omnibus.

Current Text: Amended: 4/8/2019 [html](#) [pdf](#)

Introduced: 3/11/2019

Last Amended: 4/8/2019

Status: 4/8/2019-From committee chair, with author's amendments: Amend, and re-refer to Com. on L. GOV. Read second time and amended.

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

Calendar:

5/1/2019 1:30 p.m. - State Capitol, Room 447 ASSEMBLY LOCAL GOVERNMENT, AGUIAR-CURRY, Chair

Summary:

Current law requires a commission to develop and determine the sphere of influence of each city and each special district within the county and enact policies designed to promote the logical and orderly development of areas within each sphere. Current law requires the commission, in order to prepare and update spheres of influence in accordance with this requirement, to conduct a service review of the municipal services provided in the county or other appropriate area designated by the commission, as specified. Current law defines "sphere of influence" to mean a plan for the probable physical boundaries and service area of a local agency. Current law defines the term "service" for purposes of the act to mean a specific governmental activity established within, and as a part of, a general function of the special district, as specified. This bill would revise the definition of the term "service" for these purposes to mean a specific governmental activity

established within, and as a part of, a function of the local agency.

Position: Sponsor

Subject: LAFCo Administration

CALAFCO Comments: This is the annual Omnibus bill.

SB 272 (Morrell R) Fire Protection District Law of 1987.

Current Text: Amended: 4/4/2019 [html](#) [pdf](#)

Introduced: 2/13/2019

Last Amended: 4/4/2019

Status: 4/4/2019-Set for hearing May 1. From committee with author's amendments. Read second time and amended. Re-referred to Com. on GOV. & F.

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

Calendar:

5/1/2019 9:30 a.m. - Room 112 SENATE GOVERNANCE AND FINANCE, MCGUIRE, Chair

Summary:

The Fire Protection District Law of 1987 provides that whenever a district board determines that it is in the public interest to provide different services, to provide different levels of service, or to raise additional revenues within specific areas of the district, it may form one or more service zones by adopting a resolution that includes specified information, fixing the date, time, and place for public hearing on the formation of the zone, publishing notice, as specified, hearing and considering any protests to the formation of the zone at the hearing, and, at the conclusion of the hearing, adopting a resolution ordering the formation of the zone. If a resolution adopted after the public hearing would substantially expand the provision of services outside of an existing service zone and the extension of service would result in those persons in the expanded area paying charges for the expansion of services, this bill would provide that the resolution does not become effective unless approved by a majority of the voters within the expanded service area.

Position: Watch

CALAFCO Comments: This bill requires a fire protection district to hold an election to (at their expense) approve an extension of service regardless of the level of protest.

SB 414 (Caballero D) Small System Water Authority Act of 2019.

Current Text: Amended: 4/4/2019 [html](#) [pdf](#)

Introduced: 2/20/2019

Last Amended: 4/4/2019

Status: 4/4/2019-Read second time and amended. Re-referred to Com. on APPR.

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

Summary:

Would create the Small System Water Authority Act of 2019 and state legislative findings and declarations relating to authorizing the creation of small system water authorities that will have powers to absorb, improve, and competently operate noncompliant public water systems. The bill, no later than March 1, 2020, would require the state board to provide written notice to cure to all public agencies, private water companies, or mutual water companies that operate a public water system that has either less than 3,000 service connections or that serves less than 10,000 people, and are not in compliance, for the period from July 1, 2018, through December 31, 2019, with one or more state or federal primary drinking water standard maximum contaminant levels, as specified.

Position: Watch

Subject: Water

CALAFCO Comments: This bill is very similar to AB 2050 (Caballero) from 2018. Several changes have been made. This bill is sponsored by Eastern Municipal Water District and the CA Municipal Utilities Assoc. The intent is to give the State Water Resources Control Board (SWRCB) authority to mandate the dissolution of existing drinking water systems (public, mutual and private) and authorize the formation of a new public water authority. The focus is on non contiguous systems. The SWRCB already has the authority to mandate consolidation of these systems, this will add the authority to mandate dissolution and formation of a new public agency.

LAFCo will be responsible for dissolving any state mandated public agency dissolution, and the formation of the new water authority. The SWRCB's appointed Administrator will act as the applicant on behalf of the state. LAFCo will have ability to approve with modifications the application, and the new agency will have to report to the LAFCo annually for the first 3 years.

SB 646 (Morrell R) Local agency utility services: extension of utility services.

Current Text: Introduced: 2/22/2019 [html](#) [pdf](#)

Introduced: 2/22/2019

Status: 3/14/2019-Referred to Com. on GOV. & F.

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

Summary:

Would prohibit a city or district providing the extended service from denying the extension of a utility service to a property owner located within the extended service area based upon a property owner's election not to participate in an annexation or preannexation proceeding.

Position: Oppose

Subject: CKH General Procedures

CALAFCO Comments: This bill does 3 things. (1) Seeks to add a provision to 56133 that requires LAFCo to approve an extension of service regardless of whether a future annexation is anticipated or not. It further requires the service provider to extend the provision of service to a property owner regardless of a whether there is a pending annexation or pre-annexation agreement. The newly proposed subsection directly contradicts subsection (b). (2) Changes the definition of "fee" by requiring the new few "is of proportional benefit to the person or property being charged." There is no reasonable definition or application of "proportional benefit". (3) Narrows the scope of application of Section 56133 to water or sewer service; and prohibits the service provider to charge higher fees and charges to those outside the jurisdictional boundaries.

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

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

Introduced: 1/15/2019

Status: 4/4/2019-Coauthors revised. From committee: Do pass and re-refer to Com. on APPR. (Ayes 8. Noes 0.) (April 3). Re-referred to Com. on APPR.

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

Calendar:

4/10/2019 9 a.m. - State Capitol, Room 4202 ASSEMBLY APPROPRIATIONS, GONZALEZ, Chair

Summary:

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

Attachments:

[CALAFCO Support Letter](#)

Position: Support

Subject: Tax Allocation

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

AB 818 (Cooley D) Local government finance: vehicle license fee adjustment amounts.

Current Text: Introduced: 2/20/2019 [html](#) [pdf](#)

Introduced: 2/20/2019

Status: 4/3/2019-In committee: Set, first hearing. Referred to APPR. suspense file.

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

Summary:

Current property tax law, for the 2006–07 fiscal year, and for each fiscal year thereafter, requires the vehicle license fee adjustment amount to be the sum of the vehicle license fee adjustment amount for the prior fiscal year, if specified provisions did not apply, and the product of the amount as so described and the percentage change from the prior fiscal year in the gross taxable valuation within the jurisdiction of the entity. Current law establishes a separate vehicle license fee adjustment amount for a city that was incorporated after January 1, 2004, and on or before January 1, 2012. This bill would establish a separate vehicle license fee adjustment amount for a city incorporating after January 1, 2012, including an additional separate vehicle license fee adjustment amount for the first fiscal year of incorporation and for the next 4 fiscal years thereafter.

Attachments:

[CALAFCO Support March 2019](#)

Position: Support

Subject: Financial Viability of Agencies

CALAFCO Comments: Sponsored by the League, this bill will reinstate ERAF funding for cities incorporating after 2018. This is the same bill as AB 2491 from 2018.

AB 1304 (Waldron R) Water supply contract: Native American tribes.

Current Text: Introduced: 2/22/2019 [html](#) [pdf](#)

Introduced: 2/22/2019

Status: 3/11/2019-Referred to Com. on L. GOV.

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

Calendar:

5/1/2019 1:30 p.m. - State Capitol, Room 447 ASSEMBLY LOCAL GOVERNMENT, AGUIAR-CURRY, Chair

Summary:

Current law provides for the establishment and operations of various water districts. This bill would specifically authorize a water district, as defined, that supplies potable water to enter into a contract with a Native American tribe to receive water deliveries from an infrastructure project on tribal lands.

Position: Watch

Subject: Municipal Services, Water

CALAFCO Comments: This bill amends the water code to allow a Native American tribe to sell/deliver water to a water district (as defined in the water code section 20200).

SB 379 (Committee on Governance and Finance) Validations.

Current Text: Introduced: 2/20/2019 [html](#) [pdf](#)

Introduced: 2/20/2019

Status: 4/4/2019-Read third time. Urgency clause adopted. Passed. (Ayes 36. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.

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

Summary:

This bill would enact the First Validating Act of 2019, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

Attachments:

[CALAFCO Support March 2019](#)

Position: Support

Subject: LAFCo Administration

CALAFCO Comments: This is one of three annual validating acts.

SB 380 (Committee on Governance and Finance) Validations.

Current Text: Introduced: 2/20/2019 [html](#) [pdf](#)

Introduced: 2/20/2019

Status: 4/4/2019-Read third time. Urgency clause adopted. Passed. (Ayes 36. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.

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

Summary:

This bill would enact the Second Validating Act of 2019, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

Attachments:

[CALAFCO Support March 2019](#)

Position: Support

Subject: LAFCo Administration

CALAFCO Comments: This is one of three annual validating acts.

SB 381 (Committee on Governance and Finance) Validations.

Current Text: Introduced: 2/20/2019 [html](#) [pdf](#)

Introduced: 2/20/2019

Status: 4/4/2019-Read third time. Passed. (Ayes 36. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.

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

Summary:

This bill would enact the Third Validating Act of 2019, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

Attachments:

[CALAFCO Support March 2019](#)**Position:** Support**Subject:** LAFCo Administration**CALAFCO Comments:** This is one of three annual validating acts.

3

[AB 530](#) ([Aguiar-Curry D](#)) **The Fairfield-Suisun Sewer District.****Current Text:** Amended: 3/20/2019 [html](#) [pdf](#)**Introduced:** 2/13/2019**Last Amended:** 3/20/2019**Status:** 3/21/2019-Re-referred to Com. on L. GOV.

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

Calendar:

4/10/2019 1:30 p.m. - State Capitol, Room 447 ASSEMBLY LOCAL GOVERNMENT, AGUIAR-CURRY, Chair

Summary:

The Fairfield-Suisun Sewer District Act creates the Fairfield-Suisun Sewer District and grants to the district various powers relating to the treatment and disposal of sewage. The act provides for the election of a board of directors for the district and administrative procedures for the operation of the district. This bill would make various administrative changes to the act, including removing the requirement that the district appoint a clerk and changing the posting requirements for regulations.

Position: Watch**Subject:** Special District Powers, Special Districts Governance**CALAFCO Comments:** This bill makes administrative changes to this special act district. It also allows for an extension of service pursuant to 56133 (keeping that LAFCo process intact).**[AB 1053](#) ([Dahle R](#)) **Fallen Leaf Lake Community Service District.******Current Text:** Amended: 3/25/2019 [html](#) [pdf](#)**Introduced:** 2/21/2019**Last Amended:** 3/25/2019**Status:** 3/26/2019-Re-referred to Com. on L. GOV.

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

Calendar:

5/1/2019 1:30 p.m. - State Capitol, Room 447 ASSEMBLY LOCAL GOVERNMENT, AGUIAR-CURRY, Chair

Summary:

Would prohibit, on and after January 1, 2020, the Fallen Leaf Lake Community Services District from providing any services or facilities except fire protection, including medical response and emergency services, and parks and recreation services or facilities.

Position: Watch**CALAFCO Comments:** CALAFCO will watch this bill to determine if the outcome of the State Audit on this district will have an impact on all CSDs.**[AB 1457](#) ([Reyes D](#)) **Omnitrans Transit District.******Current Text:** Introduced: 2/22/2019 [html](#) [pdf](#)**Introduced:** 2/22/2019**Status:** 3/14/2019-Referred to Coms. on L. GOV. and TRANS.

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

Calendar:

4/10/2019 1:30 p.m. - State Capitol, Room 447 ASSEMBLY LOCAL GOVERNMENT, AGUIAR-CURRY, Chair

Summary:

Would create the Omnitrans Transit District in the County of San Bernardino. The bill would provide that the jurisdiction of the district would initially include the Cities of Chino, Chino Hills, Colton, Fontana, Grand Terrace, Highland, Loma Linda, Montclair, Ontario, Rancho Cucamonga, Redlands, Rialto, San Bernardino, Upland, and Yucaipa, and specified portions of the unincorporated areas of the County of San Bernardino. The bill would authorize other cities in the County of San Bernardino to subsequently join the district. The bill would require the district to succeed to the rights and obligations of the existing Omnitrans Joint Powers Authority and would dissolve that authority. The bill would require the transfer of assets from the authority to the district. The bill would provide for a governing board composed of representatives of governing bodies within the county and would specify voting procedures for the taking of certain actions by the board. The bill would specify the powers and duties of the board and the district to operate transit services, and would

authorize the district to seek voter approval of retail transactions and use tax measures and to issue revenue bonds. The bill would enact other related provisions. By imposing requirements on the district and affected local agencies, the bill would impose a state-mandated local program. This bill contains other existing laws.

Attachments:

[CALAFCO Oppose unless amended letter April 2019](#)

Position: Oppose unless amended

CALAFCO Comments: This is a special act district formation. The bill takes what is currently a JPA and transforms it into a special district. The bill specifically addresses annexations and detachments and dissolution processes that do not include LAFCo. Also of concern is the lack of specificity in the process for adding new board members when a territory is annexed.

SB 654 (Moorlach R) Local government: planning.

Current Text: Introduced: 2/22/2019 [html](#) [pdf](#)

Introduced: 2/22/2019

Status: 3/14/2019-Referred to Com. on RLS.

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

Summary:

Current law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, makes certain findings and declarations relating to local government organizations, including, among other things, the encouragement of orderly growth and development, and the logical formation and modification of the boundaries of local agencies, as specified. This bill would make nonsubstantive changes to these findings and declarations.

Position: Watch

CALAFCO Comments: This is a spot bill. The author indicates he has no plans to use this for LAFCo law.

SB 780 (Committee on Governance and Finance) Local Government Omnibus Act of 2019.

Current Text: Introduced: 2/28/2019 [html](#) [pdf](#)

Introduced: 2/28/2019

Status: 4/4/2019-Set for hearing April 24.

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

Calendar:

4/24/2019 9 a.m. - Room 112 SENATE GOVERNANCE AND FINANCE, MCGUIRE, Chair

Summary:

Current law requires the governing body of a public agency, within 70 days after the commencement of the agency's legal existence, to file with the Secretary of State, on a form prescribed by the secretary, and also with the county clerk of each county in which the public agency maintains an office, a specified statement of facts about the agency. Current law requires this information to be updated within 10 days of a change in it. Current law requires the Secretary of State and each county clerk to establish and maintain an indexed Roster of Public Agencies that contains this information. This bill would instead require the Secretary of State and each county clerk to establish and maintain an indexed Registry of Public Agencies containing the above-described information.

Position: Watch

CALAFCO Comments: This is the Senate Governance & Finance Committee's annual Omnibus bill.

Total Measures: 20
Total Tracking Forms: 20

4/9/2019 9:38:02 AM

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

651 Pine Street, Sixth Floor • Martinez, CA 94553-1229

e-mail: LouAnn.Teixeira@lafco.cccounty.us

(925) 335-1094 • (925) 335-1031 FAX



Lou Ann Teixeira
Executive Officer

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Donald A. Blubaugh
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Special District Member

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Michael R. McGill
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Rob Schroder
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Charles R. Lewis, IV
Public Member

Sean Wright
City Member

February 27, 2019

The Honorable Robert Rivas
California State Assembly
State Capital Room 5158
Sacramento, CA 95814

Subject: *Support of AB 1253*

Dear Assembly Member Rivas:

The Contra Costa Local Agency Formation Commission (LAFCO) is pleased to join the California Association of Local Agency Formation Commissions (CALAFCO) in support for ***Assembly Bill 1253***. Sponsored by CALAFCO, the bill establishes a 5-year pilot grant program to provide grants to LAFCOs to address known service and governance concerns in disadvantaged communities. This program provides grants to LAFCOs for conducting special in-depth studies and analyses of local government agencies and services for the purposes of creating improved efficiencies in the delivery of local government services and completing the dissolution of inactive special districts. The grant program would be administered by the Strategic Growth Council and sunset on December 31, 2025.

The Legislature established LAFCOs in 1963 to encourage the orderly formation of local government agencies. Since that time, the regulatory role and responsibilities of LAFCOs has substantially increased without additional funding. Operating in all 58 California counties, LAFCOs are responsible for meeting important statutory directives to maintain orderly boundaries and seek greater efficiencies in delivering local services, and yet these directives often times cannot be met under current funding mechanisms. As a result, much needed LAFCO activities are sometimes delayed or precluded.

In August 2017, the Little Hoover Commission published a report on special districts and their oversight by LAFCOs, which contained several recommendations directly related to LAFCO. One recommendation was for the Legislature to provide one-time grant funding to pay for specified LAFCO activities, particularly to incentivize LAFCOs or smaller special districts to develop and implement dissolution or consolidation plans with timelines for expected outcomes.

In the past six months, Contra Costa LAFCO dissolved four special districts, three of which were inactive and supported dissolution, and two of the dissolution proposals involved disadvantaged

communities. It is sometimes necessary to dissolve local agencies, particularly if they are inactive, have outlived their usefulness, or if dissolution will result in service and fiscal efficiencies as noted in the Little Hoover Commission report. The time and resources involved in dissolving special districts is significant. **AB 1253** would provide much needed funding to facilitate the necessary LAFCO actions.

By establishing this one-time grant funding, **AB 1253** provides an additional tool for LAFCOs to address known service and governance concerns in disadvantaged communities by conducting detailed studies and potentially implementing greater efficiencies in delivering local services based on local circumstances and conditions. For these reasons, Contra Costa LAFCO is pleased to support **AB 1253**.

Thank you for authoring this important piece of legislation. Please feel free to contact us should you have any questions about Contra Costa LAFCO's position.

Sincerely yours,



Tom Butt, Chair
Contra Costa LAFCO

c: Senator Robert Hertzberg, co-author
Senator Anna Caballero, co-author
Pamela Miller, Executive Director, CALAFCO
Each Commissioner, Contra Costa LAFCO

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
 651 Pine Street, Sixth Floor • Martinez, CA 94553-1229
 e-mail: LouAnn.Texeira@lafco.cccounty.us
 (925) 335-1094 • (925) 335-1031 FAX



Lou Ann Teixeira
 Executive Officer

MEMBERS

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Donald A. Blubaugh Public Member	Michael R. McGill Special District Member
Tom Butt City Member	Rob Schroder City Member
Igor Skaredoff Special District Member	

ALTERNATE MEMBERS

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

February 27, 2019

The Honorable Eloise Gómez Reyes
 California State Assembly
 State Capital Room 2175
 Sacramento, CA 95814

Subject: *Support of AB 213*

Dear Assembly Member Reyes:

The Contra Costa Local Agency Formation Commission (LAFCO) is pleased to support ***Assembly Bill 213***. This bill would restore funding to approximately 140 cities that had annexed inhabited territory in reliance on previous financial incentives, then suffered significant fiscal harm when those funds were swept away due to the passage of SB 89 (2011). ***AB 213*** offers similar incentives to support future annexations of inhabited territory to improve services to affected residents consistent with state LAFCO policies.

The Vehicle License Fee (VLF) gap created by SB 89, one of the 2011 budget bills, created a financial disincentive for future city incorporations and annexations of inhabited territory. Further, it created severe fiscal penalties for those communities which chose to annex inhabited territories, particularly unincorporated islands. In several previous legislative acts the Legislature directed LAFCOs to work with cities to annex unincorporated inhabited islands. The loss of financial incentive for these inhabited annexations has made it difficult for LAFCOs to follow this legislative directive.

Since 2011, Contra Costa LAFCO has approved 12 annexations to cities, eight of which involved inhabited areas. One of the annexed inhabited areas was previously an unincorporated island, and is a disadvantaged community. The area has poor roads and drainage and no municipal sewer services. The 60+ year old development has deteriorating septic systems; and the infrastructure improvement costs are exorbitant. The City has embarked on a major sewer project in the area; however, funding is a challenge.

Reinstating revenues for annexations is consistent with statewide LAFCO legislative policies of providing communities with local governance and efficient service delivery options, including the ability to annex. The inability to do so creates a tremendous detriment to the creation of logical development boundaries and in preventing urban sprawl. Because ***AB 213*** reinstates a critical funding component to

Contra Costa LAFCO
Support Letter – AB 213
February 27, 2019

cities who previously annexed inhabited territory and did so relying on this financing, and to those cities who annex inhabited territory in the future, Contra Costa LAFCO supports this bill.

Thank you for carrying this important legislation. Please do not hesitate to contact us with any questions you may have on our position.

Sincerely,



Tom Butt, Chair
Contra Costa LAFCO

c: Pamela Miller, Executive Director, CALAFCO
Dan Carrigg, Deputy Executive Director and Legislative Director, League of CA Cities
Each Commissioner, Contra Costa LAFCO



Lou Ann Texeira
 Executive Officer

MEMBERS

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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>
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Stanley Caldwell <i>Special District Member</i>
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Sean Wright <i>City Member</i>

April 17, 2019

April 17, 2019
 Agenda Item 12

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

Third Quarter Budget Report - Fiscal Year 2018-19

Dear Members of the Commission:

This is the third quarter budget report for FY 2018-19, which compares adopted and actual expenses and revenues for the period July 1, 2018 through March 31, 2019.

The LAFCO operating budget includes three components: salaries/benefits, services/supplies, a contingency/reserve fund, Other Post-Employment Benefits (OPEB) Trust and retirement pre-funding account. The budget is based on the “bottom line,” which allows for variation within line item accounts if the overall balance remains positive. Funds may not be drawn from the contingency/reserve without Commission approval.

LAFCO’s budget is funded primarily by the County, cities and independent special districts, with each group paying one-third of the LAFCO budget. The city and district shares are prorated based on general revenues reported to the State Controller’s Office. LAFCO also receives revenue through application fees and interest earnings.

DISCUSSION

On May 9, 2018, LAFCO adopted its final FY 2018-19 budget with total appropriations of \$996,415, which includes an \$80,000 contingency/reserve fund, a contribution of \$40,000 to fund the OPEB liability, and a contribution of \$30,000 to pre-fund LAFCO’s retirement account with the Contra Costa County Employees’ Retirement Association (CCCERA).

With 75% of the fiscal year elapsed, the Commission’s third quarter expenditures are \$535,807 or 54% of total appropriations. The Commission budgeted \$454,786 in *salaries/benefits* for FY 2018-19; at the end of the third quarter, actual expenses total \$275,354, or 61% of the budgeted amount. The Commission budgeted \$391,629 in *services/supplies*; and at the end of the third quarter, actual expenses total \$190,453 or 49%. Both the \$40,000 payment toward the OPEB liability and the \$30,000 CCCERA liability payment are reflected in the third quarter budget report.

The primary sources of revenues are local agency contributions, application fees, and available fund balance. Total revenues received during the third quarter are \$1,008,520 (including fund balance) or 102% of projected revenues.

Other sources of revenue include application fees, interest earnings and fund balance. Regarding application fees, FY 2018-19 application activity is lower than FY 2017-18 activity. During the first three quarters of FY 2018-19, LAFCO received 10 new applications, compared to 13 new applications received during the first three quarters of FY 2017-18.

Regarding interest earnings, LAFCO is currently receiving some investment earnings through the OPEB trust account, which remains in that account.

Finally, when available, we budget available fund balance to offset agency contributions. The FY 2018-19 budget includes \$175,000 in budgeted fund balance.

A summary of third quarter expenditures and revenues is presented in the table below.

Account	FY 2018-19 Final Budget	Third Quarter Actuals
Salaries & Benefits	\$454,786	\$ 275,354
Services & Supplies	391,629	190,453
Contingency/Reserve	80,000	0
OPEB Trust	40,000	40,000
CCCERA Pre-Fund	30,000	30,000
Total Appropriations	\$996,415	\$ 535,807
Agency Contributions	\$796,415	\$ 796,400
Application/Other Revenue	20,000	37,120
Interest Earnings	-	-
Fund Balance	175,000	175,000
Total Revenues	\$996,415	\$1,008,520

No budget adjustments are recommended at this time. LAFCO staff will continue to closely monitor the budget, and keep the Commission apprised.

RECOMMENDATION

It is recommended that the Commission receive the FY 2018-19 third quarter budget report.

Sincerely,

LOU ANN TEXEIRA
 EXECUTIVE OFFICER



Lou Ann Teixeira
Executive Officer

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April 17, 2019
Agenda Item 13

April 17, 2019 (Agenda)

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

Contract Amendment with Lamphier Gregory/Berkson Associates

Dear Commissioners:

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires LAFCO to update spheres of influence (SOIs) every five years as necessary; and in conjunction with SOI updates, prepare corresponding Municipal Service Reviews (MSRs).

Contra Costa LAFCO’s annual work plan typically includes preparing one or two MSRs each year; and most of our MSRs are prepared by consultants. In May 2018, the Commission approved a contract with Lamphier-Gregory/Berkson Associates to prepare the 2nd round “City Services” MSR covering all 19 cities and four community services districts (CSDs).

The current schedule provides for completing the 2nd round “City Services” MSR/SOI updates by April 30, 2019. However, due to a protracted data collection effort, more time is needed to complete the MSR/SOI updates. The revised MSR schedule is as follows:

- ✚ March 2019 - Release of Public Review Draft MSR (public comment period)
- ✚ April 17, 2019 – Commission receives overview of Public Review Draft MSR and provides input
- ✚ May 2019 – Release of Final Draft MSR (public comment period)
- ✚ June 12, 2019 – Commission accepts Final MSR and updates SOIs

It is proposed that the Commission approve an amendment to the contract with Lamphier-Gregory/Berkson Associates to extend the term in order to complete the MSR work.

RECOMMENDATION: Authorize LAFCO staff to execute a contract amendment with Lamphier-Gregory/Berkson Associates to extend the term of the contract from April 30, 2019 to June 20, 2019 in order to complete the second round “City Services” MSR/SOI updates.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

c: Nat Taylor and Sharon Wright, Lamphier Gregory
Richard Berkson, Berkson Associates
County Auditor-Controller

PO Number: _____

AGREEMENT AMENDMENT

Parties. Contra Costa Local Agency Formation Commission (Contra Costa LAFCO) and Lamphier Gregory/Berkson Associates.

Date. The effective date of this Agreement Amendment is April 17, 2019.

Amendment. This amends that contract entered into on May 1, 2018, by and between LAFCO and Lamphier Gregory, as follows:

The CONTRACT PERIOD will be from May 1, 2018 through **June 30, 2019**.

Effect of Amendment. No other provision of the Agreement is affected by this Amendment.

CONTRA COSTA LAFCO

CONTRACTOR
Lamphier Gregory

By: _____
LAFCO Executive Officer

By: _____

APPROVED AS TO FORM

Taxpayer ID#: _____

LAFCO Legal Counsel

I hereby certify under penalty of perjury that the Executive Officer of the Contra Costa LAFCO was duly authorized to execute this document on behalf of the Contra Costa LAFCO by a majority vote of the Commission on April 17, 2019.

Date: _____

ATTEST:

Contra Costa LAFCO Clerk

**CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
PENDING PROPOSALS – April 17, 2019**

April 17, 2019
Agenda Item 15b

LAFCO APPLICATION	RECEIVED	STATUS
LAFCO No. 10-09 - Town of Discovery Bay Community Services District (DBCSD) sphere of influence (SOI) Amendment (Newport Pointe): proposed SOI expansion of 20± acres bounded by Bixler Road, Newport Drive and Newport Cove	July 2010	Currently incomplete
LAFCO No. 10-10 - DBCSD Annexation (Newport Pointe): proposed annexation of 20± acres to supply water/sewer services to a 67-unit single family residential development	July 2010	Currently incomplete
LAFCO No. 13-04 - Bayo Vista Housing Authority Annexation to Rodeo Sanitary District: proposed annexation of 33± acres located south of San Pablo Avenue at the northeastern edge of the District's boundary	Feb 2013	Continued from 11/12/14 meeting
LAFCO No. 14-05 - Reorganization 186 (Magee Ranch/SummerHill): proposed annexations to Central Contra Costa Sanitary District (CCCSD) and East Bay Municipal Utility District (EBMUD) of 402± acres; 9 parcels total to CCCSD (8 parcels) and EBMUD (7 parcels)	June 2014	Removed from Commission's calendar pending further notice
LAFCO No. 16-07 - Tassajara Parks Project – proposed SOI expansions to CCCSD and EBMUD of 30± acres located east of the City of San Ramon and the Town of Danville	May 2016	Currently incomplete
LAFCO No. 16-06 - Tassajara Parks Project – proposed annexations to CCCSD and EBMUD of 30± acres located east of the City of San Ramon and the Town of Danville	May 2016	Currently incomplete
LAFCO No. 18-03 – El Cerrito and Richmond Spheres of Influence Amendments (Wang Reorganization)	February 2018	Under review
LAFCO No. 18-04 – Wang Reorganization: Annexation to El Cerrito and Detachment from Richmond	January 2019	Under review
LAFCO No. 19-01 – East Contra Costa Irrigation District SOI Amendment (McCauley)	March 2019	Under review
LAFCO No. 19-02 – McCauley Annexation to East Contra Costa Irrigation District	March 2019	Under review

Billions pile up in special district accounts while critics say many should dissolve

Some 'have abused the public trust by hoarding vast sums of money.' one reformer says



A Metro Gold Line pulls in to the Lake Ave station as traffic on the 210 freeway passes by in Pasadena in 2018. The Gold Line is operated by the Los Angeles County Metropolitan Transportation. All told, the independent government agency had \$1.6 billion in cash and investments, according to 2017 data from the California State Controller. (Photo by Nick Agro, Contributing Photographer)

By [Teri Sforza](mailto:tsforza@scng.com) | tsforza@scng.com | Orange County Register

PUBLISHED: February 18, 2019 at 8:50 am | UPDATED: February 18, 2019 at 8:52 am

California's most affluent special districts nearly doubled their spending over the course of a decade, while the value of their cash and investments nearly tripled, according to a Southern California News Group analysis of state data.

