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October 8, 2008 (Agenda)

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

East County Sub-regional Municipal Services Review and Sphere of Influence Updates

Dear Members of the Commission:

SUMMARY

In accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH Act), LAFCO must adopt a sphere of influence (SOI) for each city and special district within the County. The SOI serves as the ultimate planning boundary for each local agency. Effective SOIs may discourage urban sprawl by preventing service duplications, overlapping service areas, and premature conversion of agricultural land to urban uses.

Pursuant to State law, LAFCO must review and update SOIs at least every five years as necessary. In conjunction with SOI updates, LAFCO must prepare a municipal service review (MSR).

Contra Costa LAFCO has embarked on a number of MSRs and SOI updates, including countywide, sub-regional, and agency reviews using a combination of consultants and LAFCO staff to assist with the MSR/SOI update program.

On August 13, 2008, the Commission held a workshop to review the Preliminary Draft East County Sub-regional MSR report and SOI updates. This is the first of three sub-regional reviews to be presented to the Commission. The sub-regional MSRs cover primarily city services along with miscellaneous special districts.

At the August workshop, the Commission provided input, accepted public comment and directed the MSR team to release the Public Review Draft report. This report was made available for public review and comment for a minimum of 21 days. On October 8, the Final Draft East County Sub-regional MSR report and recommended SOI updates will be presented to the Commission (available on the LAFCO website at www.contracostalafco.org) for acceptance.

The MSR report presents recommended MSR determinations for the following agencies: cities of Antioch, Brentwood, Oakley and Pittsburg, County Service Area (CSA) RD-4, Bethel Island Municipal Improvement District (BIMID), and Town of Knightsen Community Services District (KCSA) – see LAFCO Agenda Item #8. In addition, the report presents SOI options and recommendations for these agencies as discussed below.

DISCUSSION

Provisions for updating SOIs are contained in the CKH Act. In adopting or updating an SOI, the Commission must make determinations regarding the following:

- The present and planned land uses in the area, including agricultural and open-space lands.
- The present and probable need for public facilities and services in the area.
- The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.
- The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.
- When adopting, amending or updating an SOI for a district, LAFCO must establish the nature, location and extent of any functions or classes of service.

The Commission may approve changes of organization and reorganizations using SOIs as a basis. LAFCO also has adopted policies and procedures for SOI updates. Among the more important factors is whether services will be needed within the next 5-20 years, or any other compelling reason for including an area within an SOI; for example, to enable funding of open space maintenance or planning, or to provide a logical boundary. Also, LAFCO should consider whether territory included in the SOI of one agency is already included in, or should be included in, the SOI of another agency more capable of providing services.

The MSR considers not only potential service needs, but also land use; particularly in consideration of the city SOIs. In reviewing the SOIs for the four East County cities, the MSR evaluated existing city boundaries in relation to SOIs, Planning Areas, existing pockets and islands, and voter approved urban limit lines.

The MSR provides a summary of vacant land and potential for development within existing city limits and SOIs. The MSR report concludes that all of the East County cities have significant vacant and underutilized land within their developed cities (infill), existing city limits and existing SOIs which provide opportunity for a range of development potential.

In addition to the need for potential service and land uses, the MSR provides an assessment of present and future capacity to serve the SOI areas, including financial constraints and opportunities.

A review of the city budgets, financial statements and long-term planning documents show that the East County cities are facing ongoing financial challenges. A review of the past two year city budgets show lower rates of revenue growth which is attributable to the residential market slowdown and the related decline in building, planning and engineering revenue. It is anticipated that the decline in these revenue amounts is representative of what can be expected in the next few years.

In addition to the decline in revenues due to the residential market slowdown, the East County cities have experienced significant declines in property tax, as compared to the rest of Contra Costa County. In July 2008, the County Assessor released the 2008-09 County Assessment Roll. The Assessor reports that “residential properties in East County continue to show downward movement in value due to the exceedingly high rate of foreclosures” as summarized in the following chart:

<u>City</u>	<u>\$ Gain/(Loss) in Assessed Value</u>	<u>% Change</u>
Antioch	(936,699,521)	(8.84)
Brentwood	(713,097,055)	(8.78)
Clayton	21,242,854	1.20
Concord	(7,707,537)	(0.05)
Danville	302,386,454	3.29
El Cerrito	111,658,361	3.93
Hercules	(106,807,099)	(3.12)
Lafayette	310,182,918	6.07
Martinez	74,623,032	1.65
Moraga	97,096,630	3.42
Oakley	(187,081,620)	(5.24)
Orinda	209,923,750	4.81
Pinole	16,184,505	0.82
Pittsburg	(163,849,722)	(2.61)
Pleasant Hill	108,973,836	2.36
Richmond	83,275,215	0.60
San Pablo	(49,798,917)	(2.80)
San Ramon	656,383,017	4.54
Walnut Creek	256,229,859	2.03

All of these factors, as well as State law and Commission policies were considered in developing the SOI recommendations as summarized below.

Based on the analysis contained in the MSR, options for each agency’s SOI were evaluated. These include, but are not limited to, retaining the existing SOI; adopting a zero SOI if LAFCO believes the agency should be dissolved; or reducing or expanding the SOI. The MSR report also identifies a number of potential consolidations, mergers and dissolutions, which would require additional study to determine specific costs, benefits and impacts.

The following includes a brief discussion of the SOI recommendations. The attached table summarizes the SOI recommendations (Attachment 1); additional details and analyses are presented in the MSR report.

City of Antioch – Antioch incorporated in 1872 and is the oldest city in Contra Costa County. The City boundary encompasses 28± square miles; in addition, the City has 32± square miles within its SOI, and 35± square miles within its Planning Area. The City’s current population is approximately 100,360. The City reports that it is not providing service outside its jurisdictional boundaries.

The City of Antioch is a general law city and provides a full range of municipal services including wastewater collection and retail water. Wastewater and water services were evaluated in the East County Water/Wastewater MSR; all other municipal services were reviewed in the East County Sub-regional MSR.

As indicated above, the City’s boundary is not coterminous with its SOI. The MSR identifies the following three SOI options for the City of Antioch:

1. **Retain existing SOI** - If LAFCO determines that the existing government structure is appropriate, then the existing SOI should be retained. The City would continue to include the areas within its existing SOI and Planning Areas boundaries in its long-term facilities and capacity planning based on the adopted land uses.
2. **Reduce SOI** to remove areas not likely to annex to the City and/or areas not likely to require services [i.e., open water areas of the San Joaquin River, areas located on the City’s periphery designated as permanent

open space (e.g., Contra Loma Regional Park), and areas outside the ULL including portions of Roddy Ranch].

- 3. Adjust SOI** to coincide with City's ULL to remove the open water area of the San Joaquin River, the Contra Loma Regional Park area, and that portion of Roddy Ranch which is outside the ULL, and add 200± acres (Ginochio property) with appropriate CEQA review. This will result in a net reduction to the City's SOI of 2,500± acres.

It should be noted that the MSR does not preclude any affected agency or interested party from applying directly to LAFCO to amend an SOI. The City of Antioch could apply to LAFCO to amend its SOI.

Recommendation: Based on the MSR report, the consultant recommends SOI Option #3 with the appropriate CEQA review. LAFCO staff recommends deferring action on the City of Antioch's SOI until the Initial Study relating to the proposed SOI expansions for Contra Costa Water District (CCWD) and Delta Diablo Sanitation District (DDSD) is complete. This Initial Study will include an assessment of the land uses for the Ginochio property and may provide other relevant information.

