



Lou Ann Texeira  
Executive Officer

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
40 Muir Road, 1st Floor • Martinez, CA 94553  
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(925) 313-7133

## **NOTICE AND AGENDA FOR REGULAR MEETING**

Wednesday, April 13, 2022, 1:30 PM  
\*\*\* BY TELECONFERENCE ONLY \*\*\*

As permitted by Government Code section 54953(e), this meeting will be held by Zoom and teleconference. No physical location will be available for this meeting.

### **PUBLIC ACCESS AND PUBLIC COMMENT INSTRUCTIONS**

Please click the link below to join the webinar:

<https://cccounty-us.zoom.us/j/84279835905?pwd=RWYxRDZWck93akdVaWljNmplSnB4Zz09>

Passcode: 416552

Or join by telephone:

USA 214 765 0478 US Toll

USA 888 278 0254 US Toll-free

Conference code: 220394

LAFCO meetings are audio recorded and posted online at <http://contracostalafco.org/meetings-and-public-hearings/>. Audio recordings are available the day following the LAFCO meeting. LAFCO meeting materials and staff reports are available online at <http://contracostalafco.org/meetings-and-public-hearings/>.

**PUBLIC COMMENT:** The Commission will consider all verbal and written comments received. Comments may be emailed to [LouAnn.Teixeira@lafco.cccounty.us](mailto:LouAnn.Teixeira@lafco.cccounty.us) or by U.S. mail to Contra Costa LAFCO at 40 Muir Road 1<sup>st</sup> Floor, Martinez, CA 94553. Please indicate the agenda item number, if any. If you want your comments read into the record, please indicate so in the subject line. For public hearings, the Chair will announce the opening and closing of the public hearing. The Chair will call for verbal public comments.

### **NOTICE TO THE PUBLIC**

Disclosable public records for a regular meeting agenda distributed to a majority of the members of the Commission less than 72 hours prior to that meeting will be made available on <http://contracostalafco.org/meetings>

#### **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 join the meeting. Please contact the LAFCO office at least 48 hours before the meeting at 925-313-7133.

## APRIL 13, 2022 CONTRA COSTA LAFCO AGENDA

1. Call to Order
2. Roll Call
3. Approval of Minutes for the March 9, 2022 regular LAFCO meeting
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.

### TELECONFERENCING

5. *Future LAFCO Meeting Format and Resolution Authorizing Teleconference Meetings Pursuant to Assembly Bill 361* – discuss and provide direction regarding format of future LAFCO meetings; and adopt a resolution authorizing LAFCO to conduct teleconference meetings under Gov. Code §54953(e) and making related findings.

### SPHERE OF INFLUENCE AMENDMENTS/CHANGES OF ORGANIZATION

6. *LAFCO 21-11 – Annexation of East Contra Costa Fire Protection District (EFFCPD) to Contra Costa County Fire Protection District (CCCFPD) and Dissolution of ECCFPD – Results of Protest Hearing* – on March 9, 2022, the Commission approved annexation of ECCFPD to CCCFPD and dissolution of ECCFPD subject to a protest hearing. On April 11<sup>th</sup> a protest hearing was conducted by the LAFCO Executive Officer. On April 13<sup>th</sup>, the Commission will receive the results of the protest hearing.
7. *Dissolution of County Service Area (CSA) R-10* – approve dissolution of CSA R-10 comprising 7.37± square miles and serving unincorporated Rodeo; and consider a categorical exemption under the California Environmental Quality Act (CEQA) *Public Hearing – Continued from February 9, 2022 LAFCO Meeting*
8. *LAFCO 21-07 – Annexation to Town of Discovery Bay Community Services District (DBCSD) – Pantages Project* - consider annexing to DBCSD 205.21± acres located adjacent to DBCSD (Point of Timber Road); and consider making determinations and findings as a responsible agency under CEQA *Public Hearing*
9. *LAFCO 21-13 – Delta Diablo (DD) Sphere of Influence (SOI) Amendment – Evora Road Self Storage* – consider expanding DD’s SOI to include three parcels (APNs 098-220-015/-018/-019) totaling 7.75± acres located on Evora Road in unincorporated Bay Point; and consider making determinations and findings as a responsible agency under CEQA *Public Hearing*

### BUSINESS ITEMS

10. *Fiscal Year 2022-23 Proposed Budget and Work Plan* - consider approving the proposed budget and work plan for FY 2022-23 *Public Hearing*
11. *Legislative Update and Position Letter* - receive legislative update and position letter
12. *FY 2021-22 Third Quarter Budget Report* - receive FY 2021-22 third quarter budget report

### INFORMATIONAL ITEMS

13. *Pending Applications* - receive an update on pending proposals – information only
14. Correspondence from Contra Costa County Employees’ Retirement Association (CCCERA)
15. Commissioner Comments and Announcements
16. Staff Announcements/CALAFCO Updates/Newspaper Articles

### ADJOURNMENT

Next regular LAFCO meeting May 11, 2022 at 1:30 pm.

LAFCO STAFF REPORTS AVAILABLE AT [http://www.contracostalafco.org/meeting\\_archive.htm](http://www.contracostalafco.org/meeting_archive.htm)

**CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION**  
**DRAFT MEETING MINUTES**  
**March 9, 2022**

**April 13, 2022**  
**Agenda Item 3**

**1. Welcome and Call to Order; Roll Call (Agenda Items 1&2)**

Commissioner Burgis called the regular meeting of March 9, 2022, to order at 1:38 p.m.  
The following Commissioners and staff were present:

Regular Commissioners	Alternate Commissioners	Staff
Rob Schroder, Chair (Absent for items 1-5)	Stan Caldwell Chuck Lewis (Absent)	Lou Ann Texeira, Executive Officer Tom Geiger, Commission Counsel
Federal Glover, Vice Chair (Absent for items 1-5)	Diane Burgis Edi Birsan (Seated for Butt)	Sherrie Weis, LAFCO Clerk
Candace Andersen Don Blubaugh Tom Butt (Absent) Mike McGill Igor Skaredoff		

Announcement: Pursuant to Governor Newsom’s Executive Order and local county health orders issued to address the COVID 19 pandemic, the Commission meeting is being held via Zoom videoconference. The public may listen to the meeting telephonically and comment by calling in to the teleconference meeting per the instructions on page 1 of the agenda. As required by the Brown Act, all votes taken this afternoon will be done by a roll call vote of the attending Commissioners participating via teleconference.

**3. Approval of Minutes**

Upon motion by Commissioner Blubaugh and second by Commissioner Andersen, the Commission unanimously, by a 6-0 vote approved the February 9, 2022, meeting minutes.

VOTE:

AYES: Andersen, Birsan (A), Blubaugh, Burgis (A), McGill, Skaredoff

NOES: None

ABSENT: Butt, Schroder, Glover

ABSTAIN: None

**4. Public Comments**

Commissioner Burgis invited members of the audience to provide public comment. There were no speakers.

**TELECONFERENCING**

**5. *Assembly Bill 361* – consider adopting a resolution authorizing LAFCO to conduct teleconference meetings under Government Code section 54953(e) and making related findings**

Following Commissioner comments and upon a motion by Commissioner Andersen and second by Commissioner McGill, the Commission, unanimously, by a 6-0 vote, adopted Resolution No. 2022-01 allowing Contra Costa LAFCO to conduct teleconference meetings pursuant to GC section 54953(e) and make related findings

VOTE:

AYES: Andersen, Birsan (A), Blubaugh, Burgis (A), McGill, Skaredoff

NOES: None

ABSENT: Butt, Schroder, Glover

ABSTAIN: None

**SPHERE OF INFLUENCE AMENDMENTS/CHANGES OF ORGANIZATION**

- 6. ***LAFCO 21-11 – Annexation of East Contra Costa Fire Protection District (ECCFPD) to Contra Costa County Fire Protection District (CCCFPD) and Dissolution of ECCFPD*** - consider approving annexation of ECCFPD (249± square miles) to CCCFPD and dissolution of ECCFPD; and consider a categorical exemption under the California Environmental Quality Act (CEQA) ***Public Hearing continued from February 9, 2022 meeting***

In response to Commissioner Skaredoff’s question, ECCFPD Fire Chief Helmick confirmed the ECCFPD Board of Directors is satisfied with the resolution as drafted

Commissioner Burgis opened the public hearing,

- 1. Karen Rarey, Brentwood City Council member spoke in favor of the item.

Commissioner Burgis closed public hearing.

Following comments and questions by the Commissioners and upon a motion by Commissioner Burgis and second by Commissioner Blubaugh, unanimously, by a 7-0 vote, approved:

Option 1

A. Adopt this report and adopt LAFCO Resolution No. 21-11 (Attachment 6) approving the annexation of ECCFPD to CCCFPD and dissolving ECCFPD as described herein and as depicted on the attached map (Exhibit A), with the terms and conditions as proposed in Resolution No. 21-11.

B. Find, as a responsible agency, that the proposed annexation of ECCFPD to CCCFPD and corresponding dissolution of ECCFPD are categorically exempt from CEQA pursuant to CEQA Guidelines section 15320(b) (Class 20) – *Changes in Organization of Local Agencies*.

VOTE:

AYES: Birsan(A), Blubaugh, Burgis (A), Glover, McGill, Schroder, Skaredoff

NOES: None

ABSENT: Butt

ABSTAIN: None

- 7. ***LAFCO 21-06 – Town of Discovery Bay Community Services District (DBCSD) Sphere of Influence (SOI) Amendment – Pantages Project*** - consider expanding DBCSD’s SOI to include 133.36± acres located adjacent to DBCSD (Point of Timber Road); and consider making determinations and findings as a responsible agency under CEQA ***Public Hearing***

Chair Schroder opened the public hearing and closed the public hearing there were no speakers

Following Commissioner comments and upon a motion by Commissioner Andersen and second by Commissioner McGill, the Commission, unanimously, by a 7-0 vote, approved Option 1 adopt the resolution approving the proposed DBCSD SOI expansion by 133.36± acres.

VOTE:

AYES: Andersen, Birsan (A), Blubaugh, Glover, McGill, Schroder, Skaredoff

NOES: None

ABSENT: Butt

ABSTAIN: None

8. **LAFCO 21-12 – Annexation to Mt. View Sanitary District** – consider annexing two parcels (APNs 162-142-005 and -006) located at 2984 and 2994 Upton Road (totaling 2.59± acres) in the unincorporated Mt. View area; and consider a categorical exemption under CEQA **Public Hearing**

Chair Schroder opened and closed the public hearing there were no speakers

Following Commissioner comments and upon a motion by Commissioner Blubaugh and second by Commissioner Glover, the Commission, unanimously, by a 7-0 vote, approved the annexation as proposed.

VOTE:

AYES: Andersen, Birsan, Blubaugh, Glover, McGill, Schroder, Skaredoff

NOES: None

ABSENT: Butt

ABSTAIN: None

**BUSINESS ITEMS**

9. **Legislative Update and Position Letter** – receive legislative update and approve position

Following Commissioner comments, and upon a motion by Commissioner McGill and second by Commissioner Birsan, the Commission, unanimously, by a 7-0 vote, approved letter of Support of SB 938 (Hertzberg) which seeks to amend the LAFCO protest provisions.

VOTE:

AYES: Andersen, Birsan, Blubaugh, Glover, McGill, Schroder, Skaredoff

NOES: None

ABSENT: Butt

ABSTAIN: None

10. **Update to LAFCO Employee Salary Plan** – approve increase to LAFCO Employee Salary Ranges

Following Commissioner comments, and upon a motion by Commissioner McGill and second by Commissioner Blubaugh, the Commission, unanimously, by a 7-0 vote, approved LAFCO Resolution 2022-02 increasing the salary ranges by 4.2% for the Executive Officer and Executive Assistant/Clerk positions and retaining the current salary range for the Analyst I/II position.

VOTE:

AYES: Andersen, Birsan, Blubaugh, Glover, McGill, Schroder, Skaredoff

NOES: None

ABSENT: Butt

ABSTAIN: None

11. **Executive Officer's Performance Review and Compensation** - consider salary increase for the LAFCO Executive Officer in conjunction with the recent performance review

Following Commissioner comments, and upon a motion by Commissioner Glover and second by Commissioner Andersen, the Commission, unanimously, by a 7-0 vote, approved a 5% increase to the Executive Officer's base salary effective 1/1/22.

VOTE:

AYES: Andersen, Birsan, Blubaugh, Glover, McGill, Schroder, Skaredoff

NOES: None

ABSENT: Butt

ABSTAIN: None

## **INFORMATIONAL ITEMS**

12. ***Pending Applications*** – receive an update on pending proposals –informational update – no action required by the Commission.

At the request of the Commission an update was provided on the status of the Los Medanos Community Healthcare District dissolution. The California Supreme Court denied Los Medanos Community Healthcare District’s appeal last week, resulting in its dissolution as of March 10, 2022.

13. ***Correspondence from Contra Costa County Employee’s Retirement Association (CCCERA)***

14. ***Commissioner Comments and Announcements***

Commissioner McGill announced CALAFCO has a new Executive Officer. He stated the media coverage for the annexation of East Contra Costa Fire Protection District (ECCFPD) to Contra Costa County Fire Protection District (CCCFPD) and Dissolution of ECCFPD will be handled by the Contra Costa County Board of Supervisors.

Commissioner Glover thanked the LAFCO Commission and the Contra Costa County Board of Supervisors for their hard work on both the dissolution of the Los Medanos Community Healthcare District and the annexation of ECCFPD to CCCFPD and dissolution of ECCFPD.

Commissioner Skaredoff shared he is a retired firefighter and congratulated the Commission on their sustained positive effort to bring to fruition the annexation of ECCFPD to CCCFPD and dissolution of ECCFPD.

Commissioner Skaredoff also updated the Commission on the John Muir National Historic Site which is embarking on a significant upgrade and building a pedestrian pathway between the Muir family gravesite and the Muir home.

Commissioner Skaredoff announced his seat on LAFCO as a Special District member is up for reelection. There are five candidates running for his seat. He thanked the Commission for all the help he has received while serving as a commissioner and hopes that he will continue to serve.

Commissioner Schroder shared, as Mayor of Martinez, that once again, this year he will dye his hair green to celebrate St. Patrick’s Day. And on March 20, 2022 he will shave his head in support of children’s cancer research – St. Baldrick – Shave Off.

15. ***Staff Announcements***

Executive Officer updates:

- 2<sup>nd</sup> Round MSRs covering Mosquito & Vector Control and Resource Conservation underway
- Continuing to update directory of local agencies
- Proposed budget will be presented to the Commission at the April 13, 2022 meeting
- Happy belated birthday to Commissioner Blubaugh on his 80<sup>th</sup> birthday

## **ADJOURNMENT**

*The next regular LAFCO meeting is April 13, 2022, at 1:30 pm.*

By \_\_\_\_\_  
Executive Officer



Lou Ann Teixeira  
 Executive Officer

**MEMBERS**

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

**ALTERNATE MEMBERS**

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<b>Stanley Caldwell</b> <i>Special District Member</i>
<b>Charles R. Lewis, IV</b> <i>Public Member</i>
<b>Edi Birsan</b> <i>City Member</i>

April 13, 2022

**April 13, 2022  
 Agenda Item 5**

Contra Costa Local Agency Formation Commission  
 40 Muir Road, 1<sup>st</sup> Floor  
 Martinez, CA 94553

**Adoption of Resolution 2022-03 (AB 361) and Format of Future Commission Meetings**

Dear Members of the Commission:

Since June 2020, Contra Costa LAFCO has conducted its public meetings via Zoom/teleconference, consistent with the Governor’s Executive Orders allowing teleconferencing and AB 361, which authorizes teleconferencing without following the non-emergency teleconferencing rules in the Brown Act. The Commission has adopted a resolution at each LAFCO meeting authorizing LAFCO to conduct teleconference meetings.

As some public agencies are returning to in-person meetings, it is timely to discuss format options for future LAFCO meetings, including the following:

1. Virtual teleconference meetings – The Commission has used this format since the statewide state of emergency was declared in 2020. Virtual meetings of government agencies have resulted in increased public participation, reduced meeting time commitments, less travel, and reduced carbon emissions. However, there are increased technical costs and challenges associated with hosting virtual meetings. LAFCO can continue to hold virtual teleconference meetings as long as a proclaimed state of emergency exists, and state or local officials have recommended measures to promote social distancing. The County Health Officer currently recommends social distancing at public meetings.
2. In-person meetings – LAFCO could return to in-person meetings. LAFCO staff has confirmed with the Clerk of the Board of Supervisors that LAFCO may hold in-person meetings in the Board of Supervisors’ chambers as we did pre-pandemic. There is no cost associated with this option. As in the former Board chambers, some Commissioners will be unable to sit at the dais and would need to sit on the sidelines.
3. Hybrid meetings: This option combines virtual teleconference and in-person formats. Under this option, LAFCO staff and some Commissioners would be present in the Board chambers, while other Commissioners would participate remotely via Zoom. Members of the public would be allowed to attend the meeting in person or via Zoom/teleconference and provide comment in either format. This option is the most challenging to navigate, will require assistance from County staff, and will result in additional costs to LAFCO.

**RECOMMENDATIONS:** 1) Adopt Resolution No. 2022-03 authorizing LAFCO to conduct teleconference meetings under Government Code section 54953(e) and make related findings; and 2) discuss and provide direction regarding future LAFCO meetings and preferred format.

Sincerely,

LOU ANN TEXEIRA  
EXECUTIVE OFFICER

Attachment – AB 361 – LAFCO Resolution 2022-03



## RESOLUTION NO. 2022-03

### A RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION AUTHORIZING TELECONFERENCE MEETINGS UNDER GOVERNMENT CODE SECTION 54953(e) (ASSEMBLY BILL 361)

#### Recitals

- A. On March 4, 2020, Governor Gavin Newsom proclaimed the existence of a state of emergency in California under the California Emergency Services Act, Gov. Code § 8550 et seq.
- B. On March 10, 2020, the Contra Costa County Board of Supervisors found that due to the introduction of COVID-19 in the County, conditions of disaster or extreme peril to the safety of persons and property had arisen, commencing on March 3, 2020. Based on these conditions, pursuant to Government Code section 8630, the Board of Supervisors adopted Resolution No. 2020/92, proclaiming the existence of a local emergency throughout Contra Costa County.
- C. On March 17, 2020, Governor Newsom issued Executive Order N-29-20, which suspended the teleconferencing rules set forth in the California Open Meeting law, Government Code section 54950 et seq. (the Brown Act), provided certain requirements were met and followed.
- D. On June 11, 2021, Governor Newsom issued Executive Order N-08-21, which clarified the suspension of the teleconferencing rules set forth in the Brown Act and further provided that those provisions would remain suspended through September 30, 2021.
- E. On September 16, 2021, Governor Newsom signed Assembly Bill 361, which provides that under Government Code section 54953(e), a legislative body subject to the Brown Act may continue to meet using teleconferencing without complying with the non-emergency teleconferencing rules in Government Code section 54953(b)(3) if a proclaimed state of emergency exists and state or local officials have imposed or recommended measures to promote social distancing.
- F. On March 1, 2022, the Contra Costa County Health Officer issued recommendations for safely holding public meetings that include recommended measures to promote social distancing.
- G. Among the Health Officer's recommendations: (1) on-line meetings (teleconferencing meetings) are strongly recommended as those meetings present the lowest risk of transmission of SARS-CoV-2, the virus that causes COVID-19; (2) if a local agency determines to hold in-person meetings, offering the public the opportunity to attend via a call-in option or an internet-based service option is recommended when possible to give those at higher risk of an/or higher concern about COVID-19 an alternative to participating in person; (3) a written safety protocol should be developed and followed, and it is recommended that the protocol require social distancing – i.e., six feet of separation between attendees – and face masking of all attendees; (4) seating arrangements should allow for staff and members of the public to easily maintain at least six-foot distance from one another at all practicable times.
- H. Because of the prevalence of the Omicron variant of COVID-19 in the Bay Area, case rates and COVID-19 hospitalizations remain high in the County.
- I. In the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, the Contra Costa Local Agency Formation Commission (LAFCO) intends to invoke the provisions of Assembly Bill 361 related to teleconferencing.

NOW, THEREFORE, the Contra Costa Local Agency Formation Commission resolves as follows:

1. LAFCO finds that: the state of emergency proclaimed by Governor Newsom on March 4, 2020, is currently in effect; and the Contra Costa County Health Officer has strongly recommended that public meetings be held by teleconferencing as those meetings present the lowest risk of transmission of SARS-CoV-2, the virus that causes COVID-19.
2. As authorized by Assembly Bill 361, LAFCO will use teleconferencing for its meetings in accordance with the provisions of Government Code section 54953(e).
3. The Executive Officer is authorized and directed to take all actions necessary to implement the intent and purpose of this resolution, including conducting open and public meetings in accordance with Government Code section 54953(e) and all other applicable provisions of the Brown Act.

PASSED AND ADOPTED on April 13, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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ROB SCHRODER, 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 13, 2022

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Lou Ann Teixeira, Executive Officer



Lou Ann Texeira  
 Executive Officer

**MEMBERS**

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

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<b>Edi Birsan</b> <i>City Member</i>

April 13, 2022 (Agenda)

Contra Costa Local Agency Formation Commission  
 40 Muir Road, First Floor  
 Martinez, CA 94553

**April 13, 2022  
 Agenda Item 6**

**Results of Protest Hearing  
 Annexation of East Contra Costa Fire Protection District to Contra Costa County Fire  
 Protection District and Dissolution of East Contra Costa Fire Protection District**

Dear Commissioners:

At a public hearing on March 9, 2022, the Commission approved the annexation of East Contra Costa Fire Protection District (ECCFPD) to Contra Costa County Fire Protection District (CCCFPD) and dissolution of ECCFPD. The subject area comprises 249± square miles including the cities of Brentwood and Oakley, and the unincorporated areas of Bethel Island, Byron, Discovery Bay, Knightsen, and the Marsh Creek/Morgan Territory area, serving a population of approximately 132,400 residents.

The purpose of the boundary reorganization is to enhance and expand fire and emergency medical services to East Contra Costa County; improve the efficiency, effectiveness, and economy of fire protection services within the subject area; and better meet the fire, rescue, and emergency medical service needs of the residents of the reorganized district.

Pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, LAFCO conducts the protest hearing, the purpose of which is to receive written protests from affected landowners/registered voters regarding the proposal and determine whether a majority protest exists. This boundary reorganization is “inhabited” because the reorganization area contains 12 or more registered voters; thus, the Commission shall take one of the following actions:

- **Order the reorganization** if written protests are filed by less than 25% of registered voters or landowners owning less than 25% of the assessed value of land within the subject area; or
- **Order the reorganization subject to an election** if at least 25% but less than 50% of voters, or at least 25% of landowners owning 25% or more of the assessed value of land file written protests; or
- **Terminate the proceedings** if a majority of voters in the subject area file written protests.

The protest hearing was properly noticed and held on Monday, April 11, 2022, at 1:30 p.m. via Zoom/teleconference. The hearing was conducted by the LAFCO Executive Officer, who is delegated the authority to conduct the protest hearing on behalf of the Commission.

At the conclusion of the hearing, the number of protests received prior to and during the hearing will be counted. LAFCO staff will report the results of the protest hearing at the April 13, 2022 LAFCO meeting.

### **RECOMMENDATION**

It is recommended that the Commission receive the results of the protest hearing and take one of the following actions based on those results: order the reorganization; order the reorganization subject to an election; or terminate the proceedings.

Sincerely,

Lou Ann Texeira  
Executive Officer

c: Distribution List



Lou Ann Teixeira  
 Executive Officer

**MEMBERS**

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

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 Edi Birsan  
 City Member

April 13, 2022 (Agenda)

Contra Costa Local Agency Formation Commission  
 40 Muir Road, First Floor  
 Martinez, CA 94553

**April 13, 2022  
 Agenda Item 6**

**Results of Protest Hearing – Post Protest Hearing  
 Annexation of East Contra Costa Fire Protection District to Contra Costa County Fire Protection District and  
 Dissolution of East Contra Costa Fire Protection District**

Dear Commissioners:

At a public hearing on March 9, 2022, the Commission approved annexation of East Contra Costa Fire Protection District (ECCFPD) to Contra Costa County Fire Protection District (CCCFPD) and dissolution of ECCFPD. The subject area comprises 249+ square miles including the cities of Brentwood and Oakley, and the unincorporated areas of Bethel Island, Byron, Discovery Bay, Knightsen, and the Marsh Creek/Morgan Territory area, serving a population of approximately 132,400 residents.

Pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, LAFCO conducts the protest hearing, the purpose of which is to receive written protests from affected landowners/registered voters regarding the proposal and determine whether a majority protest exists. This boundary reorganization is “inhabited” as it contains 12 or more registered voters; thus, the Commission shall take one of the following actions:

- **Order the reorganization** if written protests are filed by less than 25% of registered voters or landowners owning less than 25% of the assessed value of land within the subject area; or
- **Order the reorganization subject to an election** if at least 25% but less than 50% of voters, or at least 25% of landowners owning 25% or more of the assessed value of land file written protests; or
- **Terminate the proceedings** if a majority of voters in the subject area file written protests.

The protest hearing was properly noticed and held on Monday, April 11, 2022, at 1:30 pm via Zoom/teleconference. The hearing was conducted by the LAFCO Executive Officer, who is delegated the authority to conduct the protest hearing on behalf of the Commission. There were 12 attendees at the protest hearing, and no written protests were filed; thus, the Commission must order the boundary reorganization.

**RECOMMENDATION:** Receive the results of the protest hearing, order the boundary reorganization because no written protests were filed, and direct staff to execute the Executive Officer’s Determination (attached).

Sincerely,

  
 Lou Ann Teixeira  
 Executive Officer

c: Distribution

Attached – LAFCO Executive Officer’s Determination

## CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

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### DETERMINATION OF THE EXECUTIVE OFFICER OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION FINDING THERE ARE INSUFFICIENT WRITTEN PROTESTS TO ORDER AN ELECTION OR TERMINATE THE PROCEEDINGS RELATING TO ANNEXATION OF EAST CONTRA COSTA FIRE PROTECTION DISTRICT TO CONTRA COSTA COUNTY FIRE PROTECTION DISTRICT AND DISSOLUTION OF EAST CONTRA COSTA FIRE PROTECTION DISTRICT (LAFCO 21-11)

1. This action is taken pursuant to the Cortese Knox Hertzberg Local Government Reorganization Act (Government Code §56000 et seq.) and policies of the Contra Costa Local Agency Formation Commission (hereafter Commission).

2. Proceedings for *annexation of East Contra Costa Fire Protection District (ECCFPD) to Contra Costa County Fire Protection District (CCCFPD) and dissolution of ECCFPD* were initiated by CCCFPD and filed with the Executive Officer of Contra Costa LAFCO in October 2021, proposing annexation of ECCFPD (249± square miles) to CCCFPD and dissolution of ECCFPD. The purpose of the boundary reorganization is to enhance and expand fire and emergency medical services to East Contra Costa County; improve the efficiency, effectiveness, and economy of fire protection services within the subject area; and better meet the fire, rescue, and emergency medical service needs of the residents of the reorganized district.

3. On March 9, 2022, the Commission adopted Resolution No. 21-11, making determinations and approving the proposal subject to certain conditions. A true copy of said resolution is attached hereto and incorporated by this reference, containing the terms and conditions of the Commission's approval of this proposal.

4. Acting on delegated authority from State law and the Commission, as Executive Officer, on April 11, 2022, I conducted a properly noticed public hearing to receive protests filed against the boundary reorganization, and following conclusion of the hearing, found that no written protests were filed.

5. Finding there are insufficient protests to order an election or terminate the LAFCO proceedings, Contra Costa LAFCO hereby orders *annexation of ECCFPD to CCCFPD and dissolution of ECCFPD* subject to the terms and conditions contained within the Commission's resolution of approval, Resolution No. 21-11.

This order is made on and is effective as of April 13, 2022.

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Lou Ann Texeira, Executive Officer  
Contra Costa Local Agency Formation Commission

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
EXECUTIVE OFFICER'S REPORT

April 13, 2022 (Agenda)

April 13, 2022  
Agenda Item 7

***Dissolution of County Service Area R-10***

SYNOPSIS

***This item was continued from the February 9, 2022 LAFCO meeting.***

In August 2021, Contra Costa LAFCO completed its 2<sup>nd</sup> round *Parks & Recreation Services Municipal Services Review* (MSR) and Sphere of Influence (SOI) updates. The MSR covered all 19 cities, three parks & recreation districts, one regional park district, four community services districts, and eight County Service Areas (CSAs). Consistent with the recommendations in the MSR, the Commission adopted a zero SOI for CSA R-10 in November 2021 signalling future dissolution of this district.

In October 2021, the Commission adopted a resolution initiating dissolution of CSA R-10 and indicating that Contra Costa County would be the successor agency to wind up the affairs of CSA R-10 pursuant to the *Cortese Knox Hertzberg Local Government Reorganization Act of 2000* (CKH). Contra Costa County staff supports the proposed dissolution.

BACKGROUND

***History of CSA R-10*** - CSA R-10 was formed in 1987 to provide recreation services. CSA R-10 serves the unincorporated Rodeo community and areas northeast of the City of Hercules. Since formation, there have been no boundary changes to CSA R-10. The CSA R-10 service area is approximately 7.37± square miles with an estimated population of 9,141 (2020). The Rodeo community is considered a “disadvantaged community” in that the median household income is less than 80% of the statewide median household income.

For many years, the John Swett Unified School District (JSUSD) provided recreation programs for the Rodeo community. However, over the years JSUSD experienced repeated budget reductions and eventually eliminated its involvement in public recreation programs. With JSUSD’s recreation programs gone, community members set out to find a way to make public recreation available in Rodeo. In 1993, the CSA R-10 Citizens Advisory Committee approached JSUSD regarding a long-term lease (50 years) for use of the Lefty Gomez Ballfield Complex as the site where recreation programs could be provided. JSUSD supported this proposal.

In January 1995, the County and JSUSD entered into a 50-year lease agreement which provides for lease of JSUSD’s real property and facilities (i.e., Lefty Gomez Community Center, two baseball fields, two tennis courts, a playground, picnic and BBQ areas, and a concession stand) to the County. The term of the lease is February 1, 1995, to January 31, 2045. The lease agreement provides that the County pay for all utilities, janitorial service, and maintenance. The lease agreement also includes provisions which allow for either party to cancel the lease with 180 days’ notice. The County intends to provide JSUSD with a notice of lease cancellation following LAFCO’s approval of the dissolution.

***Current Status*** - Regarding facilities and capacity, at an annual net cost, CSA R-10 maintains the Lefty Gomez Community Center building. County staff reported that these facilities are in poor condition and in need of significant investment. Considerable infrastructure needs exist, however, there is currently no available funding. Further, the Community Center is not adequately sized to meet community needs.

As for funding and financial ability of CSA R-10 to provide services, CSA R-10 relies on Community Center rentals to generate revenue and has no other secure source of funding. The recent loss of a lease with the County Office of Education and insufficient revenues to meet current obligations have resulted in deferred maintenance and ongoing financial burden. Further, the COVID pandemic has severely impacted CSA R-10 revenues. The Rodeo Baseball Association previously provided some maintenance of the ballfields as part of its contract with the County; however, County staff reports that CSA R-10 may also lose this funding. It is recommended that JSUSD contact the Rodeo Baseball Association regarding funding options.

Previously, CSA R-10 had a citizen advisory committee; however, each of the five seats is vacant, and the committee has effectively dissolved.

**MSR Findings** - The 2021 MSR includes two SOI options for CSA R-10: 1) adopt a zero SOI indicating future dissolution; or 2) retain the existing coterminous SOI. The recommendation was to adopt a zero SOI and dissolve CSA R-10.

In conjunction with the MSR, in November 2021, the Commission adopted a zero SOI for CSA R-10 signaling dissolution. In conjunction with dissolution, the County will be named the successor agency to wind up the affairs of CSA R-10. Following dissolution, maintenance of the facilities will be the responsibility of the JSUSD.

LAFCO staff recently spoke with the JSUSD Superintendent regarding the proposed dissolution. The Superintendent opposes dissolution indicating that the JSUSD has declining enrollment and revenue and that taking over maintenance of the facilities is cost prohibitive.

## DISCUSSION

**Factors for Consideration** - Government Code (GC) §56668 sets forth factors the Commission is required to consider in evaluating any change of organization (e.g., dissolution). In the Commission's review and evaluation, no single factor is determinative. In reaching a decision, each is to be evaluated within the context of the overall proposal. These factors are analyzed in Attachment B. In addition, other factors are discussed below.

**Tax Rates, Assessed Value, Assets and Liabilities** - The subject area includes 11 tax rate areas: 62007, 62037, 62039, 62042, 62046, 62055, 62056, 62058, 62062, 85014 and 85025. The assessed value for the proposal area is \$846,484,835 based on the 2021 roll. CSA R-10 receives no property or special tax revenue.

Regarding assets and liabilities, CSA R-10 has no assets and no liabilities.

**Designation of Successor Agency and Plan for Service** - The CKH provides that should LAFCO dissolve a district, it shall identify the effective date of dissolution, designate a successor agency to wind up the affairs of the extinguished agency, and may apply other terms and conditions with its action pursuant to GC §§56885 – 56890.

If the territory of a dissolved district is located entirely within the unincorporated territory of a single county, the county is deemed the successor agency pursuant to GC §57451(b). CSA R-10 is located



entirely in unincorporated Contra Costa County; and the County has agreed to be the successor agency. Because CSA R-10 has no assets and liabilities, the County as successor agency would be responsible for coordinating with JSUSD regarding the Community Center and baseball fields.

Regarding a plan for service, the County will coordinate with the JSUSD regarding the Community Center and baseball fields.

**Commission Proceedings** – A dissolution may be initiated by LAFCO if it is consistent with a recommendation or conclusions of a study prepared pursuant to GC §§56378, 56425, or 56430, and LAFCO makes determinations specified in §56881(b). Sections 56378, 56425, and 56430 require LAFCO to study existing agencies, make determinations regarding SOIs and conduct municipal service reviews.

Section 56881(b) requires LAFCO to make both of the following determinations with regard to the proposed dissolution:

- (1) Public service costs of a proposal that the commission is authorizing are likely to be less than or substantially similar to the costs of alternate means of providing the service.
- (2) A change of organization or reorganization that is authorized by the commission promotes public access and accountability for community service needs and financial resources.

Before LAFCO can dissolve a district, LAFCO must hold a noticed public hearing. LAFCO published a 1/8-page display ad in the newspaper in lieu of individual mailed notices. The display ad was published in the West County Times. The CKH provides that if the number of mailed notices exceeds 1,000, LAFCO can publish a 1/8-page display ad in the newspaper of general circulation in lieu of individual notices to landowners and registered voters. Today's hearing was continued from the February 9, 2022, LAFCO meeting.

If the dissolution of CSA R-10 is approved, state law requires LAFCO to conduct a protest hearing to allow landowners and voters within the district boundary an opportunity to protest the dissolution. The protest hearing cannot be conducted less than 30 days after the Commission's approval of the dissolution. In the case of a LAFCO initiated proposal, a protest hearing is required (GC §57008). Due to COVID and in-person meeting restrictions, the protest hearing will be held via Zoom/teleconference.

The Commission has delegated authority to conduct the protest hearing to the LAFCO Executive Officer. If the Commission approves the dissolution, LAFCO staff will conduct a noticed protest hearing no less than 30 days after the Commission's approval.

**Environmental Impact of the Proposal** - The LAFCO-initiated proposal to dissolve CSA R-10 and name Contra Costa County as successor agency is a jurisdictional change and has no physical effects on land use or the environment. The project is therefore categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15320 (Class 20 – Changes in Government Organization). The LAFCO Environmental Coordinator reviewed the notice of exemption and finds it adequate for LAFCO purposes.

## CONCLUSION

One of the fundamental goals of LAFCOs is to ensure the efficient and effective provision of municipal services in an accountable manner. The proposed dissolution will terminate a financially distressed district and defer to the successor agency to coordinate with the JSUSD regarding assets and liabilities.

## ALTERNATIVES FOR COMMISSION ACTION

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

- Option 1**
1. Approve the dissolution and required findings as proposed pursuant to the following:
    - a. The affected territory is located entirely within an unincorporated area of Contra Costa County.
    - b. The reason for the proposal is to dissolve a district that is financially distressed and essentially inactive.
  2. Designate Contra Costa County as successor agency to CSA R-10.
  3. As lead agency, find that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15320 (Class 20 – Changes to Government Organization).
  4. Find that the subject territory is inhabited, and the proposal is subject to protest proceedings to be conducted no less than 30 days following the Commission's approval of the proposal.
  5. Adopt the LAFCO Resolution approving dissolution of CSA R-10 and setting forth the Commission's terms, conditions, findings, and determinations.

**Option 2** DENY the proposal to dissolve CSA R-10.

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

## RECOMMENDED ACTIONS:

**Approve Option 1 to dissolve CSA R-10 and name Contra Costa County as successor agency.**

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

Attachments:

- A. Map of CSA R-10
- B. Factors for Consideration (GC §56668)
- C. Draft LAFCO Resolution Dissolving CSA R-10

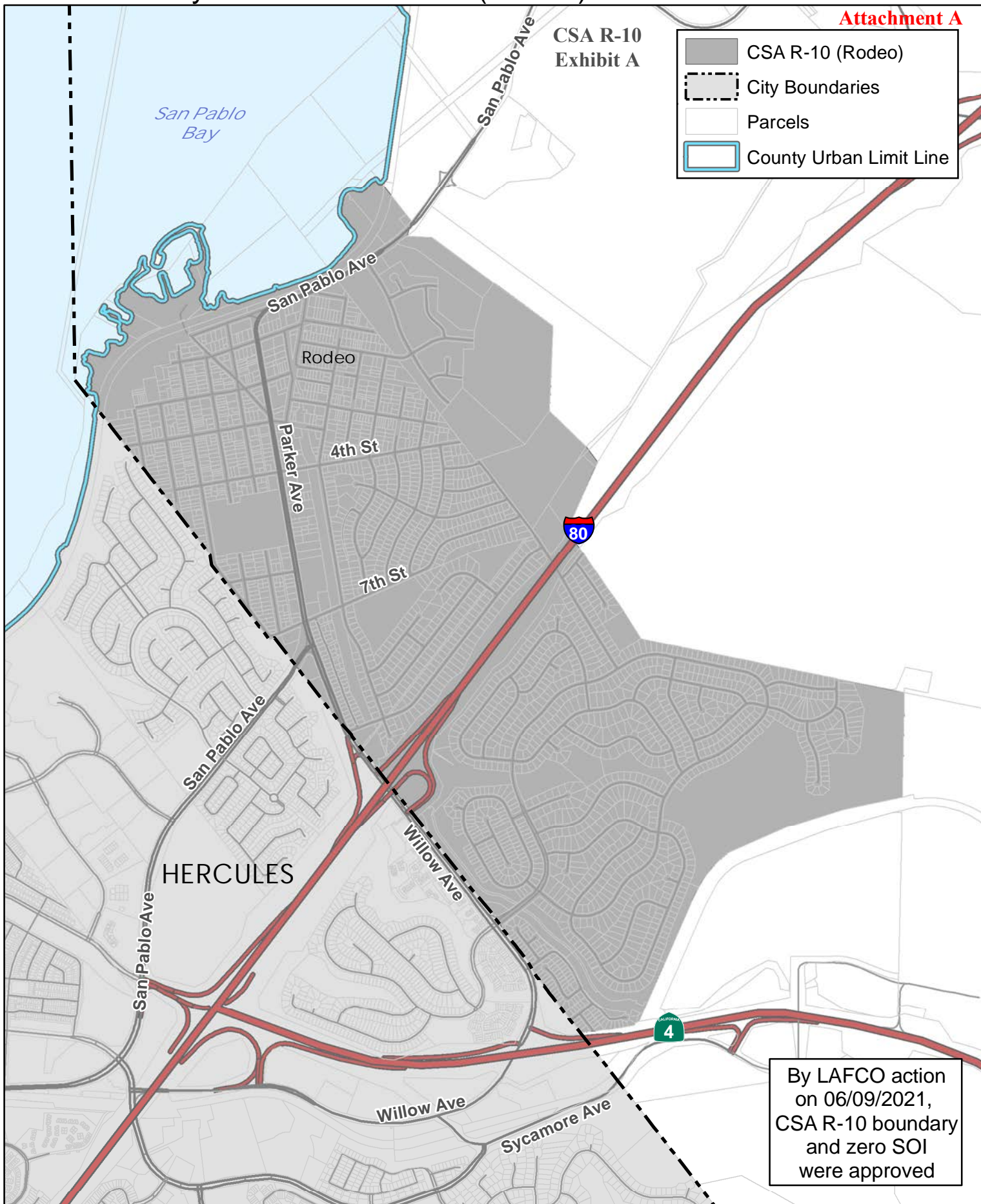
c: Distribution

# County Service Area R-10 (Rodeo) and Coterminus SOI

**Attachment A**

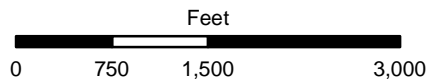
**CSA R-10  
Exhibit A**

	CSA R-10 (Rodeo)
	City Boundaries
	Parcels
	County Urban Limit Line



Map created 05/13/2021  
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.



## Factors for Consideration (California Government Code §56668)

FACTOR	COMMENTS
(a) Population and population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years.	The subject area includes the unincorporated Rodeo community. The area comprises 7.37± square miles. The District boundary encompasses primarily residential and commercial uses. The population is approximately 9,141.
(b) The need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.  "Services," as used in this subdivision, refers to governmental services whether or not the services are services which would be provided by local agencies subject to this division, and includes the public facilities necessary to provide those services.	There is a potential need for operation of the community center, baseball fields and other amenities. It is unlikely that CSA R-10 can continue to support these uses due to financial constraints.
(c) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.	It is not anticipated that dissolution of CSA R-10 would affect adjacent areas or the local government structure of the County.
(d) The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities in Section 56377. <i>(Note: Section 56377 encourages preservation of agricultural and open space lands)</i>	The subject area includes residential and commercial uses. The dissolution would have no effect on development or on policies and priorities in Section 56377.
(e) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016.	The subject area includes residential and commercial uses. The dissolution would have no effect on agricultural lands.
(f) The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.	The parcels that comprise the subject territory have specific boundary lines that are certain and identifiable.
(h) The proposal's consistency with city or county general and specific plans.	The dissolution will have no effect on the County General Plan.
(i) The sphere of influence (SOI) of any local agency which may be applicable to the proposal being reviewed.	The dissolution will have no effect on the SOIs of any local agency other than CSA R-10.

FACTOR	COMMENTS
(j) The comments of any affected local agency or other public agency.	The John Swett Unified School District (JSUSD) Superintendent voiced opposition to dissolution of CSA R-10 and lack of resources to maintain R-10 facilities.
(k) The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.	CSA R-10 has no established or secure source of revenue. As successor agency, the County will work with JSUSD on outstanding funding and maintenance issues.
(n) Any information or comments from the landowner or owners, voters, or residents of the affected territory.	In accordance with LAFCO statutes, Contra Costa LAFCO published a display ad in the local newspaper. As of this LAFCO received no formal objections from landowners or registered voters.
(o) Any information relating to existing land use designations.	The County's General Plan designation for the area is primarily Single Family Residential – High Density (SH) and the zoning designation is Planned Unit. No changes to the present or planned land uses will result from this change of organization.
(p) The extent to which the proposal will promote environmental justice. As used in this subdivision, "environmental justice" means the fair treatment and meaningful involvement of people of all races, cultures, incomes, and national origins, with respect to the location of public facilities and the provision of public services, to ensure a healthy environment for all people such that the effects of pollution are not disproportionately borne by any particular populations or communities.	The dissolution will have no effect on environmental justice or to the fair treatment of people of all races, cultures and incomes.
56668.5. The commission may, but is not required to, 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. This section does not grant any new powers or authority to the commission or any other body to establish regional growth goals and policies independent of the powers granted by other laws.	Dissolution of CSA R-10 will not affect or be affected by Plan Bay Area, in that the Plan focuses on Priority Development Areas (PDAs) and Priority Conservation Areas (PCAs); and the affected territory is neither.

**Note:**

Subsections (g) - regional transportation plan, (l) water supplies, (m) achieving respective fair shares of regional housing needs, and (q) local hazard mitigation plan are not applicable to this proposal.

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
MAKING DETERMINATIONS AND APPROVING DISSOLUTION OF  
COUNTY SERVICE AREA R-10**

WHEREAS, County Service Area (CSA) R-10 is located entirely within unincorporated Contra Costa County in the unincorporated Rodeo community; and

WHEREAS, CSA R-10 comprises 7.37± square miles with a population of approximately 9,141 residents; and

WHEREAS, CSA R-10 was formed in 1987 to provide recreational services to the Rodeo community; and

WHEREAS, in 2021, the Contra Costa Local Agency Formation Commission (LAFCO) completed its 2<sup>nd</sup> round countywide Municipal Services Review covering parks and recreation services and learned that CSA R-10 is struggling with finances and the provision of municipal services; and

WHEREAS, on November 10, 2021, LAFCO adopted a resolution initiating dissolution of CSA R-10 pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Section 56000 et seq. of the Government Code); and

WHEREAS, at the time and in the manner required by law, the Executive Officer has given notice of the Commission's consideration of the proposal to dissolve CSA R-10; and

WHEREAS, notice of today's Commission hearing was advertised, and a 1/8-page display ad was published in the West County Times pursuant to Government Code section 56157 in lieu of mailed notices due to the number of affected landowners and registered voters exceeding 1,000; and

WHEREAS, the Executive Officer has reviewed available information and prepared a report including her recommendations therein, and the report and related information have been presented to and considered by the Commission; and

WHEREAS, the Commission heard, discussed and considered all oral and written testimony related to the proposal including, but not limited to, the Executive Officer's report and recommendation, the environmental document or determination, Spheres of Influence and related information; and

WHEREAS, LAFCO determines that dissolution of CSA R-10 and naming Contra Costa County as successor agency to wind up the affairs of the district is in the best interest of the affected area and the total organization of local governmental agencies within Contra Costa County; and

WHEREAS, Contra Costa County has agreed to be the successor agency.

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

1. The subject proposal is assigned the following distinctive short-form designation:

**DISSOLUTION OF COUNTY SERVICE AREA R-10**

2. CSA R-10 is located entirely within unincorporated Contra Costa County. The boundaries of the affected territory are found to be definite and certain as approved and set forth in Attachment A, attached hereto and made a part hereof.
3. The proposal was initiated by LAFCO, the subject territory is inhabited, and the proposal is subject to protest proceedings.

Contra Costa LAFCO Resolution  
Dissolution of CSA R-10

4. Contra Costa County shall be the successor agency of CSA R-10 to wind up the affairs of CSA R-10.
5. All assets and liabilities associated with CSA R-10 will remain with the property owner – the John Swett Unified School District.
6. In reviewing this proposal, the Commission has considered the factors required by Government Code section 56668.
7. Pursuant to Government Code section 56881(b), Contra Costa LAFCO determines:
  - i. Public service costs of the LAFCO initiated dissolution are likely to be less than or substantially similar to the costs of alternate means of providing the service.
  - ii. The dissolution authorized by the Commission promotes public access and accountability for community service needs and financial resources.
8. The Commission finds that dissolution of CSA R-10 is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15320 (Class 20 – Changes to Government Organization).
9. Pursuant to Government Code section 57008, as a proposal initiated by the commission, LAFCO shall hold a public protest hearing on the dissolution of CSA R-10. In light of the COVID pandemic, the protest hearing will be held remotely.
10. The effective date of the dissolution shall be the date of filing the certificate of completion of the proposal.

\*\*\*\*\*

PASSED AND ADOPTED THIS 13<sup>th</sup> day of April 2022 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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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 13, 2022

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Lou Ann Texeira, Executive Officer

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
EXECUTIVE OFFICER'S REPORT

April 13, 2022 (Agenda)

**April 13, 2022  
Agenda Item 8**

LAFCO 21-07 Annexation to Town of Discovery Bay Community Services District (DBCSD) – Pantages Project

APPLICANT DBCSD

SYNOPSIS This is an application to annex nine parcels and adjacent roadway totaling 205.21± acres to DBCSD. The subject areas include vacant land (subdivision site) located at the eastern terminus of Point of Timber Road (east of Bixler Road), along with the Newport Well site located at the intersection of Newport Drive and Bolinas Place, and Wastewater Plant No. 2 site located at 17501 Highway 4 (Discovery Bay). These areas are adjacent to the DBCSD service boundary as shown on the attached map (Exhibit A). The annexation does not include APN 004-010-006 that was part of the SOI amendment. This parcel will be transferred to ECCID for future maintenance of the ECCID facilities.

The purpose of the proposal is to allow for the extension of municipal services including water, wastewater, levee maintenance, parks and recreation, lighting, and landscaping to the subject areas. Currently, the parcels are vacant. Proposed development includes construction of 277 single-family residential homes (Pantages subdivision) various amenities including two lakes with bio-retention areas, public roads, open space areas, parks, two trail systems, a future clubhouse, and a recreation area in accordance with the project as approved by Contra Costa County.