The figures revive the question many good-government advocates have been asking for decades: Do special districts, which operate largely under the public radar, simply have too much money?

Critics say they do, and argue that their functions should be absorbed into cities and counties that overlap their boundaries.

Special districts say they don't, insisting they simply safeguard vital infrastructure and are better left alone.

California's 250 largest special districts had cash and investments worth \$47.1 billion when the 2017 fiscal year drew to a close, up dramatically from \$17.9 billion a decade earlier, according to data from the State Controller's Office. That's a leap of almost \$30 billion, or 164 percent.

Total spending, meanwhile, jumped nearly 100 percent — from \$27.4 billion to \$53.5 billion.

“From the perspective of California taxpayers, special districts are neither inherently good nor inherently bad,” said Jon Coupal, CEO of the conservative Howard Jarvis Taxpayers Association, in testimony to the Little Hoover Commission in 2016.

“However, few can deny that many government entities have abused the public trust by hoarding vast sums of money.”

Special districts insist he is wrong. They are the guardians of water, sewer, transportation systems and the like — and their money is earmarked to build, repair and replace vital infrastructure, they say.

Quarter-billion-dollar club

Six special districts in California have amassed more than \$1 billion each in cash and investments, with transportation agencies accumulating the richest treasure chests, according to the data.

Another 48 from all over the state — hospital, utility, water, sewer, flood control, air quality districts and the like — have cash and investments exceeding a quarter-billion dollars each.

The billion-plus players in 2017 were mainly in the business of moving Californians: the Bay Area's Metropolitan Transportation Commission (\$3.8 billion), the Los Angeles County Metropolitan Transportation Authority (\$1.6 billion), the San Francisco Bay Area Rapid Transit District (\$1.55 billion), the Orange County Transportation Authority (\$1.48 billion), the Metropolitan Water District of Southern California (\$1.37 billion), and the Santa Clara Valley Transportation Authority (\$1.06 billion).

The Legislature began requiring the 250 special districts with the greatest annual revenues to have their finances called out separately shortly after the Little Hoover Commission — a good-government watchdog with no enforcement powers — spotlighted reserves that dwarfed annual spending in dozens of agencies and blasted districts for amassing tremendous piles of cash.

That blistering study, “Special Districts: Relics of the Past or Resources for the Future?” was released in 2000. It bemoaned that hospital districts that no longer run hospitals continued to exist and collect taxes. It chided Local Agency Formation Commissions — one in every county, charged with ensuring efficiency — for being unable or unwilling to make sensible mergers happen. It urged a standard definition for “reserve funds” and greater transparency in reporting them.

In 2017, the Little Hoover Commission issued an update: “Special Districts: Improving Oversight & Transparency.” It was a friendlier assessment, but bemoaned that hospital districts continued to exist and collect taxes, even when they don’t fund hospitals. And that Local Agency Formation Commissions were unable or unwilling to make sensible government mergers happen, even though that is their mission. It called for a standard definition of “reserve funds” and greater transparency in reporting them.

While some reformers throw their hands up at the snail’s pace of progress, there have been some improvements, said Pedro Nava, an attorney and chairman of the Little Hoover Commission. From 2000 to 2017, districts made big strides in how they communicate their activities and finances with the public, he said — though even today, not every district has a website.

What are they, anyway?

“At any given moment in any random neighborhood, millions of Californians whirl through their lives within the boundaries of special districts,” the commission said with some flourish in its 2017 report.

“During their relentless proliferation over the past 75 years or more, they have become the backbone of California’s vast public services delivery system and the state’s most common form of local government.

“Typically, most residents living in these districts know little about them, how they operate, who runs them and what they pay in taxes or fees to support them. Yet California has an estimated 2,071 independent special districts — many with the power to collect property taxes, to send monthly bills and collect fees and frequently to make voters scratch their heads over a list of unfamiliar candidates during election time.”

Special districts are a unique creation of California, dating to 1877 when there were few city or county governments around to furnish basic services. But most of them were created after World War II to accommodate millions of newcomers. Hospital districts provided medical care, library districts put books on the shelves, vector control districts battled mosquitoes, water districts provided water.

“Today, this vast interlaced and unruly governing landscape of city, county and special district service providers is locked into place, the vestige of seven decades of hurry-up growth and hyperactive local agency creation,” the commission said.

Commissioners quickly learned what reformers already knew: “The status quo is a formidable political force, amply able to quash reform efforts,” its report said.

“Special districts seem to possess advantages — or, conversely, lack wide-scale harms — that make them mostly tolerable to their constituents in the larger scheme of governing and able to forestall movements to purge them on a significantly large scale.”

Redundant districts?

The poster child for this may be California's 79 health-care districts, only 37 of which operate hospitals.

Los Angeles County has two: Antelope Valley Healthcare District and Beach Cities Health District.

Riverside County has four: Desert Healthcare District, Valley Health System, Palo Verde Health Care District and San Geronimo Memorial Healthcare District.

San Bernardino County has three: Bear Valley Community Healthcare District, Hi-Desert Memorial Hospital District and San Bernardino Mountains Community Hospital District.

Orange County has none.

In its 2017 update, the Little Hoover Commission said, "The Legislature, local grand juries, LAFCOs and healthcare analysts continue to question their relevance and need to exist." But many hospital-challenged health-care districts claim they're carving out new roles in preventative care.

One of those is the Beach Cities Health District, which serves the South Bay coastal communities of Hermosa Beach, Manhattan Beach and Redondo Beach. Established in 1955, it has had no hospital since 1998 but calls itself "one of the largest preventive health agencies in the nation."

The district encourages children to walk to school, eat right and lose weight. It provides community grants, discount memberships at a district fitness center and helps older people remain living at home through personal visits and in-home care. Its "innovative Blue Zones Project branding effort also encourages healthy habits at home and work and promotes local restaurants that offer nutritious menus," the Hoover Commission said.

For this, the district gets \$3.1 million in annual property taxes, about one-quarter of its \$13.9 million in revenue last year.

'Stealth support'?

Districts like Beach Cities — which had a slice of the property tax pie when Proposition 13 radically remade California's government funding in 1978 — still get those property taxes.

Districts that didn't get a piece of the pie back then — often because they had fiscally conservative boards that didn't want to tax local property owners — are locked out of that funding.

"This inability to redistribute county property taxes for new program realities means libraries and parks may deteriorate due to taxing decisions made in the 1970s while nearby fire districts buy the best, newest fire trucks and healthcare districts give tax-funded grants to sometimes-questionable recipients — all while also maintaining reserve funds," the Little Hoover Commission said.

That often increases a region's tax load, as a struggling public library system must seek an additional parcel tax while a nearby water district "has seemingly outsized financial reserves," the commission said.

Orange County's Irvine Ranch Water District has often crowed about having the county's lowest water rates, but that's possible only because nearly one-quarter of its revenues flow from property taxes, not water fees. Property taxes provided \$37.7 million for Irvine Ranch last year.

In contrast, the Costa Mesa-based Mesa Water District levied zero property taxes when the formulas were locked in, and gets zero property taxes today. Unlike Irvine Ranch, it must charge its customers the full price of what it costs to deliver water.

An Orange County grand jury branded this unseen subsidizing as "stealth support." It said sewer and water districts should be weaned from the tax rolls and become solely fee-based, that community service districts should do the same and let surrounding cities or homeowners associations provide services, that library districts should be absorbed into local city governments or county library systems, and that cemetery and vector control districts should disappear and be incorporated into counties.

That hasn't quite come to pass.

Consolidation a 'bad idea'?

That the large-scale consolidation demanded by critics for more than a quarter-century has not happened suggests it's too difficult — or "maybe it's just a bad idea," Kyle Packham of the California Special Districts Association told the commission.

"The linchpin to the effectiveness of special districts is their authority over revenues and expenditures. They're independent," Packham testified. "Giving another body the purse strings might as well be handing them chains and shackles. He who controls, or she who controls, the revenue controls the outcomes."

While casting elected county and city governments in such sinister light strikes some as a stretch, special districts point to the trouble big and small cities have maintaining water and sewer infrastructure when those departments must battle for budgetary priority with police, parks and libraries.

Officials from the districts with the largest cash and investments — particularly the transportation agencies — say much of the money is earmarked for large construction projects and repayment of debt. The rest, they say, is set aside for maintaining the system and prudent reserves.

See the [full list of the Top 250](#), and detailed [responses from specific districts](#), online.

Courthouse News Service

California's Central Valley: Ground Zero in Water War

February 22, 2019 [NICK CAHILL](#)



An almond orchard in full bloom in California's Central Valley.

FRESNO, Calif. (CN) – Stretching hundreds of miles from the mountains bordering Los Angeles north toward the state capital, the San Joaquin Valley doesn't resemble landscapes typically associated with California. Devoid of the skyscrapers, beaches and bridges that make California famous, the sprawling valley is instead filled with thousands of farms and oil fields that quietly help drive the state's \$2.7 trillion economy.

Known as the “food basket of the world,” for over a century the valley and its rich soil have spoiled Americans with a wide variety of nuts, produce, wine grapes, dairy and even cotton.

The average motorist traveling on the valley's north-south thoroughfares – Interstate 5 and State Route 99 – can scarcely tell they are inside the most altered rural landscape in California. But there is no mistaking the fact that humans have transformed the valley conservationist John Muir described as California's “grandest and most telling” landscape when he walked it in 1868.

Since Muir's journey, Californians have not only drained Tulare Lake – once the largest freshwater lake west of the Mississippi – but built hundreds of miles of canals and aqueducts that irrigate over 5 million acres of farmland and deliver water to 4 million residents in eight valley counties.

Now stripped of its once vast wetlands and nearly sucked dry from the overpumping of groundwater during the West's increasingly common droughts, the fertile valley is in need of a reboot: Its aquifers have shrunk and the remaining water is often contaminated with nitrate and salts.

Citing a new water law that will have major effects on water suppliers and farmers, experts are calling for an “all hands on deck” approach to fixing the valley's water woes.

“This is a region that faces really unprecedented challenges and inevitable change,” said Ellen Hanak, director of water policy at the Public Policy Institute of California, at an event Friday at California State University, Fresno. “A lot is at stake for the economy, public health, the health of society and the environment.”

Preserving aquifers

Since 2016, Hanak and her team of researchers have been brainstorming ways to help water agencies and farmers comply with the state's new Sustainable Groundwater Management Act.

The landmark act consists of three water bills signed by former Gov. Jerry Brown during California's most recent drought. The package introduced regulations on groundwater use for the first time in state history, with the end goal of replenishing and bringing underground basins to sustainable levels by the year 2040.

Water agencies that tap into what regulators consider overused basins, many of which are in the valley, have been developing sustainability plans over the last few years. The state wants water agencies to speed up the recharging process for aquifers, improve water quality and stop land subsidence.

Valley farmers were forced to rely heavily on groundwater during the unforgiving drought, after state and federal surface water supplies were cut off. The accelerated pumping from 2012 through 2016 caused irrigation and drinking water wells to go dry and ultimately caused land in the valley to sink. Sections of the 444-mile-long California Aqueduct [dropped](#) more than two feet, threatening infrastructure that provides water to most of the state's 39 million residents.

Alvar Escrivá-Bou a research fellow at the PPIC's Water Policy Center who worked on the report for two years, said the Central Valley's groundwater overdraft is beyond serious.

“We estimate the amount of this deficit is almost 2 million acre-feet per year,” he said. “Almost 90 percent of the water is used by farms.”

Hanak and the PPIC researchers believe there is no silver bullet available for valley water suppliers to comply with the groundwater regulations. According to the PPIC, farmers may have to fallow at least 500,000 acres of farmland and switch to crops that require less water, while suppliers will have to capture more runoff from storms and decrease reliance on expensive water imported from Northern California.

Some farmers, like Maricopa Orchards CEO Jon Reiter, have already begun fallowing some of their land. Reiter, who grows almonds and pistachios, said he only plants half the average number of trees in critically overdrawn areas of his farm.

“While we are focused on permanent crops, we take great efforts to not overplant,” Reiter said. “When we decide as to what we’re going to plant, every tree that goes into the ground we’re looking at where that water is going to come from not next year or the year after, but 10 years down the line when the tree is fully matured. Our strategy is we’re going to have open land in our portfolio. We use the water associated with that open land to support the planted acreage.”

He said fallowed ground is put to other uses with economic benefits, like leasing the land to solar companies.

The PPIC report said that kind of creativity is crucial in the fight to conserve valley water.

“With the largest groundwater deficit in the state, the valley is ground zero for implementing this law,” the PPIC warns in its latest [report](#). “Valley farmers and residents have a history of creatively adapting to difficult and changing conditions. Although major challenges lie ahead, constructive solutions are in reach.”

The authors presented their report “Water and the Future of the San Joaquin Valley” to a room full of valley farmers and water experts gathered at the Fresno State event on Friday. Experts on three separate panels told the crowd that farmers, environmentalists and suppliers will have to team up to tackle the new groundwater regulations.

“How do you eat a whale? One bite at a time,” said Ric Ortega, general manager of Grasslands Water District in Merced County. “You try things and you engage in partnerships.”

Dirty water

While the valley only makes up 10 percent of the state’s total population, it’s home to more than half of the public drinking water systems that are out of compliance with state law. Over 100 small rural and disadvantaged communities rely on tap water contaminated with nitrates, and over 1 million Californians don’t have access to safe water.

One of the main contributors to nitrate contamination is the dairy industry, which fertilizes crops with nutrient-rich water from manure lagoons. Over time, excess nitrates from the water leach into the surrounding water table and often into water wells used for drinking.

Anja Raudabaugh, CEO of Western United Dairymen, says the industry is aware of the problem and is currently testing out new technologies. She expects the industry to make major strides in cutting out nitrate use over the next 5 to 10 years.

“It’s always hard having a flashlight shone directly over you,” said Raudabaugh.

Her group and others are pushing state lawmakers to pass a new tax that would go toward cleaning up wells contaminated with nitrates. The [idea](#) has failed in the past but under the latest iteration, residential water customers would pay an extra 95 cents per month along with fees assessed on dairies and fertilizer mills.

Supporters, like Veronica Garibay of the Leadership Council for Justice and Accountability, believe the so-called “water tax” will create long-term funding for clean drinking water programs. She says the 1 million Californians without clean water currently face a triple penalty: They are paying for dirty tap water, bottled water and for medical bills caused by using contaminated water.

At his first state budget press conference, Gov. Gavin Newsom called it a “disgrace” that some Central Valley residents don’t have access to clean water and announced support for a similar affordable drinking water improvement fund. Garibay agrees.

“This shouldn’t be a political issue; it’s time to get it done. We shouldn’t keep looking the other way and allowing this to continue in 2019,” said Garibay of the legislation.

The PPIC report and many of the participants at the Fresno event acknowledged the valley can’t afford to wait around for lawmakers to fix the valley’s water crisis.

“Although state and federal partners can help, the valley’s future is in the hands of its residents. A valley-wide conversation on the changes that lie ahead can help determine how to tackle the challenges outlined here and take the next steps for creating a better future. The stakes are high. So are the costs of inaction,” the 88-page report concludes.

Maria Dinzeo contributed to this report.

The Sacramento Bee

California winter rains used to ward off wildfires — but not anymore, new study finds

[By Jared Gilmour](#)

March 04, 2019 02:30 PM,

Updated **March 04, 2019** 02:33 PM

Storms have dumped torrential rains and snow across California this winter, triggering [deadly floods](#), mudslides and other catastrophes. But all that water is also [banishing drought conditions](#) in the state, and bringing scrubby hills to life with vegetation.

Could those wet conditions signal a reprieve from the recent rash of catastrophic wildfires, too?

Don't bank on it, an international team of researchers warned in a study published Monday in the [Proceedings of the National Academy of Sciences](#).

Scientists found that wet winter weather, historically a predictor of more modest California fire seasons, is no longer linked to less damaging fires. The link between more rain and less fire fell apart thanks to modern fire management and accelerating climate change, the study said.

“Fire not [being influenced by moisture anymore](#)? That is surprising,” said study co-author Alan Taylor, a Pennsylvania State University geography professor, according to a University of Arizona news release. “It's going to be a problem for people, for firefighters, for society.”

Intense, catastrophic fires have ravaged just about every part of the state in the last several years, including the [devastating Camp Fire](#) in Northern California last year, which killed more than 80 people to become the deadliest in state history, the Sacramento Bee reported. Meanwhile, Southern California's Woolsey Fire [burned in the Los Angeles area](#) around the same time, reducing to rubble the homes of Miley Cyrus, Neil Young and other celebrities.

“The last three years may be a harbinger of things to come,” Taylor said in the news release. “Between 1600 and 1903 there was not a single case of a high-precipitation year coupled with a high-fire year as occurred in 2017.”

The strength and position of the [North Pacific jet stream](#) (winds from the west that control California's winter rainfall) helped predict the risk of wildfires in the Sierra Nevada during the following summers as far back as 1600, and as recently as 1904, according to a news release from the National Oceanic and Atmospheric Administration on the findings.

But that started changing in the early 20th Century, the study said.

From 1904 on, there was a weaker link between precipitation from December to February and how bad summer fires were, just as federal policies began suppressing wildfires in the West — and by 1977, the once-strong connection between winter wetness and less severe fires had vanished altogether, researchers said.

“I didn’t expect there to be no relationship between jet stream dynamics and fire in the 20th century,” said study co-author Valerie Trouet, a University of Arizona professor and tree ring researcher, according to the university news release. “I expected it to be maybe weaker than before, but not to completely disappear.”

The link between jet stream position and precipitation is still intact, according to researchers.

“When the jet stream is positioned over California, it’s like a fire hose — it brings storms and moisture straight over California,” Trouet said. “What we see post-1900 is that the position of the jet stream is still an important driver of moisture to California — it brings moisture to California when it’s in the right position — but there’s a disconnect with fire.”

Trouet specifically pointed to the relatively wet California winter in 2016 and 2017, which was nonetheless followed by the deadly Tubbs and Thomas fires, according to the university press release.

“It’s not either climate change or historical fire management — it’s really a combination of the two that’s creating a perfect storm for catastrophic fires in California,” Trouet said.

Researchers wrote in the study that “recent California fires during wet extremes may be early evidence” that climate change-driven temperature increases, drier summers and less snowpack have already canceled out the link between winter rainfall and less severe fires.

Researchers said they relied on paleoclimate data and climate model simulations to complete the study — including “natural archives of climate and fires stored in tree rings that go back in time for centuries,” according to the university news release.

NOAA, a federal agency, [warned in its news release on the study](#) that “if warming continues, as is the scientific consensus, then significant wet season rain and snow may not ensure a quiet fire season afterward.”

San Francisco Chronicle

California lawmakers target cities' ability to block new housing

Alexei Koseff

March 5, 2019 Updated: **March 5, 2019** 4 a.m.

SACRAMENTO — Build, build, build.

The spirit of housing construction has imbued the state Capitol with renewed fervor this year as Gov. Gavin Newsom and coastal lawmakers push for policies to spur what they say is badly needed development to get soaring rents and home prices under control.

Advocates who work on housing issues in California say the topic is taking center stage like never before, with more than 200 bills introduced this session. The most provocative ideas — and those likely to cause the fiercest legislative fights — challenge the extent to which cities can control what gets built within their boundaries. Several measures would override zoning ordinances and remove other obstacles to make it easier to build housing.

Marina Wiant, vice president of government affairs for the California Housing Consortium, which promotes affordable housing development, said the lawmakers behind these bills are trying to take advantage of [Newsom's commitment to build 3.5 million homes by 2025](#). It's an ambitious goal that will require the state to nearly quintuple its current rate of housing production.

“We'll see what happens to them and how hard they keep sticking their necks out,” Wiant said.

The conversation has changed dramatically since state Sen. Scott Wiener, D-San Francisco, introduced legislation last year to limit cities' ability to block large apartment and condominium complexes near public transit. That bill, which aimed to get more people out of their cars and closer to their jobs, faced such stiff opposition that it [died in its first committee](#).

But it's [back this year](#) with lower height limits and provisions to prevent the displacement of low-income residents, changes designed to reduce opposition among progressives. [SB50](#) would prohibit cities from restricting housing developments up to 45 feet tall within a half-mile of major job centers and transit stops, such as a BART or Caltrain station. Within a quarter-mile, projects could be 55 feet tall.

Louis Mirante, legislative director for [California YIMBY](#), a group that lobbies to build more housing, said a “pure local control model” may have worked in the 20th century, but that the state cannot allow rules written decades ago to regulate an economy of the future. His

organization is sponsoring SB50, which takes an approach to housing production that he said will be crucial for keeping up with population growth.

“We probably won’t be able to meet that goal without some form of preemption of local zoning rules,” Mirante said.

State Senate President Pro Tem Toni Atkins, D-San Diego, appointed Wiener chair of a new Senate Housing Committee in December, which advocates said indicated that legislative leaders are interested in his mind-set on development. He has emboldened other lawmakers who share his belief that building densely around public transit is one path out of California’s housing crunch.

“We are hearing and feeling and seeing it every day in our districts,” said first-term Assemblywoman Buffy Wicks, D-Oakland. She is carrying [AB725](#), which would force cities to plan more multifamily buildings rather than single-family homes for the wealthiest households.

Other bills would guarantee approval for apartment and condominium projects for low- and middle-income earners in certain communities that have resisted dense development, and remove local lot-size requirements for cottages and other secondary units that homeowners build on their properties.

Later this year, lawmakers are expected to consider changes to the fees that local governments can charge housing developers to offset the impact their projects have on public services. The issue is a priority for home builders, who say exorbitant fees and other mandates that delay approval for projects make construction prohibitively expensive in California.

“We work with local control in the other 49 states,” said Dan Dunmoyer, president and CEO of the California Building Industry Association. “To build in any other state is so much faster.”

Among the boldest measures is [SB330](#) by state Sen. Nancy Skinner, D-Berkeley, which would declare that California is experiencing a “housing supply crisis.” It would prohibit cities with high rents and low vacancy rates from changing zoning laws to reduce the size of potential housing projects, imposing new parking requirements or costly design standards, or capping the number of housing units that could be built for the next decade. It would also force local governments to approve or reject a project within one year after it’s proposed.

“The normal way we respond to a crisis is to give a green light to things we are already doing that speed them up,” Skinner said. “When we’re in a fire crisis, no one is saying, ‘State, don’t act to prevent damage.’”

Housing bills to limit local control

Some of the bills introduced in the Legislature to restrict cities’ ability to block or limit housing development.

SB50 (State Sen. Scott Wiener, D-San Francisco): Would make it easier to build apartment buildings and condominiums in cities by eliminating minimum parking requirements and raising height restrictions within a half-mile of job centers and public transit stops.

SB330 (State Sen. Nancy Skinner, D-Berkeley): Would prohibit cities with high rents and low vacancy rates from placing moratoriums or other restrictions on housing construction until 2030. Would limit the approval process for projects to three public hearings and require that cities make a decision within one year.

AB725 (Assemblywoman Buffy Wicks, D-Oakland): Would impose new restrictions on housing for high-income residents that cities and counties must plan for under their state-mandated regional housing goals, so that no more than one-fifth can be single-family homes.

AB1279 (Assemblyman Richard Bloom, D-Santa Monica): Would designate certain communities with low-housing density where developers could more easily build apartment and condominium complexes for low- and middle-income earners. Would charge a fee on more expensive projects in those areas to fund affordable housing.

AB68 (Assemblyman Phil Ting, D-San Francisco): Would override city ordinances that require a minimum lot size for secondary units, such as cottages and basement apartments, or restrict those units to less than 800 square feet.

SB4 (State Sen. Mike McGuire, D-Healdsburg): Would streamline the approval process for small multifamily housing projects in cities and counties with unmet housing needs, excluding coastal zones, historic districts and areas with high fire risks. Would also ease the development of apartment buildings and condominiums up to one story taller than existing height limits within a half-mile of transit stations.

Carolyn Coleman, executive director of the League of California Cities, acknowledged that local governments have a responsibility to plan for new housing and approve projects that fit within their zoning. But she said there are market forces beyond their control.

“Once we have done our job, it’s not fair to blame us or to penalize us for the house that didn’t get built,” Coleman said.

She said cities are receptive to the state setting goals for housing production and providing funding to help communities reach those goals. But Coleman says she doubts Sacramento can come up with policies that provide a “panacea” for different regions of the state.

“Decisions around land use and planning and accounting for the quality of life in a community, I think those decisions rightfully belong at the local level,” Coleman said. “And frankly, I think the voters feel the same way.”

Even some housing advocates worry that nuance might be lost in the onslaught of legislation.

Anya Lawler, who lobbies for the Western Center on Law & Poverty, said the Legislature has already passed bills in recent years to make housing construction easier and that the state has increased pressure on cities to allow building, such as the [lawsuit Newsom authorized in January](#) against Huntington Beach (Orange County). She said the state needs to give those policies a chance to work.

“Now the pendulum has swung very far in the other direction where we’re blaming local governments for everything and using them as a scapegoat,” Lawler said.

Her organization supports efforts to limit rent increases and build more low-income housing. But she warned that overloading cities with aggressive state mandates could frustrate those that are trying to do the right thing without targeting those that have been truly obstinate on development.

“At some point we have to say, ‘OK, here are the rules. Follow them,’” Lawler said. “We’ve reached a point where the number of bills out there is insane.”

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Popular Science

Why California's droughts and floods will only get worse

This is bad news for water storage and flood risk.

By [Ula Chrobak](#) **March 5, 2019** at 12:30pm



In 1964, the Oroville Dam in Northern California was hit, in the middle of construction, by a major flood. In 2017, the same structure was damaged by severe rainfall, triggering a massive evacuation.

California Department of Water Resources

The Golden State's had a harsh winter. Between [October 1 and March 3](#), most California weather stations across the state were reporting greater-than-normal amounts of precipitation. And the state's snowpack has grown to be the fifth largest in 40 years, with up to [25 feet of powder](#) in some places.

It's needed moisture after a six-year-long drought from 2011 to 2017 and last year's dry winter. Snowpack and reservoirs are [stocked right now](#). But persistent rain has flooded many areas, including towns along Northern California's Russian River. In Guerneville, residents paddled around after the river swelled to 45 feet high. Rain, floods, and mudslides have also wrecked homes and roads in areas across the state.

The dramatic shift from dry to wet this winter hints at what's to come. Scientists predict that California's total precipitation will remain close to constant in the future, but it will fall in a shorter window of time, with more of it as rain. The state will also experience greater variability—more very wet *and* more very dry years. These findings highlight the need to capture rainfall and improve aging infrastructure.

Here's what to expect from California's wet seasons, now and in the future:

An already-variable climate

When it comes to rain and snow, California tends to be all-or-nothing. “We have the most variable climate in the continental U.S.,” says Heather Cooley, director of research at the Pacific Institute, a water policy think tank. “We have very, very wet years, and we have very, very dry years.”

The timing of California's precipitation is unique, too. The state has a Mediterranean climate, which means wet, mild winters and warm, dry summers. But California uses most of its water in the summer, a lot of it to grow irrigated crops. (Much of the United States' fruit, vegetables and nuts are grown in the California's Central Valley.) To help bolster water supplies in summer, farms and cities alike rely on water melted from Sierra Nevada snowpack. Californians also store surplus water in reservoirs and underground aquifers.

A lot of the state's rain and snow falls from atmospheric rivers, “long, ephemeral corridors of intense moisture transport” in the sky, says Alexander Gershunov, research meteorologist at the University of California, San Diego. Fed by moisture from the ocean, these rivers flow with winds, holding their moisture until it's somehow squeezed out. In California, that happens when the atmospheric rivers crash into the Sierra Nevada mountains, raining and snowing across the western Sierras and leaving the eastern part of the state relatively dry.

“We've seen a large number of colder [atmospheric rivers]” this winter, says Daniel Swain, climate scientist at the University of California, Los Angeles. Atmospheric rivers are usually associated with warm storms, but this year California had both warm and cold storms. Swain traces these cold storms to the stratospheric polar vortex breakdown, which led to a mass of polar air sitting over Canada, occasionally moving south. Additionally, this winter's [polar vortex disruption](#) led to a wavy jet stream, a bend of which is located on the West Coast. Because of the jet stream's position, “we've had this persistent region that favors increased storminess,” says Swain.

Droughts and floods in the future

While California's climate has always been variable, this century's big swings from wet to dry foreshadow an overall shift to an even more dramatic future climate.

Because the planet's poles are warming faster than the tropics, the difference in temperature between these two climate zones is becoming smaller. This leads to an expanding subtropical,

arid region. This subtropical zone is pushing into Mediterranean climates, including those in Chile, South Africa, Australia, and the Mediterranean Basin, causing total precipitation in these places to decrease.