As background, on July 9, 2008, the Commission authorized LAFCO staff to enter into a service agreement with a professional environmental planning firm (PMC), and a corresponding fee agreement with the City of Pittsburg to fund an Initial Study relating to the proposed expansion of the CCWD and DDSD SOIs so that the SOIs of these two agencies correspond to City of Antioch and City of Pittsburg voter approved urban limit lines. This project is an outcome of the East County Water/Wastewater MSR where the MSR consultant identified these SOI expansions as options in the MSR report.

The City of Pittsburg agreed to serve as the funding agency for the purpose of the fee agreement and will coordinate payments from the respective funding parties (DDSD and Discovery Builders, Inc). On September 25, LAFCO received the required deposit from the City of Pittsburg to initiate work. In accordance with the revised project timeline, the Initial Study should be available for review in late November 2008.

It is recommended that the Commission defer action on the City of Antioch and City of Pittsburg SOIs until the Initial Study is complete. As part of the CEQA work, the environmental consultants will review the County, City of Antioch and City of Pittsburg General Plans and corresponding environmental documents. The consultant will review land uses in the study areas, including areas which are both inside and outside the Antioch and Pittsburg SOIs. Upon completion of the Initial Study, LAFCO will have additional information and an indication of the environmental findings relevant to the SOI expansion areas.

City of Brentwood – The City of Brentwood incorporated in 1948. The City boundary encompasses 14.83± square miles; the City has an additional 20.13± square miles within its SOI. The City's current population is approximately 50,614. The City is currently serving one property outside its jurisdictional boundaries.

The City of Brentwood is a general law city and provides a full range of municipal services including wastewater and water services. Wastewater and water services were evaluated in the East County Water/Wastewater MSR; all other municipal services were reviewed in the East County Sub-regional MSR.

As indicated above, the City's boundary is not coterminous with its SOI. The MSR identifies the following four SOI options for the City of Brentwood:

- 1. Retain existing SOI** - If LAFCO determines that the existing government structure is appropriate, then the existing SOI should be retained. The City would continue to include the areas within its existing SOI and Planning Areas boundaries in its long-term facilities and capacity planning based on the adopted land uses.
- 2. Reduce SOI** to remove areas not likely to annex or need service, i.e., those areas in the south and southwest quadrants.

3. **Reduce SOI** to correspond to the County voter approved ULL, which would remove areas to the south and southwest of the City limits.
4. **Expand the SOI** to include the following two areas: 1) area bordered by Balfour Road, Deer Valley Road, and the westerly extension of San Jose Ave; and 2) area extending easterly from the City limits to Sellers Ave, from Delta Road on the north to Chestnut Street on the south. Both of these areas are outside the countywide voter approved urban limit line. The second area includes a significant amount of land designated as "Agricultural Core." Further, both of these areas were included in Brentwood's 2005 Measure L, which was rejected by the Brentwood voters.

The City of Brentwood submitted correspondence to LAFCO dated September 22, 2008 and October 20, 2006 (Attachment 2) expressing its desire to expand its existing SOI to include the two areas identified in SOI Option #4 above. These two areas are identified in the City's General Plan as special planning areas designated for a mix of primarily residential development with some open space, parks and commercial uses. The City indicates that these areas are needed to meet the City's future housing and employment needs and help fund needed capital improvements that would benefit Brentwood residents.

In January 2008, the City of Brentwood adopted a resolution adopting the Contra Costa County Measure L Urban Limit Line as the City of Brentwood's adopted ULL for the purposes of compliance with Measure J to establish a voter-approved ULL. As indicated above, Areas 1 and 2 are outside the voter approved ULL. There appears to be inconsistency in adoption of the resolution in January 2008 and the City's request to expand its SOI to include Areas 1 and 2.

It should be noted that under the countywide Transportation Sales Tax Expenditure Plan, each jurisdiction must comply with either a countywide voter approved ULL, or the local jurisdiction's voter approved ULL in order to receive local transportation funding. The Plan provides that in the absence of a new local voter approved ULL, submittal of an annexation request to LAFCO for territory outside the countywide voter approved ULL will constitute non-compliance with the Measure C Growth Management Plan.

Recommendation: Based on the MSR report, the consultant recommends retaining the existing SOI for the City of Brentwood. LAFCO staff recommends deferring action on the City's SOI pending discussions with City staff and further review of the impacts of adjusting the City's SOI to coincide with the ULL.

It should be noted that the MSR does not preclude any affected agency or interested party from applying directly to LAFCO to amend an SOI. If so desired, the City of Brentwood could apply to LAFCO to amend its SOI to include these areas.

City of Oakley – Oakley incorporated in 1999 and is the newest city in Contra Costa County. The City boundary encompasses 15.9± square miles. In addition, the City has 504± acres within its SOI, the majority of which is developed and includes residential, commercial and agricultural uses, and undeveloped areas. The City's current population is approximately 33,200. The City reports that it is not providing services outside its jurisdictional boundaries.

The City of Oakley is a general law city and provides a full range of municipal services, excluding wastewater and water services. Wastewater and water services are provided to Oakley by independent special districts and were evaluated in the East County Water/Wastewater MSR; all other municipal services were reviewed in the East County Sub-regional MSR.

As indicated above, the City's boundary is not coterminous with its SOI. The MSR identifies the following two SOI options for the City of Oakley:

1. **Retain existing SOI** - If LAFCO determines that the existing government structure is appropriate, then the existing SOI should be retained. The City would continue to include the areas within its existing SOI and Planning Areas boundaries in its long-term facilities and capacity planning based on the adopted land uses.
2. **Reduce SOI** if LAFCO determines that an area should be served by an agency other than the City of Oakley. The only area currently within Oakley's SOI is Area III (East Cypress Corridor). The City previously submitted a proposal to annex East Cypress Corridor Area III, but withdrew its application. Given the location of Area III, there is no other agency that could logically provide municipal services to this area.

Recommendation: Based on the MSR report, both the MSR consultant and LAFCO staff recommend that the Commission retain the existing SOI for the City of Oakley.

City of Pittsburg – The City of Pittsburg incorporated in 1903. The City boundary encompasses 15.8± square miles; in addition, the City has 30± square miles within its SOI, and 42± square miles within its Planning Areas. The City's current population is approximately 63,500. The City reports that is it not providing services outside its jurisdictional boundaries, with the exception of three residential water customers.

The City of Pittsburg is a general law city and provides a full range of municipal services including wastewater collection and retail water. Wastewater and water services were evaluated in the East County Water/Wastewater MSR; all other municipal services were reviewed in the East County Sub-regional MSR.

As indicated above, the City's boundary is not coterminous with its SOI. The MSR identifies the following three SOI options for the City of Pittsburg:

1. **Retain existing SOI** - If LAFCO determines that the existing government structure is appropriate, then the existing SOI should be retained. The City would continue to include the areas within its existing SOI and Planning Area boundaries in its long-term facilities and capacity planning based on the adopted land uses.
2. **Reduce the SOI** to remove areas not likely to annex or require service, i.e., open water areas of the Sacramento River, areas located on the periphery designated as permanent open space, and the Concord Naval Weapons Station blast easement area (depending on the Base Reuse Plan).
3. **Adjust the SOI** to coincide with the City's ULL to add the Pittsburg hills and a portion of the Thomas Ranch and remove the Bay Point area.