On March 9, 2022, the Commission approved the expansion of the DBCSD sphere of influence to include the subject area.

DISCUSSION

Government Code (GC) §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 area proposed for annexation is within the SOI of DBCSD as amended by the Commission on March 9, 2022.

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

The subject areas are located within the voter approved Urban Limit Line. The project area is considered infill development as it is surrounded to the south, east and west by residential development. The County’s General Plan and Zoning designations for the subject areas are shown in the table below:

Area	General Plan	Zoning
Pantages (Subdivision)	Single-Family High (SH); Parks & Recreation (PR); Water (WA); Open Space (OS)	Planned Unit District (P-1) and Urban Farm Animal Exclusion Overlay (UE)
Newport Well site	Public/Semi-public (PS)	Agricultural (A-3)
Wastewater Plant No. 2 site	Public/Semi-public (PS)	Agricultural (A-3)



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

The project site was previously zoned "General Agricultural District" (A-2) and Heavy Agricultural District (A-3). The County's 2013 Draft Environmental Impact Report (DEIR) determined that the project site did not contain Prime Farmland, Unique Farmland, Farmland of Statewide Importance, forest land, or land under a Williamson Act contract. LAFCO statutes include specific definitions for prime agricultural, agricultural, and open space lands.

As a Responsible Agency pursuant to the California Environmental Quality Act (CEQA), LAFCO staff provided various comment letters in response to the County's environmental documents, noting the importance to LAFCO of preserving agricultural and open space lands. One of the factors LAFCO must consider in its review of a proposal is impacts to *agricultural lands* (GC section 56016), *prime agricultural land* (GC section 56064), and *open space land* (GC section 56059). The County's DEIR noted the conversion of agricultural land to urban uses was *considerable and unavoidable*. The DEIR also noted that the subject parcels are not under a Williamson Act Land contract, and the project does not meet the definition of *prime agricultural land* as defined in GC section 56064. The County's CEQA documents did not require any specific conditions relating to agricultural/open space.

The developer notes that the project retains 66± acres of open space and adds parks along the northern edge of the future home sites. In addition, a 23-acre lake will be built in the interior of the project's overall footprint, thus providing open space. Also, there will be a trail system through the parks and along Kellogg Creek that will provide the public access to Kellogg Creek.

Surrounding land uses include Kellogg Creek and residential uses to the east, residential subdivisions to the west, an East Contra Costa Irrigation District channel to the north, and Kellogg Creek and residential uses to the south.

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

The Pantages site is mostly flat, except for shallow depressions that host seasonal wetlands, and a relatively deep depression in the north that contains emergent marsh and areas of disturbance. The application indicates that the wetland resources will be avoided, and fill will be brought into the disturbed areas to raise a portion of the site to accommodate the development. The project was modified in 2020 to avoid or minimize impacts to aquatic resources including wetland complexes and Kellogg Creek. As modified, the project will preserve on-site wetland features, will be set back from Kellogg Creek (by approximately 70 feet), and will not increase boat activity in the area. The Newport Well Site is flat with no significant natural features; and the Wastewater Plant No. 2 site is mostly flat with no significant natural features.

The area surrounding the Pantages site is mostly flat; and to the west there are residential subdivisions. The rest of the proposal area is surrounded by water - Kellogg Creek and the ECCID dredge cut (i.e., channel). The area surrounding the Newport Well Site is mostly flat with residential properties to the East. The area surrounding Wastewater Plant No. 2 is mostly flat with residential properties to the north-west across Highway 4.

### **5. Population:**

The average household size in Discovery Bay is 2.95 people, with an average family size of 3.20 people (Data Source: 2019 American Community Survey, 5-year estimates). With 277 single family homes, the population increase is approximately 817 people.

## 6. Fair Share of Regional Housing:

In its review of a proposal, LAFCO must consider the extent to which the proposal will assist the receiving entity in achieving its fair share of the regional housing needs as determined by the regional council of governments. The project description states that of the 277 units, 15% (41 units) will be affordable. Of the 41 units, 80% (33 units) will be affordable to “moderate” income households and 20% (eight) will be affordable to “low” income households. The project will add to the County’s housing stock.

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

If a proposal for a change of organization or reorganization is submitted, the applicant shall also submit a plan for providing services within the affected territory (GC §56653). The plan for services is included with the application. The plan shall include all 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 annexation area is currently served by various local agencies including, but not limited to, Contra Costa County and East Contra Costa Fire Protection District.

DBCSD provides water supply, sewage collection, treatment, and disposal; parks and recreation, lighting, landscaping, maintenance, and levee maintenance services to approximately 15,000 residents.

Regarding **wastewater**, the District’s wastewater collection system consists of 50 miles of sewer mains, 15 lift stations, and two wastewater treatment plants; both plants are operational with one plant as a back-up. Maximum flow of both plants combined is 2.35 million gallons per day (mgd). Current demand is 1.4 mgd. The primary disposal method is secondary treatment, UV disinfection, and discharge into Old River.

The sewer connections are gravity flow to a single pump station. The proposed development will include a new sewer lift station that will collect all wastewater from the subdivision and pump it to the existing sewer system and eventually to the District’s wastewater treatment plant.

Based on the proposed development of 277 single-family residential units, the estimated demand for sewer service is approximately 230 gallons of wastewater per day (gpd) per house totaling 63,710 gpd. DBCSD has infrastructure in the area and serves surrounding properties.

## 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 a boundary change proposal. 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.

Regarding **water service**, DBCSD provides potable water services within its service area. Water infrastructure includes two water treatment plants (WTPs) that feed into one distribution system, four

water storage tanks, booster pumps, and 46 miles of mainland pipe. Storage capacity at the Willow Lake WTP is 1.5 million gallons (MG) and storage capacity at the Newport WTP is 1.0 MG. The primary source of water is through six groundwater supply wells, with mobile generators for backup power as needed. Discovery Bay groundwater is in the newly designated East Contra Costa Sub-basin (formerly called the Tracy Sub-basin).

Based on the proposed development of 277 single-family residential units, the estimated demand for water service is approximately 1,196 gpd per house totaling 400,781 gpd including park area water needs. This water demand was accounted for in DBCSD's 2020 Urban Water Management Plan.

The project will include a water system of networks consisting of water mains, service laterals, and fire hydrants that will be constructed to the District's standards and sized to meet the domestic and fire safety demands of the Pantages development project. DBCSD is currently in the beginning stages of designing a new water well which is expected to be in service by Fall 2023. The new well will enhance water system dependability and will be in service in time to meet full buildout demand of the Pantages project.

DBCSD staff indicates they have the capacity to provide wastewater, water, and other municipal services to the project. Costs associated with wastewater and water infrastructure, including capital improvements, operation, and ongoing maintenance will be funded by the developer, homeowner's association, and DBCSD.

**9. Assessed Value, Tax Rates, and Indebtedness:**

The annexation area is within tax rate areas 60013, 60049, and 60022. The assessed value for the annexation area is \$7,953,693 (2020-21 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:**

In conjunction with the Pantages development project, Contra Costa County, as Lead Agency, prepared and certified an Environmental Impact Report (EIR) and addendums in conjunction with the Pantages Bays Residential Development Project. In addition, DBCSD prepared a Notice of Exemption in conjunction with annexation of areas containing the existing Newport Water Treatment Plant and Wastewater Plant No. 2.

**11. Landowner Consent and Consent by Annexing Agency:**

The DBCSD is the applicant and has consented to the proposed annexation. Further, the sole landowner has consented to the annexation.

**12. Boundaries and Lines of Assessment:**

The annexation area is within DBCSD's SOI as approved by the Commission on March 9, 2022. A map and legal description to implement the proposed annexation were received and are subject to final approval by the County Surveyor.

**13. Environmental Justice:**

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

**14. Disadvantaged Communities:**

In accordance with State legislation, 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 Department of Conservation and Development, the annexation area does not meet the criteria of a DUC.

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

Pursuant to LAFCO law, all registered voters and landowners within the proposal area and within 300 feet of the exterior boundaries of the area(s) were sent written notice of the LAFCO hearing. County Elections confirmed there are zero registered voters in the subject area; therefore, the subject area is considered uninhabited. The affected landowner consents to the annexation.

LAFCO received several letters from surrounding landowners/voters objecting to the annexation. These comments are noted for the record. However, given these property owners/voters do not reside within the annexation area, the protest hearing is hereby waived pursuant to GC §56663.

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

In its review of a proposal, LAFCO shall consider a regional transportation plan adopted pursuant to GC §65080 [GC §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 sub regional basis (GC §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, the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC), in July 2013, adopted Plan Bay Area as the "Regional Transportation Plan and Sustainable Communities Strategy" for the San Francisco Bay Area through 2040. Plan Bay Area 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's key goals are to reduce GHG emissions by specified amounts; and to plan sufficient housing for the region's projected population over the next 25 years.

In October 2021, ABAG and MTC adopted *Plan Bay Area 2050*, which serves as the Bay Area's official long-range plan for housing, economic development, transportation, and environmental resilience for the next four years. While prior iterations of *Plan Bay Area* focused on transportation and housing, the 2050 plan expands the scope introducing strategies for long-term economic development and environmental resilience, while meeting federal and state requirements.

**ALTERNATIVES FOR COMMISSION ACTION**

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

- Option 1** Adopt this report and approve LAFCO Resolution No. 21-07 (Attachment 1), making CEQA findings and approving the proposal, to be known as *Annexation to Town of Discovery Bay Community Services District – Pantages Project*.

**Option 2** Adopt this report and DENY the proposal.

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

**RECOMMENDED ACTION: Approve Option 1**

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

**Exhibit**

Annexation Map – Exhibit A

**Attachment**

1 – Draft LAFCO Resolution 21-07

c: Dina Breitstein, General Manager, Town of Discovery Bay Community Services District (DBCSD)  
Trevor Smith, Pantages Project, Lazares Companies  
Mike Yeraka, DBCSD  
Aaron Trott, General Manager, East Contra Costa Irrigation District

**RESOLUTION NO. 21-07**

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
MAKING DETERMINATIONS AND APPROVING  
ANNEXATION TO TOWN OF DISCOVERY BAY  
COMMUNITY SERVICES DISTRICT – PANTAGES PROJECT**

**WHEREAS**, the above-referenced 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 (§56000 et seq. of the Gov. Code); and

**WHEREAS**, the Executive Officer examined the application and executed her certification in accordance with law, determining and certifying that the filing is sufficient; and

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

**WHEREAS**, the Executive Officer reviewed available information and prepared a report including her recommendations therein, and the report and related information were presented to and considered by the Commission; and

**WHEREAS**, at a public hearing held on April 13, 2022, the Commission heard, discussed, and considered all oral and written testimony related to the proposal including, but not limited to, the Executive Officer's report and recommendations, the environmental documents and determinations, applicable General and Specific Plans, consistency with the sphere of influence, and related factors and information including those contained in Gov. Code §56668; and

**WHEREAS**, information satisfactory to the Commission was presented that no affected landowners/registered voters within the annexation area object to the proposal; and

**WHEREAS**, the applicant delivered to LAFCO an executed indemnification agreement providing for the applicant to indemnify LAFCO against any expenses arising from any legal actions challenging the annexation; and

**WHEREAS**, the Local Agency Formation Commission determines the proposal to be in the best interest of the affected area and the organization of local governmental agencies within Contra Costa County.

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

1. The Commission is a Responsible Agency under the California Environmental Quality Act (CEQA), and in accordance with CEQA, makes the following findings and determinations:
  - a. As to the Pantages subdivision area of the project, the Commission has considered the environmental effects of the project as shown in Contra Costa County's CEQA documents: Environmental Impact Report (2013) and two Addendums (2015 and 2021). The Commission finds that all changes or alterations in the project that avoid or substantially lessen its significant environmental effects are within the responsibility and jurisdiction of the County and not LAFCO, and that these changes have been, and can and should be, adopted by the County as the lead agency.

Contra Costa LAFCO  
Resolution No. 21-07

- b. As to the well site and wastewater site (parcels B and C), the Commission finds that the annexation of parcels B and C is categorically exempt from CEQA pursuant to Class 19 – Annexations of Existing Facilities [CEQA Guidelines section 15319(a)] and CEQA Guidelines section 15601(b)(3).
- 2. Annexation to Town of Discovery Bay Community Services District of 205.21± acres to extend water, wastewater, levee maintenance, parks and recreation, and lighting and landscaping services to the subject area is hereby approved.
- 3. The subject proposal is assigned the distinctive short-form designation:  
**ANNEXATION TO TOWN OF DISCOVERY BAY COMMUNITY SERVICES DISTRICT – PANTAGES PROJECT**
- 4. The boundary of the subject area is found to be definite and certain as approved and set forth in Exhibit A, attached hereto and made a part hereof.
- 5. The subject territory shall be liable for any authorized or existing taxes, charges, and assessments comparable to properties within the annexing agency.
- 6. The subject area is uninhabited pursuant to Gov. Code §56079.5.
- 7. No affected landowners or registered voters within the subject area object to the proposal, and the conducting authority (protest) proceedings are hereby waived.
- 8. All subsequent proceedings in connection with this annexation shall be conducted only in compliance with the approved boundaries set forth in the attachments and any terms and conditions specified in this resolution.

\*\*\*\*\*

PASSED AND ADOPTED THIS 13<sup>th</sup> day of April 2022, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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ROB SCHRODER, 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.*

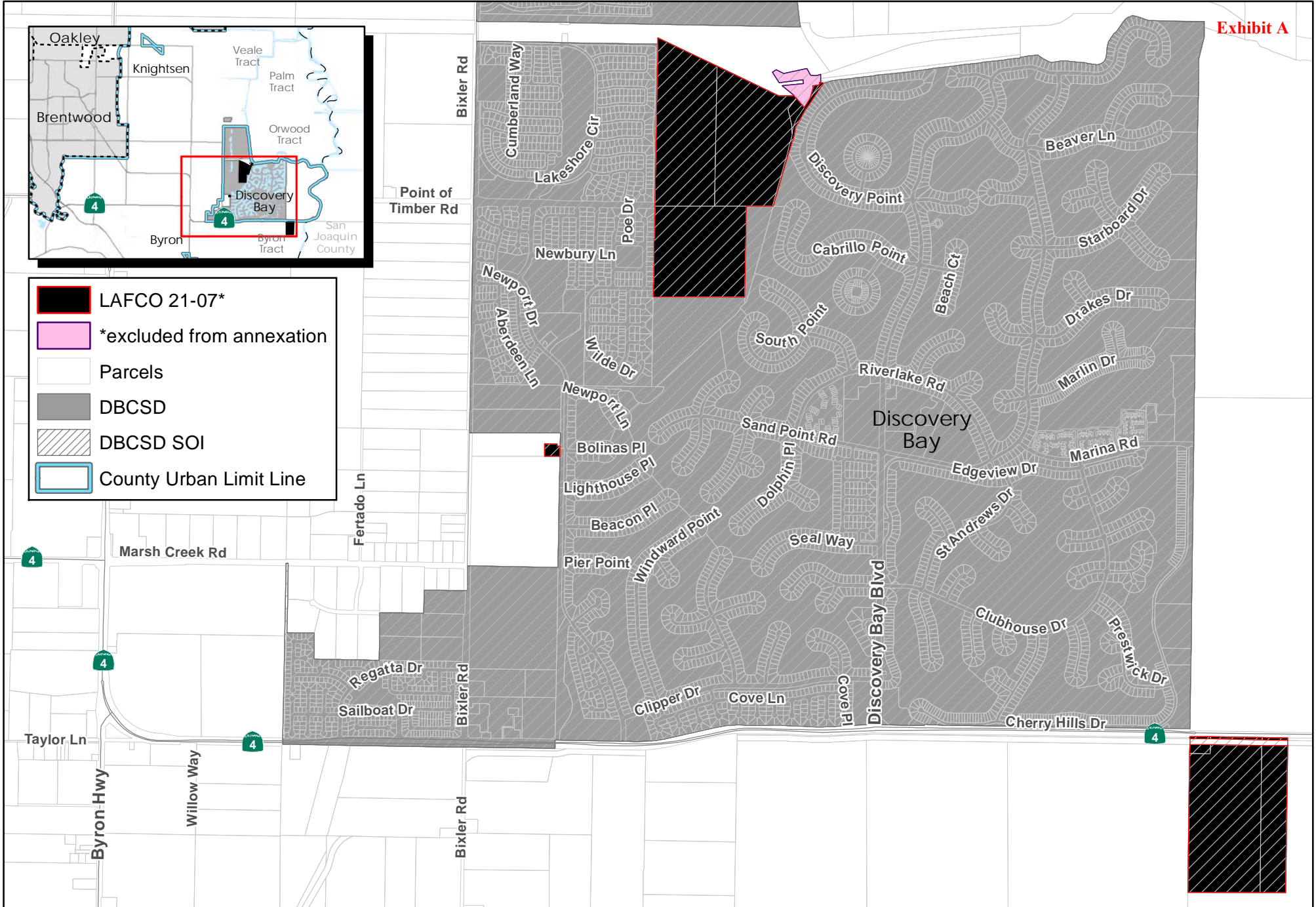
Dated: April 13, 2022

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Lou Ann Texeira, Executive Officer

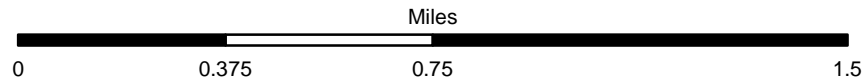
# LAFCO 21-07 Annexation to Discovery Bay Community Services District (DBCSD) (Pantages)

Exhibit A



Map created 04/05/2022  
 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.





CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
EXECUTIVE OFFICER'S REPORT

April 13, 2022 (Agenda)

April 13, 2022  
Agenda Item 9

LAFCO 21-13 Delta Diablo (DD) Sphere of Influence (SOI) Amendment – Evora Road Self Storage

APPLICANT Kelly Gallacher – Landowner

ACREAGE & LOCATION The applicant proposes to expand the DD SOI by 7.75± acres (Assessor Parcel Numbers 098-220-015/-018/-019) located Evora Road in unincorporated Bay Point as shown in Exhibit A.

PURPOSE The purpose of the proposal is to allow DD to extend municipal wastewater services to the project site. As proposed, the project will include a new self-storage facility with seven buildings and related infrastructure.

DISCUSSION The Cortese-Knox-Hertzberg Act (CKH Act) authorizes LAFCO to develop and determine the SOI of each local agency within the County, and to enact policies designed to promote the logical and orderly development of areas within the SOIs.

An SOI is defined as *a plan for the probable physical boundary and service area of a local agency, as determined by LAFCO*. The intent of an SOI is to identify the most appropriate area for an agency's extension of services in the foreseeable future (e.g., 10–20-year horizon). Accordingly, territory included in an agency's SOI is an indication that there is a probable need for municipal services, and that the subject agency is the most logical service provider as determined by LAFCO.

Pursuant to Government Code section 56425, when amending an SOI for a local agency, LAFCO is required to consider and prepare a written statement of determinations with respect to the following:

1. ***The present and planned uses in the area, including agricultural and open space lands*** – The project site is currently vacant. The County General Plan designations in the subject area include Light Industrial (LI) and Open Space (OS). The County's zoning designation is Light Industrial (L-I). The subject area is located within the voter approved Urban Limit Line. The planned land use in the subject area includes construction of a new self-storage facility with seven buildings and related infrastructure.
2. ***The present and probable need for public facilities and services in the area*** – The proposed development requires public services and facilities including municipal water and wastewater. Municipal wastewater services from DD and municipal water services from Contra Costa Water District (CCWD) are needed to support development of the proposed development. A corresponding annexation proposal was also submitted to LAFCO to expand the service boundaries of DD and CCWD. The subject area is already within CCWD's SOI.
3. ***The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide*** – DD provides wastewater conveyance and treatment services for approximately 214,000 customers in the cities of Antioch and Pittsburg, and the unincorporated community of Bay Point. The District encompasses approximately 54 square miles.

DD's key infrastructure include the following:

- 43 miles of gravity sewer lines in the Bay Point wastewater collection system. The cities own, operate and maintain the collection systems in Antioch [130 miles] and Pittsburg [300 miles], which discharge into the District's wastewater conveyance system.

- 18.5 miles of pressurized sewer force mains and 14 miles of gravity sewer interceptors
- 5 pump stations with 4 million gallons of flow equalization storage facilities
- Wastewater Treatment Plant with 16 million gallons of on-site storage basin volume
- Recycled Water Facility
- 16 miles of recycled water distribution pipeline

4. ***The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency*** – The subject area is located on Evora Road in unincorporated Bay Point west of the City of Pittsburg. Bay Point is a disadvantaged community.
5. ***Nature, location, extent, functions & classes of services to be provided*** – DD provides wastewater services to the cities of Antioch and Pittsburg, and the unincorporated community of Bay Point serving approximately 214,000 customers.

**Environmental Impact of the Proposal** – In conjunction with the development project, Contra Costa County, as Lead Agency, prepared a Mitigated Negative Declaration with mitigation measures addressing Aesthetics, Biological Resources, Geology/Soils, Noise, Cultural Resources and Air Quality.

ALTERNATIVES FOR COMMISSION ACTION

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

- Option 1**      Adopt this report and adopt Resolution No.21-13 (Attachment 2) making CEQA findings approving the proposed Delta Diablo SOI expansion of 7.75± acres.
- Option 2**      Adopt this report and DENY the proposal.
- Option 3**      If the Commission needs more information, CONTINUE this matter to a future meeting.

**RECOMMENDATION Option 1 – approve the SOI expansion as proposed.**

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

Exhibit

Exhibit A - Map – Proposed DD SOI Expansion

Attachment

Attachment 1 - Draft LAFCO Resolution – DD SOI Expansion

- c:      Kelly Gallacher, Applicant  
          Izzat Nashashibi, Humann Company  
          Brian Thomas, Delta Diablo  
          Mark Seedall, Contra Costa Water District  
          Syd Sotoodeh, Contra Costa County Department of Conservation and Development

**SPHERE OF INFLUENCE RESOLUTION NO. 21-13**

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
MAKING DETERMINATIONS AND EXPANDING THE SPHERE OF INFLUENCE  
OF DELTA DIABLO (*EVORA ROAD SELF STORAGE FACILITY*)**

WHEREAS, a proposal to expand the sphere of influence (SOI) of Delta Diablo (sanitation district) and corresponding annexation proposal were filed with the Contra Costa Local Agency Formation Commission (LAFCO) pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code §56425); and

WHEREAS, the LAFCO Executive Officer gave notice of the Commission's consideration of the proposed SOI expansion at the time and in the manner required by law; and

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

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

1. The matter before the Commission is the proposed expansion of Delta Diablo's (DD) SOI by 7.75± acres (three parcels), located on Evora Road in unincorporated Bay Point.
2. The Commission is a Responsible Agency under the California Environmental Quality Act (CEQA), and in accordance with CEQA, considered the environmental effects of the project as shown in Contra Costa County's Initial Study/Mitigated Negative Declaration. The Commission finds that all changes or alterations in the project that avoid or substantially lessen its significant environmental effects are within the responsibility and jurisdiction of the County and not LAFCO, and that changes have been, or can and should be, adopted by the County as the lead agency.
3. The SOI of DD is hereby expanded to include the area as shown on the attached map (Exhibit A).
4. In conjunction with the SOI expansion, the Commission has considered the criteria set forth in Government Code §56425 and determines as follows:

***The present and planned uses in the area, including agricultural and open space lands*** – The project site is currently vacant. The County General Plan designations in the subject area include Light Industrial and Open Space. The County's zoning designation is Light Industrial. The subject area is located within the voter approved Urban Limit Line. The planned land use in the subject area includes construction of a new self-storage facility with seven buildings and related infrastructure.

***The present and probable need for public facilities and services in the area*** – The proposed development requires public services and facilities including municipal water and wastewater. Municipal wastewater services from DD and municipal water services from Contra Costa Water District (CCWD) are needed to support development of the proposed development. A corresponding annexation proposal was also submitted to LAFCO to expand the service boundaries of DD and CCWD. The subject area is already within CCWD's SOI.

***The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide*** – DD provides wastewater conveyance and treatment services for approximately 214,000 customers in the cities of Antioch and Pittsburg, and the unincorporated

community of Bay Point. The District encompasses approximately 54 square miles. Key infrastructure includes 43 miles of gravity sewer lines in the Bay Point wastewater collection system; 18.5 miles of pressurized sewer force mains and 14 miles of gravity sewer interceptors; five pump stations with four million gallons of flow equalization storage facilities; a wastewater treatment plant with 16 million gallons of on-site storage basin volume; a recycled water facility; and 16 miles of recycled water distribution pipeline.