California is defying this trend—its annual average precipitation is expected to remain about the same, according to a [study by Gershunov](#) in 2017. But the intensity of rain is expected to increase, meaning more will fall in less time. This is thanks to atmospheric rivers. As temperatures warm, the atmosphere holds more water. So while California’s overall dry season will lengthen, due to expanding subtropics and warming temperatures, its winter atmospheric rivers will dump more water than before.

In a [2018 study](#), Swain’s team evaluated the number of extreme storms and droughts expected as the climate warms, projecting that wet extremes will go up by 100 to 200 percent by the end of this century. Extreme dry years, similar to the 2013 to 2014 drought year, will become more common by 2050, especially in Southern California. “Precipitation whiplash,” or the immediate shift from a drought to flooded winter will go up by about 50 percent. This will eliminate the so-called “shoulder season” that typically acts as a buffer between weather extremes. When it does rain, it’ll be within a shorter window in the winter. “We’re making an already narrow season more concentrated, at the expense of the shoulder season,” says Swain.

These changes could have disastrous consequences. In his study, Swain considered the risk of floods like the 1862 Great Flood—which [killed thousands of people](#) and formed a 300-mile-long inland sea. There’s about a 50-50 chance of another event of the same scale occurring again by 2060, he found. “It would essentially inundate land that is now home to millions of people,” says Swain.

Opportunities to adapt

Heavy rains could cause catastrophes if they overwhelm the state’s aging dams. A [recent Army Corps of Engineers report](#) found that a rare, powerful storm could cause the Whittier Narrows Dam, near Los Angeles, to breach, threatening lives in downstream communities.

Future droughts will also test California’s water reserves. And they’ll be made worse by the fact that temperatures will be warmer, drying out landscapes. A single wet winter like the one California’s having is not enough to restore the state’s groundwater aquifers, says Pacific Institute’s Cooley. Groundwater is key to weathering droughts, when snowpack and surface water are less and less available. And much of the water raining down on the Golden State right now is [funneled straight to the ocean](#), thanks to paved surfaces and channelized waterways.

The good news is, there’s a lot that the state can do—or is already doing—to adapt to a wet and dry warmer future. “I think there are huge opportunities for us to rethink how we manage water and land use,” says Cooley.

Officials in California are looking to a number of ways to enhance recharge, including infiltration basins and directly injecting water into the ground. Requiring industrial and

commercial developments to design with permeable surfaces and add features like bioswales can help store stormwater, too, says Cooley.

According to a [2014 Pacific Institute report](#), Southern California and the San Francisco Bay Area could store an extra 420,000 to 630,000 acre-feet of water per year by capturing stormwater, close to the amount of water Los Angeles uses annually.

Swain says the [Yolo Bypass](#), located outside Sacramento, is also a great example of flood control. Officials route excess flows from the Sacramento River to this floodplain, where the water saturates rice farms and creates wetland habitat. It's a win for farmers, wildlife, and flood prevention. It's cheaper and less risky than building more dams, too, says Swain. "It certainly seems like there may be opportunity to harness one extreme to mitigate the risks of the other."

The Press

Department of Water Resources hits pause on WaterFix

- Tony Kukulich
- **Mar 5, 2019** Updated 3 hrs ago

The real-world implications of Gov. Newsom's rejection of the twin tunnels project became more apparent last week as the Department of Water Resources (DWR) and the U.S. Bureau of Reclamation requested and were granted a 60-day stay of hearings with the State Water Resources Control Board (SWRCB).

"We agree that the SWRCB water rights hearing should be stayed while the state determines what project it wishes to pursue," said Osha Meserve, a Sacramento-based environmental attorney representing counties, local agencies and environmental groups opposed to WaterFix. "We are urging an open and transparent process to assess alternatives to the twin tunnels concept rejected by the Governor that could be more readily implemented."

During Newsom's State of the State address on Feb. 12, he stated unequivocally that he did not support the twin tunnels, but does support a single tunnel. Newsom's position created a quandary for DWR. The project has, up to this point, been contemplated as a two-tunnel project. Years of environmental impact reports, wildlife impact studies and construction permit requests were completed based on two tunnels with three intakes — each with a 3,000 cubic feet per second capacity — to be constructed on the Sacramento River, south of the city of Sacramento. The size of the tunnel, the number of intakes, the capacity of those intakes and their placement are now unknown quantities.

The request to construct the intakes, referred to as a change in point of diversion (CPOD), was submitted by DWR and the Bureau of Reclamation to the SWRCB in August 2015. DWR is the state agency charged with building and operating WaterFix as part of the State Water Project. The Bureau of Reclamation, a federal agency, is involved because the Central Valley Project (CVP) is expected to receive water from the WaterFix infrastructure, and CVP is a federally administered program. Hearings regarding issuance of the requested permit have been ongoing for years and a ruling was initially expected as early as this past December. But December came and went with no ruling, and now a stay in the hearings has been requested, ostensibly to allow DWR the time to figure out what a single-tunnel project would look like.

The March 1 letter addressed to Tam Doduc of the SWRCB says, in part, "This request is in light of Governor Gavin Newsom's State of the State address on February 12, 2019, where he presented a conceptual proposal supporting a single-tunnel configuration for WaterFix that builds on the permit and planning work that has already been completed. The Petitioners (DWR and the Bureau of Reclamation) are submitting this request to allow DWR sufficient time to assess the effects on WaterFix and the nature and the extent of the effects would have on any

new permit and planning work, and specifically how this may affect the WaterFix CPOD process.”

DWR provided The Press with a copy of their request, but declined to provide additional comment.

Michael Brodsky, legal council for Save the California Delta Alliance – a Discovery Bay-based environmental group that opposes the construction of the tunnels – said he believed SWRCB would grant the stay and that it would be only the beginning of DWR’s process to redefine WaterFix.

“In addition to the downsize from two tunnels to one tunnel, the governor also stated that conveyance projects should include portfolio elements,” said Brodsky. “Portfolio elements include increased water storage facilities, water recycling, water conservation and other measures. If the revised project includes those measures and is a one-tunnel project, that would be a set of very significant changes. It would not make sense for the water board to move ahead to a final decision on the current project, which will never be built. It makes sense to wait until the governor fleshes out his plan for the new project and then for the water board to consider that new project.”

For more information on WaterFix, visit: Save the California Delta Alliance - <https://nodeltagates.com/>, California WaterFix - <https://californiawaterfix.com/>, the Department of Water Resources - <https://water.ca.gov/>, and Restore the Delta - <https://www.restorethedelta.org/>.



Published March 6th, 2019

Director again warns of potential MOFD financial emergency

By Nick Marnell

Even with the approval of two new labor contracts retroactive to July 1, the Moraga-Orinda Fire District expects to reverse the general fund budget deficit of \$583,000 to a \$99,000 surplus for the current fiscal year, based on a midyear budget adjustment presented to the board at its Feb. 20 district meeting. And though the resultant increase to the general fund balance raises it to more than \$6.3 million, equal to 25 percent of budgeted revenue, director John Jex cautioned that the district was still far short of what it needs to safely operate.

The district approved new three-year contracts with its chief officers association and with its clerical and technical employees that run through June 30, 2021. The additional \$72,000 expense of those two contracts was included in the surplus the district recognized for the current year.

But with the district forecasting losses over the next two years, after having added only \$99,000 to its general fund balance this year, Jex warned that the district may not be able to pay its current obligations come 2021.

"I hope the committee working on the long range plan recognizes that a plan for the next three years that shows expenses in excess of revenues is a trip to an eventual declaration of a financial emergency and reversal of all the financial progress the district has made during the last three years," Jex said. "This will eventually force the district to cut services in addition to relying on an unreliable source of borrowed funds to finance current operations."

Jex was speaking of the district reliance on the Contra Costa County Teeter Plan, which advances the district its total property tax entitlement in July, whether collected or not. The advance to MOFD is repaid as the county collects the outstanding taxes, penalties and interest, per Bob Campbell, county auditor-controller. In effect, the county takes on the tax collection risk in exchange for the penalties and interest. "If the county somehow changed that, we'd have no money to pay the bills come July and August," said Jex, who maintained that having a general fund balance of 50 percent of revenue - equal to six months of operating expenses - is the only way to avoid such a catastrophe.

Neighboring fire districts project various general fund balance percentages of revenue for the current year ending June 30. San Ramon Valley Fire reports 91 percent; East Contra Costa Fire, 70 percent; Kensington, 66 percent; Rodeo-Hercules, 2 percent. The general fund balance of the Contra Costa County Fire Protection District sat at 33 percent of revenue for the prior fiscal year.

Jex was the only director who did not approve the district midyear budget adjustments. The long-range financial plan that he spoke of, which is still in the works, is expected to be made public this spring, likely at a district financial workshop.

Reach the reporter at: nick@lamorindaweekly.com

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East Bay Times

Off-duty East Bay cop makes citizens arrest of public official he claims assaulted him

The tiny town of Kensington has long been riled over whether it should keep its own police department or contract with another force for patrols



CREDIT: CHRIS TREADWAY The long, on-going debate on the future of the Kensington Police Department boiled over in an argument between the police district manager and a cop. The cop alleges he was assaulted.

By [Thomas Peele](mailto:tpeele@bayareanewsgroup.com) | tpeele@bayareanewsgroup.com and [David DeBolt](mailto:ddebolt@bayareanewsgroup.com) | ddebolt@bayareanewsgroup.com | Bay Area News Group

PUBLISHED: March 6, 2019 at 7:24 pm | UPDATED: **March 7, 2019** at 1:39 pm

KENSINGTON — In a new twist for this affluent town known for [its political infighting](#), the manager of the local police district was arrested on suspicion of assaulting one of his own cops during a heated argument involving the future of the department.

The manager, Tony Constantouros, 70, allegedly bumped or poked Officer Ted Foley, who was off duty and not in uniform, during a meeting Saturday morning where a consultant was making a public presentation about the department. Foley made a citizen's arrest of Constantouros, said Eileen Nottoli, president of the Kensington Police Protection and Community Services District Board. The case is being reviewed by the Contra Costa County District Attorney's Office, a spokesman there said late Wednesday.

Foley did not respond to an email seeking comment. Constantouros denied the allegations when reached Wednesday night, calling them "trumped up."

“I plan to ask for a full investigation,” Nottoli said in a phone interview.

It all started during a presentation by the Matrix Consulting Group of Mountain View, which is studying whether the police department should be disbanded in favor of contracting out for police services. At one point Foley yelled at the consultant, Nottoli said, and Foley and Constantouros were soon arguing.

Constantouros said he confronted Foley after the officer made “deceptive” comments during a Q&A with consultants. He denied any assault took place against Foley or “anyone in my life.” Constantouros accused the officer of retaliating against him by serving a citation after the meeting. Foley acted alone, Constantouros said.

“These are trumped up charges. He made a false statement and he fabricated a story to get back at me,” Constantouros said. “I don’t take misuse of police power lightly.”

He continued, “I really think highly of police services and I have deepest respect for all officers.” But, he said, “I do not like intimidation and falsehoods. The way he treated me is just inexcusable.”

A Matrix study done last year found officers respond to four calls per day on average, mostly quality of life or minor crimes, and recommended officers be more proactive during their downtime. Matrix consultants have held several town meetings over the past two years.

Kensington has long fought over its police. Board members even sued residents over a public records request for documents about the department. After this news organization reported in 2015 that [Sgt. Keith Barrow’s gun and badge were stolen by a Reno prostitute](#) after they had sex in a hotel, and the sex worker’s pimp accidentally shot himself with the weapon, former Police Chief Greg Harmon was forced out of his job amidst a public outcry.

Several months later, former Board Member Vanessa Cordova, who voted for Harmon’s ouster, was pulled over by Barrow and another officer who she said harassed and intimidated her, which the officers denied.

Last month, records released in response to Senate Bill 1421, the state’s new police transparency law, showed [cops used a confidential law enforcement database](#) to look up information on Cordova. That disclosure sharply contradicted statements by Harmon’s successor, former Chief Kevin Hart, [who had claimed in 2016](#) that he’d found only a minor infraction of the use of the database involving Cordova’s records.

Nottoli has also called for an investigation into possible misuse of the database, which can be charged as a felony under state law.

Staff writer Nate Gartrell contributed to this story.

Redlands Daily Facts

Mentone residents sue Redlands over forced annexations, ‘excessive’ fees

There are also complaints about a 1959 land acquisition by the city, and about a lack of environmental oversight for Mentone development.



Tom's Burgers owners and the Mentone Chamber of Commerce hold a protest in front of a potential Tom's Burgers in Mentone. The building is built, but sits vacant as the owners refuse to pay \$89,000 for a water meter to the city of Redlands (which provides water and sewer to parts of the unincorporated community). Saturday, August 25, 2018. (Photo by Frank Perez, Contributing Photographer)

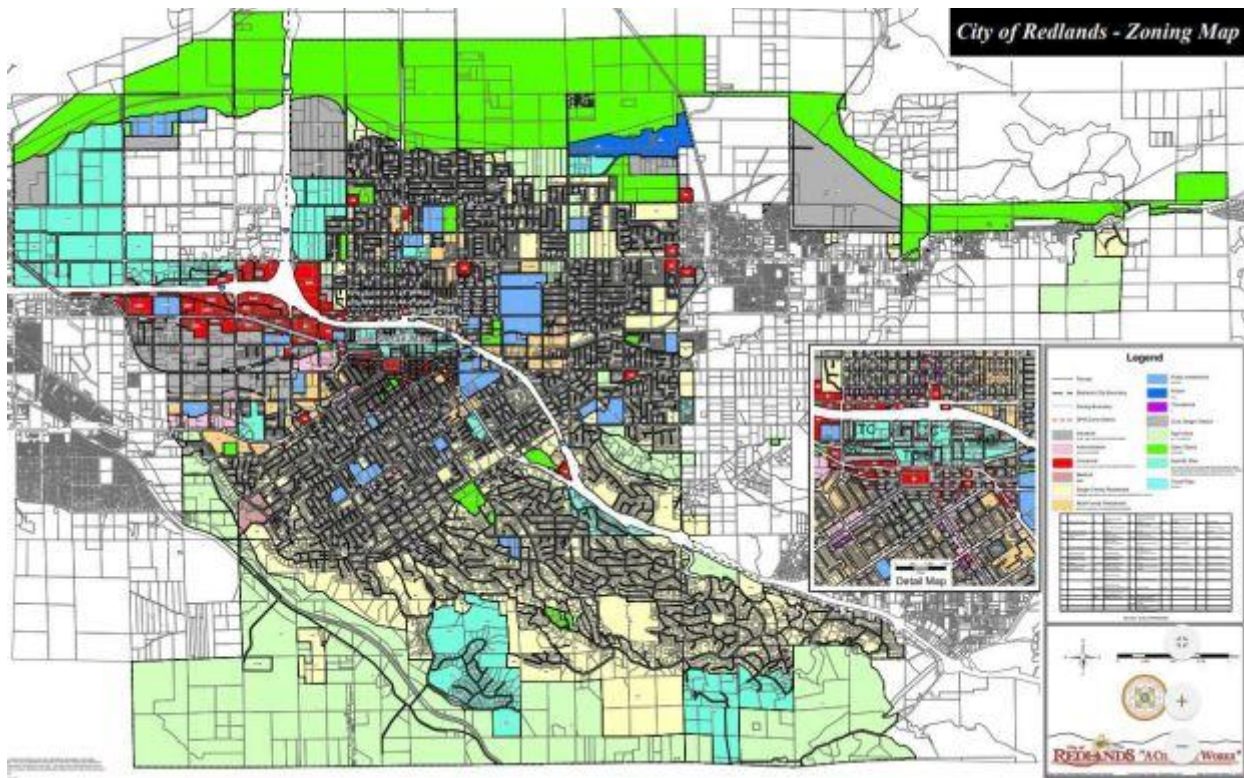
By [Jennifer Iyer](mailto:jiyer@scng.com) | jiyer@scng.com | Redlands Daily Facts

PUBLISHED: March 7, 2019 at 4:14 pm | UPDATED: **March 8, 2019** at 11:38 am

Some Mentone residents have been saying for years that [Redlands hasn't been acting very neighborly](#), and now they have a lawsuit that makes complaints official.

A group of residents of several nearby unincorporated communities have filed a lawsuit saying their bigger, wealthier neighbor to the west is forcing them to sign agreements regarding annexation, and charging “excessive” fees for water and sewer hookups. There are also complaints about a 1959 land acquisition by the city, and about a lack of environmental oversight for Mentone development.

Mentone landowner Raul Madrid called the city's practices "civil extortion" and government overreach when he spoke before the Redlands City Council on Tuesday, March 5.



Colored portions are within Redlands city limits. A lawsuit by residents of neighboring unincorporated Mentone, white and gray right of center, is demanding Redlands prove it legally annexed "The Strip" north of Mentone on the right side of the map. (Courtesy of city of Redlands)

"Redlands' assessment of these unlawful fees exist today because nobody has challenged them and you leave us no choice but to sue you," he said before handing a copy of the suit to the city clerk.

The city did not answer questions about the lawsuit and what fees it charges for hookups in Mentone. Similar questions to co-defendant San Bernardino County Local Agency Formation Commission also went unanswered.

Redlands' city attorney, Daniel McHugh, said the next step is for the council to discuss the charges in a closed session meeting.

The suit comes from C.O.M.E.T., which stands for either Community or Citizens of Mentone Empowered Together, depending on who you talk to. The group is the nonprofit arm of the Mentone Chamber of Commerce, according to board Vice President Gabe de la Rosa, and has about 100 to 150 members.

The suit asks the court to:

- Stop Redlands from requiring pre-annexation or annexation agreements in exchange for water and sewer service, and to stop enforcement of prior agreements

- Order Redlands to charge only the actual costs for the services it provides
- Require that Redlands and LAFCO only approve projects with a valid Environmental Impact Report
- Require Redlands to prove it had the authority in 1959 to annex a strip of land in northern Mentone; and if it is found there was no authority, to restore the property to Mentone
- Order LAFCO to detach Mentone from Redlands' sphere of influence

Mentone became dependent on the city utility for water and sewer services after the [utility purchased all of the smaller water companies in the area](#). The only other way to get water and sewer service in town is via well and septic systems, de la Rosa has said.

Redlands' [Measure U](#), which was passed by voters in the city in 1997, requires all development within its sphere of influence to conform to the city's development standards. It also requires that "no extension of City-provided utility services to areas outside the city limits occur until such areas are properly annexed to the City." The exception is when owners of noncontiguous property sign a pre-annexation agreement, promising not to protest if and when the city decides to annex the property, and pay fees "which would be applicable to the property if it were within the City limits."

At a [council meeting on Feb. 19](#) when one of the pre-annexation agreements came up, city attorney McHugh said the measure "ensured that if we were going to send water and sewer service that way that the developments were consistent with our general plan zoning."

He also said that, without that kind of agreement, "they'd in essence be getting a freer ride based upon what the taxpayers presently pay for city services. It was a way of balancing out those properties that come in underneath an annexation agreement."

Madrid, the property owner, calls this "double dipping," as Mentone residents also have to pay San Bernardino County fees for services such as police, fire and libraries.

Redlands demands payment, but "does not provide said services, which are actually provided by San Bernardino County," the suit reads. The extra fees, the suit claims, are passed along to future homeowners, raising the cost of housing.

The fees also impede commercial and other development in the town of less than 10,000 residents, the suit says.

As for the prospects of full annexation, Redlands Mayor Paul Foster said at the Feb. 19 meeting that it wasn't likely.

"The city of Redlands has no interest in annexing Mentone now, or any time that I can foresee in the future," Foster said. "This is only being done because of the vote taken by the will of the people 25 to 30 years ago."

That measure [could be updated in a vote by city residents](#) in November, but proposed changes would apply only to areas along an upcoming rail line within the city limits.

Martinez News-Gazette

Council unanimously hires Figueroa as new city manager

[Donna Beth Weilenman](#) | **March 10, 2019** | [0 Comments](#)

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MARTINEZ, Calif. – Eric Figueroa received unanimous support from Martinez City Council and will become its new city Manager April 22.

The vote came during Wednesday’s Council meeting, which Figueroa attended.

Figueroa, has been San Ramon’s assistant city manager since 2014, and was chosen from 35 candidates considered in a nationwide search by consultants Avery and Associates.

During his years in San Ramon, Figueroa helped manage a \$73 million operating budget and 250 employees, and has been active in establishing and achieving that city’s major economic, environmental, parks, business development and tourism goals, an announcement from the city of Martinez said.

Figueroa also has spent eight years as the League of California Cities’ public affairs manager, building coalitions with governmental officials and community leaders from 33 East Bay cities, including Martinez.

He and his wife of 24 years, Joanna, live in San Leandro. The couple has three children. The family enjoys nature, recreation and historic downtowns, according to the city’s announcement

His base salary will be \$234,000 plus benefits and retirement, accrued leave time and other compensations.

Figueroa called his selection “an honor and a privilege,” adding he was “overjoyed to be here.”

He said he first gained appreciation of Martinez while he was in college, when he visited the city to attend an antique and craft festival. He found himself admiring Martinez's architecture as well as the city's downtown area.

Figueroa said he is hoping to spend years as Martinez's city manager, working with both the Council and city employees. "I'm poised to enjoy a great run" in a city he said has the best the Bay Area has to offer.

In other matters, the Council unanimously accepted staff recommendations for midyear adjustments to the city's current budget.

Finance Director David Glasser said the city's General Fund revenues are higher than anticipated when the budget was adopted last year.

He described the General Fund as the city's checkbook account, because it is the operating fund. Property taxes are expected to be \$112,000 higher than anticipated, even though revenue estimates already had predicted a 5.25 percent increase, he said.

Local sales taxes are expected to be \$850,000 higher, too, he said. Measure X money, approved by voters in the November, 2018, general election, is a general half-cent sales tax that was proposed to keep city services at the same level despite rising costs.

The estimated increase is based on similar results for the Measure D road-repair half-cent sales tax approved in 2016, although unlike with Measure X, Measure D's revenues do not go into the General Fund.

But Measure X money will, once it becomes effective April 1, Glasser said. California will begin collecting the tax on the city's behalf, and deliver estimated revenues to Martinez. Eventually the state will give the city a "true-up" statement that will be a more accurate number.

Meanwhile, Martinez and other California cities are watching as the state deals with a computer programming glitch that is impacting how it collects sales tax.

Before he left office, then-Governor Jerry Brown changed the agency that collects sales tax, from the Board of Equalization to the new California Department of Tax and Fee Administration, Glasser said.

While the change makes sense overall, he said, the new office has experienced software problems that has been rejecting sales tax returns, including that of one of Martinez's larger source of such revenue, Walmart.

The revenue-collecting office is attempting to correct the glitch, he said.

Among the revenues Martinez is collecting for the first time is \$900 in cannabis tax, the city's share of county revenues, he said.

Martinez's revenues may be up by a total of \$932,000, but the Council also was asked to acknowledge an additional \$1,038,224 in expenditures.

Much of this involves changes in the city's Social Security's payments related to the dissolution of the Pleasant Hill-Martinez Joint Facilities Agreement that resulted in lengthy negotiations about workers that were declared city employees rather than those of the two-city alliance.

While those employees will be credited for Social Security benefits for the entire time they were counted as working for the agreement, the city is being held accountable for three years of Social Security payments, and has taken out a loan to settle those payments.

Those payments impact the budgets of multiple city departments.

The city also will be paying more for maintenance of its camera and license reader equipment and server storage and must cover field maintenance that was expected to be underwritten by rental fees paid by the owner of the Martinez Clippers, Paulette Carpoff, who with her husband, Jeff, and their companies have declared bankruptcy after an FBI raid and investigation left their bank accounts and assets frozen or confiscated.

Other additional expense come from salary increases; software needed for accounting related to budget preparation; the need to comply with new state mandates for street signage and striping; vandalism repair especially at Martinez Waterfront Park; additional foul ball netting at Waterfront, Hidden Lakes and Mountain View park ballfields; the installation of a computer maintenance management system at Corporation Yard and the water treatment plant; and the inclusion of a \$10,000 machinery shop expenditure that inadvertently was left out of the past budget cycle.

Another expenditure approved with the rest of the adjustments is \$4,000 for celebrations of Martinez elementary schools' pupils and their accomplishments in the area of recycling and conservation.

Another change that would impact California is a change in the rules for online sales taxing.

Slated to become effective April 1, the change is part of Gov. Gavin Newsom's proposed budget and would assure that online sales would produce sales tax revenues.

A question remains at what threshold would trigger the tax, although one version requires retailers to collect and submit sales tax if they had \$100,000 in sales or 200 transactions in California during the previous year.

However, some in the State Legislature have wanted to protect smaller companies and set the threshold at \$500,000 in sales the previous 12 months.

Other states are dealing with the situation, too, from the South Dakota vs. Wayfair court case that dealt with a state's ability tax remote sales to Georgia's requirement that those selling to its residents must register with the state and South Carolina ongoing negotiations with Amazon about sales tax collection.

The Sacramento Bee

Cities will lose gas tax money if they don't meet housing goals under Gavin Newsom's plan

[By Sophia Bollag](#)

March 11, 2019 01:23 PM,

The moment Gavin Newsom put California cities on alert over housing compliance

In his State of the State address, California Gov. Gavin Newsom acknowledged the state's housing problem. While he doesn't intend to sue all of the cities for their failures to meet their housing obligations, he vowed to hold them all accountable.

California cities that [aren't making plans to build affordable housing](#) could lose money for roads starting in 2023, if Gov. Gavin Newsom gets his way.

Newsom first announced his intention to link housing goals to road repair money in his January budget proposal. On Monday, the Democratic governor released details about how his plan would redirect funds generated by the state's recently increased gas tax, sometimes called SB1 money after the 2017 law that increased fuel taxes.

He also described how he wants to spend \$1.75 billion to entice communities to build more and set a timeline to accelerate the state's construction goals.

“Our state's affordability crisis is undermining the California Dream and the foundations of our economic well-being,” Newsom said in a written statement. “Families should be able to live near where they work. They shouldn't live in constant fear of eviction or spend their whole paycheck to keep a roof overhead.”

Newsom's announcement comes as he works with lawmakers to negotiate a budget deal. They face a June deadline [to pass a budget for the upcoming fiscal year](#).

Several Democratic lawmakers have criticized the idea of linking gas tax funds to housing.

Assemblywoman Cecilia Aguiar-Curry called it “disturbing” during a legislative hearing on the governor's plan last month.

“Using SB1 funding is not something that I think should be on the table,” the Winters Democrat said.

Assemblyman Jim Cooper said he agreed with Aguiar-Curry and alluded to the campaign Democrats ran last year to keep the gas tax in place as Republicans worked to repeal it through a ballot initiative.

“There were comments made to the voters and promises made and that was a very heavy lift last year,” Cooper, an Elk Grove Democrat, said. “I think the voters do have a certain expectation that those funds be used for what’s promised, and now to change that mid-stream, that’s going to rub a lot of folks wrong.”

Former Gov. Jerry Brown advocated for the gas tax, [which aimed to raise about \\$52 billion](#) for transportation projects over 10 years. Half of the money goes to state projects, and half is intended to be managed by cities and counties.

Newsom has acknowledged his plan is controversial. It’s one of his efforts to put more pressure on cities and counties to build more to ease the state’s housing shortage.

He [sued](#) Huntington Beach in January, arguing the Orange County city isn’t allowing enough housing for low-income people. He’s threatened to also sue other cities that fail to meet their targets.

Newsom’s proposal would direct the California Housing and Community Development to set new, more ambitious housing goals, moving up the timeline for communities to meet short-term housing targets from three years to two.

Newsom’s budget proposal sets aside \$250 million to help cities and counties develop plans to reach those goals. Starting in 2021, cities that hit their targets will be eligible for another \$500 million in incentive grants.

Newsom’s plan also includes half a billion dollars to increase the state tax credit for affordable housing projects, including up to \$200 million for “moderate-income” housing. It would also expand a loan program for mixed-income developments by \$500 million.

KQED

Forget YIMBY vs. NIMBY. Could PHIMBYs Solve the Housing Crisis?

[Jessica Placzek](#)

Mar 11, 2019

The housing crisis has given rise to acronyms that define the battle over new developments: "Yes in My Backyard" (YIMBYs) vs. "Not In My Backyard" (NIMBYs). And now there's a new acronym: PHIMBY, as in "Public Housing in My Backyard."

"Some of my comrades down in the L.A. chapter of DSA (Democratic Socialists of America) came up with PHIMBY when we were writing a response to [Senate Bill 827](#)," says Shanti Singh, co-chair of the San Francisco chapter of the DSA.

The bill, proposed last year by state Sen. Scott Weiner, D-San Francisco, would have allowed for much more densely built housing near transit hubs. It was supported by the YIMBY movement, which began in San Francisco and encourages new housing development as one way to solve the housing shortage in the Bay Area.

DSA members worried the bill could speed up gentrification in neighborhoods and didn't consider low-income residents and communities of color that are most at risk of being pushed out. Instead, they proposed an alternative and gave a new name to an old concept, [PHIMBY](#).

"PHIMBYism calls for renewed investment in public and municipal housing and other mechanisms that aren't market determined," Singh said.

Sponsored

Singh wants to see housing solutions that will support low-income communities and people of color who are most affected by the housing crisis. This includes better public housing and more of it, as well as strengthening tenant protections and rent control.