The City of Pittsburg submitted correspondence to LAFCO dated September 22, 2008 (Attachment 3) expressing its desire for a fourth SOI option to expand its SOI to include the Pittsburg hills and a portion of the Thomas Ranch to coincide with the voter approved ULL. In addition, the City's letter indicates that it wishes to retain the Bay Point area, which is within the City's existing SOI but outside the City's ULL.

Recommendation: Based on the MSR report, the consultant recommends retaining the existing SOI for the City of Pittsburg. LAFCO staff recommends deferring action on the City's SOI until the Initial Study relating to the proposed SOI expansions for CCWD and DDSO is complete (see discussion above under Antioch SOI recommendation).

It should be noted that the MSR does not preclude any affected agency or interested party from applying directly to LAFCO to amend an SOI. The City of Pittsburg could apply to LAFCO to amend its SOI to include these areas.

County Service Area (CSA) RD-4 – CSA RD-4 is a dependent district formed in 1974 to provide enhanced road maintenance services. The District serves an area in the vicinity of Bethel Island and maintains

approximately 3.45 linear miles of Dutch Slough Road extending from Jersey Island Road on the west to Bethel Island Road on the east.

The District's boundary is coterminous with its SOI. The MSR identifies one SOI option for CSA RD-4:

- **Retain Existing SOI** – If LAFCO determines that the existing government structure is appropriate, then the existing SOI should be retained.

Recommendation: Based on the MSR report, both the MSR consultant and LAFCO staff recommend that the Commission retain the existing coterminous SOI. The District provides a needed service, which is funded primarily through property taxes.

Bethel Island Municipal Improvement District (BIMID) - BIMID is an independent district formed in 1960 by special legislation. It replaced and succeeded Reclamation District No. 1619, which was formed in 1913.

The District's boundaries run along the "bank" of the sloughs, and the SOI extends beyond its service boundary, running to the middle of the waterways surrounding the island. The current population on Bethel Island is approximately 2,360.

BIMID maintains the levee that protects Bethel Island and provides storm water, seepage, and drainage control services. The District also reviews permit applications to determine any impacts that proposed projects may have on the levee and/or drainage system, and grants approvals, conditional approvals or denies applications, as appropriate. Ancillary services that the District provides include emergency planning, erecting emergency sirens, conducting water table monitoring, maintaining access routes to the levee, and other incidental functions. The District also resells products related to levees and ditches, and maintains and operates Bethel Island Park, a small public park and recreation area.

As indicated above, the District's boundary is not coterminous with its SOI. The MSR identifies one SOI option for BIMID:

- **Retain Existing SOI** – If LAFCO determines that the existing government structure is appropriate, then the existing SOI should be retained.

Recommendation: Based on the MSR report, both the MSR consultant and LAFCO staff recommend that the Commission retain the existing non-coterminous SOI for BIMID. In 2006, the District authorized its counsel to begin the process of expanding its service boundary so that it is coterminous with the District's SOI. It is anticipated that the SOI area will eventually need service.

Town of Knightsen Community Services District (KCSD) – KCSD is an independent district formed in 2005, and encompasses approximately 5,100 acres. The District was formed to provide flood control and water quality (drainage services) for the community of Knightsen, which is a low area that receives runoff flow from nearby areas. The District is not actively providing these services at this time, but is in the planning stages to provide services. District revenue is derived primarily from an annual parcel tax.

The District's boundaries and SOI are coterminous. The MSR identifies two SOI options for KCSD:

1. **Retain Existing SOI** – If LAFCO determines that the existing government structure is appropriate, then the existing SOI should be retained.
2. **Adopt a zero SOI** – indicating that a potential dissolution may be appropriate.

Recommendation: Based on the MSR report, both the MSR consultant and LAFCO staff recommend that the Commission retain the existing coterminous SOI. As noted in the MSR, the District has experienced challenges and delays with its plans for providing service. Thus, it is recommended that the District provide LAFCO a report within one year on the progress being made to develop a facilities improvement plan, and provide a timeline and potential funding mechanisms to implement the plan.

OPTIONS AND RECOMMENDATION

Option I (based on the staff recommendations described above and presented in Table 1):

1. As Lead Agency, determine that the SOI updates for the City of Oakley and CSA RD-4, Bethel Island Municipal Improvement District and Town of Knightsen Community Services District are exempt pursuant to §15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines, and
2. Adopt the attached resolutions updating the SOIs for each of these agencies as required by the CKH Act.

Option II

Adopt alternative SOI updates as desired.

Option III

If the Commission needs more information, it should CONTINUE this matter to a future meeting.

RECOMMENDED ACTION:

Approve Option 1.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

c: Distribution

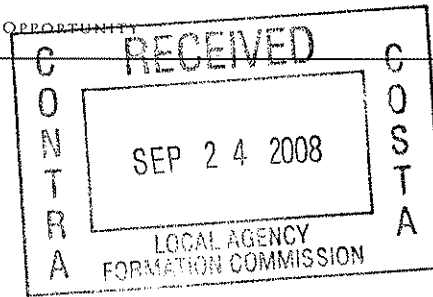
Attachments

1. SOI Options Table
2. Letters from City of Brentwood
3. Letter from City of Pittsburg
4. SOI Resolutions

**EAST COUNTY SUB-REGIONAL MUNICIPAL SERVICES REVIEW
SOI OPTIONS/RECOMMENDATIONS**

Agency	SOI Options	Consultant Recommendation	Agency SOI Request	LAFCO Staff Recommendation
City of Antioch	<ul style="list-style-type: none"> • Retain existing SOI. • Reduce SOI to remove areas not likely to annex to the City [i.e., open water areas of the San Joaquin River, areas located on the periphery designated as permanent open space (Contra Loma Regional Park), and areas outside the ULL including portions of Roddy Ranch]. • Adjust SOI to coincide with City’s ULL to remove the open water area of the San Joaquin River and the Contra Loma Regional Park area, remove that portion of Roddy Ranch that is outside the ULL (1,250± acres), and add 200± acres (Ginochio property). 	<p>Adjust SOI to coincide with City’s ULL, with appropriate CEQA review</p> <p>Encourage City to annex urban islands/pockets as appropriate</p>	None	Defer SOI update until completion of CCWD/DDSD SOI Initial Study
City of Brentwood	<ul style="list-style-type: none"> • Retain existing SOI. • Reduce SOI to remove areas not likely to annex or need service, i.e., those areas in the south and southwest quadrants. • Reduce SOI to correspond to the voter approved ULL, which would remove areas to the south and southwest of the City limits. • Expand SOI to include Area 1 bordered by Balfour Road, Deer Valley Road, and the westerly extension of San Jose Ave; and Area 2 extending easterly from the City limits to Sellers Ave, from Delta Road on the north to Chestnut Street on the south. 	<p>Retain existing SOI</p> <p>Encourage City to annex areas currently receiving out of agency service, and urban islands/pockets</p>	Expansion of SOI to include Areas 1 and 2; both of which are outside the voter approved ULL.	Defer SOI update pending further review
City of Oakley	<ul style="list-style-type: none"> • Retain existing SOI. • Reduce SOI if LAFCO determines that an area should be served by an agency other than the City of Oakley, or does not require service. The only area currently within Oakley’s SOI is Area III (East Cypress Corridor). 	Retain existing SOI	None	Retain existing SOI