***The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency*** – The subject area is located on Evora Road in unincorporated Bay Point west of the City of Pittsburg. Bay Point is a disadvantaged community.

***Nature, location, extent, functions & classes of services to be provided*** – DD provides wastewater services to the cities of Antioch and Pittsburg, and the unincorporated community of Bay Point serving approximately 214,000 customers.

\*\*\*\*\*

PASSED AND ADOPTED THIS 13<sup>th</sup> day of April 2022, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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ROB SCHRODER, CHAIR, CONTRA COSTA LAFCO

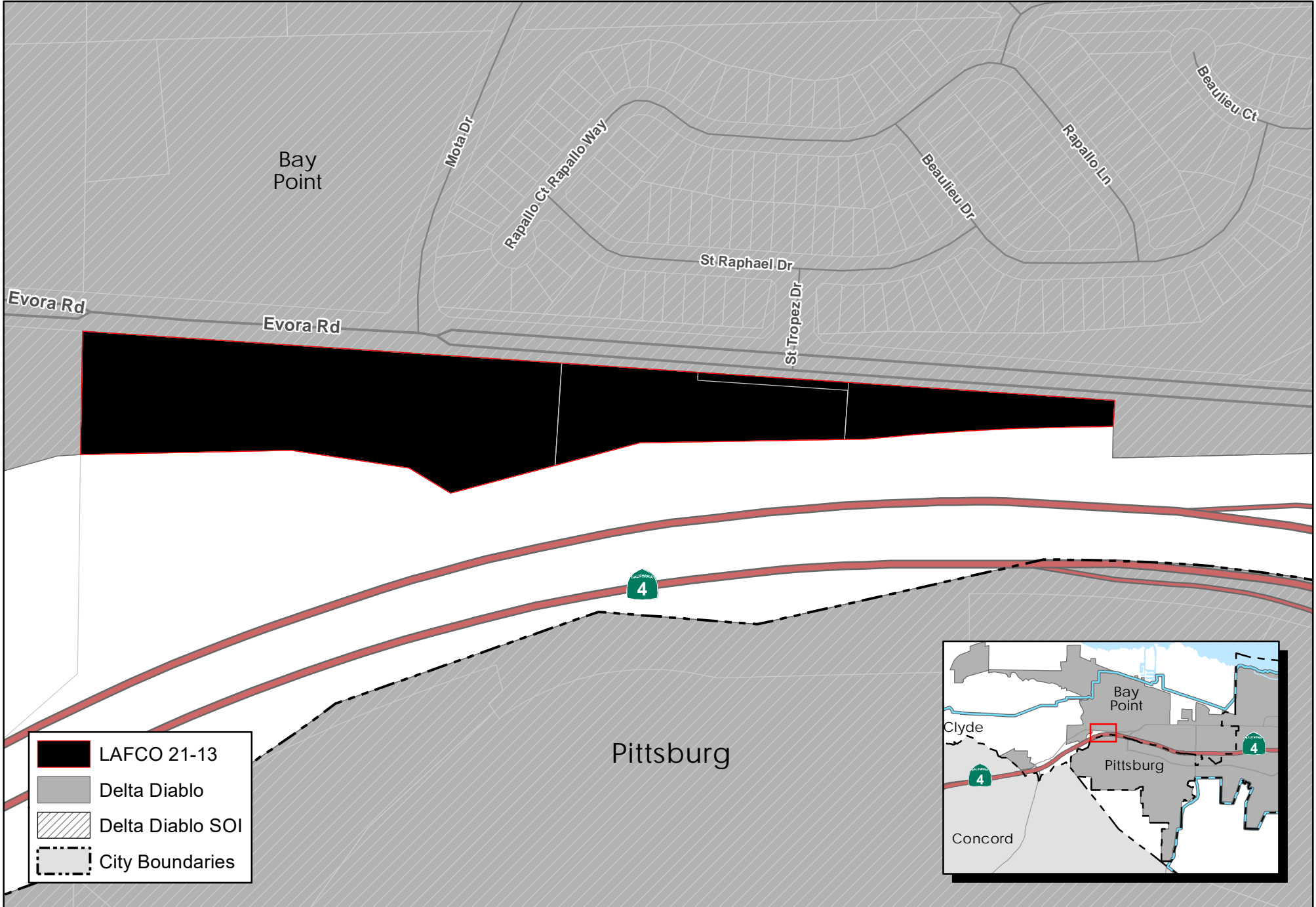
*I hereby certify that this is a correct copy of a resolution passed and adopted by this Commission on the date stated above.*





Dated: April 13, 2022

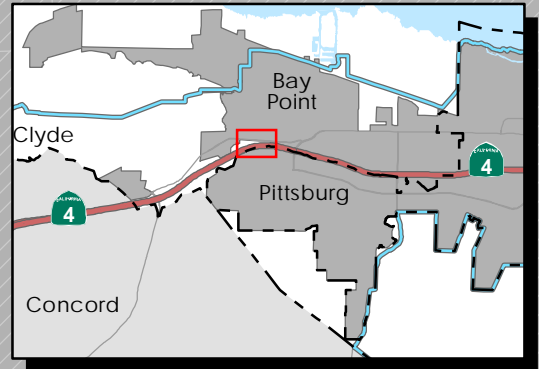
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Lou Ann Texeira, Executive Officer

LAFCO 21-13 Delta Diablo SOI Amendment – Evora Road Self Storage **Exhibit A**



	LAFCO 21-13
	Delta Diablo
	Delta Diablo SOI
	City Boundaries



Map created 03/22/2022  
 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.

0 300 600 1,200 Feet





Lou Ann Teixeira  
 Executive Officer

**MEMBERS**

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

**ALTERNATE MEMBERS**

<b>Diane Burgis</b> <i>County Member</i>
<b>Stanley Caldwell</b> <i>Special District Member</i>
<b>Charles R. Lewis, IV</b> <i>Public Member</i>
<b>Edi Birsan</b> <i>City Member</i>

April 13, 2022

**April 13, 2022**  
**Agenda Item 10**

Contra Costa Local Agency Formation Commission  
 40 Muir Road, 1<sup>st</sup> Floor  
 Martinez, CA 94553

**Proposed FY 2022-23 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 2022-23.

**BUDGET SUMMARY:** The proposed FY 2022-23 budget (attached) includes appropriations totaling \$861,563 and reflects an overall decrease of approximately 1% as compared to the FY 2021-22 budget. The decrease is primarily attributable to eliminating the annual pre-fund/future liability contributions to Contra Costa County Employees’ Retirement Association (CCCERA) and Other Post Employment Benefit (OPEB) accounts as LAFCO is nearly fully funded in both accounts. The proposed FY 2022-23 retains the annual \$80,000 contingency reserve fund per the Commission’s policy. Details regarding expenditures and revenues are presented below.

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

Salaries & Benefits

The FY 2022-23 staffing level includes one full-time Executive Officer (EO) and one half-time Executive Assistant/LAFCO Clerk (Clerk). As proposed, the FY 2022-23 budget retains the current staffing level. LAFCO staff is supplemented with use of consultants and County services.

The proposed FY 2022-23 *Salaries & Benefits* account totals \$401,067, reflecting a 5% increase as compared to the FY 2021-22 budget.

Regarding the FY 2021-22 budget year-end estimates, we note that *Salaries & Benefits* is lower than the budgeted amount. This is due to anticipated savings in salaries and related expenses

including FICA, retirement, employee and retiree group insurance, and workers compensation insurance.

LAFCO is supported by private and public service providers on an as-needed basis. The County provides fiscal, drafting, mapping/GIS 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 2022-23 budget assumes the continuation of these 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 (e.g., assessor, GIS, legal, environmental planning, website, financial audit/GASB report), and programs/projects (e.g., MSRs, special studies).

The proposed FY 2022-23 *Services & Supplies* account totals \$380,496 and reflects a 6% increase over the FY 2021-22 budget. LAFCO staff anticipates increases in several accounts including membership fees, building occupancy costs, training/travel, assessor fees, data/information technology, MSRs/special studies, and errors/omissions and liability insurance.

Regarding the current FY 2021-22 adopted budget compared to year-end estimates, we anticipate savings in several accounts (i.e., *Office Expense, Postage, Communications, Travel/Training, Legal, MSRs, Special Studies, Environmental Planning, Special Studies/Workshops, Data Processing Services, and Commissioner Training*). Based on 3<sup>rd</sup> quarter estimates, it appears expenses will exceed budgeted amounts in the following accounts: *Assessor services, GIS/mapping, and Liability/Errors & Omissions* insurance.

### Contingency Reserve Fund

Each year, the Commission appropriates funds for unanticipated expenses (i.e., special studies, potential litigation, etc.). The Commission's policy provides that "*the annual budget shall include a contingency reserve (i.e., 10% of budget) as determined by the Commission. Funds budgeted in the contingency reserve shall not be used or transferred to any other expense account without prior approval of the Commission.*" No contingency funds have been used this fiscal year. The FY 2022-23 budget, as proposed, includes an \$80,000 contingency reserve fund in accordance with the Commission's policy.

### 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. LAFCO's most recent GASB report showed that LAFCO is over 80% funded. In consultation with LAFCO's financial advisors, it is recommended that LAFCO forgo its annual OPEB pre-funding contribution in FY 2022-23.

### Pre-funding Retirement Liability (CCCERA)

In FY 2017-18, LAFCO began pre-paying a portion of its unfunded retirement liability to have a better contribution rate. Recent CCCERA reports show that LAFCO is nearly fully funded. In consultation with CCCERA staff, it is recommended that LAFCO forgo its annual CCCERA pre-funding contribution in FY 2022-23.

## **REVENUES**

Revenues consist primarily of apportionments received from the County, cities, and independent special districts 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. Other revenues include application fees, available year-end fund balance, and miscellaneous revenue (e.g., interest earnings).

### Application Charges and Other Revenues

The FY 2021-22 budget includes \$25,000 in application fees. It is projected that LAFCO will receive approximately \$42,425 in application fees in the current fiscal year, which exceeds the budgeted amount due to a surge in application activity. The proposed FY 2022-23 budget includes an anticipated \$25,000 in application fees based on a multi-year historical average.

### 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 2021-22 fund balance is currently unknown and will be calculated at year end. Based on the beginning year fund balance, and projected FY 2021-22 revenues and expenses, it is estimated that the available fund balance will be in excess of \$500,000.

The LAFCO fund balance, or any portion thereof, can be used to offset the FY 2022-23 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 2022-23 budget includes \$200,000 in fund balance to offset FY 2022-23 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 CKH Act 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 Act 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 decrease by approximately 1%. The proposed use of the available fund balance will offset agency contributions for FY 2022-23. The amount of revenue from funding agencies required to fund the FY 2022-23 budget is \$636,563, reflecting a 6% decrease.

## **LAFCO RESPONSIBILITIES, ACCOMPLISHMENTS & GOALS**

The FY 2022-23 budget schedule provides for public hearings and consideration of a Proposed Budget (April 13, 2022) and a Final Budget (June 8, 2022). The time between these Commission actions is to allow for review and comment by local agencies, the public, and 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, and accomplishments as follows.

### Major LAFCO Responsibilities

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

- Act on proposals for changes of organization/reorganizations (i.e., annexations/ detachments, out of agency service, incorporations, 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 responsible or lead agency for compliance with 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 2021-22

The following is a list of LAFCO's goals and accomplishments for FY 2021-22 as of April 6, 2022:

#### **Boundary Change and Related Applications**

- a. Received and processed 11 new applications
- b. Completed proceedings for two annexations, two boundary reorganizations, three SOI amendments, and one out of agency service agreement; and conducted corresponding public hearings
- c. Processed transfer of jurisdiction through Alameda LAFCO
- d. Pending dissolutions of CSA R-9 and CSA R-10

#### **MSRs/SOI Updates**

- a. Completed 2<sup>nd</sup> round "*Parks & Recreation Services*" MSR/SOI updates covering all 19 cities, four community services districts, three park & recreation districts, one regional parks district, and eight county service areas
- b. Completed 2<sup>nd</sup> round Cemetery Services MSR/SOI updates
- c. Initiated 2<sup>nd</sup> round MSR covering mosquito & vector control and resource conservation services

#### **Special Projects/Activities**

- a. Adoption of resolutions in conjunction with Assembly Bill 361 to conduct virtual meetings
- b. Participation in ongoing fire service matters

#### ***Administrative and Other Activities***

- a. Appointed 2022 LAFCO Chair (Schroder) and Vice Chair (Glover)
- b. Recognition of Pamela Miller, CALAFCO Executive Director
- c. Updated LAFCO's Legislative Platform

- d. Completed FY 2019-2020- financial audit
- e. Update to LAFCO Directory of Local Agencies (underway)
- f. Ongoing website updates
- g. Quarterly budget reports
- h. Updated LAFCO Employee Salary Plan
- i. Conducted employee performance reviews
- j. Provided comments on local agency environmental documents
- k. Submitted position letters on various bills affecting LAFCOs
- l. Participated in and supported CALAFCO
- m. Los Medanos Community Healthcare District (LMCHD) Dissolution – The dissolution of LMCHD became final after the California Supreme Court denied LMCHD’s petition for review of the Court of Appeal’s decision in favor of LAFCO and the County.

### **FY 2022-23 Work Plan**

The recommended work plan for FY 2022-23 includes the following activities:

- ❖ Complete 2<sup>nd</sup> round MSR covering resource conservation and mosquito & vector control services
- ❖ Initiate 3<sup>rd</sup> round MSR/SOI updates covering wastewater services, and/or other services as determined by the Commission
- ❖ Policy updates (i.e., SOIs, disadvantaged communities, procedures for processing multi-county boundary changes, environmental guidelines)
- ❖ Complete FY 2020-21 financial audit
- ❖ Complete annual actuarial valuation
- ❖ Continue to participate in and support CALAFCO

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 and continue its work on MSRs/SOI updates, processing proposals, legislative activities, policy development, and other projects.

### **RECOMMENDATIONS**

1. Receive the staff report and open the public hearing to accept testimony on the Proposed FY 2022-23 LAFCO Budget,
2. After receiving public comments close the hearing,
3. After Commission discussion, adopt the Proposed Budget for FY 2022-23, 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 8, 2022 to adopt the Final FY 2022-23 LAFCO Budget.

Respectfully submitted,

LOU ANN TEXEIRA  
EXECUTIVE OFFICER

Attachment – Proposed FY 2022-23 LAFCO Budget

c: Distribution

**PROPOSED FY 2022-23 BUDGET**

1-Apr-22

Attachment

	FY 2021-22	FY 2021-22	FY 2022-23	
	<u>Approved</u>	<u>Year-end</u>	<u>Final</u>	
		<u>(Estimated)</u>		
<b>Salaries and Employee Benefits</b>				
Permanent Salaries- 1011	\$ 218,000	\$ 209,313	\$ 224,000	
Deferred Comp Cty Contribution - 1015	\$ 2,040	\$ 2,040	\$ 2,040	
FICA- 1042	\$ 15,000	\$ 13,590	\$ 15,900	
Retirement expense- 1044	\$ 72,000	\$ 68,456	\$ 79,000	
Employee Group Insurance- 1060	\$ 40,000	\$ 37,000	\$ 47,000	
Retiree Health Insurance- 1061	\$ 31,700	\$ 30,150	\$ 31,700	
Unemployment Insurance- 1063	\$ 230	\$ 430	\$ 455	
Workers Comp Insurance- 1070	\$ 1,075	\$ 926	\$ 972	
<b>Total Salaries and Benefits</b>	<b>\$ 380,045</b>	<b>\$ 361,905</b>	<b>\$ 401,067</b>	5%
<b>Services and Supplies</b>				
Office Expense- 2100	\$ 4,000	\$ 1,001	\$ 3,000	
Publications -2102	\$ 250	\$ 234	\$ 250	
Postage -2103	\$ 1,800	\$ 634	\$ 1,800	
Communications - 2110	\$ 2,200	\$ 1,608	\$ 2,200	
Tele Exchange Services 2111	\$ 2,000	\$ 1,215	\$ 2,000	
Minor Furniture/Equipment - 2131	\$ -	-	-	
Minor Comp Equipment - 2132	\$ 1,800	-	\$ 1,800	
Pubs & Legal Notices 2190	\$ 2,200	\$ 2,165	\$ 2,200	
Memberships - 2200	\$ 12,501	\$ 12,516	\$ 13,043	
Rents & Leases - 2250 (copier)	\$ 5,600	\$ 5,250	\$ 5,600	
Computer Software - 2251	\$ 1,000	\$ 1,176	\$ 1,200	
Bldg Occupancy Costs - 2262	\$ 20,512	\$ 21,042	\$ 22,000	
Bldg Life Cycle Costs - 2265	\$ 1,200	\$ 1,113	\$ 1,200	
Bldg Maintennace - 2284	\$ 1,000	\$ 500	\$ 1,000	
Auto Mileage Emp. - 2301	\$ 500	-	\$ 500	
Other Travel Employees - 2303	\$ 13,000	\$ 7,746	\$ 17,000	
Prof & Spec Services - 2310	\$ 233,440	\$ 119,409	\$ 248,640	
Assessor	\$ 8,000	\$ 12,350	\$ 13,000	
Financial Audit	\$ 8,700	\$ 7,563	\$ 8,900	
GIS/Mapping	\$ 12,000	\$ 14,293	\$ 12,000	
Legal	\$ 50,000	\$ 26,421	\$ 40,000	
MSRs	\$ 130,000	\$ 51,184	\$ 150,000	
Planning	\$ 10,000	\$ 5,898	\$ 10,000	
Special Projects (document imaging)	\$ 2,000	-	\$ 2,000	
Misc Investment Services/CCCERA Fees	\$ 240	\$ 100	\$ 240	
Special Studies/Workshop/Actuarial Valuation	\$ 12,500	\$ 1,600	\$ 12,500	
Contracted Temp Help - 2314 (Web)	\$ 3,060	\$ 3,060	\$ 3,060	
Data Processing Services - 2315	\$ 13,000	\$ 6,271	\$ 13,000	
Data Processing Security - 2326	\$ 250	\$ 250	\$ 600	
Courier - 2331	\$ 1,000	\$ 87	\$ 1,000	
Telcomm Rents, Leases, Labor - 2335	\$ 120	\$ 110	\$ 120	
Other Inter-Dept Costs - 2340	\$ 650	\$ 599	\$ 650	
Liability/E&O Insurance - 2360	\$ 6,203	\$ 6,439	\$ 6,833	
Commission Training/Registration/Stipends - 2467	\$ 31,000	\$ 15,816	\$ 31,000	
NOD/NOE Filings - 2490	\$ 800	\$ 450	\$ 800	
<b>Total Services &amp; Supplies</b>	<b>\$ 359,086</b>	<b>\$ 208,691</b>	<b>\$ 380,496</b>	6%
<b>Total Expenditures</b>	<b>\$ 739,131</b>	<b>\$ 570,596</b>	<b>\$ 781,563</b>	5%
<b>Contingency Reserve</b>	\$ 80,000		\$ 80,000	
<b>OPEB Trust</b>	\$ 25,000	\$ 25,000		
<b>CCCERA Pre-Fund</b>	\$ 30,000	\$ 22,000		
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 874,131</b>	<b>\$ 617,596</b>	<b>\$ 861,563</b>	-1%
<b>TOTAL REVENUES</b>	<b>\$ 874,131</b>	<b>\$ 716,556</b>	<b>\$ 861,563</b>	
Agency contributions - 9500 & 9800	\$ 674,131	\$ 674,131	\$ 636,563	-6%
Application & other revenues	\$ 25,000	\$ 42,425	\$ 25,000	
Fund Balance	\$ 175,000		\$ 200,000	13%



Lou Ann Texeira  
Executive Officer

**MEMBERS**

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

**ALTERNATE MEMBERS**

**Diane Burgis**  
*County Member*  
**Stanley Caldwell**  
*Special District Member*  
**Charles R. Lewis, IV**  
*Public Member*  
**Edi Birsan**  
*City Member*

**April 13, 2022**  
**Agenda Item 11**

April 13, 2022

Contra Costa Local Agency Formation Commission  
40 Muir Road, 1<sup>st</sup> Floor  
Martinez, CA 94553

**Legislative Report - Update and Position Letter**

Dear Members of the Commission:

The Legislature reconvened on January 3, 2022 for the second year of the two-year legislative cycle. CALAFCO is sponsoring two bills - the annual omnibus bill (AB 2957) which proposes minor corrections and edits to the LAFCO law, and SB 938 (Hertzberg) relating to protest provisions. In addition, CALAFCO is currently tracking 23 bills including three “Priority Bills 1”- SB 1490, SB 1491 and SB 1492 (Validating Acts), along with seven “Priority 2” bills as shown on the CALAFCO legislative report (Attachment 1).

Following the March 9, 2022 LAFCO meeting, CALAFCO issued a call for legislative action requesting that each LAFCO send a letter of support for the AB 2957 (omnibus bill).

Contra Costa LAFCO’s legislative policy provides 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 accordance with our local policies, LAFCO staff worked with the LAFCO Chair and submitted a letter of support for the annual CALAFCO omnibus bill (Attachment 2).

**RECOMMENDATION** – Informational item – no action needed

Sincerely,

LOU ANN TEXEIRA  
EXECUTIVE OFFICER

Attachment 1 – CALAFCO Legislative Report  
Attachment 2 – Letter of Support – AB 2957

## CALAFCO Daily Legislative Report as of Wednesday, April 06, 2022

1

### **AB 2957 (Committee on Local Government) Local government: reorganization.**

**Current Text:** Introduced: 3/2/2022 [html](#) [pdf](#)

**Introduced:** 3/2/2022

**Status:** 3/17/2022-Referred to Com. on L. GOV.

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

**Summary:**

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 provides the authority and procedure for the initiation, conduct, and completion of changes of organization, reorganization, and sphere of influence changes for cities and districts, as specified. Current law requires that an applicant seeking a change of organization or reorganization to submit a plan for providing services within the affected territory. Current law requires a petitioner or legislative body desiring to initiate proceedings to submit an application to the executive officer of the local agency formation commission, and requires the local agency formation commission, with regard to an application that includes an incorporation, to immediately notify all affected local agencies and any applicable state agency, as specified. This bill would define the term "successor agency," for these purposes to mean the local agency a commission designates to wind up the affairs of a dissolved district.

**Attachments:**

[LAFCo Support letter template](#)

[CALAFCO Support letter](#)

**Position:** Sponsor

**Subject:** CKH General Procedures

**CALAFCO Comments:** This is the annual Omnibus bill sponsored by CALAFCO. As introduced it makes 3 minor, technical non-substantive changes in CKH: (1) Replaces "to be completed and in existence" with "take effect" under GCS 56102; (2) Adds GCS 56078.5: "Successor Agency" means the local agency the Commission designates to wind up the affairs of a dissolved district; and (3) Replaces "proposals" with "applications" within GCS 56653(a), 56654(a), (b), and (c), and 56658(b)(1) and (b)(2).

CALAFCO support letter and LAFCo support letter template are in the attachments section.

### **SB 938 (Hertzberg D) The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000: protest proceedings: procedural consolidation.**

**Current Text:** Amended: 4/4/2022 [html](#) [pdf](#)

**Introduced:** 2/8/2022

**Last Amended:** 4/4/2022

**Status:** 4/4/2022-Read second time and amended. Ordered to third reading.

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

**Calendar:**

4/7/2022 #35 SENATE SENATE BILLS -THIRD READING FILE

**Summary:**

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 provides the exclusive authority and procedure for the initiation, conduct, and completion of changes of organization and reorganization for cities and districts, except as specified. Under current law, in each county there is a local agency formation commission (commission) that oversees these changes of organization and reorganization. Current law authorizes a commission to dissolve an inactive district if specified conditions are satisfied. This bill would also authorize a commission to initiate a proposal for the dissolution of a district, as described, if the commission approves, adopts, or accepts a specified study that includes a finding, based on a preponderance of the evidence, that, among other things, the district has one or more documented chronic service provision deficiencies, the district spent

public funds in an unlawful or reckless manner, or the district has shown willful neglect by failing to consistently adhere to the California Public Records Act.