In San Francisco, building both affordable and luxury housing units costs hundreds of thousands of dollars. Singh says when developers are profit-driven, there is little incentive to create affordable units.

Furthermore, market-rate housing can take years to depreciate enough to become affordable to low-income residents. [One study](#) found that it's far more effective to build subsidized rental homes.

However, there simply isn't enough affordable housing to meet demand. In 2017, more than [85,000 households](#) applied for 1,210 units of affordable housing in a lottery through the Mayor's Office of Housing and Community Development in San Francisco.

“[PHIMBYism] is the most direct way to build housing and preserve housing that people actually need to survive and thrive,” says Singh. “We’re not waiting for the market or to be shut out by exclusionary people.”

What Does Public Housing Mean Today?

According to the federal [Department of Housing and Urban Development](#) (HUD), public housing is managed and run by municipal housing agencies and funded mainly through the federal government. There are some 3,300 housing agencies in the United States, and about 1.2 million households living in public units.

That said, public housing has gotten a pretty bad reputation. For most people, public housing conjures images from the '80s and '90s of neglected high-rise projects with broken elevators and flickering lights in neighborhoods that suffered from disinvestment.

“There's been a shift in how we think about revitalization of public housing,” says Tomiquia Moss, who worked in the mayor's office in both San Francisco and Oakland and has headed various housing programs. She is now is the CEO of Hamilton Families, which houses the homeless.

“We want to have a much more integrated community where residents thrive in their neighborhoods, where they have access to opportunity, where there's jobs and resources and public parks,” she says.

For decades, the federal government has made budget cuts to HUD and public housing programs.

“Local jurisdictions have been responsible for taking up the slack of growing income and wealth inequalities in their communities and figuring out how to provide more housing for the people who live in these communities,” says Moss.

In 2005, officials found that San Francisco's Housing Authority needed to spend at least \$267 million to repair and renovate its housing stock. However, HUD was allocating only \$16 million to the city for those repairs and renovations. To address the problem, the city turned to public-private partnerships.

The city's public housing was brought under two big programs, HOPE SF and Rental Assistance Demonstration (RAD). HOPE SF replaces distressed public housing with mixed-income communities, and RAD renovated old public housing projects and handed them over to nonprofit management.

“The public-private partnerships have become more of a tool for how [mayors and civic leaders] address the housing crisis,” says Moss.

While Singh says that partnerships between cities and nonprofits could be considered PHIMBY, she'd rather see community-oriented and municipally-run public housing.

The PHIMBY Dream

Vienna could be seen as a paragon of PHIMBYism.

The Austrian city allows people making almost twice the average annual income to live in social housing. The housing is desirable and is sought after by sports stars, high-ranking politicians and low-income earners. That said, in 2015 alone, the city spent [600 million euros](#) on social housing.

"Vienna has mixed-income social housing to the point where rich and poor are living under the same roof," says Singh. "While that might sound like a fantasy, when you create universal social programs that people are universally invested in, like Social Security and Medicare, those tend to be strong programs that are hard to cut and hard to marginalize low-income people."

More locally, Singh would love to see a PHIMBY project at the 16th Street Mission BART Station. However, it's currently the site of a contentious housing project by Maximus Real Estate Partners.

The development has been in the planning phase for about six years due to fierce opposition from the community coalition Plaza 16, which has dubbed the Maximus project "[The Monster in the Mission](#)."

Plaza 16 demands that the site be turned into 100 percent affordable housing under a plan they call "The Marvel in the Mission."

At a San Francisco Planning Commission hearing on Feb. 7, Maximus unveiled new plans to build about 330 units of mostly market-rate housing above the BART station. To fulfill affordable housing requirements, Plaza 16 suggested a land dedication where Maximus would purchase two other properties in the Mission that would be handed over to the city to turn into affordable housing developments.

During the hearing, a representative for Maximus called the Plaza 16 plans a fantasy, saying "the land is not for sale."

While the plans for the Marvel in the Mission look like a PHIMBY dream, neighborhood organizers say their main goal is for this development to offer affordable housing for people making 30 percent of the area median income.

"As a working-class person of color who's grown up in San Francisco, our communities have been advocating for affordable housing for years," says Chirag Bhakta, a Plaza 16 organizer. "We're glad people are listening, but we also don't want to be co-opted."

Singh agrees that this is just a new name for an old concept. However, PHIMBY could be a new way to see beyond the dialectic of NIMBY and YIMBY, and get people to consider alternative ways to solve the housing crisis beyond private development motivated by profit.

Associated Press

California water agencies fight over multistate drought plan

March 12, 2019 by Felicia Fonseca And Jonathan J. Cooper

A major Southern California water agency is trying to push the state through a final hurdle in joining a larger plan to preserve a key river in the U.S. West that serves 40 million people.

Most of the seven states that get [water](#) from the Colorado River have signed off on plans to keep the waterway from crashing amid a prolonged [drought](#), climate change and increased demands. But California and Arizona have not, missing deadlines from the [federal government](#).

Arizona has some work to do but nothing major holding it back. California, however, has two powerful water agencies fighting over how to get the drought contingency plan approved before U.S. officials possibly impose their own rules for water going to California, Arizona and Nevada.

The Metropolitan Water District is positioning itself to shoulder California's entire water contribution, with its board voting Tuesday on a proposal to essentially write out of the drought plan another agency that gets more Colorado River water than anyone else.

That agency, the Imperial Irrigation District, has said it won't approve the plan unless the federal government agrees to commit \$200 million to address the Salton Sea, a massive, briny lake southeast of Los Angeles that has become an environmental and [health hazard](#) in the Imperial and Coachella valleys.

The Metropolitan Water District would have to provide what could be nearly 2 million acre-feet of water between 2020 and 2026. An acre-foot serves about one to two average households a year.

That water would be stored behind Lake Mead on the Arizona-Nevada line to keep the key reservoir from dropping to drastically low levels. Water is delivered through Lake Mead to Arizona, California and Nevada.

"The more we delay, the harder it is to hold that deal together," Metropolitan general manager Jeff Kightlinger said.

California isn't required to contribute water under the drought plan unless Lake Mead drops to 1,045 feet (319 meters), which might not ever happen. But if it does, the Imperial Irrigation District said the public would likely demand that it contribute as the agency with the largest and oldest rights to Colorado River water.

"The way to arrive at a resilient and durable drought contingency plan is for the parties to work through the Salton Sea issue, not around it," Imperial general manager Henry Martinez told a Metropolitan Water District committee Monday. "Our two agencies have shown that we can do good things for the river and each other when we take the long view, and that capacity to see past the moment is what's urgently needed now."

The U.S. Bureau of Reclamation has given governors or their representatives in the seven states until March 19 to recommend the next steps after California and Arizona failed to meet its deadlines.

Arizona, Colorado, Nevada, New Mexico, Utah and Wyoming wrote to the Colorado River Board of California over the weekend, urging California to unite with them in seeking authorization from Congress for the drought plans. Without it, the states won't be able to implement the plans, Mexico won't contribute water and the federal government will step in and decide what to do, the states said.

The states and the Bureau of Reclamation said they support Imperial's call for federal funding for the Salton Sea.

Imperial can work on its own timeline for the salty lake because the drought plan isn't expected to negatively affect it, Reclamation Commissioner Brenda Burman said. The irrigation [district](#) can sign on now or join in the future, she said.

President signs Garamendi Delta bill into law as part of conservation act

By [Nick Sestanovich](#) | nsestanovich@thereporter.com |

PUBLISHED: March 13, 2019 at 5:24 am | UPDATED: **March 13, 2019** at 5:25 am

After more than a decade in the making, the Sacramento-San Joaquin Delta National Heritage Area Act by Rep. John Garamendi, D-Solano, was signed into law by President Donald Trump as part of the John D. Dingell, Jr. Conservation, Management, and Recreation Act.

The National Heritage Area Act will provide \$10 million for community-based efforts to conserve the Delta's cultural heritage and historical landmarks. Garamendi, who served as deputy secretary to the U.S. Department of the Interior under Bill Clinton, reintroduced the act in January. Sen. Dianne Feinstein, D-California, has sponsored a Senate companion bill since 2010.

"The National Heritage Area designation will provide crucial support for the Delta, which I have called home for over 40 years," Garamendi said in a statement. "We must safeguard this iconic working landscape and the most productive watershed in the western United States, and I am pleased that my legislation has been signed into law to make that possible. I thank my colleagues in the House for their strong support, and Senator Feinstein for championing the bill in the Senate."

A National Heritage Area is designated by the U.S. to encourage historic preservation of the area. Under Garamendi's legislation, the Delta is the first National Heritage Area in California's history. The designation approves \$10 million in federal grant funding over 15 years to provide matching grants to local governments, historical societies and community nonprofit organizations in the Delta area. The funding would support environmental conservation projects under a locally developed management plan coordinated by California's Delta Protection Commission.

The grant program will be administered by the National Park Service, which has said the designation will not affect individual property rights or limit local land use decisions, water rights, landownership, or hunting and fishing within the designated area.

Garamendi's cosponsors of the bill include Reps. Jerry McNerney, D-Stockton; Mark DeSaulnier, D-Walnut Creek; Mike Thompson, D-Napa; and Doris Matsui, D-Sacramento.

The bill was incorporated as part of the John D. Dingell, Jr. Conservation, Management, and Recreation Act, which sets forth provisions for programs, projects, activities and studies for the management and conservation of natural resources on federal lands. It is named after Dingell, a former Democratic congressman from Michigan who died Feb. 7. He was the longest serving congressional representative in America's history, having served from 1955 to 2015.

Los Angeles Times

California is drought-free for the first time in nearly a decade

By [Alejandra Reyes-Velarde](#)

Mar 14, 2019 | 11:25 AM



Pedestrians cross First Street in Boyle Heights as rain clouds partially obscure the downtown L.A. skyline on March 6. (Luis Sinco / Los Angeles Times)

It's official: California is 100% drought-free.

For the first time since 2011, the state shows no areas suffering from prolonged drought and illustrates almost entirely normal conditions, according to a map released Thursday by the U.S. Drought Monitor.

Former [Gov. Jerry Brown issued an executive order in 2017 that lifted the drought emergency in most of the state](#), leaving some breathing a sigh of relief. But he cautioned Californians to keep saving water as some parts of the state were still suffering from extreme drought.

Now, two years later, that deficit seems to have been erased, thanks to an exceptionally wet winter.

[“The reservoirs are full](#), lakes are full, the streams are flowing, there’s tons of snow,” said Jessica Blunden, a climate scientist with the National Climatic Data Center at the National Oceanic and Atmospheric Administration. “All the drought is officially gone.”

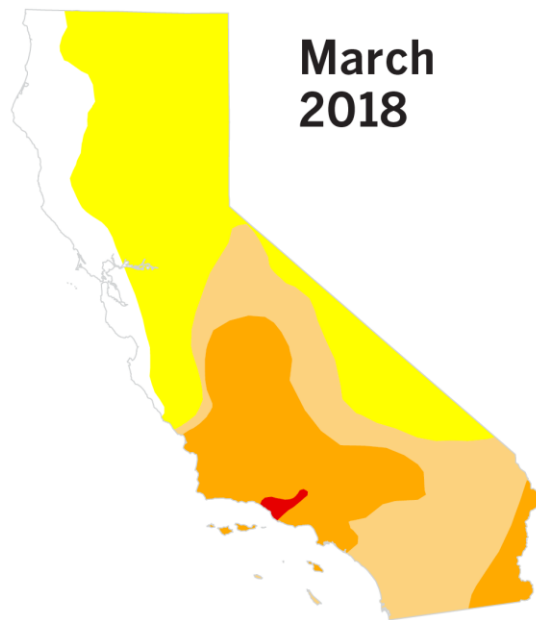
The Drought Monitor, which collects data from scientists from the National Drought Mitigation Center, the U.S. Department of Agriculture and dozens of weather agencies, [last showed a drought map that was clear in December 2011.](#)

California drought conditions

- Abnormally dry
- Moderate drought
- Severe drought
- Extreme drought
- Exceptional drought

Source: National Drought Mitigation Center

Shaffer Grubb / Los Angeles Times



In updating the map, scientists consult with hydrologists, water managers, meteorologists and other experts to determine the amount of water in the state’s reservoirs, the snowpack level and other key measurements. [With the wet winter streak going strong](#), their reports have been good.

In January, [storms filled up many of the state’s water reserves](#) almost to capacity and added about 580 billion gallons of water to reservoirs across the state. That month, the snowpack in the Sierra Nevada, a major source of California’s water supply, doubled — and then [doubled again](#) in February.

“California has been getting a tremendous amount of rain, storms and snow,” Blunden said. “It’s just been extremely wet and it’s been so wet ... that we’ve been able to alleviate drought across the state.”

A year ago, just 11% of the state was experiencing normal conditions while 88.9% of the state was “abnormally dry,” according to the drought report. Some parts of Los Angeles and Ventura counties were still colored dark red, meaning they were experiencing “extreme drought.”

Even last week, a small portion of Northern California was labeled as having “moderate drought” conditions. But as of Thursday, 93% of the state was experiencing normal conditions and none of it was in drought, Blunden said.

Small portions in the far northern and southern parts of the state were still marked as “abnormally dry,” but elsewhere, the map registered no drought conditions at all. In San Diego County, reservoirs were only 65% full, which contributed to the dry conditions in that area, Blunden said.

And conditions are expected to return to normal next week in Northern California, she said. With another storm expected within a week in San Diego, that area also would likely come out of its dry spell entirely.

After [a cold winter in Southern California](#), the Santa Ana winds are returning, while a high pressure system will help raise the temperatures, said Jimmy Taeger, a meteorologist with the National Weather Service.

The winter chill set records in downtown Los Angeles, which recorded its [coldest February in nearly 60 years](#). There had never been a February since July 1877, when record-keeping began in downtown L.A., that the temperature failed to reach the 70-degree mark.

In contrast, the highs for this weekend in the Los Angeles area are expected to hit 78. In San Diego, the mercury could reach 75 degrees Sunday for the first time since late January.

The warm weather is rolling into the region on strong winds. In Los Angeles, the weather service issued a wind advisory Thursday morning, noting that winds between 15 and 25 mph would roll through, with gusts up to 40 mph from Malibu to the Hollywood Hills.

Temperatures might be creeping up, but as for the rain, Taeger said “we’re not completely over with it yet.”

Offshore winds will subside, bringing a 40% chance of a storm coming through San Diego over Wednesday and Thursday. Next weekend will bring more warm temperatures, but another storm could materialize toward the end of March, forecasters said.

The rainy trend has extended across the United States, making for vast improvements in drought conditions, especially in the Western part of the country. Colorado, New Mexico and Wyoming, for example, have made significant progress, though much of those states are still classified as abnormally dry and are still experiencing drought conditions, Blunden said.

But storms are raging in some areas. [A blizzard is moving](#) over Colorado and Arizona, and New Mexico on Wednesday had heavy thunderstorms, which could significantly alleviate drought conditions in the next few weeks.

Californians have a lot to be happy about, she said, but Blunden warned that could change.

“Dry conditions can easily creep back in,” she said. “That’s why we adjust the map every week. The conditions change — and they can change fast sometimes.”

Brown’s declaration was made after record rainfall in 2017. Then, in 2018, the [state broke more records](#) following an extremely dry winter.

“We did see such major drought for five years,” Blunden said. “All of these storms came along and alleviated the drought. Everybody thought we were out of the woods, but then it came right back.

“I think drought conditions can sneak up on you very quickly. It is good to be cautious and always think about conserving water.”

Pacific Standard

California's Drought Is Over. What Will That Mean for Water Use?

California's water conservation has seen ups and downs in recent years. Here's what the data shows.

[Emily Moon](#)
Mar 15, 2019

For the first time in eight years, California is drought-free. According to the United States Drought Monitor, which uses data from National Oceanic and Atmospheric Administration, parts of the most northern and southern counties are still "abnormally dry," but the state has no drought conditions to show.

Could the drought's end mark the return of practices such as excessive lawn-watering? Not necessarily. California's water conservation has seen ups and downs in recent years: When then-Governor Jerry Brown suspended the drought emergency in 2017, Californians continued to conserve (although their water use later rebounded.)

During the drought, the State Water Resources Control Board cracked down on wasteful residential water use: watering a lawn after rainfall, hosing down a sidewalk, overwatering a landscape. Will Californians now eschew the water-saving habits they were forced to adopt over eight years of drought? Here's what the data shows.

2017: Conservation Continues

After six years of extreme drought, a wet winter gave California a brief reprieve in 2017, [KQED reports](#). But two months after regulators lifted the [mandatory conservation](#) targets, residential water use was still down. In June, the Water Board's report found that the state's overall water savings were up 17.4 percent (amounting to 37.1 billion gallons) from June of 2013, the regulator's baseline.

Part of the reason for Californians' continued vigilance was that urban residents had gotten better at conservation: Many implemented changes that help long term—[swapping out](#) grass for drought-tolerant native plants, or installing water-saving toilets. It's typical for water use to rebound somewhat after a drought, when the "bucket shower" days are over, but that doesn't mean all Californians started replanting grass.

2018: What Drought?

More than a year after the governor's announcement, however, water use had already picked up. Data from the state's Water Board showed Californians used just 0.8 percent less water (954

million gallons) in January of 2018 than in 2013. At the same time the previous year, they were using 20.5 percent less.

In other words, as the *Mercury News* [reported](#) in March of 2018, the state's water use had returned to pre-drought conditions. Tracy Quinn, California director of water efficiency for the Natural Resources Defense Council, told the San Jose-based paper that this uptick was "exacerbated by some water suppliers saying they have plenty of water and there's no need to conserve." Meanwhile, the worst was not over: The NOAA [reports](#) show that Southern California experienced drought for most of 2018.

2019: Still Conserving

So, what does this mean for 2019? The most recent reports from the Water Board (from December of 2018) show that water savings were back up from the state's low in 2017. In the last month of the year, California's urban residents used 18.4 percent less water than in 2013—almost as much as during the height of the drought.

Of course, this doesn't mean that the trend will hold, but Californians have been conserving water for two years now without the governor's prohibitions in place. And their water-saving toilets, at least, are here to stay.

Contra Costa Canal ownership change could mean more safety upgrades

Modernization plan includes pipelines to replace many of the open canals



A bicyclist rides along the Contra Costa Canal trail off Gentrytown Drive in Antioch, Calif., on Thursday, July 10, 2014. (Dan Rosenstrauch/Bay Area News Group Archives)

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

PUBLISHED: March 14, 2019 at 12:49 pm | UPDATED: **March 15, 2019** at 10:50 pm

A pending transfer in ownership of the Contra Costa Canal will allow for upgrades in its water quality and safety, but it could also make for changes for hikers and cyclists along some of its trails.

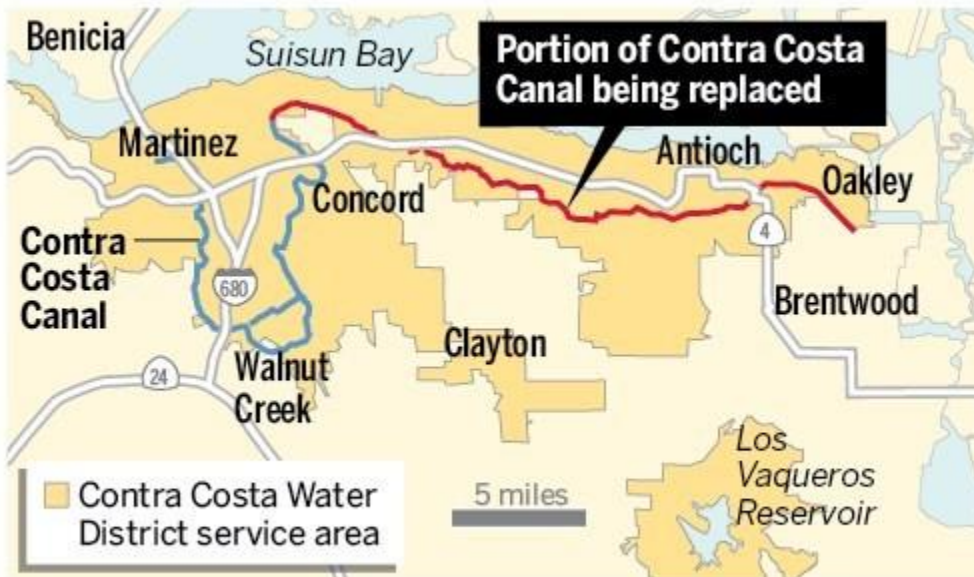
A bipartisan package of public lands bills President Donald Trump signed Tuesday moves the Contra Costa Water District a step closer to gaining ownership of the aging Contra Costa Canal system. Although the district paid the federal government for the canal in 2010, an act of Congress was required to transfer the title from the Bureau of Land Reclamation to the water district. A bill was introduced but not enacted in Congress in 2018, so it had to be reintroduced.

Steve Welch, Contra Costa Water District assistant general manager, testified in Congress in support of the transfer.

“It (the canal) is coming to the end of its useful life,” he said. “Having ownership of it brings certainty to those future investments. We are going to be investing in a system we own.”

Built from 1937 to 1948 as part of the U.S. Bureau of Reclamation's Central Valley Project, the 48-mile canal delivers fresh water for 500,000 people in central and eastern Contra Costa County, as well as to the Sacramento and San Joaquin valleys for irrigation. Parts of it have been enclosed and more could be in the future as part of a modernization plan.

"The canal system is the backbone of the district's delivery system, and having ownership allows us flexibility with what (modernization) we are going to be doing in the future," said Jennifer Allen, the water district's director of public affairs.



Source: Contra Costa Water District

BAY AREA NEWS GROUP

Congressman Mark DeSaulnier sponsored the Contra Costa Canal Transfer Act in the U.S. House of Representatives while Sen. Dianne Feinstein did so for a companion bill in the Senate. Once passed, only the president's signature was needed for the package of land bills, which the Transfer Act was part of, to start the wheels in motion for the transfer.

"The aging Contra Costa Canal has long been in need of critical safety and structural improvements," Congressman DeSaulnier said shortly before the president's signing on Tuesday. "Transferring ownership of the canal will allow for the land around the canal to be revitalized for recreational use."

The canal conveys delta water from its intake in eastern Oakley through four East Contra Costa County cities over to the Clyde community, east of Martinez, as part of the Main Canal. Then the Loop Canal runs down Central Contra Costa County to Walnut Creek and back up to the Martinez Reservoir.

Work on the dirt-lined portion of the canal in Oakley is already 70 percent complete, with millions of dollars — including from grants and Proposition 84 — going toward replacing several of the segments with 10-foot diameter underground reinforced pipeline.

Proposition 84, passed by state voters in 2006, authorized \$5.4 billion in bonds to fund safe drinking water, water quality and supply, flood control, waterway and natural resource protection.

As part of another modernization project, the water district also is conducting a \$1.7 million feasibility study to potentially replace the main concrete portion of the aging canal — mostly in Antioch, Oakley and Pittsburg — with a pipeline, Allen said. The loop section in Central County would not be affected, she said.

Enclosing it would ensure water quality, as no debris or algae could get in it, and make it safer in case of an earthquakes or landslides, Welch said.

“In an earthquake, the canal in multiple locations, could fail,” Welch said. “It could breach, it could drain into the neighborhoods.”

Since the Contra Costa Canal opened, 83 people have drowned in it. The water moves faster than it looks, the sides of the canal walls are slippery with algae, yet people climb over the fences that run along its sides, Welch said.

“We do what we can to protect the public, but sometimes people just aren’t thinking rationally.”

Despite the planned improvements, which could begin in the next 10 years, some who hike or cycle along its trails might bemoan the loss of the water views once the 26 miles of canals are converted to pipelines. But Allen said ownership of the canal will allow the water district to make upgrades to those trails and the land around them.

Although still early, it is estimated the project will cost more than \$500 million, Allen said. But before work begins, several options will be laid out and the those interested, including East Bay Regional Parks and residents, will be asked to weigh in.

“We have been working closely with East Bay Regional Park District,” Welch said, noting the two districts will try to enhance the trails where possible.

Some examples might be widening trails to create separation between bicycle and walking/hiking trails and planting new landscaping, he said.

“There’s a lot of work to be done yet, and it will include community outreach as well,” Allen added. “We will invite stakeholders in the community to give their input before it is done.”

San Gabriel Valley Tribune

Drought, schmrought, water experts already fret the next dry year and still preach conservation

First time since 2011 no drought in California



Water is up in the Canyon Basin Spreading grounds in a former gravel pit in Azusa on Friday, March 15, 2019. (Photo by Sarah Reingewirtz, Pasadena Star-News/SCNG)

By [Steve Scauzillo](#) | sscauzillo@scng.com | San Gabriel Valley Tribune
PUBLISHED: March 15, 2019 at 4:59 pm | UPDATED: **March 15, 2019** at 5:00 pm

You might think every water manager in the Golden State is sleeping soundly these days.

L.A. rainfall is 158 percent of average. Ten of the 12 state reservoirs are filled to more than 100 percent of their historical average for mid-March — before the all-important [snowpack](#) which stands at 152 percent of normal has melted.

Gone drought-free

For the first time in 376 consecutive weeks, [not 1 acre of California is in drought](#), according to new data released Thursday by The National Drought Mitigation Center, a joint project of the U.S. Department of Agriculture, the National Oceanic and Atmospheric Administration and the University of Nebraska.

Yet, even with [all this wet news](#), local water managers still preach conservation and worry the drought will return next year and the year after. Also, they face the very real threat of climate

change reducing snowpack forever, which may force them to stop relying on the open spigot from Northern California to keep water flowing through customers' pipes and into SoCal homes and businesses.

“If you were to ask me when are you going to sleep soundly? Maybe after three-to-four years not only of above average rain, but rain we are able to capture,” said Tony Zampiello, executive officer of the Main San Gabriel Basin Watermaster.

Zampiello and others are like bankers of water, socking away all they can in times of plenty for the nonrainy days to come.

“Yes, maybe we are out of the woods,” he said. “But if we have another drought, that gallon of water you save today, you’ll be drinking in five years.”

It’s all about groundwater

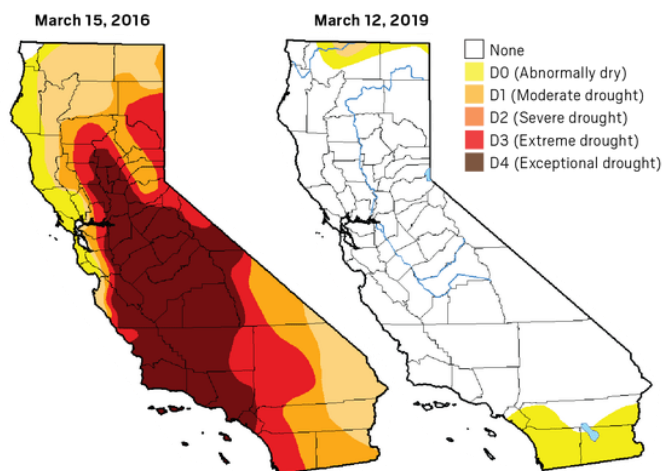
What he and other managers are concerned about is groundwater — parked throughout the region in various underground caverns — that supplies more than 60 percent of water for some areas. This water sustains life for tens of millions of Southern Californians as it is pulled up through wells owned by cities, for-profit water companies and mutual water districts.

But because of years of over-pumping to the point of wells going dry, the basins remain too low and have not returned to pre-drought levels. The damage from so little rain for so long will take more than one wet year to reverse, water experts said.

“When people open their umbrellas, they are not necessarily thinking we still have a long time to go to restore water levels of groundwater basins. One really wet year doesn’t make up for 10 years of dry,” said Robb Whitaker, general manager of the [Water Replenishment District of Southern California](#), who manages two basins: Central and West Coast, which include 43 cities from Norwalk to Hermosa Beach.

Drought eases

A comparison of drought conditions in the state from March 2016 to March 2019.



Source: The National Drought Mitigation Center

SCNG

For example:

- The Orange County Ground Water Basin is about 78 percent full, up 12 percent from this time last year, according to John Kennedy, executive director of engineering and water resources. The basin serves 19 agencies and about 2.5 million people, the primary ground water source in Orange County.
- [Main San Gabriel Basin](#) is at about 60 percent or less. Another way to gauge the health is to measure the height of the water table. In 2010, before the drought kicked in, it was 237 feet above sea level. In November, it dropped down to 169.4 feet, the lowest in its history. As of Friday, it was at 182 feet, Zampiello said.
- Central and West Coast basins in Los Angeles County are about 60 percent full, Whitaker said. And that is after the rains rose the water table by 18 feet since March 2018, he said.
- San Bernardino Basin is filling up, but measurements won't be taken until November, said Craig Miller, [Western Municipal Water District](#)'s general manager. "We know water is recharging into the aquifer because we are capturing rain water," he said, confidently.

Local runoff is key

The snow-capped San Gabriels on Friday are more than a picture postcard to water folks. They are liquid gold. Water from this tremendous watershed is already flowing down the San Gabriel River until it reaches a rubber dam that slows the flow and diverts it to giant, spreading basins at the 605/210 freeways interchange near Irwindale. There, water stops and percolates into the groundwater basin.

In addition to local runoff, agencies will buy supplemental State Water Project water from Northern California. The San Gabriel basin will reach 195 feet by the end of December, he said, just shy of the safe operating level of 200 feet.