Agency	SOI Options	Consultant Recommendation	Agency SOI Request	LAFCO Staff Recommendation
City of Pittsburg	<ul style="list-style-type: none"> Retain existing SOI. Reduce the SOI to remove areas not likely to annex or require service, i.e., open water areas of the Sacramento River, areas located on the periphery designated as permanent open space, and the Concord Naval Weapons Station blast easement area (depending on the Base Reuse Plan). Expand the SOI to coincide with the City's ULL to add the Pittsburg Hills and a portion of the Thomas Ranch and remove the Bay Point area. 	<p>Retain existing SOI</p> <p>Encourage City to annex areas currently receiving out of agency service</p>	<p>Expansion of SOI to include the Pittsburg hills and a portion of the Thomas Ranch to coincide with the voter approved ULL. In addition, the City requests to maintain the Bay Point area which is currently within the City's SOI, but is outside the approved ULL.</p>	<p>Defer SOI update until completion of CCWD/DDSD SOI Initial Study</p>
CSA RD-4	<ul style="list-style-type: none"> Retain existing SOI (coterminous). 	Retain existing SOI	None	Retain existing SOI
BIMID	<ul style="list-style-type: none"> Retain existing SOI (not coterminous). 	Retain existing SOI	None	Retain existing SOI
Town of Knightsen CSD	<ul style="list-style-type: none"> Retain existing SOI (coterminous). Adopt a zero SOI – indicating that a potential dissolution may be appropriate. 	<p>Retain existing SOI</p> <p>Require District to report to LAFCO within one year on the progress being made to develop a facilities improvement plan, and provide a timeline and potential funding mechanisms to implement the plan</p>	None	<p>Retain existing SOI</p> <p>Require District to report to LAFCO within one year on the progress being made to develop a facilities improvement plan, and provide a timeline and potential funding mechanisms to implement the plan</p>



September 22, 2008

Contra Costa County LAFCO
 Attn: Lou Ann Texeira
 651 Pine Street, 6th Floor
 Martinez, CA 94553

Re: Comments on the East Contra Costa County Sub-Regional MSR Public Review Draft

Dear Ms. Texeira:

Thank you for the opportunity to review and comment on the draft of the Municipal Services Review dated August 29, 2008. Please find attached our comments on Section IV (City of Brentwood), with only the pages having comments included.

In addition, while it differs from the recommendations detailed on Page IV-18 of the draft, the City would like to reiterate its desire to expand the existing Sphere of Influence boundary to include the two areas that were previously referenced in the letter from Donna Landeros (City Manager) dated October 20, 2006 – specifically (1) the area bordered by Balfour Road, Deer Valley Road, and the westerly extension of San Jose Avenue; and (2) the area extending easterly from the City limits to Sellers Avenue, from Delta Road on the north to Chestnut Street on the south. An 11" by 17" copy of the map that was transmitted with the letter in 2006 is also attached for your reference.

Realizing that today is the last day to provide comments, I apologize for sending you this letter so late in the review process. Please feel free to contact me directly with any questions you may have, either by phone (925-516-5137) or by e-mail (enolthenius@ci.brentwood.ca.us). Thank you very much.

Very truly yours,



Erik Nolthenius
 Principal Planner

Attachments

Cc: Casey McCann, Director of Community Development
 Heidi Kline, Planning Manager
 Linda Maurer, Economic Development Manager
 Bailey Grewal, Director of Public Works/City Engineer
 Paul Eldredge, Assistant Director of Public Works/Assistant City Engineer
 Damien Brower, City Attorney
 Karen Murphy, Assistant City Attorney



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Fax: 925-516-5407

FINANCE & INFORMATION SYSTEMS
708 Third Street
Phone: 925-516-5460
Fax: 925-516-5401

PARKS AND RECREATION
730 Third Street
Phone: 925-516-5444
Fax: 925-516-5445

POLICE
9100 Brentwood Boulevard
Phone: 925-634-6911
24 Hr. Dispatch: 925-778-2441
Fax: 925-809-7799

PUBLIC WORKS

Operations Division
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Fax: 925-516-6001

Engineering Division
120 Oak Street
Phone: 925-516-5420
Fax: 925-516-5421

October 20, 2006

Contra Costa Local Agency Formation Commission
Attn: Lou Ann Texeira, Executive Officer
651 Pine Street, Sixth Floor
Martinez, CA 94553-1229

Re: Municipal Service Review and Sphere of Influence

Dear Ms. Texeira:

Thank for the opportunity for us to provide information about the current range of City of Brentwood municipal services. We work hard to provide high quality services to all our customers and promote orderly growth and development.

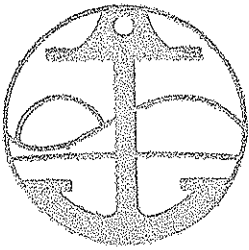
Enclosed is the requested Municipal Service Review information and a map that describes our desired Sphere of Influence changes to meet future employment and housing needs. If you have any questions about the enclosed information, please contact Senior Planner Winston Rhodes at 925-516-5150 or Planning Manager Heidi Kline at 925-516-5154.

Sincerely,

Donna Landeros
City Manager

Cc: Howard Sword, Community Development Director

Enclosure



City of Pittsburg

65 Civic Avenue • Pittsburg, California 94565

September 22, 2008

Lou Ann Texeira
Executive Officer
Contra Costa LAFCO
651 Pine Street, Sixth Floor
Martinez CA 94553-1229

RE: Public Review Draft Comments – East County Subregional MSR

Dear Ms. Texeira:

The City of Pittsburg would like to thank you for the opportunity to review and provide comments on the Draft East Contra Costa County Subregional MSR. In reviewing the draft staff has found the document to be very well organized and, all in all, we believe it contains clear and accurate information regarding the operations, plans and services provided by the City; however, we are in disagreement with the specific recommendation made regarding the City of Pittsburg's Sphere of Influence (SOI).

The City believes that rather than "retaining our existing SOI", there is adequate documentation available to support a recommendation to "expand the SOI to coincide with the City's ULL, to include the Pittsburg hills and a portion of the Thomas Ranch", as stated under SOI Options on page I-13. The City believes that LAFCO staff should support this modification for the following reasons:

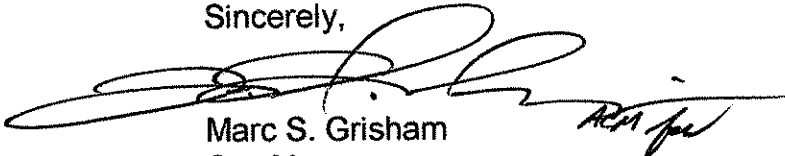
1. On December 19, 2007, the LAFCO board approved the Water/Wastewater MSR, as it relates the City of Pittsburg, and the recommendation at that time was to expand those special district's SOI's to match the ULL's. To be consistent with Water/Wastewater MSR approval, the current East County Subregional MSR should also recommend an expansion of the City of Pittsburg's SOI to match the voter approved ULL and the CCWD and DDSD approved SOI's.
2. Many of the City's existing planning documents have already analyzed, planned for, and are in support of an expansion of the City's SOI to match the voter approved ULL. Some of the City's supporting documents include the General Plan, the Urban Water Management Plan, the Water Systems Master Plan, the Capital Improvement Program, and the Wastewater Collection System Master. A summary of how these documents support such an expansion can be found in the December 19, 2007 LAFCO approved Water/Wastewater MSR for the City of Pittsburg.