**Attachments:**

[SB 938 LAFCo support letter template](#)

[SB 938 CALAFCO Support letter](#)

[SB 938 CALAFCO Fact Sheet](#)

[SB 938 Author Fact Sheet](#)

**Position:** Sponsor

**Subject:** CKH General Procedures, Other

**CALAFCO Comments:** CALAFCO is the sponsor of this bill. SB 839 represents a collaborative three-year effort (by an 18-member working group) to clean up, consolidate, and clarify existing statutory provisions associated with consolidations and dissolutions, as well as codify the conditions under which a LAFCo may initiate dissolution of a district at the 25 percent protest threshold. In response to a recommendation made in the 2017 Little Hoover Commission report (Special Districts: Improving Oversight and Transparency), CALAFCO initiated a working group of stakeholders in early 2019 to discuss the protest process for dissolutions of special districts.

The bill's current format (dated 2/8/22) represents the restructuring of existing protest provisions scattered throughout CKH. There have been some minor technical language added for clarifications. These changes are all minor in nature (by legislative standards).

The bill will be amended to reflect the newly designed process that codifies the ability for LAFCo to initiate a district dissolution at 25% protest threshold. The conditions under which this can occur include one or more of the following, any/all of which must be documented via determinations in a Municipal Service Review (MSR):

1. The agency has one or more documented chronic service provision deficiencies that substantially deviate from industry or trade association standards or other government regulations and its board or management is not actively engaged in efforts to remediate the documented service deficiencies;
2. The agency spent public funds in an unlawful or reckless manner inconsistent with the principal act or other statute governing the agency and has not taken any action to prevent similar future spending;
3. The agency has consistently shown willful neglect by failing to consistently adhere to the California Public Records Act and other public disclosure laws the agency is subject to;
4. The agency has failed to meet the minimum number of times required in its governing act in the prior calendar year and has taken no action to remediate the failures to meet to ensure future meetings are conducted on a timely basis;
5. The agency has consistently failed to perform timely audits in the prior three years, or failed to meet minimum financial requirements under Government Code section 26909 over the prior five years as an alternative to performing an audit, or the agency's recent annual audits show chronic issues with the agency's fiscal controls and the agency has taken no action to remediate the issues.

The proposed process is:

1. LAFCo to present the MSR in a 21-day noticed public hearing. At that time the LAFCo may choose to adopt a resolution of intent to dissolve the district. The resolution shall contain a minimum 12-month remediation period.
2. The district will have a minimum of 12 months to remediate the deficiencies.
3. Half-way through the remediation period, the district shall provide LAFCo a written report on the progress of their remediation efforts. The report is to be placed on a LAFCo meeting agenda and presented at that LAFCo meeting.
4. At the conclusion of the remediation period, LAFCo conducts another 21-day noticed public hearing to determine if district has remedied deficiencies. If the district has resolved issues, commission rescinds the resolution of intent to dissolve the district and the matter is dropped. If not, commission adopts a resolution making determinations to dissolve the district.
5. Standard 30-day reconsideration period.
6. Protest proceedings at 25% threshold can be noticed with a required 60-day protest period.
7. Protest hearing is held and amount of qualified protests determined based on 25% threshold. LAFCo either orders dissolution, election, or termination.

As this bill - when amended - adds requirements for LAFCos and districts, it will likely be keyed

fiscal (for now it is not). An author fact sheet and CALAFCO fact sheet are posted in our attachments section as well as the CALAFCO Support letter and LAFCo support letter template.

**SB 1490 (Committee on Governance and Finance) Validations.**

**Current Text:** Introduced: 2/28/2022 [html](#) [pdf](#)

**Introduced:** 2/28/2022

**Status:** 3/24/2022-Read third time. Urgency clause adopted. Passed. (Ayes 39. 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:**

Would enact the First Validating Act of 2022, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

**Attachments:**

[SB 1490-1491-1492, CALAFCO Letter of Support - March 2022](#)

**Position:** Support

**Subject:** LAFCo Administration

**CALAFCO Comments:** This is the first of three annual validating acts. The CALAFCO Support letter is posted in our attachments.

**SB 1491 (Committee on Governance and Finance) Validations.**

**Current Text:** Introduced: 2/28/2022 [html](#) [pdf](#)

**Introduced:** 2/28/2022

**Status:** 3/24/2022-Read third time. Urgency clause adopted. Passed. (Ayes 39. 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:**

Would enact the Second Validating Act of 2022, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

**Attachments:**

[SB 1490-1491-1492, CALAFCO Letter of Support - March 2022](#)

**Position:** Support

**Subject:** LAFCo Administration

**CALAFCO Comments:** This is the second of three annual validating acts. The CALAFCO Support letter is posted in our attachments.

**SB 1492 (Committee on Governance and Finance) Validations.**

**Current Text:** Introduced: 2/28/2022 [html](#) [pdf](#)

**Introduced:** 2/28/2022

**Status:** 3/24/2022-Read third time. Passed. (Ayes 39. 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:**

Would enact the Third Validating Act of 2022, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

**Attachments:**

[SB 1490-1491-1492, CALAFCO Letter of Support - March 2022](#)

**Position:** Support

**Subject:** LAFCo Administration

**CALAFCO Comments:** This is the third of three annual validating acts. The CALAFCO Support letter is posted in our attachments.

**[AB 1640](#) (Ward D) Office of Planning and Research: regional climate networks: regional climate adaptation and resilience action plans.**

**Current Text:** Amended: 3/23/2022 [html](#) [pdf](#)

**Introduced:** 1/12/2022

**Last Amended:** 3/23/2022

**Status:** 3/24/2022-Re-referred to Com. on APPR.

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

**Summary:**

Current law requires, by July 1, 2017, and every 3 years thereafter, the Natural Resources Agency to update, as prescribed, the state's climate adaptation strategy, known as the Safeguarding California Plan. Current law establishes the Office of Planning and Research in state government in the Governor's office. Current law establishes the Integrated Climate Adaptation and Resiliency Program to be administered by the office to coordinate regional and local efforts with state climate adaptation strategies to adapt to the impacts of climate change, as prescribed. This bill would authorize eligible entities, as defined, to establish and participate in a regional climate network, as defined. The bill would require the office, through the program, to encourage the inclusion of eligible entities with land use planning and hazard mitigation planning authority into regional climate networks.

**Attachments:**

[AB 1640, CALAFCO Letter of Support - March 2022](#)

[AB 1640 Author Fact](#)

**Position:** Support

**Subject:** Climate Change

**CALAFCO Comments:** This bill is a follow up and very similar to AB 897 (2021). The bill would authorize eligible entities, as defined (including LAFCo), to establish and participate in a regional climate network, as defined. The bill would authorize a regional climate network to engage in activities to address climate change, as specified. Further, it requires a regional climate network to develop a regional climate adaptation and resilience action plan and to submit the plan to OPR for review, comments, and certification. The bill would require OPR to: (1) encourage the inclusion of eligible entities with land use planning and hazard mitigation planning authority into regional climate networks; (2) develop and publish guidelines on how eligible entities may establish regional climate networks and how governing boards may be established within regional climate networks by 7-1-23; and (3) provide technical assistance to regions seeking to establish a regional climate network, facilitate coordination between regions, and encourage regions to incorporate as many eligible entities into one network as feasible.

The difference between this bill and AB 897 is this bill removes requirements for OPR to develop guidelines and establish standards and required content for a regional climate adaptation and resilience action plan (to be produced by the network), and removes some specified technical support requirements by OPR. Those requirements were covered in SB 170, a budget trailer bill from 2021.

The bill is author-sponsored and keyed fiscal. An author fact sheet is included in our attachments area, as well as the CALAFCO Support letter.

Amended 3/23/2022 to provide that regional climate networks MAY be developed rather than the former requirement. Minor clean ups of other superfluous language.

**[AB 1773](#) (Patterson R) Williamson Act: subvention payments: appropriation.**

**Current Text:** Introduced: 2/3/2022 [html](#) [pdf](#)

**Introduced:** 2/3/2022

**Status:** 2/10/2022-Referred to Coms. on AGRI. and L. GOV.

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

**Calendar:**

4/6/2022 1:30 p.m. - State Capitol, Room 126 ASSEMBLY AGRICULTURE, RIVAS, ROBERT, Chair

**Summary:**

The Williamson Act, also known as the California Land Conservation Act of 1965, authorizes a city



or county to enter into contracts with owners of land devoted to agricultural use, whereby the owners agree to continue using the property for that purpose, and the city or county agrees to value the land accordingly for purposes of property taxation. Existing law sets forth procedures for reimbursing cities and counties for property tax revenues not received as a result of these contracts and continuously appropriates General Fund moneys for that purpose. This bill, for the 2022–23 fiscal year, would appropriate an additional \$40,000,000 from the General Fund to the Controller to make subvention payments to counties, as provided, in proportion to the losses incurred by those counties by reason of the reduction of assessed property taxes. The bill would make various findings in this regard.

**Attachments:**

- [AB 1773 CALAFCO Letter of Support - March 2022](#)
- [AB 1773 Author Fact Sheet](#)

**Position:** Support

**Subject:** Ag Preservation - Williamson

**CALAFCO Comments:** AB 1773 resurrects funding the Williamson Act for the 2022-2023 budget year. The Williamson Act was created to preserve open space and conserve agricultural land. For many years, the state funded the Act at around \$35-\$40 million per year. This funding ceased during the recession, and has not been reinstated since. AB 1773 would allocate \$40 million from the General Fund to the Williamson Act for the purpose of subvention payments.

The bill is author-sponsored, has a general-fund appropriation, and is keyed fiscal. An author fact sheet is posted in our attachments section, along with the CALAFCO Support letter.

**[AB 1944](#) (Lee D) Local government: open and public meetings.**

**Current Text:** Introduced: 2/10/2022 [html](#) [pdf](#)

**Introduced:** 2/10/2022

**Status:** 2/18/2022-Referred to Com. on L. GOV.

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

**Summary:**

Current law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. Current law, until January 1, 2024, authorizes a local agency to use teleconferencing without complying with those specified teleconferencing requirements in specified circumstances when a declared state of emergency is in effect, or in other situations related to public health. This bill would specify that if a member of a legislative body elects to teleconference from a location that is not public, the address does not need to be identified in the notice and agenda or be accessible to the public when the legislative body has elected to allow members to participate via teleconferencing.

**Attachments:**

- [AB 1944 Author Fact Sheet](#)

**Position:** Watch

**Subject:** Brown Act

**CALAFCO Comments:** This bill would delete the requirement that an individual participating in a Brown Act meeting remotely from a non-public location must disclose the address of the location. If the governing body chooses to allow for remote participation, it must also provide video streaming and offer public comment via video or phone.

The bill is author sponsored and keyed fiscal. The author's fact sheet is posted in our attachments area.

**[AB 2081](#) (Garcia, Eduardo D) Municipal water districts: water service: Indian lands.**

**Current Text:** Introduced: 2/14/2022 [html](#) [pdf](#)

**Introduced:** 2/14/2022

**Status:** 3/23/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 8. Noes 0.) (March 23). Re-referred to Com. on APPR.

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

**Summary:**

The Municipal Water District Law of 1911 provides for the formation of municipal water districts and grants to those districts specified powers. Current law permits a district to acquire, control, distribute, store, spread, sink, treat, purify, recycle, recapture, and salvage any water for the beneficial use of the district, its inhabitants, or the owners of rights to water in the district. Current law, upon the request of certain Indian tribes and the satisfaction of certain conditions, requires a district to provide service of water at substantially the same terms applicable to the customers of the district to the Indian tribe’s lands that are not within a district, as prescribed. Current law also authorizes a district, until January 1, 2023, under specified circumstances, to apply to the applicable local agency formation commission to provide this service of water to Indian lands, as defined, that are not within the district and requires the local agency formation commission to approve such an application. This bill would extend the above provisions regarding the application to the applicable local agency formation commission to January 1, 2025.

**Attachments:**

- [AB 2081 CALAFCO Oppose 03-16-2022](#)
- [AB 2081 Author Fact Sheet](#)

**Position:** Oppose

**Subject:** Water

**CALAFCO Comments:** This bill extends the sunset date created in AB 1361 (2017). Current law, upon the request of certain Indian tribes and the satisfaction of certain conditions, requires a district to provide service of water at substantially the same terms applicable to the customers of the district to the Indian tribe’s lands that are not within a district, as prescribed. Current law also authorizes a district, under specified circumstances, to apply to the applicable LAFCo to provide this service of water to Indian lands, as defined, that are not within the district and requires the LAFCo to approve such an application. This bill extends the sunset date from January 1, 2023 to January 1, 2025.

CALAFCO opposed AB 1361 in 2017 as the process requires LAFCo to approve the extension of service, requires the district to extend the service, and does not require annexation upon extension of service. CALAFCO reached out to the author's office requesting information as to the reason for the extension and we have not been given a reason.

The bill is keyed fiscal. An author fact sheet is included in the attachments area, as well as the CALAFCO letter in opposition.

**[AB 2449](#) (Rubio, Blanca D) Open meetings: local agencies: teleconferences.**

**Current Text:** Introduced: 2/17/2022 [html](#) [pdf](#)

**Introduced:** 2/17/2022

**Status:** 3/3/2022- Referred to Com. on L. GOV.

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

**Summary:**

Current law, until January 1, 2024, authorizes a local agency to use teleconferencing without complying with specified teleconferencing requirements in specified circumstances when a declared state of emergency is in effect, or in other situations related to public health. This bill would authorize a local agency to use teleconferencing without complying with those specified teleconferencing requirements if at least a quorum of the members of the legislative body participates in person from a singular location clearly identified on the agenda that is open to the public and situated within the local agency’s jurisdiction. The bill would impose prescribed requirements for this exception relating to notice, agendas, the means and manner of access, and procedures for disruptions. The bill would require the legislative body to implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with federal law.

**Position:** Watch

**Subject:** Brown Act

**CALAFCO Comments:** This bill authorizes the use of teleconferencing without noticing and making available to the public teleconferencing locations if a quorum of the members of the legislative body participate in person from a singular location that is noticed and open to the public and require the legislative body to offer public comment via video or phone.

CALAFCO reached out to the author's office for information and we've not yet heard back. The bill is not keyed fiscal.

**AB 2647 (Levine D) Local government: open meetings.**

**Current Text:** Introduced: 2/18/2022 [html](#) [pdf](#)

**Introduced:** 2/18/2022

**Status:** 3/10/2022-Referred to Coms. on L. GOV. and JUD.

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

**Summary:**

The Ralph M. Brown Act requires the meetings of the legislative body of a local agency to be conducted openly and publicly, with specified exceptions. Current law makes agendas of public meetings and other writings distributed to the members of the governing board disclosable public records, with certain exceptions. Current law requires a local agency to make those writings distributed to the members of the governing board available for public inspection at a public office or location that the agency designates. This bill would instead require a local agency to make those writings distributed to the members of the governing board available for public inspection at a public office or location that the agency designates or post the writings on the local agency's internet website in a position and manner that makes it clear that the writing relates to an agenda item for an upcoming meeting.

**Position:** Watch

**Subject:** Brown Act

**CALAFCO Comments:** This bill seeks to amend the law to make clear that writings that have been distributed to a majority of a local legislative body less than 72 hours before a meeting can be posted online in order to satisfy the law.

The bill is sponsored by the League of Cities and is not keyed fiscal.

**SB 852 (Dodd D) Climate resilience districts: formation: funding mechanisms.**

**Current Text:** Amended: 3/9/2022 [html](#) [pdf](#)

**Introduced:** 1/18/2022

**Last Amended:** 3/9/2022

**Status:** 3/30/2022-Set for hearing April 7.

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

**Calendar:**

4/7/2022 Upon adjournment of Session - 1021 O Street, Room 2200 SENATE GOVERNANCE AND FINANCE, CABALLERO, Chair

**Summary:**

Current law authorizes certain local agencies to form a community revitalization authority (authority) within a community revitalization and investment area, as defined, to carry out provisions of the Community Redevelopment Law in that area for purposes related to, among other things, infrastructure, affordable housing, and economic revitalization. Current law provides for the financing of these activities by, among other things, the issuance of bonds serviced by property tax increment revenues, and requires the authority to adopt a community revitalization and investment plan for the community revitalization and investment area that includes elements describing and governing revitalization activities. This bill would authorize a city, county, city and county, special district, or a combination of any of those entities to form a climate resilience district for the purposes of raising and allocating funding for eligible projects and the operating expenses of eligible projects. The bill would define "eligible project" to mean projects that address sea level rise, extreme heat, extreme cold, the risk of wildfire, drought, and the risk of flooding, as specified.

**Attachments:**

[SB 852 Author Fact Sheet](#)

**Position:** Watch

**Subject:** Special District Principle Acts

**CALAFCO Comments:** This bill creates the Climate Resilience Districts Act. The bill completely bypasses LAFCo in the formation and oversight of these new districts because the districts are primarily being created as a funding mechanism for local climate resilience projects (as a TIF or tax increment finance district - for which LAFCos also have no involvement).

The bill authorizes a city, county, city and county, special district, or a combination of any of those entities to form a climate resilience district for the purposes of raising and allocating funding for eligible projects and the operating expenses of eligible projects. The bill defines “eligible project” to mean projects that address sea level rise, extreme heat, extreme cold, the risk of wildfire, drought, and the risk of flooding, as specified. The bill authorizes a district created pursuant to these provisions to have boundaries that are identical to the boundaries of the participating entities or within the boundaries of the participating entities. The bill also authorizes specified local entities to adopt a resolution to provide property tax increment revenues to the district. The bill would also authorize specified local entities to adopt a resolution allocating other tax revenues to the district, subject to certain requirements. The bill would provide for the financing of the activities of the district by, among other things, levying a benefit assessment, special tax, property-related fee, or other service charge or fee consistent with the requirements of the California Constitution. It requires 95% of monies collected to fund eligible projects, and 5% for district administration. The bill would require each district to prepare an annual expenditure plan and an operating budget and capital improvement budget, which must be adopted by the governing body of the district and subject to review and revision at least annually.

Section 62304 details the formation process, Section 62305 addresses the district's governance structure, and 62307 outlines the powers of the district.

This bill is sponsored by the Local Government Commission and is keyed fiscal. A fact sheet is included in our attachments section.

**SB 1100 (Cortese D) Open meetings: orderly conduct.**

**Current Text:** Amended: 3/21/2022 [html](#) [pdf](#)

**Introduced:** 2/16/2022

**Last Amended:** 3/21/2022

**Status:** 3/31/2022-Set for hearing April 19.

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

**Calendar:**

4/19/2022 1:30 p.m. - 1021 O Street, Room 1200 SENATE JUDICIARY, UMBERG, Chair

**Summary:**

Current law authorizes the members of the legislative body conducting the meeting to order the meeting room cleared and continue in session, as prescribed, if a group or groups have willfully interrupted the orderly conduct of a meeting and order cannot be restored by the removal of individuals who are willfully interrupting the meeting. This bill would authorize the presiding member of the legislative body conducting a meeting to remove an individual for willfully interrupting the meeting. The bill, except as provided, would require removal to be preceded by a warning by the presiding member of the legislative body that the individual is disrupting the proceedings, a request that the individual curtail their disruptive behavior or be subject to removal, and a reasonable opportunity to cease the disruptive behavior. The bill would similarly require a warning, a request that the individual curtail their disruptive behavior or be subject to removal, and a reasonable opportunity to cease the disruptive behavior before clearing a meeting room for willful interruptions by a group or groups. The bill would define “willfully interrupting” to mean intentionally engaging in behavior during a meeting of a legislative body that substantially impairs or renders infeasible the orderly conduct of the meeting in accordance with law and applicable rules, as specified.

**Attachments:**

[SB 1100 Author Fact Sheet](#)

**Position:** Watch

**Subject:** Brown Act

**CALAFCO Comments:** This bill would authorize the removal of an individual from a public meeting who is “willfully interrupting” the meeting after a warning and a request to stop their behavior. “Willfull interrupting” is defined as intentionally engaging in behavior during a meeting of a legislative body that substantially impairs or renders infeasible the orderly conduct of the meeting in accordance with law.

The bill is author-sponsored and keyed fiscal. An author fact sheet is posted in our attachments section.

**[AB 897](#) (Mullin D) Office of Planning and Research: regional climate networks: regional climate adaptation and resilience action plans.**

**Current Text:** Amended: 7/14/2021 [html](#) [pdf](#)

**Introduced:** 2/17/2021

**Last Amended:** 7/14/2021

**Status:** 8/27/2021-Failed Deadline pursuant to Rule 61(a)(12). (Last location was APPR. SUSPENSE FILE on 8/16/2021)(May be acted upon Jan 2022)

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

**Summary:**

Current law requires, by July 1, 2017, and every 3 years thereafter, the Natural Resources Agency to update, as prescribed, the state's climate adaptation strategy, known as the Safeguarding California Plan. Current law establishes the Office of Planning and Research in state government in the Governor's office. Current law establishes the Integrated Climate Adaptation and Resiliency Program to be administered by the office to coordinate regional and local efforts with state climate adaptation strategies to adapt to the impacts of climate change, as prescribed. This bill would authorize eligible entities, as defined, to establish and participate in a regional climate network, as defined. The bill would require the office, through the program, to encourage the inclusion of eligible entities with land use planning and hazard mitigation planning authority into regional climate networks. The bill would authorize a regional climate network to engage in activities to address climate change, as specified.

**Attachments:**

[CALAFCO Support July 2021](#)

[AB 897 Fact Sheet](#)

**Position:** Support

**Subject:** Climate Change

**CALAFCO Comments:** As introduced, the bill builds on existing programs through OPR by promoting regional collaboration in climate adaptation planning and providing guidance for regions to identify and prioritize projects necessary to respond to the climate vulnerabilities of their region.

As amended, the bill requires OPR to develop guidelines (the scope of which are outlined in the bill) for Regional Climate Adaptation Action Plans (RCAAPs) by 1-1-23 through their normal public process. Further the bill requires OPR to make recommendations to the Legislature on potential sources of financial assistance for the creation & implementation of RCAAPs, and ways the state can support the creation and ongoing work of regional climate networks. The bill outlines the authority of a regional climate network, and defines eligible entities. Prior versions of the bill kept the definition as rather generic and with each amended version gets more specific. As a result, CALAFCO has requested the author add LAFCOs explicitly to the list of entities eligible to participate in these regional climate networks.

As amended on 4/7, AB 11 (Ward) was joined with this bill - specifically found in 71136 in the Public Resources Code as noted in the amended bill. Other amendments include requiring OPR to, before 7-1-22, establish geographic boundaries for regional climate networks and prescribes requirements in doing so.

This is an author-sponsored bill. The bill necessitates additional resources from the state to carry out the additional work required of OPR (there is no current budget appropriation). A fact sheet is posted in the tracking section of the bill.

As amended 4/19/21: There is no longer a requirement for OPR to include in their guidelines how a regional climate network may develop their plan: it does require ("may" to "shall") a regional climate network to develop a regional climate adaptation plan and submit it to OPR for approval; adds requirements of what OPR shall publish on their website; and makes several other minor technical changes.

As amended 7/1/21, the bill now explicitly names LAFCo as an eligible entity. It also adjusts several timelines for OPR's requirements including establishing boundaries for the regional climate networks, develop guidelines and establish standards for the networks, and to make recommendations to the Legislature related to regional adaptation. Give the addition of LAFCo as an eligible entity, CALAFCO is now in support of the bill.

Amendments of 7/14/21, as requested by the Senate Natural Resources & Water Committee, mostly do the following: (1) Include "resilience" to climate adaptation; (2) Prioritize the most vulnerable communities; (3) Add definitions for "under-resourced" and "vulnerable" communities; (4) Remove the requirement for OPR to establish geographic boundaries for the regional climate networks; (5) Include agencies with hazard mitigation authority and in doing so also include the Office of Emergency Services to work with OPR to establish guidelines and standards required for the climate adaptation and resilience plan; and (6) Add several regional and local planning documents to be used in the creation of guidelines.

2/24/22 UPDATE: It appears this bill is being replaced with AB 1640 (Ward, Mullin, etc.). CALAFCO will keep this bill on Watch and follow the new bill.

**[AB 903](#) (Frazier D) Los Medanos Community Healthcare District.**

**Current Text:** Amended: 4/19/2021 [html](#) [pdf](#)

**Introduced:** 2/17/2021

**Last Amended:** 4/19/2021

**Status:** 7/14/2021-Failed Deadline pursuant to Rule 61(a)(11). (Last location was GOV. & F. on 5/19/2021)(May be acted upon Jan 2022)

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

**Summary:**

Would require the dissolution of the Los Medanos Community Healthcare District, as specified. The bill would require the County of Contra Costa to be successor of all rights and responsibilities of the district, and require the county to develop and conduct the Los Medanos Area Health Plan Grant Program focused on comprehensive health-related services in the district's territory. The bill would require the county to complete a property tax transfer process to ensure the transfer of the district's health-related ad valorem property tax revenues to the county for the sole purpose of funding the Los Medanos Area Health Plan Grant Program. By requiring a higher level of service from the County of Contra Costa as specified, the bill would impose a state-mandated local program.