"The rubber dam is fully inflated," said Kelly Gardner, assistant executive officer of the San Gabriel Basin Watermaster during a tour Friday. "It allows the water to pass through the concrete juncture to the spreading grounds."

Water released beyond the Whittier Narrows Dam in Pico Rivera serves Long Beach and surrounding cities. All the cities in L.A. County must share this mountain water, according to a 1973 water rights adjudication in the courts. At first, about 700 acre-feet was let go to the ocean, but since the end of January, all the water in the soft-bottom San Gabriel River is captured and stored, Gardner said.

Just a few miles northeast of Irwindale, the Canyon Basin Spreading Grounds in Azusa are filling up with mountain runoff. Water managers can watch as the groundwater is replenished and dip in with wells that serve cities of Azusa and Glendora. This was working perfectly Friday, unlike during the drought years, when Glendora had to shut off some of its wells because they couldn't reach the shrinking aquifer.

The Inland Empire — both Riverside and San Bernardino counties — uses water from the San Bernardino Mountains. For example, for the first time in 10 years, water is filling up behind the Seven Oaks Dam in Mentone, reaching 16,000 acre-feet of water. (One acre-foot is about 326,000 gallons or enough for a Southern California family for two years).

“For the last decade, we haven’t been seeing that,” said Miller. “It is a very good sign.”

Adding other water

Orange County Water District gets 60,000 acre-feet annually from rainfall and 50,000 acre-feet from runoff coming down the Santa Ana River. But it also adds 103,000 acre-feet from its recycled sewage water system, the largest such system in the world, Kennedy said. The extra recycled water helps make the area nearly drought-proof.

“Orange County typically receives about 14 inches of rain and, so far, we’ve received just over 21 inches,” he said. “But the next drought is around the corner. One wet year does not solve our water supply challenges, and we must all do what we can to practice ongoing conservation and support alternative water supply projects.”

Typically, water from the Santa Ana River escapes to the ocean about five days of the year, Kennedy said. Zampiello said the San Gabriel River water is captured after a first blush of rain — which contains contaminants — 100 percent of the time. On the other end of the spectrum is the Los Angeles River — mostly concrete — which rarely captures any of its runoff.

Although contacted, the Los Angeles Department of Water and Power did not provide comments for this story.

By summer, the Water Replenishment District will have put into place its own water recycling project that recharges groundwater levels. When that happens, it will no longer need to buy water from Northern California or the Colorado River, Whitaker said.

Conservation still preached

Metropolitan Water District of Southern California, the largest water wholesaler in the world, announced a plan last week with a goal of Southern California saving 180,000 acre-feet of water by 2040. The agency doubled its turf removal rebate to encourage removal of lawns.

Adan Ortega, an MWD director from Fullerton and former manager of MWD’s water conservation efforts, said agencies need to tailor water savings to each community. For example, denser, lower-income regions don’t have extensive lawns.

“We’ve got to get to the point where every community addresses its greatest source of water loss. Some places, it’s lawns. Other places, you have to replace the old, leaky pipelines,” Ortega said.

Water managers are gearing up for a different kind of water conservation campaign this summer, one that gets people to recognize the importance of filling up out-of-sight groundwater basins. Details for the new messaging are not available yet.

“The hills are green, but that doesn’t mean everything is OK,” he said.

Reservoir Levels (% historical average)

Trinity Lake, 98 percent

Lake Shasta, 112 percent

Lake Oroville, 103 percent

Folsom Lake, 110 percent

New Melones Lake, 138 percent

Don Pedro Reservoir, 118 percent

Lake McClure, 130 percent

San Luis Reservoir, 114 percent

Millerton Lake, 122 percent

Pine Flat Reservoir, 120 percent

Lake Perris, 103 percent

Castaic Lake, 93 percent

Metropolitan Water District Reservoir Levels

Lake Mathews, 91 percent full

Diamond Valley Lake, 91 percent full

Lake Skinner, 84 percent full

Staff writer Marin Wisckol contributed to this article.

Arizona Republic

Western states finish Colorado River drought deal, ask Congress to sign off

[Ian James and Janet Wilson](#), Arizona Republic Published 1:49 p.m. MT March 19, 2019 | Updated 9:23 a.m. MT **March 20, 2019**

Since the gates of Glen Canyon Dam were closed in 1963, the ecology of the Colorado River in the Grand Canyon has been altered, some fear forever. David Wallace and Michael Chow/The Republic, Arizona Republic

Representatives of seven states finished a landmark agreement to shore up the dwindling Colorado River and signed a letter to Congress on Tuesday calling for legislation to enact the deal.

The set of agreements would prop up water-starved reservoirs that supply cities and farms across the Southwest and would lay the groundwork for larger negotiations to address the river's chronic overallocation, which has been compounded by years of drought and the worsening effects of climate change.

The states' delegates met in Phoenix and signed their joint letter to Congress alongside federal Reclamation Commissioner Brenda Burman, who had set a Tuesday deadline for the states to complete the agreements.

"Today is a very important day in the history of the Colorado River," Burman said after the signing. "Congratulations to all for a job well done."

The first cuts in water deliveries to Arizona and Nevada could begin as soon as next year under the terms of the deal.

Talks on the Colorado River drought contingency plans have been underway since 2015 and have included a series of meetings and difficult negotiations.

Tuesday's meeting was held behind closed doors at the office of the Arizona Department of Water Resources. Doug MacEachern, a department spokesman, said that due to limited space, "we simply cannot reasonably accommodate public access to these meetings."

Burman and the representatives of states from Wyoming to California held a conference call afterward to discuss the meeting. Burman had previously backed up her deadline by putting out a request for input to the seven states on what steps the government should take to boost reservoirs. She called off that process and praised state water officials for their cooperative efforts, saying: "I am pleased to see their hard work is done."

The signing event was held amid bitter complaints by California's Imperial Irrigation District, which was excluded from the deal even though it controls the single largest share of Colorado River water.

While the signing was underway in Phoenix, a veteran board member of the IID spoke angrily at a meeting on the shore of the Salton Sea, condemning his counterparts for writing his district out of the deal and suggesting they were sipping champagne while ignoring an urgent "environmental and public-health disaster" at the shrinking lake.

Burman and other officials said the drought plan was designed in a way that will avoid causing further declines in the Salton Sea, which has been receding as water has increasingly been transferred from the farmlands of the Imperial Valley to urban areas in Southern California.

Burman said IID decided not to join the plan but can sign on later if the district chooses.

[In their letter](#), the states' representatives asked Congress to promptly pass legislation authorizing the Interior secretary to implement the agreements. Hearings have been scheduled in the Senate and the House next week. Once the legislation is passed, the agreements still need to be signed by representatives of the states.

Deal establishes short-term plan

The Colorado River irrigates more than 5 million acres of farmlands and supplies about 40 million people in cities from Denver to Los Angeles.

Nineteen years of drought and the longstanding overuse of water, combined with the effects of climate change, have pushed the levels of the river's reservoirs lower and lower.

The seven states that rely on the river have negotiated two drought contingency plans, one for states in the river's Upper Basin — Colorado, Wyoming, Utah and New Mexico — and the other for the Lower Basin states — Arizona, Nevada and California. The plans are designed to prevent Lake Mead and Lake Powell, the country's largest reservoirs, from falling to critical lows during the next several years.

Lake Powell is now 38 percent full. Lake Mead is now 41 percent full, not far above a threshold that would trigger a first-ever declaration of a shortage by the federal government.

The three-state agreement between California, Arizona and Nevada lays out a framework for taking less water from Lake Mead and sharing in cutbacks between 2020 and 2026.

'... I say, "Damn them. Damn them." '

The process was fractious until the end, with blistering rebukes from board members of the Imperial Irrigation District and charges that state and federal laws were possibly being violated to cross the finish line.

IID officials had demanded that as a condition of participating in the agreement, the federal government should provide about \$200 million for California's projects building wetlands at the shrinking Salton Sea. That condition was not met, but after IID directors dug in their heels, the L.A.-based Metropolitan Water District of Southern California stepped in and offered to contribute the rural agency's portion if needed.

IID was written out of the drought-plan documents, and other California water agencies moved forward with the agreement.

The lake, California's largest, is shrinking because of an earlier 2003 federal-state agreement under which IID has been transferring water to growing urban areas in San Diego County and the Coachella Valley. The transfers of Colorado River water away from the Imperial Valley have accelerated the Salton Sea's decline, and dust spewing from exposed stretches of lakebed poses a health threat in communities that already suffer from high asthma rates.

California officials are working on a long-stalled project to build thousands of acres of wetlands along the dry shorelines to keep down lung-damaging dust and salvage habitat for fish and birds. Board members of the Imperial district said with the federal government asking for help to prop up Lake Mead, Washington should also acknowledge the linkage to the worsening environmental problems at the Salton Sea.



The Salton Sea has been shrinking in recent years, exposing stretches of dry lakebed. (Photo: Jay Calderon and Omar Ornelas/The Desert Sun)

During a meeting on the shore of the Salton Sea on Tuesday, IID officials lashed out at those gathering to sign on to the drought deal without them in Arizona.

“I have six grandchildren who live on the Salton Sea and five of them have asthma. On behalf of them, I say, ‘Damn them. Damn them,’” said IID board member Jim Hanks.

“As we gather here today on the shore of the Salton Sea strewn with bleached bones, bird carcasses and a growing shoreline,” Hanks said, “and as champagne is being prepared for debauched self-congratulation in Phoenix, remember this: The IID is the elephant in the room on the Colorado River as we move forward. And like the elephant, our memory and rage is long.”

Hanks spoke at a meeting of California's State Water Resources Control Board, where regulators received an annual update on the lack of progress on Salton Sea projects. Water board Chair E. Joaquin Esquivel said both the drought contingency plan and the Salton Sea are important, but that efforts can proceed on separate tracks.

Salton Sea 'important and complicated'

Both Burman and California officials said repeatedly that the drought plan was designed not to have any harmful effect on the Salton Sea. Burman said IID officials have been working with the Agriculture Department and the Interior Department to identify sources of funding for projects at the lake.

In an effort to win a pledge of federal funds, U.S. Sens. Dianne Feinstein and Kamala Harris, both California Democrats, wrote on Friday to federal Agriculture Secretary Sonny Perdue requesting he allocate funds from the recently passed Farm Bill package.

"The Salton Sea is an important and complicated issue," Burman said. "There are a number of new programs that were created by the Farm Bill last year, and we're standing in support of the efforts of our USDA colleagues as they work to implement those new provisions."

Burman noted that Agriculture Department staff needs to set up the new programs established under the bill and take competitive applications before funds are awarded.

Other California water agencies endorsed the drought deal on Monday at a meeting of the state's Colorado River Board.

Water managers who participated in the signing congratulated each other and expressed relief about wrapping up this key phase of the multiyear process. But there were no signs of corks popping or celebration, perhaps because of the last-minute tensions and the sharp rebuke from IID.

"For me personally, it's a big disappointment that we are not moving forward unanimously as the state of California," said Peter Nelson, California's Colorado River board chair and a lemon grower who is on the Coachella Valley Water District board. "I'm drained. I'm not a politician, I'm a farmer. This was emotionally extremely difficult."

Despite IID's concerns, Nelson said, the plan was designed so that there will be "zero impacts to the Salton Sea." He said it was important that a legal on-ramp be included to allow IID's board to join at a later date if they choose to.



Lake Mead near the Arizona/Nevada border March 18, 2019. A high-water mark or “bathtub ring” is visible on the shoreline; Lake Mead is down 139 vertical feet. (Photo: Mark Henle/The Republic)

Environmental groups split

Some conservation groups voiced concerns that fast-tracking the drought plans could mean that environmental laws are ignored.

Kim Delfino of the group Defenders of Wildlife noted that while the proposed legislative language sent to Congress had explicitly protected water rights, it did not mention environmental protections. Instead, the proposed legislation includes the exact language from an earlier court decision regarding the All-American Canal, part of the river delivery system, that allowed environmental reviews to be bypassed.

State officials said the intent from the beginning was for the new plans to abide by existing decisions on environmental compliance. They noted the drought plans rely on the seven states voluntarily leaving more water in Lake Mead and Lake Powell and not breaking ground on any new water projects.

Delfino said she understands that but still worries about the inclusion of the language in the legislation and what it might mean.

"They've actually made it worse than the original version by protecting water rights but not anything else," Delfino said.

Audubon California raised similar concerns. Other environmental groups, including Environmental Defense Fund and Trout Unlimited, applauded the completion of the drought plans.



The Colorado River March 18, 2019, south of Hoover Dam. (Photo: Mark Henle/The Republic)

Snowpack helping a bit for now

Since 2000, the river has dwindled during one of the driest 19-year periods in the past 1,200 years. Scientific research has estimated that about half the trend of decreasing runoff from 2000-2014 in the Upper Colorado River Basin was the result of unprecedented warming.

The higher temperatures have shrunk the average snowpack in the mountains, reduced the flow of streams, and increased the amount of water that evaporates off the landscape.

The legal framework that allocates the river was established during much wetter times nearly a century ago, starting with the 1922 Colorado River Compact. That and subsequent agreements have handed out more water than what flows in the river in an average year, leading to what water experts call the river's "structural deficit."

After the run of extremely dry years, this winter has brought some relief. Storms have covered the Rocky Mountains with snow, leaving a bounty of runoff that should boost the levels of the river's depleted reservoirs this spring and summer.

The snow that has fallen during the past month has pushed the accumulated snowpack across the Upper Colorado River Basin to nearly 140 percent of average. Last week, water managers at the

Bureau of Reclamation updated their estimates of reservoir levels, projecting there could be enough snow to narrowly avert a declaration of a shortage at Lake Mead next year.

They estimated that Lake Mead will probably be near elevation 1,081 by the year's end — just above the trigger point for a shortage of 1,075 feet above .

The Bureau of Reclamation is scheduled to announce in August whether a shortage will be declared in January 2020 or not.

But even without a shortage, Arizona and Nevada may face water cutbacks starting next year under the drought plan. If federal officials determine in August that Lake Mead is likely to be below 1,090 feet at the start of next year — which now looks likely — water deliveries to Arizona would be cut about 6.9 percent, and deliveries to Nevada would be cut 2.7 percent.

Larger cutbacks would occur if Lake Mead is projected to be below 1,075 feet at the start of a future year. And California would also contribute by taking cuts sooner than it would be required to under the existing rules, when the reservoir reaches 1,045 feet.

Mexico has also pledged under a separate deal to contribute by temporarily leaving more water in Lake Mead.

Arizona gets nearly 40 percent of its water from the Colorado River. The state's plan for divvying up the water cutbacks involves deliveries of “mitigation” water to help lessen the blow for some farmers and other entities, as well as compensation payments for those that contribute water.

Those payments are to be covered with more than \$100 million from the state and the Central Arizona Water Conservation District, which manages the Central Arizona Project Canal. Much of the money will go toward paying for water from the Colorado River Indian Tribes and the Gila River Indian Community.

Arizona's plan also relies on promoting more pumping of groundwater. Farmers in Pinal County, who face the biggest water cutbacks, are in line to get at least \$9 million that was appropriated by the Legislature for irrigation districts to drill new wells and pay for other infrastructure as they turn to using more groundwater.

Arizona Gov. Doug Ducey signed the package of legislation on Jan. 31 endorsing the drought plan.

State officials have been working on finishing a list of related agreements since then. Department of Water Resources Director Tom Buschatzke said progress is being made on those side agreements. By the time Congress passes legislation, he said, "we'll be ready to go."

All eyes shift to Congress

Some water managers have called the drought deal a temporary “bridge” solution, or a first step toward larger efforts to address the river’s pattern of overallocation and adapt to climate change.

Another round of more complex negotiations is scheduled to begin next year on a new set of rules for managing shortages, which would take effect after 2026.

For now, it's up to Congress to take the next step by passing legislation endorsing the set of drought contingency plans.

"We are hopeful that this process will move forward quickly," Burman said, noting that hearings are scheduled starting next week.

John Entsminger of the Southern Nevada Water Authority agreed.

"We have all briefed our various congressional delegations and believe we have a nonpartisan path forward through Congress to approve this state-led process," Entsminger said.

Lawmakers pledged to press for the legislation to swiftly be approved in Washington.

“It is no small feat for the seven Colorado River Basin states to finalize this Drought Contingency Plan,” Republican U.S. Sen. Martha McSally of Arizona said in a statement, congratulating stakeholders on completing the deal.

Democratic U.S. Sen. Kyrsten Sinema said the agreement “marks a huge step forward in securing Arizona’s water future.” She said she will work with colleagues from other states that depend on the Colorado River to make sure Congress acts quickly.

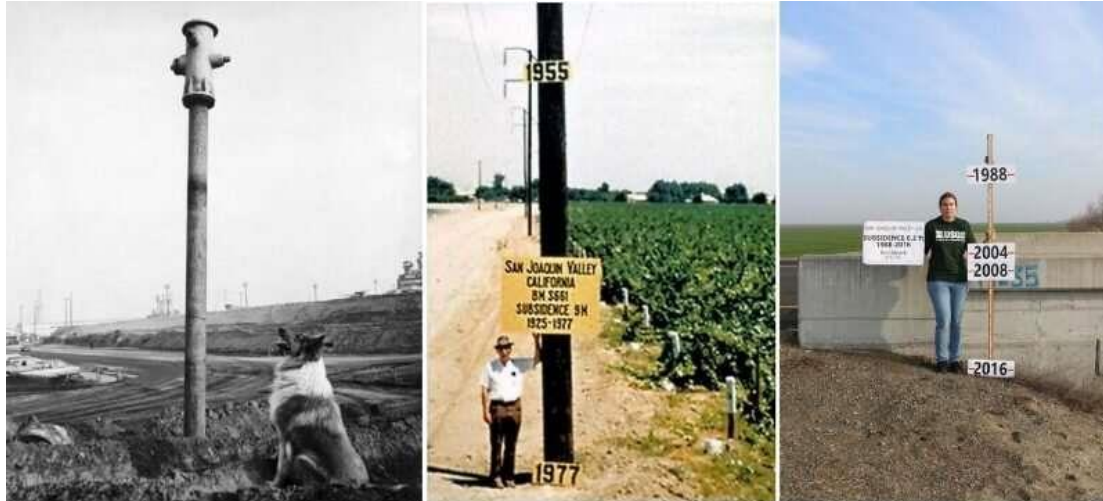
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American Geophysical Union

Western droughts caused permanent loss to major California groundwater source

March 19, 2019 by Joshua Rapp Learn, [American Geophysical Union](#)



Measures of land Subsidence in San Joaquin Valley. Credit: USGS

California's Central Valley aquifer, the major source of groundwater in the region, suffered permanent loss of capacity during the drought experienced in the area from 2012 to 2015.

California has been afflicted by a number of droughts in recent decades, including one between 2007 and 2009, and the millennium drought that plagued the state from 2012 to 2015. Due to lack of water resources, the state drew heavily on its underground [aquifer](#) reserves during these periods.

According to new research, the San Joaquin Valley aquifer in the Central Valley shrank permanently by up to 3 percent due to excess pumping during the sustained dry spell. Combined with the loss from the 2007 to 2009 drought, the aquifer may have lost up to 5 percent of its storage capacity during the first two decades of the 21st Century, according to Manoochehr Shirzaei, an assistant professor of earth sciences at Arizona State University in Tempe and one of the co-authors of a new study published in AGU's *Journal of Geophysical Research: Solid Earth*.

Groundwater exists in the pore spaces between grains of soil and rocks. When fluids are extracted from aquifers, the pore spaces close. There is a range for which these spaces can shrink and expand elastically. But if the pore spaces close too much, they start to collapse, causing the land to shrink irreversibly.

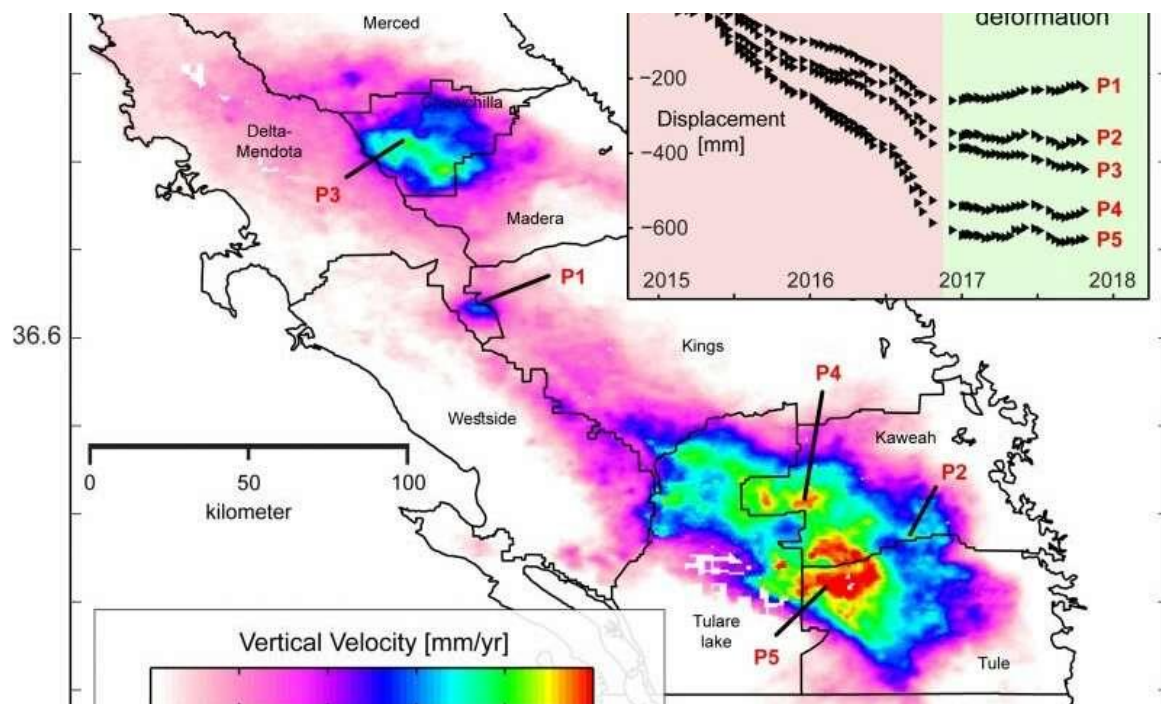
Figuring out how much the aquifer shrank permanently could help water managers prepare for future droughts, according to the study's authors. The San Joaquin Valley aquifer supplies

freshwater to the Central Valley – a major hub that produces more than 250 different crops valued at \$17 billion per year, [according to the U.S. Geological Survey](#).

"If we have even one drought per decade, our aquifers could shrink a bit more each time and permanently lose more than a quarter of their storage capacity this century," said Susanna Werth, a research assistant professor of earth sciences at Arizona State University, and a co-author of the new study.

The new study could also help scientists understand how other areas might be affected by drought.

"That was a curiosity for us to understand how much groundwater has been lost in those particular regions and will give us a picture of what we can expect for arid areas around the globe if groundwater practices are not sustainable," said Chandrakanta Ojha, a post-doctoral researcher at Arizona State and the lead author of the new study.



Surface deformation map over San Joaquin Valley during 2015-2017 using Satellite radar interferometry. Credit: Chandrakanta Ojha **Underground water from space**

The researchers measured water volume changes due to groundwater variation in the aquifer using data from the Gravity Recovery and Climate Experiment (GRACE), a twin satellite mission that has been measuring the Earth's gravity field every month from April 2002 until June 2017. The study's authors compared the groundwater losses based on GRACE measurements with those calculated from vertical land motion measurements obtained by GPS. Land depressions were also measured by a radar technique called InSAR and multiple extensometers, devices which are installed in a borehole of a groundwater observation well. They also examined groundwater level records.

The study's authors found that from 2012 to 2015, the aquifer of the San Joaquin Valley lost a total volume of about 30 cubic kilometers (7.2 cubic miles) of groundwater. The aquifer also shrank permanently by 0.4 percent to 3.25 percent, according to the new study.

Previous research found the 2007 to 2009 drought caused the San Joaquin aquifer to permanently lose between 0.5 percent to 2 percent of its capacity. Cumulatively, the authors said both [drought](#) periods – 2007 to 2009 and 2012 to 2015—caused the San Joaquin aquifer to shrink permanently by as much as 5.25 percent.

Forecasting future drought effects

Shirzaei said the information they have gathered is important for future planning—particularly since the loss of permanent storage capacity is unsustainable in the long-run.

By using this type of calculation, Shirzaei said land and water resource managers can predict the effect of droughts on the aquifer system. This can help to make better regulations for [groundwater](#) conservation during those periods and prevent permanent loss of aquifer [storage capacity](#).

Shirzaei said the compaction of the aquifer may also cause fissures and cracks on the surface as the land subsides. This could affect roads, power lines, railroads or other infrastructure, but more research is needed to understand the details of these effects.

More information: Chandrakanta Ojha et al. Groundwater loss and aquifer-system compaction in San Joaquin Valley during 2012-2015 drought, *Journal of Geophysical Research: Solid Earth* (2019). [DOI: 10.1029/2018JB016083](https://doi.org/10.1029/2018JB016083)

Provided by: [American Geophysical Union](#)

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Published March 20th, 2019

Broschard named new ConFire chief

By Nick Marnell



New ConFire Chief Lewis Broschard Photo provided

The Contra Costa County Fire Protection District board of directors elevated Deputy Fire Chief Lewis Broschard to the position of fire chief March 12, effecting a quick and seamless transition between Broschard and retiring Fire Chief Jeff Carman, who departs at the end of March. Broschard assumes his new role April 1.

"It's been an incredible journey over the past five and a half years, and collectively we've all done a lot of great work. I'm looking forward to continuing that momentum in the years to come," Broschard told the board.

Broschard, a 25-year fire service veteran, joined ConFire in 2007 as a fire inspector. He rose through the ranks as fire prevention captain, fire marshal and assistant fire chief and was promoted to deputy fire chief in 2015. As deputy chief, Broschard supervised the five district assistant chiefs.

"Lewis has been 100 percent involved in all decisions that have been made in the organization," Carman said. "I know Lewis will carry on as he has for the last five and a half years."

Broschard noted the district's relationship with the city of Lafayette, stressing that a continuous focus needs to be maintained in planning for future development, building standards in the city that address the threat of wildland fire, and proactive emergency preparedness that includes the city, district and residents. "Our relationship

has strengthened over the last several years and I'm looking forward to continuing supporting a strong working relationship with the city into the future," he said.

One of the first district projects expected to be completed under Broschard would help throttle the spread of a wildland fire in western Lafayette. "The grand reopening of Fire Station 16 in April is going to mark the end of a lengthy process to bring back a critical piece of emergency response capacity to the city of Lafayette. We are all excited to bring Engine 16 back and look forward to seeing many of our neighbors and residents at the reopening ceremony," Broschard said.

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Published March 20th, 2019

Lamorinda officials tear into regional housing proposal

By Nick Marnell



Lamorinda council members hear a presentation on the CASA Compact at the March 6 Tri-Cities meeting. Photo Jeff Heyman, city of Lafayette

A plan to confront the housing affordability crisis in the Bay Area failed to impress the 15 Lamorinda council members or the public at the March 6 Tri-Cities Council Meeting in Lafayette, with host city lawmakers ripping the plan as noninclusive and off the mark.

In 2017, the Metropolitan Transportation Commission and the Association of Bay Area Governments convened the Committee to House the Bay Area, known as CASA, a think tank of major employers, developers, labor interests, social equity and housing advocates, and government officials from major cities to find a solution to the Bay Area housing crisis. Out of those brainstorming sessions came the 2019 CASA Compact, a 10-point plan which provides a framework for expanded state legislation, including tenant protections, housing approval processes and transit zoning. The Compact provisions would be partially funded over 15 years with \$1.5 billion annually in new local and regional revenue, with the goal to place the revenue measures on the ballot in 2020, as presented by two MTC representatives at the Tri-Cities gathering.

Lafayette Mayor Cam Burks set the tone for the meeting by denouncing the committee's plan to hire a lobbyist with taxpayer dollars to push through proposed Compact legislation in Sacramento. He also criticized CASA for failing to include a broader range of local stakeholders in the Compact development process. "You left out counties. Counties! Hundreds of thousands of people!" Burks said. Ken Kirkey, MTC planning director, agreed that it would have been helpful to have a CASA member from Contra Costa or San Mateo counties. "I think that was an oversight," Kirkey said.

Burks wasn't buying it. "I believe it was a completely premeditated strategy to alienate a large population, and I am truly disappointed as a taxpayer and a leader in this city," he said.

The onslaught continued as Lafayette Vice Mayor Mike Anderson upbraided the MTC representatives because the Compact did not recommend that housing be built where the jobs were already located - in San Francisco, Santa Clara and San Mateo counties - and that the plan did not include any relief to the local transportation system, to make sure it could handle what was being proposed.

"If you're not doing that, you're not serving us," Anderson said. "You're just here to make us feel better. I hope that you will question these things, but I have a feeling that you won't."

Anderson was just warming up, as he pressed the MTC representatives to show exactly where in the Compact the transportation issues were addressed. "It's all through it," Kirkey said.

"In what way is it `all through it'? Are those words used? What are you saying?" Anderson said.

"Ramping up the production of housing and aligning it with job growth over time would address a lot of the concerns that you are talking about," Kirkey said.