3. Finally, on page I-13 of the Draft East County Subregional MSR indicates that LAFCO staff is in support of an adjustment of the Antioch SOI to coincide with the Antioch ULL, so the same *type* of recommendation should be made for the City of Pittsburg. We are not suggesting that the Pittsburg SOI coincide exactly with our ULL, because that would remove Bay Point from our SOI, but we do believe that it was the intent of the voters (when they adopted the Pittsburg ULL) to allow planning boundaries to be extended into the southern hills.

The recommendation to adjust Antioch's SOI to match their ULL meets the intent of the Antioch voters and a recommendation to expand Pittsburg's SOI to match the Pittsburg ULL would meet the intent of the Pittsburg voters.

To conclude, the City of Pittsburg strongly believes that the recommendation of the East County Subregional MSR should be modified to support the "expansion of the SOI to coincide with the City's ULL" and we believe that the reasons listed above fully support this recommendation. If you have any questions regarding the City's stance on this issue or regarding any of the supporting items listed above, please feel free to contact me at the phone number listed above.

Sincerely,



Marc S. Grisham
City Manager

Cc: Kristin Vahl, Project Planner
File

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION
COMMISSION**

**APPROVING AN UPDATE TO THE SPHERE OF INFLUENCE FOR THE
CITY OF OAKLEY**

WHEREAS, Government Code §56425 requires the Local Agency Formation Commission (LAFCO) to develop and determine the sphere of influence (SOI) of each local governmental agency within the County; and

WHEREAS, Government Code §56425(f) requires that LAFCO review and update the SOI boundaries, as necessary, not less than once every five years; and

WHEREAS, Government Code §56430 requires that a municipal services review be conducted prior to or in conjunction with an SOI update; and

WHEREAS, LAFCO conducted a review of East County general municipal services, including those provided by the City of Oakley, and adopted written determinations as required by Government Code §56430 on October 8, 2008; and

WHEREAS, the City of Oakley incorporated in 1999 and has a current population of approximately 33,200; and

WHEREAS, the City of Oakley lies in the eastern part of Contra Costa County, bordered to the west by the City of Antioch, to the south by the City of Brentwood and to the west and north by the San Joaquin Delta and unincorporated Contra Costa County; and

WHEREAS, the City's corporate boundary encompasses approximately 15.9 square miles, with an additional 504± acres within the City's existing SOI that extends beyond the City limits, the majority of which is developed and includes residential, commercial and agricultural uses, and undeveloped areas; and

WHEREAS, the City of Oakley provides a range of municipal services either directly or through contracts with other public and private entities; and

WHEREAS, no change in regulation, land use or development will occur as a result of updating the City's SOI; and

WHEREAS, in the form and manner prescribed by law, the Executive Officer has given notice of a public hearing by this Commission regarding the SOI action; and

WHEREAS, the SOI update was duly considered at a public hearing held on October 8, 2008; and

WHEREAS, the Contra Costa LAFCO heard and received all oral and written protests, objections and evidence that were made, presented or filed, and all persons present were given an opportunity to appear and be heard with respect to any matter pertaining to said verification action.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED that the Contra Costa LAFCO does hereby:

1. Approve and affirm the existing non-coterminous SOI for the City of Oakley as generally depicted on Exhibit A attached hereto.
2. Consider the criteria set forth in Government Code §56425(e) and determine as follows:
 - a. *The present and planned land uses in the area, including agricultural and open-space lands* – The present and planned land uses within the SOI include a mix of urban and non-urban uses as contemplated in the City of Oakley General Plan. The City’s General Plan provides for the current and future land uses within its SOI. Adoption of the SOI will not adversely affect agricultural or open space land, lands under Williamson contract, or be growth inducing. No change to the present or planned uses will result from adoption of this SOI.
 - b. *The present and probable need for public facilities and services in the area* – The projected annual growth rate for the City of Oakley is approximately 1.4%. Development will continue to occur as a result of the 2006 East Cypress Corridor Reorganization. There will be a need for extension of public facilities and the provision of additional public services to new development areas. The City has developed infrastructure master plans to insure the proper size, location, and timing of infrastructure improvements. The City also charges participation fees and other mitigation fee programs and exactions to insure that adequate public services are available to new development. No changes in public facilities or services provided by the City will result from this SOI update.
 - c. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – The present capacity of public facilities and services appears to be adequate as assessed in the recently completed Municipal Services Review. The City conducts regular monitoring of facilities and services to improve efficiency.
 - d. *The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency* – The City of Oakley incorporated in 1999 and has established social and economic community interests which are distinct from neighboring communities. The City relies on a combination of property tax, sales and use tax, State funding and user fees. Local residents and businesses have an economic interest in receiving City services. The SOI update will not affect the existence of any social or economic communities of interest in the area that are relevant to the City of Oakley.

3. Determine, as lead agency for the purposes of the California Environmental Quality Act (CEQA), that the SOI update is categorically exempt under §15061(b)(3) of the CEQA Guidelines.
4. Direct staff to file a Notice of Exemption as lead agency pursuant to the CEQA Guidelines.

PASSED AND ADOPTED THIS 8TH day of October 2008, by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

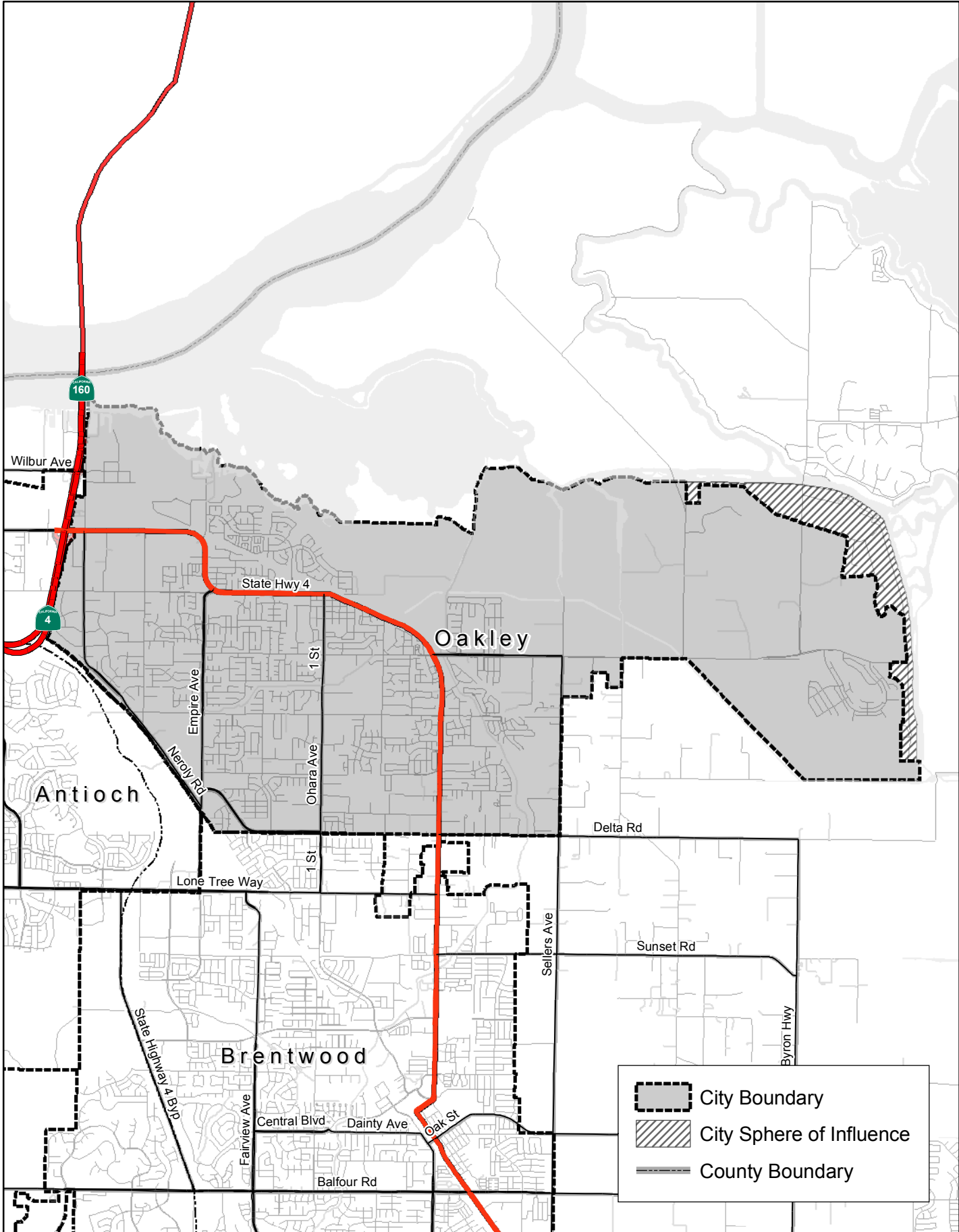
GAYLE UILKEMA, VICE CHAIR, CONTRA COSTA LAFCO