**Position:** Watch

**CALAFCO Comments:** This bill mandates the dissolution of the Los Medanos Community Healthcare District with the County as the successor agency, effective 2-1-22. The bill requires the County to perform certain acts prior to the dissolution. The LAFCo is not involved in the dissolution as the bill is written. Currently, the district is suing both the Contra Costa LAFCo and the County of Contra Costa after the LAFCo approved the dissolution of the district upon application by the County and the district failed to get enough signatures in the protest process to go to an election.

The amendment on 4/5/21 was just to correct a typo in the bill.

As amended on 4/19/21, the bill specifies monies received by the county as part of the property tax transfer shall be used specifically to fund the Los Medanos Area Health Plan Grant Program within the district's territory. It further adds a clause that any new or existing profits shall be used solely for the purpose of the grant program within the district's territory.

The bill did not pass out of Senate Governance & Finance Committee and will not move forward this year. It may be acted on in 2022.

2022 UPDATE: Given Member Frazier is no longer in the Assembly and the appellate court overturned the lower court's decision, it is likely the bill will not move forward. CALAFCO will retain WACTH on the bill.

**[AB 975](#) (Rivas, Luz D) Political Reform Act of 1974: statement of economic interests and gifts.**

**Current Text:** Amended: 5/18/2021 [html](#) [pdf](#)

**Introduced:** 2/18/2021

**Last Amended:** 5/18/2021

**Status:** 2/1/2022-In Senate. Read first time. To Com. on RLS. for assignment.

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

**Summary:**

The Political Reform Act of 1974 regulates conflicts of interests of public officials and requires that public officials file, with specified filing officers, periodic statements of economic interests disclosing certain information regarding income, investments, and other financial data. The Fair Political Practices Commission is the filing officer for statewide elected officers and candidates and other specified public officials. If the Commission is the filing officer, the public official generally files with their agency or another person or entity, who then makes a copy and files the original with the Commission. This bill would revise and recast these filing requirements to make various changes, including requiring public officials and candidates for whom the Commission is the filing officer to file their original statements of economic interests electronically with the Commission.

**Position:** Watch

**Subject:** FPPC

**CALAFCO Comments:** As introduced, this bill makes two notable changes to the current requirements of gift notification and reporting: (1) It increases the period for public officials to reimburse, in full or part, the value of attending an invitation-only event, for purposes of the gift rules, from 30 days from receipt to 30 days following the calendar quarter in which the gift was received; and (2) It reduces the gift notification period for lobbyist employers from 30 days after the end of the calendar quarter in which the gift was provided to 15 days after the calendar quarter. Further it requires the FPPC to have an online filing system and to redact contact information of filers before posting.

The amendment on 4/21/21 just corrects wording (technical, non-substantive change).

The amendments on 5/18/21 clarify who is to file a statement of economic interest to include candidates (prior text was office holders).

UPDATE AS OF 2/24/22 - The author's office indicates they are moving forward with the bill this year and are planning amendments. They are not clear what those amendments will be so CALAFCO will retain a WATCH position on the bill.

**AB 1195 (Garcia, Cristina D) Drinking water.**

**Current Text:** Amended: 5/24/2021 [html](#) [pdf](#)

**Introduced:** 2/18/2021

**Last Amended:** 5/24/2021

**Status:** 7/14/2021-Failed Deadline pursuant to Rule 61(a)(11). (Last location was N.R. & W. on 6/9/2021)(May be acted upon Jan 2022)

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

**Summary:**

Current law establishes the Safe and Affordable Drinking Water Fund in the State Treasury to help water systems provide an adequate and affordable supply of safe drinking water in both the near and long terms. Current law authorizes the state board to provide for the deposit into the fund of certain moneys and continuously appropriates the moneys in the fund to the state board for grants, loans, contracts, or services to assist eligible recipients. This bill would prohibit a public water system from transferring or abandoning a water right held by the public water system except upon approval of the state board, as prescribed.

**Attachments:**

[CALAFCO Letter of Concern - April 2021](#)

[AB 1195 Fact Sheet](#)

**Position:** Watch With Concerns

**Subject:** Water

**CALAFCO Comments:** As amended on 4-6-21, the bill was gut and amended and now creates the So LA County Human Rights to Water Collaboration Act. It requires the Water Board to appoint a commissioner to implement the Safe & Affordable Funding for Equity & Resilience Program and gives the commissioner certain authorities (although they are not clearly spelled out). It requires the commissioner by 12-31-24 to submit to the Water Board a plan for the long-term sustainability

of public water systems in southern LA County and prescribes what shall be included in the plan. The bill also creates a technical advisory board and requires the commissioner to oversee the Central Basin Municipal Water District.

In its current form the bill creates numerous concerns. CALAFCO's letter of concern is posted in the tracking section of the bill, and includes: (1) Focus of the bill is very broad as is the focus of the commissioner; (2) In an attempt to prevent privatization of water systems there is language regarding severing water rights. That language could be problematic should a consolidation be ordered; (3) Diminishing local control that is being invested in the state (an ongoing concern since SB 88); (4) A clear distinction needs to be made between an Administrator and Commissioner; (5) The poorly written section on the technical advisory board; and (6) The lack of LAFCo involvement in any consolidation process.

As amended on 5-24-21, the bill changes the water rights provision now requiring approval by the water Board; uses the definitions of "at risk system" and "at risk domestic well" found in SB 403 (Gonzalez) as well as the 3,300 connect cap; requires the commissioner appointed by the board to be from the local area; requires the commissioner to do certain things prior to completing the regional plan; and requires the commissioner to apply to LA LAFCo for extension of service, consolidation or dissolution as appropriate. The bill also creates a pilot program for LA LAFCo giving them the authority to take action rather than the water board, providing it is within 120 days of receipt of a completed application. If the LAFCo fails to take action within that time, the matter goes to the water board for their action.

The pilot program also gives LA LAFCo the authority to approve, approve with conditions or deny the application; further giving LAFCo authority to consider consolidation or extension of service with a local publicly owned utility that provides retail water, a private water company or mutual; the bill also waives protest proceedings, gives the LAFCo authority to address governance structure and CEQA is waived, provides full LAFCo indemnification and funding.

There are still issues with the proposed technical advisory board section of the bill, and questions about timing of some of the processes. CALAFCO continues to work with the author and speakers' offices as well as other stakeholders on ongoing amendments.

The bill is author-sponsored and we understand there is currently no funding source. A fact sheet is posted in the tracking section of the bill. CALAFCO's letter of concern is also posted there.

THIS IS NOW A 2-YEAR BILL.

UPDATE AS OF 2/10/22 - According to the author's office, the author is not intending to move the bill forward at this time. CALAFCO will continue to WATCH and monitor the bill. As a result, the bill was downgraded from a P-1 to a P-3.

### **AB 1757 (Ward D) Groundwater sustainability agency.**

**Current Text:** Amended: 3/10/2022 [html](#) [pdf](#)

**Introduced:** 2/2/2022

**Last Amended:** 3/10/2022

**Status:** 3/14/2022-Re-referred to Com. on W.,P., & W.

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

#### **Summary:**

The Sustainable Groundwater Management Act requires all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources that are designated as basins subject to critical conditions of overdraft to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2020, and requires all other groundwater basins designated as high- or medium-priority basins to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2022, except as specified. The act authorizes any local agency or combination of local agencies overlying a groundwater basin to decide to become a groundwater sustainability agency for that basin. Existing law governs the formation of a groundwater sustainability agency. This bill would authorize a conservation district formed pursuant to federal law and overlying a groundwater basin in this state to decide to become a groundwater sustainability agency for that basin and would



make the law governing the formation of a groundwater sustainability agency applicable to that district.

**Position:** Watch

**Subject:** Water

**[AB 2041](#) ([Garcia, Eduardo D](#)) **California Safe Drinking Water Act: primary drinking water standards: compliance.****

**Current Text:** Introduced: 2/14/2022 [html](#) [pdf](#)

**Introduced:** 2/14/2022

**Status:** 3/23/2022-In committee: Set, first hearing. Hearing canceled at the request of author.

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

**Summary:**

Would require the State Water Resources Control Board to take specified actions if the state board adopts a primary drinking water standard with a compliance period for which public water systems are given a designated period of time to install necessary measures, including, but not limited to, installation of water treatment systems, to comply with the primary drinking water standard without being held in violation of the primary drinking water standard. Those actions would include, among other actions, developing a financial plan to assist public water systems that will require financial assistance in procuring and installing the necessary measures.

**Attachments:**

[AB 2041 Author Fact Sheet](#)

**Position:** Watch

**Subject:** Water

**CALAFCO Comments:** This bill would require the SWRCB to take specified actions if the SWRCB adopts a primary drinking water standard with a compliance period for which public water systems are given a designated period of time to install necessary measures, including, but not limited to, installation of water treatment systems, to comply with the primary drinking water standard without being held in violation of the primary drinking water standard. Those actions would include, among other actions, developing a financial plan to assist public water systems that will require financial assistance in procuring and installing the necessary measures.

CALAFCO reached out to the author's office for information on the bill and has not heard back. The bill is keyed fiscal. An author fact sheet is attached.

**[AB 2201](#) ([Bennett D](#)) **Groundwater sustainability agency: groundwater extraction permit.****

**Current Text:** Amended: 3/17/2022 [html](#) [pdf](#)

**Introduced:** 2/15/2022

**Last Amended:** 3/17/2022

**Status:** 3/21/2022-Re-referred to Com. on W.,P., & W.

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

**Calendar:**

4/26/2022 9 a.m. - State Capitol, Room 444 ASSEMBLY WATER, PARKS AND WILDLIFE, BAUER-KAHAN, Chair

**Summary:**

Would, on and after July 1, 2023, prohibit, except as specified, a groundwater extraction facility in a basin that is designated by the Department of Water Resources as a basin that is subject to critical conditions of overdraft from extracting water without a valid groundwater extraction permit issued by the groundwater sustainability agency pursuant to the requirements of the bill. The bill would also require a groundwater sustainability agency responsible for managing a basin designated by the department as being subject to critical conditions of overdraft to develop, on or before June 30, 2023, a process for the issuance of a groundwater extraction permit, as specified. The bill would also prohibit the issuance of a groundwater extraction permit for a new or expanded groundwater facility in a probationary basin, unless the State Water Resources Control Board determines that all or part of a probationary basin is being adequately managed, as specified.

**Position:** Watch

**Subject:** Water

**CALAFCO Comments:** 2/15/2022: As introduced, a spot holder.

3/17/2022: As amended, this bill now seeks to add a new section into the Water Code that would require, after July 1, 2023, designated extraction facilities to procure permits from the Department of Water Resources (DWR.) Extraction facilities are defined as those located in a basin that has already been designated by DWR as subject to critical overdraft conditions. It would also define times when permits are not needed, including for "de minimis extractors" (as defined by Section 10721), for replacement extractors, when drinking water is needed by a water system for public health purposes, for habitat and wetlands conservation, for photovoltaic or wind energy generation when less than 75 acre feet of groundwater is needed annually, when required by an approved CEQA document, and for facilities constructed to ensure a sustain water supply to consolidated public water systems. This bill would also require groundwater sustainability agencies (GSAs) to develop a process for the issuance of groundwater extraction permits which considers demonstrations of need, adherence to a groundwater sustainability plan, a showing that the extraction will not contribute to an undesirable result, and other procedural requirements. Additionally, the bill would require notification to all groundwater users within one mile of the proposed groundwater extraction facility, and to the DWR when the proposed extraction is within one mile of a disadvantaged community or a domestic well user, and other procedural steps. Also allows those GSAs in a basin not designated as subject to critical conditions of overdraft to adopt an ordinance that establishes their own process, in accordance with this section, for the issuance of groundwater extraction permits, and allows imposition of fees as long as they do not exceed reasonable agency costs. DWR shall provide technical assistance to assist GSA implement this section. This bill would further amend Water Code Section 10728 to require annual reports by GSA to include information regarding the number, location, and volume of water encompassed by permits issued under this section.

Unfunded mandate, now reimbursements provided. Keyed: fiscal.

**AB 2442 (Rivas, Robert D) Climate change.**

**Current Text:** Amended: 4/5/2022 [html](#) [pdf](#)

**Introduced:** 2/17/2022

**Last Amended:** 4/5/2022

**Status:** 4/5/2022-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	Chaptered
1st House				2nd House							

**Summary:**

The California Disaster Assistance Act requires the Director of Emergency Services to authorize the replacement of a damaged or destroyed facility, whenever a local agency and the director determine that the general public and state interest will be better served by replacing a damaged or destroyed facility with a facility that will more adequately serve the present and future public needs than would be accomplished merely by repairing or restoring the damaged or destroyed facility. Current law also authorizes the director to implement mitigation measures when the director determines that the measures are cost effective and substantially reduce the risk of future damage, hardship, loss, or suffering in any area where a state of emergency has been proclaimed by the Governor. This bill would specify that mitigation measures for climate change and disasters related to climate, may include, but are not limited to, measures that reduce emissions of greenhouse gases, the preservation of open space, improved forest management and wildfire risk reduction measures, and other investments in natural infrastructure, as defined.

**Position:** Watch

**Subject:** Ag/Open Space Protection

**CALAFCO Comments:** Seeks to add climate change to California Disaster Assistance Act and adds, as noted cost effective mitigation measures, the preservation of open space, improved forest management and wildfire risk reduction measures, and other investments in natural infrastructure (in line with definition of a "natural infrastructure" in GC Section 65302(g)(4)(C)(v).) Also would amend GC Sec 65302 to require General Plans to include "a set of measures designed to reduce emissions of greenhouse gases resulting in climate change, and natural features and ecosystem processes in or near identified at-risk areas threatened by the impacts attributable."

**SB 12 (McGuire D) Local government: planning and zoning: wildfires.**

**Current Text:** Amended: 7/1/2021 [html](#) [pdf](#)

**Introduced:** 12/7/2020

**Last Amended:** 7/1/2021

**Status:** 7/14/2021-Failed Deadline pursuant to Rule 61(a)(11). (Last location was H. & C.D. on 6/24/2021)(May be acted upon Jan 2022)

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

**Summary:**

Current law requires that the Office of Planning and Research, among other things, coordinate with appropriate entities, including state, regional, or local agencies, to establish a clearinghouse for climate adaptation information for use by state, regional, and local entities, as provided. This bill would require the safety element, upon the next revision of the housing element or the hazard mitigation plan, on or after July 1, 2024, whichever occurs first, to be reviewed and updated as necessary to include a comprehensive retrofit strategy to reduce the risk of property loss and damage during wildfires, as specified, and would require the planning agency to submit the adopted strategy to the Office of Planning and Research for inclusion into the above-described clearinghouse.

**Position:** Watch

**Subject:** Growth Management, Planning

**CALAFCO Comments:** UPDATE 2/24/22: According to the author's office, they do plan to move this bill forward in 2022 and no other details are available at this time.

**SB 418** **(Laird D) Pajaro Valley Health Care District.**

**Current Text:** Chaptered: 2/4/2022 [html](#) [pdf](#)

**Introduced:** 2/12/2021

**Last Amended:** 1/24/2022

**Status:** 2/4/2022-Approved by the Governor. Chaptered by Secretary of State. Chapter 1, Statutes of 2022.

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

**Summary:**

Would create the Pajaro Valley Health Care District, as specified, except that the bill would authorize the Pajaro Valley Health Care District to be organized, incorporated, and managed, only if the relevant county board of supervisors chooses to appoint an initial board of directors.

**Position:** Watch

**Subject:** Special District Principle Acts

**CALAFCO Comments:** Gut and amended on 1/14/22, this bill forms the Pajaro Valley Health Care District within Santa Cruz and Monterey counties. The formation, done by special legislation, bypasses the LAFCo process, with language explicitly stating upon formation, LAFCo shall have authority. The bill requires that within 5 years of the date of the first meeting of the Board of Directors of the district, the board of directors shall divide the district into zones. The bill would require the district to notify Santa Cruz LAFCo when the district, or any other entity, acquires the Watsonville Community Hospital. The bill requires the LAFCo to order the dissolution of the district if the hospital has not been acquired by January 1, 2024 through a streamlined process, and requires the district to notify LAFCo if the district sells the Watsonville Community Hospital to another entity or stops providing health care services at the facility, requiring the LAFCo to dissolve the district under those circumstances in a streamlined process.

Given the hospital has filed bankruptcy and this is the only hospital in the area and serves disadvantaged communities and employs a large number of people in the area, the bill has an urgency clause.

Several amendments were added on 1/24/22 by the ALGC and SGFC all contained within Section 32498.7.

CALAFCO worked closely with the author's office, Santa Cruz County lobbyist and the Santa Cruz and Monterey LAFCos on this bill. We have requested further amendments which the Senator has agreed to take in a follow-up bill this year. Those amendments include requiring Santa Cruz LAFCo to adopt a sphere of influence for the district within 1 year of formation; the district filing annual progress reports to Santa Cruz LAFCo for the first 3 years, Santa Cruz LAFCo conducting a special study on the district after 3 years, and representation from both counties on the governing board.

The bill is sponsored by the Pajaro Valley Healthcare District Project and is not keyed fiscal.

**SB 969 (Laird D) Pajaro Valley Health Care District.**

**Current Text:** Amended: 3/2/2022 [html](#) [pdf](#)

**Introduced:** 2/10/2022

**Last Amended:** 3/2/2022

**Status:** 4/4/2022-Read second time. Ordered to third reading.

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

**Calendar:**

4/7/2022 #36 SENATE SENATE BILLS -THIRD READING FILE

**Summary:**

Current law creates the Pajaro Valley Health Care District, as specified, and authorizes the Pajaro Valley Health Care District to be organized, incorporated, and managed, only if the relevant county board of supervisors chooses to appoint an initial board of directors. Current law requires, within 5 years of the date of the first meeting of the Board of Directors of the Pajaro Valley Health Care District, the board of directors to divide the district into zones and number the zones consecutively. Current law requires the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 to govern any organizational changes for the district after formation. Current law requires the district to notify the County of Santa Cruz local agency formation commission (LAFCO) when the district, or any other entity, acquires the Watsonville Community Hospital. Existing law requires the LAFCO to dissolve the district under certain circumstances. This bill would require the LAFCO to develop and determine a sphere of influence for the district within one year of the district's date of formation, and to conduct a municipal service review regarding health care provision in the district by December 31, 2025, and by December 31 every 5 years thereafter.

**Position:** Watch

**Subject:** Other

**CALAFCO Comments:** This bill is a follow up to SB 418 (Laird) and contains some of the amendments requested by CALAFCO and Monterey and Santa Cruz LAFcos. As introduced the bill requires Santa Cruz LAFCo to adopt a sphere of influence for the district within 1 year of formation; the district filing annual progress reports to Santa Cruz LAFCo for the first 2 years, Santa Cruz LAFCo conducting a Municipal Service Review on the district every 5 years with the first being conducted by 12-31-25. Our final requested amendment, ensuring representation from both counties on the governing board, is still being worked on and not reflected in the introduced version of the bill.

**SB 1405 (Ochoa Bogh R) Community service districts: Lake Arrowhead Community Service District: covenants, conditions, and restrictions: enforcement.**

**Current Text:** Amended: 3/15/2022 [html](#) [pdf](#)

**Introduced:** 2/18/2022

**Last Amended:** 3/15/2022

**Status:** 3/30/2022-Set for hearing April 7.

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

**Calendar:**

4/7/2022 Upon adjournment of Session - 1021 O Street, Room 2200 SENATE GOVERNANCE AND FINANCE, CABALLERO, Chair

**Summary:**

Would authorize the Lake Arrowhead Community Services District to enforce all or part of the covenants, conditions, and restrictions for tracts within that district, and to assume the duties of the Arrowhead Woods Architectural Committee for those tracts, as provided.

**Position:** Watch

**Subject:** Other

**SB 1425 (Stern D) Open-space element: updates.**

**Current Text:** Amended: 3/31/2022 [html](#) [pdf](#)

**Introduced:** 2/18/2022

**Last Amended:** 3/31/2022

**Status:** 3/31/2022-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:**

4/7/2022 Upon adjournment of Session - 1021 O Street, Room 2200 SENATE GOVERNANCE AND FINANCE, CABALLERO, Chair

**Summary:**

Current law sets forth various deadlines for updates to the housing element. This bill would require every city and county to review and update, as specified, its local open-space plan by January 1, 2026. By imposing additional duties on local officials, the bill would create a state-mandated local program.

**Position:** Watch

**Subject:** Other

**[SB 1449](#) (Caballero D) Office of Planning and Research: grant program: annexation of unincorporated areas.**

**Current Text:** Amended: 3/16/2022 [html](#) [pdf](#)

**Introduced:** 2/18/2022

**Last Amended:** 3/16/2022

**Status:** 3/30/2022-Set for hearing April 7.

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

**Calendar:**

4/7/2022 Upon adjournment of Session - 1021 O Street, Room 2200 SENATE GOVERNANCE AND FINANCE, CABALLERO, Chair

**Summary:**

Current law requires the Office of Planning and Research to, among other things, accept and allocate or expend grants and gifts from any source, public or private, for the purpose of state planning and undertake other planning and coordinating activities, as specified, and encourage the formation and proper functioning of, and provide planning assistance to, city, county, district, and regional planning agencies. The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 provides the authority and procedure for the initiation, conduct, and completion of changes of organization, reorganization, and sphere of influence changes for cities and districts, as specified. Current law requires that an applicant seeking a change of organization or reorganization submit a plan for providing services within the affected territory that includes, among other requirements, an enumeration and description of the services to be extended to the affected territory and an indication of when those services can feasibly be extended. This bill would require the office to, upon appropriation by the Legislature, establish the Unincorporated Area Annexation Incentive Program, authorizing the office to issue a grant to a city for the purpose of funding infrastructure projects related to the proposed or completed annexation of a substantially surrounded unincorporated area, as defined, subject to approval by the director after the city submits an application containing specified information.

**Position:** Watch

**Subject:** Annexation Proceedings

**CALAFCO Comments:** This is currently a spot bill. According to the author's office, they are working on state funding to incentivize annexation of inhabited territory (when the VLF was taken away, so too was any financial incentive to annex inhabited territory). For many years bills have been run to reinstate funding, none of which have ever successfully passed. There is no other information available on this bill at this time. CALAFCO will continue conversations with the author's office as this is an important topic for LAFCos. (The bill will remain a P-3 until amended.)

**[SB 1489](#) (Committee on Governance and Finance) Local Government Omnibus Act of 2022.**

**Current Text:** Introduced: 2/28/2022 [html](#) [pdf](#)

**Introduced:** 2/28/2022

**Status:** 4/5/2022-Set for hearing April 21.

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

**Calendar:**

4/21/2022 Upon adjournment of Session - 1021 O Street, Room 2200 SENATE GOVERNANCE AND FINANCE, CABALLERO, Chair

**Summary:**

Current law sets forth requirements for the passage of city ordinances. Current law requires ordinances to be read in full either at the time of introduction or passage except when, after reading the title, further reading is waived by regular motion adopted by majority vote of the legislative body. This bill would provide that a reading of the title or ordinance is not required if the title is included on the published agenda and a copy of the full ordinance is made available to the public online and in print at the meeting prior to the introduction or passage.

**Position:** Watch

**CALAFCO Comments:** This is the Senate Governance & Finance Committee annual omnibus bill.

Total Measures: 28

Total Tracking Forms: 28

4/6/2022 11:58:19 AM

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
40 Muir Road, 1st Floor • Martinez, CA 94553  
e-mail: LouAnn.Teixeira@lafco.cccounty.us  
(925) 313-7133



Lou Ann Teixeira  
Executive Officer

**MEMBERS**

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

**ALTERNATE MEMBERS**

<b>Diane Burgis</b> <i>County Member</i>
<b>Stanley Caldwell</b> <i>Special District Member</i>
<b>Charles R. Lewis, IV</b> <i>Public Member</i>
<b>Edi Birsan</b> <i>City Member</i>

March 10, 2022

Honorable Cecilia Aguiar-Curry, Chair  
Assembly Local Government Committee  
California State Assembly  
1021 O Street, Room Suite 6350  
Sacramento, CA 95814

**RE: SUPPORT of AB 2957: Local Government Committee Omnibus Bill**

Dear Chair Aguiar-Curry:

The Contra Costa Local Agency Formation Commission (LAFCo) is pleased to support Assembly Local Government Committee Bill **AB 2957**, sponsored by the California Association of Local Agency Formation Commissions (CALAFCO). The annual omnibus bill makes technical, non-substantive changes to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (the Act).