Other Lamorinda officials piled on, though with less intensity: Where will the affordable housing units go? Lamorinda will be a donor to this project, not a recipient. Municipalities may have to raise taxes. When you build new housing, the benefit goes to where the jobs are. How will the Regional Housing Enterprise, the proposed administrative entity, not be a burden? "Everything is directed at local municipalities. How about the state policies and mandates that discourage growth?" Moraga Vice Mayor Kymberleigh Korpus said. "How about reallocating state spending to handle this?"

Members of the public called the Compact authoritarian, or likened its proposals to taxation without representation. "The people on these commissions should be elected officials, not appointees," one speaker said.

As a summary of sorts, Kirkey said that the people who worked on the Compact believed that housing was a huge problem for the region, and that it required some very difficult approaches to try to change things over time. The MTC representatives said they would relay the questions and concerns to their board.

Anderson suggested that the three municipalities join with those in the surrounding area and hire the advocacy firm Townsend Public Affairs to lobby for their needs in Sacramento. Orinda Council Member Amy Worth, an MTC commissioner, also recommended that officials engage the MTC and ABAG legislative boards to voice their concerns. "We will have more influence on this legislation than bills that were done independently. And that's very real," Worth said.

Lamorinda mayors and city managers plan to meet, and councils will conduct public sessions, to craft a written strategy that advocates for the needs of the region. "Some of these bills you can't stop, but we can be very effective in amending them," Worth said.

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Published March 20th, 2019

Fire chief departs with the respect and appreciation of the rank and file

By Nick Marnell



Fire Chief Jeff Carman pins a new reserve firefighter March 11 at the Briones Station. Photo Steve Hill, ConFire

Jeff Carman retires from the Contra Costa County Fire Protection District March 29, after more than five years as fire chief. Much has been written about his accomplishments with the district, but Carman often stressed that the thing that mattered to him most was his relationship with his people. He may not have realized it, but his people noticed, as evidenced by the feelings they shared about their own relationships with the chief:

"He sent out a letter when he first got here, and at the bottom, he signed it 'Jeff.' 'Oh, no!' I thought. 'Not one of these guys who is trying to be cool, and be 'in' with the rank and file.' But you know what? He genuinely is 'Jeff.' One of the most real and honest people I have ever worked with." - Capt. Josh Andrews

"I was sent on a strike team, to the Carr Fire, and we were assigned to an area near where the chief's house was (Redding). I thought everyone was kidding about that so I blew it off. But it was near his house! He invited us to his home for dinner with his family. We hadn't had a home-cooked meal in ages. He's a firefighters' fire chief." - Capt. Jason Conner

"I was on a call at a structure fire in East County. I had to cut a hole in the roof, probably not a smart thing for me to have done. 'Excellent work the other night,' Carman said, after he had seen a video of the call. 'I'm glad you got off the roof OK. In my time, I've probably been on a roof I shouldn't have been, either.' I've never heard a bad word about him anywhere in the district." - Capt. Jeff Landis

The chief's employees appreciated how he connected with them personally and how genuinely he came across. "We're both from Grass Valley. He would talk with me

about our experiences there. I've worked with good chiefs and bad chiefs and I definitely know the difference. Carman is the best one I've had." - Capt. Brent Boling

"I used to deliver pizzas in the Roseville area, and I would deliver to Carman's station (he worked at the Roseville Fire Department). Years later, he's now my fire chief. At my captain's ceremony, he remembered that and said it was a special moment." - Capt. Denis Ware

"He is by far the most approachable, down-to-earth chief ever. He blows me away. I felt an instant connection with him. I can't think of one negative thing to say about him." - Capt. Elia Alailima

"I could always be myself with him, and honest. He was always honest with me in return. I always thought that as people climbed the ladder, all that went away. But with him, it did not." - Dispatcher Jeannine Owens

Carman's respect as a leader was palpable. "I'm just a fire captain, but he always listened to what I had to say. I am also the district grant manager, and he gave me the room to make things happen. I always felt I had his backing." - Capt. Shane Kelly

"I've been a captain since 2017. At the pinning ceremony, he shook my hand, and smiled, and I could tell it was genuine. He's got an unmistakable sense of command, but still down to earth. He makes you want to do better." - Conner

"He always listened to the rank and file. He was real. I felt like I've known him for years. And he was the first chief ever to work on the Fourth of July!" - Dispatcher Margee Freundenthal

"He gave us the opportunity to bring our reserve program back to where it used to be. I felt comfortable as

a member of this organization talking about whatever I needed to talk to him about." - Capt. Sam Nichols

"He changed the culture, to provide strict accountability for our professional behavior - both inside and outside the station." - Engineer Angela Johnson-Davis

Kelly wrapped up his interview with fitting words to wrap up this article. "I offer the chief a thank you for stepping up and guiding us," he said.

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Published March 20th, 2019

MOFD awarded major state wildfire prevention grant

By Nick Marnell



Cal Fire conservation crew at the 2018 Bear Ridge fuel reduction project in north Orinda. Photo MOFD

Gov. Gavin Newsom has approved a multimillion dollar project to reduce fuel loads in the high-risk wildfire areas of north Orinda and along Lafayette Ridge, stemming from a grant application submitted to the California Department of Forestry and Fire Protection by the Moraga-Orinda Fire District.

According to Cal Fire, California experienced the deadliest and most destructive wildfires in its history in 2017 and 2018, killing more than 100 people, destroying nearly 23,000 structures and burning over 1.8 million acres. Newsom made wildfire prevention a top priority of his new administration, and on Jan. 9 he issued an executive order directing Cal Fire to recommend immediate action to protect vulnerable state communities. The North Orinda Fuel Break project is one of 35 programs that the state agency identified for implementation.

"The project is approved and we are ready to go," Cal Fire Deputy Chief Scott McLean said.

North Orinda has always been a top concern of MOFD for the threat of a wildfire. "It has many high-value homes, and it's not far from the 1991 Oakland hills fire," said

Battalion Chief Jerry Lee, who authored the Cal Fire grant application. "North Orinda is the highest wildfire risk in our district."

Lee submitted his grant application in November, requesting \$250,000 to implement a hazardous fuel reduction and removal project along Bear Creek Road in north Orinda. Cal Fire expanded the reach of the project to encompass an 11-mile fuel break from Inspiration Point in Tilden Park, along Bear Creek Road and Happy Valley Road through Lafayette, to the Pleasant Hill Road - Highway 24 intersection, and the agency bumped the estimated cost to \$5 million. The completed fuel break will allow more time for evacuation and fire suppression response.

Cal Fire used various data points to rank the 35 statewide projects, with the North Orinda Fuel Break coming in at No. 9, scoring at the top for the number of communities at risk and the affected population. "We were fortunate to have submitted a project that was complete and fit the scope of what the governor was looking for," Lee said.

As the project will cross jurisdictional boundaries, MOFD plans to partner with the East Bay Municipal Utility District, the East Bay Regional Park District and the Contra Costa County Fire Protection District. "We're not sure how the details will work out yet. We may need to work with the city and property owners to get permits and permissions," ConFire Deputy Chief Lewis Broschard said.

That will be a concern for MOFD as well. Fire Chief Dave Winnacker said that the district will be able to mobilize immediately - "One of our strengths is our small size," he said - but the chief is preparing to face potential environmental hurdles from the California Department of Fish and Wildlife, Bay Area Air Quality Management and other entities.

Rapid mobilization will be critical, as Cal Fire says in its summary report that the fuel break must be completed in 2019. The project was expected to head to the MOFD board for formal acceptance of the grant money at the March 20 district meeting.

Under Winnacker's direction, MOFD has amped up its north Orinda fire prevention efforts since he took over as chief in December 2017. Working with Cal Fire, the district organized vegetation trimming along Bear Creek Road. It tested poor-flowing hydrants, and identified supplemental water sources like pools, ponds and privately maintained water tanks. PG&E trimmed trees interfering with power lines along Miner Road, and the district tested fire detection sensors in January during a north Orinda evacuation exercise.

North Orinda residents are savvy about the need for fire prevention, and local neighborhoods are proactive, as the Orinda Downs Homeowners Association contracted for a goat herd to trim back vegetation in open space west of Happy Valley Road each of the last two years. In the 2018 general election Lucy Talbot, a businesswoman with no firefighting background, came within 123 votes of defeating a career firefighter for a north Orinda MOFD board seat, running on a platform based largely on increased fire prevention for the

area, for which she continues to advocate. "While a (fuel) break is a place to start, I have grave concerns that far too little is being done by our elected officials to address the very real threat of a fire danger to our community," Talbot said.

The North Orinda Fuel Break project will reduce fuel loads in more than 1,700 acres in and adjacent to Lamorinda. "This is a once in a lifetime opportunity - a recognition of a critical situation, and the state has opened the door," Winnacker said. on Page A11

Reach the reporter at: nick@lamorindaweekly.com

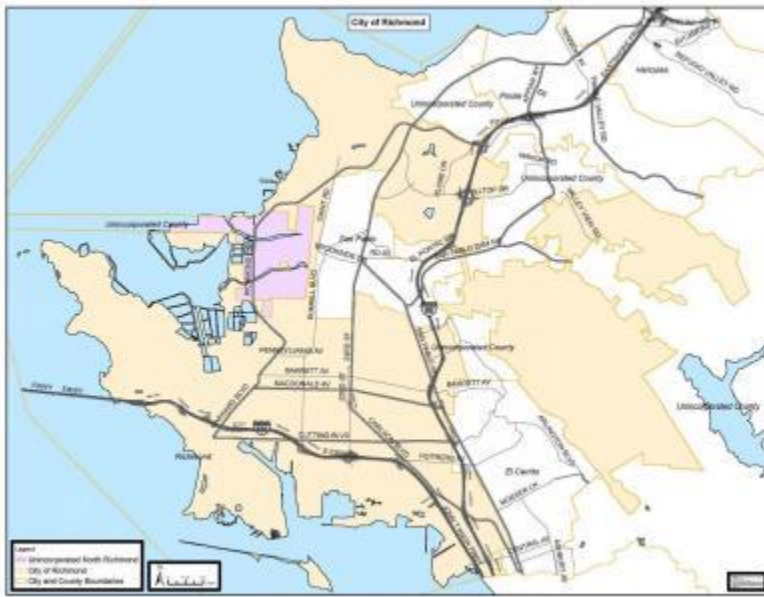
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East Bay Times

North Richmond annexation effort comes to a halt

Richmond will not pursue annexing 1.5-square-mile enclave



(Source: City of Richmond)

Officials from Richmond, shown in yellow, propose annexing the unincorporated community of North Richmond, shown in purple. (Source: City of Richmond)

By [Ali Tadayon](#) | atadayon@bayareanewsgroup.com | Bay Area News Group

PUBLISHED: March 20, 2019 at 8:15 am | UPDATED: **March 21, 2019** at 2:23 pm

RICHMOND — Years of efforts by Richmond to annex the 1.5-square-mile unincorporated pocket of North Richmond have ended after residents overwhelmingly expressed that they didn't want the community to be incorporated by the city.

The chief concern among North Richmond residents was [having to pay more in taxes and fees, Richmond city officials said](#). If the 3,717-person community were annexed, property taxes would rise \$140 per \$100,000 of a home's assessed value. North Richmond residents also would have to pay a 1-percent-higher sales tax, from the current 8.25 percent to 9.25 percent, and a utility users tax that would be 5 to 10 percent higher.

"Annexation will be hard for the fixed-income residents, and as a new home owner in North Richmond and a lifelong Richmond resident, I'm scared of losing my house because of financial flaws," said resident Kapis James at Tuesday night's Richmond City Council meeting.

The Richmond council voted 6-1 at the meeting to approve the city manager's recommendation to not proceed with annexing North Richmond. Mayor Tom Butt voted against the recommendation.

City and Contra Costa County officials have spent more than a year gauging North Richmond residents' interest in annexation. The majority of those taking part in 12 community meetings hosted by the city and county said they weren't in favor of annexation, according to a city manager's report. The city also sent out a mailer to North Richmond residents with a survey asking if they wanted to be added to the city. Of the 3,505 mailers sent out in August, 235 were returned by the Sept. 28 deadline. Only 36 of those responding, or 15 percent, favored annexation.

The city manager's office also cited an additional \$2.2 million strain on the city's general fund as a reason not to proceed with the annexation process. Although the city would receive an additional \$2.7 million in tax revenue from North Richmond, city officials estimated it would cost around \$4.9 million to extend city services to the enclave. The deficit could result in a "potential deterioration in level of services to Richmond residents" since the city would have to offset the \$2.2 million by trimming the budget.

"North Richmond holds a very special place in my heart, and though I believe in annexation I don't believe in colonization, and that's what it sounds like if we try to annex North Richmond right now," said council member Demnlus Johnson. "We would be integrating them into a burning house, and right now it sounds like we need to get our things together before we can address them and see if they want to be a part of our city limits."

The enclave is the result of World War II-era housing restrictions that barred African-Americans from buying homes in Richmond. Butt said various Richmond city council members over the years since the 1990s have been wanting to move forward with annexation in an effort to erase the racist policies of the past.

"The reason it didn't get annexed from the 1940s up until at least several years ago was totally racial: People did not want to annex a geographic area the population of which was predominately African-American. Totally racist," Butt said.

If North Richmond were to be annexed, the closest government hub would be Richmond City Hall, as opposed to the county seat almost 20 miles away in Martinez.

The Contra Costa County Sheriff's Department currently serves North Richmond, though the area is surrounded by the Richmond Police Department's jurisdiction. In many instances, it would be more efficient for a Richmond police officer to respond to an emergency call. Richmond police's crime prevention programs also would be implemented in the area, which has been hit hard by crime and gang violence.

From 2010 to 2014, 19 people were killed in North Richmond, but charges were only filed in five cases.

San Francisco Chronicle

Details of Newsom's drinking water tax plan revealed

By [Filipa Ioannou](#)

Updated 12:53 pm PDT, Friday, **March 22, 2019**

California Gov. Gavin Newsom revealed new details of his plans to charge water customers in the state a new tax to fund safe drinking water for disadvantaged communities.

He announced Wednesday his plans to charge water customers an extra amount ranging from 95 cents to \$10 a month — money that, combined with fees on animal farmers, dairies and fertilizer sellers, he projects would raise \$140 million a year that could be put toward testing wells, aiding public water systems and treating contaminated water. The amount paid would depend on the size of one's water meter.

Newsom called the drinking water situation faced by some of the state's low-income communities "a moral disgrace and a medical emergency."

But some observers say that with limited appetite for more taxes, the plan faces an uphill battle in the state Legislature, where tax and fee increases must be approved by two-thirds of lawmakers, some of whom are wary after a vote to approve the gas tax led to the recall of a Democratic senator last year.

Democrats from agricultural districts may be hesitant to support the tax. One such senator, Anna Caballero, has introduced a competing proposal that would create a trust fund for water improvements using money from the state's existing surplus.

On social media, some were incensed at Newsom's proposal.

"We are being taxed to death," wrote Twitter user @dcibbott.

"This \$120 water tax on top of the highest gas tax, vehicle registration fees, and one of the highest state income taxes. No! Work with what you have already," wrote Pamela Adger on Twitter. "Then start undoing all those tax breaks for corporations. Maybe Nestle can pay for the cleanup."

Newsom first floated the idea of the water tax back in January when he introduced his 2019-20 budget.

He called for establishing a "safe and affordable drinking water fund" to "enable the State Water Resources Control Board to assist communities, particularly disadvantaged communities, in

paying for the short-term and long-term costs of obtaining access to safe and affordable drinking water."

Six million Californians rely on water providers that have violated state standards at some point in the past six years, a McClatchy investigation found in 2018. According to the report, the majority of Californians that lack safe drinking water live in the southern San Joaquin Valley and the Mojave Desert.

Former Gov. Jerry Brown attempted a similar proposal last year, but it [died in the Legislature](#). Under Brown's plan, residents would have been taxed a more modest sum than under the Newsom plan — 95 cents a month.

Earlier this year, Newsom took his Cabinet on a trip to the Central Valley to hear from residents who lack clean drinking water.

"We met with residents who cannot drink or bathe with the water in their homes, while paying more for it than those in Beverly Hills," Newsom tweeted.

Central Valley residents who support the tax echoed those themes at Wednesday's press conference.

"We are the poorest families," said Lucy Hernandez, a resident of Tulare County, "and we are willing to pay the tax because we spend a lot more money than the tax buying water bottles for our families."

The AP and SFGATE staff writer Eric Ting contributed to this report.

East Bay Times

East Bay cop accuses town manager, chief of impeding investigation

Restraining order filed over battery allegation

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

PUBLISHED: March 22, 2019 at 3:51 pm | UPDATED: **March 23, 2019** at 8:47 am

MARTINEZ — In another twist to the saga of the small unincorporated town of Kensington and its police force, a cop has been granted a temporary restraining order against the department's general manager who he has already accused of assaulting him.

In the restraining order request, Officer Ted Foley alleges Kensington General Manager Anthony "Tony" Constantouros and interim Police Chief Ricky Hull retaliated against him for making a citizens arrest of Constantouros on March 2. Foley's restraining order request, filed in Contra Costa County Superior Court, accuses both the general manager and the chief of impeding the district attorney's investigation into the arrest.

County prosecutors are still reviewing the case, according to a District Attorney's Office spokesman.

Foley also wrote he is the subject of an internal affairs investigation for an undisclosed incident last September, which he was notified about after Constantouros' arrest and also alleges is payback.

"I believe the district of Kensington, General Manager Constantouros are purposely trying to sabotage the investigation and are attempting to intimidate me, even though I am a victim of a crime," Foley wrote in the restraining order application. "I also believe the interim chief, whether it is through malice or ignorance, is also retaliating against me and attempting to sabotage the investigation."

"I find (the temporary restraining order) a shocking development," said Eileen Nottoli, board president of the Kensington Police Protection and Community Services District, which oversees the department in the unincorporated town in the East Bay hills north of Berkeley. She declined further comment.

Problems in the department became well known in 2015, when this news organization reported that [Sgt. Keith Barrow's gun and badge were stolen](#) by a sex worker in Reno, and her pimp shot himself with it. That led to the ouster of former Chief Greg Harman, who was found [to have not properly investigated](#) the incident.

Most recently, documents released under the state's new police transparency law show officers used a [highly confidential law enforcement database](#) to look up information on former Kensington district board member Vanessa Cordova at least nine times from 2014 to 2016 in what she has called harassment.

Former Kensington Chief Kevin Hart went to a board meeting recently and said some of the look-ups were because Cordova had an expired car registration, blaming her for police needing to access the database to look up information about her. Kensington has hired former Oakland Police Chief Howard Jordan to investigate the matter.

Now, Foley's allegations have opened another rift.

In an interview earlier this month, Constantouros, 70, accused Foley, 47, of "fabricating" a story that he had attacked Foley. Constantouros called the accusations "trumped up."

Attorneys will argue before a judge on April 5 whether to extend Foley's restraining order. In the meantime, the temporary order granted by a judicial officer says Constantouros must stay "at least five yards" away from Foley when they are both at work.

Neither Constantouros nor Hull immediately responded to requests for comment on the restraining order.

According to Foley's LinkedIn profile, he's a former contracted security officer for ICE and he identifies himself as having been an undercover police officer and undercover sheriff's deputy in the Central Valley from 1994 to 1997. He joined the Kensington force in 2016, and lists himself as a firearms and "hand to hand combat instructor."

The trouble started during a presentation by the Matrix Consulting Group of Mountain View on March 2, which is studying whether the police department should be disbanded in favor of contracting out for police services. At one point, Foley yelled at the consultant, Nottoli said, and Foley and Constantouros were soon arguing.

After the meeting, Foley wrote in the restraining order application, Constantouros caught up with him. Constantouros said in an interview he confronted Foley after the officer made "deceptive" comments during a Q&A with consultants.

Foley wrote Constantouros "began gripping my hand very tightly and was yelling at me and cursing," so he pulled his hand away and told the town's general manager to "keep his distance." He wrote Constantouros then "closed the distance and began poking me in the chest very hard with his right hand."

"I asked Constantouros if he had just assaulted me and called for Officer Wilkens to get him away from me," Foley wrote, saying he filed a battery report with his sergeant, Keith Barrow, soon after. Foley said in his restraining order application he was filing it because Constantouros had not been placed on leave and "the district refused to protect me."

Constantouros denied assaulting Foley or “anyone in my life.” He accused the officer of retaliating against him by serving a citation after the meeting. Foley acted alone, Constantouros said.

Foley also described an episode on March 7 — the day after this newspaper reported about that confrontation — when Foley says Hull called him into a meeting and asked him to sign an internal affairs investigation notice, in connection with a complaint from last September.

“The chief stated that it was no big deal and I replied that it was a big deal to me, as I have never had an IA in my life,” Foley wrote. “I found it odd with the timing of the IA, an article broke about the incident I had with Constantouros ... and the following day I receive an IA.”

Six days later, Foley wrote, he learned there was a video on the town’s website of the meeting where the confrontation happened. Foley said he was disturbed by the posting, since the video had been “secured as evidence.” When he contacted the Contra Costa County District Attorney’s Office about it, he said he was asked to put his concerns in writing.

East Bay Business News

Take a sneak peek at the newest condos to hit the Richmond waterfront amid flurry of development

By [Alex Barreira](#)— Editorial Intern, San Francisco Business Times

Mar 26, 2019, 1:53pm PDT Updated **Mar 26, 2019**, 5:39pm EDT

Richmond has long been characterized as an economic “[underdog](#)” lacking the infrastructure or investment of other Bay Area cities. But the opening of a new ferry terminal and a flurry of residential developments in the works signal that the times are changing. Developers are selling the latest waterfront condos there on the merits of access to a “yacht harbor...just a few feet from your door.”

Next month Shea Homes, one of the Bay’s [largest residential builders](#), will open two model homes to showcase their 60-unit development, “Waterline on the Bay” at 101 Seacliff Drive in Point Richmond. The project includes eight floor plan variations with 2-3 bedrooms and 2.5-3.5 bathrooms over a total of 2,000 and 3,000 square feet.

The condos feature interiors with high ceilings and spacious living and kitchen areas as well as customizable amenities for the deck and patio. Other customizable amenities include open concept living areas, home offices, lofts, 2 or 3-car garages, and a deck overlooking the water. Home prices will start at just under \$900,000. Even before the model homes finished construction, one quarter of the project units had already been sold.

Other developers, in addition to Shea Homes, see the lure of the Point Richmond waterfront.

“It’s once-in-a-lifetime real estate,” said [Terry Manley](#), founder of developer New West Co., about the area.

There’s [ample interest in Richmond](#) as the site of residential and commercial development along the waterfront since the ferry terminal (and its 35 minute commute into San Francisco) launched in January. The location affords proximity to the city, Marin, Berkeley, Oakland and Wine Country.

After taking a gamble on 18 waterfront acres along 1135 Canal Blvd., New West [could break ground on a 200 homes](#) there as soon as next month. They’re also in the hunt to snap up a 5-acre parcel near the ferry terminal for 600 future apartments or condos.

Lyon Homes is close to finishing construction on 98 residential condos and bringing them to market, while Latitude — a 316-unit project, located at 1500 Dornan Drive — includes 295

condominiums and 21 single-family homes from the partnership of Laconia Development and Chinese developer Suzhou Weibang Properties LLC.

According to Richmond Mayor [Tom Butt](#), as of January there were already over 2,000 homes slated to be built within five miles of the terminal. [Another waterfront project elsewhere in Richmond envisions at least 670 homes](#) at Point Molate.

East Bay Times

East Bay fire district knew of EMS chief's drug use before promotion, arrest

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

PUBLISHED: March 27, 2019 at 6:27 am | UPDATED: **March 27, 2019** at 11:46 am

A high-ranking Contra Costa County Fire Protection District official who is fighting [felony embezzlement and drug possession](#) charges was given a job with access to narcotics even though his bosses knew he previously had been in drug-related trouble, according to records obtained by this news organization.

Years before his January arrest on suspicion of possessing fentanyl, an opiate-based painkiller, and midazolam, a sleeping aid, Richard Stephenson was demoted and given a warning for substance abuse. Yet in 2017, he was promoted to chief of the Emergency Medical Services division.

Fire district personnel records show the district knew as far back as 2005 about Stephenson's drug use. In January of that year, he signed a "last chance agreement" that required him to get all scheduled absences pre-approved by a supervisor, provide a doctor's note for all sick days the following two years and abstain from taking "psychoactive drugs" or misusing prescription drugs. In exchange, the fire district agreed to not pursue disciplinary action against him for previous substance abuse.

A few years later, in 2009, Stephenson was demoted from fire engineer to firefighter because he had failed to notify the district he was under investigation by state Emergency Medical Services until after the probe was completed and his paramedic license was revoked.

He had come under fire from both the state and county EMS authorities in spring 2009 because he had not disclosed prior criminal convictions for fighting and had admitted to using cocaine and marijuana while licensed and employed as a paramedic, which the fire district noted in its demotion order.

Stephenson was charged in 2004 with felony stalking and battery in two separate incidents, but took a plea deal in 2005 for misdemeanor fighting, as this news organization [previously reported](#). An accusation filed by the state EMS alleges that in August 2004 he stalked his ex-wife by following her to a hotel and "confronted" responding officers. Three months later, according to the accusation from the EMS, Stephenson got into an argument with his girlfriend and shoved her into a dresser.

He was convicted in both cases of misdemeanor fighting in plea deals with the Sonoma County District Attorney's Office.

According to court records, fire officials told investigators this year that Stephenson's job gave him access to pharmaceutical cabinets containing "highly addictive" drugs, and that he had a master key to all department fire units. Police suspected he used the key to steal drugs from prescription disposal areas, fire trucks and pharmaceutical bins at fire stations.

At the time of his arrest, police seized hundreds of 5-milliliter and 2-milliliter vials of fentanyl, midazolam and other bottles of prescription medicines, as well as unused hypodermic needles, according to court records. Stephenson checked into a detoxification facility on Jan. 2, and a roommate reported finding the drugs hidden in one of his laundry baskets.

"Stephenson's promotion did not offer him lone access to narcotics. Such access was controlled by an oversight program administered by a narcotics control officer and overseen by medical staff and senior leadership," fire district spokesman Steve Hill stated in a response issued this week. "However, the retirement of the narcotics control officer resulted in a short period when Stephenson was able to access narcotics with lessened oversight."

The statement also said that "As a result of this incident, we have put in place procedures related to further safeguard our operations from the actions of any employee seeking to subvert them."

Additional documents obtained through a public records request showed that other, lower-ranking district employees recently signed "settlement and last chance agreement" forms with the district promising to behave better after they were caught selling or possessing human growth hormone while on duty between December 2016 and February 2017.

The district redacted the names of those employees, saying in a letter that "The release of this information does not further any public interest and does not shed light on the District's performance of its duties."

The district issued and signed four of those settlement agreements — two for employees who had apparently been selling human growth hormone and two for employees who allegedly possessed it.

While Hill would not reveal specifics about the new safety procedures implemented after Stephenson's arrest, he said the department "thoroughly examined all related security procedures and made a number of enhancements to narcotics access controls, logging and video surveillance."

The district immediately removed and reviewed all controlled substances from fire engines, trucks and rescue squad vehicles while it investigated the situation, and determined there had been no tampering of those drugs and "no compromise of public safety related to these medications occurred as a result of this incident."

Stephenson was not fired for the alleged offenses, Hill confirmed. He was placed on paid administrative leave on Jan. 7 this year but applied for retirement while on leave.

"As a result ... Jan. 12 he was no longer an employee of the District and no longer subject to our internal investigation," the statement confirmed.

Washington Post

California's water infrastructure to be tested this spring as massive winter snowpack melts away



Dangerously heavy amounts of snow are loading roofs in Truckee, Squaw Valley and South Lake Tahoe communities. (courtesy of Gary McLean, Mountain Valley Roofing)

By [Washington Post](#)

PUBLISHED: March 28, 2019 at 11:42 am | UPDATED: **March 28, 2019** at 11:43 am

By Mike Branom | Special To The Washington Post

As waterlogged storms repeatedly pounded California this winter, social media was filled with variations on a distinct photo theme. The subject was a freshly-plowed road, wedged in between towering white walls of snow measuring 10, 20 feet tall. As long as vehicles had safe passage, a wintry trench would be fine – that snow had to go somewhere, after all.

But with an early-spring heatwave in the forecast, it's time to start thinking about what a massive amount of snowmelt will mean for the state – that water has to go somewhere, after all.

Despite snowpack in the Sierra Nevada measuring 153 percent above normal, it should be noted up front that experts aren't expecting anything too terrible for California. When the National Weather Service recently issued its spring outlook, only minor flooding was foreseen in the Golden State, unlike the deluges seen in the Midwest along the Mississippi and Missouri rivers.

Still, impact is assured from so much water trickling down mountainsides into streams and creeks, eventually joining a river before being captured in a reservoir or flowing all the way to the Pacific Ocean. And that doesn't take into account the possibility of more storms, such as the one that lashed the Sierra Nevada foothills on Wednesday night, dropping up to 30 inches of snow in the higher elevations while also prompting the Weather Service to issue warnings for a tornado and flash flooding.