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

Dated: October 8, 2008

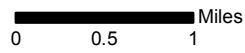
Lou Ann Texeira, Executive Officer

City of Oakley Boundary and Sphere of Influence



Map created 3/13/2008
 by Contra Costa County Community Development, GIS Group
 651 Pine Street, 4th Floor, North Wing, Martinez, CA 94553-0095
 37.59:48.455N 122.06:35.384W

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RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
APPROVING AN UPDATE TO THE SPHERE OF INFLUENCE FOR THE
COUNTY SERVICE AREA RD-4

WHEREAS, Government Code §56425 requires the Local Agency Formation Commission (LAFCO) to develop and determine the sphere of influence (SOI) of each local governmental agency within the County; and

WHEREAS, Government Code §56425(f) requires that LAFCO review and update the SOI boundaries, as necessary, not less than once every five years; and

WHEREAS, Government Code §56430 requires that a municipal services review be conducted prior to or in conjunction with an SOI update; and

WHEREAS, LAFCO conducted a review of East County general municipal services, including those provided by County Service Area (CSA) RD-4 and adopted written determinations as required by Government Code §56430 on October 8, 2008; and

WHEREAS, the District's boundaries encompasses less than one square mile; and

WHEREAS, CSA RD-4 provides road maintenance services in the vicinity of Bethel Island, and maintains approximately 3.45 linear miles of Dutch Slough Road extending from Jersey Island Road on the west to Bethel Island Road on the east; and

WHEREAS, the District's boundary is coterminous with its SOI; and

WHEREAS, no change in regulation, land use or development will occur as a result of updating the District's SOI; and

WHEREAS, in the form and manner prescribed by law, the Executive Officer has given notice of a public hearing by this Commission regarding the SOI action; and

WHEREAS, the SOI update was duly considered at a public hearing held on October 8, 2008; and

WHEREAS, the Contra Costa LAFCO heard and received all oral and written protests, objections and evidence that were made, presented or filed, and all persons present were given an opportunity to appear and be heard with respect to any matter pertaining to said verification action.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED that the Contra Costa LAFCO does hereby:

1. Approve and affirm the existing coterminous SOI for CSA RD-4 as generally depicted on Exhibit A attached hereto.
2. Consider the criteria set forth in Government Code §56425(e) and determine as follows:
 - a. *The present and planned land uses in the area, including agricultural and open-space lands* – The District has no land use authority. Contra Costa County is the land use agency in the area. Present land uses in the adjacent areas include single family homes and lots. County

policies support the provision of adequate road maintenance service for businesses and residents. Although there are some open space lands within the surrounding area, road maintenance services do not by themselves induce growth on agricultural or open space lands. No Williamson Act contracts will be affected by this SOI action.

- b. *The present and probable need for public facilities and services in the area* – Long-term, proper maintenance of public roads is essential. The District exists to generate revenue for maintenance of this section of the public roadway. No changes in public facilities or services provided by the District will result from this SOI update.
- c. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – CSA RD-4 is providing adequate services, and has the capacity to continue to provide services within its boundaries. Adoption of the SOI as proposed will not affect the present capacity of public facilities and adequacy of services provided by CSA RD-4.
- d. *The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency* – CSA RD-4 was formed in 1974. CSA RD-4 receives a portion of the 1% property tax within the District boundaries. Property owners have an economic interest in receiving District services. The SOI update will not affect the existence of any social or economic communities of interest in the area that are relevant to CSA RD-4.
- e. *Nature, location, extent, functions & classes of services to be provided* – CSA RD-4 provides road maintenance services in the vicinity of Bethel Island, and maintains approximately 3.45 linear miles of Dutch Slough Road extending from Jersey Island Road on the west to Bethel Island Road on the east.

- 3. Determine, as lead agency for the purposes of the California Environmental Quality Act (CEQA), that the SOI update is categorically exempt under §15061(b)(3) of the CEQA Guidelines.
- 4. Direct staff to file a Notice of Exemption as lead agency pursuant to the CEQA Guidelines.

PASSED AND ADOPTED THIS 8TH day of October 2008, by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

GAYLE UILKEMA, VICE 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: October 8, 2008

Lou Ann Texeira, Executive Officer

County Service Area RD-4 (Vicinity of Bethel Island)



RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
APPROVING AN UPDATE TO THE SPHERE OF INFLUENCE FOR THE
BETHEL ISLAND MUNICIPAL IMPROVEMENT DISTRICT

WHEREAS, Government Code §56425 requires the Local Agency Formation Commission (LAFCO) to develop and determine the sphere of influence (SOI) of each local governmental agency within the County; and

WHEREAS, Government Code §56425(f) requires that LAFCO review and update the SOI boundaries, as necessary, not less than once every five years; and

WHEREAS, Government Code §56430 requires that a municipal services review be conducted prior to or in conjunction with an SOI update; and

WHEREAS, LAFCO conducted a review of East County general municipal services, including those provided by the Bethel Island Municipal Improvement District (BIMID) and adopted written determinations as required by Government Code §56430 on October 8, 2008; and

WHEREAS, the District's boundaries encompasses Bethel Island, which contains approximately 3,500 acres of reclaimed lands; and

WHEREAS, BIMID maintains the levee that protects Bethel Island and provides storm water, seepage, and drainage control services. The District also reviews permit applications to determine any impacts that proposed projects may have on the levee and/or drainage system, and grants approvals, conditional approvals or denies applications, as appropriate; and

WHEREAS, BIMID provides ancillary services including emergency planning, erecting emergency sirens, conducting water table monitoring, maintaining access routes to the levee, and other incident functions. The District also resells products related to levees and ditches, and maintains and operates Bethel Island Park, a small public park and recreation area; and

WHEREAS, BIMID's boundary runs along the "bank" of the sloughs, and its SOI extends beyond its service boundary, running to the middle of the waterways surrounding the island; and