This annual bill includes technical changes to the Act which governs the work of LAFCos. These changes are necessary as Commissions implement the Act, and small inconsistencies are found, or clarifications are needed to make the law as unambiguous as possible. **AB 2957** makes minor technical corrections to language used in the Act.

Contra Costa LAFCo is grateful to your Committee members and staff, and CALAFCO, all of whom worked diligently on this language to assure there are no substantive changes while creating a significant increase in the clarity of the Act for all stakeholders.

This legislation helps ensure the Act remains a vital and practical law that is consistently applied around the state. We appreciate your Committee's authorship and support of this bill, and your support of the mission of LAFCos.

Sincerely,

Rob Schroder, Chair  
Contra Costa LAFCo

- c: Members, Assembly Local Government Committee
- Jimmy MacDonald, Consultant, Assembly Local Government Committee
- William Weber, Consultant, Assembly Republican Caucus
- René LaRoche, Executive Director, California Association of Local Agency Formation Commissions



Lou Ann Teixeira  
 Executive Officer

**MEMBERS**

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

**ALTERNATE MEMBERS**

- |   |
|---|
| <b>Diane Burgis</b><br><i>County Member</i>               |
| <b>Stanley Caldwell</b><br><i>Special District Member</i> |
| <b>Charles R. Lewis, IV</b><br><i>Public Member</i>       |
| <b>Edi Birsan</b><br><i>City Member</i>                   |

April 13, 2022

**April 13, 2022  
 Agenda Item 12**

Contra Costa Local Agency Formation Commission  
 40 Muir Road, 1<sup>st</sup> Floor  
 Martinez, CA 94553

**Third Quarter Budget Report - Fiscal Year 2021-22**

Dear Members of the Commission:

This is the third quarter budget report for FY 2021-22, which compares adopted and actual expenses and revenues for the period July 1, 2021 through March 31, 2022.

The LAFCO operating budget includes the following components: salaries/benefits, services/supplies, a contingency/reserve fund, Other Post-Employment Benefits (OPEB) Trust and retirement pre-funding accounts. 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 June 9, 2021, LAFCO adopted its final FY 2021-22 budget with total appropriations of \$874,131, which includes an \$80,000 contingency/reserve fund, a contribution of \$25,000 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). The Commission adopted a reduced budget for FY 2021-22 in response to the pandemic (COVID), thereby reducing County, city, and independent special district LAFCO apportionments by 14%.

**Expenditures** - With 75% of the fiscal year elapsed, the Commission’s total expenditures through March 31, 2022 are approximately \$427,775 or 54% of total appropriations. The Commission budgeted \$380,045 in *salaries/benefits* for FY 2021-22; at the end of the third quarter, actual expenses total \$271,878, or 71.5% of the budgeted amount. The Commission budgeted \$359,086 in *services/supplies*; at the end of the third quarter expenses total \$108,897 or 43.5%. The third quarter estimates exclude the budgeted contingency.



Both the OPEB liability and CCCERA liability pre-funding payments are reflected in the third quarter budget report.

**Revenues** - The primary sources of revenues are local agency contributions, application fees, and available fund balance. Total revenues received as of the third quarter are \$887,641 (including fund balance) or 101.5% of revenues. Regarding application fees, FY 2021-22 application activity is significantly higher than FY 2020-21 activity. During the first three quarters of FY 2021-22, LAFCO received 11 new applications, compared to four new applications received during the first three quarters of FY 2020-21.

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

LAFCO also includes in the annual budget available fund balance to offset agency contributions. The FY 2021-22 budget includes \$175,000 in budgeted fund balance.

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

<b>Account</b>	<b>FY 2021-22 Final Budget</b>	<b>Third Quarter Actuals</b>
Salaries & Benefits	\$ 380,045	\$ 271,878
Services & Supplies	359,086	108,897
Contingency/Reserve	80,000	0
OPEB Trust	25,000	25,000
CCCERA Pre-Fund	30,000	22,000
<b>Total Expenditures</b>	<b>\$ 874,131</b>	<b>\$ 427,775</b>
Agency Contributions	\$ 674,131	\$ 674,131
Application/Other Revenue	25,000	\$ 38,510
Interest Earnings	-	-
Fund Balance	175,000	175,000
<b>Total Revenues</b>	<b>\$ 874,131</b>	<b>\$ 887,681</b>

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 2021-22 third quarter budget report.

Sincerely,

LOU ANN TEXEIRA  
 EXECUTIVE OFFICER



Lou Ann Texeira  
 Executive Officer

**MEMBERS**

<b>Candace Andersen</b> <i>County Member</i>	<b>Federal Glover</b> <i>County Member</i>
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April 13, 2022

Contra Costa Local Agency Formation Commission  
 40 Muir Road, 1<sup>st</sup> Floor  
 Martinez, CA 94553

**April 13, 2022  
 Agenda Item 13**

**Current and Potential Future LAFCO Applications**

Dear Members of the Commission:

**SUMMARY**

This report identifies active applications on file with Contra Costa LAFCO. This report also identifies several potential future applications. This report is presented for information only.

**DISCUSSION**

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (“CKH”) delegates LAFCOs with regulatory and planning duties to coordinate the formation and development of local government agencies and their municipal services. This includes approving and disapproving boundary changes, boundary reorganizations, formations, mergers, consolidations, dissolutions, incorporations, sphere of influence (SOI) amendments, and extension of out of agency services. Applications involving jurisdictional changes filed by landowners or registered voters are placed on the Commission’s agenda as information items before action is considered by LAFCO at a subsequent meeting (Gov. Code §56857).

There is currently one approved proposal awaiting completion, seven current applications that are either incomplete and/or awaiting a hearing date, and several potential future applications.

**Current Proposals – Approved and Awaiting Completion**

**✚ Chang Property Reorganization (LAFCO 18-06)**

This is an application filed by the landowner to annex 66.92± acres to the City of San Ramon, Central Contra Costa Sanitary District (CCCSD) and East Bay Municipal Utility District (EBMUD) and detach the same area from County Service Area (CSA) P-6. The subject area is located at the intersection of Crow Canyon and Bollinger Canyon Roads in unincorporated San Ramon. The Commission approved the boundary reorganization in

August 2017 with conditions. One of the conditions has not yet been met. The applicant has requested and received several extensions of time with the current extension to July 9, 2022.

### **Current Applications – Under Review**

#### **LAFCO Tassajara Parks Project – Boundary Reorganization (LAFCO 16-06)**

This is an application filed by the landowner to annex 30± acres to Central Contra Costa Sanitary District (CCCSD) and East Bay Municipal Utility District (EBMUD). The project includes development of 125 single-family homes. The subject area is located east of the City of San Ramon and the Town of Danville. The application is currently incomplete.

#### **LAFCO Tassajara Parks Project – SOI Amendments (LAFCO 16-07)**

This is an application filed by the landowner to amend the SOIs for CCCSD and EBMUD by 30± acres in anticipation of corresponding annexations. The application is currently incomplete.

#### **Faria Southwest Hills – Boundary Reorganization (LAFCO 21-04)**

This is an application filed by the City of Pittsburg to annex 606± acres to the City of Pittsburg, Contra Costa Water District (CCWD) and Delta Diablo (DD). The project includes development of up to 1,500 residential units. The application is currently incomplete. On February 9, 2022, Contra Costa County Superior Court ruled that the City of Pittsburg violated CEQA. The Court issued a writ of mandate compelling the City to set aside the project approvals and the certification of the Final EIR, and that any further consideration of the project must comply with the court order.

#### **EBMUD SOI Amendment – 285 Lark Lane – Alamo (LAFCO 21-08)**

This is an application filed by the landowner to amend the District's SOI by 3.14± acres in anticipation of a corresponding annexation. The application is currently under review.

#### **Annexation to EBMUD – 285 Lark Lane – Alamo (LAFCO 21-09)**

This is an application filed by the landowner to annex 3.14± acres to EBMUD. The application is currently under review.

#### **Evora Road Self Storage Facility - Annexations to CCWD and DD (LAFCO 21-14)**

This is an application filed by the landowner to annex 7.75± acres (three parcels) to CCWD and DD.

#### **Laurel Place IV, Subdivision 9495 – 5175 Laurel Drive - Annexation to City of Concord**

This is an application filed by the landowner to annex 3.60± acres (eight parcels) to City of Concord.

### **Potential Future Applications**

On April 14, 2021, LAFCO approved the extension of out of agency water service by the City of Martinez to the Bay's Edge Subdivision 9065 located in unincorporated Martinez (Mt. View). LAFCO's approval was conditioned on commitment from the City to submit to LAFCO an

application to annex the subject parcels to the City of Martinez by August 31, 2022, in the event the entirety of Mt. View is not annexed to the City prior to that date.

On June 9, 2021, LAFCO approved the extension of out of agency wastewater service by the City of Concord to the Akins property located in unincorporated Concord (Ayers Ranch). LAFCO's approval was conditioned on a commitment from the landowners to submit to LAFCO an application to annex the subject parcel to the City of Concord by May 31, 2022.

There are currently several potential applications that may be submitted to Contra Costa LAFCO in the future including annexations to Byron Bethany Irrigation District, City of Brentwood, City of Concord, Stege Sanitary District, and West County Wastewater District.

**RECOMMENDATION** – Informational item – no actions required.

Sincerely,

LOU ANN TEXEIRA  
EXECUTIVE OFFICER

Attachment – Current Applications Table

**CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
CURRENT APPLICATIONS – April 13, 2022**

File No.	APPLICATION NAME/LOCATION	APPLICATION SUMMARY	STATUS
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	Application submitted in May 2016 by the landowner to annex 30+ acres to Central Contra Costa Sanitary District (CCCSD) and East Bay Municipal Utility District (EBMUD) to support development of 125 residential lots and related improvements. On July 13, 2021, the County Board of Supervisors certified the project EIR, amend the ULL, executed a land preservation agreement, and acted on various discretionary project approvals.	Application is currently incomplete. Await certified EIR, updated application, and other information. The project is currently being litigated.
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	Application submitted in May 2016 by the landowner to amend the SOIs for CCCSD and EBMUD in anticipation of annexation.	Application is currently incomplete. Await certified EIR, updated application, and other information.
21-05	Faria Southwest Hills Reorganization: proposed annexations to City of Pittsburg, CCWD and DD of 606+ acres located southwest of the City of Pittsburg	Application submitted in June 2021 by City of Pittsburg to annex 606+ acres to the City, Contra Costa Water District (CCWD) and Delta Diablo (DD) to support hillside estate development of up to 1,500 units.	Application is currently incomplete. <i>Notices of Incomplete Application</i> issued on 7/21/21 and 1/28/22. The project is currently being litigated.
21-08	SOI Amendment to EBMUD – 285 Lark Lane – Alamo	Application submitted in September 2021 by the landowner to amend EBMUD's SOI by 3.14+ acres in anticipation of annexation	Currently under review
21-09	Annexation to EBMUD – 285 Lark Lane – Alamo	Application submitted in September 2021 by the landowner to annex 3.14+ acres to EBMUD	Currently under review
21-14	Annexations to CCWD & DD – Evora Road Self Storage	Application submitted in November 2021 by the landowner to annex 7.75+ acres to CCWD & DD	Currently under review
21-16	Laurel Ranch IV, Subdivision 9495, 5175 Laurel Drive – Annexation to City of Concord	Application submitted in December 2021 by the landowner to annex 3.60+ acres to City of Concord	Currently under review



**April 13, 2022**  
**Agenda Item 14**

## **AGENDA**

### **RETIREMENT BOARD MEETING**

REGULAR MEETING

March 9, 2022, 9:00 a.m.

The Board of Retirement will hold its meeting via teleconferencing as permitted by Government Code Section 54953(e). The meeting is accessible telephonically at 669-900-6833, Webinar ID: 811 9772 0927, Passcode: 879812, or via the web at:

<https://us06web.zoom.us/j/81197720927?pwd=SmswRU5Bc2FFSIJPQVdseWYxSTF4UT09>

Passcode: 879812

Persons who wish to address the Board of Retirement during public comment may call in during the meeting by dialing the phone number and passcode above. Access via Zoom is also available at the weblink above. To indicate you wish to speak during public comment, please select \*9 on your phone or “raise your hand” in the Zoom app.

Public comments are limited to any item that is within the subject matter jurisdiction of the Board of Retirement. Comments will be received in real time via telephone or Zoom, subject to a three-minute time limit per speaker.

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

1. Pledge of Allegiance.
2. Roll Call.
3. Accept comments from the public.
4. Recognition of Tuan Le for 5 years of service.
5. Approve minutes from the February 9, 2022 meeting.
6. Approve the following routine items:
  - a. Certifications of membership.
  - b. Service and disability allowances.
  - c. Death benefits.
  - d. Investment liquidity report.

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.

7. Accept the following routine items:
  - a. Disability applications and authorize subpoenas as required.
  - b. Investment asset allocation report.

**CLOSED SESSION**

8. 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. Vincent Richards	Service Connected	Service Connected

9. 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. *Wilmot v. CCCERA, et al.*, Contra Costa County Superior Court, Case No. N22-0302

**OPEN SESSION**

10. Consider and take possible action regarding non-service connected disability retirement allowance of deceased member Marie Rulloda.
11. Consider and take possible action to approve Sagitec’s use of subcontractors on the pension administration system project, subject to CCCERA’s review and approval of the subcontracting arrangement.
12. Presentation of the Central Contra Costa Sanitary District focused employer audit report.
13. Consider and take possible action to authorize the Board to conduct teleconference meetings under Government Code section 54953 (e) and to make related findings.
14. Presentation of Semi-Annual Disability Retirement Report.
15. Report from Audit Committee Chair on February 23, 2022 Audit Committee meeting.
16. 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**

REGULAR MEETING  
March 23, 2022, 9:00 a.m.

The Board of Retirement will hold its meeting via teleconferencing as permitted by Government Code Section 54953(e). The meeting is accessible telephonically at 669-900-6833, Webinar ID: 857 2696 8214, Passcode: 298325, or via the web at: <https://us06web.zoom.us/j/85726968214?pwd=STNJMHVPc1dGbXhzNnNpbFBrbTlsZz09>  
Passcode: 298325

Persons who wish to address the Board of Retirement during public comment may call in during the meeting by dialing the phone number and passcode above. Access via Zoom is also available at the weblink above. To indicate you wish to speak during public comment, please select \*9 on your phone or “raise your hand” in the Zoom app.

Public comments are limited to any item that is within the subject matter jurisdiction of the Board of Retirement. Comments will be received in real time via telephone or Zoom, subject to a three-minute time limit per speaker.

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

1. Pledge of Allegiance.
2. Roll Call.
3. Accept comments from the public.
4. Approve minutes from the February 23, 2022 meeting.
5. Review of total portfolio performance for period ending December 31, 2021.
  - a. Presentation from Verus
  - b. Presentation from staff
6. Update on private equity and real estate allocations.
7. Information session from CCCERA’s actuary, Segal—Considerations when approaching Full Funding.

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.



8. 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.

**Via Email**

March 16, 2022

Gail Strohl  
Chief Executive Officer  
Contra Costa County Employees' Retirement Association  
1200 Concord Avenue, Suite 300  
Concord, CA 94520

**Re: Contra Costa County Employees' Retirement Association (CCCERA)  
Five-Year Projection of Employer Contribution Rate as of December 31, 2020 Based  
on Estimated 13.9% Net Market Value Investment Return for 2021**

Dear Gail:

As requested, we have updated our five-year projection of estimated employer contribution rate changes for CCCERA. This projection is derived from the December 31, 2020 Actuarial Valuation results and incorporates an estimated net market value investment return of 13.9% for the 2021 calendar year provided by CCCERA. Key assumptions and methods are detailed below. **It is important to understand that these results are entirely dependent on those assumptions used in the December 31, 2020 valuation being met and remaining unchanged<sup>1</sup> in future valuations, except as noted above. Actual results as determined in future actuarial valuations will differ from these results. In particular, actual investment returns, actual salary and COLA levels different than assumed can have a significant impact on future contribution rates.**

**Results**

In the next several years, assuming the above highlighted conditions were to come true, CCCERA is likely to become fully funded, with 100% funded ratio and no Unfunded Actuarial Accrued Liability (UAAL). As we pointed out to the Board during our presentation of results in the December 31, 2020 valuation, at that time the employer UAAL contribution rates would be reduced to 0% of payroll before considering the 0.16% of payroll that would continue to be charged for the payment of administrative expense. However, the timing of when that is expected to take place varies among the different cost groups based on the current level of funding and the expected annual UAAL contributions for each cost group as of the most recent valuation.

<sup>1</sup> It should be noted that the actuarial assumptions are currently under review in the triennial experience study and any new assumptions approved by the Board will be used in the December 31, 2021 valuation.

In addition, Central Contra Costa Sanitary District ("the District") made a prepayment in the amount of \$70.8 million towards the District's UAAL on June 25, 2021. Consistent with CCCERA's Actuarial Funding Policy, this prepayment has been used to reduce the District's UAAL contribution rate effective July 1, 2021 that was originally provided in the December 31, 2019 valuation. In preparing this projection, we have included the District's contribution rates effective July 1, 2022 in Cost Group #3 after reflecting this prepayment as provided in the December 31, 2020 valuation. It should be noted that this prepayment has the impact of reducing the average employer contribution rate (for all employers combined) as of the December 31, 2020 Actuarial Valuation by 1.37% of payroll from 35.26% to 33.89% of payroll.

The estimated contribution rate changes shown below apply to the recommended average employer contribution rate. Estimated contribution rate changes for each cost group are shown in the attached exhibit.

Aside from the reduction in the Sanitary District's employer rate in the December 31, 2020 valuation as discussed above, the other changes in the contribution rate starting in the December 31, 2021 valuation are due to:

1. Recognition of deferred investment gains and losses under the actuarial asset smoothing methodology;
2. Gains due to investment income earned on the excess of the Market Value of Assets (MVA) over the Actuarial Value of Assets (AVA) (and losses when the opposite occurs);
3. Contribution gains and losses which occur from delaying the implementation of new rates until 18 months after the actuarial valuation date;
4. The December 31, 2007 UAAL restart charge and Pension Obligation Bonds (POB) credit amortization layers dropping off as they become fully amortized; and
5. The reduction in UAAL rate due to reaching full funding. For cost groups that are projected to reach fully funding, all outstanding UAAL layers of the cost group would be fully amortized and there would be no UAAL payments in accordance with CCCERA's Actuarial Funding Policy. However, as noted above, 0.16% of payroll would continue to be included in the UAAL rate for the payment of administrative expense

This update also reflects an estimated net market value investment return of 13.9% in 2021 (i.e., 6.9% more than the 7.00% assumed return) as provided by CCCERA. According to CCCERA, the estimated net market value investment return for the six-month period ending June 30 2021 was 8.8% and the estimated net market value investment return for the six-month period ending December 31, 2021 was 4.7% for an annual market value investment return of 13.9% in 2021.

The following table provides the year-to-year rate changes and the cumulative rate change over the five-year projection period from the above components in aggregate.<sup>2</sup> To obtain the estimated average employer contribution rate at each successive valuation date, these cumulative rate changes should be added to the rates developed in the December 31, 2020

<sup>2</sup> We no longer show the rate changes by component as the rate changes due to full funding could overwrite the impact of the other rate change components.

Actuarial Valuation, after adjusting for the Sanitary District's prepayment as discussed earlier in this letter. These rate changes represent the average rate, expressed as a percent of payroll, for the aggregate plan and they become effective 18 months following the actuarial valuation date shown in the table.

Rate Change	Valuation Date (12/31)				
	2021	2022	2023	2024	2025
<b>Incremental Rate Change</b>	<b>(1.82%)</b>	<b>(12.39%)</b>	<b>(3.48%)</b>	<b>(0.40%)</b>	<b>(0.01%)</b>
<b>Cumulative Rate Change</b>	<b>(1.82%)</b>	<b>(14.21%)</b>	<b>(17.69%)</b>	<b>(18.09%)</b>	<b>(18.10%)</b>

If we use the average employer contribution rate as of the December 31, 2020 Actuarial Valuation of 33.89% of payroll after accounting for the Sanitary District's prepayment and based on the cumulative rate changes above, the average employer contribution rate is projected to progress as follows:

Employer Contribution Rate <sup>3</sup>	Valuation Date (12/31)				
	2021	2022	2023	2024	2025
Average Normal Cost Rate <sup>4</sup>	15.53%	15.53%	15.53%	15.53%	15.53%
Average UAAL Rate	<u>16.54%</u>	<u>4.15%</u>	<u>0.67%</u>	<u>0.27%</u>	<u>0.26%</u>
Average Employer Contribution Rate	32.07%	19.68%	16.20%	15.80%	15.79%

For each individual cost group, we have estimated the rate change due to investment related gains and losses over the next five valuations by allocating a portion of the total investment related gains and losses based on each cost group's proportional share of the Valuation Value of Assets as of the December 31, 2020 valuation. The actual rate changes by cost group may differ from those shown in the exhibit if there are changes to their proportional share of the Valuation Value of Assets in future valuations.

In addition, the projected rate changes for the December 31, 2022 Actuarial Valuation reflect the December 31, 2007 UAAL restart charge and POB credit amortization layers dropping off as they become fully amortized. That impact has been explicitly calculated and reflected for each cost group as it varies significantly by cost group depending on the UAAL and POB layers established for each cost group. In particular, the impact of POB credit layers dropping off varies significantly by employer depending on whether the employer issued POBs or made additional contributions towards their UAAL. Therefore, we also show results separated out for employers that are in a cost group that has an employer with a POB credit.

<sup>3</sup> The Normal Cost and UAAL rates shown include an explicit administrative expense load of 0.49% and 0.16% of payroll, respectively.

<sup>4</sup> As noted on next page, the Normal Cost projections do not reflect any changes in the employer contribution rates that could result due to future changes in the demographics of CCCERA's active members or decreases in the employer contribution rates that would result from new hires going into the PEPRA tiers.

For most employers without a POB credit, there is a significant reduction in the employer rate that is projected to occur in the December 31, 2022 Actuarial Valuation due to that UAAL restart layer becoming fully amortized. For other employers that have a POB credit, the reduction in the employer rate is not as significant since their current contribution rates have already been reduced to reflect that they paid off a portion of that UAAL layer through the issuance of the POB or additional UAAL payments. For some other employers, such as the Contra Costa Fire Protection District in General Cost Group #5 and the Moraga-Orinda Fire Protection District in Safety Cost Group #10, since they already paid off that UAAL restart amortization layer via POBs and additional UAAL payments, they will not see a reduction in their employer contribution rate at that time.

The projected rate changes that are due to the 18-month rate delay for each cost group have also been determined based on the different incremental rate changes from the prior valuations. This is because those changes can vary significantly based on the rate changes for each cost group, especially for the December 31, 2022 and December 31, 2023 Actuarial Valuations.

We have also projected the year when each cost group would become fully funded. In accordance with CCCERA's Actuarial Funding Policy, all outstanding UAAL layers of the cost group would be fully amortized and there would be no UAAL payments (other than the continuation of the payment of the 0.16% administrative expense) when the cost group reaches full funding. The reduction in UAAL rate due to full funding has been reflected.

These estimated rate changes for each cost group are shown in the attached exhibit. We have also included the projected UAAL rate for the projection period in the exhibit.

### **Key Assumptions and Methods**

The projection is based upon the following assumptions and methods:

- December 31, 2020 non-economic assumptions remain unchanged.
- December 31, 2020 retirement benefit formulas remain unchanged.
- December 31, 2020 1937 Act statutes remain unchanged.
- UAAL amortization method remains unchanged.
- December 31, 2020 economic assumptions remain unchanged, including the 7.00% investment earnings assumption.
- The net market value investment return of 13.9% was earned during 2021. Moreover, for purposes of determining the Actuarial Value of Assets, we reflected a net market value investment return of 8.8% for the six-month period ending June 30 2021 and 4.7% for the six-month period ending December 31, 2021 as reported by CCCERA.
- We have assumed that returns of 7.00% are actually earned each year on a market value basis for years after 2021.
- Active payroll grows at 3.25% per annum.