The rebuilt spillway at Oroville Dam, America's tallest, is about to get tested for the first time since it nearly failed with catastrophic results two years ago. Repairs involved more than 1.2 million cubic yards of concrete – enough to fill 372 Olympic-size swimming pools.

According to the Sacramento Bee, “residents downstream of the spillway are watching the spillway nervously. They’ve been skeptical about (California Department of Water Resources’) insistence that small amounts of water flowing down the spillway in recent weeks wasn’t from cracks or other problems. DWR says it’s normal seepage from the spillway gates.”

This inevitable deluge will kick off another inevitability: debates over whether California does enough to capture and store runoff. As The Record of Stockton points out, the state’s last major reservoir project was New Melones on the Stanislaus River in Calaveras County – and it started filling in 1979. “Since then the state has gained about 15 million residents.”

Possible improvements include constructing a series of smaller reservoirs on the eastern side of the Coastal Ranges, generally north of Sacramento, and maybe raising the height of Shasta Dam (at 4.5 million-acre feet the state’s largest reservoir).

In November, the voters of Los Angeles County approved a property tax projected to raise hundreds of millions of dollars annually to capture and clean up stormwater.

The coming heatwave, expected to peak on Sunday, is the work of a high-pressure ridge parking over the state. Offshore winds will keep marine air at bay, and high temperatures are expected to soar perhaps a dozen degrees past seasonal norms for the warmest day of 2019 so far.

After the ridge fades, extended forecasts call for unsettled weather across the state – with the possibility of further rain/snow events.

Western Water

As Deadline Looms for California's Badly Overdrafted Groundwater Basins, Kern County Seeks a Balance to Keep Farms Thriving

WESTERN WATER SPOTLIGHT: Sustainability plans required by the state's groundwater law could cap Kern County pumping, alter what's grown and how land is used

March 28, 2019

Gary Pitzer



[Water sprinklers irrigate a field in Kern County, in the southern region of the San Joaquin Valley. \(Image: California Department of Water Resources.\)](#)

Groundwater helped make Kern County the king of California agricultural production, with a \$7 billion annual array of crops that help feed the nation. That success has come at a price, however. Decades of unchecked groundwater pumping in the county and elsewhere across the state have left some aquifers severely depleted. Now, the county's water managers have less than a year left

to devise a plan that manages and protects groundwater for the long term, yet ensures that Kern County's economy can continue to thrive, even with less water.

Exactly how sustainability will be achieved under the state's 2014 [Sustainable Groundwater Management Act](#) (SGMA) is still to be determined. The [Kern Groundwater Authority](#), formed in the wake of SGMA, is drafting a plan for much of the Kern subbasin, hiring consultants to model scenarios and holding stakeholder meetings to educate people about what's ahead. Members of the authority's board have listened to ideas such as groundwater transfers from within the basin that might help blunt the economic impacts from meeting SGMA's requirements.

Whatever plan is developed, the impact is likely to be significant: As much as 185,000 acres of Kern County crop land — roughly 20 percent of the county's irrigated farm acreage — could be taken out of production to meet sustainable groundwater use requirements, according to a report by Alliance Ag Services, a brokerage and consulting firm in Bakersfield.

"I haven't heard an estimate yet that I thought was too high for the amount of land going out of production," said Jason Selvidge, a farmer and board member of the Kern Groundwater Authority, the Groundwater Sustainability Agency (GSA) covering a large portion of the Kern subbasin. "I think it's a big number."

Situated at the southern end of the San Joaquin Valley in the shadow of the southern Sierra Nevada and with Bakersfield as its anchor, Kern County is the top agricultural producer in the nation, with grapes, almonds and citrus leading the way. One in five jobs is directly or indirectly linked to the agricultural industry and five of the top 15 private employers in the county are agriculture-based, according to the Kern County Farm Bureau and the Kern Economic Development Corporation.

SGMA will impact those figures. Despite being signed into law more than four years ago, the weight of the Act is beginning to be felt. Pumping restrictions will affect farm revenue, taxes and jobs.

'A Big Train Coming'

Farmers for the most part have absorbed cuts in water deliveries through smarter water use, but efficiency only goes so far before land must be fallowed, said Selvidge, who serves as vice president of the [Rosedale-Rio Bravo Water Storage District](#), west of Bakersfield. In his case, that means moving away from lesser-value row crops such as corn and alfalfa.

Kern is among 21 critically overdrafted basins statewide that are rapidly approaching a January 2020 deadline to submit groundwater management plans to the state of California under SGMA with a goal of achieving sustainability by 2040.

"Unfortunately, there are still a number of farmers who don't have a very good understanding of it," said Selvidge. He and his fellow board members at the Kern Groundwater Authority are making landowners and neighboring districts aware of what to expect.

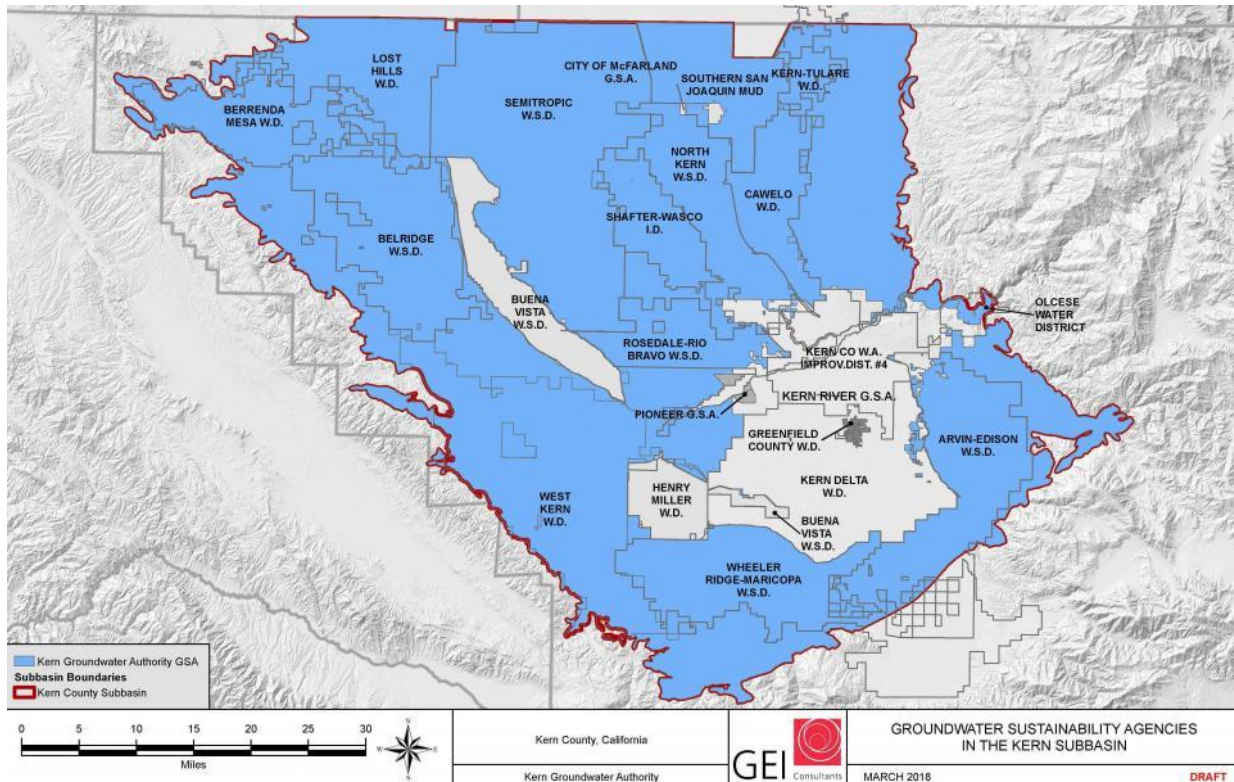
“The ones that are out front have had some understanding for a couple of years now, but no one really knew how it was going to shape up,” he said. “They just knew there’s a big train coming down the track.”

Christina Babbitt, who manages the [California Groundwater Program](#) at Environmental Defense Fund, acknowledged SGMA is likely to change how land is used, and that will affect rural economies.

“We recognize SGMA could be a very big lift for many agricultural users and we need to think of ways to help soften the landing in these areas,” she said. Incentive-based strategies such as water trading may help soften the blow, Babbitt added. She praised efforts in Kern County to devise a workable sustainability plan.

“There is a lot of speculation as to what’s going to happen in Kern County,” she said. “I really admire the leadership there to try to do what they need to do to get their plan accepted.”

After a long history of treating groundwater as a virtually unregulated resource, California in 2014 became the last Western state to regulate groundwater through SGMA, a bottom-up approach that requires local groundwater agencies like Kern to show how they will sustainably pump groundwater by 2040.



[Kern Groundwater Authority encompasses most of the Kern subbasin and is the umbrella groundwater planning entity for 16 public agencies. \(Image: Kern Groundwater Authority\)](#)

The Kern Groundwater Authority is comprised of 16 public agencies, 14 of which are water districts. Each authority member is crafting its own approach to achieving sustainability as part of the larger plan that will be submitted to the state. The authority also is charged with ensuring coordination with other adjacent groundwater sustainability agencies. Each district has different water sources it will build from and officials will work with landowners to consider their fee structures for groundwater pumping. Some members of the Kern Groundwater Authority are not developing their own chapter for the Groundwater Sustainability Plan, instead participating in the chapter developed by a neighboring agency within the authority's jurisdiction.

There have been challenges. The Kern County Board of Supervisors decided last year that the county would not be a part of the Kern Groundwater Authority, saying it didn't want to assume managerial responsibility — or the liability — for the acreage outside the jurisdiction of other water districts. Authority members fear the county's action may cause the Kern Basin, the largest in the state, to be designated probationary, which would have a significant impact.

Still, the authority expects to have a draft of its sustainability plan ready for public review by this August.

Striking a Balance

The 20-year path to sustainability will be an iterative process, said Jon Reiter, chief executive officer of Maricopa Orchards, a leading almond, pistachio and fresh produce grower in Kern County.

“There is going to be a portion of the initial [plans] that are going to say, ‘Look, we have 20 years to establish a path to sustainability and we intend to implement certain things,’” he said. “Maybe we are going to have an allocation of groundwater credits, we might have fees we are going to charge on pumping. We may have marketable credits. While that may be contemplated for the future, I don't see a lot of it being implemented yet.”

Eric Averett, general manager of the Rosedale-Rio Bravo Water Storage District (part of the Kern Groundwater Authority), likened the process to what people regularly experience with their household finances as they try to balance income and expenses.

“I think most entities within the basin have a really good feel for what their water budget is,” he said. “The hard part is yet to come, which is, how do you balance it?”

Formed 60 years ago as a groundwater recharge project, Rosedale-Rio Bravo, which receives water from the Central Valley Project, the State Water Project and the Kern River, makes few direct deliveries to customers. Rosedale replenishes groundwater mostly with imported supplies, which has helped keep its groundwater in balance for more than 25 years, Averett said.

A big piece of the SGMA equation is establishing a regime under which growers manage the water beneath their feet. In Averett's district, that means assigning water use on an individual basis.

“Each parcel will have a water budget and we will provide information to the landowner so they can manage that budget,” he said. “The parcel is the bank account and we are the generous uncle who makes the deposit into the account and the uncle who looks at the account to make sure it never goes upside down.”

Planning a water budget means incorporating a degree of adaptability and being ready for the inevitable periods of drought and wet years, said Selvidge, with the groundwater authority. The idea, he added, is to look at the long-term history of the basin, not what happened last year.

Living Beyond Our Means

Groundwater accounts for about 40 percent of all the water consumed in California in average years, and far more in drought years. Unlike surface water, which requires a permit to divert and use, landowners are allowed to pump as much groundwater as necessary, as long as it’s put to beneficial use.

Overdrafting an aquifer – pumping more than is naturally replenished – has caused subsidence in many parts of the San Joaquin Valley, irreversibly in some spots. Landowners said they had no choice but to pump to stay in business, but lawmakers ultimately stepped in.

According to Public Policy Institute of California’s 2019 report, [Water and the Future of the San Joaquin Valley](#), the valley’s rate of overdraft has averaged about 2 million acre-feet each year for the past 30 years — or enough annually to fill [San Luis Reservoir](#) near Los Banos. Ending that overdraft could require taking at least 500,000 acres of irrigated cropland across the valley out of production.

“The valley is at a pivotal moment,” [Ellen Hanak](#), director of PPIC’s Water Policy Center, said at a Feb. 22 conference in Fresno. “This is a region that faces unprecedented challenges and inevitable change.”

Reversing that overdraft is at the heart of the groundwater sustainability plans that each groundwater sustainability agency in California must prepare. Some of the plans will be “more aspirational than practical, but that’s OK,” Erik Ekdahl, deputy director with the [State Water Resources Control Board](#), said at the Association of California Water Agencies’ legislative forum March 6 in Sacramento.

The State Water Board will consult with the [California Department of Water Resources](#) on the validity of sustainability plans, a process that includes ensuring that basins with multiple plans have a coordination agreement between all the participants.

“The plans have to work together and essentially function as one plan for the basin,” said Sam Boland-Brien, manager of the State Water Board’s [Groundwater Management Program](#). And ideally, the plans will be comprehensive enough to avoid state intervention.

“We want the problem solved and we obviously prefer [local officials] to succeed,” Boland-Brien said, but “we are ready to step in if we have to.”

Challenges and Opportunities



[Trees bloom at a Maricopa Orchards property in Kern County. \(Image: Maricopa Orchards\)](#)

Like all growers, Maricopa Orchards' Reiter decides on planted acreage depending on various circumstances, such as market conditions. "We take great efforts to not over plant," he said. "Every tree we put into the ground, we look at where is that water coming from 10 years from now when that tree is mature."

With groundwater pumping likely to be limited at some point, Reiter has worked out deals for solar energy production on some of his land to gain an economic use that's not reliant on water. That also allows him to shift the groundwater and surface water associated with that land to other planted acreage.

Reiter believes the implementation of SGMA plans is the beginning and not the end of the process.

"SGMA is creating some challenges, but it is also creating some opportunities and those who see the future are going to be well-poised to manage through it," he said. "We are in the transition mode, we are not in the transformation mode yet."

Los Angeles Times

U.S. sues California over river flow standards

By [Bettina Boxall](#)

Mar 28, 2019 | 7:35 PM



In a lawsuit, the federal government says California's new flow standards for the Stanislaus River will interfere with operation of the New Melones Dam and reservoir. (Al Seib / Los Angeles Times)

The federal government Thursday added to the pile of lawsuits challenging new state requirements to boost river flows in order to help struggling fish populations.

The U.S. Department of the Interior, which manages California's [largest irrigation supply project](#), argues that the flow standards will interfere with its operation of the [New Melones Dam](#) and reservoir on the Stanislaus River.

The federal complaint, filed in both state and federal court, is the 11th lawsuit launched against the State Water Resources Control Board since [it voted](#) in December to require greater flows in the Stanislaus and two other tributaries of the San Joaquin River.

Like the other lawsuits, the new Interior complaint argues that the board did not adequately analyze effects of the new rules under the California Environmental Quality Act.

“The environmental analysis by the California State Water Resources Control Board hid the true impacts of their plan and could put substantial operational constraints on the Department of the Interior’s ability to effectively operate the New Melones Dam, which plays a critical role in flood control, irrigation, and power generation in the Sacramento region,” Assistant U.S. Atty. Gen. Jeffrey Bossert Clark said in a statement.

State water board attorneys said they could not comment on the litigation.

Nearly a dozen lawsuits have been filed by groups on all sides. Conservation groups argue that the standards aren't strong enough, while users of river water say they will force draconian cuts to their supplies.

The litigation was expected because the new state standards represent an unprecedented move to reduce river use by San Francisco and some of the oldest farm irrigation districts in California.

Indeed, opponents argued last year that if the board adopted stronger flow requirements, it would start a years-long legal war.

To avert that, state officials are trying to negotiate settlements that would relax the flow requirements if water users agree to significant habitat restoration that would increase salmon populations.

The Interior lawsuit marks another skirmish in the [ongoing battle between California and the Trump administration](#) over environmental regulations.

In a separate matter, the water board is expected to vote next week on rules that would strengthen state protections for wetlands and seasonal streams that will lose federal protections under [a rollback of the Clean Water Act](#).

East Bay Times

East Bay critics blast area emergency housing plan

Orinda Watch grassroots group hosts forum on compact



Dennis Richards, a San Francisco Planning Commission member, tells a town hall crowd Thursday in Orinda how SB 50 could impact the city. SB 50 is part of the CASA Compact, a set of emergency housing policies proposed by Bay Area lawmakers. Richards warned that SB 50 would take away local control, lead to higher-density housing and could potentially triple the population of Orinda. (Jon Kawamoto/Bay Area News Group)

By [Jon Kawamoto](#) | jkawamoto@bayareanewsgroup.com | Bay Area News Group
PUBLISHED: March 29, 2019 at 8:44 am | UPDATED: **March 29, 2019** at 7:05 pm

ORINDA — More than 120 people at a town hall meeting Thursday night heard criticism of Bay Area emergency policies to address the housing crisis — known as the CASA Compact — that speakers maintained could lead to higher-density housing structures, alter the city’s population and semi-rural character, and take local control out of the hands of city officials.

Dennis Richards, a San Francisco Planning Commission member and one of the speakers, gave a detailed criticism of SB 50 by state Sen. Scott Weiner, D-San Francisco, saying the bill “will have the biggest impact on your lives since Prop. 13,” and could potentially lead to housing that would double or triple Orinda’s population and affect all its neighborhoods.

“We don’t have any local control left under SB 50,” Richards said. “You can’t say no to projects (under the bill).” Richards described SB 50 as Sen. Weiner’s “real estate bill.”

The affluent city currently has 18,936 residents.

According to California YIMBY, which supports SB 50, Sen. Weiner's proposal includes: the ability for cities to quickly approve new housing near transit stations; protections for renters against displacement and eviction, including a ban on demolishing housing occupied by renters; incentives for developers to build more market-rate and affordable housing; and the elimination of parking requirements, which the bill calls outdated and also leading to more driving and climate pollution.

Supporters of SB 50 include Oakland Mayor Libby Schaaf; San Francisco Mayor London Breed; Los Angeles Mayor Eric Garcetti; Sacramento Mayor Darrell Steinberg; Emeryville Mayor John Bauters; Michael Lane, policy director of the Non-Profit Housing Association of Northern California; BART board of directors; Natural Resources Defense Council; California PIRG (Public Interest Research Group); Environment California; University of California Student Association; and AARP (American Association of Retired Persons) California.

The town hall crowd, most of whom identified themselves by a show of hands as house owners, attended the town hall sponsored by Orinda Watch, which describes itself as a volunteer, nonpartisan group made up of mostly Orinda residents.

“We believe that many aspects of the CASA Compact, SB 50 and the related bills are extremely radical and authoritarian, and are an attempt to take away the control from the local citizens, and give the decision-making authority to a group of bureaucrats, who will have low accountability to anyone,” the group said in a statement distributed at the meeting.

The CASA Compact is a set of policies to address the housing crisis. It could require Bay Area cities to impose emergency rent caps, welcome in-law units and pay into a regional pot to fund those changes.

The plan was written by the Committee to House the Bay Area, which includes elected officials from the region's largest cities and other cities, transportation agencies, nonprofit groups, housing developers, local tech companies and others. The group was formed by the Association of Bay Area Governments and the Metropolitan Transportation Commission.

So far, Bay Area lawmakers have introduced 13 bills to implement the CASA policies. But officials in many smaller Bay Area cities say they weren't invited to the table and their interests weren't taken into account, although the Committee to House the Bay Area includes a representative from Rohnert Park, which has less than 43,000 residents.

The MTC endorsed the plan in December, and ABAG approved it in January.

Almost as soon as the plan was unveiled, some smaller cities started gearing up for a fight. In the past month, elected officials in Orinda, Lafayette and Moraga criticized the issue at a meeting in Lafayette, maintaining that it would take away local control over housing.

Dr. Scott Zeller, a health care executive, medical researcher and physician who has lived in Orinda for 20 years, served as the town hall moderator. He described the CASA Compact as a “sledgehammer approach” to the housing crisis and said, for him, “local control is the big issue”

because under the new proposed laws, the state — not the cities — would call the shots on housing.

“This is an amazing city that we live in,” Zeller said, saying that Orinda’s character was at stake. “It’s so different than the rest of the Bay Area.”

In his report, Richards said Orinda, under SB 50, was particularly vulnerable to increased housing because it was classified as a jobs rich, transit rich and having high quality bus access as well as having excellent schools.

During the town hall meeting, one of the speakers, Zelda Bronstein, a former chair of the Berkeley Planning Commission, said former Orinda mayor and current council member Amy Worth had “sold out” by giving approval to the CASA Compact. Worth sits on the MTC as the Contra Costa County representative.

Worth, who was in the audience, addressed the crowd, saying that the MTC wrestled with approving the CASA Compact and said it was a “compromise” decision, and she said she always favored public input and reaction to the plan.

In addition to SB 50, speakers also criticized two other bills that are part of the CASA Compact: AB 1487, which would authorize a new regional housing agency governed by an unelected board with the power to levy taxes, issue debt and impose zoning standards in the nine-county Bay Area; and ACA 1, which would amend the state Constitution to increase the legally bonded indebtedness of cities. It would also lower the voter requirement to 55 percent — from the current two-thirds — for bonds and affordable housing projects.

The town hall panel speakers offered no concrete options to the CASA Compact to address the housing crisis. Orinda Watch says its mission is to present information.

In a handout, Orinda Watch encouraged residents to write state senators and the Orinda council members to “kill SB 50 and the related bills.”

East Bay Times

Retiring East Bay fire chief Jeff Carman: ‘No two days were ever same’

ConFire leader since 2013 heads into retirement



Retiring Costa County Fire Protection District Fire Chief Jeff Carman gives a speech during the Changing of Command Ceremony at Fire Station 10 in Concord, Calif., on Friday, March 22, 2019. The ceremony featured the swearing-in of Costa County Fire Protection District's new Fire Chief Lewis Broschard. (Doug Duran/Bay Area News Group)

By [Rick Hurd](#) | rhurd@bayareanewsgroup.com | Bay Area News Group

PUBLISHED: March 29, 2019 at 12:27 pm | UPDATED: **March 30, 2019** at 9:38 am

Perhaps it was fitting that on his last day-long shift as the chief of the [Contra Costa County Fire Protection District](#), Jeff Carman was the first one on the scene at a fire.

“The thing that I’ll take,” he said as he mulled his retirement after 36 years fighting fires and overseeing those who do, “is that no two days were ever the same.”

Thus, the challenge of settling into a lifestyle in which many of the days are alike. Carman celebrated his final official day Friday as the district's fire chief, a position he's held since October 2013. Lewis Broschard will take over Monday after being appointed by the district's Fire Board of Directors.

But as those days unfold, those who remain at ConFire — a district that will open its 26th station in May and covers 804 square miles in and around the 19 cities in Contra Costa County — settle into the realization that in a very real way, their days won't ever be the same.



Retiring Fire Chief Jeff Carman receives an honorary hatchet to commemorate his retirement from the Contra Costa County Fire Protection District.

“He was very involved in every aspect of the operation,” Assistant Fire Chief Aaron McAlister said. “He was never a corner office guy. He worked very deliberately with everyone. There were a lot of times he went to the kitchen tables in the stations and tell the guys, ‘Tell me what’s going on, tell me what’s you need.’ It’s inspiring.”

It’s also expected to be lasting. Broschard said upon the change that he expects a smooth transition and that he leadership values won’t change. That said, he acknowledged that the shoes he fills never have been bigger.

Carman leaves behind a list of achievements that are staggering.

To wit:

- He created the [ambulance transport “alliance”](#) between ambulance companies and the district in 2016 that improved response times and response-compliance from 90 percent to 97 percent efficiency). Carman called this model — one of the most efficient in the country — “probably my proudest accomplishment. That program was really fun to put together, and there’s no telling how many lives it has saved.
- He led the department out of the Great Recession of 2008, re-opening shuttered stations and fire companies. That period of recovery also included the opening of three new divisions: Emergency Medical Services, Training and Safety, and Communications.
- He brought about initiatives such as fire apparatus and operational safety programs and enhanced annual medical exams.

There were down times, too. The revelation that the [chief of the district’s EMS team was given a job with access to narcotics even though his bosses knew he previously had been in drug-related trouble](#), was a troubling and embarrassing one. [That former EMS chief is fighting embezzlement and drug possession charges](#).



New Fire Chief Lewis Broschard receives his new badge at a ceremony last week to commemorate his new position beginning Monday.

“I have had the great good fortune to work with the very best people imaginable,” Carman said Thursday through spokesman Steve Hill. “But, they are also human and are going to face challenges and experience weaknesses. People make mistakes, and when they do, we hold them accountable. But, we also monitor their performance and when warranted we give them another chance. Any leader of any organization anywhere is going to face employee-related trials, but thankfully, these situations have been minimal and far outweighed by the hundreds of district personnel performing to the highest possible standards.”

Carman’s standards also were incredibly high.

“This has become a cutting edge, benchmark organization,” said McAlister, who came to the district in 2016 after running the Fire Departments in Dixon and Winters. “There’s three things you oversee in the job. The people, the equipment and the facilities. Chief Carman always knew what was going on in those three areas every day. ... It inspired me to be a better leader.”

Now, the challenge for Carman becomes leaving it behind. He’ll spend his days in Redding with his wife, Susanne, “the rock of our family,” he said, where he says he will take the lessons of 3 1/2 decades and apply them to a new phase of his life.

“As I reminisce, I realize how it’s been about the people,” he said. “It’s taken everybody to be able to do the things (the district) has done, and the relationships that I’ve formed, you hope they last a lifetime.”

East Bay Times

Bob Schroder, 90, former Walnut Creek mayor, county supervisor, dies

He entered local politics at a time of rapid change



Downtown businessman and former Walnut Creek councilman Bob Schroder has seen first hand the growth and success of downtown Walnut Creek. He passed away this week, his family said. (File photo by Contra Costa Times/Susan Pollard)

By [Erin Baldassari](#) | ebaldassari@bayareanewsgroup.com | Bay Area News Group

PUBLISHED: March 30, 2019 at 4:02 pm | UPDATED: **March 31, 2019** at 10:20 am

WALNUT CREEK — Bob Schroder, who served as an elected official in the East Bay for more than three decades, died Friday at his home in Walnut Creek at 90, his son, Rob Schroder, said Saturday.

The senior Schroder sat on the Walnut Creek City Council for 16 years, followed by an equally long stint as a Contra Costa County Supervisor, said his son, who followed in his father's footsteps to become the mayor of Martinez. Elected to the council in 1960, Schroder stepped into local politics at a time when the community he was raised in was undergoing rapid change.

Born in San Francisco in 1928, he moved with his family to Walnut Creek at the age of 2, when the city was a small town, dominated by sprawling walnut groves and pear orchards, Rob Schroder said. But then the freeways came, and so, too, did more and more people. It wasn't long before the BART station opened in 1973 and the bucolic agrarian community transformed into a bustling hub of business and a growing suburban community of big city commuters.

“Now, I think of Walnut Creek like Beverly Hills with Neiman Marcus and all that stuff,” Rob Schroder said. “Over my lifetime, it changed tremendously, but during my father’s time, it changed even more.”

Always community-minded, with a conservative bent to his politics but an eye for getting things done, Schroder Sr. Schroder served as a volunteer firefighter before venturing into politics, his son said.

Pat Keeble, the former politics editor for the *Contra Costa Times*, said that Schroder made it his job to shepherd the new growth and development his community was experiencing.

“He was kind of a pioneer in an era when politics in this area was changing and becoming more prominent as the population increased,” Keeble said. “He had a vision for what was needed in the area as it grew.”

And the city needed more of everything, Keeble recalled: more money for more housing, more streets and more roads, more schools and more parks. He was on top of it all.

“It required an awful lot of planning and cooperation,” Keeble said, adding that Schroder Sr. took his experience in Walnut Creek to the Board of Supervisors, as Contra Costa County found itself growing up around Walnut Creek. “He was really on the front lines to help it develop in an orderly manner.”

Though Schroder’s son says he often disagreed with his father when it came to national or even local politics, ideology didn’t interfere with the older man’s ability to focus on the nuts and bolts of running the city and the county.

“He put all that aside, and whatever was important to him, he pursued,” Schroder said.

That sometimes meant working with political opponents on issues that were important to him, such as advocating for children and families, his son said. He added that his father cared deeply about open space preservation, quality development, and transportation, the latter of which earned him the nickname “Mr. Transportation,” a moniker that is still emblazoned near the Pleasant Hill BART station, on the walking and biking suspension bridge which affectionately bears his name.

Schroder served on the Metropolitan Transportation Commission and was the founding chairman of the Central Contra Costa Transit Authority, known today as County Connection.

“He had a drive to serve the public and make Walnut Creek a better place,” his son said. “And he laid a lot of the groundwork that made Walnut Creek what it is today.”

Schroder leaves behind his wife, Francis Stanley Schroder, his son, and two daughters, Susan Mendes and Sharon Schlagel. There will be a memorial service at Saint Paul’s Episcopal Church on Trinity Avenue in Walnut Creek, but as of Saturday afternoon, a date and time had not yet been set.