WHEREAS, no change in regulation, land use or development will occur as a result of updating the District's SOI; and

WHEREAS, in the form and manner prescribed by law, the Executive Officer has given notice of a public hearing by this Commission regarding the SOI action; and

WHEREAS, the SOI update was duly considered at a public hearing held on October 8, 2008; and

WHEREAS, the Contra Costa LAFCO heard and received all oral and written protests, objections and evidence that were made, presented or filed, and all persons present were given an opportunity to appear and be heard with respect to any matter pertaining to said verification action.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED that the Contra Costa LAFCO does hereby:

1. Approve and affirm the existing non-coterminous SOI for BIMID as generally depicted on Exhibit A attached hereto.
2. Consider the criteria set forth in Government Code §56425(e) and determine as follows:
 - a. *The present and planned land uses in the area, including agricultural and open-space lands* The District has no land use authority. Contra Costa County is the land use agency in the area. Present land uses consist of single-family homes on the periphery of the island and along roads in the interior of the island and some agricultural production. Between the District's present boundary and its existing SOI, the land use is water-related recreation, including private docks and marinas. No changes in land use are planned. Adoption of the SOI will not adversely affect agricultural or open space land, lands under Williamson contract, or be growth inducing. No change to the present or planned uses will result from adoption of this SOI.
 - b. *The present and probable need for public facilities and services in the area* – Long-term, proper maintenance of the levee protecting the island is essential, and will require some improvements. Due to water quality issues it may be necessary to develop a water system to treat on-site water supplies or import and distribute higher quality water to portions of the island in addition to the Delta Coves development. No changes in public facilities or services provided by the District will result from this SOI update.
 - c. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – BIMID is presently providing levee maintenance; long-term improvements and future funding for ongoing levee maintenance are essential.
 - d. *The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency* – BIMID was formed in 1960 and serves Bethel Island, which is a separate and discrete community. The District relies on a combination of property tax, and local, State and federal funding. Property owners on the island have an economic interest in receiving District services. The SOI update will not affect the existence of any social or economic communities of interest in the area that are relevant to BIMID.

e. *Nature, location, extent, functions & classes of services to be provided* – BIMID maintains the levee system that protects Bethel Island and provides storm water, seepage, and drainage control services, as well as various related ancillary services. The District reviews permit applications for projects that could impact the levee or drainage system. The District also maintains and operates a small public park and recreation area, as well as two streets and various easements which provide access to the levee.

3. Determine, as lead agency for the purposes of the California Environmental Quality Act (CEQA), that the SOI update is categorically exempt under §15061(b)(3) of the CEQA Guidelines.

4. Direct staff to file a Notice of Exemption as lead agency pursuant to the CEQA Guidelines.

PASSED AND ADOPTED THIS 8TH day of October 2008, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

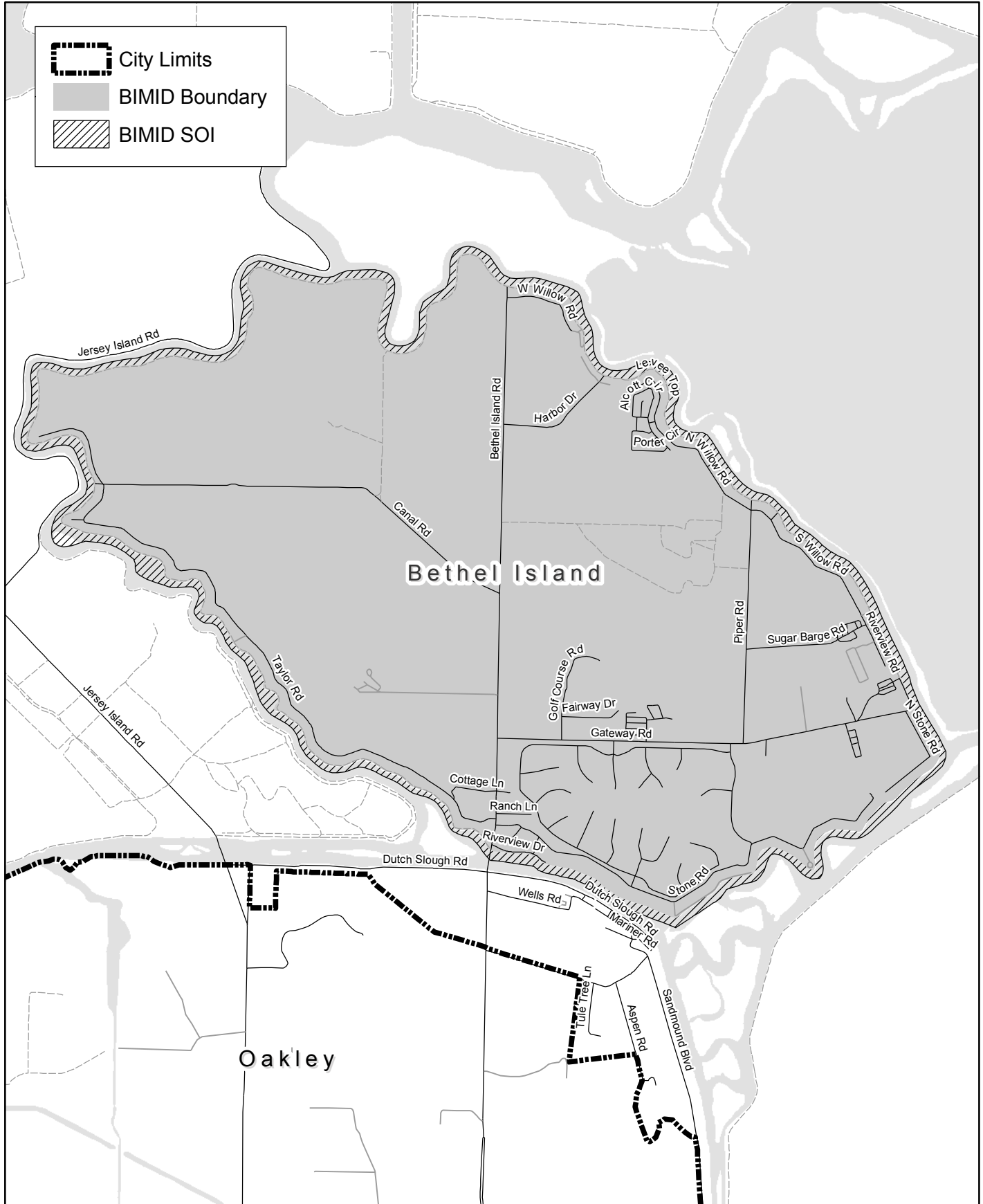
GAYLE UILKEMA, VICE CHAIR, CONTRA COSTA LAFCO

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

Dated: October 8, 2008

Lou Ann Texeira, Executive Officer

Bethel Island Municipal Improvement District and Sphere of Influence



RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
APPROVING AN UPDATE TO THE SPHERE OF INFLUENCE FOR THE
TOWN OF KNIGHTSEN COMMUNITY SERVICES DISTRICT

WHEREAS, Government Code §56425 requires the Local Agency Formation Commission (LAFCO) to develop and determine the sphere of influence (SOI) of each local governmental agency within the County; and

WHEREAS, Government Code §56425(f) requires that LAFCO review and update the SOI boundaries, as necessary, not less than once every five years; and