- Deferred investment gains and losses are recognized per the asset smoothing schedule prepared by the Association as of December 31, 2020. They are funded as a level percentage of the Association's total active payroll base.
- All other actuarial assumptions used in the December 31, 2020 Actuarial Valuation are realized.
- No changes are made to actuarial methodologies, such as adjusting for the contribution rate delay in advance and the continuation of the current pooling arrangement among different employers within a cost group.
- The projections do not reflect any changes in the employer contribution rates that could result due to future changes in the demographics of CCCERA's active members or decreases in the employer contribution rates that might result from new hires going into the PEPRA tiers.
- The projections assumed a fixed administrative expense loads of 0.49% and 0.16% payroll that applied to employer Normal Cost and UAAL rates, respectively.
- On July 30, 2020, the California Supreme Court issued a decision in the case of Alameda County Deputy Sheriffs' Association et al. v. Alameda County Employees' Retirement Association (ACERA) and Board of Retirement of ACERA. That decision has important implications for CCCERA and its members, In particular, the decision requires pension systems like CCCERA to exclude certain pay items from a legacy member's compensation earnable. While the CCCERA Board of Retirement has recently taken actions to comply with AB197 and the Alameda decision, the decision was made after the date of the December 31, 2020 Actuarial Valuation Report. It should be noted that neither the December 31, 2020 assets provided by CCCERA nor the liabilities we calculated in that report using the membership data provided by CCCERA reflect the financial impact of the California Supreme Court decision. As such, these projections do not include any impact of the Alameda decision.
- It is important to note that these projections are based on plan assets as of December 31, 2020, further projected using an estimated net market value investment return of 13.9% for the 2021 calendar year. Due to the COVID-19 pandemic, market conditions have changed significantly since the onset of the Public Health Emergency. The Plan's funded status does not reflect short-term fluctuations of the market, but rather is based on the market values on the last day of the Plan Year. Moreover, these projections do not include any possible short-term or long-term impacts on mortality of the covered population that may emerge after December 31, 2020.

Finally, we emphasize that projections, by their nature, are not a guarantee of future results. The modeling projections are intended to serve as illustrations of future financial outcomes that are based on the information available to us at the time the modeling is undertaken and completed, and the agreed-upon assumptions and methodologies described herein. Emerging results may differ significantly if the actual experience proves to be different from these assumptions or if alternative methodologies are used. Actual experience may differ due to such variables as demographic experience, the economy, stock market performance and the regulatory environment.

Unless otherwise noted, all of the above calculations are based on the December 31, 2020 Actuarial Valuation results including the participant data, actuarial assumptions, methods, and models on which that valuation was based. That valuation and these projections were completed under the supervision of Andy Yeung, ASA, MAAA, FCA, Enrolled Actuary.

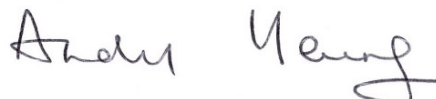
The undersigned are members of the American Academy of Actuaries and meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion herein.

Please let us know if you have any questions.

Sincerely,



Paul Angelo, FSA, MAAA, FCA, EA  
Senior Vice President & Actuary



Andy Yeung, ASA, MAAA, FCA, EA  
Vice President & Actuary

AW/jl  
Enclosure

Contra Costa County Employees' Retirement Association  
 Estimated Employer Rate Change by Cost Group (CG) Based on December 31, 2020 Valuation with  
 Estimated 13.9% Net Market Value Return for 2021

	CG#1 & 2 County and Courts with POB	CG#1 & 2 Moraga-Orinda FD with POB	CG#1 & 2 First Five with Prepayment	CG#1 & 2 LAFCO with Prepayment	CG#1 & 2 Other District without POB
Estimated Incremental Rate Change as of 12/31/2021	-1.43%	-1.43%	-1.43%	-1.43%	-1.43%
Estimated Incremental Rate Change as of 12/31/2022*	-11.34%	-10.84%	-11.79%	-16.07%	-20.14%
Estimated Incremental Rate Change as of 12/31/2023	0.00%	0.00%	0.00%	0.00%	0.00%
Estimated Incremental Rate Change as of 12/31/2024	0.00%	0.00%	0.00%	0.00%	0.00%
Estimated Incremental Rate Change as of 12/31/2025	0.00%	0.00%	0.00%	0.00%	0.00%
Cumulative Rate Change as of 12/31/2021	-1.43%	-1.43%	-1.43%	-1.43%	-1.43%
Cumulative Rate Change as of 12/31/2022*	-12.77%	-12.27%	-13.22%	-17.49%	-21.57%
Cumulative Rate Change as of 12/31/2023	-12.77%	-12.27%	-13.22%	-17.49%	-21.57%
Cumulative Rate Change as of 12/31/2024	-12.77%	-12.27%	-13.22%	-17.49%	-21.57%
Cumulative Rate Change as of 12/31/2025	-12.77%	-12.27%	-13.22%	-17.49%	-21.57%
<b>Employer UAAL rate as of 12/31/2020**</b>	<b>12.93%</b>	<b>12.43%</b>	<b>13.38%</b>	<b>17.65%</b>	<b>21.73%</b>
Employer UAAL rate as of 12/31/2021**	11.50%	11.00%	11.95%	16.22%	20.30%
Employer UAAL rate as of 12/31/2022**	0.16%	0.16%	0.16%	0.16%	0.16%
Employer UAAL rate as of 12/31/2023**	0.16%	0.16%	0.16%	0.16%	0.16%
Employer UAAL rate as of 12/31/2024**	0.16%	0.16%	0.16%	0.16%	0.16%
Employer UAAL rate as of 12/31/2025**	0.16%	0.16%	0.16%	0.16%	0.16%
Year to Reach Full Funding (Valuation as of 12/31)	2022	2022	2022	2022	2022

\* Includes the impact of the December 31, 2007 UAAL charge and POB credit layers dropping off due to being fully amortized.

\*\* The employer UAAL rates include an explicit administrative expense load of 0.16% of payroll.

These rates do not include any employer subvention of member contributions or any member subvention of employer contributions.



**Contra Costa County Employees' Retirement Association**  
**Estimated Employer Rate Change by Cost Group (CG) Based on December 31, 2020 Valuation with**  
**Estimated 13.9% Net Market Value Return for 2021**

	<b>CG#3 Enhanced CCC Sanitary District***</b>	<b>CG#4 Enhanced Housing Authority</b>	<b>CG#5 Enhanced CCCFPD</b>	<b>CG#6 Non-Enhanced District</b>
Estimated Incremental Rate Change as of 12/31/2021	0.00%	-1.99%	-1.32%	0.00%
Estimated Incremental Rate Change as of 12/31/2022*	0.00%	-24.41%	0.63%	0.00%
Estimated Incremental Rate Change as of 12/31/2023	0.00%	0.00%	-1.67%	0.00%
Estimated Incremental Rate Change as of 12/31/2024	0.00%	0.00%	-1.31%	0.00%
Estimated Incremental Rate Change as of 12/31/2025	0.00%	0.00%	-1.44%	0.00%
<b>Cumulative Rate Change as of 12/31/2021</b>	<b>0.00%</b>	<b>-1.99%</b>	<b>-1.32%</b>	<b>0.00%</b>
<b>Cumulative Rate Change as of 12/31/2022*</b>	<b>0.00%</b>	<b>-26.40%</b>	<b>-0.69%</b>	<b>0.00%</b>
<b>Cumulative Rate Change as of 12/31/2023</b>	<b>0.00%</b>	<b>-26.40%</b>	<b>-2.37%</b>	<b>0.00%</b>
<b>Cumulative Rate Change as of 12/31/2024</b>	<b>0.00%</b>	<b>-26.40%</b>	<b>-3.68%</b>	<b>0.00%</b>
<b>Cumulative Rate Change as of 12/31/2025</b>	<b>0.00%</b>	<b>-26.40%</b>	<b>-5.12%</b>	<b>0.00%</b>
<b>Employer UAAL rate as of 12/31/2020**</b>	<b>0.16%</b>	<b>26.56%</b>	<b>19.93%</b>	<b>0.16%</b>
Employer UAAL rate as of 12/31/2021**	0.16%	24.57%	18.61%	0.16%
Employer UAAL rate as of 12/31/2022**	0.16%	0.16%	19.24%	0.16%
Employer UAAL rate as of 12/31/2023**	0.16%	0.16%	17.56%	0.16%
Employer UAAL rate as of 12/31/2024**	0.16%	0.16%	16.25%	0.16%
Employer UAAL rate as of 12/31/2025**	0.16%	0.16%	14.81%	0.16%
<b>Year to Reach Full Funding (Valuation as of 12/31)</b>	<b>2021</b>	<b>2022</b>	<b>After 2025</b>	<b>2020</b>

\* Includes the impact of the December 31, 2007 UAAL charge and POB credit layers dropping off due to being fully amortized.

\*\* The employer UAAL rates include an explicit administrative expense load of 0.16% of payroll.

These rates do not include any employer subvention of member contributions or any member subvention of employer contributions.

\*\*\* The December 31, 2021 valuation is the first valuation that the prepayment made by CCC Sanitary District will be reflected in CCCERA's financial statements.

Contra Costa County Employees' Retirement Association  
 Estimated Employer Rate Change by Cost Group (CG) Based on December 31, 2020 Valuation with  
 Estimated 13.9% Net Market Value Return for 2021

	CG#7 & 9 Combined Enhanced County	CG#8 Enhanced CCCFPD	CG#10 Enhanced Moraga-Orinda FD	CG#11 Enhanced San Ramon Valley FD
Estimated Incremental Rate Change as of 12/31/2021	-3.60%	-4.23%	-4.10%	-3.56%
Estimated Incremental Rate Change as of 12/31/2022*	-20.23%	-1.21%	0.22%	-46.07%
Estimated Incremental Rate Change as of 12/31/2023	-18.13%	-32.08%	-4.42%	0.00%
Estimated Incremental Rate Change as of 12/31/2024	0.00%	0.00%	-33.79%	0.00%
Estimated Incremental Rate Change as of 12/31/2025	0.00%	0.00%	0.00%	0.00%
Cumulative Rate Change as of 12/31/2021	-3.60%	-4.23%	-4.10%	-3.56%
Cumulative Rate Change as of 12/31/2022*	-23.83%	-5.44%	-3.89%	-49.63%
Cumulative Rate Change as of 12/31/2023	-41.96%	-37.53%	-8.31%	-49.63%
Cumulative Rate Change as of 12/31/2024	-41.96%	-37.53%	-42.10%	-49.63%
Cumulative Rate Change as of 12/31/2025	-41.96%	-37.53%	-42.10%	-49.63%
<b>Employer UAAL rate as of 12/31/2020**</b>	<b>42.12%</b>	<b>37.69%</b>	<b>42.26%</b>	<b>49.79%</b>
Employer UAAL rate as of 12/31/2021**	38.52%	33.46%	38.16%	46.23%
Employer UAAL rate as of 12/31/2022**	18.29%	32.25%	38.37%	0.16%
Employer UAAL rate as of 12/31/2023**	0.16%	0.16%	33.95%	0.16%
Employer UAAL rate as of 12/31/2024**	0.16%	0.16%	0.16%	0.16%
Employer UAAL rate as of 12/31/2025**	0.16%	0.16%	0.16%	0.16%
Year to Reach Full Funding (Valuation as of 12/31)	2023	2023	2024	2022

\* Includes the impact of the December 31, 2007 UAAL charge and POB credit layers dropping off due to being fully amortized.

\*\* The employer UAAL rates include an explicit administrative expense load of 0.16% of payroll.

These rates do not include any employer subvention of member contributions or any member subvention of employer contributions.

Contra Costa County Employees' Retirement Association  
 Estimated Employer Rate Change by Cost Group (CG) Based on December 31, 2020 Valuation with  
 Estimated 13.9% Net Market Value Return for 2021

	<b>CG#12 Non-Enhanced Rodeo-Hercules FPD</b>	<b>CG#13 Enhanced East CCCFPD</b>	<b>Total Plan</b>
Estimated Incremental Rate Change as of 12/31/2021	-2.97%	-4.24%	-1.82%
Estimated Incremental Rate Change as of 12/31/2022*	-25.06%	-33.48%	-12.39%
Estimated Incremental Rate Change as of 12/31/2023	-5.42%	0.00%	-3.48%
Estimated Incremental Rate Change as of 12/31/2024	-32.34%	0.00%	-0.40%
Estimated Incremental Rate Change as of 12/31/2025	0.00%	0.00%	-0.01%
Cumulative Rate Change as of 12/31/2021	-2.97%	-4.24%	-1.82%
Cumulative Rate Change as of 12/31/2022*	-28.03%	-37.72%	-14.21%
Cumulative Rate Change as of 12/31/2023	-33.45%	-37.72%	-17.69%
Cumulative Rate Change as of 12/31/2024	-65.79%	-37.72%	-18.09%
Cumulative Rate Change as of 12/31/2025	-65.79%	-37.72%	-18.10%
<b>Employer UAAL rate as of 12/31/2020**</b>	<b>65.95%</b>	<b>37.88%</b>	<b>18.36%</b>
Employer UAAL rate as of 12/31/2021**	62.98%	33.64%	16.54%
Employer UAAL rate as of 12/31/2022**	37.92%	0.16%	4.15%
Employer UAAL rate as of 12/31/2023**	32.50%	0.16%	0.67%
Employer UAAL rate as of 12/31/2024**	0.16%	0.16%	0.27%
Employer UAAL rate as of 12/31/2025**	0.16%	0.16%	0.26%
Year to Reach Full Funding (Valuation as of 12/31)	2024	2022	

\* Includes the impact of the December 31, 2007 UAAL charge and POB credit layers dropping off due to being fully amortized.

\*\* The employer UAAL rates include an explicit administrative expense load of 0.16% of payroll.

These rates do not include any employer subvention of member contributions or any member subvention of employer contributions.

# State court upholds dissolution of East Bay healthcare district

by Phillip Lewis March 15, 2022 Global Circulate



A small East Contra Costa-based healthcare district has lost its judicial appeal to keep operating.

The California Supreme Court denied Los Medanos Community Healthcare District's appeal last week, resulting in its dissolution as of March 10.

Not affected is the operation of the Pittsburg Health Center, which the Contra Costa County Health Services department has run since 1998 and remains open with no changes to regular, ongoing services for patient care, according to officials.

Formed by a vote of local residents in 1948 to build and run a community hospital, the district has continued to operate even after Los Medanos Community Hospital closed in 1994. Since then, the district has overseen the distribution of various grants to health-related local programs, a task that critics say Contra Costa County could do with fewer costs.

“The court action means we can lower overhead costs significantly and increase grant funding for the benefit of residents’ healthcare priorities and needs in the former District area,” Supervisor Federal Glover, whose District 5 represents the communities, said in a news release. “We will be able to make a bigger difference for our residents.”

The healthcare district had served a largely disadvantaged community of more than 97,000 people in Pittsburg, Bay Point and parts of Antioch, Concord and Clayton, whose residents pay it special taxes. It also was one of the major contributors to the Pittsburg RotaCare clinic, which provides free medical services to the uninsured.

But several critical grand jury reports criticized the district, saying it spent too much on administrative costs, duplicated services and didn't effectively track its programs.

The Contra Costa County Board of Supervisors first asked LAFCO – an agency partly responsible for streamlining government entities – to dissolve the district and transfer all of its assets and debts to the county in 2018. LAFCO approved the action on Sept. 12, 2018, but the district responded by obtaining 10,594 valid protest signatures to stop dissolution, though it was later told the effort came up 419 votes short.

A coalition of residents and nonprofits tried to save the district, holding rallies and posting on social media, suggesting the district funds community programs that would otherwise not get funded.

They also opposed the Assemblyman Jim Frazier’s proposed 2021 bill, [AB903](#), to eliminate the district, which later died in a state senate committee.

The county superior court, though, twice sided with the district in 2019 and in 2020, but LAFCO appealed and the recent state supreme court action sealed the dissolution order.

“This has been a thoughtful process to ensure that the community’s needs and concerns are addressed,” Supervisor Karen Mitchoff, board chair, said. “The county will allocate 90% of funds to health-related programs and establish a reserve fund to help ensure that programs are sustainable moving forward.”

In preparation for the transfer, last week the board of supervisors established the Los Medanos Healthcare Advisory Committee, which will make recommendations for grant funding to meet healthcare priorities of residents in the former District area.

The committee will be composed of seven members, including five community members who work or live in the Los Medanos area and two healthcare professionals.

“The targeted, coordinated approach to how we focus funding will help us do more for residents in the former District area to improve their health and how they receive healthcare,” Glover said.

Patient care and services at the Pittsburg Health Center will not be impacted, officials said, noting patients should continue to schedule their medical appointments and seek services at the Pittsburg Health Center as is normal.



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California ◇ Contra Costa County

## Padilla Secures Over \$65 Million for 29 Projects in the Bay Area

### Press Release

written by ECT | Mar 10, 2022



**WASHINGTON, D.C.** — Today, U.S. Senator Alex Padilla (D-Calif.) announced that he secured over \$65 million in federal funding for 29 projects across the Bay Area. These projects were included in the bipartisan FY 2022 appropriations package that passed the House yesterday. The President is expected to sign the bill into law next week after it passes the Senate.

“I am proud to have secured funding for projects in the Bay Area to improve our water and transportation infrastructure, support health care services, and make our communities safer,” **Senator Padilla said.** “This



We are also investing in projects that will increase California's capacity to treat patients and deliver mental health services."

Projects across the Bay Area that will receive federal funding include:

- **\$33 million to Combine both the 940th Squadron Operations and the 940th Aircraft Maintenance Unit at Beale Air Force Base in Santa Clara County**

This funding will help combine both the 940th Squadron Operations and the 940th Aircraft Maintenance Unit at Beale Air Force Base. Construction of this facility is critical to sustaining the KC-135 aircraft refueling mission that operates out of Beale and will create good-paying construction jobs. A modern facility will help ensure the sustainment of the aging KC-135 platform at Beale AFB and the safety of all airmen at the facility.

- **\$3.6 million for the California State Coastal Conservancy's Resilient San Francisco Bay Pilot Program**

This funding will help expand the Coastal Conservancy's pilot program, in conjunction with the US Army Corps of Engineers, to test for the beneficial use of dredged sediment to prevent erosion of shoreline and provide flood risk management.

- **\$3.5 million for the East Bay Municipal Utility District's Upper San Leandro Drinking Water Treatment Improvement Project**

This funding will bolster regional drinking water reliability and quality, and improve treatment processes at the Upper San Leandro Water Treatment Plant.

- **\$2.7 million for the Santa Clara Infrastructure Improvement Project**

This funding will support a project to enhance safety, improve mobility, and reduce vehicle emissions by implementing high-priority bicycle projects along De La Cruz, Lick Mill, and Scott Boulevards.

- **\$2 million for the 7th Street Connection Project in Oakland**

This project aims to improve pedestrian, bicycle, vehicle, and public transit connectivity between West Oakland, Downtown Oakland, and the Oakland waterfront. The project will construct protected bike lanes, widen and provide lighting and accessible ramps to sidewalks, improve crosswalks, and install and maintain traffic lights to improve transit and safety.

- **\$2 million for the Crow Canyon Road Iron Horse Trail Bicycle-Pedestrian Overcrossing**

This funding will support the construction of an overcrossing to improve the safety of cyclists and pedestrians crossing Crow Canyon Road on Iron Horse Trail.

- **\$1.6 million for the South San Francisco Bay Shoreline Project**

This funding will support a US Army Corps of Engineers study to identify flood risk management and ecosystem restoration options for the South San Francisco Bay Shoreline Project. The goal of the Shoreline Project is to protect the parts of Santa Clara County's shoreline with the highest potential damages and



- **\$1.5 million for the City of Hayward's Stack Center**

This funding will support a new center to provide wraparound services including health, education, recreational, and career training services.

- **\$1.5 million for a New Fire Station in Brentwood**

This funding will support the East Contra Costa Fire Protection District's efforts to construct a new fire station in Brentwood.

- **\$1.2 million for Oakland's Mental Health Resilience Project**

This funding will develop a comprehensive mental health-focused, trauma-informed support system for Oakland families and seniors most impacted by the Covid-19 pandemic. The goal of the program is to create systems of mental health care across all City program services, from Head Start to Senior Servi

- **\$1.1 million to Expand Contra Costa County's Mobile Crisis Response Team**

This funding will help Contra Costa County to expand its Mobile Crisis Response Team to ensure residents receive a timely response to behavioral health crises, anytime, anywhere in the county. The response provides residents with immediate crisis stabilization and support, and connects them to appropriate community services. Additional staffing will help address gaps in the county's existing crisis response system and ensure the community's most vulnerable residents have access to timely crisis response services.

- **\$1 million for Levee Construction at Bel Marin Keys in Marin County**

This funding will support U.S. Army Corps of Engineers construction on the levee at Bel Marin Keys, which is necessary to prepare the site to receive dredged material and ultimately be opened up to the Bay.

- **\$1 million for Contra Costa County to Develop a Crisis Hub to provide Mental Health Services**

This funding will help develop a Crisis Hub to serve as an integrated response center with crisis call triage capacity, remote crisis intervention services, a dispatch system to deploy community crisis teams, and a crisis treatment center responsive to a variety of mental health, substance use, or complex, co-occurring conditions. Staff would be specialists in addressing mental health and substance use-related crises and would assist clients in accessing an appropriate array of supportive services following the crisis phase.

- **\$1 million for the City of San Jose's Mobile Crisis Assessment Team**

This funding will support the expansion of San Jose's crisis intervention training program and the establishment of a Mobile Crisis Assessment Team in collaboration with Santa Clara County Behavioral Health Services. This project aims to increase collaboration between the mental health system and law enforcement to improve the response to incidents involving people with mental illness.

- **\$1 million for City of San Leandro Water Quality Protection**

This funding will be used to install trash capture devices in 18 locations throughout San Leandro to keep trash and debris from flowing into local waterways.





educational program, aimed at ending violence.

- **\$1 million for Veterans Memorial Buildings Improvements in Contra Costa County**

This funding will support improvements to make Veterans Memorial Buildings in Contra Costa County more energy-efficient, environmentally healthy, and safer for the public to utilize.

- **\$900,00 for the Vallejo Community Mobile Mental Health Response Unit**

This funding will support the Vallejo Community Mobile Mental Health Response Unit, which will provide trauma-informed mental health response and linkages to social services over arrest through the Vallejo Police Department and its community partners. The mobile mental health response unit will be staffed by civilian and clinical personnel to better respond to individuals experiencing mental health crises, as well as those with intellectual and developmental disabilities.

- **\$734,000 for a Community Responders Program in Oakland**

This funding will support the implementation and training of Mobile Assistance Community Responders in Oakland (MACRO), a program that sends civilians with medical and mental health training to respond to non-violent emergency calls in East Oakland. The development of MACRO is led by community organizations and experts with experience in mental health response, de-escalation, and working with Oakland's most vulnerable community members.

- **\$700,000 for Non-motorized Access on East Sir Francis Drake Boulevard**

This funding will support a project to improve bicycle and pedestrian access along East Sir Francis Drake Boulevard between Interstate 580 and US Highway 101.

- **\$500,000 for the SOMOS Mayfair Community Center in San Jose**

This funding will support construction, equipment, and program services for SOMOS Mayfair's new community center in East San José. This community center will provide housing services, early learning and youth development programs, and programs and access to services for community residents, which include extremely low-income families, at-risk youth, and the formerly un-housed.

- **\$500,000 for a transitional housing project in the City of Alameda**

This funding will be used to establish 24-7, year-round temporary housing for unsheltered individuals and families until they are offered a safe permanent housing option.

- **\$500,000 for an Economic Mobility Resource Hub in the City of South San Francisco**

This funding will support the Economic Mobility Resource Hub Workforce Development Program, which will bring supportive, case-management driven workforce development services to North San Mateo County residents facing job loss and job insecurity resulting from the COVID-19 pandemic.

- **\$450,000 for the City of Dublin's Care Center**

This funding will create a center to serve as a central entry point for assessment, triage, treatment, and care coordination for anyone seeking mental health treatment, regardless of insurance type or status.



Dihi (formerly Rockville Trails Preserve).

- **\$375,000 for Livermore Valley Joint Unified School District**

This funding will help the district develop and deploy a community engagement pilot program to improve parent participation and student performance in mathematics and English Language Arts.

- **\$350,000 Enhanced Crisis Intervention Training for the San Mateo County Sheriff's Office**

This funding will support the development of the Enhanced Crisis Intervention Training program to educate first responders on responding to psychiatric emergency situations.

- **\$350,000 to Improve the Safety of Iron Horse Trail**

This funding will support a project to provide safety improvements and enhancements to the Iron Horse Trail across multiple jurisdictions, including the installation of a pedestrian bridge and bicycle lanes.

- **\$250,000 for the Covenant House California Homeless Youth Services Center in Oakland**

This funding will support the completion of a new youth homeless services center in Oakland, which will provide housing and support services to help youth exit homelessness to find safer, more stable housing situations.

A full summary of the FY 2022 Appropriations Omnibus package is available [here](#)



**ECT**

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