East Bay Times

City manager who changed face of Pittsburg dies at 89

Anthony Donato is credited with bringing big redevelopment money to the city



Pittsburg City Hall in 2016. (Bay Area News Group Archives/ Sam Richards)

By [Judith Prieve](mailto:jprieve@bayareanewsgroup.com) | jprieve@bayareanewsgroup.com | Bay Area News Group
PUBLISHED: April 1, 2019 at 4:39 pm | UPDATED: **April 3, 2019** at 7:54 pm

PITTSBURG — Downtown Pittsburg would look quite different today if not for S. Anthony Donato, the city's controversial city manager who aggressively sought state redevelopment money to transform dilapidated areas more three decades ago.

Donato, Pittsburg's city manager from 1969 to 1995, and later Brentwood's acting city manager, died at his Concord home on March 23. He was 89.

Taking advantage of loopholes in state law, Donato managed to get 90 percent of Pittsburg designated as a redevelopment area so property tax revenue could be diverted to pay for renewal of blighted areas and more. The strategy brought in almost a half a billion dollars for

redevelopment during his tenure, far more than what most other Contra Costa County cities received.

Donato also pushed for low-interest mortgage bond programs, one of which resulted in a conflict-of-interest charge against him in the early 1980s when he obtained a low-interest loan to build his home.

To some, Donato was a visionary who guided Pittsburg's revitalization. To others, there was nothing to like about tearing down and rebuilding almost everything from the waterfront to Eighth Street in the 1980s and 1990s.

Under redevelopment programs, which began in 1945, cities and counties could declare neighborhoods blighted to divert new property tax dollars from the schools, counties and special districts to finance renewal projects.

"You can't go through a whole process that was that dramatic without having people be upset," said Joe Canciamilla, a former Pittsburg councilman and mayor. "Some people lost homes, had to give up properties that had been in their families for some time. It was a challenging period for a lot of people."

Yet, Canciamilla said, the city "would have looked like a very different place if not for redevelopment," noting a large part of money went into infrastructure, including replacing aging sewer and water lines downtown.

"Tony was somebody who pushed the envelope and took chances and was committed to making Pittsburg better," he said. "...Anything that was there that built up the image of one part of town would benefit the entire community."

Donato's methods and those of other cities were so aggressive that the state eventually restricted the kinds of projects redevelopment money could be used for, and in 2012 Gov. Jerry Brown dissolved redevelopment agencies altogether.

City Manager Garrett Evans, however, called Donato the "visionary behind redevelopment."

"The impacts of redevelopment in Pittsburg are profound," Evans wrote in a statement. "Without redevelopment, one could postulate that Pittsburg would not have the marina, California Theatre. And almost every other building in the downtown has received rehabilitation assistance: Vidrio, Buckley Square, City Hall, Pittsburg Center BART Station, Pittsburg Power Company (Los Medanos Energy Center, Delta Energy Center, Trans Bay, Island Energy), Railroad and Harbor grade separations, Auto Mall, Kirker Creek flood control — and countless other improvements."

Mary Erbez, a former Pittsburg city clerk, assistant city manager and city councilwoman, worked with Donato for 26 years, much of the time on redevelopment.

"I said, 'Are you sure we can do this?'" Erbez said. "He said, 'This city is dying and I am not going to let this happen.'"

Erbez recalled speaking to “dozens and dozens” of people, and while some had misgivings, most supported the projects, she said.

“It was something he (Donato) decided that was necessary to bring the city back to life,” Erbez said. “If that money wasn’t there, no way would they be able to do all that they did.”

Erbez called Donato a “tough but fair” boss who had a great sense of humor. He also worked hard to make sure the workforce was diverse and reflective of the community, she said.

City treasurer Nancy Parent said Donato had “real vision” for what the city could be, noting that even beyond redevelopment, he made contacts with the state that brought low-interest loans for such areas as the marina, where 1,000 slips would be built.

“He always gave credit to the council for things he came up with,” she said. “And, if things didn’t go right, he’d take responsibility for it. ... He was a champion of public service.”

Robert Soderbery, former public services director and assistant city manager, called Donato the city’s “unsung hero,” noting that because he was shy and “not a socializer,” few really understood all that he did for the city.

“A lot of people didn’t understand. Banks weren’t really excited about (investing in) downtown Pittsburg back then. It has come a long way,” Soderbery said.

While not good with a hammer, Donato was a “whiz with finances,” Soderbery said, recalling he “went to war” to get money from the federal government to expand the city’s water treatment plant — and won.

“Some thought he was a big dictator, but when you got to know him, he was a big pussycat,” Soderbery said, adding there was much more behind Donato’s “rough, grumbly exterior.”

“You could argue with Tony, and he’d listen to reason and change his mind,” he added. “All he wanted to do was better this community, and he did.”

But at one point, Donato’s connection with a mortgage bond program in the early 1980s that was intended to provide low-interest loans to rehabilitate blighted neighborhoods got him in some hot water.

Following a Contra Costa Times’ investigation, prosecutors in 1983 filed a civil complaint accusing Donato and then-councilman Joseph Siino of conflict of interest, saying that the state Political Reform Act barred them from benefiting from the council’s 1980 decision to expand the boundaries of the Marks-Foran loan program to include areas where they later built homes.

Donato got an 8.15 percent loan and Siino an 8.5 percent loan when 15.5 percent was the norm. Siino later sold his duplex, while Donato refinanced his new home and paid civil penalties to avoid a trial. At the time, he said he thought he could participate, having received a legal opinion from the program’s attorney.

In 2014 there was an effort to name a park after Donato, partly because of his work with redevelopment, but it never came to fruition. Donato did not like being in the spotlight, his friends said.

“He had the foresight, strength and will to do what he had to be done for our community and that’s his legacy,” Erbez said.”

Donato is survived by his wife, Alice; son James; daughters Valerie Siino and Antonia Donato; and several grandchildren.

Services were held Saturday in Lafayette.

Staff writer Daniel Borenstein contributed to this report.

Published April 3rd, 2019

Broschard formally takes over county's largest fire district

By Nick Marnell



Lewis Broschard's wife, Alyce, pins him at his swearing-in as ConFire's 12th fire chief. Photo courtesy Steve Hill ConFire

The torch was passed from outgoing Fire Chief Jeff Carman to his successor, Deputy Chief Lewis Broschard, at the Contra Costa County Fire Protection District Change of Command ceremony March 22 in front of dozens of friends, officials and family members.

"From the time I began here, I knew that Lewis would be my successor," Carman said, as the two semifinalists for the fire chief position in 2013 became not only synchronous coworkers but good friends as well. "I hope he gets a deputy chief that he can count on as much as I have."

Broschard vowed to continue the positive momentum of the district, and promised to maintain the high level of public trust that the district has realized under Carman. He also said he will continue to advance one of Carman's top priorities as chief.

"Relationships are special and relationships are important, and I will continue to foster them," Broschard said. "I look forward to our becoming the premier fire district we all strive for."

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East Bay Times

Sierra Nevada snowpack at 161 percent of normal

With robust snowpack, state uses Oroville Dam spillway for first time since it failed in 2017



(L-R) Michael Sabaggian, Deputy Director of Security and Emergency Management for the California Department of Water Resources (DWR), Bianca Sievers, Special Assistant to DWR Director Karla Nemeth, (far right) Andrew Resing Water Resources Engineer, DWR Snow Survey Section, assist John King, water Resource Engineer, DWR Snow Survey Section during the fourth snow survey of the water year. The manual survey recorded 106.5 inches of snow depth and a snow water equivalent (SWE) of 51 inches, which is 200 percent of average for this location. The survey was held approximately 90 miles east of Sacramento off Highway 50 in El Dorado County on April 2, 2019. (Dale Kolke/California DWR)

By [Mark Gomez](#) | mgomez@bayareanewsgroup.com | Bay Area News Group
PUBLISHED: April 2, 2019 at 2:13 pm | UPDATED: **April 3, 2019** at 9:48 am

The most important snowpack survey of the season in the Sierra Nevada was recorded Tuesday at 161 percent of the historic average, the fourth best reading in 40 years and good news for the entire state.

California's water supply for the next year is almost in ideal shape, and the rainy season isn't over, with yet another atmospheric river storm forecast to arrive Friday.

“With full reservoirs and a dense snowpack, this year is practically a California water-supply dream,” Department of Water Resources Director Karla Nemeth said in a statement. “However, we know our long-term water supply reliability cannot rely on annual snowpack alone. It will take an all-of-the-above approach to build resiliency for the future.”

State water officials consider the annual April 1 snowpack reading in the Sierra Nevada to be the most important of the year for planning summer water supplies across California. The April survey typically takes place when the snowpack is at its deepest and the water content, a key indicator for water supply, is at its highest for the season, according to the DWR.

After more rain in the Bay Area and snow in the Sierra Nevada mountains Tuesday, Wednesday is expected to be dry. Thursday, a weak system is forecast to move through the region, just ahead of a weak atmospheric river on Friday that is expected to deliver a good soaking across the Bay Area.

Estimated rainfall totals from the ‘atmospheric river’ range from 1 to 1.5 inches in the North Bay, a half-inch to 1 inch around San Francisco, and one-quarter to three-quarters of an inch in the South Bay, according to Matt Mehle, a meteorologist with the weather service.

Since the start of the water year Oct. 1, San Francisco has received 23.27 inches of rain, just shy of its annual average of 23.65 inches. San Jose has received 14.82 inches (annual average is 14.90) and Oakland 18.57 inches (20.81 average).

Tuesday’s snowpack measurement at the Phillips Station in El Dorado County off Highway 50 was done in front of journalists and broadcast live on the DWR Facebook page. Officials measured 106.5 inches of snow depth; the snow water equivalent, meaning the amount of water in any given area if the snow was all melted, was 51 inches.

“Our April survey is very significant because this is typically when we see the deepest snowpack with the most water content,” said Chris Orrock, a dwr spokesman. “Our water managers use that to judge what type of melt off we’re going to get as we get into the warmer, drier summer months.”

Since 1980, the statewide snowpack through April 1 has measured 160 percent of normal or higher just four times, according to data from the DWR, which conducted Tuesday’s measurement. The largest snowpack over the last nearly 40 years was 1983 at 227 percent; in 2017, the snowpack measured 159 percent of average.

The snowpack is an important factor in determining how the DWR manages California’s water supply. The Sierra snowpack supplies about 30 percent of California’s water needs as it melts in the spring and early summer to meet water demands in the summer and fall.

Every winter, around the start of each month, state water officials and other scientists from more than 50 local, state and federal agencies collect data from more than 300 locations throughout California.

State water officials said this year's snowpack was fueled by more than 30 "atmospheric river" storms, including six in February that blanketed the Sierra Nevada with as much as 25 feet of snow.

In some years, California only sees six such storms, according to Kristopher Tjernell, the deputy director for integrated watershed management.

"These heavily water-laden storms combined with below average temperatures" have this winter's robust snowpack, Tjernell said.

However, Tjernell offered a reminder that California is just four years removed from the driest April 1 snowpack on record, just 5 percent of the historic average in 2015.

"These highs and lows are anticipated to be even more extreme as climate change increasingly affects our communities," Tjernell said.

Tuesday, the state's largest six reservoirs currently were at between 81 percent (Oroville and Don Pedro) and 132 percent (Melones) of their historical average capacities for this date.

Lake Shasta, California's largest surface reservoir, was 89 percent full, or 112 percent of its historical average.

Tuesday, state water managers for the first time [opened the doors](#) of the newly rebuilt main spillway on the Oroville Dam, which failed two years ago and caused the evacuation of 188,000 people in Butte County.

Lake Oroville, which is nine miles long and a key water supply for California cities and farms, was 81 percent full Tuesday (106 percent of normal for this time of year) and rising. With a series of storms this week, including a weak atmospheric river, state water managers released water to keep space in the lake for additional rainfall and melting Sierra snows later this spring.

Just before 11 a.m., water from Oroville reservoir was released down the main spillway at an estimated rate of about 8,300 cubic feet per second.

Staff writer Paul Rogers contributed to this report.

Published April 3rd, 2019

ConFire reopens reserve fire station near Lamorinda

By Nick Marnell



Reserve firefighters sworn in at March 11 reopening of Fire Station 19 in Briones Photo courtesy Steve Hill ConFire

regularly," Silva told the attendees.

The station has been updated, and ConFire purchased and equipped a new Type 6 wildland firefighting engine dedicated for the reserve program. The small, nimble engine used in wildland settings like Briones will be the front-line engine for the station, which also houses a Type 3 wildland firefighting engine. The Type 6 engine is the only one of its kind in the district.

"There were a lot of false starts, and there was a lot of frustration with the fire district," Carman said, as he tried to assure the local residents that ConFire is committed to staying in Briones and providing continuous service. "With all of the wildfire threats, I am much more relaxed knowing that we have coverage here."

Fire Station 19 is located on Garcia Ranch Road, just east of Bear Creek Road in Briones.

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Published April 3rd, 2019

County agency reports challenges faced by Lamorinda municipalities

By Nick Marnell

Lamorinda municipalities provide sufficient public services but, though in good financial shape for the most part, are deficient in some areas, according to a Contra Costa County report that analyzed services provided by each of the county's 19 cities and towns and four of its community service districts.

The report, the Municipal Services Review, was published under the direction of the Local Agency Formation Commission, an agency that regulates boundaries and service areas in Contra Costa County. Categories covered in the document include demographic information, governmental structure, capacity to deliver adequate service and the financial condition of each public entity. "The MSR serves as a resource to help the public better understand how municipal services are provided," says the document introduction.

Likely of surprise to no one is that in all three Lamorinda municipalities there are fewer jobs than there are housing units. Data in the MSR was compiled for 2010 and projected for 2040, with Lafayette and Moraga coming just under a 1:1 ratio of jobs-to-housing units by 2040. Orinda projects at under 80 percent jobs-to-housing for the same period. Similar data was presented by all three Lamorinda municipalities as a rebuttal to the regional housing plan developed by the Metropolitan Transportation Commission, which called for more housing units in Lamorinda.

Unlike the 2009 MSR, which provided an exhaustive listing of all government functions and services, the updated report also pointed out specific deficiencies in the management of each public entity.

Lafayette was noted for its capital spending not keeping up with asset depreciation, and failing to maintain current infrastructure needs. According to the report, Lafayette has identified only \$1.7 million out of the \$2.3 million needed to maintain its roads at the pavement condition index of 77, exceeding the 75 target set by the MTC.

"City Engineer Mike Moran has been working with the Capital Projects Assessment Committee to develop cost estimates for the future maintenance of our roads in order to maintain the PCI at an acceptable level," said Niroop Srivatsa, Lafayette interim city manager. "CPAC and Mike will present their report and findings at the April 22 Council meeting."

Sharing the lower than acceptable PCI standard was Moraga, which was also cited for its shortage in capital funding. Broadband service delivered to the town as reported by the East Bay Broadband Consortium does not meet standards set by the California Public Utilities Commission, and the town's unfunded pension liability, which could increase from \$250,000 to \$770,000 in four years, "may reduce funding for other priorities," according to the MSR. Moraga officials did not respond to requests for comment on the report by press time.

Orinda broadband service did not measure up to CPUC minimum standards, and the city CPI index was the lowest in Lamorinda at 60. The LAFCO report faulted Orinda for late issuance of its comprehensive annual financial report and recommended that the city "could incorporate changes to improve the transparency of its financials," finding fault with the readability of certain financial tables in the CAFR.

City Manager Steve Salomon blamed the late CAFR on the 2017 Miner Road sinkhole and its commensurate challenges, and also that Orinda went two months without a financial manager and changed city managers that year. "Orinda has been spending a huge amount of money on our roads. By next year, the residential component will be complete, and the city is on a path to be one of the best-rated in the Bay Area," Salomon said.

Overall, the MSRs concluded that the Lamorinda municipalities appear to be in good enough financial condition to continue providing services and to accommodate infrastructure expansion, improvements or replacement over the next five years.

"MSRs provide a wealth of information," said Lou Ann Texiera, LAFCO executive officer. "The MSRs are interactive reports with input from the local agencies under review. LAFCO welcomes comments and input from the public."

All three Lamorinda agencies are expected to present the MSRs for review at public meetings, and LAFCO will hold its own public hearing April 17. The final MSRs should be available in June.

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Published April 3rd, 2019

MOFD short-term finances sluggish, long-range forecast improved

By Nick Marnell

By Nick Marnell

A conservative 10-year financial forecast shows the Moraga-Orinda Fire District with a lower than desired general fund balance, but a more upbeat projection has the district hitting its general fund balance goal of 50 percent of revenue by 2028. District administrative services director Gloriann Sasser presented the numbers at a March 20 public workshop, and the district board is expected to adopt the financial plan at its April 17 meeting.

MOFD revamped the format of its Long Range Financial Forecast, most notably lowering the outlook from 15 to 10 years. It also provided two projections - one using a 3 percent increase in annual property tax revenue, and the other using a 4 percent increase. Property tax revenue has risen on average just under 5 percent a year for the past four years.

Highlights of the forecast include the payoff of the \$13 million balance of the district pension obligation bond in 2023, and the continued funding of both the pension stabilization and retiree health care trusts. The pension trust was created to offset the unrealistic projections provided by the district pension administrator, the Contra Costa County Employees' Retirement Association, which had forecast a 7 percent gain on its investments for 2018, far higher than the actual 2.7 percent loss.

MOFD also uses a more conservative formula to calculate its net pension liability than does CCCERA. Rather than the 7 percent figure the pension plan administrator uses, the district assumes a 6.25 percent discount rate on future obligations and a 6.25 percent investment earnings rate, the same figure MOFD uses to calculate its retiree health care liability. Between the required annual CCCERA payments and the money the district places into its pension and retiree health care trust funds, MOFD forecasts that it will pay down nearly \$35 million of its current \$49 million net pension liability and \$11 million of its \$14.8 million retiree health care liability by 2029.

Using the forecast of a 3 percent property tax revenue increase, the district projects a deficit into 2022, partly due to pension bond and trust fund payments, and its capital projects fund shows a deficit in eight of the next 10 years. Through 2029 the number of district personnel remains at 78, including 57 on-duty firefighters and three battalion chiefs. The rebuild of Fire Station 41 and the district administration building is planned for 2019.

The projection for the current fiscal year, ending June 30: Total general fund revenue of \$24.7 million, with expenses of \$23.5 million, and a general fund balance of \$6.4 million.

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San Francisco Chronicle

SF supervisors oppose Wiener's new housing-near-transit bill, but there's wiggle room

[Dominic Fracassa](#) April 4, 2019 Updated: **April 4, 2019** 9:14 p.m.

San Francisco appears all but certain to oppose a divisive state bill that would allow denser housing to be built around transit hubs and job centers, a measure that has again exposed the volatility of land use politics in a city straining to confront a critical housing shortage.

[A resolution by Supervisor Gordon Mar](#) opposing the bill, SB50, has support from an eight-member supermajority on the board, dealing a symbolic but notable blow to the measure's author, state Sen. Scott Wiener, D-San Francisco.

The Government Audit and Oversight Committee, which Mar chairs, voted 2-1 Thursday to send a resolution opposing SB50 to the full Board of Supervisors next week. The dissenting vote was from Supervisor Vallie Brown, who expressed some reservations about the bill, but said it would be better for the city to be "at the table" with Sacramento legislators, rather than foreclose on the measure altogether.

"We need bold proposals, and not just here. We need to have the rest of the Bay Area and California get into gear" around housing, she said.

Mar's resolution rebuffs SB50 in its current form, but he didn't preclude the possibility that, with some amendments, he could come around to the measure.

The bill [cleared the Senate Housing Committee on Tuesday](#), and Mar said it is important for the city to register its opposition as the bill moved through the legislative process.

The legislation is similar to an ill-fated bill Wiener introduced last year, one that also was rejected by the supervisors after an intense debate. But the mounting pressures of the state's housing crisis appear to be shifting attitudes toward the measure statewide, if not among San Francisco's supervisors.

In a recent state-of-the-city poll commissioned by the San Francisco Chamber of Commerce, 74 percent of the survey's 500 respondents said they'd support the bill, which many proponents see as critical to addressing California's housing drought.

The bill has also been endorsed by San Francisco Mayor London Breed, Oakland Mayor Libby Schaaf, San Jose Mayor Sam Liccardo, and the mayors of Los Angeles, Stockton and Sacramento. It's also backed by the BART Board of Directors and the nonprofit Natural Resources Defense Council.

Mar's resolution, however, echoes the deep-seated concerns of many of SB50's critics.

Few dispute the need to build more housing, particularly around public transit corridors to reduce car commuting. But the bill's opponents believe SB50 doesn't do enough to protect neighborhoods from displacement brought on by possible construction booms. Many also blanch at the prospect of ceding local control over the city's development to a state law.

"We should increase density, especially near transit, and we should update our zoning to allow this. But we should do this through a robust, community-led process ... not mandates handed down from Sacramento," Mar said. "The question isn't whether we should build more housing or not — we must. It's about what we build, how and for whom."

SB50 has also drawn opposition from several San Francisco tenant advocacy groups, who anticipate a mushrooming of luxury housing development squeezing out low-income communities if the bill passes. Many believe SB50 does not do nearly enough to exact greater concessions from developers in return for clearing the way for them to build in more places.

"The problem is it starts from the wrong place," said Deepa Varma, executive director of the San Francisco Tenants Union. "It doesn't start from a place of, 'We need to build affordable housing and keep people in their homes.' It starts from a place of 'how do we incentivize development and reward developers.'"

Wiener's bill is complex, but its intent is simple: prevent local zoning laws from blocking housing construction near public transit and job centers. The legislation would keep cities from restricting density within a half-mile of a rail station and a quarter-mile of a high-frequency bus stop.

It also raises height limits to roughly four stories within a half-mile of fixed-rail stops and about five stories within a quarter-mile of them. The city would retain the ability to conduct environmental, design and other reviews and would keep in place its rules around affordable housing rates for new developments.

A spokesman for Wiener said the senator was waiting for the full board's vote to weigh in on the resolution. But in a public exchange of correspondence between Wiener and Mar in recent days, Wiener said that "if the Board of Supervisors were to adopt your resolution and oppose SB50, San Francisco would be aligning itself with some of the wealthiest and most housing-resistant communities in California" that are opposing the bill.

He also said places like the Mission, Chinatown, South of Market and the Tenderloin would be "minimally impacted, if at all," because those neighborhoods are already zoned as densely or more densely than his bill would require.

"Historically, low income communities have disproportionately been zoned for density, while wealthier communities have not," he said.

Some of SB50's backers also see opposition to the bill as a way to launder an aversion to denser development — particularly in places populated with single-family homes, which in San Francisco have become a symbol of wealth and exclusion to many pro-housing advocates.

Supervisor Sandra Lee Fewer, who represents the Richmond District, rejected that notion.

“Come and see who lives in my neighborhood,” she said in an emotional delivery during the committee meeting. “Talk to me about the seniors who are living under the federal poverty line who are eating cat food for dinner.”

Fewer said she supported Mar's resolution rejecting SB50 because she doesn't believe that simply building more housing, without the right tenant protections, would benefit the city.

“It's not just about production. It's about preservation, and it's about protection,” she said.

East Bay Times

Ground sinks in downtown Moraga; city blocks off area

10-foot-long depression is 75 feet from where costly sinkhole opened in 2016



Reports of the ground sinking were reported on this private property within the landscaped median. The area is 10 feet long, 3 feet wide and has sunken 18 inches, according to Moraga Public Works Director Edric Kwan. Moraga officials are concerned about the ground movement because it concerns Moraga because of potential impacts on the town's storm drain system. (Town of Moraga)

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MORAGA — Ground sinking 18 inches near the busy Rheem Valley Shopping Center have prompted Moraga officials to block off the affected area amid concerns about the potential impacts on the town's storm drain system.

The depression, about 10 feet long and 3 feet wide, is in a landscaped median on private property off of Center Street near Rheem Boulevard, Moraga Public Works Director Edric Kwan said in an email. Moraga is concerned because the depression is above a 96-inch storm drain culvert, he said.

It is also about 75 feet from where heavy rains caused a 15-foot deep sinkhole in March 2016 at Center and Rheem. That sinkhole — nicknamed “Sinky the Sinkhole” — ended up swallowing a traffic signal, huge pieces of sidewalk and a Pacific Gas & Electric junction box.

That sinkhole cost \$2.9 million to repair. Moraga used developer fees, general fund reserves, and gas and county transportation taxes to pay for the repair work. Moraga held a dedication ceremony for the repaired sinkhole in November 2017.

Kwan said the ground depression was reported March 26 by the homeowner.

“In an abundance of caution, two private driveways and the right-turn pocket (bike lane) from Center Street onto Rheem Boulevard were cordoned off,” Kwan said in his Wednesday email. He said that street access is being maintained to the private property and to the Rheem Valley Shopping Center.

Moraga staff did a video inspection of the culvert Monday, and consultants are analyzing the video, Kwan said.

Kwan said city workers do not yet know what caused the ground depression.



AGENDA

April 17, 2019
Agenda Item 15d

RETIREMENT BOARD MEETING

SECOND MONTHLY MEETING
February 27, 2019
9:00 a.m.

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

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

1. Pledge of Allegiance.
2. Accept comments from the public.
3. Approve minutes from the January 23, 2019 meeting.

CLOSED SESSION

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

Title: Chief Executive Officer
5. The Board will continue in closed session pursuant to Govt. Code Section 54956.9(d)(1) to confer with legal counsel regarding pending litigation:
 - a. *Fernandez v. CCCERA, et al.*, Contra Costa County Superior Court, Case No. CIVMSN17-036
 - b. *Contra Costa County Deputy Sheriffs Association, et al., v. Board of Retirement of CCCERA, et al.*, Supreme Court of the State of California, Case No. S247095
6. The Board will continue in closed session pursuant to Govt. Code Section 54956.9(d)(4) to confer with legal counsel regarding the initiation of litigation (one case).

OPEN SESSION

7. Consider and take possible action to adopt the actuarial valuation report of Other Post-Employment Benefits as of December 31, 2018.
8. Review of total portfolio performance for period ending December 31, 2018.
 - a. Presentation from Verus
 - b. Presentation from staff

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

9. Information session on retirement process.
10. Information regarding fire standby pay for Contra Costa County Fire Protection District.
11. Annual Statement of Compliance with Board Resolutions.
12. Consider authorizing the attendance of Board:
 - a. CRCEA Spring 2019 Conference, April 14-17, 2019, San Diego, CA.
 - b. Advanced Investments Management, IFEBP, April 29-May 2, 2019, Philadelphia, PA. (Note: Conflict with Meeting)
 - c. SACRS 2019 Spring Conference, May 7-10, 2019, Lake Tahoe, CA.
 - d. Annual Conference and Exhibition, NCPERS, May 18-22, 2019, Austin, TX. (Note: Conflict with Meeting)
13. Miscellaneous
 - a. Staff Report
 - b. Outside Professionals' Report
 - c. Trustees' comments

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



AGENDA

RETIREMENT BOARD MEETING

SECOND MONTHLY MEETING
March 27, 2019
9:00 a.m.

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

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

1. Pledge of Allegiance.
2. Accept comments from the public.
3. Approve minutes from the February 27, 2019 meeting.

CLOSED SESSION

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

Agency designated representative:
Gail Strohl, Chief Executive Officer

Unrepresented Employees: All CCCERA unrepresented positions

OPEN SESSION

5. Presentation from Chief Investment Officer and Verus on updated capital market assumptions and suggested revisions to strategic asset allocation.
6. Miscellaneous
 - a. Staff Report
 - b. Outside Professionals' Report
 - c. Trustees' comments

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AGENDA

RETIREMENT BOARD MEETING

REGULAR MEETING
April 10, 2019
9:00 a.m.

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

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

1. Pledge of Allegiance.
2. Accept comments from the public.
3. Approve minutes from the March 13, 2019 meeting.
4. Routine items for April 10, 2019.
 - a. Approve certifications of membership.
 - b. Approve service and disability allowances.
 - c. Accept disability applications and authorize subpoenas as required.
 - d. Approve death benefits.
 - e. Accept Asset Allocation Report.
 - f. Accept Liquidity Report.

CLOSED SESSION

5. The Board will go into closed session pursuant to Govt. Code Section 54957 to consider recommendations from the Medical Advisor and/or staff regarding the following disability retirement applications:

<u>Member</u>	<u>Type Sought</u>	<u>Recommendation</u>
a. John Brown	Service Connected	Service Connected

OPEN SESSION

6. Consider and take possible action to adopt Board of Retirement Resolution 2019-2 to increase the salary ranges by 4% for all unrepresented classifications effective April 1, 2019, with the exception of the Chief Executive Officer.
7. Consider and take possible action to adopt CCCERA Position Pay Schedules effective April 1, 2019 which reflects the salary range changes in Board of Retirement Resolution 2019-2.
8. Consider and take possible action on SACRS Board of Directors Election.

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. Update on planning of CCCERA's new office location.
10. Consider authorizing the attendance of Board:
 - a. Washington Legislative Update, IFEBP, May 20-21, 2019, Washington, D.C.
 - b. Pension & Financial Services Conference, National Association of Securities Professionals, June 24-26, 2019, Baltimore, MD. (Note: Conflict with meeting)
 - c. International and Emerging Market Investing, IFEBP, July 22-24, 2019, San Francisco, CA. (Note: Conflict with meeting)
11. Miscellaneous
 - a. Staff Report
 - b. Outside Professionals' Report
 - c. Trustees' comments

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