WHEREAS, Government Code §56430 requires that a municipal services review be conducted prior to or in conjunction with an SOI update; and

WHEREAS, LAFCO conducted a review of East County general municipal services, including those provided by the Town of Knightsen Community Services District (KCSD) and adopted written determinations as required by Government Code §56430 on October 8, 2008; and

WHEREAS, the District's boundaries encompasses approximately 5,100 acres; and

WHEREAS, KCSD was formed in 2005 to provide flood control and water quality (drainage) services for the community of Knightsen; and

WHEREAS, the District's boundary is coterminous with its SOI; and

WHEREAS, no change in regulation, land use or development will occur as a result of updating the District's SOI; and

WHEREAS, in the form and manner prescribed by law, the Executive Officer has given notice of a public hearing by this Commission regarding the SOI action; and

WHEREAS, the SOI update was duly considered at a public hearing held on October 8, 2008; and

WHEREAS, the Contra Costa LAFCO heard and received all oral and written protests, objections and evidence that were made, presented or filed, and all persons present were given an opportunity to appear and be heard with respect to any matter pertaining to said verification action.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED that the Contra Costa LAFCO does hereby:

1. Approve and affirm the existing coterminous SOI for KCSD as generally depicted on Exhibit A attached hereto.
2. Consider the criteria set forth in Government Code §56425(e) and determine as follows:
 - a. *The present and planned land uses in the area, including agricultural and open-space lands* – The District has no land use authority. Contra Costa County is the land use agency in the area. Present land uses in the community are largely rural, consisting of a mix of single family homes and agricultural lands. County policies support the provision of adequate

flood control, water quality and drainage services for businesses and residents. Although there are agricultural and open space lands within the District, flood control and drainage services do not by themselves induce growth on agricultural or open space lands. No Williamson Act contracts will be affected by this SOI action.

- b. *The present and probable need for public facilities and services in the area* – Improved flood control and drainage services are needed in the area. KCSD is not actively providing these services at this time, but is in the planning stages to provide services. No changes in public facilities or services provided by the District will result from this SOI update.
- c. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide* – There are currently no KCSD facilities or services. The District is in the preliminary planning stages with regarding to providing services and facilities.
- d. *The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency* – The District serves the Knightsen community. KCSD receives funding through a parcel tax. Property owners have an economic interest in receiving District services. The SOI update will not affect the existence of any social or economic communities of interest in the area that are relevant to KCSD.
- e. *Nature, location, extent, functions & classes of services to be provided* – KCSD is authorized to provide flood control and water quality (drainage) services to the Knightsen community, although it is not currently providing these services. In accordance with the MSR report, KCSD should provide LAFCO a report within one year on the progress being made to develop a facilities improvement plan, and provide a timeline and potential funding mechanisms to implement the plan.

3. Determine, as lead agency for the purposes of the California Environmental Quality Act (CEQA), that the SOI update is categorically exempt under §15061(b)(3) of the CEQA Guidelines.

4. Direct staff to file a Notice of Exemption as lead agency pursuant to the CEQA Guidelines.

PASSED AND ADOPTED THIS 8TH day of October 2008, by the following vote:

- AYES:
- NOES:
- ABSTENTIONS:
- ABSENT:

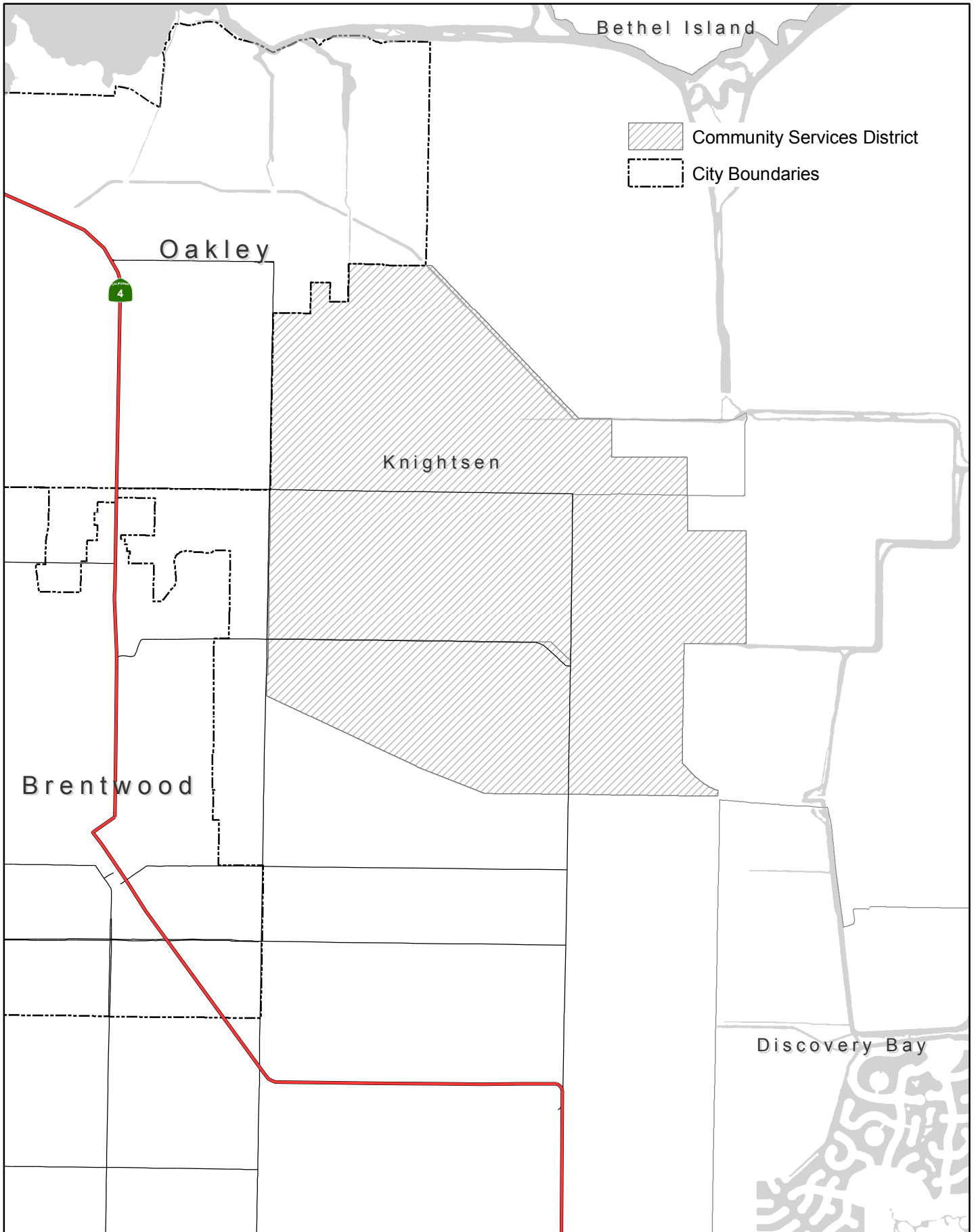
GAYLE UILKEMA, VICE CHAIR, CONTRA COSTA LAFCO

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

Dated: October 8, 2008

Lou Ann Texeira, Executive Officer

Knightsen Community Services District



Map created 8/28/2006
by Contra Costa County Community Development, GIS Group
651 Pine Street, 4th Floor North Wing, Martinez, CA 94553-0095
37:59:48.455N 122:06:35.384W

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